



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

October 12, 2007

Ms. Marie Burns
Jacksonville District
U. S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-00

Permit Modification No. 0196204-011-EM
Permit No. 0196204-001-JC, Nassau County
Maintenance Dredging of King's Bay Entrance Channel

Dear Ms. Burns:

Your request to modify Permit No. 0196204-001-JC has been received and reviewed by Department staff. The proposed permit modification is to extend the northern limit of the beach placement area from R-15 to a new location at R-13.

Background

On December 30, 1992, the Department issued a Wetland Resource Permit (Permit No. 452025139) to the U.S. Army Corps of Engineers (Corps), Jacksonville District Office, to maintenance dredge the King's Bay Entrance Channel, with both beach and nearshore disposal along Amelia Island. This permit had been modified 3 times through Permit Modification Numbers 0196204-002-EM, 0196204-004-EM, 0196204-005-EM. That permit has now expired.

The Corps applied on February 28, 2002 to the Department for a Joint Coastal Permit (JCP) to maintain the King's Bay Entrance Channel, by dredging up to 1.0 million cubic yards of material annually. The disposal areas included placement on the beach, in the nearshore and in the Fernandina Ocean Dredged Material Disposal Site (ODMDS). Permit No. 0196204-001-JC was issued for this project on September 22, 2003, and will expire on September 22, 2013.

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The Department received an application for a water quality variance (Variance No. 0196204-003-EV) on February 3, 2003, to establish a mixing zone greater than 150 meters within the areas of dredging and disposal of Class III Waters of the Atlantic Ocean, Fort Clinch Aquatic Preserve (OFW) for a duration of 120 days in any given maintenance dredging event. This variance was granted on October 27, 2003, and expires on September 22, 2013.

The application for Permit Modification No. 0196204-006-JC was received by the Department on February 10, 2005, requesting authorization for dredging of stations 80+00 to 100+00 within the King's Bay Entrance Channel, with disposal at the appropriate location (according to the geotechnical analyses of the dredged material). The modification request was ultimately withdrawn on April 13, 2007.

Permit Modification No. 0196204-007-JC was issued on September 7, 2005, for an expanded disposal area along the Ft. Clinch State Park and for placement at the base of the south jetty (by the park fishing pier).

The application for Permit Modification No. 0196204-008-JC was received by the Department on December 2, 2005 and was authorized on January 13, 2006. Also, on November 2, 2005, the Corps submitted a letter to the Department requesting a waiver from the requirements of the 1986 'Memorandum of Understanding' (MOU) between the Navy and the Department, which required beach-quality sand dredged from the Kings Bay Entrance Channel to be placed on the beach at Ft. Clinch State Park. These requests evolved after the Corps received bids for the annual winter maintenance dredging of Kings Bay Entrance Channel and Fernandina Harbor, and the high bid prices for beach placement prevented them from awarding the contract. The original proposal by the Corps for this modification involved placement of the beach quality material in the nearshore. However, the Bureau of Beaches & Coastal Systems (BBCS) felt that such action would conflict with the intent of the permit and the MOU. The MOU includes an emergency provision in Section III.B. that would allow nearshore placement (without a waiver to the MOU) in the case of "a bona fide emergency which necessitates immediate action." The Corps ultimately submitted this final modification request to temporarily redistribute sand within the channel and basin, and rescinded the MOU waiver request letter.

The application for Permit Modification No. 0196204-009-EM was received by the Department on November 16, 2006, and was authorized on December 8, 2006. The Corps initially approached the Department with a concern that their bids from the dredging contractors were not financially feasible due to the contractors' issues with the water quality requirements stipulated in the permit. Essentially there were major concerns over whether they could achieve the 0 NTU above background requirement within the Ft. Clinch Aquatic Preserve, due to the existing natural fluctuations in turbidity levels. There were many discussions with the Corps about their options, and how best to achieve an optimum bid from the contractors while accomplishing the dredging and disposal with the subject areas of the OFW. These issues were resolved by allowing a

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turbidity deviation of +/- 2 NTUs for the background turbidity measurements taken during dredging and placement activities at Ft. Clinch and South Jetty, within the OFW. Some of the background turbidity sampling language was also modified to allow flexibility of the sampling locations inside the 1,500 meter mixing zone, within the OFW.

Permit Modification No. 0196204-010-EM was received by the Department on May 17, 2007, and was authorized on June 27, 2007. The Corps requested this modification as a means to prevent any future discrepancy regarding the source and quality of the material that is to be dredged from the North Settling Basin (Cut 1 N) and placed on to the beaches at Ft. Clinch State Park.

The application for Permit Modification No. 0196204-011-EM, the subject of this letter, was received electronically by the Department on October 5, 2007.

Due to recent storm activity on the east coast, the beach berm at the northern end of the placement site (R-15) has washed out, and this is preventing the contractor from laying his pipeline. Instead, the contractor will begin at R-13 in order to place enough sand to lay a pipeline for normal construction between R-15 and R-25.

It has been confirmed that there are no marine turtle nests within the proposed disposal area, and the permittee will continue to monitor for such activity. No material will be placed within Ft. Clinch State Park, located directly north of R-13.

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

PROJECT DESCRIPTION:

The project is to maintain the King's Bay Entrance Channel by dredging up to 1.0 million cubic yards of material annually to the following design specifications:

- a. Seaward end of the entrance channel, Cuts 1N and 2N, with a bottom depth of -46 ft. MLLW (plus 3 additional feet for advanced maintenance depth and 2 ft. of allowable over depth for a total maximum depth of -51 ft. MLLW) and bottom width of 500 feet;
- b. Turning basin on each side of Cut 1N, Stations 10 to 70, near the shoreward end of the entrance channel, with a depth of -42 ft. MLLW (plus 3 ft. for advanced maintenance depth and 2 ft. of allowable over depth for a total maximum depth of -47 ft MLLW) and bottom width of 350 ft.;

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- c. Settling basin along the north side of Cut 1N, Stations 119 to 176, with a bottom depth of -46 ft. MLLW (plus 3 ft. for advanced maintenance depth and 2 ft. of allowable over depth for a total maximum depth of -51 ft MLLW) and a bottom width of 300 ft.;
- d. Settling basin on each side of Cut 1N, Stations 176 to 226, with a bottom depth of -46 ft. MLLW (plus 3 ft. for advanced maintenance depth and 2 ft. of allowable over depth for a total maximum depth of -51 ft MLLW) and a bottom width of 150 ft; and
- e. The 3500 ft. long segment of the Savannah Channel immediately adjacent to Cut 1N, Station 0 (Range A), with a depth of -45 ft. MLLW (plus 2 ft. of allowable over depth for a total maximum depth of -47 ft.) and channel width of 282 ft.

Placement locations for the dredged material depend on the quality of the material. Channel material in Cut 1N from Station 100+00 to Station 220+00 and the North Settling Basin Station 119+00 to Station 228+00 identified by the Corps as beach quality sand is designated for beach placement. Material in Cut 1N from Station 220+00 to 230+00 identified as near beach quality sand material by the Corps is designated for placement in the nearshore region. Material in Cut 1N seaward on Station 230+00 identified by the Corps as unsuitable for beach or nearshore placement is designated for offshore disposal. Accordingly, locations for disposal of the maintenance dredged material are as follows:

- a. Beach Placement
 - 1. Beach quality sand that is placed on Amelia Island beaches shall be placed onto one or both of the following locations: 1) The north beach placement area, which starts at the southern boundary of Ft. Clinch State Park (in the vicinity of DEP monument ~~R-15~~ R-13) and continues for approximately 3.2 miles, and/or 2) the south beach placement area, which starts 2.5 miles south of the north beach placement area and continues for approximately 5.2 miles (between DNR monuments R-33 to R-75).
 - 2. Alternatively, beach quality sand may be placed within and around the existing groin field at Ft. Clinch State Park and continuing eastward to DEP monument R- 3 and also at the base of the south jetty (from R-7.5 to R-9) along the northern end of Amelia Island when needed and requested by the Department.
- b. Nearshore Placement

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A nearshore disposal area has been designated off of Amelia Island between the two beach placement areas (2.5 miles in length), which runs parallel to the beach and extends from MHW to approximately -35 ft. MLLW.

c. Offshore

The designated offshore disposal site is the Fernandina Ocean Dredged Material Disposal Site (ODMDS) located in the Atlantic Ocean. The center of the ODMDS is located approximately 7 miles east of the south end of Amelia Island. The site has an area of about four square nautical miles. The corners of the offshore site have been identified as:

Northwest Latitude 30°33'00" N.; Longitude 81°19'08" W.
Northwest Latitude 30°33'00" N.; Longitude 81°16'52" W.
Southeast Latitude 30°31'00" N.; Longitude 81°16'52" W..
Southeast Latitude 30°31'00" N.; Longitude 81°19'08" W.

d. Open-water disposal

Approximately 60,000 cubic yards of beach-quality material, dredged between January 1, 2007 and March 31, 2007, from Cut 1N, Station 100 + 00 to 220 + 00, of the King's Bay Entrance Channel may be temporarily placed into the North Settling Basin, Station 125 + 00 to 145 + 00, Range 1350 to 1550. This is a one-time event, and all future beach quality material dredged from Stations 100 + 00 to 220 + 00 shall be placed on the designated beach placement areas of Amelia Island.

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

This letter of approval does not alter the **September 22, 2013** expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter must be attached to the original permit.

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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, 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.

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. The petition must contain the information set forth below and 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.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in further modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit modification automatically becomes only proposed agency action on the application subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit modification until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time has expired.

Under Rule 62-110.106(4), Florida Administrative Code, 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. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

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

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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 petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing 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.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based 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, 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d),

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F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit modification constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 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 when the final order 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 Jamie Christoff at the letterhead address (add Mail Station 300) or by telephone at (850) 414-7756.

Sincerely,



Martin K. Seeling
Environmental Administrator
Bureau of Beaches & Coastal Systems

MKS/jc

cc:

Jim More, US Navy
Jim McAdams, USACE, Jacksonville

Mark Latch, DRP
Marshall Flake, DRP

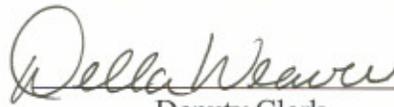
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Mike Hollingsworth, USACE, Jacksonville
Steve Ross, USACE, Jacksonville
Jim Maher, DEP, NE District
Michael Barnett, BBCS
Robbin Trindell, FWCC, ISMS
Mary Duncan, FWCC
Peter J. Scalco, Park Manager, Fort Clinch State Park
Russell Frydenborg, DEP, Division of Resource
Assessment/ Mgmt.
Nicole Robinson, CAMA
Trey Hatch, Field Inspector

Carol Knox, FWCC
Catherine Florko, BBCS
Guy Weeks, BBCS
Robert Brantly, BBCS
Mark Leadon, BBCS
Tony McNeal, BBCS
Jennifer Koch, BBCS
Paden Woodruff, BBCS
Becky Prado, BBCS
Roxane Dow, BBCS

FILING AND ACKNOWLEDGMENT

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

 10/12/07
Deputy Clerk Date



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:	Permit/Authorization No.: 0196204-001-JC
Kings Bay Naval Submarine Base	Date of Issue: September 22, 2003
c/o Mr. Richard E. Bonner, P.E.	Expiration Date/Construction Phase:
Jacksonville District	September 22, 2013
U. S. Army Corps of Engineers	County: Nassau County
Post Office Box 4970	Project: Maintenance Dredging of the Kings Bay
Jacksonville, Florida 32232-0019	Entrance Channel

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62 and 40, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

PROJECT DESCRIPTION:

The applicant, the U.S. Army Corps of Engineers (Corps), applied on February 28, 2002 to the Department of Environmental Protection for a permit/water quality certification and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to maintain the King's Bay Entrance Channel by dredging up to 1.0 million cubic yards of material annually to the following design specifications:

- a. Seaward end of the entrance channel, Cuts 1N and 2N, with a bottom depth of -46 ft. MLLW (plus 3 additional feet for advanced maintenance depth and 2 ft. of allowable over depth for a total maximum depth of -51 ft. MLLW) and bottom width of 500 feet;
- b. Turning basin on each side of Cut 1N, Stations 10 to 70, near the shoreward end of the entrance channel, with a depth of -42 ft. MLLW (plus 3 ft. for advanced maintenance

depth and 2 ft. of allowable over depth for a total maximum depth of -47 ft MLLW) and bottom width of 350 ft.;

Settling basin along the north side of Cut 1N, Stations 119 to 176, with a bottom depth of 46 ft. MLLW (plus 3 ft. for advanced maintenance depth and 2 ft. of allowable over depth for a total maximum depth of -51 ft MLLW) and a bottom width of 300 ft.;

- d. Settling basin on each side of Cut 1N, Stations 176 to 226, with a bottom depth of -46 ft. MLLW (plus 3 ft. for advanced maintenance depth and 2 ft. of allowable over depth for a total maximum depth of -51 ft MLLW) and a bottom width of 150 ft; and
- e. The 3500 ft. long segment of the Savannah Channel immediately adjacent to Cut 1N, Station 0 (Range A), with a depth of -45 ft. MLLW (plus 2 ft. of allowable over depth for a total maximum depth of -47 ft.) and channel width of 282 ft.

Placement locations for the dredged material depend on the quality of the material. Channel material in Cut 1N from Station 100+00 to Station 220+00 identified by the Corps as beach quality sand is designated for beach placement. Material in Cut 1N from Station 220+00 to 230+00 identified as near beach quality sand material by the Corps is designated for placement in the nearshore region. Material in Cut 1N seaward on Station 230+00 identified by the Corps as unsuitable for beach or nearshore placement is designated for offshore disposal. Accordingly, locations for disposal of the maintenance dredged material are as follows:

a. Beach Placement

Beach quality sand that is placed on Amelia Island beaches shall be placed onto one or both of the following locations: 1) The north beach placement area, which starts at the southern boundary of Ft. Clinch State Park (in the vicinity of DEP monument R-15) and continues for approximately 3.2 miles, and/or 2) the south beach placement area, which starts 2.5 miles south of the north beach placement area and continues for approximately 5.2 miles (between DNR monuments R-33 to R-75).

- 2. Alternatively, beach quality sand may be placed within and around the existing groin field at Ft. Clinch State Park along the northern end of Amelia Island when needed and requested by the Department.

b. Nearshore Placement

A nearshore disposal area has been designated off of Amelia Island between the two beach placement areas (2.5 miles in length), which runs parallel to the beach and extends from MHW to approximately -35 ft. MLLW.

c. Offshore

The designated offshore disposal site is the Fernandina Ocean Dredged Material Disposal Site (ODMDS) located in the Atlantic Ocean. The center of the ODMDS is located approximately 7 miles east of the south end of Amelia Island. The site has an area of about four square nautical miles. The corners of the offshore site have been identified as:

Northwest Latitude 30°33'00" N.; Longitude 81°19'08" W.
Northwest Latitude 30°33'00" N.; Longitude 81°16'52" W.
Southeast Latitude 30°31'00" N.; Longitude 81°16'52" W.
Southeast Latitude 30°31'00" N.; Longitude 81°19'08" W.

ACTIVITY LOCATION:

Located in the St Marys River entrance, along the shoreline and offshore of Amelia Island, Nassau County, Section 8, Township 2, Range 29, St. Marys River entrance channel and the Atlantic Ocean, Class III Waters. All of the dredging project, the disposal areas at the existing groin field at Ft. Clinch, and a portion of the beach disposal area from R-monument 15 (X = -81.43, Y = 30.68) southward to R- monument 21 (X = -81.43, Y = 30.67) are within and adjacent to Fort Clinch State Park Aquatic Preserve, Outstanding Florida Waters.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act. This permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department of Environmental Protection (the Department) has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, F.S., Chapter 18-20, Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

A Memorandum of Understanding (MOU) between the Department and the U.S. Department of the Navy (Navy) of December 1986 sets forth responsibilities of the Navy for placement of beach quality sand material from the military portion of the Kings Bay Entrance

Channel. In accordance with the MOU, all beach quality sand material from the TRIDENT portion of the channel shall be placed within the approved north beach disposal area on Amelia Island at no cost to the State of Florida.

There is an agreement (received date September 19, 2003) between a local project sponsor (the City of Fernandina Beach) and the State of Florida (see attached), under which the City will be responsible for conducting monitoring and beach maintenance activities for the protection of natural resources, nesting marine turtles, their hatchlings and their habitat, with regard to the dredging of St. Mary's Inlet Channel.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

The U. S. Army Corps of Engineers (Corps) is hereby authorized to perform the work in accordance with the permit project description and conditions, including the water quality monitoring requirements, and other application documents attached hereto or on file with the Department and specifically made a part hereof. You are advised to read and understand these conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities.

GENERAL CONDITIONS:

All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the Corps or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.

2. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Compliance with the provisions of this condition shall not preclude the Department from taking any

enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).

3. The Corps shall obtain any applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.
4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under Section 373.421(2), F.S., provides otherwise.
6. Nothing herein conveys to the Corps or creates in the Corps any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or convey any vested rights or any exclusive privileges.
7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
8. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
10. If historic or archaeological artifacts are discovered at any time on the project site, the Corps shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.
11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

1. Prior to each dredging event, the Corps will provide two copies of final construction plans and specifications for all authorized activities, which include the project specifications listed in the Department's Consolidated Notice of Intent to Issue a Joint Coastal Permit and Authorization to Use Sovereign Submerged Lands.
2. Prior to each dredging event, the Corps will provide to the Department two copies of the Contractor's Environmental Protection Plan submitted in accordance with Section 01410, Paragraph 3.1.5 of the project specifications.
3. Geotechnical data, in the form of core borings shall be provided, at a minimum, every 4 years following permit issuance to validate the character of the sediment within Cut 1N between Stations 220+00 and 230+00 of the entrance channel. Data coverage shall be sufficient to adequately characterize the sediment.

At least 30 days prior to the final completion of plans and bid documents for contracting of each maintenance dredging event to be conducted during the term of this permit, the Corps shall submit this data for review to the DEP Bureau of Beaches and Wetland Resources, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 and to the DEP Northeast District Office, Submerged Lands and Environmental Resources Program, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida, 32256-7590. If the data shows extension of beach quality sand into this portion of the channel, then dredging plans and specifications for the maintenance dredging project shall be revised to extend the portion of the channel designated for beach placement accordingly.

4. At least 7 days prior to the planned commencement date of construction, the Corps will schedule a pre-construction conference to review the specific conditions of this permit and the environmental protection contract specifications with the Corps' contractors, work crews, the Department's permit staff representative, and the marine turtle permit holder. The permittee shall provide a minimum of 14 days advance written notification to the following offices advising of the date, time, and location of the pre-construction conference:

DEP Bureau of Beaches and Wetland Resources
3900 Commonwealth Boulevard, Mail Station 300
Tallahassee, Florida 32399-3000
fax: (850) 488-5257
Jennifer Brown, JCP Compliance Officer
Jennie Cowart, field representative
Field Rep. Dispatch Number 1-877-332-4307

FWCC Office of Environmental Services
Bureau of Protected Species Management
620 South Meridian Street
Tallahassee, Florida 32399-1600
fax: (850) 921-4369

DEP Northeast District Office
Submerged Lands and Environmental Resources Program
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida, 32256-7590
fax: (904) 448-4319

5. All beach quality sand material within Cut 1N between channel Stations 100+00 and 220+00, including all settling basins within that channel reach and any extended portion of the channel out to Station 230+00, based on geotechnical data required in Special Condition 3, shall be placed within authorized beach disposal areas. If the placement of sand from the civil works portion of the channel onto the beach requires additional costs, then the Corps shall notify the Department sufficiently in advance to allow the Department to participate in cost-sharing to place the sand material onto the beach.
6. All dredged material placed on the beach shall be beach-compatible fill according to the criteria specified in Rule 62B-41.007(2), F.A.C. Dredged sand placed in the authorized nearshore disposal area shall contain no more than 20% fine material passing the #230 sieve by weight, and shall meet all other sediment and water quality standards.

- 7 In the event a hopper dredge is utilized for sand excavation, all conditions in the NMFS Biological Opinion for hopper dredging along the S.E. U.S. Atlantic Coast dated August 25, 1995 and Interim Biological Opinion dated April 9, 1997, as amended in the Regional Biological Opinion dated September 25, 1997, must be followed, unless superceded by a subsequent NMFS Opinion, and the Department is notified of the new Opinion. The Corps shall also forward to the Bureau of Protected Species Management in Tallahassee copies of the reports specified in the Opinion.

- 8 In addition to the standard manatee protection conditions included in the project plans and specifications, the following marine mammal protection conditions shall be followed
 - a Blasting shall be prohibited.

 - b At least one person shall be designated as a dedicated manatee observer, and shall be present on the dredge barge at all times when in-water work is being performed. That person shall have experience in manatee observation, and be equipped with polarized sunglasses to aid in observation. The manatee observer shall advise construction personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. When so advised, the contractor shall cease operation until the threat to the manatee has passed. Movement of work barges, other associated vessels, or any in-water work shall be minimized after sunset, when the possibility of spotting manatees is negligible.

From December 1 to March 31 all vessels should post a dedicated observer to spot right whales in the southeastern critical habitat area. The southeastern critical habitat area extends from 31°15'N to 30°15'N out 15 miles offshore and from 30°15'N to 28°00'N out 5 miles offshore. If a whale is seen, or when limited visibility conditions exist (bad weather, dark) the safe speed shall be reduced to 5 knots, and the vessel operator must stay 500 yards from the whale and take the necessary precautions to avoid the whale. Any whale sightings shall be reported to the U.S. Coast Guard at (904) 247-7301.

 - d Lighting of nighttime clamshell dredging operations will be shielded and directed so as to include illumination of waters within 200 feet of the perimeter of the dredge barge.

 - e If a clamshell dredge is used at any time for this project, the dredge barge operator will gravity-release the clamshell bucket only at the water surface, and then only after confirmation that there are no manatees within the safety distance identified in the standard construction conditions.

9. Reports on all nesting activity, and marine turtle protection measures taken during construction, and nest success shall be provided for the initial nesting season and for a minimum of up to three additional nesting seasons (April 15 through November 30). Monitoring of nesting activity in the nesting seasons following construction shall include, but not be limited to, daily surveys enumerating nesting activity and evaluating hatching success. Reports shall also include hatching success of all relocated nests.
10. The local sponsor or the Navy must conduct the necessary marine turtle protection and monitoring requirements, consistent with the latest U.S. Fish and Wildlife Service Biological Opinion, Terms and Conditions:
 - a. A sea turtle nesting survey and conservation program is required if any portion of the beach nourishment activities occurs between April 15 through November 30. Nesting surveys shall begin 65 days prior to nourishment activities or by April 15, whichever is later. Nesting surveys shall continue through the end of the project or through November 30, whichever is earlier. Nests that may be affected by construction activities shall be relocated per the following requirements.
 - 1 Nest surveys and egg relocations shall only be conducted by personnel with prior experience and training in nest survey and egg relocation procedures. Surveyors shall have a valid Florida Fish and Wildlife Conservation Commission (FWC) marine turtle permit. Nest surveys shall be conducted daily between sunrise and 9 a.m. These surveys shall be performed in such a manner so as to ensure that daily movement of the construction activity does not extend into any unsurveyed area.
 - 1.2 Only those nests that may be affected by construction activities are required to be relocated. Any nests requiring relocation shall be moved between sunrise and 9 a.m. each day to a nearby self release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. Nest relocations in association with construction activities shall not be performed if construction activities are not anticipated to be initiated within 65 days of the date of a nesting event. Nest relocations in association with construction activities shall cease when construction activities no longer threaten nests. Nests deposited within areas where construction activities have ceased or will not occur for 65 days shall be marked and left in place unless other factors threaten the success of the nest. Any nests left in the active construction zone shall be clearly marked, and all mechanical equipment shall avoid nests by at least 10 feet.
 - b. Immediately after completion of the beach nourishment project and prior to of the next three nesting seasons, beach compaction shall be monitored in the area of

restoration in accordance with a protocol agreed to by the FWC, the Department, and the applicant. At a minimum, the protocol provided under 1 and 2 below shall be followed. If required, the area shall be tilled to a depth of 36 inches. All tilling activity must be completed prior to April 15. If the project is completed during the nesting season, tilling shall not be performed in areas where nests have been left in place or relocated. A report on the results of compaction monitoring shall be submitted to the FWC and Department prior to any tilling actions being taken. An annual summary of compaction and the actions taken shall be submitted to the FWC. This condition shall be evaluated annually and may be modified if necessary to address sand compaction problems identified during the previous year. Note: The requirement for compaction monitoring can be eliminated if the decision is made to till regardless of post construction compaction levels. Also, out-year compaction monitoring and remediation are not required if placed material no longer remains on the dry beach.

Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area); one station shall be midway between the dune line and the high water line (normal wrack line); and one station shall be located just landward of the high water line. At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. layers of highly compact material may lay over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth are then averaged to produce final values for each depth at each station. Reports shall include all 27 values for each transect line, and the final 9 averaged compaction values.

2. If the average value for any depth exceeds 500 psi for any two or more adjacent stations, then that area shall be tilled immediately prior to April 15. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the Department and FWC shall be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling shall not be required.
- c. Visual surveys for escarpments along the project area shall be made immediately after completion of the beach nourishment project and prior to April 15 for three

consecutive years following construction. Results of the surveys shall be submitted to the FWC following their collection. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet shall be leveled to the natural beach contour by April 15. If the project is completed during the sea turtle nesting and hatching season, escarpments may be required to be leveled immediately, while protecting nests that have been relocated or left in place. The FWC shall be contacted immediately if subsequent reformation of escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet occurs during the nesting and hatching season to determine the appropriate action to be taken. If it is determined that escarpment leveling is required during the nesting or hatching season, the FWC shall provide a brief written authorization that describes methods to be used to reduce the likelihood of impacting existing nests. An annual summary of escarpment surveys and actions taken shall be submitted to the FWC. Marine turtle nesting surveys must be conducted as specified in Specific Condition 8, and 9b, during implementation of this requirement.

- d. The applicant shall arrange a meeting between representatives of the contractor, the FWC, the Florida Department of Environmental Protection and the permitted person responsible for egg relocation at least 30 days prior to the commencement of work on this project. At least 10 days advance notice shall be provided prior to conducting this meeting. This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures.
- e. From April 15 through November 30, no staging areas for construction equipment shall be allowed on the beach where it could hinder sea turtle nesting and hatching activities. In addition, all construction pipes that are placed on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system. Temporary storage of pipes shall be off of the beach to the maximum extent possible. Temporary storage of pipes on the beach shall be in such a manner so as to impact the least amount of nesting habitat and shall likewise not compromise the integrity of the dune systems (placement of pipes perpendicular to the shoreline is recommended). Nighttime storage of construction equipment not in use shall be off the beach to minimize disturbance to sea turtles nesting and hatching activities.
- f. From April 15 through November 30, all on-beach lighting associated with the project shall be limited to the immediate area of active construction only. Shielded low pressure sodium vapor lights are recommended to minimize illumination of the nesting beach and nearshore waters. Lighting on offshore equipment shall be minimized through reduction, shielding lowering, and appropriate placement of lights to avoid excessive illumination of the water, while meeting all U.S. Coast

Guard and OSHA requirements. Shielded low pressure sodium vapor lights are highly recommended for lights on offshore equipment that cannot be eliminated. Shields must be affixed to the light housing and be large enough to block light from all lamps from being transmitted outside the construction area (see lighting schematic).

- g. In the event a sea turtle nest is excavated during construction activities, all work shall cease in that area immediately and the permitted person responsible for egg relocation for the project should be notified so the eggs can be moved to a suitable relocation site.
- h. Upon locating a dead, injured, or sick endangered or threatened sea turtle specimen, initial notification must be made to the FWC at 1-800-DIAL FMP. Care should be taken in handling sick or injured specimens to ensure effective treatment and care, and in handling dead specimens to preserve biological materials in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

MONITORING REQUIRED:

Water Quality - Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Twice daily at least 4 hours apart during all dredging and disposal operations.

Dredge Site Locations:

Background: At mid-depth, at least 1,500 meters upcurrent from the dredge and clearly outside the influence of any turbidity generated by the project.

Compliance: At mid-depth, no more than 1,500 meters downcurrent from the dredge within the densest portion of any visible turbidity plume.

Disposal Site Locations Within the OFW:

Background: At the surface and 1 meter above the bottom, approximately 150 meters offshore and at least 1,500 meters upcurrent from the discharge point, clearly outside of the influence of any turbidity generated by this project.

Compliance: At the surface and 1 meter above the bottom, approximately 150 meters offshore and no more than 1,500 meters downcurrent from the discharge point, within the densest portion of any visible turbidity plume.

Disposal Site Locations Outside the OFW (Excluding ODMDS):

Background: At the surface and 1 meter above the bottom, approximately 150 meters offshore and at least 300 meters upcurrent from the discharge point, clearly outside of the influence of any turbidity generated by this project.

Compliance: At the surface and 1 meter above the bottom, approximately 150 meters offshore and no more than 150 meters downcurrent from the discharge point, within the densest portion of any visible turbidity plume.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. During all maintenance dredging and disposal operations, turbidity levels shall not exceed these standards and mixing zone limits. If monitoring reveals turbidity levels at the compliance sites greater than background turbidity levels **within the OFW** or greater than 29 NTUs above the associated background turbidity levels **outside the OFW**, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.

The expanded mixing zone (greater than 150 meter) for this project shall not be used unless and until the final order for Variance No. 0196204-003-EV has been issued.

In addition to suspending all work contributing to the water quality violation, the following measures shall be taken by the permittee whenever turbidity levels at the limit of the mixing zone exceed the standards described in the Monitoring Required section, pursuant to Rule 62-302, F.A.C.:

- a. Modify the work procedures that were responsible for the violation.
- b. Notify the Bureau of Beaches and Wetland Resources, JCP Section, and the DEP Northeast District Office, Submerged Lands and Environmental Resources Program, within 24 hrs. of the time the violation is first detected. Currently, the fax numbers for these offices are (850) 488-5257 and (904) 448-4319 respectively.

Copies of all reports (Turbidity Monitoring Test Report, Section 01411, Appendix A, Plans and Specifications) shall be submitted to the Bureau of Beaches and Wetland Resources in

Tallahassee and the DEP Northeast District Office in Jacksonville on a weekly basis within seven days of collection. The data shall be submitted with a cover letter containing the following information: (1) "Permit Number: 0196204-001-JC"; (2) "Project Name: Maintenance Dredging of the Kings Bay Entrance Channel"; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; and (5) a signed statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

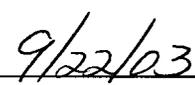
Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Janet Llewellyn, Deputy Director
Water Resource Management

FILING AND ACKNOWLEDGMENT

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

 _____  _____
Deputy Clerk Date