

MEMORANDUM

Agenda Item No. 8(L)(2)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution authorizing conveyance, pursuant to section 125.38, Florida Statutes, of approximately 101,400 cubic yards of County-owned sand to be removed from the Haulover Park Inlet and Marina Flood Shoal, also known as the Haulover Sandbar, to the United States Army Corps of Engineers (Army Corps), at a price of \$1.00, for the purpose of placement for beach renourishment on state-owned beaches in Miami-Dade County, subject to the County obtaining approval from the National Park Service; authorizing the County Mayor to develop, negotiate, and execute documents and take all actions necessary to effectuate the conveyance and to develop, negotiate and execute certifications of lands, title certifications, and certain other related documents necessary to provide consent to the Army Corps for access, dredging of sand, and use, transport and placement of said sand for beach renourishment and, once executed, to exercise all provisions contained therein

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
Successor County Attorney

GBK/smm

Memorandum



Date: January 21, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Authorizing the Conveyance of County-Owned Sand to be Removed from the Haulover Flood Shoal to the United States Army Corps of Engineers for Placement on State-Owned Beaches, Subject to Approval from the National Park Service, and Authorizing Negotiation and Execution of Certain Documents Necessary for an Upcoming Beach Renourishment Project in Miami-Dade County

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the conveyance of approximately 101,400 cubic yards of County-owned sand to be removed from the Haulover Park Inlet and Marina Flood Shoal (Haulover Flood Shoal), also known as the Haulover Sandbar, to the United States Army Corps of Engineers (Army Corps) for placement on state-owned beaches, subject to approval from the National Park Service for the removal of said sand and use of the Haulover Flood Shoal, pursuant to the authority set forth in section 125.38, Florida Statutes. The attached resolution further authorizes the County Mayor or County Mayor’s designee to develop, negotiate, and execute certifications of lands, title certifications, and certain other related documents necessary to convey the sand to and provide consent to the Army Corps for access, removal of sand, and use, transport, and placement of the removed sand from the submerged land encompassing Haulover Flood Shoal, including the sand deposited thereon, for purposes of an upcoming beach renourishment project in Miami-Dade County.

Scope

The Haulover Flood Shoal is located just west of the Baker’s Haulover Inlet in Commission District 4, represented by Commissioner Sally A. Heyman.

Fiscal Impact/Funding Source

Under the Federal Bipartisan Budget Act of 2018, the Army Corps is currently implementing up to \$158,300,000 in beach renourishment projects in Miami-Dade County at 100 percent Federal cost share. Allowing the Army Corps to remove sand from the Haulover Flood Shoal will provide the Army Corps a competitive beach-compatible sand source for the upcoming Bal Harbour Beach Renourishment Project.

The fiscal impact is receipt by the County of a nominal sum of \$1.00 for the conveyance of the sand. There is no cost to the County for conveyance of the County-owned sand from the Haulover Flood Shoal to the Army Corps because the bay bottom is not used by the County for revenue purposes, and the Army Corps is responsible for the full cost of removal of said sand for use in the Bal Harbour Beach Renourishment Project.

Track Record/Monitor

The Assistant Director for the Department of Regulatory and Economic Resources Division of Environmental Resources Management (RER-DERM), Lee Hefty, will monitor the beach renourishment projects.

Background

Maintaining the County’s beaches is critical to protecting our residents and infrastructure from the impacts of storm surge, and our world-renowned beaches play an important role in supporting our tourism industry. Through two long-term agreements with the Army Corps, Miami-Dade County serves as the Local Sponsor for the Federal Miami-Dade Beach Erosion Control and Hurricane Protection Project, administered by the Army Corps to conduct beach renourishment activities along 13 miles of coastal beaches from Government Cut north through Sunny Isles Beach. Funding is generally cost shared among the Federal (Army Corps) and non-Federal (County and State) partners.

This Resolution, however, relates to a separate Project Partnership Agreement, executed in 2019 between the Army Corps and Miami-Dade County and approved by this Board in Resolution No. R-9-19, which provides for 100 percent federal funding of certain beach renourishment projects. That Agreement was in response to the Bipartisan Budget Act of 2018, Public Law 115-123, which authorized up to \$158,300,000 for beach renourishment in Miami-Dade. Under this Agreement the Army Corps has completed renourishment projects by placing sand in Surfside, at erosional hot spots in Miami Beach, and is currently in the bidding and award stage for placing sand in the upcoming renourishment of Sunny Isles Beach.

The Army Corps is now working on preparing for the Bal Harbour Beach Renourishment Project. As part of this process, surveys were conducted to calculate both the sand deficit on Bal Harbour Beach and the sand available from nearby sources, including the County-owned Haulover Flood Shoal, also known as the Haulover Sandbar, which is part of Haulover Park. The surveys show that 210,000 cubic yards of sand are needed to replenish the Bal Harbour Beach and approximately 101,400 cubic yards of sand may be available from dredging the Haulover Flood Shoal. The remaining sand to be placed on the beach for the Bal Harbour Beach Renourishment Project, beyond the use of the dredged sand, will be hauled by truck from approved upland sand mines.

The submerged land described as the Haulover Flood Shoal is the property of Miami-Dade County, and the Army Corps has requested that the County allow the Army Corps to remove the sand and place it on state-owned beaches for beach renourishment and provide certain certifications of lands that allow the Army Corps and their contractors to perform work on the Haulover Flood Shoal. Such work would include access and staging of equipment, the removal of the sand by dredging or other means, transporting the removed sand, and placement as part of the upcoming Bal Harbour Beach Renourishment Project, which is anticipated to begin in June 2021. The approximate volume of 101,400 cubic yards of sand to be conveyed to the Army Corps, based on surveys of the Haulover Flood Shoal, has an estimated raw material value of \$2.79 million based on the latest bids received by the County for other local beach renourishment projects. Although the County is not obligated to convey this sand to the Army Corps, it is worth noting that if the Army Corps beach renourishment projects currently being funded by the Federal Bipartisan

Budget Act of 2018 were instead being implemented using the typical cost share agreement between the Army Corps and the County as Local Sponsor, the implementation of a total of \$158 million in beach renourishment projects would have cost the County approximately \$32 million (approximately 20 percent cost share).

Prior to the excavation of the Baker’s Haulover Inlet in 1925, sand carried along the beach by southerly currents naturally replenished beaches to the south, including Bal Harbour. Some of that sand is now swept into the inlet during incoming tides and accumulates to form the Haulover Flood Shoal. The accumulated sand in the Haulover Flood Shoal is swept further west into the Federal Intracoastal Waterway, creating a narrower channel that can pose hazards to navigation, and requiring the Army Corps to periodically relocate channel markers and perform expensive channel dredging. The proposed dredging of the Haulover Flood Shoal serves multiple purposes of providing a competitive and compatible sand source for beach renourishment, reducing the frequency of channel dredging and maintenance, and lessening the occurrence of hazardous channel narrowing.

It should be noted that as a result of the accumulation of sand in this area, the Haulover Flood Shoal has become a popular destination among recreational boaters known locally as the Haulover Sandbar. On November 20, 2019, the Army Corps held a public meeting at the Northeast Dade-Aventura Public Library to explain the plan for renourishing Bal Harbour Beach, including dredging the Haulover Flood Shoal. The Army Corps requested public comment addressing the plan and received comments in opposition to the plan for dredging the Haulover Flood Shoal. While the proposed dredging will initially deepen the entire Haulover Sandbar by approximately 3 to 6 feet, coastal beach sand will continue to wash in from the Inlet and accumulate on the Haulover Flood Shoal. Based upon the most recent Inlet Feasibility Study conducted by the County, it is estimated that the volume of sand removed during this project would reaccumulate in approximately five years.

The Florida Department of Environmental Protection has reviewed the potential environmental impacts of dredging the Flood Shoal and issued Permit No. 0307741-005-JM on December 8, 2020, approving the dredging and the use of this sand source, and authorizing the placement of the dredged sand on state-owned beaches in Bal Harbour.

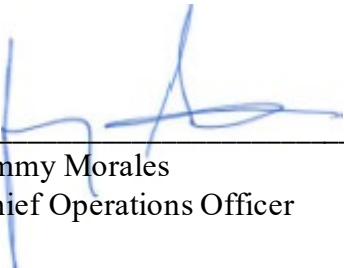
The Haulover Flood Shoal (Haulover Sandbar) is part of Haulover Park. Because federal funding has been used at Haulover Park in the past, certain land restrictions apply to the park in accordance with the Federal Land and Water Conservation Fund Program as managed by the National Park Service through the Florida Department of Environmental Protection. The removal of the sand from the Haulover Flood Shoal is a non-recreational use of Haulover Park and any non-recreational use requires review and approval from the National Park Service for compliance with the requirements set forth in the Land and Water Conservation Fund Manual. The County is presently seeking such approval from the National Park Service. The conveyance of sand from the Haulover Flood Shoal is contingent upon the National Park Service’s approval. In addition, approval from the National Park Service must be obtained prior to the County’s execution of certifications of lands, title certifications, and other related documents related to the Haulover Flood Shoal, in connection with the upcoming beach renourishment project at Bal Harbour Beach.

If the National Park Service does not provide the required approval, the authority granted in this resolution would expire 24 months after the effective date of this resolution.

The Army Corps has advised the County that if use of sand from the Haulover Flood Shoal is not authorized, the Army Corps may not have adequate time to restructure its construction contract, to which the County is not a party, and therefore may not be able to award the Bal Harbour Beach Renourishment Project in time to meet their July 2021 deadline. The Army Corps further advises that this could result in an estimated \$20 to \$30 million in funding for this project being assigned to other projects.

Delegation of Authority

The proposed resolution authorizes the County Mayor or County Mayor’s designee to develop, negotiate, and execute certifications of lands, title certifications, and certain other related documents necessary to convey the sand to the Army Corps and to provide consent to the Army Corps for access, removal of sand, and use, transport and placement of the removed sand from the submerged land encompassing the Haulover Flood Shoal, including the sand deposited thereon, for purposes of the upcoming Bal Harbour Beach Renourishment Project in Miami-Dade County. All such documents will be reviewed by the County Attorney’s Office prior to execution.



Jimmy Morales
Chief Operations Officer




MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 8(L)(2)

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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 8(L)(2)
1-20-21

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, OF APPROXIMATELY 101,400 CUBIC YARDS OF COUNTY-OWNED SAND TO BE REMOVED FROM THE HAULOVER PARK INLET AND MARINA FLOOD SHOAL, ALSO KNOWN AS THE HAULOVER SANDBAR, TO THE UNITED STATES ARMY CORPS OF ENGINEERS (ARMY CORPS), AT A PRICE OF \$1.00, FOR THE PURPOSE OF PLACEMENT FOR BEACH RENOURISHMENT ON STATE-OWNED BEACHES IN MIAMI-DADE COUNTY, SUBJECT TO THE COUNTY OBTAINING APPROVAL FROM THE NATIONAL PARK SERVICE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP, NEGOTIATE, AND EXECUTE DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE CONVEYANCE AND TO DEVELOP, NEGOTIATE AND EXECUTE CERTIFICATIONS OF LANDS, TITLE CERTIFICATIONS, AND CERTAIN OTHER RELATED DOCUMENTS NECESSARY TO PROVIDE CONSENT TO THE ARMY CORPS FOR ACCESS, DREDGING OF SAND, AND USE, TRANSPORT AND PLACEMENT OF SAID SAND FOR BEACH RENOURISHMENT AND, ONCE EXECUTED, TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the United States Army Corps of Engineers ("Army Corps") is preparing to undertake the Bal Harbour Beach renourishment project to place approximately 210,000 cubic yards of sand at Bal Harbour Beach; and

WHEREAS, the Army Corps desires to dredge sand from the Haulover Park Inlet and Marina Flood Shoal ("Haulover Flood Shoal"), commonly known as the Haulover Sandbar, and has requested that the County allow it to dredge approximately 101,400 cubic yards of sand from the Haulover Flood Shoal and convey the sand to the Army Corps for placement onto the state-owned Bal Harbour Beach; and

WHEREAS, this Board is satisfied that such sand is not needed for a County purpose and that it is needed for beach renourishment at Bal Harbour Beach, and desires to convey same to the Army Corps for the nominal sum of \$1.00; and

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:

Section 1. This Board adopts the foregoing recitals as if fully set forth herein.

Section 2. Pursuant to section 125.38, Florida Statutes, this Board hereby approves the conveyance of approximately 101,400 cubic yards of County-owned sand, to be removed from the Haulover Flood Shoal, also known as the Haulover Sandbar, to the United States Army Corps of Engineers (Army Corps) for a price of \$1.00 for the purpose of placement for beach renourishment on state-owned beaches in Miami-Dade County.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to develop, negotiate, and execute documents and take all actions necessary to effectuate the conveyance and to develop, negotiate and execute the certifications of lands, title certifications, and certain other related documents necessary to provide consent to the Army Corps for access, removal of sand, and use, transport and placement of said sand from the Haulover Flood Shoal, including the sand deposited thereon, for the upcoming Bal Harbour Beach Renourishment Project anticipated to begin in June 2021. Once executed, this Board authorizes the County Mayor or County Mayor's designee to enforce all provisions contained in the conveyance documents, certification of lands, title certifications and all other related documents.

Section 4. The approval and authority from this Board in sections 2 and 3 of this Resolution are contingent upon the County first obtaining approval from the National Park Service under the Federal Land and Water Conservation Fund Program for the use of the Haulover Flood Shoal and the removal of said sand from the Haulover Flood Shoal. If the required approval from the National Park Service is not obtained within 24 months of the effective date of this Resolution, then the approval and authority in sections 2 and 3 shall expire. For recordkeeping purposes, the County Mayor or County Mayor's designee shall file a notice with the Clerk of the Board once the required approval from the National Park Service has been obtained.

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:

| | |
|---------------------------------------|------------------------|
| Jose "Pepe" Diaz, Chairman | |
| Oliver G. Gilbert, III, Vice-Chairman | |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Joe A. Martinez |
| Kionne L. McGhee | Jean Monestime |
| Raquel A. Regalado | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of January, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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