



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

COMPLIANCE ASSISTANCE OFFER

July 3, 2014

Chateau Ocean, LLC
c/o Kirk J. Lofgren, Principal
Ocean Consulting, LLC
340 Minorca Avenue, Suite 5
Coral Gables, Florida 33134

Dear Mr. Lofgren:

On March 31, 2014, the Department issued permit DA-647 to Chateau Ocean, LLC, for the proposed construction of a twelve-story, eighty-one unit tower, an understructure parking garage, two swimming pools, other structures/activities, and excavation and fill placement seaward of the Coastal Construction Control Line ("CCCL"), on property located at 9365 Collins Avenue, approximately 0 feet and 305 feet north of Department reference monument R-33, Surfside, in Miami-Dade County, Florida. Under the excavation and fill section of the permit's project description, the permit authorized approximately 20,855 cubic yards of excavated fill material to be placed off-site seaward of the Erosion Control Line ("ECL") between Department reference monuments R-33 and R-39. The authorized work was required to conform to the project description, approved plans, and all special and general conditions of the permit.

On June 26, 2014, a site inspection was conducted on the subject property that revealed possible non-compliance of Section 161.053, Florida Statutes, and Rule 62B-33, Florida Administrative Code ("FAC"). The possible non-compliance consists of excavated fill material from an area seaward of the CCCL being removed/relocated to an area landward of the CCCL without prior Department approval. Pursuant to Rule 62B-33.005(6), FAC, sandy material excavated from seaward of the CCCL shall be maintained on the site seaward of the CCCL and be placed in the immediate area of construction unless otherwise specifically authorized by the Department.

The purpose of this letter is to provide you with compliance assistance as a means of resolving these matters.

On April 4, 2014, the Department received a request to modify permit DA-647. The modification request, which is currently incomplete, proposes temporary storage of the excavated fill material from seaward of the CCCL at the subject property to an off-site location. Although a modification request has been submitted, the apparent non-compliant relocation of the excavated fill material to an area landward of the CCCL does not appear to meet the Department's rule requirements, pursuant to Rule 62B-33.005(6), FAC. We request that you respond in writing within 14 days of receipt of this Compliance Assistance Offer advising the Department of your intentions in this matter.

PLEASE BE ADVISED that this Compliance Assistance Offer is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S.

It is the Department's desire that you are able to document compliance or corrective actions concerning the possible non-compliance so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

Please address your response to Shonna Culver, Environmental Specialist; if you have any questions you may contact Ms. Culver by mail at the letterhead address (Mail Station 3566), by telephone at 850/245-7595, or by email at Shonna.Culver@dep.state.fl.us. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Jim Martinello, Environmental Administrator
Division of Water Resource Management

cc: Celora Douse Jackson, DWRM
Christian Lambright, SE District
Jason Andreotta, SE District
Chateau Ocean, LLC
Michael Crotty, Town Manager, Town of Surfside