

U.S. Army Corps of Engineers

Permit No.: 0129248-002-JC

April 17, 2001

Page 4

period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

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

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

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

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; and
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action;

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

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301. Under section 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

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

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-103.150, F.A.C., a person who has actual knowledge of the agency action or has knowledge which would lead a reasonable person to conclude that the Department has taken final agency action, has a duty to make further inquiry within 14 days of obtaining such knowledge by contacting the Department to ascertain whether action has occurred. The Department shall upon receipt of such an inquiry, if agency action has occurred, promptly provide the person with notice as prescribed by Rule 62-103.150, F.A.C. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule 62-103.150, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition. A copy of the notice is enclosed.

This permit modification constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

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

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

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

Sincerely,



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

MKS/kjm
attachments

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.

Jeanne Green 4/27/01
Deputy Clerk Date

copies furnished to:

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

FIGURE 1: LOCATION MAP AND PLAN VIEW

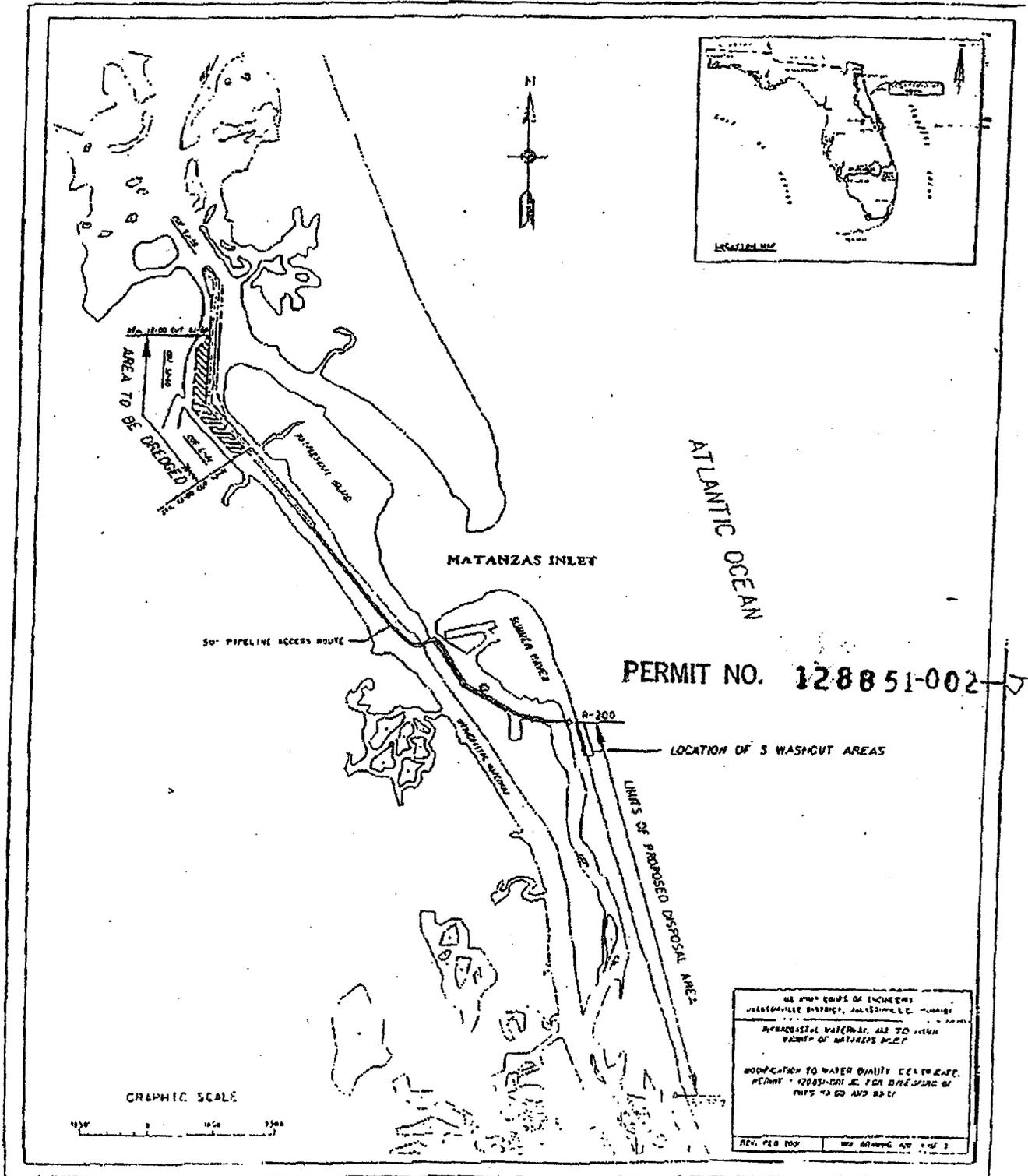
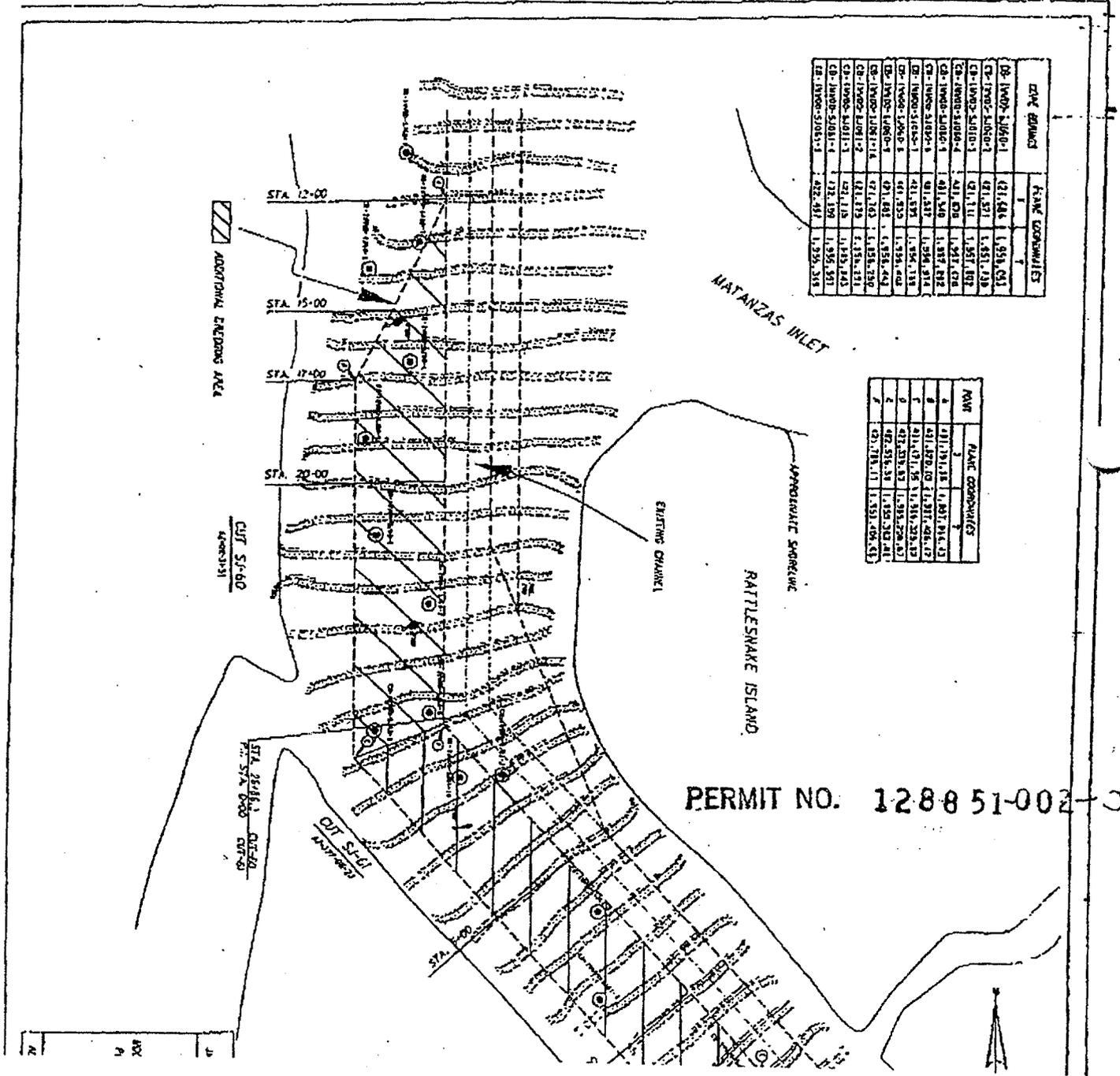


FIGURE 2: PROJECT DRAWING



CESAD-ET-CO (CESAJ-CO-OM/1 Feb 00) (11-2-240a) 1st End Ms. Susan Whittington/jag/404-562-5133

SUBJECT: Advanced Maintenance Dredging of the Atlantic Intracoastal Waterway (IWW) Jacksonville to Miami, in the Vicinity of Matanzas Inlet, St. Johns County, Florida

Commander, South Atlantic Division, U.S. Army Corps of Engineers, Room 9M15, 60 Forsyth Street, SW., Atlanta, GA 30335-6801

13 September 2000

FOR COMMANDER, JACKSONVILLE DISTRICT, ATTN: CESAJ-CO-M

1. Your request to perform advanced maintenance in subject channels is approved subject to completing all appropriate environmental documentation, coordination, and clearance.

2. As all costs involved with this advanced maintenance dredging will be paid by the Florida Inland Navigation District (FIND) under an existing Memorandum of Agreement, we are not requiring the standard cost savings analysis. Therefore, all advanced maintenance dredging performed under this approval must be funded by FIND. Advanced maintenance approval must be requested separately for any work in this area for which Federal funds will be utilized.

FOR THE DIRECTOR OF ENGINEERING AND TECHNICAL SERVICES:

Susan S. Whittington

SUSAN S. WHITTINGTON
Acting Chief, Operations Division
Directorate of Engineering
and Technical Services

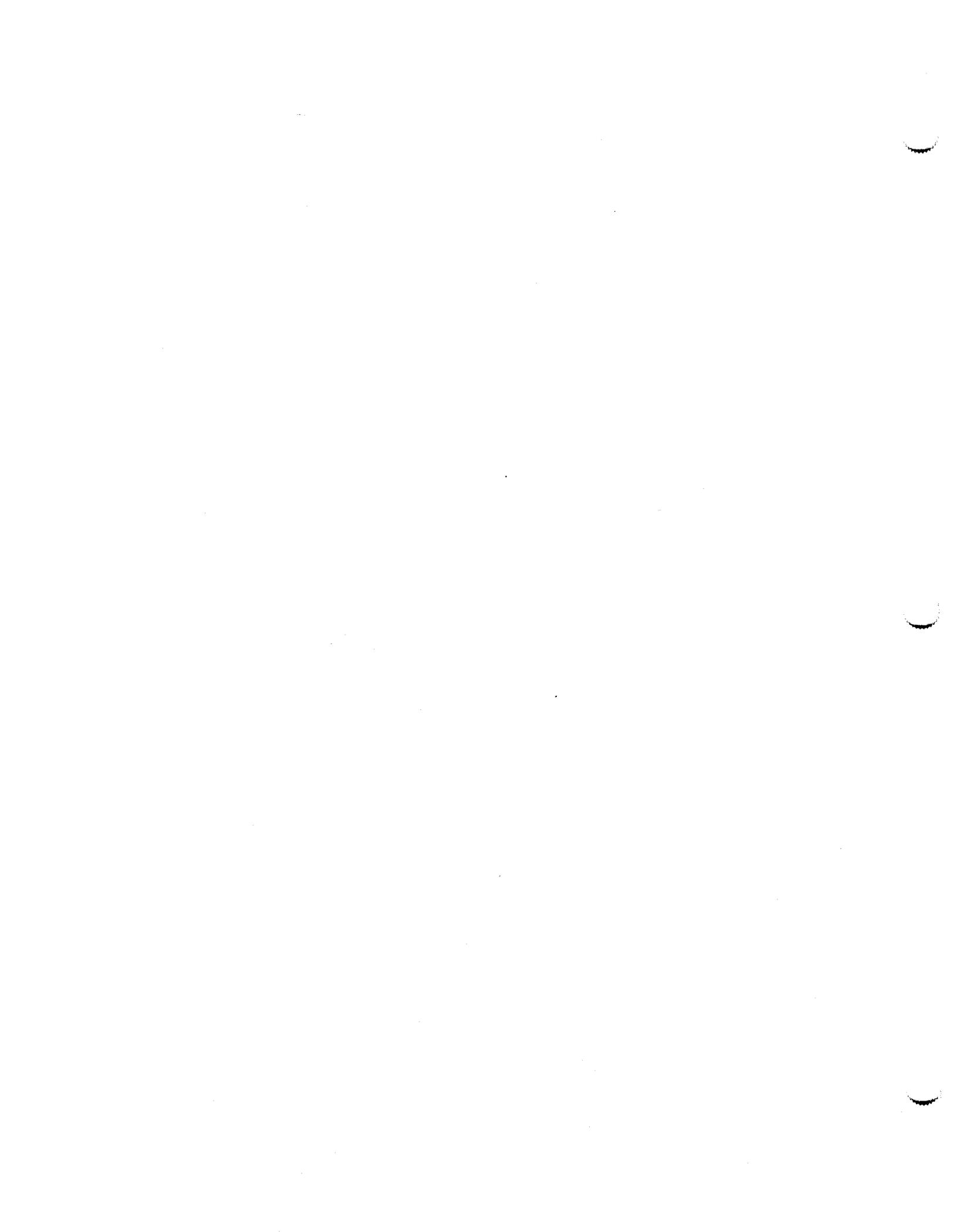
Encl
nc

OPTIONAL FORM 89 (7-90) *Originals are in the mail!*

FAX TRANSMITTAL # of pages *1*

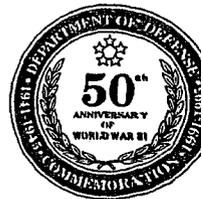
To <i>Dan Beasley</i>	From <i>Susan Whittington</i>
Dept./Agency	Phone #
Fax #	Fax #

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION





DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019



01 February 2000

REPLY TO
ATTENTION OF

CESAJ-CO-OM (11-2-240a)

MEMORANDUM FOR CDR, USAED (CESAD-ET-CO-M), ATLANTA, GA 30335

SUBJECT: Advanced Maintenance Dredging of the Atlantic Intracoastal Waterway (IWW) Jacksonville to Miami, in the Vicinity of Matanzas Inlet, St. Johns County, Florida

1. Reference ER 1130-2-520.
2. Advanced maintenance dredging is proposed for the IWW in the vicinity of Matanzas Inlet to:
 - a. Reduce the frequency of dredging required for this reach of the IWW.
 - b. Reduce hazardous shoaling that is limiting the draft of vessels along this reach of waterway. The advanced maintenance will provide the most efficient and cost effective solution for maintaining the channel at project depths.
3. This is an extremely fast shoaling area. Six months after the area was last dredged, the channel width was reduced to less than half the authorized channel due to shoaling. It is difficult to maintain channel depths because of its proximity to Matanzas Inlet. The authorized depth is 12 feet MLW. Water depth adjacent to the channel is shallow. We are proposing to perform advance maintenance to project depth adjacent to the authorized channel during the current dredging project. This will allow the channel to remain at authorized depths for a longer period of time, thus reducing the required dredging frequency.
4. The Florida Inland Navigation District (FIND) is the sponsor for the project. FIND and the Corps of Engineers have a Memorandum of Agreement for FIND to contribute funds for the operation and maintenance of the IWW. FIND requested that we perform this advanced maintenance dredging in conjunction with the on-going maintenance dredging in the vicinity, and that they are agreeable to paying 100% of the cost to perform this advance maintenance. Accordingly, no economical analysis is needed.

CESAJ-CO-OM (11-2-240a)

SUBJECT: Advanced Maintenance Dredging of the Atlantic Intracoastal Waterway (IWW) Jacksonville to Miami, in the Vicinity of Matanzas Inlet, St. Johns County, Florida

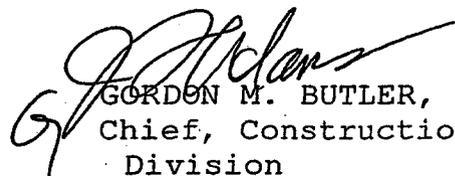
This advance maintenance request is to dredge the areas shown on the attached map. The verbal description of the area to be dredged is as follows:

- a. Cut SJ-60 (Range 0 to -250) from Station 10+00 to 26+86.3
- b. Cut SJ-61 (Range 0 to -250) from Station 0+00 to 13+00

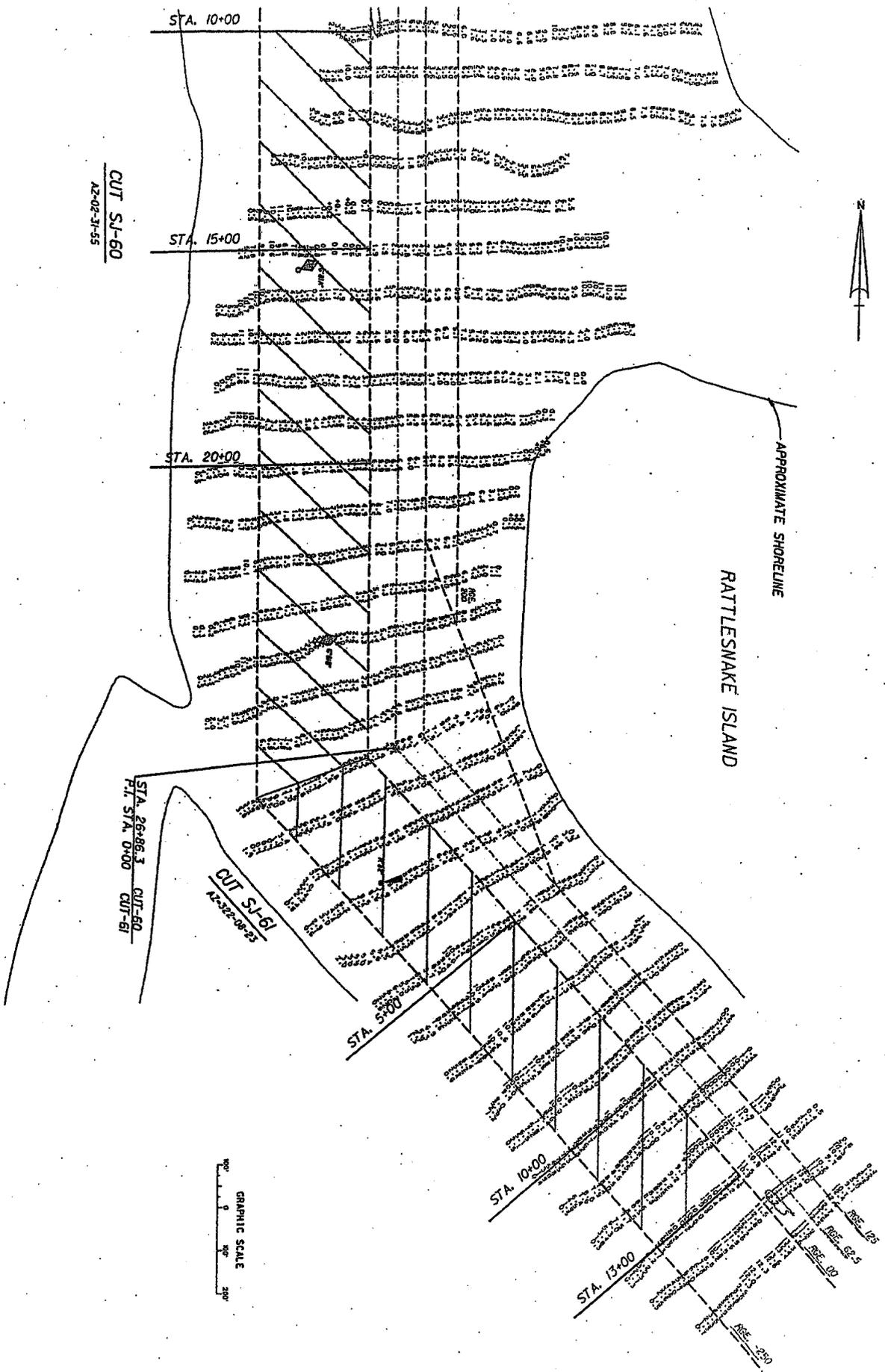
5. We are in the process of acquiring the environmental and cultural clearances for performing this advanced maintenance dredging. If advanced maintenance dredging is performed in this area, we will closely monitor the effectiveness of the dredging. If federal funding were available, it would certainly be beneficial to dredge the areas listed above.

6. Point of Contact for this memorandum is Al Fletcher at (904) 232-2530.

Encl

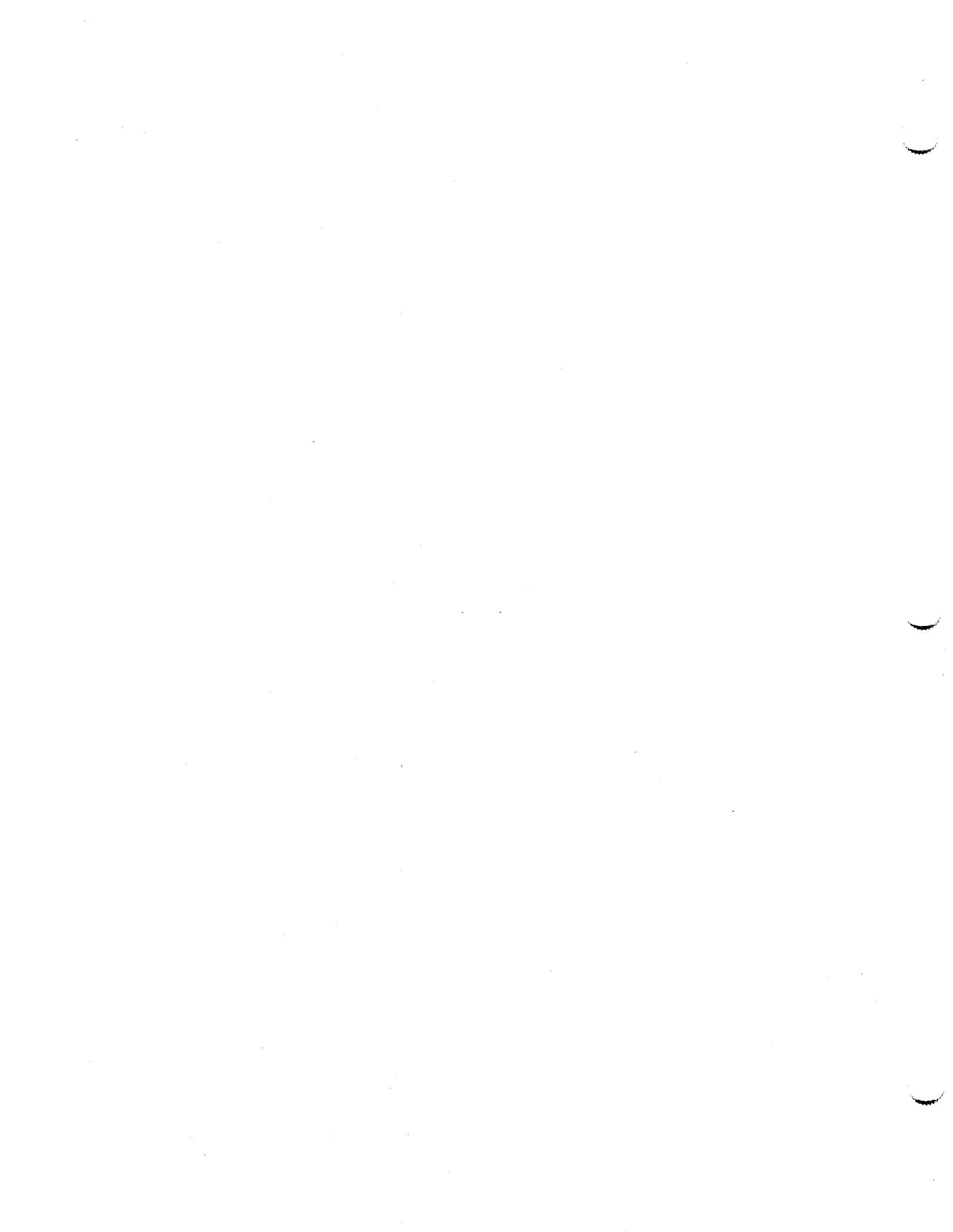

GORDON M. BUTLER, JR.
Chief, Construction-Operations
Division

CF:
DP-I/Fore



GRAPHIC SCALE
0 5 20
feet







DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019



REPLY TO
ATTENTION OF

March 7, 2001

Construction-Operations Division
Public Notice NO. PN-CO-IWW-216a

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The District Engineer, Jacksonville District, U.S. Army Corps of Engineers, has forwarded a request to the State of Florida Department of Environmental Protection for a Water Quality Certification, pursuant to Section 401 of the Clean Water Act of 1977. This Federal project is being evaluated and coordinated pursuant to 33 CFR 335 through 338.

Comments regarding the project should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice. Any person who has an interest that may be affected by the construction of this project may request a public hearing. The request must be a written submittal to the District Engineer within 30 days of the date of this notice and must clearly state the interest and the manner in which the interest may be affected by this activity.

If you have any questions concerning this application, you may contact Mr. Al Fletcher of this office, telephone 904-232-2530.

WATERWAY & LOCATION: Intracoastal Waterway (IWW) Cuts SJ-60 through SJ-61, in the vicinity of Matanzas Inlet, St. Johns County, Florida will be dredged. The enclosed drawings show the project where the dredging and beach placement is to take place.

WORK & PURPOSE: The proposed work consists of maintenance dredging of a 250' wide by 3000' long widener adjacent to Cuts SJ-60 and SJ-61 and placing the material south of Matanzas Inlet. The area will be mechanically and/or hydraulically dredged to a project depth of 12' to decrease the frequency of future dredging in the area and provide a more stable channel for boat traffic. Approximately 212,000 cy of material will be dredged and placed on the beach in the Summer Haven area between DNR monuments R-200 and R-208.

Material samples have been taken from the proposed dredging areas. The data indicates that the material is beach quality, and copies of this data have been provided to the Florida Department of Environmental Protection as a part of the Water Quality Certification application process. All dredging operations will conform to the provisions of the State Water Quality Certificate for the location being dredged. Also at the request of St. Johns Co., a portion of the material will be placed in such a manner as to repair five overwash areas on Summer Haven Beach which received erosion damage during Hurricane Floyd.

PROJECT AUTHORIZATION: Intracoastal Waterway, Jacksonville to Miami, Florida - House Document 740, 79th Congress, 2nd Session, 2 March 1945.

APPLICABLE LAWS: The following laws are, or may be, applicable to the review of the proposed disposal sites and to the activities affiliated with this Federal project:

1. Section 404 of the Clean Water Act of 1977 (PL 95-217) (33 U.S.C. 1344).
2. Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (PL 92-532) (33 U.S.C. 1413, 86 Stat. 1052).
3. Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (PL 92-532, 86 Stat. 1052).
4. The National Environmental Policy Act of 1969 (PL 91-190) (42 U.S.C. 4321-4347).
5. Sections 307(c)(1) and (2) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(1) and (2), 86 Stat. 1280).
6. The Fish and Wildlife Act of 1956 (16 U.S.C. 472a et seq).
7. The Migratory Marine Game-Fish Act of 1959 (16 U.S.C. 760c-760g).
8. The Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661-666c).
9. The Endangered Species Act of 1973 (PL 93-205) (16 U.S.C. 668aa-668cc-6, 87 Stat. 884).

10. The National Historic Preservation Act of 1966 (16 U.S.C. 470, 80 Stat. 915).

11. Section 313 of the Clean Water Act of 1977 (33 U.S.C. 1323, 85 Stat. 816).

12. The Magnuson-Stevens Fishery Conservation and Management Act of 1996 (16 USC 1801 et seq. PL 104-208).

COASTAL ZONE MANAGEMENT: The proposed project has been evaluated in accordance with the Florida Coastal Zone Management Act and determined to be consistent with the goals and intent of the appropriate State statutes. This determination is based on the Environmental Assessment, the Section 404(b)(1) Evaluation, and the Coastal Zone Consistency Determination. Full compliance would be confirmed by issuance of the Water Quality Certification from the State.

EVALUATION: An Environmental Assessment (EA) is being prepared for this project. Preliminary evaluation of the available information indicates that the proposed project will have no significant impact on the quality of the human environment and an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA) will not be required. A separate Environmental Assessment has previously been prepared for the IWW in the vicinity of Mantanzas Inlet (August 1998).

ENDANGERED SPECIES: Consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act is underway. Preliminary evaluation indicates that sea turtles and manatees may be affected by the dredging and beach placement activities. Therefore, all standard conditions and protection practices for the sea turtles, manatees, as well as migratory birds, and all other local threatened or endangered species will be adhered to during the dredging and disposal operations.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 17.2 acres of estuarine substrata possibly utilized by various life stages of red drum, penaeid shrimp, snappers, as well as other species. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries along the eastern coast of Florida. Our final determination relative to project

impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

EVALUATION FACTORS: All factors, which may be relevant to the proposal, will be considered including the cumulative effects thereof. Among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic resources, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

HISTORICAL RESOURCES: Historic property investigations have been conducted and coordinated with the State Historic Preservation Office. Additional consultation will be conducted.

OTHER IMPORTANT RESOURCES: Other important resources considered in the environmental assessment will include wetlands and oyster beds. Additional consultation with state and federal agencies will be conducted.

DISSEMINATION OF NOTICE: You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have an interest in this matter.

COORDINATION: This notice is being sent to the following agencies:

FEDERAL AGENCIES:

FEDERAL HIGHWAY ADMINISTRATION
U.S. COAST GUARD
U.S. FISH & WILDLIFE SERVICE
ATLANTIC MARINE CENTER
NATIONAL MARINE FISHERIES SERVICE
NATIONAL PARK SERVICE
U.S. GEOLOGICAL SURVEY
FEDERAL ENERGY REGULATIONS
U.S. ENVIRONMENTAL PROTECTION AGENCY
NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC ADMINISTRATION
FEDERAL MARITIME COMMISSION
U.S. DEPARTMENT OF AGRICULTURE

STATE AGENCIES:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF SOLID WASTE MANAGEMENT
FLORIDA INLAND NAVIGATION DISTRICT
FLORIDA GAME & FRESH WATER FISH COMMISSION
DIVISION OF ARCHIVES, HISTORY & RECORDS
STATE HISTORIC PRESERVATION OFFICE
FLORIDA DEPARTMENT OF TRANSPORTATION
SOIL CONSERVATION SERVICE
PLANNING MANAGER BUREAU OF SUBMERGED LANDS DEPARTMENT
BUREAU OF SOIL AND WATER CONSERVATION
FLORIDA OFFICE OF ENTOMOLOGY
ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
FLORIDA STATE CLEARINGHOUSE
FLORIDA MARINE PATROL
BUREAU OF STATE PLANNING
FLORIDA DIVISION OF RECREATION
NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL
HABITAT CONSERVATION SERVICE
FLORIDA STATE CONSERVATION SERVICE

ENVIRONMENTAL ORGANIZATIONS:

FLORIDA AUDUBON SOCIETY
FLORIDA WILDLIFE FEDERATION
SIERRA CLUB
FLORIDA DEFENDERS OF THE ENVIRONMENT
NATIONAL ESTUARY PROGRAM

LOCAL GOVERNMENTS AND ORGANIZATIONS:

BOARD OF COMMISSIONERS, ST. JOHNS COUNTY
ST. AUGUSTINE PORT AND WATERWAY AUTHORITY, FL
CITY OF ST. AUGUSTINE, FL
CITY OF ST. AUGUSTINE BEACH, FL
ANASTASIA STATE RECREATION AREA, FL
DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT
SOUTH FLORIDA REGIONAL PLANNING COUNCIL

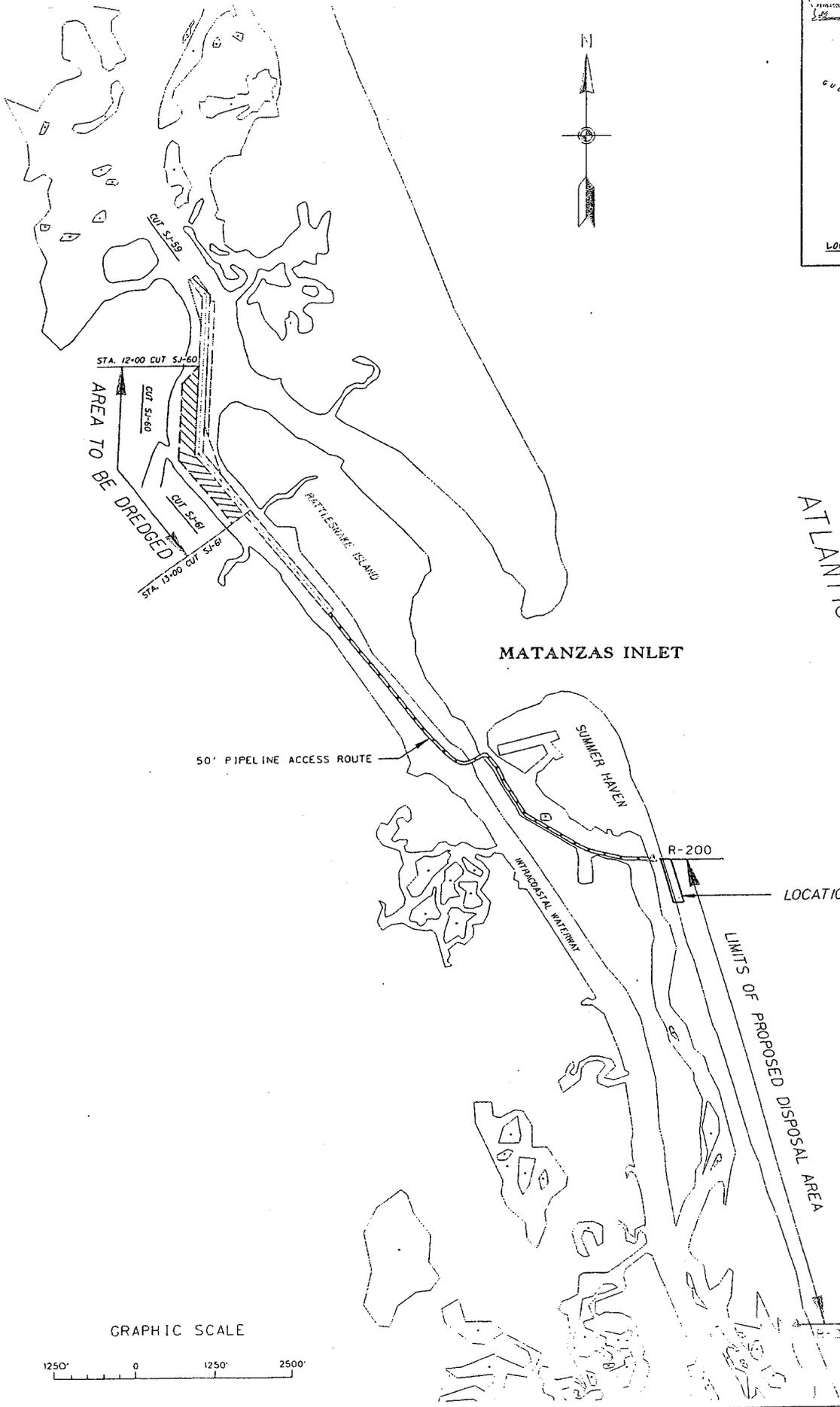
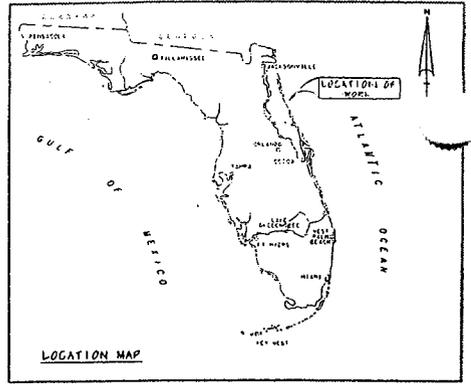
FOR THE COMMANDER:

Encl

CF:
DP-~~F~~/Fore
✓ PD-ER/Stodola



13 Gordon M. Butler Jr.
Chief, Construction-Operations
Division



ATLANTIC OCEAN

MATANZAS INLET

LOCATION OF 5 WASHOUT AREAS

GRAPHIC SCALE



US ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT, JACKSONVILLE, FLORIDA	
INTRACOASTAL WATERWAY, JAX TO MIAMI VICINITY OF MATANZAS INLET	
MODIFICATION TO WATER QUALITY CERTIFICATE PERMIT # 128851-001-JC, FOR DREDGING CUTS SJ-60 AND SJ-61	
REV: FEB 2001	WOC DRAWING NO. 1 OF 3