



FLORIDA DEPARTMENT OF Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

December 21, 2018

Miami-Dade County
Department of Regulatory and Economic Resources
Division of Environmental Resources Management
Attn: Marina Blanco-Pape
701 NW 1st Court
Miami, Florida 33136

and

US Army Corps of Engineers
Jacksonville District
Attn: Gina Paduano Ralph, Ph.D.
701 San Marco Boulevard
Jacksonville, Florida 32207

Permit Modification No. 0233882-013-JN
Permit No. 0233881-010-JM, Miami-Dade County
Project Name: Miami Beach Truck Haul Nourishment

Your request to modify Permit No. 0233881-010-JM was received on October 15, 2018 and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to add approximately 1.1 miles of shoreline in the Town of Surfside to the permitted nourishment template, and to extend the total duration of the permit to 15 years, as provided by Rule 62B-49.011(1)(a), Florida Administrative Code (F.A.C.).

Background

On September 21, 2006, the Department issued Permit No. **0233882-001-JC** to Miami-Dade County, Department of Environmental Resources Management (DERM). The permit authorized the nourishment of three eroded segments of the shoreline using truck-hauled sand from upland sources. The segments included the area south of the 32nd Street Breakwaters project area (where mitigation of the down-drift impacts from the breakwaters was required under the approved monitoring and mitigation plan for Permit No. **0156710-001-JC**), the erosional hotspot adjacent to 44th Street and the eroded section of the beach at 55th Street. The permit authorized multiple nourishment events. The initial placement of approximately 110,000 cubic yards of sand was divided almost equally among the three segments.

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On October 17, 2007, the Department issued Permit No. **0233882-002-JC**, a major modification that superseded Permit No. 0233882-001-JC. In addition to truck hauling of upland sources, Permit No. 0233882-002-JC authorized a one-time nourishment of the three (3) eroded segments using sand hydraulically excavated from an accretional portion of the beach at Lummus Park. This major modification was requested due to the low productivity rates and high sand loss that occurred while utilizing truck hauled sand from the mined source. Mobilization for the hydraulic nourishment began on November 1, 2007. This permit had an expiration date of September 22, 2011 but was later superseded by Major Modification No. 0233882-004-JM (discussed below). On December 26, 2007, the Department issued Minor Permit Modification No. **0233882-003-EM**, authorizing an additional upland source, which was similar to two (2) previously approved upland borrow areas, under Permit No. 0233882-002-JC. The new source was a shorefront construction area with approximately 8,000 cubic yards of beach-quality sand available.

On March 24, 2009, the Department issued Major Modification No. **0233882-004-JM**, which superseded Permit No. 0233882-002-JC. This modification authorized additional nourishment segments, totaling six (6) segments in all. These segments were to be nourished using Ortona Sand Mine or approved local upland construction stockpile sand. This permit was later superseded by Major Modification No. 0233882-005-JM (discussed below).

On January 6, 2011, the Department issued Major Modification No. **0233882-005-JM**, which superseded Permit No. 0233882-004-JM. This modification expanded three (3) of the nourishment segments. The Sunny Isles segment was expanded to encompass Department Reference Monuments R-7 to R-15, the Bal Harbour segment was expanded to encompass R-27 to R-32, and the 65th Street segment was expanded to encompass R-43 to R-48+700. The expiration date of the permit was extended to March 24, 2019. This permit was later superseded by Major Modification No 0233882-010-JM (discussed below).

On November 4, 2014, the Department issued Administrative Modification No. **0233882-006-JN**, in order to update the Sediment QA/QC plan, making it consistent with the permit. The update involved inclusion of sand specifications that would be consistent with stockpiled sand from local coastal construction projects as well as material from the Ortona Sand Mine.

On March 25, 2015, the Department issued Minor Modification No **0233882-007-JN**, revising Permit No. 0233882-005-JM by authorizing a one-time northward extension of the 44th Street segment fill template by approximately 700 feet, to R-53. This minor modification was requested because significant erosion in the project area has caused severe loss of beach berm and dune and had reduced access to emergency vehicles in the area.

On April 5, 2016, the Department issued Minor Modification No. **0233882-008-JN**, which revised Permit No. 0233882-005-JM. That modification extended the 44th Street segment fill template by approximately 400 feet, decreased the seaward berm slope of the 44th and 55th street segments, added two (2) additional upland sand mines as potential sources of fill, and

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added the United States Army Corps of Engineers (Corps) as a one-time Co-Permittee for the upcoming event only.

On October 21, 2016, the Department issued Minor Modification No. **0233882-009-JN**, which revised Permit No. 0233882-005-JM. That modification replaced the physical monitoring requirements with an updated county-wide physical monitoring plan and updated some of the fish and wildlife conditions.

On June 16, 2017, the Department issued Major Modification No. **0233882-010-JM**, which superseded Permit No. 0233882-005-JM. This major modification authorized the extension of the Sunny Isles beach nourishment segment by approximately 4,300 feet to the south, from R-15 to R-19.3. The modification was requested so that fill template would be consistent with the previous permit issued for that area (Permit No. **0126527-001-JC**, expired in 2010), which extended down to R-19.

For additional background, please see the ***CONSOLIDATED MAJOR MODIFICATION OF JOINT COASTAL PERMIT AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS*** for Permit No. 0233882-010-JM at the following website:

ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/dade/issued/0233882_Miami_Beach_Truck_Haul/010-JM/Final/

On October 6, 2017, the Corps applied for a minor permit modification (File No. **0233882-011-JN**) to Permit No. 0233882-010-JM. This modification was requested to allow an increase in construction vehicle speed and to allow vehicles to operate on the berm. On October 30, 2017, the application was withdrawn.

On February 6, 2018, the Department issued Minor Modification No. **0233882-012-JN**, which removed the SDI Quarry as an approved sand source from the permit. However, the Department received request for enlargement of time to petition the modification after issuance, and subsequently received a petition for administrative hearing. Therefore, as of the date of this modification, File No. 02233882-012-JN is proposed agency action and is not Final Order.

Justification and Staff Review

Time Extension

On November 19, 2015, the Department amended Rule 62B-49, F.A.C., which included options for 15-year permit durations. The Permittee has requested an extension to the duration of permit No. 0229394-001-JC, in accordance with Rule 62B-49.011(5), F.A.C. The Department has determined that the project meets the requirements set forth in Rule 62B-49.011(6)(a)-(d), F.A.C. Therefore, the Department will extend the expiration date of permit No. 0229394-001-JC, from March 24, 2019 to March 24, 2024, in conformance with Rule 62B-49.011(1), F.A.C.

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Town of Surfside Nourishment

The proposed project area expansion would allow as-needed nourishment and maintenance of the beaches of the Town of Surfside, between Department Range Monuments R-31 and R-36.5. This 1.1-mile expansion area is situated within the boundaries of the federally authorized nourishment area, between the currently permitted 65th street segment (R-43 to R-48+700) and Bal Harbour segment (R-27 to R-32). This segment of shoreline has previously been nourished under Department authorization. Therefore, the Department has reviewed this expansion request and determined that because additional impacts to hardbottom resources are not expected as a result of this expansion to the project area, this project qualifies for issuance of the minor modification. Construction within the new Surfside segment will utilize beach-compatible sand from previously approved upland sources, and will be subject to all conditions required by permit No. 0233882-010-JM.

The project description shall be revised as follows (~~strikethroughs~~ are deletions, underlines are additions):

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, 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/Surfside(R-27 to R-~~32~~36.5) 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.

The project location shall be revised as follows (~~strikethroughs~~ are deletions, underlines are additions):

The nourishment sites are located in the Cities of Miami Beach, Bal Harbour, Surfside, 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/Surfside segment is located between R-27 and R-

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326.5, 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.

The set of approved permit drawings shall be revised as follows:

The “Surfside Segment” permit drawings (9 plates, approved December 2018) will be added to the Approved permit drawings.

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or be contrary to the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting marine turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the **permit is hereby modified** as stated above. By copy of this letter and the attached drawings we are notifying all necessary parties of the modification.

This letter of approval extends the expiration date of the permit from March 24, 2019 to **March 24, 2024**. This letter and the attached drawings must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

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 Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

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- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. 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.

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Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Zach Boudreau by email at William.Boudreau@FloridaDEP.gov or by telephone at (850) 245-7585.

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Gregory W. Garis
Program Administrator
Beaches, Inlets and Ports Program
Division of Water Resource Management

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Attachments:

Surfside Segment Permit Drawings (9 Plates, Approved December 2018)

CERTIFICATE OF SERVICE

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

cc: Ivana Kenny Carmola, DWRM	Jenna Caderas, DEP SE District
Jennifer Steele, DWRM	Matthew Miller, USACE
Bob Brantly, DWRM	Kellie Youmans, FWC
Peter Bacopoulos, DWRM	Mary Duncan, FWC
Roxane Dow, DWRM	
JCP Compliance	

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

December 21, 2018

Date