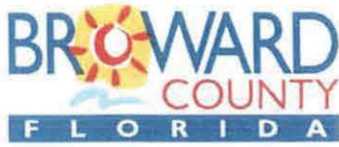


APPENDIX D

PERTINENT CORRESPONDENCE

FINAL
FEASIBILITY REPORT
AND ENVIRONMENTAL IMPACT STATEMENT
PORT EVERGLADES HARBOR NAVIGATION STUDY
BROWARD COUNTY, FLORIDA

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PORT EVERGLADES DEPARTMENT – Chief Executive/Port Director's Office
1850 Eller Drive, Fort Lauderdale, Florida 33316
954-468-0140 FAX 954-523-8713

August 14, 2014

Colonel Alan M. Dodd
US Army District Commander
U.S. Army Corps of Engineers, Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Dodd:

I am in receipt of your letter dated July 25, 2014 and have been briefed by members of your staff concerning the selection of 47-feet as the National Economic Development (NED) Plan for Port Everglades. The analysis of channel improvements at Port Everglades conducted by the U.S. Army Corps of Engineers (USACE) Jacksonville District and the Deep Draft Navigation Center has identified 48-feet as the channel depth that maximizes net benefits. However, the USACE has determined that the net benefits for the 48-foot channel are "not significantly different" from the benefits of the 47-foot channel, and thereby identified the 47-foot channel as the NED plan.

Broward County recognizes the value of a 48-foot channel to the nation as well as to the state, regional and local economy. After careful consideration by our executive team and the Broward County Board of County Commissioners, Broward County, as the non-federal sponsor, supports the 48-foot channel and requests that the 48-foot channel be implemented as the Locally Preferred Plan (LPP). The 48-foot channel is instrumental to the Port Everglades Master/Vision Plan and will contribute greatly to the future economic growth of the region.

By selecting 48-feet as the LPP, Broward County understands and is prepared to meet all of the commitments as the local sponsor that this depth represents in terms of deepening expenses.

Colonel Alan M. Dodd

August 14, 2014

Page 2

As Broward County's primary liaison with the USACE on this project, I am very appreciative of you and your team's efforts to move this very important project forward in a timely manner given its lengthy history.

If additional information is needed, please do not hesitate to contact me at (954) 468-3516.

Sincerely,



Steven M. Cernak, P.E., PPM
Chief Executive/Port Director
Port Everglades

SMC:DA:kwr

Attachment

CC: Bertha Henry, Broward County Administrator
Glenn Wiltshire, Deputy Director, Port Everglades
David Anderton, II, AICP, PPM, Assistant Director, Port Everglades
Edward Labrador, Director, B.C. Intergovernmental Affairs and Professional Standards



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

F/SER3: DMB
SER-2012-03723

MAY 01 2014

Mr. Eric Bush
Jacksonville District Corps of Engineers
Department of the Army
P.O. Box 4970
Jacksonville, Florida 32232

Re: Port Everglades Expansion Project, Broward County, Florida

Dear Mr. Bush:

This letter is intended to memorialize the discussions of our April 17, 2014, meeting, regarding the March 7, 2014, Endangered Species Act (ESA) biological opinion the National Marine Fisheries Service (NMFS) issued for the Port Everglades Expansion Project. I believe that the meeting helped us resolve all the major remaining concerns. A number of clarifications and corrections for the biological opinion were identified in the meeting. We do not believe that any of these issues are significant changes to the biological opinion that would require us to amend it. In response to a March 18 email from you, we have previously provided clarifications on the biological opinion in an April 4 letter from me and, informally, in an April 9 email from David Bernhart. This letter builds on those earlier responses. Please include this letter in your record for the Port Everglades Expansion Project and your ESA consultation with us.

An overarching issue seems to be our language concerning "refining" or "finalizing" the blended coral mitigation plan. We agree that the blended coral mitigation plan that has been developed is fully sufficient for review at the feasibility study level of detail. Our comments are referring to retaining the flexibility to coordinate the construction level of details, as the project gets closer to implementation and allowing the incorporation of lessons learned into those fine-scale mitigation details before the final implementation of the mitigation plan. The "finalization" that we are envisioning would not change the scope of the blended coral mitigation plan, including associated monitoring and adaptive management actions, outside the current feasibility study level of detail.

The following clarifications and corrections relate to and follow the order of the eight recommended changes in your March 18 email and which guided the discussions during our meeting.

Density of Acropora cervicornis colonies

On page 103 and in Appendix C, the opinion refers to a density of *Acropora cervicornis* of 1.0 colonies/m². That value was used to calculate the potential conservation value – based on conservation goals being considered by the *Acropora* Recovery Team – of areas of critical habitat that will be impacted by the project. It was then used to compare the lost value from



hardbottom impacts against the positive impacts of *Acropora* propagation in the blended mitigation plan. That analysis was detailed in section 9 of the biological opinion. The specific value of 1.0 colonies of $>0.5\text{m}^2$ in size per m^2 was not intended to specify the density at which the *Acropora cervicornis* outplanting under the mitigation plan must occur.

Acreage of Acropora critical habitat impacted

The opinion uses a value of 15.55 acres permanently removed, which is derived from the laser air-borne depth sounder data set for the project area from 2001. Subsequent to the drafting of this section of the opinion, the Corps and the resource agencies agreed to use a different data set, collected in 2008, which yields a value of 15.33 acres. At other locations in the opinion, the opinion discusses a total amount of critical habitat impacted of 23.62 acres, which includes the 15.55 value. Based on the later agreement to use 15.33 acres, this combined value would also be revised to 23.40 acres. Due to the very small difference between these values, we do not believe they are significant differences that impact the opinion's analysis or determinations.

Ocean Dredged Material Disposal Site consultation with U.S. Environmental Protection Agency

The opinion was issued to both the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency (EPA). Because NMFS determined that the EPA's expansion of the Port Everglades Ocean Dredged Material Disposal Site (ODMDS) was an interrelated and interdependent activity, its effects were considered in the Port Everglades expansion opinion. NMFS considers our consultation with EPA to be concluded with the issuance of the biological opinion and no additional concurrence or consultation is required. NMFS staff will follow up with the EPA project manager on the ODMDS expansion and ensure EPA has no further questions regarding EPA's consultation responsibilities.

Acreage of channel walls and bottom impacted

During the meeting, your staff presented the Corps' analysis of the impacted acreage, which totaled 111.5 acres. NMFS staff involved in drafting the biological opinion re-reviewed the Corps' information. We agree that the 133 acre value used in the opinion is in error. The 133 acre value is used in two ways in the opinion: in the context of *Acropora* critical habitat analysis and in the estimation of numbers of proposed species of corals impacted. The critical habitat analysis concluded that the channel walls and bottom did not provide the essential feature of critical habitat, so the error in the impacted acreage is irrelevant. In the case of the numbers of proposed corals listed, the use of 133 acres would produce an overestimate in numbers. Because the Corps and NMFS will have to coordinate later to convert the conference opinion to a biological opinion for the proposed species, if their listings are finalized, we will re-estimate the numbers of those species impacted at that time, considering the correct impact acreage as well as any additional information that may become available.

Authorization to propagate species of corals proposed to be listed

NMFS cannot authorize use of proposed coral species for collection and propagation without more detailed information regarding whether they will be used as part of the mitigation plan, how many of each species, what size colonies, where they would be collected from, etc. Given the imposed time constraints for the biological opinion we felt that waiting for that detailed information was not feasible. If those species prove amenable to propagation and they are included in the finalized blended mitigation plan, then we can include a take authorization at a

later time, either when the USACE requests that the conference opinion be adopted as a final biological opinion, or through some later amendment of the biological opinion.

Extent of coral outplanting and monitoring requirements

During the meeting, we agreed that this issue should be resolved by my April 4, 2014, letter, along with the further clarification I am providing in this letter that NMFS agrees that the blended coral mitigation plan is fully sufficient for review at the feasibility study level of detail. Further, we are committed to continue to work with the Corps to ensure that the blended mitigation plan can be implemented successfully and in compliance with the Corps' policies.

Typographical error on page 102 of the opinion

As David Bernhart had previously communicated, the value of 12,500 corals relocated was a hold-over value from an earlier draft of the opinion that should have been updated to the revised value of 11,502. The correct value occurs in other locations in the opinion.

Vegetated and unvegetated areas of seagrass

We had extensive discussions on the valuation and acreage calculations of seagrass habitat. The primary policy impact of those discussions relates to NMFS Essential Fish Habitat conservation recommendations and seagrass mitigation requirements. We agreed that the discussion of seagrass habitat in the biological opinion did not need to be modified and that, with respect to the listed Johnson's seagrass, it would be more conservative to retain the opinion's current treatment of seagrass habitat areas.

Thank you for your willingness to bring the Corps team to St. Petersburg for an in-person meeting to resolve these issues. I believe the in-person meeting contributed greatly to the successful resolution of these remaining issues. If you have further questions about the biological opinion for this project, please contact Mr. David Bernhart at (727)551-5767.

Sincerely,

Niles M. Croom

for

Roy E. Crabtree, Ph.D.
Regional Administrator

File: 1514-22.F.4



PORT EVERGLADES DEPARTMENT - Port Director's Office

1850 Eller Drive - Fort Lauderdale, Florida 33316
954-523-3404 FAX 954-523-8713

January 4, 2010

Mr. Michael W. Sole, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 49
Tallahassee, Florida 32399-3000

**RE: BROWARD COUNTY'S "PORT EVERGLADES FEASIBILITY AND TECHNICAL STUDY FOR
THE CREATION OF MANGROVE WETLANDS"
FOLLOW UP TO THE DECEMBER 11, 2009 MEETING**

Dear Secretary Sole:

We appreciate you and your staff taking the time out of your busy schedules to meet with us at your offices in Tallahassee on December 11, 2009 regarding the above referenced project. As you know, Broward County's Port Everglades Department has been working diligently with your staff and other stakeholders for over a year on a proposal to create a functioning mangrove wetland habitat (Upland Enhancement) on port property as an offset for the release of approximately 8.68 acres west of the Turning Notch (TN) from the existing 48.27 acre Conservation Easement (CE) in Southport. After the submittal of our original proposal in February 2009, followed up by additional analysis and responses to comments from your staff in May and October and our meeting, we understand that the Department is willing to move forward with and approve this proposal under the following conditions:

- As shown in EXHIBIT I, the port would create approximately 16.5 acres of Upland Enhancement area in Sites A and B. At the Department's request, we will also remove the exotics on the former Sites C and D.
- The Port staff will recommend to the Broward County Board of County Commissioners that they approve the transfer of fee simple ownership to the Department of the approximately 60 acres (subject to verification by survey and boundary mapping) that make up the remaining portion of the existing CE, Sites A and B, the existing Manatee Nursery and the FP&L Discharge Canal adjacent to these areas (see EXHIBIT II). Broward County would continue to be granted access and other necessary easements to the Discharge Canal for port-related activities. FP&L would also retain an easement for the Discharge Canal.
- The Port will perform additional sampling and test for additional chemical compounds (Tributyltin and Copper) at the former Dry Marina location within Site A, and conduct additional soil boring testing in the new area added to Site B. These tests can be conducted at the time of creation of the Upland Enhancement.
- The Upland Enhancement area design would include the addition of culverts under the road west of the FP&L Discharge Canal Bridge currently under construction to hydrologically connect Sites A and B.

Broward County Board of County Commissioners

Sue Gunzburger • Kristin D. Jacobs • Albert C. Jones • Ken Keechl • Ilene Lieberman • Stacy Ritter • John E. Rodstrom, Jr. • Diana Wasserman-Rubin • Lois Wexler
www.broward.org

- One permit would be issued for the proposed Upland Enhancement area and removal of the existing approximately 8.68 acres of mangroves west of the TN. The Department would assist with expediting the permit process to the best of its ability, and is committed to completing the process within 2 years.
- The Department will work with Port Everglades on defining the criteria associated with "trending towards success" for the created Upland Enhancement area. It is understood that one year after the creation of the Upland Enhancement area is sufficient for a "trending towards success" determination and, assuming this is the case, the Department agrees that the CE will be released and the removal of the approximately 8.68 acres of mangroves west of the TN could begin at that time. The fee simple transfer of the approximately 60 acres to the Department would occur simultaneously.
- Broward County will post a bond or other form of performance guarantee in an amount to be determined to ensure the "success" of the Upland Enhancement area. The Department will work with Port Everglades on defining the criteria associated with "success."

As we discussed at our meeting, I do not have the authority to agree to the above provisions without the approval of my Board of County Commissioners. I would respectfully request that you provide me with a letter indicating your concurrence with the above so I may proceed with taking an agenda item to my Board in late January that authorizes me to enter into formal negotiations with the Department leading towards a two-party agreement.

We look forward to continuing to work with you and your staff on this very important project for the State of Florida, which I believe demonstrates the Port's commitment to striking a balance between economic development and environmental stewardship.

Please feel free to contact me if you have any questions or need any additional information.

Sincerely,



Phillip C. Allen
Port Director

Attachments

cc: David Anderton, AICP, Planning Manager, PEV
Linda Shelley, Fowler White Boggs
Bob Ballard, FDEP, Deputy Secretary
Mimi Drew, FDEP, Deputy Secretary
Janet Llewellyn, FDEP, DWRM
Michael Barnett, FDEP, BBCS
Martin Seeling, FDEP, BBCS
Steven MacLeod, FDEP, BBCS
Mary Poole, OPSC



PLOTTED: -
 TIME: -
 PLOT SCALE: -
 DESIGNED: -
 DRAWN: -
 CHECKED: -
 APPROVED: -
 DATE: December 11, 2009

PORT EVERGLADES CONSERVATION EASEMENT
 PORT EVERGLADES
 BROWARD COUNTY, FL
 EXHIBIT 1

CH2MHILL

4350 W Cypress
 Suite # 600
 Tampa, Florida
 33607

JOB No. 172285
 CAD FILE CAD FILE
 SHEET NUMBER
 EX1
 SHEET OF



PLOTTED: _____
 TIME: _____
 PLOT SCALE: _____
 DESIGNED: _____
 DRAWN: _____
 CHECKED: _____
 APPROVED: _____
 DATE: December 11, 2009

PORT EVERGLADES CONSERVATION EASEMENT
 PORT EVERGLADES
 BROWARD COUNTY, FL
 EXHIBIT 2

CH2MHILL

4350 W Cypress
 Suite # 600
 Tampa, Florida
 33607

JOB No. 172285
 CAD FILE CAD FILE
 SHEET NUMBER
EX2
 SHEET OF



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 25, 2010

Mr. Phillip C. Allen, Port Director
Broward County Port Everglades Department
1850 Eller Drive
Fort Lauderdale, Florida 33316

Re: Broward County's proposal for conservation easement release following the
December 11, 2009, meeting in Tallahassee

Dear Mr. Allen:

Thank you for coming to Tallahassee on December 11, 2009, to discuss the latest developments on the Port's proposal to obtain the release of an existing 8.68-acre parcel of the conservation easement directly west of the existing turning notch. I felt the meeting was very productive. The Florida Department of Environmental Protection (DEP) agrees that if all the stipulations discussed in the meeting are met, then there will be a clear benefit to the natural environment which will be sufficient to justify the release of the turning notch portion of the easement.

DEP has reviewed your January 4, 2010 letter (attached), which includes a summary of the December 2009 meeting, and concurs with it subject to the following additions and clarifications:

- The "Upland Enhancement" referred to in your letter denotes the creation of mangrove wetlands in areas that are currently predominantly uplands.
- Regarding your second bulleted item, it is not clear that Florida Power & Light (FPL) currently holds a valid easement, but if not, DEP will support the issuance of a new easement to protect FPL's ability to utilize the Discharge Canal.
- Regarding the fifth bulleted item, combining the proposed enhancement/restoration activities and the proposed excavation of the 8.68-acre parcel west of the turning notch (once the easement is released) is certainly possible. However, these two activities may be permitted separately if it is determined that it will help expedite the overall project. Further, we again wish to clarify that the proposed enhancement/restoration and preservation (through fee-simple transfer) of the areas north of the turning notch are only sufficient to release the existing conservation

Mr. Phillip C. Allen

January 25, 2010

Page 2 of 2

easement currently maintained on the 8.68-acre parcel. Separate mitigation will be required for the actual elimination of mangrove wetlands during excavation of the parcel. DEP acknowledges that the Port intends to offset this impact with mitigation credits approved by the South Florida Water Management District for restoration and enhancement work in West Lake Park, immediately south of Port Everglades.

- Regarding your sixth bulleted item, construction of the extended turning notch could begin once the intermediate success criteria are achieved to show that the mangrove restoration is "trending toward success," at which point the 8.68-acre portion of the Conservation Easement would be released. The mangrove restoration activities must have been completed for at least one year before the "trending toward success" evaluation would be considered.
- Regarding your seventh bulleted item, the Port would remain responsible for the mangrove restoration project until the final success criteria have been achieved.
- Additionally, the Port confirmed that expansion of the turning notch is necessary to the Port regardless of whether or not expansion of the Port's entrance channel occurs.

We look forward to working with the Port on advancing the current proposal. If you have any questions, please contact Mr. Steven MacLeod, Environmental Specialist in DEP's Bureau of Beaches and Coastal Systems, by telephone at (850) 414-7806 or by e-mail at steven.macleod@dep.state.fl.us.

Sincerely,



Michael W. Sole
Secretary

Attachment: Letter from Phillip Allen (dated January 4, 2010)

cc: David Anderton, Port Everglades
Linda Shelley, Fowler White Boggs
Bob Ballard, Deputy Secretary, Land and Recreation, DEP
Mimi Drew, Deputy Secretary, Regulatory Programs, DEP
Steven MacLeod, Bureau of Beaches and Coastal Systems, DEP
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

0 2 AUG 2000

Planning Division
Plan Formulation Branch

Commander, Seventh Coast Guard District (dpw)
ATTN: (Mr. Joe Embres)
Federal Building
Brickell Plaza
909 Southeast 1st Avenue
Miami, Florida 33131-3050

Dear Sir:

The U.S. Army Corps of Engineers (USACE) requests your assistance in providing costs for potential relocation of aids to navigation in Port Everglades Harbor. Potential navigation improvements shown on the enclosed drawings may impact existing aids to navigation. While no decision has been made to accomplish the proposed navigation channel deepening and widening measures, we want to notify your agency of the ongoing navigation study and request your assistance in compiling initial and annual costs for changes to navigation aids incurred as a result of the enclosed plan.

At this phase of planning, a draft Tentatively Selected Plan (TSP) for Port Everglades currently consists of the following navigation improvements pending review and approval by USACE South Atlantic Division and Headquarters for public release. As shown in the enclosed figures, the draft TSP [Plan 2E cs (container ship)] of improvement includes: deepen and widen the Outer Entrance Channel (OEC) from an existing 45-foot project depth over a 500-foot channel width to 57 feet by 800 feet and extend 2,200 feet seaward; deepen the Inner Entrance Channel (IEC) from 42 feet to 50 feet; deepen ship simulator-optimized portion of the Main Turning Basin (MTB) from 42 feet to 50 feet; widen the rectangular shoal region to the southeast of the MTB (Widener) by about 300 feet and deepen to 50 feet; widen the South Access Channel (SAC) in the proximity of berths 23 to 26, referred to as the knuckle, by about 250 feet and relocate the USCG facility easterly on USCG property; shift the existing 400-foot wide SAC about 65 feet to the east from approximately berth 26 to the south end of berth 29 to provide a transition back to the existing Federal channel limits; deepen the Southport Access Channel (SAC) from about berth 23 to the south end of berth 32 from 42 feet to 50 feet; deepen the Turning Notch (TN), including Sponsor expanded portion from 42 feet to 50 feet with an additional 100-foot widening parallel to the channel on the eastern edge of the SAC over a length of about 1,845 feet and widen the western edge of the SAC for access to the TN from the

existing Federal channel edge near the south end of berth 29 to a width of about 130 feet at the north edge of the TN. If no net changes result in the costs for new navigation aids over the existing maintenance costs, please advise us.

Thank you for your cooperation in this matter. If you have any question or need clarification on the above matter, contact Dick Powell at 904-232-1694.

Sincerely,



REBECCA S. GRIFFITH, Ph.D, PMP
Chief, Planning Division



16670 /07-1762
January 23, 2008

Marie G. Burns
Acting Chief, Planning Division
Jacksonville District Corps of Engineers
Department of the Army
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Ms. Burns:

I am writing in response to your letter dated November 5, 2007. The U.S. Coast Guard is charged with ensuring the safe navigation of vessels and the protection of the environment. Having reviewed the proposed entrance channel alignments for Port Everglades, Florida, I am providing the following preliminary comments for the Feasibility Study that will be included in the National Environmental Protection Agency document:

1. Outer Entrance Channel Alternative 1

USACE comment: "...would avoid dredging but would require placement of buoys/markers at the entrance of the gap and would require two 90-degree turns to access the existing entrance channel. This approach may also require the dredging of a turning basin to safely allow the incoming ships to enter the channel."

USCG comment: The two required 90-degree turns would elevate the navigational risk for deep draft vessels that routinely call at this port to an unacceptable level. The narrow corridor and short turning basins this channel would create would restrict maneuverability thus increasing the risk of grounding.

2. Outer Entrance Channel Alignments #2 and #3

USACE comment: "...would require direct impacts to the 2nd and 3rd hardground relic reef terraces by dredging, as well as placement of channel alignment buoys/markers to mark the entrance channel for deep draft vessel access."

USCG comment: The addition of two turns in alternative #2 and one turn in alternative #3 also elevate the navigational risk for deep draft vessels that routinely call on the port. Strong North/South prevailing currents, often times unpredictable in terms of force, coupled with greater exposure to other risk factors such as submerged breakwaters, spoil areas, small craft congestion and Naval restricted areas, make these alternatives problematic.

3. Outer Entrance Channel Alignment #4

USACE comment: "...would avoid dredging but would require placement of channel buoys/markers at the entrance and on the transit route. This alignment would require the transit of the vessels entering the port for up to three miles from the southern reef gap, northward between the 2nd and 3rd relic reef terraces, to the current entrance channel alignment, and then a 90-degree left turn into the entrance channel. This turn would probably require widening to allow safe transit into the existing entrance channel."


USCG comment: Again the two required 90-degree turns would elevate the navigational risk for deep draft vessels that routinely call at this port to an unacceptable level. This option would require vessels to transit the entire Naval restricted area and lengthen their exposure to the reefs.

Other hazards may also arise with the construction of the proposed liquefied natural gas deepwater port, and from larger vessels that will soon begin calling on Port Everglades. For example, Royal Caribbean is building the world's largest cruise ship that will measure 1,180 ft in length, displace 220,000 tons and carry 8000 passengers/crew. This is one of nine new cruise ships scheduled for delivery in 2009. Many, if not all, of these ships will visit Port Everglades.

In regards to the installation and servicing of navigational aids that would be needed for the new channel alignments, expenses could reach upwards of \$1.3 million for initial placement and approximately \$42,000 for recurring costs.

My overall concern is to help prevent marine accidents that may ultimately cause harm to life and/or the environment. At this time I cannot recommend any of the aforementioned alternatives. For further info please contact LT Channing Burgess - Waterways Division Chief at 305-535-8724 or by email at chaning.d.burgess@uscg.mil.

Sincerely,



KARL L. SCHULTZ
Captain, U.S. Coast Guard
Captain of The Port





ROGER DESJARLAIS, County Administrator

115 S. Andrews Avenue, Room 409 • Fort Lauderdale, Florida 33301 • 954-357-7350 • FAX 954-357-7360

September 28, 2004

Richard E. Bonner, P.E.
Deputy District Engineer for Project Management
Department of the Army
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Port Everglades Mitigation Plan as Referenced in Port Feasibility Study

Dear Mr. Bonner:

The current Feasibility Study of the Port Everglades harbor is extremely important to Broward County, Port Everglades and the South Florida region. As such, we understand that it is important that Broward County concurs with the proposed mitigation plan currently being developed for this project by the Army Corps of Engineers.

With that said, please keep in mind that Broward County policy provides that all projects that impact the wetland and aquatic resources of Broward County should provide the mitigation benefits associated with these impacts as close to the impacted area as possible. Therefore, it is our goal that all mitigation associated with this project takes place within West Lake Park or elsewhere in the vicinity of Port Everglades.

A program currently exists for wetland improvements to West Lake Park. The Broward County Parks and Recreation Division is in the process of obtaining the necessary permits from the various permitting agencies having jurisdiction over these improvements. The mitigation permitted as a result of this effort will be utilized by both the Airport and Seaport in their expansion programs. It is our desire that all impacts of the Port's project will be mitigated within the West Lake Park area.

Thank you for the opportunity to address your concerns. For further input, if needed, please contact Ken Krauter at (954) 523-3404, Extension 3601.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Desjarlais", written over the typed name.

Roger J. Desjarlais
County Administrator

RJD/ADS:keb:pm

cc: Ken Krauter, Director, Port Everglades
Christopher B. Novack, P.E., Construction Management & Planning, Port Everglades
Allan D. Sosnow, Construction Management & Planning, Port Everglades

Broward County Board of County Commissioners

Josephus Eggelation, Jr. • Ben Graber • Sue Gunzburger • Kristin D. Jacobs • Ilene Lieberman • Lori Nance Parnish • John F. Rodstrom, Jr. • Jim Scott • Diana Wasserman-Rubin
www.broward.org



PORT EVERGLADES DEPARTMENT - Port Director's Office
1850 Eller Drive - Fort Lauderdale, Florida 33316
954-523-3404 FAX 954-523-8713

Date: July 28, 2009

To: Mayor and Members of the
Broward County Board of County Commissioners

Through: *for* Bertha Henry, County Administrator *STB*

From: Phillip C. Allen, Port Director *PCA*
Kent George, Director of Aviation *KG*

Re: **Status Update on Use of Port Everglades Dredged Material as Fill
Material for Airport Runway and Taxiway Construction**

This memo is to provide you with an update on the current status of the Port's and the Army Corps of Engineers' (ACOE) effort to identify management options for dredged material expected to be generated from the proposed deepening and widening program at the Port. The incompatibility of the latest proposed estimated construction schedules for both the Aviation Department's south runway extension project and the ACOE/Port Everglades Department's deepening and widening program, coupled with the lack of a suitable upland storage/disposal site for the projected volume of dredged material expected to be removed by the program, will result in the need to pursue offshore disposal of the material.

As a part of the ongoing ACOE Port Dredging Feasibility Study, various options were identified for managing the dredged material, including upland storage/disposal at two Confined Disposal Facilities (CDF) or offshore disposal at an Ocean Dredged Material Disposal Site (ODMDS). In the upland storage/disposal option, dredged material excavated as part of the program would be placed in the proposed CDF Site 1, a 107 acre site located in Southport and/or the proposed CDF Site 2, a 66 acre site near the Airport (See Attachment I for site locations).

In January 2003, the Port and Airport jointly commissioned a study to assess the suitability of using dredged material anticipated from the proposed deepening and widening program at the Port as fill material for future runway and taxiway construction at the Airport, as well as to assess the feasibility of storing this material at the proposed CDF Site 2 at the Airport. This study was referred to as the Eastside Engineering Study (EES).

At the time of the 2003 EES, the Airport had already completed the first Supplemental Draft Environmental Impact Statement (SDEIS) for the Airport's south runway extension project. It was assessed at that time that the proposed 66 acre CDF Site 2, a roughly rectangular area located southeast of US-1 on the south side of the Airport, bordered on

the north and northwest by Taylor Road and on the east by NE 7th Avenue, may be useable. However, one of the conclusions of the 2003 EES was that the estimated timeframe for implementation of the deepening and widening program at the Port and south runway extension project at the Airport may not be compatible. This has become more evident since the time of the completion of the EES.

At the time of the 2003 EES, the ACOE's estimated schedule for the Port's deepening and widening program anticipated the project being implemented over a seven year period, running from 2004 to 2010, with the final six years being the timeframe for delivering dredged material to the proposed CDF Site 2 near the Airport. Since then, there have been numerous changes to the projected ACOE schedule, with the latest revision indicating the construction phase of the deepening and widening program will not begin until 2014.

Since 2003, the Airport has conducted a number of additional studies for the south runway expansion project, leading up to the Record of Decision (ROD) being issued by the Federal Aviation Administration (FAA) in December 2008. Based on the projected runway construction schedule, implementation would begin in late 2010 to early 2011, with construction completion in 2014. Thus, the dredged material will not be available for use until well after the runway extension is expected to be completed. In addition, the airport land previously identified in 2003 for CDF 2 is no longer available since it is needed for the south runway.

During the same timeframe in 2003, the Port also began looking at further developing Southport based on initial recommendations in the 1999 Southport Master Plan. The Port had originally proposed 107 acres in Southport as the initial CDF Site 1 where the material could be stored and later used in the future development of Southport. However, with the update of the Port's Master/Vision Plan in 2006, a portion of the proposed CDF Site 1 was identified for development of a container cargo storage yard (Phase VIII), which is currently being constructed. Additionally, a portion of the proposed CDF Site 1 was identified in the Master/Vision Plan for development of an aggregate (crushed rock) facility, with a rail spur to tie with the Florida East Coast Railway. With this project identified to occur by 2012, it would be in place before the construction phase of the deepening project. Thus, only approximately 57 acres in Southport would be available for use as a CDF (See Attachment II).

The ACOE is currently completing an analysis of the feasibility and costs of various dredged material management options. While we do not expect to receive their report until September/October 2009, preliminary indications are that they will conclude that both the configuration and the reduced acreage of the modified Southport site render it unsuitable for storage/disposal of the dredged material associated with the deepening and widening project. It would also not provide sufficient storage capacity to be cost effective. The Port, as part of its 2006 Master/Vision Plan, did identify an approximately 6 acre site at the southwest corner of Southport for the storage of dredged material associated with on-going maintenance activities. The Port is discussing with the Florida Inland Navigation District (FIND), the potential of them using a portion of this site for the

temporary storage of dredged material associated with their proposed project to deepen the Dania Cut-off Canal west of the Port.

With upland storage/disposal no longer a viable option, the ACOE has identified an existing designated ODMDS east of Port Everglades as the primary disposal location (See Attachment III). However, this ODMDS has insufficient capacity to accommodate the up to 11 million cubic yards of dredged material expected to result from the deepening and widening program. The ACOE is in the process of beginning a study to assess the feasibility of enlarging the capacity of this existing designated ODMDS for the dredged material. I will continue to provide you with status updates regarding this effort as well as the general progress of this project.

Attachments

cc: Dick Brossard, Interim Deputy County Administrator
Glenn A. Wiltshire, Deputy Port Director
J. David Anderton II, AICP, Seaport Planning Manager
John C. Foglesong, Director, Seaport Engineering & Construction Division
Steve Ross, ACOE Project Manager
Tim Murphy, ACOE Project Manager
Allan Sosnow, Environmental Projects Manager, Seaport Engineering & Construction Division
Jamie McCluskie, Director of Planning, Airport Development

Attachment I



--- Port Jurisdictional Boundary



Note: Delineation of Proposed Port Disposal Site Subject to Change.

Public Works Department
Seaport Engineering and Construction and Division



August 2, 2007

5/18/09 - Modifications per
Glenn A. Wiltshire, Deputy Port Director
portdlar.apr

Attachment II



--- Port Jurisdictional Boundary



Note: Delineation of Proposed Port Disposal Site Subject to Change.

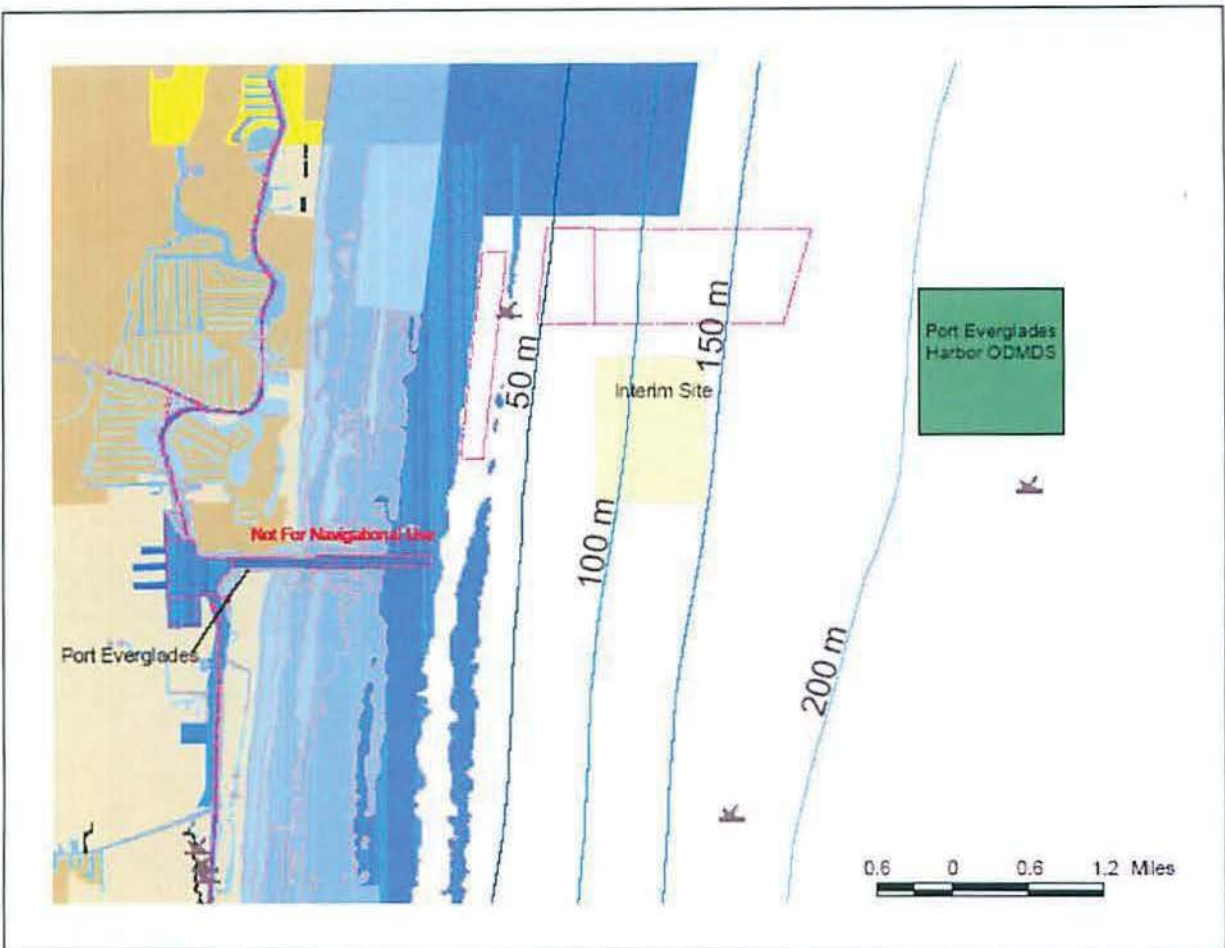
Public Works Department
Seaport Engineering and Construction and Division



August 2, 2007

5/19/09 - Modifications per
Glenn A. Wiltshire, Deputy Port Director
portdir.apr

Attachment III



All depths in meters. 100 meters = 328 ft.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

04 AUG 2010

Planning Division
Plan Formulation Branch

Mr. Wayne Ivester
Florida Power and Lights
20 North West 19th Street
Ft. Lauderdale, Florida 33311


Dear Mr. Ivester:

The U.S. Army Corps of Engineers requests your assistance in providing costs for relocation of subaqueous utilities or transmission lines in Port Everglades Harbor. Potential navigation improvements shown on the enclosed drawings may impact utility lines crossing the Federal channels. While no decision has been made to accomplish the proposed navigation channel deepening and widening measures, we want to notify your agency of the ongoing navigation study and request your assistance in compiling information regarding utilities.

As a result of previous electronic mail correspondence in 2007 with FPL Wingate Service Center Senior System Project Manager Mr. Timothy Doe, we received a nonbinding ballpark estimate to relocate approximately 1,470 feet of power line in the Inner Entrance Channel and 1,085 feet from the Southport Access Channel at a potential depth of -56 ft MLLW (Department of the Army Permit, General Permit SAJ-14) estimated to be \$1 million dollars, reference Enclosure 1 for potential navigation improvements and channel cross-sections, and Enclosure 2 for previously documented correspondence. At this time the U.S Army Corps of Engineers requests your assistance in addressing the same utility relocations and provide an updated cost estimate. It is requested that in addition to the cost estimate, an updated as-built drawing depicting the utilities crossing the channels, characteristics, and elevations or depths of utility lines crossing the proposed project areas be provided; the as-built drawing currently in our possession does not include all of these requested attributes, refer to Enclosure 3.

Thank you for your cooperation in this matter. Please provide a response prior to 31 Aug 2010, if possible. If you have any questions, please contact the Project Manager, Mr. Tim Murphy at 904-232-1671.

Sincerely,

A handwritten signature in black ink, reading "Rebecca S. Griffith". The signature is written in a cursive style with a large initial 'R' and a stylized 'G'.

REBECCA S. GRIFFITH, Ph.D, PMP
Chief, Planning Division

Enclosures



DEPARTMENT OF THE NAVY
NAVAL SEA SYSTEMS COMMAND
NAVAL SURFACE WARFARE CENTER
CARDEROCK DIVISION

9500 MACARTHUR BOULEVARD
WEST BETHESDA, MD 20817-5700

IN REPLY REFER TO:

3354

Ser 71/08019

20 Feb 08

From: Commander, Naval Surface Warfare Center, Carderock
Division
To: Planning Division, Plan Formulation Branch, Department of
The Army, Jacksonville District Corps of Engineers,
P.O. Box 4970, Jacksonville, FL 32232-0019
Subj: PORT EVERGLADES ENTRANCE CHANNEL ALIGNMENT
Ref: (a) Ltr of 18 Jul 07, Jacksonville District Corps of
Engineers, Plan Formulation Branch
Encl: (1) Sketch of the Navy Restricted Area

1. Reference (a) requested a review and response to the proposed Army Corp of Engineer's development of an Integrated Feasibility Study and Environmental Impact Statement for improvements at the Port Everglades Federal navigation project. The Naval Surface Warfare Center Carderock Division (NSWCCD), appreciates the opportunity to provide comment on the proposed project and alternatives.

2. These alternatives, all of which shift the entrance channel/shipping traffic south of the current alignment, are unacceptable to the Navy and directly impact our operations, both from a vessel safety stand point and the direct potential for the destruction of our facilities' underwater infrastructure.

3. All of the proposed alternatives have vessel traffic transiting directly into the Navy's Restricted Area. This action, if implemented, creates potential vessel conflicts between commercial and U. S. Navy vessels. Enclosure (1) provides an illustration of the location of the Navy's restricted area and the Naval Surface Warfare Center Carderock Division-South Florida Testing Facility (NSWCCD-SFTF) range (green box) in relationship to the proposed options.

4. During testing operations, naval vessels can and do operate throughout the restricted area. As apparent, the proposed

Subj: PORT EVERGLADES ENTRANCE CHANNEL ALIGNMENT

option(s) places commercial vessel traffic in opposition to naval vessels operating within the restricted area thus jeopardizing the safety of both vessels.

5. As discussed in Reference (a), the Navy exercises jurisdiction over these waters as provided for in 33CFR § 334.580. Jurisdiction over this area is intended to protect the Navy's submerged infrastructure and assets. Infrastructure, consisting of numerous cable runs, multitude of underwater sensors and other structures are all required for the successful and safe operation of the facility. The Federal regulations further state that in the naval restricted area "anchoring, trawling, dredging, or attaching any object to the submerged sea bottom shall be prohibited..." Hence, the proposed alternatives involving dredging and/or placement of objects on the ocean's bottom within the restricted area would directly and severely impact the operations of this facility with the potential destruction of the infrastructure.

6. In summary, due to the potential of vessel safety issues and the destruction of our infrastructure, the NSWCCD-SFTF can not endorse any of the three proposed options. Your cooperation in this matter is respectfully requested. If you would like to discuss this issue in more detail please contact our South Florida Test Facility Site Director, Douglas Garbini, at (954)926-4005, or douglas.garbini@navy.mil.


MARK W. THOMAS



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 18, 2007

Richard B. Powell
U.S. Army Corps of Engineers
Jacksonville District
Planning Division
701 San Marco Blvd
Jacksonville, FL 32207

Re: Port Everglades Feasibility Study - DRAFT Minutes for May 8-9, 2007, meeting

Dear Mr. Powell,

This letter is in response to your e-mail message sent May 23, 2007, which included a draft of the minutes for meetings held on May 8 and 9, 2007, at Port Everglades. You requested corrections and comments to the drafted minutes. Bureau of Beaches and Coastal Systems staff members were unable to attend. However, in the spirit of the Interagency Coordination Agreement (ICA) executed in 2006, this letter represents the Bureau's response to the meeting summary.

The attached version of the draft summary contains questions about statements that we wish to have clarified for the record, or expanded upon in the future. Because Bureau staff was not present in the discussions, no specific corrections have been recommended.

The Bureau recognizes the value and authority of the Port Everglades Pilots Association and the U.S. Coast Guard in determining safe parameters for the channel configuration. Nonetheless, it appears that a number of variables are still being evaluated to determine what expansion option, if any, can appropriately minimize potential impacts to resources. In addition, a substantial amount of debate has centered on HEA and UMAM assessments of mitigation (primarily for hardbottom, but also for mangrove, seagrass, etc.). It is important to note that this project has the potential of causing cumulative impacts, i.e., impacts to environmental functions that are not fully offset by mitigation within the surface water "basin". The cumulative impact test is not captured by UMAM or HEA, so this should be a point of discussion once a more precise impact estimate and mitigation design has been established.

Ms. Marie Burns wished to obtain a list of team members, including their roles and responsibilities. Below are the names of the two team members appointed by the Bureau.

Dr. Vladimir Kosmynin (DEP Bureau of Beaches and Coastal Systems):
Appointed to USACE planning team under ICA. Would perform primary technical review of benthic resource impacts and mitigation (including UMAM assessment) if application for state permit were submitted at this time.

Steven MacLeod (DEP Bureau of Beaches and Coastal Systems): Appointed to USACE planning team under ICA. Would be lead processor for state permit if application were submitted at this time. Would gather interagency comments for final consistency determination, water quality certification and any state-owned submerged lands authorizations under a joint coastal permit or environmental resource permit.

Please feel free to contact me if you have any questions on this input by phone at 850-414-7806, or by e-mail at steven.macleod@dep.state.fl.us.

Sincerely,



Steven MacLeod, Environmental Manager
Bureau of Beaches and Coastal Systems

Attachment: DRAFT May 8-9 Meeting Summary with BBCS Edits

cc:

Allan Sosnow, Broward Co, Port Everglades
Steve Ross, USACE, Jacksonville
Marie Burns, USACE, Jacksonville
Terri Jordan, USACE, Jacksonville
Port Everglades Distribution List

Michael Barnett, DEP, BBCS-Chief
Roxane Dow, DEP, BBCS-BECP
Martin Seeling, DEP, BBCS-JCP
Vladimir Kosmynin, DEP, BBCS-JCP
BBCS Pre-Application File



Florida's Deepest Harbor

PORT EVERGLADES PILOTS' ASSOCIATION

Post Office Box 13017

PORT EVERGLADES, FLORIDA 33316

Telephone (954) 522-4491 / 7

Facsimile (954) 522-4498

E-mail: pilots@bellsouth.net

August 15, 2006

Ms. Terri Jordan
Biologist, Environmental Branch – Planning Division
Jacksonville District – SAD
US Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, FL 32207

Dear Ms. Jordan:

The Port Everglades Pilots' Association has reviewed the alternative channel designs as depicted in OEC-Alt1.jpg, OEC-Alt2.jpg, OEC-Alt3.jpg that were emailed to us on July 26th of this year. I would like to remind you that we have already addressed these alternative plans and others during the original simulation phase and rejected them.

Our concerns are for the high level variations in current magnitude (many times in the 3-5 knot range) and direction which are frequently encountered in the areas surrounding the sea buoy, "PE", and the entire Outer Bar Cut. Some of the vessels that presently call at Port Everglades are frequently challenged by these cross-currents which often REVERSE direction at least once, if not TWO or THREE more times during the transit from the entrance to the jetties. The introduction of additional obstacles for even larger, heavier, less maneuverable vessels is not prudent. Any design other than a straight channel will be imposing a permanent risk of groundings that will forever increase as vessels get larger.

Since our only recommendation is a straight channel approach, it is not necessary to address (in any detail) the necessity of additional permanent, fixed structure aids to navigation that would themselves have significant environmental, economic and aesthetic impact, as well as presenting an additional allision danger.

We are charged by the State of Florida and the Federal Government to provide the safest possible transit of vessels in and out of Port Everglades. Undoubtedly, the straight channel approach that is in the current design study is the safest and therefore the most environmentally sound choice. It is the only option that we can endorse.

Thank you for your consideration in this matter.

Sincerely,

Port Everglades Pilots' Association

Captain Thomas G. Hackett
Co-Managing Pilot

Captain Bruce Cumings
Co-Managing Pilot

TGH:ljb

C:\Personal\Managing Pilot Info.ACOE Alternative Channels.ltr



PORT EVERGLADES PILOTS, INC

Post Office Box 13017
Port Everglades, Florida 33316
Telephone (954) 522-4491/7
Fax (954) 522-4498

Florida's Deepest Harbor

March 22, 2007

U.S. Army Corps of Engineers
Jacksonville District
Attn: Richard Bonner
Deputy District Engineer
701 San Marco Blvd.
Jacksonville, FL 32207-8175

Dear Mr. Bonner:

In response to your continued request for our professional opinion on the various alternative channel designs, we would like to take this opportunity to expound on a previous letter sent to your office on August 15, 2006. These designs have been presented to us as alternatives to the straight design proposed years ago. While not professional channel designers, our job is to safely conduct the movement of vessels in and out of the port. We have experience in the movement of large vessels and consequently, we have consistently provided our input where appropriate to ensure that a viable channel design is achieved.

On at least five separate occasions over the last twelve years, we have participated in ship simulations of the channel at the Star Center. Through this process we have significantly whittled down the size and scope of the original proposed channel design. Our opinion emphatically remains that the straight channel design is the safest approach for the large deep draft container ships that intend to call at Port Everglades. We consider this channel design, specifically the 800 foot wide straight channel, to be the minimum size required for the targeted vessels and believe all of the Star Center simulations support this conclusion. A straight channel of this width would require sufficient depth to account for sea conditions and squat for a post-Panamax vessel transiting at a minimum of 12 knots. Anything other than a straight channel design would require significantly wider channels, wideners at the turns, and additional aids to navigation. Each of the alternative channel designs, using something other than a straight channel, would likely result in restrictions on vessel movements in periods of severe weather and extreme currents.

During the numerous simulations, actual transits with ACOE representatives, meetings, letters and conversations that we have participated in previously, we have continually

pointed out the hazards of shifting currents and weather conditions that make the outer channel challenging as it presently exists. Those hazards increase dramatically with anything other than a straight channel. It should be noted that we currently have the option and ability to approach the existing channel obliquely, but elect not to since we feel it introduces an excessive amount of risk. Instead, we dramatically increase risk to our person by boarding large vessels in the rougher offshore seas a significant distance from the sea buoy. This affords us the opportunity to maneuver in deep open water and line up on the ranges well in advance to timely evaluate the set and drift.

When trying to turn a vessel within a narrow channel, the probability of going aground is exponentially increased with the amount of rotation required. Additionally, the hydrodynamic effects of a vessel nearing the limits of a channel are significantly magnified with greater draft due to the increase of both inertia and shallow water effect. "Restricted bottom clearance in shallow water impedes the flow of water underneath the ship, causing a restricted lateral motion of the aftship. The less bottom clearance, the more build-up of water on the side of the ship that the stern moves toward and the lower the water level on the side the ship moves away from, leading to a smaller drift angle and consequently a wider turn in shallow water."¹ In simpler terms, ships do not turn as well or as quickly when they are experiencing Shallow Water Effect, which begins when the depth of the water equals 1.5 times the draft of the vessel, with Full Shallow Water Effect achieved when the depth of the water equals 1.2 times the draft of the vessel.² When turning a large, deeply laden vessel in such a channel, "the depth under the keel will cause the turning diameter to increase until, in shallow water, it may be as much as twice the diameter found for the same ship in deep water."³ Additionally, the impact of shallow water effects on the handling characteristics of the vessels is exacerbated by the open ocean exposure to wind and sea experienced at Port Everglades. Consequently, construction of a channel with turns, permanently introduces a dramatic increase in risk due to the diminished ability to precisely position the ship within the dredged channel.

None of the proposed alternatives provides sufficient maneuvering space required by the larger, deeper draft vessels for which the dredging is being proposed. In two of these alternatives, the radius of each turn is less than that of the deep water turning circle of the targeted vessel. As outlined in previous paragraphs, the dimensions of these turning circles can not be relied upon in shallow water. This puts the third alternative into significant question.

When a ship maneuvers in shallow water, more of the ship's power is absorbed by the water due to increased friction. The ship's speed decreases. "Larger waves and troughs are formed and the ship sinks closer to the bottom than she would do at the same speed over the ground in deep water. At the same time, the ship's trim changes, changing the directional stability of the vessel. The turbulence caused by the limited bottom clearance interferes with the rudder and propeller effectiveness and the turning circle increases."⁴ Since these vessels will only be able to maneuver within the confines of the channel, failure to complete the turn will result in grounding with potentially significant environmental and economic impacts.

While these general statements can be accurately applied to all vessels, the ability to transit a particular channel is different for each ship. Factors such as stopping power, ship's maneuverability, directional stability, draft, trim, cargo load, ship's physical construction, maintenance condition, current, wind, sea, traffic, visibility, bottom clearance and bottom contour all play an important role in the ability of a ship to remain within the channel. The larger the vessel in relation to the channel size, the more each of these factors has an effect on the success of the transit.

As we have discussed, the outer channel of Port Everglades is exposed to very strong and unpredictable currents from the Gulfstream. These currents run both north and south in the approaches to the channel. It is not uncommon for a large vessel to be experiencing a current acting in one direction at the bow and in an opposing direction at the stern. Under this situation, a couple is applied to the vessel which may be contrary to the desired direction of a turn. The force on the hull of a vessel is multiplied by the square of the actual current velocity. The effect of this current increases dramatically when bottom clearance decreases.⁵ The resulting force can quickly exceed the turning force of the rudder and the total combined bollard pull of all six tugs at Port Everglades. It should be noted that the ability of a tug to render assistance decreases dramatically as the ship's speed increases. The tugs at Port Everglades have a top speed of 12-14 knots. Therefore, if a ship is making 10-12 knots of headway, the tug is already using the majority of its available horsepower merely to motivate itself. This leaves little reserve horsepower left to apply to the ship.

An additional consideration is that anything other than the straight channel design will require substantial additions of aids to navigation. Each of the channel options will absolutely require additional range lights and markers for each leg (Alternative channel design #1 and #2 will require two sets of additional range lights), as well as additional buoyage. The range towers will either have to be constructed on the reefs themselves, or in some cases on prime property along Fort Lauderdale beach. They would have to be of sufficient size and intensity to be visible from a bridge height of at least 130 feet and be able to be distinguished from the oftentimes intense background lights. Further complications will arise from alternatives #2 and #3 that pass through the Navy restricted area south of the channel. There are significant scientific research projects and exercises involving national security conducted in this area.

At its inception, the channel design was targeting the Susan Maersk, although the targeted depth of the channel was never sufficient to bring in this vessel at its designed draft. In 1996, the Susan Maersk was under construction as the largest container vessel in the world. At that time, the dredge project could have been considered forward looking and progressive. Since then, significantly larger container ships have been built and even larger ones are in the design phase. The question we should be addressing today is not how we can minimize the construction impact in order to barely fit the Susan Maersk into Port Everglades, but rather how the project should be expanded to address the subsequent generations of vessels which currently operate on the east coast of the United States and would likely call at Port Everglades if there was sufficient room.

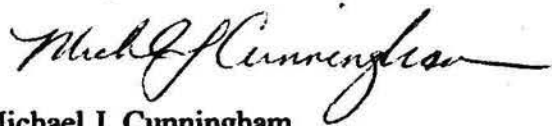
More than 30% of the world's container tonnage capacity is on vessels as large, or larger than the design vessel. In fact, 70% of new container ship construction is of vessels larger than the design vessel. The Panama Canal will begin expanding to handle vessels of 12000 TEU's by the end of 2009. This is nearly double the size of the Susan Maersk. The originally accepted 800' wide straight channel design is already undersized for what are the largest containerships of today. The channel may be inadequate for vessels which will be common in the near future. Even to a casual observer, it should be apparent that worldwide container traffic is increasing and will continue to increase. There is simply insufficient land mass available at a single South Florida port to accommodate the anticipated future container traffic, thus necessitating several options for ships to call upon ports in Florida.

The Port Everglades Pilots have already rejected requests by companies wishing to immediately begin container services with post Panamax vessels in Port Everglades. These companies already operate services in our port and are currently operating post Panamax vessels of this size into Freeport, Bahamas and Savannah, Georgia. The new large vessel services were rejected pending completion of the dredge project. The entire Master planning process of Port Everglades depends on the completion of this dredging which seems to be at a standstill. It is increasingly likely that the Susan Maersk will be scrapped before any of the dredging begins.

When considering the current world fleet, and the economic projections for South Florida ports, we question the wisdom of the process which seeks to limit channel size and alter the configuration of the channel as these alternatives propose. We believe the straight channel design offers the best alternative and represents the safest approach for the large deep draft containerships that intend to call at Port Everglades.

Sincerely,

Port Everglades Pilots Association

A handwritten signature in black ink, appearing to read "Michael J. Cunningham", with a stylized flourish at the end.

Michael J. Cunningham

Cc: Allan Sosnow – Environmental Project Manager, Port Everglades

- ¹ Behavior and Handling of Ships by Henry H. Hooyer, pg 35
- ² Shiphhandling for the Mariner, Third Edition, by Daniel H. MacElrevey, pg 8
- ³ Shiphhandling for the Mariner, Third Edition, by Daniel H. MacElrevey
- ⁴ Port Revel Shiphhandling Manuel, 1999, Jean Graff, p.65
- ⁵ Port Revel Shiphhandling Manuel, 1999, Jean Graff, p.64

February 14, 2011

Rebecca S. Griffith, Chief Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-00019

Dear Ms. Griffith:

I am writing on behalf of the members of the Port Everglades Pilots' Association in response to your undated letter which we received at the end of last week. I will be sending this via e-mail in hopes that it will be in time for your deadline. We continue to support the portion of the plan regarding the OEC, Widener, Southport Access Channel and Turning notch. We offer the following comments on each of the 4 alternatives provided in figures 1 to 4 of the enclosures:

(Optimal Option) Figure 1 – Deepen Current Federal Project to 50 feet. This is clearly the option which we believe the most beneficial to the Port from now into the future. Reducing the geographic size of the Federal Channel, as first proposed to us on October 8, 2010, with the primary objective of handling dramatically larger vessels does not make sense to the members of our Association. While there may be an error in the labeling of your exhibits, the difference between the \$18.5 million savings labeled in figure 1 and the \$25 million savings of figure 3 is \$6.5 million. Based upon traffic changes over the past decade, it would seem that the project economics will change sufficiently over the next 10 years to justify the additional expense, particularly with rapidly expanding vessel sizes.

Figure 3 - North and South Flare to Main Turning Basin – While this option limits maneuvering to the North, it should be workable in most cases for vessels up to the size of the Susan Maersk. It is, however, a reduction in the geographic size of the current Federal Project.

Figure 4 – Main Turning Basin dredge to western and southern limits of current federal project. This alternative does not seem to take into consideration the Master Plan outlined expansion of slip number 1. Tankers with a draft of 48 feet approaching the expanded slip would not have adequate room to maneuver to the north under this alternative. Furthermore, "Susan Maersk" sized container vessels turning in the basin would have restricted maneuvering space to the North. We do not view this option acceptable under those scenarios.

Figure 2 – Reduced Main Turning basin - We assume this was included for reference. This alternative is unacceptable as outlined in our letter of October 19, 2010.

This project began before the keel was laid for the Susan Maersk, at the time the largest container vessel in the world. Presently, our major container ship operator, Mediterranean Shipping Company, has 48 ships under construction and scores of vessels already in operation larger than the Susan Maersk. Based on our experience, regardless of the ultimate channel design, we will continue to be asked to push the limits and bring ever larger vessels into the limited confines of Port Everglades. We look forward to this project moving forward rapidly.

Sincerely,
Port Everglades Pilots Association
Captain Michael Cunningham
(954) 522-4491



PORT EVERGLADES DEPARTMENT - Port Director's Office
1850 Eller Drive - Fort Lauderdale, Florida 33316
954-523-3404 FAX 954-523-8713

Difference in old -

September 2, 2008

Steven Ross, Senior Project Manager
US Army Corps of Engineers
Jacksonville District
Programs and Project Management Division
701 San Marco Boulevard
Jacksonville, Florida 32207

Re: WAM REVIEW

Dear Mr. Ross:

As previously discussed, the Port directed our Master Plan Consultant, DMJM Harris, to review the documents prepared by the ACOE, that have been placed on your FTP site, with respect to the proposed dredging/widening program at Port Everglades.

The Master Plan Consultant has reviewed these documents and all of us have participated in a discussion meeting pertaining to the proposed dredging/widening program along with your consultant, Dr. Kevin Horn. The Master Plan Consultant has identified the following items that we believe warrant further discussion.

1. RORO vessels should be assigned to Berths 33 A-C only *← which vessel type does this represent in berth assignment?*
2. Crane productivity seems excessively high
 - Even at 60 lifts/hr per crane with 5 cranes = 300 lifts/hr/berth
 - Year 2046 assumes 44 lifts /hr, which should be maximum
 - Also, assume linear growth tied to cargo growth
3. Limited lifts/call grossly underestimates time at berth and throughput
 - Post Panamax-min. 2,500 TEUs x 6.86 tons/TEU = 17,150 tons/call
 - WAM has 6,300 tons/call
4. Tie-up/release time is minimum 2 hrs/Vessel call
 - WAM uses 1 hr with 1/2 hr on each end
5. TPI to meet ACOE accepted tables of ton/inch immersion values
 - 280 tons/inch of immersion for deep draft vessels
6. Provide vessel queue statistics. Queue time should be reflected in ship operating costs.

Mr. Steven Ross
September 2, 2008
Page Two

7. Can the WAM provide a value for the queuing time to be used as a negative in benefits in the B/C? At some queuing wait time, that share of market business will go elsewhere.

We also received your breakdown of costs for the Turning Notch. Do you have similar documentation for the Dania Cut-Off Canal development?

After your review of the above items, I would like to suggest that we arrange a teleconference among us and our consultants to review these items in a team forum in order to achieve concurrence on the operational issues at the Port. I would like to schedule this teleconference for the week of September 8, 2008. If you have any questions of need further information, please contact me at (965) 468-0144.

Sincerely,



J. David Anderton II, AICP
Seaport Planning Manager
Port Director's Office

cc: Phillip C. Allen, Port Director
Glenn A. Wiltshire, Deputy Port Director
John Foglesong, P.E., Directory, Seaport Engineering and Construction
Alan Sosnow, Environmental Projects Manager, Seaport Engineering and Construction
Richard Heidrich, DMJM Harris, Inc.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 22 2009

Colonel Paul L. Grosskruger
District Commander
Jacksonville District
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Grosskruger:

Please find enclosed revisions to the Port Everglades Harbor Ocean Dredged Material Disposal Site (ODMDS) and the Palm Beach Harbor ODMDS Site Management and Monitoring Plans (SMMPs). Section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) requires that SMMPs be developed by the Environmental Protection Agency (EPA) in conjunction with the USACE for each ODMDS designated by EPA. These SMMPs were originally developed in 2004 as part of the site designation process. However, as a result of post disposal monitoring conducted by the Environmental Protection Agency (EPA) and a proposed change in use at the Port Everglades Harbor ODMDS, EPA determined that the SMMPs warranted revision. The enclosed revisions supersede the original SMMPs.

In revising these SMMPs, EPA and the U.S. Army Corps of Engineers (USACE) followed the procedures outlined in the 2007 Memorandum of Understanding (MOU) between USACE South Atlantic Division and EPA Region 4 on Ocean Dredged Material Disposal. EPA coordinated the proposed revisions with the National Marine Fisheries Service and the State of Florida. In addition, in accordance with the MPRSA and the MOU, this document underwent a 30-day public review through publication of a Public Notice and Notice of Availability of the proposed changes on January 23, 2009.

The management and monitoring requirements of the SMMPs should be included as permit conditions for all MPRSA Section 103 permits and should be incorporated in the contract language for all federal projects for ocean disposal in the ODMDSs. Templates for permit special conditions and contract specifications implementing these requirements are included with the SMMPs as appendices. If you have any questions, please contact Mr. Chris McArthur at (404) 562-9391.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Meiburg".

Stan Meiburg
Acting Regional Administrator

Enclosures

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
U.S. Coast Guard
Civil Engineering Unit Miami

15608 SW 117th Avenue
Miami, FL 33177-1630
Staff Symbol: c
Phone: (305) 278-6770
Fax: (305) 278-6704
Email: Benjamin.L.Davis@uscg.mil

11000

OCT 05 2010

MEMORANDUM

From: *B.L. Davis, COE*
B. L. DAVIS
CG CEU Miami

Reply to: CG CEU Miami (s)
Attn of: LCDR M. E. Kicklighter
(305) 278-6764

To: Department of the Army, Jacksonville District Corps of Engineers
Attn: Chief, Planning Division

Subj: PORT EVERGLADES CHANNEL WIDENING PROJECT

Ref: a) Your letter of 20 May 2011
b) Facility & Infrastructure Requirements for Station Fort Lauderdale Multi-Mission Facility, August 2009

1. In reference (a), you recommended modifying alternative 3 from reference (b) by shifting the boat basin 80 feet to the west. We confirm that the costs estimated in reference (b) should not change as a result of your proposed shifting of the basin. These costs could change as a result of other factors, in particular project sequencing and temporary facilities required for continuous USCG operations.

2. The layout of the basin and orientation of the entrance channel continue to be critical to USCG operations. The proposed boat basin in alternative 3 of reference (b) is appropriate as a basis for design, but the USCG must continue to be involved at every stage of design and construction to ensure operational requirements are not compromised.

3. If you have any questions or need additional information please contact LCDR Mike Kicklighter at (305) 278-6764.

#

Copy: CGD SEVEN (dm, dr)
CG SECTOR Miami
CG STA Fort Lauderdale
CG ANT Fort Lauderdale
CGC GANNET (WPB 87334)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

MAY 20 2010

CESAJ-PD-PN

MEMORANDUM FOR U.S. Department of Homeland Security, United States Coast Guard,
Attn: Commanding Officer U.S. Coast Guard, Civil Engineering Unit Miami

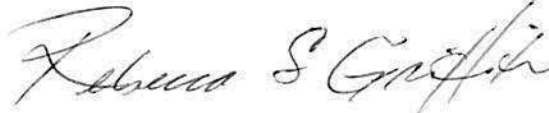
SUBJECT: Port Everglades Feasibility Study- USCG Station Ft. Lauderdale Relocation Plan

1. Reference the following:
 - a. USCG Memorandum dated August 4, 2009, with enclosed report Facility and Infrastructure Requirements for Station Fort Lauderdale Multi Mission Facility, Fort Lauderdale, FL.
 - b. USACE letter to USCG, dated May 23, 2008, requesting review of facility relocation plan and request for USCG to provide a cost estimate for the relocation of Station Fort Lauderdale.
2. Jacksonville District personnel have reviewed your Facility and Infrastructure Requirements, Enclosure 1 (reference a), which responded to our request also included in Enclosure 1 (or reference b). We agree with your revised design, but have proposed a revision to this alternative by moving the basin 80 feet to the west (Figure C of Enclosure 2), which in our opinion does not impact your cost estimate. This modification will allow you to retain existing property while avoiding impacts to Nova Southeastern University property to the north and to the existing Federal channel. Pending USCG verification that the layout of the basin and orientation of the entrance channel continue to meet USCG operational requirements, the Figure C relocated basin design will be adopted as the USCG boat basin design for inclusion in the Draft Port Everglades Harbor Feasibility Report.
3. We have completed a wave response model report of the newly proposed shifted basin, Enclosure 3. Results indicate this design provides comparable protection to the existing basin against wave energy.
4. The Jacksonville District concurs with your cost estimate for demolition, construction of new buildings, and site work, recognizing that it does not include costs for basin construction, other waterfront structures, or the acquisition, remediation, restoration, or preparation of land. Please confirm that USCG costs provided for reference a. will not change as a result of the proposed shifting of the basin 80 feet to the west as shown in Figure C of Enclosure 2 and that you agree with this proposed shifting.

CESAJ-PD-PN

SUBJECT: Port Everglades Feasibility Study- USCG Station Ft. Lauderdale Relocation Plan

5. We request your response by 30 Jun 10. If you should need additional information please contact Mr. Tim Murphy, Project Manager, at 904-232-1671. Also, CG CEU Miami (s) LCDR M.E. Kicklighter's assistance has proved very helpful during our planning process.

A handwritten signature in black ink, reading "Rebecca S. Griffith". The signature is written in a cursive, flowing style.

REBECCA S. GRIFFITH, Ph.D, PMP
Chief, Planning Division

Enclosures

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
U.S. Coast Guard
Civil Engineering Unit Miami

15608 SW 117th Avenue
Miami, FL 33177-1630
Staff Symbol: c
Phone: (305) 278-6770
Fax: (305) 278-6704
Email: Joel.D.Dolbeck@uscg.mil

11000

MEMORANDUM

AUG 4 2009

From:  J. D. DOLBECK, CAPT
CG CEU Miami

Reply to: CG CEU Miami (s)
Attn of: LCDR M. E. Kicklighter
(305) 278-6764

To: Department of the Army, Jacksonville District Corps of Engineers
Attn: Chief, Planning Division

Subj: PORT EVERGLADES CHANNEL WIDENING PROJECT

Ref: (a) Your letter of May 23, 2008

1. As requested in reference (a) and as a result of our follow-on meetings, I have thoroughly reviewed your plans to reconstruct the boat basin and relocate facilities at Coast Guard Station Fort Lauderdale and found them non-viable.
2. We have documented our detailed concerns with the proposed plan as submitted and identified alternative options that we would be willing to consider. This information is summarized in the enclosed planning document, along with our Basic Facility Requirements (BFR) and cost estimate. Please note that our cost estimate is for the recommended preferred alternative which includes demolition, construction of new buildings, and site work. It does not include the cost of the basin construction, other waterfront structures, or the acquisition, remediation, restoration, or preparation of land.
3. My staff and I are committed to working with the Army Corps of Engineers in the development of this project. We appreciate your cooperation and patience in obtaining our input. If you have any questions or need additional information please contact LCDR Mike Kicklighter, at (305) 278-6764.

#

Enclosure

Copy: CGD SEVEN (dm, dr)
CG SECTOR Miami
CG STA Fort Lauderdale
CG ANT Fort Lauderdale
CGC GANNET (WPB 87334)



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

MAY 23 2008

REPLY TO
ATTENTION OF

Planning Division
Plan Formulation Branch

Mr. Orlando Arana, P.E., CEM, CIE
U. S. Coast Guard Civil Engineering Unit
15608 SW 117th Avenue
Miami, Florida 33177-1630

Dear Mr. Arana:

In 2004, the U.S. Army Corps of Engineers (Corps), Jacksonville District Port Everglades Team had a verbal discussion with your agency to discuss relocation costs of U.S. Coast Guard features as a result of the Port Everglades navigation proposed channel widening project. Due to the lapse in time, our team has escalated the given costs from 2004 to 2008, shown in Table 1, with the total escalated new costs shown in the column titled "Total Contract 2008". A more detailed breakdown of costs is shown in Table 2. These costs would apply to any project alternatives which include the South Access Channel (Alternatives 2B, 5C, and 6B). A selected plan has not been determined at this point.

We have also included Figures 1 and 2 to illustrate the locations of items shown in Table 1. Figure 1 shows a close up view of the basin of features to be removed (Bulkheads, Docks, Buildings and Travel Boat Lift). The light blue dashed line shows the project cut and why these items will need to be relocated. Figure 2 shows the proposed new location of removed items. Proposed relocated bulkheads are shown in the solid blue line, while docks, buildings and the travel boat lift are shown in items 1-5. Note that Figure 2 is a conceptual design for the purposes of the Feasibility Study. The Corps understands that the U.S. Coast Guard will retain authority to design the relocated basin to suit operation needs.

We request your review of the enclosed costs in Tables 1 and 2 and we invite discussion of any questions or corrections you may have so that we may obtain the most accurate estimate for relocation costs. Please provide your response by June 30, 2008.

If you have any questions or need clarification on the above matter, contact Mr. Dick Powell at 904-232-1694.

Sincerely,

Rebecca S. Griffith, Ph.D, PMP
Chief, Planning Division

Enclosures



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA Boulevard, Suite 500
Palm Beach Gardens, FL 33410

REPLY TO
ATTENTION OF

MAR 02 2006

Palm Beach Gardens Regulatory Office
SAJ-2002-72 (IP-LAO)

Broward County Parks and Recreation Division
Attn: Pat Young Administrative Manager
950 NW 38th Street
Oakland Park, FL 33309

Dear Mr. Young:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,

Lawrence C. Evans
Chief, Regulatory Division

Enclosures

Copies Furnished:

Miller Legg & Associates, Inc. - Mark Brandenburg
CESAJ-RD-PE



PARKS AND RECREATION DIVISION

960 N.W. 38TH Street • Oakland Park, Florida 33309-5982 • 954-357-8100 • TTY 954-537-2844 • FAX 954-537-2849

*Winner of the National Gold Medal Award for Excellence in Park and Recreation Management
Accredited by the Commission for Accreditation of Parks and Recreation Agencies (CAPRA)*

May 28, 2002

Dylan Larson, P.W.S.
Miller, Legg & Associates, Inc.
1800 N. Douglas Road, Suite 200
Pembroke Pines, FL 33024-3200

**Re: Master Mitigation for West Lake Park
RLI #021899-RB
BCPRD #425-00A, MLA #937503**

Dear Mr. Larson:

The purpose of this letter is to acknowledge responsibility for mitigation construction, five year maintenance and monitoring, and perpetual management of the overall mitigation efforts underway at West Lake Park.

As previously discussed with you, the published Request for Letters of Interest and our subsequent Agreement with Miller, Legg & Associates, Inc. both state that the consultant shall be responsible for construction administration and overseeing the monitoring and maintenance for the required warranty period. Therefore, Miller, Legg & Associates, Inc. will be responsible for these activities acting as agent for Broward County. Broward County Parks and Recreation Division will be responsible for overseeing your project activities and for the perpetual management after the warranty period expires.

If you have any questions, please contact me at (954) 357-8181.

Sincerely,

Pat Young
Administrative Manager

PY:pay



US Army Corps
of Engineers.

File # SAJ-2002-72(IP-LAO)
ATTACHMENT 4

a:\5 yr monitor.wpd

Broward County Board of County Commissioners
Josephus Eggleston, Jr. • Ben Graber • Sue Ginzburger • Kristin D. Jacobs • Jane Liberman • Lori Nease Parish • John E. Rodstrom, Jr. • James A. Scott • Diana Wasserman-Rubin
www.broward.org/parks

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

CON 24

Permit No. 06-04016-P
Application No. 011226-21

April 22, 2004

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS
(WEST LAKE PARK)
115 SOUTH ANDREWS AVE STE 421
FT LAUDERDALE, FL 33301

Dear Permittee:

Enclosed is your Permit as authorized by the Governing Board of the South Florida Water Management District at its meeting on April 14, 2004.

Please note that there are pre-construction documentation requirements which must be met prior to commencement of any construction. Failure to comply with these requirements may result in formal enforcement action to force cessation of construction activities pending permit compliance.

Special Conditions to your Permit require reports to be filed with this District. Please read these Conditions and use the enclosed form(s), as applicable, for your submittal of these required reports.

Should you have any questions concerning these requirements, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading "Elizabeth Veguilla".

Elizabeth Veguilla
Deputy Clerk
Environmental Resource Regulation Department

Enclosures

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
Pamela Brooks-Thomas, *Vice-Chair*
Irela M. Bagué

Michael Collins
Hugh M. English
Lennart E. Lindahl, P.E.

Kevin McCarty
Harkley R. Thornton
Trudi K. Williams, P.E.

EXECUTIVE OFFICE

Henry Dean, *Executive Director*



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 06-04016-P
DATE ISSUED: APRIL 14, 2004**

FORM 9014S
Rev. 08/95

PERMITTEE: STATE OF FLORIDA
(WEST LAKE PARK)
DIVISION OF STATE LANDS, 3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FL 32399

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS
(WEST LAKE PARK)
115 SOUTH ANDREWS AVE, STE 421
FT LAUDERDALE, FL 33301

PROJECT DESCRIPTION: AUTHORIZATION FOR CONSTRUCTION AND OPERATION OF A MITIGATION PROJECT WITHIN THE 1522.2 ACRE WEST LAKE PARK TO PROVIDE COMPENSATION FOR FUTURE WETLAND IMPACTS THAT MAY BE ASSOCIATED WITH FUTURE BROWARD COUNTY PROJECTS

PROJECT LOCATION: BROWARD COUNTY, SECTION 35.36 TWP 50S RGE 42E
SECTION 1.2.11 TWP 51S RGE 42E

PERMIT DURATION: See Special Condition No. 1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 011226-21, dated December 13, 2001. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

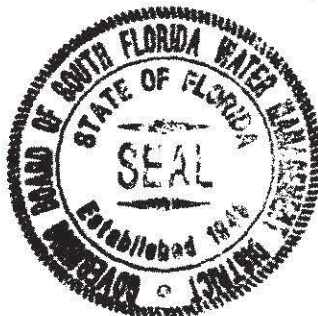
SEE PAGES 2 - 7 OF 10 (41 SPECIAL CONDITIONS).
SEE PAGES 8 - 10 OF 10 (19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

ON April 22, 2004
BY [Signature]
DEPUTY CLERK

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By [Signature]
ASSISTANT SECRETARY





DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

DEC 02 2010

Honorable Debbie Wasserman Schultz
United States House of Representatives
118 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Wasserman Schultz:

This is in response to your letter dated November 8, 2010, cosigned with Congressman Klein, asking that Federal funds be considered for construction of a seawall for the Oceanographic Center at Nova Southeastern University (Nova) near Port Everglades, Florida.

Your letter indicated that the seawall likely will be authorized and eligible for Federal funding by 2012, and asked that funding options be identified that would be available prior to the 2012 authorization. The seawall is estimated to cost \$7 million, and your letter asked that it be considered as a small project that perhaps would be eligible for discretionary funding. My response to your suggestions is provided below.

Over the past several years, the Army Corps of Engineers has been conducting a feasibility study of potential improvements to the Port Everglades Harbor Federal navigation project, which is adjacent to Nova's property. The authorized purpose of the study is to evaluate widening and deepening of the Federal channel for use by deep draft vessels. The study still is underway and will not be completed until November 2012. The study has not been approved, nor has construction of navigation improvements been authorized by Congress. Without congressional authorization, Federal funds cannot be spent to construct any of the navigation improvements contemplated under this study. Furthermore, because the proposed seawall is not for the purpose of or necessary for commercial navigation, it is not part of or related to either the existing Federal project or the study of potential improvements to the navigation project. Therefore, Federal funds cannot be spent to construct the seawall as part of the navigation project, unless specifically authorized and appropriated by Congress.

I also have considered the possibility of providing Federal funds under the discretionary authority under which the Army, acting through the Corps of Engineers, is authorized to plan, design and construct certain types of water resources improvements without additional project specific authorization from Congress. This is commonly referred to as the Continuing Authorities Program. Of the ten discretionary authorities available to the Army under this program, there are two that address shoreline erosion and one that pertains to navigation improvements, as explained below.

Section 14 of the Flood Control Act of 1946, as amended, authorizes Federal participation to implement projects to protect public facilities and facilities owned by non-profit organizations from streambank and shoreline erosion. The facilities must provide public services that are open to all on equal terms. Because Nova is a private university, the seawall is not an eligible facility under the Section 14 authority.

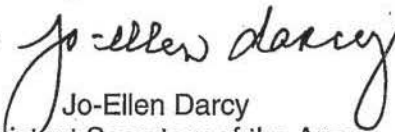
Section 103 of the River and Harbor Act of 1962, as amended, authorizes Federal participation in the cost of protecting multiple public and private properties and facilities and single non-Federal public properties and facilities against damages caused by storm driven waves and currents. The primary purpose of Nova's seawall is to provide a vertical surface for mooring its research vessels as opposed to protecting the shoreline from erosion. Consequently, the seawall is not eligible under the Section 103 authority.

Section 107 of the River and Harbor Act of 1960, as amended, authorizes small projects that serve the general public interest and must be accessible and available to all on equal terms. Improvements are not made under this authority to provide navigation access to privately owned facilities that are not open to the general public on equal terms. Also, by law, Section 107 projects must be economically justified.

The other seven continuing authorities address mitigation of shore damages caused by Federal navigation projects, placement of dredged material on beaches, beneficial uses of dredged material, flood damage reduction, aquatic ecosystem restoration, removal of obstructions to reduce flood damages, and project modifications for improving the environment. None of these authorities are applicable to Nova's seawall.

In summary, there is no authority to use Federal funds to construct the seawall. However, on November 29, 2010, the Corps issued a permit to Nova for various improvements to its facilities, including repair and replacement of its existing seawall and construction of a new seawall. This is the extent of the Army's involvement with Nova's seawall. I regret that I cannot provide a more positive response. I am sending an identical letter to Congressman Klein.

Very truly yours,


Jo-Ellen Darcy
Assistant Secretary of the Army
(Civil Works)