

Memorandum



Date: January 20, 2011

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

Agenda Item No. 5(D)

From: George M. Burzaga
County Manager

Subject: Resolution Relating to an Application by the Florida Power & Light Company for a Class I Permit to Authorize the Filling of Tidal Waters for Seagrass Restoration in Biscayne Bay, Miami-Dade County, Florida

Attached, please find for your consideration an application by the Florida Power & Light Company for a Class I permit. Also attached is the recommendation of the Director of the Department of Environmental Resources Management and a proposed resolution approving the issuance of the Class I permit.

Assistant County Manager

Memorandum



Date: November 29, 2010
To: George M. Burgess
County Manager
From: Carlos Espinosa, P.E., Director
Environmental Resources Management
Subject: Class I Permit Application by the Florida Power & Light Company to Authorize the Filling of Tidal Waters for Seagrass Restoration in Biscayne Bay, Miami-Dade County, Florida

Recommendation

I have reviewed the attached Class I permit application submitted by the Florida Power & Light Company. Based upon the applicable evaluation factors set forth in Section 24-48.3 Code of Miami-Dade County (Code), Florida, I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

Scope

The project sites are located in Biscayne Bay to the north of the Venetian Causeway, southeast of Brickell Key and south of the Rickenbacker Causeway, in Commission Districts 4, 5, and 7.

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class I permit application involves the filling of tidal waters for seagrass restoration within the Biscayne Bay Aquatic Preserve (BBAP) at three (3) project sites. The proposed project is required to be reviewed and approved by the Board at a public hearing because the scope of work is not specifically referenced in Section 24-48.2 of the Code as work that can be processed administratively with a short form application. Therefore, a standard form application including a public hearing is required.

The applicant previously obtained authorization for the installation and relocation of submerged high-voltage electrical transmission lines in Biscayne Bay through Class I permits CC03-182 and CC05-513. The permitted work resulted in unavoidable impacts to surrounding benthic resources. In order to offset the impacts associated with the project, the applicant is required to complete a mitigation project which results in the creation or restoration of benthic habitat.

The applicant is proposing to perform seagrass restoration at three (3) project sites within the BBAP and has obtained authorization from the submerged lands owners to perform the work. The project sites are located north of the Venetian Causeway on the east side of Biscayne Bay (Area 1, owned by the State of Florida), southeast of Brickell Key on the west side of Biscayne Bay (Area 2, owned by the City of Miami and the State of Florida), and southwest of Virginia Key (Area 3, owned by Miami-Dade County). These sites were selected since they are shallow areas colonized with dense seagrass beds that have received significant impacts as a result of propeller dredging and vessel groundings. The majority of the impacts are a result of boat traffic straying out of the adjacent channels.

The applicant intends to place sediment tubes containing clean fill in the impacted areas to match the grade of the surrounding shoals, and subsequently promote seagrass regrowth. Research has shown that this technique facilitates seagrass restoration and prevents further expansion of seagrass loss. Throughout the three (3) project sites, the applicant identified a total of 2.58 acres of impacted areas that will be filled. The Class I permit will require that the applicant monitor the project areas for a period of five years, to ensure that the mitigation project meets success criteria. In the event that the project site locations need to be modified, the applicant will seek administrative modifications to the permit. As part of that process, the applicant will be required to obtain authorization from all local, State, and Federal agencies having jurisdiction.

Due to the close proximity of adjacent channels, boaters may frequently drive through the proposed restoration areas. In order to minimize the potential for impacts to the existing and restored seagrasses within the project areas, and to increase the likelihood of restoration success, the applicant proposes to install markers to delineate the seagrass restoration project sites. The markers will provide boaters with a visual indication of where the shallow project areas are located, so they can be easily avoided. The applicant will be required to maintain the markers in perpetuity. Additionally, temporary stakes will be placed within the restored areas to encourage seabird roosting. Bird stakes are often used to accelerate seagrass re-colonization of impacted areas by enhancing available nutrients.

The proposed project complies with Section 24-48.3(2) of the Code as related to the criteria for the minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters. The project has been designed in accordance with all relevant Miami-Dade County coastal and wetland construction criteria and is consistent with all other Miami-Dade County coastal and wetland 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: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
- Attachment C: Zoning Memorandum
- Attachment D: Site Map
- Attachment E: Florida Department of Environmental Protection Authorization for the Use of Sovereign Submerged Lands
- Attachment F: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY THE FLORIDA
POWER & LIGHT COMPANY FOR A CLASS I PERMIT TO AUTHORIZE
THE FILLING OF TIDAL WATERS FOR SEAGRASS RESTORATION IN
BISCAYNE BAY, 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 Power & Light Company for a Class I permit to authorize the filling of tidal waters for seagrass restoration in Biscayne Bay, Miami-Dade County, Florida. Such public hearing will be held on the 20th day of January 2011 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 application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 6th Floor, 701 NW 1st Court, Miami, Florida 33136.

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, 701 NW 1st Court, Miami, Florida 33136.

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 Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2011

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

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(D)
1-20-11

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY THE FLORIDA POWER & LIGHT COMPANY FOR A CLASS I PERMIT TO AUTHORIZE THE FILLING OF TIDAL WATERS FOR SEAGRASS RESTORATION IN BISCAYNE BAY, 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 Power & Light Company for a Class I permit to authorize the filling of tidal waters for seagrass restoration in Biscayne Bay, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

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

	Joe A. Martinez, Chairman
	Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

ASR

Abbie Schwaderer-Raurell

Attachment A
Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY	
Date Received:	Application Number: 2010-CLI-PER-00135
	Application Fee: \$28,750.00

Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

1. Applicant Information: Name: Florida Power & Light Company Address: P.O. Box 140000 Juno Beach, FL Zip Code: 33408 Phone #: (561) 694-3294 Fax#: _____ Email: Gregg_a_hall@fpl.com <small>* This should be the applicant's information for contact purposes.</small>	2. Applicant's Authorized Permit Agent: <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: RS Environmental, Inc. Address: 12265 SW 129 th Court Miami, FL Zip Code: 33186 Phone #: (305) 383-3404 Fax #: _____ Email: ken@rs-env.com
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3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):

Folio #(s): N/A Project in Biscayne Bay Latitude: _____ Longitude: _____

Street Address: N/A Section: _____ Township: _____ Range: _____

In City or Town: City of Miami and Miami Beach Near City or Town: _____

Name of waterway at location of the activity: Biscayne Bay (See Exhibit 1)

4. Describe the proposed activity (check all that apply):

<input type="checkbox"/> Seawall	<input type="checkbox"/> Dock(s)	<input type="checkbox"/> Boatlift	<input type="checkbox"/> Dredging	<input type="checkbox"/> Mangrove Trimming
<input type="checkbox"/> New/Replacement Seawall	<input type="checkbox"/> Pier(s)	<input type="checkbox"/> Mooring Piles	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Mangrove Removal
<input type="checkbox"/> Seawall Cap	<input type="checkbox"/> Viewing Platform	<input type="checkbox"/> Fender Piles	<input type="checkbox"/> New	
<input type="checkbox"/> Batter Piles		<input type="checkbox"/> Davits	<input checked="" type="checkbox"/> Filling	
<input type="checkbox"/> King Piles				
<input type="checkbox"/> Footer/Toe Wall				
<input type="checkbox"/> Riprap				

Other: _____

Estimated project cost = \$ 1,800,000.00

Are you seeking an after-the-fact approval (ATF)? Yes No If "Yes", describe the ATF work: _____

5. Proposed Use (check all that apply): <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Utility	6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel): Proposed Vessel Type (s): N/A Vessel Make/Model (If known): N/A Draft (s)(range in inches.): N/A Length (s)(range in feet.): N/A Total Number of Slips: N/A
--	--

7. List all permits or certifications that have been applied for or obtained for the above referenced work:

Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date
See Exhibit 2				

8. Contractor Information (If known):

Name: To Be Determined License # (County/State): _____

Address: _____ Zip Code: _____

Phone #: _____ Fax #: _____ E-mail: _____

9. IMPORTANT NOTICE TO APPLICANTS: The written consent of the property owner is required for all applications to be considered complete. Your application **WILL NOT BE PROCESSED** unless the Applicant and Owner Consent portion of the application is completed below. You have the obligation to apprise the Department of any changes to information provided in this application.

Application is hereby made for a Miami-Dade County Class I permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, data and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 2 of this application to process the application, furnish supplemental information relating to this application and bind the applicant to all requirements of this application, and
- I agree to provide access and allow entry to the project site to inspectors and authorized representatives of Miami-Dade County for the purpose of making the preliminary analyses of the site and to monitor permitted activities and adherence to all permit conditions.

A. IF APPLICANT IS AN INDIVIDUAL

Signature of Applicant _____ Print Applicant's Name _____ Date _____

B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON


(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

Florida Power & Light Company Corporation Florida

Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of

Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

 _____ Vice-President of Transmission and Substation
Signature of Authorized Representative Print Authorized Representative's Name Title Date 1/23/10

C. IF APPLICANT IS A JOINT VENTURE Each party must sign below (If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of

Registration/Incorporation

Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of

Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

10. WRITTEN CONSENT OF THE PROPERTY OWNER OF THE AREA OF THE PROPOSED WORK

I/We are the fee simple owner(s) of the real property located at See Exhibit 3 Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. N/A. I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

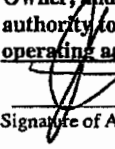
A. IF THE OWNER(S) IS AN INDIVIDUAL

Signature of Owner	Print Owner's Name	Date
Signature of Owner	Print Owner's Name	Date

B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Joint Venture, Trust, LLC, LLP, etc.)

<u>City of Miami</u>	<u>Local Government</u>	<u>Florida</u>
Print Name of Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation
<u>444 SW 2nd Avenue, 10th floor, Miami, FL 33130</u>		
Address of Owner		

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Owner, to bind the Owner, and if so required to authorize the issuance of a bond on behalf of the Owner. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

	<u>CARLOS A. MIGOIA</u>	<u>CITY</u> Manager	<u>11/24/10</u>
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

Class I Permit Application Additional Signatures Page

(Please attach to Class I permit application)

Applicant Name: Florida Power & Light Company
Owner Name: Miami-Dade County
Project Location: See Exhibit 4
Additional signatures for: Applicant
 Owner

1. IF THE APPLICANT/OWNER IS AN INDIVIDUAL

Signature of Applicant/Owner	Print Name of Applicant/Owner	Date
Signature of Applicant/Owner	Print Name of Applicant/Owner	Date

2. IF THE APPLICANT/OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

<u>Miami Dade County</u>	<u>Local Government</u>	<u>Florida</u>
Print Name of Applicant/Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

Under the penalty of perjury, we certify that we have the authority to sign this application on behalf of the Applicant/Owner, to bind the Applicant/Owner, and if so required to authorize the issuance of a bond on behalf of the Applicant/Owner. (If asked, you must provide proof of such authority to the Department). *Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

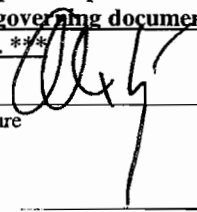
	<u>Alex Muñoz</u>	<u>Assistant County Manager</u>	
Signature	Print Name	Title	Date
Signature	Print Name	Title	Date
Signature	Print Name	Title	Date
Signature	Print Name	Title	Date
Signature	Print Name	Title	Date
Signature	Print Name	Title	Date
Signature	Print Name	Title	Date

EXHIBIT 1

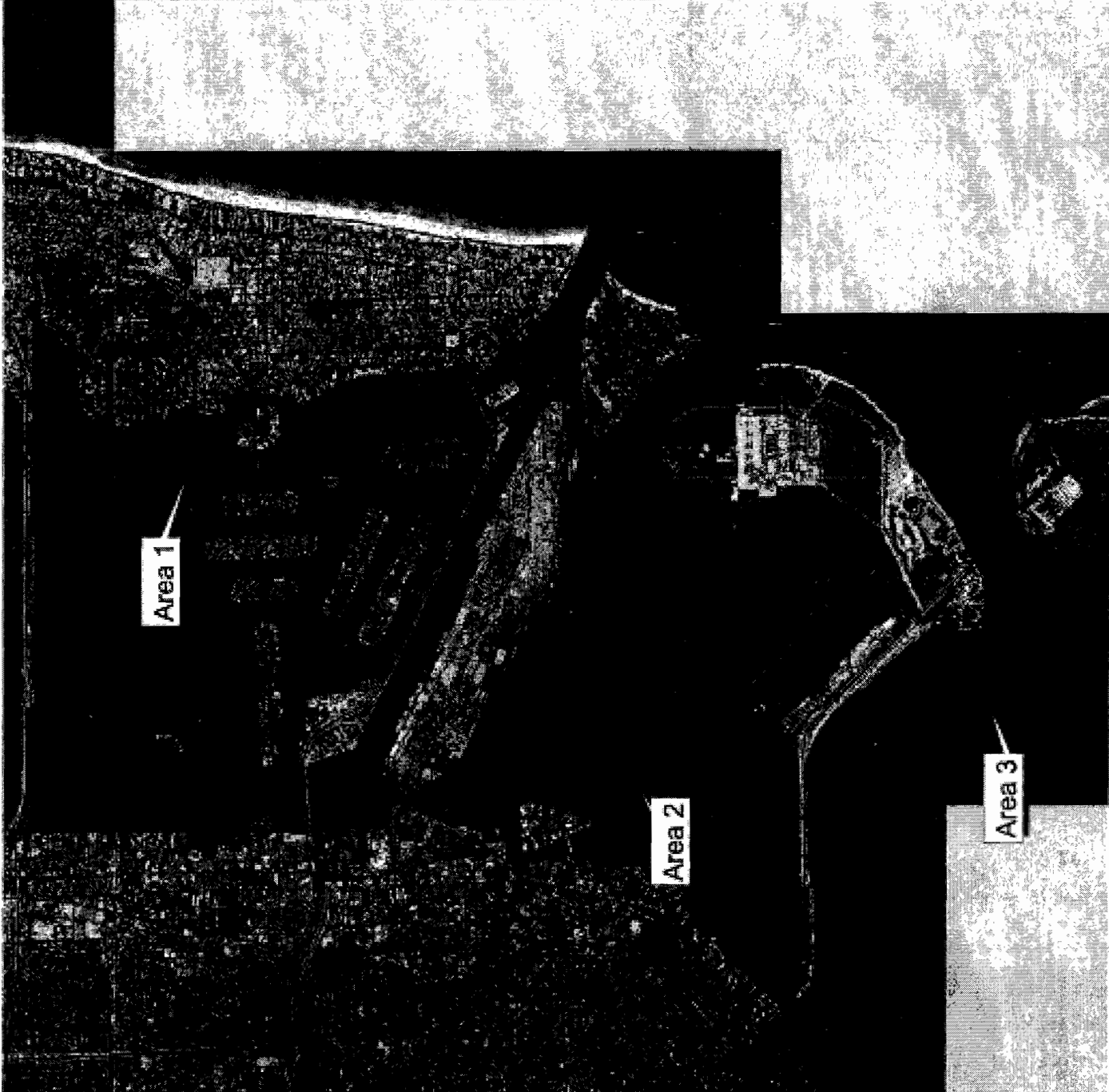
Venetian Causeway (Area 1)
Brickell Key (Area 2)
Rickenbacker Causeway (Area 3)



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SCALE: 1 inch = 5600.18 Feet



WWW.BAYVIEWREALESTATE.COM

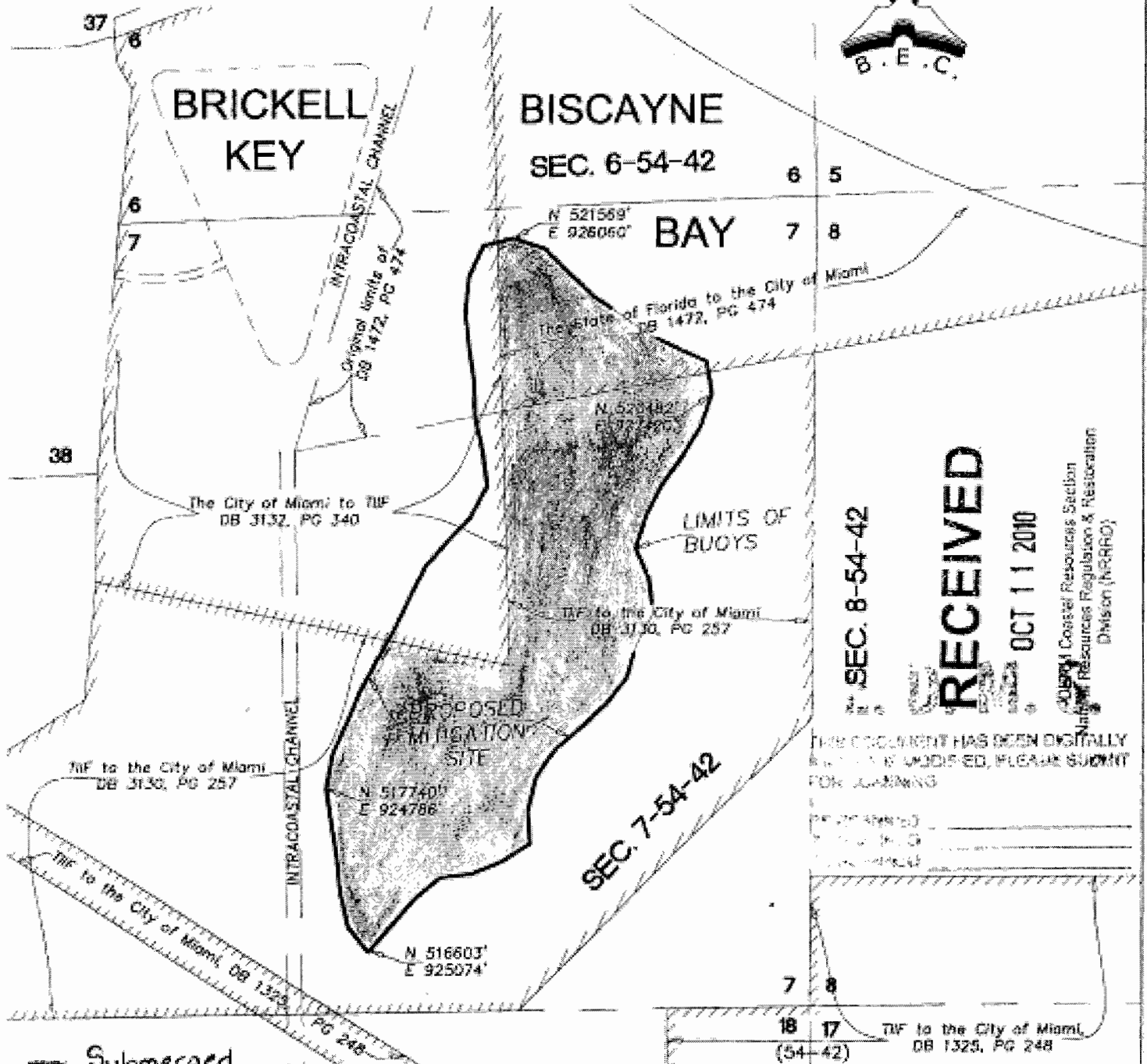
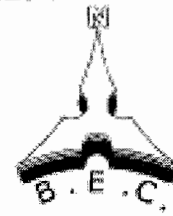
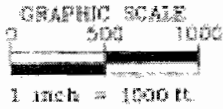
EXHIBIT 2

Issuing Agency	Type of approval	Identification Number	Approval Date
FDEP	Permit Modification	13-0205980-010	10/13/2010
FDEP	Permit Modification	130253624-002, 004, 006	10/5/2010
USACE	Permit Modification		Pending
USACE	Permit Modification		Pending
FFWCC	Permit	10-026	10/18/2010

14

EXHIBIT 3

GEOGRAPHIC INFORMATION SYSTEM MAP OF
SUBMERGED LANDS IN BISCAYNE BAY, FLORIDA.



SEC. 8-54-42

RECEIVED

OCT 11 2010

FLORIDA Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRO)

THIS DOCUMENT HAS BEEN DIGITALLY
SIGNATURED AND MODIFIED, PLEASE SIGNIFY
FOR CLAMMING

PROJECT NO: _____
DRAWING NO: _____
DATE: _____

Submerged
Lands with the
Project Area that
are owned by the
City of Miami

SCALE 1"=1000'
IN SEC. 7, TWP 54S, RGE 42E
MIAMI-DADE COUNTY, FL

NOTE: THIS DOCUMENT IS VALID ONLY WHEN ALL THE
SHEETS ARE COMBINED FORMING THE COMPLETE DOCUMENT

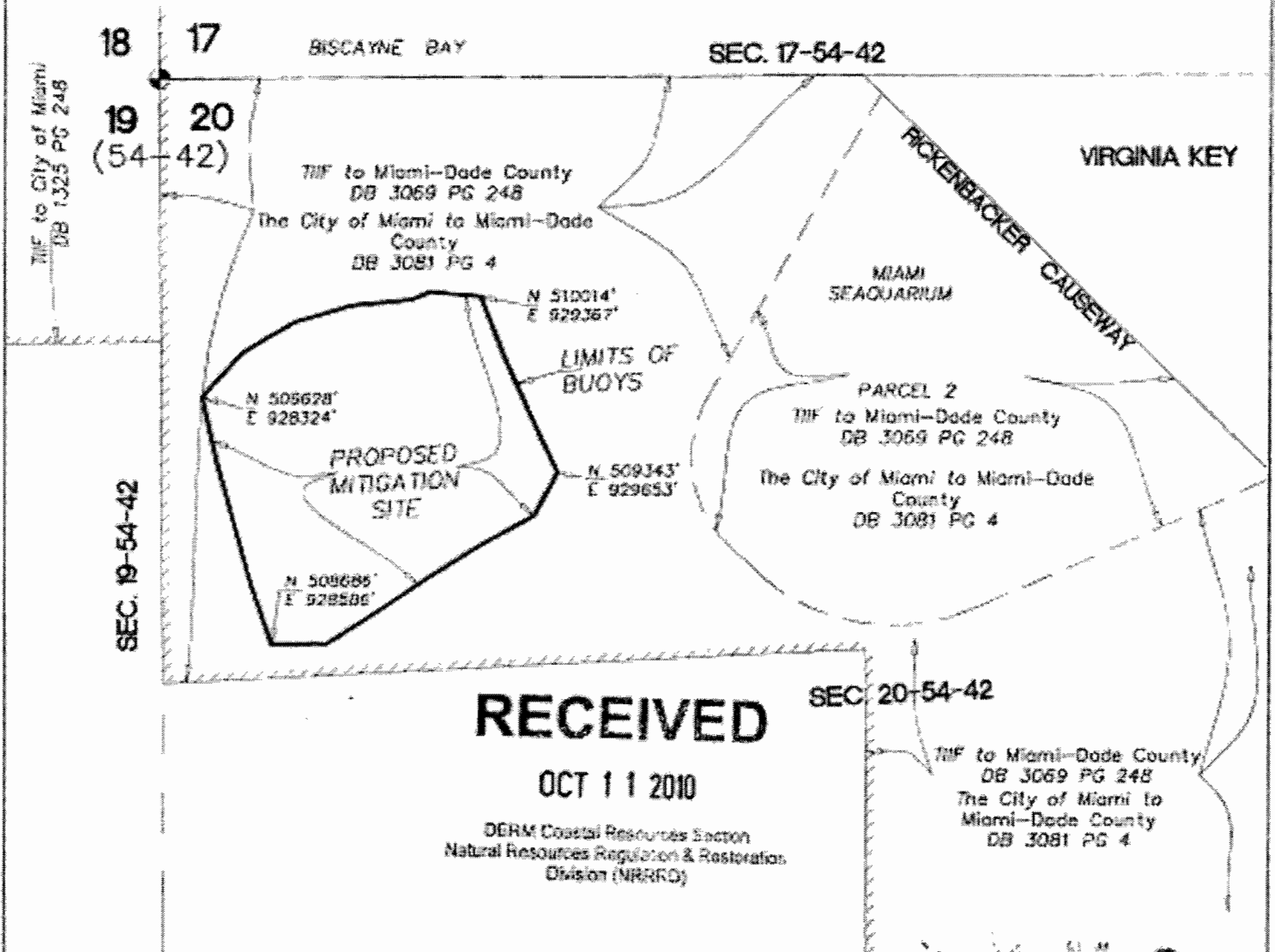
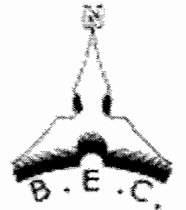
PROJECT: F.P.L. PROPOSED MITIGATION SITES

DATE: 09-13-10	REV DATE:	REC ORDER # 03-79601	SHEET 4 OF 11	DRAWN BY W.H.	DRAWING # 2110-SS-21	CLIENT: FLORIDA POWER AND LIGHT CO.
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BISCAYNE ENGINEERING COMPANY, INC. 529 WEST FLAGLER ST, MIAMI FL 33130
TEL (305) 324-7871, FAX (305) 324-1700
WWW.BISCAYNEENGINEERING.COM

EXHIBIT 4

GEOGRAPHIC INFORMATION SYSTEM MAP OF
SUBMERGED LANDS IN BISCAYNE BAY, FLORIDA.



RECEIVED

OCT 11 2010

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRO)

SCALE 1"=600'
IN SEC. 20, TWP 54S, RGE 42E
MIAMI-DADE COUNTY, FL

J. M. S.
THIS DOCUMENT HAS BEEN DIGITALLY
REPRODUCED FROM THE ORIGINAL
DRAWING.

THIS IS NOT SURVEY

NOTE: THIS DOCUMENT IS VALID ONLY WHEN ALL THE SHEETS ARE COMBINED FORMING THE COMPLETE DOCUMENT

PROJECT: F.P.L. PROPOSED MITIGATION SITES

DATE: 09-13-10	REV DATE:	REC ORDER # 03-79601	SHEET 3 OF 11	DRAWN BY W.H.	DRAWING # 2110-SS-21	CLIENT: FLORIDA POWER AND LIGHT CO.
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BISCAYNE ENGINEERING COMPANY, INC.
529 WEST FLAGLER ST. MIAMI FL 33130

TEL (305) 324-7671, FAX (305) 324-1700
WWW.BISCAYNEENGINEERING.COM

Since 1898

Exhibit 4

AREA 3

16

2010-CL1-PER-00131

Attachment B

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

RS ENVIRONMENTAL CONSULTING, INC.

Permit Applicant/ Authorized Agent Statement

September 22, 2010

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

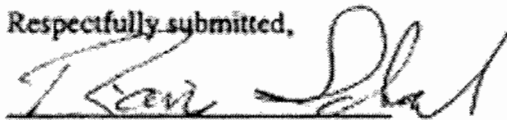
Re: Class I Standard Form Permit Application Number 2010-CLI-PER-00135.

By the attached Class I Standard Form permit application with supporting documents, I, Mr. Rainer W. Schael, President, RS Environmental Consulting, Inc., am the Applicant's Authorized Agent and hereby request permission to perform the work associated with Class I Permit Application 2010-CLI-PER-00135. 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,



Mr. Rainer W. Schael
President, RS Environmental Consulting, Inc.
Applicant's Authorized Agent

PO Box 161158 - Miami, FL 33116-1158 T: (305) 383-3404 F: (305) 383-3270



221 Hobbs Street
Suite 108
Tampa, Florida 33619
813-684-4400 Telephone
813-684-9177 Fax

November 18, 2010

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

RE: Class I Permit Application Number 2010-CLI-PER-00135

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 the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to 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,

A handwritten signature in black ink, appearing to read 'Brent W. Anderson'.

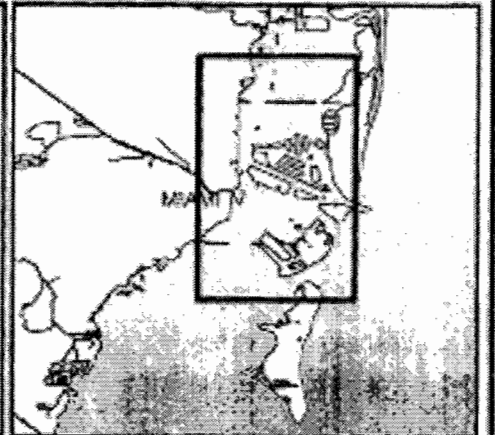
Brent W. Anderson, P.E. #54762



**Prop Scars Mitigation
(83.5 acres)**

- Bouys system (250ft equidistant)
-  Seagrass mitigation area 1
-  Restoration areas (0.61 acres)*
-  Requires sediment tubes. 46,309 sq ft (1.064 acres)

* blow-outs enhancement areas





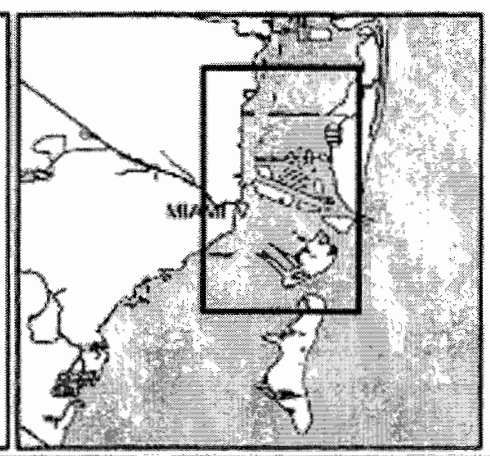
Florida Power & Light (FPL) Seagrass Mitigation Area 2



Mitigation Area (145.74 acres)

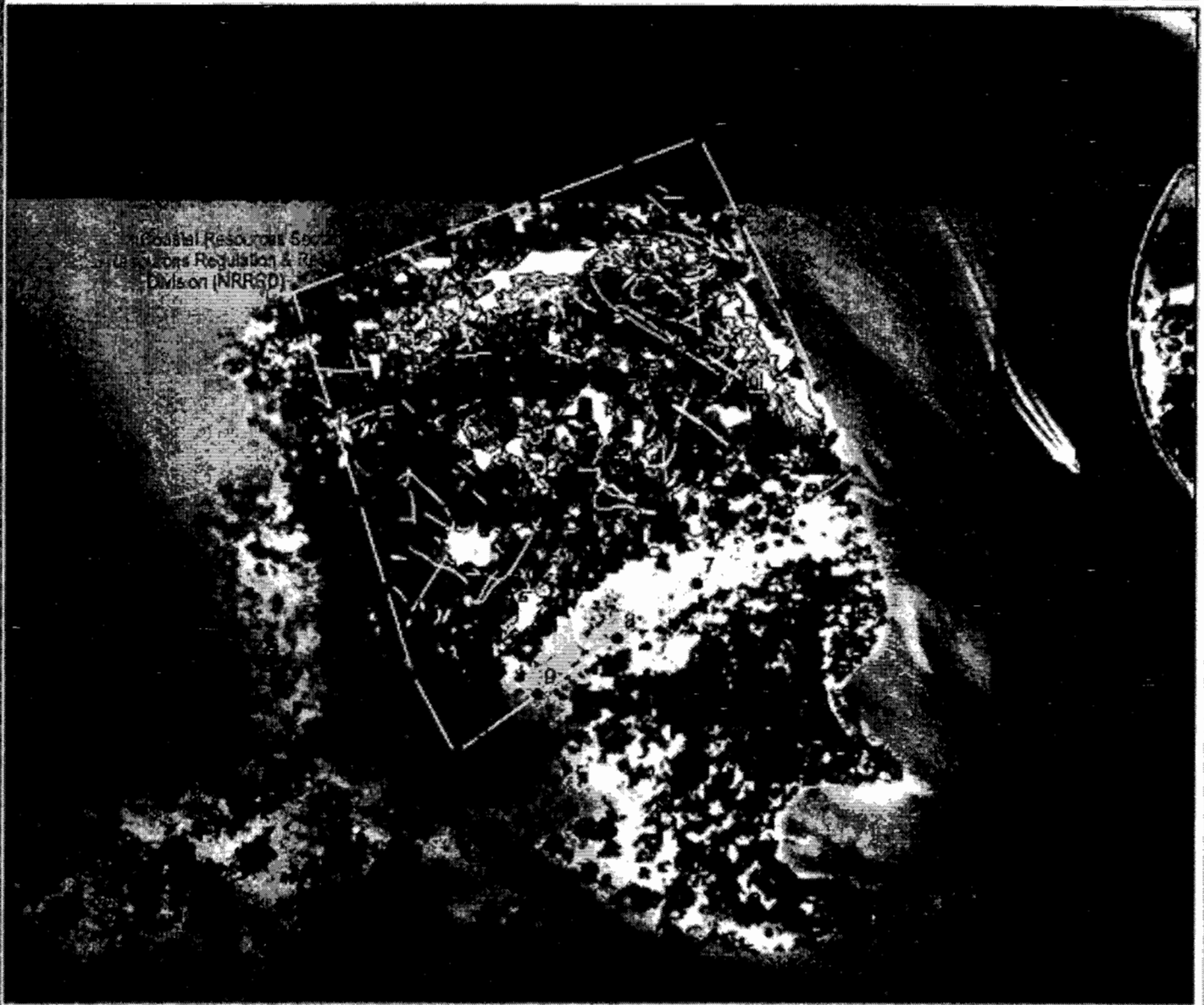
- Bouys system (250ft equidistant)
- Seagrass mitigation area 2
- Restoration areas (2.685 acres)
- Seagrass scars (42,863.8 ft sq)
- Requires sediment tubes 57,573.6 ft sq (1.33 acres)

* Blowhole and prop scar enhancements.





Florida Power & Light (FPL) Seagrass Mitigation Area 3



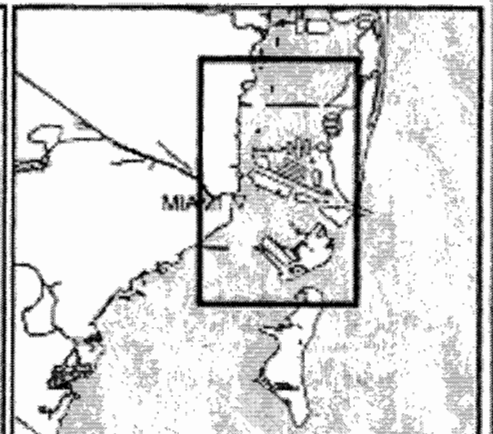
Prop Scars Mitigation

- Bouys system (250ft equidistant)
Seagrass mitigation area 3 (31.24 acres)

□ SAV enhancement area. 69,696.0 sq ft (1.60 acres)*

— Requires sediment tubes. 8, 277 sq ft (0.19 acres)

* Blowhole and prop scar enhancements.



SEP 27 2010

DEAN Coastal Resources Section
 Natural Resources Resources Administration
 DIVISION (NRARD)

GENERAL NOTES

RE:

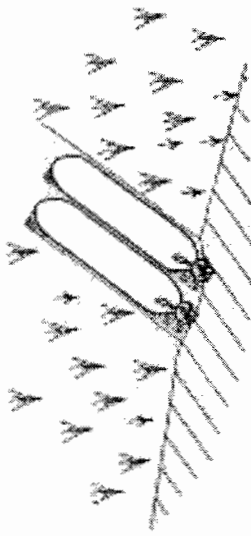
1. FILL MATERIAL SHALL BE NATIVE MATERIAL OR REGIONAL MATERIAL THAT MATCHES COLOR, COMPOSITION, GRAIN SIZE AND DISTRIBUTION OF NATIVE MATERIAL.
 2. FILL SHALL BE PLACED LOOSELY INSIDE SEDIMENT TUBE TO AVOID UNNECESSARY STRESS ON THE GEOTEXTILE.
- GEOTEXTILE:
1. OPENINGS IN FABRIC SHALL BE NO LARGER THAN A MINOR SEAM.
 2. SEAM SHOULD BE INSPECTED FOR ADEQUATE STITCHING.
 3. DOWN END OF SEDIMENT TUBE SHALL BE CLOSED WITH CORO.
 4. SEAMS SHALL BE TESTED IN ACCORDANCE WITH ASTM D 4854.
 5. SEAMS AND COROS SHALL HAVE THE SAME TENSILE STRENGTH AS GEOTEXTILE.
 6. GEOTEXTILE SHALL HAVE A MINIMUM FRACTURE STRENGTH OF 400 LBS AND A MINIMUM TENSILE STRENGTH OF 1000 LBS.

PLACEMENT:

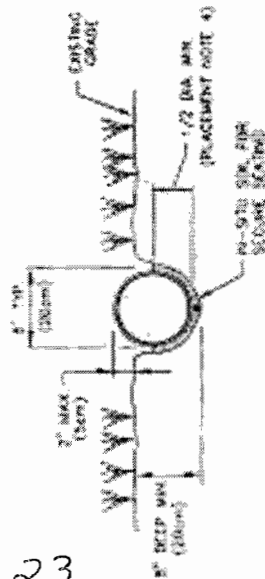
1. SEDIMENT TUBES SHALL NOT BE HANDLED WITH HOOKS, TONGS OR OTHER SHARP INSTRUMENTS.
2. SEDIMENT TUBES SHALL NOT BE PLACED BRUTELY ON ANY SURFACE THAT COULD PUNCTURE GEOTEXTILE.
3. SEDIMENT TUBES SHALL BE TIGHTLY BUTTED TOGETHER WITH DRAWN END NEXT TO ADJACENT SEDIMENT TUBE.
4. SEDIMENT TUBES SHALL BE SEALED SO THAT BOTTOM HALF OF TUBE IS FULLY SUPPORTED BY IN-SITU SOIL TO PREVENT PULLING AND ANY NECESSARY LATERAL SUPPORT.
5. SEDIMENT TUBES SHALL BE PLACED SO THAT SEAMS ARE ON BOTTOM.

LOADING:

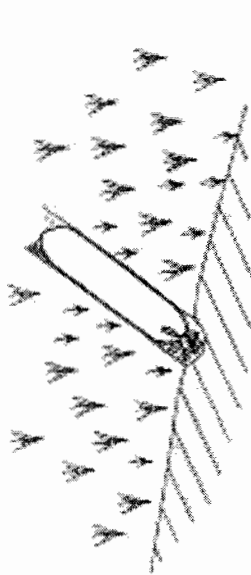
1. NON-BREAKING WAVE = 15 FT. MAX. (7.5 MPH)
2. WAVE BREAKING DIRECTLY ON SEDIMENT TUBE = 1 FT.
3. STEADY CURRENT VELOCITY = 2.5 FT/S (IF 5 = 1.4)



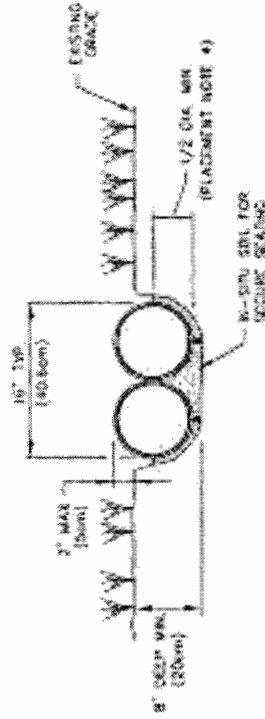
SEDIMENT TUBE - SINGLE ARRANGEMENT



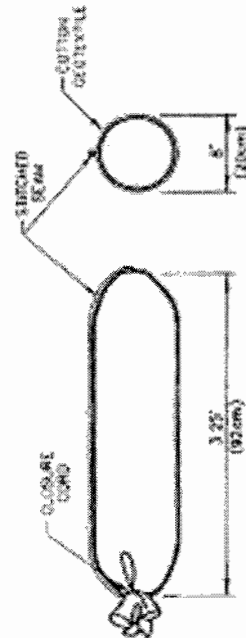
SINGLE ARRANGEMENT CROSS-SECTION



SEDIMENT TUBE - DOUBLE ARRANGEMENTS



DOUBLE ARRANGEMENT CROSS-SECTION



SEDIMENT TUBE DETAIL

DESIGNED BY	PROJECT NO.	DATE
CHECKED BY	PROJECT MANAGER	DATE
APPROVED BY	PROJECT NO.	DATE

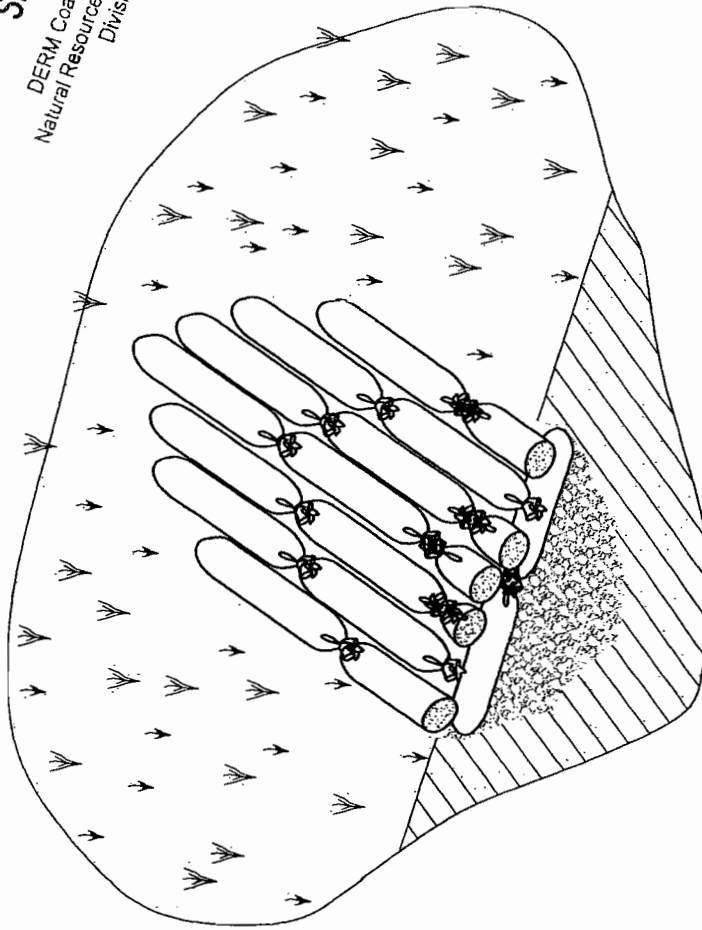
SEDIMENT STATUS	DATE
PROJECT NO.	DATE
PROJECT MANAGER	DATE
CHECKED BY	DATE
APPROVED BY	DATE



FIGURE 1
 SEAGRASS RECOVERY
 SEDIMENT TUBE

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 GENERAL NOTES
 SEP 27 2010

DERM Coastal Resources Section
 Natural Resources Regulation & Restoration
 Division (NRRRD)



24

- FILL:
1. FILL MATERIAL SHALL BE NATIVE MATERIAL OR BORROW MATERIAL THAT MATCHES COLOR, COMPOSITION, GRAIN SIZE AND DISTRIBUTION OF NATIVE MATERIAL.
 2. FILL SHALL BE PLACED LOOSELY INSIDE SEDIMENT TUBE TO AVOID UNNECESSARY STRAIN ON THE GEOTEXTILE.

- GEOTEXTILE:
1. OPENINGS IN FABRIC SHALL BE NO LARGER THAN A #100 SIEVE.
 2. SEAM SHOULD BE INSPECTED FOR INADEQUATE STITCHING.
 3. OPEN END OF SEDIMENT TUBE SHALL BE CLOSED WITH CORD.
 4. SEAMS SHALL BE TESTED IN ACCORDANCE WITH ASTM D 4884.
 5. SEAMS AND CORDS SHALL HAVE THE SAME TENSILE STRENGTH AS GEOTEXTILE.
 6. GEOTEXTILE SHALL HAVE A MINIMUM PUNCTURE STRENGTH OF 400 LBS AND A MINIMUM TENSILE STRENGTH OF 1000 LBS.

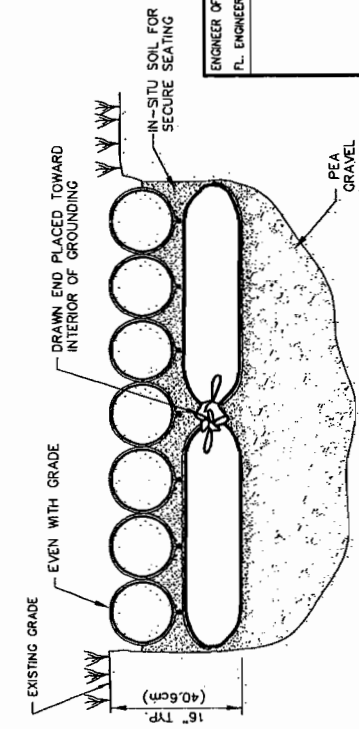
PLACEMENT:

1. SEDIMENT TUBES SHALL NOT BE HANDED WITH HOOKS, TONGS, OR OTHER SHARP INSTRUMENTS.
2. SEDIMENT TUBES SHALL NOT BE PLACED DIRECTLY ON ANY SURFACE THAT COULD PUNCTURE GEOTEXTILE.
3. SEDIMENT TUBES SHALL BE TIGHTLY BUTTED TOGETHER WITH DRAWN END NEXT TO ADJACENT SEDIMENT TUBE.
4. SEDIMENT TUBES SHALL BE SEATED SO THAT BOTTOM HALF OF TUBE IS FIRMLY SUPPORTED BY IN-SITU SOIL TO PREVENT ROCKING AND ADD NECESSARY LATERAL SUPPORT.
5. TOP LAYER OF SEDIMENT TUBES SHALL BE PLACED SO THAT SEAMS ARE ON BOTTOM.
6. TOP LAYER OF SEDIMENT TUBES SHALL BE PLACED SO THAT THE LONG AXIS OF THE TUBES ARE PARALLEL WITH THE LONGEST DIAMETER OF THE GROUNDING.
7. TOP LAYER OF SEDIMENT TUBES SHALL BE PLACED PERPENDICULAR TO THE BOTTOM LAYER OF TUBES.

LOADING:

1. NON-BREAKING WAVE = 15 ft. MAX. (F.S. = 1.4)
2. WAVE BREAKING DIRECTLY ON SEDIMENT TUBE < 1 ft.
3. STEADY CURRENT VELOCITY = 6.5 ft/s (F.S. = 1.4)

SEDIMENT TUBE - GROUNDING REPAIR

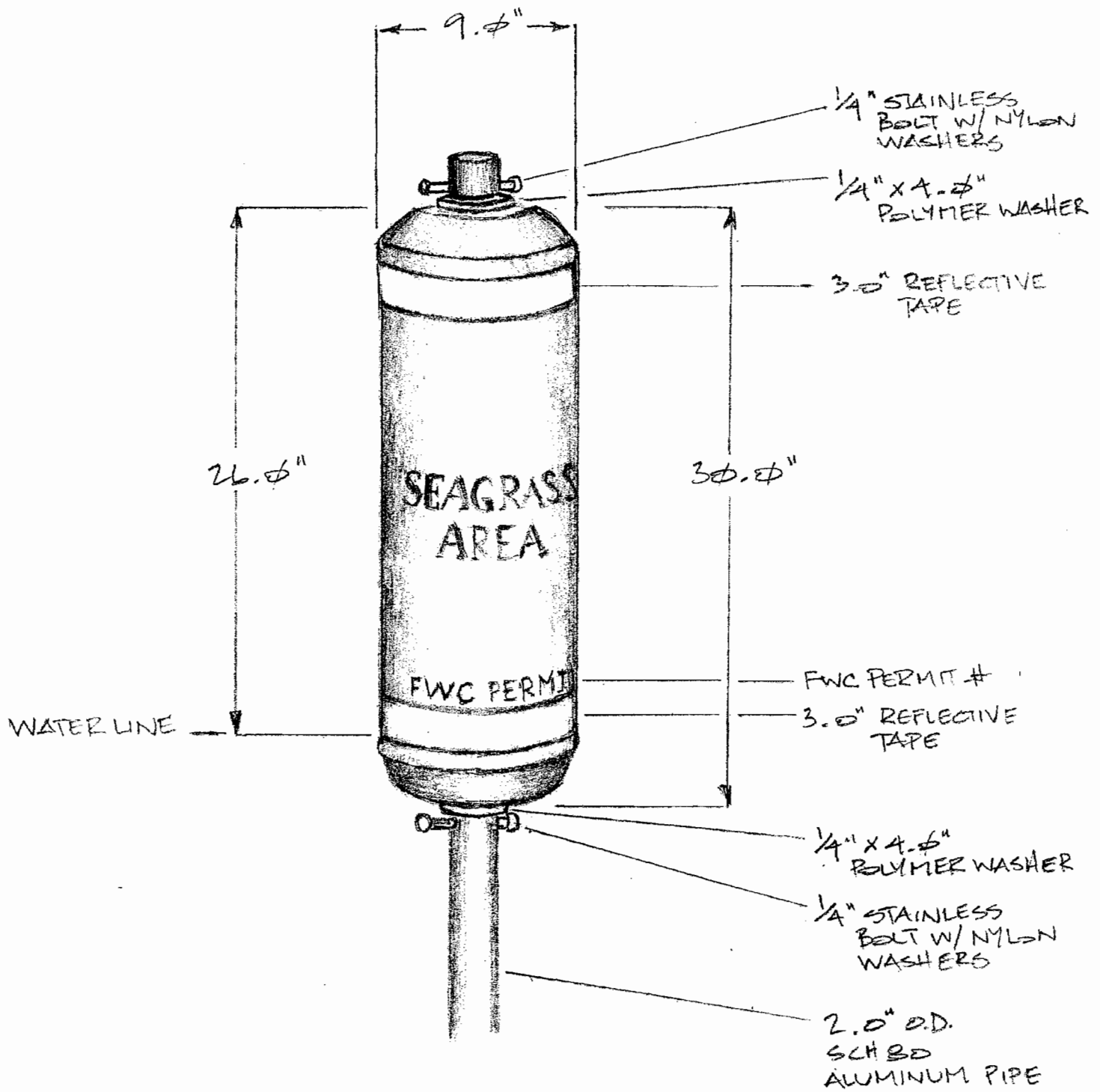


ENGINEER OF RECORD: BRENT W. ANDERSON
 FL. ENGINEERING CERTIFICATE NO. 54762

DRAWING STATUS	DRAFT	FINAL
PROJECT NO.	38-54-100002	
PROJECT MANAGER:	PATRICK KEITH	
SCALE:	NOT TO SCALE	
DRN BY:	K.P.C.	DRN DATE: 07/02/10
APPROV BY:	P.B.K.	APPROV DATE: 07/02/10

WRS COMPASS
 WILSON RESOURCES SERVICES, LLC
 2400 WEST PALM BEACH, FLORIDA 33409
 PH: (561) 684-5474 FAX: (561) 684-5418
 CERTIFICATE OF AUTHORIZATION NO. 6218

SEAGRASS RECOVERY
 SEDIMENT TUBE
 FIGURE 2



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DERM Coastal Resources Section
 Natural Resources Regulation & Restoration
 Division (NRRRD)

25

FIGURE 14CFM: FLOTATION MARKER

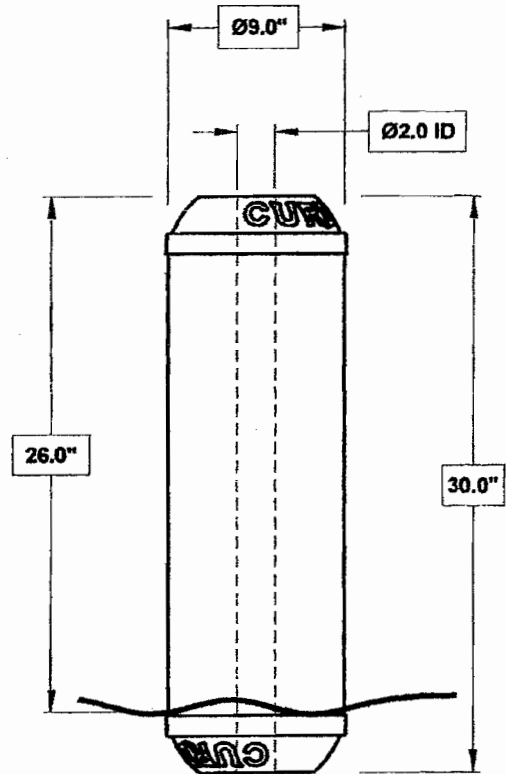
Height: 30.0"
Diameter: 9.0"
Visibility: 26.0"
Weight: 8#

Features:

- White ABS plastic outer shell
- Closed cell Polyurethane Foam filled

Options:

- 2.5" Inside diameter
- Reflective Symbols
- Custom messages
- Colors: Red, Green, and Yellow



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DERM Coastal Resources Section
Natural Resources Regulation & Research
Division (NRRD)

Attachment C
Zoning Memorandum

Memorandum



Date: November 18, 2010

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

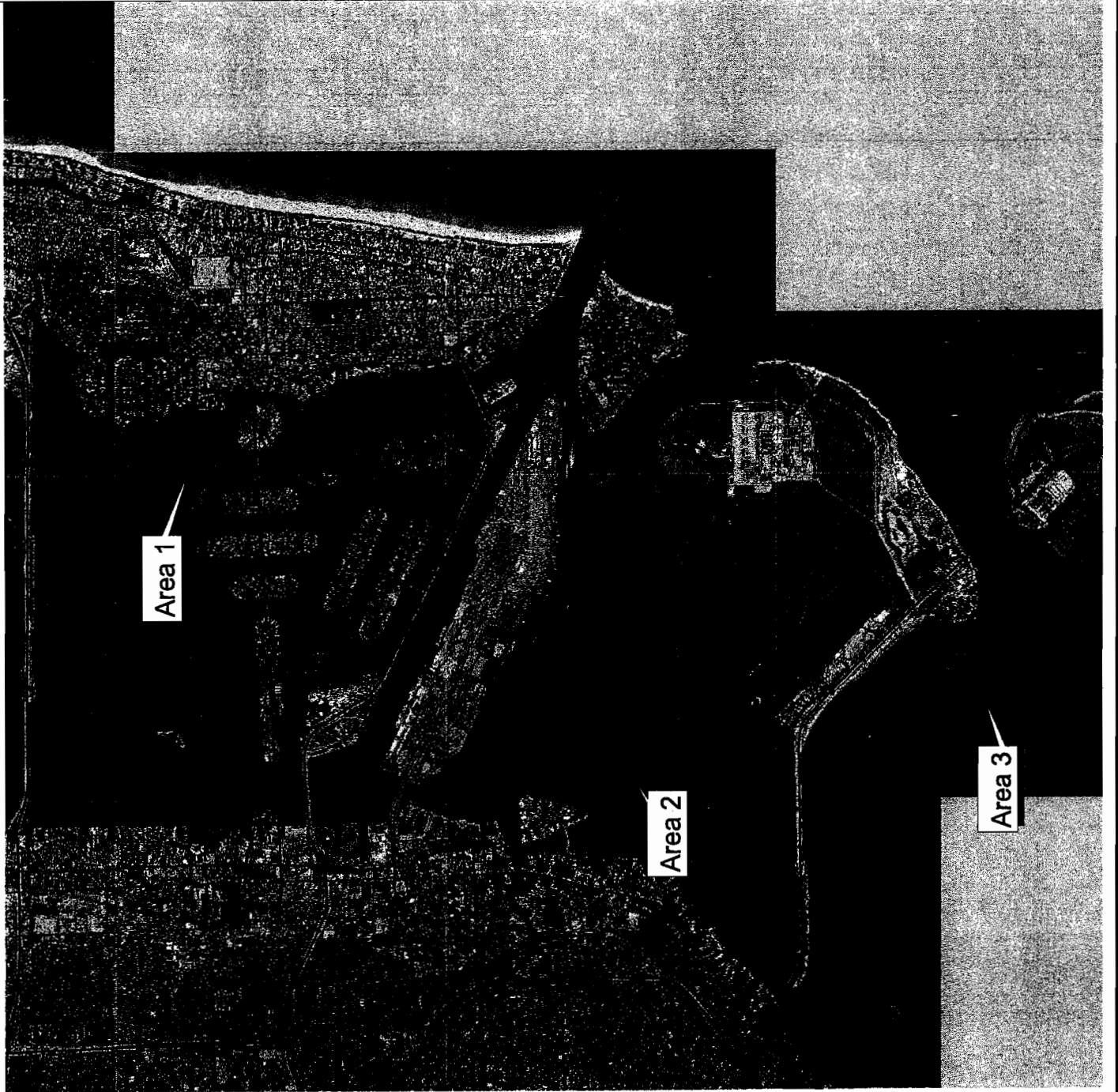
From: Lourdes Barrelli, Biologist II
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by the Florida Power & Light Company to Authorize the Filling of Tidal Waters for Seagrass Restoration in Biscayne Bay, Miami-Dade County, Florida

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

Attachment D

Site Map



Area 1

Area 2

Area 3

Venetian Causeway (Area 1)

Brickell Key (Area 2)

Rickenbacker Causeway (Area 3)



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SCALE: 1 inch = 5600.18 Feet

Attachment E

**Florida Department of Environmental Protection
Authorization for the Use of Sovereign Submerged Lands**



Florida Department of Environmental Protection

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401

Mimi A. Drew
Secretary

Jack Long, Director
Southeast District Office

E. D. M. S.

RECEIVED

OCT 13 2010

Florida Power and Light Company
c/o Gregg Hall, Senior Environmental Specialist
P.O. Box 14000
Juno Beach, Florida 33048-0420

THIS DOCUMENT HAS BEEN DIGITALLY
IMAGED. IF MODIFIED, PLEASE SUBMIT
FOR SCANNING.

OCT 13 2010

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Re: File Name: Florida Power and Light Company South Channel
File No.: 13-0205980-010
Modification of File No's.: 13-0205980-002, 003, 004, 005, 006, 007, 008

Dear Mr. Hall:

Your request to modify this permit has been received and reviewed by Department staff. The modification includes approval of a revised mitigation plan, where the permittee shall restore 1.33-acres of prop scars and install navigational safety signage in order to protect 145.7-acres of shallow submerged aquatic vegetation at one site within the Biscayne Bay Aquatic Preserve. The Department also grants a letter of consent to use state lands for the mitigation project.

The project is located in the South Channel of the Port of Miami, within the Biscayne Bay Aquatic Preserve, Class III Waters, Outstanding Florida Waters, South of Lummus Island, Miami (Section 9, Township 54 South, Range 42 East) in Miami-Dade County (25° 45' 52" North Latitude, 80° 9' 06" West Longitude).

The above modification is not expected to adversely affect water quality and will be clearly in the public interest provided the following **ACTIVITY DESCRIPTION** and **SPECIFIC CONDITIONS** are amended and added to the permit as issued. Please note that additions are underlined and deletions are stricken:

ACTIVITY DESCRIPTION:

The purpose of the project is to relocate two existing electric cables (69kV and 138kV) running under the Port of Miami's South Channel via horizontal directional drill (HDD) and splicing the new cables to the existing cables south of the channel. The entry pit for both drills will be located on the uplands at the Lummus Island substation and the two exit pits will be located within Biscayne Bay as indicated on Sheet 2 of 16. The borehole length for each line will be approximately 2,300 linear feet and reach a maximum of 36" in diameter.

Prior to commencement of the HDD drilling, an exit pit approximately 20' long x 40' wide x 20' deep each shall be dug at the two 69kV exit points and an exit pit approximately 20' long x 80' wide x 20' deep shall be dug at the 138kV exit point. These pits shall be surrounded by turbidity curtains secured to piles, six piles for the 69kV exit pit and ten piles for the 138kV exit pit (see attached sheet 3 of 16, and attached sheet 2 of 2). These pits will be used to control the release of drilling fluid during punch-out. All piles will be removed once the HDD work is completed for each line. All material exiting the bore into the exit pit will be pumped onto a lined container barge. Any return water release from the container barge shall be prohibited. The extra 40' added to the exit pit of the 138kV cable will increase the seagrass impacts due to the construction of the exit pit; however, the HDD barge will be relocated so that it will greatly reduce shading impacts resulting in no net increase in impacts.

During the HDD process, a forward reaming technique will be used which will allow the fluid returns to be recovered on the Port of Miami side of the crossing during most of the reaming pass, thus minimizing fluid returns out to Biscayne Bay. All material exiting the bore into the pit will be pumped onto a lined container barge. No return water shall be released from the container barge.

An electric solenoid will be used to provide additional location information during the drilling process to allow the contractor to achieve a greater level of accuracy considering the level of magnetic interference caused by the movements of the large container ships. Two temporary platforms, approximately 15' x 8' (120-sq. ft.), will be

placed on the bottom near the edge of the ship channel, in areas void of seagrass, for approximately two days for each of the drills to support the solenoids. All required navigational lights will be used and the platform will be set outside of navigational waters.

One 400' long x 15' wide x 6' deep trench (for the 138kv cable, attached sheet 1 of 1) will be dug to excavate the original cables for splicing to the new cables. Once the cables are spliced they will be placed back on the bay bottom and buried. The trenches will be completely filled back to grade once the splicing is done and the cables are buried. Up to four temporary pilings will be installed, as needed, to lift the cable during splicing.

At the end of the casing pipe, stone armoring along with a geotextile fabric base shall be placed within an 8' x 50' section to cover and secure the casing pipe. Sediment tubes shall be placed in accordance with the attached drawings above the stone armoring to promote seagrass recruitment and to provide further stabilization of the pipe casing along the seafloor. The riprap, geotextile fabric, and sediment tubes shall not extend more than 2-ft. above the bottom sediment. No additional resource impacts shall occur as a result of the riprap installation as it shall occur in the previously authorized footprint.

Turbidity curtains will be staged in 30' x100' areas during each phase of the excavation of the original cables. Once the trenching is completed within the first 30'x100' area and the turbidity within the curtains has returned to ambient water quality levels, the curtains will be relocated to the next segment of trench while this area is excavated, until the trenching is completed. The "track of the moving turbidity barrier" as indicated on attached Sheets 6 & 7 of 16 indicates the total length of the 30'X100' segments along the trench. Each 30' x100' segment will be secured to prevent movement

The cables and casing pipes will be assembled and stored at the Miami Marine Stadium. Twenty guide piles will be placed in the Marine Stadium basin in order to hold the assembled pipes in place prior to transport. The cables/casing pipes will then be supported by floating "A-Frame" structures (see attached sheet 16 of 16) and transported to the drill area by a shallow draft barge. No piles will be used to support the cables in the transport areas. All piles within the Marine Stadium basin will be removed once the cable/casing has been transported to the HDD contractor staging area.

Impacts to approximately 0.81 acres of seagrass beds (0.65 direct impacts, 0.16 indirect impacts) will be offset by onsite restoration of the impact areas and ~~2.23 acres of offsite seagrass prop-scar restoration at Biscayne National Park in strict accordance with the attached, approved, mitigation plan~~ by restoring 1.33-acres of prop scars and installing navigational safety signage in order to protect 145.7-acres of shallow submerged aquatic vegetation at one site within the Biscayne Bay Aquatic Preserve and in accordance with the attached revised mitigation plan (Exhibit A).

Direct impacts to approximately 35-sq. ft. of seagrass beds as a result of the additional 5 guide piles to be installed will be offset by approximately 103-sq. ft. (9.54 m²) of offsite seagrass prop-scar restoration at Biscayne National Park (EF 78, East Featherbeds) in strict accordance with the attached, approved, attachment 1 to the mitigation plan, mitigated for within the same site in the Biscayne Bay Aquatic Preserve and in accordance with the attached revised mitigation plan (Exhibit A).

State-owned Submerged Lands Authorization

The activity is located on submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.77, Florida Statutes (F.S.) and Chapter 258, F.S.

As staff to the Board of Trustees, the Department has determined that the activity qualifies for a Letter of Consent, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

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.

(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:

(26) In order to offset the 0.81-acres of total seagrass impacts anticipated from this project (0.65-ac. direct + 0.16-ac. indirect), FPL shall restore 2.23 acres of prop scars and grounding areas within Biscayne National Park in strict accordance with the attached mitigation plan. The 2.23 acres of restoration will take place over three areas, which are identified in the finalized mitigation plan (Exhibit B) submitted on February 15, 2005. shall restore 1.33-acres of prop scars and install navigational safety signage in order to protect 145.7-acres of shallow submerged aquatic vegetation at one site within the Biscayne Bay Aquatic Preserve, in accordance with the attached "Revised FPL Mitigation Plan South Channel Relocation Project", dated September, 2010 (Exhibit A).

~~(29) Any areas used for donor sites for possible transplantation must be located wholly within Biscayne National Park and must be evaluated and coordinated with seagrass experts (FWRI, NMFS, etc.) All necessary permits shall be obtained by FWRI or the Bureau of Invasive Plant Species.~~

(30) The USCG permit shall be obtained for any navigational markers prior to commencement of the mitigation plan and installation. Prior to restoring 1.33-acres of prop scars within the 145.7-acre shallow submerged aquatic vegetation areas, the permittee shall obtain the necessary authorization for the proposed navigational/informational waterway markers from respective agencies (U.S. Coast Guard or the Florida Fish and Wildlife Conservation Commission Boating Safety and Waterway Management Section). The permittee shall submit all correspondence and authorizations to the Department prior to commencing mitigation activities. All final approved navigational signage shall be maintained in perpetuity.

File Name: Florida Power and Light Company South Channel
File No.: 13-0205980-010
Modification of File No's.: 13-0205980-002, 003, 004, 005, 006, 007, 008
Page 4 of 6

Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter, we are notifying all necessary parties of the modifications.

This letter of approval does not alter the expiration date of **April 11, 2012**, the original General or Specific Conditions (except as modified herein), or monitoring requirements of the permit (except as modified herein). This letter and attached drawing must be attached to the original permit.

This permit modification is 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.

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.

File Name: Florida Power and Light Company South Channel
File No.: 13-0205980-010
Modification of File No's.: 13-0205980-002, 003, 004, 005, 006, 007, 008
Page 5 of 6

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

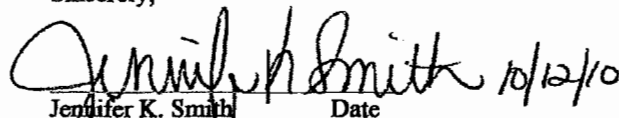
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes 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.

This permit modification 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.

Sincerely,

 10/12/10

Jennifer K. Smith Date
Program Administrator
Submerged Lands and Environmental Resources Program
Southeast District

Enclosures

cc: Don Keirn, FDEP Compliance and Enforcement, Don.Keirn@dep.state.fl.us
Pamela Sweeney, FDEP Coastal and Aquatic Managed Areas, Pamela.Sweeney@dep.state.fl.us
Audrey Siu, USACOE Miami Office, Audrey.L.Siu@usace.army.mil
Lourdes Barrelli, Miami-Dade County DERM, barrel@miamidade.gov
Kristen Sella, FFWCC Bureau of Imperiled Species Management, Kristen.Sella@myfwc.com
Ken Huntington, RS Environmental Consulting, Inc., ken@rs-env.com

File Name: Florida Power and Light Company South Channel
File No.: 13-0205980-010
Modification of File No's.: 13-0205980-002, 003, 004, 005, 006, 007, 008
Page 6 of 6

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

Linda Howard **OCT 13 2010**
Clerk Date



Jack Long, Director
Southeast District Office*

Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33411

E. D. M. S.

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

OCT 05 2010

Florida Power and Light Company
c/o Gregg Hall, Senior Environmental Specialist
P.O. Box 14000
Juno Beach, Florida 33048-0420

THIS DOCUMENT HAS BEEN DIGITALLY
IMAGED. IF MODIFIED, PLEASE SUBMIT
FOR SCANNING.

RE-SCANNED _____
RE-SCANNED _____
RE-SCANNED _____

RECEIVED

OCT 05 2010

Re: File Name: Florida Power and Light Company Overtown - Venetian
File No.: 13-0253624-010
Modification of File No's.: 13-0253624-002, 004, 006

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Dear Mr. Hall:

Your request to modify this permit has been received and reviewed by Department staff. The modification includes approval of a revised mitigation plan, where the permittee shall restore 1.25-acres of prop scars and install navigational safety signage in order to protect 114.74-acres of shallow submerged aquatic vegetation at two different sites within the Biscayne Bay Aquatic Preserve. The Department also grants a letter of consent to use state lands for the mitigation project.

The project is located in Biscayne Bay, within the Biscayne Bay Aquatic Preserve, Outstanding Florida Waters, Class III Waters, north of the Venetian Causeway, between the FPL Overtown Substation in Miami and the FPL Venetian Substation in Miami Beach (Sections 28, 29, 30, 31, 32, and 33, Township 53 South, Range 42 East), in Miami-Dade County (25° 47' 46" North Latitude, 80° 9' 54" West Longitude; 25° 47' 46" North Latitude, 80° 10' 18" West Longitude).

The above modification is not expected to adversely affect water quality and will be clearly in the public interest provided the following **ACTIVITY DESCRIPTION** and **SPECIFIC CONDITIONS** are amended and added to the permit as issued. Please note that additions are underlined and deletions are stricken:

ACTIVITY DESCRIPTION:

The purpose of the project is to conduct a horizontal directional drill (HDD) beneath surface waters of Biscayne Bay consisting of a 15-inch diameter bore (13,850 linear feet) installed approximately 35 feet below the sediment grade that shall contain a 9.625-inch 138 kV transmission line. One entry and one exit pit shall be located in uplands at NE 21st Street near the FPL Overtown Substation in Miami and 18th Street in Miami Beach while two entry and two exit pits shall be located within Biscayne Bay.

Sedimentation barriers and siltation screens shall be used around the upland entry and exit pits to protect water quality, control erosion, and prevent sediment runoff. Upland, above ground 8-foot by 35-foot (280 ft²) self-contained storage tanks shall be utilized to contain all return water and drilling fluids. Once filled, the storage tanks shall be disposed of in an approved landfill. Discharges to storm drains and surface waters are not authorized by this permit.

Prior to commencement of HDD activities, entry and exit pits shall be constructed within each end of the two authorized work areas for a total of four pits. Each pit shall consist of the installation of 30-foot long sheet metal walls placed approximately 8 feet apart. These pits shall control any release of drilling fluids during punch-out. Sheet metal walls shall be installed on the north and south sides of each entry and exit pit location and turbidity curtains shall be installed on the east and west sides of each entry and exit pit location. The pits shall be mechanically dredged by a closed clamshell and the severed materials shall be deposited into an enclosed container located on a shallow draft barge. The containers shall be temporarily stored within an upland location. No return

water shall be discharged into Biscayne Bay and all spoil materials shall be placed in a final spoil disposal location as approved by the Department.

HDD activities shall be completed in three segments. The first segment shall run east, beginning at the FPL Overtown Substation installed beneath NE 21st Street and Bay Shore Drive to the first trench location within Biscayne Bay, southeast of Pace Picnic Island. The next HDD segment shall be installed between the first and second trenches within Biscayne Bay and the last HDD segment shall be placed between the second trench and the Miami Beach shore adjacent to Island View Park. A pilot hole shall initially be drilled along the designated directional path and then enlarged to a suitable diameter for installation of the pipe. In order to monitor the drillhead during portions of the transmission line installation, a barge-mounted tracking device shall be anchored within ten barren submerged bottom locations along the transmission line corridor. Barge-mounted tracking devices shall be anchored a maximum of four hours at each barren submerged bottom location. The pipestring shall be pulled into the enlarged bore hole, spliced together, and buried beneath the sediment. All severed materials exiting the bore pits shall be placed directly onto a fully-lined shallow draft barge with containment rails and return water from the barge shall be prohibited. Pursuant to Section 18-21.011(3)(c), F.A.C., severance fees will not be required since dredged materials shall either be placed on public property to re-grade the excavated trenches authorized in this permit and used for public purposes or demonstrated to have no economic value and disposed of in an approved landfill.

The pipestrings shall be assembled on rollers on the south side of the Julia Tuttle Causeway (I-195). Following the completion of the HDD, the 9.625-inch pre-assembled pipestring shall be pulled from uplands located on the western end of the Julia Tuttle Causeway to the excavated entry and exit pits located within Biscayne Bay. A crane equipped with a basket roller will keep the leading end of the pipe elevated above the water level while the pipestring is pulled into the water. The pipestring shall be filled with air, capped, and supported by a roller assembly consisting of rollers, positioned at approximately 50-75 foot intervals and a series of floats, positioned every 75 feet along the pipestring. Guide vessels and barges shall be utilized to monitor the movement and integrity of the pipestring as it is pulled across the Intracoastal Waterway and into the navigation channel along the northern side of the Venetian Islands. These vessels shall also ensure that the pipestring remains in a straight line and buckling does not occur. In order to stabilize the pre-assembled pipestring between the two authorized work areas, a total of 16 pilings shall be installed temporarily at approximately 300-foot on-center intervals within barren submerged bottoms along the transmission line corridor. During splicing operations, a temporary wooden platform and a series of support frames anchored between the dredged entry and exit pits shall be installed over the pipestring to assist in holding the pipe assembly in place. Once the pipestring has been pulled into the bore hole and the cables have been spliced, the spliced cable and pipe assembly shall be buried on the bay bottom by backfilling the trenches with clean fill to the original bottom contours existing prior to the installation of the transmission line. All support frames shall be removed from surface waters upon completion of the splicing operation.

After the cable is spliced and final welding of the pipestring is complete, two 35-foot wide by 300-foot long by 5-foot deep (10,500 ft²) trenches shall be dredged to connect the entry/exit pits within Biscayne Bay in each work area. These trenches are required to bury the spliced cable sections upon completion of the HDD segments. Each 10,500 ft² trench shall be surrounded by turbidity curtains located 15 feet on either side of the 35-foot by 300-foot area. Turbidity curtains shall be secured by H-pilings installed at 25-foot intervals to ensure that any turbidity resulting from this project will be contained within the project boundaries. All H-pilings and sheet metal panels shall be removed once construction has been completed for each transmission line. In order to construct the trenches following the splicing operation, material shall be mechanically dredged by a closed clamshell and deposited directly into a fully-lined shallow draft barge with containment rails to hold the spoil and prevent return water from entering surface waters. No return water shall be discharged into Biscayne Bay and all spoil materials shall be placed in a final spoil disposal location as approved by the Department.

Transportation of the pipestring across Biscayne Bay and anchoring the barge-mounted drillhead tracking device shall not result in impacts to seagrasses or wetland vegetation. Excavation of the two trenches within Biscayne Bay shall result in one acre (43,560 ft²) of direct seagrass habitat impacts, including impacts to *Halodule*

wrightii, *Halophila decipiens*, *Syringodium filiforme*, and *Thalassia testudinum* species. Placement of barges within the authorized work spaces shall result in 0.65 acres (28,314 ft²) of temporary indirect shading impacts to *Halodule wrightii*, *Halophila decipiens*, *Halophila johnsonii*, *Syringodium filiforme*, and *Thalassia testudinum* species. In order to offset these impacts, the permittee shall perform the following activities in strict accordance with the attached, approved mitigation and monitoring plans: (1) re-grade excavated areas to natural grade and monitor for natural seagrass re-colonization and (2) ~~restore and enhance 4 acres of prop-scar damage within the Biscayne National Park~~ restore 1.25-acres of prop scars and install navigational safety signage in order to protect 114.74-acres of shallow submerged aquatic vegetation at two different sites within Biscayne Bay Aquatic Preserve.

The standard manatee conditions will be adhered to during all in water work. Should the release of drilling materials occur, the appropriate actions shall take place in strict accordance with the attached "Risk Mitigation Measures". During a threat from a Hurricane, actions shall take place in strict accordance with the attached "FPL Overtown - Venetian Project Hurricane Plan".

State-owned Submerged Lands Authorization

The activity is located on submerged lands owned by the State of Florida. It therefore also requires authorization, from the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.77, Florida Statutes (F.S.) and Chapter 258, F.S.

As staff to the Board of Trustees, the Department has determined that the activity qualifies for a Letter of Consent, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

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.
- (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:

(34) In order to offset the 1.65 acres (71,874 ft²) of total seagrass habitat impacts anticipated from this project [one acre (43,560 ft²) of direct impacts and 0.65 acres (28,314 ft²) of indirect impacts], the permittee shall perform the following activities in strict accordance with the attached "FPL Overtown Venetian Transmission Line On-Site Mitigation Monitoring" and the "~~Seagrass Mitigation Plan for the FPL Overtown Venetian Project~~" "Revised FPL Mitigation Plan Overtown-Venetian Project", dated September, 2010 (Exhibit A): (1) re-grade excavated areas to natural grade and monitor for natural seagrass re-colonization and (2) ~~restore and enhance 4 acres of prop-scar damage within the Biscayne National Park.~~ restore 1.25-acres of prop scars and install navigational safety signage in order to protect 126.1-acres of shallow submerged aquatic vegetation at two different sites within the Biscayne Bay Aquatic Preserve. Prior to restoring 1.25-acres of prop-scars within the 114.74-acre shallow submerged aquatic vegetation areas, the permittee shall obtain the necessary authorization for the proposed navigational/informational waterway markers from respective agencies (U.S. Coast Guard or the Florida Fish and Wildlife Conservation Commission Boating Safety and Waterway Management Section). The permittee shall submit all correspondence and authorizations to the Department prior to commencing mitigation activities. All final approved navigational signage shall be maintained in perpetuity.

Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter, we are notifying all necessary parties of the modifications.

This letter of approval does not alter the expiration date of **July 19, 2012**, the original General or Specific Conditions (except as modified herein), or monitoring requirements of the permit (except as modified herein). This letter and attached drawing must be attached to the original permit.

This permit modification is 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.

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.

This permit modification 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

File Name: Florida Power and Light Company Overtown – Venetian
File No.: 13-0253624-010
Modification of Permit No's.: 13-0253624-002, 004, 006
Page 6 of 6

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.

Sincerely,

 10/4/10

Jennifer K. Smith Date

Program Administrator

Submerged Lands and Environmental Resources Program
Southeast District

Enclosures

cc: Don Keirn, FDEP Compliance and Enforcement, Don.Keirn@dep.state.fl.us
Pamela Sweeney, FDEP Coastal and Aquatic Managed Areas, Pamela.Sweeney@dep.state.fl.us
Audrey Siu, USACOE Miami Office, Audrey.L.Siu@usace.army.mil
Lourdes Barrelli, Miami-Dade County DERM, barrel@miamidade.gov
Kristen Sella, FFWCC Bureau of Imperiled Species Management, Kristen.Sella@myfwc.com
Ken Huntington, RS Environmental Consulting, Inc., ken@rs-env.com

FILING AND ACKNOWLEDGMENT

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

 10/5/10

Clerk

Date

Attachment F
Project Report

**PROJECT REPORT
CLASS I PERMIT APPLICATION NO. 2010-CLI-PER-00135**

Class I Permit Application by the Florida Power & Light Company to Authorize the Filling of Tidal Waters for Seagrass Restoration in Biscayne Bay, Miami-Dade County, Florida

Date: November 18, 2010

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

1. **Potential Adverse Environmental Impact** – The proposed project is not reasonably expected to result in adverse environmental impacts. The proposed project has been designed to improve the biological function of existing seagrass beds and enhance protected natural resources and systems. The project involves restoration of 2.58 acres of impacted areas within existing seagrass beds at 3 project sites within the Biscayne Bay Aquatic Preserve (BBAP). Sediment tubes containing clean fill will be placed in the impacted areas to match the grade of the surrounding shoals, and subsequently promote seagrass regrowth. In order to minimize the potential for impacts to the existing and restored seagrasses within the project areas, and to increase the likelihood of restoration success, the applicant proposes to install markers to delineate the seagrass restoration project sites. The markers will provide boaters with a visual indication of where the shallow project areas are located, so they can be easily avoided. The applicant will be required to maintain the markers in perpetuity. Additionally, temporary stakes will be placed within the restored areas to encourage seabird roosting. Bird stakes are often used to accelerate seagrass re-colonization of impacted areas by enhancing available nutrients.
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 surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is not reasonably expected to adversely affect water quality. The proposed project has been designed to improve the biological function of existing seagrass beds within the project areas and has been designed to improve water quality within the BBAP.
5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The proposed project is not reasonably expected to have negative aesthetic impacts. The applicant proposes to install markers to delineate the seagrass restoration project sites. The markers will be consistent with the Florida Fish and Wildlife Conservation Commission's (FFWCC) Florida Uniform Waterway Marking System format.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation. The project sites are located in shallow seagrass beds, outside of existing channels, and the applicant proposes to install markers to delineate the seagrass restoration project sites. The applicant has obtained authorization from the FFWCC and a letter of no objection from the United States Coast Guard, and will be required to maintain the seagrass markers in perpetuity.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect 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 is not reasonably expected to adversely affect marine and wildlife habitats. The proposed project has been designed to improve the biological function of existing seagrass beds and enhance marine and wildlife habitats. The project involves restoration of 2.58 acres of impacted areas within existing seagrass beds at 3 project sites within the BBAP. Sediment tubes containing clean fill will be placed in the impacted areas to match the grade of the surrounding shoals, and subsequently promote seagrass regrowth. Although marine epifauna (animals living in the sediment surface or on the surface of other plants or animals) and infauna (animals living within submerged sediments) will be temporarily impacted from the placement of the sediment tubes, these impacts are temporary in nature and suitable marine habitat will be available for the re-establishment of said communities. Additionally, temporary stakes will be placed within the restored areas to encourage seabird roosting. Bird stakes are often used to accelerate seagrass re-colonization of impacted areas by enhancing available nutrients.

Area 2 (Brickell Key) project site is located within an area designated as essential manatee habitat for *Trichechus manatus* (West Indian Manatee) by the Miami Dade County Manatee Protection Plan (MDCMPP). Although Area 1 (Venetian) and Area 3 (Rickenbacker Causeway) are not located within areas designated as essential manatee habitat, the Class I permit will require that standard manatee conditions be followed during all construction operations at the 3 project sites. Furthermore, the proposed work has been designed to create suitable habitat for *Halophila johnsonii* (Johnson's seagrass), a Federally Listed Threatened Species.

15. **Wetland Soils Suitable for Habitat** – The proposed work does not involve any work in wetland soils.
16. **Floral Values** – The proposed project has been designed to improve the biological function of existing seagrass beds and enhance marine and wildlife habitats. The project involves restoration of 2.58 acres of impacted areas within existing seagrass beds at 3 project sites within the BBAP. Furthermore, the proposed work has been designed to create suitable habitat for Johnson's seagrass, a Federally Listed Threatened Species.
17. **Fauna Values** – The proposed project will temporarily disturb marine fauna. Although marine epifauna (animals living in the sediment surface or on the surface of other plants or animals) and infauna (animals living within submerged sediments) will be temporarily impacted from the placement of the clean fill, these impacts are temporary in nature and suitable marine habitat will be available for the re-establishment of said fauna.

Area 2 is located within an area designated as essential manatee habitat for the West Indian Manatee by the MDCMPP. Although Area 1 and Area 3 are not located within areas designated as essential manatee habitat, the Class I permit will require that standard manatee conditions be followed during all construction operations at the 3 project sites.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. Area 2 is located within an area designated as essential manatee habitat for the West Indian Manatee by the MDCMPP. Although Area 1 and Area 3 are not located within areas designated as essential manatee habitat, the Class I permit will require that standard manatee conditions be followed during all construction operations at the 3 project sites. In addition, the proposed work has been designed to create suitable habitat for Johnson's seagrass, a Federally Listed Threatened Species.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project does not involve any work in wetland soils.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.

22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. **Other Environmental Values Affecting the Public Interest** - The proposed project is not reasonably expected to adversely affect environmental values affecting the public interest. The proposed work will occur on submerged lands owned by Miami-Dade County (County) and the City of Miami (City), and on sovereign submerged lands. The applicant has obtained authorization from the County, the City, and the Florida Department of Environmental Protection (Attachment E) to perform the proposed work.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the following:
- a) Miami-Dade County Public Works Manual
 - b) Chapter 33B of the Code of Miami-Dade County
 - c) Biscayne Bay Management Plan (Sections 33D-1 through 33D-4 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) United States Clean Water Act (US Army Corps of Engineers (permit is required)
 - c) Florida Department of Environmental Protection Regulations (permit is required)
 - d) United States Coast Guard (letter of no objection is required)
 - e) Florida Fish and Wildlife Conservation Commission (authorization is required)
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. The proposed project has been designed to improve the biological function of existing seagrass beds and enhance protected natural resources and systems. The project involves restoration of 2.58 acres of impacted areas within existing seagrass beds at 3 project sites within the BBAP. Sediment tubes containing clean fill will be placed in the impacted areas to match the grade of the surrounding shoals, and subsequently promote seagrass regrowth. 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.

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, aquifer recharge potential or natural surface water drainage.

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 filling for the purposes 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 any such wetlands.

Objective 9/Policies 9A, 9B, 9C – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. Area 2 is located within an area designated as essential manatee habitat for the West Indian Manatee by the MDCMPP. Although Area 1 and Area 3 are not located within areas designated as essential manatee habitat, the Class I permit will require that standard manatee conditions be followed during all construction operations at the 3 project sites. In addition, the proposed work has been designed to create suitable habitat for Johnson's seagrass, a Federally Listed Threatened Species.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas. – The proposed 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 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 is consistent with the dredge and fill criteria listed in Section 24-48.3(2) of the Code as they relate to the minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters. The proposed project has been designed to improve the biological function of existing seagrass beds and enhance protected natural resources and systems. The project involves restoration of 2.58 acres of impacted areas within existing seagrass beds at 3 project sites within the BBAP. Sediment tubes containing clean fill will be placed in the impacted areas to match the grade of the surrounding shoals, and subsequently promote seagrass regrowth.

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 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species. - The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. Area 2 is located within an area designated as essential manatee habitat for the West Indian Manatee by the MDCMPP. Although Area 1 and Area 3 are not located within areas designated as essential manatee habitat, the Class I permit will require that standard manatee conditions be followed during all construction operations at the 3 project sites. In addition, the proposed work has been designed to create suitable habitat for Johnson's seagrass, a Federally Listed Threatened Species.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project does not involve the use of new areas for 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** - Protection of endangered or threatened animal species. – Area 2 is located within an area designated as essential manatee habitat for the West Indian Manatee by the MDCMPP. Although Area 1 and Area 3 are not located within areas designated as essential manatee habitat, the Class I permit will require that standard manatee conditions be followed during all construction operations at the 3 project sites.
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, substantiating letters 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 reasonably 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:

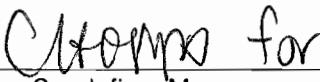
24-48.3 (2) Dredging and Filling for Class I Permit - The proposed project complies with the following criteria:

Minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters.

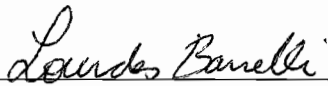
24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project does not involve the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

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

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



Lisa Spadafina, Manager
Coastal Resources Section



Lourdes Barrelli, Biologist II
Coastal Resources Section