

APPENDIX A

Project Correspondence

Environmental Assessment Operation and Maintenance Dredging and Dredged Material Placement for Miami Harbor Navigation Project in Miami-Dade County, Florida



U.S. Army Corps of Engineers
JACKSONVILLE DISTRICT

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

Planning and Policy Division
Environmental Branch

18 July 2019

To Whom It May Concern:

Pursuant to the National Environmental Policy Act and the U.S. Army Corps of Engineers Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the proposed Finding of No Significant Impact (FONSI) and draft Environmental Assessment (EA) for the operation and maintenance (O&M) dredging and dredged material placement for Miami Harbor Navigation Project in Miami-Dade County, Florida.

The purpose of the O&M of the Miami Harbor Navigation Project is to maintain safe and efficient vessel navigation through the harbor features. The need of the project is driven by the accumulation of sediment, commonly referred to as shoaling. The shoaling has reduced depths and widths, hindering safe and efficient vessel navigation. Periodic dredging is required to remove accumulated sediments and thus maintain the channel at its federally authorized dimensions.

The Corps surveyed existing conditions and considered the current maintenance needs, if any. Based on survey results, the Corps concluded that only the inner harbor cuts of the Miami Harbor Navigation Project warrants maintenance dredging at this time. The Preferred Alternative consists of the required O&M dredging of approximately 100,000 cubic yards of shoaled material from within the inner harbor cuts to maintain authorized dimensions. Dredged material will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS). The maintenance event is expected to include the inner harbor cuts, and associated National Environmental Policy Act (NEPA) documentation is expected to take into account new available information relevant to impacts associated with dredging the outer channel, including recent sediment tracer analyses conducted in the area. Because the current maintenance event only addresses the inner channel cuts, the scope avoids dredging within 1,000 feet of the outer channel benthic habitat, minimizing potential adverse effects to corals and hardbottom habitats to the maximum extent practicable while the Corps continues to review the new information. Details on the Preferred Alternative can be found in the draft EA.

The proposed FONSI, draft EA, and associated appendices are available for your review on the Jacksonville District's Environmental planning website, under Dade County:

<http://www.saj.usace.army.mil/About/Divisions-Offices/Planning/Environmental-Branch/Environmental-Documents/>

(On that page, click on the "+" next to "Dade". Scroll down to the project name.)

Questions or comments can be submitted to the Corps' Environmental Branch, Coastal Section at the letterhead address or via email to CESAJ-MiamiHarbor@usace.army.mil within 30 days from the date of this Notice of Availability.

Sincerely,

A handwritten signature in black ink that reads "Angela E. Dunn". The signature is written in a cursive, flowing style.

Angela E. Dunn



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

Planning and Policy Division
Environmental Branch

18 July 2019

Ms. Roxanna Hinzman
Field Supervisor
South Florida Field Office
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960

Dear Ms. Hinzman:

Pursuant to the National Environmental Policy Act of 1969, as amended, (NEPA) and the U.S. Army Corps of Engineers Regulation (33 CFR 230.11), this letter also constitutes the Corps' Notice of Availability of the Proposed Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) for the operation and maintenance (O&M) dredging and dredged material placement for Miami Harbor Navigation Project in Miami-Dade County, Florida. In order to comply with Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Army Corps of Engineers, Jacksonville District (Corps), respectfully requests a letter of concurrence from the U.S. Fish and Wildlife Service (USFWS) on the operation and maintenance (O&M) dredging and dredged material placement for Miami Harbor Navigation Project in Miami-Dade County, Florida.

The Recommended Plan consists of the required O&M dredging of approximately 100,000 cubic yards of shoaled material from within the inner harbor cuts to maintain authorized dimensions. Dredged material will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS). The Corps has determined that the proposed project may affect, but is not likely to adversely affect (MANLAA) the Florida manatee (*Trichechus manatus latirostris*) and would have no effect on the American crocodile (*Crocodylus acutus*). Included with this letter is additional information describing the project background, project location and proposed action, listed species under USFWS jurisdiction, potential effects to listed species, and efforts to eliminate/avoid impact. Details on the Recommended Plan can be found in the draft IFR/EA, which is available for your review on the Jacksonville District's Environmental planning website, under Dade County:

<http://www.saj.usace.army.mil/About/Divisions-Offices/Planning/Environmental-Branch/Environmental-Documents/>

(On that page, click on the “+” next to “Dade”. Scroll down to the project name.)

In addition to notifying USFWS of the draft documents and requesting concurrence with the MANLAA effect determinations, the Corps respectfully requests that the USFWS sign the enclosed memorandum for the record (MFR). The MFR documents an informal understanding between the two agencies to utilize the project’s NEPA review process to complete coordination responsibilities under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq., March 10, 1934, as amended 1946, 1958, 1978, and 1995). This agreement will avoid duplicate analysis and documentation as authorized under 40 CFR section 1500.4 (k), 1502.25, 1506.4.

The Corps respectfully requests that USFWS provide a letter of concurrence to the Corps’ MANLAA effect determinations and sign the enclosed MFR within 30 days of the receipt of this letter. Questions or comments on the draft EA may be submitted to Kristen Donofrio at the letterhead address, via email to Kristen.L.Donofrio@usace.army.mil, or by telephone at 904-232-2918 within 30 days from the date of this Notice of Availability. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Angela E. Dunn".

Angela E. Dunn
Chief, Environmental Branch

Enclosure

Operation and Maintenance (O&M) Dredging and Dredged Material Placement for Miami Harbor Navigation Project in Miami-Dade County, Florida

In order to comply with Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Army Corps of Engineers, Jacksonville District (Corps), respectfully requests a letter of concurrence within 30 days of the date of this letter from the U.S. Fish and Wildlife Service (USFWS) for the operation and maintenance (O&M) dredging and dredged material placement for Miami Harbor Navigation Project in Miami-Dade County, Florida. The Corps has determined that the proposed project may affect, but is not likely to adversely affect, the Florida manatee (*Trichechus manatus latirostris*). The project is expected to have no effect on the American crocodile (*Crocodylus acutus*).

Pursuant to our request, the Corps is providing the following information:

- Description of the Project Background;
- Description of the Project Location and Proposed Action;
- Listed Species Under USFWS Jurisdiction;
- Potential Effects to Listed Species and Efforts to Eliminate/Avoid Impacts; and
- Corps' Effect Determination.

Description of the Project Background

The purpose of the O&M of the Miami Harbor Navigation Project is to maintain safe and efficient vessel navigation through the harbor features. The need of the project is driven by the accumulation of sediment, commonly referred to as shoaling. The shoaling has reduced depths and widths, hindering safe and efficient vessel navigation. Periodic dredging is required to remove accumulated sediments and thus maintain the channel at its federally authorized dimensions.

The Corps surveyed existing conditions and considered the current maintenance needs, if any. Based on survey results, the Corps concluded that only the inner harbor cuts of the Miami Harbor Navigation Project warrants maintenance dredging at this time. The following maintenance event is expected to include the inner harbor cuts, and associated National Environmental Policy Act (NEPA) documentation is expected to take into account new available information relevant to impacts associated with dredging the outer channel, including recent sediment tracer analyses conducted in the area. Because the current maintenance event only addresses the inner channel cuts, the scope avoids dredging within 1,000 feet of the outer channel benthic habitat, minimizing potential adverse effects to corals and hardbottom habitats to the maximum extent practicable while the Corps continues to review the new information.

Description of the Project Location and Preferred Alternative

The City of Miami is located on the west side of Biscayne Bay; the City of Miami Beach is located on an island on the northeast side of the bay, opposite Miami. Both cities are located in Miami-Dade County, Florida, and are connected by several causeways

crossing the bay (see **Figure 1**). Miami Harbor is an island port facility consisting of 518 upland acres and is located in the northern portion of Biscayne Bay in South Florida. The port is the southernmost major Atlantic Coast port. Referenced to other major South Atlantic Region ports, the port is located 21 nautical miles south of Port Everglades (Fort Lauderdale), Florida; 83 nautical miles south of Palm Beach, Florida; 173 nautical miles south of Port Canaveral, Florida; 306 nautical miles south of Jacksonville, the most northern port on Florida's Atlantic Coast and 144 nautical miles north of Key West, the southernmost port in Florida.

The Preferred Alternative consists of the required O&M dredging of approximately 100,000 cubic yards of shoaled material from within the inner harbor cuts to maintain authorized dimensions. Dredged material will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS). O&M dredging and the removal of shoals via drag bar are proposed to remove the material and maintain the currently authorized dimensions (see **Figure 1** for project overview map and **Figure 2** for shoal locations proposed for removal via drag bar and O&M dredging). Dredging is estimated to take approximately 45 days with the dredge operating twenty four hours per day, seven days a week.

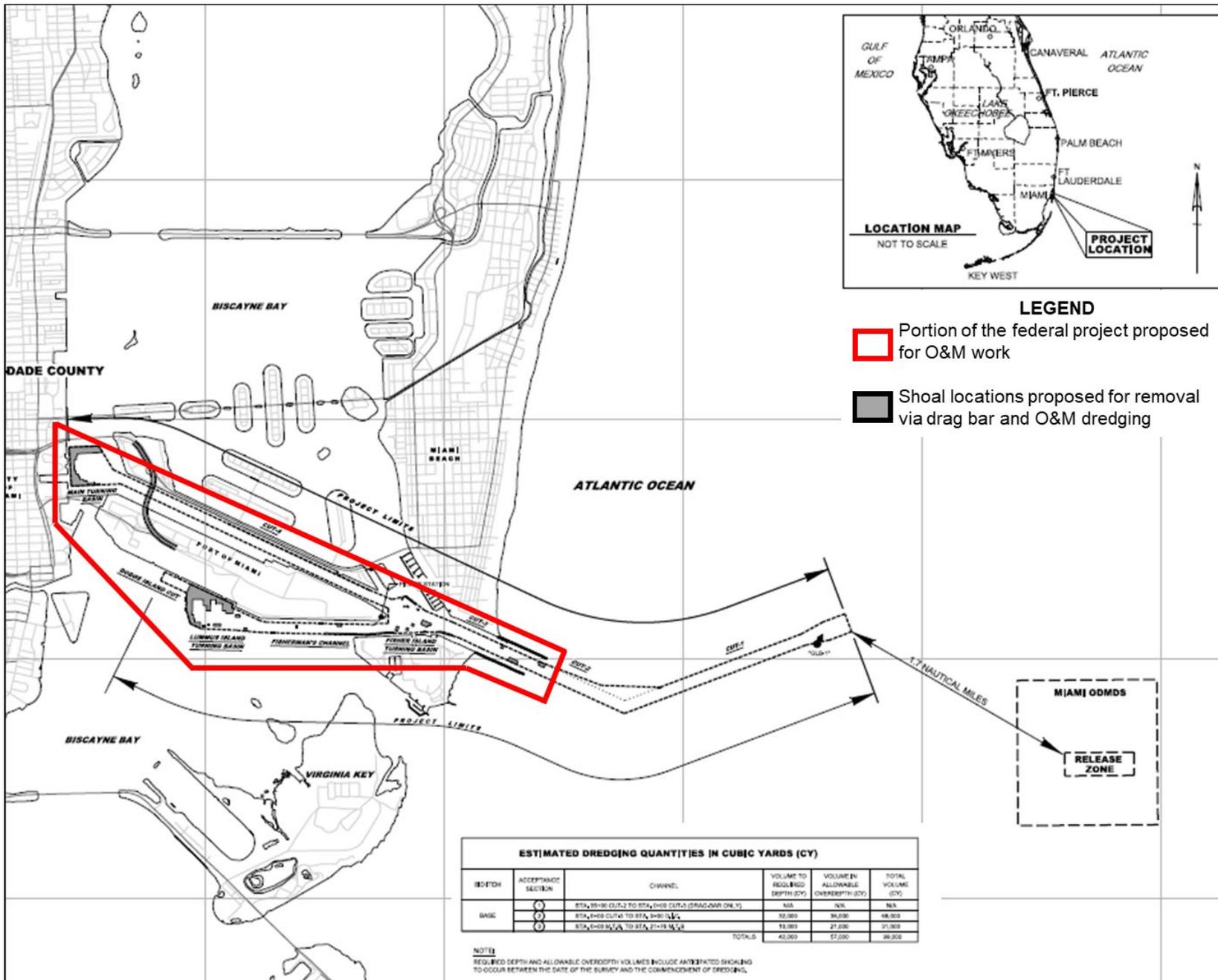
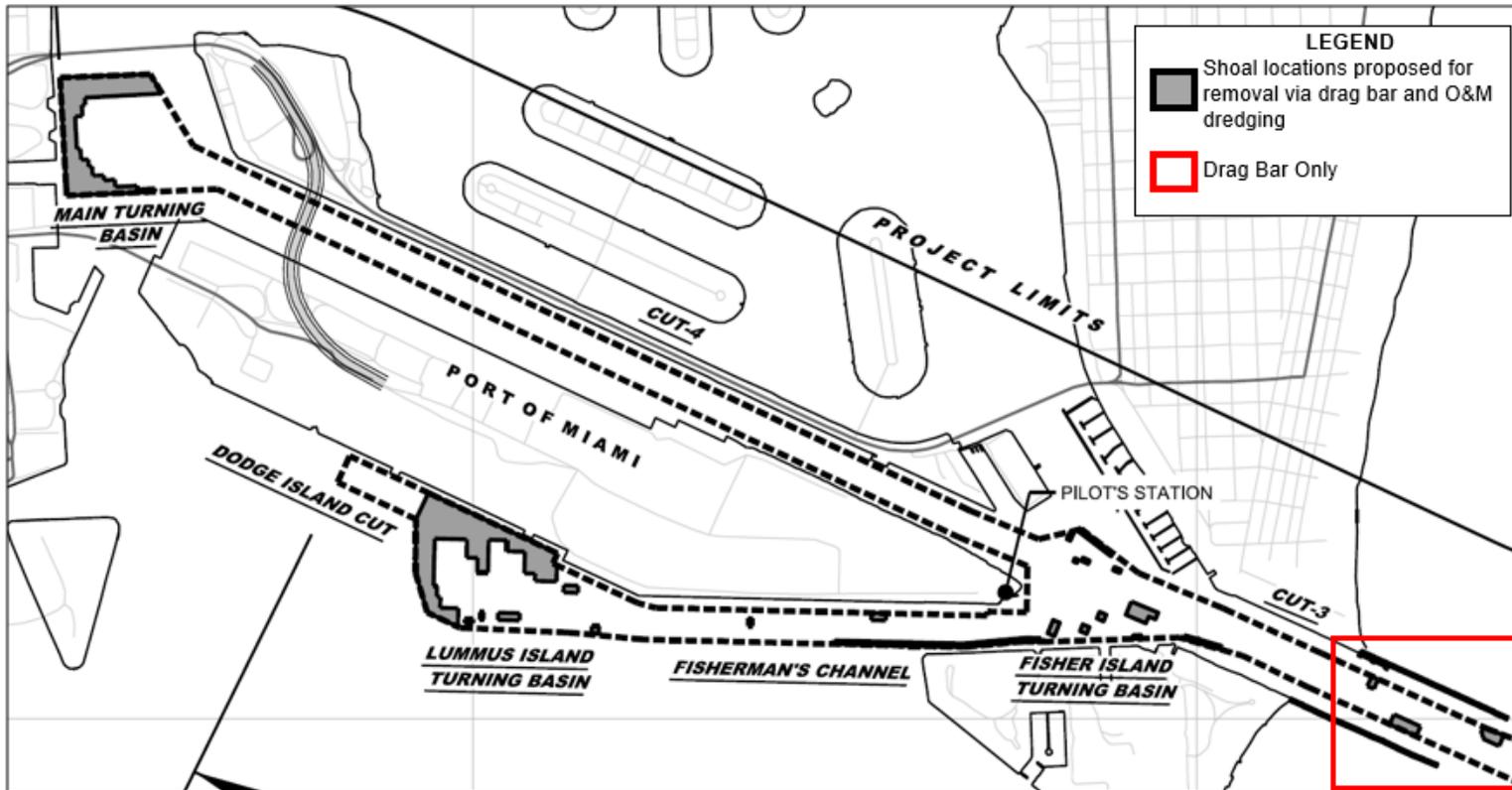


Figure 1. Miami Harbor Navigation Project and Miami ODMS vicinity map.



ESTIMATED DREDGING QUANTITIES IN CUBIC YARDS (CY)

BID ITEM	ACCEPTANCE SECTION	CHANNEL	VOLUME TO REQUIRED DEPTH (CY)	VOLUME IN ALLOWABLE OVERDEPTH (CY)	TOTAL VOLUME (CY)
BASE	(1)	STA. 35+00 CUT-2 TO STA. 0+00 CUT-3 (DRAG-BAR ONLY)	N/A	N/A	N/A
	(2)	STA. 0+00 CUT-3 TO STA. 0+00 D.I.C.	32,000	36,000	68,000
	(3)	STA. 0+00 M.T.B. TO STA. 21+76 M.T.B	10,000	21,000	31,000
TOTALS			42,000	57,000	99,000

NOTE:

REQUIRED DEPTH AND ALLOWABLE OVERDEPTH VOLUMES INCLUDE ANTICIPATED SHOALING TO OCCUR BETWEEN THE DATE OF THE SURVEY AND THE COMMENCEMENT OF DREDGING.

Figure 2. Shoal locations proposed for removal via drag bar and O&M dredging.

Listed Species under USFWS Jurisdiction

Listed species which may occur in the vicinity of the proposed work and are under the jurisdiction of the USFWS include the Florida manatee (*Trichechus manatus latirostris*) and the American crocodile (*Crocodylus acutus*).

Corps' Analysis and Effect Determinations on Listed Species under USFWS Jurisdiction:

West Indian (Florida) Manatee

The Florida manatee is a subspecies of the West Indian manatee (*Trichechus manatus*) and can be found throughout the southeastern United States. The manatee is a large, plant-eating aquatic mammal that move between freshwater and saltwater environments. They can be found in shallow coastal waters, rivers, and springs. Adult manatees are approximately 10 feet long, weighing between 800 – 1200 pounds, and consume approximately 4-9% of their body weight each day. Although manatees feed underwater, they frequently rest just below the water surface with only the snout above water. Manatees were listed as endangered throughout its range for both the Florida and Antillean subspecies (*Trichechus manatus latirostris* and *Trichechus manatus manatus*) in 1967 (32 FR 4001). In May 2017, the USFWS reclassified the manatee from endangered to threatened.

Federal law, specifically the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973 protects manatees. Critical habitat is defined under the Endangered Species Act as specific areas within and/or outside a geographical area that are occupied by a species at the time of listing, that contain physical or biological features essential to the conservation of the species and therefore require special management considerations or protection for the benefit of the species. Critical habitat for the Florida manatee was described in 1976 in 50 CFR 17.95 for Florida. The project's inner harbor cuts are located within USFWS designated critical habitat (DCH) (see **Figures 3 and 4**) for this species as well as a Florida Fish and Wildlife Conservation Commission Manatee Protection Zone (see **Figure 5**).



Figure 3. USFWS Florida manatee DCH.

(Source:

https://www.fws.gov/northflorida/manatee/2009_CH_Petition/20100112_frn_Federal%20Register_manatee_12-mo_325.pdf)

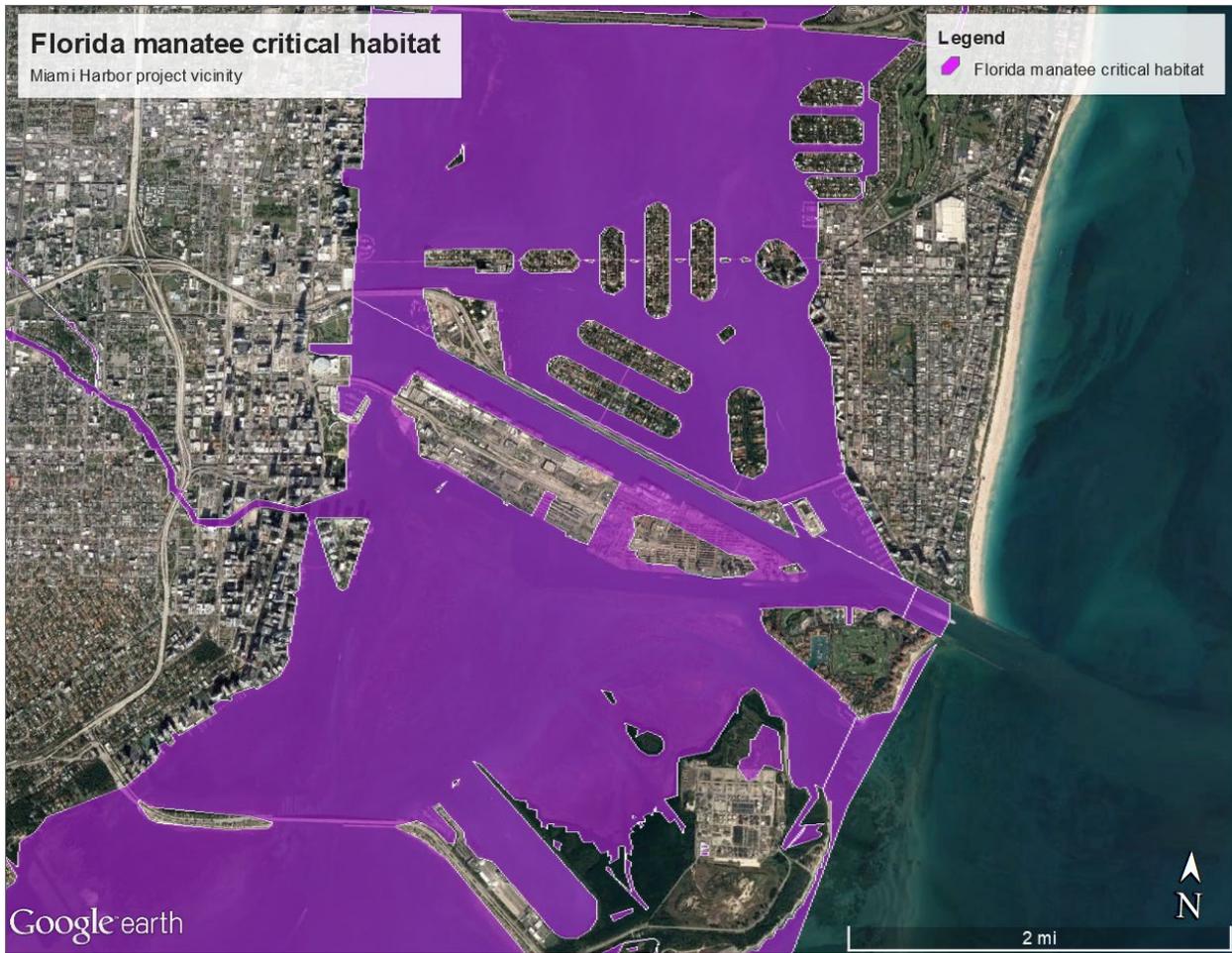


Figure 4. USFWS Florida manatee DCH, zoomed to project vicinity.

(Source: Resources at Risk layer, Corps' Regulatory Division)

Florida Counties with FWC Manatee Protection Zones

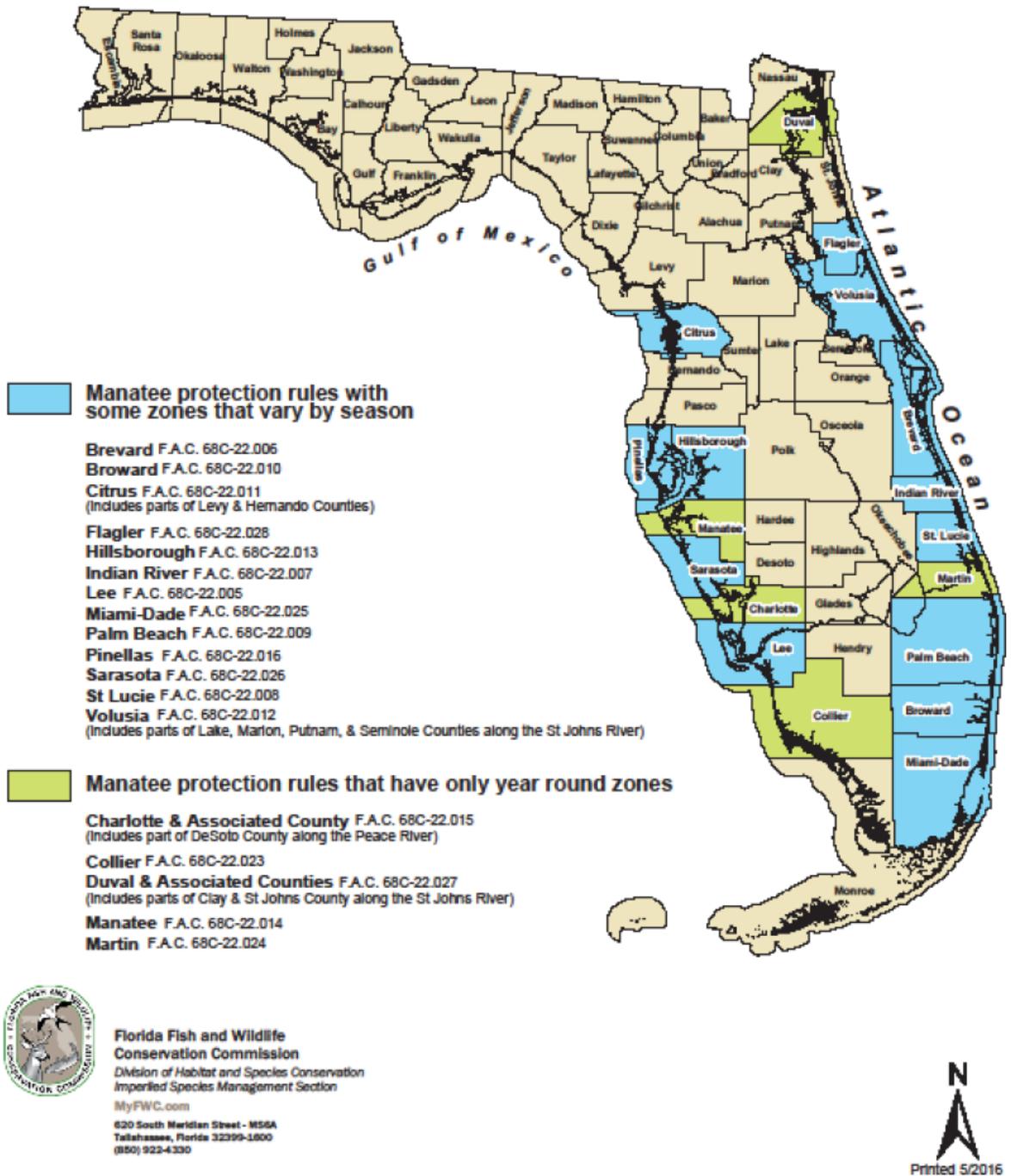


Figure 5. Florida Fish and Wildlife Conservation Commission (FWC) manatee protection zones.

(Source: <http://myfwc.com/media/2944209/MPZStatewideMap.pdf>)

Corps' Effect Determination: MANLAA.

Necessary habitat requirements to sustain manatees' essential life history functions likely include:

- Shallow, secluded water areas for resting, mating, and calving;
- Submerged, emergent, and floating vegetation for foraging.

As O&M dredging will only remove shoaled material from the project, which is an active port, and the channel depths range from 36 feet MLLW to just over 50 feet MLLW, SAV would not be present in the dredging footprint. Although O&M dredging will occur within areas where Florida manatees may be present, the USFWS 2011 Standard Manatee Conditions for In-Water Work will be implemented during in-water construction activities to ensure the safety of manatees that may be in the project vicinity (see Attachment 1). The Corps has determined that the proposed project may affect, but is not likely to adversely affect Florida manatees.

American crocodile (Crocodylus acutus)

The American crocodile (*Crocodylus acutus*) is endemic to the United States and inhabits mostly low-energy bays, creeks, and inland swamps in extreme South Florida, the Caribbean, Mexico, Central America and northern South America. The species was listed as endangered by the USFWS in 1975 (40 FR 44151) due to habitat loss and fragmentation, changes in the distribution, timing, and quantity of water flows, and hunting for hide and meat. Hurricanes, cold weather, and traffic also threaten the mortality of American crocodiles. In March 2007, the USFWS reclassified the American crocodile from endangered to threatened. Feeding typically occurs shortly before sunset to just after sunrise and consists of opportunistic foraging for any animals they can catch and easily overpower. Nesting habitat includes sandy shorelines, creek banks adjacent to deep water, or manmade structures, such as canal berms. Males establish and defend breeding territory from late February through March. Females select a nest site and typically clutch size ranges from as few as eight to as many as 56 eggs. Hatchlings are about 10 inches and yellowish-tan in color with cross markings that fade as they grow. Adults are typically greenish-gray with black mottling and can be over 14 feet long. Although DCH was identified in 1979 in the extreme southern portion of Florida (44 CFR 75076), no DCH is present in the project area (see **Figure 6**).

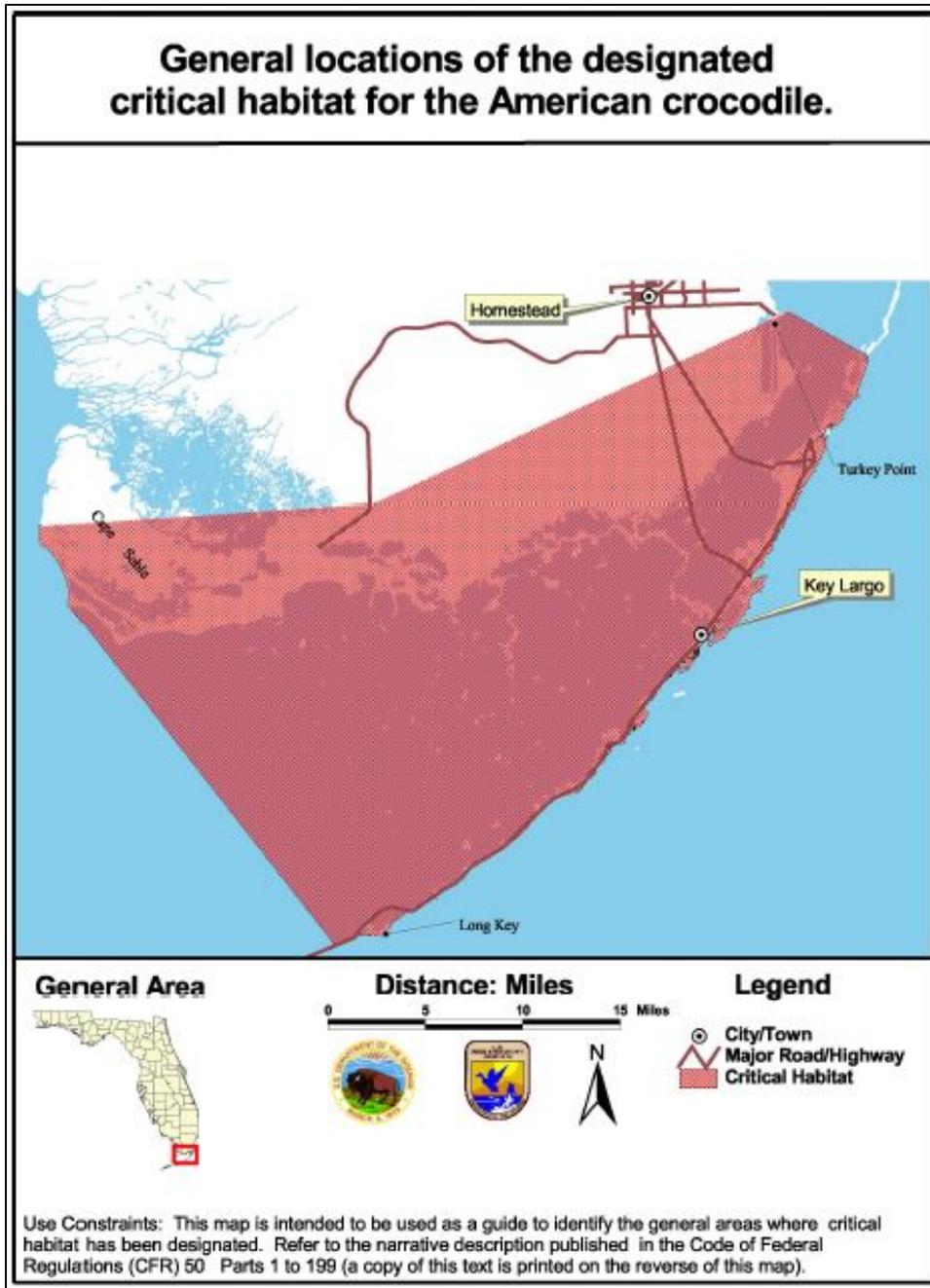


Figure 6. USFWS American crocodile DCH.

(Source: <https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=C02J#crithab>)

Corps' Effect Determination: No effect.

Construction of the project's revetment will occur within areas where American crocodiles could be present; however, this species is shy and retiring. They are unlikely to be found in a major coastal waterway with high levels of disturbance (e.g. vessel traffic, human attention, etc.). Although possible, it is not probable to encounter an American crocodile in the project area; therefore, the Corps has determined that the proposed project is not expected to affect American crocodiles.

References:

- USFWS, 2019. West Indian Manatee (*Trichechus manatus*). Retrieved from <https://www.fws.gov/southeast/wildlife/mammal/manatee/>. Website accessed 15 July 2019.
- USFWS, 2019. American crocodile (*Crocodylus acutus*). Retrieved from <https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=C02J>. Website accessed 15 July 2019.
- USFWS. 1999. Multi-Species Recovery Plan for South Florida. Retrieved from https://ecos.fws.gov/docs/recovery_plan/140903.pdf. Website accessed 15 July 2019.
- USFWS, 2011. Standard manatee conditions for in-water work. Retrieved from https://www.fws.gov/northflorida/manatee/Manatee_Key_Programmatic/20130425_gd_Appendix%20B_2011_Standard%20Manatee%20Construction%20Conditions.pdf. Website accessed 15 July 2019.

ATTACHMENT 1:
USFWS 2011 STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8½" 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 http://www.myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

CAUTION: MANATEE HABITAT

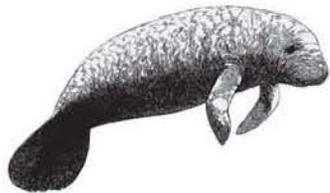
All project vessels

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



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

CESAJ-PD-E (ER 200-2-2)

MEMORANDUM FOR THE RECORD

SUBJECT: Compliance with the Fish and Wildlife Coordination Act for the operation and maintenance (O&M) dredging and dredged material placement for Miami Harbor Navigation Project in Miami-Dade County, Florida.

PURPOSE: To document an informal understanding between the U.S. Army Corps of Engineers, Jacksonville District (Corps), and the U.S. Fish and Wildlife Service (USFWS), South Florida Ecological Services Office.

BACKGROUND. The purpose of the O&M of the Miami Harbor Navigation Project is to maintain safe and efficient vessel navigation through the harbor features. The need of the project is driven by the accumulation of sediment, commonly referred to as shoaling. The shoaling has reduced depths and widths, hindering safe and efficient vessel navigation. Periodic dredging is required to remove accumulated sediments and thus maintain the channel at its federally authorized dimensions.

The Corps surveyed existing conditions and considered the current maintenance needs, if any. Based on survey results, the Corps concluded that only the inner harbor cuts of the Miami Harbor Navigation Project warrants maintenance dredging at this time. The following maintenance event is expected to include the inner harbor cuts, and associated National Environmental Policy Act (NEPA) documentation is expected to take into account new available information relevant to impacts associated with dredging the outer channel, including recent sediment tracer analyses conducted in the area. Because the current maintenance event only addresses the inner channel cuts, the scope avoids dredging within 1,000 feet of the outer channel benthic habitat, minimizing potential adverse effects to corals and hardbottom habitats to the maximum extent practicable while the Corps continues to review the new information.

PREFERRED ALTERNATIVE. The Preferred Alternative consists of the required O&M dredging of approximately 100,000 cubic yards of shoaled material from within the inner harbor cuts to maintain authorized dimensions. Dredged material will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS). The Corps has determined that the proposed project may affect, but is not likely to adversely affect (MANLAA) the Florida manatee (*Trichechus manatus latirostris*) and would have no effect on the American crocodile (*Crocodylus acutus*). (Details on the Preferred Alternative can be found in the project's draft EA.)

CESAJ-PD-E (ER 200-2-2)

SUBJECT: Compliance with the Fish and Wildlife Coordination Act for the Operation and Maintenance (O&M) Dredging and Dredged Material Placement for Miami Harbor Navigation Project in Miami-Dade County, Florida.

COORDINATION. The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq., March 10, 1934, as amended 1946, 1958, 1978, and 1995) (FWCA) requires Federal agencies to consult with USFWS regarding the impacts to fish and wildlife resources and the proposed measures to mitigate these impacts. Additional coordination authorities exist through the review process of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321-4347, January 1, 1970, as amended 1975 and 1982) and the Endangered Species Act of 1973 (ESA; 7 U.S.C. 136, 16 U.S.C. 1531 et seq. December 28, 1973). USFWS continues to coordinate and consult with the Corps through NEPA and the ESA in which impacts to fish and wildlife resources are adequately addressed via these two authorities. USFWS will include comments relevant to FWCA in the USFWS review and response to this project's draft IFR/EA.

AGREEMENT. The undersigned, the Corps and USFWS, agree to utilize the project's NEPA review process to complete coordination responsibilities under the FWCA. This agreement will avoid duplicate analysis and documentation as authorized under 40 CFR section 1500.4 (k), 1502.25, 1506.4, and is consistent with Presidential Executive Order for Improving Regulation and Regulatory Review, released January 18, 2011.

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Date: 2019.07.16 10:31:07
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Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Field Office

Angela E. Dunn
Chief, Environmental Branch



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

Planning and Policy Division
 Environmental Branch

18 July 2019

Virginia Fay
 Asst. Regional Administrator
 NMFS-SERO-HCD
 263 13th Ave South
 St. Petersburg, FL 33701

Dear Ms. Fay:

Pursuant to the National Environmental Policy Act of 1969, as amended, (NEPA) and the U.S. Army Corps of Engineers Regulation (33 CFR 230.11), this letter constitutes the U.S. Army Corps of Engineers, Jacksonville District (Corps) Notice of Availability of the Proposed Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) for the operation and maintenance (O&M) dredging and dredged material placement for Miami Harbor Navigation Project in Miami-Dade County, Florida. This letter also serves to convey the Essential Fish Habitat (EFH) Assessment incorporated in the project's EA.

The District is initiating coordination with NMFS under the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Per the October 2, 2019 EFH Finding between NMFS and the Corps, the EFH Assessment for the project is integrated within the draft EA. Per the 2019 Finding, the February 2004 "Preparing Essential Fish Habitat Assessments: A Guide for Federal Action Agencies" document and 50 CFR 600.920(e)(3), an EFH Assessment must include the specific items. Each item will be addressed in the table below with a reference to where the information is located in the draft EA.

EFH Required Item	Draft EA Location(s)
Description of the Proposed Action	What is the action? - <i>Section 1.1 Project Description</i> - <i>Section 2.2 Alternative 1 (Preferred Alternative)</i> What is the purpose of the action? - <i>Section 1.3 Project Need or Opportunity</i> How, when and where will it be undertaken? - <i>Section 1.1 Project Description</i> - <i>Section 2.2 Alternative 1 (Preferred Alternative)</i> What will be the result of the action? - <i>Section 4 Environmental Effects</i>
Analysis of the potential adverse effects (individual and cumulative) of the action on EFH and the management species	What EFH will be affected by the action? - <i>Section 3.1.2 Essential Fish Habitat</i> What are the adverse effects to EFH that could occur as a result of this action?/ How

	would they impact managed species?/ What would be the magnitude of effects?/What would the duration be? - <i>Section 4 Environmental Effects</i> - <i>Section 4.1 Cumulative Impacts</i>
Proposed Compensatory Mitigation	- <i>None required</i>
Avoidance and Minimization	- <i>Section 6 Environmental Compliance</i>

Additionally, the guidance states that for projects that may have substantial impacts on EFH, additional information may be necessary. The following additional items are considered and addressed throughout the draft EA:

EFH Additional Information Item	Draft EA Location(s)
Results of on-site studies to evaluate the habitat and/or site-specific effects of the project	- <i>Appendix D: Other Reports and Related Documents</i>
Review of pertinent literature and related information	- <i>Literature cited throughout draft EA</i>

The Corps has determined that the effects of O&M dredging and dredged material placement for Miami Harbor Navigation Project in Miami-Dade County, Florida would have minimal adverse effects on EFH and no adverse effects on federally managed fish species. The magnitude of the impacts are minor and insignificant.

The proposed FONSI, draft EA, and associated appendices are available for your review on the Jacksonville District's Environmental planning website, under Dade County:

<http://www.saj.usace.army.mil/About/Divisions-Offices/Planning/Environmental-Branch/Environmental-Documents/>

(On that page, click on the "+" next to "Dade". Scroll down to the project name.)

The Corps respectfully requests all comments under NEPA and the MSFCMA for the draft EA within 30 days of the receipt of this letter. If you have any questions, or need additional information, please contact Kristen Donofrio by email Kristen.L.Donofrio@usace.army.mil or telephone 904-232-2918. Thank you for your assistance.

Sincerely,



Angela E. Dunn
Chief, Environmental Branch



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

District Engineer
Jacksonville, USACE
701 San Marco Blvd.
Jacksonville, Florida 32207

May 10, 2019

RE: DHR Project File No.: 2019-2541 Received by DHR: April 17, 2019
Project Name: Port Everglades Harbor Operations and Maintenance Dredging Project
County: Broward

To Whom It May Concern:

The Florida State Historic Preservation Officer reviewed the referenced project for possible effects on historic properties listed, or eligible for listing, on the *National Register of Historic Places*. The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, and its implementing regulations in *36 CFR Part 800: Protection of Historic Properties*.

Our office concurs with USACE's determination that the proposed activities will have no effect to 8BD00180 and is unlikely to have an effect on other historic resources within the project area. However, unexpected finds may occur during ground disturbing activities, and we request that the permit, if issued, should include the following special condition regarding inadvertent discoveries:

- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

If you have any questions, please contact Rachel Thompson, Historic Preservationist, by email at Rachel.Thompson@dos.myflorida.com, or by telephone at 850.245.6453 or 800.847.7278.

Sincerely,

For
Timothy A Parsons, Ph.D.
Director, Division of Historical Resources
& State Historic Preservation Officer

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com





DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

Planning and Policy Division
Environmental Branch

Kevin Donaldson
NAGPRA Representative
Miccosukee Tribe of Indians of Florida
P.O. Box 440021
Tamiami Station
Miami, FL 33144

Re: Operation and Maintenance Dredging and Dredged Material Placement for Miami Harbor Federal Navigation Project in Miami-Dade County, Florida

Dear Mr. Donaldson:

The U.S. Army Corps of Engineers, Jacksonville (Corps), is studying the environmental effects associated with the Operations and Maintenance (O&M) dredging of the Miami Harbor Federal Navigation Project in Miami-Dade County, Florida (Project). The Project was originally authorized on June 13, 1902 and additional improvements have been authorized over the subsequent years. The Project consists of maintenance dredging to occur on a periodic cycle or on an as-needed basis for the emergency removal of accumulated shoals. Shoaled material will be dredged from the existing Miami Harbor federal navigation channel and turning basins to return these features to their authorized depth, which varies from 36 to 50 feet. The area of potential effect for the current project includes dredging the Entrance Channel, Fisher Island Turning Basin, Fisherman's Channel, and Lummus Island Turning Basin to the required depth of 50 feet and dredging of the Main Turning Basin to the required depth of 36 feet (Figure 1). All dredging areas will incorporate two feet of allowable overdepth. All dredged material from the project will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS) located approximately 1.7 nautical miles from the eastern end of the entrance channel; its center at approximately 4.5 miles east of Virginia Key, Florida.

The Project was subject to a previous cultural resources survey (Florida Master Site File Survey No. 7891) by Tidewater Atlantic Research, Inc. in November 2001 for the 2004 Miami Harbor Channel Deepening and Widening Project. The results of the survey are documented in the 2002 report entitled: *Historic Assessment and Remote Sensing Survey of Miami Harbor, Dade County, Florida*. All magnetic and/or acoustic targets for this survey were identified as modern debris. Based on this assessment, the Corps determined that maintenance dredging posed no effect to cultural resources eligible for inclusion in the National Register of Historic Places (NRHP). The Florida SHPO concurred with this determination in a letter dated April 18, 2002 (DHR No. 2002-03669).

In the draft Environmental Impact Statement (EIS) for the Miami ODMDS, the Corps determined that use of the Miami ODMDS would have no effect on cultural resources eligible for inclusion in the NRHP. In a letter dated September 13, 1990, the Florida SHPO concurred with this determination for use of the Miami ODMDS (DHR Project No. 902710). The draft EIS was finalized in August 1995. Since its construction in 1995, the Miami ODMDS has been repeatedly used for recurrent placement of sediment. Based on previous consultations and because the Project activities will occur within previously disturbed dredged areas, and placement in the repeatedly utilized Miami ODMDS, the Corps maintains its previous determinations, and has determined that the Project will have no effect on historic properties eligible for inclusion in the NRHP.

In summary, based on the above information and the recurrent nature of the project, the Corps has determined that maintenance dredging and dredged material placement in the Miami ODMDS for the Project poses no effect to historic properties eligible for inclusion in the National Register of Historic Places. Pursuant to Section 106 of the National Historic preservation Act (16 USC 470) and its implementing regulations (36 CFR 800) and the National Environmental Policy Act, and in consideration of the Corps' Trust Responsibilities to the Miccosukee Tribe of Indians of Florida, I request your comment on the determination of no effect to historic properties for recurrent O&M dredging for the entire Miami Harbor federal navigation channel, turning basins, and Miami ODMDS. If there are any questions, please contact Mr. Marc Tiemann by phone at 904-232-1557 or email at Marc.A.Tiemann@usace.army.mil.

Sincerely,



Angela E. Dunn
Chief, Environmental Branch

Enclosure



 <p>US Army Corps of Engineers Jacksonville District</p>	<p>Miami Harbor Operations and Maintenance Proposed Dredge Areas, ODMDS, and Release Area</p> <p>Miami-Dade County, Florida</p>	<ul style="list-style-type: none">  Dredge Area  ODMDS  Release Area  Channel Limits <p>0  2 Mile</p> 
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Figure 1. Miami Harbor O&M Project Location depicting Maintenance Dredge Areas and Miami ODMDS



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

Planning and Policy Division
Environmental Branch

Tim Parsons, Ph.D.
State Historic Preservation Officer
Division of Historical Resources
500 South Bronough Street
Tallahassee, Florida 32399-0250

Re: Operation and Maintenance Dredging and Dredged Material Placement for Miami Harbor Federal Navigation Project in Miami-Dade County, Florida

Dear Dr. Parsons:

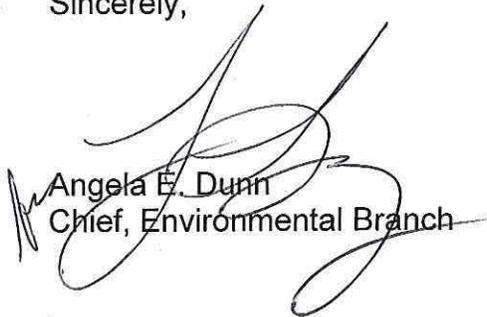
The U.S. Army Corps of Engineers, Jacksonville (Corps), is studying the environmental effects associated with the Operations and Maintenance (O&M) dredging of the Miami Harbor Federal Navigation Project in Miami-Dade County, Florida (Project). The Project was originally authorized on June 13, 1902 and additional improvements have been authorized over the subsequent years. The Project consists of maintenance dredging to occur on a periodic cycle or on an as-needed basis for the emergency removal of accumulated shoals. Shoaled material will be dredged from the existing Miami Harbor federal navigation channel and turning basins to return these features to their authorized depth, which varies from 36 to 50 feet. The area of potential effect for the current project includes dredging the Entrance Channel, Fisher Island Turning Basin, Fisherman's Channel, and Lummus Island Turning Basin to the required depth of 50 feet and dredging of the Main Turning Basin to the required depth of 36 feet (Figure 1). All dredging areas will incorporate two feet of allowable overdepth. All dredged material from the project will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS) located approximately 1.7 nautical miles from the eastern end of the entrance channel; its center at approximately 4.5 miles east of Virginia Key, Florida.

The Project was subject to a previous cultural resources survey (Florida Master Site File Survey No. 7891) by Tidewater Atlantic Research, Inc. in November 2001 for the 2004 Miami Harbor Channel Deepening and Widening Project. The results of the survey are documented in the 2002 report entitled: *Historic Assessment and Remote Sensing Survey of Miami Harbor, Dade County, Florida*. All magnetic and/or acoustic targets for this survey were identified as modern debris. Based on this assessment, the Corps determined that maintenance dredging posed no effect to cultural resources eligible for inclusion in the National Register of Historic Places (NRHP). The Florida SHPO concurred with this determination in a letter dated April 18, 2002 (DHR No. 2002-03669).

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In summary, based on the above information and the recurrent nature of the project, the Corps has determined that maintenance dredging and dredged material placement in the Miami ODMDS for the Project poses no effect to historic properties eligible for inclusion in the National Register of Historic Places. Pursuant to Section 106 of the National Historic preservation Act (16 USC 470) and its implementing regulations (36 CFR 800) and the National Environmental Policy Act, I request your comment on the determination of no effect to historic properties for recurrent O&M dredging for the entire Miami Harbor federal navigation channel, turning basins, and Miami ODMDS. If there are any questions, please contact Mr. Marc Tiemann by phone at 904-232-1557 or email at Marc.A.Tiemann@usace.army.mil.

Sincerely,


Angela E. Dunn
Chief, Environmental Branch

Enclosure



Miami Harbor
Operations and Maintenance
Proposed Dredge Areas, ODMDS,
and Release Area

Miami-Dade County, Florida

- Dredge Area
- ODMDS
- Release Area
- Channel Limits

0 2
Mile

Figure 1. Miami Harbor O&M Project Location depicting Maintenance Dredge Areas and Miami ODMDS



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

Planning and Policy Division
Environmental Branch

Theodore Isham
Tribal Historic Preservation Officer
Seminole Nation of Oklahoma
PO Box 1498
Wewoka, Ok 74884

Re: Operation and Maintenance Dredging and Dredged Material Placement for Miami Harbor Federal Navigation Project in Miami-Dade County, Florida

Dear Mr. Isham:

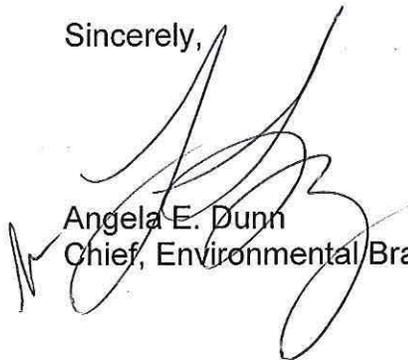
The U.S. Army Corps of Engineers, Jacksonville (Corps), is studying the environmental effects associated with the Operations and Maintenance (O&M) dredging of the Miami Harbor Federal Navigation Project in Miami-Dade County, Florida (Project). The Project was originally authorized on June 13, 1902 and additional improvements have been authorized over the subsequent years. The Project consists of maintenance dredging to occur on a periodic cycle or on an as-needed basis for the emergency removal of accumulated shoals. Shoaled material will be dredged from the existing Miami Harbor federal navigation channel and turning basins to return these features to their authorized depth, which varies from 36 to 50 feet. The area of potential effect for the current project includes dredging the Entrance Channel, Fisher Island Turning Basin, Fisherman's Channel, and Lummus Island Turning Basin to the required depth of 50 feet and dredging of the Main Turning Basin to the required depth of 36 feet (Figure 1). All dredging areas will incorporate two feet of allowable overdepth. All dredged material from the project will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS) located approximately 1.7 nautical miles from the eastern end of the entrance channel; its center at approximately 4.5 miles east of Virginia Key, Florida.

The Project was subject to a previous cultural resources survey (Florida Master Site File Survey No. 7891) by Tidewater Atlantic Research, Inc. in November 2001 for the 2004 Miami Harbor Channel Deepening and Widening Project. The results of the survey are documented in the 2002 report entitled: *Historic Assessment and Remote Sensing Survey of Miami Harbor, Dade County, Florida*. All magnetic and/or acoustic targets for this survey were identified as modern debris. Based on this assessment, the Corps determined that maintenance dredging posed no effect to cultural resources eligible for inclusion in the National Register of Historic Places (NRHP). The Florida SHPO concurred with this determination in a letter dated April 18, 2002 (DHR No. 2002-03669).

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In summary, based on the above information and the recurrent nature of the project, the Corps has determined that maintenance dredging and dredged material placement in the Miami ODMDS for the Project poses no effect to historic properties eligible for inclusion in the National Register of Historic Places. Pursuant to Section 106 of the National Historic preservation Act (16 USC 470) and its implementing regulations (36 CFR 800) and the National Environmental Policy Act, and in consideration of the Corps' Trust Responsibilities to the Seminole Nation of Oklahoma, I request your comment on the determination of no effect to historic properties for recurrent O&M dredging for the entire Miami Harbor federal navigation channel, turning basins, and the material placement within the Miami ODMDS. If there are any questions, please contact Mr. Marc Tiemann by phone at 904-232-1557 or email at Marc.A.Tiemann@usace.army.mil.

Sincerely,



Angela E. Dunn
Chief, Environmental Branch

Enclosure



 <p>US Army Corps of Engineers® Jacksonville District</p>	<p>Miami Harbor Operations and Maintenance Proposed Dredge Areas, ODMDS, and Release Area</p> <p>Miami-Dade County, Florida</p>	<ul style="list-style-type: none">  Dredge Area  ODMDS  Release Area  Channel Limits <p>0 2 Mile</p> 
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Figure 1. Miami Harbor O&M Project Location depicting Maintenance Dredge Areas and Miami ODMDS



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

Planning and Policy Division
Environmental Branch

Paul Backhouse, Ph.D.
Seminole Tribe of Florida
Tribal Historic Preservation Officer
Ah Tah Thi Ki Museum
30290 Josie Billie Hwy., PMB 1004
Clewiston, FL 33440

Re: Operation and Maintenance Dredging and Dredged Material Placement for Miami Harbor Federal Navigation Project in Miami-Dade County, Florida

Dear Dr. Backhouse:

The U.S. Army Corps of Engineers, Jacksonville (Corps), is studying the environmental effects associated with the Operations and Maintenance (O&M) dredging of the Miami Harbor Federal Navigation Project in Miami-Dade County, Florida (Project). The Project was originally authorized on June 13, 1902 and additional improvements have been authorized over the subsequent years. The Project consists of maintenance dredging to occur on a periodic cycle or on an as-needed basis for the emergency removal of accumulated shoals. Shoaled material will be dredged from the existing Miami Harbor federal navigation channel and turning basins to return these features to their authorized depth, which varies from 36 to 50 feet. The area of potential effect for the current project includes dredging the Entrance Channel, Fisher Island Turning Basin, Fisherman's Channel, and Lummus Island Turning Basin to the required depth of 50 feet and dredging of the Main Turning Basin to the required depth of 36 feet (Figure 1). All dredging areas will incorporate two feet of allowable overdepth. All dredged material from the project will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS) located approximately 1.7 nautical miles from the eastern end of the entrance channel; its center at approximately 4.5 miles east of Virginia Key, Florida.

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Sincerely,


Angela E. Dunn
Chief, Environmental Branch

Enclosure



Miami Harbor
Operations and Maintenance
Proposed Dredge Areas, ODMDS,
and Release Area

Miami-Dade County, Florida

- Dredge Area
- ODMDS
- Release Area
- Channel Limits

0 2 Mile

Figure 1. Miami Harbor O&M Project Location depicting Maintenance Dredge Areas and Miami ODMDS



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BLVD
JACKSONVILLE, FL 32207-8915

Planning and Policy Division
Environmental Branch

Jane Maylen
Tribal Historic Preservation Officer (acting)
Thlopthlocco Tribal Town
P.O. Box 188
Okemah, OK 74859

Re: Operation and Maintenance Dredging and Dredged Material Placement for Miami Harbor Federal Navigation Project in Miami-Dade County, Florida

Dear Ms. Maylen:

The U.S. Army Corps of Engineers, Jacksonville (Corps), is studying the environmental effects associated with the Operations and Maintenance (O&M) dredging of the Miami Harbor Federal Navigation Project in Miami-Dade County, Florida (Project). The Project was originally authorized on June 13, 1902 and additional improvements have been authorized over the subsequent years. The Project consists of maintenance dredging to occur on a periodic cycle or on an as-needed basis for the emergency removal of accumulated shoals. Shoaled material will be dredged from the existing Miami Harbor federal navigation channel and turning basins to return these features to their authorized depth, which varies from 36 to 50 feet. The area of potential effect for the current project includes dredging the Entrance Channel, Fisher Island Turning Basin, Fisherman's Channel, and Lummus Island Turning Basin to the required depth of 50 feet and dredging of the Main Turning Basin to the required depth of 36 feet (Figure 1). All dredging areas will incorporate two feet of allowable overdepth. All dredged material from the project will be placed in the Miami Ocean Dredged Material Disposal Site (ODMDS) located approximately 1.7 nautical miles from the eastern end of the entrance channel; its center at approximately 4.5 miles east of Virginia Key, Florida.

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In summary, based on the above information and the recurrent nature of the project, the Corps has determined that maintenance dredging and dredged material placement in the Miami ODMDS for the Project poses no effect to historic properties eligible for inclusion in the National Register of Historic Places. Pursuant to Section 106 of the National Historic preservation Act (16 USC 470) and its implementing regulations (36 CFR 800) and National Environmental Policy Act, and in consideration of the Corps' Trust Responsibilities to the Thlopthlocco Tribal Town, I request your comment on the determination of no effect to historic properties for recurrent O&M dredging for the entire Miami Harbor federal navigation channel, turning basins, and Miami ODMDS. If there are any questions, please contact Mr. Marc Tiemann by phone at 904-232-1557 or email at Marc.A.Tiemann@usace.army.mil.

Sincerely,


Angela E. Dunn
Chief, Environmental Branch

Enclosure



Miami Harbor
 Operations and Maintenance
 Proposed Dredge Areas, ODMDS,
 and Release Area
 Miami-Dade County, Florida

- Dredge Area
- ODMDS
- Release Area
- Channel Limits

0 2 Mile

Figure 1. Miami Harbor O&M Project Location depicting Maintenance Dredge Areas and Miami ODMDS