



Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

March 13, 2017

Richard Bouchard, P.E.
St. Lucie County Erosion District
2300 Virginia Avenue
Fort Pierce, Florida 34982

and

Michael Trudnak, Senior Engineer
Taylor Engineering
10151 Deerwood Park Boulevard
Building 300, Suite 300
Jacksonville, Florida 32256

Permit Modification No. 0327791-002-JN
Permit No. 0327791-001-JC, St. Lucie County
Ft. Pierce Inlet Sediment Impoundment Basin

Mr. Bouchard:

Your request to modify Permit No. 0327791-001-JC was received on June 1, 2016, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to:

- authorize the offshore borrow source known as Capron Shoal, permitted under Permit No. 0269646-001-JC, for beach placement under Permit No. 0327791-001-JC;
- authorize the use of two (2) upland sand sources for truck haul nourishments: Stewart Materials' Fort Pierce sand mine and E.R. Jahna Industries' Ortona sand mine;
- waive permit required nearshore hardbottom monitoring following "small scale" truck haul nourishments (this component was later withdrawn);
- authorize construction to occur through May 15 between Department reference monuments R-37 and R-41 and through May 30 between R-34 and R-37; and
- authorization of the use of maintenance dredged material from the Atlantic Intercoastal Waterway in the vicinity of Ft. Pierce Harbor as a beach fill source.

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 2 of 14

The proposed permit modification combines the activities authorized by Permit No. 0269646-001-JC, Ft. Pierce Shore Protection Project, into Permit No. 0327791-001-JC, Fort Pierce Inlet Sediment Impoundment Basin, and adds additional sand source options.

History

The Ft. Pierce Shore Protection project was first constructed in 1971 by the U.S. Army Corps of Engineers (Corps). Approximately 718,000 cubic yards of beach quality sand from a nearshore borrow area was placed between Department Reference Monuments R-34 and R-41 in this initial beach restoration event. The Corps nourished the beach in 1980 with approximately 346,000 cubic yards of sand. The beach was nourished again in 1999, 2003, 2004 and 2005.

In 1994, three sand-filled geotextile fabric tubes were placed as groins within 1,000 feet of the south jetty, as authorized by Permit No. **56-221185-9**, to help combat erosion. In 1997, a spur was added to the south jetty under Permit No. **56-285573-9** to minimize the loss of sand into the inlet.

On May 11, 1998, the Department issued Permit No. **0126215-001-JC** to the St. Lucie County Erosion District for the Ft. Pierce Shore Protection Project. The Permittee placed approximately 830,000 cubic yards of sand between R-34 and R-41, using a nearshore borrow area. The Department also granted Variance No. **VE 56-722** for an expanded mixing zone of 150 meters offshore and 1,323 meters alongshore from the point of sand discharge. This nourishment work was completed in 1999.

On March 19, 2003, the Department issued Major Modification No. **0126215-002-JC** and Variance **0126215-003-EV**, to the St. Lucie Erosion District, which superseded Permit No. 0126215-001-JC and Variance No. VE 56-722. That action authorized: (1) an extension of the previous permit expiration date by five years (to 2008) in order to allow a one-time beach nourishment from the inlet south through R-41; (2) a change in the beach construction template in order to allow the placement of additional advance fill on the upper beach; (3) inclusion of a 20-foot wide band of sea oats along the landward edge of the berm; (4) the repositioning of the borrow area to the location of Capron Shoal, which was located immediately adjacent to the 1999 borrow area; and (5) the repositioning of the mitigation reef and an increase in its size, from 3.0 acres to 5.0 acres, to account for delays in construction and additional impacts that were not accounted for in the Department-approved design template. That project was completed in two phases, with 336,000 cubic yards of sand placed on the beach between the jetty and R-37 in 2003 and 406,000 cubic yards of sand placed on the beach between R-37 and R-41 in 2004. The mitigation reef was completed in early 2004. Public easement No. 31017 was recorded on April 30, 2003, for the extended use of the borrow area for Permit No. 0126215-002-JC.

On January 18, 2005, the Department issued Permit Modification No. **0126215-004-EM**, which authorized an additional (and final) nourishment event under Permit Number 0126215-002-JC to compensate for erosion induced by 2004 Hurricanes Frances and Jeanne. In that modification,

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 3 of 14

the Department imposed a cap of 500,000 cubic yards on the amount of sand placed to help minimize the chances of hardbottom impacts.

It was then determined that the 500,000 cubic yards of material authorized under 0126215-004-JC was insufficient to provide the benefits needed. Further, it was determined that the additional volume needed to fill the template would not increase the potential for hardbottom impacts, because the sand that had eroded from the beach was being lost to the system, and not accumulating in the nearshore. Therefore, the Department issued Modification No. **0126215-005-EM**, on May 5, 2005, to eliminate the volumetric limit on sand placement.

On May 17, 2005, the Department issued Permit Modification No. **0126215-006-EM** that incorporated standard Florida Fish and Wildlife Conservation Commission (FWC) shorebird conditions into the Specific Conditions of the permit. Permit No. 0126215-002-JC expired on March 18, 2006.

On February 23, 2007, the Department issued Joint Coastal Permit No. **0269646-001-JC** to St. Lucie County (later updated to be the St. Lucie County Erosion District)(Permittee). The federally-authorized project was to nourish the beach between R-34 and R-41 using approximately 500,000 cubic yards of material from Capron Shoal, which was the same borrow area that was used in the previous four (4) nourishment events (i.e., since 1999). Variance No. **0269646-002-EV** was issued in conjunction with this permit and authorized a temporary expanded mixing zone of up to 1,000 meters alongshore and up to 150 meters offshore from the point where runoff from the discharge pipe re-enters the ocean.

On May 30, 2007, the Department issued Permit Modification No. **0269646-003-EM** to extend the construction window of Permit No. 0269646-001-JC further into the marine turtle nesting season, for the 2007 nourishment event.

On November 19, 2008, the Department issued Permit Modification No. **0269646-004-JN**, which reduced the mixing zone for Permit No. 0269646-001-JC to 150 meters down current at the beach placement site. Previous intermediate turbidity monitoring within the mixing zone demonstrated that the expanded mixing zone authorized by Variance No. 0269646-002-EV was not necessary. The modification also allowed another extension of construction into the early portion of the sea turtle nesting period, for the 2009 nourishment only.

On February 4, 2009, the Department issued Permit Modification No. **0269646-005-JN** to eliminate night time turbidity monitoring for Permit No. 0269646-001-JC after determining it was not likely to result in water quality violations.

On April 9, 2009, the Department issued Permit Modification No. **0269646-006-JN** to revise Specific Condition 13 of Permit No. 0269646-001-JC, which originally required submittal of the Ft. Pierce Inlet Sediment Bypassing Plan prior to the second nourishment event. The modification established a timetable for submittal of the Bypassing Plan.

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 4 of 14

On April 4, 2011, the Department issued Permit Modification No. **0269646-007-JN** to authorize a one-time only use of upland borrow areas (Stewart Mining and Ranch Road Lake Mine) to nourish approximately 1,700 feet of shoreline immediately south of Fort Pierce Inlet.

On March 1, 2012, the Department issued Permit Modification No. **0269646-008-BN** to revise the marine turtle and shorebird monitoring conditions of Permit No. 0269646-001-JC. The construction window was modified to allow construction activities to occur during the early part of marine turtle nesting season, in any year of construction. Additionally, the modification eliminated the requirements for in-water marine turtle monitoring and for non-nesting seabird surveys.

On April 2, 2013, the Department issued Permit Modification No. **0269646-009-JN** to expand the authorized borrow area for Permit No. 0269646-001-JC. The borrow area was expanded into an adjacent borrow area, which had been previously authorized under Permit No. 0126215-001-JC, discussed above.

On June 17, 2013, the Department issued Permit Modification No. **0269646-010-JN** to update the previous lighting survey requirements in Specific Condition 14.h. of Permit No. 0269646-001-JC and to discontinue monitoring of the mitigation site.

On September 9, 2013, the Department issued Permit Modification No. **0269646-011-JN** to authorize the dredging of the Fort Pierce Inlet navigation channel and the section of the channel that crosses through the southern portion of the turning basin under Permit No. 0269646-001-JC. The event was divided into two phases. Permit Modification No. 0269646-011-JN authorized Phase 1, in which the Permittee dredged beach compatible material and placed it south of the Inlet, between R-34 and R-41. Phase 2 was conducted under a maintenance dredging exemption (File No. **0314145-002-EE**), in which they dredged non-compatible beach material and placed it offshore, in an approved Ocean Dredged Material Disposal Site (ODMDS).

On May 29, 2014, the Department issued Minor Modification No. **0269646-012-JN** to expand the permitted offshore borrow area located on Capron Shoal and to modify the fill template in Permit No. 0269646-001-JC to include a dune.

On April 22, 2014, the Department received a request from the Corps to modify Permit No. 0269646-001-JC in order to allow beach placement activities to continue into the 2014 marine turtle nesting season. However, on May 28, 2014, the Corps withdrew their request for minor modification, File No. **0269646-013-JN**.

On October 27, 2014, the Department issued Modification No. **0269646-014-JN** in order to correctly define the original Permittee as the St. Lucie County Erosion District for Permit No. 0269646-001-JC and Public Easement No. 31017.

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 5 of 14

On January 7, 2015, the Department issued administrative Modification No. **0269646-015-JN** in order to correct and update turbidity monitoring conditions. Turbidity monitoring conditions of the Permit were reverted back to those incorporated by Modification No. 0269646-005-JN for the 2015 nourishment. The modification also included updated, standard turbidity monitoring conditions for future nourishments.

On May 2, 2016, the Department issued Permit No. **0327791-001-JC** for the Ft. Pierce Inlet Sediment Impoundment Basin project. The permit authorized the construction of the sediment impoundment basin and eventual bypassing events of beach compatible material to the same beach placement template of Permit No. 0269646-001-JC.

For additional background, please see the *Consolidated Notice Of Intent To Issue Joint Coastal Permit And Authorization To Use Sovereign Submerged Lands* for Permit No. 0327791-001-JC at the following website:

ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/st_lucie/issued/0327791%20Ft.%20Pierce%20Inlet%20Sediment%20Impoundment%20Basin/Intent/

Staff Assessment and Justification

The Ft. Pierce Shore Protection Project, Permit No. 0269646-001-JC, and the Ft. Pierce Inlet Sediment Impoundment Basin project, Permit No. 0327791-001-JC, authorize the same beach placement template but with differing sediment sources. This permit modification seeks to combine the authorizations from both permits into one, the Ft. Pierce Inlet Sediment Impoundment Basin Permit. The offshore borrow area located on Capron Shoal authorized for beach placement by Permit No. 0269646-001-JC, has shown to consistently contain beach compatible material. The Department has sufficient geotechnical data to support the continued use of this offshore borrow source. An approved sediment QA/QC plan for offshore material will be attached to this modification. The Department will modify Easement Number 31017, BOT File Number 560226706, granted to the Permittee, St. Lucie County Erosion District, to apply to Permit No. 0327791-001-JC.

The permittee has submitted sufficient geotechnical data to support the authorization to utilize two (2) upland sand sources as needed for truck haul nourishments. The Department will modify Permit No. 0327791-001-JC, to authorize the Stewart Materials' Fort Pierce sand mine and E.R. Jahna Industries' Ortona sand mine as approved upland sand sources. An approved Sediment QA/QC plan for upland sources will be attached to this modification.

On March 1, 2012, the Department modified permit No. 0269646-001-JC to allow construction activities to occur during the early part of marine turtle nesting season during any year. Specifically, construction activities between Department Reference Monument R-34 and R-37 were authorized through May 30, and May 15, between R-37 and R-41. However, Permit No. 0327791-001-JC was

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 6 of 14

issued with a shorter construction window, requiring all construction activities cease prior to April 30. Florida Fish and Wildlife Conservation Commission (FWC) consultation with the U.S. Fish and Wildlife Service (FWS) confirmed that the 2008 Biological Opinion authorizing the extended construction windows still applies. Therefore, the Department will modify Permit No. 0327791-001-JC to reflect these dates.

The Permittee requested a permit modification to waive nearshore hardbottom monitoring for “small scale” truck haul nourishments. Currently, both Permit Nos. 0269646-001-JC and 0327791-001-JC require nearshore hardbottom monitoring following any sand placement event. Department staff expressed concern over how to define “small scale” nourishments and sought further clarification with the Permittee. Due to time constraints to authorize the other components of this modification, the Permittee has agreed to withdraw this portion of the modification request. The request to waive nearshore hardbottom monitoring following small scale truck haul nourishment events can be re-visited through a future modification request.

On February 28, 2017, the Department received an additional modification request, along with supporting data, to authorize maintenance dredged material from the Atlantic Intercoastal Waterway in the vicinity of Ft. Pierce Harbor be utilized as a potential sand source for beach nourishment under Permit No. 0327791-001-JC. Because this request was applicable to the upcoming 2017 dredge event, the Department combined this request with the existing modification request that was currently under review. Department staff evaluated the geotechnical data submitted, and has determined that the specific shoaling areas to be dredged in cut SL-5 (core borings SL-17-V-09 through SL-17-V-19 in the attached drawings) during the 2017 maintenance dredging event, with a maximum cut depth of -12 feet mean lower low water, meet the beach placement specifications for maintenance dredged material. However, the Department notes that future maintenance dredging events may target slightly different shoaling areas and thus cannot confirm the sediment specifications for future events. Therefore, should the Permittee seek to utilize maintenance dredged material for future nourishment events, an additional notice to proceed condition will be included requiring sufficient geotechnical data to be submitted and approved by the Department, prior to a request for notice to proceed. Because this sediment source is obtained through maintenance dredging, the use and beach placement of the material qualifies for a Letter of consent according to Rule 18-21.005(1)(c), Florida Administrative Code (F.A.C.). Given Department review of the proposed activity, consent is hereby granted pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

In consideration of the above, Permit No. 0327791-001-JC shall be modified as follows and therefore **shall supersede Permit No. 0269646-001-JC**.

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

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 7 of 14

The project is to construct a 3.1-acre sediment impoundment basin, place the non-compatible dredged material into an Ocean Dredged Material Disposal Site (ODMDS) and periodically bypass the beach-compatible material from the basin to the south side of the Fort Pierce Inlet. The impoundment basin will have a width of approximately 180 feet, a design depth of -30 feet North American Vertical Datum (NAVD), with a two-foot overdepth allowance for a total maximum dredge depth of -32 feet NAVD. The beach placement, including dune restoration, will have a berm width between 180 and 350 feet, a beach berm elevation of +6.8 NAVD at the toe of the dune, a beach berm slope of 1:100 (vertical:horizontal), and a berm foreshore slope of 1:10 (vertical:horizontal). The dune crest elevation is authorized to be +11.5 feet NAVD between Department range monument R-34 to R-36, and +12.5 feet NAVD between R-37 to R-41, a transitional area between R-36 and R- 37, and a dune foreshore slope of 1:10 (vertical:horizontal). A 0.3-acre mitigation reef will be constructed to offset 0.2 acres of direct impact to low-relief hardbottom located within the sediment impoundment basin construction site. The project also includes the authorization to utilize the offshore borrow area known as Capron Shoal, two upland sand sources (Stewart Materials' Fort Pierce sand mine and E.R. Jahna Industries' Ortona sand mine), and Atlantic Intercoastal Waterway maintenance dredged material (as approved by the Department prior to each event) as sand sources for beach nourishment activities.

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

The sediment impoundment basin site is located adjacent to the entrance channel, within Fort Pierce Inlet, St. Lucie County, in Section 36, Township 34 South, and Range 40 East. The sand placement site is located between R-34 and R-41, extending into the Atlantic Ocean, Class III Waters. The ODMDS is located in federal waters. The mitigation reef sites are located within the Fort Pierce Inlet, St. Lucie County, approximately 8,000 feet to the west of the sediment impoundment basin site. The offshore borrow area is located approximately 3 miles offshore of the nourishment site, on Capron Shoal, Atlantic Ocean, Class III Waters. The specific stretch of Atlantic Intercoastal Waterway, where maintenance dredged material will be utilized as beach material, is west of Ft. Pierce Inlet, Class III Waters, St. Lucie County.

The specific conditions shall be revised as follows (~~striketroughs~~ are deletions, underlines are additions):

5. No work shall be conducted under this permit until the Permittee has received a written **Notice to Proceed** from the Department for each event. At least 30 days prior to the requested date of issuance of the notice to proceed, the Permittee shall submit a written request for a Notice to Proceed along with the following items for review and approval by the Department:

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 8 of 14

- a. Documentation that the *Public Easements* haves been executed and recorded to the satisfaction of the Department;
- b. *Turbidity monitoring qualifications*. In order to assure that turbidity levels do not exceed the compliance standards established in this permit, construction at the project site shall be monitored closely by an independent third party with formal training in water quality monitoring and professional experience in turbidity monitoring for coastal construction projects. Also, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions, along with 24-hour contact information, shall be submitted for approval by the Department;
- c. A *Scope of Work* for the turbidity monitoring to ensure that the right equipment is available to conduct the monitoring correctly at any location, and under any conditions;
- d. A *Baseline Nearshore Hardbottom Survey*. A full pre-construction (baseline) survey of the hardbottom impact site (within the impoundment basin as well as potential impact sites of 150 meters surrounding the impoundment basin; applies only to initial construction of impoundment basin); and the hardbottom mitigation site (applies only to initial construction of impoundment basin), the proposed pipeline corridor areas, and the nearshore hardbottom areas adjacent to the beach fill area, if conducting beach nourishment, shall be completed and submitted to the Department prior to the issuance of the Notice to Proceed. This survey shall comply with, and meet the requirements of, the applicable Approved Biological Monitoring Plan;
- e. A detailed *Physical Monitoring Plan* subject to review and approval by the Department; and
- f. A detailed *Mitigation Plan* subject to review and approval by the Department, see Specific Condition 31 for specific guidance; ~~and~~
- g. Documentation from the U.S. Fish and Wildlife Service (FWS) that this work will be covered under a Statewide Programmatic **Biological Opinion** or a Biological Opinions (BO) issued for construction on this project site. If the BO contains conditions that are not already contained herein, the Notice to Proceed will not be issued until the permit has been modified to include those additional conditions; and-

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 9 of 14

- h. For nourishment events following the 2017 event utilizing Atlantic Intercoastal Waterway maintenance dredged material: **Prior to request for a Notice to Proceed** the Permittee shall submit geotechnical data providing reasonable assurance that the material to be placed on the beach meets the specifications of Rule 62B-41.007(2)(j) and/or (k). Once approved by the Department, authorized areas shall be incorporated into the permit through a modification.
15. **Marine Turtle Nest Surveys and Relocation.** Daily surveys shall be conducted between sunrise and 9 a.m. of all sandy beaches within the project area that are seaward of any existing coastal armoring structures or dune crest, and all areas used for beach access. No construction activity outside of the authorized nighttime work area (see Specific Condition 17) may commence until completion of the marine turtle survey each day. All work outside of the authorized nighttime work area shall be conducted during daylight hours only and all depressions, ruts and holes shall be removed from the beach each day prior to 9 pm.
- a. Turtle Monitors. Nesting surveys and egg relocations shall only be conducted by persons with prior experience and training in these activities and who are duly authorized to conduct such activities through a valid permit issued by FWC, pursuant to Chapter 68E-1, F.A.C. Please contact FWC's Marine Turtle Management Program in Tequesta at MTP@myfwc.com for information on the turtle permit holder in the project area. It is the responsibility of the Permittee to ensure that nesting surveys are completed by the authorized Marine Turtle Permit Holder.
- b. Sand placement shall occur outside of the marine turtle nesting season, which starts on March 1 and ends on November 30.
- c. Construction-related activities are authorized to occur at the beginning and end of the sea turtle nesting season (March 1 through May 30 between R-34 and R-37 and March 1 through May 15 between R-37 and R-41~~April 30~~, and November 1 through November 30) under the following conditions:
- i. Marine Turtle Nesting surveys, to assess hatching success, shall be initiated by March 1 and shall continue through October 31, or until the last marked nest has hatched. After the sand placement is completed, marine turtle nest monitoring and reporting shall continue throughout the nesting season, and shall be conducted according to the *Post-construction Monitoring and Reporting of Marine Turtle Nesting* requirements in Specific Condition 21.

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 10 of 14

- ii. During the period from March 1 through May 30 between R-34 and R-37 and March 1 through May 15 between R-37 and R-41~~April 30~~, daytime surveys shall be conducted for leatherback sea turtle nests beginning March 1. Nighttime surveys for leatherback marine turtles shall begin when the first leatherback crawl is recorded within the project or adjacent beach area through April 30, or until completion of the project, whichever is earliest. Nightly nesting surveys shall be conducted from 9 p.m. until 6 a.m. The project area shall be surveyed at 1-hour intervals and eggs shall be relocated per the requirements in Specific Condition 14d. Since leatherbacks require at least 1.5 hours to complete nesting, the 1-hour interval will ensure that all nesting leatherbacks are encountered.
- d. If nests are laid in areas where they may be affected by sand placement activities, eggs shall be relocated per the requirements below.
 - i. Only those nests laid in the area where sand placement will occur shall be relocated. Nest relocation shall no longer occur after the sand placement is completed. Nests requiring relocation shall be moved no later than 9:00 a.m., the morning following deposition, to a nearby self-release beach site in a secure setting, where artificial lighting would not interfere with hatchling orientation. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of beach settings that are not expected to experience any of the following: inundation by high tides; severe erosion; previous egg loss; or illumination by artificial lighting. Nest relocations in association with construction activities shall cease when sand placement activities no longer threaten nests.

Nests deposited within areas where construction activities will not occur for 65 days, or nests laid in the nourished berm prior to tilling, shall be marked and left in place. The turtle permit holder shall install an on-beach marker at the nest site and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located in the future should the on-beach marker be lost. No activity shall occur within this area, nor shall any activities occur that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.

35. For the 2017 event, the utilization of material for beach fill from the Atlantic Intercoastal Waterway maintenance dredging shall be limited to Cut 5, specifically within the areas from core boring SL-17-V-09 through SL-17-V-19, as labeled on the attached drawings. The authorized cut depth is -12 feet mean

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 11 of 14

lower low water, and avoids areas known to contain high silt content.

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

Sheets 1 through 15, dated May 2016, shall **replace** sheets 1 through 11, dated December 2015.

Sheets C-2 through C-5, dated March 10, 2017, shall be added the set of approved permit drawings

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

This letter of approval does not alter the April 29, 2031, expiration date of the permit. The only Specific Conditions of the permit that are altered by this modification are those stated above. This letter the attached drawings and or the attached plans must be attached to the original permit.

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

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 12 of 14

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing 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, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant 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 failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 13 of 14

proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative 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 for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 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 action 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 Gregory Garis by email at gregory.garis@dep.state.fl.us or by telephone at (850) 245-8280.

Notice of Permit Modification
Permit Modification No. 0327791-002-JN
Ft Pierce Inlet Sediment Impoundment Basin
Page 14 of 14

Attachments: Drawings (Sheets 1 through 15, dated May 2016, and Sheets C-2 through C-5, dated March 10, 2017)

Plans (Upland Sediment QA/QC plan, dated June 2016, Offshore Sediment QA/QC plan, dated June 2016, and Maintenance Dredge Material Sediment QA/QC plan, dated March 2017)

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Lainie Edwards, Ph.D.
Program Administrator
Beaches, Inlets and Ports Program
Division of Water Resource Management

CERTIFICATE OF SERVICE

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

cc: Bill Aley, Taylor Engineering	Bob Brantly, DWRM
Marty Seeling, DWRM	Krista Sabin, Corps
Catherine Florko, BMFA	MarineTurtle@myfwc.com
Brendan Biggs, DWRM	John Renfranz, DEP, SE District
Jennifer Steele, DWRM	

FILING AND ACKNOWLEDGMENT

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



Clerk

03/13/2017

Date