



TOWN OF SURFSIDE

9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154
(305) 861-4863 • FAX: (305) 861-1302
WWW.TOWNOFSURFSIDEFL.GOV

MEMORANDUM

TO: Mayor, Vice-Mayor and Town Commissioners
FROM: Guillermo Olmedillo, Town Manager
DATE: April 24, 2015
SUBJ: Process for Placement and Removal of Sand

Pursuant to the Town Commission's instructions to Fort Capital at the April 14, 2015 meeting, the Administration in collaboration with the Town Attorney's Office, has prepared the activities conducted to this date.

Timeline

- Tuesday, April 14, 2015
 - Unanimous vote by Town Commission to direct Fort Capital/Surf Club to remove sand and replace it with acceptable sand with Florida Department of Environmental Protection (FDEP) approval, with friendly amendment for Fort Capital/Surf Club to submit application to FDEP within the week.
- Wednesday, April 15, 2015
 - Town Administration contacted FDEP (Gene Chalecki, Fred Aschauer, Jim Martinello, and Danielle Irwin) to inform them of the Town Commission's vote and instructions on Tuesday, April 14.
- Friday, April 17, 2015
 - Joe Benton, Michael Kashtan, Ivette Batista, and Bill Thompson of Fort Capital met with Guillermo Olmedillo, Chief Allen, Ross Prieto, Randy Stokes, Linda Miller, and Jane Graham regarding the process and logistics of sand removal and replacement. Immediately, this group teleconferenced with Danielle Irwin, Gene Chalecki, and Jim Martinello from FDEP to discuss Surf Club's plan. FDEP stated that the Florida Fish and Wildlife Conservation Commission (FWCC) stated that they would not allow removal and replacement of sand to continue within marine turtle nesting season. (May 1 to November 1.)
 - Surf Club submitted their application to FDEP for review.

- Monday, April 20, 2015
 - Teleconference with Ivette Batista, Michael Kashtan, Joe Benton, and Surf Club Contractor Mr. Eastman with Guillermo Olmedillo, Linda Miller, Chief Allen, Ross Prieto, and Jane Graham. Surf Club Contractor stated their plan will not be complete before May 1. Surfside stated that we will reach out to FWCC to see if there any possibility of special authorization to allow work beyond May 1 to continue.
 - Town Administration reached out to Chairman Rodney Barreto, Chairman of FWCC and Ernie Marks, Regional Director of FWCC.

- Tuesday, April 21, 2015
 - Town Administration followed up with Ernie Marks, who said in his opinion, Surf Club would need to get an incidental take permit from the United States Fish and Wildlife Service, which would take a long time and would not be ready for May 1. Town Administration called contacts at USFWS to find out more about the process and timeline.
 - Town Administration spoke with Jim Martinello from FDEP who stated FDEP does not recommend removal and replacement of sand to occur after turtle nesting season starts on May 1. Jim Martinello said FDEP is finalizing the Amended Consent Order, which should be issued later that day or the next day.

- Wednesday, April 22, 2015
 - Town Administration left messages for Gene Chalecki, Garret Leonard, and called Jim Martinello re: amended consent order.
 - Town received draft amended consent order and draft alternative mitigation plan and reviewed it.
 - Town Administration spoke with Garret Leonard (FDEP) and stated that we are reviewing draft Amended Consent Order, and noticed that it does not include mention of the Town's ordinance. Garret stated that if we draft language about the ordinance, FDEP can ask Surf Club to include it.

- Thursday, April 23, 2015
 - Town Administration spoke with Jeff Howe from United States Fish and Wildlife Service who explained that an Incidental Take Permit to allow the removal and replacement of sand after May 1 would not be feasible.
 - Town Administration spoke with Bob de La Fuente and Claudio Reidi, legal counsel to Ms. Cimadevilla, who stated concern over the volume of sand in draft amended consent order.
 - Town Administration spoke with Steve Blair of Miami-Dade County who explained that the amount of sand listed in the amended consent order was not

outside the realm of possibility because the beach loses thousands of cubic yards of sand during the winter and some of it returns during the summer.

- Town Administration received call from Michael Kashtan, (Fort Capital), who stated FDEP told Surf Club they now want Surf Club to remove all sand before May 1 and then replace after November 1.

- Friday, April 24, 2015
 - Town Administration spoke with Michael Kashtan who stated that Surf Club has been in communication with FDEP and that based on weather reports next week, FDEP is recommending that work be done after November 1, 2015. FDEP is also recommending and including that a new survey must be done a month to two weeks beforehand to determine the volume of sand to be removed and replaced.
 - Town Administration contacted Garrett Leonard with FDEP to request that language regarding Surfside's Beach Sand Quality Ordinance be included in Amended Consent Order.

As of this date, the Town has not received the final Amended Consent Order between Fort Capital and FDEP. Should additional activities develop, I will update you in a memorandum form.

Cc: Linda Miller, Town Attorney
Jane Graham, Assistant Town Attorney