



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

March 12, 2004

U. S. Army Corps of Engineers
Jacksonville District
c/o Mr. Richard E. Bonner, P.E.
Post Office Box 4970
Jacksonville, Florida 32232-0019

File No. 0128851-003-EE, St. Johns County
U. S. Army Corps of Engineers
Maintenance Dredge Intracoastal Waterway, Matanzas Inlet

Dear Mr. Bonner:

This is to acknowledge receipt of your application to maintenance dredge approximately 1 MCY of material from the Intracoastal waterway, in the vicinity of Matanzas Inlet, between cuts SJ-59 through SJ-61. The disposal area is an upland disposal site (SJ-1). The project site is located in St. Johns County, Atlantic Intracoastal Waterway, Class III Waters.

Based upon the forms, drawings, and documents received on **February 11, 2004**, the proposed project appears to qualify as an activity which is exempt from the need for a Department Environmental Resource Permit under Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). A copy of the applicable language for this exemption is attached. This determination that your activity qualifies for an exemption does not relieve you from the need to comply with all applicable water quality standards during the construction and operation of the facility. Activities conducted under this exemption must be constructed and operated using appropriate best management practices and in a manner which does not cause water quality violations, pursuant to rule 62-302, F.A.C.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 29, 2001

Mr. Richard E. Bonner, P.E.
Jacksonville District
U. S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232

Permit Modification No. 0128851-003-JC
Permit No.: 0128851-001-JC, St. John's County
Permittee: U.S. Army Corps of Engineers, Jacksonville District
Atlantic IWW Maintenance Dredging, Vicinity of Matanzas Inlet

Dear Mr. Bonner:

Your October 25, 2001 request to modify this permit has been received and reviewed by Department staff. The proposed permit modification is to allow dredging and beach placement of 12,000 cy of dredged material from Cut F-2 of the AIWW, Flager County.

The proposed work involves dredging 775 feet of the IWW in the vicinity of Marineland, starting at about Cut F-2 Station 23+75 and continue to about Cut F-2 Station 31+50. Required dredging depth will be 12 feet MLW, plus 2 feet allowable overdepth. Up to 12,000 cy are expected to be dredged. Work is anticipated to be conducted during winter 2001-2002.

The dredged material is expected to be beach compatible, comprised of fine quartz sand with trace sand sized shell fragments, and less than 2% passing the #200 sieve. The material will be placed at the authorized Summerhaven Beach placement area which has experienced recent significant erosion. Placement of the additional 12,000 cy of sand will provide some benefit to the critically eroded area.

There are no seagrasses, oysters, or other submerged aquatic resources found within the proposed dredge area.

The project description shall be revised as follows (underlines are additions):

The project is to maintenance dredge the Atlantic Intracoastal Waterway in the vicinity of Matanzas Inlet in accordance with final plans and specifications. Up to 250,000 cubic

yards are expected to be removed every other year to restore the channel depths. Channel Cut SJ-60 through Cut SJ-61, ~~and~~ the channel widener, and Cut F-2 will be maintained to a depth of -12 ft. MLW, plus 2 ft. allowable overdepth. The dredged material consists of fine grained sand with less than 5% passing through the #200 sieve.

The dredged sand will be placed at a 1.5 mile beach placement area located south of Matanzas Inlet between DEP monuments R-200 and R-208, berm elevation +8.0 NGVD. The 1999 dredge event of the IWW (193,000 cubic yards) will be conducted in conjunction with the excavation of approximately 765,000 cubic yards of beach quality sand by the Florida Inland Navigation District from the MSA SJ-1 dredged material management site located adjacent to the IWW, for a total of 958,000 cubic placed on the beach between DEP monuments R-200 and R-208. For the 1999 dredge event, the berm width shall not exceed 250 ft. During subsequent dredge events, the berm width shall not exceed 150 ft. In 2001 Dredged material will also be placed in 5 blowout areas between R-200 and R-2001 to reconstruct the dune.

The pipeline will be submerged along the western shore of the IWW, cross the IWW and Rattlesnake Island south of Matanzas Inlet, proceed along the western shore of the Matanzas River beneath State Road A1A bridge, and cross the river and adjacent barrier island to the beach approximately 100 feet south of the rock revetment.

After thorough review the staff has 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 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 requested. 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 December 7, 2008 expiration date**, the Specific or General Conditions, or monitoring requirements of the permit. This letter and accompanying drawings must be attached to the original permit.

RIGHTS OF AFFECTED PARTIES

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 of the Florida Statutes. 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 a modification of the permit modification 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 time frames noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under rules 28-106.111(3) and 62-110.106(4) of the 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 prior to the applicable deadline. Such requests for extensions of time must contain a certificate that the requesting party has consulted with all other parties, if any, concerning the requested extension of time and that all other parties agree to the requested extension. 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. Upon 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, the Department may also grant the requested extension of time.

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 officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), 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) of the Florida Statutes 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) of the Florida Statutes, 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 of the Florida Statutes.

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 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 the petitioner contends warrant reversal or modification of the agency's proposed action; and
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action;
- (g) A statement of the relief sought by the petitioner, stating precisely the action 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. Under section 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall 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.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-103.150, F.A.C., a person who has actual knowledge of the agency action or has knowledge which would lead a reasonable person to conclude that the

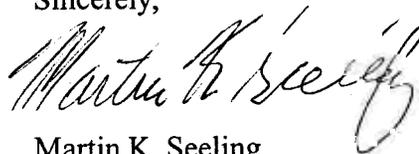
Department has taken final agency action, has a duty to make further inquiry within 14 days of obtaining such knowledge by contacting the Department to ascertain whether action has occurred. The Department shall upon receipt of such an inquiry, if agency action has occurred, promptly provide the person with notice as prescribed by Rule 62-103.150, F.A.C. 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 62-103.150, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition. A copy of the notice is enclosed.

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 of the Florida Statutes, 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.

The applicant, or any party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. 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 the final order is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Mr. Keith Mille at the letterhead address (add Mail Station 300) or by telephone at (850) 487-4471, ext. 121.

Sincerely,



Martin K. Seeling
Environmental Administrator
Office of Beaches and Coastal Systems

MKS/kjm
attachments

U.S. Army Corps of Engineers
Permit No.: 0129248-003-JC
October 29, 2001
Page 6

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

11/01/01

Date

copies furnished to:

Don Fore, USACOE, Jacksonville
Jim McAdams, USACOE, Jacksonville
David Roach, FIND, Jupiter
Steve Schropp, Taylor Engineering
Leon Shimer, St. Johns County
Robbin Trindell, FWC-BPSM
Bobbie Nelson, OBCS
Phil Flood, OBCS
File



Jeb Bush
Governor

Depart Environment

Marjory Stone
3900 Comm
Tallahassee, F

Post-it* Fax Note	7671	Date	4/27	# of pages	9
To	Jim McAdams	From	Keith Mille		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	904/232-3442	Fax #			

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 27, 2001

Mr. Richard E. Bonner, P.E.
Jacksonville District
U. S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232

Permit Modification No. 0128851-002-JC
Permit No.: 0128851-001-JC, St. John's County
Permittee: U.S. Army Corps of Engineers, Jacksonville District
Atlantic IWW Maintenance Dredging, Vicinity of Matanzas Inlet

Dear Mr. Bonner:

Your March 2, 2001 request to modify this permit has been received and reviewed by Department staff. The proposed permit modification is to 1) construct a channel widener and settling basin located immediately adjacent to a portion of cut SJ-60 and the entire length of cut SJ-61 of the Intracoastal Waterway near Matanzas Inlet, St. John's County; and 2) use a portion of the dredged material to reconstruct the primary dune at 5 blowout areas between R-200 and R-201.

A natural channel has become established to the west of cuts SJ-60 and 61 of the IWW and is being used by local boat traffic. Shoaling in the area has resulted in the formation of a large delta of sediment between the natural channel and the IWW creating a navigation hazard. In 1994, the Corps dredged 214,000 cubic yards of sediment from the authorized channel in this location and within 6 months the channel had completely shoaled in. Boat traffic was forced to use the very narrow, twisting, natural channel to the west. Boat owners reported damage to their vessels due to grounding. In 1999, the Corps dredged approximately 212,000 cubic yards from this reach with the same results. The average annual dredging requirement for the two cuts is probably in excess of 150,000 cubic yards per year. The objective of constructing this widener is to remove the delta so that the two channels merge, thereby eliminating the navigational hazard. Creation of the planned widener should decrease the frequency of future dredging within this reach of the IWW as well as provide a more stable channel for boat traffic.

Dimensions of the widener are approximately 3000-feet long by 250-feet wide with a depth of 12-feet plus 2-feet of allowable overdepth. The proposed widener will taper from Station 17+00 to Station 12+00 of cut SJ-60 in order to stay at least 100-feet from the existing shoreline and thereby avoid any destabilization of the shoreline. An estimated 175,000 cubic yards of shoal

"More Protection, Less Process"

Printed on recycled paper.

U.S. Army Corps of Engineers
Permit No.: 0129248-002-JC
April 17, 2001
Page 2

material consisting of sand, with less than 10% silt, would be dredged from this location and placed onto the beach just south of Summer Haven (between DNR monuments R-200 and R-208) as previously authorized. Dredged material would also be placed in 5 blowout areas (between DNR monuments R-200 and R-201) to repair the damage to the dune caused by hurricane "Floyd". The beach south of Summer Haven has been nourished on multiple occasions in the past. The most recent fill placement, which was just completed (April 2001), was associated with the offloading of the SJ-1 DMMA. The channel widener project is also tentatively scheduled for this month (April 2001).

There are no seagrasses, oysters, or other submerged aquatic resources found within the proposed channel widener.

The project description shall be revised as follows (underlines are additions):

The project is to maintenance dredge the Atlantic Intracoastal Waterway in the vicinity of Matanzas Inlet in accordance with final plans and specifications. Up to 250,000 cubic yards are expected to be removed every other year to restore the channel depths. Channel Cut SJ-60 through Cut SJ-61 and the channel widener (as shown on the attached drawing) will be maintained to a depth of -12 ft. MLW, plus 2 ft. allowable overdepth. The dredged material consists of fine grained sand with less than 5% passing through the #200 sieve.

The dredged sand will be placed at a 1.5 mile beach placement area located south of Matanzas Inlet between DEP monuments R-200 and R-208, berm elevation +8.0 NGVD. The 1999 dredge event of the IWW (193,000 cubic yards) will be conducted in conjunction with the excavation of approximately 765,000 cubic yards of beach quality sand by the Florida Inland Navigation District from the MSA SJ-1 dredged material management site located adjacent to the IWW, for a total of 958,000 cubic placed on the beach between DEP monuments R-200 and R-208. For the 1999 dredge event, the berm width shall not exceed 250 ft. During subsequent dredge events, the berm width shall not exceed 150 ft. In 2001 Dredged material will also be placed in 5 blowout areas between R-200 and R-2001 to reconstruct the dune.

The pipeline will be submerged along the western shore of the IWW, cross the IWW and Rattlesnake Island south of Matanzas Inlet, proceed along the western shore of the Matanzas River beneath State Road A1A bridge, and cross the river and adjacent barrier island to the beach approximately 100 feet south of the rock revetment.

After thorough review the staff has 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 or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does

U.S. Army Corps of Engineers
Permit No.: 0129248-002-JC
April 17, 2001
Page 3

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 requested. 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 December 7, 2008 expiration date, the Specific or General Conditions, or monitoring requirements of the permit. This letter and accompanying drawings must be attached to the original permit.

RIGHTS OF AFFECTED PARTIES

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 of the Florida Statutes. 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 a modification of the permit modification 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 time frames noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under rules 28-106.111(3) and 62-110.106(4) of the 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 prior to the applicable deadline. Such requests for extensions of time must contain a certificate that the requesting party has consulted with all other parties, if any, concerning the requested extension of time and that all other parties agree to the requested extension. A timely request for extension of time shall toll the running of the time

U.S. Army Corps of Engineers
Permit No.: 0129248-002-JC
April 17, 2001
Page 4

period for filing a petition until the request is acted upon. Upon 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, the Department may also grant the requested extension of time.

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 officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), 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) of the Florida Statutes 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) of the Florida Statutes, 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 of the Florida Statutes.

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 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 the petitioner contends warrant reversal or modification of the agency's proposed action; and
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action;

U.S. Army Corps of Engineers
Permit No.: 0129248-002-JC
April 17, 2001
Page 5

(g) A statement of the relief sought by the petitioner, stating precisely the action 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. Under section 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall 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.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-103.150, F.A.C., a person who has actual knowledge of the agency action or has knowledge which would lead a reasonable person to conclude that the Department has taken final agency action, has a duty to make further inquiry within 14 days of obtaining such knowledge by contacting the Department to ascertain whether action has occurred. The Department shall upon receipt of such an inquiry, if agency action has occurred, promptly provide the person with notice as prescribed by Rule 62-103.150, F.A.C. 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 62-103.150, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition. A copy of the notice is enclosed.

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 of the Florida Statutes, 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.

The applicant, or any party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. 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 the final order is filed with the Clerk of the Department.

U.S. Army Corps of Engineers
Permit No.: 0129248-002-JC
April 17, 2001
Page 6

If you have any questions regarding this matter, please contact Mr. Keith Mille at the letterhead - address (add Mail Station 300) or by telephone at (850) 487-4471, ext. 121.

Sincerely,

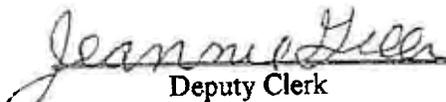


Martin K. Seeling
Environmental Administrator
Office of Beaches and Coastal Systems

MKS/kjm
attachments

FILED AND ACKNOWLEDGMENT

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

 4/27/01
Deputy Clerk Date

copies furnished to:

- Don Fore, USACOE, Jacksonville
- Jim McAdams, USACOE, Jacksonville
- David Roach, FIND, Jupiter
- Steve Schropp, Taylor Engineering
- Leon Shimer, St. Johns County
- Robbin Trindell, FWC-BPSM
- Bobbie Nelson, OBCS
- Phil Flood, OBCS
- File

FIGURE 1: LOCATION MAP AND PLAN VIEW

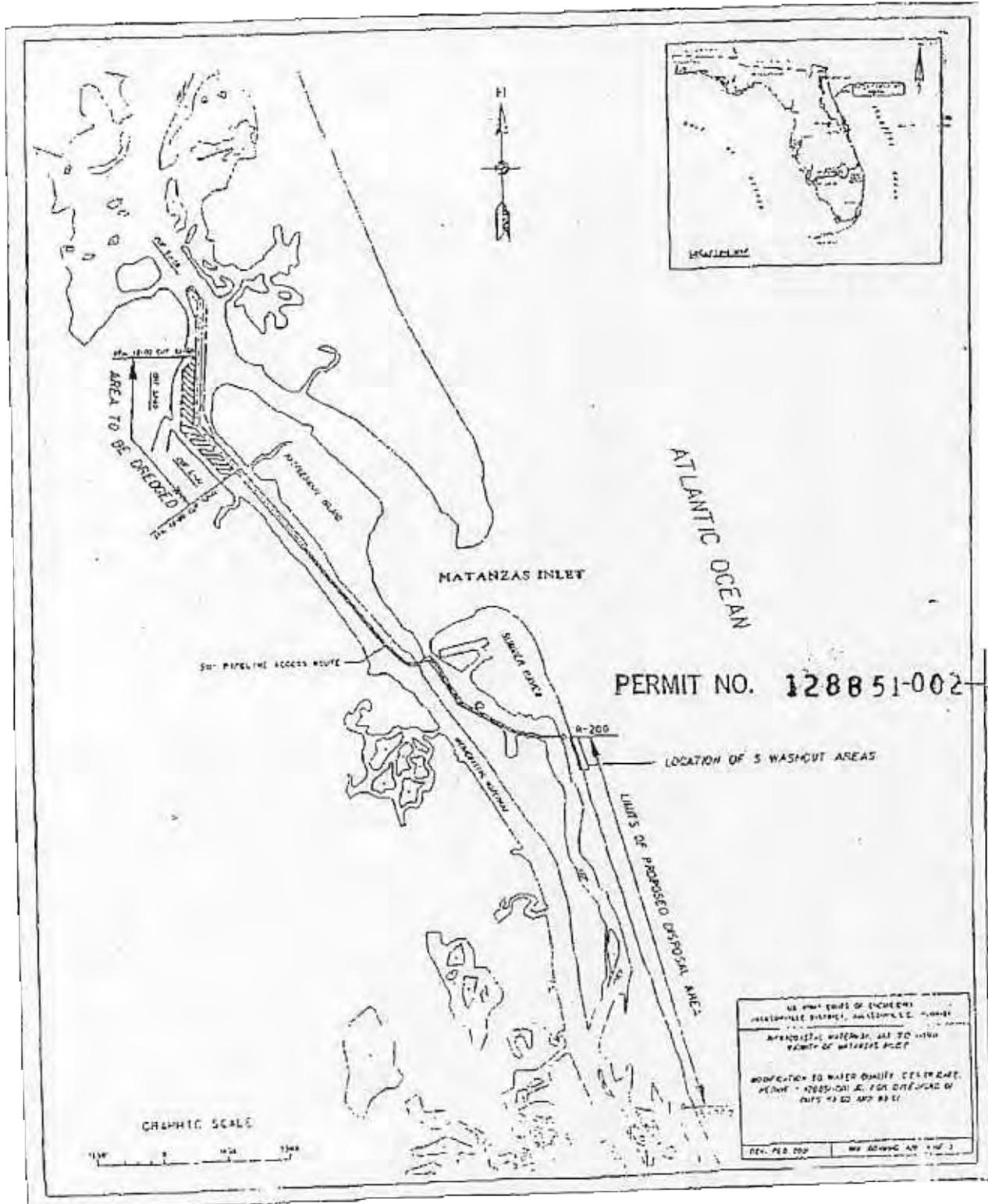
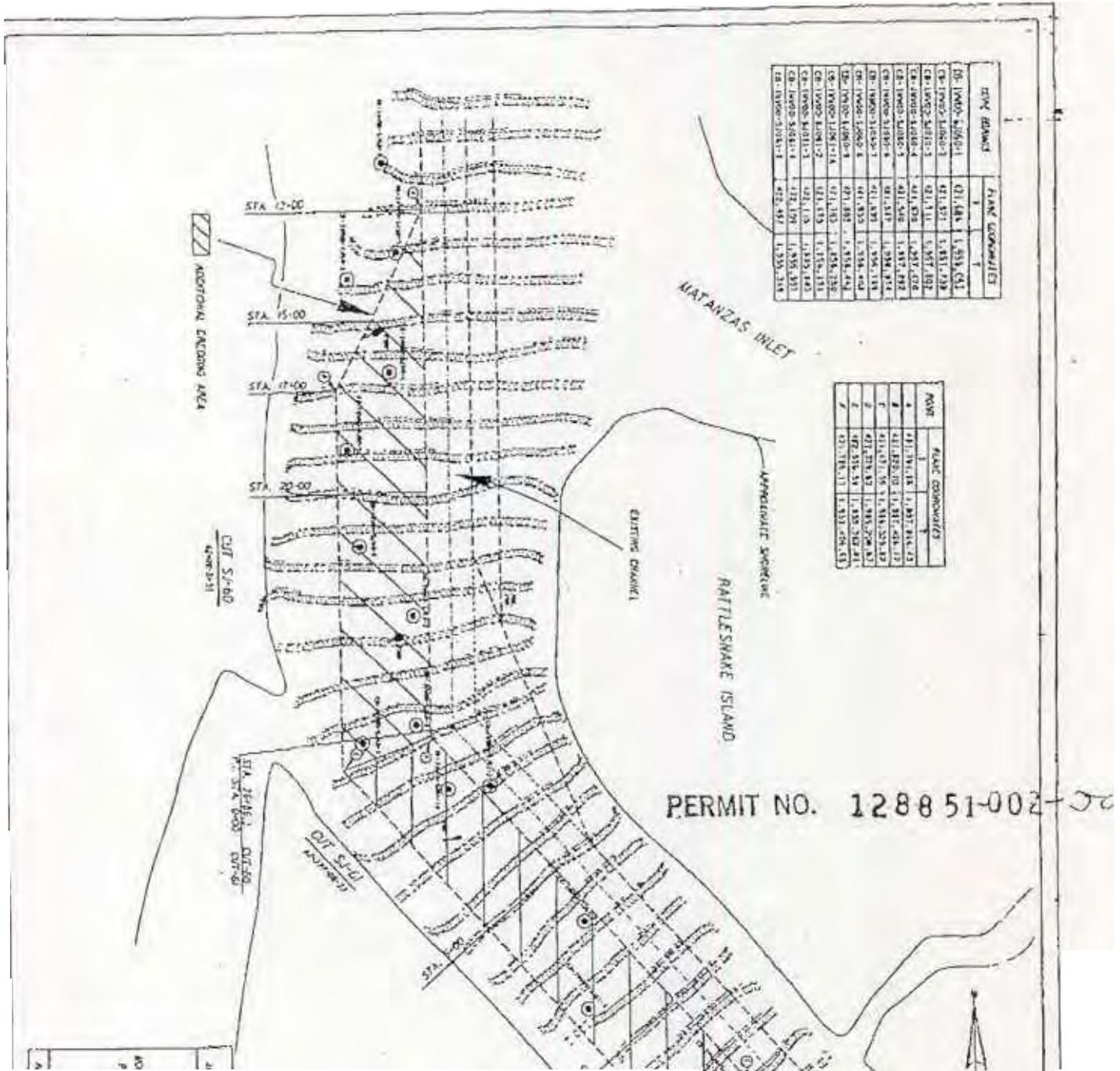


FIGURE 2: PROJECT DRAWING





Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

Permitee:

Mr. Richard Bonner, P.E.
U. S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Permit Number: 0128851-001-JC

Date of Issuance: December 7, 1998

Expiration Date: December 7, 2008

County: St. Johns

Project: Atlantic IWW Maintenance
Dredging, Vicinity of Matanzas Inlet

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act. This permit also constitutes certification of compliance with water quality standards under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

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. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, and Section 62-343.075, F.A.C., and the policies of the Board of Trustees. As staff to the Board of Trustees, the Department has reviewed the activity described below, 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, Florida Statutes to perform the activity on the specified sovereign submerged lands.

The U.S. Army Corps of Engineers (Corps) is hereby authorized to construct 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.

The Department will enter into a contractual agreement with the Florida Inland Navigation District, under which the Florida Inland Navigation District will be responsible for conducting monitoring and beach maintenance activities for the protection of nesting marine turtles, their hatchlings and their habitat. The agreement is enforceable against the Florida Inland Navigation District and independent of this permit.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

PROJECT DESCRIPTION:

The project is to maintenance dredge the Atlantic Intracoastal Waterway in the vicinity of Matanzas Inlet in accordance with final plans and specifications. Up to 250,000 cubic yards are expected to be removed every other year to restore the channel depths. Channel Cut SJ-60 through Cut SJ-61 will be maintained to a depth of -12 ft. MLW, plus 2 ft. allowable overdepth. The dredged material consists of fine grained sand with less than 5% passing through the #200 sieve.

The dredged sand will be placed at a 1.5 mile beach placement area located south of Matanzas Inlet between DEP monuments R-200 and R-208, berm elevation +8.0 NGVD. The 1999 dredge event of the IWW (193,000 cubic yards) will be conducted in conjunction with the excavation of approximately 765,000 cubic yards of beach quality sand by the Florida Inland Navigation District from the MSA SJ-1 dredged material management site located adjacent to the IWW, for a total of 958,000 cubic placed on the beach between DEP monuments R-200 and R-208. For the 1999 dredge event, the berm width shall not exceed 250 ft. During subsequent dredge events, the berm width shall not exceed 150 ft.

The pipeline will be submerged along the western shore of the IWW, cross the IWW and Rattlesnake Island south of Matanzas Inlet, proceed along the western shore of the Matanzas River beneath State Road A1A bridge, and cross the river and adjacent barrier island to the beach approximately 100 feet south of the rock revetment.

LOCATION:

Located in the Atlantic Intracoastal Waterway, Sections 13 and 24, Township 9 South, Range 30 East, Class III Waters.

GENERAL CONDITIONS:

1. 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:

Prior to each dredging event, the Corps will provide two copies of final construction plans and specifications for all authorized activities.

2. At least 30 days prior to the commencement of each maintenance dredging event to be conducted during the term of this permit, the Corps shall submit to the DEP Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 310, Tallahassee, Florida 32399-3000 and to the DEP Northeast District Office, Submerged Lands and Environmental Resources Program, 7825 Baymeadows Way, Suite 200B, Jacksonville, Florida 32256-7577, a proposed schedule of dredging for the maintenance dredging event.
3. Prior to each dredging event, the Corps will provide two copies of the Contractor's Environmental Protection Plan.
4. At least 7 days prior to the planned commencement date of each maintenance dredging event to be conducted during the term of this permit, the permittee shall schedule a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the permittee's contractors, work crews, the Department's permit staff representative, and the marine turtle permit holder. The permittee shall provide a minimum 7 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 Coastal Systems
Mail Station 310
Commonwealth Boulevard
Tallahassee, Florida 32399-3000
phone: (850) 487-4471

DEP Bureau of Protected Species Management
Mail Station 245
Commonwealth Boulevard
Tallahassee, Florida 32399-3000
phone: (850) 922-4330

DEP Northeast District Office
Submerged Lands and Environmental Resources Program
Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7577
phone: (904) 448-4340

5. In the event that the Florida Inland Navigation District does not conduct all necessary marine turtle protection and monitoring requirements, the Corps is still responsible for those marine turtle protection measures specified by the applicable U.S. Fish and Wildlife Service Biological Opinion and the plans and specifications for this project.
6. In accordance with the USFW Biological Opinion, all fill material placed shall be sand that is similar to that already existing at the beach site in both coloration and grain size distribution. All such fill material shall be free of construction debris, rocks, or other foreign matter and shall not contain, on average, greater than 10 percent fines (i.e., silt and clay) (passing the #200 sieve) and shall be free of coarse gravel or cobbles.

Water Quality Monitoring Required: Turbidity - Nephelometric Turbidity Units (NTUs)

Dredging Location:

Frequency: Every four (4) hours during all daylight dredging operations.

Background: 500 meters from the suction head in the opposite direction of the prevailing current flow, clearly outside the influence of any turbid plume. Samples shall be collected from mid-depth.

Compliance: No more than 150 meters downcurrent from the dredge site, in the densest portion of any visible turbidity plume. Samples shall be collected from mid-depth.

Beach Disposal Site:

Frequency: Every four (4) hours during all daylight dredging operations.

Background: At a point approximately 150 meters offshore and 1,000 meters up-current from the point where discharge water is re-entering waters of the State (discharge point), clearly outside of the influence of any turbid plume. Samples shall be collected at the surface and one meter above the bottom.

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

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 29 NTUs above the associated background turbidity levels, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.

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.:

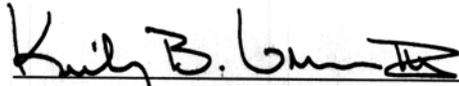
- a. Immediately cease all work contributing to the water quality violation.
- b. Modify the work procedures that were responsible for the violation.
- c. Notify the Bureau of Beaches and Coastal Systems at (850) 487-4471 and the DEP Northeast District Office at (904) 448-4340 within 24 hrs. of the time the violation is first detected.

Copies of all reports (Turbidity Monitoring Test Report, Section 01131, Appendix No. A, Plans and Specifications) shall be submitted to the Bureau of Beaches and Coastal Systems in Tallahassee on a weekly basis within seven days of collection. The data shall be submitted under a cover letter containing the following information: (1) permit number; (2) a statement describing the methods used in collection, handling, storage and analysis of the samples; (3) a

map indicating the sampling locations; and (4) a 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.

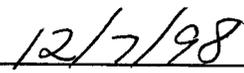
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



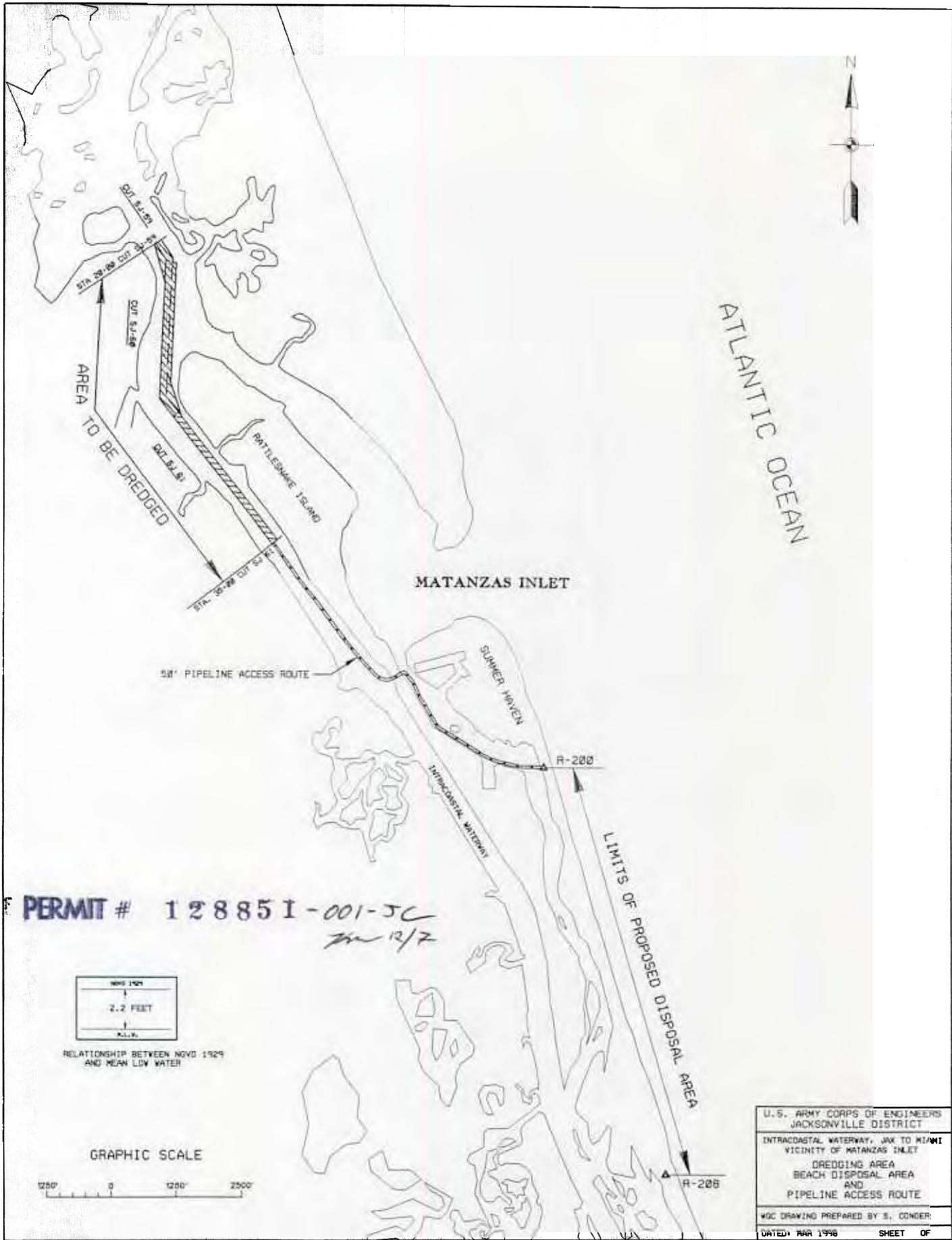
Kirby B. Green, III, Secretary

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



ATLANTIC OCEAN

MATANZAS INLET

AREA TO BE DREDGED

58" PIPELINE ACCESS ROUTE

SUMMER HAVEN

RATTLESNAKE ISLAND

INTRACASTAL WATERWAY

R-200

LIMITS OF PROPOSED DISPOSAL AREA

R-205

PERMIT # 128851-001-JC
Jan 13/7



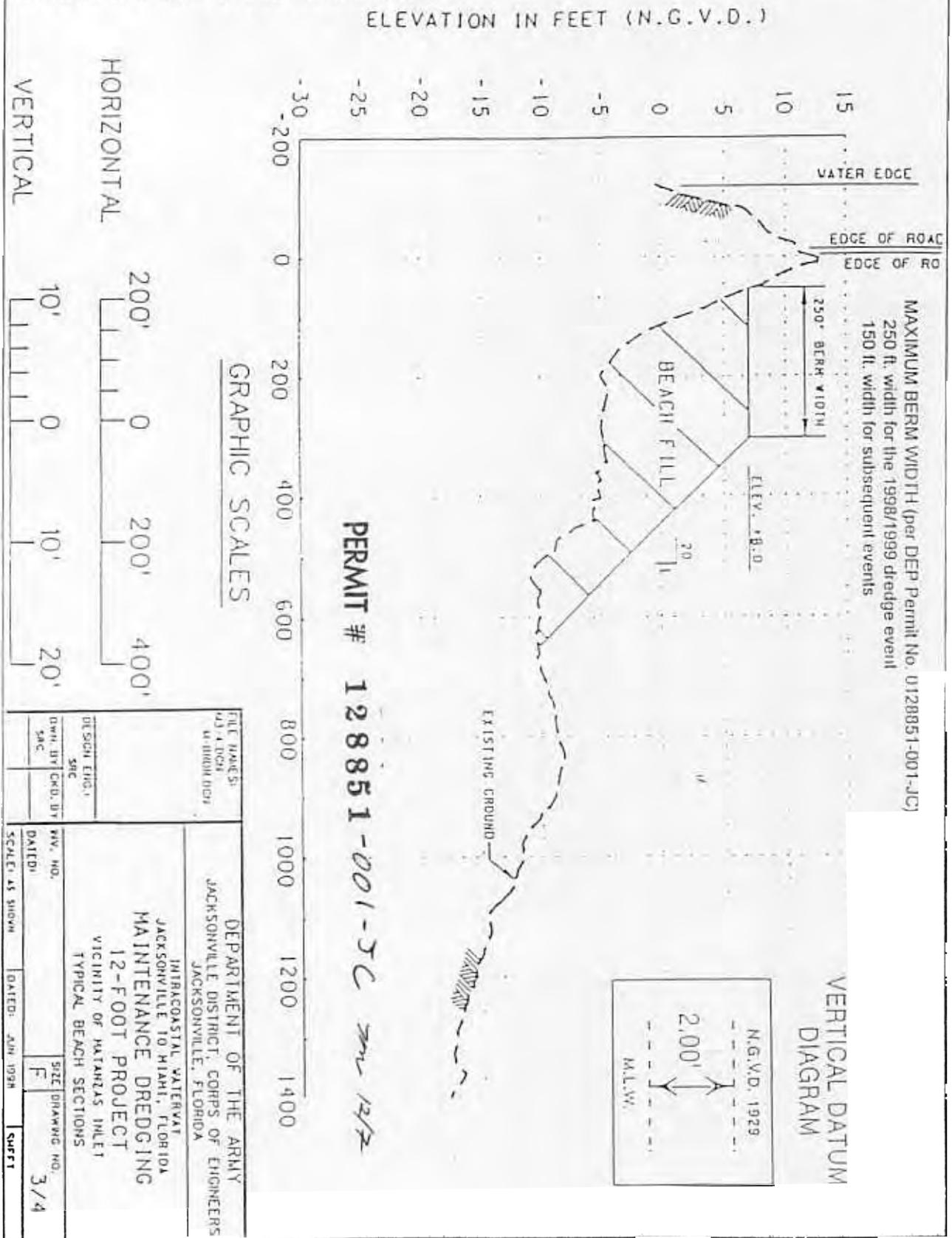
RELATIONSHIP BETWEEN NAVD 1929 AND MEAN LOW WATER

GRAPHIC SCALE



U. S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT
INTRACASTAL WATERWAY, JAX TO MIAMI VICINITY OF MATANZAS INLET
DREDGING AREA BEACH DISPOSAL AREA AND PIPELINE ACCESS ROUTE
WDC DRAWING PREPARED BY S. CONDER
DATED: MAR 1998 SHEET OF

FIGURE 2: TYPICAL CROSS SECTIONS



FILE NAME: 128851-001-JC	DESIGN ENG.: SAC	REV. NO.:	DATE:	SCALE: AS SHOWN	ISSUED: JAN 1998	SIZE: DRAWING NO. 3/4
DESIGNED BY: SAC	CHECKED BY: SAC	DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT, CORPS OF ENGINEERS JACKSONVILLE, FLORIDA INTRACOASTAL WATERWAY JACKSONVILLE TO MIAMI, FLORIDA MAINTENANCE DREDGING 12-FOOT PROJECT VICINITY OF MATAMORAS INLET TYPICAL BEACH SECTIONS				

**State of Florida Department of Environmental Protection
and
Florida Inland Navigation District**

In re: File No. 0128851-001-JC
Maintenance dredging of the Atlantic Intracoastal Waterway in the vicinity
of Matanzas Inlet

AGREEMENT

I. WHEREAS, the U.S. Army Corps of Engineers has submitted an application for, and the Department has issued, Joint Coastal Permit No. 0128851-001-JC authorizing maintenance dredging of the Atlantic Intracoastal Waterway in the vicinity of Matanzas Inlet.

II. WHEREAS, the dredging activity includes beach disposal of beach quality sand along approximately 8,000 ft. of shoreline on Summerhaven located south of Matanzas Inlet.

III. WHEREAS, issuance of a joint coastal permit under chapter 161 and part IV of chapter 373 of the Florida Statutes constitutes certification of compliance with state water quality standards pursuant to section 401 of the Clean Water Act, 33 U.S.C. 1341; and where applicable constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by section 307 of the Coastal Zone Management Act, 16 U.S.C. Section 1456, 15 C.F.R. Part 930, and section 380.23 of the Florida Statutes;

IV. WHEREAS, the U.S. Army Corps of Engineers and the Department have agreed to exclude non-water quality specific conditions from the final permit\water quality certificate and include them in the U.S. Army Corps of Engineers final construction plans and specifications for the contract.

V. WHEREAS, the Florida Inland Navigation District (FIND), has agreed to conduct a marine turtle protection program as the local sponsor which will benefit from the maintenance dredging of the Atlantic Intracoastal Waterway in the vicinity of Matanzas Inlet.

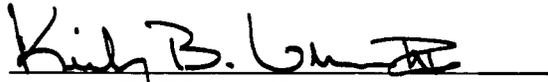
VI. WHEREAS, this agreement is entered into in consideration of the issuance by the Department of Permit No. 0128851-001-JC.

Florida Inland Navigation District and the State of Florida, Department of Environmental Protection ("Department") agree as follows:

The FIND hereby agrees to perform the activities set forth in the Marine Turtle Protection Plan attached hereto as Exhibit 1 and incorporated herein by reference.

2. The aforementioned Plan will incorporate the Department's standard marine turtle monitoring conditions and will be in accordance with the Bureau of Protected Species Management Guidelines for such activities.
3. This agreement constitutes Final Agency Action under Chapter 120, Florida Statutes. The Florida Inland Navigation District hereby recognizes and agrees that compliance with the terms herein will be enforceable by the Department against the FIND utilizing all appropriate remedies available, including, but not limited to, the provisions of Chapters 161.054; 373; 403.121, 403.141, 403.161; and 120, Florida Statutes.
4. Within thirty (30) days from the execution of this agreement, Florida Inland Navigation District shall cause this agreement to be recorded in the public records of St. Johns County, Florida. A copy of the recorded agreement shall be sent to the Department within 5 days of recording.

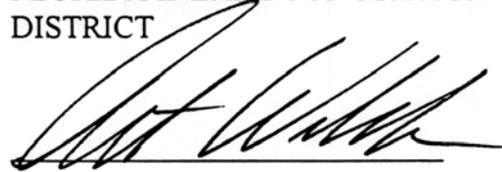
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Virginia B. Wetherell
Secretary

7 December 1998

DATE

FLORIDA INLAND NAVIGATION
DISTRICT



11/4/98

DATE

Exhibit 1. Marine Turtle Protection Plan (re: Permit No. 0128851-001-JC)

- 1 Reports on all nesting activity and marine turtle protection measures taken shall be provided for the initial nesting season following completion of the sand transfer operation and for a minimum of two additional nesting seasons. The fill placement area and adjacent beaches shall be surveyed.
 - a. It is the responsibility of the permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nesting surveys, nest relocations screening or caging activities etc. shall be conducted only by persons with prior experience and training in these activities and is duly authorized to conduct such activities through a valid permit issued by the Department, Division of Marine Resources, pursuant to Florida Administrative Code 62R-1.
 - b. A daily marine turtle nest survey of the nesting beach in the vicinity of the project (including areas of beach access) shall be conducted starting May 1 and continue until October 31. Nests deposited within the construction site shall be left in situ unless other factors threaten the success of the nest. If any nests are determined to have been deposited within the project area and are not relocated due to conditions unrelated to the project, such nests will be marked and the actual location of the clutch determined. A circle with a radius of ten (10) feet, centered at the clutch, shall be marked by stake and survey tape or string. No activities shall be allowed that might directly or indirectly disturb the area within the staked circle.
 - c. Monitoring of nesting activity in the two seasons following construction shall include daily surveys and any additional measures authorized by the Department. Reports submitted shall include daily report sheets noting number of emergences and nests, nesting success rates, hatching success rates, number of nests washed out or lost to inundation, dates of construction and names of all personnel involved in nest surveys and relocation activities. Data shall be reported separately for the fill placement beach and the adjacent beach.

(Note: The Department will waive the requirement to continue the beach compaction and escarpment activities described below when then dredged sand placed on the beach has been eroded from the site)

2. Immediately after completion of the beach nourishment project and prior to April 15 for 3 subsequent years, sand compaction shall be monitored in the area of restoration in accordance with a protocol agreed to by the Department, the U.S. Fish & Wildlife Service, and the applicant. At a minimum, the protocol provided under a and b 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. A report on the results of compaction monitoring shall be submitted to the Department prior to any tilling actions being taken. An annual summary of compaction surveys and the actions taken shall be submitted to the Department. This

condition shall be evaluated annually and may be modified if necessary to address sand compaction problems identified during the previous year.

- a. 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.
 - b. 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 shall be 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.
 - c. If the average value for any depth exceeds 500 psi for any two or more adjacent stations, then that area shall be tilled 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 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.
- 3 Visual surveys for escarpments along the beach fill area shall be made immediately after completion of the sand transfer operations and prior to April 15 of the following two years. In addition, weekly surveys of the project area shall be conducted during the two nesting seasons following completion of sand transfer operations.
- a. The number of escarpments and their location relative to DNR-DEP reference monuments shall be recorded during each weekly survey and reported relative to the length of the beach surveyed. Notations on the height of these escarpments shall be included (0 to 18 inches, 18 inches to 4 feet, and 4 feet or higher) as well as the maximum height of all escarpments.
 - b. 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. The permittee shall provide documentation that authorization for incidental take during scarp removal has been obtained from the U.S. Fish and Wildlife Service prior to project initiation. Any escarpment removal shall be reported relative to R-monument.

RECEIVED

NOV 6 1998

BEAU OF BEACHES
& COASTAL SYSTEMS