



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

CONSOLIDATED MODIFICATION OF JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Brevard County
Office of Natural Resource Management
2725 Judge Fran Jamieson Way, Bldg. A
Viera, Florida 32940-6605

Permit/Authorization No.: 134869-002-JC

Date of Issue: November 22, 1999

Expiration Date: February 1, 2014

County: Brevard County

Project: Brevard County Shore Protection
Project; NORTH REACH

This major modification to the 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.). 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.

ACTIVITY DESCRIPTION:

The permittee is authorized to construct a beach restoration project along 9.8 miles of the Atlantic Ocean shoreline commencing immediately south of the Port Canaveral entrance between the Department of Environmental Protection's DNR reference monuments R-1 and extend through R-54.5 located 1,500 ft. south of the northern boundary of Patrick Airforce Base, in Brevard County. Approximately 2.5 million cubic yards of sand will be dredged from either the offshore borrow area referred to as "Canaveral Shoals Borrow Area I" located about 1.6 miles east-southeast of Cape Canaveral or from the offshore borrow area referred to as "Canaveral Shoals Borrow Area II" located about 4.5 miles east-southeast of Cape Canaveral. Subsequent renourishment requirements are predicted to be 516,000 cubic yards, every six years, using the same Canaveral Shoals offshore borrow source.

For disposal of dredged material from the access lane to Borrow Area I, beach quality material (containing less than 10% fines) may be placed within the Beach Fill Area or the Canaveral Nearshore Disposal Area. Non-beach quality material will be placed offshore in the Canaveral Nearshore Disposal Area or in the Ocean Dredged Material Disposal Site (ODMDS). The dredged material will be handled such that only material containing less than 20% fines will be placed in the Canaveral Nearshore Disposal Area. Material containing greater than 20% fines will be placed in the ODMDS. During construction an on-site inspector with training in the

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Virginia Barker
November ~~13~~²², 1999
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OBCS Permit Information Center
OBCS File

determination of sediment characteristics will evaluate the suitability of dredged material with less than 20% fines for nearshore disposal vs. ocean disposal.

The permittee is also authorized to utilize a 2,750 ft. by 9,500 ft. Nearshore Disposal and Sand-Rehandling Area (NDSRA) located along central Cocoa Beach between R-28 and R-38 about 4,200-ft. from the shoreline, between the -32 ft. and -38 ft. (NGVD) contours. This will allow placement of sand dredged from the project's offshore borrow area to a seabed berm, and then subsequently dredge and place the berm material upon the beach.

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 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. 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, Chapter 18-21, Section 62-312.065, 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 of Use for 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 above named permittee is hereby authorized to construct the work in accordance with the permit project description and conditions, including water quality monitoring requirements, Plans and Specifications and other documents attached hereto or on file with the Department and made a part hereof.

ACTIVITY LOCATION:

Located in Brevard County, Section 11-15, 22, 23, 26, 35, Township 24 South, Range 37 East; Section 2, 3, 10, 11, 14, 15, 22, 23, Township 25 South, Range 37 East; and Section 26, 27, 35, Township 25 South, Range 37 East; within the Atlantic Ocean, Class III Waters.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the drawings incorporated by reference and all conditions and requirements of this permit. The permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required.
2. If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Office of Beaches and Coastal Systems (Office) and the appropriate District office of 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.
3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty 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. The permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
6. This permit does not convey to the permittee or create in the permittee 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 permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.
7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted

activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

8. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times and in compliance with specified safety standards, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Office and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date.

10. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the State Historic Preservation Officer and the Office.

11. Within a reasonable time after completion of construction, the permittee shall submit to the Office of Beaches and Coastal Systems and the appropriate District office of the Department a written statement of completion and certification by a licensed professional engineer registered in the state of Florida. (*NOTE: Certification by a licensed professional engineer registered in the State of Florida is not required for written statements of completion submitted by the U.S. Army Corps of Engineers*). This certification shall state that: all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on two copies of as-built drawings submitted to the Department. For that part of the project construction undertaken by the U.S. Army Corps of Engineers, the Corps shall submit to the Department a written statement of completion, in lieu of this certification. This statement shall notify the Department that the work has been completed and shall include a description of the actual work completed under the Corps' direction. If requested, the Department shall be provided a copy of any as-built drawings required of the Corps' contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

1. Prior to commencement of construction, the permittee shall submit two copies of detailed final construction plans and specifications for all authorized activities and any processing fee as specified by Rule 62B-49.006, F.A.C., for authorization to conduct subsequent beach nourishment activities. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and shall bear the certifications specified in Rule 62B-33.007(3)(b) and 62B-33.007(3)(n), Florida Administrative Code. *(NOTE: Certification by a licensed professional engineer registered in the State of Florida is not required for submittals by the U.S. Army Corps of Engineers).*
2. Pursuant to Chapter 161.141, prior to construction of the beach restoration project, the board of trustees must establish the line of mean high water for the area to be restored to establish the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean and the upland properties. No work shall commence until the Erosion Control Line has been executed to the satisfaction of the Department.
3. The terms, conditions, and provisions of the required Public Easement (Instrument No. 301560, BOT File No. 05-0219529) for the borrow area shall be met. Construction activity shall not commence within the Canaveral Shoals borrow area located on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all Public Easement documents have been executed to the satisfaction of the Department.
4. At least 14 days prior to the commencement date, the permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the permittee's contractors, and Department staff representatives. 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 Office of Beaches and Coastal Systems
Mail Station 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
phone: (850) 487-4471
fax: (850) 488-5257

DEP Central District Office
Submerged Lands and Environmental Resources Program
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803-3767
phone: (407) 893-3311
fax: (407) 893-3075

FWC Bureau of Protected Species Management
620 South Meridian Street
Tallahassee, Florida 32399-1600
phone: (850) 922-4330
fax: (850) 921-4369

DEP Central District Branch Office
13 East Melbourne Ave., Suite A&B
Melbourne, Florida 32901
phone: (407) 984-4800
fax: (407) 984-4816

5. All derelict structures, including groins and debris currently serving no purpose, located within the area to be restored shall be removed to a location landward of the coastal construction control line prior to initiation of the restoration project.
6. The perimeter of the Nearshore Disposal and Sand Rehandling Area (NDSRA) shall be marked with buoys (lighted buoys if construction will occur at night) placed no more than 1,000 feet apart to clearly identify the limits of the disposal area. The permittee shall ensure that these buoys are maintained continuously for as long as disposal occurs at the NDSRA.
7. For disposal of dredged material from the access lane to Borrow Area I, beach quality material (containing less than 10% fines) may be placed within the Beach Fill Area or the Canaveral Nearshore Disposal Area. Non-beach quality material will be placed offshore in the Canaveral Nearshore Disposal Area or in the Ocean Dredged Material Disposal Site (ODMDS). The dredged material will be handled such that only material containing less than 20% fines will be placed in the Canaveral Nearshore Disposal Area. Material containing greater than 20% fines will be placed in the ODMDS. During construction an on-site inspector with training in the determination of sediment characteristics will evaluate the suitability of dredged material with less than 20% fines for nearshore disposal vs. ocean disposal.
8. In order to ensure that manatees are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:
 - a. The contractor instructs all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s), and shall implement appropriate precautions to ensure protection of the manatee(s).
 - b. All construction personnel are advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.
 - c. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8.5" X 11") reading "**Manatee Habitat/Idle Speed In Construction Area**" will be placed in a prominent location visible to employees operating the vessels. In the absence of

a vessel, a temporary sign (at least 2' X 2') reading "**Warning: Manatee Habitat**" will be posted in a location prominently visible to land based, water-related construction crews.

A second temporary sign (at least 8.5" X 11") reading "**Warning, Manatee Habitat: Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP**" will be located prominently adjacent to the displayed issued construction permit. Temporary notices are to be removed by the permittee upon completion of construction.

- d. Siltation barriers shall be properly secured so that manatees cannot become entangled, and are monitored at least daily to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
 - e. All vessels associated with the project operate at "idle speed/no wake" at all times while in the construction area and while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - f. If manatees are seen within 100 yards of the active daily construction/dredging operation all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment.
 - g. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol (1-800-DIAL-FMP) and to the FWCC Bureau of Protected Species Management (850) 922-4330.
 - h. The contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. A report summarizing incidents and sightings shall be submitted to the FWCC Bureau of Protected Species Management, 3900 Commonwealth Boulevard, Mail Station 245, Tallahassee, Florida 32399-3000 and to the U. S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912. This report must be submitted within 90 days of completion of the activities conducted in accordance with the permit.
9. In order to ensure that right whales are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:

- a. 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, the vessel speed should be reduced (8 knots is suggested) and the vessel operator must stay 500 yards from the whale and take the necessary precautions to avoid the whale. Daily updates of whale sightings during this portion of the year are maintained by the St. Johns Bar Pilots Association available at (904) 246-6716 or on VHF marine channel 14; and,
 - b. From December 15 through February 15 vessels shall proceed at reduced speeds (suggested 8 knots) in the southeastern right whale critical habitat area.
10. In order to ensure that marine turtles are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:
- a. 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.
 - b. Construction operations within the Nearshore Disposal and Sand Rehandling Area (NDSRA) shall be started after September 31 and be completed before May 1.
 - c. Beach nourishment shall be started after October 31 and be completed before May 1. During the May 1 through October 31 period, no construction equipment or pipes shall be stored on the beach.
 - d. If the beach nourishment project will be conducted during the period from March 1 through April 30, daily early morning surveys for sea turtles shall be conducted within the period March 1 through April 30 that the project is being conducted, and eggs shall be relocated per the following requirements.
 - i. Nest surveys and egg relocations shall only be conducted by personnel with prior experience and training in nest survey and nest relocation procedures. Surveyors shall have a valid Florida Department of Environmental Protection marine turtle permit. Nest surveys shall be conducted daily between sunrise and 9 a.m. Surveys shall be performed in such a manner so as to ensure that construction activity does not occur in any location prior to completion of the necessary sea turtle nesting survey and protection measures.

- ii. Only those nests that might be affected by construction activities shall be relocated. Nests requiring relocation shall be moved no later than 9 a.m. the morning following deposition 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 cease when sand placement no longer threatens 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 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 construction activities shall enter this circle and no adjacent construction shall be allowed that might directly or indirectly disturb the area within the staked circle.

- e. If the beach nourishment project shall be conducted during the period from November 1 through November 30, then daily early morning surveys for late nesting sea turtles shall be conducted 65 days prior to project initiation and continue through September 30, and eggs shall be relocated per the preceding requirements.

(Note: marine turtle surveys, beach compaction and escarpment maintenance activities and reporting may be consolidated with the similar requirement of the Canaveral Sand By-Passing Project, Permit No. 05-222904-9)

- f. Reports on all nesting activity and marine turtle protection measures taken during construction shall be provided for the initial nesting season following the completion of construction, and for a minimum of two additional nesting seasons. Reports shall be submitted to the Department no later than 60 days after the completion of all monitoring activities, and shall include daily report sheets noting all activity, nesting success rates, the number of nests washed out or lost, hatching success of all relocated nests, hatching success of a statistically valid sample of nests left in place and all relocated nests, dates of construction, and names of all personnel involved in nest surveys and relocation activities. All such personnel shall be qualified as required above.

- g. Immediately after completion of the beach nourishment project and prior to March 1 for three subsequent years, sand compaction shall be monitored in the area of restoration in accordance with a protocol agreed to by the FWS, the Florida Department of Environmental Protection, and the applicant. At a minimum, the protocol provided 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 March 1. A report on the results of compaction monitoring and a description of the areas to be tilled

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 the previous year.

- i. Compaction sampling stations shall be located along shore-normal transects at 500-foot intervals across the entire 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; and one stations 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 reach 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.
 - ii. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area shall be tilled immediately prior to March 1. 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 contact with the Department shall be required to determine if tilling is required. If a few values exceeding 500 psi are present but are located randomly within the project area, tilling shall not be required.
- h. Visual surveys for escarpments along the beach fill area shall be made immediately after completion of the sand transfer operations and prior to March 1 of the following two years. In addition, weekly surveys of the project area shall be conducted during the two nesting seasons following completion of the beach nourishment.
- i. 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.
 - ii. 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.

- iii. If weekly surveys during the marine turtle nesting season document subsequent reformation of escarpments that exceed 18 inches in height for a distance of 100 feet, then the Department shall be contacted immediately to determine the appropriate action to be taken. Upon written notification, the permittee shall level escarpments in accordance with mechanical methods prescribed by the Department.
- i. From March 1 through April 30 and November 1 through November 30, staging areas for construction equipment shall be located off the beach to the maximum extent practicable and no construction equipment shall be parked on the beach where it can hinder marine turtle nesting or hatchling emergence. 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 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.
- j. During the early (March 1- April 30) and latter (November 1 - November 30) portions of marine turtle nesting and hatching season, all on-beach lighting associated with the project shall be limited to the immediate area of active construction only and shall be minimized through reduction, shielding, lowering, and appropriate placement of lights to avoid excessive illumination. Lighting on offshore equipment shall be similarly 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 the beach and on offshore equipment that cannot be eliminated.
- k. 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 must be followed, and the Bureau of Protected Species shall be sent copies of the reports specified in the Biological Opinion.
- l. In the event an unmarked marine turtle nest or a dead, injured, or sick marine turtle is discovered during construction activities, the marine turtle permit holder and the Bureau of Protected Species Management shall be notified immediately such that appropriate conservation measures can be taken.

- m. Designated Marine Turtle Observers, accredited in accordance with NMFS and FWC requirements, shall be on board any vessel while it is being used to deposit dredged material in the nearshore rehandling area. These observers shall conduct surface visual inspections for marine turtles prior to the deposition of dredged material. If marine turtles are seen within 100 yards of the active construction operation all appropriate precautions shall be implemented to ensure protection of the marine turtle.

MONITORING REQUIRED:

1. Water Quality

Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)

Borrow Site:

Frequency: Every 6 hours, or, if a hopper dredge is used then approximately midway through each fill cycle while the dredge is actively dewatering or discharging overflow.

Background: 500 meters from the dredge in the opposite direction of the prevailing current flow, clearly outside the influence of any turbid plume. Samples shall be collected from the surface and 1 meter above the bottom.

Compliance: No more than 150 meters downcurrent from the dredge, in the densest portion of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.

Beach Nourishment Site:

Frequency: Once every 6 hours during a beach disposal operation.

Background: At least 500 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, at the same distance offshore as the compliance station.

Compliance: At a point no more than 150 meters downcurrent from the discharge point within the densest portion of any visible turbidity plume caused by the construction activities. If a plume is not visible, the samples shall be collected 50 m from the shoreline. Samples shall be collected from the surface and one meter above the bottom.

Disposal at the Nearshore Disposal and Sand Rehandling Area (NDSRA):

Frequency: Approximately every 6 hours between 15 and 30 minutes after disposal of a bargeload of material.

Background: 500 meters from the disposal barge in the opposite direction of the prevailing current flow, clearly outside the influence of any turbid plume. Samples shall be collected from the surface and 1 meter above the bottom.

Compliance: No more than 150 meters downcurrent from the barge, in the densest portion of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.

Dredging at the Nearshore Disposal and Sand Rehandling Area (NDSRA):

Frequency: Approximately every 6 hours during a dredging operations.

Background: 500 meters from the dredge in the opposite direction of the prevailing current flow, clearly outside the influence of any turbid plume. Samples shall be collected from the surface and 1 meter above the bottom.

Compliance: No more than 150 meters downcurrent from the dredge, in 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. 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.

Copies of all reports shall be submitted to the Office 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. Monitoring reports shall also include the following information for each sample that is taken: a) time of day samples taken; b) depth of water body; c) depth of sample; d) antecedent weather conditions; e) tidal stage and direction of flow; and f) wind direction and velocity.

The above information may be submitted on the Corps' Turbidity Monitoring Test Report form, Section 01131, Appendix No. A.

2. Hydrographic Monitoring

a. Topographic and bathymetric profile surveys of the project area shall be conducted immediately prior to construction, immediately following completion of construction, and annually thereafter for a period of three (3) years, then every other year thereafter until the next beach nourishment. During this monitoring period, additional surveys may be required following a major storm as determined by the Department. These surveys shall include profiles at each of the Department of Environmental Protection's DNR reference monuments from R-01 through R-60 in Brevard County. All profiles shall be measured along the same azimuths previously surveyed by the Department and commence at the reference monument and extend seaward at least 1,500 feet or to a depth of -30.0 ft. NGVD, whichever is farther.

b. Bathymetric surveys of the borrow area shall be conducted immediately following completion of construction and during the third annual monitoring event. Grid lines shall be spaced a maximum of 250 feet apart and extend a minimum of 250 feet beyond the boundaries of the borrow area.

c. Bathymetric surveys of the Nearshore Disposal and Sand Rehandling Area (NDSRA) shall be conducted at approximately 250-ft. alongshore spacing (R-monuments and quarter-points) extending a minimum of 2500 ft. landward, and 500-ft. seaward of the rehandling area's limits. This shall be done prior to the initial transfer of sand to the shoreline and at intervals not greater than 45 days during construction activities. The pre-construction survey shall include the entire area as described above. Surveys during construction shall include only those portions of the disposal area used for construction, extending to a minimum of 500-ft. to all sides of the active work areas(s). The post-construction survey shall use line spacing no greater than 500 ft. throughout the entire rehandling area, and approximately 250 ft. within the areas actually used for construction activities.

c. Two sand samples shall be obtained immediately following completion of construction at a reference monument line approximately every 2,000 feet within the beach fill project area. Each sample shall be tested for grain size distribution and shell content. Samples shall be collected from approximately 1 ft. below the surface of the dry construction berm at (1) approximately 20 feet from the landward toe of the dune and (2) midway across the top of the berm width. This shall amount to no less than 52 samples taken throughout the 51,800 linear ft. project length. If patches of inconsistent material are observed between profiles while taking these samples, a visual description of the sediment irregularities, including the location, magnitude, and general characterization should be provided to the Department. Upon further review, the Department may require additional sediment sampling.

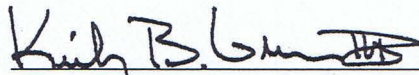
d. The permittee shall submit an engineering report and the monitoring data to the Office of Beaches and Coastal Systems within 60 days of completion of the post-construction

survey and each annual survey. The survey data should be submitted on floppy disk in an ASCII format stored according to the department's standards for file structure (contact the Office staff for additional information on specific requirements) and include all survey control information.

- i. The report should summarize the performance of the beach fill project, including a characterization of the sand actually placed on the beach, identify erosion and accretion patterns within the project limits and along the adjacent shorelines, verify the analyses that were conducted in the development of the design of the project, and identify any adverse impacts which would be attributable to the project.
- ii. Appendices should include plots of survey profiles and graphical presentations of volumetric and shoreline position changes for both the monitoring area and at each profile survey. Results should be analyzed for changes between annual surveys and cumulatively since project construction.
- iii. In addition to the monitoring information collected by the permittee, the reports shall also include information regarding the periodic placement of dredged material on the beach from sand-bypassing and maintenance dredging of Port Canaveral and the effects of this material on the beach restoration project. A consolidated monitoring program may be conducted in conjunction with the Canaveral Sand Bypassing Project.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Kirby B. Green, III, Deputy 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

11/22/99

Date



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

November 22, 1999

Brevard County
c/o Virginia Barker, Beach Management Coordinator
Office of Natural Resource Management
2725 Judge Fran Jamieson Way, Bldg. A
Viera, Florida 32940-6605

Permit No. 0134869-002-JC, Brevard County
Project Description: Brevard County Shore Protection Project, NORTH REACH,
Permit Modification

Dear Ms. Barker:

Your request for a modification to the Joint Coastal Permit for the above referenced project, issued pursuant to Chapter 161 and Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code, has been approved by the Department. The enclosed modified permit (No. 0134869-002-JC) supercedes and replaces the previously issued permit (No. 0134869-001-JC) for this project. Please read the enclosed permit and permit conditions closely before starting construction. Particularly note the permit conditions pertaining to written reports which must be submitted to the Department at specified times.

Please direct any questions regarding this document to me by letter at the above address (add Mail Station 300), or by telephone at (850) 487-4471, ext. 121.

Sincerely,

Keith J. Mille
Environmental Specialist
Bureau of Beaches and Coastal Systems

KJM
enclosures



Jeb Bush
Governor

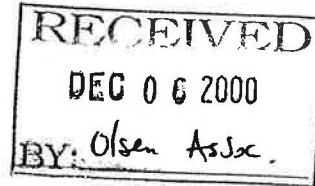
Department of Environmental Protection

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

David B. Struhs
Secretary

December 1, 2000

Brevard County
c/o Kevin R. Bodge, Ph.D., P.E.
Olsen Associates, Inc.
4438 Herschel Street
Jacksonville, Florida 32210



PERMIT MODIFICATION

Permit No. 0134869-003-JC, Brevard County
Brevard County Shore Protection Project - NORTH REACH
Turbidity Monitoring Modification

Dear Mr. Bodge :

Your November 14, 2000 request to modify this permit has been received and reviewed by Department staff. The proposed permit modification is to reduce the turbidity monitoring sampling frequency based on the results collected to date, and to address safety concerns.

The ongoing construction involves two hopper dredges borrowing material from Canaveral Shoals Borrow Area II, with placement in the Nearshore Disposal and Sand Rehandling Area (NDSRA). The material is then rehandled from the NDSRA by a cutterhead-pipeline dredge and discharged onto the beach fill site. For these operations, the present permit requirements for turbidity monitoring are:

Borrow Area: Once per every load, midway through filling
NDSRA - Disposal: Every 6 hours, between 15 & 30 minutes after a disposal
NDSRA - Dredging: Every 6 hours
Beach Nourishment: Every 6 hours

Brevard County requests that these requirements be modified to (1) waive turbidity monitoring of hopper dredge operations *at night*, during both the filling (borrow area) and discharge (NDSRA) operations; and (2) to revise monitoring of hopper dredge filing (borrow area) to every *6 daylight hours*, instead of every load. (The latter is equivalent to every other load, approximately.)

Construction of the job involves two hopper dredges and one cutterhead dredge, plus jack-up booster and attendant crew and survey vessels, operating in close proximity, around the clock. The turbidity testing is done by an independent contractor aboard small vessels, so as to be able to maneuver into the plume and to physically reach the water. The requisite turbidity testing in the

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Notice of Permit Modification
Brevard County
Permit No. 0134869-003-JC
Page 2

vicinity of the hopper dredges requires compliance testing within close proximity of the vessels, while underway, and pragmatically requires traversing the sailing paths of the ships. This poses a significant safety hazard, despite the Contractor's precautions to-date. The hazard is obviously greatest at night. It is for these reasons that the change is requested.

The testing to-date indicates no exceedance of turbidity limits by the hopper dredges at either the borrow or NDSRA areas. Turbidity compliance values have averaged about 2 to 3 NTU above background, with individual measurements falling well below the 29 NTU allowance (based on measurements collected October 8, 2000 through November 19, 2000). However, turbidity monitoring reports have shown that some of the required turbidity samples were not collected. Please be advised that all required sampling must be completed (unless work is suspended) in order to remain in compliance with your permit. To date, over 1.2 mcy of material has been dredged and placed in the NDSRA. The borrow material is clean and extraordinarily uniform across the borrow area, with little to no fines (2% to 3% typical).

There are no hardbottoms in the vicinity of the vicinity of the project area.

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

MONITORING REQUIRED:

1. Water Quality

Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)

Borrow Site:

Frequency: Every 6 hours during daylight hours only. If a hopper dredge is used samples should be taken approximately every six hours (approximately every other load) midway through a fill cycle while the dredge is actively dewatering or discharging overflow. Should daytime measurements of the turbidity show an increase to a level approaching the 29 NTU limit, then more frequent, or nighttime measurements, should be resumed.

Background: 500 meters from the dredge in the opposite direction of the prevailing current flow, clearly outside the influence of any turbid plume. Samples shall be collected from the surface and 1 meter above the bottom.

Compliance: No more than 150 meters downcurrent from the dredge, in the densest portion of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.

Notice of Permit Modification
Brevard County
Permit No. 0134869-003-JC
Page 3

Beach Nourishment Site:

Frequency: Once every 6 hours during a beach disposal operation during daylight hours only. Should daytime measurements of the turbidity show an increase to a level approaching the 29 NTU limit, then more frequent, or nighttime measurements, should be resumed.

Background: At least 500 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, at the same distance offshore as the compliance station.

Compliance: At a point no more than 150 meters downcurrent from the discharge point within the densest portion of any visible turbidity plume caused by the construction activities. If a plume is not visible, the samples shall be collected 50 m from the shoreline. Samples shall be collected from the surface and one meter above the bottom.

Disposal at the Nearshore Disposal and Sand Rehandling Area (NDSRA):

Frequency: Approximately every 6 hours between 15 and 30 minutes after disposal of a bargeload of material during daylight hours only. Should daytime measurements of the turbidity show an increase to a level approaching the 29 NTU limit, then more frequent, or nighttime measurements, should be resumed.

Background: 500 meters from the disposal barge in the opposite direction of the prevailing current flow, clearly outside the influence of any turbid plume. Samples shall be collected from the surface and 1 meter above the bottom.

Compliance: No more than 150 meters downcurrent from the barge, in the densest portion of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.

Dredging at the Nearshore Disposal and Sand Rehandling Area (NDSRA):

Frequency: Approximately every 6 hours during a dredging operations during daylight hours only. Should daytime measurements of the turbidity show an increase to a level approaching the 29 NTU limit, then more frequent, or nighttime measurements, should be resumed.

Background: 500 meters from the dredge in the opposite direction of the prevailing current flow, clearly outside the influence of any turbid plume. Samples shall be collected from the surface and 1 meter above the bottom.

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Brevard County
Permit No. 0134869-003-JC
Page 4

Compliance: No more than 150 meters downcurrent from the dredge, in 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. 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.

Copies of all reports shall be submitted to the Office 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. Monitoring reports shall also include the following information for each sample that is taken: a) time of day samples taken; b) depth of water body; c) depth of sample; d) antecedent weather conditions; e) tidal stage and direction of flow; and f) wind direction and velocity.

The above information may be submitted on the Corps' Turbidity Monitoring Test Report form, Section 01131, Appendix No. A.

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 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 requested. By copy of this letter we are notifying all necessary parties of the modification(s).

This letter of approval does not alter the February 1, 2014 expiration date, or the other Specific or General Conditions of the permit. This letter and the accompanying drawings must be attached to the original permit.

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

Notice of Permit Modification
Brevard County
Permit No. 0134869-003-JC
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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 rules 28-106.111(2) and 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

**Notice of Permit Modification
Brevard County
Permit No. 0134869-003-JC
Page 6**

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; 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), 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

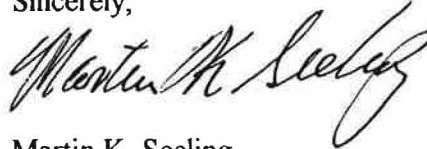
Notice of Permit Modification
Brevard County
Permit No. 0134869-003-JC
Page 7

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 me at the letterhead address or by telephone at (850) 487-4471, ext. 104.

Sincerely,

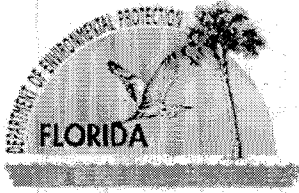


Martin K. Seeling
Environmental Administrator
Office of Beaches and Coastal Systems

MKS/kjm

Copies furnished to:

Ron Wilson, USACOE (via fax only)
Virginia Barker, Brevard County, 2725 Judge Fran Jamieson Way, Bldg. A, Viera, FL 32940
Richard Bonner, USACOE, Jacksonville
Osvaldo Rodriguez, USACOE, Jacksonville
Matt Miller, USACOE, Jacksonville
Terry Zable (E.A. SLERP), DEP - Central District Office, Orlando
Russell Snyder, DEP-OBCS
OBCS File



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

December 20, 2004

Ms. Virginia Barker
Brevard County Office of Natural Resource Management
2725 Judge Fran Jamieson Way, Bldg. A
Viera, Florida 32940-6605

Permit Modification No. 0134869-005-EM
Permit No. 0134869-002-JC, Brevard County
Brevard County Shore Protection Project - North Reach

Dear Ms. Barker:

Your request to modify Permit No. 0134869-002-JC has been received and reviewed by Department staff. The proposed permit modification is to slightly modify the berm design, update sediment quality guidelines and replace the requirement for lighted buoys at the Nearshore Disposal and Sand Rehandling Area (NDSRA).

The restoration authorized under this permit was constructed between November 2000 and April 2001. The post-construction report estimates that 3.14 million cubic yards of sand were placed along 9.4 miles of shoreline. Subsequent maintenance events were expected to occur every six years, however erosion was greatly accelerated due to Hurricanes Frances and Jeanne, which passed through the area on September 4 and September 25, respectively. As the project is eligible for emergency federal funds through the U.S. Army Corps of Engineers (USACE), the permittee plans to nourish the two significantly eroded segments R-4 to R-20 and R-33 to R-53 with approximately 400,000 cubic yards of sand from the currently authorized borrow areas.

While the permittee is authorized to conduct the activities under the present permit, this minor modification will allow more efficient and effective work. Specifically, the berm height will increase from +8.1 feet NGVD '29 to +8.9 feet, over a distance of 50 feet (slope of 1:62.5), and extend shoreward until the 8.9-foot berm intersects the existing profile. Decreasing the seaward extent of the design profile will preserve the original template volume. Increased berm height will provide additional upland protection from storm surge and wave overtopping. A minor

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-005-EM
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beach slope is reported to reduce backshore ponding and scarping, helping to prevent false crawls by sea turtles and/or nest take.

The Nearshore Disposal and Sand Rehandling Area (NDSRA) was authorized under a major modification (Permit No. 0134869-002-JC), which superceded the original permit. Buoys were required to help direct dredging vessels into the NDSRA. Post-construction surveys of the NDSRA, in addition to reports on the South Reach's unmarked rehandling area, reveal that existing navigation systems are sufficient for effective dump and recovery operations. As buoys are a potential navigational hazard, and lighted nighttime buoys may distract sea turtles, the condition is being removed. No hardbottom communities are nearby the NDSRA, and financial incentive should suffice to keep dredge operators reasonably attentive to their location within the rehandling zone using real-time navigation equipment.

The rule that establishes criteria for 'beach-quality' material has been revised since permit issuance. Condition changes below conform the permit to the current requirements of Rule 62B-41.007(2)(j), F.A.C. Sediment analysis of material from the approved borrow sites suggests that material from approved borrow areas comply with the rule revision.

The permittee is urged to revisit the permit conditions carefully to ensure that all deliverables are submitted in a timely fashion, including final plans and specifications, which are required prior to each construction event.

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

ACTIVITY DESCRIPTION:

The permittee is authorized to construct and maintain a beach restoration project along 9.8 miles of the Atlantic Ocean shoreline commencing immediately south of the Port Canaveral entrance between the Department of Environmental Protection's DNR reference monuments R-1 and extend through R-54.5 located 1,500 ft. south of the northern boundary of Patrick Airforce Base, in Brevard County. Approximately 2.5 million cubic yards of sand will be dredged from either the offshore borrow area referred to as "Canaveral Shoals Borrow Area I" located about 1.6 miles east-southeast of Cape Canaveral or from the offshore borrow area referred to as "Canaveral Shoals Borrow Area II" located about 4.5 miles east-southeast of Cape Canaveral. Subsequent renourishment requirements are predicted to be 516,000 cubic yards, every six years, using the same Canaveral Shoals offshore borrow source.

~~[Following paragraph redundant, see S.C. 7] For disposal of dredged material from the access lane to Borrow Area I, beach quality material (containing less than 10~~

Notice of Permit Modification
Brevard County Shore Protection -- North Reach
Modification No. 0134869-005-EM
Page 3 of 8

~~finer) may be placed within the Beach Fill Area or the Canaveral Nearshore Disposal Area. Non-beach quality material will be placed offshore in the Canaveral Nearshore Disposal Area or in the Ocean Dredged Material Disposal Site (ODMDS). The dredged material will be handled such that only material containing less than 20% fines will be placed in the Canaveral Nearshore Disposal Area. Material containing greater than 20% fines will be placed in the ODMDS. During construction an on-site inspector with training in the determination of sediment characteristics will evaluate the suitability of dredged material with less than 20% fines for nearshore disposal vs. ocean disposal.~~

The permittee is also authorized to utilize a 2,750 ft. by 9,500 ft. Nearshore Disposal and Sand-Rehandling Area (NDSRA) located along central Cocoa Beach between R-28 and R-38 about 4,200-ft. from the shoreline, between the -32 ft. and -38 ft. (NGVD) contours. This will allow placement of sand dredged from the project's offshore borrow area to a seabed berm, and then subsequently dredge and place the berm material upon the beach.

The specific conditions shall be revised as follows:

6. Vessels used to deposit dredged material at the NDSRA and dredges used to remove material from the NDSRA shall be equipped with real-time navigation control with maximum horizontal error of less than five (5) meters. Sole reliance upon Loran-C navigation control shall not be permitted. All in-water rehandling of dredged material shall be restricted to the boundaries of the NDSRA. The permittee shall maintain a log of the vessel locations while operating within 100 feet of the NDSRA.
~~The perimeter of the Nearshore Disposal and Sand Rehandling Area (NDSRA) shall be marked with buoys (lighted buoys if construction will occur at night) placed no more than 1,000 feet apart to clearly identify the limits of the disposal area. The permittee shall ensure that these buoys are maintained continuously for as long as disposal occurs at the NDSRA.~~

7. For disposal of dredged material from the access lane to Borrow Area I, beach quality material (defined in Rule 62B-41.007(2)(j), F.A.C. containing less than 10 fines) may be placed within the Beach Fill Area or the Canaveral Nearshore Disposal Area. Non-beach quality material will be placed offshore in the Canaveral Nearshore Disposal Area or in the Ocean Dredged Material Disposal Site (ODMDS). The dredged material will be handled such that only material containing less than 20% fines will be placed in the Canaveral Nearshore Disposal Area. Material containing greater than 20% fines will be placed in the ODMDS. During construction an on-site inspector with training in the determination of sediment characteristics will evaluate the suitability of dredged material with less than 20% fines for nearshore disposal vs. ocean disposal.

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-005-EM
Page 4 of 8

8. c. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8.5" X 11") reading "**Manatee Habitat/Idle Speed In Construction Area**" will be placed in a prominent location visible to employees operating the vessels. In the absence of a vessel, a temporary sign (at least 2' X 2') reading "**Warning: Manatee Habitat**" will be posted in a location prominently visible to land based, water-related construction crews.

A second temporary sign (at least 8.5" X 11") reading "**Warning, Manatee Habitat: Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-888-404-FWCC800-DIAL-FMP**" will be located prominently adjacent to the displayed issued construction permit. Temporary notices are to be removed by the permittee upon completion of construction.

- g. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol (1-888-404-FWCC800-DIAL-FMP) and to the FWCC Bureau of Protected/Imperiled Species Management Section (850) 922-4330.
10. a. 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~~5 percent fines (i.e., silt and clay) (passing the ~~#230~~200 sieve) and shall be free of coarse gravel or cobbles

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

This letter of approval does not alter the **February 1, 2014** expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter and the accompanying

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-005-EM
Page 5 of 8

drawings must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, 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.

**Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-005-EM
Page 6 of 8**

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The 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;
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
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

**Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-005-EM
Page 7 of 8**

set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), 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.

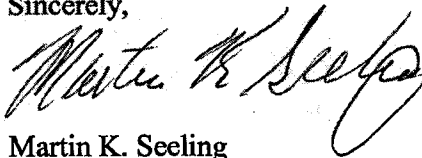
This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

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 me at the letterhead address (add Mail Station 300) or by telephone at (850) 487-4471, ext. 104.

Sincerely,



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

MKS/smm

Enclosure: Sketch of template revision

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-005-EM
Page 8 of 8

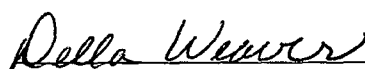
Cc:

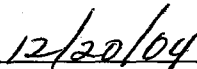
Kevin Bodge, Olsen Associates, Inc.
Bennett Boucher, City of Cape Canaveral
Robbin Trindell, FWC-ISMS
Osvaldo Rodriguez, USACE, CESAJ-DP-B
Irene Sadowski, USACE, CESAJ-RD-NA-M
Dave Herbster, DEP-Central District
Paden Woodruff, BBCS-BECP

Phil Sanders, BBCS-BECP
John McDowell, BBCS-CCCL
Robert Brantly, BBCS-CE
James LaGrone, BBCS-CE
Christina Staten, BBCS-JCP
BBCS Permit File

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



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

April 15, 2005

Ms. Virginia Barker
Brevard County Office of Natural Resource Management
2725 Judge Fran Jamieson Way, Bldg. A
Viera, Florida 32940-6605

Permit Modification No. 0134869-006-EM
Permit No. 0134869-002-JC, Brevard County
Brevard County Shore Protection Project - North Reach

Dear Ms. Barker:

Your request to modify Permit No. 0134869-002-JC has been received and reviewed by Department staff. The proposed permit modification is to extend the beach construction activity window by two weeks, to May 14, for the 2005 spring nourishment event only.

The southern portion of Brevard County's North Reach project has already been completed between DEP monuments R-33 to R-54.5 for the spring 2005 (post-hurricane) nourishment event. However, mechanical problems with the hopper dredges have significantly delayed construction, and will prevent completion of the northern portion of the project prior to the beginning of peak turtle nesting season (May 1). Therefore, an extension of the beach construction time window is necessary to complete the northern portion of the North Reach project (R-5 to R-19). The permit currently authorizes beach nourishment through April 30. The permittee believes that a two-week time extension for this nourishment event will be sufficient.

Peak sea turtle nesting season, particularly for loggerheads (*Carretta carretta*), begins around May 1 in this region. In recent years, however, the density of nests placed between R-5 and R-19 has been low during early May (only 3 in 2003). For this reason, in their letter dated April 12, 2005, the U.S. Fish & Wildlife Service (USFWS) approved the time extension for the 2005 spring nourishment event only under the Biological Opinion updated December 2004. The Department, with input from the Florida Fish & Wildlife Conservation Commission (FWC), concurs with this evaluation.

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-006-EM
Page 2 of 5

The specific conditions shall be revised as follows (underlines indicate additions):

10. n. For the 2005 spring nourishment event **ONLY**, the beach construction window shall be extended through May 14 for the area between DEP reference monuments R-5 and R-19. Specifically, for this one event and the specified location, the date “May 15” shall replace “May 1,” and the date “May 14” shall replace “April 30” for all terms of Specific Condition #10.

After expedited review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary the public interest. Staff has also determined that the proposed alteration does not significantly 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 adverse environmental impact or water quality degradation, the **permit is hereby modified** as requested. By copy of this letter, we are notifying all necessary parties of the modification.

This letter of approval does not alter the **February 1, 2014** expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawings must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, 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.

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-006-EM
Page 3 of 5

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 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;

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-006-EM
Page 4 of 5

- (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), 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.

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Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-006-EM
Page 5 of 5

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 me at the letterhead address (add Mail Station 300) or by telephone at (850) 487-4471, ext. 104, or Steven MacLeod, ext. 216.

Sincerely,



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

MKS/smm

cc:

Kevin Bodge, Olsen Associates, Inc.
Robbin Trindell, FWC-ISMS
Osvaldo Rodriguez, USACE, CESAJ-DP-B
Irene Sadowski, USACE, CESAJ-RD-NA-M
Dave Herbster, DEP-Central District
Paden Woodruff, BBBS-BECP

Phil Sanders, BBBS-BECP
Gene Varano, BBBS-CCCL
James LaGrone, BBBS-CE
Christina Staten, BBBS-JCP
BBBS Permit File

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



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

May 10, 2005

Ms. Virginia Barker
Brevard County Office of Natural Resource Management
2725 Judge Fran Jamieson Way, Bldg. A
Viera, Florida 32940-6605

Permit Modification No. 0134869-007-EM
Permit No. 0134869-002-JC, Brevard County
Brevard County Shore Protection Project - North Reach

Dear Ms. Barker:

The request to modify Permit No. 0134869-002-JC, submitted on your behalf by Olsen Associates, has been received and reviewed by Department staff. The proposed permit modification is to extend the beach construction activity window by an additional week, through May 21, for the 2005 spring nourishment event only.

A permit modification (Permit No. 0134869-006-EM) was issued on April 15, 2005, which allowed a one-time extension of the beach construction activity window by two weeks, through May 14, 2005. This modification was issued following approval of the time extension by the U.S. Fish and Wildlife Service (USFWS). Due to additional weather-related delays, the permittee does not feel the final portion of the project will be completed by May 14. Therefore a request was made on May 3, 2005 for authorization to perform beach construction through May 21 for the spring 2005 nourishment ONLY.

The construction window shall only apply to a 3000-foot stretch between DEP reference monuments R-6.5 and R-9.7. No turtle nests were established in this area prior to May 22 during the 2003 nesting season. As of May 4, the nearest nest to the project site was over six (6) miles to the south. Based on this limited data, the USFWS has no objection to the additional time extension. The Department, with input from the Florida Fish & Wildlife Conservation Commission (FWC), concurs with this evaluation.

The specific conditions shall be revised as follows (underlines indicate additions):

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-007-EM
Page 2 of 5

10. n. For the 2005 spring nourishment event **ONLY**, the beach construction window shall be extended through May 2114 for the area between DEP reference monuments R-6.5 and R-19.7. Specifically, for this one event and the specified location, the date “May 2215” shall replace “May 1,” and the date “May 2114” shall replace “April 30” for all terms of Specific Condition #10.

After expedited review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not significantly 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 adverse environmental impact or water quality degradation, the **permit is hereby modified** as requested. By copy of this letter, we are notifying all necessary parties of the modification.

This letter of approval does not alter the **February 1, 2014** expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawings must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, 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.

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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

Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-007-EM
Page 3 of 5

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.

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Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-007-EM
Page 4 of 5

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- (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
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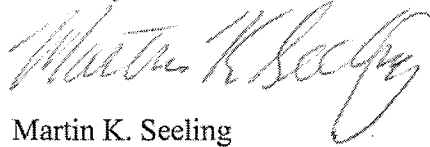
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Notice of Permit Modification
Brevard County Shore Protection – North Reach
Modification No. 0134869-007-EM
Page 5 of 5

If you have any questions regarding this matter, please contact me at the letterhead address (add Mail Station 300) or by telephone at (850) 487-4471, ext. 104, or Steven MacLeod, ext. 216.

Sincerely,



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

MKS/smm

cc:

Kevin Bodge, Olsen Associates, Inc.
Robbin Trindell, FWC, ISMS
Rob Bittner, USFWS, Jacksonville
Osvaldo Rodriguez, USACE, CESAJ-DP-B
Irene Sadowski, USACE, CESAJ-RD-NA-M
Dave Herbster, DEP, Central District

Paden Woodruff, BBCS-BECP
Phil Sanders, BBCS-BECP
Gene Varano, BBCS-CCCL
James LaGrone, BBCS-CE
Christina Staten, BBCS-JCP
BBCS Permit File

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

5/10/05

Date



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

July 17, 2013

Mike McGarry, Beach Project Manager
Brevard County Natural Resource Management
2725 Judge Gran Jamieson Way, Building A-219
Viera, FL 32940

c/o

Kevin Bodge, Ph.D., P.E.
Senior Vice President
Olsen Associates, Inc.
2618 Herschel Street
Jacksonville, FL 32204

Re: File No. 0134869-008-JN, Statutory Time Extension
Brevard County Shore Protection Project; NORTH REACH
Permit No. 0134869-002-JC

Dear Dr. Bodge:

We are in receipt of your notice to use the provisions of Section 22 of Chapter 2013-41 Laws of Florida (Senate Bill 1502) to extend the duration of the above Joint Coastal Permit under Part IV of Chapter 373, F.S. Pursuant to the provisions of HB 1502, the expiration date of the permit is changed as follows:

Original Expiration Date: February 1, 2014

New Expiration Date: July 1, 2014

All dates contained in the terms and conditions of the permit pertaining to deadlines, such as for commencing or completing construction, completing any mitigation, and submitting reports for the activity authorized by the permit are modified in recognition of, and relative to, the new expiration date.

In accordance with the legislation, the permitted activity will continue to be governed by the rules in effect at the time the permit was issued. However, any future request to modify the

permit, except where the modification lessens the environmental impact, will be governed by the rules in effect at the time of the modification.

This extension does not:

1. Otherwise change any other terms or conditions of the permit.
2. Affect the expiration date of any associated state-owned submerged lands lease or easement that was executed for the activities authorized in the permit. It also does not change any terms or conditions contained in the lease or easement, such as deadlines for submittal of any required lease fees.
3. Affect the water quality certification determination under Section 401, Public Law 92-500, 33 U.S.C. Section 1341 made as part of the permit.
4. Affect the coastal zone consistency concurrence determination made under Florida's Coastal Zone Management Program in Section 307 of the Coastal Zone Management Act and 15 CFR 930, Subpart D originally contained in the permit.
5. Affect the expiration date of any state, federal, or local permit, license, or authorization related to this permit, specifically including any federal permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

Sincerely,



Robert Halbert, Environmental Specialist
Beaches, Inlets, and Ports Program

cc: Mike McGarry, Brevard County
Cynthia Perez, USACE
Jim McAdams, USACE

Marty Seeling, DEP
Roxane Dow, DEP
JCP Compliance