



**ATLANTIC INTRACOASTAL
WATERWAY
MAINTENANCE DREDGING
NASSAU COUNTY REACH I, FLORIDA**

APPENDIX B

FDEP Permit 45-0344374-001-E
FDEP Permit 45-0291060
FDEP Permit 45-75835-009-EE



Florida Department of Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

June 21, 2016

Mark Crosley
Executive Director
Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477
mcrosley@aicw.org

DEP File No.: 45-0344374-001-EE
Nassau County

Dear Mr. Crosley:

On May 24, 2016, we received your request for verification of exemption to perform the following activities:

To dredge a total of approximately 170,000 cubic yards of material from two specific areas of the Atlantic Intracoastal Waterway, a Class II waterbody, located in an Outstanding Florida Waterbody, located in an aquatic preserve, in Nassau County, Florida. Cut-9 through Cut B is located at Latitude 30°39'35.36" N /Longitude -81°28'56.72" W. Cut-27M through Cut-27G is located at Latitude 30°34'04.56" N /Longitude -81°28'16.23" W. Disposal of the dredged material will occur at two different Florida Inland Navigation District (FIND) dredged material management areas (DMMAs), NA-1 and DU-2.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the federal review portion of this verification request. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

1. Regulatory Review –Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Chapter 62-330.051(7)(a), Florida Administrative Code, from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review- Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b) and Section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Land

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under Paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

3. Federal Review - SPGP Not Approved

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at the Jacksonville Regulatory Field Office at (904-232-1681), for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State

Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

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 filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

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 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 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.

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 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 the order is filed with the Clerk of the Department.

Judicial Review

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.

Executed in Duval, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Aaron Sarchet at the letterhead address or (904) 256-1654 or aaron.sarchet@dep.state.fl.us.

Sincerely,



Richard S. Rachal III, P.G.
Permitting Program Administrator

RR/as/

Mr. Mark Crosley; F.I.N.D.
DEP File No.: 45-0344374-001-EE
Page 8 of 15
June 21, 2016

Enclosures: 62-330.051(7)(a), F.A.C.
General Consent Conditions for Use of Sovereignty Submerged Lands
General Conditions for Federal Authorization for SPGP-IV-R1
Standard Manatee Conditions & Awareness Signs
Project Drawings, 8 pages

c: USACOE Jacksonville Office (corpsJaxReg@usace.army.mil)
Aaron Sarchet, FDEP

FILING AND ACKNOWLEDGEMENT & CERTIFICATE OF SERVICE

Filed on this date pursuant to § 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged. The undersigned hereby certifies that this Exemption and all copies were sent before the close of business on June 21, 2016 to the listed persons.



Clerk

June 21, 2016

Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

(7) Maintenance and Restoration –

(a) Maintenance dredging under Section 403.813(1)(f), F.S.

Part V Chapter 403

403.813 Permits issued at district centers; exceptions.

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications or configurations, provided that the work is conducted in compliance with s.

379.2431(2)(d), provided that no significant impacts occur to previously undisturbed natural areas, and provided that control devices for return flow and best management practices for erosion and sediment control are utilized to prevent bank erosion and scouring and to prevent turbidity, dredged material, and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. Further, for maintenance dredging of previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements, an entity that seeks an exemption must notify the department or water management district, as applicable, at least 30 days prior to dredging and provide documentation of original design specifications or configurations where such exist. This exemption applies to all canals and previously dredged portions of natural water bodies within recorded drainage rights-of-way or

drainage easements constructed prior to April 3, 1970, and to those canals and previously dredged portions of natural water bodies constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.

**GENERAL CONSENT CONDITIONS FOR
USE OF SOVEREIGNTY SUBMERGED LANDS**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S..

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form

arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:

Wildlife Alert:

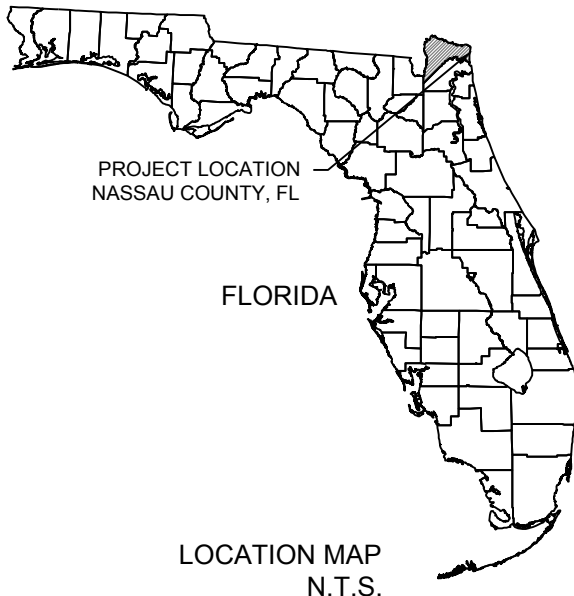


1-888-404-FWCC(3922)

cell *FWC or #FWC

NOTICE

**YOUR PROJECT DID NOT QUALIFY FOR THE STATE AND FEDERAL COMBINED STATE PROGRAMMATIC GENERAL PERMIT (SPGP) PROGRAM. THE ATTACHED AUTHORIZATION(S) DOES NOT INCLUDE THE REQUIRED FEDERAL AUTHORIZATION FOR YOU TO CONSTRUCT YOUR PROJECT. A COPY OF YOUR APPLICATION HAS BEEN SENT TO THE U.S. ARMY CORPS OF ENGINEERS (USACOE) FOR PROCESSING. THE FEDERAL AUTHORIZATION FOR YOUR PROJECT WILL BE SENT TO YOU SEPARATELY BY THE USACOE. YOU CANNOT CONSTRUCT YOUR PROJECT WITHOUT THE APPROPRIATE FEDERAL AUTHORIZATION. THE USACOE CAN BE CONTACTED AT:
JACKSONVILLE OFFICE AT (904) 232-1681**

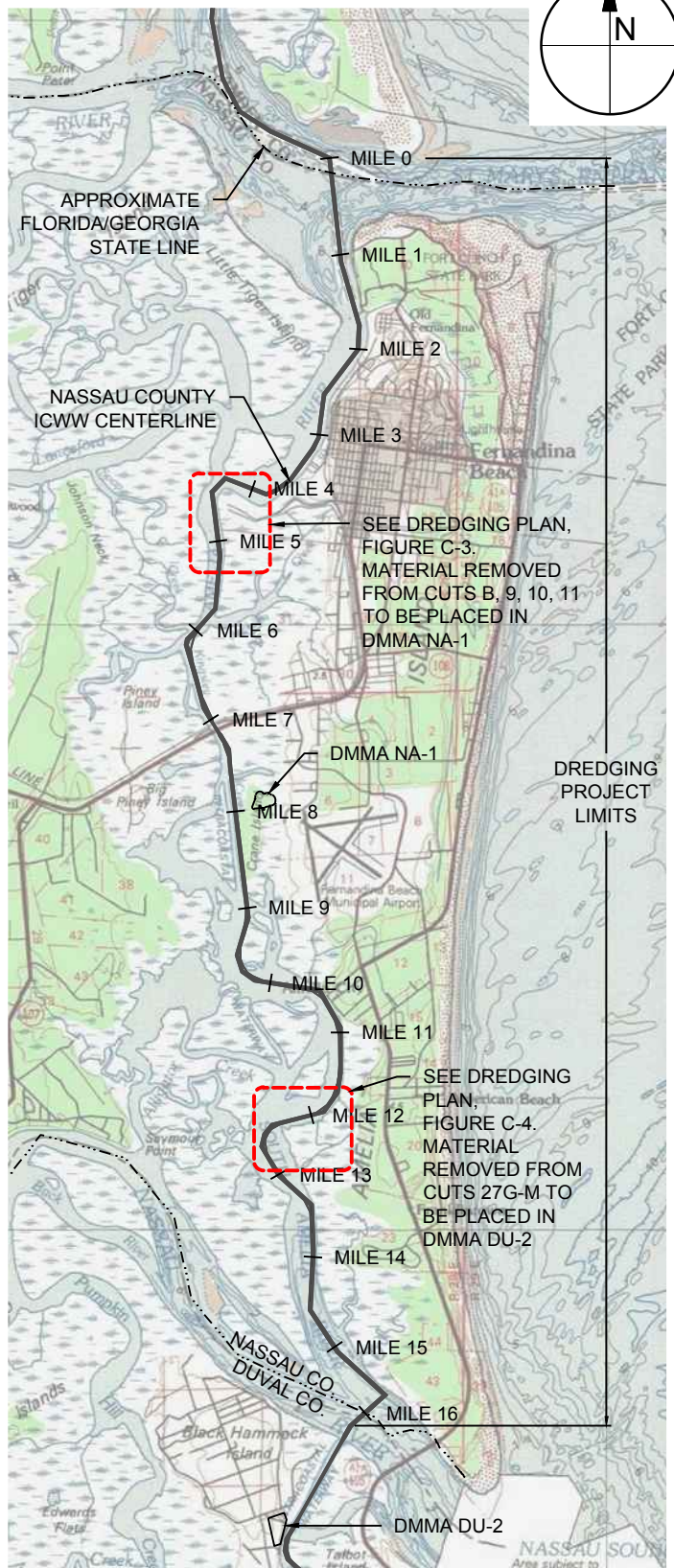


DRAWING INDEX

- C-1 TITLE SHEET
- C-2 OVERVIEW
- C-3 DREDGING PLAN CUTS A, B, 11, 10
- C-4 DREDGING PLAN CUTS 27-G THRU 27-M
- C-5 DREDGING PLAN CUTS A, B, 11, 10, ALT 2
- C-6 DMMA DU-2 PLAN
- C-7 DMMA NA-1 PLAN
- C-8 TYPICAL DREDGING SECTIONS

GENERAL NOTES:

1. HORIZONTAL DATA ARE IN FEET AND RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR FLORIDA, EAST ZONE (0901), NORTH AMERICAN DATUM, (NAD) OF 1983, 1990 ADJUSTMENT.
2. VERTICAL DATA ARE IN FEET AND RELATIVE TO MEAN LOWER LOW WATER (MLLW). MEAN LOWER LOW WATER WAS TRANSLATED FROM THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) UTILIZING THE LATEST VERSION OF VDUTUM (VERTICAL DATUM TRANSFORMATION) PROVIDED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA), NATIONAL OCEAN SERVICE (NOS).
3. INTRACOASTAL WATERWAY NASSAU COUNTY, FLORIDA CHANNEL BATHYMETRY SURVEY WAS CONDUCTED ON JULY 9-11, 2014 AND JANUARY 31, 2015 BY SEA DIVERSIFIED, INC.
4. TOPOGRAPHIC SURVEY OF FIND DMMA DU-2 WAS CONDUCTED BY SEA DIVERSIFIED, INC ON OCTOBER 7-8, 2015.
5. AERIAL IMAGERY TAKEN IN 2014 AND OBTAINED FROM GOOGLE EARTH. AERIAL IMAGERY DISPLAYED HEREON FOR INFORMATIONAL PURPOSES ONLY, NO PHOTOGRAPHIC ACCURACY IS IMPLIED BY THIS MAP.
6. FEDERAL NAVIGATION CHANNEL LIMITS OBTAINED FROM THE U.S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT.
7. ALL DREDGE SPOIL WILL BE DISCHARGED WITHIN FLORIDA INLAND NAVIGATION DISTRICT (FIND) OWNED UPLAND DREDGED MATERIAL MANAGEMENT AREAS (DMMA) NA-1 AND DU-2.
8. DMMA'S ARE SITED TO REMAIN ON UPLAND PROPERTY ABOVE THE MEAN HIGH WATER LINE. DMMA'S WILL INCLUDE STAKED HAY BALES AND TURBIDITY CURTAINS AT ANY CONTROLLED OVERFLOW/DISCHARGE AREAS.
9. DREDGING IS PROPOSED IN TWO AREAS: FHP CUT-9 THROUGH AIWW CUT-B; AIWW CUT-27L THROUGH CUT-27G.



VICINITY MAP

1"= 10,000'



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION # 4815

FIGURE C-1
TITLE SHEET
NASSAU CO. ICWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

PROJECT C2015-048 DRAWN BY AF SHEET 1 of 8 DATE JAN 2016

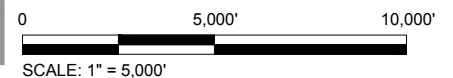
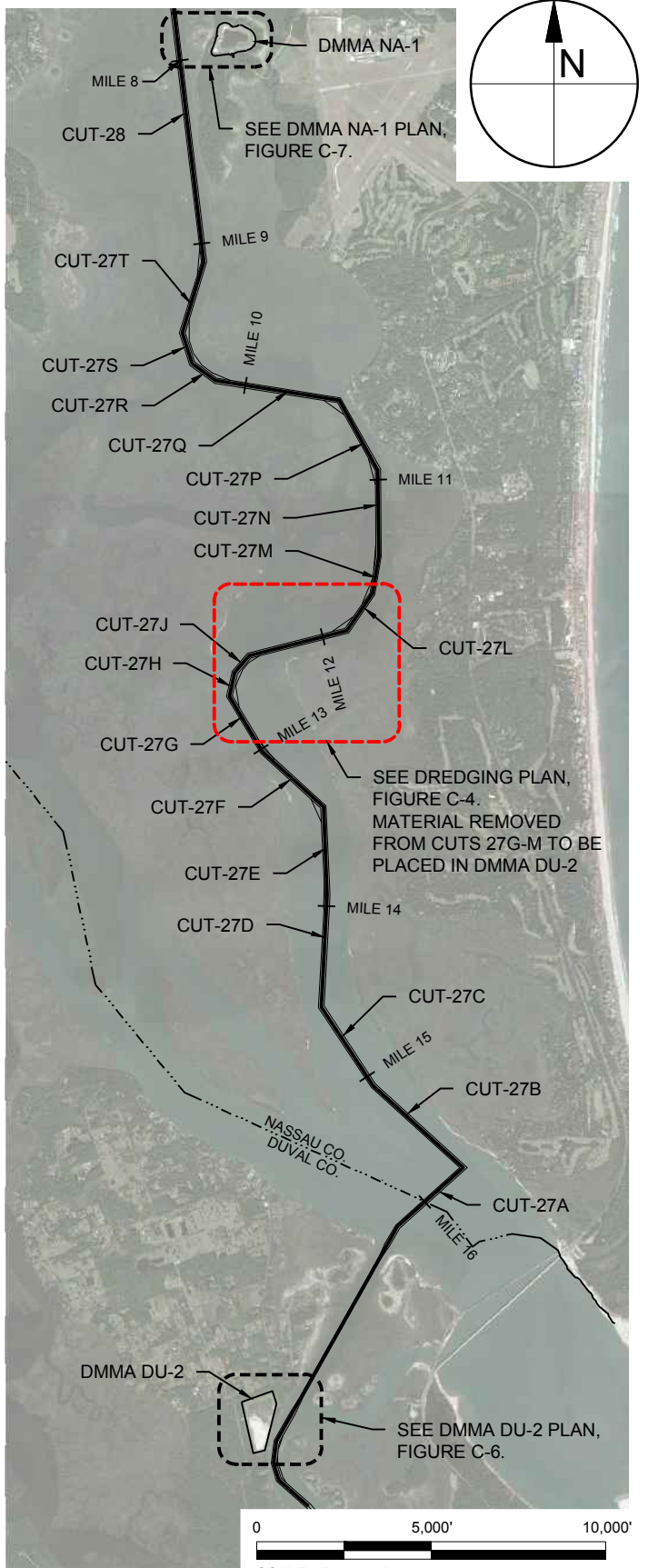
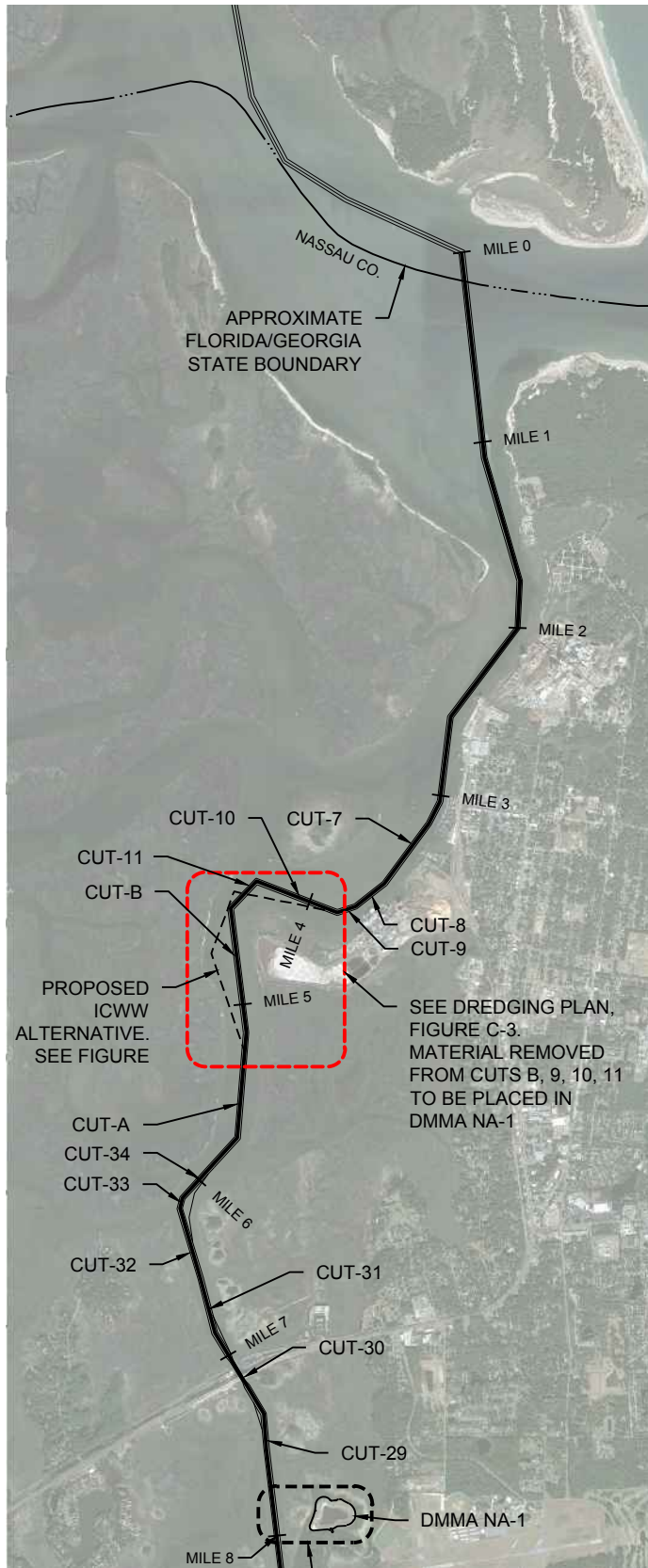
SEAL

DRAFT

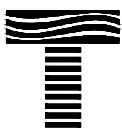
BILL ALEY, PG. #16747

DATE

NOTE: DREDGING IS PROPOSED IN TWO AREAS: FHP CUT-9 THROUGH AIWW CUT-B; AIWW CUT-27L THROUGH CUT-27G.



ANTON FLEWELLING X:\S\PROJECTS\2015-048 FIND NASSAU REACH 1\PERMIT\2015-048 P-DREDGE OVERVIEW.DWG 3/16/2016 9:15:26 AM



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

**FIGURE C-2
OVERVIEW
NASSAU CO. ICWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA**

PROJECT C2015-048	DRAWN BY AF	SHEET 2 of 8	DATE JAN 2016
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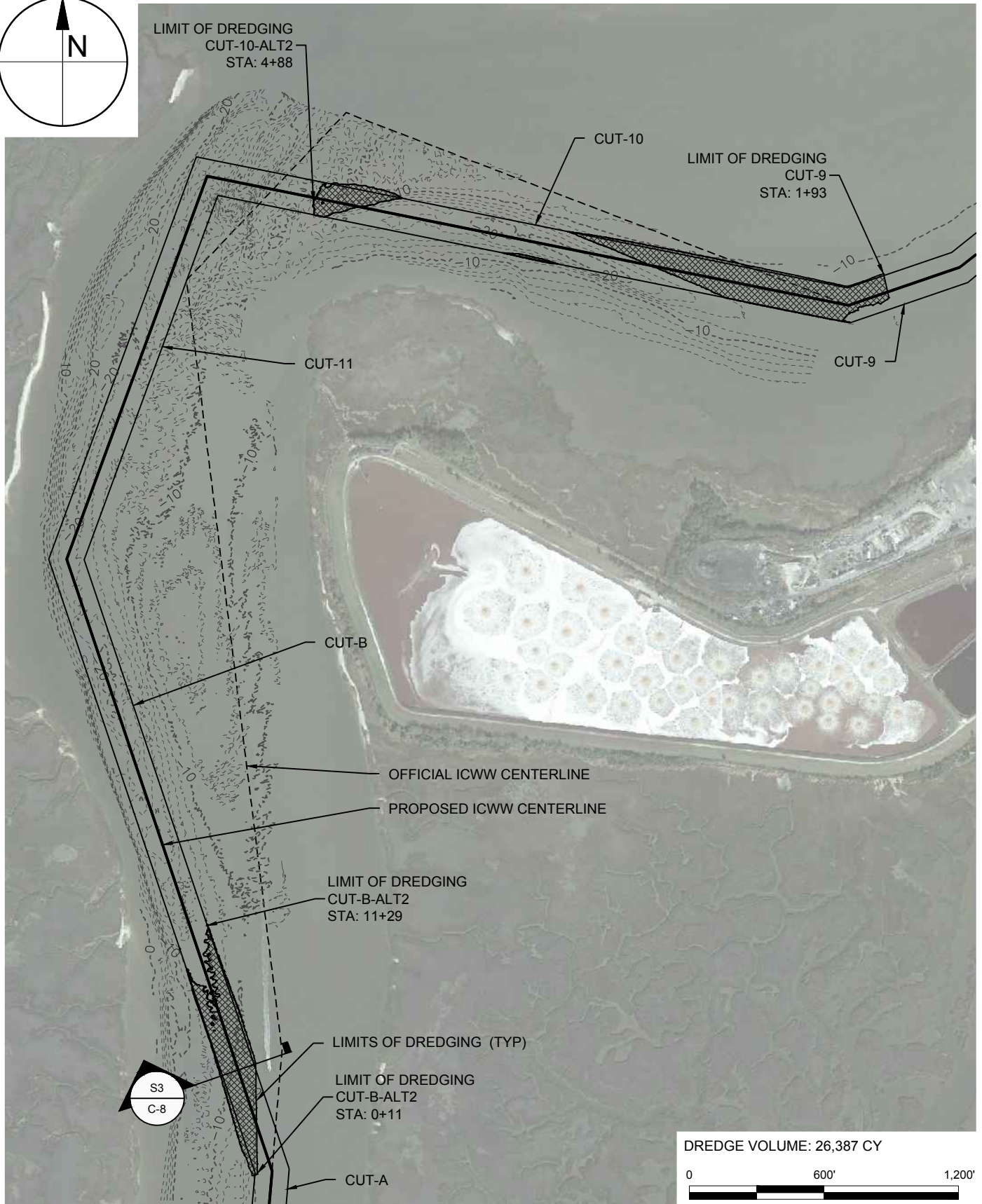
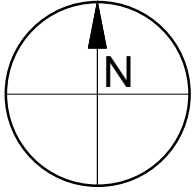
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BILL ALEY, PG. #16747

DATE

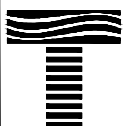
PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



DREDGE VOLUME: 26,387 CY

0 600' 1,200'

SCALE: 1" = 600'



TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256

CERTIFICATE OF AUTHORIZATION # 4815

FIGURE C-3

DREDGING PLAN CUTS A, B, 11, 10, ALT 2
NASSAU CO. ICWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

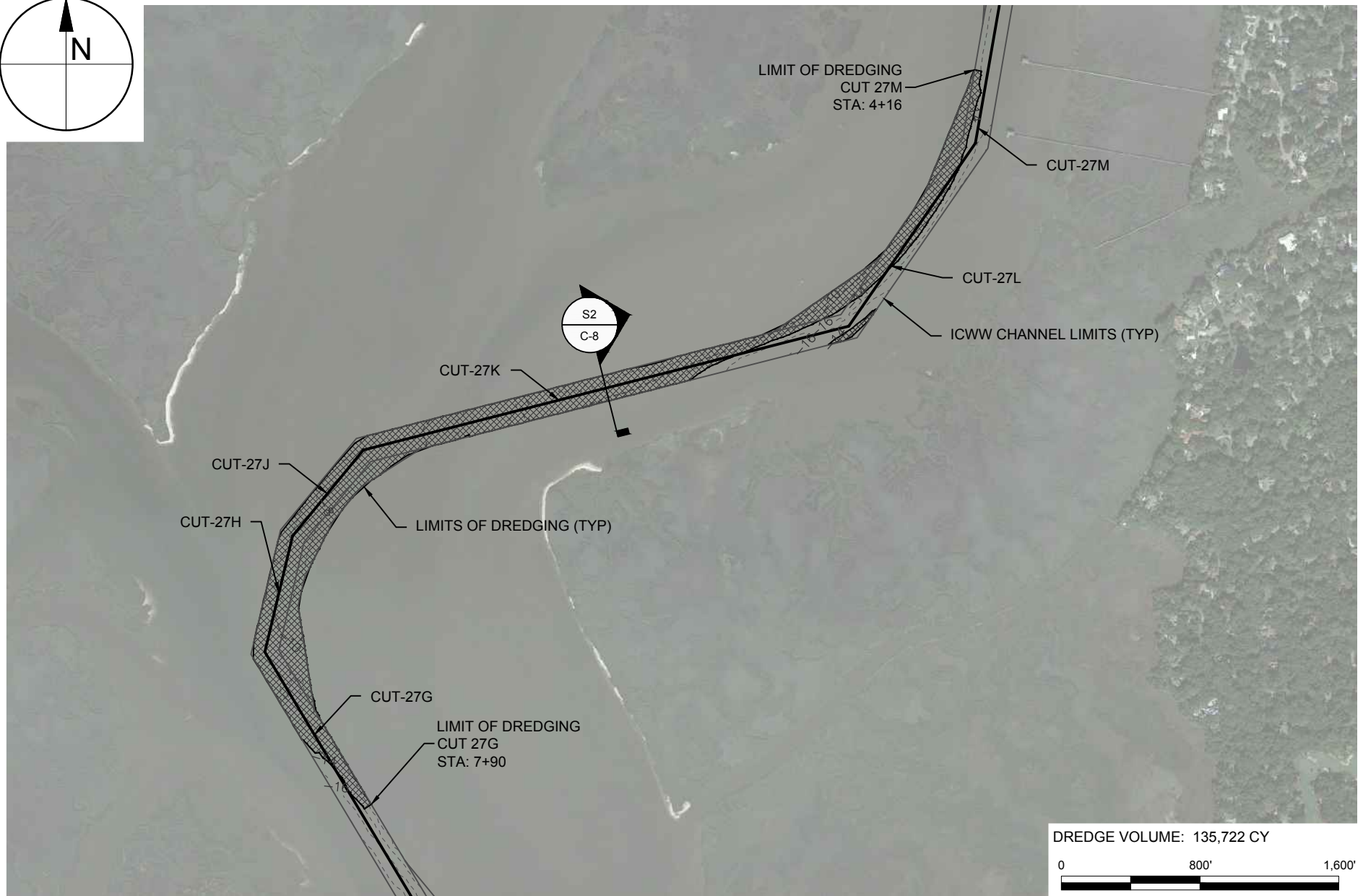
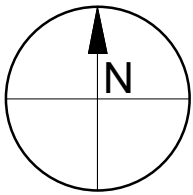
PROJECT	C2015-048	DRAWN BY	AF	SHEET	5 of 8	DATE	JAN 2016
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BILL ALEY, PG. #16747

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DREDGE VOLUME: 135,722 CY

0 800' 1,600'

SCALE: 1" = 800'



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FIGURE C-4
DREDGING PLAN CUTS 27-G THRU 27-M
NASSAU CO. ICWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

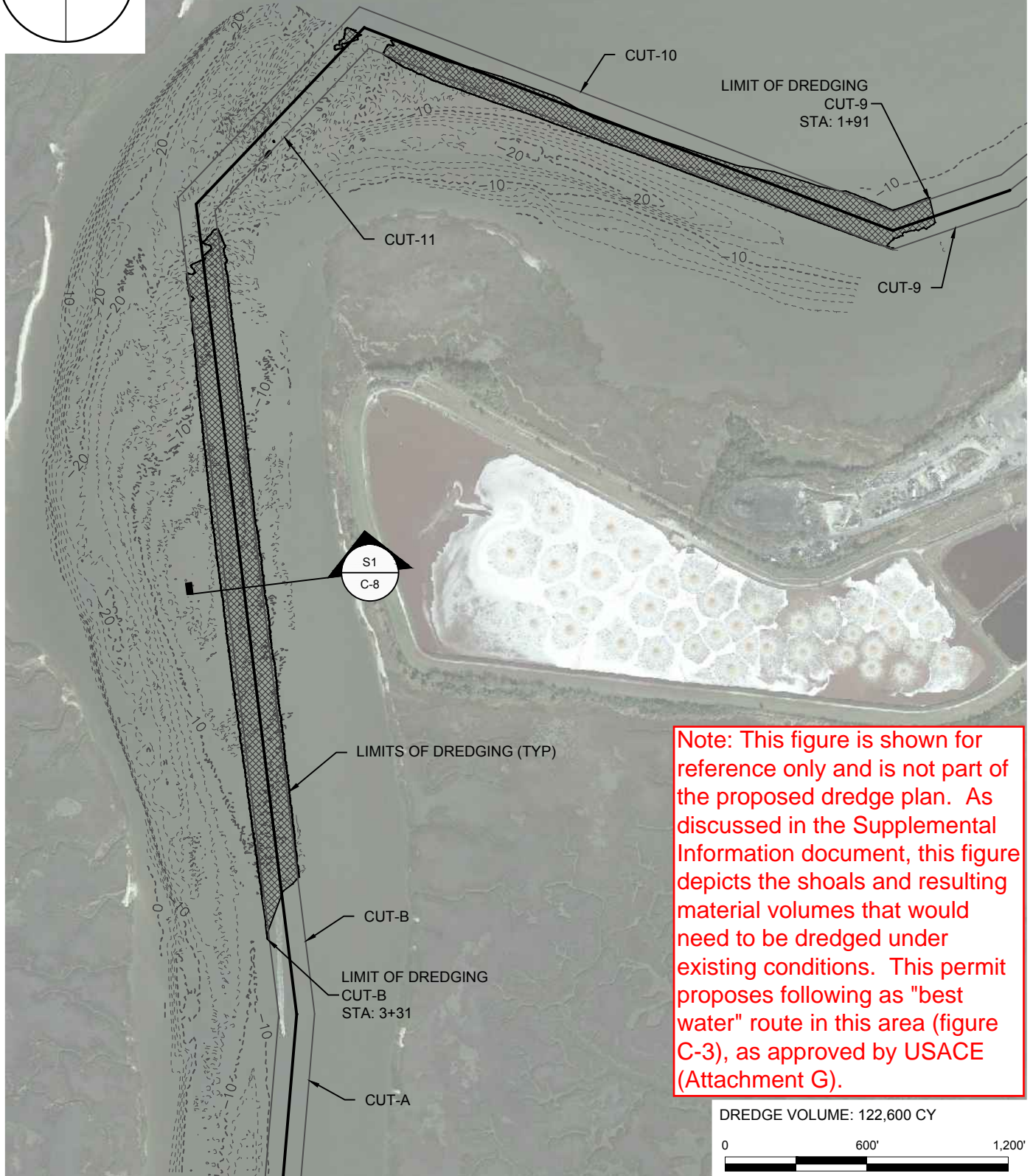
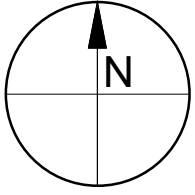
PROJECT	C2015-048
DRAWN BY	AF
SHEET	4 of 8
DATE	JAN 2016

SEAL

DRAFT

BILL ALEY, PG. #16747

DATE



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JACKSONVILLE, FL 32256

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FIGURE C-5

DREDGING PLAN CUTS A, B, 11, 10
NASSAU CO. ICWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

PROJECT	C2015-048	DRAWN BY	AF	SHEET	3 of 8	DATE	JAN 2016
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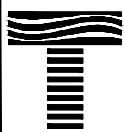
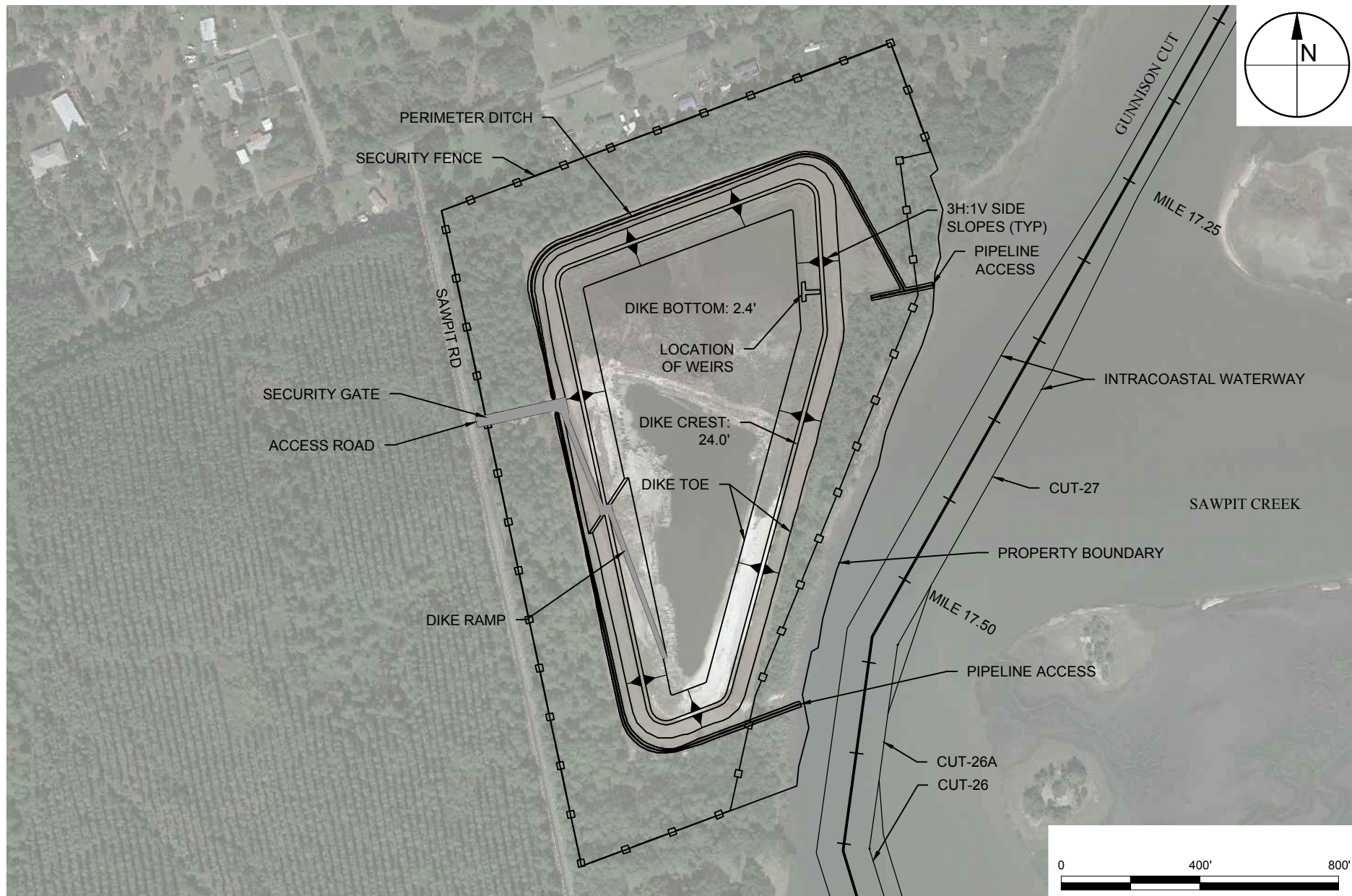
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JACKSONVILLE, FL 32256
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FIGURE C-6
DMMA DU-2 PLAN
NASSAU CO. ICWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

PROJECT	C2015-048
DRAWN BY	AF
SHEET	6 of 8
DATE	JAN 2016

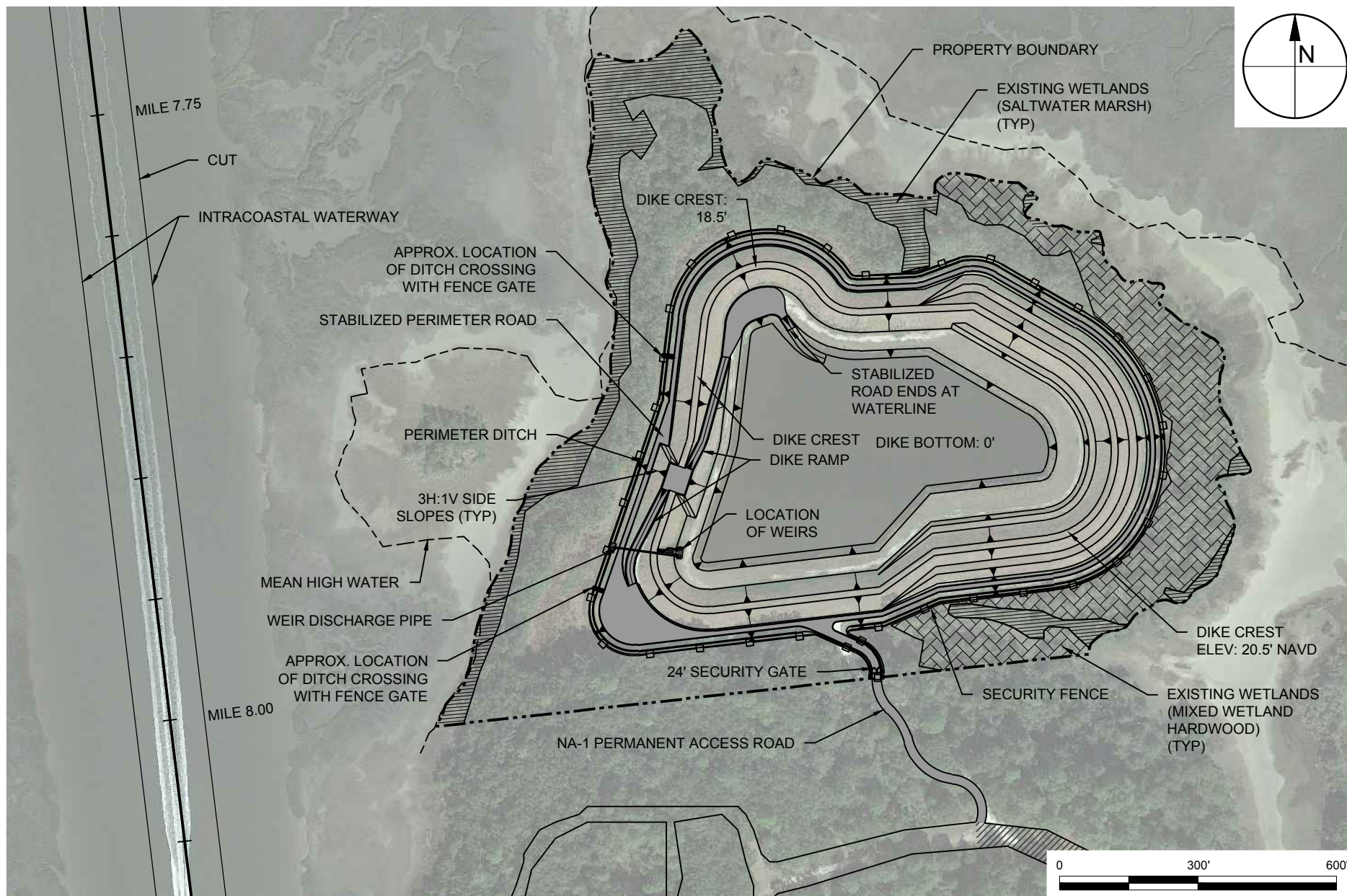
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BILL ALEY, PG. #16747

DATE

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BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE C-7
DMMA NA-1 PLAN
NASSAU CO. ICWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

PROJECT	C2015-048
DRAWN BY	AF
SHEET	7 of 8
DATE	JAN 2016

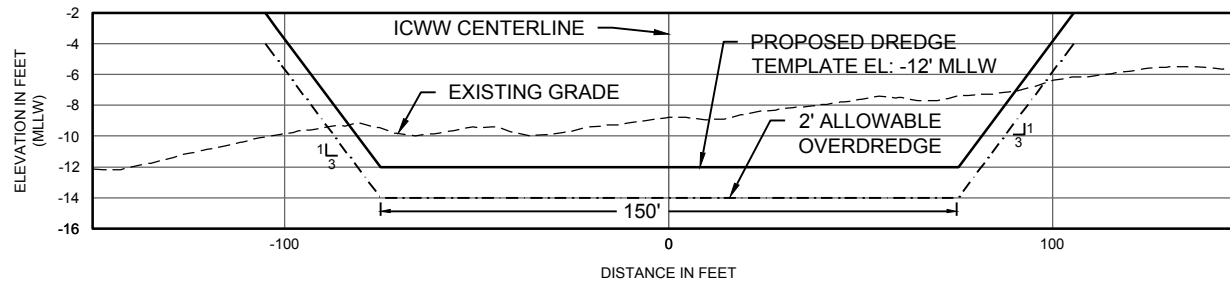
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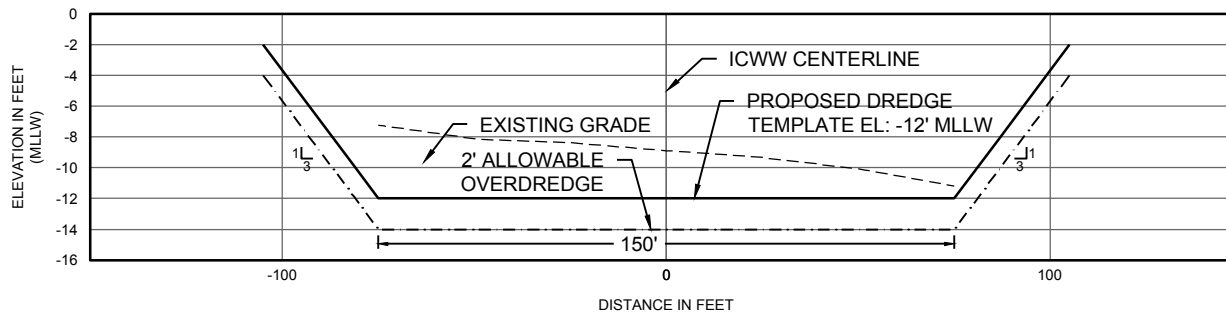
BILL ALEY, PG. #16747

DATE

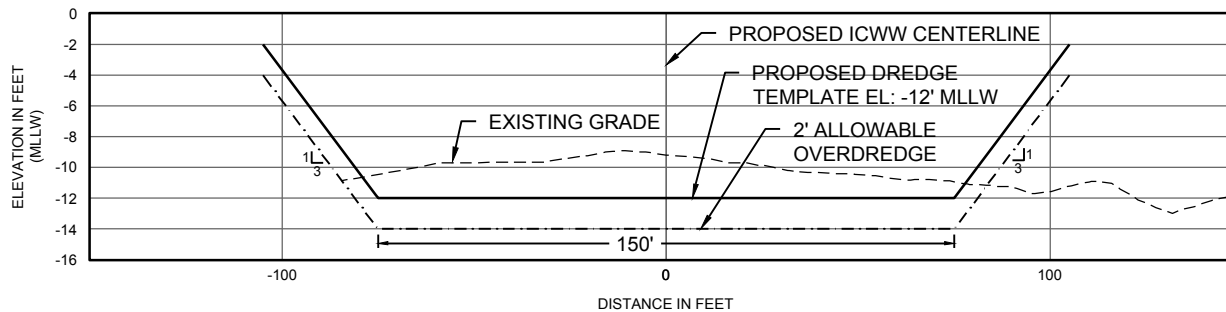
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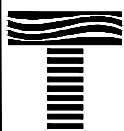
S1
C-3
TYPICAL DREDGING SECTION - CUT-B
SCALE: 1" = 50'



S2
C-4
TYPICAL DREDGING SECTION - CUT-27K
SCALE: 1" = 50'



S3
C-5
TYPICAL DREDGING SECTION - CUT-B-ALT2
SCALE: 1" = 50'



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JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE C-8
TYPICAL DREDGING SECTIONS
NASSAU CO. ICWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

PROJECT	C2015-048
DRAWN BY	AF
SHEET	8 of 8
DATE	JAN 2016

SEAL

DRAFT

BILL ALEY, PG. #16747

DATE



Florida Department of Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

June 28, 2016

Mark Crosley, Executive Director
Florida Inland Navigation District ("FIND")
1314 Marcinski Road
Jupiter, Florida 33477
mcrosley@aicw.org

RE: Modification of Permit No: 45-0291060-002-EI
Modification No.: 45-0291060-003-EM

Dear Mr. Crosley:

Your request to modify the above permit has been reviewed by Department staff in accordance with Section 62-343.100 and 62-343.120, Florida Administrative Code (F.A.C.). Your permit was issued under the authority of Part IV of Chapter 373, Florida Statutes (S.F.), and Title 62, F.A.C., Chapter 253 and Chapter 258, F. S., and Chapter 18-20, F.A.C., if located within an Aquatic Preserve, and Chapter 18-21, and Section 62-343.075, F.A.C., and the policies of the Board of Trustees and in accordance to Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C., and a Coordination Agreement Between the U.S. Army Corps of Engineers, Jacksonville District, and the Department for a State Programmatic General Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 401 of the Clean Water Act. This permit contains a regulatory authorization for the construction and operation of the system, a proprietary authorization for the use of sovereignty submerged lands for private purposes, if applicable, and the Federal State Programmatic General Permit (SPGP) for activities in Wetlands and/or Waters of the United States, if applicable.

The requested modification is to: 1) transfer this permit from David Roach to Mark Crosley, 2) remove the language that states that "no decant or discharge shall occur from this dredge material management area until authorized by a permit modification" from specific condition 26 of this permit, and 3) authorize an approximately 60 feet by 550 feet pipeline corridor for the temporary placement of dredge discharge and return pipes from the Atlantic Intracoastal Waterway to the NA-1 Dredged Material Management Area ("DMMA"). Every 7-10 years, 16-20" diameter pipes will be placed within the corridor. They will remain in place only during active dredging operations which will typically be for a period of 60-120 days. Immediately upon completion of dredging, the dredge discharge pipeline will be removed. The return pipeline will remain in place to transport clarified water decanted from the DMMA for a period of three

to four weeks after the completion of dredging. The discharge pipeline will enter the DMMA by passing over the dike crest and the return pipeline will be attached to the weir-manifold system near the DMMA's southwestern corner.

In order to minimize the temporary impacts to wetlands, the pipeline will be placed to the greatest extent possible on unvegetated sand flats and old spoil features. Soil compaction and ground disturbance will be avoided by the use of light weight equipment with oversized tires and by placing sheets of plywood or other construction mats to distribute the weight of the equipment. A pre- and post-construction inspection, as well as daily inspections of the pipeline corridor will be conducted.

The requested modification(s) will affect these authorizations as listed:

REGULATORY AUTHORIZATION FOR CONSTRUCTION AND OPERATION

The above change(s) is/are not expected to adversely affect water quality and will not be contrary to public interest and not expected to result in any adverse environmental impact or water quality degradation. The authority sought under the provisions of Part IV of Chapter 373, F.S., and Title 62, F.A.C. to construct and operate the system is modified as described above.

PROPRIETARY REVIEW

This activity now requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, if located within an Aquatic Preserves, and Chapter 18-20, F.S. and Chapter 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Federal Review - SPGP

Your proposed modification(s) has been reviewed in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The U.S. Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP) was not granted in your original permit. Federal authorization for your project cannot be given in conjunction with this permit modification. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at the Jacksonville Regulatory Field Office at (904-232-1681) for status and further information. Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

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 filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

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 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 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 the 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.

Executed in Duval, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Michael Savage at the letterhead address or (904) 256-1648 or michael.savage@dep.state.fl.us.

Sincerely,



Richard S. Rachal III, P.G.
Permitting Program Administrator

RR/mjs/

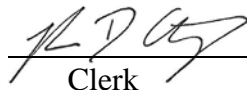
Mr. Mark Crosley
DEP File No.: 45-0291060-003-EM
Page 6 of 11
June 28, 2016

Enclosures: General Consent Conditions for Use of Sovereignty Submerged Lands
Standard Manatee Conditions & Awareness Signs
Project Drawings, 2 pages

cc: USACOE Jacksonville Office (corpsJaxReg@usace.army.mil)
Shelley Trullock, USACE (shelley.f.trullock@usace.army.mil)
William C. Aley, P.G. Taylor Engineering, Inc (baley@taylorentengineering.com)
Michael Savage, FDEP (michael.savage@dep.state.fl.us)
Alisha Simpson, FDEP (alisha.simpson@dep.state.fl.us)

FILING AND ACKNOWLEDGEMENT & CERTIFICATE OF SERVICE

Filed on this date pursuant to § 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged. The undersigned hereby certifies that this Modification Permit and all copies were sent before the close of business on June 28, 2016 to the listed persons.


Clerk

June 28, 2016
Date

**GENERAL CONSENT CONDITIONS FOR
USE OF SOVEREIGNTY SUBMERGED LANDS**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S. and Chapter 258, F.S..

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

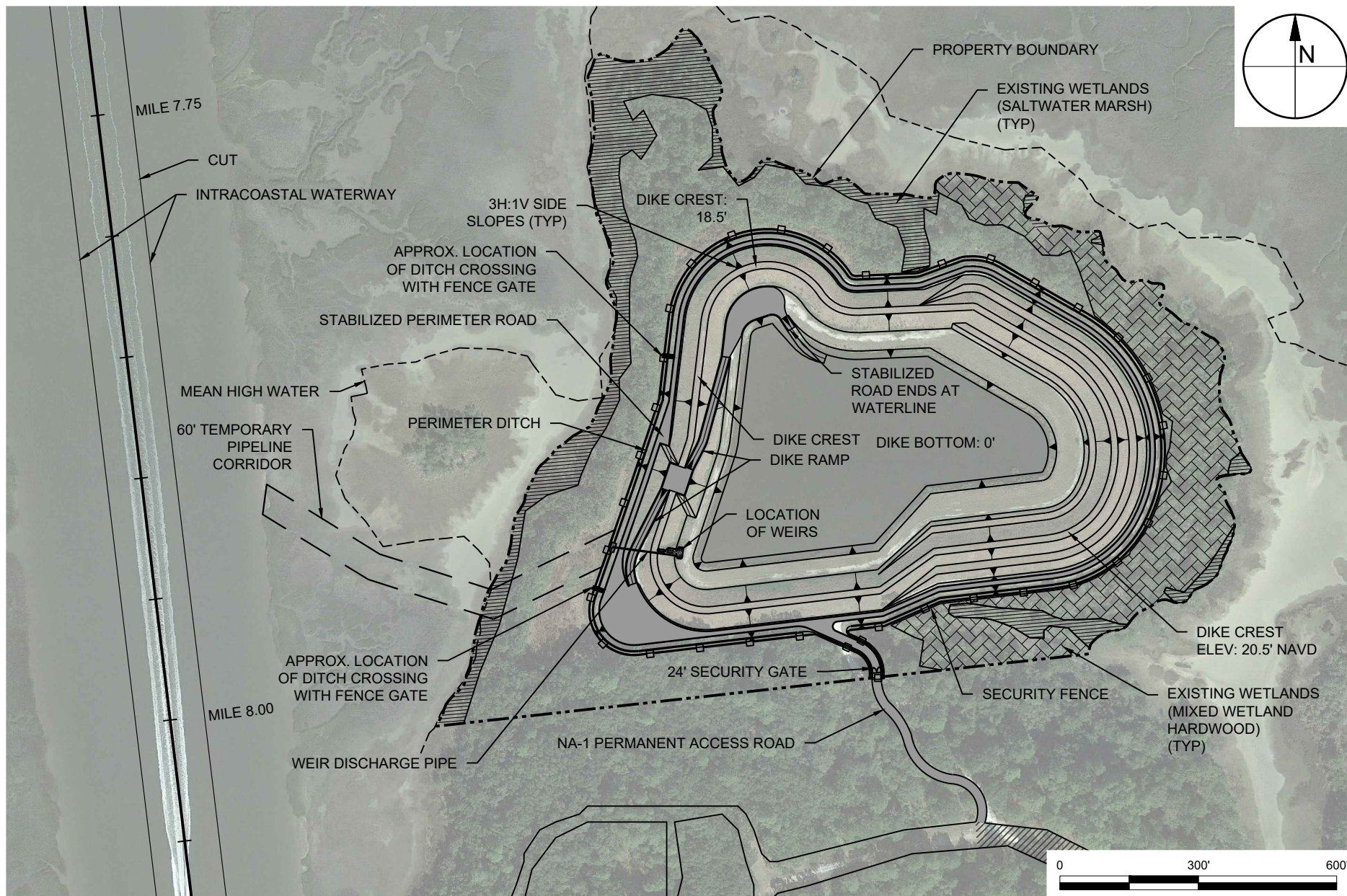
cell *FWC or #FWC



NOTICE

**YOUR PROJECT DID NOT QUALIFY FOR THE STATE AND FEDERAL COMBINED STATE PROGRAMMATIC GENERAL PERMIT (SPGP) PROGRAM. THE ATTACHED AUTHORIZATION(S) DOES NOT INCLUDE THE REQUIRED FEDERAL AUTHORIZATION FOR YOU TO CONSTRUCT YOUR PROJECT. A COPY OF YOUR APPLICATION HAS BEEN SENT TO THE U.S. ARMY CORPS OF ENGINEERS (USACOE) FOR PROCESSING. THE FEDERAL AUTHORIZATION FOR YOUR PROJECT WILL BE SENT TO YOU SEPARATELY BY THE USACOE. YOU CANNOT CONSTRUCT YOUR PROJECT WITHOUT THE APPROPRIATE FEDERAL AUTHORIZATION. THE USACOE CAN BE CONTACTED AT:
JACKSONVILLE OFFICE AT (904) 232-1681**

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TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE C-1
DMMA NA-1 PIPELINE CORRIDOR OVERVIEW
NASSAU CO. AIWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

PROJECT	C2015-048
DRAWN BY	CAS
SHEET	1 of 2
DATE	JUNE 2016

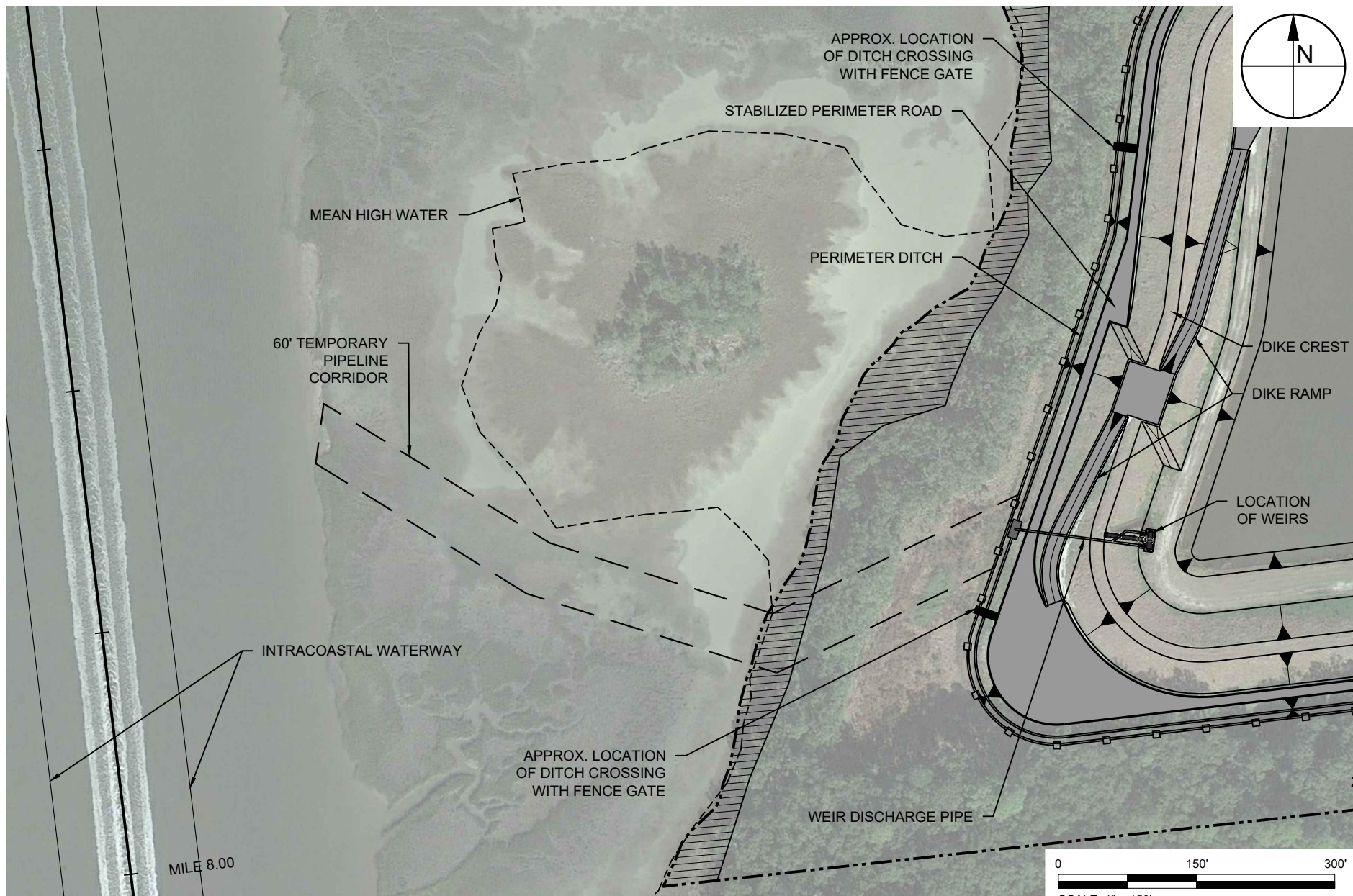
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BILL ALEY, PG. #16747

DATE

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TAYLOR ENGINEERING INC.

10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FL 32256
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE C-2
DMMA NA-1 PIPELINE CORRIDOR PLAN
NASSAU CO. AIWW MAINT. DREDGING PERMIT
NASSAU COUNTY, FLORIDA

PROJECT	C2015-048
DRAWN BY	CAS
SHEET	2 of 2
DATE	JUNE 2016

SEAL

DRAFT

BILL ALEY, PG. #16747

DATE



Florida Department of Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

September 30, 2016

Mr. Mark Crosley, Executive Director
Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477
mcrosley@aicw.org

Re: NA-1 Dredged Material Management Area (DMMA)
Modification of Permit No: 45-0291060-002-EI
Modification No.: 45-0291060-004-EM

Dear Mr. Crosley:

Your request to modify the above permit has been reviewed by Department staff in accordance with Section 62-343.100 and 62-343.120, Florida Administrative Code (F.A.C.). Your permit was issued under the authority of Part IV of Chapter 373, Florida Statutes (S.F.), and Title 62, F.A.C., Chapter 253 and Chapter 258, F. S., and Chapter 18-20, F.A.C., if located within an Aquatic Preserve, and Chapter 18-21, and Section 62-343.075, F.A.C., and the policies of the Board of Trustees and in accordance to Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C., and a Coordination Agreement Between the U.S. Army Corps of Engineers, Jacksonville District, and the Department for a State Programmatic General Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 401 of the Clean Water Act. This permit contains a regulatory authorization for the construction and operation of the system, a proprietary authorization for the use of sovereignty submerged lands for private purposes, if applicable, and the Federal State Programmatic General Permit (SPGP) for activities in Wetlands and/or Waters of the United States, if applicable.

The requested modification is to increase maximum operating pool elevation from 14.5 feet NAVD88 to 16.5 feet NAVD88. Subsequently, Specific Condition No. 21.a. of ERP No. 45-0291060-002-EI is modified from "minimum freeboard of 4 ft" to "minimum freeboard of 2 ft" with the lowest dike crest elevation of the DMMA at 18.5 feet NAVD88. The minimum ponding depth of 2 feet shall be maintained, and therefore the maximum dredged material deposit surface (top of dredge elevation) is 14.5 feet

NAVD88. The DMMA capacity is expected to increase from approximately 132,857 cubic yards to 186,000 cubic yards.

The requested modification(s) will affect these authorizations as listed:

REGULATORY AUTHORIZATION FOR CONSTRUCTION AND OPERATION

The above change(s) is/are not expected to adversely affect water quality and will not be contrary to public interest and not expected to result in any adverse environmental impact or water quality degradation. The authority sought under the provisions of Part IV of Chapter 373, F.S., and Title 62, F.A.C. to construct and operate the system is modified as described above.

PROPRIETARY REVIEW

Your project does not occur on state-owned submerged lands and will not require authorization from the Department to use these lands for private purposes in accordance with Section 253.77, Florida statutes.

Federal Review - SPGP

Your proposed modification(s) has been reviewed in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The U.S. Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP) was not granted in your original permit. Federal authorization for your project cannot be given in conjunction with this permit modification. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at the Jacksonville Regulatory Field Office at (904-232-1681) for status and further information. Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

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 filing of a petition means that the Department's final action may be different from the position taken by it in this notice.

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 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 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.

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 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 the 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.

Executed in Duval, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Junhong Shi, P. E. at the letterhead address or (904) 256-1645 or junhong.shi@dep.state.fl.us.

Sincerely,



Richard S. Rachal III, P.G.
Permitting Program Administrator

RSR/js/aw

c: USACOE Jacksonville Office, corpsaxreg@usace.army.mil
William C. Aley, P.G. Taylor Engineering Inc., baley@taylorengeering.com
Tom Kallemeyn, NED FDEP
Junhong Shi, NED FDEP
Alisha Simpson, NED FDEP

FILING AND ACKNOWLEDGEMENT & CERTIFICATE OF SERVICE

Filed on this date pursuant to § 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged. The undersigned hereby certifies that this Modification and all copies were sent before the close of business on September 30, 2016 to the listed persons.



September 30, 2016



Florida Department of Environmental Protection

RECEIVED

AUG 29 2011

MAINTENANCE DEPT

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

Herschel T. Vinyard Jr.
Secretary

August 24, 2011

Glenn Semanisin, P.E.
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

DEP File No.: 45-75835-009-EE

Dear Mr. Semanisin:

This is to acknowledge your request for information regarding the status of the State Programmatic General Permit (SPGP). An agreement with the U.S. Army Corps of Engineers (Corps) and the Florida Department of Environmental Protection (DEP) allowed the DEP to issue the federal dredge and fill permit for your project under Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act. The authority granted under SPGP IV expired on July 24, 2011.

The Corps renewed the SPGP (SPGP IV-R1) program. The authority granted under SPGP IV-R1 expires July 25, 2016.

If you have any questions, please contact me at 904-256-1654 or via my internet e-mail address at Aaron.Sarchet@dep.state.fl.us. When referring to your project please use the DEP File number listed above.

Sincerely,

Aaron Sarchet
Environmental Specialist

AMS/lb



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

May 26, 2011

Regulatory Division
North Permits Branch
Jacksonville Permits Section

PUBLIC NOTICE
Permit Application No. SAJ-1997-02063(SP-BAL)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: City of Fernandina Beach
Attn: Mr. Michael Czymbor
204 Ash Street
Fernandina Beach, FL 32034

WATERWAY & LOCATION: The project is located on the Amelia River, at the existing city marina at the end of Center Street, in Sections 17, 22 and 23, Township 03 North, Range 28 East, Fernandina Beach, Nassau County, Florida.

LATITUDE & LONGITUDE: Latitude 30.67023°
Longitude -81.46591°

PROJECT PURPOSE:

Basic: The basic project purposes are to maintenance dredge the marina basin and install a secondary seawall.

Overall: The overall project purpose is to provide sufficient depth to moor recreational and commercial vessels in the Fernandina Beach area.

PROPOSED WORK: The applicant proposes to dredge the marina basin to the previously authorized depth and install a secondary seawall. The basin would be dredged to 8-feet below Mean Low Water or -10.5-feet National Geodetic Vertical Datum (NGVD). Approximately 19,318 cubic yards of material would be dredged from the 4.08 acre basin. Either a mechanical (clamshell) or hydraulic dredge would be used for the project. If a hydraulic dredge is used, the slurry would be pumped to a proposed adjacent dredge material management area. A weirboard control structure would be installed with a 12-inch PVC discharge pipe; the pipe would discharge into a ditch. The outfall structure would qualify for a Nationwide Permit. The slurry would dry in the dredge material management area and loaded into dump trucks for transport to the Fernandina Beach Municipal Airport for disposal. If mechanical dredging is used, the dredged



Florida Department of Environmental Protection

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7825 Baymeadows Way, Suite 200B
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Secretary

Permittee/Authorized Entity:

Michael Czymbor
City Manager, City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034, Nassau County

Authorized Agent/Consultant:

Glenn Semanisin, P.E.
Project Manager, City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034, Nassau County

Fernandina Harbor Maintenance Dredge and Secondary Seawall

Environmental Resource Permit State-owned Submerged Lands Authorization – Granted

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required

**Permit No.: 45-75835-008-EI
Existing Lease File No.: 450338822**

**Permit Issuance Date: September 7, 2011
Permit Construction Phase Expiration Date: September 7, 2016**