

Memorandum



Date: October 7, 2008

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

Agenda Item No. 5(I)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess". The signature is written over the printed name and title.

Subject: Class I Permit Application by the State of Florida Department of Environmental Protection, Division of Recreation and Parks, for Trimming and Alteration of Red Mangroves Which Are Part of a Coastal Band Community to Provide Shoreline Access

Attached, please find for your consideration an application by the State of Florida Department of Environmental Protection Division of Recreation and Parks 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 handwritten signature in black ink, appearing to read "Alex". The signature is written over a horizontal line.

Assistant County Manager

Memorandum



Date: October 7, 2008

To: George M. Burgess
County Manager

From: Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Class I Permit Application by the State of Florida Department of Environmental Protection, Division of Recreation and Parks, for Trimming and Alteration of Red Mangroves Which Are Part of a Coastal Band Community to Provide Shoreline Access

Recommendation

I have reviewed the Class I Permit application by the State of Florida Department of Environmental Protection, Division of Recreation and Parks. 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 in Oleta State Park at 3400 NE 163rd Street, North Miami, Miami-Dade County, located in Commission District 4 (Commissioner Sally A. Heyman).

Fiscal Impact/Funding Source

Not Applicable

Track Record/Monitor

Not Applicable

Background

The subject Class I Permit application involves the trimming and alteration of mangroves to facilitate public access to the shoreline for the launching of non-motorized vessels. The site is located within the Oleta River State Park Recreation Area, along the Oleta River at 3400 NE 163rd Street, North Miami, Miami-Dade County, Florida.

Section 24-48 of the Code of Miami-Dade County, which regulates the permitting of environmental resources, requires a Class I Permit to trim, cut or alter a mangrove tree anywhere in Miami-Dade County. Section 24-48.2 requires Class I Permit applications for the trimming, cutting, or alteration of mangrove trees that are part of a coastal band community to be reviewed and approved by the Board of County Commissioners. The project site consists of an unconsolidated shoreline with wetland vegetation dominated by mature red mangroves that are part of a coastal band community as defined by Section 24-5 of the Code.

The mangroves in the project area are approximately fourteen (14) feet in depth along the shoreline, bordered to the west by upland exotic vegetation and by the Oleta River to east. The proposed project is located within the immediate vicinity of the historic Blue Marlin Marina and Restaurant. On September 17, 2001, the Department of Environmental Resources Management (DERM) administratively issued Class I Permit No. CC01-339 for the restoration of the marina, including the construction of a canoe/kayak launching dock. However, the applicant has indicated that patrons of the facility have requested beach style or wade-in water access for the launching of canoes and kayaks. Therefore the applicant is proposing the creation of an alternate launching area that facilitates public access to the shoreline by clearing a four (4) foot wide, eight (8) foot high, and

approximately fourteen (14) foot long corridor through a fringe of existing red mangroves. The proposed clearing shall result in the removal of two (2) red mangroves, the trimming of one (1) red mangrove, and the removal of existing mangrove prop-roots from the substrate for a total of fifty-six (56) square feet of mangrove impacts. To mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$448.00 dollars to be used for the creation or restoration of mangrove wetlands.

The mangroves at the site are designated by the Comprehensive Development Master Plan (CDMP) of Miami-Dade County as a Mangrove Protection Area (MPA). However, the proposed project is consistent with requirements of the CDMP as the project is water dependant and requires only minimal trimming and alteration of the existing mangrove fringe.

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 sets forth the reasons 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.

List of Attachments

- Attachment A: Class I Permit Application
- Attachment B: Affidavit of Ownership
- Attachment C: Owner/Agent Letter & Project Sketches
- Attachment D: Adjacent Riparian Land Owners Labels
- Attachment E: Zoning Memorandum
- Attachment F: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION
BY THE STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION, DIVISION OF
RECREATION AND PARKS, FOR A CLASS I PERMIT
TO TRIM AND ALTER RED MANGROVES WHICH ARE
PART OF A COASTAL BAND COMMUNITY TO
PROVIDE SHORELINE ACCESS IN OLETA STATE
PARK AT 3400 NE 163 STREET, NORTH MIAMI,
MIAMI-DADE COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 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 an application by the State of Florida Department of Environmental Protection, Division of Recreation and Parks, for a Class I Permit to trim and alter red mangroves, which are part of a coastal band community, to provide shoreline access in Oleta State Park at 3400 NE 163 Street, North Miami, Miami-Dade County, Florida. Such Public Hearing will be held on the 7th day of October 2008, at 9:30 AM, at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center, 111 NW 1st Street, 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 NW 1st 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, 6th Floor, 701 NW 1st 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

5



MEMORANDUM

(Revised)

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

DATE: October 7, 2008

FROM: R. A. Cuevas, Jr.
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)
10-7-08

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF RECREATION AND PARKS FOR A CLASS I PERMIT TO TRIM AND ALTER RED MANGROVES WHICH ARE PART OF A COASTAL BAND COMMUNITY TO PROVIDE SHORELINE ACCESS IN OLETA STATE PARK AT 3400 NE 163 STREET, NORTH MIAMI, 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 the State of Florida Department of Environmental Protection, Division of Recreation and Parks, for a Class I Permit to trim and alter red mangroves, which are part of a Coastal Band Community, to provide shoreline access in Oleta State Park at 3400 NE 163 Street, North Miami, 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.

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this
7th day of October, 2008. 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



Class I Permit Application

1. Application number
2007-CL1-PER-00301

2. Date Day/Month/Year
07/16/08

3. For official use only

4. Applicant Information:
Name: Office of Park Planning, Division of Recreation and Parks, State of Florida Department of Environmental Protection
Address: 3900 Commonwealth Blvd. MS 525 Tallahassee, Florida Zip Code: 32399
Phone (850) 245-3051 Fax (850) 245-3074

5. Applicant's authorized permit agent
Name: Steve Watson, Bureau Chief
Address: Bureau of Design and Construction, Division of Recreation and Parks, State of Florida Department of Environmental Protection
3540 Thomasville Road
Tallahassee, Fl. Zip Code: 32309
Phone (850) 488-5372 Fax : (850) 488-1141

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 state of Florida Department of Environmental Protection, Division of Recreation and Parks ("DRP") is requesting permission for trimming and alteration of red mangroves which are part of a Coastal Band Community to provide shoreline access.

Dredged/Excavated		Filled/Deposited	
Volume of Material: <u>NA</u> <small>Waterward of O.H.W. or M.H.W.</small>	<u>NA</u> <small>Landward of O.H.W. or M.H.W.</small>	<u>NA</u> <small>Waterward of O.H.W. or M.H.W.</small>	<u>NA</u> <small>Landward of O.H.W. or M.H.W.</small>

7. Proposed Use: (Check One)

Private
xx Public
Commercial
Other

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

Name: _____
None

Address: _____

_____ Zip

Code _____

Name: _____
None

Address: _____

_____ Zip

Code _____

9. Location where proposed activity exists or will occur.

Street Address: _____ Latitude: *25 55' 29.64" N* Longitude: *80 08' 57.27" W*
Oleta River State Park
3400 NE 163 Street, Section: *52* Township: *42* Range: *15*
State: *FL* County: *Miami-Dade* In City or Town: *North Miami* Near City Or Town: *Miami*

10. Name of waterway at location of the activity: *Oleta River, Biscayne Bay*

11. Date activity is proposed to:

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

Yes

No

15. Remarks

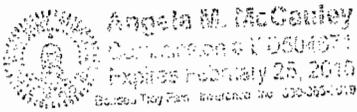
16. Estimated project cost = \$0

17. Contractor's name and address
Name: NA License
#: _____
Address: _____
_____ Zip
Code: _____
Phone #: _____ 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.
Signature: [Signature]
Steve Watson, Bureau Chief, Design and Construction, Division of Recreation and Parks, State of Florida
Department of Environmental Protection
Date 7-22-08

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

SUBSCRIBED AND SWORN TO ME THIS 22nd DAY OF July, 20 08, BY Steve Watson
PERSONALLY KNOWN PRODUCED IDENTIFICATION (PLEASE CHECK ONE)
TYPE OF ID PRODUCED _____
Angela M. McCauley NOTARY PUBLIC



Attachment B:
Affidavit of Ownership

Affidavit of Ownership

Personally Appeared Before Me, Albert G. Gregory, that undersigned authority, and hereby swears and affirms under oath as follows:

1. That the State of Florida Department of Environmental Protection, Division of Recreation and Parks ("DRP") is the lessee of that certain property* more fully described as:

Street Address:	Latitude: 25 55' 29.64" N	Longitude: 80 08' 57.27" W
<i>Oleta River State Park</i>		
<i>3400 NE 163 Street,</i>	Section: 52	Township: 42 Range: 15
State: <i>FL</i> County: <i>Miami-Dade</i>	In City or Town: <i>North Miami</i>	Near City Or Town: <i>Miami</i>

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

2. That DRP is also the lessee of that certain property that is the subject matter of Application No. 2007-CLL-~~PER-00301~~, for a Class 1 permit under and pursuant to Section 24-48 of the Code of Miami-Dade County to construct or engage in the following activity:

The State of Florida Department of Environmental Protection, Division of Recreation and Parks ("DRP") is requesting permission for trimming and alteration of red mangroves which are part of a Coastal Band Community to provide shoreline access.

3. That your affiant hereby swears and affirms DRP's leasehold estate in the above noted property necessary for the work noted in Paragraph 2 above.

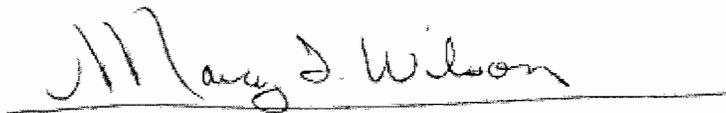
STATE OF FLORIDA
COUNTY OF LEON



Albert G. Gregory, Chief
Office of Park Planning
Division of Recreation and Parks
State of Florida Depart. of Environmental Protection

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

Sworn to and subscribed before me this 17 of July, 2008
(Day) (Month) (Year)



NOTARY PUBLIC-STATE OF FLORIDA
Marcy I. Wilson
Commission # DD478196
Expires: OCT 03, 2009
Bonded Thru Atlantic Bonding Co., Inc.

Attachment C:
Owner/Agent Letter & Project Sketches

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

Date: July 18, 2008

To:

Miami Dade County DERM
Class I Permitting Program
701 NW 1st Court
Miami FL, 33136

Re: Class I Standard Form Permit Application Number 2007-CL1-PER-00301,
Trimming and alteration of red mangroves which are part of a Coastal Band Community
to provide shoreline access.

By the attached Class I Standard Form permit application with supporting documents, I,
Steve Watson, am the permit applicant / applicant's authorized agent (circle one) and
hereby request permission to perform the following:

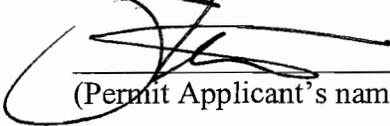
Trimming and alteration of red mangroves which are part of a Coastal Band Community
to provide shoreline access.

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.

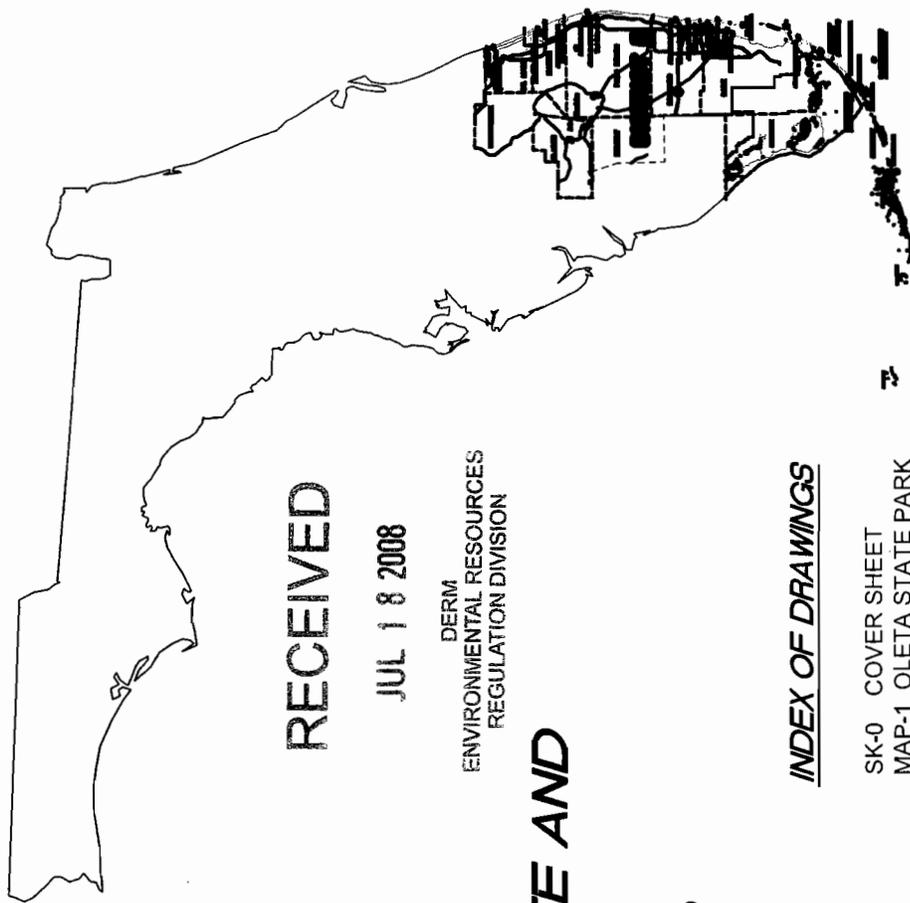
~~Respectfully~~ submitted,

Steve Watson, Bureau Chief, Design and Construction,
Division of Recreation and Parks, State of Florida
Department of Environmental Protection



(Permit Applicant's name), Permit Applicant *or*

(Authorized Agent's name), Authorized Agent



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ENVIRONMENTAL RESOURCES
REGULATION DIVISION

**OLETA RIVER
STATE PARK**
DISTRICT 5
DADE COUNTY

**KAYAK LAUNCH SITE AND
MITIGATION**

DEP PROJECT # 60689

SCOPE OF PROJECT

Trimming and alteration of red mangroves which are part of a Coastal Band Community to provide shoreline access

DERM PROJECT #

2007-CL1-PER-00301

INDEX OF DRAWINGS

- SK-0 COVER SHEET
- MAP-1 OLETA STATE PARK
- SK-1 SITE PLAN
- SK-2 PROPOSED KAYAK LAUNCH - PLAN
- SK-3 PROPOSED KAYAK LAUNCH - SECTION
- SK-4 EXISTING SITE CONDITIONS
- SK-5 PROPOSED SITE GRAPHIC
- SK-6 NOTES

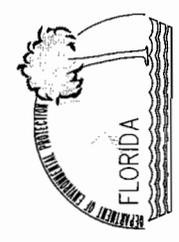
Dean Stoddart

Designer

07-18-2008

Initial Issue Date

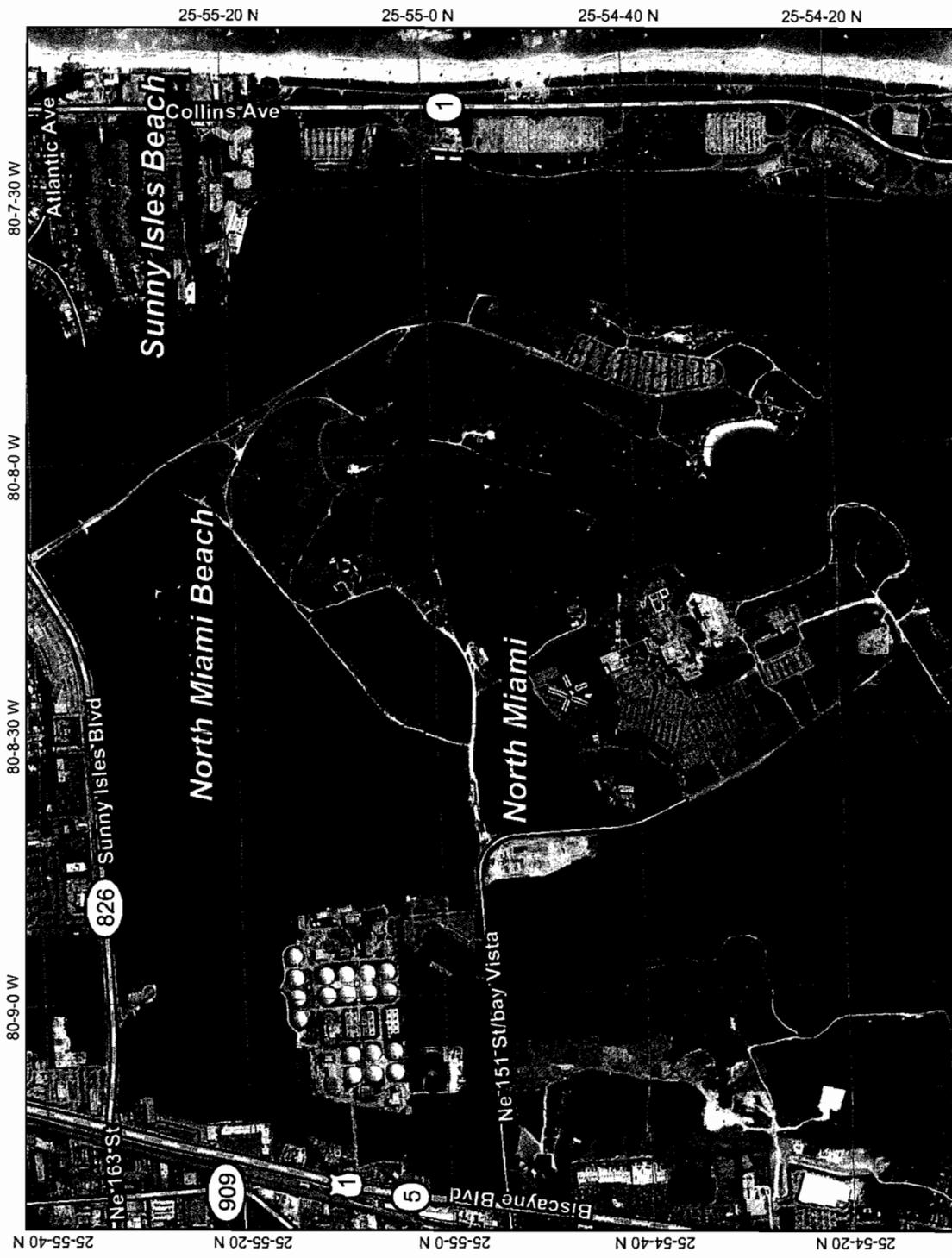
Division of Recreation and Parks Bureau of Design and Recreation Services



[Signature]
7-18-08



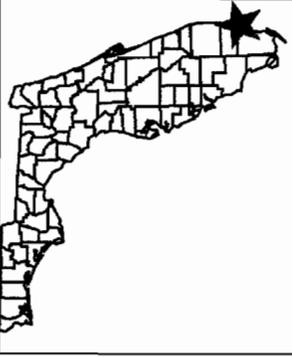
Oleta State Park



Map center: 786180, 218378
 Scale: 1:20,000

Notes: Overall park site map

[Florida Department of Environmental Protection] Disclaimer: This map is intended for display purposes only. It was created using data from different sources collected at different scales, with different levels of accuracy, and/or covering different periods of time.



- Legend**
- Interstates
 - US Highways
 - State Highways
 - Local Roads
 - Cities (census places)
 - Counties (generalized)

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 ENVIRONMENTAL RESOURCES
 REGULATION DIVISION

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 7-18-08



FLORIDA PARK SERVICE
BUREAU OF DESIGN AND CONSTRUCTION

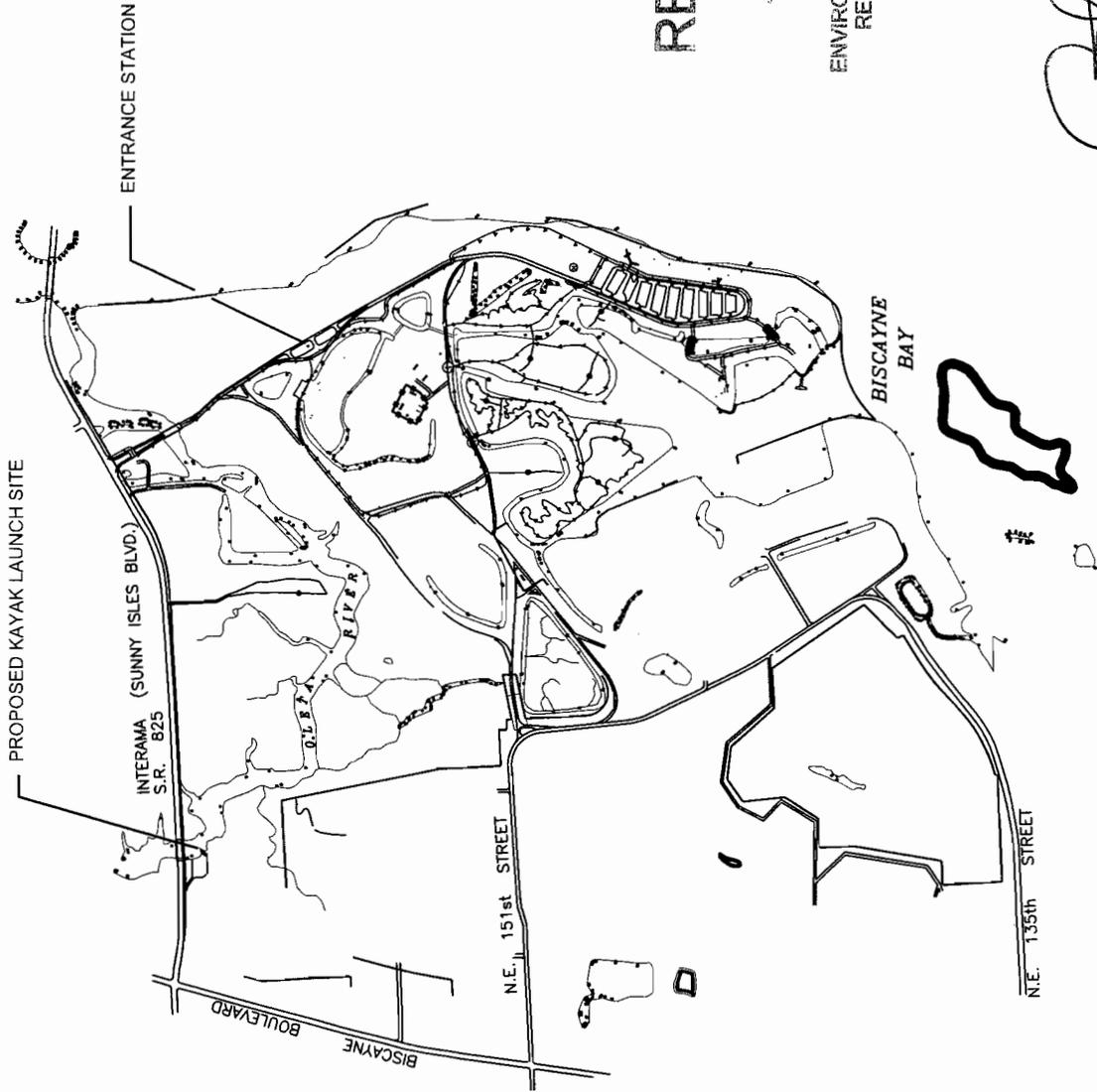
DETAIL NO.

SK-1

DATE

7/18/08

PROJECT OLETA RIVER STATE PARK - PROPOSED KAYAK LAUNCH SITE AND MITIGATION



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ENVIRONMENTAL RESOURCES
REGULATION DIVISION



SCALE: 1" = 500'

7-18-CB

PARK SITE PLAN

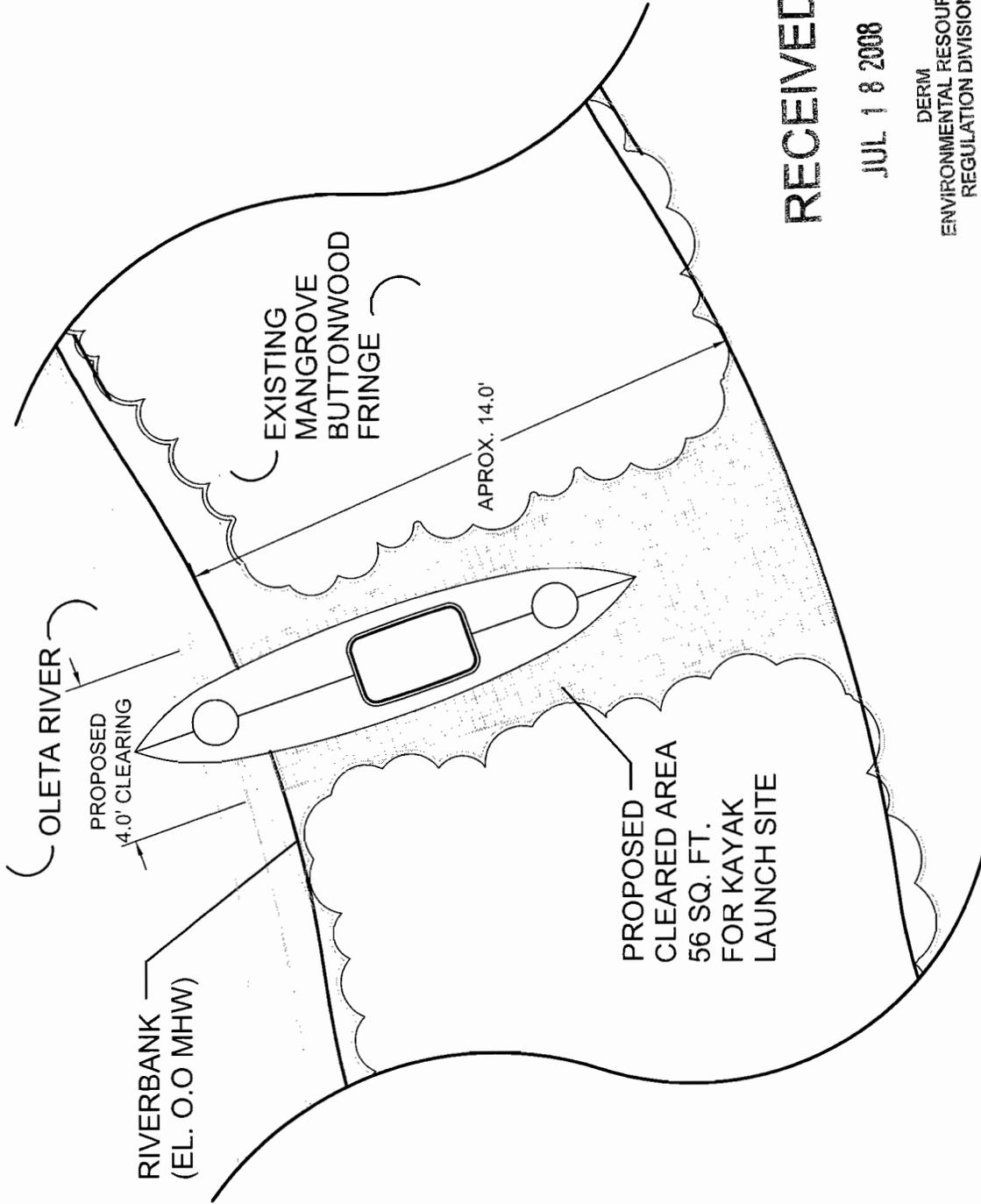


FLORIDA PARK SERVICE
BUREAU OF DESIGN AND CONSTRUCTION

DETAIL NO.
SK-2

DATE
7/18/08

PROJECT OLETA RIVER STATE PARK - PROPOSED KAYAK LAUNCH SITE AND MITIGATION



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REGULATION DIVISION

PROPOSED KAYAK LAUNCH - PLAN

SCALE: 1/4" = 1'-0"

[Signature]
7-18-08

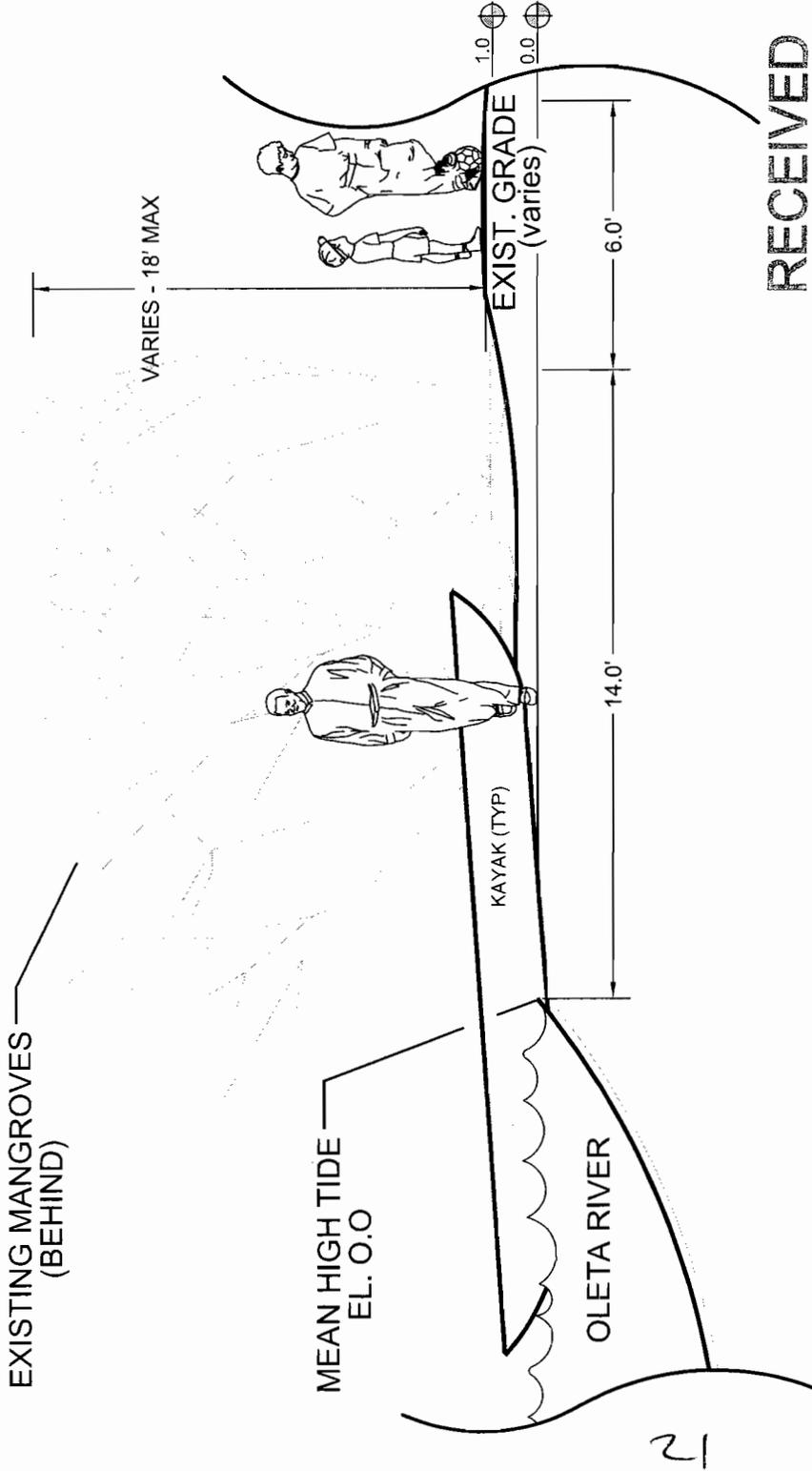


FLORIDA PARK SERVICE
BUREAU OF DESIGN AND CONSTRUCTION

DETAIL NO.
SK-3

DATE
7/18/08

PROJECT OLETA RIVER STATE PARK - PROPOSED KAYAK LAUNCH SITE AND MITIGATION



JUL 18 2008

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ENVIRONMENTAL RESOURCES
REGULATION DIVISION

PROPOSED KAYAK LAUNCH - SECTION

SCALE: 1/4" = 1'-0"

7-18-08



FLORIDA PARK SERVICE
BUREAU OF DESIGN AND CONSTRUCTION

DETAIL NO.

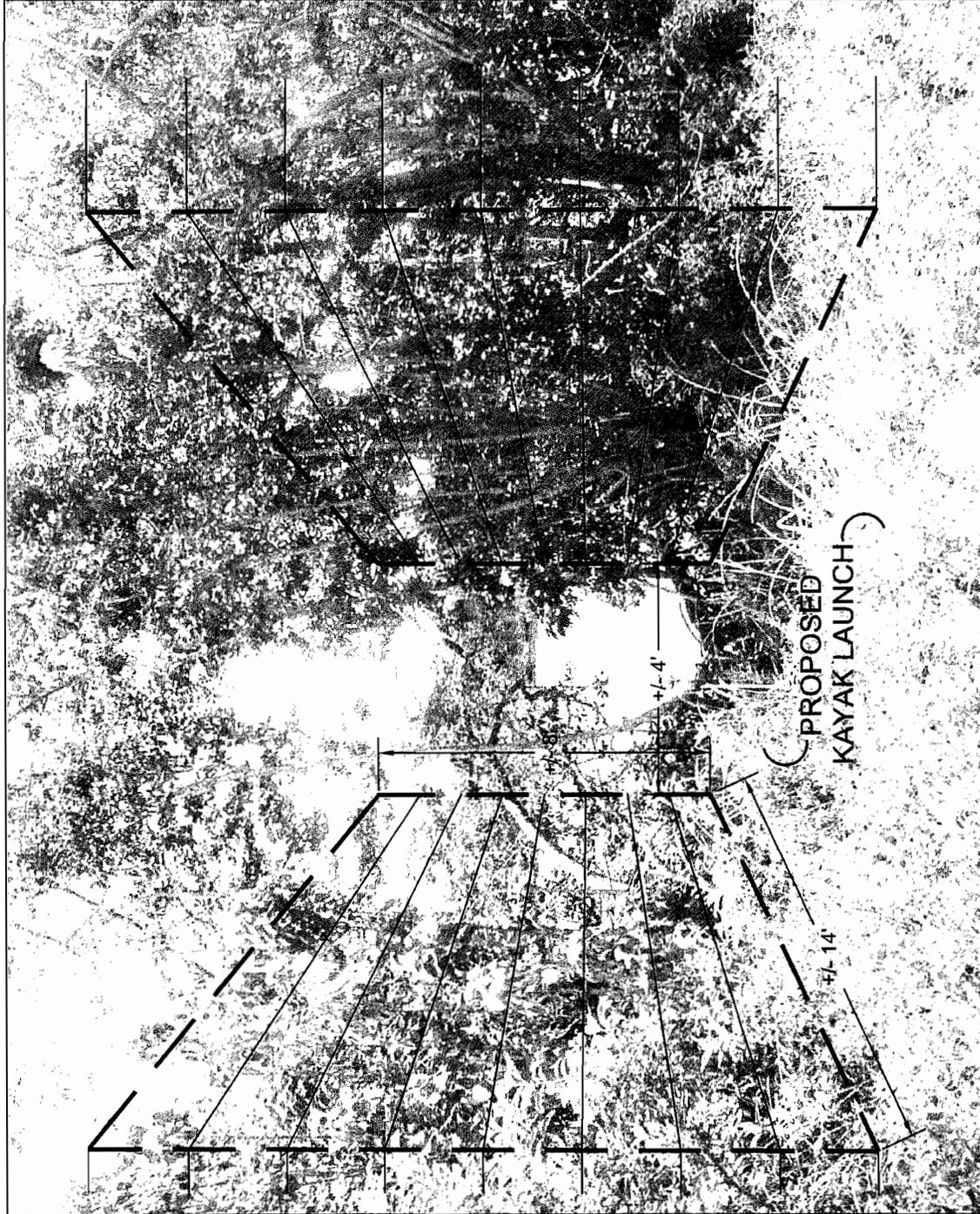
SK-4

DATE

7/18/08

OLETA RIVER STATE PARK - PROPOSED KAYAK LAUNCH SITE AND MITIGATION

PROJECT



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EXISTING SITE CONDITIONS

JUL 18 2008

[Signature] N.T.S.

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

7-18-08

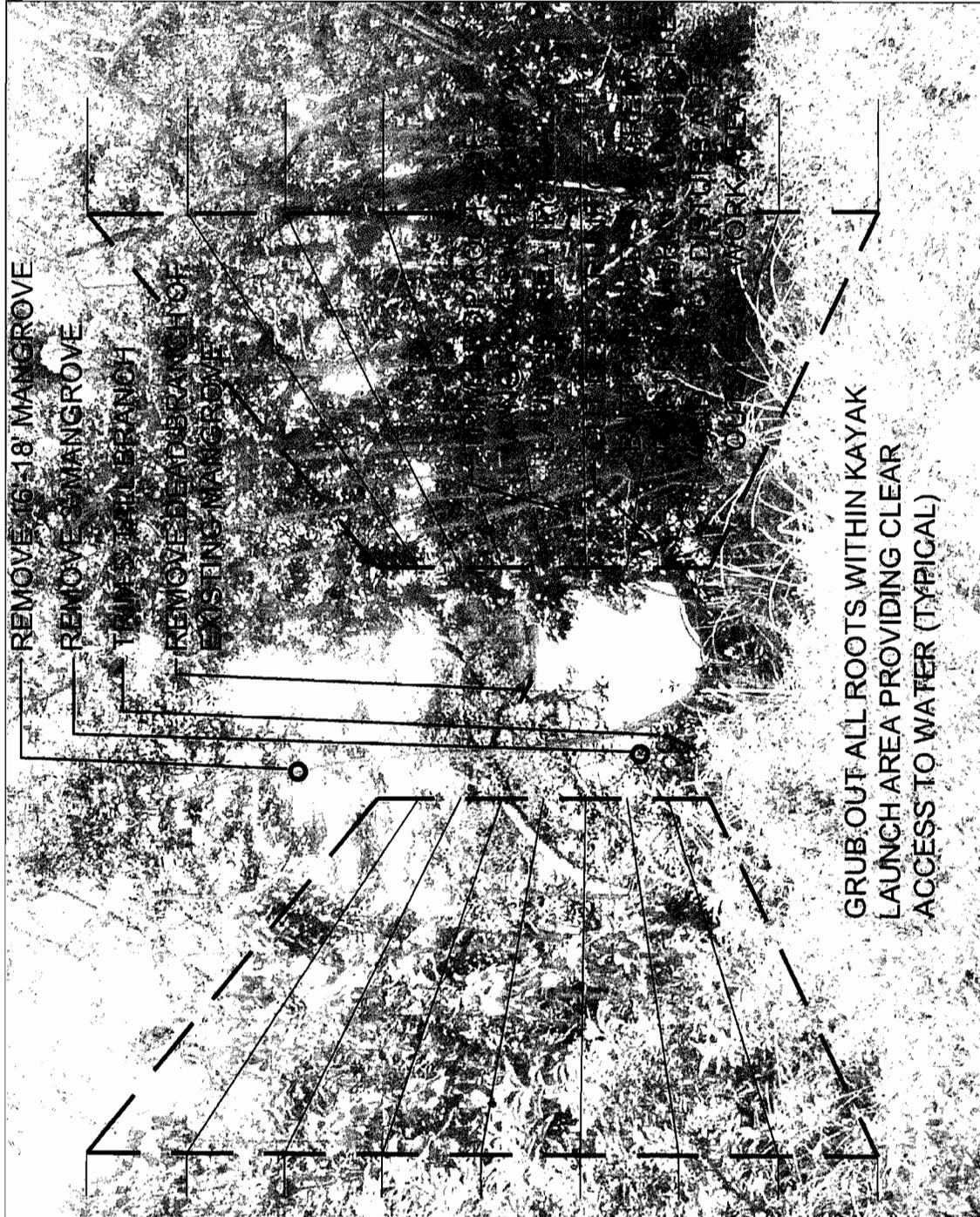


FLORIDA PARK SERVICE
BUREAU OF DESIGN AND CONSTRUCTION

DETAIL NO.
SK-5

DATE
7/18/08

PROJECT OLETA RIVER STATE PARK - PROPOSED KAYAK LAUNCH SITE AND MITIGATION



23

PROPOSED SITE MODIFICATIONS

N.T.S.

[Signature]
7-18-08

JUL 18 2008

DEW
ENVIRONMENTAL RESOURCES
REGULATION DIVISION



FLORIDA PARK SERVICE
BUREAU OF DESIGN AND CONSTRUCTION

DETAIL NO.

SK-6

DATE

7/18/08

PROJECT OLETA RIVER STATE PARK - PROPOSED KAYAK LAUNCH SITE AND MITIGATION

MITIGATION IS BASED ON 56 SQ. FT. OF IMPACTS ASSOCIATED WITH THE KAYAK LAUNCH SITE. MITIGATION WILL BE MADE BY MAKING A CONTRIBUTION TO THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND AS DETERMINED BY MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT.

A FLORIDA LICENSED PROFESSIONAL MANGROVE TRIMMER SHALL BE PRESENT DURING ALL PHASES OF WORK INVOLVING ACTUAL TRIMMING OR REMOVING EXISTING RED MANGROVES TO SUPERVISE AND GUIDE PROPOSED WORK.

ALL CUTS TO EXISTING MANGROVES TO REMAIN SHALL ADHERE TO ALL STANDARDS OF THE TREE CARE INDUSTRY ASSOCIATION (treecareindustry.org). ALL CUTS SHALL BE MADE USING FRESHLY SHARPENED TOOLS, SAWS, ETC. PRIOR TO USING SAWS, ALL BLADES SHALL BE CLEANED WITH ISOPROPYL ALCOHOL TO PREVENT THE SPREAD OF ANY PLANT DISEASES / PARASITES.

ALL MATERIAL THAT IS REMOVED, TRIMMED, GRUBBED OUT, OR OTHERWISE ALTERED WILL BE REMOVED FROM SITE AND PROPERLY DISPOSED OF. MATERIAL MAY ALSO BE DISPOSED OF AT THE SOLE DIRECTION OF THE PARK MANAGER.

ALL NON-NATURAL MATERIAL / TRASH / EXOTIC SPECIES / DUMPED TRASH WITHIN PROPOSED WORK AREA SHALL BE REMOVED AND PROPERLY DISPOSED.

KAYAK LAUNCH SITE SHALL BE LEFT IN A CLEAN, NEAT CONDITION WITH GRADE LEFT FINELY GRADED WITH A HAND RAKE. GRADE WILL BE UNIFORM AND SMOOTH FROM BEGINNING OF WALKWAY AT PARKING LOT TO 10' INTO WATER.

NOTES

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DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

24

Attachment D:
Adjacent Riparian Land Owners Labels

Miami-Dade County Parks and
Recreation Department
275 NW 2nd Street
Miami, FL 33128

Attachment E:
Zoning Memorandum

Memorandum



Date: September 22, 2008

To: Lisa Spadafina, Manager *LS*
Coastal Resources Section
Environmental Resources Management

From: Lourdes Barrelli, Biologist II *LB*
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by the State of Florida Department of Environmental Protection, Division of Recreation and Parks for Trimming and Alteration of Red Mangroves which are part of a Coastal Band Community to Provide Shoreline Access.

Pursuant to Section 24-48.2(II)(A)(7), of the 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. However, the Florida Department of Environmental Protection, as successor to the Florida Department of Natural Resources, is not required to submit the above-described substantiating letter from the local zoning authority.

Attachment F:
DERM Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION No. 2007 CLI-PER-00301

**THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION
OF RECREATION AND PARKS FOR TRIMMING AND ALTERATION OF RED MANGROVES
WHICH ARE PART OF A COASTAL BAND COMMUNITY TO PROVIDE SHORELINE
ACCESS.**

Date: September 5, 2008

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 for any adverse environmental impact from the proposed project is minimal. The proposed project involves the creation of an approximately fifty-six (56) square foot corridor through an existing red mangrove fringe to alternatively provide public access to the shoreline and facilitate the launching of kayaks and canoes. The proposed corridor shall result in the removal of two (2) red mangroves, the trimming of one (1) red mangrove, and the cutting and grubbing of existing mangrove prop-roots from the substrate. No additional impacts to the surrounding wetland vegetation are proposed. In addition, existing exotic vegetation and debris shall be removed from within the area of the proposed work. In addition, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$448.00 dollars to be used for the creation or restoration of mangrove wetlands. This amount is based on a 2:1 mitigation ratio, calculated at a rate of \$4.00 for every square foot of mangrove habitat to be created.
2. **Potential Cumulative Adverse Environmental Impact** – Not applicable.
3. **Hydrology** – Not applicable.
4. **Water Quality** – The proposed project, as designed, is not expected to adversely affect water quality. To minimize the potential for turbidity, the Class I Permit shall include permit conditions limiting the grubbing of prop-roots and proposed grading to be performed during low tide, specifically only when the substrate within the corridor is not submerged below water.
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 any negative aesthetic impacts.
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. The project site is associated with the historic Blue Marline Marina from which non-motorized vessels have historically been launched.
12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.

13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats. The proposed project shall result in minimal trimming and alteration of primarily three (3) red mangroves and associated prop-roots within the proposed corridor for a total of approximately fifty-six (56) square feet of mangrove wetland impacts. The grubbing of mangrove prop-roots and grading of the substrate within the corridor shall occur in an area that is typically not submerged during low tide and shall result in minimal impacts to the wetland substrate. Although these soils may support limited numbers of marine infauna (i.e. benthic fauna living within the substrate), the soils do not support any significant marine resources. In addition, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$448.00 dollars to be used for the creation or restoration of mangrove wetlands. This amount is based on a 2:1 mitigation ratio, calculated at a rate of \$4.00 for every square foot of mangrove habitat to be created. Furthermore, the proposed project is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan. However, the applicant shall restrict the use of the launch site to non-motorized vessels only. There will be no increase in motorized vessel traffic as a result of the proposed project.
15. **Wetland Soils Suitable for Habitat** – Impacts to wetland soils suitable for habitat shall be minimal.
16. **Floral Values** – The proposed project shall result in minimal trimming and alteration of primarily three (3) red mangroves and associated prop-roots within the proposed public access corridor for a total of approximately fifty-six (56) square feet of mangrove impacts. In addition, the project is not reasonably expected to adversely affect marine flora.
17. **Fauna Values** – The proposed project is not reasonably expected to adversely affect fauna values. The project site is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan. However, the applicant shall restrict the use of the launch site to non-motorized vessels only. There will be no increase in motorized vessel traffic as a result of the proposed project.
18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to result in adverse effects to rare, threatened or endangered species. The project site is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan. However, the project has been designed to facilitate the launching of non-motorized vessels only, such as canoes and kayaks. There will be no increase in motorized vessel traffic as a result of the proposed project.
19. **Natural Flood Damage Protection** – Not applicable.

20. **Wetland Values** – The proposed project is not reasonably expected to adversely affect wetland values. The proposed trimming and alteration of three (3) red mangroves and their associated prop-roots shall result in approximately only fifty-six (56) square feet of impacts to the existing wetland. Although the project involves the grubbing of existing red mangrove prop-roots and minimal grading of the wetland substrate using a hand rake, no dredging or filling of wetlands is proposed. In addition, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$448.00 dollars to be used for the creation or restoration of mangrove wetlands. This amount is based on a 2:1 mitigation ratio, calculated at a rate of \$4.00 for every square foot of mangrove habitat to be created.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County (Code), Florida, a substantiating letter shall be submitted stating that that proposed project does not violate any zoning laws. However, The Florida Department of Environmental Protection as successor to the Florida Department of Natural Resources, shall not be required to submit the above described substantiating letter from the local zoning authority.
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.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect environmental values affecting the public interest. The proposed project is located within wetlands 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:
 - a) Miami-Dade County Public Works Manual
 - b) Biscayne Bay Management Plan (Section 33D-1 through 33-D-4 of the Code of Miami-Dade County)
 - c) Chapter 33B of the Code of Miami-Dade County
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project will result in neither adverse environmental impacts nor cumulative adverse environmental impacts. Therefore, 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) Chapter 24 of the Code of Miami-Dade County
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 Area 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 does not involve the dredging of a rock quarry.

Objective 6/Policy 6D - Suitable fill material for the support of development. – The proposed project does not involve filling for the purposes of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. – The wetlands to be impacted by the proposed project are an extension of a Coastal Band Community (CBC) within the Oleta River State Recreational Area Mangrove Protection Area. They consist of only an approximately fourteen (14) foot wide shoreline bordered to the west by upland exotic vegetation and to the east by the Oleta River. The proposed project is water dependant and necessary for the creation of a corridor that shall provide an alternative public access for the launching of canoes and kayak. The proposed project results in only a minimal alteration of the existing wetland area. In addition, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$448.00 dollars to be used for the creation or restoration of mangrove wetlands. This amount is based on a 2:1 mitigation ratio, calculated at a rate of \$4.00 for every square foot of mangrove habitat to be created.

Objective 9/Policies 9A, 9B, 9C – Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not expected to negatively affect rare, threatened and/or endangered species. Although the project is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan, the applicant will restrict the use of the kayak launch to non-motorized vessels only. There will be no increase in motorized vessel traffic as a result of this project.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – The project site has been designated by the CDMP of Miami-Dade County as a Mangrove Protection Area. However, the proposed project is water dependant, and requires only minimal trimming and alteration of the existing mangrove fringe. In addition, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$448.00 dollars to be used for the creation or restoration of mangrove wetlands. This amount is based on a 2:1 mitigation ratio, calculated at a rate of \$4.00 for every square foot of mangrove habitat to be created.

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 site has been designated by the CDMP of Miami-Dade County as a MPA, however it has been designed to minimize impacts to the existing wetland. The project does not involve the installation of a boardwalk to access the shoreline.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. – The proposed project involves the trimming and alteration of three (3) red mangroves and their associated prop-roots within a Mangrove Protection Area for a total of approximately fifty-six (56) square feet of impacts. These impacts are minimal and necessary to create a public access corridor to the shoreline for the launching of canoes and kayaks. In addition, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$448.00 dollars to be used for the creation or restoration of mangrove wetlands. This amount is based on a 2:1 mitigation ratio, calculated at a rate of \$4.00 for every square foot of mangrove habitat to be created.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project involves trimming and alteration of three (3) red mangroves and their associated prop-roots within a coastal wetland. However, these impacts are minimal and no additional impacts to the surrounding wetlands are proposed. In addition, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$448.00 dollars to be used for the creation or restoration of mangrove wetlands. This amount is based on a 2:1 mitigation ratio, calculated at a rate of \$4.00 for every square foot of mangrove habitat to be created.

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 project does not involve dredging or filling of 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.

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 shall provide the public with access to the shoreline and facilitate the launching of non-motorized vessels, such as canoes and kayaks. It will enhance existing water dependant uses at the Oleta River State Recreation Area.

Objective 5/Policy 5D - Consistency with Chapter 33D of the Code of Miami-Dade County (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 of the Code of Miami-Dade County) - The proposed project is consistent with the Biscayne Bay Management Plan.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** – The proposed project is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan, however, the applicant will restrict the use of the launch site to non-motorized vessels only. There will be no increase in motorized vessel traffic as a result of this project.
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.

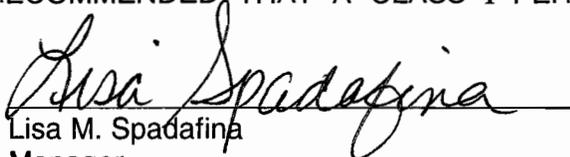
32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that that proposed project does not violate any zoning laws. However, The Florida Department of Environmental Protection, as successor to the Florida Department of Natural Resources, shall not be required to submit the above described substantiating letter from the local zoning authority.
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)(13)(b) of the Code of Miami-Dade County, Florida.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The impacts to wetland hydrological and biological functions as a result of this project shall be minimal.
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** – 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 the dredging or filling of coastal wetlands.

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 complies with the water depth requirements set forth in Section 24-48.3(3) of the Code of Miami-Dade County. In addition, the applicant will restrict the use of the launch site to non-motorized vessels only.

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



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