



FLORIDA DEPARTMENT OF Environmental Protection

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

Rick Scott
Governor
Carlos Lopez-Cantera
Lt. Governor
Noah Valenstein
Secretary

November 20, 2018

Justina Dacey
UF/IFAS Extension Nassau County
543350 U.S. Highway 1
Callahan, Florida 32011
jdacey@ufl.edu

File No. 45-0367895-001-EE, Nassau County

Dear Dacey,

Thank you for applying to the Submerged Lands and Environmental Resources Program, as staff to the Board of Trustees of the Internal Improvement Trust Fund, to construct a construct a living shoreline along 300 linear ft of shoreline that includes planting of *Spartina spp.*, oyster gabions, CORE modules, BESE, and crab traps. The living shoreline will be placed no more than 10 ft waterward of the mean high water line. The project is located at 95001 Goffinsville Road (Parcel ID. No. 45-2N-28-0000-0002-0000), Fernandina Beach, Florida 32034, located within the Nassau River – St. Johns River Marsh Aquatic Preserve, a Class III Outstanding Florida Waters, Section 34, Township 2 North, Range 28 East, Nassau County.

PROPRIETARY REVIEW – APPROVED

Your project occurs on state-owned, submerged land and will require authorization from the Department to use these lands for private purposes. As staff to the Board of Trustees, the Department has determined that the activity qualifies for a Letter of Consent, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Consider this the authority sought under Section 253.77, Florida Statutes, and Chapters, 18-21, 18-20, Florida Administrative Code, to pursue this project.

Prior to the commencement of construction and/or activities authorized herein, you must obtain the U.S. Army Corps of Engineers (USACE) permit if it is required by the USACE. Any modifications to the construction and/or activities authorized herein that may be required by the USACE shall require reconsideration by and the prior written approval of the Department of Environmental Protection prior to commencement of construction and/or any activities on state-owned, submerged lands.

This letter in no way waives the authority and/or jurisdiction of any government entity, nor does it disclaim any title interest the state may have in the project site. Please check with your local government for specific requirements. Where local governments have standards, the more stringent standards shall apply.

Your project may be inspected by authorized state personnel in the future to ensure compliance with appropriate laws and rules. If your project is not in compliance, you may be subject to penalties under Chapter 18-14, F.A.C.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

GENERAL CONSENT CONDITIONS

Rule 18-21.004(7), Florida Administrative Code (F.A.C.), provides that all authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, Florida Statutes, (F.S.).

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

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

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

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

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

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

Thank you for applying to the Submerged Lands and Environmental Resources Program. If you have any questions, please contact Janice Price at the letterhead address, by telephone at 904-256-1640 or by e-mail at janice.r.price@floridadep.org. When referring to this project, please reference this file number listed above.

Sincerely,



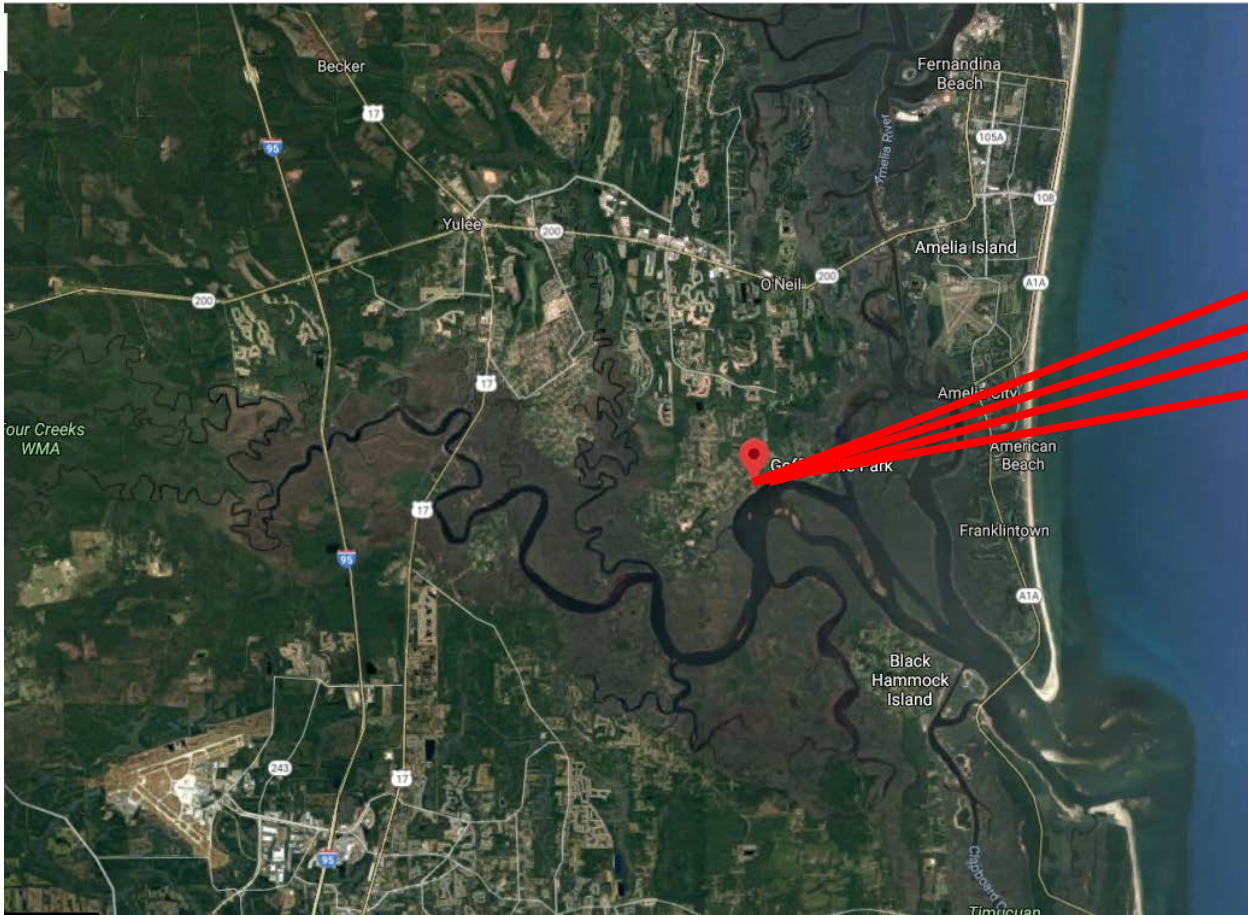
Brian Durden
Environmental Manager

BD:jp

File Name: Goffinsville Park Living Shoreline
FDEP File No.: 45-0367895-001-EE
Page 5 of 5

cc: Scott Eastman, FDEP AP Manager
Thomas Kallemeyn, FDEP NED
Michelle Neeley, FDEP NED
Brian Durden, FDEP NED
Kim Pearce, FDEP NED
Janice Price, FDEP NED

Project Location



Address: 95001 Goffansville Rd, Fernandina Beach, FL 32034

Directions:

- Take I-95 North to exit 373 onto FL-200
- Head east for 11.9 miles
- Take right onto Amelia Concourse
- Turn right onto Old Nassauville Rd
- Turn left onto Goffinsville Rd

Project Exemption Criteria

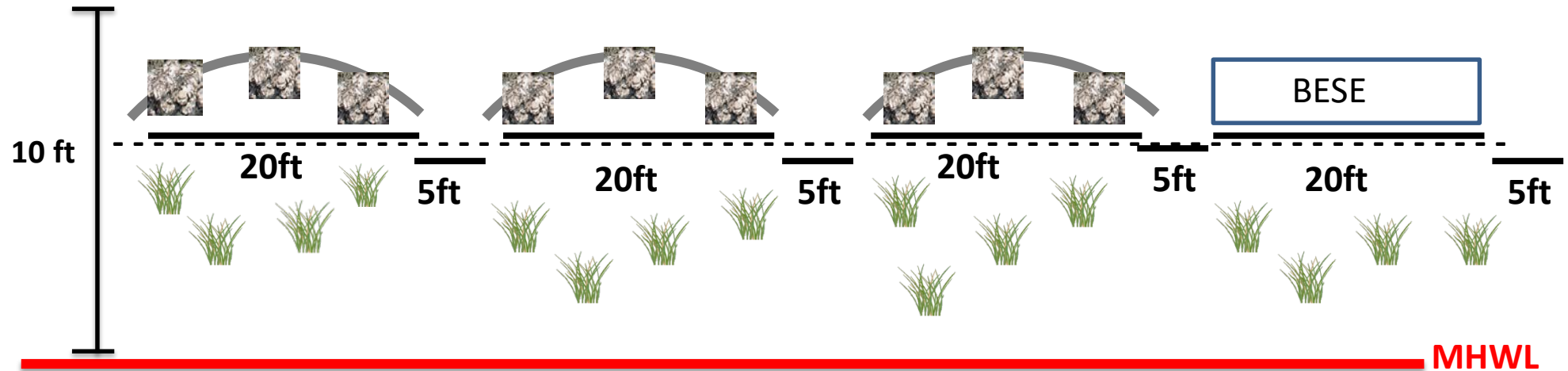
- Total project length is 300 ft., less than 500 linear feet
- Plantings are *Spartina alterniflora* sourced from commercially licensed nursery (GTM NERR holds license)
- All plantings will be within 10 ft. or fewer from MHWL
- No invasive species are present at the perspective site ,however, any invasives identified at the time of planting will be removed if possible
- There is no anticipated disturbance of local sediments, therefore there will be no need for turbidity curtains or other erosion prevention
- A breakwater will be necessary to ensure the success of native vegetation plantings. There will be four different methods for breakwater:
- 1) Oyster Gabions, CORE modules. BESEs & Crab traps will have these requirements:
 - Will be composed of clean oyster cultch, cement slurry and potato starch.
 - Gabions will have clean oyster cultch with galvanized steel gabions with 1/4" openings (the cultch is being acquired from GTM where it has been quarantined for over one-year).
 - Will be placed no more than 10 ft. waterward of the MHWL
 - Will be installed in an area that has no existing submerged or emergent vegetation
 - Will be composed of arched sections 20 ft. wide with 5 ft. gaps between each section
- All equipment used during construction will be operated from and stored in the uplands.
- All work will be conducted in compliance with subsection 62-330.050(9), F.A.C.

Nassau River

MLWL

100 ft (30.48m) East of Boat Ramp

Boat Ramp



= Oyster Gabions

Seawall

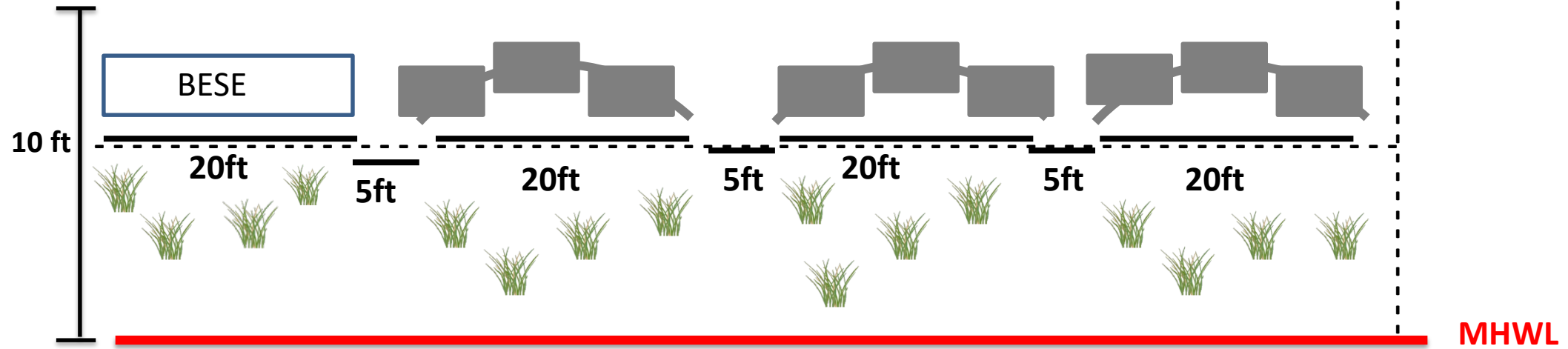


= *Spartina alterniflora*

Nassau River

MLWL

100 ft (30.48m) East of Boat Ramp



 = CORE Modules

Seawall

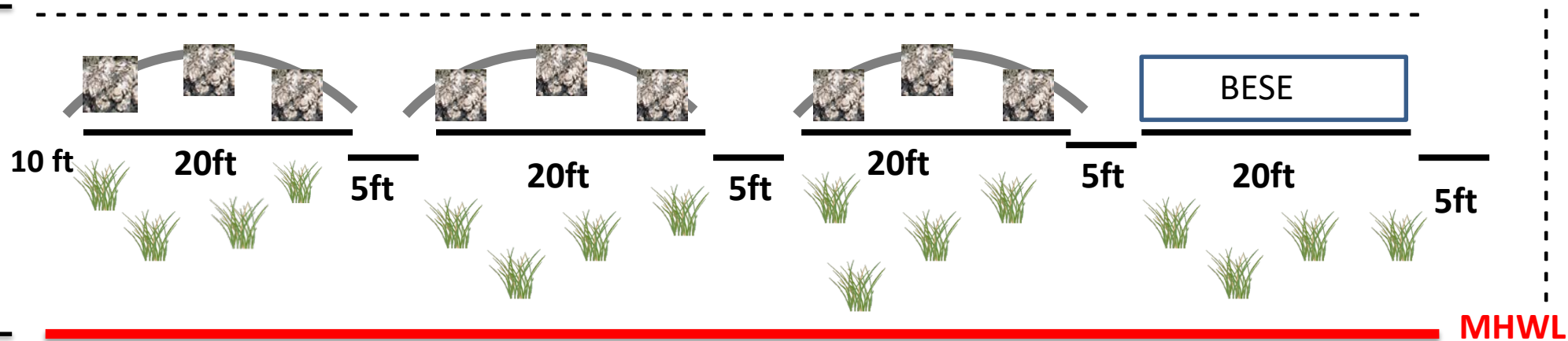
 = *Spartina alterniflora*

Nassau River

MLWL

100 ft (30.48m) West of Boat Ramp

Boat Ramp



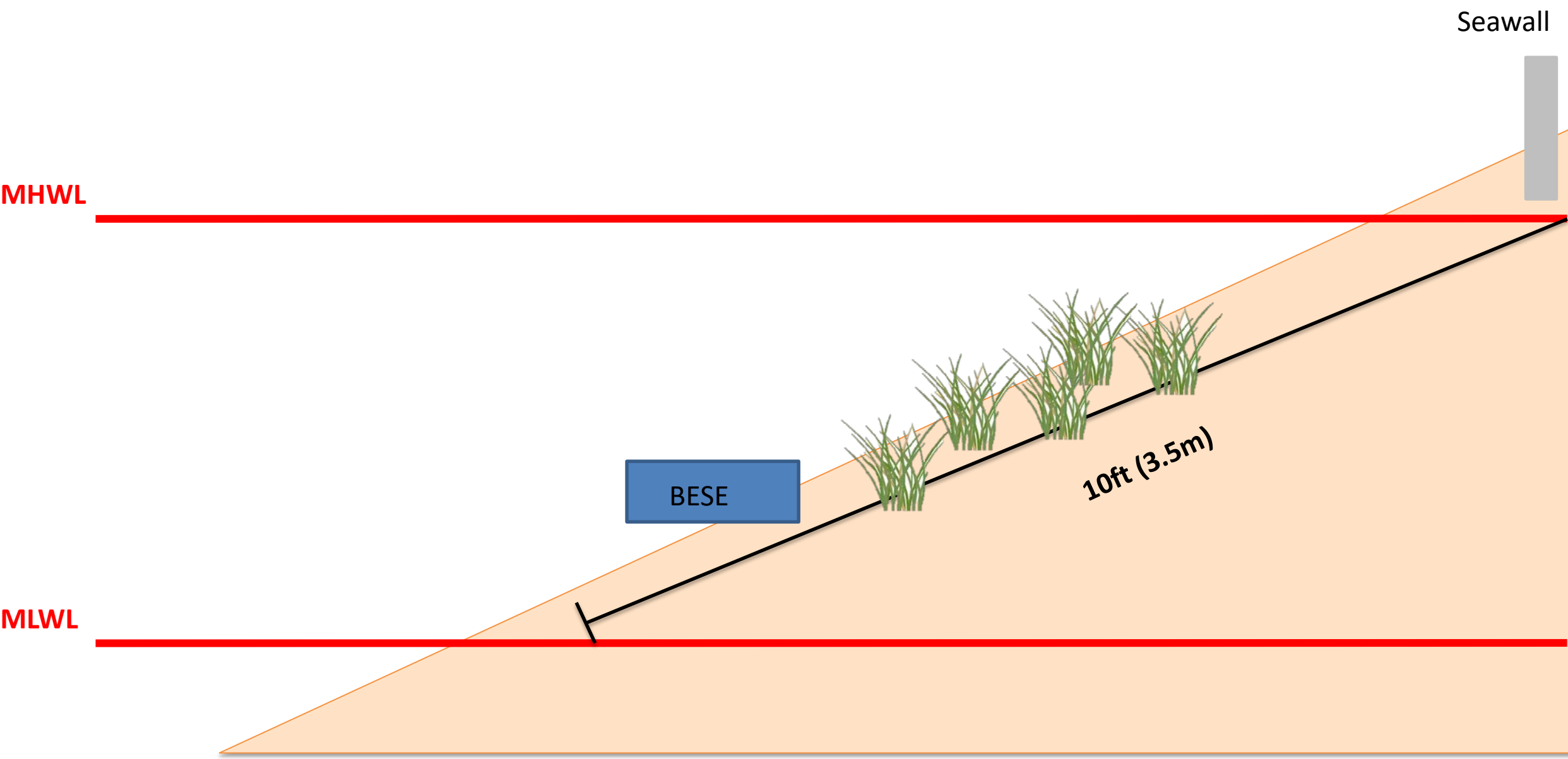
= Crab trap with cement slurry

Seawall

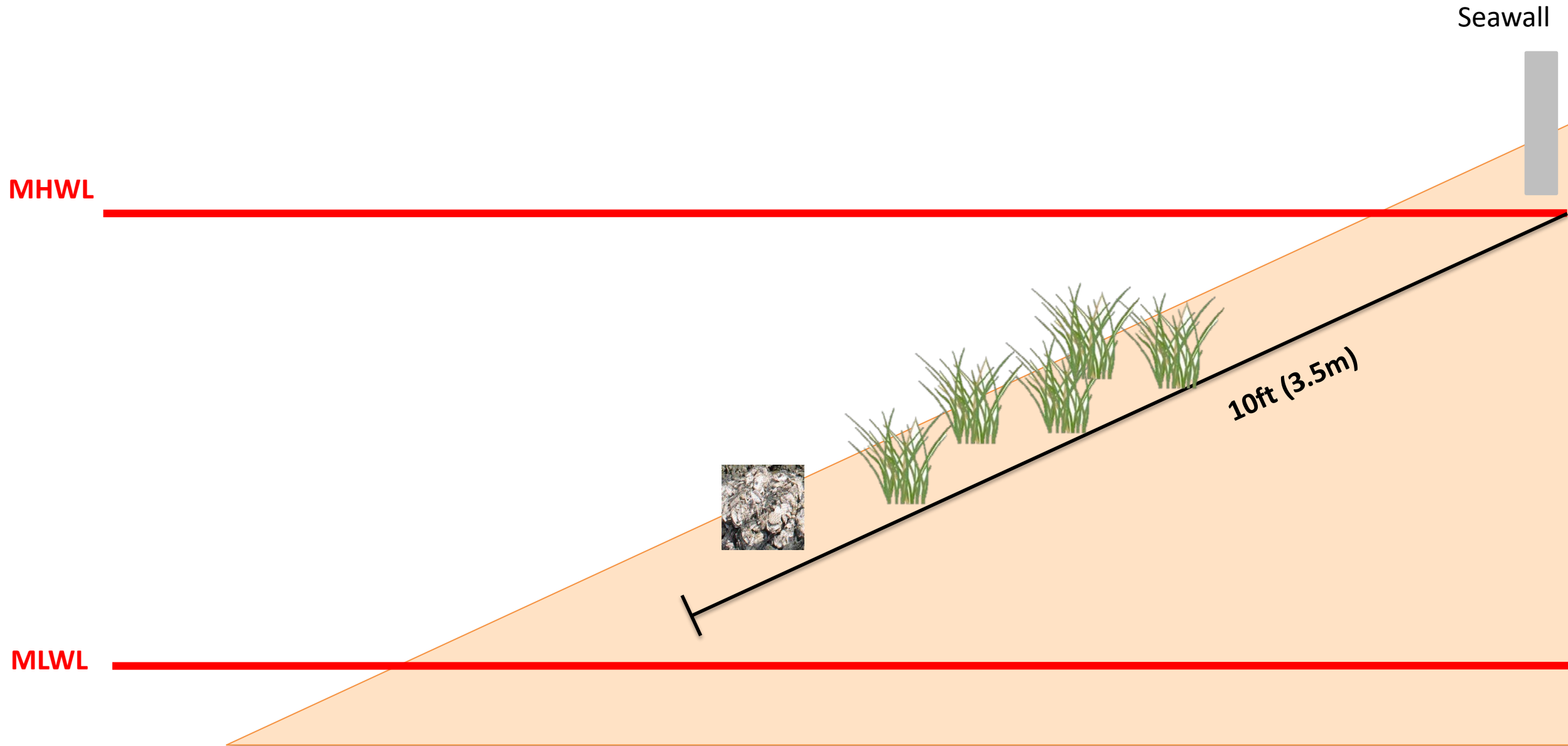


= *Spartina alterniflora*

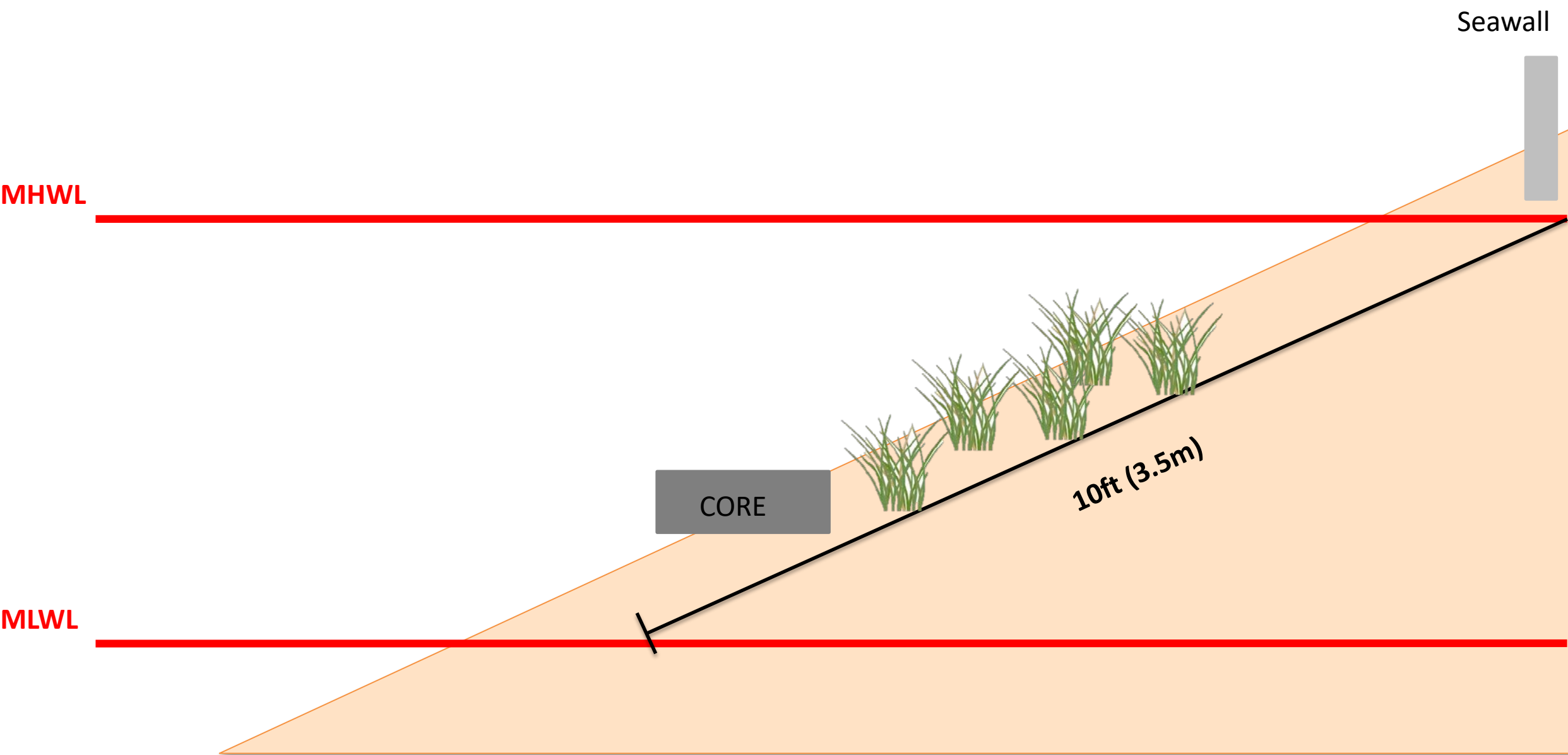
Cross Section of Restoration Project



Cross Section of Restoration Project



Cross Section of Restoration Project



Cross Section of Restoration Project

