

State of Florida Department of Environmental Protection

In re: File No. 0080982-001-JC
Dade County Beach Sustainability Project

AGREEMENT

I. WHEREAS, the U.S. Army Corps of Engineers has submitted an application for, and the Department has issued, Joint Coastal Permit No. 0080982-001-JC authorizing beach nourishment of the beaches at Miami Beach from 73rd St to 83rd St, as described in the above cited Joint Coastal Permit.

II. WHEREAS, the nourishment is part of a series of Congressionally authorized beach restorations, which provides for the construction of a protective/ recreation beach and a protective dune for 9.3 miles of shoreline between Government Cut and Bakers Haulover Inlet.

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

IV. WHEREAS, Miami-Dade County, through it's Department of Environmental Resources Management (DERM) as the "Local Sponsor" is a partner with the U.S. Army Corps of Engineers for the Miami-Dade County Beach Sustainability Project, and DERM, the US Army Corps of Engineers, and the Department have agreed to allow DERM to be responsible for any non-water quality specific conditions in the final permit/water quality certificate, as they are included in the U.S. Army Corps of Engineers final construction plans and specifications (IFB No. DACW17-02-R-0031) for the contract as well as included in the Comprehensive Monitoring Program, which is a binding part of this agreement between the Department and DERM;

V. WHEREAS, the Miami-Dade County Department of Environmental Resources Management (DERM), has agreed to conduct a comprehensive monitoring program in partial fulfillment of special provisions of the U.S. Army Corps of Engineers final construction plans and specifications (IFB No. DACW17-02-R--0031), that covers the non-water quality related specific conditions noted above;

VI. WHEREAS, this agreement is entered into in consideration of the issuance by the Department of Permit No. 0080982-001-JC.

Miami-Dade County and the State of Florida, Department of Environmental Protection ("Department") agree as follows:

* 1. The County hereby agrees to perform the activities set forth in the Comprehensive Monitoring Program attached hereto as Exhibit 1 and incorporated herein by reference. The aforementioned Monitoring Program will incorporate the Department's standard marine turtle monitoring conditions and will be accordance with the Bureau of Protected Species Management Guidelines for such activities.

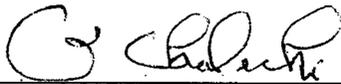
* 2. The County hereby agrees to mitigate for adverse impacts to hardbottom communities that may be caused by the placement of the submerged pipeline.

3. This agreement constitutes Final Agency Action under Chapter 120, Florida Statutes. Miami-Dade County hereby recognizes and agrees that compliance with the terms herein will be enforceable by the Department against the County utilizing all appropriate remedies available, including, but not limited to, the provisions of Chapters 161.054; 253; 373; 403.121, 403.141, 403.161; and 120, Florida Statutes.

4. Within thirty (30) days from the execution of this agreement, Dade County shall cause this agreement to be recorded in the public records of Miami-Dade County, Florida. A copy of the recorded agreement shall be sent to the Department within 5 days of recording.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

MIAMI-DADE COUNTY

for


Michael Sole, Chief
Bureau of Beaches & Wetland Resources



Steve Shiver
County Manager

Jan. 27, 2003

DATE

Jan 22-03

DATE

Recorded:
