Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2009

Agenda Item No. 5(D)

To: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

From: George M. Burgess, County Manager

Subject: Class I Permit Application by the Florida Gas Transmission Company, LLC, to Protect and Cover 2,200 Linear Feet of Submerged Natural Gas Pipeline Segments Through the Placement of Geotextile Fabric and Concrete Mats, and to Place 29 Cubic Yards of Clean Fill Along 2,533 Square Feet of Submerged Land for Seagrass Restoration within Biscayne Bay

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Attached, please find for your consideration an application by the Florida Gas Transmission Company, LLC 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 Class I permit.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: August 7, 2009

To: George M. Burgess
County Manager

From: Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Class I Permit Application by the Florida Gas Transmission Company, LLC, to Protect and Cover 2,200 Linear Feet of Submerged Natural Gas Pipeline Segments Through the Placement of Geotextile Fabric and Concrete Mats, and to Place 29 Cubic Yards of Clean Fill Along 2,533 Square Feet of Submerged Land for Seagrass Restoration within Biscayne Bay

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Recommendation
I have reviewed the attached Class I permit application by the Florida Gas Transmission Company, LLC. Based upon the applicable evaluation factors set forth in Chapter 24-48.3 of the Code of Miami-Dade County, Florida, I recommend that the Board of County Commissioners (BCC) approve the issuance of a Class I permit for the reasons set forth below.

Scope
The project sites span Commission District 3 (Comm. Edmonson), Commission District 4 (Comm. Heyman), Commission District 5 (Comm. Barreiro), and Commission District 7 (Comm. Gimenez) in Biscayne Bay.

Fiscal Impact/Funding Source
Not Applicable

Track Record/Monitor
Not Applicable

Background
The subject Class I permit application involves the placement of geotextile fabric and concrete mats to protect and cover two thousand two hundred (2,200) linear feet of submerged natural gas pipeline segments within Biscayne Bay in the City of Miami and the City of Miami Beach, Miami-Dade County, Florida. To mitigate for environmental impacts associated with the placement of the concrete mats, the applicant is proposing to place twenty nine (29) cubic yards of clean fill for restoration of propeller-scarred seagrass areas within the Biscayne Bay Aquatic Preserve. The proposed project is required to be reviewed and approved by the BCC at a public hearing because the scope of work includes the placement of fill in tidal waters. Said work is not specifically referenced in Section 24-48.2 of the Code of Miami-Dade County as work that can be processed administratively with a short form application. Therefore, a standard form application including a public hearing is required.

The existing six (6) inch diameter pipeline was initially permitted by the United States Army Corps of Engineers (USACE) for construction in 1959. The pipeline spans from NE 20th Street in the City of Miami to 10th Street in the City of Miami Beach, running parallel to the Venetian Causeway (see Attachment D for diagram of the pipeline location). Temporary repairs, using limestone cement bags, to cover and protect sections of the pipe that became exposed over time were permitted by the Florida Department of Natural Resources, currently the Florida Department of Environmental Protection (FDEP), and the USACE. However, the bags have been subject to displacement likely due to wave action and strong currents produced by large storm events. In order to protect the pipeline, as required by the United States Department of Transportation Office of Pipeline Safety, the applicant is proposing

to install concrete mats over segments of the pipeline that have become exposed. The concrete mats each measure four (4) feet wide by twenty (20) feet long by nine (9) inches thick, and have been specifically designed for the protection of underwater pipelines. To further minimize the potential for continued erosion, a geotextile fabric will be placed between the existing exposed pipe segments and the concrete mats.

The proposed project will occur on sovereign submerged lands within an easement that has been granted to the applicant by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. A thorough in-water benthic survey was performed by the applicant in June 2006, which revealed various habitat types within the area of the proposed work. The habitat types range from dense seagrass resources to barren sand substrate (see Attachment D). Section 24-48.4 of the Code requires that environmental impacts be avoided and minimized. Therefore, the applicant has reduced the width of the proposed concrete mats to four (4) feet and designed a construction methodology that minimizes impacts to existing resources during construction operations.

Additionally, the applicant is proposing to mitigate for unavoidable impacts to seagrass habitats resulting from the proposed work by filling three (3) propeller scars within the Biscayne Bay Aquatic Preserve in accordance with the mitigation plan approved by DERM (Attachment H). The propeller scars are located in a seagrass shoal area east of the mouth of the Miami River that experiences considerable recreational and commercial boat traffic. The applicant has proposed to fill three (3) propeller scars that comprise a total of two thousand five hundred thirty three (2,533) square feet. The FDEP has authorized the applicant to place a total of twenty nine (29) cubic yards of clean fill on sovereign submerged lands. The clean fill will be contained in sediment tubes that will fill the propeller scars to the grade of the surrounding shoal and promote seagrass regrowth into the area. The applicant will also be responsible for the installation of shoal markers and the maintenance and monitoring of the area for a period of five (5) years.

Section 24-48.3(2) of the Code requires that filling work proposed in Class I permit applications comply with at least one of six listed criteria. The proposed concrete mats will be used to protect and cover the exposed submerged pipeline segments that presently pose a potential hazard to recreational boaters mooring within the vicinity of the pipeline. This proposed work complies with the above referenced criteria as related specifically to the minimum dredging and spoiling for public navigation or public necessity and a physical modification necessary to protect public or private property. In addition, the filling of the existing propeller scars to promote the regrowth of seagrass within the shoal area complies with the above referenced criteria as related to the minimum dredging and filling necessary to enhance the biological, chemical or physical characteristics of adjacent waters.

The proposed project sites are not located within areas identified by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). However, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water construction operations.

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

Attachments

Attachment A: Class I Permit Application
Attachment B: Affidavit of Ownership and Hold Harmless Agreement
Attachment C: Affidavits of Members, Managing Members, and Managers of Non-Florida (Foreign) Limited Liability Company
Attachment D: Owner/Agent Letter, Engineer Certification Letter, and Project Sketches
Attachment E: Zoning Memorandum
Attachment F: Names and Addresses of Owners of All Riparian or Wetland Property Within Three Hundred (300) Feet of the Proposed Work
Attachment G: Florida Department of Environmental Protection Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization
Attachment H: Mitigation Plan
Attachment I: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY THE FLORIDA GAS TRANSMISSION COMPANY, LLC, FOR A CLASS I PERMIT TO PROTECT AND COVER 2,200 LINEAR FEET OF SUBMERGED NATURAL GAS PIPELINE SEGMENTS THROUGH THE PLACEMENT OF GEOTEXTITLE FABRIC AND CONCRETE MATS, AND TO PLACE 29 CUBIC YARDS OF CLEAN FILL ALONG 2,533 SQUARE FEET OF SUBMERGED LAND FOR SEAGRASS RESTORATION WITHIN BISCAYNE BAY, MIAMI AND 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 a request by the Florida Gas Transmission Company, LLC, for a Class I permit to protect and cover 2,200 linear feet of submerged natural gas pipeline segments through the placement of geotextile fabric and concrete mats, and to place 29 cubic yards of clean fill along 2,533 square feet of submerged land for seagrass restoration within Biscayne Bay, Miami and Miami Beach, Miami-Dade County. Such Public Hearing will be held on the 1st day of September 2009 at 9:30 AM in the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 111 NW 1st Street in Miami, Florida.

Plans and details concerning the work requested in the applications may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 4th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

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 (Diane Collins, Deputy Clerk), 111 NW 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, 4th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

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: _____
Diane Collins, Deputy Clerk

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 1, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 5(D)

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 5(D)
9-1-09

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY THE FLORIDA GAS TRANSMISSION COMPANY, LLC, FOR A CLASS I PERMIT TO PROTECT AND COVER 2,200 LINEAR FEET OF SUBMERGED NATURAL GAS PIPELINE SEGMENTS THROUGH THE PLACEMENT OF GEOTEXTILE FABRIC AND CONCRETE MATS, AND TO PLACE 29 CUBIC YARDS OF CLEAN FILL ALONG 2,533 SQUARE FEET OF SUBMERGED LAND FOR SEAGRASS RESTORATION WITHIN BISCAYNE BAY, MIAMI AND 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 the Florida Gas Transmission Company, LLC, for a Class I permit to protect and cover 2,200 linear feet of submerged natural gas pipeline segments through the placement of geotextile fabric and concrete mats, and to place 29 cubic yards of clean fill along 2,533 square feet of submerged land for seagrass restoration within Biscayne Bay, 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 applicants 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2009. 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

Approved by County Attorney as to form and legal sufficiency.

Peter S. Tell

By:_____
Deputy Clerk

Attachment A

Class I Permit Application

MIAMI-DADE COUNTY

Class I
Permit Application

RECEIVED

AUG 05 2009

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

1. Application number	2. Date Day/Month/Year	3. For official use only
2007-CLI-PER-00116		

4. Applicant Information:

Name: Florida Gas Transmission Company, LLC
Address: 5444 Westheimer Road
Houston, Texas Zip Code: 77056-5306
Phone #: (713)999-1000 Fax #: (407)838-7052

5. Applicant's authorized permit agent

Name:
Address:
Zip Code:
Phone #: Fax #:

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.

Class I Permit Application (2007-CLI-PER-00116) by the Florida Gas Transmission Company, LLC to Protect and Cover 2,200 Linear Feet of Submerged Natural Gas Pipeline Segments Through the Placement of Geotextile Fabric and Concrete Mats, and to Place 29 Cubic Yards of Clean Fill Along 2,533 Square Feet of Submerged Land for Seagrass Restoration Within Biscayne Bay.

	Dredged/Excavated		Filled/Deposited	
Volume of Material:	0.00 CY (Waterward of O.H.W. or M.H.W.)	0.00 CY (Landward of O.H.W. or M.H.W.)	266.67 CY (Waterward of O.H.W. or M.H.W.)	0.00 CY (Landward of O.H.W. or M.H.W.)

7. Proposed Use: (Check One)

- ☐ Private
- ☒ Public
- ☐ Commercial
- ☐ Other

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

Name: Please see Exhibit 1
Address:
Zip Code

Name:
Address:
Zip Code

9. Location where proposed activity exists or will occur.

Street Address: N/A
Please see Exhibit 2
Latitude Longitude
Section 31,32,33 Township 53S Range 42E
State Florida County Miami-Dade In City or Town Miami Near City Or Town

10. Name of waterway at location of the activity.

Biscayne Bay

11. Date activity is proposed to:

Commence September 2009 Be completed March 2010

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
FDEP	ERP	13-0274680-001	3/07	Pending
USACE	ERP	SAJ-1959-346 (IP-MJW)	3/07	June 9, 2009

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

☐ Yes

☒ No

15. Remarks

None

16. Estimated project cost = $1,004,000.00

17. Contractor's name and address

Name: TBD 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 R.E. Hayes Jr.

Robert E. Hayes, Jr., Manager
Florida Gas Transmission Company, LLC

Date August 5, 2009

SUBSCRIBED AND SWORN TO ME THIS 5th DAY OF August, 2009, BY Robert E. Hayes, Jr.

☒ PERSONALLY KNOWN ☒ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED TX Drivers license Concetta R. Kapsalis NOTARY PUBLIC

CONCETTA R. KAPSALIS
Notary Public, State of Texas
My Commission Expires
NOV. 23, 2011

Exhibit 1

1233 VENETIAN L C
1413 N VENETIAN WAY
MIAMI FL 33139-1141

EDMUNDO R TAMAYO &W MONICA
1121 N VENETIAN DR
MIAMI FL 33139-1018

ROGER PERAZA
1111 N VENETIAN DR
MIAMI BEACH FL 33139-1018

MAURICE E HALL
1141 N VENETIAN DR
MIAMI BEACH FL 33139-1018

LOURDES CAPOTE
1221 N VENETIAN WAY
MIAMI BEACH FL 33139-1137

EDMUND R TAMAYO &W MONICA
1215 N VENETIAN WAY
MIAMI FL 33139-1137

DANIEL GONZALEZ
1142 N VENETIAN DR
MIAMI FL 33139-1019

FABIO A SALGADO
5020 BISCAYNE BLVD
MIAMI FL 33137-3218

DAVID FILLER
1132 N VENETIAN DR
MIAMI FL 33139-1019

DOMINGO PANDO &W GLADYS
1220 S VENETIAN WAY
MIAMI FL 33139-1173

MANUEL CAPO &W AIDA
1230 S VENETIAN WAY
MIAMI FL 33139-1173

ALDEMA MIAMI BEACH
INVESTMENT CORP
1198 VENETIAN WAY
MIAMI FL 33139-1041

RENAUD DOURA
1240 S. VENETIAN WAY
MIAMI FL 33139-1173

HENRY RAATTAMA & LINDA
1236 S VENETIAN WAY
MIAMI FL 33139-1173

HECTOR DUER &
MYRIAM GOLDSMITH TRS
141 N HIBISCUS DR
MIAMI BEACH FL 33139-5119

ROGER A SCHULTZ
131 N HIBISCUS DR
MIAMI BEACH FL 33139-5119

OLGA NADJA ZUBRIK
121 N HIBISCUS DR
MIAMI BEACH FL 33139-5119

MASK PARTNERS LLC
550 MAMARONECK AVE STE 505
HARRISON NY 10528-

DOUGLAS WALKER
91 N HIBISCUS DR
MIAMI BEACH FL 33139-5117

STEFANIE GRAF
81 N HIBISCUS DR
MIAMI BEACH FL 33139-5117

TERRENCE E ROSENBERG
79 N HIBISCUS DR
MIAMI BEACH FL 33139-5117

LOLA THOMAS
77 N HIBISCUS DR
MIAMI BEACH FL 33139-5117

PEDRO O RODRIGUEZ &W ANA V
55 N HIBISCUS DR
MIAMI BEACH FL 33139-5117

MARCO R IACOVELLI
46 STAR ISLAND DR
MIAMI BEACH FL 33139-5146

ROSALIE CARLOTTA HALLBAUER
22 STAR ISLAND DR
MIAMI BEACH FL 33139-5146

PHILLIP FROST &W PATRICIA
21 STAR ISLAND DR
MIAMI BEACH FL 33139-5147

SUSAN MILLER
23 STAR ISLAND
MIAMI BEACH FL 33139-5146

STEVEN A SCHNUR
297 N HIBISCUS DR
MIAMI BEACH FL 33139-5121

TINA MARIE SIMCOX
289 N HIBISCUS DR
MIAMI BEACH FL 33139-5121

JAMES F SILVERS &W LOIS
279 NO HIBISCUS DR
MIAMI BEACH FL 33139-5121

VALLIS LLC
271 N HIBISCUS DR
MIAMI BEACH FL 33139-5121

J & JP LAND DEV I LLP
PO BOX 6600580
JACKSONVILLE FL 32260-

CATHERINE ARRIGHI
CAMILLE P GONZALES
265 N HIBISCUS DR
MIAMI BEACH FL 33139-5121

KAYCE DRISCOLL & FRED SCHANER
255 N HIBISCUS DR
MIAMI BEACH FL 33139-5121

YALE M SAMOLE &W SUSAN
235 N HIBISCUS DR
MIAMI BEACH FL 33139-5121

PAUL H FAUSNIGHT LE
REM ALICE MARIE FAUSNIGHT
225 N HIBISCUS DR
MIAMI BEACH FL 33139-5121

CHRISTOPHER J INNES &W INGRID P
P BOX 15953294
SIOUX FALLS SD 57186-

JON R MARDEN TRS
JON R MARDEN (BEN)
191 N HIBISCUS DR
MIAMI BEACH FL 33139-5119

JACQUE BAUDEAN &
JEAN PAUL ROBIN
171 N HIBISCUS DR
MIAMI BEACH FL 33139-5119

PEDRO A ERRO
165 N HIBISCUS DR
MIAMI BEACH FL 33139-5119

GUSTAVO N GONZALEZ &W ADRIANA
151 N HIBISCUS DR
MIAMI BEACH FL 33139-5119

ROBERT E BELENSZ
425 N HIBISCUS DR 4
MIAMI BEACH FL 33139-5154

ROBERT E BELENSZ
425 N HIBISCUS DR
MIAMI BEACH FL 33139-5158

429 HIBISCUS CORP
429 N HIBISCUS DR
MIAMI BEACH FL 33139-5125

CATHRYN CARNESELLA
415 N HIBISCUS DR UNIT B
MIAMI BEACH FL 33139-5152

TREVOR R COMPTON
415 N HIBISCUS DR #D
MIAMI BEACH FL 33139-5152

GARY SANTARCANGELO
387 N HIBISCUS DR
MIAMI BEACH FL 33139-5123

ALBERT CLARAMONTE
375 N HIBISCUS DR
MIAMI BEACH FL 33139-5123

HOA NGOC NGUYEN &W MAI PHAM
369 N HIBISCUS DR
MIAMI BEACH FL 33139-5123

JAMES F JORDEN &W
JOSEPHINE CICCHETTI
355 N HIBISCUS DR
MIAMI BEACH FL 33139-5123

MARY J SIMCOX (TRUST)
345 N HIBISCUS DR
MIAMI FL 33139-5123

MARK GARRITY
333 N HIBISCUS DR
MIAMI BEACH FL 33139-5123

MICHAEL ROSEN &W STEPHANIE
550 MAMARONECK AVE STE 505
HARRISON NY 10528-

IAN KAPLAN &W LESLIE
305 N HIBISCUS DR
MIAMI BEACH FL 33139-5123

ELIAS & LEON ZWICK
940 LINCOLN RD #301
MIAMI BEACH FL 33139-2619

Exhibit 2

Florida Gas Transmission Company (FGT) 6-inch Miami Beach Lateral Pipeline
Biscayne Bay Exposed Pipeline Protection Project
Coordinates for Ten Exposed Pipeline Segments

Segment	Approximate Linear Footage	Latitude	Longitude	Northing	Easting	FGT PPL Station #
1 – Begin	54	25.7919614	-80.1784584	530923.17	926483.32	23+58.80
1 – End		25.7919784	-80.1782955	530929.69	926536.9	24+12.78
2 – Begin	539	25.7921521	-80.1765511	530996.38	927110.49	29+90.62
2 – End		25.7922237	-80.1749148	531025.81	927648.75	35+30.09
3 – Begin	672	25.7922333	-80.1745301	531030.08	927775.32	36+56.73
3 – End		25.7921855	-80.1724834	531016.92	928448.88	43+36.55
4 – Center*	10	25.7907928	-80.1714245	530512.9	928800.49	49+89+10
5 – Begin	182	25.7881269	-80.1687644	529549.45	929681.91	64+43.78
5 – End		25.7879341	-80.1682543	529480.43	929850.23	66+25.71
6 – Begin	201	25.786352	-80.1641997	528913.83	931188.06	80+79.44
6 – End		25.7861278	-80.163638	528833.54	931373.44	82+81.47
7 – Begin	309	25.7842002	-80.1586372	528143.39	933023.48	100+71.57
7 – End		25.783845	-80.1577816	528016.07	933305.88	103+82.69
8 – Begin	71	25.7833139	-80.1563429	527826.08	933780.54	108+94.07
8 – End		25.7832346	-80.1561443	527797.68	933846.09	109+65.51
9 – Begin	103	25.7815512	-80.1503278	527198.11	935764.08	129+85.17
9 – End		25.7815187	-80.150016	527186.95	935866.78	130+88.48
10 – Begin	136	25.7812336	-80.1479563	527087.71	936545.26	137+75.50
10 – End		25.7811354	-80.1475571	527052.88	936676.84	139+11.61

* Due to the short length of exposed pipeline segment 4, a Latitude/Longitude point was only recorded for the center of the exposed pipeline segment.

Attachment B

Affidavit of Ownership and Hold Harmless Agreement

Affidavit of Ownership
and Hold Harmless Agreement

Personally Appeared Before Me, Robert E. Hayes, Jr., Manager Florida Gas Transmission Company, LLC (Property owner, lessee or Corporate Officer if owner is a corporation), that 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:

   Please see attachment.

   * 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. 2007-CLI-PER-00116 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:

   Class I Permit Application (2007-CLI-PER-00116) by the Florida Gas Transmission Company, LLC to Protect and Cover 2,200 Linear Feet of Submerged Natural Gas Pipeline Segments Through the Placement of Geotextile Fabric and Concrete Mats, and to Place 29 Cubic Yards of Clean Fill Along 2,533 Square Feet of Submerged Land for Seagrass Restoration Within Biscayne Bay.

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

R. E. Hayes Jr

Owner/Applicant
Robert E. Hayes, Jr., Manager
Florida Gas Transmission Company, LLC

BEFORE ME, the undersigned authority, personally appeared Robert E. Hayes Jr, 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 5th (day) of August (month), 2009 (year).

CONCETTA R. KAPSALIS
Notary Public, State of Texas
My Commission Expires
NOV. 23, 2011

Notary Signature Concetta R. Kapsalis Notary Seal _____

Delaware

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION UNDER THE NAME OF "FLORIDA GAS TRANSMISSION COMPANY" TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "FLORIDA GAS TRANSMISSION COMPANY" TO "FLORIDA GAS TRANSMISSION COMPANY, LLC", FILED IN THIS OFFICE ON THE FIRST DAY OF SEPTEMBER, A.D. 2006, AT 12:11 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

0478121 8100V

060816115

AUTHENTICATION: 5016397

DATE: 09-01-06

Delaware

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF CERTIFICATE OF FORMATION OF "FLORIDA GAS TRANSMISSION COMPANY, LLC" FILED IN THIS OFFICE ON THE FIRST DAY OF SEPTEMBER, A.D. 2006, AT 12:11 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

0478121 8100V

060816115

AUTHENTICATION: 5016397

DATE: 09-01-06

State of Delaware
Secretary of State
Division of Corporations
Delivered 12:51 PM 09/01/2006
FILED 12:11 PM 09/01/2006
SRV 060816115 - 0478121 FILE

STATE of DELAWARE
CERTIFICATE of CONVERSION
FROM A CORPORATION TO A
LIMITED LIABILITY COMPANY PURSUANT TO
SECTION 18-214 OF THE LIMITED LIABILITY ACT

1.) The jurisdiction where the Corporation first formed is Delaware.

2.) The jurisdiction immediately prior to filing this Certificate is Delaware.

3.) The date the Corporation first formed is July 23, 1954.

4.) The name of the Corporation immediately prior to filing this Certificate is Florida Gas Transmission Company.

5.) The name of the Limited Liability Company as set forth in the Certificate of Formation is Florida Gas Transmission Company, LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on the 31ST day of August, A.D. 2006.

Lori Pinder-Metz
Authorized Person

State of Delaware
Secretary of State
Division of Corporations
Delivered 12:51 PM 09/01/2006
FILED 12:11 PM 09/01/2006
SRV 060816115 - 0478121 FILE

STATE of DELAWARE

LIMITED LIABILITY COMPANY

CERTIFICATE of FORMATION

of

FLORIDA GAS TRANSMISSION COMPANY, LLC

FIRST: The name of the limited liability company is Florida Gas Transmission Company, LLC (the "Company").

SECOND: The address of its registered office in the State of Delaware is located at the Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, in New Castle County. The name and address of its registered agent is The Corporation Trust Company.

THIRD: Any Important Matter (as defined below) shall be submitted to, and require the approval of, the Board of Managers and the Member of the Company and, notwithstanding any other provision in the Limited Liability Company Agreement of the Company ("Agreement"), no officer, employee or agent of the Company shall have the right or power to enter into an obligation for or to approve any Important Matter unless specifically so authorized by duly adopted resolutions of the Board of Managers and the Member. The term "Important Matter" shall mean any matter involving any of the following matters:

(a) any declaration of a dividend or distribution on, or any purchase, redemption or other acquisition for value of, any membership interest in the Company except to the extent expressly required by the terms thereof;

(b) the approval of each annual operating and capital budget and any significant modification thereof;

(c) the approval of any non-budgeted capital expenditure that (in one transaction or a series of related transactions) exceeds $1,000,000;

(d) the approval of any non-budgeted operating expenditure that exceeds $250,000;

(e) the creation or assumption of (i) any indebtedness for borrowed money (other than such indebtedness due within one year not exceeding $10,000,000) or (ii) any mortgage, lien, security interest or encumbrance on any of the assets or

properties of the Company other than in the ordinary course of business or by operation of law;

(f) acting as surety, granting guaranties or incurring similar liabilities on behalf of third parties (which term shall include the Member, the stockholders of the Member or any of their affiliates), directly or indirectly, whether for borrowed money or otherwise;

(g) the conveyance, sale or other disposition of any asset other than in the ordinary course of business (in one transaction or a series of related transactions) having a fair market value in excess of $1,000,000;

(h) the acquisition of non-budgeted assets which obligate the Company to make aggregate expenditures in excess of $1,000,000;

(i) the non-budgeted acquisition of or investment in any other corporation, partnership, joint venture or other business;

(j) the organization of any new subsidiaries or the entry into any business which is not conducted by the Company as of the date of adoption of this Agreement;

(k) any transaction or agreement with a non-affiliated third party pertaining to the purchase, transportation or sale of natural gas which involves:

1) a firm obligation for the purchase of more than 35 billion cubic feet of natural gas reserves;

2) a firm sales obligation entailing a deliverability of more than 10 million cubic feet of natural gas per day; or

3) a firm transportation obligation entailing a commitment of capacity for more than 20 million cubic feet of natural gas per day;

(l) any transaction or agreement with either stockholder of the Member or any of their affiliates, other than in the ordinary course of business involving delivery or transportation of natural gas in volumes not in excess of 10,000 Mcf/d;

(m) the establishment of compensation and benefit packages for employees other than budgeted increases in compensation and benefits;

(n) any employment contract;

(o) the adoption of (i) any bonus or employee benefit plan or program or (ii) any material amendment to or change in any such plan or program, other than as provided for in the budget;

(p) the payment of any bonuses except for bonuses approved under Board of Managers and Member approved benefit plans, other than as provided for in the budget;

(q) the institution of litigation in any court or a proceeding in arbitration involving a claim in excess of $1,000,000 or the settlement of any litigation or arbitration involving the payment by the Company of more than $250,000;

(r) the establishment and modification of significant accounting methods, practices or policies or significant tax policies;

(s) the change of the fiscal year of the Company;

(t) the voting of, or giving any consent with respect to, any stock owned by the Company;

(u) any material action with respect to FERC certificates, material rate settlements and other material regulatory proceedings and filings, including rate filings;

(v) any filing with the Securities and Exchange Commission;

(w) any contract entered into after the effective date of the Agreement or any amendment to any existing or future contract with a stockholder of the Member or any affiliate thereof provided that this provision shall not apply to any action required to implement all contracts between the Company and affiliates of the Member of the Company which contracts were in existence on March 27, 1986, and provided further that this Section (w) shall not apply to those contracts exempt under Section (l) hereof;

(x) instituting proceedings to have the Company adjudicated bankrupt or insolvent, or consenting to the institution of bankruptcy or insolvency proceedings against the Company or filing a petition seeking, or consenting to, reorganization or relief with respect to the Company under any applicable federal or state law relating to bankruptcy, or consenting to the appointment of a receiver, liquidator, assignee, trustee, sequestrator (or other similar official) of the Company or a substantial part of its property, or make any assignment for the benefit of creditors of the Company, or admitting in writing the Company's inability to pay its debts generally as they become due, or taking action in furtherance of any such action; and;

(y) such other matters as are required by law to be approved by the Member or the Board of Managers of the Company.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation this 31st day of August, 2006.

Lori Pinder-Metz
Authorized Person

25

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Environmental Resources Regulation Division

OFF. REC. 17369PG4653

96R440458 1996 SEP 30 09:39

This Instrument Prepared By:
Deborah Trim
Submerged Lands Section
Bureau of Land Management Services
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

DOCSTPDEE 0.60 SURTX 0.45
HARVEY RUVIN, CLERK DADE COUNTY, FL

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

MODIFIED SOVEREIGN SUBMERGED LANDS EASEMENT

NO. 26128(3019-13)
BOT FILE NO. 13273476E

THIS EASEMENT is hereby granted by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Grantor.

WITNESSETH: That for the faithful and timely performance of and compliance with the terms and conditions stated herein, the Grantor does hereby grant to Florida Gas Transmission Company, a Delaware corporation, hereinafter referred to as the Grantee, a nonexclusive easement on, under and across the sovereign lands, if any, contained in the following legal description:

A parcel of submerged land in Sections 31, 32, and 33, Township 53 South, Range 42 East, in Biscayne Bay, Dade County, as is more particularly described and shown on Attachment A, dated August 18, 1994.

TO HAVE THE USE OF the hereinabove described premises from February 13, 1996, the effective date of this modified easement, through February 13, 2026, the expiration date of this modified easement. The terms and conditions on and for which this easement is granted are as follows:

1. The above described parcel of land shall be used solely for a natural gas pipeline and Grantee shall not engage in any activity except as described in the Department of Environmental Regulation Permit No. 132182406, dated December 18, 1992, incorporated herein and made a part of this easement by reference.

2. The consideration for this easement shall be an amount as determined by the rule establishing fees for utility crossings. Once the rule is adopted, payment shall be remitted to the Grantor according to the rule. The established fee shall be assessed from the effective date of the subject rule.

3. Grantor neither warrants title to the lands described herein nor guarantees the suitability of any of the lands for any particular use.

4. The rights hereby granted shall be subject to any and all prior rights of the United States and any and all prior grants by the Grantor in and to the submerged lands situated within the limits of this easement.

5. Grantee shall not damage the easement lands or unduly interfere with public or private rights therein.

6. This easement is nonexclusive, and the Grantor, or its duly authorized agent, shall retain the right to enter the property or to engage in management activities not inconsistent with the use herein provided for and shall retain the right to grant compatible uses of the property to third parties during the term of this easement.

7. Grantor, or its duly authorized agent, shall have the right at any time to inspect the works and operations of the Grantee in any matter pertaining to this easement.

8. The Grantee shall investigate all claims of every nature at its expense, and shall indemnify, defend and save and hold harmless the Grantor and the State of Florida from all claims, actions, lawsuits and demands arising out of this easement.

FGT R-O-W
Entered in Filenet

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9. Grantee waives venue as to any litigation arising from matters relating to this easement and any such litigation between Grantor and Grantee shall be initiated and maintained only in Leon County, Florida.

10. This easement shall not be assigned or otherwise transferred without prior written consent of the Grantor or its duly authorized agent. Any assignment or other transfer without prior written consent of the Grantor shall be null and void and without legal effect.

11. The Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor upon 30 days written notice to Grantee. If terminated, all of the above-described parcel of land shall revert to the Grantor. All costs, including attorneys' fees, incurred by the Grantor to enforce the provisions of this easement shall be paid by the Grantee. All notices required to be given to Grantee by this easement or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Florida Gas Transmission Company
Post Office Box 945100
Maitland, Florida 32794-5100

The Grantee agrees to notify the Grantor by certified mail of any changes to this address at least ten (10) days before the change is effective.

12. The Grantee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this easement which result from the grant of this easement or the activities of Grantee hereunder.

13. Renewal of this easement is at the sole option of the Grantor. Such renewal shall be subject to the terms, conditions and provisions of current management standards and applicable laws, rules and regulations in effect at that time. In the event that Grantee is in full compliance with the terms of this easement, the Grantee shall be allowed a 30-day grace period after expiration of this easement to apply in writing for a renewal. If the Grantee fails to apply for a renewal within the grace period, or in the event the Grantor does not grant a renewal, the Grantee shall vacate the premises and remove all structures and equipment occupying and erected thereon at its expense.

14. If the Grantee does not remove said structures and equipment occupying and erected upon the premises after expiration or cancellation of this easement, such structures and equipment will be deemed forfeited to the Grantor, and the Grantor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Grantee at the address specified in Item 11 or at such address on record as provided to the Grantor by the Grantee. However, such remedy shall be in addition to all other remedies available to Grantor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

15. No failure, or successive failures, on the part of the Grantor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Grantor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

16. The Grantee, at its own expense, shall record this fully executed easement in its entirety in the public records of the county within which the easement site is located within fourteen (14) days after receipt, and shall provide the Grantor within ten (10) days following the recordation a copy of the recorded easement in its entirety which contains the O.R. book and pages at which the easement is recorded.

17. This easement is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this easement must be in writing and must be accepted, acknowledged and executed by the Grantee and Grantor.

18. Prior to commencement of construction and/or activities authorized herein, the Grantee shall obtain the U.S. Army Corps of Engineers (COE) permit if it is required by the COE. Any modifications to the construction and/or activities authorized herein that may be required by the COE shall require consideration by and the prior written approval of the Grantor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

19. No additional structures shall be erected and/or activities undertaken, including but not limited to, dredging, relocation/realignment or major repairs or renovations made to authorized structures, on, in or over sovereignty, submerged lands without the prior written consent from the Grantor, with the exception of emergency repairs. Unless specifically authorized in writing by the Grantor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Grantee to administrative fines under Chapter 18-14, Florida Administrative Code. If emergency repairs are required to be undertaken in the interests of public health, safety or welfare, the Grantee shall notify the Grantor of such repairs as quickly as is practicable; provided, however, that such emergency activities shall not exceed the activities authorized by this easement.

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OFF. REC. 17369 PG 4656

WITNESSES:

Keith Clayton
Original Signature

Keith Clayton
Typed/Printed Name of Witness

Traci L. Gilmore
Original Signature

Traci L. Gilmore
Typed/Printed Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

(SEAL)

BY Carolyn Thompson
Carolyn Thompson, Senior Management Analyst II, Bureau of Land Management Services, Division of State Lands, Agent for the Board of Trustees of the Internal Improvement Trust Fund

"GRANTOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 31 day of July, 1996, by Carolyn Thompson, Senior Management Analyst II, who is personally known to me.

APPROVED AS TO FORM AND LEGALITY:

Saul L. Hensin
DEP Attorney

Leigh O'Shields
Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Commission/Serial No.

LEIGH O'SHIELDS
MY COMMISSION # CC 456320
EXPIRES: April 27, 1999
Bonded Thru Notary Public Underwriters

WITNESSES:

Laniece W. Smith
Original Signature

Laniece W. Smith
Typed/Printed Name of Witness

Talbert Loyd Jr.
Original Signature

Talbert Loyd, Jr.
Typed/Printed Name of Witness

Florida Gas Transmission Company, a Delaware corporation (SEAL)
Grantee

BY William E. Rome
Original Signature of Executing Authority

William E. Rome
Typed/Printed Name of Executing Authority

Vice President, Operations
Title of Executing Authority

"GRANTEE"

STATE OF Texas

COUNTY OF Harris

The foregoing instrument was acknowledged before me this 20th day of May, 1996, by William E. Rome as Vice President, Operations of Florida Gas Transmission Company, a Delaware corporation, for and on behalf of the corporation. He is personally known to me or who has produced _____, as identification.

My Commission Expires:
March 15, 1999

Commission/Serial No.

Neta L. Zitnik
Notary Public, State of Texas

Printed, Typed or Stamped Name

NETA L. ZITNIK
Notary Public, State of Texas
My Commission Expires
MARCH 15, 1999

Page 4 of 8 Pages
Easement No. 26128(3019-13)

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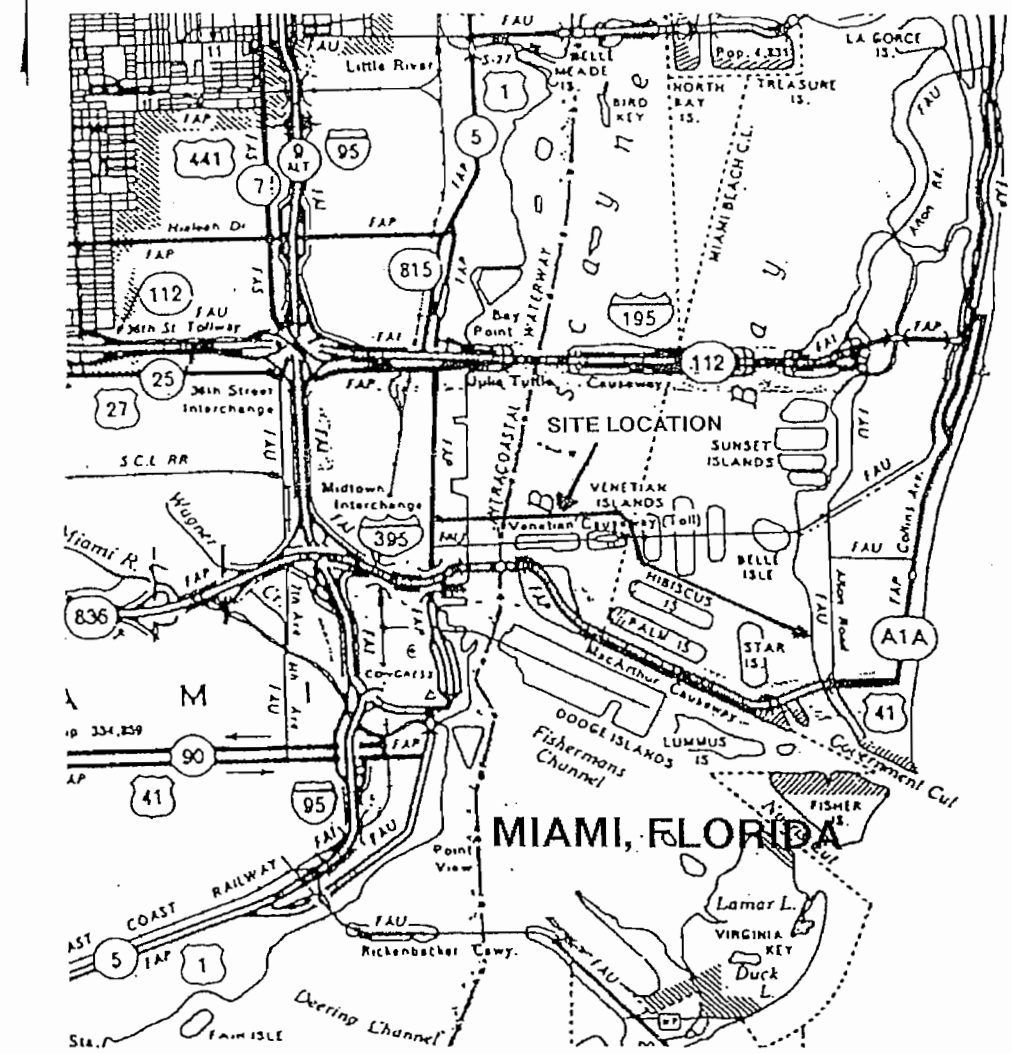
ENVIRONMENTAL ANALYSIS & PERMITTING
3559 TIMBERLANE SCHOOL ROAD, TALLAHASSEE, FLORIDA 32312 PHONE (904) 668-3211 • FAX 668-3106 LC C240



Attachment A
Page 5 of 8 Pages
Easement No. 26128(3019-1

THIS IS NOT A SURVEY

PLAT OF SKETCH OF DESCRIPTION: LOCATION MAP FOR PIPELINE CROSSING BISCAYNE BAY	SCALE: N/A	JOB NO: 2874-1	SHEET 3
	DATE: 5-6-94	FIELDBOOK:	
	DRAWN BY: CN	CAD NO: 2874-1	OF 4
PREPARED FOR: FLORIDA GAS TRANSMISION COMPANY	REVISED:	PLOT DATE:	

OFF. REC. 17369PG4658

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LEGAL DESCRIPTION
FOR
A 100 FOOT EASEMENT
OVER SOVEREIGN LANDS OF THE STATE OF FLORIDA

A 100 foot easement over sovereign land lying in Biscayne Bay abutting Section 31, Township 53 South, Range 42 East, Dade County, Florida, lying 50 foot each side of the following described centerline:

Commence at the intersection of the Centerline of the Venetian Causeway and the Dade County Bulkhead Line on the Westerly shore of Biscayne Bay, thence North 00 degrees 24 minutes 02 seconds West, 338.00 feet to the POINT OF BEGINNING of the centerline to be described herein.

From said POINT OF BEGINNING run North 89 degrees 44 minutes 18 seconds East, 300.02 feet; thence North 75 degrees 27 minutes 36 seconds East, 1980.09 feet; thence North 86 degrees 03 minutes 44 seconds East, 1734.28 feet; thence South 88 degrees 02 minutes 30 seconds East 258.06 feet; thence South 66 degrees 44 minutes 36 seconds East, 270.07 feet; thence South 25 degrees 24 minutes 58 seconds East, 433.54 feet; thence South 10 degrees 59 minutes 34 seconds East, 543.33 feet; thence South 51 degrees 15 minutes 32 seconds East, 504.75 feet; thence South 67 degrees 33 minutes 22 seconds East, 2034.52 feet; thence South 67 degrees 09 minutes 15 seconds East 3910.76 feet; thence South 77 degrees 57 minutes 18 seconds East 1508.98 feet; thence South 88 degrees 37 minutes 39 seconds East 431.62 feet; thence South 78 degrees 54 minutes 27 seconds East 92.66 feet; thence South 79 degrees 19 minutes 51 seconds East 1330.05 feet to a point on the Bulkhead Line on the Easterly shore of Biscayne Bay and the end of said centerline containing 1,533,022.92 square feet more or less.

Crossing through Sections 31 and 32, and ending in Section 33.

OFF. REC. 17369PM4659

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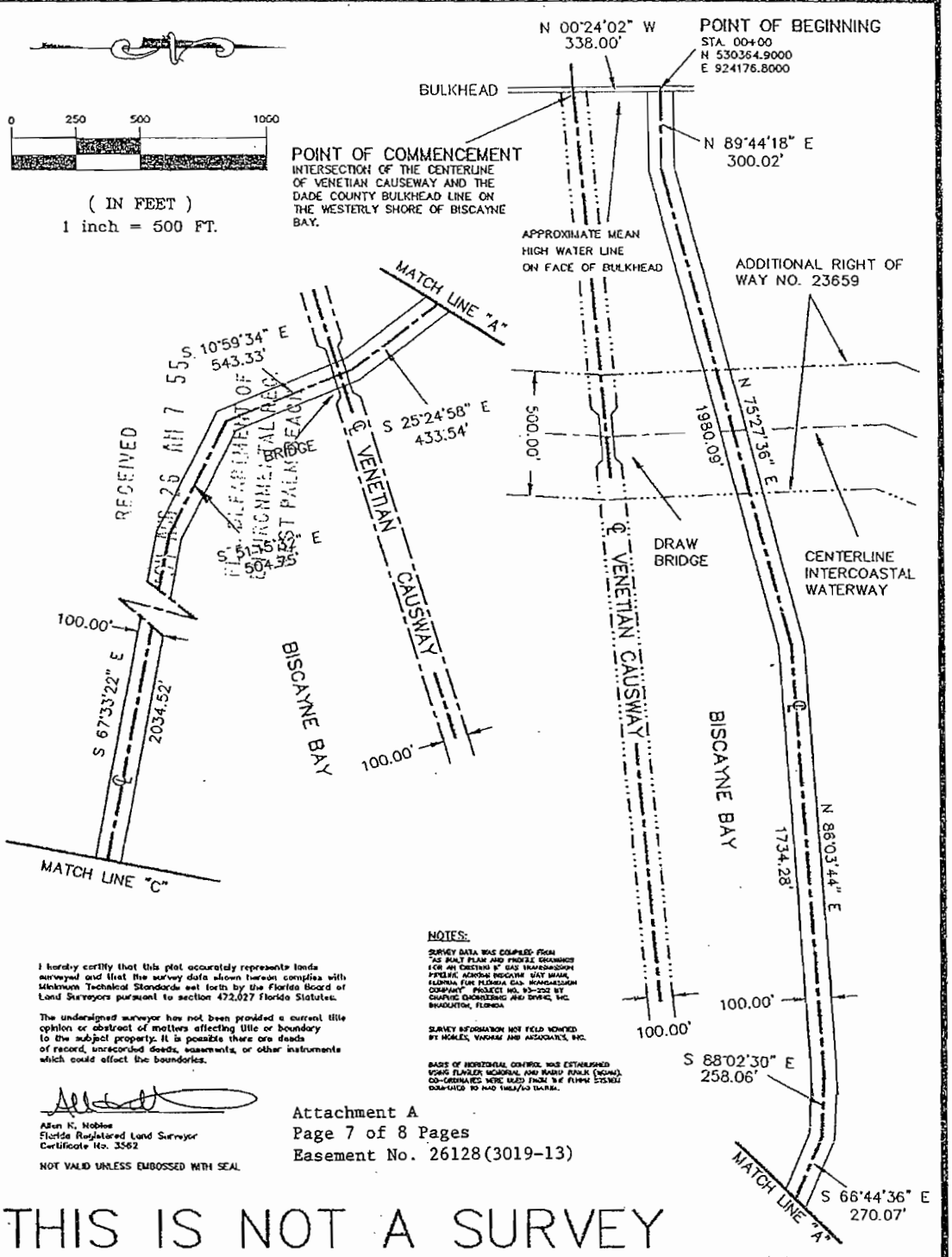
ENVIRONMENTAL ANALYSIS & PERMITTING

3559 TIMBERLANE SCHOOL ROAD, TALLAHASSEE, FLORIDA 32312 PHONE (904) 668-3211 * FAX 668-3106 LC C240



NOTES:

SURVEY DATA WAS COMPILED FROM "AS BUILT PLAN AND PROFILE DRAWINGS FOR AN ONSHORE 8" GAS TRANSMISSION PIPELINE ACROSS BISCAYNE BAY MIAMI, FLORIDA FOR FLORIDA GAS TRANSMISSION COMPANY PROJECT NO. 93-252 BY CHAPMAN ENGINEERING AND DIVING, INC. BRADENTON, FLORIDA

SURVEY INFORMATION NOT FIELD VERIFIED BY NOBLES, VARNUM AND ASSOCIATES, INC.

BASIS OF HORIZONTAL CONTROL WAS ESTABLISHED USING FLAGLER MEMORIAL AND MIAMI PEAK (NGVD). CO-ORDINATES WERE HELD FROM THE FLORIDA STATE PLANE COORDINATE SYSTEM NAD 1983/90 DATUM.

I hereby certify that this plat accurately represents lands surveyed and that the survey data shown hereon complies with Minimum Technical Standards set forth by the Florida Board of Land Surveyors pursuant to section 472.027 Florida Statutes.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements, or other instruments which could affect the boundaries.

Allen K. Noble
Florida Registered Land Surveyor
Certificate No. 3562

NOT VALID UNLESS EMBOSSED WITH SEAL

Attachment A
Page 7 of 8 Pages
Easement No. 26128(3019-13)

THIS IS NOT A SURVEY

PLAT OF : EASEMENT FOR PIPELINE CROSSING BISCAYNE BAY	SCALE: 1" = 500'	JOB NO: 2874-1	SHEET 1
	DATE: 12-13-93	FIELDBOOK:	
	DRAWN BY: PMW	CAD NO: 2874-1	OF 4
CLIENT FLORIDA GAS TRANSMISSION COMPANY	REVISED: 8-18-94	PLOT DATE:	

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Environmental Resources Regulation Division

OFF. REC. 17369PG4660

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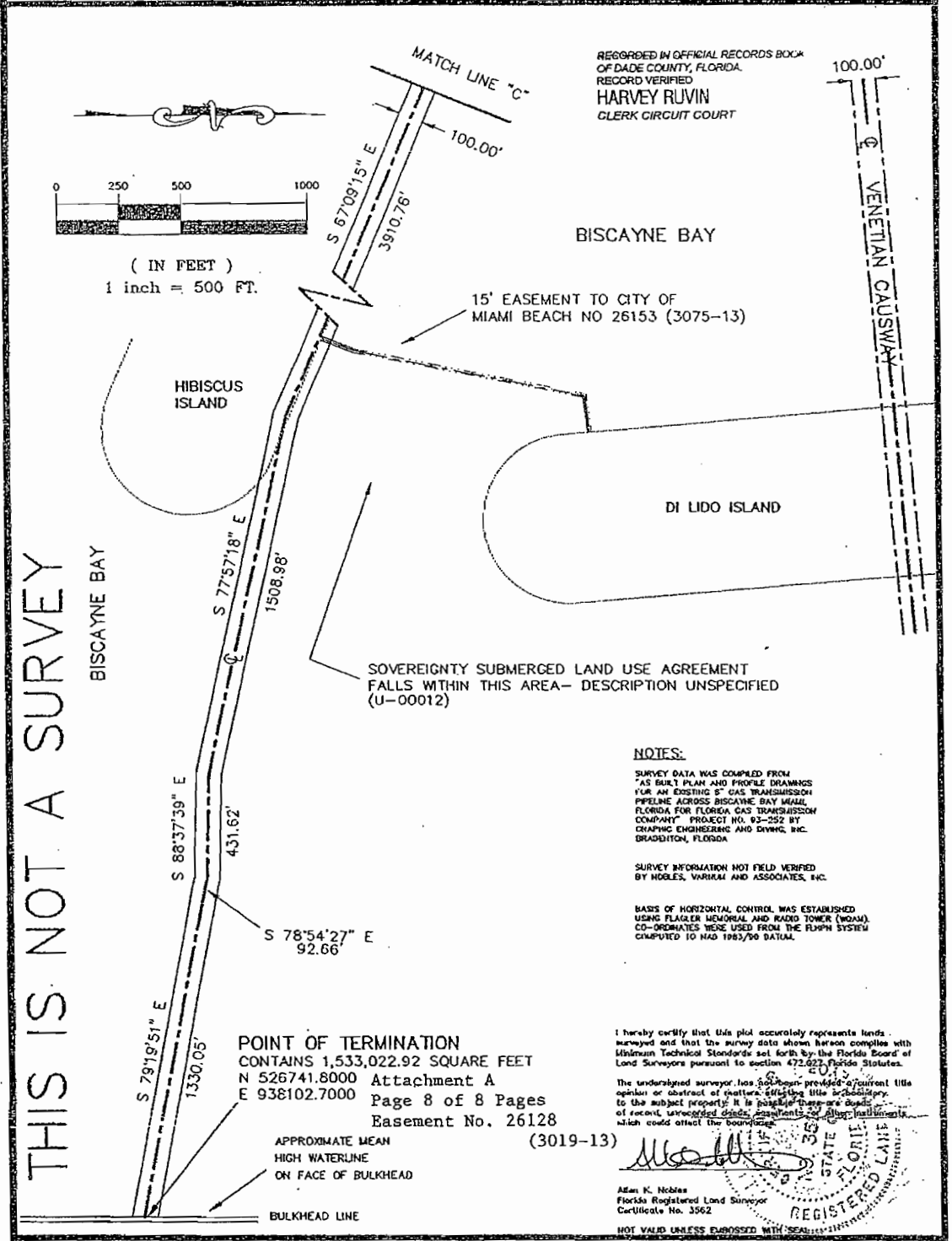
ENVIRONMENTAL ANALYSIS & PERMITTING
3559 TIMBERLANE SCHOOL ROAD, TALLAHASSEE, FLORIDA 32312 PHONE (904) 668-3211 • FAX 668-3106 LC C240



RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

NOTES:

SURVEY DATA WAS COMPILED FROM "AS BUILT PLAN AND PROFILE DRAWINGS FOR AN EXISTING 8" GAS TRANSMISSION PIPELINE ACROSS BISCAYNE BAY MIAMI, FLORIDA FOR FLORIDA GAS TRANSMISSION COMPANY" PROJECT NO. 93-252 BY GRAPHIC ENGINEERING AND DIVING, INC. BRADENTON, FLORIDA

SURVEY INFORMATION NOT FIELD VERIFIED BY NOBLES, VARNUM AND ASSOCIATES, INC.

BASIS OF HORIZONTAL CONTROL WAS ESTABLISHED USING FLAGLER MEMORIAL AND RADIO TOWER (WGAM). CO-ORDINATES WERE USED FROM THE FLWPH SYSTEM COMPUTED TO NAD 1983/90 DATUM.

Attachment A
Page 8 of 8 Pages
Easement No. 26128
(3019-13)

I hereby certify that this plat accurately represents lands surveyed and that the survey data shown hereon complies with Minimum Technical Standards set forth by the Florida Board of Land Surveyors pursuant to section 472.027, Florida Statutes.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

Allan K. Nobles
Florida Registered Land Surveyor
Certificate No. 3562

NOT VALID UNLESS EMBOSSED WITH SEAL

PLAT OF :	SCALE: 1" = 500'	JOB NO: 2874-1	SHEET
EASEMENT FOR PIPELINE CROSSING BISCAYNE BAY	DATE: 12-13-93	FIELDBOOK:	2
	DRAWN BY: PMW	CAD NO: 2874-1	OF
CLIENT FLORIDA GAS TRANSMISSION COMPANY	REVISED: 8-18-94	PLOT DATE:	4

Attachment C

Affidavits of Members, Managing Members, and Managers of Non-Florida (Foreign) Limited Liability Company

AFFIDAVIT OF MEMBERS, MANAGING MEMBERS, AND MANAGERS OF NON- FLORIDA (FOREIGN) LIMITED LIABILITY COMPANY

WE, (print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit)

Full name	Title(s)
Robert E. Hayes, Jr.	Manager, Florida Gas Transmission Company, LLC
Robert O. Bond	Manager, Florida Gas Transmission Company, LLC
Gary W. Lefelar	Manager, Florida Gas Transmission Company, LLC

hereby swear or affirm that :

1. **The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, of the Non-Florida (Foreign) Limited Liability Company known as** Florida Gas Transmission Company, LLC **(Print name of the Non-Florida (Foreign) Limited Liability Company as the name appears in the Articles of Organization, as that term is defined by Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, currently filed with the Secretary of State of the State of** Delaware **) (Print name of State where Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed) or other jurisdiction, to wit,** United States of America **(Print the name of the country or other jurisdiction where the Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed;**

---

* **The term "equivalent" shall mean for the purposes of this Affidavit, with respect to "persons" or "entities", any person or entity which has or may have any one or more of the duties or powers or obligations or responsibilities or authorities, real or apparent, of a Member, Managing Member, or Manager, as those terms are defined in Section 608.402, Fla. Stat. (2004), as same may be amended from time to time. The term "equivalent" shall mean for the purposes of this Affidavit, with respect to instruments or documents or articles of organization or operating agreements or written agreements or oral agreements, any written agreement or oral agreement or instrument or document which has or may have any one or more of the functions or purposes of any instrument, document, operating agreement, written agreement or oral agreement described or mentioned in this Affidavit.**

2. **There are no Members, Managing Members or Managers, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.**
3. **There are no provisions in any Articles of Organization, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company or in any operating agreement, written or oral, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit,** Permit No. 2007-CLI-PER-00116 **(Print the title of the instrument or document) by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.**
4. **All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the aforesaid Non-Florida(Foreign) Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit,** Permit No. 2007-CLI-PER-00116 **(Print the title of the instrument or document) for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.**
5. **All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.**

Robert E. Hayes, Jr.

R.E. Hayes Jr. 917 — Manager, Florida Gas Transmission Company, LLC

Signature on behalf of Florida Gas Transmission Company, LLC — **Title(s)**

Sworn to and subscribed before me this 5th **day of** August, 2009 **(year) by** Robert E. Hayes, Jr. **(print name legibly), who is personally known to me or who has produced** TX Drivers License **(type of identification).**

Concetta R. Kapsalis **(Signature of Notary Public)**

Concetta R. Kapsalis **(Print, type or stamp name of notary public)**

CONCETTA R. KAPSALIS
Notary Public, State of Texas
My Commission Expires
NOV. 23, 2011

(Add additional Signature, Title(s), and Notary Public areas for all other Members, Managing Members, and Managers of LLC, as needed)

Exhibit A

Robert O. Bond

Robert O. Bond

Signature on behalf of Florida Gas Transmission Company, LLC

Manager, Florida Gas Transmission Company, LLC

Title(s)

Sworn to and subscribed before me this 5th **day of** August **, 2009 (year) by** Robert O. Bond **(print name legibly), who is personally known to me or who has produced** TX Drivers License **(type of identification).**

Concetta R. Kapsalis **(Signature of Notary Public)**

Concetta R. Kapsalis **(Print, type or stamp name of notary public)**

CONCETTA R. KAPSALIS
Notary Public, State of Texas
My Commission Expires
NOV. 23, 2011

(Add additional Signature, Title(s), and Notary Public areas for all other LLC Members, Managing Members, and Managers, as needed)

Gary W. Lefelar

Gary W. Lefelar

Signature on behalf of Florida Gas Transmission Company, LLC

Manager, Florida Gas Transmission Company, LLC

Title(s)

Sworn to and subscribed before me this 5th **day of** August **, 2009 (year) by** Gary W. Lefelar **(print name legibly), who is personally known to me or who has produced** TX Drivers license **(type of identification).**

Concetta R. Kapsalis **(Signature of Notary Public)**

Concetta R. Kapsalis **(Print, type or stamp name of notary public)**

CONCETTA R. KAPSALIS
Notary Public, State of Texas
My Commission Expires
NOV. 23, 2011

(Add additional Signature, Title(s), and Notary Public areas for all other LLC Members, Managing Members, and Managers, as needed)

Attachment D

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

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: August 4, 2009

To:
Miami-Dade County DERM
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard From Permit Application Number (2007-CLI-PER-00116) by the Florida Gas Transmission Company, LLC to Protect and Cover 2,200 Linear Feet of Submerged Natural Gas Pipeline Segments Through the Placement of Geotextile Fabric and Concrete Mats, and to Place 29 Cubic Yards of Clean Fill Along 2,533 Square Feet of Submerged Land for Seagrass Restoration Within Biscayne Bay.

By the attached Class I Standard Form permit application with supporting documents, I, Robert E. Hayes, Jr., Manager, Florida Gas Transmission Company, LLC, am the permit applicant, and hereby request permission to perform the following: Class I Permit Standard Form Application (2007-CLI-PER-00116) by the Florida Gas Transmission Company, LLC to Protect and Cover 2,200 Linear Feet of Submerged Natural Gas Pipeline Segments Through the Placement of Geotextile Fabric and Concrete Mats, and to Place 29 Cubic Yards of Clean Fill Along 2,533 Square Feet of Submerged Land for Seagrass Restoration Within Biscayne Bay. 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/licensed 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/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,

R.E. Hayes Jr. RHS

Robert E. Hayes, Jr., Manager,
Florida Gas Transmission Company, LLC,
(Permit Applicant's name), Permit Applicant

URS

ENGINEER LETTER OF CERTIFICATION

August 3, 2009

Miami-Dade County DERM
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

RE: Class I Standard Form Permit Application Number (2007-CLI-PER-00116) by the Florida Gas Transmission Company, LLC to Protect and Cover 2,200 Linear Feet of Submerged Natural Gas Pipeline Segments Through the Placement of Geotextile Fabric and Concrete Mats, and to Place 29 Cubic Yards of Clean Fill Along 2,533 Square Feet of Submerged Land for Seagrass Restoration Within Biscayne Bay.

Ladies and Gentlemen:

This letter will certify that I am an engineer registered/licensed 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 water within the area of the proposed work.
b. Harmful or increased erosion, shoaling of channels or stagnant area of water. (Not applicable of class IV permits)
c. Material injury to adjacent property.
d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

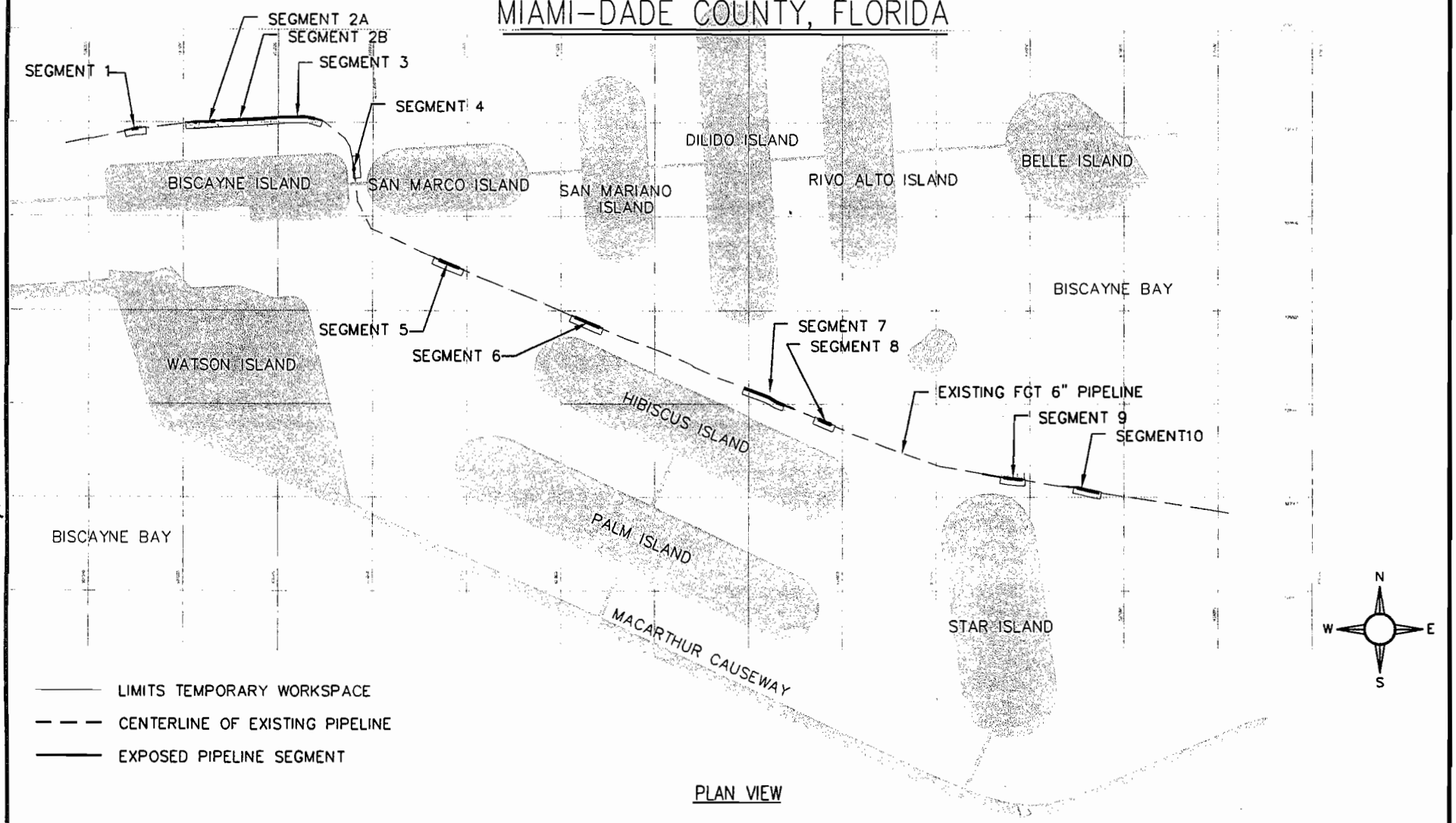
Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor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

Sincerely,

Juan C. García, P.E.
P.E. # 46597

URS Corporation
7650 Corporate Center Drive, Suite 401
Miami, FL 33126-1220
Tel: 305.884.8900
Fax: 305.884.2665

MIAMI-DADE COUNTY, FLORIDA



PLAN VIEW

Vivek Kamath 2/11/09

VIVEK S. KAMATH, P.E.
P.E. No.-42618

URS
7650 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
TEL: 305-884-8900
FAX: 305-884-2665
CERTIFICATE AUTHORIZATION No. 2

W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale N.T.S.	
Revised Date 7-09-07			

FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
KEY SHEET

Florida Gas Transmission Company

DWG. NO. S-0

41

SUBSTRATE TYPE

SUBSTRATE A:
SILT SUBSTRATE

SUBSTRATE B:
SUBSTRATE CONSISTING OF A MIXTURE OF SAND, SILT AND SHELL FRAGMENTS

SUBSTRATE C:
SAND SUBSTRATE WITH OCCASSIONAL SPONGES

SUBSTRATE D:
SILT SUBSTRATE WITH OCCASIONAL MACROALGAE, SPONGES, ETC

SUBSTRATE E:
SILT SUBSTRATE WITH GOBY HOLES, SHELL FRAGMENTS AND CRAB BURROWS

SUBSTRATE F:
SILT SUBSTRATE WITH SHELL FRAGMENTS

SUBSTRATE G:
SILT SUBSTRATE WITH GOBY HOLES AND CRAB BURROWS

SAK CRETE BAGS

HABITAT TYPE

HABITAT 1:
HALOPHILA DECIPIENS – GREATER THAN 70 PERCENT COVER WITH MINIMAL BARE SUBSTRATE

HABITAT 2:
HALOPHILA DECIPIENS – 1 PERCENT (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 3:
HALOPHILA DECIPIENS – 30 PERCENT TO 70 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 4:
HALOPHILA DECIPIENS – LESS THAN 1 PERCENT COVER (OCCASSIONAL OCCURANCE OF SINGLE OR A FEW BLADES) WITH BARE SUBSTRATE

HABITAT 5:
SYRINGODIUM FILIFORME – 1 PERCENT (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER WITH BARE SUBSTRATE

HABITAT TYPE CONT'D

HABITAT 6:
HALODULE WRIGHTII – LESS THAN 1 PERCENT COVER (OCCASSIONAL OCCURANCE OF SINGLE OR A FEW BLADES) WITH BARE SUBSTRATE

HABITAT 7:
HALOPHILA JOHNSONII – LESS THAN 1 PERCENT COVER (OCCASSIONAL OCCURANCE OF SINGLE OR A FEW BLADES) WITH BARE SUBSTRATE

HABITAT 8:
MIXTURE OF HALOPHILA DECIPIENS/HALOPHILA JOHNSONII – 1 PERCENT COVER (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 9:
MIXTURE OF HALOPHILA DECIPIENS/HALOPHILA JOHNSONII – LESS THAN 1 PERCENT COVER (OCCASIONAL OCCURANCE OF SINGLE OR A FEW BLADES) WITH BARE SUBSTRATE

HABITAT 10:
MIXTURE OF HALOPHILA DECIPIENS / HALODULE WRIGHTII – LESS THAN 1 PERCENT COVER (OCCASIONAL OCCURANCE OF SINGLE OR A FEW BLADES) WITH BARE SUBSTRATE

HABITAT 11:
MIXTURE OF HALOPHILA DECIPIENS / HALODULE WRIGHTII – 1 PERCENT (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 12:
MIXTURE OF HALOPHILA DECIPIENS / THALASSIA TESTUDINUM – GREATER THAN 70 PERCENT COVER WITH MINIMAL BARE SUBSTRATE

HABITAT 13:
MIXTURE OF HALOPHILA DECIPIENS – GREATER THAN 70 PERCENT COVER AND THALASSIA TESTUDINUM – 1 PERCENT (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER WITH BARE SUBSTRATE

VIVEK S. KAMATH, P.E.
P.E. No-42618

URS
7650 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
TEL: 305-884-8900
FAX: 305-884-2665
CERTIFICATE AUTHORIZATION No. 2

Florida Gas Transmission Company

FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457	FOR PERMITTING
Dr. By / Date 10-02-06	Scale 1"=30'
Revised Date 6-26-08	

DWG. NO.
KEYNOTES

HABITAT TYPE CONT'D

HABITAT 14:
MIXTURE OF HALOPHILA DECIPIENS / THALASSIA TESTUDINUM – 30 PERCENT TO 70 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 15:
MIXTURE OF HALOPHILA DECIPIENS – GREATER THAN 70 PERCENT COVER AND SYRINGODIUM FILIFORME – 1 PERCENT (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 16:
MIXTURE OF HALOPHILA DECIPIENS – 1 PERCENT (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER AND SYRINGODIUM FILIFORME – 30 PERCENT TO 70 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 17:
MIXTURE OF THALASSIA TESTUDINUM/HALOPHILA DECIPIENS/SYRINGODIUM FILIFORME– 1 PERCENT (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 18:
MIXTURE OF HALOPHILA DECIPIENS – 30 PERCENT TO 70 PERCENT COVER AND SYRINGODIUM FILIFORME – 1 PERCENT (A FEW BLADES OR TUFTS OF INDIVIDUALS IN PATCHES) TO 30 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 19:
MIXTURE OF THALASSIA TESTUDINUM/HALOPHILA DECIPIENS/SYRINGODIUM FILIFORME – 30 PERCENT TO 70 PERCENT COVER WITH BARE SUBSTRATE

UNCLASSIFIED BARE SUBSTRATE

SUBSTRATE TYPE

HABITAT 20:
HALOPHILA DECIPIENS– 1 TO 70 PERCENT COVER WITH BARE SUBSTRATE.

HABITAT 21:
HALOPHILA DECIPIENS– LESS THAN 1 PERCENT COVER (OCCASIONAL OCCURRENCE OF A SINGLE OR A FEW BLADES) TO 70 PERCENT COVER WITH BARE SUBTRATE

HABITAT 22:
STILL SUBSTRATE WITH GOBY HOLES AND CRAB BURROWS MIXED WITH AREAS OF HALODULE WRIGHTII–GREATER THAN 70 PERCENT COVER WITH MINIMAL BARE SUBSTRATE AND HALOPHILA DECIPIENS– 1 TO 30 PERCENT COVER WITH BARE SUBSTRATE.

HABITAT 23:
MACROALGAE AND SPONGES GROWING ON MAN–MADE SUBSTRATES (i.e. BOAT WRECK, CONCRETE BLOCKS)

HABITAT 24:
HALOPHILA DECIPIENS– 1 TO 30 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 25:
HALOPHILA DECIPIENS– 30 TO 70 PERCENT COVER WITH BARE SUBSTRATE

HABITAT 26:
SILT SUBSTRATE WITH MACROALGAE MIXED WITH AREAS OF HALOPHILA DECIPIENS– 1 TO 30 PERCENT COVER WITH BARE SUBSTRATE.

HABITAT 27:
SILT SUBSTRATE WITH MACROALGEA MIXED WITH AREAS OF HALOPHILA DECIPIENS– 1 TO 30 PERCENT COVER WITH BARE SUBSTRATE AND HALODULE WRIGHTII– LESS THAN 1 PERCENT COVER WITH BARE SUBSTRATE.

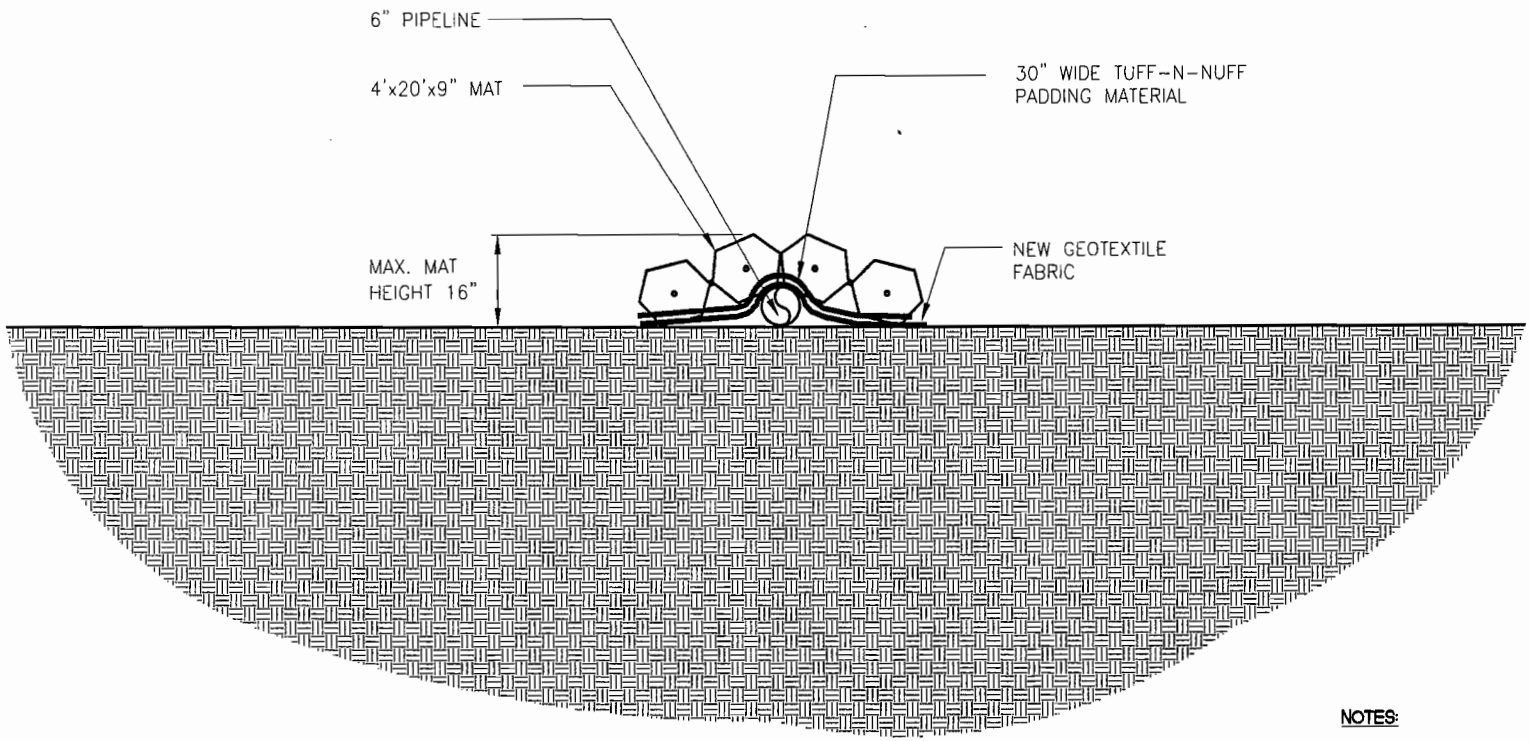
HABITAT 28:
MIXTURE OF HALODULE WRIGHTII/HALOPHILA DECIPIENS– 30 TO 70 PERCENT COVER WITH BARE SUBSTRATE.

HABITAT 29:
HALODULE WRIGHTII– 30 TO 70 PERCENT COVER WITH BARE SUBSTRATE AND HALOPHILA DECIPIENS– LESS THAN 1 PERCENT COVER (OCCASIONAL OCCURRENCE OF A SINGLE OR A FEW BLADES) TO 30 PERCENT COVER WITH BARE SUBSTRATE.

43

VIVEK S. KAMATH, P.E. P.E. No-42618 2/9/09	URS 7650 CORPORATE CENTER DRIVE #401 MIAMI, FL 33126-1220 TEL: 305-884-8900 FAX: 305-884-2665 CERTIFICATE AUTHORIZATION No. 2	Florida Gas Transmission Company	FGT Technical Services Maitland, Florida	6-INCH MIAMI BEACH LATERAL BISCAYNE BAY EROSION MITIGATION MIAMI-DADE COUNTY, FLORIDA SEGMENT 1	W.O. 721457 Dr. By Date 10-02-06 Revised Date 6-26-08	FOR PERMITTING Scale 1"=30'	DWG. NO. KEYNOTES-2

MIAMI-DADE COUNTY, FLORIDA



NOTES:

1. EXISTING SAND BAGS ABOVE GRADE WITHIN CONSTRUCTION LIMITS TO BE REMOVED.
2. EXISTING SAND BAGS BELOW GRADE WITHIN CONSTRUCTION LIMITS TO REMAIN.

SCHEMATIC OF MAT OVERLAY

SCALE: NTS

Vivek Kamath 2/11/09

VIVEK S. KAMATH, P.E.
P.E. No.-42618

URS
7650 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
TEL: 305-884-8900
FAX: 305-884-2665
CERTIFICATE AUTHORIZATION No. 2

W.O. 721457		FOR PERMITTING
Dr. By	Date 10-02-06	Scale N.T.S.
Revised Date 02-05-09		

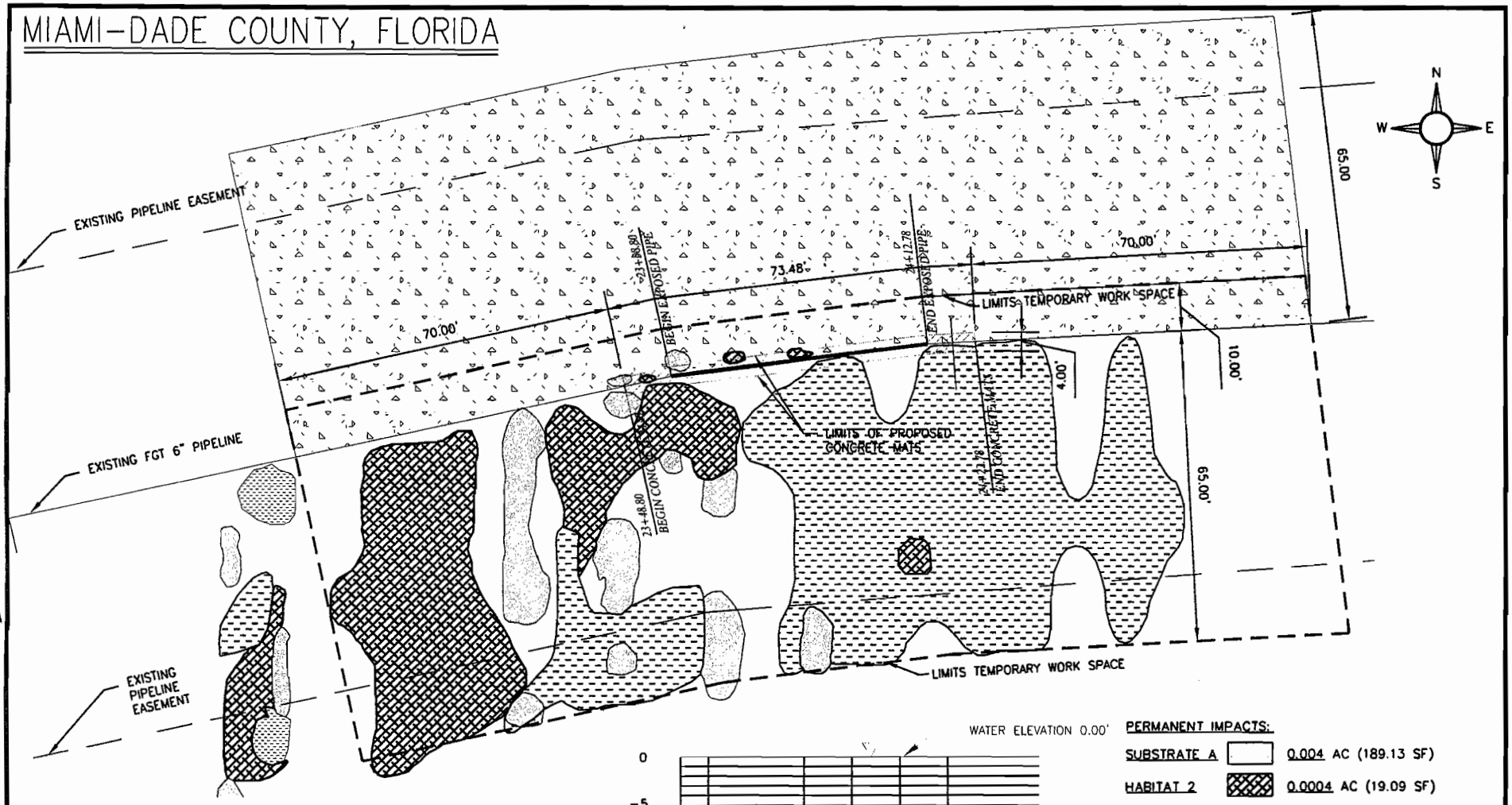
FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
TYPICAL CROSS SECTION OF MAT OVERLAY

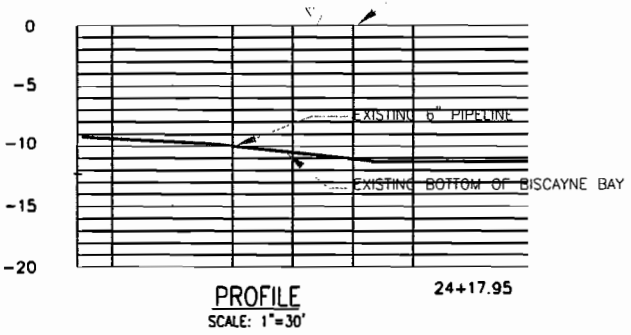
Florida Gas Transmission Company

DWG. NO. D1

MIAMI-DADE COUNTY, FLORIDA



PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

PERMANENT IMPACTS:

SUBSTRATE A		0.004 AC (189.13 SF)
HABITAT 2		0.0004 AC (19.09 SF)
HABITAT 3		0.0001 AC (6.42 SF)
HABITAT 4		0.0006 AC (26.83 SF)

TEMPORARY WORK SPACE: 0.364 AC (15,876.76 SF)

0 15' 30'

LEGEND:

- CENTERLINE OF EXISTING PIPELINE
- EXPOSED PIPELINE SEGMENT
- TEMPORARY WORK AREA
- EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

Vivek Kamath 2/10/09
VIVEK S. KAMATH, P.E.
P.E. No-42618

URS
7650 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
TEL: 305-884-8900
FAX: 305-884-2665
CERTIFICATE AUTHORIZATION No. 2

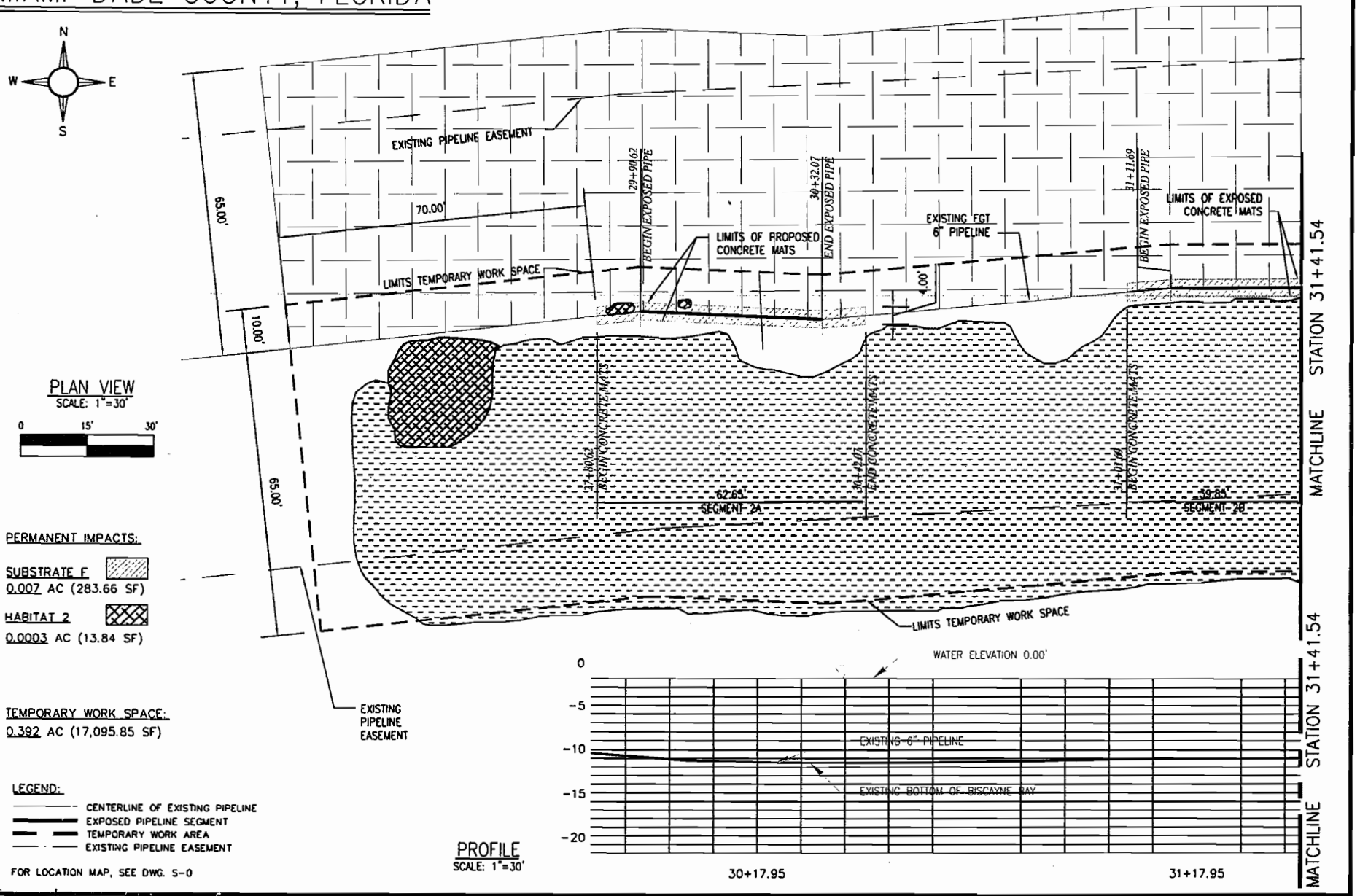
Florida Gas Transmission Company

FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale 1"=30'	
Revised Date 6-26-08			DWG. NO. S-1

MIAMI-DADE COUNTY, FLORIDA



PLAN VIEW
SCALE: 1"=30'

0 15' 30'

PERMANENT IMPACTS:

SUBSTRATE F
0.007 AC (283.66 SF)

HABITAT 2
0.0003 AC (13.84 SF)

TEMPORARY WORK SPACE:
0.392 AC (17,095.85 SF)

LEGEND:
- CENTERLINE OF EXISTING PIPELINE
- EXPOSED PIPELINE SEGMENT
- TEMPORARY WORK AREA
- EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

PROFILE
SCALE: 1"=30'

Vivek Kamath 2/11/09

VIVEK S. KAMATH, P.E.
P.E. No-42618

URS
2650 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
TEL: 305-884-8900
FAX: 305-884-2665
CERTIFICATE AUTHORIZATION No. 2

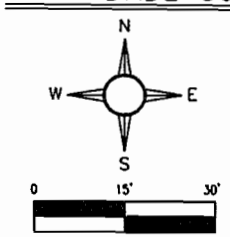
Florida Gas Transmission Company

FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale 1"=30'	
Revised Date 6-26-08			DWG. NO. S-2A

MIAMI-DADE COUNTY, FLORIDA



PERMANENT IMPACTS:

SUBSTRATE F

0.020 AC (848.08 SF)

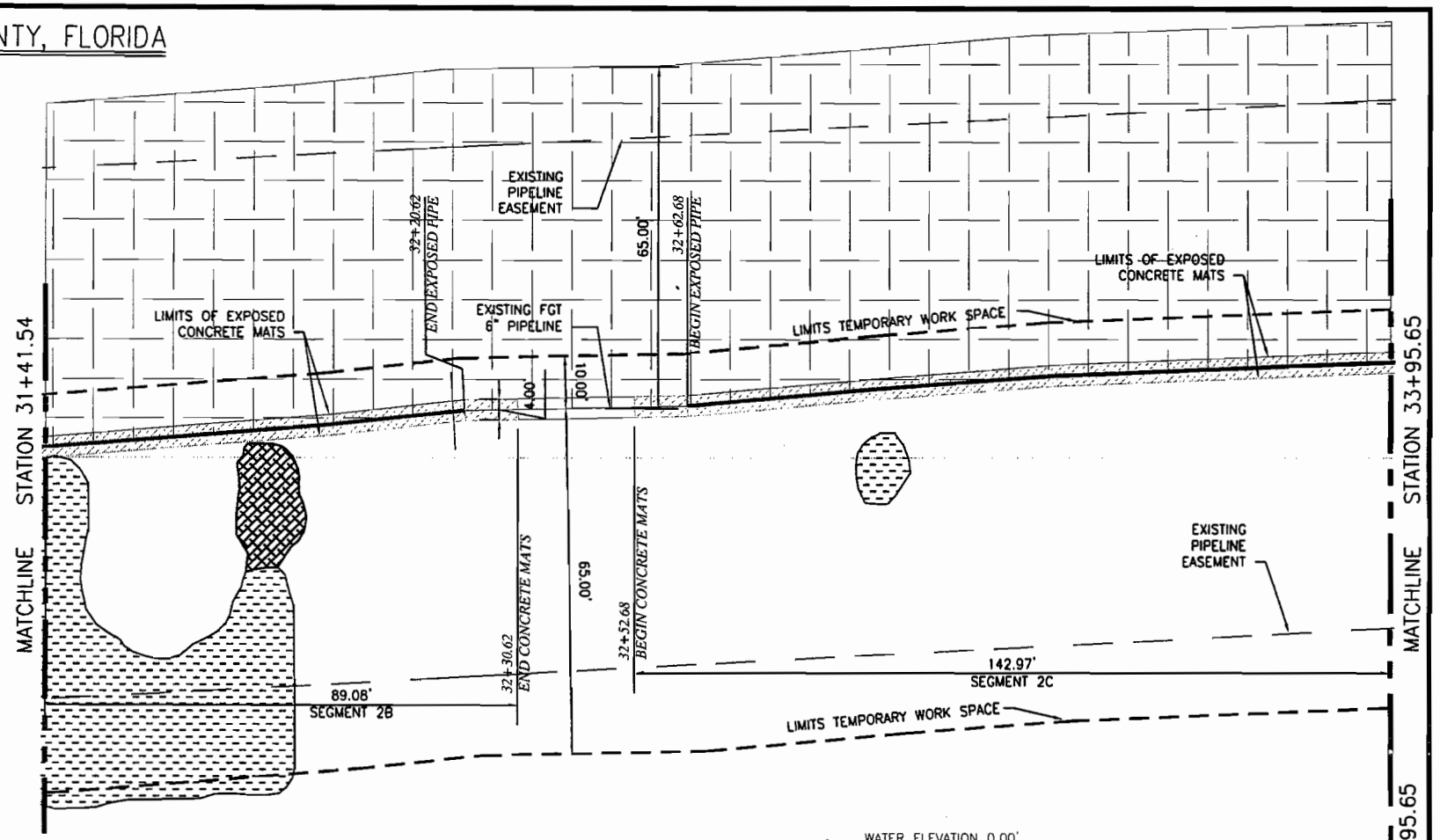
HABITAT 4

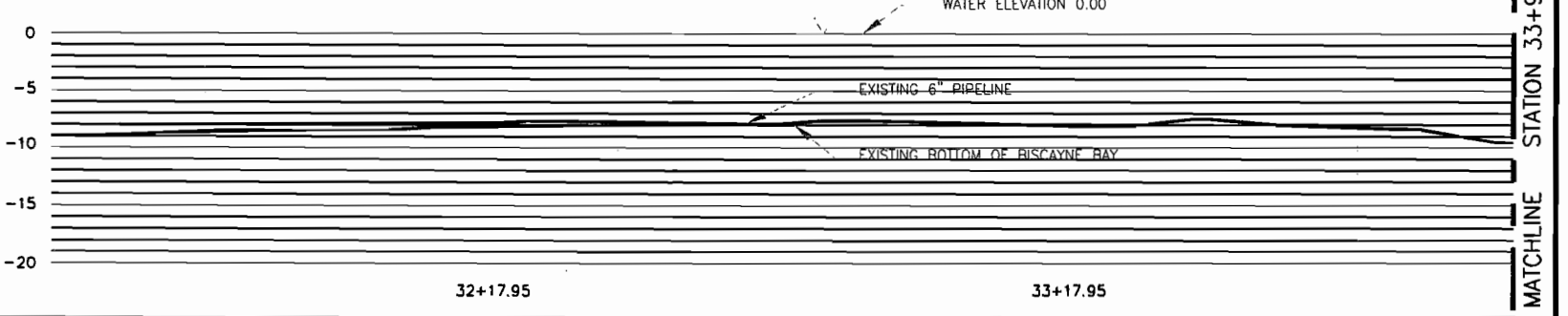
0.00003 AC (0.13 SF)

TEMPORARY WORK SPACE:

0.437 AC (19,054.16 SF)

PLAN VIEW
SCALE: 1"=30'





LEGEND:

CENTERLINE OF EXISTING PIPELINE

EXPOSED PIPELINE SEGMENT

TEMPORARY WORK AREA

EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

PROFILE
SCALE: 1"=30'

VIVEK S. KAMATH, P.E.
P.E. No-42618

URS
7650 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
TEL: 305-884-8900
FAX: 305-884-2665
CERTIFICATE AUTHORIZATION No. 2

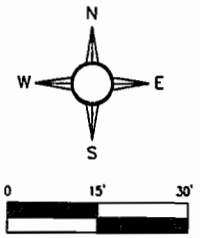
Florida Gas Transmission Company

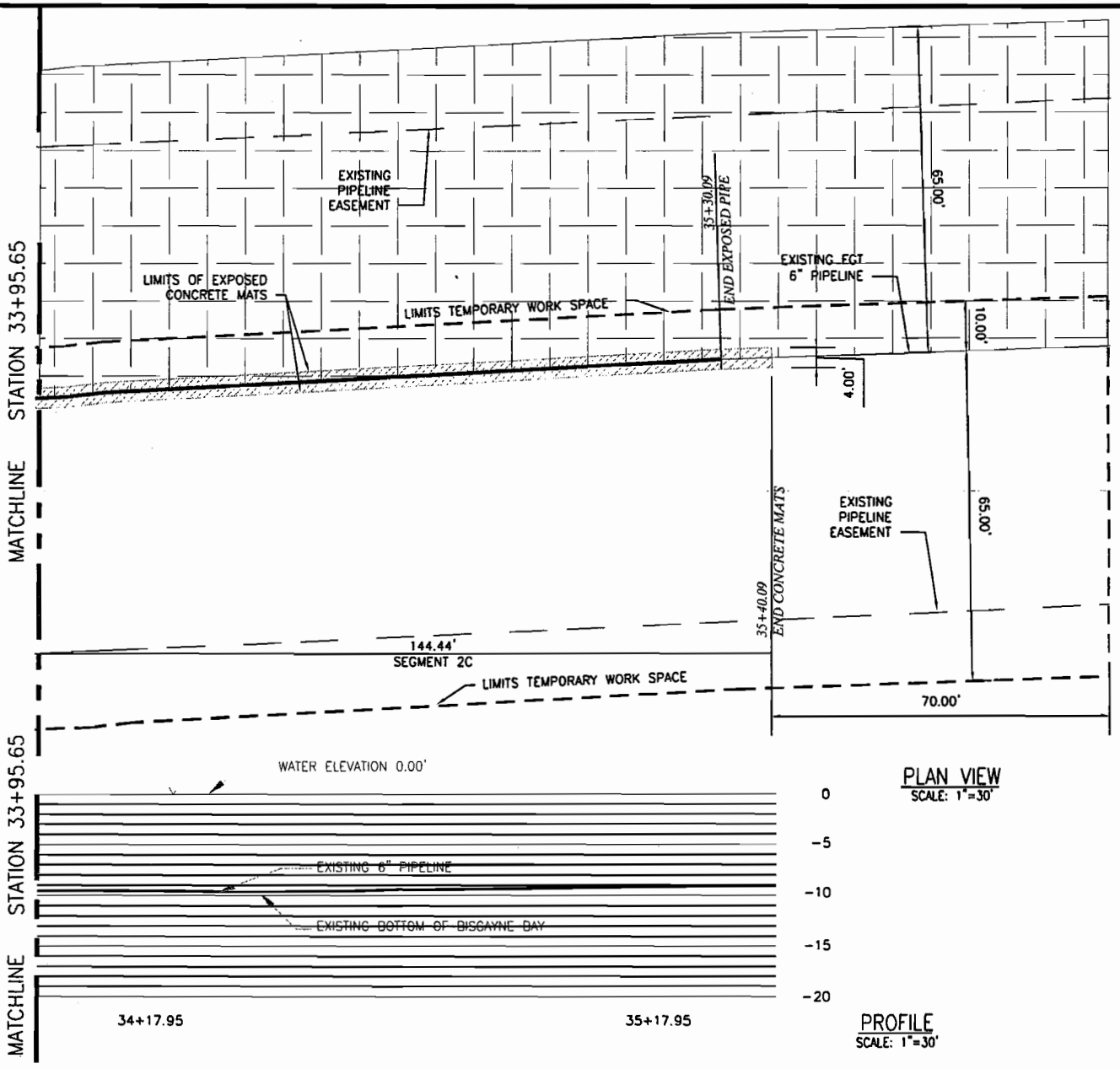
FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL BISCAYNE BAY EROSION MITIGATION MIAMI-DADE COUNTY, FLORIDA SEGMENT 1

W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale 1"=30'	
Revised Date 6-26-08			DWG. NO. S-2B

MIAMI-DADE COUNTY, FLORIDA





PLAN VIEW
SCALE: 1"=30'

PROFILE
SCALE: 1"=30'

PERMANENT IMPACTS:

SUBSTRATE F 0.012 AC (537.76 SF)

TEMPORARY WORK SPACE 0.363 AC (15,804.12 SF)

LEGEND:

- CENTERLINE OF EXISTING PIPELINE
- EXPOSED PIPELINE SEGMENT
- TEMPORARY WORK AREA
- EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

87

Vivek Kamath 2/11/08

VIVEK S. KAMATH, P.E.
P.E. No-42618

URS
7650 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
TEL: 305-884-8900
FAX: 305-884-2665
CERTIFICATE AUTHORIZATION No. 2

Florida Gas Transmission Company

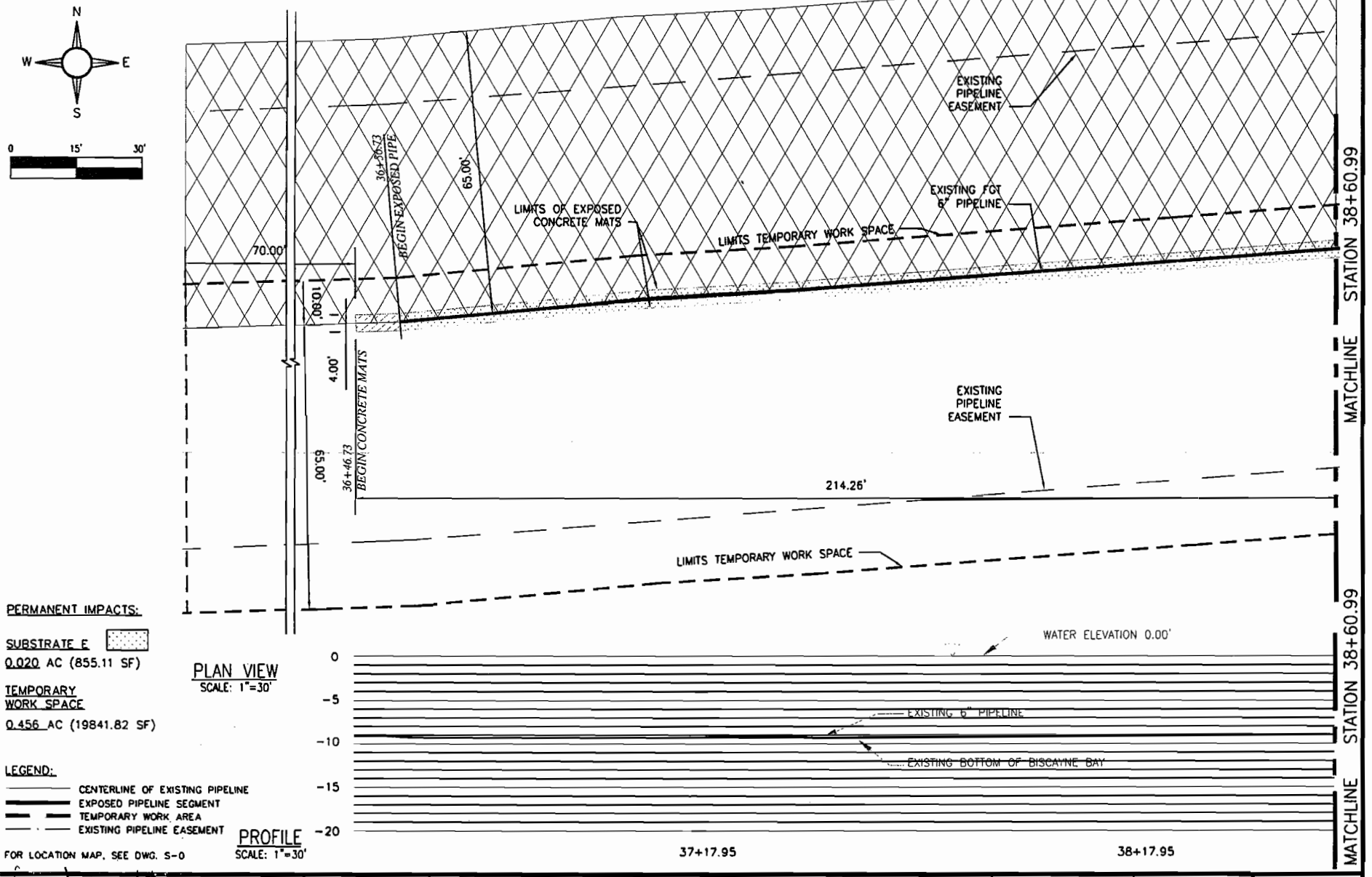
FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457	FOR PERMITTING
Dr. By	Date 10-02-06
Scale 1"=30'	
Revised Date 6-26-08	

DWG. NO. S-2C

MIAMI-DADE COUNTY, FLORIDA



FOR LOCATION MAP, SEE DWG. S-0

54

Vivek Kamath 2/11/09

VIVEK S. KAMATH, P.E.
P.E. No-42618

URS
7650 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
TEL: 305-884-8900
FAX: 305-884-2665
CERTIFICATE AUTHORIZATION No. 2

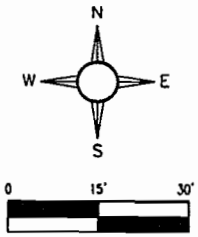
Florida Gas Transmission Company

FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale 1"=30'	
Revised Date 6-26-08			DWG. NO. S-3A

MIAMI-DADE COUNTY, FLORIDA



PERMANENT IMPACTS:

SUBSTRATE E

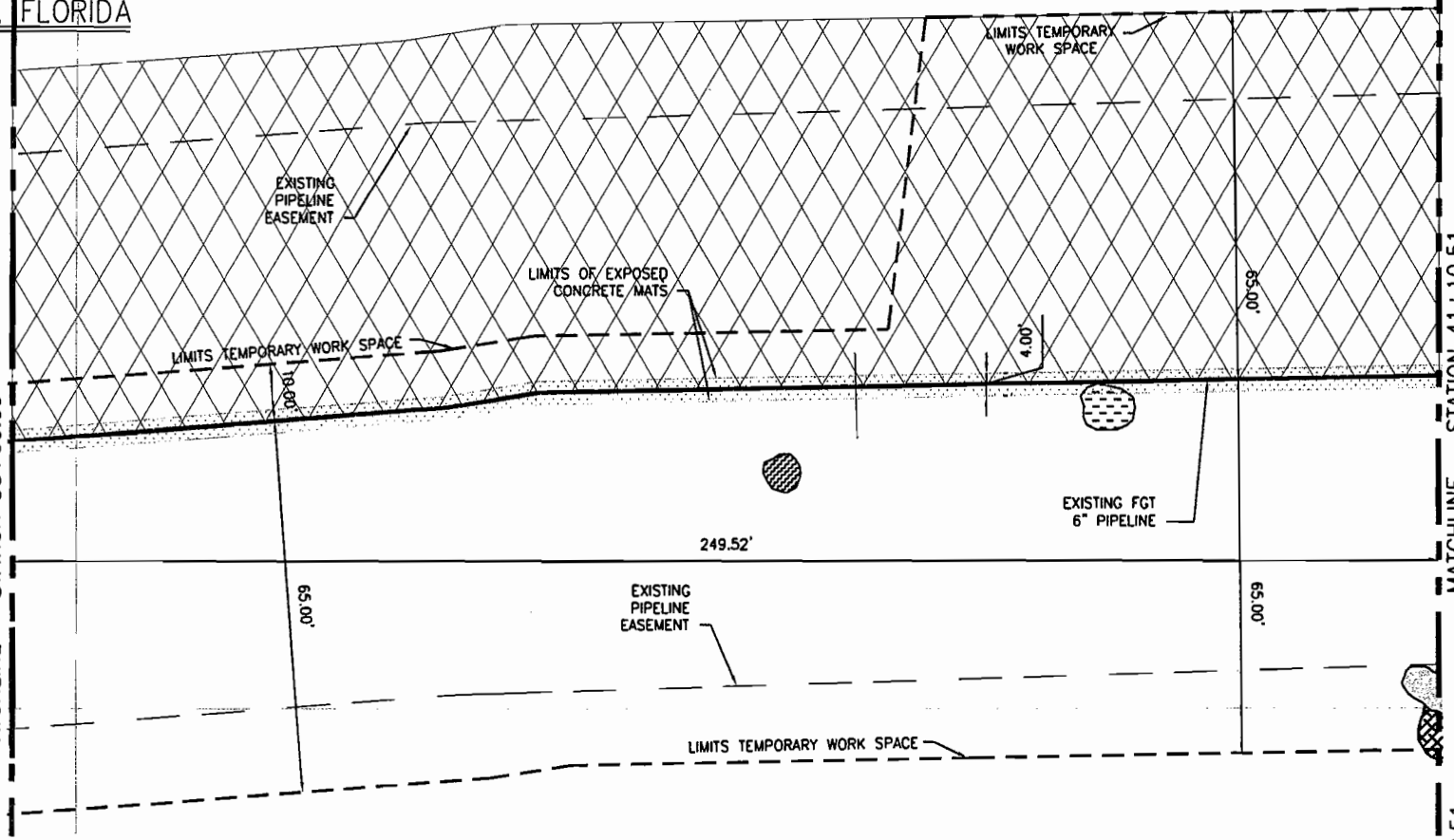
0.023 AC (989.60 SF)

HABITAT 4

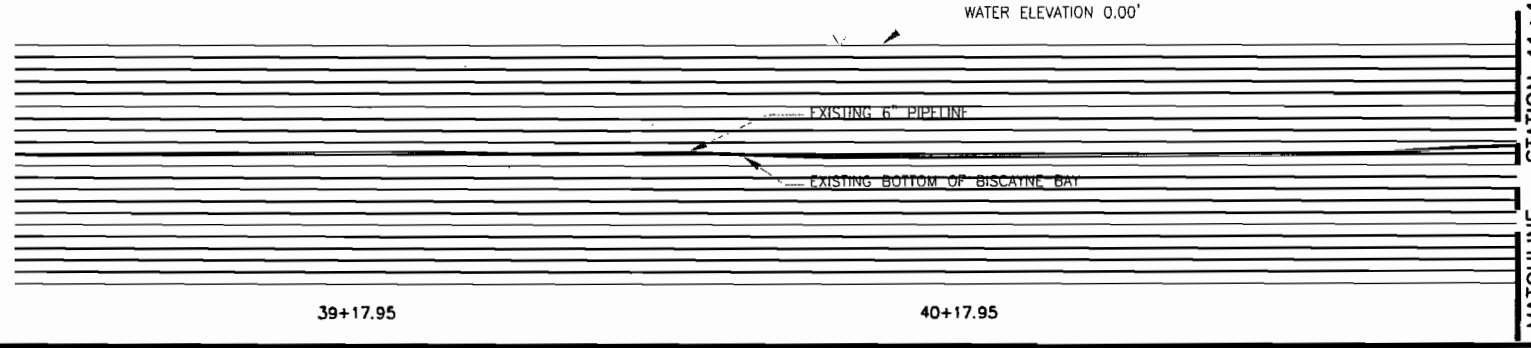
0.0002 AC (8.69 SF)

TEMPORARY WORK SPACE:

0.547 AC (23830.00 SF)



PLAN VIEW
SCALE: 1"=30'



LEGEND:

CENTERLINE OF EXISTING PIPELINE

EXPOSED PIPELINE SEGMENT

TEMPORARY WORK AREA

EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

PROFILE
SCALE: 1"=30'

Vivek Kamath 2/11/09

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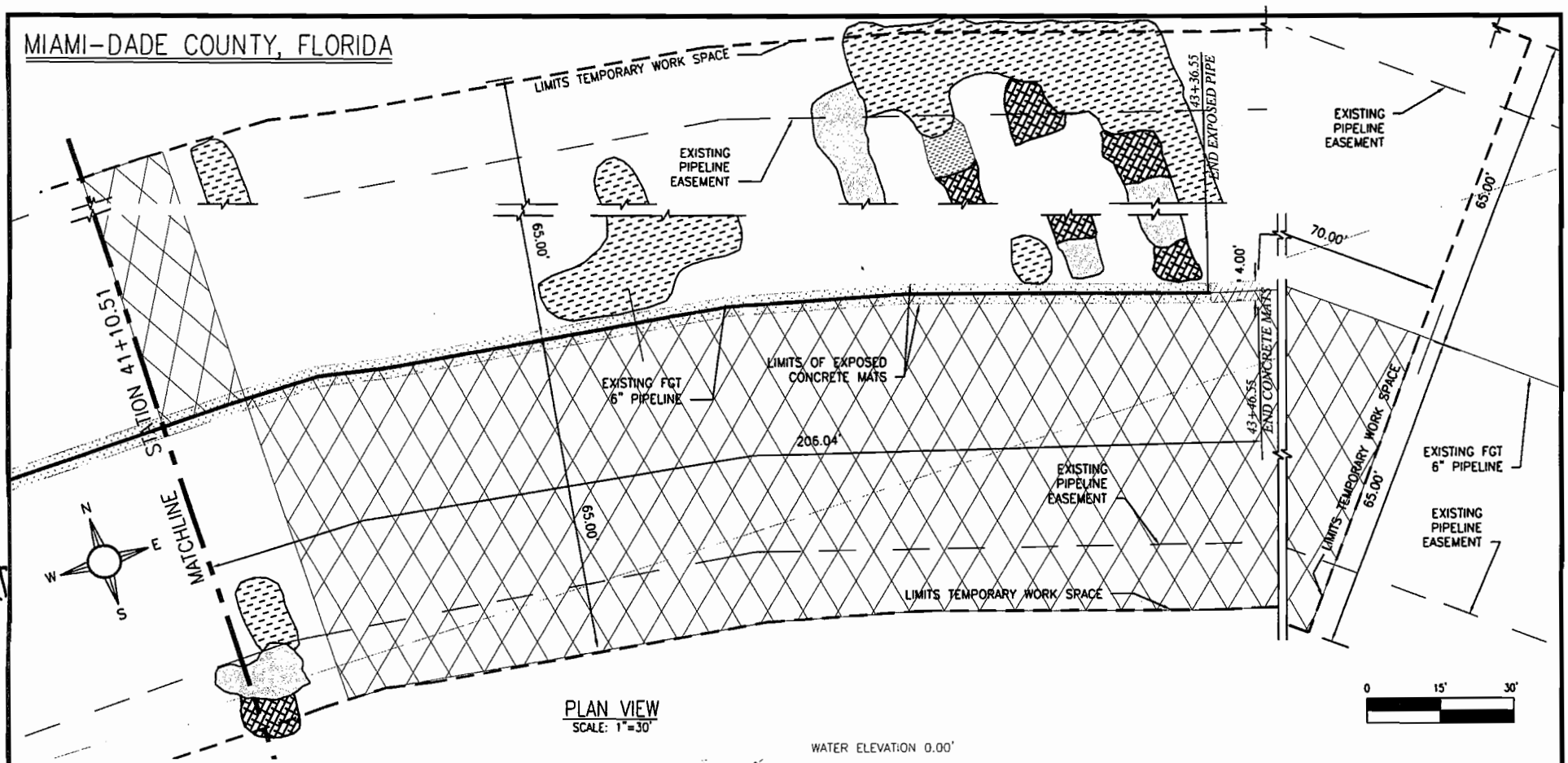
SEGMENT 1

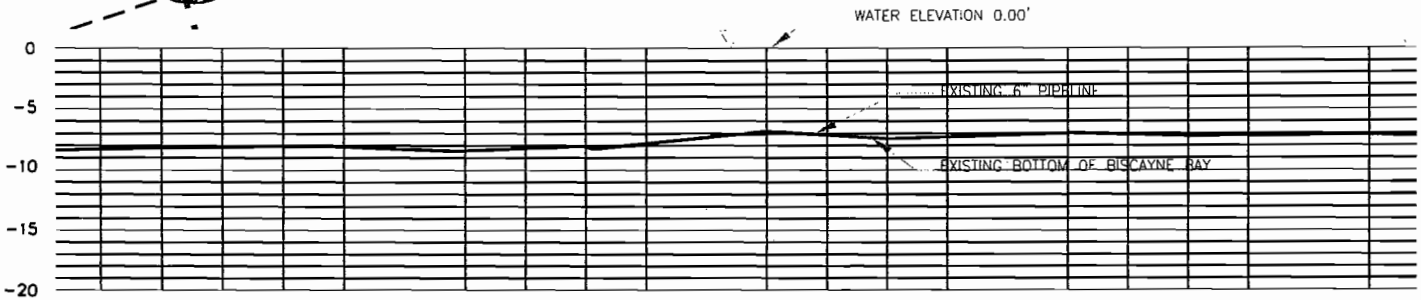
W.O. 721457	FOR PERMITTING
Dr. By / Date 10-02-06	Scale 1"=30'
Revised Date 6-26-08	

DWG. NO. S-3B

MIAMI-DADE COUNTY, FLORIDA



PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

PERMANENT IMPACTS:
SUBSTRATE E
0.020 AC (864.83 SF)

TEMPORARY WORK SPACE
0.883 AC (38,476.91 SF)

LEGEND:
CENTERLINE OF EXISTING PIPELINE
EXPOSED PIPELINE SEGMENT
TEMPORARY WORK AREA
EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

Vivek Kamath 2/11/09
VIVEK S. KAMATH, P.E.
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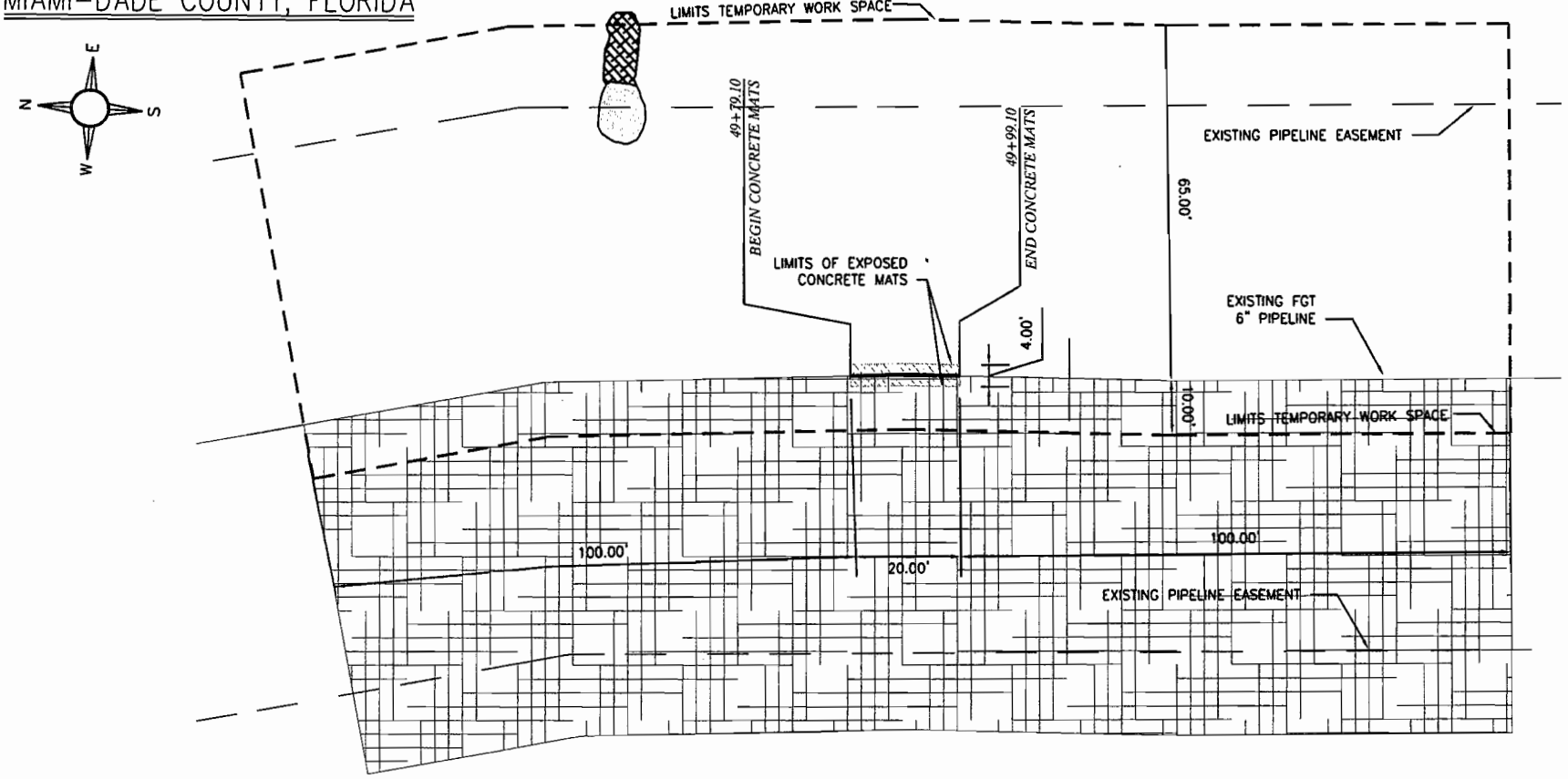
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

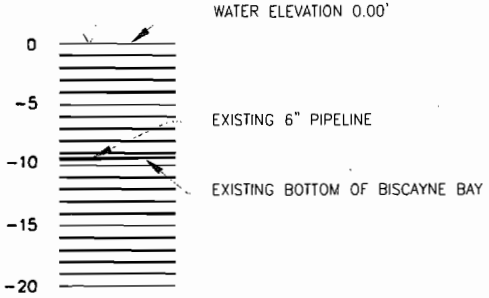
W.O. 721457	FOR PERMITTING
Dr. By	Date 10-02-06
Scale 1"=30'	
Revised Date 6-26-08	

DWG. NO. S-3C

MIAMI-DADE COUNTY, FLORIDA



PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

LEGEND:
- CENTERLINE OF EXISTING PIPELINE
- EXPOSED PIPELINE SEGMENT
- TEMPORARY WORK AREA
- EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

0 15' 30'

PERMANENT IMPACTS:

SUBSTRATE F 0.002 AC (80.03 SF)

TEMPORARY WORK SPACE 0.387 AC (16,866.45 SF)

Vivek Kamath 2/11/09

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Florida Gas Transmission Company

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Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
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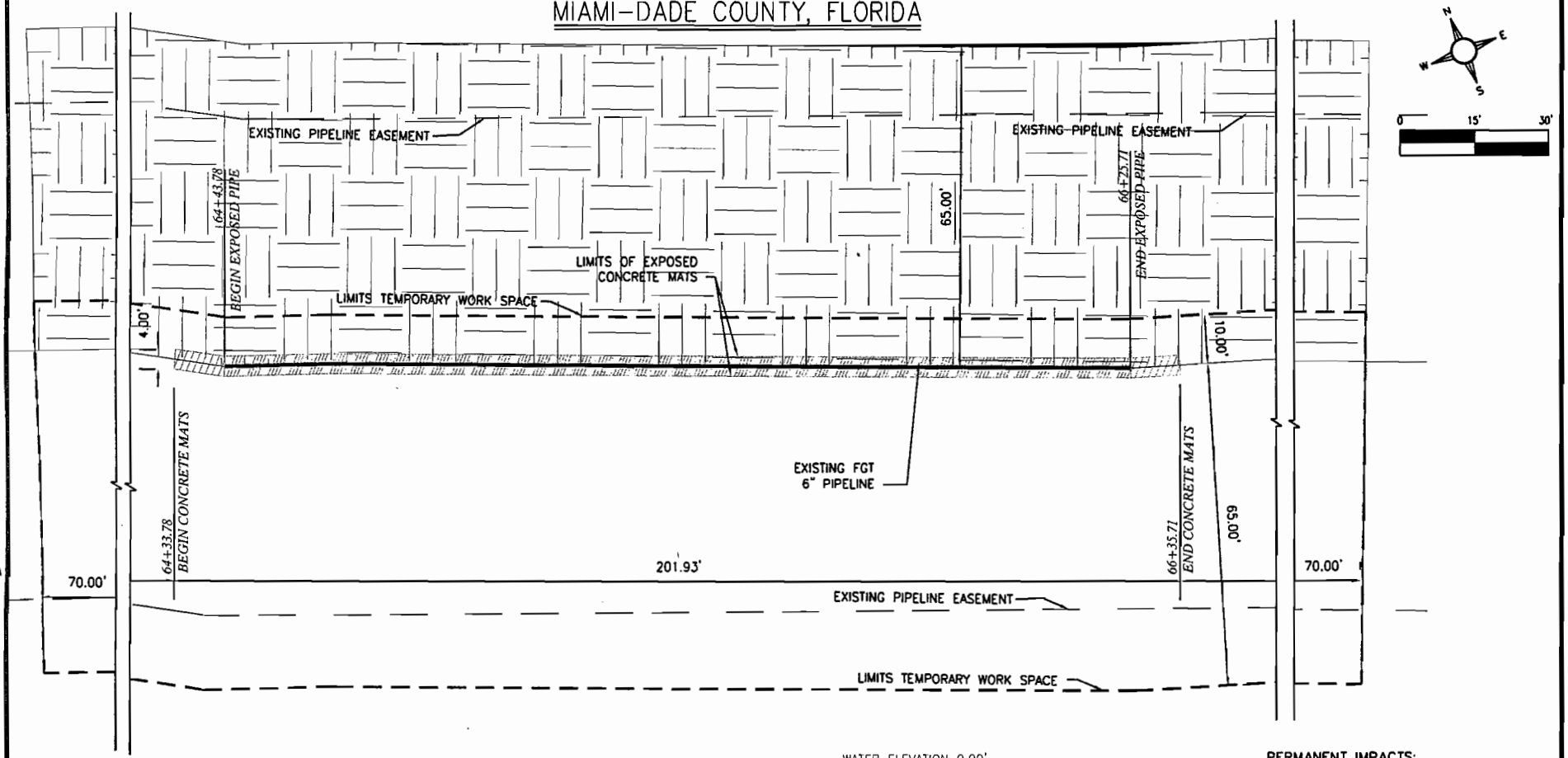
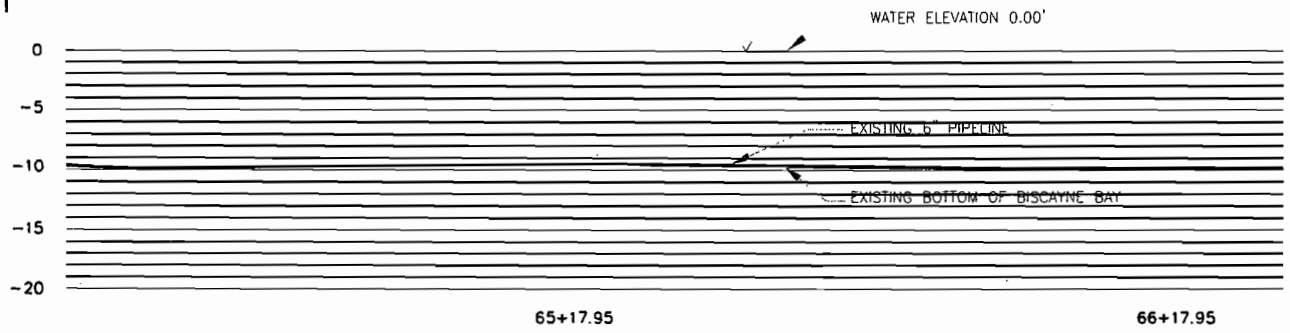
W.O. 721457	FOR PERMITTING
Dr. By	Date 10-02-06
Revised Date 6-26-08	Scale 1"=30'

DWG. NO. S-4

MIAMI-DADE COUNTY, FLORIDA



PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

PERMANENT IMPACTS:

SUBSTRATE G
0.017 AC (727.57 SF)

TEMPORARY WORK SPACE
0.587 AC (25,561.48 SF)

LEGEND:
- CENTERLINE OF EXISTING PIPELINE
- EXPOSED PIPELINE SEGMENT
- TEMPORARY WORK AREA
- EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

53

Vivek Kamath 2-11-09

VIVEK S. KAMATH, P.E.
P.E. No-42618

URS
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Florida Gas Transmission Company

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Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

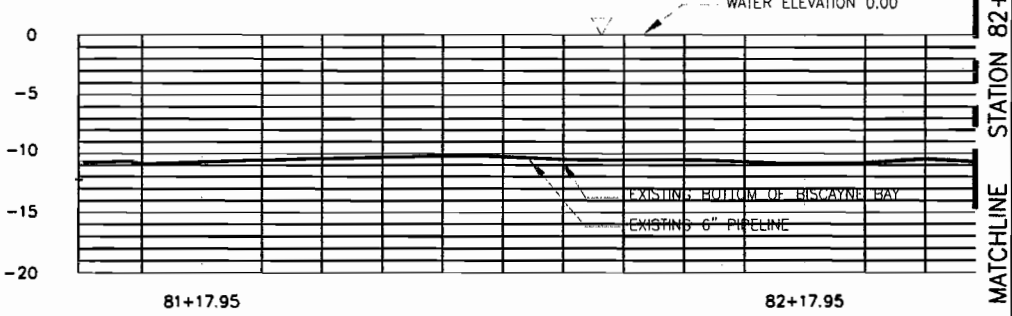
W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale 1"=30'	
Revised Date 6-26-08			DWG. NO. S-5

MIAMI-DADE COUNTY, FLORIDA

PERMANENT IMPACTS:

SUBSTRATE A		0.0128 AC (558.13 SF)
HABITAT 4		0.001 AC (3.09 SF)
HABITAT 5		0.001 AC (2.4 SF)
TEMPORARY WORK SPACE		0.387 AC (16,482.30 SF)

PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

LEGEND:
- CENTERLINE OF EXISTING PIPELINE
- EXPOSED PIPELINE SEGMENT
- TEMPORARY WORK AREA
- EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

0 15' 30'

Vivek Kamath 11/09

VIVEK S. KAMATH, P.E.
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CERTIFICATE AUTHORIZATION No. 2

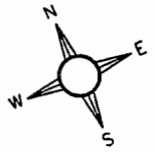
Florida Gas Transmission Company

FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale 1"=30'	
Revised Date 6-26-08			DWG. NO. S-6A

MIAMI-DADE COUNTY, FLORIDA



PERMANENT IMPACTS:

SUBSTRATE A 0.006 AC (247.53 SF)

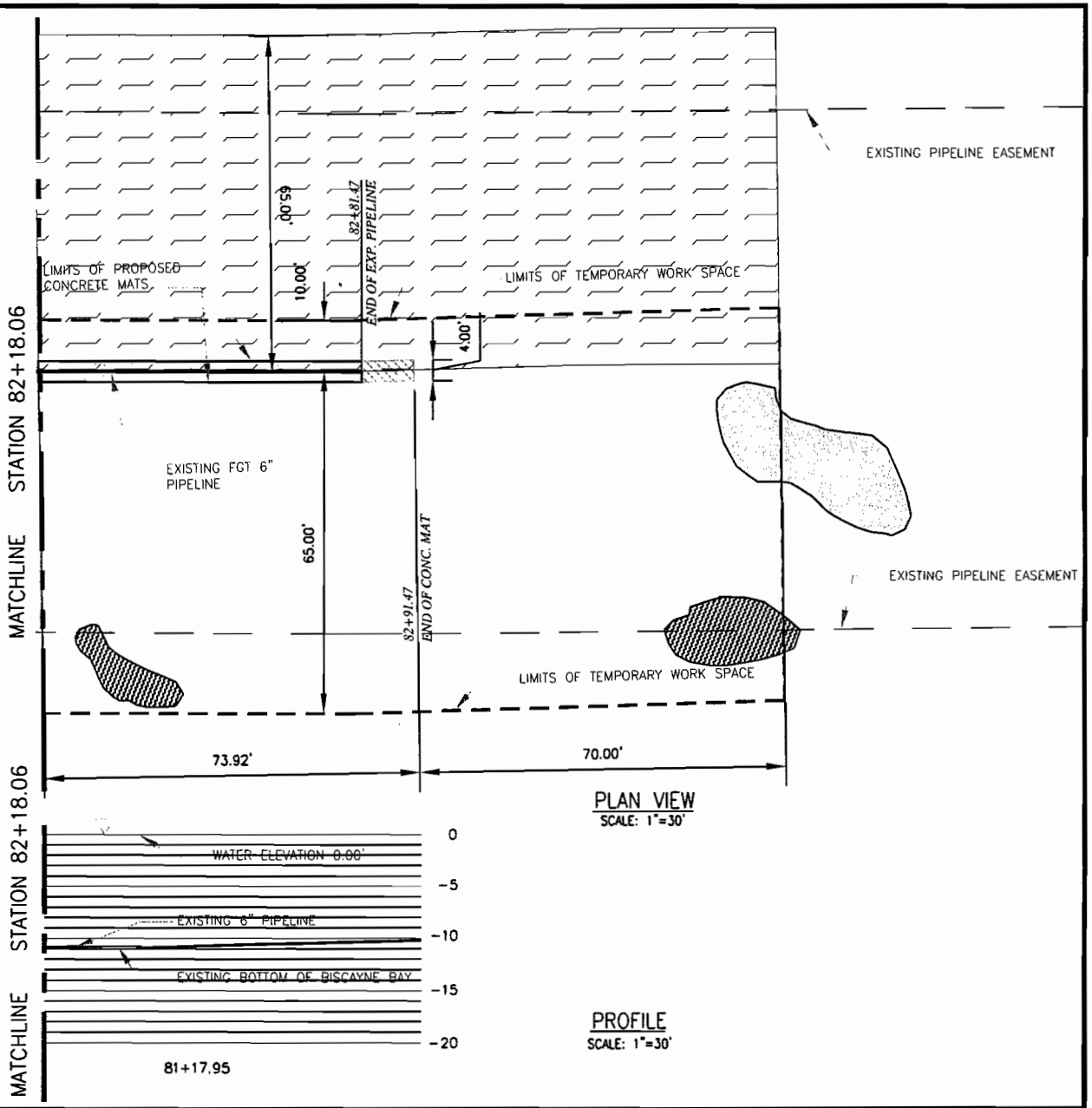
TEMPORARY WORK SPACE 0.244 AC (16,632.34 SF)

LEGEND:

- CENTERLINE OF EXISTING PIPELINE
- EXPOSED PIPELINE SEGMENT
- TEMPORARY WORK AREA
- EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

0 15' 30'



PLAN VIEW
SCALE: 1"=30'

PROFILE
SCALE: 1"=30'

Vivek Kamath 2/11/09

VIVEK S. KAMATH, P.E.
P.E. No-42618

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7650 CORPORATE CENTER DRIVE #401
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Florida Gas Transmission Company

FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
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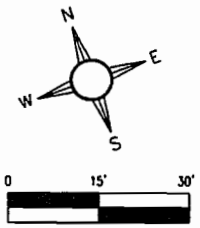
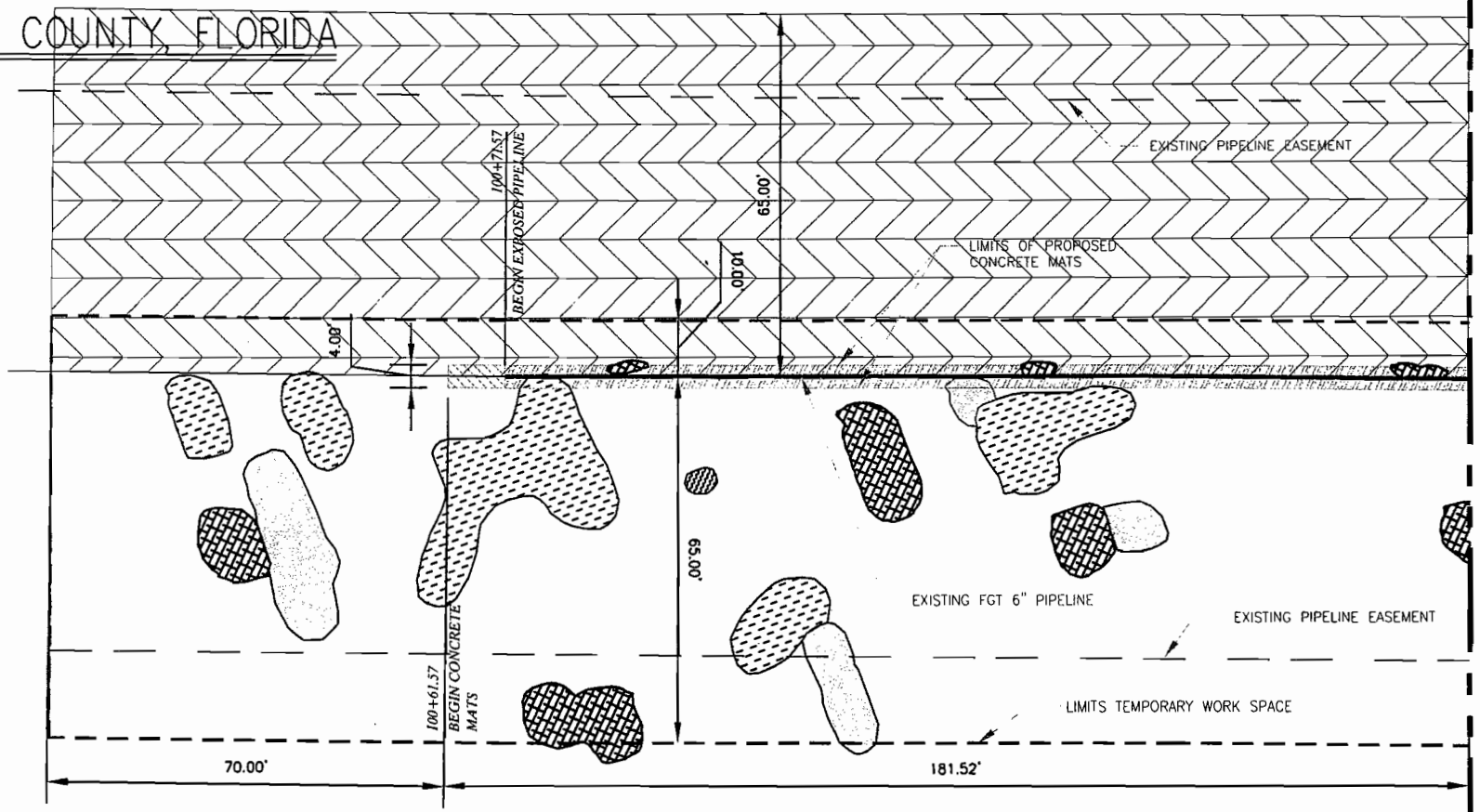
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457	FOR PERMITTING
Dr. By	Date 10-02-06
Revised Date 6-26-08	Scale 1"=30'

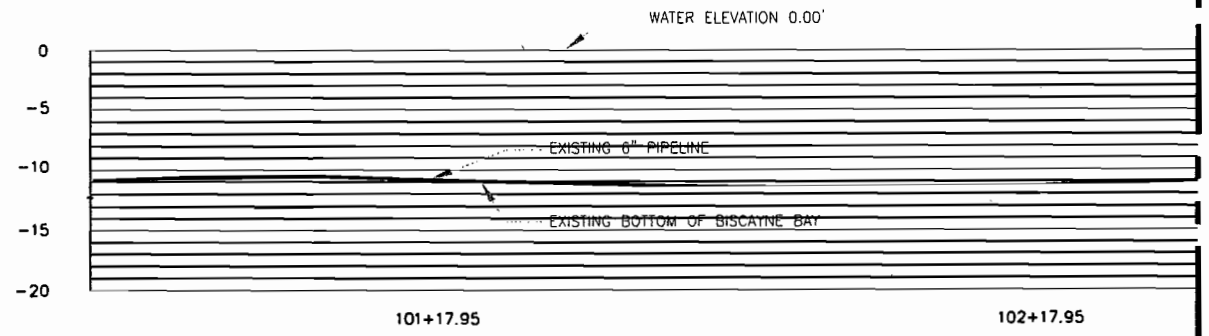
DWG. NO. S-6B

MIAMI-DADE COUNTY, FLORIDA





PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

PERMANENT IMPACTS:

SUBSTRATE D
0.014 AC (617.51 SF)

HABITAT 2
0.001 AC (36.76 SF)

HABITAT 3
0.001 AC (11.56 SF)

HABITAT 4
0.001 AC (15.75 SF)

TEMPORARY WORK SPACE:
0.433 AC (18,857.14 SF)

Vivek Kamath 2/6/09
VIVEK S. KAMATH, P.E.
P.E. No-42618

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Florida Gas Transmission Company

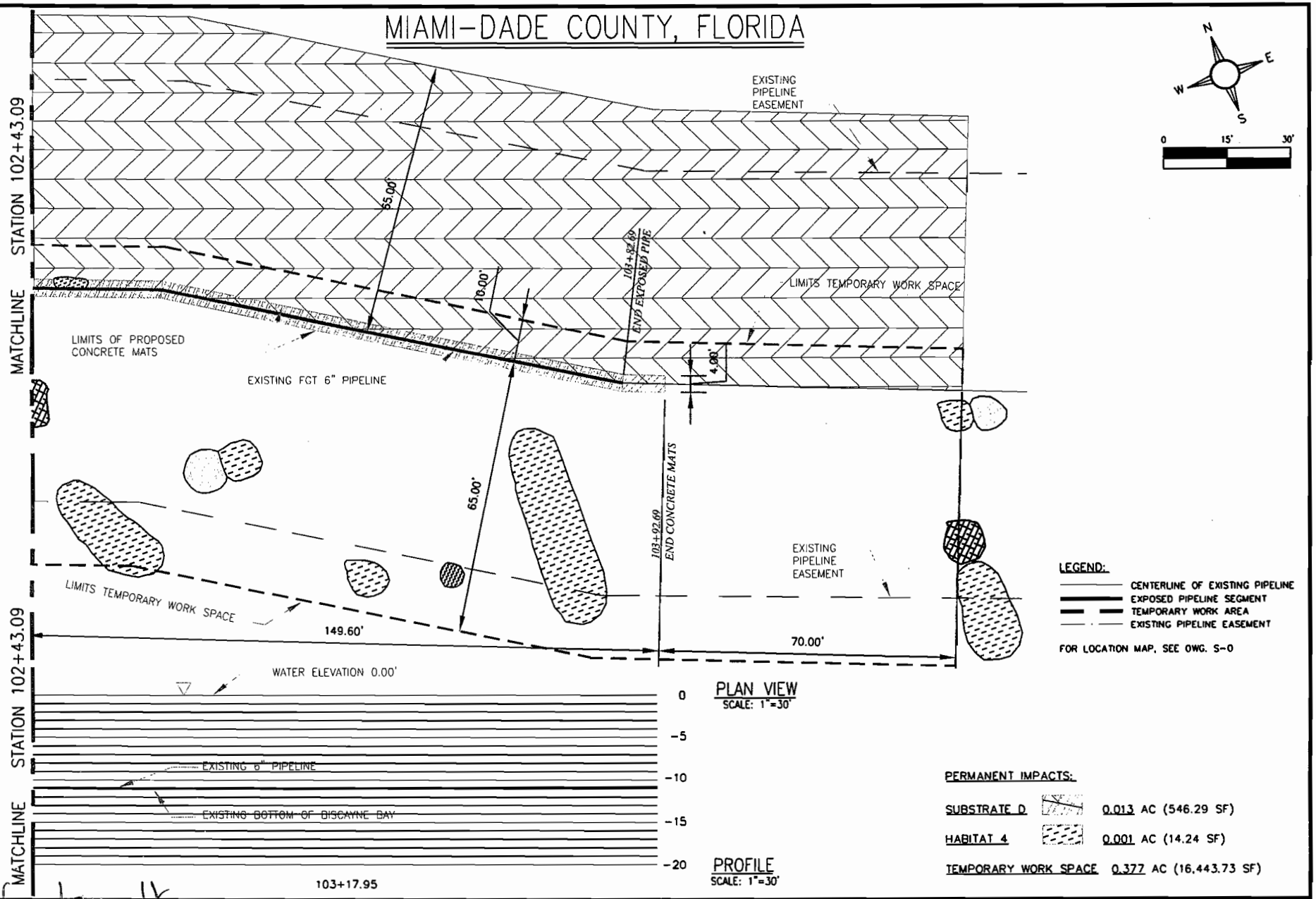
FGT Technical Services
Maitland, Florida

6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457	FOR PERMITTING
Dr. By	Date 10-02-06
Scale 1"=30'	
Revised Date 6-26-08	

DWG. NO. S-7A

MIAMI-DADE COUNTY, FLORIDA



PLAN VIEW
SCALE: 1"=30'

PROFILE
SCALE: 1"=30'

LEGEND:
- CENTERLINE OF EXISTING PIPELINE
- EXPOSED PIPELINE SEGMENT
- TEMPORARY WORK AREA
- EXISTING PIPELINE EASEMENT

FOR LOCATION MAP, SEE DWG. S-0

PERMANENT IMPACTS:

SUBSTRATE D		0.013 AC (546.29 SF)
HABITAT 4		0.001 AC (14.24 SF)
TEMPORARY WORK SPACE		0.377 AC (16,443.73 SF)

Vivek Kamath 2/11/09

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6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale 1"=30'	DWG. NO. S-7B
Revised Date 6-26-08			

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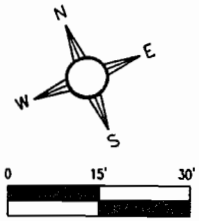
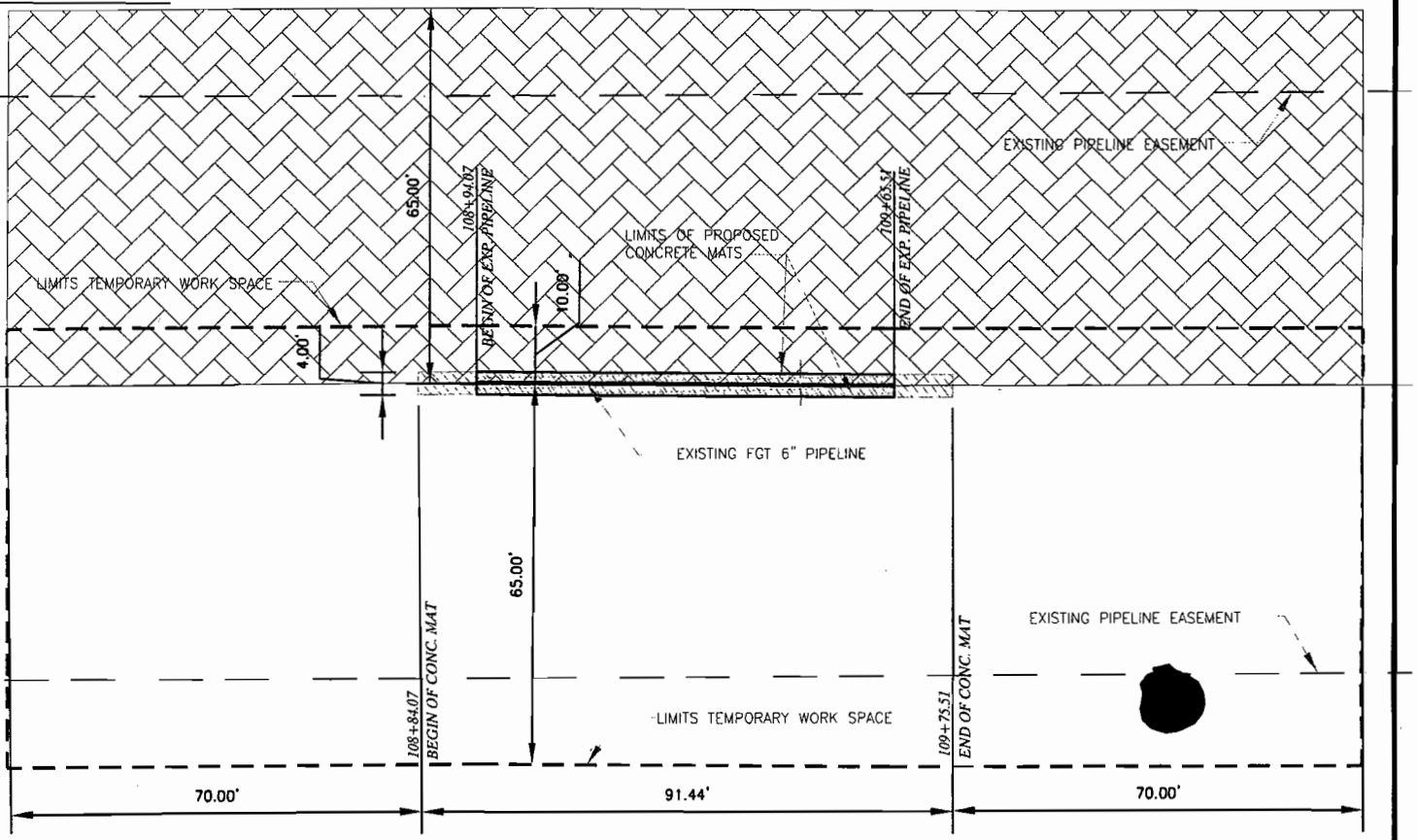
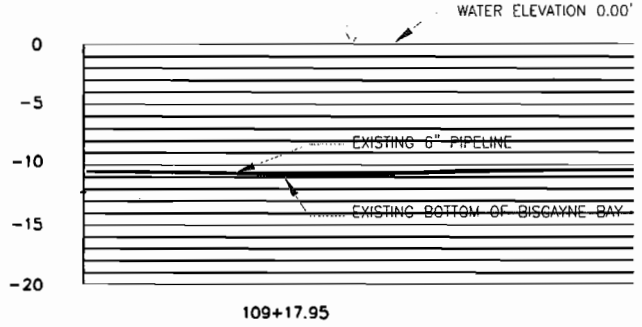
MIAMI-DADE COUNTY, FLORIDA





PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

PERMANENT IMPACTS:

SUBSTRATE D
0.006 AC (285.70 SF)

TEMPORARY WORK SPACE
0.398 AC (17,351.87 SF)

Vivek Kamath 2/11/09

VIVEK S. KAMATH, P.E.
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950 CORPORATE CENTER DRIVE #401
MIAMI, FL 33126-1220
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CERTIFICATE AUTHORIZATION No. 2

Florida Gas Transmission Company

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Maitland, Florida

6-INCH MIAMI BEACH LATERAL
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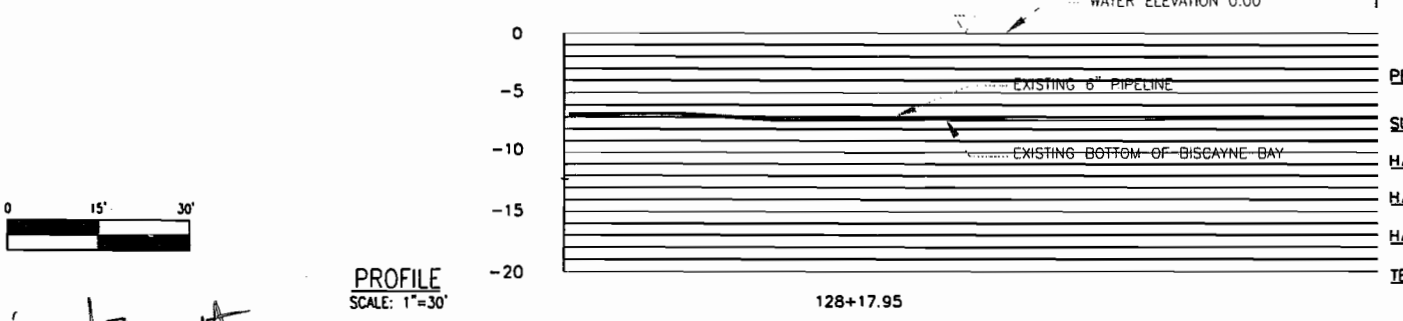
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457	FOR PERMITTING
Dr. By	Date 10-02-06
Revised Date 6-26-08	Scale 1"=30'

DWG. NO. S-8

MIAMI-DADE COUNTY, FLORIDA

PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

128+17.95

PERMANENT IMPACTS:

SUBSTRATE B	0.005 AC	(199.56 SF)
HABITAT 2	0.001 AC	(57.8 SF)
HABITAT 3	0.003 AC	(150.53 SF)
HABITAT 11	0.001 AC	(15.73 SF)
TEMPORARY WORK SPACE	0.458 AC	(19,964.84 SF)

Vivek Kamath 2/11/09

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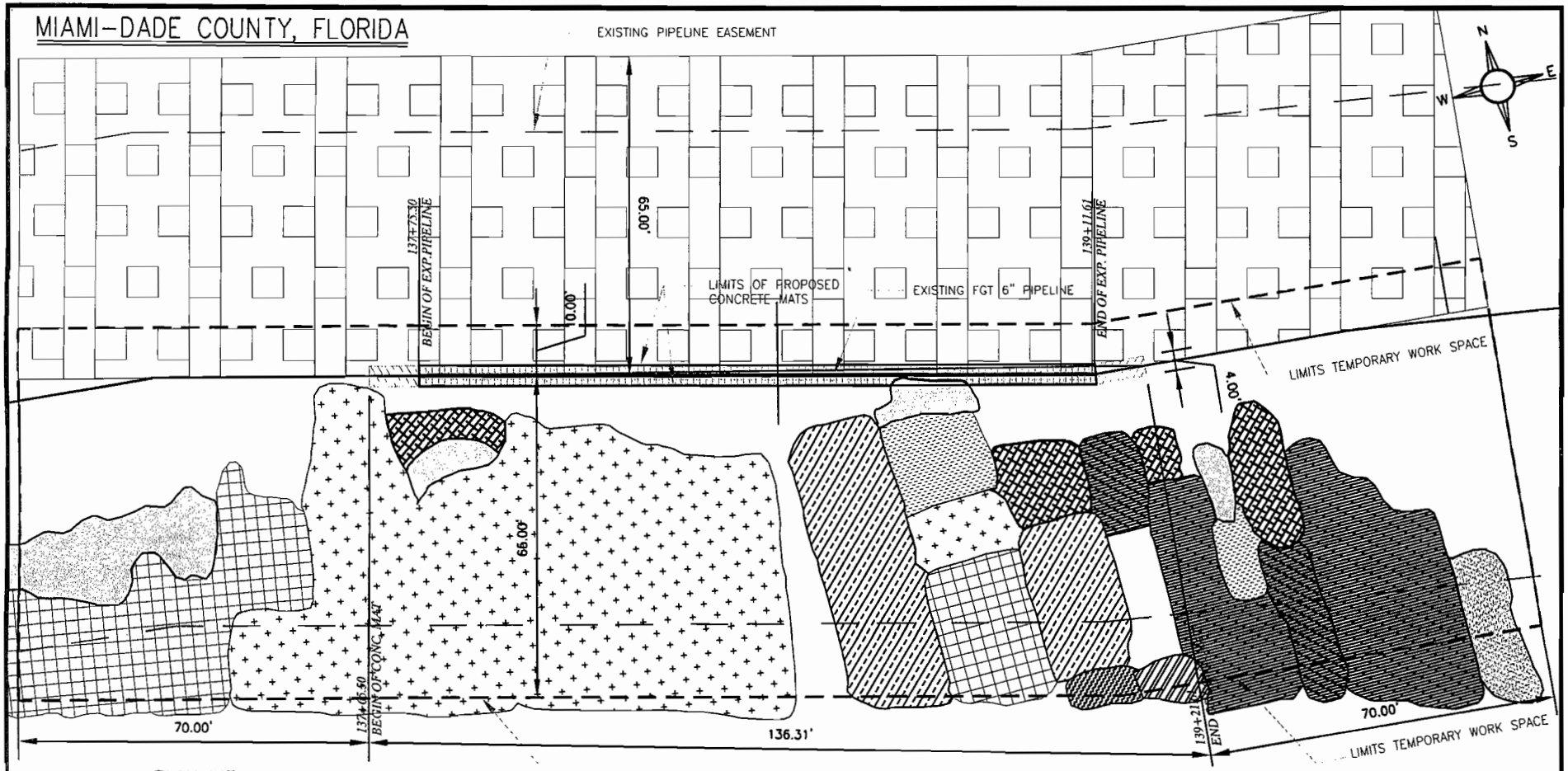
Maitland, Florida

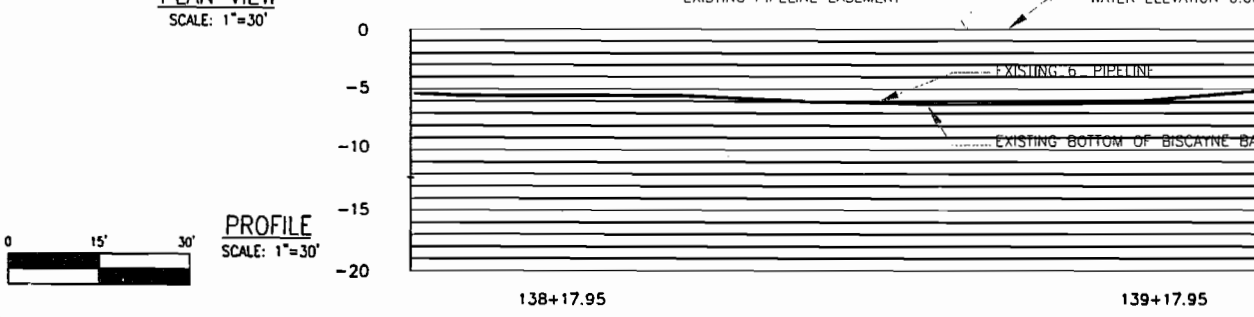
6-INCH MIAMI BEACH LATERAL
BISCAYNE BAY EROSION MITIGATION
MIAMI-DADE COUNTY, FLORIDA
SEGMENT 1

W.O. 721457		FOR PERMITTING	
Dr. By	Date 10-02-06	Scale 1"=30'	
Revised Date 6-26-08			DWG. NO. S-9

MIAMI-DADE COUNTY, FLORIDA



PLAN VIEW
SCALE: 1"=30'



PROFILE
SCALE: 1"=30'

PERMANENT IMPACTS:

SUBSTRATE C
0.012 AC (530.21 SF)

HABITAT 3
0.001 AC (14.37 SF)

TEMPORARY WORK SPACE
0.518 AC (22,552.99 SF)

60

Vivek Kamath 2/11/09 VIVEK S. KAMATH, P.E. P.E. No-42618	URS 7650 CORPORATE CENTER DRIVE #401 MIAMI, FL 33126-1220 TEL: 305-884-8900 FAX: 305-884-2665 CERTIFICATE AUTHORIZATION No. 2	Florida Gas Transmission Company	FGT Technical Services Maitland, Florida	6-INCH MIAMI BEACH LATERAL BISCAYNE BAY EROSION MITIGATION MIAMI-DADE COUNTY, FLORIDA SEGMENT 1	W.O. 721457 Dr. By Date 10-02-06 Revised Date 6-26-08	FOR PERMITTING Scale 1"=30'	DWG. NO. S-10

Attachment E

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: July 21, 2009

To: Lisa M. Spadafina, Manager
Coastal Resources Section
Environmental Resources Management

From: Lourdes Barrelli, Biologist II
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by the Florida Gas Transmission Company, LLC to Protect and Cover 2,200 Linear Feet of Submerged Natural Gas Pipeline Segments Through the Placement of Geotextile Fabric and Concrete Mats, and to Place 29 Cubic Yards of Clean Fill Along 2,533 Square Feet of Submerged Land for Seagrass Restoration within Biscayne Bay

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Pursuant to Section 24-48.2(II)(A)(7), 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 Miami-Dade County Board of County Commissioners and prior to issuance of the Class I permit.

Attachment F

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

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1413 N VENETIAN WAY
MIAMI FL 33139-1141

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1121 N VENETIAN DR
MIAMI FL 33139-1018

ROGER PERAZA
1111 N VENETIAN DR
MIAMI BEACH FL 33139-1018

MAURICE E HALL
1141 N VENETIAN DR
MIAMI BEACH FL 33139-1018

LOURDES CAPOTE
1221 N VENETIAN WAY
MIAMI BEACH FL 33139-1137

EDMUND R TAMAYO &W MONICA
1215 N VENETIAN WAY
MIAMI FL 33139-1137

DANIEL GONZALEZ
1142 N VENETIAN DR
MIAMI FL 33139-1019

FABIO A SALGADO
5020 BISCAYNE BLVD
MIAMI FL 33137-3218

DAVID FILLER
1132 N VENETIAN DR
MIAMI FL 33139-1019

DOMINGO PANDO &W GLADYS
1220 S VENETIAN WAY
MIAMI FL 33139-1173

MANUEL CAPO &W AIDA
1230 S VENETIAN WAY
MIAMI FL 33139-1173

ALDEMA MIAMI BEACH
INVESTMENT CORP
1198 VENETIAN WAY
MIAMI FL 33139-1041

RENAUD DOURA
1240 S. VENETIAN WAY
MIAMI FL 33139-1173

HENRY RAATTAMA & LINDA
1236 S VENETIAN WAY
MIAMI FL 33139-1173

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MIAMI BEACH FL 33139-5152

TREVOR R COMPTON
415 N HIBISCUS DR #D
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GARY SANTARCANGELO
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ALBERT CLARAMONTE
375 N HIBISCUS DR
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MARY J SIMCOX (TRUST)
345 N HIBISCUS DR
MIAMI FL 33139-5123

MARK GARRITY
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305 N HIBISCUS DR
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ELIAS & LEON ZWICK
940 LINCOLN RD #301
MIAMI BEACH FL 33139-2619

Attachment G

Florida Department of Environmental Protection
Consolidated Environmental Resource Permit and
Sovereignty Submerged Lands Authorization

Florida Department of Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

PERMITTEE:

Florida Gas Transmission Company
c/o Douglas Mulhausen-Manager
601 South Lake Destiny Drive, Suite 450
Maitland, Florida 32751
Via E-Mail: Douglas.Mulhausen@SUG.com

Permit No.: 13-0274680-001
Date of Issue: JAN 15 2009
Expiration Date of Construction Phase: JAN 14 2014
County: Miami-Dade
Project: Florida Gas Transmission Company-Biscayne Bay-Miami Beach-Natural Gas Pipeline Repair

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This project requires an Environmental Resource Permit. Under the operating agreements between the Department and the water management districts, the Department has the authority to issue this permit. References: Part IV of Chapter 373, Florida Statutes; Title 62, Florida Administrative Code; Operating Agreements with the water management districts in Chapter 62-113, Florida Administrative Code.

ACTIVITY DESCRIPTION:

The purpose of the project is to perform the following activity: to repair an existing natural gas pipeline by covering and securing approximately 2,200 linear feet of 6-inch natural gas pipeline with approximately 110 articulating concrete mats measuring 4' x 20' x 9" (80-sq. ft. each) along ten (10) separate segments of varying lengths within Biscayne Bay, which shall be attached to the marine substrate by stainless steel cables as shown on the attached drawings. Sandbags and padding material will be utilized to stabilize the pipe beneath the concrete mats.

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The submerged bottom at the project sites consists of *Halophila decipiens, Halodule wrightii, Syringodium filiforme, and Thalassia tesudinum.* The project shall result in permanent and temporary impacts to approximately 0.202 acres (8,800-sq. ft^2) of submerged aquatic resources, including 0.009 acres of submerged seagrass habitat (397.23-sq. ft.) and 0.192 acres of barren sandbottom habitat (8,367-sq.ft.). The installation of the concrete mats shall be conducted from a spud barge which will anchor every 60' along the pipeline route, using two (2) 10" diameter spuds, which will result in the additional temporary impact to 0.001 acre of sandbottom habitat.

In order to offset 0.202 acres of seagrass and barren sandbottom habitat, the permittee shall perform the following activities in strict accordance with the attached "Mitigation Plan" within the timeframes stipulated in the plan following the commencement of construction: (1) restore approximately 0.058 acres of seagrass habitat by filling three power boat prop scars with nutrient enriched sediment, to the same grade as the surrounding seagrass habitat, to promote natural recruitment and lateral growth of the seagrass within the mitigation area and (2) install PVC bird stakes approximately 1.5 feet from the ends of each prop scar and every 6 feet along the longitudinal access, inside the boundary of the prop scars, to encourage additional wildlife utilization of the area and provide an additional source of nutrients. The bird stakes and additional signage must be approved by Florida Fish and Wildlife Conservation Commission and the U.S. Coast Guard prior to installation and shall be designed to protect the restoration area as indicated in the attached mitigation plan. Monitoring reports, conducted within the proposed restoration area, shall be submitted to the Department as described in the specific conditions of this permit.

To ensure that the project is clearly in the publicinterest, the applicant has conducted the additional mapping of 0.23 acres of power boat prop scars (10,027-sq. ft.) within the Biscayne-Bay Aquatic Preserve, as outlined in the attached "Public Interest Project" that shall assist with future mitigation and restoration projects.

The mitigation activities (prop scar restoration) shall be conducted from a shallow draft barge or pontoon boat, which will operate within waters of sufficient depth to preclude bottom scouring or prop dredging within the mitigation area.

All construction equipment/tools and materials shall be transported to and from the site via barge and upland roadways and all equipment/tools and materials shall be stored on the barge and uplands. The standard manatee conditions will be adhered to during all in water work and manatee observers shall be present during all construction and mitigation activities. Turbidity curtains shall be placed on all sides of the spud barge during the placement of the concrete mats to ensure that turbidity resulting from this project will be contained within the project boundaries.

ACTIVITY LOCATION:

The exposed segments of the existing Florida Gas Transmission line are located on Biscayne Bay, within the Biscayne Bay-Card Sound Aquatic Preserve, Class III Waters, Outstanding Florida Waters, north of Biscayne Island (Latitude N 25° 47' 30.84", Longitude W 80° 10' 42.11") extending to the northeast of Star Island (Latitude N 25° 46' 48.47", Longitude W 80° 8' 51.04"), Miami (Sections 3, 4, 31, 32, 33, Townships 53 and 54 South, Range 42 East), in Miami-Dade County, as shown of the attached maps.

The mitigation area is located on Biscayne Bay, within the Biscayne Bay-Card Sound Aquatic Preserve, Class III Waters, Outstanding Florida Waters, approximately 0.9 miles southeast of the mouth of the Miami River and 0.8 miles north of the Rickenbacker Causeway (Latitude N 25° 45' 26.21",Longitude W 80° 11' 0.09"), Miami, as shown in the attached "Mitigation Plan".

This permit also constitutes a finding of consistency with Florida's Coastal Management Program, as required by Section 307 of the Coastal Zone Management Act.

This permit also constitutes certification of compliance with water quality standards under 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 sovereignty 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, 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 and Chapter 258, F.S., Chapter 18-18, Chapter 18-21, and Section 62-343.075, F.A.C.

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As staff to the Board of Trustees, we have reviewed the proposed project to repair a natural gas pipeline and have determined that, as long as it is located within the described boundaries of sovereignty submerged land easement # 26128 and is consistent with the attached general consent conditions, no additional Board of Trustees authorization is required.

As staff to the Board of Trustees, the Department has reviewed the activity to perform mitigation by restoring seagrass habitat, and has determined that the activity qualifies for a letter of consent to use sovereignty, 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 sovereignty submerged lands.

Federal authorization for the proposed project is reviewed by DEP pursuant to an agreement between the Department and the U.S. Army Corps of Engineers (Corps). The agreement is outlined in a document titled *Coordination Agreement Between the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.*

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). As shown on the attached drawings, the proposed project is **not** consistent with the SPGP program. A copy of your application has been sent to the Corps who may require a separate permit. Failure to obtain their authorization prior to construction could subject you to enforcement action. For further information, contact the Corps directly.

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 drawing(s), plans, and other documents attached hereto and made a part hereof. **This permit and authorization to use sovereignty submerged lands are subject to the limits, conditions, and locations of work shown in the attached drawings, and are also subject to the attached 19 General Conditions, 9 General Consent Conditions, and 21 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 you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this **permit/certification/authorization** as specifically described below.

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GENERAL CONDITIONS:

(1) All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.

(2) This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

(3) Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

(4) The permittee shall notify the Department of the anticipated construction start date within 30 days of the date that this permit is issued. **At least 48 hours prior to commencement** of activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction

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Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

(5) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

(6) **Within 30 days after completion of construction** of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the attached drawings are discovered during the certification process, the certification must be accompanied by a copy of the attached permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(7) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, has **submitted a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form No. 62-343.900(7), F.A.C.)**; the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(8) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

(9) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(10) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(11) This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. 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, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C.

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(12) The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(13) The permittee is advised that the rules of the South Florida Water Management District require the permittee to obtain a water use permit from the South Florida Water Management District prior to construction dewatering, unless the work qualifies for a general permit pursuant to subsection 40E-20.302(4), F.A.C., also known as the "No Notice" rule.

(14) The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

(15) 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 binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

(16) The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

(17) Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

(18) If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate Department office.

(19) The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

GENERAL CONSENT CONDITIONS:

(1) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(2) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(3) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(4) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(5) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(6) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(7) Structures or activities shall not create a navigational hazard.

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(8) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(9) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

SPECIFIC CONDITIONS:

(1) The attached project drawings, sheets 1 through 21; the 2-page permit checklist; the 10-page "Mitigation Plan"; the 11-page Public Interest Project"; DEP forms: 62-343.900(3), (4), (5), (6), and (7) F.A.C., which may be downloaded at http://www.dep.state.fl.us/water/wetlands/erp/forms.htm.; and the "Standard Manatee Conditions for In-Water Work, 2005", which can be downloaded at http://myfwc.com/manatee/permits/ become part of this permit. If the applicant does not have access to the Internet, the applicant shall contact the Department at (561) 681-6646 to request the aforementioned forms and/or document(s).

(2) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

(3) Permanent or temporary impacts to wetland vegetation, including but not limited to mangroves, are not authorized by this permit.

(4) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. The permittee shall contact the Department in writing to schedule the conference. Department of Environmental Protection, Southeast District, Submerged Lands and Environmental Resources Program, Compliance/Enforcement Section, Attention: Richard Stalker, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6643).

(5) The permittee shall be responsible for ensuring that the permit conditions are explained to all construction personnel working on the project, and for providing each contractor and subcontractor with a copy of this permit before construction begins.

(6) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without prior written approval of that property owner.

(7) All storage or stockpiling of tools or materials (i.e. lumber, pilings, debris, etc.) shall be limited to uplands or within the impact areas authorized by this permit.

(8) All watercraft associated with the installation of the permitted structures shall only operate within waters of sufficient depth (one-foot clearance from the deepest draft of the vessel to the submerged resources) so as to preclude bottom scouring or prop dredging.

(9) The spud barge is only allowed to anchor in the authorized locations as shown on the attached permit drawings.

(10) Prior to the deployment of the concrete mats, geotextile fabric shall be placed over exposed sediments and the pipeline to decrease the amount of turbidity caused by the placement of the mats.

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(11) Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed at construction site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards is no degradation of the ambient water quality of Outstanding Florida Waters outside of the turbidity screens. Turbidity shall be monitored as described in the monitoring portion of this permit.

The following measure shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed the ambient water quality levels of the Outstanding Florida Waters:

a. Notify the DEP-Southeast District Branch Office ERP Compliance/Enforcement Section at 772/398-2806 at the time the violation is first detected.

b. Immediately cease all work contributing to the water quality violation. Operations may not resume until the Department gives authorization to do so.

c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.

(12) Turbidity Monitoring. Water turbidity levels shall be monitored and recorded at least every 4 hours during construction operations or upon the occurrence of other circumstances that might create water quality violations on site. Samples shall be taken one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)

b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

If at any time during construction, the turbidity level directly outside the turbidity curtains surrounding the work sites degrade the ambient water quality of Outstanding Florida Waters, the permittee or permittee's contractor shall take the following actions: (1) immediately cease the operations that cause the water quality violations; (2) notify the Department's Division of Environmental Resource Permitting at the time the violation is first detected; and (3) modify the work procedures that were responsible for the violation.

(13) Turbidity Monitoring Reports. During construction, the permittee or permittee's contractor shall submit daily monitoring reports on a weekly basis containing the turbidity data gathered to the Department of Environmental Protection, Southeast District, Submerged Lands and Environmental Resources Program, Compliance/Enforcement Section, Attention: Richard Stalker, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6643). The reports shall contain the following information:

a. permit number
b. project name
c. dates of sampling and analysis
d. turbidity sampling results
e. description of data collection methods
f. a map indicating the sampling locations
g. time of day profile was taken

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h. depth of water body
i. weather conditions at times of sampling
j. tidal stage and direction of flow
k. wind direction and velocity
l. water temperature

Furthermore, each monitoring report shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data.

(14) The concrete mats shall not be indiscriminately dumped and shall be firmly anchored to the marine substrate by stainless steel cables, and as shown on the attached drawings.

(15) The concrete mats shall be placed so that the top of the concrete mats do not exceed 1/2 the distance from the bottom to the surface of the water unless a greater distance from the surface is required for safe navigation. At no time shall the distance between the top of the concrete mats and the surface of the water be less than 6 feet.

(16) The permittee shall comply with the standard manatee protection construction conditions listed in the "Standard Manatee Conditions for In-Water Work, 2005", which can be downloaded at http://myfwc.com/manatee/permits/. If the applicant does not have access to the Internet, the applicant shall call (561) 681-6646 to request the aforementioned forms and/or document(s).

(17) Specific personnel shall be designated as manatee observers. The designated observer(s) shall be dedicated only for this task, must be on site during all in water activities, and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. The observer(s) shall wear polarized sunglasses to aid in observation. Movement of a work barge or other associated vessels shall not be performed at night, when the possibility of spotting manatees is negligible.

(18) In order to offset 0.202 acres of seagrass and sandbottom habitat, the permittee shall perform the following activities in strict accordance with the attached "Mitigation Plan" : (1) restore approximately 0.058 acres of seagrass habitat by filling three power boat prop scars with nutrient enriched sediment, to the same grade as the surrounding seagrass habitat, to promote natural recruitment and lateral growth of the seagrass within the mitigation area and (2) install PVC bird stakes approximately 1.5 feet from the ends of each prop scar and every 6 feet along the longitudinal access, inside the boundary of the prop scars to encourage additional wildlife utilization of the area and provide an additional source of nutrients. The bird stakes shall be clearly marked as a navigational hazard and "Seagrass Awareness" signs will be posted in the restored area.

(19) Within 30 days after construction completion, the permittee shall commence the proposed mitigation in accordance with the attached "Mitigation Plan". Construction completion shall be defined as the installation date of the last concrete mat.

(20) Prior to the commencement of the prop scar restoration, the applicant shall conduct a baseline report that shall include photographs, taken from referenced locations, to represent all of the prop scar restoration sites. Additionally, a map shall be included to show the GPS location of the pictures. This report shall be submitted to the Department within 30 days of being conducted.

(21) Within 30 days after completing prop scar restoration and bird stake placement, the permittee shall submit to the Department a "time zero" report. The report shall include the results of a visual inspection of the species composition, documentation of seagrass recruitment, and aerial coverage of the restored prop scars compared to the undisturbed seagrass habitat adjacent to the sample points. The report shall contain photographs, taken from referenced locations, to represent the entire site. Additionally, a map shall be included to show the GPS location of the pictures. Subsequent monitoring reports shall be submitted semi-annually for the first two years and

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annually for an additional three years, the first report being due six months after the "time zero" report. The semi-annual and annual reports shall include a list of species observed, the percent-coverage of species observed, and explanations if mitigation is trending toward failure. The reports shall include photographs from the locations referenced in the "time zero" report. The reports shall be sent to the Department of Environmental Protection, Southeast District, Submerged Lands and Environmental Resources Program, Compliance/Enforcement Section, Attention: Richard Stalker, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401 (phone: 561/681-6643).

(22) In order for the restoration to be deemed successful, the restored areas must achieve a minimum of 80% aerial coverage of seagrasses, for a minimum of two growing seasons. The two year growing season must be achieved within the five year monitoring schedule, pursuant to the attached "Mitigation Plan".

(23) The prop scar restoration shall be determined to be successful when the requirements of Specific Conditions Numbers 20, 21, and 22, of the permit have been met.

(24) The responsibility, to determine if the prop scar restoration is meeting the success criteria identified in Specific Condition 22, shall not fall solely on the Department. Within the first two years after planting, if the permittee becomes aware that the project is not meeting the success criteria and probably will not meet the criteria based on site observations, then the permittee shall notify the Department at the address identified in Specific Condition Number 4. The permittee shall then submit an alternative seagrass mitigation plan to the Department for review and approval.

(25) The Permittee shall obtain the appropriate authorization from Florida Fish and Wildlife Conservation Commission, for seagrass awareness signs, prior to the installation of the signs. Permittee shall contact Tara Alford, Boating and Waterways Section, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 S. Meridian Street, Tallahassee, FL 32399, 850-410-0656 ext. 17169, for additional information regarding the markers. The permittee shall provide a copy of the permit from Fish and Wildlife Conservation Commission, upon receipt, to Richard Stalker, Southeast District DEP, Compliance and Enforcement Section, 400 N. Congress Ave., Suite 200, West Palm Beach, FL 33401.

(26) Within 60 days after completion of the concrete mat installation, the permittee shall submit record drawings (as-builts) to the office listed in specific condition number 4. The drawings shall be in a format that will facilitate a direct comparison of the permitted activities and the work actually constructed.

RIGHTS OF AFFECTED PARTIES

This permit and authorization to use sovereignty submerged lands are hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

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 of the 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.

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Under rule 62-110.106(4) of the 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.

If 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. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

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) of the Florida Statutes 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) of the Florida Statutes, 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 of the Florida Statutes.

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; 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.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, 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.

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This permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, 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 order is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jennifer K. Smith 1/15/09

Jennifer K. Smith Date
Environmental Administrator
Submerged Lands & Environmental Resources Program

JS/jk/dm

Copies furnished to:

FDEP Compliance and Enforcement, Richard Stalker
USACOE – Palm Beach Gardens, Melody.White@usace.army.mil
Miami-Dade County DERM, spadaL2@miamidade.gov
FFWCC, Bureau of Imperiled Species Management, fcmpmail@MyFWC.com
FFWCC, Tara Alford, Tara.Alford@MyFWC.com
USEPA, Jocelyn Karazsia, Jocelyn.Karazsia@noaa.gov
FDEP, Coastal and Aquatic Managed Areas, Marsha Colbert, marsha.colbert@dep.state.fl.us
Keith Stannard, Ecological Program Director, keith.stannard@urscorp.com
Susan Roberts, Environmental Affairs Florida Gas Transmission Company, Susan.Roberts@SUG.com

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit, including all copies, was mailed before the close of business on JAN 15 2009, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Rachel Osborne 1/15/09

Clerk Date

Prepared by Daniel Moretz.

44 pages attached.

Attachment H

Mitigation Plan

FLORIDA GAS TRANSMISSION COMPANY

MITIGATION PLAN
PROPELLER SCAR RESTORATION IN BISCAYNE BAY

MIAMI BEACH LATERAL AT BISCAYNE BAY
EXPOSED PIPELINE PROTECTION PROJECT

FDEP – ERP Application No. 13-0274680-001
USACE – DA Permit Application No. SAJ-1959-346 (IP-LAO)
DERM – Class I Permit Application No. CC2007-CLI-PER-00116

July 2008
(Revised June 2009)

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ATTACHMENTS

Attachment A – Figures: Site Location Map, Aerial Photograph, USGS Topographic Map
Attachment B – September 3, 2008, Correspondence With FDEP
Attachment C – UMAM Assessment Forms – Project Impacts
Attachment D – Mitigation Area Restoration Location Map
Attachment E – Location Map of Prop Scars
Attachment F – UMAM Assessment Forms – Mitigation
Attachment G – Mitigation Permit Drawings
Attachment H – Public Interest Report

Introduction

Approximately 2,200 linear feet (comprised of 10 separate segments of various lengths) of the existing Florida Gas Transmission Company's (FGT) 6-inch Miami Beach Lateral natural gas pipeline within Biscayne Bay have become exposed over time possibly due to strong currents, wave action, boating activities, and recent large storm/hurricane events (most likely cause). In order to protect the pipeline, as required per regulations of the U.S. Department of Transportation (USDOT) Office of Pipeline Safety [49 CFR § 192.317(c)], FGT proposes to position articulated concrete mats over the exposed segments of pipe using a spud barge (maximum barge size of 120 feet long by 40 to 45 feet wide). The spud barge will be positioned by a shallow draft push boat.

The exposed segments of the existing FGT 6-inch Miami Beach Lateral natural gas pipeline are located within Biscayne Bay in Miami-Dade County, Florida. Locations range from just north of Biscayne Island (25.78011°N and 80.1475°W), extending east-southeast to just northeast of Star Island (25.7919°N and 80.1784°W), as depicted on the enclosed site location map, aerial photograph, and Miami, Florida USGS 7.5-minute topographic quadrangle map (see Attachment A).

Proposed Project Impacts

Based on the benthic surveys conducted for this project, it was determined that the proposed construction activities will result in unavoidable impacts to seven seagrass habitat types of varying densities and species compositions. Seven bare substrate habitat types will also be covered by the concrete mats. These habitat types are defined in the previously submitted Environmental Resource Permit (ERP) application for this project.

These habitat types are summarized as follows:

Seagrass Habitats:

Habitat 1 is a benthic habitat classification that designates an area of greater than 70 percent cover of paddle grass (*Halophila decipiens*) with minimal areas of bare substrate.
Habitat 2 benthic habitat is characterized by one percent cover (a few blades or tufts of individual patches) to 30 percent cover of paddle grass with bare substrate.
Habitat 3 is a benthic habitat that is comprised of 30 percent cover to 70 percent cover of paddle grass with bare substrate.
Habitat 4 is a benthic habitat consisting of less than one percent cover (occasional occurrence of single or a few blades) of paddle grass with bare substrate.
Habitat 5 is a benthic habitat characterized by one percent cover (a few blades or tufts of individual patches) to 30 percent cover of manatee grass (*Syringodium filiforme*) with bare substrate.
Habitat 11 is a benthic habitat classification that designates an area of paddle grass and Cuban shoal grass (*Halodule wrightii*) with one percent cover (a few blades or tufts of individuals in patches) to 30 percent cover with bare substrate.
Habitat 12 is a benthic habitat characterized by greater than 70 percent cover of paddle grass and turtle grass (*Thalassia testudinum*), with minimal areas of bare substrate.

Bare Substrate:

Substrate A – Silt substrate.
Substrate B – Substrate consisting of a mixture of sand, silt, and shell fragments.
Substrate C – Sand substrate with occasional sponges.
Substrate D – Silt substrate with occasional macroalgae, sponges, etc.
Substrate E – Silt substrate with shell fragments, goby holes, and crab burrows.
Substrate F – Silt substrate with shell fragments.
Substrate G – Silt substrate with goby holes and crab burrows.

Unavoidable permanent impacts are expected to occur to 0.009 acre (397.23 square feet) of marine seagrass habitat of varying type and density as a result of the placement of the 20-foot long by 4-foot wide concrete mats over the exposed pipeline segments.

The articulated concrete mats will also cover 0.192-acre (8,360.70 square feet) of bare marine soft-bottom substrate. The concrete mats are cured prior to shipment and pose no harmful effects to the marine environment. The unique design of the mats is also conducive to trapping sediment, providing an ecological benefit to the benthic communities in which the mats are placed. It has been demonstrated in estuarine and freshwater wetland habitats that the openings between the concrete elements of the mats allow for the establishment of sediment and subsequent establishment of Spartina and freshwater wetland vegetation. These openings between the concrete elements of the mats also provide forage and refuge habitats for marine invertebrates and fish. Further studies have also shown that "Concrete provides excellent surfaces and habitat for the settlement and growth of encrusting or fouling organisms, which in turn provide forage and refuge for other invertebrates and fish" (Lukens, 1997, *Guidelines for Marine Artificial Reef Materials*, Gulf State Marine Fisheries Commission). Therefore, there should be no functional loss of ecological habitat value due to the placement of the concrete mats on the bare marine soft-bottom substrate.

In addition, maximum temporary impacts are expected to occur to 0.001 acre (42.50 square feet) of bare marine soft-bottom substrate and/or marine seagrass habitat of varying type and density as a result of barge anchoring activities (i.e., lowering two 10-inch diameter spuds) every 60 feet of contiguous concrete mat placement.

Based on these permanent and temporary impacts and coordination with the Florida Department of Environmental Protection (FDEP) on September 3, 2008, calculations for the Uniform Mitigation Assessment Method (UMAM) functional loss are shown in Table 1 below. Please see Attachment B for a record of the September 3, 2008, coordination with FDEP. The UMAM assessment forms for each of the habitat types proposed to be impacted are provided as Attachment C.

Table 1: Project Impacts and UMAM Functional Loss Per Habitat Type

	Perm & Temp Impacts (4 ft. mats)			
Assessment Area	Square Feet	Acres	Delta	Functional Loss
Habitat 1 Temporary	11.999	0.00028	-0.26667	-0.00007
Habitat 2	127.490	0.00293	-0.26667	-0.00078
Habitat 2 Temporary	3.273	0.00008	-0.26667	-0.00002
Habitat 3	182.880	0.00420	-0.26667	-0.00112
Habitat 3 Temporary	13.070	0.00030	-0.26667	-0.00008
Habitat 4	68.730	0.00158	-0.26667	-0.00042
Habitat 4 Temporary	4.343	0.00010	-0.26667	-0.00003
Habitat 5	2.400	0.00006	-0.26667	-0.00001
Habitat 11	15.730	0.00036	-0.26667	-0.00010
Habitat 12 Temporary	3.273	0.00008	-0.26667	-0.00002
Total Habitat	**433.188**	**0.00994**		**-0.00265**
Substrate A	994.790	0.02284	0.00000	0.00000
Substrate B	199.560	0.00458	0.00000	0.00000
Substrate C	530.210	0.01217	0.00000	0.00000
Substrate D	1449.500	0.03328	0.00000	0.00000
Substrate D Temporary	2.182	0.00005	-0.06667	0.00000
Substrate E	2709.540	0.06220	0.00000	0.00000
Substrate F	1749.530	0.04016	0.00000	0.00000
Substrate G	727.570	0.01670	0.00000	0.00000
Substrate G Temporary	4.363	0.00010	-0.10000	-0.00001
Total Bare Substrate	**8367.245**	**0.19209**		**-0.00001**

Proposed Mitigation

To offset unavoidable project impacts, proposed mitigation will consist of 0.05814-acre (2,532.7 square feet) of restoration of seagrass bed propeller scars ("prop scars") caused by a vessel grounding. The proposed mitigation area is located within the Biscayne Bay Aquatic Preserve (BBAP) approximately two miles southwest of the proposed area to be impacted as a result of the pipeline protection project. This area was recommended for seagrass mitigation activities by BBAP personnel (Ms. Marsha Colbert) with concurrence from the Florida Department of Environmental Protection (FDEP) (Mr. Daniel Moretz) during the March 7, 2008, project meeting at the FDEP's BBAP office.

At this meeting, Ms. Colbert advised that the BBAP would prefer that the mitigation for this project consist of prop scar restoration at a shoal in the vicinity of the mouth of the Miami River since seagrasses in this area are critical to the protection of a Florida Fish and Wildlife Conservation Commission (FWC) wildlife critical habitat area located directly to the east. This meeting also confirmed that no prop scars have been documented, and an assessment of prop scars within the mitigation area would be required. FDEP requested that this assessment be performed no sooner than April in order to perform the inspection during the peak seagrass growing season.

Current Site Conditions at Proposed Mitigation Site

On April 24, 2008, FGT and URS Corporation (URS) performed a survey to identify suitable prop scars within the BBAP-recommended area. The prop scars identified for restoration are located within an area of extensive seagrass beds on a shoal located in the BBAP approximately 0.9-mile southeast of the mouth of the Miami River and 0.8-mile north of the Rickenbacker Causeway. Please see Attachment D for a location map of the proposed mitigation site within BBAP. This location is in a partially enclosed region of the northern Biscayne Bay area that is surrounded by dense urban, commercial, and industrial development (Miami, Port of Miami, Virginia Key, and Rickenbacker Causeway). The shoal, adjacent to the Intracoastal Waterway, is located in an area that experiences considerable recreational and commercial boat traffic. The seagrass beds located in this shoal area have received numerous impacts in the form of prop scars resulting from vessel groundings on the shoal.

Dominant seagrasses at the proposed mitigation site are turtle grass and manatee grass. The substrate at the prop scars identified for restoration is generally comprised of calcareous silt and fine sand with a minor component of course sand and broken shell fragments. Water depth varies from three to five feet. For ease of locating the prop scars in BBAP, a plan view sheet has been included showing the limits and orientation of the prop scars along with associated latitude/longitude coordinates (see Attachment E). The prop scars identified for restoration are described below.

Prop Scar 19 – One prop scar through seagrass bed. The prop scar is 476.00 feet in length and averages 1.60 feet in width and approximately 0.30-foot in depth. Seagrasses adjacent to the prop scar generally consist of an approximate 85% cover of 60% turtle grass and 40% manatee grass in the northern portion transitioning to a mosaic of 50% cover manatee grass and bare bottom in the southern portion.

Prop Scar 20 – Twin prop scar through seagrass bed. Each prop scar is 391.20 feet in length and averages 1.20 feet in width and approximately 0.30-foot in depth. Seagrasses adjacent to the prop scar generally consist of an approximate 95% cover of 50% manatee grass and 50% turtle grass in the northern portion transitioning to 95% cover of 90% manatee grass and 10% turtle grass in southern portion.

Prop Scar 21 – Twin prop scar through seagrass bed. Each prop scar is 378.28 feet in length and averages 1.10 feet in width and approximately 0.30-foot in depth. Seagrasses adjacent to the prop scar generally consist of an approximate 95% cover of turtle grass in the western portion transitioning to 80% cover of 95% manatee grass and 5% turtle grass in eastern portion.

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Time lag (time of recovery) was determined to be five years based on the following factors:

- The mitigation area is located in an area with functional and natural hydrology attributed to the bay-ocean water exchange through Government, Norris and Bear Cuts
- The prop scars are embedded within a productive seagrass community to promote the growth of new seagrasses through natural recruitment

This results in a time lag (t-factor) score of 1.14 per FDEP criteria and 1.0696 per U.S. Army Corps of Engineers (USACE) criteria. Since the FDEP time lag score is greater than the USACE time lag score, the FDEP time lag score has been applied to the mitigation calculations.

Based on the September 3, 2008, coordination with FDEP, a risk factor score of 2.5 has been applied to the mitigation calculations due to the following factors:

- Technology for prop scar restoration is available and has been proven to be successful in Florida
- The mitigation area is expected to experience only moderate seasonal fluctuations in salinity due to local flushing attributed to bay-ocean water exchange
- The mitigation area is located in a relatively low energy environment (low sediment transport and loss), increasing the likelihood of establishment of seagrasses
- The mitigation area is classified as Outstanding Florida Waters and an Aquatic Preserve in which stringent water quality restrictions are applied and enforced rendering the area less vulnerable to direct and secondary water quality impacts

Table 2: UMAM Functional Gain for Prop Scars 19, 20, and 21

Assessment Area	Size			Delta	Relative Functional Gain	Functional Gain (Credit)
	Square Feet	Acres	Cubic Yards			
Prop Scar 19	761.60	0.01748	8.46	0.13333	0.04678	0.00082
Prop Scar 20	938.88	0.02155	10.43	0.13333	0.04678	0.00101
Prop Scar 21	832.22	0.01911	9.25	0.13333	0.04678	0.00089

Per the UMAM assessment conducted, the calculated anticipated functional loss associated with impacts to relatively sparse seagrass habitat and bare substrate resulting from the proposed pipeline protection project totals 0.00265. The calculated anticipated functional gain associated with the proposed prop scar restoration is 0.00272 credits mitigated. Please see Attachment F for the UMAM assessment forms for Prop Scars 19, 20, and 21. Therefore, the proposed mitigation has been determined to fully compensate for the proposed project impacts.

Restoration Methodology

Restoration activities will consist of sediment placement/stabilization and bird stake placement. Please see Attachment G for mitigation permit drawings.

Sediment Placement and Stabilization

Sediment placement has been successfully used to restore seagrass injuries characterized by below-grade sediment depressions. The objective of sediment placement is to stabilize the prop scar area and to provide suitable restoration to grade in which to promote natural seagrass recruitment and lateral growth from adjacent seagrass communities.

Below-grade depressions will be brought up to grade utilizing Sediment Tubes© (constructed of cotton that is biodegradable within 12 months) containing calcareous sand-silt sediments similar to original substrate. Fill sediment will be obtained from a local quarry matching the characteristics (carbonate content and grain-size distribution) of local sediments. To fill a deeper prop scar, if applicable, calcareous rock (from a local quarry) may be utilized as base filler. After the Sediment Tubes have been placed,

nutrients will be injected into the substrate to allow for microbial action to create additional sediment.

Sediment placement will be conducted utilizing shallow draft barges or pontoon boats. Staked silt curtains floating turbidity curtain, or the equivalent will be placed around the restoration site prior to mitigation construction activities to minimize turbidity (bottom of curtain to be six inches above the seagrass bed at low tide). No additional impacts to existing resources will occur from mitigation construction activities.

Bird Stake Placement

Bird stake installment has been successful in encouraging regrowth of seagrass within shallow waters with a maximum of five feet in depth to prevent complete dilution of the feces. Stakes will provide a clearance of approximately ten inches between the roosting position and mean high water. Bird stakes would be installed per published guidelines (Kenworthy *et al.* 2000. *A Comparison of Two Methods for Enhancing the Recovery of Seagrasses into Propeller Scars:...*). Bird stakes will be constructed of ¾ inch diameter PVC and 4x4x2-inch treated wood blocks attached to the tops of the poles. Bird stakes will be placed approximately 1.5 feet from the ends of each individual prop scar and placed every six feet along its longitudinal access, just inside the boundary of the scar. The removal of stakes will be evaluated based upon restoration success criteria. The condition of the stakes will be evaluated during monitoring events to determine replacement.

Stakes will be clearly marked as a navigational hazard. "No Boating" signs will be posted in the restored area and notification of bird stake placement will be provided to the U.S. Coast Guard for issuance to local mariners.

Monitoring and Maintenance

Monitoring/maintenance will be performed to ensure restoration goals are met. The following monitoring schedule is proposed:

Timeline	Monitoring Event
Completion of mitigation construction activities	Time Zero Monitoring Report
Six months	First Bi-Annual Monitoring Report
One year	First Annual Monitoring Report
Eighteen months	Second Bi-Annual Monitoring Report
Two year	Second Annual Monitoring Report
Three year	Third Annual Monitoring Report
Four year	Fourth Annual Monitoring Report
Five year	Fifth Annual Monitoring Report

During the monitoring events, the prop scars will be reviewed and characterized by species composition and aerial coverage utilizing visual assessment (using 0.25 m^2 quadrats). Aerial coverage estimates are based on the fraction of the quadrat obscured by a particular species when viewed from directly above. Data will be recorded by percent cover. Aerial coverage will also be characterized of undisturbed seagrass habitat directly adjacent to the sample points within the restoration prop scars to evaluate restoration success criteria.

Necessary maintenance activities will be identified during each monitoring event and performed, on as needed basis, to meet the restoration criteria. Maintenance activities may include the addition of sediment and/or the replacement of damaged bird stakes, etc. In the event that success criteria are not being met after three years of monitoring, alternative restoration activities will be considered and may include, but not be limited to, supplemental seagrass plantings/plugs and/or transplanting of seagrasses from a nearby donor site (outside of the BBAP). Alternative restoration activities, if needed, will be discussed with and approved by the relevant Federal, State and County regulatory agencies prior to commencement of work.

Restoration will be considered successful, if after five years, the aerial coverage of seagrasses in the prop scars is determined to be 80 percent of the aerial coverage of directly adjacent undisturbed seagrass habitat. The approximate aerial coverage of the adjacent areas for the identified prop scars is provided in the "Current Site Conditions at Proposed Mitigation Site" section of this mitigation plan (see Page 3).

Signage

Shallow conditions at the proposed prop scar restoration area makes seagrass habitats vulnerable to vessel groundings. Installing aids to navigation markers such shoal stakes will help prevent grounding incidents and increased likelihood of restoration success. Up to five markers will be employed around the perimeter of the entire restoration area. Markers will be constructed of large diameter PVC marked with a reflective diamond and the wording "Seagrass Mitigation Area." The markers will be inserted directly into soft substrate and will be maintained throughout the mitigation monitoring period of five years. Notification of marker placement will be provided to the U.S. Coast Guard and other agencies, as needed, for approval. FGT is not responsible for any new prop scars caused by additional vessel groundings that occur after navigational markers have been posted around the mitigation area.

Public Interest Project

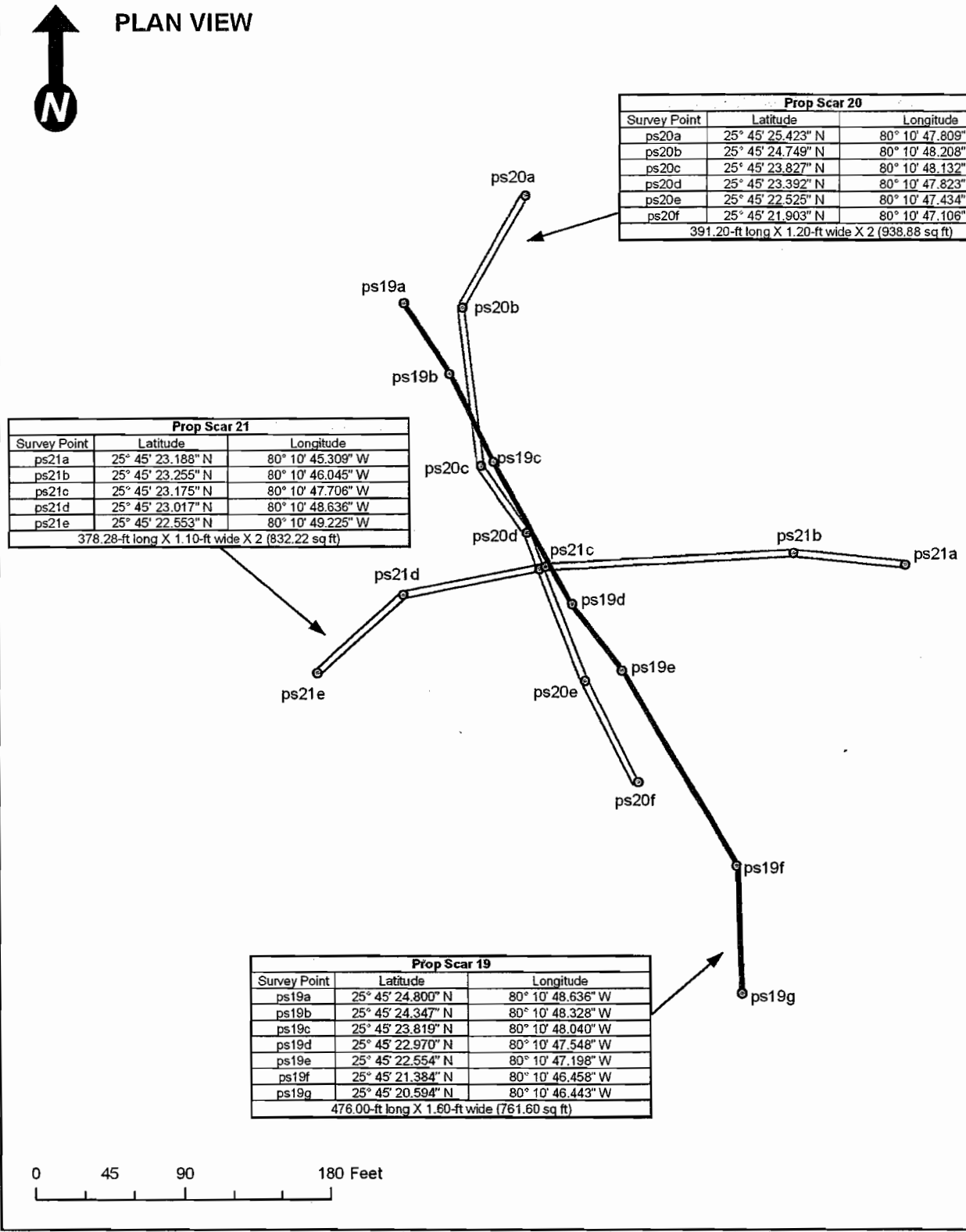
Per FDEP's Request for Additional Information dated August 28, 2008, and coordination with FDEP on September 3, 2008, because the proposed project is located within the boundaries of Biscayne Bay Aquatic Preserve, the project must be considered clearly in the public interest. In order to fulfill the public interest for this project, approximately 10,000 square feet (almost one-quarter acre) of seagrass bed prop scars in BBAP have been mapped by GPS and characterized. These prop scars are all located on a shoal in the vicinity of the mouth of the Miami River, in the area of seagrasses that provides critical protection to the FWC wildlife critical habitat area located directly to the east, as recommended by FDEP's BBAP manager, Marsha Colbert. Please see Attachment H for a the Public Interest Report detailing the location and description of each prop scar mapped for the project.

Florida Gas Transmission Company

MIAMI BEACH LATERAL AT BISCAYNE BAY
EXPOSED PIPELINE PROTECTION PROJECT

PROP SCAR RESTORATION
IN BISCAYNE BAY

PLAN VIEW



Prop Scar 20		
Survey Point	Latitude	Longitude
ps20a	25° 45' 25.423" N	80° 10' 47.809" W
ps20b	25° 45' 24.749" N	80° 10' 48.208" W
ps20c	25° 45' 23.827" N	80° 10' 48.132" W
ps20d	25° 45' 23.392" N	80° 10' 47.823" W
ps20e	25° 45' 22.525" N	80° 10' 47.434" W
ps20f	25° 45' 21.903" N	80° 10' 47.106" W
391.20-ft long X 1.20-ft wide X 2 (938.88 sq ft)		

Prop Scar 21		
Survey Point	Latitude	Longitude
ps21a	25° 45' 23.188" N	80° 10' 45.309" W
ps21b	25° 45' 23.255" N	80° 10' 46.045" W
ps21c	25° 45' 23.175" N	80° 10' 47.706" W
ps21d	25° 45' 23.017" N	80° 10' 48.636" W
ps21e	25° 45' 22.553" N	80° 10' 49.225" W
378.28-ft long X 1.10-ft wide X 2 (832.22 sq ft)		

Prop Scar 19		
Survey Point	Latitude	Longitude
ps19a	25° 45' 24.800" N	80° 10' 48.636" W
ps19b	25° 45' 24.347" N	80° 10' 48.328" W
ps19c	25° 45' 23.819" N	80° 10' 48.040" W
ps19d	25° 45' 22.970" N	80° 10' 47.548" W
ps19e	25° 45' 22.554" N	80° 10' 47.198" W
ps19f	25° 45' 21.384" N	80° 10' 46.458" W
ps19g	25° 45' 20.594" N	80° 10' 46.443" W
476.00-ft long X 1.60-ft wide (761.60 sq ft)		

Florida Gas Transmission Company

MIAMI BEACH LATERAL AT BISCAYNE BAY EXPOSED PIPELINE PROTECTION PROJECT

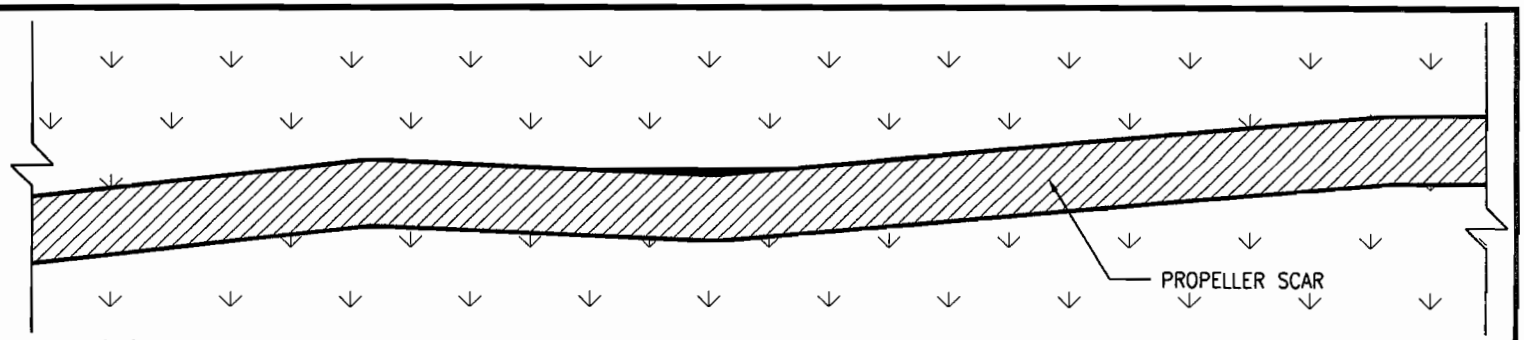
PROPELLER SCAR RESTORATION IN BISCAYNE BAY

LEGEND:

AREA TO BE RESTORED

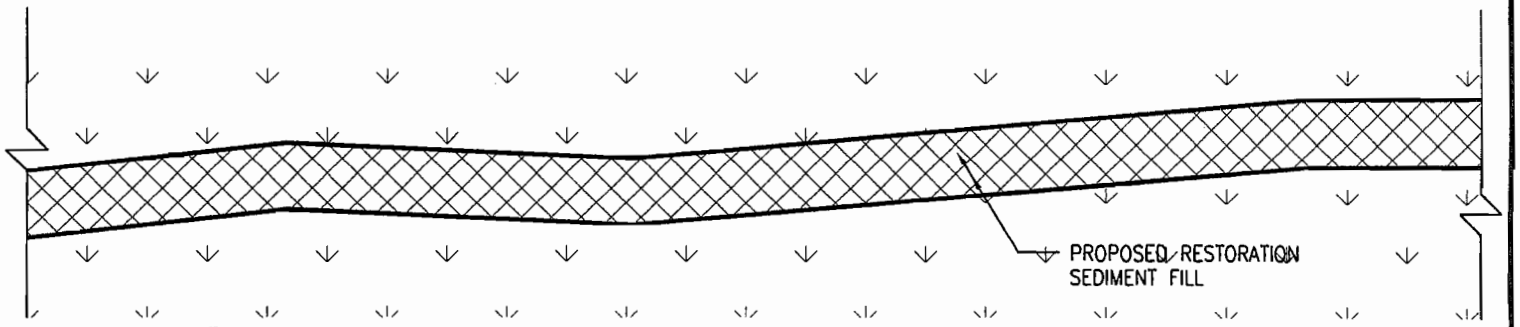
SEDIMENT FILL

SEAGRASS



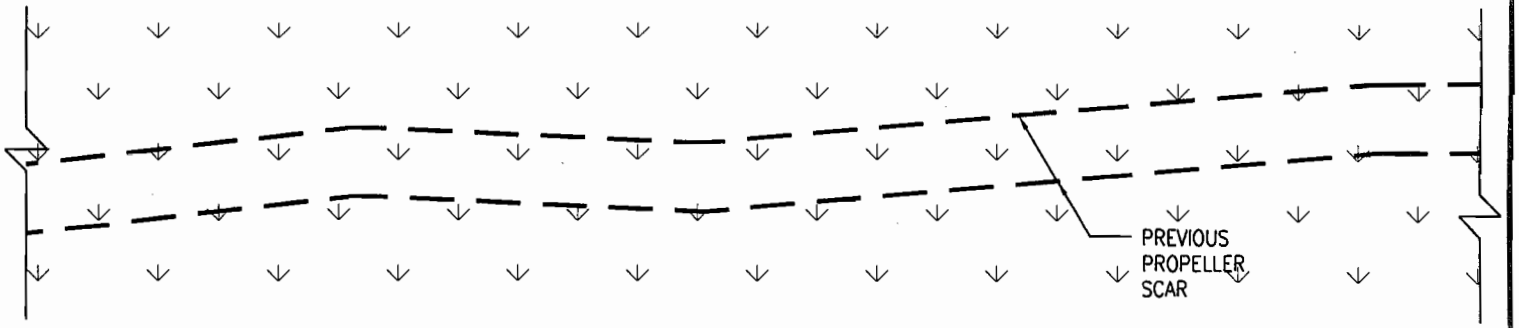
PLAN VIEW – EXISTING CONDITION

SCALE: NTS



PLAN VIEW – PROPOSED MITIGATION

SCALE: NTS



PLAN VIEW – PROPOSED CONDITION

SCALE: NTS

16

Florida Gas Transmission Company	FGT Technical Services Maitland, Florida	6-INCH MIAMI BEACH LATERAL CONCRETE MAT INSTALLATION MIAMI-DADE COUNTY, FLORIDA PROP SCAR REPAIR DETAIL	W.O. Dr. By / Date 06-02-08 Revised Date	FOR PERMITTING Scale NOT TO SCALE	DWG. NO. D-01

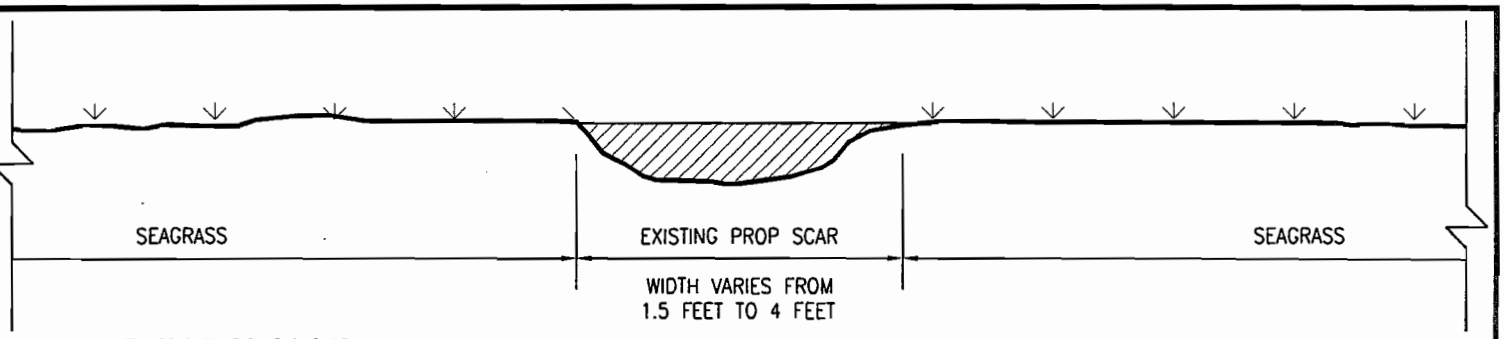
CADDS NAME: .

LEGEND:

AREA TO BE RESTORED

SEDIMENT FILL

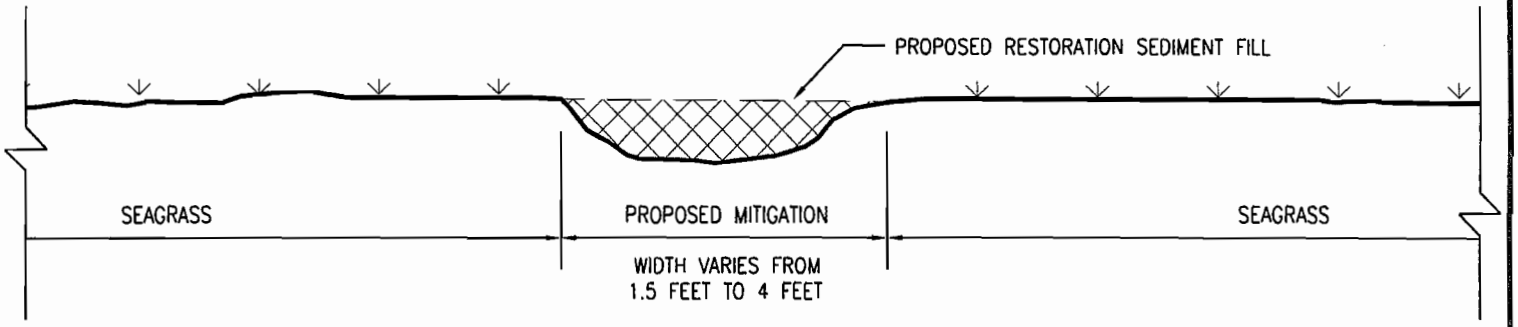
SEAGRASS



CROSS-SECTION VIEW - EXISTING CONDITIONS

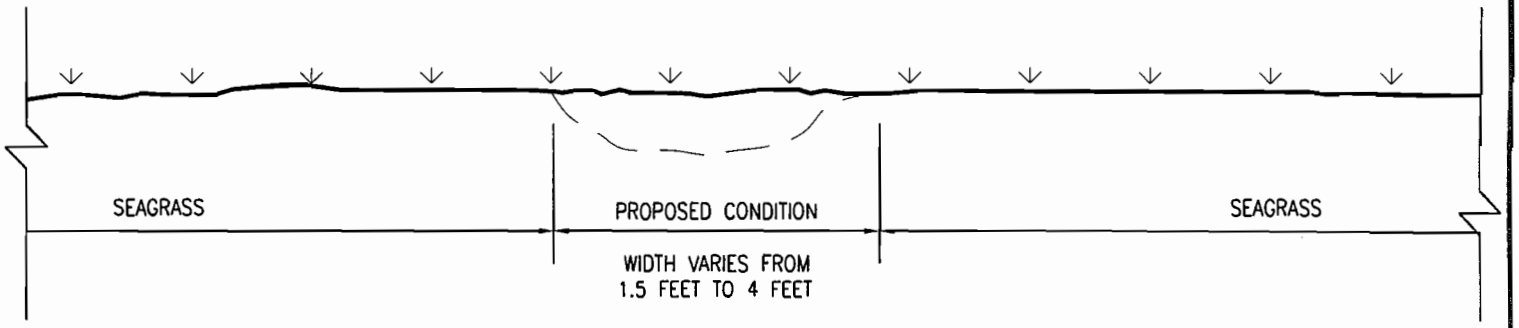
SCALE: NTS

NOTE:
WATER DEPTH VARIES



CROSS-SECTION VIEW - PROPOSED MITIGATION

SCALE: NTS



CROSS-SECTION VIEW - PROPOSED CONDITION

SCALE: NTS

eb

Florida Gas Transmission Company	FGT Technical Services Maitland, Florida	6-INCH MIAMI BEACH LATERAL CONCRETE MAT INSTALLATION MIAMI-DADE COUNTY, FLORIDA PROP SCAR REPAIR DETAIL	W.O.	FOR PERMITTING	DWG. NO. D-02
			Dr. By / Date 10-02-06	Scale NOT TO SCALE	
			Revised Date		

CADDS NAME: .

Attachment I

DERM Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2007-CLI-PER-00116

FLORIDA GAS TRANSMISSION COMPANY, LLC TO PROTECT AND COVER 2,200 LINEAR FEET OF SUBMERGED NATURAL GAS PIPELINE SEGMENTS THROUGH THE PLACEMENT OF GEOTEXTITLE FABRIC AND CONCRETE MATS, AND TO PLACE 29 CUBIC YARDS OF CLEAN FILL ALONG 2,533 SQUARE FEET OF SUBMERGED LAND FOR SEAGRASS RESTORATION WITHIN BISCAYNE BAY

Date: July 20, 2009

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 has been minimized. The proposed project involves the placement of two thousand two hundred (2,200) linear feet of geotextile fabric and concrete mats to protect and cover exposed segments of submerged natural gas pipeline (pipeline). An in-water benthic survey revealed seagrass and barren sand and silt substrate habitats throughout the project area. However, the Department of Environmental Resources Management (DERM) believes that the project has been designed to minimize the potential for adverse environmental impacts. To further minimize the potential for environmental impacts to existing resources, the applicant has coordinated with DERM and the FDEP to modify the location of the barge during construction operations to the least impacting area associated within each segment of exposed pipeline. To mitigate for unavoidable environmental impacts associated with the proposed project, the applicant will fill three (3) propeller scars, comprised of two thousand five hundred thirty three (2,533) square feet, within the Biscayne Bay Aquatic Preserve (BBAP). Sediment Tubes, consisting of clean fill, will be used to bring the propeller scars up to the adjacent grade of the surrounding shoal and promote seagrass regrowth into the area. The applicant will also be responsible for the installation of shoal markers and the maintenance and monitoring of the area for a period of five (5) years in accordance with the DERM approved Mitigation Plan (Attachment H).

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts.

3. **Hydrology** - The proposed project is not reasonably expected to adversely affect hydrology.

4. **Water Quality** – The proposed project may affect surface water quality on a temporary basis during construction operations. In order to minimize impacts to surface waters, the Class I permit shall require that a water quality monitoring plan and proper turbidity controls be implemented during the proposed work to ensure turbidity levels within the surrounding waters do not exceed State and County water quality standards.

5. **Wellfields** – Not applicable.

6. **Water Supply** – Not applicable.

7. **Aquifer Recharge** – Not applicable.

8. **Aesthetics** – The proposed project is not reasonably expected to result in any negative permanent aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of a barge and other machinery associated with the proposed work.

9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation. The proposed project has been designed to maintain adequate clearance for vessel traffic above the final elevation of the concrete mats that will serve to protect and cover exposed segments of the submerged pipeline. In addition, the propeller scars will be filled to match the adjacent grade of the surrounding shoal and promote seagrass regrowth into the area. Furthermore, the installation shoal markers will require prior approval from the Florida Fish and Wildlife Conservation Commission and the Unites States Coast Guard.

10. **Public Health** - The proposed project is not reasonably expected to adversely affect the public health.

11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.

12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.

13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.

14. **Marine and Wildlife Habitats** – The proposed project will result in minimal impacts to marine and wildlife habitats. The proposed project involves the placement of two thousand two hundred (2,200) linear feet of geotextile fabric and concrete mats to protect and cover exposed segments of submerged pipeline. An in-water benthic survey revealed seagrass and barren sand and silt substrate habitats throughout the project area. However, DERM believes that the project has been designed to minimize impacts to the existing habitats. To further minimize the potential for environmental impacts to existing resources, the applicant has coordinated with DERM and the FDEP to modify the location of the barge during construction operations to the least impacting area associated within each segment of exposed pipeline. In addition, to mitigate for unavoidable environmental impacts to the existing marine and wildlife habitats associated with the proposed project, the applicant will fill three (3) propeller scars, comprised of two thousand five hundred thirty three (2,533) square feet, within the BBAP. Sediment Tubes, consisting of clean fill, will be used to bring the propeller scars up to the adjacent grade of the surrounding shoal and promote seagrass regrowth into the area. The applicant will also be responsible for the installation of shoal markers and the maintenance and monitoring of the area for a period of five (5) years in accordance with the DERM approved Mitigation Plan (Attachment H). Furthermore the proposed project sites are not located within areas designated as essential habitat for *Trichechus manatus* (West Indian Manatee) by the Miami-Dade County Manatee Protection Plan (MDCMPP). However, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water construction operations.

15. **Wetland Soils Suitable for Habitat** – The proposed project does not involve any work in wetland soils.

16. **Floral Values** – The proposed project will result in minimal impacts to marine flora values. An in-water benthic survey revealed seagrass and barren sand and silt substrate habitats throughout the project area. However, the applicant has reduced the width of the proposed concrete mats to four (4) feet and drafted a construction methodology that minimizes impacts to existing seagrasses as a result of construction operations. Specifically, the applicant has coordinated with DERM and the FDEP to modify the location of the barge during construction activities to the least impacting area associated within each segment of exposed pipeline. In addition, the proposed project has been designed to avoid impacts to a protected species, *Halophila johnsonii* (Johnson's seagrass). Furthermore, to mitigate for unavoidable environmental impacts to the existing marine and wildlife habitats associated with the proposed project, the applicant will fill three (3) propeller scars, comprised of two thousand five hundred thirty three (2,533) square feet, within the BBAP. Sediment Tubes consisting of clean fill will be used to bring the propeller scars up to the adjacent grade of the surrounding shoal, and promote seagrass regrowth into the area. The applicant will also be responsible for the installation of shoal markers and the maintenance and monitoring of the area for a period of five (5) years in accordance with the DERM approved Mitigation Plan (Attachment H).

17. **Fauna Values** - The proposed project will temporarily disturb marine fauna. However, these impacts are temporary in nature and suitable marine habitat will be available for the re-establishment of marine fauna. In addition, the proposed project sites are not located within essential habitat for the West Indian Manatee. However, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water construction operations.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to result in adverse effects to rare, threatened or endangered species. The proposed project sites are not located within the essential habitat of the West Indian Manatee. However, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water construction operations. In addition, the project has been designed to avoid potential impacts to Johnson's seagrass during construction operations.

19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to affect natural flood damage protection.

20. **Wetland Values** – The proposed project does not involve dredging or filling of wetlands.

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 is not reasonably expected to adversely affect 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 not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed concrete mats will be placed on submerged lands within an easement that has been granted to the applicant by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. In addition, the Florida Department of Environmental Protection has issued sovereign submerged lands authorization for the applicant to fill three (3) propeller scars within the BBAP to promote seagrass regrowth into a shoal area as mitigation for unavoidable environmental impacts associated with the placement of the concrete mats.

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 following:

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

25. **Comprehensive Environmental Impact Statement (CEIS)** – In the opinion of the Director, the proposed project is not reasonably expected to result in either adverse environmental impacts or cumulative adverse environmental impacts. As such, a CEIS was not required by DERM to evaluate the proposed 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:

    a) Chapter 24 of the Code of Miami-Dade County
    b) Federal Endangered Species Act (US Fish and Wildlife Service)
    c) Florida Department of Environmental Protection Regulations (permit is required)
    d) United States Clean Water Act (US Army Corps of Engineers (permit is required)
    e) Biscayne Bay Aquatic Preserve Act

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. In addition, the restoration of three (3) existing propeller scars within the BBAP will enhance protected natural resources and systems. The 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 will not take place within the tidal waters of the Miami River.

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 is not reasonably expected to adversely affect water storage or aquifer recharge potential.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria. – The proposed project does not compromise flood protection, involve filling for development purposes, and is not related to cut and fill activities.

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 – Protection of habitat critical to federal, state, or County designated endangered, threatened, or rare species - The proposed project areas are not located within the essential habitat of the West Indian Manatee. However, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water construction operations. In addition, the project has been designed to avoid potential impacts to Johnson's seagrass during construction operations.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – 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 proposed project does not involve the installation of an elevated boardwalk to provide access through mangroves.

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. – The proposed project does not involve the degradation and destruction of coastal wetlands and therefore does not involve monitoring of mitigation for impacts to coastal wetlands.

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 involves the placement of concrete mats within varying densities of seagrass habitat, and sand and silt barren substrate to protect and cover exposed natural gas pipeline segments. The project has been designed to minimize impacts to existing habitats during construction operations. To mitigate for unavoidable environmental impacts, the applicant will restore three (3) propeller scars through the placement of Sediment Tubes that are intended to promote seagrass regrowth within the BBAP, in accordance with the DERM approved mitigation plan (Attachment H). Furthermore, the project is consistent with four (4) of the dredge and fill criteria listed in Section 24-48.3(2) of the Code of Miami-Dade County, Florida.

Objective 2/Policies 2A, 2B - Beach restoration and renourishment objectives. - The proposed project does not involve beach restoration or renourishment.

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 does not create or eliminate any water dependent uses.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The Shoreline Development Review Committee has evaluated the proposed project and determined that the thresholds for review under the Shoreline Ordinance do not apply and the proposed project is not subject to shoreline development review.

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, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is in conformance with the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project area is not located within essential habitat for the West Indian Manatee. However, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water construction operations.

31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.

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.
- A physical modification necessary to protect public or private property.
- Minimum dredging and filling as is necessary for the elimination of conditions hazardous to the public heath or for the elimination of stagnant waters.
- Minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters.

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 fixed or floating structures for mooring purposes.

24-48.3 (4) Clean Fill in Wetlands – The proposed project does not involve the placement of clean fill in wetlands.

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

Lisa Spadafina, Manager
Environmental Resources Regulation Division

Lourdes Barrelli, Biologist II
Coastal Resources Section