



Florida Department of Environmental Protection

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Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

April 5, 2016

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

And

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

Permit Modification No. 0233882-008-JN
Permit No. 0233882-005-JM, Miami Dade County
Project Name: Miami Beach Truck Haul Nourishment and Sand Redistribution

Dear Ms. Monty and Mr. Miller:

Your request to modify Permit No. 0233882-005-JM was received on February 8, 2016, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to extend the 44th Street segment fill template by approximately 400 feet, to slightly decrease the seaward berm slope of the 44th and 55th street segments, to add two (2) additional upland sand mines as potential sources of fill, and to include the United States Army Corps of Engineers (Corps) as a one-time Co-Permittee for the upcoming event only.

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

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sources. The segments included the area south of the 32nd Street Breakwaters site (where mitigation of the downdrift 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.

On October 17, 2007, the Department issued Permit No. **0233882-002-JC**, a major modification that superseded Permit No. 0233882-001-JC.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. That 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 DERM to use an additional upland source, which was similar to the two (2) previously approved upland sand sources. 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 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.

For additional background, please see the *Consolidated Notice Of Intent To Issue Joint Coastal Permit, And Authorization To Use Sovereign Submerged Lands* for Permit No. 0233882-005-JM at the following website:

ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/dade/issued/0233882_Miami_Beach_Truck_Haul/005_JM/Intent/

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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 requirements specified in Permit No. 0233882-005-JM. 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**, for a onetime only extension of the 44th Street segment beach fill template. The extension addressed a persistent erosional “hot spot” that caused the beach to recede to the dune toe.

Justification

In recent years the Permittee has frequently placed small amounts of sand at the 44th Street and 55th Street segments to address the significant erosion to the beach. The U.S. Army Corps of Engineers (Corps) is sponsoring the upcoming nourishment event, which is the reason for adding them as a one-time Co-Permittee. The Corps expressed interest in expanding its options for the source of material to be used on the project in order to create more competitive bids. Geotechnical data for the Atlantic Civil, Inc. SDI Quarry and Vulcan Materials Witherspoon Mine has been provided for Department review. This application also provided the Permittee with an opportunity to update the drawings and templates for the 44th Street and 55th Street segments. This includes a slight decrease in the seaward slope of the berm from 1:10 (vertical:horizontal) to a variable slope that averages 1:15. The template for the 44th Street segment will be expanded by approximately 200 feet to the north and 200 feet to the south. This is to more adequately cover the erosional hot spot area and include a designed berm template that will correctly tie into existing beach grade outside the fill template. The elevations on the drawings and project description for the 44th Street and 55th Street segments will also be updated to NAVD from NGVD.

Staff Assessment

Department staff determined that geotechnical information provided was sufficient for review and recommends approval of the Vulcan Materials Witherspoon Mine and the SDI Quarry as authorized sources of fill material for use under Permit No. 0233882-005-JM. Authorization of these sand sources will not require any changes to the approved QA/QC plan.

Department staff and the Florida Fish and Wildlife Conservation Commission have also determined that the decreased seaward berm slopes and the expansion of the 44th Street segment are not likely to result in adverse impacts to the coastal processes or biological resources. Therefore, the Department will approve the modifications as requested.

The Permittee identification block shall be revised as follows (~~strikethroughs~~ are deletions, underlines are additions):

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PERMITTEES:

Miami-Dade County
Regulatory and Economic Resources
Environmental Resource Management
Attn: Mr. Heriberto Jusino
Department of Environmental Resources
Management (DERM)
Water Management Division
701 NW 1st Court, 5th Floor
Miami, FL 33136-3912

and, for the 2016 event only:

U.S. Army Corps of Engineers
Jacksonville District
Environmental Branch
701 San Marco Blvd.
Jacksonville, Florida 32207

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

The project is to nourish 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 template for the 44th Street segment (R-53.57 to R-55.75) (~~or R-53.0 to R-55.5 in 2015 only~~) and the 55th Street segment (R-48.7 to R-50.7) has a height of +8.2 feet NGVD has an elevation not to exceed 6.6 feet NAVD; and the design berm template for Sunny Isles (R-7 to R-15), Bal Harbour (R-27 to R-32) and 65th Street (R-43 to R-48+700) has a height of +6.8 to +6.9 feet NGVD. 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 (vertical:horizontal) and 1:5 (vertical:horizontal) 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 Miami Beach, Miami-Dade County. The 27th Street segment is located from FDEP reference monuments R-60 to R-61, Section

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14, Township 53 South, Range 42 East. The 44th Street segment extends from R-53.57 to R-55.75 (or R-53.0 to R-55.5 in 2015 only), 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-15, 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.

The specific conditions shall be revised as follows, see Table 10-1 (~~strikethroughs~~ are deletions, underlines are additions):

10. Physical Monitoring Requirements for the Sunny Isles segment, the Bal Harbour segment, and the 65th Street segment, the 44th Street Segment, the 55th Street Segment, and the 27th Street Segment.
 - a. Topographic and bathymetric profile surveys of the beach and offshore shall be conducted within 90 days prior to commencement of construction, and within 60 days following completion of construction at the project area. Monitoring surveys shall be conducted at the 27th Street Project area annually until such time the Department determines there are no adverse impacts from the project, or until such time as the Department and Miami-Dade County can develop an agreement for an acceptable management and maintenance plan. For the remaining areas where fill material is placed, annual surveys shall be conducted for a minimum of two (2) years subsequent to the last nourishment event. The annual monitoring surveys shall be conducted during a spring or summer month and repeated as close as practicable during that same month of the year. These project-monitoring surveys should be conducted in conjunction with the annual countywide survey conducted by Miami-Dade County.

In addition to the proposed routine survey intervals, additional survey events will be conducted following significant storm events. The threshold for initiating surveys following storm events will be established by the Department.

- b. See Table 10-1 for summaries of monitoring areas, survey locations, and landward and seaward extent of profiles to be surveyed. All work activities and deliverables shall be conducted in accordance with the latest update of the Department's Bureau of Beaches and Coastal Systems (BBCS) Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100. (<http://www.dep.state.fl.us/beaches/publications/tech-rpt.htm#RegionalMonitoringPlan>)

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Table 10-1 Summaries of Monitoring Areas, Survey Locations, and Landward and Seaward Extent of Profiles to be Surveyed for the Sunny Isles Segment, the Bal Harbor Segment, the 65th Street Segment, the 55th Street Segment, the 44th Street Segment, and the 27th Street Segment.

Nourishment Sites	Project Area	Monitoring Area (at a minimum)	Survey Locations Within Monitoring Area	Landward and Seaward Extent of Profiles to be Surveyed
Sunny Isles	R-7 to R-15	R-6 to R-16	Each of FDNR monuments and intermediate locations approximately midway between adjacent reference monuments	See <i>Monitoring Standards for Beach Erosion Control Projects, Sections 01000 (PART II.A.10) and 01100 (PART II.A.7.C)</i> .
Bal Harbor	R-27 to R-32	R-26 to R-33		
65 th Street	R-43 to R-48+700	R-42 to R-50		
55 th Street	R-48.7 to R-50.7	R-48 to R-52		
44 th Street	R-53. 57 to R-55. 75	R-53 to R-56		
27 th Street	R-60 to R-61	R-56 to R-62	At 200 feet intervals	From the Erosion Control Line (ECL) to a depth of -5.0 ft-NAVD
		R-58 to R-62 (This monitoring area shall be surveyed at a tighter line spacing to evaluate downdrift impacts from the 32nd Street breakwaters)		

- c. The Permittee shall submit an engineering report and the monitoring data to the Department BCS within 90 days following completion of the post-construction survey and each annual survey. The report shall summarize and discuss the data, the performance of the beach fill project, and identify erosion and accretion patterns within the monitoring area. In addition, the report shall include a comparative review of project performance-to-performance expectations and identification of adverse impacts attributable to the project. Appendices shall include plots of survey profiles and graphical representations of volumetric and shoreline position changes for the monitoring area. Results shall be analyzed for pattern, trends, or changes between annual surveys and cumulatively since project construction.

Additional reports evaluating storm effects shall be submitted if deemed necessary after consultation with the Department.

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- d. Two paper copies and one electronic copy of the monitoring report, and one electronic copy of the survey data shall be submitted to the ~~Department Bureau of Beaches and Coastal Systems~~ in Tallahassee. Failure to submit reports and data in a timely manner constitutes grounds for revocation of the permit. When submitting any monitoring information to the ~~Department Bureau~~, please include a transmittal cover letter clearly labeled with the following at the top of each page: “This monitoring information is submitted in accordance with Item No. [xx] of the approved Monitoring Plan for Permit No. [xx] for the monitoring period [xx]”.

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

Plates 1-5 Dated December 2015, shall replace all previous drawings for the 44th Street and 55th Street segments in the set of 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 sea 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 does not alter the **March 24, 2019**, expiration date of the permit. The only Specific Conditions of the permit that are altered by this modification are those stated above. 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.

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Petition for Administrative Hearing

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

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a

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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.

FLAWAC Review

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

Judicial Review

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

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

