



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

June 19, 2014

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

Permit Modification No. 0251706-005-JN
Permit No. 0251706-001-JC, St. Johns County
St. Augustine Inlet and AIWW Maintenance Dredging and Beach Placement

Dear Mr. Summa:

Your request to modify Permit No. 0251706-001-JC was received on March 24, 2014, and has been reviewed by Department of Environmental Protection (Department) staff. The proposed permit modification is to include dredging of any hazardous shoals within the 600-foot easement of the St. Augustine Inlet Entrance Channel.

Dredging of the shoals within the 600-foot easement of the St. Augustine Inlet Entrance Channel will be authorized from Station 0+00 to 124+00 to a required dredge depth of -16 feet mean lower low water (MLLW), with a -2 foot allowable overdepth, for a maximum allowable dredge depth of -18 feet MLLW.

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 and 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); in depths ranging from -12 feet MLLW to -20 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.

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:

Notice of Permit Modification

Permit Modification No. 0251706-005-JN

St. Augustine Inlet and AIWW Maintenance Dredging and Beach Placement

Page 2 of 7

ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/st_john/issued/0251706_St.%20Augustine_%20Inlet/

On September 2, 2005, the Corps requested Modification 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. The template was expanded from R-132 to R-127, located within Anastasia State Park. That modification was effective during the 2013 dredging event only.

On January 24, 2014, the Department issued Administrative Modification No. **0251706-004-JN**. 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.

Project Justification

Currently, the activity description in the permit authorizes dredging of the shoal adjacent to the St. Augustine Inlet Entrance Channel to the same depth as the channel. The Corps refers to the shoals adjacent to the entrance channel as the Porpoise Point shoals. The Porpoise Point shoals are specified on Sheet C2-12 of the permit drawings to be dredged to varying depths, not the same depth as the channel as stated in the activity description. This ambiguity may lead the Permittee or contractors to believe the permitted activity includes dredging any of the shoals adjacent to the channel. The modification will reduce the potential for future misinterpretation of the permitted activity and allow for practical maintenance of St. Augustine Inlet, consistent with the Department's adopted Inlet Management Plan.

Staff Assessment

The dredging and placement of the shoal material is not expected to exceed the water quality standard for turbidity (29 NTUs) at the edge of the 150-meter mixing zone. The maintenance dredging of any hazardous shoals will maintain navigability of the waterways for recreational and commercial vessel traffic. There are no seagrass or hardbottom resources at the locations to be dredged. The shoal material to be dredged from the St. Augustine Entrance Channel within the 600-foot easement is compatible with the native beach material and is expected to maintain the general environmental character and functionality of the material on the native beach in accordance with Rule 62B- 41.007(2)(j), F.A.C. The material is consistent with, and in compliance with, the permit's Sediment QA/QC plan. Any beach-compatible dredged material will be placed at Anastasia State Park and St. Augustine Beach. Sediments that are unsuitable for beach placement but meet the criteria for nearshore placement will be placed at a nearshore disposal area located adjacent to a previously permitted beach placement area, located south of St. Augustine Inlet. Beach placement of the dredged shoal material will enhance the longevity

Notice of Permit Modification
Permit Modification No. 0251706-005-JN
St. Augustine Inlet and AIWW Maintenance Dredging and Beach Placement
Page 3 of 7

of the beach, thereby maintaining sea turtle nesting habitat and shorebird habitat. The Permittee will be required to report volumes of material removed from the shoal to the Department.

The activity 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 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).

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 shoals 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.

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

44. **Post Construction Submittal.** Upon completion of any excavation, the Permittee shall provide (to the JCP Compliance Officer) a clear accounting of the final dredge records to specifically identify the total quantity of material obtained

Notice of Permit Modification
Permit Modification No. 0251706-005-JN
St. Augustine Inlet and AIWW Maintenance Dredging and Beach Placement
Page 4 of 7

from the channel, from the ebb shoal, and from shoals within the 600-foot easement outside of the channel. The data shall be provided within thirty (30) days of project completion.

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

Sheets 1 through 5 (dated June 2014) shall be added to 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 we are notifying all necessary parties of the modification.

This letter of approval does not alter the December 8, 2020, expiration date or other Specific Conditions of the permit. This letter and the attached drawings 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

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. The petition must contain the information set forth below and 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.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in further modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit modification automatically becomes only proposed agency action on the application subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit modification until the

Notice of Permit Modification
Permit Modification No. 0251706-005-JN
St. Augustine Inlet and AIWW Maintenance Dredging and Beach Placement
Page 5 of 7

deadlines noted below for filing a petition for an administrative hearing or request for an extension of time has expired.

Under Rule 62-110.106(4), Florida Administrative Code (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. 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. If a request is filed late, the Department may still grant it upon a 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.

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 judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

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 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, F.S.

In accordance with Rule 28-106.201, F.A.C., 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

Notice of Permit Modification
Permit Modification No. 0251706-005-JN
St. Augustine Inlet and AIWW Maintenance Dredging and Beach Placement
Page 6 of 7

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.

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, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must 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.

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, F.S., 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.

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.

Notice of Permit Modification
Permit Modification No. 0251706-005-JN
St. Augustine Inlet and AIWW Maintenance Dredging and Beach Placement
Page 7 of 7

If you have any questions regarding this matter, please contact Charles Grisafi by email at Charles.Grisafi@dep.state.fl.us or by telephone at (850) 245-7594.

Sincerely,



Martin K. Seeling, Administrator
Beaches, Inlets & Ports Program

MKS/cg

Attachments: Permit drawings dated June 2014 (5 pages)

cc: Martin Seeling, DWRM
Roxane Dow, DWRM
Ralph Clark, DWRM
Alex Reed, DWRM
Guy Weeks, DWRM
David Kriger, DWRM
Jennifer Coor, DWRM
Thomas Jacobs, DWRM

Jennifer Peterson, DWRM
Geoffrey Klug, Corps
Kristen Sella, FWC
MarineTurtle@myfwc.com
Matt Kershner, DEP, Northeast District
JCP Compliance, DWRM
BIPP File, DWRM
George Getsinger, NMFS, Jacksonville

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.



6/19/2014

Deputy Clerk

Date