



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 24, 2002



Mr. Jonathan Weiss
Foster Wheeler Environmental Corporation
759 S. Federal Highway, Suite 100
Stuart, Florida 34994

Dear Mr. Weiss:

Permit Number: 0140969-001, Palm Beach County
Loxahatchee Mitigation Bank

Your request to modify this permit has been received and approved by Department staff. The request is to make the following minor changes during construction:

- a. eliminate 8 of the 9 proposed site access ramps (leaving one in the North Parcel);
- b. to add a total of 8 permanent pullout areas along the constructed berm;
- c. to add up to 8 temporary pullout areas along the North Parcel berm; and
- d. to eliminate a small diversion in the levee and bypass ditch.

The construction team determined that the existing roads and the proposed berm will provide adequate access to the most of the site, such that only one access ramp in the North Parcel is required. However, strategically placed pullouts along the proposed berm for vehicle passing, parking and turn-about will facilitate construction and future maintenance and monitoring activities. The proposed pullouts are approximately 20 foot long areas that are about 6 feet wider than the adjacent berm. The temporary pullouts will be underlain by geofabric to minimize impact to the native soils. All pullouts will be field located to minimize impact to desirable vegetation. Finally, a diversion of the berm and bypass ditch on the eastern boundary of the South Parcel is not necessary, and has been eliminated by the plan.

None of the requested modifications require changes to the permit conditions, but do require revisions of permit Figures 5 and 6-Sheets A-G. The corrections are highlighted as "revision clouds" that indicate where changes or omissions from the original drawings have occurred. The final location and dimensions will be detailed in as-built drawings. Any required adjustments to credits will be based on the as-built figures and modified according to Specific Condition 16.

"More Protection, Less Process"

Printed on recycled paper.

Notice of Modification
Loxahatchee Mitigation Bank
Permit No. 0140969-001
Page 2

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the permittee and the parties listed below must be filed within 21 days of receipt of this letter. Petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the permittee's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action; or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this letter. Persons whose substantial interests will be affected by any decision of the Department with regard to the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this

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Page 3

proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This Notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

Any party to this letter has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Notice of Permit Modification is filed with the Clerk of the Department.

Sincerely,



Constance Bersok, Administrator
Bureau of Beaches and Wetland Resources

Attachments

cc:

Marjorie Moore, SFWMD, West Palm Beach
Tori Agramonte, US Army Corps of Engineers, Vero Beach
File

CERTIFIED MAIL NUMBER
RETURN RECEIPT REQUESTED

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(9),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Vegetative Classifications


-  Marsh
-  Low Density Shrub
-  Wax Myrtle - High Density Shrub
-  Willow - High Density Shrub
-  Brazilian Pepper
-  Brazilian Pepper/Mixed
-  Brazilian Pepper/HD Shrub
-  Cypress
-  Cypress/Mixed
-  Red Maple/Mixed
-  Pond Apple
-  Strangler Fig/Mixed
-  Melaleuca


* NOTES:
 Use of L-361/2 and E-1W-S
 Roads for Construction Access
 Discontinue Use of Existing
 Culverts Along E-1W-S

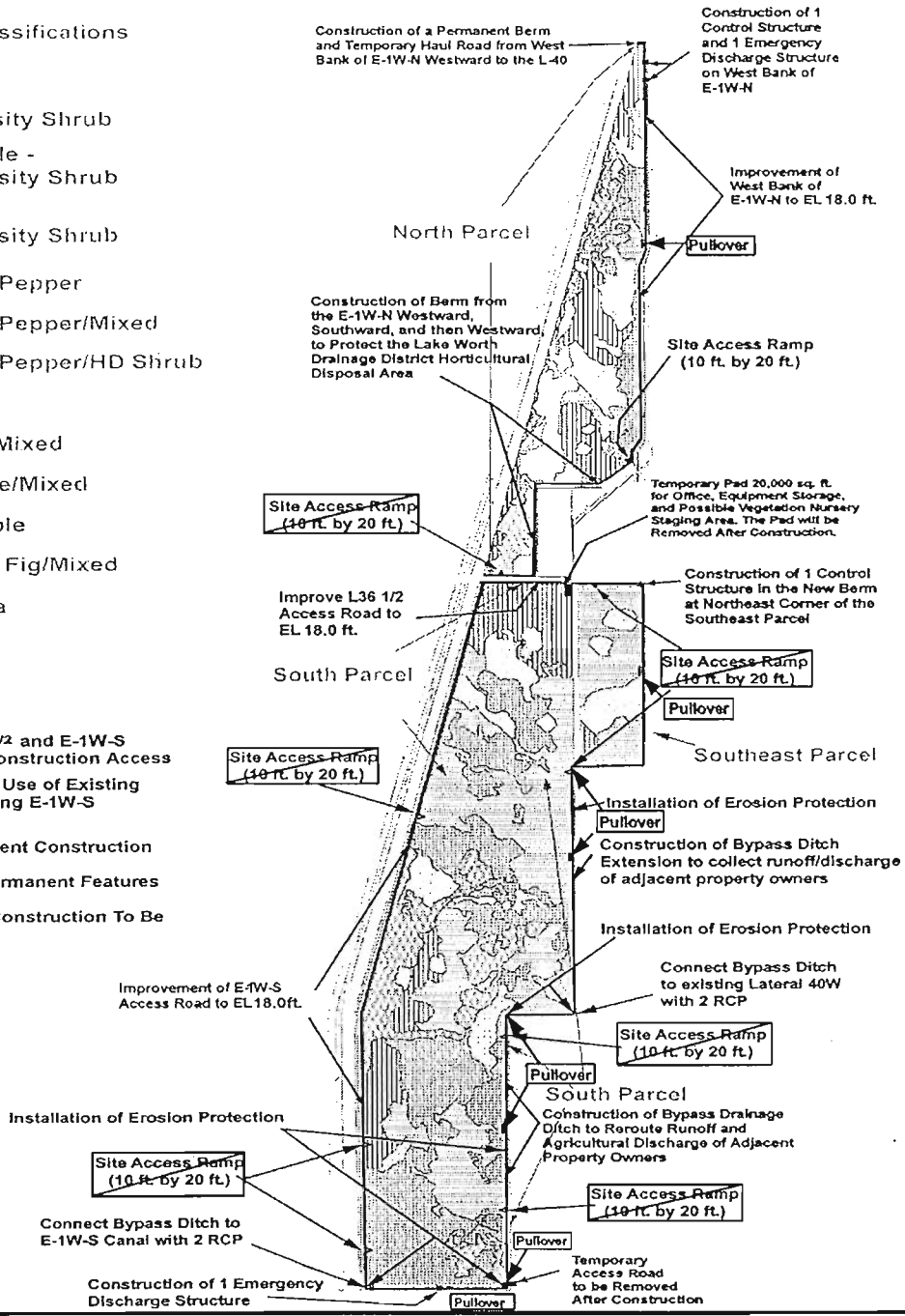
-  New Permanent Construction
-  Improved Permanent Features
-  Temporary Construction To Be Removed



5/13/02 Permit Mod

New Activity Location: 

Removed Activity Location: 



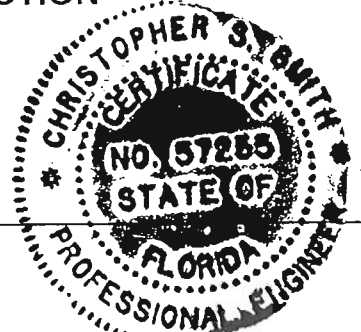
Source: Foster Wheeler Environmental Corp.
 759 South Federal Highway Suite 100
 Stuart, FL 34994

April 7, 2002
 Figure 5.ppt

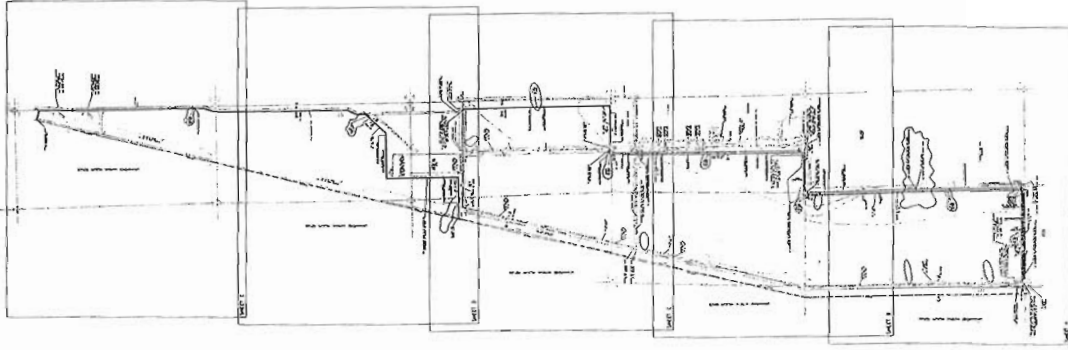
**Loxahatchee Mitigation Bank
 TEMPORARY AND PERMANENT CONSTRUCTION
 ACTIVITIES AT THE BANK
 FIGURE 5**

Christopher S. Smith
 Florida P.E. No. 57255

Christopher S. Smith
 5/10/02



Engineering Certificate
 of Authorization No. 7130



NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

LEGEND

- 1. BRIDGE DECK
- 2. PIERS
- 3. ABUTMENTS
- 4. BRIDGE DECK
- 5. PIERS
- 6. ABUTMENTS
- 7. BRIDGE DECK
- 8. PIERS
- 9. ABUTMENTS
- 10. BRIDGE DECK
- 11. PIERS
- 12. ABUTMENTS

**FIGURE 6
KEYMAP**

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY	10/1/72	J.S.	J.S.
2	REVISED	10/1/72	J.S.	J.S.
3	REVISED	10/1/72	J.S.	J.S.
4	REVISED	10/1/72	J.S.	J.S.
5	REVISED	10/1/72	J.S.	J.S.
6	REVISED	10/1/72	J.S.	J.S.
7	REVISED	10/1/72	J.S.	J.S.
8	REVISED	10/1/72	J.S.	J.S.
9	REVISED	10/1/72	J.S.	J.S.
10	REVISED	10/1/72	J.S.	J.S.

**PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION**

CHRISTOPHER S. SMITH ENGINEERING & ARCHITECTURE, INC.

REGISTERED PROFESSIONAL ENGINEERS
REGISTERED ARCHITECTS
STATE OF FLORIDA
NO. 157255

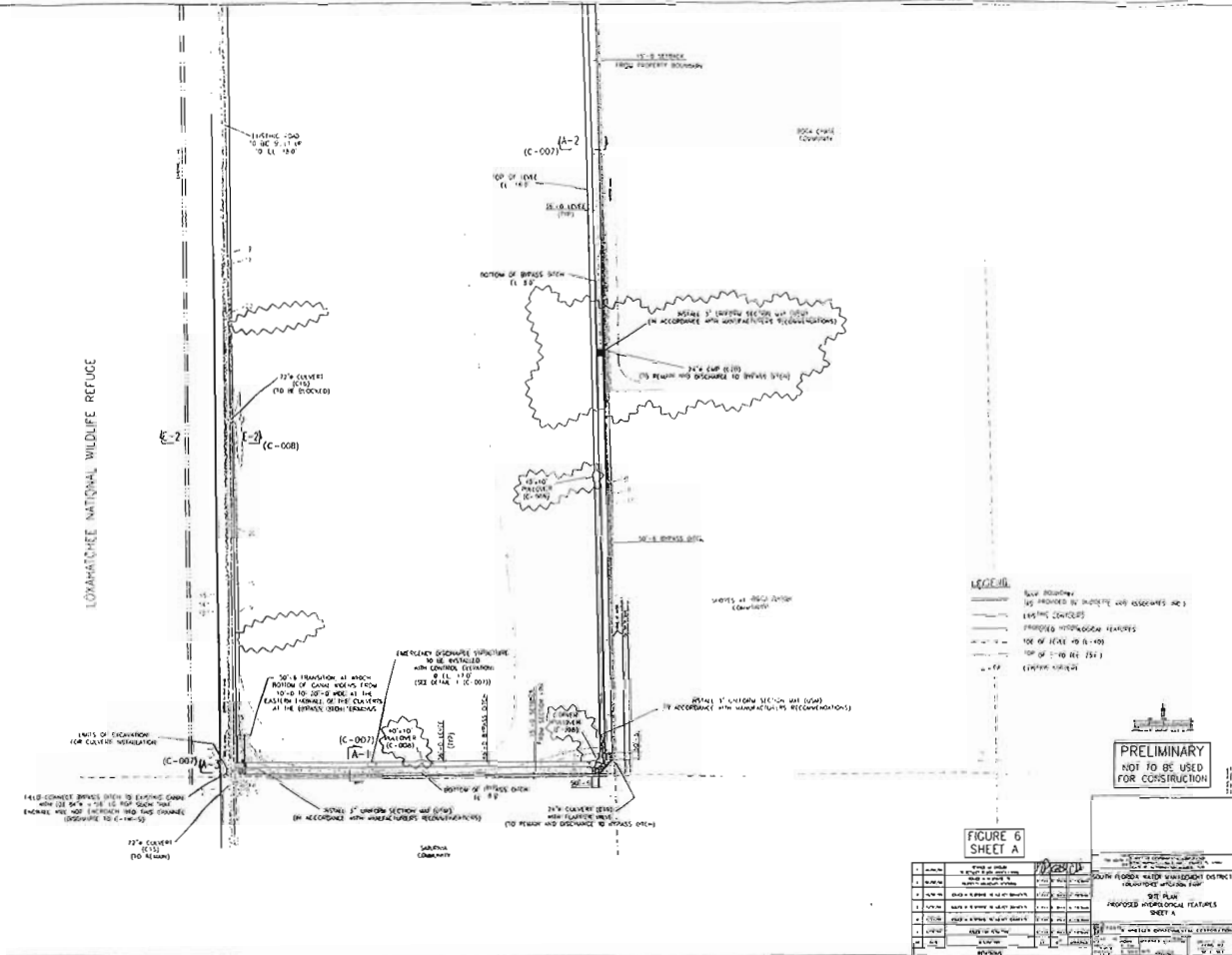
CHRISTOPHER S. SMITH
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
NO. 34994

CERTIFICATE OF AUTHORIZATION NO. 1130

5-17-72

Christopher S. Smith

LOXAHATCHEE NATIONAL WILDLIFE REFUGE



LEGEND

- Proposed boundary
- As provided by contractor and associated (AC)
- Existing structures
- Proposed hydrological features
- Top of canal @ 8'-0"
- Top of 1410 BR 10'
- Existing structures

**PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION**

**FIGURE 6
SHEET A**

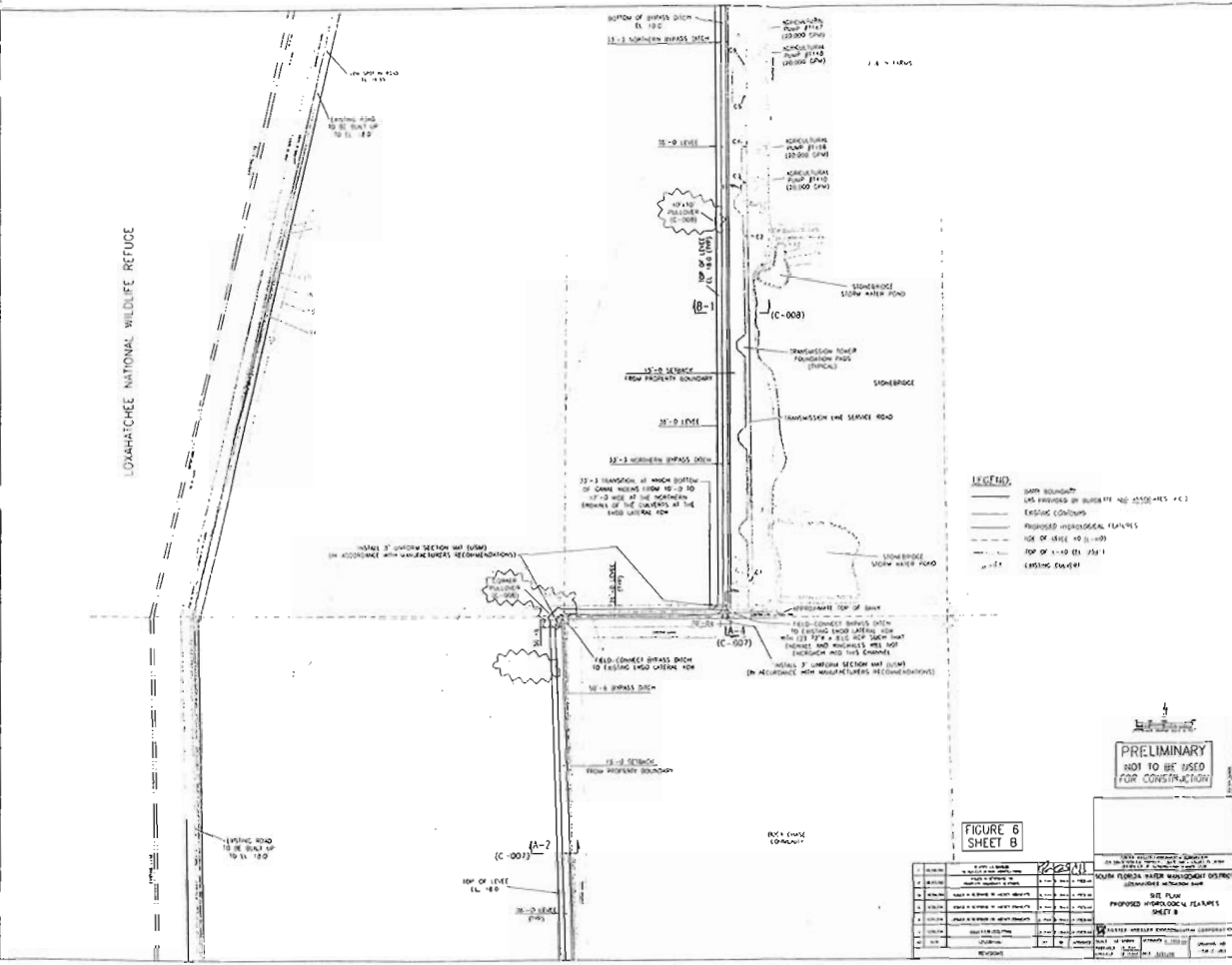
NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED
1	DESIGNED	11/20/83
2
3
4
5
6
7
8
9
10

Christopher S. Smith
5-13-83

CHRISTOPHER S. SMITH
FLORIDA P.E. NO. 57265
FOSTER WHEELER ENVIRONMENTAL CORPORATION
ST. PETERSBURG, FLORIDA 33704
CERTIFICATE OF AUTHORIZATION NO. 71120

CHRIS T. SMITH, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 57265
STATE OF FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE



LEGEND

- BIRTH BOUNDARY
- LMS PROVIDED BY BUREAU OF LAND MANAGEMENT
- EASEMENT
- PROPOSED HYDROLOGICAL FEATURES
- USE OF AREA TO BE
- TOP OF 1:1-10 ELEVATION
- EXISTING FEATURE

**PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION**

**FIGURE 6
SHEET B**

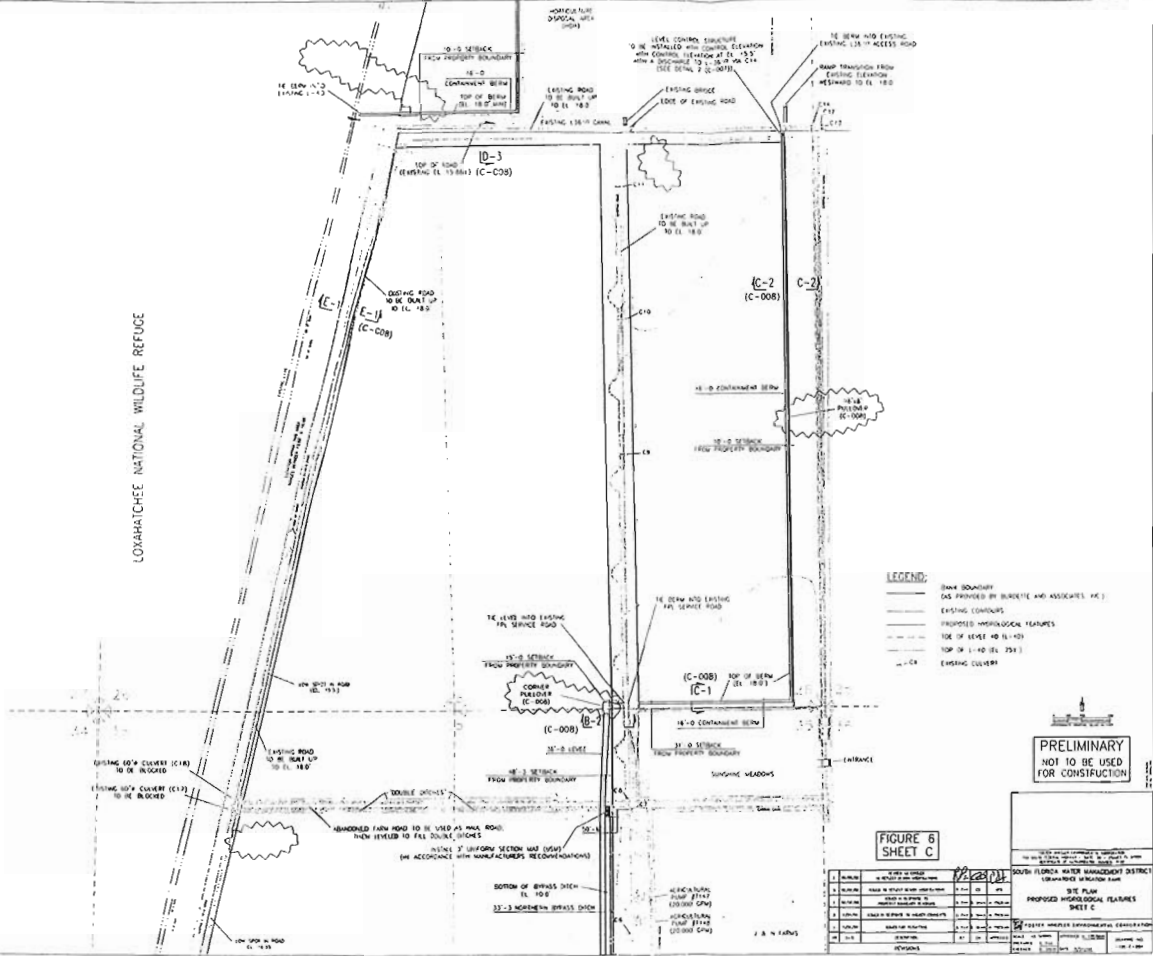
NO.	DESCRIPTION	DATE	BY	CHECKED BY
1	DESIGNED	12-22-01	[Signature]	[Signature]
2	REVISION			
3	REVISION			
4	REVISION			
5	REVISION			
6	REVISION			
7	REVISION			
8	REVISION			
9	REVISION			
10	REVISION			
11	REVISION			
12	REVISION			
13	REVISION			
14	REVISION			
15	REVISION			
16	REVISION			
17	REVISION			
18	REVISION			
19	REVISION			
20	REVISION			

Charles J. Smith
5-23-02

REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
NO. 67255
CIVIL ENGINEER

ROSTER WHEELER ENVIRONMENTAL CORPORATION
2900 W. US HIGHWAY, SUITE 100
DADE CITY, FLORIDA 34505
CERTIFICATE OF AUTHORIZATION NO. 7130

LOXAHATCHEE NATIONAL WILDLIFE REFUGE



LEGEND:

- BOUNDARY (AS PROVIDED BY BURKETT AND ASSOCIATES, INC.)
- EXISTING CONTOUR
- PROPOSED HYDROLOGICAL FEATURES
- SIDE OF LEVEL HD 11.400
- TOP OF 1'-40" (EL. 751.1)
- EXISTING CULVERT

**PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION**

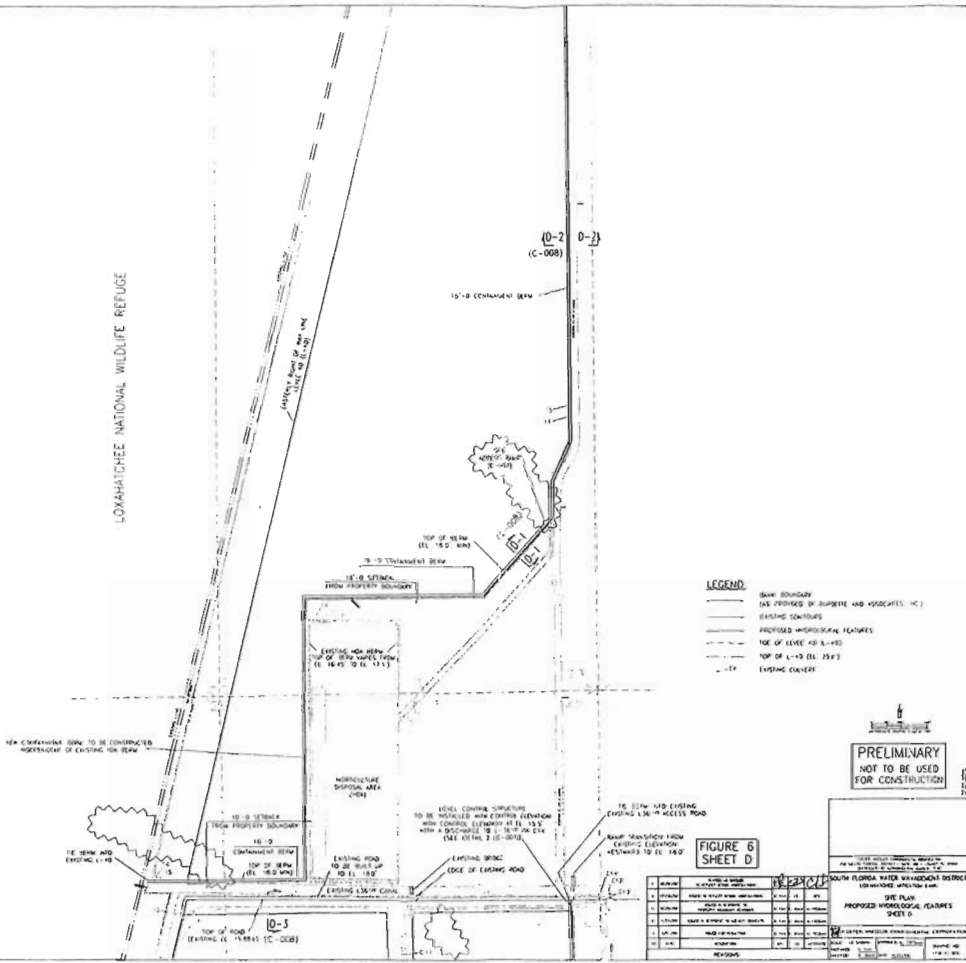
**FIGURE 6
SHEET C**

NO.	DESCRIPTION	DATE	BY	CHKD.
1	DESIGN	11-11-82	J. S. SMITH	J. S. SMITH
2	REVISION	11-11-82	J. S. SMITH	J. S. SMITH
3	REVISION	11-11-82	J. S. SMITH	J. S. SMITH
4	REVISION	11-11-82	J. S. SMITH	J. S. SMITH
5	REVISION	11-11-82	J. S. SMITH	J. S. SMITH
6	REVISION	11-11-82	J. S. SMITH	J. S. SMITH
7	REVISION	11-11-82	J. S. SMITH	J. S. SMITH
8	REVISION	11-11-82	J. S. SMITH	J. S. SMITH
9	REVISION	11-11-82	J. S. SMITH	J. S. SMITH
10	REVISION	11-11-82	J. S. SMITH	J. S. SMITH

Christy S. Smith
5-73-82

CHRISTOPHER S. SMITH
FOSTER WHEELER ENVIRONMENTAL CORPORATION
296 SOUTH FEDERAL HIGHWAY, SUITE 100
MIAMI, FLORIDA 33130
CERTIFICATE OF AUTHORIZATION NO. 7130

LOWHATCHEE NATIONAL WILDLIFE REFUGE



- LEGEND**
- BANK BOUNDARY (AS PROVIDED BY SURVEY AND ADJUSTED, IF NEEDED)
 - EXISTING CONTOURS
 - PROPOSED HYDROLOGICAL FEATURES
 - TOP OF LEVEE (ELEV. 10.4-10.5)
 - TOP OF 1'-0\"/>
 - EXISTING CANAL



**PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION**

**FIGURE 6
SHEET D**

NO.	DATE	BY	DESCRIPTION
1	10/15/02	CS	ISSUED FOR PERMITTING
2	10/15/02	CS	ISSUED FOR PERMITTING
3	10/15/02	CS	ISSUED FOR PERMITTING
4	10/15/02	CS	ISSUED FOR PERMITTING
5	10/15/02	CS	ISSUED FOR PERMITTING
6	10/15/02	CS	ISSUED FOR PERMITTING
7	10/15/02	CS	ISSUED FOR PERMITTING
8	10/15/02	CS	ISSUED FOR PERMITTING
9	10/15/02	CS	ISSUED FOR PERMITTING
10	10/15/02	CS	ISSUED FOR PERMITTING

Christopher S. Smith
5-19-02

CHRISTOPHER S. SMITH
REGISTERED PROFESSIONAL ENGINEER
NO. 57285
FLORIDA
1738 SOUTH FEDERAL HIGHWAY, SUITE 102
STUART, FL 34994
CERTIFICATE OF AUTHORIZATION NO. 71,30

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

EXTEND CONTAINMENT BEAM TO EXISTING EDGE

EMERGENCY DISCHARGE STRUCTURE TO BE INSTALLED WITH CONTROL ELEVATION @ EL. 11.0 (SEE DETAIL # 12-007B)

LEVEL CONTROL STRUCTURE TO BE INSTALLED WITH CONTROL ELEVATION @ EL. 11.5 (SEE DETAIL # 12-007B)

PROPOSED BEAM TO BE INSTALLED WITH CONTROL ELEVATION @ EL. 11.0

EXISTING CONTAINMENT BEAM

LEGEND

- BOUNDARY LINE PROVIDED BY SURVEYOR AND AGREEMENT #11
- EXISTING CONTOURS
- PROPOSED W/PROPOSED FEATURES
- TOP OF LEVEL @ EL. 11.0
- TOP OF L-1 @ EL. 11.5
- EXISTING DRAINAGE


PRELIMINARY
NOT TO BE USED
FOR CONSTRUCTION

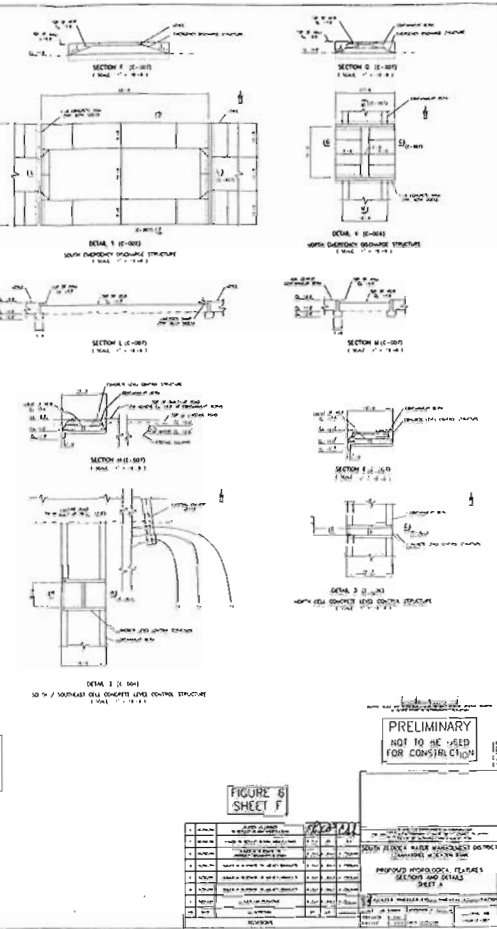
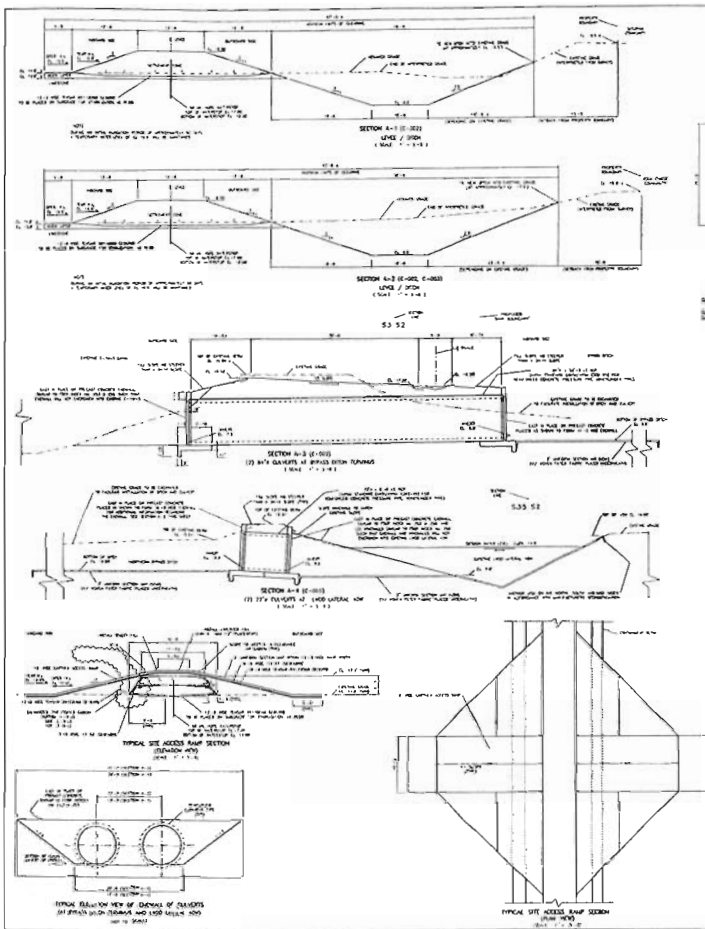
FIGURE 6
SHEET E

NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED
1	DESIGN	11/15/82	J.S.	J.S.	J.S.
2	REVISION	11/15/82	J.S.	J.S.	J.S.
3	REVISION	11/15/82	J.S.	J.S.	J.S.
4	REVISION	11/15/82	J.S.	J.S.	J.S.
5	REVISION	11/15/82	J.S.	J.S.	J.S.
6	REVISION	11/15/82	J.S.	J.S.	J.S.
7	REVISION	11/15/82	J.S.	J.S.	J.S.
8	REVISION	11/15/82	J.S.	J.S.	J.S.
9	REVISION	11/15/82	J.S.	J.S.	J.S.
10	REVISION	11/15/82	J.S.	J.S.	J.S.

Christy J. Smith

CHRISTY J. SMITH
5-13-82
FOSTER WHEELER ENVIRONMENTAL CORPORATION
259 SOUTH FEDERAL HIGHWAY, SUITE 100
GAINESVILLE, FLORIDA 32609
CERTIFICATE OF AUTHORIZATION NO. 7130



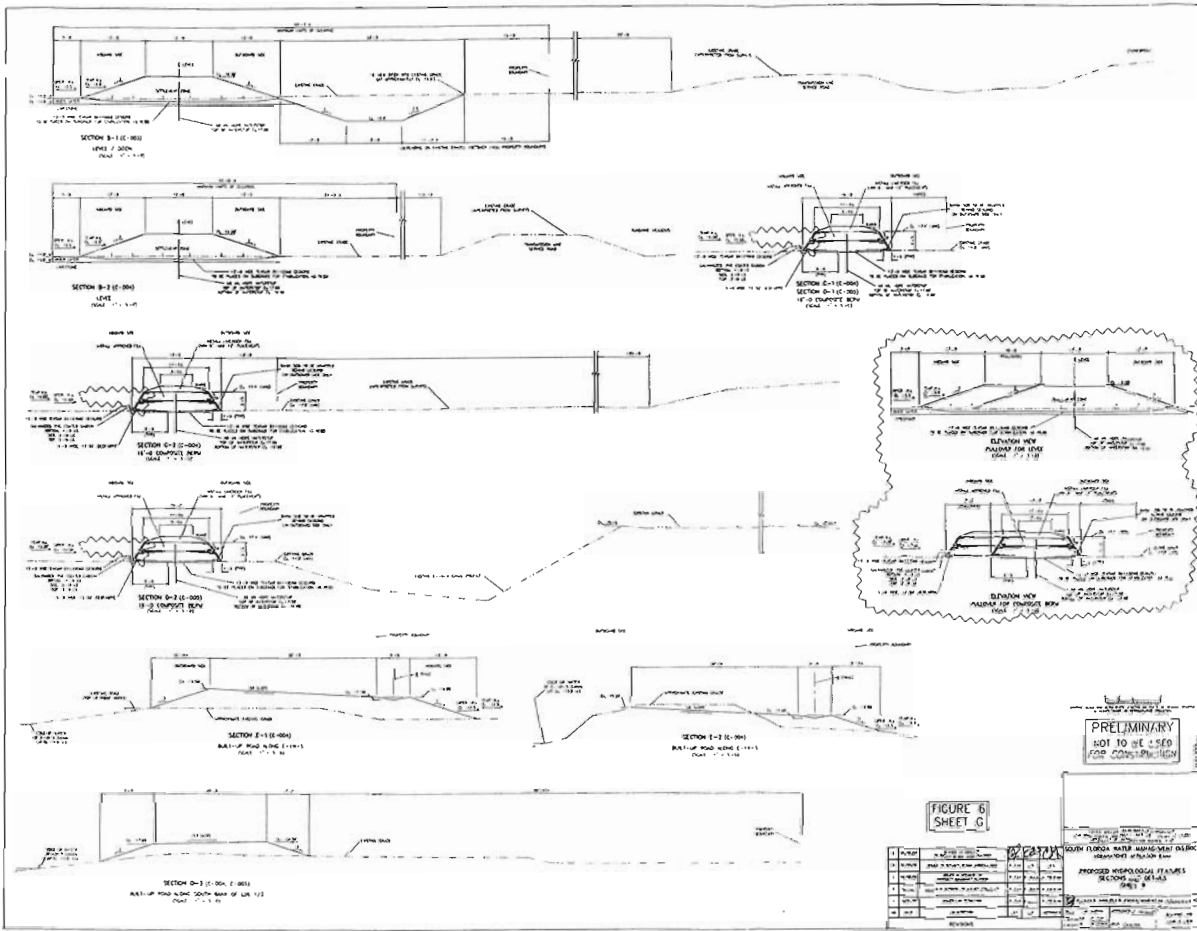


Christy Smith
8-23-02

CHRISTOPHER S. SMITH
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
NO. 67255

CHRISTOPHER S. SMITH & ASSOCIATES, INC.
CORPORATION
259 SOUTH FEDERAL HIGHWAY, SUITE 1000
MIAMI, FLORIDA 33130
PHONE: 305-371-1100
FAX: 305-371-1101

CHRISTOPHER S. SMITH
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
NO. 67255



Charles J. Smith
 5-19-20
 Charles J. Smith
 State Engineer
 259 South Central Highway, Suite 100
 Centerville, Georgia, U.S.A.

ENGINEER'S CERTIFICATE
 NO. 57255
 STATE OF GEORGIA
 P.L. 2020-01