

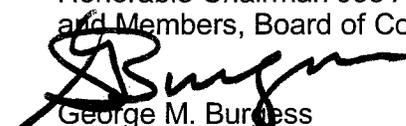
# Memorandum



**Date:** May 3, 2005

Agenda Item No. 5(I)

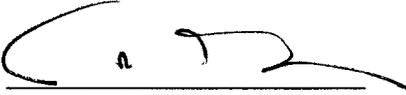
**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

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

**Subject:** Class I Permit Application by Bay Point Schools, Inc. to Fill 3.19 acres of Wetlands for the Construction of a Service Road and Playing Fields

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Attached, please find for your consideration an application by the Bay Point Schools, Inc. 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.

  
Assistant County Manager

# Memorandum



**Date:** March 22, 2005

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

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

A handwritten signature in black ink, appearing to read "John W. Renfrow". The signature is written in a cursive style and is positioned to the right of the printed name.

**Subject:** Class I Permit Application by the Bay Point Schools, Inc. to Fill 3.19 Acres of Wetlands for the Construction of a Service Road and Playing Fields

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## **RECOMMENDATION**

I have reviewed the application from Bay Point Schools, Inc. for a Class I Permit. Based upon the applicable evaluation factors set forth in Section 24-48.3 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 permit application involves the filling of 3.19 acres of wetlands to complete construction on a service road and playing fields that are part of the overall development of Bay Point Schools. The property is located at 22025 SW 87 Avenue, in Section 15, Township 56 South, Range 40 East, Perrine, Miami-Dade County, Florida.

The subject property contains wetlands which support halophytic species as identified in Section 24-5 of the Code of Miami-Dade. Section 24-48.1 of the Code of Miami-Dade County requires that a Class I Permit be obtained for any type of work in wetlands supporting halophytic vegetation anywhere in Miami-Dade County. A Class IV permit is required for work in wetlands which are not characterized as wetlands supporting halophytic vegetation.

In 1999, Bay Point Schools, Inc. applied for and obtained a Class IV Permit (FW95-002) to fill wetlands on the subject site. The Class IV Permit authorized dredging of 2.70 acres and filling of 4.20 acres of wetlands for the purpose of expanding an existing fill pad in association with the construction of additional educational and recreational facilities associated with Bay Point School. A portion of the filling work authorized in the Class IV Permit was performed during 2000. However, the permit subsequently expired on July 11, 2002, prior to final completion of all the proposed filling work. The applicant is now seeking authorization to complete the work originally authorized under Class IV Permit FW95-002. However, during a DERM compliance inspection of the land clearing operations permitted under the Class IV permit, it was determined that wetlands along the eastern portion of the property support halophytic vegetation. As such, DERM has advised the applicant that a Class I Permit is required to fill the remaining wetlands that were originally permitted under the expired Class IV permit.

Section 24-48.3(B) of the Code of Miami-Dade County requires that dredging or filling work proposed in Class I permit applications shall comply with at least one of six listed criteria. Filling wetlands that support halophytic vegetation for the purposes of constructing school recreation facilities is generally not consistent with the above referenced criteria. However, on October 7, 2004, the Environmental Quality Control Board granted a variance from this Section of the Code for this proposed project.

Furthermore, Section 24-48.4 of the Code requires that environmental impacts be avoided and or minimized to the maximum extent possible. DERM previously reviewed this project for avoidance and minimization of impacts during issuance of the Class IV permit for wetlands filling at this site. The current permit application is only requesting a reauthorization of the work that was previously authorized, and no additional impacts beyond those authorized in the original permit are proposed. In addition, the mitigation for all of the proposed filling work has already been completed on-site. This mitigation included the restoration of 6 acres of degraded wetlands (requiring excavation and replanting), the enhancement of 4.8 acres of degraded wetlands (through the eradication of exotic vegetation), creation of a 0.5-acre transitional wetland, creation of a 0.5-acre upland native hammock, and the preservation of 3.3 acres of on-site wetlands. While no additional mitigation will be required in this permit, DERM shall require that the existing mitigation be in substantial compliance with the monitoring requirements and success criteria outlined in the expired Class IV permit prior to issuance of the Class I permit.

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 24-48.3 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 Signed by the Lessee (Bay Point Schools, Inc.)
- Attachment B: Affidavit of Ownership Signed by the Property Owner (Bay Point School Properties, Inc.)
- Attachment C: Permit Applicant / Authorized Agent Statement
- Attachment D: Engineer Certification Letter and Project Sketches
- Attachment E: Adjacent Riparian Owners Memorandum
- Attachment F: Zoning Substantiating Letter Memorandum
- Attachment G: Environmental Quality Control Board Order
- Attachment H: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY BAY POINT SCHOOLS, INC. FOR A CLASS I COASTAL CONSTRUCTION PERMIT TO FILL 3.19 ACRES OF WETLANDS FOR THE CONSTRUCTION OF A SERVICE ROAD AND PLAYING FIELDS ASSOCIATED WITH BAY POINT SCHOOL LOCATED AT 22025 SW 87 AVENUE, SECTION 15, TOWNSHIP 56 SOUTH, RANGE 40 EAST, PERRINE, MIAMI-DADE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Section 24-48 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 Bay Point Schools, Inc. for a Class I Coastal Construction Permit to fill 3.19 acres of wetlands for the construction of a service road and playing fields associated with Bay Point School located at 22025 SW 87 Avenue, Section 15, Township 56 South, Range 40 East, Perrine, Miami-Dade County, Florida. Such Public Hearing will be held on the 3<sup>th</sup> day of May 2005, 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





# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** May 3, 2005

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

**SUBJECT:** Agenda Item No. 5(I)

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(I)  
05-03-05

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

RESOLUTION RELATING TO AN APPLICATION BY BAY POINT SCHOOLS, INC. FOR A CLASS I COASTAL CONSTRUCTION PERMIT TO FILL 3.19 ACRES OF WETLANDS FOR THE CONSTRUCTION OF A SERVICE ROAD AND PLAYING FIELDS ASSOCIATED WITH BAY POINT SCHOOL LOCATED AT 22025 SW 87 AVENUE, SECTION 15, TOWNSHIP 56 SOUTH, RANGE 40 EAST, PERRINE, MIAMI-DADE COUNTY, FLORIDA

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 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Bay Point Schools, Inc. for a Class I Coastal Construction Permit to fill 3.19 acres of wetlands for the construction of a service road and playing fields associated with Bay Point School located at 22025 SW 87 Avenue, Section 15, Township 56 south Range 40 east, Perrine, Miami-Dade County, Florida, 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.

7

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:

- |                               |                          |
|-------------------------------|--------------------------|
| Joe A. Martinez, Chairman     |                          |
| Dennis C. Moss, Vice-Chairman |                          |
| Bruno A. Barreiro             | Dr. Barbara Carey-Shuler |
| Jose "Pepe" Diaz              | Carlos A. Gimenez        |
| Sally A. Heyman               | Barbara J. Jordan        |
| Dorrin D. Rolle               | Natacha Seijas           |
| Katy Sorenson                 | Rebeca Sosa              |
| Sen. Javier D. Souto          |                          |

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of May, 2005. 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

**Attachment A:**

**Class I Permit Application**  
***Signed by the Lessee (Bay Point Schools, Inc.)***



# DERM

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

RECEIVED  
MAR 07 2005

## Class I

DERM NATURAL RESOURCES DIV

### Permit Application

RECEIVED  
For official use only  
MAR 18 2005

DERM  
NATURAL RESOURCES DIV

1. Application number

**CC 03-283**

2. Date Day/Month/Year

15/2/05

4. Applicant Information:

Name: **Bay Point Schools, Inc.**

Address: **22025 S.W. 87th Avenue**  
**Miami, FL** Zip Code: **33190**

Phone #: **305-251-3112** Fax #:

5. Applicant's authorized permit agent

Name: **Jeffry Marcus- Vice President, CES**

Address: **8925 S.W. 148th Street, Suite 100**  
**Miami, Florida** Zip Code: **33176**

Phone #: **305-378-5555** Fax #: **378-9304**

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.

The proposed activity consists of the filling of approximately 3.19 acres of coastal wetlands to complete a service road and playing fields. The proposed activity was previously permitted mitigated under a separate Class IV Wetlands permit that expired on July 11, 2002 .

Dredged/Excavated	Filled/Deposited
Volume of Material: _____ CY _____ CY _____ CY <b>20,826</b> CY	
<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

**The school is a private instituion with funding from the Florida Department of Juvenial Justice.**

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

Name: <b>Names of adjacent property owners</b>	Name: _____
Address: <b>are attached</b>	Address: _____
Zip Code _____	Zip Code _____

9. Location where proposed activity exists or will occur.

Street Address: **22025 S.W. 87th Avenue**

**Miami**

State **Florida** County **Miami-Dade** In City or Town \_\_\_\_\_ Near City Or Town **Perrine**

Latitude **25-33'38"W** Longitude **80-19'45"W**

Section **15** Township **56S** Range **40E**

10. Name of waterway at location of the activity.

**unnamed wetland**

11. Date activity is proposed to:

Commence **Upon issuance of permit** Be completed \_\_\_\_\_

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
ACOE	Individual Permit	199602776 (IP-MD)		7/27/98
SFWMD	ERP	13-01085-P		5/14/98
DERM	CLASS IV	FW-95-002 (attached)		7/11/00

14. Has any other agency denied approval for any activity directly related to the activity described herein?

Yes

No

15. Remarks

The subject area is dominated by Brazilian pepper; however, white mangroves and other representative coastal species were identified within the canopy . Please be advised that all wetland impacts were mitigated for under the previous DERM permit.

16. Estimated project cost = \$ 156,000.00

17. Contractor's name and address

Name: Redlands Const. License #: \_\_\_\_\_  
Address: 23799 S.W. 167th Avenue  
Homestead, FL Zip Code: 33031  
Phone #: 305-247-3226 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/lessee Mary Louise Cole  
President of Bay Point Schools, Inc  
Date 3/3/05  
lessee to Bay Point School Property 17c

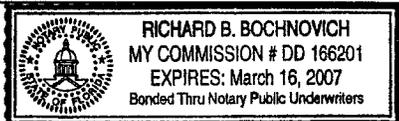
SUBSCRIBED AND SWORN TO ME THIS 3rd DAY OF March, 19 2005, BY Mary Louise Cole

PERSONALLY KNOWN

PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED \_\_\_\_\_

Richard B. Bochnovich NOTARY PUBLIC



**Attachment B:**

**Affidavit of Ownership**  
***Signed by the Property Owner (Bay Point School***  
***Properties, Inc.)***

**Affidavit of Ownership  
And Hold Harmless Agreement**

Personally Appeared Before Me, Karyn Kennedy Herterich, that undersigned authority, and hereby swears and affirms under oath as follow:

1. That your affiant is the President of the record owner of that certain property more fully described as:

A Tract or Parcel of Land lying in the N.W. ¼ of Section 15, Township 56 South, Range 40 East, Dade County, Florida, more particularly described as follows:

For a point of reference, Commence at the Northwest Corner of said Section 15; run thence South 00° 58' 00" East along the West Line of said Section 15, a distance of 1255.43 feet to a point; thence North 89° 05' 55" East, a distance of 125 feet to the Point of Beginning.

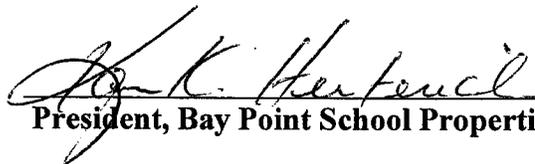
From the Point of Beginning, continue North 89° 05' 55" East, a distance of 1380 feet to a point; thence South 00° 58' 00" East a distance of 1415 feet to the South Line of the N.W. ¼ of said Section 15; thence South 89° 05' 55" West, a distance of 1380 feet to a point; thence North 00° 58' 00" West, a distance of 1415 feet to the Point of Beginning, containing 44.83 acres, more or less.

2. That your affiant is also the riparian and/or littoral owner of that certain property that is the subject matter of Application No. CC 03-283 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:

Place fill in wetlands in order to complete a service road and playing fields.

3. That your affiant hereby swears and affirms its ownership of 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

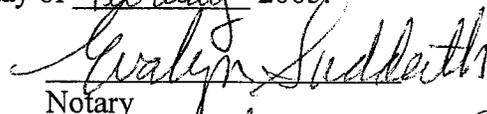
STATE OF NC.  
COUNTY OF Watauga

  
President, Bay Point School Properties, Inc.

BEFORE ME, the undersigned authority, personally appeared Karyn Kennedy Herterich, 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 knowledge and belief.

Sworn to and subscribed before me this 25<sup>th</sup> day of February 2005.

Notary Seal

  
Notary

13 March 29, 2008

BAY POINT SCHOOL PROPERTIES, INC.  
25005 SW 133 AVENUE  
MIAMI, FLORIDA 33032  
www.baypointschools.com

February 15, 2005

Miami-Dade Department of Environmental  
Resource Management (DERM)  
Coastal Permitting Program  
33 S.W. 2<sup>nd</sup> Avenue, Suite 400  
Miami, Florida 33130-1540

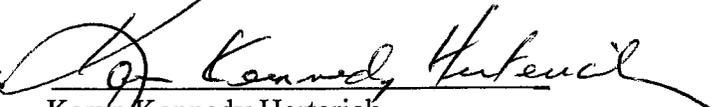
RE: Application No.: CC 03-283  
Project: Bay Point Schools  
Applicant: Bay Point Schools, Inc.  
Location: Miami-Dade County, S15/T56S/R40E

Ladies and Gentleman:

Bay Point School Properties, Inc., and Karyn Kennedy Herterich, President, as fee simple owner of the subject property has no objection to the work proposed under Class I Permit Application CC03-283 filed by Bay Point Schools, Inc., the lessee of such property. Bay Point School Properties, Inc. does hereby consent to the filing of such application and consents and agrees to permit the lessee of such property, Bay Point Schools, Inc., to engage in the proposed activity described in such permit.

BAY POINT SCHOOL PROPERTIES, INC.

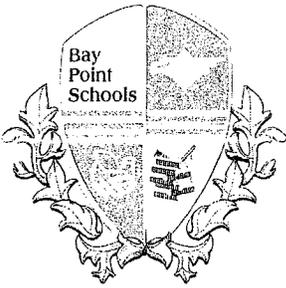
BY:



Karyn Kennedy Herterich  
President

**Attachment C:**

**Permit Applicant / Authorized Agent  
Statement**



## Bay Point Schools, Inc.

25005 S.W. 133<sup>rd</sup> Avenue • Miami, Florida 33032  
Tel: (305) 251-3112 • Fax: (305) 251-3829  
www.baypointschools.com



February 15, 2005

Miami-Dade County DERM  
Coastal Permitting Program  
33 S.W. 2nd Avenue, Suite 400  
Miami, Florida 33140-1540

Re: **CLASS I APPLICATION NO.:** CC 03-283  
**Project:** Bay Point Schools  
**Applicant:** Bay Point Schools, Inc.  
**Description:** Filling of 3.19 acres of coastal wetlands  
**Location:** Miami-Dade County, S15/T56S/R40E

Ladies and Gentleman:

By the attached Class I Standard Form permit application with supporting documents, Bay Point Schools, Inc., is the permit applicant and hereby requests permission to perform the following: Fill 3.19 acres of disturbed coastal wetlands for the construction of a service road and playing fields. I understand that a Miami-Dade County Class I Standard Form Permit is 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 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.

Respectfully submitted,

BAY POINT SCHOOLS, INC.

Mary Louise Cole, Ph.D.

President and CEO, Bay Point Schools, Inc. as lessee to Bay Point School Properties, Inc.

**Attachment D:**  
**Engineer Certification Letter and Project  
Sketches**



## CONSULTING ENGINEERING & SCIENCE, INC.

Civil Engineers

Coastal Engineers

Environmental Scientists

February 15, 2005

Miami-Dade County DERM  
Coastal Permitting Program  
33 S.W. 2nd Avenue, Suite 400  
Miami, Florida 33140-1540

Re:           **APPLICATION NO.:** CC 03-283  
              **Project:** Bay Point Schools  
              **Applicant:** Bay Point Schools, Inc.  
              **Location:** Miami-Dade County, S15/T56S/R40E

Ladies and Gentleman:

This letter will certify that 1) I am a registered engineer in the State of Florida, experienced in coastal construction; 2) that diligence and recognized standard practices of the Engineering profession have been exercised in the engineering design process for the proposed work; and 3) that in my opinion and to the best of my knowledge the proposed work does not:

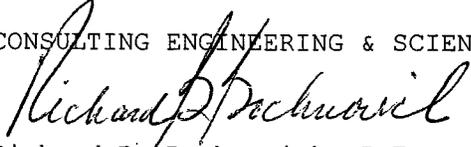
- a. violate any statutes, zoning law, ordinance or promulgated administrative rule which may be applicable to such area or construction work;
- b. create harmful obstructions or undesirable alteration of the natural flow of the water within the area of the work;
- c. create harmful or increased erosion, shoaling of channels or stagnant areas of water; or,
- d. create material injury to adjoining land.

Further, I have been retained by the applicant to provide inspections during construction and will prepare a set of reproducible prints of drawings indicating any changes made during construction which I consider significant.

Should you have any questions or require additional information, please call.

Very truly yours,

CONSULTING ENGINEERING & SCIENCE, INC.

  
Richard B. Bochnovich, P.E.  
Senior Vice President  
P.E. #19833

(0323.01)

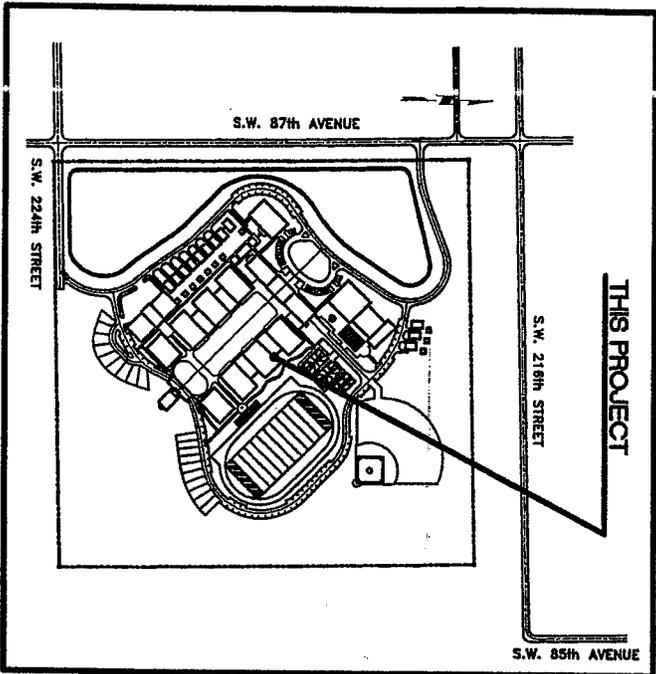
18

# DERM CLASS I PERMIT DRAWINGS

FOR

# ICARE BAY POINT SCHOOL

MIAMI, FLORIDA



LOCATION MAP  
M.T.S.

PREPARED FOR

ICARE BAY POINT SCHOOLS  
22025 S.W. 87th AVENUE  
MIAMI, FLORIDA 33190  
(305) 251-3112

PREPARED BY

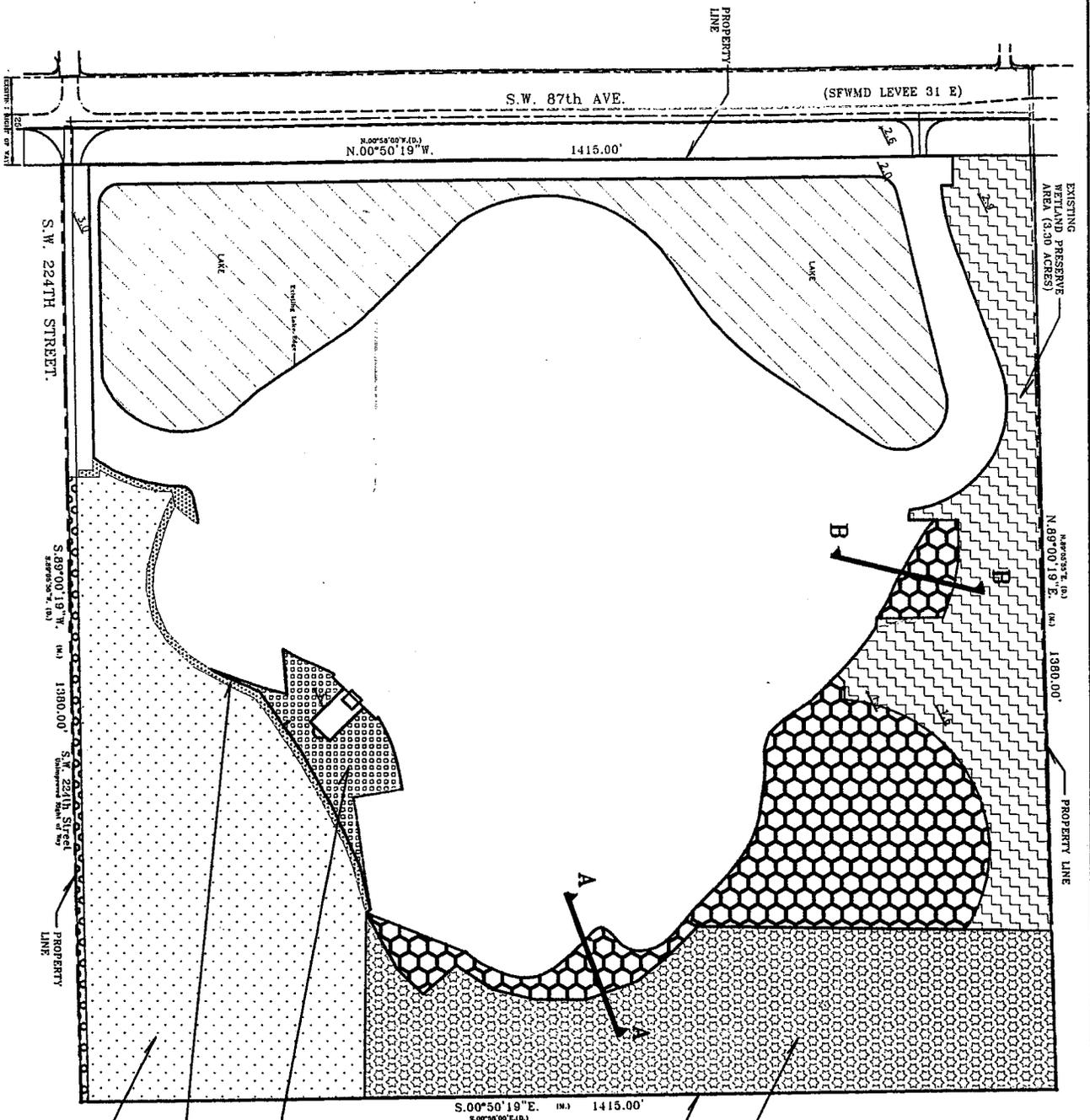
CONSULTING ENGINEERING & SCIENCE, INC.  
8925 S.W. 148th STREET, SUITE 100  
MIAMI, FLORIDA 33176  
(305) 378-5555

## INDEX OF DRAWINGS

<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	COVER SHEET
2	EXISTING CONDITIONS
3	PROPOSED FILL PLAN
4	FINAL SITE PLAN
5	SECTION A-A EXISTING & PROPOSED
6	SECTION B-B EXISTING & PROPOSED

*Handwritten signature and date:*  
9/11/04





EXISTING PRESERVE WETLAND AREA (3.30 ACRES)

N. 89°00'19" E. (A) 1380.00'

PROPERTY LINE

S.W. 87th AVE.

(SFWMD LEVEE 31 E)

N. 00°50'19" W. 1415.00'

S.W. 224TH STREET

S. 89°00'19" W. (A) 1380.00'

S. 224TH ST. (A) 1380.00'

PROPERTY LINE

S. 00°50'19" E. (B) 1415.00'



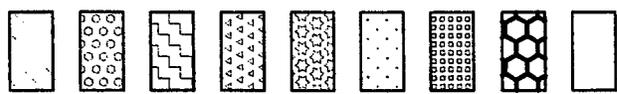
EXISTING HARDWOOD HAMMOCK (0.50 ACRES)

EXISTING TRANSITIONAL WETLAND ZONE (0.50 ACRES)

EXISTING WETLAND RESTORATION AREA (6.00 ACRES)

EXISTING WETLAND ENHANCEMENT AREA (4.80 ACRES)

PROPERTY LINE



- EXISTING FILL (PER PERMIT F195-002) (20.05 ACRES)
- PROPOSED FILL PER THIS PERMIT (3.10 ACRES)
- HARDWOOD HAMMOCK (0.50 ACRES)
- WETLAND RESTORATION AREA (6.00 ACRES)
- WETLAND ENHANCEMENT AREA (4.80 ACRES)
- TRANSITIONAL WETLAND ZONE (0.50 ACRES)
- WETLAND PRESERVE AREA (3.30 ACRES)
- MITIGATION BUFFER (0.22 ACRES)
- LAKE (5.92 ACRES)

TOTAL SITE ACREAGE 44.46 ACRES

*Handwritten signature and date: 9/1/02*

PURPOSE: PROPOSED FILL PLAN  
 DATUM: NGVD

PREPARED BY:  
 CONSULTING ENGINEERING & SCIENCE, INC.  
 8925 S.W. 14TH STREET, SUITE 100  
 MIAMI, FLORIDA 33176

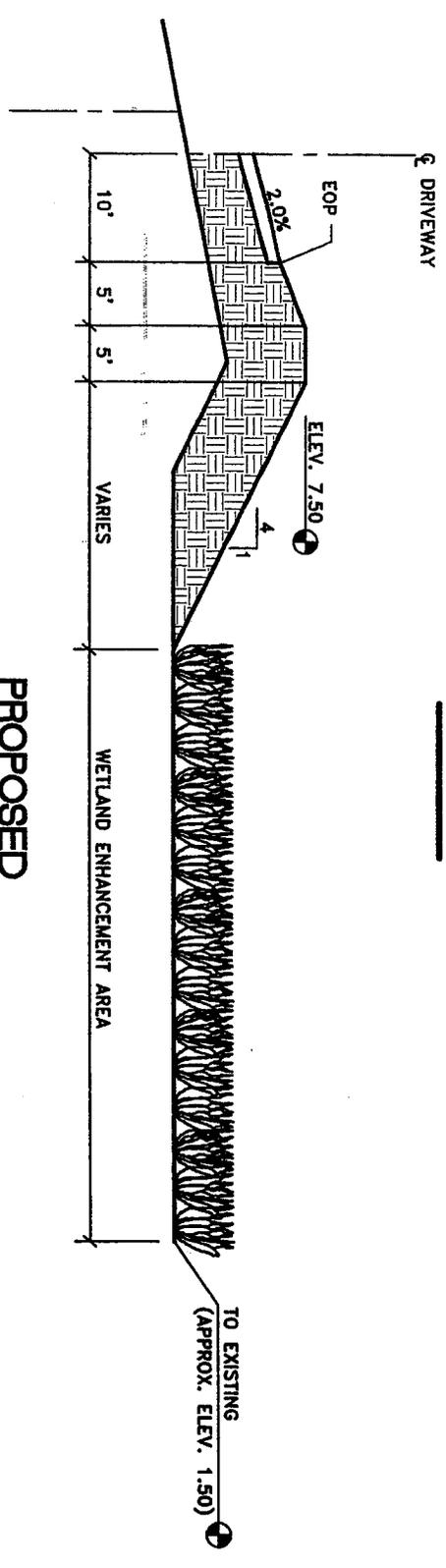
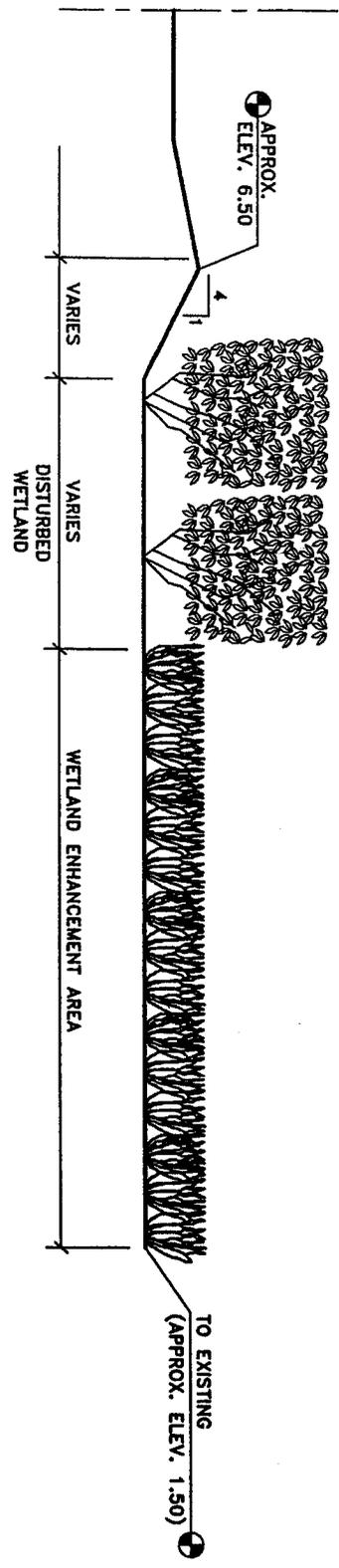
COUNTY OF DADE, STATE OF FLORIDA  
 APPLICATION BY:

ICARE BAY POINT SCHOOLS  
 22025 S.W. 57th AVENUE  
 MIAMI, FLORIDA 33190

SHEET 3 OF 6 DATE: 06-25-04



DRIVEWAY



SECTION INTO ENHANCEMENT AREA

SECTION A-A

N.T.S.

PURPOSE: SECTION A-A: EXISTING & PROPOSED  
DATUM: NGVD

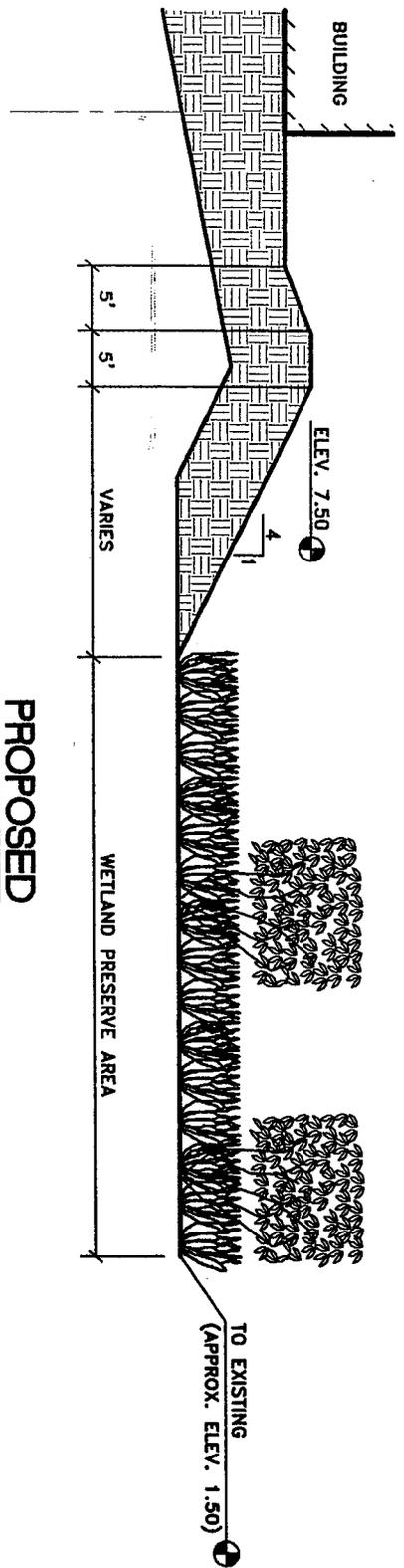
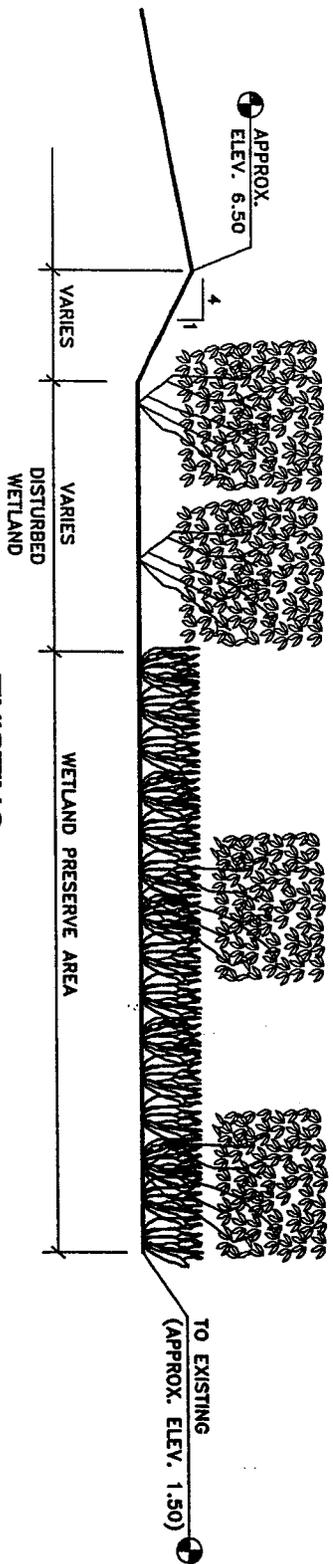
PREPARED BY:

CONSULTING ENGINEERING & SCIENCE, INC.  
8926 S.W. 148th STREET, SUITE 100  
MIAMI, FLORIDA 33176

COUNTY OF DADE, STATE OF FLORIDA  
APPLICATION BY:

ICARE BAY POINT SCHOOLS  
22025 S.W. 87th AVENUE  
MIAMI, FLORIDA 33190

*Handwritten signature and date: 9/1/04*



**SECTION INTO PRESERVE AREA**

**SECTION B-B**

N.T.S.

*Approved*  
9/1/04

24

PURPOSE: SECTION B-B: EXISTING & PROPOSED  
 DATED: NGPD  
 PREPARED BY:  
 CONSULTING ENGINEERING & SCIENCE, INC.  
 8925 S.W. 148th STREET, SUITE 100  
 MIAMI, FLORIDA 33176

COUNTY OF DADE, STATE OF FLORIDA  
 APPLICATION BY:  
 ICALAR BAY POINT SCHOOLS  
 22025 S.W. 87th AVENUE  
 MIAMI, FLORIDA 33190  
 SHEET 6 OF 6 DATE: 06-25-04

**Attachment E:**  
**Adjacent Riparian Owners Memorandum**

# Memorandum



**Date:** January 7, 2005

**To:**  Lee Hefty, Manager  
Coastal Resources  
Environmental Resources Management

**From:**  JoAnne Clingerman, ERPS  
Coastal Resources  
Environmental Resources Management

**Subject:** Class I Permit Application by Bay Point Schools, Inc. to Fill 3.19 Acres of Coastal Wetlands to Complete Construction of a Service Road and Playfields

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Please be advised that the attached names and addresses include owners of wetland property within 300 feet of the proposed project located at 22025 SW 87 Avenue, Miami-Dade County, Florida as listed on the peel-off/stick-on labels submitted by the applicant (copy attached):

## BAY POINT SCHOOLS

### NAME AND ADDRESS OF PERMITEE:

Mary Louise Cole, Ph.D., President and CEO  
Bay Point Schools, Inc.  
22025 SW 87<sup>th</sup> Avenue  
Miami, FL 33190

### NAME AND ADDRESS OF PROPERTY OWNER:

Karyn Kennedy Herterich, President  
Bay Point School Properties, Inc.  
1550 Madruga Avenue, Suite 225  
Coral Gables, FL 33146

Please note that the State of Florida Department of Juvenile Justice is not included as a permittee as in the previous permit.

### ADJACENT PROPERTY OWNERS

USA  
301 North Miami Avenue, #205  
Miami, Florida 33128

Lennar Homes Inc.  
700 NW 107<sup>th</sup> Avenue  
Miami Florida 33172

Francis Kerr Lowe  
c/o Donald Kubit  
175 NW 1<sup>st</sup> Avenue, 11<sup>th</sup> Floor  
Miami, Florida 33128

Frank B. Bradshaw III & Robert W Bradshaw  
3642 Peachtree Rd. NE  
Atlanta GA, 30319

Metropolitan Dade County  
DDFM-Parks User  
111 NW 1<sup>st</sup> Suite 2460  
Miami, Florida 33128

BPI  
1450 NE 2<sup>nd</sup> Avenue  
Miami, Florida 33132

FRANCES KERR LOWE c/o DONALD E KUBIT  
 175 NW 1 AVE 11FL  
 MIAMI, FL 33128-1835

LENNAR HOMES INC  
 700 NW 107 AVE  
 MIAMI, FL 33172-3161

METROPOLITAN DADE COUNTY DDFM-PARKS  
 USER  
 111 NW 1 ST STE 2460  
 MIAMI, FL 33128-1907

U S A  
 301 N MIAMI AVE #205  
 MIAMI, FL 33128-7703

METROPOLITAN DADE COUNTY G S A - PARKS  
 DEPT USER  
 111 NW 1 ST STE 2460  
 MIAMI, FL 33128-1907

FRANK B BRADSHAW III & ROBERT W  
 BRADSHAW TRS  
 3642 PEACHTREE RD NE  
 ATLANTA, GA 30319-1257

METROPOLITAN DADE COUNTY G S A - PARKS  
 DEPT USER  
 111 NW 1 ST STE 2460  
 MIAMI, FL 33128-1907

BPI  
 1450 NE 2 AVE  
 MIAMI, FL 33132-1308

28

**Attachment F:**  
**Zoning Substantiating Letter Memorandum**

# Memorandum



**Date:** January 7, 2005

**To:** *LF* Lee Hefty, Manager  
Coastal Resources  
Environmental Resources Management

**From:** *JAC* JoAnne Clingerman, ERPS  
Coastal Resources  
Environmental Resources Management

**Subject:** Class I Permit Application by Bay Point Schools, Inc. to Fill 3.19 acres of Coastal Wetlands to Complete Construction of a Service Road and Playfields

---

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.

**Attachment G:**  
**Environmental Quality Control Board Order**

**BEFORE THE MIAMI-DADE COUNTY  
ENVIRONMENTAL QUALITY CONTROL BOARD**

**IN RE:** : **Board Order No. 04-87**  
:   
:   
:   
**Bay Point School Properties, Inc.** :

THIS MATTER came before the Board as a request by Petitioner, Bay Point School Properties, Inc., for a variance from the requirements of Section 24-58 of the Code of Miami-Dade County, Florida. The request is to allow the filling of certain coastal wetlands on a property, in order to complete the construction of ancillary facilities that are part of the overall development of an existing school. The subject property is located at 22025 S.W. 87<sup>th</sup> Avenue, in Section 15, Township 56 South, Range 40 East, Perrine, Miami-Dade County, Florida and is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Section 24-58.1 of the Code states, in pertinent part, that Class I permits shall be required for any type of work as defined therein to take place in, on, over or upon any tidal waters and bay bottom lands anywhere in Miami-Dade County or in wetlands supporting halophytic vegetation anywhere in Miami-Dade County, including trimming, cutting or altering mangrove trees. Section 24-3(12) of the Code provides a list of plant species defined as halophytic vegetation.

Section 24-58.3 of the Code requires that the Department of Environmental Resources Management (DERM) evaluate environmental and related impacts including, but not limited to, aesthetics, natural resources, and any other environmental value affecting the public interest when deciding whether to approve or deny a proposed project. In addition, Section 24-58.4 of the Code requires that environmental impacts shall be avoided and or minimized to the maximum extent possible.

Section 24-58.3 of the Code requires that in addition to applicable evaluation factors set forth in Section 24-58.3(A)(1-9), dredging or filling work proposed in Class I permit applications shall comply with at least one of the six listed criteria in Section 24-58.3(B), as follows:

1. Minimum dredging and spoiling for public navigation or public necessity. An alteration of physical conditions as may be necessary to enhance the quality or utility of adjacent waters.
2. Minimum dredging or filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.
3. Minimum dredging and filling as is necessary for the elimination of conditions hazardous to the public health or for the elimination of stagnant waters.
4. Minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters.
5. A physical modification necessary to protect public or private property.

The Board finds that a Class I permit would allow the Petitioner to complete the remaining work in approximately 3.19 acres of wetlands, which support halophytic species as defined in the Code. The Board also finds that the remaining work would complete construction on a service road and playfields that are part of the overall development of ICARE Bay Point School.

The Board finds that in 1999, the Petitioner applied for and obtained Class IV Permit FW95-002 to fill freshwater wetlands on the subject property. Class IV Permits are required to fill wetlands not supporting halophytic vegetation as defined in the Code. The Board also finds that the aforesaid Class IV Permit authorized the dredging of 2.70 acres and the filling of 4.20 acres of onsite wetlands for the purpose of expanding an existing fill pad in conjunction with the construction of additional educational and recreational facilities for the existing school. In addition, the Board finds that the Petitioner's contractor cleared mangrove wetlands along the eastern property line without the required Class I permit.

The Board finds that Class IV Permit FW95-002 expired on July 11, 2002 at which time the Petitioner had not yet completed the work authorized therein. The Board also finds that the wetlands, which remained to be filled to complete the overall development plan for the existing school, support halophytic vegetation and the remaining work would require a Class I permit.

The Board also finds that because DERM reviewed the subject project for avoidance and minimization of impacts under the expired Class IV permit and the Petitioner will not expand the footprint of the original project in the current proposal, the proposed dredging and filling would be the minimum necessary to complete the subject construction project.

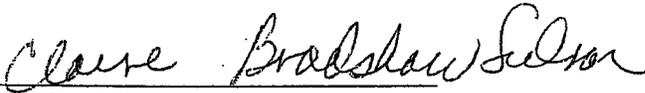
Finally, the Board finds that, based upon the evidence and testimony presented and the foregoing findings, granting the requested variance will not be detrimental to the public health, welfare, and safety, will not create a nuisance and will not materially increase the level of pollution in this County.

ACCORDINGLY, IT IS

ORDERED AND ADJUDGED that, based upon the evidence and testimony presented and the foregoing findings, Petitioner's request for a variance from the requirements of Section 24-58 of the Code be and the same is hereby granted, subject to the following conditions:

1. Construction shall be limited to the original footprint of the subject project as approved pursuant to DERM Class IV Permit FW95-002; and
2. All mitigation required pursuant to Class IV Permit FW95-002 shall be in substantial compliance, as determined by DERM, with the monitoring requirements and success criteria outlined in the Class IV Permit (FW95-002).

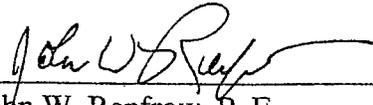
Done and Ordered this 21st day of December, 2004 in Miami-Dade County, Florida.



Claire Bradshaw-Sidran, Ph.D.  
Chairperson

FILING AND ACKNOWLEDGEMENT

Filed on this 21<sup>st</sup> day of December, 2004 with the Secretary of the Board as Clerk of the Environmental Quality Control Board, receipt of which is hereby acknowledged and the seal of the Board affixed below.

  
\_\_\_\_\_  
John W. Renfrow, P. E.  
Secretary and Clerk

SEAL



Approved as to form and legal sufficiency:

Robert A. Ginsburg  
County Attorney  
Attorney for the Board

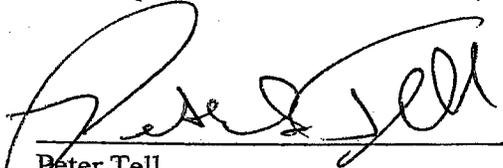
  
\_\_\_\_\_  
Peter Tell  
Assistant County Attorney

EXHIBIT "A"

PARCEL HM-12:

A Tract or Parcel of Land lying in the N.W.  $\frac{1}{4}$  of Section 15, Township 56 South, Range 40 East, Dade County, Florida more particularly described as follows:

For a point of reference, COMMENCE at the Northwest Corner of said Section 15; run thence South  $00^{\circ} 56' 00''$  East along the West Line of said Section 15, a distance of 1255.43 feet to a point; thence North  $89^{\circ} 05' 55''$  East, a distance of 125 feet to the POINT of BEGINNING.

From the POINT of BEGINNING, continue North  $89^{\circ} 05' 55''$  East, a distance of 1380 feet to a point; thence South  $00^{\circ} 58' 00''$  East a distance of 1415 feet to the South Line of the N.W.  $\frac{1}{4}$  of said Section 15, thence South  $89^{\circ} 05' 55''$  West; a distance of 1380 feet to a point; thence North  $00^{\circ} 58' 00''$  West, a distance of 1415 feet to the POINT of BEGINNING.

ACCESS EASEMENT:

A Tract of Parcel of Land 110 feet x 125 feet, located in the N.W.  $\frac{1}{4}$  of Section 15, Township 56 South, Range 40 East, Dade County, Florida, more particularly described as follows:

A Tract or Parcel of Land lying adjacent to and 55 feet on each side of the following described centerline in said Section 15.

For a point of reference, COMMENCE at the Northwest Corner of said Section 15; run thence South  $00^{\circ} 58' 00''$  East along the West Line of said Section 15, a distance of 1255.43 feet to a point; thence North  $89^{\circ} 05' 55''$  East, a distance of 125 feet; thence South  $00^{\circ} 58' 00''$  East, for a distance of 765.49 feet to the POINT of BEGINNING.

From the POINT of BEGINNING, run thence South  $89^{\circ} 05' 55''$  West, a distance of 125 feet to the POINT of TERMINATION.

**Attachment H**  
**DERM Project Report**

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-48.3 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 the South Florida Water Management District criteria and design standards. The proposed project as designed will meet all criteria and design standards.
2. **Water Quality** - The proposed project will not adversely affect surface and/or groundwater quality. On-site stormwater drainage will be provided in accordance with minimum DERM standards. The Class I permit shall require that standard erosion control methods be implemented during de-mucking and filling.
3. **Wellfields/Water Supply/Aquifer Recharge** - The proposed project is not located in a wellfield, water supply or aquifer recharge area.
4. **Aesthetics** - The proposed project is designed to be aesthetically compatible with the surrounding area. The proposed project will add a service road to connect to an existing roadway and add an additional playing field associated with the school. This on-site mitigation project provides a natural buffer between the proposed playing fields and adjacent wetlands.
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.
7. **Air Quality** - The proposed project will not result in significant adverse impacts to air quality.
8. **Marine and Wildlife Habitats** - The proposed project will result in the filling of approximately 3.19 acres of degraded wetlands that provide some wildlife habitat values. However, the applicant has already completed an on-site mitigation project to offset the loss of habitat value. The mitigation consists of the following components.
  - a. Restoration of 6.0 acres of degraded wetlands by lowering the elevation to improve the hydroperiod and allow for natural recruitment of native vegetation
  - b. Enhancement of 4.80 acres of degraded wetlands by the removal of exotic/invasive vegetation through treatment with an appropriate herbicide
  - c. Creation of a 0.5 acre upland hammock area and planted with native upland tree and shrub species
  - d. Creation of a 0.5 acre transitional wetland area and planted with native plant species
  - e. Preservation of 3.30 acres of on-site wetlands

This on-site mitigation project provides various wetland and upland habitats that provide significant habitat values for wildlife, including wetland dependent birds.

9. **Soils** - The proposed project will result in the permanent removal of natural wetlands soils suitable for habitat; however, the applicant has already mitigated for those impacts as outlined in Evaluation Factor 8 above.
10. **Flora** - The proposed project will result in the removal of 3.19 acres of wetlands, consisting of both native and exotic plant species, primarily Brazilian pepper, but also containing several mangrove trees. The applicant will mitigate for those impacts as outlined in Evaluation Factor 8 above.
11. **Fauna** - The proposed project will remove habitat utilized by native fauna. However, the on-site mitigation project as outlined in Evaluation Factor No. 8 above is providing high quality habitat for native fauna in close proximity to the impact site.
12. **Rare, Threatened and/or Endangered Species** - The proposed work is not expected to result in adverse effects to rare, threatened and/or endangered species.
13. **Natural Flood Damage Protection** - The proposed work would not result in adverse impacts to the ability of the site to provide stormwater storage.
14. **Wetland Values** - The proposed work will result in the loss of approximately 3.19 acres of degraded wetlands. The previously issued Class IV Permit (FW95-002) authorized the excavation of 2.70 acres and the filling of 4.20 acres of wetlands for the purposes of additional educational and recreational facilities. Of that authorized by FW95-002, 3.19 acres of wetlands have not yet been filled and it is this wetland area that is the subject of the current Class I permit application. Therefore, the total loss of wetland values is associated with the impact area permitted under FW95-002. However, the completed on-site mitigation project, as outlined in Evaluation Factor No. 8, has resulted in a net gain of wetland values to Miami-Dade County through the enhancement of degraded wetlands, the restoration of additional wetlands, and the preservation of on-site wetlands.
15. **Land Use Classification** - Pursuant to Section 24-48.2(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 the approval by the Board of County Commissioners and prior to the issuance of a 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.
17. **Other Environmental Values Affecting the Public Interest** - The proposed project is located on lands owned entirely by the Bay Point School Properties, Inc., who has leased the property upon which work is proposed to the applicant, Bay Point Schools, Inc.
18. **Standard Construction Procedures, Practices and Performance Standards** - The proposed project complies with the construction practices and standards of the Miami-Dade County Public Works Manual.
19. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director the proposed project will not result in significant adverse environmental impacts. Therefore, a CEIS was not required by DERM in order to evaluate the request.

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) United States Clean Water Act
  - b) South Florida Water Management District 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 request as it relates to the CDMP:

**LAND USE ELEMENT I:**

**Objective 2/Policy 2A** - Level of Service. All other relevant County departments have generically approved this category of proposed projects as consistent with the Miami-Dade County Concurrency Ordinance.

**Objective 3/Policies 3A, 3B, 3C** - Protection of natural resources and systems. -

**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 Port of Miami River.

**CONSERVATION ELEMENT VI:**

**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 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. Proper on-site stormwater storage will be provided.

**Objective 5/Policies 5A, 5B** - Flood protection and cut and fill criteria. The proposed project does not compromise flood protection and is consistent with all relevant cut and fill criteria.

**Objective 6/Policy 6A** - Areas of highest suitability for mineral extraction. The proposed project is not located in an area suitable for mineral extraction.

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

**Objective 6/Policy 6D** - Suitable fill material for the support of development. The application does not involve the removal of fill suitable to support development. The proposed project shall only involve the placement of clean fill.

**Objective 7/Policy 7A** - No net loss of high quality, relatively unstressed wetlands. The proposed project will not result in a net loss of high quality, unstressed wetlands. Through the on-site mitigation outlined in Evaluation Factor No. 8, Miami-Dade County will have a net gain in high quality, relatively unstressed wetlands through the restoration, enhancement and preservation of wetlands on-site.

**Objective 9/Policies 9A, 9B, 9C** - Protection of habitat critical to Federal or State-designated threatened or endangered species. No unacceptable adverse effects to threatened or endangered species are expected as a result of the proposed project.

**COASTAL MANAGEMENT ELEMENT IX:**

**Objective 1/Policy 1A** - Tidally connected mangroves in mangrove protection areas - Prohibition on mangrove cutting, trimming or alteration except as necessary to prevent or eliminate a threat to public health, safety or welfare; or for water dependent activities. The proposed project is not located within a designated Mangrove Protection Area.

**Objective 1/ Policy 1B** - Natural surface flow into and through coastal wetland systems - Aside from the permanent impacts to 3.19 acres of wetlands, the proposed project will not adversely affect natural surface flow into and through wetlands at or adjacent to the project site.

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

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. The proposed project will impact a disturbed wetland but containing several mangrove trees. The on-site mitigation project outlined in Evaluation Factor No. 8 includes enhancement of mangrove wetlands and preservation of mangrove wetlands.

**Objective 1/Policy 1E** - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. The proposed project will impact disturbed wetlands. This impact has already been mitigated as described in Evaluation Factor No. 8. The previously issued Class IV permit required that the mitigation site be monitored for a period of 5 years and that the applicant is required to maintain the mitigation area in perpetuity. The Class I Permit, if approved, will require that the mitigation be in compliance with the success criteria established in the Class IV permit (FW95-002). The success criteria, monitoring and maintenance requirements will be incorporated into the Class I permit.

**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 24-48, of the Code of Miami-Dade County, Florida. The proposed project will not disturb grass/algal flats, hard bottom or other viable benthic communities.

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

**Objective 3/Policy 3E, 3F** - Location of new cut and spoil areas for proper stabilization and minimization of damages. The proposed project does not involve the development or identification of new cut or spoil areas.

**Objective 5/Policy 5B** - Existing and new areas for water-dependent uses. The proposed project does not create or eliminate any water dependent uses.

**Objective 5/Policy 5D** - Consistency with Chapter 33D, the Code of Miami-Dade County, Florida, (shoreline access, environmental compatibility of shoreline development) - The proposed project is not located within the Shoreline Development Review Boundaries and therefore does not require approval pursuant to Chapter 33D.

**Objective 5/Policy 5F** - The siting of water dependent facilities. The proposed project is not located along a shoreline or in an area with open water access. As such, the proposed project does not involve the construction of a water dependent facility.

22. **Conformance with Chapter 33B, 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 not located within Biscayne Bay or its tidal tributaries.
24. **Consistency with Miami-Dade County Criteria for Lake Excavation** - The proposed project does not involve lake excavation.
25. **Municipality Recommendation** - Pursuant to Section 24-48.2(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 the approval by the Board of County Commissioners and prior to the issuance of the Class I Permit.
26. **Coastal Resources Management Line** - DERM did not require the establishment of a Coastal Resources Management Line for the proposed project.
27. **Wetland Fill Limits** - The proposed project is designed to place the minimal amount of fill necessary for the proposed project.
28. **Class I Permit Applications for Projects Exceeding the Boundaries described in Section D-5(03)(2)(a) of the Miami-Dade County Public Works Manual** - The proposed project does not exceed these boundaries as defined in Section D-5(03)(2)(a) of the Miami-Dade County Public Works Manual.
29. **Other Comments** - The mitigation required for the impacts associated with this project has already been completed on-site pursuant to Class IV permit FW95-002. In addition, the applicant obtained a variance to Section 24-48.3(B) of the Code of Miami-Dade County, Florida.

The proposed project was also evaluated for compliance with the minimum required standards contained in Section 24-48.3 (B), (C), and (D) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the request:

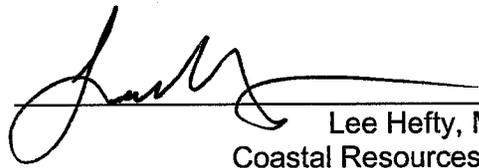
**(B) Dredging and/or Filling for Class I Permit** - Since the proposed project is not consistent with Section 24-48.3(B) of the Code for Miami-Dade County, Florida, DERM required that the applicant obtain a variance to this Code section, which was granted by the Environmental Quality Control Board through Resolution 04-087 on October 14, 2004.

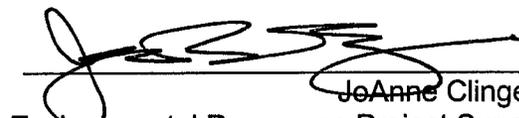
**(C) Docks and Piers for Mooring Purposes** – This provision is not applicable because the proposed project does not involve the construction of docks or piers for mooring purposes.

**(D) Clean Fill in Wetlands** – The proposed project involves the placement of clean fill material only.

#### SUMMARY

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

  
\_\_\_\_\_  
Lee Hefty, Manager  
Coastal Resources Section

  
\_\_\_\_\_  
JoAnne Clingerman  
Environmental Resources Project Supervisor  
Coastal Resources Section