Memorandum

MIAMI-DADE COUNTY

Date: March 20, 2012

Agenda Item No. 5(C)

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Relating to an Application by the Village of Key Biscayne for a Class I Permit to Renourish Eroded Beachfront through the Placement of Sand for Multiple Renourishment Events in the Village of Key Biscayne, and to Authorize the Time of Completion of Work under the Subject Permit for a Period of Ten (10) Years

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Attached, please find for your consideration an application by the Village of Key Biscayne for a Class I permit. Also attached is the recommendation of the Department of Permitting, Environment and Regulatory Affairs and a proposed resolution approving the issuance of the Class I permit.

Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: February 21, 2012

To: Carlos A. Gimenez
Mayor

From: Charles Danger, P.E., Interim Director
Department of Permitting, Environment and Regulatory Affairs

Subject: Resolution Relating to an Application by the Village of Key Biscayne for a Class I Permit to Renourish Eroded Beachfront through the Placement of Sand for Multiple Renourishment Events in the Village of Key Biscayne, and to Authorize the Time of Completion of Work under the Subject Permit for a Period of Ten (10) Years

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Recommendation
I have reviewed the attached application for a Class I permit submitted by the Village of Key Biscayne. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the 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 site is located in Commissioner Suarez's District 7 along the beach between Crandon Park and Bill Baggs State Recreation Area in the Village of Key Biscayne.

Fiscal Impact/Funding Source
Not applicable

Track Record/Monitor
The Coastal Resources Section Manager in the Miami-Dade Department of Permitting, Environment and Regulatory Affairs (PERA) will monitor the terms and conditions of this permit.

Background
The attached Class I permit application requests authorization to renourish the eroded beach along the Atlantic Ocean through the placement of 31,000 cubic yards of sand between Crandon Park and Bill Baggs State Recreation Area, Key Biscayne, Miami-Dade County, Florida. 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. Pursuant to Section 24-48.9 of the Code, standard form Class I permit approvals are only valid for a period of three (3) years from the date of approval unless another time period is stated in the approving resolution. Due to the nature of this project, the applicant has requested that the permit for this project be valid for ten (10) years to allow for multiple renourishment events as needed.

The project is intended to protect infrastructure and property and to improve the beach for recreational and public use by the placement of 31,000 cubic yards of beach quality sand. A total of 17,600 cubic yards of beach-quality sand shall be placed waterward of the Mean High Water Line (MHWL) and the remaining 13,400 cubic yards of sand shall be placed landward of the MHWL. Diagrams of the work locations are in Attachment B.

The sand will be obtained from the Ortona mines in Central Florida. This source has been previously used for renourishment projects throughout the State, including within Miami-Dade County. The sand will be transported to the project site by dump trucks and will either be placed directly on the beach or temporarily staged at upland areas located west of the dune line. The sand will then be loaded into

all-terrain equipment, distributed along the proposed project site, and graded to provide the storm protection and recreational benefits associated with the project.

The project was designed to provide a minimum 25-foot setback from the landward limit of seagrasses and hard bottom communities. Therefore, no direct or indirect impacts are anticipated and no mitigation will be required. In addition, short-term turbidity impacts are anticipated to be negligible. The contractor will be responsible for the monitoring and control of turbidity levels generated by construction operations in accordance with the Class I permit conditions.

The applicant is requesting that the Class I permit be valid for a period of ten (10) years. Although standard form Class I permits are valid for three (3) years, authorization for a ten (10) year period is consistent with the maximum timeframe allowed through extensions of time for Class I permits in the Code of Miami-Dade County. PERA recommends approval of the requested ten (10) year permit which would allow for periodic renourishment of eroded segments of the beach as needed. The applicant will be required to comply with all Class I permit conditions and to notify PERA prior to performing any subsequent renourishment events.

The beaches to be renourished are owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. The applicant has obtained authorization from the Florida Department of Environmental Protection for use of Sovereign Submerged Lands (Attachment E).

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. Please find attached a PERA Project Report which sets forth the reasons the proposed project is recommended for approval by PERA pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by 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: Names and Addresses of Owners of All Riparian Property within Three Hundred (300) Feet of the Proposed Work
Attachment E: Florida Department of Environmental Protection Consolidated Joint Coastal permit and Sovereign Submerged Lands Authorization
Attachment F: PERA Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY THE VILLAGE OF KEY BISCAYNE FOR A CLASS I PERMIT TO RENOURISH ERODED BEACHFRONT THROUGH THE PLACEMENT OF SAND FOR MULTIPLE RENOURISHMENT EVENTS IN THE VILLAGE OF KEY BISCAYNE, AND TO AUTHORIZE THE TIME OF COMPLETION OF WORK UNDER THE SUBJECT PERMIT FOR A PERIOD OF TEN (10) YEARS

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 Village of Key Biscayne for a Class I permit to renourish the beach on the Atlantic Ocean through the placement of sand for multiple renourishment events in the Village of Key Biscayne, Miami-Dade County, Florida, and to authorize the time of completion of work under the subject permit for a period of ten (10) years. Such public hearing will be held on the 20th day of March 2012 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 Permitting, Environment and Regulatory Affairs, 6th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to him beforehand (Christopher Agrippa, 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 Permitting, Environment and Regulatory Affairs, 701 NW 1st Court, Miami, Florida, 33136-3912.

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

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY:_____
Christopher Agrippa, Deputy Clerk

MEMORANDUM

(Revised)

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

DATE: March 20, 2012

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

SUBJECT: Agenda Item No. 5(C)

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(C)
3-20-12

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY THE VILLAGE OF KEY BISCAYNE FOR A CLASS I PERMIT TO RENOURISH ERODED BEACHFRONT THROUGH THE PLACEMENT OF SAND FOR MULTIPLE RENOURISHMENT EVENTS IN THE VILLAGE OF KEY BISCAYNE, AND TO AUTHORIZE THE TIME OF COMPLETION OF WORK UNDER THE SUBJECT PERMIT FOR A PERIOD OF TEN (10) YEARS

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 Village of Key Biscayne for a Class I permit to renourish eroded beachfront through the placement of sand for multiple renourishment events in the Village of Key Biscayne, Miami-Dade County, Florida, and to authorize the time of completion of work under the subject permit for a period of ten (10) years subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs, 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
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of March, 2012. 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.

Abbie Schwaderer Raurell

Attachment A

Class I Permit Application

Class I
Permit Application

FOR DEPARTMENTAL USE ONLY	
Date Received:	Application Number: 2010-CLI-PER-00088 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: Village of Key Biscayne

Address: 85 West McIntyre Street

Key Biscayne, Florida Zip Code: 33149

Phone #: (305) 365-5514 Fax#: (305) 365-8936

Email:

* This should be the applicant's information for contact purposes.

2. Applicant's Authorized Permit Agent:

Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.

Name: Vanessa E. Russi-Machado, Vice-President, Coastal Systems International, Inc.

Address: 464 S Dixie Highway, Coral Gables, FL Zip Code: 33146

Phone #: (305) 661-3655 x 104 Fax #: (305) 661-1914

Email: vrussi@coastalsystemsgroup.com

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 Latitude: 25°41'29.51" N Longitude: 80°9'23.33"W

Street Address: Central Key Biscayne Section: 33 Township: 54N Range: 42E

In City or Town: Key Biscayne, FL 33149 Near City or Town:

Name of waterway at location of the activity: Atlantic Ocean

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

Seawall	Dock(s)	Boatlift	Dredging	Mangrove Trimming
New/Replacement Seawall	Pier(s)	Mooring Piles	Maintenance	Mangrove Removal
Seawall Cap	Viewing Platform	Fender Piles	New	
Batter Piles		Davits	X Filling	
King Piles				
Footer/Toe Wall				
Riprap				

X Other: Beach renourishment

Estimated project cost = $1,000,000.00

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

5. Proposed Use (check all that apply):

Single Family
Multi-Family
Private
X Public
Commercial
Industrial
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

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.)

Village of Key Biscayne — Print Name of Applicant (Enter the complete name as registered)
Government — Type (Corp, LLC, LLP, etc.)
Florida — 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: John C. Gilbert | Title: Village Manager | Date: 1/25/12

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 in central Key Biscayne within the Atlantic Ocean between Reference Monuments R-102 and R-108, Miami-Dade County, Florida. 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.)

Board of Trustees of the Internal Improvement Trust Fund of the State of Florida
Print Name of Owner (Enter the complete name as registered)

Government — Type (Corp, LLC, LLP, etc.)
Florida — State of Registration/Incorporation

3900 Commonwealth Boulevard, Tallahassee, Florida 32399
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. ***

Florida Department of Environmental Protection Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization (see Attachment E)
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 350 Ocean Drive, Key Biscayne FL 33149, Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 24-4232-002-0150. 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.)

Consultatio Key Biscayne, LLC	LLC	Florida
Print Name of Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

350 Ocean Drive, Key Biscayne, Florida 33149

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. ***

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
	MARCOS CORTI	Manager	
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date

Revised 11/15/09

Attachment B

Owner/Agent Letter, Engineer Certification Letter and Project Sketches

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

135040.02

January 24, 2012

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

MIAMI DADE COUNTY PERA
Class I Permitting Program
701 NW 1st Court
Miami, Florida 33136

RE: CLASS I STANDARD FORM PERMIT APPLICATION NUMBER 2010-CLI-PER-00088

By the attached Class I Standard Form permit application with supporting documents, I, Vanessa E. Russi-Machado, Vice-President, Coastal Systems International, Inc, am the applicant's authorized agent and hereby request permission to perform the work associated with Class I Permit Application 2010-CLI-PER-00088. 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 Permitting, Environment and Regulatory Affairs. The permit applicant will secure the services to 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,

Vanessa E. Russi-Machado, Authorized Agent

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

135040.02

November 29, 2011

Miami-Dade County PERA
Class I Permitting Program
701 NW 1st Court
Miami, Florida 33136

RE: CLASS I PERMIT APPLICATION NUMBER 2010-CLI-PER-00088
ENGINEERING LETTER OF CERTIFICATION

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,
COASTAL SYSTEMS INTERNATIONAL, INC.
FL EB # 7087

Timothy K. Blankenship, P.E.
P.E. #55910

RECEIVED

DEC 13 2011

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

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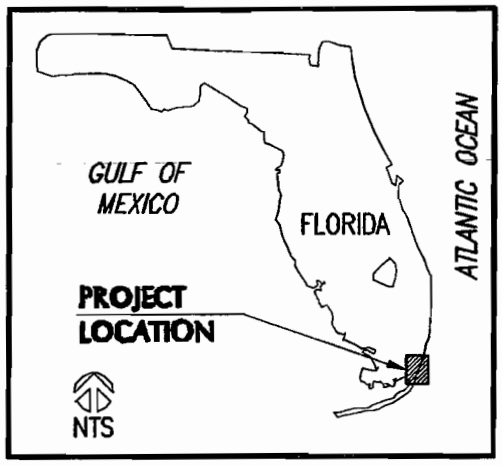
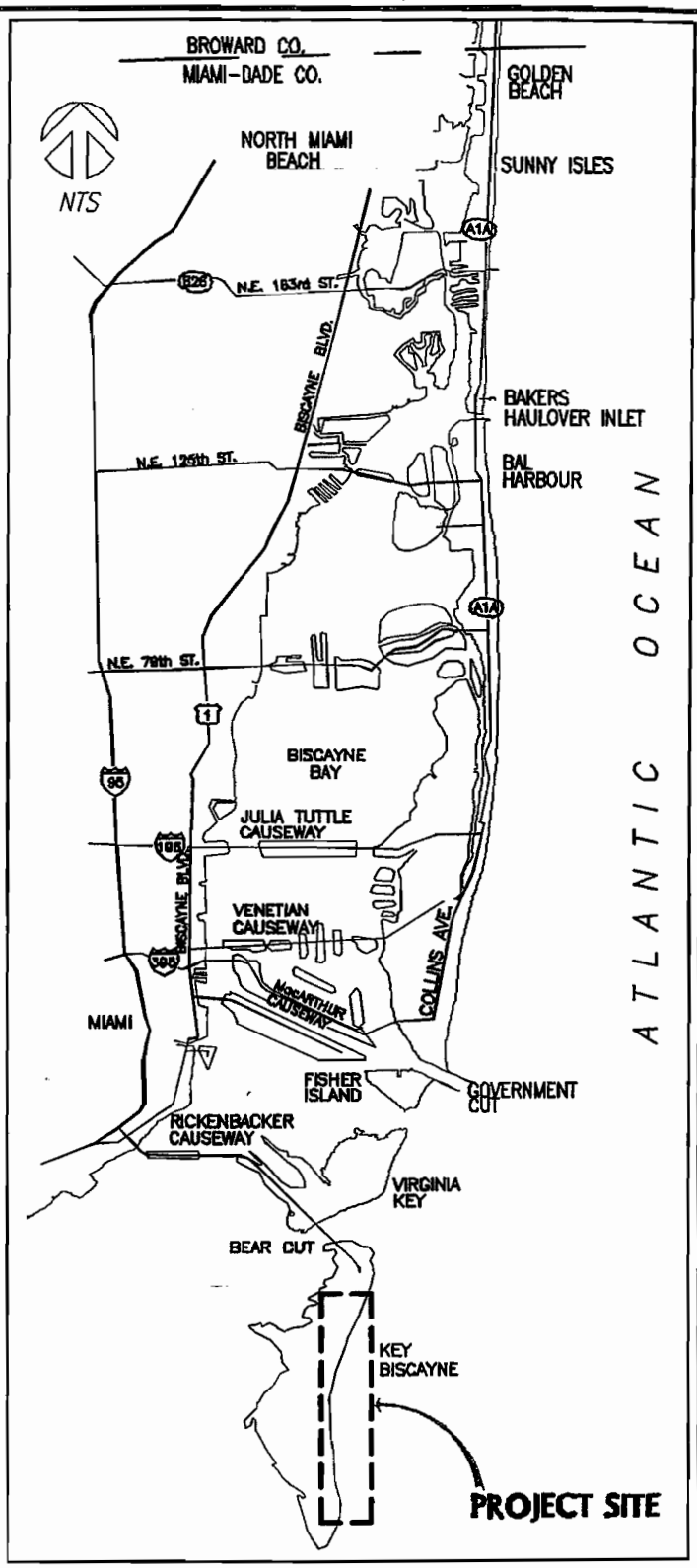


SHEET INDEX

Sheet Number	Sheet Title
1	LOCATION MAP AND SHEET INDEX
2	VICINITY MAP
3	PROJECT KEY SHEET
4	BEACH PLAN R-102
5	BEACH PLAN R-103 & R-104
6	BEACH PLAN R-105 & R-106
7	BEACH PLAN R-107 & R-108
8	BEACH PROFILES R-102 & R-103
9	BEACH PROFILES R-104 & R-105
10	BEACH PROFILES R-106 & R-107
11	BEACH PROFILES R-108
12	PROPOSED STAGING LOCATION
13	GENERAL NOTES



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T.K. BLANKENSHIP
FL.REG.55910

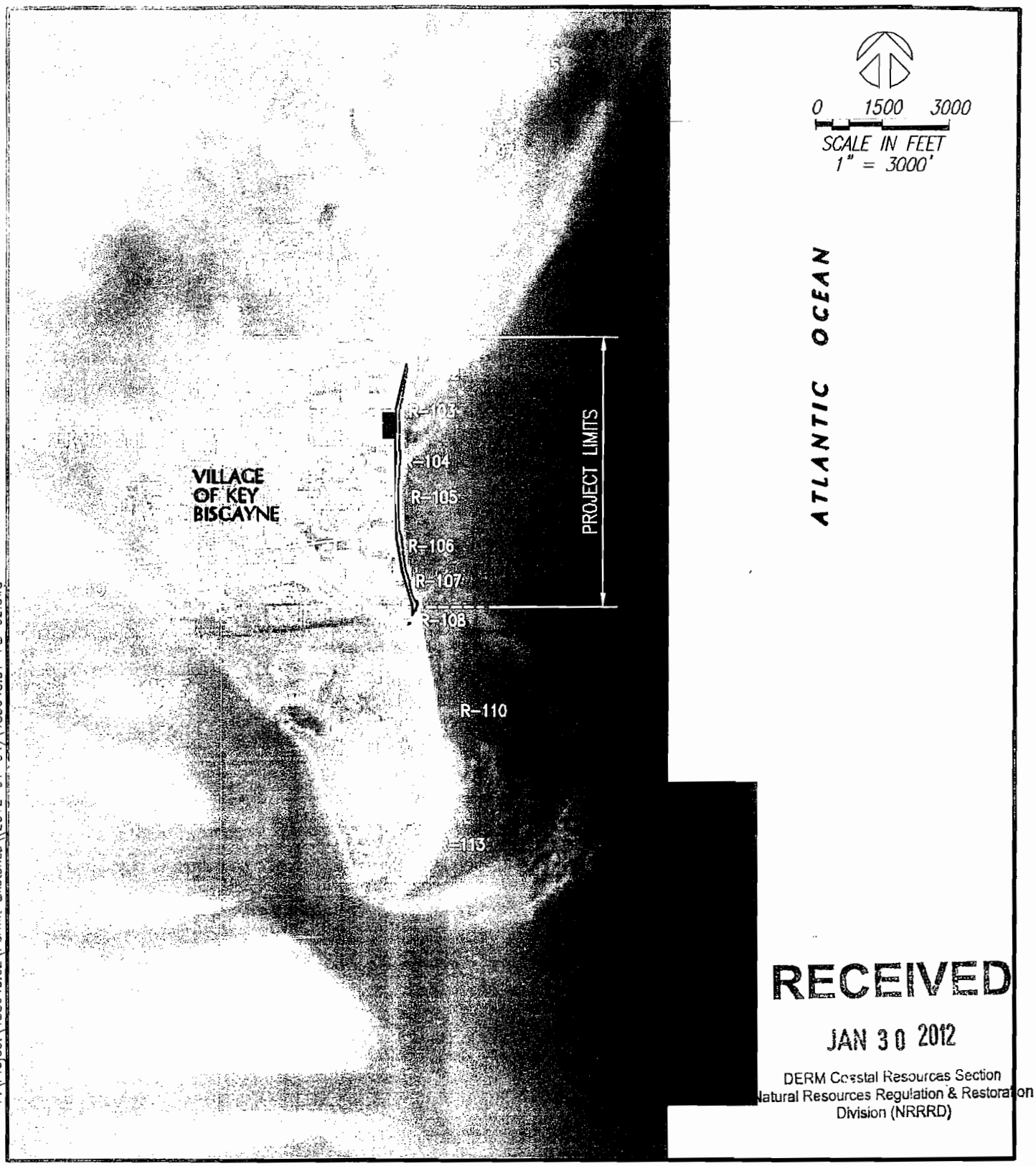
VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

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

VILLAGE OF KEY BISCAYNE
BEACH RENOURISHMENT PROJECT

LOCATION MAP AND SHEET INDEX

JOB:	135040.02	DATE:	01/04/12
BY:	VC	SHEET	1 OF 13



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T.K. BLANKENSHIP
FL.REG.55910

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

COASTAL SYSTEMS INTERNATIONAL

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

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
VICINITY MAP	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 2 OF 13

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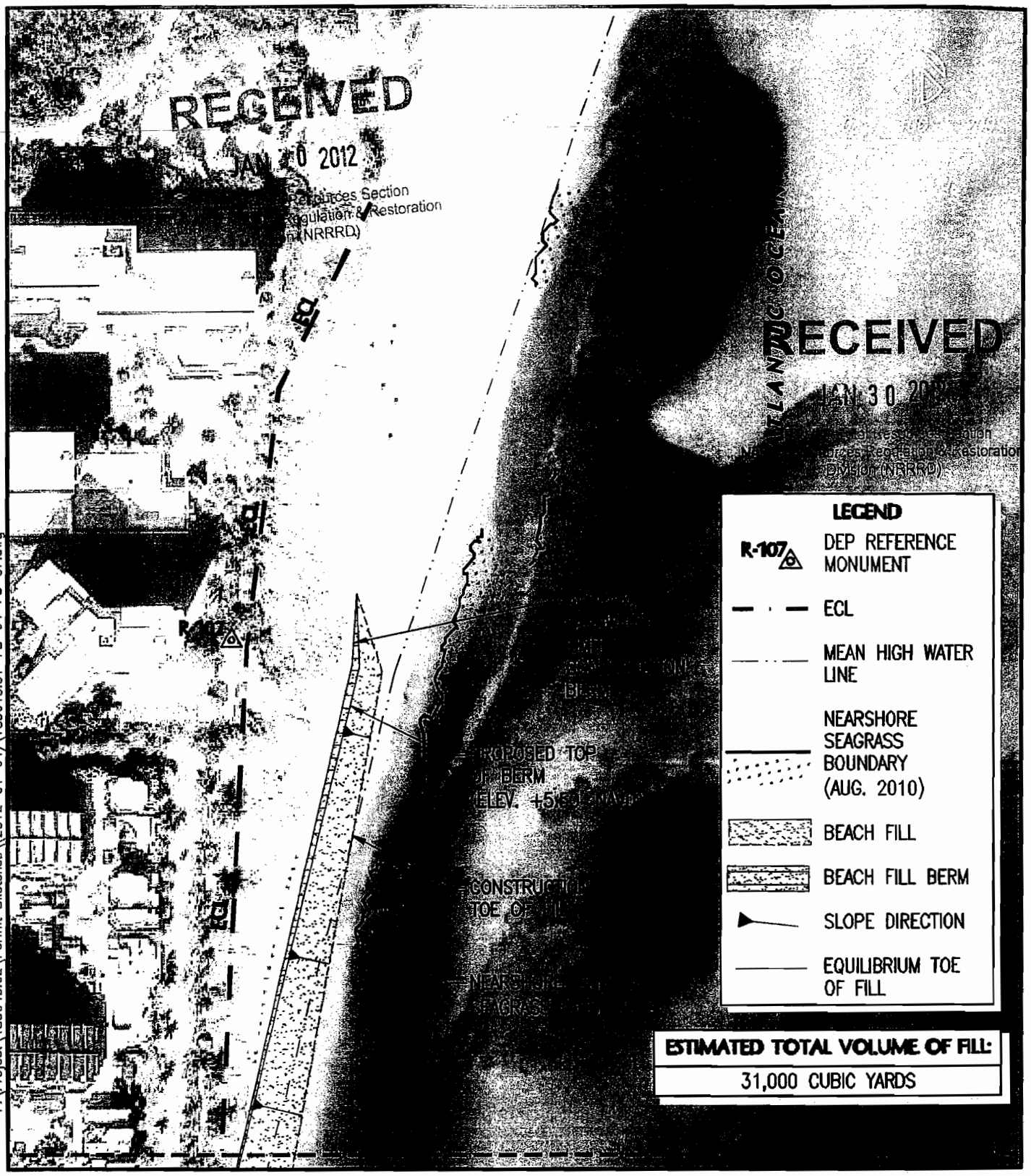
T.K. BLANKENSHIP
FL.REG.55910

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

COASTAL SYSTEMS INTERNATIONAL

COASTAL SYSTEMS INTERNATIONAL, INC.
164 South Dixie Highway, Coral Gables, Florida 33143
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
PROJECT KEY SHEET	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 3 OF 13



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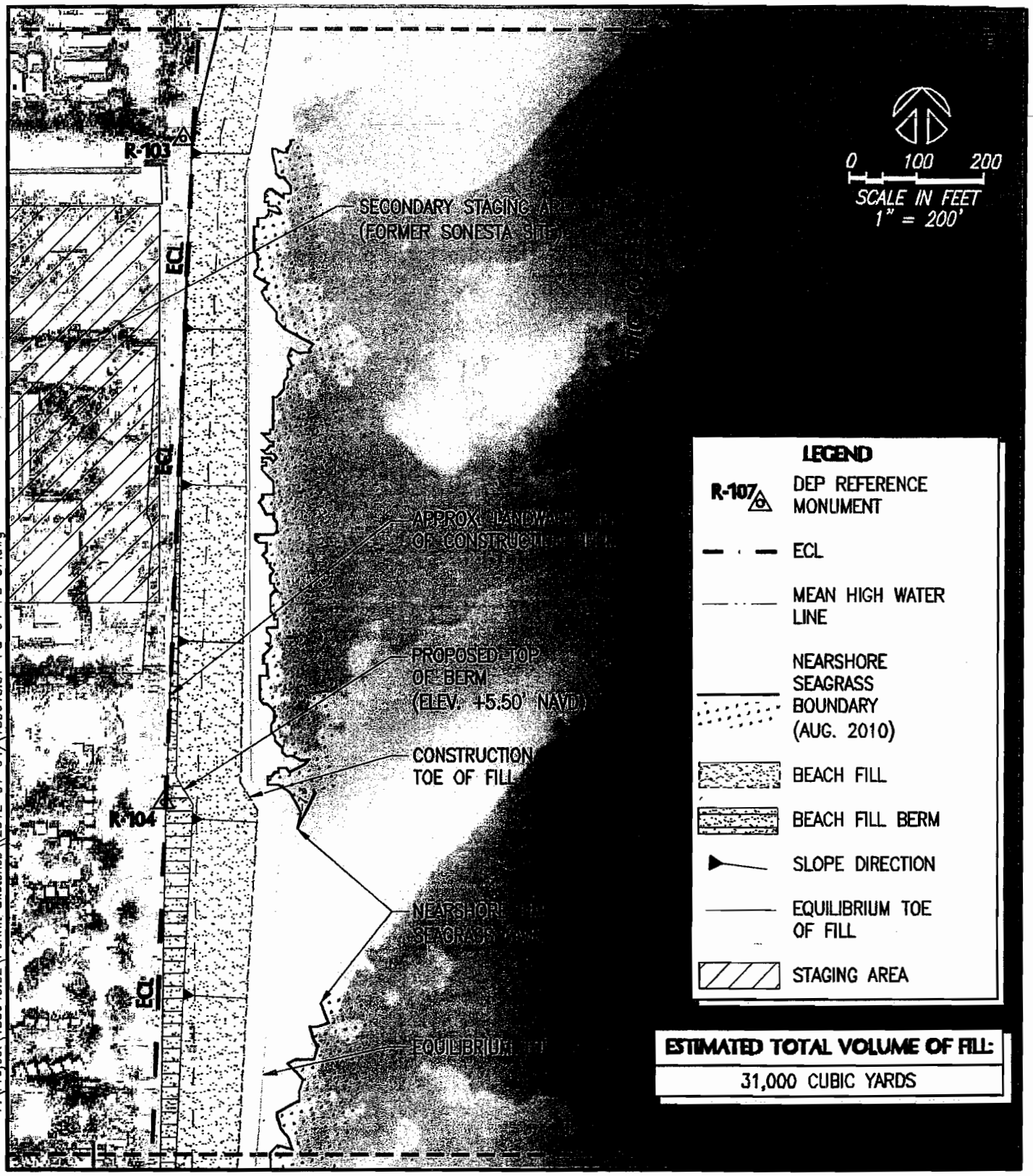
T.K. BLANKENSHIP
FL.REG.55910

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

COASTAL SYSTEMS INTERNATIONAL

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

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
BEACH PLAN R-102	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 4 OF 13



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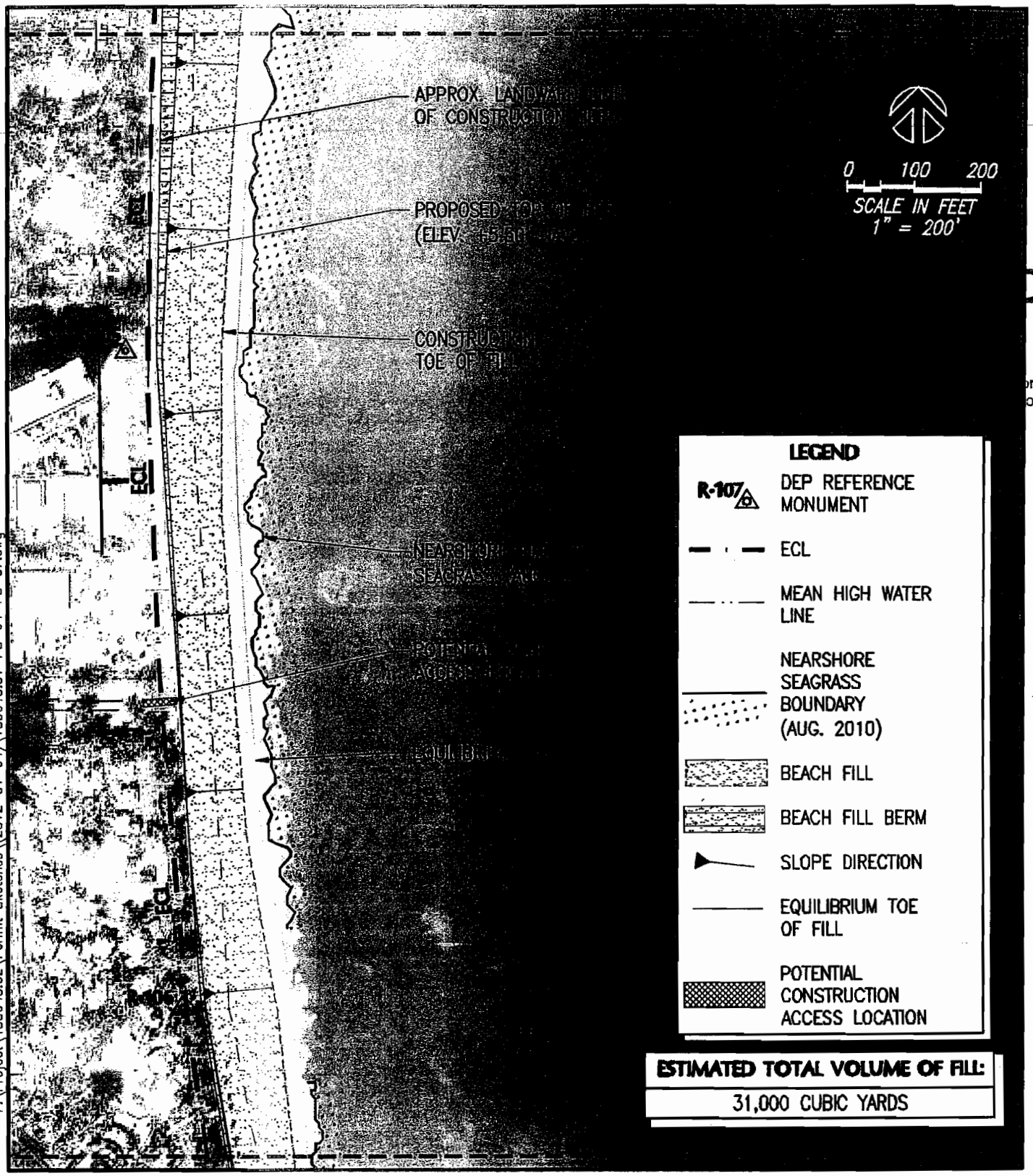
T.K. BLANKENSHIP
FL.REG.55910

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

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

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
BEACH PLAN R-103 & R-104	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 5 OF 13



ESTIMATED TOTAL VOLUME OF FILL:

31,000 CUBIC YARDS

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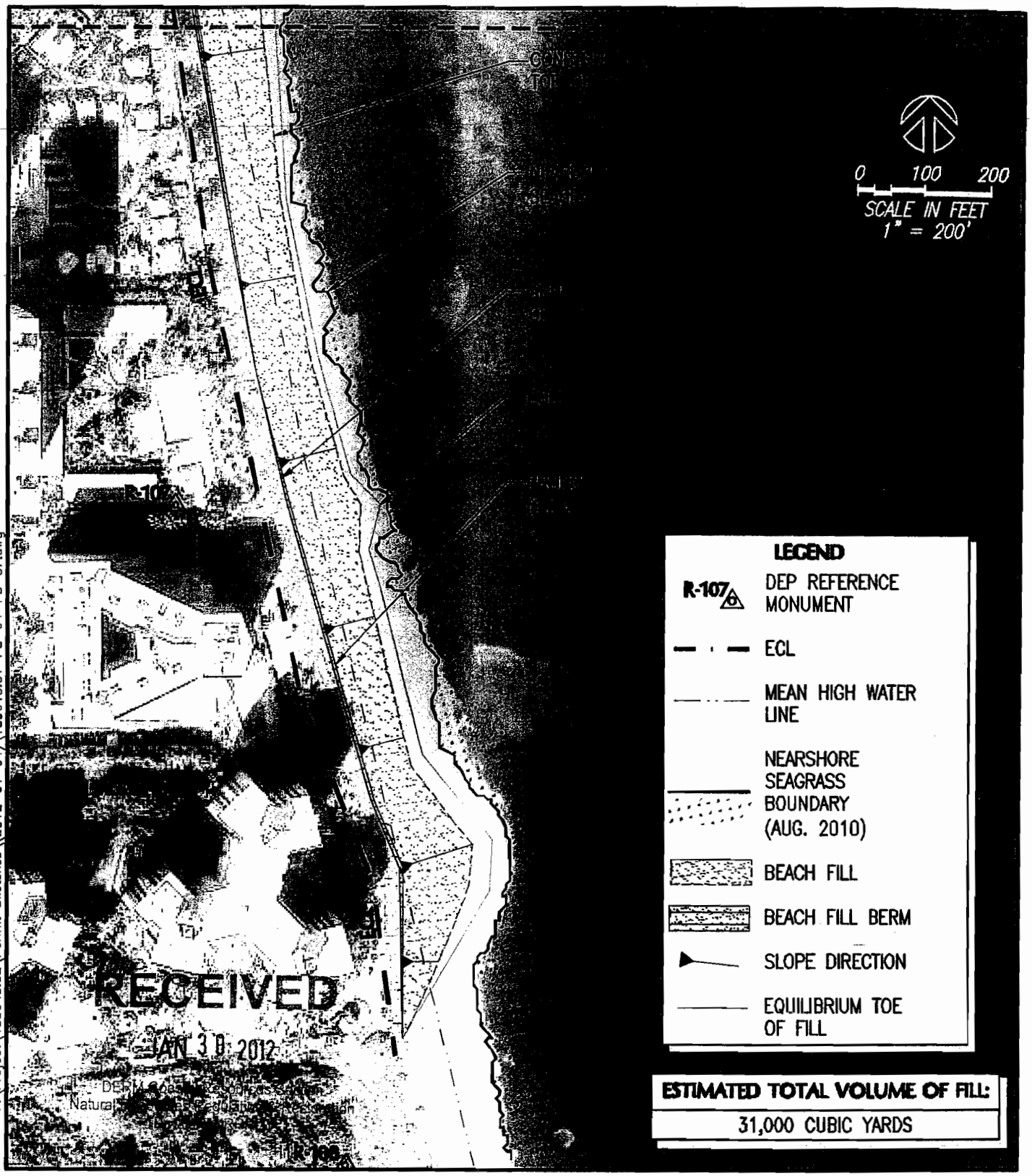
T.K. BLANKENSHIP
FL.REG.55910

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3155 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087
Coastal Civil Engineering and Management

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
BEACH PLAN R-105 & R-106	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 6 OF 13



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ESTIMATED TOTAL VOLUME OF FILL:

31,000 CUBIC YARDS

T.K. BLANKENSHIP
FL.REG.55910

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

COASTAL SYSTEMS INTERNATIONAL

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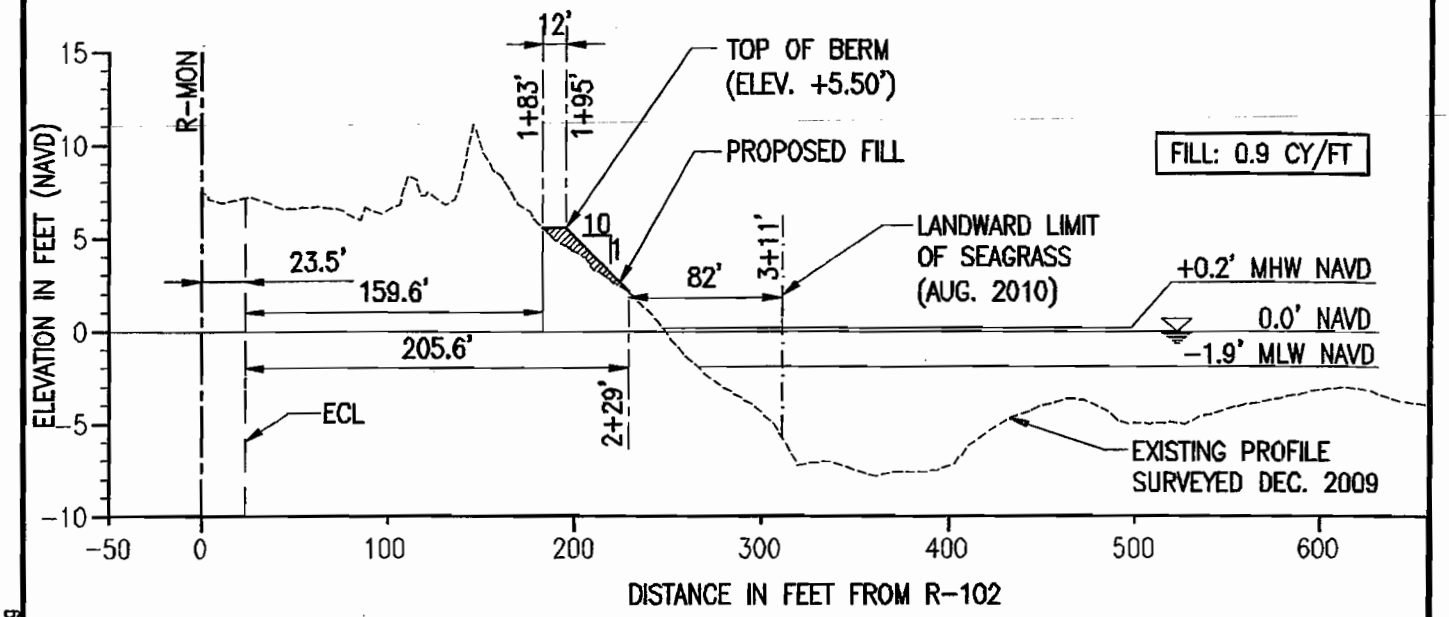
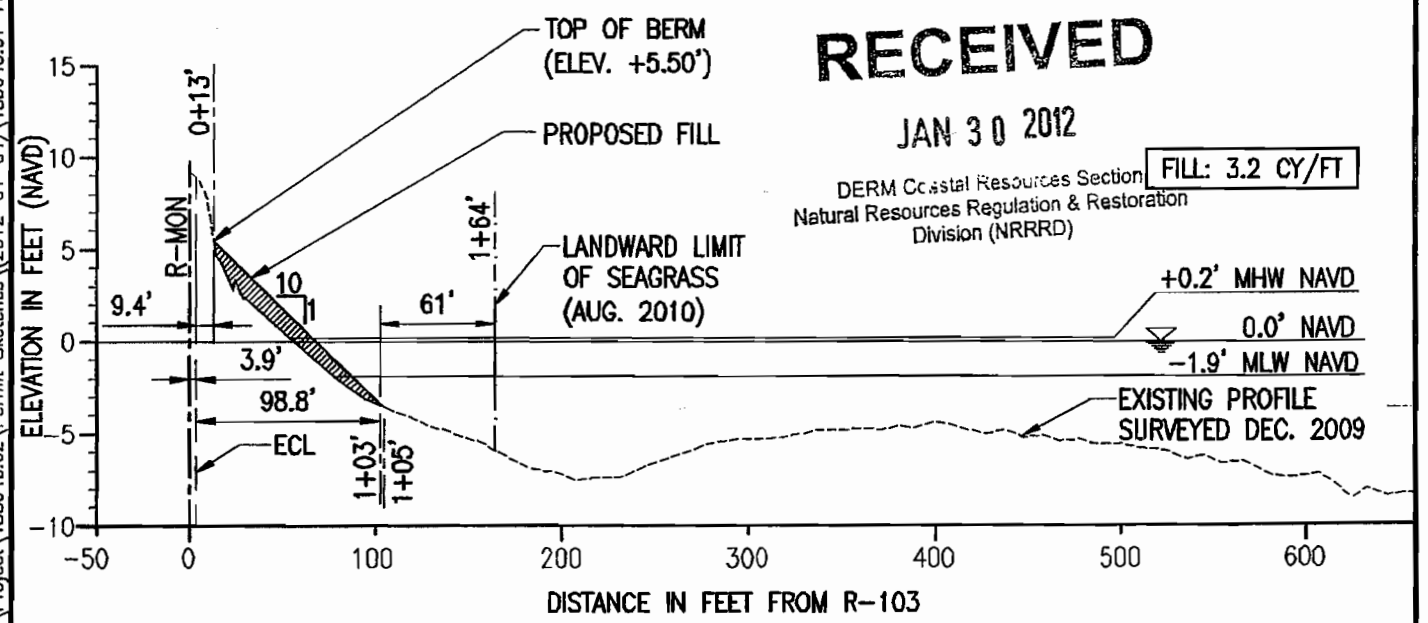
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
BEACH PLAN R-107 & R-108	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 7 OF 13



LEGEND

- EQUILIBRIUM PROFILE
- LIMIT OF SEAGRASS (2010)
- ECL



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VERTICAL SCALE = 1" = 10'

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VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

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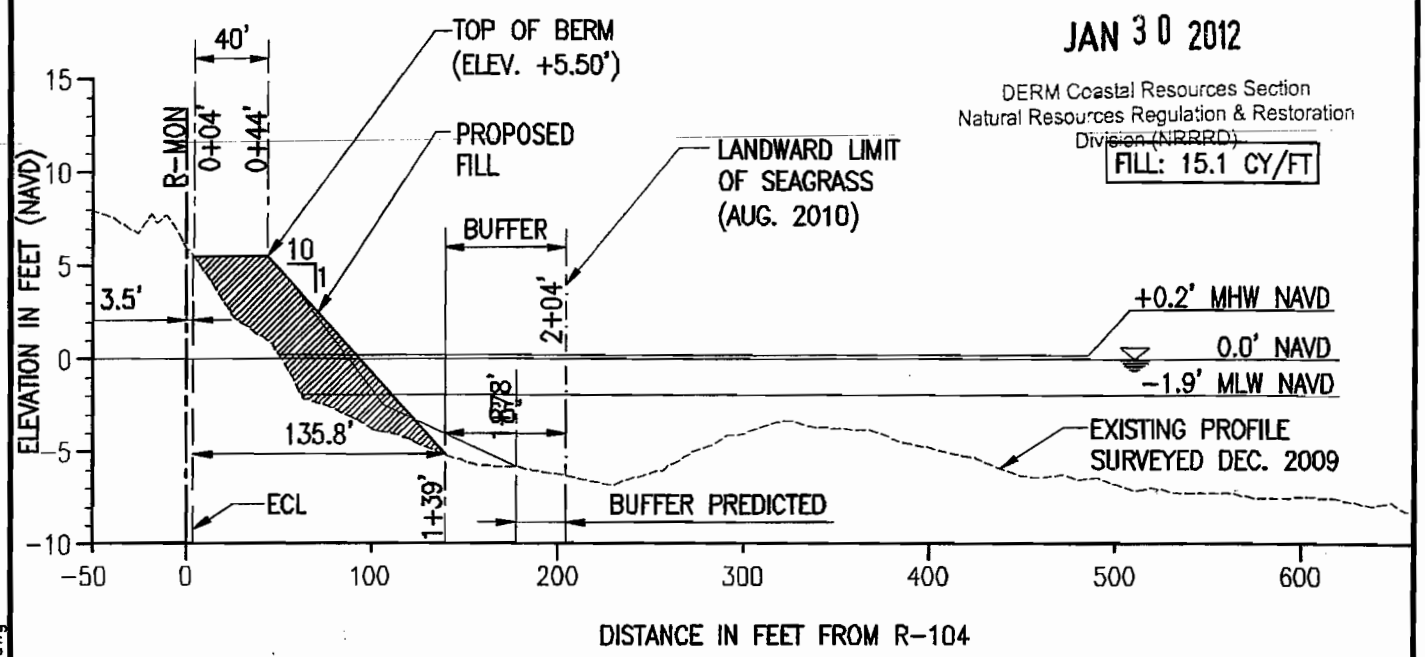
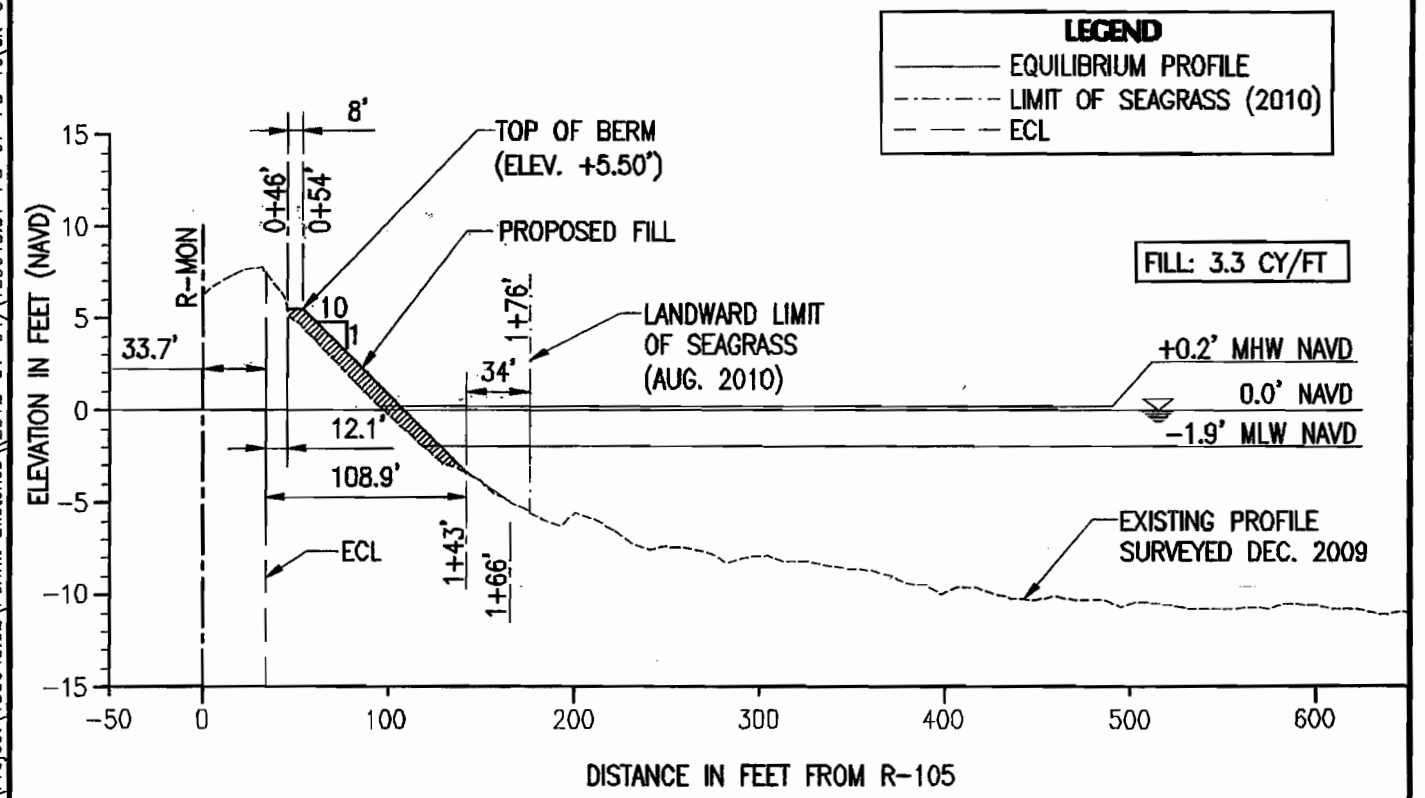
Coastal, Environmental, Civil Engineering and Management

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
BEACH PROFILES R-102 & R-103	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 8 OF 13





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VERTICAL SCALE = 1" = 10'

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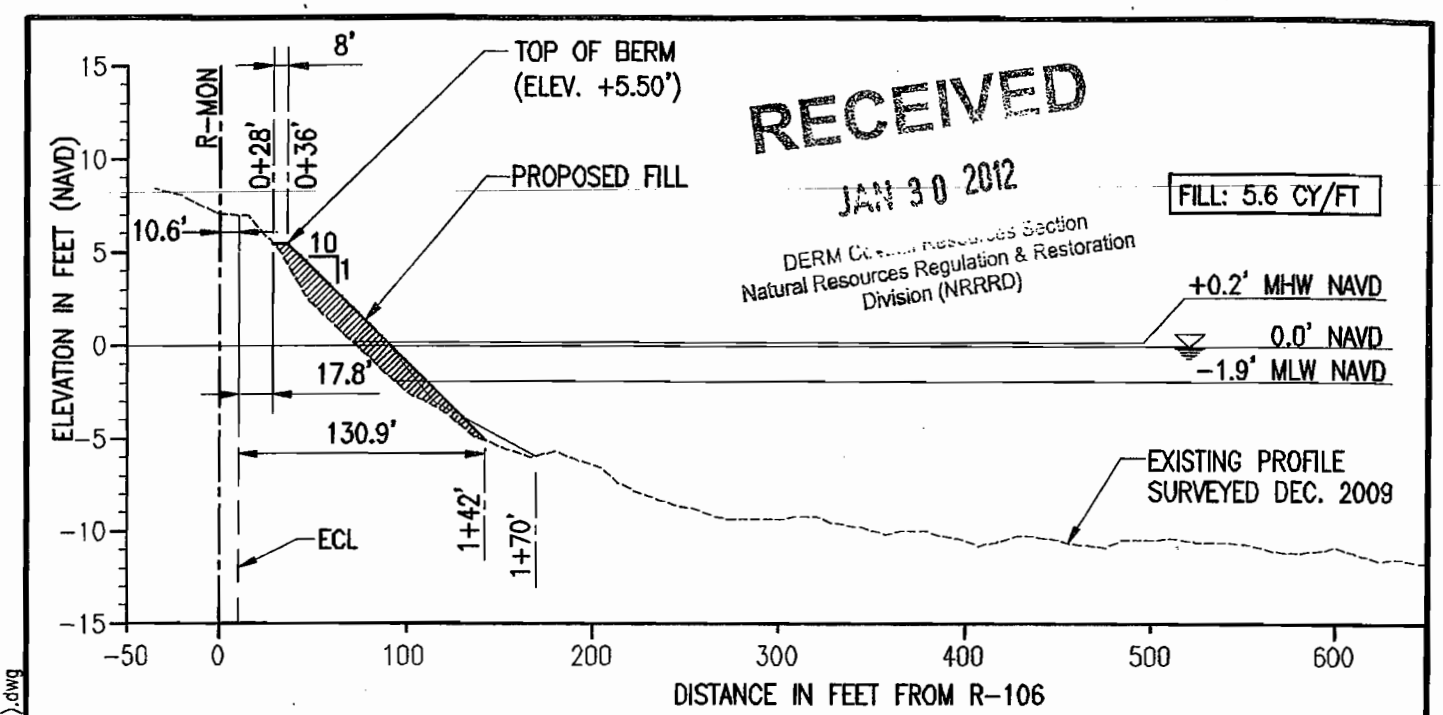
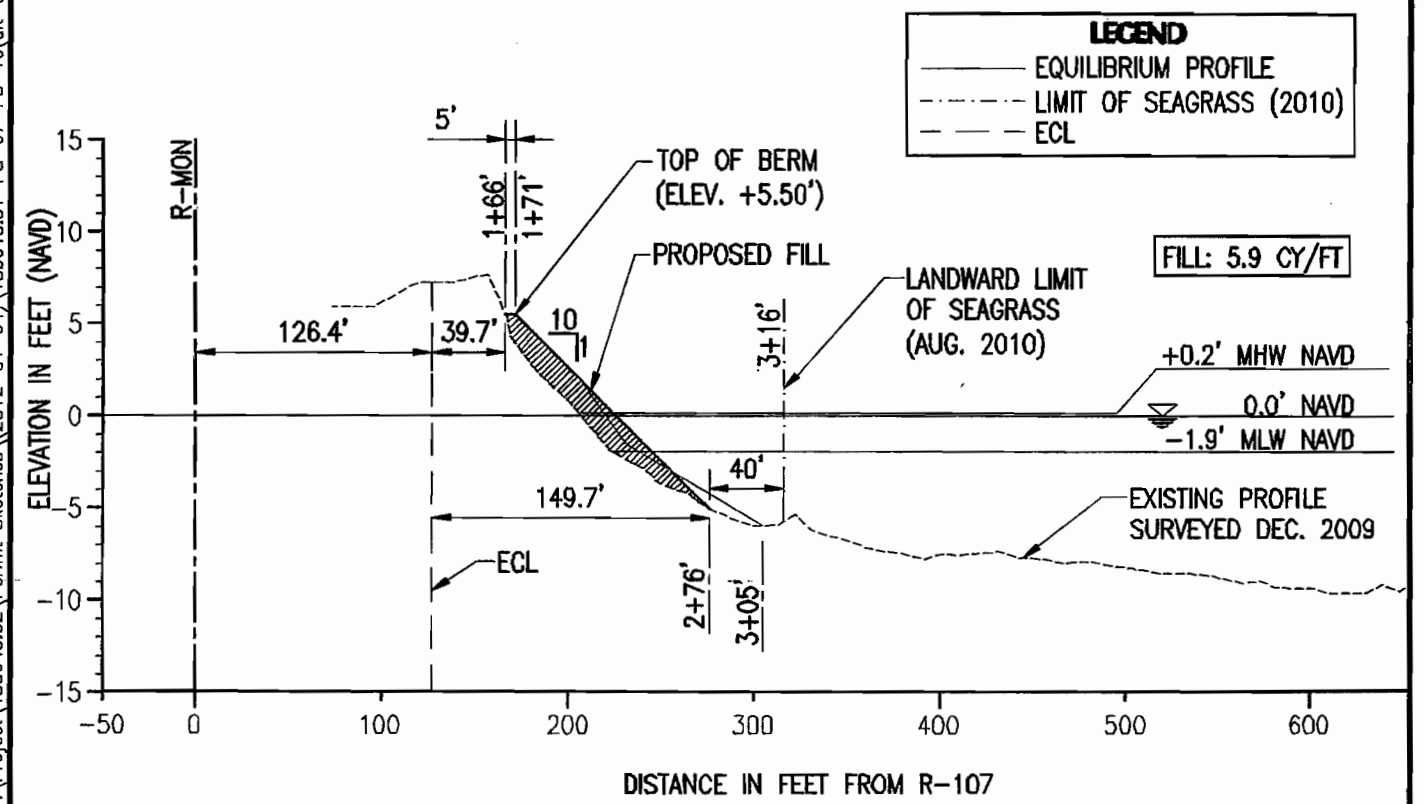
Coastal, Environmental, Civil Engineering and Management

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
BEACH PROFILES R-104 & R-105	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 9 OF 13





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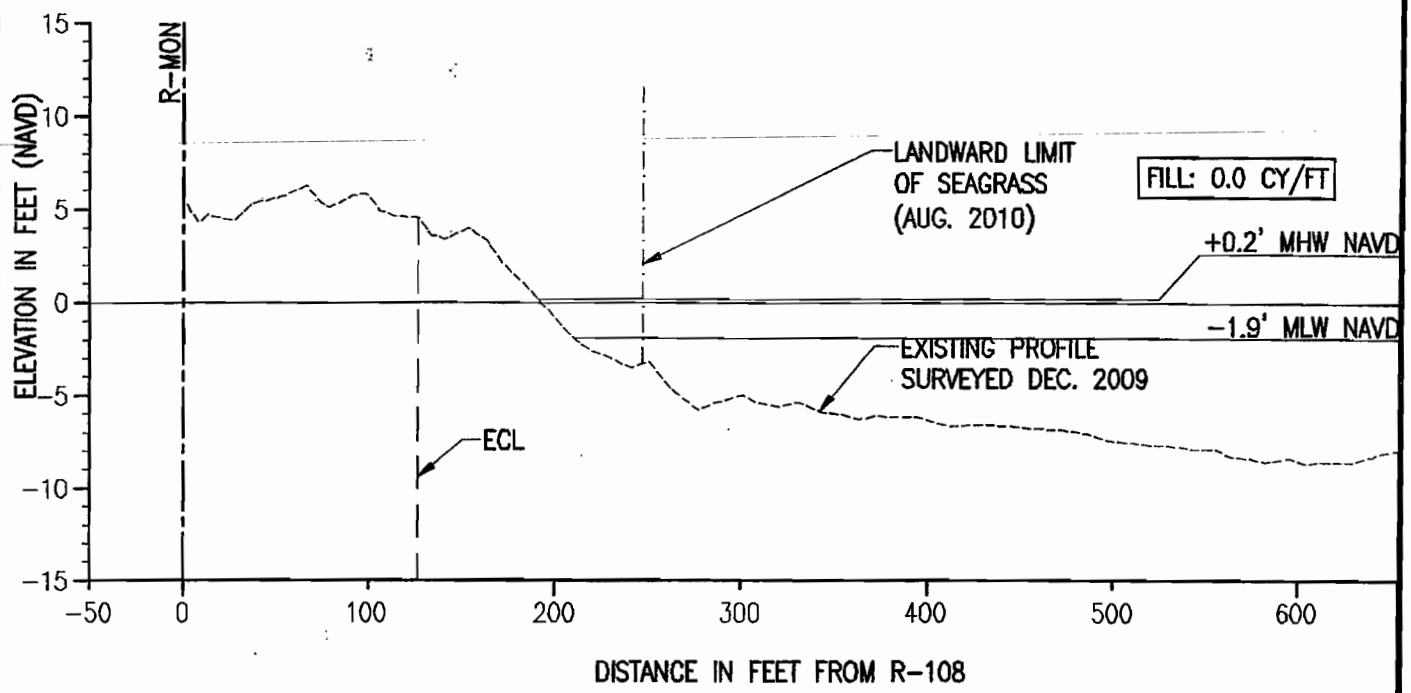
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
BEACH PROFILES R-106 & R-107	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 10 OF 13



LEGEND

- EQUILIBRIUM PROFILE
- LIMIT OF SEAGRASS (2010)
- ECL

HORIZONTAL SCALE = 1" = 100'
VERTICAL SCALE = 1" = 10'

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T.K. BLANKENSHIP
FL.REG.55910

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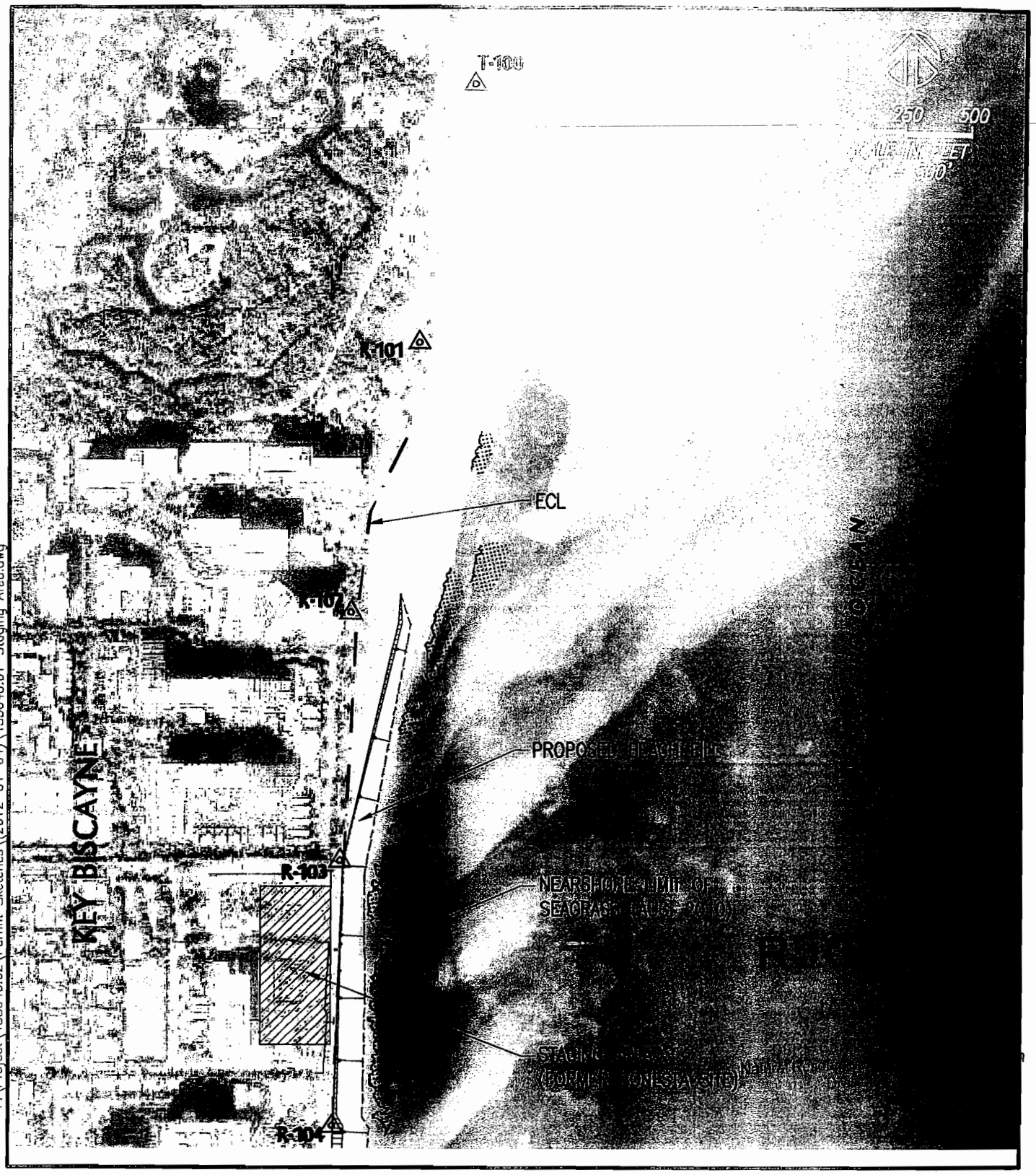
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

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

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
BEACH PROFILES R-108	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 11 OF 13



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FL.REG.55910

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE, FLORIDA 33149

COASTAL SYSTEMS INTERNATIONAL

COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, [illegible] and Management

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT	
PROPOSED STAGING LOCATION	
JOB: 135040.02	DATE: 01/04/12
BY: VC	SHEET 12 OF 13

GENERAL NOTES:

1. PERMIT SET – REVIEW CONSTRUCTION PLANS AND SPECIFICATIONS PRIOR TO COMMENCING CONSTRUCTION ACTIVITY.

2. HORIZONTAL COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983, FLORIDA EAST ZONE (0901).

3. THE ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88). THE CONVERSION BETWEEN NATIONAL GEODETIC VERTICAL DATUM (NGVD 29) AND THE NAVD 88 FOR THE PROJECT SITE IS APPROXIMATELY 1.58 FEET (EXAMPLE: 0.0 FEET NGVD = –1.58 FEET NAVD).

4. MEAN HIGH WATER (MHW) IS +0.2' NAVD; MEAN LOW WATER (MLW) IS –1.9' NAVD. TIDAL DATUM INFORMATION IS BASED ON NOS TIDE STATION 8723214.

5. BEACH PROFILE DATA WAS OBTAINED BY SEA DIVERSIFIED, DURING ANNUAL SURVEY OF MIAMI–DADE COUNTY, PERFORMED DEC. 2009.

6. SEAGRASS SURVEY PERFORMED BY COASTAL SYSTEMS INTERNATIONAL, INC. IN AUGUST, 2010.

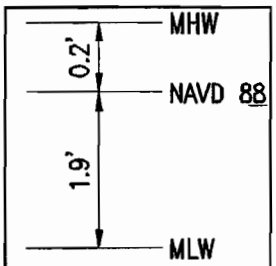
7. FILL SAND TO BE BEACH COMPATIBLE SAND OBTAINED FROM AN APPROVED UPLAND SOURCE. TOTAL FILL TO BE APPROXIMATELY 31,000 CY, APPROXIMATELY 13,400 CY WEST OF MHW & 17,600 CY EAST OF MHW.

8. ALL FILL MATERIAL PLACED SHALL BE CLEAN BEACH COMPATIBLE SAND THAT IS SIMILAR TO THAT ALREADY EXISTING AT THE BEACH IN BOTH COLORATION AND GRAIN SIZE DISTRIBUTION AND SUITABLE FOR MARINE TURTLE NESTING. ALL SUCH FILL MATERIAL SHALL BE FREE OF CONSTRUCTION DEBRIS, ROCKS, OR OTHER FOREIGN MATTER, SHALL NOT CONTAIN, ON AVERAGE, GREATER THAN 5% FINES (ie SILT AND CLAY PASSING THE #200 SIEVE) AND SHALL BE FREE OF GRAVEL OR COBBLES.

9. THE LENGTH OF THE PROJECT IS APPROXIMATELY 5,425 FEET WITH A MAXIMUM SHORE NORMAL CONSTRUCTION WIDTH OF APPROXIMATELY 137 FEET. THE PROJECT AS CONSTRUCTED COVERS AN AREA OF 10.9 ACRES, APPROXIMATELY 5.5 ACRES WEST OF MHW & 5.4 ACRES EAST OF MHW.

10. BERM WIDTH VARIES FROM 0' TO 40'. BERM ELEVATION IS +5.50' NAVD THROUGHOUT PROJECT.

11. AERIAL PHOTOGRAPHY OBTAINED FROM MIAMI–DADE COUNTY IN 2009.



NOS STATION 8723214
1983 – 2001 EPOCH

DATUM DIAGRAM
NTS

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T.K. BLANKENSHIP
FL.REG.55910

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
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COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway, Coral Gables, Florida 33146
Tel: 305/661-3655 Fax: 305/661-1914 www.CoastalSystemsInt.com
STATE OF FLORIDA EB #7087
Coastal, Environmental, Civil Engineering and Management

VILLAGE OF KEY BISCAYNE BEACH RENOURISHMENT PROJECT			
GENERAL NOTES			
JOB:	135040.02	DATE:	01/04/12
BY:	VC	SHEET 13 OF 13	

Attachment C

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: February 9, 2012

To: Lisa Spadafina, Manager
Coastal Resources Section
Department of Permitting, Environment and Regulatory Affairs

From: Nicole Fresard, Biologist II
Coastal Resources Section
Department of Permitting, Environment and Regulatory Affairs

Subject: Resolution Relating to an Application by the Village of Key Biscayne for a Class I Permit to Renourish Eroded Beachfront through the Placement of Sand for Multiple Renourishment Events in the Village of Key Biscayne, and to Authorize the Time of Completion of Work under the Subject Permit for a Period of Ten (10) Years

---

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

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

TOWERS OF KEY BISCAYNE CONDO
OTTAVIO, ANTHONY J
1121 CRANDON BLVD
KEY BISCAYNE, FL 33149

DE LOS SANTOS, OLGA
1300 BRICKELL AVENUE
MIAMI, FL 33131

MAR-AZUL CONDO
CONILL, GUIDO
600 GRAPETREE DR, #8 AN
KEY BISCAYNE, FL 33149

RED DRAGON'S SANDS LTD
CASTILLO, MARTHA
2600 DOUGLAS ROAD SUITE 400
CORAL GABLES, FL 33134

CASA DEL MAR
GARMENDIA, DIANA
881 OCEAN DRIVE #14-A
KEY BISCAYNE, FL 33149

KEY COLONY NO 1
KURZAN, ENRIQUE
201 CRANDON BLVD #838
KEY BISCAYNE, FL 33149

OCEAN CLUB COMMUNITY
ASSOCIATION
GOMEZ, FAUSTO
765 CRANDON BOULEVARD #402
KEY BISCAYNE, FL 33149

KEY COLONY NO 2
GARCIA, ALFONSO
251 CRANDON BOULEVARD, UNIT 624
KEY BISCAYNE, FL 33149

VILLAGE OF KEY BISCAYNE
85 WEST MCINTYRE ST
KEY BISCAYNE, FL 33149-1845

COMMODORE CLUB SOUTH
CARRANZA, EDUARDO
199 OCEAN LANE DRIVE #112
KEY BISCAYNE, FL 33149

KEY BISCAYNE BEACH CLUB
MARRON, EUGENE
252 WESTWOOD DRIVE
KEY BISCAYNE, FL 33149

KEY BISCAYNES COMMODORE CLUB
VON SPECHT, CELIA
177 OCEAN LANE DR 1201
KEY BISCAYNE, FL 33149

SANDS OF KEY BISCAYNE
PREVIANT, JONATHAN
613 OCEAN DRIVE APT 9C
KEY BISCAYNE, FL 33149

MIAMI-DADE COUNTY
PARKS AND RECREATION
275 NW 2 ST 4FL
MIAMI, FL 33128-1794

G B HOTEL PARTNERS LTD
HAILE, SHAW & PFAFFENBERGER,P.A.
660 U. S. HIGHWAY ONE 3RD FLOOR
NORTH PALM BEACH, FL 33408

GRAND BAY TOWER
COLLETT, TIMOTHY
430 GRAND BAY DR #1404
KEY BISCAYNE, FL 33149

CONSULTATIO KEY BISCAYNE LLC
COSTANTINI, EDUARDO F
1200 BRICKELL AVENUE, SUITE 1950
MIAMI, FL 33131

Attachment E

Florida Department of Environmental Protection Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization

Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

June 2, 2000

Mr. R. Harvey Sasso, P.E.
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, Florida 33146

Permit No. 0160856-001-JC, Dade County
Permittee: Village of Key Biscayne
Project: Key Biscayne Beach Nourishment

Dear Mr. Sasso:

Your request for a Joint Coastal Permit, issued pursuant to Chapter 161 and Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code, has been approved by the Department. Please read the enclosed permit and permit conditions closely before starting construction. Particularly note the permit conditions pertaining to written reports which must be submitted to the Department at specified times.

Please be advised that because of the long duration between nourishment events, the Department will require public noticing prior to each future nourishment event.

Please direct any questions regarding this document to me by letter at the above address (add Mail Station 300), or by telephone at (850) 487-4471, ext. 121.

Sincerely,

Keith J. Mille
Environmental Specialist
Office of Beaches and Coastal Systems

KJM

cc: Amy Woodhead, Coastal Systems International
Samuel Kissinger, Village of Key Biscayne
Brian Flynn, Miami-Dade County, DERM
Dianne Griffin, USACOE, Jacksonville (File No. 199904294 (IP-DSG))
Chuck Sultzman, USFWS, Vero Beach
Mike Johnson, NMFS, Miami
Robbin Trindell, FWC, BPSM
Mark Latch, DEP, M.S. 530
Bill Baggs Cape Florida SRA, 1200 S. Crandon Blvd., Key Biscayne, FL 33149
DEP District 5 Office, 13798 Southeast Federal Hwy, Hobe Sound, FL 33455
David Mayer, DEP, Biscayne Bay Aquatic Preserves
Charlie Jabaly, DEP, South Florida Aquatic Preserves
Mary Murphy, DEP, Southeast District
Bob Brantly, DEP, OBCS
Marty Seeling, DEP, OBCS
File

Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:
Mr. Sammuel Kissenger, Village Manager
Village of Key Biscayne
85 West McIntyre Street
Key Biscayne, Florida 33149

Permit/Authorization No.: 0160856-001-JC
Date of Issue: June 2, 2000
Expiration Date: June 2, 2020
County: Dade
Project: Village of Key Biscayne Beach Nourishment

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62 and 40, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

ACTIVITY DESCRIPTION:

Approximately 100,000 cubic yards of sand is to be placed along a 6,850 foot section of shoreline at central Key Biscayne between DEP reference monuments R-101 and R-108. The beach fill will have a typical berm elevation of +7.0 feet NGVD, dune elevation of +9.0 feet NGVD, average construction berm width of 35 feet, and a construction foreshore slope of 1 vertical to 10 horizontal. Fill material will be excavated from among three offshore borrow sites located approximately 4,000 feet offshore from the southern tip of Key Biscayne. Subsequent renourishment events are expected to occur every eight to ten years, using the same offshore borrow sources.

ACTIVITY LOCATION:

The activity is located in central Key Biscayne, Dade County, Section 33, Township 54 North, Range 42 East, within the Atlantic Ocean, Class III Waters..

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

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-312.065, F.A.C., and the policies of the Board of Trustees.

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

The final documents required to execute the public easement have been sent to the Division of State Lands. The Department intends to issue the public easement, upon satisfactory execution of those documents. **You may not begin construction of this activity on state-owned, sovereign submerged lands until the public easement has been executed to the satisfaction of the Department.**

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

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

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required.

2. If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Office of Beaches and Coastal Systems (Office) and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State. The permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.

5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

6. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.

7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted

activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

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

9. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Office and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date.

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

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

SPECIFIC CONDITIONS:

1. The terms, conditions, and provisions of the required public easement (Instrument No. 30542, BOT File No. 130221306) shall be met. Construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all public easement documents have been executed to the satisfaction of the Department.

2. No work shall be conducted under this permit for the initial or subsequent beach nourishment events until the permittee has received a written notice to proceed for the Department. Prior to the issuance of the notice to proceed, the permittee shall submit the following:

   a. *Final plans and specifications.* Two copies of detailed final construction plans and specifications for all authorized activities. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and shall bear the certifications specified in Rule 62B-41.007(4), F.A.C. The plans and specifications shall include a description of the beach construction methods to be utilized and drawings and surveys which show all biological resources and work spaces (e.g. anchoring area, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project. The Department may request additional information as necessary in order to review each subsequent maintenance dredging event. Department approval for subsequent events may be contingent upon the permittee's acceptance of additional conditions which may be determined to be appropriate based upon data submitted to the Department in support of your request or upon the results of previous monitoring data.

   b. *Vessel operations plan.* The permittee shall submit a description of the beach construction methods to be utilized, a vessel operations plan describing the mobilization and demobilization of all equipment to the project area and daily operations during construction, and plan view drawings which show all work spaces to be used for this project. The drawings shall include a recent map of the seagrass and hardbottom areas which shows the construction access corridors through and around these resources, to which the contractor shall be confined. The depths (MLW) shall be included on this map and the draft of the vessels permitted within the corridors be specified. The map shall delineate areas where anchoring, spudding down or dropping of any type of equipment will be prohibited. The map shall also delineate all pipeline corridors and buffer zones.

   c. *Turbidity monitoring qualifications.* Construction at the project site shall be monitored closely to assure that turbidity levels do not exceed the compliance standards established in this permit. Accordingly, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall serve as site supervisor and shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions along with 24-hour contact information shall be submitted for approval.

d. *Biological monitoring qualifications*. The names and qualifications of those individuals performing the biological monitoring shall be submitted for department approval. All biological monitoring required by this permit shall be conducted by individuals having a good working knowledge of sponge, seagrass and coral taxonomy.

3. At least 7 days prior to the planned commencement date of construction, the permittee shall schedule a pre-construction conference to review the specific conditions of this permit with the contractors, work crews, the Department's staff representatives, and the marine turtle permit holder. The permittee shall provide a minimum of 7 days advance written notification to the following offices advising of the date, time, and location of the pre-construction conference:

DEP Office of Beaches and Coastal Systems
Mail Station 300
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
fax: (850) 488-5257

FWC Bureau of Protected Species Management
Office of Environmental Services
620 South Meridian Street
Tallahassee, Florida 32399-1600
fax: (850) 921-4369

DEP Southeast District Office
Submerged Lands and Environmental Resources Program
400 North Congress Avenue
West Palm Beach, Florida 33401

Dade County DERM
33 S.W. 2nd Ave., Suite 300
Miami, Florida 33130-1540
fax: (305) 372-6630

FDEP Bill Baggs Cape Florida State Recreation Area
1200 S. Crandon Blvd.
Key Biscayne, Florida 33149
fax: (305) 365-0003

4. The permittee shall require the dredging contractor to have electronic positioning equipment which continuously measures the vertical and horizontal location of the cutterhead, dragarms, dustpan or clamshell at all times during operations. The horizontal positioning equipment shall be installed on the dredge so as to monitor the actual location of the dredge equipment and be interfaced with the depth monitoring device. Horizontal accuracy for dredge positioning shall be 3.0 feet. Vertical accuracy for the dredge depth monitoring shall be 1.0 foot. This equipment shall provide a permanent record of the equipment's position referenced to State Plane Coordinates and NGVD. As a part of the final report the permittee shall provide a daily record of the position of the dredge equipment which includes the borrow area limits and seagrass/hardbottom buffer zones referenced to state plane coordinates and NGVD.

5. A 200 foot buffer zone in which dredging is prohibited shall be maintained around the seagrass and/or hardbottom areas in the vicinity of the borrow site(s). The permittee shall ensure that these buffer zones are maintained continuously for as long as dredging occurs at the borrow site(s).

6. The projected toe of fill is not anticipated to impact nearshore seagrass communities; however, post-construction monitoring shall be required to verify that the seagrass communities are not buried by the movement of this sand. If it is determined upon review of the video monitoring and final reporting that the seagrass habitat is buried, then mitigation for impacts shall be required at a ratio of at least 3:1. If such burial occurs, the permittee shall submit a mitigation and monitoring plan to the Office of Beaches and Coastal Systems within 30 days following the determination. Following approval by the Department, the permittee shall implement the plan within the specified time frame.

7. The permittee shall ensure that the pipeline is placed in such a way as to minimize impacts to the seagrass areas to the greatest extent possible. The pipeline corridor is expected to impact approximately 0.14 acreas of seagrass habitat. As mitigation, the permittee shall restore approximately 0.28 acres of seagrasses in the vicinity of Key Biscayne.

   a. Half of the mitigation will include full restoration of the seagrasses within the pipeline corridor (regardless of acreage). One year after removal of the pipeline, any portion of the pipeline corridor showing signs of impact shall be fully restored. Alterations in topography shall be corrected and unvegetated areas shall be replanted using materials and methods to be approved by the Department.

   b. An additional 0.14 acres of seagrass restoration work shall be conducted near the project within Biscayne Bay by restoring seagrass beds damaged by propeller scars. This work shall be accomplished pursuant to the Dade County DERM mitigation plan.

8. The permittee shall maintain a shore-parallel sand dike at the beach disposal area at all times during hydraulic discharge on the beach. The opening of the discharge pipe shall be landward of the dike and at least 500 feet from the end of the dike where discharge water flows onto the beach and into the gulf waters. During the initiation of hydraulic discharge the opening of the pipe may not be extended until the 500-foot long dike is completed.

9. Pipeline Corridor A may not be used without the appropriate upland written approval from the FDEP Division of Recreation and Parks (Reference General Condition No. 6).

10. The permittee acknowledges that the beach fill area to be constructed is a public beach and shall be accessible to the general public. The permittee shall ensure that signs which identify portions of the nourished beach within the project area as "private" are not erected by any public or private entity.

11. Dredged sand from the borrow areas is authorized for beach fill placement only. Placement at any location other than the beach fill areas depicted on the attached permit drawings will require a permit modification.

12. In order to ensure that manatees are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:

    a. The permittee/contractor shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s), and shall implement appropriate precautions to ensure protection of the manatee(s).

    b. The permittee/contractor shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

    c. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8.5" X 11") reading **"Manatee Habitat/Idle Speed In Construction Area"** will be placed in a prominent location visible to employees operating the vessels. In the absence of a vessel, a temporary sign (at least 2' X 2') reading **"Caution: Manatee Area"** will be posted in a location prominently visible to land based, water-related construction crews. A second temporary sign (at least 8.5" X 11") reading **"Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP (1-800-342-5367) and the U. S. Fish and Wildlife Service at (1-904-232-2580) for north Florida or (1-561-562-3909) for south Florida."** will be located prominently adjacent to the displayed issued

construction permit. Temporary notices are to be removed by the permittee upon completion of construction.

d. Siltation barriers shall be properly secured so that manatees cannot become entangled, and monitored at least daily to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.

e. All vessels associated with the project operate at "no wake/idle speed" at all times while in the construction area and while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

f. If a manatee(s) is seen within 100 yards of the active daily construction/dredging operation, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities shall not resume until the manatee(s) has departed the project area of its own volition.

g. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-800-DIAL-FMP (1-800-342-5367). **Collision and/or injury should also be reported to the U. S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.**

h. The contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. A report summarizing incidents and sightings shall be submitted to the FWCC Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600 and to the U. S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912. This report must be submitted within 90 days of completion of the activities conducted in accordance with the permit.

13. In order to ensure that marine turtles are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:

a. All fill material placed shall be sand which is similar to that already existing on the site in both coloration and grain size. All such fill material shall be free of construction debris, rocks, clay, or other foreign matter, shall be obtained from a source landward of

the coastal construction control line or from a source authorized pursuant to Section 161.041, Florida Statutes, and shall, in general, not contain greater than 5 percent fines (passing the #200 sieve) or gravel exclusive of shell material (retained by the #4 sieve), be free of coarse gravel or cobbles, and be suitable for marine turtle nesting.

b. Construction related activities are authorized to occur on the nesting beach (seaward of existing coastal armoring structures or the dune crest) during the nesting season under the following conditions.

   i. A daily marine turtle nest survey of the nesting beach in the vicinity of the project (including areas of beach access) shall be conducted starting April 15 and continue until October 31. Only those nests that may be affected by construction activities shall be relocated unless the Commission has previously authorized such relocation. Nests requiring relocation shall be moved no later than 9 a.m. the morning following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. Nest relocations in association with construction activities shall cease when such activities no longer threaten nests. Nests deposited within areas where construction activities have ceased or will not occur for 65 days shall be marked and left in place unless other factors threaten the success of the nest and the Commission has authorized such relocation. Such nests will be marked and the actual location of the clutch determined. Stake and survey tape or string shall mark a circle with a radius of ten (10) feet, centered at the clutch. No construction activities shall enter this circle and no adjacent construction shall be allowed which might directly or indirectly disturb the area within the staked circle.

   ii. No construction activity may commence until completion of the marine turtle survey each day.

   iii. It is the responsibility of the permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nesting surveys, nest relocations screening or caging activities etc. shall be conducted only by persons with prior experience and training in these activities and who is duly authorized to conduct such activities through a valid permit issued by the Fish and Wildlife Conservation Commission (FWC), pursuant to Florida Administrative Code 62R-1.

c. From April 15 through October 31, staging areas for construction equipment shall be located off the beach. Nighttime storage of construction equipment not in use shall be off the beach to minimize disturbance to sea turtle nesting and hatching activities. No

temporary lighting of the construction area is authorized at anytime during the marine turtle nesting season (April 14 through October 31). No additional permanent exterior lighting is authorized.

d. From April 15 through October 31, all project lighting shall be limited to the immediate area of active construction only and shall be the minimal lighting necessary to comply with U.S. Coast Guard and/or OSHA requirements. Stationary lighting on the beach and all lighting on the dredge shall be minimized through reduction, shielding, lowering, and appropriate placement of lights to minimize illumination of the nesting beach and water. Lighting on offshore equipment shall be minimized through reduction, shielding lowering, and appropriate placement of lights to avoid excessive illumination of the water, while meeting all U.S. Coast Guard and OSHA requirements.

e. The applicant shall arrange a meeting between representatives of the contractor, the Department, the FWC, and the permitted person responsible for egg relocation at least 30 days prior to the commencement of work on this project. At least 10 days advance notice shall be provided prior to conducting this meeting. This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures.

f. Immediately after completion of the beach nourishment project, the beach shall be tilled as described below. Prior to April 15 for 3 subsequent years if placed sand still remains on the beach, sand compaction shall be monitored in the area of restoration in accordance with a protocol agreed to by the FWC, the Department, the U.S. Fish & Wildlife Service, and the applicant. At a minimum, the protocol provided under a and b below shall be followed. If required, the area shall be tilled to a depth of 36 inches.

g. All tilling activity must be completed prior to April 15. If the project is completed during the nesting season, tilling shall not occur in areas where nests have been left in place or relocated unless authorized by the U.S. Fish and Wildlife Service in an Incidental Take Statement. A report on the results of compaction monitoring shall be submitted to the FWC prior to any tilling actions being taken. An annual summary of compaction surveys and the actions taken shall be submitted to the FWC. This condition shall be evaluated annually and may be modified if necessary to address sand compaction problems identified during the previous year.

    i. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area) and one station shall be midway between the dune line and the high water line (normal wrack line).

ii. At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lay over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports shall include all 18 values for each transect line, and the final 6 averaged compaction values.

iii. If the average value for any depth exceeds 500 psi for any two or more adjacent stations, then that area shall be tilled prior to April 15. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the FWC shall be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling shall not be required.

h. Visual surveys for escarpments along the beach fill area shall be made immediately after completion of the sand transfer operations and prior to April 15 for the following three years and all scarps shall be leveled or the beach profile shall be reconfigured to minimize scarp formation. In addition, weekly surveys of the project area shall be conducted during the two nesting seasons following completion of fill placement as follows.

i. The number of escarpments and their location relative to DNR-DEP reference monuments shall be recorded during each weekly survey and reported relative to the length of the beach surveyed (e.g., 50% scarps). Notations on the height of these escarpments shall be included (0 to 2 feet, 2 to 4 feet, and 4 feet or higher) as well as the maximum height of all escarpments.

i. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet shall be leveled to the natural beach contour by April 15. Any escarpment removal shall be reported relative to R-monument.

ii. Any escarpments that exceed 18 inches in height for a distance of 100 feet shall be leveled to the natural beach contour by April 15. If weekly surveys during the marine turtle nesting season document subsequent reformation of escarpments that exceed 18 inches in height for a distance of 100 feet, the FWC shall be contacted immediately to determine the appropriate action to be taken. Upon written notification, the permittee shall level escarpments in accordance with mechanical methods prescribed by the FWC.

j. Reports on all nesting activity shall be provided for the initial nesting season and for a minimum of three additional nesting seasons. Monitoring of nesting activity in the three seasons following construction shall include daily surveys and any additional measures authorized by the FWC. Reports submitted shall include daily report sheets noting all activity, nesting success rates, hatching success of all relocated nests, hatching success of a representative sampling of nests left in place (if any), dates of construction and names of all personnel involved in nest surveys and relocation activities. Data should be reported separately for filled areas and nonfilled areas in accordance with the attached Table. All reports should submitted by January 15 of the following year.

k. In the event a sea turtle nest is excavated during construction activities, all work shall cease in that area immediately and the permitted person responsible for egg relocation for the project should be notified so the eggs can be moved to a suitable relocation site.

l. Upon locating a dead, injured, or sick endangered or threatened sea turtle specimen, initial notification must be made to the FWC at 1-800-DIAL FMP. Care should be taken in handling sick or injured specimens to ensure effective treatment and care and in handling dead specimens to preserve biological materials in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

MONITORING REQUIRED:

1. Water Quality Monitoring

Borrow Site:
Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)
Frequency: Every six hours during dredging.

Background: At least 150 meters upcurrent from the dredge site, outside of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.

Compliance: No more than 150 meters downcurrent from the dredge site, in the densest portion of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.

Beach Nourishment Site:
Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)
Frequency: Every six hours during dredging.

Background: At least 150 meters upcurrent from the discharge point, outside of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.

Compliance: No more than 150 meters downdrift from and no more than 150 meters offshore of the discharge point within the densest portion of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.

Weekly summaries of all monitoring data shall be submitted to the Office of Beaches and Coastal Systems and to the Southeast District Office within one week of analysis with documents containing the following information: (1) permit number; (2) dates and times of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample that is taken: a) time of day samples taken; b) depth of water body; c) depth of sample; d) antecedent weather conditions; e) tidal stage and direction of flow; f) wind direction and velocity; and g) wave height.

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

2. **Biological Monitoring**. The permittee shall submit a biological report within 90 days of completion of the post-construction survey and each annual survey. The report shall summarize the results of the following biological surveys, aerial photography, and mitigation areas and identify any adverse impacts which would be attributable to the project. Each report shall compare the current conditions to a) the pre-construction beseline survey, b) the first post-construction survey, and c) any previous annual survey(s) (where applicable). Each report shall contain an analysis and discussion of the video documentation in regards to any burial, sedimentation, or trauma that has affected the seagrass, coral, sponges, or other related biological communities.

   a. Pipeline corridor: Underwater seagrass surveys of the pipeline corridor with video documentation immediately prior to pipeline installation, immediately after pipeline placement, within 30 days after pipeline removal, one year after pipeline removal, and continue annually until the corridor has fully recovered. DGPS navigational coordinates

of the dives shall be referenced on the video transects and overlaid on recent aerial photography.

b. Nourishment area - in situ scuba surveys. Measurements of the edge of the seagrass in relation to DEP reference monuments shall be taken at 250-ft. intervals between R-101 through R-109. The location of the edge of the seagrass beds shall be determined (with at least 1 ft. accuracy) prior to fill placement, within 30 days after construction, and at one-year post-construction.

c. Nourishment area - aerial photography. Flight-dated aerial photography shall be taken during the summer at one-year following placement of fill and submitted to the Department biannually (every other year) for the duration of the permit. The aerials must be color, vertical aerial photographs, controlled and rectified at a scale appropriate for post-production digitilization and a scale and clarity sufficient to delineate seagrass areas. The flight line shall include all of the beach fill, pipeline corridor, borrow areas, and mitigation areas. The permittee may use existing aerial photography being conducted by the permittee, County or State if it meets the criteria listed above.

3. **Hydrographic Monitoring.** A hydrographic monitoring program shall be conducted for a minimum of three (3) years following completion of construction. The permittee may incorporate the requirements of this monitoring plan into existing monitoring programs being conducted. The hydrographic monitoring program shall include the following:

a. Beach and offshore profile surveys shall be conducted immediately prior to sand placement, immediately following completion of the project, and annually thereafter. Profiles shall be surveyed at DEP reference monuments R-100 through R-113. The profile alignments shall be identical to the azimuths previously established for each monument. All beach profiles shall extend from the monument at least 1,500 feet seaward and out to the depth of closure if greater. Additional surveys may be required following a major storm as determined by the Department.

b. The permittee shall submit an engineering report and the monitoring data to the Office of Beaches and Coastal Systems within 90 days of completion of the post-construction survey and each annual survey. The survey data should be submitted on floppy disk in an ASCII format stored according to the department's standards for file structure (contact the Office staff for additional information on specific requirements). The report should summarize the performance of the beach fill project, identify erosion and accretion patterns within the project limits and along the adjacent shorelines, verify the analyses that were conducted in the development of the design of the project, and identify any adverse impacts, which would be attributable to the project. Appendices should include plots of survey profiles and graphical presentations of volumetric and

shoreline position changes for both the monitoring area and at each profile survey. Results should be analyzed for changes since the end of construction and between annual surveys.

Monitoring reports shall be submitted to the Office of Beaches and Coastal Systems in Tallahassee and the Department's Southeast District office in West Palm Beach. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, please clearly include, at the top of each page or as a cover page to the submittal: **"This information being provided in partial fulfillment of the monitoring requirements in Permit No. 0160856-001-JC."**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Alfred B. Devereaux, Jr., Director
Office of Beaches and Coastal Systems

FILING AND ACKNOWLEDGMENT

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

Deputy Clerk — Date 10/2/00

Florida Department of
Evironmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

February 16, 2012

Village of Key Biscayne
85 West McIntyre Street
Key Biscayne, FL 33149

c/o

Penny Cutt, Permitting Manager
Coastal Systems International, Inc.
464 S. Dixie Highway
Coral Gables, FL 33149

Permit Modification No. 0160846-014-JN
Permit No. 0160846-001-JC, Miami-Dade County
Key Biscayne Beach Nourishment Project

Dear Ms. Cutt:

Your request, on behalf of the Village of Key Biscayne, to modify Permit No. 0160846-001-JC was received on November 21, 2011, and has been reviewed by Department staff. The proposed permit modification is to replace the use of offshore borrow areas and pipeline corridors with an upland sand source (Ortona Sand Mine), and to reduce the construction template. The permit conditions will be revised to address the deletion of the offshore borrow areas and pipeline corridors, and to coincide with the terms and conditions of the August 22, 2011, Statewide Programmatic Biological Opinion concerning sand placement activities along the coast of Florida.

The following information describes the project history from the time of original permit issuance, and the subjects directly related to the proposed modification. For additional background, please see the *Consolidated Notice of Intent to Issue* for Joint Coastal Permit (JCP) No. 0160846-001-JC, dated April 21, 2000, available at the Bureau website:

www.dep.state.fl.us/beaches/permitting/dade.htm

Project Area History

The beaches at Key Biscayne were first restored in 1987, under DER Permit No. **13-0302989**, with the placement of approximately 420,000 cubic yards of material between DEP Reference Monuments R-101 and R-113. In 1998 the Department issued Coastal Construction Control Line Permit No. DA-372, which authorized the placement of approximately 36,000 cubic yards of sand between R-101 and R-108, above the mean high water line, via truck haul.

On June 2, 2000, the Department issued Joint Coastal Permit No. **0160846-001-JC**, which authorized a beach nourishment project along 6,850 feet of shoreline in central Key Biscayne. The Village of Key Biscayne placed approximately 100,000 cubic yards of material between R-101 and R-108. The beach fill template had a typical berm elevation of +7.0 feet NGVD, a dune elevation of +9.0, an average construction berm width of 35 feet, and a construction foreshore slope of 1:10 (vertical:horizontal). Three borrow areas, located approximately 4,000 feet offshore of the southern tip of Key Biscayne, were authorized for use in this project.

The Department's Southeast District Office issued eight exemptions at this location (File Nos. 0160846-002-EE through 0160846-009-EE). However, these exemptions were not related to the Key Biscayne Beach Nourishment Project, so they are not discussed in detail here.

On February 19, 2008, the Department issued Permit Modification No. **0160846-010-EM**, which authorized the use of an upland sand source (delivered via truck-haul) to restore the dune during the 2008 Key Biscayne Beach Nourishment event. In 2008, the Permittee used this modification to place approximately 2,400 cubic yards of beach-quality material between R-103 and R-107, landward of the mean high water line, within the previously authorized beach template. This modification included deadlines for submittal of a seagrass mitigation plan and implementation of seagrass mitigation for previous project impacts. The modification also increased the associated mitigation acreages if the mitigation deadlines were not met.

On April 8, 2008, the Department issued Permit Modification No. **0160846-011-EM**, which revised the sea turtle lighting conditions of Permit No. 0160846-001-JC to allow for a phased approach to implementing the sea turtle lighting ordinance.

On October 27, 2010, the Department issued Permit Modification No. **0160846-012-JN**, to revise Specific Condition No. 14 of Permit No. 0160846-001-JC. The modification incorporated a revised seagrass mitigation plan and an addendum to the permit, in order to offset the previous project impacts.

On July 7, 2011, the Department issued permit modification **0160846-013-JN,** to update Specific Condition No. 14 to include revised success criteria, and to incorporate a revised Seagrass Monitoring Plan.

Justification and Staff Assessment

The use of an upland sand source eliminates the need for an in-water pipeline corridor through seagrass. Both the reduced template and fill volume should also decrease the potential for seagrass impacts from the project. Therefore, staff recommended acceptance of the proposed revisions to the construction design.

The proposed revisions to the permit conditions would eliminate monitoring requirements that are no longer necessary because they were associated with the deleted offshore borrow areas and pipeline corridors. The marine turtle conditions in the permit will also be revised to coincide with the terms and conditions of the August 22, 2011, Statewide Programmatic Biological Opinion concerning sand placement activities along the coast of Florida.

The Activity Description shall be revised as follows (~~strikethroughs~~ are deletions, underlines are additions):

ACTIVITY DESCRIPTION:

For the initial nourishment event under this permit, approximately 100,000 cubic yards of sand is to be placed along 6,850 feet of shoreline in central Key Biscayne between DEP reference monuments R-101 and R-108. The beach fill will have a typical berm elevation of +7.0 feet NGVD, dune elevation of +9.0 feet NGVD, average construction berm width of 35 feet, and a construction foreshore slope of 1 vertical to 10 horizontal. Fill material for the initial nourishment event will be excavated from among three offshore borrow sites located approximately 4,000 feet offshore from the southern tip of Key Biscayne.

Subsequent ~~re~~nourishment events are expected to occur every ~~eight to ten~~ three to four years, using ~~the same offshore borrow sources~~ approximately 31,000 cubic yards of fill from the Ortona Mine upland sand source. The average construction berm width for these subsequent nourishment events is reduced to 24 feet, and will not exceed a width of 40 feet.

The 2008 event consists of a truck-haul dune restoration project. Approximately 2,400 cubic yards of beach-quality material will be placed between R-103 and R-107, above mean high water within the previously authorized beach template.

~~The 2011/2012 event consists of a nourishment project using the previously authorized borrow areas. Approximately 75,000 cubic yards of beach-quality material will be placed between R-101and R-208, above and below the mean high water within the previously authorized beach template.~~

The specific conditions shall be revised as follows (~~strikethroughs~~ are deletions, underlines are additions):

SPECIFIC CONDITIONS:

2. No work shall be conducted under this permit for the initial or subsequent beach nourishment events until the permittee has received a written notice to proceed from the Department. Prior to the issuance of the notice to proceed, the permittee shall submit the following:

   a. *Final plans and specifications.* Two copies of detailed final construction plans and specifications for all authorized activities. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and shall bear the certifications specified in Rule 62B-41.007(4), F.A.C. The plans and specifications shall include a description of the beach construction methods to be utilized and drawings and surveys which show all biological resources and work spaces (e.g. ~~anchoring area, pipeline corridors~~, staging areas, ~~boat access corridors,~~ etc.) to be used for this project. Updated beach profile surveys shall be utilized to design the maintenance event and provide beach volumes within the permitted fill template. Volumes shall be adjusted according to the fill templates. The Department may request additional information as necessary in order to review each ~~subsequent maintenance dredging~~ nourishment event. Department approval for subsequent events may be contingent upon the permittee's acceptance of additional conditions which may be determined to be appropriate based upon data submitted to the Department in support of your request or upon the results of previous monitoring data.

   ~~b. *Vessel operations plan.* The permittee shall submit a description of the beach construction methods to be utilized, a vessel operations plan describing the mobilization and demobilization of all equipment to the project area and daily operations during construction, and plan view drawings which show all work spaces to be used for this project. The drawings shall include a recent map of the seagrass and hardbottom areas which shows the construction access corridors through and around these resources, to which the contractor shall be confined. The depths (MLW) shall be included on this map and the draft of the vessels permitted within the corridors be specified. The map shall delineate areas where anchoring, spudding down or dropping of any type of equipment will be prohibited. The map shall also delineate all pipeline corridors and buffer zones.~~

~~e~~b. *Turbidity monitoring qualifications.* Construction at the project site shall be monitored closely to assure that turbidity levels do not exceed the compliance standards established in this permit. Accordingly, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall serve as site supervisor and shall have authority to alter construction techniques or shut down the ~~dredging or~~ beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions along with 24-hour contact information shall be submitted for approval.

~~d~~c. *Biological monitoring qualifications*. The names and qualifications of those individuals performing the biological monitoring shall be submitted for department approval. All biological monitoring required by this permit shall be conducted by individuals having a good working knowledge of sponge, seagrass and coral taxonomy.

~~3. At least 7 days prior to the planned commencement date of construction, the permittee shall schedule a pre-construction conference to review the specific conditions of this permit with the contractors, work crews, the Department's staff representatives, and the marine turtle permit holder. The permittee shall provide a minimum of 7 days advance written notification of the following offices advising of the date, time, and location of the pre-construction conference:~~

~~4. The permittee shall require the dredging contractor to have electronic positioning equipment which continuously measures the vertical and horizontal location of the cutterhead, dragarms, dustpan or clamshell at all times during operations. The horizontal positioning equipment shall be installed on the dredge so as to monitor the actual location of the dredge equipment and be interfaced with the depth monitoring device. Horizontal accuracy for dredge positioning shall be 3.0 feet. Vertical accuracy for the dredge depth monitoring shall be 1.0 foot. This equipment shall provide a permanent record of the equipment's position referenced to State Plane Coordinates and NGVD. As a part of the final report the permittee shall provide a daily record of the position of the dredge equipment which includes the borrow area limits and seagrass/hardbottom buffer zones referenced to state plane coordinates and NGVD.~~

~~5. A 200 foot buffer zone in which dredging is prohibited shall be maintained around the seagrass and/or hardbottom areas in the vicinity of the borrow site(s). The permittee shall ensure that these buffer zones are maintained continuously for as long as dredging occurs at the borrow site(s).~~

~~6~~3. The projected toe of fill is not anticipated to impact nearshore seagrass communities; however, post-construction monitoring shall be required to verify that the seagrass communities are not ~~buried~~ adversely affected by the movement of this sand. Post-construction monitoring shall be in accordance with the Biological Monitoring Plan approved by the Department and attached to this Modification. If, ~~it is determined~~ upon review of the results of the biological ~~video~~ monitoring and final reporting, it is determined that the seagrass ~~habitat~~ community ~~is buried~~ has been adversely affected by Project construction or equilibration, then mitigation for impacts shall be required. ~~at a ratio of at least 3:1~~. If such burial occurs, the permittee shall submit a mitigation and monitoring plan, including the information necessary for the Department to conduct a Uniform Mitigation Assessment Methodology (UMAM) assessment of the impacts and proposed mitigation, to the ~~Office~~ Bureau of Beaches and Coastal Systems within 30 days following the determination. Following approval by the Department, the permittee shall implement the plan within the specified time frame.

~~7. The permittee shall ensure that the pipeline is placed in such a way as to minimize impacts to the seagrass areas to the greatest extent possible. The pipeline corridor is expected to impact approximately 0.14 acreas of seagrass habitat. As mitigation, the permittee shall restore approximately 0.28 acres of seagrasses in the vicinity of Key Biscayne.~~

~~a. Half of the mitigation will include full restoration of the seagrasses within the pipeline corridor (regardless of acreage). One year after removal of the pipeline, any portion of the pipeline corridor showing signs of impact shall be fully restored. Alterations in topography shall be corrected and unvegetated areas shall be replanted using materials and methods to be approved by the Department.~~

~~b. An additional 0.14 acres of seagrass restoration work shall be conducted near the project within Biscayne Bay by restoring seagrass beds damaged by propeller scars. This work shall be accomplished pursuant to the Dade County DERM mitigation plan.~~

~~8. The permittee shall maintain a shore-parallel sand dike at the beach disposal area at all times during hydraulic discharge on the beach. The opening of the discharge pipe shall be landward of the dike and at least 500 feet from the end of the dike where discharge water flows onto the beach and into the gulf waters. During the initiation of hydraulic discharge the opening of the pipe may not be extended until the 500-foot long dike is completed.~~

~~9. Pipeline Corridor A may not be used without the appropriate upland written approval from the FDEP Division of Recreation and Parks (Reference General Condition No. 6).~~

~~10~~4. The permittee acknowledges that the beach fill area to be constructed is a public beach and shall be accessible to the general public. The permittee shall ensure that signs which identify portions of the nourished beach within the project area as "private" are not erected by any public or private entity.

~~11. Dredged sand from the borrow areas is authorized for beach fill placement only. Placement at any location other than the beach fill areas depicted on the attached permit drawings will require a permit modification.~~

~~12. In order to ensure that manatees are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:~~

~~a. The permittee/contractor shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s), and shall implement appropriate precautions to ensure protection of the manatee(s).~~

~~b. The permittee/contractor shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.~~

~~c. Prior to commencement of construction, the prime contractor involved in the construction activities shall construct and display at least two temporary signs (placards) concerning manatees. For all vessels, a temporary sign (at least 8.5" X 11") reading **"Manatee Habitat/Idle Speed In Construction Area"** will be placed in a prominent location visible to employees operating the vessels. In the absence of a vessel, a temporary sign (at least 2' X 2') reading **"Caution: Manatee Area"** will be posted in a location prominently visible to land based, water-related construction crews. A second temporary sign (at least 8.5" X 11") reading **"Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-800-DIAL-FMP (1-800-342-5367) and the U. S.~~

~~**Fish and Wildlife Service at (1-904-232-2580) for north Florida or (1-561-562-3909) for south Florida."** will be located prominently adjacent to the displayed issued construction permit. Temporary notices are to be removed by the permittee upon completion of construction.~~

~~d. Siltation barriers shall be properly secured so that manatees cannot become entangled, and monitored at least daily to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.~~

~~e. All vessels associated with the project operate at "no wake/idle speed" at all times while in the construction area and while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.~~

~~f. If a manatee(s) is seen within 100 yards of the active daily construction/dredging operation, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities shall not resume until the manatee(s) has departed the project area of its own volition.~~

~~g. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-800-DIAL-FMP (1-800-342-5367). **Collision and/or injury should also be reported to the U. S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.**~~

~~h. The contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. A report summarizing incidents and sightings shall be submitted to the FWCC Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600 and to the U. S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216-0912. This report must be submitted within 90 days of completion of the activities conducted in accordance with the permit.~~

~~13.~~ ~~In order to ensure that marine turtles are not adversely affected by the construction activities authorized by this permit, the permittee shall adhere to the following conditions:~~

~~a. No operation, including placement of dune fill material or topographic alteration, nor transportation or storage of equipment or materials, is authorized~~

~~during the marine turtle nesting season. The marine turtle nesting season is May 1 through October 31.~~

~~b. Fill material shall be compatible with native sand both in grain size distribution, composition and color. Sand sources shall be free from clay, marble, cobble, or construction debris and shall not contain more than 5 percent fines by weight. Remediation of sand composition, scarping or compaction may be required if it is determined that the sand does not provide appropriate sea turtle nesting substrate.~~

~~c. Fill shall be placed as far landward as practicable to establish or repair dune features. The permittee shall take into account the existing beach and dune profile to determine appropriate siting of fill in order to provide reasonable longevity of the project.~~

~~d. Planting of dune vegetation is authorized to occur during the marine turtle nesting season (May 1 through October 31) under the following conditions:~~

~~i. It is the responsibility of the permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nest surveys, nest relocations, screening, or caging activities, etc., shall be conducted only by persons with prior experience and training in these activities and is duly authorized to conduct such activities through a valid permit issued by FWC pursuant to Florida Administrative Code 68E-1.~~

~~ii. Marine turtle nest surveys shall be initiated at the beginning of the nesting season. Surveys shall continue through September 15. Surveys shall be conducted throughout the project area and all beach access sites.~~

~~iii. All nests shall be left *in situ*. The marine turtle permit holder shall install an on-beach marker at any nest site and a secondary marker located at a point as far landward as possible to ensure that the future location of the nest will be possible should the on-beach marker be lost. A series of stakes and survey ribbon or string shall be installed to establish an area of three (3) feet radius surrounding the nest. No planting or other activity shall occur within this area nor shall any activity occur which might cause indirect impacts within this area. Nest sites shall be inspected daily to ensure nest markers have not been removed.~~

~~iv. The use of heavy equipment (trucks) is not authorized seaward of the dune crest or armoring structure. A lightweight (ATV style) vehicle, with tire pressures of 10 p.s.i. of less can operate on the beach.~~

~~v. Any vegetation planting shall be installed by hand labor/tools.~~

~~vi. No irrigation systems are authorized.~~

~~vii. All activity shall be confined to daylight hours and shall not occur prior to the completion of all necessary marine turtle surveys and conservation activities within the project area. Nighttime storage of equipment or materials shall be off the beach (landward of the dune crest, existing seawalls or bulkheads).~~

~~viii. In the event a nest is disturbed or uncovered during planting~~ ~~construction~~ ~~activitiesy, the permittee shall cease all work and immediately contact the person(s) responsible for marine turtle conservation measures within the project area. If a nest(s) cannot be safely avoided during construction, all activity within the affected project area shall be delayed until complete hatching and emergence of the nest.~~

~~e.Existing native dune vegetation shall be disturbed only to the minimum extent necessary. Only native salt tolerant plant species are authorized to be installed.~~

~~f.Reports on all nesting activity and marine turtle protection measures taken during construction shall be provided for the project beach and restored dune for the initial nesting season following the completion of construction, and for an one additional nesting season if placed sand remains on the beach. Monitoring of nesting activity shall include daily surveys and any additional measures authorized by the FWC. Reports submitted shall include daily report sheets noting all activity, nesting success rates, hatching success, dates of construction and names of all personnel involved in nest surveys and relocation activities. Data should be reported separately for the dune restoration and adjacent berm in accordance with the attached Table (Table 1). Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets). All reports shall be submitted to FWC by January 15 of the following year.~~

~~g.The permittee shall continue to work on the development and adoption of a lighting ordinance for the protection of marine turtles and hatchlings on nesting beaches in the project area. This ordinance, specifying timelines for implementation and specific compliance and enforcement measures, shall be in effect prior to any beach nourishment activities subsequent to this dune restoration activity (conducted in the Spring of 2008).~~

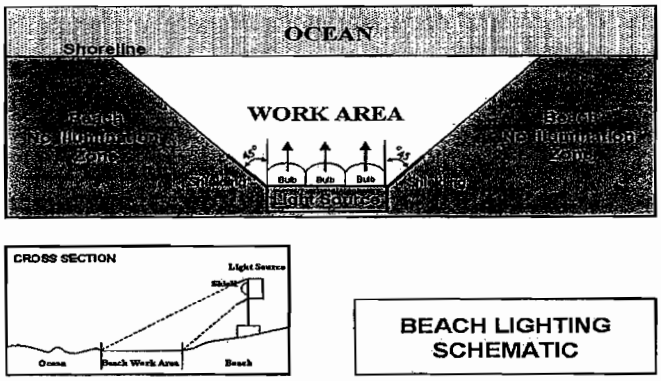
~~h.The applicant shall arrange a meeting between the permittee, the Department, the FWC, and the Marine Turtle Permit Holder prior to nesting season. At least 10 days advance notice shall be provided prior to conducting this meeting.~~

~~This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures subsequent to dune construction.~~

5. Fill material shall be compatible with native sand both in grain size distribution, composition and color. Sand sources shall be free from clay, marble, cobble, or construction debris and shall not contain more than 5 percent fines by weight. Remediation of sand composition, scarping or compaction may be required if it is determined that the sand does not provide appropriate sea turtle nesting substrate.

6. Dune restoration or creation included in the profile design (or project) shall have a slope of 1.5:1 (horizontal:vertical) followed by a gradual slope of 4:1 (horizontal:vertical) for approximately 20 feet seaward on a high erosion beach or a 4:1 (horizontal:vertical) slope on a low erosion beach.

7. Direct lighting of the beach shall be limited to the immediate construction area during the sea turtle nesting season and shall comply with all safety requirements. Lighting on onshore equipment shall be minimized through reduction, shielding, lowering, and appropriate placement to avoid excessive illumination of the nesting beach while meeting all EM 385-1-1, and OSHA requirements. Light intensity of lighting equipment shall be reduced to the minimum standard required by OSHA for General Construction areas, in order not to misdirect sea turtles. Shields shall be affixed to the light housing and be large enough to block light from all lamps from being transmitted outside the construction area **(Figure below).**



BEACH LIGHTING SCHEMATIC

8. Project construction is authorized to occur during the marine turtle nesting season (May 1 through October 31) under the following conditions:

a. Daily early morning (before 9 a.m.) surveys and egg relocation shall be conducted. Nesting surveys shall be initiated 65 days prior to nourishment activities or by April 1 whichever is later. Nesting surveys and egg relocation shall continue through the end of the project or through September 30 whichever is earlier. If nests are laid in areas where they may be affected by construction activities, eggs shall be relocated per the requirements listed below:

   i. Nesting surveys and egg relocations shall only be conducted by persons with prior experience and training in these activities and who are duly authorized to conduct such activities through a valid permit issued by FWC, pursuant to FAC 68E-1. Please contact FWC's Imperiled Species Management Section in Tequesta at (561) 575-5407 or MTP@myfwc.com for information on the permit holder in the project area. It is the responsibility of the Permittee to ensure that nesting surveys are completed. Nesting surveys shall be conducted daily between sunrise and 9 a.m. (this is for all time zones).

   ii. Only those nests that may be affected by sand placement activities will be relocated. Nest relocation shall not occur upon completion of the project. Nests requiring relocation shall be moved no later than 9 a.m. the morning following deposition to a nearby self-release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation. Relocated nests shall not be placed in organized groupings. Relocated nests shall be randomly staggered along the length and width of the beach in settings that are not expected to experience daily inundation by high tides or known to routinely experience severe erosion and egg loss, predation, or subject to artificial lighting. Nest relocations in association with construction activities shall cease when construction activities no longer threaten nests.

   iii. Nests deposited within areas where construction activities have ceased or will not occur for 65 days or nests laid in the nourished berm prior to tilling shall be marked and left in situ unless other factors threaten the success of the nest. The turtle permit holder shall install an on-beach marker at the nest site and a secondary marker at a point as far landward as possible to assure that future location of the nest will be possible should the on-beach marker be lost. No activity shall occur within this area, nor shall any activities occur, that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.

iv. All activity shall be confined to daylight hours and shall not occur prior to the completion of all necessary marine turtle surveys and conservation activities within the project area. Nighttime storage of equipment or materials shall be off the beach (landward of the dune crest, existing seawalls or bulkheads).

9. Dune planting may occur during the marine turtle nesting season May 1 through October 31, provided the following conditions for marine turtle protection are met:

a. It is the responsibility of the permittee to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nest surveys, nest relocations, screening, or caging activities, etc., shall be conducted only by persons with prior experience and training in these activities and is duly authorized to conduct such activities through a valid permit issued by FWC pursuant to Florida Administrative Code 68E-1.

b. Marine turtle nest surveys shall be initiated at the beginning of the nesting season and shall continue through September 30. Surveys shall be conducted throughout the project area and all beach access sites.

c. All nests shall be left in situ. The marine turtle permit holder shall install an on-beach marker at any nest site and a secondary marker located at a point as far landward as possible to ensure that the future location of the nest would be possible should the on-beach marker be lost. A series of stakes and survey ribbon or string shall be installed to establish an area of three (3) feet radius surrounding the nest. No planting or other activity shall occur within this area nor shall any activity occur which might cause indirect impacts within this area. Nest sites shall be inspected daily to ensure nest markers have not been removed.

d. The use of heavy equipment (including trucks) is not authorized seaward of the dune crest or armoring structure. A lightweight (ATV style) vehicle, with tire pressures of 10 p.s.i. or less may operate on the beach.

e. Any vegetation planting and removal or placement of irrigation materials shall be conducted with hand labor/tools.

f. Irrigation (if proposed) shall be entrenched 1 to 3 inches below grade so as not to pose a barrier to sea turtle hatchlings and to allow for easy removal. Irrigation piping shall avoid all marked nests by a minimum of ten (10) feet. The irrigation system shall be designed and maintained so that watering of the unplanted sandy beach does not occur. In the event a sea turtle nest is

deposited within the newly established dune planting area, the Permittee shall modify the irrigation system so that watering within 10 feet of the nest does not occur. Daily inspection of the irrigation system shall be conducted by the Permittee to ensure compliance with this condition.

g. Upon locating a dead or injured seas turtle adult, hatchling or egg that may have been harmed or destroyed as a direct or indirect result of the project, the Permittee shall be responsible for notifying FWC Wildlife Alert at 1-888-404-FWCC (3922). Care shall be taken in handling injured sea turtles or eggs to ensure effective treatment or disposition, and in handling dead specimens to preserve biological materials in the best possible state for later analysis. In the event a nest is disturbed or uncovered during construction activities, the permittee shall cease all work and immediately contact the person(s) responsible for marine turtle conservation measures within the project area. If a nest(s) cannot be safely avoided during construction, all activity within the affected project area shall be delayed until complete hatching and emergence of the nest.

h. Existing native dune vegetation shall be disturbed only to the minimum extent necessary. Only native salt tolerant plant species are authorized to be installed.

10. Reports on all marine turtle nesting activity shall be provided for the initial marine turtle nesting season (April 1 through September 30) and for up to three additional nesting seasons as follows:

a. For the initial nesting season and the following year, the number and type of emergences (nests or false crawls) shall be reported per species in accordance with the Table below. An additional year of nesting surveys may be required if nesting success for any species on the nourished beach is less than 40%.

b. For the initial nesting season, reproductive success shall be reported per species in accordance with the Table below. Reproductive success shall be reported for all loggerhead, green and leatherback nests.

c. In the event that the reproductive success documented by species meets or exceeds required criteria (outlined in Table below) for each species, monitoring for reproductive success shall be recommended, but not required for the second year post-construction.

d. Monitoring of nesting activity in the seasons following construction shall include daily surveys and any additional measures authorized by the FWC. Summaries shall include all crawl activity, nesting success rates, hatching

success of all relocated nests, hatching success of a representative sampling of nests left in place (if any) by species, project name and applicable project permit numbers and dates of construction.

e. Data should be reported separately for the dune restoration and adjacent berm in accordance with the Table below and should include number of nests lost to erosion or washed out. Summaries of nesting activity shall be submitted in electronic format (Excel spreadsheets) to FWC's Imperiled Species Management Section in Tequesta at MTP@myfwc.com, with a copy of the cover letter sent to JCPCompliance@dep.state.fl.us. All summaries should be submitted by January 15 of the following year. The FWC Excel spreadsheet is available upon request from MTP@myfwc.com.

f. The Permittee shall adhere to the Village of Key Biscayne Lighting Regulations for Marine Turtle Protection, Article VI of the Key Biscayne Code of Ordinances, including any future revisions.

g. The Permittee shall arrange a meeting between themselves, the Department, the FWC, and the Marine Turtle Permit Holder prior to nesting season. At least 10 days advance notice shall be provided prior to conducting this meeting. This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures subsequent to dune construction.

h. Sand compaction shall be monitored in the area of sand placement immediately after completion of the project and prior to April 1st for three (3) subsequent years and shall be monitored in accordance with a protocol agreed to by the FWS, FWC, and the Permittee or local sponsor. The requirement for compaction monitoring may be eliminated if the decision is made to till regardless of post-construction compaction levels. Out-year compaction monitoring and remediation are not required if placed material no longer remains on the beach.

At a minimum, the protocol provided under i. and ii. (below) shall be followed. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area shall be tilled immediately prior to the following date listed above. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the FWC or FWS will be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required.

i. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station shall be midway between the dune line and the high water line (normal wrack line).

ii. At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports will include all 18 values for each transect line, and the final 6 averaged compaction values.

i. If tilling is required as specified above, the area shall be tilled to a depth of 36 inches. All tilling activity shall be completed prior to the marine turtle nesting season. Each pass of the tilling equipment shall be overlapped to allow thorough and even tilling. If the project is completed during the marine turtle nesting season, tilling will not be performed in areas where nests have been left in place or relocated. If compaction measurements are taken, a report on the results of the compaction monitoring shall be submitted electronically to FWC at marineturtle@myfwc.com prior to any tilling actions being taken.

i. No tilling shall occur within 300 feet of any shorebird nest.

ii. If flightless shorebird young are observed within the work zone or equipment travel corridor, a Shorebird Monitor shall be present during the operation to ensure that equipment does not operate within 300 feet of the flightless young.

ii. A relatively even surface, with no deep ruts or furrows, shall be created during tilling. To do this, chain-linked fencing or other material shall be dragged over those areas as necessary after tilling.

iv. Tilling shall occur landward of the wrack line and avoid all vegetated areas 3 square feet or greater with a 3 square foot buffer around the vegetated areas. The slope between the mean high water line and the mean low water line must be maintained in such a manner as to approximate natural slope.

j. Visual surveys for escarpments along the project area shall be made immediately after completion of the sand placement project and during March 1 to April 1 for three (3) subsequent years if sand from the project area still remains on the beach.

i. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of at least 100 feet shall be leveled and the beach profile shall be reconfigured to minimize scarp formation by April 1. Any escarpment removal shall be reported by location. If the project is completed during the sea turtle nesting and hatching season, escarpments may be required to be leveled immediately, while protecting nests that have been relocated or left in place. FWC shall be contacted immediately if subsequent reformation of escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet occurs during the nesting and hatching season to determine the appropriate action to be taken. If it is determined that escarpment leveling is required during the nesting or hatching season, the FWS or FWC will provide a brief written authorization that describes methods to be used to reduce the likelihood of impacting existing nests. An annual summary of escarpment surveys and actions taken shall be submitted electronically to marineturtle@myfwc.com, and a copy of the cover letter sent to JCPCompliance @dep.state.fl.us, along with the annual summary as described below. (NOTE: Out-year escarpment monitoring and remediation are not required if placed material no longer remains on the dry beach).

k. Two lighting surveys shall be conducted of all artificial lighting visible from the nourished berm. The first survey shall be conducted between May 1 and May 15 the first nesting season following construction or immediately after placement if construction is not completed until after May 15, and a second survey between July 15 and August 1. The survey shall be conducted by the Permittee and should be conducted to include a landward view from the seaward most extent of the new beach profile. The survey should follow standard techniques for such a survey and include number and type of visible lights, location of lights and photo documentation. For each light source visible, it must be documented that the property owner(s) have been notified of the problem light with recommendations for correcting the light. Recommendations must be in accordance with the Florida Model Lighting Ordinance for Marine Turtle Protection (Chapter 62B-55, F.A.C.) and local lighting restrictions. In addition to local code enforcement, actions must be taken by the Permittee to ensure that no lights or light sources are visible from the newly elevated beach within their respective areas. A report summarizing

all lights visible shall be submitted to FWC Imperiled Species Management Section at marineturtle@myfwc.com by the 1st of the month following survey. A summary report documenting what corrective actions have been taken and all compliance and enforcement actions shall also be submitted by December 15 of that year. After the annual report is completed, a meeting shall be set up with the Permittee, county or municipality, FWC and the FWS to discuss the survey report as well as any documented sea turtle disorientations in or adjacent to the project area.

Table. Marine Turtle Monitoring for Beach Placement of Material

Metric	Duration	Variable	Criterion
Nesting Success	Year of construction, one year to two or three years postconstruction if placed sand remains on beach and variable does not meet criterion based on previous year	Number of nests and non-nesting emergences by day by species	40% or greater
Hatching Success	Year of construction and one to three years postconstruction if placed sand remains on beach and variable does not meet criterion based on previous year	Number of hatchlings by species to completely escape egg	Average of 60% or greater (data must include washed out nests)
Emergence Success	Year of construction and one to three years postconstruction if placed sand remains on beach and variable does not meet success criterion based on previous year	Number of hatchlings by species to emerge from nest onto beach	Average must not be significantly different than the average hatching success
Disorientation	Year of construction and one to three years postconstruction if placed sand remains on beach	Number of nests and individuals that misorient or disorient	
Lighting Surveys	Two surveys the year following construction , one survey between May 1 and May 15 and second survey between July 15 and August 1	Number, location and photographs of lights visible from nourished berm, corrective actions and notifications made	100% reduction in lights visible from nourished berm within one to two month period
Compaction	Not required if the beach is tilled prior to nesting season each year placed sand remains on beach	Shear resistance	Less than 500 psi
Escarpment Surveys	Weekly during nesting season for up to three years each year placed sand remains on the beach	Number of scarps 18 inches or greater extending for more than 100 feet that persist for more than 2 weeks	Successful remediation of all persistent scarps as needed

~~14~~11. The Permittee shall adhere to the October 2009 Second Revised Seagrass Restoration and Mitigation Plan, including the July 2010 Addendum, approved by the Department on August 10, 2010 and the revised Seagrass Monitoring Plan (dated June 20, 2011). The details below are addressed by or shall supplement the approved Mitigation Plan.

a. The following shall apply for portions of the mitigation project within the boundaries of the Biscayne National Park (BNP).

i. A minimum of 0.3 acres of seagrass shall be restored through the placement of fill and bird stakes

ii. The success of the portion of the mitigation project within the boundaries of the BNP shall be determined based on the following criteria:

- *Thalassia testudinum* density (shoots/m^2) of 50% more within the treatment sites compared to the reference sites based on short shoot count

OR

- *Thalassia testudinum* density of 30% or more within the treatment site compared to the reference site, and demonstrate a trending increase at 95% confidence level. The total Braun-Blanquet coverage of all seagrass and attached macroalgae species of 60% or greater compared to the reference sites.

iii. Restoration and monitoring work within the boundaries of the BNP may be conducted or contracted by Park staff according to an agreement executed between the Permittee and the Biscayne National Park. The Department will not hold the Permittee accountable for terms of the BNP agreement that the Permittee does not have the ability to control.

iv. In the event that contingency mitigation is required, the Village shall only be responsible for one remedial event.

b. The following success criteria shall apply for the 0.10 acres of restoration (planting units and bird stakes) that was completed outside of the Biscayne National Park prior to 2010:

i. For prop scars that are less than 1 meter in width, *Thalassia testudinum* density shall be ≥ 75% of the reference *Thalassia* site, using the B-B scores converted to density estimates. Bird stake removal may occur at

the interim success criteria level of ≥ 60% seagrass plus total macroalgae coverage, as compared to the reference site.

ii. For prop scars that are greater than 1 meter in width, *Thalassia testudinum* density shall be ≥ 30% of the reference *Thalassia* site using converted B-B scores and shall be ≥ 60% of the reference site's total seagrass plus macro algae, and the *Thalassia* must be trending towards success. Bird stake removal may occur at the interim success criteria level of ≥ 50% seagrass plus total macroalgae coverage, as compared to the reference site.

c. The following success criteria shall apply for the 0.32 acres of restoration (bird stakes only) that was completed outside of the Biscayne National Park prior to 2010:

i. For prop scars that are less than 1 meter in width, *Thalassia testudinum* shall be ≥ 75% of the reference *Thalassia* site using the B-B scores converted to density estimates. Bird stake removal may occur at the interim success criteria level of ≥ 60% seagrass plus total macroalgae coverage of reference site.

ii. For prop scars that are greater than 1 meter in width, *Thalassia testudinum* shall be ≥ 30% of the reference *Thalassia* site using converted B-B scores and shall be ≥ 60% of the reference site's total seagrass plus macro algae, and the *Thalassia* must be trending towards success. Bird stake removal may occur at the interim success criteria level of ≥ 50% seagrass plus total macroalgae coverage of the reference site.

d. The following success criteria shall apply for the 0.61 acres of restoration (sediment fill and bird stakes) that was completed outside of the Biscayne National Park prior to 2010:

i. For prop scars and narrow injuries that are less than one meter wide, *Thalassia testudinum* density shall reach ≥ 75% of the reference *Thalassia* site using the Blaun-Blanquet (BB) scores converted to density estimates. Bird stake removal may occur at the interim success criteria level of ≥ 60% seagrass plus total macro algae coverage of the reference site.; and,

ii. For blowholes and wider injuries that are greater than one meter in width, *Thalassia testudinum* density shall be ≥ 30% of the reference Thalassia site using converted BB scores and shall be ≥ 60% of the reference site's total seagrass plus macroalgae, plus the *Thalassia* must be trending toward success. Bird stake removal may occur at the interim success criteria level of ≥ 50% seagrass plus total macroalgae coverage of reference.

e. The following shall apply for all portions of the mitigation project.

i. Monitoring of the mitigation sites will be done for at least 5 years or until the success criteria are met, whichever is later.

ii. The Permittee may propose or the Department may require contingency mitigation if:

- monitoring data does not satisfy the mitigation success criteria after at least 5 years of post-restoration monitoring, but not more than 7 years; or,

- at any point during the monitoring program an unanticipated event substantially alters the physical site conditions and limits or prevents natural re-colonization of the mitigation sites.

iii. The monitoring requirements, including timelines, shall be reinitiated if subsequent portions of the beach restoration or enhancement project causes additional seagrass impacts and requires contingency mitigation unless otherwise noted in a mitigation plan amendment that has been approved by the Department.

~~15. Dunes shall not be constructed in a manner that substantially covers existing vegetation unless written permission is obtained from the Department. Pursuant to Rule 5B-40, F.A.C., potential burial or transplantation of endangered or threatened species may require a separate permit from the Department of Agriculture and/or written approval from the riparian owner. For more details, please see the following web site:~~

~~www.doacs.state.fl.us/onestop/plt/plantinsp.html~~

~~16. As soon as practicable after completion of construction, dunes shall be planted with native vegetation suitable to promote dune stability (e.g, sea oats [*Uniola paniculata*] and railroad vine [*Ipomea pes-caprae*]). The dune restoration area shall be protected from foot traffic and other encroachments. Any signs, rope and bollard barriers, or sand fencing utilized shall be installed per Department guidelines and as directed by the Department field representative to prevent trampling of vegetation and erosion of the dune feature.~~

~~17~~12. Prior to commencement of the beach fill placement construction activities authorized by this permit, the Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with the permittee's contractors, the engineer of record, Florida Fish &

Wildlife Conservation Commission (FWC) representatives, and Department representatives. At least 15 days in advance of the meeting, the Permittee shall contact (~~in writing~~ via email) the offices listed below to schedule a date and time when all required parties would be available to participate in the meeting. Once scheduled, the Permittee shall provide ~~written~~email notification of the date, time, location and teleconference number of the pre-construction conference.

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

DEP Southeast District Office
Submerged Lands & Environmental Resources
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401.
phone: (561) 681-6600
fax: (561) 681-6780

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

Florida Fish & Wildlife Conservation Commission
Division of Marine Fisheries
Artificial Reef Program
620 S. Meridian Street
Tallahassee, FL 32399
phone: (850) 488-6058
fax: (850) 488-7152

MONITORING REQUIRED:

1. Water Quality Monitoring

~~Borrow Site:~~
~~Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)~~
~~Frequency: Every six hours during dredging.~~

~~Background: At least 150 meters upcurrent from the dredge site, outside of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.~~

~~Compliance: No more than 150 meters downcurrent from the dredge site, in the densest portion of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.~~

~~Beach Nourishment Site:~~
~~Parameter: Turbidity - Nephelometric Turbidity Units (NTUs)~~
~~Frequency: Every six hours during dredging.~~

~~Background: At least 150 meters upcurrent from the discharge point, outside of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.~~

~~Compliance: No more than 150 meters downdrift from and no more than 150 meters offshore of the discharge point within the densest portion of any visible turbidity plume. Samples shall be collected from the surface and 1 meter above the bottom.~~

~~Weekly summaries of all monitoring data shall be submitted to the Office of Beaches and Coastal Systems and to the Southeast District Office within one week of analysis with documents containing the following information: (1) permit number; (2) dates and times of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) a map indicating the sampling locations; and (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.~~

~~Monitoring reports shall also include the following information for each sample that is taken:~~
~~a) time of day samples taken; b) depth of water body; c) depth of sample; d) antecedent weather conditions; e) tidal stage and direction of flow; f) wind direction and velocity; and g) wave height.~~

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

Turbidity shall be monitored follows:

Units: Nephelometric Turbidity Units (NTUs).

Frequency: Turbidity sampling and analysis shall be performed at least two times a day, at least four hours apart, during all sand placement operations during daylight hours.

Tidal Influence: Compliance samples shall be compared to background samples that are comparably affected by in-coming or out-going tides, such that turbidity levels at the background sites are indicative of what turbidity levels should be at the compliance sites in the absence of the project. Therefore sampling times and locations shall be established accordingly.

Location: **Background**: At mid-depth clearly outside the influence of any artificially generated turbidity plume. Samples shall be collected at least 150 meters upcurrent from the beach placement site and at least 150 meters away from any turbid plume associated with the project, at the same offshore distance as the corresponding compliance location, below.

Compliance: The samples shall be collected at mid-depth in the densest portion of any visible turbidity plume generated by this project. Samples shall be collected in the densest portion of the turbidity plume, 150 meters downcurrent from the point where fill material is currently being placed in the ocean. If there is no turbidity plume to follow, sample sites shall be determined according to the direction of the current.

The **compliance** locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the **compliance** sites that are greater than 29 NTUs above the corresponding background turbidity levels, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department's Bureau of Beaches and Coastal Systems (BBCS) in Tallahassee via email at JCPCompliance@dep.state.fl.us and include in the subject line, "TURBIDITY EXCEEDANCE", "Key Biscayne Beach Nourishment Project" and "Permit No. 0160846-001-JC".

Turbidity Reports. All turbidity monitoring data shall be submitted within one week of analysis, along with documents containing the following information:

a. time of day samples were taken;
b. dates of sampling and analysis;
c. depth of water body;
d. depth of each sample;
e. antecedent weather conditions, including wind direction and velocity;
f. tidal stage and direction of flow;
g. water temperature;
h. a map indicating the sampling locations, dredging and discharge locations, and direction of flow;
i. a statement describing the methods used in collection, handling, storage and analysis of the samples;
j. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter and accuracy of the data;
k. When samples cannot be collected, include an explanation in the report. If unable to collect samples due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.

Monitoring reports shall be submitted by email to the BBCS in Tallahassee (attn: JCP Compliance Officer) and to the Department's Southeast District office. In the subject line of the reports, include "Key Biscayne Beach Nourishment Project" and "Permit No. 0160846-001-JC" and the dates of the monitoring interval. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the Department, on the cover page to the submittal and at the top of each page, please state: "This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0160846-001-JC, for the Key Biscayne Beach Nourishment Project."

2. **Biological Monitoring**. The permittee shall ~~submit a biological report within 90 days of completion of the post-construction survey and each annual survey. The report shall summarize the results of the following biological surveys, aerial photography, and mitigation areas and identify any adverse impacts which would be attributable to the project. Each report shall compare the current conditions to a) the pre-construction beseline survey, b) the first post-construction survey, and c) any previous annual survey(s) (where applicable). Each report shall contain an analysis and discussion of the video documentation in regards to any burial, sedimentation, or trauma that has affected the seagrass, coral, sponges, or other related biological communities.~~comply with and implement the Biological Monitoring Plan attached to this modification. The Permittee shall delineate the

westernmost edge of seagrass limits and conduct qualitative assessments of the seagrass community to determine the extent of any unanticipated direct and indirect impacts from Project construction and equilibration. A pre-construction survey shall be conducted prior to the commencement of construction and post-construction surveys shall be conducted annually for three (3) years following completion of construction.

~~a. Pipeline corridor: Underwater seagrass surveys of the pipeline corridor with video documentation immediately prior to pipeline installation, immediately after pipeline placement, within 30 days after pipeline removal, one year after pipeline removal, and continue annually until the corridor has fully recovered. DGPS navigational coordinates of the dives shall be referenced on the video transects and overlaid on recent aerial photography.~~

~~b. Nourishment area - in situ scuba surveys. Measurements of the edge of the seagrass in relation to DEP reference monuments shall be taken at 250-ft. intervals between R-101 through R-109. The location of the edge of the seagrass beds shall be determined (with at least 1-ft. accuracy) prior to fill placement, within 30 days after construction, and at one-year post-construction.~~

~~c. Nourishment area - aerial photography. Flight-dated aerial photography shall be taken during the summer at one-year following placement of fill and submitted to the Department biannually (every other year) for the duration of the permit. The aerials must be color, vertical aerial photographs, controlled and rectified at a scale appropriate for post-production digitilization and a scale and clarity sufficient to delineate seagrass areas. The flight line shall include all of the beach fill, pipeline corridor, borrow areas, and mitigation areas. The permittee may use existing aerial photography being conducted by the permittee, County or State if it meets the criteria listed above.~~

~~**3. Hydrographic Monitoring.** A hydrographic monitoring program shall be conducted for a minimum of three (3) years following completion of construction. The permittee may incorporate the requirements of this monitoring plan into existing monitoring programs being conducted. The hydrographic monitoring program shall include the following:~~

~~a. Beach and offshore profile surveys shall be conducted immediately prior to sand placement, immediately following completion of the project, and annually thereafter. Profiles shall be surveyed at DEP reference monuments R-100 through R-113. The profile alignments shall be identical to the azimuths previously established for each monument. All beach profiles shall extend from the monument at least 1,500 feet seaward and out to the depth of closure if greater. Additional surveys may be required following a major storm as determined by the~~

~~Department.~~

~~b. The permittee shall submit an engineering report and the monitoring data to the Office of Beaches and Coastal Systems within 90 days of completion of the post-construction survey and each annual survey. The survey data should be submitted on floppy disk in an ASCII format stored according to the department's standards for file structure (contact the Office staff for additional information on specific requirements). The report should summarize the performance of the beach fill project, identify erosion and accretion patterns within the project limits and along the adjacent shorelines, verify the analyses that were conducted in the development of the design of the project, and identify any adverse impacts, which would be attributable to the project. Appendices should include plots of survey profiles and graphical presentations of volumetric and shoreline position changes for both the monitoring area and at each profile survey. Results should be analyzed for changes since the end of construction and between annual surveys.~~

~~Monitoring reports shall be submitted to the Office of Beaches and Coastal Systems in Tallahassee and the Department's Southeast District office in West Palm Beach. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, please clearly include, at the top of each page or as a cover page to the submittal: "This information being provided in partial fulfillment of the monitoring requirements in Permit No. 0160856-001-JC."~~

3. **Physical Monitoring:** Topographic and bathymetric profile surveys of the beach and offshore shall be conducted within 90 days prior to commencement of construction, and within 60 days following completion of construction of the project. Thereafter, monitoring surveys shall be conducted annually for a period of three (3) years. The monitoring surveys shall be conducted during a late spring or summer month and repeated as close as practicable during that same month of the year. If the time period between the immediate post-construction survey and the first annual monitoring survey is less than six months, then the Permittee may request a postponement of the first monitoring survey until the following spring/summer. The request should be submitted as part of the cover letter for the post-construction report. These project monitoring surveys should be conducted in conjunction with the annual countywide survey conducted by Miami-Dade County.

The monitoring area shall include profile surveys at each of the Department of Environmental Protection's DNR reference monuments from R-100 through R-113 of the beach fill area. For those project areas that contain erosion control structures, such as groins or breakwaters, additional profile lines shall be surveyed at a sufficient number of intermediate locations to accurately identify patterns of

erosion and accretion within this subarea. All work activities and deliverables shall be conducted in accordance with the latest update of the Bureau of Beaches and Coastal Systems (BBCS) *Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100.*

The Permittee shall submit an engineering report and the monitoring data to the BBCS within 90 days following completion of the post-construction survey and each annual monitoring survey.

a. The report shall summarize and discuss the data, the performance of the beach fill project, and identify erosion and accretion patterns within the monitored area. In addition, the report shall include a comparative review of project performance to performance expectations and identification of adverse impacts attributable to the project.

b. Appendices shall include plots of survey profiles and graphical representations of volumetric and shoreline position changes for the monitoring area. Results shall be analyzed for patterns, trends, or changes between annual surveys and cumulatively since project construction.

Two paper copies and one electronic copy of the monitoring report, and one electronic copy of the survey data shall be submitted to the Bureau of Beaches and Coastal Systems in Tallahassee. Failure to submit reports and data in a timely manner constitutes grounds for revocation of the permit. When submitting any monitoring information to the Bureau, please include a transmittal cover letter clearly labeled with the following at the top of each page: **"This monitoring information is submitted in accordance with Item No. [XX] of the approved Monitoring Plan for Permit No. 0160846-001-JC for the monitoring period [XX].**

The original set of approved permit drawings shall be replaced with Sheets 1 of 13 through 13 of 13, dated February 2, 2012.

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the **permit is hereby modified** as stated above. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modification.

In addition to previous proprietary authorization granted under this permit, the seagrass mitigation activity outside the Biscayne National Park also require a proprietary authorization, as the activity is located on sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees delegated the Department the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, F.S., Chapter 18-18, Chapter 18-21 and Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

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

This letter of approval does not alter the **June 2, 2020**, expiration date, other Specific or General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawings must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

NOTICE OF RIGHTS

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

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in further modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit modification automatically becomes only proposed agency action on the application

subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit modification until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time has expired.

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

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

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

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

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.
In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information:

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

address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

This permit modification constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

If you have any questions regarding this matter, please contact Lainie Edwards at the letterhead address (add Mail Station 300) or by telephone at (850) 414-7796.

Sincerely,

Martin K. Seeling
Environmental Administrator
Bureau of Beaches & Coastal Systems

MKS/le

Enclosures: Updated permit drawings (13)
Revised Biological Monitoring Plan (dated Jan 25, 2012)

cc: John C. Gilbert, Village of Key Biscayne
Daniel Moretz, CSI, Inc.
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FILING AND ACKNOWLEDGMENT

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

2/16/12

Deputy Clerk Date

Attachment F

PERA Project Report

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. 2010-CLI-PER-00088

Resolution Relating to an Application by the Village of Key Biscayne for a Class I Permit to Renourish Eroded Beachfront through the Placement of Sand for Multiple Renourishment Events in the Village of Key Biscayne, and to Authorize the Time of Completion of Work under the Subject Permit for a Period of Ten (10) Years

January 18, 2012

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 potential for any adverse environmental impacts is minimal. In order to prevent impacts, the project has been designed to provide a 25-foot setback from the landward limit of seagrasses and hard bottom communities. In addition, it is anticipated that short term turbidity impacts shall be negligible. Therefore; no direct or indirect impacts are anticipated.

   Additionally, the United States Fish and Wildlife Services' (USFWS) Biological Opinion Letter concluded that the proposed project is not likely to jeopardize the continued existence of the loggerhead (*Caretta caretta*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricate*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles. Furthermore, the proposed project areas are not located within areas designated as essential habitat for the West Indian Manatee (*Trichechus manatus*).

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 existing patterns or volumes of flow in the area.

4. **Water Quality** –The proposed project may temporarily affect surface water quality. Minor increases in turbidity above background levels may occur during placement of fill directly in the water; however, the sand is expected to have a low silt content (<1%); therefore, little or no turbidity is expected. The applicant will be required to install and monitor turbidity control devices and monitor water quality levels during construction operations.

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 and is designed to enhance an existing beach by restoring the eroded areas. However, during the construction process, there may be temporary aesthetic impacts related to the presence of machinery and equipment associated with placement of sand.

9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.

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. Although marine and wildlife habitats will be temporarily impacted from the placement of the sand, these impacts are temporary in nature and suitable habitat will be available upon completion of the project.

15. **Wetland Soils Suitable for Habitat** – There are no wetland soils suitable for habitat in the footprint of the proposed work.

16. **Floral Values** – The potential for any adverse environmental impacts is minimal. In order to prevent impacts, the project has been designed to provide a 25-foot setback from the landward limit of seagrasses and hard bottom communities. In addition, it is anticipated that short term turbidity impacts shall be negligible. Therefore; no direct or indirect impacts are anticipated.

17. **Fauna Values** – The proposed project may temporarily disturb marine fauna. Specifically, 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 sand. However, these impacts are temporary in nature and suitable marine habitat will be available for the re-establishment of marine fauna. This project has the potential to result in an increase in habitat suitable for nesting of sea turtles.

18. **Rare, Threatened and Endangered Species** – The project is not reasonably expected to adversely affect any rare, threatened or endangered species. The USFWS Biological Opinion Letter concluded that the proposed project is not likely to jeopardize the continued existence of the loggerhead, leatherback, green, hawksbill, and Kemp's ridley sea turtles. Ultimately, this project has the potential to result in an increase in habitat suitable for nesting of sea turtles. The Class I permit will require that all renourishment activities be coordinated with the Florida Fish and Wildlife Conservation Commission (FFWCC) and the Miami-Dade County Parks, Recreation, and Open Spaces Department's Sea Turtle Nesting and Relocation Program. In addition, the proposed project areas are not located within areas designated as essential habitat for the West Indian Manatee or critical habitat for Johnson's seagrass. No threatened or endangered species were documented during the biological assessment.

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 dredging or filling of wetlands.

21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County (Code), Florida, substantiating letters shall be submitted stating that the proposed project does not violate any zoning laws. The applicant has obtained letters from each of the local municipalities where work is proposed, indicating that the renourishment of the eroded beach segments is consistent with their comprehensive development master plans.

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 affect environmental values affecting the public interest. The proposed project has the potential to provide additional sea turtle nesting habitat. Furthermore, the proposed work shall take place on Sovereign Submerged Lands and privately owned lands. The applicant has obtained authorization from all property owners and the Florida Department of Environmental Protection for the use of the uplands and submerged lands.

24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
    a) Miami-Dade County Public Works Manual
    b) Chapter 33B of the Code of Miami-Dade County

25. **Comprehensive Environmental Impact Statement (CEIS)** – In the opinion of PERA, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by PERA to evaluate the project.

26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:
    - Federal Endangered Species Act (US Fish and Wildlife Service approval is required)
    - United States Clean Water Act (US Army Corps of Engineers permit is required)
    - Florida Department of Environmental Protection Regulations (Environmental Resources permit is required)
    - Chapter 24 of the Code of Miami-Dade County

27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of PERA, 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 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 project is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

TRANSPORTATION ELEMENT II

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

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

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 – Protection of habitat critical to Federal or State-designated threatened or endangered species – The project is not reasonably expected to adversely affect any rare, threatened or endangered species. Ultimately, this project has the potential to result in an increase in habitat suitable for nesting of sea turtles. The Class I permit will require that all renourishment activities be coordinated with the FFWCC and the Miami-Dade County Parks, Recreation, and Open Spaces Department's Sea Turtle Nesting and Relocation Program. In addition, the proposed project areas are not located within areas designated as essential habitat for the West Indian Manatee or critical habitat for Johnson's seagrass. No threatened or endangered species were documented during the biological assessment.

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 project has been designed to prevent impacts and is not reasonably expected to result in dredging or filling of grass/algal flats, hard bottom or other viable benthic communities. However, the proposed project is consistent with 2 of the dredge and fill criteria listed in Section 24-48.3(2) of the Code.

Objective 2/Policies 2A, 2B - Beach restoration and renourishment objectives. - The proposed beach renourishment project has been designed to prevent impacts to benthic resources.

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 endangered or threatened animal species. Ultimately, this project has the potential to result in an increase in habitat suitable for nesting of sea turtles. The Class I permit will require that all renourishment activities be coordinated with the FFWCC and the Miami-Dade County Parks, Recreation, and Open Spaces Department's Sea Turtle Nesting and Relocation Program. In addition, the proposed project areas are not located within areas designated as essential habitat for the West Indian Manatee or critical habitat for Johnson's seagrass. No threatened or endangered species were documented during the biological assessment.

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

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The proposed project site is not located within the review boundaries of the Shoreline Development Review Committee. Therefore, 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 not located within Biscayne Bay.

30. **Conformance with the Miami-Dade County Manatee Protection Plan (MDCMPP)** - The proposed project is not located within an area identified by the MDCMPP as essential habitat for the West Indian Manatee.

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

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

33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.

34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not expected to impact wetland hydrological and biological functions.

35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – PERA 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 PERA from adjoining riparian property owners** – Not applicable.
    iv. **Whether any letters of objection from adjoining riparian property owners were received by PERA** – 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. 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:

- An alteration of physical conditions as may be necessary to enhance the quality or utility of adjacent waters.
- A physical modification necessary to protect public or private property.

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

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

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

Lisa M. Spadafina, Manager
Coastal Resources Section

Nicole Fresard, Biologist II
Coastal Resources Section