



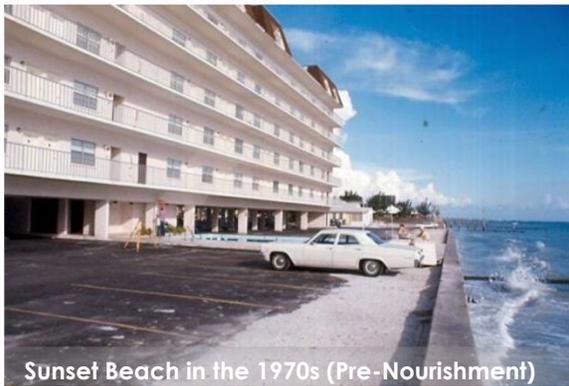
US Army Corps
of Engineers®
Jacksonville District

PINELLAS COUNTY, FLORIDA COASTAL STORM RISK MANAGEMENT STUDY

TREASURE ISLAND AND LONG KEY SEGMENTS

Draft Integrated Feasibility Report and Environmental Assessment

APPENDIX E: REAL ESTATE PLAN



August 2020



PINELLAS COUNTY, FLORIDA
Treasure Island and Long Key Segment
COASTAL STORM RISK MANAGEMENT PROJECT
FEASIBILITY STUDY

REAL ESTATE PLAN

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REAL ESTATE PLAN

1. STATEMENT OF PURPOSE

Coastal Storm Risk Management (CSRM) projects have been authorized for a variety of purposes: beach erosion control, shore/shoreline protection, hurricane/hurricane wave protection, and storm protection. The Federal government's purpose for this study is to determine whether there is economic justification for Federal participation in coastal storm risk management in Pinellas County. If it is found that there is a Federal Interest, the further purpose of the study is to analyze alternatives and formulate a recommended plan for CSRM to include incidental opportunities for environmental restoration.

This draft report is tentative in nature and is intended for planning purposes only. Both the final real property lines and land values estimates are subject to change even after approval of this report. There may be modifications to the plans that occur during Pre-construction, Engineering and Design (PED) phase, thus changing the final acquisition area(s) and/or administrative and land costs.

2. PROJECT AND STUDY AUTHORIZATION

Section 216 of the Flood Control Act of 1970 (Public Law 91-161, 33 U.S.C. 549a) authorizes the Secretary of the Army, acting through the Chief of Engineers, "to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due to significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest."

Title IV, Division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), enacted February 9, 2018, authorizes the Government to conduct this study at full Federal expense to the extent that appropriations provided under the investigations heading of the Act are available and used for such purpose.

3. PROJECT STUDY AREA

Pinellas County is on the Gulf Coast of Florida, about midway down on the peninsula. The County extends northerly about 39 miles from the main entrance to Tampa Bay to the vicinity of the mouth of the Anclote River. The Pinellas County coast consists of numerous keys or barrier islands extending in a north-south orientation in the northerly half of the County and northwest-southeast orientation in the southerly half of the County. The barrier islands are narrow and low, ranging in width from about 200 to 2,000 feet. Within Pinellas County, the initial study scoping identified the barrier islands of Treasure Island and Long Key as having the most critical need for the study. Therefore the focused study area includes approximately 7.4 miles of shoreline between Florida Department of Environmental Protection (FDEP) range monuments R-126 to R-

143 (Treasure Island; 3.4 miles) and R-144 to R-166 (Long Key; 4.0 miles).. See figure 3-1 for general location of Treasure Island and Long Key.

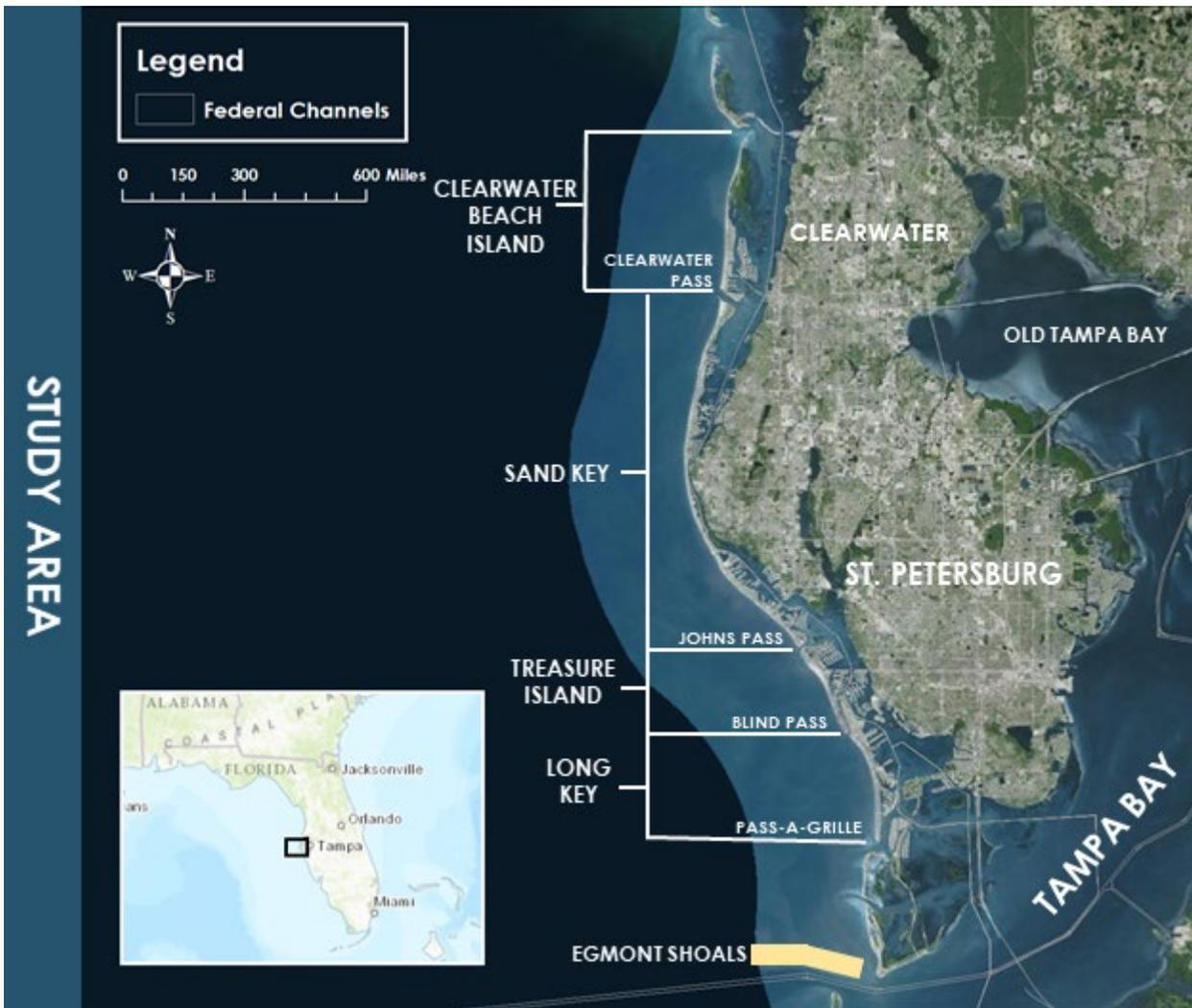


Figure 3-1

4. PROJECT DESCRIPTION

The Tentatively Selected Plan (TSP) is for periodic beach nourishment, including dune and berm features, at the north and/or south ends of Treasure Island (R-126 to R-129 and R-136 to R-143) and Long Key (R-144 to R-147 and R-160 to R-166). The maximum dimensions include:

- A berm extension of up to 100 ft. seaward from the dune toe; and
- A dune with a height of up to +10 ft. NAVD88 and a width that could extend the entire equilibrated beach profile up to 20 ft. seaward. See figure 4-1.



Figure 4-1

5. REAL ESTATE REQUIREMENTS

In accordance with Engineering Regulation (ER) 405-1-12, Chapter 12, it is the policy of USACE to acquire, or require a Non-Federal sponsor (NFS) to provide, the minimum interests in real property necessary to support a project. The following minimum real estate interests are generally required to support CSRM projects in Florida and are also expected for this Project: access to the State of Florida's Sovereignty submerged lands, Perpetual Beach Storm Damage Reduction Easements; Temporary Work Area Easements (for staging and access); and Temporary Pipeline Easements.

Florida Sovereignty Submerged Lands: Florida Statute, Section 161.191, Vesting of Title of Lands, states that title to all lands seaward of the Erosion Control Line (ECL) shall be vested to the state by right of its sovereignty. The lands landward of the ECL remain vested to the upland owner. As agreed in the Interagency Coordination Agreement for Civil Works Projects between FDEP and U.S. Corps of Engineers dated 28 February 2006, the State of Florida will issue to the NFS a Joint Coastal Permit and Sovereignty Submerged Lands Authorization (Permit) for sand placement areas located seaward of the ECL. Exhibit 3 is an example of a Joint Coastal Permit.

Offshore borrow areas/sediments areas will be required and possible locations have been identified at the three following inlet areas: Johns Pass, Blind Pass and Pass-A-Grille. Access to these areas will be also be provided via the State of Florida Joint Coastal Permit.

For sand placement areas that are landward of the ECL, Perpetual Beach Storm Damage Reduction Easements (PBSDRE) will be required.

The design and locations of the staging areas and pipeline routes will be determined during PED. Temporary Work Area Easements and Temporary Pipeline Easements will most likely be required.

Access to the project and staging areas will most likely be via public roads. However, if access across privately-owned land is needed, then a Temporary Work Area Easement will need to be acquired.

Pinellas County will be the NFS for the project and will be required to affirm that it has the real estate interests required for project construction, operations, and maintenance.

6. FEDERAL GOVERNMENT-OWNED LAND

The Corps of Engineers previously acquired perpetual pipeline easements on the Treasure Island segment of this project that will be available for use.

7. NON FEDERALLY OWNED LAND

The non-Federal lands are owned by the NFS, local municipalities, private and commercial landowners.

8. NON-FEDERAL OPERATION AND MAINTENANCE RESPONSIBILITIES

The NFS has the responsibility to acquire all real estate interests required for the Project. The NFS shall accomplish all alterations and relocations of facilities, structures and improvements determined by the Government to be necessary for the construction of the Project. The NFS will have the responsibility to operate, maintain, repair, replace and rehabilitate the project once construction has been completed. Future periodic nourishments are considered construction and will be performed in accordance with the Project Partnership Agreement (PPA), when approved.

9. NON-FEDERAL SPONSOR'S AUTHORITY TO PARTICIPATE IN PROJECT

Pinellas County, Florida, is a political subdivision of the State of Florida as provided by Florida Statute Title XI, Chapter 161, Section 141, Beach and Shore Preservation to, "establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage and cooperate with governmental agencies and private enterprises in the development and operation of such programs."

Pinellas County has been an integral part of the Project Delivery Team (PDT) from the

conception of the project. At each step of the process, the NFS has contributed to the available information and participated in the formulation of this study.

The Draft Assessment of the NFS Real Estate Acquisition Capability is attached as Exhibit 1.

The Draft Risk Letter is attached as Exhibit 2, which will advise the NFS that lands should not be acquired for the Project prior to execution of the PPA.

10. NAVIGATION SERVITUDE

The Project is not for purposes of navigation or flood control. Therefore, the navigation servitude does not apply.

11. ATTITUDE OF THE LANDOWNERS

The NFS, local municipalities, private and commercial landowners have expressed support for the Project.

12. MINERALS

Preliminary assessment indicates no known present or anticipated mineral or sub-surface mineral extraction activities within the vicinity of the proposed area which may affect construction, operation, or maintenance of the Project.

13. HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE (HTRW)

No evidence of HTRW has been found, and no HTRW is anticipated during construction of the project.

14. INDUCED FLOODING

There will be no flooding caused by the construction of the project.

15. ZONING ORDINANCES

Application or enactment of zoning ordinances will not be used in lieu of acquisition.

16. RELOCATION ASSISTANCE (PUBLIC LAW 91-646)

No persons, farms or businesses will be displaced and no relocation benefits are anticipated to be required.

17. RELOCATIONS, ALTERATIONS, VACATIONS, AND ABANDONMENTS (UTILITIES, STRUCTURES AND FACILITIES, CEMETERIES, AND TOWNS).

No facility or utility relocations are required for the Project.

18. STANDING TIMBER AND VEGETATIVE COVER

Existing dune vegetation will be impacted during construction. The Recommended Plan includes planting dune vegetation on newly constructed areas as well as re-vegetating areas disturbed during construction. It will be the responsibility of the NFS for any necessary dune vegetation during future periodic nourishments

19. RECREATION RESOURCES

There are no separable recreational lands identified for this project.

20. CULTURAL RESOURCES

There are no known cultural resources identified as affected by the project.

21. OUTSTANDING RIGHTS

There are no known outstanding rights in the project area.

22. MITIGATION

There is no mitigation required.

23. ACQUISITION SCHEDULE

The NFS is responsible for acquiring real estate interests required for the project. The Perpetual Storm Damage Reduction Easements will take approximately 12-18 months to acquire once final plans and specifications have been completed and the PPA has been executed. The NFS, Project Manager and Real Estate Technical Lead will formulate the milestone schedule upon project approval to meet dates for advertisement and award of the construction contract.

24. ACQUISITION/ADMINISTRATIVE COSTS

Revision to Policy Guidance Letter No. 11, Credit for Lands, Easements, Right-of-Way (LER) at Shore Protection Projects, dated 21 April 1989, and ER 405-1-12, Real Estate Handbook, directs lands subject to shore erosion required for project purposes be

appraised considering special benefits. The intent is to preclude credit for lands needed for shore protection projects, when the increase in value of the remaining lands would offset compensation for the property as well as any severance damages. Erodible land protected by a Federal project is credited at zero as it may be enhanced post-project.

The estimate of the Federal real estate acquisition administrative cost including a contingency is \$325,000.00. This cost includes project real estate planning, mapping, review, oversight, monitoring, crediting review costs, certification of lands required for project purposes, real estate analysis or other requirements that may be necessary during PED. The NFS will receive credit towards its share of real estate administrative project cost incurred for certification.

The estimate of the NFS administrative costs including a contingency is \$650,000.00. This cost includes project real estate planning, mapping, review, oversight, monitoring, and crediting review costs. The NFS has been provided with requirements regarding acquisition policies and procedures, including compliance with Public Law 91-646, as amended, Land, Easement, Right-of-Way, Relocation and Disposal (LERRD) crediting procedures.

25. REAL ESTATE CHART OF ACCOUNT

01	Lands & Damages	\$	0
01B--	Acquisition/Administrative		
01B20	By Project Sponsor	\$	500,000.00
01B40	Review of Project Sponsor	\$	250,000.00
TOTAL REAL ESTATE COST EXCLUDING CONTINGENCY		\$	750,000.00
	Contingency (30%)	\$	225,000.00
TOTAL PROJECT REAL ESTATE COST		\$	975,000.00

26. ESTATES TO BE ACQUIRED

The estates to be used for the Project are standard estates and require no special approvals.

27. STANDARD ESTATES

TEMPORARY WORK AREA EASEMENT

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for a period not to exceed _____, beginning with date possession of the land is granted to the United States, for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and

erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the _____ Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT

A perpetual and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tract No. ___) for use by the (Project Sponsor), its representatives, agents, contractors, and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach, a dune system, and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the (Project Name), together with the right of public use and access; [to plant vegetation on said dunes and berms; to erect, maintain and remove silt screens and sand fences; to facilitate preservation of dunes and vegetation through the limitation of access to dune areas;] to trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures and obstacles within the limits of the easement (except _____); [reserving, however, to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, the right to construct dune overwalk structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the (designated representative of the Project Sponsor) and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project; and further] reserving to the grantor(s), (his) (her) (its) (their) (heirs), successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipeline.

TEMPORARY PIPELINE EASEMENT.

A temporary and assignable easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, _____ and _____), for the location, construction, operation, maintenance, alteration; repair and patrol of (overhead) (underground) (specifically name type of utility or pipeline); together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as

may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

28. REAL ESTATE MAPS

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EXHIBIT NO. 1

DRAFT ASSESSMENT OF NON-FEDERAL
SPONSOR'S REAL ESTATE ACQUISITION
CAPABILITY FOR
PINELLAS COUNTY
COASTAL STORM RISK MANAGEMENT FEASIBILITY
STUDY

DRAFT

REAL ESTATE CAPABILITY ASSESSMENT

ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITY

FOR

PINELLAS COUNTY, FLORIDA

COASTAL STORM RISK MANAGEMENT PROJECT

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?
- b. Does the sponsor have the power of eminent domain for this project?
- c. Does the sponsor have "quick-take" authority for this project?
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary?
- e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

II. Human Resource Requirements:

- a. Will the sponsor's in-house staff require technical training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended?
- b. If the answer to a. is "yes," has a reasonable plan been developed to provide such training?
- c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?
- d. Is the sponsor's projected in-house staffing level sufficient considering its other work load, if any, and the project schedule?
- e. Can the sponsor obtain contractor support, if required in a timely fashion?
- f. Will the sponsor likely request USACE assistance in acquiring real estate?

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site?
- b. Has the sponsor approved the project/real estate schedule/milestones?

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects?
- b. With regard to this project, the sponsor is anticipated to be: highly capable/fully.

V. Coordination:

- a. Has this assessment been coordinated with the sponsor?
- b. Does the sponsor concur with this assessment?

Date:

Prepared by:

Chief, Acquisition Branch
Real Estate Division

Reviewed by:

Deputy Chief,
Real Estate Division

Reviewed and approved by:

Chief, Real Estate Division

EXHIBIT 2:

DRAFT RISK LETTER



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
701 SAN MARCO BLVD
JACKSONVILLE, FLORIDA 32207-8175

, 2020

Real Estate Division
Acquisition Branch

Pinellas County Board of County Commissioners
Attn: Andy Squires, Coastal Manager
14 South Fort Harrison Avenue
Clearwater, Florida 337566

Dear Mr. Squires:

The intent of this letter is to formally advise Pinellas County as the non-Federal sponsor for the Pinellas County, Florida, Coastal Storm Risk Management Project, of the risks associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-Federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-Federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include, but may not be limited to, the following:

1. Congress may not appropriate funds to construct the proposed project;
2. The proposed project may otherwise not be funded or approved for construction;
3. A PPA mutually agreeable to the non-federal sponsor and the Government may not be executed and implemented;
4. The non-federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
5. The non-federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
6. The non-federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

7. The non-federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA.

We appreciate the County's participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Mr. Hansler Bealyer at hansler.a.bealyer@usace.army.mil or 904-232-1178.

Sincerely,

Timothy H. McQuillen
Chief, Real Estate Division

EXHIBIT 3

Sample Consolidated Joint Coastal Permit and Sovereign Submerged Lands Authorization



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road, MS 3544
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

CONSOLIDATED MAJOR MODIFICATION OF JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE:

Miami-Dade County
Regulatory and Economic Resources
Environmental Resource Management
c/o Jamie Monty
701 NW 1st Court
Miami, Florida 33136

and, for the 2017/2018 Sunny Isles
Nourishment event only:

U.S. Army Corps of Engineers
Jacksonville District
Environmental Branch
c/o Matthew Miller
701 San Marco Blvd.
Jacksonville, Florida 32207

PERMIT INFORMATION:

Permit Number: 0233882-010-JM

Project Name: Miami Beach Truck Haul
Nourishment

County: Miami Dade County

Issuance Date: June 16, 2017

Expiration Date: March 24, 2019

REGULATORY AUTHORIZATION:

This major modification to Permit No. 0233882-005-JM is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity. This major modification extends the Sunny Isles beach nourishment segment approximately 4,300 feet to the south, from Department Reference Monument R-15 to R-19.3. This major modification hereafter referred to as Permit No. 0233882-010-JM, supersedes Permit No. 0233882-005-JM. For clarity and comprehensiveness, the existing permit (including all regulatory descriptions and conditions) will be replaced in entirety; strikethroughs and underlines will not be utilized.

**Joint Coastal Permit
Miami Beach Truck Haul
Nourishment Permit No. 0233882-
010-JM**

PROJECT DESCRIPTION:

The project authorizes the nourishment of six (6) segments of eroded shoreline with sand obtained from either the Ortona Sand Mine, Vulcan Materials Witherspoon Mine, the SDI Quarry or approved upland construction stockpiles. The sand from upland sources will be delivered to the proposed locations via truck-haul. The design berm template for the 27th Street segment (R-60 to R-61) has a height of +8.2 feet NGVD; the design berm templates for the 44th Street segment (R-53.5 to R-55.7) and the 55th Street segment (R-48.7 to R-50.7) have an elevation not to exceed 6.6 feet NAVD; and the design berm templates for Sunny Isles (R-7 to R-19.3), Bal Harbour (R-27 to R-32) and 65th Street (R-43 to R-48+700) have an elevation not to exceed 6.9 feet NAVD. The construction berms for the 44th Street and 55th Street segments will tie into existing grade with a variable slope that averages a 1:15 (vertical: horizontal) slope. At all other segments, the slope from the top of berm to the mean high water (MHW) line will be 1:10 and 1:5 from MHW to the construction toe of fill. Multiple truck-haul nourishment events are authorized for all six (6) segments during the life of this permit.

PROJECT LOCATION:

The nourishment sites are located in the Cities of Miami Beach, Bal Harbour and Sunny Isles Beach, in Miami-Dade County. The 27th Street segment is located from FDEP Reference Monuments R-60 to R-61, Section 14, Township 53 South, Range 42 East. The 44th Street segment extends from R-53.5 to R-55.7, Section 23, Township 53 South, Range 42 East. The 55th Street segment extends from R-48.7 to R-50.7, Section 26, Township 53 South, Range 42 East. The 65th Street segment is located between R-43 and R-48+700, Section 26, Township 52 South and Range 42 East. The Sunny Isles segment is located between R-7 and R-19.3, Sections 19 and 31, Townships 51 and 52 South, Range 42 East. The Bal Harbour segment is located between R-27 and R-32, Section 11, Township 53 South, and Range 42 East. All beach areas described above front the Atlantic Ocean, Class III Waters, not in Outstanding Florida Waters.

PROPRIETARY AUTHORIZATION:

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands held in trust by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Board of Trustees delegated, to the Department, the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. This proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21 and Section 62-330.075, F.A.C., and the policies of the Board of Trustees.

The Department has also determined that the beach nourishment activity qualifies for a Letter of Consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

COASTAL ZONE MANAGEMENT:

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

WATER QUALITY CERTIFICATION:

This permit constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

OTHER PERMITS:

Authorization from the Department does not relieve you from the responsibility of obtaining other permits (Federal, State, or local) that may be required for the project. When the Department received your permit application, a copy sent to the U.S. Army Corps of Engineers (Corps) for review. The Corps will issue their authorization directly to you, or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date that your application was received by the Department, contact the nearest Corps regulatory office for status and further information. Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.

AGENCY ACTION:

The above named Permittees are hereby authorized to construct the work that is outlined in the Project Description and Project Location of this permit and as shown on the approved permit drawings, plans and other documents attached hereto. This agency action is based on the information submitted to the Department as part of the permit application, and adherence with the final details of that proposal shall be a requirement of the permit. **This permit and authorization to use sovereign submerged lands are subject to the General Conditions, General Consent Conditions and Specific Conditions, which are a binding part of this permit and authorization.** Both the Permittees and their Contractors are responsible for reading and understanding this permit (including the permit conditions and the approved permit drawings) prior to commencing the authorized activities, and for ensuring that the work is conducted in conformance with all the terms, conditions and drawings.

GENERAL CONDITIONS:

1. All activities authorized by this permit shall be implemented as set forth in the project description, permit drawings, plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to Rule 62B-49.008, F.A.C.
2. If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of

**Joint Coastal Permit
Miami Beach Truck Haul
Nourishment Permit No. 0233882-
010-JM**

- noncompliance, including dates and times; and, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. This permit does not eliminate the necessity to obtain any other applicable licenses or permits that may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project that are not addressed in this permit.
 4. Pursuant to Sections 253.77 and 373.422, F.S., prior to conducting any works or other activities on state-owned submerged lands, or other lands of the state, title to which is vested in the Board of Trustees, 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 shall not be considered received until it has been fully executed.
 5. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
 6. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.
 7. This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
 8. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
 9. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall electronically submit to the Department, by email at JCPCCompliance@dep.state.fl.us, and the appropriate District office of the Department a

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written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.

10. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, shipwreck remains or anchors, dugout canoes or 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, the permitted project shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. 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. Project activities shall not resume without verbal and/or written authorization from the Division of Historical Resources. 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, F.S.
11. Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the permittee shall electronically submit to the Department, by email at JCPCCompliance@dep.state.fl.us, and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on as-built drawings electronically submitted to the Department, by email at JCPCCompliance@dep.state.fl.us.

GENERAL CONSENT CONDITIONS:

1. Authorizations are valid 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 shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

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4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use or operation of the structure or activity shall not adversely affect any species that 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 shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident or fire.
9. Structures or activities shall be constructed, operated and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

SPECIFIC CONDITIONS:

1. All reports or notices relating to this permit shall be electronically submitted to the Department's JCP Compliance Officer (e-mail address: JCPCompliance@dep.state.fl.us) unless otherwise specified in the specific conditions of this permit.
2. The Permittee shall not store or stockpile tools, equipment, materials, etc., within littoral zones or elsewhere within surface waters of the state without prior written approval from the Department. Storage, stockpiling or access of equipment on, in, over or through beds of submerged aquatic vegetation, wetlands or hardbottom is prohibited unless it occurs within a work area or ingress/egress corridor that is specifically approved by this permit and is shown on the approved permit drawings.
3. The Permittee shall not conduct project operations or store project-related equipment in, on or over dunes, or otherwise impact dune vegetation, outside the approved staging, beach access and dune restoration areas designated in the permit drawings.
4. No work shall be conducted under this permit until the Permittee has received a written notice to proceed from the Department for each event. At least 30 days (except specific condition 4. h. below) prior to the requested date of issuance of the notice to proceed, the Permittee shall submit a written request for a Notice to Proceed along with the following items for review and approval by the Department:

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- a. An electronic copy of detailed *final construction plans and specifications* for all authorized activities. The plans and specifications must be consistent with the project description of this permit and the attached permit drawings, and shall also be certified by a professional engineer (P.E.), who is registered in the State of Florida. The Permittee shall point out any deviations from the Project Description of this permit (as stated above) or the approved permit drawings (attached to this permit), and any significant changes would require a permit modification. The plans and specifications shall include a description of the dredging and construction methods to be utilized and drawings and surveys that show all biological resources and work spaces (e.g., anchoring areas, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project.
- b. A *summary of construction details*, including the exact locations to be nourished, the estimated schedule and the approximate volume of sand to be placed at each site.
- c. An *Environmental Protection Plan (EPP)* for review and comment by the Department and the FWC. The EPP shall include site-specific details of protected species monitoring and other conservation measures to be discussed by the Permittee during the pre-construction conference.
- d. A diver-verified *hardbottom survey* in the vicinity of the proposed placement sites, conducted the summer prior to construction between May 1 and September 30, showing the landward extent of the nearshore hardbottom. This survey shall include in situ photographs; hardbottom edge survey data; and raw transect survey data, at a minimum. This survey is only required for placement areas where hardbottom resources have been identified within 600 feet of the mean low water line (MLWL). A summary documenting methodologies to be used for the post-construction monitoring survey shall also be required prior to Notice to Proceed issuance to ensure consistency between the pre- and post-construction monitoring surveys.
- e. A summary of *turbidity monitoring qualifications*. In order to assure that turbidity levels do not exceed the compliance standards established in this permit, construction at the project site shall be monitored closely by an independent third party with formal training in water quality monitoring and professional experience in turbidity monitoring for coastal construction projects. Also, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions, along with 24-hour contact information, shall be submitted for approval.

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- f. A *Scope of Work* for the turbidity monitoring to ensure that the right equipment is available to conduct the monitoring correctly at any location, and under any conditions.
 - g. Documentation from the U.S. Fish and Wildlife Service (FWS) that this work will be covered under a Statewide Programmatic *Biological Opinion* or Biological Opinions (BO) issued for construction on this project site. If the BO contains conditions that are not already contained herein, the Notice to Proceed may be withheld if it is determined that the permit requires a modification to include those additional conditions.
 - h. ***Proof of Publication.*** Proof of Publication of the Intended Agency Action for Permit No. 0233882-010-JM. Proof of Publication shall be submitted to the Department within 21 days of publication.
5. **Pre-Construction Conference.** The Permittee shall conduct a pre-construction conference to review the specific conditions and monitoring requirements of this permit with Permittee's contractors, the engineer of record, those responsible for turbidity monitoring and the JCP Compliance Officer (or designated alternate) prior to each construction event. In order to ensure that appropriate representatives are available, at least twenty-one (21) days prior to the intended commencement date for the permitted construction, the Permittee is advised to contact the Department, and the other agency representatives listed below:

JCP Compliance Officer
e-mail: JCPCCompliance@dep.state.fl.us

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

The Permittee is also advised to schedule the pre-construction conference at least a week prior to the intended commencement date. At least seven (7) days in advance of the pre-construction conference, the Permittee shall provide written notification, advising the participants of the agreed-upon date, time and location of the meeting, and also provide a meeting agenda and a teleconference number.

And

If the authorized work begins more than 2 months prior to marine turtle nesting season, or in the event that work on an ongoing project that was scheduled to be completed prior to

nesting season extends into nesting season, an additional pre-construction conference shall be required to review marine turtle protection conditions specified herein. This pre-construction conference shall be held prior to work occurring during nesting season.

6. Fill material shall be sand similar to the native beach in both coloration and grain size distribution and shall comply with the Department's requirements pursuant to Rule 62B-41.007(2)(j), F.A.C., and shall comply with the approved Sediment QA/QC Plan (approved Nov 2014).

Marine Turtle Conditions

For the purposes of this permit, April 15 through October 31 shall be considered the marine turtle nesting season for this area.

7. **Beach Related Activities.** The Permittee shall adhere to the following requirements for all beach-related activities during marine turtle nesting season:
 - a. *Beach Driving.* All vehicles shall be operated in accordance with the FWC's *Best Management Practices for Operating Vehicles on the Beach* (<http://myfwc.com/conservation/you-conserve/wildlife/beach-driving/>). Specifically, the vehicle shall be operated at a speed <6 mph, and run at or below the high-tide line. All personnel associated with the project shall be instructed about the potential presence of marine turtles, and the need to avoid Take of (including disturbance to) these protected species.
 - b. *Equipment Storage and Placement.* Staging areas for construction equipment shall be located off the beach, if off-beach staging areas are available. Nighttime storage of construction equipment that is not in use shall be located off the beach to minimize disturbance to marine turtle nesting and hatching activities.
8. **Construction during Marine Turtle Nesting Season.** Construction is authorized throughout the year, including marine turtle nesting season, under the following conditions:
 - a. Daily early morning marine turtle nest surveys shall be conducted during the marine turtle nesting season on all sandy beaches within the project area and all areas used for beach access as described in Specific condition 8.b., below. No construction activity may commence until completion of the marine turtle survey each day.
 - b. Daily nesting surveys shall be initiated 65 days prior to construction activities or by April 15, whichever is later; and shall continue through the end of the project, or until October 31, or until two weeks after the last crawl in the project area, whichever is earlier.

- c. Nesting surveys and egg relocations shall only be conducted by persons with prior experience and training in these activities and who are duly authorized to conduct such activities through a valid permit issued by FWC, pursuant to Chapter 68E-1, F.A.C. Please contact FWC's Marine Turtle Management Program in Tequesta at MTP@myfwc.com for information on the turtle permit holder in the project area. It is the responsibility of the Permittee to ensure that nesting surveys are completed by the authorized Marine Turtle Permit Holder.
 - d. After the construction is completed, marine turtle nest monitoring and reporting shall continue throughout the nesting season, and shall be conducted according to the Post-Construction Monitoring and Reporting of Marine Turtle Nesting requirements in Specific Condition 16.
9. **Nest Relocation.** If nests are laid in areas where they may be affected by sand placement activities, eggs shall be relocated per the following requirements:
 - a. Only those nests laid in the area where sand placement will occur shall be relocated. Nest relocation shall not occur after the sand placement is completed. Nests requiring relocation shall be moved no later than 9:00 a.m. the morning following deposition to a nearby self-release beach site in a secure setting, where artificial lighting will not interfere with hatchling orientation. Relocated nests shall not be placed in organized groupings but shall be randomly staggered along the length and width of beach in an area that is not subject to inundation by high tides; severe erosion; previous egg loss; or severe predation.
 - b. Nests deposited within areas where construction activities will not occur for 65 days, or nests laid in the nourished berm prior to tilling shall be marked and left in place. The turtle permit holder shall install an on-beach marker at the nest site, and shall also install a secondary marker at a point as far landward as possible to assure that the nest can be located in the future should the on-beach marker be lost. No activity shall occur within this area, nor shall any activities occur that could result in impacts to the nest. Nest sites shall be inspected daily to assure nest markers remain in place and the nest has not been disturbed by the project activity.
10. **Daytime Work.** All work conducted during the marine turtle nesting season shall be limited to daylight hours only, and all depressions, ruts and holes shall be removed from the beach each day prior to 9 p.m.
11. **Marine Turtle or Nest Encounters.** Upon locating a dead or injured marine turtle adult, hatchling or egg that may have been harmed or destroyed as a direct or indirect result of the project, the Permittee shall notify FWC Wildlife Alert at 1-888-404-FWCC (3922). Care shall be taken in handling injured marine turtles or eggs to ensure effective treatment or disposition, and in handling dead specimens to preserve biological materials

in the best possible state for later analysis. If a marine turtle nest is excavated during construction activities, but not as part of the authorized nest relocation process outlined in these specific conditions, the marine turtle permit holder who is responsible for egg relocation for the project shall be notified immediately so the eggs can be moved to a suitable relocation site.

12. Noting Specific Condition 10 above, any direct lighting of the beach during the marine turtle nesting season shall be limited to the immediate construction area and shall comply with safety requirements. Light intensity of lighting equipment shall be reduced to the minimum standard required for general construction areas, in order to avoid misdirecting marine turtles. Shields shall be affixed to the light housing and shall be large enough to block light from all lamps from being transmitted outside the construction area (*Figure 1*).

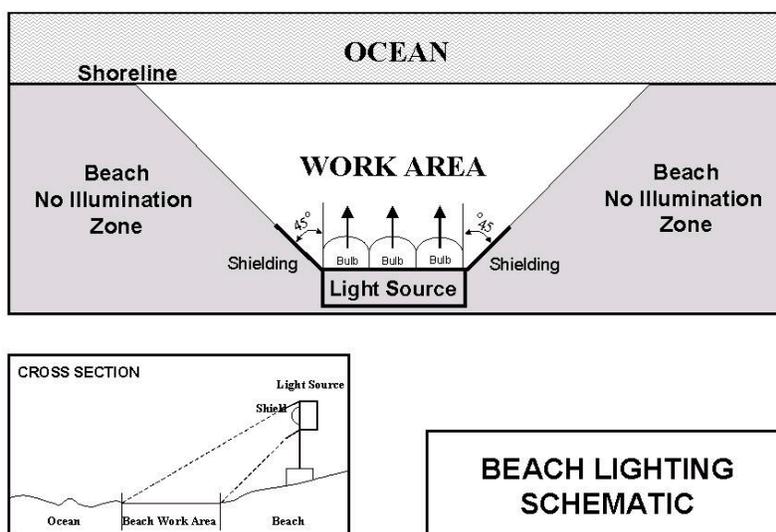


Figure 1: Lighting

13. **Tilling.** The beach shall be tilled as described below or the applicant may follow the procedure outlined in Specific Condition 14, below, to request a waiver of the tilling requirement. During tilling, at a minimum, the protocol provided below shall be followed:
 - a. The area shall be tilled to a depth of 24 inches. All tilling activity must be completed prior to April 15 or as authorized by the project's BO, whichever is earlier. If the project is completed during the marine turtle nesting season, tilling shall not be performed in areas where nests have been left in place or to which nests have been relocated.

- b. A relatively even surface, with no deep ruts or furrows, shall be created during tilling. To do this, chain-linked fencing or other material shall be dragged over those areas as necessary after tilling.
 - c. Tilling shall occur landward of the wrack line, and shall avoid all naturally vegetated areas that are at least 3 square feet in size, as well as any planted areas that have been authorized by the Department. A 3-foot-wide No-Tilling buffer shall be maintained around the vegetated areas. The slope between the mean high water line and the mean low water line shall be maintained to approximate natural slopes.
 - d. If the project is completed just before the nesting season, tilling shall not occur in areas where nests have been left in place.
 - e. Any vehicles operated on the beach in association with tilling shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you- conserve/wildlife/beach-driving/>).
 - f. Within 30 days of completion of each truck haul event, the Permittee shall provide the dates that tilling of the project and staging area was performed to marineturtle@myfwc.com. If tilling was not conducted, the Permittee shall provide a report summarizing all compaction readings. A copy of the information shall also be sent to the Department's JCP Compliance Officer.
14. **Compaction Monitoring.** To request a waiver of the tilling requirement, the Permittee may measure sand compaction in the area of restoration in accordance with the following protocol. Out-year compaction monitoring and remediation are not required if placed sand no longer remains on the beach. At a minimum, the protocol provided under Specific Conditions 14.a. and b. (below) shall be followed. If the average value for any depth exceeds 500 pounds per square inch (psi) for any two or more adjacent stations, then that area shall be tilled prior to the beginning of marine turtle nesting season. If values exceeding 500 psi are distributed throughout the project area, but in no case do those values exist at two adjacent stations at the same depth, then the Permittee shall consult with the FWC to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling will not be required.
- a. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area), and one station shall be midway between the dune line and the high water line (normal wrack line).
 - b. At each station, the cone penetrometer shall be pushed to depths of 6, 12 and 18 inches three times (i.e., three replicates at each depth). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if

- sediment layering exists. Layers of highly compact material may lie over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth shall be averaged to produce final values for each depth at each station. Reports shall include all 18 values for each transect line, and the final 6 averaged compaction values.
- c. Any vehicles operated on the beach in association with compaction surveys shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you- conserve/wildlife/beach-driving/>).
15. **Escarpment Surveys.** Visual surveys for escarpments along the project area shall be made immediately after completion of sand placement, two weeks prior to marine turtle nesting season the following year, and throughout nesting season for the year of construction as well as the following year if placed sand remains on the beach.
- a. The Permittee shall contact JCPcompliance@dep.state.fl.us and marineturtle@myfwc.com immediately if weekly surveys during the nesting and hatching season document the occurrence of escarpments that exceed 18 inches in height for a distance of 100 feet or more.
- b. If the Department determines that escarpment leveling is required during the nesting or hatching season, a brief written authorization that describes methods to be used to reduce the likelihood of impacting existing nests will be provided. Escarpments that interfere with marine turtle nesting or that exceed 18 inches in height for a distance of at least 100 feet shall be leveled immediately and the beach profile shall be reconfigured to minimize scarp formation by the beginning of marine turtle nesting season. If the project is completed during the marine turtle nesting and hatching season, all nests that have been relocated or left in place shall be avoided and protected during escarpment remediation.
- c. Any escarpment removal shall be reported by location to FWC at marineturtle@myfwc.com , with a copy sent to the JCP Compliance Officer at jcpcompliance@dep.state.fl.us . An annual summary of the weekly escarpment surveys and actions taken shall be submitted electronically to marineturtle@myfwc.com . NOTE: Out-year escarpment monitoring and remediation are not required if placed material no longer remains on the dry beach.
- d. Any vehicles operated on the beach in association with escarpment surveys or removal shall operate in accordance with the FWC's Best Management Practices for Operating Vehicles on the Beach (<http://myfwc.com/conservation/you- conserve/wildlife/beach-driving/>).

16. **Post-construction Monitoring and Reporting of Marine Turtle Nesting.** Reports on all marine turtle nesting activity shall be provided for the initial marine turtle nesting season, and for up to two additional nesting seasons as follows:
- a. Monitoring of nesting activity in the seasons following construction shall include daily surveys to document all crawl activity, the number of nests that were lost to erosion or that were washed out, nesting success rates, hatching success of all relocated nests, hatching success of a representative sampling of nests left in place (if any) by species, project name, permit numbers and dates of construction as follows:
 - i. For the remainder of the nesting season immediately following construction, and for the following year, the number and type of emergences (nests or false crawls) shall be reported per species in accordance with the table below. An additional year of nesting surveys may be required if nesting success for any species on the nourished beach is less than 40%.
 - ii. For the remainder of the nesting season immediately following construction, reproductive success shall be reported per species in accordance with the table below. Reproductive success shall be reported for all loggerhead, Kemp's ridley, green and leatherback nests. An additional year of nesting surveys may be required if nesting success for any species on the nourished beach is less than 60%.
 - iii. If the documented reproductive success for each species meets or exceeds the required criteria, as outlined in the table below, monitoring for reproductive success shall be recommended, but not required for the second year post-construction.

Report Requirements. Data shall be reported for the area where sand was placed in accordance with *Table 1* below, and shall be submitted in electronic format (Excel spreadsheets) to the FWC Imperiled Species Management Section at marineturtle@myfwc.com and copied to JCPCCompliance@dep.state.fl.us. All summaries shall be submitted by January 15th of the following year. The FWC Excel spreadsheet is available upon request from marineturtle@myfwc.com.

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Table 1: Marine Turtle Monitoring for Beach Placement of Material

Metric	Duration	Variable	Criterion
Nesting Success	Year of in-season construction, two years post construction if placed sand remains on beach and variable does not meet criterion based on previous year.	Number of nests and non-nesting events.	40 percent or greater.
Hatching Success	Year of in-season construction. And one year post construction if placed sand remains on beach and variable does not meet success criterion based on previous year.	Number of hatchlings by species to hatch from egg.	60 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests).
Emergence Success	Year of in-season construction and one year post construction if placed sand remains on beach and variable does not meet success criterion based on previous year.	Number of hatchlings by species to emerge from nest onto beach.	80 percent or greater (a statistically valid number of loggerhead and green nests, and all leatherback nests).
Disorientation	Year of in-season construction and one year post construction if placed sand remains on the beach.	Number of nests and individuals that misorient or disorient.	
Lighting Surveys	Two surveys the year following construction, one survey between May 1 and May 15 and second survey between July 15 and August 1.	Number, location and photographs of lights visible from nourished berm, corrective actions and notifications made.	Lighting survey and meeting resulting with plan for reduction in lights visible from nourished berm.
Compaction	Three seasons following construction. Not required if the beach is tilled prior to nesting season each year placed sand remains on beach.	Shear resistance.	Less than 500 psi.
Escarpment Surveys	Weekly during nesting season for up to two years each year placed sand remains on the beach.	Number of scarps 18 inches or greater extending for more than 100 feet that persist for more than 2 weeks.	Successful remediation of all persistent scarps as needed.

17. **Lighting Surveys.** Two lighting surveys shall be conducted of all artificial lighting visible from the nourished berm. The first survey shall be conducted between May 1 and May 15 of the first nesting season following sand placement. The second survey shall be conducted between July 15 and August 1.
- a. The survey shall be conducted from the top of the foreshore slope (i.e., the seaward edge of the filled berm before it slopes into the water), facing landward.
 - b. A survey report shall be written including the number and type of visible lights, location of lights and include photo documentation for each structure with exterior lights.
 - c. The survey report shall be forwarded to the local government or local code enforcement for resolution. The report shall also be sent to FWC at marineturtle@myfwc.com and copied to JCPCCompliance@dep.state.fl.us by the 1st of the month following the survey. A summary report documenting what corrective actions or local enforcement actions have been taken shall also be submitted by December 15 of that year.

MONITORING REQUIRED

18. **Biological Monitoring.** In areas where nearshore resource impacts are not permitted or expected to occur, but have the potential to be impacted, a pre- and post-construction impact assessment shall be conducted. Should any unpermitted impacts be documented to be project related, mitigation will be required to offset the impacts. Surveys shall be conducted in the summer months immediately prior to construction and the summer months immediately following construction completion. Surveys shall be conducted using the same methodologies as the pre-construction survey. At least 90 days following each required survey, a monitoring report shall be submitted to the Department's JCP Compliance Officer at JCPCCompliance@dep.state.fl.us. Raw data should be submitted directly to the Department within 45 days of completion of the survey to the JCPCCompliance@dep.state.fl.us and shall consist of the following: aerial photographs (if conducted), video and in situ photographs; hardbottom edge survey data; raw transect survey data, and field datasheets.
- a. Should impacts to nearshore hardbottom resources be detected, the Permittee will be required to submit an impact report to the Department for review and approval within 60 days of discovery of impact.
 - b. Following Department review and approval of the impact report, the Permittee will be required submit a Mitigation Plan to the Department for review and approval within 90 days of the Departments approval date of the impact report.
 - c. The Permittee will be required to implement the Mitigation Plan within 6 months of the Departments approval of the Plan.

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19. **Physical Monitoring.** Physical monitoring shall be conducted in accordance with the Department approved Miami-Dade County-Wide Physical Monitoring Plan, dated October 2016.

20. **Water Quality.** Turbidity shall be monitored as follows:

Units: Nephelometric Turbidity Units (NTUs).

Frequency: Monitoring shall be conducted 2 times daily, approximately 4 hours apart, and at any other time that there is a likelihood of an exceedance of the turbidity standard, during all sand placement operations. Sampling shall be conducted **while the highest project-related turbidity levels are crossing the edge of the mixing zone.** The compliance samples and the corresponding background samples shall be collected at approximately the same time, i.e., one shall immediately follow the other.

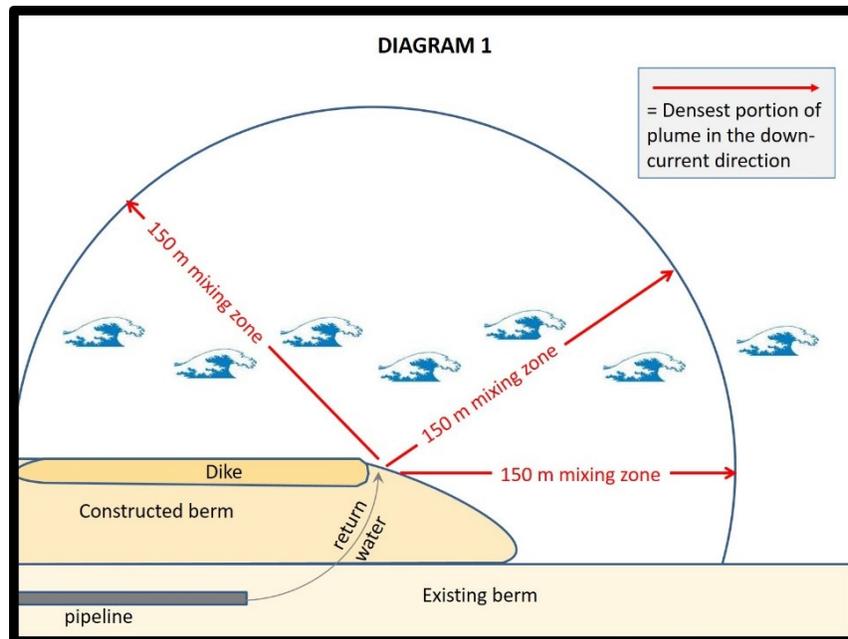
Location: Background: Sampling shall occur at mid-depth, clearly outside the influence of any artificially generated turbidity plume or the influence of an outgoing inlet plume.

Beach Site: Samples shall be collected at least 300 meters up-current from any portion of the beach that has been, or is being, filled during the current construction event, at the same distances offshore as the associated compliance samples.

Compliance: Sampling shall occur at mid-depth.

Beach Site: Samples shall be collected where the densest portion of the turbidity plume crosses the edge of the mixing zone, which measures 150 meters from the most recent in-water sand placement point. *Note: If the plume flows parallel to the shoreline, the densest portion of the plume may be close to shore, in shallow water. In that case, it may be necessary to access the sampling location from the shore, in water that is too shallow for a boat. See Diagram 1.*

Diagram 1: Mixing Zone



Calibration: The instruments used to measure turbidity shall be fully calibrated with primary standards within one month of the commencement of the project, and at least once a month throughout the project. Calibration with secondary standards shall be verified each morning prior to use, after each time the instrument is turned on, and after field sampling using two secondary turbidity “standards” that bracket the anticipated turbidity samples. If the post-sampling calibration value deviates more than 8% from the previous calibration value, results shall be reported as estimated and a description of the problem shall be included in the field notes.

Analysis of turbidity samples shall be performed in compliance with DEP-SOP-001/01 FT 1600 Field Measurement of Turbidity:

<http://publicfiles.dep.state.fl.us/dear/sas/sopdoc/2008sops/ft1600.pdf>

If the turbidity monitoring protocol specified above prevents the collection of accurate data, the person in charge of the turbidity monitoring shall contact the JCP Compliance Officer to establish a more appropriate protocol. Once approved in writing by the Department, the new protocol shall be implemented through an administrative permit modification.

21. The **compliance** locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity

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levels at the **compliance** sites that are greater than **29 NTUs** above the corresponding background turbidity levels or above zero (**0**) NTUs over background within the Biscayne Bay Aquatic Preserve, construction activities shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the JCP Compliance Officer via email at JCPCCompliance@dep.state.fl.us and include in the subject line, “TURBIDITY EXCEEDANCE”, and the Project Name and Permit Number. Also notify the Department’s Southeast District office.

Any project-associated turbidity source other than dredging or fill placement for beach nourishment (e.g., scow or pipeline leakage) shall be monitored as close to the source as possible. If the turbidity level exceeds 29 NTUs above background levels or above zero (0) NTUs over background within the Biscayne Bay Aquatic Preserve, the construction activities related to the exceedance shall **cease immediately** and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. This turbidity monitoring shall continue every hour until background turbidity levels are restored or until otherwise directed by the Department. The Permittee shall notify the Department, by separate email to the JCP Compliance Officer, of such an event within 24 hours of the time the Permittee first becomes aware of the discharge. The subject line of the email shall state “OTHER PROJECT-ASSOCIATED DISCHARGE, TURBIDITY EXCEEDANCE”.

When reporting a turbidity exceedance, the following information shall also be included:

- a. the Project Name;
- b. the Permit Number;
- c. location and level (NTUs above background) of the turbidity exceedance;
- d. the time and date that the exceedance occurred; and
- e. the time and date that construction ceased.

Prior to re-commencing the construction, a report shall be emailed to the Department with the same information that was included in the “Exceedance Report”, plus the following information:

- a. turbidity monitoring data collected during the shutdown documenting the decline in turbidity levels and achievement of acceptable levels;
- b. corrective measures that were taken; and
- c. cause of the exceedance.

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22. **Turbidity Reports:** All turbidity monitoring data shall be submitted within one week of analysis. The data shall be presented in tabular format, indicating the measured turbidity levels at the compliance sites for each depth, the corresponding background levels at each depth and the number of NTUs over background at each depth. Any exceedances of the turbidity standard (29 NTUs above background) shall be highlighted in the table. In addition to the raw and processed data, the reports shall also contain the following information:
- a. time of day samples were taken;
 - b. dates of sampling and analysis;
 - c. GPS location of sample;
 - d. depth of water body;
 - e. depth of each sample;
 - f. antecedent weather conditions, including wind direction and velocity;
 - g. tidal stage and direction of flow;
 - h. water temperature;
 - i. a map, overlaid on an aerial photograph, indicating the sampling locations, dredging and discharge locations, and direction of flow. A sample map shall reviewed and approved by the Department prior to construction;
 - j. a statement describing the methods used in collection, handling, storage and analysis of the samples;
 - k. a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, calibration of the meter, accuracy of the data and precision of the GPS measurements;
 - l. When samples cannot be collected, include an explanation in the report. If unable to collect samples due to severe weather conditions, include a copy of a current report from a reliable, independent source, such as an online weather service.

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

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

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120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

Attachments: Approved Permit Drawings (34 pages-various dates)
Miami Dade County-Wide Physical Monitoring Plan (approved on October 2016)
Sediment QA/QC Plan (approved November 2014)

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EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



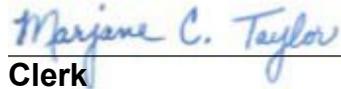
Lainie Edwards, Ph.D.
Program Administrator
Beaches, Inlets and Ports Program
Division of Water Resource Management

CERTIFICATE OF SERVICE

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

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.


Clerk

6/16/17

Date