



VILLAGE OF KEY BISCAYNE

Office of the Village Manager

MEMORANDUM

Village Council

Robert L. Vernon, *Mayor*
Enrique Garcia, *Vice Mayor*
Michael W. Davey
Robert Gusman
Michael E. Kelly
Jorge E. Mendia
Thomas Thornton

DATE: June 15, 2010

TO: Honorable Mayor and Members of the Village Council

FROM: Genaro "Chip" Iglesias, Village Manager

Village Manager
Genaro "Chip" Iglesias

RE: Seagrass Mitigation and Restoration Project

RECOMMENDATION

Conditional approval, via motion, to move forward with negotiations with the Department of Interior, National Park Service, Biscayne National Park ("BNP") and provide a Memorandum of Agreement ("MOA") at a future Council meeting to conduct a seagrass mitigation project within BNP.

BACKGROUND

The Village of Key Biscayne has been working towards compliance of the seagrass mitigation requirements imposed by the Florida Department of Environmental Protection ("DEP") as a result of losses to seagrass habitats from the previous beach renourishment project. The remaining portion of this requirement is approximately .3 acres and would be satisfied by off-site mitigation within BNP. I have had several conference calls between DEP, our consultants, and BNP on a possible project within BNP. This project would restore injuries to seagrass habitat caused by vessel groundings.

Our consultants have surveyed the area discussed and have identified 17 possible areas for restoration of injuries. Additionally, the recommended method would be using loose fill and sediment bags along with bird stakes. The BNP has provided an estimate of such a project and our consultants have preliminarily reviewed it. The estimated cost of the project would be \$494,220, which includes required monitoring costs over a five-year period of \$141,000. The project would be bid out and actual costs determine at that time.

BNP has stated that they have a policy that would require this project to be managed by them. There are a number of concerns with this approach and I have made these known to DEP and BNP. We would address these concerns during the MOA negotiations with our Village Attorney.

Our next Beach Renourishment Project has a requirement that our Mitigation Plan, which is not fully approved because of these last .3 acres, be completed before the DEP would provide a

Notice to Proceed ("NTP"). I have requested from DEP that the requirement be changed to receiving the NTP when we have an approved agreement to execute the remaining portion of the seagrass mitigation instead. DEP is considering this request and verbally stated this might be possible, which would expedite the permitting process for our beach renourishment project. This would be a substantial change. This is only one portion of the review process. There are other regulatory entities that review and comment on our permit.

ROUGH COST ESTIMATES FOR BISC-VKB SEAGRASS MITIGATION

BISC planning and oversight ¹	\$	45,000
BISC monitoring ²	\$	141,000
Restoration contract ³	\$	278,220
Shoal marker purchase, installation, and maintenance ⁴	\$	30,000
	Estimated totals	\$ 494,220

Notes

- ¹ Includes agreement, contracting, contractor oversight, and project administration.
- ² Assumes 6 monitoring events.
- ³ Includes planning meeting, implementation plan, restoration implementation, and completion report. Assumes 605.4 cy of fill and 303 bird stakes. Fill estimated at \$400/CY.
- ⁴ Includes 5 years of maintenance



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

March 18, 2010

Chip Iglesias
Village of Key Biscayne
85 West McIntyre Street
Key Biscayne, FL 33149

c/o

Penny Cutt
Coastal Systems International, Inc.
464 S. Dixie Highway
Coral Gables, FL 33149

Permit/Authorization Number: 0160846-001-JC
County: Miami-Dade
Project Name: Village of Key Biscayne Beach Nourishment

Dear Ms. Cutt:

The Department has reviewed your request for a Notice to Proceed (NTP) for the above referenced project and determined that the permittee has not complied with the requirements to issue a NTP. Specific Condition 7 of Permit No. 0160846-001-JC required mitigation for impacts to seagrasses from the initial nourishment event. At this time approximately 0.91 acres of seagrass restoration is still required to bring the permit into compliance. Please note that Rule 62B-49.002 (12), F.A.C., states: *"Permit Condition" is a statement or stipulation appearing on or referenced in a permit, compliance with which is necessary for the continued validity of the permit or the issuance of a notice to proceed.*

The Department understands that the Permittee is working to complete the mitigation requirements for the project; however the remaining 0.91 acres of seagrass mitigation requirement must be satisfied prior to issuance of the NTP. In addition to completing the mitigation, the permittee must submit the following, as outlined in Permit Condition 2:

- a. *Final plans and specifications.* Two copies of detailed final construction plans and specifications for all authorized activities. These documents shall be signed and sealed by the design engineer, who must be registered in the State of Florida, and

Notice to Proceed Request-Denial
Permit No. 0160846-001-JN
Key Biscayne Beach Nourishment
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shall bear the certifications specified in Rule 62B-41.007(4), F.A.C. The plans and specifications shall include a description of the beach construction methods to be utilized and drawings and surveys which show all biological resources and work spaces (e.g. anchoring area, pipeline corridors, staging areas, boat access corridors, etc.) to be used for this project. The Department may request additional information as necessary in order to review each subsequent maintenance dredging event. Department approval for subsequent events may be contingent upon the permittee's acceptance of additional conditions which may be determined to be appropriate based upon data submitted to the Department in support of your request or upon the results of previous monitoring data.

- b. *Vessel operations plan.* The permittee shall submit a description of the beach construction methods to be utilized, a vessel operations plan describing the mobilization and demobilization of all equipment to the project area and daily operations during construction, and plan view drawings which show all work spaces to be used for this project. The drawings shall include a recent map of the seagrass and hardbottom areas which shows the construction access corridors through and around these resources, to which the contractor shall be confined. The depths (MLW) shall be included on this map and the draft of the vessels permitted within the corridors be specified. The map shall delineate areas where anchoring, spudding down or dropping of any type of equipment will be prohibited. The map shall also delineate all pipeline corridors and buffer zones.
- c. *Turbidity monitoring qualifications.* Construction at the project site shall be monitored closely to assure that turbidity levels do not exceed the compliance standards established in this permit. Accordingly, an individual familiar with beach construction techniques and turbidity monitoring shall be present at all times when fill material is discharged on the beach. This individual shall serve as site supervisor and shall have authority to alter construction techniques or shut down the dredging or beach construction operations if turbidity levels exceed the compliance standards established in this permit. The names and qualifications of those individuals performing these functions along with 24-hour contact information shall be submitted for approval.
- d. *Biological monitoring qualifications.* The names and qualifications of those individuals performing the biological monitoring shall be submitted for department approval. All biological monitoring required by this permit shall be conducted by individuals having a good working knowledge of sponge, seagrass and coral taxonomy.

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Sincerely,



Stephanie Gudeman
Bureau of Beaches & Coastal Systems

cc: Michael Barnett, BBCS, Chief
Martin Seeling, BBCS, JCP
Robert Brantly, BBCS, CE
Elizabeth Kromhout, BBCS, CE
Steven Macleod, BBCS,
JCP Richard Noyes, BBCS, BECP
Alex Reed, BBCS, BECP
Roxane Dow, BBCS, BECP
Paden Woodruff, BBCS, BECP
Robbin Trindell, FWC, ISMS
Ron Mezich, FWC, M/ESS
Jennifer Smith, DEP, SE District
Wesley Cich, DEP Field Inspector
JCP Compliance Officer
BBCS Permit File



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Secretary

June 16, 2010

Mr. Chip Iglesias
Village of Key Biscayne
85 West McIntyre Street
Key Biscayne, FL 33149

RE: Key Biscayne Beach Nourishment Mitigation Progress Meeting
(Permit No. 0160846-001-JC, Permit Modification No. 0160846-011-JN)

Dear Mr. Iglesias:

The purpose of this letter is to acknowledge the efforts made on behalf of the Village of Key Biscayne (Village) and the National Parks Service (NPS) to work towards a final seagrass mitigation agreement for the Biscayne National Park (BNP). On June 10, 2010, the Department, the NPS and the Village had a teleconference to identify a preferred seagrass mitigation strategy within the national park boundaries (i.e., sediment fill with bird stakes) and discuss the outstanding items required to implement this final portion of the overall beach project mitigation requirement. The meeting also allowed all parties to agree upon a timetable for the proposed Biscayne National Park mitigation.

It is the intention of the Village to present the BNP mitigation proposal at the next Town Council meeting on June 22, 2010. Upon approval of the BNP mitigation proposal, the NPS has agreed to prepare a project agreement between the Village and the NPS, which will ideally be approved by August 31, 2010. The NPS estimates that project implementation will occur in the spring of 2011.

The Department previously withheld issuance of a Notice to Proceed for the Key Biscayne Beach Nourishment Project until the mitigation requirements for previous impacts were met. The Department feels that the ability of NPS to bid and implement a contract with Village funding for the proposed BNP restoration is a critical final step in completing construction of the overall mitigation project. Therefore, it is the intention of the Department to issue a Notice to Proceed once the Village and the NPS have executed the final BNP mitigation project agreement. This is expected to occur in the fall of 2010, allowing the beach nourishment project to be constructed within the 2010-2011 turtle window.

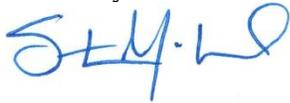
Key Biscayne Beach Nourishment Mitigation Progress Meeting

June 16, 2010

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If we may be of further assistance feel free to contact me (850-414-7806, steven.macleod@dep.state.fl.us) or Ms. Stephanie Gudeman (850-414-7798, stephanie.gudeman@dep.state.fl.us)

Sincerely,



Steven MacLeod, Environmental Manager
Bureau of Beaches and Coastal Systems

SM/smg

cc: Armando Nuñez, Village of Key Bisc. Amanda Bourque, Biscayne Nat. Park
Penny Cutt, Coastal Systems Int. Anne McCarthy, Continental Shelf Ass.
Pamela Sweeney, Biscayne Bay A.P. Michael Barnett, BBCS, Chief
Martin Seeling, BBCS-JCP Stephanie Gudeman, BBCS-JCP
Robert Brantly, BBCS-CE Richard Noyes, BBCS-BECP
Alex Reed, BBCS-BECP Paden Woodruff, BBCS-BECP
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