Memorandum

MIAM	DADE
COUNTY	

Date:	February 21, 2023	
To:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	Agenda Item No. 5(C)
From:	Lourdes M. Gomez, Director Justice Department of Regulatory and Economic Resources	
Subject:	Class I Permit Application by Florida Power and Light	Company

Recommendation

I have reviewed the attached application for a Class I permit by Florida Power and Light Company and based upon the applicable evaluation factors set forth in Section 24-48.3 and Section 24-48.25 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board's meeting agenda by the Director of the Department of Regulatory and Economic Resources.

Scope

The project site is located in Biscayne Bay north of the MacArthur Causeway, Miami Beach, Miami-Dade County, Florida, in Commission District 5, which is represented by Commissioner Eileen Higgins.

Delegation of Authority

This item has no delegation of authority. Upon approval of this item, Section 24-48.2(C)(2) of the Code authorizes the Department to issue the permit, provided that other Code requirements are satisfied, such as submittal of final plans and bonds, and to require additional conditions, limitations, and restrictions if consistent with this Board's approval.

Fiscal Impact/Funding Source

This resolution is a regulatory approval and does not have a fiscal impact.

Track Record/Monitor

The Coastal Resources Section Manager, McKee Gray, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), will be responsible for monitoring the proposed permit.

Background

The subject Class I permit application requests authorization for the temporary staging of transmission lines in tidal waters in association with the horizontal directional drilling of a Florida Power and Light Company (FPL) underground transmission line between the Miami Beach substation on Terminal Island and the Alton Road substation in Miami Beach. The proposed staging of the transmission lines in tidal waters is considered a non-water dependent floating structure and the installation of non-water dependent floating structures are prohibited pursuant to Section 24-48.23 of the Code. However, Section 24-48.25 of the Code provides for an applicant to request a variance from the Code to be reviewed and decided by the Board after a public hearing. Therefore, the Applicant is requesting a variance from the prohibition in Section 24-48.23 of the Code.

Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners

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The Applicant is proposing to install new transmission lines from the Miami Beach substation to the Alton Road substation via horizontal direction drilling beneath the substrate of Biscayne Bay. Although the installation of upland transmission lines via horizontal direction drilling would not typically require Class I authorization, due to limited space between the edge of pavement and the predominately riprap shoreline, the conduits cannot be assembled and staged on the uplands without adverse impacts to traffic along the MacArthur Causeway. Therefore, in order to assemble the conduits prior to the upland directional drilling, the Applicant is requesting authorization to temporarily stage the transmission lines in tidal waters along the north side of the MacArthur Causeway. Once assembled, the conduits would extend approximately 3,300 feet along the uplands. The conduits would remain in tidal waters for approximately two to three months. Note that the temporary in-water staging work is not proposed within or adjacent to navigational channels and each tether location would have a marine light attached that would be illuminated at night to alert vessels to the presence of the structures.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized and mitigation is required for permittable projects that otherwise result in adverse environmental impacts. In order to avoid impacts to existing benthic resources, including seagrasses, the floating conduits would be tethered to anchors located on the uplands and no structures other than the floating conduits are proposed to be installed within tidal waters. Furthermore, the project has been designed to maintain sufficient clearance between the floating conduits and any existing benthic resources. Additionally, the tethers and conduits would be inspected on a daily basis to ensure that no marine organisms or debris have become entangled in the lines. Due to the temporary nature of the project, long-term shading impacts to seagrasses are not reasonably anticipated, and pre- and post-event benthic surveys would be conducted to verify whether any unanticipated impacts occur. Therefore, mitigation would not be required for the subject application.

The proposed work is not reasonably expected to result in cumulative environmental impacts to water quality; however, the construction phase of the proposed project may result in temporary water quality impacts. In order to minimize the temporary impacts to water quality as a result of the construction activities associated with the proposed work, the Class I permit would require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards.

Although non-water dependent floating structures are prohibited pursuant to Section 24-48.23 of the Code, Section 24-48.25 of the Code provides for the applicant to request a variance from the Code to be ruled upon by the Board. Section 24-48.25 lists consideration factors for such variance requests, including but not limited to: visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters, historical significance, and environmental impact. As discussed above, due to the limited duration of the work and the measures taken to reduce potential environmental impacts, including changes to the design to reduce the potential of marine life entanglement, the variance for the use of non-water dependent floating structures is recommended for approval.

The 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

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provisions. Please find attached a DERM Project Report which also sets forth the reasons the proposed project is recommended for approval by DERM pursuant to the applicable evaluation factors and criteria as set forth in Section 24-48.3 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

- Attachment A: Class I Permit Application
- Attachment B: Owner/Agent Letter, Engineer Letter and Project Sketches
- Attachment C: Zoning Memorandum
- Attachment D: DERM Project Report
- Attachment E: Florida Department of Environmental Protection (FDEP) Permit

Attachment A Class I Permit Application



Class I Permit Application

	FOR DEPARTM	ENTAL USE ONLY		
Date Received:		Application Number:		
	(Updated 09/09)	Application Fee:		
Application must be filled out in its enti	rety. Please indicate N/A	for non-applicable fields.		
1. Applicant Information: Name: Florida Power & Light Company Address: 15430 Endeavor Dr. (DO1/JW Jupiter, FL Zip Phone #: 561-904-3415 Fax#: Email: Franck.L.Leblanc@fpl.com * This should be the applicant's information for contact pure) Code: <u>33478</u>	 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: <u>Michael Harrington, Golder Associates Inc.</u> Address: <u>9428 Baymeadows Rd., Suite 400</u> Jacksonville, FL Zip Code: <u>32256</u> Phone #: <u>352-278-6116</u> Fax #: Email: <u>mharrington@golder.com</u> 		
3. Location where proposed activity exis	ts or will occur (latitude a	and longitude are only necessary for properties without address or folio #):		
Folio #(s): Street Address:MacArthur Causeway In City or Town:Miami Beach	Folio #(s):Latitude:25° 46' 25.33"Longitude:80° 08' 44.26"Street Address:MacArthur CausewaySection:15Township:54SRange:42E			
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 Filling King Piles Riprap				
☑ Other:Installation of a new undergro	und transmission line using	g HDD.		
Estimated project cost = \$12,500				
Are you seeking an after-the-fact approval	(ATF)? □Yes ⊠No	If "Yes", describe the ATF work:		
 5. Proposed Use (check all that apply): Single Family Multi-Family Private Public Commercial Industrial Utility 	information (please also Proposed Vessel Type (s Vessel Make/Model (If h	x relates to the mooring of vessels provide the following o indicate if the applicant does not have a vessel): s): known): Length (s)(range in feet.):		
7. List all permits or certifications that	have been applied for or	obtained for the above referenced work:		
Issuing Agency Type of Appr FDEP ERP		on Number Application Date Approval Date		
		00005		

		·····
8. Contractor Information (If known):		
Name: Larry Hereford, Laney Directional Dri	lling License # ((County/State):
Address: 1100 Alegacy Place, Waller, TX		Zip Code:77484
Phone #: 713-816-8017 Fax #:	E-mail: lhereford@lane	ygroupinc.com
 9. IMPORTANT NOTICE TO APPLIC be considered complete. Your application the application is completed below. You in this application. Application is hereby made for a Miami-Dade of following: I possess the authority to authorize the I am familiar with the information, dat To the best of my knowledge and belie I will provide any additional informatic comply with the applicable State and C I am authorizing the permit agent lister relating to this application and bind the 	CANTS : The written consent of the prop WILL NOT BE PROCESSED unless the have the obligation to apprise the Departu- County Class I permit to authorize the activities proposed activities at the subject property, and a and plans contained in this application, and ef, the information, data and plans submitted a ion, evidence or data necessary to provide re County water quality standards both during co ed in Section 2 of this application to process e applicant to all requirements of this application try to the project site to inspectors and auth analyses of the site and to monitor permitted	erty owner is required for all applications to the Applicant and Owner Consent portion of ment of any changes to information provided es described herein. I agree to or affirm the ad the true, complete and accurate, and easonable assurance that the proposed project will instruction and after the project is completed, and the application, furnish supplemental information
Signature of Applicant	Print Applicant's Name	Date
B. <u>IF APPLICANT IS OTHER THAN</u> (Examples: Corporation, Partnership,	AN INDIVIDUAL OR NATURAL PE Trust, LLC, LLP, etc.)	RSON
Florida Power & Light Company	Company	Florida
Print Name of Applicant (Enter the complete name	as registered) Type (Corp, LLC,	LLP, etc.) State of Registration/Incorporation
authority to the Department). ***Please No operating agreements, or other applicable ag Franck Leblanc Department for the content of	e issuance of a bond on behalf of the Applic ote: If additional signatures are required, presented of the addition recements or laws, you must attach addition Franck Leblanc Print Authorized Representative's Name	cant. (If asked, you must provide proof of such pursuant to your governing documents,
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 Applicant, and if so required to authorize th authority to the Department). <u>***Please No operating agreements, or other applicable ag</u> Signature of Authorized Representative Signature of Authorized Representative	e issuance of a bond on behalf of the Applic ote: If additional signatures are required,	cant. (If asked, you must provide proof of such pursuant to your governing documents,
	· · ·	

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	Miami-Dade
County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No.	<u> </u>
I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work of	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 property	osed work (if
applicable) and hereby consent to the work identified in this Class I Permit application. (See Attachment E: FDOT Permit)

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 TH (Examples: Corporation, Partnership, J	HAN AN INDIVIDUAL OR NA Joint Venture, Trust, LLC, LLP, etc.			
Florida Power & Light Company		Company	Florida	
Print Name of Owner (Enter the complete name	e as registered) Type	e (Corp, LLC, LLP, etc.)	State of Regist	ration/Incorporation
15430 Endeavor Dr. (DO1/JW), Jupiter, FL	33478			
Address of Owner			1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	na ana amin'ny fanisa dia mandritra dia mandritra dia mandritra dia mandritra dia mandritra dia mandritra dia m
Under the penalty of perjury, I certify the Owner, and if so required to authorize the authority to the Department). <u>***Please</u>	e issuance of a bond on behalf of t Note: If additional signatures an	he Owner. (If asked, you re required, pursuant to	u must provide <u>vour governing</u>	proof of such
operating agreements, or other applicabl	<u>e agreements or laws, you must at</u>	tach additional signatur	e pages. ***	
Franck Leblanc	Franck Leblanc	Director, Environment	al Services	10/14/2020
Signature of Authorized Representative	Print Authorized Representative's Name	Title		Date
Signature of Authorized Representative	Print Authorized Representative's Name	Title		Date

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Please Review Above	
Appropriate signature(s) must be included in:	
Box 9: either A, B or C	
AND	

Box 10: either A or B

2019-H-691-00348

lizabeth Jett

PERMIT NO: 2019-H-691-00348

STATE ROAD INFORMATION

County:	Section:	State Road No:	Beginning Mile Post:	Ending Mile Post:
Miami-Dade	87060000	SR A1A	3.027	3.027

APPLICANT INFORMATION

The Utility Agency Owner (UAO) shall be identified in this Applicant Information Box. When the UAO is a City or County and desires to have the Utility Builder make a joint permit applicant, as prescribed in Section 2.1(4) of the 2017 Utility Accommodation Manual (UAM), the Utility Builder shall also be identified in this Applicant Information Box. A Utility Builder alone cannot apply for a utility permit without the City or County adding them as a joint applicant.

	<u>Utility Agency/Owner (UAO)</u>
Name:	FLORIDA POWER & LIGHT-JUNO
Contact Person:	FLORIDA POWER & LIGHT-JUNO
Address:	700 UNIVERSE BOULEVARD (TS4/JW)
City:	JUNO BEACH
State:	Florida
Zip:	33408
Telephone:	5619043692
Email:	rafael.e.vides@fpl.com

Utility Builder (only	applicable when the UAO is a City or County)
Name:	
Contact Person:	
Address:	
City:	
State:	
Zip:	
Telephone:	
Email:	

WORK DESCRIPTION

The Applicant(s) requests permission from the Florida Department of Transportation (FDOT) to construct, operate, and maintain the utilities as described below and as depicted in the incorporated documentation. Install new 69kV underground transmission line between Miami Beach Substation and Alton Substation located along MacArthur Causeway (SR-A1A) west of Alton Road in Miami-Dade County, Florida. Miami Beach-Alton 69kV Underground Transmission Line. FPL IO# T00000017065. Utility Work No: Additional sheets are attached and are incorporated into this permit Yes 🖌 No 🗌 For FDEP certification, the FDOT agency report is attached in accordance with UAM Section 2.4.1 (13) Yes 🗌 No 🖌

TRAFFIC CONTROL (TCP)

 ✓ The TCP will comply with the following 600 series index(es) △ A TCP has been attached and incorporated into this permit application in compliance with UAM Section 2.4.2. 				
MOT Technician's contact information (may be so	upplied at the two	0 (2) business day notification to Fl	DOT):	Seyed.Hajassadollah@fpl.com
Name: Seyed Hajassadollah	Telephone	(305) 495-8601 ext	Email:	

COMMENCEMENT OF WORK

The UAO and/or Utility Builder shall commence actual construction in good faith within sixty (60) calendar days after approval of the permit application. If the beginning date is more than sixty (60) calendar days from the date of approval, the UAO and/or Utility Builder must review the permit with the FDOT Approving Engineer listed to make sure no changes have occurred to the transportation facility that would affect the permit's continued approval. The UAO and/or Utility Builder shall make good faith efforts to expedite the work and complete the work within the calendar days indicated.

Anticipated Start Date: 5/1/2020

Calendar days needed to completed: 365

MDC008

Florida Department of Transportation UTILITY PERMIT

PERMIT NO: 2019-H-691-00348

APPLICANT SIGNATURE

shown in plans and incorporat instructions incorporated into aerial and underground, are ac declares that a letter of notific	the documents, in compliance with the UAM, in this permit. The UAO and/or Utility Builder decurately shown on the plans of the work areas	all instructions noted in eclares, the location of . In accordance with U ilities within the work a	in the work as noted in the above Work Description, the FDOT Special Instructions Box, and special all existing utilities that it owns or has an interest in, both AM Section 2.8, the UAO and/or Utility Builder further reas and that those listed below are the only facility
Date Notified:	Name of other facility owners (attach additio	onal sheets if necessary)).
2/13/2020	AT&T		
2/13/2020	Atlantic Broadband		
2/13/2020	Comcast Cable		
2/13/2020	Crown Castle		
2/13/2020	Hotwire		
Uti	lity Agency/Owner		Utility Builder (when applicable)
Signature: RAFAEL VIDES (digital signature) Date: 8/16/2019 Signature: Date: Date:			
Name (printed): RAFAEL VIDES Name (printed):			
Title: Title:			

FDOT PROJECT INFORMATION

Pursuant to UAM Section 2.1(10), the utility work is within FDOT projects listed below and must have a Utility Work Schedule for each project approved prior to commencement of work within the FDOT project limits: FDOT construction is proposed or underway. Refer to Financial Project Id: 443432-1 This work is NOT related to an approved Utility Work Schedule.

FDOT SPECIAL INSTRUCTIONS

In accordance with UAM Section 2.7, FDOT incorporates the below and attached special instructions into this permit. SEE SPECIAL INSTRUCTIONS ATTACHED

Additional FDOT Special Instructions are attached and incorporated into this permit. Yes 📈 No 🗌

2019-H-691-00348 Elizabeth Jett 9/28/2022

PERMIT APPROVAL

By signature below, FDOT gives permission to the UAO and /or Utility Builder to construct, operate, and maintain the utilities indicated in this Utility Permit in compliance with the UAM, all incorporated documents, and special instructions. Any changes to the approved work must be approved by the FDOT's Approving Engineer and attached and incorporated into this permit in accordance with UAM Section 2.11.

	_{gineer:} Elizabeth Jett (digita _{Name:} Elizabeth Jett					
	Title: DISTRICT PERMIT	ENGINEER				
Notification o	f Utility Work to be provided to:	Telephone	(305) 640-7133 ext.	or	Email:	Ricardo.Hernandez@dot.state.fl.us
	An FDOT R	epresentative is re	equired to be present on the wor	rksite	prior to co	ommencement of work. Yes 🖌 No 🗌
Rep. Name:	Albert Estevez	Telephone	9546998873		Email:	albert.estevez@dot.state.fl.us

Rule 14-46.001 F.A.C. Page 3 of 3

Florida Department of Transportation UTILITY PERMIT

PERMIT NO: 2019-H-691-00348

CERTIFICATION

2			onstructed and inspected in compliance with the UAM all incorporated
documents, and special instructions	Pursuant to UAM Section 2.11, all	changes have	been approved by the FDOT's Approving Engineer and incorporated
into this permit along with all other	naterial certifications, test results, b	ore logs, approv	ved plans changes, as-built plans or other required documentation.
I also CERTIFY that work began or	9/25/2020 and was comp	leted on	and that the area was left in as good or better condition
than when the work began.			
Utility A	Agency/Owner		Utility Builder (when applicable)
Signature:	Date	Sign	Date
Name (printed):		Name	e (printed):
Title:		_ Title	×

FINAL INSPECTION OF WORK

	The work was inspected and found to be in non-compliance as no	ted below:
		compliance and/or FDOT has no outstanding issues that need to be addressed by the ot release the UAO and/or Utility Builder of their continuing responsibilities pursuant ecial instructions.
FDO	T Inspector:	_ Date:
	Name:	_
	Title:	

Approved 2019-H-691-00348 Elizabeth Jett 9/28/2022 STATE ROAD INFORMATION: Miami-Dade SR A1A, Section: 87060000, Begin MP: 3.027, End MP: 3.027, Miami-Dade SR A1A, Section: 87060000, Begin MP: 2.547, End MP: 2.547

NAME OF OTHER FACILITY OWNERS / DATE NOTIFIED:

Facility Name: Miami Beach Public Works, Date Notified: 2/13/2020, Facility Name: Miami Dade County Public Works, Date Notified: 2/13/2020, Facility Name: TECO Peoples Gas, Date Notified: 2/13/2020, Facility Name: Verizon Enterprise Solutions, Date Notified: 2/13/2020

FDOT PROJECT INFORMATION: FDOT construction is proposed or underway. Refer to Financial Project Id: 443432-1 This work is NOT related to an approved Utility Work Schedule.

THE WORK WAS INSPECTED AND FOUND TO BE IN NON-COMPLIANCE AS NOTED BELOW:

Approved 2019-H-691-0034

Elizabeth Je

9/28/2022

PERMIT NO.: 2019-H-691-00348 Special Instructions (continued)

The complete special instructions could not fit in the space allotted on Page 2 of the Utility Permit so they are displayed below.

Sheeting and shoring will be left in place after work is completed as it will be used for the proposed work under permit 2021-H-691-00233 (City of Miami Beach / 10-inch DIP force main). Coordination with the city will be required after the permit work is completed to ensure no conflicts or issues occur between FPL's permit work and the City of Miami Beach's permit work. Inspectors Juan Velasquez and Albert Estevez must be involved in this coordination.

- ***** Permit APPROVAL IN NO WAY CONSTITUTES THAT THE PERMITTED HAS AN APPROVED LANE CLOSURE. Please coordinate a pre-commencement meeting with (MR. ALBERT ESTEVEZ at 305-496-9422 / (954) 699-8873, Email: <u>Albert.Estevez@dot.state.fl.us</u> & MR. Juan Velasquez at (305) 640-7279 / 786 229-6109, Email: Juan.Velasquez@dot.state.fl.us) a minimum of two (2) days prior to beginning of work within the F.D.O.T. Right-of-Way
- 2. <u>****</u> Submit a detailed lane closure form, noting work and time phases thru the Lane Closure Information System (LCIS) at https://LCISv2.com. The lane closure request shall be approved by the Department after pre-commencement meeting has been held and lane closure impact has been discussed. There shall be no lane closures from Thanksgiving Day to New Year's Day, due to Moratorium. Unless otherwise approved.
- 3. Final Inspection of Work: Close-out documentation submittal is required to the Department Representative or uploaded in One Stop Permitting website prior to scheduling Final Inspection. Provide FDOT all material certifications, test results, bore logs, As-Builts for any approved field changes, or other documentation required. 2017 UAM 2.11.
- 4. Materials testing required for restoration work must be performed by an FDOT pre-qualified laboratory and FDOT Qualified Technicians. The Qualified Laboratories list is available to the public from the Materials Acceptance and Certification (MAC) webpage at the FDOT Materials Office website. https://www.fdot.gov/materials/quality/programs/laboratoryqualification/index.shtm
- 5. QC Company/Lab information is to be provided to the Department at the Pre-Commencement meeting.
- 6. The contractor is required to maintain the Clear Zone free of hazards, such as drop-offs and above ground hazards. Heavy equipment and materials cannot be stored within the clear zone
- 7. Dewatering activities for the proposed work will require a state dewatering permit from the South FloridaWater Management District and a local Class V Dewatering Permit from Miami-Dade County. Please provide the FDOT a copy of the issued state and local dewatering permits prior to beginning construction.
- 8. Coordinate with the City of Miami Beach for the sidewalk and C&G requirements such as the color of the concrete and paver details. (Otniel Rodriguez ; OtnielRodriguez@miamibeachfl.gov ; 305-673-7080)
- 9. Permittee shall notify the City of Miami Beach Public Works Department prior to beginning construction: Mr. Otniel Rodriguez, at 305-673-7080, email: RightOfWay@miamibeachfl.gov. Permittee's contractor may be required to adjust working hours and/or schedule due to Special Events, and/or due to local municipality Noise Ordinance.
- 10. Coordinate with Miami-Dade Transit the potential need to relocate bus stop due to conflict with proposed work. Permittee shall coordinate proposed work with the Miami-Dade Transit Authority (Ms. Carol A. Wilson, PLS / 701 NW 1st Court, 15th Floor, Miami/ Phone: 786-469-5278/or Mr. Eric J. Muntan 305 375 4240 / EJM@Miamidade.gov or Mr. Lee Vega 305 375 4240 / LVEGA@Miamidade.gov.)
- 11. Contact Miami-Dade County Traffic for coordination of traffic signal timing during construction. Please contact Mr. Joaquin Rabassa Jr. / Cell. Phone No.: 305-588-7570 / Office No.: 305- 679-0041).
- 12. Work must be coordinated with Beach PD&E Contact (Odalys.Delgado@parsons.com) & Beach P3 Contact (Ryan.Fisher@miamidade.gov)
- 13. Steel plates: If steel plates are to be used instead of temporary backfill, then construction details or shop drawings are

Page 1 of 3

PERMIT NO.: 2019-H-691-00348 Special Instructions (continued)

The complete special instructions could not fit in the space allotted on Page 2 of the Utility Permit so they are displayed below.

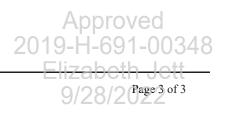
to be submitted to the Department for review and approval prior to use.

- 14. The contractor is responsible for providing any necessary temporary shoring to minimize damage to the adjacent pavement and to protect public safety.
- 15. Trench restoration shall be in accordance with FDOT Standard Plans Index 125-001. The maximum length for the use of flowable fill shall be fifty (50) feet and a maximum depth of six (6) feet unless supported by an engineering document prepared by a registered professional engineer that specializes in soils engineering.
- 16. Damaged pavement shall be restored to match or exceed existent conditions and in accordance with the Department's design standards and specifications. Pavement restoration scope and method will be as directed in the permit plans or as directed by Department Representative. Damaged pavement will be restored at the expense of the Permittee.
- 17. Working hours within the F.D.O.T. right of way must be limited to Sunday through Thursday at night unless otherwise approved by FDOT.
- 18. Where pedestrian facilities are detoured, blocked, or closed during the work, please ensure to provide safe alternate accessible routes through or around the work zone that meets the requirements of the ADA Standards.
- 19. Any sidewalk disturbed will be replaced by section within 72 hours to FDOT specification
- 20. Prior to removal of existing curb or driveway, the edge of travel shall be sawcut to avoid damaging the existing roadway asphalt. All concrete to be removed in FDOT right-of-way shall be sawcut and removed from the nearest joint.
- 21. <u>Permittee shall assure that any actions carried out are in accordance with all environmental regulatory requirements.</u> When the Permittee's operations encounter or expose any abnormal condition which may indicate the presence of a hazardous waste, toxic waste, or contaminants, such operations shall cease immediately in the vicinity of the abnormal condition and Permittee shall notify the Department's inspector and Mr. Mauricio Gomez of the District VI Environmental Management Office at 1000 N.W. 111 Ave., Miami, Florida 33172 (telephone number 305-470-5228).
- 22. The project corridor is within the consultation area for the Florida bonneted bat which is listed as an endangered species. Trees along the project corridor have been identified as potential habitat for the bat.
- 23. Do not stage construction or perform surface operations within the drip line if existing canopy trees or palms. For any surface work within the drip line of existing trees, provide protection during construction per FDOT Standard Plans Index 110-100 and FDOT Specification 110.
- 24. All driveway accesses along to the proposed work must continue open throughout regular business schedule.
- 25. The Contractor shall have an authorized person available at/or near the work site on a 24-hour basis, 7 days a week in order to address emergency issues associated with the project.
- 26. If the proposed utility cannot be installed per the approved permitted plan and by FDOT specifications, a revised plan must be provided to the Department for review and approval prior to the installation of products or materials at the given locations where conflicts occur.
- 27. A copy of this permit and plans will be on the job site at all times during the construction of this facility.
- 28. Permittee is responsible for obtaining necessary permits from all other agencies involved.
- 29. Direct discharge to the Biscayne Bay, an outstanding Florida Water is prohibited. The FDOT drainage system outfalls to the intercostal waterway, therefore the Permittee cannot use the FDOT drainage system to discharge dewatering effluent. The overflow effluent, if any, needs to be controlled on-site and can NOT be discharged to an FDOT drainage system.

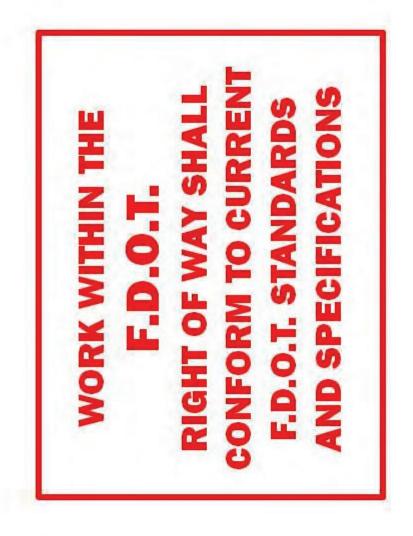
PERMIT NO.: 2019-H-691-00348 Special Instructions (continued)

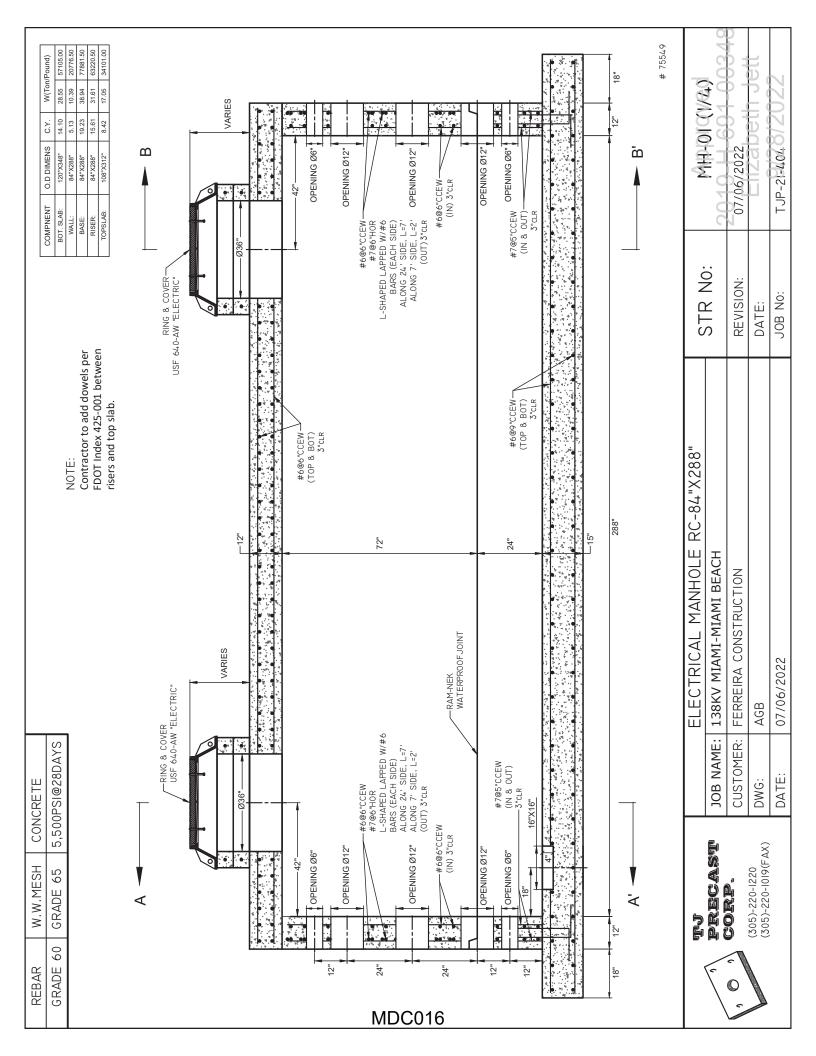
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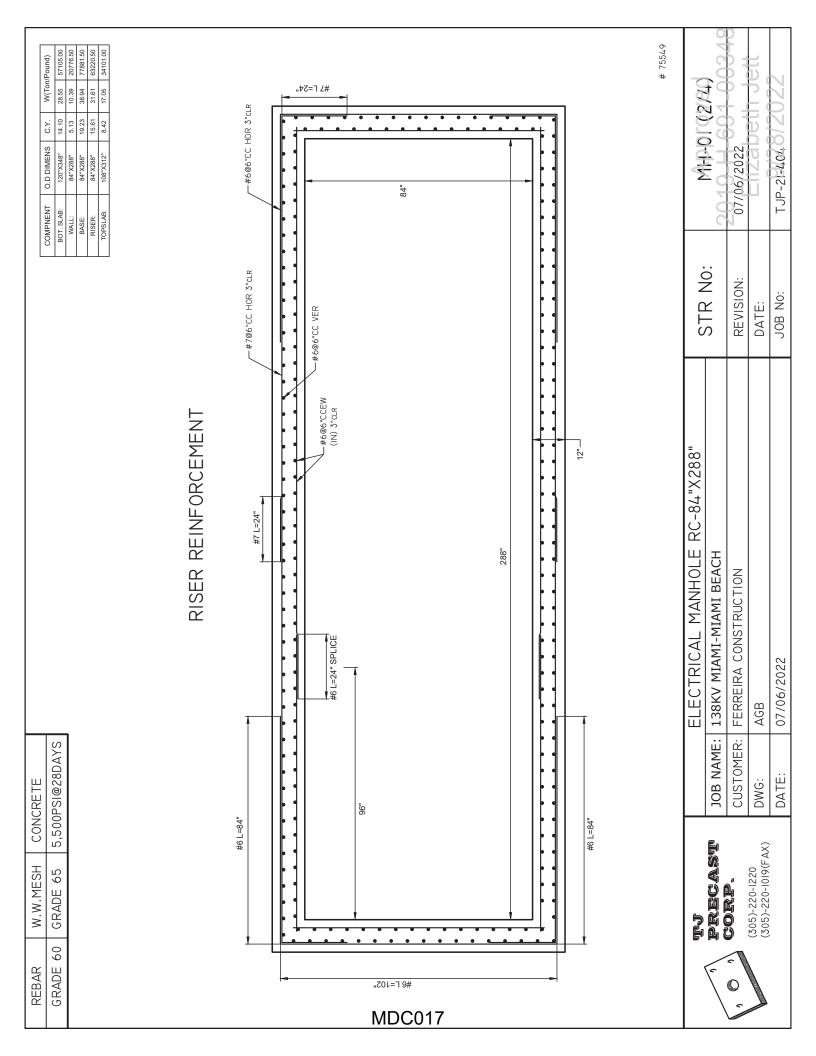
- **30.** The proposed project area is adjacent to the Biscayne Bay Aquatic Preserves, which is designated Outstanding Florida Waters. No degradation of water quality, increased turbidity of the water, and/or the discharge of any foreign material into the water shall be permitted.
- 31. Beginning any work within the F.D.O.T. Right-of-Way associated with this permit constitutes acceptance of these conditions.

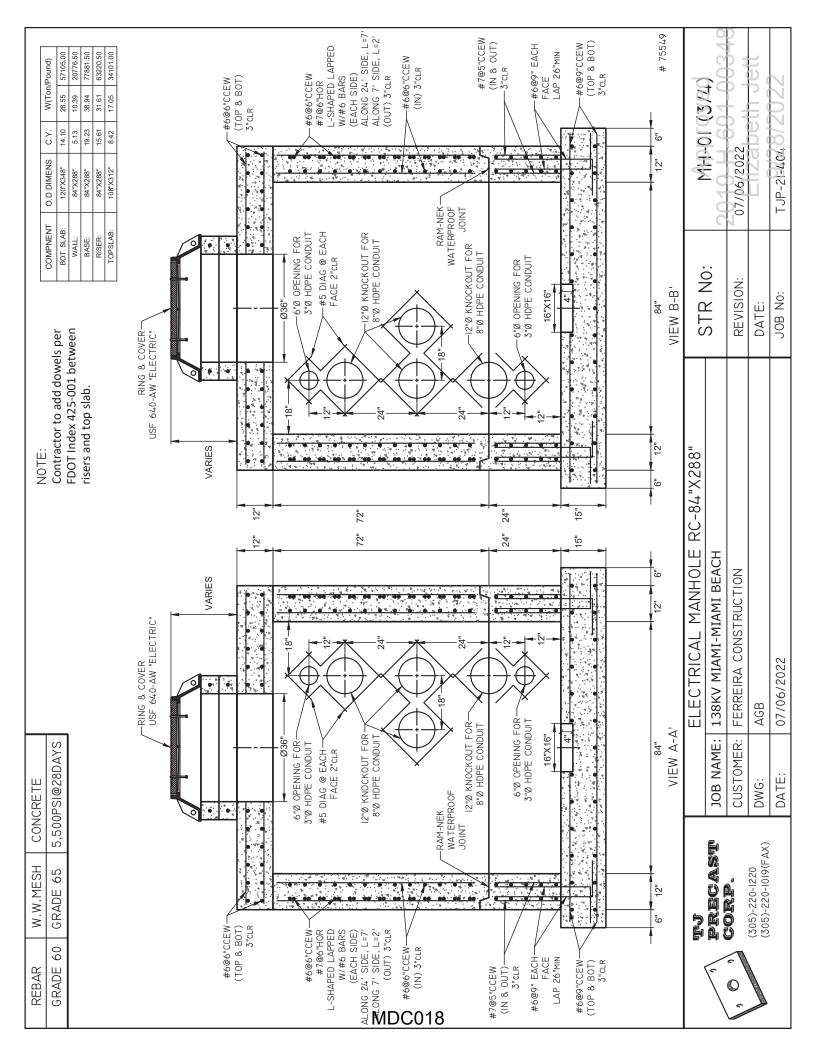


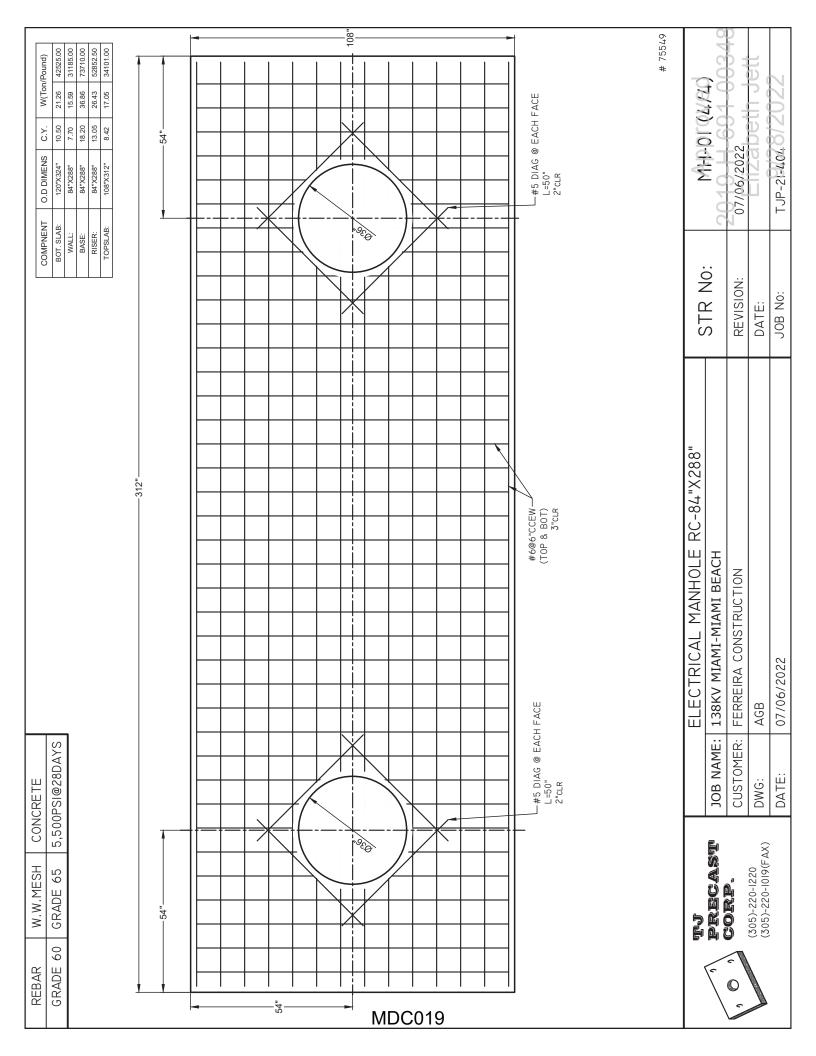
Approved 2019-H-691-00348 Elizabeth Jett 9/28/2022

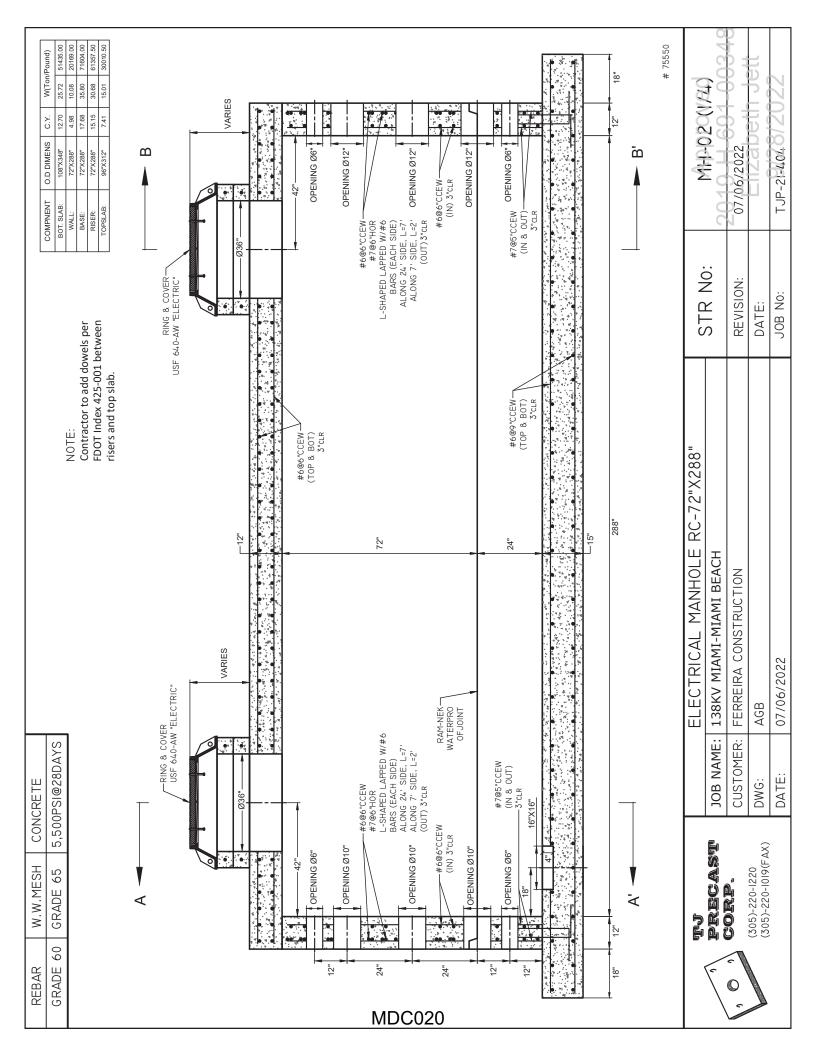


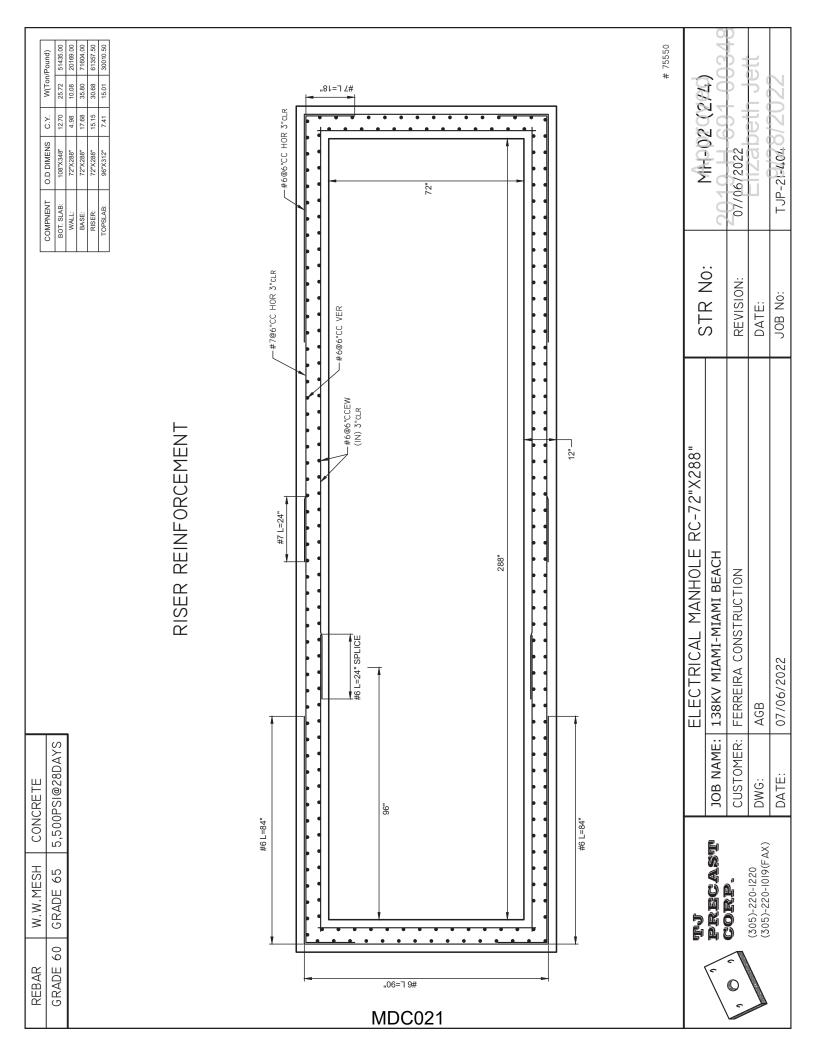


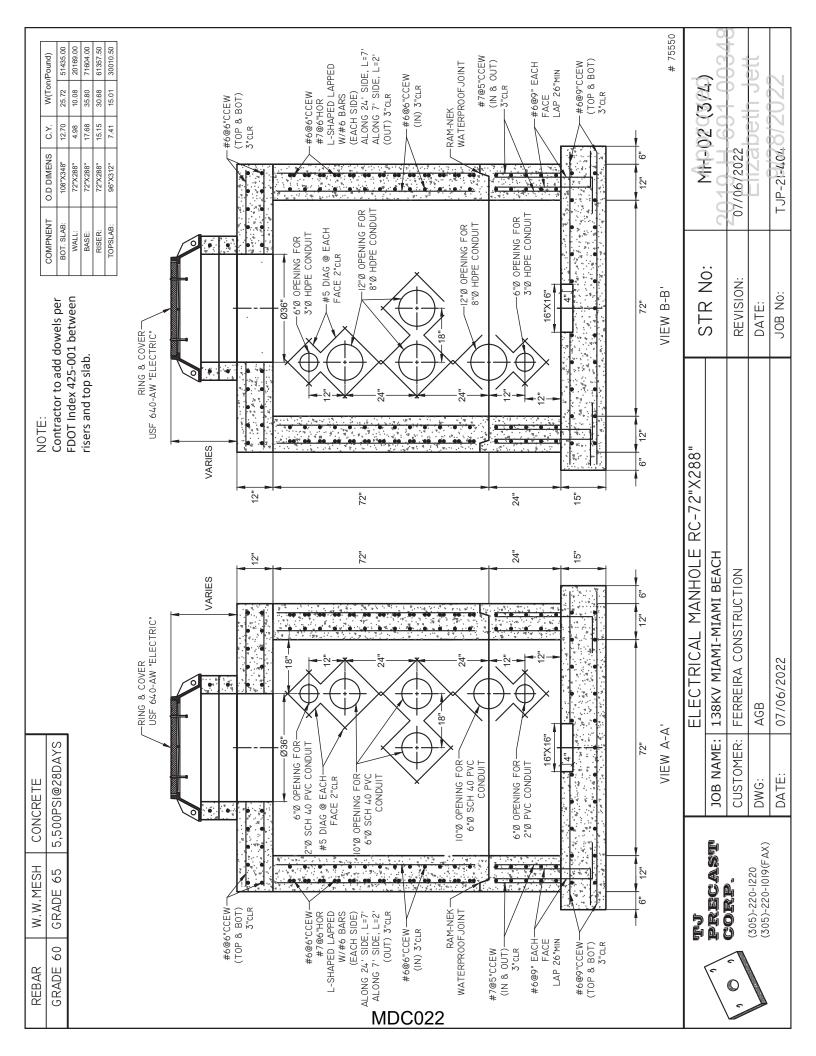


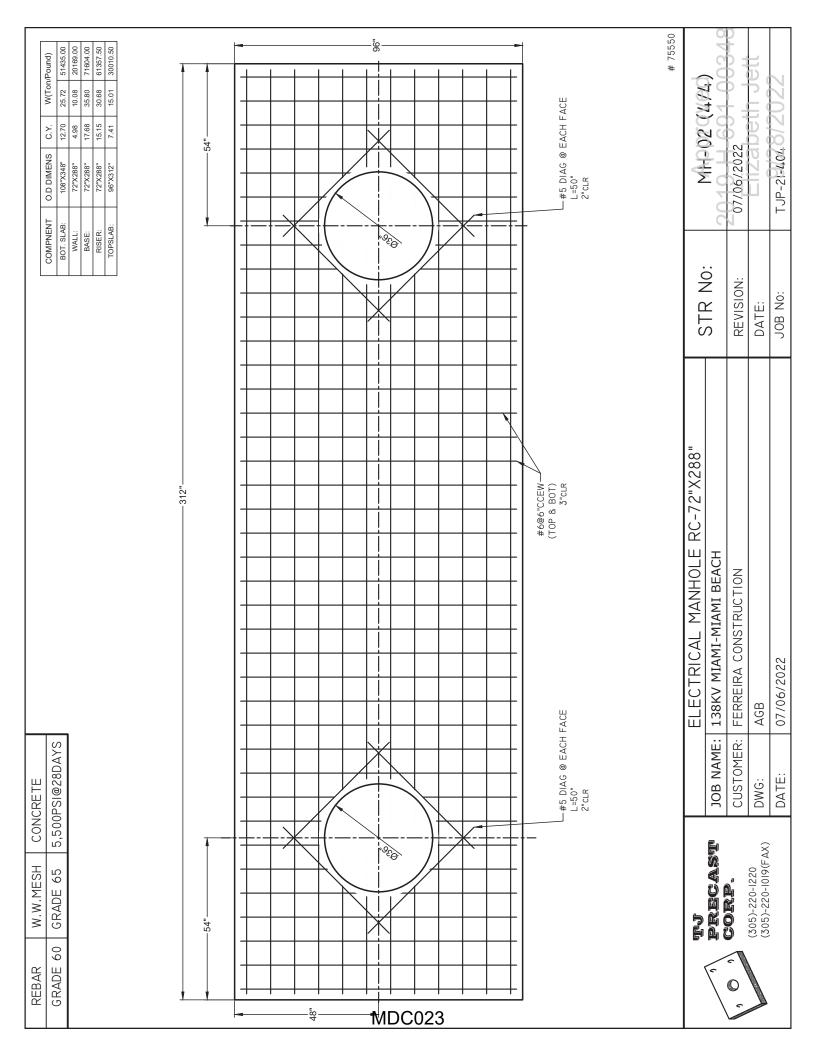


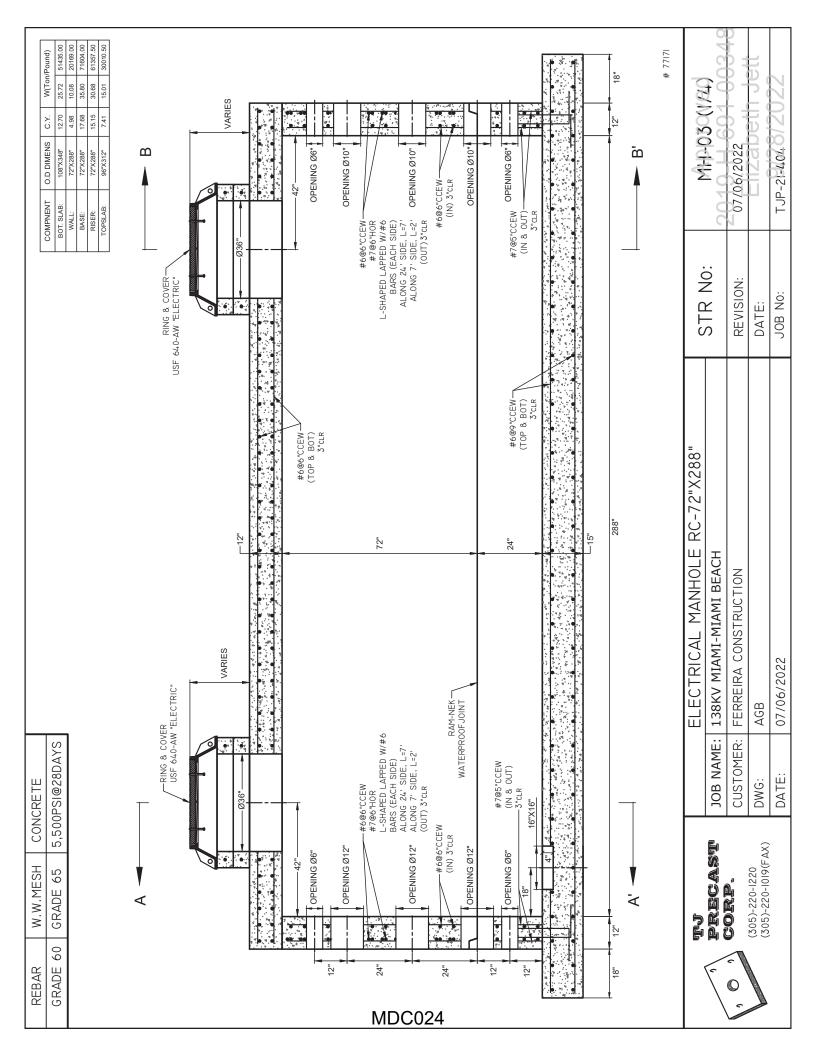


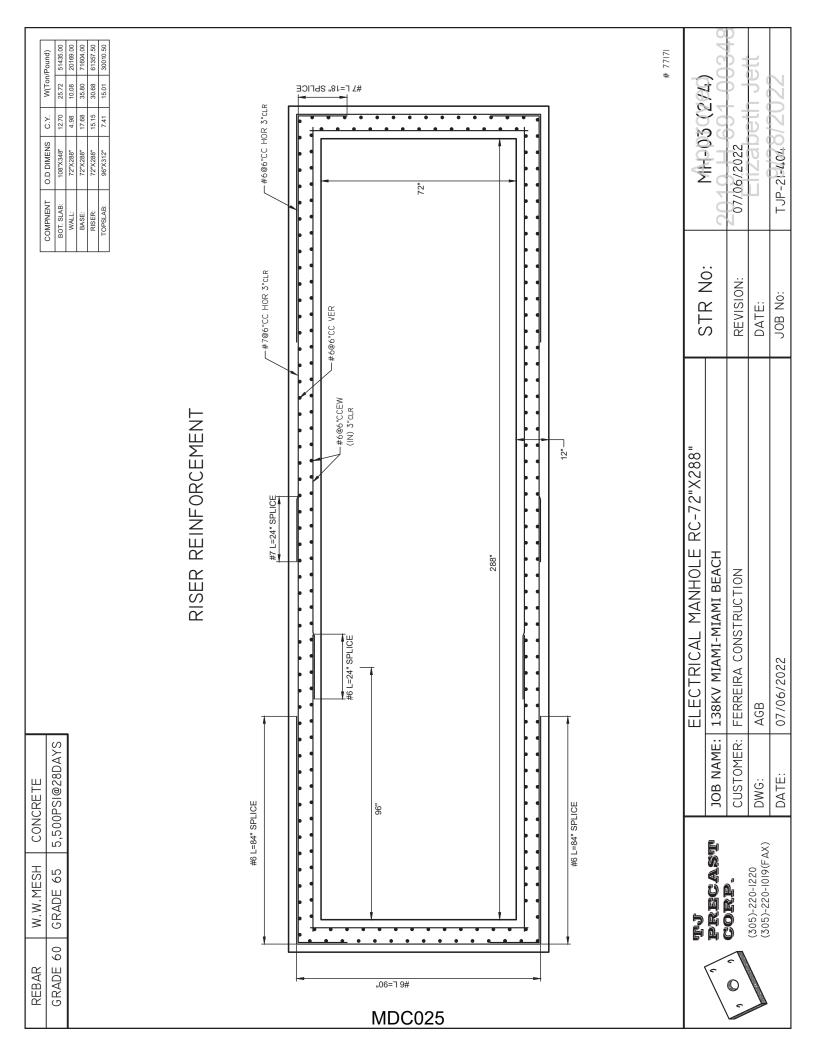


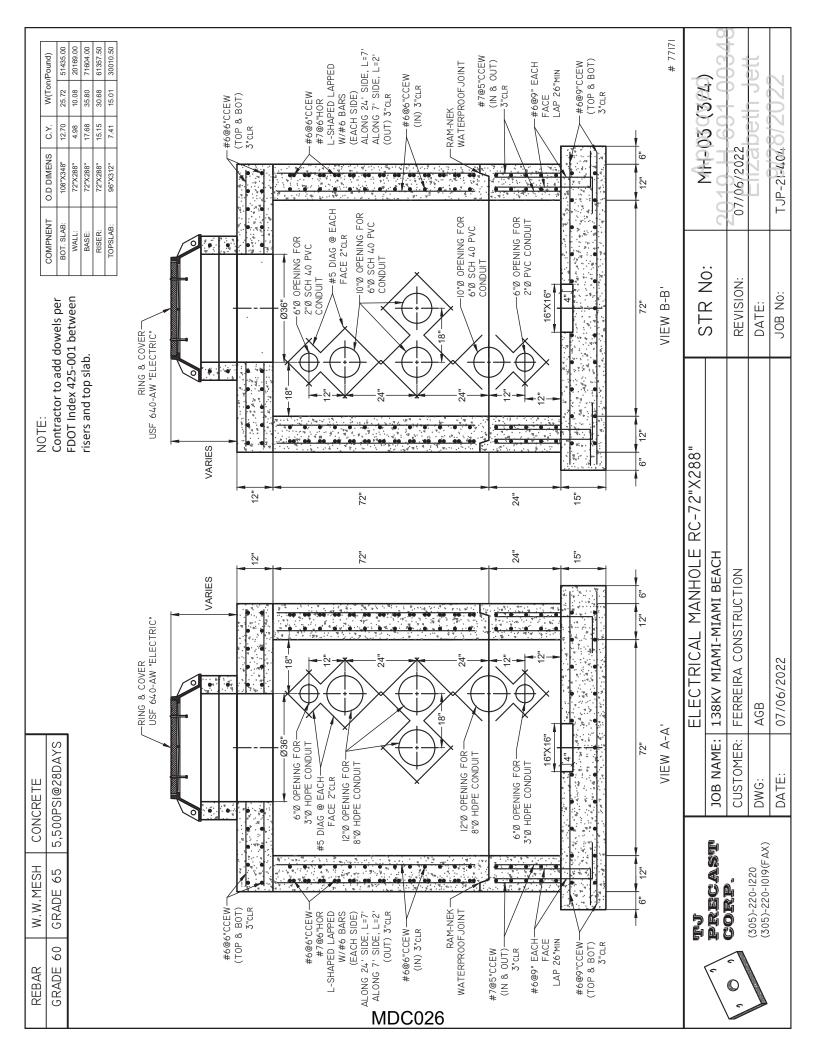


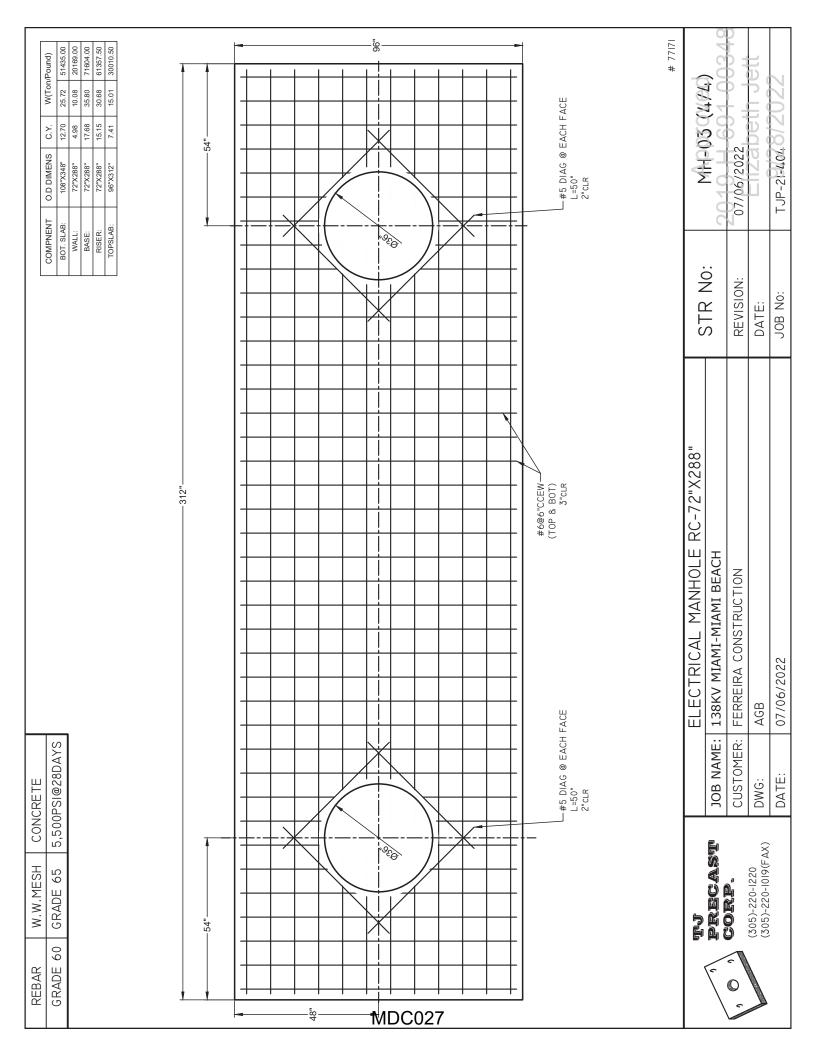


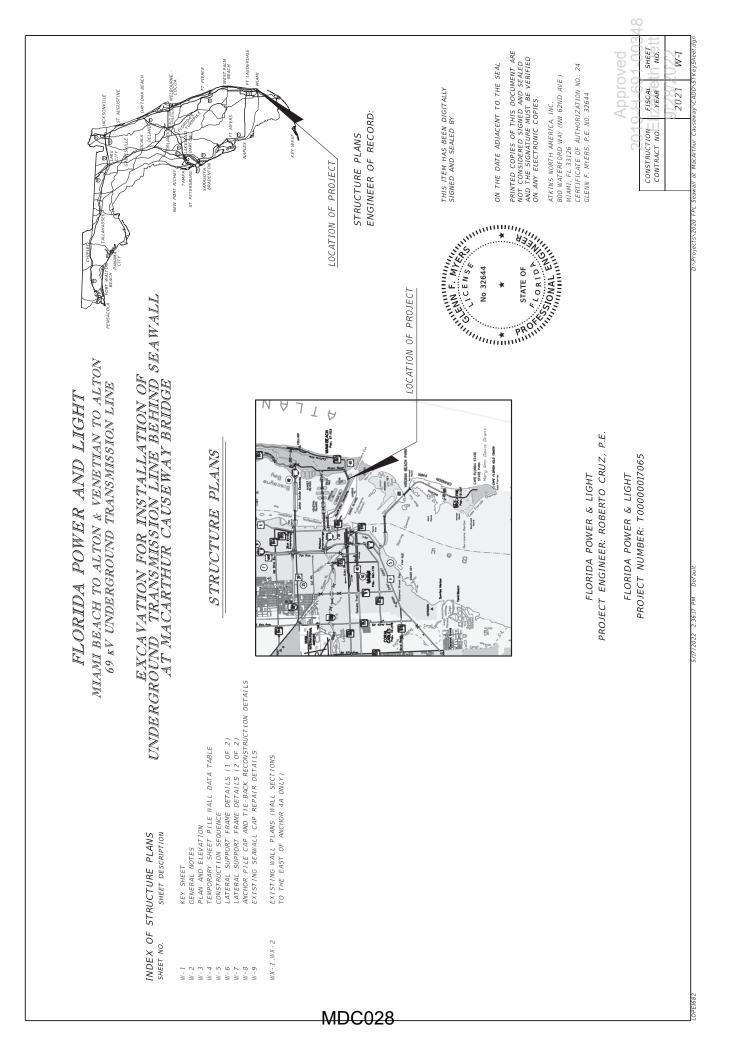




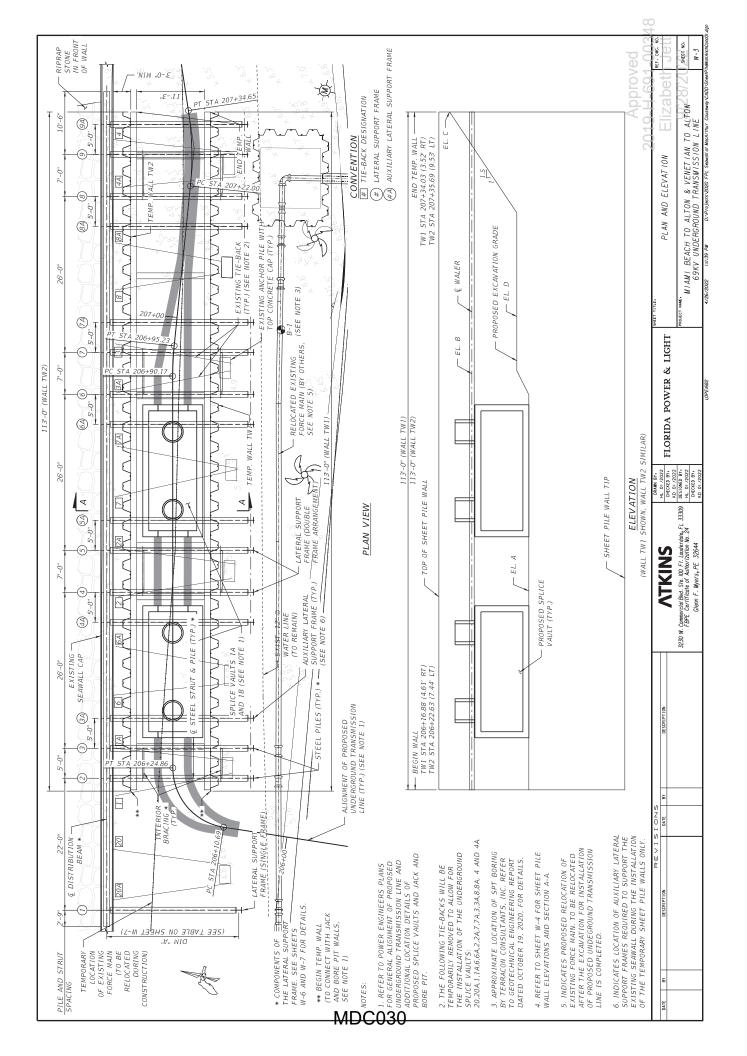


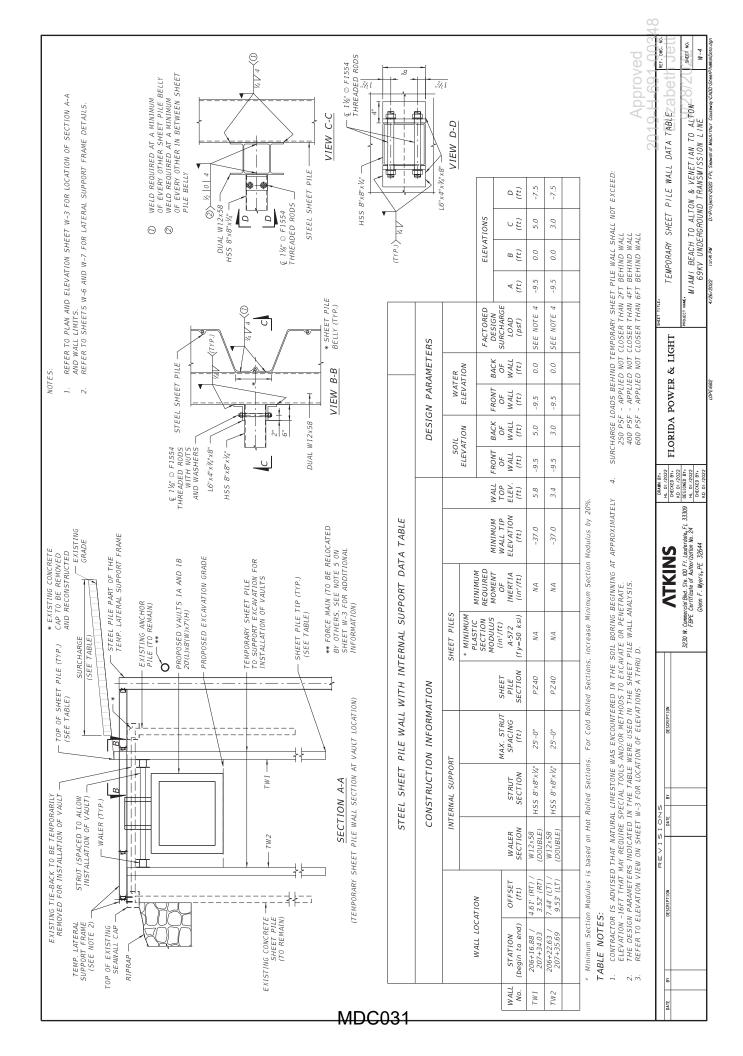


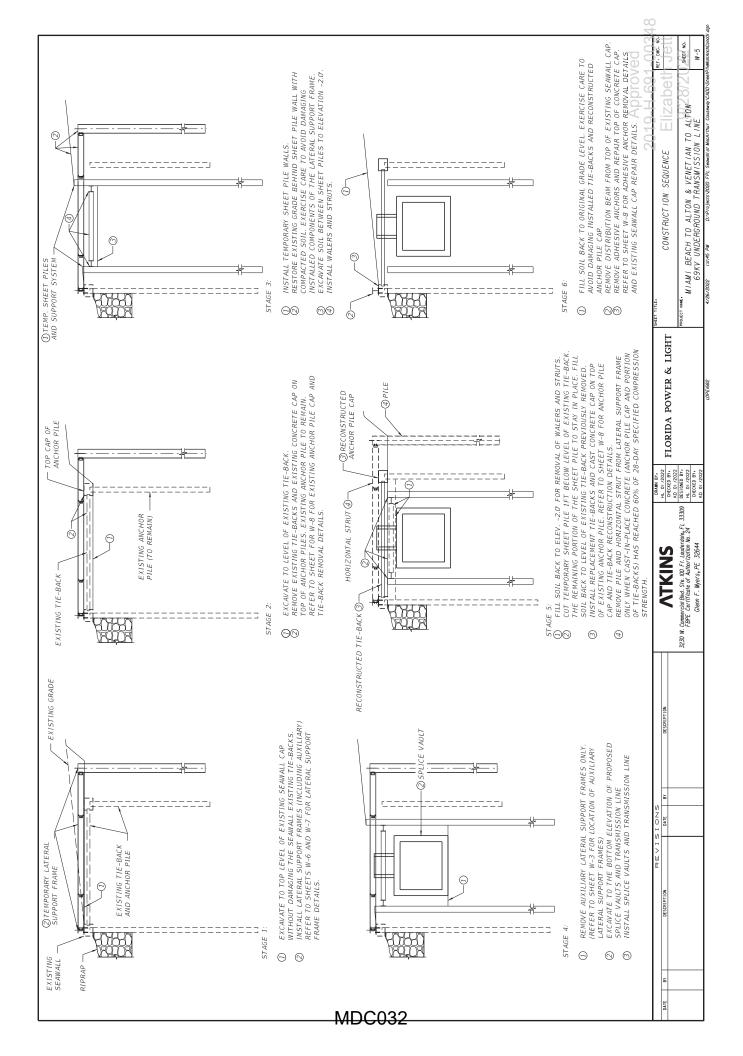


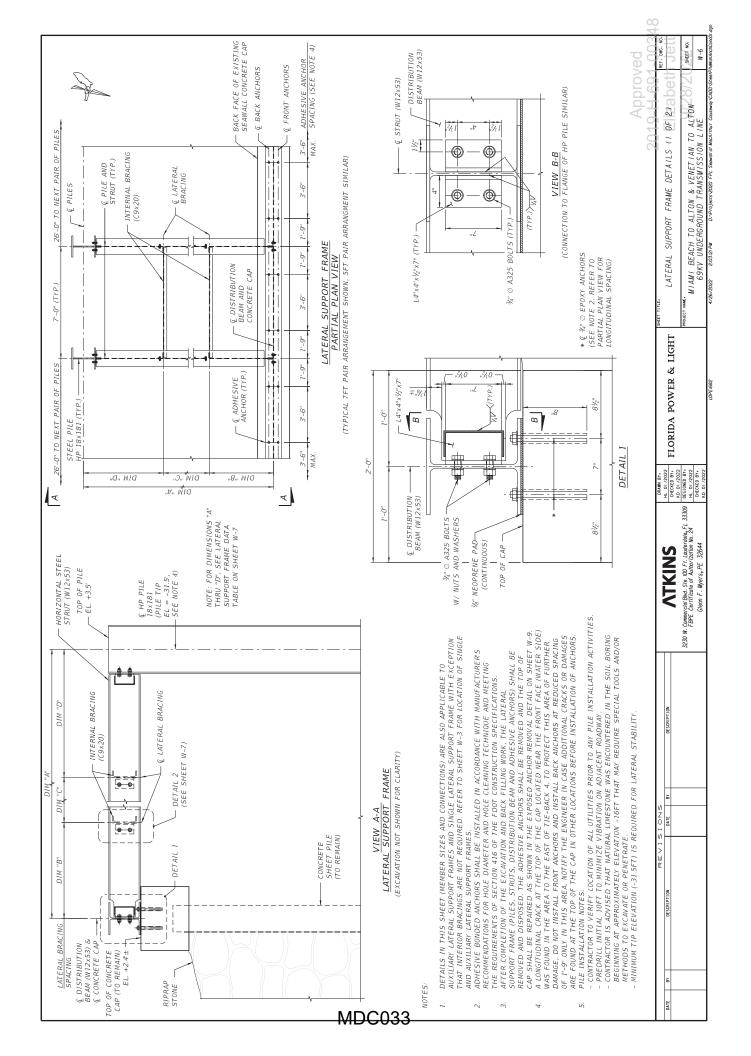


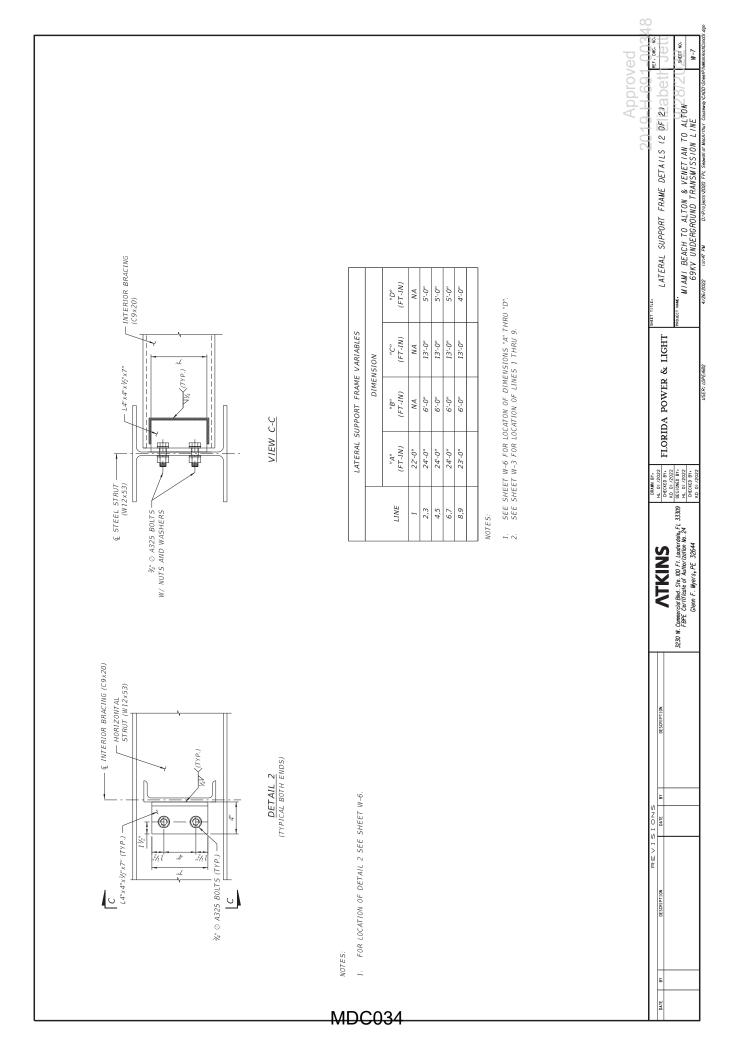
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	UESIGN SPECIFICALIUNS:	3. REINFORCING STEEL:	J. PHASING UF WORK
	 AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) LRFD BRIDGE DESIGN SPECIFICATIONS, 	REINFORCING STEEL SHALL BE ASTM A615, GRADE 60.	REFER TO CONSTRUCTION SEQUENCE DETAILS AND NOTES IN SHEET W-5
	9TH EDITION, 2020. 2. STEEL CONSTRUCION MANUAL, AMERICAN INSTITUTE OF STEEL AMERDIMITION (AISC) 15TH EDITION 2017	ALL DIMENSIONS PERTAINING TO LOCATION OF REINFORCING STEEL ARE TO CENTERLINE OF BARS EXCEPT WHERE CLEAR DIMENSION IS NOTED	K. EXISTING CONDITIONS
	3. FDOT STRUCTURES DESIGN MANUAL, 2021.	TO FACE OF CONCRETE. Deturborius steel betail buttaleibuis abs out to out of bans	CONTRACTOR SHALL FIELD VERIFY ALL EXISTING STRUCTURE DIMENSIONS AND ELEVATIONS AND NOTIFY DISCREPANCIES FOUND TO THE ENGINEER
	B. CONSTRUCTION SPECIFICATIONS:	IUNS ARE UUI -I U-UUI	PRIOR TO FABRICATION OR CONSTRUCTION.
	FDOT JANUARY 2021 STANDARD SPECIFICATIONS FOR ROAD AMD BRIDGE CONSTRUCTION.	0	REFER TO ATKINS REPORT "STRUCTURAL EVALUATION OF EXISTING SEAWALL AT MAZARTHIR CANSEWAY" DATED HINE 2021 EOR ADDITIONAL INEORMATION
	C. DESIGN METHOD:	FDOT SPEC. 937 TYPE HV ADHESIVE (FROM FDOT APPROVED PRODUCTS LIST)	A MACHINE CONCEPTENT ON LEVEN ON LAST ON ADDITIONAL IN CONTROL ON ADDITIONAL IN CONTROL ON ADDITION OF THE BACKS AND TOP CONCRETE CAP.
		5. STRUCTURAL STEEL:	ANY DAMAGE TO THE EXISTING SEAWALL STRUCTURE AS A RESULT OF THIS
	D. VERTICAL DATUM:	STEEL PLATES, ANGLES AND ROLLED SECTIONS : ASTM A709 GRADE 36	WORK SHALL BE REPAIRED BY THE CONTRACTOR IN ACCORDANCE WITH THE FDOT SPECIFICATIONS AT NO COST TO THE DEPARTMENT.
	NAVD 88	STEEL H-PILES AND SHEET PILES: ASTM 572 GRADE 50	L. SOIL PARAMETERS:
	E DESTGN LOADTNGS.	WELD METAL : E70XX	
		ADHESIVE ANCHORS : THREADED RODS PER ASTM F1554 (GRADE 55)	INCLUDED IN THE GEOTECHNICAL REPORT PREPARED BY TERRACON CONSULTANTS. INC. DATED OCTOBER 19, 2020
	UNIT WEIGHT OF REINFORCED CONCRETE INCLUDING REINFORCEMENT	CONNECTION BOLTS :THREADED BOLTS PER ASTM A325 AND THREADED RODS PER ASTM F1554 (GRADE 55) AS AS INDICATED	M. CONSTRUCTION SAFETY:
	UNIT WEIGHT OF STRUCTURAL STEEL	BOLT HOLE DIAMETERS : STANDARD	CONTRACTOR SHALL INSTALL AND MANTAIN PHYSICAL BARRIERS DURING
	CONSTRUCTION LOADS:	PLATE WASHERS AND SHIMS : ASTM A709	CONSTRUCTION AND PROVIDE ADEQUATE SIGNALIZATION TO RESSINCT THE
ЛE	THE FOLLOWING SURCHARGE LOADS SHALL NOT BE EXCEED:	6. NEOPRENE PADS	THE APPLICATION OF SURCHARGE LOADS BEHIND THE EXISTING SEAWALL IS NOT ALLOWED AS INDICATED IN THIS SET OF PLANS.
DC0	BEHIND EXISTING SEAWALL (TIE-BACKS IN PLACE): UP TO 5FT FROM BACK FACE	SHALL BE 60 DUROMETER HARDNESS	CONTRACTOR SHALL SUBMIT A SHEET PILE INSTALLATION PLAN BEFORE THE BEGINNING OF THE EXCAVATION WORK, INDICATING THE SEQUENCE THAT WILL BE FOLLOWED FOR THE INSTALLATION OF THE THE TRUPORARY
29	NO SURCHARGE SHALL BE ALLOWED BEHIND THE EXISTING SEAWALL IN THE AREA TO THE EAST OF ANCHOR 4 (AREA WITH NO RIPRAP IN FRONT OF THE WALL).	G. ENVIRONMENT THE ENVIRONMENTAL CLASSIFICATION FOR PERMANENT STRUCTURES IS EXTREMELY AGGRESSIVE (MARINE STRUCTURE)	LATERAL SUPPORT FRAMES, REMOVAL OF EXISTING TIE BACKS AND INSTALLATION OF SHEEF PILES, TO ENSURE THAT THE EXISTING SEAWALL WILL BE PROPERLY SUPPORTED DURING THIS PROCESS.
	BEHIND TEMPORARY SHEET PILE WALL: REFER TO SHEET W-4	H. PLAN DIMENSIONS	N. MONITORING OF EXISTING STRUCTURES: THE CONTRACTOR SHALL PROVIDE A SURVEY, SETTLEMENT AND VIBRATION
		ALL DIMENSIONS IN THESE PLANS ARE MEASURED IN FEET EITHER HORIZONTALLY OR VERTICALLY UNLESS OTHERWISE NOTED.	MONITORING OF THE EXISTING SEAWALL AND ANY ADJACENT STRUCTURES IN ACCORDANCE WITH THE FDOT STANDARD SPECIFICATION SECTION 108.
	T. WALEKIALS: 1 CONFORTE		
	1. CONCRETE	1. UTLITIES	115T OF EREDIFENTIV USED SYMBOLS AND ARREVIATIONS
	CONCRETE SHALL BE IN ACCORDANCE WITH FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, SECTION 346.	THE UTILITIES SHOWN IN THESE PLANS ARE AT APPROXIMATE LOCATIONS. DATA CONCERNING TYPE AND LOCATION OF UNDERGROUND	LIJI OT TALAGLANEL OJEV JAPAGLA JAMO AUNALAMA ONA AUNALAMA ONA ASTM - AMERICAN SOCIETY ENR TECTING AND MATERIALS
	CONCRETE CLASS MINIMUM 28-DAY LOCATION OF CONCRETE CONCRETE IN STRUCTURE IN STRUCTURE	UTIL THE TO V	1 1 1
	IV 5,500 TIE-BACKS AND SEAWALL CAP (RECONSTRUCTED)	CONSTRUCTION. THE CONTRACTOR SHALL ASSURE THAT ANY EXISTING UTILITIES ARE NOT ENDANCEED OF DICTUBED DUDING CONCEDUCTION AND THAT	FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION JT. – JOINT MIN. – MINIMUM
	2. CONCRETE COVER:	ACT LINGUISTICS ARE PROPERLY MAINTAINED WITHIN THE ACTUR UTILITIES ARE PROPERLY MAINTAINED WITHIN THE CONSTRUCTION LIMITS.	
	CONCRETE COVER DIMENSIONS SHOWN IN THE PLANS DO NOT INCLUDE PLACEMENT AND FABRICATION TOLERANCES UNLESS SHOWN AS "MINIMUM COVER" SFE SPECIFICATIONS SECTION 415 FOR ALI MABRE TOLERANCES.		 ○ DIAMETER R - PLATE
			Approved 2010_H_601_N0348
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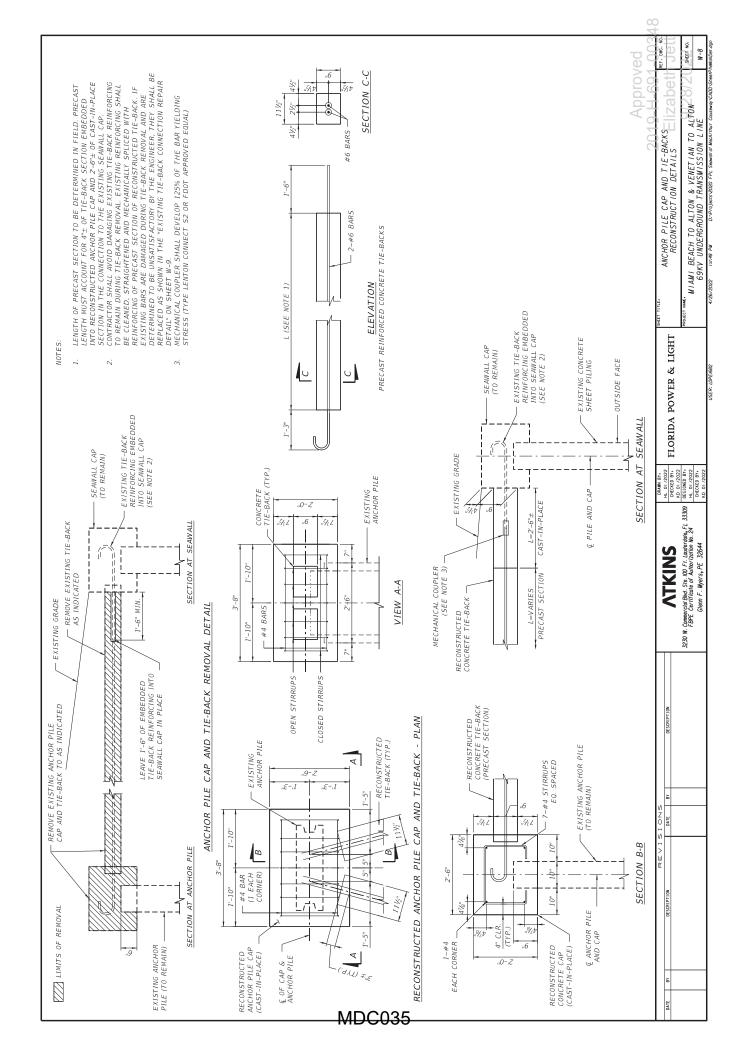


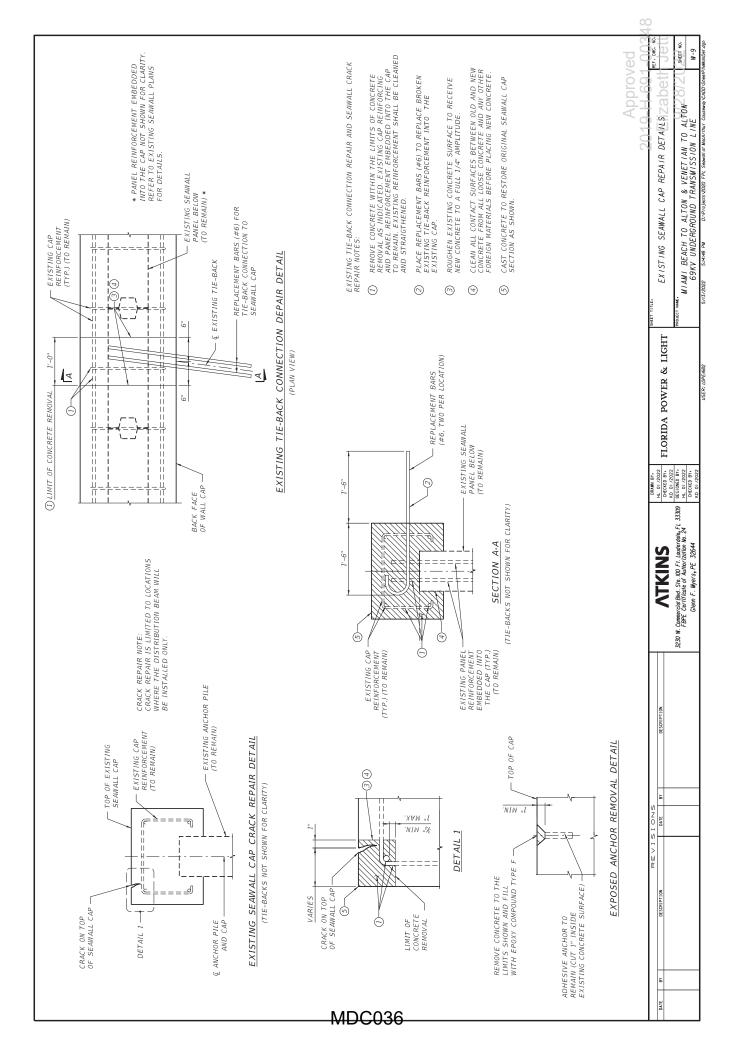


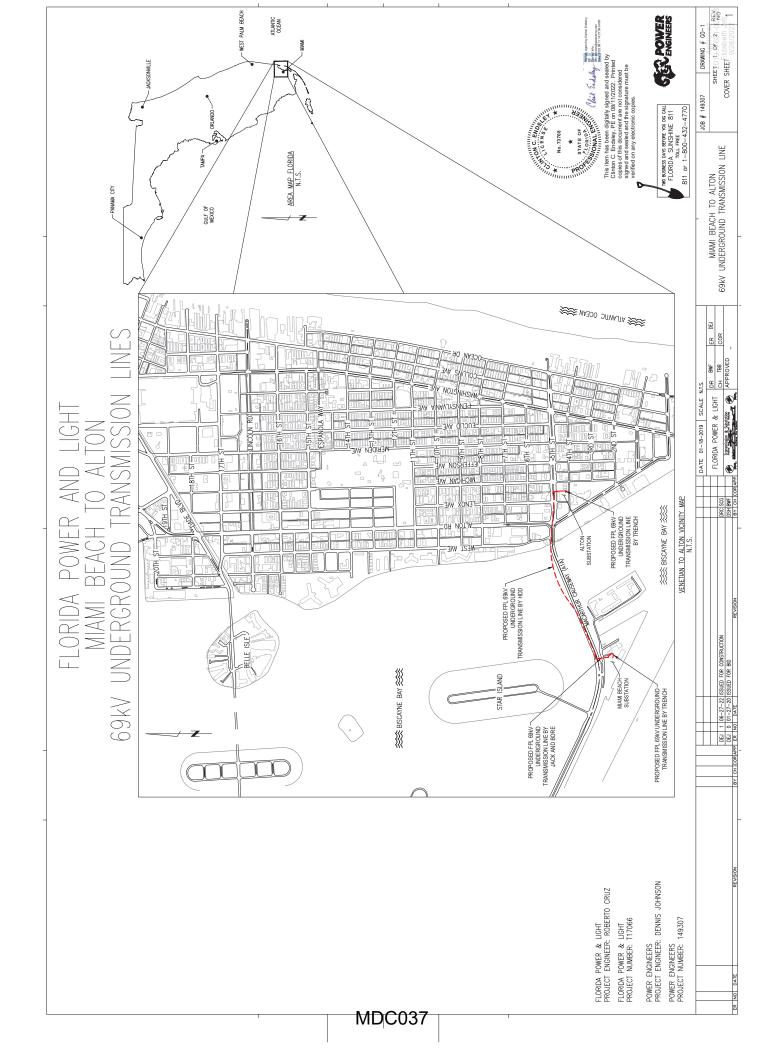












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 DMMAGED PARENET WARKINGS (INCLUDING THERMOPLASTIC WARKINGS AND RPUS) SHALL BE RESTORED TO MEET FDOT STANDARDS AT THE PERMITTEE EXPENSE. DAMAGE TO SIDERWAK, RAMPS AND/OR CURB AND GUTTER SHOULD BE RESTORED PER FIDD 2020-21 STANDARD PLANS INDEX NO. 220-001, 522-001, NO. 522-003 AND 522-002 AND FIDDT STANDARD SPECIFICATION. 7. FOR MAR AREAS: MILL 1" AND RESURFACE WITH 1" FC-9.5 (RUBBER) (TRAFFIC C).

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conduit installation shall adhere to the latest foot standard plans noek no. 630–001. AND ABORERROLIND FEATURES THAT MAY BE IMPACTED BY PROPOSED WORK MUST BE IDENTIFIED TO BE AQUISTED/RELIGATED/REFLACED. F SIANS ARE DAMAGED, THESE MUST BE REFLACED ACCORDING THE LATEST FOOT STIMDARD PLANS INDEX NO. 700-101.

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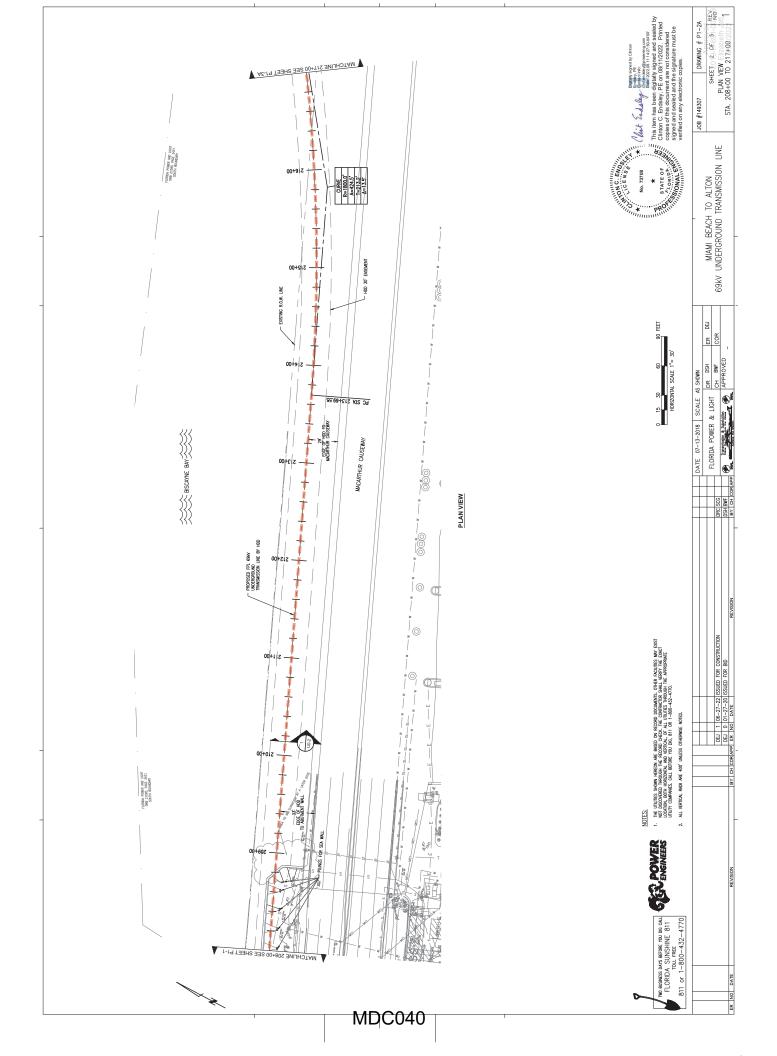
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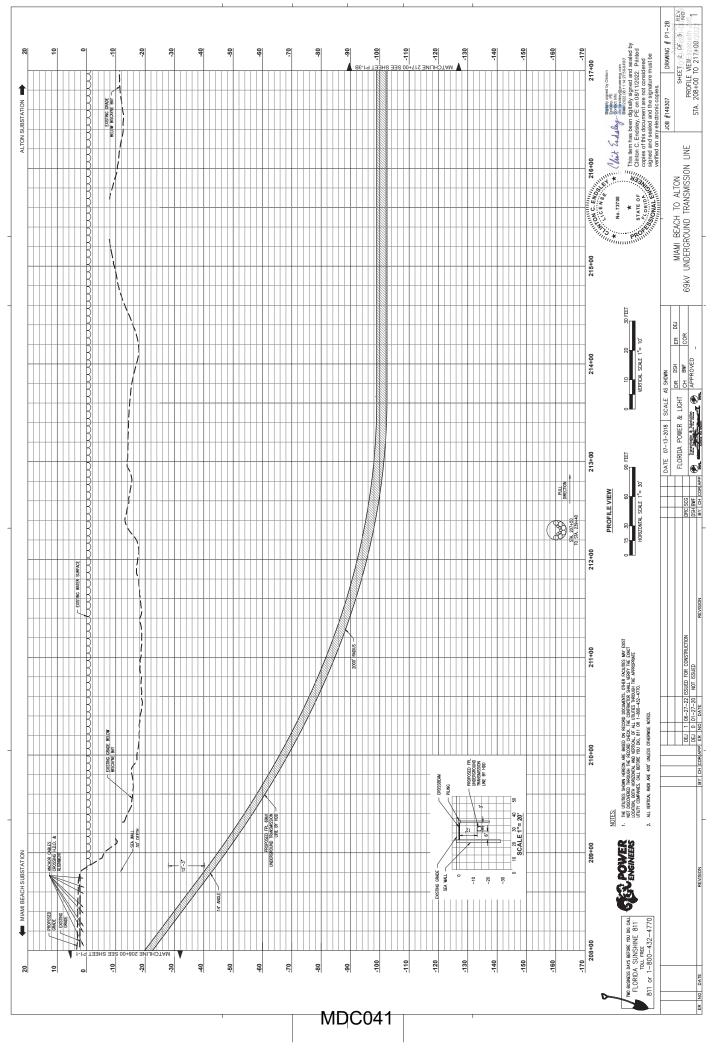
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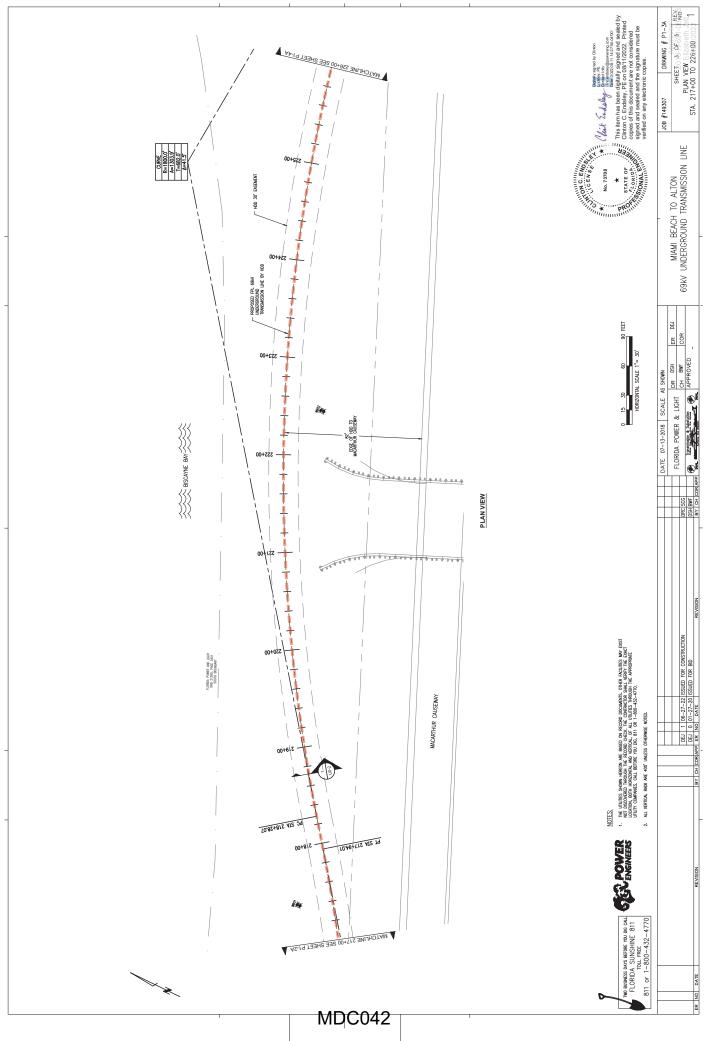
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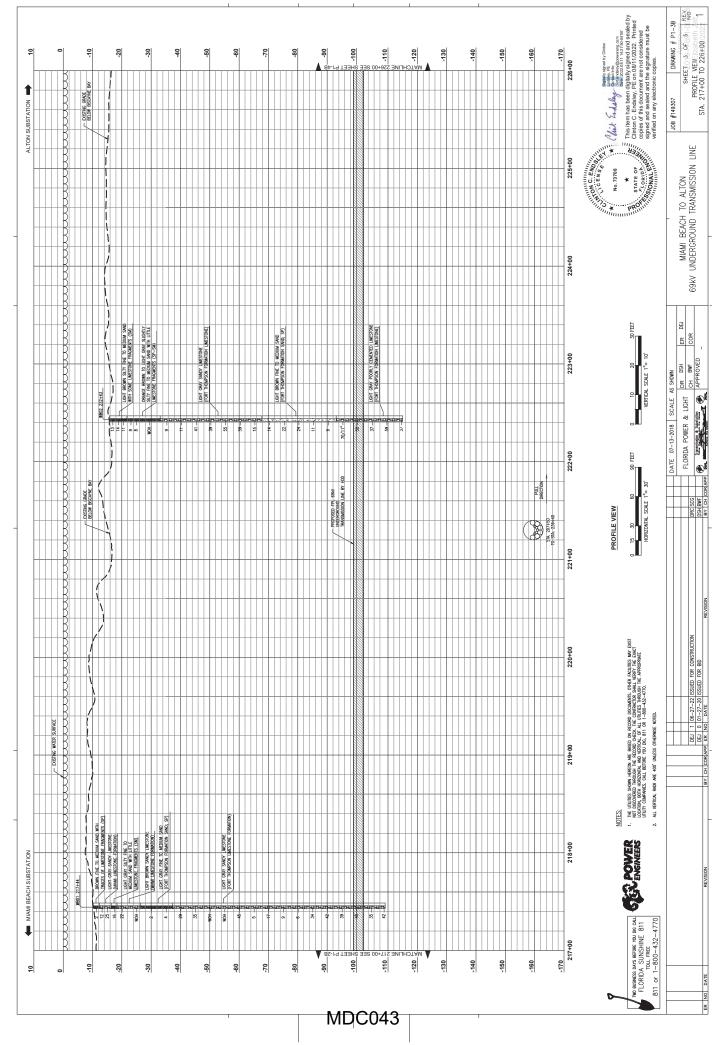


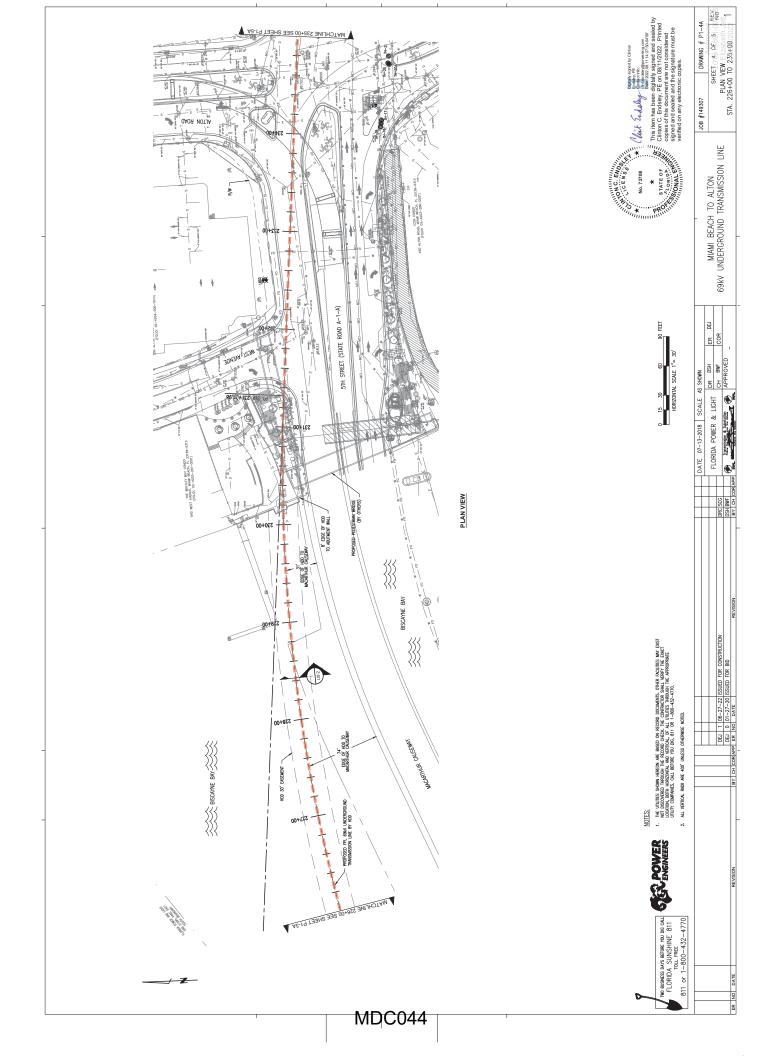


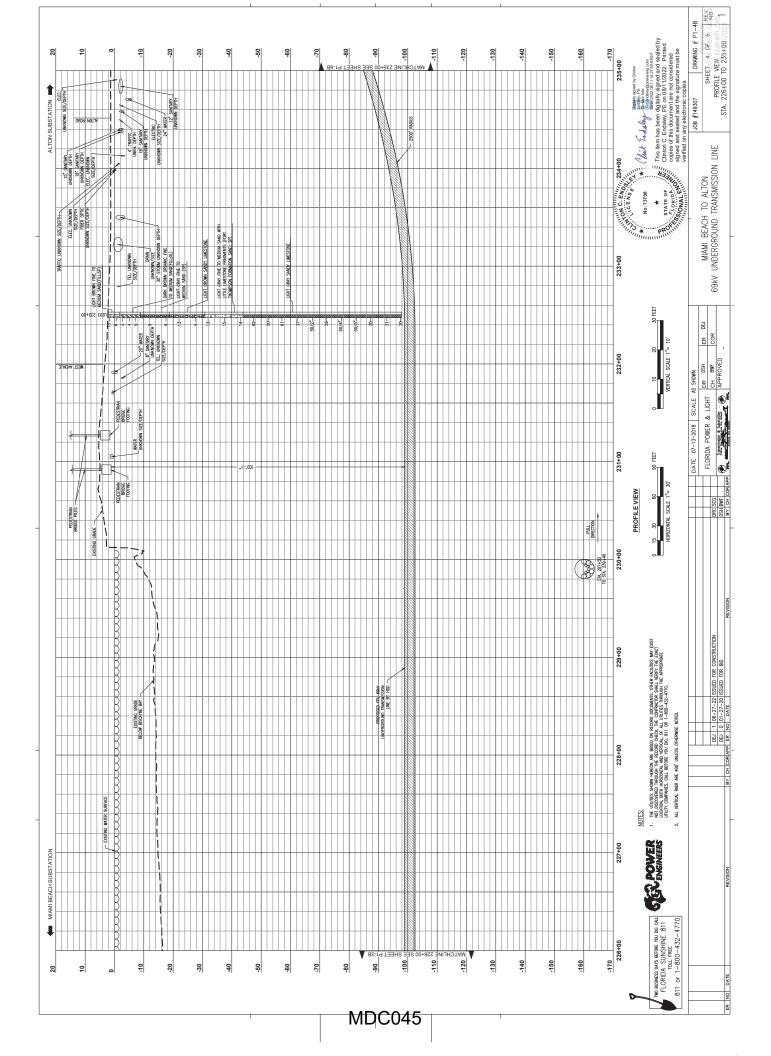


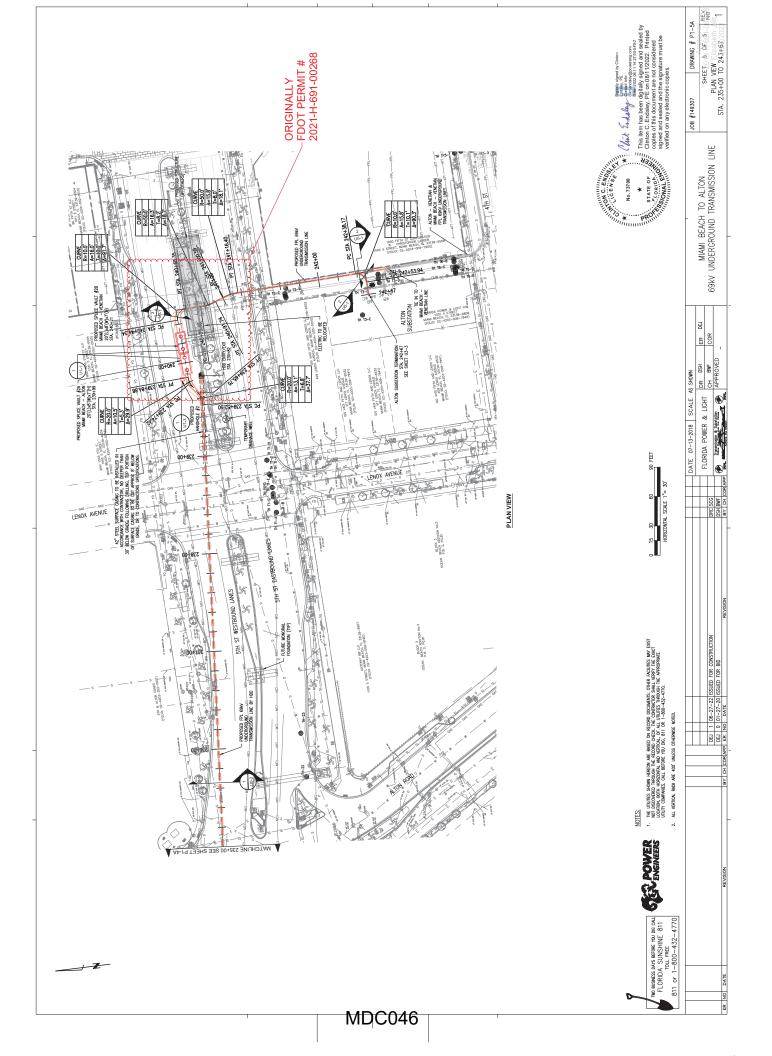
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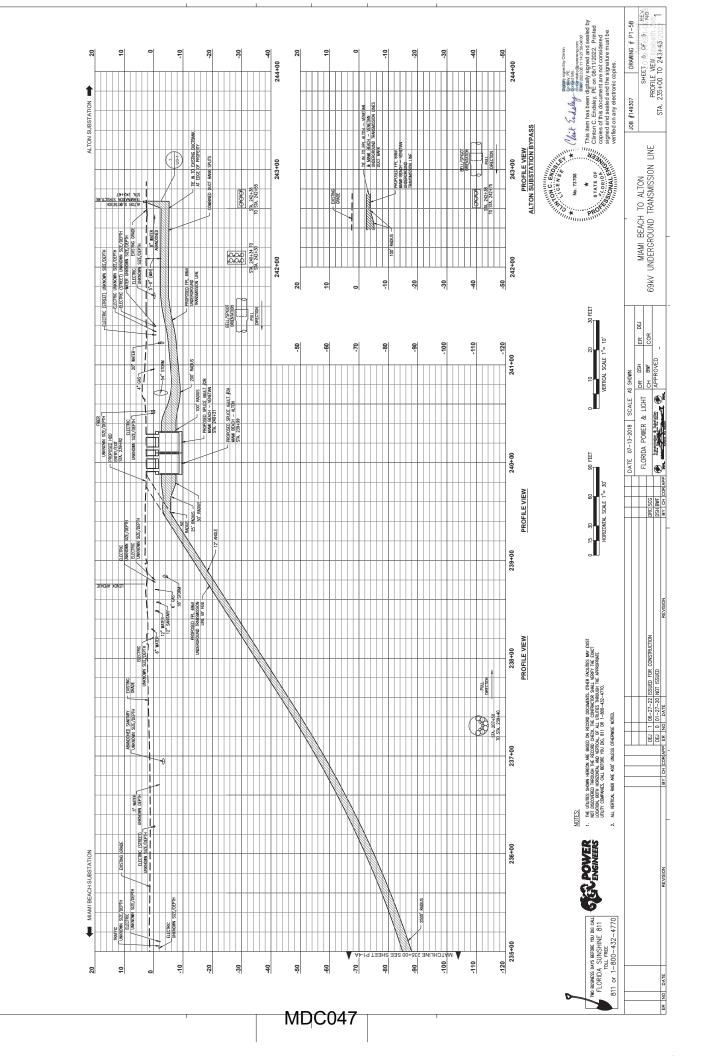


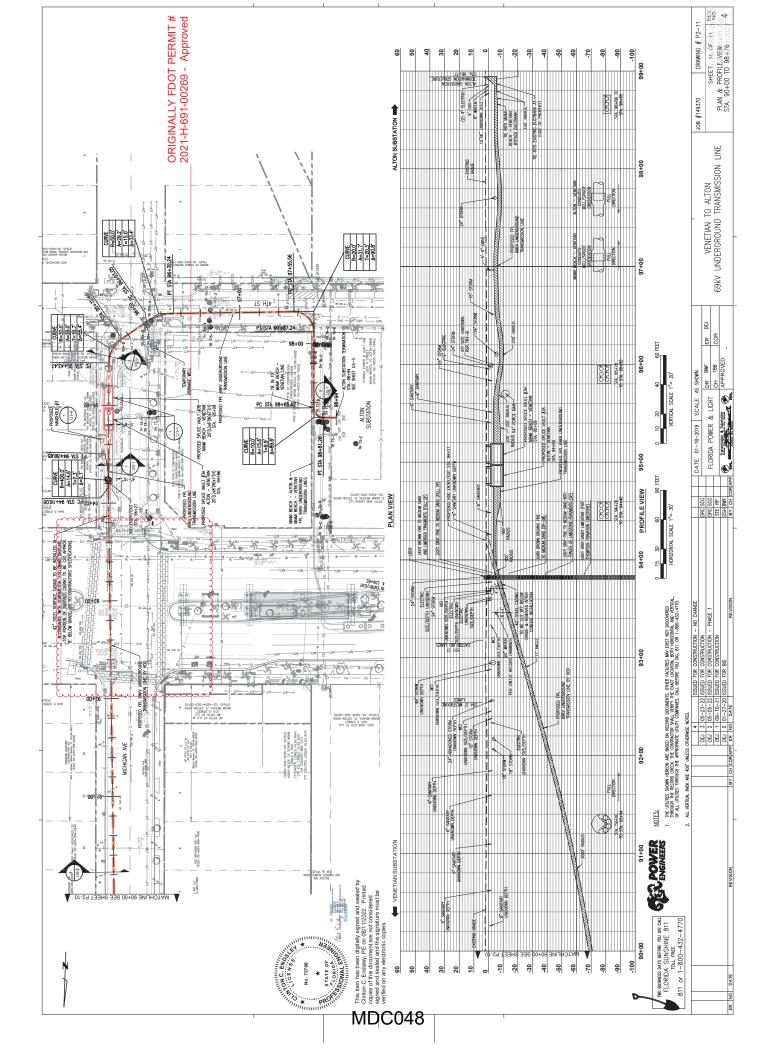


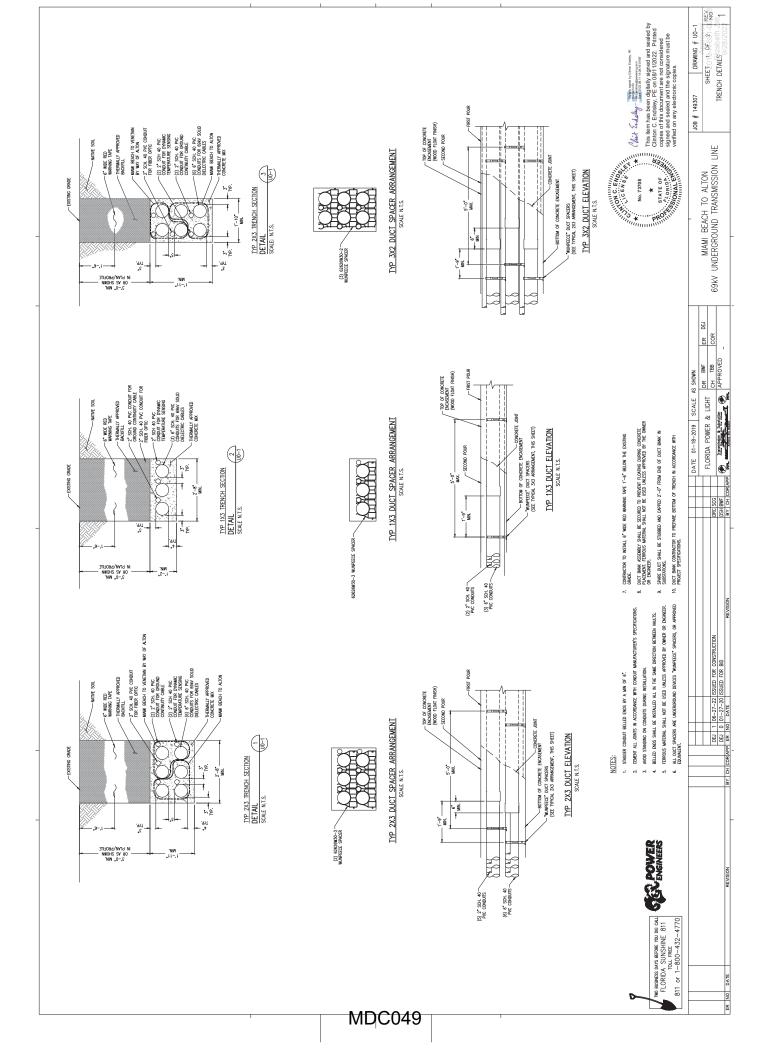


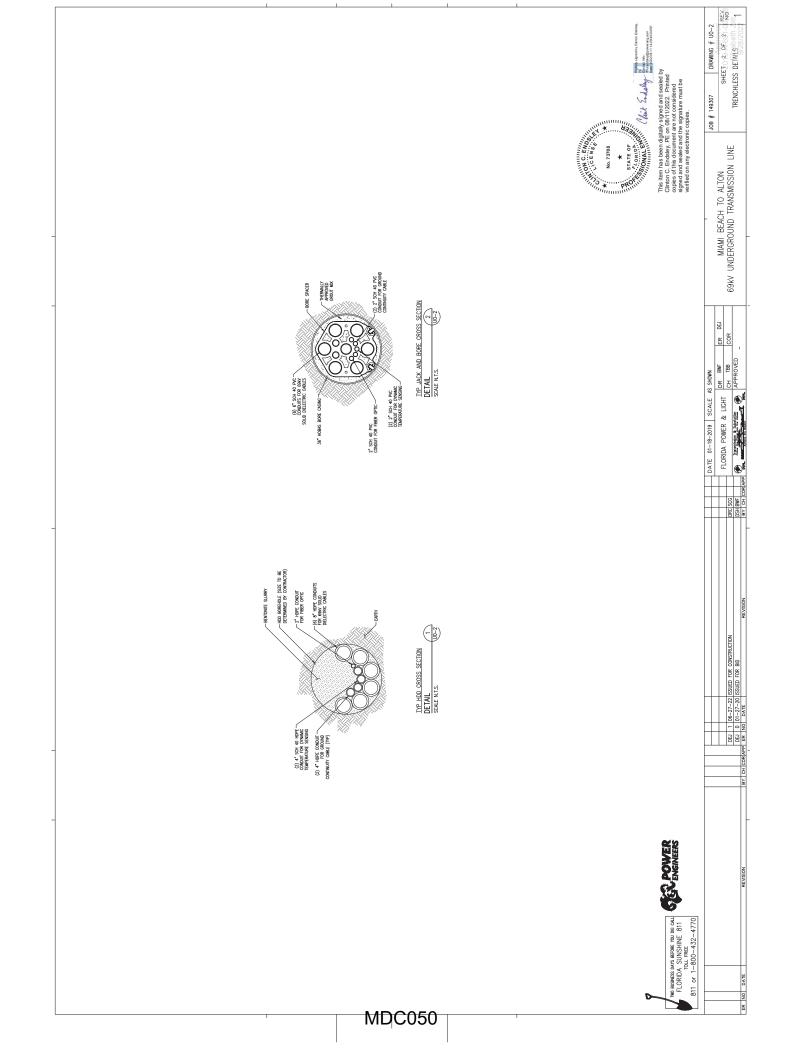


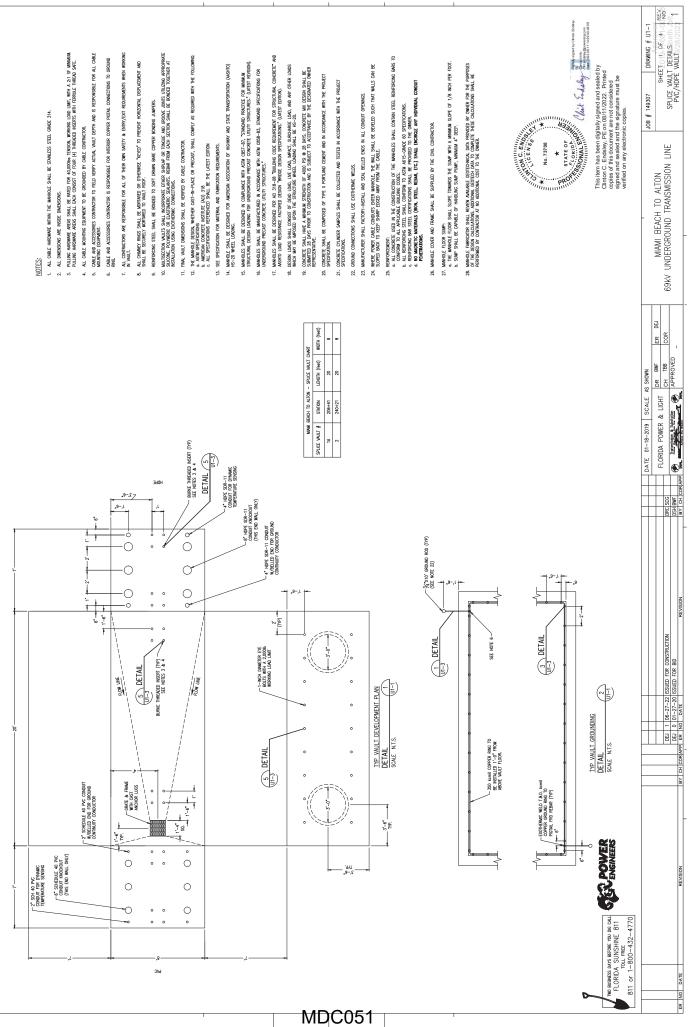


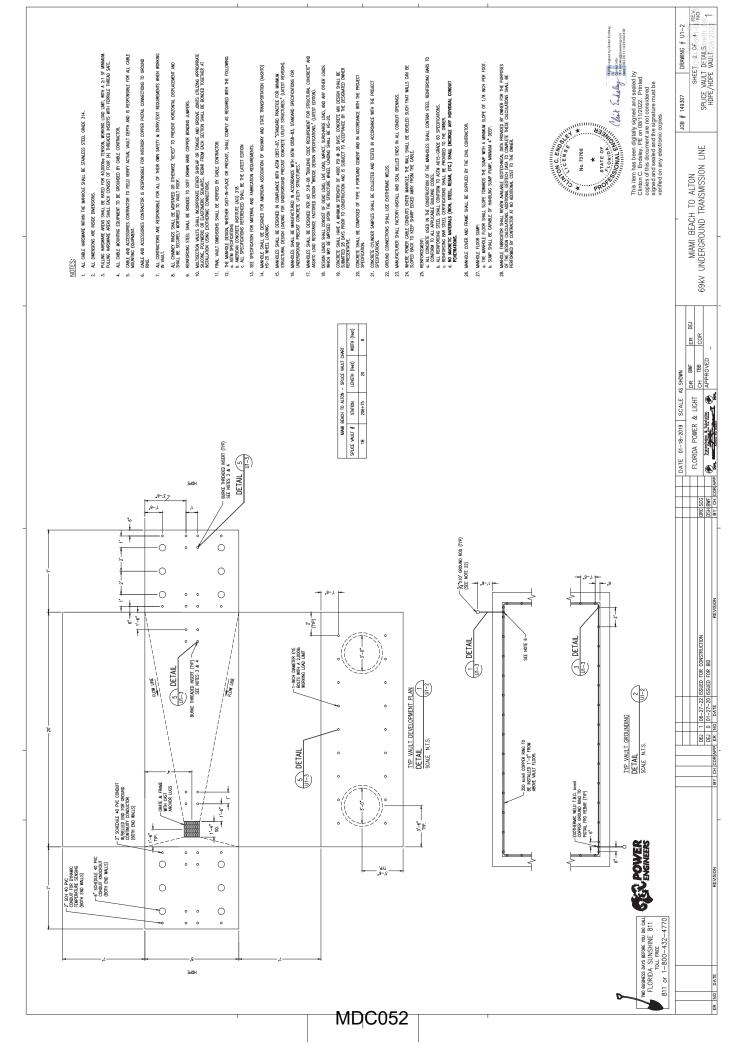


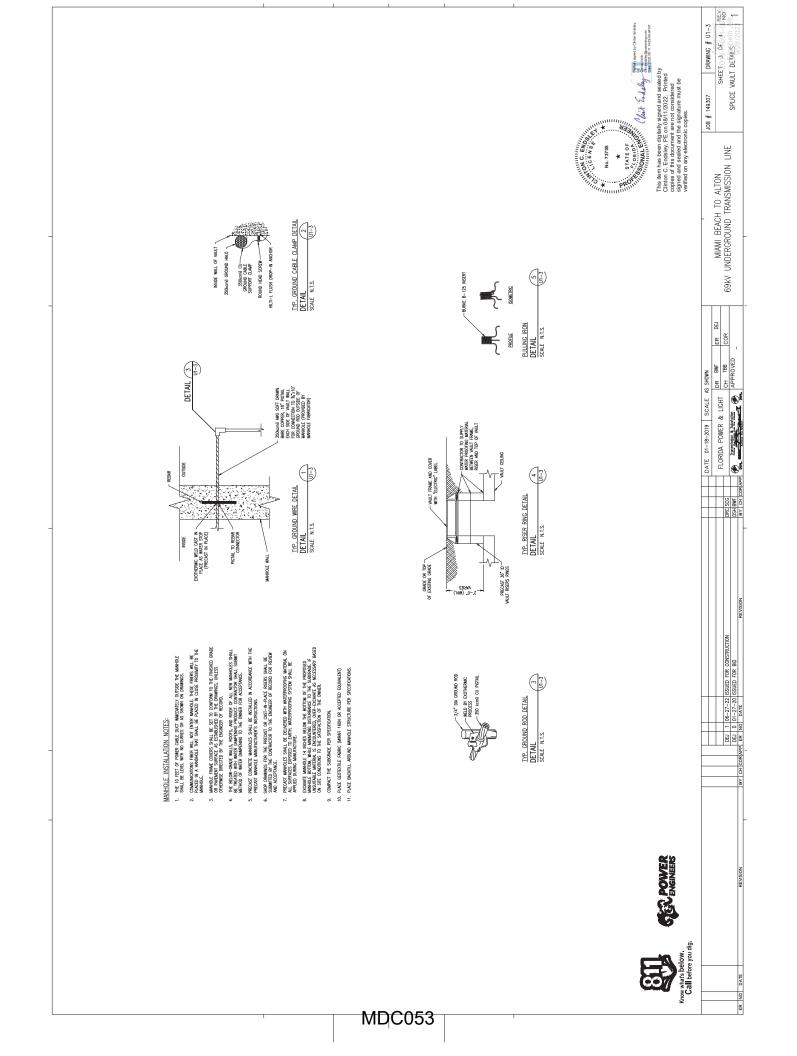


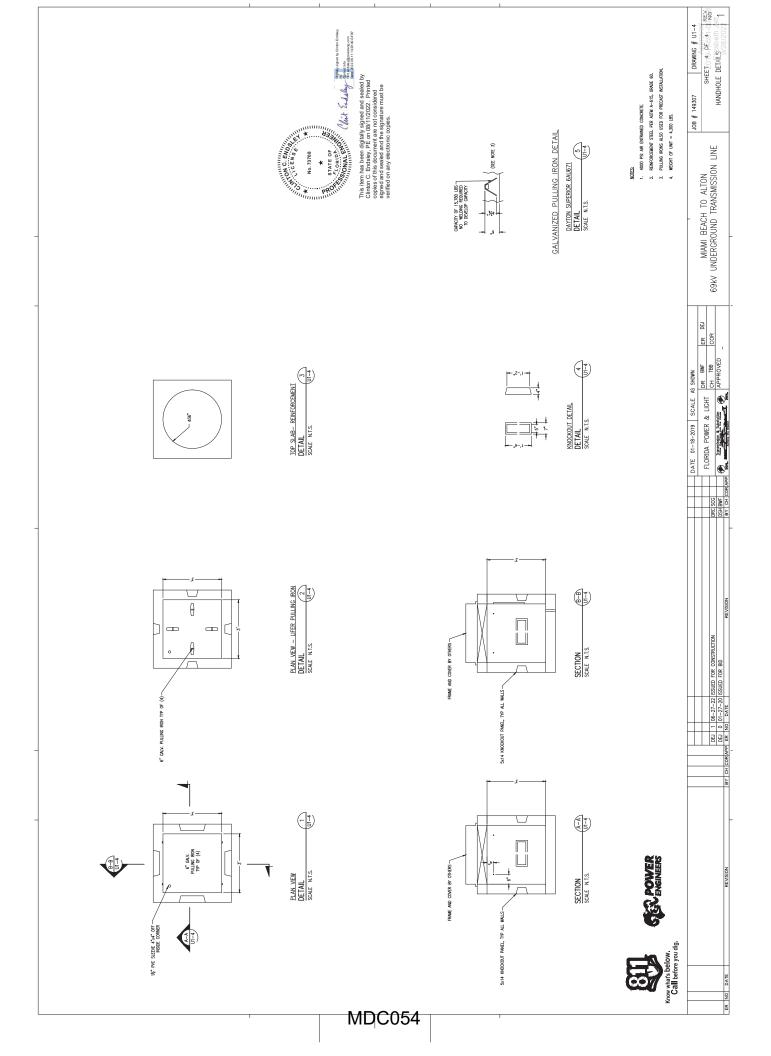


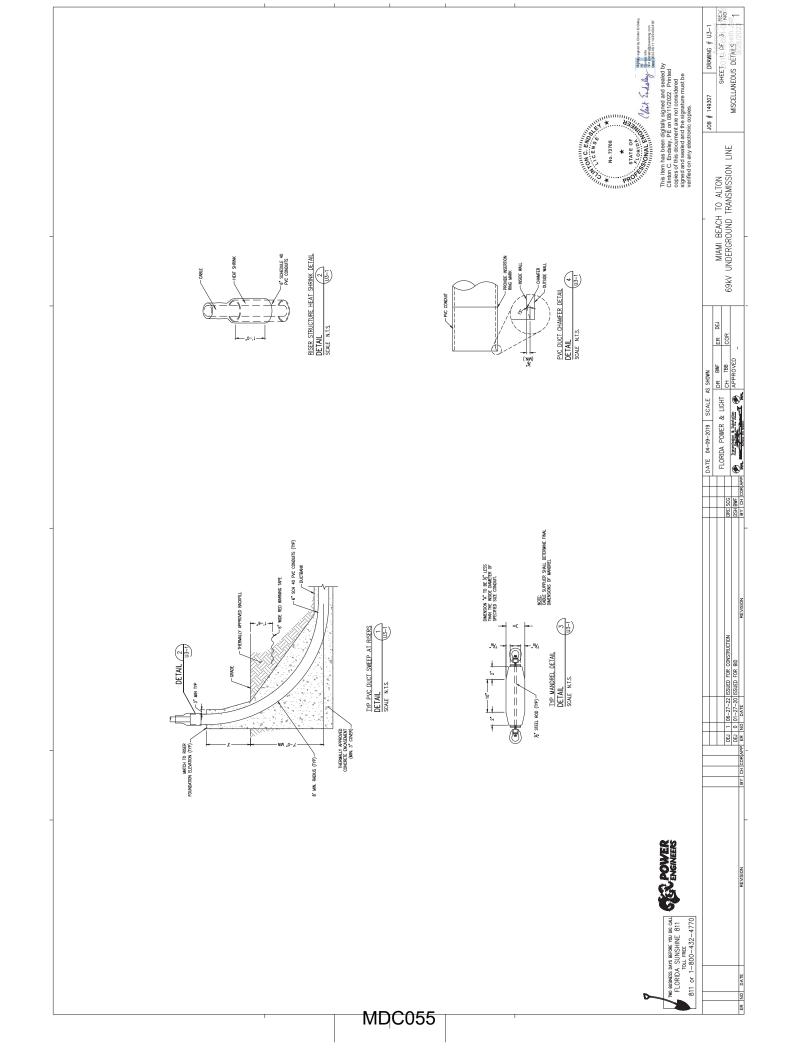


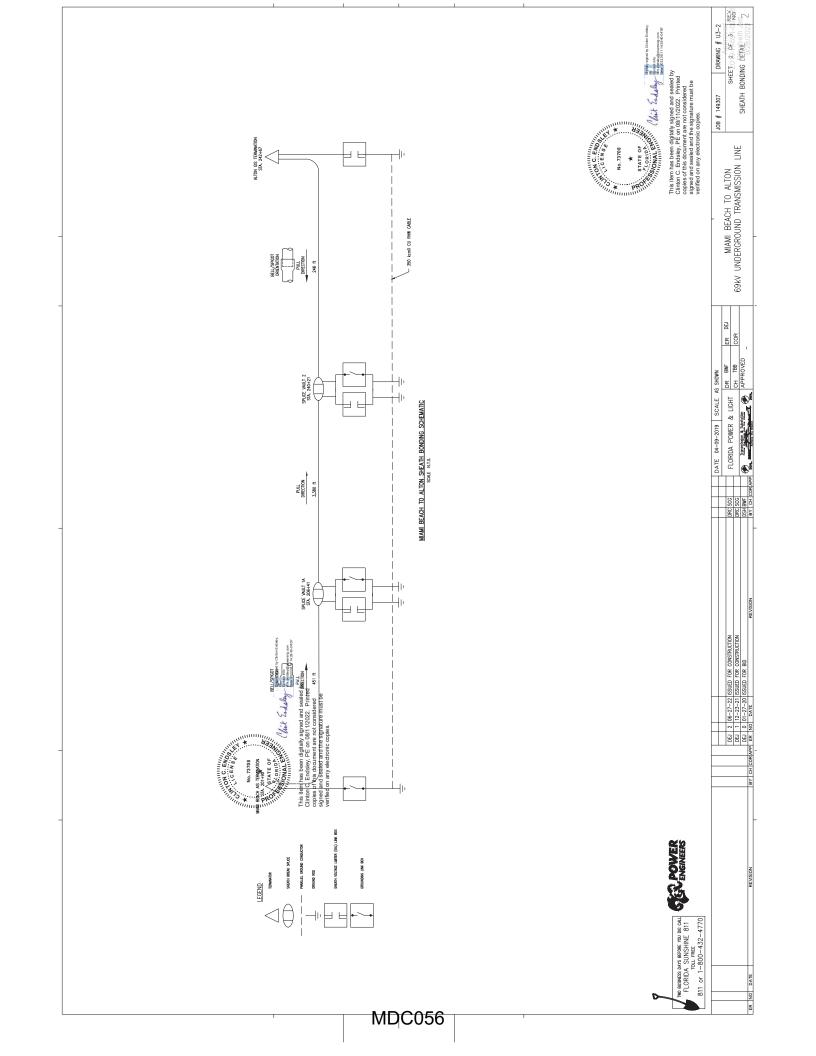


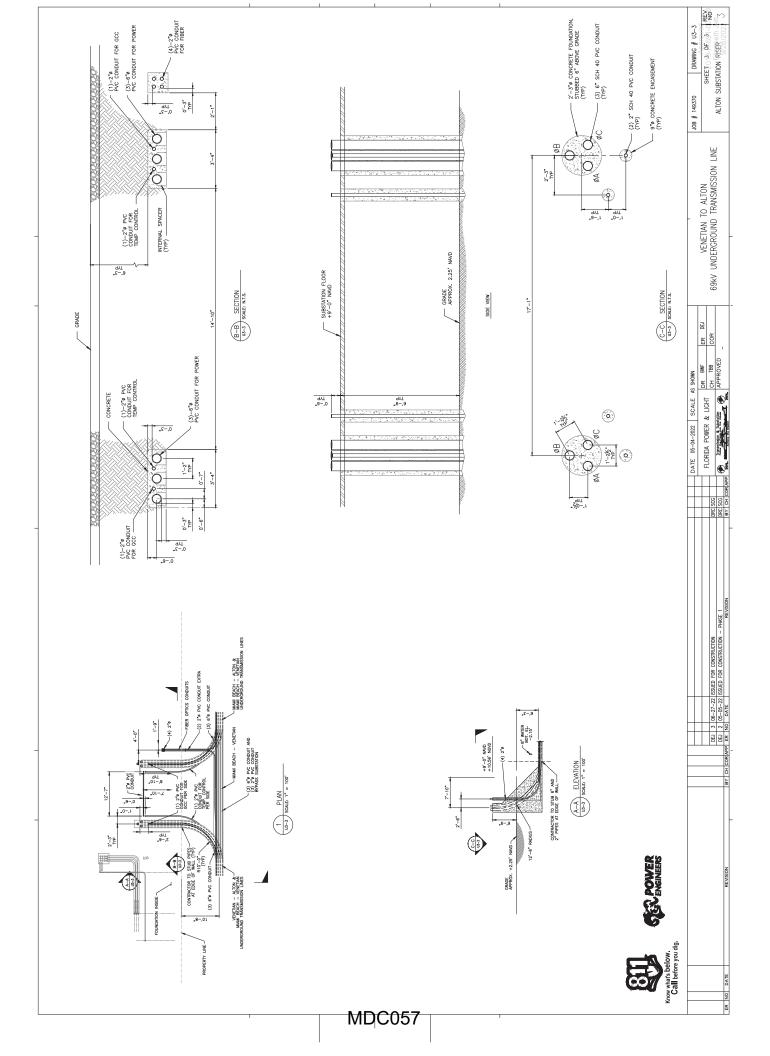


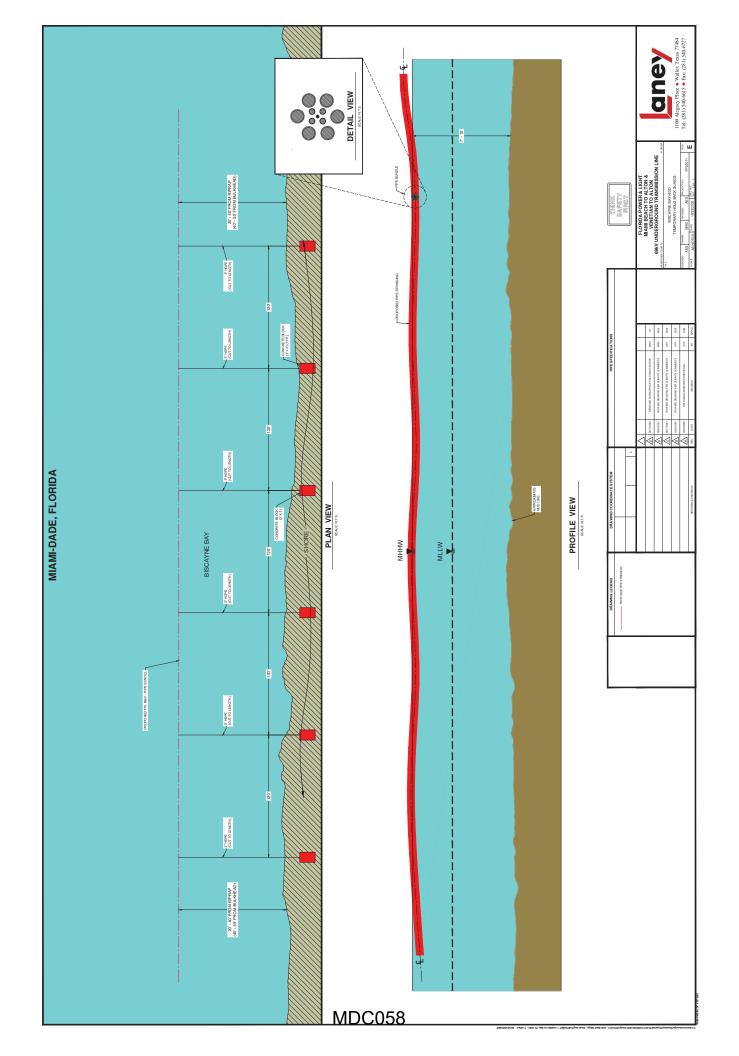


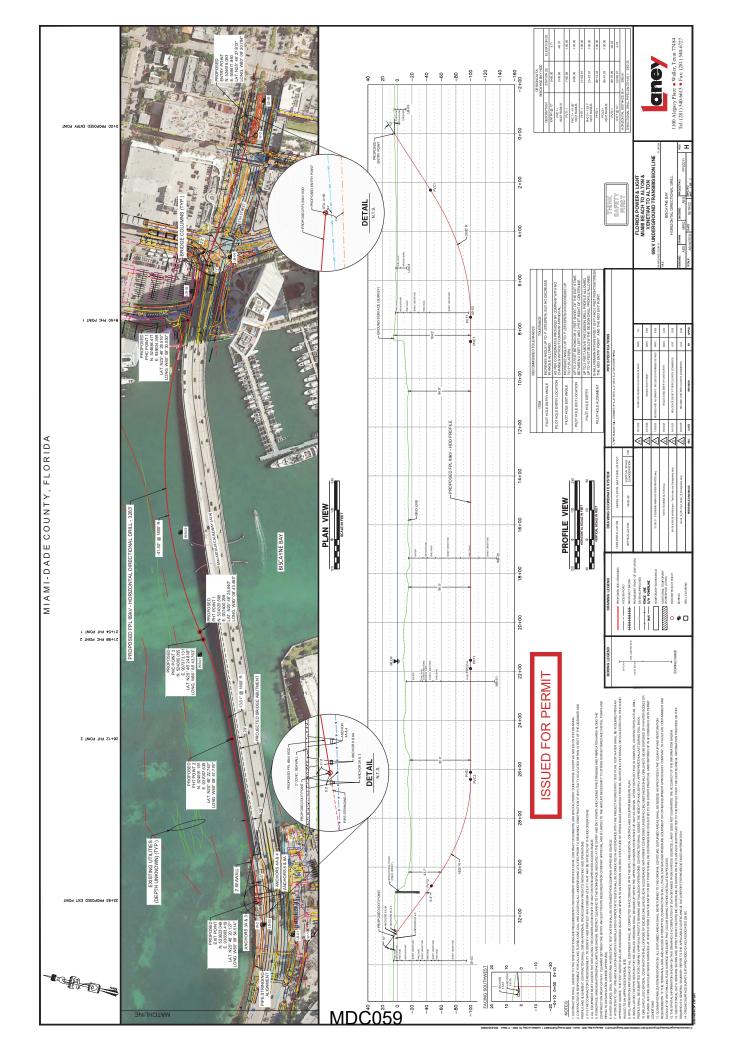


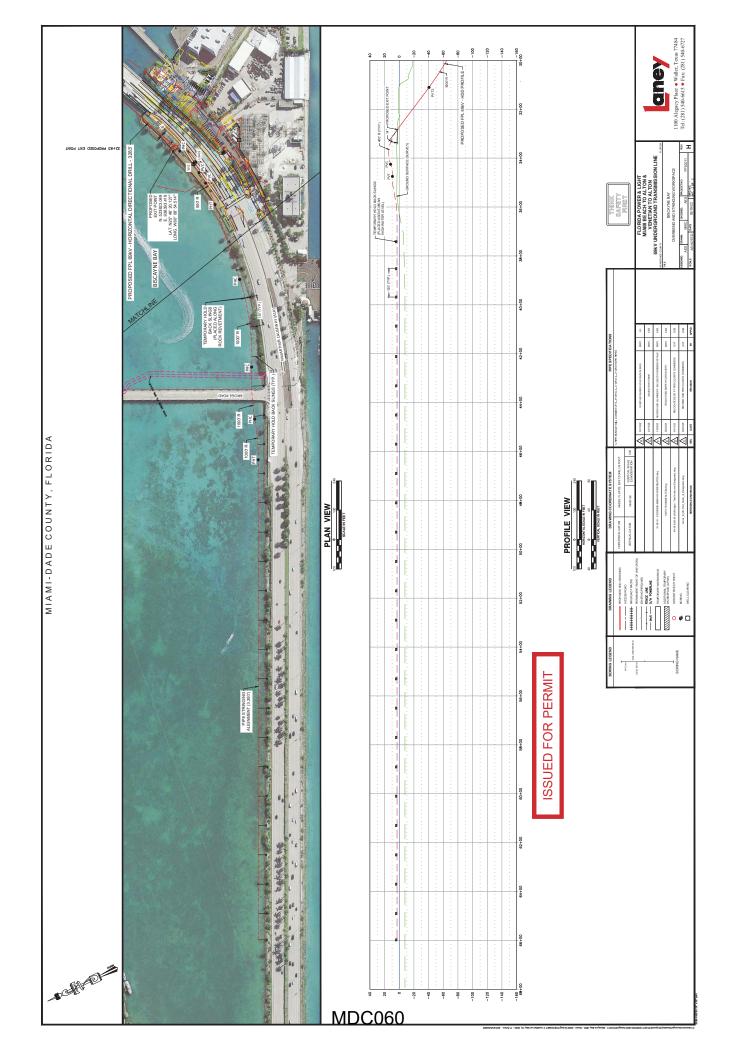


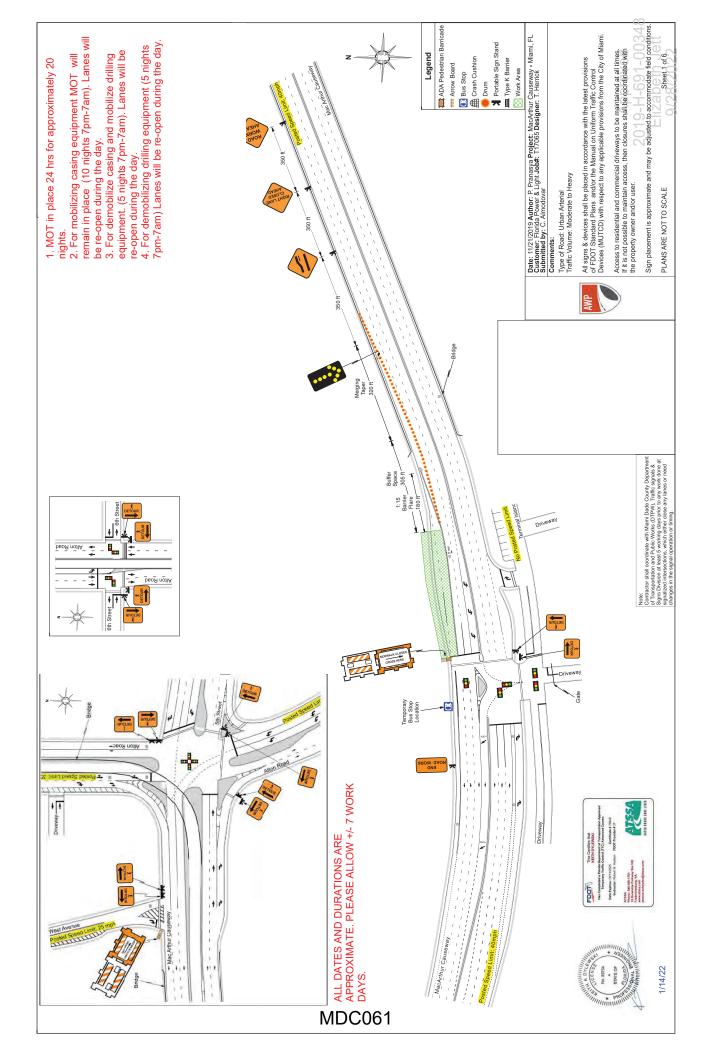


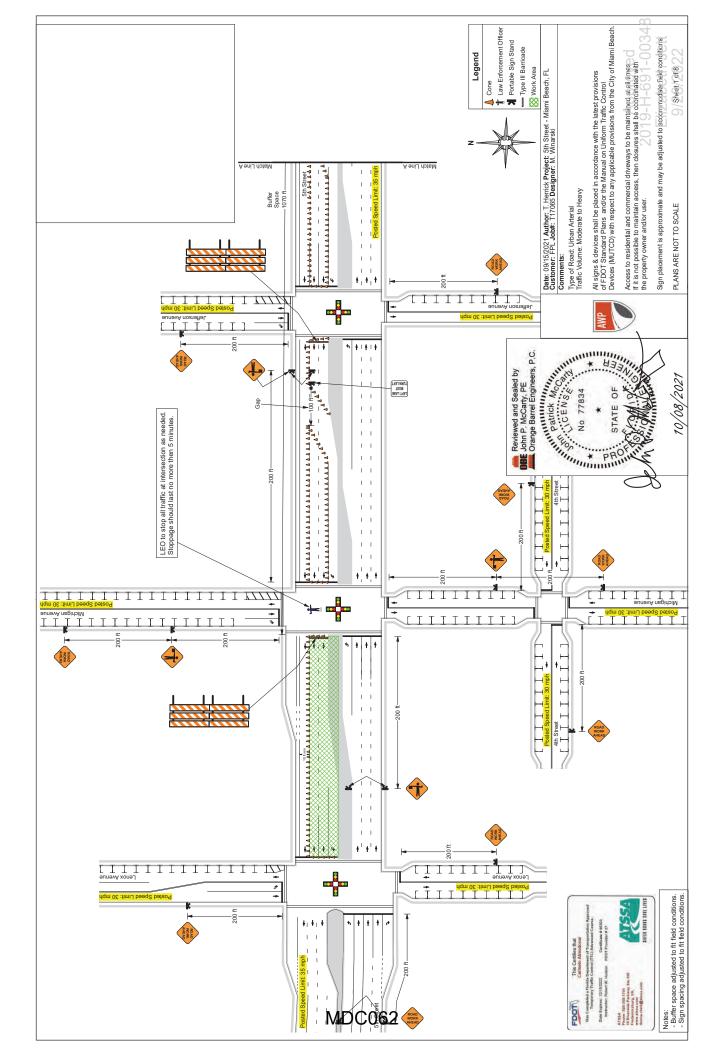


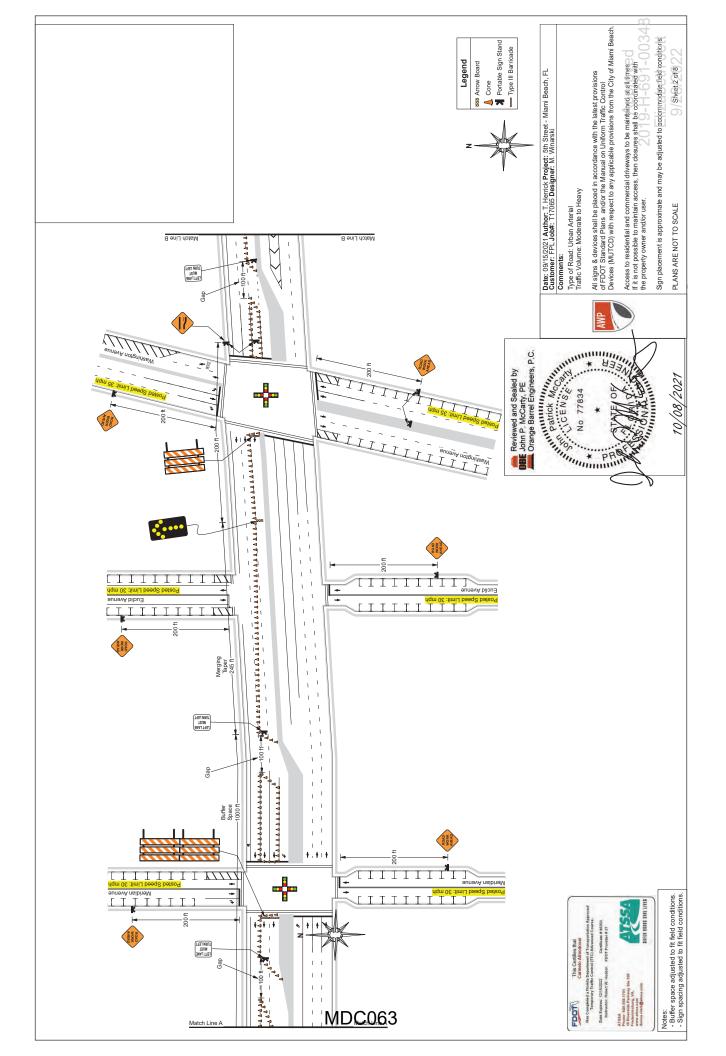


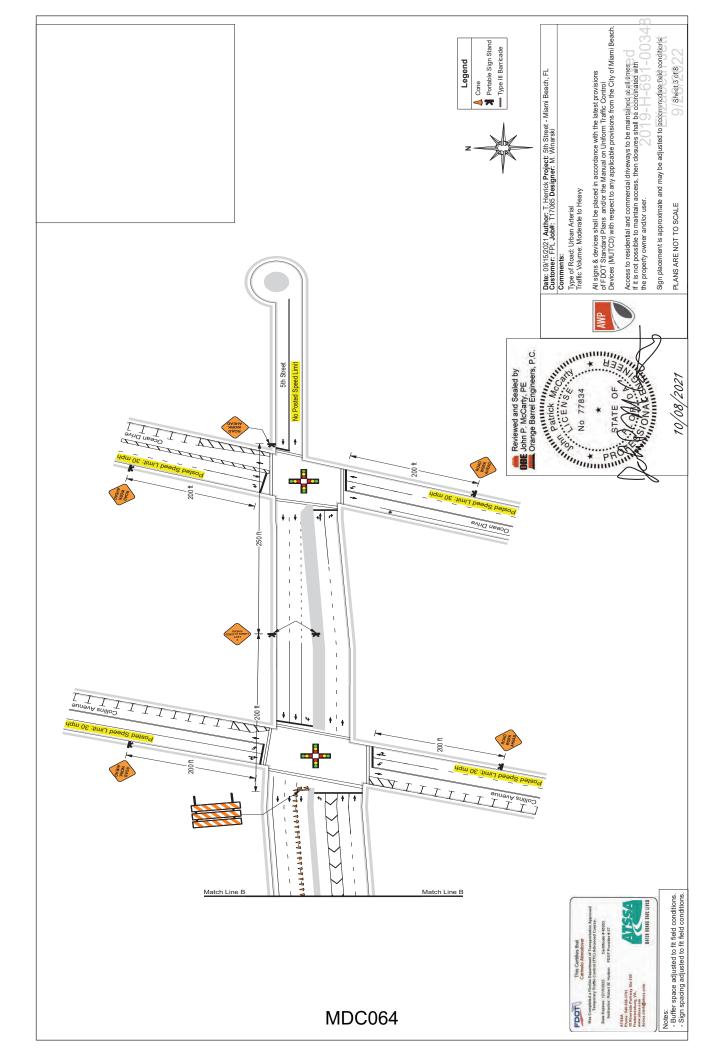


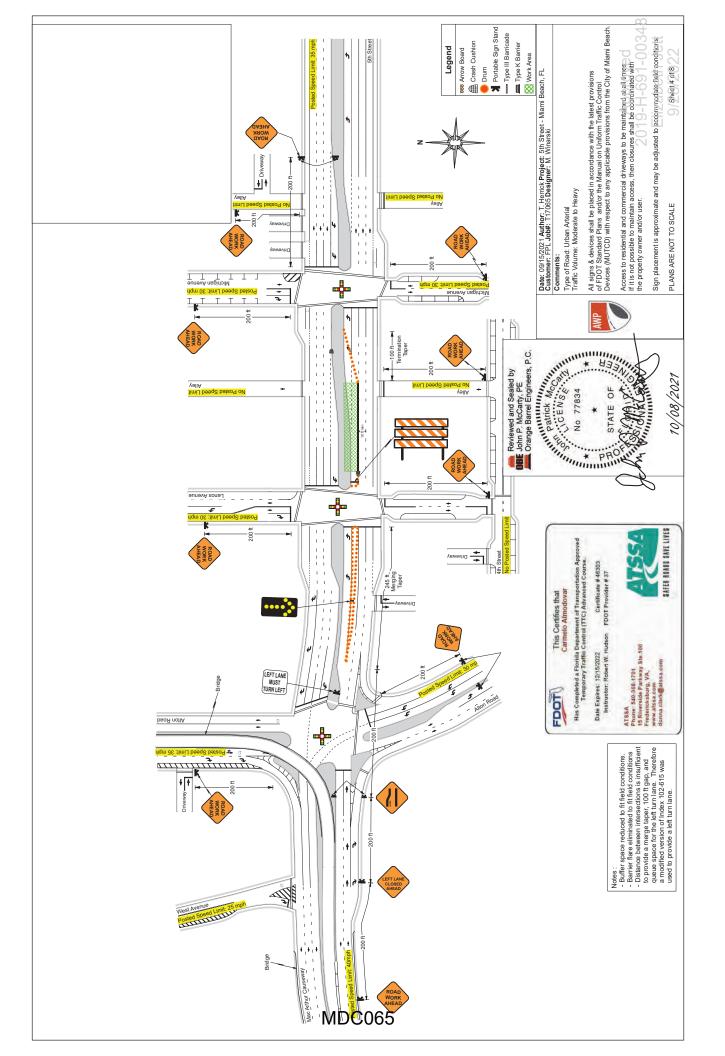


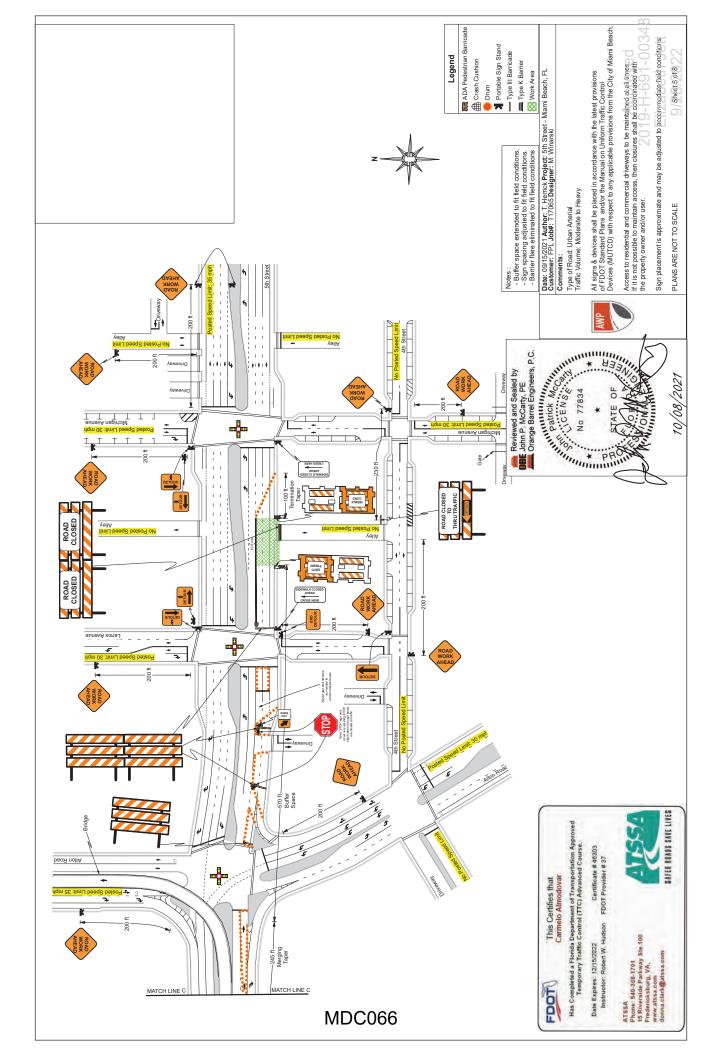


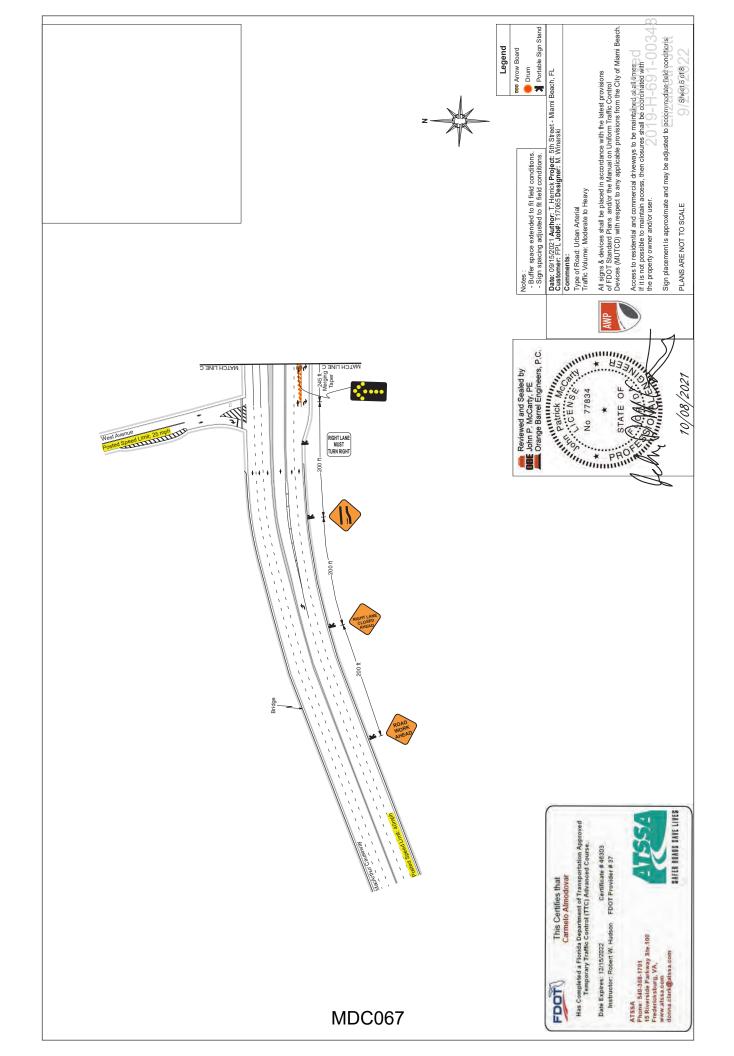


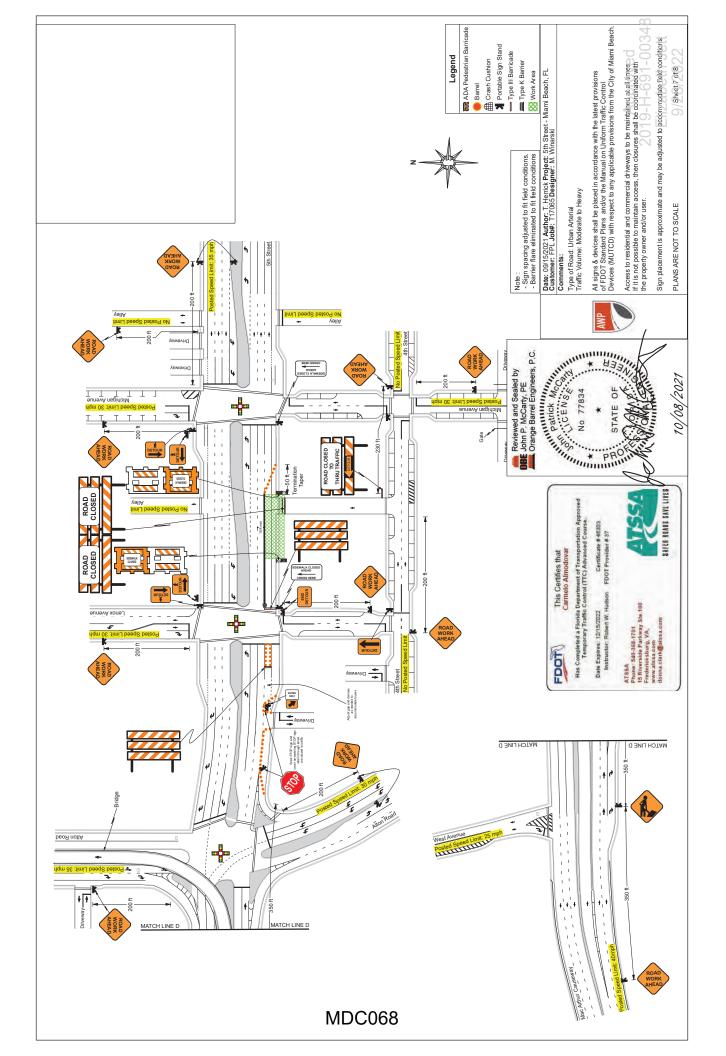


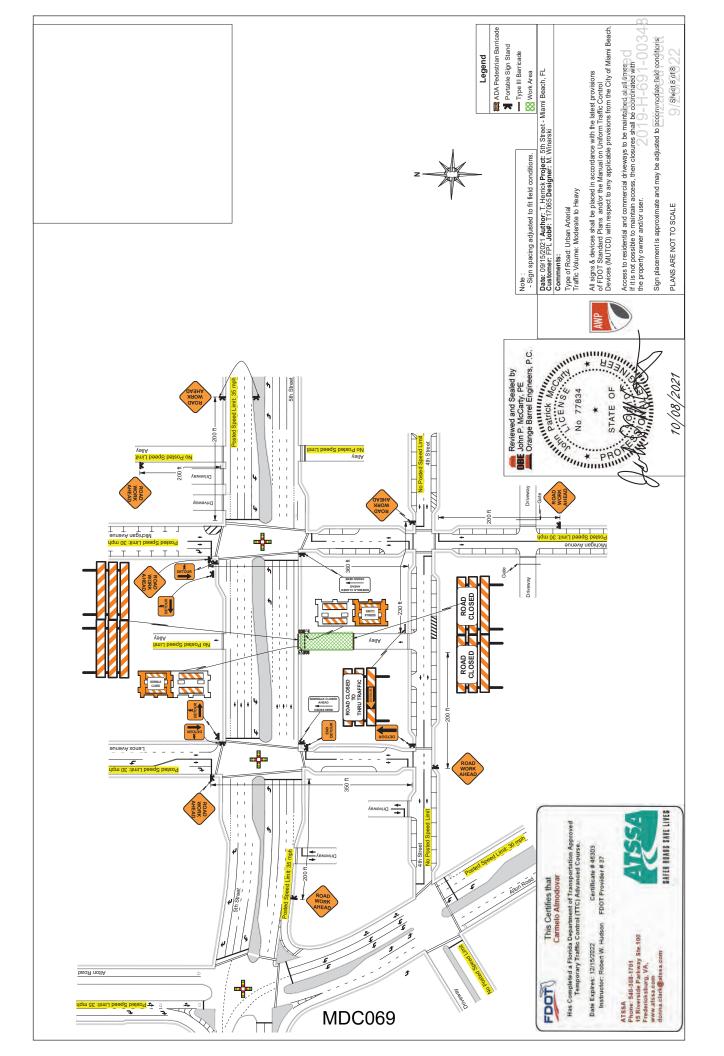


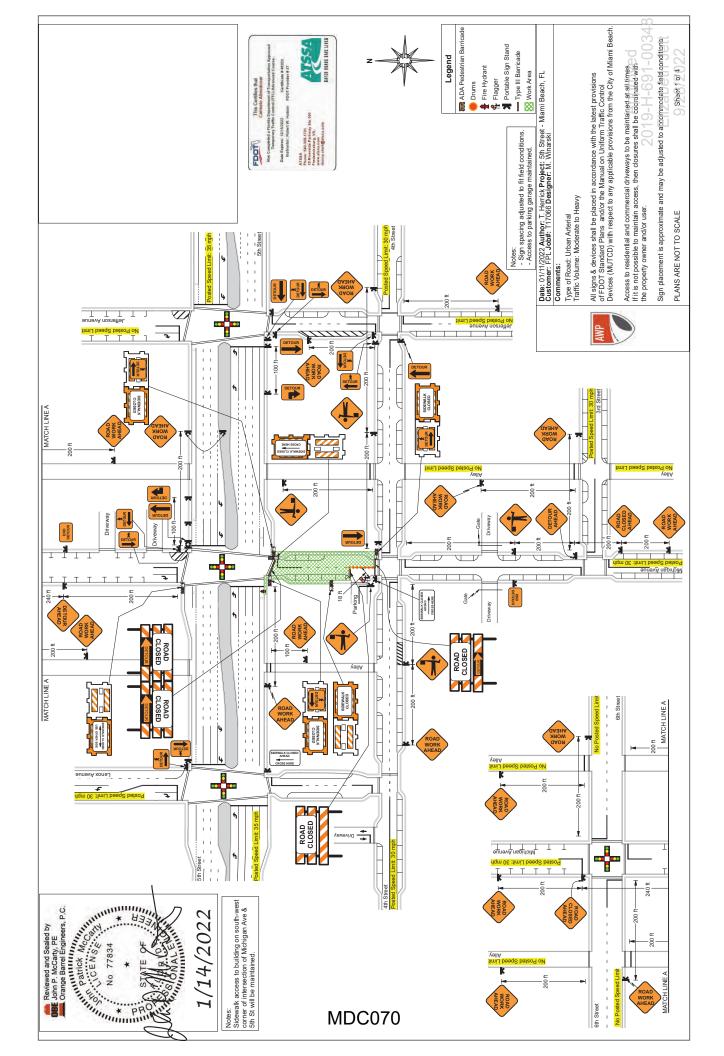


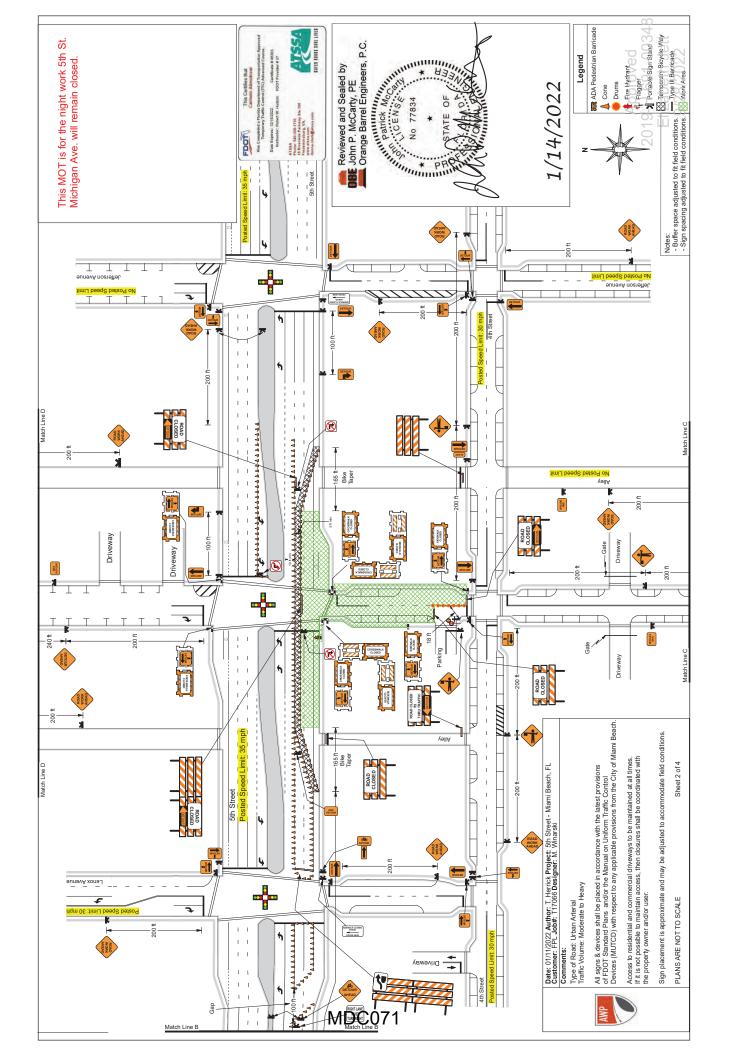


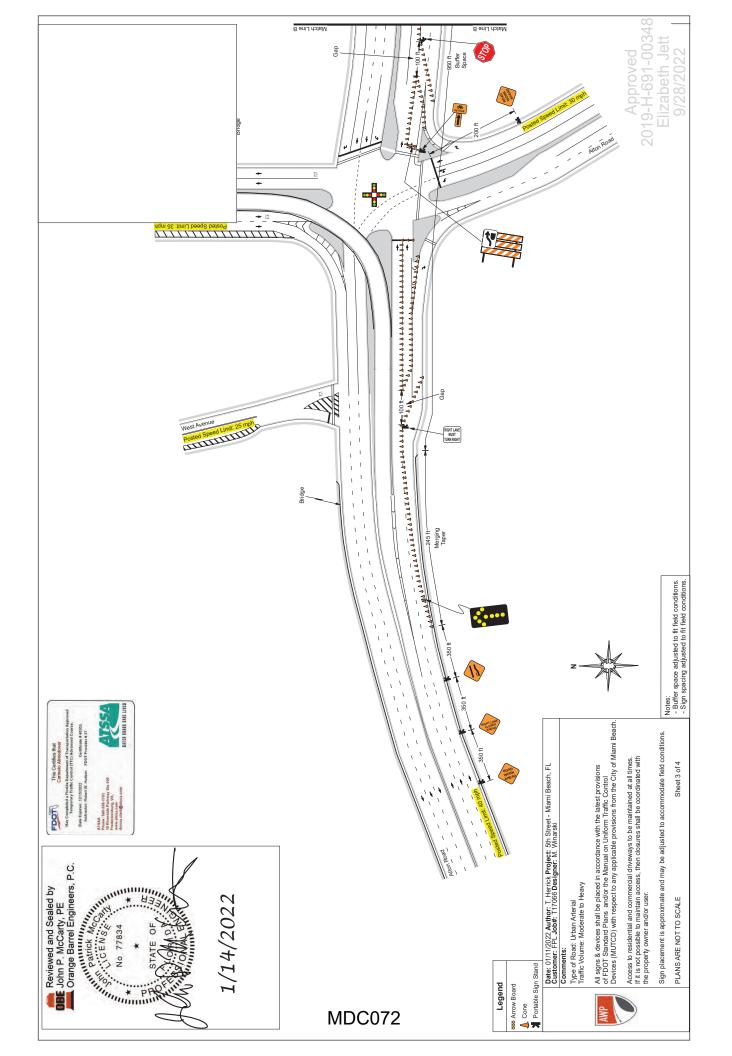


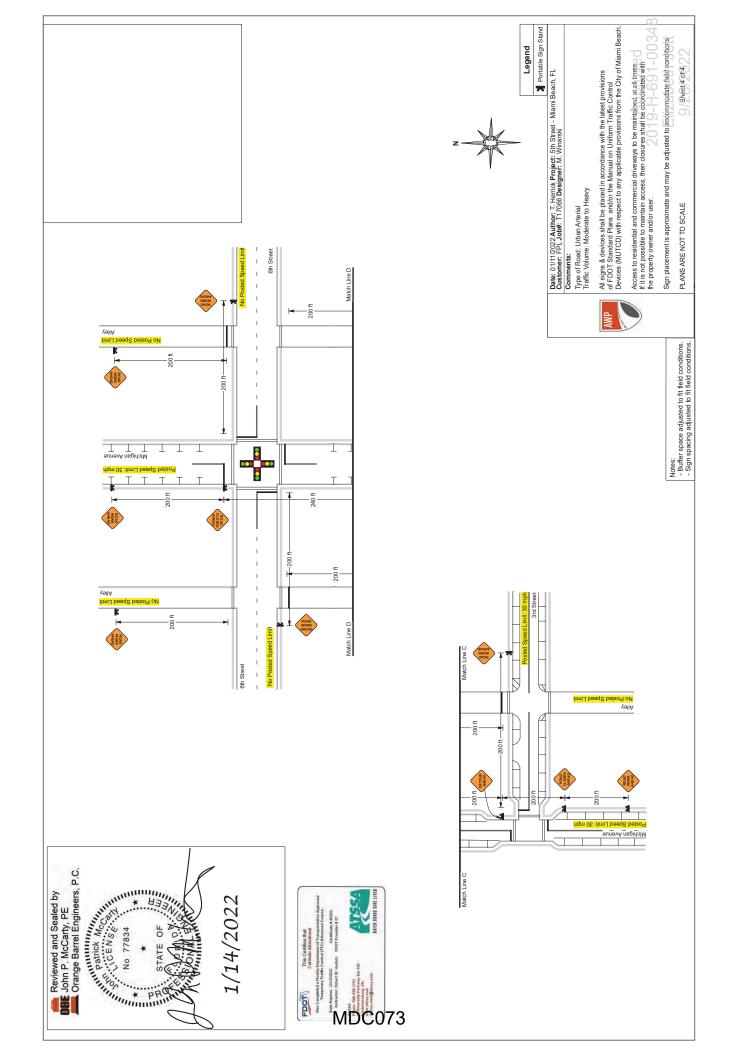


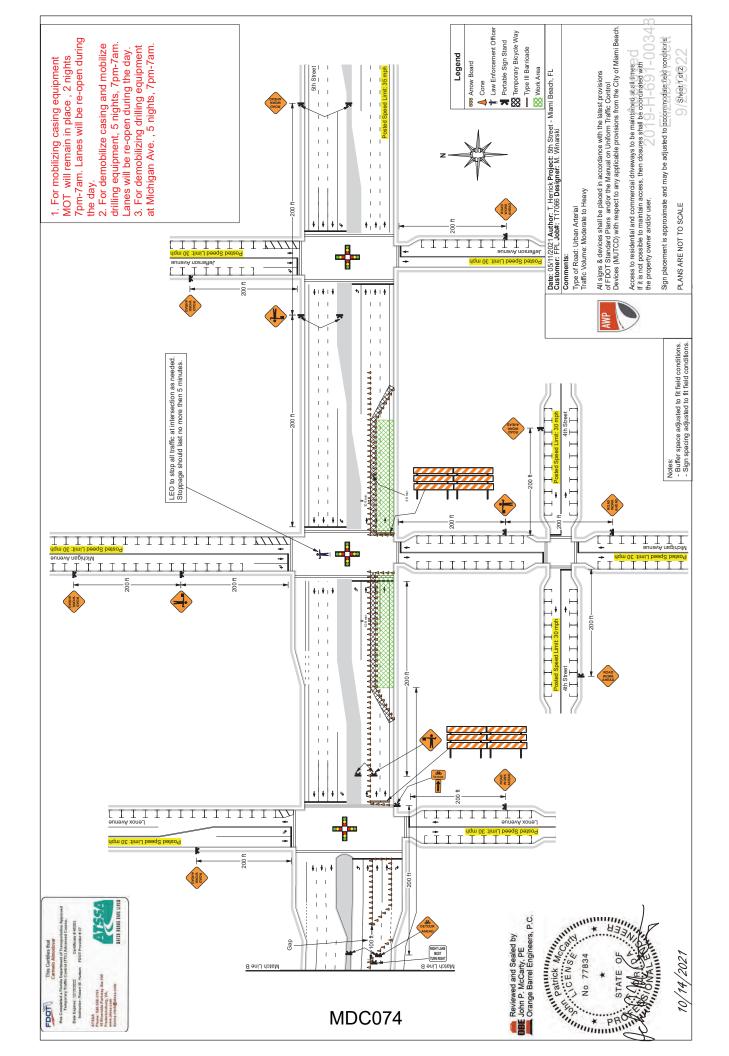


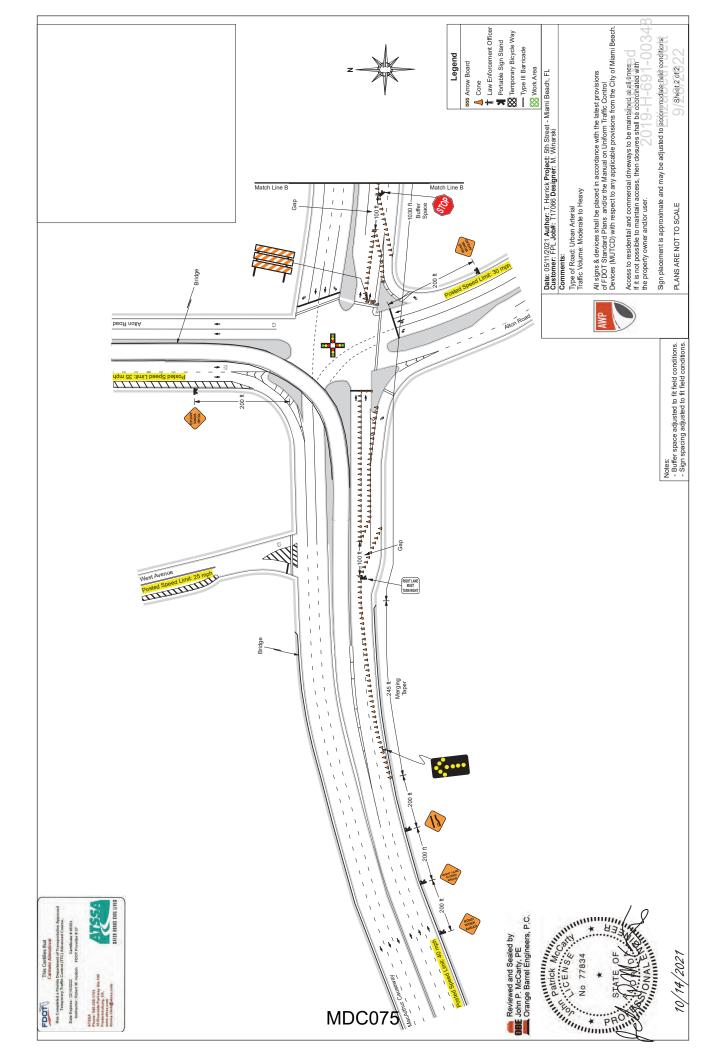












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FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK SCHEDULE

Pursuant to Section 337.403 F.S., the UAO and FDOT agree to the UAO's need for relocation or adjustment to its utilities and FDOT's need for a schedule for the UAO to effect the relocation or adjustment. This utility work schedule is based on FDOT plans dated in the project information box below. Any deviation by FDOT or its contractor from these plans, may void this utility work schedule. Upon notification by FDOT of a change to these plans, the UAO may negotiate a new utility work schedule. The UAO agrees to notify FDOT and the contractor in writing prior to starting, stopping, resuming, and completing work in accordance with this utility work schedule. The UAO shall obtain a utility permit and comply with requirements of the 2017 Utility Accommodation Manual (UAM) for all work done under this utility work The UAO is not responsible for events beyond the control of the UAO that could not be reasonably anticipated by the UAO and which could not be avoided by the UAO with exercise of due diligence at the time of the occurrence.

FDOT PROJECT INFORMATION

Federal Project ID:	County: Miami-Dade	District Document No.:
Financial Project ID: 443432-1-52-01	State Road Number: A1A - MacArthur Causeway	FDOT Plans Dated: May 2021

UTILITY AGENCY/OWNER (UAO)

Utility Company:	Utility Company: FPL - Transmission		
UAO Project Rep: James Joseph	James Joseph	Phone: 305-301-5616	E-mail: james.joseph@fpl.com
UAO Field Rep:	Dayron Chigin	Phone: 305-282-8272	E-mail: dayron.chigin@fp1.com
		UT	UTILITY SIGNATURE

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UAO Rep.	

Date <u>9</u> / <u>9</u> / <u>2022</u>

Title Transmission Relocation Coordinator Name James Joseph

ENGINEER OF RECORD SIGNATURE

I attest this utility work schedule is compatible with the FDOT plans referenced above.

MDC076

Date / EOR. Name

Title

APPROVAL BY DISTRICT UTILITIES

This utility work schedule is complete and acceptable to FDOT.

FDOT Rep.

Date /

lleana Guillen Alvarez

Construction Project Administrator II Title The below days are the total numbers of days shown for all activities in Section C of this utility work schedule. The breakdown of how these days are to be incorporated into the FDOT project and the dependence

of these days upon the completion of other activities by the UAO or others is shown in Section C.

Days prior to FDOT project construction: 0

Days during FDOT project construction: 180

SECTION A: SUMMARY OF UTILITY WORK

Approved 2019-H-691-00348

Elizabeth Jett 9/28/2022

Name

Rule 14-46.001 F.A.C Page 2 of 3 Financial Project ID: Entered on page 1

Utility Company: : <u>Entered on page 1</u> FDOT Plans Dated: <u>Entered on page 1</u>

SECTION B: UAO SPECIAL CONDITIONS/CONSTRAINTS

1) FPL IS A MEMBER OF SUNSHINE STATE ONE CALL OF FLORIDA. LOCATES SHALL BE PROVIDED UPON NOTIFICATION FROM SUNSHINE ONE CALL WITH A LOCATE TICKET NUMBER

LÓW VOLTAGE DISTRIBUTION CONDUCTORS. OVERHEAD ELECTRICAL FACILITIES TO REMAIN ENERGIZED AND IN PLACE DURING CONSTRUCTION. TABLE A MINIMUM CLEARANCE DISTANCES SPECIFIED IN SUBPART CC OF OSHA RULE 1926 (AS THEY PERTAIN TO CRANE/DERRICK OPERATIONS), AND/OR THOSE MINIMUM DISTANCES SPECIFIED IN 29 CFR 1910.333 (C) (3) (i)(A) AND (iii)(A) FOR WORK IN PROXIMITY TO POWER LINES NOT COVERED BY THIS SUBPART CC, MUST BE MAINTAINED." 2) FDOT'S CONTRACTOR MUST MAINTAIN CLEARANCES, AS REQUIRED BY OSHA, WHEN WORKING IN THE PROXIMITY OF FPL'S HIGH-VOLTAGE TRANSMISSION CONDUCTORS &

AROUND FPL FACILITIES DURING CONSTRUCTION. IF ANY TRAFFIC CONTROL AND/OR TRAFFIC RE-ROUTING IS REQUIRED FOR THE ROAD CONSTRUCTION, PROPER ACTION MUST BE TAKEN BY THE FDOT ROAD CONSTRUCTION CONTRACTOR TO PROTECT IN PLACE EXISTING FPL TRANSMISSION FACILITIES. 3) THE ROADWAY CONTRACTOR MUST MAINTAIN OR ENABLE ACCESS TO ALL FPL FACILITIES AT ALL TIMES DURING CONSTRUCTION, AND PROVIDE PROPER TRAFFIC CONTROL

4) WHEN EXCAVATING IN THE VICINITY OF FPL FACILITIES (POLES, ANCHORS, UNDERGROUND CABLES/CONDUITS, ETC.), THE FDOT CONTRACTOR SHOULD EMPLOY THE CONSTRUCTION TECHNIQUES NECESSARY TO PROTECT FPL FACILITIES IN PLACE FROM DAMAGE OR DISPLACEMENT.

5) ALL EXISTING FACILITIES MUST REMAIN IN PLACE AND ENERGIZED UNTIL NEW FACILITIES ARE INSTALLED AND OPERATIONAL

6) ALL WORK TO BE COMPLETED DURING NORMAL FPL DAYLIGHT WORKING HOURS (8:00AM TO 4:00PM MONDAY-FRIDAY). NIGHT WORK (HOURS OUTSIDE OF THE ABOVE STATED FRAME), IF NECESSARY, WILL BE GOVERNED BY THE PERMITTING AGENCY. FPL'S RESOURCES ARE CONSTRAINED TO PRECLUDE COMPLETION OF FPL'S WORK IN ANY TIME-FRAME OTHER THAN AS DESCRIBED IN THIS UWS FOR THIS PROJECT.

7) FPL CANNOT BE HELD LIABLE FOR ANY CONSTRUCTION DELAYS AS A RESULT OF ANY DESIGN / SCHEDULING DEVIATION.

NOTE:

1. Permittee must coordinate before schedule start date with FDOT project team due to possible conflict with MOT.

2. Construction 01/03/2023 through 07/02/2023.

FDOT project team:

Project Administrator: Alvarez, lleana Ileana.Alvarez@dot.state.fl.us Cell: 305-978-4977 Project Manager: Garzia, John M. John.Garzia@dot.state.fl.us Cell: 786-510-6822

Financial Project ID: <u>Entered on page 1</u> Utility Company: : <u>Entered on page 1</u> FDOT Plans Dated: <u>Entered on page 1</u>

SECTION C. II A O'S WODV A CTIVITIES

•	cutive ir Days During	Const. 180									
¢	Consecutive Calendar Days Prior to Dur	Const.									
	TCP Phase	N/A									
	Dependent Activity	Coordination with FDOT for site access and MOT									
SECTION C. UAU S WUNN AUTIVILIES	Utility Work Activity Description	FPL will be installing new manholes and a new underground 69kV transmission line									
0EC.	To Station/Offset	218 + 00									
	From Station/Offset	218 + 00									
	Utility Facility (type, size, material, status)	FPL Transmission 69kV Underground Line									
	Act. No.	-									

Approved 2019-H-691-00348 Elizabeth Jett 9/28/2022

2019-H-691-00348

eonard Salazar

PERMIT NO: 2019-H-691-00348

STATE ROAD INFORMATION

County:	Section:	State Road No:	Beginning Mile Post:	Ending Mile Post:	_
Miami-Dade	87060000	SR A1A	3.027	3.027	

APPLICANT INFORMATION

The Utility Agency Owner (UAO) shall be identified in this Applicant Information Box. When the UAO is a City or County and desires to have the Utility Builder make a joint permit applicant, as prescribed in Section 2.1(4) of the 2017 Utility Accommodation Manual (UAM), the Utility Builder shall also be identified in this Applicant Information Box. A Utility Builder alone cannot apply for a utility permit without the City or County adding them as a joint applicant.

	<u>Utility Agency/Owner (UAO)</u>
Name:	FLORIDA POWER & LIGHT-JUNO
Contact Person:	FLORIDA POWER & LIGHT-JUNO
Address:	700 UNIVERSE BOULEVARD (TS4/JW)
City:	JUNO BEACH
State:	Florida
Zip:	33408
Telephone:	5619043692
Email:	rafael.e.vides@fpl.com

Utility Builder (only	applicable when the UAO is a City or County)	
Name:		
Contact Person:		
Address:		
City:		
State:		
Zip:		
Telephone:		
Email:		

WORK DESCRIPTION

The Applicant(s) requests permission from the Florida Department of Transportation (FDOT) to construct, operate, and maintain the utilities as described below and as depicted in the incorporated documentation. Install new 69kV underground transmission line between Miami Beach Substation and Alton Substation located along MacArthur Causeway (SR-A1A) west of Alton Road in Miami-Dade County, Florida. Miami Beach-Alton 69kV Underground Transmission Line. FPL IO# T00000017065. Utility Work No: Additional sheets are attached and are incorporated into this permit Yes I No I For FDEP certification, the FDOT agency report is attached in accordance with UAM Section 2.4.1 (13) Yes No I

TRAFFIC CONTROL (TCP)

 ✓ The TCP will comply with the following 600 series index(es) 613 ☐ A TCP has been attached and incorporated into this permit application in compliance with UAM Section 2.4.2. 							
MOT Technician's contact information (may be so	upplied at the two	0 (2) business day notification to Fl	DOT):	Seyed.Hajassadollah@fpl.com			
Name: Seyed Hajassadollah	Telephone	(305) 495-8601 ext	Email:				

COMMENCEMENT OF WORK

The UAO and/or Utility Builder shall commence actual construction in good faith within sixty (60) calendar days after approval of the permit application. If the beginning date is more than sixty (60) calendar days from the date of approval, the UAO and/or Utility Builder must review the permit with the FDOT Approving Engineer listed to make sure no changes have occurred to the transportation facility that would affect the permit's continued approval. The UAO and/or Utility Builder shall make good faith efforts to expedite the work and complete the work within the calendar days indicated.

Anticipated Start Date: 5/1/2020

Calendar days needed to completed: 365

MDC079

Florida Department of Transportation **UTILITY PERMIT**

Leonard Salazar 9/9/2020

PERMIT NO: 2019-H-691-00348

APPLICANT SIGNATURE

shown in plans and incorpora instructions incorporated into aerial and underground, are ad declares that a letter of notific	ted documents, in compliance with the UAM, a this permit. The UAO and/or Utility Builder d ccurately shown on the plans of the work areas	uct, operate, and maintain the work as noted in the above Work Description, all instructions noted in the FDOT Special Instructions Box, and special leclares, the location of all existing utilities that it owns or has an interest in, both s. In accordance with UAM Section 2.8, the UAO and/or Utility Builder further ilities within the work areas and that those listed below are the only facility					
Date Notified:	Name of other facility owners (attach additional sheets if necessary).						
2/13/2020	AT&T						
2/13/2020	Atlantic Broadband						
2/13/2020	Comcast Cable						
2/13/2020	Crown Castle						
2/13/2020	Hotwire						
Uti	ility Agency/Owner	Utility Builder (when applicable)					
	ligital signature) Date: 8/16/2019	Signature: Date:					
Name (printed): RAFAEL	VIDES	Name (printed):					
Title:		Title:					

FDOT PROJECT INFORMATION

Pursuant to UAM Section 2.1(10), the utility work is within FDOT projects listed below and must have a Utility Work Schedule for each project approved prior to commencement of work within the FDOT project limits: There are NO FDOT constructions (proposed or underway). This work is NOT related to an approved Utility Work Schedule.

FDOT SPECIAL INSTRUCTIONS

In accordance with UAM Section 2.7, FDOT incorporates the below and attached special instructions into this permit. Special Provisions for Utility Permit No. 2019-H-691-00348 Section: 87060/ SR: A1A / FLORIDA POWER & LIGHT _SEE ATTACHMENTS _WORK WITHIN THE F.D.O.T. RIGHT OF WAY SHALL CONFORM TO CURRENT F.D.O.T. STANDARDS AND SPECIFICATIONS _Permit APPROVAL IN NO WAY CONSTITUTES THAT THE PERMITTED HAS AN APPROVED LANE

Additional FDOT Special Instructions are attached and incorporated into this permit. Yes 🖌 No 🗌

PERMIT APPROVAL

By signature below, FDOT gives permission to the UAO and /or Utility Builder to construct, operate, and maintain the utilities indicated in this Utility Permit in compliance with the UAM, all incorporated documents, and special instructions. Any changes to the approved work must be approved by the FDOT's Approving Engineer and attached and incorporated into this permit in accordance with UAM Section 2.11.

Approving Er	ngineer: Leonard S Name: Leonard S Title: DEPUTY DIS	Salazar					
Notification of	of Utility Work to be pr	ovided to:	Telephone	(305) 603-7664 ext.	or	Email:	Alberto.Sua@dbiservices.com
		An FDOT R	epresentative is 1	equired to be present on the w	vorksite	prior to co	ommencement of work. Yes 🖌 No 🗌
Rep. Name:	Alberto Sua		Telephone	3056037664		Email:	alberto.sua@dbiservices.com
							2019-H-691-003

Rule 14-46.001 F.A.C. Page 3 of 3

Florida Department of Transportation UTILITY PERMIT

PERMIT NO: 2019-H-691-00348

CERTIFICATION

I, the undersigned UAO and/or Utility Builder, hereby CERTIFY that the utilities were constructed and inspected in compliance with the UAM all incorporated documents, and special instructions. Pursuant to UAM Section 2.11, all changes have been approved by the FDOT's Approving Engineer and incorporated into this permit along with all other material certifications, test results, bore logs, approved plans changes, as-built plans or other required documentation.							
I also CERTIFY that work began on than when the work began.	_ and was completed on	and that the area was left in as good or better condition					
Utility Agency/Owner		Utility Builder (when applicable)					
Signature: Date	Signature:	Date					
Name (printed):	Name (printe	d):					
Title:	Title:						

FINAL INSPECTION OF WORK

	The work was inspected and found to be in non-compliance as no	tad halowy
	The work was inspected and found to be in non-compliance as no	ieu below.
	All issues of non-compliance listed above have been brought into compliance and/or FDOT has no outstanding issues that need to be addressed by the UAO and/or Utility Builder. However, this final inspection does not release the UAO and/or Utility Builder of their continuing responsibilities pursuant to Rule 14-46.001, the UAM, all incorporated documents, and special instructions.	
FDOT Inspector:		Date:
	Name:	_
	Title:	

Approved 2019-H-691-00348 Leonard Salazar 9/9/2020 STATE ROAD INFORMATION: Miami-Dade SR A1A, Section: 87060000, Begin MP: 3.027, End MP: 3.027, Miami-Dade SR A1A, Section: 87060000, Begin MP: 2.547, End MP: 2.547

NAME OF OTHER FACILITY OWNERS / DATE NOTIFIED:

Facility Name: Miami Beach Public Works, Date Notified: 2/13/2020, Facility Name: Miami Dade County Public Works, Date Notified: 2/13/2020, Facility Name: TECO Peoples Gas, Date Notified: 2/13/2020, Facility Name: Verizon Enterprise Solutions, Date Notified: 2/13/2020

FDOT PROJECT INFORMATION: There are NO FDOT constructions (proposed or underway). This work is NOT related to an approved Utility Work Schedule.

THE WORK WAS INSPECTED AND FOUND TO BE IN NON-COMPLIANCE AS NOTED BELOW:

Approved 2019-H-691-0034

Leonard Salazar 9/9/2020

- Permit APPROVAL IN NO WAY CONSTITUTES THAT THE PERMITTED HAS AN APPROVED LANE CLOSURE. Please coordinate a pre-construction meeting with <u>MR. Alberto Sua at (305) 603-7664, (305)</u> <u>781-7956, Email: Alberto.Sua@dbiservices.com</u>, a minimum of two (2) weeks prior to beginning of work within the F.D.O.T. Right-of-Way.
- 2. Do a subsurface investigation to locate the utilities and the seawall anchors along the seawalls on the west end of Bridge 870077 for any construction within 20 ft of the seawall. Submit the final layout to FDOT Bridge Maintenance for approval prior to construction.
- 3. <u>Provide a signed and sealed geotechnical evaluation, including an evaluation of the effects on the wall and provide design plans of any temporary retaining walls needed to construct the vault. Submit to FDOT Bridge Maintenance for approval prior to construction.</u>
- 4. <u>Coordinate with the City of Miami Beach for the DB depth under the proposed Pedestrian Bridge at the east</u> end of Bridge 8700077 since there may be changes to the proposed design.
- 5. <u>There is a bus stop near the proposed work. Please ensure to coordinate with Miami-Dade Transit for any bus stop impacts due to lane closure caused by the proposed work.</u>
- 6. <u>Ensure appropriate erosion control devices are in place before any construction begins and are used</u> throughout the duration of construction.
- 7. <u>The proposed project area is adjacent to the Biscayne Bay Aquatic Preserves, which is designated</u> <u>Outstanding Florida Waters. No degradation of water quality, increased turbidity of the water, and/or the</u> <u>discharge of any foreign material into the water shall be permitted.</u>
- 8. <u>The Permittee shall assure that any actions carried out are in accordance with all environmental regulatory</u> requirements.
- 9. <u>Several contaminated sites located within a 500-foot radius of the project have been identified. The Permittee</u> shall assure that any actions carried out are in accordance with all environmental regulatory requirements.
- 10. <u>Direct discharge to the Biscayne Bay, an outstanding Florida Water is prohibited. The FDOT drainage system outfalls to the intercostal waterway, therefore the Permittee cannot use the FDOT drainage system to discharge dewatering effluent. The overflow effluent, if any, needs to be controlled on-site and can NOT be discharged to an FDOT drainage system.</u>
- 11. Proposed handhole should be installed as per FDOT 2019-20 Standard Index No. 635-001.
- 12. <u>Restoration of Sodding and turf should be done according to FDOT 2019-20 Design Standards Index 570-010.</u>
- 13. Do not stage construction or perform surface operations within the drip line if existing canopy trees or palms. For any surface work within the drip line of existing trees, provide protection during construction per FDOT Standard Plans Index 110-100 and FDOT Specification 110.
- 14. Submit a detailed lane closure form, noting work and time phases thru the Lane Closure Information System (LCIS) at http://www.fdotlcis.com/closures.aspx. The lane closure request shall be approved by the Department at least 2 weeks prior to beginning work within the FDOT Right of Way. There shall be no lane closures (Unless approved by the District Maintenance Engineer /or the District Maintenance of Traffic Specialist) from Thanksgiving Day to New Year's Day.

Section: <u>87060</u>/ SR: <u>A1A</u> / <u>FLORIDA POWER & LIGHT</u>

due to Moratorium.

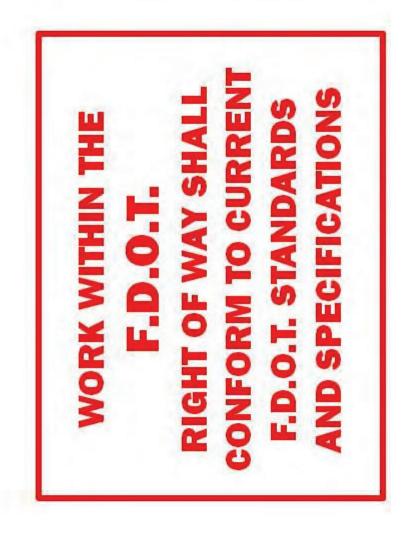
- 15. The Department reserves the right to access any portion of the State Right-of-Way as necessary for maintenance, construction or monitoring activities. There may be a Department Representative on location, which will reserve the right to increase or decrease the approved time frames. *If the Permittee's operations interfere with any current or future FDOT projects, the Permittee shall abide to the conditions of the Department Project Manager.*
- 16. When the Permittee's operations encounter or expose any abnormal condition which may indicate the presence of a hazardous waste, toxic waste, or contaminants, such operations shall cease immediately in the vicinity of the abnormal condition and Permittee shall notify the Department's inspector and Ms. Maria Salgado of the District VI Environmental Management Office at 1000 N.W. 111 Ave., Miami, Florida 33172 (telephone number 305-470-5138). Every effort shall be made by the Permittee to minimize the spread of any contamination into uncontaminated areas. Under no circumstances will the Permittee resume operations in the affected area until so directed by the Department's inspector. The Permittee shall assure that any actions carried out during permit activities are in accordance with all environmental agency requirements and provide the Department copies of deliverables submitted to environmental regulatory agencies. The reports are to be submitted to the District Contamination Impact Coordinator at 1000 N.W. 111 Ave. (room # 6109), Miami, Fl. 33172-5800.
- 17. Permittee will be required issuance of a Certificate to Dig prior to any ground-disturbing activity such as directional boring, trenching, drainage installation, landscaping, or road reconstruction in which case's operations are within highly sensitive archaeological zones in the City of Miami. Permittee shall notify Ms. Megan McLaughlin, AICP, City of Miami Planning and Zoning Department, Preservation Officer at 444 SW 2nd Avenue 3rd Floor, Miami, FL 33130, at 305-416-1453, fax: 305-416-2156, email: <u>mmclaughlin@miamigov.com</u>. A map of the Archaeological Conservation Areas that identifies areas of probability maybe download at <u>http://maps.miamigis.com/miamizoningsite/</u>.
- 18. Access to remain open at all times. The Permittee shall provide and maintain safe temporary access to all adjacent property at all times and shall maintain accommodations for intersecting and crossing traffic within the construction zone. No road or street crossing shall be blocked or unduly restricted as determined by the engineer. *Property owner must be notified seven (7) days in advance when open cutting of existing paved driveway by the permitted*.
- 19. A copy of this permit and plans will be on the job site at all times during the construction of this facility.
- 20. Validity of this permit is contingent upon Permittee obtaining necessary permits from all other agencies involved.
- **21.** Any hand-hole / pull-box located within a grass area shall be installed with a 1'x 1' (min.) concrete pad. Proposed hand holes / pull boxes may not be located within existing driveways or pedestrian ramps.
- 22. The use of steel plates will be at the discretion of the Department Representative. If the Permittee is proposing to use steel plates, a structural analysis must be submitted prior to installation to determine the stability of the plates and approved by the Department Representative. All plates shall be secured in place with railroad spikes and compacted asphalt and must be removed within 24-hours of installation. Locations for plate installations shall not exceed fifty (50) feet in length.
- 23. SIDEWALK SHALL BE RESTORED WITH FULL 4 INCHES THICK FLAGS WITH EXPANSION MATERIAL AND DETECTABLE DOMES FOR HANDICAP RAMPS ACCORDING TO THE F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS – INDICES 300, 304, AND 310 (CURRENT EDITION) AND CONSTRUCTED ACCORDING TO THE F.D.O.T. STANDARDS SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION – SECTION 522.
- 24. IN THE EVENT THAT THE ROADWAY PAVEMENT IS DAMAGED, IT SHALL BE RESTORED **50-FT. AT EITHER SIDE AND AT FULL** <u>LANE WIDTH</u> TO MATCH OR EXCEED EXISTENT CONDITIONS AND IN ACCORDANCE WITH THE DEPARTMENT'S DESIGN STANDARDS AND SPECIFICATIONS. PAVEMENT RESTORATION SCOPE AND METHOD WILL BE AS DIRECTED IN THE FIELD BY THE DEPARTMENT REPRESENTATIVE. DAMAGED PAVEMENT WILL BE RESTORED AT THE EXPENSE OF THE PERMITTEE.
- 25. Final restoration shall be coordinated with the Department Representative. All portions of the State Right-of-Way disturbed in the construction of the proposed work shall be restored to F.D.O.T. Specifications within thirty (30) days upon completion of the permitted installation. As-Built and or Bore Log shall be submitted within 30 days of work being completed, or permit will be closed out as non-compliant.

26. If F.D.O.T. roadway improvements have commenced or recently been completed prior to the installation of the work approved under this permit, this permit shall become void.

27. AS-BUILTS SHALL BE RECEIVED WITHIN 30 DAYS OF THE COMPLETION OF THE WORK.

- 28. Beginning any work within the F.D.O.T. Right-of-Way associated with this permit constitutes acceptance of these conditions.
- **29.** Tree protection shall be installed per Index 542 to ensure no equipment within tree root zone. Ensure any damage to existing landscape be restored to existing or better condition. If sod is damaged during construction, it must be replaced and maintained until the sod is established. The permit will remain open until this is accomplished.

Approved 2019-H-691-00348 Leonard Salazar 9/9/2020



Attachment B

Owner/Agent Letter, Engineer Letter, and Project Sketches

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: 8-12-21

Miami Dade County Department of Regulatory and Economic Resources Class I Permitting Program 701 NW 1st Court Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2021-0065

By the attached Class I Standard Form permit application with supporting documents, I, Michael Harrington, am the authorized agent_and hereby request permission to perform the work associated with Class I Permit Application CLI-2021-0065. 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 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. The permit applicant will secure the services of an engineer 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,

Mali the

Michael Harrington, Authorized Agent

POWER ENGINEERS, INC.

16011 COLLEGE BOULEVARD SUITE 130 LENEXA, KS 66219 USA

> **PHONE** 913-304-7900 **FAX** 913-304-7999



August 16, 2021

Miami-Dade County Department of Regulatory and Economic Resources Class I Permitting Program 701 NW 1st Court Miami, Florida 33136

RE: Class I Standard Form Permit Application Number CLI-2021-0065

Ladies and Gentlemen:

This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of Florida or any provisions 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 of 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)



Miami-Dade County Department of Regulatory and Economic Resources Class I Permitting Program

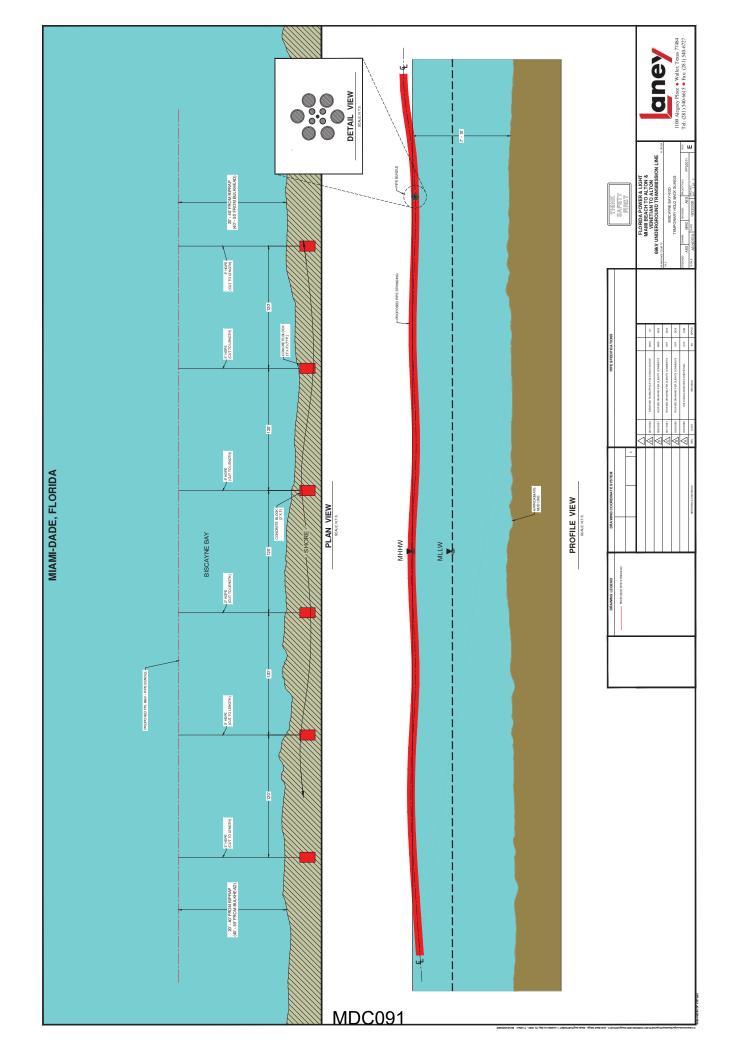
July 23, 2018

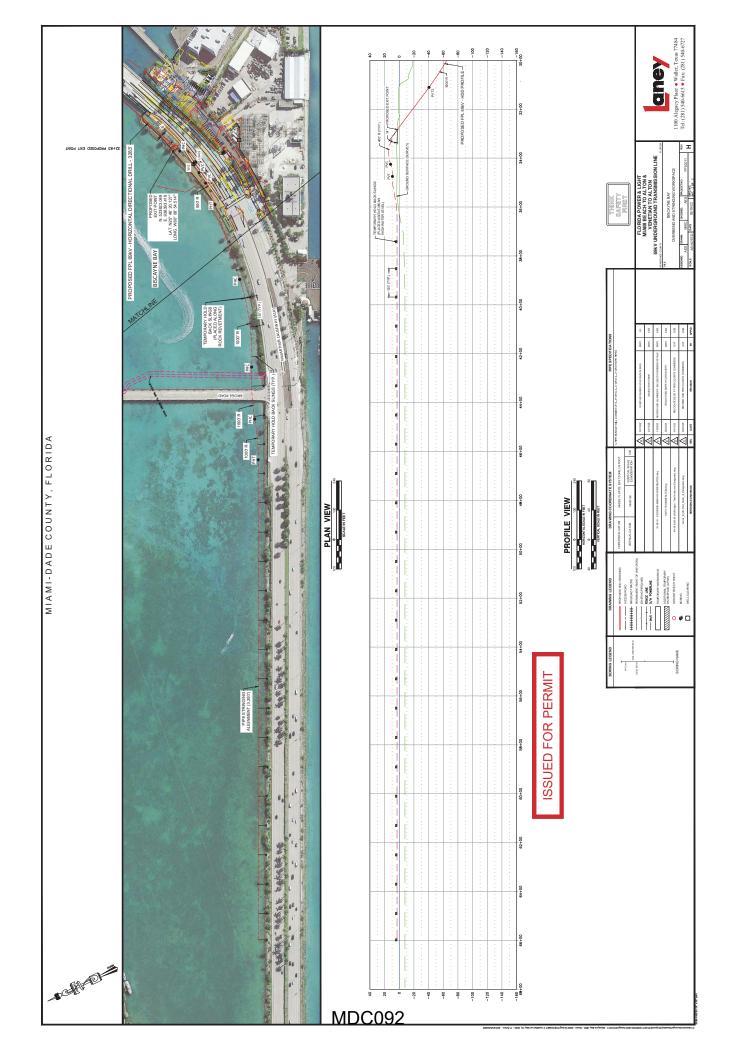
Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, certified surveys, drawings, and other data furnished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

Sincerely,

Johnson lunis

Dennis E. Johnson, P.E. Senior Project Engineer POWER Engineers P.E. # 69576





Attachment C

Zoning Memorandum

Date:	December 29, 2022	
To:	McKee Gray, Chief Have Charge Natural Resources Division Department of Regulatory and Economic Resources	
From:	Rockell Alhale, ERPS Coastal Resources Section Department of Regulatory and Economic Resources	
Subject:	Class I Permit Application and Request for a Variance by Florida Power and Light Company for the Temporary Staging of Transmission Lines in Tidal Waters along the MacArthur Causeway, Miami Beach, Miami-Dade County, Florida.	

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Pursuant to Section 24-48.2(II)(B)(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

DERM Project Report

CLASS I PERMIT APPLICATION NO. CLI-2021-0065

Class I Permit Application and Request for a Variance by Florida Power and Light Company for the Temporary In-water Staging of Transmission Lines in Tidal Waters Along the MacArthur Causeway, Miami Beach, Miami-Dade County, Florida.

DATE: December 29, 2022

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

1. **Potential Adverse Environmental Impact**- Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized and mitigation is required for permittable projects that otherwise result in adverse environmental impacts. In order to avoid impacts to existing benthic resources, including seagrasses, the floating conduits would be tethered to anchors located on the uplands and no structures other than the floating conduits are proposed to be installed within tidal waters. Furthermore, the project has been designed to maintain sufficient clearance between the floating conduits and any existing benthic resources. Additionally, the tethers and conduits would be inspected on a daily basis to ensure that no marine organisms or debris have become entangled in the lines. Due to the temporary nature of the project, long-term shading impacts to seagrasses are not reasonably anticipated, and pre- and post-event benthic surveys would be required for the subject application.

The proposed work is not reasonably expected to result in cumulative environmental impacts to water quality; however, the construction phase of the proposed project may result in temporary water quality impacts. In order to minimize the temporary impacts to water quality as a result of the construction activities associated with the proposed work, the Class I permit would require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards.

- 2. <u>Potential Cumulative Adverse Environmental Impact</u> The proposed project is not reasonably expected to result in cumulative adverse environmental impacts as set forth in Number 1 above.
- 3. <u>**Hydrology**</u> The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
- 4. <u>Water Quality</u> The proposed project may affect surface water quality on a temporary basis during staging operations; however, the impacts will be minimized as set forth in Number 1 above.
- 5. <u>Wellfields</u> The proposed project is not reasonably expected to adversely affect wellfields.
- 6. <u>Water Supply</u> The proposed project is not reasonably expected to adversely affect water supply.
- 7. <u>Aquifer Recharge</u> The proposed project is not reasonably expected to adversely affect aquifer recharge.
- 8. <u>Aesthetics</u> The proposed project is not reasonably expected to adversely affect aesthetics.

- 9. <u>Navigation</u> The temporary in-water staging of the conduit bundle would be located parallel to the riprap shoreline along the north side of the MacArthur Causeway. The work is not proposed within or adjacent to navigational channels and each tether would have a marine light attached that would be illuminated at night to alert vessels to the presence of the structures. Therefore, 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. <u>Historic Values</u> The proposed project is not reasonably expected to adversely affect historic values.
- 12. <u>Archaeological Values</u> The proposed project is not reasonably expected to adversely affect archaeological values.
- 13. <u>Air Quality</u> The proposed project is not reasonably expected to adversely affect air quality.
- 14. <u>Marine and Wildlife Habitats</u> The proposed project is not reasonably expected to adversely affect marine and wildlife habitats, as set forth in Number 1 above.
- 15. <u>Wetland Soils Suitable for Habitat</u> The proposed project does not involve any work in wetland soils.
- 16. <u>Floral Values</u> The proposed project is not reasonably expected to adversely affect floral values as set forth in Number 1 above.
- 17. **Fauna Values** The proposed project is not reasonably expected to adversely affect fauna values as set forth in Number 1 above.
- 18. <u>Rare, Threatened and Endangered Species</u> The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. The proposed project site is not located within an area designated as essential manatee habitat for the West Indian Manatee by the MPP. The Class I permit would require that all standard manatee construction permit conditions be followed during all in-water operations.
- 19. <u>Natural Flood Damage Protection</u> The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
- 20. <u>Wetland Values</u> The proposed project does not involve work in wetlands.
- 21. <u>Land Use Classification</u> Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter stating that the proposed project does not violate any zoning laws, or a plan approval, would be submitted prior to permit issuance. Said letter or plan approval would be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.

- 22. <u>Recreation</u> The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
- 23. Other Environmental Values Affecting the Public Interest The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed project will occur on lands owned by the State of Florida and authorization for use of the subject submerged lands has been obtained.
- 24. <u>Conformance with Standard Construction Procedures and Practices and Design and</u> <u>Performance Standards</u> – The staging of construction materials in tidal waters does not have a water-dependent use and is prohibited pursuant to Section 24-48.23 of the Code. However, Section 24-48.25 provides for applications for variances to the prohibition of non-water-dependent floating structures to be heard and ruled upon by the Board. The applicant is requesting a variance to the water dependency requirement of the Code, and the proposed structures are not reasonably expected to result in adverse environmental impacts.
- 25. <u>Comprehensive Environmental Impact Statement (CEIS)</u> In the opinion of the Director, 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 DERM to evaluate the project.
- 26. <u>Conformance with All Applicable Federal, State and Local Laws and Regulations</u> The proposed project is in conformance with applicable State, Federal and local laws and regulations:
 - a) Chapter 24 of the Code of Miami-Dade County
 - b) United States Clean Water Act (US Army Corps of Engineers permit is required)
 - c) Florida Department of Environmental Protection (Regulatory permit has been obtained. See Attachment E).
- 27. <u>Conformance with the Miami-Dade County Comprehensive Development Master Plan</u> (<u>CDMP</u>) - In the opinion of the Director, the proposed project is consistent as required by CDMP policy LU-3A, with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as other elements of the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

<u>Objective 3/Policies 3B, 3C</u> - Protection of natural resources and systems. – The proposed project is consistent with all applicable environmental regulations, 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

<u>Aviation Subelement/Objective AV-5A</u> - 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:

- <u>**Objective 3/Policies 3A, 3B, 3D</u>** Wellfield protection area protection. The proposed project is not located within a wellfield protection area.</u>
- <u>Objective 3/Policy 3E</u> 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.
- <u>Objective 4/Policies 4A, 4B, 4C</u> 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.
- <u>Objective 5/Policies 5A, 5B, 5F</u> Flood protection and cut and fill criteria The proposed project will not compromise flood protection.
- <u>Objective 6/Policy 6A</u> Areas of highest suitability for mineral extraction. The proposed project is not located in an area proposed or suitable for mineral extraction.
- <u>Objective 6/Policy 6B</u> Guidelines for rock quarries for the re-establishment of native flora and fauna.— The proposed project is not located in a rock quarry.
- <u>**Objective 7/Policy 7A, 7C, 7D, 7J</u>** Wetland protection and restoration. The proposed project is not located within a wetland.</u>
- <u>Objective 9/Policies 9A, 9B, 9C</u> Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered animal species, and the impacts have been minimized as set forth in Number 1 above.

COASTAL MANAGEMENT ELEMENT VII:

- <u>**Objective 1/Policy 1A**</u> Mangrove wetlands within Mangrove Protection Areas The proposed project is not located within a designated "Mangrove Protection Area."
- <u>Objective 1/ Policy 1B</u> Natural surface flow into and through coastal wetlands. The proposed project is not located within coastal wetlands.
- <u>**Objective 1**/Policy 1C</u> Elevated boardwalk access through mangroves. The proposed project does not involve the construction of an elevated walkway through mangroves.

- <u>**Objective 1/Policy 1D</u></u> Protection and maintenance of mangrove forests and related natural vegetational communities. The proposed project is not located within a mangrove forest or related natural vegetational community.</u>**
- <u>Objective 1/Policy 1E</u> Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. The proposed project is not located within coastal wetlands.
- <u>Objective 1/Policy 1G</u> Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. The proposed project does not involve dredging or filling of grass/algal flats, hard bottom, or other viable benthic communities.
- <u>Objective 2/Policies 2A, 2B</u> Beach restoration and renourishment objectives. The proposed project does not involve beach restoration or renourishment.
- <u>Objective 3/Policies 3E, 3F</u> 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 result in impacts to endangered or threatened species as set forth in Number 18 above.
- <u>**Objective 5**/Policy 5B</u> Existing and new areas for water-dependent uses. The proposed project is not reasonably expected to adversely affect existing water-dependent uses.
- <u>Objective 5/Policy 5D</u> Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) The proposed project site is not located within the Shoreline Development Review boundaries; therefore, the thresholds for review by the Shoreline Development Review Committee under the Shoreline Ordinance do not apply and the proposed project is not subject to shoreline development review.
- <u>Objective 5/Policy 5F</u> The siting of water dependent facilities. The project includes a non-waterdependent use. However, the applicant is requesting a variance to the water dependency requirement of the Code. In addition, the proposed project is not reasonably expected to result in adverse environmental impacts as set forth in Number 1 above.
- 28. <u>Conformance with Chapter 33B, Code of Miami-Dade County</u> (East Everglades Zoning Overlay Ordinance) The proposed project is not located within the East Everglades Area.
- 29. <u>Conformance with Miami-Dade County Ordinance 81-19</u> (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The project includes a nonwater-dependent use that is not in full conformance with the Biscayne Bay Management Plan. However, the applicant is requesting a variance to the water dependency requirement of the Code. In addition, the proposed project is not reasonably expected to result in adverse environmental impacts as set forth in Number 1 above.

- 30. <u>Conformance with the Miami-Dade County Manatee Protection Plan (MPP)</u> The proposed project site is not located within an area designated as essential manatee habitat for the West Indian Manatee by the MPP; however, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water operations.
- 31. <u>Consistency with Miami-Dade County Criteria for Lake Excavation</u> The proposed project does not involve lake excavation.
- 32. <u>Municipality Recommendation</u> Pursuant to Section 24-48.2(II)(B)(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. <u>Coastal Resources Management Line</u> A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(B)(10)(b) of the Code of Miami-Dade County.
- 34. <u>Maximum Protection of a Wetland's Hydrological and Biological Functions</u> The proposed project is not located within a wetland.
- 35. <u>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</u> Not applicable.

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

<u>24-48.3 (2) Dredging and Filling for Class I Permit</u> – Not Applicable.

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 complies with Section 24-48.3(3) of the Code of Miami-Dade County. Although no structures for mooring are being proposed, all vessels associated with construction would be required to operate in sufficient water depth pursuant to the conditions of the Class I permit.

24-48.3 (4) Clean Fill in Wetlands – Not applicable.

The project was also evaluated based upon the applicable factors set forth in Section 24-48.25 of the Code.

- 36. Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters The proposed project is temporary in nature and is not reasonably expected to impact visual or physical access to the adjacent waters.
- 37. <u>Historical significance</u> The proposed project is not historically significant.
- 38. <u>Need for covered vessel repair facilities</u> Not applicable.

- 39. <u>Environmental impact or cumulative environmental impact</u> The proposed project is not reasonably expected to result in adverse environmental impacts as set forth in Number 1 above.
- 40. <u>Navigation</u> The proposed project is not reasonably expected to adversely affect navigation. The temporary in-water staging of the conduit bundle would be located parallel to the riprap shoreline along the north side of the MacArthur Causeway. The work is not proposed within or adjacent to navigational channels and each tether would have a marine light attached that would be illuminated at night to alert vessels to the presence of the structures. Therefore, the proposed project is not reasonably expected to adversely affect navigation.
- 41. <u>Public safety</u> The proposed project is not reasonably expected to adversely affect public safety.
- 42. <u>Aesthetics</u>- The proposed project is temporary in nature; however, during the construction process, there may be temporary aesthetic impacts related to the presence of machinery associated with construction activities.
- 43. <u>Biscayne Bay Management Plan</u> The project includes a non-water-dependent use that is not in full conformance with the Biscayne Bay Management Plan. However, the applicant is requesting a variance to the water dependency requirement of the Code. In addition, the proposed project is not reasonably expected to result in adverse environmental impacts as set forth in Number 1 above.
- 44. <u>Biscayne Bay Aquatic Preserve Act</u> The project is not in full conformance with the Biscayne Bay Aquatic Preserve Act. However, the applicant is requesting a variance as set forth in Number 43 above.
- 45. <u>Rules of the Biscayne Bay Aquatic Preserve</u> The project is not in full conformance with the rules of the Biscayne Bay Aquatic Preserve. However, the applicant is requesting a variance as set forth in Number 43 above.

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

Mine Shar

McKee Gray, Chief Natural Resources Division

Rockell Alhale, ERPS Coastal Resources Section



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office 3301 Gun Club Road, MSC 7210-1 West Palm Beach, FL 33406 561-681-6600 Ron DeSantis Governor

Jeanette Nuñez Lt. Governor

Noah Valenstein Secretary

Project Name: FPL T17065 MB-Alton HDD

Permittee/Authorized Entity:

Florida Power & Light Company c/o Frank LeBlanc 15430 Endeavor Drive, D01/JW Jupiter, FL 33478 Email: Franck.1.leblanc@fpl.com

Authorized Agent:

Golder Associates c/o Michael Harrington 9428 Baymeadows Road, Suite 400 Jacksonville, FL 32256 Email: <u>mharrington@golder.com</u>

Environmental Resource Permit - Granted

State-owned Submerged Lands Authorization – Granted

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required

Permit No.: 13-393851-001-EI

Permit Issuance Date: January 5, 2021

Permit Construction Phase Expiration Date: January 5, 2026

www.dep.state.fl.us MDC104

Environmental Resource Permit and State-owned Submerged Lands Authorization

Permit No.: 13-393851-001-EI

PROJECT LOCATION

The activities authorized by this Permit and state-owned submerged lands authorization are located within Biscayne Bay, within the Biscayne Bay Aquatic Preserve, Outstanding Florida Waters, Class III Waters, adjacent to MacArthur Causeway in Miami-Dade County (Latitude N 25° 46' 24.33", Longitude W 80° 08' 44.78").

PROJECT DESCRIPTION

This permit authorizes horizonal directional drilling with entry and exit points in uplands, to install approximately 2,100 ln. ft. of new underground subaqueous 69kV transmission line. The bore will be a maximum of 48 in. in diameter and a depth of minus 80 ft. below the baybottom adjacent to MacArthur Causeway in Biscayne Bay.

No adverse impacts to wetlands or other surface waters are proposed. Therefore, there will be no adverse impacts to wetlands or submerged resources. Mitigation is not required.

All water bodies, including any adjacent submerged aquatic vegetation outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

AUTHORIZATIONS

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

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

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that due to the time-sensitive nature of the project, the activity qualifies for a Letter of Consent pursuant to subsection 18-21.005(1)(c)15, F.A.C., as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board

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of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Within one year of the date of issuance of this Letter of Consent, the permittee shall obtain a public easement from the Department's Division of State Lands.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found Jacksonville District Regulatory Division Source Book online in the at: https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

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

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- The Specific Conditions
- The General Conditions
- The Special Consent Conditions
- The General Conditions for Sovereignty Submerged Lands Authorization
- The limits, conditions and locations of work shown in the attached drawings

• The term limits of this authorization

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – EXECUTION OF PROPRIETARY DOCUMENTS

(1) The permittee shall execute a public easement for the utility conduit within one year from the date of issuance of this permit. If the applicant fails to execute the required public easement within one year from the date of issuance of this permit, the permittee may be subject to penalties pursuant to Chapter 253, F.S. and Rule 18-14, F.A.C. In order to process your application to obtain a public easement, we need within 90 calendar days from the issuance date of this permit, the information listed in Rule 18-21.009, F.A.C.

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

(2) The attached project drawings (sheets 1 through 15); the attached "Proposed Methods for Protection of Water Quality for Directional Bored Water Crossings" (Exhibit B); and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <u>http://www.dep.state.fl.us/water/wetlands/erp/forms.htm</u> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email <u>SED_Compliance@FloridaDEP.gov</u>, or by phone (561) 681-6600, to schedule the pre-construction conference.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

(4) Return water shall not be discharged into adjacent surface waters and/or wetlands, and all severed materials shall be temporarily placed in the self-contained upland containment pits, as shown on the attached drawings. The spoil containment pits shall be constructed to contain all severed materials and prevent the escape of severed materials and associated effluent into adjacent storm drains, surface waters, and/or wetlands. All containment pits and staging areas shall be located on uplands. Construction personnel shall maintain daily logs (including a depiction of the area inspected) outlining all bore route inspections conducted during construction.

(5) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), within wetlands, surface waters, or along the shoreline adjacent to waters of the state.

(6) The entry and exit points of the directional drill shall be located on uplands and contained with silt fences/staked hay bales to contain any material from traveling into surrounding areas.

(7) Best management practices for erosion control within the staging area shall be implemented and maintained at all times during construction of the entry pits and drilling operations to prevent siltation and turbid discharges in excess of State water quality standards.

(8) To provide an additional level of resource protection, the volume of bentonite in the drill string shall be monitored at all times during directional drilling operation. Should a drop in volume of bentonite occur, the following measures will be taken:

1. Immediately conduct a visual inspection of both terrestrial and subaqueous portions of the HDD corridor. If a frac-out is detected, notify Southeast District Compliance staff at <u>SED Compliance@FloridaDEP.gov</u> or (561)681-6600, within 2 hours of detection.

2. Should the release of drilling materials occur, the appropriate actions shall take place in strict accordance with the attached "Frac-Out Contingency Plan."

(9) In order to minimize the possibility of a bentonite release during punch out, the site project manager shall consider the use of water in place of bentonite during the last 30 to 50 feet of the directional bore. The HDD operator shall stop the flow of recirculated bentonite and the borehole shall be flushed with water to remove the bentonite. Once the drill string is clear of bentonite, drilling will continue using only water as the boring medium.

(10) Additives to the bentonite drilling muds shall not be used without the Department's prior approval. If additives are needed, a permit modification will be required. Toxicity evaluations using marine organisms with concentrations of additives representative of those proposed for HDD boring will be required to evaluate the permit modification request.

(11) A fully enclosed truck shall remain onsite for frac-out assistance as well as to remove all drilling fluids prior to backfilling the containment pits. If night time drilling and/or boring activities are performed beneath wetlands or surface waters, the permittee and/or contractor shall provide evidence to the Department that the contracted construction personnel is equipped with the best available lighting to detect a frac-out during low light conditions, which shall be utilized when tracing the HDD at night. Prior to night time drilling and/or boring activities, the permittee and/or contractor shall contact the Department at the address in Specific Condition No. 8, a minimum of 48 hours prior to commencement of drilling, etc.

(12) Within 14 days of the pipe installation, the permittee shall fully restore the staging area to its original condition. Paved surfaces shall be repaired and unpaved surface areas shall be replanted with native vegetation.

SPECIFIC CONDITIONS – MANATEE CONDITIONS

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(13) The permittee shall comply with the standard manatee protection construction conditions listed in the attached "2011 Standard Manatee Conditions for In-Water Work".

SPECIFIC CONDITIONS – LISTED SPECIES

(14) This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to <u>FWCConservationPlanningServices@MyFWC.com.</u>

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(1) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(4) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained

from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

(5) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(6) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex
 "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
 - (7) If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(8) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the

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permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

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

- (12) The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(13) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(14) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(17) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(18) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

SPECIAL CONSENT CONDITIONS

1) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S. and Chapter 258, F.S.

(1) Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees. (2) Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

(3) Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

(4) Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

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

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

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

(8) Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.

(9) Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.

(10) The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

(11) Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

(12) Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in

which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

(13) All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

(14) This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

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. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing 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, any email address, any facsimile number, 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.

The petition 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.

Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

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 failure to file a petition 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., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

The failure to file a petition 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., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., 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 for filing a petition for an administrative hearing. 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.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of sections 373.114(1)(a) or 373.4275, Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275, Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Any Party to this Order has the right to seek judicial review of the Order Pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of the 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 this Order is filed with the clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 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 this action is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Norva Blandin, MSEM Program Administrator Permitting and Waste Cleanup Program Southeast District

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Norva Blandin, Jeff Meyer, Newt Robson, Jason Spanier, Laura Eldredge Lisa Spadafina, Miami-Dade County RER, <u>spadaL2@miamidade.gov</u> Michael Harrington, <u>Michael Harrington@golder.com</u>

FILING AND ACKNOWLEDGMENT

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

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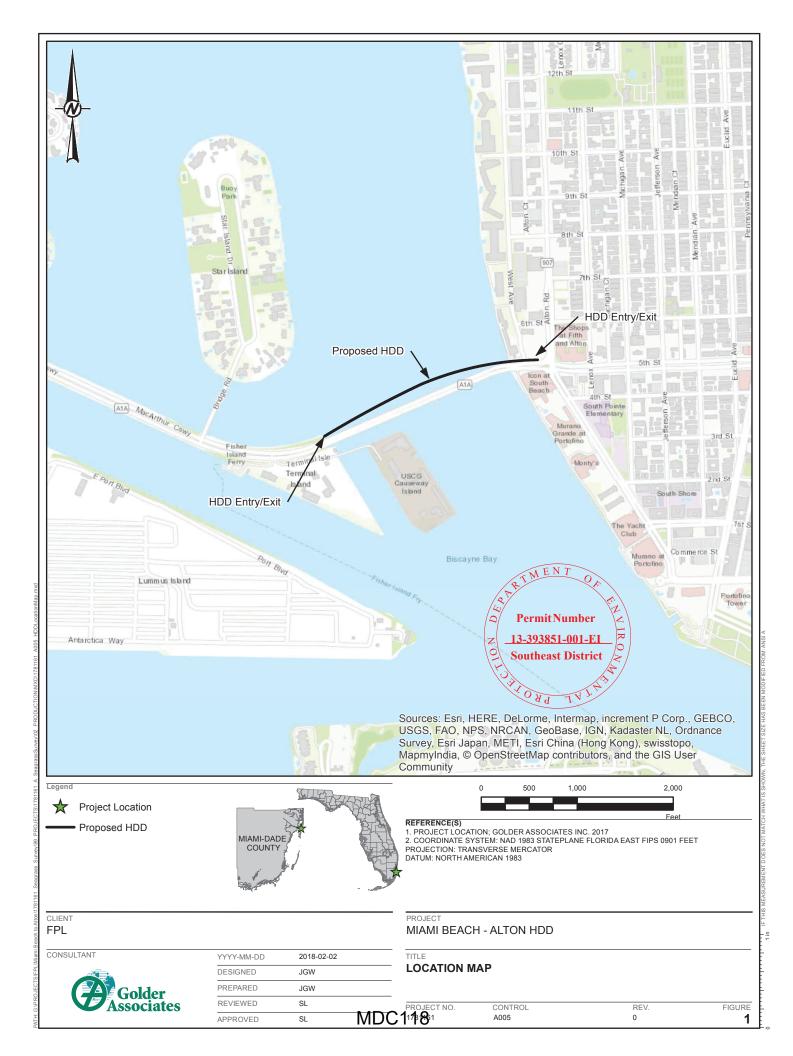
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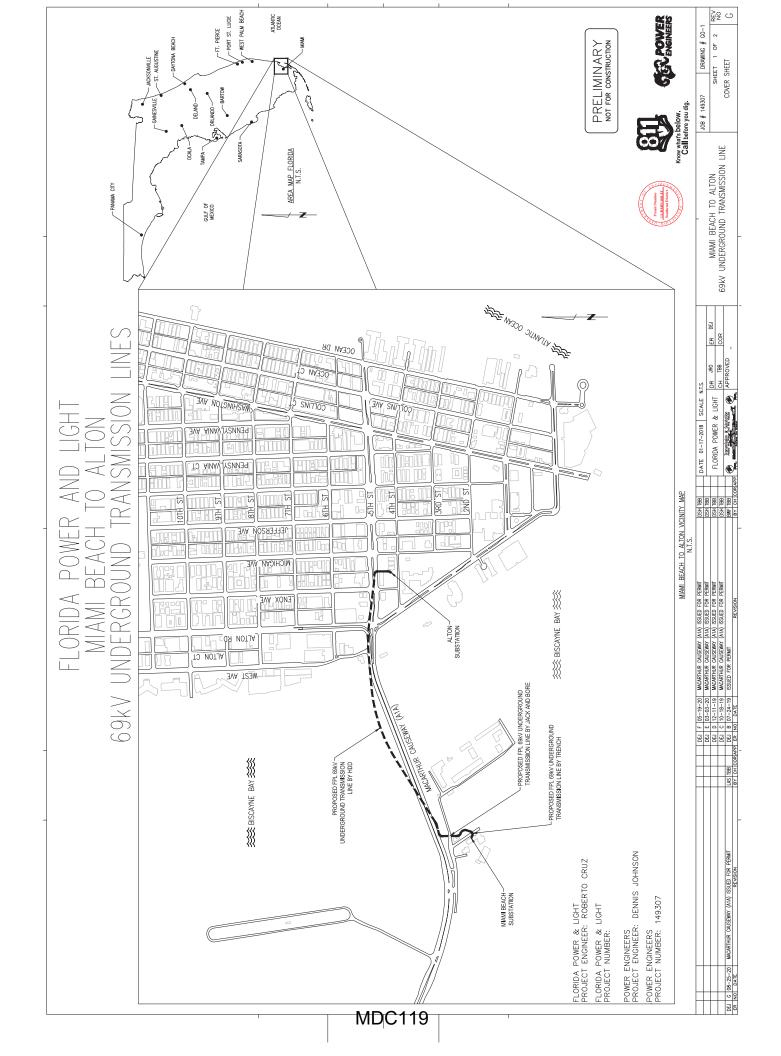
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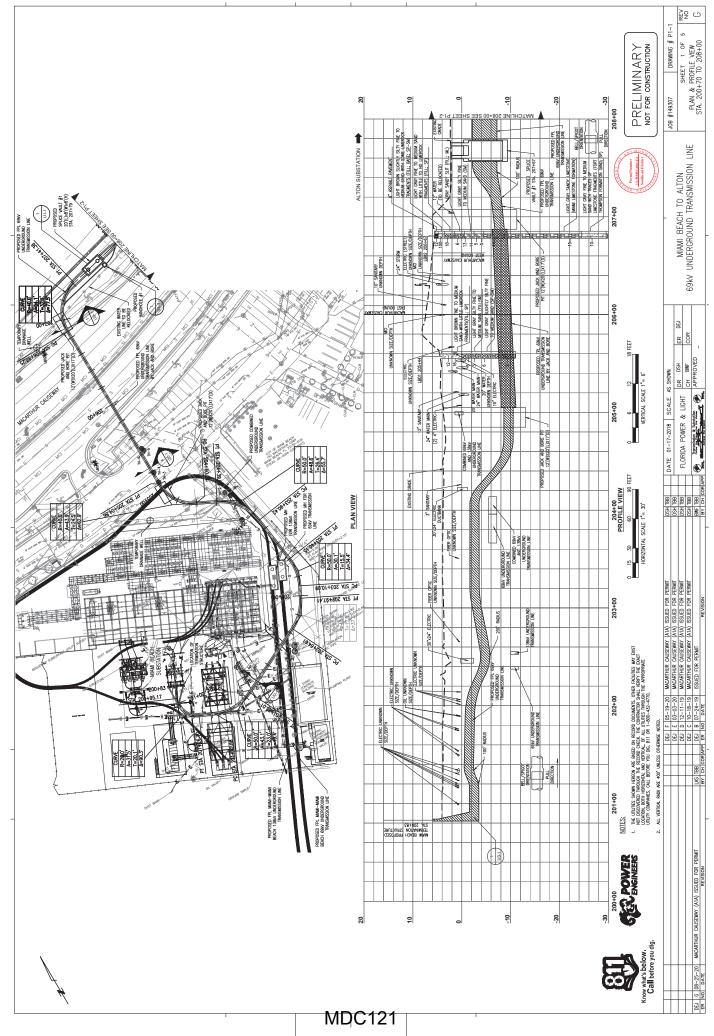
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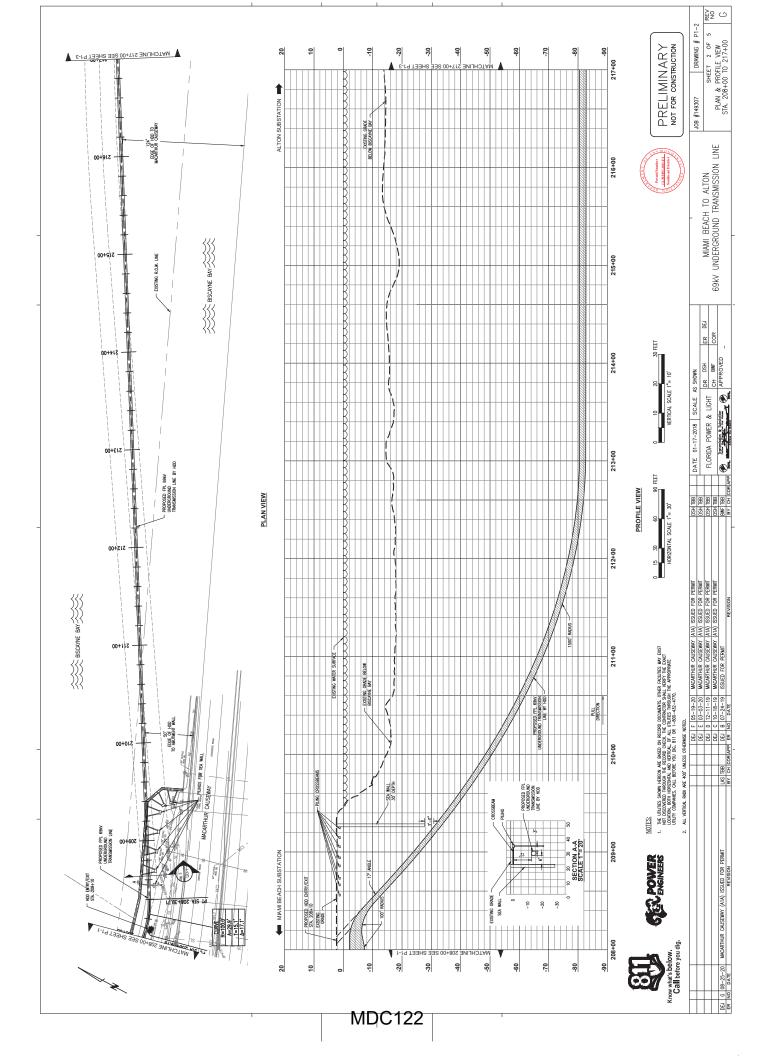
Project Drawings and Design Specs., 15 pages Exhibit B, Proposed Methods for Protection of Water Quality for Directional Bored Water Crossings, 1 pages As-built Certification and Request for Conversion to Operational Phase Form 62-330.310(1)* Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)* Request to Transfer Permit Form 62-330.340(1)* Commencement Notice Form 62-330.350(1)* *Can be downloaded at: <u>https://floridadep.gov/water/submerged-lands-environmental-resourcescoordination/content/forms-environmental-resource</u>

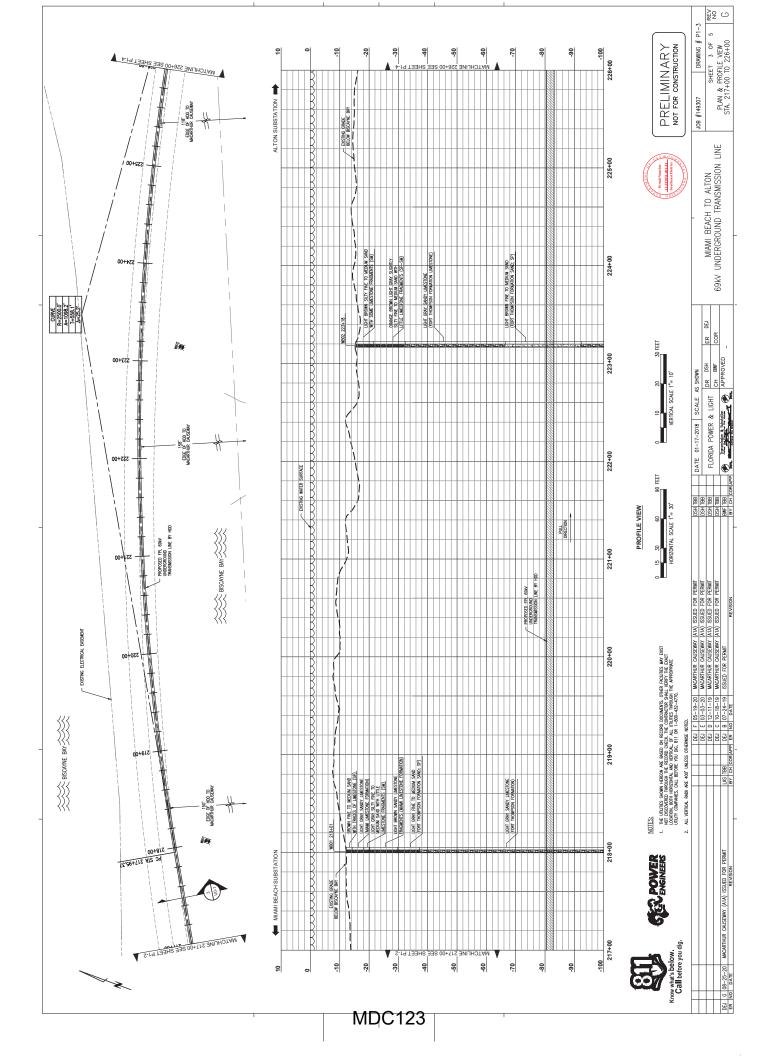


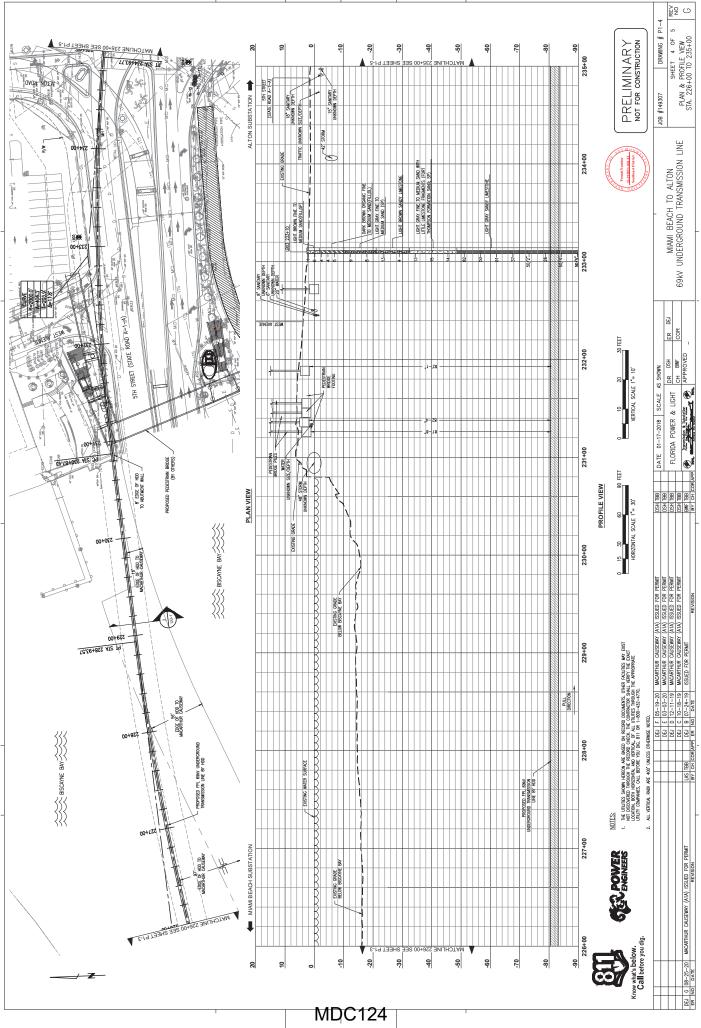


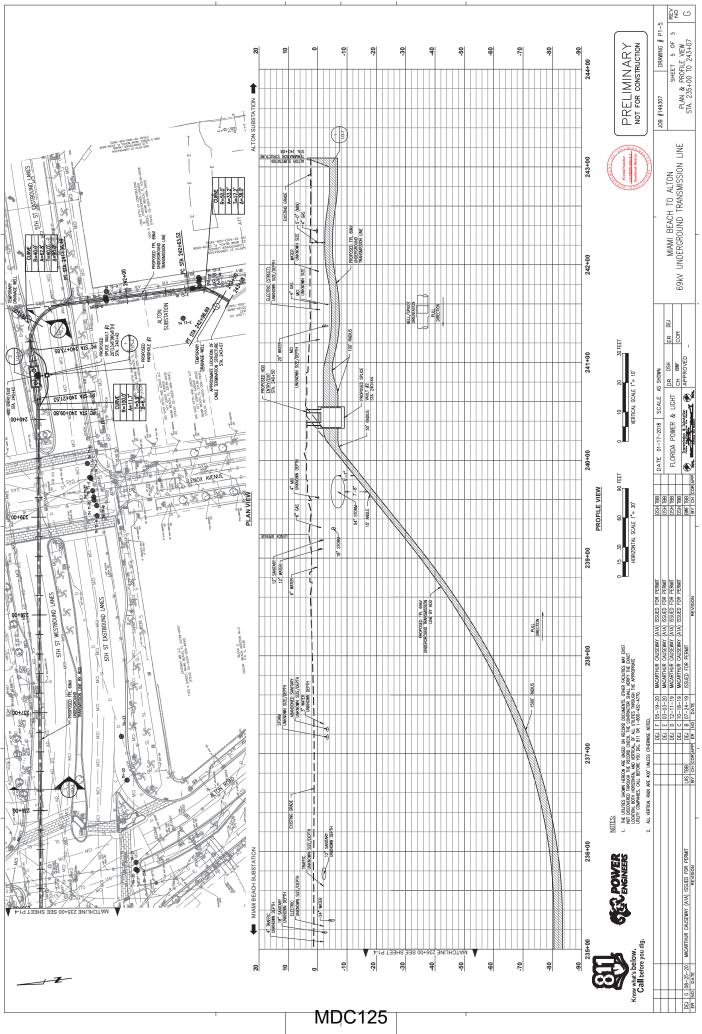
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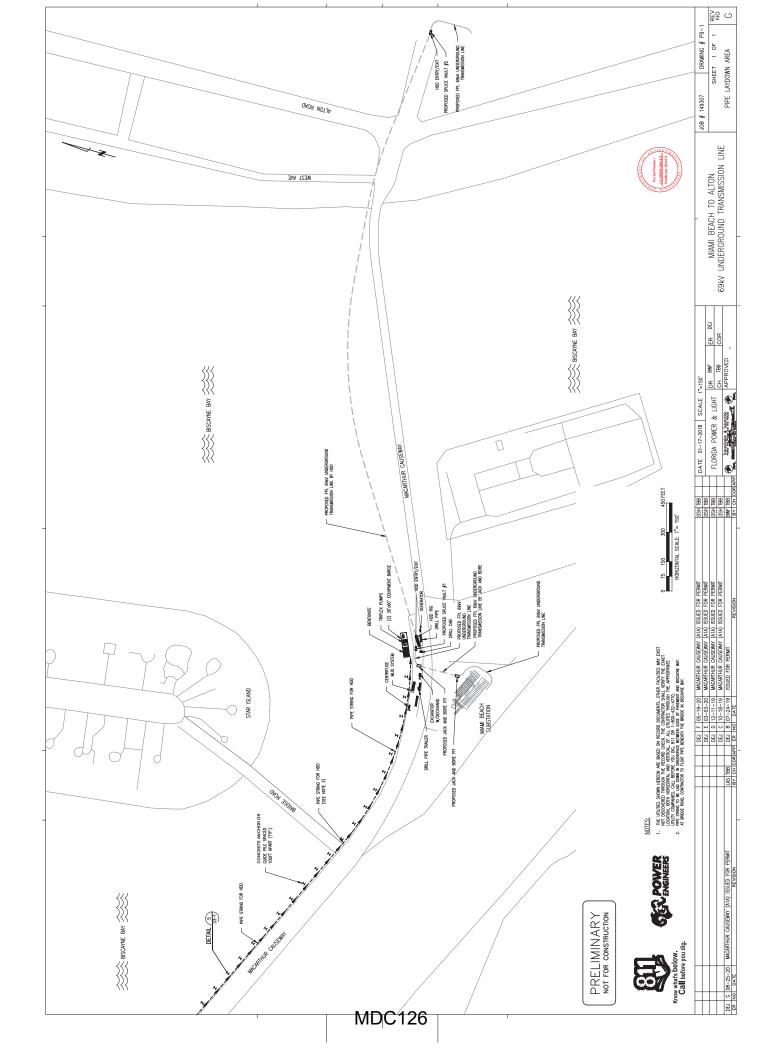


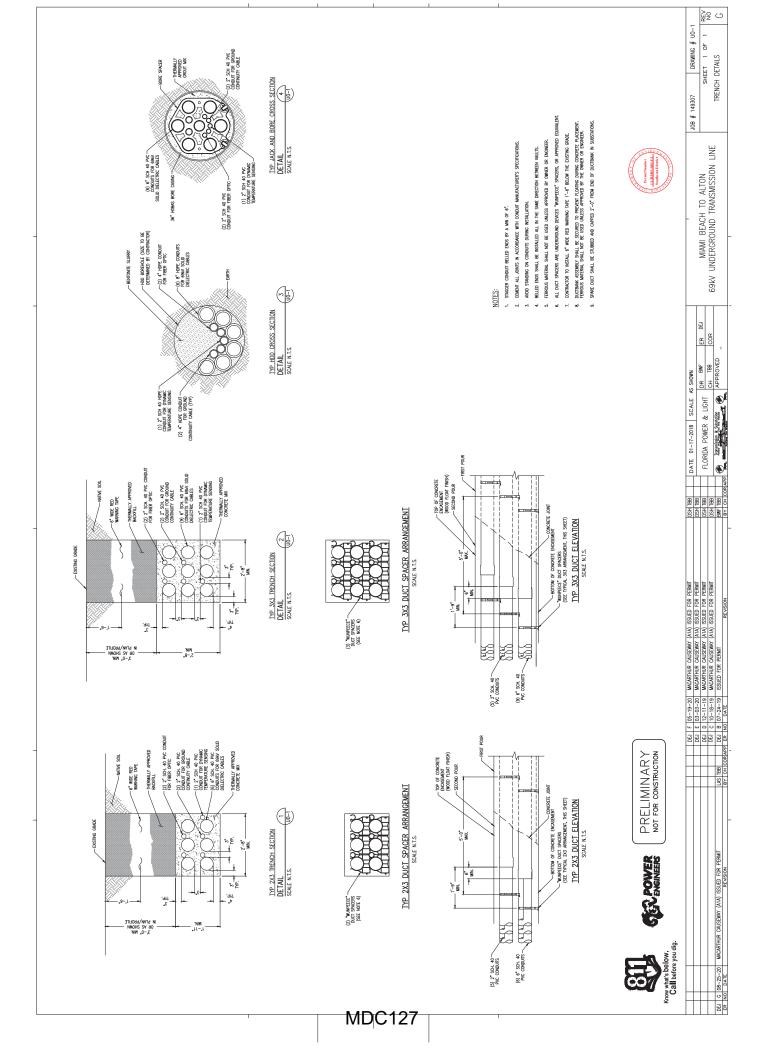


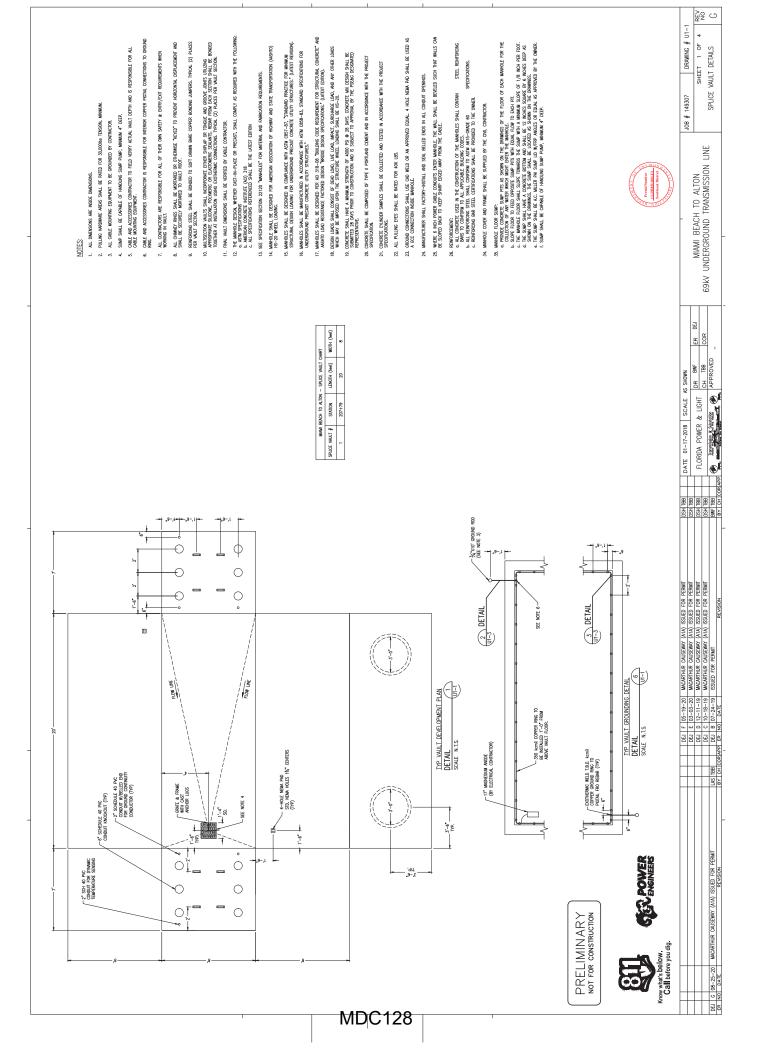




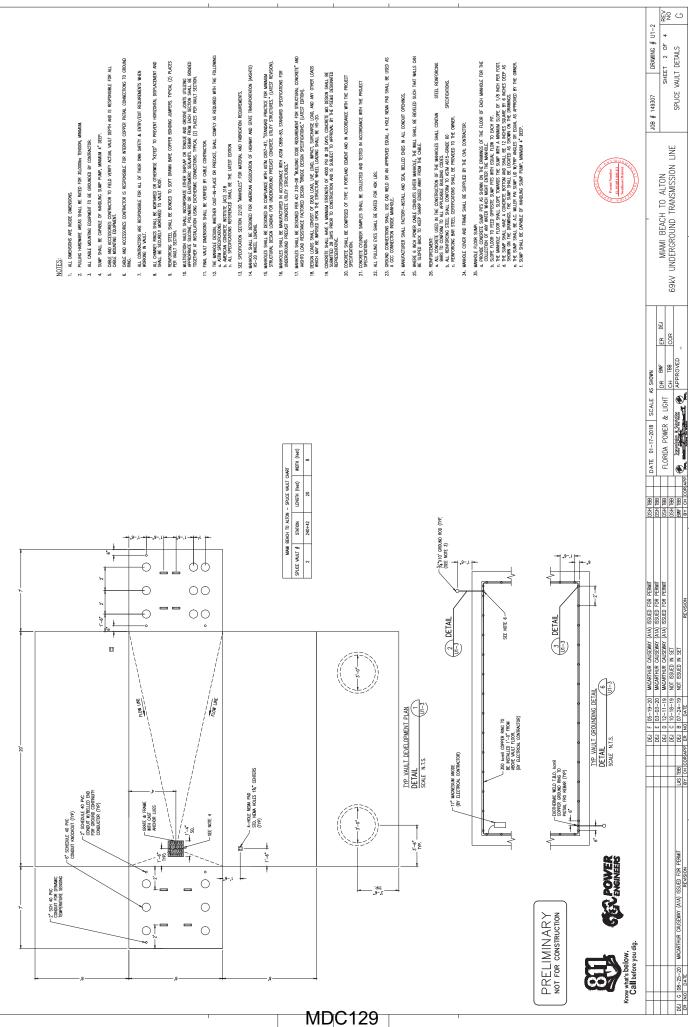


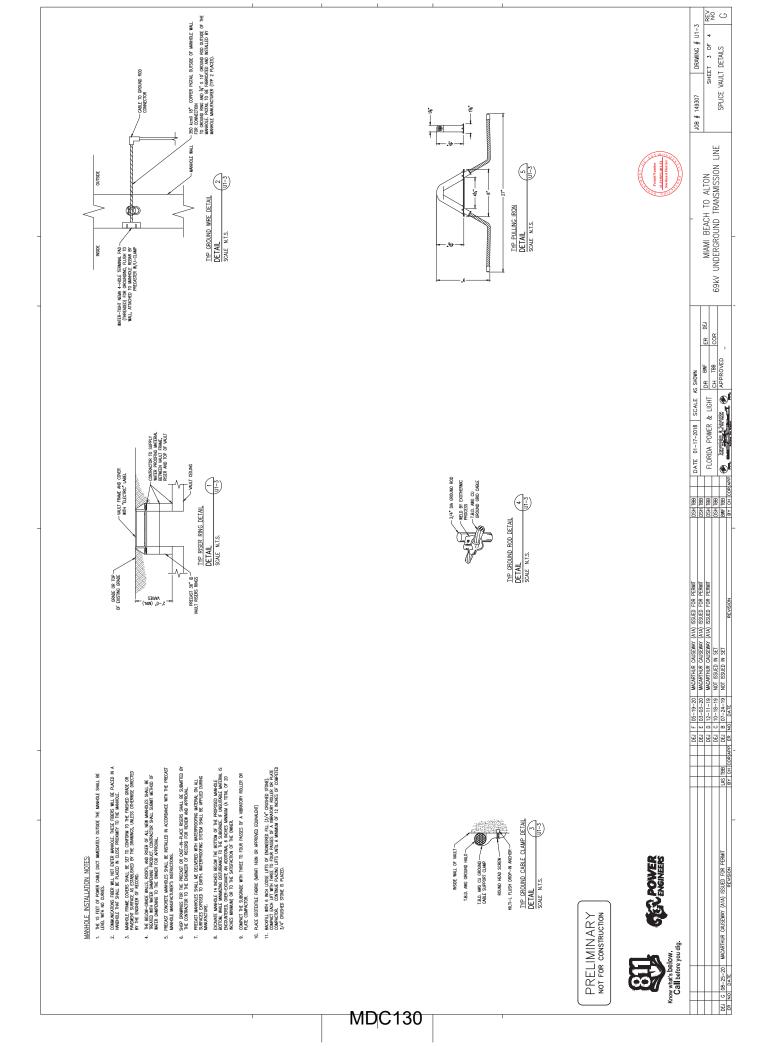


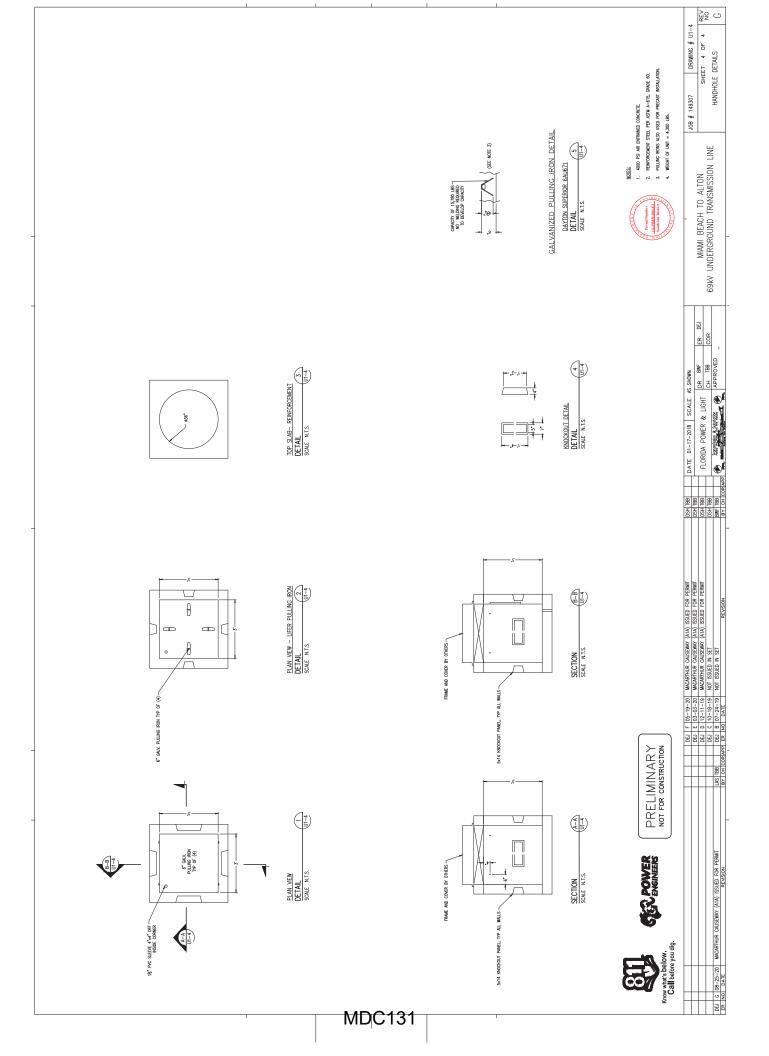


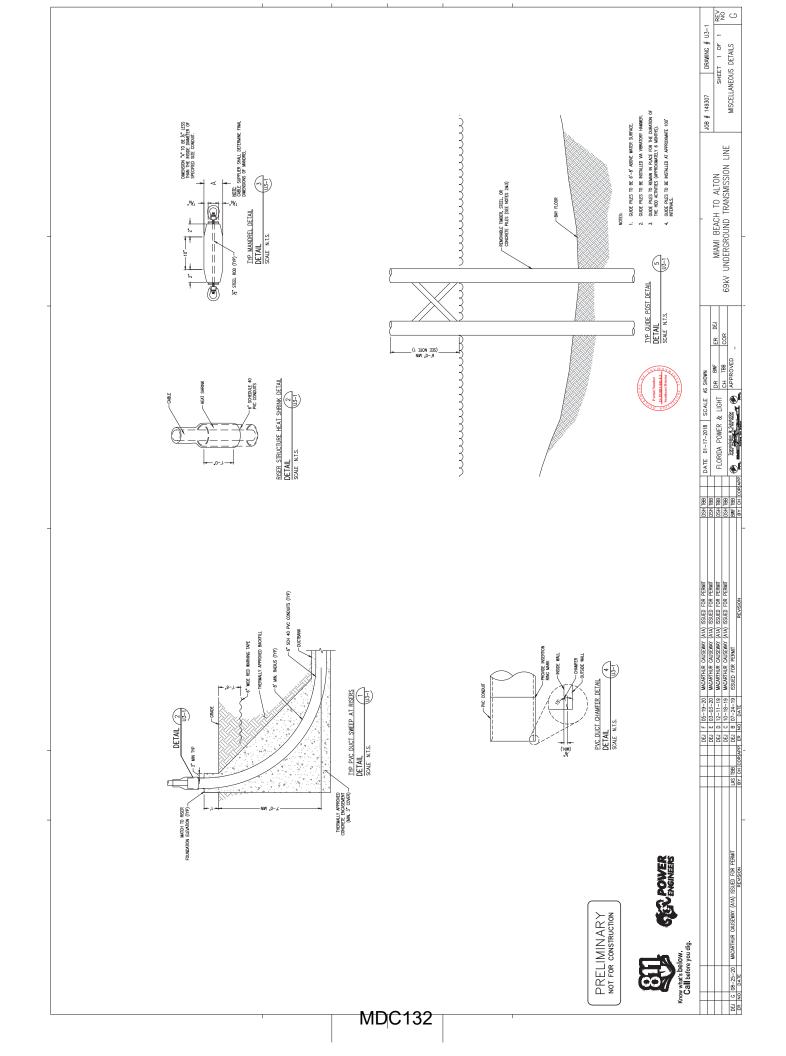












STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee 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, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate 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.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert: 1-888-404-FWCC(3922)

cell *FWC or #FWC

Methods for Protection of Water Quality For Directional Bored Water Crossings

Florida Power & Light (FPL) and the Contractor will implement the following Best Management Practices (BMP's) to minimize the potential for adverse environmental impacts during Horizontal Directional Drilling (HDD) activities:

- BMP's for erosion control within the staging area shall be implemented and maintained at all times during drilling and back-reaming operations to prevent siltation and turbid discharges in excess of State Water Quality Standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the immediate placement of turbidity containment devices such as turbidity screen, silt containment fence, hay bails, and earthen berms, etc. to contain the drilling mud. Earthen berms shall not be utilized as to impact wetlands or other surface waters pursuant to [62-340 F.A.C.].
- FPL's contractor will utilize BMP's and will meet the maximum allowable drilling fluid pressure during HDD operations to not exceed 10 psi.

To provide an additional level of resource protection, the following measures shall be taken to monitor any potential release of drilling fluid:

- FPL's contractor will identify prior to commencement of construction an environmental scientist/biologist with experience in water quality monitoring and habitat protection to be used in the event of a frac-out [62-340 F.A.C].
- At all times, adequate protection will be taken to avoid impacts to the Aquatic Preserve/Outstanding Florida Waters and contiguous wetlands. This shall include, but is not limited to halting of construction/drilling and or placement of turbidity containment devices [62-340 F.A.C.].
- A Vactor Truck shall be onsite and available at all times [62-340 F.A.C.].
- A spill Kit (i.e., absorbent pads/boom, goggles, gloves, etc.) shall be onsite and available at all times [62-340 F.A.C.].

Should a release occur, the following measures shall be taken:

- If a frac-out is confirmed, all construction activity contributing to the frac-out shall cease immediately, and shall be reported to the Production Lead (PL) and Environmental Permit Specialist (EPS). No work shall continue until the Department of Environmental Protection (DEP) has issued authorization to proceed to the EPS.
- If the return drilling mud/fluid is less than the projected amount to be recovered, divers shall immediately begin their search for the missing material. Once the drilling mud and frac-out is located, then the drilling mud containment plan shall be immediately implemented [62-340 F.A.C.].

Drilling Mud Containment Plan:

- In the event of a frac-out, the PL shall contact the EPS immediately, whom will contact DEP immediately (within 2 hours) of the frac-out.
- The following items shall be adhered to upon guidance and authorization from DEP:
 - The scientist/biologist underwater divers will guide the suction hose of the pump to minimize both the removal of natural bottom material and the disturbance of any existing vegetation.
 - > Any released material will be carefully removed to avoid impacts to seagrasses and/or resources.
 - > Any escaped drilling lubricant must be pumped into filter bags or directly into a vactor truck.
 - A barge company will be contacted to transport a vactor truck should it be needed to respond "inwater".
 - Once the spill is contained, the escaped drilling lubricant shall be properly disposed of in an approved upland disposal site.
 - Clean-up with a vacuum system shall commence within 24 hours.
 - After containment/recovery of the drilling material/resources, a detailed written report shall be submitted to the DEP, within 10 business days, indicating the location of the frac-out, amount of drilling material discharged and the amount of drilling mud recovered, the process in which the drilling mud was recovered, and the area that was affected by the drilling discharge [62-340 F.A.C.].



MEMORANDUM

(Revised)

TO:Honorable Chairman Oliver G. Gilbert, IIIDATE:and Members, Board of County Commissioners

Bonzon-Keenan

FROM: Con Bonzon-Kee County Attorney ATE: Febru

February 21, 2023

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
 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	Agenda Item No. 5(C)
Veto		2-21-23
Override		

RESOLUTION NO.

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION AND REQUEST FOR A VARIANCE BY FLORIDA POWER AND LIGHT COMPANY FOR THE TEMPORARY STAGING OF TRANSMISSION LINES IN TIDAL WATERS ALONG THE MACARTHUR CAUSEWAY, MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within section 24-48.3 and section 24-48.25 of the Code of Miami-Dade County, hereby approves the application by Florida Power and Light Company for the temporary staging of transmission lines in tidal waters along the MacArthur Causeway and for a variance from section 24-48.23 of the Code of Miami-Dade County for floating structures with a non-water dependent use over tidal waters within Biscayne Bay in the City of Miami Beach, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, 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:

Agenda Item No. 5(C) Page No. 2

Oliver G. Gilbert, III, Chairman Anthony Rodríguez, Vice Chairman Marleine Bastien Juan Carlos Bermudez Kevin Marino Cabrera Sen. René García Roberto J. Gonzalez Keon Hardemon Danielle Cohen Higgins Eileen Higgins Kionne L. McGhee Raquel A. Regalado Micky Steinberg

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day

of February, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By:_____

Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

Abbie Schwaderer-Raurell Christopher J. Wahl