

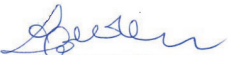
Memorandum



Date: September 1, 2022

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

Agenda Item No. 5(T)

From: Lourdes M. Gomez, Director 
Department of Regulatory and Economic Resources

Resolution No. R-761-22

Subject: Class I Permit Application by Miami Beach Port, LLC

Recommendation

I have reviewed the attached application for a Class I permit by Miami Beach Port, LLC and based upon the applicable evaluation factors set forth in Section 24-48.3 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 at 120 MacArthur Causeway, Miami Beach, 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 by Miami Beach Port, LLC requests authorization for the filling of tidal waters in association with the installation of a new sheetpile seawall located at 120 MacArthur Causeway, in the City of Miami Beach, Miami-Dade County, Florida. To be approved, this application must be reviewed and decided upon by the Board after a public hearing because the filling of tidal waters is specifically referenced in Section 24-48.2 of the Code as work that shall be processed with a standard form application, including a public hearing.

The subject property is the site of an existing marina that facilitates the mooring of vessels greater than 100 feet in length along the seawall. The shoreline of the property is stabilized by an existing sheetpile seawall that has degraded and the Applicant is requesting authorization to install a new

sheetpile seawall an average of four feet waterward of the existing seawall. Upon completion of the new seawall, the Applicant is proposing to reinstall cleats and bollards to facilitate mooring along the seawall. The installation of a new or replacement seawall can be processed administratively as a short form Class I permit application if the installation of the seawall and the minimum filling necessary for installation are within 12 inches of the existing seawall, however, pursuant to the Code, seawalls installed greater than 12 inches waterward of their existing location are required to be reviewed and decided upon by the Board.

During the application process, it was determined by the Applicant’s Professional Engineer of Record that due to the constraints of the existing site conditions and significant water depth, the only structurally feasible way to install a new seawall would involve the installation of H-piles and anchor points between the existing and proposed seawalls, which would require more than 12 inches of offset. Therefore, based on the design requirements of the new seawall and the restrictions of the existing site conditions, the wetface of the proposed seawall would be installed between 2.9 and 5.2 feet waterward of the wetface of the existing seawall, which would result in the filling of tidal waters. According to Section 24-48.3(2) of the Code, dredging and filling work proposed in a Class I permit application shall comply with at least one of the criteria listed in that section of the Code. Based on the existing site conditions and the information provided by the Professional Engineer of Record, the proposed work is the minimum necessary to stabilize the shoreline and therefore complies with the criteria listed in Section 24.48.3(2)(f) of the Code, which states: a physical modification necessary to protect public or private property.

The proposed application has also been evaluated for consistency with the Miami-Dade County Manatee Protection Plan (MPP). The project site is located within an area identified by the MPP as recommended for Freight Terminals/Large Vessels (>100’) Berthing. The proposal to moor large vessels along the seawall upon completion of the new seawall is consistent with both the historic use of the facility and with the marine facility siting criteria in the MPP. The Class I permit would require that all standard construction permit conditions regarding manatees be followed during all in-water operations to prevent impacts to manatees during construction. Furthermore, the Class I permit would also require that the mooring of vessels or barges greater than 100 feet in length shall use a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

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. The area proposed to be filled in association with the new seawall does not provide significant benthic habitat and benthic resources were not documented in the footprint of the proposed work. 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. To mitigate for the unavoidable impacts associated with the temporary impacts to water quality associated with the installation of the new seawall, the Applicant is proposing an off-site mitigation project which would meet the requirements of Uniform Mitigation Assessment Method, pursuant to 62-345, F.A.C. and be required to be reviewed and approved by DERM. Should the permit be granted by the Board, a mitigation bond, to ensure that an appropriate environmental enhancement project is completed, would be required prior to permit issuance. Mitigation for impacts associated with the filling of tidal waters associated with the installation of the seawall and the recreation of the docking facility would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement

Trust Fund to be used for the creation of marine habitat.

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 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 and Project Sketches
- Attachment C: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the proposed Work.
- Attachment D: Zoning Memorandum
- Attachment E: DERM Project Report
- Attachment F: Florida Department of Environmental Protection (FDEP) Permit
- Attachment G: United States Army Corps of Engineers Permit

Attachment A

Class I Permit Application

Class I Permit Application

FOR DEPARTMENTAL USE ONLY

Date Received:	Application Number:
	Application Fee:

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

1. Applicant Information: Name: <u>Miami Beach Port, LLC</u> Address: <u>2850 Tigertail Ave, Suite 800</u> <u>Miami, FL</u> Zip Code: <u>33133</u> Phone #: <u>(305) 849-3959</u> Fax#: _____ Email: <u>cullen.mahoney@relatedgroup.com</u> * This should be the applicant's information for contact purposes.	2. Applicant's Authorized Permit Agent: Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application. Name: <u>Kirk Lofgren, Ocean Consulting, LLC</u> Address: <u>340 Minorca Ave, Suite 7</u> <u>Coral Gables, FL</u> Zip Code: <u>33134</u> Phone #: <u>305-921-9344</u> Fax #: <u>305-677-3254</u> Email: <u>kirk@oceanconsultingfl.com; justina@oceanconsultingfl.com</u>
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3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #): Folio #(s): <u>02-4204-000-0060</u> Latitude: <u>25.461340°N</u> Longitude: <u>-80.084890°W</u> Street Address: <u>120 MacArthur Causeway</u> Section: <u>04</u> Township: <u>54</u> Range: <u>42</u> In City or Town: <u>Miami Beach</u> Near City or Town: _____ Name of waterway at location of the activity: <u>Biscayne Bay</u>	
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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 ☐ Filling ☐ Batter Piles ☐ Davits ☐ King Piles ☐ Footer/Toe Wall ☐ Riprap ☐ Other: _____ Estimated project cost = \$ <u>1,000,000 +</u> Are you seeking an after-the-fact approval (ATF)? ☐ Yes ☒ No If "Yes", describe the ATF work: _____	
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5. Proposed Use (check all that apply): ☐ Single Family ☐ Multi-Family ☐ Private ☐ Public ☒ Commercial ☐ Industrial ☐ Utility	6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel): Proposed Vessel Type (s): <u>N/A</u> Vessel Make/Model (If known): <u>N/A</u> Draft (s)(range in inches.): <u>N/A</u> Length (s)(range in feet.): <u>N/A</u> Total Number of Slips: <u>N/A</u>
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7. List all permits or certifications that have been applied for or obtained for the above referenced work:				
Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date
DEP	ERP	TBD	TBD	TBD
US ACOE	GP/NWP	TBD	TBD	TBD

8. Contractor Information (If known):

Name: TBD License # (County/State): _____
 Address: _____ Zip Code: _____
 Phone #: _____ Fax #: _____ E-mail: _____

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

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

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

A. IF APPLICANT IS AN INDIVIDUAL

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

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

Miami Beach Port _____ LLC _____ FL _____
 Print Name of Applicant (Enter the complete name as registered) _____ Type (Corp, LLC, LLP, etc.) _____ State of _____
 Registration/Incorporation _____

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

Signature of Authorized Representative _____ Mr. Jon Paul Perez _____ Vice President _____
 Print Authorized Representative's Name _____ Title _____ Date _____

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

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

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

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

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

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

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

I/We are the fee simple owner(s) of the real property located at 120 MacArthur Causeway Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 02-4204-000-0060

I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

A. IF THE OWNER(S) IS AN INDIVIDUAL

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

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

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

<u>Miami Beach Port</u>	<u>LLC</u>	<u>FL</u>
Print Name of Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation
<u>2850 Tigertail Ave, Suite 800, Miami, FL, 33133</u>		
Address of Owner		

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

Signature of Authorized Representative	Mr. Jon Paul Perez		
	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

Class I Permit Application Additional Signatures Page
(Please attach to Class I permit application)

Applicant Name: _____

Owner Name: _____

Project Location: _____

Additional signatures for:

☐ Applicant

☐ Owner

1. IF THE APPLICANT/OWNER IS AN INDIVIDUAL

Signature of Applicant/Owner _____

Print Name of Applicant/Owner _____

Date _____

Signature of Applicant/Owner _____

Print Name of Applicant/Owner _____

Date _____

2. IF THE APPLICANT/OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

Print Name of Applicant/Owner (Enter the complete name as registered) _____

Type (Corp, LLC, LLP, etc.) _____

State of Registration/Incorporation _____

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

Signature _____

Print Name _____

Title _____

Date _____

Signature _____

Print Name _____

Title _____

Date _____

Signature _____

Print Name _____

Title _____

Date _____

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Print Name _____

Title _____

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Title _____

Date _____

Signature _____

Print Name _____

Title _____

Date _____

Signature _____

Print Name _____

Title _____

Date _____

Signature _____

Print Name _____

Title _____

Date _____

Attachment B

Owner/Agent Letter and Project Sketches

ENGINEER LETTER OF CERTIFICATION

Date: Dec 10, 2021

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

RE: Class I Permit Application Number CLI-2021-0112
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)

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,

Adolfo J Gonzalez, P.E.
2050 Coral Way # 502 Miami Fl 33145
P.E. # 58620

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: 9/30/2021

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-2021-0112

By the attached Class I Standard Form permit application with supporting documents, I, KIRK LOFGREN, am the permit applicant/applicant's authorized agent (circle one) and hereby request permission to perform the work associated with Class I Permit Application CLI-2021-0112. 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,

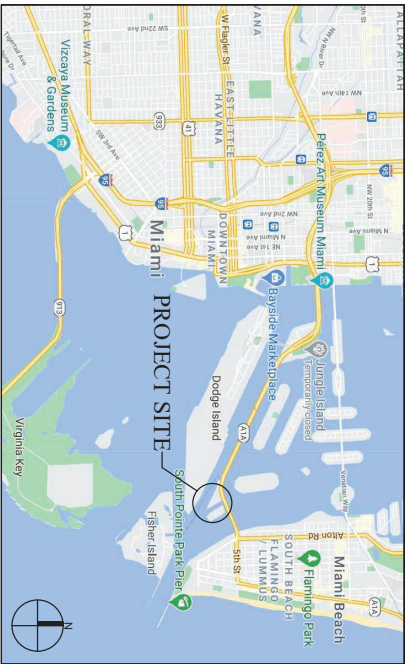
(Permit Applicants Name), Permit Applicant



(Authorized Agent's Name), Authorized Agent



PROJECT SITE



LOCATION MAP

- GENERAL NOTES:**
1. ELEVATIONS SHOWN REFER TO THE MIAMI-DADE MEAN LOW WATER (M-D MLW) DATUM.
 2. ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD. IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF ENGINEER BEFORE PROCEEDING WITH WORK CONTRACTOR AND ALL SUBCONTRACTORS ARE RESPONSIBLE FOR ALL LINES, ELEVATIONS, AND MEASUREMENTS IN CONNECTION WITH THEIR WORK.
 3. IT IS THE INTENT OF THESE PLANS AND THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE, AND FEDERAL ENVIRONMENTAL PERMITS ISSUED FOR THIS PROJECT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.
 4. APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2020 EDITION (AND CURRENT ADDENDUMS).
 5. APPROVED CONTRACTOR TO DETERMINE THE SUITABILITY OF EXISTING STRUCTURES AND VERIFY ALL DIMENSIONS. THE APPROVED CONTRACTOR IS RESPONSIBLE FOR ALL METHODS, MEANS, SEQUENCES AND PROCEDURES OF WORK.
 6. DO NOT SCALE DRAWINGS FOR DIMENSIONS.
 7. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING WORK.
 8. ANY DEVIATION AND/OR SUBSTITUTION FROM THE INFORMATION PROVIDED HEREIN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.
 9. LICENSED CONTRACTOR SHALL USE ALL POSSIBLE CARE TO PROTECT ALL EXISTING MATERIALS, SURFACES, AND FURNISHINGS FROM DAMAGE DURING ALL PHASES OF CONSTRUCTION.
 10. THE LICENSED CONTRACTOR TO INSTALL AND REMOVE ALL SHORING AND BRACING AS REQUIRED FOR THE PROPER EXECUTION OF THE WORK.
 11. ALL NEW WORK AND/OR MATERIALS SHALL CONFORM TO ALL REQUIREMENTS OF EACH ADMINISTRATIVE BODY HAVING JURISDICTION IN EACH PERTAINING CIRCUMSTANCE.
 12. THE CONTRACTOR WILL EMPLOY AND MAINTAIN ADEQUATE SEDIMENT AND EROSION CONTROL MEASURES TO PROTECT BISCAYNE BAY FROM SEDIMENT AND CONSTRUCTION DEBRIS.

PROJECT SITE LOCATION:

120 MacArthur Causeway
Miami Beach, Florida 33139

LATITUDE: 25° 46' 11.62" N

LONGITUDE: 80° 08' 47.20" W

FOLIO No.: 02-4204-000-0060

LEGAL DESCRIPTION: 04 54 42 3.71 AC M/L

COMM 1580FTN & 2015FTW OF SE COR

OF SEC TH S 67 DEG W 58.7FT S 31

DEG E64.75FT S 67 DEG W ALG SLY

LINE OF CAUSEWAY 117.78 FOR POB

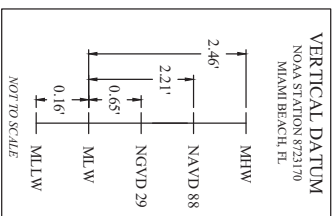
CONT S 67 DEG W 40.43FT SWLY &

WLY 65.72FT S 31 DEG E 403.80FT

S 25 DEG W 97.46FT N 64 DEG W

120FT S 25 DEG W 100FT S 64 DEG

E 832.55FT N 31 DEG W 583.57FT S



TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

120 MacArthur Causeway
Miami Beach, Florida

CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7 Tel: (305) 921-9344
Coral Gables, Florida 33134 Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

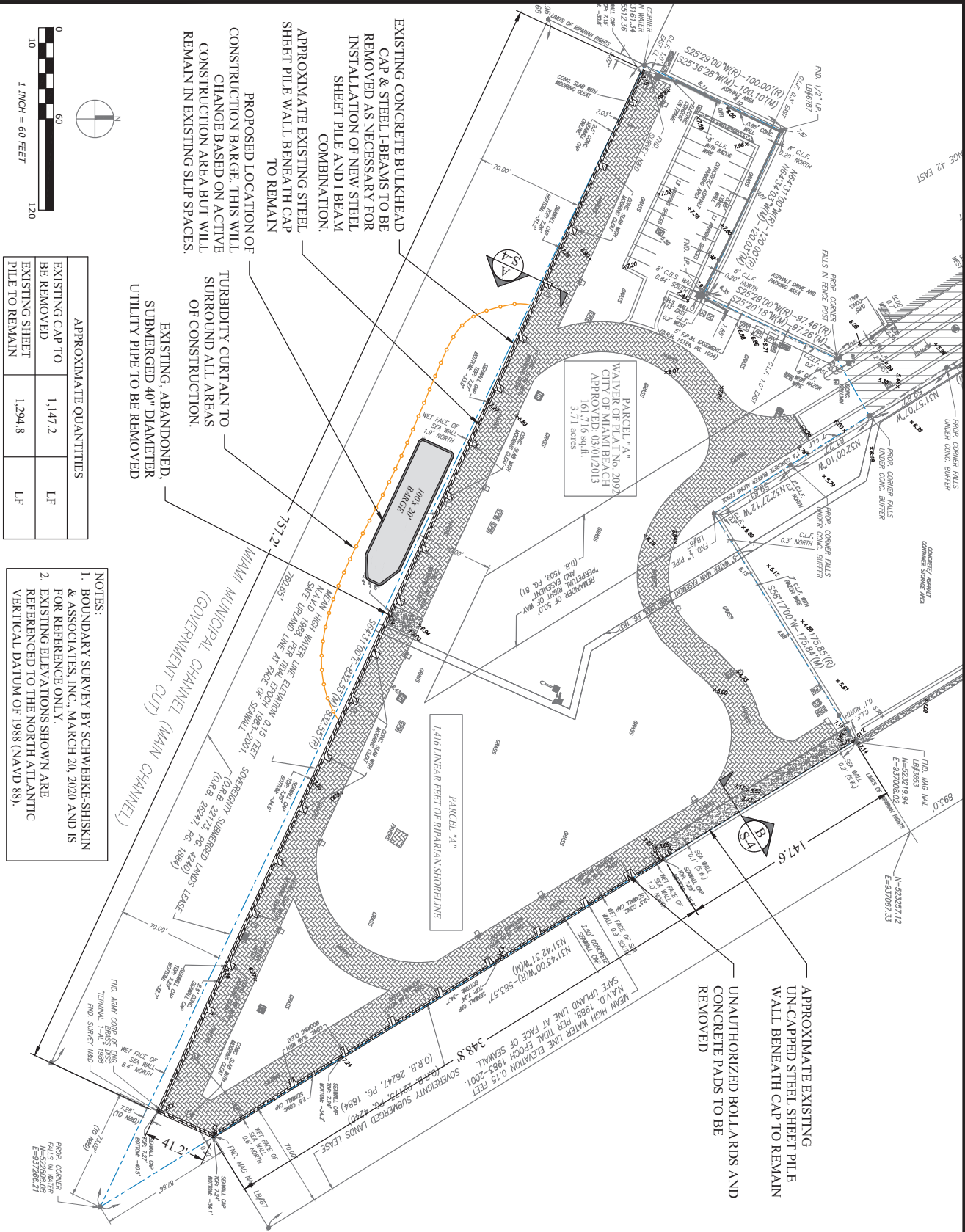
Issue # Issue Date
① January 6, 2022

**PROJECT LOCATION
AND NOTES**

PERMIT DRAWINGS

PROJECT: 20-10445

SHEET NO.
S-1



APPROXIMATE QUANTITIES		
EXISTING CAP TO BE REMOVED	1,147.2	LF
EXISTING SHEET PILE TO REMAIN	1,294.8	LF

- NOTES:
1. BOUNDARY SURVEY BY SCHWEBE-SHISKIN & ASSOCIATES, INC., MARCH 20, 2020 AND IS FOR REFERENCE ONLY.
 2. EXISTING ELEVATIONS SHOWN ARE REFERENCED TO THE NORTH ATLANTIC VERTICAL DATUM OF 1988 (NAVD 88).

TERMINAL ISLAND
BULKHEAD
REPLACEMENT
PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Monroe Avenue, Suite 7
Coral Gables, Florida 33134

TELEPHONE: (305) 921-9344
FAX: (305) 677-3254

PROJECT ENGINEER:

PERMIT DRAWINGS

EXISTING CONDITIONS

PROJECT: 20-10445

Issue # Issue Date

1 January 6, 2022

SHEET NO.

S-2

13

PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Minorca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

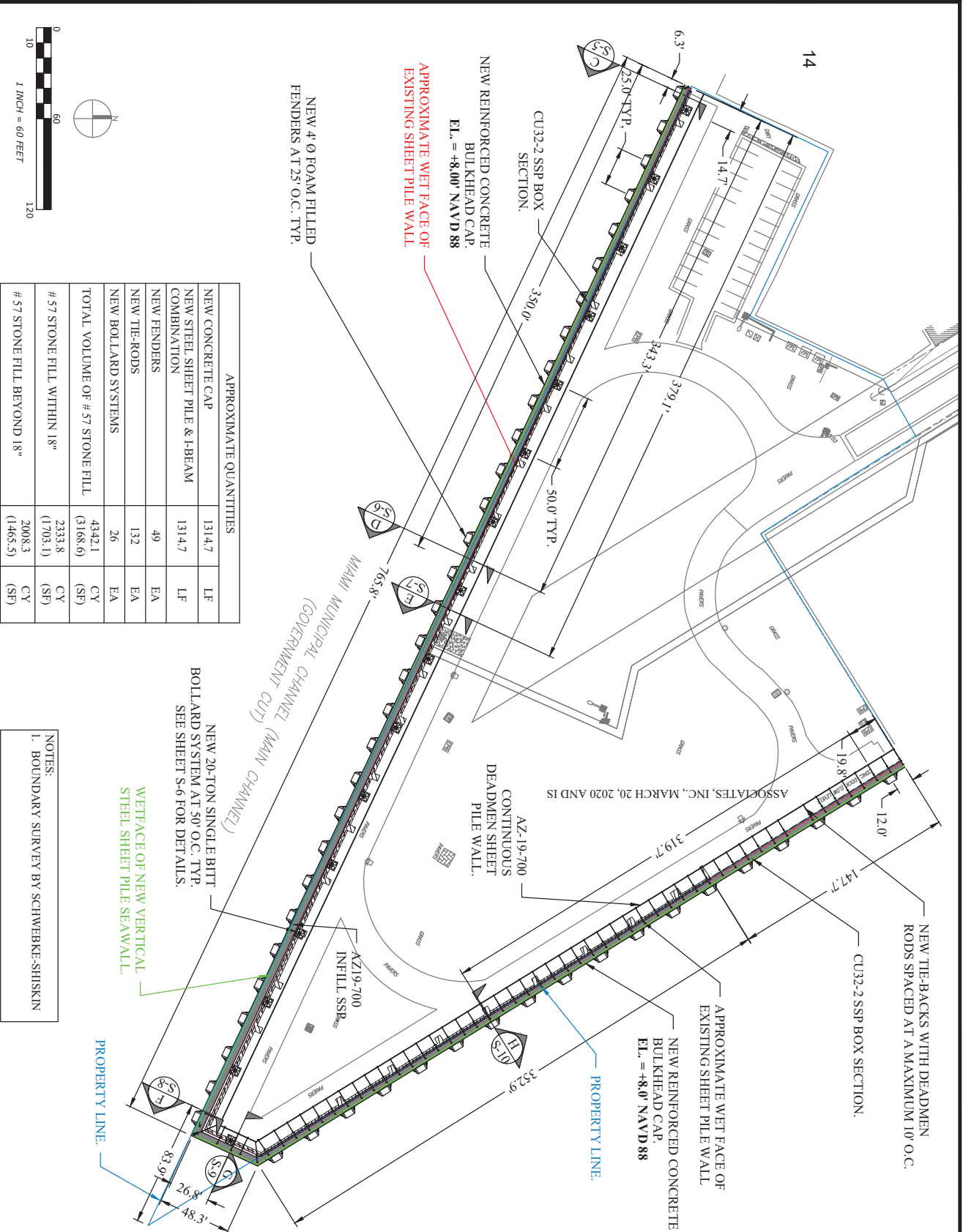
14

① January 6, 2022

PROPOSED PLAN VIEW

PERMIT DRAWINGS

PROJECT: 20-10445

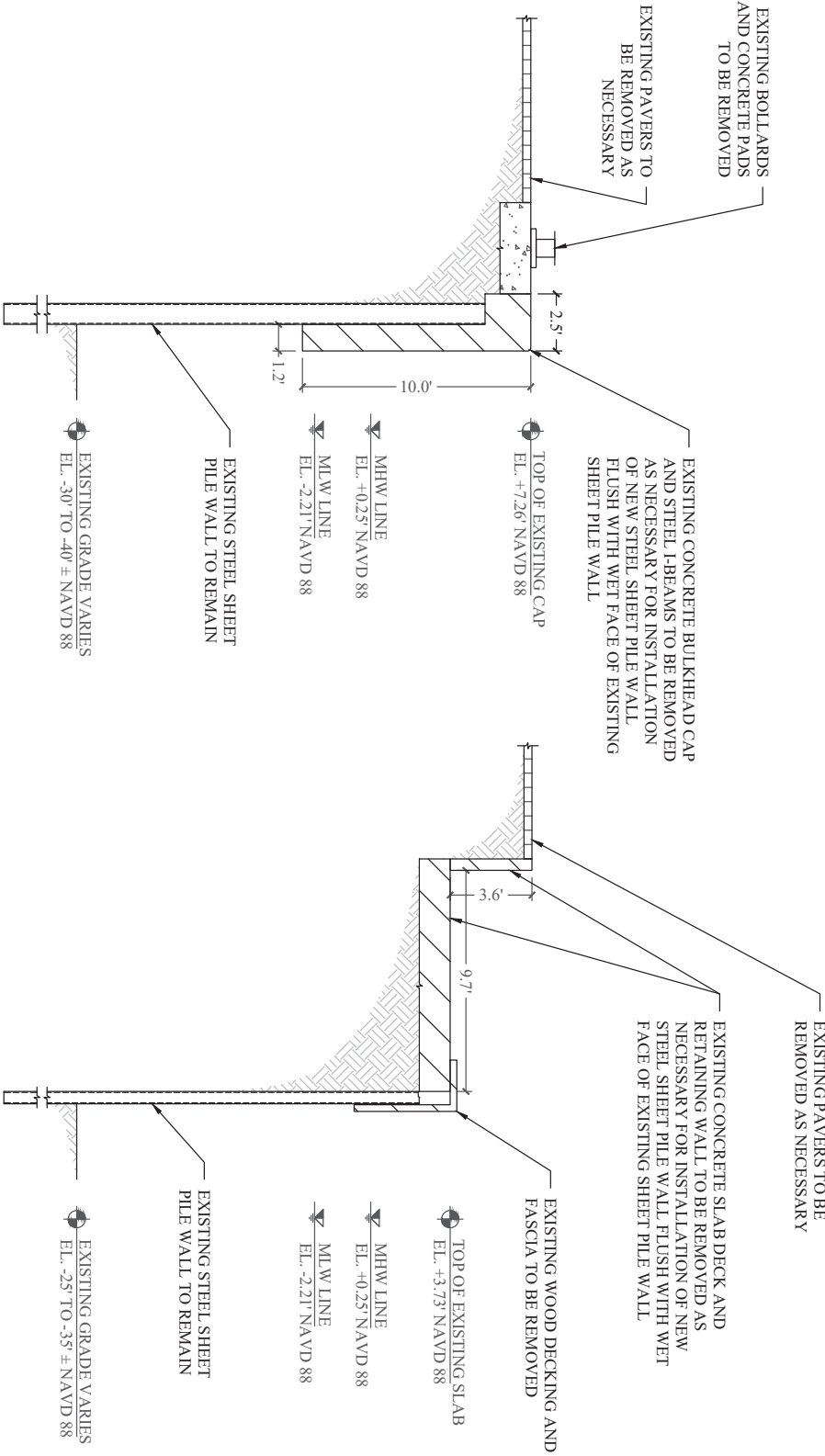
SHEET NO.
S-3

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:
PROJECT ENGINEER:



TYP. EXISTING BULKHEAD SECTION A S-4 SCALE: 1" = 5'-0"

TYP. EXISTING BULKHEAD SECTION B S-4 SCALE: 1" = 5'-0"

Issue #	Issue Date
1	January 6, 2022
EXISTING SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

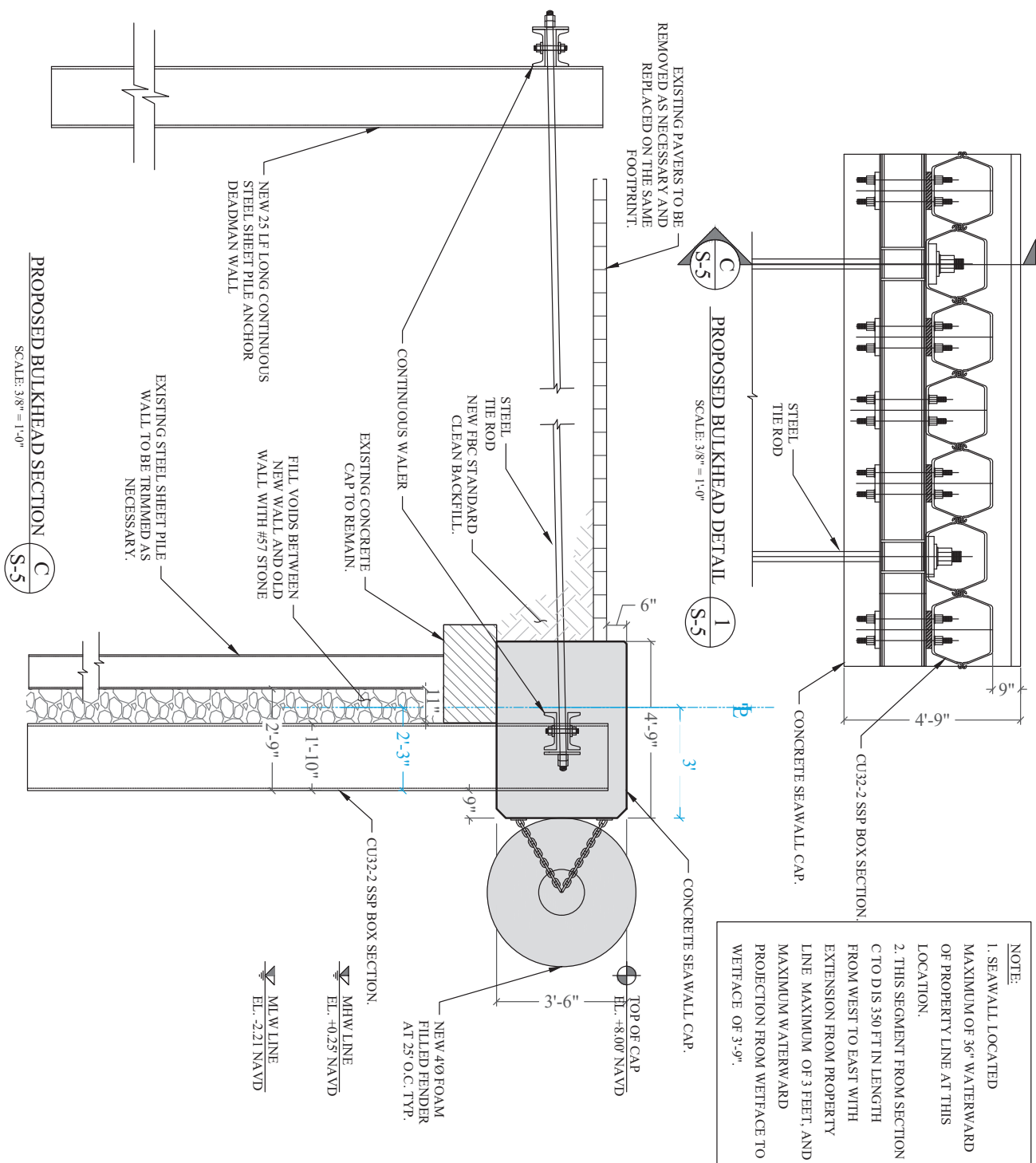
Issue #	Issue Date
1	January 6, 2022

PROPOSED BULKHEAD
SECTION VIEWS

PERMIT DRAWINGS

PROJECT: 20-10445

- NOTE:
1. SEAWALL LOCATED MAXIMUM OF 36" WATERWARD OF PROPERTY LINE AT THIS LOCATION.
 2. THIS SEGMENT FROM SECTION C TO D IS 350 FT IN LENGTH FROM WEST TO EAST WITH EXTENSION FROM PROPERTY LINE MAXIMUM OF 3 FEET, AND MAXIMUM WATERWARD PROJECTION FROM WETFACE TO WETFACE OF 3'-9".



PROPOSED BULKHEAD SECTION
C
SCALE: 3/8" = 1'-0"

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

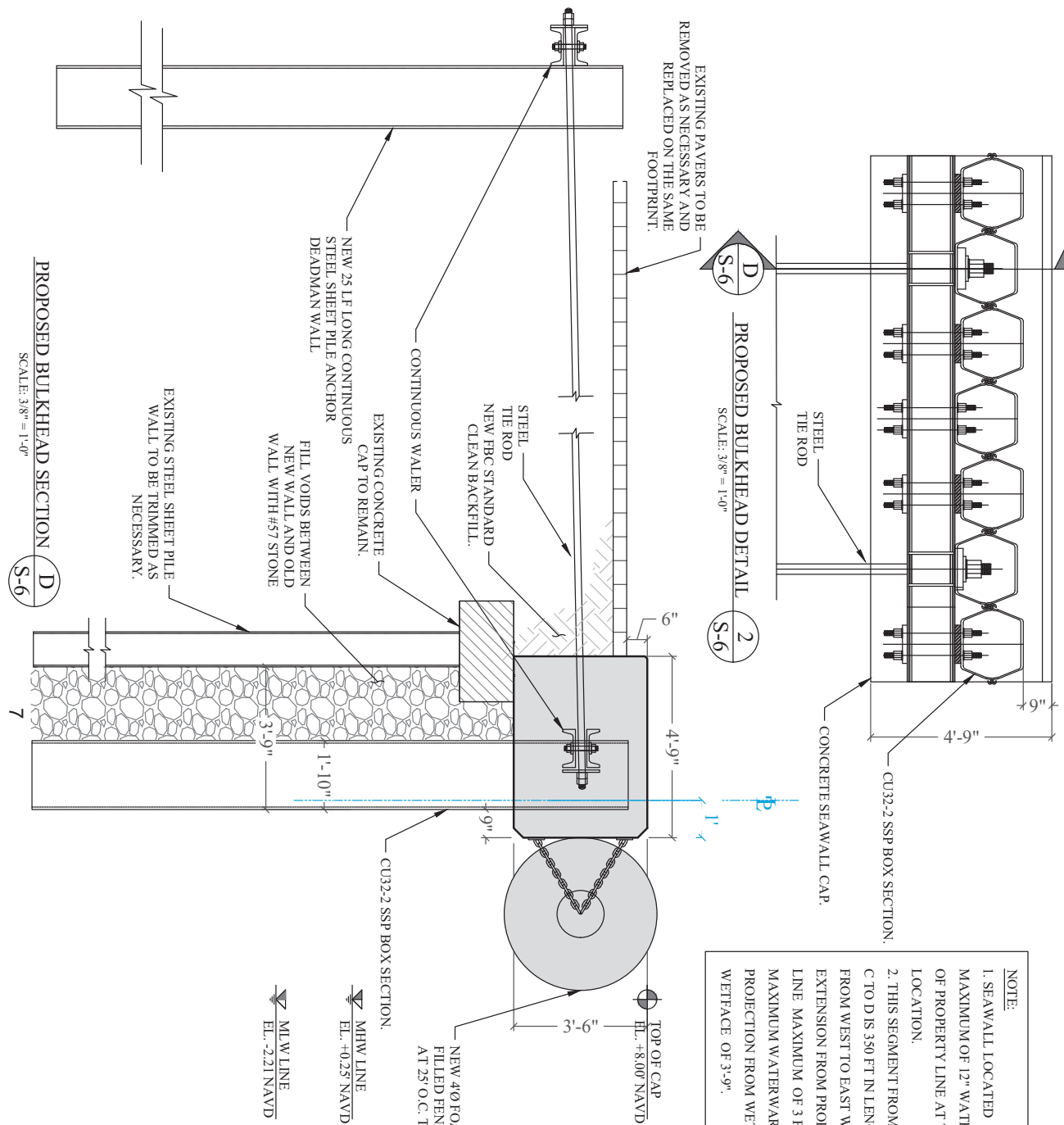
ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

Issue #	Issue Date
1	January 6, 2022
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
SHEET NO. S-6	
PROJECT: 20-10445	

- NOTE:**
1. SEAWALL LOCATED MAXIMUM OF 12" WATERWARD OF PROPERTY LINE AT THIS LOCATION.
 2. THIS SEGMENT FROM SECTION C TO D IS 350 FT IN LENGTH FROM WEST TO EAST WITH EXTENSION FROM PROPERTY LINE MAXIMUM OF 3 FEET, AND MAXIMUM WATERWARD PROJECTION FROM WETFACE TO WETFACE OF 3'-9".



TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida
Miami, Florida 33131

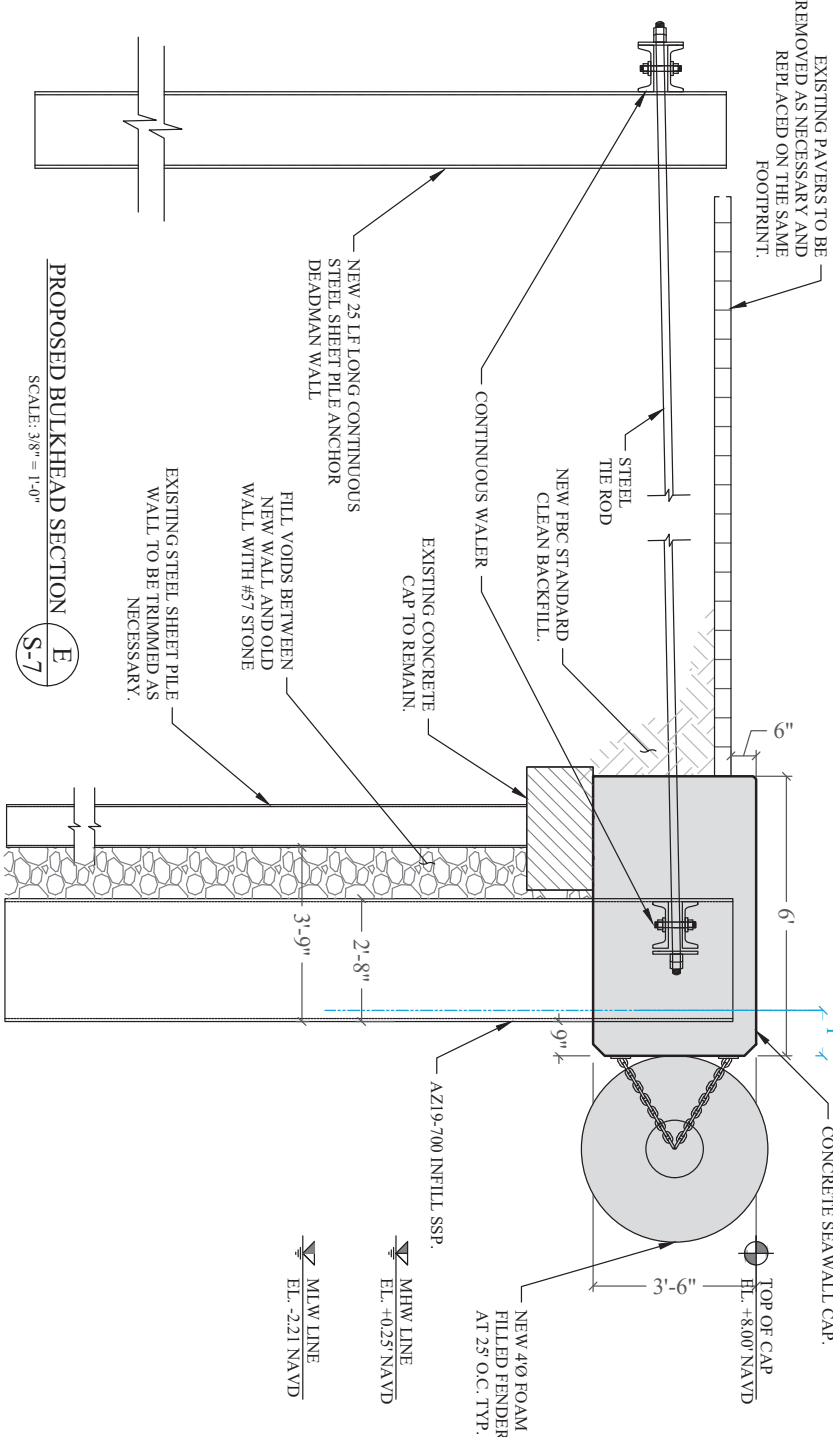
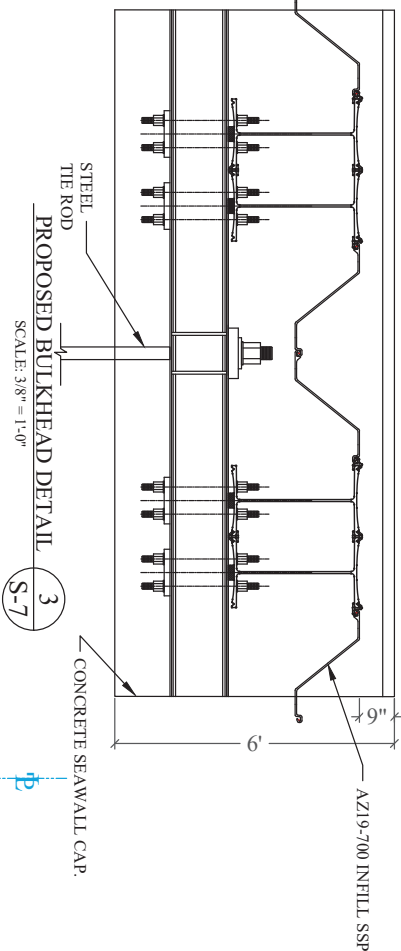
ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

Issue #	Issue Date
1	January 6, 2022
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

- NOTE:
1. SEAWALL LOCATED MAXIMUM OF 12" WATERWARD OF PROPERTY LINE AT THIS LOCATION.
 2. THIS SEGMENT FROM SECTION E TO F IS 415.8 FT IN LENGTH FROM WEST TO EAST WITH EXTENSION FROM PROPERTY LINE MAXIMUM OF 1 FEET, AND MAXIMUM WATERWARD PROJECTION FROM WETFACE TO WETFACE OF 5'-2".



TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

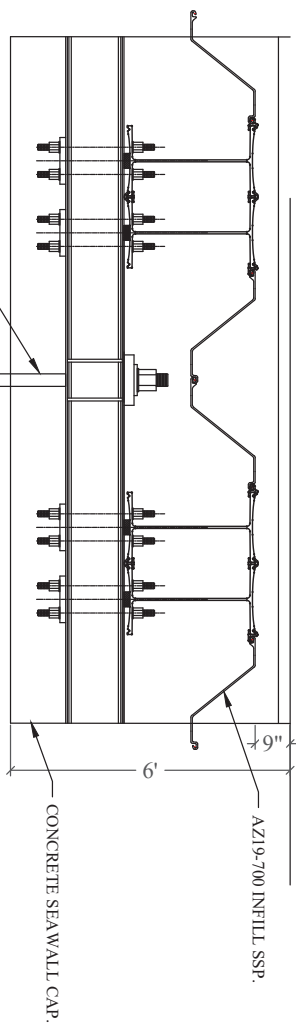
CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:

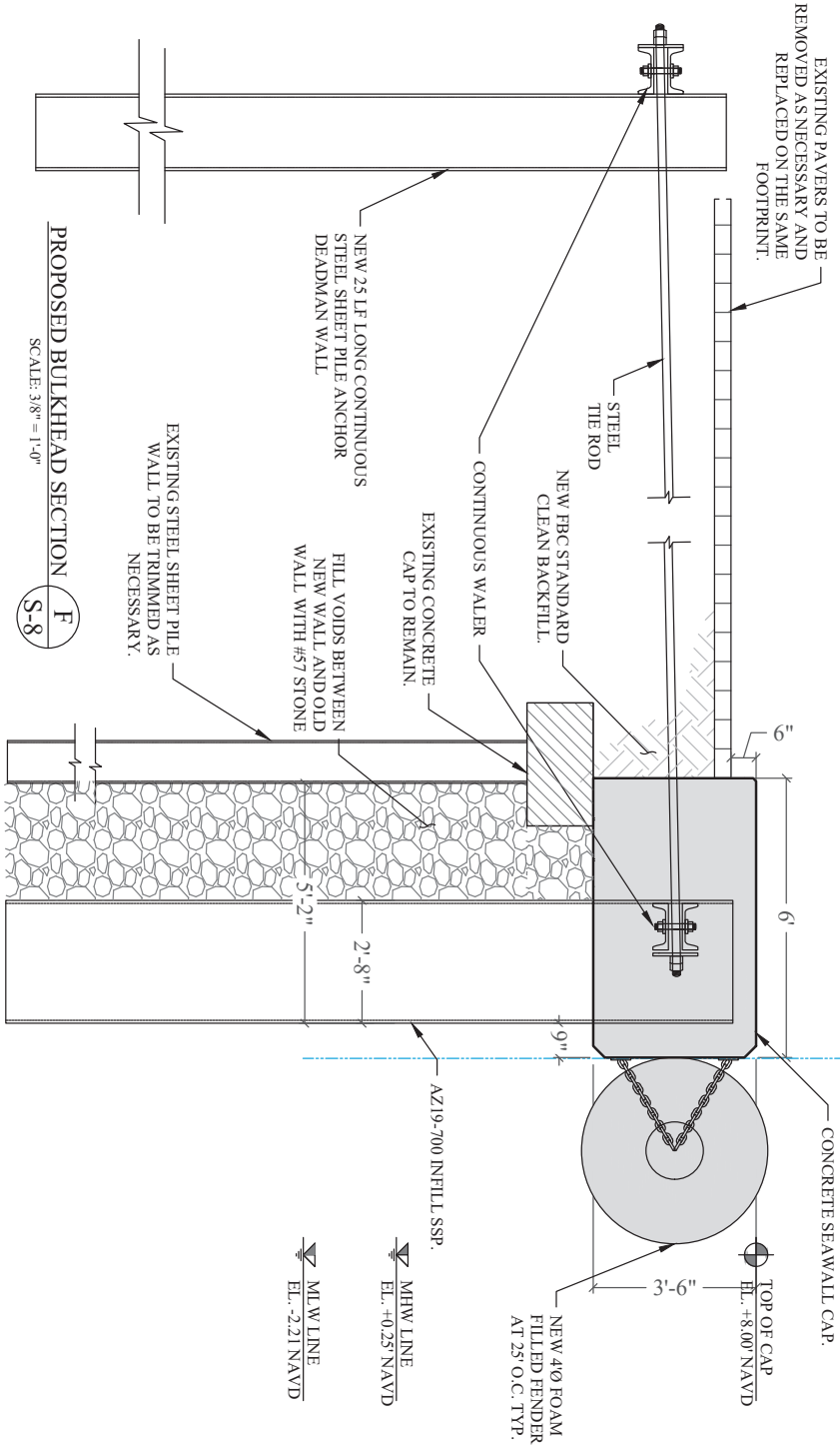
PROJECT ENGINEER:

Issue #	Issue Date
1	January 6, 2022
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

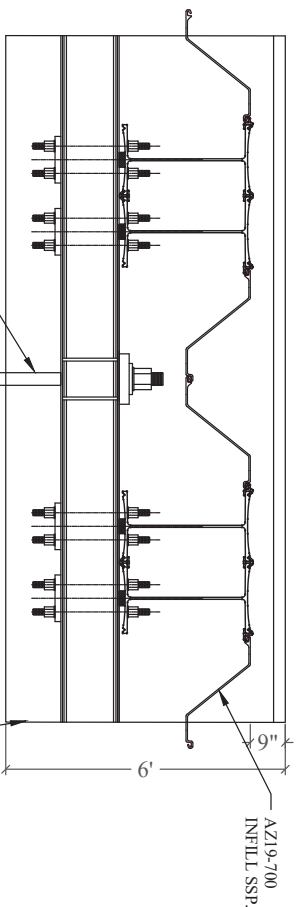


PROPOSED BULKHEAD DETAIL
S-8
SCALE: 3/8" = 1'-0"

- NOTE:
1. SEAWALL LOCATED AT PROPERTY LINE AT THIS LOCATION DOES NOT CROSS PROPERTY LINE.
 2. THIS SEGMENT FROM SECTION E TO F IS 415.8 FT IN LENGTH FROM WEST TO EAST WITH EXTENSION FROM PROPERTY LINE MAXIMUM OF 1 FEET, AND MAXIMUM WATERWARD PROJECTION FROM WEFTACE TO WEFTACE OF 5'-2".

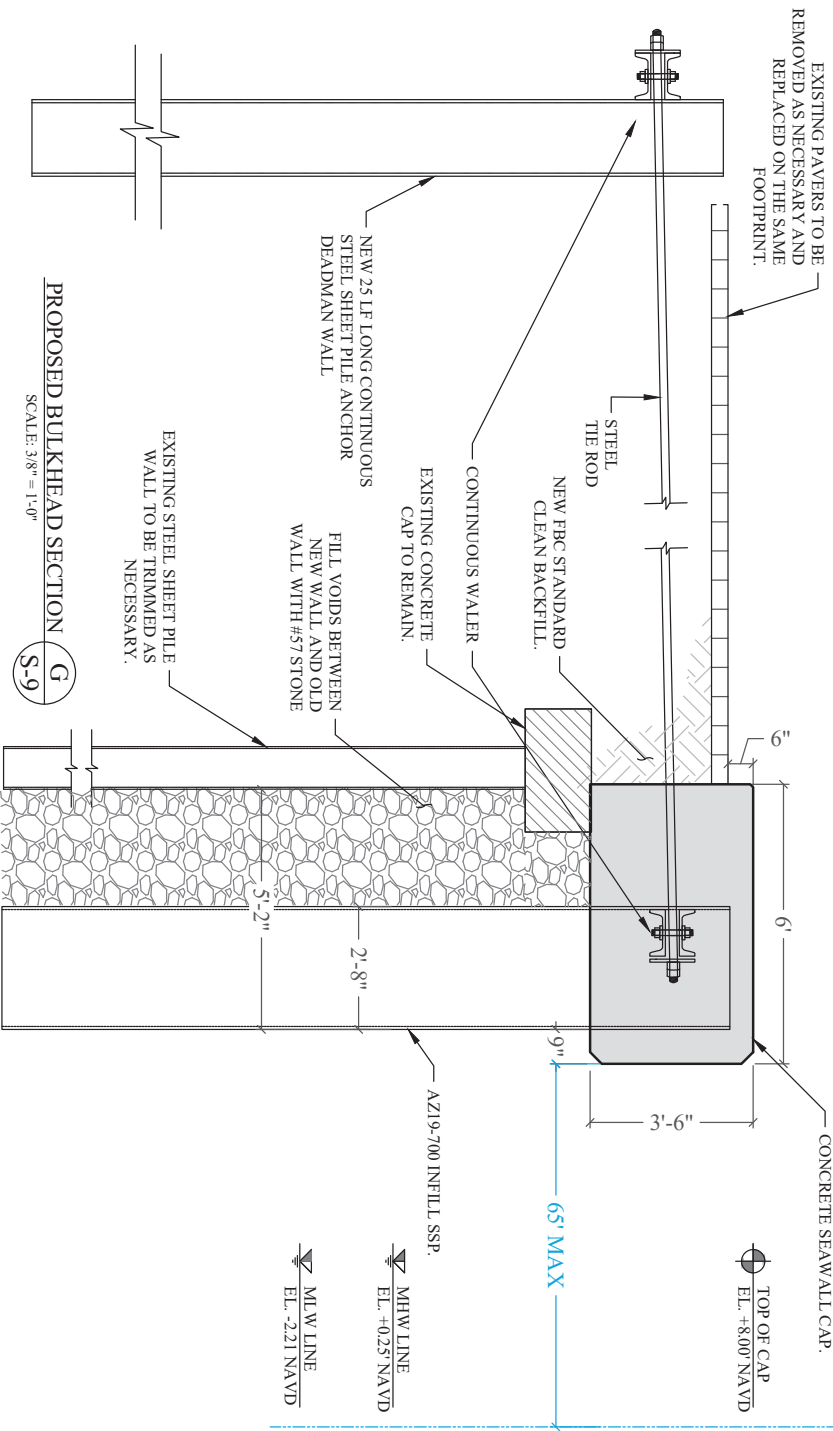


PROPOSED BULKHEAD SECTION
F
S-8
SCALE: 3/8" = 1'-0"



PROPOSED BULKHEAD DETAIL
S-9
SCALE: 3/8" = 1'-0"

- NOTE:
1. SEAWALL LOCATED MAXIMUM OF 65' LANDWARD OF PROPERTY LINE AT THIS LOCATION.
 2. THIS SEGMENT FOR SECTION G IS 48.3 FT IN LENGTH WITH A MAXIMUM WATERWARD PROTECTION FROM WETFACE TO WETFACE OF 5'-2".



PROPOSED BULKHEAD SECTION
S-9
SCALE: 3/8" = 1'-0"

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254
CONTRACTOR:

PROJECT ENGINEER:

Issue #	Issue Date
1	January 6, 2022
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

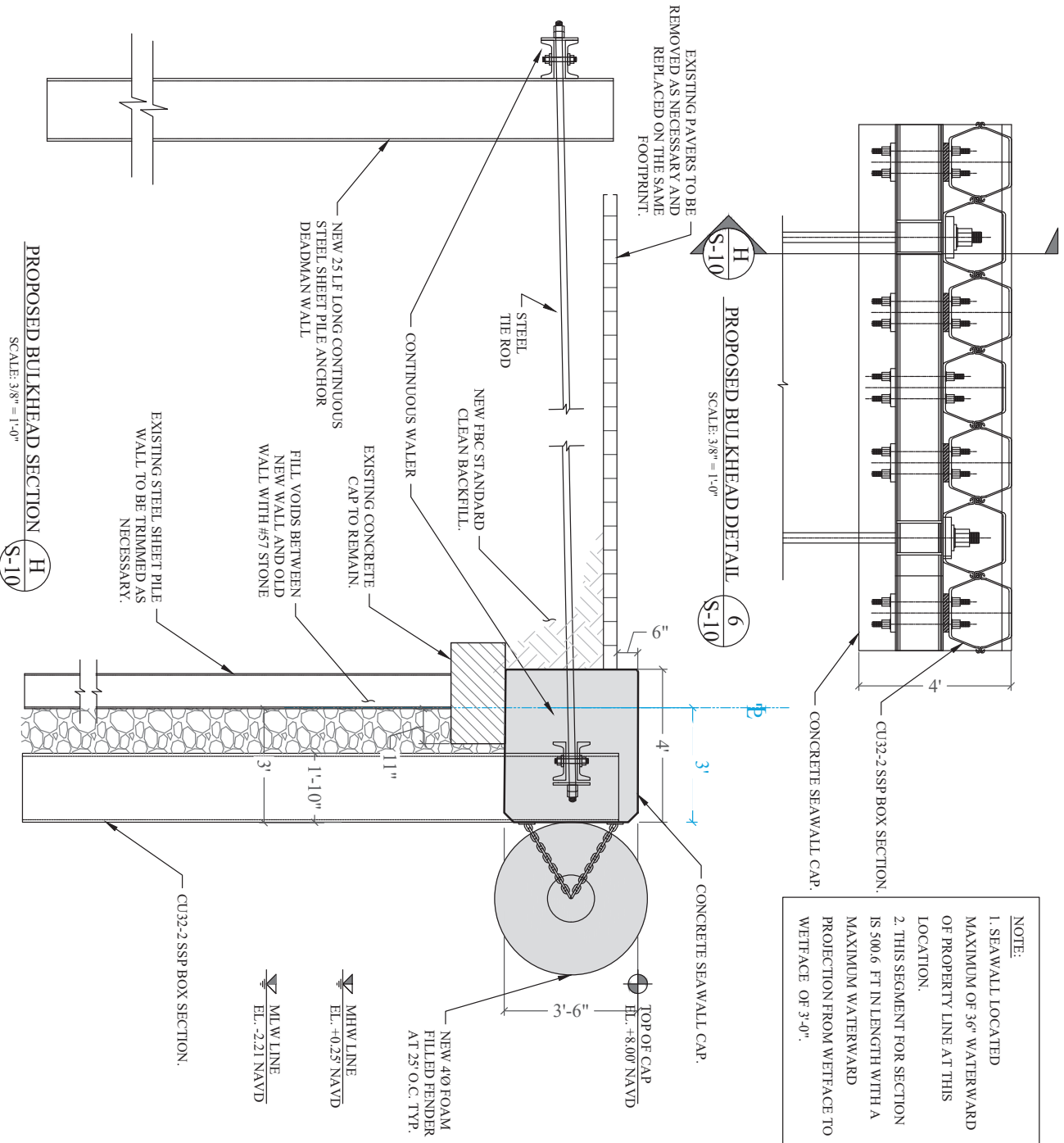
PROJECT ENGINEER:

Issue #	Issue Date
1	January 6, 2022

PROPOSED BULKHEAD
SECTION VIEWS

PERMIT DRAWINGS
SHEET NO. **S-10**
PROJECT: 20-10445

NOTE:
1. SEAWALL LOCATED MAXIMUM OF 36" WATERWARD OF PROPERTY LINE AT THIS LOCATION.
2. THIS SEGMENT FOR SECTION IS 500.6 FT IN LENGTH WITH A MAXIMUM WATERWARD PROJECTION FROM WETFACE TO WETFACE OF 3'-0".



TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

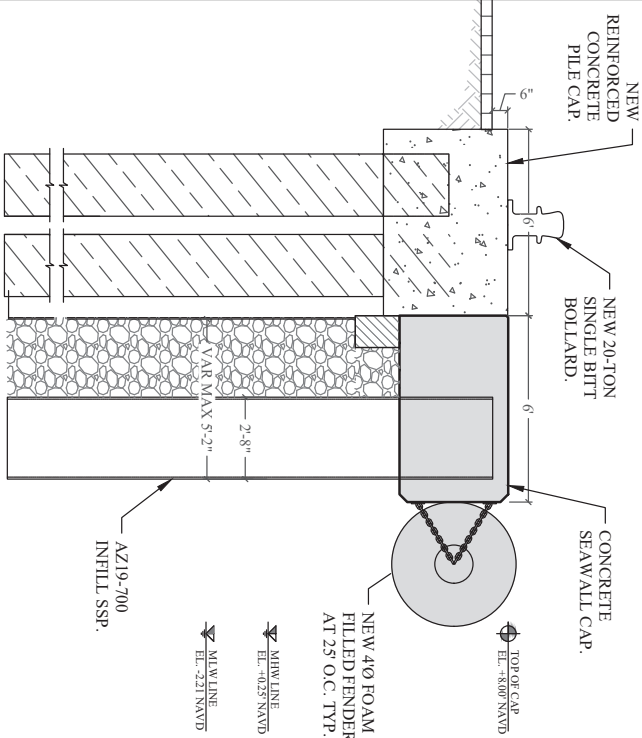
CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:
**AZ19-700
INFILL SSP.**

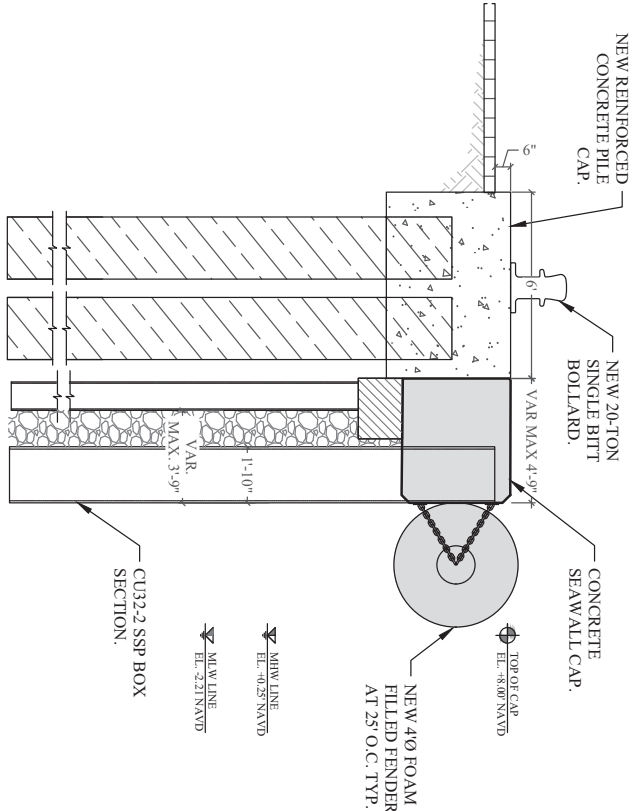
PROJECT ENGINEER:

Issue #	Issue Date
1	January 6, 2022
PROPOSED BOLLARD DETAILS	
PERMIT DRAWINGS	
PROJECT: 20-10445	



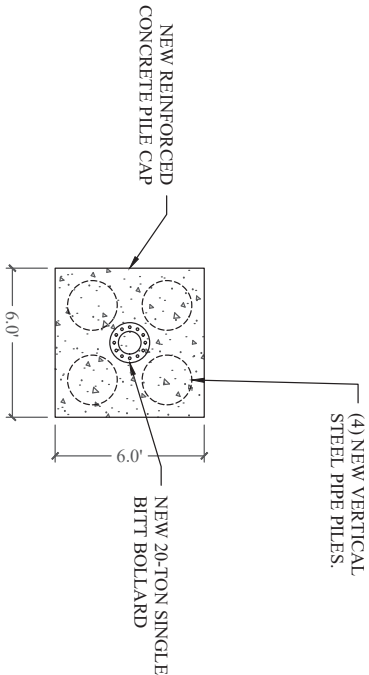
PROPOSED BOLLARD DETAIL J
S-11

SCALE: 1/4" = 1'-0"



PROPOSED BOLLARD DETAIL I
S-11

SCALE: 1/4" = 1'-0"



PROPOSED BOLLARD FOUNDATION PLAN
S-11

SCALE: 1" = 5'-0"

NOTE:
THIS SECTION IS FOR
BOLLARD.

NOTE:
DEADMEN DETAIL NOT
SHOWN FOR CLARITY.

Attachment C

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

**U.S. Coast Guard Air Station
100 Macarthur Cswy
Miami Beach, FL 33139**

**Florida Power & Light Co.
Attn Property Tax Dept
700 Universe Blvd, PSX/JB
Juno Beach, FL 33408**

**Fisher Island Community
Association, Inc.
1 Fisher Island Dr.
Fisher Island, FL 33109**

**City of Miami Beach
Miami Beach City Hall
Miami Beach, FL 33139**

Attachment D
Zoning Memorandum

Memorandum



Date: 06/30/2022

To: McKee Gray, Manager 
Coastal Resources Section
Department of Regulatory and Economic Resources

From: Tammy Burton, Biologist II 
Coastal Resources Section
Department of Regulatory and Economic Resources

Subject: Class I Permit Application by Miami Beach Port, LLC for the Filling of Tidal Waters in Association with the Installation of a Seawall located at 120 MacArthur Causeway, in the City of Miami Beach, Miami-Dade County, Florida

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

Attachment E

DERM Project Report

CLASS I PERMIT APPLICATION NO. CLI2021-0112

Class I Permit Application by Miami Beach Port, LLC for the Filling of Tidal Waters in
Association with the Installation of a Seawall located at 120 MacArthur Causeway, in the City of
Miami Beach, Miami-Dade County, Florida

DATE: 06/30/2022

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 and staff's opinion to its conformance with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The proposed application has also been evaluated for consistency with the Miami-Dade County Manatee Protection Plan (MPP). The project site is located within an area identified by the MPP as recommended for Freight Terminals/Large Vessels (>100') Berthing. The proposal to moor large vessels along the seawall upon completion of the new seawall is consistent with both the historic use of the facility and with the marine facility siting criteria in the MPP. The Class I permit would require that all standard construction permit conditions regarding manatees be followed during all in-water operations to prevent impacts to manatees during construction. Furthermore, the Class I permit would also require that the mooring of vessels or barges greater than 100 feet in length shall use a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

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. The area proposed to be filled in association with the new seawall does not provide significant benthic habitat and benthic resources were not documented in the footprint of the proposed work. 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. To mitigate for the unavoidable impacts associated with the temporary impacts to water quality associated with the installation of the new seawall, the Applicant is proposing an off-site mitigation project which would meet the requirements of Uniform Mitigation Assessment Method, pursuant to 62-345, F.A.C. and be required to be reviewed and approved by DERM. Should the permit be granted by the Board, a mitigation bond to ensure that an appropriate environmental enhancement project is completed will be required prior to permit issuance. Mitigation for impacts associated with the filling of tidal waters associated with the installation of the seawall and the recreation of the docking facility would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund to be used for the creation of marine habitat.

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

9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation. The applicant has obtained a Letter of No Objection from the Army Corps of Engineers (ACOE) for the proximity of the work to the Federal Channel.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.
12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** – The proposed project is not reasonably expected to adversely affect wetland soils suitable for habitat.
16. **Floral Values** – 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. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. The project site is located within an area identified by the MPP as recommended for Freight Terminals/Large Vessels (>100') Berthing. The proposal to moor large vessels along the seawall upon completion of the new seawall is consistent with both the historic use of the facility and with the marine facility siting criteria in the MPP. The Class I permit would require that all standard construction permit conditions regarding manatees be followed during all in-water operations to prevent impacts to manatees during construction. Furthermore, the Class I permit would also require that the mooring of vessels or barges greater than 100 feet in length shall use a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project is not reasonably expected to adversely affect wetland habitat.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code, 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. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.

23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed project would occur on lands owned by the State of Florida, and the applicant has received authorization.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the Code and the Miami-Dade County Public Works Manual.
25. **Comprehensive Environmental Impact Statement (CEIS)** - 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. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - 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 has been obtained, Attachment G)
 - c) Florida Department of Environmental Protection (FDEP authorization for the work has been obtained, Attachment F).
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** – 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:

Objective 3/Policies 3A, 3B, 3C - 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

Aviation Subelement/Objective AV-5A - 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 project is not located within the Miami River.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/ Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria – The proposed project would not compromise flood protection.

Objective 6/Policy 6A - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

Objective 7/Policy 7A, 7C, 7D, 7J - Wetland protection and restoration. – The proposed project is not located within a wetland.

Objective 9/Policies 9A, 9B, 9C - 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 species as set forth in Number 18 above.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A – Mangrove wetlands within Mangrove Protection Areas – The proposed project is not located within a designated “Mangrove Protection Area.”

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project is not located within coastal wetlands.

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The proposed project does not involve the construction of an elevated walkway through mangroves.

Objective 1/Policy 1D - 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.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project is not located within coastal wetlands.

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code. – The proposed project does not involve dredging or filling of grass/algal flats, hard bottom, or other viable benthic communities.

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

Objective 3/Policies 3E, 3F - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The proposed project does not involve the development or identification of new cut or spoil areas.

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species. – The proposed project is not reasonably expected to result in impacts to endangered or threatened species.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project will enhance the existing water-dependent use. The applicant is proposing to improve the facility through the installation of a new sheetpile seawall to stabilize the shoreline.

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

Objective 5/Policy 5F - The siting of water dependent facilities. - The proposed project is consistent with the criteria used to determine appropriateness of the project.

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

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

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The project site is located within an area identified by the MPP as recommended for Freight Terminals/Large Vessels (>100') Berthing. The proposal to moor large vessels along the seawall upon completion of the new seawall is consistent with both the historic use of the facility and with the marine facility siting criteria in the MPP. The Class I permit would require that all standard construction permit conditions regarding manatees be followed during all in-water operations to prevent impacts to manatees during construction. Furthermore, the Class I permit would also require that the mooring of vessels or barges greater than 100 feet in length shall use a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

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

32. **Zoning Recommendation** – Pursuant to Section 24-48.2(II)(B)(7) of the Code, 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.

33. **Coastal Resources Management Line** - 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.

34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not located within a wetland.

35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – 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. The following is a summary of how the standards relate to the proposed project:

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

(f) A physical modification necessary to protect public or private property.

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project complies with the Code-required water depth criteria.

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

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



McKee Gray, Manager
Coastal Resources Section



Tammy Burton, Biologist II
Coastal Resources Section

Attachment F

Florida Department of Environmental Protection (FDEP) Permit



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

Shawn Hamilton
Secretary

Project Name: Miami Beach Port LLC

Permittee/Authorized Entity:

Miami Beach Port LLC
c/o Roberto Rocha
120 South Biscayne Boulevard
Miami, FL 33131
Email: Cullen.mahoney@relatedgroup.com

Authorized Agent:

Ocean Consulting LLC
c/o Emily Nelson
Email: emily@oceanconsultingfl.com

Environmental Resource Permit - Granted

State-owned Submerged Lands Authorization – Granted

**U.S. Army Corps of Engineers / Section 404 Authorization – Separate Authorization
Required**

Permit No.: 13-059898-002-EI

Permit Issuance Date: December 15, 2021

Permit Construction Phase Expiration Date: December 15, 2026

Environmental Resource Permit

Permit No.: 13-059898-002-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 120 MacArthur Causeway, Miami Beach (Section 5, Township 54 South, Range 42 East), in Miami-Dade County (Latitude N 25° 45' 13.90", Longitude W 80° 8' 53.70").

PROJECT DESCRIPTION

This permit authorizes the installation of 1,302.5 ln. ft. of new seawall to extend a maximum of 5 feet waterward of the existing seawall wetface (3 feet maximum waterward on sovereign submerged lands). Work will include installation of a new concrete cap and 49 fenders, and backfilling landward of the new seawall sheetpile.

This permit authorizes 3,169 ft² of work in other surface waters. Submerged resources are not located within the project boundaries; therefore, there will be no adverse impacts to these resources. Mitigation is not required.

The attached standard manatee conditions (version 2011) shall be adhered to during all in-water work. Prior to construction commencement, weighted floating turbidity curtains, extending to within one-foot from the submerged bottom shall be utilized around the project area to ensure that any turbidity resulting from construction activities will be contained within the project boundaries. 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

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined that a portion of the activity is located within Board of Trustees TFT Deed No. 17026 and does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

A portion of this 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., and Chapter 258, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

Project Name: Miami Beach Port LLC

Permit No.: 13-059898-002-EI

Page 2 of 13

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 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.

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 online in the Jacksonville District Regulatory Division Source Book 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**

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- **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- PROJECT FORMS & ATTACHMENTS

(1) The attached project drawings (sheets 1 through 11); the Standard Manatee Conditions for In-Water Work, 2011; and DEP forms 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> 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

- (2) 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 SED_Compliance@FloridaDEP.gov, or by phone (561) 681-6600, to schedule the pre-construction conference.
- (3) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site, and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

- (4) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit. All construction equipment/tools and materials shall be transported to and from the site via upland roadways and barges and all equipment/tools and materials shall be stored on the uplands.

- (5) Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the submerged bottom.
- (6) The seawall and bulkhead shall be fully constructed as shown on Sheets 5-10 of the attached permit drawings prior to the placement of backfill material. Fill material used behind the seawall shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or other unsuitable materials.
- (7) The seawall and bulkhead shall be constructed in accordance with the distances from fixed landmarks as shown on the attached permit drawings.
- (8) The seawall and bulkhead shall be fully constructed, prior to the placement of backfill material.
- (9) Dredging within waters of the State for the purpose of providing backfill is prohibited.
- (10) No dredging or filling of submerged grass beds or live bottom communities is authorized by this permit. The surrounding waterbody and marine resources located outside of the specific limits of construction, authorized by this permit, shall be protected from siltation, sedimentation, and/or scouring. Best management practices for turbidity and erosion control shall be implemented and maintained at all times during to prevent siltation and turbid discharges into the surface waters surrounding the project site.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

- (11) Turbidity levels outside the construction area shall not exceed 0 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed ambient turbidity levels of the surrounding Outstanding Florida Waters:
 - a. Notify the Department at (561) 681-6600 at the time the violation is first detected.
 - b. Immediately cease all work contributing to the water quality violation.
 - c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
 - d. As required, perform turbidity monitoring per Specific Conditions below.
 - e. Resume construction activities once turbidity levels outside turbidity curtains fall below background levels.
- (12) Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:
 - a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)

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

(13) During potentially turbidity-generating construction activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by the Specific Condition above:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations
- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's Compliance Assistance Program by email at SED_Compliance@floridadep.gov. The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

SPECIFIC CONDITIONS – MANATEE CONDITIONS

- (14) The permittee shall comply with the standard manatee protection construction conditions listed in the attached "2011 Standard Manatee Conditions for In-Water Work".
- (15) 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. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs: http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf

SPECIFIC CONDITIONS – LISTED SPECIES

- (16) 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 FWCConservationPlanningServices@MyFWC.com.

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 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 a subsequent order of the Department. Because the administrative hearing

process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

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 Rules 28-106.201 and 28-106.301, 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 e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. 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 and persons entitled to written notice under Section 120.60(3), F.S., 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. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

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 may not apply to persons who have not received a clear point of entry.

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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the 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 Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. 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.

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 Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 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



12/15/2021

Norva Blandin, MSEM
Permitting Program Administrator
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:

Project Name: Miami Beach Port LLC
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FDEP – Norva Blandin MSEM, Jeffrey Meyer, Danielle Sattelberger, Elena Kampian, Laura Eldridge

Lisa Spadafina, Miami-Dade County RER, spadaL2@miamidade.gov
Emily Nelson, Ocean Consulting LLC., emily@oceanconsultingfl.com
Kirk Lofgren, Ocean Consulting LLC., kirk@oceanconsultingfl.com

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.

Genesis Birins 12/15/2021
Clerk Date

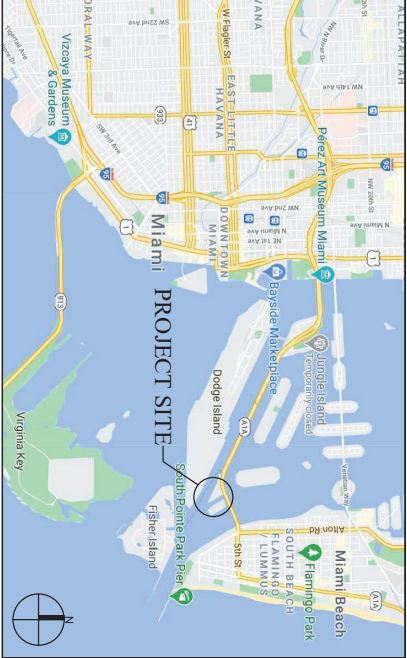
Attachments:

Project Drawings and Design Specs., 11 pages
Standard Manatee Conditions for In-Water Work, 2011
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: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>



PROJECT SITE



LOCATION MAP

- GENERAL NOTES:
1. ELEVATIONS SHOWN REFER TO THE MIAMI-DADE MEAN LOW WATER (M-D MLW) DATUM.
 2. ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD. IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF ENGINEER BEFORE PROCEEDING WITH WORK CONTRACTOR AND ALL SUBCONTRACTORS ARE RESPONSIBLE FOR ALL LINES, ELEVATIONS, AND MEASUREMENTS IN CONNECTION WITH THEIR WORK.
 3. IT IS THE INTENT OF THESE PLANS AND THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE, AND FEDERAL ENVIRONMENTAL PERMITS ISSUED FOR THIS PROJECT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.
 4. APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2020 EDITION (AND CURRENT ADDENDUMS).
 5. APPROVED CONTRACTOR TO DETERMINE THE SUITABILITY OF EXISTING STRUCTURES AND VERIFY ALL DIMENSIONS. THE APPROVED CONTRACTOR IS RESPONSIBLE FOR ALL METHODS, MEANS, SEQUENCES AND PROCEDURES OF WORK.
 6. DO NOT SCALE DRAWINGS FOR DIMENSIONS.
 7. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING WORK.
 8. ANY DEVIATION AND/OR SUBSTITUTION FROM THE INFORMATION PROVIDED HEREIN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.
 9. LICENSED CONTRACTOR SHALL USE ALL POSSIBLE CARE TO PROTECT ALL EXISTING MATERIALS, SURFACES, AND FURNISHINGS FROM DAMAGE DURING ALL PHASES OF CONSTRUCTION.
 10. THE LICENSED CONTRACTOR TO INSTALL AND REMOVE ALL SHORING AND BRACING AS REQUIRED FOR THE PROPER EXECUTION OF THE WORK.
 11. ALL NEW WORK AND/OR MATERIALS SHALL CONFORM TO ALL REQUIREMENTS OF EACH ADMINISTRATIVE BODY HAVING JURISDICTION IN EACH PERTAINING CIRCUMSTANCE.
 12. THE CONTRACTOR WILL EMPLOY AND MAINTAIN ADEQUATE SEDIMENT AND EROSION CONTROL MEASURES TO PROTECT BISCAYNE BAY FROM SEDIMENT AND CONSTRUCTION DEBRIS.

PROJECT SITE LOCATION:

120 MacArthur Causeway
Miami Beach, Florida 33139

LATITUDE: 25° 46' 11.62" N

LONGITUDE: 80° 08' 47.20" W

FOLIO No.: 02-4204-000-0060

LEGAL DESCRIPTION: 04 54 42 3.71 AC M/L

COMM 1580FTN & 2015FTW OF SE COR

OF SEC TH S 67 DEG W 58.7FT S 31

DEG E64.75FT S 67 DEG W ALG SLY

LINE OF CAUSEWAY 117.78 FOR POB

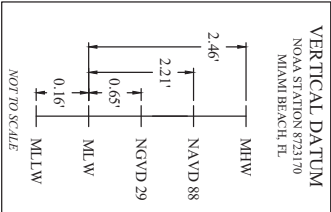
CONT S 67 DEG W 40.43FT SWLY &

WLY 65.72FT S 31 DEG E 403.80FT

S 25 DEG W 97.46FT N 64 DEG W

120FT S 25 DEG W 100FT S 64 DEG

E 832.55FT N 31 DEG W 583.57FT S



TERMINAL ISLAND
BULKHEAD
REPLACEMENT
PROJECT

120 MacArthur Causeway
Miami Beach, Florida

CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

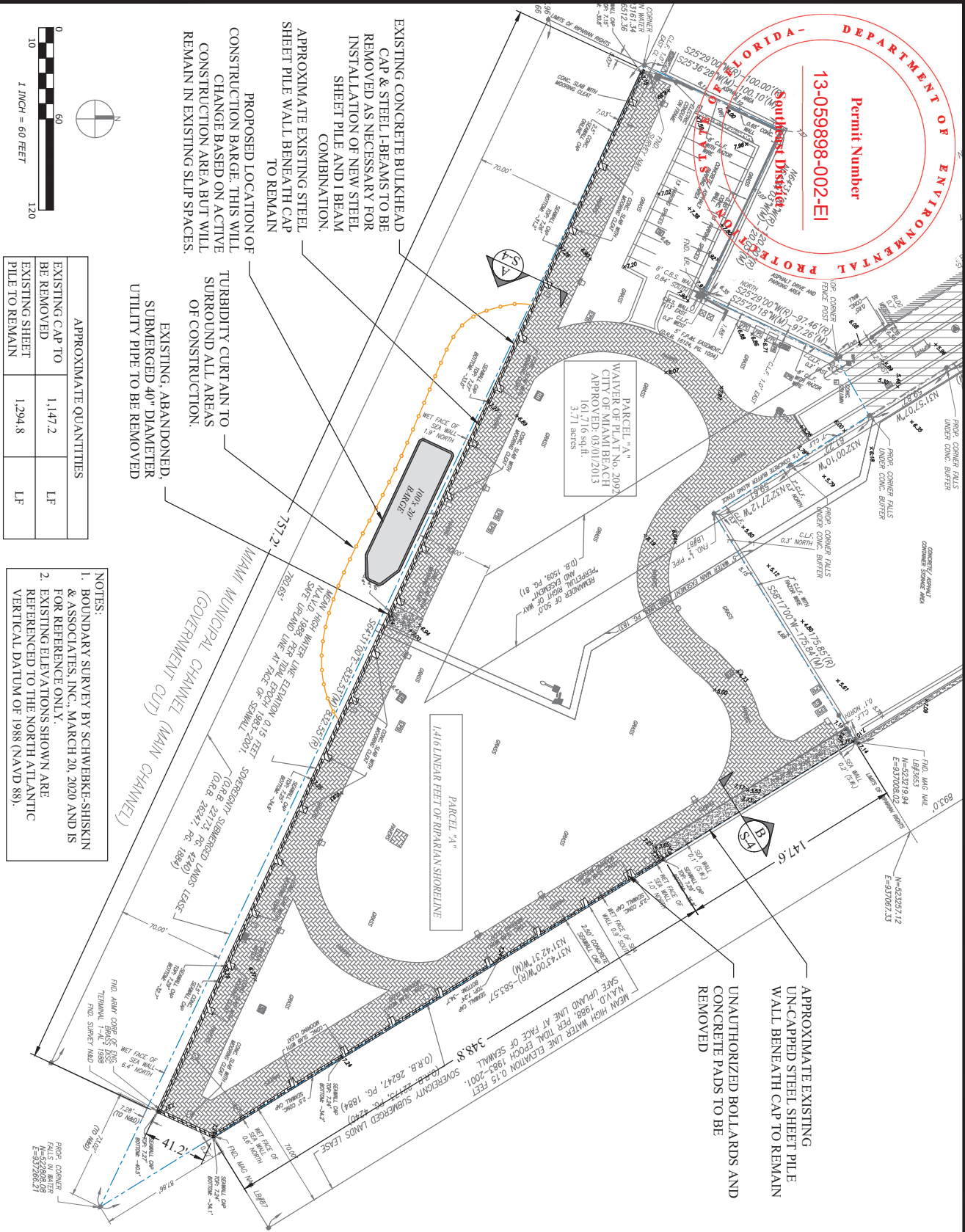
CONTRACTOR:

PROJECT ENGINEER:

Issue #	Issue Date
①	November 30, 2021
PROJECT LOCATION AND NOTES	
PERMIT DRAWINGS	
SHEET NO.	
PROJECT: 20-10445	

FLORIDA - DEPARTMENT OF ENVIRONMENTAL PROTECTION

Permit Number
13-059898-002-EI



APPROXIMATE QUANTITIES

EXISTING CAP TO BE REMOVED	1,147.2	LF
EXISTING SHEET PILE TO REMAIN	1,294.8	LF

- NOTES:
1. BOUNDARY SURVEY BY SCHWEBE-SHISKIN & ASSOCIATES, INC., MARCH 20, 2020 AND IS FOR REFERENCE ONLY.
 2. EXISTING ELEVATIONS SHOWN ARE REFERENCED TO THE NORTH ATLANTIC VERTICAL DATUM OF 1988 (NAVD 88).

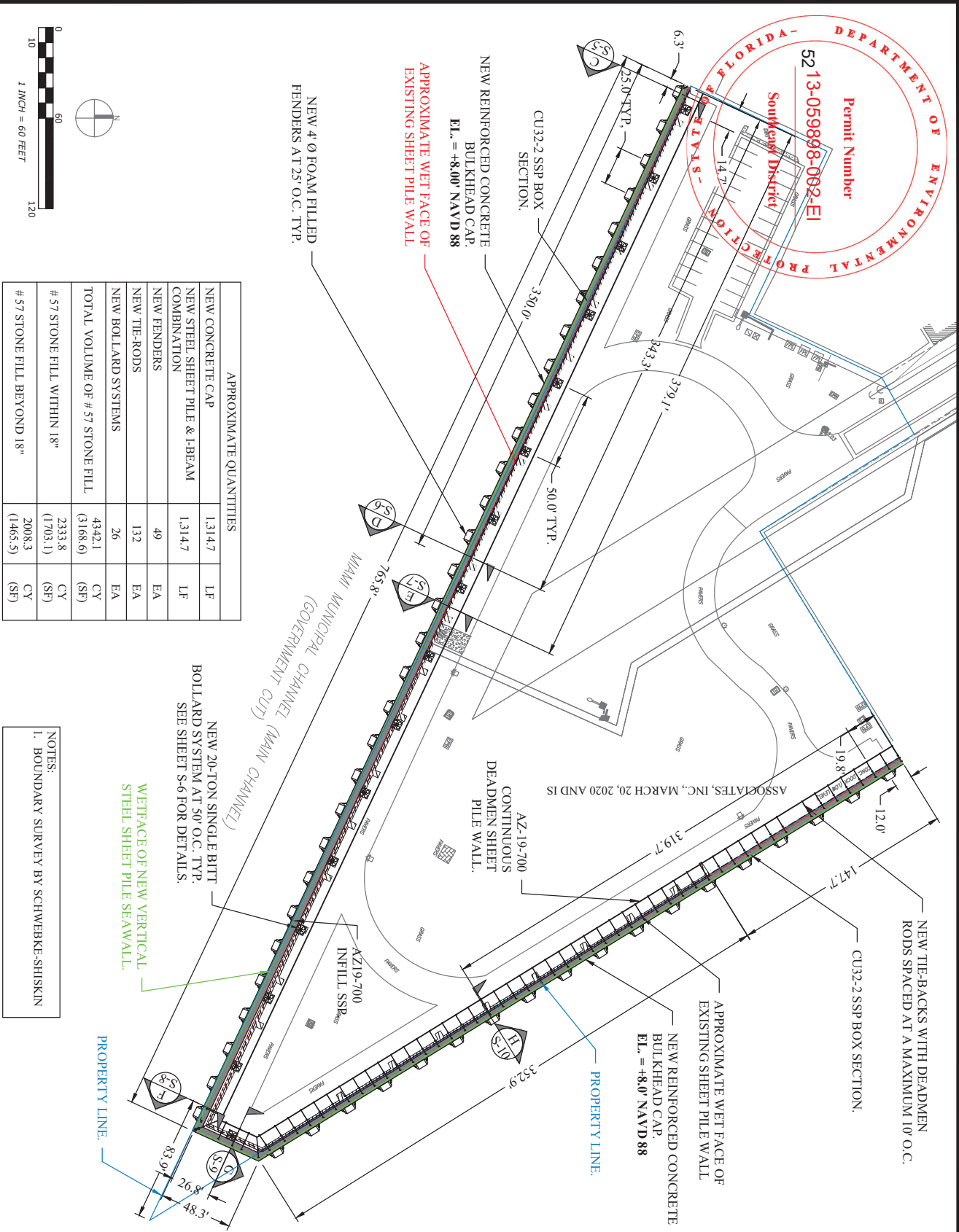
TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Monroe Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

PROJECT ENGINEER:

Issue #	Issue Date
1	November 30, 2021
EXISTING CONDITIONS	
PERMIT DRAWINGS	SHEET NO.
PROJECT: 20-10445	S-2



APPROXIMATE QUANTITIES	
NEW CONCRETE CAP	1,314.7 LF
NEW STEEL SHEET PILE & I-BEAM COMBINATION	1,314.7 LF
NEW FENDERS	49 EA
NEW TIE-RODS	132 EA
NEW BOLLARD SYSTEMS	26 EA
TOTAL VOLUME OF # 57 STONE FILL	4342.1 CY (3168.6) (SF)
# 57 STONE FILL WITHIN 18"	2333.8 CY (1703.1) (SF)
# 57 STONE FILL BEYOND 18"	2008.3 CY (1465.5) (SF)

NOTES:
1. BOUNDARY SURVEY BY SCHWEBKE-SHISKIN

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

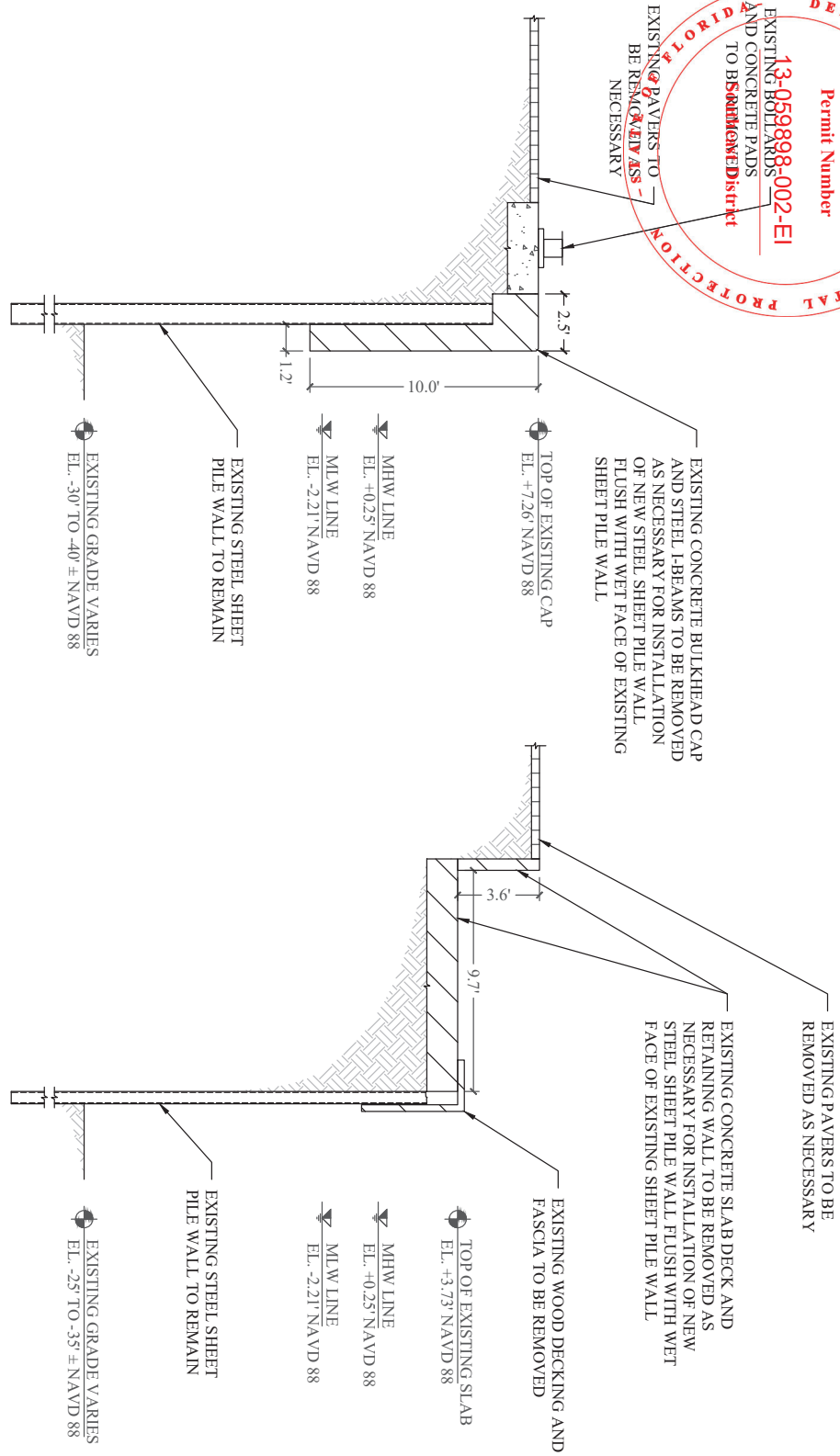
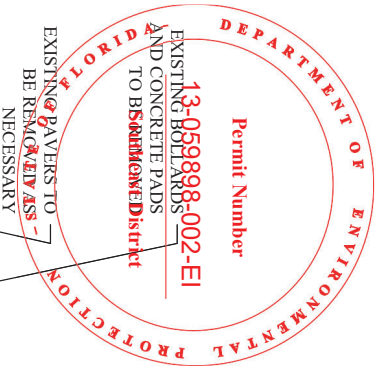
CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254
CONTRACTOR:

PROJECT ENGINEER:

Issue #	Issue Date
1	November 30, 2021

PROPOSED PLAN VIEW
PERMIT DRAWINGS
PROJECT: 20-10445
S-3



TYP. EXISTING BULKHEAD SECTION
SCALE: 1" = 5'-0"
(A)
S-4

TYP. EXISTING BULKHEAD SECTION
SCALE: 1" = 5'-0"
(B)
S-4

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

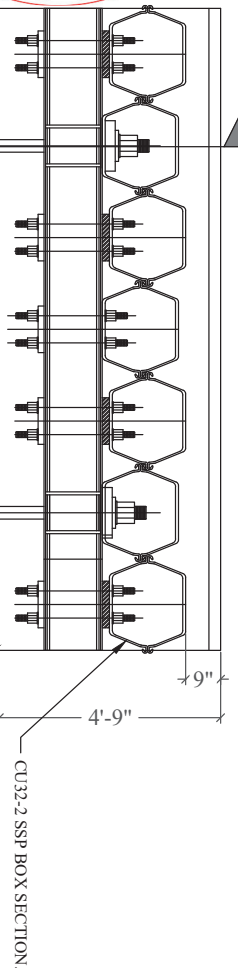
CONTRACTOR:
EXISTING PAVERS TO BE REMOVED AS NECESSARY
EXISTING CONCRETE BULKHEAD CAP AND STEEL I-BEAMS TO BE REMOVED AS NECESSARY FOR INSTALLATION OF NEW STEEL SHEET PILE WALL FLUSH WITH WET FACE OF EXISTING SHEET PILE WALL
EXISTING CONCRETE SLAB DECK AND RETAINING WALL TO BE REMOVED AS NECESSARY FOR INSTALLATION OF NEW STEEL SHEET PILE WALL FLUSH WITH WET FACE OF EXISTING SHEET PILE WALL
EXISTING WOOD DECKING AND FASCIA TO BE REMOVED
EXISTING STEEL SHEET PILE WALL TO REMAIN
EXISTING GRADE VARIES EL. -25' TO -35' ± NAVD 88

PROJECT ENGINEER:
EXISTING GRADE VARIES EL. -30' TO -40' ± NAVD 88

Issue #	Issue Date
①	November 30, 2021
EXISTING SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

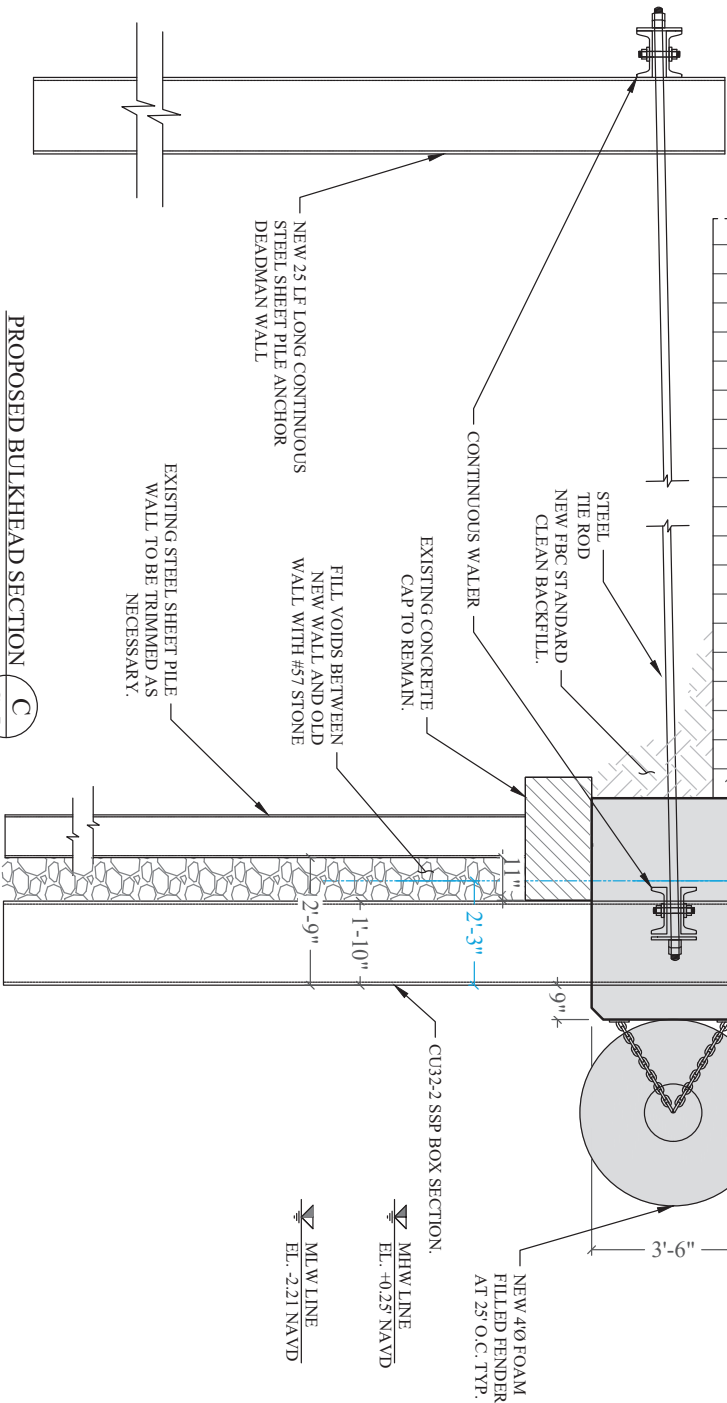


NOTE:
SEAWALL LOCATED MAXIMUM
OF 36" WATERWARD OF
PROPERTY LINE AT THIS
LOCATION.



PROPOSED BULKHEAD DETAIL
SCALE: 3/8" = 1'-0"

EXISTING PAVERS TO BE
REMOVED AS NECESSARY AND
REPLACED ON THE SAME
FOOTPRINT.



PROPOSED BULKHEAD SECTION
SCALE: 3/8" = 1'-0"

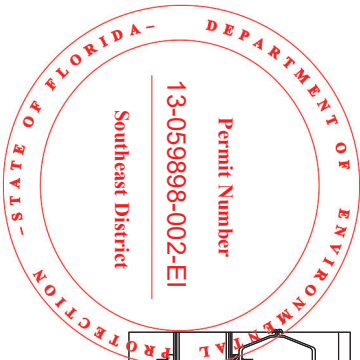
TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

PROJECT ENGINEER:

Issue #	Issue Date
1	November 30, 2021
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	



NOTE:
SEAWALL LOCATED MAXIMUM
OF 12" WATERWARD OF
PROPERTY LINE AT THIS
LOCATION.

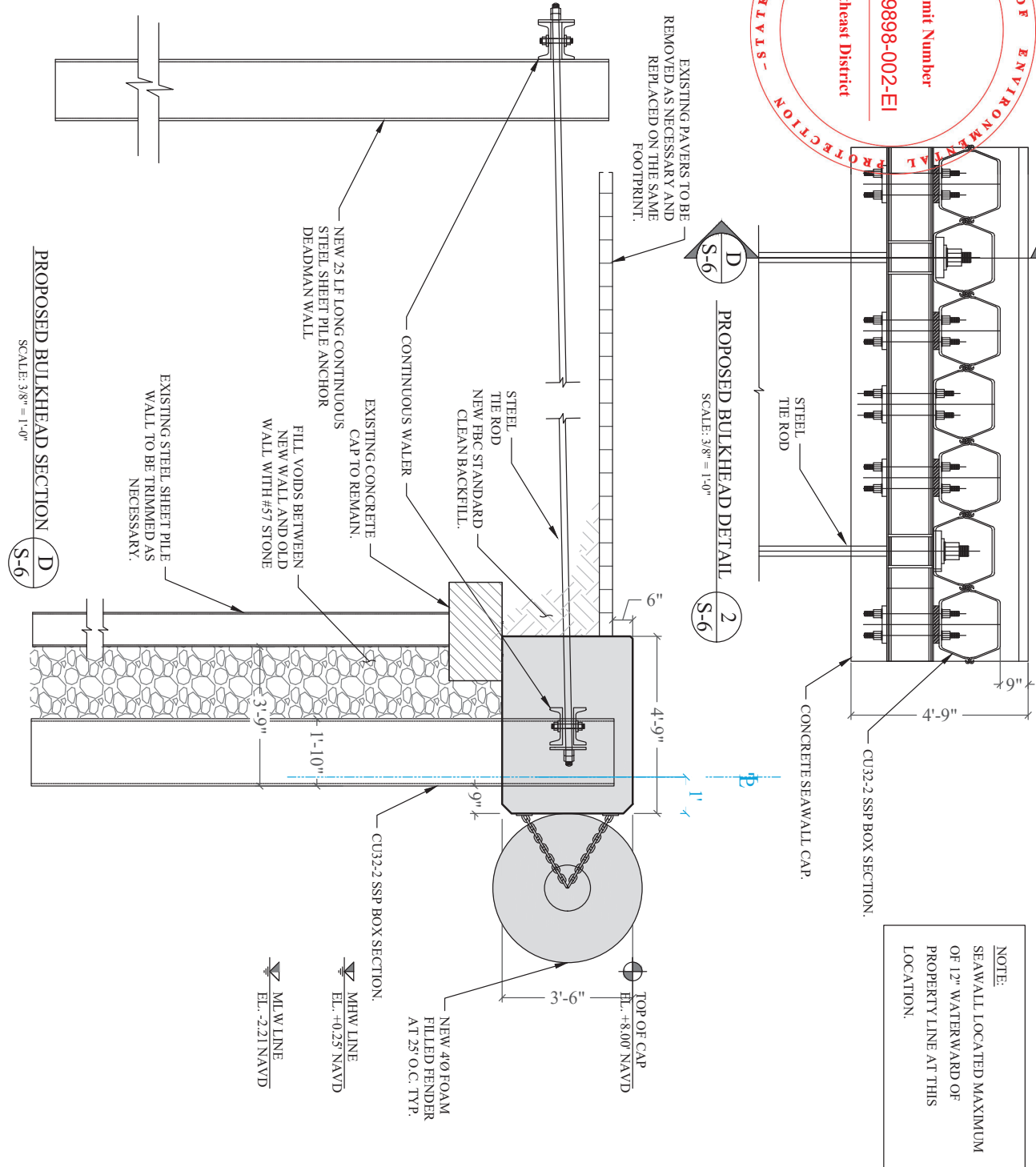
**TERMINAL ISLAND
BULKHEAD
REPLACEMENT
PROJECT**
120 MacArthur Causeway
Miami Beach, Florida
CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

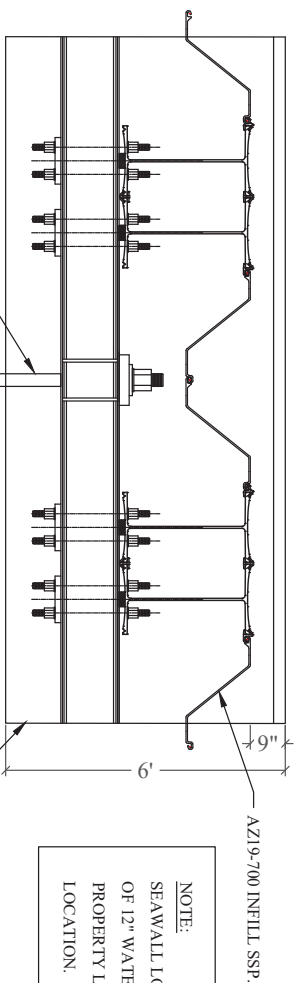
ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254
CONTRACTOR:

PROJECT ENGINEER:

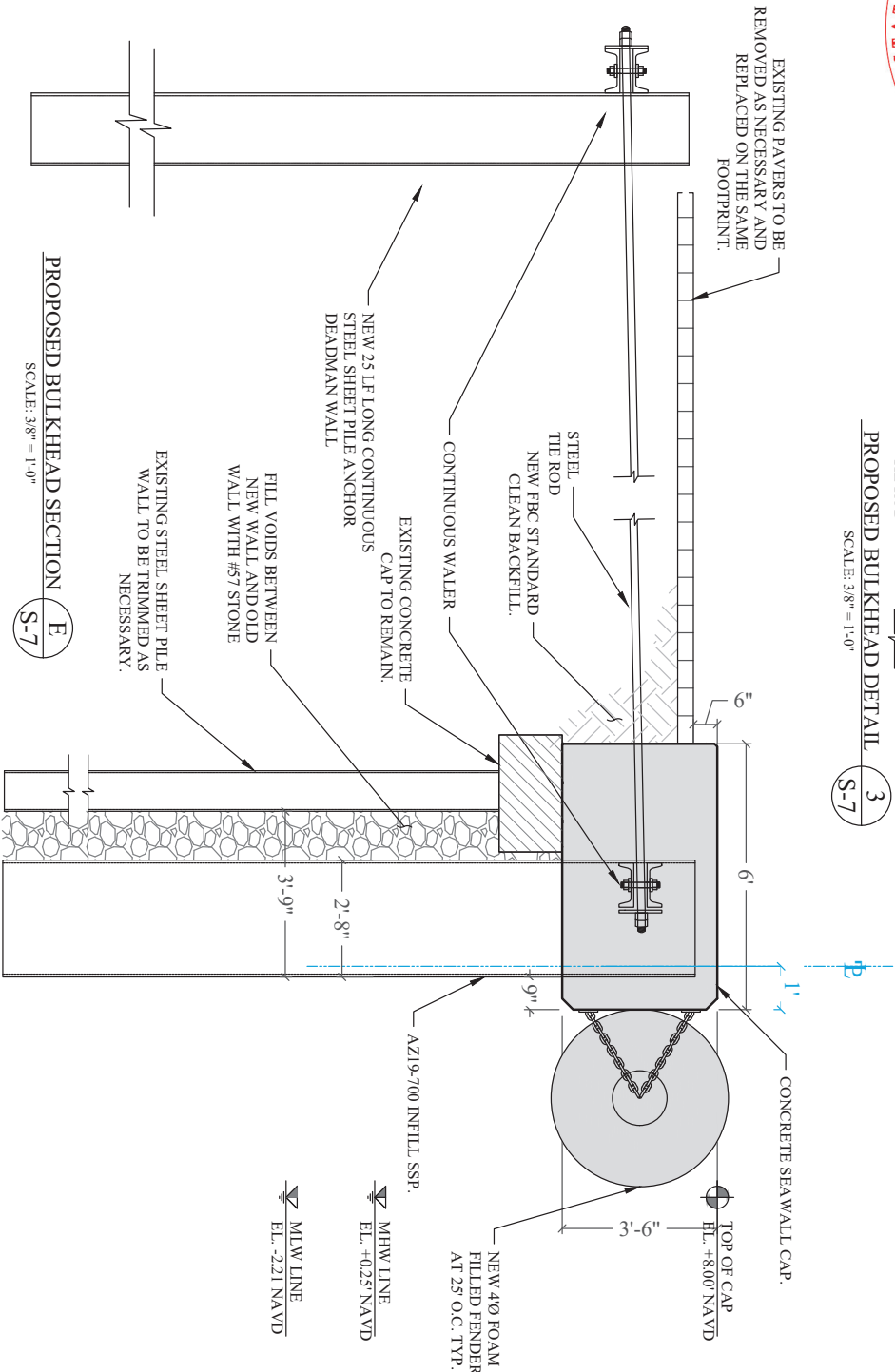
Issue # Issue Date
① November 30, 2021
PROPOSED BULKHEAD
SECTION VIEWS
PERMIT DRAWINGS
PROJECT: 20-10445

SHEET NO.
S-6





NOTE:
SEAWALL LOCATED MAXIMUM
OF 12" WATERWARD OF
PROPERTY LINE AT THIS
LOCATION.



PROPOSED BULKHEAD SECTION
E
S-7

SCALE: 3/8" = 1'-0"

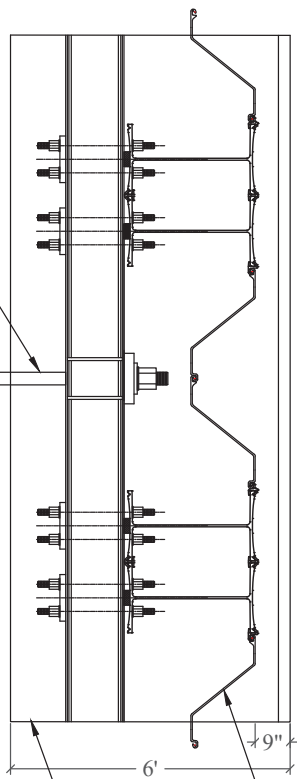
TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7 Tel: (305) 921-9344
Coral Gables, Florida 33134 Fax: (305) 677-3254
CONTRACTOR:

PROJECT ENGINEER:

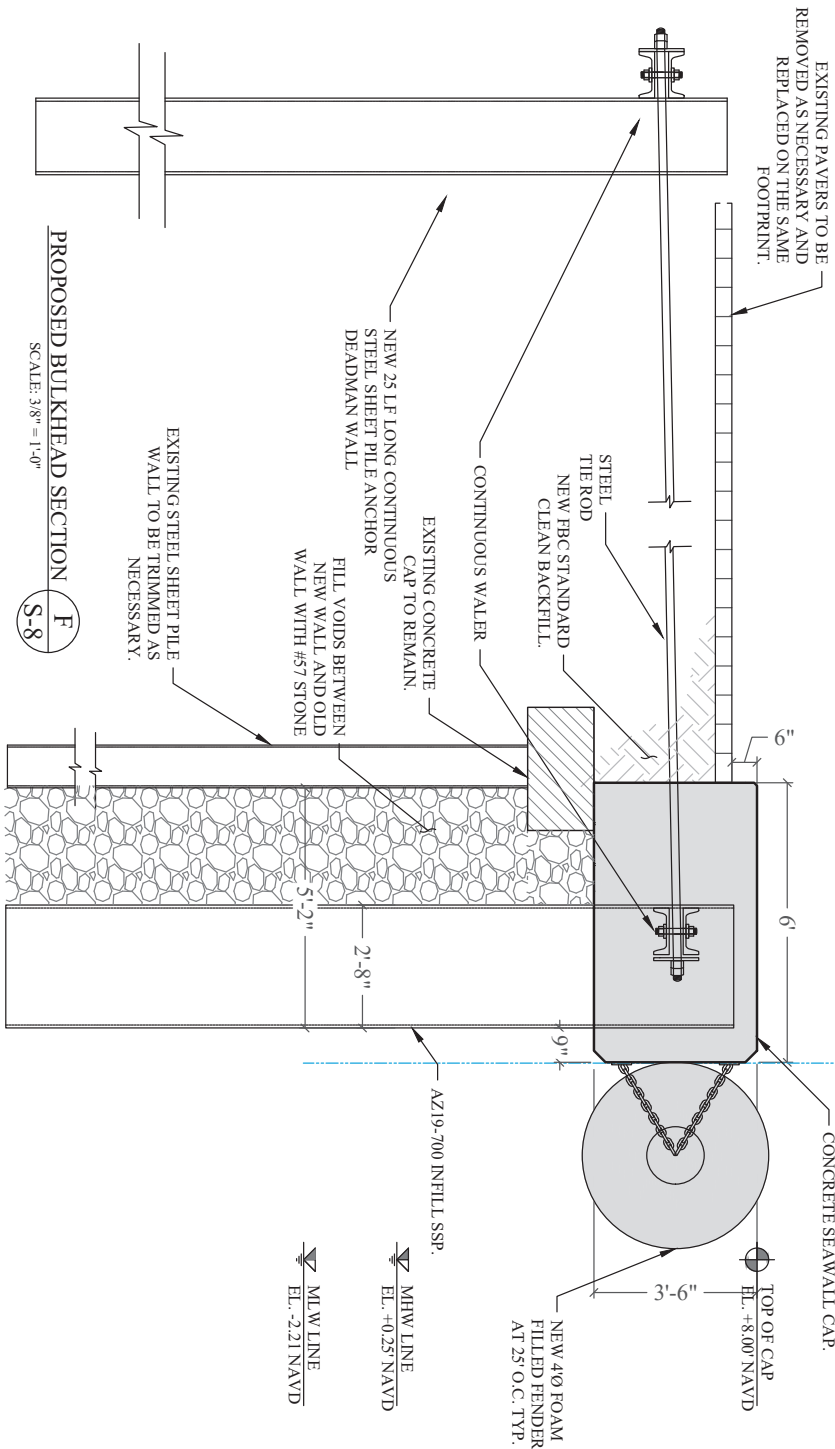
Issue #	Issue Date
1	November 30, 2021
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	



NOTE:
SEAWALL LOCATED AT
PROPERTY LINE AT THIS
LOCATION DOES NOT CROSS
PROPERTY LINE.

PROPOSED BULKHEAD DETAIL
S-8

SCALE: 3/8" = 1'-0"



PROPOSED BULKHEAD SECTION
F

SCALE: 3/8" = 1'-0"

TERMINAL ISLAND

BULKHEAD

REPLACEMENT

PROJECT

120 MacArthur Causeway
Miami Beach, Florida

CLIENT:
MIAMI BEACHPORT, LLC

315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:

OCEAN CONSULTING, LLC

340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134

Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

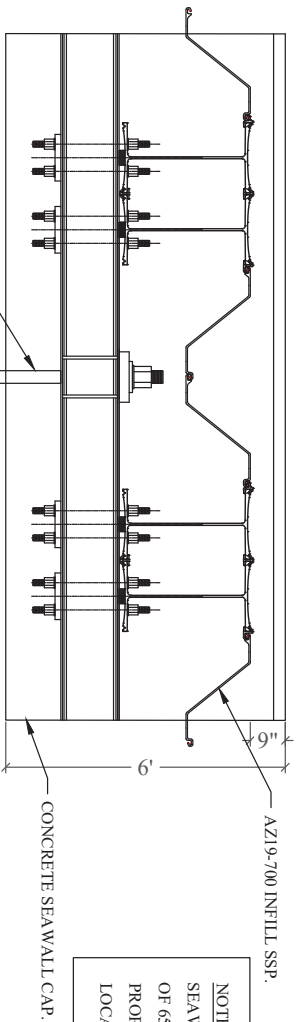
Issue # Issue Date
① November 30, 2021

PROPOSED BULKHEAD
SECTION VIEWS

PERMIT DRAWINGS

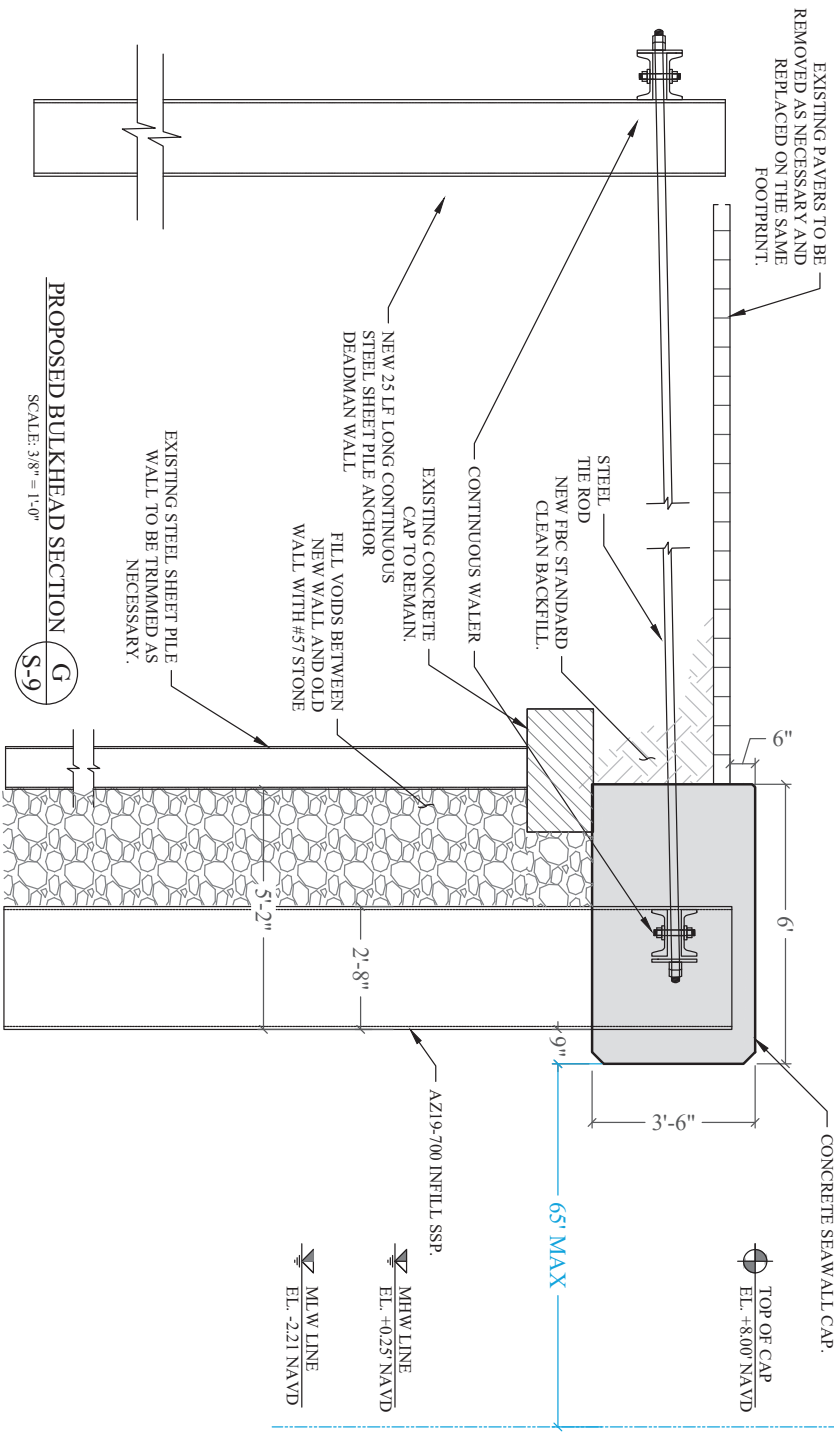
PROJECT: 20-10445

SHEET NO.
S-8



NOTE:
SEAWALL LOCATED MAXIMUM
OF 65' WATERWARD OF
PROPERTY LINE AT THIS
LOCATION.

PROPOSED BULKHEAD DETAIL
S-9
SCALE: 3/8" = 1'-0"



PROPOSED BULKHEAD SECTION
S-9
SCALE: 3/8" = 1'-0"

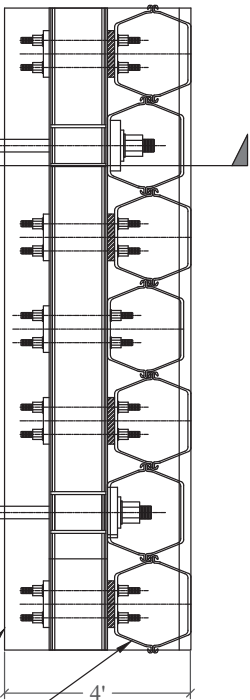
TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

PROJECT ENGINEER:

Issue #	Issue Date
1	November 30, 2021
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	



CONCRETE SEAWALL CAP.

120 MacArthur Causeway

ENVIRONMENTAL CONSULTANT:

OCEAN CONSULTING, LLC

Tel: (305) 921-9344
Fax: (305) 677-3254

Fax: (305) 677-3254

59



SCALE: 3/8" = 1'-0"

S-10

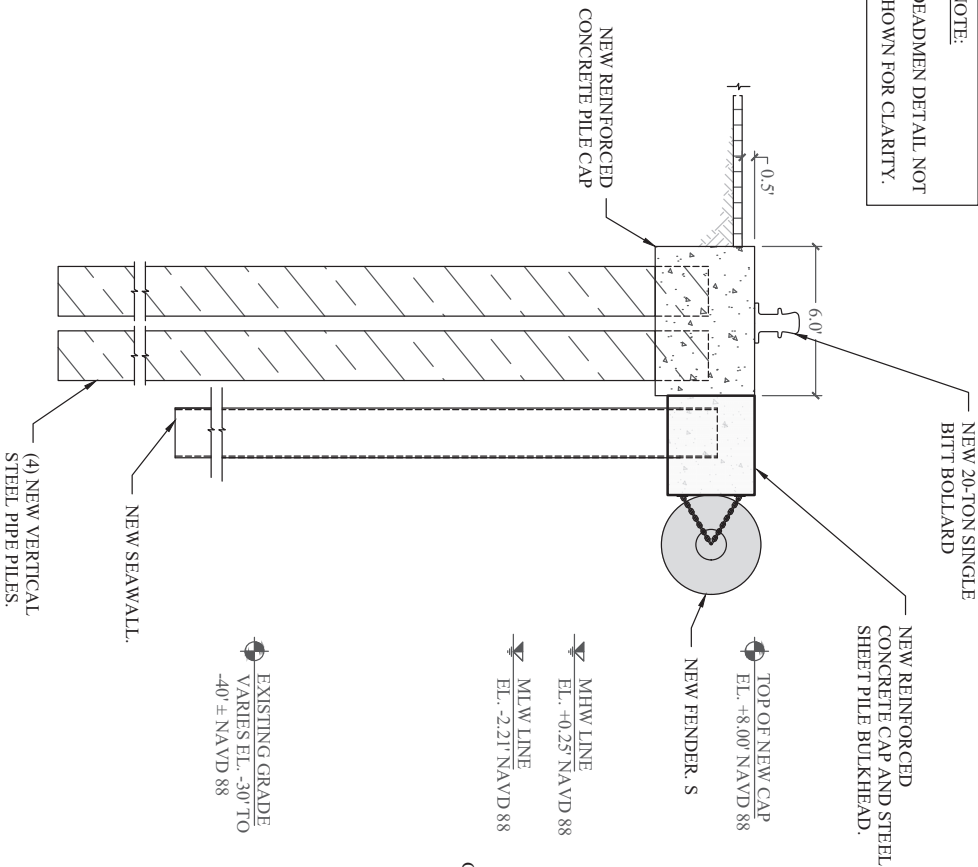
SHEET NO.

PROPOSED BULKHEAD SECTION VIEWS

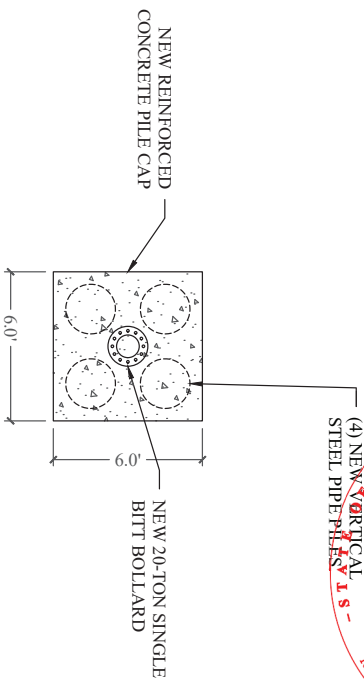
Issue #	Issue Date
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159	2155
160	2156

① November 30, 2022

NOTE:
DEADMEN DETAIL NOT
SHOWN FOR CLARITY.



PROPOSED BOLLARD FOUNDATION SECTION
SCALE: 1" = 5'-0"
1
S-11



PROPOSED BOLLARD FOUNDATION PLAN
SCALE: 1" = 5'-0"
7
S-11

NOTE:
THIS SECTION IS FOR
BOLLARD.



TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7 Tel: (305) 921-9344
Coral Gables, Florida 33134 Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

Issue #	Issue Date
①	November 30, 2021
PROPOSED BOLLARD DETAILS	
PERMIT DRAWINGS	
PROJECT: 20-10445	
S-11	

STANDARD MANATEE AND MARINE TURTLE CONSTRUCTION CONDITIONS FOR IN-WATER WORK

July 2011

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

- a. All personnel associated with the project shall be instructed about the presence of marine turtles, manatees and manatee speed zones, and the need to avoid collisions with (and injury to) these protected marine species. 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 and marine turtles cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee or marine turtle movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of marine turtles and manatee(s). All in-water operations, including vessels, must be shutdown if a marine turtle or manatee comes within 50 feet of the operation. Activities will not resume until the animal(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the animal(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 marine turtle or manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922, and to FWC at ImperiledSpecies@myFWC.com. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service (for north Florida, Jacksonville 1-904-731-3336 or for south Florida Vero Beach 1-772-562-3909).
- 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 FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" 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. These signs can be viewed at MyFWC.com/manatee. 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

Attachment G

United States Army Corps of Engineers Permit



**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
9900 SOUTHWEST 107th AVE, SUITE 203
MIAMI, FLORIDA 33176**

REPLY TO
ATTENTION OF

December 17, 2021

Regulatory Division
South Permits Branch
South Permits Section
SAJ-2012-01727 (NW-AG)

Miami Beach Port, LLC
315 S Biscayne Blvd.
Miami, FL 33131

Dear Applicant:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on 25 August 2021 number SAJ-2012-01727. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344).

The proposed project involves the following components:

1. The removal of 1,468 linear feet of existing concrete cap and all existing bollards, fascia and concrete pads along the shoreline;
2. Installation of 1,301.5 linear feet of new steel sheet pile/I beam combination wall placed directly abutting the existing seawall with corrugation extending a maximum of 4 feet waterward of the wetface of existing wall including 960 cubic yards of backfill in the void between the existing and new walls. All sheet pile wall sections will be installed with a vibratory hammer;
3. Installation of an associated 4.5 foot wide concrete cap;
4. Installation of 49- 4 foot wide fenders along the edge of the new cap;
5. Installation of 130 seawall tie rods supports in the uplands on the landward side of the new wall;
6. Installation of 26 new mooring bollard systems in the uplands on the landward side of the new seawall on 50 foot centers.

The project is located on Biscayne Bay at Terminal Island at 120 MacArthur Causeway in Section 04, Township 54 South, 42 East, in Miami Beach, FL 33139 (Folio # 02-4202-000-0060).

Your project, as depicted on the enclosed drawings, date stamped by the U.S. Army Corps of Engineers on 17 December 2021, is authorized by Nationwide Permit (NWP) Number # 3. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2022**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 82, dated January 6, 2017, specifically pages 1983 to 2008, and the table of Regional Conditions. The Internet page address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Source Book"; and, then click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP # 3. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

1. **REPORTING ADDRESS:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:
 - a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, 9900 SW 107th Ave., Suite 203, Miami, FL 33176-2785.

- b. For electronic mail SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2012-01727 (NW-AG)
2. **COMMENCEMENT NOTIFICATION:** Within 10 days from the date of initiating the work authorized by this permit. The Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 3. **SELF-CERTIFICATION:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 4. **POSTING OF PERMIT:** The Permittee shall ensure that all contractors, sub-contractors, and entities associated with the implementation of the project review, understand, and comply with the approved plans and special conditions made part of this permit. The Permittee shall inform all parties associated with the activity of the construction area boundaries, and the location of adjacent *wetland shoreline, sea grass, corals, hardbottom* to be avoided. Complete copies of the permit and approved plans shall be available at the construction site at all times. Failure to comply with the approved plans and permit special conditions may subject the Permittee to enforcement action.
 5. **AGENCY CHANGES/APPROVALS:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the **Miami** Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.
 6. **MANATEE CONDITION:** The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011," attached to this permit.

7. **TURBIDITY BARRIERS:** Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

8. **ASSURANCE OF NAVIGATION AND MAINTENANCE:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

9. **BEST MANAGEMENT PRACTICES:** Environmental controls and best management practices must be implemented to properly contain construction materials and prevent fugitive particulates from entering surrounding waters during the construction of the project.

10. Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

11. JAXBO: Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs): Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

Note - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

Note - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 1 - Shoreline Stabilization: (AP.1-14; A1.1-12; S.1; S.2; S.4)

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4)

12. Clean fill: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

13. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

14. Protected Species Construction Conditions: The Permittee agrees to abide by the enclosed standard construction conditions designed to protect species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD).

15. Water Quality Certification: The Permittee shall comply with the specific conditions specified in the Florida Department of Environmental Protection(FDEP) Environmental Resource Permit no. 13-059898-002-EI issued on 15 December 2021.

16. Daylight Hours: All activities must be completed during daylight hours.

17. Project Design Criteria (PDCs) for In-Water Activities: The Permittee shall comply with National Marine Fisheries Service's "PDCs for In-Water Activities" dated November 20, 2017 (Attached).

18. PDCs for In-Water Noise from Pile and Sheet Pile Installation (table attached):

1. The maximum number of piles installed per day is limited to no more than 10 piles per day.
2. All construction personnel are responsible for observing water-related activities to detect the presence of protected species and avoid them.
3. All metal sheet piling or metal beams shall be installed using a vibratory hammer.

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this NWP/RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP and RGP, please contact Albert Gonzalez by telephone at 305-779-6055.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

Albert Gonzalez
Project Manager

Enclosures:

General Conditions
Manatee Construction Conditions
NMFS Protected Species Conditions
Self-Certification Statement of Compliance
Permit transfer form
Site plans date-stamped by the Corps on 17 December 2021
PDC's for in-water work
PDC's for Activity 1, 2
Noise PDC Table
FDEP ERP

Copies Furnished:
Ocean Consulting, Inc.

GENERAL CONDITIONS

33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the letter**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2012-01727 (NW-AG)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or electronic mail at saj-rd-enforcement@usace.army.mil.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

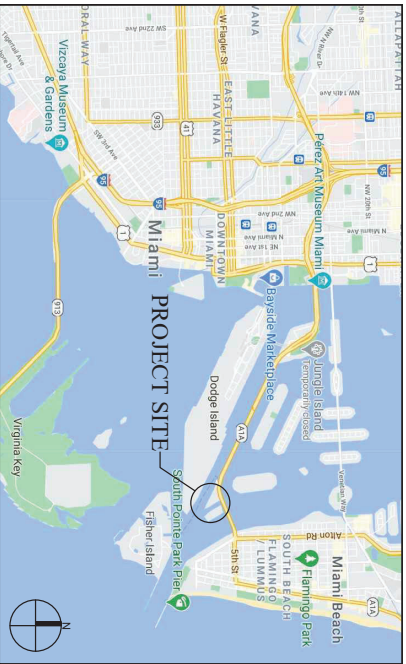
(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



U.S. ARMY CORPS OF ENGINEERS
DEC 17 2021
SAJ-2012-011727
Project Manager: A. Gonzalez

PROJECT SITE



LOCATION MAP

- GENERAL NOTES:**
1. ELEVATIONS SHOWN REFER TO THE MIAMI-DADE MEAN LOW WATER (M-D MLW) DATUM.
 2. ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD. IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF ENGINEER BEFORE PROCEEDING WITH WORK CONTRACTOR AND ALL SUBCONTRACTORS ARE RESPONSIBLE FOR ALL LINES, ELEVATIONS, AND MEASUREMENTS IN CONNECTION WITH THEIR WORK.
 3. IT IS THE INTENT OF THESE PLANS AND THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE, AND FEDERAL ENVIRONMENTAL PERMITS ISSUED FOR THIS PROJECT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.
 4. APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2020 EDITION (AND CURRENT ADDENDUMS).
 5. APPROVED CONTRACTOR TO DETERMINE THE SUITABILITY OF EXISTING STRUCTURES AND VERIFY ALL DIMENSIONS. THE APPROVED CONTRACTOR IS RESPONSIBLE FOR ALL METHODS, MEANS, SEQUENCES AND PROCEDURES OF WORK.
 6. DO NOT SCALE DRAWINGS FOR DIMENSIONS.
 7. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING WORK.
 8. ANY DEVIATION AND/OR SUBSTITUTION FROM THE INFORMATION PROVIDED HEREIN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.
 9. LICENSED CONTRACTOR SHALL USE ALL POSSIBLE CARE TO PROTECT ALL EXISTING MATERIALS, SURFACES, AND FURNISHINGS FROM DAMAGE DURING ALL PHASES OF CONSTRUCTION.
 10. THE LICENSED CONTRACTOR TO INSTALL AND REMOVE ALL SHORING AND BRACING AS REQUIRED FOR THE PROPER EXECUTION OF THE WORK.
 11. ALL NEW WORK AND/OR MATERIALS SHALL CONFORM TO ALL REQUIREMENTS OF EACH ADMINISTRATIVE BODY HAVING JURISDICTION IN EACH PERTAINING CIRCUMSTANCE.
 12. THE CONTRACTOR WILL EMPLOY AND MAINTAIN ADEQUATE SEDIMENT AND EROSION CONTROL MEASURES TO PROTECT BISCAYNE BAY FROM SEDIMENT AND CONSTRUCTION DEBRIS.

PROJECT SITE LOCATION:

120 MacArthur Causeway
Miami Beach, Florida 33139

LATITUDE: 25° 46' 11.62" N

LONGITUDE: 80° 08' 47.20" W

FOLIO No.: 02-4204-000-0060

LEGAL DESCRIPTION: 04 54 42 3.71 AC M/L

COMM 1580FTN & 2015FTW OF SE COR

OF SEC TH S 67 DEG W 58.7FT S 31

DEG E64.75FT S 67 DEG W ALG SLY

LINE OF CAUSEWAY 117.78 FOR POB

CONT S 67 DEG W 40.43FT SWLY &

WLY 65.72FT S 31 DEG E 403.80FT

S 25 DEG W 97.46FT N 64 DEG W

120FT S 25 DEG W 100FT S 64 DEG

E 832.55FT N 31 DEG W 583.57FT S

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

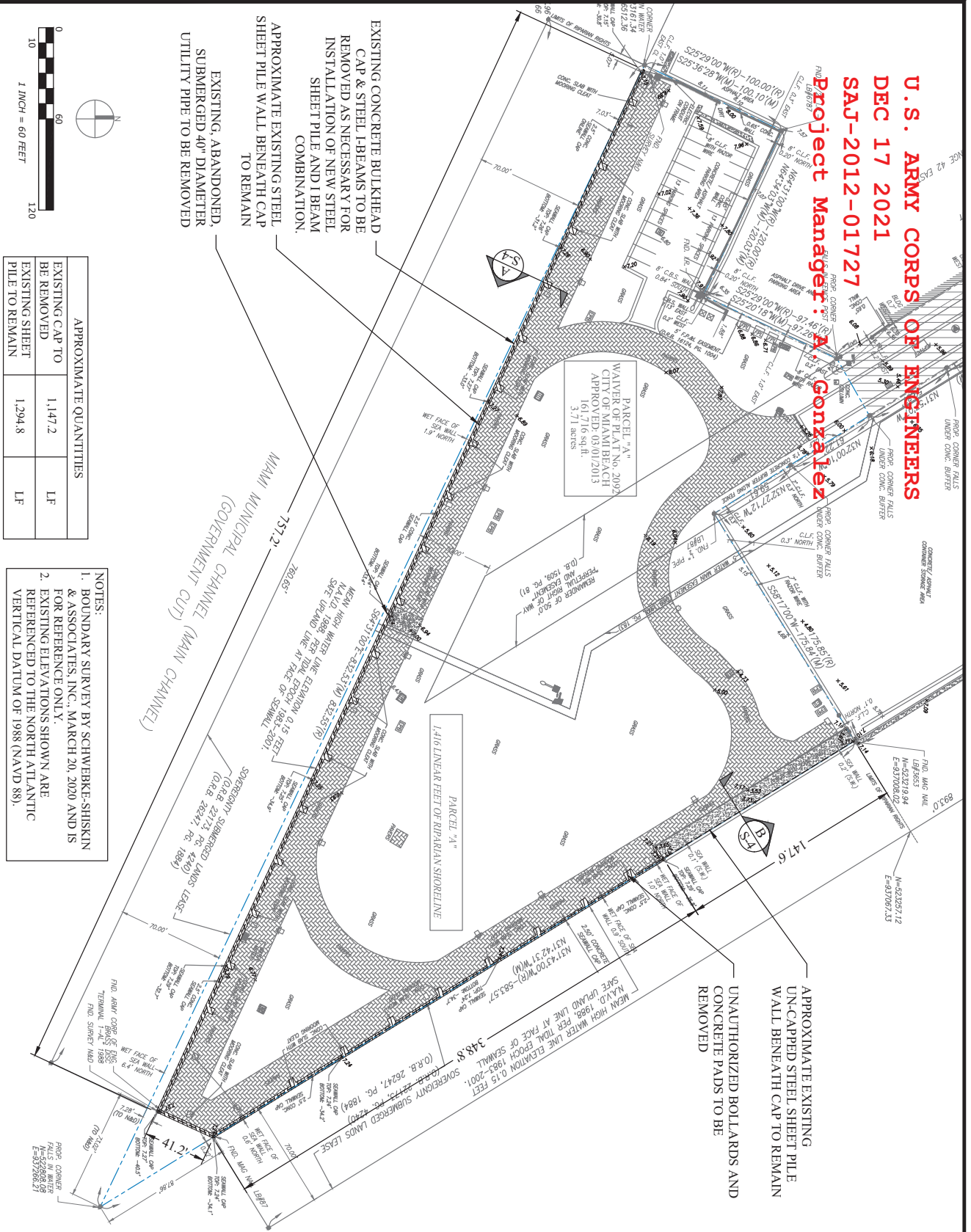
Issue # Issue Date
① November 16, 2021
PROJECT LOCATION AND NOTES
PERMIT DRAWINGS

PROJECT: 20-10445

SHEET NO.
S-1

U.S. ARMY CORPS OF ENGINEERS
DEC 17 2021
SAJ-2012-01727

Project Manager: A. Gonzalez



APPROXIMATE QUANTITIES		
EXISTING CAP TO BE REMOVED	1,147.2	LF
EXISTING SHEET PILE TO REMAIN	1,294.8	LF

- NOTES:**
1. BOUNDARY SURVEY BY SCHWEBE-SHISKIN & ASSOCIATES, INC., MARCH 20, 2020 AND IS FOR REFERENCE ONLY.
 2. EXISTING ELEVATIONS SHOWN ARE REFERENCED TO THE NORTH ATLANTIC VERTICAL DATUM OF 1988 (NAVD 88).

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
 120 MacArthur Causeway
 Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
 340 Monroe Avenue, Suite 7
 Coral Gables, Florida 33134
 Tel: (305) 921-9344
 Fax: (305) 677-3254

CONTRACTOR:

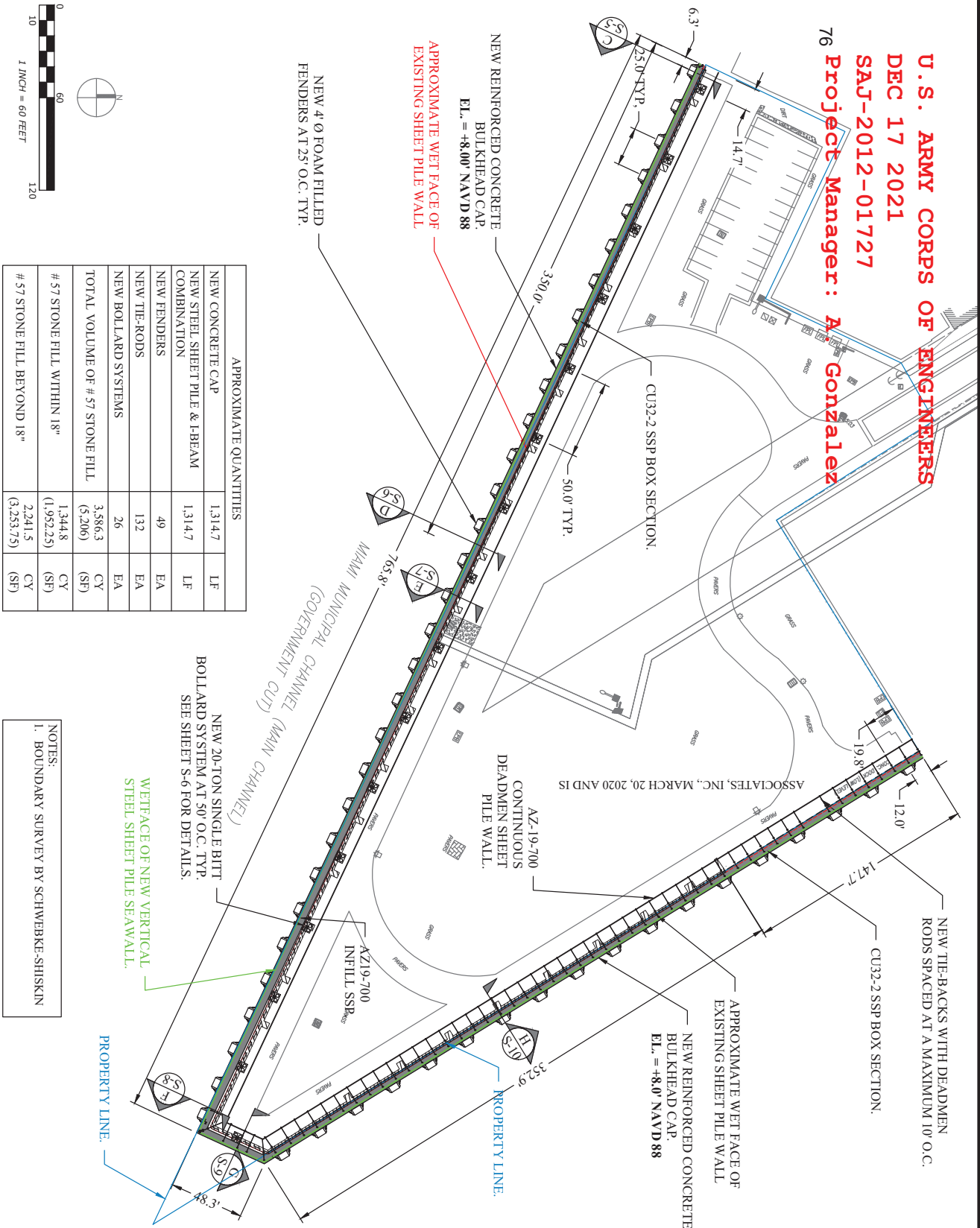
Issue #	Issue Date
1	November 16, 2021
EXISTING CONDITIONS	
PERMIT DRAWINGS	SHEET NO.
PROJECT: 20-10445	S-2

U.S. ARMY CORPS OF ENGINEERS

DEC 17 2021

SAJ-2012-01727

Project Manager: **A. Gonzalez**



TERMINAL ISLAND
BULKHEAD
REPLACEMENT
PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254
CONTRACTOR:

PROJECT ENGINEER:

Issue # **Issue Date**
① November 16, 2021

PROPOSED PLAN VIEW

PERMIT DRAWINGS

PROJECT: 20-10445

SHEET NO. **S-3**

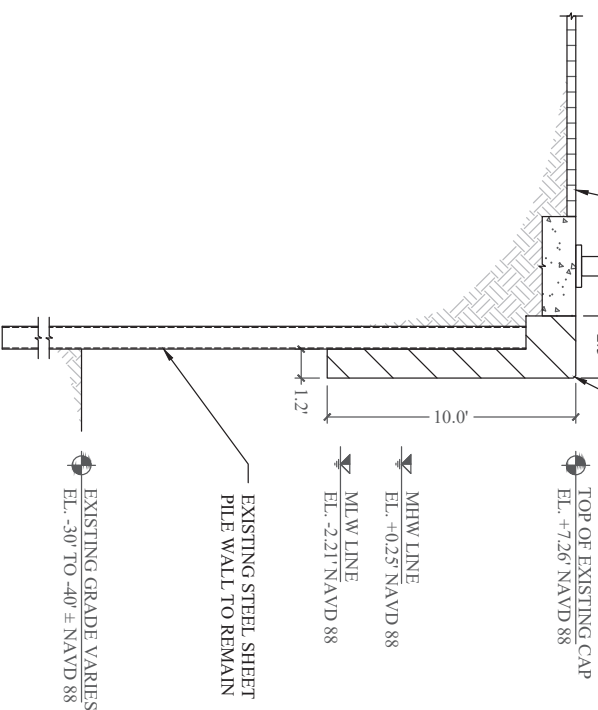
U.S. ARMY CORPS OF ENGINEERS
DEC 17 2021
SAJ-2012-01727

Project Manager: A. Gonzalez

EXISTING
AND CONCRETE PADS
TO BE REMOVED

EXISTING PAVERS TO
BE REMOVED AS
NECESSARY

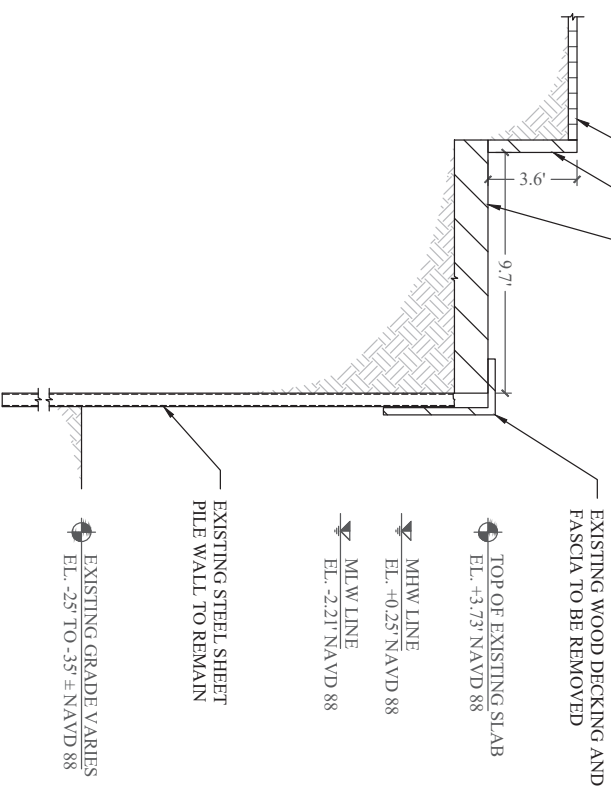
EXISTING CONCRETE BULKHEAD CAP
AND STEEL I-BEAMS TO BE REMOVED
AS NECESSARY FOR INSTALLATION
OF NEW STEEL SHEET PILE WALL
FLUSH WITH WET FACE OF EXISTING
SHEET PILE WALL



TYP. EXISTING BULKHEAD SECTION A
SCALE: 1" = 5'-0"

EXISTING PAVERS TO BE
REMOVED AS NECESSARY

EXISTING CONCRETE SLAB DECK AND
RETAINING WALL TO BE REMOVED AS
NECESSARY FOR INSTALLATION OF NEW
STEEL SHEET PILE WALL FLUSH WITH WET
FACE OF EXISTING SHEET PILE WALL



TYP. EXISTING BULKHEAD SECTION B
SCALE: 1" = 5'-0"

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
120 MacArthur Causeway
Miami Beach, Florida

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134

CONTRACTOR:
Tel: (305) 921-9344
Fax: (305) 677-3254

PROJECT ENGINEER:

Issue # Issue Date

① November 16, 2021

EXISTING SECTION VIEWS

PERMIT DRAWINGS

PROJECT: 20-10445

SHEET NO.
S-4

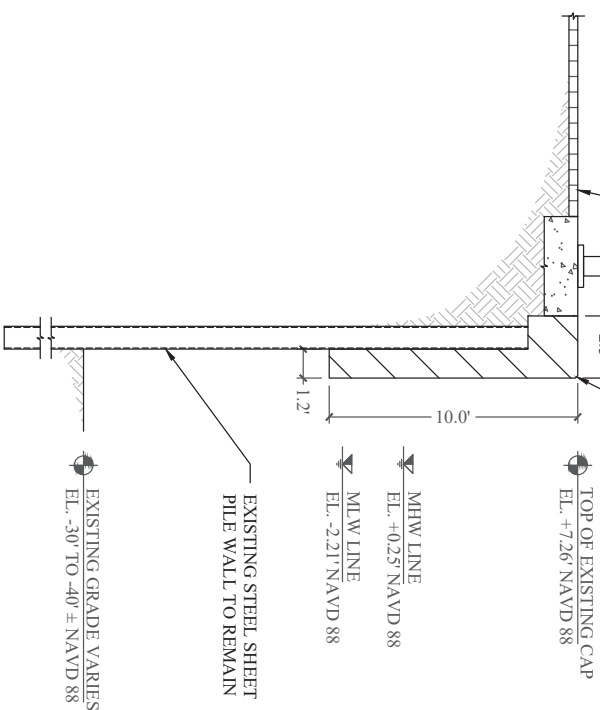
U.S. ARMY CORPS OF ENGINEERS
DEC 17 2021
SAJ-2012-01727

Project Manager: A. Gonzalez

EXISTING
AND CONCRETE PADS
TO BE REMOVED

EXISTING PAVERS TO
BE REMOVED AS
NECESSARY

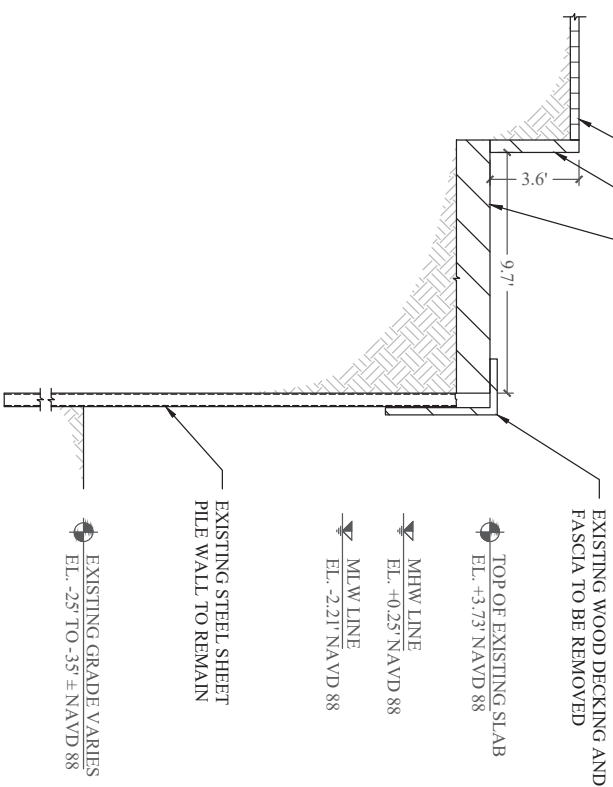
EXISTING CONCRETE BULKHEAD CAP
AND STEEL I-BEAMS TO BE REMOVED
AS NECESSARY FOR INSTALLATION
OF NEW STEEL SHEET PILE WALL
FLUSH WITH WET FACE OF EXISTING
SHEET PILE WALL



TYP. EXISTING BULKHEAD SECTION
SCALE: 1" = 5'-0"
A
S-4

EXISTING PAVERS TO BE
REMOVED AS NECESSARY

EXISTING CONCRETE SLAB DECK AND
RETAINING WALL TO BE REMOVED AS
NECESSARY FOR INSTALLATION OF NEW
STEEL SHEET PILE WALL FLUSH WITH WET
FACE OF EXISTING SHEET PILE WALL



TYP. EXISTING BULKHEAD SECTION
SCALE: 1" = 5'-0"
B
S-4

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

120 MacArthur Causeway
Miami Beach, Florida

CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
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Coral Gables, Florida 33134
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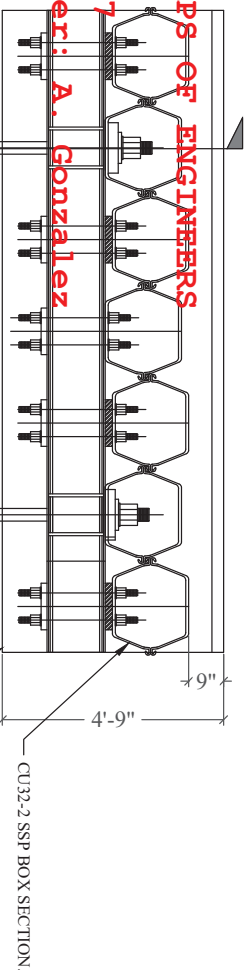
CONTRACTOR:

PROJECT ENGINEER:

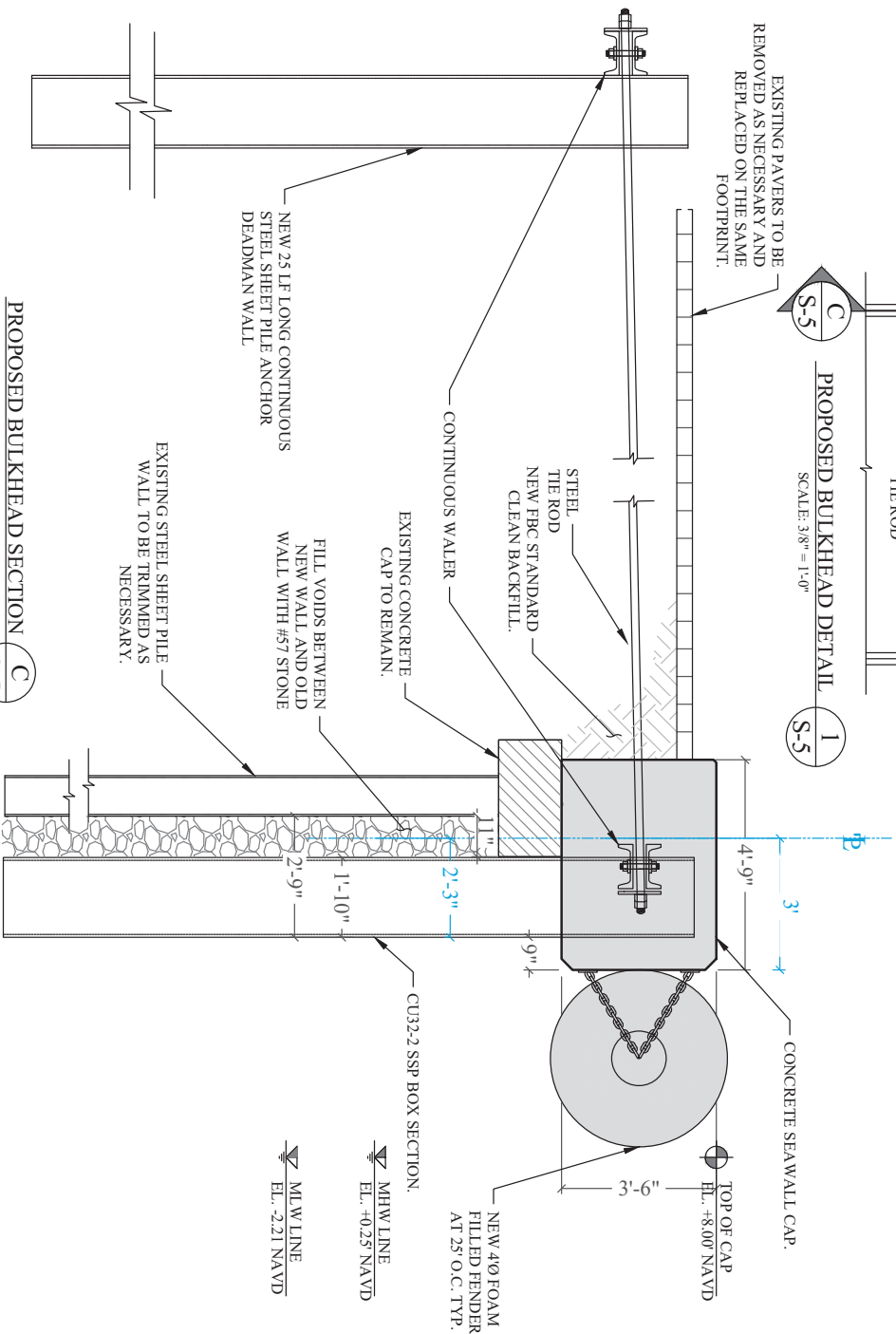
Issue #	Issue Date
①	November 16, 2021
EXISTING SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

U.S. ARMY CORPS OF ENGINEERS
 DEC 17 2021
 SAJ-2012-01727
 Project Manager: **A. Gonzalez**

NOTE:
 SEAWALL LOCATED MAXIMUM
 OF 36" WATERWARD OF
 PROPERTY LINE AT THIS
 LOCATION.



PROPOSED BULKHEAD DETAIL
 SCALE: 3/8" = 1'-0"



PROPOSED BULKHEAD SECTION
 SCALE: 3/8" = 1'-0"

TERMINAL ISLAND

BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
 315 South Biscayne Boulevard
 Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
 340 Mirroca Avenue, Suite 7 Tel: (305) 921-9344
 Coral Gables, Florida 33134 Fax: (305) 677-3254
 CONTRACTOR:

PROJECT ENGINEER:

Issue #	Issue Date
1	November 16, 2021
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

U.S. ARMY CORPS OF ENGINEERS
DEC 17 2021
SAJ-2012-01727
Project Manager: A. Gonzalez

NOTE:
SEAWALL LOCATED MAXIMUM
OF 12" WATERWARD OF
PROPERTY LINE AT THIS
LOCATION.

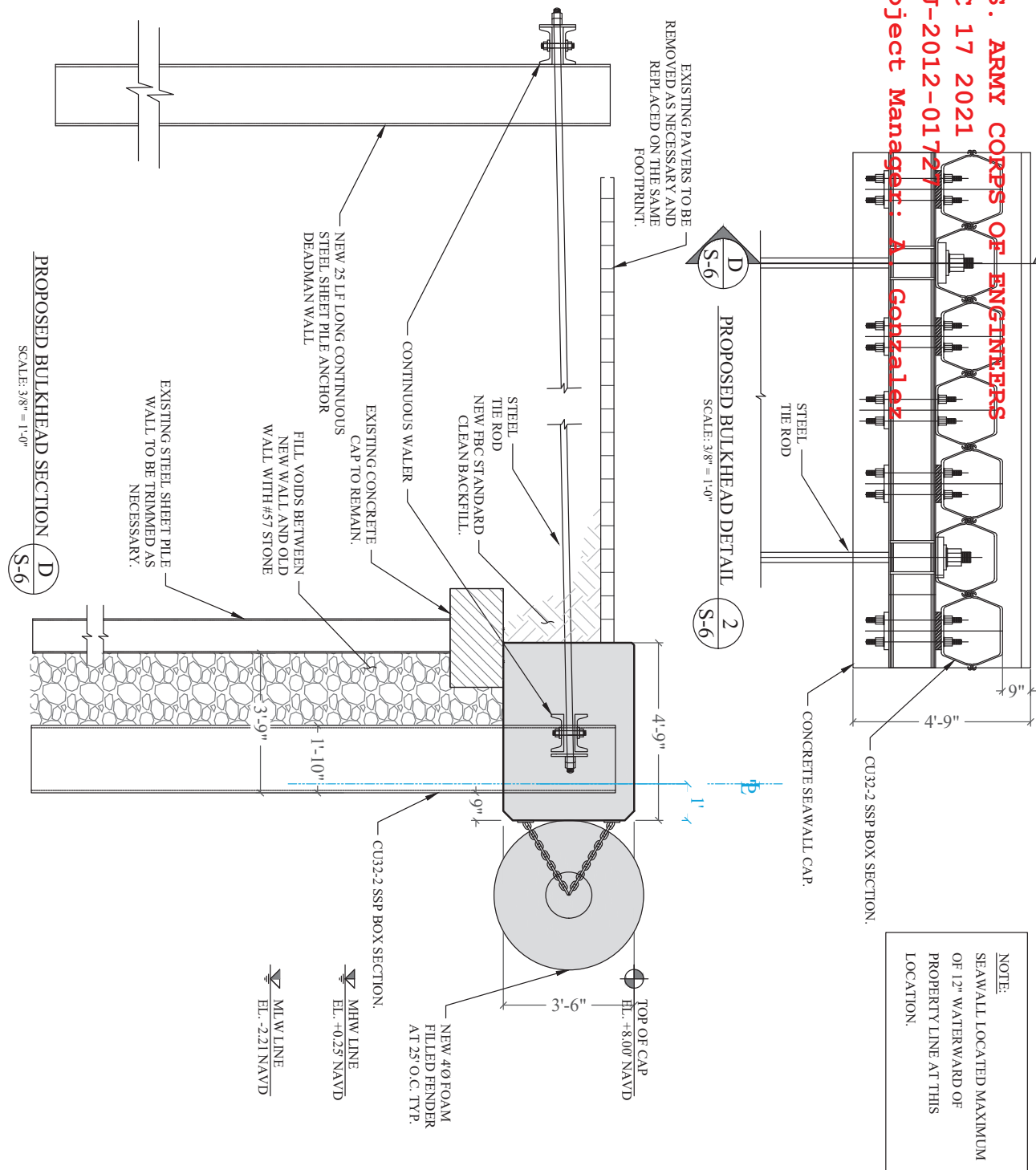
**TERMINAL ISLAND
BULKHEAD
REPLACEMENT
PROJECT**
120 MacArthur Causeway
Miami Beach, Florida
CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

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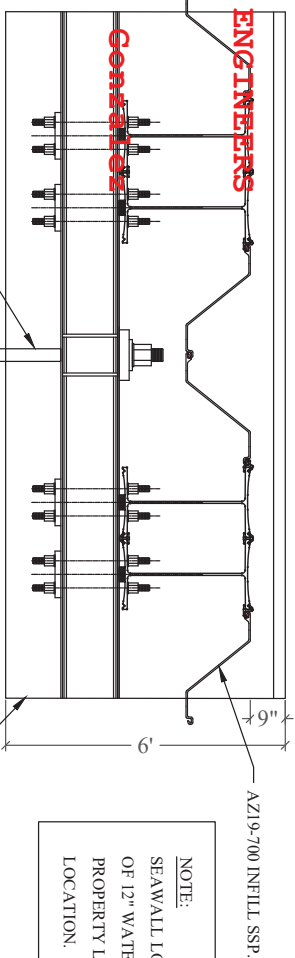
PROJECT ENGINEER:

80

Issue # Issue Date
① November 16, 2021
PROPOSED BULKHEAD
SECTION VIEWS
PERMIT DRAWINGS
PROJECT: 20-10445
SHEET NO.
S-6

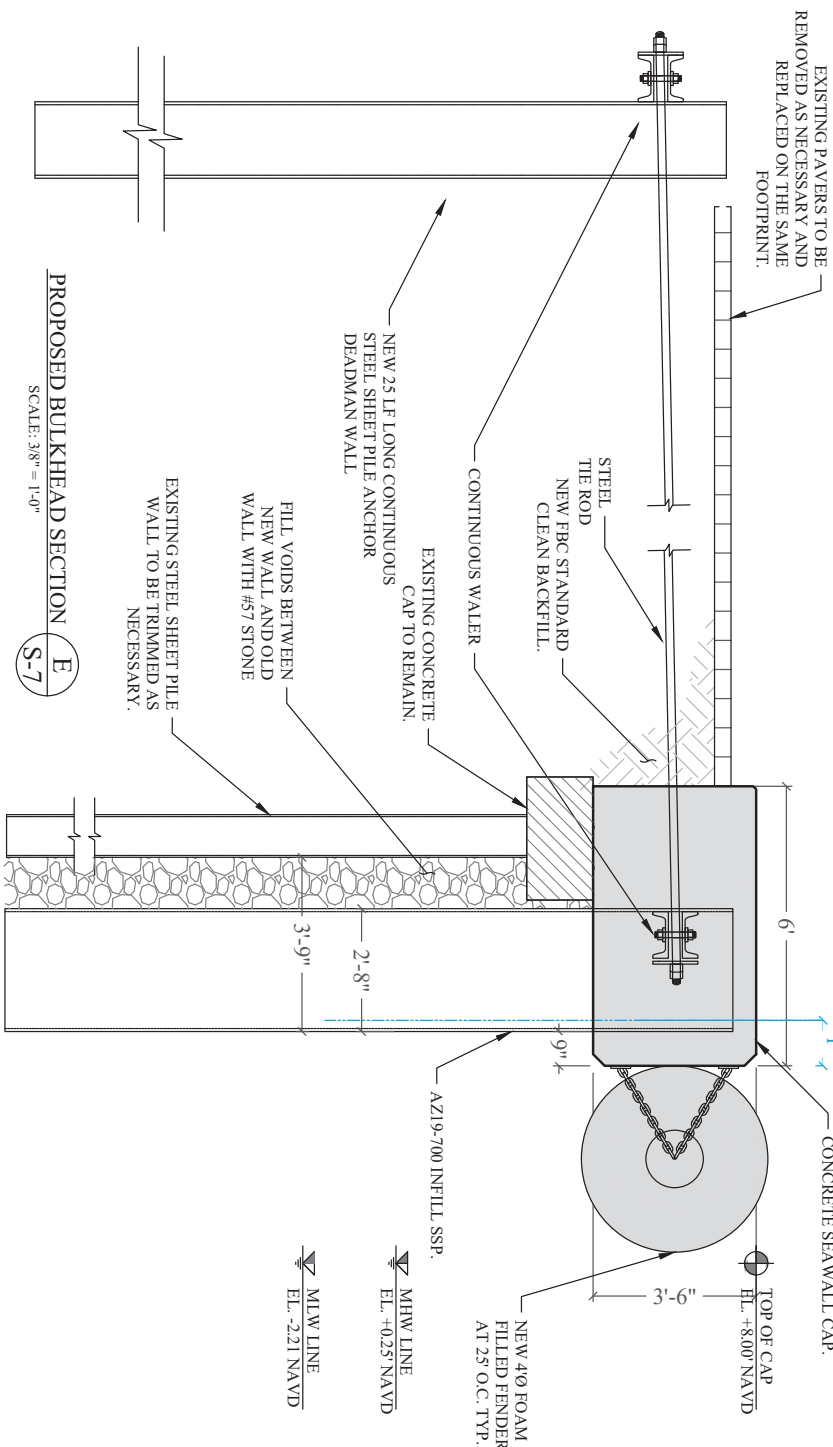


U.S. ARMY CORPS OF ENGINEERS
DEC 17 2021
SAJ-2012-01727
Project Manager: A. Gonzalez



NOTE:
SEAWALL LOCATED MAXIMUM
OF 12" WATERWARD OF
PROPERTY LINE AT THIS
LOCATION.

PROPOSED BULKHEAD DETAIL
SCALE: 3/8" = 1'-0"



PROPOSED BULKHEAD SECTION
SCALE: 3/8" = 1'-0"

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
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120 MacArthur Causeway
Miami Beach, Florida
315 South Biscayne Boulevard
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Fax: (305) 677-3254

PROJECT ENGINEER:

Issue # Issue Date
1 November 16, 2021

PROPOSED BULKHEAD
SECTION VIEWS

PERMIT DRAWINGS

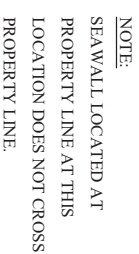
PROJECT: 20-10445

SHEET NO.
S-7

U.S. ARMY CORPS OF ENGINEERS
DEC 17 2021

SAJ-2012-01727

Project Manager: A. Gonzalez



PROJECT

CLIENT:
MIAMI BEACH PORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

Miami, Florida 33131

OCEAN CONSULTING, LLC

Coral Gables, Florida 33134

Fax: (305) 677-3254

Fax: (305) 677-3254

Fax: (305) 677-3254

PROPOSED BULKHEAD DETAIL

SCALE: 3/8" = 1'-0"

4



 MHW LINE
EL. +0.25' NAVD

 MLW LINE
EL. -2.21' NAVD

 MHW LINE
EL. +0.25' NAVD

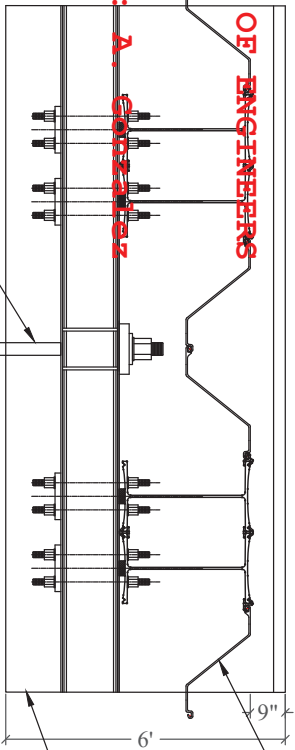
MLW LINE
EL. -2.21 NAVD

① November 16, 2012.

PERMIT DRAWINGS

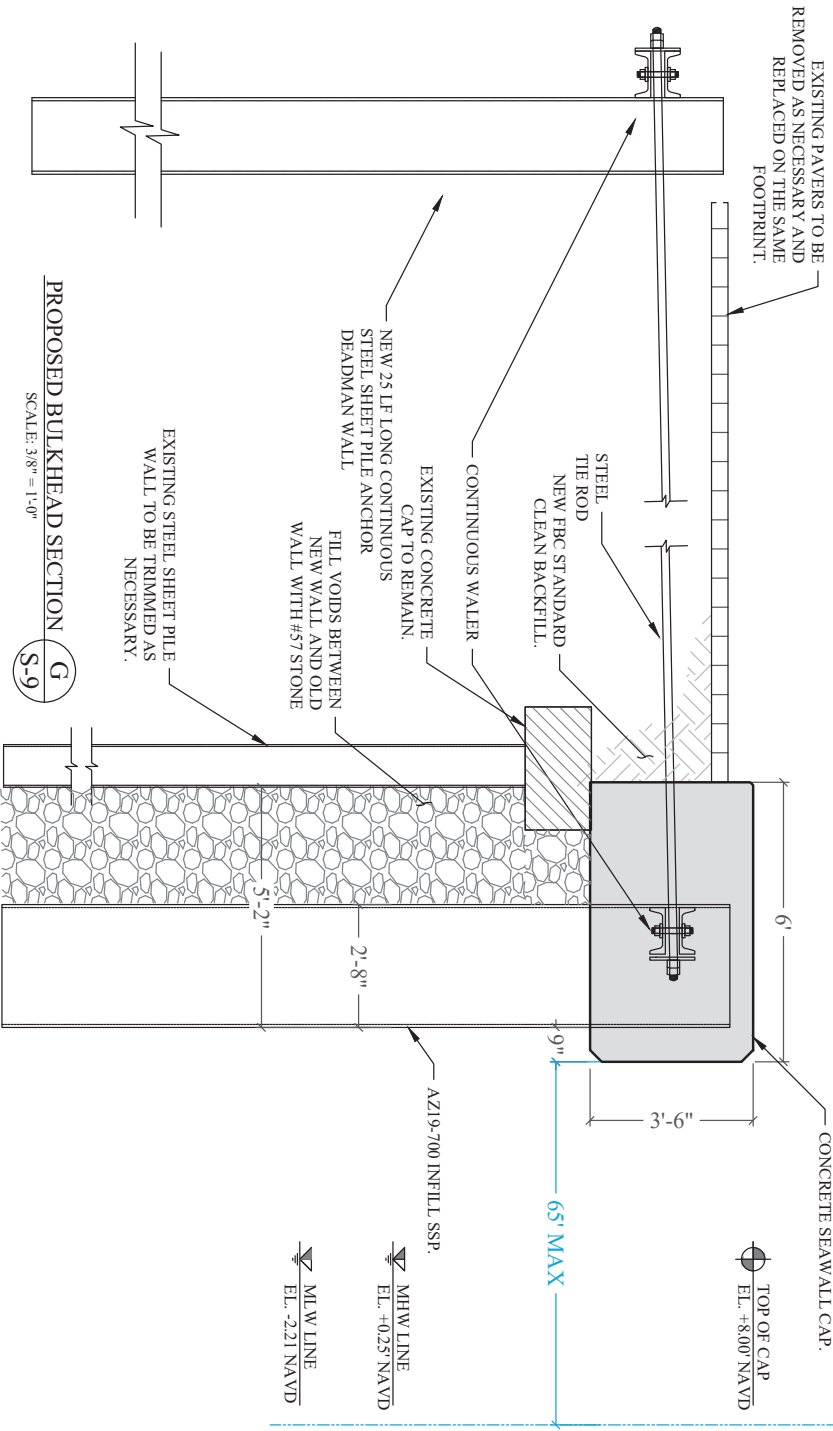
SHEET NO. S-8

U.S. ARMY CORPS OF ENGINEERS
DEC 17 2021
SAJ-2012-01727
Project Manager: A. Gonzalez



NOTE:
SEAWALL LOCATED MAXIMUM
OF 65' WATERWARD OF
PROPERTY LINE AT THIS
LOCATION.

PROPOSED BULKHEAD DETAIL
SCALE: 3/8" = 1'-0"
S-9



PROPOSED BULKHEAD SECTION
SCALE: 3/8" = 1'-0"
S-9

TERMINAL ISLAND
BULKHEAD
REPLACEMENT
PROJECT

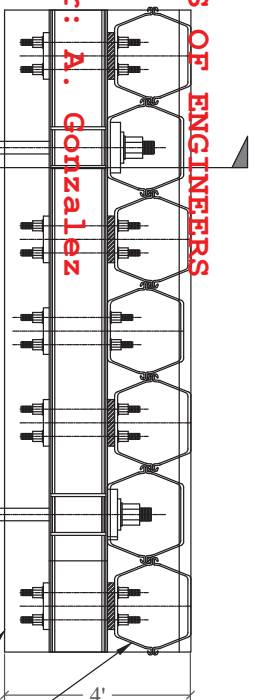
CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

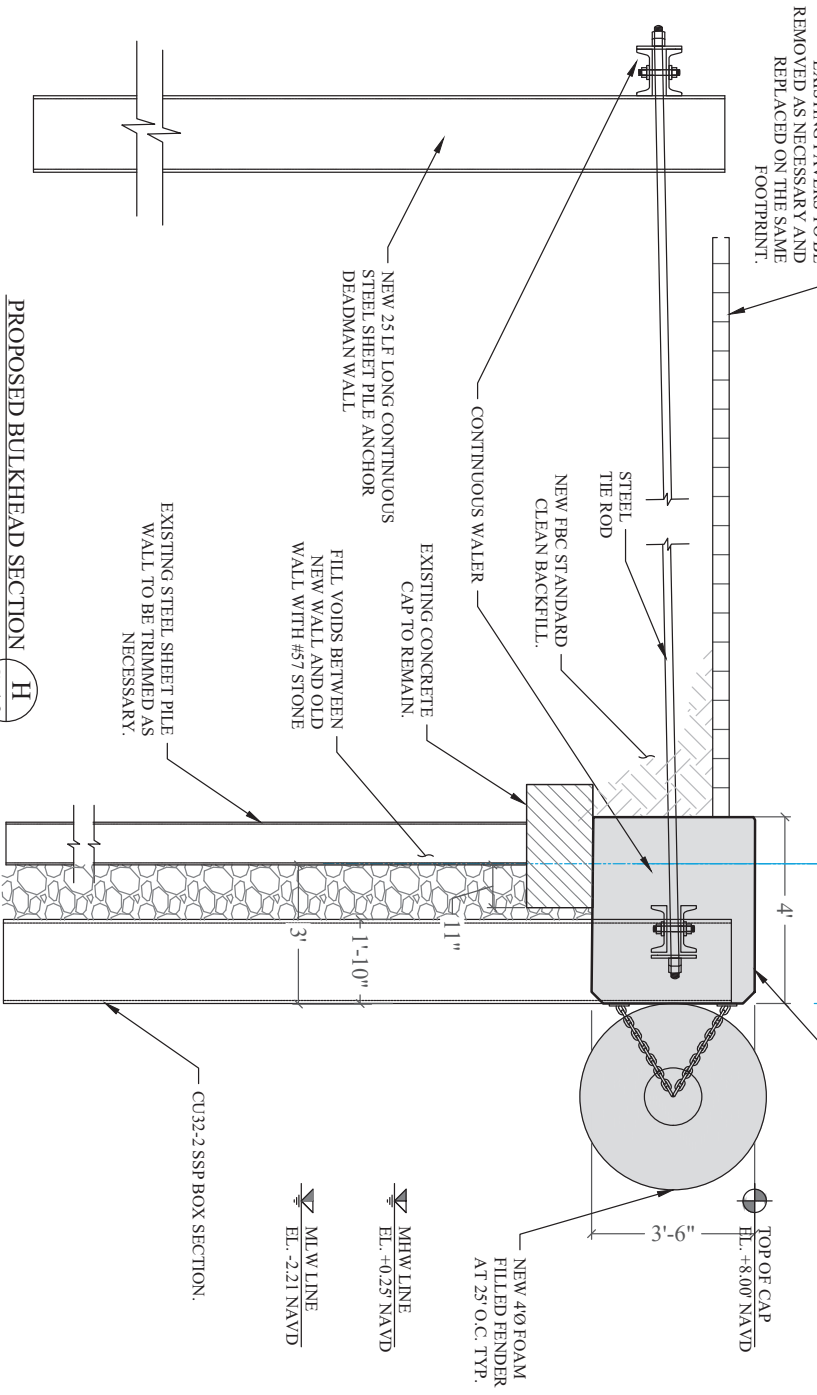
PROJECT ENGINEER:

Issue #	Issue Date
1	November 16, 2021
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

U.S. ARMY CORPS OF ENGINEERS
 DEC 17 2021
 SAJ-2012-01727
 Project Manager: **A. Gonzalez**



PROPOSED BULKHEAD DETAIL
 SCALE: 3/8" = 1'-0"



PROPOSED BULKHEAD SECTION
 SCALE: 3/8" = 1'-0"

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

CLIENT:
MIAMI BEACHPORT, LLC
 315 South Biscayne Boulevard
 Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
 340 Mirroca Avenue, Suite 7
 Coral Gables, Florida 33134
 Tel: (305) 921-9344
 Fax: (305) 677-3254

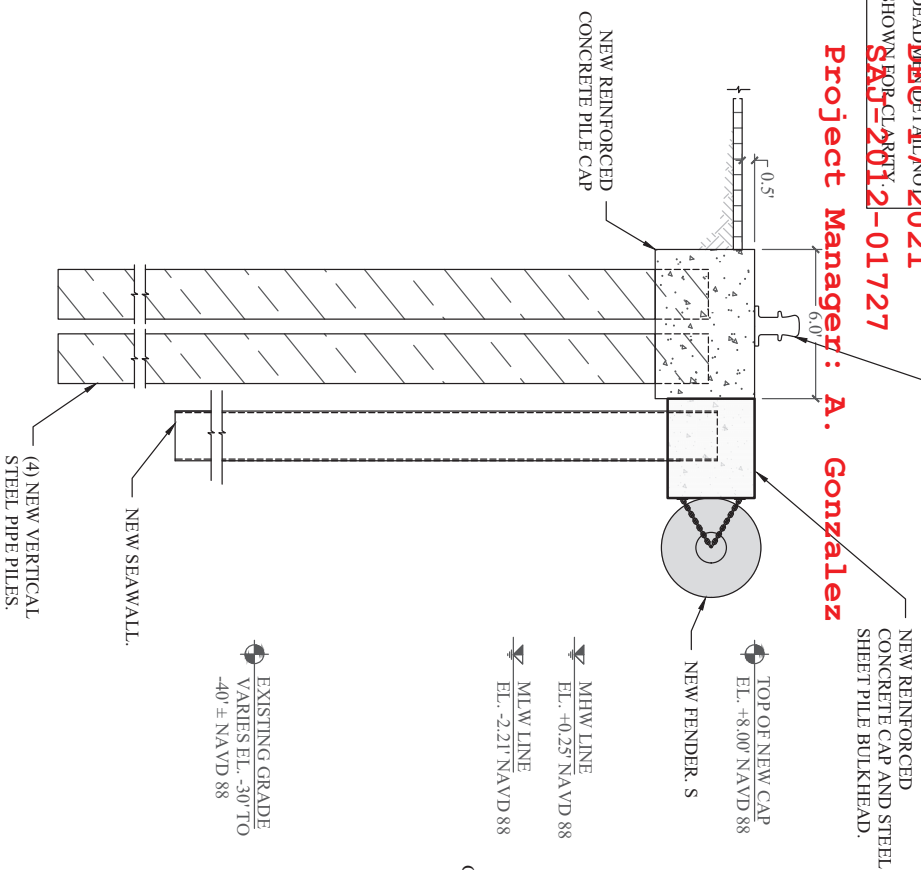
PROJECT ENGINEER:

Issue #	Issue Date
1	November 16, 2021
PROPOSED BULKHEAD SECTION VIEWS	
PERMIT DRAWINGS	
PROJECT: 20-10445	

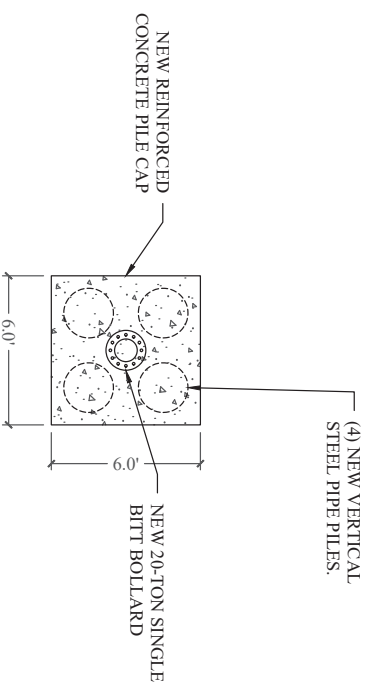
SHEET NO.
S-10

NOTED **U.S. ARMY CORPS OF ENGINEERS**
DEAD END NO. 2021
SHOWN FOR CLARITY
SAJ-2012-01727

Project Manager: A. Gonzalez



PROPOSED BOLLARD FOUNDATION SECTION
SCALE: 1" = 5'-0"
1
S-11



PROPOSED BOLLARD FOUNDATION PLAN
SCALE: 1" = 5'-0"
7
S-11

TERMINAL ISLAND BULKHEAD REPLACEMENT PROJECT

120 MacArthur Causeway
Miami Beach, Florida

CLIENT:
MIAMI BEACHPORT, LLC
315 South Biscayne Boulevard
Miami, Florida 33131

ENVIRONMENTAL CONSULTANT:
OCEAN CONSULTING, LLC
340 Mirroca Avenue, Suite 7
Coral Gables, Florida 33134
Tel: (305) 921-9344
Fax: (305) 677-3254

CONTRACTOR:

PROJECT ENGINEER:

Issue # Issue Date
① November 16, 2021
**PROPOSED BOLLARD
DETAILS**
PERMIT DRAWINGS

PROJECT: 20-10445

Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

A2.1. Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion* (see below).

The following PDCs apply to all the activities described in PDC A2.1 above:

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
 - A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
 - A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.
- A2.3.** For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
- A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
- A2.4.** For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).
- A2.5.** ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).
- A2.6.** Chickees must be less than 500 ft² and support no more than 2 slips.
- A2.7.** No activities associated with municipal or commercial fishing piers are covered under this Opinion.
- A2.8.** Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>
- A2.9.** Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

Project Design Criteria (PDCs) specific to Activity 1 for Shoreline Stabilization

A1.1. Activities covered by this Opinion include:

- A1.1.1. New shoreline stabilization: New shoreline stabilization projects cannot exceed 500 ft in length. New seawalls and footers cannot extend any further waterward than 1.5 ft (18 in) from MHW, unless necessary to align a new seawall with 1 or more adjacent seawalls.
Repair or replacement of existing vertical seawalls: The repair, and replacement of seawalls and footers cannot extend any further waterward than 1.5 ft (18 in) from the wet face of the existing seawall or MHW, unless necessary to align with 1 or more adjacent seawalls. The repair or replacement of an existing seawall is not restricted to the 500 ft in length limit in PDC A1.1.1.
- A1.1.2. Shoreline stabilization materials may consist of riprap, articulating blocks or mats, and sand cement, geotextile/ filter fabric and mattresses. Installation of new shoreline stabilization materials where none previously existed may not extend more than 10 ft waterward of MHW (including the toe of the riprap). Riprap repair, and replacement may occur at its previous location, upland of, or within 1.5 ft (18 in) waterward of its previous location.
- A1.1.3. The Opinion does not cover removal of any length of seawall or other shoreline stabilization materials if such removal would result in an unstabilized shoreline.
- A1.1.4. The Opinion covers installation, repair, replacement, and removal of seawall footers.
- A1.1.5. This Opinion covers the removal/fill of upland cut boat ramps, slips, and basins to return the shoreline to the natural contour and/or to bring the shoreline into alignment with the adjacent property shorelines.

The following PDCs apply to all the activities described in PDC A1.1 above:

- A1.2.** Placement of backfill is limited to those situations where it is necessary to level the land behind seawalls or riprap. This includes backfill associated with installation of a seawall or riprap to remove/fill in an upland cut area (e.g., boat slip, boat ramp, boat basins) to return the shoreline to the original shape or to connect to adjacent seawalls to bring the shoreline into alignment with adjacent property shorelines.
- A1.3.** Shoreline stabilization materials must be placed by hand around red mangrove prop roots.
- A1.4.** Shoreline stabilization structures, other than vertical seawalls, shall be no steeper than a 2:1 Horizontal: Vertical slope for riprap, or the appropriate slope necessary to ensure shoreline stability while minimizing the total footprint when using materials other than riprap.

- A1.5.** Installation and/or repairs to groins, jetties, or other structures placed perpendicular to shore, and beach nourishment/renourishment are not covered in this Opinion. Breakwaters/living shorelines are covered as described in Activity 7.
- A1.6.** No placement of riprap below MHW is covered under this Opinion within the boundary of the FKNMS unless the FKNMS issues a NOAA permit or authorization that signifies the proposed activity is consistent with Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended. Proof of approval from the FKNMS is required as part of the project level review submission, described in Section 2.3, below
- A1.7.** Shoreline protection shall not occur on ocean beaches used for sea turtle nesting.

Project Design Criteria (PDCs) for In-Water Activities

AP.7. Education and Observation: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. Reporting Interactions with Protected Species:

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. Vessel Traffic and Construction Equipment: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
 - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

- b) *All Vessels:*
 - i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- AP.10. Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:
- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
 - b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
 - c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
 - d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
 - e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
 - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Project Design Criteria (PDCs) Applicable to All Projects

NOTE - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

AP.1. The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

AP.2. All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

AP.3. All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

AP.4. For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

AP.5. This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

AP.6. All activities must be completed during daylight hours.

Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less in open	A	A	A	A	B
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Concrete slab wall- any size	A	A	A	A	B
Vinyl sheet pile- any size	A	A	A	A	B
Metal sheet pile- any size	A	A	A	A	E

Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less (5 piles	A	A	A	A	C
Concrete pile 24-in diameter/width or less (6-10	A	A	A	A	D
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Vinyl sheet pile – any size	A	A	A	A	B
Concrete slab wall- any size (5 slabs or less	A	A	A	A	C
Concrete slab wall- any size (6-10 slabs installed/day)	A	A	A	A	D
Metal sheet pile- any size	A	A	A	A	E

- A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**
1. All work must occur during daylight hours only (PDC AP.6).
 2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).
- B. The projects identified as B above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 10 piles per day.**
- C. The projects identified as C above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 5 piles per day.**
- D. The projects identified as D above must follow all of the conditions under A and B, above, AND also must abide by one of the noise abatement measures below, as chosen by the applicant:**
1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.
 2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.
 3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.
- E. The projects identified as E are not covered under this Opinion.**



PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):¹

Protected Species Sightings—The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant [marine mammal](https://www.fisheries.noaa.gov/find-species) and [ESA-listed species](https://www.fisheries.noaa.gov/find-species) at Find A Species (<https://www.fisheries.noaa.gov/find-species>) and the consultation documents that have been completed for the project.

1. **Equipment**—Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.
 - a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.
 - b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.
 - c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.
2. **Operations**—For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):
 - a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

¹ Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

- b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).
3. **Vessels**—For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the [Vessel Strike Avoidance Measures](#) are implemented as part of the project/permit issuance (<https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>).
4. **Consultation Reporting Requirements**—Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

Reporting Violations—To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions**—Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:

NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312

Visit us on the web at [Protected Marine Life in the Southeast](#)
(<https://www.fisheries.noaa.gov/region/southeast#protected-marine-life>)

Revised: May 2021

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ- - (-)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date



MEMORANDUM (Revised)

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

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(T)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(T)
9-1-22

RESOLUTION NO. _____ R-761-22

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY MIAMI BEACH PORT, LLC FOR THE FILLING OF TIDAL WATERS IN ASSOCIATION WITH THE INSTALLATION OF A SEAWALL LOCATED AT 120 MACARTHUR CAUSEWAY, IN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA

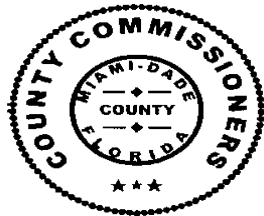
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Miami Beach Port, LLC for the filling of tidal waters in association with the installation of a seawall at 120 MacArthur Causeway, 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 **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



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

HARVEY RUVIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney
as to form and legal sufficiency.

CJW

Christopher J. Wahl