

Florida Department of Environmental Protection

Division of Water Resource Management



Coastal Construction Permitting

28th Annual Environmental Permitting Summer School

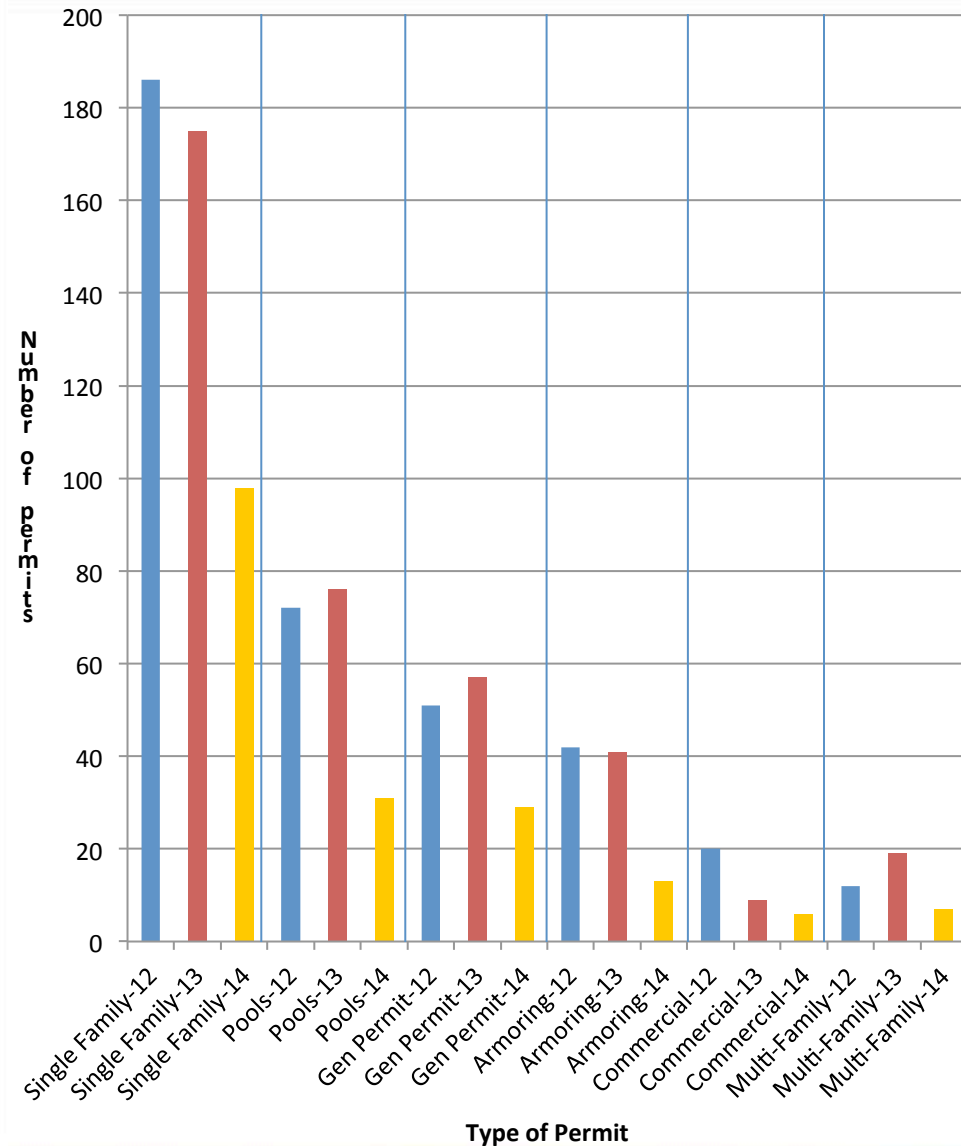
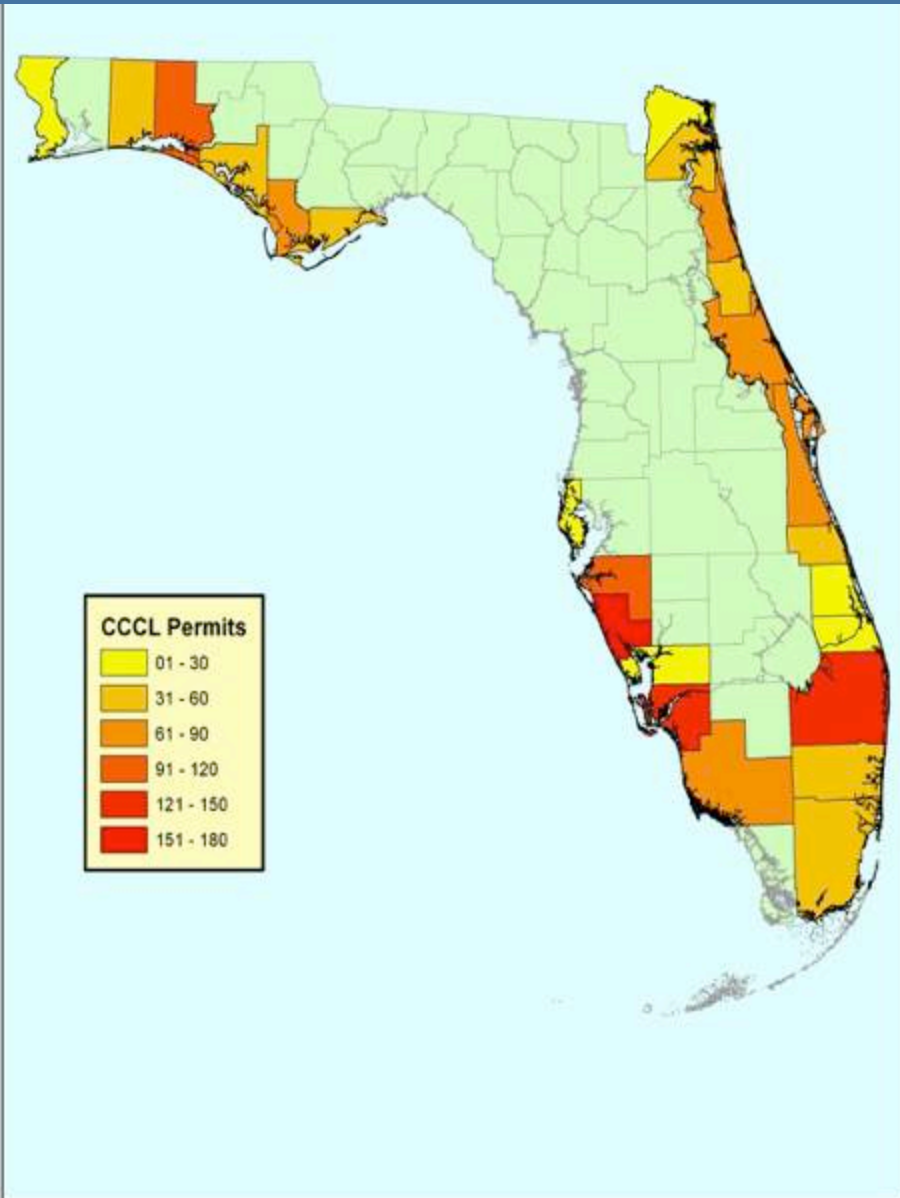
Marco Island 2014

July 24, 2014



Where & What?

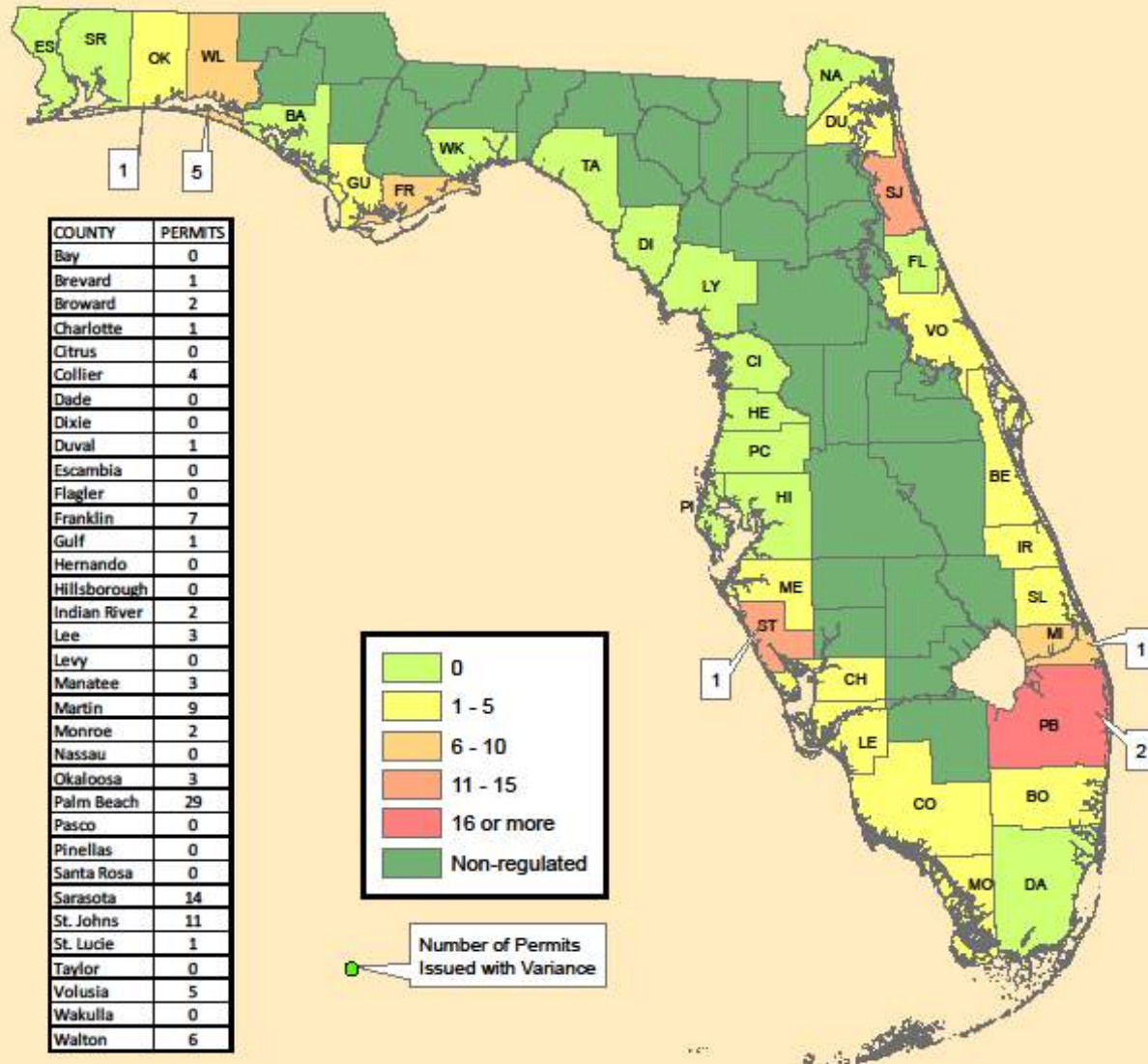
Volume of Different Types of CCCL Permits 2012-2014





What about Coastal Armoring?

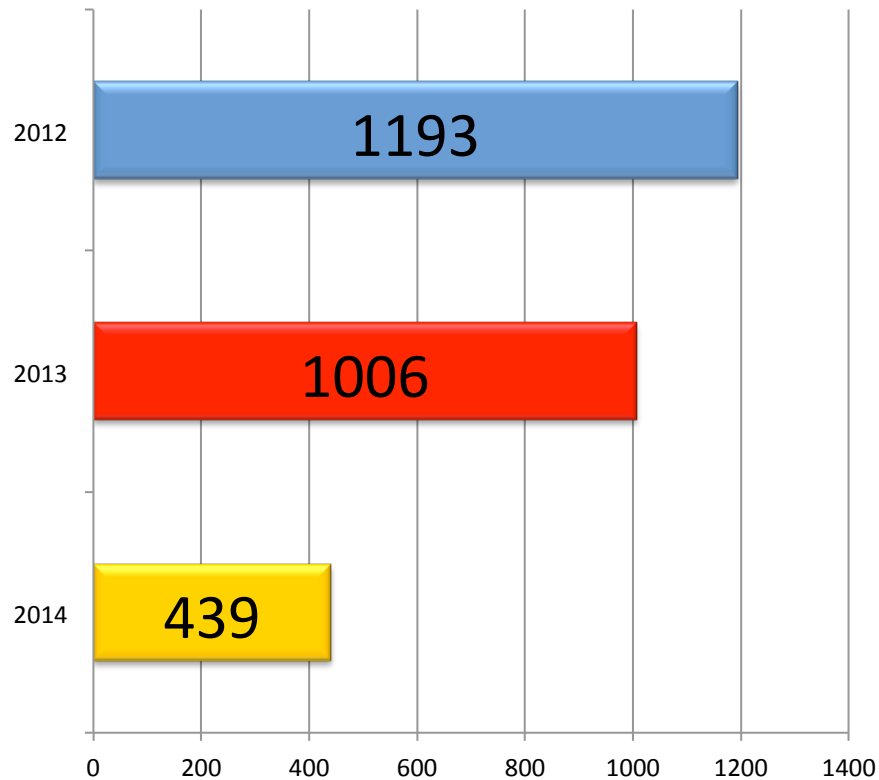
Permits issued 2010 – 2014





What about Field Permits?

FIELD PERMITS BY YEAR

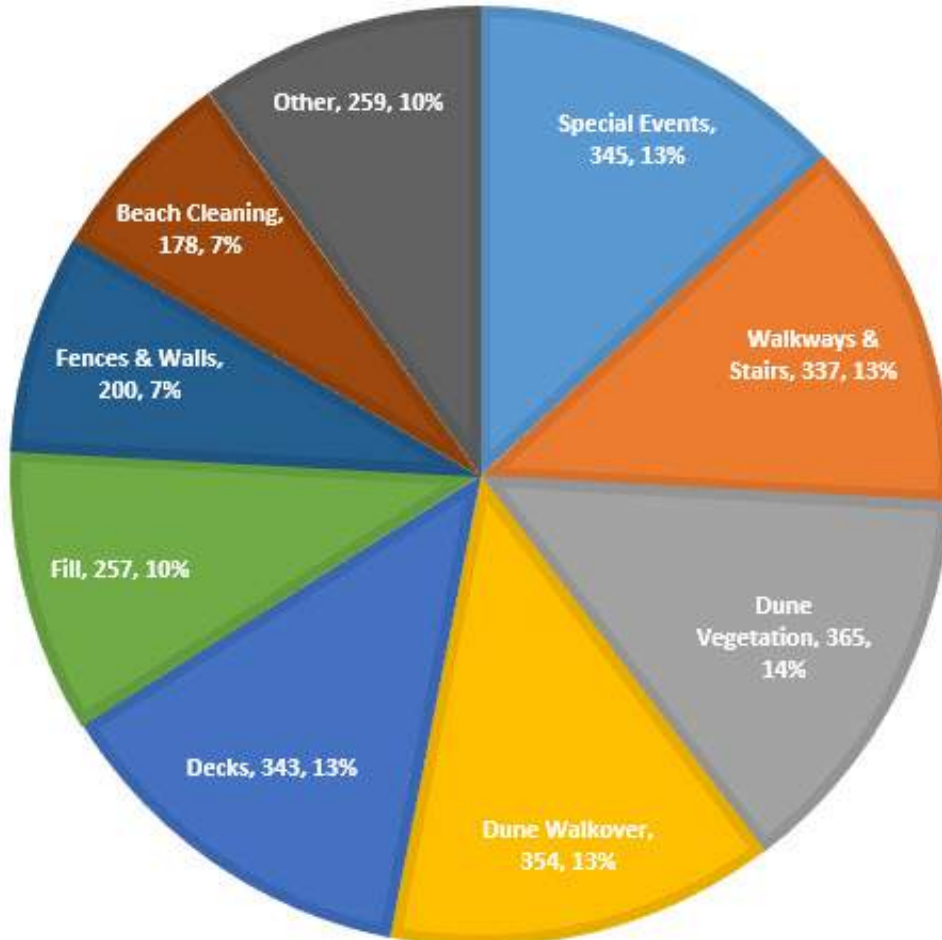


- 2014
- 2013
- 2012

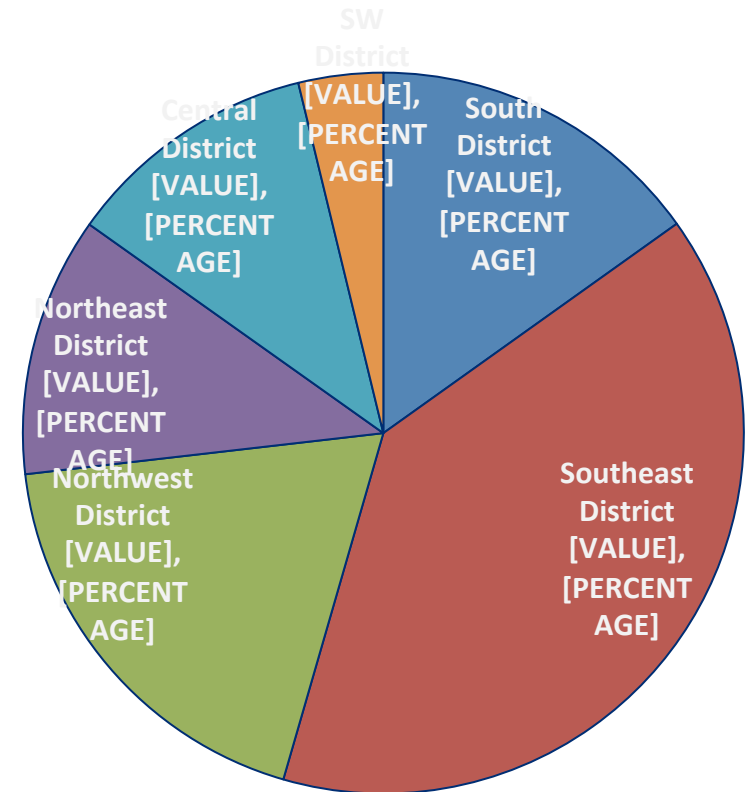


What & Where is the activity?

FIELD PERMITS 2012 - 2014



FIELD PERMITS by DISTRICT 2012 - 2014





DEP Paperless Permitting Process

The screenshot shows a web browser window displaying the Florida Department of Environmental Protection's website. The page is titled "Beaches and Coastal Systems" and features a navigation menu with links for "DEP Home", "About DEP", "Programs", "Contact", "Site Map", and "Search". The main content area is divided into two columns. The left column, titled "Programs", lists various services such as "Water Home", "Beaches Home", "Control Line Permitting", "Data & Analysis", "Environmental Permitting", "Funding", "Assistance", "Palm Beach BMA", "Information", "About Us", "Contacts", "Data", "Forms", "Publications", and "Rules". The right column, titled "Quick Topics", lists links for "Coastal Construction Control Line (CCCL) Permit Application", "Chapter 62B-56 Forms", "Joint Coastal Permit Application", "Environmental Resource Permitting Forms", "Staff Contacts", and "Public Records or Information Request". The main content area is titled "Coastal Construction Control Line and Joint Coastal Permitting" and includes a "File Information & Instructions" section. This section welcomes users to the DEP's paperless permitting process and provides instructions on how to submit applications electronically using Adobe Reader 11. It also includes a section for "Coastal Construction Control Line (CCCL) Permitting" with an important note about uploading documents to the DEP's external CCCL FTP Site. A link is provided for more information on the CCCL permitting process, rules, and statutes, and how to apply for a permit.

- Electronic submission of CCCL applications
- Fillable DEP forms using Adobe Reader 11
- Sign forms electronically by following step-by-step instructions
- Click Submit button, attach all required forms, and transmit



HB 791 Amends s. 161.053(17), F.S.

Expands CCCL Areawide Permits to include:

- Construction of minor structures
- Dune restoration
- On-grade walkovers for ADA accessibility
- Consultation with FWC
- Rules with criteria & guidelines





HB 791 Amends s. 161.053(18), F.S.

Expands CCCL General Permits to include:

- Single-family swimming pools
- Minor reconstruction of coastal armoring
- Dune restoration
- Rules with criteria & guidelines

Calendar Year (CY)	CCCL permits for swimming pools	CCCL permits for single-family homes including swimming pools	TOTAL
CY 2011	99	47	146
CY 2012	153	80	233
CY 2013	181	93	274
3-YR TOTAL	433	220	653
3-YR ANNUAL AVERAGE	144	73	217



Rule Development

62B-33 & 62B-34, FAC

Revise rule to:

- More closely match ERP format
- Clarify/update rule language & application forms
- New CCCL Applicant's Handbook
- Moved GPs from 62B-34 into 62B-33, add new GPs
- Add Areawide criteria & guidelines
- Reduce info reqmts for single-family applicants
- Reduce fees for reissued permits, same project
- Definitions – modify, delete, add
- More specificity in permitting criteria
- Add minimization & mitigation measures
- Add turtle lighting & planting BMPs



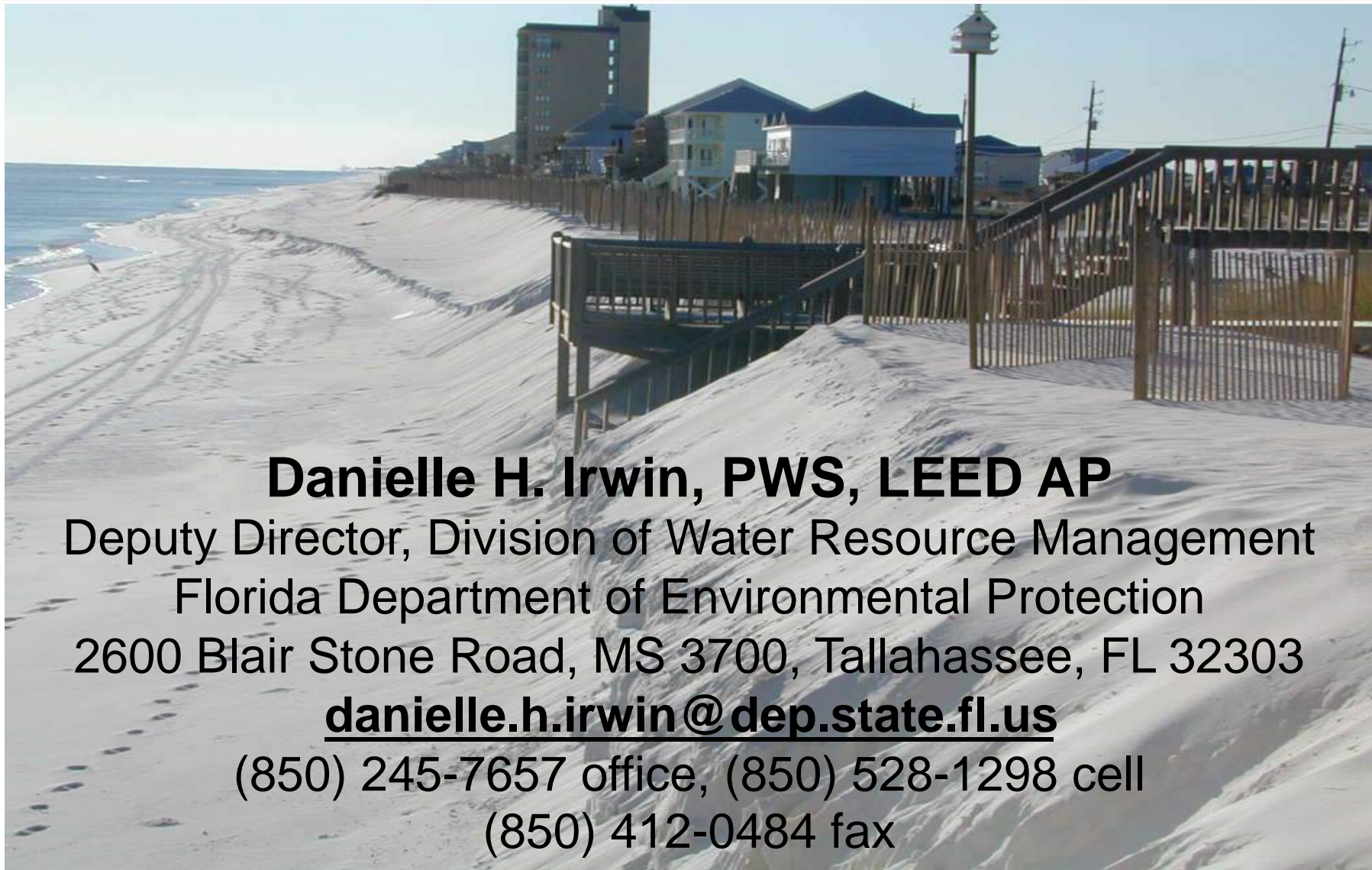
Public Comments

Workshop - June 23, 2014

- Open Rule 62B-33.0051 Coastal Armoring & Related Structures
- ??s about Foundation, #25 in the Handbook.
- ??s on how Major Reconstruction is determined, #33 in the Handbook.
- Need definition of Modification, #3.2.2 in the Handbook.
- ??s on Existing Structures, #3.2.2 in the Handbook
- ??s on Rebuilding, #50 in the Handbook. Need clarification of Significant & how it is determined.
- ??s on List of Additional Exempt Activities, #3.2.3 (d)1.
- Comment that the changes being made will be helpful in adapting to sea level rise.
- Questions on pool lights as it affects the Sea Turtles.
- Put the rule in layman's terms.



How can you reach me?



Danielle H. Irwin, PWS, LEED AP

Deputy Director, Division of Water Resource Management

Florida Department of Environmental Protection

2600 Blair Stone Road, MS 3700, Tallahassee, FL 32303

danielle.h.irwin@dep.state.fl.us

(850) 245-7657 office, (850) 528-1298 cell

(850) 412-0484 fax

2.0 Definitions



Deleted definitions – Not referenced in rule, no longer applicable, or defined elsewhere

Agency, Alongshore, Beach Qualify Sand, Breakaway Wall or Frangible Wall, Building Support Structure, Bureau, Cumulative Impacts, Florida Building Code, Immediately Adjacent Properties, Mean Tidal Range, Pile Foundation, Permit Condition, Revetment, Rigid Coastal Structure, Seawall, Native Vegetation

Added definitions – Includes rule citations and definitions from 62B-34

Beach-dune Vegetation, Bluff, Bluff height, Certified 30-year Armoring, First Line of Construction, Footprint, General Permit Line, Limit of Construction, Major Road, Measurable Interference, “Other Construction, Structures and Activities”, “Second Line of Construction”, Shore-Parallel, Toe of bluff, Top of Bluff, Total Footprint, Vegetation Damage, Vegetation Line

Modified definitions

Construction, Construction Debris, Department, Dune, Emergency Protection, Excavation, Adverse Impacts, Other Impacts, Major Reconstruction, Rebuilding, Storm Surge, Structure, Minor Structures, Nonhabitable Major Structures, Habitable Major Structures

3.0 Regulated Activities



Describes regulated activities, exemptions, and activities not regulated under this rule. Includes conditions for exemptions.

New Exemptions –

1. Temporary water pipes for flood relief,
2. Pool and spa deck repair or replacement within same limits,
3. Replace or maintain fences,
4. Temporary excavation for the inspection of coastal armoring structures,
5. Vegetation maintenance, and planting activities that conform with the “Coastal Construction Control Line Plant Guidelines”,
6. Replacement of deck planks, handrails, benches and stair treads on decks, walkovers, stairs or steps and walkways, & fishing or ocean piers,
7. Repairs or replacement of piles supporting fishing or ocean piers seaward of the MHWL
8. Replacement of culverts, curbs, other minor structures and minor grading within federal and state road rights-of-way,
9. Minor and temporary excavation for the purpose of repairs to existing subgrade utilities located landward of an existing dwelling or other major structures within the right-of-way of public evacuation routes;
10. Other structures or activities which will have a similar impact as those described above.

6.0 Criteria for Evaluation of Individual and Areawide Permits



6.0 Criteria for Evaluation of Individual and Areawide Permits

Established new siting criteria based on beach/dune system impacts, line of construction, and 30-YEP.

Established criteria for rebuilding of structures, maintenance of public access, rebuilt pipelines and ocean outfalls, and other impacts. **6.1**

Siting Criteria

6.1.1 Seaward Limits (based on resources)

(a) Minor structures

1. Only dune walkover structures and other similar structures required for providing beach access or public safety shall be allowed seaward of the vegetation line, coastal armoring or frontal dune.
2. All other minor structures shall be sited a minimum distance of 20 feet landward of the frontal dune crest or bluff. Unroofed decks that are attached to and cantilevered no more than 2 feet from the walkover structure shall be sited no farther seaward than the frontal dune crest or bluff.

(b) Major structures along unarmored shorelines or properties

1. Major structures shall be sited landward of the frontal dune mound or bluff sufficiently to allow for adequate protection of the upland property and natural recovery to occur following storm-induced erosion, whichever results in a more landward siting, and
2. Major structures shall also be sited landward of the crest of the primary or significant dune where such a feature exists.

(c) Major structures along armored shorelines or properties:

1. Where armoring provides protective value from a 15-year or greater return interval storm event, the proposed major structures shall be located a sufficient distance landward of the armoring to allow for future maintenance or repair of the armoring structure.
2. Where armoring exists that does not provide protective value from a 15-year or greater return interval storm event, proposed major structures shall be sited to meet the criteria specified under subparagraphs 6.1.1.(b) of this Handbook

6.0 Siting Criteria, continued



6.1.2 Line of Construction

Major structures proposed seaward of the first line of construction established by existing major structures in the area are generally prohibited. However, if in the immediate area a number of existing major structures have established a reasonably continuous and uniform construction line and if the existing structures have not been unduly affected by erosion, the Department shall issue a permit for the construction of a similar structure up to that line as long as the project meets the other requirements contained in Rule 62B-33.0043, F.A.C., and this Handbook.

6.1.3 Thirty Year Erosion Projection

Major structures shall be sited landward of the 30-year erosion projection, unless exempted by section 161.053(5)(c), F.S.

(c) The criteria under subparagraphs 6.1.3.(a) and (b), of this Handbook, do not apply to dunes that are constructed as a component of a beach restoration or nourishment project that was authorized under Section 161.041, F.S., or its implementing rules.

6.2 Rebuilding Criteria

(a) In order to be eligible for a permit for rebuilding of a structure pursuant to Section 161.053(12)(a), F.S., the original structure must have been present a minimum of 5 years prior to the date of permit application.

(b) The rebuilt structure must be substantially similar in usage and net usable area to the original structure.

(c) The rebuilt structure shall not cause further harm to the beach and dune system or adjacent properties than the original structure.

(d) The rebuilt structure shall be sited in a more landward location to meet the siting criteria specified in Section 6.1.1.(b) and (c) of this Handbook where practicable.

(e) The rebuilt structure can not exceed the capacity of the original structure if it is located seaward of the 30-year erosion projection.

6.0 Siting Criteria, continued



6.3 Public Access Criteria

The activity will not permanently interfere with public access, unless the applicant provides comparable alternative access.

6.4 Pipelines and Outfalls Criteria

New pipelines and outfalls are prohibited seaward of 30-year erosion except as allowed under section 161.053(5), F.S.

6.5 Other Impacts Criteria

The construction shall minimize the potential for damage to existing structures, and for wind and waterborne debris or alteration of storm surges, wind and salt spray patterns during a storm.

7.0 Environmental Considerations



7.0 Environmental Considerations for Individual and Areawide Permits

Specifies environmental considerations, Vegetation protection criteria, and Marine Turtle protection criteria.

Environmental criteria includes sand quality standards. Minimization and mitigation measures are specified.

Allows for option of using the Department's "Coastal Construction Control Line Plant Guidelines" versus site specific design.

Allows for option of using "The Department of Environmental Protection Marine Turtle Lighting Guidelines" versus project specific design.

7.1 Beach-Dune System Criteria

Sand placed on the beach or in the dune system shall be similar to the existing sand and shall be sand that maintains the engineering and ecological functions of the native sand occurring on the beach and in the adjacent dune system.

Sand placed on the beach or seaward of the frontal dune shall be predominately of quartz, carbonate or similar material and shall meet the following criteria:

1. Silt, clay or colloids passing the #230-sieve (4.0phi) shall not exceed 2%;
2. Not contain greater than 5% by weight of fine gravel retained on the #4-sieve (-2.25phi);
3. Not contain coarse gravel, cobbles or material retained on the three-quarter inch sieve in a percentage or size greater than found on the native beach;
4. Not contain construction debris, toxic material, clay balls, or other foreign matter;
5. Not contain frangible carbonate that would result in cementation of the beach;
Carbonate content for projects in the Panhandle shall not exceed 3%;
6. Material shall have a moist Munsell color value of 6 or lighter, with the exception of the Panhandle where the moist Munsell color value shall be 8 or lighter; and
7. Mean grain sizes shall fall between 0.25 mm and 0.55 mm with the exception of the Panhandle where mean grain sizes shall fall between 0.20 mm and 0.50 mm.

7.0 Environmental Considerations, continued



(k) Any remaining adverse impacts not avoided or minimized shall be mitigated.

1. Minimization refers to the application of planning, design and construction practices used to measurably reduce impacts to levels where the benefits of further reduction cannot be demonstrated. Minimization practices reduce any action that disturbs the beach and coastal system, adjacent properties and existing structures, and include reducing:

Seaward encroachment;

Excavation of sediments;

Removal of, or damage to, beach-dune vegetation;

Alteration of dune topography;

Discharges directed toward the beach or adjacent properties;

The quantity, size and mass of structures; and

Other activities that interfere with the natural function of the beach dune system.

2. Minimization may also measurably reduce potential adverse impacts and other impacts caused from:

Erosion, wind, or water borne debris; and

Interference with marine turtle nesting, public access or natural coastal system recovery processes following storm events.

7.0 Environmental Considerations, continued



3. Mitigation means to measurably compensate for adverse impacts through the enhancement of the coastal system or to marine turtles habitat with the:

- ▶ Placement of beach quality sand;
- ▶ Revegetation of natural plant communities;
- ▶ Removal of invasive exotic vegetation, structures, rubble and debris from the beach and dune system;
- ▶ Replacement of non-conforming light fixtures with fixtures that conform to the Department's "Marine Turtle Lighting Guidelines" (Appendix A); or
- ▶ Other measures that show clear benefits to the coastal system, marine turtles, or public beach access.

7.2 Vegetation Criteria

7.2.3 "Coastal Construction Control Line Plant Guidelines"

If a coastal construction permit applicant follows the Department's "Coastal Construction Control Line Plant Guidelines" (Appendix B) for all forms of maintenance and planting of vegetation associated with the proposed activity, then the applicant will have minimized adverse impacts to native salt tolerant plants related to planting and the Department will not require individualized planting plan review at the time of permit application. The guidelines are incorporated by reference.

7.0 Environmental Considerations, continued



7.2.4 Planting Plan

Coastal construction permit applications that do not follow the Department's planting guidelines must avoid and minimize adverse impacts to native salt tolerant plants that would result from maintenance and planting of vegetation associated with the permit. Such applications shall include a detail planting plan, if required, in accordance with Application Forms B and D.

7.3 Marine Turtle Criteria

Activities seaward of the CCCL shall conform with the following marine turtle protection requirements:

(b) If a coastal construction permit applicant follows "The Department of Environmental Protection Marine Turtle Lighting Guidelines" (Appendix A) for all forms of lighting associated with the proposed activity, then the applicant will have minimized adverse impacts to marine turtles related to lighting and the Department will not require individualized lighting plan review at the time of permit application. These guidelines do not supersede more stringent requirements of local government marine turtle protection and lighting ordinances. Areawide applicants shall follow the "The Department of Environmental Protection Marine Turtle Lighting Guidelines" (Appendix A).

(c) Coastal construction permit applications for individual permits that do not follow the Department's lighting guidelines must avoid and minimize adverse impacts to marine turtle nesting habitat that would result from lighting associated with the permit. Such applications shall include a detailed lighting plan, if required, in accordance with Application Forms B and D.

8.0 Thirty-Year Erosion Projection



8.0 Determinations of the Thirty-Year Erosion Projection

New

Exempts structures landward of GP Lines from this procedure because 30-YEP already determined under GP Study.

Allows for use of ECL vs pre-project MHWL if beach has been maintained seaward of ECL.

8.2 Methodology

8.2.1 Summary

A 30-year erosion projection is the projection of long-term shoreline recession occurring over a period of 30 years based on shoreline change information obtained from historical measurements. A 30-year erosion projection of the SHWL shall be made by the Department on a site specific basis upon receipt of an application. The application shall include the required topographic survey, pursuant to Rule 62B-33.008, F.A.C., and the Application Form for any activity affected by the requirements of Section 161.053(4), F.S. However, any proposed activity located landward of a General Permit Line, established under Chapter 62B-34, F.A.C., has previously been determined to be landward of the 30-year erosion projection and therefore is not subject to the 30-year erosion projection procedures established in this Handbook and Chapter 62B-33. An applicant may submit a proposed 30-year erosion projection for a property, certified by a professional engineer licensed in the state of Florida, to the Department for consideration.

8.2.230-Year Erosion Projection Determination

(d) Beach nourishment or restoration projects shall be considered as follows:

3. The Department will use the following stepwise procedure to determine the 30-year erosion projection on a beach with a beach restoration or nourishment project:

a. The Department shall determine the distance between the pre-project MHWL and the pre-project SHWL from the pre-project survey, if available. If the pre-project survey is not available, then the distance between the pre-project MHWL and the pre-project SHWL shall be determined by measuring the distance between the current MHWL and the SHWL. Then the Department will add that distance landward from the ECL which is usually the pre-project MHWL. If the ECL is not based on a pre-project MHWL, then a pre-project survey MHWL shall be used instead of the ECL. However, if the ECL is not based on a pre-project survey MHWL but the beach nourishment has been maintained seaward of the ECL, then the ECL shall be used.