



**ENVIRONMENTAL PROTECTION and GROWTH MANAGEMENT DEPARTMENT
NATURAL RESOURCES PLANNING & MANAGEMENT DIVISION**

Mailing Address: 115 S. Andrews Avenue, Room 329H • Fort Lauderdale, Florida 33301
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December 19, 2013

Mr. Mark Thomasson, PE
Director, Division of Water Resources Management
Florida Department of Environmental Protection
Bob Martinez Center, Room 618
2600 Blair Stone Road, MS 3500
Tallahassee, FL 32399-2400

Re: Broward County Segment II Beach Nourishment and Restoration Draft Permit, JCP No: 0314535-001-JC

Dear Mr. Thomasson:

As a follow up to the meeting held in your office Tuesday, December 10, 2013, Broward County would like to pursue the options discussed in regards to concerns related to draft permit referenced above. Generally this involves edits related to the open ended mitigation language in Specific Conditions 31 d. and 33, modifications to the proposed monitoring requirements, and some cleanup permit language to better describe the project. We also want to verify that these changes will not trigger re-noticing of the permit. Following issuance of the permit we would apply for a modification to address the quantification of liability which the County believes should have been a part of the original permit.

Specifically, we are requesting that Specific Condition 31 d. be struck in its entirety and that the last sentence of Specific Condition 33 be struck as follows:

- 31 d. ~~In the event additional impact from the project is documented, the Applicant shall be required to mitigate for the impacts, through compliance and enforcement action, with the amount of mitigation determined according to the Department's Uniform Mitigation Assessment Method (UMAM).~~

- 33. Based on the UMAM analysis of impacts performed by the Department, this permit only approves 4.9 acres of impacts to nearshore hardbottom, mitigated by a 6.8 acre artificial reef. ~~Any impacts to nearshore hardbottom beyond the 4.9 acres (outside of the equilibrium toe of fill) will be handled through compliance and enforcement.~~

Regarding the monitoring, we agreed that a three year monitoring duration should be reflected throughout the document (see Specific Condition 31 e.). We were encouraged to hear that you and your staff understood the draft monitoring requirements to be unnecessarily comprehensive. We feel strongly that any monitoring activities that do not contribute to determining either the physical

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performance of the project or become UMAM inputs should be eliminated. There are a number of minor edits and corrections which we believe would make this a more accurate and cohesive document which will be submitted directly to the project manager. We understand that these changes can be made in a very timely manner and we look forward to a revised draft to review in the very near future.

We encourage the Department to invest the energy into developing a process to determine the total amount of reasonably expected environmental resource impacts prior to permit issuance. We are disappointed that this permit will not yield the benefits of such an effort but are committed to working, in good faith, to correct the permit shortcomings through the modification process. Per your recommendation, we will apply for a permit modification to address this issue and expect that the Department will work in a timely and responsive manner to resolve this issue.

We look forward to your concurrence with this approach to the subject permit issues and concerns.

Sincerely,



Eric Myers,
Assistant Director

Cc: Herschel Vinyard, Secretary, FDEP
Jeff Littlejohn, Deputy Secretary, FDEP
Danielle Irwin, Deputy Director, DWRM
West Gregory, General Counsel
Rob Hernandez, Deputy County Administrator
Monica Cepero, Assistant to the County Administrator
Cynthia Chambers, Director, EPGMD
Dr. Jennifer Jurado, Director, NRPMD
Mike Owens, Senior Assistant Attorney, CAO
Eddy Labrador, Director, OIAPS
Chris Creed, Olsen Associates
Doug Mann, CBI