APPENDIX B
Scoping Correspondence

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
WATER MANAGEMENT DIVISION
SOUTH FLORIDA OFFICE
400 NORTH CONGRESS AVE., SUITE 120
WEST PALM BEACH, FLORIDA 33401

February 2, 2000

James C. Duck
U.S. Army Corps of Engineers
Planning Division
P.O. Box 4970
Jacksonville, FL 32232-0019

SUBJECT: Miami Harbor Project

Dear Mr. Duck:

This is in response to your letter dated January 6, 2000 concerning a request by the Miami-Dade County Seaport Department of the Port of Miami to study the feasibility of widening and deepening portions of Miami Harbor, Dade County, FL. All six project design alternatives that are outlined in your letter include new dredging. Dredging has the potential to directly impact existing seagrass and hardbottom communities. Also, turbidity generated from dredging activities can degrade existing live bottom habitats over a broad area. Thus, we suggest that your considerations include an evaluation of the potential environmental impacts for each alternative and an analysis of the least environmentally damaging alternative that fulfills the project purpose. This analysis will require a detailed map of benthic habitats in the areas proposed for dredging. Also, no information is provided on disposal sites for the dredged material; we will require information on disposal sites to assess the potential environmental impacts of the project.

I request that you keep this office informed on your progress in selecting an alternative since we will provide specific comments on the selected alternative during the permit review phase of the project. Please contact Bill Kruczynski, of my staff, at telephone 305 743-0537 if you have any questions concerning our comments. He will be available to attend any meetings you may convent to discuss alternatives or view sites. Thank you for the opportunity to provide comments during the early planning stage of this project.

Sincerely,

for Richard Harvey, Chief
South Florida Office

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

February 1, 2000

Colonel Joe R. Miller
District Engineer, Jacksonville District
Department of the Army, Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Miller:

The National Marine Fisheries Service (NMFS) has reviewed your staff's letter dated January 6, 2000, requesting comments that will be incorporated into a general reevaluation and review (GRR) of a Miami Harbor deep draft navigation project. The applicant, Miami-Dade County Seaport Department of the Port of Miami, is requesting comments on six alternative plans to the widening and deepening of portions of Miami Harbor, Dade County, Florida.

The information supplied in the letter briefly outlines the six alternative plans under consideration for the project. However, detailed information concerning the impacts to aquatic resources and measures of avoidance and minimization from each alternative was not provided. Therefore, we have no specific comment to provide at this time. The NMFS will be available to review the GRR for the project when it is completed.

Thank you for your consideration of our comments. If you have questions, please contact Michael Johnson in Miami, Florida at 305/595-8352.

Sincerely,

W. Mark Thompson/for
Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

City of Miami

ERDAL DÖNMEZ
Director

DONALD H. WARSHAW
City Manager

February 3rd, 2000

Mr. James C. Duck
Chief Planning Division
Environmental Branch
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32233-0019

Dear Mr. Duck:

Your letter concerning a request from the Miami-Dade County Seaport Department to study the feasibility of widening and deepening portions of the Miami Harbor in Miami-Dade County dated January 6th, 2000, was routed to my office at the City of Miami. Your letter states that examination of the impacts of the proposed dredging alternatives on the harbor system and shoreline processes is also part of the study.

My comments offered on behalf of the City of Miami relate to *alternative six* which suggests deepening of Dodge Island Cut and turning basin, and relocation of the western end of the Dodge Island Cut to accommodate proposed port expansion. The City of Miami is in support of dredging alternatives that encompass the entire western shoreline of Watson Island, to accommodate proposed port expansion as well as proposed City marina improvements to accommodate large yachts.

It is respectfully requested that our views be taken into consideration as you proceed with the Miami Harbor dredging feasibility study. I would be pleased to provide additional information, as necessary.

Sincerely,

Erdal Dönmez

Erdal Donmez
Director

ED/AW

c: Charles A. Towsley, Port Director
Miami-Dade County Seaport Department, Port of Miami

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

STEVEN M. SEIBERT
Secretary

March 16, 2000

Mr. James C. Duck
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Attn: Planning Division
Environmental Coordination Section

RE: Department of the Army - District Corps of Engineers - Notice of Intent - Study of Feasibility of Widening and Deepening Portions of Miami Harbor - Miami-Dade County, Florida
SAI: FL200001100015C

Dear Mr. Duck:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Florida Fish and Wildlife Conservation Commission (FWC) offers comments regarding potential impacts to seagrasses and dredging methods that involve the use of in-water explosives. Please refer to the enclosed FWC comments.

The Department of Environmental Protection (DEP) offers comments and recommendations regarding the proposed project. DEP encourages a thorough evaluation of the six proposed alternatives to widen and deepen the Miami Harbor. If the proposed study indicates that the harbor deepening and widening is feasible, DEP will request a meeting with the Corps to review the available information and history of the project prior to any request for permits related to a preferred alternative. Please refer to the enclosed DEP comments.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: http://www.dca.state.fl.us

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Based on the information contained in the notification of intent and the enclosed comments provided by our reviewing agencies, the state has determined that the above-referenced project is consistent with the Florida Coastal Management Program.

In addition, the South Florida Regional Planning Council (SFRPC) has identified the policies and goals of its Strategic Regional Policy Plan which may apply to the proposed activity. The comments provided by the SFRPC are enclosed for your review and consideration.

Thank you for the opportunity to review the proposed project. If you have any questions regarding this letter, please contact Ms. Cherie Trainor, Clearinghouse Coordinator, at (850) 414-5495.

Sincerely,

Chris McCay

for Ralph Cantral, Executive Director
Florida Coastal Management Program

RC/cc

Enclosures

cc: Bradley Hartman, Fish and Wildlife Conservation Commission
Robert Hall, Department of Environmental Protection
Eric Silva, South Florida Regional Planning Council

Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

February 22, 2000

FEB 24 2000
State of Florida Clearinghouse

Ms. Cherie Trainor
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Department of the Army, District Corps of Engineers, Notice if Intent, Study of Feasibility of Widening and Deepening Portions of Miami Harbor, Miami-Dade County

SAI: FL200001100015C

Dear Ms. Trainor:

This Department has reviewed the above-described project proposal and based on the information provided, we submit the following comments and recommendations.

Background: The Miami-Dade County Seaport department of the Port of Miami has requested that the U.S. Army Corp of Engineers (ACOE), study the feasibility of widening and deepening portions of Miami Harbor, Dade County. Six alternatives are listed in the ACOE letter requesting information for use in their general reevaluation and review (ORR) study of Miami Harbor. The letter states that the alternatives were identified by the Biscayne Bay Pilots and the Miami-Dade County Seaport Department

Comments: The six alternatives described in the ACOE appear to be six separate deepening and widening projects that the Port may wish to pursue. The six projects are located in different areas of the Port, and collectively would result in dredging operations that encompass nearly all the channels and turning basins leading into the surrounding port. There are no clear objectives outlined for these alternatives, nor is there any indication given on how the six alternatives would serve to accomplish port goals. It is recommended that the Port's goals and objectives be incorporated into the feasibility study with the evaluation of each alternative.

(6) Although all the alternatives cause concern, alternatives 5 and 6 are of particular concern. Alternative 5 is potentially troublesome in that it seems to square off the SW corner of Dodge Island, and it appears that the Port is proposing to fill the remaining submerged area in order to increase the landmass of the port. This needs to be clarified within the feasibility study.

Alternative 6 appears to deepen and widen the central turning basin, and is referred to in the proposal as the Lummus Island Turning Basin. This is similar to a previously submitted project application in 1997. Subsequent to the Port's application and this department's requests for additional information, it was discovered that the port had already conducted the dredging for the widening project. This was apparently accomplished before submittal of the permit application to DEP in 1997. This dredging violation has resulted in several acres of seagrass destruction immediately adjacent to the Bill Sadowski Wildlife Conservation Area. Notice of violation has been issued by the ACOE, DERM, and the DEP and it is our understanding that a plan of mitigation is currently being negotiated. Further widening of this area would exacerbate the damage already done from that earlier dredging. A deepening project could have water quality impacts as well as direct impacts on submerged habitat by changing the slope of the channel. Since the port has not yet agreed to a mitigation plan for the previous violation, and since part of that mitigation might include restoration of the previous dredging, a request for further dredging in the same location appears to be premature. The feasibility study should include a discussion of the Port's plan for mitigation of the previous damage to the Aquatic Preserve that resulted from illegal dredging.

There are concerns for all the proposed alternatives as they lie within the Biscayne Bay Aquatic Preserve (BBAP), which is designated a Class III Outstanding Florida Water body. The preserve boundaries include all submerged bottomlands and the water column above those lands, both publicly and privately owned (Section 258.397, F.S.). Therefore, these proposed projects are subject to both OFW water quality standards and more fundamentally the need to demonstrate that reasonable alternatives do not exist for projects proposed within the preserve, and that there is a resulting extreme hardship resulting from denial of the project.[1]

The Department is also concerned for the effects of dredging on the seagrass beds within the bay. Dredging not only physically removes seagrass plants, but also creates turbid water that reduces the amount of sunlight penetrating to the seagrass, thereby reducing photosynthesis and plant growth. Silt particles can also smother and suffocate animals and plants living in the seagrass beds. Other impacts to submerged habitat include pollution from heavy metals, oil spills, and nutrient overload which may occur as a result of increased boat and ship traffic to the seaport. Anticipated impacts to the resources within the BBAP need to be evaluated within the feasibility study and the proposed alternatives realistically assessed as to how the proposed alternatives will either avoid or minimize impacts to the BBAP.

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[1] The bay was designated an Aquatic Preserve because it is considered one of a few areas in the state that has resources of the highest quality and condition. The proposed project area may have, but is not limited to, the following resources: corals, oyster bars, marine seagrass beds, all of which are habitat for many endangered or threatened species including the seagrass Halophila johnsonii. Marine seagrass beds are vital to the ongoing health of our coastal waters and fisheries. They stabilize the sand and mud in which they grow, and provide food, shelter, breeding grounds and nursery areas for many marine organisms.

The Department encourages a thorough evaluation of the six proposed alternatives to widen and deepen the Miami Harbor. Should the proposed study indicate that the harbor deepening and widening is feasible, the Department will request a meeting with the Corps to review the available information and history of this project prior to any request for permits related to a preferred alternative.

Thank you for the opportunity of commenting on this proposal. If you have any questions regarding this letter please give me a call at (850) 487-2231.

Sincerely,

Robert W. Hall
Office of Legislative and Governmental Affairs

cc: Lauren Milligan
Carolyn Ansay
David Mayer

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

JAMES L. "JAMIE" ADAMS, JR. Bushnell
BARBARA C. BARSH Jacksonville
QUINTON L. HEDGEPETH, DDS Miami
H.A. "HERKY" HUFFMAN Deltona
DAVID K. MEEHAN St. Petersburg
JULIE K. MORRIS Sarasota
TONY MOSS Miami
EDWIN P. ROBERTS, DC Pensacola
JOHN D. ROOD Jacksonville

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVICES
BRADLEY J. HARTMAN, DIRECTOR
(850)488-6661 TDD (850)488-9542
FAX (850)922-5679

February 3, 2000

FEB 10 2000
State of Florida Clearinghouse

Ms. Cherie Trainor, Director
Florida State Clearinghouse
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100

Re: SAI #FL200001100015C,
Study of Feasibility of Widening and Deepening Portions of Miami Harbor-Miami-Dade County, Florida

Dear Ms. Trainor:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed the referenced project, and offers the following comments.

This project involves a request from the Miami-Dade County Seaport Department that the U.S. Army Corps of Engineers (USCOE) study the feasibility of widening and deepening portions of Miami Harbor. Six alternatives are to be considered, and they are briefly listed and portrayed on one map.

Our concerns with widening and deepening the Port of Miami have historically involved potential impacts to seagrasses and dredging methods that involve the use of in-water explosives. Additionally, during certain times of the year Alternative #2 would raise lighting concerns for sea turtles due to the proximity of Fisher Island and the south end of South Beach. In general, Alternatives #1, 2, 3,and 4 would have fewer seagrass issues, but should have seagrass surveys conducted to evaluate the impacts. Alternatives 5 and 6 are located adjacent to areas with significant seagrass beds, and seagrass surveys must be conducted for these two alternatives to evaluate impacts. We recommend that seagrass surveys be conducted during the months of April thru October in this area of the state.

Blasting as a method of dredging will be problematic for all the alternatives. If blasting can be allowed, it will likely be confined to some calendar window that minimizes risks for listed marine species. An extensive watch program must be developed and approved by our agency and the USFWS. The watch plan will require that aerial surveys be conducted before, during, and after blast events, along with the provision of land based observers to insure that no manatees or sea turtles are within the safety circle. If animals are sighted in the circle, the blast

event must be delayed until the animal moves to a safe distance. Aerial surveys are typically conducted during slack tide to improve visibility in the water. All of these limitations can cause unpredictable delays in dredging operations.

If you have any questions regarding these comments, please contact me or Ms. Carol A. Knox at (850) 922-4330.

Sincerely,

Brian Barnett, for

Bradley J. Hartman, Director
Office of Environmental Services

BJH/CAK
ENV 1-3-2
cc: U.S. Army Corps of Engineers, Jacksonville
USFWS-Vero Beach
Miami-Dade DERM
Ms. Lynn Griffin, DEP
A:\sai0015c.wpd

Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, Florida 32399-0450

THOMAS F. BARRY, JR.
SECRETARY

January 25, 2000

RECEIVED
JAN 27 2000
State of Florida Clearinghouse

Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

SUBJECT: Miami Harbor - SAI FL200001100015C

The Department has reviewed the subject application and has no comments.

Sincerely,

Larry B. Phillips
Intermodal Specialist/Seaport

cc: Rene Rodriguez, D-6
Sandra Whitmire
File

COUNTY: Miami-Dade

DATE: 01/10/2000
COMMENTS DUE-2 WKS: 01/25/2000
CLEARANCE DUE DATE: 02/24/2000
SAI#: ~~FL200011000015C~~ FL200011000015

Message:

STATE AGENCIES	WATER MANAGEMENT DISTRICTS	OPB POLICY UNITS
Community Affairs Environmental Protection Fish & Wildlife Conserv. Comm State X Transportation	South Florida WMD	Environmental Policy/C & ED

RECEIVED
JAN 27 2000
State of Florida Clearinghouse

Trans. DOT 1/18/00

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evalutation and is categorized as one of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

_X_ Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Department of the Army - District Corps of Engineers - Notice of Intent - Study of Feasiblity of Widening and Deepening Portions of Miami Harbor - Miami-Dade County, Florida.

To: **Florida State Clearinghouse**
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 922-5438 (SC 292-5438)
(850) 414-0479 (FAX)

EO. 12372/NEPA

☐ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau: FDOT / PUBLIC TRANSPORTATION – RAIL OFFICE

Reviewer: Larry B. Kuligi

Date: 1/25/00

COMMENTS A-2 WKS: 01/25/2000
CLEARANCE DUE DATE: 02/24/2000
SAI#: ~~FL200011000015C~~ FL200001000015C

Message:

STATE AGENCIES	WATER MANAGEMENT DISTRICTS	OPB POLICY UNITS
Community Affairs Environmental Protection Fish & Wildlife Conserv. Comm State Transportation	X South Florida WMD	Environmental Policy/C & ED

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JAN 18 2000
EXECUTIVE OFFICE

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evalutation and is categorized as one of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

_X_ Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

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— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Department of the Army - District Corps of Engineers - Notice of Intent - Study of Feasibility of Widening and Deepening Portions of Miami Harbor - Miami-Dade County, Florida.

To: **Florida State Clearinghouse**
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 922-5438 (SC 292-5438)
(850) 414-0479 (FAX)

EO. 12372/NEPA

☐ No Comment
☐ Comments Attached
☒ Not Applicable

Federal Consistency

☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☒ Not Applicable

UNDER THE OPERATING AGREEMENT BETWEEN DEP AND THE WMD's, THIS PROJECT WILL BE REVIEWED BY DEP.

From:
Division/Bureau: ENVIRONMENTAL RESOURCE REGULATION
Reviewer: JIM GOLDEN
Date: 1/20/99

Carliane

COUNTY: Miami-Dade

DATE: 01/10/2000
COMMENTS DUE-2 WKS: 01/25/2000
CLEARANCE DUE DATE: 02/24/2000
SAI#: ~~FL200011000015C~~ FL200001100015C

Message:

STATE AGENCIES	WATER MANAGEMENT DISTRICTS	OPB POLICY UNITS
Community Affairs Environmental Protection Fish & Wildlife Conserv. Comm State Transportation	South Florida WMD	X Environmental Policy/C & ED

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JAN 25 2000
State of Florida Clearinghouse

RECEIVED
JAN 24 2000
OFFICE OF POLICY AND BUDGET
ENVIRONMENTAL POLICY UNIT

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evalutation and is categorized as one of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

_X_ Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Department of the Army - District Corps of Engineers - Notice of Intent - Study of Feasiblity of Widening and Deepening Portions of Miami Harbor - Miami-Dade County, Florida.

To: **Florida State Clearinghouse**
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 922-5438 (SC 292-5438)
(850) 414-0479 (FAX)

EO. 12372/NEPA

☑ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

☐ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau: OPB / Env. Policy Unit
Reviewer: Carliane Brito
Date: 1-18-00

South
Florida
Regional
Planning
Council

FEB 10 2000
State of Florida Clearinghouse

February 7, 2000

Ms. Cherie Trainor
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: SFRPC #00-0154, SAI #FL200001100015C – Response to a request for comments on the notice of intent for the feasibility study on the widening and deepening of portions of Miami Harbor, Department of the Army, Miami-Dade County.

Dear Ms. Trainor:

We have reviewed the above-referenced project and offer the following comments:

- Council staff is concerned about the cumulative impacts of this and similar projects. Staff recognizes the location of this project as being in the Biscayne Bay Aquatic Preserve, a natural resource of regional significance as designated in the *Strategic Regional Policy Plan for South Florida*. While this project may have little effect on the Biscayne Bay ecosystem by itself, the cumulative impacts on the water quality and ecological integrity of the region are of concern to Council staff and need to be considered with all projects. In addition, the proposed project should be consistent with the goals and policies of the Miami-Dade County comprehensive plan.

- Staff recommends that, if the project moves forward, 1) impacts to the natural systems be minimized to the greatest extent feasible and 2) the permit grantor determine the extent of sensitive marine life and vegetative communities in the vicinity of the project and require protection and or mitigation of disturbed habitat. This will assist in reducing the cumulative impacts to native plants and animals, fisheries and deep-water habitat that the goals and policies of the *Strategic Regional Policy Plan for South Florida* seek to protect.

- The goals and policies of the *Strategic Regional Policy Plan for South Florida*, in particular those indicated below, should be observed when making decisions regarding this project.

Strategic Regional Goal

3.1 Eliminate the inappropriate uses of land by improving the land use designations and utilize land acquisition where necessary so that the quality and connectedness of Natural Resources of Regional Significance and suitable high quality natural areas is improved.

Regional Policies

3.1.1 Natural Resources of Regional Significance and other suitable natural resources shall be preserved and protected. Mitigation for unavoidable impacts will be provided either on-site or in

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, Area Codes 305, 407 and 561 (800) 985-4416
SunCom 473-4416, FAX (954) 985-4417, SunCom FAX 473-4417
e-mail sfadmin@sfrpc.com

identified regional habitat mitigation areas with the goal of providing the highest level of resource value and function for the regional system. Endangered faunal species habitat and populations documented on-site shall be preserved on-site. Threatened faunal species and populations and species of special concern documented on-site, as well as critically imperiled, imperiled and rare plants shall be preserved on-site unless it is demonstrated that off-site mitigation will not adversely impact the viability or number of individuals of the species.

3.1.9 Degradation or destruction of Natural Resources of Regional Significance, including listed species and their habitats will occur as a result of a proposed project only if:

a) the activity is necessary to prevent or eliminate a public hazard, and
b) the activity is in the public interest and no other alternative exists, and
c) the activity does not destroy significant natural habitat, or identified natural resource values, and
d) the activity does not destroy habitat for threatened or endangered species, and
e) the activity does not negatively impact listed species that have been documented to use or rely upon the site.

3.1.10 Proposed projects shall include buffer zones between development and existing Natural Resources of Regional Significance and other suitable natural resources. The buffer zones shall provide natural habitat values and functions that compliment Natural Resources of Regional Significance values so that the natural system values of the site are not negatively impacted by adjacent uses. The buffer zones shall be a minimum of 25 feet in width. Alternative widths may be proposed if it is demonstrated that the alternative furthers the viability of the Natural Resource of Regional Significance, effectively separating the development impacts from the natural resource or contributing to reduced fragmentation of identified Natural Resources of Regional Significance.

Strategic Regional Goal

3.8 Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including but not limited to, Florida Bay, Biscayne Bay and the coral reef tract.

Regional Policies

3.8.1 Enhance and preserve natural shoreline characteristics through requirements resulting from the review of proposed projects and in the implementation of ICE, including but not limited to, mangroves, beaches and dunes through prohibition of structural shoreline stabilization methods except to protect existing navigation channels, maintain reasonable riparian access, or allow an activity in the public interest as determined by applicable state and federal permitting criteria.

3.8.2 Enhance and preserve benthic communities, including but not limited to seagrass and shellfish beds, and coral habitats, by allowing only that dredge and fill activity, artificial shading of habitat areas, or destruction from boats that is the least amount practicable, and by encouraging permanent mooring facilities. Dredge and fill activities may occur on submerged lands in the Florida Keys only as permitted by the Monroe County Land Development Regulations. It must be demonstrated pursuant to the review of the proposed project features that the activities included in the proposed project do not cause permanent, adverse natural system impacts.

3.8.3 As a result of proposed project reviews, include conditions that result in a project that enhances and preserves marine and estuarine water quality by:

a) improving the timing and quality of freshwater inflows;
b) reducing turbidity, nutrient loading and bacterial loading from wastewater facilities and vessels;
c) reducing the number of improperly maintained stormwater systems; and
d) requiring port facilities and marinas to implement hazardous materials spill plans.

3.8.4 Enhance and preserve commercial and sports fisheries through monitoring, research, best management practices for fish harvesting and protection of nursery habitat and include the resulting information in educational programs throughout the region. Identified nursery habitat shall be protected through the inclusion of suitable habitat protective features including, but not limited to:

a) avoidance of project impacts within habitat area;
b) replacement of habitat area impacted by proposed project; or
c) improvement of remaining habitat area within remainder of proposed project area.

3.8.5 Enhance and preserve habitat for endangered and threatened marine species by the preservation of identified endangered species habitat and populations. For threatened species or species of critical concern, on-site preservation will be required unless it is demonstrated that off-site mitigation will not adversely impact the viability or number of individuals of the species.

Thank you for the opportunity to comment. We would appreciate being kept informed on the progress of this project. Please do not hesitate to call if you have any questions or comments.

Sincerely,

Eric Silva
Senior Planner

ES/ms

cc: Guillermo E. Olmedillo, Miami-Dade County
Jean Evoy, Miami-Dade County DERM

FLORIDA DEPARTMENT OF STATE
the Secretary
ce of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Ms. Cherie Trainor
State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

March 31, 2000

RE: DHR Project File No. 2000-00351
Cultural Resource Assessment Request
SAI# FL200001100015C
Study of Feasibility of Widening and Deepening Portions of Miami Harbor
Miami-Dade County, Florida

Dear Ms. Trainor:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), Florida's Coastal Zone Management Act, and implementing state regulations, we have reviewed the referenced project for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

We have reviewed the information submitted by your office for the above referenced project. Because of the rich maritime history of the Miami Harbor, it is the opinion of this office that a systematic survey be conducted in any undisturbed areas of the selected alternative.

This survey should utilize modern remote sensing technology to include magnetometer data, side-scan sonar data, and depth recorded capabilities. The remote sensing data should be real-time correlated with DGPS positioning data. The survey should be directed by an accredited nautical archaeologist with experience in the operation of remote sensing instrumentation and specific knowledge of maritime history. All anomalies determined to indicate a potential significant cultural resource should be ground-truthed by divers with specific training in underwater archaeological techniques. Results of this survey should be submitted to our office for final review prior to initiating bottom disturbing dredging activities.

Provided the applicant concurs with the condition, the proposed activities will be consistent with the historic preservation laws of Florida's Coastal Management Program.

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservation Planner, at 850-487-2333 or 800-847-7278. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Janet Snyder Matthews, Ph.D., Director
Division of Historical Resources
State Historic Preservation Officer

JSM/Ese

xc: Jasmin Raffington, FCMP-DCA
James C. Duck, USACOE

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

September 6, 2001

James C. Duck, Chief
Planning Division, Environmental Branch
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Duck:

The National Marine Fisheries Service (NMFS) has reviewed your letter dated August 13, 2001, regarding the Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for the Miami Harbor Navigation Improvements in Biscayne Bay, Dade County, Florida. To accommodate future commercial fleet and increased draft and cargo tonnage, the Corps of Engineers (COE) proposes widening and deepening of the existing channels and turning basins. Several alternatives are being considered including no action, one nonstructural, and five structural alternatives.

The NMFS has not yet reviewed detailed information regarding the project's impacts to wetland and aquatic resources. However, the proposed project has the potential to have significant adverse impacts to Essential Fish Habitat (EFH) as defined by 1996 amendment to the Magnuson-Stevens Fishery Conservation and Management Act. Marine and estuarine resources found in the project vicinity include seagrasses, including the federally-listed Johnson's seagrass, hard bottom reefs, coral reefs, and mangroves wetlands. Seagrasses, estuarine scrub/shrub mangroves, live/hard bottoms, coral and coral reefs, estuarine mud bottom, and the estuarine and marine water column have been identified as EFH by the South Atlantic Fishery Management Council (SAFMC). In addition, submerged aquatic vegetation, hermatypic coral reefs, hard bottoms, and mangroves have been designated as a Habitat Area of Particular Concern (HAPC) by the SAFMC. HAPCs are subsets of EFH that are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area.

Considering the potential impact from the proposed project on EFH, HAPC, and other NMFS-trust resources, we recommend that the following be included in the DEIS:

1. An EFH Assessment should be completed that identifies and describes EFH and other fishery resources in the vicinity of the project, describes the impacts to EFH associated with each action alternative, identifies the COE views regarding the effects of the action on EFH, and discusses the proposed mitigation to fully offset any losses of the functions and values of wetlands, aquatic resources, and EFH.

2. The mitigation plan should include a complete analysis of the proposed locations for wetland and estuarine/marine benthic habitat restoration and/or creation for this project. In-kind mitigation for all habitat types to be impacted and long-term monitoring to document success should be provided. A contingency mitigation should be developed to provide out-of-kind mitigation if in-kind is not successful.

We look forward to the opportunity to provide comments to the DEIS when it becomes available. If we can be of further assistance, please advise. Related comments, questions or correspondence should be directed to Mr. Michael R. Johnson, in Miami, at 305/595-8352.

Sincerely,

W. Mark Thomas for

Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:
F/SER3
F/SER4
F/SER43-Johnson