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Administration

Agenda Item #: 349

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date:	July 19, 2011	(X) Consent	() Regular
		() Workshop	() Public Hearing
Department			
Submitted By:	<u>Environmental Resources Management</u>		
Submitted For:	<u>Environmental Resources Management</u>		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Work Order No. 0648-4 to the County Artificial Reef and Breakwater Project No. 2010ERM06 Contract (R2011-0648) with The Murphy Construction Company (Murphy) for the construction of artificial reef pods for an amount not-to-exceed \$354,100, to be completed within 60 calendar days.

Summary: With the approval of this Work Order, Murphy is authorized to construct ten limestone reef pods in the shallow water off of Singer Island as required mitigation for Jupiter/Carlin Shore Protection Project. Funds to cover the cost of this work will come from Jupiter Inlet District (JID). The contract time for this Work Order is 60 days. There is a 15% SBE goal for the entire Contract. However, Murphy's SBE participation on this Work Order will be 0%. District 1 (JM)

Background and Justification: On May 3, 2011, the BCC approved annual construction contracts with Shoreline Foundation Inc. (Primary) (R2011-0647) and Murphy (Secondary) (R2011-0648) to build breakwaters and artificial reefs. Shoreline Foundation, Inc has declined all work that has been offered. This will be the first work order issued to Murphy.

The completion of this Work Order will satisfy the mitigation required of JID by the Army Corps of Engineers for their portion of the Jupiter/Carlin Shore Protection Project. Through an Interlocal Agreement approved by the BCC on April 15, 2003 (R2003-0544) it was agreed that the County would construct and JID would pay for this work.

Attachment:

1. Work Order (No. 0648-4)

Recommended by:	<u></u>	<u>6/30/11</u>
	Department Director	Date

Approved by:	<u></u>	<u>7/12/11</u>
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$354,100	_____	_____	_____	_____
External Revenues	(354,100)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	 -0-	_____	_____	_____	_____
 # ADDITIONAL FTE POSITIONS (Cumulative)	 _____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No.: Fund 3652 Department 381 Unit M045 Object 4630
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact: Jupiter Inlet District

C. Department Fiscal Review:

JP

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

[Signature] 7/5/11 *[Signature]* 7/5/11
 OFMB Contract Development and Control
7-12-11 B. Wheeler

B. Legal Sufficiency:

[Signature] 7/12/11
 Assistant County Attorney

This item complies with current
County policies.

C. Other Department Review:

 Department Director

WORK ORDER
ANNUAL CONTRACT

PROJECT NAME: Palm Beach County Annual Artificial Reef & Breakwater Project

PROJECT NO. 2010ERM06

RESOLUTION #: R 2011 0648

DEPARTMENT: ENVIRONMENTAL RESOURCES MANAGEMENT

WORK ORDER LOCATION/NAME: Singer Island Mitigation Reef

WORK ORDER NO.: 0648-4

COMM. DISTRICT NO. 1

BUDGET LINE ITEM: Singer Island Reef Pods – 3652-381-M045-4630

[Fiscal approval of Budget Availability: _____]

DATE: _____

TO: The Murphy Construction Company
1615 Clare Avenue
West Palm Beach, FL 33401

In accordance with the terms of your Contract dated May 3, 2011, with Palm Beach County, a Political Subdivision of the State of Florida, you are directed to provide the following supplies and services: Reporting, 3 days turbidity testing, supply up to 2,000 tons of 3' to 4' diameter limestone boulders, transport and install up to 2,000 tons of 3' to 4' limestone boulders, transport all reef stone up to 4,000 ton-miles.

The above work shall be performed at: Singer Island mitigation reef location in accordance with the attached Plan(s) and Permit(s).

The total amount of this Work Order, at the contract prices, shall not exceed \$354,100.00 as identified in the attached Work Order Bid Schedule, dated 06-14-11.

The work shall be Substantially Complete within sixty (60) calendar days after the Commencement Date. This time includes three (3) calendar days for Inclement Weather. The Commencement Date and the deadline for Substantial Completion shall be provided by the County in the Notice to Proceed.

The amount of Liquidated Damages assessed for completion after Substantial Completion or Final Completion is: \$680.00/Day.

Progress Payment Retainage shall be held in the amount of five percent (5%) of the Total Complete.

The additional insured(s) and indemnitee(s) are: Florida Power & Light Company.

This Work is funded in part or in whole by: Jupiter Inlet District.

Davis-Bacon Act does not / does apply.

The FPL Staging Site will / will not be used, therefore, Bid Item 24, Discount for use of FPL Site, does / does not apply.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Karen Marcus, Chair

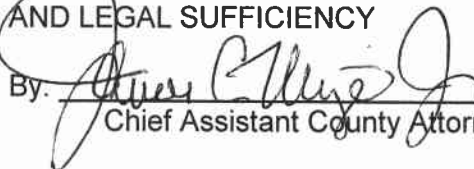
ATTEST:
Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

DATE: _____

(Seal)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By:  _____
Chief Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

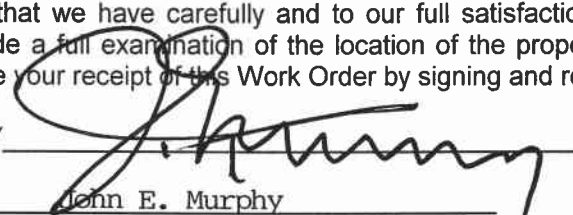
By:  _____
Richard E. Walesky, Director
Dept. of Environmental Resources
Management

CONTRACTOR AFFIDAVIT AND RECEIPT OF WORK ORDER:

Having carefully examined the Work Order documents, including its attachments and Plans, for the above-referenced Project, as well as the premises and conditions affecting the Work, and confirming that the site(s) was/were visited, as required, by

Mark Bolchoz on 6/30/11
(Name of Person) (Date)

the undersigned hereby declares that we have carefully and to our full satisfaction examined the Work Order documents, and that we have made a full examination of the location of the proposed Work and the source of supply of materials. Please indicate your receipt of this Work Order by signing and returning two originals.

BY  _____
John E. Murphy
Name
President & C.E.O.
Title

The Murphy Construction Co.
Contractor Name

Attachments: Location Map
Bid Schedule
SBE Schedule(s) 1, 2
Scope, Permits, Plansheets
Contract History

SITE LOCATION MAP

Name	Lat	Long
Boynton Inlet FWC Reef	N 26 33.070	W 80 02.130
Donated Material Reef	N 26 57.533	W 80 03.750
Jupiter Ridge	N 26 55.088	W 80 04.736
Juno Bait Reef	N 26 53.642	W 80 03.095
Kreusler Reef	N 26 37.000	W 80 02.130
Nearshore Module Reefs	N 26 47.117	W 80 01.840
	N 26 32.500	W 80 02.540

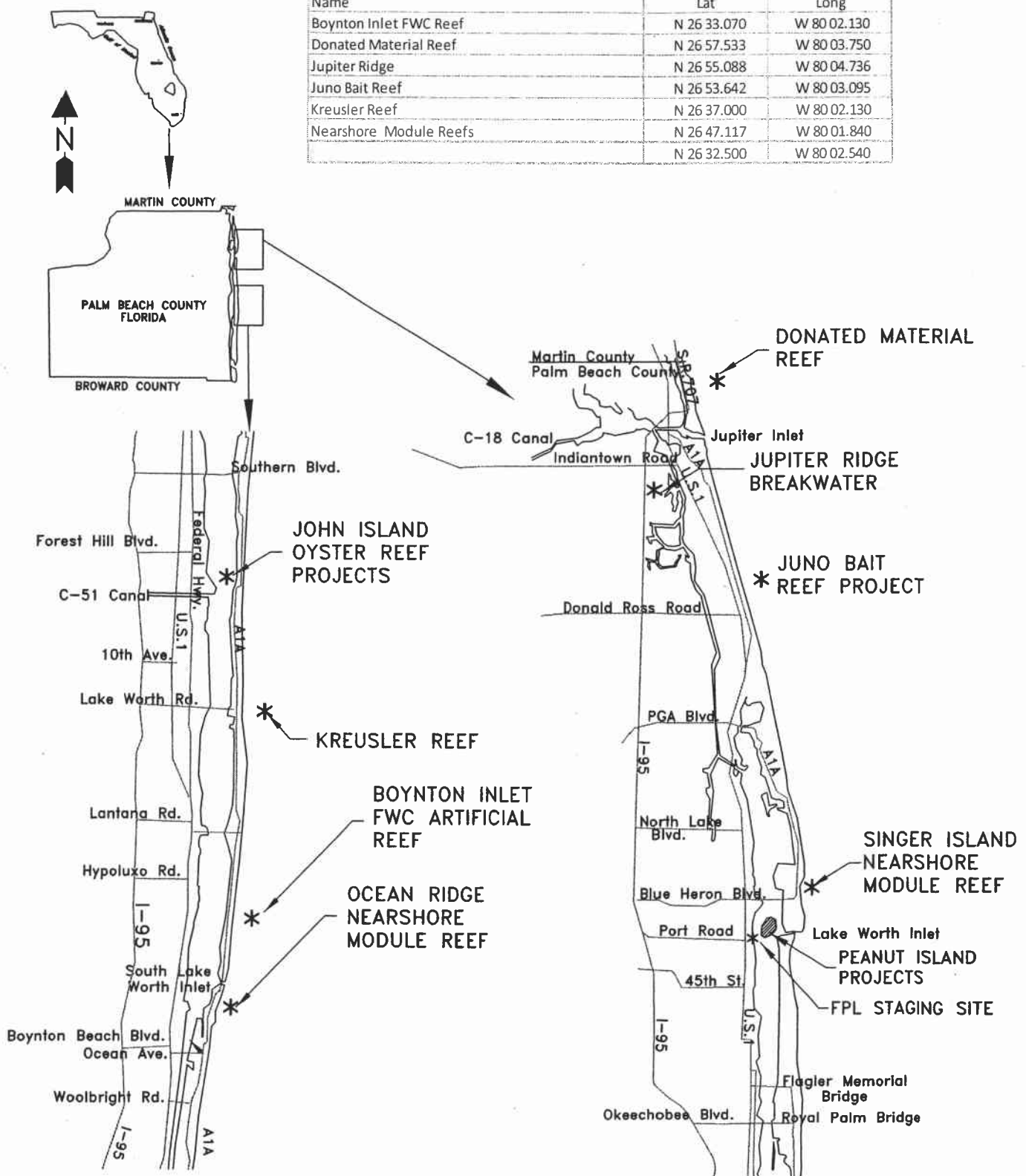


FIGURE 1



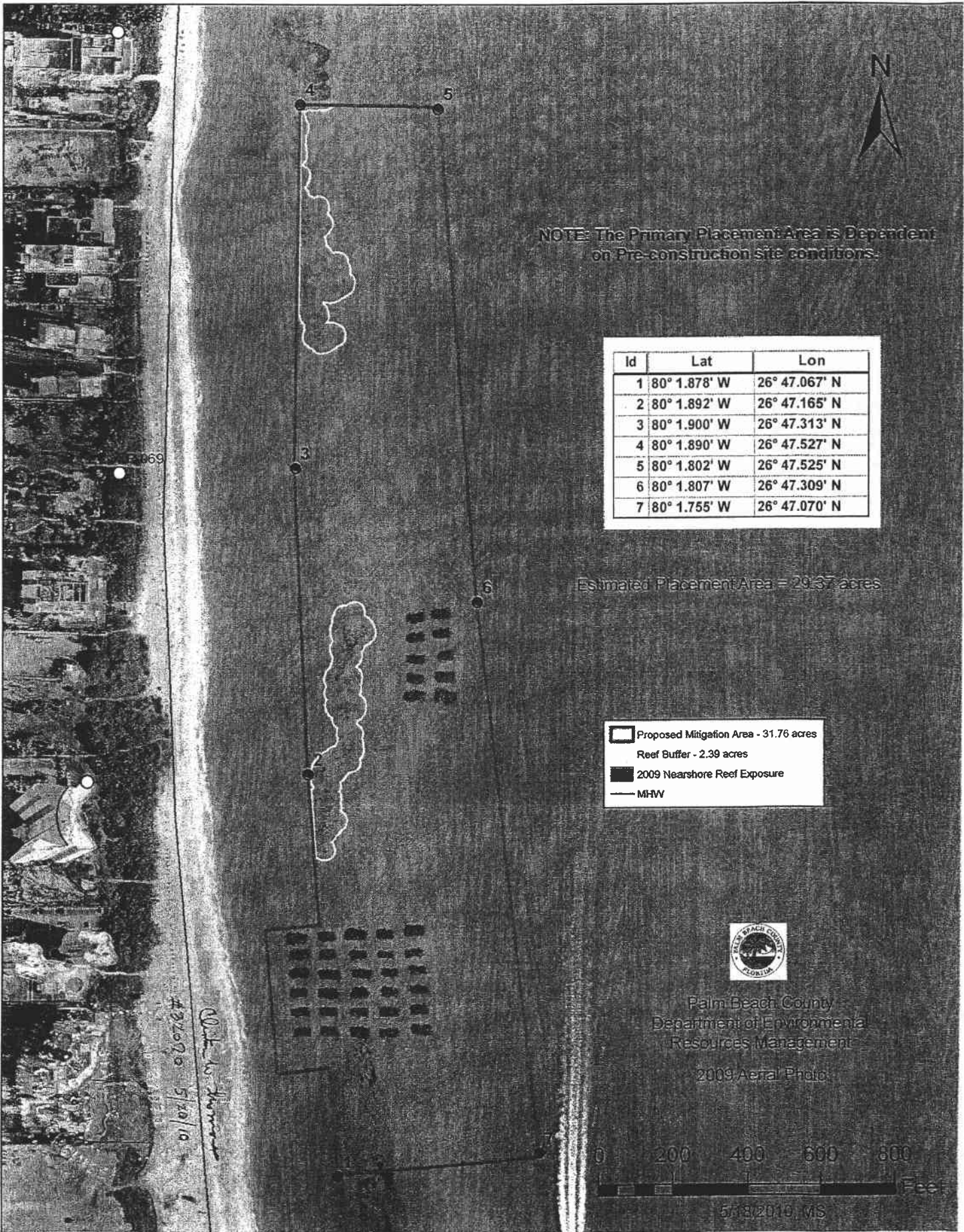
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

VICINITY MAP

SCALE: NTS



Proposed Mitigation Reef Placement Area



Work Order Bid Schedule

Project Number: 2010ERM06
Project Name: Palm Beach County Annual Artificial Reef & Breakwater Project
Work Order Number: 0648-4
Work Order Name: Singer Island Reef Pods
Contractor Name: The Murphy Construction Company
Date: 06/14/2011

Bid Item	Description	Quantity	Units	Unit Price	Total Price
	General				
1	Turbidity Monitoring/Reporting	3.00	Day	1,100.00	3,300.00
2	Mobilization & Demobilization	1.00	Work Order	83,000.00	83,000.00
	Materials Supply				
3	Supply Limestone Armor Stone Boulders (3 to 4' diameter)	2,000.00	Ton	56.00	112,000.00
	Nearshore Limestone Reef Construction				
8	Load/Install Armor Stone	2,000.00	Ton	76.50	153,000.00
9	Transport Armor Stone	4,000.00	Ton-Mile	0.70	2,800.00
WORK ORDER TOTAL:					\$ 354,100.00

will not be used for this Work Order. Bid Item 24, "Discount for use of FPL Site", does not apply.

Note: The FPL Staging Site will be used for this Work Order. Bid Item 24, "Discount for use of FPL Site", has been applied, reducing the unit price of all Load/Install Items by \$0.50.

SCHEDULE 1 FOR WORK ORDER NO. 4
LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION

PROJECT NO.: 2010ERM06

PROJECT NAME: Palm Beach County Annual Artificial Reef & Breakwater Project

NAME OF PRIME BIDDER: The Murphy Construction Co.

ADDRESS 1615 Clare Avenue, West Palm Beach, FL 33401

CONTACT PERSON: John E. Murphy

PHONE NO: 561-655-3634 FAX NO: 561-655-3674

BID OPENING DATE: _____

DEPARTMENT: Environmental Resources Management

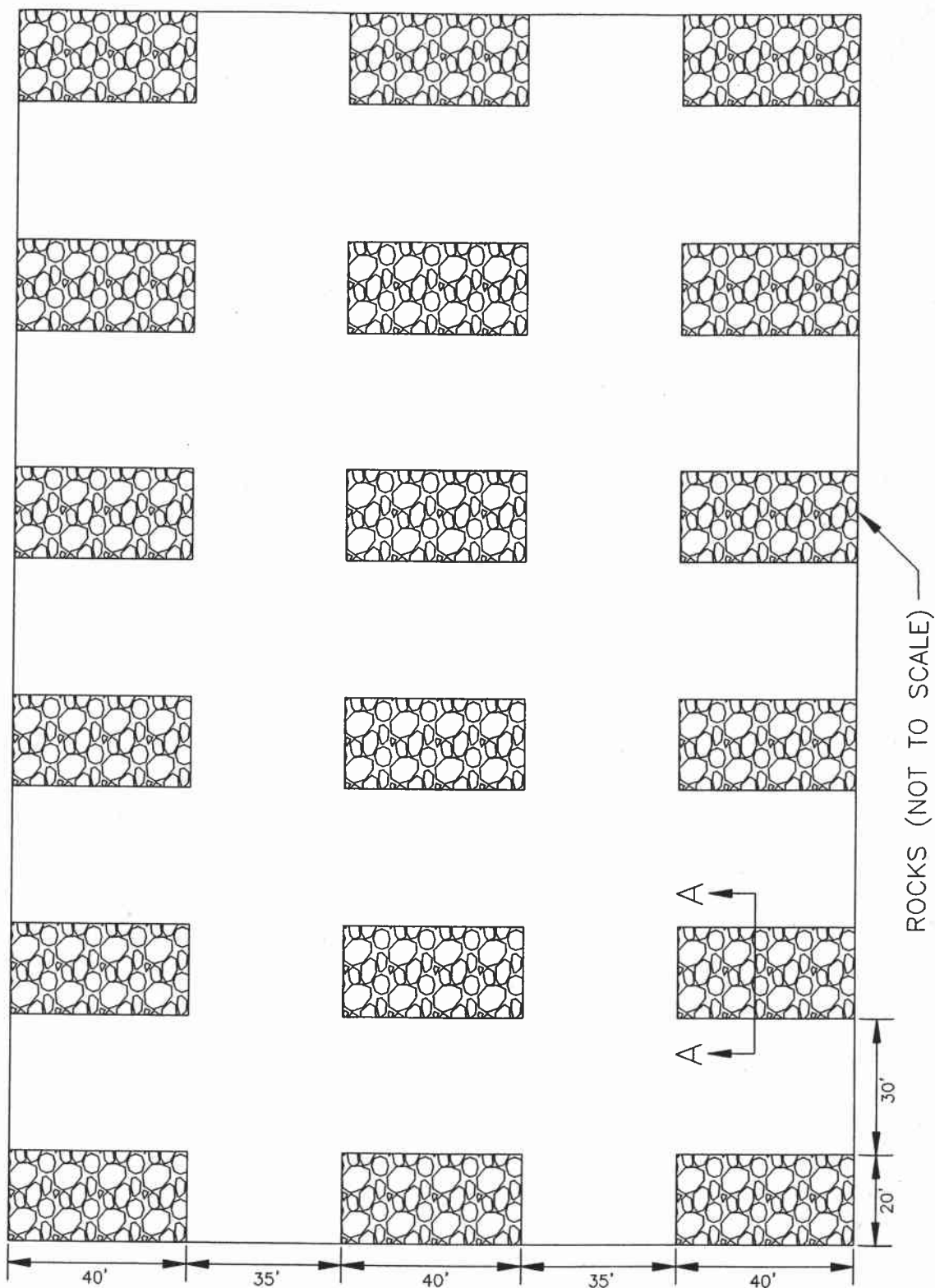
Please list the dollar amount or percentage of work to be completed by the prime on this project.
Please also list the dollar amount or percentage of work to be completed by all subcontractors on the project.

Name, Address and Phone Number	(Check one or both Categories)		Dollar Amount or Percentage of Work				
	M/WBE Minority Business	SBE Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
2.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
3.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
4.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
5.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(Please use additional sheets if necessary)		Total	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Total Work Order Price \$ 354,100.00

Total Value of SBE-M/WBE Participation on Work Order 0.00

- NOTE: 1. The amount listed on this form for a subcontractor must be supported by price or percentage listed on the signed Schedule 2 or signed proposal in order to be counted toward goal attainment.
2. Firms may be certified by Palm Beach County as an SBE and/or an M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount under the appropriate category.
3. M/WBE information is being collected for tracking purposes only.



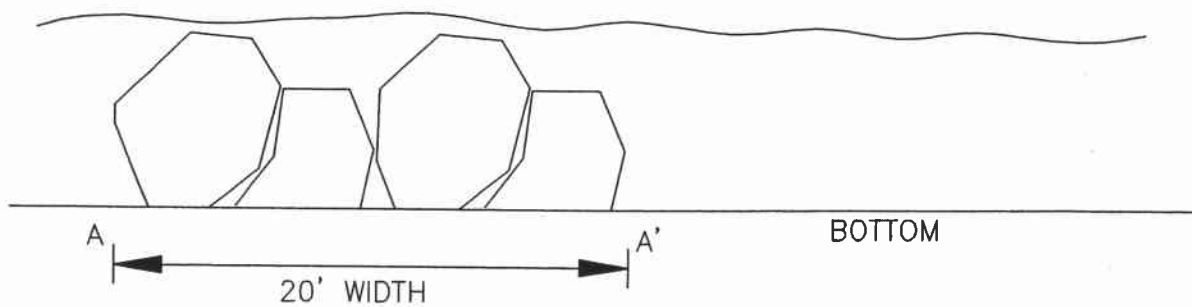
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

TYPICAL
ARTIFICIAL REEF LAYOUT
FOR
MITIGATION REEFS

NTS FIG. 3

SEPARATION DISTANCES MAY VARY WHEN FIELD
ADJUSTED

02/08



CONSTRUCTION NOTES:

BOULDERS SHALL HAVE A MINIMUM WEIGHT OF 2200 LB.
UP TO 6000 LB. WITH AT LEAST 95% OF THE BOULDERS
2200 TO 5800 LB.



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

CROSS-SECTION
MITIGATION REEFS CONSTRUCTION

NTS



07/07/MODIFIED 10/08

REV
1



COPY

**Florida Department of
Environmental Protection**

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

RS
(make sure Janet Carmo has a copy)
Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

February 18, 2011

Robert Robbins, Deputy Director
Palm Beach County DERM
2300 North Jog Road, 4th Floor
West Palm Beach, FL
33411-2743

Re: Permit Extension No. 0127642-008-JN
Permit No. 0127642-001-JC, as modified
Project Name: Juno Beach Restoration (Mitigation Reef)

ENV. RES. MGMT.
Env. Enh. & Restoration ☒
Natural Resources Stewardship ☐
Resources Protection ☐
Mosquito Control ☐
Finance & Support Services ☐
Director ☐
Deputy Director ☒
Other ☐

Dear Mr. Robbins:

We are in receipt of your November 8, 2010, notice to use the provisions of Section 46 of Chapter 2010-147 Laws of Florida (SB 1752) to extend the duration of the above Joint Coastal Permit (JCP) under Part IV of Chapter 373, F.S., for construction of the mitigation reef only. Pursuant to the provisions of SB 1752, the expiration date of the permit is changed as follows:

Original Expiration Date: **October 13, 2010**

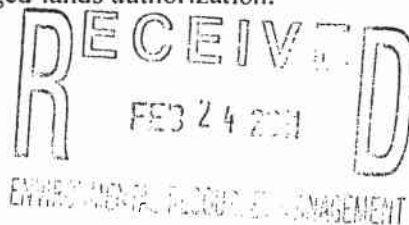
New Expiration Date: **October 13, 2012**

All timelines and dates contained in the permit pertaining to mitigation, construction windows, monitoring and submitting reports for the activity authorized by the permit are modified in recognition of, and relative to, the new expiration date. You are advised that the legislation requires that, "The commencement and completion dates for any required mitigation associated with a phased construction project [is] extended such that the mitigation takes place in the same timeframe relative to the phase as originally permitted."

In accordance with the legislation, the permitted activity will continue to be governed by the rules in effect at the time the permit was issued. However, any future request to modify the permit, except where the modification lessens the environmental impact, will be governed by the rules in effect at the time of the modification.

This extension does not:

1. Otherwise change any other terms or conditions of the permit, as previously modified.
2. Affect the expiration date of any associated state-owned submerged lands authorization.



3. Affect the water quality certification determination under Section 401, Public Law 92-500, 33 U.S.C. Section 1341 made as part of the permit.
4. Affect the coastal zone consistency concurrence determination made under Florida's Coastal Zone Management Program in Section 307 of the Coastal Zone Management Act and 15 CFR 930, Subpart D originally contained in the permit.
5. Affect the expiration date of any state, federal, or local permit, license, or authorization related to this permit, specifically including any federal permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

Sincerely,



Martin K. Seeling
Environmental Administrator
Bureau of Beaches & Coastal Systems

MKS/smm

cc (via electronic mail):

Daniel Bates, Palm Beach County ERM
Janet Phipps, Palm Beach County ERM
Tori White, USACE, Palm Beach Gardens
Keith Mille, FWC, Artificial Reef Program
Martin Seeling, BBCS – JCP
Robert Brantly, BBCS – JCP
Rob Buda, BBCS – BECP
Paden Woodruff, BBCS – BECP
Alex Reed, BBCS – BECP
Robert Brantly, BBCS – CE
JCP Compliance Officer
Rob Weber, Town of Palm Beach
Gerald Ward, Resident

Leanne Welch, Palm Beach County ERM
Reubin Bishop, Palm Beach County ERM
Robbin Trindell, FWC, ISMS
Michael Barnett, BBCS – Chief
Vladimir Kosmynin, BBCS – JCP
Steven MacLeod, BBCS – JCP
Stephanie Gudeman, BBCS – JCP
Roxane Dow, BBCS – BECP
Mark Taynton, BBCS – CCCL
Jenny Cheng, BBCS – CE
Erika D'avano, Surfrider
Dan Clark, Cry of the Water
BBCS Permit File (hardcopy)



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

October 8, 2008

Richard Walesky
Palm Beach County DERM
2300 North Jog Road, 4th Floor
West Palm Beach, FL
33411-2743

Permit Modification No. 0127642-004-JN
Permit No. 0127642-001-JC, Palm Beach County
Juno/Jupiter-Carlin Artificial Reef Placement Modification

Dear Mr. Walesky:

Your request to modify Permit No. 0127642-001-JC has been received and reviewed by Department staff. The proposed permit modification is to place an artificial reef offshore of Riviera Beach between FDEP reference monuments R-70 and R-71 as mitigation for downdrift impacts from the 2000-2001 Juno Beach Restoration project and federally-required mitigation associated with inlet bypassing included in the Jupiter-Carlin Shore Protection Project (File No. 0163093-001-JC).

Project Area History

Jupiter-Carlin Shore Protection Project

Construction of the initial beach restoration at Jupiter-Carlin (Permit Nos. **50-1753379-9** and **DBS90-258**) occurred in March and April of 1995. The original project included restoration of 6,000 feet of shoreline between R-13.5 and R-19 with approximately 603,800 cubic yards of material from the Jupiter Inlet ebb tidal shoal. To mitigate for impacts to the nearshore hardbottom, an artificial reef was constructed pursuant to the requirements of the U.S. Army Corps of Engineers (USACE) Federal Dredge and Fill Permit (Permit No. 19900902 (IP-RP)). As of July 2000, 3.5 acres of mitigation reef were documented.

On July 27, 2001, the Department issued Joint Coastal Permit No. **0163093-001-JC**, which authorized the first nourishment event. This event placed 625,000 cubic yards of material from a borrow area north of Jupiter Inlet along the same stretch of beach as the previously restored beach. No additional hardbottom impacts were expected from this project and no mitigation was required.

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 2 of 10

Juno Beach Restoration

On July 13, 1999, the Department issued Joint Coastal Permit No. **0127642-001-JC** for the Juno Beach Restoration project. Palm Beach County built this project in 2000/2001, by placing approximately 1.5 million cubic yards of sand along 2.4 miles of beach between FDEP reference monuments R-26 and R-38. To offset impacts to the nearshore hardbottom within the project area, the County placed 3.77 acres of concrete and limestone boulders in water depths ranging from -8 to -18 feet NGVD offshore of FDEP reference monuments R-23, R-24 and R-25.

The Department is currently reviewing an application for a 10-year maintenance permit (File No. 0276415-001-JC) to periodically nourish this segment of shoreline. Post-construction aerials from the Juno Beach Restoration project indicated that unanticipated impacts to downdrift hardbottom had occurred. The new nourishment permit will require mitigation for those unanticipated impacts.

Proposed Mitigation

In order to offset the downdrift impacts caused by the initial restoration of the beach, the Department will require mitigation as a condition of the nourishment permit (0267415-001-JC). At this time, the Department has not finalized its review of the application for that project or determined the amount of mitigation required to fully offset the impacts caused by the southward spreading of the restoration fill. The County has proposed the placement of 0.75 acres of mitigation reef to offset those impacts. This modification serves as authorization to construct 0.75 acres of reef. The County may use this artificial reef as part of the mitigation requirement for the Juno Beach Nourishment permit, but this does not preclude the Department from requiring additional mitigation acreage upon completion of the application review for the nourishment project.

In order to fulfill the federal mitigation requirements associated with inlet bypassing in the Jupiter-Carlin Shore Protection project, Palm Beach County must construct an additional 1.16 acres of artificial reef. While the Department is not requiring mitigation for the Jupiter-Carlin project, this modification serves as authorization for placement of the Jupiter-Carlin artificial reef on sovereign submerged lands. The Jupiter-Carlin mitigation reef will be placed in the same general location as the Juno Beach mitigation reef, offshore of Riviera Beach. However, this portion of the artificial reef may not receive mitigation credit from the Department.

The combined 1.91 acres of artificial reef will consist of limestone boulders that will be grouped into single-layer "pods" measuring 20 feet by 40 feet. The County has also proposed placing two manufactured reef "modules", each of which will consist of an array of small limestone boulders set into the upper surface of a concrete slab. These modules are intended to more closely mimic the low-profile hardbottom that was impacted. At this time, the Department has not approved the placement of the manufactured reef modules because we do not yet have reasonable assurance that these structures will remain stable in the nearshore environment.

However, if the applicant (or the vendor) can submit a sufficient stability analysis that provides such assurance, a modification will be issued to include these structures.

Engineering Design

The Permittee, Palm Beach County, has provided engineering design calculations and coastal process analyses that demonstrate with reasonable assurance the hydrodynamic stability of the proposed limestone boulders pods and the expected effects of the pods on the coastal littoral processes. Based on the proposed design and siting information, the pods are not expected to have an adverse impact on the coastal littoral processes that would result in erosion of the beach or dune located along the adjacent coast in the lee of the structures, and the boulders are hydrodynamically stable under the design storm conditions.

The County proposed use of a pre-fabricated concrete/limestone unit as an alternative design of an artificial hardbottom structure. The Department has concerns regarding the hydrodynamic stability and structural strength of the concrete/limestone units and requested engineering design calculations to demonstrate the performance of the proposed structures. Hydrodynamic stability and structural strength under design storm conditions is necessary to ensure the structures provide the intended artificial hardbottom substrate, which might be impaired by movement and/or breakage and fragmentation of the structures. The County provided a letter report on hydrodynamic stability prepared by a coastal engineer. The information was considered incomplete by the Department, but more importantly, the stability analysis indicated that a heavier structural unit was required to resist movement. Subsequently, the County submitted a revised design, but not an analysis of structural strength of the heavier units, or additional information on hydrodynamic stability requested by the Department. During a meeting with Department staff on September 26, 2008, the County agreed that installation of the concrete/limestone units would not be included in this permit modification, but may be authorized by the Department upon receipt of the additional information regarding hydrodynamic stability and structural strength.

Environmental Concerns

Reef placement

The placement of the artificial reefs was designed based on 2007 aerial photographs. Prior to deployment, the Applicant will conduct sediment depth surveys to ensure that the placement area has an underlying rock layer covered with a persistent layer of sediment. The rock layer prevents subsidence of the placed boulders while the persistent layer of sand provides assurance that the rocks are not being placed on living organisms or ephemeral hardbottom.

Additionally, the Applicant will verify by diver survey the location of the existing hardbottom edge nearest the approved placement area. Boulders will be placed at least 50 feet from exposed natural hardbottom to ensure no damage is caused.

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 4 of 10

Threatened and endangered species

Construction of the Juno/Jupiter-Carlin Mitigation Reef has been designed and timed so as to avoid potential interactions with endangered and threatened species. All staging and stockpiling will occur at an existing upland staging area. Material will be transported and placed by barge through Palm Beach Inlet. No work will occur at night and barges will be kept at the staging location overnight to avoid impacts to nesting turtles.

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

PROJECT DESCRIPTION:

The project activity is beach restoration consisting of the hydraulic placement of approximately 1.0 million cubic yards of sand along 2.4 miles of beach from offshore borrow sites. The beach fill is located between the Department of Environmental Protection's DNR reference monuments R-26 and R-38, at Juno Beach. The elevation of the beach fill berm is to be +9 feet NGVD and the typical berm width will be 200 feet as measured from the existing dune line. The project includes construction of a dune formation or reconstruction of the toe of the existing dune along the entire beach fill area. Sediment for the beach fill will be excavated from two offshore borrow sites: Borrow Area I is located approximately 2 miles northeast of Jupiter Inlet. Borrow Area II is located approximately 3 miles east of Jupiter Inlet and southeast of Borrow area I.

Additionally, Palm Beach County will place 1.91 acres of artificial reef offshore of Riviera Beach, between FDEP reference monuments R-70 and R-71, and ranging between -4.5 feet and -13.5 feet NGVD (-5.4 feet and -14.4 feet MLW). Up to 0.75 acres the artificial reef may be applied toward the mitigation requirement of the future nourishment permit, to help offset the downdrift impacts from the 2000-2001 Juno Beach Restoration project. The other 1.16 acres of artificial reef will be used as the federally-required mitigation for the Jupiter-Carlin Shore Protection Project.

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

SPECIFIC CONDITIONS:

13. The following procedures shall be adhered to for the construction of the artificial reef mitigation work:

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 5 of 10

- a. At least ~~1060~~ days prior to beginning construction of the artificial reefs, the permittee shall submit to the Bureau Office of Beaches and Coastal Systems, with a copy to the Southeast District Office, a plan view drawing identifying the surveyed coordinates of the artificial reef construction sites and all work spaces (staging areas, boat access corridors, etc.) to be used to construct the artificial reefs. The drawing shall include all hardbottom areas within 1,000 ft. of the artificial reef construction sites. The work conducted adjacent to existing hardbottom areas shall be performed in a manner that will avoid impacts to existing hardbottom. All artificial reef construction equipment shall be confined to the identified, buoyed work spaces. Artificial reef construction shall not begin until the Department approves the work spaces. A transmittal sheet labeled "**This information submitted in accordance with the requirements of Specific Condition No. 13a of Permit No. 0127642-001-JC, for the Juno Beach Restoration Project**" shall be attached to the above-referenced information when submitted to the Department;
- b. Prior to the placement of any reef building material in the water at the mitigation site, the limits of the reef construction area shall be marked with buoys. Construction of the artificial reef shall be conducted during daylight hours only. ~~If this work is to be conducted at night, the buoys shall be lighted;~~
- c. The artificial reef shall be constructed of limestone boulders and clean concrete. Reef construction materials shall be inspected by the permittee or their designee prior to loading onto work barges. Debris and sources of pollution shall be removed from the material prior to its placement onto the work barges. Rebar, steel, or other similar protruding materials shall not be included in the reef construction materials;

The permittee shall ensure that the artificial reef is constructed to mimic the natural hardbottom in the project area. The initial mitigation reef shall be constructed of concrete and limestone boulders at depths ranging from -8 to -18 feet NGVD approximately 2000 feet north of the proposed beach fill area. A second reef comprised of limestone boulders shall be placed within the Department-approved area offshore of Riviera Beach, at reference monuments R-70 and R-71, in water depths ranging from -4.5 feet to -13.5 feet NGVD (-5.4 feet to -14.4 feet MLW).

- d. Artificial reef material shall be placed at least 50 feet from exposed natural hardbottom.

- e. The stability analysis for the mitigation site was based on a depth comparable to the western boundary of the Primary Juno Mitigation Placement Area. Therefore, regardless of the location of the -6.0 ft MLW contour at the time of construction, the artificial hardbottom structures shall not be placed landward of the western boundary of the Primary Juno Placement Area, even if this is contained within the boundaries of the proposed project area as depicted on the approved permit drawings.
14. In addition to the other conditions of the permit, all construction activities shall be conducted in accordance with the Palm Beach County Artificial Reef & Breakwater Project Technical Specifications (received by the Department on February 22, 2008), which are hereby incorporated by reference into this permit. If there are any inconsistencies between the technical specifications, the conditions of the permit or the approved permit drawings, then the permit conditions shall prevail, followed by the approved permit drawings.
15. A sediment depth survey shall be conducted immediately pre-construction to ensure that the artificial reefs are placed in areas with underlying rock (for stability) and a persistent cover of sand.
16. Following construction of the artificial reef(s), the permittee shall complete the **MATERIALS PLACEMENT REPORT** on the form provided on the FWC web page at <http://myfwc.com/marine/ar/index.asp>. Within 30 days following construction, the completed form shall be submitted to the Florida Fish & Wildlife Conservation Commission, Division of Marine Fisheries, Artificial Reef Program, 620 S. Meridian Street, Tallahassee, FL 32399 and a copy e-mailed to the JCP Compliance Officer, Bureau of Beaches & Coastal Systems. In addition to attaching the completed form, please indicate on the e-mail that “**this information is being submitted in accordance with Specific Condition No. 16 of Permit No. 0127642-001-JC, for the Juno Beach Restoration Project.**”

The permit drawings shall be revised as follows:

The attached drawings (signed and sealed 09-05-08) shall be added to the existing set of permit drawings and shall not supersede them.

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 7 of 10

adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation and is expected to be of environmental benefit, the **permit is hereby modified** as stated above. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification(s).

This letter of approval does not alter the **July 13, 2009**, expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawings must be attached to the original permit.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the construction of this artificial reef qualifies for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the conditions of the permit and the attached General Consent Conditions. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

NOTICE OF RIGHTS

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

Under Rule 62-110.106(4), Florida Administrative Code, 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

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 8 of 10

Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the 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;

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 9 of 10

- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit modification constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 10 of 10

If you have any questions regarding this matter, please contact Caitlin Lustic at the letterhead address (add Mail Station 300) or by telephone at (850) 413-7766.

Sincerely,



Martin K. Seeling
Environmental Administrator
Bureau of Beaches & Coastal Systems

MKS/el

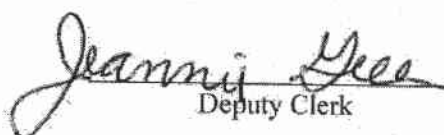
Enclosed:

Permit Drawings (4 Pages)
General Consent Conditions
Palm Beach County Artificial Reef & Breakwater Project Technical Specifications

cc:	Dan Bates, Palm Beach County ERM	Leanne Welch, Palm Beach County ERM
	Janet Phipps, Palm Beach County ERM	Reubin Bishop, Palm Beach County ERM
	Marty Seeling, BBCS - JCP	Vladimir Kosmynin, BBCS - JCP
	Bob Brantly, BBCS - JCP	Steven MacLeod, BBCS - JCP
	Rob Buda, BBCS - BECP	Paden Woodruff, BBCS - BECP
	Roxane Dow, BBCS - BECP	JCP Compliance Officer
	BBCS Permit File	Keith Mille, FWC, Artificial Reef Program

FILING AND ACKNOWLEDGMENT

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


Deputy Clerk

10/8/08
Date

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
SUBMERGED LANDS & ENVIRONMENTAL RESOURCES PROGRAM
GENERAL CONSENT CONDITIONS**

Authorization No. 0127642-004-JN, Palm Beach County
Richard Walesky, Palm Beach County ERM
Juno/Jupiter-Carlin Artificial Reef Placement Modification

1. 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.
2. 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.
3. 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.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. 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.
6. 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.
7. Structures or activities shall not create a navigational hazard.
8. 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.
9. 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.

SITE LOCATION MAP

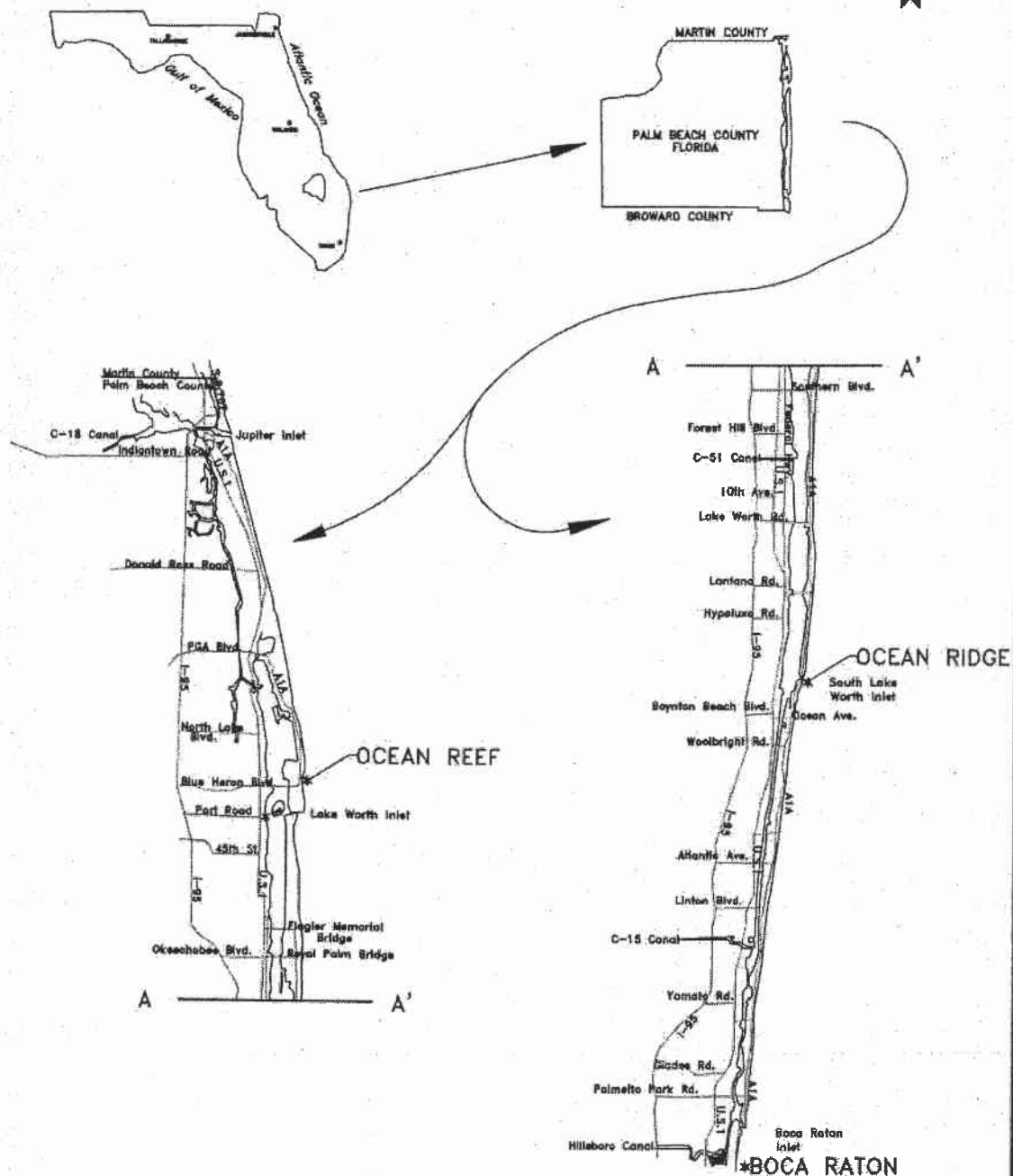


FIGURE 1



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

VICINITY MAP

SCALE: NTS

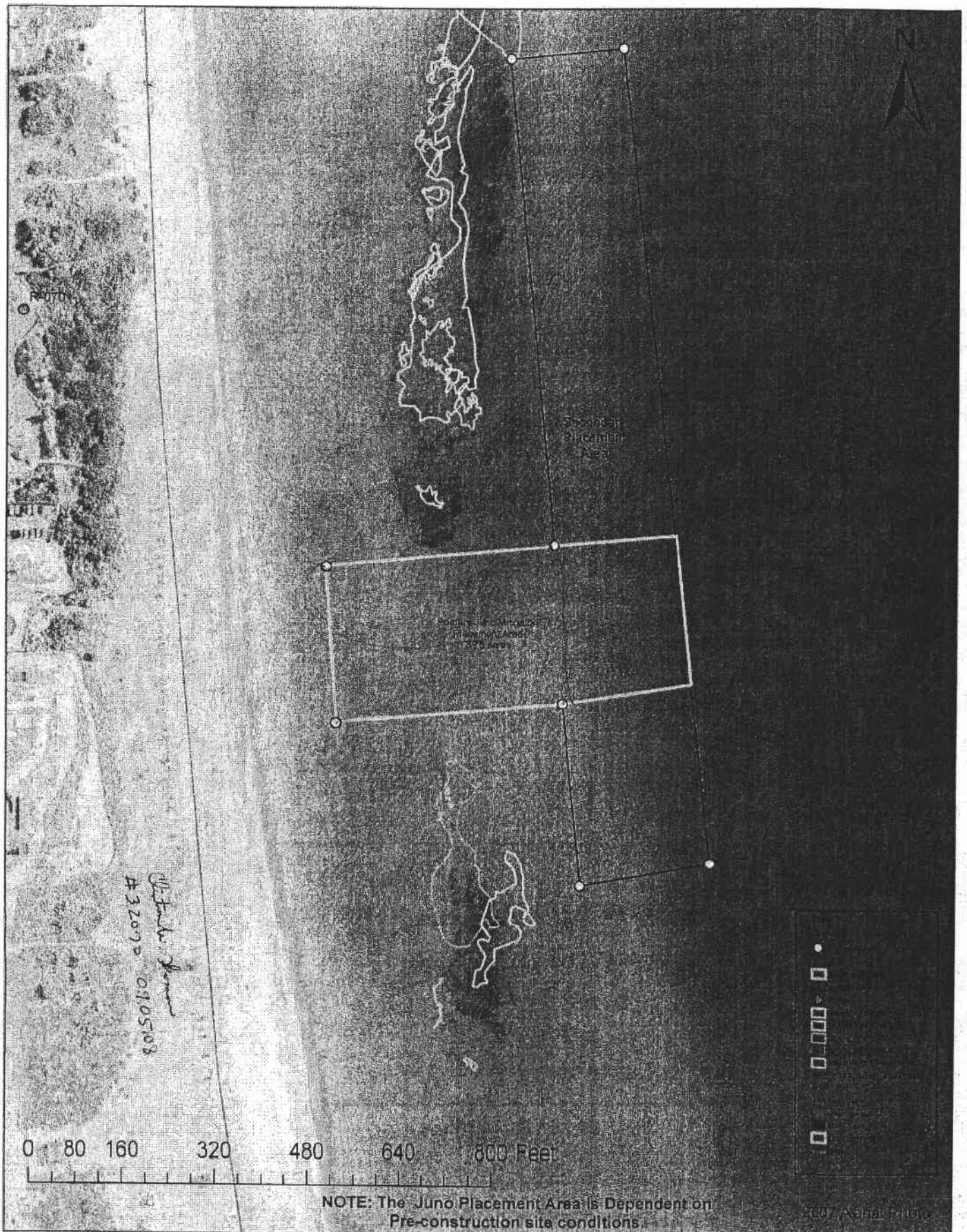


02/08

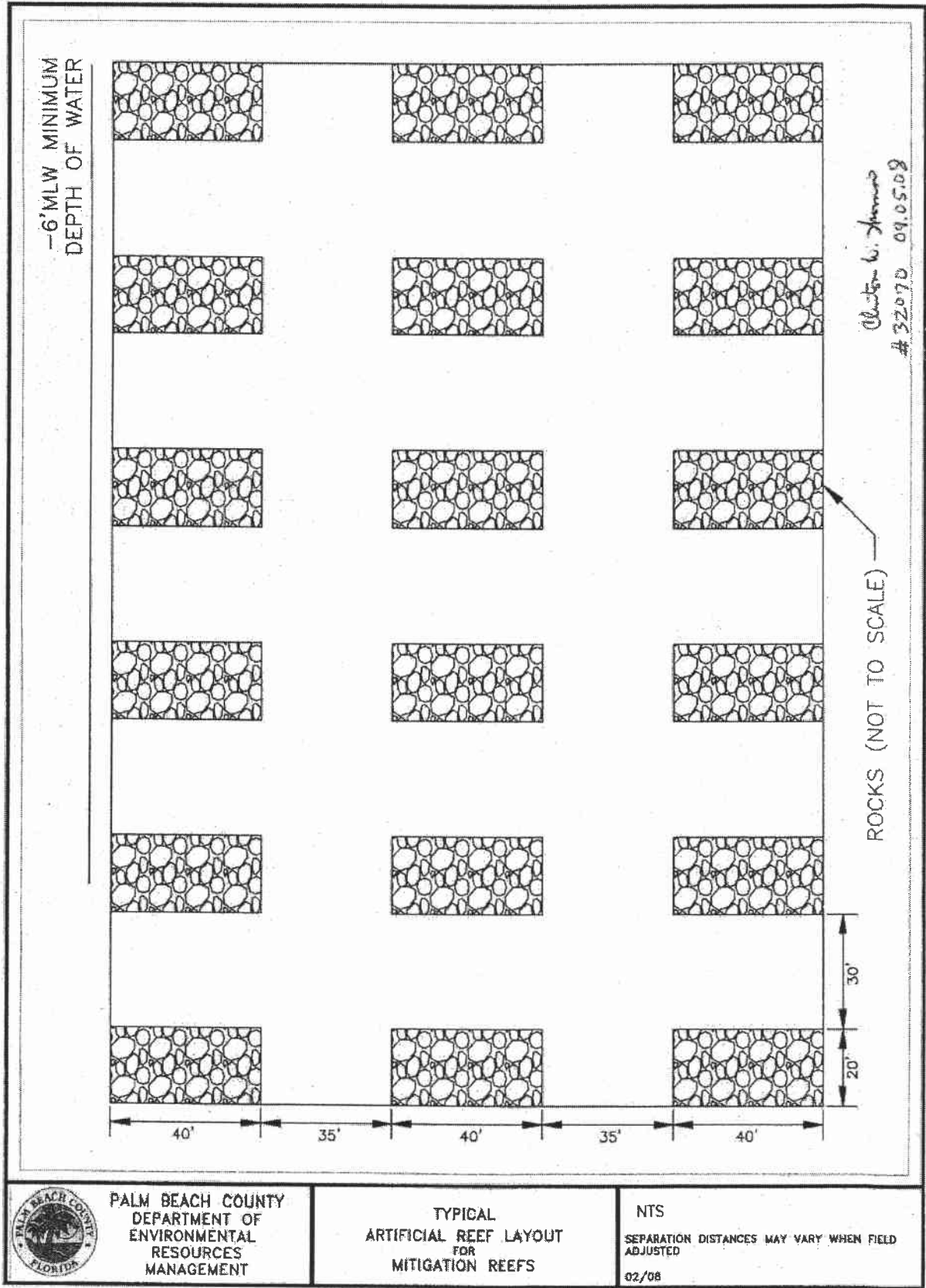
PERMIT # 127642004

Attachment 37

PERMIT # 127642004

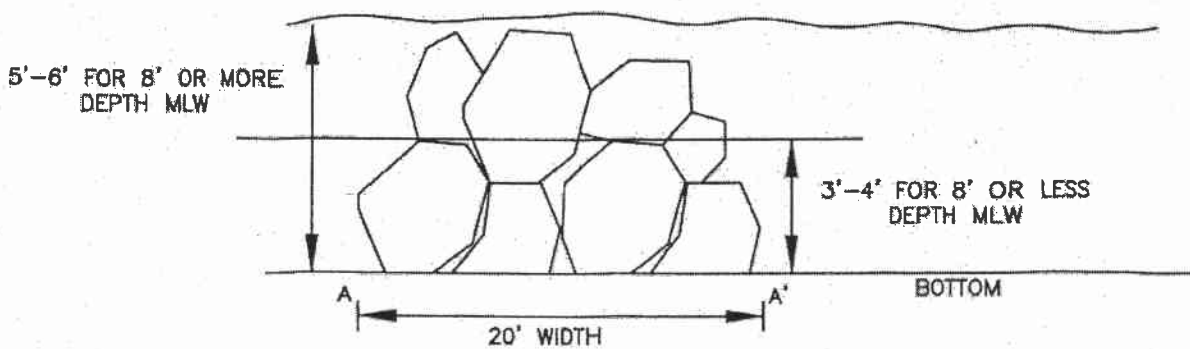


PERMIT # 127 642 004



PERMIT # 127 642 004

ATTACHMENT 1B



CONSTRUCTION NOTES:

BOULDERS SHALL HAVE A MINIMUM WEIGHT OF 2200 LB.
UP TO 6000 LB. WITH AT LEAST 80% OF THE BOULDERS
3000 LB. LARGER BOULDERS WILL BE USED FOR BASE
ROCKS FOR STACKING.

Clinton W. Thomas
#32070 09.05.08



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

TYPICAL CROSS-SECTION
NEARSHORE LIMESTONE REEFS
CONSTRUCTION

NTS

07/07/MODIFIED 08/08



DEPARTMENT OF THE ARMY PERMIT

Permittee: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

1.16 ac

Permit No. 199000902 (IP-TA)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The project includes the restoration and stabilization of approximately 1.08 miles of beach shoreline. Approximately 600,000 cubic yards of sand will be used to provide a berm height of +9 feet NVGD with a design profile consisting of a 1V:10H foreshore and nearshore slopes. The area of impact at the fill site is approximately 31 acres of marine intertidal, unconsolidated shoreline and the area of impact at the borrow site includes 68 acres of subtidal, non-vegetated sandy bottom. The project is as shown and described on the attached plans numbered 199000902 (IP-TA) in 13 sheets, dated June 11, 2001.

Project Location: The project is located in the Atlantic Ocean between DNR monuments R-13.5 and R-19, approximately 800 feet south of the Jupiter Inlet to the south end of Carlin Park, Section 5, Township 41 south, Range 43 east, Palm Beach County, Florida. The borrow site is located in the Atlantic Ocean approximately 3.2 miles northeast of the center of the project site.

Fill site:

Latitude - 26°56'03" North Longitude - 80°04'17" West

Borrow site:

Latitude - 26°58'55.61" North Longitude - 80°02'24.53" West
Latitude - 26°58'51.67" North Longitude - 80°02'43.31" West
Latitude - 26°58'34.14" North Longitude - 80°02'38.74" West
Latitude - 26°58'30.51" North Longitude - 80°02'23.31" West

PERMIT NUMBER: 199000902(IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 2 of 8

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on August 21, 2006. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

PERMIT NUMBER: 199000902(IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 3 of 8

Special Conditions:

1. The permittee shall comply with the attached standard manatee construction measures.
2. The permittee shall comply with the attached sea turtle protection measures.
3. The permittee shall comply with the recommendations of the attached *Jupiter-Carlin, Palm Beach County Beach Renourishment Project Final Fish and Wildlife Coordination Act Report* dated September 2000.
4. The permittee shall comply with the attached reasonable and prudent measures, terms and conditions, and conservation recommendations of the attached *U.S. Fish and Wildlife Service's Biological Opinion* dated October 24, 1996, and the addendum dated January 29, 1998.
5. Within 18 months of the date of this permit, the permittee shall create and/or enhance 1.16 acres of artificial reef as shown on the attached drawing. This permit acknowledges that the enhancement reef will be funded by the Jupiter Inlet District under the requirements of Department of the Army permit number 198900506. The reef construction shall be completed adjacent to but well outside the toe of fill, in approximately 10-foot to 12-foot water depths. The reef shall be constructed in an area of sandy bottom atop rock to prevent sinking. This permit acknowledges that the 1.16 acres of artificial reef is mitigation for the cumulative impacts to 33 percent of the approximately 3.48 acres of nearshore hard bottom located within the toe of fill from DNR monuments R-13 through R-19 as mapped by Palm Beach County from November 1983 to August 1994.
6. The permittee shall conduct monitoring of the 1.16 acres of enhancement reef in accordance with the Palm Beach County Comprehensive Coastal Monitoring Plan incorporated herein as reference. A baseline report and annual reports for a period of ten years should be completed. In addition, the permittee shall continue to monitor the approximately 4 acres of existing Jupiter/Carlin mitigation reef for an addition five years.
7. The permittee shall work with the National Marine Fisheries Service to continue to develop and update monitoring protocol to include criteria to assess the effectiveness of the artificial

signed
9/01

PERMIT NUMBER: 199000902 (IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 4 of 8

mitigation reefs in replacing the ecological functions of nearshore natural hardbottom habitats impacted by beach dredge and fill projects. Factors such as indices of recruitment, mortality, and size structure of fish and selected marine invertebrates should be included into the assessments of artificial reefs and should be compared with nearby, natural hardbottom reefs. Within six months of the date of this permit, the permittee shall provide a draft supplemental monitoring plan to the Corps, Stuart Regulatory Office, 218 Atlanta Avenue, Stuart, Florida 34994, for review and approval.

8. Copies of the baseline and annual monitoring reports should be provided to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019 and the Stuart Regulatory Office, 218 Atlanta Avenue, Stuart, Florida 34994.

9. Within 60 days of the authorized work and completion of the enhancement reef, the attached Self-Certification Statement of Compliance must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Branch, Post Office 4970, Jacksonville, Florida 32232-0019.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

PERMIT NUMBER: 199000902 (IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 5 of 8

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

PERMIT NUMBER: 199000902 (IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 6 of 8


c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

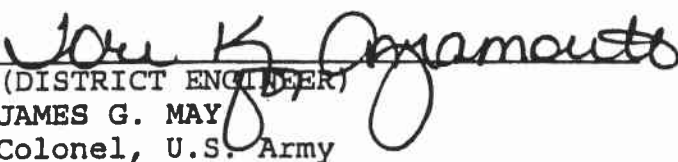
PERMIT NUMBER: 199000902(IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 7 of 8

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

 Deputy Director
(PERMITTEE) PBC Env. Res. Manager

8/31/01
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


(DISTRICT ENGINEER)
JAMES G. MAY
Colonel, U.S. Army

9/4/01
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

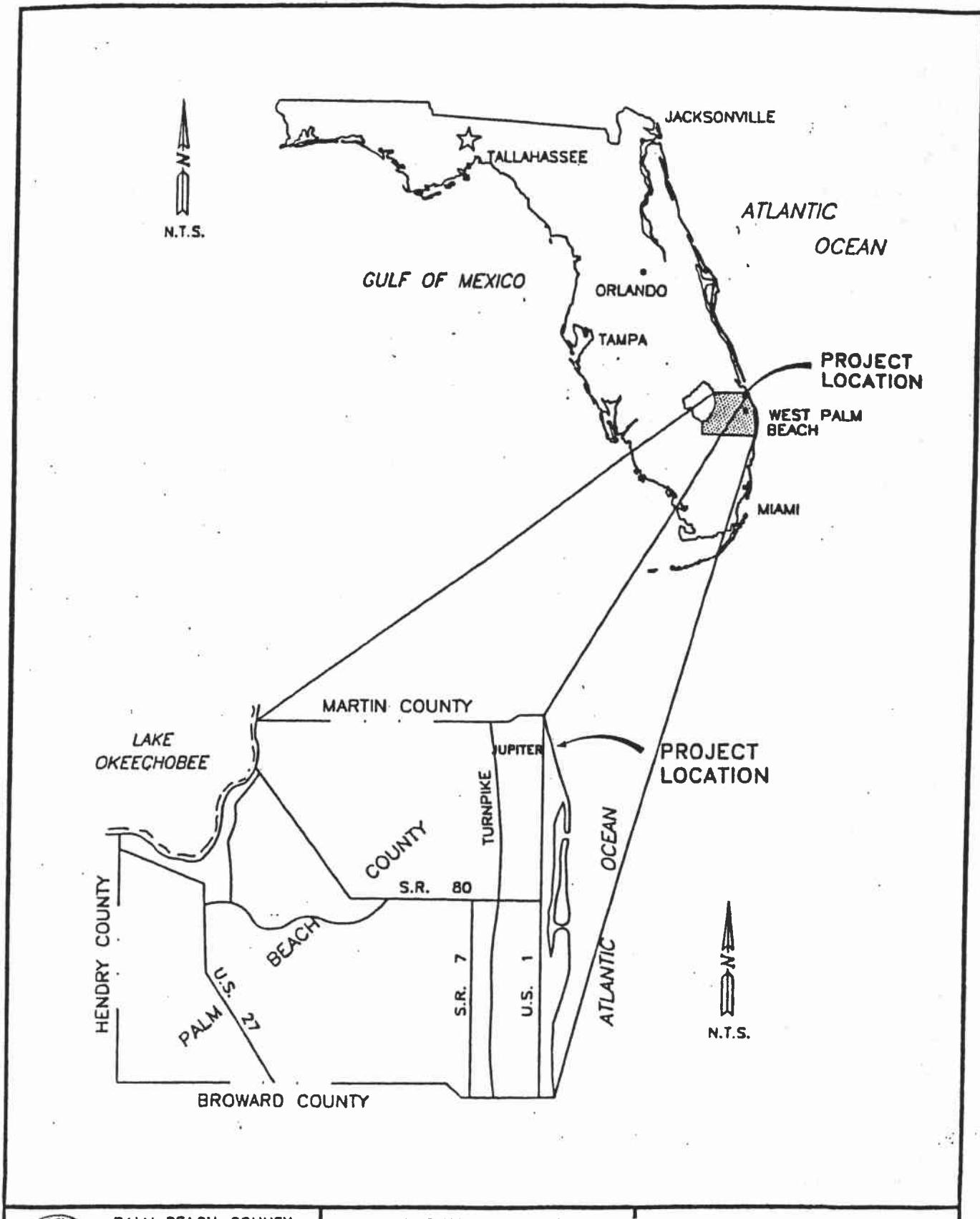
(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: 199000902(IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 8 of 8

DEPARTMENT OF THE ARMY PERMIT

Attachments to Department of the Army Permit Number 199000902(IP-TA)

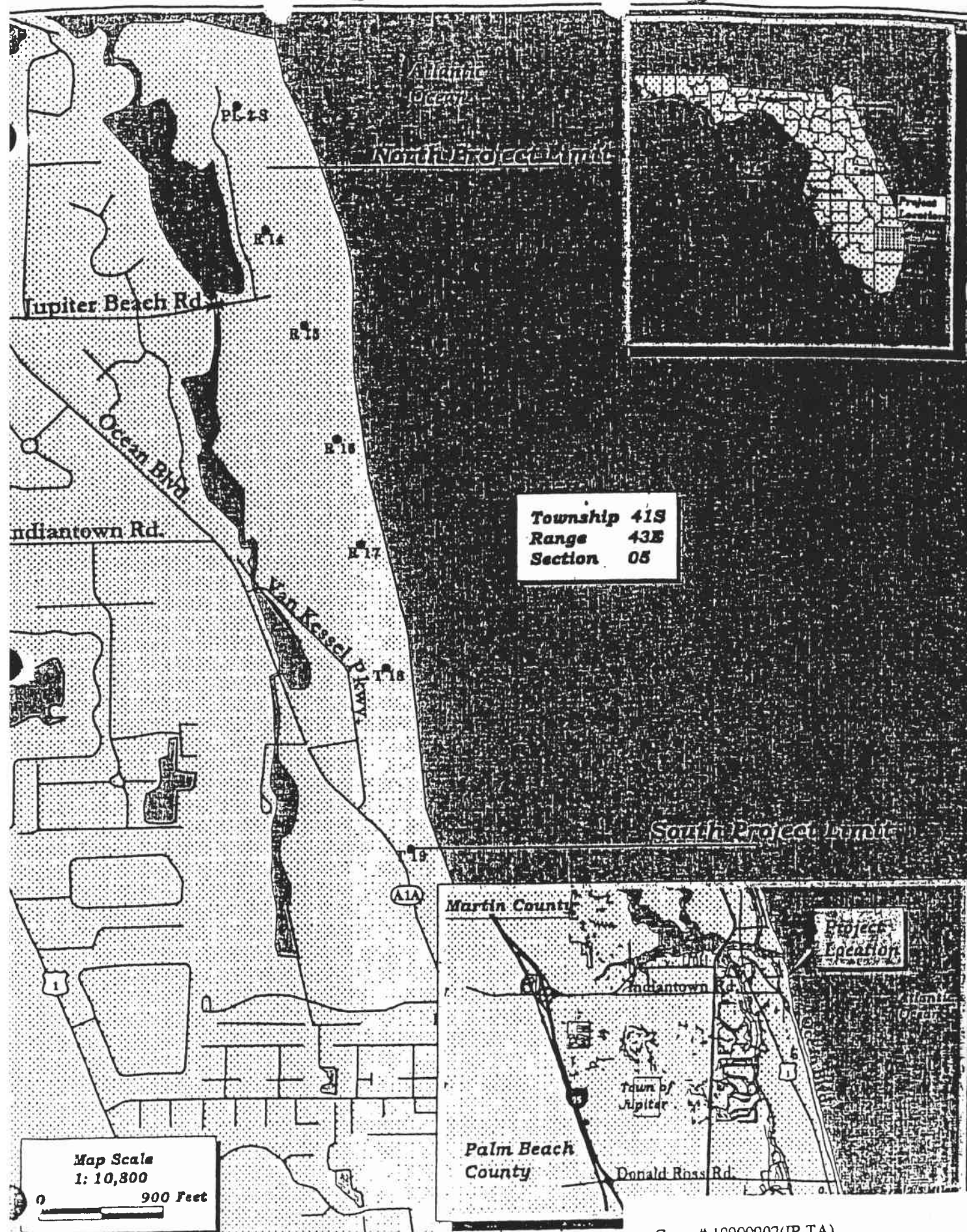
1. PERMIT DRAWINGS: 13 pages, dated June 11, 2001.
2. WATER QUALITY CERTIFICATION: In accordance with General Condition number 5 on page 2 of this DA permit, the Florida Department of Environmental Protection Certificate Specific Conditions consist of 11 pages.
3. STANDARD MANATEE CONSTRUCTION CONDITIONS: 2 pages, dated March 27, 1996.
4. SEA TURTLE PROTECTION MEASURES: 4 pages, dated January 29, 1998
5. JUPITER-CARLIN, PALM BEACH COUNTY BEACH RENOURISHMENT PROJECT FINAL FISH AND WILDLIFE COORDINATION ACT REPORT: 14 pages, dated September 2000.
6. U.S. FISH AND WILDLIFE SERVICE'S BIOLOGICAL OPINION: 26 pages, dated October 24, 1996, and the 2-page addendum dated January 29, 1998.



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

JUPITER CARLIN
SHORE PROTECTION PROJEC
PHASE II
LOCATION MAP

Corps # 19900902(IP-TA)
Drawing 1 of 13
11 June 2001



Jupiter Inlet

JUPITER BEACH PARK

OCEAN TRAIL CONDOMINIUM

JUPITER BEACH RESORT

CARLIN PARK

EQUILIBRIUM TOE OF FILL
INITIAL NOURISHMENT (1995)

NOTE: HARDBOTTOM EXTENT INTERPRETED
FROM AERIAL PHOTOGRAPHY WITH
FIELD VERIFICATION.

1997 MHW



SCALE IN FEET



Corps # 19900902(IP-TA)
Drawing 3 of 13
11 June 2001

PROPOSED RENOURISHMENT JUPITER/CARLIN SHORE PROTECTION PROJECT

BORROW AREA

P.R.M. 06-78-A-01
MART. CO. 124 YEAR 1978
Y959394.618
X799034.990

MARTIN COUNTY

ATLANTIC OCEAN

ALM BEACH COUNTY

BEACH RD

III I

NOT TO
SCALE

N14° 03' 27" W
1300.96'

N81° 34' 22" E
9684.79'

N47° 23' 19" W
1985.18

N30° 08' 34" E
13615.71'

N76° 23' 16" E
5047.79'

CONTAINS: 328.188 ACRES

4037.26'
S02° 55' 29" E

2191.57'
N75° 44' 08" W

S75° 59' 50" W
1248.09'

POINT OF
BEGINNING
Y961399.0
X808328.0

BEARINGS ARE BASED ON THE FLORIDA
STATE PLANE COORDINATE SYSTEM
NORTH AMERICAN DATUM 1927, 1978
ADJUSTMENTS, A LINE BETWEEN CONCRETE
MONUMENT S305 1970 AND MART. CO. 124
YEAR 1978 BEING N19° 30' 46" W AND ALL
OTHER BEARINGS ARE RELATIVE THERETO.

COORDINATES ARE BASED ON THE FLORIDA
STATE PLANE COORDINATE SYSTEM EAST
ZONE NORTH AMERICAN DATUM 1927, 1978
ADJUSTMENT, TRANSVERSE MERCATOR
PROJECTION.

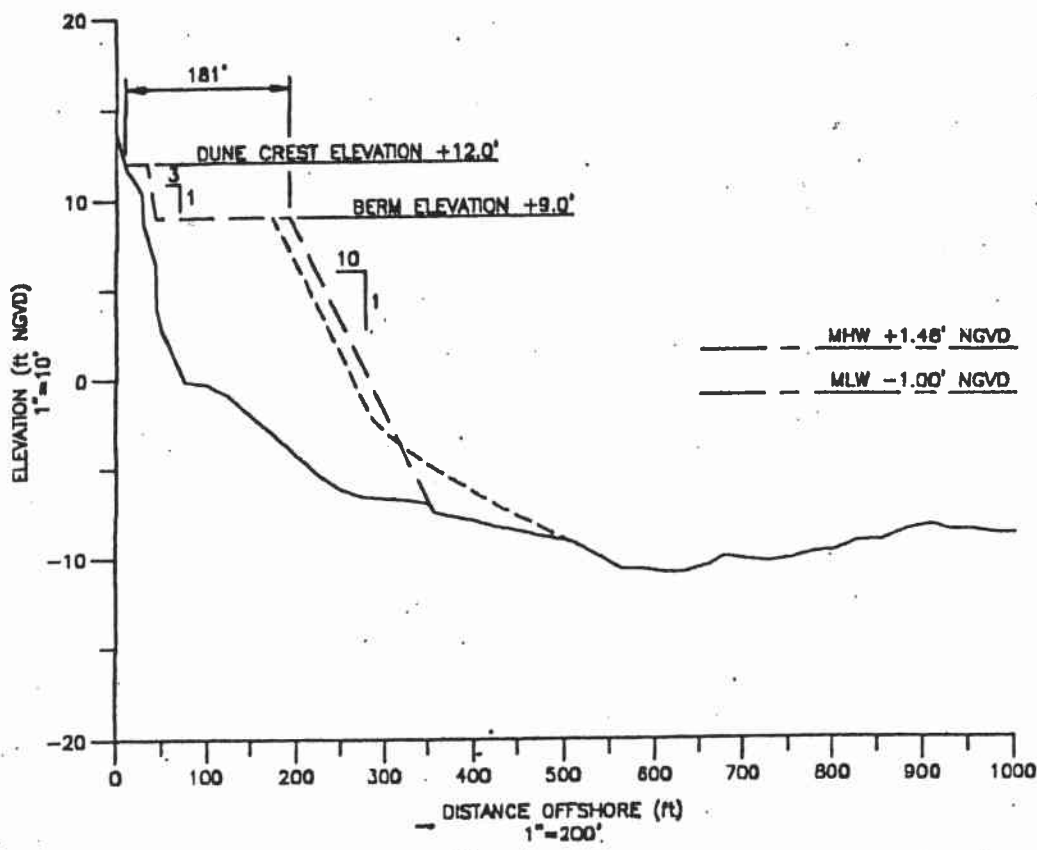
DISTANCES SHOWN ARE GRID.

Y - NORTHING IN FEET
X - EASTING IN FEET.

SCALE FACTOR - 1.00004609

POINT OF
COMMENCEMENT
P.R.M. 06-78-B-01
S3051970
Y949620.462
X802498.656

Corps # 19900902(LP-TA)
Drawing 4 of 13
11 June 2001



MONUMENT R-13.5



BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-13.5

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

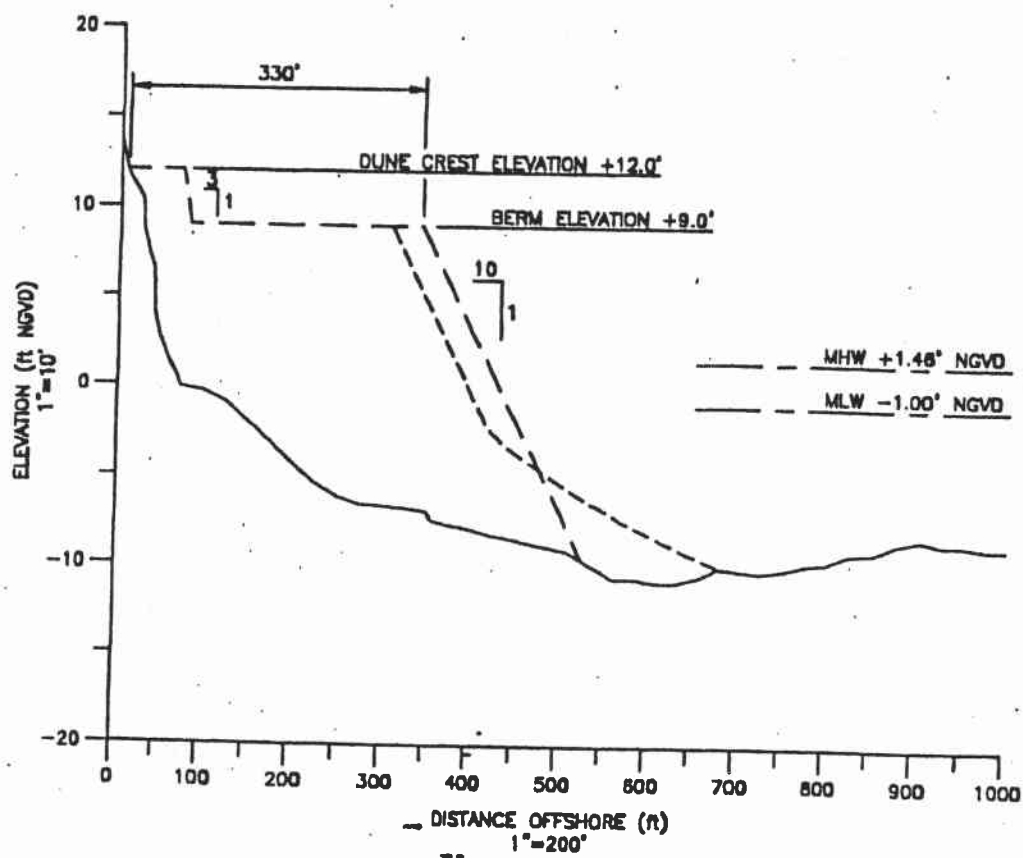
REVISIONS

JOB NO: 98-135	CHECKED BY: MRB
DATE: JUNE 2000	DRAWN BY: NKM

Corps # 19900902(IP-TA)
Drawing 6 of 13
11 June 2001

LEGEND

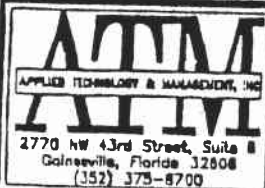
- EXISTING PROFILE 8/16/99
- - - CONSTRUCTION TEMPLATE
- - - ADJUSTED PROFILE



MONUMENT R-14

98-135 Beachfill Template Profiles.dwg

06/27/00



BEACHFILL TEMPLATE CROSS SECTION MONUMENT R-14

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135

CHECKED BY: MRB

DATE: JUNE 2000

DRAWN BY: MKM

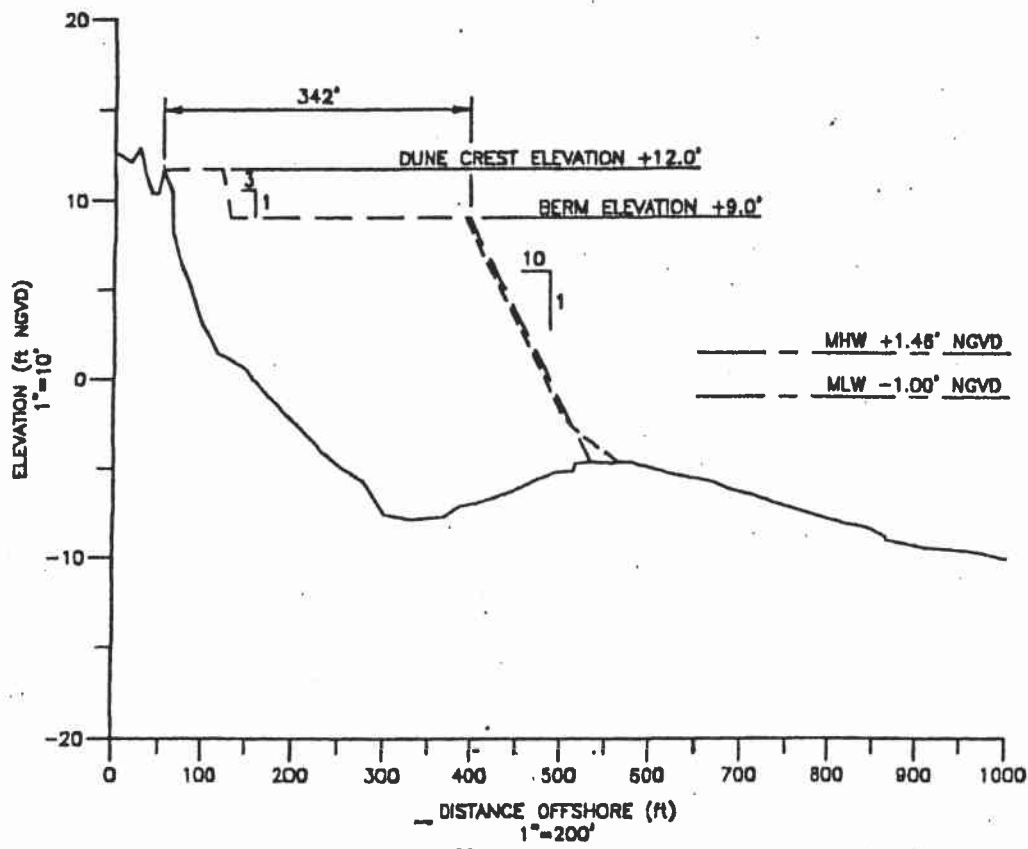
Corps # 19900902(IP-TA)
Drawing 7 of 13
11 June 2001

LEGEND

———— EXISTING PROFILE 6/16/99

----- CONSTRUCTION TEMPLATE

----- ADJUSTED PROFILE



MONUMENT R-15

ATM

APPLIED TECHNOLOGY & MANAGEMENT, INC.

ATM

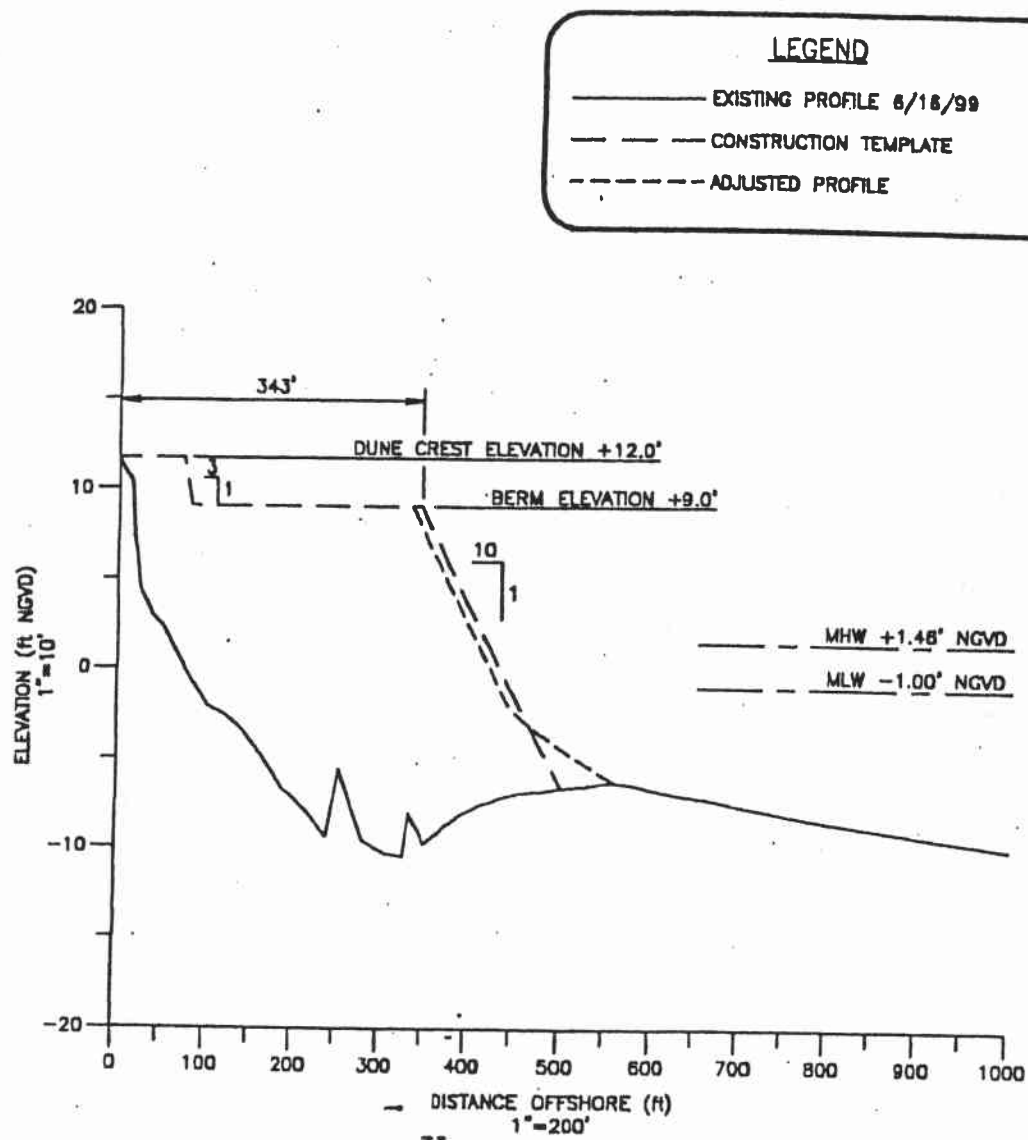
2770 NW 43rd Street, Suite 8
Gainesville, Florida 32608
(352) 375-8700

BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-15

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS	JOB NO: 98-135	CHECKED BY: MRB
	DATE: JUNE 2000	DRAWN BY: MKM

98-135 Beachfill Template Profiles.dwg



MONUMENT R-16

06/27/00



BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-16

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135	CHECKED BY: MRB
DATE: JUNE 2000	DRAWN BY: MKM

Corps # 19900902(IP-TA)
Drawing 9 of 13
11 June 2001

98-135 Beachfill Template Profiles.dwg

06/27/00

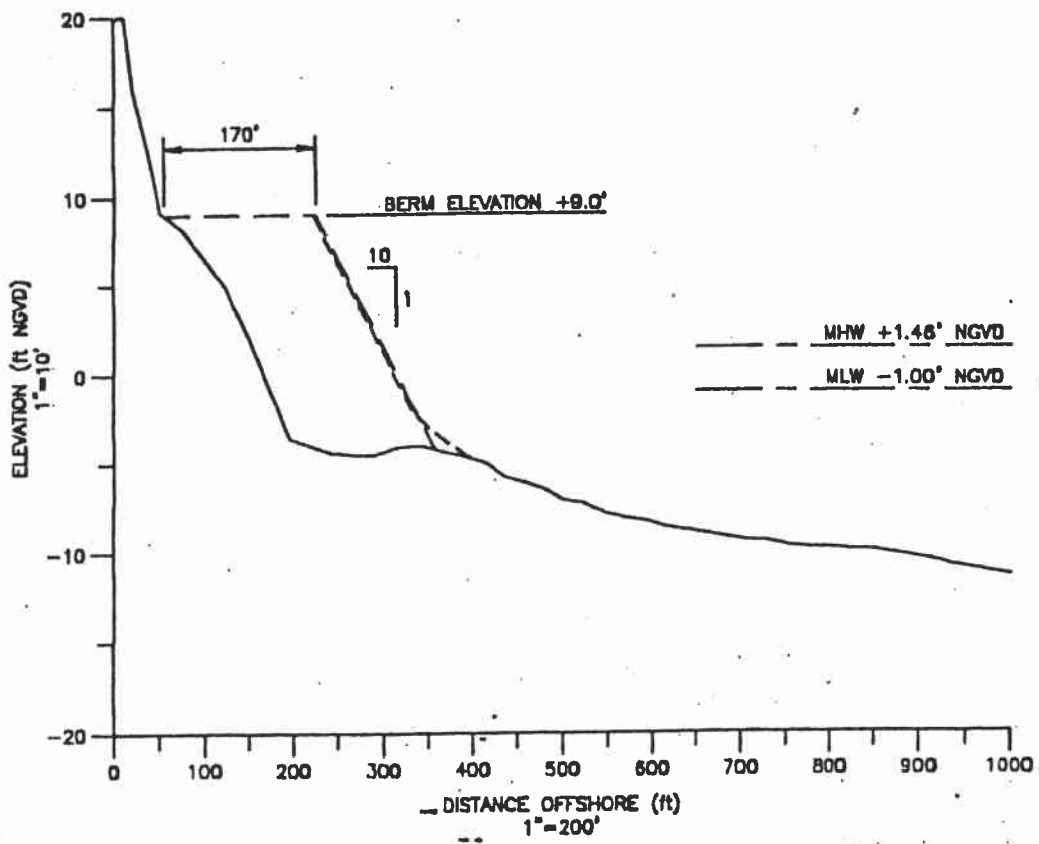
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EXISTING PROFILE 6/16/99

CONSTRUCTION TEMPLATE

ADJUSTED PROFILE



MONUMENT R-17

ATM

APPLIED TECHNOLOGY & MANAGEMENT, INC.

2770 NW 43rd Street, Suite B

Gainesville, Florida 32608

(352) 375-8700

BEACHFILL TEMPLATE CROSS SECTION

MONUMENT R-17

JUPITER/CARLIN SHORE PROTECTION PROJECT

INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135

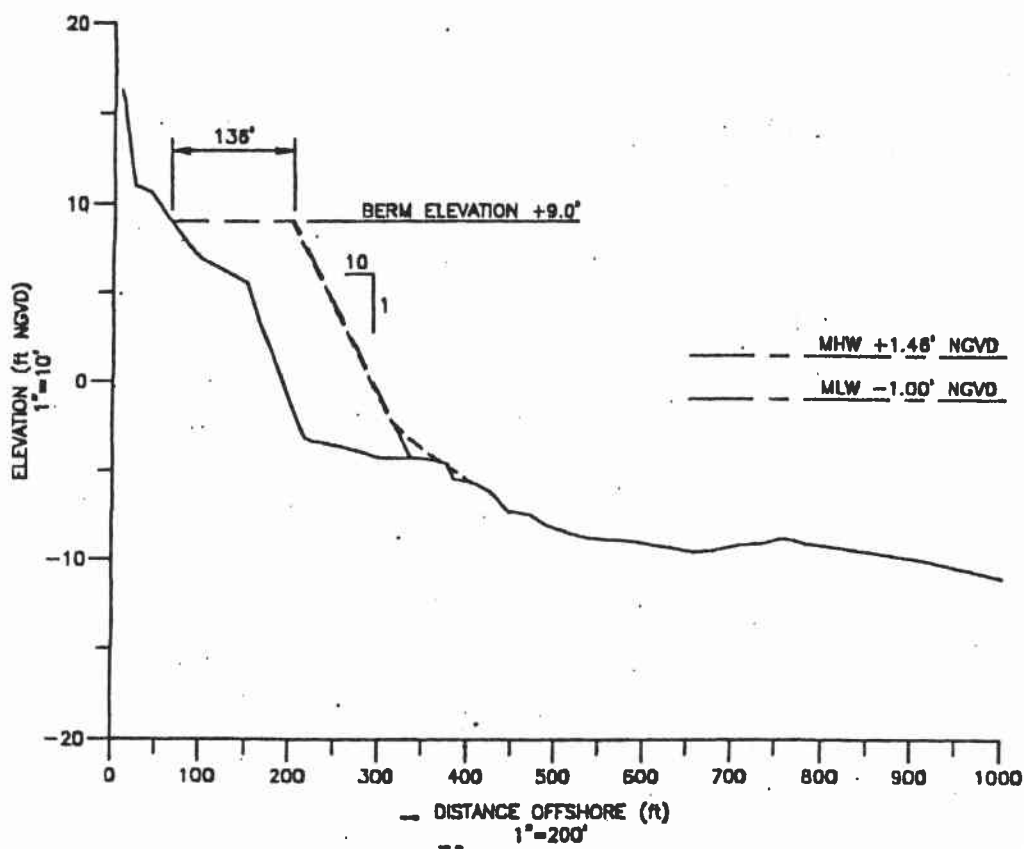
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DATE: JUNE 2000

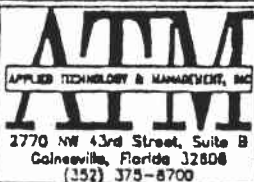
DRAWN BY: MKM

Corps # 19900902(IP-TA)
Drawing 10 of 13
11 June 2001

98-135 Beachfill Template Profiles.dwg



MONUMENT R-18



BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-18

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135

CHECKED BY: MRB

DATE: JUNE 2000

DRAWN BY: MKM

Corps # 19900902(IP-TA)
Drawing 11 of 13
11 June 2001

06/27/00

98-135 Beachfill Template Profiles.dwg

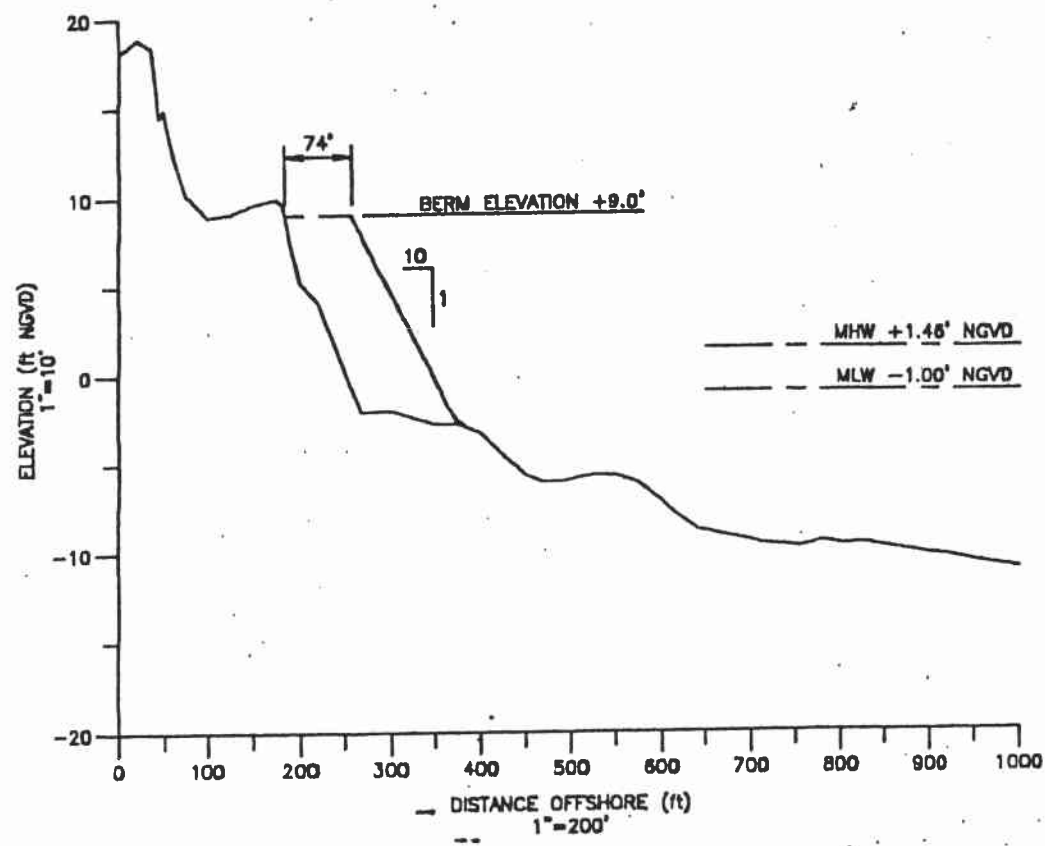
06/27/00

LEGEND

———— EXISTING PROFILE 6/16/99

———— CONSTRUCTION TEMPLATE

----- ADJUSTED PROFILE



MONUMENT R-19

ATM
APPLIED TECHNOLOGY & MANAGEMENT, INC.

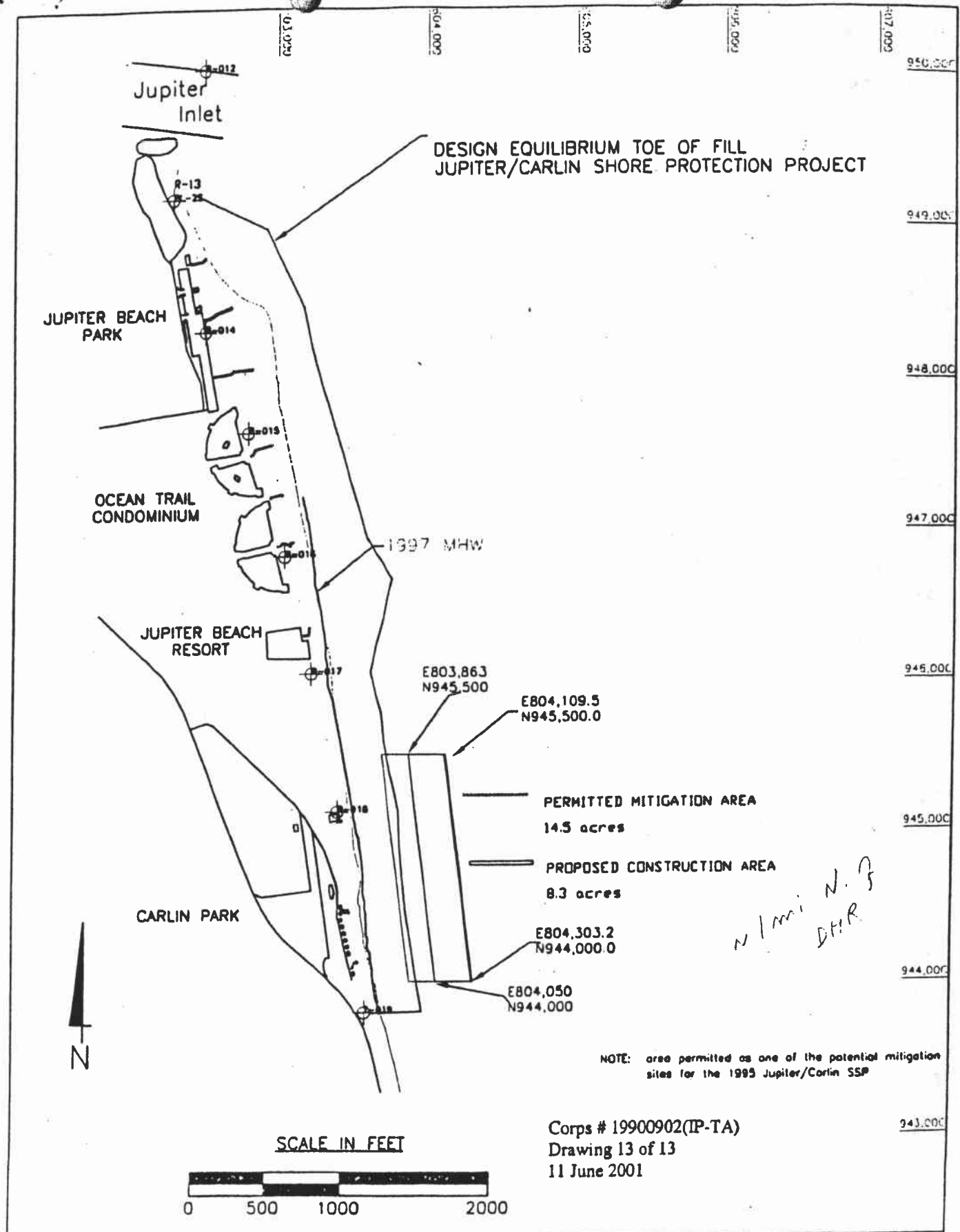
2770 NW 43rd Street, Suite 8
Gainesville, Florida 32608
(352) 375-8700

BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-19

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS	JOB NO: 98-135	CHECKED BY: MRB
	DATE: JUNE 2000	DRAWN BY: MKM

Corps # 19900902(IP-TA)
Drawing 12 of 13
11 June 2001



JID/FIND/PBC REEF ENHANCEMENT PROJECT
PROPOSED LOCATION OF NEARSHORE
EPHEMERAL REEF



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

October 8, 2008

Richard Walesky
Palm Beach County DERM
2300 North Jog Road, 4th Floor
West Palm Beach, FL
33411-2743

ENV. RES. MGMT.
Env. Enh. & Restoration ☒
Natural Resources Stewardship ☐
Resources Protection ☐
Mosquito Control ☐
Finance & Support Services ☐
Director ☐
Deputy Director ☐
Other ☐

Permit Modification No. 0127642-004-JN
Permit No. 0127642-001-JC, Palm Beach County
Juno/Jupiter-Carlin Artificial Reef Placement Modification

Dear Mr. Walesky:

Your request to modify Permit No. 0127642-001-JC has been received and reviewed by Department staff. The proposed permit modification is to place an artificial reef offshore of Riviera Beach between FDEP reference monuments R-70 and R-71 as mitigation for downdrift impacts from the 2000-2001 Juno Beach Restoration project and federally-required mitigation associated with inlet bypassing included in the Jupiter-Carlin Shore Protection Project (File No. 0163093-001-JC).

Project Area History

Jupiter-Carlin Shore Protection Project

Construction of the initial beach restoration at Jupiter-Carlin (Permit Nos. **50-1753379-9** and **DBS90-258**) occurred in March and April of 1995. The original project included restoration of 6,000 feet of shoreline between R-13.5 and R-19 with approximately 603,800 cubic yards of material from the Jupiter Inlet ebb tidal shoal. To mitigate for impacts to the nearshore hardbottom, an artificial reef was constructed pursuant to the requirements of the U.S. Army Corps of Engineers (USACE) Federal Dredge and Fill Permit (Permit No. 19900902 (IP-RP)). As of July 2000, 3.5 acres of mitigation reef were documented.

On July 27, 2001, the Department issued Joint Coastal Permit No. **0163093-001-JC**, which authorized the first nourishment event. This event placed 625,000 cubic yards of material from a borrow area north of Jupiter Inlet along the same stretch of beach as the previously restored beach. No additional hardbottom impacts were expected from this project and no mitigation was required.

RECEIVED
OCT 20 2008

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 2 of 10

Juno Beach Restoration

On July 13, 1999, the Department issued Joint Coastal Permit No. **0127642-001-JC** for the Juno Beach Restoration project. Palm Beach County built this project in 2000/2001, by placing approximately 1.5 million cubic yards of sand along 2.4 miles of beach between FDEP reference monuments R-26 and R-38. To offset impacts to the nearshore hardbottom within the project area, the County placed 3.77 acres of concrete and limestone boulders in water depths ranging from -8 to -18 feet NGVD offshore of FDEP reference monuments R-23, R-24 and R-25.

The Department is currently reviewing an application for a 10-year maintenance permit (File No. 0276415-001-JC) to periodically nourish this segment of shoreline. Post-construction aerials from the Juno Beach Restoration project indicated that unanticipated impacts to downdrift hardbottom had occurred. The new nourishment permit will require mitigation for those unanticipated impacts.

Proposed Mitigation

In order to offset the downdrift impacts caused by the initial restoration of the beach, the Department will require mitigation as a condition of the nourishment permit (0267415-001-JC). At this time, the Department has not finalized its review of the application for that project or determined the amount of mitigation required to fully offset the impacts caused by the southward spreading of the restoration fill. The County has proposed the placement of 0.75 acres of mitigation reef to offset those impacts. This modification serves as authorization to construct 0.75 acres of reef. The County may use this artificial reef as part of the mitigation requirement for the Juno Beach Nourishment permit, but this does not preclude the Department from requiring additional mitigation acreage upon completion of the application review for the nourishment project.

In order to fulfill the federal mitigation requirements associated with inlet bypassing in the Jupiter-Carlin Shore Protection project, Palm Beach County must construct an additional 1.16 acres of artificial reef. While the Department is not requiring mitigation for the Jupiter-Carlin project, this modification serves as authorization for placement of the Jupiter-Carlin artificial reef on sovereign submerged lands. The Jupiter-Carlin mitigation reef will be placed in the same general location as the Juno Beach mitigation reef, offshore of Riviera Beach. However, this portion of the artificial reef may not receive mitigation credit from the Department.

The combined 1.91 acres of artificial reef will consist of limestone boulders that will be grouped into single-layer "pods" measuring 20 feet by 40 feet. The County has also proposed placing two manufactured reef "modules", each of which will consist of an array of small limestone boulders set into the upper surface of a concrete slab. These modules are intended to more closely mimic the low-profile hardbottom that was impacted. At this time, the Department has not approved the placement of the manufactured reef modules because we do not yet have reasonable assurance that these structures will remain stable in the nearshore environment.

However, if the applicant (or the vendor) can submit a sufficient stability analysis that provides such assurance, a modification will be issued to include these structures.

Engineering Design

The Permittee, Palm Beach County, has provided engineering design calculations and coastal process analyses that demonstrate with reasonable assurance the hydrodynamic stability of the proposed limestone boulders pods and the expected effects of the pods on the coastal littoral processes. Based on the proposed design and siting information, the pods are not expected to have an adverse impact on the coastal littoral processes that would result in erosion of the beach or dune located along the adjacent coast in the lee of the structures, and the boulders are hydrodynamically stable under the design storm conditions.

The County proposed use of a pre-fabricated concrete/limestone unit as an alternative design of an artificial hardbottom structure. The Department has concerns regarding the hydrodynamic stability and structural strength of the concrete/limestone units and requested engineering design calculations to demonstrate the performance of the proposed structures. Hydrodynamic stability and structural strength under design storm conditions is necessary to ensure the structures provide the intended artificial hardbottom substrate, which might be impaired by movement and/or breakage and fragmentation of the structures. The County provided a letter report on hydrodynamic stability prepared by a coastal engineer. The information was considered incomplete by the Department, but more importantly, the stability analysis indicated that a heavier structural unit was required to resist movement. Subsequently, the County submitted a revised design, but not an analysis of structural strength of the heavier units, or additional information on hydrodynamic stability requested by the Department. During a meeting with Department staff on September 26, 2008, the County agreed that installation of the concrete/limestone units would not be included in this permit modification, but may be authorized by the Department upon receipt of the additional information regarding hydrodynamic stability and structural strength.

Environmental Concerns

Reef placement

The placement of the artificial reefs was designed based on 2007 aerial photographs. Prior to deployment, the Applicant will conduct sediment depth surveys to ensure that the placement area has an underlying rock layer covered with a persistent layer of sediment. The rock layer prevents subsidence of the placed boulders while the persistent layer of sand provides assurance that the rocks are not being placed on living organisms or ephemeral hardbottom.

Additionally, the Applicant will verify by diver survey the location of the existing hardbottom edge nearest the approved placement area. Boulders will be placed at least 50 feet from exposed natural hardbottom to ensure no damage is caused.

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Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 4 of 10

Threatened and endangered species

Construction of the Juno/Jupiter-Carlin Mitigation Reef has been designed and timed so as to avoid potential interactions with endangered and threatened species. All staging and stockpiling will occur at an existing upland staging area. Material will be transported and placed by barge through Palm Beach Inlet. No work will occur at night and barges will be kept at the staging location overnight to avoid impacts to nesting turtles.

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

PROJECT DESCRIPTION:

The project activity is beach restoration consisting of the hydraulic placement of approximately 1.0 million cubic yards of sand along 2.4 miles of beach from offshore borrow sites. The beach fill is located between the Department of Environmental Protection's DNR reference monuments R-26 and R-38, at Juno Beach. The elevation of the beach fill berm is to be +9 feet NGVD and the typical berm width will be 200 feet as measured from the existing dune line. The project includes construction of a dune formation or reconstruction of the toe of the existing dune along the entire beach fill area. Sediment for the beach fill will be excavated from two offshore borrow sites: Borrow Area I is located approximately 2 miles northeast of Jupiter Inlet. Borrow Area II is located approximately 3 miles east of Jupiter Inlet and southeast of Borrow area I.

Additionally, Palm Beach County will place 1.91 acres of artificial reef offshore of Riviera Beach, between FDEP reference monuments R-70 and R-71, and ranging between -4.5 feet and -13.5 feet NGVD (-5.4 feet and -14.4 feet MLW). Up to 0.75 acres the artificial reef may be applied toward the mitigation requirement of the future nourishment permit, to help offset the downdrift impacts from the 2000-2001 Juno Beach Restoration project. The other 1.16 acres of artificial reef will be used as the federally-required mitigation for the Jupiter-Carlin Shore Protection Project.

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

SPECIFIC CONDITIONS:

13. The following procedures shall be adhered to for the construction of the artificial reef mitigation work:

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 5 of 10

- a. At least ~~1060~~ days prior to beginning construction of the artificial reefs, the permittee shall submit to the Bureau ~~Office~~ of Beaches and Coastal Systems, with a copy to the Southeast District Office, a plan view drawing identifying the surveyed coordinates of the artificial reef construction sites and all work spaces (staging areas, boat access corridors, etc.) to be used to construct the artificial reefs. The drawing shall include all hardbottom areas within 1,000 ft. of the artificial reef construction sites. The work conducted adjacent to existing hardbottom areas shall be performed in a manner that will avoid impacts to existing hardbottom. All artificial reef construction equipment shall be confined to the identified, buoyed work spaces. Artificial reef construction shall not begin until the Department approves the work spaces. A transmittal sheet labeled "**This information submitted in accordance with the requirements of Specific Condition No. 13a of Permit No. 0127642-001-JC, for the Juno Beach Restoration Project**" shall be attached to the above-referenced information when submitted to the Department;
- b. Prior to the placement of any reef building material in the water at the mitigation site, the limits of the reef construction area shall be marked with buoys. Construction of the artificial reef shall be conducted during daylight hours only. ~~If this work is to be conducted at night, the buoys shall be lighted;~~
- c. The artificial reef shall be constructed of limestone boulders and clean concrete. Reef construction materials shall be inspected by the permittee or their designee prior to loading onto work barges. Debris and sources of pollution shall be removed from the material prior to its placement onto the work barges. Rebar, steel, or other similar protruding materials shall not be included in the reef construction materials;

The permittee shall ensure that the artificial reef is constructed to mimic the natural hardbottom in the project area. The initial mitigation reef shall be constructed of concrete and limestone boulders at depths ranging from -8 to -18 feet NGVD approximately 2000 feet north of the proposed beach fill area. A second reef comprised of limestone boulders shall be placed within the Department-approved area offshore of Riviera Beach, at reference monuments R-70 and R-71, in water depths ranging from -4.5 feet to -13.5 feet NGVD (-5.4 feet to -14.4 feet MLW).

- d. Artificial reef material shall be placed at least 50 feet from exposed natural hardbottom.

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Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
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- e. The stability analysis for the mitigation site was based on a depth comparable to the western boundary of the Primary Juno Mitigation Placement Area. Therefore, regardless of the location of the -6.0 ft MLW contour at the time of construction, the artificial hardbottom structures shall not be placed landward of the western boundary of the Primary Juno Placement Area, even if this is contained within the boundaries of the proposed project area as depicted on the approved permit drawings.
- 14. In addition to the other conditions of the permit, all construction activities shall be conducted in accordance with the Palm Beach County Artificial Reef & Breakwater Project Technical Specifications (received by the Department on February 22, 2008), which are hereby incorporated by reference into this permit. If there are any inconsistencies between the technical specifications, the conditions of the permit or the approved permit drawings, then the permit conditions shall prevail, followed by the approved permit drawings.
- 15. A sediment depth survey shall be conducted immediately pre-construction to ensure that the artificial reefs are placed in areas with underlying rock (for stability) and a persistent cover of sand.
- 16. Following construction of the artificial reef(s), the permittee shall complete the **MATERIALS PLACEMENT REPORT** on the form provided on the FWC web page at <http://myfwc.com/marine/ar/index.asp>. Within 30 days following construction, the completed form shall be submitted to the Florida Fish & Wildlife Conservation Commission, Division of Marine Fisheries, Artificial Reef Program, 620 S. Meridian Street, Tallahassee, FL 32399 and a copy e-mailed to the JCP Compliance Officer, Bureau of Beaches & Coastal Systems. In addition to attaching the completed form, please indicate on the e-mail that “**this information is being submitted in accordance with Specific Condition No. 16 of Permit No. 0127642-001-JC, for the Juno Beach Restoration Project.**”

The permit drawings shall be revised as follows:

The attached drawings (signed and sealed 09-05-08) shall be added to the existing set of permit drawings and shall not supersede them.

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 7 of 10

adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation and is expected to be of environmental benefit, the **permit is hereby modified** as stated above. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification(s).

This letter of approval does not alter the **July 13, 2009**, expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawings must be attached to the original permit.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the construction of this artificial reef qualifies for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the conditions of the permit and the attached General Consent Conditions. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

NOTICE OF RIGHTS

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

Under Rule 62-110.106(4), Florida Administrative Code, 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

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
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Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the 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;

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
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- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit modification constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

Notice of Permit Modification
Permit Modification No. 0127642-004-JN
Juno/Jupiter-Carlin Artificial Reef Placement Modification
Page 10 of 10

If you have any questions regarding this matter, please contact Caitlin Lustic at the letterhead address (add Mail Station 300) or by telephone at (850) 413-7766.

Sincerely,



Martin K. Seeling
Environmental Administrator
Bureau of Beaches & Coastal Systems

MKS/cl

Enclosed:

Permit Drawings (4 Pages)
General Consent Conditions
Palm Beach County Artificial Reef & Breakwater Project Technical Specifications

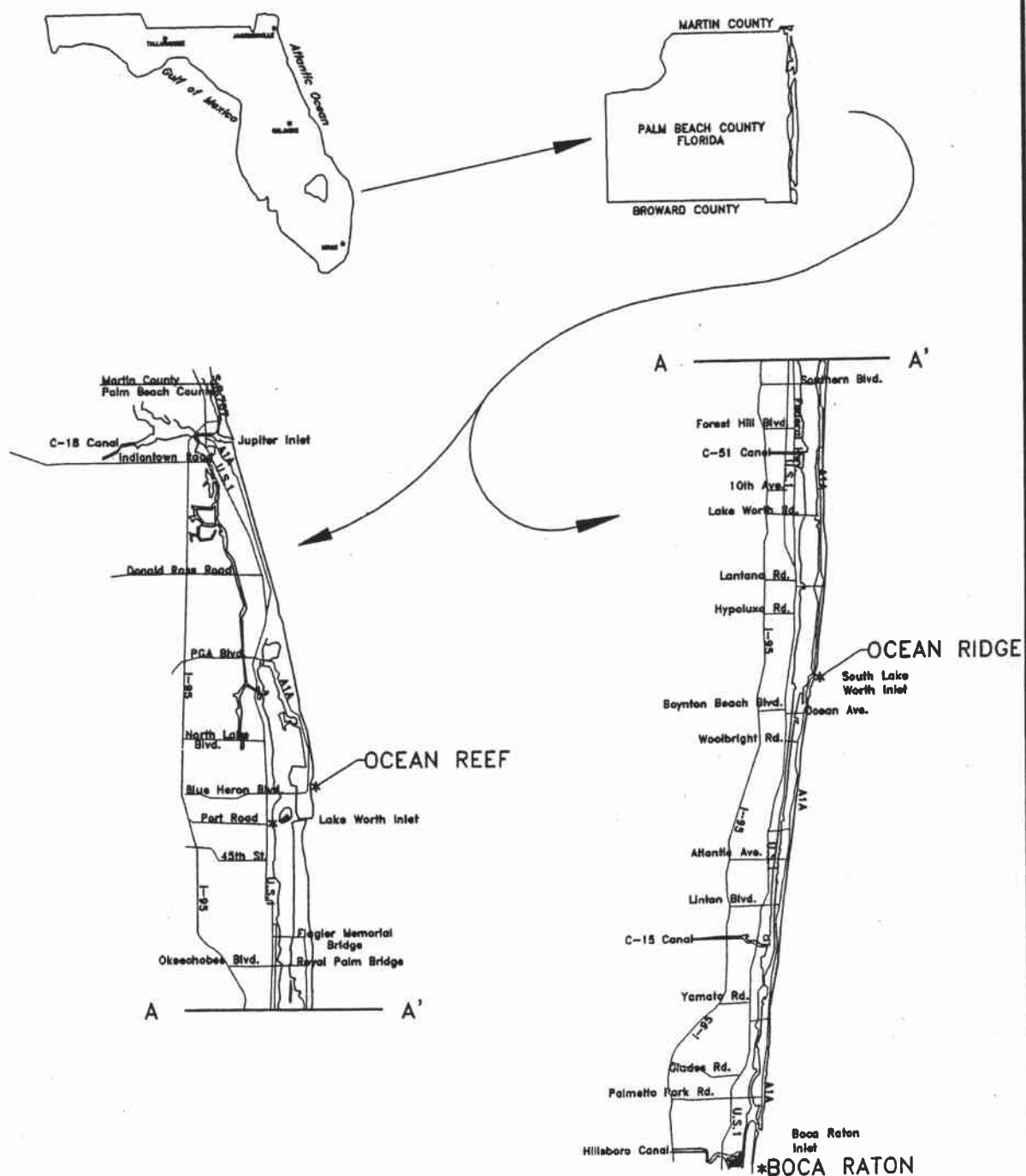
cc:	Dan Bates, Palm Beach County ERM	Leanne Welch, Palm Beach County ERM
	Janet Phipps, Palm Beach County ERM	Reubin Bishop, Palm Beach County ERM
	Marty Seeling, BBBS – JCP	Vladimir Kosmynin, BBBS – JCP
	Bob Brantly, BBBS – JCP	Steven MacLeod, BBBS – JCP
	Rob Buda, BBBS – BECP	Paden Woodruff, BBBS – BECP
	Roxane Dow, BBBS – BECP	JCP Compliance Officer
	BBBS Permit File	Keith Mille, FWC, Artificial Reef Program

FILING AND ACKNOWLEDGMENT

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

	
Deputy Clerk	Date

SITE LOCATION MAP



PERMIT # 127642004

FIGURE 1



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

VICINITY MAP

SCALE: NTS

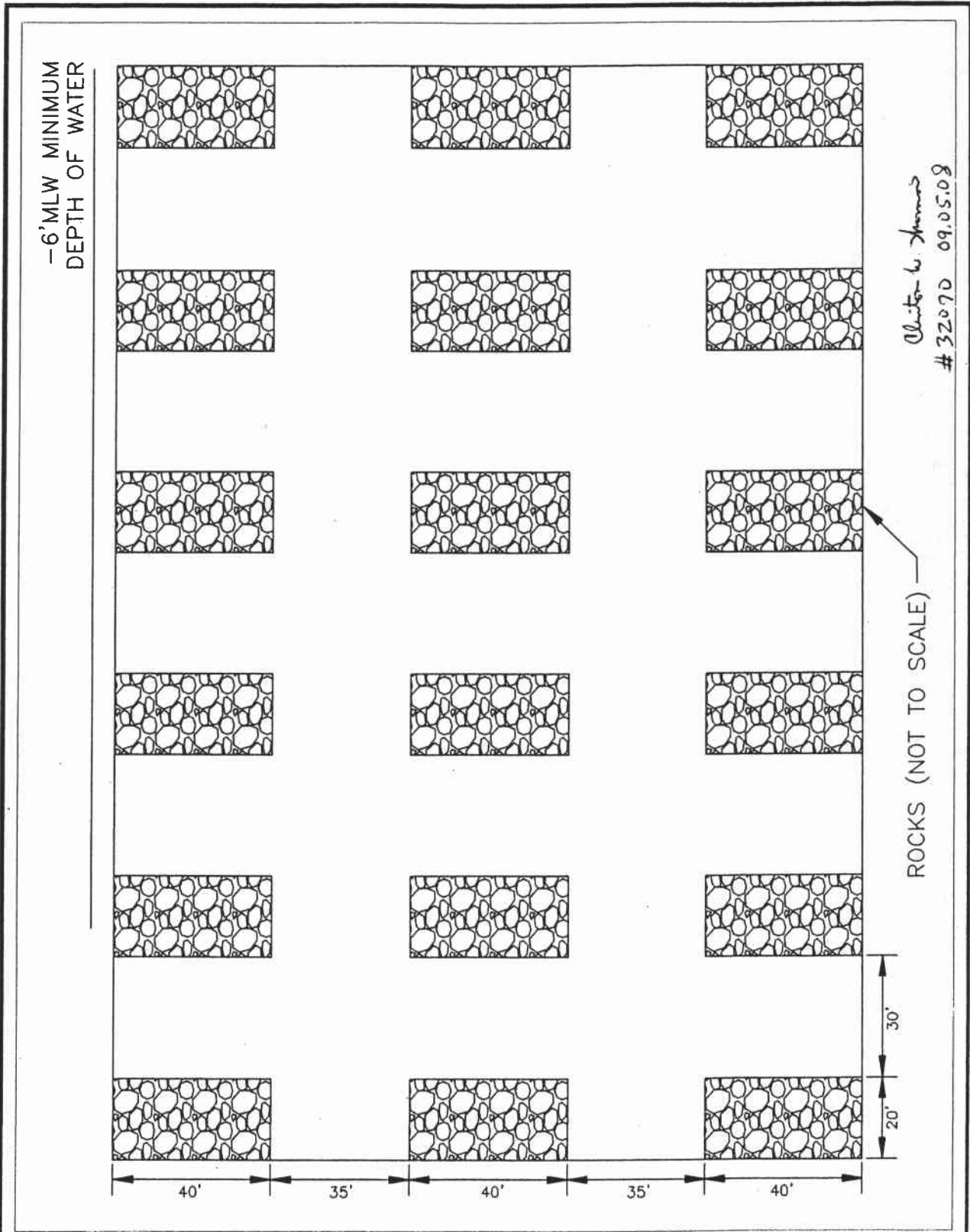


02/08

Attachment 37 PERMIT # 127642004



PERMIT # 127 642 004



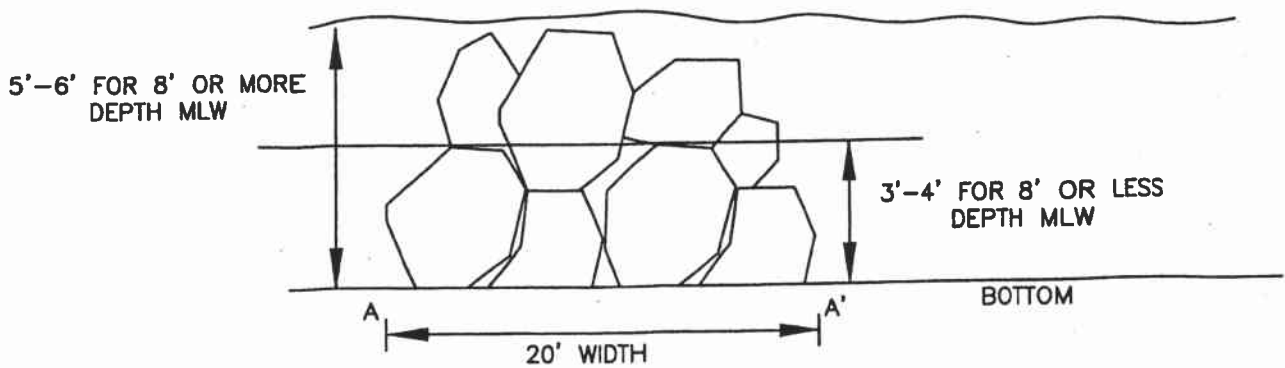
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

TYPICAL
ARTIFICIAL REEF LAYOUT
FOR
MITIGATION REEFS

NTS
SEPARATION DISTANCES MAY VARY WHEN FIELD
ADJUSTED
02/08

PERMIT # 127 642 004

ATTACHMENT 1B



CONSTRUCTION NOTES:

BOULDERS SHALL HAVE A MINIMUM WEIGHT OF 2200 LB.
UP TO 6000 LB. WITH AT LEAST 80% OF THE BOULDERS
3000 LB. LARGER BOULDERS WILL BE USED FOR BASE
ROCKS FOR STACKING.

Clinton W. Thomas
#32070 09.05.08



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

TYPICAL CROSS-SECTION
NEARSHORE LIMESTONE REEFS
CONSTRUCTION

NTS



07/07/MODIFIED 06/08



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

July 13, 2010

Richard Walesky
Palm Beach County DERM
2300 North Jog Road, 4th Floor
West Palm Beach, FL
33411-2743

RECEIVED
JUL 19 2010

ENVIRONMENTAL RESOURCES MANAGEMENT

ENV. RES. MGMT.

Env. Enh. & Restoration ☒
Natural Resources Stewardship ☐
Resources Protection ☐
Mosquito Control ☐
Finance & Support Services ☐
Director ☒
Deputy Director ☒
Other ☐

Permit Modification No. 0127642-006-JN
Permit No. 0127642-001-JC, Palm Beach County
Juno Beach Restoration (new artificial reef placement area)

Dear Mr. Walesky:

Your request to modify Permit No. 0127642-001-JC was received on July 16, 2009, and has been reviewed by Department staff. The proposed permit modification is to revise the general deployment area where the Permittee will construct 1.91 acres of artificial reef, 0.76 acre of which is mitigation for unanticipated hardbottom impacts from the Juno Beach Restoration project. The general deployment area, located offshore of Riviera Beach (starting at R-71), would be extended northward through R-68. The modification would also shift the general deployment area slightly waterward, within a new depth range of -7.66 through -16.66 feet NAVD (-5.4 to -14.4 feet MLW). Furthermore, this modification specifies certain construction criteria, and clarifies that the previously-permitted reef modules do not necessarily have to be the NuShore brand product, just a similarly designed product. Finally, the proposed modification is also to extend the expiration date from October 13, 2009, to October 13, 2010, for construction of the mitigation reef only.

Project Area History

Jupiter-Carlin Shore Protection Project

Palm Beach County constructed the initial beach restoration at Jupiter-Carlin in March and April of 1995 under DER Permit No. 50-175379-9 (issued November 30, 1990) and DNR Permit DBS90-258 (issued January 19, 1993). The original project included restoration of 6,000 feet of shoreline between R-13.5 and R-19 with approximately 603,800 cubic yards of material from the Jupiter Inlet ebb tidal shoal. Based upon pre and post-construction aerial photograph interpretation, twelve (12) acres of hardbottom were buried by three (3) county and federal dredge/fill projects constructed in this area. The Department determined that Palm

Notice of Permit Modification
Permit Modification No. 0127642-006-JN
Juno Beach Restoration (new artificial reef placement area)
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Beach County was responsible for eight (8) acres of the impact, which required four (4) acres of artificial reef as mitigation based on a mitigation-to-impact ratio of 1:2. Therefore, Palm Beach County constructed an artificial reef in 1998, pursuant to the requirements of the U.S. Army Corps of Engineers (USACE) in Federal Dredge and Fill Permit No. 19900902 (IP-RP) and authorized by DEP in Noticed General Permit No. **0138655-001-EG**. The County agreed to place approximately 3.9 acres of artificial reef in satisfaction of the mitigation requirement. Later, the County reported that they placed approximately 3.3 acres of limestone reef and approximately 1.0 acre of concrete rubble. In July 2000, nearly 3.5 acres of mitigation reef remained exposed, however, subsequent monitoring reports suggested that this mitigation site was no longer exposed in 2000-2001 and remained buried in 2005. Future permit applications for this project will require confirmation that the previous mitigation is fully functional, or additional mitigation will be required.

what??

On July 27, 2001, the Department issued Joint Coastal Permit No. **0163093-001-JC**, which authorized the first nourishment event of the Jupiter/Carlin Shore Protection Project. During this event, the County placed 625,000 cubic yards of material from a borrow area north of Jupiter Inlet along the same stretch of shoreline as the previously restored beach. No additional hardbottom impacts were expected from this project so no mitigation was required by the Department. However, the USACE required 1.16 additional acres of artificial reef.

Ocean Ridge Federal Nourishment

On September 19, 2005, the Department issued Joint Coastal Permit No. **0244200-001-JC** to the USACE for the Ocean Ridge Federal Beach Nourishment Project. The permit authorized the nourishment of approximately 1.1 miles of beach, from approximately 200 feet south of DEP Range Monument R-153 to R-159, using approximately 550,000 cubic yards of sand from an offshore borrow area. The permit included a Local Sponsor Agreement that required Palm Beach County to construct "2.25 acres of mitigative artificial reef to offset the unauthorized burial of the hardbottom that occurred as a result of the beach restoration project authorized in Wetland Resource Permit No. 502355609 and in Coastal Construction Permit No. DBS9A0330." The Local Sponsor Agreement also required a monitoring plan "to assess any additional impacts to the hardbottom communities that may occur after the construction of the nourishment events authorized by that permit (No. 0244200-001-JC), and a mitigation plan to offset any such impacts." Palm Beach County proposed to construct the 2.25 acres of artificial reef, required by the Department for the Ocean Ridge Nourishment project, by placing limestone boulders in the nearshore area of Riviera Beach (discussed below, under 2009 construction).

> No.

Juno Beach Restoration and Nourishment

On July 13, 1999, the Department issued Joint Coastal Permit No. **0127642-001-JC** to Palm Beach County for the Juno Beach Restoration project. The County built this project in 2000/2001, by placing approximately one (1) million cubic yards of sand along 2.1 miles of

Notice of Permit Modification

Permit Modification No. 0127642-006-JN

Juno Beach Restoration (new artificial reef placement area)

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beach between FDEP reference monuments R-26 and R-38. To offset impacts to the nearshore hardbottom within this project area (unrelated to Jupiter-Carlin), the County was to place 3.77 acres of artificial reef (3.47 acres of limestone boulders and 0.3 acres of concrete) in water depths ranging from -8 to -18 feet NGVD offshore of FDEP reference monuments R-23, R-24 and R-25. An additional 0.7 acres of concrete was to be installed to meet federal agency requirements. The Department provided authorization for the placement of the additional concrete material required by the USACE, but did not consider it to be mitigation. In 2000, only 1.55 acres of mitigation required by the Department (1.25 acres of limestone boulders and 0.3 acres of concrete), plus the 0.7 acres of additional concrete required by the USACE, had been placed. As of July 1, 2003, the County still needed to install 2.22 acres of artificial reef, built from limestone boulders, in order to satisfy the Department's mitigation requirement for the Juno project. A revised mitigation plan was approved on that date to allow the additional mitigation to be constructed at a new location north of Jupiter Inlet, at Coral Cove. Construction began in the Fall/Winter of 2003 and, following weather delays, the County reported that 2.5 acres of limestone had been placed north of Jupiter Inlet.

As of September 2006, the Coral Cove mitigation reef was completely covered by sand, so the mitigation has not been determined to be successful. On November 28, 2006 the County submitted a notice of mitigation completeness and asked the Department to apply this 2.5-acre artificial reef as part of the Juno mitigation requirement. On December 7, 2006, the JCP Compliance Officer confirmed that the 2.5-acre artificial reef constructed at Coral Cove could be offered as mitigation for the Juno Beach Restoration project. However, that mitigation must remain functional or additional mitigation for the original impacts will be required. | ?

On January 12, 2000, the Department issued a water quality variance (No. **0127642-002-EV**) for the Juno Beach Restoration project. That variance temporarily authorized an expanded mixing zone of 300 meters offshore and 2,000 meters downcurrent from the point of sand discharge.

On June 28, 2000, the Department issued Permit Modification No. **0127642-003-JC** to authorize the use of Borrow Area 3 for the Juno Beach Restoration project. This borrow area, which is located approximately 3,000 feet due north of Borrow Area 1, was to be used in lieu of the previously-authorized Borrow Areas 1 and 2. Borrow Area 3 provided an appropriate quantity and quality of material that neither Borrow Areas 1 or 2 could supply.

Post-construction aerials from the Juno Beach Restoration project indicated that unanticipated impacts to downdrift hardbottom had occurred, in addition to the originally authorized impacts. While the extent of impacts had not been fully quantified at that time, Palm Beach County proposed to construct additional artificial reefs in partial fulfillment of the final mitigation requirement. On October 8, 2008, the Department issued minor Permit Modification No. **0127642-004-JN** to the Juno Beach Restoration permit. That modification authorized placement of a 1.91-acre mitigation reef in the nearshore area of Riviera Beach, between FDEP reference monuments R-70 and R-71. That reef was intended both to offset, at least partially,

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the unanticipated downdrift impacts from the 2000/2001 Juno Beach Restoration (0.75 acres) and to fulfill federal requirements for mitigation from the Jupiter-Carlin Shore Protection Project (1.16 acres).

On November 25, 2008, the Department issued Joint Coastal Permit No. **0276415-001-JC** to Palm Beach County for the nourishment (i.e., re-fill of the design template) of the Juno Beach Restoration Project (R-26 to R-38). The borrow area for this project is located approximately 3,900 feet offshore of Singer Island, between R-54 and R-65.

Palm Beach County proposed to install 4.16 acres of mitigation reef in 2009, in compliance with Permit Nos. 0244200-001 (2.25 acres for the Ocean Ridge Federal Beach Nourishment Project) and 0127642-001-JC, as modified by 0127642-004-JN (1.91 acres for both the unanticipated impacts of the Juno Beach Restoration project and, per federal requirement, the Jupiter-Carlin Shore Protection Project). These artificial reefs were also intended to be part of a DEP-funded study to evaluate the functions of nearshore hardbottom and the effectiveness of artificial reefs to offset those functions. This would include a comparison of mitigation modules versus limestone boulders. Therefore, Palm Beach County had requested authorization to place manufactured reef "modules." However, at the time Permit Modification No. 0127642-001-JC was issued, the Department had not yet received the stability analysis for modules placed in the nearshore. Thus, the modification only authorized the use of limestone boulders to construct the artificial reef.

On May 9, 2009, the Department issued minor modification **0127642-005-JN** to install manufactured reef modules, which are structures comprised of a concrete base with limestone cobbles attached to the upper surface, for a portion of the 1.91 acres of artificial reef to be constructed under this permit, as described above. The site proposed for this artificial reef was offshore of Riviera Beach (i.e., Singer Island) between R-70 and R-71. That modification also extended the permit expiration date from July 13, 2009 to October 13, 2009.

Construction of the mitigation reef in 2009 for the Ocean Ridge and Juno projects resulted in an enforcement investigation by the Department in July 2009 when Department staff observed rocks exposed at low tide at the mitigation site. The concern was that emergent structures might have unintended effects on coastal processes and may not provide the habitat functions of a low-relief hardbottom. This appeared to be a violation of the specific conditions in Permit Modification Nos. 0127642-004-JN and 0127642-005-JN, as well as the Local Sponsor Agreement (LSA) for Permit No. 0244200-001-JC, which require the mitigation reef crest to be below the mean low water elevation. The JCP Compliance Officer sent an initial Notice of Violation to the Permittee on September 21, 2009, referencing the Juno restoration permit, and an initial Warning Letter on October 2, 2009, referencing the LSA for the Ocean Ridge nourishment permit. To date, these enforcement cases remain open and without resolution.

/ No

Permittee's Justification for Modification

Originally, the Permittee requested that, due to the shoreward migration of the offshore sandbar and an earlier Department request to limit deployment to shallower depths, 7.5 acres of the 11.62 acres originally permitted for mitigation was unsuitable for reef placement. In response to issues subsequently raised by the Department, the Permittee submitted a letter dated April 9, 2010, with new cross-sectional drawings that show the rock profile at time of construction with a minimum of 1.4 feet of clearance at mean low water. The Permittee also submitted a revised general deployment area drawing that adjusted the boundaries eastward of the original request, to reflect a depth range of -7.66 feet to -16.66 feet NAVD (-5.40 feet to -14.40 feet MLW). A revised plan view also showed a maximum of two (2) parallel rows of pods. This plan will allow for access to all pods if any corrective measures are needed.

Staff Assessment

Reef placement

The selection of the artificial reef placement sites was based on 2007 aerial photographs. Prior to deployment, the Permittee will conduct sediment depth surveys to ensure that the placement area has an underlying rock layer covered with a persistent layer of sediment 1 to 3 feet thick. The rock layer provides a maximum depth of subsidence of the placed boulders, while the persistent layer of sand provides assurance that the rocks are not being placed on living organisms or ephemeral hardbottom. Additionally, the Permittee will verify by diver survey the location of the existing hardbottom edge nearest the approved placement area. Boulders will be placed at least 50 feet from exposed natural hardbottom to ensure no damage to the hardbottom is caused during placement or storms.

After the original modification application was submitted in July 2009, the Department identified a number of compliance concerns regarding the portion of the mitigation reef that has already been constructed. The revised placement area and depths (shown in the attached drawings) help address the Department's concerns for the remaining reef to be constructed. Additional changes to the project description and specific conditions (e.g., datum correction) will further clarify the construction requirements that the Department feels are necessary as reasonable assurance that the project-related impacts are offset, while preventing adverse effects on shoreline processes and maintaining public safety. Any outstanding compliance issues related to the previously-constructed reef will be addressed separately from this permit modification.

Threatened and endangered species

Construction of the Juno/Jupiter-Carlin Mitigation Reef has been designed and timed so as to avoid potential interactions with endangered and threatened species. All staging and stockpiling will occur at an existing upland staging area. Material will be transported and placed by barge through Palm Beach Inlet. No work will occur at night and barges will be kept at the staging location overnight to avoid impacts to nesting turtles. In response to a request from the Florida Fish and Wildlife Conservation Commission, the Permittee provided updated

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turtle nesting data from the beach along the area where the artificial reef violation occurred. Based on a review of these data, FWC has not recommended any additional conditions related to the new placement area.

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

PROJECT DESCRIPTION:

The project activity is beach restoration (one time only) consisting of the hydraulic placement of approximately 1.0 million cubic yards of sand along 2.4 miles of beach from offshore borrow sites. The beach fill is located between the Department of Environmental Protection's DNR reference monuments R-26 and R-38, at Juno Beach. The elevation of the beach fill berm is to be +9 feet NGVD and the typical berm width will be 200 feet as measured from the existing dune line. The project includes construction of a dune formation or reconstruction of the toe of the existing dune along the entire beach fill area. Sediment for the beach fill will be excavated from two offshore borrow sites: Borrow Area I is located approximately 2 miles northeast of Jupiter Inlet. Borrow Area II is located approximately 3 miles east of Jupiter Inlet and southeast of Borrow area I.

In Additionally to the mitigation required for the originally authorized impacts, Palm Beach County will place 1.91 acres of artificial reef. This artificial reef will be placed within a general deployment area located offshore of Riviera Beach, between FDEP reference monuments R-6870 and R-71, and ranging between ~~-4.5 feet and -13.5 feet~~ NGVD -7.66 feet and -16.66 NAVD (-5.4 feet and -14.4 feet MLW). Up to 0.75 acres the artificial reef may be applied toward the mitigation requirement of the future nourishment permit, to help offset the downdrift impacts from the 2000-2001 Juno Beach Restoration project. The other 1.16 acres of artificial reef will be used as the federally-required mitigation for the Jupiter-Carlin Shore Protection Project. This artificial reef will consist of sections of limestone boulders and sections of NuShore, or other similarly designed, modules.

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

SPECIFIC CONDITIONS:

3. A Notice to Proceed shall be required for the installation of the NuShore, or other similarly designed, reef modules. At least 7 days prior to construction please submit to the Department two **complete** sets of construction plans and specifications that substantially adhere to the permit design. The specifications **and each** drawing shall be signed and sealed by a professional engineer licensed in the State of Florida. Each drawing shall include an accurate scale or

dimensions and sheet number, and all information shown on the drawing shall be clearly legible.

13. The following procedures shall be adhered to for the construction of the artificial reef mitigation work:

- c. The artificial reef shall be constructed of limestone boulders and NuShore, or other similarly designed, reef modules. Reef construction materials shall be inspected by the Permittee or their designee prior to loading onto work barges. Debris and sources of pollution shall be removed from the material prior to its placement onto the work barges. Rebar, steel, or other similar protruding materials shall not be included in the reef construction materials;

The Permittee shall ensure that the artificial reef is constructed to mimic the natural hardbottom in the project area. The initial mitigation reef shall be constructed of concrete and limestone boulders at depths ranging from -8 to -18 feet NGVD approximately 2000 feet north of the proposed beach fill area. A second reef comprised of limestone boulders and NuShore, or other similarly designed, reef modules shall be placed within the Department-approved area offshore of Riviera Beach, at reference monuments R-6870 and R-71, in water depths ranging from -7.66 feet to -16.66 feet NAVD ~~4.5 feet to -13.5 feet NGVD~~ (-5.4 feet to -14.4 feet MLW).

17. The mitigation reef shall adhere to the following criteria:

- a. For reef constructed after June 2010, none of the mitigation reef or reef-building materials (e.g., loose limestone rock) shall be located shallower than the -7.66-foot NAVD (-5.4 feet MLW) contour or deeper than the -16.66-foot NAVD contour (-14.4 feet MLW);
- b. At depths shallower than -10.3 feet NAVD (-8 feet MLW), all mitigation reef must be composed of a single (un-stacked) layer of rock or reef modules, not to exceed 4 feet in relief (prior to subsidence);
- c. At depths deeper than -10.3 feet NAVD (-8 feet MLW), no mitigation reef (stacked or unstacked) shall have a vertical relief that exceeds 6 feet (prior to subsidence);
- d. At least 1.4 feet of clearance shall exist between the highest point of any reef component and the mean low water elevation (i.e., the maximum reef elevation shall not exceed -3.7 feet NAVD); and,

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- e. For reef constructed seaward of the -10.3-foot NAVD (-8 feet MLW) contour after June 2010, the vertical relief shall not exceed 60% of the water column depth during MLW.
- 18. During mitigation reef construction, no portion of the reef constructed after May 2010 may persist in a condition out of compliance with the design and placement criteria outlined in Specific Condition No. 17 above for a period longer than 14 calendar days.
- 19. All construction and demobilization of equipment must be completed on or before the permit expiration date.
- 20. As-built drawings of the mitigation reefs shall be submitted to the Department within 60 days following completion of construction or the permit expiration date, whichever is earlier. These drawings must include, at a minimum, the acreage of exposed mitigation reef (excluding the sandy spaces between mitigation pods, individual rocks where they do not touch adjacent boulders and buffers from natural reef outcroppings).

The permit drawings shall be revised as follows:

The attached drawings shall **replace** pages 2 through 4 (i.e., placement area, typical layout and typical cross-section) that were included in the previous 4-page set of permit drawings as part of Permit Modification No. 0127642-004-EM.

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, and is expected to be of environmental benefit, the **permit is hereby modified** as stated above. By copy of this letter and the attached drawing we are notifying all necessary parties of the modification.

This letter of approval also extends the expiration date of the permit, construction for the mitigation reef only, to **October 13, 2010**. The modification does not alter the other Specific Conditions, General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawing must be attached to the original permit.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the construction of this artificial reef within the revised general

Notice of Permit Modification
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deployment area qualifies for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the conditions of the permit. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

NOTICE OF RIGHTS

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

Under Rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only

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Juno Beach Restoration (new artificial reef placement area)
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at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the Permittee must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the Permittee, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the Permittee at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

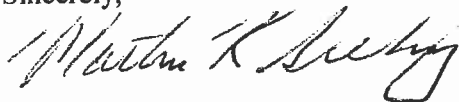
This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit modification constitutes an order of the Department. The Permittee has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the Permittee may elect to publish notice as prescribed in Rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

If you have any questions regarding this matter, please contact Mr. Steven MacLeod at the letterhead address (add Mail Station 300) or by telephone at (850) 414-7806.

Sincerely,



Martin K. Seeling
Environmental Administrator
Bureau of Beaches & Coastal Systems

MKS/mbn

Enclosure: Replacement Permit Drawings
(1 plan view aerial, 1 plan view drawing, and 2 cross-sectional drawings)

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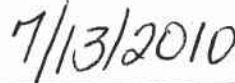
cc:	Dan Bates, Palm Beach County ERM	Leanne Welch, Palm Beach County ERM
	Janet Phipps, Palm Beach County ERM	Reubin Bishop, Palm Beach County ERM
	Martin Seeling, BBCS – JCP	Vladimir Kosmynin, BBCS – JCP
	Robert Brantly, BBCS – JCP	Steven MacLeod, BBCS – JCP
	Rob Buda, BBCS – BECP	Stephanie Gudeman, BBCS – JCP
	Paden Woodruff, BBCS – BECP	Roxane Dow, BBCS – BECP
	Alex Reed, BBCS – BECP	Mark Taynton, BBCS – CCCL
	Keith Mille, FWC, Artificial Reef Program	JCP Compliance Officer
	Mike Barnett, Bureau Chief	BBCS Permit File

FILING AND ACKNOWLEDGMENT

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

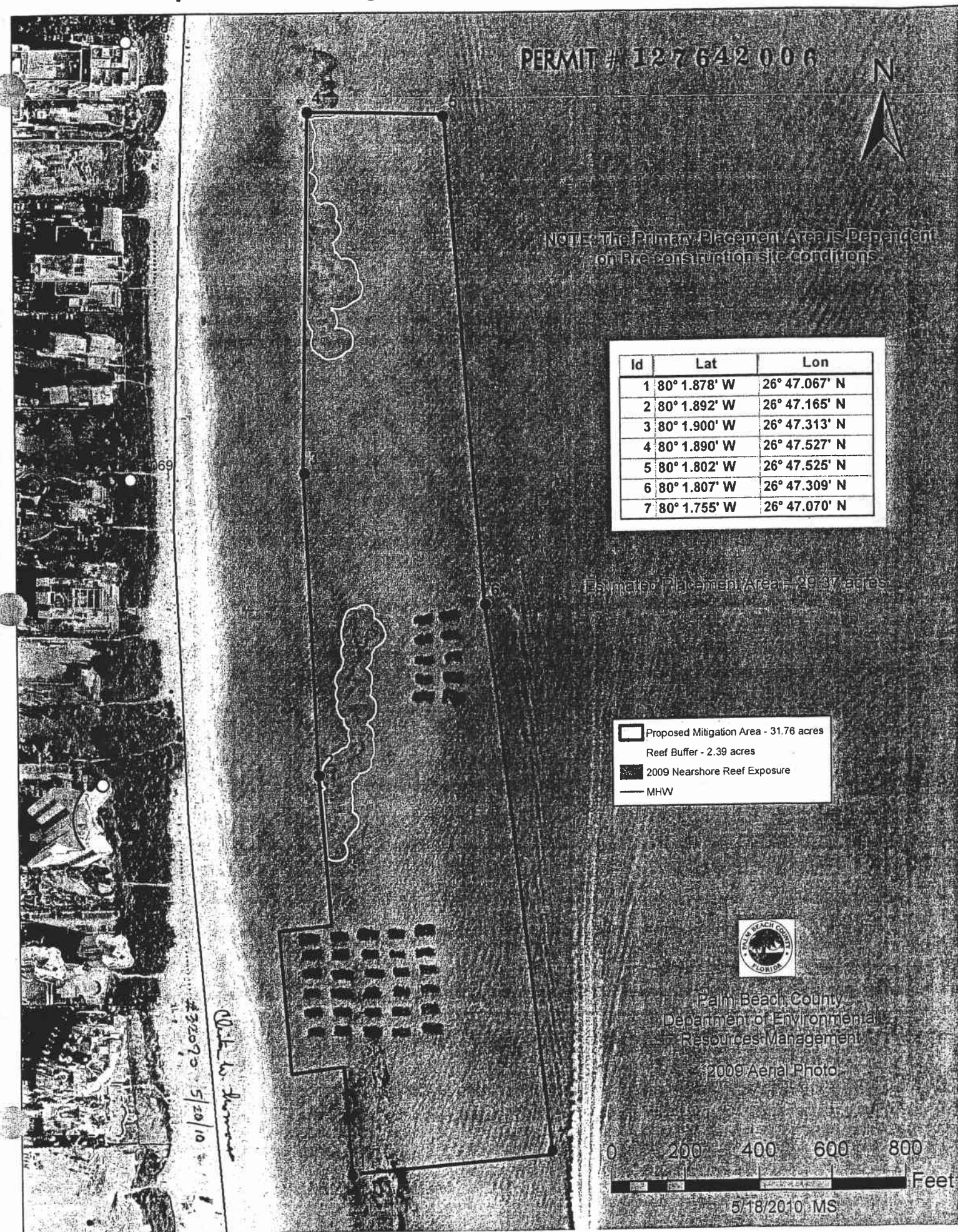


Deputy Clerk



Date

Proposed Mitigation Reef Placement Area



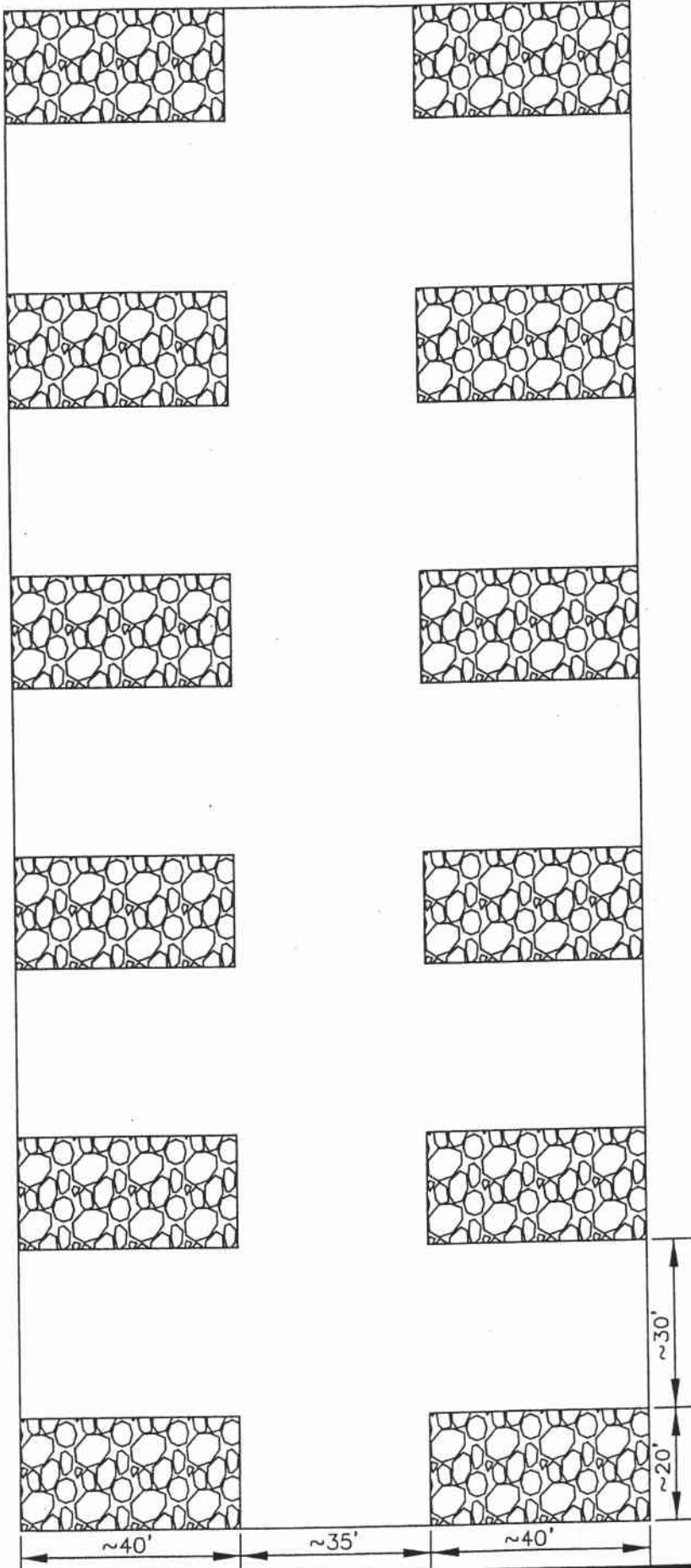
-7.66' NAVD

BATHYMETRY PRIOR TO CONSTRUCTION

-10.00' NAVD



PERMIT # 127642006



Clinton W. Thomas
#32070 5/20/10



PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

TYPICAL
ARTIFICIAL REEF LAYOUT
FOR
MITIGATION REEFS

SCALE: 1"=30'
ROCKS NOT TO SCALE

01/10

FIG. 7

PERMIT # 127642006

RIVIERA BEACH SHALLOW REEF BEFORE SUBSIDENCE

CONSTRUCTION NOTES:

BOULDERS SHOULD HAVE A MINIMUM WEIGHT OF 2200 LB. UP TO 6000 LB. WITH AT LEAST 95% OF THE BOULDERS 2200 to 5800 LB. ALL ROCK PLACEMENT WILL BE BELOW MLW

MHW = 0.44 FT NAVD = 1.99 FT NGVD = 2.70 FT MLW

NAVD

NGVD

MLW = -2.26 FT NAVD = -0.71 FT NGVD = 0.00 FT MLW

1.4'
MINIMUM

5.40'

6.11'

7.66'

8.10'

MAXIMUM ROCK
RELIEF 4'

-7.66 NAVD

SAND

ROCK SUBSTRATE

VARIES 1' to 3'

~20 FEET WIDE

Clinton W. Thomas
#32070 4/6/10

D:\The Pit\2009 Projects\Jonel Phipps\Mitigation REEF CONST\6a thru 6d_20100405_Mitigation Reef Const_02.dwg

NOTE: SUBSIDENCE TO
BEDROCK IS ANTICIPATED



DEPARTMENT OF
ENVIRONMENTAL
RESOURCES MANAGEMENT

TYPICAL CROSS SECTION MITIGATION
REEFS CONSTRUCTION

FIGURE 6A

DRN BY: MLB DWG NO.

REV
1

SHEET: FIG. #6A

DATE: 04/2010

SCALE: NOT TO SCALE

RIVIERA BEACH PERMIT # 127642006

DEEP REEF BEFORE SUBSIDENCE

CONSTRUCTION NOTES:

BOULDERS SHOULD HAVE A MINIMUM WEIGHT OF 2200 LB. UP TO 6000 LB. WITH AT LEAST 95% OF THE BOULDERS 2200 TO 5800 LB. ALL ROCK PLACEMENT WILL BE BELOW MLW

RECEIVED

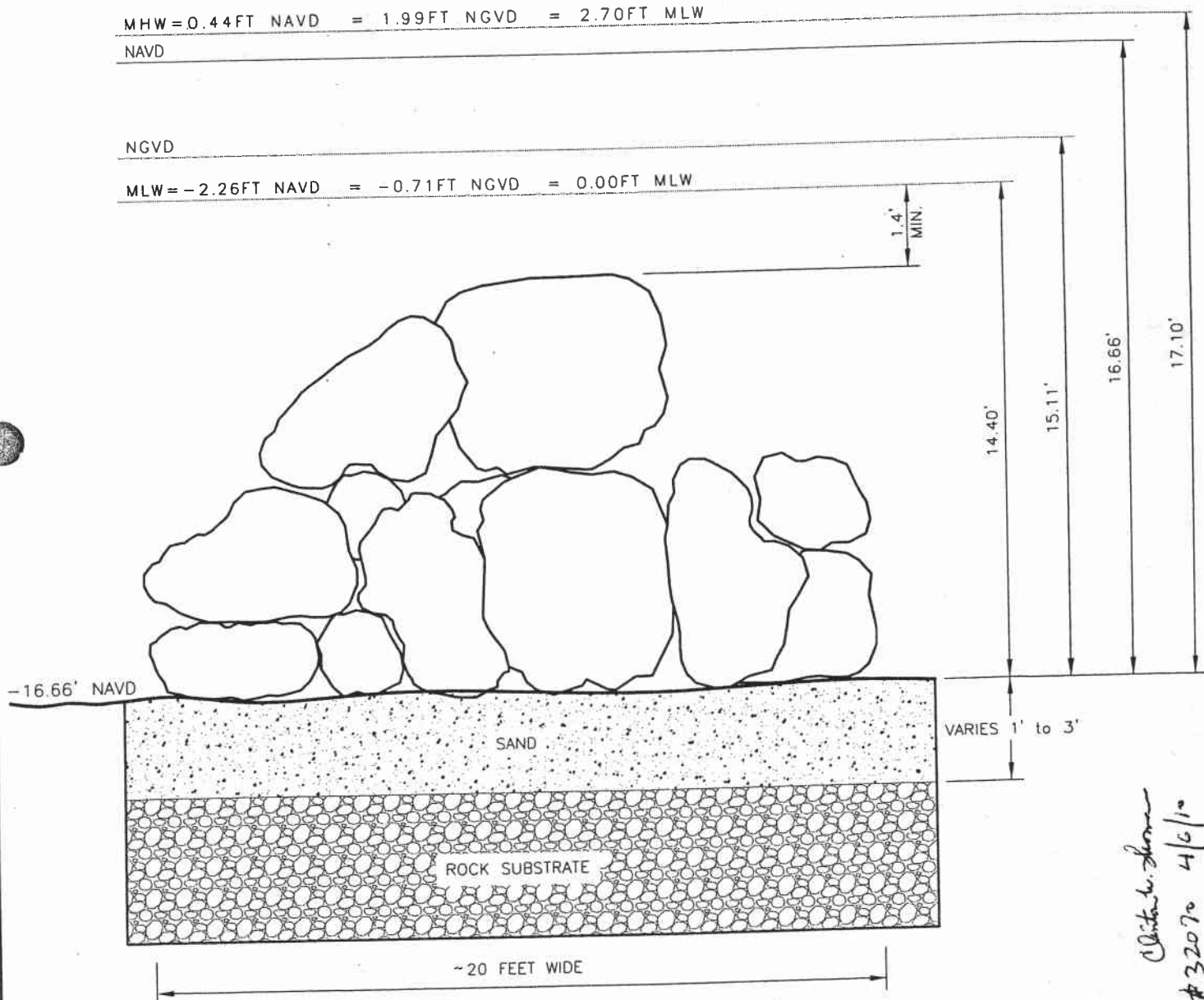
APR 14 2010

BUREAU OF BEACHES
& COASTAL SYSTEMS

MHW = 0.44FT NAVD = 1.99FT NGVD = 2.70FT MLW
NAVD

NGVD

MLW = -2.26FT NAVD = -0.71FT NGVD = 0.00FT MLW



*Updated from
#32070 4/6/10*

D:\The Pit\2009 Projects\Janet Phipps\Mitigation REEF CONST\6a thru 6d_20100405_Mitigation Reef Const_02.dwg

NOTE: SUBSIDENCE TO
BEDROCK IS ANTICIPATED



DEPARTMENT OF
ENVIRONMENTAL
RESOURCES MANAGEMENT

TYPICAL CROSS SECTION MITIGATION
REEFS CONSTRUCTION

FIGURE 6C

DRN BY: MLB

DWG NO.

REV
1

SHEET: FIG. #6C

DATE: 04/2010

SCALE: NOT TO SCALE

COPY



Florida Department of Environmental Protection

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

RS
(make sure Janet Carm has a copy)
Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

February 18, 2011

Robert Robbins, Deputy Director
Palm Beach County DERM
2300 North Jog Road, 4th Floor
West Palm Beach, FL
33411-2743

Re: Permit Extension No. 0127642-008-JN
Permit No. 0127642-001-JC, as modified
Project Name: Juno Beach Restoration (Mitigation Reef)

ENV. RES. MGMT.
Env. Enh. & Restoration ☒
Natural Resources Stewardship ☐
Resources Protection ☐
Pest Control ☐
Policy & Support Services ☐
Director ☐
Deputy Director ☒
Other ☐

Dear Mr. Robbins:

We are in receipt of your November 8, 2010, notice to use the provisions of Section 46 of Chapter 2010-147 Laws of Florida (SB 1752) to extend the duration of the above Joint Coastal Permit (JCP) under Part IV of Chapter 373, F.S., for construction of the mitigation reef only. Pursuant to the provisions of SB 1752, the expiration date of the permit is changed as follows:

Original Expiration Date: October 13, 2010

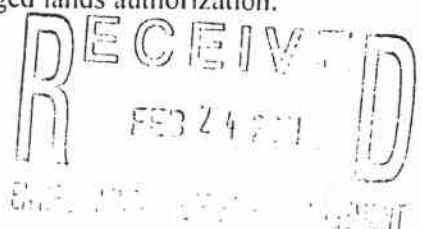
New Expiration Date: October 13, 2012

All timelines and dates contained in the permit pertaining to mitigation, construction windows, monitoring and submitting reports for the activity authorized by the permit are modified in recognition of, and relative to, the new expiration date. You are advised that the legislation requires that, "The commencement and completion dates for any required mitigation associated with a phased construction project [is] extended such that the mitigation takes place in the same timeframe relative to the phase as originally permitted."

In accordance with the legislation, the permitted activity will continue to be governed by the rules in effect at the time the permit was issued. However, any future request to modify the permit, except where the modification lessens the environmental impact, will be governed by the rules in effect at the time of the modification.

This extension does not:

1. Otherwise change any other terms or conditions of the permit, as previously modified.
2. Affect the expiration date of any associated state-owned submerged lands authorization.



3. Affect the water quality certification determination under Section 401, Public Law 92-500, 33 U.S.C. Section 1341 made as part of the permit.
4. Affect the coastal zone consistency concurrence determination made under Florida's Coastal Zone Management Program in Section 307 of the Coastal Zone Management Act and 15 CFR 930, Subpart D originally contained in the permit.
5. Affect the expiration date of any state, federal, or local permit, license, or authorization related to this permit, specifically including any federal permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

Sincerely,



Martin K. Seeling
Environmental Administrator
Bureau of Beaches & Coastal Systems

MKS/smm

cc (via electronic mail):

Daniel Bates, Palm Beach County ERM
Janet Phipps, Palm Beach County ERM
Tori White, USACE, Palm Beach Gardens
Keith Mille, FWC, Artificial Reef Program
Martin Seeling, BBBS – JCP
Robert Brantly, BBBS – JCP
Rob Buda, BBBS – BECP
Paden Woodruff, BBBS – BECP
Alex Reed, BBBS – BECP
Robert Brantly, BBBS – CE
JCP Compliance Officer
Rob Weber, Town of Palm Beach
Gerald Ward, Resident

Leanne Welch, Palm Beach County ERM
Reubin Bishop, Palm Beach County ERM
Robbin Trindell, FWC, ISMS
Michael Barnett, BBBS – Chief
Vladimir Kosmynin, BBBS – JCP
Steven MacLeod, BBBS – JCP
Stephanie Gudeman, BBBS – JCP
Roxane Dow, BBBS – BECP
Mark Taynton, BBBS – CCCL
Jenny Cheng, BBBS – CE
Erika D'avano, Surfrider
Dan Clark, Cry of the Water
BBBS Permit File (hardcopy)

DEPARTMENT OF THE ARMY PERMIT

Permittee: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

1.16 ac

Permit No. 199000902(IP-TA)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The project includes the restoration and stabilization of approximately 1.08 miles of beach shoreline. Approximately 600,000 cubic yards of sand will be used to provide a berm height of +9 feet NVGD with a design profile consisting of a 1V:10H foreshore and nearshore slopes. The area of impact at the fill site is approximately 31 acres of marine intertidal, unconsolidated shoreline and the area of impact at the borrow site includes 68 acres of subtidal, non-vegetated sandy bottom. The project is as shown and described on the attached plans numbered 199000902(IP-TA) in 13 sheets, dated June 11, 2001.

Project Location: The project is located in the Atlantic Ocean between DNR monuments R-13.5 and R-19, approximately 800 feet south of the Jupiter Inlet to the south end of Carlin Park, Section 5, Township 41 south, Range 43 east, Palm Beach County, Florida. The borrow site is located in the Atlantic Ocean approximately 3.2 miles northeast of the center of the project site.

Fill site:

Latitude - 26°56'03" North Longitude - 80°04'17" West

Borrow site:

Latitude - 26°58'55.61" North Longitude - 80°02'24.53" West
Latitude - 26°58'51.67" North Longitude - 80°02'43.31" West
Latitude - 26°58'34.14" North Longitude - 80°02'38.74" West
Latitude - 26°58'30.51" North Longitude - 80°02'23.31" West

PERMIT NUMBER: 199000902(IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 2 of 8

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on August 21, 2006. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

PERMIT NUMBER: 199000902(IP-TA)

PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

PAGE 3 of 8

Special Conditions:

1. The permittee shall comply with the attached standard manatee construction measures.
2. The permittee shall comply with the attached sea turtle protection measures.
3. The permittee shall comply with the recommendations of the attached *Jupiter-Carlin, Palm Beach County Beach Renourishment Project Final Fish and Wildlife Coordination Act Report* dated September 2000.
4. The permittee shall comply with the attached reasonable and prudent measures, terms and conditions, and conservation recommendations of the attached *U.S. Fish and Wildlife Service's Biological Opinion* dated October 24, 1996, and the addendum dated January 29, 1998.
5. Within 18 months of the date of this permit, the permittee shall create and/or enhance 1.16 acres of artificial reef as shown on the attached drawing. This permit acknowledges that the enhancement reef will be funded by the Jupiter Inlet District under the requirements of Department of the Army permit number 198900506. The reef construction shall be completed adjacent to but well outside the toe of fill, in approximately 10-foot to 12-foot water depths. The reef shall be constructed in an area of sandy bottom atop rock to prevent sinking. This permit acknowledges that the 1.16 acres of artificial reef is mitigation for the cumulative impacts to 33 percent of the approximately 3.48 acres of nearshore hard bottom located within the toe of fill from DNR monuments R-13 through R-19 as mapped by Palm Beach County from November 1983 to August 1994.
6. The permittee shall conduct monitoring of the 1.16 acres of enhancement reef in accordance with the Palm Beach County Comprehensive Coastal Monitoring Plan incorporated herein as reference. A baseline report and annual reports for a period of ten years should be completed. In addition, the permittee shall continue to monitor the approximately 4 acres of existing Jupiter/Carlin mitigation reef for an addition five years.
7. The permittee shall work with the National Marine Fisheries Service to continue to develop and update monitoring protocol to include criteria to assess the effectiveness of the artificial

Signed
9/01

PERMIT NUMBER: 199000902(IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 4 of 8

mitigation reefs in replacing the ecological functions of nearshore natural hardbottom habitats impacted by beach dredge and fill projects. Factors such as indices of recruitment, mortality, and size structure of fish and selected marine invertebrates should be included into the assessments of artificial reefs and should be compared with nearby, natural hardbottom reefs. Within six months of the date of this permit, the permittee shall provide a draft supplemental monitoring plan to the Corps, Stuart Regulatory Office, 218 Atlanta Avenue, Stuart, Florida 34994, for review and approval.

8. Copies of the baseline and annual monitoring reports should be provided to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019 and the Stuart Regulatory Office, 218 Atlanta Avenue, Stuart, Florida 34994.

9. Within 60 days of the authorized work and completion of the enhancement reef, the attached Self-Certification Statement of Compliance must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Branch, Post Office 4970, Jacksonville, Florida 32232-0019.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

PERMIT NUMBER: 199000902(IP-TA)

PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

PAGE 5 of 8

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

PERMIT NUMBER: 199000902(IP-TA)
PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 6 of 8

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.


6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PERMIT NUMBER: 199000902(IP-TA)

PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

PAGE 7 of 8

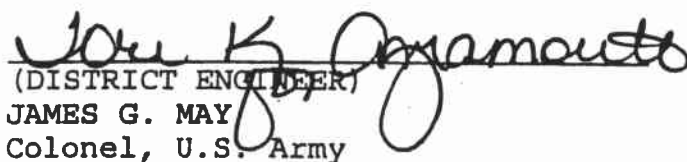
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

 Deputy Director
(PERMITTEE) PBC Env. Res. Manager

8/31/01

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


(DISTRICT ENGINEER)
JAMES G. MAY
Colonel, U.S. Army

9/4/01

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

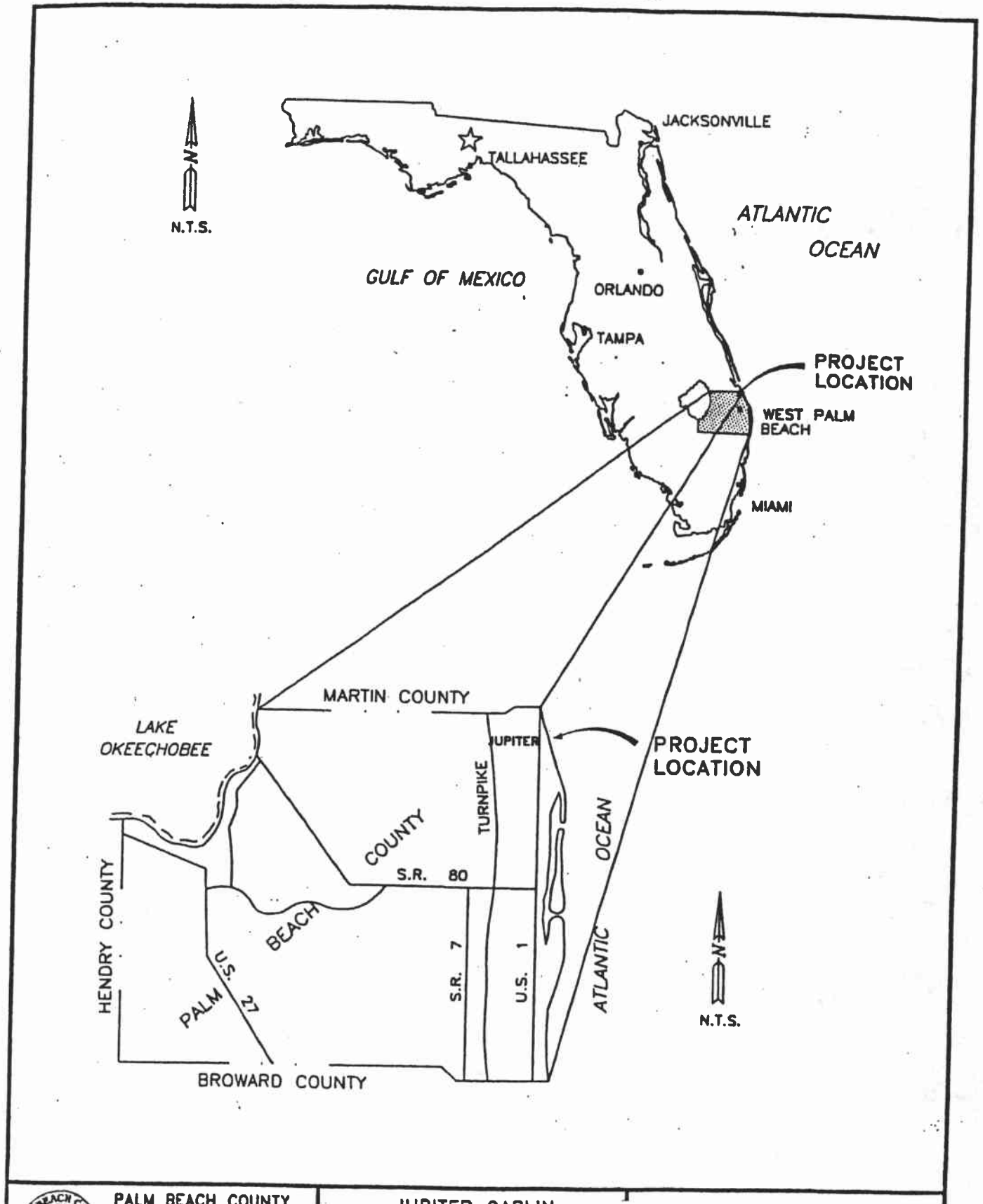
PERMIT NUMBER: 199000902(IP-TA)

PERMITTEE: PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
PAGE 8 of 8

DEPARTMENT OF THE ARMY PERMIT

Attachments to Department of the Army Permit Number 199000902(IP-TA)

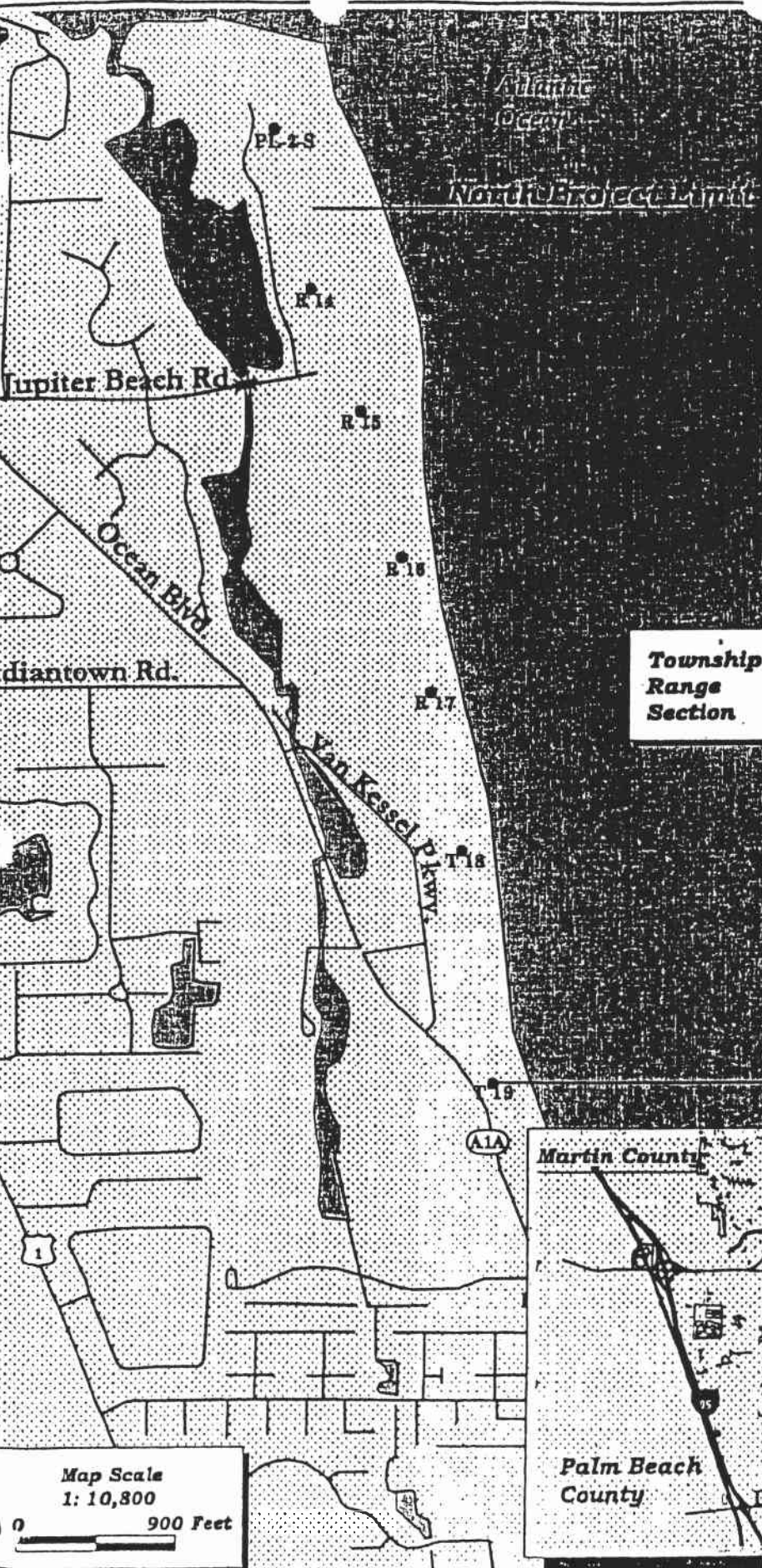
1. PERMIT DRAWINGS: 13 pages, dated June 11, 2001.
2. WATER QUALITY CERTIFICATION: In accordance with General Condition number 5 on page 2 of this DA permit, the Florida Department of Environmental Protection Certificate Specific Conditions consist of 11 pages.
3. STANDARD MANATEE CONSTRUCTION CONDITIONS: 2 pages, dated March 27, 1996.
4. SEA TURTLE PROTECTION MEASURES: 4 pages, dated January 29, 1998
5. JUPITER-CARLIN, PALM BEACH COUNTY BEACH RENOURISHMENT PROJECT FINAL FISH AND WILDLIFE COORDINATION ACT REPORT: 14 pages, dated September 2000.
6. U.S. FISH AND WILDLIFE SERVICE'S BIOLOGICAL OPINION: 26 pages, dated October 24, 1996, and the 2-page addendum dated January 29, 1998.



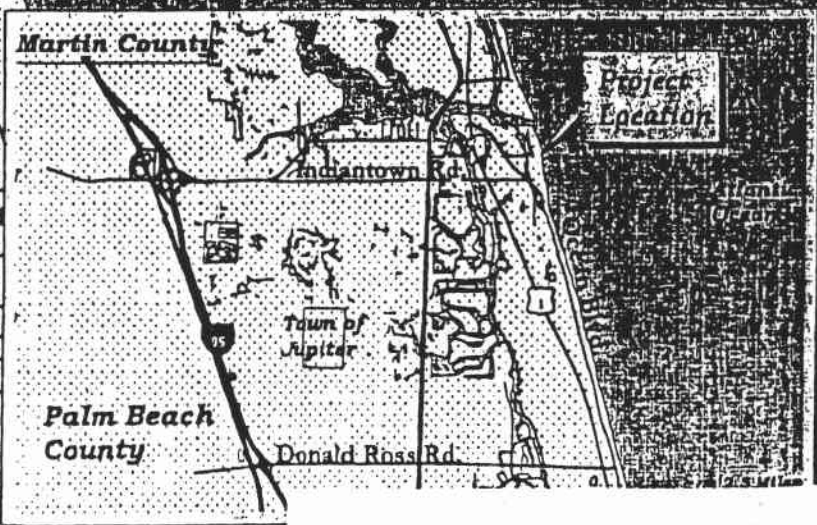
PALM BEACH COUNTY
DEPARTMENT OF
ENVIRONMENTAL
RESOURCES
MANAGEMENT

JUPITER CARLIN
SHORE PROTECTION PROJEC
PHASE II
LOCATION MAP

Corps # 19900902(IP-TA)
Drawing 1 of 13
11 June 2001



Township 41S
 Range 43E
 Section 05



Map Scale
 1: 10,800
 0 900 Feet

Jupiter Inlet

JUPITER BEACH PARK

OCEAN TRAIL CONDOMINIUM

JUPITER BEACH RESORT

CARLIN PARK

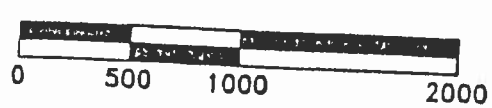
EQUILIBRIUM TOE OF FILL
INITIAL NOURISHMENT (1995)

NOTE: HARDBOTTOM EXTENT INTERPRETED
FROM AERIAL PHOTOGRAPHY WITH
FIELD VERIFICATION.

1997 MHW



SCALE IN FEET



Corps # 19900902(IP-TA)
Drawing 3 of 13
11 June 2001

PROPOSED RENOURISHMENT JUPITER/CARLIN SHORE PROTECTION PROJECT

BORROW AREA

P.R.M. 06-78-A-01
MART. CO. 124 YEAR 1976
Y959394.616
X799034.990

MARTIN COUNTY

ATLANTIC OCEAN

PALM BEACH COUNTY

BEACH RD

Jupiter Inlet

OCEAN BLVD

N14° 03'27"W
1300.96'

N81° 34'22"E
9684.79'

N47° 23'19"W
1985.16

N30° 06'34"E
13815.71'

N76° 23'16"E
5047.79'

CONTAINS: 326.188 ACRES

4037.26'
S02° 55'29"E

2191.57'
N75° 44'08"W

S75° 59'50"W
1248.09'

POINT OF
BEGINNING
Y961399.0
X809329.0

BEARINGS ARE BASED ON THE FLORIDA
STATE PLANE COORDINATE SYSTEM
NORTH AMERICAN DATUM 1927, 1978
ADJUSTMENTS, A LINE BETWEEN CONCRETE
MONUMENT S305 1970 AND MART. CO. 124
YEAR 1976 BEING N19° 30'46"W AND ALL
OTHER BEARINGS ARE RELATIVE THERETO.

COORDINATES ARE BASED ON THE FLORIDA
STATE PLANE COORDINATE SYSTEM EAST
ZONE NORTH AMERICAN DATUM 1927, 1978
ADJUSTMENT, TRANSVERSE MERCATOR
PROJECTION.

DISTANCES SHOWN ARE GRID.

Y - NORTHING IN FEET
X - EASTING IN FEET

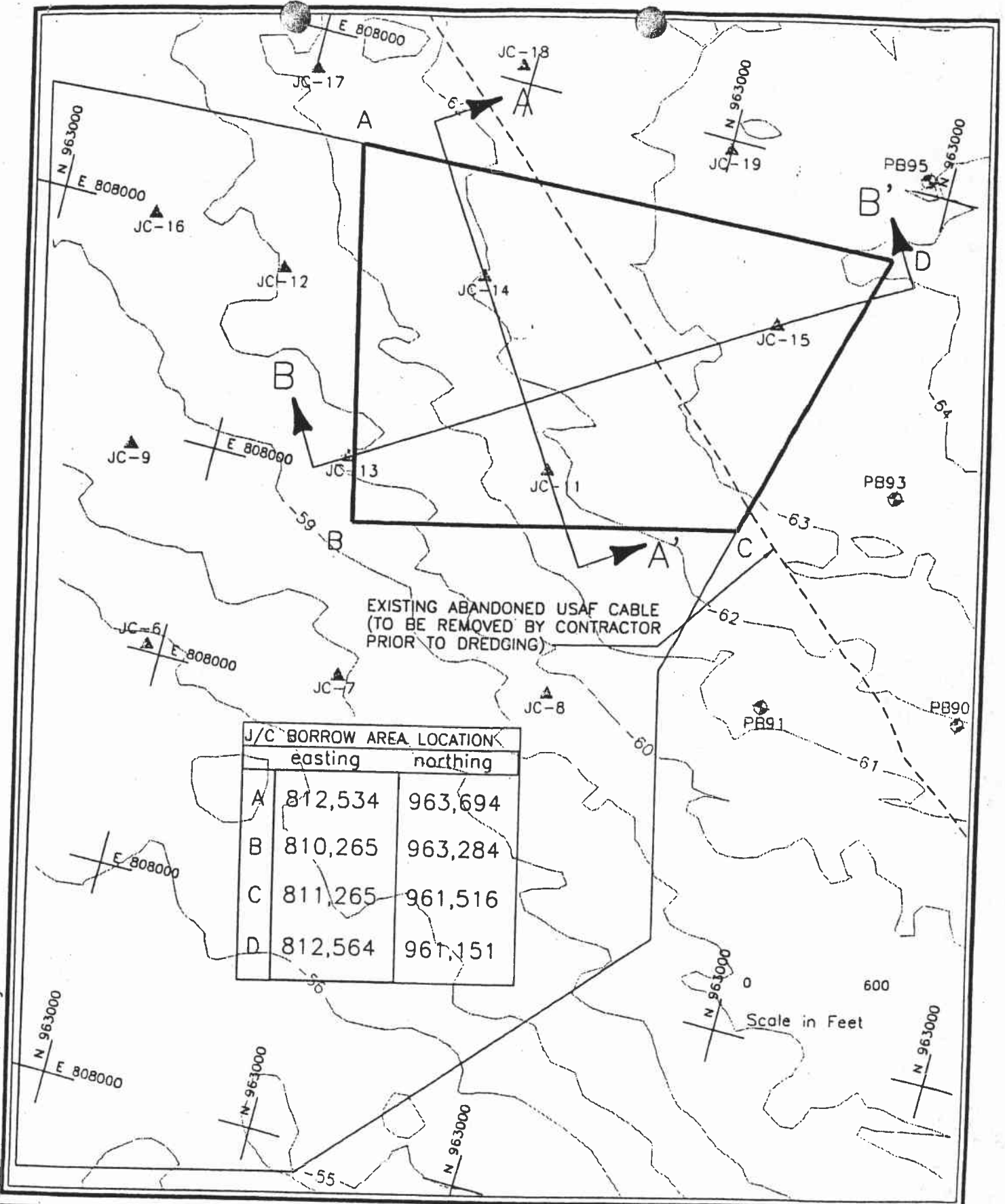
SCALE FACTOR - 1.00004609

POINT OF
COMMENCEMENT
P.R.M. 06-78-B-01
S3051970
Y949620.462
X802498.656

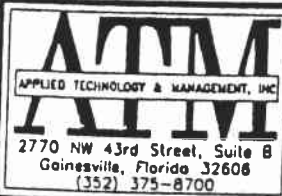
Corps # 19900902(IP-TA)
Drawing 4 of 13
11 June 2001

NOT TO
SCALE

98-135 vibrocore plan.dwg



06/27/00



PROPOSED OFFSHORE BORROW AREA PLAN VIEW

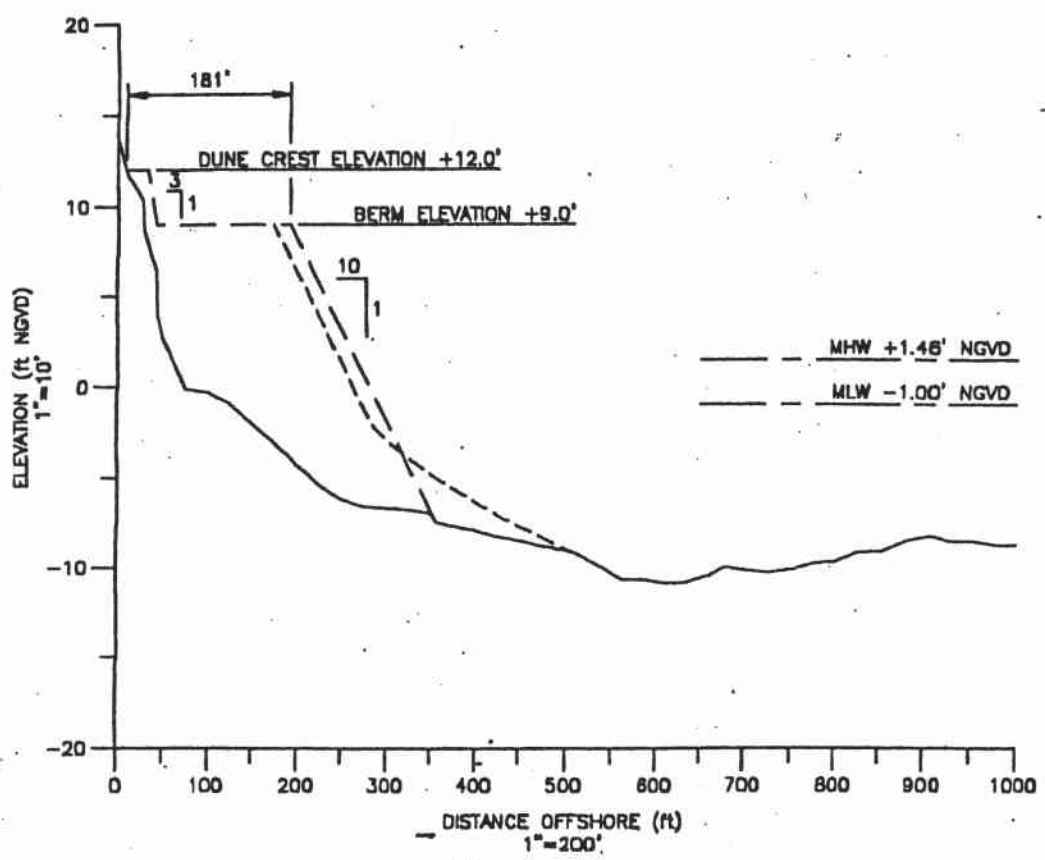
JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135

CHECKED BY: MRB

Corps # 19900902(IP-TA)
Drawing 5 of 13
11 June 2001



98-135 Beachfill Template Profiles.dwg

06/27/00

ATM
APPLIED TECHNOLOGY & MANAGEMENT, INC.
ATM
 2770 NW 43rd Street, Suite B
 Gainesville, Florida 32608
 (352) 375-8700

BEACHFILL TEMPLATE CROSS SECTION
 MONUMENT R-13.5

JUPITER/CARLIN SHORE PROTECTION PROJECT
 INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135	CHECKED BY: MRB
DATE: JUNE 2000	DRAWN BY: MKM

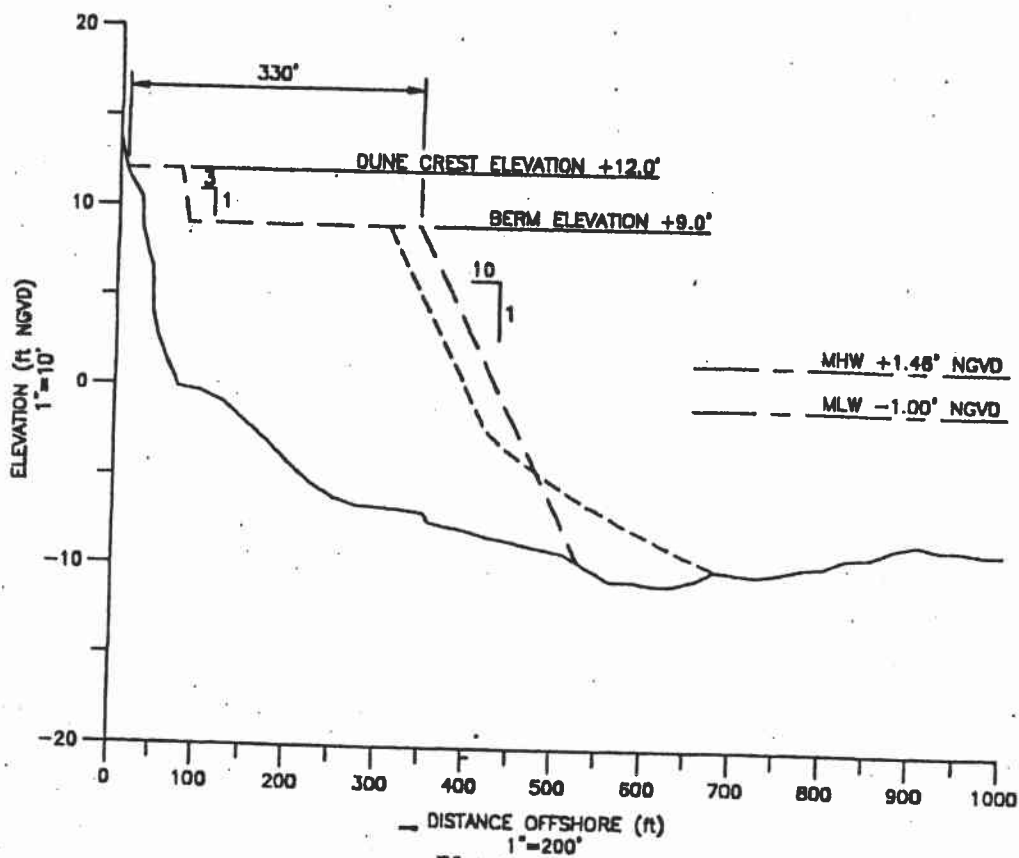
Corps # 19900902(IP-TA)
 Drawing 6 of 13
 11 June 2001

LEGEND

EXISTING PROFILE 6/16/99

CONSTRUCTION TEMPLATE

ADJUSTED PROFILE



MONUMENT R-14

98-135 Beachfill Template Profiles.dwg

06/27/00

ATM

APPLIED TECHNOLOGY & MANAGEMENT, INC.

2770 NW 43rd Street, Suite B

Gainesville, Florida 32608

(352) 375-8700

BEACHFILL TEMPLATE CROSS SECTION

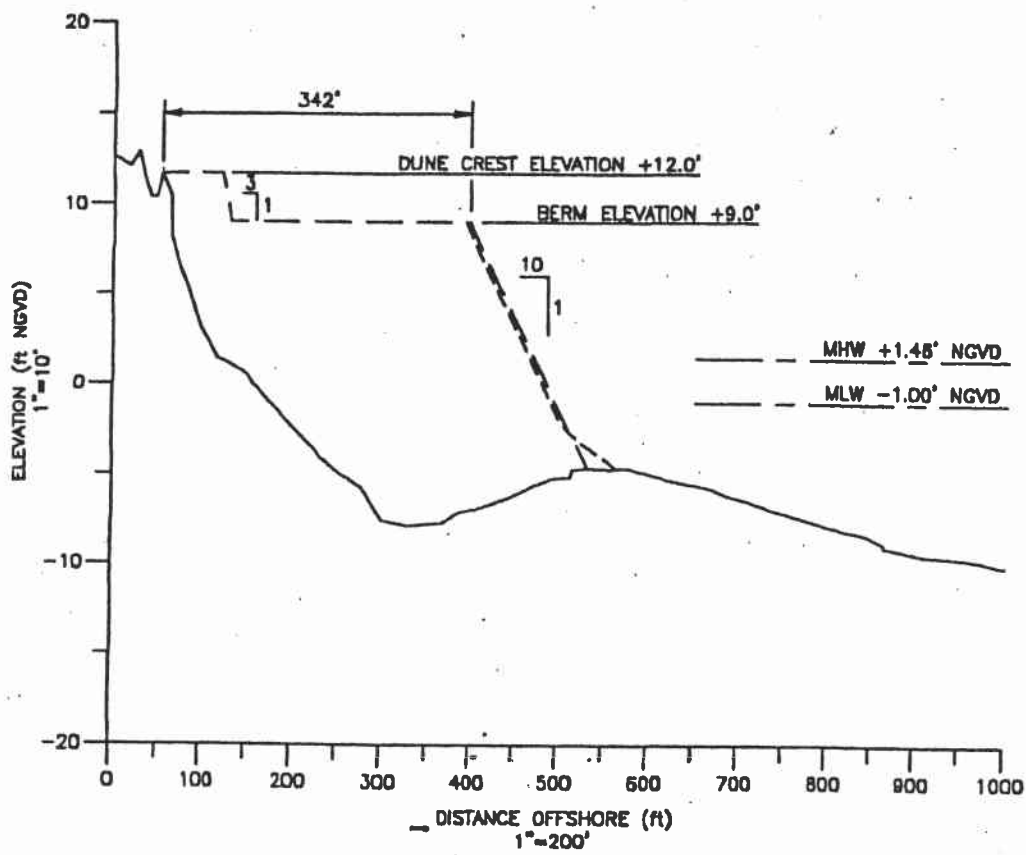
MONUMENT R-14

JUPITER/CARLIN SHORE PROTECTION PROJECT

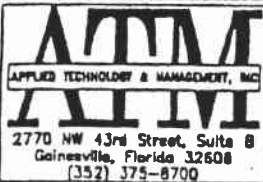
INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135	CHECKED BY: MRB
DATE: JUNE 2000	DRAWN BY: MKM



MONUMENT R-15



BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-15

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135

CHECKED BY: MRB

DATE: JUNE 2000

DRAWN BY: MKM

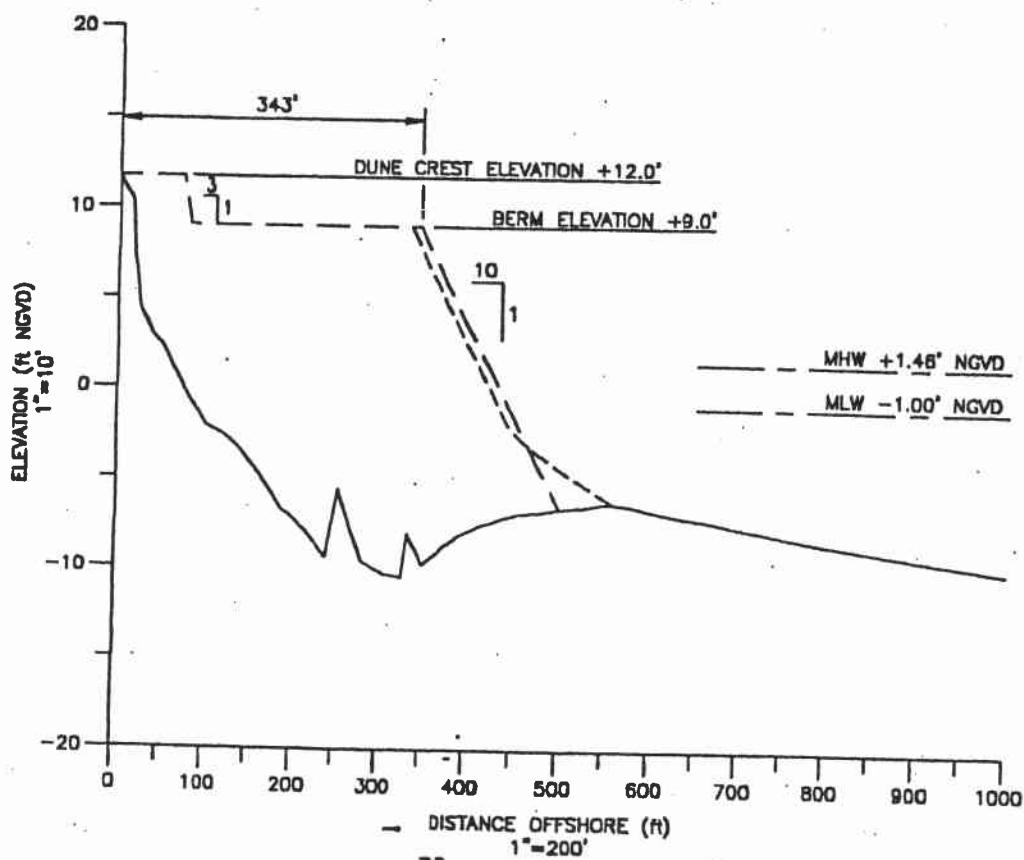
Corps # 19900902(IP-TA)
Drawing 8 of 13
11 June 2001

LEGEND

— EXISTING PROFILE 6/16/99

- - - CONSTRUCTION TEMPLATE

- - - ADJUSTED PROFILE



MONUMENT R-16

98-135 Beachfill Template Profiles.dwg

06/27/00



BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-16

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135

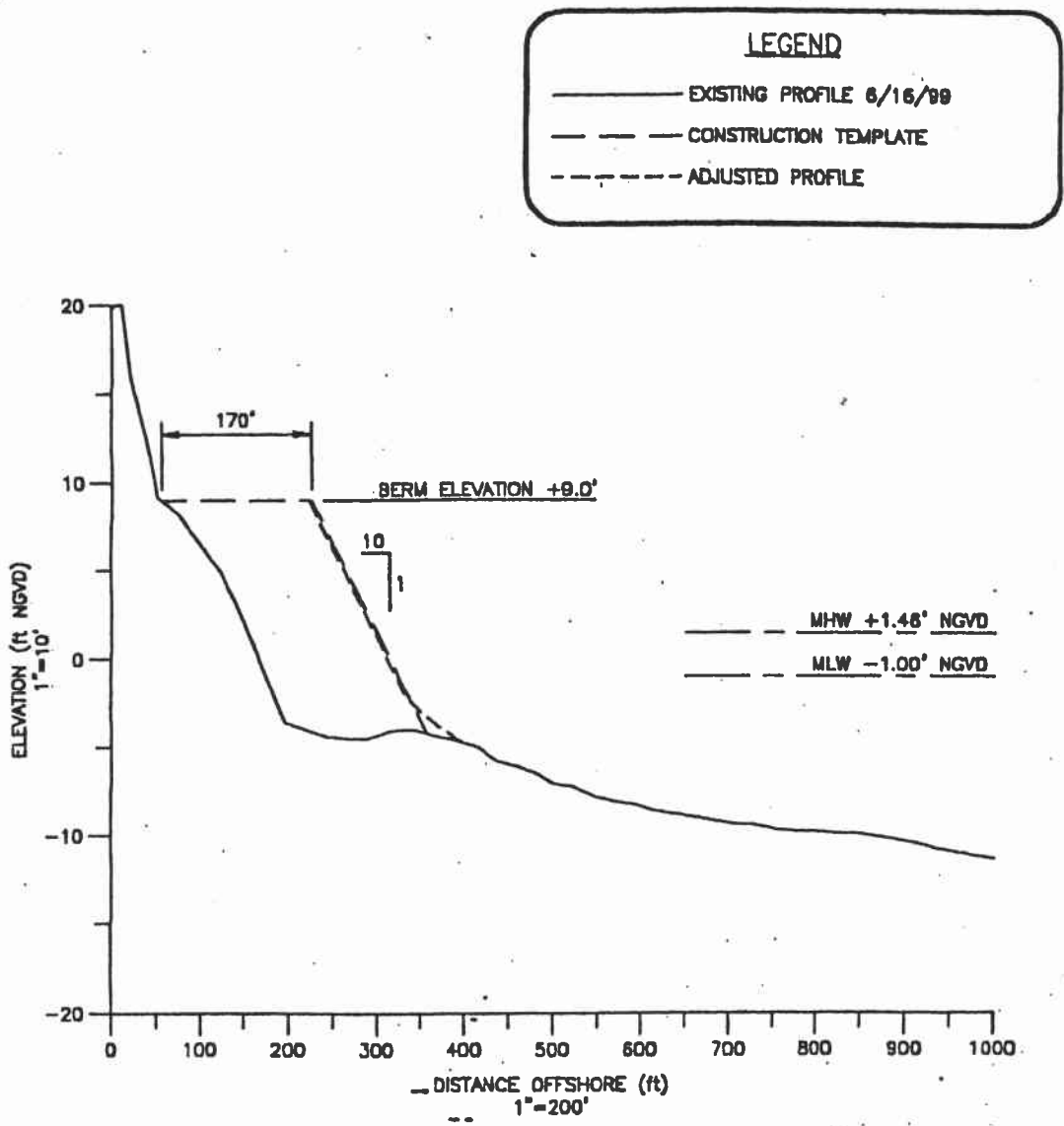
CHECKED BY: MRB

DATE: JUNE 2000

DRAWN BY: MKM

Corps # 19900902(IP-TA)
Drawing 9 of 13
11 June 2001

98-135 Beachfill Template Profiles.dwg



MONUMENT R-17



BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-17

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS

JOB NO: 98-135

CHECKED BY: WRB

DATE: JUNE 2000

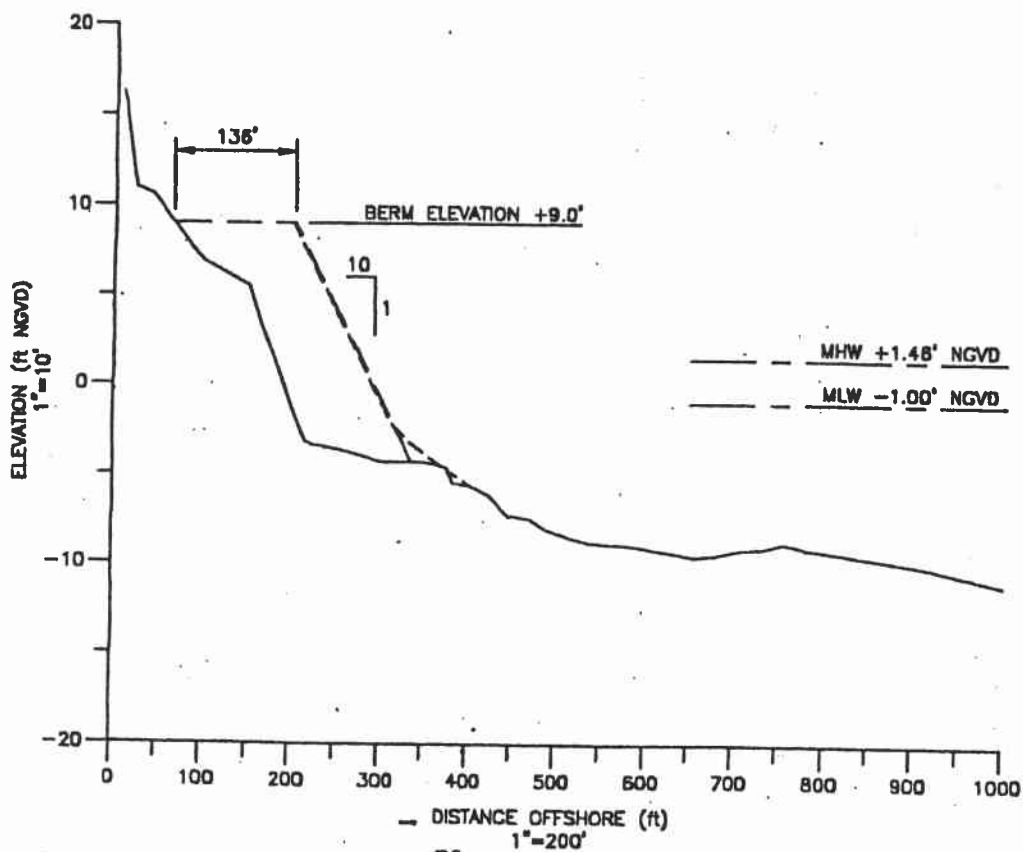
DRAWN BY: MKM

Corps # 19900902(IP-TA)
Drawing 10 of 13
11 June 2001

06/27/00

LEGEND

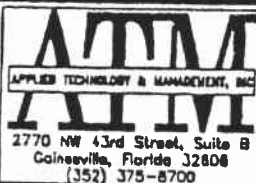
- EXISTING PROFILE 6/16/99
- - - CONSTRUCTION TEMPLATE
- - - ADJUSTED PROFILE



MONUMENT R-18

98-135 Beachfill Template Profiles.dwg

06/27/00



BEACHFILL TEMPLATE CROSS SECTION
MONUMENT R-18

JUPITER/CARLIN SHORE PROTECTION PROJECT
INITIAL RENOURISHMENT

REVISIONS

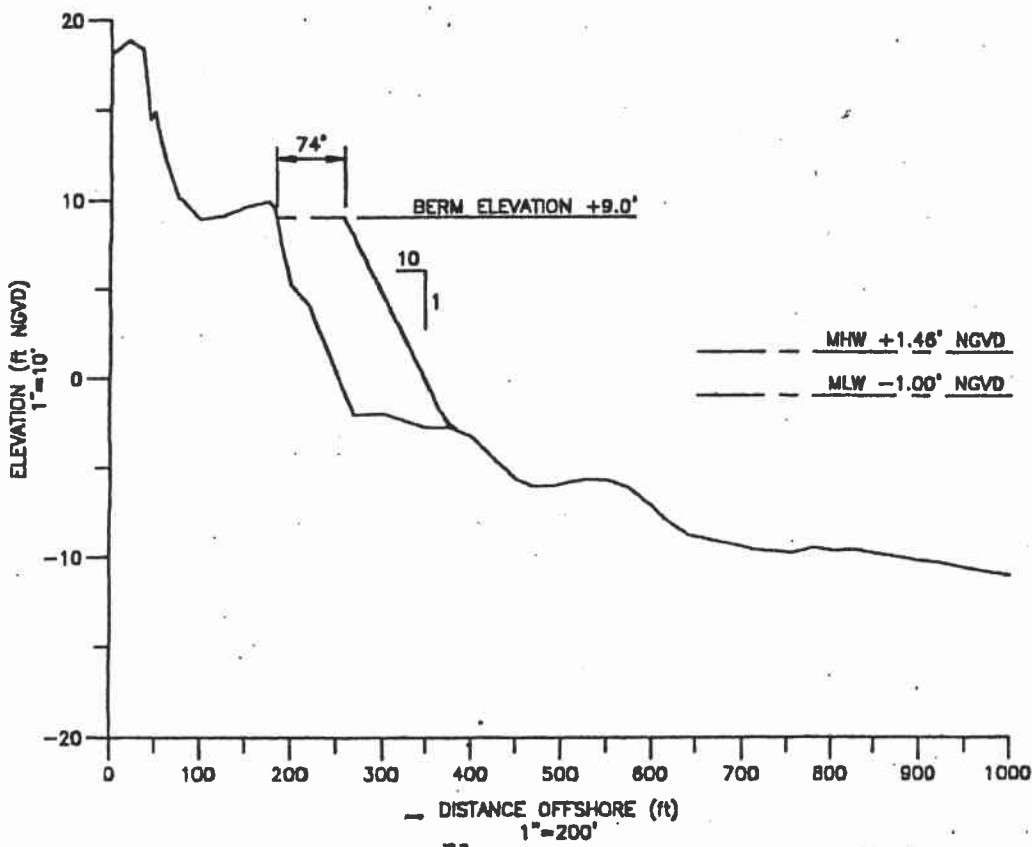
JOB NO: 98-135

CHECKED BY: MRB

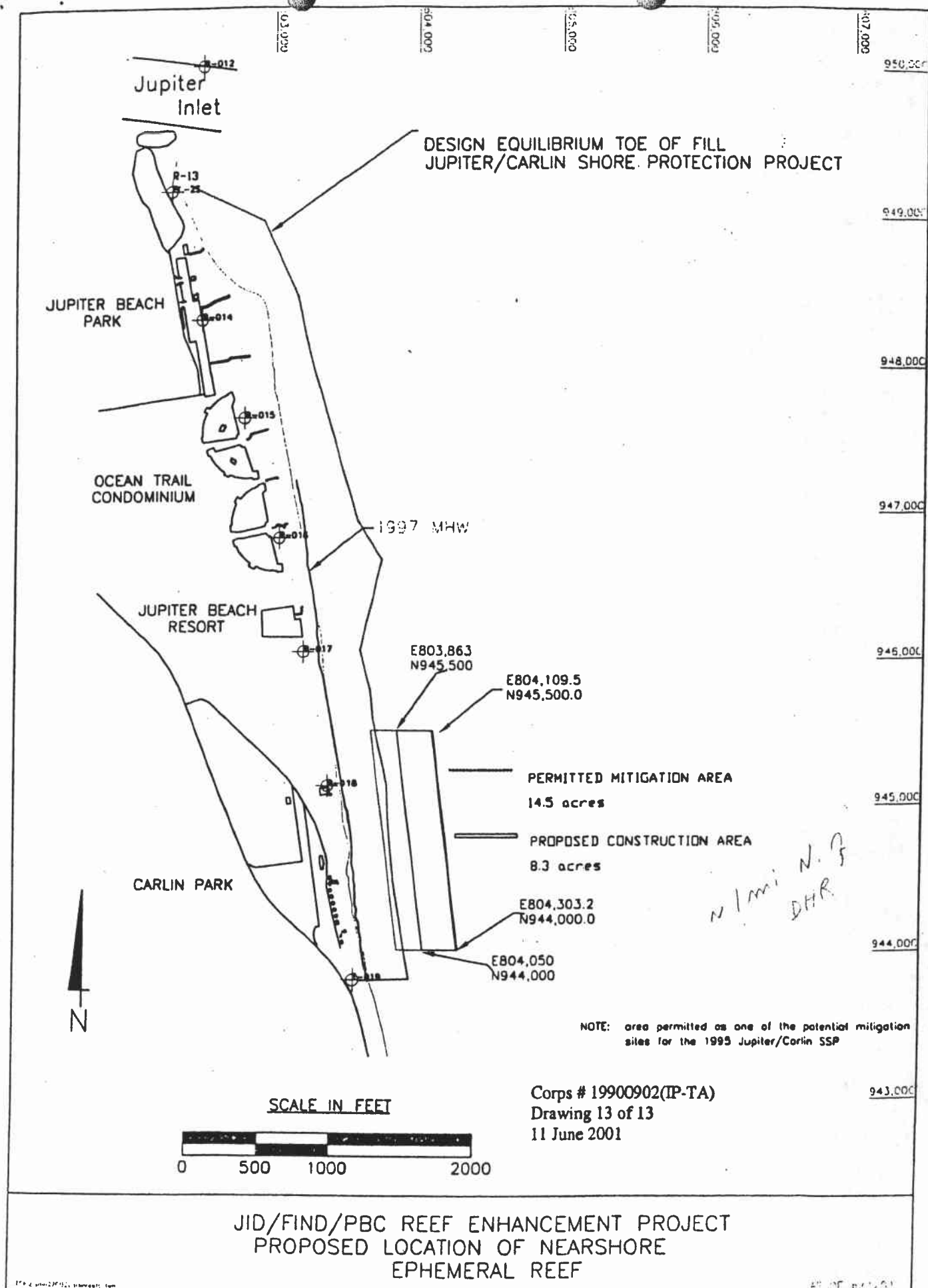
DATE: JUNE 2000

DRAWN BY: MKM

Corps # 19900902(IP-TA)
Drawing 11 of 13
11 June 2001



ATM
 APPLIED TECHNOLOGY & MANAGEMENT, INC.
ATM
 2770 NW 43rd Street, Suite B
 Gainesville, Florida 32608
 (352) 375-8700



CONTRACT HISTORY
Annual Artificial Reef & Breakwater Project (Secondary Contractor)
Project Number 2010ERM06
The Murphy Construction Company

Contract R2011-0648 awarded May 3, 2011 for a period of one year, expiring on May 2, 2012.
Contract not to exceed \$2,409,287
SBE-MBE Goal 15.03%

Work Order Summary:

WORK ORDER NUMBER	TOTAL/ SBE AMOUNT	ACTUAL TOTAL/SBE AMOUNT	WORK ORDER DESCRIPTION	DATE / APPROVED BY	COMMENCE- MENT DATE
0648-4	354,100.00		Singer Island Reef Pods	Pending BCC	

Total: \$354,100.00
SBE: \$0.00
SBE Participation: 0.000%
Report Date: 7/11/2011