

State of Florida Department of Environmental Protection

In RE: File No. 0307741-002-JC

Miami-Dade Federal Beach Nourishment – Contract G (Bal Harbor, FL)

AGREEMENT

I. WHEREAS, the U.S. Army Corps of Engineers (USACE) has submitted an application for, and the Florida Department of Environmental Protection (Department) intends to issue, Joint Coastal Permit No. 0307741-002-JC authorizing nourishment of Miami-Dade County beaches using sand dredged from an offshore borrow area, as described in the cited Joint Coastal Permit which is entitled "Dade County Beach Erosion Control & Hurricane Protection Project Contract G" (Project);

II. WHEREAS, the Project is part of a Congressional authorization, which provides for a federal Beach Erosion Control and Hurricane Surge Protection Project for Miami-Dade County;

III. WHEREAS, issuance of a joint coastal permit under Chapter 161 and part IV of Chapter 373 of the Florida Statutes constitutes certification of compliance with stated water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341; and where applicable constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by section 307 of the Coastal Zone Management Act, 16 U.S.C. Section 1456, 15 C.F.R. Part 930, and Section 380.23 of the Florida Statutes;

IV. WHEREAS, the Miami-Dade County, as the "Local Sponsor," is a partner with the Corps for the Project;

V. WHEREAS the Miami-Dade County, the USACE, and the Department have jointly agreed to allow Miami-Dade County to be responsible for certain monitoring that supplements the final permit/water quality certificate pertaining to the Project, as specified in the attached Biological Monitoring Plan (Exhibit 1)), which are a binding part of this agreement between the Department and the Miami-Dade County;

VI. WHEREAS, this agreement is entered into in consideration of the issuance by the Department of Permit No. 0307741-002-JC;

Miami-Dade County and the Department agree as follows:

1. Miami-Dade County shall implement the attached Biological Monitoring Plan for the Project, which shall include or be supplemented by the conditions below. Changes to the conditions specified below shall require a signed amendment to this agreement, or execution of a new agreement that supersedes this agreement.

Details of the aforementioned monitoring plan that are not specifically outlined in this agreement may subsequently be altered with written concurrence from the Department, in consultation with Florida Fish and Wildlife Conservation Commission (FWC) when appropriate.

2. Unless otherwise specified in the conditions below, all reports and notices relating to this agreement and associated monitoring and mitigation plans shall be sent to the Department's Bureau of Beaches and Coastal Systems, JCP Compliance Officer, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 (E-mail: JCPCCompliance@dep.state.fl.us). All required submittals shall clearly indicate the statement "This submittal is in partial satisfaction of the Local Sponsor Agreement for the Miami-Dade Federal Beach Nourishment Project, Permit Number 0307741-002-JC." Also, please indicate the relevant condition/item numbers under the LSA and/or the monitoring or mitigation plans that are being addressed.
3. **Physical Monitoring.** The following physical monitoring conditions shall be completed by Miami-Dade County:
 - a. For the *beach placement area*, topographic and bathymetric profile surveys shall be conducted within 90 days prior to commencement of construction, and within 60 days following completion of construction. Thereafter, monitoring surveys shall be conducted annually for a period of three (3) years and then biennially until the next beach nourishment event or the expiration of the project design life, whichever occurs first. Profile data for this project may be gathered in conjunction with annual surveys conducted for the entire Dade County Beach Erosion Control and Hurricane Surge Protection area (R-7 through R-113). The annual and biennial monitoring surveys shall be conducted during a late spring or summer month and repeated as close as practicable during that same month of the year.

The proposed nourishment sites shall have *additional interim surveys*, which shall be conducted midway between the annual surveys for a period of two (2) years, to better assess fill adjustment, recovery of the borrow beach, and overall project performance.

In addition to the above proposed survey intervals, additional survey events shall be conducted *following significant storm events*. The threshold for initiating surveys following storm events shall be established jointly by Miami-Dade County, FDEP and the Corps of Engineers.

All work activities and deliverables shall be conducted in accordance with the latest update of the Bureau of Beaches and Coastal Systems (BBCS) Monitoring Standards for Beach Erosion Control Projects, Sections 01000 and 01100. This document is available on the Publication/Technical Reports page of the DEP-BBCS website. Note that these standards require profiles at the beach borrow area and beach placement area to extend from a position landward of the monument sufficient to include existing dune features or other topographic features located on the beach proper out to a minimum of 3000 feet offshore (from the most landward offshore data point) or to -30 feet (NAVD 88), whichever is reached first.

See Table 1 below for summaries of the recommended monitoring areas, survey locations, survey frequency, and landward and seaward extent of profiles to be surveyed.

Table 1: Summaries of Monitoring Areas, Survey Locations, and Landward and Seaward Extent of Profiles to be surveyed for Contract G Beach Nourishment at Bal Harbor using the Bakers Haulover ebb shoal Borrow Area Permit No. 0307741-002-JC, Miami-Dade County.

Project Area	Monitoring Area (at a minimum)	Survey Locations within Monitoring Area	Survey Frequency	Landward and Seaward Extent of Profiles to be Surveyed
R27-R32	R27- R34	R27, R27+500	1. Pre-Construction 2. Post-Construction 3. Annually for 3 years 4. Biennially until the next beach nourishment event or the expiration of the project design life, whichever occurs first	See Monitoring Standards for Beach Erosion Control Projects, Section 01000 (PART II.A.10) and 01100 (Part II.A.7.C).
		R28, R28+500		
		R29, R29+500		
		R30, R30+500		
		R31, R31+500		
		R32, R32+500		
		R33, R33+500		
		R34		

- b. Bathymetric surveys of the borrow area(s) shall be conducted within 90 days prior to commencement of construction, and within 60 days following completion of construction of the project concurrently with the beach and offshore surveys required above. Thereafter, monitoring surveys of the borrow areas shall be dependent on their location. Borrow sites located in tidal inlet shoals shall be at two (2) year intervals concurrently with the beach and offshore surveys required above. An earlier survey of the offshore borrow area may be substituted for the pre-construction survey, if used in the final contract plans and specifications for project construction.

Survey grid lines across the borrow area shall be spaced to provide sufficient detail for accurate volumetric calculations but spaced not more than a maximum of 500 feet apart, and shall extend a minimum of 500 feet beyond the boundaries of the borrow site. For borrow sites located in tidal inlet shoals, bathymetric surveys of the entire shoal complex, including any attachment bars, shall be conducted unless otherwise specified by the Department based upon the size of the shoal and the potential effects of the dredging on inlet processes. All monitoring activities and deliverables shall be consistent with the *BBCS Monitoring Standards for Beach Erosion Control Projects, Section 01200*.

- c. Miami-Dade County shall submit an engineering report and the physical monitoring data to the BBCS within 90 days following completion of the post-construction survey and each annual or biennial monitoring survey.

The monitoring report shall summarize and discuss the data, the performance of the proposed beach fill project, and identify erosion and accretion patterns within the monitored 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. The report shall specifically state the percentage of volume remaining and the project berm width or shoreline width remaining. Indicate the volume remaining both above and below the mean high water line.

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 patterns, trends, or changes between annual surveys and cumulatively since pre-project construction conditions. Additional reports evaluating storm effects shall be submitted if deemed necessary after consultation with the Department.

- d. One (1) electronic copy of the monitoring report, and one (1) electronic copy of the survey data and survey control information shall be submitted to the Department. When submitting any monitoring information to the Department (Attn: JCP Compliance Officer), 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. 0307741-002-JC for the monitoring period [XX]."
4. **Marine Turtles, Shorebirds, and Benthic Resources.** A comprehensive biological monitoring plan was agreed upon by Miami-Dade County and the Department, which is attached hereto and incorporated herein by reference. Miami-Dade County will oversee the implementation, conduct, stipulations and requirements of the plan. The required elements, data collection and reporting are detailed in the attached monitoring plan, titled: "Biological Monitoring Plan For Miami-Dade County Contract G (Bal Harbor) Project", as submitted by the Miami-Dade Department of Regulatory and Economic Resources (Exhibit 1).
5. This agreement constitutes Final Agency Action under Chapter 120, Florida Statutes. Miami-Dade County hereby recognizes and agrees that compliance with the terms herein shall be enforceable by the Department against the County utilizing all appropriate remedies available, including, but not limited the provisions of Chapters 161.054; 373; 403.121; 403.141; 403.161; and 120, Florida Statutes.
6. Within thirty (30) days from the execution of this agreement, Miami-Dade County shall cause this agreement to be recorded in the public records of Miami-Dade County, Florida. A copy of the recorded agreement shall be sent to the Department within five (5) days of recording.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MIAMI-DADE COUNTY



Marty K. Seeling, Administrator
Beaches, Inlets, and Ports Program



Carlos A. Gomez, County Mayor

7/10/13

DATE

July 10, 2013

DATE

Attested by



Deputy clerk

