

# Memorandum



**Date:** September 18, 2007

**To:** Honorable Chairman Bruno A. Barreiro and Members,  
Board of County Commissioners

Agenda Item No. 5(N)

**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 St. Tropez II, LLC to Create a 0.035 Acre Mangrove  
Planter as Mitigation for Impacts Authorized Under Class I Permit CC05-016

---

Attached, please find for your consideration an application by St. Tropez II, LLC, for a Class I Permit. Also, attached is the recommendation of the Director of the Department of Environmental Resources Management and a Resolution seeking the Board's approval of the aforesaid Class I Permit.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed title.

Assistant County Manager

# Memorandum



**Date:** September 18, 2007

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

**From:** Carlos Espinosa, P.E., Director  
Environmental Resources Management

**Subject:** Class I Permit Application by St. Tropez II, LLC to Create a 0.035 Acre Mangrove Planter as Mitigation for Impacts Authorized Under Class I Permit CC05-016

---

## **Recommendation**

I have reviewed the Class I Permit application by St. Tropez II, LLC. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida, I recommend that the Board of County Commissioners approve the issuance of a Class I Permit for the reasons set forth below.

## **Scope**

The project site is located along Belle Vista Bay at 150 Sunny Isles Boulevard, Sunny Isles Beach, Miami-Dade County, Florida which is in Commission District 4.

## **Fiscal Impact/Funding Source**

Not applicable.

## **Track Record/Monitor**

Not applicable.

## **Background**

The subject Class I Permit application involves the creation of a 0.035 acre mangrove planter as mitigation for impacts authorized under Class I Permit CC05-016. The aforementioned Class I Permit authorized the installation of six hundred (600) linear feet of seawall along the property as part of the work done to develop the uplands for the construction of a high-rise condominium project. In order to accommodate the seawall approximately 0.009 acres of halophytic vegetation, including mangroves were removed. The Class I Permit CC05-016 for the installation of the seawall did not require commission approval and was issued administratively by DERM. However, the proposed mitigation to offset the unavoidable impacts associated with the installation of the seawall involves the dredging of uplands to create coastal wetlands, which requires approval by the Board of County Commissioners. Specifically, the mitigation proposed by the applicant is the creation of a 0.035 acre mangrove planter which is the subject of the current application. The project site is located along the Belle Vista Bay at 150 Sunny Isles Boulevard, Sunny Isles Beach, Miami-Dade County, Florida.

The proposed mitigation site consists of a 0.035 acre portion of partially paved and unimproved upland which extends into Belle Vista Bay and contains halophytic vegetation along its perimeter. As part of the proposed work the subject site will be scraped down to appropriate wetland elevation, all construction debris, paved surfaces, concrete rubble, and exotic invasive vegetation will be removed and the area will be planted with red mangrove seedlings. In addition, the perimeter of the planter will be stabilized by the placement of natural limestone boulder riprap to form a protective barrier around the mitigation area. In order to insure the success of the mangrove planter, the Class I Permit shall require monitoring for a period of five (5) years.

George M. Burgess  
County Manager  
Page 2

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. Please find attached a DERM Project Report which sets forth 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 references hereto.

**Attachments**

- Attachment A: Class I Permit Application
- Attachment B: Affidavit of Ownership
- Attachment C: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
- Attachment D: Zoning Memorandum
- Attachment E: Names and Addresses of Owners of All Riparian or Wetland Property Within  
Three Hundred (300) Feet of the Proposed Work
- Attachment F: Water Quality Monitoring Plan
- Attachment G: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY  
ST. TROPEZ II, LLC, FOR A CLASS I PERMIT TO CREATE  
A 0.035 ACRE MANGROVE PLANTER AS MITIGATION FOR  
IMPACTS AUTHORIZED UNDER CLASS I PERMIT CC05-  
016 AT 150 SUNNY ISLES BOULEVARD, SUNNY ISLES  
BEACH, MIAMI-DADE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of 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 St. Tropez II, LLC, for a Class I Permit to create a 0.035 acre mangrove planter as mitigation for impacts authorized under Class I Permit CC05-016 at 150 Sunny Isles Boulevard, Sunny Isles Beach, Miami-Dade County, Florida. Such Public Hearing will be held on the 18th day of September, 2007, at 9:30 AM 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, 6th Floor, 701 N.W. 1<sup>st</sup> Court, Miami, Florida 33136.

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 NW 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, 701 NW 1<sup>st</sup> Court, Miami, Florida 33136.

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

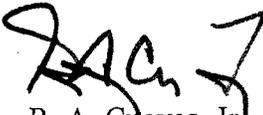


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** September 18, 2007

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

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

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 (N)  
09-18-07

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

RESOLUTION RELATING TO AN APPLICATION BY ST. TROPEZ II, LLC FOR A CLASS I PERMIT TO CREATE A 0.035 ACRE MANGROVE PLANTER AS MITIGATION FOR IMPACTS AUTHORIZED UNDER CLASS I PERMIT CC05-016 AT 150 SUNNY ISLES BEACH BOULEVARD, SUNNY ISLES BEACH, 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 St. Tropez II, LLC for a Class I Permit to create a 0.035 acre mangrove planter as mitigation for impacts authorized under Class I Permit CC05-016, 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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of September, 2007. 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

Approved by County Attorney as  
to form and legal sufficiency. LAD

Robert A. Duvall

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

**Attachment A**  
**Class I Permit Application**



# Class I Permit Application

RECEIVED  
 MAY 02 2007  
 ENVIRONMENTAL REGULATION DIVISION  
 DERM RESOURCES

1. Application number <b>CC-06-149</b>	2. Date Day / Month / Year	3. Official Use Only
---	----------------------------	----------------------

<b>4. Applicant Information:</b> Name: <u>St. Tropez II, LLC</u> Address: <u>3211 Ponce De Leon Blvd., Suite 301</u> <u>Coral Gables, Florida 33134</u> Phone #: <u>(305) 460-6300</u> Fax #: <u>(305) 444-4721</u>	<b>5. Applicant's authorized permit agent</b> Name: <u>Trident Environmental Consultants, Inc.</u> Address: <u>2845 NW 35<sup>th</sup> Street</u> <u>Miami, Florida 33142</u> Phone #: <u>(305) 638-0266</u> Fax #: <u>(305) 638-0293</u>
---	---

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.

**Creation of 0.035 Acre Mangrove Planter as Mitigation for Impacts Relating to CC-05-016**

Dredged/Excavated Filled/Deposited

Volume of Material: \_\_\_\_\_ CY \_\_\_\_\_ CY \_\_\_\_\_ CY \_\_\_\_\_ CY

Waterward of O.H.W. or M.H.W.      Landward of O.H.W. or M.H.W.      Waterward of O.H.W. or M.H.W.      Landward of O.H.W. or M.H.W.

7. Proposed Use: (Check One)

Private

Public

Commercial

Other

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

Name: <u>J. Lebit Mc Bride &amp; St. Tropez II, LLC</u>	Name: <u>St. Tropez II Properties, LLC</u>
Address: <u>16690 Collins Avenue</u> <u>Sunny Isles Beach, Florida 33160</u>	Address: <u>160 Sunny Isles Blvd.</u> <u>Sunny Isles Beach, Florida 33160</u>

9. Location where proposed activity exists or will occur.

Street Address: 150 Sunny Isles Blvd. (Folio # 31-2214-007-0340) Lat. 25.92923N Long. 80.12373W  
Sunny Isles Beach, Florida Section 14 Township 52S Range 42E

State Florida County Miami-Dade In City or Town Miami Beach Near City Or Town Miami

10. Name of waterway at location of the activity.

Belle Vista Bay      /0

11. Date activity is proposed to:

Commence Upon Receipt of Permits

Be completed Within 180 Days of Commencement

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 Regulated Impacts.

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
SFWMD	ERP/Exempt	13-02654-P	01/12/2005	09/12/2005
ACOE	GP/Nationwide	SAJ-2005-1330	01/12/2005	11/23/2005
Sunny Isles Beach	Building Permit			

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

Yes

No

15. Remarks

16. Estimated project cost = \$ 25,000.00

17. Contractor's name and address

Name: Marin & Marin Construction, Inc.

License #: E-1391

Address: 3845 NW 35<sup>th</sup> Street  
Miami, Florida 33142

Phone #: (305) 569-0055 Fax # : \_\_\_\_\_

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.

St. Tropez II, LLC, Joseph Milton, Manager

Signature of owner

Date

St. Tropez II, LLC, Yosi Gil, Manager

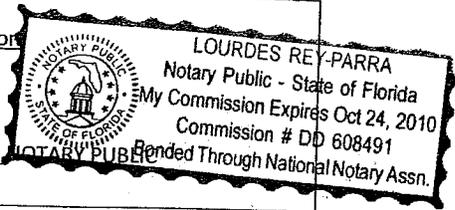
Signature of owner

Date

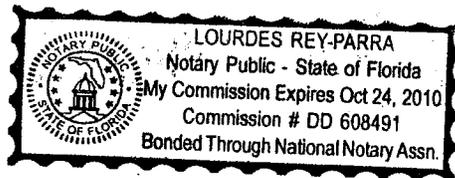
ENVIRONMENTAL  
REGULATION DIVISION  
DEPT. OF NATURAL RESOURCES  
MAY 02 2007

RECEIVED

SUBSCRIBED AND SWORN TO ME THIS 30<sup>th</sup> DAY OF April, 2007, BY Joseph Milton  
 PERSONALLY KNOWN  PRODUCED IDENTIFICATION (PLEASE CHECK ONE)  
TYPE OF ID PRODUCED \_\_\_\_\_  
*Loures Rey Parra*



SUBSCRIBED AND SWORN TO ME THIS 30<sup>th</sup> DAY OF April, 2007, BY Yosi Gil.  
 PERSONALLY KNOWN  PRODUCED IDENTIFICATION (PLEASE CHECK ONE)  
TYPE OF ID PRODUCED \_\_\_\_\_  
*Loures Rey Parra* NOTARY PUBLIC



RECEIVED  
MAY 02 2007  
DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

**ATTACHMENT A  
ST. TROPEZ II PROPERTIES, LLC  
DESCRIPTION OF PROPOSED WORK**

Create a 0.035-acre mangrove planter on the southern portion of Lot 34:

1. The planter area will be scraped down to an elevation of +1.0 NGVD as required by DERM. In addition, the remains of the original seawall will be removed and replaced with natural limestone boulder riprap to form a protective barrier around the mangrove mitigation/preserve area. The scrape down area will be planted with 2' tall red mangrove seedlings at one foot on center, as required by DERM.
2. The scrape-down area will be surrounded by a turbidity curtain until the work has been completed. We do not expect any turbid discharges in the work area since the material is coarse and consolidated
3. Upon completion of planter construction and mangrove planting, a Time Zero report will be submitted to DERM. The report will include quantitative data on the number of mangroves planted, plant height, and coverage. Photo stations will be established at fixed points to supplement quantitative and qualitative observations.
4. A monitoring program will be implemented for a period of five (5) years, with annual reports submitted to DERM in accordance with the following proposed schedule: Time 0 + 12 Months, Time 0 + 24 months, Time 0 + 36 months, Time 0 + 48 months, Time 0 + 60 months. The reports will include quantitative and qualitative data on survivorship, vitality, growth, percent cover, and natural recruitment, as well as confirmation that the preservation area is being maintained free of exotics.
5. In the event that survivorship drops below 80% during any given monitoring period, additional material will be replanted to maintain the 80% survival criterion. At the end of the monitoring program, the area is expected to have 80% cover with mangroves. The mitigation area will then be maintained free of exotics in perpetuity.

This proposed work satisfies Specific Conditions 13, 14, 15, and 16 specified in DERM Permit No. CC05-06.

**RECEIVED**  
MAR 24 2006  
DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

**AFFIDAVIT OF MEMBERS, MANAGING MEMBERS,  
AND MANAGERS OF FLORIDA LIMITED LIABILITY COMPANY  
ST. TROPEZ II, LLC  
CC-06-149**

We, (Print full names(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and titles on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit; the list of names and titles shall include all names on the list required by Section 608.4101(a)(a), Fla. Stat (2004), as same may be amended from time to time)

Full Name	Title
<u>Joseph Milton</u>	<u>Manager</u>
<u>Yosi Gil</u>	<u>Manager</u>

hereby swear or affirm that :

1. The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, of the Florida Limited Liability Company known as St. Tropez II, LLC.
2. There are no Members, Managing Members or Managers of the aforesaid Florida Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.
3. There are no provisions in any Articles of Organization of the aforesaid Florida Limited Liability Company or in any operating agreement, written or oral, of the aforesaid Florida Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, DERM Application CC-06-149 by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability as set forth in the foregoing instrument or document.
4. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the foregoing Florida Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, DERM Application CC-06-149 for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability Company as set forth in the foregoing instrument or document.

14

**RECEIVED**  
AUG 30 2007

DERM  
Environmental Resources Regulation Division

5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

*[Handwritten signature]*

Joseph Milton

Manager of St. Tropez II, LLC.

Title

Sworn to and subscribed before me this 29<sup>th</sup> day of August, 2007 by Joseph Milton, who is personally known to me or who has produced \_\_\_\_\_ (type of identification).

Loures Rey-Parra (Signature of Notary Public)

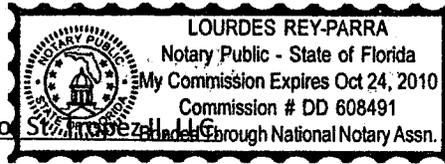
Loures Rey-Parra (Print, type or stamp name of notary public)

*[Handwritten signature]*

Yosi Gil

Manager of St. Tropez II, LLC.

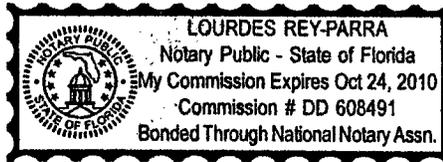
Title



Sworn to and subscribed before me this 29<sup>th</sup> day of August, 2007 by Yosi Gil, who is personally known to me or who has produced \_\_\_\_\_ (type of identification).

Loures Rey-Parra (Signature of Notary Public)

Loures Rey-Parra (Print, type or stamp name of notary public)



RECEIVED

AUG 30 2007

DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

15

**2006 LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# L02000007381

Entity Name: ST. TROPEZ II, LLC

FILED  
Apr 19, 2006  
Secretary of State

RECEIVED

MAY 02 2007

DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

**Current Principal Place of Business:**

3211 PONCE DE LEON  
SUITE 301  
CORAL GABLES, FL 33134

**New Principal Place of Business:**

**Current Mailing Address:**

3211 PONCE DE LEON  
SUITE 301  
CORAL GABLES, FL 33134

**New Mailing Address:**

FEI Number: 02-0588020

FEI Number Applied For ( )

FEI Number Not Applicable ( )

Certificate of Status Desired ( )

**Name and Address of Current Registered Agent:**

BARKER, REX M  
3211 PONCE DE LEON  
SUITE 301  
CORAL GABLES, FL 33134 US

**Name and Address of New Registered Agent:**

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

**SIGNATURE:**

\_\_\_\_\_  
Electronic Signature of Registered Agent

\_\_\_\_\_  
Date

**MANAGING MEMBERS/MANAGERS:**

Title: MGRM ( ) Delete  
Name: MILTON, JOSEPH  
Address: 3211 PONCE DE LEON 301  
City-St-Zip: CORAL GABLES, FL 33134

**ADDITIONS/CHANGES:**

Title: ( ) Change ( ) Addition  
Name:  
Address:  
City-St-Zip:

Title: MGRM ( ) Delete  
Name: GIL, YOSI  
Address: 3211 PONCE DE LEON 301  
City-St-Zip: CORAL GABLES, FL 33134

Title: ( ) Change ( ) Addition  
Name:  
Address:  
City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 608, Florida Statutes.

SIGNATURE: JOSEPH MILTON

MGRM

04/19/2006

\_\_\_\_\_  
Electronic Signature of Signing Managing Member, Manager, or Authorized Representative / Date

16

FILED

2005 DEC 14 A 9:46

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**ARTICLES OF MERGER**  
**OF**  
**ST. TROPEZ II, LLC**  
**(SURVIVING DOMESTIC LIMITED LIABILITY COMPANY)**  
**AND**  
**ST. TROPEZ II PROPERTIES, LLC**  
**(TERMINATING DOMESTIC LIMITED LIABILITY COMPANY)**

The following articles of merger are being submitted in accordance with section 608.4382, Florida Statutes.

**FIRST:** The exact name, street address of its principal office, jurisdiction, and entity type of the surviving party are as follows:

<u>Name and Street Address</u>	<u>Jurisdiction</u>	<u>Entity Type</u>
St. Tropez II, LLC 3211 Ponce de Leon Blvd., #301 Coral Gables, FL 33134	Florida	profit limited liability company

Florida Document/Registration Number: L02000007381 FEI Number: 02-0588070

**SECOND:** The exact name, street address of its principal office, jurisdiction, and entity type for each merging party are as follows:

<u>Name and Street Address</u>	<u>Jurisdiction</u>	<u>Entity Type</u>
St. Tropez II Properties, LLC 3211 Ponce de Leon Blvd., #301 Coral Gables, FL 33134	Florida	profit limited liability company

Florida Document/Registration Number: L05000024103 FEI Number: N/A

**THIRD:** The Plan of Merger meets the requirements of section 608.438, Florida Statutes, and was approved by each limited liability company that is a party to the merger in accordance with Chapter 688, Florida Statutes and is attached hereto and made a part hereof.

**FOURTH:** The merger shall become effective as of the date the Articles of Merger are filed with Florida Department of State.

**FIFTH:** Adoption of Merger by the Surviving Company:

(((H05000285549 3)))

RECEIVED

MAY 02 2007

DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

17

DEC-14-2005 WED 04:27 PM  
(((R105000285549 3)))

FAX NO.

P. 03

FILED

2005 DEC 14 A 9 41

The Plan of Merger was adopted by the members of the surviving company December 13, 2005.

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

SIXTH: Adoption of Merger by the Merging Limited Liability Company:

The Plan of Merger was adopted by the members of the merging company December 13, 2005.

SEVENTH: SIGNATURE(S):

Dated: December 13, 2005.

ST. TROPEZ II, LLC, a Florida limited liability company

By:   
Joseph Milton, Manager

ST. TROPEZ II PROPERTIES, LLC, a Florida limited liability company

By:   
Joseph Milton, Manager

RECEIVED

MAY 02 2007

DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

(((R105000285549 3)))

18

FILED

PLAN OF MERGER

2005 DEC 14 A 9:46

The following PLAN OF MERGER is submitted in compliance with Florida Statutes 250.05, 250.06, 250.07, and 250.08 and in accordance with the laws of any other applicable jurisdiction.

FIRST: The name, address of its principal office, jurisdiction, and entity type of the surviving company are as follows:

<u>Name and Street Address</u>	<u>Jurisdiction</u>	<u>Entity Type</u>
St. Tropez II, LLC 3211 Ponce de Leon Blvd., #301 Coral Gables, FL 33134	Florida	profit limited liability company

Florida Document/Registration Number: L02000007381 FEI Number: 02-0588020

SECOND: The name, address of its principal office, jurisdiction, and entity type for each merging limited liability company are as follows:

<u>Name and Street Address</u>	<u>Jurisdiction</u>	<u>Entity Type</u>
St. Tropez II Properties, LLC 3211 Ponce de Leon Blvd., #301 Coral Gables, FL 33134	Florida	profit limited liability company

Florida Document/Registration Number: L05000024103 FEI Number: N/A

THIRD: The terms and conditions of the merger are as follows:

- The Articles of Organization of the surviving limited liability company at the effective time and date of the merger shall be the Articles of Organization of said surviving limited liability company and said Articles of Organization shall continue in full force and effect until amended and changed in the manner prescribed by the provisions of the Florida Limited Liability Company Act.
- The present regulations of the surviving company will be the regulations of said surviving company and will continue in full force and effect until changed, altered, or amended as therein provided and in the manner prescribed by the provisions of the Florida Limited Liability Act.
- The managing members of the surviving company at the effective time and date of the merger shall be the managing members of the surviving company, all of whom shall hold their respective offices until the election and qualification of their successors or until their tenure is otherwise terminated in accordance with the regulations of the surviving company.
- This merger is conditioned upon the acquisition by St. Tropez II Developers, LLC of the membership interest in St. Tropez II, LLC from St. Tropez II Holdings, LLC.

(((H05000285549 3)))

RECEIVED

MAY 02 2007

DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

19

FILED

All liabilities of the merging company shall become the responsibility of the surviving company.

FOURTH: The manner and basis of converting the interests of each company into interests, obligations, or other securities of the surviving company, in whole or in part, into cash or other property, and the manner and basis of converting rights to acquire interests of each company into rights to acquire interests, obligations or other securities of the surviving or any other company, in whole or in part, into cash or other property are as follows:

Each issued membership interest of the merging (terminating) limited liability company shall, at the effective time of the merger, be canceled. The issued membership interests of the surviving company shall not be converted or exchanged in any manner, but each said share which is issued as of the effective date of the merger shall continue to represent one issued membership interest of the surviving company.

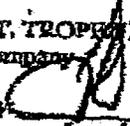
FIFTH: The names and addresses of the manager(s) of the surviving company are as follows:

Joseph Milton  
1211 Ponce de Leon Blvd., #301  
Coral Gables, FL 33134

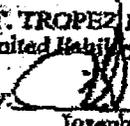
Yosi Gil  
1755 COLLINS AVE, #200  
SUITE 2505 BEACH, FL 33160

Dated effective December 13, 2005.

ST. TROPEZ II, LLC, a Florida limited liability company

By:   
Joseph Milton, Manager

ST. TROPEZ II PROPERTIES, LLC, a Florida limited liability company

By:   
Joseph Milton, Manager

\\LIBRARY\c\back\milton\st. Tropez II\2005\merger\st. tropez II properties.doc

RECEIVED

MAY 02 2007

DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

(((H05000285549 3)))

20

**Attachment B**  
**Affidavit of Ownership**

**AFFIDAVIT OF OWNERSHIP  
AND HOLD HARMLESS AGREEMENT**

Personally appeared before me, **Joseph Milton, Manager, St. Tropez II, LLC**, and **Yosi Gil, Manager, St. Tropez II, LLC**, the 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:

**150 Sunny Isles Blvd.**

**Sunny Isles Beach, Florida 33160**

**Legal Description:**

**Folio # 31-2214-007-0340**

**2<sup>ND</sup> REV BELLA VISTA PB 50-76 LOT 34 & ISLAND 34**

**F/A/U 30-2214-007-0340 OR 23553-0839 06 2005 6**

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. **CC-06-149** 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:

**Creation of 0.035 Acre Mangrove Planter as Mitigation for Impacts Relating to CC-05-016**

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.

By: **St. Tropez II, LLC**

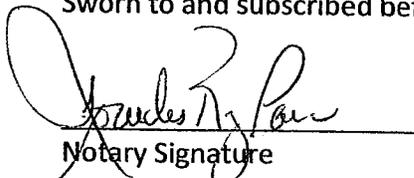


**Joseph Milton, Manager**

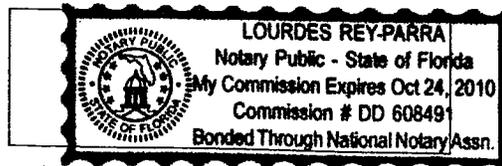
State of Florida  
County of Miami-Dade

Before Me, the undersigned authority, personally appeared **Joseph Milton**, 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 30<sup>th</sup> of April, 2007

  
Notary Signature

Notary Stamp



RECEIVED

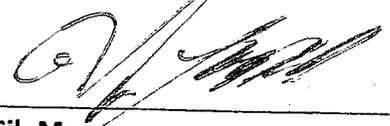
MAY 02 2007

DERM  
ENVIRONMENTAL RESOURCES  
ATION DIVISION

22

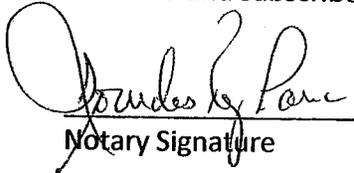
By: **St. Tropez II, LLC**

State of Florida  
County of Miami-Dade

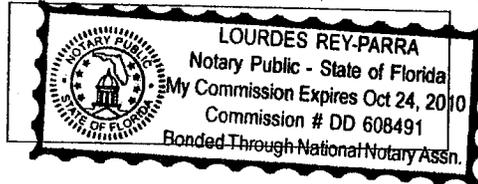
  
\_\_\_\_\_  
**Yosi Gil, Manager**

Before Me, the undersigned authority, personally appeared **Yosi Gil**, 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 30<sup>th</sup> of April, 2007

  
\_\_\_\_\_  
Notary Signature

Notary Stamp



RECEIVED

MAY 02 2007

DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

**Attachment C**

**Owner/Agent Letter, Engineer Certification Letter and  
Project Sketches**



# TRIDENT ENVIRONMENTAL CONSULTANTS, INC.

## PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

---

June 14, 2007

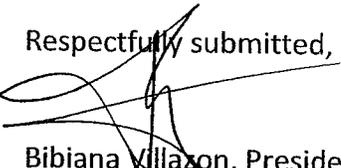
Miami Dade County DERM  
Class I Permitting Program  
701 NW 1<sup>st</sup> Court  
Miami, Florida 33136

RE: **Class I Standard Form Permit Application Number CC-06-149  
Creation of 0.035 Acre Mangrove Planter as Mitigation for Impacts Relating to CC-05-016**

By the attached Class I Standard Form permit application with supporting documents, I, Bibiana Villazon, President, Trident Environmental Consultants, Inc., am the applicant's authorized agent and hereby request permission to perform the following: Creation of 0.035 Acre Mangrove Planter as Mitigation for Impacts Relating to CC-05-016. 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/licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. 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/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,

  
Bibiana Villazon, President  
Trident Environmental Consultants, Inc.  
Authorized Agent

25  
2845 NW 35<sup>th</sup> Street Miami, Florida 33142  
(305) 638-0266 Office (305) 638-0293 Fax



**SolVer Structural Partnership, Inc.**  
 Consulting Structural Engineers  
 Design • Inspections • Investigation • Reports

**RECEIVED**  
 JUN 18 2007

**ENGINEER LETTER OF CERTIFICATION** DERM Environmental Resources Regulation Division

May 17, 2007

Miami-Dade County DERM  
 Class I Permitting Program  
 701 NW 1<sup>st</sup> Court  
 Miami, Florida 33136

RE: **Class I Standard Form Permit Application Number CC-06-149**  
**Creation of 0.035 Acre Mangrove Planter as Mitigation for Impacts Relating to CC-05-016**

Ladies and Gentlemen:

This letter will certify that I am an engineer registered/licensed 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 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. (Not applicable to Class IV Permits)
- c. Material injury to adjacent property.
- d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to Class IV permit only.)

Further, I have been retained by the applicant to provide inspections throughout the construction period and to 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,

  
 05/17/07

Denis K. Solano, PE  
 PE # 56902

26



RECEIVED

MAY 02 2007

DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

THIS PROJECT INCLUDES 0.035 AC MITIGATION AREA TO BE  
SCRAPED DOWN AND REPLANTED WITH MANGROVES.  
ALL OTHER WORK PREVIOUSLY APPROVED VIA CLASS 1 PERMIT  
CC 05-016

MEAN HIGH WATER LINE  
= +1.66'

PROPOSED BULKHEAD  
AT OR ABOVE MEAN  
HIGH WATER LINE

EXISTING BULKHEAD

PROPOSED BULKHEAD 12"  
WITH IN EXISTING BULKHEAD

ISLAND 32

ISLAND 33

EXISTING DOCK TO  
REMAIN

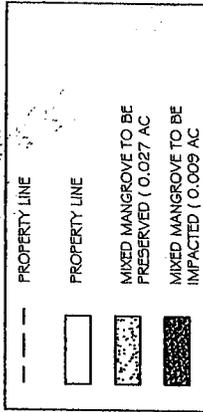
SUBMERGED PIER TO  
BE REMOVED

ISLAND 34  
SCRAPE DOWN AND  
REPLACE WITH RED  
MANGROVES  
0.035 AC

REMAINING PORTION  
OF ISLAND 34  
SUBJECT TO  
CONSERVATION  
EASEMENT

REMOVE DILAPIDATE  
CORAL ROCK SEA WALL  
AND REPLACE WITH  
LIME ROCK BOULDERS  
TO CREATE PLANTER

LEGEND

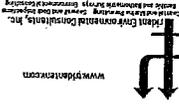


# PROPOSED IMPROVEMENTS

SCALE: NTS

88

hbh@stedeny.com  
305-244-0595 (M) 305-390-8730 (F)  
17218 SW 149th Place  
Miami, Florida 33187  
www.stedeny.com



ST TROPEZ II, LLC  
150 SUNNY ISLES BOULEVARD  
SUNNY ISLES BEACH, FLORIDA  
Title: Creation of 0.035 Acre Mangrove Planter as  
Mitigation for Impacts Relating to CC-05-016

date	_____
issued	_____
drawn	_____
checked	_____
project no.	_____
revisions:	_____

sheet no.  
2 of 3

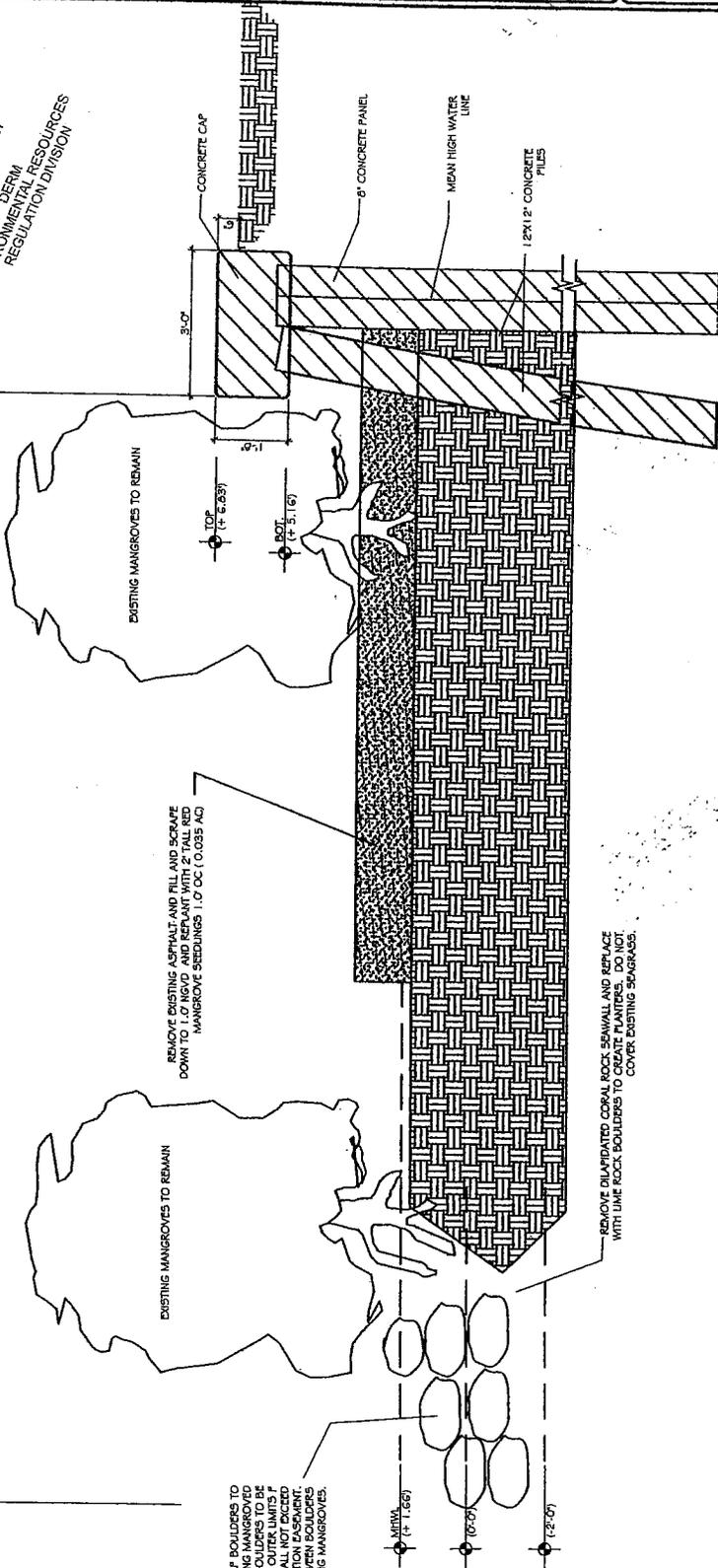
Solver Structural Partnership, Inc.  
7500 NW 25 St, Suite 212  
Miami, Florida 33122  
Phone: (305) 592 0505  
Fax: (305) 591 3447  
E-MAIL: solverstuct@aol.com  
DESIGN - INSPECTION - INVESTIGATION - REPORTS



Dennis K. Solano  
P.E. 56922  
S.T. 2046  
C.O.A. 00009695

RECEIVED  
MAY 02 2007  
DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

APPROXIMATE LIMITS OF CONSERVATION EASEMENT, 25'-0"



NEW CORAL ROCK RIP-RAP BOULDERS TO BE PLACED AROUND EXISTING MANGROVES TO PROTECT THEM FROM DAMAGE. BOULDERS TO BE PLACED AT A 2:1 SLOPE. OUTER LIMITS OF MANGROVE PLANTER SHALL NOT EXCEED LIMITS OF CONSERVATION EASEMENT. MINIMUM 12" DIMENSION BETWEEN BOULDERS AND EXISTING MANGROVES.

REMOVE UNIMPROVED CORAL ROCK SEAWALL AND REPLACE WITH LIVE ROCK BOULDERS TO CREATE PLANTERS. DO NOT COVER EXISTING SEAGRASS.

REMOVE EXISTING ASPHALT AND FILL AND SCRAPER DOWN TO 1.0' HIGH AND REPAIR WITH 2" TALL RED MANGROVE BEDDINGS 1.0' OC (0.035 AC)

job name: ST TROPEZ II, LLC  
150 SUNNY ISLES BOULEVARD  
SUNNY ISLES BEACH, FLORIDA  
Title: Creation of 0.035 Acre Mangrove to CC-05-016  
Mitigation for Impacts Relating to CC-05-016

date	_____
issued	_____
drawn	_____
checked	_____
project no.	_____
revisions:	_____

sheet no. **S-3**  
3 of 3

**SOLVER**  
Solver Structural Partnership, Inc.  
7500 NW 25 St, Suite 212  
Miami, Florida 33122  
Phone: (305) 591 3447  
Fax: (305) 591 3447  
E-Mail: solver@aol.com  
DESIGN - INSPECTION - INVESTIGATION - REPORTS  
C.O.A. 00000995

**SECTION A**  
SCALE: 1" = 1'-0"

29

**Attachment D**  
**Zoning Memorandum**

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** June 27, 2007

**To:** Luis C. Otero, Manager *LO*  
Coastal Resources  
Environmental Resources Management

**From:** Muriel M. Blaisdell, ERPS *mb*  
Coastal Resources  
Environmental Resources Management

**Subject:** Class I Permit Application by St. Tropez II, LLC to Create a 0.035 Acre Mangrove Planter as Mitigation for Impacts Authorized Under Class I Permit CC05-016

---

Pursuant to Section 24-48.2(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 after approval by the Miami-Dade County Board of County Commissioners and prior to issuance of the Class I Permit.

**Attachment E**

**Names and Addresses of Owners of All Riparian or Wetland  
Property Within Three Hundred (300) Feet of the Proposed  
Work**

**ADJACENT RIPARIAN PROPERTY OWNERS**

**ST. TROPEZ II PROPERTIES, LLC  
150 SUNNY ISLES BOULEVARD  
SUNNY ISLES BEACH, FL 33160**

Florida Department of Transportation  
District Six Office  
1000 N.W. 111<sup>th</sup> Avenue  
Miami, FL 33172

J. Lebit McBride & McBride Sunny Isles LLC  
2824 Palm Beach Blvd.  
Ft. Meyers, FL 33916

Oceania Property Owners Association Inc.  
16421 Collins Avenue  
Sunny Isles Beach, FL 33160

St. Tropez II Properties, LLC  
3211 Ponce de Leon Blvd., Suite 301  
Coral Gables, Florida 33134

**Attachment F**  
**Water Quality Monitoring Plan**



**TRIDENT ENVIRONMENTAL  
CONSULTANTS, INC.**

**CC-06-149 - ST. TROPEZ II, LLC.  
WATER QUALITY MONITORING PLAN**

**RECEIVED**

**MAY 02 2007**

**DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION**

The Water Quality Protection Plan for the proposed work consists of the following:

1. A pre-construction meeting will be held at the site prior to initiation of construction activities to review environmental permit conditions with the construction crew.
2. To minimize the potential for turbidity discharges, all excavation work will be performed during low tide. Because of the small volume of material to be removed, we expect the work to take only a few hours.
3. Equipment consisting of a crane barge with clamshell bucket will be mobilized to the site.
4. The waterward side of the work area will be surrounded by a temporary floating turbidity curtain prior to commencement of any construction activity and will remain in place until the work has been completed.
5. The crane barge will be positioned to reach the work area and will be spudded into the substrate. The crane barge will then be surrounded by a temporary floating turbidity curtain.
6. Special care shall be taken to avoid impacting existing mangrove trees in the work area.
7. Asphalt and consolidated fill in the planter area will be removed to achieve an elevation of +1.0' NGVD as required. Excavated material will be removed from the scrape-down area via clamshell bucket. The remains of the original seawall along the Southeast side of the work area will also be removed.
8. Removed material will be deposited onto the upland area North of the work area.
9. Asphalt removed from the work area will be loaded onto dump trucks for transport and disposal at a County approved disposal facility.
10. Consolidated fill material removed from the work area will be spread on the uplands behind the adjacent existing seawall as backfill. Due to the makeup of the materials, no discharges into tidal waters should occur.
11. Turbidity monitoring of the site shall be continuous during operations. Turbidity will not exceed twenty-nine (29) Nephelometric Turbidity Units (NTU's) above background beyond fifty (50) feet from pile-driving activities. In the event that a turbidity discharge is observed, work will be stopped until the turbidity dissipates.

35



**TRIDENT ENVIRONMENTAL  
CONSULTANTS, INC.**

**CC-06-149 - ST. TROPEZ II, LLC.  
WATER QUALITY PROTECTION PLAN CONT.**

**RECEIVED**  
MAY 02 2007  
DERM  
ENVIRONMENTAL RESOURCES  
REGULATION DIVISION

12. After the excavation work has been completed, the crane barge will be used to place natural limestone boulder rip-rap waterward of the work area to form a protective barrier around the mangrove planter area.
13. The crane barge will be removed once construction has been completed.
14. The temporary turbidity curtain around the work area will be removed once construction has been completed and the water has settled.

36

**Attachment G**  
**DERM Project Report**

**PROJECT REPORT**

**CLASS I PERMIT APPLICATION NO. CC06-149**

**ST. TROPEZ II, LLC TO CREATE A 0.035 ACRE MANGROVE PLANTER AS  
MITIGATION FOR IMPACTS RELATING TO CC05-016**

**Date: June 27, 2007**

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. **Potential Adverse Environmental Impact** – The potential adverse environmental impacts from the creation of a 0.035 acre mangrove planter are minimal. The Class I Permit shall have conditions to minimize turbidity, protect rare, threaten and endangered species and protect seagrasses, please see below.
2. **Potential Cumulative Adverse Environmental Impact** – The proposed project involves the creation of a 0.035-acre mangrove planter which will create additional wetland area; therefore, the proposed project is not reasonably expected to have any cumulative adverse environmental impacts.
3. **Hydrology** - The proposed project, as designed, is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is expected to temporarily adversely affect surface water quality during the scrape down and planting activities, however these impacts will be minimized to the maximum extent practicable by the implementation of proper turbidity control devices. The Class I Permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during all phases of construction.
5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The proposed project is not reasonably expected to have negative aesthetic impacts. However, during the scrape down process there may be temporary aesthetic impacts related to the presence of construction equipment.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values. However, the Class I permit shall contain conditions requiring monitoring the site for historic resources as recommended by the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division. If historical artifacts are discovered during the project, the contractor and permittee shall cease and desist all activities, which may disturb the soil in the immediate area, and contact the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division as well as the State of Florida Bureau of Historic Preservation, Division of Historical Resources.

12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values. However, the Class I permit shall contain conditions requiring monitoring the site for archaeological resources as recommended by the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division. If archaeological artifacts are discovered during the project, the contractor and permittee shall cease and desist all activities, which may disturb the soil in the immediate area, and contact the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division as well as the State of Florida Bureau of Historic Preservation, Division of Historical Resources.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed work involves the scrape down of partially paved and improved uplands to create a mangrove planter; therefore, impacts to marine and wildlife habitat are not anticipated.
15. **Wetland Soils Suitable for Habitat** – The proposed project is anticipated to create a 0.035 area of wetlands capable of supporting halophytic vegetation which should provide wetland soils that are suitable for habitat.
16. **Floral Values** –The proposed project is not reasonably expected to adversely affect marine flora. Seagrasses are present in the surrounding area where the riprap is proposed; however, the Class I Permit shall contain conditions to restrict the placement of riprap only to areas devoid of seagrasses.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect marine fauna. Seagrasses are present in the surrounding area where the riprap is proposed; however, the Class I Permit shall contain conditions to restrict the placement of riprap only to areas devoid of seagrasses.
18. **Rare, Threatened and Endangered Species** – The project area is located within essential habitat for the West Indian Manatee (*Trichechus manatus*). The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. Therefore, the Class I Permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** - The proposed project does not involve dredging or filling of wetlands.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the 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 after the approval by the Board of County Commissioners and prior to the issuance of a Class I Permit.
22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan and recreation element of the Biscayne Bay Management Plan recreation elements.

23. **Other Environmental Values Affecting the Public Interest** – The subject submerged lands in the area where the riprap is to be placed are owned by the applicant.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
- Miami-Dade County Public Works Manual
  - Biscayne Bay Management Plan (Section 33D-1 through 33-D-4 of the Code of Miami-Dade County)
  - Chapter 33B of the Code of Miami-Dade County
25. **Comprehensive Environmental Impact Statement (CEIS)** – A CEIS was not required by DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:
- a) Biscayne Bay Management Plan
  - b) Biscayne Bay Aquatic Preserve Act
  - c) United States Clean Water Act (Army Corps of Engineers permit)
  - d) Federal Endangered Species Act (US Fish & Wildlife Service)
  - e) Florida Department of Environmental Protection Regulations
  - f) Chapter 24 of the Code of Miami-Dade County
  - g) Rules of the South Florida Water Management District
  - h) Basis of Review for Surface Water Management Permit Applications Within the South Florida Water Management District
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of DERM, the proposed project is in conformance 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 does not involve new or significant expansion of existing urban land uses.

**Objective 3/Policies 3A, 3B, 3C** - Protection of natural resources and systems. – The proposed project is consistent with the Conservation and Coastal Management Elements of the CDMP. The project is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress are of Critical State concern or 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. The proposed project does not involve positive drainage of wetland area and will not affect water storage or aquifer recharge potential.

**Objective 5/Policies 5A, 5B, 5F** - Flood protection and cut and fill criteria. – The proposed project does not compromise flood protection, involve filling for development purposes, and is not related to cut and fill activities.

**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.

**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. – The proposed project does not filling for the purposes of development.

**Objective 7/Policy 7A** - No net loss of high quality, relatively unstressed wetlands. – The proposed project will not result in a net loss of any such wetlands.

**Objective 9/Policies 9A, 9B, 9C** - The proposed project is not reasonably expected to affect any rare, threatened or endangered species provided standard manatee protection measures are implemented.

**COASTAL MANAGEMENT ELEMENT VII:**

**Objective 1/Policy 1A** - Tidally connected mangroves in mangrove protection areas – There are mangroves in the project area; however, the project is not located within a designated “Mangrove Protection Area.”

**Objective 1/ Policy 1B** - Natural surface flow into and through coastal wetlands. – The project will not affect natural surface flow into and through coastal wetlands.

**Objective 1/ Policy 1C** - Elevated boardwalk access through mangroves. – The project does not involve access through a Mangrove Protection Area.

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project involves the creation of a 0.035 acre mangrove planter. If approved, the Class I Permit for this project will require that the mitigation area be maintained free of exotic vegetation in perpetuity.

**Objective 1/Policy 1E** - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. - The proposed project is mitigation for the impacts authorized under Class I Permit CC05-016. If approved, the Class I Permit for this project will require that the mitigation area be maintained free of exotic vegetation in perpetuity. In addition, conditions shall be placed in the Class I Permit which will require monitoring and maintenance of the mitigation area.

**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 of the Code of Miami-Dade County, Florida. - The proposed project involves the placement of natural limestone boulder riprap around the mangrove planter. However, the Class I Permit will include specific conditions that will limit the placement of the natural limestone boulder riprap to areas devoid of seagrasses.

**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 does not involve the development or identification of new cut or spoil areas.

**Objective 4/Policy 4A, 4C, 4E, 4F** - Protection of endangered or threatened species habitat, implementation of the Miami-Dade County Manatee Protection Plan, and minimizing the overlap between manatees and boat travel patterns. The proposed work is not reasonably expected to affect endangered or threatened species, implementation of the Miami-Dade County Manatee Protection, or manatees and boat travel patterns.

**Objective 5/Policy 5B** - Existing and new areas for water-dependent uses. - The proposed project does not involve the existence of creation of new areas for water-dependent use.

**Objective 5/Policy 5D** - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - 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.

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

29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Section 33D-1 through 33D-4) - The proposed project is in conformance with the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The project area is located within essential habitat for the West Indian Manatee (*Trichechus manatus*). The proposed project is not expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. Therefore, the Class I Permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.
32. **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 after the approval by the Board of County Commissioners and prior to the issuance of the Class I Permit.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project involves the creation of a 0.035 acre mangrove planter; therefore, wetland hydrological and biological functions are expected to be created and enhanced.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – DERM has considered the following factors:
  - i) **Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources** – Not applicable.
  - ii) **Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel** – Not applicable.
  - iii) **Whether the applicant has provided notarized letters of consent to DERM from adjoining riparian property owners** – Not applicable.
  - iv) **Whether any letters of objection from adjoining riparian property owners were received by DERM** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Section 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

**24-48.3 (2) Dredging and Filling for Class I Permit** - The proposed project does not involve dredging and filling activities.

**24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County** - The proposed project does not involve the creation of a boat slip.

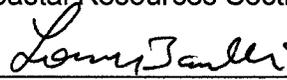
**24-48.3 (4) Clean Fill in Wetlands** – The proposed project does not involve placing clean fill in wetlands.

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



---

Luis C. Otero, Manager  
Coastal Resources Section



---

Lourdes Barrelli, Biologist II  
Coastal Resources Section