



# Florida Department of Environmental Protection

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Jonathan P. Steverson  
Secretary

April 28, 2016

U.S. Army Corps of Engineers  
Attn: Paul Karch  
Department of the Army  
Jacksonville District Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232

Permit Modification No. 0251706-008-JN  
Permit No. 0251706-001-JC, St. Johns County  
St. Augustine Inlet and AIWW Maintenance Dredging and Beach Placement

Dear Mr. Karch:

Your request to modify Permit No. 0251706-001-JC was received on January 14, 2016, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to allow the placement of beach-compatible material within the approved fill template between DEP range monuments R-126.8 and R-132 for one additional event, and to extend the permit expiration date for five additional years.

## **Historical Background**

On December 8, 2010, the Department issued Joint Coastal Permit No. **0251706-001-JC**, to the U.S. Army Corps of Engineers (Corps) to conduct maintenance dredging of the St. Augustine Inlet Entrance Channel, and to conduct new dredging of encroaching shoals adjacent to the navigation channel. Beach compatible sand was placed on the beach south of St. Augustine Inlet, from R-132 to R-152. Sandy material that did not meet the criteria for beach placement was disposed of in a nearshore site (between R-142 and R-148), located landward of the -20-foot Mean Lower Low Water (MLLW) contour line and filled to a maximum elevation of -12 feet MLLW. The beach disposal template for the permit was over-sized related to the anticipated volume of dredged material, allowing for placement of dredged material in areas within the fill template with the greatest need for nourishment.

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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. 0251706-001-JC at the following website:

[ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/st\\_john/issued/0251706\\_St.%20Augustine\\_%20Inlet/](ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/st_john/issued/0251706_St.%20Augustine_%20Inlet/)

On September 2, 2005, the Corps requested a permit modification (File No. **0251706-002-DF**), to extend the expiration date of Permit No. 552444459. That modification request was withdrawn.

On July 3, 2013, the Department issued Modification No. **0251706-003-JN** to the Corps, authorizing the extension of the original beach fill template by approximately 5,000 feet to the north, within Anastasia State Park. The template was expanded from R-132 to R-126.8 (a northern limit of R-126.8 was shown on the drawings). That modification was effective during the 2013 dredging event only.

On January 24, 2014, the Department issued Modification No. **0251706-004-JN** to the Corps. The modification was an administrative action to correct inaccurate numbering of cross-references between Specific Conditions of Permit No. 0251706-001-JC, and to update the contact information in certain wildlife protection conditions.

On June 19, 2014, the Department issued Modification No. **0251706-005-JN** to the Corps. The modification authorized dredging of hazardous shoals (the Porpoise Point shoals) located adjacent to the St. Augustine Inlet Entrance Channel to a maximum depth of -18 feet MLLW.

On April 21, 2015, the Department issued Modification No. **0251706-006-JN** to the Corps. The modification authorized a one-time placement of fill material in the Vilano Beach Nearshore Placement Area during the 2015 event. The placement site was located landward of the 12-foot (NAVD) contour line, between R-110 and R-118. The modification also updated the Specific Conditions of Permit No. 0251706-001-JC regarding shorebirds and manatees.

On August 4, 2015, the Department issued Modification No. **0251706-007-JN** to the Corps to include additional turbidity monitoring conditions to account for periodic hopper dredging and placement of fill in the approved nearshore placement area.

### **Staff Assessment**

On January 14, 2016, the Department received the modification request to periodically place sand between R-126.8 and R-132. That placement site had been previously authorized for a one-time extension of the fill template in 2013. In accordance with the St. Augustine Inlet Management Plan (IMP), material shall be placed within the critically eroded areas to the north or south of the inlet between R-84 and R-154. Even though the one-time placement site was not considered a critically eroded area, the activity benefitted the Anastasia State Park by

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maintaining public beach access and protected upland habitat. Department staff were concerned with the current request to periodically place dredged material north of R-132 because of the nodal point at this location. The flow of sand north of R-132 tends to move northward, back into the inlet, so placing dredged material on the beach north of R-132 may not be adequate to ensure bypassing to the downdrift beaches farther south of the inlet. Therefore, periodically placing dredged sand in this area may not mitigate the adverse effects of the inlet on the downdrift beaches. South Ponte Vedra-Vilano Beach Preservation Association Inc. shared these concerns in correspondence dated February 17 and March 18, 2016.

In a Request for Additional Information (RAI), Department staff requested performance objectives to justify the periodic placement of material north of the nodal point and for available alternatives. During further discussion with Department staff, the Corps revised their application to replace the request for periodic placement north of R-132 with one additional placement event in that area during the 2016 dredging event. During the 2016 event, some of the dredged material will be placed between R-126.8 and R-132; however, the majority of material will be placed in the swash zone at R-132, which is part of the previously approved fill template. This material is expected to move southward into critically eroded beaches.

The 10-year permit for the St. Augustine Inlet and Atlantic Intracoastal Waterway (AIWW) Maintenance Dredge and Beach Placement project was issued on December 8, 2010, and was set to expire on December 8, 2020. When the permit was issued, Rule 62B-49.011(2), F.A.C., limited the duration of a Joint Coastal Permit (JCP) to a maximum of 10 years. On November 12, 2015, Rule 62B-49.011(5), F.A.C., was revised, to allow the Department to extend the duration of an active JCP for up to 15 years. Therefore, in accordance with Rule 62B-49.011(5), F.A.C., the Department will grant the Corps' request for a 5-year time extension of the permit expiration date, from December 8, 2020, to December 8, 2025.

### **Project Description**

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

The proposed project is to conduct routine maintenance dredging of the St. Augustine Inlet Entrance Channel and an intersecting portion of the Atlantic Intracoastal Waterway (AIWW), plus routine and new dredging (including maintenance) of encroaching shoals adjacent to the channels. The beach compatible dredged material will be placed at the previously permitted beach placement area south of St. Augustine Inlet. Sediments that are unsuitable for beach placement will be placed at the nearshore disposal area located adjacent to the beach placement area. The nearshore disposal site will be located landward of the -20-foot MLLW contour line and will be filled to a maximum elevation of -12 feet MLLW. The beach placement site will be filled to a berm elevation of 10 feet NGVD, with a variable berm width of 100 to 200 feet and a seaward slope of 1:20 (vertical:horizontal). If suitable coquina shell hash is dredged, that material may be placed

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above the wrack line in Anastasia State Park to enhance shore bird nesting habitat. Some of the beach-compatible sand may also be used to enhance the dunes within Anastasia State Park. The dunes will have a crest elevation of 17 feet NAVD88 and side slopes of 1:5 (vertical:horizontal). For the 2015-2016 construction event only, the material dredged will be placed landward of the -12-foot contour line at the Vilano Beach nearshore disposal area. During the 2016 placement only, beach compatible material will be placed within the approved fill template between R-126.8 and R-132, and within the swash zone in the vicinity of R-132, with the majority of the material being placed within the swash zone.

The St. Augustine Inlet Entrance Channel dredging is authorized to a maximum depth of -18 feet MLLW, which includes a design depth of -16 feet MLLW, plus two feet of allowable over depth. The bottom width for the entrance channel is 200 feet, with 1:3 (vertical:horizontal) side slopes. The channel may be dredged to achieve an alignment of "best fit" within the confines of a 600-foot wide easement between the south jetty and the north shore. The shoal adjacent to the St. Augustine Inlet Entrance Channel, within the authorized 600-foot easement, in any dredging event, may also be dredged to the same depth as the channel.

The AIWW dredging is authorized to a maximum depth of -14 feet MLLW, which includes a design depth of -12 feet MLLW, plus two feet of allowable over depth. The bottom width of the AIWW Channel is 125 feet, with 1:3 (vertical:horizontal) side slopes. The flood shoal adjacent to the AIWW Channel may also be dredged to the same depth as the channel.

### **Project Location**

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

The project area is located in St. Johns County. The dredging sites are located in Sections 5, 8, and 9, Townships 6 South and 7 South and, Range 30 East, in the Atlantic Ocean (Class III Waters), St. Augustine Inlet (Class II waters) and the Tolomato River (Class II waters). The shoals that will be dredged outside of the channels are located at the intersection of the AIWW and the St. Augustine Inlet Entrance Channel, between STA. 11 + 17.70 and STA. 13 + 40.90, and at Vilano Point. The beach placement site and the nearshore disposal site are located in the Atlantic Ocean (Class III waters), south of St. Augustine Inlet, at Anastasia State Park, in Sections 3, 10, 27, and 34, Townships 7 South and 8 South, and Range 30 East. The beach placement site extends from DEP monument R-132 to R-152, except in 2013 when the beach placement site extends from DEP monument R-1276.8 to R-152, and the nearshore disposal site extends from DEP monument R-142 to R-148, except in the 2015-2016 construction event, when dredged material will be placed in the Vilano Beach nearshore placement area, located between DEP monuments R-110 to R-118. During the 2016 placement only, beach compatible material will be placed within the approved fill template between R-126.8 and R-132, and within the swash zone in the vicinity of R-132, with the majority of the material being placed

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within the swash zone. The shell hash placement area is located in Anastasia State Park, from approximately 800 feet north of R-130 to R-132.

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

Plate C-01 (dated April 2016) shall be incorporated for the 2016 event only.

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 and the attached drawing, we are notifying all necessary parties of the modification.

This letter of approval extends the expiration date of the permit from December 8, 2020, to **December 8, 2025**. This letter and the attached drawing 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.

#### **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

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- 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 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

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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 Bobby Halbert by email at [Robert.Halbert@dep.state.fl.us](mailto:Robert.Halbert@dep.state.fl.us) or by telephone at (850) 245-7667.

Sincerely,



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

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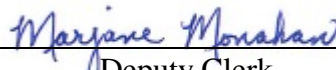
Attachment: Plate C-01 (dated April 2016)

cc: Mike Hollinsworth USACE  
Trey Hatch, DEP NE District  
Jan Brewer, St. Johns County  
Press Tompkins, St. Johns County  
Marshall Flake, DEP Parks  
Jerry Dixon, St. Augustine Port Waterway & Beach District  
Tom Turnage, President, SPVVB  
Ken Oertel, Oertel, Fernandez, Bryant & Atkinson, P.A.  
BIPP File

Bobby Halbert, DWRM  
Marty Seeling, DWRM  
Greg Garis, DWRM  
JCP Compliance Officer  
Tom Edwards, BFRM  
DEP Northeast District  
Guy Weeks, DWRM  
[marineturtle@myfwc.com](mailto:marineturtle@myfwc.com)  
[CE.Review@dep.state.fl.us](mailto:CE.Review@dep.state.fl.us)

**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.

  
\_\_\_\_\_  
Deputy Clerk

4/28/2016  
\_\_\_\_\_  
Date