



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Water Resource Management, CCCL Program
2600 Blair Stone Rd., MS 3522
Tallahassee, FL 32399-3000
(850) 245-8336

Permit Number: -7000209 - MO
4
No. of Pages Attached:

FIELD PERMIT PURSUANT TO SECTION 161.053 or 161.052, FLORIDA STATUTES

FINDINGS OF FACT AND CONCLUSIONS OF LAW: The request for a permit was considered by the staff designee of the Department of Environmental Protection and found to be in compliance with the requirements of Chapter 62B-33, Florida Administrative Code (F.A.C.). Approval is specifically limited to the activity in the stated location and by the project description, approved plans (if any), attached standard conditions, and any special conditions stated below pursuant to Paragraph 161.053(5), Florida Statutes. This permit may be suspended or revoked in accordance with Section 62-4.100, F.A.C.

PROJECT LOCATION: 1405 Duval St., Key West at DEP R-MON: MO V-414 E1700/E2000

PROJECT DESCRIPTION: Rebuild protective FEMA berm at City of Key West's South Beach, including the placement and shaping of 495 cubic yards of beach compatible sand landward of the mean high water line.

SPECIAL PERMIT CONDITIONS: This permit is valid only after all applicable federal, state, and local permits are obtained and does not authorize contravention of local setback requirements or zoning or building codes. This permit and public notice shall be posted on the site immediately upon issuance and shall remain posted along with local approval until the completion of any activity authorized by this permit. Other special conditions of this permit include:

- 1. All fill sand must meet the approved "Beach Fill Material" sand specifications, and be similar to that already on the site in both grain size and coloration. 2. Slopes are not to exceed a 1:3 rise over run ratio. 3. All beach compatible material excavated seaward of the 50 foot setback must remain seaward of the 50 foot setback. 4. Dune vegetation disturbed during construction must be restored. 5. Authorization is provided only for activities within 50 feet landward of the mean high water line.

STANDARD PERMIT CONDITIONS: The permittee shall comply with the attached standard field permit conditions.

APPLICANT INFORMATION: I hereby certify that I am either: (1a) the owner of the subject property or (1b) I have the owner's consent to secure this permit on the owner's behalf; and that (2) I shall obtain any applicable licenses or permits which may be required by federal, state, county, or municipal law prior to commencement of the authorized work; (3) I acknowledge that the authorized work is what I requested; and (4) I accept responsibility for compliance with all permit conditions.

Applicant's Signature [Signature] Date 09/13/16 Telephone No. (305) 809-3867

Applicant's Printed Name Janet Muccino Address Post Office Box 1409 Key West, FL 33040

If applicant is an agent: printed name of property owner / property owner's address / property owner's telephone no.

DEPARTMENT FINAL ACTION AND FILING AND ACKNOWLEDGMENT: This field permit is approved on behalf of the Department of Environmental Protection by the undersigned staff designee, and filed on this date, pursuant to section 120.52, F.S., with the undersigned designated Deputy Clerk, receipt of which is hereby acknowledged.

[Signature] Fritz Wettstein / Della Weaver 13 SEP 2016
Staff Designee/Deputy Clerk Printed Name of Designee/Deputy Clerk Date

PUBLIC NOTICE IS ON THE BACK OF THIS PERMIT. EXPIRATION DATE: 12 SEP 2017
(Emergency permits issued pursuant to Section 62B-33.014, F.A.C., are valid for no more than ninety days and other field permits are valid for no more than 12 months. The staff designee may specify a shorter time limit.)

EMERGENCY PERMIT: [ ] YES [X] NO Approved plans are attached: [ ] YES [X] NO

POST PERMIT AND PUBLIC NOTICE CONSPICUOUSLY ON THE SITE

## PUBLIC NOTICE

The foregoing constitutes final agency action. Any person whose substantial interests are affected by any decision made by the Department on the Field Permit has the right to request an administrative hearing in accordance with the provisions of Sections 120.569 and 120.57, F.S. The request for an administrative hearing must comply with the provisions of Rule 28-106.201, F.A.C., and must be received by the Department (at the address given below) within twenty-one (21) days from the date of this notice.

When the Department receives an adequate and timely filed request for hearing, the Department will request the assignment of an administrative law judge. Once the administrative law judge is requested, the Division of Administrative Hearings will have jurisdiction over the formal proceeding and the Department (as the referring agency) will take no further action with respect to the proceeding except as a party litigant.

Section 120.54(5)(b)4, and Rule 28-106.201(2), F.A.C., explains that the following items must be included in a petition for a formal administrative proceeding.

- (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 proceedings; and an explanation of how the petitioner's substantial interests 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 issues of material fact disputed by the petitioner, or a statement that there are no disputed facts.
- (e) A concise statement of the ultimate facts alleged, including a statement of the specific facts that the petitioner contends warrant reversal or modification of the Department's action.
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action, including an explanation of how the alleged facts relate to the specific rules or statutes.
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to its action.

A person may request an extension of time to petition for an administrative hearing. The person filing the request for extension must do so within the time limits for filing a petition described above. The request must state why an extension is needed. The Department will grant an extension only when good cause is shown.

If a petition or a request for extension of time is filed, further order of the Department becomes necessary to effectuate this Field Permit. Accordingly, the Department's final action may be different from the position taken in this notice. Actions undertaken by any person under this permit, pending the lapse of time allowed for the filing of such a request for hearing, may be subject to modification, removal, or restoration.

Failure to petition within the allowed time frame constitutes waiver of any right that a person has to request a hearing under Section 120.57, F.S., and to participate as a party to the proceeding. If a legally sufficient petition for hearing is not timely received, this notice constitutes final agency action.

When this order becomes final and is filed with the Department Clerk, any party to the order has the right to seek judicial review under Section 120.57, F.S., and Rule 9.030(b)(1)(c) and 9.110, Florida Rules of Appellate Procedure. A notice of appeal must be filed within thirty (30) days with both the Department Clerk (see address below) and with the appropriate district court of appeal. The notice filed with the district court must be accompanied by the filing fee specified in Section 35.22(3), F.S. Any subsequent intervention will be only by the approval of the presiding officer on motion filed under Rules 28-5.207 or 60Q-2.010, F.A.C.

All requests for hearings are to be filed with the Department at the following address:

Florida Department of Environmental Protection  
Office of General Counsel  
Department Clerk  
3900 Commonwealth Boulevard  
Mail Station 35  
Tallahassee, Florida 32399-3000.

**PERMITTEE MUST POST PERMIT AND PUBLIC NOTICE CONSPICUOUSLY ON SITE**

## FIELD PERMIT CONDITIONS

The following conditions shall apply to **FIELD PERMITS** (unless waived by DEP or modified by special permit condition). In the event of a conflict between a field permit condition and a special permit condition, the special condition shall prevail.

- 1) The permittee shall carry out the construction or activity for which the permit was granted in accordance with the plans and specifications that were approved by DEP as part of the permit. Any deviation there from shall be grounds for suspension of the work and revocation of the permit pursuant to Section 120.60(7), F.S., and may result in assessment of civil fines or issuance of an order to alter or remove the unauthorized structure, or both. No other construction or activities shall be conducted. No modifications to project size, location, or structural design are authorized. A copy of the permit shall be conspicuously displayed at the project site.
- 2) The permittee shall conduct the construction or activity authorized under the permit using extreme care to prevent any adverse impacts to the beach and dune system, marine turtles and their nests and habitats, or adjacent property and structures.
- 3) The permittee shall allow any duly authorized member of the staff to enter upon the premises associated with the project authorized by the permit for the purpose of ascertaining compliance with the terms of the permit and with the rules of DEP, until all construction or activities authorized or required in the permit have been completed and the project accepted by DEP.
- 4) The permittee shall hold and save the State of Florida, DEP, its officers and employees, harmless from any damage (no matter how occasioned and no matter what the amount) to persons or property that might result from the construction or activity authorized under the permit and from any and all claims and judgments resulting from such damage.
- 5) The permittee shall allow DEP to use all submitted records, notes, monitoring data, and other information relating to construction or any activity under the permit for any purpose it may deem necessary or convenient, except where such use is otherwise specifically forbidden by law.
- 6) Construction traffic shall not operate and building materials shall not be stored on vegetated areas seaward of the control line, unless specifically authorized by the permit. If (in the opinion of DEP staff) this requirement is not being met, positive control measures shall be provided by the permittee at the direction of DEP staff. Such measures may include temporary fencing, designated access roads, adjustment of construction sequence, or other requirements.
- 7) The permittee shall not disturb existing beach and dune topography and vegetation except as expressly authorized in the permit. Before the project is considered complete, any disturbed topography or vegetation shall be restored (as prescribed in the permit) with suitable fill material or revegetated with appropriate beach and dune vegetation.
- 8) The fill material shall be obtained from a source landward of the control line and shall consist of sand which is similar to that already on the site in both grain size and coloration. This fill material shall be free of construction debris, rocks, or other foreign matter. A sample of the sand shall be provided to the staff representative of the Department during the preconstruction conference.
- 9) If surplus sand fill results from any approved excavation seaward of the CCCL, such material shall be distributed seaward of the CCCL on the site, as directed by DEP staff (unless otherwise specifically authorized by the permit).
- 10) Any native salt-resistant vegetation destroyed during construction shall be replaced with plants of the same species or, by authorization of DEP, with other native salt-resistant vegetation suitable for beach and dune stabilization. Unless otherwise specifically authorized by the staff, all plants installed in beach and coastal areas (whether to replace vegetation displaced, damaged, or destroyed during construction or otherwise) shall be of species indigenous to Florida beaches and dunes (i.e., sea oats, sea grape, saw palmetto, panic grass, salt meadow hay cord grass, seashore salt grass, and railroad vine).
- 11) All topographic restoration and revegetation work is subject to approval and acceptance by DEP staff.
- 12) If not specifically authorized elsewhere in this permit, no operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure during the marine turtle-nesting season. The marine turtle-nesting season is May 1 through October 31 in all counties (except Brevard, Indian River, St. Lucie, Martin, Palm Beach and Broward counties where marine turtle nesting occurs during the period of March 1 through October 31).
- 13) If not specifically authorized elsewhere in this permit, no temporary lighting of the construction area is authorized at any time during the marine turtle-nesting season and no additional permanent exterior lighting is authorized.
- 14) This permit has been issued to a specified property owner and is not valid for any other person.

## Beach Fill Material

The Sand will be the following requirements:

**Definition of Sand (Material) Mean Grain Size.** The design requires the contractor to provide clean, debris-free, rock-free sand of an average mean grain size in the range of 0.35 mm (minimum) to 0.65 mm (maximum). The city also requires the sand source used for the renourishment project to be relatively uniform throughout the project area. The term “mean” in these specifications refers to the measure of the individual grains in each and every sample or load used to nourish the beach, rather than to a comparison of distinct samples or loads. The contractor shall understand that by agreeing to provide a specified mean grain size, he is agreeing to provide material whose various individual grains average the specified grain size, as measured in individual random samples and quantified by the method of calculation (moment method) described in these specifications. The contractor shall understand that this requirement applies to all of the material provided, and that the material shall be considered unacceptable if some of the material features a mean grain size (as calculated by the moment method) which is lower or higher than the specified average grain size range.

**Characteristics of Fill Material.** In order to provide the greatest stability on the beach as well as the best aesthetics and softness, the contractor must provide sand consisting entirely of the highest quality material. The sand must be rounded or semi-angular in shape and white or nearly white in color. Quarried (not manufactured) sand is the only acceptable material. All material used must meet all requirements of these plans and specifications and permits.

Prior to placement of sand, the contractor shall submit documentation to certify the type and source of material, including an analysis of the sand mean grain size as identified in the specifications (computed by the moment method). The contractor shall also certify that all of the sand to be used will be consistent with the analysis. The contractor shall provide samples of the proposed material from the supplier. No material that is inconsistent with the samples provided may be used. In addition to the mean grain size standard discussed above, the characteristics of acceptable and are summarized below.

The material must satisfy the following criteria:

1. A mean grain size greater than or equal to 0.35 mm. and less than 0.65 mm.
2. Silt content (passing # 230 sieve) of less than 4%.
3. Ninety-nine percent (99%) of material must pass 3/8 inch sieve when tested and sand shall contain no material larger than 3/4 inch sieve.
4. Moderately to well sorted (0.40 $\phi$  to 1.50 $\phi$ ).
5. Free of debris, sharp rocks and pebbles, concrete rubble, and clay.
6. Moisture content less than 5%.
7. Sand color will be similar to, and not darker than, the existing beach.

**Calculation of Grain Size.** The Mean Grain Size and Phi Standard Deviation (sorting value) shall be determined by Method of Moments Statistics calculated from sieve analysis of the proposed sand source. A Certified Testing Laboratory shall perform

laboratory testing in accordance with ASTM-D422. The mean grain size and phi standard deviation are statistical measures of the textural character of a sample of sand, corresponding to the mean and standard deviation of a statistically normal population (example: sand grain sizes). Laboratory sieving of sand provides the data for calculation of the mean grain size and phi standard deviation. There are several methods of calculating these statistics. For the purposes of this contract, Mean Grain Size and Phi Standard Deviation shall be calculated by the Method of Moments. The method of calculation is included in this section. The Average Mean Grain Size refers to the average of the Mean Grain Size calculated for individual samples sieved in the laboratory.

**Grain Size Reporting.** The grain size distribution information shall be based upon ASTM-D422, using U.S. Standard sieves of square mesh woven wire cloth separated at 0.5  $\phi$  intervals (-4.0  $\phi$  to 4.0  $\phi$  and also the No. 200 & 230 sieve). All title information shall be filled out with project name, date, sample number, location sample obtained, unified soil classification, percent silt passing the No. 200 sieve (0,074 mm), percent silt passing the No. 230 sieve (0.063mm) and Method of Moments Mean Grain Size and Phi Standard Deviation. Each curve shall state what Mean Grain Size class the sample meets. A tabulation of the laboratory results of the cumulative percent retained on each sieve by weight shall be provided with each gradation curve. Samples from the project site shall be identified with the Acceptance section, and a station and range location.

**Certified Testing Laboratory.** Certified Testing Laboratory refers to a geotechnical testing laboratory qualified under ASTM E329-95c standards and certified by AASHTO (American Association of State Highway and Transportation Officials) National Voluntary Accreditation Program; or MMRL (ASSHTO Material Reference Laboratory) accreditation; and personnel qualified by NICET (National Institute for Certification of Engineering Technicians).

**Consistency of Material.** The contractor shall obtain from the sand supplier certification that the material is consistent with the criteria. If the supplier moves to another source in the mine or quarry, then the contractor shall obtain a separate certification that the alternative material continues to be in compliance with the criteria. If the engineer believes he or she has noted a change in the sand consistency, the engineer can request certification from the contractor that the sand is consistent with the accepted sample(s). In addition, the contractor shall measure (at his or her expense) grain size (mean and sorting) on a random sample anytime at the request of the engineer. If any individual measurement fails to achieve these criteria, then another random sample from the same load shall be measured in the same manner, and if this fails then the sand and sand source shall be considered unacceptable and not eligible for payment. The contractor shall provide such material that all sand used for the beach nourishment shall be consistent with these specifications. The results of measurements on multiple loads may not be averaged in any manner in order to argue a composite measurement of the sand characteristics consistent with these specifications.