



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
 400 HIGH POINT DRIVE, SUITE 600
 COCOA, FLORIDA 32926

REPLY TO
ATTENTION OF

April 19, 2012

Regulatory Division
 North Permits Branch
 Cocoa Regulatory Office
 SAJ-2007-05637 (SP-TSD)
 Modification- # 1

United States Department of the Navy
 C/o Lieutenant Matthew Maples
 PO Box 1623
 Cape Canaveral, FL 32920-1623

Dear Lieutenant Maples:

The U.S. Army Corps of Engineers has completed the review and evaluation of your modification request in which you asked to update the disposal release zones so that they would be consistent with the February 2012 updated Canaveral Harbor Ocean Dredged Material Disposal Site (ODMDS) Site Management and Monitoring Plan (SMMP). The project referenced Department of the Army permit number SAJ-2007-05637, the United States Department of Navy, Canaveral Harbor maintenance dredge project.

This modification replaces Attachment 1, Drawing 13 of 13 with the two attached exhibits, referenced as Modification 1, Drawing 1 and 2 of 2. In addition, several Special Conditions are hereby modified to your permit so that they are consistent with the February 2012 Canaveral Harbor ODMDS SMMP:

Special Condition 20: Canaveral Harbor ODMDS: The Canaveral Harbor ODMDS is defined as the rectangle with center coordinates of 28° 18.750' N latitude and 80° 30.986' W longitude (NAD 83) or state plane coordinates 1,446,630 ft N and 811,757 ft E (NAD83). The site coordinates are as follows:

	Geographic NAD 83		State Plane (Florida East 0901 U.S. Ft) NAD 83	
North	28° 20.267' N	80° 31.170' W	1,455,819 N	810,734 E
East	28° 18.867' N	80° 29.236' W	1,447,378 N	821,139 E
South	28° 17.234' N	80° 30.870' W	1,437,446 N	812,416 E
West	28° 18.617' N	80° 32.736' W	1,445,788 N	802,376 E

Special Condition 21: When dredge material is disposed, no portion of the hopper dredge or disposal barge or scow shall be outside of the boundaries of the Canaveral Harbor ODMDS as defined in Special Condition 20. Additionally, disposal shall be initiated within the disposal release zone defined by the attached revised exhibits identified as Modification 1, Drawing 1 and 2 of 2. The permittee shall ensure the hopper dredge or scow shall be in the closed position and all discharge of material has ceased before the disposal vessel leaves the ODMDS.

Special Condition 22: Disposal Operations Compliance: A disposal operations inspector and/or captain of any tug boat, hopper dredge or other vessel used to transport dredged material to the Canaveral Harbor ODMDS shall insure compliance with disposal operation conditions defined in this permit.

1. If the disposal operations inspector or the captain detects a violation, he shall report the violation to the Permittee immediately.
2. The permittee shall contact the U.S. Army Corps of Engineers, Jacksonville District's Regulatory Division (904-232-1677) and EPA Region 4 at (404) 562-9391 to report the violation within twenty-four (24) hours after the violation occurs. A complete written explanation of any permit violation shall be included in the disposal summary compliance report.

Special Condition 24: Monitoring Requirements: The permittee shall use an electronic tracking system (ETS) that will continuously track the horizontal location and draft condition of the disposal vessel (hopper dredge or disposal barge or scow) to and from the Canaveral Harbor ODMDS. Data shall be collected at least every 500 feet during travel to and from the ODMDS and every minute or every 200 feet of travel, whichever is smaller, while approaching within 1,000 feet and within the ODMDS. The permittee shall use Florida State Plane or latitude and longitude coordinates (North American Datum 1983). State Plane coordinates shall be reported to the nearest foot and latitude and longitude coordinates shall be reported as decimal degrees out to 6 decimals. Westerly longitudes are to be reported as negative. Draft readings shall be recorded in feet out to 2 decimals.

Special Condition 25: Electronic Tracking System and Load Data: The Permittee shall use an electronic positioning system to navigate to and from the Canaveral Harbor ODMDS. For this section of the permit, the electronic positioning system is defined as: a differential global positioning system or a microwave line of site system. Use of LORAN-C alone is not an acceptable electronic positioning system for disposal operations at the Canaveral Harbor ODMDS. If the electronic positioning system fails or navigation problems are detected, all disposal operations shall cease until the failure or navigation problems are corrected.

The Permittee shall record electronically for each load the following information:

- a. Load Number
- b. Disposal Vessel or Scow Name
- c. Tow Vessel Name (if scow used)

- d. Captain of Disposal or Tow Vessel
- e. Estimated volume of Load
- f. Description of Material Disposed
- g. Source of Dredged Material
- h. Date, Time, and Location at Start at Initiation and Completion of Disposal Event
- i. The ETS data required above.

The permittee shall certify the accuracy of the electronic positioning system proposed for use during disposal operations at the Canaveral Harbor ODMDS. The certification shall be accomplished by direct comparison of the electronic positioning system's accuracy with a known fixed point.

Special Condition 28: Reporting Requirements:

- A. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following addresses: U.S. Army Corps of Engineers (Corps), Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, Florida 32232-0019 and U. S. Environmental Protection Agency (EPA) Region 4's Wetlands, Coastal and Oceans Branch, 61 Forsyth Street, Atlanta, GA 30303. The Permittee shall reference this permit number, SAJ-2007-05637, on all submittals.
- B. At least 15 days before initiating any dredging operations authorized by this permit, the Permittee shall provide to the Corps and EPA a written notification of the date of commencement of work authorized by this permit.
- C. Electronic data required by Special Condition 25 shall be provided to EPA Region 4 on a weekly basis. Data shall be submitted as an eXtensible Markup Language (XML) document via Internet e-mail to DisposalData.R4@epa.gov. XML data file format specifications are available from EPA Region 4.
- D. The permittee shall send one (1) copy of the disposal summary report to the Jacksonville District's Regulatory Division and one (1) copy of the disposal summary report to EPA Region 4 documenting compliance with all general and special conditions defined in this permit. The disposal summary report shall be sent within 90 days after completion of the disposal operations authorized by this permit. The disposal summary report shall include the following information:
 - 1. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
 - 2. The disposal summary report shall include the following information: dredging project title; dates of disposal; permit number and expiration date; name of contractor(s) conducting the work, name and type of vessel(s) disposing material in the ODMDS; disposal timeframes for each vessel; volume disposed at the ODMDS

(as paid *in situ* volume, total paid and un paid *in situ* volume, and gross volume reported by dredging contractor), number of loads to ODMDS, type of material disposed at the ODMDS; identification of any misplaced material (outside disposal zone or the ODMDS boundaries); dates of pre and post disposal bathymetric surveys of the ODMDS and a narrative discussing any violation(s) of the 103 permit. The disposal summary report should be accompanied by the bathymetry survey results (plot and X,Y,Z ASCII data file).

Special Condition 33: The expiration date for the dredging authorized under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and the Section 404 of the Clean Water Act (33 U.S.C. 1344) is December 31, 2019.

The expiration date for the use of the Canaveral ODMDS for disposal of specifically designated dredge materials authorized under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413) is December 31, 2013. Authorization for the use of the Canaveral ODMDS may not be extended.

The following Special Condition has been added to your authorization:

Special Condition 36: PERMIT LIABILITY:

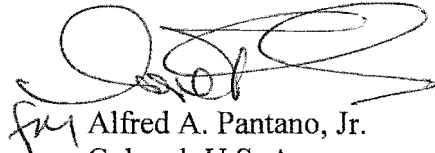
- A. The permittee shall be responsible for ensuring compliance with all conditions of this permit.
- B. The permittee and all contractors or other third parties who perform an activity authorized by this permit on behalf of the permittee shall be separately liable for a civil penalty of up to \$50,000 for each violation of any term of this permit they commit alone or in concert with the permittee or other parties. This liability shall be individual, rather than joint and several, and shall not be reduced in any fashion to reflect the liability assigned to and civil penalty assessed against the permittee or any other third party as defined in 33 U.S.C. Section 1415(a).
- C. If the permittee or any contractor or other third party knowingly violates any term of this permit (either alone or in concert), the permittee, contractor or other party shall be individually liable for the criminal penalties set forth in 33 U.S.C. Section 1415(b).

You should attach this letter and the attached two exhibits to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning permit modification, please contact the project manager Tamy Dabu at the letterhead address, by telephone at 321-504-3771 extension 11 or by electronic mail at tamy.s.dabu@usace.army.mil.

Thank you for your cooperation with our permit program.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Commander

Copy Furnished: CESAJ-RD-PE (via e-mail)

Joelle Verhagen, CESAJ-RD-PD (via E-mail: Joelle.I.Verhagen@usace.army.mil)

Osvaldo Rodriguez, CESAJ-RD-PD (via E-mail: Osvaldo.rodriguez@usace.army.mil)

Chris McArthur, EPA, (via E-mail: mcarthur.christopher@epa.gov)

East Zone

Vertices	Geographic NAD 83		State Plane (Florida East 0901 U.S. Ft) NAD 83	
North	28 ° 19.380'N	80 ° 30.386'W	814,961	1,450,458
East	28 ° 18.839'N	80 ° 39.638'W	818,982	1,447,196
South	28 ° 18.208'N	80 ° 30.269'W	815,618	1,443,364
West	28 ° 18.746'N	80 ° 31.003'W	811,666	1,446,607
The east zone is for disposal of material from the U.S. Navy and USACE Civil Works maintenance projects.				

West Zone

Vertices	Geographic NAD 83		State Plane (Florida East 0901 U.S. Ft) NAD 83	
North	28 ° 19.284'N	80 ° 31.738'W	807,714	1,449,851
West	28 ° 18.746'N	80 ° 31.003'W	811,666	1,446,607
South	28 ° 18.113'N	80 ° 31.620'W	808,372	1,442,757
East	28 ° 18.648'N	80 ° 32.342'W	804,488	1,445,982
The west zone is for disposal of material from the U.S. Navy and USACE Civil Works maintenance projects.				

While control of placement to minimize mounding is preferred, the physical removal or leveling of material above -30 feet MLLW is a management alternative.

U.S. Army Corps of Engineers
 Permit # SAJ-2007-05637 (SP-TSD)
 Date: 04/12/2012
 Drawing 1 of 2
 Modification # 1



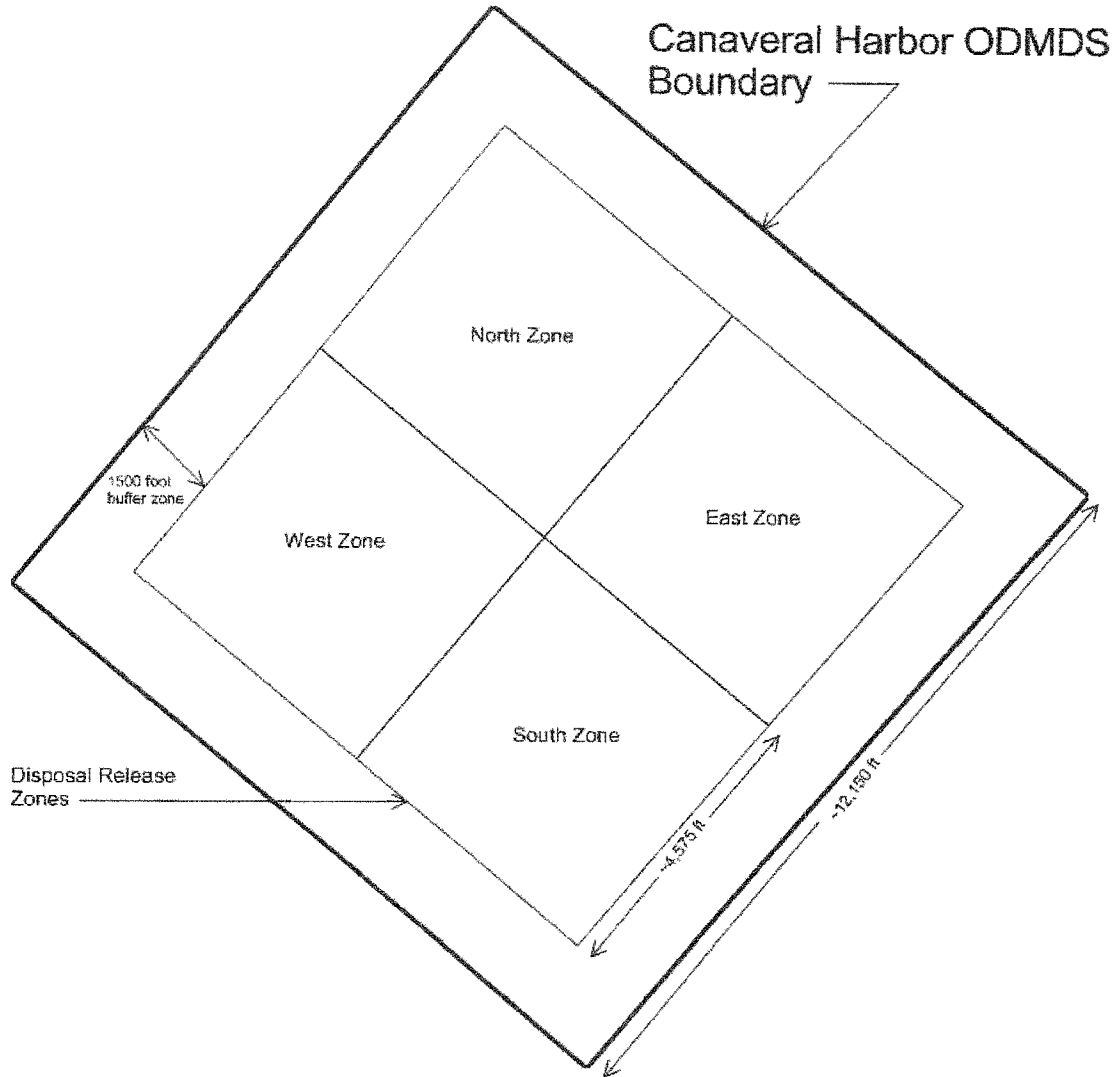


Figure 3: Canaveral Harbor ODMDS Disposal Release Zones

2.8 Permit and Contract Conditions. The disposal monitoring and post-disposal monitoring requirements described under Site Monitoring will be included as permit conditions on all MPRSA Section 103 permits and will be incorporated in the contract language for all federal projects. A summary of the management and monitoring requirements to be included are listed in Table 6. Template language that can be used is included in appendices (see Appendix C and D).

