



Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

May 23, 2016

Mrs. Gina Ralph, Ph.D.
Chief, Environmental Branch
U.S. Army Corps of Engineers, Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207-0019

Subject: Minor Modification – Permit Renewal
Project: Herbert Hoover Dike Rehabilitation and Repair
Phase: Culverts 1, 1A, and 3 Replacement
File No.: 0234604-028

Dear Mrs. Ralph,

The Florida Department of Environmental Protection (Department) has reviewed the U.S. Army Corps of Engineers' (Corps) request to renew the expiration date for five (5) years for the construction of the existing Culverts 1, 1A, and 3 Replacement Phase of the Herbert Hoover Dike Rehabilitation and Repair Project Environmental Resource Permit (ERP) (Department File No. 0234604-028). This request was received April 25, 2016 and additional information was received on May 12, 2016. In addition to the requests above, the Department would like to take this opportunity to update Specific Condition No. 3 Addresses.

The Department has reviewed the submitted information and hereby grants a five-year extension and approves the following changes to the referenced permit. The issued permit shall be modified as follows utilizing strikethroughs for deletions and underlines for additions. Sections of the permit not shown below remain the unchanged.

Permittee /Authorized Entity:
~~Eric P. Summa~~Gina Ralph, Ph.D.
Chief, Planning Environmental Branch
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Project Name or Phase:
Herbert Hoover Dike Rehabilitation and Repair - Culverts 1, 1A, and 3 Replacement Project

ERP Processor: ~~Stanley Ganthier, Stanley.Ganthier@dep.state.fl.us, 561-681-6759~~
Rhapsodie Osborne, Rhapsodie.A.Osborne@dep.state.fl.us, (850) 245-2148

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Environmental Resource Permit
State-owned Submerged Lands Authorization – Granted
U.S. Army Corps of Engineers Authorization – Not Applicable

Permit No.: 0234604-~~012-ES028~~
Permit Issuance Date: July 19, 2011
Permit Renewal Date: May 23, 2016
Permit Expiration Date: ~~July 18, 2016~~May 23, 2021

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

3. **Addresses.** Reports, plans, and notices submitted ~~The Permittee shall submit reports and notices~~ to the Department in accordance with this permit, unless otherwise specified, shall be submitted to the Department's ~~Southeast District~~ Office of Ecosystem Projects (OEP), ~~Attn: Compliance Officer, 400 North Congress Avenue, Suite 200, West Palm Beach, FL 33401, and also submit electronically 3900 Commonwealth Boulevard, MS 24, Tallahassee, Florida 32399-3000, telephone number (850) 245-2228.~~ Electronic copies of reports, plans, and notices required by this permit shall also be sent to RPPS_comp@dep.state.fl.us.

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.

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.

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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.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 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 21 days of publication of the notice or within 21 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 21 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 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.

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 is not available in this proceeding.

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required authorization.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the enclosed notice (Attachment 1) in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in Section 50.051, F.S. If you provide direct written notice to any person(s) as noted above, you must provide to the following address a copy of the direct written notice.

Attn: Rhapsodie Osborne
Florida Department of Environmental Protection
Office of Ecosystem Projects
3900 Commonwealth Blvd., MS 24
Tallahassee, Florida, 32399

Electronic copies of reports and notices required by this permit shall be sent to RPPS_Comp@dep.state.fl.us.

Please retain this letter for your files as it reflects final agency action barring any administrative hearings which rule otherwise. The activities may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapters 373, 403, 253, and 258, F.S., as applicable.

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This modification letter does not alter the Permittee's need to comply with the permit's general and specific conditions, except as stated herein. This letter must be attached to the original permit.

If you have any questions regarding this permit modification, please contact Rhapsodie Osborne at (850) 245-2148 or electronically at Rhapsodie.A.Osborne@dep.state.fl.us. When referring to this permit, please use the file number indicated above.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Edward C. Smith, Director
Office of Ecosystem Projects

ECS/jp/ro

Attachment:
Public Notice

FILING AND ACKNOWLEDGMENT

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


Clerk Date

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Electronic Copies Furnished To:

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