



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

## FINAL ORDER OF VARIANCE

### GRANTEE:

Martin County  
2401 S.E. Monterey Road  
Stuart, FL 34996

### AGENT:

Taylor Engineering, Inc.  
c/o Michael Trudnak, P.E.  
10151 Deerwood Park Blvd.  
Building 300, Suite 300  
Jacksonville, FL 32255-0510

### PROJECT INFORMATION:

Variance No. 0295380-002-BV  
Date of Issue: August 11, 2011  
Expiration Date: August 11, 2021  
County: Martin  
Project: Martin County Beach Nourishment

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### FINAL ORDER BY THE DEPARTMENT:

The Department of Environmental Protection (Department) hereby grants, to Martin County, a variance from the requirements of Rule 62-4.244(5)(c), Florida Administrative Code (F.A.C.), to establish a temporary mixing zone greater than 150 meters.

This variance will temporarily establish an expanded mixing zone that extends up to 150 meters offshore and 1,500 meters downcurrent from the point where water discharged from the dredge pipeline (at the beach placement site) reenters the Atlantic Ocean, within the densest portion of any visible turbidity plume. This temporary variance shall only be valid during the construction activities authorized in Permit No. 0295380-001-JC and shall expire when the permit expires on August 11, 2021, unless the permit is modified to grant a time extension.

The associated Joint Coastal Permit (No. 0295380-001-JC) is to nourish approximately 4 miles of beach in Martin County from DEP Reference Monument R-1 to R-25. The beach fill includes a 90-foot wide berm at an elevation of +6.5 feet NAVD 88 and a 1:10 (vertical:horizontal) foreshore construction slope. The fill template will also include four "turtle friendly" sections with a 50-foot wide berm at an elevation of +6.5 feet NAVD 88, a 1:50 slope from the edge of the berm to Mean High Water (MHW), and a 1:20 slope from MHW to the existing ocean bottom. The proposed project is authorized to occur multiple times on an as-needed basis, with the first event requiring approximately 887,700 cubic yards of beach compatible sand. A hopper dredge will be used to obtain sand for this project from the St. Lucie Shoal Borrow Area and transport the sand near the shoreline, where it will be offloaded to the beach via pipeline. There are four pipeline corridors for this project, two are between R-1 and R-2 and two are between R-21 and R-22.

**Final Order of Variance**  
**Martin County Beach Nourishment**  
**Permit No. 0295380-001-JC**  
**Variance No. 0295380-002-BV**  
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After reviewing the Petition for Variance, the Department concluded that it satisfied the requirements and criteria set forth in Section 403.201, Florida Statutes (F.S.), and Rule 62-110, F.A.C.

The *Consolidated Notice of Intent to Issue Joint Coastal Permit, Variance and Authorization to Use Sovereign Submerged Lands* notified Martin County of the Department's proposed agency action and advised them of their right to a hearing pursuant to Sections 120.569 and 120.57, F.S. On July 23, 2011, notice was given in Scripps Treasure Coast Newspaper and on June 24, 2011, notice was given in the Florida Administrative Weekly informing the public of the Department's intended action and offering an opportunity for hearing pursuant to Sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit A.

The Grantee and interested parties having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a Petition pursuant to Sections 120.569 and 120.57, F.S., are hereby deemed to have waived those rights. Acceptance of the variance constitutes notice and agreement that the Department will periodically review this variance for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof. It is therefore:

**ORDERED** by the State of Florida, Department of Environmental Protection, that the Petition by Martin County requesting a variance be and is hereby granted, subject to the conditions specified by the Department in Permit No. 0295380-001-JC.

Any Party to this Order has the right to seek judicial review of the Order Pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of the 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 this Order is filed with the clerk of the Department.

**DONE AND ORDERED** this 11<sup>th</sup> day of August, 2011, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Michael R. Barnett, P.E., Chief  
Bureau of Beaches and Coastal Systems



**Final Order of Variance  
Martin County Beach Nourishment  
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Attachment: Exhibit A (Variance Notice)

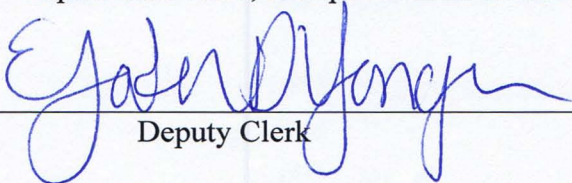
Copies furnished to:

Kathy FitzPatrick, Martin County  
Mary Ann Poole, FWC  
Robbin Trindell, FWC, ISMS  
Jennifer K. Smith, DEP SE District  
Robert Brantly, BBBS-CE  
Jennifer Koch, BBBS-CE  
Martin Seeling, BBBS-JCP  
Vladimir Kosmynin, BBBS-JCP  
Lainie Edwards, BBBS-JCP  
JCP Compliance Officer  
Mark Taynton, BBBS-CCCL  
Paden Woodruff, BBBS-BECP

Rob Buda, BBBS-BECP  
Alex Reed, BBBS-BECP  
Roxane Dow, BBBS-BECP  
Jocelyn Karazsia, NMFS, West Palm Beach  
Audra Livergood, NMFS, Ft. Lauderdale  
Jeffrey Howe, USFWS, Vero Beach  
Ron Miedema, USEPA, West Palm Beach  
Nelson Colón, USACE, Jacksonville  
Paul DeMarco, USACE, Jacksonville  
Albie Scoggins, City of Stuart  
BBBS 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.

 8/11/11  
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Deputy Clerk Date

Prepared by: Stephanie Gudeman