

## PUBLIC NOTICE

US Army Corps of Engineers<sub>®</sub>

Applicant: David Matson FDEP Division of Recreation & Parks Published: June 3, 2025 Expires: July 3, 2025

### Jacksonville District Permit Application No. SAJ-2024-05100

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at <u>John.M.Baehre@usace.army.mil</u>.

APPLICANT: David Matson FDEP Division of Recreation & Parks 3800 Commonwealth Boulevard, MS 520 Tallahassee, Florida 32399

AGENT: Kierstin Masse Taylor Engineering, Inc. 10199 Southside Boulevard, Suite 310 Jacksonville, Florida 32246

**WATERWAY AND LOCATION:** The project would affect waters of the United States and navigable waters of the United States associated with the Atlantic Ocean Hydrologic Basin (12-digit Hydrologic Unit Code (030802010700)). The project site is located east of North Atlantic Avenue extending from FDEP reference monument R-000 at the Flagler/Volusia County line south to R-016, North Peninsula State Park (NPSP), in Section 32, Township 12S, Range 32E, Section 5, 8, and 9, Township 13S, Range 32E, in Volusia County, Florida.

ApproximateNorthern ExtentLatitude29.42681193° NorthLongitude81.10233486° West

ApproximateSouthern ExtentLatitude29.3901217° NorthLongitude81.08562396° West

### **EXISTING CONDITIONS:**

The shoreline consists of a gradually sloping beach that extends from a well vegetated upland dune with an average elevation of +19 ft NAVD88 to the intertidal swash zone which varies in width from 30-90 feet wide. The dune is steep in many areas, with scarps and disrupted vegetation resulting from severe storm surge. On average, the beach berm is lower in elevation with the northern portions of the park becoming increasingly narrow. Erosion within the northern segment is placing the dune and western infrastructure at increased risk, initiating the Florida Department of Transportation's (FDOT)'s secant wall project (Permit No. VO-2067 AR).

### **PROJECT PURPOSE:**

### **Basic:** Restoration

**Overall:** Placement of beach compatible sand to restore and nourish the protective beach and dune along SR A1A

**PROPOSED WORK:** The applicant requests authorization to place  $\pm 175,000$  Cubic Yards (CY) of beach-compatible dredged material (via truck haul) between FDOT reference monument R-000 to R-016 to match the historic dune morphology. The proposed construction template has been designed to achieve a uniform post-construction dune design and includes a 20 ft wide dune crest at an elevation of +19 ft-NAVD88. The dune crest will tie into existing elevations where possible, and if a backslope is required, it shall tie in at 1V:4H to the existing grade, keeping all fill seaward of SR A1A. The seaward dune slope will tie into the existing grade at 1V:5H. Additionally,  $\pm 100$  CY shall be placed below the High Tide Line (HTL, defined by +1.8 ft-NAVD88) but above the MHW line and  $\pm 100$  CY below the MHW line; (1) at the northern project extent due to the current narrow conditions and (2) adjacent to the existing dune walkover/associated parking lot. In total, the proposed placement area covers 31.61 acres (0.13 km2).

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

"Within the project footprint and adjacent seafloor, there are no protected resources such as seagrasses, mangroves, or nearshore hardbottom. The project will be conducted via truck haul, minimizing direct impacts to water quality during construction. Additionally, the majority of the material will be placed landward of the MHW line, where wave and current action are minimized, limiting distribution of the material within the surf zone and beach. The project incorporates several measures to avoid and minimize for potential impacts to wetlands and surface waters including turbidity monitoring and controls, beach profile monitoring, listed species monitoring/reporting as applicable, and compliance with conditions within the FDEP permit(s) issued for the proposed work. The contractor will also be required to be compliant with 2020 South Atlantic Regional Biological Opinion SARBO, the 2015 Sand Placement Statewide Biological Opinion (SPBO), and the Programmatic Piping Plover Biological Opinion (P3BO).

Prior to dune construction, invasive exotic plants, litter, and rubble will be removed from the project area and disposed of properly. Seaweed and organic wrack shall be left in place to the maximum extent practicable. Dune limits, slopes, and elevations may be subject to alteration depending on field conditions at the time of construction to ensure there is no placement atop vegetated dunes. Similarly, dune planting activities will not occur atop vegetated dunes. Any native dune plants damaged during construction, transportation, or maintenance activities shall be replaced to the satisfaction of FDEP. Following dune planting activities, any ruts, holes, or other disturbances of the beach sand or ground surface will be smoothed to a stable, pre-planting project condition. Additionally, sand fences will be installed in a way that does not alter dune topography, damage beach-dune vegetation, include driving vehicles or other equipment across dunes, disturb marked sea turtle nests or known nest locations, obstruct public access, or damage adjacent properties."

**COMPENSATORY MITIGATION:** The applicant has provided the following explanation why compensatory mitigation should not be required:

"The project includes no permanent impacts and therefore does not require mitigation."

The project is expected to have a net beneficial impact to the coastal system through the restoration of the highly eroded beach and dune profile. The project includes native plantings to enhance the dune and avoids detrimental impacts to natural resources. No impacts to natural resources are proposed that would require mitigation.

### **CULTURAL RESOURCES:**

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO and/or THPO.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full

consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

The Corps has determined the proposed project "may affect and is likely to adversely affect" nesting sea turtles including loggerhead sea turtle (Caretta caretta) and/or their critical habitat (LOGG-N-15 Nearshore Reproductive Habitat), leatherback sea turtle (Dermochelys coriacaea), green sea turtle (Chelonia mydas) and/or their proposed critical habitat (FL01: Florida), and the hawksbill sea turtle (Eretmochelys imbricata) based on the work proposed to nesting beaches.

The Corps has determined the proposed project "may affect but is not likely to adversely affect" the hawksbill sea turtle (Eretmochelys imbricata), Kemp's ridley sea turtle (Lepidochelys kempii), eastern indigo snake (Drymarchon corais couperi), or the West Indian manatee (Trichechus manatus latirostris), piping plover (Charadrius melodus), rufa red knot (Calidris canatus rufa), and/or their critical habitat.

The Corps has determined the upland activities associated with the proposed project are consistent with those activities and effects evaluated under the SR A1A Long-Term Repairs - Roberta Road (Volusia County) to Osprey Drive (Flagler County) (FWS Log No. 04EF1000-2023-F-0131484) authorization. The Corps has determined that with the incorporation of the Conservation Measures and Terms and Conditions as described in the BO (FWS Log No. 04EF1000-2023-F-0131484) the proposed project is not likely to adversely affect the respective species.

The Corps will request U.S. Fish and Wildlife concurrence with these determinations, as necessary, pursuant to Section 7 of the Endangered Species Act.

The Corps has determined the proposed project "may affect, but is not likely to adversely affect" swimming sea turtles including the green sea turtle, leatherback sea turtle, loggerhead sea turtle, Kemp's ridley sea turtle, hawksbill sea turtle, Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus), giant manta ray (Mobula birostris), smalltooth sawfish (Pristis pectinata), and the North Atlantic Right Whale (Eubalaena glacialis), and/or their critical habitat.

The Corps will request National Marine Fisheries Service concurrence with these determinations, as necessary, pursuant to Section 7 of the Endangered Species Act.

This notice serves as request to the U.S. Fish and Wildlife Service and National Marine Fisheries Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the southeast region. Implementation of the proposed project would directly impact approximately 0.05 acres of intertidal beach. Potential indirect impacts resulting from minor increases in turbidity may also occur as a result of sand placement in the intertidal zone. The effects of the project are determined to be minimal and temporary. The intertidal zone and nearshore open-water habitat may be utilized by the following species and their various life stages:

NOAA Essent	ial Fish Habitat
Species	Life Stage
Bluefish	Adult
Atlantic Sharpnose Shark (Atlantic Stock)	Neonate
Summer Flounder	Adult
Lemon Shark	Adult
Windowpane Flounder	Juvenile
Blacknose Shark (Atlantic Stock)	Juvenile/Adult
Scalloped Hammerhead Shark	Neonate
Bluefish	Larvae
Bonnethead Shark (Atlantic Stock)	Juvenile/Adult
Atlantic Butterfish	Adult
Summer Flounder	Larvae
Atlantic Sharpnose Shark (Atlantic Stock)	Adult
Spinner Shark	Juvenile/Adult
Bluefish	Juvenile
Tiger Shark	Juvenile/Adult
Great Hammerhead Shark	ALL
Spinner Shark	Neonate
Bluefish	Eggs
Bull Shark	Juvenile/Adult
Bonnethead Shark (Atlantic Stock)	Neonate
Sandbar Shark	Adult
Blacktip Shark (Atlantic Stock)	Juvenile/Adult
Summer Flounder	Juvenile

Tiger Shark	Neonate
Lemon Shark	Neonate
Finetooth Shark	ALL
Atlantic Butterfish	Juvenile
Coastal Migratory Pelegics	ALL

NOAA Habitat Areas of Particular Concern				
Species	Habitat	HAPC Sitename		
Summer Flounder	Submerged Aquatic Vegetation	Summer Flounder SAV		

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.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification may be required from the Florida Department of Environmental Protection (FDEP).

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from FDEP. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, 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, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated

by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until July 3, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <a href="https://rrs.usace.army.mil/rrs">https://rrs.usace.army.mil/rrs</a> or to John Baehre at <a href="john.m.baehre@usace.army.mil">john.m.baehre@usace.army.mil</a>. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: John Baehre, Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, FL 32926. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

ABBREVIATIONS

REFERENCE LEGEND



CONTROL JOINT CEILING CLEAR

EXHAUST FAN EXHAUST EXPANSION JOINT EXTERIOR

LUORESCEN FIREPLAC FIRE RATIN FOOT/FEE FOOTIN

INCANDESCENT INCLUDED INSULATION INTERIOR INVERT ELEVATION

KILN DRIED

LAMINATED LAVATORY . POUND . LIGHTING . LENGTH . LINEAR . LIVE LOAD

ON CENTER OUTSIDE DIAMETER

OVER HEAD

Receptacle Reinforcing Bar Refrigeration Reinforcing Roofing Rough Rough Rough Opening Rough Sawn

Solid Cor Schedul

SOFTWOOD SLIDING GLASS DOOR SHINGLES SPECIFICATION SPRUCE SQUARE

SQUARE FOO SQUARE INCI SQUARE YAR STAINLESS STEE STAINLESS STEE

SYMMETRICAL SOUTHERN YELLOW PINE SYSTEM SURFACED FOUR SIDES

ERGROUND ELECTRIC UNDER GROUND UNDERWRITERS LABORATORIES, INC.

Vertical Verify in Field Volume Vent Pipe Vent Thru Roof

REBAR REFRIG. REINF. RFG RGH

G8 DETAIL IDENTIFICATION

- SHEET NUMBE

# DUNE PROJECT

DISTRICT 3 VOLUSIA COUNTY

## *PROJECT # 61553*

## SCOPE OF PROJECT

RESTORE THE PARK'S PROTECTIVE DUNE FEATURE TO INCREASE RESILIENCE AND ENHANCE HABITAT. THE RESTORATION WILL INCLUDE DUNE PLANTINGS AND FENCING TO ENCOURAGE NATURAL DUNE GROWTH.

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1	CO
2	GE
3	PR
4	PL
5	PL/
6	PL/
7	PL
8	PL/
9	PL

Division of Recreation and Parks



ENERAL NOTES ROJECT OVERVIEW LAN AND SECTIONS - R-MONUMENTS 0 TO 3 LAN AND SECTIONS - R-MONUMENTS 4 TO 6 AN AND SECTIONS - R-MONUMENTS 7 TO 10 LANTING AND FENCING DETAILS



<b>GENERAL</b>	NOTES
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	PROPOSED SEAWARD	DUNE CREST	PROPOSED SEAWARD DUNE TOE		
FDEP RANGE MONUMENT DISTANCE FROM S.R. A1A (FT)		DISTANCE FROM MHWL (FT)	DISTANCE FROM S.R. A1A (FT)	DISTANCE FROM MHWL (FT)	
R-001	40	81	139	-18	
R-002	44	88	134	-2	
R-003	43	98	111	30	
R-004	40	107	116	31	
R-005	40	111	109	43	
R-006	40	115	113	42	
R-007	40	121	111	50	
R-008	41	118	113	46	
R-009	40	121	110	51	
R-010	39	120	106	52	
R-011	38	117	108	47	
R-012	45	113	104	73	
R-013	45	138	104	80	
R-014	46	128	114	60	
R-015	47	136	110	73	
R-016	47	144	93	99	

NOTE: NEGATIVE NUMBERS DENOTE THAT THE SEAWARD DUNE TOE IS LOCATED SEAWARD OF THE MHWL.

### VISUAL RE 9. PROJECT V IN THE U.S BIOLOGIC (CORPS) FLORIDÁ. 10. PROJECT LISTED IN REGIONAL ACTIVITIES 11. S.R. A1A C SHAPEFILE ROAD/SHC

	FDEP R-MON
POINT	EASTING
R-000	623,472.0
R-001	623,589.4
R-002	623,944.6
R-003	624,296.5
R-004	624,647.9
R-005	624,997.8
R-006	625,354.5
R-007	625,704.2
R-008	626,049.6
R-009	626,398.0
R-010	626,757.3
R-011	627,108.4
R-012	627,471.2
R-013	627,841.7
R-014	628,194.3
R-015	628,547.5
R-016	628,899.3

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