

Memorandum

MIAMI-DADE
COUNTY

Date: September 26, 2006

To: Honorable Chairman Joe A. Martinez and Members,
Board of County Commissioners

Agenda Item No. 5(N)

From: George M. Burgess
County Manager

Subject: Class I Permit Application by Miami-Dade County to Renourish Three (3) Segments of Eroded Beach on Miami Beach Through the Placement of 110,000 Cubic Yards of Beach Quality Fill

Attached, please find for your consideration an application by Miami-Dade County for a Class I Permit. Also, attached is the recommendation of the Director of the Department of Environmental Resources Management and a Resolution seeking the Board's approval of the aforesaid application.


Assistant County Manager

Memorandum



Date: September 5, 2006

To: George M. Burgess
County Manager

From: Carlos Espinosa, P.E., Acting Director
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County to Renourish Three (3) Segments of Eroded Beach on Miami Beach through the Placement of 110,000 Cubic Yards of Beach Quality Fill

RECOMMENDATION

I have reviewed the Class I Permit application by Miami-Dade County. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida, I recommend that the Board of County Commissioners approve the issuance of a Class I Permit for the reasons set forth below.

BACKGROUND

The subject Class I Permit application involves the renourishment of three (3) segments of eroded beach through the placement of 110,000 cubic yards of beach quality fill between 26 and 29 Street, 44 and 46 Street, and 54 and 56 Street, Miami Beach, Miami-Dade County, Florida. The project is intended to accomplish the following objectives and will follow the methodologies attached to the Class I Permit Application:

1. Mitigate documented short-term down drift effects south of the 32 Street breakwater structures through the placement of 30,000 cubic yards of sand.
2. Address a second erosional hotspot approximately 4,300 feet north of the breakwater structures, and accelerate the equilibrium of the area north of the structures, allowing normal bypassing to occur through the placement of 50,000 cubic yards of sand.
3. Provide short-term mitigation of a severely eroded section of beach at approximately 55 Street through the placement of 30,000 cubic yards of sand. This eroded section is impacting the existing dune system and is impassable by emergency service vehicles at high tide.

Miami-Dade County, through its Department of Environmental Resources Management (DERM) administers beach erosion control activities countywide. While the majority of this area is part of a Federally authorized shore protection project administered by the U.S. Army Corps of Engineers, the County often implements smaller scale erosion control projects to improve project performance, or respond to acute erosion in localized areas where a larger project would not be cost-effective.

The proposed Class I Permit application would authorize the placement of 110,000 cubic yards of beach quality sand at three eroded segments in Miami Beach. Initially, the sand will be obtained from inland quarries capable of providing sand of the necessary quality and trucked to each project site, where it will be placed and graded to provide the storm protection

and recreational benefits associated with the project. Pending the results of a consultant study, the project may also use sand dredged or excavated from highly accretional segments of the beach in the vicinity of 12 Street in Miami Beach. This would provide for a cost-effective mechanism for recycling excess sand back into the eroded areas. The total estimated cost of the project is \$3.2 million, of which half will be provided from a Florida Department of Environmental Protection beach erosion control grant to the County. The County share of the funding will be provided by General Obligation Bond funds allocated for beach erosion control.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is also consistent with all other Miami-Dade County coastal protection provisions. Please find attached a Project Report from the DERM Coastal Resources Section, which sets forth the reasons why the project is recommended for approval by DERM pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by reference hereto.

List of Attachments

- Attachment A: Class I Permit Application
- Attachment B: Affidavit of Ownership from Miami-Dade County
- Attachment C: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
- Attachment D: Zoning Memorandum
- Attachment E: Names and Addresses of Owners of All Riparian or Wetland Property
Within Three Hundred (300) Feet of the Proposed Work
- Attachment F: FDEP Consent of Use
- Attachment G: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION
BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO
RENOURISH THREE (3) SEGMENTS OF ERODED
BEACH THROUGH THE PLACEMENT OF 110,000
CUBIC YARDS OF BEACH QUALITY FILL BETWEEN
26 AND 29 STREET, 44 AND 46 STREET, AND 54 AND
56 STREET, MIAMI BEACH, MIAMI-DADE COUNTY,
FLORIDA

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a Public Hearing on an application by Miami-Dade County for a Class I Permit to renourish three (3) segments of eroded beach through the placement of 110,000 cubic yards of beach quality fill between 26 and 29 Street, 44 and 46 Street, and 54 and 56 Street, Miami Beach, Miami-Dade County, Florida. Such Public Hearing will be held on the 26th day of September, 2006, at 9:30 am, at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 4th Floor, 33 S.W. 2nd Avenue, Miami, Florida, 33130.

Oral statements will be heard and appropriate records made. For accuracy of records all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (Kay Sullivan, Deputy Clerk), 111 N.W. 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Environmental Resources Management, 33 S.W. 2nd Avenue, Miami, Florida, 33130.

A person who decides to appeal any decision made by any Board, Agency, or Commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Kay Sullivan, Deputy Clerk

5



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 26, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5 (N)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 5 (N)

Veto _____

09-26-06

Override _____

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO RENOURISH THREE (3) SEGMENTS OF ERODED BEACH THROUGH THE PLACEMENT OF 110,000 CUBIC YARDS OF BEACH QUALITY FILL BETWEEN 26 AND 29 STREET, 44 AND 46 STREET, AND 54 AND 56 STREET, MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Miami-Dade County for a Class I Permit to renourish three (3) segments of eroded beach through the placement of 110,000 cubic yards of beach quality fill between 26 and 29 Street, 44 and 46 Street, and 54 and 56 Street, Miami Beach, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this
26th day of September, 2006. This resolution shall become effective ten (10) days after
the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become
effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

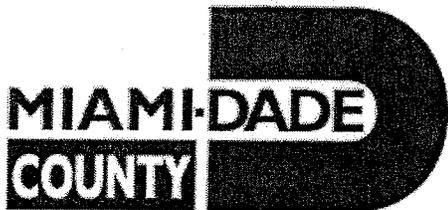
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Peter S. Tell

Attachment A
Class I Permit Application



Class I Permit Application

1. Application number
CC05040

2. Date Day/Month/Year

3. For official use only

4. Applicant Information:
Name: Miami-Dade County
Address: 33 SW 2nd Avenue, PH. 2
Miami, Florida Zip Code: 33130
Phone #: (305) 372-6754 Fax #: _____

5. Applicant's authorized permit agent
Brian Flynn, Special Projects Admin.
Name: Miami-Dade County DERM*
Address: 33 SW 2nd Avenue, Suite 300
Miami, Florida Zip Code: 33130
Phone #: (305) 372-6850 Fax #: (305) 372-6459

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pipe or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

SEE ATTACHMENT 1

Dredged/Excavated	Filled/Deposited
Volume of Material: <u>0</u> CY <u>0</u> CY <u>40,000</u> CY <u>70,000</u> CY	
<small>Waterward of O.H.W. or M.H.W.</small>	<small>Landward of O.H.W. or M.H.W.</small>

7. Proposed Use: (Check One)

Private
 Public
 Commercial
 Other

8. Names and addresses of adjoining property owners whose property also adjoins the waterway.

Name: <u>SEE ATTACHMENT 2</u>	Name: _____
Address: _____	Address: _____
Zip Code _____	Zip Code _____

9. Location where proposed activity exists or will occur.

Street Address: 3 Locations- See ATTACHMENT 3

Latitude _____ Longitude _____

Section _____ Township _____ Range _____

State _____ County _____ In City or Town _____ Near City Or Town _____

10. Name of waterway at location of the activity.

Atlantic Ocean

11. Date activity is proposed to:

Commence September 2006 Be completed April 2006

12. Is any portion of this activity for which authorization is sought now complete?

Yes

No

If answer is "yes", give reasons in the remarks section. Indicate the existing work on the drawings.

Month and Year the activity was completed _____

13. List all approvals or certifications required by other Federal, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application, including whether the project is a Development of Regional Impacts.

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
DEP	Joint Coastal	0233822-001-JC	07/22/04	Pending
Corps	Dredge & Fill	SAJ 1999-3761 (IP-PLC)	08/17/04	08/04/06

14. Has any other agency denied approval for any activity directly related to the activity described herein?

Yes

No

15. Remarks

16. Estimated project cost =

\$3,200,000

17. Contractor's name and address

Name: Not Yet Available License #: _____

Address: _____

Zip Code: _____

Phone #: _____ Fax #: _____

19. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:

8½ x 11 Location Map

8½ x 11 Project Drawing

Copy of Application

18. Application is hereby made for a permit or permit(s) to authorize the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making the preliminary analyses of the site and monitoring permitted works, if permit is granted. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of owner _____

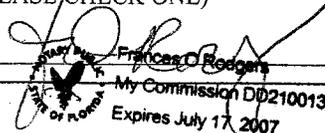
Date Carlos Espinosa, P.E., Acting Director
Miami-Dade County DERM

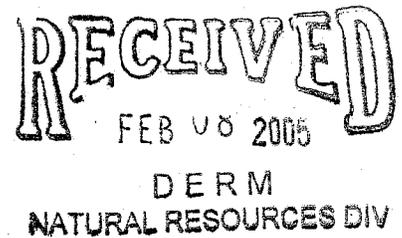
SUBSCRIBED AND SWORN TO ME THIS 31 DAY OF Aug, 20 06, BY Carlos Espinosa

PERSONALLY KNOWN

PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED _____


NOTARY PUBLIC



**Attachment 1
To DERM Class 1 Permit Application
For
Central Miami Beach Nourishment- Truck Haul**

Background: The Miami-Dade County Shore Protection project is a 13-mile long Federally authorized beach restoration/ nourishment program initially constructed from 1975 through 1980, with a second phase (Sunny Isles Beach) added in 1988. Project justification is based predominantly on storm damage reduction due to the dense, high-value development and infrastructure fronting the project, although substantial economic benefits are also realized from recreational use by tourists and residents.

While in general, the project has performed exceptionally well, a number of studies completed in the late 1990's identified a number of erosional "hotspots" which exhibited persistent, localized areas of sediment loss. The most severe of these hotspots was located in the vicinity of 32nd Street on central Miami Beach. This area experienced the highest rate of sediment transport and loss of any location on the Miami-Dade County, and has required multiple nourishments, including two emergency truck haul projects, to maintain even a minimal protective beach. A study completed in 1999 (Coastal Systems International, 1999) , attributed the probable cause of the high transport rates to a change on the shoreline orientation which had the effect of creating a headland condition at the site of the hotspot. This headland was particularly susceptible to wave attack from the northeast, the dominant wave direction during sever winter storms, resulting in high rates of sand transport from the hotspot, and significant rates of accretion to the south where the shoreline returned to its normal orientation.

The study recommendations included the construction of a series of three, shore-parallel emergent breakwater structures to provide anchor points for the beach fill as it transitioned through the "headland" portion of the hotspot to the accretional areas to the south. It also recommended that the structures, designed to be shore-connected, be pre-filled following construction using sand excavated from the accretional areas to the south, in order to avoid the probable down drift impacts which would occur if the structures were allowed to impound sand naturally from the littoral system. This project was permitted (File No. 156710-001-JC) and constructed in the summer of 2002.

Over the first 12 months following construction, the structures performed exceptionally well, with a slight accretionary trend to the north of the structures as anticipated, stable to minor losses due to equilibration at and between the structures, and minor, or no losses to the south. In November of 2003, the project area was subjected to sever Northeast winds for approximately five weeks, during which a significant amount of sediment transport took place. While there was significant additional accretion North of the structures due to the sediment movement, for the first time there localized, but visually-identifiable down drift effects immediately South of the southernmost structure. To verify the losses, Miami-Dade County commissioned an additional survey and monitoring report of the area in February 2004 (Coastal Systems International, 2004), which verified that the area

immediately south of the structures (Section 4) had lost 25,000 c.y. overall since initial construction, and would require mitigation based on the monitoring and mitigation plan submitted by Miami-Dade County DERM, and approved by the Department.

The 15-month post-construction monitoring report concluded that the project has been highly successful in maintaining a viable beachfront in the area of the erosional hotspot. A possible factor contributing to the recently observed down drift effects is the larger than expected impoundment capacity of the segment north of the structures. The original design for this project was completed in 2000, but did not go to construction until mid-2002. During that interval, additional erosion and shoreline recession occurred within the project area, resulting in the structures being constructed at a greater distance from shore, relatively, than the original design. While this is not problematic from a long-term perspective, it contributed to two factors related to the construction and short-term performance of the project:

- 1) The project required a much greater volume of sand than originally estimated to fill behind the structures. The original project design called for 60,000 c.y. to fill the area behind the structures to their impoundment capacity, however, during construction this volume increased to in excess of 125,000 c.y.
- 2) The greater distance from shore of the structures, particularly the northernmost one, results in a much greater impoundment capacity for the area to the north of the structures to reach equilibrium, and begin bypassing material around the structures. The original project design anticipated that the trapping of sand by the northernmost structure would translate into accretion and stabilization of the areas north of the structures for at least several thousands feet. The greater initial distance from shore of the structures, however, will require a longer period of time for material to impound naturally until equilibrium is reached, and significant bypassing around the structures occurs. This lack of short-term bypassing is speculated to be a major contributor to the observed down drift deficit.

The project proposed in the present application includes the relatively small-scale nourishment of three segments of eroded areas of central Miami Beach utilizing one or more upland sources. The project is intended to accomplish several objectives:

- Mitigate documented short-term down drift effects south of the 32nd Street breakwater structures by placing 30,000 c.y. of sand.
- Address a second erosional hotspot approximately 4,300' north of the structures, and accelerate the equilibration of the fillet north of the structures, allowing normal bypassing to occur, through the placement of 50,000 c.y. of sand.
- Provide short-term mitigation of a severely eroded section of beach at approximately 55th Street, which is impacting the existing dune system, and is impassable by emergency service vehicles at high tide, through the placement of 30,000 c.y. of sand.

Project Summary: The project proposes to nourish three (3) eroded segments of the Miami-Dade County shore protection project with approximately 110,000 cubic yards of sand obtained from one or more upland sources. Each segment is relatively localized, but is well below the beach width required to meet the intended protective and recreational benefits of the project. A description of the limits, quantities, and objectives of each project segment is provided below.

27th Street Segment: This is the southernmost segment to be nourished, and is located immediately south of the southernmost structure of the 32nd Street Breakwater project (See Page 2 of 18 of the permit drawings provided). The proposed fill limits extend from the terminus of the southernmost breakwater structure at approximately R60, south to R60. A total fill quantity of 30,000 c.y. is proposed based on the recommendations of the 15 Month Post-Construction Monitoring Report submitted by our project engineers (Coastal Systems International, Inc., 2004). The proposed fill at this location is required pursuant to the requirements of the project monitoring and mitigation plan incorporated into the DEP permit for this project (File No. 01567-001-JC).

44th Street Segment: This segment is located approximately 4,000' north of the 27th Street segment, near the end of the anticipated area of influence of the 32nd Street breakwater structures. This location has been a chronic erosion hotspot over the past ten years, and has been nourished multiple times with both conventional dredging and by emergency truck haul projects. In the recently completed "Miami-Dade County Shoreline Modeling Final Report" (Coastal Systems International, In., 2004), it was recommended that supplemental placement of fill material immediately north of the center of the hotspot would provide the greatest benefit to the area, by nourishing the eroded areas north of the hotspot, as well as the hotspot itself through end losses. The proposed project limits extend from R53.7 south to R55.5 (see Sheet 6 of 18), with a fill quantity of 50,000 c.y.. In addition to directly nourishing this erosional hotspot, a secondary benefit will be to accelerate reaching the impoundment capacity of the beach fillet north of the breakwater structures, thereby permitting the resumption of sand bypassing across the structures, and minimizing down drift effects to the south.

55th Street Segment: This segment is a new erosion hotspot, becoming severe only in the past several years. In the past year, small sections of the segment have been critically eroded, particularly during storm events, often cutting into the established dune system and forming significant escarpments. When in this condition, this segment, as with other severe erosion hotspots in the past, constitutes a public safety hazard, as emergency vehicles are unable to traverse these areas, and must divert to public roads and then return to the beach beyond the eroded segment, thus adding critical minutes to emergency response efforts. The intent of the proposed nourishment at this location would be to provide a viable beach berm to protect the dune system, and provide access for emergency services. To provide a longer-term solution at this location, Miami-Dade County is in the process of requesting that the Army Corps of Engineers consider adding this segment as a bid option as part of the upcoming Alternative Sand Test Beach Project

scheduled for construction in 2005. The project limits for the proposed fill placement extend from R48.7 through R50.7 and would require approximately 30,000 cubic yards.

Sand Sources: Miami-Dade County is currently preparing a package to solicit bids to obtain sand for the proposed project. Due to a lack of nearby offshore sand sources, the project will utilize upland sand delivered to the sites by truck. Two sources are likely to be utilized on this project: sand obtained from existing, permitted upland quarries, and screened native Miami Beach sand derived from nearby coastal construction projects where it is not required to remain on-site. All sand utilized on the project will be required to meet the sand specification developed for Miami-Dade County beaches by the U.S. Army Corps of Engineers, and previously reviewed and approved by the Department. Preference will be given to silica sources, and those materials with grain sizes towards the larger end of the approved range. Samples and gradation curves of the sands proposed for use on this project will be submitted to the Department for review and approval prior to construction.

Construction Methodology, Schedule, and Estimated Cost: Due to the unavailability of usable offshore sources for this project, the project will utilize upland sands delivered to the projects sites by truck. Trucks will be able to access the beach via existing street ends and public parks with vehicle access located along the full length of the proposed project (Approximately R49 through R61). In past Miami-Dade truck haul projects, materials were typically delivered to the beach, or to a publicly owned staging area adjacent to the beach, and transported via all-terrain dump trucks to the fill location. To minimize losses during placement, materials are generally stockpiled above the Mean High Water Line (MHWL), along the section to be filled for a little over one-half of the workday, and then pushed seaward and graded with bulldozers for the second half of the day. Delivery and placement rates will be fine tuned during the first two weeks of construction to be most efficient. It is estimated that if only one fill site is constructed at a time, all work could be completed in approximately sixty days. Because of the multiple fill locations, and the availability of a number of beach access/ staging sites, concurrent operations at multiple fill sites may be possible which would shorten the construction period.

Environmental Resources: Each of the three proposed fill sites was surveyed for hardbottom or other resources which might be impacted by the project. Probably due to the highly dynamic sediment movement adjacent to the fill zones, no resources were located. As in most beachfront areas of Miami-Dade County, the nearest hardbottom resources were located approximately 1,300 feet seaward of the proposed toe of fill for the project. Because the sand has a low silt content (< 2%) and will be placed on the beach dry, little or no turbidity is anticipated.

Due to the critical erosion at several of these locations, Miami-Dade County intends to initiate construction as soon as all required permits and approvals are obtained. If possible, summer construction would be preferred due to the high losses that would be associated with the dry placement of materials during the rougher winter months. As such, Miami-Dade County requests approval for construction prior to the conclusion of

the marine turtle nesting season on October 31, as is allowed for conventional dredging projects in Miami-Dade. In order to insure that no adverse impacts to marine turtles would occur during this project, the following protective measures are proposed:

- 1) All work would occur during daylight hours only. No work would occur in the morning prior to the daily turtle nest survey. The location of any nests left in-situ would be communicated to the equipment operators prior to the beginning of work that day, the nest with a significant buffer zone would be taped off and that area avoided.
- 2) Any material stockpiled on the beach during the day will be graded to the existing berm elevations prior to the conclusion of work each day.
- 3) Any escarpments that may form will be graded prior to the conclusion of work each day.
- 4) A detailed monitoring report describing marine turtle nesting activity will be submitted describing successful nests and false crawls, and location (GPS coordinates). For completed fill areas. The report will also distinguish whether the nest was in the existing, or new fill material, as applicable.

State Lands Approval: The proposed project will occur east of the established Erosion Control Line and will be entirely on State Owned Lands. The applicant has already applied for an easement from the Division of State Lands authorizing the proposed use of state lands for this project. A survey sketch and legal description of the State Lands proposed for use are included on the attached Affidavit of Ownership and Hold Harmless Agreement.

Estimated Cost: Project cost will be dependent on a number of factors, including the material selected, distance from the borrow source to the project site, and the availability of native materials near the project site. Assuming a high end-of-the-range cost of \$18/ton delivered for Ortona silica sand, and a cost of \$2.50/ c.y. for grading, the total cost would be \$2,450,250. This cost may be significantly less if a suitable, but lower unit cost sand is used, or if significant quantities of screened native materials are available.

Attachment B
Affidavit of Ownership

**Affidavit of Ownership
and Hold Harmless Agreement**

Carlos Espinosa, P.E., Acting Director
Personally Appeared Before Me, Miami-Dade County DERM, that
(Property owner, lessee or Corporate Officer if owner is a corporation)
undersigned authority, and hereby swears and affirms under oath as follows:

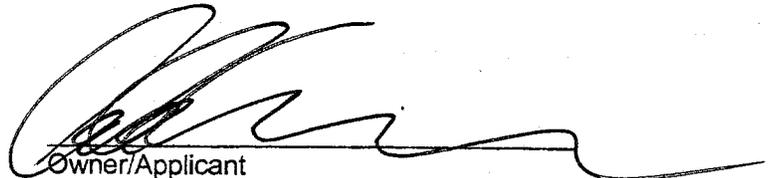
1. That your affiant is the record owner or lessee of that certain property* more fully described as:

* may attach legal description from public records or plat book or a copy of the warranty deed

2. That your affiant is also the riparian and/or littoral owner or lessee of that certain property that is the subject matter of Application No. _____ for a Class I permit under and pursuant to Section 24-48 of the Code of Miami-Dade County to construct or engage in the following activity:

3. That your affiant hereby swears and affirms its ownership or leasehold in the above noted property necessary for the work noted in Paragraph 2 above, and hereby agrees to: defend same and hold the County harmless from any and all liability, claims and damages of any nature whatsoever occurring, including or arising as a result of your affiant not having the proper title to all lands or proper leasehold to all lands that are the subject matter of this application.

STATE OF FLORIDA
COUNTY OF DADE



Owner/Applicant
Carlos Espinosa, P.E., Acting Director
Miami-Dade County DERM*

BEFORE ME, the undersigned authority, personally appeared _____, who, after being duly sworn, deposes and says that he/she has read the foregoing, and that the statements contained therein are true and correct to the best of his/her knowledge and belief.

Sworn to and subscribed before me this 31 of Aug., 2006
(day) (month) (year)

Notary Signature _____

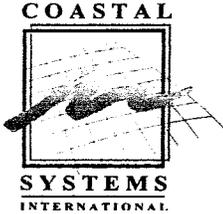


 Frances O Rodgers
My Commission DD210013
Expires July 17 2007

* Department of Environmental Resources Management

Attachment C

**Owner/Agent Letter, Engineer Certification Letter and
Project Sketches**



COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway • Coral Gables, Florida 33146
Tel: 305-661-3655 • Fax: 305-661-1914
www.coastalsystemsint.com

5686.06

December 17, 2004

Miami Dade County DERM
Coastal Permitting Program
33 S.W. 2nd Avenue, Suite 400
Miami, Florida 33130-1540

RE: Class I Standard Form Permit Application Number CC05-040; to place
110,000 cubic yards of sand at 3 locations in Miami Beach

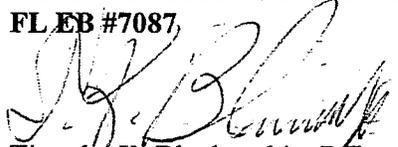
Ladies and Gentlemen:

This letter will certify that I am an engineer registered in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami-Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water.
- c. Material injury to adjacent property.

Further, I have been retained by the applicants to provide inspections throughout the construction period and shall prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Respectfully submitted,
COASTAL SYSTEMS INTERNATIONAL, INC.
FL EB #7087,


Timothy K. Blankenship, P.E.
Engineering Department Head
FL Reg. 55910

TKB:jb

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

Note: Please insert applicable information

Date: August 16, 2006

To:

Miami Dade County DERM
Class I Permitting Program
33 S.W. 2 Avenue, Suite 400
Miami, Florida 33130-1540

Re: Class I Standard Form Permit Application Number CC05-040; to place 110,000 cubic yards of sand at 3 locations in Miami Beach

Ladies and Gentlemen,

By the attached Class I Standard Form permit application with supporting documents, I, Brian Flynn, am the permit applicant applicant's authorized agent and hereby request permission to perform the following: Place 110,000 cubic yards of beach quality sand at three locations on the Atlantic shore of Miami Beach. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record.

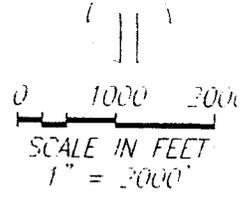
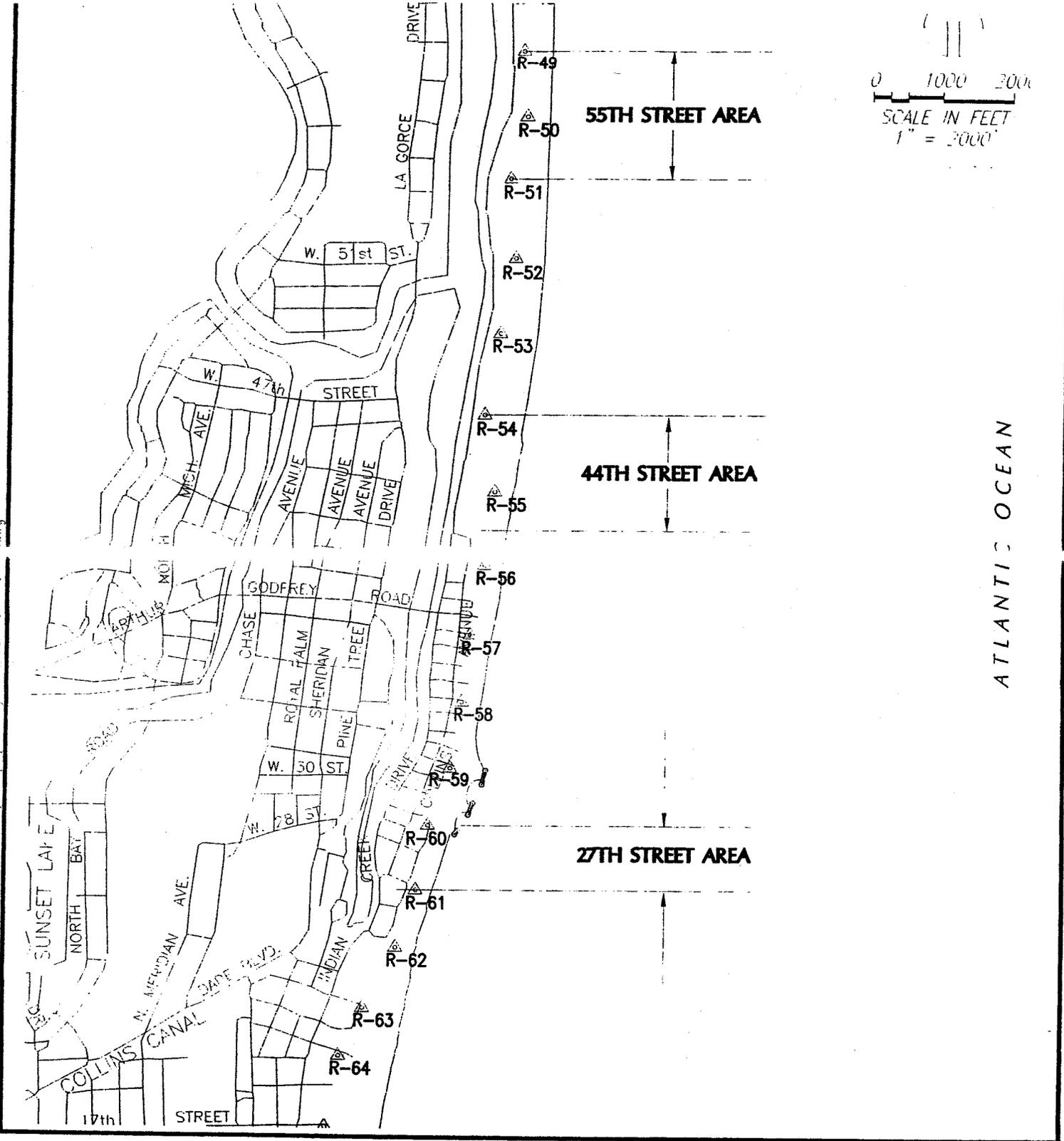
Respectfully submitted,



Brian Flynn, Authorized Agent

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E:\Project\5686.06\Replenishment Project\Report Figure 5686-06-116.dwg



T.P. BLANKENSHIP
FL. REG. 55910
[Signature]
JUN 11 2004



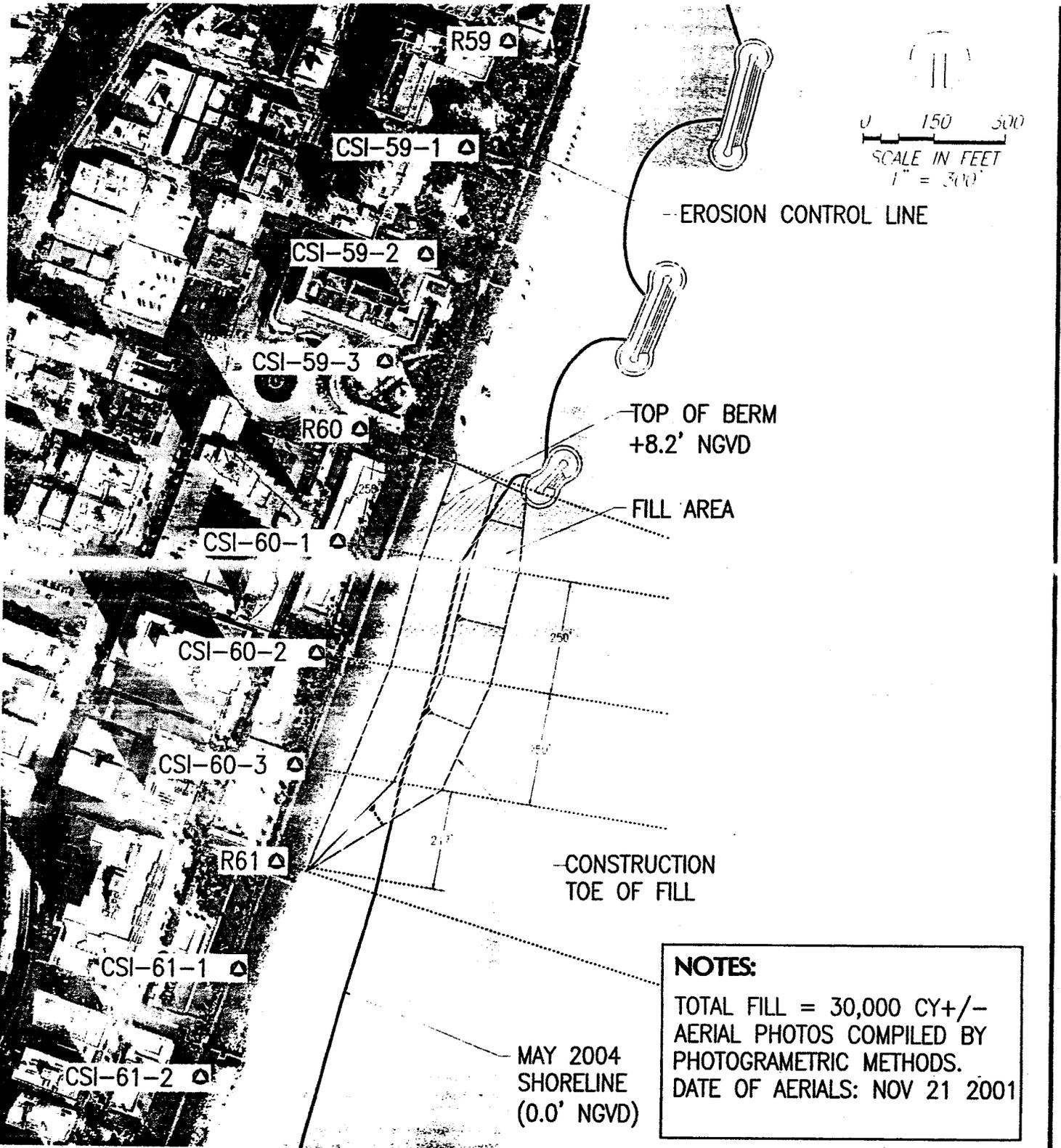
MIAMI-DADE COUNTY DERM
33 SW 2nd AVE SUITE 400
MIAMI, FLORIDA 33130

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dade Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsintl.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT	
PROJECT LOCATION	
JOB: 5686.06	DATE: 06/09/04
BY: AGA	SHEET 1 OF 18

22

F:\Project\5686\06\Renourishment\Report\Figures\5686-06-Fig-01.p63-RC2.dwg



NOTES:
 TOTAL FILL = 30,000 CY+/-
 AERIAL PHOTOS COMPILED BY
 PHOTOGRAMETRIC METHODS.
 DATE OF AERIALS: NOV 21 2001

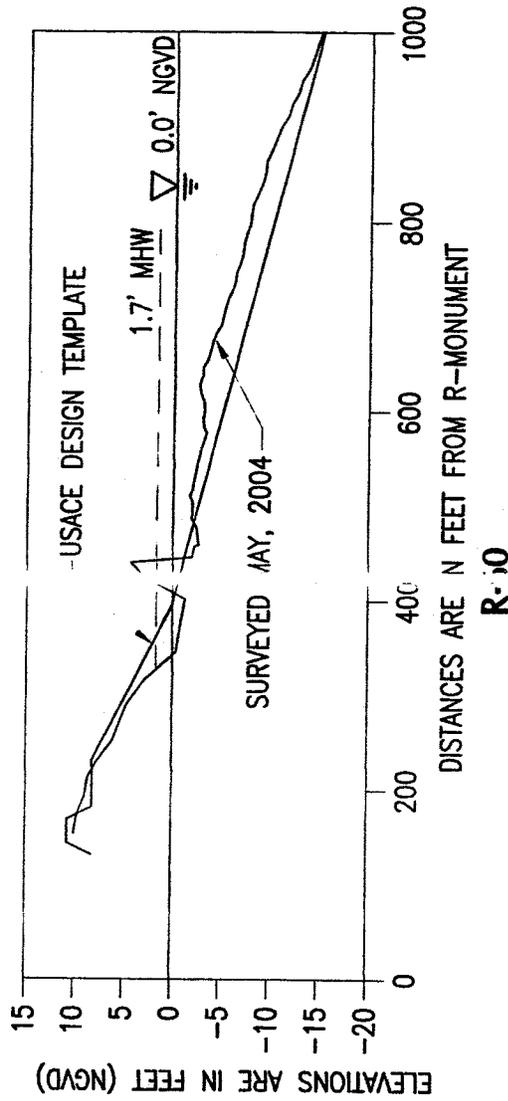
T.P. BLANKENSHIP
 FL. REG. 55910

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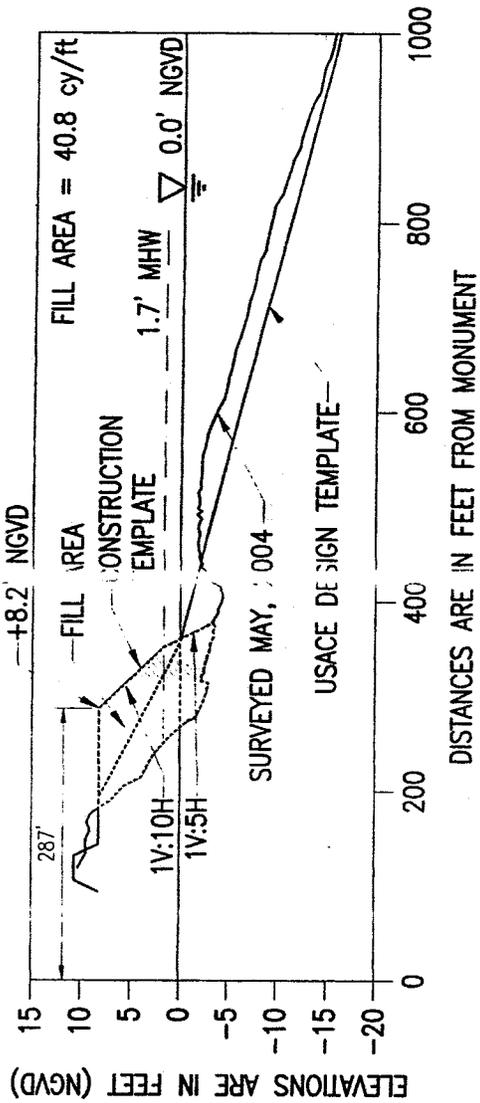


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MIAMI BEACH	
TRUCK HAUL NOURISHMENT PROJECT	
27TH STREET AREA	
JOB: 5686.06	DATE: 06/09/04
BY: AGA	SHEET 2 OF 18



SCALE HOR. 1" = 200'
VERT. 1" = 20'



T.K. BLANKENSHIP
FL REG. 5597



JUN 11 2004

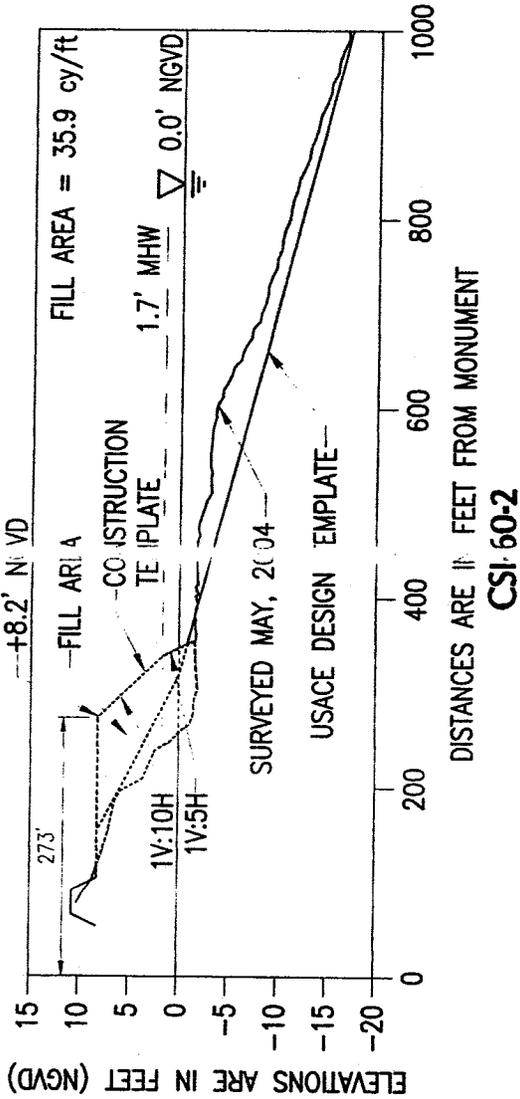


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33 SW 32nd AVENUE, SUITE 400
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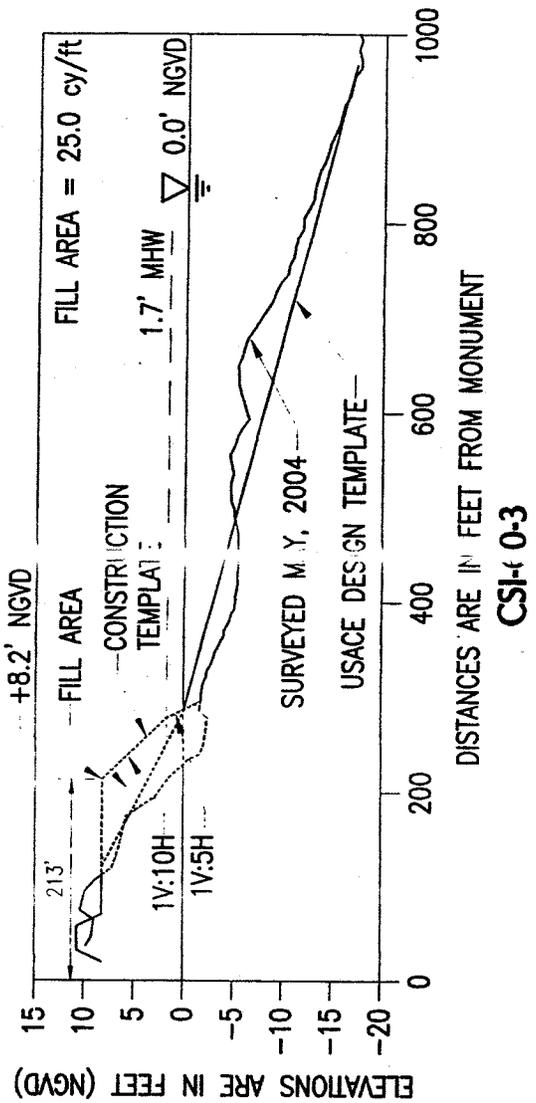
COASTAL SYSTEMS INTERNATIONAL, INC.
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MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT - 27th STREET AREA	
TRANSECTS R-60 & CSI-60-1	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 3 OF 18

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SCALE HOR. 1" = 200'
VERT. 1" = 20'



T.P. BLAINESHIP
FL REG. 55910

[Signature]

JUN 11 2004



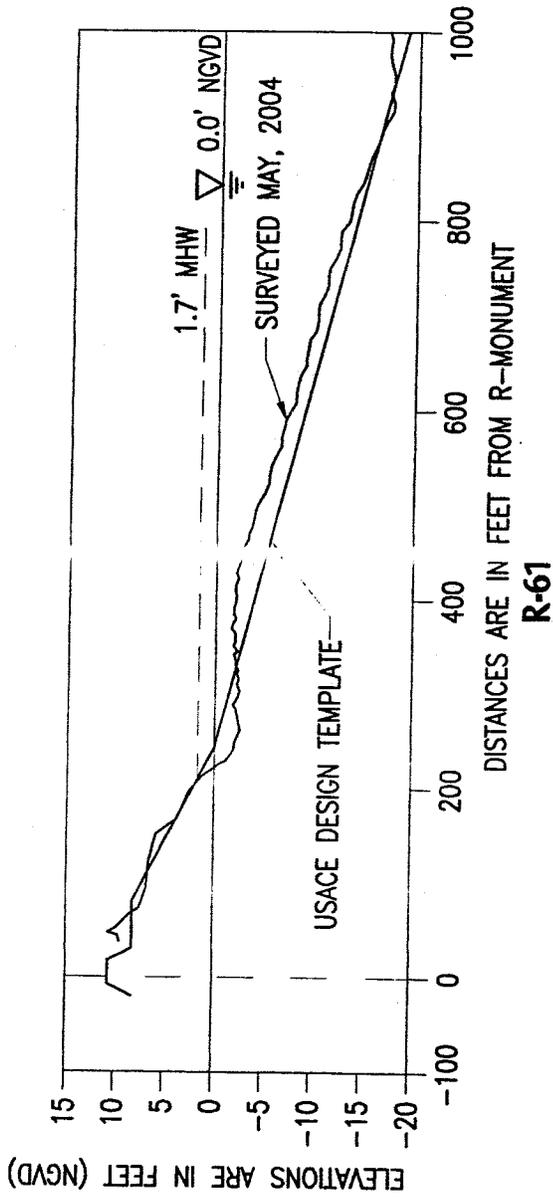
MIAMI-DADE COUNTY DERM
33 SW 32nd AVENUE, SUITE 400
MIAMI, FLORIDA 33130

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Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsIntl.com
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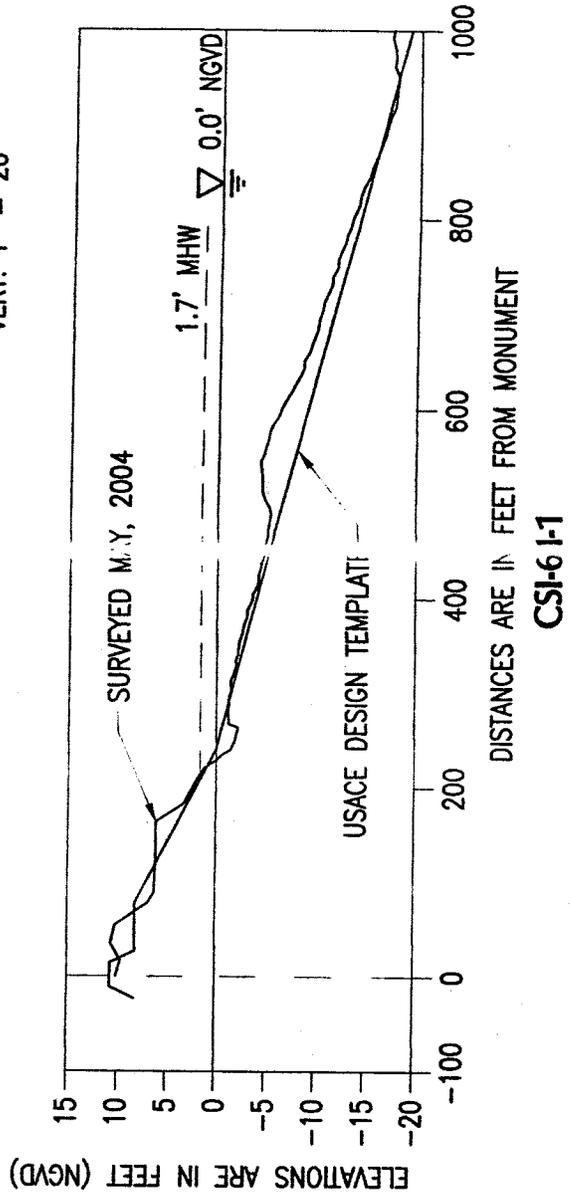
MIAMI BEACH TRUCK HAUL NOURISHMENT
PROJECT - 27th STREET AREA

TRANSECTS CSI-60-2 & CSI-60-3

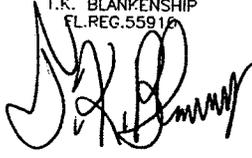
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 4 OF 18



SCALE HOR. 1" = 200'
VERT. 1" = 20'



T.K. BLANKENSHIP
FL. REG. 55916



JUN 11 2004



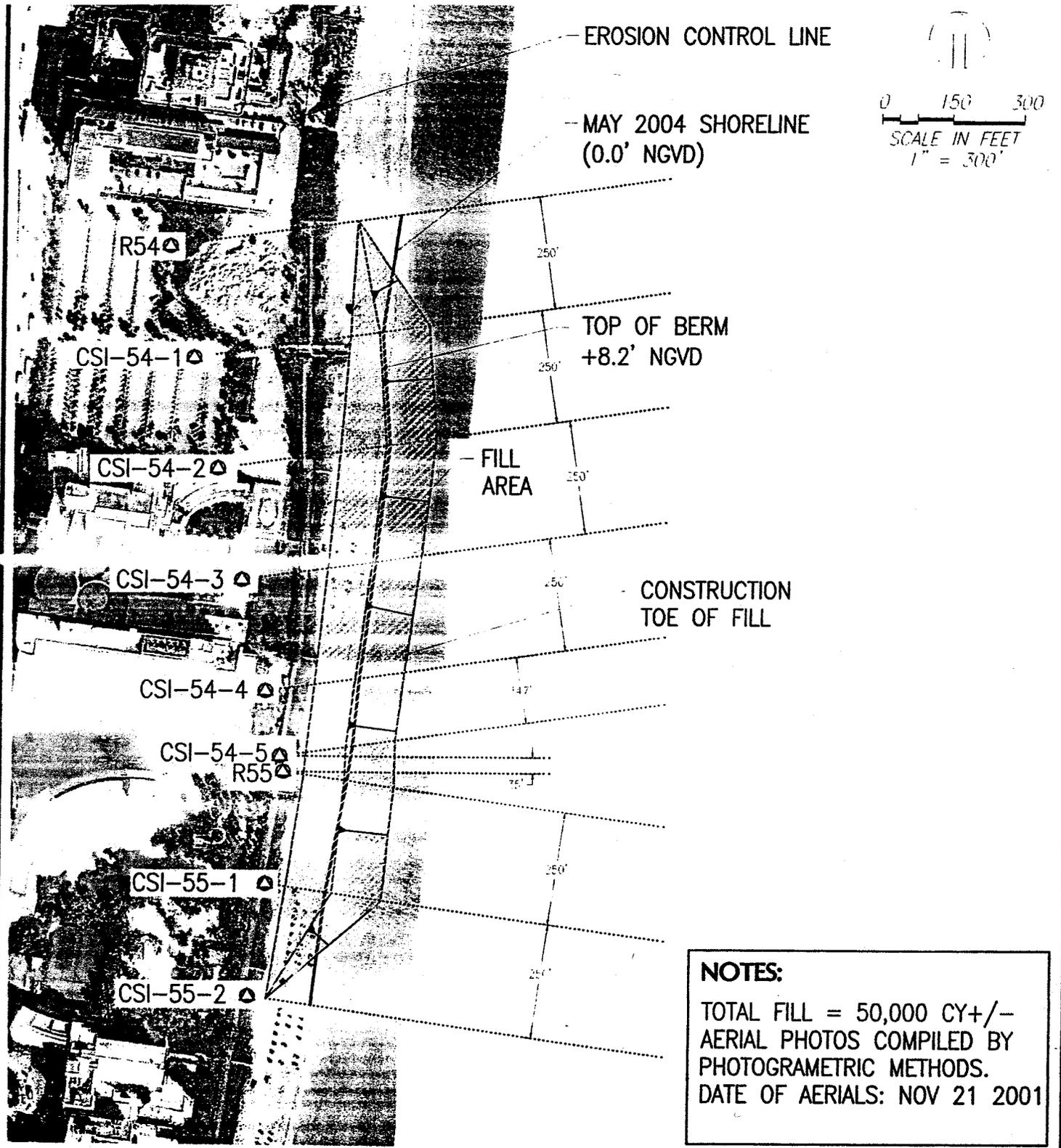
MIAMI-DADE COUNTY DERM
33 SW 32nd AVENUE, SUITE 400
MIAMI, FLORIDA 33130

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464 South Dixie Highway, Coral Gables, Florida, 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
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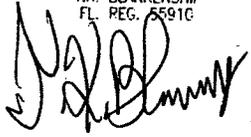
**MIAMI BEACH TRUCK HAUL NOURISHMENT
PROJECT - 27th STREET AREA**

TRANSECTS R-61 & CSI-61-1	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 5 OF 18

F:\Project\5686.06\Renourishment Project\Report\Figures\5686-06-FIG-06-254-R55.dwg



NOTES:
 TOTAL FILL = 50,000 CY+/-
 AERIAL PHOTOS COMPILED BY
 PHOTOGRAMMETRIC METHODS.
 DATE OF AERIALS: NOV 21 2001

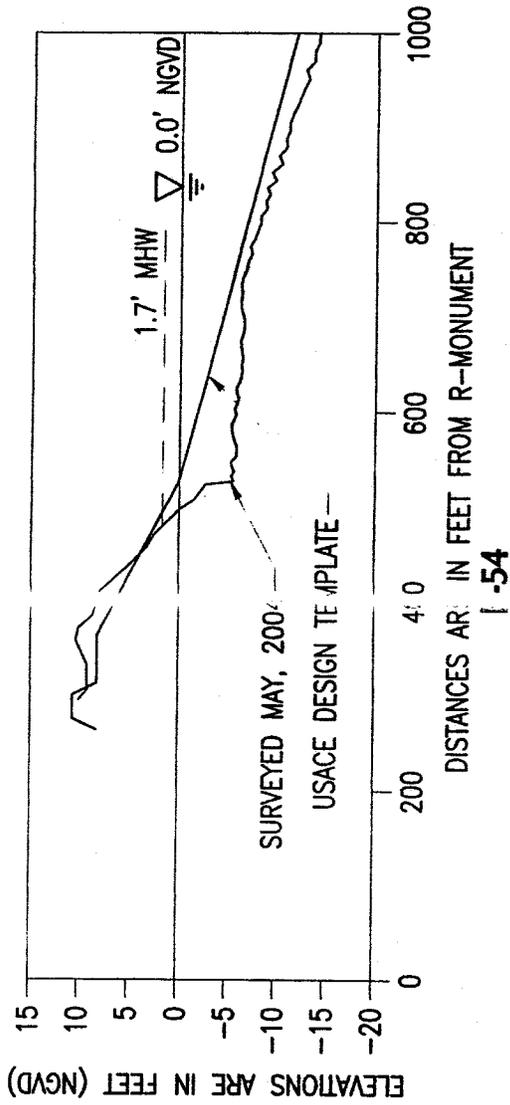
T.K. BLANKENSHIP
 FL. REG. 55910

 JUN 11 2004



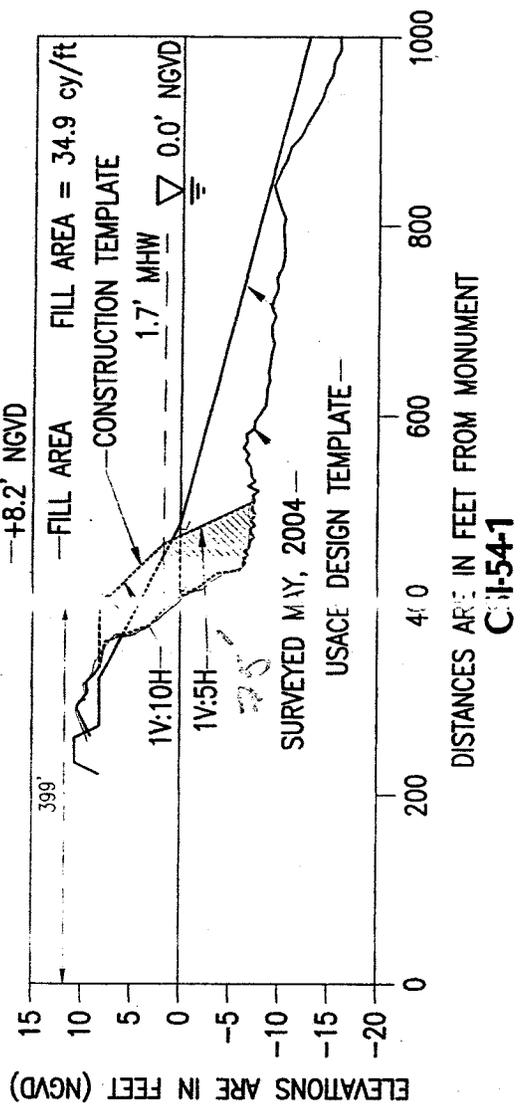
MIAMI-DADE COUNTY DERM
 33 SW 2nd AVE SUITE 400
 MIAMI, FLORIDA 33130

COASTAL SYSTEMS INTERNATIONAL, INC.
 464 South Dade Highway, Coral Gables, Florida 33146
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MIAMI BEACH	
TRUCK HAUL NOURISHMENT PROJECT	
44TH STREET AREA	
JOB: 5686.06	DATE: 06/09/04
BY: ACA	SHEET 6 OF 18



SCALE HOR. 1" = 200'
VERT. 1" = 20'



T.K. BLANKENSHIP
FL REG. 55910

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MIAMI-DADE COUNTY DERM

33 SW 32nd AVENUE, SUITE 400
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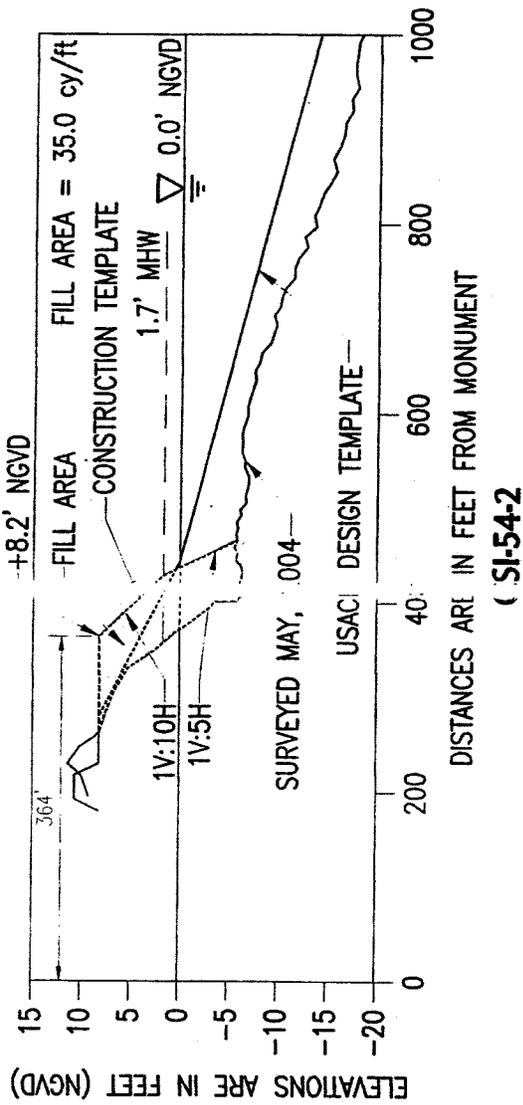
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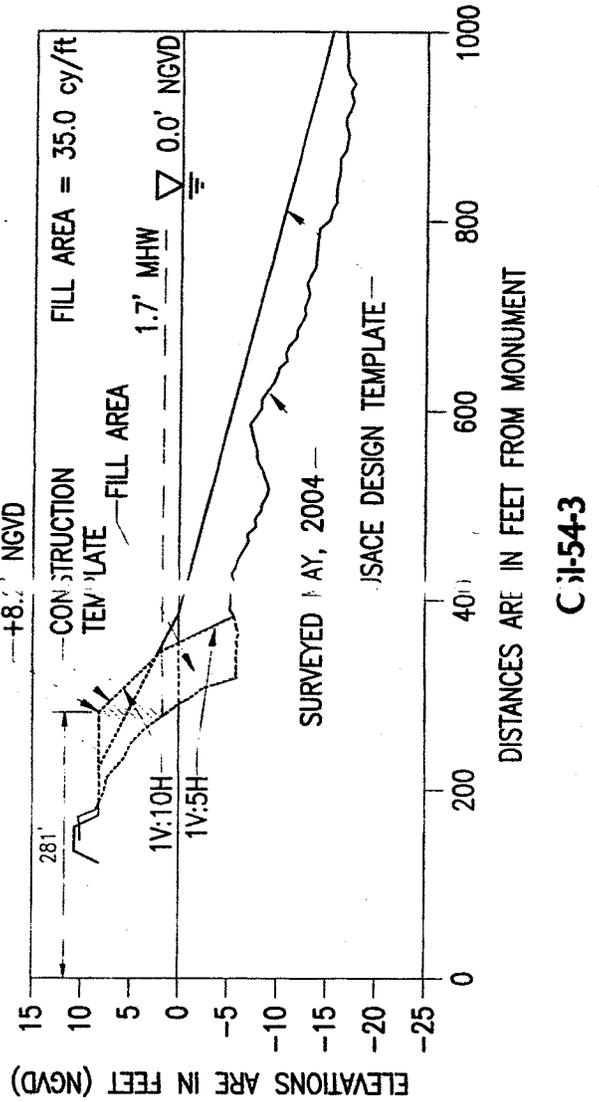
MIAMI BEACH TRUCK HAUL NOURISHMENT
PROJECT - 44th STREET AREA

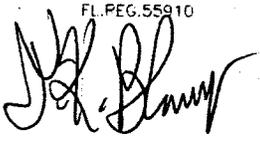
TRANSECTS R-54 & CSI-54-1

JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 7 OF 18



SCALE HOR. 1" = 200'
VERT. 1" = 20'



T.P. BLANKENSHIP
 FL.PEG.55910

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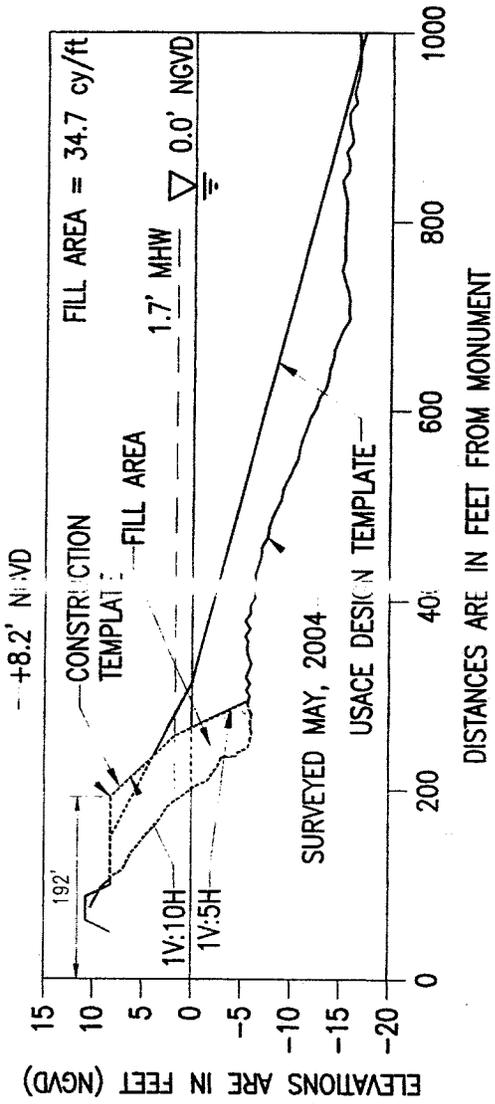
MIAMI-DADE COUNTY DERM
 33 SW 32nd AVENUE, SUITE 400
 MIAMI, FLORIDA 33130

COASTAL SYSTEMS INTERNATIONAL, INC.
 464 South Dixie Highway, Coral Gables, Florida 33146
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MIAMI BEACH TRUCK HAUL NOURISHMENT
 PROJECT - 44th STREET AREA

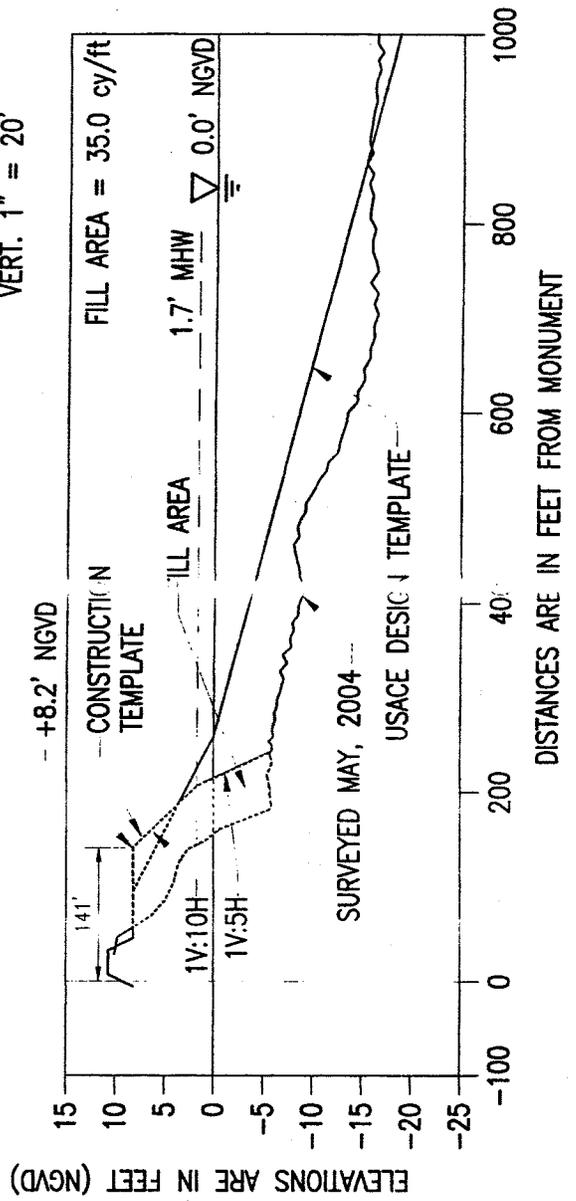
TRANSECTS CSI-54-2 & CSI-54-3

JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 8 OF 18



C-154-4

SCALE HOR. 1" = 200'
VERT. 1" = 20'



C-154-5

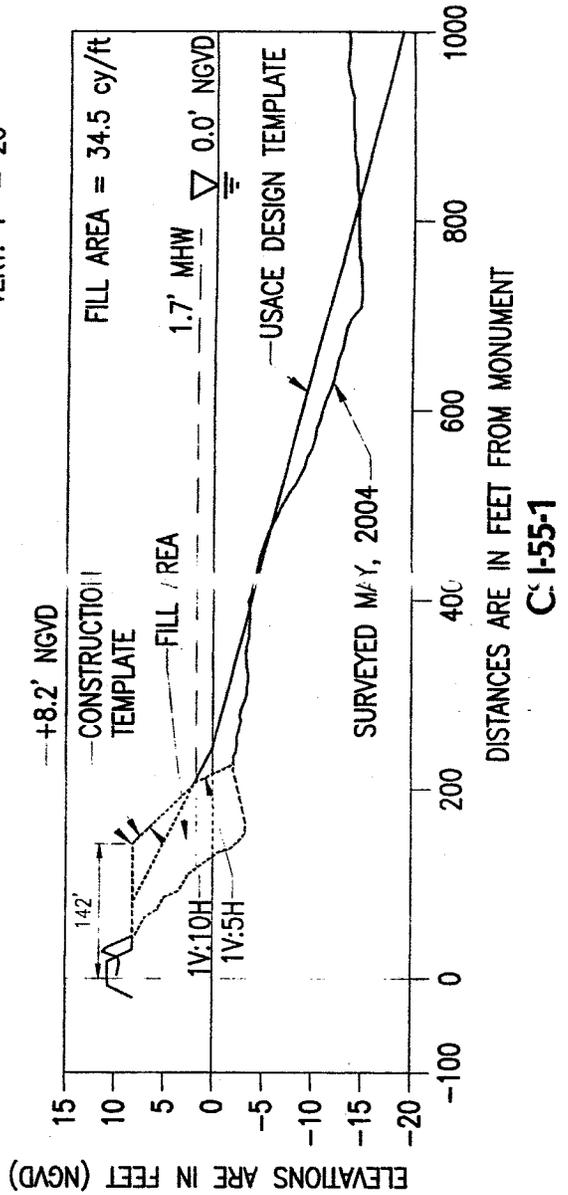
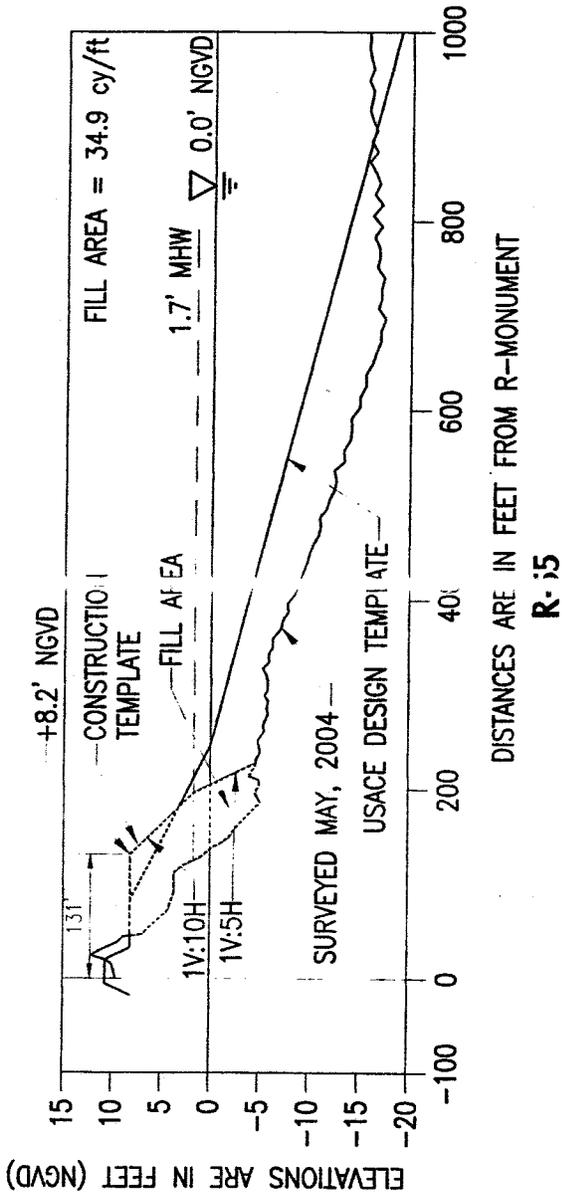
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FL REG. 55910
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MIAMI-DADE COUNTY DERM
33 SW 32nd AVENUE, SUITE 400
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MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT - 44th STREET AREA	
TRANSECTS CSI-54-4 & CSI-54-5	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 9 OF 18



T.K. BLANKENSHIP
FL REG. 55970

[Signature]

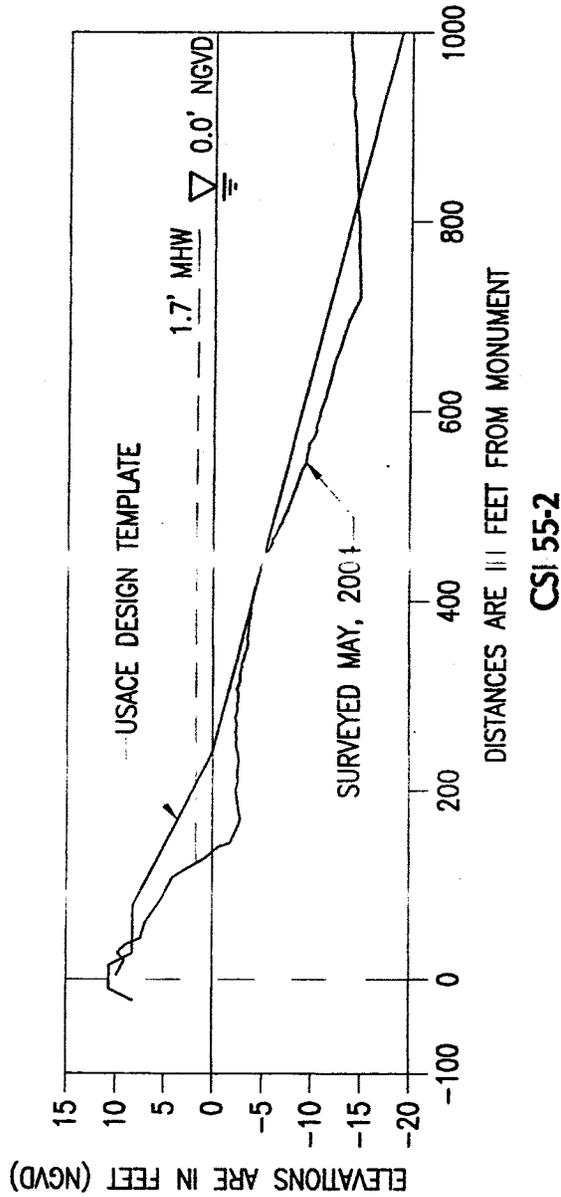
JUN 11 2004



MIAMI-DADE COUNTY DERM
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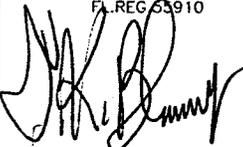
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Coastal, Environmental, Civil Engineering and Management

MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT - 44th STREET AREA	
TRANSECTS R-55 & C-155-1	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 10 OF 18



SCALE HOR. 1" = 200'
VERT. 1" = 20'

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Coastal, Environmental, Civil Engineering and Management

**MIAMI BEACH TRUCK HAUL NOURISHMENT
PROJECT - 44th STREET AREA**

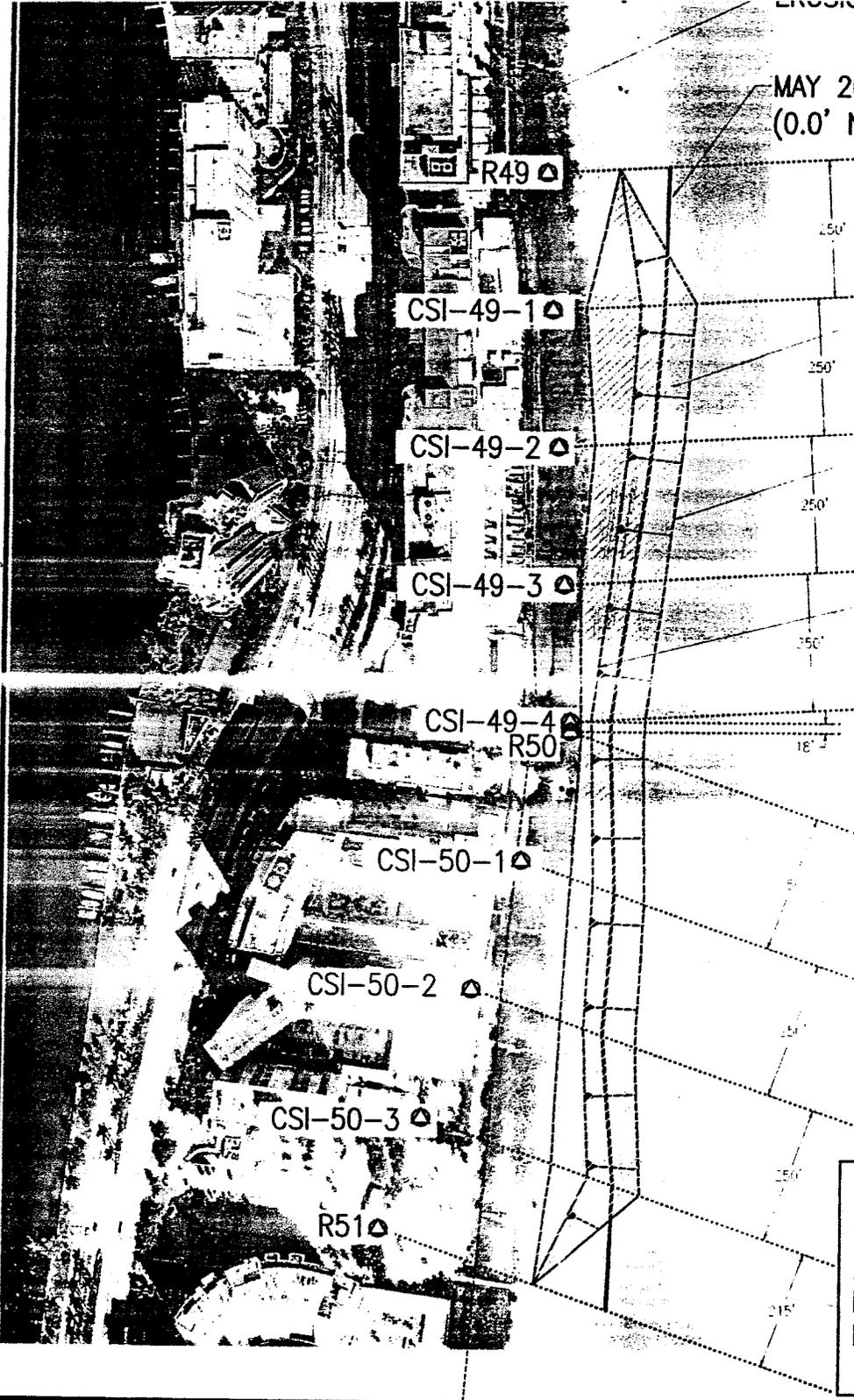
TRANSECT CSI-55-2	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 11 OF 18

F:\Project\5686.06\Renourishment Project\Report Figures\5686-06-FIG-1: R49-R51.dwg

EROSION CONTROL LINE

MAY 2004 SHORELINE
(0.0' NGVD)

0 150 300
SCALE IN FEET
1" = 300'



NOTES:

TOTAL FILL = 30,000 CY+/-
AERIAL PHOTOS COMPILED BY
PHOTOGRAMMETRIC METHODS.
DATE OF AERIALS: NOV 21 2001

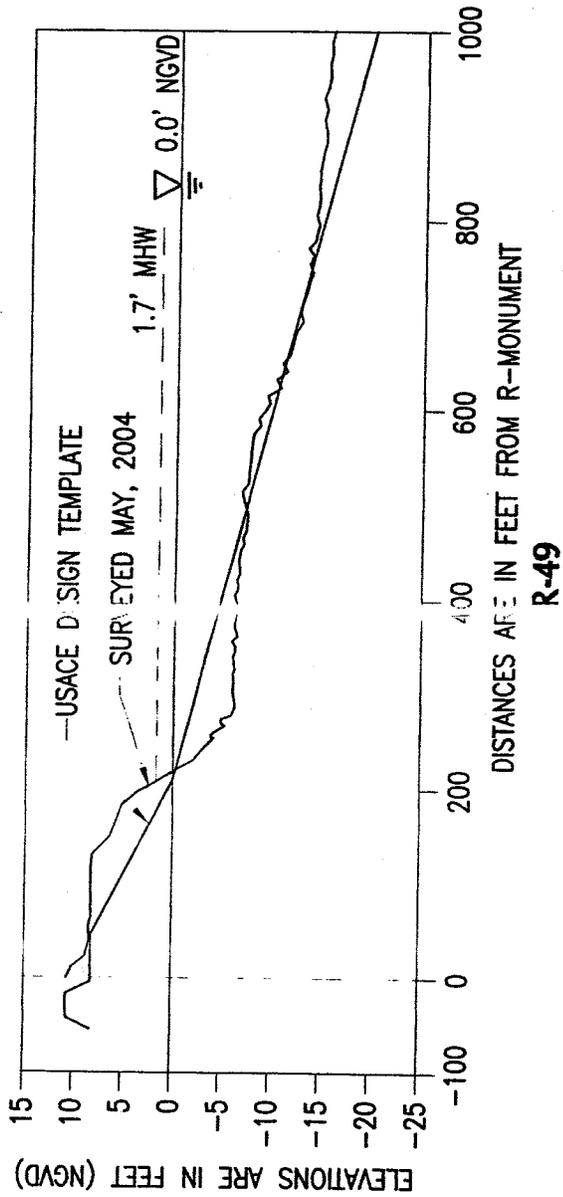
T.P. BLANKENSHIP
FL. REG. # 670
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JUN 11 2004



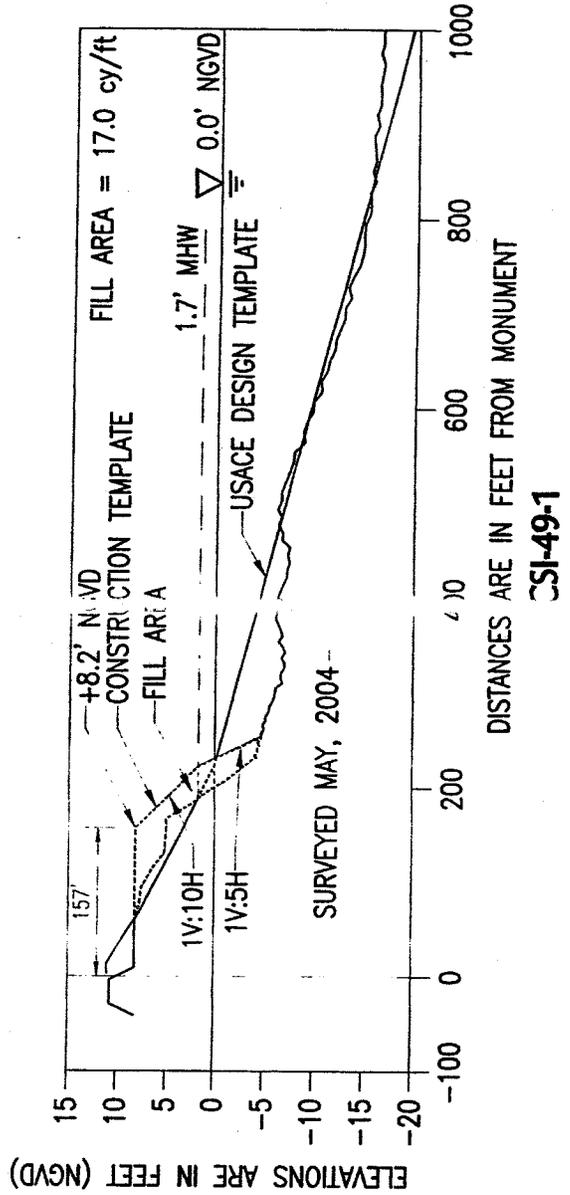
MIAMI-DADE COUNTY DERM
33 SW 2nd AVE SUITE 400
MIAMI, FLORIDA 33130

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464 South Dixie Highway, Coral Gables, Florida 33146
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Coastal, Environmental, Civil Engineering and Management

MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT	
55TH STREET AREA	
JOB: 5686.06	DATE: 06/09/04
BY: AGA	SHEET 12 OF 18



SCALE HOR. 1" = 200'
VERT. 1" = 20'



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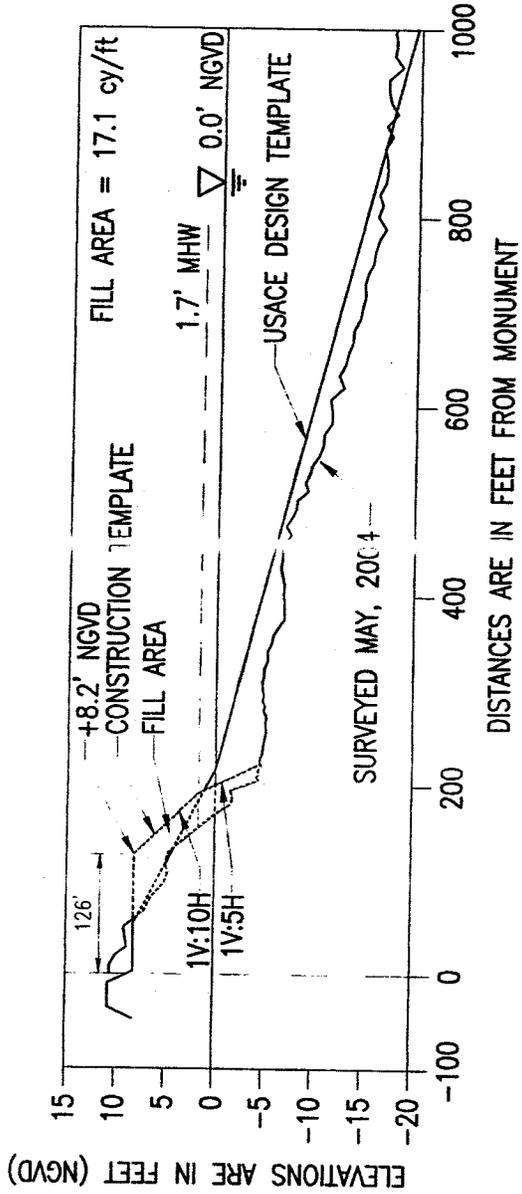
**MIAMI BEACH TRUCK HAUL NOURISHMENT
PROJECT - 55th STREET AREA**

TRANSECTS R-49 & CSI-49-1

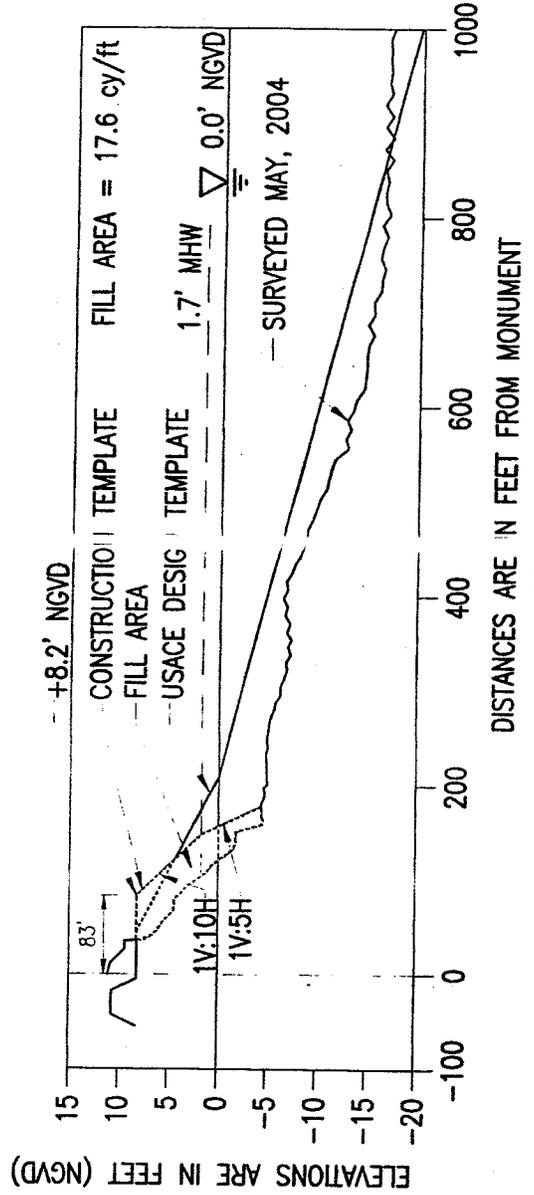
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 13 OF 18

T.F. BLANKENSHIP
FL REG. 55810
[Signature]
JUN 11 2004

34



SCALE HOR. 1" = 200'
VERT. 1" = 20'



T.K. BLANCHSHIP
FL REG. 55913

[Signature]

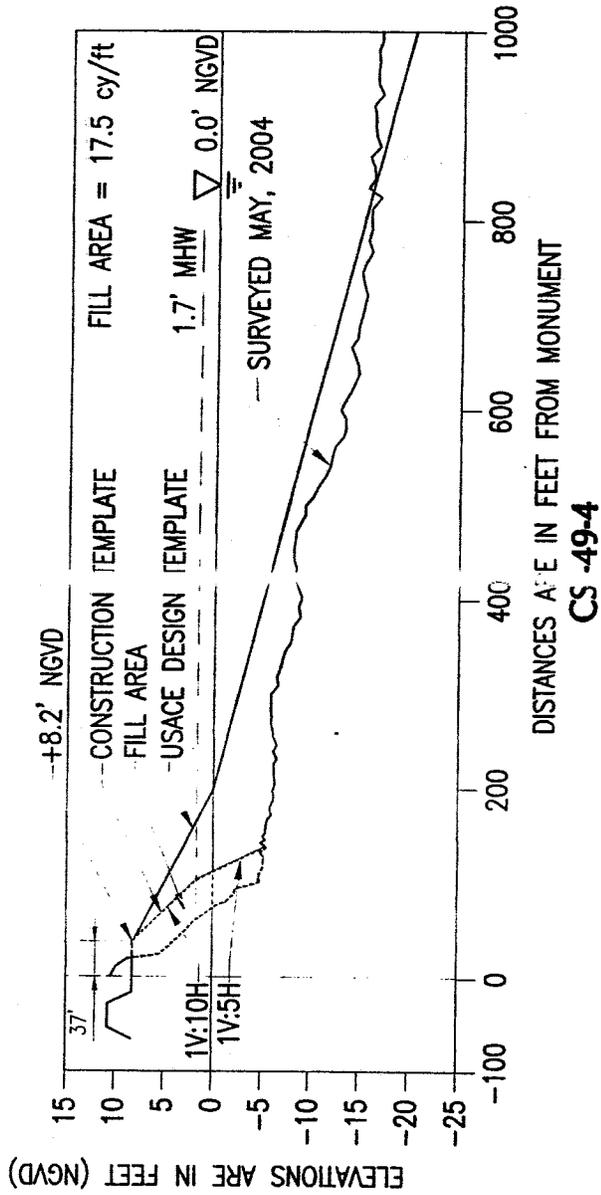
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MIAMI-DADE COUNTY DERM
33 SW 32nd AVENUE, SUITE 400
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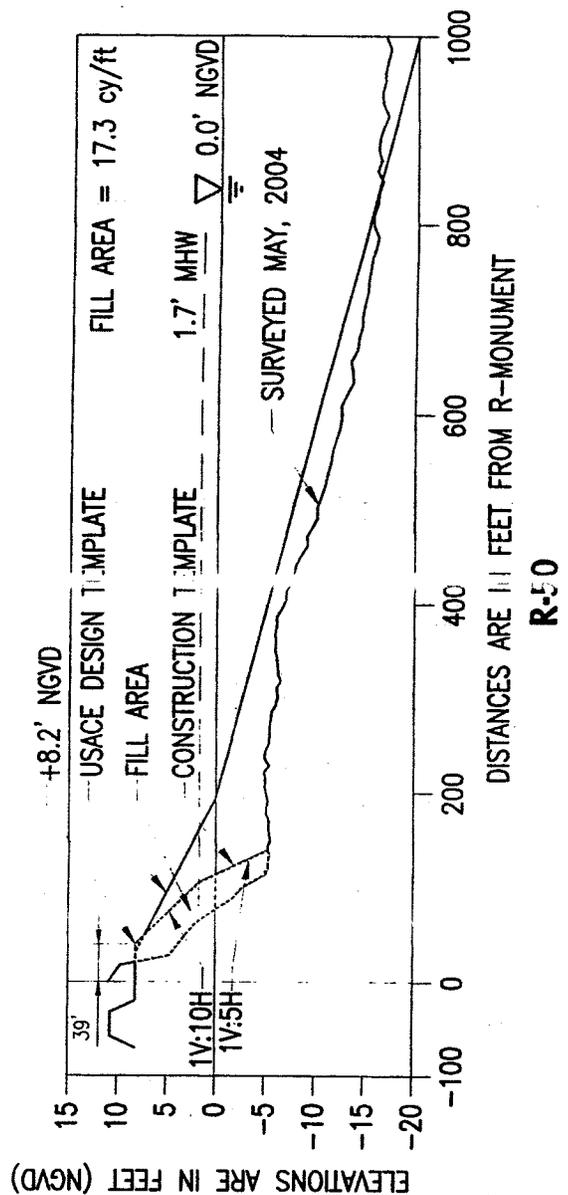


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MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT - 55th STREET AREA	
TRANSECTS CSI-49-2 & CSI-49-3	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 14 OF 18



SCALE HOR. 1" = 200'
VERT. 1" = 20'

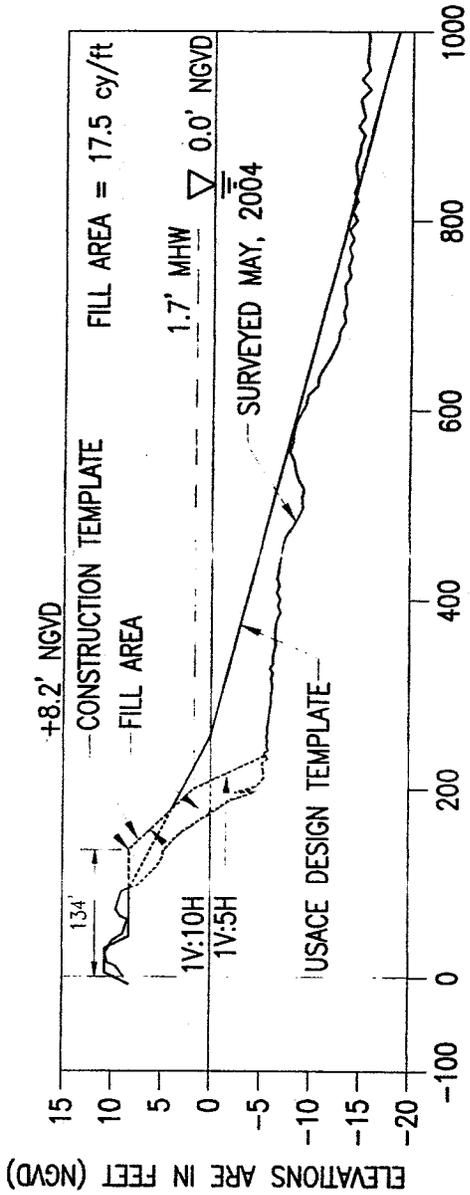


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33 SW 32nd AVENUE, SUITE 400
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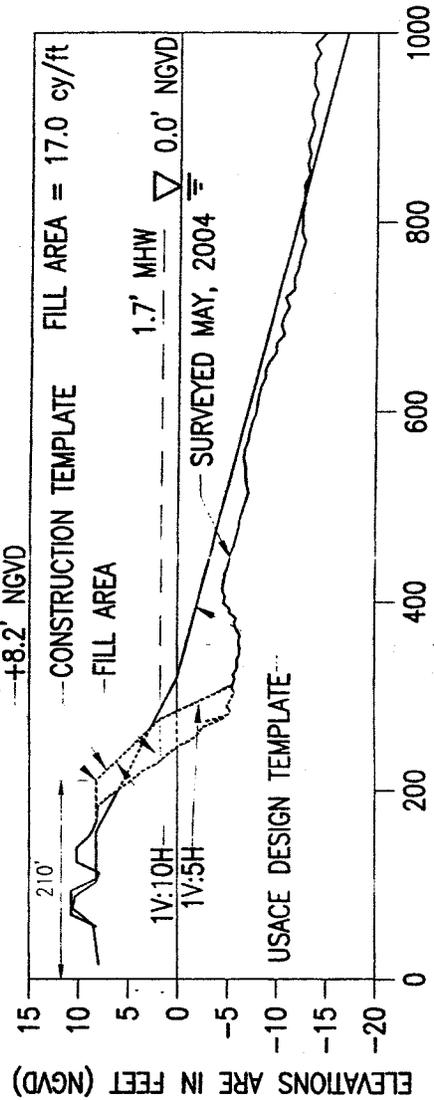
COASTAL SYSTEMS INTERNATIONAL, INC.
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MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT - 55th STREET AREA	
TRANSECTS CSI-49-4 & R-50	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 15 OF 18



DISTANCES ARE IN FEET FROM MONUMENT

CSI-50-1



DISTANCES ARE IN FEET FROM MONUMENT

CSI-50-2

T.F. BLANKENSHIP
FL REG. 56810

[Signature]

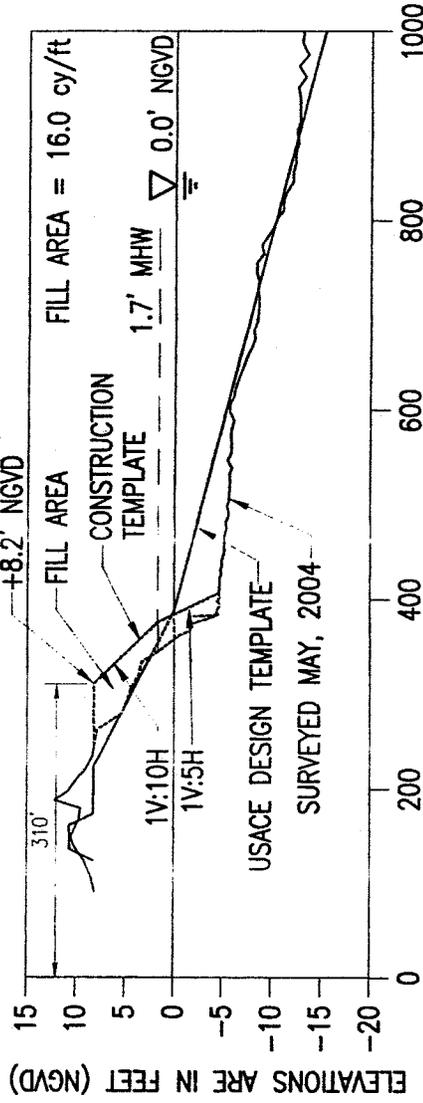
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MIAMI-DADE COUNTY DERM
33 SW 32nd AVENUE, SUITE 400
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Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
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Coastal, Environmental, Civil Engineering and Management

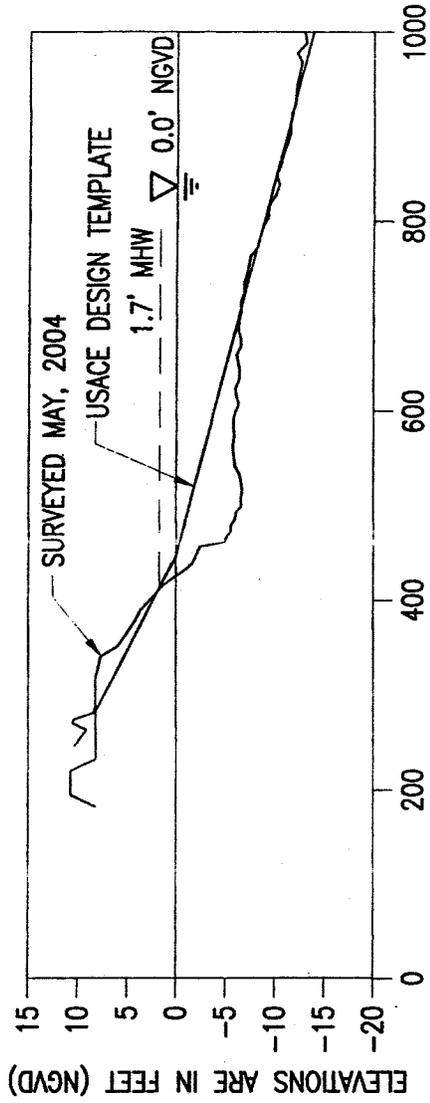
MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT - 55th STREET AREA	
TRANSECTS CSI-50-1 & CSI-50-2	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 16 OF 18



DISTANCES ARE IN FEET FROM MONUMENT

CSI-50-3

SCALE HOR. 1" = 200'
VERT. 1" = 20'



DISTANCES ARE IN FEET FROM R-MONUMENT

R-51

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MIAMI-DADE COUNTY DERM
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Coastal, Environmental, Civil Engineering and Management

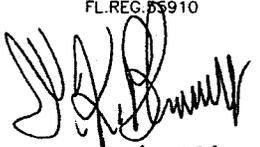
MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT - 55th STREET AREA	
TRANSECTS CSI-50-3 & R-51	
JOB: 5686.06	DATE: 06/09/04
BY: SR	SHEET 17 OF 18

GENERAL NOTES

1. PERMIT SET – REVIEW CONSTRUCTION PLANS AND SPECIFICATIONS PRIOR TO COMMENCING CONSTRUCTION ACTIVITY.
2. TOPOGRAPHIC AND BATHYMETRIC SURVEY DATA WAS OBTAINED BY COASTAL SYSTEMS INTERNATIONAL, INC. DURING FIELD WORK PERFORMED MAY 2004.
3. THE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEMS, NORTH AMERICAN DATUM 1927 (NAD 27), FLORIDA EAST ZONE (0901).
4. THE ELEVATIONS ARE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD 29).
5. MEAN HIGH WATER (MHW) IS 1.7' NGVD; MEAN LOW WATER (MLW) IS -0.8' NGVD. TIDAL DATUM INFORMATION BASED ON NOS TIDE STATION 8723178.
6. SAND TO BE PLACED UTILIZING LAND-BASED EQUIPMENT.
7. FILL SAND TO BE A COMBINATION OF BEACH SAND STOCKPILED BY THE CITY OF MIAMI BEACH AND FROM UPLAND SOURCES.
8. ALL FILL MATERIAL PLACED SHALL BE CLEAN BEACH COMPATIBLE SAND THAT IS SIMILAR TO THAT ALREADY EXISTING AT THE BEACH SITE IN BOTH COLORATION AND GRAIN SIZE DISTRIBUTION AND SUITABLE FOR MARINE TURTLE NESTING. ALL SUCH FILL MATERIAL SHALL BE FREE OF CONSTRUCTION DEBRIS, ROCKS, OR OTHER FOREIGN MATTER, AND SHALL NOT CONTAIN, ON AVERAGE GREATER THAT 10% FINES (i.e. SILT AND CLAY PASSING THE #200 SIEVE) AND SHALL BE FREE OF GRAVEL OR COBBLES.

F:\Project\5686.06\Renourishment Project\Report Figures\5686-06-profiles.dwg

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FL. REG. 55910



JUN 11 2004



MIAMI-DADE COUNTY DERM

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MIAMI BEACH TRUCK HAUL NOURISHMENT PROJECT	
GENERAL NOTES	
JOB: 5686.06	DATE: 06/09/04
BY: AGA	SHEET 18 OF 18

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Attachment D
Zoning Memorandum

Memorandum



Date: August 25, 2006

To: Luis C. Otero, Manager *LO*
Coastal Resources Section
Environmental Resources Management

From: Muriel M. Blaisdell, Biologist II *mb*
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County to Renourish Three (3) Segments of Eroded Beach on Miami Beach Through the Placement of 110,000 Cubic Yards of Beach Quality Fill

Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter will be submitted after approval by the Board of County Commissioners of Miami-Dade County and prior to issuance of the Class I Permit.

Attachment E

**Names and Addresses of Owners of All Riparian or Wetland
Property Within Three Hundred (300) Feet of the Proposed
Work**

Memorandum



Date: August 25, 2006

To: Luis C. Otero, Manager *LO*
Coastal Resources Section
Environmental Resources Management

From: Muriel M. Blaisdell, Biologist II *MB*
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County to Renourish Three (3) Segments of Eroded Beach Through the Placement of 110,000 Cubic Yards of Beach Quality Fill

All adjacent riparian or wetland property within 300 feet of the proposed work is owned by the State of Florida who has provided a Consent of Use for the proposed project.

Attachment F
FDEP Consent of Use



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

August 30, 2006

CERTIFIED - RETURN RECEIPT REQUESTED

Mr. Brian Flynn, Coastal Programs Administrator
Natural Resource Division
Miami-Dade County Department of Environmental Resources Management
33 SW 2nd Ave., Suite 300
Miami, FL 33128-1971

Joint Coastal Permit File No.: 0233882-001- JC
County: Miami-Dade County
Project Name: Miami-Dade Truck Haul Nourishment

Dear Mr. Flynn:

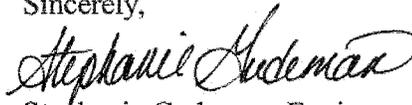
Enclosed is the Consolidated Notice of Intent to Issue Joint Coastal Permit and Authorization to use Sovereign Submerged Lands (File No. 0233882-001-JC). The draft permit is enclosed.

Pursuant to Section 373.413(4), F.S., and paragraph 62-312, F.A.C., you (the applicant) are required to publish at your own expense the enclosed notice of this Notice of Intent to Issue. The notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place.

The proof of publication shall be provided to the letterhead address (add Mail Station 300) within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit and consent to use sovereign submerged lands.

Please direct any questions regarding this document to me at Stephanie.Gudeman@dep.state.fl.us, the letterhead address (Mail Station 300) or by telephone at (850) 414-7798.

Sincerely,



Stephanie Gudeman, Environmental Specialist
Bureau of Beaches and Coastal Systems

Enclosures: Notice of Intent
Notice of Intent to Issue Publication
Draft Permit

Copies furnished to:

John Renfrow, Miami-Dade Co. DERM
Jorge M. Gonzalez, City of Miami Beach
Jordanna Rubin, City of Miami Beach
Robbin Trindell, FWC-ISMS
Melody Ray-Culp, USFWS, Vero Beach
Georgia Vince, DEP, SE District
Robert Brantly, BBCS-CE

Jennifer Koch, BBCS-CE
Junaid As-Salek, BBCS-CE
James LaGrone, BBCS-CE
Mark Taynton, BBCS-CCCL
Paden Woodruff, BBCS-BECP
Rebecca Roland, BBCS-BECP
Penny Cutt, USACOE-South Permits Branch
BBCS Permit File



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

In the Matter of an
Application for Permit/Water Quality Certification,
and Authorization to Use Sovereign Submerged Lands by:

APPLICANT:

Mr. Brian Flynn
Miami-Dade DERM
Office of the Director
33 SW 2nd Ave. Suite 1100
Miami, FL 33130

PROJECT NAME:

Miami Beach Truck Haul Nourishment

File No. 0233882-001-JC

County: Miami-Dade County

**CONSOLIDATED NOTICE OF INTENT TO ISSUE
JOINT COASTAL PERMIT AND AUTHORIZATION TO USE
SOVEREIGN SUBMERGED LANDS**

The Department of Environmental Protection gives consolidated notice of its intent to:

(a) issue a five-year joint coastal permit under Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.) for the activity described below (draft copy of permit attached). Issuance of the joint coastal permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341; and

(b) grant a letter of consent to use sovereign submerged lands for the proposed beach fill placement area, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, Title 18, F.A.C., and the policies of the Board of Trustees, as described below.

Where applicable (such as activities in coastal counties), issuance of the joint coastal permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, Miami-Dade County DERM, applied on June 22, 2004, to the Department of Environmental Protection for a permit/water quality certification and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). The proposed project is to nourish three segments of eroded shoreline with 110,000 cubic yards of sand obtained from either the Ortona Sand Mine or two approved upland construction stockpiles. The sand will be delivered to the proposed locations via truck-haul. The 27th Street segment (R-60 to R-61) is located at the southern end of the 32nd Street Breakwaters. This segment will receive approximately 30,000 cubic yards of beach compatible sand. The design berm template has a height of +8.2 NGVD. The slope from the top of berm to MHW will be 1:10 (vertical:horizontal) and then 1:5 (vertical:horizontal) from MHW to the construction toe of fill. The 44th Street segment (R-53.7 to R-55.5) will receive approximately 50,000 cubic yards of beach compatible sand. The berm height will be +8.2 NGVD and the slope from the berm to MHW will be 1:10 (vertical:horizontal) and 1:5 (vertical:horizontal) from MHW to the construction toe of fill. The 55th Street segment (R-48.7 to R-50.7) will receive approximately 30,000 cubic yards of beach compatible sand. The berm height will be +8.2 NGVD and the slope from the berm to MHW will be 1:10 (vertical:horizontal) and 1:5 (vertical:horizontal) from MHW to the construction toe of fill. Multiple nourishment events are authorized for all three segments during the life of this permit.

The nourishment sites are located in Miami Beach, Miami-Dade County. The 27th Street segment is located from FDEP monuments R-60 to R-61, Section 14, Township 53 South, Range 42 East. The 44th Street segment extends from R-53.7 to R-55.5, Section 23, Township 53 South, Range 42 East. The 55th Street segment extends from R-48.7 to R-50.7, Section 26, Township 53 South, Range 42 East. All three segments front the Atlantic Ocean, Class III Waters, not in Outstanding Florida Waters.

II. AUTHORITY FOR REVIEW

The Department has permitting authority under Chapter 161 and Part IV of Chapter 373, F.S., and Chapters 62B-41, 62B-49, 62-330, and 62-343, F.A.C. The activity qualifies for processing as a joint coastal permit pursuant to Sections 161.055 and 373.4145, F.S. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing this application.

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 62-343.075, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department has the responsibility to review and take final action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. General

Project Background

Miami-Dade 32nd Street Hotspot Breakwaters (JCP No. 0156710-001-JC)

The Department issued Joint Coastal Permit (JCP) No. 0156710-001-JC on March 12, 2001, for the construction of three shore-attached rubble mound breakwater structures located in the vicinity of DEP reference monument R-59, at the eastern end of 32nd Street in central Miami Beach. The objective of this project was to stabilize the erosional beach segment at 32nd Street without creating impacts to the downdrift beaches, which would require mitigation. To reduce downdrift impacts, the breakwater structures were pre-filled with approximately 110,000 cubic yards of sand from Lummus Park, located between DEP reference monuments R-67 and R-70. Breakwater construction was land-based, and fill relocation was accomplished via truck haul. Construction began in April 2002 and was completed in July 2002. The Breakwaters Project is part of the Miami-Dade Shore Protection Project that was initially constructed from 1975 to 1980, with a second phase occurring in 1988, to restore/nourish this segment of beach.

There were no hardbottom resources within the project vicinity, therefore no hardbottom or submerged resources would be adversely affected by the placement of the structures or the accretion of sand.

Subsequent to issuance of the permit there was a one-year delay in construction of the breakwaters, which resulted in increased erosion and recession along the shoreline. To compensate for the increased erosion, the breakwaters were constructed at a greater distance from the shoreline than originally proposed. Because of the alteration in construction plans, the volume of sand used to fill behind the structures increased from 60,000 cubic yards to 125,000

**Consolidated Notice of Intent to Issue
Miami Beach Truck Haul Nourishment
File No. 0233882-001-JC
Page 4 of 11**

cubic yards. The increased fill was approved under Minor Modification No. 0156710-003-JC (issued July, 18 2002).

The 15 month post-construction monitoring report indicated that the project was successful in maintaining a viable beach front at the erosional hotspot, although some downdrift effects were observed.

Physical monitoring of the 32nd Street Breakwaters was performed according to an approved *Monitoring and Mitigation Plan* to determine the effects of the project. The breakwater permit requires that periodic fill placement and structural adjustment (including removal) may occur as specified in the plan. The approved plan also detailed the reporting requirements for the project. If any profile is found to be deficient on two successive survey events, structure modification and/or additional fill placement may be required.

On March 15, 2005, the Department issued a Notice to Proceed (NTP) which allowed the placement of approximately 40,000 cubic yards of sand immediately south of the 32nd Street breakwaters between DEP reference monuments R-60 and R-61. The sand was truck hauled from the Ortona sand source in central Florida and from nearby construction sites. The use of the sand from nearby construction sites required approval following additional sediment analysis. The placed sand was graded to meet the minimum design requirements of the U.S. Army Corps of Engineers design template. The work was conducted under Permit No. 0156710-001-JC as mitigation for the erosional effects of the updrift breakwaters.

On February 28, 2006, Miami-Dade County requested a one year time extension of JCP No. 0156710-001-JC in order to have a permit under which mitigative placement of sand in the vicinity of the 32nd Street Breakwaters could occur until the issuance of JCP No. 0233882-001-JC, which is the subject of this document. The original expiration date for JCP No. 0156710-001-JC was March 9, 2006. Permit Modification 0156710-006-EM extended the expiration date until March 9, 2007. On June 30, 2006, the Department issued a Notice to Proceed (NTP) which allowed the additional placement of approximately 40,000 cubic yards of sand immediately south of the 32nd Street breakwaters between DEP reference monuments R-60 and R-61.

Central Miami Beach Truck Haul and Nourishment (JCP No. 0233882-001-JC)

On June 22, 2004, Miami-Dade County applied for a Joint Coastal Permit to nourish three eroded segments of the Miami-Dade County Shore Protection Project via truck haul. This project proposes to use approximately 110,000 cubic yards of sand from upland sources to nourish the three segments. This project authorizes nourishment in the area south of the 32nd Street Breakwater area (where some of the mitigation of the downdrift impacts from the breakwaters is required under the approved monitoring and mitigation plan for JCP No.

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Miami Beach Truck Haul Nourishment
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0156710-001-JC), at the erosional hotspot around 44th Street, and at the eroded section of the beach at 55th Street.

The 27th Street segment is located between DEP reference monuments R-60 and R-61 and has experienced short-term downdrift effects from the breakwater structures. This segment would receive approximately 30,000 cubic yards of beach compatible sand.

The 44th Street segment extends from DEP reference monuments R-53.7 to R-55.5, and would receive approximately 50,000 cubic yards of beach compatible sand. This segment is just north of the 32nd Street hotspot and was designated critically eroded in 1989. This area has been nourished numerous times, either by conventional dredging or emergency truck haul. The "Miami-Dade County Shoreline Modeling Final Report," submitted by Coastal Systems International, Inc., in 2004, indicated that placing fill immediately north of the hotspot would provide the greatest benefit to the area by nourishing the hotspot through end losses, and by allowing sand to bypass across the structures and minimize downdrift effects to the south.

The 55th Street segment is considered a new erosional hotspot and is located between DEP reference monuments R-48.7 and R-50.7. This area was nourished in 1980 and again in 1985 and was designated critically eroded in 1989. Over the past few years the established dune system has been degraded and escarpments have formed. This segment will receive approximately 30,000 cubic yards of beach compatible sand.

Sand Sources

Sand sources for the project will come from approved upland sources, which include upland quarries (Ortona Sand Mine) and native beach material from coastal construction projects on Miami Beach. These sources have been reviewed and approved by the Department. Should additional source material become available, the material would have to be submitted for review and the approved sediment QA/QC plan would have to be updated. The Ortona sand is 99% silica and 1% carbonate. The construction stockpile material is roughly 40% silica and 60% carbonate. The native Dade County beach material is 16% silica and 84% carbonate. Although the Ortona sand does not contain nearly the amount of carbonate as the native beaches in Dade County, this material maintains the general character and functionality of the material occurring in the beach and in the adjacent dune and coastal system, pursuant to Rule 62B-41.007 (2)(j), F.A.C. The Ortona sand has been used for several years as a source for this area.

Prior to each nourishment event, the geotechnical information for the sand source will be submitted as well as a sediment QA/QC plan for the specific placement event. Sand will be transported to the nourishment sites via truck haul, using street ends and public park accesses located from R-49 to R-61.

Listed Species and Project Related Impacts

There are no hardbottom resources within the project vicinity, therefore hardbottom and submerged resources will not be affected by the nourishment of the three segments of shoreline.

The shorebird nesting season generally is April 1st through September 1st, but some nesting may occur through the month of September. In addition, the imperiled snowy plover (*Charadrius alexandrinus*) may nest as early as February along the west coast and panhandle of Florida. The Florida Fish and Wildlife Conservation Commission has reviewed the project and provided specific permit conditions for the protection of shorebirds.

The listed turtle species most likely to be affected by the project are the three species of marine turtles found within the project area, the leatherback (*Dermochelys coriacea*), logger head (*Caretta caretta*), and green turtle (*Chelonia mydas*). The turtle nest density in this area is relatively low, measuring 15 nests/mile/year. The Florida Fish and Wildlife Conservation Commission has reviewed the project and provided specific permit conditions for the protection of nesting turtles, hatchlings, and foraging juvenile turtles.

Water Quality

During construction activities, turbidity will be monitored, although minimal water quality impacts are expected due to the sediment quality and the location of the sand placement.

Physical Monitoring

Monitoring for the 27th Street nourishment site will occur prior to construction, post-construction and at three, six, and nine months following construction for the first year, and on a yearly basis thereafter. Monitoring for the 44th Street nourishment site and the 55th Street nourishment site will occur pre-construction and post construction, then on a semi-annual basis thereafter. Routine surveys will be conducted until the Department determines there are no impacts, or until the Department and Miami-Dade County can develop an agreement for an acceptable management and maintenance plan. In addition to the routine surveys stipulated herein, the Department may require additional surveys following significant storm events.

**Consolidated Notice of Intent to Issue
Miami Beach Truck Haul Nourishment
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B. Specific Regulatory Basis for Issuance

Through the above and based on the general and specific conditions to the permit, the applicant has provided affirmative reasonable assurance that the construction of the activity, considering the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder. Specifically, construction of the activity will not result in violations of water quality standards, pursuant to Section 373.414(1), F.S., and set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. The applicant also has demonstrated that the construction of the activity is not contrary to the public interest, pursuant to Paragraph 373.414(1), F.S.

Furthermore, after considering the merits of the proposal and any written objections from affected persons, the Department finds that on compliance with the permit conditions, the activities indicated in the project description are of such a nature that they will result in no significant adverse impacts to the sandy beaches of the state; are not expected to adversely impact nesting sea turtles, their hatchlings, or their habitat; will not interfere, except during construction, with the use by the public of any area of the beach seaward of mean high water; and are appropriately designed in accordance with Rule 62B-41, F.A.C.

C. Specific Proprietary Basis for Issuance

Through the above and based on the general/limiting and specific conditions to the Letter of Consent the applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter(s) 253, associated Rule(s) 18-21, F.A.C., and the policies of the Board of Trustees. The applicant has provided reasonable assurance that the activity:

- (1) is "not contrary to the public interest";
- (2) will maintain essentially natural conditions;
- (3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- (4) will not interfere with the riparian rights of adjacent property owners.

In addition, the project is consistent with the goals and objectives of the "Conceptual State Lands Management Plan" adopted by the Board of Trustees on March 17, 1981, and modified on March 15, 1983.

IV. PUBLICATION OF NOTICE

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Section 373.413(4), F.S., and Paragraph 62-343.090(2)(k), F.A.C., you (the applicant) are required to publish at your own expense the enclosed notice of this Consolidated Notice of Intent to Issue. The notice is required to be published one time within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to:

Department of Environmental Protection
Bureau of Beaches and Coastal Systems
3900 Commonwealth Boulevard, Mail Station 300
Tallahassee, Florida 32399-3000

The proof of publication shall be provided to the above address within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit and the Letter of Consent to use sovereign submerged lands.

V. RIGHTS OF AFFECTED PARTIES

The Department will issue the permit (draft attached) and a Letter of Consent on unless a sufficient petition for an administrative hearing is timely filed pursuant to Sections 120.569 and 120.57, Florida Statutes, as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application.

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**Consolidated Notice of Intent to Issue
Miami Beach Truck Haul Nourishment
File No. 0233882-001-JC
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Under Rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (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 proceeding; and an

**Consolidated Notice of Intent to Issue
Miami Beach Truck Haul Nourishment
File No. 0233882-001-JC
Page 10 of 11**

- explanation of how the petitioner's substantial interests are or 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 disputed issues of material fact. If there are none, the petition must so indicate;
 - (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
 - (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
 - (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of 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 when the final order is filed with the Clerk of the Department.

**Consolidated Notice of Intent to Issue
Miami Beach Truck Haul Nourishment
File No. 0233882-001-JC
Page 11 of 11**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Michael R. Barnett, P.E., Chief
Bureau of Beaches and Coastal Systems

Attachments:

Notice of Intent Publication
Draft Permit 0233882-001-JC

Copies furnished to:

John Renfrow, Miami-Dade Co. DERM
Jorge M. Gonzalez, City of Miami Beach
Jordanna Rubin, City of Miami Beach
Robbin Trindell, FWC-ISMS
Melody Ray-Culp, USFWS, Vero Beach
Georgia Vince, DEP, SE District
Robert Brantly, BBCS-CE

Jennifer Koch, BBCS-CE
Junaid As-Salek, BBCS-CE
James LaGrone, BBCS-CE
Mark Taynton, BBCS-CCCL
Paden Woodruff, BBCS-BECP
Rebecca Roland, BBCS-BECP
Penny Cutt, USACOE-South Permits Branch
BBCS Permit File

FILING AND ACKNOWLEDGMENT

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



8/30/06

Deputy Clerk

Date

DRAFT

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Mr. Brian Flynn, Projects Administrator
Natural Resources Division
Miami-Dade County DERM
33 SW 2nd Avenue, Suite 300
Miami, Florida 33128-1971

PERMIT INFORMATION:

Permit Number: 0233882-001-JC
Issuance Date: XXX
Expiration Date: XXX
Project Name: Miami Beach Truck Haul
Nourishment
County: Miami-Dade

This 5-year permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

ACTIVITY DESCRIPTION:

The project is to nourish three segments of eroded shoreline with 110,000 cubic yards of sand obtained from either the Ortona Sand Mine or two approved upland construction stockpiles. The sand will be delivered to the proposed locations via truck-haul. The 27th Street segment (R-60 to R-61) is located at the southern end of the 32nd Street Breakwaters. This segment will receive approximately 30,000 cubic yards of beach compatible sand. The design berm template has a height of +8.2 NGVD. The slope from the top of berm to MHW will be 1:10 (vertical:horizontal) and then 1:5 (vertical:horizontal) from MHW to the construction toe of fill. The 44th Street segment (R-53.7 to R-55.5) will receive approximately 50,000 cubic yards of beach compatible sand. The berm height will be +8.2 NGVD and the slope from the berm to MHW will be 1:10 (vertical:horizontal) and 1:5 (vertical:horizontal) from MHW to the construction toe of fill. The 55th Street segment (R-48.7 to R-50.7) will receive approximately 30,000 cubic yards of beach compatible sand. The berm height will be +8.2 NGVD and the slope from the berm to MHW will be 1:10 (vertical:horizontal) and 1:5 (vertical:horizontal) from MHW to the construction toe of fill. Multiple nourishment events are authorized for all three segments during the life of this permit.

ACTIVITY LOCATION:

The nourishment sites are located in Miami Beach, Miami-Dade County. The 27th Street segment is located from FDEP monument R-60 to R-61, Section 14, Township 53 South, Range 42 East. The 44th Street segment extends from R-53.7 to R-55.5, Section 23, Township 53 South, Range 42 East. The 55th Street segment extends from R-48.7 to R-50.7, Section 26,

**Draft Joint Coastal Permit
Miami Beach Truck Haul Nourishment
Permit No. 0233882-001-JC
Page 2 of 16**

Township 53 South, Range 42 East. All three segments front the Atlantic Ocean, Class III Waters, not in Outstanding Florida Waters.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act. This permit also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the beach nourishment activity qualifies for a letter of consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

A copy of this authorization has been sent to the U. S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain authorization from the USACOE prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations

The above named permittee is hereby authorized to construct the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the General Conditions and Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If

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you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the plans and specification approved as a part of this permit, and all conditions and requirements of this permit. The permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to section 62B-49.008, Florida Administrative Code.
2. If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits which may be required by federal, state, local, special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State. The permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
6. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.

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7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

8. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.

10. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the State Historic Preservation Officer and the Bureau of Beaches and Coastal Systems.

11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specification, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on two copies of as-built drawings submitted to the Department.

SPECIFIC CONDITIONS:

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1. If historical or archaeological artifacts such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time within the project site, the permittee shall immediately stop all activities that disturb the soil and notify the Department's District Office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
2. All reports or notices relating to this permit shall be sent to the DEP, Bureau of Beaches and Coastal Systems, JCP Compliance Officer, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 (e-mail address: [JCP Compliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us)) and the DEP Southeast District Office, 400 N. Congress Ave., Suite 200, West Palm Beach, FL 33401.
3. No work shall be conducted under this permit until the permittee has received a written notice to proceed from the Department for each nourishment event. At least 45 days prior to the requested date of issuance of the notice to proceed, the permittee shall submit the following for review and approval by the Department:
 - a. The geotechnical information for the sand source;
 - b. A sediment QA/QC plan for the specific placement event.
4. At least 7 days prior to commencement of each nourishment event authorized by this permit, the permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with permittee's contractors, the engineer of record, and Department staff representatives. The permittee shall provide written notification, at least 14 days in advance of the meeting, to the following offices advising of the date, time, location, and teleconference number of the pre-construction conference.

DEP Bureau of Beaches & Coastal Systems
JCP Compliance Officer
Mail Station 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
phone: (850) 414-7716
fax: (850) 414-7725
e-mail: [JCP Compliance@dep.state.fl.us](mailto:JCPCompliance@dep.state.fl.us)

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DEP Southeast District Office
Submerged Lands & Environmental Resources
400 N. Congress Ave., Suite 200,
West Palm Beach, FL 33401.
(561) 681-6600

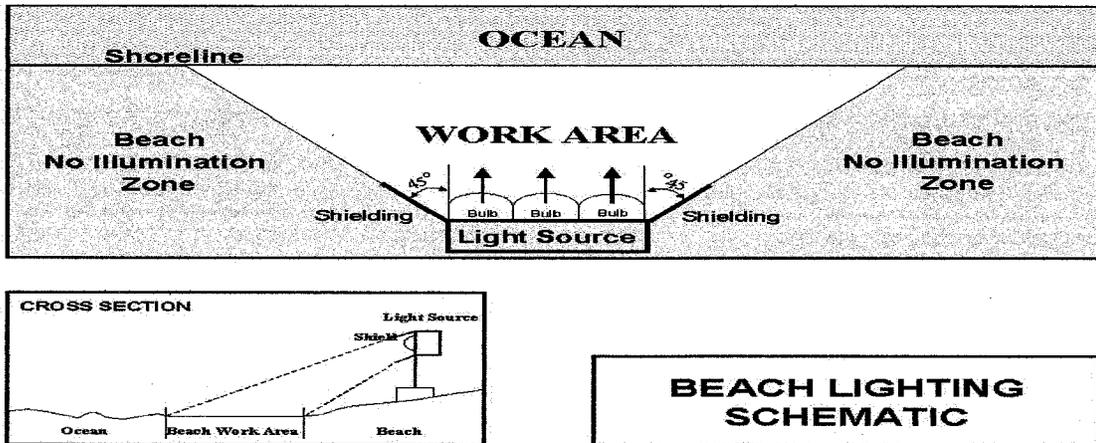
Imperiled Species Management Section
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
phone: (850) 922-4330
fax: (850) 921-4369

Marine Turtle Protection:

5. Beach placement and dune construction activities are authorized to occur on the nesting beach (seaward of existing coastal armoring structures or the dune crest) under the following conditions:
 - a. Fill material placed shall be sand that is similar to native beach in the vicinity of the site that has not been affected by prior restoration or nourishment activities. The fill material must be similar in both coloration and grain size distribution (sand grain frequency, mean and median grain size, and sorting coefficient), suitable for marine turtle nesting. Foreign matter, concrete, and other debris shall be removed from the sand prior to placement on the beach.
 - b. No truck-hauling of sand shall occur along the beach between sunset and sunrise.
 - c. Daily early morning surveys for marine turtle nests shall be required if any portion of the beach nourishment project occurs during the period from April 1 through November 30. Nesting surveys must be initiated 65 days prior to nourishment activities or by April 1, whichever is later. Surveys to assess hatchling success should continue until the last marked nest has hatched. If nests are constructed in areas where they could be affected by construction activities, eggs must be relocated per the following requirements.
 - i. All marine turtle nests in the proposed construction area that the marine turtle permit holder determines may be affected by the construction activities shall be moved no later than 9 a.m. in the morning following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. No restraining hatcheries shall be utilized unless authorized in writing by FWC.

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- ii. Loggerhead nests documented in any access areas outside the current beach and dune construction site shall be marked and left in place unless other factors threaten the success of the nest. Such nests will be marked and the actual location of the clutch determined. A circle with a radius of ten (10) feet, centered at the clutch or the apex of the false crawl, shall be marked by stake and survey tape or string.
 - iii. Nest inventories shall be conducted on all marked nests in accordance with FWC's Sea Turtle Protection Guidelines.
 - iv. No construction activity may commence until completion of the marine turtle survey and all nest protection measures each day.
 - v. It is the responsibility of the permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nesting surveys, nest relocations screening or caging activities etc. shall be conducted only by persons with prior experience and training in these activities and who is duly authorized to conduct such activities through a valid permit issued by the Fish and Wildlife Conservation Commission (FWC), pursuant to Florida Administrative Code 68E-1.
- d. From April 1 through November 1, staging areas for construction equipment shall be located off the beach. Nighttime storage of construction equipment or materials not in use shall be off the beach to minimize disturbance to sea turtle nesting.
- e. From April 1 through November 1, all project lighting shall be limited to the immediate area of active construction only and shall be the minimal lighting necessary to comply with U.S. Coast Guard and/or OSHA requirements. Stationary lighting on the beach and all lighting on the dredge shall be minimized through reduction, shielding, lowering, and appropriate placement of lights to minimize illumination of the nesting beach and water. Lighting on offshore equipment shall be minimized through reduction, shielding lowering, and appropriate placement of lights to avoid excessive illumination of the water, while meeting all U.S. Coast Guard and OSHA requirements (see figure).



- f. The beach surface shall be inspected subsequent to completion of the project and all tracks or impressions due to the project or movement of heavy equipment across the beach shall be removed or remediated.
- g. Reports on all nesting activity shall be provided to the FWC (with a copy sent to the JCP Compliance Officer) for the initial nesting season and for two additional nesting seasons if placed sand remains on the beach. Monitoring of nesting activity in the nesting seasons following construction shall include daily surveys and any additional measures authorized by the FWC. Reports submitted shall include daily report sheets noting all activity, nesting success rates, hatching success of all relocated nests, hatching success of a representative sampling of nests left in place (if any), dates of construction and names of all personnel involved in nest surveys and relocation activities. Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets). All reports should be submitted by January 15 of the following year.
- h. In the event a sea turtle nest is excavated during construction activities, all work shall cease in that area immediately and the permitted person responsible for egg relocation for the project should be notified so the eggs can be moved to a suitable relocation site.
- i. Immediately after completion of the each fill placement event and prior to April 15 for 3 subsequent years if placed sand still remains on the beach, the beach shall be tilled as described below or the applicant may follow the procedure outlined below to request a waiver of the tilling requirement. During tilling, at a minimum, the protocol provided below shall be followed.

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- i. The area shall be tilled to a depth of 24 inches. All tilling activity must be completed prior to May 1.
 - ii. An annual summary of compaction surveys and the actions taken shall be submitted to the FWC.
 - iii. If the project is completed just before the nesting season, tilling shall not occur in areas where nests have been left in place or relocated unless authorized by the U.S. Fish and Wildlife Service in an Incidental Take Statement.
 - iv. This condition shall be evaluated annually and may be modified if necessary to address sand compaction problems identified during the previous year.
- j. To request a waiver of the tilling requirement, the permittee may measure sand compaction in the area of restoration in accordance with a protocol agreed to by the FWC, the Department, the U.S. Fish & Wildlife Service, and the applicant to determine if tilling is necessary.
- i. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area) and one station shall be midway between the dune line and the high water line (normal wrack line).
 - ii. At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments.
 - iii. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports shall include all 18 values for each transect line, and the final 6 averaged compaction values.
 - iv. If the average value for any depth exceeds 500 psi for any two or more adjacent stations, then that area shall be tilled prior to April 15. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the FWC shall be required to determine if tilling is required. If a few

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values exceeding 500 psi are present randomly within the project area, tilling shall not be required.

- k. Visual surveys for escarpments along the beach fill area shall be made immediately after completion of the beach nourishment project and prior to May 1 for the following three years if placed sand still remains on the beach. All scarps shall be leveled or the beach profile shall be reconfigured to minimize scarp formation. In addition, weekly surveys of the project area shall be conducted during the two nesting seasons following completion of fill placement as follows.
 - i. The number of escarpments and their location relative to DNR-DEP reference monuments shall be recorded during each weekly survey and reported relative to the length of the beach surveyed (e.g., 50% scarps). Notations on the height of these escarpments shall be included (0 to 2 feet, 2 to 4 feet, and 4 feet or higher) as well as the maximum height of all escarpments.
 - ii. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet shall be leveled to the natural beach contour by April 15. Any escarpment removal shall be reported relative to R-monument.
 - iii. If weekly surveys during the marine turtle nesting season document subsequent reformation of escarpments that exceed 18 inches in height for a distance of 100 feet, the FWC shall be contacted immediately to determine the appropriate action to be taken. Upon written notification, the permittee shall level escarpments in accordance with mechanical methods prescribed by the FWC.
- l. The applicant shall arrange a meeting between representatives of the contractor, the Department, the FWC, and the permitted person responsible for marine turtle nest monitoring at least 30 days prior to the commencement of work on this project. At least 15 days advance notice shall be provided prior to conducting this meeting. This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures.
- m. Upon locating a dead, injured, or sick endangered or threatened sea turtle specimen, initial notification must be made to the FWC at 1-888-404-FWCC. Care should be taken in handling sick or injured specimens to ensure effective treatment and care and in handling dead specimens to preserve biological materials in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials

from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

- n. The following monitoring is required for beach restoration projects. Reports summarizing the nesting should be submitted to the Tequesta office with a copy to the Tallahassee office by January 15 of the subsequent year. Data for nesting activity on the nourished beach and on an equal length of beach that is not nourished shall be reported separately, and should include numbers of nests lost to erosion or washed out. Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets).

Characteristic	Parameter	Measurement	Variable
Nesting Success	False crawls - number	Visual assessment of all false crawls	Number and location of false crawls in fill areas and nonfill areas: any interaction of the turtle with obstructions, such as groins, seawalls, or scarps, should be noted.
	False crawl - type	Categorization of the stage at which nesting was abandoned	Number in each of the following categories: emergence-no digging, preliminary body pit, abandoned egg chamber.
	Nests	Number	The number of marine turtle nests in filled and nonfilled areas should be noted. If possible, the location of all marine turtle nests shall be marked on map of project, and approximate distance to sea walls or scarps measured using a meter tape. Any abnormal cavity morphologies should be reported as well as whether turtle touched groins, seawalls, or scarps during nest excavation
		Lost Nests	The number of nests lost to inundation, erosion or the number with lost markers that could not be found.
	Lighting Impacts	Disoriented sea turtles	The number of disoriented hatchlings and adults shall be documented and reported in accordance with existing FWC protocol for disorientation events.
Reproductive Success	Emergence & hatching success	Standard survey protocol	Numbers of the following: unhatched eggs, depredated nests and eggs, live pipped eggs, dead pipped eggs, live hatchlings in nest, dead hatchlings in nest, hatchlings emerged, disoriented hatchlings, depredated hatchlings

Shorebird Protection:

6. Shorebird surveys should be conducted by trained, dedicated individuals using accepted, appropriate ecological survey procedures. The shorebird nesting season generally is 1 April – 1 September, but some nesting may occur through September. In addition, the

imperiled snowy plover (*Charadrius alexandrinus*) may nest as early as February along the west coast and panhandle of Florida.

- a. Nesting season surveys shall begin on April 1 (or February 1 in snowy plover habitat) or 45 days prior to construction commencement, whichever is later, and be conducted daily throughout the construction period or through September if no shorebird nesting activity is observed.
 - b. For projects conducted in piping plover habitat, surveys to detect piping plovers or concentrations of other wintering or migratory shorebirds should begin 14 days prior to construction commencement and be conducted once every 2 weeks.
 - c. Each shorebird species observed, a rough estimate of numbers of each species, the location of the birds, and their activity (e.g., foraging, resting, nesting, courtship behavior) should be logged and reported to the FWC Regional Wildlife Diversity Conservation Biologist monthly.
7. Within the project area, the permittee shall establish a 300 ft-wide buffer zone around any location where shorebirds have been engaged in courtship or nesting behavior, or around areas where piping plovers occur or winter migrants congregate in significant numbers. Any and all construction activities, including movement of vehicles, should be prohibited in the buffer zone.
- a. The width of the buffer zone shall be increased if birds appear agitated or disturbed by construction or other activities in adjacent areas.
 - b. Site-specific buffers may be implemented upon approval by FWC as needed.
 - c. Designated buffer zones must be posted with clearly marked signs around the perimeter. These markings shall be maintained until nesting is completed or terminated, the chicks fledge, or piping plovers or winter migrants depart.
 - d. No construction activities or stockpiling of equipment shall be allowed within the buffer area.
 - e. FWC-approved travel corridors should be designated and marked outside the buffer areas. Heavy equipment, other vehicles, or pedestrians may transit past nesting areas in these corridors. However, other activities such as stopping or turning shall be prohibited within the designated travel corridors adjacent to the nesting site.

- f. Where such a travel corridor must be established within the project area it should avoid critical areas for shorebirds (known nesting sites, wintering grounds, FWC-designated Critical Wildlife Areas, and USFWS-designated critical piping plover habitat) as much as possible, and be marked with signs clearly delineating the travel corridor from the shorebird buffer areas described above.
 - g. To the degree possible, the permittee should maintain some activity within these corridors on a daily basis, without directly disturbing any shorebirds documented on site or interfering with sea turtle nesting, especially when those corridors are established prior to commencement of construction. Passive methods to modify nesting site suitability must be approved by the FWC Wildlife Diversity Conservation Biologist for that region.
8. If shorebird nesting occurs within the project area, a bulletin board will be placed and maintained in the construction area with the location map of the construction site showing the bird nesting areas and a warning, clearly visible, stating that “BIRD NESTING AREAS ARE PROTECTED BY THE FLORIDA THREATENED AND ENDANGERED SPECIES ACT AND THE FEDERAL MIGRATORY BIRD ACT”.

Physical Monitoring:

9. The monitoring program for the 27th Street segment will consist of a total of 26 profile lines. The profiles will be established at R-56, R57 and R-58. In addition, lines will be established approximately midway between R-58 and R-59 (referred to as R-58.5). In the immediate vicinity of the 32nd Street Breakwaters, and for the areas downdrift, a tighter line spacing will be required to insure the design beach is maintained throughout the project. Monitoring profiles are proposed at one hundred-foot intervals beginning with R-58, and extending to R-62 (designated as R58.6, R-58.7, etc.). Each of these monitoring profiles will extend from the Erosion Control Line (ECL) to a depth of -5.0 feet NGVD. To provide supplemental information on any effects of the breakwaters on the offshore profile, full survey profiles (to closure) will be conducted at 500' intervals within the proposed profile array pre-construction, immediately post-construction, and at one year intervals thereafter until such time the Department determines there are no impacts, or until such time as the Department and Miami-Dade County can develop an agreement for an acceptable management and maintenance plan.
10. The profile spacing for 44th and 55th Street Segments will be 500 feet throughout and 1,000 feet north and south of the fill areas. The surveys shall be conducted at 6-month intervals. For the 44th Street site, lines will be located from R53 through R56 at 500' intervals. For the 55th Street location, lines shall be established at from R48 through R52 at 500' intervals. All profiles shall be surveyed out to closure.

11. The 27th Street location surveys will be conducted quarterly for the first year. The first year of monitoring will include surveys immediately prior to construction, post-construction, and at 3, 6, and 9 months following completion. Monitoring profile lines between R-56 and R-62 will be surveyed to closure at 500' intervals (R-57, R-57.5, etc.) prior to construction, post-construction, and annually thereafter. For the 44th and 55th Street sites, surveys will be conducted at 6-month intervals. All profiles shall be surveyed out to closure.
12. In addition to these proposed routine survey intervals, additional survey events will be conducted following significant storm events. The threshold for initiating surveys following storm events will be established by the Department.
13. All data for the monitoring described above will be submitted to the Department in the standard DEP format, within 45 days after completion of the work. Additional reports evaluating storm effects shall be submitted if deemed necessary after consultation with the Department.

Sediment QA/QC:

14. A Quality Control Plan will be implemented pursuant to Rule 62841.008(1)(k)4.b., F.A.C., to insure that all sand delivered and placed on the beach meets the requirements of Rule 628-41.007(2)(j), F.A.C. To prevent possible hauling of non-compliant fill from the Ortona source, a representative will visually inspect the sand at the face of the mine before, and possibly while, the sand is being loaded for transport. If any sand delivered to the site from the Ortona source appears visually different in texture or color from sand meeting the specification, it will be segregated and not placed on the project site until analyses confirm its suitability.

Excavated sands will be screened prior to leaving the site to remove all materials greater than 3/4" and samples analyzed before it is trucked off the construction site at a rate of two samples for approximately every 1,000 tons. All screening of materials will take place west of the Coastal Construction Control Line. Samples will be processed to determine grain size distribution between Standard Sieve sizes 4 (4.76 mm) to 230 (0.625mm) and categorized as PASS or FAILED with regard to the sand specification. A minimum of fourteen sieve sizes spaced at one-half phi intervals will be used for each analysis. All analyses will be conducted through an existing open contract for geotechnical services between Miami-Dade County and Nutting Engineers of Florida, 8175 West 32nd Ave., Suite 2, Hialeah, Florida 33018 (Contact: Alex Montenegro at (305)824-0060).

The sampling plan to determine compliance with DEP Rules will include one sample per

1,000 tons of material placed or no more than every 100 linear feet of berm construction. Samples of at least 0.75 pounds will be collected by DERM personnel and delivered to the lab at least every other day. If non-compliant material is detected after placement, additional testing will be conducted to determine its extent, and all non-compliant fill will be removed prior to any additional placement. A complete set of sample results will be included in the Post-Construction Summary Report.

Water Quality Monitoring

15. The permittee shall monitor for Turbidity - Nephelometric Turbidity Units (NTUs) at the beach nourishment sites.

Frequency: Twice daily during placement operations at least 4 hours apart.

Location: Background: Mid-depth, at a point approximately 150 meters offshore and 500 meters upcurrent from the placement site, clearly outside of any turbidity generated by the project.

Compliance: Mid-depth, at a point approximately 150 meters offshore and no more than 150 meters downcurrent from the placement site, within the densest portion of any visible turbidity plume.

Weekly summaries of all monitoring data shall be submitted to the Bureau of Beaches & Coastal Systems (JCP Compliance Officer) and to the Southeast District Office within one week of collection, with documents containing the following information: (1) "Permit No. 0233882-001-JC"; (2) "Miami Beach Truck Haul Nourishment"; (3) dates and times of sampling and analysis; (4) a statement describing the methods used in collection, handling, storage and analysis of the samples; (5) a map indicating the sampling locations; and (6) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken: a) time of day samples taken; b) depth of water body; c) depth of sample; d) antecedent weather conditions; e) tidal stage and direction of flow; and f) wind direction and velocity and g) wave height.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the compliance sites are greater than 29 NTUs above the associated background turbidity levels, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.

PUBLIC NOTICE

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a joint coastal permit (File No. 0233882-001-JC) to Miami-Dade County DERM, c/o Mr. Brian Flynn, Coastal Programs Administrator, Natural Resources Division, 33 SW 2nd Avenue, Suite 300, Miami, Florida 33128-1971. The project is to nourish three segments of eroded shoreline in Miami Beach with 110,000 cubic yards of sand obtained from one or more upland sources. The sand will be delivered to the proposed locations via truck-haul. The 27th Street segment is located at the end of the southern most breakwater structure at approximately R-60 and extends south to R-61. This segment will receive 30,000 cubic yards of beach compatible sand. The 44th Street segment extends from R-53.7 to R-55.5. This segment will receive 50,000 cubic yards of beach compatible sand. The 55th Street segment extends from R-48.7 to R-50.7. Monitoring will be performed to determine the effects of the project. Periodic fill placement may occur as specified in the monitoring plan.

The nourishment sites are located in Miami Beach, Miami-Dade County. The 27th Street segment is located from FDEP monuments R-60 to R-61, Section 14, Township 53 South, Range 42 East. The 44th Street segment extends from R-53.7 to R-55.5, Section 23, Township 53 South, Range 42 East. The 55th Street segment extends from R-48.7 to R-50.7, Section 26, Township 53 South, Range 42 East. All three segments front the Atlantic Ocean, Class III Waters, not in Outstanding Florida Waters.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at

the discretion of the presiding judge upon the filing of a motion in compliance with rule 28-106.205, F.A.C.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (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 proceeding; and an explanation of how the petitioner's substantial interests are or 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 disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C. Under sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of 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 when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201. The "NOTICE OF INTENT TO ISSUE JOINT COASTAL PERMIT" and the "DRAFT JOINT

COASTAL PERMIT" can be viewed at the Department's Internet Web site at:
<http://www.dep.state.fl.us/beaches/permitting/permits.htm>

Attachment G
DERM Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. CC05-040

**MIAMI-DADE COUNTY TO RENOURISH THREE (3) SEGMENTS OF ERODED
BEACH THROUGH THE PLACEMENT OF 110,000 CUBIC YARDS OF FILL**

Date: August 25, 2006

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-48.3 of the Code of Miami-Dade County, Florida. The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The potential for any adverse environmental impact from the proposed project is minimal.
2. **Potential Cumulative Adverse Environmental Impact** – Not applicable.
3. **Hydrology** - The proposed project will not adversely affect existing patterns or volumes of flow in the area.
4. **Water Quality** – The proposed project is expected to affect surface water quality, however these impacts will be temporary in nature and will be minimized to the maximum extent practicable by the implementation of proper turbidity control devices. Minor increases in turbidity above background levels may occur during fill placement directly in the water. However, because the sand is expected to have a low silt content, less than two percent (<2%), it will be placed on the beach dry, therefore, little to no turbidity is expected. The Class I Permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during the filling operations.
5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The proposed project is designed to be aesthetically compatible with the surrounding area. Specifically, the beach renourishment is designed to enhance an existing beach by restoring the eroded beach areas.
9. **Navigation** - The proposed project will not adversely affect navigation.
10. **Public Health** - The proposed project will not adversely affect the public health.
11. **Historic Values**- The proposed project is not expected to adversely affect historic values.
12. **Archaeological Values** - The proposed project is not expected to adversely affect archaeological values.
13. **Air Quality** – The proposed project is not expected to adversely affect air quality.
14. **Marine and Wildlife Habitats**– The proposed areas of beach renourishment do not contain any significant hard bottom, seagrass/algal communities or other significant benthic communities.

Please refer to Number 18 below for an evaluation of the proposed project's effects on sea turtle nesting habitat.

15. **Wetland Soils Suitable for Habitat** - The proposed project does not involve any work in wetland soils.
16. **Floral Values** –The proposed project will not adversely affect the marine flora. There are no seagrass resources located in the proposed project locations.
17. **Fauna Values** - The proposed project will disturb marine fauna. Specifically, marine epifauna and infauna will be temporarily impacted from the placement of the sand. However, these impacts are temporary in nature and suitable marine habitat will be available for the re-establishment of marine fauna. Additionally, the project is not expected to adversely affect manatees or sea turtles as outlined in Number 18 below.
18. **Rare, threatened and Endangered Species** – The proposed project is not expected to adversely affect any rare, threatened or endangered species. The U.S. Fish and Wildlife Service (USFWS) in their Biological Opinion letter concluded that the proposed project is not likely to jeopardize the continued existence of the loggerhead, leatherback, green, hawksbill, and Kemp's ridley sea turtles and it is not likely to destroy or adversely modify designated critical habitat. In addition, the proposed project areas are not located within critical habitat of the West Indian Manatee (*Trichechus manatus*) and no endangered seagrasses were found in these areas during the biological assessment. The Class I Permit will require that all dredging activities be coordinated with the USFWS and the Miami-Dade Park and Recreation Department's Sea Turtle Nesting and Relocation Program. Ultimately this project will result in an increase in habitat suitable for nesting of sea turtles.
19. **Natural Flood Damage Protection** - The proposed project will not decrease the amount of natural flood damage protection.
20. **Wetland Values** - The proposed project will not result in any net loss of wetland values in Miami-Dade County.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I Permit.
22. **Recreation** - The proposed project does not conflict with the Miami-Dade County Comprehensive Development Master Plan and Biscayne Bay Management Plan recreation elements.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is expected to enhance the dune system, provide enhanced public amenities due to the increase in available recreational beach area, provide enhanced protection to upland structures during severe storm events, and provide additional sea turtle nesting habitat.

Furthermore, since this project will occur over state-owned submerged lands, the Florida Department of Environmental Protection has granted a Consent of Use to Miami-Dade County to conduct the proposed work.

24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:

- Miami-Dade County Public Works Manual
- Biscayne Bay Management Plan (Section 33D-1 through 33-D-4)
- Chapter 33B of the Code of Miami-Dade County

25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project will result in neither adverse environmental impacts nor cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.

26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:

- Biscayne Bay Aquatic Preserve Act
- Federal Endangered Species Act (US Fish & Wildlife Service)
- Florida Department of Environmental Protection Regulations
- United States Clean Water Act (Army Corps of Engineers Permit)
- Chapter 24 of the Code of Miami-Dade County
- Rules of the South Florida Water Management District
- Basis of Review for Surface Water Management Permit Applications Within the South Florida Water Management District

27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of DERM, the proposed project is in conformance with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 2/Policy 2A - Level of Service. The proposed project does not involve new or significant expansion of existing urban land uses.

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The proposed project is consistent with the Conservation and Coastal Management Elements of the CDMP and will enhance protected natural resources and systems. The proposed project is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

TRANSPORTATION ELEMENT II

Aviation Subelement/Objective 9 - Aviation System Expansion - There is no aviation element to the proposed project.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River and adjacent land uses.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area and does not involve agricultural uses.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project will not adversely affect water storage, aquifer recharge potential or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria. - The proposed project will provide enhanced flood protection from storm events through the restoration of the beach and dune system.

Objective 6/Policy 6A - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

Objective 6/Policy 6D - Suitable fill material for the support of development. - The proposed project does not involve the removal of any fill appropriate for the support of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. - The proposed project will not result in a net loss of high quality wetlands.

Objective 9/Policies 9A, 9B, 9C - The proposed project is not expected to adversely affect any rare, threatened or endangered species. The U.S. Fish and Wildlife Service (USFWS) in their Biological Opinion letter concluded that the proposed project is not likely to jeopardize the continued existence of the loggerhead, leatherback, green, hawksbill, and Kemp's ridley sea turtles and it is not likely to destroy or adversely modify designated critical habitat. In addition, the proposed project areas are not located within critical habitat of the West Indian Manatee (*Trichechus manatus*) and no endangered seagrasses were found in these areas during the biological assessment. The Class I Permit will require that all dredging activities be coordinated with the USFWS and the Miami-Dade Park and Recreation Department's Sea Turtle Nesting

and Relocation Program. Ultimately this project will result in an increase in habitat suitable for nesting of sea turtles.

COASTAL MANAGEMENT ELEMENT IX:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – There are no mangroves in the project area and the project is not located within a designated “Mangrove Protection Area.”

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The project will not affect natural surface flow into and through coastal wetlands.

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The project does not involve access through a Mangrove Protection Area.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, coastal hammock, or other natural vegetational communities.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – There are no tidally connected emergent wetlands within or adjacent to the project area.

Any impacts not contemplated and approved herein may require an additional approval from the Board of County Commissioners and may require additional restoration, mitigation, and monitoring requirements.

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. The proposed project has been designed to minimize impacts to viable benthic communities. The proposed filling work as related to the beach renourishment project is consistent with three of the dredge and fill criteria listed in Section 24-48.3(2) of the Code of Miami-Dade County, Florida. No other filling of grass/algal flats, hard bottom or other viable benthic communities is proposed with this project.

Objective 2/Policies 2A, 2B - Beach restoration and renourishment objectives. - The proposed beach renourishment project has been designed and will be managed to minimize impacts to offshore seagrass beds and dune vegetation as described in Evaluation Factors #14 and #16 above.

Objective 3/Policy 3E, 3F - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The proposed project does not involve the development or identification of new cut or spoil areas.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project will enhance existing water-dependent uses associated with a beach.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The proposed project does not require review by the Shoreline Development Review Committee.

Objective 5/Policy 5F - The siting of water dependent facilities. - The proposed project does not involve the creation of any new water dependent facilities.

28. **Conformance with Chapter 33B, Miami-Dade County Code** (East Everglades Zoning Overlay Ordinance) – Not applicable.
29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Section 33D-1 through 33D-4) - The proposed project is not located within Biscayne Bay.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The project area is not located within critical habitat for the West Indian Manatee (*Trichechus manatus*).
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – Not applicable.
32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I Permit.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not expected to impact wetland hydrological and biological functions.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – DERM has considered the following factors:
 - i) **Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources** – Not applicable.
 - ii) **Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel** – Not applicable.
 - iii) **Whether the applicant has provided notarized letters of consent to DERM from adjoining riparian property owners** – Not applicable.
 - iv) **Whether any letters of objection from adjoining riparian property owners were received by DERM** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Section 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

24-48.3 (2) Dredging and Filling for Class I Permit - The proposed project complies with the following criteria:

- Minimum dredging and spoiling for public navigation or public necessity.
- An alteration of physical conditions as may be necessary to enhance the quality or utility of adjacent waters.
- A physical modification necessary to protect public or private property.

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County - The proposed project does not involve the construction of docks and piers for mooring purposes.

24-48.3 (4) Clean Fill in Wetlands – The proposed project involves the placement of beach quality fill material on three segments of eroded beach. All the fill proposed for this project meets the definition of clean fill as described in Section 24-5 of the Code of Miami-Dade County

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS I PERMIT BE APPROVED.



Luis C. Otero, Manager
Coastal Resources Section



Muriel M. Blaisdell, Biologist II
Coastal Resources Section