Memorandum

MIAMI-DADE COUNTY

Date: January 22, 2009

Agenda Item No. 5(O)

To: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Class I Permit Application by the City of Miami for a Variance from Section 24-48.24 of the Code of Miami-Dade County for the Placement of Tents, Temporary Non-Water-Dependent Fixed Structures over Tidal Waters, to Authorize the Creation of 125 Temporary Slips, to Install and Remove Temporary Floating Docks, Ramps and Pilings, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten (10) Years for the Annual Strictly Sail Miami Boat Show, in Miamarina at Bayside Marketplace, Miami, Florida

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Attached, please find for your consideration an application by the City of Miami 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.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: January 22, 2009

To: George M. Burgess
County Manager

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

Subject: Class I Permit Application by the City of Miami for a Variance from Section 24-48.24 of the Code of Miami-Dade County for the Placement of Tents, Temporary Non-Water-Dependent Fixed Structures over Tidal Waters, to Authorize the Creation of 125 Temporary Slips, to Install and Remove Temporary Floating Docks, Ramps and Pilings, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten (10) Years for the Annual Strictly Sail Miami Boat Show, in Miamarina at Bayside Marketplace, Miami, Florida

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Recommendation

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

Scope

The project site is located in Miamarina at Bayside Marketplace at 401 Biscayne Boulevard, Miami, Miami-Dade County, located in Commission District 5 (Comm. Bruno Barreiro).

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class I Permit application involves the annual installation of temporary floating docks, ramps, pilings and tents to create up to 125 boat slips for the annual Strictly Sail Miami Boat Show located at Miamarina. The proposed structures shall be installed and removed within a 30 day time period surrounding the boat show that will occur annually in February and last approximately 4 days. The 2009 Strictly Sail Miami Boat Show will be held on February 12th-16th, 2009. The proposed project is required to be reviewed and approved by the BCC at a public hearing because the project involves the creation of greater than 50 slips. Said work is not specifically referenced in Section 24-48.2 of the Code of Miami-Dade County as work that can be processed administratively with a short form application, and therefore requires a standard form application. In addition, the proposed work includes the installation of non-water-dependent fixed structures. Said structures are specifically referenced in Section 24-48.24 of the Code as prohibited. However, the applicant is seeking a variance from this prohibition, which may be granted by the BCC at a public hearing. Furthermore, pursuant to Section 24-48.19 of the Code, Class I permit approvals by the BCC shall only be valid for a period of three (3) years from the date of approval unless another time period is stated in the approving resolution. Due to the nature of this project, the applicant has requested that the permit for this project be valid for ten (10) years.

The subject boat show was originally held annually at Watson Island Marina, but was moved to its current location at the Miamarina in 1999. Authorization for the boat show at its current location was granted by the BCC in 1999 through Resolution R-15-99 and DERM subsequently issued Class I permit CC98-471 on January 29, 1999. The permit was extended for the maximum 10-year period allowed in Section 24-48.9 of the Code. The applicant is proposing to obtain a new authorization for the installation of floating docks, ramps, pilings and tents in order to continue operating the annual Strictly Sail Miami Boat Show.

The proposed project involves the creation of 125 sailboat slips for a public boat show, which exceeds the 50-slip maximum expansion criteria set forth in Section 24-48.2(I) of the Code and must be processed as a standard form Class I permit application. DERM recommends approval for the temporary expansion of the marine facility be granted since the boat show is not expected to adversely affect surface water quality or create long-term environmental impacts within the proposed project site. In addition, the boat show is designed to be aesthetically compatible with the surrounding area because it is located within a marina with similar docking facilities. The boat show will be located over submerged lands owned by the City of Miami which has granted permission to use the submerged lands for the purpose of this event.

The applicant is proposing to install tents on the floating docks. The proposed tents are considered non-water-dependent fixed structures and are prohibited by Section 24-48.24 of the Code. However, the applicant is seeking a variance from this prohibition, which may be granted by the BCC. Section 24-48.25 of the Code lists several factors for consideration for such variance requests, which include: visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters, historical significance, environmental impact, navigation, public safety and aesthetics. The subject boat show has been held at its current location since 1999. Since then, it has provided the general public with access to Biscayne Bay and adjacent tidal waters. The proposed tents will provide protection from the elements, increasing the public safety of attendees. Since the non-water-dependent structures are temporary in nature and no navigational impacts or cumulative environmental impact are expected, DERM recommends that the variance for the temporary installation of non-water-dependent fixed structures be granted.

The applicant is also requesting that the Class I permit be valid for a period of ten (10) years. Although standard form Class I permits are valid for 3 years, authorization for a 10-year period is consistent with the maximum timeframe allowed for extensions of standard form Class I permits. Staff recommends approval of the requested 10-year permit, subject to the applicant requesting permit modifications to provide specific dates for the boat show in subsequent years. However, pursuant to Section 24-48.13(2) of the Code of Miami-Dade County, substantial changes to a Class I permit must be approved by the BCC at a public hearing.

The project was evaluated for consistency with the Miami-Dade County Manatee Protection Plan (MDCMPP). The boat show is located in an area designated by the MDCMPP as essential habitat for the West Indian Manatee (*Trichechus manatus*). However, DERM believes that the project is consistent with the recommendations of the MDCMPP because the vessels associated with the boat show will be limited to only sailboats, which are considered to be slow moving, with minimal horsepower auxiliary motors. Furthermore, the project is temporary and will occur within an existing permitted marina with minimal benthic resources. The implementation of all applicable standard manatee protection provisions shall be required.

The project will result in minor water quality impacts typically associated with the construction, operation and demolition of a docking facility. The applicant has agreed to provide a contribution to the Biscayne Bay Environmental Enhancement Trust Fund to mitigate for these minor water quality impacts in an amount equivalent to the value of 125 cubic yards of riprap at a price of $90 per cubic yard. A contribution in the amount of $11,250 shall be made at the time of permit issuance and shall be specifically designated for habitat creation/restoration projects in Biscayne Bay and its foreshore.

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 the proposed 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 and Hold Harmless Agreement
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: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY THE CITY OF MIAMI FOR A CLASS I PERMIT FOR A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PLACEMENT OF TENTS, TEMPORARY NON-WATER-DEPENDENT FIXED STRUCTURES OVER TIDAL WATERS, TO AUTHORIZE THE CREATION OF 125 TEMPORARY SLIPS, TO INSTALL AND REMOVE TEMPORARY FLOATING DOCKS, RAMPS AND PILINGS, AND TO AUTHORIZE THE TIME OF COMPLETION OF WORK OF THE SUBJECT PERMIT FOR A PERIOD OF TEN (10) YEARS FOR THE ANNUAL STRICTLY SAIL MIAMI BOAT SHOW, IN MIAMARINA AT BAYSIDE MARKETPLACE, MIAMI, 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 a request by the City of Miami for a Class I Permit for the placement of tents, temporary non-water-dependent fixed structures over tidal waters, to authorize the creation of 125 temporary slips, to install and remove temporary floating docks, ramps and pilings, and to authorize the time of completion of work of the subject permit for a period of ten (10) years for the Annual Strictly Sail Miami Boat Show, in Miamarina at Bayside Marketplace, Miami, Florida. Such Public Hearing will be held on the 22nd day of January at 9:30 AM at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 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, 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

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: January 22, 2009

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

SUBJECT: Agenda Item No. 5(O)

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(O)
1-22-09

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY THE CITY OF MIAMI FOR A CLASS I PERMIT FOR A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PLACEMENT OF TENTS, TEMPORARY NON-WATER-DEPENDENT FIXED STRUCTURES OVER TIDAL WATERS, TO AUTHORIZE THE CREATION OF 125 TEMPORARY SLIPS, TO INSTALL AND REMOVE TEMPORARY FLOATING DOCKS, RAMPS AND PILINGS, AND TO AUTHORIZE THE TIME OF COMPLETION OF WORK OF THE SUBJECT PERMIT FOR A PERIOD OF TEN (10) YEARS FOR THE ANNUAL STRICTLY SAIL MIAMI BOAT SHOW, IN MIAMARINA AT BAYSIDE MARKETPLACE, MIAMI, 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 and Section 24-48.25 of the Code of Miami-Dade County, hereby approves the application by the City of Miami for a Class I Permit and a variance from Section 24-48.24 of the Code of Miami-Dade County, Florida, for the placement of tents, temporary non-water-dependent fixed structures over tidal waters, to authorize the creation of 125 temporary slips, to install and remove temporary floating docks, ramps and pilings, and to authorize the time of completion of work of the subject permit for a period of ten (10) years for the Annual Strictly Sail Miami Boat Show, in Miamarina at Bayside Marketplace, Miami, 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of January, 2009. 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

MIAMI-DADE COUNTY

Class I
Permit Application

1. Application number	2. Date Day/Month/Year	3. For official use only
2008-CLI-PER-00185		

4. Applicant Information:

Name: City of Miami
Address: 444 SW 2nd Ave #325
Miami, Fl Zip Code: 33130
Phone #: 305-416-1456 Fax #: 305-416-2156

5. Applicant's authorized permit agent

Name: Dock and Marine Construction
Address: 752 NE 79th Street
Miami, FL Zip Code: 33138
Phone #: 305-751-9911 Fax #: 305-751-4825

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.

"Class I Permit Application by the City of Miami to For a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida, for the Placement of Tents, Temporary Non-Water-Dependent Fixed Structures, Over Tidal Waters, to Authorize the Creation of 125 Temporary Slips, to Install and Remove Temporary Floating Docks, Ramps, and Pilings, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten (10) Years for the Annual Strictly Sail Miami Boat Show, In Miamarina At Bayside, Biscayne Bay, Miami, Florida"

Volume of Material:	Dredged/Excavated		Filled/Deposited	
	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.
	CY	CY	CY	CY

7. Proposed Use: (Check One)

- ☐ Private
- ☐ Public
- ☒ Commercial
- ☐ Other

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

Name: REC RR Co
Address: 1 Malago Street
St. Augustine,Fl Zip Code 32084

Name: City of Miami P & D
Address: 444 SW 2nd Ave #325
Miami, FL Zip Code 33130

9. Location where proposed activity exists or will occur.

Street Address: 401 Biscayne Blvd
Miamarina Miami
Latitude Longitude
Section Township Range
State FL County Dade In City or Town Miami Near City Or Town

10. Name of waterway at location of the activity.

Biscayne Bay

11. Date activity is proposed to:

Commence: January 2009 Be completed: February 2009

12. Is any portion of this activity for which authorization is sought now complete?

☐ Yes

☒ No

If answer is "yes", give reasons in the remarks section. Indicate the existing work on the drawings.

Month and Year the activity was completed: /

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

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
ACOE	Permit	199906206	1-21-2004	1/21/2011
FDEP	Permit	13-0149150	1-20-1999	1/01/2011
Miami	Permit	Pending	Pending	Pending

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

☐ Yes

☒ No

15. Remarks

"Class I Permit Application by the City of Miami to For a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida, for the Placement of Tents, Temporary Non-Water-Dependent Fixed Structures, Over Tidal Waters, to Authorize the Creation of 125 Temporary Slips, to Install and Remove Temporary Floating Docks, Ramps, and Pilings, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten (10) Years for the Annual Strictly Sail Miami Boat Show, In Miamarina At Bayside, Biscayne Bay, Miami, Florida"

16. Estimated project cost = $40.000.00

17. Contractor's name and address

Name: Dock and Marine Construction, Inc. License #: E-410

Address: 752 NE 79th Street

Miami, FL Zip Code: 33138

Phone #: 305-751-9911 Fax #: 305-751-4825

19. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:

☐ 8½ x 11 Location Map

☐ 8½ x 11 Project Drawing

☐ Copy of Application

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

Signature of owner

Date: JAN. 8. 09

Pedro Hernandez, City Manager, City of Miami

SUBSCRIBED AND SWORN TO ME THIS 8 DAY OF January, 20 09, BY Pedro G. Hernandez

☒ PERSONALLY KNOWN ☐ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED

NOTARY PUBLIC

NOTARY PUBLIC FLORIDA
Ofelia E. Perez
Commission # DD701412
Expires: AUG. 02, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

Attachment B

Affidavit of Ownership
Hold Harmless Agreement

Affidavit of Ownership
and Hold Harmless Agreement

Personally Appeared Before Me, Pedro Hernandez, City Manager, City of Miami, that
(Property owner, lessee or Corporate Officer if owner is a corporation)
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:

401 Biscayne Blvd Miami, Fl

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

2. That your affiant is also the riparian and/or littoral owner or lessee of that certain property that is the subject matter of Application No. 2008CLIPER00185 for a Class I permit under and pursuant to Section 24-48 of the Code of Miami-Dade County to construct or engage in the following activity:

"Class I Permit Application by the City of Miami to For a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida, for the Placement of Tents, Temporary Non-Water-Dependent Fixed Structures, Over Tidal Waters, to Authorize the Creation of 125 Temporary Slips, to Install and Remove Temporary Floating Docks, Ramps, and Pilings, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten (10) Years for the Annual Strictly Sail Miami Boat Show, In Miamarina At Bayside, Biscayne Bay, Miami, Florida"

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

STATE OF FLORIDA
COUNTY OF DADE

Pedro Hernandez, City Manager, City of Miami
Owner/Applicant

BEFORE ME, the undersigned authority, personally appeared Pedro Hernandez, 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 8 (day) of January (month), 2009 (year).

Notary Signature _____

Notary Seal

NOTARY PUBLIC-STATE OF FLORIDA
Ofelia E. Perez
Commission # DD701412
Expires: AUG. 02, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

Attachment C

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

DOCK AND MARINE CONSTRUCTION CORPORATION
752 N.E. 79th Street • Miami, Florida 33138 • (305) 751-9911 • Fax (305) 751-4825

PERMIT APPLICANT/AUTHORIZED AGENT STATEMENT

December 15, 2008

MIAMI-DADE COUNTY DERM
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

RE: **Class I Standard Form Permit Application Number 2008-CLI-PER-00185, Class I permit application by the City of Miami to install and remove temporary floating docks, ramps, pilings, and tents for the annual Strictly Sail Miami Boat Show.**

By the attached Class I Standard Form permit application with supporting documents, I, Dock and Marine Construction, Inc., am the ***applicant's authorized agent*** and hereby request permission to perform the following, ***Class I permit application by the City of Miami to install and remove temporary floating docks, ramps, pilings, and tents for the annual Strictly Sail Miami Boat Show.*** 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 word 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,
DOCK AND MARINE CONSTRUCTION, INC.

Max Larson, President
Authorized Agent

DAVIS ENGINEERS
780 TAMIAMI CANAL ROAD – MIAMI, FLORIDA 33144
PHONE: 305-266-2566 FAX: 305-267-1556
projects@davisengrs.com

ENGINEER LETTER OF CERTIFICATION

December 15, 2008

MIAMI-DADE COUNTY DERM
Coastal Permitting Program
701 NW 1st Ct.
Suite 600
Miami, Florida 33136-3912

Re: Class I Standard Form Permit Application Number 2008-CLI-PER-00185 Class I Permit application by the City of Miami to install and remove temporary floating docks, ramps, piling and tents for the annual Strictly Sail Miami Boat Show.
Davis Engineers Job No. 2K3DM03

Dear Sir or Madam:

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 permits 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.

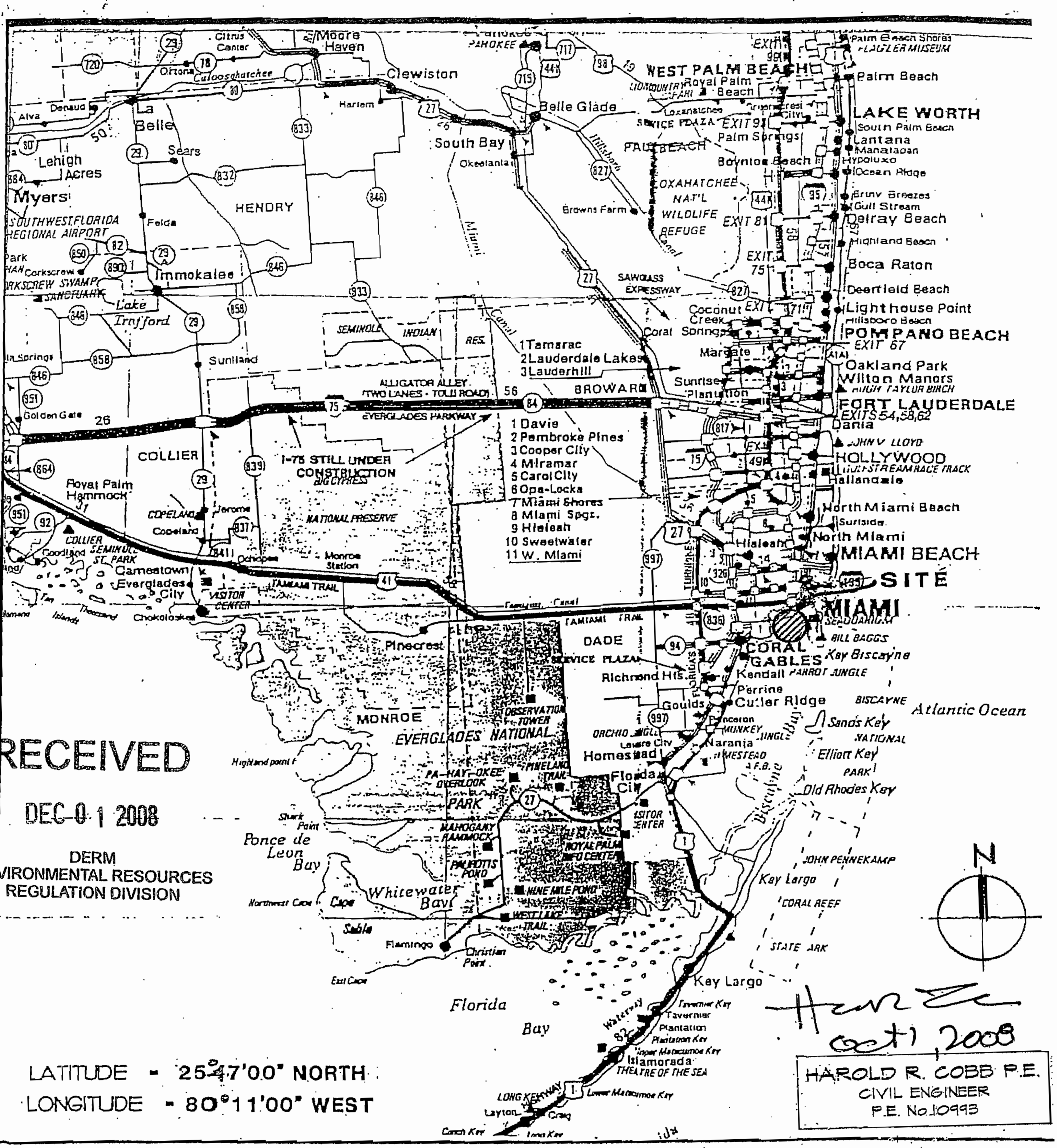
Very truly yours,
DAVIS ENGINEERS

Herm. 15 Dec 2008

By:_____
Harold R. Cobb, P.E. # 10993

HRC/nb

16



RECEIVED

DEC 0 1 2008

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

LATITUDE - 25°47'0.0" NORTH
LONGITUDE - 80°11'00" WEST

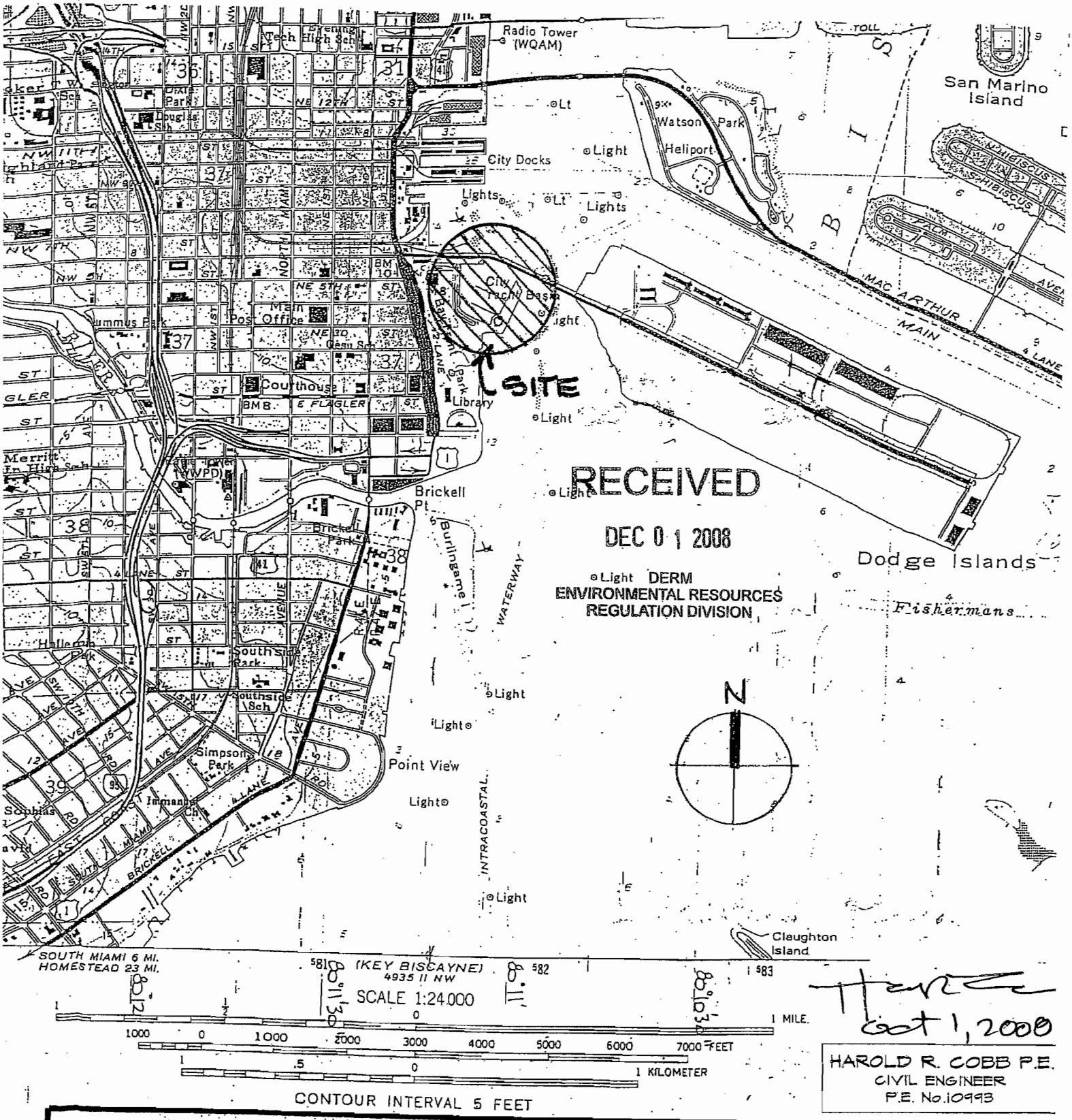
Oct 1, 2008

HAROLD R. COBB P.E.
CIVIL ENGINEER
P.E. No. 10993

DOCK & MARINE CONSTRUCTION CO.

E.B. No 0001809 O.L. No 127365-5 DAVIS ENGINEERS 780 TAMIAMI CANAL ROAD MIAMI, FLORIDA 33144 (305) 266-2566	PROPOSED IN WATER EXIBITION FACILITY AT MIAMARINA AT BAYSIDE 401 BISCAYNE BLVD. MIAMI, FLORIDA
JOB N°	DATE	LOCATION MAP

17



RECEIVED

DEC 0 1 2008

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

Oct 1, 2008

HAROLD R. COBB P.E.
CIVIL ENGINEER
P.E. No.10993

DOCK AND MARINE CONSTRUCTION CO.

E.B. No 0001809 O.L. No 127365-5

DAVIS ENGINEERS
780 TAMIAMI CANAL ROAD
MIAMI. FLORIDA 33144
(305) 266-2566

PROPOSED IN WATER EXIBITION FACILITY AT
MIAMARINA AT BAYSIDE
401 BISCAYNE BLVD. MIAMI, FLORIDA

JOB N°

DATE

2

18

SCOPE OF WORK

Install up to a maximum, within the configuration of Marina footprint.

126 - 10 ft by 20 ft Floating Dock Sections

38 Awnings 10 ft by 20 ft on the above floating docks

14 Access Ramps

36 Dock Attachment or Mooring Piling

All of the above shall be within the footprint of the existing 87 slip marina and creating no more than 94 additional slips.

SHOW DATES

2009 – Feb 12 – 16

2010 – Feb 11 – 15

2011 – Feb 17 – 21

2012 – Feb 16 – 20

2013 – Feb 14 – 18

RECEIVED

DEC 0 1 2008

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

LEGEND

10 ft by 20 ft dock sections

Dock sections with awnings

Ramps

Dock attachment or mooring piling

Oct 1, 2008

HAROLD R. COBB P.E.
CIVIL ENGINEER
P.E. No.10993

DOCK AND MARINE CONSTRUCTION CO.

O.L. 27365-5- E.B. No. 0001809

DAVIS ENGINEERS

780 TAMIAMI CANAL ROAD

MIAMI, FLORIDA 33144

(305) 266-2566

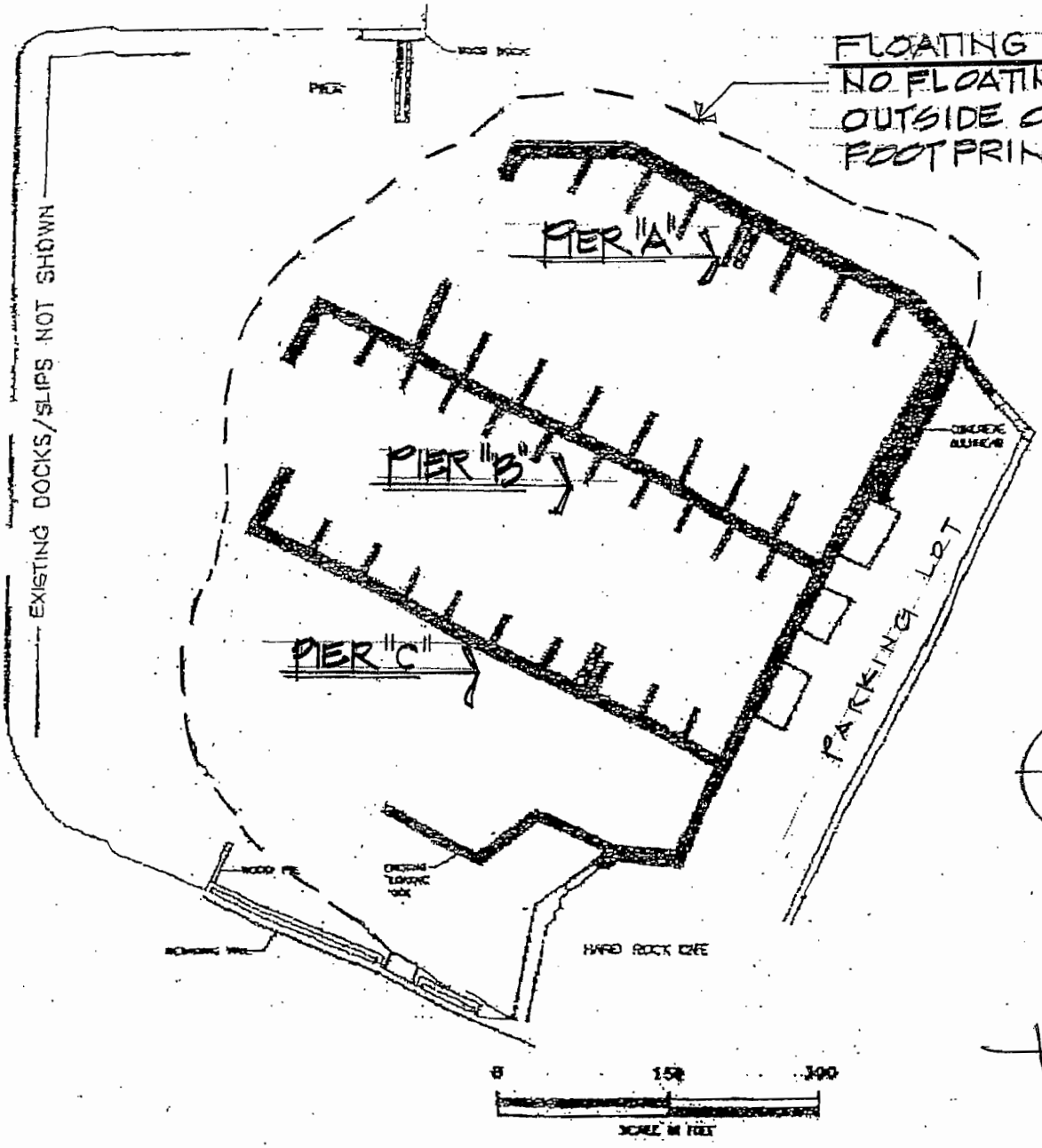
PROPOSED IN WATER EXIBITION FACILITY AT

MIAMARINA AT BAYSIDE

401 BISCAYNE BLVD. MIAMI, FLORIDA

JOB N°	DATE		
2K3 DM 03	9-30-08	3/12	SCOPE OF WORK / LEGEND

19



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P.E. No.10993

DOCK AND MARINE CONSTRUCTION CO.

E.B. No 0001809 O.L. No 127365-5

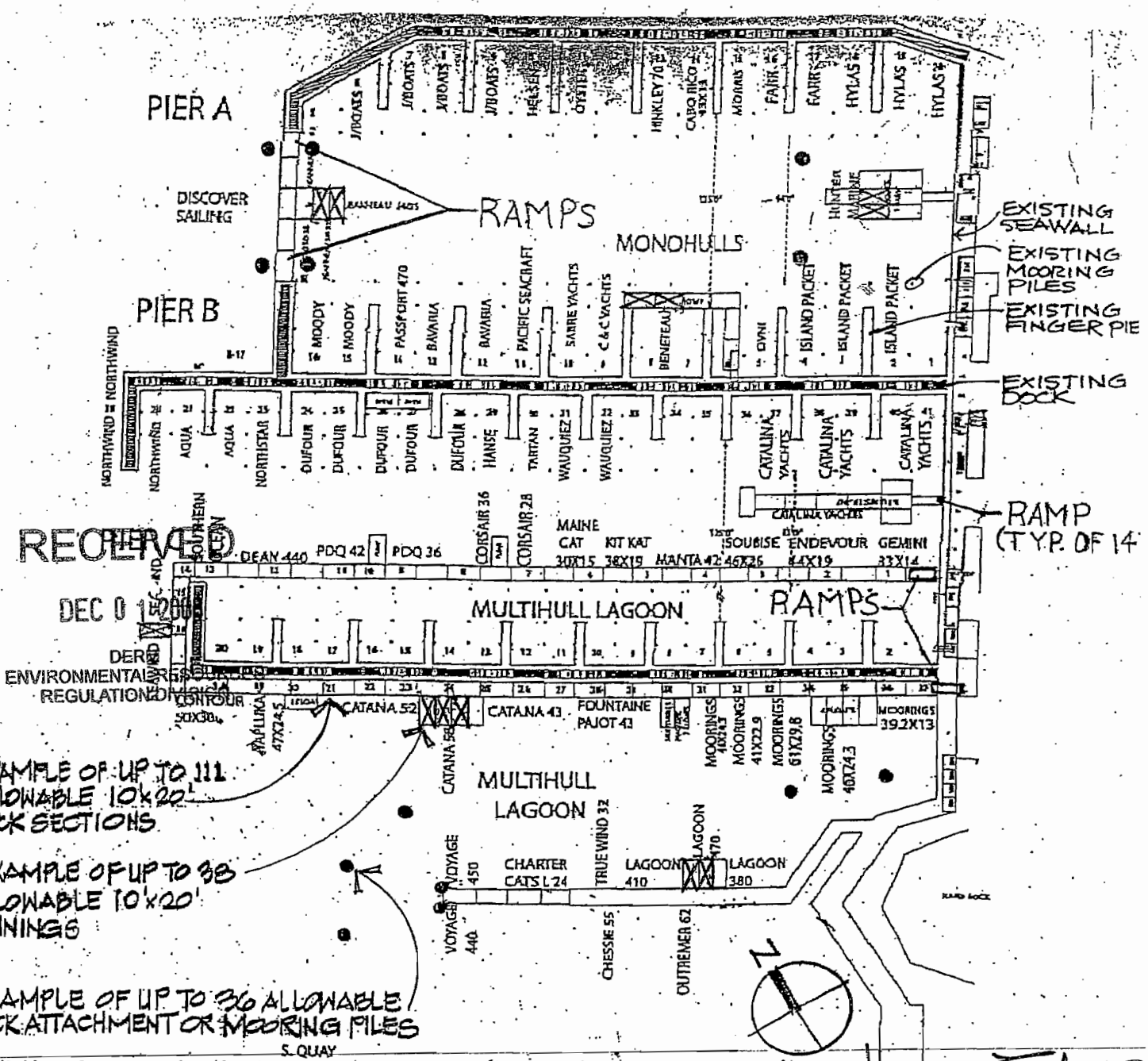
DAVIS ENGINEERS
780 TAMIAMI CANAL ROAD
MIAMI, FLORIDA 33144
(305) 266-2566

PROPOSED IN WATER EXIBITION FACILITY AT
MIAMARINA AT BAYSIDE
401 BISCAYNE BLVD. MIAMI, FLORIDA

JOB N° 2K3DM03 | DATE 9-30-08 | 4/12

EXISTING MARINA FOOTPRINT

20



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EXAMPLE OF UP TO 111 ALLOWABLE 10'x20' DOCK SECTIONS

EXAMPLE OF UP TO 38 ALLOWABLE 10'x20' AWNINGS

EXAMPLE OF UP TO 36 ALLOWABLE DOCK ATTACHMENT OR MOORING PILES

EXISTING SEAWALL CAP AND KING PILES TO REMAIN
EXISTING 4 MAIN PIERS TO REMAIN
EXISTING 37 FINGER PIERS TO REMAIN
EXISTING 141 MOORING PILES TO REMAIN

Oct 1, 2008

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TYPICAL LAYOUT

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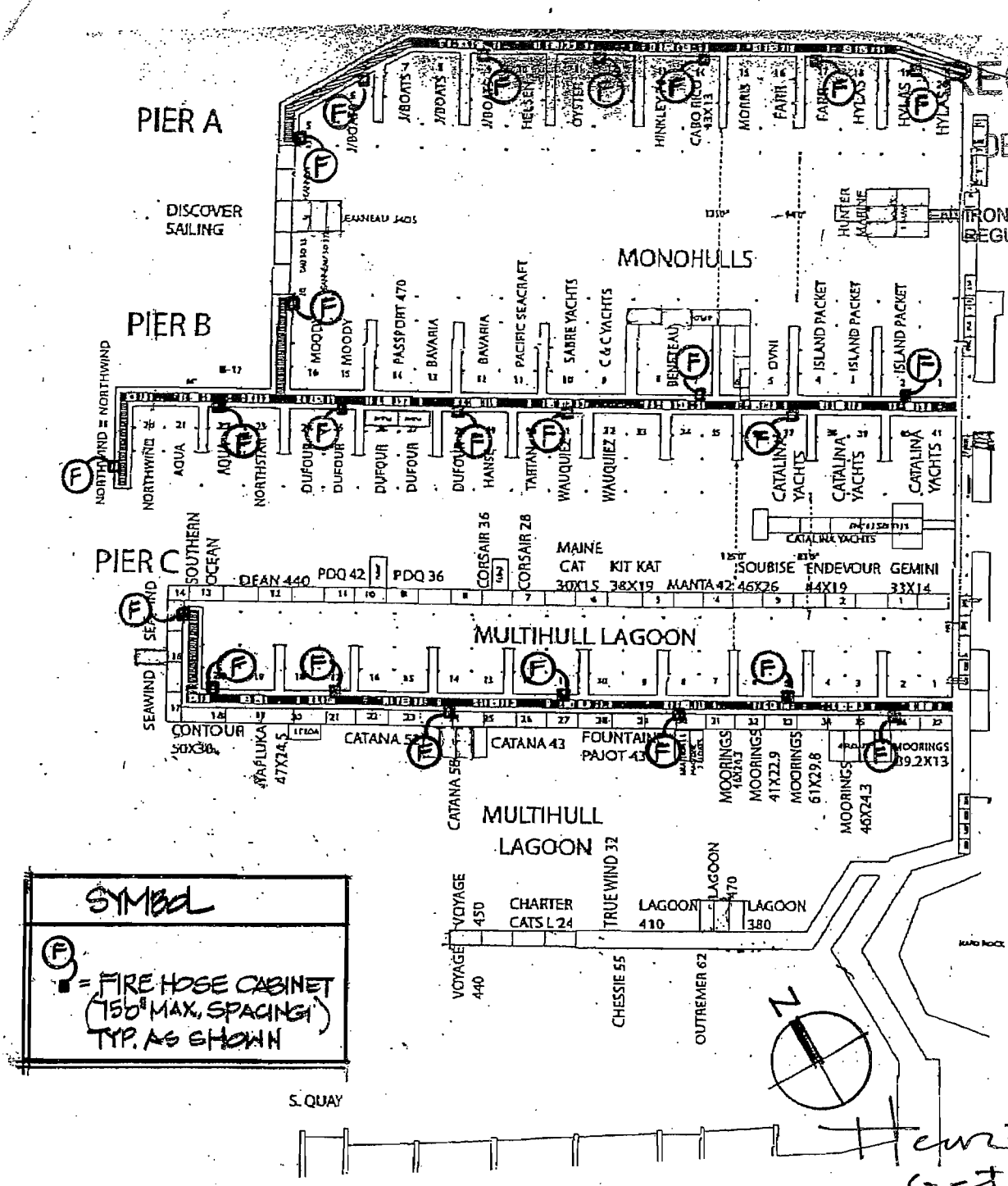

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(305) 266-2566

PROPOSED IN WATER EXIBITION FACILITY AT
MIAMARINA AT BAYSIDE
401 BISCAYNE BLVD. MIAMI, FLORIDA

JOB N° | DATE | 6/

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TYPICAL FLOATING DOCK END VIEW

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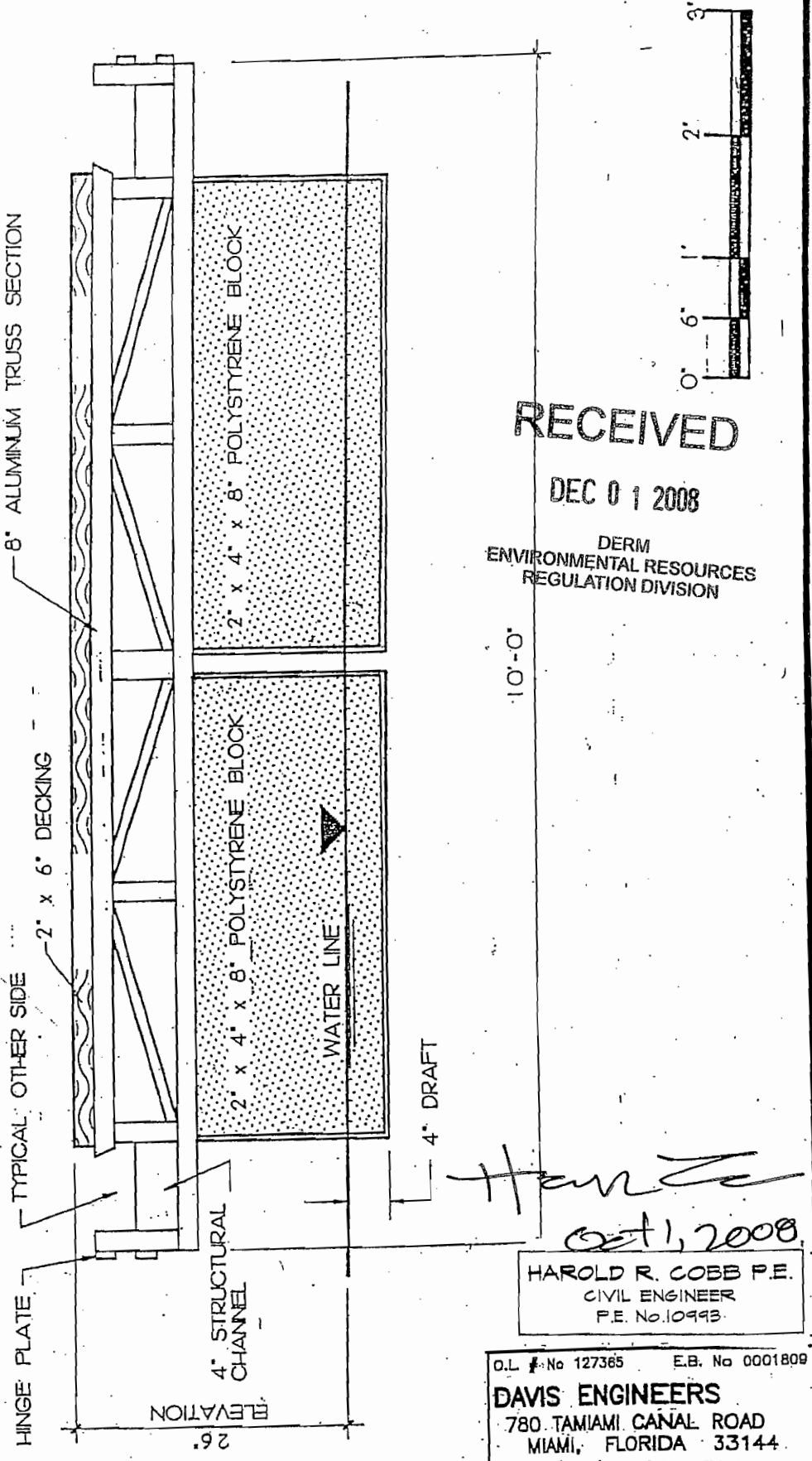

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MIAMARINA AT BAYSIDE

401 BISCAYNE BLVD. MIAMI, FLORIDA

	JOB N°:	DATE:
7/12	2K3 DM03	9-30-08

TYPICAL FLOATING DOCK SIDE VIEW

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C.L. # No 127365 E.B. No. 00015

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MIAMI, FLORIDA 33144
(305) 266-2566

MIAMARINA AT BAYSIDE
401 BISCAYNE BLVD. MIAMI, FLORIDA

B/12	JOB No.: 2K3 DM03	DATE: 9-30-0

24

TYPICAL FLOATING DOCK CROSS SECTION

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MIAMARINA AT BAYSIDE
401 BISCAYNE BLVD. MIAMI, FLORIDA

25

9/12	JOB N°: 2K3 DM03	DATE: 9-30-0

Oct 1, 2008

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CIVIL ENGINEER
P.E. No.10993

O.L. # No 127365 E.B. No 00018

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MIAMI, FLORIDA 33144
(305) 266-2566

MIAMARINA AT BAYSIDE
401 BISCAYNE BLVD. MIAMI, FLORIDA

26

10/12	JOB No: 2K3 DM 03	DATE: 9-30-08

Attachment D

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: January 9, 2009

To: Lisa Spadafina, Manager
Coastal Resources
Environmental Resources Management

From: Nicole Fresard, Biologist II NF
Coastal Resources
Environmental Resources Management

Subject: Class I Permit Application by the City of Miami For a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida, for the Placement of Tents, Temporary Non-Water-Dependent Fixed Structures, Over Tidal Waters, to Authorize the Creation of 125 Temporary Slips, to Install and Remove Temporary Floating Docks, Ramps, and Pilings, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten (10) Years for the Annual Strictly Sail Miami Boat Show, In Miamarina At Bayside Marketplace, Miami, Florida

---

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

DOCK AND MARINE CONSTRUCTION CORPORATION
752 N.E. 79th Street • Miami, Florida 33138 • (305) 751-9911 • Fax (305) 751-4825

October 28, 2008

Miami Dade County DERM
701 NW 1st Court, 6th Floor
Miami, FL 33136

RE: Application 2008-CLI-PER-00185: City of Miami-Dept of P& D – Boat Show located at 401 Biscayne Blvd., Miami, Miami-Dade County, FL (Folio No. 01-0100-000-0520)

Dear Ms. Fresard,

Following is a list of riparian owners within 300 feet of project and stick on labels.

REC RR Co.
1 Malaga Street
St. Augustine, FL 32084

City of Miami – Dept. P & D
444 SW 2nd Avenue, Suite 325
Miami, FL 33130-1910

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Respectfully Submitted,

Max Larson
Dock & Marine Construction, Inc.

REC RR Co.
1 Malaga St.
St. Augustine, FL 32084

City of Miami
Dept. P & D
444 SW 2nd Ave, Suite 325
Miami FL 33130

Attachment F

DERM Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2008 CLI PER 00185
CITY OF MIAMI FOR A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PLACEMENT OF TENTS, TEMPORARY NON-WATER-DEPENDENT FIXED STRUCTURES OVER TIDAL WATERS, TO AUTHORIZE THE CREATION OF 125 TEMPORARY SLIPS, TO INSTALL AND REMOVE TEMPORARY FLOATING DOCKS, RAMPS AND PILINGS, AND TO AUTHORIZE THE TIME OF COMPLETION OF WORK OF THE SUBJECT PERMIT FOR A PERIOD OF TEN (10) YEARS FOR THE ANNUAL STRICTLY SAIL MIAMI BOAT SHOW, IN MIAMARINA AT BAYSIDE MARKETPLACE, MIAMI, FLORIDA

Date: December 10, 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 adverse environmental impacts from the installation and removal of the proposed structures and the mooring of associated vessels are minimal.

2. **Potential Cumulative Adverse Environmental Impact** – Not Applicable.

3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

4. **Water Quality** – The proposed project will result in temporary minor water quality impacts typically associated with the construction, operation, and demolition of a temporary docking facility. These impacts include increased turbidity from standard construction and demolition activities, benthic disturbances created by deep draft vessels, improper bilge operation, debris disposal, etc. The applicant shall submit a contribution to the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) to mitigate for these minor water quality impacts in an amount equivalent to the value of 125 cubic yards of riprap at a price of $90.00 per cubic yard. A contribution in the amount of $11,250.00 shall be made at the time of permit issuance and shall be specifically designated for creation/restoration projects in Biscayne Bay and its foreshore. In addition, the applicant shall be required to distribute information on "Best Management Practices" to each exhibitor and sales representative to avoid and/or minimize these types of impacts.

   The Class I permit shall require that a water quality monitoring plan and proper turbidity controls be implemented during construction and demolition periods to ensure turbidity levels within the surrounding waters does not exceed State and County water quality standards. Turbidity curtains shall be used to enclose work areas during pile installation and removal. If turbidity levels within the surrounding waters exceed water quality standards, construction shall cease until remedial measures have been implemented and DERM approves re-commencement of the project. In addition, the Class I permit will require the applicant to post a $25,000.00 performance bond to ensure compliance with these and all other general and specific conditions of the permit.

5. **Wellfields** – Not applicable.

6. **Water Supply** – Not applicable.

7. **Aquifer Recharge** – Not applicable.

8. **Aesthetics** – The project is designed to be aesthetically compatible with the surrounding area. The show is located within an existing marina and is temporary in nature. The proposed structures have been associated with the previous Strictly Sail Miami Boat Shows and therefore, not reasonably expected to have negative aesthetic impacts.

9. **Navigation** – Navigation is not expected to be impacted during the construction, operation and demolition time period nor by the non-water dependent structures which will be located within the existing marina.

   Significant navigation problems are not expected provided that all vessels associated with the project follow safe boating practices and that sufficient lights and reflector materials are installed on the proposed structures to provide warning at night. The proposed project shall be subject to Coast Guard approval and the applicant shall be required to comply with all State and Federal navigational lighting requirements.

10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health. The applicant shall provide portable sanitation facilities on the uplands for show staff, vendors and participants and no sewage will be discharged into surface waters.

11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.

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 will result in minimal temporary impacts to marine and wildlife habitats. The Strictly Sail Miami Boat Show is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan. In addition, vessels traveling to and from the boat show will enter areas designated as essential manatee habitat and the boat show occurs annually during manatee season. To minimize impacts during the construction, operation, and demolition of the proposed project and during the distribution of the vessels to and from the boat show, the applicant will comply with standard manatee protection provisions. In addition, all associated vessels shall travel through deep water routes, maintain adequate clearance between the draft of the vessel and any resources along the bottom substrate, and adhere to speed restrictions and manatee awareness signs.

15. **Wetland Soils Suitable for Habitat** – There are no wetland soils suitable for habitat in the footprint of the proposed work.

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect marine flora.

17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect marine fauna provided all standard manatee provisions outlined in evaluation factor number 14 are implemented during construction, operation, demolition and vessel travel periods.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species. The Strictly Sail Boat Show is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan. In addition, vessels traveling to and from the boat show will enter areas designated as essential manatee habitat and the boat show occurs annually during manatee season. To minimize impacts during the construction, operation, and demolition of the proposed project and during the distribution of the vessels to and from the boat show the applicant will comply with standard manatee protection provisions. In addition, all associated vessels shall travel through deep water routes, maintain adequate clearance between the draft of the vessel and any resources along the bottom substrate, and adhere to speed restrictions and manatee awareness signs.

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** – The proposed project will occur in the City of Miami, Florida. 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 pending approval by the Board of County Commissioners and prior to the issuance of the Class I Permit.

22. **Recreation** - The proposed project is consistent 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 proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The submerged lands on which the project will occur are owned by the City of Miami. Approval has been granted by the City of Miami for the use of submerged lands for the Strictly Sail Miami Boat Show.

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:

    - United States Clean Water Act (Army Corps of Engineers permit is required)
    - Federal Endangered Species Act (Florida Fish and Wildlife Conservation Commission)
    - Florida Department of Environmental Protection submerged lands approval

27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of DERM, elements of the proposed project (i.e. tents) are not in full conformance with the CDMP. However, the applicant is requesting a variance from the Section of Miami Dade County Code relating to these non-water dependant structures as they pertain to the proposed project. 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 because it is temporary in nature and located within an existing docking facility.

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 will not take place within the tidal waters of the Miami River. The Class I Permit will include a condition that requires the applicant to use best management practices to ensure that debris and other pollutants do not enter the water. In addition, a performance bond shall be held to ensure compliance with said condition.

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 – Protection of habitat critical to Federal State-designated threatened or endangered species - The proposed project is not reasonably expected to affect any threatened or endangered species. The Class I permit will require the applicant to implement and comply with all standard manatee protection provisions.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – 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 mangroves

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, coastal hammock, or other natural vegetational communities.

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

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The project does not involve the 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 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species. - The proposed work is not reasonably expected to affect endangered or threatened species. The Strictly Sail Miami Boat Show is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan. In addition, vessels traveling to and from the boat show will enter areas designated as essential manatee habitat and the boat show occurs annually during manatee season. To minimize impacts during the construction, operation, and demolition of the proposed project and during the distribution of the vessels to and from the boat show the applicant will comply with standard manatee protection provisions. In addition, all associated vessels shall travel through deep water routes, and adhere to speed restrictions and manatee awareness signs.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project will not affect existing water-dependent uses.

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 because it is not a permanent structure.

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 of the Code of Miami-Dade County** (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 tents are not consistent with the Biscayne Bay Management Plan due to their being non-water dependent structures. However, the project is temporary in nature and the applicant is requesting a variance from this requirement.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The project is located within essential habitat for the West Indian Manatee. In addition, vessels traveling to and from the boat show will enter areas designated as essential manatee habitat and the boat show occurs annually during manatee season. To minimize impacts during the construction, operation, and demolition of the proposed project and during the distribution of the vessels to and from the boat show the applicant will comply with standard manatee protection provisions. In addition, all associated vessels shall travel through deep water routes, and adhere to speed restrictions and manatee awareness signs. The proposed project is temporary in nature and is not reasonably expected to adversely affect any rare, threatened or endangered species.

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 is not expected to impact wetland hydrological and biological functions.

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 involves the temporary installation of docks, ramps, and pilings for mooring purposes. The project area is located in an existing large vessel docking facility and has adequate water depth for the vessels that will be using the proposed slips.

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

The proposed project was also evaluated based upon the applicable factors set forth in Section 24-48.25 of the Code as well as the applicable evaluation factors set forth in Section 24-48.3 of the Code because of the variance request:

36. **Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters** – The subject boat show has provided the general public access to Biscayne Bay and adjacent tidal waters since 1999.

37. **Historical significance** – The subject boat show has occurred at this location annually since 1999.

38. **Need for covered vessel repair facilities** - Not applicable.

39. **Environmental impact or cumulative environmental impact** – The proposed project is located within an existing marina and is temporary in nature; therefore, it is not expected to create long-term environmental impacts.

40. **Navigation** – The proposed boat show is located within an existing marina; therefore, it is not reasonably expected to create adverse navigational impacts.

41. **Public safety** – The installation of tents, non-water-dependent structures, will provide protection from the elements, increasing the public safety of attendees.

42. **Aesthetics**- The subject boat show is located within an existing marina and is temporary in nature. The installation of tents, non-water-dependent structures, is not expected to create negative aesthetic impacts to the surrounding area.

43. **Biscayne Bay Management Plan** – In the opinion of DERM, the proposed project is in conformance with the Biscayne Bay Management Plan.

44. **Biscayne Bay Aquatic Preserve Act** - In the opinion of DERM, the proposed project is in conformance with the Biscayne Bay Aquatic Preserve Act.

45. **Rules of the Biscayne Bay Aquatic Preserve** - In the opinion of DERM, the proposed project is in conformance with the Rules of the Biscayne Bay Aquatic Preserve.

BASED UPON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS I PERMIT AND A VARIANCE BE APPROVED.

Lisa Spadafina, Manager
Coastal Resources Section

Nicole Fresard, Biologist II
Coastal Resources Section