

ATTACHMENT A



Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 6th Floor

Miami, Florida 33136-3912

T 305-372-6567 F 305-372-6407

miamidade.gov

March 15, 2023

Miami-Dade County RER
DERM - Restoration & Enhancement Section
c/o Jimmy Morales, Chief Operations Officer
701 NW 1 Court
Miami, Florida 33136

Miami-Dade County Class I Permit 2011-CLI-PER-00185: DERM Restoration & Enhancement Section – Offshore Artificial Reefs located within the Atlantic Ocean, Miami-Dade County, Florida.

Dear Mr. Morales:

The Department of Regulatory and Economic Resources Division of Environmental Resources Management (DERM) has reviewed your request to toll the above referenced permit expiration date, which is set to expire on June 8, 2023. Pursuant to Section 252.363, Florida Statutes; Executive Order Nos. 22-218, 22-219, 22-253, 22-255, 22-256, 22-268, 23-002, 23-021, and 23-048 (the "Tropical Depression Nine, Subtropical Storm Nicole, and Hurricane Ian Executive Orders"), DERM hereby grants an extension of time to perform the work through July 15, 2024.

This letter must be attached to the original permit 2011-CLI-PER-00185 as evidence of this permit extension from DERM. The entire permit shall be kept on-site during any construction work. If you have any questions regarding the above, please contact me at alhaler@miamidade.gov.

Sincerely,

A handwritten signature in blue ink that reads "R. Alhale".

Rockell Alhale, ERPS
Coastal Resources Section
Division of Environmental Resources Management (DERM)



Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 6th Floor

Miami, Florida 33136-3912

T 305-372-6567 F 305-372-6407

miamidade.gov

April 20, 2021

Extended on March 15, 2023

Miami-Dade County RER
DERM - Restoration & Enhancement Section
c/o Sara Thanner
701 NW 1 Court, 5th Floor
Miami, Florida 33136

Re: Miami-Dade County Class I Permit 2011-CLI-PER-00185: DERM Restoration & Enhancement Section
– Offshore Artificial Reefs located within the Atlantic Ocean, Miami-Dade County, Florida.

Dear Ms. Thanner:

The Department of Regulatory and Economic Resources Division of Environmental Resources Management (DERM) has reviewed your request to extend the above referenced permit, which will expire on October 20, 2021. Pursuant to Section 252.363, Florida Statutes; Executive Order Nos. 20-52, 20-114, 20-166, 20-192, 20-213, 20-276, 20-316, and 21-45 (the "Coronavirus Disease 2019 Executive Orders"), DERM hereby grants an extension of time to perform the work through June 8, 2023.

This letter must be attached to the original permit 2011-CLI-PER-00185 as evidence of this permit extension from DERM. The entire permit shall be kept on-site during any construction work. If you have any questions regarding the above, please contact me at alhaler@miamidade.gov.

Sincerely,

A handwritten signature in blue ink that reads "R. Alhale".

Rockell Alhale, ERPS
Coastal Resources Section
Division of Environmental Resources Management (DERM)



**Miami-Dade County
Department of Regulatory and Economic Resources
Coastal Resources Section
701 N.W. 1st Court, 6th Floor
Miami, FL 33136-3912**

MODIFICATION No. 3 TO CLASS I PERMIT 2011-CLI-PER-00185

Permittee: Miami Dade County
RER-DERM Restoration and Enhancement Section
c/o Sara Thanner
Environmental Resources Project Supervisor
701 Northwest 1st Court, 5th Floor
Miami, Florida 33136

Contractor: See Specific Condition Number 2 in the original permit.

Proposed Work

The deployment area and artificial reef location authorized under Modification No. 2 is modified to be located at the following GPS coordinates and as depicted on the DERM final approved plans.

- -80°07.67333W, 25°46.39562N
- -80°07.62098W, 25°46.38971N
- -80°07.64477W, 25°46.29764N
- -80°07.57447W, 25°46.28313N
- -80°07.58277W, 25°46.19174N
- -80°07.70496W, 25°46.14675N
- -80°07.68313W, 25°46.36993N

After-the-Fact: YES ☐ NO ☒

Fee Amount: \$200.00

Bond Amount: N/A

BBEETF Contribution: N/A

Zoning Date: N/A

Structural Date: 5/20/2022

Submerged Lands Authorization Date: 5/3/2022

Issued By: FDEP ☒ DERM ☐ SFWMD ☐ Owner ☐

Permit Conditions

All other specific and general conditions from the original permit 2011-CLI-PER-00185 and associated Modifications No. 1 and No. 2 remain unchanged and in effect.

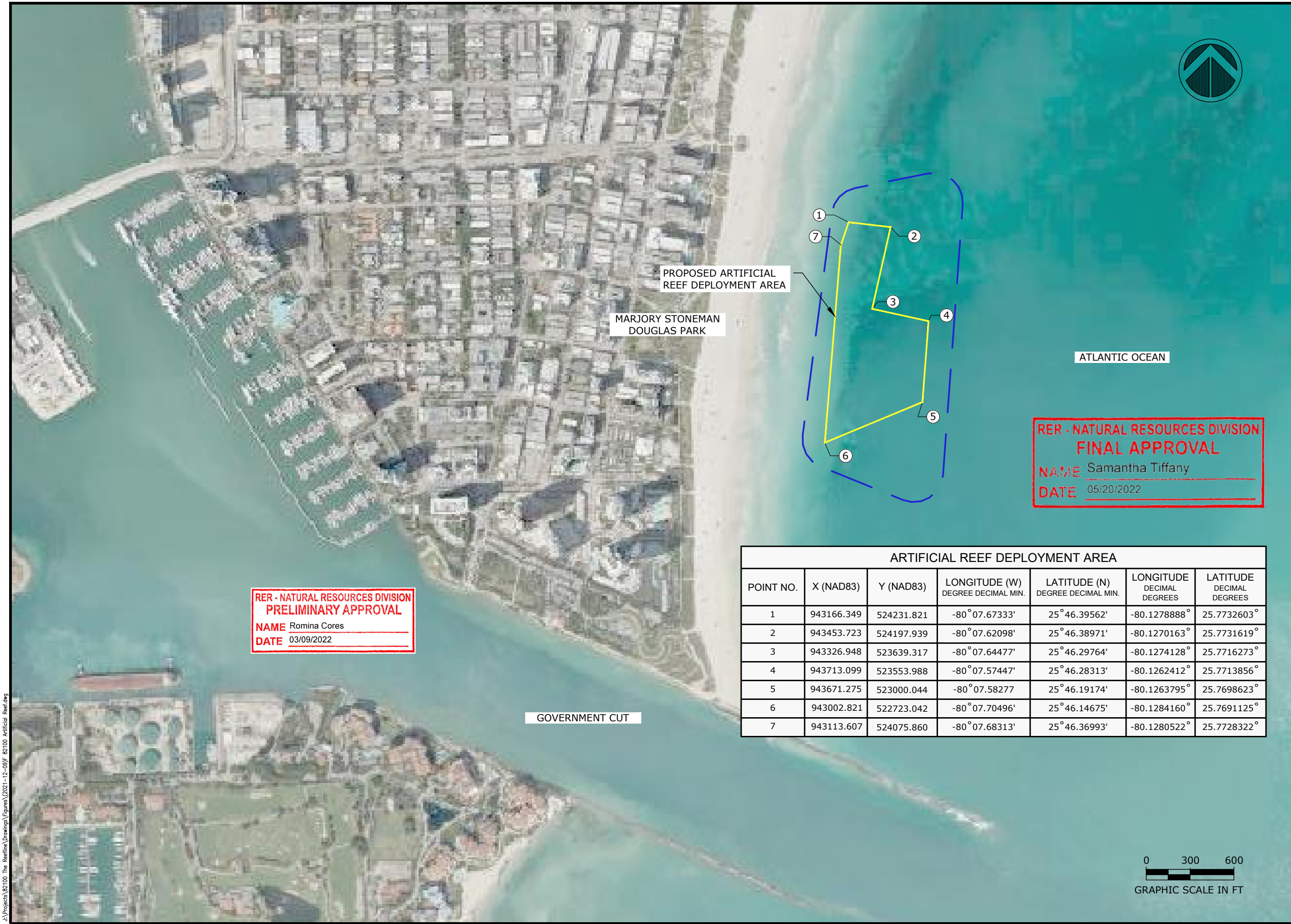
All work shall be performed in accordance with the plans entitled "THE REEFLINE ARTIFICIAL REEF PROJECT CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA" prepared by Jordan P. Cheifet, P.E. #72876, signed and sealed on March 8, 2022, approved by DERM and in accordance with the conditions of the Class I Permit.

Coastal Section Review: TB

Issued By: ST

Issue Date: 5/20/2022

THIS MODIFICATION MUST BE ATTACHED TO THE ORIGINAL CLASS I PERMIT (2011-CLI-PER-00185) AND MODIFICATIONS NO. 1 AND NO. 2 AS EVIDENCE OF APPROVAL FROM DERM. THE ENTIRE PERMIT AND MODIFICATIONS SHALL BE KEPT ON SITE DURING ANY CONSTRUCTION WORK.



PROJECT:
THE REEFLINE
ARTIFICIAL REEF
PROJECT

ADDRESS:
CITY OF MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA

CLIENT:
**BLUE LAB
PRESERVATION
SOCIETY**

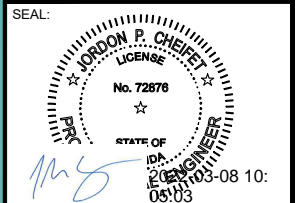
ADDRESS:
XIMENA@HONEYLAB.ART

ENGINEER:
CUMMINS CEDERBERG
COASTAL & MARINE ENGINEERING
7550 RED ROAD, SUITE 217
SOUTH MIAMI, FLORIDA 33143
TEL: +1 305 741-6155 FAX: +1 305-974-1969
WWW.CUMMINSCEDERBERG.COM
COA # 29062

CUMMINS | CEDERBERG
Coastal & Marine Engineering

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AND SEALED BY JORDON P. CHEIFET
ON THE DATE ADJACENT TO THE SEAL.

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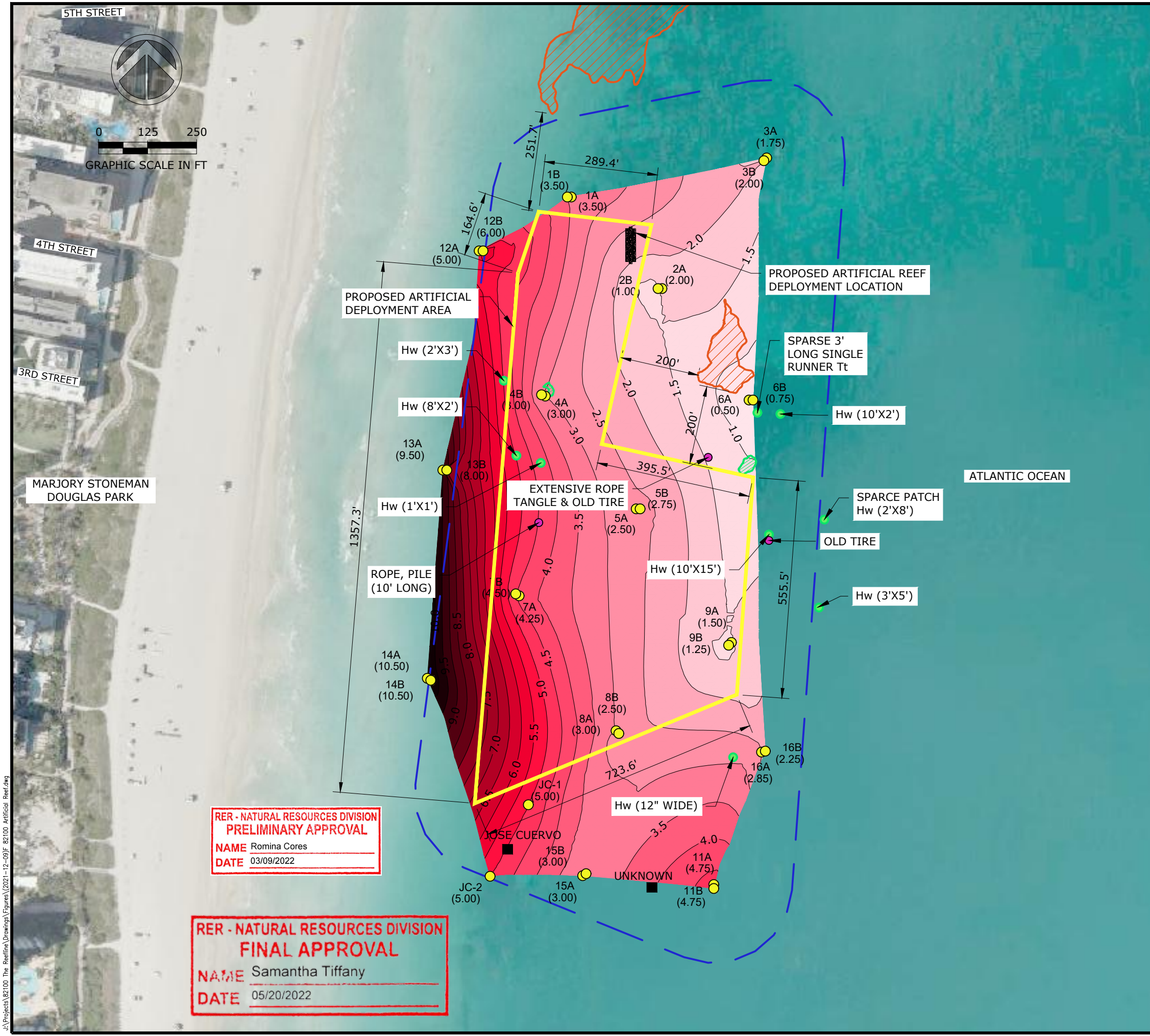
JORDON P. CHEIFET, P.E. #72876

USACE REVISIONS										SUBMISSION / REVISION	
NO.	DATE	DESCRIPTION	BY	CHKD	APPD	DATE	NO.	DATE	DESCRIPTION	BY	CHKD
1	12/09/2021										

CC PROJECT NO:	82100
DRAWN	GJ
CHECKED	JPC
SCALE	AS SHOWN

SHEET TITLE
LOCATION MAP

SHEET :
Fig 1



RER - NATURAL RESOURCES DIVISION
PRELIMINARY APPROVAL
NAME Romina Cores
DATE 03/09/2022

RER - NATURAL RESOURCES DIVISION
FINAL APPROVAL
NAME Samantha Tiffany
DATE 05/20/2022

SAND THICKNESS RANGES		
MINIMUM ELEVATION	MAXIMUM ELEVATION	COLOR
0.0	0.5	
0.5	1.0	
1.0	1.5	
1.5	2.0	
2.0	2.5	
2.5	3.0	
3.0	3.5	
3.5	4.0	
4.0	4.5	
4.5	5.0	
5.0	5.5	
5.5	6.0	
6.0	6.5	
6.5	7.0	
7.0	7.5	
7.5	8.0	
8.0	8.5	
8.5	9.0	
9.0	9.5	
9.5	10.0	
10.0	10.5	

- NOTES:
1. SEDIMENT DATA COLLECTED BY CUMMINS CEDERBERG, INC. AUGUST 2020.
 2. BATHYMETRIC DATA COLLECTED BY CUMMINS CEDERBERG, INC. AUGUST 2020.
 3. BATHYMETRIC DATA REFERENCE DATUM IS NAVD 88.
 4. IMAGERY COLLECTED FROM ESRI WORLD IMAGERY DATED MARCH 2019.
 5. BENTHIC SURVEY CONDUCTED BY CUMMINS CEDERBERG, INC. AUGUST 2020.

LEGEND:	
	ARTIFICIAL REEF DEPLOYMENT AREA
	REEFLINE INVESTIGATION AREA
	EDGE OF HARDBOTTOM
	SEDIMENT PROBE ID AND THICKNESS
	SEDIMENT THICKNESS
	THICKNESS CONTOUR
	SEA GRASS PATCH SPARSE 1-20%
	DEBRIS
	ARTIFICIAL REEF

PROJECT:
THE REEFLINE
ARTIFICIAL REEF
PROJECT

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COA # 29062

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SEAL:

JORDON P. CHEIFET, P.E. #72876

2022-03-08 10:08:30

USACE REVISIONS	
DATE	SUBMISSION / REVISION
12/09/2021	1
03/09/2022	2
05/20/2022	3
08/01/2022	4
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CC PROJECT NO: 82100

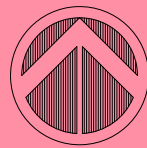
DRAWN GJ

CHECKED JPC

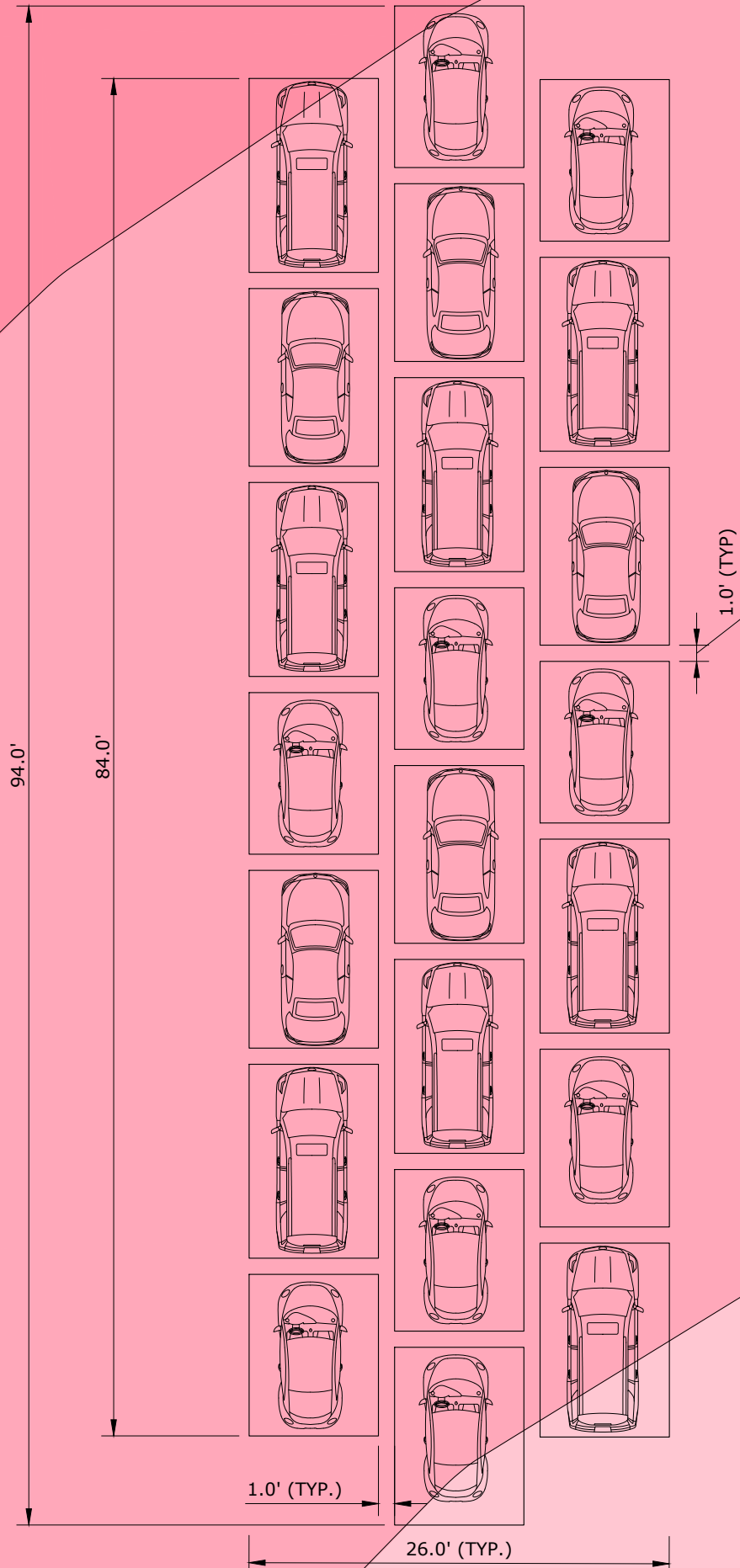
SCALE AS SHOWN

SHEET TITLE
ARTIFICIAL REEF
OVERALL
LAYOUT PLAN

SHEET:
Fig 2



GRAPHIC SCALE IN FT



PROPOSED ARTIFICIAL
DEPLOYMENT AREA

ARTIFICIAL REEF FIRST DEPLOYMENT LAYOUT AREA
2353.8 S.F.
0.05 ACRES

LEGEND:

- COMPACT VEHICLE
- MIDSIZE VEHICLE
- SPORT UTILITY VEHICLE
- 2.50 SEDIMENT THICKNESS
CONTOUR

RER - NATURAL RESOURCES DIVISION
PRELIMINARY APPROVAL
NAME Romina Cores
DATE 03/09/2022

RER - NATURAL RESOURCES DIVISION
FINAL APPROVAL
NAME Samantha Tiffany
DATE 05/20/2022

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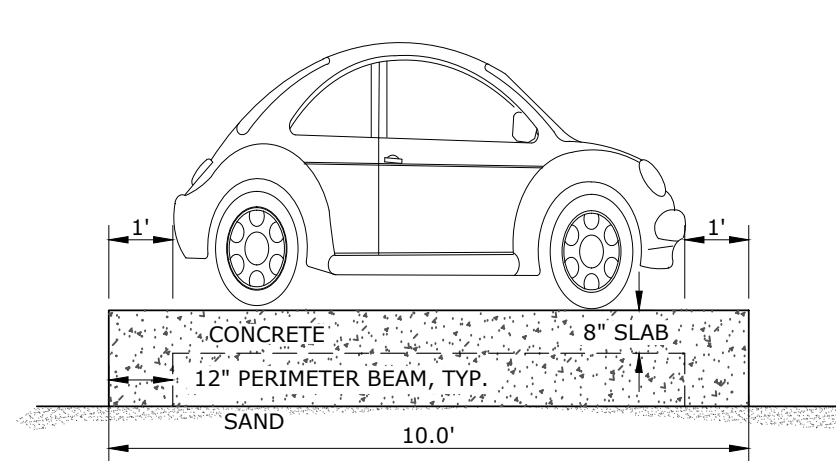
SEAL:

JORDON P. CHEIFET, P.E. #72876

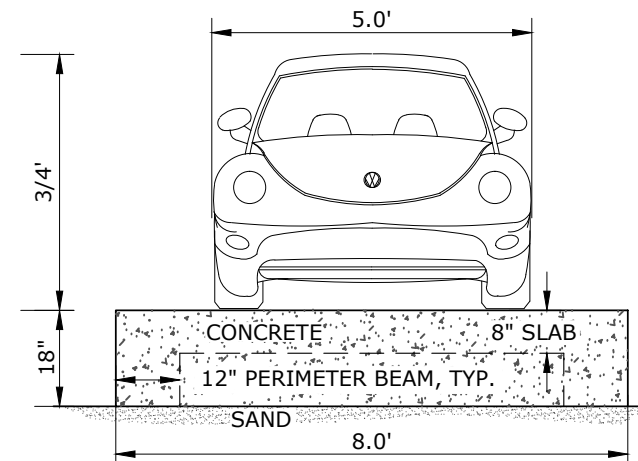
SUBMISSION / REVISION											
USACE REVISIONS	DATE	ISSUE	1	2	3	4	5	6	7	8	9
	12/09/2021										

CC PROJECT NO: 82100
DRAWN GJ
CHECKED JPC
SCALE AS SHOWN
SHEET TITLE
ARTIFICIAL REEF
FIRST DEPLOYMENT
LAYOUT PLAN

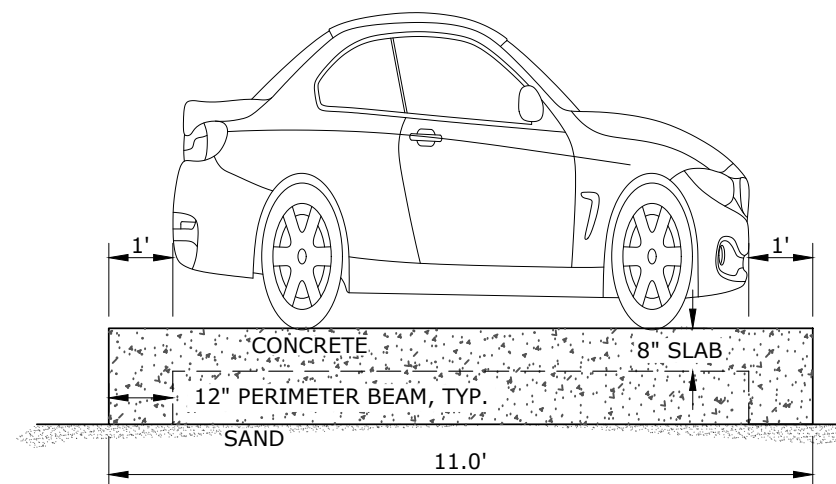
SHEET :
Fig 4



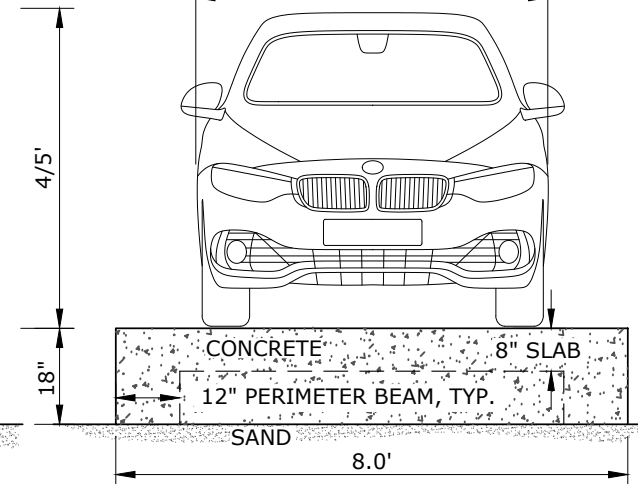
COMPACT PROFILE VIEW



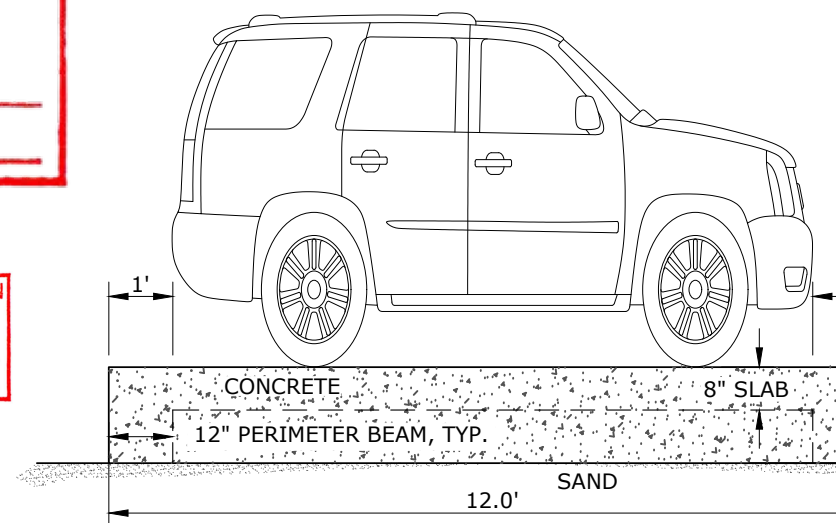
COMPACT FRONT VIEW



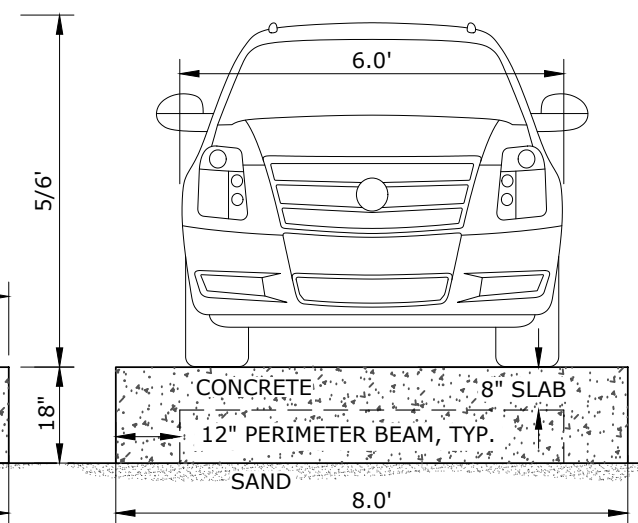
MIDSIZE PROFILE VIEW



MIDSIZE FRONT VIEW



SPORT UTILITY VEHICLE
PROFILE VIEW



SPORT UTILITY VEHICLE
FRONT VIEW

**RER - NATURAL RESOURCES DIVISION
FINAL APPROVAL**
NAME Samantha Tiffany
DATE 05/20/2022

**RER - NATURAL RESOURCES DIVISION
PRELIMINARY APPROVAL**
NAME Romina Cores
DATE 03/09/2022



PROJECT:
THE REEFLINE
ARTIFICIAL REEF
PROJECT

ADDRESS:
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CLIENT:
BLUE LAB
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COA # 29062

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NO.	DATE	DESCRIPTION	BY	DATE	REVISION
1	12/09/2021				

CC PROJECT NO:	82100
DRAWN	GJ
CHECKED	JPC
SCALE	AS SHOWN

SHEET TITLE
ARTIFICIAL REEF
TYPICAL SECTION
VIEWS

SHEET :
Fig 5



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 3, 2022

Miami-Dade County
Jimmy Morales, Chief Operations Officer
701 NW 1st Court
Miami, FL 33136
Sent via e-mail: thanns@miamidade.gov

Re: File No.: 13-0402095-002-EG
File Name: Reefline Artificial Reef

Dear Jimmy Morales:

On April 12, 2022, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.600, Florida Administrative Code (F.A.C.) to construct an artificial reef to create habitat and serve as a recreational dive/snorkel site. The project boundary spans 15.2 acres. The first phase of deployment will include the 22 concrete cars with a footprint of 2,353 square feet (0.05 acres), within the Atlantic Ocean, a Class III Waters Florida waterbody. The project is located adjacent to Marjory Stoneman Douglas Ocean Beach Park, located between 2nd and 3rd Street in South Miami Beach, in Miami-Dade County within the area specified below:

ARTIFICIAL REEF DEPLOYMENT AREA						
POINT NO.	X (NAD83)	Y (NAD83)	LONGITUDE (W) DEGREE DECIMAL MIN.	LATITUDE (N) DEGREE DECIMAL MIN.	LONGITUDE DECIMAL DEGREES	LATITUDE DECIMAL DEGREES
1	943166.349	524231.821	-80°07.67333'	25°46.39562'	-80.1278888°	25.7732603°
2	943453.723	524197.939	-80°07.62098'	25°46.38971'	-80.1270163°	25.7731619°
3	943326.948	523639.317	-80°07.64477'	25°46.29764'	-80.1274128°	25.7716273°
4	943713.099	523553.988	-80°07.57447'	25°46.28313'	-80.1262412°	25.7713856°
5	943671.275	523000.044	-80°07.58277'	25°46.19174'	-80.1263795°	25.7698623°
6	943002.821	522723.042	-80°07.70496'	25°46.14675'	-80.1284160°	25.7691125°
7	943113.607	524075.860	-80°07.68313'	25°46.36993'	-80.1280522°	25.7728322°

Your intent to use a general permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project did not qualify for the federal authorization; therefore, additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact Lucy Brandenburg at the letterhead address or at (561) 681-6652, Lucy.Brandenburg@FloridaDEP.gov.

1. Regulatory Review – APPROVED

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.600, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.600, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – GRANTED

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapter 253 of the Florida Statutes (F.S.) and 258, F.S. if located within an aquatic preserve, and Chapters 18-20 and 18-21 of the Florida Administrative Code

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review - Chapter 253 F.S., Chapter 18-21, F.A.C., and Section 62-330.075, F.A.C. as required.

3. Federal Review- NOT APPROVED

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook: (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent

intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jeffrey Meyer
Environmental Administrator
Southeast District

Enclosures:

General Conditions for All General Permits, Ch. 62-330.405, F.A.C.
Specific General Permit Rule, Ch. 62-330.600, F.A.C.
Special Consent Conditions
General Conditions for Authorizations for Activities on State-Owned Submerged Lands
Project drawings, 5 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

FDEP – Jeffrey Meyer, Lucy Brandenburg
Gina Chiello, Cummins Cederberg, Inc., gchiello@cumminscederberg.com

Additional Mailings:

Lisa Spadafina, Miami-Dade County RER, spadaL2@miamidade.gov
Mollie Sinnott, FDEP, Mollie.Sinnott@dep.state.fl.us
Keith Mille, FFWCC- Division of Marine Fisheries Management - Artificial Reef Program,
Keith.Mille@myfwc.com
Patrick Connelly, Patrick.Connelly@floridadep.gov

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Vilmar Diaz May 3, 2022
Clerk Date

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

(3) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

(7) This permit shall not be transferred to a third party except pursuant to Rule 62-330.340, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in this general permit.

(10) A permittee's right to conduct a specific activity under this general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental*

Protection and Florida Department of Transportation June 2007), available at www.dep.state.fl.us/water/wetlands/docs/erp/FLerosionSedimentManual_6_07.pdf, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed within 72 hours after the work commences; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in a general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or

(16) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at “Idle Speed/No Wake” at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at imperiledspecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13.

62-330.600 General Permit for the Construction of Artificial Reefs.

(1) A general permit is provided for the construction of an artificial reef by any person, provided:

(a) The material to be used shall be clean concrete or rock, clean steel boat hulls, other clean, heavy gauge steel products with a thickness of 1/4 inch or greater, and prefabricated structures that are a mixture of clean concrete and heavy gauge steel;

(b) The material shall be free of soils, oils and greases, debris, litter, putrescible substances or other pollutants;

(c) The material shall be firmly anchored to the bottom and shall not be indiscriminately dumped; and,

(d) The material shall be placed so that the top of the reef does not exceed 1/2 the distance from the bottom to the surface of the water unless a greater distance from the surface is required for safe navigation. At no time shall the distance between the top of the reef and the surface of the water be less than 6 feet.

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall conduct a survey of the bottom of the waterbody on which the reef is to be built and shall submit the survey to the Agency with the notice required in rule 62-330.402, F.A.C., demonstrating that the bottom does not have submerged grassbed communities, shellfish or other hardbottom communities, or corals;

(b) There shall be no reefs constructed in bays, lagoons, or estuaries that are less than 12 feet deep;

(c) There shall be no “white goods” (inoperative and discarded refrigerators, freezers, ranges, water heaters, washers, and other similar domestic and commercial appliances), asphalt material, tires, other polluting materials used in construction of the reef;

(d) The site shall be marked with perimeter buoys during construction to ensure that no material is deposited outside of the site;

(e) The size of the boundaries within which the artificial reef is to be deposited shall not exceed 1/4 nautical mile on any side;

(f) The artificial reef site shall not be established within any shipping lanes; and,

(g) The permittee shall notify the National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland, and the Florida Fish and Wildlife Conservation Commission (FWC), Division of Marine Fisheries Management, via email at artificialreefdeployments@myfwc.com of the precise location of the reef within 30 days of placement of the reef material.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.600, Amended 10-1-13.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Lands:

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S. or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

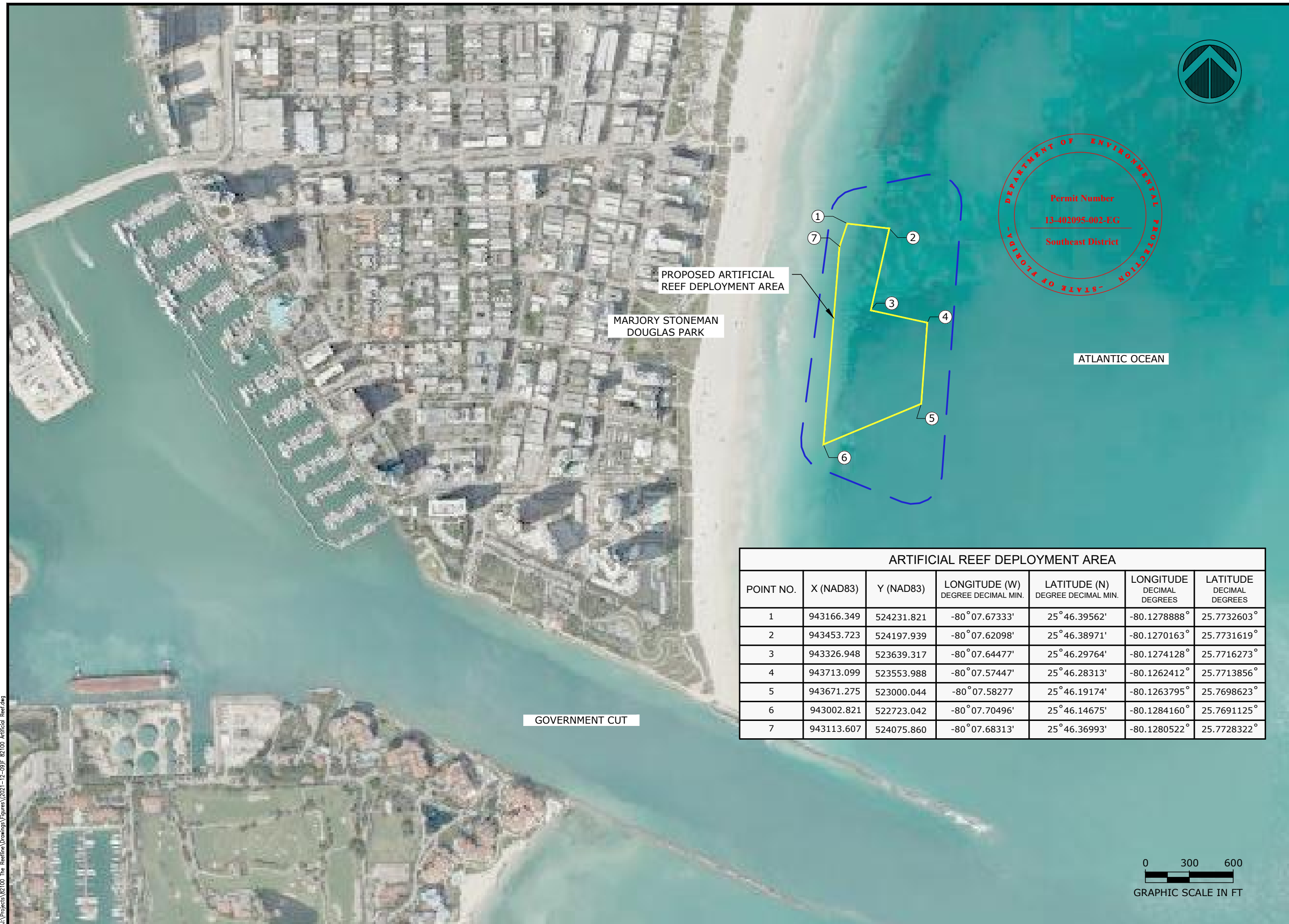
(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

(8) Pursuant to Section 253.77(4), F.S., federal, state, or local agencies or political subdivisions, including ports and inland navigation districts, proposing to conduct an activity which qualifies for an exemption under Part IV of Chapter 373, F.S. or Section 403.813(1), F.S., shall be granted a letter of consent or public easement upon receipt of a request and a legal description of the affected land. However, such grant does not release the entity from compliance with other applicable provisions of Chapter 18-18, 18-20 or 18-21, F.A.C.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09.



PROJECT:
**THE REEFLINE
ARTIFICIAL REEF
PROJECT**

ADDRESS:
CITY OF MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA

CLIENT:
BLUE LAB
PRESERVATION
SOCIETY

ADDRESS:
XIMENA@HONEYLAB.ART

ENGINEER:
CUMMINS CEDERBERG
COASTAL & MARINE ENGINEERING
7550 RED ROAD, SUITE 217
SOUTH MIAMI, FLORIDA 33143
TEL: +1 305 741-6155 FAX: +1 305-974-1969
WWW.CUMMINSCEDERBERG.COM
COA # 29062

CUMMINS | CEDERBERG
Coastal & Marine Engineering

THIS ITEM HAS BEEN DIGITALLY SIGNED
AND SEALED BY JORDON P. CHEIFET
ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT
ARE NOT CONSIDERED SIGNED AND
SEALED AND THE SIGNATURE MUST BE
VERIFIED ON ANY ELECTRONIC COPIES.

A circular professional engineer seal for the State of Florida. The outer ring contains the text "JORDAN P. CHEIFETZ" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by two stars. Inside this ring, the word "LICENSE" is at the top, "No. 72876" is in the center, and "STATE OF FLORIDA" is at the bottom, also separated by two stars. The seal has a serrated outer edge.

JORDON P. CHEIFET, P.E. #72876

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CC PROJECT NO:	82100
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CHECKED	JPC
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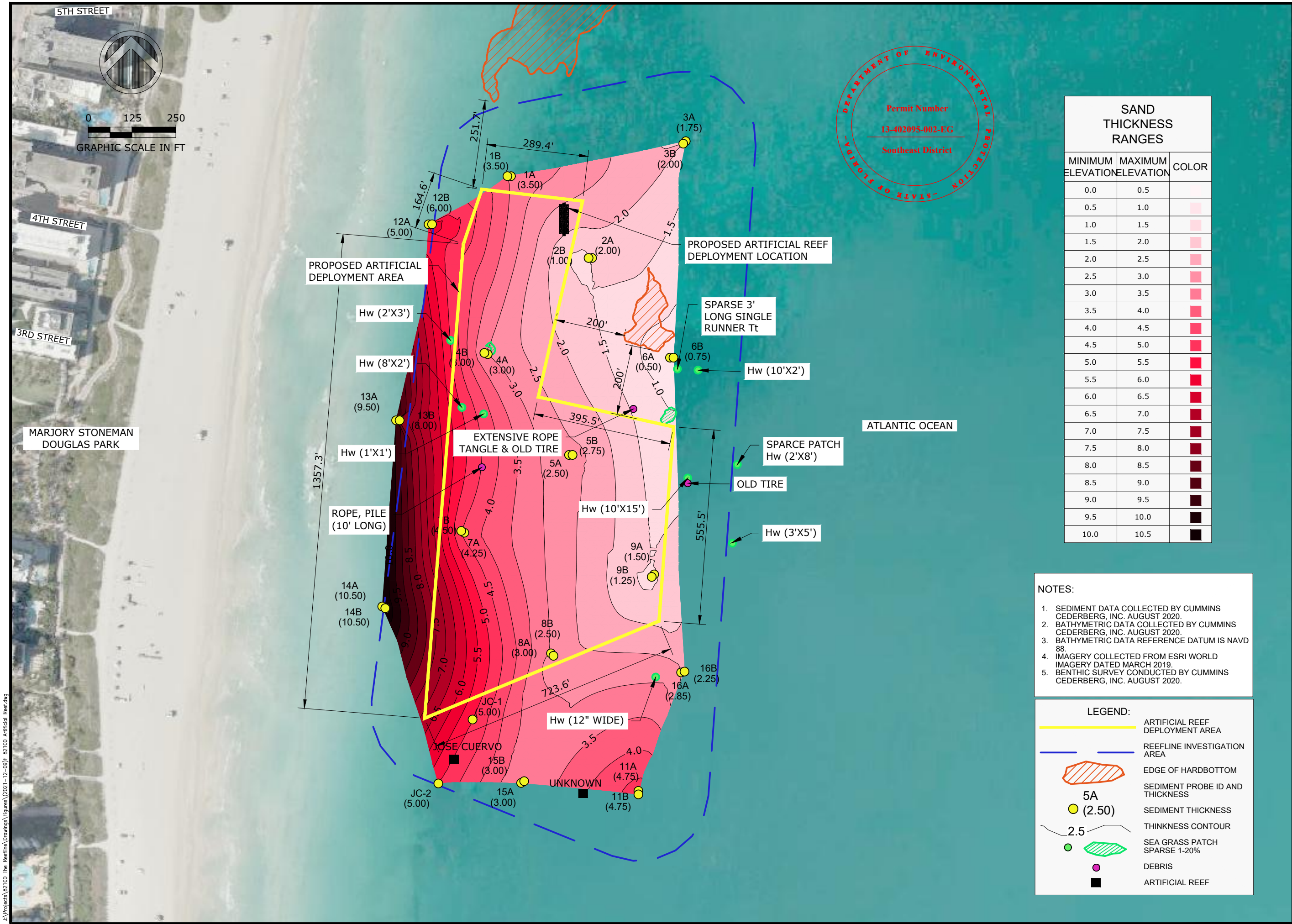
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SHEET TITLE

LOCATION MAP

SHEET :

Fig 1



PROJECT:
THE REEFLINE
ARTIFICIAL REEF
PROJECT

ADDRESS:
CITY OF MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA

CLIENT:
BLUE LAB
PRESERVATION
SOCIETY

ADDRESS:
XIMENA@HONEYLAB.ART

ENGINEER:
CUMMINS CEDERBERG
COASTAL & MARINE ENGINEERING
7550 RED ROAD, SUITE 217
SOUTH MIAMI, FLORIDA 33143
TEL: +1 305 741-6155 FAX: +1 305-974-1969
WWW.CUMMINSCEDERBERG.COM
COA # 29062

CUMMINS | CEDERBERG
Coastal & Marine Engineering

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JORDON P. CHEIFET, P.E. #72876

USACE REVISIONS	
DATE	SUBMISSION / REVISION
12/09/2021	1

CC PROJECT NO: 82100

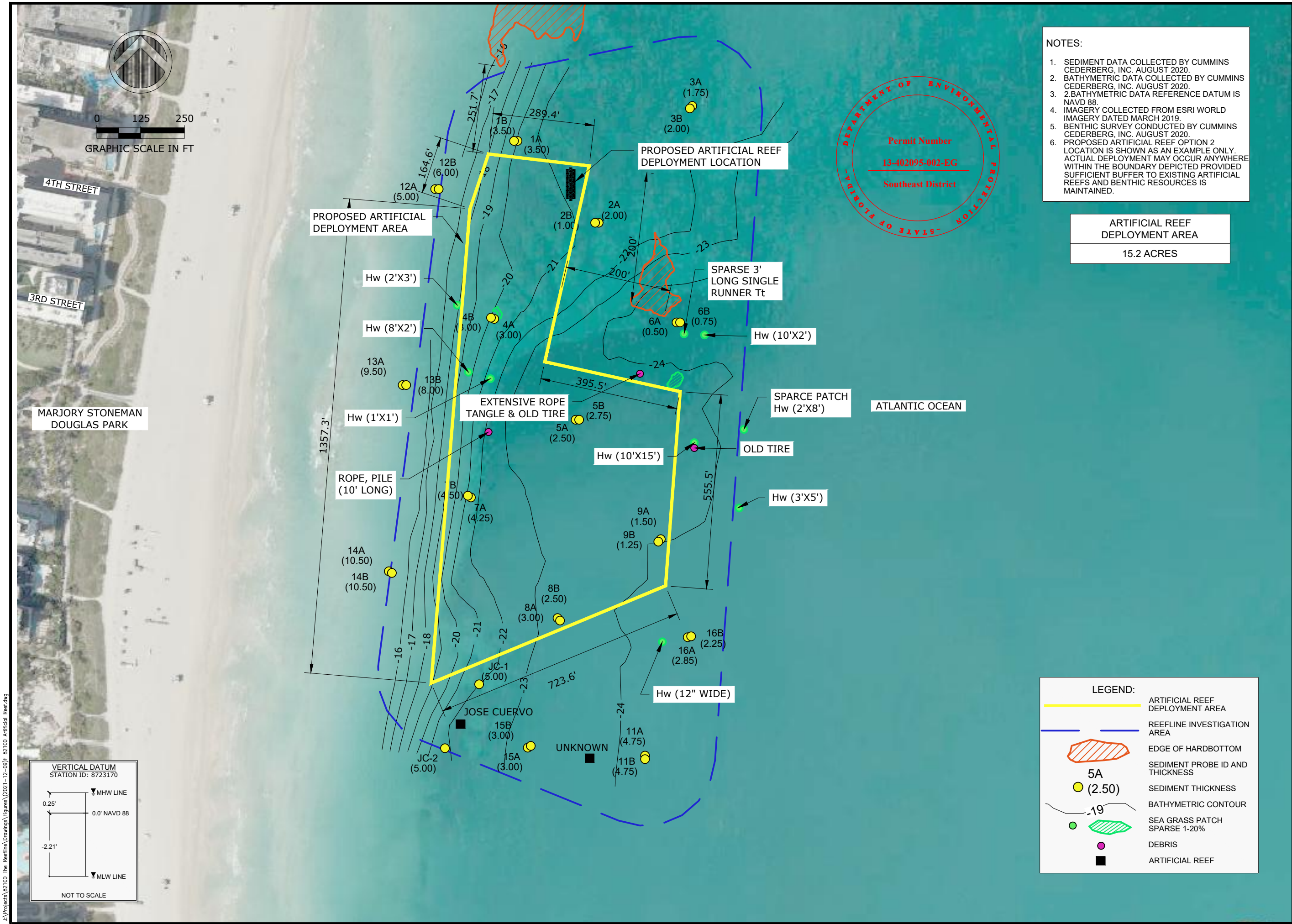
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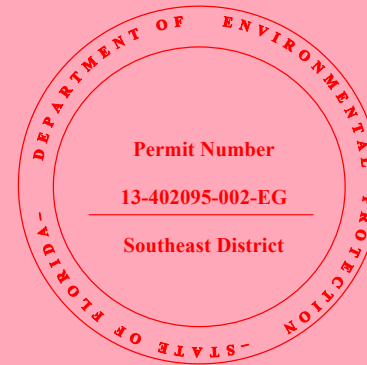
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SHEET TITLE
ARTIFICIAL REEF
OVERALL
LAYOUT PLAN

SHEET:
Fig 2





— PROPOSED ARTIFICIAL
DEPLOYMENT AREA

ARTIFICIAL REEF FIRST DEPLOYMENT LAYOUT AREA
2353.8 S.F.
0.05 ACRES

LEGEND:

COMPACT VEHICLE

MIDSIZE VEHICLE

SPORT UTILITY VEHICLE

2.50

SEDIMENT THICKNESS CONTOUR

PROJECT:
THE REEFLINE
ARTIFICIAL REEF
PROJECT

ADDRESS:
CITY OF MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA

CLIENT:
BLUE LAB
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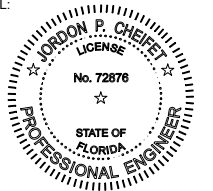
COA # 29062

CUMMINS | CEDERBERG
Coastal & Marine Engineering

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AND SEALED BY JORDON P. CHEIFET
ON THE DATE ADJACENT TO THE SEAL.

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SEAL:



JORDON P. CHEIFET, P.E. #72876

[illegible]

CC PROJECT NO:	82100
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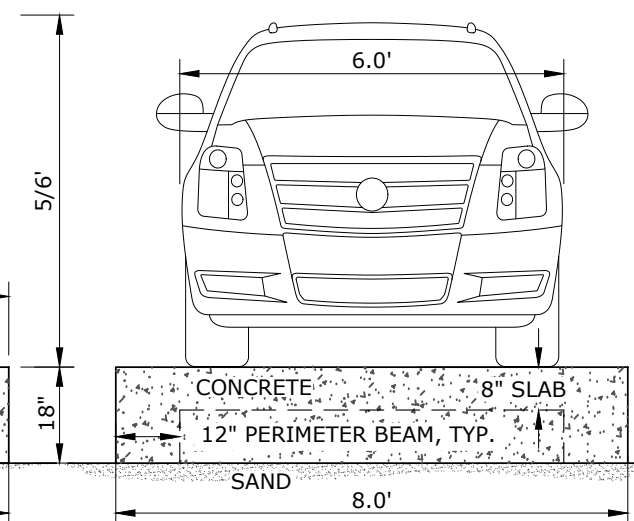
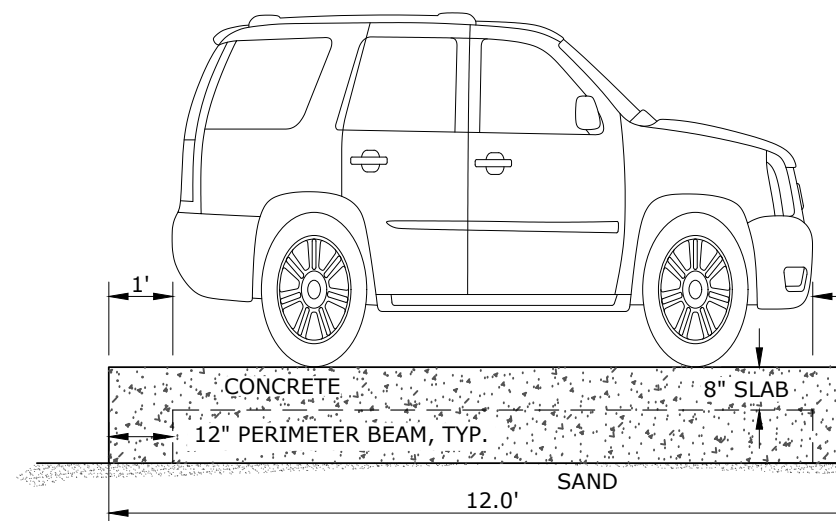
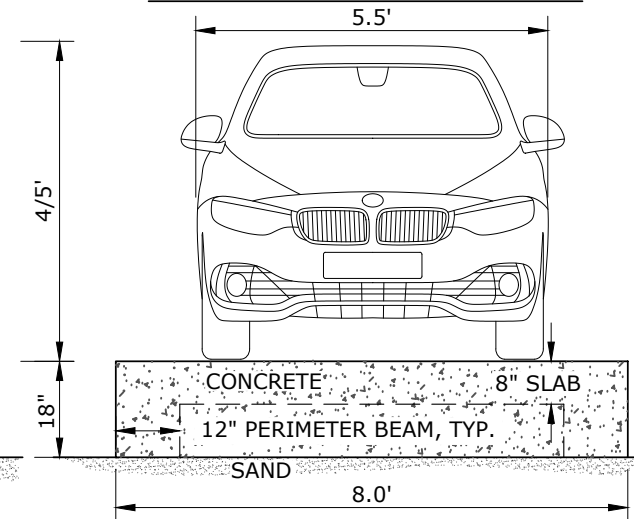
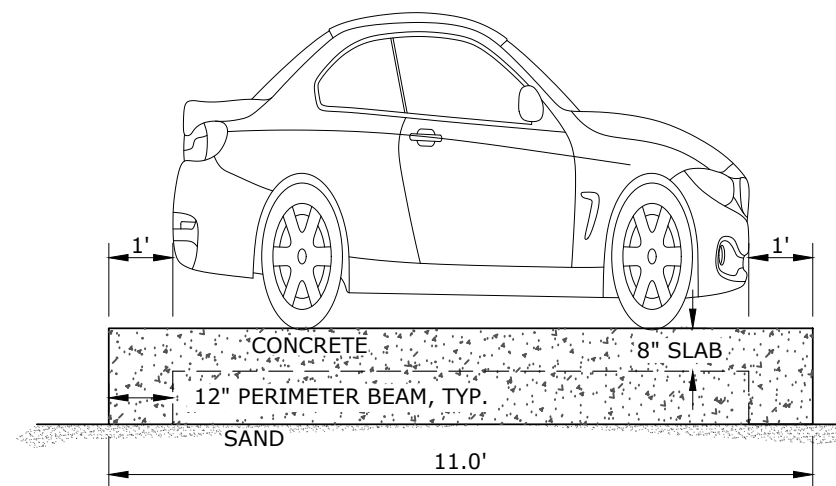
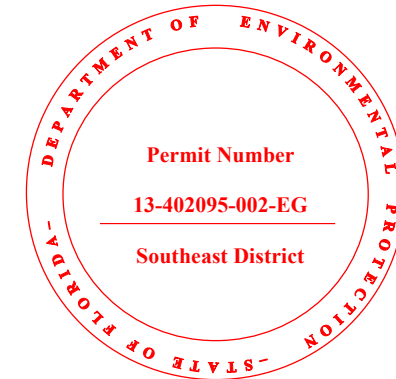
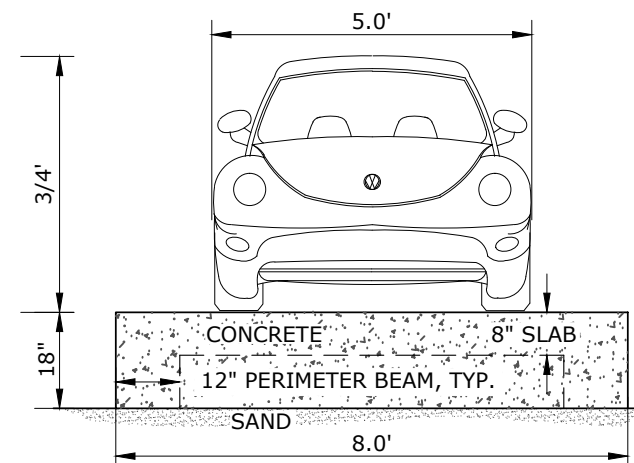
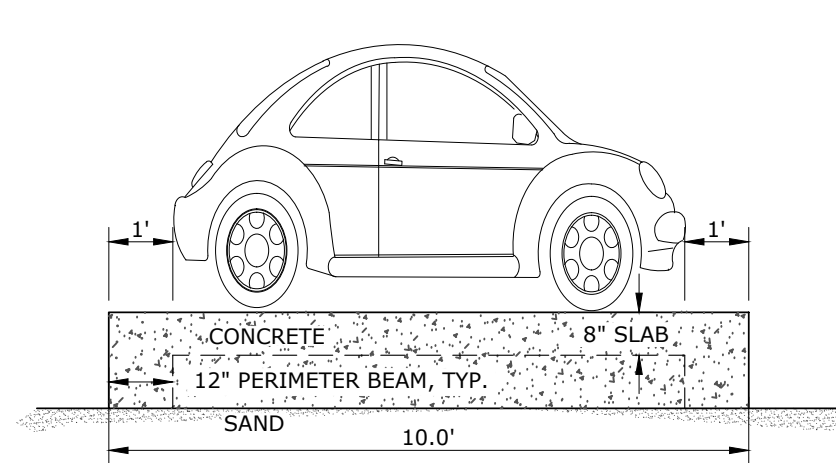
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SHEET TITLE
ARTIFICIAL REEF
FIRST DEPLOYMENT
LAYOUT PLAN

SHEET :

Fig 4



PROJECT:
THE REEFLINE
ARTIFICIAL REEF
PROJECT

ADDRESS:
CITY OF MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA

CLIENT:
BLUE LAB
PRESERVATION
SOCIETY

ADDRESS:
XIMENA@HONEYLAB.ART

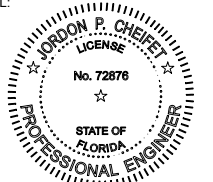
ENGINEER:
CUMMINS CEDERBERG
COASTAL & MARINE ENGINEERING
7550 RED ROAD, SUITE 217
SOUTH MIAMI, FLORIDA 33143
TEL: +1 305 741-6155 FAX: +1 305-974-1969
WWW.CUMMINSCEDERBERG.COM
COA # 29062

CUMMINS | CEDERBERG
Coastal & Marine Engineering

THIS ITEM HAS BEEN DIGITALLY SIGNED
AND SEALED BY JORDON P. CHEIFET
ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT
ARE NOT CONSIDERED SIGNED AND
SEALED AND THE SIGNATURE MUST BE
VERIFIED ON ANY ELECTRONIC COPIES.

SEAL:



JORDON P. CHEIFET, P.E. #72876

[illegible]

CC PROJECT NO:	82100
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DRAWN	GJ
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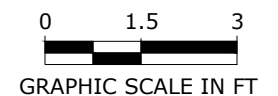
CHECKED	JPC
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SCALE	AS SHOWN
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SHEET TITLE
ARTIFICIAL REEF
TYPICAL SECTION
VIEWS

SHEET :

Fig 5





**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
9900 SOUTHWEST 107th AVE, SUITE 203
MIAMI, FLORIDA 33176**

July 15, 2022

Regulatory Division
South Permits Branch
Miami/Antilles Permits Section
SAJ-2010-01270(NW-AG)

Miami- Dade County DERM
c/o Jimmy Morales
701 NW 1st Court
Miami, FL 33136

Dear Mr. Morales:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit received on 9 April 2021. Your application was assigned file number SAJ-2010-01270. A review of the information and drawings provided indicates that the proposed work would result in the modification of a previously permitted artificial reef deployment area to contain 15.2 acres of submerged lands. In the first phase of construction, approximately 2,353 square feet (0.05 acres) of concrete artificial art sculptures consisting of 22 concrete cars will be deployed. The proposed deployment area has a water depth of -21' mean low water (MLW) and is required to maintain a minimum vertical clearance of -6 feet MLLW from the top of the reef profile. Reef materials will be transported to the site via tugboat and/or barge. All future deployments at this site will be limited to natural or processed calcium carbonate materials such as limestone boulders, large concrete based materials, or pre-fabricated concrete artificial reef modules. Unsuitable material including vessels or barges will not be deployed.

The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344). The project would affect waters of the United States associated with open waters of the Atlantic Ocean. The project site is located approximately 900-1100 feet offshore between 2nd and 4th Street, Miami Beach, FL 33139.

The boundaries of the deployment are listed on the table below:

ARTIFICIAL REEF DEPLOYMENT AREA						
POINT NO.	X (NAD83)	Y (NAD83)	LONGITUDE (W) DEGREE DECIMAL MIN.	LATITUDE (N) DEGREE DECIMAL MIN.	LONGITUDE DECIMAL DEGREES	LATITUDE DECIMAL DEGREES
1	943166.349	524231.821	-80°07.67333'	25°46.39562'	-80.1278888°	25.7732603°
2	943453.723	524197.939	-80°07.62098'	25°46.38971'	-80.1270163°	25.7731619°
3	943326.948	523639.317	-80°07.64477'	25°46.29764'	-80.1274128°	25.7716273°
4	943713.099	523553.988	-80°07.57447'	25°46.28313'	-80.1262412°	25.7713856°
5	943671.275	523000.044	-80°07.58277'	25°46.19174'	-80.1263795°	25.7698623°
6	943002.821	522723.042	-80°07.70496'	25°46.14675'	-80.1284160°	25.7691125°
7	943113.607	524075.860	-80°07.68313'	25°46.36993'	-80.1280522°	25.7728322°

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities). **This verification is valid until March 14, 2026.** Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the NWP General Conditions and the Jacksonville District Regional Conditions, and the General and Project-Specific Special Conditions listed below. Alternatively, you can access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Source Book web page for links to view NWP information at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there select "Source Book" and then select "Nationwide Permits." These files contain the description of the NWP authorization, the NWP general conditions, and the regional conditions, which apply specifically to this NWP verification.

You must comply with all of the special and general conditions for NWP-#, including any project-specific conditions included in this letter and all conditions incorporated by reference as described above.

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized ends on **March 14, 2026.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a

good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

1. **Reporting Addresses:** The Permittee shall reference this permit number, SAJ-2010-1270 (NW-AG), on all correspondence. Unless specifically notified to the contrary, the Permittee shall use the following addresses for transmitting correspondence to the referenced agencies:
 - a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB). For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.
 - b. National Oceanic and Atmospheric Administration
Marine Chart Division
Office of Coast Survey, N/CS26, Sta. 7317
1315 East-West Highway
Silver Springs, MD 20910-3282

or email (preferred) at ocs.ndb@noaa.gov
 - c. Commander, U.S. Coast Guard (USCG)
Sector Miami

- d. Florida Fish and Wildlife Conservation Commission
Artificial Reef Program
620 S. Meridian Street, Box 4B2
Tallahassee, Florida 32399

or email at artificialreefdeployments@MyFWC.com

2. Permit Conditions Prevail: If information in the permit attachments conflict with the special conditions of this permit, the requirements of the permit special conditions shall prevail.

3. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall submit a completed "Commencement Notification" form (attached).

4. Initial Agency Notification: The Permittee shall provide to the U.S. Army Corps of Engineers (Corps), National Oceanic and Atmospheric Administration (NOAA), and U.S. Coast Guard (USCG) written notification of the planned deployment start date at least 2 weeks prior to the initial deployment on the authorized artificial reef site.

5. Permit Availability: The Permittee shall provide all contractors associated with construction of the authorized activities a copy of the permit, drawings, and attachments. A copy of the permit shall be available on the work vessels and at the construction site at all times.

6. Notification of Work: National Ocean Service (NOS) has been notified of this authorization. You must notify NOS and this office in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. The post-construction notification will include "as-built plans", signed and sealed by a registered surveyor/engineer licensed in the State of Florida, that certify the project is constructed as authorized; and must include an accurate depiction of the location and configuration of the completed activity in relation to the mean high water or ordinary high water of the navigable water. The Permittee shall notify the District Engineer in writing at U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019; and, the NOAA, either in mailed correspondence to Nautical Data Branch Office of Coast Survey N/CS26, 1315 East-West Highway, Silver Spring, MD 20910-3282 or by electronic mail correspondence, with the requisite documents attached, through ocs.ndb@noaa.gov.

7. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused

thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

8. Local Notice to Mariners: The contractor is required to contact the United States Coast Guard office a minimum of 2 weeks prior to commencement and provide locations affected, equipment, hours of operation, and duration of the project so that the information can be published in the Local Notice to Mariners.

9. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of these JAXBO must be utilized during the design and construction of the permitted work.

10. Authorized Reef Materials: No reef materials or module will weigh less than 500 pounds. Reef materials shall be clean and free from asphalt, petroleum, other hydrocarbons and toxic residues, loose free-floating material or other deleterious substances. All artificial reef materials and/or structures will be selected, designed, constructed, and deployed to create stable and durable marine habitat. The Permittee shall deploy only the following authorized reef materials:

- a. Prefabricated artificial reef modules composed of ferrous and/or aluminum-alloy metals, ¼ inch or more in thickness, concrete, rock, or a combination of these materials.
- b. Natural rock boulders and other pre-cast concrete material such as culverts, stormwater junction boxes, power poles, railroad ties, jersey barriers, or other similar concrete material.
- c. Clean steel and concrete bridge or large building demolition materials such as slabs or pilings with all steel reinforcement rods severed as close to the concrete surface as possible but not to extend more than 6 inches to ensure the rod will not create a fishing tackle or diver ensnaring hazard.
- d. Heavy gauge ferrous & aluminum alloy metal material components or structures, ¼ inch or more in thickness, such as utility poles and antenna towers.

- e. Heavy gauge ferrous and aluminum alloy metal hulled vessels which equal or exceed 60 feet hull length prepared and deployed in accordance with all applicable U.S. Coast Guard, U.S. Environmental Protection Agency, Florida Fish and Wildlife Conservation Commission, or other applicable state or federal agency regulations or policies. The vessel shall not be deployed until all necessary inspections and clearances have been obtained or waived and a stability analysis has been completed demonstrating the vessel will be stable during a 50-year storm event based on vessel and deployment site characteristics. The Permittee shall follow the national guidance regarding preparation of vessels for deployment as artificial reefs which are available at <http://www.epa.gov/owow/oceans/habitat/artificialreefs/index.html>. The Permittee shall provide a record of all inspections, clearances or waivers to the Corps along with the pre-deployment notification.

11. Reef Parameters: The Permittee shall deploy all reef materials within the site boundaries as defined in the final project plans date stamped by the U.S. Army Corps of Engineers on 14 July 2022 (5 pgs.). A minimum clearance of 6 feet from the top of the deployed material relative to mean low water (MLW) shall be maintained.

12. Emergency Reef Parameters Notification: In the event reef material is deployed in a location or manner contrary to the **Reef Parameters Special Condition**, the Permittee shall immediately notify the USCG Station and provide information as requested by the station. The Permittee shall notify NOAA, USCG and Corps in writing within 24 hours of the occurrence. The written notification shall include but is not limited to a timeline of events leading to the unanticipated deployment, a description of the material, a description of the vessel traffic in the area, the deployment location in nautical miles at compass bearing from obvious landmarks, the location of the unauthorized material in latitude and longitude coordinates (degree, minute, decimal minute format to the third decimal place), and the water depth above the material from MLW. The document will list the information provided by telephone to the USCG as noted above and include the time of the call and the name of the USCG personnel receiving the information.

13. Protection of Existing Resources: The Permittee shall not deploy artificial reef materials until an assessment of the bottom conditions have been accomplished by diver, submersible video camera, fathometer, depth/bottom sounder (e.g., "fish finder"), or side-scan sonar. The inspection of the deployment area may occur at the time of deployment, but no more than 1 year prior to deployment. The Permittee shall maintain a deployment buffer of at least 200 feet from any submerged beds of seagrasses, coral reefs, live bottom, areas supporting growth of sponges, sea fans, soft corals, and other sessile macroinvertebrates generally associated with rock outcrops, oyster reefs, scallop beds, clam beds, or areas where there are unique or unusual concentrations of bottom-dwelling marine organisms. Should the assessment find any evidence of cultural/archaeological resources such as sunken vessels, ballast, historic refuse piles, or careenage areas, the Permittee shall also maintain a deployment buffer of at least 200 feet from any of these resources.

The Permittee shall provide of the information obtained from the assessment to the Corps no less than 14 days prior to deployment of material on an artificial reef in conjunction with the pre-deployment notification.

14. Pre-Deployment Notification: No less than 14 days prior to deployment of material on an artificial reef, the Permittee shall transmit by electronic mail ("email") a complete and signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form (attached), to the Corps and Florida Fish and Wildlife Conservation Commission (FWC) to allow inspection of the proposed reef materials as deemed necessary by the agencies. Inspection is allowable at the staging area. By signing the Pre-Deployment Notification, the Permittee certifies all materials are free from asphalt, petroleum, other hydrocarbons and toxic residues. The Permittee shall not deploy material if notified by the Corps or FWC that the material is questionable. The material needs to be evaluated before it is released for deployment. Any material deemed unacceptable for reef material will be disposed in an approved upland disposal site.

Deployment of the material shall not occur until after the end of the 14-day inspection period. The Permittee shall ensure both a copy of this permit and the signed "Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Notification" form are maintained aboard the deployment vessel at all times during loading, transit, and deployment.

15. Post-Deployment Placement Report/As-Built Drawing: Within 30 days after deployment of materials, the Permittee shall transmit by email to the Corps, FWC, and NOAA a complete and signed "Florida Artificial Reef Materials Placement Report and Post-Deployment Notification" form (attached). Please note, the Corps requires the latitude and longitude to be accurate within 5 meters horizontal distance on the post-deployment report. The report shall include an as-built drawing containing the approximate deployment configurations and the height of the material after placement. Depth shall be verified utilizing fathometer, depth sounder, or similar device accurate to within 1 meter. Also, include information on the condition of the material at the time of deployment. The report and drawing shall be limited to a few pages per deployment. Representative photographs and/or video, if available, should be submitted.

16. Ownership/Maintenance/Liability: By signing this permit, the Permittee certifies and acknowledges ownership of all artificial reef materials deployed on the reef, accepts responsibility for maintenance of the artificial reef, and possesses the financial ability to assume liability for all damages that may arise with respect to the artificial reef.

17. As-Built Certification with X-Y Coordinates: Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and complete the enclosed “As-Built Certification by Professional Engineer or Surveyor” form, (Attachment X) to the Corps. The drawings shall be signed and sealed by a registered professional engineer or a professional land surveyor confirming the actual location of all authorized work/structures with respect to the Federal channel and/or within the Federal easement and include the following:

- a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawings shall include the X & Y State Plane coordination points of the most waterward point of the structure. The drawings shall include the dimensions of the structure, location of Choose an item, depth of water (at Choose an item low water) at the waterward end of the structure, and the distance from the waterward end of the structure to the near design edge of the Federal channel.
- b. List of any deviations between the work authorized by this permit and the work as constructed. In the event the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the Corps.
- c. The Department of the Army Permit number.

18. MANATEE CONDITION: The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011,” attached to this permit.

19. Agency Changes: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee’s responsibility to request a modification of this permit from the **Miami** Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

20. Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.
- b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities

- adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
 - d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.

A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this NWP verification or have issues accessing the documents reference in this letter, please contact Albert Gonzalez at the letterhead address above, via telephone at 305-779-6055, or via e-mail at albert.gonzalez@usace.army.mil.

Sincerely,

Albert Gonzalez
Project Manager

Enclosures:

General Conditions

Manatee Construction Conditions

As-Built Certification Form

Permit transfer form

Site plans date-stamped by the Corps on 14 July 2022

NMFS Protected Species Construction Conditions

Florida Artificial Reef Materials Cargo Manifest and Pre-Deployment Form

Florida Artificial Reef Materials Placement Report and Post-Deployment Form

JAXBO Conditions

Commencement Notice

Cc:

Cummins Cederberg, Inc.- gchiello@cumminscederberg.com

DERM- thanns@miamidade.gov

NOAA- paul.gionis@noaa.gov

FWC- keith.mille@myfwc.com

FWC- christine.kittle@myfwc.com

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Miami- Dade County DERM
c/o Jimmy Morales

File Number: **SAJ-2010-01270**

Date: July 15, 2022

Attached is:

See Section below

INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
PROFFERED PERMIT (Standard Permit or Letter of permission)	B
PERMIT DENIAL	C
APPROVED JURISDICTIONAL DETERMINATION	D
PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Enter PM Contact Information

If you only have questions regarding the appeal process you may also contact:

**Phillip Shannin
Administrative Appeals Review Officer
USACE – South Atlantic Division
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-51377**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2010-01270 (NW-AG)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)