

Attachment C

MIAMI RIVER COMMISSION – DREDGE WORKING GROUP – MINUTES

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP
SUMMARY OF APRIL 26, 1999 MEETING**

1. The Dredging Working Group met at 10 AM on April 26, 1999 at the U.S. Coast Guard Marine Safety Office at 100 MacArthur Blvd, 2nd Floor Administration Bldg.
2. Members attending:
Co-Chair: Scott Mitchell- Morgan, Lewis & Brochius LLP
Fran Bohnsack- MRMG
Jerry Scarborough- ACOE
Luis Rene Perez- ACOE
Ed Swakon- EAS Engineering
Lee Casey- Miami -Dade Solid Waste Dept.
Carolyn Ansay- FL DEP
Lauren Milligan- FL DEP
Daniel Phelps- FL DEP
Charles Morton- Atlas Inc.
Steve Hurst- BOI
George Cubas- Waste Management
Eduardo Rodriguez- Antillean Marine
Phil Everingham- Merrill Stevens/Marine Council
Gary Winston- State Attorney's Office
Jordan Monocandillos- Bernuth
John Lambros- Bernuth
Jan Rogers- EPA
David Miller- MRC
Susan Markley – attended but didn't sign in!
3. Jerry Scarborough gave a short review of the properties that were found appropriate for the on river temporary disposal site and stated ACOE is still reviewing this and he has little additional information to provide.
4. Scott Mitchell introduced Mr. Lee Casey from the Miami-Dade Solid Waste Dept. to discuss the operation of the Class I landfill and potential use of the landfill for disposal of contaminated dredged spoils. Mr. Casey advised the group the "tipping" fees (disposal cost per ton) are \$59 per ton at the gate and \$45 for certain long term contracts. The Board of County Commissioners sets the rate; however, they are constrained by the requirements of the bond issuance. The county landfill does not have enough capacity for the entire 1 million cubic yards at the present time but, they are in the planning stages for another landfill cell. Mr. Casey also advised that use of the dredged spoils as "cover" is not feasible as the amount of cover material needed over a full year period is only 10,000 cubic yards. Mr. George Cubas from a private landfill company indicated a tipping fee (ball park figure) of \$30-\$35 per ton for 1 million cubic yards. The group decided to determine what other landfills are in south Florida and DEP representatives will forward that information to David Miller.
5. David Miller advised that a letter was sent to the EPA requesting review of ocean disposal of cement blocks of contaminated river sediment. Cement would "lock" the contaminants in rock form

and therefore, not be detrimental to the environment. Mr. Jan Rogers from EPA had suggested this "concept approval" approach at an earlier meeting. This is being done concurrently with the phased dredging and if found acceptable may be a potential cost saving measure. We will not postpone dredging waiting for EPA's decision as was previously-done with the "geotextile" bag issue.

David Miller provided an overview of funding and cost sharing issues as follows:

State Funding - \$300,000 for Miami River Dredging appears firm and has passed the State House and Senate committees. Final approval by the Governor pends.

Federal Funding - A letter signed by all 6 south Florida U. S. House Representatives has been sent to the Chairman of the Appropriations Committees and the Subcommittee Chairman for Energy & Water Development requesting \$17 million for FY 2000. This is the estimated cost for phase one of a four year dredging project.

Federal/ Non-federal Cost Share Ratio- The same U. S. House Representatives signed another letter to the Chairman of the Water Resource and Development Committee requesting an amendment specifically providing a cost share ratio of 75% federal and 25% non-federal for dredging and sediment disposal. Additionally, David Miller along with staff members from Senator Graham's and Representative Ros-Lehtinen's offices met with personnel in the Army Corps of Engineer (ACOE) Washington Office to discuss cost sharing issues. The ACOE stated that based on changes in the 1996 WRDA, the ACOE could fund 80% of dredging and disposal costs. Currently, the ACOE is paying trucking costs for the disposal of sediment in the New York Harbor dredging operation. The ACOE stated they will put this policy in writing to the District ACOE Office in Jacksonville.

6. Jerry Scarborough said it all looks good, but we (locally) have not designated a local sponsor and although DERM has been the "acting" local sponsor we need to finalize who will be the local sponsor in the near future to continue this project.

7. Discussion ensued about various permits that would be required for dredging. One of the major permits is the water quality permit issued by FL DEP and that will be filed by the ACOE when the project is better defined.

8. Jerry Scarborough provided a package with information on the requirements for a company to bid on an ACOE dredging project and gave it to David Miller. Any local companies who may be interested in bidding on this project are welcome to review this package and familiarize themselves with the requirements.

9. The next meeting was scheduled for 1000 on 24 May at the Coast Guard Base.

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of June 22, 1999 Meeting

1. The Miami River Commission Dredging Working Group met at 10 AM on 22 June 1999 at the U.S. Coast Guard Marine Safety Office at 100 MacArthur Blvd, 2nd Floor Administration Bldg.
2. Members attending are listed on the attached sign-in sheet.
3. Introductions were made and the first item was a short briefing by David Miller on the status of funding and of the legislative news. He reported that the Miami River Commission (MRC) was approved to receive \$300,000 from the state through the Florida Department of Environmental Protection (FDEP) for preliminary dredging coordination. The MRC has forwarded contract to FDEP requesting the full \$300,000 and if all is approved we should get the money in 6-8 weeks. The preliminary budget for the \$300,000 was reviewed and approved by the working group for presentation to the MRC. The status of federal funding was discussed. We have aligned with the Corps request and are requesting \$5 million for Fiscal Year 2000 for dredging in the Energy and Water Appropriations Bill. The Senate did not have this in their bill submittal, however we hope the House will include it in their submittal. If the House adds this money to their bill, it will then be decided in conference (between House and Senate Subcommittees) . If approved by the conference, then it will go to vote on both House and Senate floors and if approved will go to the President for approval. Additionally, the MRC has hired Patton Boggs LLP as our governmental affairs representative (lobbyist) in Washington to assist with our river dredging objectives.
4. Jerry Scarborough and Luis Rene Perez from the Army Corps presented information and cost data on the dredging, construction of the interim disposal site and tipping fees. The Corps did provide engineering drawings for two sites and recommended the larger site as the interim disposal site. This site was found to be acceptable (by engineering standards) and the calculations proved it could be used for river dredging. Utilizing this site would require 8 phases of 64,200 cubic yards based on the capacity of the interim disposal site. A slide show describing the above was presented. Numerous questions and comments flowed from this presentation and the Corps reminded everyone this is not the final plan but just preliminary engineering and cost estimates However, and most importantly, this proves that river dredging can be done.
5. Discussion of requirements and recommendations for the "Local Sponsor" was next. Jerry Scarborough gave a brief outline of local sponsor requirements. The local sponsor must be a public entity and have sufficient funds available to ensure payment of local sponsor costs. Also the local sponsor is required to purchase or lease all lands and right-of-ways necessary for the dredging operation. The Corps completes all other items including all necessary contracts. The working group consensus was that the county was the best public entity to be the local sponsor with assistance of the MRC. The working group recommended the MRC Chair, the Dredging Working Group Chairs and the managing director meet with the County Manager to discuss the local sponsor issue. The MRC executive committee has discussed this issue and wants the local sponsor to be proactive. Additionally, we would like the county manager to assign this project to an agency and/or individual with clear direction that dredging the river is their primary mission and not a collateral or secondary duty. This meeting will be scheduled in the near future.

6. A decision was made to hold a pre-application meeting with FDEP to discuss water quality issues and processes. Jerry Scarborough will take the lead on this meeting and Susan Markley, David Miller, and the dredging working-group chairpersons will be invited. The meeting is tentatively set to be in Tallahassee, to ensure all necessary FDEP personnel can be available.

7. The next dredging working group meeting was set for 10 AM on Thursday, August 5, 1999 at the same location. The meeting ended at approximately 11:40 AM.

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP
SUMMARY OF AUGUST 5, 1999 MEETING**

1. The Dredging Working Group met at 10 AM on August 5, 1999 at the U.S. Coast Guard Marine Safety Office at 100 MacArthur Blvd, 2nd Floor Administration Bldg.
2. Members attending:
Co-Chair: Scott Mitchell- Morgan, Lewis & Brochius LLP
Co-Chair- Dick Bunnell
Charles Morton- Atlas Inc.
Steve Burst- BOI
George Cubas- Waste Management
Eduardo Rodriguez- Antillean Marine
Phil Everingham- Merrill Stevens/Marine Council
Daniel Ricker - Sierra Club
LTjg Kim Donadio-USCG
LT Joe Boudrow- USCG
CDR Bill Uberti- USCG
Marino Rodriguez- Antillean Marine
John Manning- STL Precision
Susan Markley- DERM
Carlos Espinosa- DERM
David Miller- MRC
3. The minutes of the June 22, 1999 dredging working group meeting were handed out, reviewed and approved.
4. David Miller discussed the meeting with Florida Department of Transportation (FDOT), County Trust for Public Land (TPL) and the Miami River Commission (MRC) on July 22, 1999. The meeting was to determine if the above agencies -could team together to purchase and use Palmer Lake lands first for a dredge spoil temporary drying site, then for parks/green spaces and the Miami Intermodal Center (MIC) construction. The meeting revealed that this could be done and it could be a win-win situation where lands could be purchased now, and used as noted above. The time line for MIC construction and dredging does not conflict. The big issue is that some entity (preferably the County) becomes the real local sponsor for dredging and not just the "acting" local sponsor. It is impossible to negotiate without a local sponsor.
5. Dick Bunnell reported on the meeting with Florida Department of Environmental Protection (FDEP) concerning the water quality permitting process for the dredging project. Dick Bunnell, Scott Mitchell, Susan Markley and David Miller and Corps personnel attended. Overall the meeting was productive. The Deputy Secretary of FDEP attended along with the Deputy of the Army Corps Jacksonville District Office. All agreed that some sort of a variance would be necessary. The water quality issues concern the actual dredging operation and the draining of water back to the river from the dredge spoil drying site. David Miller will provide FDEP with a video tape of the river showing turbidity that currently exists in the river, notably at the mouth during an ebb tide, during a vessel

transit, and possibly after a heavy rainfall. This turbidity evidence will help FDEP justify the issuance

Dredging Working Group Meeting

August 5, 1999

Page 2

of a variance. Discussion was held about the possible use of an enforcement or restoration process to assist with the water quality certification process. The end result of the discussion was that these processes would be more troublesome and confusing than helpful. David Miller discussed the tentative plans of the Corps to conduct water quality testing on August 31, 1999, again to provide evidence to FDEP to help assist in understanding the water quality issues that currently exist in the river.

6. Dick Bunnell discussed the meeting with the County Manager attended by Dick Bunnell, David Miller, Robert Parks, Susan Markley, John Renfrow, Pete Hernandez and other county personnel. The manager was briefed on the project and given the status. He called for another meeting on September 14th and wanted someone from the City and State to be present. The Manager wanted to explore a special taxing district and asked Pete Hernandez to look into this issue. The determination of the local sponsor will probably be a coalition of entities County, City, State, etc. This is what the County Manager wants to hear, who else will help fund the local sponsor's share. Carlos Espinoza believes the project is about the money. Es suggests we need to develop a plan to provide a revenue stream for the project and develop the sources of funds.

7. The next meeting was scheduled for 1000 an September 2. 1999 at the Coast Guard Base.

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of September 2, 1999 Meeting

The Miami River Commission Dredging 'working Group meeting was called to order at 10 AM at the U.S. Coast Guard Marine Safety Office, 100 MacArthur Boulevard, Administrative Building 2nd Floor conference room.

Working Group members amending are listed on the attached sign-in sheet.

Discussions:

Mr. Dick Bunnell opened the meeting and introductions were made. Mr. Bunnell then introduced Mr. Pete Dunlap of Innovative Technologies. Mr. Dunlap gave an overview of his company and the experience they have gained in numerous dredging projects including in New York Harbor with contaminated sediments. He also detailed work they have been involved in concerning beneficial reuse of the material in either landfill or some form of reusable aggregate. Additionally they have experience in dredge water treatment so the dredge spoil water will meet regulatory requirements necessary to allow drainage back into the waterway. Mr. Dunlap then introduced Todd Stockberger of Black and Veatch a large dredging contracting firm. Mr. Stockberger explained that Black and Veatch is one of the largest and oldest engineering and construction firms and has significant experience in the dredging business. He explained Black and Veatch, in conjunction with another company Solomon, have patented technology on equipment that can de-water dredged spoils, treat the water and requires only 2 acres of property to process 3,000 cubic yards of material per day. If utilized, this engineering system would reduce local sponsor land costs and the equipment is mobile so it could be relocated to different river sites improving barge transportation logistics with an overall reduction in dredging costs. Additionally this equipment can be stacked together and could be designed to dry 10,000 cubic yards of material per day. This equipment may be able to water wash some of the contaminants from the coarse material, which could make the coarse dredge spoils suitable for beneficial reuse as aggregate in con ion projects. If proven feasible, this would greatly reduce the cost of the dredging project, as the estimated cost of landfill tipping fees is \$31.8 million or almost half of the dredging projects entire cost.

A question and answer period ensued. The cost of this operation would depend on the quality of the water that could be returned to the river. This water quality certification for this project is the responsibility of Florida Department of Environmental Protection and has yet to be determined. If the water quality criterion is to eliminate turbidity or undissolved sediments then the cost associated with this process would be approximately \$8 per cubic yard. However, if the discharge water must meet a higher quality than is currently in the river now, then the water filtering costs would be increased by up to \$4 per yard. Pete Dunlap advised that this process has been used in Europe for years and water washing sandy material from fine sediments is not a new technology -and has a history of success. Discussion ensued about obtaining river sediment samples for Black and Veatch to run through their process and see what percentage of coarse material is in the river and if it is feasible to try an reclaim the coarse materials. Discussion ensued about the taking of sediment samples, location of samples. testing and chain of custody. This will be worked out between the Army Corps, MRC and Black & Veatch after the meeting.

Dredging Working Group
September 2, 1999
Page 2

Jerry Scarborough advised that the Corps has \$5 Nation dollars coming into their district budget on October 1, 1999 for dredging the Miami River. The Corps would like to spend that money and he **cautioned** the group that a lot of things need to happen in order for the Corps to be able to spend these funds, including local sponsor assignment and determination of necessary lands.

The meeting adjourned at 12 Noon.

Managing Director

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of December 7, 1999 Meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 AM at the U.S. Coast Guard Marine Safety Office, 100 MacArthur Boulevard.

Working Group members attending are listed on the attached sign-in sheet.

Discussions:

Mr. Dick Bunnell opened the meeting and updated the Group on the current status of various dredging issues. Dick first discussed the meeting with the County Manager in October and the status of the letter of support from the State of Florida. Lauren Milligan, FDEP, indicated she had seen a draft of the letter and it was being circulated for review and signature.

Dick also summarized the meeting with Mayor Penelas, Bob Parks and himself on the Wednesday before Thanksgiving. The Mayor is very supportive of the dredging project and had money in his budget for river dredging.

Next, Dick talked about the status of the land acquisition. Roger Hernstadt, Capital Improvements Coordinator, Office of the County Manager, explained that the County Commission is voting today to authorize funds for appraisal of several properties, including three properties near Palmer Lake that will eventually be used for the Miami Intermodal Center (MIC). These appraisals are necessary to expedite the State DOT purchase of these lands for the MIC, but during the next 5 years this property could be used as the interim-drying site for dredged spoils. The appraisal is to determine the fair market value of the properties. Discussion ensued concerning FDOT's property purchase, appraisal, and other land site options available.

Mr. Bunnell then discussed the upcoming Resolution for the County to become the "local sponsor" for the dredging project. Commissioner Barreiro will be sponsoring this Resolution and it should be on the agenda for the Board of County Commissioners, December 16, 1999 meeting. The focus of this Resolution is to help satisfy the Corps' requirement for a local sponsor and to continue to move the dredging project forward. Dick Bunnell asked Jerry Scarborough his opinion of the Resolution and what we can do locally to help the project. Jerry responded that the Corp has a level of comfort that a viable sponsor will step forward. The Corp has continued to proceed with the plans and specifications, working with DEP conducting water quality testing and anticipates submitting an application for water quality certification real soon. **Jerry emphasized the Corp does need the land site defined** for the application and Lauren Milligan confirmed the importance of the land site. The Corps will require some type of real estate certification that this land will be available for the duration of the dredging project. Jerry noted that the land acquisition is critical and is the item holding up progress at this time. Jerry advised the Group that the PCA (Project Cooperation Agreement) signing is not necessary for several months or just before advertising the dredging contract. Jerry felt that it would be difficult to spend the \$5 million dollars appropriated for the Miami River before September 30, 1999 and more than likely these funds will be reprogrammed to another project, which may be outside the Jacksonville District. Discussion ensued about the Miami River Commission contacting FDOT about the urgency of the land purchase for the dredging project. Scott Mitchell felt a letter to FDOT from the MRC would help. Discussion continued concerning the

project timeline and specifically the timeline on the land purchase and water quality certification. Lauren Milligan stated that the information that

has been discussed and the testing that has already been completed would help streamline the water quality certification procedure.

Lauren Milligan discussed water quality certification procedures and how some of the potential beneficial reuse proposals could be certified. Lauren passed out FDEP testing results concerning water quality and sediment testing. These were samples that were split with the Corp of Engineers. Preliminarily, the results are inline with expected results from the Miami River. The Corp expected their testing results in the next week.

Discussion ensued concerning the Corps contracting requirements and Jerry Scarborough discussed the RFP process and that the **best value to the government** will be the determining factor in selecting a contractor. The R-FP process does allow companies that provide a dredged spoils beneficial reuse program to compete with the contractors that would simply transport the dredge spoils to a landfill. Susan Markley advised the group that no sample is free of contaminants and cannot be (as it stands) used as clean fill.

Under new business, Scott Mitchell announced that a statewide brownfields conference is being scheduled and if anyone was interested in helping out with the conference they could contact him. Jerry Scarborough emphasized that brownfields issues are not applicable to the navigation maintenance dredging of the Miarni River.

Selected members including Jerry Scarborough, Lauren Milligan, members of the County, David Miller and Dick Bunnell will visit the "prospective" interim drying land site near Palmer Lake after the meeting.

The next Dredging Working Group Meeting was scheduled for January 19, 2000 at 10 AM at the same location as this meeting.

The meeting adjourned at 11:30 AM.

Managing Director, Miami River Commission

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of January 19, 2000 Meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 AM at the U.S. Coast Guard Marine Safety Office, 100 MacArthur Boulevard, Administrative Building 2nd Floor conference room.

Working Group members attending are listed on the attached sign-in sheet.

Discussions:

Co-Chairpersons Dick Bunnell (sick) and Scott Mitchell (out of town) were not available to attend and Mr. David Miller opened the meeting and introductions were made.

County Resolution & Funding Partnership Issues: The first item discussed was the resolution passed by Miami-Dade County Commissioners that basically said the County would be the "formal" local sponsor contingent upon the development of a funding partnership consisting of City of Miami, State of Florida, Miami-Dade County and others. It also directs the County Manager to develop this funding partnership. David briefed the group on his impressions of how the Commissioners felt about the river dredging project. He stated all Commissioners were in favor of dredging, however, they were not well informed about the dredging project including the cost share formula, environmental improvements and some were unaware that the County has been the "acting" local sponsor for over a decade. The one "nay" vote by Commissioner Carey-Shuler was a result of politics, as she was upset that no funding proposal was part of the resolution. Commissioner Barreiro was absent that day due to illness and Commissioner Morales was the co-sponsor of the resolution. A copy of the resolution was provided to attending members. The County Commission emphasized that the City of Miami needs to be a financial partner in dredging the river.

David also discussed the letter from the County Manager to the City Manager that described the funding partnership plan for the local cost share. The County Manager proposed funding levels of 25% County, 25% City and 50% State. The federal government (through the Army Corps) funds 80% of the dredging project and the local share is 20%. Based on the June 1999 Army Corps estimated cost of \$74 million for the dredging, the total local sponsor share will be \$13.18 million spread over a five-year period. Using the County Manager's plan, this amounts to approximately \$1.2 million from the State, \$600,000 for the City and \$600,000 for the County annually for a five-year period.

Carlos Espinosa discussed the process for obtaining state funds for the dredging and advised the group that the county has filed an application that will be reviewed by the recently created Water Advisory Panel. If the panel recommends the project, then it will go before the state legislature with a recommendation for approval. If approved, the money would go to the county and then passed through to the Corps as part of the local sponsor payments. The state Water Panel Advisory membership consists of 15 members 5 members from the Senate, 5 members from the House and 5 members of the public appointed by the governor. Unfortunately, there are no members from South Florida on this panel.

Land Acquisition: Roger Hemstadt, from the county, discussed the status of the land acquisition. He reported that the county had prevailed with the State of Florida, Department of Transportation (FDOT) to allow the county to hire appraisers and expedite the land acquisition. Once an approved appraiser is selected they will have 60 days to complete the appraisal. The

appraisals should be completed by late March or early April and turned over to the FDOT for action.
Roger
Dredging Working Group
January 19, 2000
Page 2

emphasized the county is pushing FDOT for prompt action on the land acquisition. The state has a defined process for land acquisition and this must be followed. Roger stated that the county is looking for 10 acres of land. Discussion ensued about a contingency plan for other properties. Roger stated that the county does not have funds for the purchase or lease of other properties.

Army Corp Water Quality & Sediment Testing Results: David Miller handed out a copy of the Army Corps water quality and sediment testing draft executive summary. This summary was very short and did not provide any significant revelations, but did reaffirm historic test results. Final Corps reports will be provided when completed. Some data showed better results than previous tests, but it does not change any of our basic dredging plans. Importantly, this data should help streamline the water quality certification procedure required by the state. The sediment testing data also brightens the option for beneficial reuse programs, because the sediment is somewhat less contaminated than previously thought.

The next Dredging Working Group Meeting was scheduled for Wednesday, March 22, 2000 at 10 AM at the same location as this meeting.

The meeting adjourned at 11:45 AM.

Managing Director, Miami River Commission

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of March 22, 2000

The Miami River Commission Dredging Working Group meeting was called to order at 10 AM at the U.S. Coast Guard Marine Safety Office, 100 MacArthur Boulevard, "Gator Den" meeting room.

Working Group members attending are listed on the attached sign-in sheet.

Discussions:

Co-Chairpersons Dick Bunnell and Scott Mitchell opened the meeting and self introductions were made.

Update of Funding Issues:

The first item discussed was the status of the City of Miami's Resolution concerning their share of funding for the dredging project. Dick Bunnell stated the resolution is drafted and he has reviewed the resolution and believes it is good and meets the requirements as outlined by the county. The resolution commits to 25% of the total cost of the local share and approves over \$1 million for the first year of the project. The resolution was scheduled for March 23, 2000 but unfortunately was removed from the agenda. However, a resolution directing the City Manager to determine the funds for the project will be offered and the fall funding resolution will be placed on the April 13, 2000 City Commission Agenda. David Miller advised the group that the City Commissioners, Mayor and City Manager are all in favor of the funding resolution and are only postponing the vote until April 13, 2000 due to political issues, not due to a lack of commitment on their part to fund and be involved with the dredging project.

Concerning the state appropriations David Miller reported that the Senate has not put any money in their budget (to date) but the House has \$1 million in their budget. David reported he visited Tallahassee and along with Commissioner Bruno Barreiro made a presentation to the Miami-Dade Delegation at a luncheon and the delegation was very supportive of the dredging funding. Senator Mario Diaz-Balart, the chairman of the delegation, stated that the dredging was a "do or die" issue and the dredging must go forward. Senator Diaz-Balart will request a motion on the Senate floor to place a funding request of \$3.1 million in the Senate appropriations bill of which \$2.5 million is for dredging and \$600,000 is for funding for 4-years of the Miami River Commission.

Dick Bunnell, Fran Bohnsack and David Miller all went to Washington to meet with various Senate and House Reps to update them on the dredging progress and solicit their support for \$5.7 million of federal funds for FY 2001 (this federal funding period begins on October 1, 2000). Dick reported that all meetings went well and that Rep. Carrie Meek was very supportive of the federal funding, but was concerned that the local sponsor, County, City and State were aligned and supporting the project. Rep. Ileana Ros-Lehtinen suggested that we invite Rep. Bill Young, Chairman of the House Appropriations Committee to visit the Miami River. Rep. Young is from the Tampa area. Suggestions were solicited for an itinerary for Rep. Young. David offered a river trip and Capt. Jordan suggested combining that with a lunch and/or breakfast.

Water/Sediment Testing Results: Jerry Scarborough introduced Mr. Glen Schuster, ACOE specialist, who was involved in the recent water and sediment testing. Glen reported that the test samples were split with FDEP. FDEP previously provided the results of their samples and Glen advised that the ACOE results are very similar to those of the FDEP. Basically the data reaffirms contamination in the sediment and also details the status of the water quality in 5 locations that were sampled along the river. The water quality testing was primarily to provide current data for use in the application for the FDEP Water Certification Permit. Glen reported that this sample clearly provides data to support a request for a variance to the water quality certification. This water quality sampling was designed to provide data about water quality conditions typically found in the river during a normal day. ACOE and FDEP designed a protocol for sampling water quality during normal river operations. The results indicated that the shipping activity stirs up turbidity and this turbidity would probably be equivalent to turbidity expected during the dredging operation. The bottom line is this information will help support and provide data that will clearly support a request for variance of water quality standards during the dredging operation. Glen Schuster advised that contaminant levels vary based on the amount of silt in the sample. The more silt the more contaminants. The amount of silt averages between 20% to 80% of the sediment depending on the river location. The remaining sediment is basically sand.

Jerry Scarborough advised that the ACOE has issued contracts for a hydrological survey to determine the current quantity of sediment in the river and also a contract to collect core samples to determine the consistency of the sediment and provide some basic information to determine drying parameters.

Status of Land/Lease Issues: Roger Hernstadt stated the County has received the appraisals of the Miami Intermodal Center (MIC) land parcels. The appraisals will be reviewed by the county staff and then forwarded to FDOT. FDOT is the agency accumulating the land parcels for the MIC. There are two parcels (one owned by Florida Power & Light) that equal almost 10 acres that are envisioned for the temporary drying site of the dredged spoils. Dick Bunnell asked what the land leasing arrangements are between the County and FDOT and Roger stated that that issue has not been finalized. Jerry Scarborough stated the ACOE needed a definitive survey of these land plots, which can help expedite the project. Scott Mitchell expressed concern about the land situation and emphasized the criticality of the land issue. Discussion ensued. The end result is the dredging group needs to focus on this important land issue and keep alternative land sites in mind.

Some general announcements were made and the next Dredging Working Group Meeting was scheduled for Wednesday, April 26, 2000 at 10 AM at the same location as this meeting.

The meeting adjourned at 12:00 Noon.

Managing Director, Miami River Commission

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of April 26, 2000

The Miami River Commission Dredging Working Group meeting was called to order at 10 AM at the U.S. Coast Guard Marine Safety Office, 100 MacArthur Boulevard meeting room.

Working Group members attending are listed on the attached sign-in sheet.

Discussions:

Co-Chairpersons Dick Bunnell and Scott Mitchell opened the meeting and self introductions were made.

Status of Funding:

The first item discussed was the status of the County's resolution concerning their funding of the dredging project and their becoming the formal local sponsor. Dick Bunnell advised that this resolution was on the agenda for April 25, 2000; however, the county commission meeting was cancelled for that day. The next County Commission meeting is scheduled for May 9, 2000 and the dredging resolution will be on that agenda. Dick advised the group that the City of Miami Commissioners passed a resolution for their 25% funding share of the dredging project on April 13, 2000. Dick discussed the need for the completion of the economic impact study to show the City of Miami Oversight Board the value of the dredging project to the city. Fran Bohnsack advised the group that Dr. Ken Lipner (economist) from FITJ is working on the economic impact study and has received over 35 industry survey responses. David Miller reported on the status of the state's funding appropriations for the dredging project and stated that there is \$1 million in both the Senate and House appropriations bills. David reported that Senator Diaz-Balart and Representative Lacassa will attempt to raise the \$1 million to \$2.5 million. The legislative session ends in 7-8 days so we should hear very soon the results of the funding appropriations in Tallahassee.

Status of Land Acquisition:

Dick Bunnell asked Roger Hernstadt to provide a report on the status of the land acquisition. Roger reported that the County and FDOT have met and to date have not resolved any issues. FDOT has met with the landowner FP&L and no resolution on the property has occurred. Roger is concerned about this situation and suggested that since negotiations are not proceeding very well with the FDOT and FP&L that we should start looking at an alternative site - Plan B. Dick asked how we should proceed with Plan B? Roger suggested we look at other properties and have alternatives land sites available if the FDOT/FP&L property at Palmer Lake falls apart. Dick Bunnell fully agrees and commented that the Palmer Lake property does pose some problems with material transportation and leasing of a riverside dockage. Scott Mitchell expressed concern about the timeline for the purchase of a property and that it could take up to a year. Roger expressed that the county would be leaning towards leasing land and that a lease could occur quickly versus a land purchase. Dick Bunnell suggested that a meeting with David, Scott, Roger and other entities with in the county have a meeting to focus on a Plan B land acquisition. David asked if there was an environmental history of problems with the Palmer Lake property. Roger reported that the county's appraisals did not examine environmental contamination issues. Susan Markley (DERM) believes that one of the sites may have a history of solid waste dumping, but she could not provide details of what may have been dumped on the property. Discussion of the Palmer Lake property issues

continued. The end result was the group determined that there was a pressing need for a Plan B land acquisition program.

Dredging Working Group

April 26, 2000

Page 2

David Miller suggested a three-item action plan:

1. Request DERM review their files concerning any possible contamination of the Palmer Lake properties.
2. Form a subcommittee to look at other land sites on the river.
3. Determine the bottom line price for utilizing the Palmer Lake property that includes the cost of dock leasing, pumping sediments, right-of-way costs and whether FDOT will provide the land for free or require a lease payment. This bottom line dollar figure can then be utilized when evaluating other properties.

Susan stated she would review the DERM files for possible contamination. A subcommittee was formed consisting of Dick Bunnell, Scott Mitchell, David Miller, Roger Hernstadt and Susan Markley to review other land sites.

Discussion ensued concerning the problems of land contamination and whether the Army Corps would accept contaminated property. Much to everyone's surprise Jerry Scarborough's voice came through the telephone speaker-phone. (Note: The sly dog had been listening all along unbeknownst to the group!) Jerry confirmed that contamination could cause a problem with the corps' use of the land.

Jerry Scarborough advised the group that FP&L has a major electrical cable that runs under the river at the Second Avenue Bridge and it has to be moved because it is only 3 feet below grade and the minimum requirement for the Corps is 6 feet below grade.

Jerry advised the group that the Corps has hired a contractor to conduct a survey of the river concerning the amount and location of sediments. The contractor is working now and expects to be completed by August. This survey is to update the 1990 sediment survey.

The meeting adjourned at 12:00 Noon.

Managing Director, Miami River Commission

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of May 31, 2000 Meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 AM at Conference Room A at the offices of Morgan, Lewis & Bochius LLP located at 5300 First Union Financial Center, 200 South Biscayne Blvd., Miami, Florida.

Working Group members in attendance are listed on the attached sign-in sheet.

Discussions:

Co-Chairpersons Dick Bunnell and Scott Mitchell opened the meeting.

Miami-Dade County Resolution:

Dick Bunnell gave a report on the status of the County's Resolution and stated that it was unanimously passed about 3 weeks ago. The resolution calls for the county to provide their 25% funding support and makes the county the "formal" local sponsor for the dredging project. The resolution directs the county manager to enter into all necessary agreements to start and complete the dredging project.

Florida Inland Navigation District Grant:

Dick advised that Susan Markley, Dianne Johnson and Fran Bohnsack traveled to New Smyrna Beach last Friday to address the Commissioners of the Florida Inland Navigation District (FIND) concerning a grant request for matching funds for the Miami River dredging project. Susan Markley reported that the county's request for \$300,000 was recommended for approval by FIND, but the city did not request any funding at this time. Susan reported that FIND wants to enter into an interlocal agreement with the city and the county therefore, FIND matching funding for this project will not fall under the general annual grant process. It was determined that additional discussion between FIND and the county, city and Miami River Commission must be scheduled in the very near future. David Miller will set this meeting as soon as possible. It is important to note that FIND Commissioners looked favorably on the Miami River dredging project.

Water/Sediment Testing Results:

Jerry Scarborough has been working with DERM and the State to finalize the report. All testing is complete and Jerry stated that the Corps does not foresee any problems based on the test results in proceeding with the dredging project. Glen Schuster, the Corps expert in water quality and sediment analysis, advised the group that the purpose of this last round of testing was to satisfy the State's concerns about the impact of dredging on water quality. Glen stated that they established 5 sample points along the river and took water samples two feet off the bottom of the river over a 12-hour period. The testing was primarily focused on the turbidity issue. Glen stated based on his knowledge and experiences that dredging would not cause turbidity levels as high as some of the ships did while passing the sampling points. Sediments were found to have elevated levels of heavy metal contaminants and at some sampling points there were high levels of heavy metal content in the water. Glenn stated they experimented with small samples to determine what would occur after the sediment dried. Glenn feels confident that the testing results, as expected, will require a variance from the state, as the water quality even when not dredging does not meet state standards.

David Miller asked about the status of the executive summary of the testing results, so that it could be used to help educate the public about "contaminated" sediments. Steve Hurst suggested comparing the sediments with contaminant levels you would find in other known locations such as alongside a major road. Discussion ensued. Jan Rogers of EPA suggested addressing the aquatic problems associated with heavy metals. Glen Schuster stated that the executive summary would not be suitable for the general public. Glen suggested that a "fact sheet" be developed to help educate the public. The Corps, DERM and EPA will provide information on contaminated sediments to David Miller and David will develop a "public affairs" type fact sheet describing in layman terms what is meant by contaminated sediments.

Jan Rogers asked about the elevated readings of metals in the water column. Glen stated that copper had a high level in the water column because there is a high level of copper in the sediment. When the sediment is disturbed copper and sediment are suspended in the water column.

Discussion ensued about sewage issues and Susan Markley stated that dredging has absolutely nothing to do with sewage problems. However, Susan did provide an educational dissertation and answered numerous questions on storm and sanitary sewer systems and the probable cause of the sanitary sewer discharges in the county and city.

Land Issues:

Roger Hernstadt advised the group that a meeting was set for Friday concerning the use of the 10-acre land site by Palmer Lake that will be the future Miami Intermodal Center. Senior managers from the county, FDOT and FPL will be present and a decision on whether the land can or cannot be used will occur. A decision needs to be made, so this project can move forward. Roger advised the group that other properties are being investigated for use if the Intermodal site fails. Jerry Scarborough asked if consideration was being given to using the sediments to fill in the slip near the American Airlines Arena. It was noted that Mayor Carollo has publicly proposed to fill in the slip to create more property near Bicentennial Park. Jerry explained that this alternative would substantially reduce the costs of dredging, if river sediments could be used to fill in the slip. Discussion ensued. Jerry will provide a preliminary cost estimate for utilizing the slip area for a dredge disposal site for some of the Miami River sediments. There are several important issues concerning the filling of the slip including - submerged sovereign lands of the state, environmental containment, city and county approval, etc. The "slip filling" issue needs to be explored but it must be in conjunction with the conventional method of upland disposal, as the slip is not large enough to receive all the river sediments. If the slip is completely filled, it could only take approximately 75% of the river sediments. Jerry Scarborough reiterated that it still would be the cheapest and quickest alternative. Dianne Johnson, City of Miami Dept. of Planning & Development, believes the city owns 100 feet off the bulkhead at Bicentennial Park and she believes this extends south across the mouth of the slip. Dianne will research this issue and provide details on the ownership of the slip for our next dredging meeting. Susan Markley stated that filling in the slip with river sediments may cause the environmental community to get upset and there may be some regulatory hurdles to overcome because of the use of tidal waters. Glen Schuster, Army Corps environmental expert, reminded the group this alternative would eliminate trucking costs, landfill costs, etc. He stated this

is the kind of dredging project that goes on in the Northeast and the Great Lakes all the time - contaminated materials going into a confined disposal facility. He is

Dredging Working Group

May 31, 2000

Page 3

confident that the slip can be filled with river sediments in an environmentally sound manner. Dick Bunnell asked Jerry Scarborough to provide an estimated cost of the project by using the slip. Jerry will provide this cost estimate at our next meeting.

New Business:

Scott Mitchell asked if we were in danger of losing the federal monies due to the delays in acquiring the land. Jerry Scarborough stated that the \$5 million of federal funds has already been lost to other projects. The Corps cannot just leave \$5 million in limbo as many other "Operations and Maintenance" projects can utilize the funds. Jerry stated that the bulk of the \$5 million has been reprogrammed to other projects, but a small amount was kept with the project to complete necessary testing and river surveys.

Jerry Scarborough stated that the Corps is anxious to sign the Project Cooperation Agreement (PCA) with the county in order to help move this project forward. Discussion ensued about the PCA and project timeliness. The District Engineer, Colonel Miller, would like to sign this agreement before August 2000.

Jerry Scarborough brought up the potential problems with an FPL cable that runs under the river in the vicinity of the Second Avenue. The cable is only one foot below the bottom of the river and the Corps requirements are a minimum of 6 feet below grade. Discussion ensued. This issue must be rectified before dredging and also before Second Avenue bridge construction. It was noted there might be other lines that cross the river at other locations.

The next meeting was scheduled for June 28, 2000 at the U. S. Coast Guard office. The group thanked Scott Mitchell and his company, Morgan Lewis & Bockius for providing their conference room for today's meeting.

The meeting adjourned at 12:00 Noon.

Managing Director, Miami River Commission

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of June 28, 2000 Meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 AM at Conference Room A at the offices of Morgan, Lewis & Bochiuss LLP located at 5300 First Union Financial Center, 200 South Biscayne Blvd., Miami, Florida.

Working Group members in attendance are listed on the attached sign-in sheet.

Discussions:

Co-Chair Scott Mitchell opened the meeting. Dick Bunnell was unable to attend today's meeting.

Land Acquisition:

Scott asked Roger Hemstadt to provide an update on the County's acquisition of land to be used as the temporary drying site for dredged spoils. Roger stated the county is trying to obtain a 10-acre parking lot by the Jailai building. The property is currently owned by the aviation department and is to be used for parking areas during airport construction and expansion. Meetings between county departments concerning the use of this property for the dredging project vice overflow airport parking are proceeding. The main issue is that other suitable parking areas to replace the Jailai parking must be found. The county is also proceeding with advertising for other private properties along the river that may be suitable for the dredging project. Questions and general discussion ensued. The group was very concerned that the county would pursue the Jailai property for 6-8 months, similar to their efforts with the intermodal property issue and possibly miss out on available private properties. Roger stated that if a suitable private property became available the county would go forward with the private property lease. Scott Mitchell was concerned with the Jailai property because the airport and American Airlines may be against using the property for dredging and he was concerned that aviation funds may have been used to purchase the property and this may pose another hurdle in acquiring this property. Roger agrees with Scott, but still believes this property is viable for the dredging project. Don Chinquina, Executive Director of Tropical Audubon Society, Inc. stated his organization is not opposed to the dredging project and is supportive of the group; however, he is concerned about other land sites that may be in neighborhoods and stressed the need for an industrial type site for the temporary drying area. Discussion ensued with no substantial resolution. David Miller asked if there was a timeline for a decision on the property as he was concerned that if a decision is not made soon, Miami-Dade County may again lose funds appropriated for the project. Roger stated the newspaper add requesting property has a deadline of July 28, 2000. Roger also stated that his position with the dredging project was supposed to be a little side project and it is now taking up 50% of his time. [This was of concern because senior county officials advised the Miami River Commission that the dredging project was a priority issue. With millions of dollars at stake, it should not be considered a "side project".]

Discussion ensued about the timeline for funding and water quality permitting and whether we again will possibly lose federal funding.

Use of the FEC Bicentennial Park Slip for Sediment Disposal:

This issue was raised at the last meeting and was scheduled for further discussion at this meeting. Jerry Scarborough, ACOE, advised the group that the Army Corps is not going to take a position on the use of the slip as that is the responsibility of the local sponsor. Dianne Johnson, City of Miami, provided a copy of the City of Miami deed for the park and the information revealed that park and slip are basically a land grant from the State that covers the submerged lands and it was dated 1919. The City will work with the County if filling the slip with dredged spoils is an option. City officials feel that filling or partially filling the slip would be advantageous to the city. Jerry Scarborough felt that it would take years and years to convince environmental agencies and organizations that utilizing the slip is feasible and therefore the Corps will not pursue that objective as they believe it will just prolong an already unbelievably long project! Jerry said if other entities want to pursue this avenue then OK, but the Corps will not pursue this endeavor. Don Chinquina guarantees the environmental community would be politically and pragmatically against utilizing the slip as a final site for contaminated dredged spoils. Susan Markley DERM advised that the Biscayne Bay Aquatic Preserve Act would be another hurdle to overcome. David Miller will discuss this issue with environmental organizations. The group agreed that under no circumstances would the "c 4 slip" issue slow down the conventional upland disposal plan for the sediments.

Summary of FIND meeting:

Dianne Johnson, Susan Markley and David Miller met with David Roach, Executive Director of Florida Inland Navigation District (FIND). The result of the meeting was that FIND would enter into a local agreement with the County and/or City to provide matching funds for the dredging project. The City of Miami will make a presentation at the next F@ Board of Commissioner meeting. David Roach was very receptive to the local agreement and will recommend that procedure at the FIND board meeting.

Army Corps Issues:

Jerry Scarborough will initiate the submission of the water quality permit without the land acquisition and will modify the permit once we get the land issue resolved. The Corps will be requesting a variance from the Department of Environmental Protection. Preliminary meetings with the DEP indicate they understand the need for a variance and will look favorably at the request. Jerry advised that a Corps hired consultant is currently conducting an updated survey of the river sediment and this report should be done by August 2000.

Fact Sheet on Contaminated Sediments:

David Miller, with technical assistance from DERM and the Army Corps, developed a fact sheet to explain to the public what "contaminated sediments" really means. All members were asked to review the sheet and provide David with any comments.

Dredging Working Group
June 28, 2000
Page 2

New Business:

David Miller advised the group that there is a line item in the House of Representatives budget for \$4 million dollars for Miami River dredging. This is significant because the budget submitted by the Clinton Administration did not contain any funds for Miami River dredging. This appropriation is the result of hard work by our South Florida delegation and they deserve full credit for this appropriation. Final federal budget approval will occur near October 1, 2000 when the President signs the budget.

The next meeting was scheduled for August 10, 2000 at the U. S. Coast Guard office. The meeting adjourned at 12:00 Noon.

Managing Director, Miami River Commission

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of August 17, 2000 meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the U.S. Coast Guard Marine Safety Office, 100 McArthur Blvd., 2nd floor Administration Bldg., Miami, FL. The attendee list is enclosed, and the meeting was chaired by Dick Bunnell.

Agenda item I, Land Acquisition:

Roger Hernstadt of Miami-Dade County is in charge of acquiring a temporary disposal site for dredged fill, but unfortunately he is on vacation until September 6, so Aleida Arrazcacta represented the county. Arrazcacta reported that the County placed two ads in local publications soliciting berthing and fill locations. The eight responses are being reviewed by the county, starting with the berthing locations. The county is deciding whether to place a resolution on the proposed temporary disposal site, bound by NW 37th Ave. on the west, NW 33rd St. in the South, NW 36th Ave. in the East and NW 35th ST in the north, on the Miami-Dade Board of County Commissioners agenda for September or October agenda. Glenn Schuster, Army Corps of Engineers, is preparing the Department of Environmental Protection (DEP) water quality application, and can't complete it without a confirmed temporary disposal site. The proposed vacant parking lot is five miles upriver. Glen Schuster stated the further the site is from Biscayne Bay, the better for the water quality permit.

Walter Revel offered his assistance in asking DEP Secretary Struhs to facilitate the application process, which according to Glen Schuster could take a year.

Don Chinquina, Tropical Audobon Society, recognizes the need for dredging the Miami River and pledged his support to secure the proposed NW 36th Ave and NW 33rd Street temporary drying location. In addition he asked that all available technology be utilized in an effort to provide a sound environmental dredging project.

Miami River Commission managing director, David Miller, stated Representative Carrie Meek is on the appropriations committee and her concerns are the City and County working together in a partnership and identifying the drying location. Rep. Meek worked to get the dredging funding last year and is willing to work for allocation this year.

Agenda item II, Status of Corps Surveys:

Army Corps of Engineers Miami River Dredging project manager, Jerry Scarborough, reported the hydrographic surveys were completed. John Bearce, Army Corps of Engineers, reported that the fieldwork is done, and the survey paperwork will be completed by August 25, 2000. New arial photographs are included. The Corp's consultants will start taking samples of the sediment from the river no later than early September to determine the content of the sediment (is it sand, mud, how deep is the rock, etc.) and therefore, how long it will take to dry. Once started the fieldwork should only take a few weeks. In response to a letter from the County concerning the Project Cooperation Agreement (PCA), the Corps of Engineers will finish a draft of the PCA by the end of September. The County will review it, provide their comments and revisions, and return it to the Corps. Once everyone is satisfied, the PCA will be sent to the Army Corps of Engineers headquarters to be reviewed and approved. The Corps will work on the DEP water quality permit

application and engineering design of the project simultaneously. Once they have a confirmed temporary drying site. The years of open Dredging Working Group August 17, 2000 Page 2

public meetings concerning the dredging project and amount of sediment and water testing completed by the Army Corps of Engineers and Department of Environmental Education will help expedite required permits.

David Miller reported that in a preliminary meeting with Mr. Green and other DEP personnel they understood that the current contaminated sediment is flowing into bay due to vessel activity and during periods of heavy rainfall, and delaying the project is resulting in further damage. The environmental improvement will greatly outweigh any temporary conditions caused by dredging.

Glenn Schuster, Army Corps of Engineers, pointed out a report which stated that the contamination caused by turbidity of ship traffic is significantly greater than anything caused by the dredging itself. The Army Corps of Engineers designs its projects to comply with all state and federal water quality regulations.

Agenda item III, Status of FIND Application:

Diane Johnson, City of Miami Department of Real Estate and Economic Development, reported that the county is amending its Florida Inland Navigational District (FIND) grant application to include the City of Miami's financial portion of the dredging project. This amendment would add \$300,000 to the County's application for matching FIND funds for dredging. Miami-Dade's FIND application, requesting \$300,000 of matching funds, was already approved. FIND director, David Roach, told Mrs. Johnson that amending the county's application to \$600,000 of matching funds would result in less administrative work for FIND, than having two separate grants from the City and County. The FIND Commission will vote on the matter August 19.

Agenda item IV, Fact Sheet:

At the July 31 Dredging Working Group meeting, Miami River Commission Managing Director, David Miller, presented a draft dredging fact sheet which would be distributed to the public, press, politicians, etc. He asked for any suggested revisions. Receiving none, the fact sheet was adopted, and has been used in Miami River dredging presentations.

Agenda item VI, New Business:

The next meeting was scheduled for Wednesday September 13, 10 AM at the U.S. Coast Guard Marine Safety Office, 100 McArthur Blvd., Administration Bldg., 2nd floor, and the meeting was adjourned.

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

Summary of September 13, 2000 meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the U.S. Coast Guard Marine Safety Office, 100 McArthur Blvd., 2nd floor Administration Bldg., Miami, FL. The attendee list is enclosed, and the meeting was chaired by Dick Bunnell.

Status of FIND application:

Dianne Johnson from the City of Miami reported that city and county staff made a presentation at the Florida Inland Navigation District (FIND) Commissioner meeting on August 19, 2000. The FIND Commissioners approved an interlocal agreement with the county in which FIND would provide a 50% match for funds expended by both the city and county for the dredging project, excluding land costs. This will be a single agreement between FIND and the county. FIND staff recommended the single agreement vice having an agreement with both the city and the county. FIND is aware that this project is a multiyear project. The FIND Commissioners are all very supportive of the project and providing FIND matching funds for dredging commercial waterways of Florida is their number one priority. The FIND funding process does require an update each year of the funding requirements for the Miami River dredging project. Basically, this year FIND will provide matching funding of approximately \$600,000 for the project.

Land Acquisition:

Roger Hernstadt provided an update of the status of the county's progress on acquiring a 10-acre parcel for the temporary drying site and the riverside berthing site for the barges and sediment transfer to the drying site, Roger stated that the county is progressing with the acquisition and will provide a presentation to the Community Council this evening concerning the 10-acre drying site. This 10-acre site is east of Miami Jai-Alai and is currently an unused parking lot. With reference to the riverside berthing site, the county is in discussions with two property owners and Roger is very optimistic that an agreement will be reached soon. He further advised the group that when the Board of County Commissioners hears the resolution on the 10-acre parcel for use as a temporary sediment drying site that they will also be informed of the determination on the berthing site. The Board will hear these issues on October 3, 2000. Discussion ensued. Fran Bohnsack asked Roger if Commissioner Morales would be attending this Community Council meeting because the Commissioner wanted to ensure this issue was brought before the public before it went to the Board of County Commissioners. Roger explained that this was not a public hearing as discussed by Commissioner Morales. Roger is working with the Commissioner's staff to schedule a public hearing concerning the 10-acre site. Roger believes this public hearing will be scheduled in the near future. Scott Mitchell advised the group that it is the MRC's position that we want to be a good neighbor and work closely with the local community and utilize best management practices to minimize any disruption to the community. The Corps representatives agreed with this approach. Jerry Scarborough asked Roger if the county was also going to provide the area that currently houses a taxi repair facility. Roger said the county would look into acquiring that property also.

Status of Corps Surveys:

Jerry Scarborough advised the group that the surveys are completed; however, the written report is not finalized. Jerry advised the group that the preliminary results show 468,000 cubic yards within the boundaries of the federal navigation channel. This is somewhat lower than the last survey in 1991/1992, which showed 513,000 cubic yards. Discussion ensued. The group questioned Jerry about dredging outside the boundaries of the channel, such as Wagner Creek area. Jerry said that any dredging outside the navigational channel could be made part of this project as an option, but dredging outside of the channel would have to be paid in full by the entity that requested the dredging. David Miller advised the group that the City of Miami through their Public Works Department has already dredged* some areas of Wagner Creek. In their Capital Improvements Projects they have an item to dredge the remaining sections of Wagner Creek. Dianne Johnson will discuss this with the City Public Works Department in the hopes of adding this area of Wagner Creek dredging to the Miami River dredging project as the costs would be greatly reduced.

Jerry stated that when the survey report is completed it would show sediment quantities bank to bank. He does not have any preliminary sediment quantities for bank to bank. Discussion ensued about various options that would be available for additional dredging opportunities.

New Business:

There being no new business, the next meeting was scheduled for Wednesday October 11, 2000 at 10 AM at the U. S. Coast Guard Marine Safety Office, 100 McArthur Blvd., Administration Bldg., 2nd floor, and the meeting was adjourned.

MIAMI RIVER COMMISSION
MINUTES OF THE DREDGING WORKING GROUP MEETING
October 11, 2000

The Miami River Commission Dredging Working Group met at 10 am, October 11, 2000, in the Coast Guard Marine Safety Office, 100 MacArthur Blvd., 2nd floor, Administrative Building, Miami, FL. Dick Bunnell chaired the meeting, and the attendance sheet is enclosed.

The Dredging Working Group September 13, 2000 minutes were approved. On October 3, 2000 the Board of County Commissioners unanimously passed agenda item 4 (R) a, "Resolution authorizing approval of the Miami River Dredging Project Temporary Storage Site located South of NW 36 Street and West of NW 36 Avenue". The approval was contingent on the County Manager and Army Corps of Engineers (ACOE) providing details concerning the following subjects/questions:

- 1) Will the dredged sediments smell, and if so, how will the odor be controlled?
- 2) Will the berms built around the perimeter of the site to contain the sediment withstand severe storms?
- 3) Provide details concerning the transportation plan for the increased truck activity.
- 4) What is the post dredging mitigation plan for the neighborhood?
- 5) Is there an opportunity/requirement for employment of community residents?
- 6) Where is the final location for disposition of dredged material?

Capt. Miller stated the County Commissioner's require answers to the above issues before they approve the Project Cooperation Agreement (PCA). The Army Corps of Engineers dredging project officer, Jerry Scarborough, believes that the Commissioners concerns can be answered logically. For example the berms surrounding the drying site are designed to withstand a 100-year storm.

The Army Corps of Engineers requires the following critical information from the local project sponsor, Miami-Dade County:

- 1) What is Miami-Dade County going to do about the 2.8 acres of the temporary drying site, which is currently leased to Miami Jai-Alai?
- 2) What does the County intend to do with the Taxi Meter repair business located on the temporary drying site?
- 3) When will the County provide the Corps right of entry to the property?
- 4) The ACOF, needs the county to provide all utility maps for the property that include electrical, water mains, gas mains, sewer & stormwater systems, etc.

Roger Hernstadt was unable to attend the meeting due to flooding problems and Art Tillberg was representing the County. Mr. Tillberg stated the county was working on the above issues and they were "progressing forward", but had no further details. Ed Carter, ACOE consultant, will be drafting a letter for the ACOE to send to the County concerning the above issues.

Ed Carter stated that a minimum of ten acres is necessary for the temporary drying site and the ACOE normally prefers 17 to 20 acres. The construction of the berms reduces the dredge spoil holding capacity. A site less than ten acres would most likely be too small. The ACOE reported that time is of the essence and the local sponsor must provide the details above before construction planning can proceed.

Art Tillberg stated the acquisition of a berthing site on the riverfront was progressing well and he expects this lease to be finalized soon. Capt. Miller explained that the ACOE could not proceed with construction design until the County provides all required land information. This is critical because future funding becomes more difficult to secure if we are unable to demonstrate significant progress on the dredging project.

The Corps hydrographic survey of the river showing sediment location and quantities is completed and should be available within 60 days. The ACOE has contracted a company to conduct various sediment surveys throughout the river area to determine the levels of sand, rock, and fine silt in the sediment. The results of this survey will help determine how long the dredged sediments will take to dry and provide information concerning potential odor problems.

Changing the location of future Dredging Working Group meetings was discussed due to the difficulties with strict security measures at the Coast Guard station gate. The next meeting of the Dredging Working Group was scheduled for November 15, 2000 and members will be properly notified of any meeting location changes.

The meeting was adjourned.

**Miami River Commission
Dredging Working Group
(PUBLIC DOCUMENT)
Summary of November 15,2000 meeting**

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the U.S. Coast Guard Marine Safety Office, 100 McArthur Blvd., 2nd floor Administration Bldg., Miami, FL. The attendee list is enclosed.

Status of Property Acquisition/Leasing:

Dick Bunnell opened the meeting and the minutes of the October meeting were approved.

Dick then initiated the discussion concerning the property and a review of the Resolution passed by the County Commissioners on October 3, 2000. A copy of the resolution was provided to all attendees, Dick pointed out Section 2 of the resolution that before the County Commissioners approves a Project Cooperation Agreement **“it will conduct an advertised Public Hearing at which the Board will consider plan details to be submitted by the County Manager and others pertaining to traffic, odor, a mitigation plan for the neighborhood, employment of community residents, the ultimate location for disposition -of project material, and other appropriate issues.”** Discussion ensued. Roger Hernstadt advised the group that several Commissioners had various and wide-ranging concerns about the project.

Roger also reported that the Corps has received a right-of-entry to the property and Jerry Scarborough responded that the Corps' contractor has already been on the property and has completed necessary core borings and other field investigations. Jerry also stated that the County has been responsive to all Corps requests and at this time the Corps has all required information to proceed with design and water quality certification. Jerry and Eddie Carter specifically thanked Tim McIntosh of DERM for his prompt and complete response to all Corps requests. Dick asked if the Corps found any major problems concerning utilities that may be located under the site. Jerry stated there are a lot of utilities in the area, but it is too early to determine if any utilities will have to be removed. Jerry emphatically stated that any moving of utilities is not the controlling time factor for starting the project. The controlling factor is the time necessary to get the State of Florida Department of Environmental Protection (FDEP) water quality certification (WQC). Jerry said that in his experience it takes 6-12 months after submission of the application for a routine WQC and that the Miami River dredging project is not routine. It was stated that there have been personnel changes at FDEP permitting and this factor may add to the length of time +10 obtain the WQC.

Roger Hernstadt advised the group that a lease agreement for a river site is in progress and a contract is very near completion, This site will have 400 feet of riverside dockage and also 200 x 100 feet of corresponding land adjacent to the dockage area. Roger advised the Corps that the riverside property could be made available to the Corps at any time, as the property owner is cooperative. The group discussed the County Resolution and the various conditions and details that need to be provided to satisfy the Commissioners' concerns. Detailed discussion about each specific issue revealed there are good and acceptable answers to all Commissioner concerns. It was noted that the Corps would provide some of the responses, but the County Manager would be responsible for county related questions. It was agreed that when we went before the County Commission, the Corps, county staff and the NMC would be completely prepared for any question.

Water Quality Certification:

The next item discussed in detail was the Water Quality Certification application. This is the responsibility of the Corps and Jerry Scarborough stated they would have the application into FDEP in December. The application is not difficult or time consuming, but during the FDEP review process many questions arise that can cause significant time delays, Delays are currently occurring, as FDEP does not have many experienced WQC application reviewers.

Status of Corps Surveys:

Jerry Scarborough stated that all Corps surveys are complete and provided the County and MRC with a copy of the river sediment and mapping survey. This is the survey that shows river soundings and reveals the amount of sediment in the navigation channel. Additionally, the Corps has completed the field geotechnical surveys of the sediment, however, a report is not ready at this time. This survey will determine the consistency of the sediments and help determine how long it will take for the sediments to dry. If there is a high level of sandy material it will dry fast. If there is a high level of organic silt it will dry at a slower rate.

Develop a Worklist of Items:

It was determined that this item was unnecessary because of the excellent cooperation that is occurring between the county and the Corps. The Corps has received all items they have asked for from the county.

New Business:

Dredging areas outside the navigation channel was discussed. Jun Gardiner asked about dredging the tributaries to the river. Jerry Scarborough stated that the River dredging project is for the navigable channel and any other dredging areas could be added to the project, however, it would be have to be fully funded by whatever entity wanted the dredging and that entity would have to get the necessary WQC permit,.

There being no new business, the next meeting was scheduled for Wednesday January 10, 2001 at 10 AM at the U.S. Coast Guard Marine Safety Office, 100 McArthur Blvd., Administration Bldg., 2nd floor, and the meeting was adjourned.

**Miami River Commission
Dredging Working Group
(PUBLIC DOCUMENT)
Summary of January 10, 2001 meeting**

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the U.S. Coast Guard Marine Safety Office, 100 McArthur Blvd., 2nd floor Administration Bldg., Miami, FL. The attendee list is attached.

Dick Bunnell opened the meeting and requested all attendees to provide self-introductions.

Dick then asked Roger Hernstadt to give a report concerning the status of the land for the temporary drying site and the riverside site. Roger stated that the lease for the berthing site on the river should be finalized within the next 30 days. Roger stated that the Corps of Engineers has already been given access to the site. Roger next discussed the temporary drying site that is approximately 8 acres. Roger also said he hoped that an additional 2 acres (contiguous with the 8-acre site) would become available after future negotiations between the County and the Jai Alai Fronton. Roger stated the County will be negotiating with the owners of the "Taxi Meter" building on January 16th and he expects a suitable agreement can be reached to provide this property for the temporary drying site. The Corps is already planning to have this property for the project. .

David Miller provided a short overview concerning the requirement to go before the County Commissioners again to provide additional project details such as: construction design, truck traffic issues, potential odor problems, etc. It was clearly noted that once the Corps has completed design of the project, the answers to Commissioner's questions would be available.

Jerry Scarborough, Corps project officer, stated that the application for the Water Quality Certification (WQC) has not yet been submitted to the Florida Department of Environmental Protection (FDEP), but he expects it will be submitted next week. The Corps has been talking to FDEP, however, FDEP has not assigned a project officer and the Corps is worried about FDEP personnel shortages. Discussion ensued about the timeline for approval of the permit and it is expected to take a minimum of 6 months. Dick Bunnell said the Miami River Commission is ready to provide assistance to help expedite the WQC review and approval process. Discussion ensued.

A general discussion was carried out concerning the proper time to go back before the County Commissioners for their final approval. The limiting factor is when the Corps would be ready and Jerry Scarborough stated that by the end of March the Corps would be ready to answer all questions.

Scott Mitchell suggested the dredging group be proactive in the public relations arena and possibly educate property owners about the project. The Corps advised that they could provide a one day educational forum for both regulators and citizens. Jerry Scarborough will advise David of the dates of these one-day forums. Additionally, it was suggested that the group solicit the expertise of a public affairs specialist to help educate and answer the public's questions. David recommended that we need to be able to respond to the smell question before we become proactive in the public relations business. The end result was that David and Scott would talk with some public relations professionals to determine what public relations action should be taken. The Corps stated they have video footage that we could use in our public relations endeavors.

Carlos Espinosa advised the group that the County has requested \$2.25 million from the state for their share of the local funding requirements. This money is needed for acquiring necessary

lands and project construction costs. Roger Hernstadt stated the aviation department (owners of the 10-acre site)

Dredging Working Group Meeting
January 10, 2001
Page 2

needs \$4 million for the purchase of the property and there are additional costs for leasing the riverside site.

Jerry Scarborough reported they have sent out numerous letters to utilities concerning electrical cables and pipelines crossing the river and have received most of the information they need. Jerry reported that FPL would have to move their cable crossing at the Second Avenue Bridge.

There being no new business, the next meeting was scheduled for Thursday March 1, 2001 at 10 AM at the U.S. Coast Guard Marine Safety Office, 100 McArthur Blvd., Administration Bldg., 24 floor, and the meeting was adjourned.

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

(PUBLIC DOCUMENT)

Summary of March 1, 2001 Meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the auditorium of the Rosenstiel School of Marine and Atmospheric Science located at 4600 Rickenbacker Causeway, Miami, FL. The attendee list is attached.

David Miller opened the meeting and requested all attendees to provide self-introductions.

David then asked Carlos Espinosa from Miami-Dade County DERM to provide an updated status of the land and lease acquisitions required to be completed by the project's local sponsor. Carlos stated that Roger Hernstadt, who is responsible for the land issues, could not attend today. However, Roger did brief Carlos on the issues and Carlos reported that the negotiation with the "Meterman" property is moving along favorably. The County is also discussing land options with the Jai Alai owners. Carlos reported that all land issues are moving forward and he does not see any land issue problems developing. David Miller explained that he had discussions with the owner of the Jai Alai and they may be interested in selling their property and relocating to another area. The Jai Alai owner is aware that Miami-Dade Expressway and Florida Dept. of Transportation (FDOT) will eventually need to obtain a large partial of the Jai Alai property for the Miami Intermodal Center (MIC) rail and road connections. Additionally, the county may need additional parking for the airport construction. David suggested that the Jai Alai owners might be open to an offer to purchase the property, which could help improve the efficiency of the dredging project. Discussion ensued.

Jerry Scarborough advised the group that the **Corps would need real estate certification** for any property used for the dredging project. Art Tillberg, NMC, advised that meetings have been held with the Jai Alai owners and the owners of the riverfront property and all negotiations were proceeding in a positive direction.

Jerry Scarborough next reported on the status of the DEP Water Quality Certification (WQC) and stated the application was submitted and the Corps and DEP have met to discuss the WQC issues and the meeting was very positive. Glenn Schuster, Corps expert in WQC issues, explained that the WQC is going into the agency comment period. Glenn also reported that since about half of the river is considered Outstanding Florida Waters (OFW) and has a no degradation standard, that the Corps has requested a variance so the entire river would be considered Class 3 waters. The DEP fully understands the need for the variance and the Corps does not expect any problems, but there are no guarantees. Jerry advised that the Corps and DEP have weekly conference calls and will keep updated on the progress of the WQC. The individual responsible for primary review of the WQC is Mr. Kent Edwards of DEP.

Jerry stated that the Corps has had a tremendous response to their **Request for Information** and received formal responses from 17 different entities. All were in favor of the open type contract that allowed companies to help design the project using innovative technology. Jerry was very pleased with the response and the ideas that were presented

Carlos Espinosa reported that the county is requesting \$2.25 million from the state for their share of the financial partnership. Carlos recommended that industry could help by sending letters to their legislators seeking support for the \$2.25 million appropriations. David stated that he and Dr. Fran

Bohnsack will be heading to Tallahassee next week to seek support for the state's dredging appropriations. Discussion ensued concerning land appropriations and potential credit from the Corps.

David reported that the Miami River Commission has sent letters to all of Florida's Congressional Representatives from south Florida and to both Senators requesting their support for federal appropriations for \$10 million for the dredging project. David encouraged industry representatives to contact or write their congressional members requesting support for the federal appropriations. Dr. Bohnsack suggested we should meet with Senator Nelson, as he is new this year.

Discussion ensued concerning the required presentation by the Corps before the Miami-Dade County Commissioners. Jerry advised that he would be prepared to discuss the worst case scenario, that is the conventional dredging proposal utilizing the berms and the temporary storage area. Jerry advised that the winning contractor might be one utilizing an innovative approach that does not utilize the entire temporary storage area. Carlos suggested that the group be fully prepared with all the answers before we go before the Commissioners. The Group suggested that we plan for the last Commission meeting in April for the presentation, but we will delay if not fully prepared.

There being no new business, the next meeting was scheduled for 10 am, Tuesday, April 10, 2001 at the Rosenstiel School, and the meeting was adjourned.

**MIAMI RIVER COMMISSION
DREDGING WORKING GROUP**

(PUBLIC DOCUMENT)

Summary of May 15, 2001 Meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the auditorium of the Rosenstiel School of Marine and Atmospheric Science located at 4600 Rickenbacker Causeway, Miami, FL. The attendee list is attached.

Dick Bunnell opened the meeting and stated the MRC video about the river and the importance of the dredging project is complete and it was shown to the group. Members thought the video was great and felt it correctly told the story of the river and why the dredging project was necessary and how it would benefit the community.

Roger Hernstadt then provided an update of county actions. He advised the group that the focus of the public meeting in Melrose should focus on the importance of the project to both the environment and the economy. Similar discussion ensued about the scheduled County Commissioner meeting on May 22, 2001 where the Commissioners would review new information about the project and vote to move forward with the project. A general presentation schedule was discussed with the Corps providing the bulk of the presentation and the NMC showing the video. Maria Leverant, from Commissioner Morales' office, suggested that a short fact sheet be provided for the Melrose presentation. Members agreed this would be beneficial and a fact sheet will be created. Concern was expressed that internal county issues (such as making a community park out of the drying site after the dredging project) may derail the important point of moving the dredging project forward. County personnel clearly advised the group that this would not pose a problem. Discussion continued along these lines and eventually all members became comfortable that we had the best presentation possible for both the Melrose and County Commission presentations. The Corps emphasized that the exact dredging process will not be finalized until the Corps selects a contractor, however, the presentations will discuss the various different dredging methods that have been discussed by various dredging contractors.

Discussion was initiated about the timeline of the project. Jerry Scarborough said that the Environmental Impact Statement (EIS) should be completed by December 2001. Jerry stressed that the Project Cooperation Agreement (PCA) must move forward promptly as it must be signed by both the Corps in Jacksonville and County, then it must be forwarded to Washington for Corps Headquarters approval. The PCA must be signed and approved before the RFP process can start. Additionally, the Water Quality Certification from FDEP must be approved or a "letter of intent" issued before the PCA can even be forwarded to the Corps in Washington. Discussion ensued. In closing, Jerry Scarborough said he would get a draft PCA to the county for their review as soon as possible.

Discussion ensued about how close the Corps can dredge with respect to bridges and seawalls. Currently, the Corps policy is to come up to 25 feet from bulkheads and bridges unless granted authority by the local sponsor. The county will look into this issue as the river is narrow and dredging only the areas more than 25 feet from seawalls and bridges would negate the project. County officials would like to dredge as close as possible to bridges and seawalls. David Miller also mentioned that some existing piers and docks (notably by the 5h Street Bridge) are actually built 15-20 feet into the navigable channel and their situations must be reviewed. These docks and piers will

probably have to be removed from the navigable channel. Several members commented that the property owners probably do not have the required legal permits.

No new business came before the group and the meeting was adjourned at Noon.



MIAMI RIVER COMMISSION DREDGING COMMITTEE MINUTES: Minutes of meeting

MAY 18, 2001
10:00 AM
(THIS IS A PUBLIC
DOCUMENT)

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the auditorium of the Rosenstiel School of Marine and Atmospheric Science located at 4600 Rickenbacker Causeway, Miami, FL. The attendee list is attached. Dick Bunnell opened the meeting and stated the MRC video about the river and the importance of the dredging project is complete and it was shown to the group. Members thought the video was great and felt it correctly told the story of the river and why the dredging project was necessary and how it would benefit the community.

Roger Hermsdorf then provided an update of county actions. He advised the group that the focus of the public meeting in Melrose should focus on the importance of the project to both the environment and the economy. Similar discussion ensued about the scheduled County Commissioner meeting on May 22, 2001 where the Commissioners would review new information about the project and vote to move forward with the project. A general presentation schedule was discussed with the Corps providing the bulk of the presentation and the MRC showing the video. Maria Leverant, from Commissioner Morales' office, suggested that a short fact sheet be provided for the Melrose presentation. Members agreed this would be beneficial and a fact sheet will be created. Concern was expressed that internal county issues (such as making a community park out of the drying site after the dredging project) may derail the important point of moving the dredging project forward. County personnel clearly advised the group that this would not pose a problem. Discussion continued along these lines and eventually all members became comfortable that we had the best presentation possible for both the Melrose and County Commission presentations. The Corps emphasized that the exact dredging process will not be finalized until the Corps selects a contractor, however, the presentations will discuss the various different dredging methods that have been discussed by various dredging contractors.

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Discussion ensued about how close the Corps can dredge with respect to bridges and seawalls. Currently, the Corps policy is to come up to 25 feet from bulkheads and bridges unless granted authority by the local sponsor. The county will look into this issue as the river is narrow and dredging only the areas more than 25 feet from seawalls and bridges would negate the project. County officials would like to dredge as close as possible to bridges and seawalls. David Miller also mentioned that some existing piers and docks (notably by the 5th Street Bridge) are actually built 15-20 feet into the

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Reasons

navigable channel and their situations must be reviewed. These docks and piers will probably have to be removed from the navigable channel. Several members commented that the property owners probably do not have the required legal permits.

No new business came before the group and the meeting was adjourned at Noon.

[HOME](#) [CALENDAR](#) [ABOUT THE RIVER](#) [ABOUT THE COMMISSION](#) [DREDGING](#) [GREENWAYS](#) [MINUTES OF MEETINGS](#) [LINKS](#)

THE MIAMI RIVER COMMISSION

ONE VOICE *for the river*



MIAMI RIVER COMMISSION DREDGING COMMITTEE MINUTES: Minutes of meeting

SEP. 20, 2001
10:00 AM
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The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the Library map room of the Rosenstiel School of Marine and Atmospheric Science located at 4600 Rickenbacker Causeway, Miami, FL. The attendee list is attached.

Dick Bunnell and Scott Mitchell opened the meeting and all attendees made self-introductions. Dick welcomed everyone and stated with the recent events that have adversely impacted the economy of South Florida (fewer tourists in hotels, on cruise ships, etc.) that this dredging project has become more important to the community to help maintain a diversified economy. Dick also expressed concern that there is a possibility that the project may lose funding as the state may require return of state funds that are not obligated, such as some of the \$5.25 million the state has provided to Miami-Dade County for the dredging project. He encouraged the group to move forward with the project as promptly as possible.

Dick then asked Jerry Scarborough, Army Corp of Engineers (ACOE), to tell us where the ACOE is with the project, what they need from us and what we can do for them. Jerry wanted to comment on the Environmental and Economic Studies. He reported that the draft Dredged Material Management Plan, with an Environmental Impact Statement (EIS) is under internal review by ACOE. After internal review, it will be coordinated with all of the environmental agencies, both state and federal, and placed in the federal register for a 45-day comment period. After the comment period is over a final EIS is completed. A critical piece of the EIS is the Fish & Wildlife Coordination Act Report. Basically the U. S. Fish & Wildlife Service is responsible for the production of the report, however, due to their workload the ACOE & Fish & Wildlife Services agreed the ACOE would complete the report utilizing the services of the ACOE consultant, Gull Engineers & Consultants. This report was completed and has been in the hands of Fish & Wildlife Service for 90 days. Unfortunately the Service has not provided any comment on the report and is causing a delay in the EIS approval process. This document is critical and without any comment received by FWS, the ACOE is concerned the project timeline may slip. David Miller stated that Mr. Brad Rieck, of the Fish & Wildlife Service was asked to attend this meeting, but he declined. The ACOE is still looking at a December completion date for the Dredge Material Management Plan.

Jerry next discussed the status of the Water Quality Certification (WQC) and was pleased that Mr. Kent Edwards, from the Florida Dept. of Environmental Protection was present. Jerry said the ACOE has been working very closely with Kent who is reviewing the ACOE application. Jerry feels the process is moving forward and is hoping the WQC will be approved by the December time frame. Jerry then asked Kent if he would like to comment on the process. Kent explained the WQC process and the key issues. Specifically, he explained the WQC rules are in Florida Administrative Code, Chapter 62-302. This sets rules for types of water bodies, Class 1 through Class 5, and superimposed on the Miami River is an additional level of protection in that the river is also part of the Biscayne Bay Aquatic Preserve and therefore receives some of the highest protection of any water body in the state. The Miami River is defined as an

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"Outstanding Florida Water". Kent explained that good sense will prevail in FDEP and anyone involved with the river understands it is more of an industrial river than an aquatic preserve, however, the high water quality protection standards will need to be met at the mouth of the river. That is the area that is most critical from the agency's perspective. Good justification for all WQC decisions is necessary. Kent explained that reports already show degradation of Biscayne Bay near the mouth of the Miami River; however, he cannot approve any WQC that would create further degradation of the Bay. FDEP must receive assurances, to the extent that is reasonable, that dredging will minimize any additional releases of contamination into the Biscayne Bay Aquatic Preserve. Kent wanted to address the numerous analyses of the Miami River sediment and water quality samples. Kent explained and FDEP must justify all their decisions and he was concerned with the diversity of the samples, some showing clean areas and others showing very contaminated areas. The group explained that we consider the entire river to be contaminated and will not request one area to be considered clean and another area contaminated.

Kent explained the option of a "conceptual" WQC permit. Both he and Jerry agreed that this might be a good option for this particular project as the Corps will be putting out the bid under an RFP process and the final disposal and dredging process will only be known after the ACOE awards the contract. After the contract is awarded then the final details of the WQC will be established in an "individual permit". Jerry Scarborough stated this would be OK with the ACOE, because this shows that the state agrees that this dredging project can be permitted. Kent explained that this WQC will also require a variance and he feels confident that this project can go forward. Discussion ensued. Jerry stated they would need the conceptual permit by the December time frame to maintain the project timeline. Kent explained he could not guarantee this "conceptual" WQC by December, but felt this time frame was doable.

Dick Burnell then explained that one of the major issues for the local sponsor is the requirement by the ACOE that they will not dredge within 25 feet of any manmade structure without approval of the local sponsor. For the dredging project to be worthwhile the county wants to dredge within 10 feet of any manmade structure and even closer if the property owner requested. The county has asked the Miami River Commission (MRC) to assist with the public notification of the 10-foot setback that is necessary for the project to be worthwhile.

Dick asked Roman about the status of the utility meeting of all entities that have utilities crossing the river. Roman was not aware of the schedule, but stated he would find out and advise David Miller. (After the meeting, Roman promptly provided the utility meeting information to David Miller. The meeting is scheduled for Tuesday, October 23 at 10 am in the Stephen P. Clark Bldg. in conference room 18-3).

Representatives from DOT explained that it is critical for utilities to be aware of the dredging project. They advised the group that lead times to buy new cable to improve their river crossings may take 6-8 months, so the earlier utilities are notified the better. The ACOE explained that their requirement for any river crossing for the federal navigable channel must be 6 feet below the bottom of the river (6 feet below grade) and any utility not meeting that standard is not in compliance with the required permits. The group was concerned that not all utility crossings were in compliance with the ACOE requirements. Bottom line is that a utility meeting is essential. Discussion ensued.

Roman Gastesi was not aware of the status of the land acquisition and leasing of property for the dredging project. Land Acquisition is the full responsibility of the non-federal sponsor and Roman stated he would have that information for the next meeting.

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Discussion ensued about the status of the state funding for the dredging project. The group was concerned that if the county has not obligated the funds or advised the state of the progress of the project (with dredging work anticipated to start in the summer of 2002) that the state may take back the funds, due to their current funding needs.

Jerry Scarborough stated that dredging up to 10 feet from a manmade structure would be fine with the ACOE. If a property owner wanted to have the ACOE dredge closer than 10 feet then the property owner must grant a release of liability. Dredging close to manmade structures may be appropriate for the upper section of the river in the marine industrial area. Discussion ensued about dredging outside the federal navigable channel and the ACOE advised the group (for at least the tenth time!) that if the county, city or any other entity wanted to dredge outside the navigable channel that the funding would have to be 100% from the entity requesting the dredging and the entity would have to obtain their own WQC permit. Once that was done the ACOE could easily add it to their navigable channel-dredging project. The ACOE stated that this dredging project dredges soft material only and does not cut or dredge rock.

The next dredging meeting was scheduled for Wednesday, October 24, 2001 at 10 am at this same location (Rosenstiel School).

No new business came before the group and the meeting was adjourned at Noon.

[HOME](#) [CALENDAR](#) [ABOUT THE RIVER](#) [ABOUT THE COMMISSION](#) [DREDGING](#) [GREENWAYS](#) [MINUTES OF MEETINGS](#) [LINKS](#)

THE MIAMI RIVER COMMISSION

ONE VOICE *for the river*



MIAMI RIVER COMMISSION

DREDGING COMMITTEE MINUTES:

Minutes of meeting

OCT. 24, 2001
10:00 AM
(THIS IS A PUBLIC DOCUMENT)

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the Library map room of the Rosenstiel School of Marine and Atmospheric Science located at 4600 Rickenbacker Causeway, Miami, FL. The attendee list is attached.

Dick Bunnell and Scott Mitchell opened the meeting. David Miller asked if all attendees had received last months meeting minutes and if not, to contact him.

The first item was a summary of Miami-Dade County's meeting of October 23, 2001 concerning utility crossings of the river. Dick Bunnell stated the turnout was very good and all principle players such as FPL, FDOT, WASD, telephone companies, etc. were present and good clear descriptions of the various utility crossings under the river were presented. Dick thought the utilities meeting went very well and there were no surprises and all players were very cooperative and it appeared they all were either in compliance or will be in compliance before the dredging project starts. The Corps requires all utilities to be at least 6 feet below the bottom of the river in soft material and at least 3 feet below the bottom of the river in rock. Roman Gastesi added that over 40 people attended the utilities meeting and everyone was aware and responsive to the dredging project. Roman said he would assist utility companies with obtaining their required permits necessary to relocate utilities that did not comply with the Corps requirements.

Roman Gastesi reported on the status of the non-federal sponsor issues. He stated that the property issues are in pretty good shape with the Jai Alai parking lot available and the property on the river for unloading barges available. The only property issue not finalized was the small property in the Jai Alai parking lot that houses the "meter man" a small business that apparently calibrates and repairs taxi meters. The county is working on the final MOU with the City of Miami for the project and payment issues. Roman stated that he will do his best to have the MOU completed by the next meeting or approximately 30 days.

David Miller advised the group that the county requested the MRC to assist in hiring a dredging consultant to help expedite notification of property owners about the dredging project and to provide technical assistance as necessary. The MRC contracted Case O'Hourke Engineering, Inc. and Nancy Case O'Hourke will provide the group with an update of where we stand on the notification issue. Nancy stated the purpose of the notification is to ensure that the 500 plus property owners along the river are aware of the project. Many owners may not be thinking about the effects of the dredging on their particular property, bulkheads, docks, etc. The letter will be sent on MRC letterhead and will advise all property owners of how close the dredging will be to their property. Enclosures to the letter will show the individual property and the proximity to the navigable channel line, additionally it will include a cross sectional drawing showing the channel line and where the Corps' contractor will dredge. The purpose is to make property owners completely aware of the project and encourage them to review their bulkheads and or docks and determine if they should initiate repairs or improvements. Nancy explained that the Corps would not dredge any closer than 25 feet from any

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manmade structures without an indemnification release from the non-federal local sponsor. Miami-Dade County has agreed to provide that release up to 10 feet from all manmade structures. This makes all riverfront properties fall into three different categories of property owners:

1. **Properties with manmade structures 10 feet or more from the federal channel line.** Their letter will be mostly an informational letter and advise them to evaluate the age and stability of any structure that they have along the river, which may be impacted by the slope of the dredging.
2. **Commercial properties (such as shipping terminals) that may want dredging closer than 10 feet of their manmade structures.** This letter will also provide information and will contain a release form that must be signed if a property owner wants to dredge closer to their structures. In all cases, the Corps will not dredge closer than 5 feet from any structure.
3. **Property owners that have docks or bulkheads that protrude into the federal navigable channel.** This letter will most likely come from the Corps and it will be to property owners who have encroached into the federal channel with docks, bulkheads and/or landfill. It is expected that this letter will require those property owners to remove the portion of docks, bulkheads, etc. that are in the federal channel. There appears to be less than 10 properties that actually encroach into the channel.

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Fran Bohnsack asked what has been decided concerning dredging bank to bank and dredging some of the tributaries? Carlos Espinosa of DERM advised the group that the county has asked the Corps to complete sediment surveys so that the county can be in a position to possibly add dredging of the tributaries and/or bank to bank dredging of the river to the Corps' federal navigation channel dredging project. Carlos said they need the sediment survey to determine how many cubic yards of sediment are actually in the tributaries, because the cost of dredging any area outside the federal channel must be 100% funded by the non-federal sponsor. Carlos added that the county is in the process of hiring a consultant to apply for the necessary permits to dredge outside the channel or in the tributaries. Carlos added that Ed Swakun & Associates is the consultant that the county is hiring to apply for the permits. David Miller advised that at the utilities meeting, the utility companies advised the county that there are many utilities that cross under these tributaries. These companies were told that the dredging project did not include the tributaries, so if the county is considering dredging the tributaries there may be additional utility problems. David also advised that moving utilities takes many months if not close to a year with permitting and procurement issues. Jerry Scarborough stated that the Corps is in a time crunch and in order to add this to the contract, without causing severe slippage of the project, a decision must be made very soon. Jerry suggested that it could be possible to add this to the channel dredging contract as an optional item; however, even with putting this as an option, the decision must be made very soon, so the plans and specification can be included in the dredging contract (even as an optional item) and in the Project Cooperation Agreement (PCA). Jerry Scarborough stated that Corps and county officials need to meet ASAP to resolve this issue. Lengthy discussion ensued. Jerry Scarborough advised the group that this is a "maintenance" dredging project and only loose silt and small rock would be removed. He emphasized that there would be no dredging of solid rock.

Roman Gastesi advised the group about state funding issues. As most people are aware, the state is holding a special session of the legislation and they are primarily looking at cutting expenditures due to a projected \$1.3 billion shortfall in revenues. Roman stated that the House of Representatives is recommending cutting \$2.25 million

from the dredging project; however, the Senate does not have the project on their cut list. Dick Bunnell said it would be a good idea to write letters or make phone calls to state legislators explaining the value of the dredging project. David Miller reported that on the federal side the appropriations process is still ongoing with \$4 million in the House budget and \$2 million in the Senate budget. The federal funding decision should be completed in 7-10 days.

Jerry Scarborough advised that the Corps has agreed with FDEP and has requested a "conceptual" Water Quality Certification (WQC). Once the contractor is chosen, the Corps would get an "individual" permit that incorporates the specific method that will be used by the dredging contractor. The U.S. Fish and Wildlife Service has not yet approved their part of the project and have asked the Corps for a river modeling profile and current sea grass surveys near the mouth of the river. David Miller read an email from Kent Edwards that basically stated that FDEP has initiated the "conceptual" WQC permit process and expected it to be completed by December 2001. Additionally, the email advised that a water quality variance cannot be issued with a conceptual permit, so the variance application will be on hold until the "individual" permit is requested. Also, the Corps and FDEP agreed that Kent should participate in the review and discussion of the contractor's bids on the project. Kent will not have a vote in the contractor selection process.

The next dredging meeting was scheduled for Tuesday November 20, 2001 at 10 am at this same location (Rosenstiel School). No new business came before the group and the meeting was adjourned at 11:30 am.

[HOME](#) [CALENDAR](#) [ABOUT THE RIVER](#) [ABOUT THE COMMISSION](#) [DREDGING](#) [GREENWAYS](#) [MINUTES OF MEETINGS](#) [LINKS](#)

THE MIAMI RIVER COMMISSION

ONE VOICE *for the river*



HOME

Calendar

About
the RiverAbout the
Commission

Dredging

Greenways

Minutes of
meetings

LINKS

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MIAMI RIVER COMMISSION**DREDGING COMMITTEE MINUTES:****Minutes of meeting**

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the Library map room of the Rosenstiel School of Marine and Atmospheric Science located at 4800 Rickenbacker Causeway, Miami, FL. The attendee list is attached.

Dick Bunnell welcomed everyone and opened the meeting. All attendees introduced themselves. Roman Gastesl, MDC, advised the group that MDC did not send their comments on the PCA to the Corps (as promised at the last meeting) because MDC has serious issues with the PCA. Roman has set a meeting with MDC and Corps (lawyers) after the Rose Bowl to discuss the PCA. Roman complained that the Corps was not available at this meeting and explained he has left several messages for the Corps, without answer. Roman stated that the current PCA is not a clear document. David Miller reminded Roman that at the last meeting the Corps' attorney was available to discuss the PCA or any other items and no comments were made at that time by MDC. Roman believes that the meeting between MDC and the Corps is scheduled for January 8, 2002. Scott Mitchell advised Roman that the Miami River Commission could provide another set of eyes to review the PCA or help assist MDC attorneys, if necessary. Carlos Espinosa discussed the possibility of utilizing a sample PCA from the Port of Miami; however, Nancy Case O'Bourke (a consultant for the port) stated that the Port of Miami has not signed a PCA in over 20 years, as they are operating under a different arrangement. Discussion ensued.

Dick Bunnell advised the group that FDEP issued the "Conceptual Water Quality Permit" on December 5, 2001. Carlos Espinosa advised the group about the progress of the "bank-to-bank" and tributary dredging that is outside the federal navigable channel. Carlos stated that the sediment surveys outside the channel and in the tributaries are ongoing and when that data is available, then an estimated cost of the additional dredging can be determined. Carlos explained that the cost of dredging outside the channel is not cost shared with the federal government. Discussion ensued. David Miller advised the group that there is a legal issue with the Corps about adding the tributary dredging on the main Corps dredging contract. Eddy Carter, from Gulf Engineers & Consultants and hired by the Corps to complete the Environmental Impact Statement (EIS) & Dredged Material Management Plan (DMMP), advised the group that the Corps' new surveys were also differentiating the hard rock substrate from the accumulated sediments. Eddy believes that the preliminary sediment surveys did not take into account the hard rock areas and he believes that total sediment volume outside the channel will decrease significantly. Discussion ensued about the need to work closely together to help fund the dredging outside the channel. All members agreed it is important for the rivers' cleanup that all contaminated sediments be removed, not just the sediments in the channel. Dick Bunnell pointed out that over the decades the ships propeller wash has actually moved sediments from the channel to the sides of the river that rightfully would be in the channel. This is aggravated by the fact that the last river dredging was in the 1930's. David Miller advised the group about the Miami River Corridor Urban Infill Plan and the opportunity to designate the river corridor as a Tax Increment Financing District (TIF). The Miami River Commission is working for a TIF district and the reason for the district was to help fund river improvements including the dredging costs. The group agreed that the TIF process should start as soon as

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possible. It was recommended that the TIF process start before the Miami River Corridor Urban Infill Plan is completed. The TIF process is political and the dredging working group suggested that meetings with politicians should be scheduled ASAP. Brett Bibben noted that MDC is looking at a 1.3 billion dollar bond issue and this bond (if approved) could also help fund the bank-to-bank and tributary dredging.

The next item was a report from the Corps on the status of the project. Jerry Scarborough was not present; however, Eddy Carter provided the Corps status report. Eddy reported that his company, GEC, provided the Corps' Jacksonville District Office the draft Dredged Material Management Plan (DMMP) and the Environmental Impact Statement (EIS) on November 28th for review. These documents reflected the changes in the base plan and the restrictions requested by MDC concerning no open air-drying of the sediments. Also the parking lot east of Miami Jai Alai was initially called the Interim Disposal Site, now the politically correct term is the Interim Upland Staging Area. The Corps and MDC are meeting and making progress concerning the source selection criteria that will be part of the RFP. The biggest hang-up right now is the status of the U.S. Fish & Wildlife Coordination Act Report (CAR). The DMMP and EIS cannot be put out for public review and higher authority review without the CAR. This is now causing a delay in the project. Eddy stated a meeting is scheduled for the January 10, 2002 between the Corps and F&WS about this report. Discussion ensued.

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Nancy Case O'Bourke advised the group that the dredging notification letter to all property owners was sent last week. Nancy stated that most questions she is hearing from property owners involve the bank-to-bank issue. Nancy is keeping a record of all inquiries. The interesting issue is trying to determine the real property owner. The group requested that a copy of the sample letter be attached to the minutes of this meeting.

Under new business, FDOT reported that they are having difficulty getting permits from FDEP to relocate under river utilities. FDOT is dealing with FDEP in West Palm Beach. FDOT representatives stated that the process is extremely time consuming and they may not get the permits in time to move utilities before the dredging. The group was concerned about this and will endeavor through MDC and DERM to help utilities get their required permits.

The next dredging meeting was scheduled for Wednesday, January 23, 2002 at 10 am at this same location (Rosenstiel School). Dick Burnell wished all a Happy Holiday. The meeting was adjourned at 11:30 am.

[HOME](#) [CALENDAR](#) [ABOUT THE RIVER](#) [ABOUT THE COMMISSION](#) [DREDGING](#) [GREENWAYS](#) [MINUTES OF MEETINGS](#) [LINKS](#)

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HOME

Calendar

About
the River

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Commission

Dredging

Greenways

Minutes of
meetings

LINKS

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MIAMI RIVER COMMISSION

DREDGING COMMITTEE MINUTES:

Minutes of meeting

The Miami River Commission Dredging Working Group meeting was called to order at 10 am in the Library map room of the Rosenstiel School of Marine and Atmospheric Science located at 4600 Rickenbacker Causeway, Miami, FL. The attendee list is attached.

Dick Hunsell welcomed everyone and opened the meeting. All attendees introduced themselves. Copies of the last dredging meeting minutes and copies of the letter sent to property owners advising them about the dredging project were distributed.

The first item discussed was the status of the Project Cooperation Agreement (PCA) between the Army Corps and Miami Dade County. Roman Gastel, MDC, advised the group that productive meetings have occurred and the PCA has been clarified and the county feels they can return their comments to the ACOE by the week of the February 15, 2002. Jerry Scarborough stated that the lawyers are talking and there are certain clauses in the PCA that are standard Corps requirements and cannot be changed, however, he believes that once it is explained and clarified to the county attorneys, they will be more comfortable. Jerry stated that the PCA can not go forward until the environmental documents are completed and the real hold up of the project is the Coordination Act Report (CAR). Jerry moved forward to the next item on the agenda, which is the status of the CAR. He stated that the Corps and U.S. Fish & Wildlife Service Office at Vero Beach met on January 10th and the F&WS stated they would have the CAR completed by the end of January. Jerry said the meeting was lengthy and detailed, but it went well. Jerry explained the process and stated that the Draft Environmental Impact Statement (DEIS) must be advertised for comments for 45 days and the final EIS must be advertised for 30 days. There are no short cuts for this process. Jerry advised that the new Corps schedule is for the request for proposal (RFP) to be issued in early May versus the end of March. Jerry explained the RFP is under development now and Miami-Dade County has a designated representative on the RFP development team and that person is a voting member of the team. Jerry indicated that he is showing a commencement date of the dredging project for September 10, 2002. This commencement date obviously could change if there are significant comments on the DEIS/EIS requiring amendments.

The remaining timeline includes advertising the RFP in early May and that is advertised for 45 days. Contractor selection or award will be in late July and dredging commencement in September. The DEIS will be advertised in the federal register and on the Corps website. Also it will be available on a CD. Favorable comments letters are accepted.

Dick Hunsell asked about the status of the new sediment surveys. The Corps responded they have received a draft survey and are awaiting the final report. This updated survey will help determine the amounts of sediment in the river and define the areas of virgin rock that will not be dredged. Discussion ensued. John Bearce, ACOE, stated that the 400,000 cubic yards of material that the Corps has stated is outside the federal channel is only a theoretical figure that included areas that may or may not be "dredgeable". It assumed dredging to a 17-foot depth through out the whole width of the river or the

JAN. 23, 2001
10:00 AM
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bank-to-bank area. We know this is not going to be possible because much of that is solid rock. John believes the new survey will show a significant decline in the 460,000 yards!

Susan Markley advised that the County has contracted a consultant to apply for required permits for the bank-to-bank areas and the tributaries. The County is awaiting the Corps' final surveys before they can submit any permit applications.

David Roach, Executive Director of the Florida Inland Navigation District (FINI) discussed the possibility of FINI grant funding for assistance in dredging the tributaries to the Miami River. David stated that FINI could provide a maximum of 90 % of the funding for dredging the tributaries. **FINI grant funding applies only to natural tributaries and does not provide dredging funds for manmade or artificial canals.** He further explained that Miami-Dade County can receive a maximum of \$3 million per year, and that is for all FINI projects in Miami-Dade. General discussion ensued.

Roman Gastesi commented that all companies that are required to relocate utilities should submit permit requests to Ms. Melissa Meeker at the FDEP office in West Palm Beach. She is aware of the dredging project and importantly the "Conceptual Permit" issued by FDEP to the Corps for the dredging project. Dick Burnell suggested it would be a good idea to have another meeting of utility companies, to ensure all is proceeding well with the required utility relocations. Roman said he would set up another meeting with the utility companies.

David Miller advised that he has received calls from marinas and other businesses along the river concerning whether their areas will be dredged and if the project does not cover a marina area, how can they get their marinas dredged. Discussion ensued and the final outcome was that each individual business or marina would have to get their own permits and then they may be able to "piggyback" with the channel dredging project. It was noted that the dredging equipment used on the river might not be suitable for these smaller, narrower areas. The end result of the discussion was that the MRC, with the assistance of Case O'Rourke Engineering, would advise these owners of the various requirements of permitting, funding, etc. The general consensus of the group was that this is an opportunity for property owners.

The next dredging meeting was scheduled for Wednesday, February 20, 2002 at 10 am at this same location (Rosenstiel School). The meeting was adjourned at 11:30 am.

[HOME](#) [CALENDAR](#) [ABOUT THE RIVER](#) [ABOUT THE COMMISSION](#) [DREDGING](#) [GREENWAYS](#) [MINUTES OF MEETINGS](#) [LINKS](#)

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