



**Town of Surfside
Town Commission Workshop**

AGENDA

October 27, 2015

6:30 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

** Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

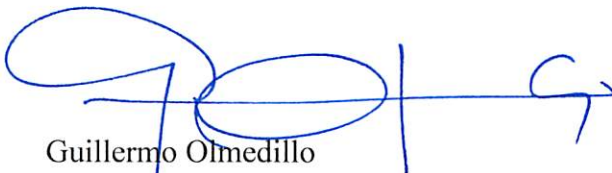
1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**

2. Surf-Club Amended Consent Order from FDEP - Guillermo Olmedillo, Town Manager

3. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

October 19, 2015

Surf Club, Inc.
c/o Ivette Batista, Project Manager
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, Florida 33146
ibatista@coastalsystemsint.com

RE: DA-631
OGC# 14-0703B

Dear Ms. Batista:

On October 15, 2015, the Department received the First Amendment to Consent Order that has been signed by Nadim Achi of Surf Club Inc., as a means to resolve the pending violations of Chapter 161, Florida Statutes, on property located within the Town of Surfside. The First Amendment to Consent Order has been executed by Jane Herndon, Esq., Deputy Director, Division of Water Resource Management.

The First Amendment to Consent Order, dated October 16, 2015, is now legally binding. Attached is a copy of the fully executed First Amendment to Consent Order; also included are the original Consent Order (OGC # 14-0703), dated December 16, 2014, and previous Mitigation Plan, which are incorporated into this First Amendment to Consent Order as Exhibit A, the current Revised Alternative Mitigation Plan (Exhibit B), Department Permit DA-631 (Exhibit C), and the Survey Mark-Up figure (Exhibit 1).

The Department will expect Surf Club, Inc. to comply with all requirements contained within the First Amendment to Consent Order and Revised Alternative Mitigation Plan in the appropriate time frames provided.

If you should have any questions regarding the implementation of the requirements of the First Amendment to Consent Order, or the Revised Alternative Mitigation Plan, please contact me at 850/245-7599, or by e-mail at james.martinello@dep.state.fl.us.

Ivette Batista
Coastal Systems International, Inc.
First Amendment to Consent Order
October 19, 2015
Page 2

Sincerely,



Jim Martinello
Environmental Administrator
Division of Water Resource Management

:jm

Enclosures

cc: Jane Herndon, Esq., Deputy Director, DWRM
Gene Chalecki, DWRM
Jennifer Smith, SE District
John Renfranz, SE District
Christian White, SE District
Celora Jackson, DWRM
Gareth Leonard, OGC
Lea Crandall, OGC
Joe Benton, Fort Capital Management
Guillermo Olmedillo, Town Manager, Town of Surfside
Jane Graham, Town of Surfside

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

IN THE DIVISION OF WATER
RESOURCE MANAGEMENT

Complainant,

OGC FILE NO. 14-0703B

vs.

THE SURF CLUB, INC.

Respondent.
_____ /

FIRST AMENDMENT TO CONSENT ORDER

On December 16, 2014, the State of Florida Department of Environmental Protection ("Department"), and The Surf Club, Inc. ("Surf Club") ("Respondent")(collectively referred to as "Parties"), executed a Consent Order in OGC File No. 14-0703 ("Original Order"). This First Amendment to Consent Order OGC Case No. 14-0703B ("First Amendment to Consent Order"), which amends the Original Order, is entered into between the Department and Respondent. The Parties agree that this First Amendment to Consent Order shall amend the Original Order only to extent specifically stated herein, and that all provisions of the Original Order not addressed herein shall remain in full force and effect.

The Department finds and the Respondent states the following:

1. In the Original Order, Respondent agreed to conduct specific corrective actions as defined in Paragraph 15 of the Original Order and the Original Order's incorporated Mitigation Plan, which was incorporated as Exhibit A. Corrective actions were to be completed by no later than February 15, 2015 and were completed in a timely manner.
2. On or about January 20, 2015, Respondent notified the Department that the corrective actions described in Paragraph 15 of the Original Order had been completed.

On or about February 24, 2015, pursuant to Paragraph 18 of the Original Order, Respondent notified the Department that debris whose source was unknown was discovered on the property seaward of the Erosion Control Line ("ECL") and landward of the mean high water line ("MHWL") from 96th Street (330 feet south of Department reference monument R-31) to 87th Terrace (300 feet south of Department reference monument R-36) within the Town of Surfside, in Miami-Dade County ("Project Area").

3. On March 13, 2015, the Department received a draft Alternative Mitigation Plan ("Alternative Mitigation Plan") from Coastal Systems International ("CSI") on behalf of Respondent. On March 16, 2015, after Department staff review, the Department sent a proposed version of the draft Alternative Mitigation Plan to CSI for review and comment by Respondent.

4. On April 17, 2015, the Department received a revised Alternative Mitigation Plan from CSI on behalf of Respondent. The revised Alternative Mitigation Plan ("Revised Alternative Mitigation Plan") addressed changes to the proposed corrective actions outlined in the Alternative Mitigation Plan received on March 16, 2015. The Revised Alternative Mitigation Plan was submitted by Respondent as an accommodation pursuant to a request from the Town of Surfside. The Revised Alternative Mitigation Plan proposes the removal of all remaining fill material, which is limited to the excavated fill material and associated debris, if any, from the Surf Club project site ("Fill Material"), that was placed on the beach at the direction of the Respondent within the Project Area between the eastern dune vegetation line and the MHWL under the Department Permit DA-631, and replacement of the removed Fill Material with an equivalent amount of sand fill material obtained from an upland source landward of the CCCL. The Revised Alternative Mitigation Plan also proposes the screening/sifting and debris removal in order to remove existing debris from the shore-parallel footpath and the shore-normal barren footpath within the revegetated dune field seaward of the Surf Club property.

5. From April to September 2015, the Department, Respondent, and CSI worked to finalize the draft Revised Alternative Mitigation Plan.

6. On September 28, 2015, a finalized Revised Alternative Mitigation Plan was agreed to by the Department and the Respondent.

Having reached a resolution of the matter, Respondent and the Department mutually agree and it is

ORDERED:

7. Paragraph 13 of the Original Order is hereby amended as follows:

On November 17, 2014, a revised final Mitigation Plan was received and accepted by the Department. The Mitigation Plan incorporates all construction debris removal techniques, which have been and will be applied by Respondent both prior to the conclusion of the 2014 marine turtle nesting season, and after conclusion of the marine turtle nesting season. The final revised Mitigation Plan is incorporated into this Order as Exhibit A, but Respondent has no further obligations under Exhibit A. On September 28, 2015, a final Revised Alternative Mitigation Plan was received and accepted by the Department. The final Revised Alternative Mitigation Plan incorporates all construction debris removal techniques, which will be applied by Respondent during and after the conclusion of the 2015 marine turtle nesting season. The final Revised Alternative Mitigation Plan ("Plan") is incorporated into this Order, as amended by the First Amendment to Consent Order, as Exhibit B.

The corrective actions addressed in the Plan, as described in Sections A., B., and C., will be performed by Eastman Aggregate Enterprises, LLC ("Eastman"), Coastal Construction of South Florida, Inc. ("CC"), or another qualified contractor approved by the Department. All engineering surveying, Quality Assurance /Quality Control ("QA/QC"), and field reporting will be performed by CSI, who is under contract to the Respondent.

8. Paragraph 14 of the Original Order is hereby deleted in its entirety and replaced with the following:

Upon the effective date of the First Amendment to Consent Order, and as addressed in the Plan, the following activities are required to be conducted through the conclusion of the 2015 marine turtle nesting season:

- a. Respondent shall perform manual collection of construction debris, if any, coming from the Surf Club Property (hereinafter "Surf Club Construction Debris" or "SCCD") and located on the property seaward of the ECL and landward of the mean high water line ("MHWL") from 96th Street (330 feet south of Department reference monument R-31) to 87th Terrace (300 feet south of Department reference monument R-36) within the Town of Surfside, in Miami-Dade County ("Project Area") and will remove the same to an area landward of the CCCL. This activity shall comply with Section A.1. of the Plan. The manual collection and removal activities of SCCD will continue until the end of the 2015 turtle season and will terminate on the date that the 2015 turtle season is over.
- b. Respondent shall perform collection of SCCD containing metal, if any, below the surface of the beach in the Project Area. This activity shall comply with Section A.2. of the Plan. This manual collection and removal of SCCD containing metal will continue until the end of turtle season and will terminate on the date that the 2015 turtle season is over.
- c. Respondent shall collect and save all debris and metal material collected by the methods described in Paragraph 14 a. and b. above, and in Sections A.1. and A.2. of the Plan, and submit a field report to the Department in accordance with Section A.3. of the Plan. The report will be submitted by November 15, 2015. The labeled bags with collected debris and metal material will be kept until the

Department provides written acceptance to the Respondent that the corrective actions described herein have been satisfactorily completed.

9. Paragraph 15 of the Original Order is hereby deleted in its entirety and replaced with the following:

Upon the effective date of the First Amendment to Consent Order, no earlier than the conclusion of the 2015 marine turtle nesting season and a minimum of one week following submittal of the Project Area survey information described in Paragraph 15 a. of this Order, as amended by the First Amendment to the Consent Order, and Section A.4. of the Plan, Eastman, CC, and/or another qualified contractor that has been approved by the Department on behalf of Respondent, shall remove all remaining fill material, which is limited to the excavated material and associated debris, if any, from the Surf Club project site ("Fill Material"), that was placed on the beach at the direction of the Respondent within the Project Area between the eastern dune vegetation line and the MHWL, as authorized by the Department Permit DA-631 ("Permit"). The Permit is incorporated into this Order, as amended by the First Amendment to Consent Order, as Exhibit C. All placed Fill Material shall be removed to an upland area landward of the CCCL. The volume of Fill Material to be removed will be replaced with an equivalent volume of beach quality sand, as defined in Rule 62B-33.002(8), Florida Administrative Code (F.A.C.), ("Replacement Fill Material") that is obtained from the Ortona Sand Mine or another sand mine approved in advance by the Department. Prior to placing the Replacement Fill Material in the Project Area, Respondent shall provide the Department with Respondent's contract(s) for the purchased sand and test results from the mine approved in advance by the Department demonstrating that the Replacement Fill Material complies with Special Condition 5 of the Permit. Respondent shall also ensure that any debris contained in the Fill Material located within the footpaths of the revegetated dune is removed, as specified in Sections A.5. and B.3. of the Plan. All surveying, QA/QC, and field reporting described below, will be performed by CSI. The

required corrective actions specified in this Paragraph must be completed after November 8, 2015, and prior to January 30, 2016.

Prior to commencing the corrective actions specified in this Paragraph, Respondent shall contact the Department to set up a pre-construction meeting at the project site amongst the following individuals: an authorized representative of Respondent; Respondent's agent, CSI; Respondent's contractors, Eastman and CC; and a staff representative of the Department. The pre-construction meeting will be conducted in order for all parties to establish an understanding as to the requirements of the Plan and this Order, as amended by the First Amendment to Consent Order. Contact Jim Martinello, Environmental Administrator, Division of Water Resource Management, at 850-245-7599 to schedule the meeting. On the day following commencement of the corrective actions specified in this Paragraph, Respondent and Respondent's agent, CSI, shall meet with a staff representative of the Department to determine that the commenced corrective actions are being conducted in compliance with the requirements of this Order, as amended by the First Amendment to Consent Order, and the Plan. The Department representative will visit the Project Area periodically during the removal and replacement operation to confirm that the requirements of this Order, as amended by the First Amendment to Consent Order, and the Plan continue to be conducted in a compliant manner. The Department representative will also conduct a final site inspection upon completion of the removal and replacement activities. The findings of the Department's final site inspection will be documented in the Department's Final Site Inspection Report.

- a. Prior to commencement of the removal and replacement activities described in this Paragraph, CSI, on behalf of Respondent, shall conduct additional surveys and sand sampling of the Project Area in order to quantify the volume of Fill Material to be removed to an upland area landward of the CCCL, and the volume of Replacement Fill Material to be placed within the Project Area. The Project Area surveys and sand sampling shall be conducted as specified in

Section A.4. of the Plan, and must be completed after October 14, 2015, and prior to October 30, 2015. Respondent or CSI shall provide all survey data/information, and sand sampling test data, described in Section A.4. of the Plan to the Department at least one week prior to commencement of the removal and replacement activities.

Pursuant to Section A.5. of the Plan, CSI, on behalf of Respondent, shall provide a mechanical screening or sifting plan to the Department at least one week prior to commencement of the debris removal activities for Department review and acceptance. The screening or sifting plan should provide specific removal methodology in order to remove debris from the shore-parallel footpath and shore-normal barren footpath within the revegetated dune seaward of the Surf Club property.

- b. All Fill Material that was placed on the beach at the direction of the Respondent within the Project Area from the eastern dune vegetation line to the MHWL shall be removed by Eastman, CC, and/or another qualified contractor that has been approved by the Department and placed in an upland area landward of the CCCL. All Fill Material removal activities shall comply with Section B.1. of the Plan. Daily surveys shall be conducted after the Fill Material is removed to determine the volume and location of all Fill Material removed from the beach and such surveys shall be submitted to the Department as specified in Sections B.4. and B.5. of the Plan.
- c. Prior to the placement of the Replacement Fill Material within the Project Area, as addressed in Paragraph 15 d. below, and in Section B.2. of the Plan, Respondent shall employ QA/QC personnel both at the approved sand mine site and at the Replacement Fill Material staging area. The QA/QC personnel shall ensure that all Replacement Fill Material and equipment used to transport

the Replacement Fill Material from the approved sand mine site to the Project Area is free of debris as specified in Section B.2.c. of the Plan.

- d. The volume of Fill Material removed from the beach will be replaced with an equivalent volume of Replacement Fill Material, which shall comply with Section B.2. of the Plan. Daily surveys shall be conducted after the Replacement Fill Material is placed and graded to determine the volume of Replacement Fill Material placed on the beach and to verify that the Replacement Fill Material is graded to match pre-mitigation contours and elevations. The post- Replacement Fill Material survey shall be submitted to the Department as specified in Sections B.4. and B.5. of the Plan. All Replacement Fill Material to be placed within the Project Area, including certification, testing, and visual assessment, shall comply with Section B.2. of the Plan.
- e. Mechanical screening or sifting shall be conducted in the shore-parallel footpath and shore-normal barren footpath where Fill Material was placed in the revegetated dune, as authorized by the Permit, in order to remove debris as specified in Section B.3. of the Plan. Prior to commencement of debris removal activities, a screening or sifting plan shall be submitted to the Department for review and acceptance as specified in Section A.5. of the Plan.
- f. Daily engineering surveying and construction observation shall be conducted and comply with the requirements described in Section B. of the Plan. All required deliverables specified in Section B. of the Plan shall be submitted to the Department within fourteen (14) days and as directed in Paragraph 16 below.
- g. After the Fill Material is removed to an upland location landward of the CCCL pursuant to Paragraph 15 b., the Respondent will have the option to screen the Fill Material to meet the requirements of Special Condition 5 of the Permit or the Permittee, after giving notice to the Department, may at its sole discretion

elect to dispose of the Fill Material at an upland location landward of the CCCL. If the Fill Material is screened to meet the requirements of Special Condition 5 of the Permit ("Screened Fill Material"), the Department may issue a separate authorization, under a CCCL Permit in accordance with the provisions of Section 161.053, Florida Statutes (Fla. Stat.), and Chapter 62B-33, F.A.C., for the Screened Fill Material to be placed on the beach, seaward of the CCCL, within the coastal cell extending from Bakers-Haulover Inlet to Government Cut. If the placement of Screened Fill Material is authorized and implemented to the Department's satisfaction, Respondent may request and receive a credit from the Department equal to the volume of Screened Fill Material that is placed on the beach seaward of the CCCL to be applied to another project proposed by Respondent within the Town of Surfside. The Respondent shall request the credit referenced in this Paragraph when making application under Section 161.053, Fla. Stat. and Rule 62B-33, F.A.C., for a CCCL Permit to place the Screened Fill Material on the beach, and upon placement of the Screened Fill Material shall certify to the actual volume placed using Department form entitled "Final Certification" DEP Form 73-115B (Revised 9/05).

- h. Within fourteen (14) days following completion of the removal and replacement activities described in Paragraph 15, Respondent's agent, CSI, on behalf of Respondent, shall provide the Department with a Final Certification in accordance with Section C.3. of the Plan. The Final Certification, in addition to the submittal of the final summary report, as described in Sections B.5. and C.2. of the Plan shall verify that all requirements of the Plan, and this Order, as amended by the First Amendment to Consent Order, have been completed in compliance with those documents.

10. Paragraph 16 of the Original Order is hereby deleted in its entirety and replaced with the following:

Upon the effective date of this First Amendment to Consent Order, Respondent shall submit all required documents and deliverables in the time periods described in Sections A.3., A.4., A.5., B.1, B.2., B.3., B.4., B.5, C.2., and C.3., of the Plan and shall be sent to Jim Martinello, Environmental Administrator, Division of Water Resource Management, at james.martinello@dep.state.fl.us.

11. Paragraph 17 of the Original Order is hereby deleted in its entirety and replaced with the following:

Upon satisfactory completion of the requirements contained in Paragraphs 14, 15, and 16 of this Order, as amended by the First Amendment to Consent Order, and the attached Plan, the Department, after completing its Final Site Inspection Report, will provide written acceptance to Respondent that states the following: 1) the corrective actions, with the exception of Paragraph 18, described herein have been satisfactorily completed and 2) all of the Respondent's obligations under the Order, as amended by the First Amendment to the Consent Order, and all incorporated mitigation plans are terminated, with the exception of Paragraph 18. Only the Department can make the determination that the requirements contained in Paragraphs 14, 15, and 16 of this Order, as amended by the First Amendment to Consent Order, and the attached Plan have been completed satisfactorily. The Department will determine the completion to be satisfactory when the following conditions have been fully complied with: 1) the Fill Material between the eastern dune vegetation line and the MHWL of the Project Area has been removed to an area landward of the CCCL, 2) the Replacement Fill Material has been placed between the eastern dune vegetation line and the MHWL of the Project Area, 3) mechanical sifting and screening to remove debris from the footpaths within the revegetated dune field has been completed, and 4) Respondent has provided the Department with Respondent's contract(s) for the purchased sand, the test results from

the mine demonstrating that the material from the mine is beach quality sand (Chapter 62B-33.002(8), F.A.C.), the daily engineering surveying and construction observation reports, the Final Summary Report, and the Final Certification.

12. Paragraph 18 of the Original Order is hereby deleted in its entirety and replaced with the following.

If as a result of one or more storm events ("Dune Erosional Event"), the dunes restored in front of the Property are impacted in such a way that SCCD, which may be contained in the dunes, is exposed and redistributed on the beach, the Respondent shall, at the direction of the Department, make a reasonable effort to remove all SCCD from the beach and dispose of it at an upland area landward of the CCCL. This obligation shall last for the duration of the Department Permit DA-631. This obligation shall not apply if, at the Department's determination, the Dune Erosional Event that impacted the dunes in front of the Property also impacted the surrounding properties and other storm-related debris was also distributed on the beach seaward of the CCCL.

13. Paragraph 21 of the Original Order is hereby amended as follows:

If any event, ~~including administrative or judicial challenges by third parties unrelated to Respondent~~, occurs which causes delay or the likelihood of delay, in complying with the requirements or deadlines of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the Respondent and could not have been or cannot be overcome by Respondent's due diligence. Administrative or judicial challenges by third parties unrelated to Respondent shall automatically toll the time for compliance with all of the Respondent's obligations under this Order, as amended by the First Amendment to the Consent Order and the Plan, without need for any further proof by Respondent. [No change to the remainder of the Paragraph].

14. Paragraph 24 of the Original Order is hereby amended as follows:

In the event of a sale or conveyance of the Property, if all the requirements of this Order, as amended by the First Amendment to the Consent Order, have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the property, (1) notify the Department of such sale or conveyance and (2) provide a copy of this Order, as amended by the First Amendment to the Consent Order, with all attachments to the new owner. The sale or conveyance of the property shall not relieve Respondent of the obligations imposed in this Order, as amended by the First Amendment to the Consent Order. This Paragraph shall not apply to sales or other transfers of individual condominium units.

15. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this First Amendment to Consent Order. Without limitation, Respondent specifically reserves its right to raise any and all defenses in any enforcement action. Respondent acknowledges its right to appeal the terms of this First Amendment to Consent Order pursuant to Section 120.68, Fla. Stat., and waives that right upon execution of this First Amendment to Consent Order.

16. The Original Order remains in full force and effect, except as specifically modified herein.

17. This First Amendment to Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Fla. Stat. Upon the timely filing of a petition, this First Amendment to Consent Order will not be effective until further order of the Department.

18. Respondent shall publish the following notice in a newspaper of daily circulation in Miami-Dade County, Florida. The notice shall be published one time only

within 14 days of the effective date of the Order, as amended by the First Amendment to the Consent Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION NOTICE OF FIRST AMENDMENT TO CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into this First Amendment to Consent Order with The Surf Club, Inc., pursuant to section 120.57(4), Florida Statutes. The First Amendment to Consent Order addresses Department permit number DA-631.

Persons who are not parties to this First Amendment to Consent Order but whose substantial interests are affected by this First Amendment to Consent Order, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Fla. Stat. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this First Amendment to Consent Order means that the Department's final action may be different from the position it has taken in the First Amendment to Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this First Amendment to Consent Order;
- b) The name, address, and telephone number of each petitioner; 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;
- c) An explanation of how the petitioner's substantial interests will be affected by this First Amendment to Consent Order;
- d) A statement of when and how the petitioner received notice of this First Amendment to Consent Order;

- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant a reversal or modification of this First Amendment to Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of this First Amendment to Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to this First Amendment to Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000 within 21 days of receipt or publication (whichever comes first) of this notice. A copy of the petition must also be mailed at the time of filing to the Florida Department of Environmental Protection, Attn. Jim Martinello, Environmental Administrator, Division of Water Resource Management, 2600 Blair Stone Road, Mail Station 3566, Tallahassee, Florida 32399. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Fla. Stat. Before the deadline for filing a petition, a person whose substantial interests are affected by this First Amendment to Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Fla. Stat. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Fla. Stat. and Rule 62-110.106(12), Fla. Admin. Code.

19. Rules referenced in this Order, as amended by the First Amendment to the Consent Order, are available at

<http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>

FOR THE RESPONDENT:



Nadim Akht, Director
The Surf Club, Inc.

DATE: 10/15/2015

DONE AND ORDERED this 15th day of October 2015, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jane Herndon, Esq.,
Deputy Director
Division of Water Resource
Management

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

10/16/15
Date

cc: Lea Crandall, Agency Clerk
Mail Station 35



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

CLIFFORD D. WILSON III
INTERIM SECRETARY

December 16, 2014

Surf Club, Inc.
c/o Ivette Batista, Project Manager
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, Florida 33146

RE: DA-631
OGC# 14-0703

Dear Ms. Batista:

On December 12, 2014, the Department received the Consent Order that has been signed by Mr. Nadim Achi of Surf Club, Inc., as a means to resolve the pending violations of Chapter 161, Florida Statutes. The Consent Order has been executed by Danielle H. Irwin, Deputy Director, Division of Water Resource Management. The Consent Order is now legally binding. Attached is a copy of the fully executed Consent Order, and the approved Mitigation Plan which is incorporated into the Consent Order as Exhibit A.

The Department will expect Surf Club, Inc. to comply with all requirements of the Consent Order in the appropriate time frames provided.

If you should have any questions regarding this matter, please contact me at 850/414-7772 or by e-mail at james.martinello@dep.state.fl.us.

Sincerely,

Jim Martinello
Environmental Administrator
Division of Water Resource Management

:jm
Enclosure

cc: Celora Jackson, DWRM
Christian Lambright, SE District
Jason Andreotta, SE District
Lea Crandall, OGC

Gareth Leonard, OGC
Joe Benton, Fort Capital Management
Mike Crotty, Town of Surfside

www.dep.state.fl.us

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

IN THE DIVISION OF WATER
RESOURCE MANAGEMENT

Complainant,

OGC FILE NO. 14-0703

vs.

THE SURF CLUB, INC.

Respondent.

_____ /

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department"), and The Surf Club, Inc. ("Surf Club") ("Respondent"), to reach settlement of certain matters at issue between the Department and the Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce Chapter 161, Florida Statutes ("Fla. Stat."), and the rules promulgated thereunder, in Title 62B, Florida Administrative Code ("Fla. Admin. Code"). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a "person" within the meaning of section 161.053, Fla. Stat.
3. Respondent is the owner of property located approximately 768 feet north to 32 feet south of Department reference monument R-35, further described as 9011 Collins Avenue, Surfside, in Miami-Dade County, Florida ("Property").
4. The fill placement project area is defined as property located seaward of the Coastal Construction Control Line ("CCCL") and the Erosion Control Line ("ECL") from 96th Street (approximately 330 feet south of Department reference monument R-31)

to 87th Terrace (approximately 300 feet south of Department reference monument R-36), within the Town of Surfside, in Miami-Dade County, Florida.

5. On December 5, 2013, the Department issued permit number DA-631 ("Permit") to Respondent for the proposed construction of two multi-family dwelling structures, an understructure parking garage, four swimming pool structures, two relocated cabana structures, excavation and fill, and other structures/activities seaward of the CCCL.

6. Under the excavation and fill section of the Permit's project description, the Permit authorized approximately 4,045.8 cubic yards of excavated fill material to be placed within the restored dune area seaward of the Property and seaward of the ECL, approximately 5,888.1 cubic yards of excavated fill material to be placed seaward of and adjacent to the Property seaward of the ECL, and approximately 14,131 cubic yards of excavated fill material to be placed off-site seaward of the ECL from 96th Street (approximately 330 feet south of Department reference monument R-31) to 87th Terrace (approximately 300 feet south of Department reference monument R-36), within the Town of Surfside.

7. The Pre-Construction Conference, as required by Special Condition number 1 of the Permit, took place on December 19, 2013. In April 2014, Respondent commenced with placing excavated material from the project site onto the beach seaward of the ECL as authorized by the Permit and described in paragraph 6 above. The fill placement portion of the project seaward of the ECL, was completed prior to May 1, 2014.

8. On June 25, 2014, a Department inspection of the Property and the off-site beach fill locations described in paragraph 6 above, revealed the presence of unknown quantities of construction debris within the placed fill material seaward of the CCCL and ECL.

9. On July 2, 2014, the Department issued a Compliance Assistance Offer to Respondent regarding the apparent presence of construction debris within the placed fill material seaward of the CCCL and ECL. The letter informed Respondent that the construction debris within the placed fill material was not in compliance with Special Permit Condition number 5.1.4 of the Permit which states that the placed excavated fill material shall not contain construction debris, metal, vegetation, organic soil, rocks, clay, toxic materials, or other foreign matter. Further, the Permit's approved Sediment QA/QC Plan, under Item 5 of the Compliance and Remediation section states that all non-compliant fill shall be removed. The letter requested the Respondent to submit a Remediation Plan, outlining a method for removal of all debris from the placed fill material within thirty (30) days.

10. On August 18, 2014, the Department received a draft Mitigation Plan from Coastal Systems International, Inc. ("CSI") on behalf of Respondent. On August 27, 2014, after Department staff review, the Department sent a revised/edited version of the draft Mitigation Plan to CSI for review and comment by Respondent.

11. During September and October, 2014, the Department, Respondent, and CSI worked to finalize the draft Mitigation Plan.

12. On November 17, 2014, the Department accepted the revised Mitigation Plan.

Having reached a resolution of the matter, Respondent and the Department mutually agree and it is,

ORDERED:

13. On November 17, 2014, a final revised Mitigation Plan was received and accepted by the Department. The Mitigation Plan incorporates all construction debris removal techniques, which have been and will be applied by Respondent both prior to the conclusion of the 2014 marine turtle nesting season, and after the conclusion of the

marine turtle nesting season. The final revised Mitigation Plan is incorporated into this Order as Exhibit A.

14. Upon the effective date of this Order, and as addressed in the accepted Mitigation Plan, the following activities are required to be conducted through the conclusion of the 2014 marine turtle nesting season and the 2015 marine turtle nesting season (if necessary):

- a. Respondent's Project General Contractor, Coastal Construction Group of South Florida, Inc. ("Coastal Construction") will continue to perform manual collection and removal of construction debris/foreign matter from the beach to an area landward of the CCCL. This activity consists of performing one walk-through of the fill placement project area every morning from 96th Street (approximately 330 feet south of Department reference monument R-31) to 87th Terrace (approximately 300 feet south of Department reference monument R-36) within the Town of Surfside to pick up and remove any visible debris (which may include cans, glass bottles, large rocks, clay tile, concrete pieces and other construction debris, etc.) identified visually on the surface of the sandy beach, between the dune vegetation line and the shoreline. The manual collection and debris removal activities work will continue until it has been determined by the Department that the on-going non-compliance has been resolved.
- b. Coastal Construction, will continue to perform collection of metal material below the surface of the beach in the fill placement project area. This activity consists of performing one walk-through of the fill placement project area every morning from 96th Street (approximately 330 feet south of Department reference monument R-31) to 87th Terrace (approximately 300 feet south of Department reference monument R-36)

within the Town of Surfside using hand-held metal detectors for identifying metal objects buried below grade in the sand. When a metal object is identified by metal detector, the worker will excavate a small area to remove the object(s) found, and then backfill the excavation to restore grade. All debris discovered by this method will be removed from the beach to an area landward of the CCCL. All excavation conducted under this method will be accomplished by hand or the use of small hand tools. This manual collection and removal of metal material work will continue until it has been determined by the Department that the on-going non-compliance has been resolved.

- c. All debris and metal material collected by the methods described in Paragraphs 14 a. and b. above will be saved in an appropriate number of plastic bags per day, and labeled with the corresponding date. A field report will be submitted to the Department documenting the activities conducted with photos and a written description of the work performed, and the findings, during the duration of the turtle nesting season. The first report will be submitted on December 15, 2014.

15. Upon the effective date of this Order, Miami-Dade County ("County") through its Environmental Resource Management ("DERM") Section, on behalf of Respondent, shall perform mechanical sifting of the fill placement project area for the full 18-inch depth of the placed fill material. Prior to commencing the activities specified in this paragraph, Respondent shall contact the Department to set up a pre-sifting/debris removal conference at the fill placement project area amongst the following individuals: an authorized representative of Respondent; Respondent's agent, CSI; Respondent's contractor, Coastal Construction; appropriate DERM staff; and a staff representative of the Department. Contact Jim Martinello, Environmental Administrator, Division of Water Resource Management, at 850-245-7599 to schedule the conference.

- a. The sifting activity will be conducted within the entire fill placement project area, from 96th Street (approximately 330 feet south of Department reference monument R-31) to 87th Terrace (approximately 300 feet south of Department reference monument R-36) within the Town of Surfside, from the dune vegetation line to the shoreline. The sifting activity will consist of using up to four County owned sifters; the Beach Tech 2800 or the Beach Tech 3000, each pulled by a tractor. The sifting depths of these machines will be between 4 to 6 inches depending upon beach site conditions, and sifted material will be screened using a 30mm sieve. In order to successfully sift the full depth of the 18-inch template of placed fill material, the beach will be sifted in specific shore-parallel sections as deemed appropriate by DERM work forces. The sections will be sifted to the grades described above until the entire fill template in the fill placement project area sections have been sifted. The revegetated dune area at the project site may be used as a temporary stockpiling location for the sifted material until the entire 18-inch fill template for that section has been sifted. All sifted material shall be placed back onto the beach and re-graded to match pre-mitigation contours and elevations. All sifting activities described above shall be completed by February 15, 2015.
- b. Upon completion of the sifting activities as described in Paragraph 15 a. above, Respondent shall be responsible for restoring and/or revegetating any damage caused to the revegetated dune from temporarily stockpiling any of the sifted fill material on the revegetated dune. Restoration and revegetation shall be completed

in compliance with the Permit's approved dune planting plan. All restoration and revegetation activities shall be completed by April 1, 2015.

- c. All sifted debris shall be removed to an area landward of the CCCL. The sifting and grading activities, as described in Paragraph 15 a. above, will be performed once or until it is determined by the Department that the fill placement project area is free of all construction debris, as required by the Permit's Special Permit Condition number 5.1.4, which requires that the placed excavated fill material shall not contain construction debris, metal, vegetation, organic soil, rocks, clay, toxic material or other foreign matter.
- d. Within thirty (30) days of completion of the sifting activities described in Paragraph 15 a. above, a field report will be submitted to the Department documenting the sifting activities conducted with photos and a written description of the work performed and the findings, during the duration of the mechanical sifting activities.
- e. Within thirty (30) days of completion of the restoration and revegetation activities described in Paragraph 15 b. above, a field report will be submitted to the Department documenting the restoration activities conducted with photos and a written description of the work performed so that it can be determined that the completed restoration is in compliance with the Permit's approved dune planting plan.

16. Upon the effective date of this Order, Respondent shall submit all field Inspection Reports in the time periods described in Paragraphs 14 c. and 15 d. and e. above, and shall be sent to Jim Martinello, Environmental Administrator, Division of Water Resource Management, at james.martinello@dep.state.fl.us. The Reports shall include the date(s) of inspection, findings, progress made in the debris removal activities,

anticipated work/site management including a description of work to be conducted and planned dates for additional remediation activities.

17. Upon satisfactory completion of the requirements contained in Paragraphs 14, 15, and 16 of this Order, and the attached approved Mitigation Plan, the Department will provide written acceptance to Respondent that the mitigation activities described herein have been satisfactorily completed. Satisfactory completion will be determined when the fill placed within the project area is in compliance with Special Permit Condition number 5.1.4. of the Permit.

18. If after forty-five (45) days from the commencement of the sifting activities described in Paragraph 15 a. above, debris is still being discovered within the fill placement project area, the Department will notify Respondent and require, and Respondent agrees, to reevaluate the mitigation activities being conducted and an amended methodology for removal of debris will be proposed by Respondent or their Agents. Any new plan for debris removal/remediation of the fill placement project area must be submitted to the Department within thirty (30) days following notification from the Department.

19. With the exception of the activities described in Paragraphs 14, 15, and 16, above, effective immediately and henceforth, Respondent shall not conduct any construction, or excavation, seaward of the CCCL or ECL, without first obtaining a valid Department permit or written notification from the Department that the proposed activities appear to be exempt from Department permitting requirements.

20. Respondent agree to pay the Department stipulated penalties in the amount of \$250 per day for each and every day Respondent fails to comply with any of the requirements of Paragraphs 14-18 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and

shall include thereon the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund". Payment shall be sent to the Department of Environmental Protection, Jim Martinello, Environmental Administrator, Division of Water Resource Management, 2600 Blair Stone Road, Mail Station 3566, Tallahassee, Florida 32399. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Order in an amount greater than the stipulated penalties due under this paragraph.

21. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements or deadlines of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days of notify to the Department in writing of (a) the anticipated length and cause of delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or

anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Order.

22. Respondent shall allow all authorized representatives of the Department access to the property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes of the Department.

23. All submittals required by this Order to be submitted to the Department shall be sent to the Florida Department of Environmental Protection, Attn. **Jim Martinello, Environmental Administrator, Division of Water Resource Management, 2600 Blair Stone Road, Mail Station 3566, Tallahassee, Florida 32399.**

24. In the event of a sale or conveyance of the property, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the property, (1) notify the Department of such sale or conveyance and (2) provide a copy of this Order with all attachments to the new owner. The sale or conveyance of the property shall not relieve Respondent of the obligations imposed in this Order.

25. The Department, for and in consideration of the complete and timely performance by Respondent of all obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

26. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve the Respondent of the need to comply with applicable federal, state or local laws, regulations or ordinances.

27. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

28. Respondent is fully aware that a violation of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

29. Respondent acknowledges and waives their right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. Respondent also acknowledges and waives their right to appeal the terms of this Order pursuant to section 120.68, Fla. Stat.

30. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both the Respondent and the Department, and filed with the clerk of the Department.

31. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, Fla. Stat. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), Fla. Stat.

32. This Order is a final order of the Department pursuant to section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department

unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Fla. Stat. Upon timely filing of a petition, this Order will not be effective until further order of the Department.

33. Persons who are not parties to this Order but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Fla. Stat. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in this Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; 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;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant a reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the Florida Department of Environmental Protection, Attn. Jim Martinello, Environmental Administrator , Division of Water Resource Management, 2600 Blair Stone Road, Mail Station 3566, Tallahassee, Florida 32399. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Fla. Stat. Before the deadline for filing a petition, a person whose substantial interests are affected by this Order may choose to pursue mediation as an alternative remedy under section 120.573, Fla. Stat. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Fla. Stat. and Rule 62-110.106(12), Fla. Admin. Code.

34. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>.

(This portion left blank intentionally)


FOR THE RESPONDENT:


Nadim Achi, Director
The Surf Club, Inc.

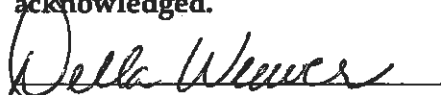
DATE: 12/12/2014

DONE AND ORDERED this 15 day of December 2014, in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Danielle H. Irwin, Deputy Director
Division of Water Resource
Management

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52,
Florida Statutes, with the designated Department Clerk, receipt of which is hereby
acknowledged.


Clerk

12/16/2014
Date

cc: Lea Crandall, Agency Clerk
Mail Station 35

- Attachment A -

**Mitigation Plan for Removal of Construction Debris and other Foreign Matter
From the Beach in the Town of Surfside**

In response to the Florida Department of Environmental Protection (“DEP”) Compliance Assistance Offer Letter dated July 2, 2014, pertaining to DEP Coastal Construction Control Line (“CCCL”) Permit DA-631 for the Surf Club Project (“Project”), the following mitigation plan shall be completed throughout the entire sand fill placement Project area, from 96th Street (approximately 330 feet south of Department reference monument R-31) to 87th Terrace (approximately 300 feet south of Department reference monument R-36) within the Town of Surfside (“The Town”). The work will be performed under the direction of The Surf Club Project ownership team (“Permittee”), in order to assist The Town and Miami-Dade County (“The County”) with the removal of construction debris and other foreign matter from the fill placement Project area.

A. Activities to be Conducted During Turtle Nesting Season

1. A crew of 4 employees of the Permittee’s Project General Contractor, Coastal Construction Group of South Florida, Inc. (“Coastal Construction”) will continue performing manual collection and removal of construction debris/foreign matter for removal from the beach to an area landward of the CCCL. This activity consists of performing one walk-through of the fill placement Project area every morning from 96th Street (approximately 330 feet south of Department reference monument R-31) to 87th Terrace (approximately 300 feet south of Department reference monument R-36) to pick up and remove any visible debris (which may include cans, glass bottles, large rocks, clay tile, concrete pieces and other construction debris, etc.) identified visually on the surface of the sandy beach, between the dune vegetation line and the shoreline. The manual collection and debris removal activities will continue until it has been determined by DEP that the on-going non-compliance has been resolved.
2. A crew of 4 employees of Coastal Construction, will continue performing collection of metal material below the surface of the beach in the fill placement Project area. This activity consists of performing one walk-through of the fill placement Project area every morning using hand-held metal detectors for identifying metal objects buried below grade in the sand. When a metal object is identified by metal detector, the worker will excavate a small area to remove the object(s) found, and then backfill the excavation to restore grade. All debris discovered by this method will be removed from the beach to an area landward of the CCCL. All excavation conducted under this method will be accomplished by hand or the use of small hand tools. This manual collection and removal of metal material will continue until it has been determined by DEP that the ongoing non-compliance has been resolved.

EXHIBIT A

3. All debris and metal material collected by methods 1 and 2 above is currently being saved in one plastic bag per day, and labeled with the corresponding date. A field report will be submitted to DEP documenting the activities conducted with photos and a written description of the work performed and the findings, during the duration of the turtle nesting season. The report will be submitted on December 15, 2014.

B. Activities to be Conducted Upon conclusion of Turtle Nesting Season or Upon Authorization from DEP

Upon the conclusion of marine turtle nesting season on October 31, 2014, or as authorized by the DEP following consultation with the Florida Fish and Wildlife Conservation Commission, the County through its Environmental Resource Management (“DERM”) Section, will perform mechanical sifting of the fill placement Project area for the full 18-inch depth of the placed fill material.

1. The sifting activity will be conducted within the entire fill placement Project area, from 96th Street (approximately 330 feet south of Department reference monument R-31) to 87th Terrace (approximately 300 feet south of Department reference monument R-36), from the dune vegetation line to the shoreline within The Town. The sifting activity will consist of using up to four County owned sifters; the Beach Tech 2800 and the Beach Tech 3000, each pulled by a tractor. The sifting depths of these machines will be between 4 to 6 inches depending upon beach site conditions, and sifted material will be screened using a 30mm sieve. In order to successfully sift the full depth of the 18-inch template of placed fill material, the beach will be sifted in specific shore-parallel sections as deemed appropriate by DERM work forces. The sections will be sifted to the grades described above until the entire fill template in the fill placement project area sections have been sifted. The revegetated dune area at Project site may be used as a temporary stockpiling location for the sifted material until the entire 18-inch fill template for that section has been sifted. All sifted material shall be placed back onto the beach and re-graded to match pre-mitigation contours and elevations. All sifting activities described above shall be completed by February 15, 2015.
2. Upon completion of the sifting activities as described in Item B (1) above, the Permittee shall be responsible for restoring and/or revegetating any damage caused to the revegetated dune from temporarily stockpiling any of the sifted fill material on the revegetated dune. Restoration and revegetation shall be completed in compliance with the DEP-approved dune planting plan for the Project. All restoration and revegetation activities shall be completed by April 1, 2015.
3. All sifted debris shall be removed from the beach to an area landward of the CCCL. This activity will be performed once or until it is determined by DEP that the fill placement Project area is free of all construction debris, as required by Special Permit Condition number 5.1.4 of the Permit, which requires that the placed excavated fill material shall not

contain construction debris, metal, vegetation, organic soil, rocks, clay, toxic material or other foreign matter.

4. Within thirty (30) days of completion of the sifting activities described in Item B (1) above, a field report will be submitted to DEP documenting the sifting activities conducted with photos and a written description of the work performed and the findings, during the duration of the mechanical sifting activities.
5. Within thirty (30) days of completion of the restoration and revegetation activities described in Item B (2) above, a field report will be submitted to DEP documenting the restoration activities conducted with photos and a written description of the work performed so that it can be determined that the completed restoration is in compliance with the Permit's approved dune planting plan for the Project.

C. Reporting Requirements

Each field Inspection Report shall be submitted in the time periods described in Items A (3) and B (4) and B (5) above, and shall be sent to Jim Martinello, Environmental Administrator, Division of Water Resource Management, at james.martinello@dep.state.fl.us. The Report shall include the date(s) of inspection, findings, progress made in the debris removal activities, anticipated work/site management including a description of work to be conducted and planned dates for additional remediation activities.

D. Satisfactory Completion of Mitigation

DEP will provide written acceptance to the Permittee that the mitigation activities described herein have been satisfactorily completed when DEP has determined that the fill placed within the fill placement Project area is in compliance with Special Permit Condition number 5.1.4. of the Permit.

If after forty-five (45) days from the completion of the sifting activities described in Item B (1) above, debris is still being discovered within the fill placement Project area, DEP will notify the Permittee and require, and the Permittee agrees to reevaluate the mitigation activities being conducted and an amended methodology for removal of debris will be proposed by the Permittee or their Agents. Any new plan for debris removal/remediation of the fill placement Project area must be submitted to DEP within thirty (30) days following notification from DEP.

- Exhibit B -

Revised Alternative Mitigation Plan for Removal and Replacement of Fill Material from the Beach in the Town of Surfside

September 28, 2015

Pursuant to Paragraph 18 of the Florida Department of Environmental Protection (“DEP”) Consent Order dated December 16, 2014 and filed under OGC #14-0703 (“Order”), which pertains to DEP Coastal Construction Control Line (“CCCL”) Permit DA-631 (“Permit”) for the Surf Club Project (“Project”), and pursuant to the request from the Town of Surfside Commission, The Surf Club Inc. (“Permittee”) proposes and DEP accepts the following Revised Alternative Mitigation Plan to be implemented throughout the area located seaward of the Erosion Control Line (“ECL”) and landward of the mean high water line (“MHWL”) from 96th Street (approximately 330 feet south of Department reference monument R-31) to 87th Terrace (approximately 300 feet south of Department reference monument R-36) in the Town of Surfside (“Project Area”), and in the shore-normal barren footpath within the revegetated dune field seaward of the Surf Club property, which is located seaward of the CCCL. This Revised Alternative Mitigation Plan (“Plan”) is incorporated into the Department’s Order, as amended by the First Amendment to Consent Order, under Department OGC file number 14-0703B, as Exhibit B.

The Plan, as described below in Sections A., B., and C., will be performed by Eastman Aggregate Enterprises, LLC (“Eastman”), Coastal Construction of South Florida, Inc. (“CC”), or another qualified contractor approved by DEP. All engineering surveying, Quality Assurance / Quality Control (“QA/QC”), and field reporting will be performed by Coastal Systems International (“CSI”), who is under contract to the Permittee.

A. Activities To Be Conducted During the 2015 Marine Turtle Nesting Season:

1. A crew of two (2) employees of Eastman, CC, or another qualified contractor approved by DEP will perform manual collection of construction debris coming from the Surf Club project (hereinafter “Surf Club Construction Debris” or “SCCD”) and located in the Project Area and will remove the same to an area landward of the CCCL. This activity consists of performing one walk-through of the Project Area once every ten (10) days to pick up and remove any SCCD coming from the Project (including, but not limited to, clay tile, concrete pieces and waste materials commonly associated with construction or demolition activities) identified visually on the surface of the sandy beach, between the eastern dune vegetation line and MHWL. If there are three (3) consecutive manual collection removal events that result in no SCCD being identified and removed, then the frequency of the collection and removal events will be reduced to once every thirty (30) days. If SCCD is found during a thirty (30) day manual collection and removal cycle, then the frequency will be increased back to once every ten (10) days. The manual collection and removal activities of SCCD will continue until the end of the 2015 turtle season and will terminate on the date that the 2015 turtle season is over.

2. A crew of two (2) employees of Eastman, CC, or another qualified contractor approved by DEP will perform collection of SCCD containing metal below the surface of the beach

in the Project Area. This activity consists of performing one walk-through of the Project Area, between the eastern dune vegetation line and the MHWL, once every ten (10) days using hand-held metal detectors for identifying metal objects buried below grade in the sand or an alternative method approved by DEP. When SCCD containing metal is identified by metal detector, the worker will excavate a small area to remove the object(s) found, and then backfill the excavation to restore grade. All SCCD containing metal discovered by this method will be removed from the beach to an area landward of the CCCL. All excavation conducted under this method will be accomplished by hand or the use of small hand tools. If there are three (3) consecutive manual collection removal events that result in no SCCD containing metal being identified and removed, then the frequency of the collection and removal events will be reduced to once every thirty (30) days. If SCCD containing metal is found during a thirty (30) day manual collection and removal cycle, then the frequency of the collection and removal events will be increased back to once every ten (10) days. This manual collection and removal of SCCD containing metal will continue until the end of the 2015 turtle season and will terminate on the date that the 2015 turtle season is over.

3. All SCCD and SCCD containing metal collected by methods 1 and 2 described in Sections A.1. and A.2. above will be saved in an appropriate number of plastic bags, and labeled with the date that it was collected. A field report will be submitted to DEP documenting the activities conducted with photos of the material collected and a written description of the work performed and the findings, during the duration of the turtle nesting season. The report will be submitted by November 15, 2015. The labeled bags with collected debris and metal material will be kept until the Department provides written acceptance to the Respondent that the corrective actions described herein have been satisfactorily completed.

4. Prior to commencement of the removal and replacement activities described in Sections B.1. and B.2. below, CSI, on behalf of the Permittee, shall conduct additional surveys and sand sampling of the Project Area in order to quantify the volume of Fill Material, as defined in Section B.1. below, to be removed to an area landward of the CCCL, and the volume of Replacement Fill Material, as defined in Section B.2. below, to be placed within the Project Area. The Project Area surveys will duplicate the Fortin Leavy and Skiles Inc.'s March 2014 pre-fill placement survey and must be completed after October 14, 2015 and prior to October 30, 2015. At each of the beach profiles surveyed, CSI will also either dig test holes or collect sand cores (1" x 24") to assess sand color. Along each profile line, a minimum of three (3) test holes or sand cores will be dug or collected (e.g., back beach, mid beach, and most seaward area of fill placement) to a minimum depth of eighteen (18) inches and a maximum depth of twenty- four (24) inches. Each test hole or sand core shall be assessed by comparing the "benchmark samples" for the pre-fill beach and Fill Material to determine the depth or layer thickness of "golden sand," i.e. Fill Material, in each test hole or sand core. If the entire twenty-four (24) inch test hole or sand core consists of "golden sand," then the test hole or sand core will be excavated to a greater depth so that the layer thickness of "golden sand" can be determined. Results obtained from the collection of test holes and/or sand cores shall be documented in writing and supported by photographs and archived sand cores, if collected. The Project Area surveys, with data from the test holes and/or sand cores will determine the volume of Fill

Material to be removed. The volume of Fill Material to be removed shall include “golden sand” on the beach, as identified through comparison to benchmark samples of the Fill Material, any Fill Material identified by comparing the pre-fill placement survey with all available post-fill surveys, and the Fill Material placed adjacent to and east of the dune vegetation line and as depicted in the hatched areas in the attached figure, which is incorporated into this Plan as Attachment 1. A DEP field inspector will witness the first three (3) profile lines sampled, at a minimum, to verify the presence of the benchmark samples and training of inspectors utilized by the Permittee and/or CSI, using these samples to identify the “golden sand” to ensure consistent identification of Fill Material. The volume of Fill Material to be removed shall be based on the above strategy and reasonable engineering judgement. The removal volume shall not exceed the volume of Fill Material placed seaward of the dune vegetation line under Permit Number DA-631. Prior to commencement of the removal and replacement activities, the Permittee and/or CSI shall provide the survey data, including cross-sections at each beach profile point, sand sampling information, specific calculations of the volume of the Fill Material to be removed, and a site map delineating the aerial extent of the Fill Material to be removed, to DEP for review and approval at least one week prior to commencement of the removal and replacement activities.

5. At least one week prior to commencement of the debris removal activities described in Section B.3. below, CSI, on behalf of the Permittee, shall provide a mechanical screening or sifting plan to DEP for DEP review and acceptance. The plan should provide specific screening/sifting and debris removal methodology in order to remove existing debris from the shore-parallel footpath and the shore-normal barren footpath within the revegetated dune field seaward of the Surf Club property. Screening methodology should consist of the use of a ¼” screen in order to collect existing debris from unvegetated footpaths. Section B.3. below provides specific location information for this area, in relation to Department reference monuments.

B. Activities To Be Conducted Following The 2015 Marine Turtle Nesting Season:

After November 8, 2015, but prior to January 30, 2016, following the 2015 marine turtle nesting season, Eastman, CC, or another qualified contractor approved by DEP, on behalf of the Permittee, will complete the following activities:

1. All fill material, which is limited to the excavated material and associated debris, if any, from the Surf Club Project site (“Fill Material”), identified by the methods described in Section A.4. above, that was placed on the beach at the direction of the Respondent within the Project Area between the eastern dune vegetation line and the MHWL, as authorized by the DEP Permit, shall be removed and placed in an area landward of the CCCL. Special care shall be taken to remove all Fill Material placed adjacent to and east of the dune vegetation line as depicted in Exhibit 1 of this Plan. The existing sand in place prior to the Project will not be removed. Daily surveys shall be conducted after the Fill Material is removed to determine the final volume and location of all Fill Material removed from the beach. The survey information shall be submitted to DEP, as specified in Sections B.4., B.5., and C.2. below, as a site map illustrating survey elevation data and profiles post-removal of the Fill Material.

2. The volume of Fill Material removed from the beach will be replaced with an equivalent volume of beach quality sand, as defined in Rule 62B-33.002(8), Florida Administrative Code (“Replacement Fill Material”). The final volume of Replacement Fill Material will be equal to the amount of Fill Material removed. The Replacement Fill Material will be placed on the beach within the Project Area between the eastern dune vegetation line and the MHWL. All Replacement Fill Material shall be graded, as necessary, to match pre-mitigation contours and elevations. Daily surveys shall be conducted after the Replacement Fill Material is placed and graded to determine the volume of Replacement Fill Material placed on the beach and verify that the Replacement Fill Material is graded to match pre-mitigation contours and elevations. The survey information shall be submitted to DEP, as specified in Sections B.4., B.5., and C.2. below, as a site map illustrating survey elevation data and profiles post-placement of the Replacement Fill Material. All Replacement Fill Material to be placed within the Project Area shall comply with the following conditions:

- a. All Replacement Fill Material shall be obtained from the Ortona Sand Mine or another sand mine approved in advance by the Department; and
- b. Permittee will provide written notice to the approved sand mine that it is possible for material of differing characteristics to be present and that the mining process may correspondingly require revisions to produce beach compatible sand consistent with the Sediment Compliance Specifications in Table 1, below, and Special Condition 5 of the Permit prior to removal of any material from the mine. The characteristics of the processed materials in the approved sand mine are indicated in the geotechnical data, including the sieve data and grain size distribution curves.

Table 1- Sediment Compliance Specifications.†

Sediment Parameter	Parameter Definition	Compliance Value
Max. Silt Content	passing #230 sieve	2%
Max. Shell Content*	retained on #4 sieve	3%
Munsell Color Value	moist Value (chroma = 1)	7 or lighter
Mean Grain Size Range	Moment Method	0.3 to 0.6

†The Replacement Fill Material shall not contain construction debris, toxic material, other foreign matter, coarse gravel or rocks.

*Shell Content is used as the indicator of fine gravel content for the implementation of Quality Assurance/Quality Control procedures.

One or more benchmark sample(s) from the approved sand mine will be evaluated for visual attributes (Munsell color and shell content), sieved in accordance with the applicable sections of ASTM D422-63 (Standard Test Method for Particle-Size Analysis of Soils), ASTM D1140 (Standard Test Method for Amount of Material in Soils Finer than No. 200 Sieve), and ASTM D2487 (Classification of Soils for Engineering Purposes), and analyzed for carbonate content. The samples will be sieved using the following U.S. Standard Sieve Numbers: 3/4", 5/8", 3.5, 4, 5, 7, 10, 14, 18, 25, 35, 45, 60, 80, 120, 170, 200, and 230.

Prior to placement of any sand on the beach, a summary table of the sediment samples and test results for the benchmark sample(s) will accompany the complete set of laboratory testing results and shall be provided to the Department for review and approval. The column headings will include: Sample Number; Mean Grain Size (mm); Sorting Value; Silt Content (%); Shell Content (%); Munsell Color Value. The sediment testing results will be certified by a P.E or P.G. registered in the State of Florida.

Assessment at Approved Mine Sand Source. The material shall be observed by the QA/QC personnel while the material is being loaded into the trucks for transport to the Construction Access/Staging Area. Both the approved sand mine and the Permittee will have benchmark samples labeled with the permit number, "Benchmark Sample", date collected, site name and information on where the sample was obtained. The benchmark sample shall be material that has been deemed beach compatible in accordance with the Sediment Compliance Specifications and shall serve as the minimum requirement for the material being placed on the beach. If any material appears to be non-compliant, it shall be set aside for testing and/or further processing and not transported to the beach.

For conventional hydraulic excavation and stockpiling at the approved sand mine. The approved sand mine will collect no less than 4 samples for each 3,000 cubic yards of stockpiled material to visually assess grain size, Munsell color, shell content, and silt content against the benchmark sample. The sample shall be a minimum of 1 U.S. pint (approximately 200 grams). This assessment will consist of handling the fill material to ensure that it is predominantly sand, note the physical characteristics, and assure the material meets the sediment compliance parameters specified in this Plan. If deemed necessary by the approved sand mine, quantitative assessments of the sand will be conducted for grain size, silt content, shell content and Munsell color using the methods outlined above. Each sample will be archived with the date, time, and location of the sample. The results of these daily inspections, regardless of the quality of the sediment, will be appended to or notated

on the Permittee's Daily Report, as described in Section B.5 below. All samples will be stored by the Permittee for at least 60 days after project completion.

For material requiring special handling and material processing at the approved sand mine. If special handling and material processing are necessary to produce beach compatible material consistent with the Sediment Compliance Specifications in Table 1, then sampling and laboratory testing of the processed sand shall be conducted at the upland mine(s) from the stockpiled material before the material is transported to the Construction Access/Staging Areas. The approved sand mine will collect 4 representative samples from approximately every 3,000 cubic yards of material in the stockpile no less than 6 inches below the surface. The samples shall be tested at a Licensed Testing Laboratory using the criteria outlined above.

If a sample does not meet the Sediment Compliance Specifications in Table 1, then the 3,000 cubic yards of material represented by that sample shall not be transported out of the approved sand mine to the Construction Access/Staging Area. The material may undergo further processing at the approved sand mine to meet the Sediment Compliance Specifications with additional testing to verify the additional processing produced material that meets the Sediment Compliance Specifications, or the material shall be set aside and not used.

- c. Prior to the placement of the Replacement Fill Material within the Project Area, QA/QC personnel shall be employed at both the approved sand mine site and at the Replacement Fill Material staging area. QA/QC personnel shall visually observe and monitor all Replacement Fill Material and equipment used to transport the Replacement Fill Material both at the approved sand mine site and at the Replacement Fill Material staging area. This assessment will consist of visual observation and monitoring of all empty trucks and/or equipment when the Replacement Fill Material is picked up from the approved sand mine site for transport to the Project Area; and visual observation, monitoring, and handling of the Replacement Fill Material delivered to the beach staging area prior to placement on the beach within the Project Area to ensure that the Replacement Fill Material is free of debris and complies with Special Condition 5 of the Permit and the requirements of the First Amendment to Consent Order and this Plan. If debris or other non-compliant material is discovered by the QA/QC Personnel, at the approved sand mine site, and/or beach placement staging area, all construction activity shall cease until the location and description of the non-compliant material has been documented. The Department shall be verbally notified as soon as possible. The Replacement Fill Material not yet placed on the beach within the

Project Area must be further verified as compatible by the DEP field representative prior to resumption of activities and any debris or non-compliant Replacement Fill Material shall be removed to an area upland of the CCCL immediately and replaced with Replacement Fill Material that complies with Special Condition 5 of the Permit.

3. Mechanical screening or sifting shall be conducted in the shore-parallel footpath area where Fill Material was placed on the existing dune, as authorized by the Permit, further described as approximately 300 feet south of Department reference monument R-34 to 100 feet south of Department reference monument R-35, and in the shore-normal barren footpath approximately 400 feet north of Department reference monument R-35. The mechanical screening or sifting shall be conducted in the aforementioned barren footpaths in order to remove existing debris. The full depth of the placed Fill Material within the unvegetated footpaths, estimated to be approximately eighteen (18) inches, shall be screened or sifted and all collected debris shall be removed to an area upland of the CCCL. As specified in Section A.5. above, a screening or sifting plan shall be submitted for Department review and acceptance prior to commencement of the debris removal activities.
4. To comply with Section B.5. and C.2. below, daily engineering surveying and construction observation shall be conducted in order to document the removal and replacement process, which includes: a) the location, depth, and volume of Fill Material removed from the Project Area between the eastern dune vegetation line and the MHWL, b) the location, depth, and volume of Replacement Fill Material placed in the Project Area between the eastern dune vegetation line and the MHWL, and c) the verification that the Replacement Fill Material placed on the beach complies with Special Condition 5 of the Permit. Collected survey data/information, which includes but is not limited to the surveys described in Paragraphs B.1. and B.2. above, field assessments and daily reporting, shall be provided to DEP as described in Section B.5. and C.2. below.
5. Pursuant to Section B.4. above, daily reports will be prepared and submitted to the DEP which document the removal and replacement process. Surveys to document the post-Fill Material removal activities and the post-Replacement Fill Material placement activities and the final summary report of the removal and replacement activities (“Final Summary Report”) will be submitted to DEP within fourteen (14) days following completion of the removal and replacement activities.

C. Satisfactory Completion of Mitigation

1. On the day following commencement of the removal and replacement operations which are described above in Section B, the DEP field inspector will conduct an inspection of the removal and replacement work performed on that date. The DEP field inspector will visit the site periodically during the removal and replacement operation to confirm that the requirements of this Plan and the Order, as amended by the First Amendment to Consent

Order, continue to be conducted in a compliant manner. The DEP field inspector will also conduct a final site inspection upon completion of the removal and replacement activities.

2. As described above in Section B.4., daily reports as prepared by CSI and Eastman, CC and/or another qualified contractor that has been approved by DEP will document the removal and replacement process and ongoing QA/QC. These field assessments and reporting will be provided to DEP as the operation progresses through the Project Area. CSI and Eastman, CC, and/or another qualified contractor that has been approved by DEP will submit a final summary report of the removal and replacement process activities within fourteen (14) days of completion of the removal and replacement activities.
3. Within fourteen (14) days following completion of the removal and replacement activities described in Sections B.1. and B.2. above, the Permittee shall provide DEP with Final Certification signed and sealed by an engineer licensed in the State of Florida. The Final Certification, in addition to the submittal of the final summary report, as described in Sections B.5. and C.2. above, shall verify that all requirements of this Plan and the Order, as amended by the First Amendment to Consent Order, have been completed in compliance with those documents.
4. Upon satisfactory completion of the 1) removal of the Fill Material and placement of the Replacement Fill Material, and 2) removal of debris from the footpaths within the revegetated dune, and 3) upon the submission of the required documentation, which includes the Final Summary Report by CSI and Eastman, CC, and/or another DEP-approved qualified contractor and the Final Certification, DEP, after completing its field inspector's Final Site Inspection Report, will provide written acceptance to the Respondent that states the following: 1) the corrective actions described in the Order, as amended by the First Amendment to the Consent Order, and this Plan have been satisfactorily completed and 2) all of the Respondent's obligations under the Order, as amended by the First Amendment to the Consent Order, and all incorporated mitigation plans are terminated. Only the Department can make the determination that the requirements contained in the Order, as amended by the First Amendment to the Consent Order, and this Plan have been satisfactorily completed. The Department will determine completion to be satisfactory when the following conditions have been fully complied with: 1) the Fill Material between the eastern dune vegetation line and the MHWL of the Project Area has been removed to an area landward of the CCCL, 2) the Replacement Fill Material has been placed between the eastern dune vegetation line and the MHWL of the Project Area, 3) mechanical sifting and screening to remove debris from the footpaths within the revegetated dune field has been completed, and 4) Respondent has provided the Department with Respondent's contract for the purchased sand, the test results from the mine demonstrating that the material from the mine is beach quality sand (Chapter 62B-33.002(8), F.A.C.), the daily engineering surveying and construction observation reports, the Final Summary Report, and the Final Certification.



Florida Department of Environmental Protection

Rick Scott
Governor

Bob Martinez Center
Division of Water Resource Management
2600 Blair Stone Road – Mail Station 3522
Tallahassee, Florida 32399-2400

Herschel T. Vinyard, Jr.
Secretary

December 9, 2013

SC Property Acquisition, LLC
c/o Ivette Batista, Project Manager
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, Florida 33146

Dear Ms. Batista:

Notice to Proceed Issued
Permit Number: DA-631
Permittee Name: SC Property Acquisition, LLC

Your request for a permit pursuant to Section 161.053, Florida Statutes, for construction or other activities seaward of the coastal construction control line, has been approved by the Department of Environmental Protection, enclosed is the permit. However, construction may not commence until after the permittee complies with any preconstruction requirements described in Special Permit Condition 1.

Please read the permit and permit conditions including both the General Permit Conditions and any Special Permit Conditions closely before starting construction. General Permit Conditions 1(q), 1(r), and 1(s) pertain to written reports which must be submitted to the Department of Environmental Protection at specified times. Forms for use in preparation of these reports are enclosed. Make sufficient copies of the periodic report form to provide the required reports. The periodic reports are due in the office on a monthly basis on the last working day of each month. No progress reports are required until such time as construction activities have started.

The permit will expire on December 5, 2018. Upon receipt of a written request signed by the permittee or authorized agent, the Department will consider extending the permit for up to but no more than three years. You must apply for a new permit for completion of any work not accomplished under the original permit. Although you may apply for a new permit, there is no assurance that such new permit for the same construction or activities would be approved.

Exhibit C

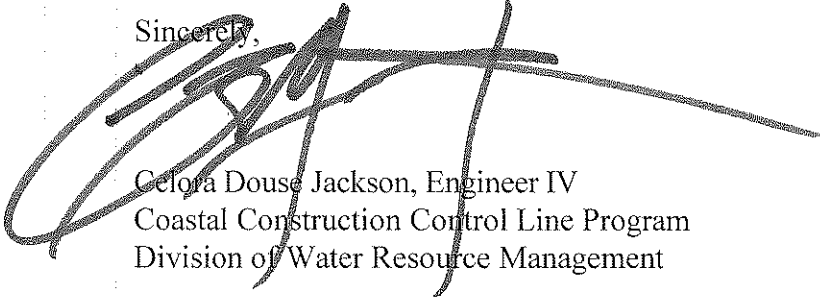
Ivette Batista, Project Manager

December 9, 2013

Page Two

The authorized work is strictly limited to that described on the enclosed permit. If you have any questions pertaining to this permit, please contact me by mail at the letterhead address (add Mail Station 3522), by telephone at (850) 921-7757, or by email at celora.a.jackson@dep.state.fl.us.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'CDJ', is written over the typed name and title.

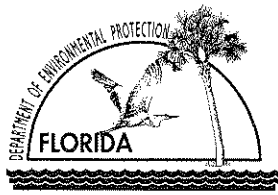
Celora Douse Jackson, Engineer IV
Coastal Construction Control Line Program
Division of Water Resource Management

CDJ/dw

Enclosures

cc: Permit Information Center
Christian Lambright, Field Inspector
Town of Surf Side, Building Official
SC Property Acquisition, LLC, Property Owner

www.dep.state.fl.us



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Water Resource Management
2600 Blair Stone Road - Mail Station 3522
Tallahassee, Florida 32399-3000
(850) 488-7708

PERMIT NUMBER: DA-631

PERMITTEE

SC Property Aquisition, LLC
c/o Ivette Batista, Project Manager
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, Florida 33146

NOTICE TO PROCEED AND PERMIT FOR CONSTRUCTION OR OTHER ACTIVITIES
PURSUANT TO SECTION 161.053, FLORIDA STATUTES

FINDINGS OF FACT: An application for authorization to conduct the activities seaward of the coastal construction control line that are indicated in the project description, was filed by the applicant/permittee named herein on August 15, 2012, and was determined to be complete pursuant to rule on September 23, 2013. The proposed project is to be located landward of the 30-year erosion projection and the existing line of construction established by major structures in the immediate area.

CONCLUSIONS OF LAW: After considering the merits of the proposal and any written objections from affected persons, the Department finds that upon compliance with the permit conditions, the activities indicated in the project description of this permit are of such a nature that they will result in no significant adverse impacts to the beach/dune areas or to adjacent properties; that the work is not expected to adversely impact nesting sea turtles, their hatchlings, or their habitat; that the work is expendable in nature and/or is appropriately designed in accordance with Section 62B-33.005, Florida Administrative Code. The direct and cumulative impacts to the beach and dune system that will be caused by the seaward location and shore-parallel width of the proposed construction represent the maximum such impacts that are acceptable to the Department. Therefore, future construction on the site seaward of the coastal construction control line shall not extend further seaward of, or increase the shore-parallel coverage occupied by, the proposed structures approved pursuant to this permit. Based on the foregoing considerations, the Department approves the application; authorizes construction and/or activities at the location indicated below in strict accordance with the project description, the approved plans (if any) and the General Permit Conditions which are attached and are by this reference incorporated herein, and any additional conditions shown below, pursuant to Section 161.053(4), Florida Statutes.

EXPIRATION DATE: December 5, 2018

LOCATION: Between approximately 768 feet north and 32 feet south of the Department of Environmental Protection's reference monument R-35, in Dade County. Project address: Surf Club, 9011 Collins Avenue, Surfside.

PROJECT DESCRIPTION:

Thirteen-Story, 74-Unit, Tower #1

1. Location relative to control line:

- 1.1. Tower: A maximum of 157 feet seaward.
- 1.2. Tower balconies: A maximum of 171.3 feet seaward.
2. Exterior dimensions: A maximum of 187.6 feet in the shore-normal direction, inclusive of the balconies by a maximum of 352.0 feet in the shore-parallel direction.
3. Type of foundation: Augercast piles.

Thirteen-Story, 150-Unit, Tower #2

1. Location relative to control line:
 - 1.1. Tower: A maximum of 148.6 feet seaward.
 - 1.2. Tower balconies: A maximum of 159.9 feet seaward.
2. Exterior dimensions: A maximum of 189.0 feet in the shore-normal direction by a maximum of 362.1 feet in the shore-parallel direction.
3. Type of foundation: Augercast piles.

Two-Story, Understructure Parking Garage

1. Location relative to control line: A maximum of 148.0 feet seaward.
2. Exterior dimensions: A maximum 198.8 feet in the shore-normal direction by a maximum of 791.2 feet in the shore-parallel direction.
3. Type of foundation: Augercast concrete piles.
4. Top of slab of understructure parking area elevation: Minimum of +2.4 feet (NAVD).
5. Type of foundation: Augercast piles.

Relocated Cabana Structure "A"

1. Location relative to control line: A maximum of 173.9 feet seaward.
2. Exterior dimensions: A maximum of 32.8 feet in the general shore-normal direction by a maximum of 155.0 feet in the shore-parallel direction.
3. Type of foundation: Augercast concrete piles.
4. Top of slab elevation: +7.4 feet (NAVD).

Relocated Cabana Structure "B"

1. Location relative to control line: A maximum of 177.7 feet seaward.
2. Exterior dimensions: A maximum of 32.7 feet in the general shore-normal direction by a maximum of 176.5 feet in the general shore-parallel direction.
3. Type of foundation: Augercast concrete piles.
4. Top of slab elevation: +7.4 feet (NAVD).

Swimming Pool #1

1. Location relative to control line: A maximum of 170.5 feet seaward.
2. Exterior dimensions: A maximum of 16.4 feet in the shore-normal direction by a maximum of 43.0 feet in the shore-parallel direction.
3. Type of foundation: Concrete shell, pile supported.
4. Deck elevation of pool: +7.4 feet (NAVD).
5. Maximum depth of pool: 5 feet.

Swimming Pool #2

1. Location relative to control line: A maximum of 169.4 feet seaward.
2. Exterior dimensions: A maximum of 34.5 feet in the shore-normal direction by a maximum of 81.9 feet in the shore-parallel direction.
3. Type of foundation: Concrete shell, pile supported.
4. Deck elevation of pool: +5.9 feet (NAVD).
5. Maximum depth of pool: 4.5 feet.

Swimming Pool #3

1. Location relative to control line: A maximum of 162.3 feet seaward.
2. Exterior dimensions: A maximum of 26.2 feet in the shore-normal direction by a maximum of 74.2 feet in the shore-parallel direction.
3. Type of foundation: Concrete shell, pile supported.

4. Deck elevation of pool: +5.9 feet (NAVD).
5. Maximum depth of pool: 4.5 feet.

Swimming Pool #4

1. Location relative to control line: A maximum of 172.4 feet seaward.
2. Exterior dimensions: A maximum of 29.1 feet in the shore-normal direction by a maximum of 67.0 feet in the shore-parallel direction.
3. Type of foundation: Concrete shell, pile supported.
4. Deck elevation of pool: +5.9 feet (NAVD).
5. Maximum depth of pool: 4.5 feet.

Excavation/Fill

1. Volume of excavation seaward of the control line for foundation including pile caps, understructure area and grading: Approximately 30,200 cubic yards.
2. Location of excavation: Across the site to a maximum distance of 177.7 feet seaward of the control line.
3. Maximum depth of excavation: To approximately 13.0 feet below grade.
4. Volume of fill to be placed: Approximately 30,200 cubic yards.
5. Location of fill to be placed:
 - 5.1. On-site fill total volume: Approximately 10,180.8 cubic yards.
 - 5.1.1. On-site building fill (ramps, stairs): Approximately 1,141.3 cubic yards.
 - 5.1.2. On-site landscaping: Approximately 4,779 cubic yards.
 - 5.1.3. On-site beach portal - 90th Street end: Approximately 214.7 cubic yards.
 - 5.1.4. On-site seaward of the Erosion Control Line: Approximately 4,045.8 cubic yards.
 - 5.2. Off-site fill total volume: Approximately 20,019.1 cubic yards.
 - 5.1.1. Seaward of and adjacent to site seaward of the ECL: Approximately 5,888.1 cubic yards.
 - 5.1.2. Off-site seaward of the ECL between DEP reference monuments R-32 and R-36: Approximately 14, 131 cubic yards.

Other Structures/Activities

1. Paver on concrete decking to surround each pool not to exceed a maximum distance of 180 feet seaward of the control line.
2. Four wooden gazebo structures of approximately 110 square feet in size, as shown.
3. Landscape plantings across the site to an approximate distance of 306 feet seaward of the control line.
4. Showers and planters within the pool deck areas.
5. Sand paths across the seaward side of the property as shown.

SPECIAL PERMIT CONDITIONS:

1. Prior to commencement of construction activity authorized by this permit, a preconstruction conference shall be held at the site among the contractor, the owner or authorized agent, and a staff representative of the Department to establish an understanding among the parties as to the items specified in the special and general conditions of the permit. The proposed locations of the structures shall be staked out for the conference. **Contact Christian Lambright at (561) 313-9007 to schedule a conference.**
2. Prior to commencement of construction activity authorized by this permit, a temporary construction fence shall be erected completely across the shore-parallel width of the site. This fence shall remain in place until the construction authorized by this permit is complete. The temporary construction fence shall be subject to approval from the staff representative.
3. All rubble and debris resulting from this construction shall be removed to a location landward of the coastal construction control line.
4. All imported fill material shall be obtained from a location landward of the control line.
5. Fill will be placed in accordance with the following:
 - 5.1. All fill material placed seaward of the control line shall consist of sand that is of beach compatible quartz, carbonate or other sediment similar in composition to the native beach sand, with a particle size distribution ranging between 0.062mm (4.0phi) and 4.76mm (-2.25phi) (classified as sand by either the Unified Soils or the Wentworth classification). Fill material shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material present on the beach berm seaward of the project site. Fill material shall not result in cementation of the beach and shall not contain:
 - 5.1.1. Greater than five percent by weight of silt, clay or colloids passing the #230-sieve (4.0phi);
 - 5.1.2. Greater than five percent by weight of fine gravel retained on the #4-sieve (-2.25phi);

- 5.1.3. Coarse gravel, cobbles or material retained on the three-quarter inch sieve in a percentage or size greater than found on the native beach; or,
- 5.1.4. Construction debris, metal, vegetation, organic soil, rocks, clay, toxic material or other foreign matter.
- 5.2. Three benchmark samples, taken from the subject site, equal to the samples provided to the Department on August 21, 2013, shall be available for inspection at the preconstruction conference and retained for permit compliance: one by the Department's field representative, one by the permittee and one retained on site by the contractor.
- 5.3. Fill placement will follow the approved Sediment QA/QC Plan dated November 5, 2013. Any single or cumulative placement of greater than 15 yards of material determined not to meet the benchmark beach sand sample quality shall be re-mediated. Upon discovery of such an occurrence, all fill placement shall cease and the incompatible material removed and disposed of in an upland site. The permittee shall report all quantities of incompatible material removed off the project site and replace any unsuitable material with beach compatible sand.
- 6. Development or construction shall not interfere with public beach access, as defined in section 161.021(1), F.S., unless a comparable alternative access way approved by the Department is provided.
- 7. No additional permanent exterior lighting is authorized.

CAVEAT:

Due to potential adverse impacts to the beach and dune system that may result from additional development on the property, the shore-parallel and seaward extent of the permitted structures shall not be increased, nor will any additional major structures be permitted which would exceed the limits established by the permitted construction seaward of the coastal construction control line.

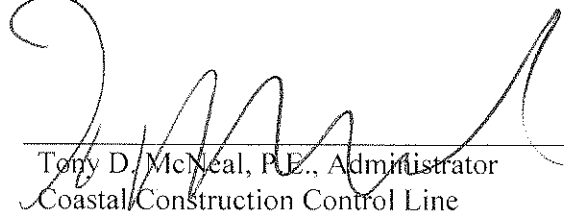
Approved plans are incorporated into this permit by reference.

Done and ordered this 5th day of December 2013, in Tallahassee, Florida.

Attachment: General Permit Conditions

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is hereby
acknowledged.

Debra Weaver 12/5/2013
Deputy Clerk Date

State of Florida
Department of Environmental Protection


Tony D. McNeal, P.E., Administrator
Coastal Construction Control Line
Division of Water Resource Management

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, Florida Statutes, 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 further 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, Florida Statutes. Pursuant to rule 28-106.201, Florida Administrative Code, 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, and telephone number of the petitioner; 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 are or 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. 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), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 21 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), Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. 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, Florida Statutes, 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, Florida Administrative Code.

Extension of Time

Under rule 62-110.106(4), Florida Administrative Code, 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, before the applicable 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.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, 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 of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

The Agency will not publish or require the person requesting a permit to publish in a newspaper a notice of receipt of the permit application or notice of Agency action granting or denying the permit.

Persons receiving a permit are advised that interested parties who become aware of Agency action approving or denying the permit, or who observe work on the project within certain time frames without any prior notice, may have rights to petition for an administrative hearing under Chapter 120, F.S. For this reason, it may be in the best interest of the person proposing the activity to publish, at its expense, a one-time "Notice of Permit Issuance" in a newspaper of general circulation in the county where the activity is located meeting the requirements of Chapter 50, F.S. Agency staff can provide persons with the information for such a notice upon request. Persons who are substantially affected by the proposed action may petition for an administrative hearing within the time frames specified in the notice and Chapter 120, F.S.

FINAL CERTIFICATION



Mail to:

Division of Water Resource Management
Florida Department of Environmental Protection
Bob Martinez Center
2600 Blair Stone Road, MS 3522
Tallahassee, Florida 32399-3522

Permit Number: DA-631

Permittee Name: SC Property Acquisition, LLC

This is to certify that the work under the permit for construction or other activities seaward of the coastal construction control line pursuant to Section 161.053, Florida Statutes, was inspected by the undersigned and was found to be acceptable and satisfactory in accordance with the approved plans and project description and with all conditions of the permit. All permitted construction or activities have been completed, and no unpermitted construction or activities have occurred. Location and elevations specified by the permit and approved plans have been verified and found to be correct, and topography and vegetation have been either preserved or restored as required by the permit.

FOR WORK INCLUDING: Construction of a thirteen-story, 74-unit, Tower #1, thirteen-story, 150-unit, Tower #2, thirteen-story, two-story, understructure parking garage, relocated cabana structure "A", relocated cabana structure "B", swimming pool #1, swimming pool #2, swimming pool #3, swimming pool #4, other structures/activities, excavation and fill placement.

NOTE: Any deviations from the permit and any portions of the permitted work not actually performed shall be noted and described in detail as an exception to this certification.

Signature of Engineer or Architect

Date

Typed or Printed Name of Engineer or Architect

(Seal)

State of Florida Registration Number

PERIODIC PROGRESS REPORT



Division of Water Resource Management
Florida Department of Environmental
Protection
Mail to: Bob Martinez Center
2600 Blair Stone Road, MS 3522
Tallahassee, Florida 32399-3522

PERMIT NUMBER: DA-631

PERMITTEE NAME: SC PROPERTY ACQUISITION, LLC

1. If construction has occurred, please describe its maximum extent in the space provided below (If no work at all has been performed, please report "Not Started." If construction or other authorized activity has begun but no progress has been made since the last report, please report "No Progress"):

CONSTRUCTION TO DATE INCLUDES:

2. All work performed as of this date is described above and is hereby certified to be in compliance with the project description and plans approved by the Department of Environmental Protection as part of the permit and with all conditions of the permit. Locations and elevations of all construction as of this date have been specifically verified as applicable and have been found to comply with the project description, approved plans, and conditions of the permit. No unpermitted construction or activity has occurred (Any exceptions to the statement above are to be described and explained under Item Number 1 above, as part of this report. The explanation should state why the construction or activities not in accordance with the permit has occurred.)
3. The property owner or authorized agent may sign these progress reports. However for new armoring or major reconstructed armoring, the reports must be signed by an engineer licensed in the state of Florida following each period in which construction has occurred.

Signature of Engineer (if applicable)

Date

(Seal)

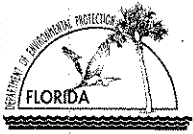
Typed or Printed Name of Engineer (if applicable)

Florida Registration Number (if applicable)

Signature of Property Owner or Authorized Agent (if applicable)

Date

Typed or Printed Name of Property Owner or Authorized Agent



FOUNDATION LOCATION CERTIFICATION

Division of Water Resource Management
Florida Department of Environmental Protection
Bob Martinez Center
2600 Blair Stone Road, MS 3522
Tallahassee, Florida 32399-3522

Mail to:

Permit Number: DA-631

Permittee Name: SC Property Acquisition, LLC

This is to certify that all aspects of the foundation location, as constructed, are in accordance with both the plans and the project description approved by the Department of Environmental Protection as part of the permit. The foundation location certification is based upon such surveys as are necessary to determine the actual location specified below:

Distance the seawardmost piling
has been placed as measured
perpendicular to the coastal
construction control line: _____ feet

Note: Any deviations from the approved plans and specifications shall be stated as an exception to this certification. No further vertical construction on the permitted structure is authorized until the Bureau of Beaches and Coastal Systems has notified the permittee, in writing, that this foundation location certification has been approved.

Signature of Applicant

Date

Typed or Printed Name of Applicant

Signature of Surveyor

Date

Typed or Printed Name of Surveyor

(Seal)

State of Florida Registration Number

**BEACH FILL
REMOVAL AND
REPLACEMENT**

**THE SURF CLUB
SURFSIDE, FL 33154**



COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway
Coral Gables, Florida 33146
Tel: 305-861-3655
Fax: 305-861-1914
www.CoastalSystemsInt.com
State of Florida EB #7087
Coastal, Environmental,
Civil Engineering and Management

CONSULTANTS

SUBMITAL

04/24/15

PRE-CONSTRUCTION SURVEY

ISSUE DATE RECORD

ISSUE	DATE	RECORD
1	04/24/15	PRE-CONSTRUCTION SURVEY

PROJECT NO: 285502
DATE: NAVD 88
DRAWN BY: SR
CHECKED BY: MA

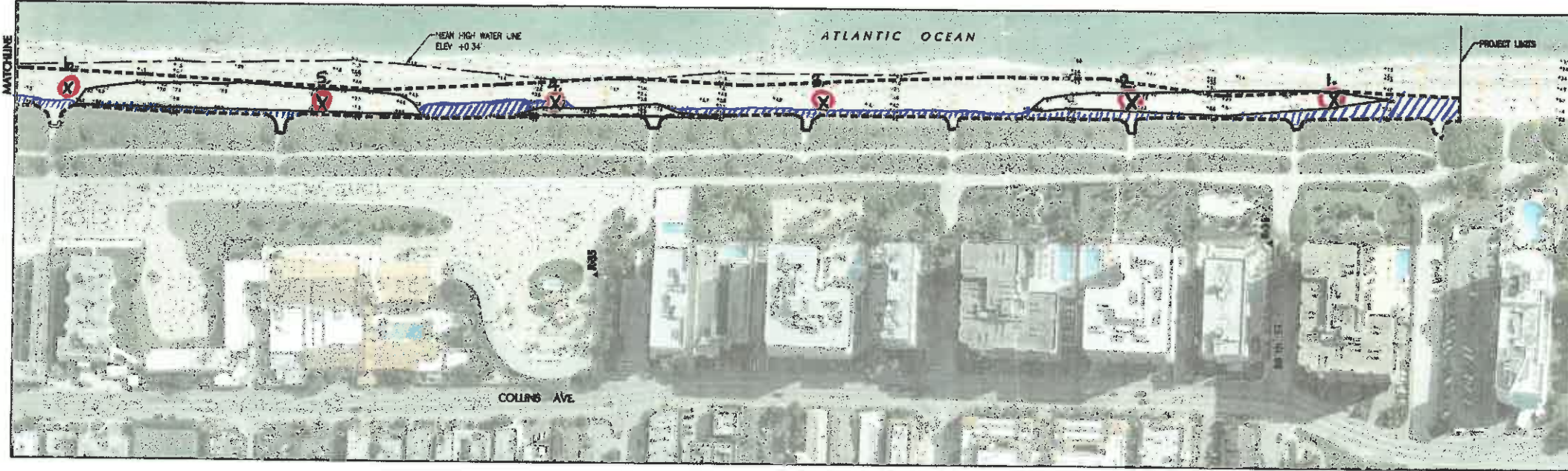
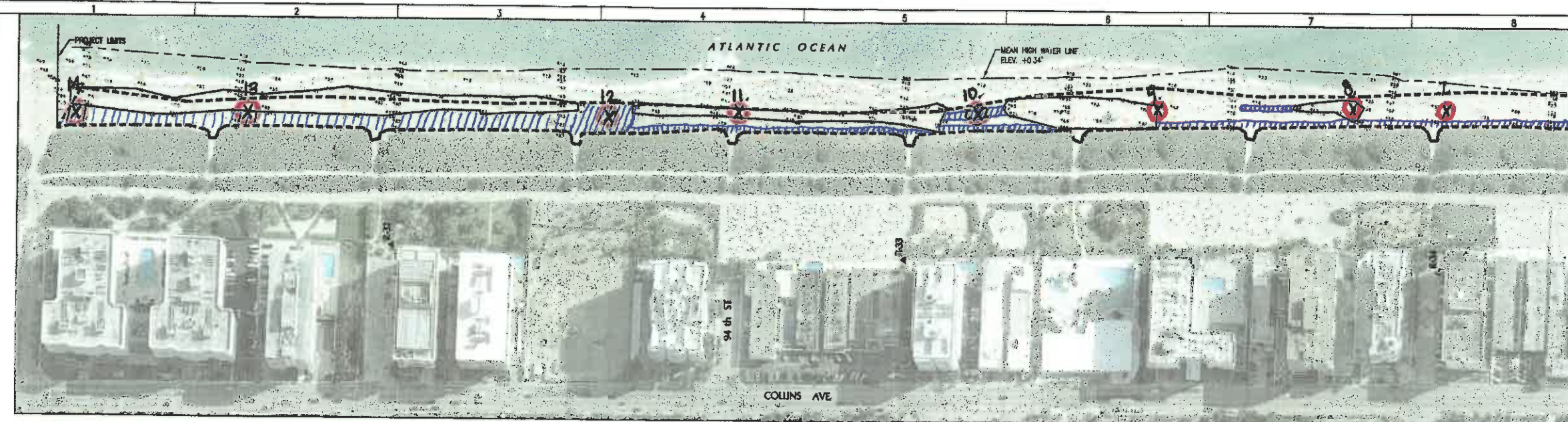
ENGINEER OF RECORD

Handwritten signature

4/30/15

**PRE-CONSTRUCTION
SURVEY**

CM-1



BEACH FILL REMOVAL AND REPLACEMENT PRECONSTRUCTION SURVEY
SCALE: 1"=100'

Additional Areas of Visible Golden Sand
Hole Dug to Profile Sand Column

SURVEY NOTES:

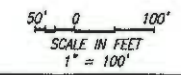
1. TOPOGRAPHIC DATA COLLECTED BY COASTAL SYSTEMS INTERNATIONAL INC. ON APRIL 16, 2015.
2. HORIZONTAL COORDINATES ARE IN FEET AND BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 83) FLORIDA EAST ZONE.
3. ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
4. REFERENCE BENCHMARK IS AC2274 STAMPED G313, A STANDARD DISK SET IN THE NORTHEAST CORNER OF A SEWER PUMPING STATION AT THE NORTHEAST CORNER OF COLLINS AVENUE AND 72nd STREET.
5. ELEVATION OF G313 IS 6.69' NAVD 88.
6. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF THE SURVEY ON THE DATE INDICATED AND CAN ONLY BE CONSIDERED AS AN INDICATION OF THE GENERAL CONDITIONS EXISTING AT THAT TIME.

BEACH FILL REMOVAL AND REPLACEMENT NOTES:

1. SURVEY DATA COLLECTED BY COASTAL SYSTEMS INTERNATIONAL INC. ON APRIL 16, 2015 INDICATES THAT APPROXIMATELY 3,500 CUBIC YARDS OF BEACH FILL REMAINS WITHIN THE PLACEMENT AREA. PRE-CONSTRUCTION SURVEY CONDUCTED BY FORTIN, LEAVY, SKILES ON MARCH 24, 2014 WAS UTILIZED AS THE BASELINE CONDITIONS FOR THE VOLUMETRIC ANALYSIS. ACTUAL QUANTITIES MAY VARY.
2. LIMITS OF GOLDEN SAND ARE ESTIMATES ONLY, BASED ON VISIBLE INSPECTION AND DOCUMENTED BY CSI AS PART OF THE TOPOGRAPHIC SURVEY CONDUCTED ON APRIL 16, 2015.
3. FORTY-EIGHT (48) SAND DEPTH PROBES WERE CONDUCTED WITHIN THE VISIBLE LIMITS OF THE GOLDEN SAND. AVERAGE LAYER THICKNESS OF APPROXIMATELY 7 INCHES WAS OBSERVED. ADDITIONAL PROBES WERE CONDUCTED OUTSIDE OF THE VISIBLE LIMITS OF THE GOLDEN SAND AND WITHIN THE PLACEMENT AREA.

LEGEND

- LIMITS OF VISIBLE GOLDEN SAND
- PLACEMENT AREA
- R-35 MONUMENT
- CSI SURVEY - APR. 2015
- FORTIN LEAVY & SKILES SURVEY - MARCH, 2014
- MEAN HIGH WATER LINE (0.34' NAVD 88)



NOTE:
ALL SCALES INDICATED PERTAIN TO FULL SIZE DRAWINGS (22"x34")

F:\Project\285502_mapping\working\April2015\285502_BASEMAP_apr2015.dwg