



FLORIDA DEPARTMENT OF STATE

George Firestone
Secretary of State

DIVISION OF ARCHIVES,
HISTORY AND RECORDS MANAGEMENT
The Capitol, Tallahassee, Florida 32301
(904) 488-1480

December 17, 1983

In Reply Refer To:

Mr. Louis D. Tesar
Historic Preservation Supervisor
(904) 487-2333

Michael S. Tammaro, Attorney
Southwest Florida Water Management District
Post Office Box V
West Palm Beach, Florida 33402

RE: 4-Arch Creek-22; Reconstruction of the Arch Creek Salinity Control Structure

Dear Mr. Tammaro:

We are responding to your November 23, 1983 response to the November 21, letter to Mr. A. W. Correa from Mr. Robert S. Carr of the Metropolitan Dade County Historic Preservation Division. Mr. Carr's letter together with the August 17, 1983 letter and attachments to Mr. Correa from Mr. Martin A. Washington, Chief of Dade County's Park and Recreation Department, Property Management Acquisition Section, summarize our continuing concern for the protection of the state-owned Arch Creek site. Mr. Washington also provided Mr. Correa with a copy of our July 27, 1983 letter to Mr. Bill Bird, Director, Metro-Dade Park and Recreation Department, as well as a copy of the Lease Agreement (No. 3052) which assigns management of the Arch Creek tract to Metropolitan Dade County.

As you have probably already noted, the first stipulation in the Arch Creek Lease to Dade County states:

Coordination by the Lessee is required with the State of Florida Department of State, Division of Archives, History and Records Management, as necessary, in order to provide for the protection of any archaeological or historical sites.

Dade County, as evidenced by correspondence and telephone conversations to date, has consistently tried to comply with this provision in Lease Agreement 3052. Your November 23, 1983 response to Mr. Carr, however, leaves us concerned that the South Florida Water Management District is not making a conscientious effort to avoid damaging the Arch Creek Archaeological site.

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It is our understanding that the contractor proposes to use a pile driver to construct a new interlocked metal sheet dam at the site. We have recommended reinforcing the adjacent undercut limerock walls of the partially collapsed natural arch and coonti mill race features to prevent damage during construction. To accomplish this reinforcement, we have suggested pumping concrete under the eroded ledges as a permanent corrective measure or using 4" X 4" or some other wood shoring to absorb the shock of the pile driver as a temporary measure of construction. Yet we have no indication that either of these suggestions or any other protective action has been included in the salinity dam project construction plans. You simply state that: "some damage is, however, to be expected". How do you propose to minimize or mitigate this damage?

It appears as if portions of the project encroach upon state-owned uplands. Inclusion of portions of the state-owned Arch Creek site within your construction area as the project plans show will, if an easement has not already been obtained, require the permission of the Board of Trustees of the Internal Improvement Trust Fund. If acceptable protective measures are not made a part of the project, it will be our recommendation that the Board deny your request. While the Southwest Florida Water Management District may have a flowage easement through the tract and a need to reconstruct the salinity control structure as proposed, the District is liable for damages which occur as a result of its activities. Therefore, if acceptable protective measures are not undertaken and the project results in damage to State property (i.e., the Arch Creek site), then it will be our recommendation that appropriate legal action be initiated by the State to enforce the relevant provisions of state law.

We are more than willing to work with the Southwest Florida Water Management District to resolve this problem to our mutual satisfaction. The response to date from that agency has not, however, been encouraging.

If you have any questions concerning our comments, please do not hesitate to contact us.

Sincerely,


Randall Kelley, Director
Division of Archives, History and Records
Management

RK:Teb

cc: James McFarland
Tony Correa
Bill Bird
Marty Washington
Robert S. Carr