

# Memorandum



**Date:** September 9, 2004

**To:** Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

Agenda Item No. 4(T)

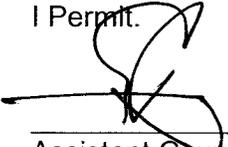
**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

**Subject:** Class I Permit Application by the Miami-Dade County Seaport Department to Dredge Areas  
at the Port of Miami

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Attached, please find for your consideration an application by the Miami-Dade County Seaport Department for a Class I Permit. Also, attached is the recommendation of the Director of the Department of Environmental Resources Management and a Resolution approving the aforesaid Class I Permit.



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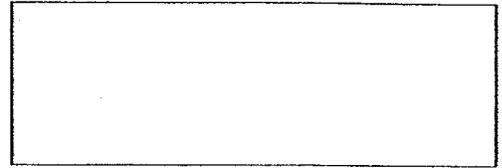
Assistant County Manager

# Memorandum



Date: August 5, 2004

To: George M. Burgess  
County Manager



From: John W. Renfrow, P.E., Director  
Environmental Resources Management

A handwritten signature in black ink, reading "John W. Renfrow", with a long horizontal flourish extending to the right.

Subject: Class I Permit Application by the Miami-Dade County Seaport Department to Dredge Areas  
at the Port of Miami

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## RECOMMENDATION

I have reviewed the application from the Miami-Dade County Seaport Department for a Class I Permit. Based upon the applicable evaluation factors set forth in Section 24-58.3 of the Code of Miami-Dade County, I recommend that the Board of County Commissioners approve this application for the reasons set forth below.

## BACKGROUND

The subject Class I Permit application involves dredging of the berthing areas along the South Channel and Central Turning Basin at the Port of Miami to a depth of 42 feet NGVD with a four-foot overdredge allowance in order to complete the Phase II dredging project in this area. Dredging in this area has been previously authorized by federal, state and county permits and completion of the proposed work requires the removal of approximately 200,000 cubic yards of limerock and sand.

The area to be dredged under this permit application extends from a point 10 feet waterward of the Seaport bulkhead to the federal navigation channel. This channel is generally located approximately 100 feet off the bulkhead in this area. All of the submerged lands within the proposed project area are owned by Miami-Dade County. The dredged material will be disposed of at a federally designated Offshore Dredged Material Disposal Site (ODMDS) located approximately four miles offshore, or at approved upland fill sites. The Department of Environmental Resources Management (DERM) will require that the Seaport Department maintain an observer on the spoil disposal vessel(s) to fully document the process in order to insure the material is placed within the proper area, and to immediately report to the Seaport Department and to DERM if there are any problems or discrepancies with requirements of the permit or contract. In addition, DERM will require an Environmental Protection Plan to be submitted and approved if the Seaport Department or the contractor elects to dispose of the material at any site other than the ODMDS. Standard turbidity control, water quality monitoring, and endangered species protective measures will be employed, as will monitoring of dredge spoil disposal operations at the ODMDS. In addition to inspections by DERM, the Engineer of Record will be required to make inspections at regular intervals and report to DERM and the Seaport Department if any problems are noted, including deviations from the plans, permit or contract.

George M. Burgess  
County Manager  
Page 2

There are no significant resources in these berthing areas since they have been dredged repeatedly in the past and all mitigation required pursuant to permits authorizing past dredging has been completed. In addition, no blasting is authorized under this approval. Therefore no mitigation is required by DERM for this work.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is also consistent with all other Miami-Dade County coastal protection provisions. Please find attached a Project Report from the DERM Coastal Resources Section which outlines in more detail the reasons why the project is recommended for approval by DERM pursuant to the applicable evaluation factors set forth in Section 24-58.3 of the Code of Miami-Dade County, Florida. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by reference hereto.

**Attachments**

- Attachment A: Class I Permit Application/Owner's Authorization Statement
- Attachment B: Affidavit of Ownership
- Attachment C: Engineer Certification Letter/Project Sketches
- Attachment D: Adjacent Riparian Owners Memorandum
- Attachment E: Zoning Substantiating Letter Memorandum
- Attachment F: DERM Project Report
- Attachment G: Project Sketches



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** September 9, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 4 (T)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4 (T)

Veto \_\_\_\_\_

9-9-04

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RELATING TO AN APPLICATION BY THE MIAMI-DADE COUNTY SEAPORT DEPARTMENT FOR A CLASS I COASTAL CONSTRUCTION PERMIT TO DREDGE BERTHING AREAS ALONG THE SOUTH CHANNEL AND CENTRAL TURNING BASIN AT THE PORT OF MIAMI

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-58.3 of the Code of Miami-Dade County, hereby approves the application by the Miami-Dade County Seaport Department for a Class I Coastal Construction Permit to dredge the berthing areas along the South Channel and the Central Turning Basin at the Port of Miami, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 9<sup>th</sup> day of September, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Peter S. Tell

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY  
THE MIAMI-DADE COUNTY SEAPORT DEPARTMENT  
FOR A CLASS I COASTAL CONSTRUCTION PERMIT TO  
DREDGE BERTHING AREAS ALONG THE SOUTH  
CHANNEL AND THE CENTRAL TURNING BASIN AT THE  
PORT OF MIAMI

BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Section 24-58 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a Public Hearing on a request by the Miami-Dade County Seaport Department for a Class I Coastal Construction Permit to dredge berthing areas along the South Channel and the Central Turning Basin at the Port of Miami. Such Public Hearing will be held on the     day of                     , 2004, at 9:30 am o'clock, at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 4th Floor, 33 S.W. 2nd Avenue, Miami, Florida, 33130.

Oral statements will be heard and appropriate records made. For accuracy of records all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing

or mailed to her beforehand (Kay Sullivan, Deputy Clerk), 111 N.W. 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Environmental Resources Management, 33 S.W. 2nd Avenue, Miami, Florida, 33130.

A person who decides to appeal any decision made by any Board, Agency, or Commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: \_\_\_\_\_  
Kay Sullivan, Deputy Clerk

**Attachment A:  
Class I Permit Application/Owner's Authorization  
Statement**



# Class I Permit Application

1. Application number  
CC04-256

2. Date Day/Month/Year  
7/28/04

3. For official use only

4. Applicant Information:  
Gerry Cafiero, Assistant Director  
Name: Miami-Dade County Seaport Department  
Address: 1015 North American Way, 2<sup>nd</sup> Floor  
Miami, Florida Zip Code: 33132  
Phone # (305)347-4890 Fax #: (305) 347-4893

5. Applicant's authorized permit agent:  
Name: Amy Kimball-Murley  
Address: 7520 Red Road, Suite M  
South Miami, Florida 33143  
Phone #: (305)669-3172 Fax # (305)669-3174

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pipe or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

See Attached.

Dredged/Excavated		Filled/Deposited	
Volume of Material: 200,000.00 (est) CY	Volume of Material: 200,000.00 (est) CY	Volume of Material: 200,000.00 (est) CY	Volume of Material: 200,000.00 (est) CY
<small>Waterward of O.H.W. or M.H.W.</small>	<small>Landward of O.H.W. or M.H.W.</small>	<small>Waterward of O.H.W. or M.H.W.</small>	<small>Landward of O.H.W. or M.H.W.</small>

7. Proposed Use: (Check One)

Private  
 Public  
 Commercial  
 Other

8. Names and addresses of adjoining property owners whose property also adjoins the waterway.

Name: City of Miami Address: 444 S.W. 2 <sup>nd</sup> Avenue Miami, Florida 33130	Name: State of Florida Address: 3900 Commonwealth Blvd. Tallahassee, Florida Zip Code: 32399-3000
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9. Location where proposed activity exists or will occur.

Street Address: 1015 North American Way  
Miami,  
State: Florida County: Miami-Dade In City or Town : Miami Near City Or Town:

Latitude: 25°46'30" Longitude: 80°10'00"  
Section: 5, 9& 10 Township: 54S Range 42E

10. Name of waterway at location of the activity.  
South Channel, also known as Fisherman's Channel, Port of Miami, Florida

11. Date activity is proposed to:  
Commence: October 2004 Be completed: July 2006

12. Is any portion of this activity for which authorization is sought now complete?  
 Yes  
 No  
 If answer is "yes", give reasons in the remarks section. Indicate the existing work on the drawings.  
 Month and Year the activity was completed \_\_\_\_\_

13. List all approvals or certifications required by other Federal, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application, including whether the project is a Development of Regional Impacts.

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
USACE	Dredge and fill	79B-0623, as modified on November 26, 2001		October 6, 1980
FDEP	Dredge and fill	131106409, as modified on April 23, 2003		March 7, 1986

14. Has any other agency denied approval for any activity directly related to the activity described herein?  
 Yes  
 No

15. Remarks  
  
None.

16. Estimated project cost = to be provided

17. Contractor's name and address  
 (To be Provided)  
 Name: \_\_\_\_\_ License #: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

19. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:  
 8½ x 11 Location Map  
 8½ x 11 Project Drawing  
 Copy of Application

18. Application is hereby made for a permit or permit(s) to authorize the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making the preliminary analyses of the site and monitoring permitted works, if permit is granted. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of owner \_\_\_\_\_  
 Gerry Cafiero, Assistant Director, Miami-Dade County Seaport Department  
 Date August 13<sup>th</sup> 2004

SUBSCRIBED AND SWORN TO ME THIS 13<sup>th</sup> DAY OF August, 2004, BY \_\_\_\_\_  
 PERSONALLY KNOWN       PRODUCED IDENTIFICATION (PLEASE CHECK ONE)  
 TYPE OF ID PRODUCED \_\_\_\_\_  
 RENE E JONES  
 MY COMMISSION # DD 216166  
 EXP: RES: May 28, 2007  
 NOTARY PUBLIC  
 FL. Notary Discount Assoc. Co.

## Port of Miami Phase II Berthing Area Dredging Project

### *Section 6: Description of Work*

The purpose of this permit application is to enable deepening of the Port of Miami berthing area adjacent to the Miami Harbor Project, a federal channel proposed for construction by the United States Army Corps of Engineers (USACE). The federal project entails deepening of South Channel (also known as Fisherman's Channel) and the Central Turning Basin (also known as the Lummus Island Turning Basin) to a design depth of (-) 42' plus a one foot overdredge. A four foot overdredge is requested for this permit to accommodate potential artifacts of the dredging process. However, the contract for the project will specify a one foot overdredge allowance for payment purposes.

The proposed activity consists of deepening an approximately 100' wide area between the bulkhead and the northern boundary of Phase II of the Miami Federal Harbor Project (see Figure 1, Location Map). An approximately 90' wide area is proposed for dredging, with a 10 foot standoff from the bulkhead. This project will address the depth increment between (-) 37.5' and (-) 42' NGVD. Please note that dredging necessary to reach (-) 37.5' NGVD is vested against Miami-Dade County permitting authority via USACE Permit 79B-0623, as originally issued in October 1980.

Dredging will be conducted either by mechanical or hydraulic means, depending upon the equipment proposed by the winning contractor. The contractor for this project will be the same contractor selected by the United States Army Corps of Engineers to complete Phase II of the Miami Federal Harbor project, and construction is expected to take place within the overall framework of the USACE's work.

Dredged material from this project will be disposed of in one of the following locations:

1. Approved fill areas per 79B-0623 as originally issued in October 1980;
2. The Miami ODMDS, as permitted by USACE Permit 199301155, as amended. The Port of Miami has applied for an extension of their existing permit; the area addressed by the permit extension includes the area addressed by this dredging;
3. The Virginia Key disposal site, should the County, USACE, contractor or other interested party reach an agreement with the City of Miami to use the site, and upon DERM staff approval of the option and submittal and approval of an Environmental Protection Plan issues associated with transport and disposal of dredged material at the site; and,
4. Any other upland disposal site approved by federal, state and local agencies.

Mitigation for this project has been performed pursuant to CC94-290. Turbidity monitoring has been established in the USACE FDEP Water Quality Certification for the Federal Harbor Project and the same monitoring is requested for this effort. Other environmental conditions, including monitoring and inspection, are listed as conditions in existing permit CC98-405 and those conditions that apply to this more limited area are expected to be present in the permit which will generate from this request.

# Memorandum



**Date:** August 13, 2004

**To:** Craig Grossenbacher, Special Projects Administrator  
Department of Environmental Resources Management

**From:** Gerry Cafiero, Assistant Director  
Seaport Department

**Subject:** Class I Standard Form Application Number CC04-256  
Miami Dade County Seaport Department  
Phase II Berthing Area Dredging Project

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By the attached permit application and supporting documents, I, Gerry Cafiero, Assistant Director, Miami-Dade County Seaport Department, am the permit applicant and hereby request permission to perform the following: dredge the berthing area between the Port of Miami's bulkhead line and the Phase II Federal Harbor Project. I understand that a Miami-Dade County Class I Standard Form Permit required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered in the State of Florida and in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida, and the Miami-Dade County Public Works Manual. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record.

Should you need to contact me, I can be reached at 305-347-4970.

**Attachment B:  
Affidavit of Ownership**

# Affidavit of Ownership And Hold Harmless Agreement

Personally Appeared Before Me, Gerry Cafiero, Assistant Director, Miami-Dade County Seaport Department, that undersigned authority, and hereby swears and affirms under oath as follows:

1. That your affiant is the record owner or lessee of that certain property\* more fully described as:

Phase II Berthing Area, South Channel, Port of Miami, Florida

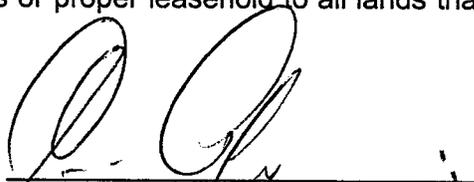
\* may attach legal description from public records or plat book or a copy of the warranty deed

2. That your affiant is also the riparian and/or littoral owner or lessee of that certain property that is the subject matter of Application No. CC04-256 for a Class I permit under and pursuant to Section 24-58 of the Code of Miami-Dade County to construct or engage in the following activity:

Dredge the berthing area to (-) 42' NGVD with a four foot overdredge

3. That your affiant hereby swears and affirms its ownership or leasehold in the above noted property necessary for the work noted in Paragraph 2 above, and hereby agrees to: defend same and hold the County harmless from any and all liability, claims and damages of any nature whatsoever occurring, including or arising as a result of your affiant not having the proper title to all lands or proper leasehold to all lands that are the subject matter of this application.

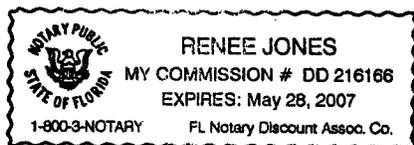
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

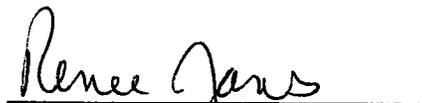


Owner/Applicant  
Gerry Cafiero  
Assistant Director  
Miami-Dade County Seaport Department

BEFORE ME, the undersigned authority, personally appeared Giovanni Cafiero, who, after being duly sworn, deposes and says that he/she has read the foregoing, and that the statements contained therein are true and correct to the best of his/her knowledge and belief.

Sworn to and subscribed before me this 13<sup>th</sup> of August, 2004.  
(day) (month) (year)



  
Notary Signature

## MEMORANDUM

107.07-17A

TO Carmen J. Lunetta  
Director, Seaport

DATE August 6, 1982

SUBJECT Opinion of Title

FROM Stephen P. Lee  
Assistant County Attorney

This memorandum is in response to your request for an opinion of title pertaining to the following described real property:

A portion of Sections 4, 5, 8 and 9 of Township 54 South, Range 42 East, Dade County, Florida, being more particularly described as follows:

Commence at the United States Engineering Department Station "KYLE", the 1929 adjustment Standard Plane Rectangular Coordinates for the East Zone of Florida for said U.S.E.D. Station "KYLE" being X=775,934.51 and Y=525,071.11; thence run S 01°07'55"W for a distance of 1109.60 feet to the Northeast corner of the Port of Miami as shown on the METROPOLITAN DADE COUNTY, FLORIDA, BULKHEAD LINE, PART THREE, ADDITION ONE, as recorded in Plat Book 74 at Page 19 of the Public Records of Dade County, Florida, the same being the Point of Beginning of the herein described parcel; thence run N 25°05'45"E, at right angles to the center line of the Miami Ship Channel for a distance of 350.00 feet to a point of intersection with a line parallel with the center line of said Miami Ship Channel (the center line of the Miami Ship Channel being defined by two points on said center line having 1929 adjustment Standard Plane Rectangular Coordinates for the East Zone of Florida as follows: X=770,334.61 and Y=527,348.20 AND X=780,335.36 and Y=522,664.40); thence run S 64°54'15"E along a line 350.99 feet Southerly of and parallel with the center line of said Miami Ship Channel and its Southeasterly projection beyond the angle break in said center line of the Miami Ship Channel for a distance of 6000.00 feet; thence run S 25°05'45" W, at right angles to the last described line, for a distance of 371.35 feet; thence run N 88°36'19" W for a distance of 5294.27 feet; thence run N 64°57'53" W for a distance of 1150.00 feet; thence run N 25°02'07" E, at right angles to the last described course and along the Southerly extension of the East line of the Port of Miami as shown on said METROPOLITAN DADE COUNTY, FLORIDA, BULKHEAD LINE, PART THREE, ADDITION ONE, for a distance of 150.00 feet to the Southeast corner of said Port of Miami; thence continue to run N 25°02'07" E (shown on the aforementioned Bulkhead Line plat to be N 25°27'25" E) along the East line of said Port of Miami for a distance of 2000.67 feet to the Point of Beginning.

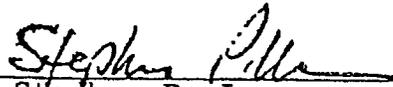
Carmen J. Lunett  
August 6, 1982  
Page 2

Opinion of Title  
Seaport Department

The Dade County, Florida, Public Works Department, Title Analysis Section, has advised this office that there is clear title to the above described property into Metropolitan Dade County.

This office has reviewed a Title Search dated April 1, 1982 to the above described property by the Title Analysis Section of the Public Works Department. Said Title Search is attached hereto and made a part hereof. Based on said review, and specifically based on the representation in said Title Search that there is a continuous and unbroken chain of title on the subject property into Metropolitan Dade County, Florida, I am of the opinion that subject to the restrictions, limitations, easements and liens of record, Metropolitan Dade County, Florida, has title to the said property.

I further certify that I am a duly licensed attorney in the State of Florida, admitted to the practice of law.

  
Stephen P. Lee

SPL/sh  
attachment

CK 05738

20380

1980 JUL -3 PM 2:1

80R176594

REC 10798 PG 1823

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
999.00

WARRANTY DEED

THIS INDENTURE made this 30th day of June, 1980, between LUMMUS ISLAND, INC., a corporation existing under the laws of the State of Florida, having its principal place of business in the County of Dade and State of Florida and lawfully authorized to transact business in the State of Florida, party of the first part, and METROPOLITAN DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, party of the second part.

WITNESSETH: that the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns, forever, the following described land situate, lying and being in the County of Dade and State of Florida to-wit:

Beginning at the Southwest corner of fractional Section 4, Township 54 South, Range 42 East, thence North 1 degree and 57 minutes West along the West line of said fractional Section 4 for a distance of 1360 feet to a point; thence South 64 degrees, 31 minutes East for a distance of 1630 feet to a point; thence North 68 degrees, 23 minutes and 25 seconds East for a distance of 702.73 feet to a point; thence South 64 degrees, 31 minutes East for a distance of 950.00 feet to a point; thence South 25 degrees, .29 minutes West for a distance of 459.40 feet more or less to a point in the South line of said fractional Section 4; thence South 88 degrees and 3 minutes West along the South line of said fractional Section 4 for a distance of 2740 feet to the point and place of beginning, containing 54.75 acres, be the same more or less; together with all riparian, common law and littoral rights pertaining thereto.

The said party of the first part does hereby fully warrant the title to said land, and will defend the same against

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
999.00

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
999.00

CK 05739

18

...persons whomsoever.

...HEREOF, the said party of the first part caused these presents to be signed in its name by its proper officers, and its corporate seal to be affixed, attested by its Assistant Secretary, the day and year above written.

signed, sealed and delivered to the presence of

LUMMUS ISLAND, INC.

*Walter Etlings*

By: *Walter Etlings*  
Walter Etlings  
President

*Thomas H. Wakefield*

Attest:  
*Thomas H. Wakefield*  
Thomas H. Wakefield  
Assistant Secretary

Witnesses as to Walter Etlings, President and Thomas H. Wakefield, Assistant Secretary of Lummus Island, Inc.

(CORPORATE SEAL)



RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA. RECORD VERIFIED.  
RICHARD P. BRINKER, CLERK CIRCUIT COURT

STATE OF FLORIDA }  
COUNTY OF DADE } SS:

I HEREBY CERTIFY that on this day personally appeared WALTER ETLING and THOMAS H. WAKEFIELD, President and Assistant Secretary, respectively, of LUMMUS ISLAND, INC., a corporation under the laws of the State of Florida, to me known to be the persons who signed the foregoing instrument as such officers and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Miami, in the County of Dade and State of Florida, this 8<sup>th</sup> day of June, 1980.

*Richard P. Brinker*  
Notary Public, State of Florida at Large

My Commission expires: NOTARY PUBLIC STATE OF FLORIDA AT LARGE MY COMMISSION EXPIRES MAR. 3 1982



STATE OF FLORIDA STAMP TAX 999.00

STATE OF FLORIDA STAMP TAX 999.00

CK 05740

CORRECTED  
GENERAL WARRANTY DEED OF  
THE CITY OF MIAMI  
COUNTY OF DADE, STATE OF FLORIDA

THIS DEED, made this 7<sup>th</sup> day of May, 1980, by and between THE CITY OF MIAMI, a municipal corporation of the State of Florida, in the County of Dade, of the first part, as grantor, and DADE COUNTY, a political subdivision, of the State of Florida, of the second part, as grantee (the word "grantee" meaning either singular or plural and including the heirs, assigns, personal representatives and successors thereof, where the context so requires or admits);

WITNESSETH: THAT the said party of the first part, for and in consideration of the sum of One Dollar and other good and valuable consideration to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever all right, title, interest and demand acquired by THE CITY OF MIAMI in and to the following land, situate, lying and being in Dade County, Florida:

TRACT I

Commence at the S.E. corner of the existing bulkhead lines around the PORT OF MIAMI as shown on the plat of the METROPOLITAN DADE COUNTY BULKHEAD LINE as recorded in Plat Book 74 at Page 19 of the Public Records of Dade County, Florida; thence S 25° 27' 25" W along the prolongation of the existing bulkhead a distance of 150.00 feet; thence S 64° 32' 35" E a distance of 500.00 feet to a point of intersection with a line which is southeasterly and parallel with the aforementioned bulkhead line; said line also being described in that certain deed to Dade County for the existing PORT OF MIAMI property and recorded January 23, 1961 in Official Records Book 2454 at Page 77 of the Public Records of Dade County, Florida; said point also being the point of beginning of the following described Tract I; thence S 25° 27' 25" W a distance of 1124.55 feet; thence S 87° 57' 19" E a distance of 4998.00 feet; thence N 2° 02' 41" E a distance of 125.00 feet to a point of intersection with the City Limits of Miami; thence S 87° 57' 19" E along said City Limits of Miami being 125 feet, more or less, northerly of the bulkhead line of FISHER ISLAND a distance of 1790.00 feet; thence N 2° 52' 48" E a distance of 988.41 feet to a point of intersection with a line which is 100 feet southwesterly of and parallel with the southerly right-of-way line of the MAIN SHIP CHANNEL; thence N 64° 32' 35" W along said line 100 feet southeasterly of and parallel with the southerly right-of-way line of the MAIN SHIP CHANNEL a distance of 5800 feet; thence S 25° 27' 25" W a distance of 2600 feet to the point of beginning, said Tract I containing 329.5+ acres, less and excepting therefrom that portion of submerged and upland area of LUMMUS ISLAND lying in Section 4, Township 54S, Range 42E, and more particularly described as follows:

Begin at the S.W. corner of fractional section 4-54-42, thence north 1° and 57' West along the West line of said fractional Section 4 for 1360' to a point; thence South 64° 31' East for 1630' to a point; thence North 68° 23' 25" East for 702.73' to a point; thence South 64° 31' East for 950.00' to a point; thence South 25° 29' West for 459.40' more or less to a point in the south line of said fractional Section 4; thence South 88° 3' West along the South line of said fractional Section 4 for 2740' to the point of beginning.

Consisting of 54.75 acres, more or less.

REC 10/54 1977

TRACT II

Commence at the S.E. corner of the existing bulkhead lines around the PORT OF MIAMI as shown on the plat of the METROPOLITAN DADE COUNTY BULKHEAD LINE as recorded in Plat Book 74 at Page 19 of the Public Records of Dade County, Florida; thence S 25° 27' 25" W along the prolongation of the aforementioned easterly bulkhead line of said PORT OF MIAMI a distance of 1400' to a point, said point being the point of beginning of the hereinafter described TRACT 2 of submerged land; thence S 87° 57' 19" W a distance of 940.00 feet to a point; thence N 64° 32' 35" W a distance of 725.00 feet to a point; thence N 5° 02' 32" W a distance of 625.00 feet to a point on the Northerly Limits of FISHERMAN'S CHANNEL; thence meandering in a southeasterly direction along said northerly limits of FISHERMAN'S CHANNEL a distance of 1750 feet, more or less, to a point of intersection with a line which bears N 2° 02' 41" W, from the said point of beginning; thence S 2° 02' 41" E a distance of 375 feet, more or less, to the point of beginning.

Said TRACT II containing 22 acres, more or less.

The party of the first part grants all the real property noted in this deed to the party of the second part so long as the said property is utilized for a Seaport and associated uses. In the event that the party of the second part does not use the property for a Seaport or associated uses or conveys or attempts to convey all or a portion of the property, then all the property described herein will revert back to the party of the first part or its successors or assigns at the option of said party.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said grantor either at law or in equity, to the only proper use and benefit of the said grantee forever.

IN WITNESS WHEREOF, the City of Miami, a municipal corporation of the State of Florida, has caused this instrument to be executed in its name and its corporate seal to be affixed hereto, by its City Manager and its City Clerk, both thereunto duly authorized, this 7 day of May, 1980.

Signed, sealed and delivered in the presence of:

[Signature]  
Angela R. Bellamy

THE CITY OF MIAMI

By [Signature]  
As City Manager

Attest: [Signature]  
As City Clerk



CK 05742

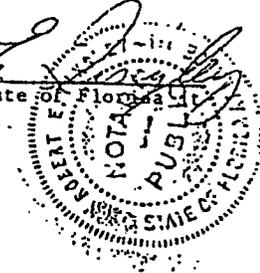
21

STATE OF FLORIDA)  
COUNTY OF DADE )

I, an officer authorized to take acknowledgments, HEREBY CERTIFY that on this 7 day of May, 1980 personally appeared before me JOSEPH R. GRASSIE and RALPH G. ONGIE, known to me to be the City Manager and the City Clerk, respectively, of THE CITY OF MIAMI, a municipal corporation in and under the laws of the State of Florida, and known to me to be the persons who executed the foregoing instrument, and they severally acknowledged the execution thereof to be their free and voluntary act and deed as such officers, for the uses and purposes therein expressed, and that they affixed thereto the official seal of the said municipal corporation, all by and with the authority of law and of the City Commission, and that the said instrument is the free and formal act of the said municipal corporation.

WITNESS my hand and official seal in said County and State the day and year last aforesaid.

My commission expires: 9-13-81

*Robert G. Brinker*  
Notary Public, State of Florida  
Large.  


RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
RICHARD P. BRINKEE  
CLERK CIRCUIT COURT

*dd*

**Attachment C:  
Engineer Certification Letter/Project  
Sketches**



1015 NORTH AMERICA WAY • 2ND FLOOR • MIAMI, FLORIDA 33132-2081 • PHONE (305) 371-PORT (371-7678) • FAX (305) 347-4843

August 9, 2004

Mr. Craig Grossenbacher  
Special Projects Coordinator  
Miami-Dade County DERM  
33 S.W. 2<sup>nd</sup> Avenue, Suite 400  
Miami, Florida 33140-1540

**Re: Class I Standard Form Permit Application Number 04-256  
Miami-Dade County Seaport Department  
Phase II Berthing Area Dredging Project**

Dear Mr. Grossenbacher:

This letter will certify that I am a registered engineer in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion and based upon my knowledge and belief, the following will not occur:

- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work,
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water, or,
- c. Material injury to adjacent property.

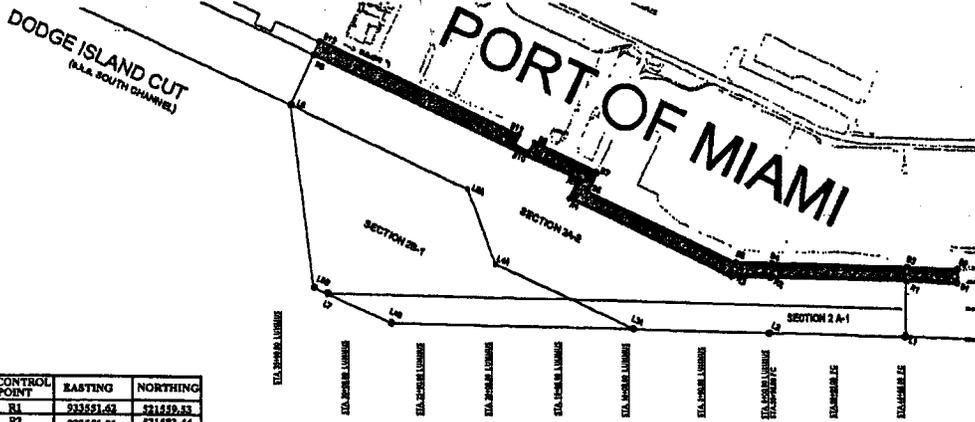
Further, I have been retained by the applicant to provide inspections throughout the construction period and shall prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Sincerely,

Roberto Alas, PE  
P.E. # 33 605

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CONTROL POINT	EASTING	NORTHING
R1	932551.02	521459.33
R2	932581.91	521583.44
R3	932376.99	521590.02
R4	931105.85	522137.35
R5	931169.34	522273.55
R6	930928.79	523106.31
B1	933921.52	521560.69
B2	933923.91	521640.66

CONTROL POINT	EASTING	NORTHING
B3	933984.01	521839.30
B4	932954.30	521983.41
B5	932100.34	521899.49
B6	931238.77	521884.61
B7	931382.28	522321.30
B8	930847.64	522333.19
B9	930822.71	522479.98
B10	930712.01	522529.89
B11	930726.83	522564.98
B12	930654.82	522420.63

*Robert A. Al...*  
07-27-2004

PHASE I BERTHING AREA DREDGE LIMITS TO 42 ± 4' OVERDEPTH

- NOTES:
1. Survey information from USACE Phase II Dredging, Miami Harbor, Aug. 2002
  2. Elevations are in feet.
  3. Datum MVD.
  4. Coordinate information from Vial, Inc. Surveying & Mapping Specific Purpose Survey dated Sep. 16, 2002 in NAD 1983/90 datum.

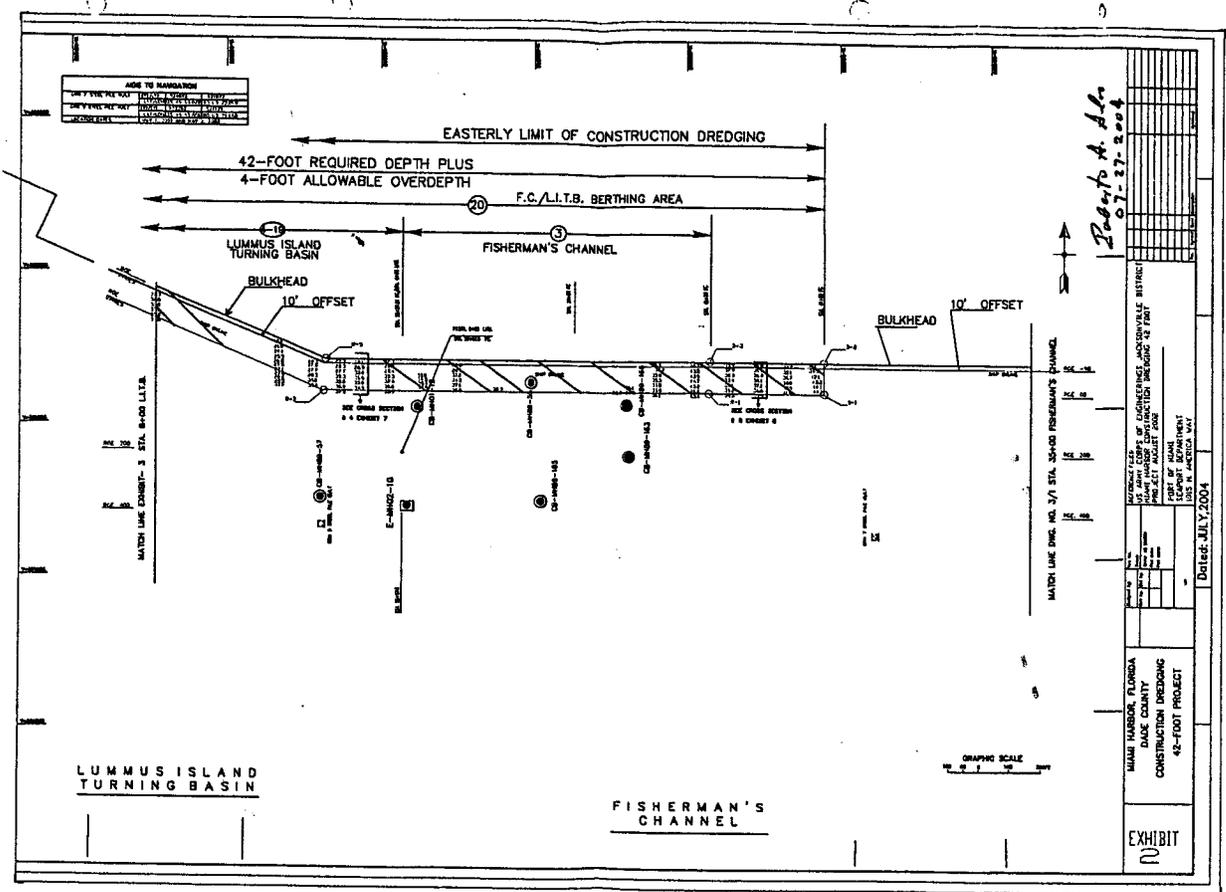
LEGEND  
PERMIT LIMITS

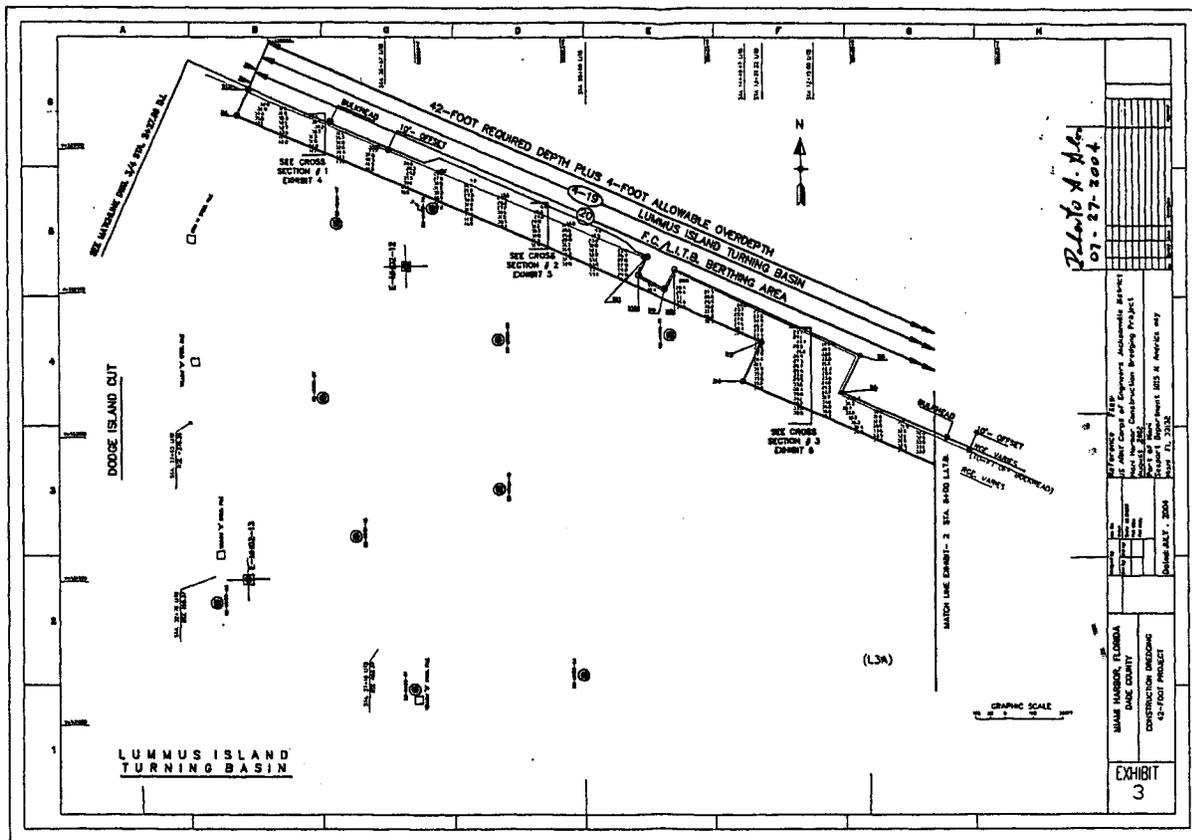
EXHIBIT:1  
**Port of Miami  
Phase II Plan View**

DATE: JULY 2004

Scale: 5 Feet = 1 Inch - North

25





*R. L. L. A. A.*  
07-27-2004

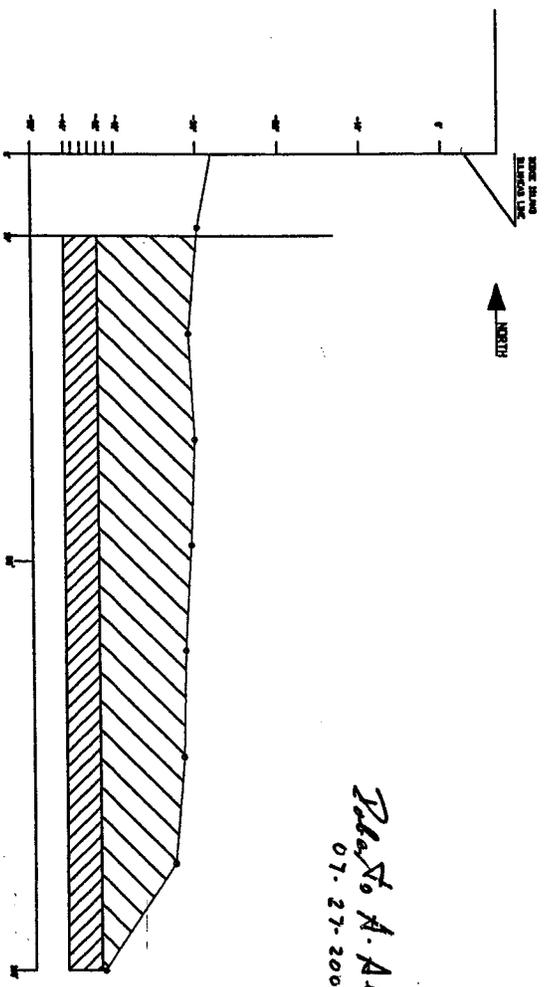
STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION  
FLORIDA TURNPIKE AUTHORITY  
PORT OF MIAMI  
PORT OF MIAMI  
PORT 17, 2004

MAINE HARBOR, FLORIDA  
DADE COUNTY  
CONSTRUCTION ENDOING  
42-FOOT PROJECT  
DATE: JULY, 2004

EXHIBIT  
3

88

*Robert A. Allen*  
07.27.2004



**LEGEND**

▨ REQUIRED DREDGING

▨ ALLOWABLE OVERBURDEN

**NOTES:**

1- SOUNDINGS FROM USACE WATER MEASUREMENT

2- DEPTHS AND HORIZONTAL SCALE ARE IN FEET.

3- ALL SOUNDINGS ARE MVD 1989

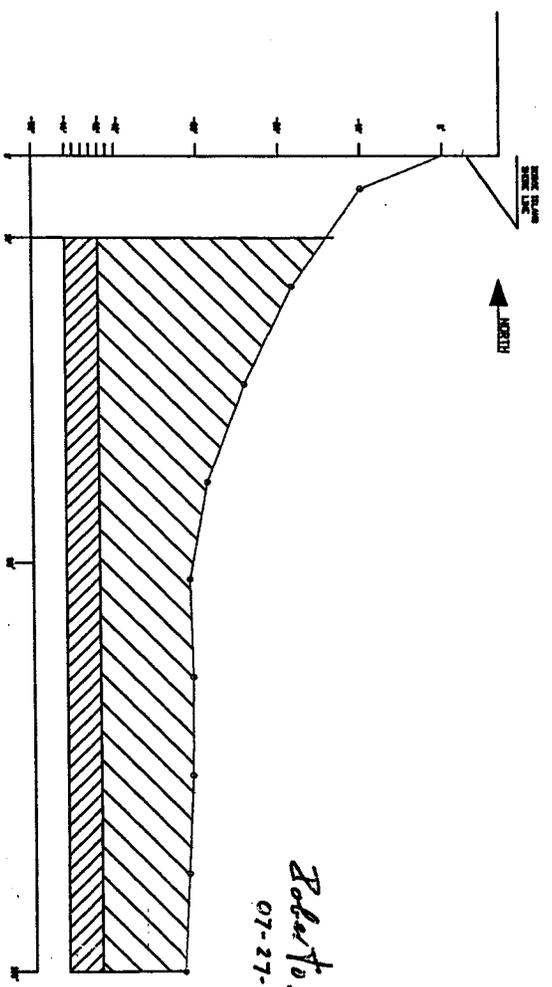
**PORT OF MIAMI**

**EXHIBIT 4**

**BERTHING AREA CROSS SECTION**

REV. 7/26/04 E.C.

bc



*Robert A. Allen*  
07-27-2004

**LEGEND**  
 [Hatched Box] REQUIRED MOORING  
 [Diagonal Lines Box] ALLOWABLE OVERBOARD

**SECTION 2**  
N.T.S

**NOTES:**  
 1- SOUNDINGS FROM USACE DATED AUGUST 2002  
 2- DEPTHS AND HORIZONTAL SCALE ARE IN FEET.  
 3- ALL SOUNDINGS ARE NOV 9 1989

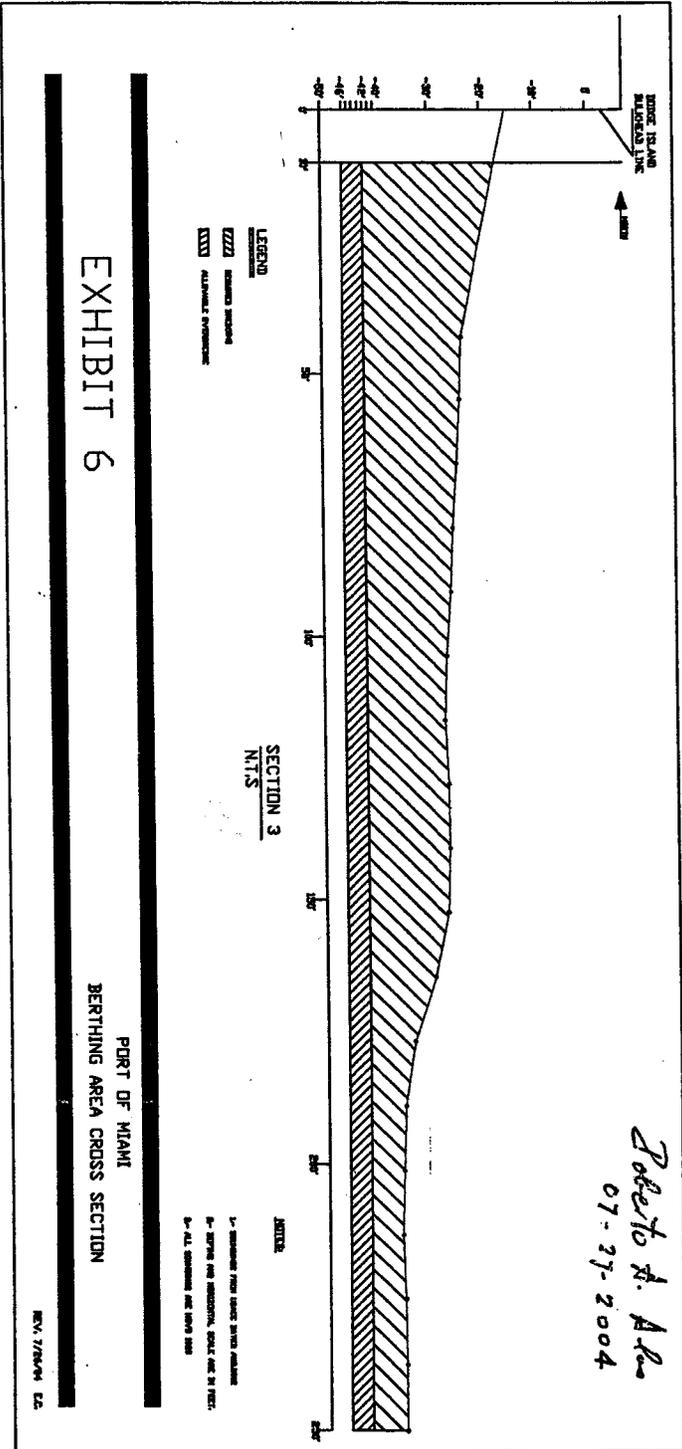
**EXHIBIT 5**

**PORT OF MIAMI  
 BERTHING AREA CROSS SECTION**

REV. 7/26/04 E.C.

20

*Robert A. Allen*  
07-27-2004



SECTION 3

N.T.S.

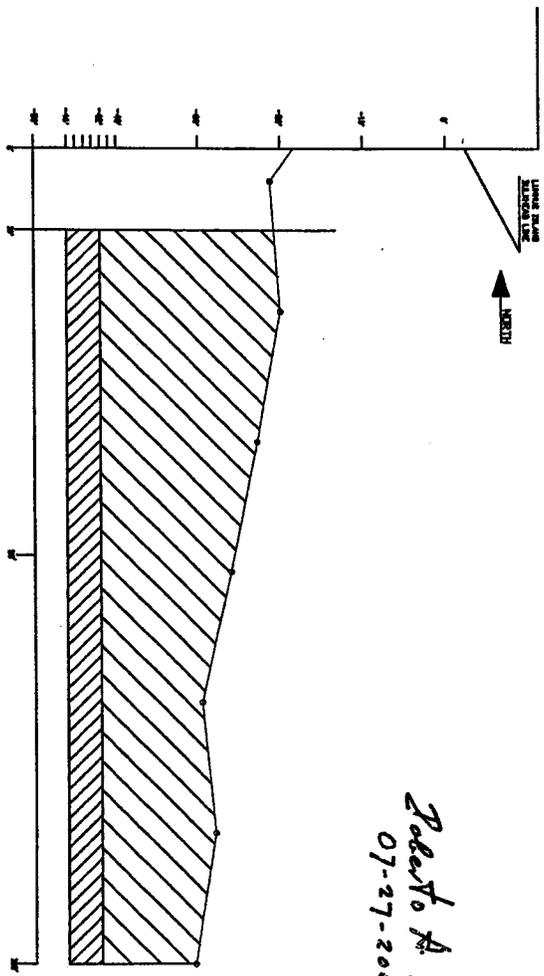
- LEGEND
-  REINFORCED CONCRETE
  -  ALUMINUM OVERLAY

EXHIBIT 6

PORT OF MIAMI  
BERTHING AREA CROSS SECTION

REV. 7/26/04 12'

*Robert A. Adams*  
07-27-2004



**LEGEND**

-  REQUIRED DREDGING
-  ALLOWABLE OVERBURDEN

**SECTION 4**  
**N.T.S.**

**NOTES:**

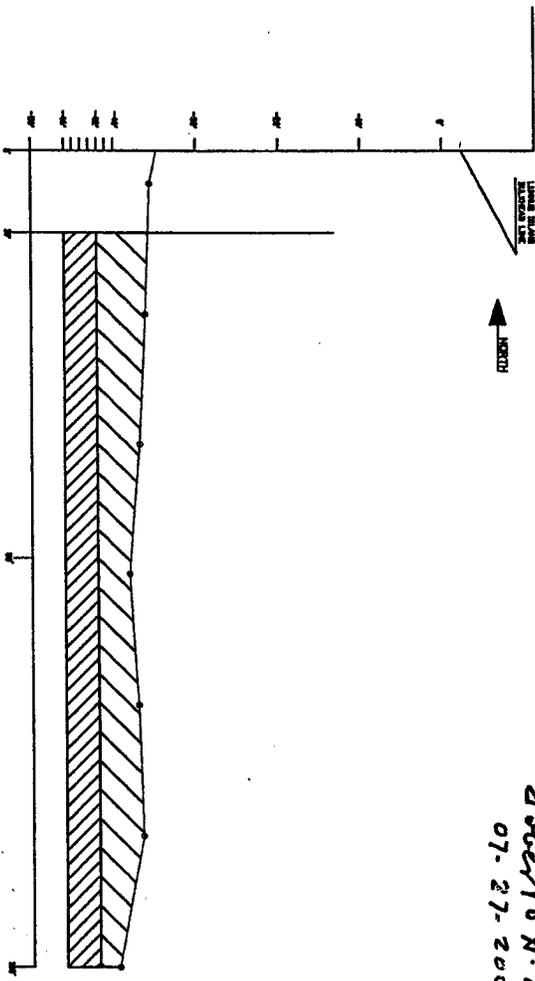
- 1- SOUNDINGS FROM USACE DATED MARCH 1989
- 2- DEPTHS AND HORIZONTAL SCALE ARE IN FEET.
- 3- ALL SOUNDINGS ARE NOV 1989

**EXHIBIT 7**

**PORT OF MIAMI**  
**BERTHING AREA CROSS SECTION**

REV. 7/26/04 E.C.

*Robert A. Allen*  
07.27.2004



**LEGEND**

 REQUIRED DIMENSIONS

 ALLOWABLE OVERBOARD

**SECTION 5**

**N.T.S.**

**NOTES:**

1- DIMENSIONS FROM UNICE DATED AUGUST 2002

2- DEPTH AND HORIZONTAL SCALE ARE IN FEET.

3- ALL DIMENSIONS ARE NAVD 1989

**PORT OF MIAMI**

**EXHIBIT 8**

**BERTHING AREA CROSS SECTION**

REV. 7/26/04 E.C.

**Attachment D:  
Adjacent Riparian Owners Memorandum**

# Memorandum



**Date:** August 3, 2004

**To:** *LH* Lee Hefty, Chief  
Coastal Resources Section

**From:** *JAC* JoAnne Clingerman, ERPS  
Coastal Resources Section

**Subject:** Class I Permit Application by Miami-Dade County Seaport Department to Dredge  
Within the Berthing Areas Adjacent to the South Channel and Central Turning Basin

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Please be advised that the applicant owns all uplands and all submerged lands within 300 feet of the proposed project. Therefore, no peel-off/stick-on labels were required to be submitted by the applicant.

**Attachment E:  
Zoning Substantiating Letter Memorandum**

# Memorandum



**Date:** August 3, 2004

**To:** *LT* Lee Hefty, Chief  
Coastal Resources Section

**From:** *JAC* JoAnne Clingerman, ERPS  
Coastal Resources Section

**Subject:** Class I Permit Application by Miami-Dade County Seaport Department to Dredge  
Within the Berthing Areas Adjacent to the South Channel and Central Turning Basin

---

Pursuant to Section 24-58.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted pending approval by the Board of County Commissioners and prior to the issuance of the Class I Permit.

**Attachment F:  
DERM Project Report**

**PROJECT REPORT**

**CLASS I PERMIT APPLICATION NO. CC04-256**

**(MIAMI-DADE COUNTY SEAPORT DEPARTMENT – DREDGING OF  
BERTHING AREAS ALONG THE SOUTH CHANNEL AND CENTRAL  
TURNING BASIN)**

**Date: August 3, 2004**

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-58.3 of the Code of Miami-Dade County, Florida. The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Hydrology** - The proposed project is designed in accordance with the Department of Environmental Resources Management and South Florida Water Management District criteria and design standards. The proposed project, as designed, will not adversely affect surface water drainage or retention of stormwater. No impervious surfaces will be created.
2. **Water Quality** - The proposed project, as designed, will not adversely affect water quality provided adequate turbidity control devices and proper dredging equipment and techniques are implemented. The contractor shall be required to provide turbidity control and monitor turbidity levels to ensure that state and/or local water quality standards are not violated. The contractor will be authorized to dispose of the spoil material at either the Offshore Dredged Material Disposal Site (ODMDS) located four miles offshore or at an approved upland disposal facility. If disposed of at the ODMDS, the Seaport Department shall be required to maintain an observer on the spoil disposal vessel(s) to fully document the process in order to insure compliance with spoil disposal and water quality standards. Furthermore, in order to insure that disposal of dredge material does not impact water quality in violation of applicable permits, the Class I Permit shall prohibit the in-water placement of any dredged material at all areas except within the designated Offshore Dredged Materials Disposal Area. The Class I Permit shall also require material disposed of at an approved upland disposal facility to be properly managed during storage and transport to prevent surface water runoff to both wetlands and tidal waters in violation of county and state water quality standards.
3. **Wellfields/Water Supply/Aquifer Recharge** - The proposed project is not located within a wellfield, water supply or aquifer recharge area.
4. **Aesthetics** - The proposed project is to dredge existing berthing areas at the Port of Miami-Dade and as such, any aesthetic impacts will be temporary in nature and limited to the operation of dredges and associated tugs and barges.
5. **Public Health** - The proposed project will not adversely affect the public health.

6. **Historic/Archaeological Values** - The proposed project will not adversely affect historic or archaeological resources. Dredging will occur only within the footprint of the existing berthing areas that have been previously dredged, although new dredging to deepen the berthing areas is proposed. However, there are no known historic or archaeological resources within the areas to be dredged.
7. **Air Quality** - The proposed project's adverse effects to air quality are temporary in nature and limited to the operation of the equipment during dredging.
8. **Marine and Wildlife Habitats** – The proposed project's adverse affect to habitat in the project area is minimal since the dredging will be limited to previously dredged areas having reduced habitat values and because blasting will not be allowed. Potential impacts beyond the footprint of the project area shall be minimized by proper turbidity control techniques as well as water quality and other environmental monitoring. Furthermore, in order to insure that disposal of dredge material does not impact marine and wildlife habitats in violation of applicable permits, the Class I Permit shall prohibit the in-water placement of any dredged material at all areas except within the designated Offshore Dredged Materials Disposal Area (or at a DERM approved upland disposal facility).
9. **Soils** - The proposed project will disturb benthic soils although the project area has reduced habitat values because of the historic use of the area for berthing of ships and since the area has been previously dredged as described in Evaluation Factor Number 8 above.
10. **Flora** – The proposed project will not directly impact seagrasses because no seagrasses are present in or adjacent to the project area.
11. **Fauna** - The proposed project will disturb native animal communities; however, impacts during construction will be temporary and have been reduced to the maximum extent feasible. In addition, standard manatee and sea turtle protection measures shall be implemented. No blasting will be permitted.
12. **Rare, Threatened and/or Endangered Species** – The proposed project is not expected to result in adverse effects to rare, threatened and/or endangered species provided standard manatee and sea turtle protection measures are implemented. No blasting will be permitted.

13. **Natural Flood Damage Protection** - The proposed project does not involve the creation of impervious surfaces and will not affect surface water drainage or retention of stormwater.
14. **Wetland Values** - The proposed project does not involve wetland habitat(s).
15. **Land Use Classification** – Pursuant to Section 24-58.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted pending approval by the Board of County Commissioners and prior to the issuance of the Class I Permit.
16. **Recreation** - The proposed project does not conflict with the Miami-Dade County Master Plan and Biscayne Bay Management Plan recreation elements. Recreational vessel traffic using the South Channel or Central Turning Basin may be temporarily affected; however, the navigation channels will remain open to traffic and the Class I permit shall require that standard U.S. Coast Guard marking and lighting requirements be implemented at all times.
17. **Other Environmental Values Affecting the Public Interest** – The proposed project will occur adjacent to a state-designated Critical Wildlife Area and Manatee No Entry Zone. The contractor is not authorized to enter either of these areas. The Class I Permit shall incorporate the conditions of the federal permit for disposal of spoil at the ODMDS and prohibit in-water disposal at all other locations, unless prior written approval has been obtained from DERM. Blasting shall also be prohibited.
18. **Standard Construction Procedures, Practices and Performance Standards** - The proposed project does not involve dredging within 10 feet of seaport bulkheads and it complies with the construction practices and standards of:
  - a) Miami-Dade County Public Works Manual
  - b) Biscayne Bay Management Plan

The Class I Permit will prohibit dredging within 10 feet of the bulkheads to prevent damage and undermining.

19. **Comprehensive Environmental Impact Statement (CEIS)** - The proposed project will not result in significant adverse environmental impacts in the opinion of the Director, therefore a CEIS was not required by DERM in order to evaluate the project.

20. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is consistent with the following applicable State, Federal and local laws and regulations:
- a) Biscayne Bay Management Plan
  - b) United States Clean Water Act (Army Corps of Engineers Permit)
  - c) Florida Department of Environmental Protection dredge and fill rules
21. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of DERM, the proposed project is consistent with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

**LAND USE ELEMENT I:**

**Objective 2/Policy 2A** - Level of Service. The proposed project will increase the level of service provided by the Port of Miami-Dade and is therefore consistent with this policy.

**Objective 3/Policies 3A, 3B, 3C** - Protection of natural resources and systems. – The proposed project is consistent with the Coastal Management Elements of the CDMP and the project is not related to development in the East Everglades.

**TRANSPORTATION ELEMENT II**

**Aviation Subelement/Objective 9** - Aviation System Expansion - There is no aviation element to the proposed project.

**Port of Miami River Subelement/Objective 3** - Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River.

**CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:**

**Objective 3/Policies 3A, 3B, 3D** - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.

**Objective 3/Policy 3E** - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

**Objective 4/Policies 4A, 4B, 4C** - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project will not adversely affect water storage, aquifer recharge potential or natural surface water drainage.

**Objective 5/Policies 5A, 5B, 5F** - Flood protection and cut and fill criteria. – The proposed project is not related to the support of development or to development orders outside the Urban Development Boundary.

**Objective 6/Policy 6A** - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction and therefore not applicable to this objective.

**Objective 6/Policy 6B** - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

**Objective 6/Policy 6D** - Suitable fill material for the support of development. – Some of the fill material resulting from the dredging of the existing channels may be considered as suitable fill material.

**Objective 7/Policy 7A** - No net loss of high quality, relatively unstressed wetlands. – The proposed project does not involve the loss of any wetlands.

**Objective 9/Policies 9A, 9B, 9C** - Protection of habitat critical to Federal or State-designated threatened or endangered species. - The proposed project is not expected to result in adverse effects to rare, threatened and/or endangered species provided standard manatee and sea turtle protection measures are implemented.

#### **COASTAL MANAGEMENT ELEMENT IX:**

**Objective 1/Policy 1A** - Tidally connected mangroves in mangrove protection areas – The proposed project does not involve tidally connected mangroves in a designated mangrove protection area.

**Objective 1/ Policy 1B** - Natural surface flow into and through coastal wetlands. - The proposed project does not involve surface flow into and through coastal wetlands.

**Objective 1/ Policy 1C** - Elevated boardwalk access through mangroves. - The proposed project does not involve elevated boardwalk access through mangroves.

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve protection and maintenance of the mangrove forest and related vegetational communities.

**Objective 1/Policy 1E** - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project does not involve the degradation and destruction of coastal wetlands.

**Objective 1/Policy 1G** - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities except as provided for in Chapter 24-58, of the Code of Miami-Dade County, Florida. – There are no such benthic communities within the berthing areas proposed for dredging and the dredging is consistent with Section 24-58.3(B)(1) and therefore consistent with this policy.

**Objective 2/Policies 2A, 2B** - Beach restoration and renourishment objectives. - The proposed project does not involve beach restoration or renourishment.

**Objective 3/Policy 3E, 3F** - Location of new cut and spoil areas for proper stabilization and minimization of damages. – The proposed project involves dredging of existing berthing areas; however, turbidity control devices and spoil disposal measures shall be implemented in accordance with Evaluation Factor No. 2 above to prevent water quality violations. The Class I Permit will prohibit dredging within 10 feet of the bulkheads to prevent damage and undermining.

**Objective 5/Policy 5B**- Existing and new areas for water-dependent uses. - The proposed project enhances an existing water dependent use and is therefore consistent with this objective and policy.

**Objective 5/Policy 5D** - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - Pursuant to Section 33D-34(c)(1), the proposed project does not require review by the Shoreline Development Review Committee.

**Objective 5/Policy 5F** - The siting of water dependent facilities. - The proposed project does not involve the creation of any new water dependent facilities; however, the proposed project will enhance the use of an existing water dependent facility.

22. **Conformance with Chapter 33B, Miami-Dade County Code** (East Everglades Zoning Overlay Ordinance) - The proposed project is not located within the East Everglades Area.

23. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan) - The proposed project is consistent with the Biscayne Bay Management Plan.
24. **Consistency with Miami-Dade County Criteria for Lake Excavation** - The proposed project does not involve lake excavation.
25. **Municipality Recommendation** – Pursuant to Section 24-58.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter will be submitted pending approval by the County Commission and prior to issuance of the Class I Permit.
26. **Coastal Resources Management Line** - A coastal wetlands management line was not required for the proposed project, pursuant to Section 24-58.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.
27. **Wetland Fill Limits** - The proposed project does not involve the placement of fill in wetlands.
28. **Other Comments** – The proposed project is located entirely within the footprint of the existing Port of Miami-Dade berthing areas adjacent to the south channel and central turning basin. No dredging is proposed within 10 feet of the existing bulkheads or other infrastructure. The Class I Permit will prohibit dredging within 10 feet of the bulkheads to prevent damage and undermining. The Class I Permit will also prohibit blasting.

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The proposed project was also evaluated for compliance with the minimum required standards contained in Section 24-58.3 (B), (C), and (D) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project :

**24-58.3 (B) Dredging and/or Filling for Class I Permit** - The proposed project complies with the following criteria:

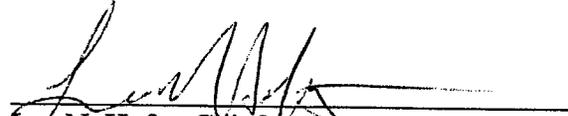
- (1) Minimum dredging and spoiling for public navigation or public necessity.

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**24-58.3 (C ) Docks and Piers for Mooring Purposes** - The proposed project does not involve the construction of docks and piers for mooring purposes.

**24-58.3 (D) Clean Fill in Wetlands** - The proposed project does not involve the placement of fill in wetlands.

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS I PERMIT BE APPROVED.

  
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Lee N. Hefty, Chief  
Coastal Resources Section

  
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JoAnne Clingerman, ERPS  
Coastal Resources Section