



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-
CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD
JR.
SECRETARY

FINAL ORDER OF VARIANCE

GRANTEE:

Martin County
c/o Kathy Fitzpatrick, P.E.
2401 SE Monterey Road
Stuart, FL 34996

AGENT:

Stacey Roberts
Atkins North America, Inc.
101 Arthur Anderson Parkway, Suite 260
Sarasota, FL 34232

PROJECT INFORMATION:

Variance No. 0269814-010-BV

Date of Issue: September 24, 2014

Expiration Date: Same as expiration date of Permit
No. 0269814-007-JC

County: Martin

Project: St. Lucie Inlet Maintenance
Dredging

FINAL ORDER BY THE DEPARTMENT:

The Department of Environmental Protection (Department) hereby grants, Martin County, a variance from the requirements of Rule 62-4.244(5)(c), Florida Administrative Code (F.A.C.), to establish a temporary mixing zone greater than 150 meters and from Rule 62-4.242(2)(a)2.b., F.A.C., to provide relief from the antidegradation requirement for turbidity in Outstanding Florida Waters.

This variance will temporarily establish an expanded mixing zone of 400 meters for the beach placement site and a maximum allowable turbidity level of 6 NTUs above background at the edge of the mixing zone in the Outstanding Florida Waters with the Hobe Sound National Wildlife Refuge, St. Lucie Inlet State Preserve and Jensen Beach to Jupiter Inlet Aquatic Preserve. This temporary variance shall only be valid during the construction activities authorized in Permit No. 0269814-007-JC and shall expire when the permit expires on September 24, 2029, unless the permit is modified to grant a time extension.

The associated joint coastal permit (No. 0269814-007-JC) is to perform periodic maintenance dredging of the impoundment basin and the navigation channel of the St. Lucie Inlet, and to bypass the sand to the beaches and dunes of Jupiter Island. Dredged material will either be immediately placed on the beach and dune or will be temporarily stored in an offshore

borrow site known as "Borrow Area B". Dredged material will be transported to the beach via pipeline dredge, hopper dredge or along the ICW by barge and pumped onto the beach; and to the offshore site via a barge or hopper dredge.

After reviewing the Petition for Variance, the Department concluded that it satisfied the requirements and criteria set forth in Section 403.201, Florida Statutes (F.S.), and Rule 62-110, F.A.C.

The *Consolidated Notice of Intent to Issue Joint Coastal Permit, Variance and Authorization to Use Sovereign Submerged Lands* notified Martin County of the Department's proposed agency action and advised them of their right to a hearing pursuant to Sections 120.569 and 120.57, F.S. On **September 8, 2014**, notice was given in The Stewart News and on **December 6, 2012**, notice was given in the Florida Administrative Weekly informing the public of the Department's intended action and offering an opportunity for hearing pursuant to Sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit A.

The Grantee and interested parties having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a Petition pursuant to Sections 120.569 and 120.57, F.S., are hereby deemed to have waived those rights. Acceptance of the variance constitutes notice and agreement that the Department will periodically review this variance for compliance, including site inspections where applicable, and may initiate enforcement action for violation of the conditions and requirements thereof. It is therefore:

ORDERED by the State of Florida, Department of Environmental Protection, that the Petition of **Martin County** requesting a variance be and is hereby granted, subject to the conditions specified by the Department in Permit No. 0269814-007-JC.

Any Party to this Order has the right to seek judicial review of the Order Pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of the 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 this Order is filed with the clerk of the Department.

DONE AND ORDERED this 24 day of September , 2014, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Danielle H. Irwin, Deputy Division Director
Division of Water Resource Management

Attachment: Exhibit A (Variance Notice)

Copies furnished to:

Kathy Fitzpatrick, Martin County
Stacey Roberts, Atkins, Inc.
Robbin Trindell, FWC
Leah Oberlin, USACE
Geoff Klug, USACE
Bill Miller, Hobe Sound NWR
John Lakich, DEP, St. Lucie Inlet Preserve State Park
Brian Sharpe, DEP, St. Lucie Aquatic Preserve
Lauren Waters, DEP, CAMA
Gregory Garis, DEP

Marty Seeling, DEP
Lainie Edwards, DEP
Vladimir Kosmynin, DEP
Bob Brantly, DEP
Alex Reed, DEP
Rob Buda, DEP
Roxane Dow, DEP
BIPP 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.



09/24/2014

Deputy Clerk

Date