



Department of Regulatory and Economic Resources
 Coastal and Wetlands Resources Section
 701 NW 1st Court, Suite 400
 Miami, FL 33136-3912
 305-372-6575

Class I Construction Permit

Permit Number: CLI-2013-0196
DERM Project Manager: Alain Alonso

Issue Date: 04/24/2015 *SB*
Expiration Date: 04/24/2017 *RA*

Permittee

Contractor

City of Miami
 c/o Daniel Alfonso, City Manager
 444 S.W. 2nd Avenue
 Miami, Florida 33133

To be determined.

Bond

Engineer

Performance Bond: N/A
Mitigation Bond: N/A
BBETF Contribution: N/A

Tim Blankenship, P.E. License No. 55910
 Costal Systems International, Inc.
 Phone No. (305) 661-3655

THE ABOVE NAMED PERMITTEE IS HEREBY AUTHORIZED TO PERFORM THE WORK SHOWN ON THE APPLICATION AND APPROVED DRAWINGS, PLANS, AND OTHER DOCUMENTS ATTACHED HERETO OR ON FILE WITH THE DEPARTMENT AND MADE PART HEREOF, SUBJECT TO THE ATTACHED GENERAL AND SPECIFIC CONDITIONS.

Plans Entitled: MANATEE BEND
 PARK SHORELINE
 IMPROVEMENTS
 CITY OF MIAMI

Date Signed and Sealed: March 14, 2014
 March 05, 2015

Project Location: 457 to 485 N.E. 77th Street, Miami, Florida

Project Description: Excavation of uplands and installation of 161 linear feet of a sheetpile seawall on the uplands immediately landward of the existing coral rock seawall between 0 & 46.6, 54 & 100.6, 152.2 & 198.7, and 206.1 & 227.4 linear feet from the NW property line. The top 14 inches of the existing coral rock seawall will be removed and a new concrete seawall cap measuring 3.6 feet wide by 1.5 feet tall extending 0.5 feet waterward of the existing coral rock seawall will be installed along these same locations.

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Excavation of uplands and removal of the existing coral rock seawall between 102.5 & 154.2 and 226 & 268 linear feet from the NW property line. A 16-foot wide riprap revetment will be installed along these same locations.

Excavation of uplands and installation of 10.6 linear feet of a sheet pile toe wall landward of the existing coral rock seawall between 227.4 and 238 linear feet from the NW property line. The coral rock seawall will be removed to -2.0 feet NAVD and a new concrete seawall cap measuring 3.5 feet wide by 1.5 feet tall extending 0.5 feet over water will be installed in that area.

Excavation and grading of uplands for the creation of an 8-foot wide by 40-foot long kayak launch. The kayak launch will be lined with filter fabric and a concrete block mat. The uplands adjacent to the kayak launch will be graded and stabilized with riprap revetments.

Attachment A: Mooring Prohibited Area

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Specific Conditions

1. The name, address, telephone number, and license number of the contractor who will be performing the work must be submitted a minimum of 14 days prior to the commencement of work. Work authorized by this permit shall not commence until written acceptance of the contractor by DERM has been issued.
2. A construction sequence and methodology shall be submitted by the contractor who will be performing the work a minimum of 14 days prior to the start of work. The methodology shall include specific information for the removal of fill between the existing coral rock seawall and the proposed sheetpile seawall. Construction shall not commence until written approval by DERM has been granted.
3. A pre-construction conference shall be held on-site between the contractor, the permittee (or the permittee's representative) and the Coastal and Wetlands Resources Section prior to the commencement of work authorized under this permit. The conference shall be requested a minimum of 2 business days prior to the commencement of work. The location of the kayak ramp shall be staked prior to scheduling the pre-construction meeting. Please contact the Coastal and Wetlands Resources Section at (305) 372-6575.
4. The proposed kayak ramp shall be used exclusively for the launching and retrieving of non-motorized vessels (i.e. canoes and kayaks). The launching or retrieving of motorized vessels from the kayak ramp is strictly prohibited. Permanent signage prohibiting the use of the kayak ramp by motorized vessels shall be installed within 30 days of completion of the work and prior to the use of the ramp. The signage must be approved by DERM prior to installation and be maintained for the life of the structure.
5. Installation and operation/use of the kayak launch may not result in any erosion or discharge to tidal waters or any exceedance of State or County water quality standards or impacts to benthic resources.
6. If at any time during or after construction, the kayak ramp launch and any filled or graded areas are subject to erosion such that they may result, or do result in adverse impacts to adjacent wetlands or tidal waters or any exceedances of State or County water quality standards, remedial measures shall be required to be designed and implemented to prevent or correct the erosion issues. Such measures are subject to DERM review and approval.
7. Debris and detritus that accumulates on the kayak ramp shall be disposed of in accordance with all federal, state and local regulations.
8. A turbidity curtain shall completely enclose the work area and shall not be removed until turbidity levels within the enclosed area return to background levels outside the curtain.
9. Turbidity controls shall be employed and maintained in the most effective manner possible to prevent turbidity from extending beyond the turbidity control mechanism in place. Failure to deploy and maintain the turbidity curtain or other turbidity control mechanism in the most effective manner possible may result in the issuance of a Uniform Civil Violation Notice (UCVN). Turbidity may not exceed 0 Nephelometric Turbidity Units (NTU) above background beyond the turbidity control mechanism in place. If turbidity levels exceed 0 NTU above background beyond the turbidity control mechanism, all construction shall be halted and additional turbidity controls implemented. This project shall not be resumed until the contractor has received authorization from DERM to commence work.
10. Erosion control devices shall be employed and maintained in the most effective manner possible to prevent erosion beyond the mechanisms in place. The contractor shall modify any work procedures that result in erosion, install additional containment devices, and repair or replace any non-functioning containment devices. Erosion control devices shall be routinely inspected by the contractor and shall remain in place until all the construction activities are completed.
11. Mechanical means to remove the existing seawall is authorized; however, all work using mechanical equipment shall be performed in such a manner as to prevent any dredging of the canal bottom.

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12. Environmental controls and best management practices shall be implemented to prevent any materials related to construction from entering the surrounding water. Any material removed as well as material applied to accomplish repairs must be contained so as to prevent fugitive particulates and/or discharge to surface waters.
13. The contractor shall excavate the uplands prior to the placement of the proposed sheetpile seawall to prevent upland fill from entering tidal waters.
14. The new seawall shall be installed landward of the existing seawall and inspected by DERM prior to the removal of any portion of the exiting seawall.
15. The shoreline shall be graded to a 1.75 horizontal to 1 vertical (1.75:1) slope prior to the placement of filter fabric and riprap limerock boulders. Filter cloth shall be used to line the slope in order to prevent erosion of fill into tidal waters and further stabilize the slope prior to placement of riprap boulders. No riprap shall be placed until the Coastal and Wetlands Resources Section has inspected the site and approved the shoreline grading and preparation. Please contact the Coastal and Wetlands Resources Section at (305) 372-6575 at least forty-eight (48) hours prior to the desired inspection time.
16. The riprap shall be placed in a manner such that the smaller pieces are not segregated but are evenly distributed and placed so that they fill the voids between the larger pieces. A controlled pattern is to be developed so as to produce a uniform appearance.
17. The contractor shall provide a minimum of 48 hours (2 business days) and a maximum of 120 hours (5 business days) notice to the Coastal and Wetlands Resources Section at (305) 372-6575 prior to commencement of backfilling activities.
18. All backfilling shall be done after completion of the seawall. This permit does not authorize any filling except for backfill landward of the bulkhead. This permit does not authorize the filling of tidal waters or wetlands for additional development.
19. The contractor shall provide trucking receipts for all fill from upland sites that is utilized for backfilling behind the new seawall. This condition shall be satisfied within 30 days of the completion of the seawall.
20. Pursuant to Section 24-48.3(4) of the Code of Miami-Dade County, Florida, the contractor shall ensure that the backfill is from upland sources and it consists of suitable material and must meet the definition of clean fill as defined in Section 24-5 of the Code of Miami-Dade County.
21. Any future kayak launch maintenance (e.g. replacement of surface mat) shall require the Coastal and Wetlands Resources Section to be notified in writing a minimum of 10 days prior to the maintenance activity. Impacts to the submerged lands or modification of the footprint of the kayak launch are not authorized as part of the maintenance work.
22. Written approval from DERM is required prior to the commencement of maintenance work.
23. Maintenance activities conducted pursuant to this permit shall be performed in accordance with all the general and specific conditions of this permit.
24. Authorization for grading of the submerged lands at or below the mean high water line is not included in this permit and shall require additional Class I authorization.
25. Since the Florida manatee occurs in the waters at and adjacent to the property, the permittee and contractor shall take measures to protect manatees during and after construction. Failure to comply with any of the below-listed measures may result in enforcement action by the Department. These measures shall include the following:
 - a) All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees

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which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

- b) All construction personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and contractor will be held jointly responsible for any manatee harmed, harassed, or killed as a result of the construction activities.
 - c) Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.
 - d) Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
 - e) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - f) All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
 - g) Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com.
 - h) The contractor shall maintain a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. Following project completion, a report summarizing the above incidents and sightings shall be submitted to the Florida Department of Environmental Protection (FDEP), Marine Research Institute Office of Protected Species Research, 620 S. Meridian St., Tallahassee, Florida 32399-1600; to the U.S. Fish & Wildlife Service, 3100 University Blvd., Jacksonville, Florida 32216, and to DERM within 60 days of project completion.
 - i) To further reduce the possibility of injuring or killing a manatee during construction, work within portions of the Biscayne Canal, Little River, and the Coral Gables Waterway shall be performed only between May 1 and November 15.
26. At least one person shall be designated as a manatee observer when in-water work is being performed. That person shall have experience in manatee observation, and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on-site during all in water construction activities and shall advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting a manatee is negligible.
27. A DERM Class II permit is required for the construction, installation or alteration of any outfall or overflow systems. In addition, a Class V permit is required for dewatering activities. The contractor shall contact the Water Control Section of DERM at (305) 372-6681 in order to obtain a Class II or Class V permits.

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28. Due to shallow water depths, vessels shall be restricted from mooring in areas designated as a "Mooring Prohibited Area." Mooring of vessels anywhere along the area designated as a "Mooring Prohibited Area," shall be strictly prohibited (**Attachment A**). Failure to comply with this specific condition may be subject to enforcement by DERM.

See General Permit Conditions.

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General Permit Conditions

1. This permit must be kept on-site during all phases of construction.
2. All work shall be performed in accordance with the above referenced plans and in accordance with the attached specific and general permit conditions. If a General Condition(s) conflicts with a Specific Condition(s) in this permit document, the Specific Condition shall be the controlling condition for work authorized by this permit.
3. This permit only authorizes the work described in page 1 under Project Description. Any additional work in, on, over or upon tidal waters or coastal wetlands at the property shall require additional Class I approval.
4. Any deviation from the approved plans for this project shall be submitted in writing to, and approved by DERM prior to the commencement of this project. The contractor and the permittee shall take whatever remedial action is necessary to bring the project into compliance with the permit and approved plans upon determination by DERM that the structure is not in compliance with such.
5. DERM shall be notified no later than 48 hours and no earlier than 5 days prior to the commencement of the work authorized by this permit, unless otherwise noted herein. The permittee and/or contractor may notify DERM by calling (305) 372-6575 or by submitting the attached Notice of Commencement of Construction via hand delivery, U.S. Mail, or facsimile at (305) 372-6479.
6. Prior to performing any work, the contractor shall verify the location of all underground and overhead utility lines and verify that no utilities will be damaged by the work. Contact Sunshine State One-Call of Florida at 1-800-432-4770 or on the web at <http://www.callsunshine.com/corp/before/submitting.html> for locating underground utility lines.
7. The permittee and the contractor are hereby advised that under Florida law, no person shall commence any excavation, filling, construction, or other activity involving the use of sovereign or other lands of the State, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Florida Department of Environmental Protection (FDEP), until such person has received the required authorization for the proposed use from the Board of Trustees or FDEP. If such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense pursuant to the Florida Administrative Code.
8. The permittee and contractor shall obtain all required approvals from all local, state and federal agencies prior to performing the work authorized by this permit.
9. Trimming or alteration of mangroves, buttonwoods or wetland vegetation other than what is authorized by this permit is prohibited. Work not authorized by this permit shall require additional Class I approval.
10. All work authorized by this permit shall be performed by the contractor and/or subcontractor holding an applicable certificate of competency and shall be licensed in Miami-Dade County to perform such work. Any work which is subcontracted shall require that the permittee and contractor (i.e. the contractor who is listed on this permit) notify the project manager at DERM at (305) 372-6575 or by facsimile at (305) 372-6479 a minimum of 72 hours prior to the subcontractor performing any work. Notification shall include the name of the subcontractor performing the work, the subcontractor's Miami-Dade County license number or state general contractor license number, and scope of work. Failure to comply with this condition is a violation of the Class I permit and may result in enforcement action by DERM.
11. The contractor shall take all necessary precautions to prevent construction or demolition debris from falling into the water or adjacent wetlands. Any debris that falls into the water and/or adjacent wetlands shall be removed immediately. Construction and demolition debris shall be disposed of in accordance with all federal, state and local regulations.

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12. Turbidity controls (such as, but not limited to, turbidity curtains) shall be implemented whenever visible plumes are present to ensure compliance with the water quality standards stipulated in Section 24-42(3) of the Code of Miami-Dade County. Turbidity controls shall be employed and maintained in the most effective manner possible to prevent turbidity from extending beyond the control mechanism in place.
13. Turbidity may not exceed 0 Nephelometric Turbidity Units (NTU) within the Aquatic Preserve or 29 NTU outside of the Aquatic Preserve, above background beyond the turbidity control device or 50 feet from any point of discharge. Turbidity levels shall be monitored. If the turbidity levels exceed the above standards, all construction shall stop and additional turbidity controls shall be implemented. Work shall not resume until the contractor has implemented adequate turbidity control methods and has received authorization from DERM to recommence work. At DERM's discretion, turbidity samples may be required to be collected in accordance with Section 24-44.2(3) of the Code of Miami-Dade County.
14. If any work or activity associated with this project is to take place in navigable waters, the contractor shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collision with manatees. All vessels associated with the project must operate at "Idle Speed/No Wake" at all times while in water where the draft of the vessel provides less than a 4 foot clearance from the bottom. Additionally, all vessels will follow routes of deep water whenever possible. All in-water construction activities shall cease upon the sighting of a manatee(s) within 50 feet of the project area and will not resume until the manatee(s) has departed the project area. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" (1-888-404-FWCC), the U.S. Fish and Wildlife Service, Jacksonville Field Office (904) 791-2580, and DERM (305) 372-6864.
15. The contractor shall ensure that all vessels associated with the construction shall operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging and shall maintain a minimum of 1 foot of water between the vessel bottom and submerged aquatic resources.
16. The contractor shall ensure that there are no impacts to seagrass, hard corals, or soft corals as a result of construction operations, such as, but not limited to, propeller scouring; and vessel or barge anchoring, grounding or spudding. The marine contractor and permittee shall be held jointly liable for any of these unauthorized impacts. For any impacts caused by the construction operation, DERM shall require, at a minimum, restoration and mitigation.
17. For the purposes of this permit, "vessel" is herein defined as any craft designed to float or navigate on water, including but not limited to: sailboats, powerboats, rowboats, boats, ships, skiffs, houseboats, personal watercraft and inflatable boats.
18. Pursuant to Section 24-48.10 of the Code of Miami-Dade County the work or structures authorized under this permit shall be privately maintained by the permittee, his successors and assigns. Whenever, in the opinion of the Director of the DERM, said work or structures are not maintained in such a manner so as to prevent deterioration to the extent that they become a hazard to the public or to navigation, or create an obstruction of flow, or prevent access for drainage maintenance purposes, or may damage adjacent property, then the owner is required to perform any necessary remedial work.
19. Unless otherwise authorized in this permit and pursuant to Sections 24-48.23 and 24-48.24 of the Code of Miami-Dade County, the installation or construction of non-water-dependent floating or fixed structures (e.g. covered structures, canopies, helicopter pads, commercial signs, etc.) is prohibited in, on, over or upon any of the tidal waters of Miami-Dade County and constitutes a violation of this permit. Failure to comply with this condition may subject the permittee to enforcement action without further warning.
20. The time allotted to complete the work for which this permit has been issued shall be limited to the period stipulated on the permit unless the permittee requests an extension of time from DERM in writing at least 30 days prior to the date of permit expiration. Applications for extensions of time that are not timely filed pursuant to Section 24-48.9(2)(b) of the Code of Miami-Dade County will be returned to the permittee.

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21. An application for Transfer of a Class I permit may be filed with DERM at any time prior to the transfer of property ownership up to 120 days after the date of transfer of fee simple ownership of the property that is the subject of the permit. The Application for Transfer must be signed by both the transferee and transferor. Applications for Transfer shall be filed in the form prescribed by DERM and shall not be processed if the filed Application for Transfer is not fully complete in all respects pursuant to Section 24-48.18, of the Code of Miami-Dade County within 120 days of the date of transfer of property ownership.
22. If the project involves construction, replacement, or repair of a seawall, the new seawall cap shall be a minimum of 6 inches above the final grade of the uplands immediately adjacent, and in order to prevent positive drainage of stormwater into the waterway, all uplands immediately adjacent to the new seawall shall be graded away from the waterway.
23. To further reduce the possibility of injuring or killing a manatee during construction, work within portions of the Biscayne Canal, Little River, and the Coral Gables Waterway shall be performed only between May 1 and November 15.
24. A minimum of 1 foot of clearance shall be maintained at all times between the submerged bottom, and any existing benthic resources, and any vessels moored at the property.
25. If railing is required to be installed pursuant to this permit, it shall be installed within 30 days of completion of the permitted work, and prior to the use of the structure(s) authorized by this permit, including the mooring of vessels.
26. A performance and/or mitigation bond may be held to ensure compliance with the aforementioned conditions and the completion of any required mitigation. Failure to comply with any of these conditions may result in the revocation by Miami-Dade County of all or a portion of the bond without further notice.
27. You are not authorized to commence any work or activities pursuant to this permit until you obtain any and all approvals or permits, if necessary, from the federal government pursuant to the Endangered Species Act and from the State of Florida pursuant to Florida law on endangered species. Please be advised that, even after work commences, if Miami-Dade County is advised by the federal government, the State of Florida, or a court that an activity on the subject property is in violation of the Endangered Species Act, in violation of Florida law on endangered species, or in violation of a permit or approval granted by the federal government pursuant to the Endangered Species Act, such violation may result in an immediate stop work order.
28. You are strongly advised to consult with the United States Fish and Wildlife Service and any other necessary federal or state agencies before conducting any work or activities on the property. The Vero Beach office of the United States Fish and Wildlife Service may be reached at (772) 562-3909. Please be aware that the federal government may require certain actions or protections on the property, and this may result in the need to modify the plans for the property. Therefore, it is recommended that you consult with the United States Fish and Wildlife Service at an early stage in the process. In the event that the United States Fish and Wildlife Service advises that your plans for the subject property may result in a "take" of endangered or threatened species, you are strongly recommended to inform Miami-Dade County in writing at the earliest stage possible.

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DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
COASTAL AND WETLANDS RESOURCES SECTION
701 NW 1st Court, Ste 600, Miami, FL 33136
Phone 305-372-6575 Fax 305-372-6479

NOTICE OF COMMENCEMENT OF CONSTRUCTION

PERMIT NO.: _____

PERMITTEE'S NAME: _____

PROJECT LOCATION: _____

PERMIT ISSUANCE DATE: _____

CONTRACTOR NAME: _____

PROPOSED DATE OF COMMENCEMENT: _____

ANTICIPATED DATE OF COMPLETION: _____

COMMENTS: _____

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ATTACHMENT A

MOORING PROHIBITED AREA



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