Memorandum

MIAMI-DADE COUNTY

Date: June 30, 2009

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

Agenda Item No. 5(D)

From: George M. Burgess
County Manager

Subject: Class I Permit Application by Miami-Dade County to Dredge and Fill Wetlands and Trim and Alter Mangroves to Stabilize the North Shoreline of the Snapper Creek Canal with Limerock Riprap Boulders and Native Vegetation, and for the Replacement of Five Non-Functional Culverts with Two New Culverts in Order to Enhance Tidal Flushing to the Adjacent Wetlands at the R. Hardy Matheson Preserve

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Attached, please find for your consideration an application by the Miami-Dade County 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: May 11, 2009

To: George M. Burgess
County Manager

From: Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County to Dredge and Fill Wetlands and Trim and Alter Mangroves to Stabilize the North Shoreline of the Snapper Creek Canal with Limerock Riprap Boulders and Native Vegetation, and for the Replacement of Five Non-Functional Culverts with Two New Culverts in Order to Enhance Tidal Flushing to the Adjacent Wetlands at the R. Hardy Matheson Preserve

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Recommendation

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

Scope

The project site is located at 11191 Snapper Creek Road (east of Old Cutler Road at approximately SW 114th Street along the northern shoreline of the C-2/Snapper Creek Canal) in Coral Gables, Miami-Dade County, located in Commission District 7 (Commissioner Carlos A. Gimenez).

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class I permit application by Miami-Dade County involves the dredging and filling of halophytic (salt tolerant) wetlands, and the trimming and alteration of mangroves to stabilize the north shoreline of the Snapper Creek Canal with limerock boulders and native vegetation, and for the replacement of five (5) non-functional culverts with two (2) new culverts in order to enhance tidal flushing to the adjacent wetlands at the R. Hardy Matheson Preserve at 11191 Snapper Creek Road in Coral Gables, Miami-Dade County, Florida. The proposed project is required to be reviewed and approved by the Miami-Dade County BCC at a public hearing because the scope of work includes the dredging and filling of halophytic (salt tolerant) wetlands. Said work is not specifically referenced in Section 24-48.2 of the Code as work that can be processed administratively with a short form application. Therefore, a standard form application including a public hearing is required.

The property is located adjacent to the Snapper Creek Canal and a Mangrove Protection Area within the R. Hardy Matheson Preserve, an eight hundred twenty (820) acre site contiguous to Matheson Hammock Park, containing biological, archeological and historic resources. The area to be stabilized contains dredge spoil material partially vegetated with native and exotic grass and herbaceous species surrounded by taller exotic plants such as Brazilian Pepper (*Shinus terebinthifolius*). The overall

project objectives are to restore the habitat of the Preserve for a variety of marine and terrestrial animals, improve the water quality in Biscayne Bay by reducing the point source discharge at the mouth of the canal and enhance the adjacent mangrove wetlands.

An upland fill road, used to access the canal for maintenance purposes, extends from Old Cutler Road and terminates at Biscayne Bay. The access road is bordered by the Snapper Creek Canal on the south side and mangrove wetlands on the north side. In order to stabilize the shoreline, the applicant proposes the planting of native halophytic herbaceous vegetation and the placement of natural limerock boulders. The shoreline stabilization will require that certain areas of the shoreline be graded to a suitable slope for the planting of the proposed native herbaceous wetland vegetation and the placement of four thousand two hundred fifty-five (4,255) cubic yards of limerock riprap boulders along five thousand (5,000) linear feet of the shoreline. This work will result in the excavation of one thousand three hundred fifty-nine (1,359) square feet of uplands, six thousand thirty-three (6,033) square feet of substrate below the mean high water line, and the filling of one hundred thirteen (113) square feet of tidal waters. The shoreline stabilization will also require the trimming of two thousand one hundred thirty-four (2,134) square feet of white mangrove canopy for the placement of the limerock riprap boulders.

In order to improve flushing to the mangrove wetlands on the north side of the fill road, the applicant proposes to remove five (5) existing non-functional twelve (12) inch diameter culverts and replace with two (2) new twenty-four (24) inch diameter culverts. Said culverts are located beneath the existing access road and connect the north bank of the canal to the mangrove wetlands. In order to perform the proposed work, excavation of the fill road will be required. Furthermore, since the new culverts will be longer and wider than the existing culverts, the existing access road is required to be stabilized and widened from five (5) feet to twelve and a half (12.5) feet. This will result in the filling of five hundred eighty-eight (588) square feet of tidal waters and the removal of two (2) *Rhizophora mangle* (red mangrove), one (1) *Laguncularia racemosa* (white mangrove) and three (3) *Conocarpus erectus* (green buttonwood) trees, for of a total of twenty-five (25) square feet of mangrove and buttonwood canopy. The total area within tidal waters to be dredged and filled as a result of the project will be six thousand seven hundred thirty-four (6,734) square feet.

Section 24-48.3(2) of the Code requires that dredging or filling work proposed in Class I permit applications comply with at least one of six listed criteria. The proposed project complies with the aforementioned criteria as it relates to the minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters. In addition, although the mangroves at the site are designated by the Comprehensive Development Master Plan (CDMP) of Miami-Dade County as a Mangrove Protection Area, the proposed project is consistent with the exceptions of the CDMP, as the trimming and alteration of mangroves is required for natural system restoration and enhancement, and is within the public interest.

Furthermore, pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and/or minimized. DERM has worked with the applicant to avoid and minimize impacts associated with this proposed project. DERM acknowledges the proposed shoreline stabilization and culvert replacement will benefit and enhance the adjacent wetlands through the enhanced hydrological connection to Biscayne Bay, through improved water quality, and through the creation and enhancement of benthic and shoreline habitat along the Snapper Creek Canal. DERM believes the resulting long-term environmental benefits of the project will serve as mitigation for the short-term impacts associated with the work.

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. 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: Permit Applicant/Authorized Agent Statement, Engineer Letter of Certification, Project Plans
Attachment D: Zoning Memo
Attachment E: Names and Addresses of Owners of All Riparian or Wetland Property Within Three Hundred (300) Feet of the Proposed Work
Attachment F: South Florida Water Management District Authorization
Attachment G: R. Hardy Matheson Preserve Management Agreement
Attachment H: Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO DREDGE AND FILL WETLANDS AND TRIM AND ALTER MANGROVES TO STABILIZE THE NORTH SHORELINE OF THE SNAPPER CREEK CANAL WITH LIMEROCK RIPRAP BOULDERS AND NATIVE VEGETATION, AND FOR THE REPLACEMENT OF FIVE NON-FUNCTIONAL CULVERTS WITH TWO NEW CULVERTS IN ORDER TO ENHANCE TIDAL FLUSHING TO THE ADJACENT WETLANDS AT THE R. HARDY MATHESON PRESERVE AT 11191 SNAPPER CREEK ROAD, CORAL GABLES, 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 a request by Miami-Dade County for a Class I permit to dredge and fill wetlands and trim and alter mangroves to stabilize the north shoreline of the Snapper Creek Canal with limerock riprap boulders and native vegetation, and for the replacement of five non-functional culverts with two new culverts in order to enhance tidal flushing to the adjacent wetlands at the R. Hardy Matheson Preserve at 11191 Snapper Creek Road in Coral Gables, Miami-Dade County, Florida. Such Public Hearing will be held on June 30, 2009 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, 4th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

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 (Diane Collins, 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, 4th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

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: _____
Diane Collins, Deputy Clerk

MEMORANDUM
(Revised)

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

DATE: June 30, 2009

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

SUBJECT: Agenda Item No. 5(D)

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 Mayor'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(D)
6-30-09

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO DREDGE AND FILL WETLANDS AND TRIM AND ALTER MANGROVES TO STABILIZE THE NORTH SHORELINE OF THE SNAPPER CREEK CANAL WITH LIMEROCK RIPRAP BOULDERS AND NATIVE VEGETATION, AND FOR THE REPLACEMENT OF FIVE NON-FUNCTIONAL CULVERTS WITH TWO NEW CULVERTS IN ORDER TO ENHANCE TIDAL FLUSHING TO THE ADJACENT WETLANDS AT THE R. HARDY MATHESON PRESERVE AT 11191 SNAPPER CREEK ROAD, CORAL GABLES, 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 Miami-Dade County for a Class I permit to dredge and fill wetlands and trim and alter mangroves to stabilize the north shoreline of the Snapper Creek Canal with limerock riprap boulders and native vegetation, and for the replacement of five non-functional culverts with two new culverts in order to enhance tidal flushing to the adjacent wetlands at the R. Hardy Matheson Preserve at 11191 Snapper Creek Road, Coral Gables, 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:

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 30th day of June, 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
2007-CLIPER-00384

2. Date Day/Month/Year

3. For official use only

4. Applicant Information:
Name: Miami-Dade County
Address: 111 N.W. 1st Street, Suite 2910
Miami, FL Zip Code: 33128
Phone #: (305) 375-2911 Fax #: (305) 375-1358
e-mail

5. Applicant's authorized permit agent
Name: Gary Milano, Miami-Dade County Department of Environmental Resources Management
Address: 701 N.W. 1st Court
Miami, FL Zip Code: 33136
Phone #: (305) 372-6851 Fax #: (305) 372-6659
e-mail

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.

Dredge and Fill Wetlands and Trim and Alter Mangroves to Stabilize the North Shoreline of the Snapper Creek Canal With Limerock Riprap Boulders and Native Vegetation, and for the Replacement of Five Non-Functional Culverts With Two New Culverts in Order to Enhance Tidal Flushing to the Adjacent Wetlands at the R. Hardy Matheson Preserve

	Dredged/Excavated		Filled/Deposited	
Volume of Material:	11,299 CY	2521 CY	179 CY	210 CY
	Waterward of O.H.W. or M.H.W.	Landward of O.H.W. or M.H.W.	Waterward of O.H.W. or M.H.W.	Landward of O.H.W. or M.H.W.

7. Proposed Use: (Check One)
☐ Private ☐ Commercial
☐ Other ☐ Public

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

See below
Name:
Address:
Zip Code

Miami-Dade Park and Recreation Department
Name:
Address: 275 N.W. 2nd Street
Miami, FL Zip Code 33128

9. Location where proposed activity exists or will occur. Folio # 03-5107-005-0010
Street Address: 11191 Snapper Creek Road
Latitude 25 39' 45.00 N Longitude 80 16' 26.00
Section 7 Township 55 Range 41
State Florida County Miami-Dade In City or Town Coral Gables Near City Or Town

10. Name of waterway at location of the activity. Snapper Creek Canal

11. Date activity is proposed to:

Commence 1/2010 Be completed 12/2010

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	ERPS	SAJ 2007-5653	8/31/2007	10/29/2008
SFWMD	ERPS	070926-12	8/31/2007	1/15/2009
SFWMD	ROW	07-1011-1	10/11/2007	3/12/2009
City of Coral Gables	PW			Pending

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

☐ Yes
☑ No

15. Remarks

The proposed culvert improvement will benefit the adjacent 1,000 acre wetlands through the enhanced hydrological connection to Biscayne Bay, and the stabilization of the north shoreline of the Snapper Creek canal with limerock and native vegetation will enhance in-water and shoreline habitat and improve water quality in Biscayne Bay.

16. Estimated project cost = $1,000,000.00

17. Contractor

Name: TBD License #: _____

Address: _____

_____ Zip Code: _____

Phone #: _____ Fax #: _____

e-mail _____

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 _____
Alex Munoz, Assistant County Manager, Miami-Dade County

Date _____

SUBSCRIBED AND SWORN TO ME THIS 14th DAY OF May, 2009, BY Alex Munoz

☑ PERSONALLY KNOWN ☐ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED _____ Jacqueline Anghel-Novick NOTARY PUBLIC

JACQUELINE ANGHEL-NOVICK
Notary Public - State of Florida
My Comm. Expires Mar 23, 2012
Commission # DD 673667

Attachment B
Affidavit of Ownership and Hold Harmless Agreement

Affidavit of Ownership
and Hold Harmless Agreement

Personally Appeared Before Me, Alex Munoz (Property owner, lessee or Corporate Officer if owner is a corporation), that undersigned authority, and hereby swears and affirms under oath as follows:

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

   Folio # 03-5107-005-0010
   11191 Snapper Creek Road, Coral Gables, Florida

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

2. That your affiant is also the riparian and/or littoral owner or lessee of that certain property that is the subject matter of Application No. 2007-CLIPER-00384 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:

   Dredge and Fill Wetlands and Trim and Alter Mangroves to Stabilize the North Shoreline of the Snapper Creek Canal With Limerock Riprap Boulders and Native Vegetation, and for the Replacement of Five Non-Functional Culverts With Two New Culverts in Order to Enhance Tidal Flushing to the Adjacent Wetlands at the R. Hardy Matheson Preserve

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

Alex Munoz, Assistant County Manager, Miami-Dade County
Owner/Applicant

BEFORE ME, the undersigned authority, personally appeared Alex Muñoz, 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 12th (day) of May (month), 2009 (year)

Notary Signature Jacqueline Anghel-Novick Notary Seal

JACQUELINE ANGHEL-NOVICK
Notary Public - State of Florida
My Comm. Expires Mar 23, 2013
Commission # DD 873507

Attachment C
Permit Applicant/Authorized Agent Statement,
Engineer Letter of Certification, Project Plans

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

May 11, 2009

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-CLIPER-00384, Dredge and Fill Wetlands and Trim and Alter Mangroves to Stabilize the North Shoreline of the Snapper Creek Canal With Limerock Riprap Boulders and Native Vegetation, and for the Replacement of Five Non-Functional Culverts With Two New Culverts in Order to Enhance Tidal Flushing to the Adjacent Wetlands at the R. Hardy Matheson Preserve

By the attached Class I Standard Form permit application with supporting documents, I, Alex Munoz, am the permit applicant / applicant's authorized agent (circle one) and hereby request permission to perform the following: Dredge and Fill Wetlands and Trim and Alter Mangroves to Stabilize the North Shoreline of the Snapper Creek Canal With Limerock Riprap Boulders and Native Vegetation, and for the Replacement of Five Non-Functional Culverts With Two New Culverts in Order to Enhance Tidal Flushing to the Adjacent Wetlands at the R. Hardy Matheson Preserve. 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,

Alex Munoz, Assistant County Manager, Miami-Dade County
Permit Applicant

ENGINEER LETTER OF CERTIFICATION

ConsulTech
a CSA Group Company

May 15, 2009

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

RE: Class I Standard Form Permit Application Number 2007-CLIPER-00384, Dredge and Fill Wetlands and Trim and Alter Mangroves to Stabilize the North Shoreline of the Snapper Creek Canal With Limerock Riprap Boulders and Native Vegetation, and for the Replacement of Five Non-Functional Culverts With Two New Culverts in Order to Enhance Tidal Flushing to the Adjacent Wetlands at the R. Hardy Matheson Preserve

Ladies and Gentlemen:

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

a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.

b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)

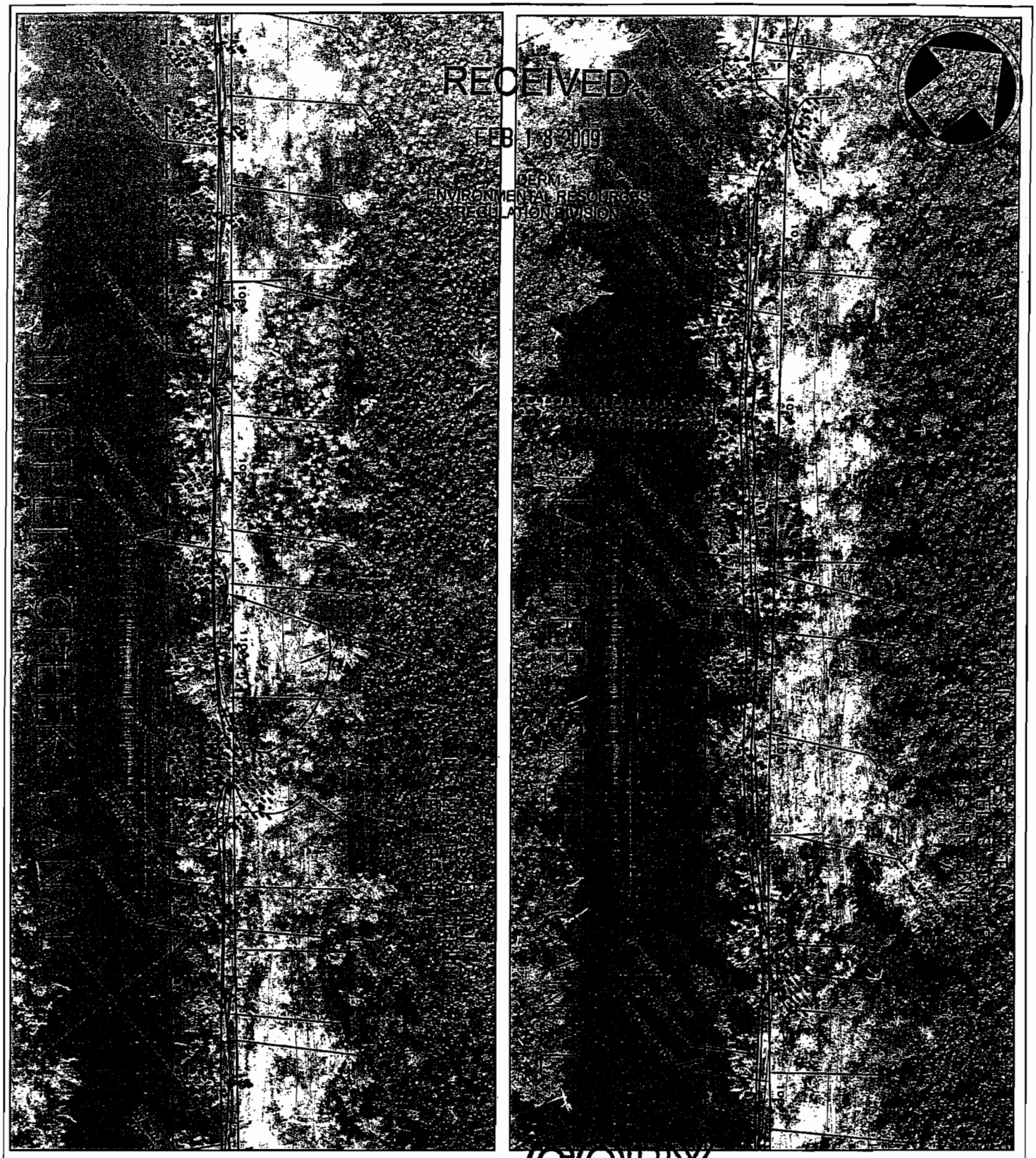
c. Material injury to adjacent property.

d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV 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.

Sincerely,

Juan C. Muniz, P. E.
P.E. #55484



RECEIVED
FEB 18 2009
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

COPY

ConsulTech
DEVELOPMENT SERVICES, INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. 9008
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
10570 N.W. 27TH STREET
SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143

SHORELINE STABIZILATION
AERIAL PLAN VIEW

R. Hardy Matheson Preserve 17

LOCATED IN

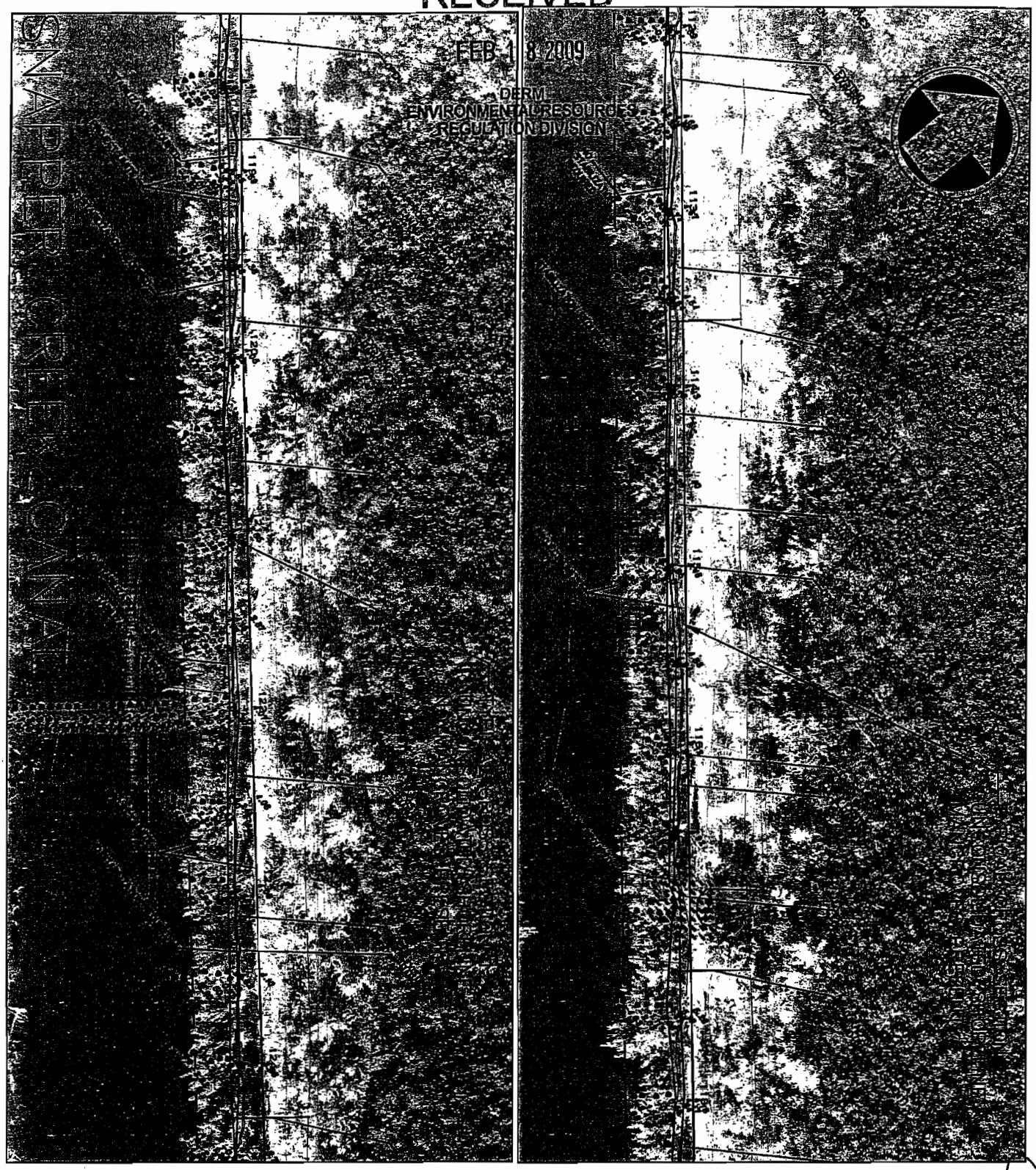
SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

Scale: 1" = 75'	
Drawn by: L.V.M.	
Date: 08/16/07	
Revised:	
SHEET	1 OF 5

2/17/09

Juan C. Muniz
PE # 55484

RECEIVED
FEB 18 2009
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION



ConsulTech
DEVELOPMENT SERVICES, INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. 9008
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10570 N.W. 27TH STREET
SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143

SHORELINE STABIZILATION
AERIAL PLAN VIEW

18

R. Hardy Matheson Preserve

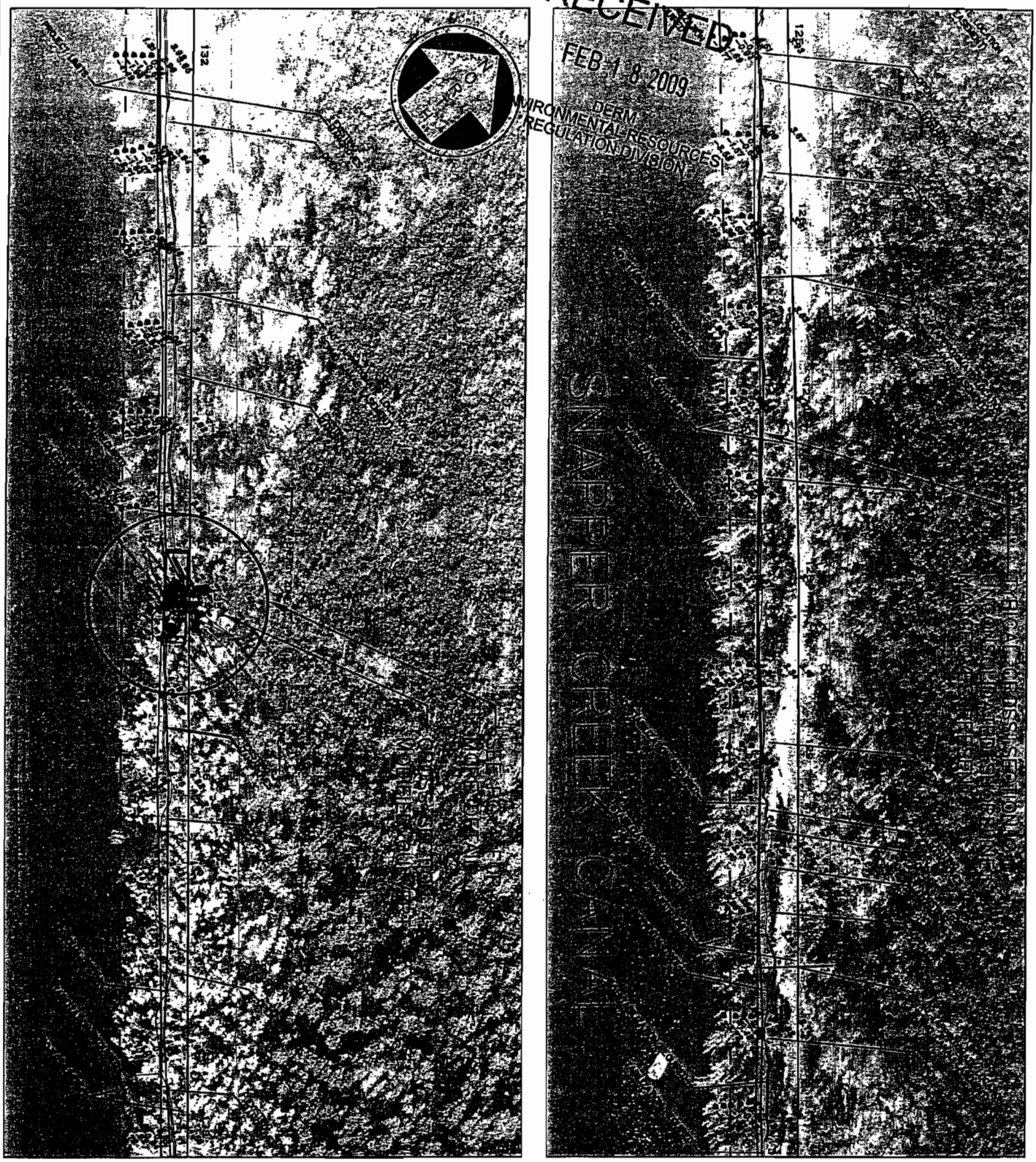
LOCATED IN

SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

Scale: 1" = 75'	
Drawn by: L.V.M.	
Date: 08/16/07	
Revised:	
SHEET	2 OF 5

2/13/09

Juan C. Muniz
PE # 55484



RECEIVED
FEB 18 2009
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

ConsulTech
DEVELOPMENT SERVICES, INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. 9008
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10570 N.W. 27TH STREET
SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143

SHORELINE STABIZILATION
AERIAL PLAN VIEW

19

R. Hardy Matheson Preserve

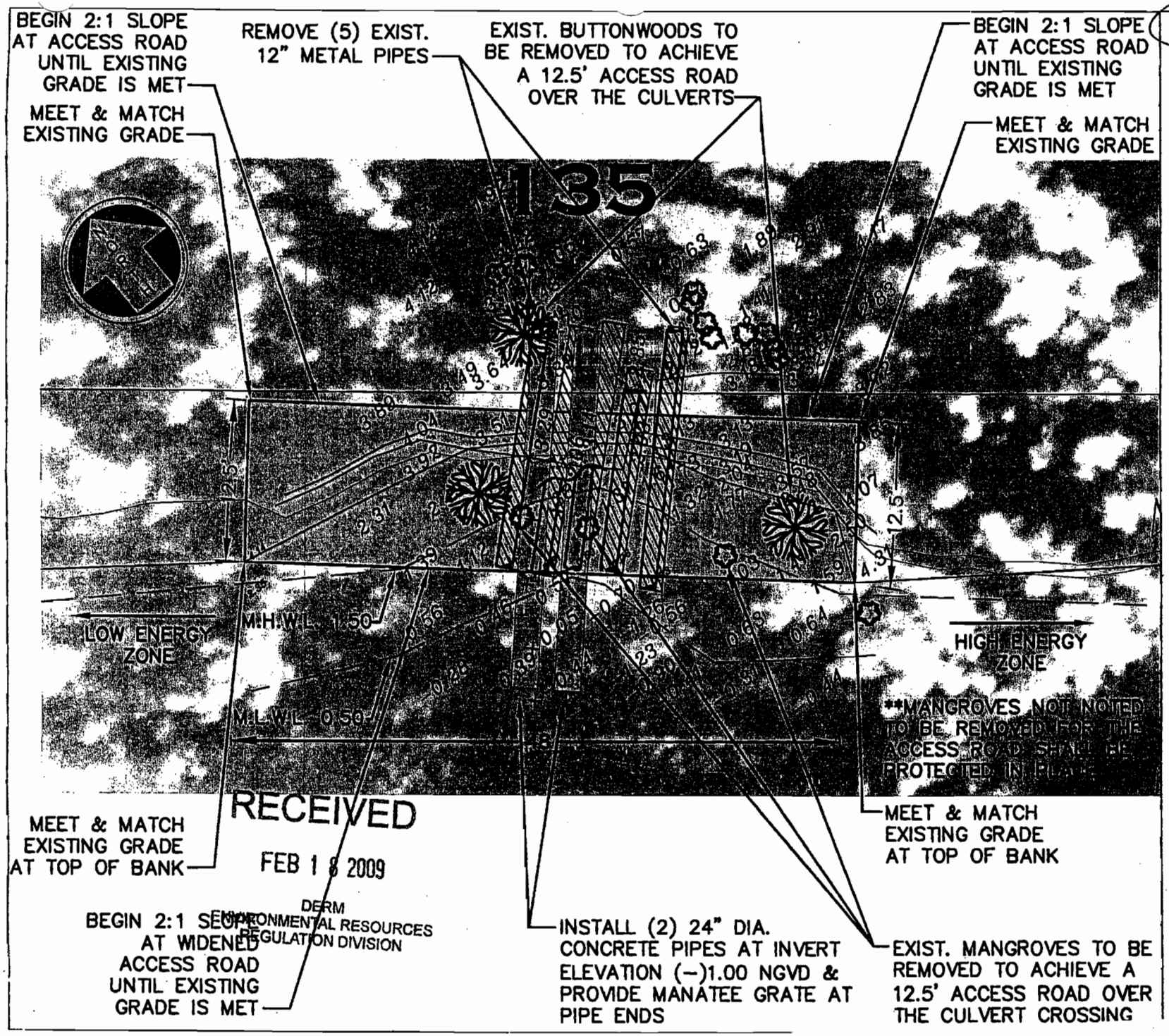
LOCATED IN

SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

Scale: 1" = 75'	
Drawn by: L.V.M.	
Date: 08/16/07	
Revised:	
SHEET	3 OF 5

2/13/09

Juan C. Muniz
PE # 55484



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DERM
ENVIRONMENTAL RESOURCES REGULATION DIVISION

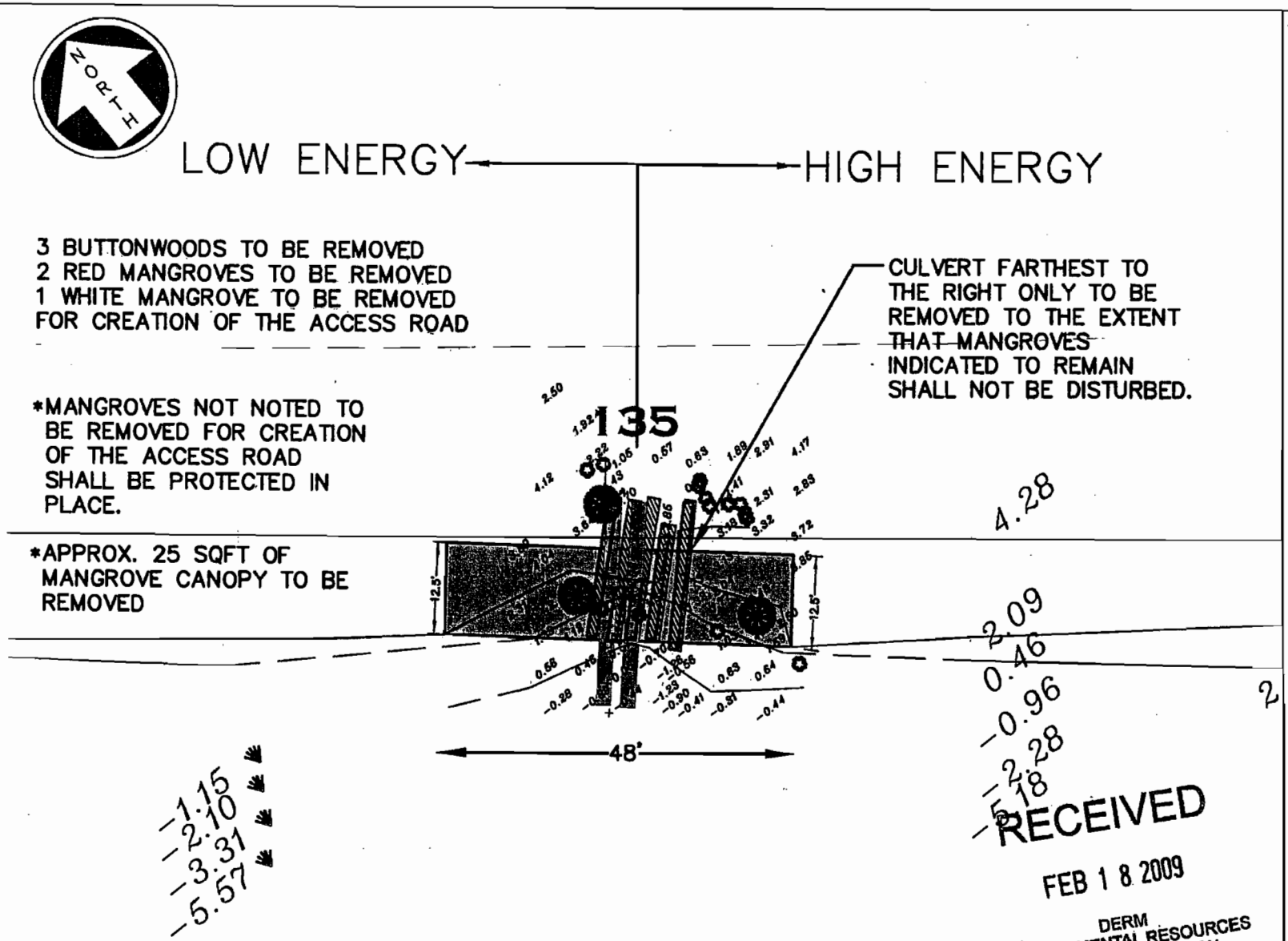
Scale: 1" = 10'
Drawn by: L.V.M.
Date: 01/10/08
Revised: 01/29/09
SHEET 4 OF 5

SHORELINE STABILIZATION
AERIAL PLAN VIEW

R. Hardy Matheson Preserve
LOCATED IN
SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

ConsulTech
DEVELOPMENT SERVICES, INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. 9008
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
10570 N.W. 27TH STREET
SUITE 101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143

Juan C. Muniz



APPROX. TOTAL AMOUNT OF FILL TO BE PLACED AT STA 135+00 FOR CREATION OF THE ROAD IS 66CY–WITH 2:1 SLOPE

BREAKDOWN:

APPROX. 33 CY BELOW MHWL

APPROX. 11 CY ABOVE MHWL

APPROX. 22 CY ABOVE MHWL (TO RAISE GROUND TO ELEVATION OF 4')

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REGULATION DIVISION

6/13/09

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PE # 55484

Scale: 1" = 20'	
Drawn by: L.V.M.	
Date: 01/10/08	
Revised: 01/29/09	
SHEET	4A OF 5

SHORELINE STABIZILATION
AERIAL PLAN VIEW

R. Hardy Matheson Preserve

LOCATED IN

SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

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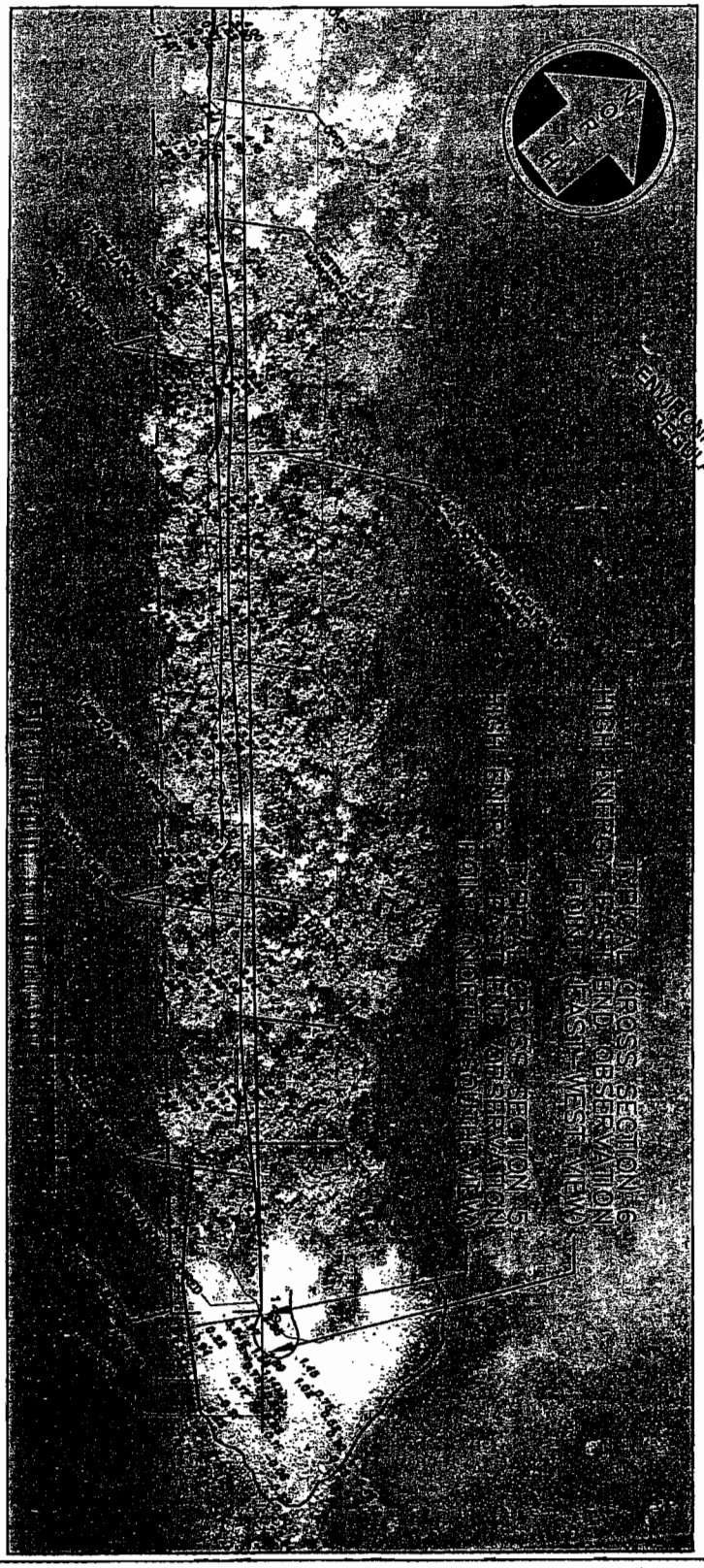
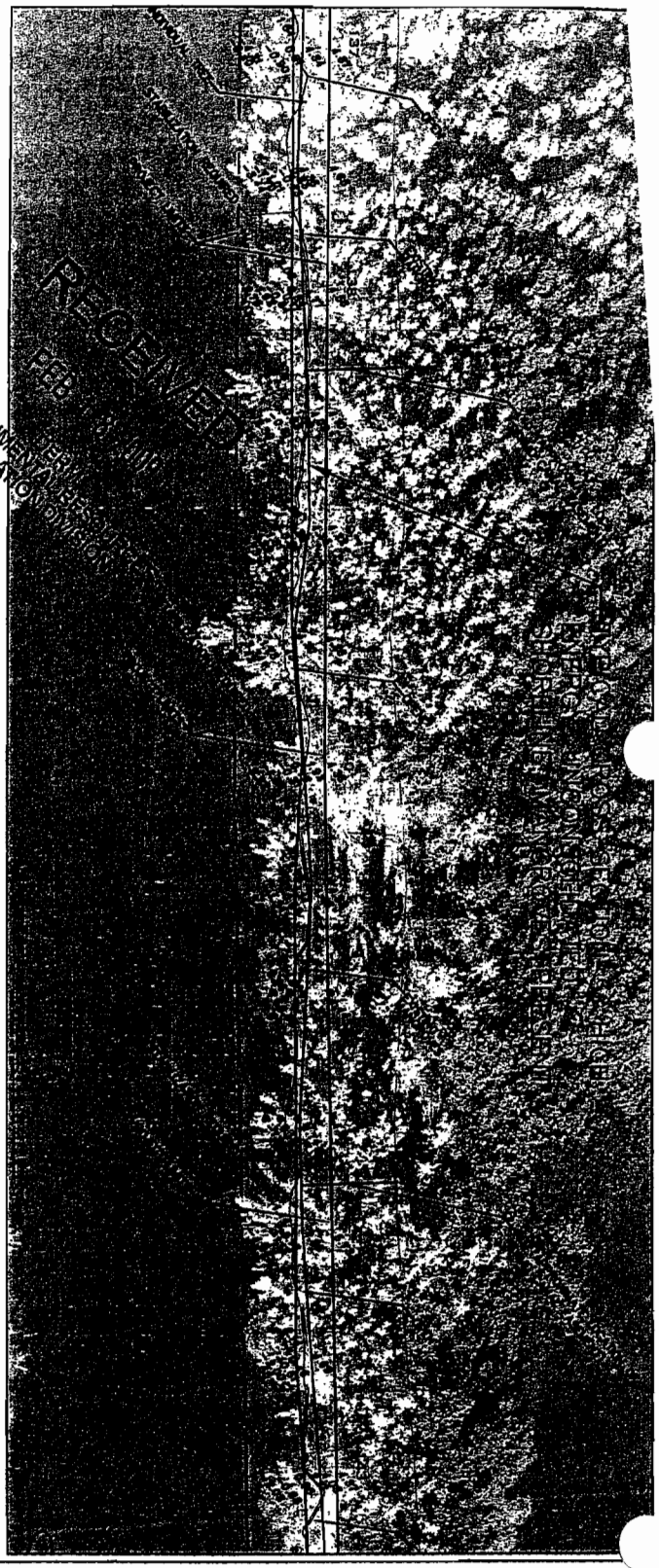
10570 N.W. 27TH STREET
SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143





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SHORELINE STABIZILATION
AERIAL PLAN VIEW

22

R. Hardy Matheson Preserve

Scale: 1" = 75'

Drawn by: L.V.M.

Date: 08/16/07

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10570 N.W. 27TH STREET
SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 592-3141
FAX: (305) 592-3143

SHORELINE STABIZILATION
TYPICAL SECTIONS
FOR
R. Hardy Matheson Preserve
LOCATED IN
SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

23

Scale: AS SHOWN
Drawn by: JS
Date: 08/16/07
Revised:
SHEET 1 OF 6

Juan C. Muniz
PE # 55484
2/13/09

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DERM
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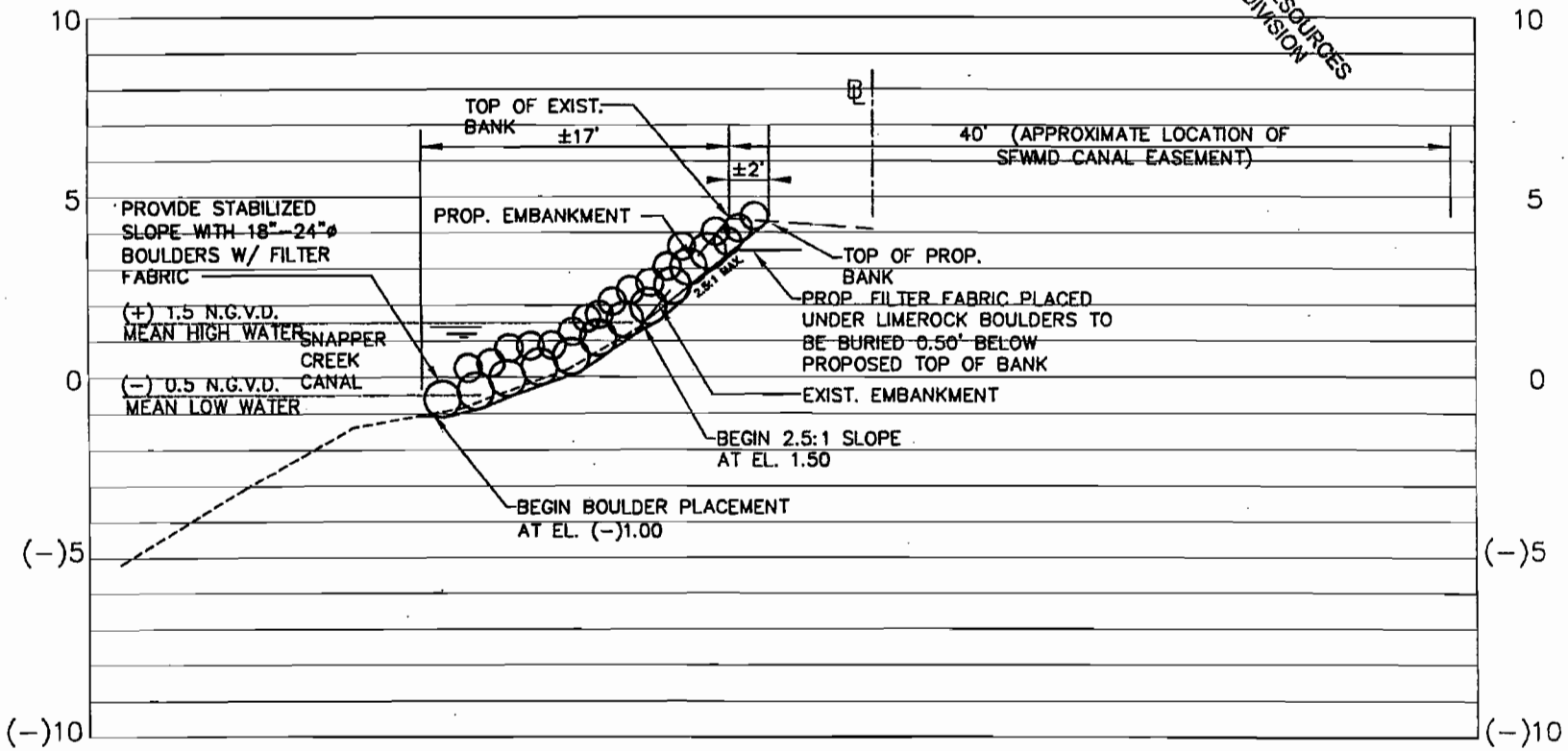
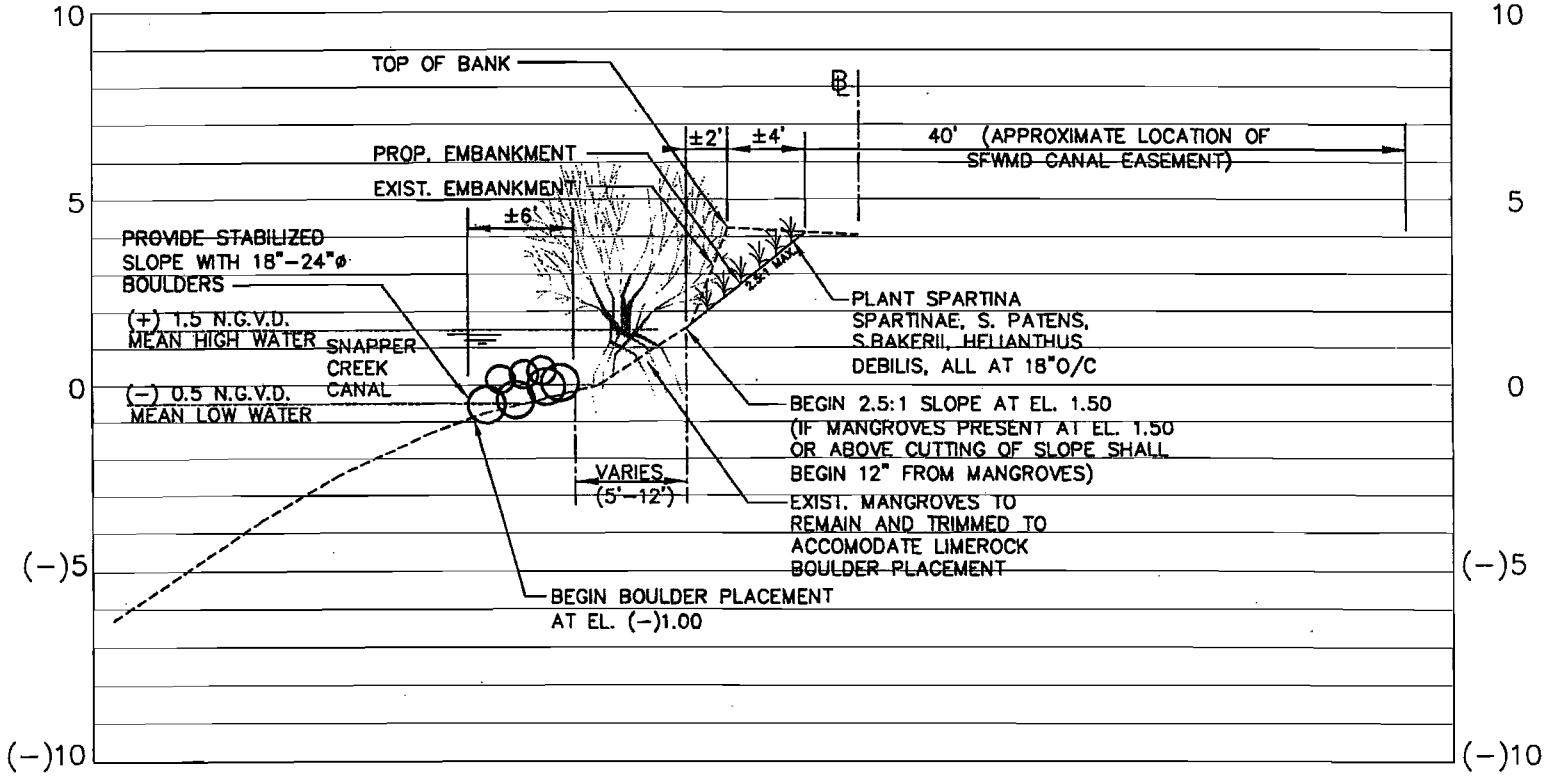
REGULATION DIVISION



UNCONSOLIDATED SHORELINE, NO MANGROVES PRESENT
PROPOSED TYPICAL SECTION 1

SCALE HOR 1"=10'
SCALE VER 1"=5'



LOW ENERGY, UNCONSOLIDATED SHORELINE, MANGROVES PRESENT
PROPOSED TYPICAL SECTION 2

SCALE HOR 1"=10'
SCALE VER 1"=5'

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REGULATION DIVISION

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SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143

SHORELINE STABIZILATION
TYPICAL SECTIONS
FOR
R. Hardy Matheson Preserve
LOCATED IN
SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

Scale: AS SHOWN
Drawn by: JS
Date: 08/16/07
Revised:
SHEET 2 OF 6

Juan C. Muniz
PE # 55484
2/12/09

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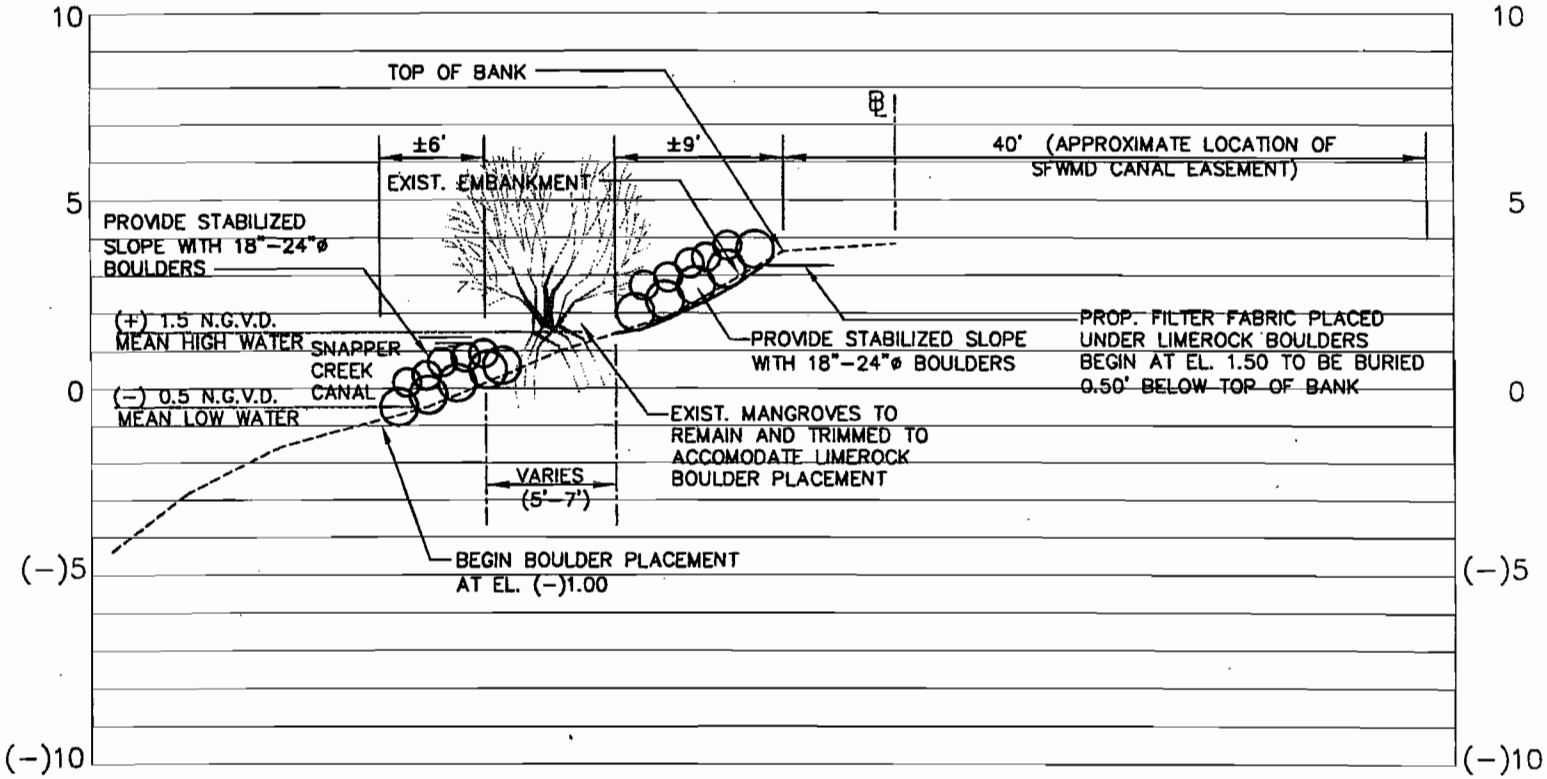
ENVIRONMENTAL RESOURCES
REGULATION DIVISION



HIGH ENERGY, UNCONSOLIDATED SHORELINE, MANGROVES PRESENT
PROPOSED TYPICAL SECTION 3

SCALE HOR 1"=10'
SCALE VER 1"=5'

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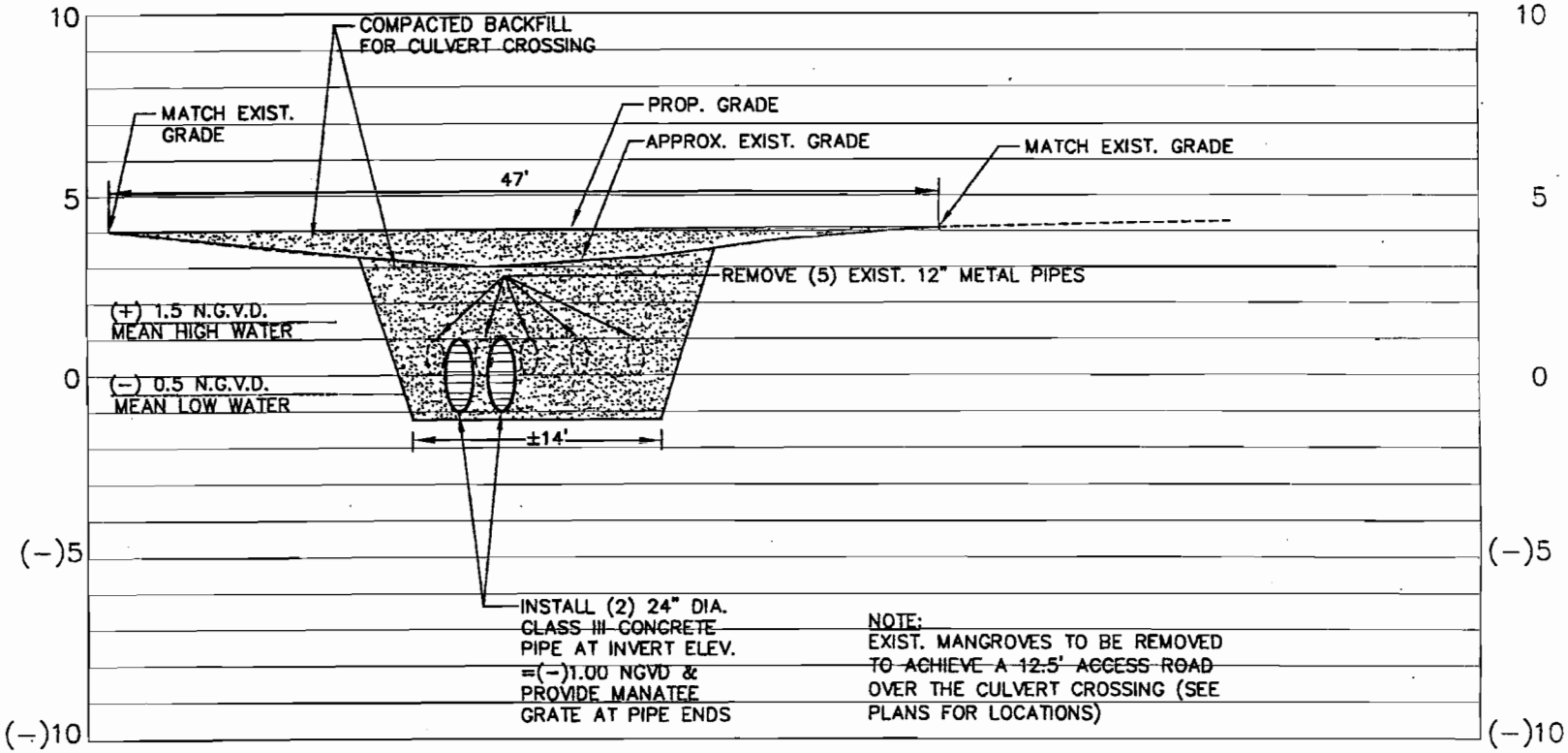
SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143

SHORELINE STABILIZATION
TYPICAL SECTIONS
FOR
R. Hardy Matheson Preserve
LOCATED IN
SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

Scale: AS SHOWN
Drawn by: JS
Date: 08/16/07
Revised:
SHEET 3 OF 6

Juan C. Muniz
PE # 55484
2/13/09



MODIFIED CULVERT CROSS LOCATION
PROP. TYP. SECTION 4, STA. 135+00

SCALE HOR 1"=10'
SCALE VER 1"=5'

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REGULATORY DIVISION

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10570 N.W. 27TH STREET
SUITE #101
MIAMI, FLORIDA 33172
PH: (305) 599-3141

SHORELINE STABILIZATION
TYPICAL SECTIONS
FOR
R. Hardy Matheson Preserve
LOCATED IN
SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST

26

Scale: AS SHOWN	
Drawn by: JS	
Date: 08/16/07	
Revised: 01/10/08	

SHEET 4 OF 8

Juan C. Muniz

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FLORIDA CERTIFICATE OF AUTHORIZATION No. 9008
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
10570 N.W. 27TH STREET
SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143

SHORELINE STABIZILATION
TYPICAL SECTIONS
FOR
R. Hardy Matheson Preserve
LOCATED IN
SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

27

Scale: AS SHOWN
Drawn by: JS
Date: 08/16/07
Revised:
SHEET 5 OF 6

Juan C. Muniz
PE # 55484
2/13/09

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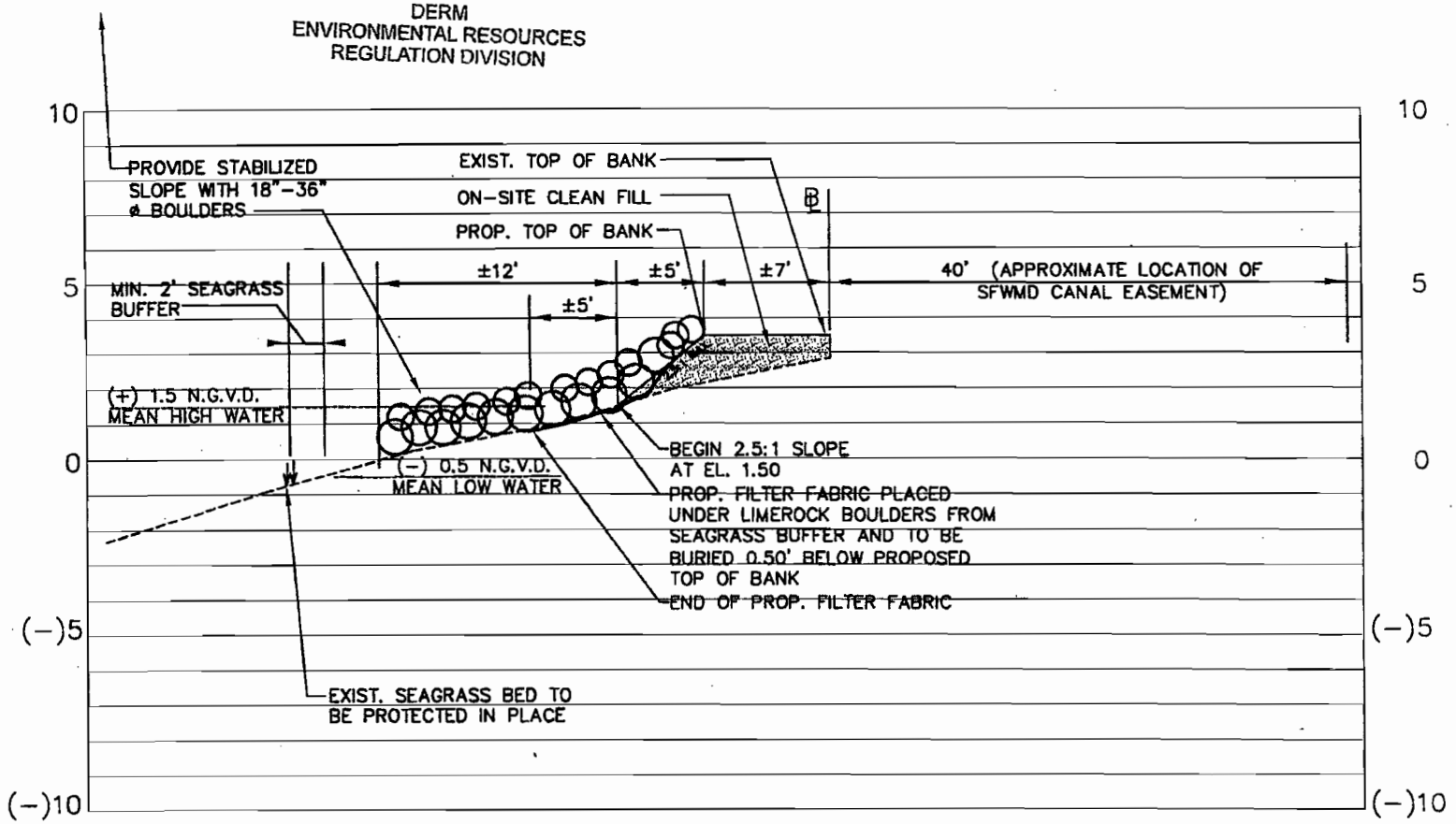
ENVIRONMENTAL RESOURCES
REGULATION DIVISION



EAST END OBSERVATION POINT
PROPOSED TYPICAL (NORTH−SOUTH VIEW)SECTION 5

SCALE HOR 1"=10'
SCALE VER 1"=5'

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10570 N.W. 27TH STREET
SUITE H101
MIAMI, FLORIDA 33172
PH: (305) 599-3141
FAX: (305) 599-3143

SHORELINE STABIZILATION
TYPICAL SECTIONS
FOR
R. Hardy Matheson Preserve
LOCATED IN
SECTION 7, TOWNSHIP 55 SOUTH, RANGE 41 EAST
MIAMI-DADE COUNTY, FLORIDA

28

Scale: AS SHOWN	
Drawn by: JS	
Date: 08/16/07	
Revised:	
SHEET 6 OF 6	

Juan C. Muniz
PE # 55484
2/13/09

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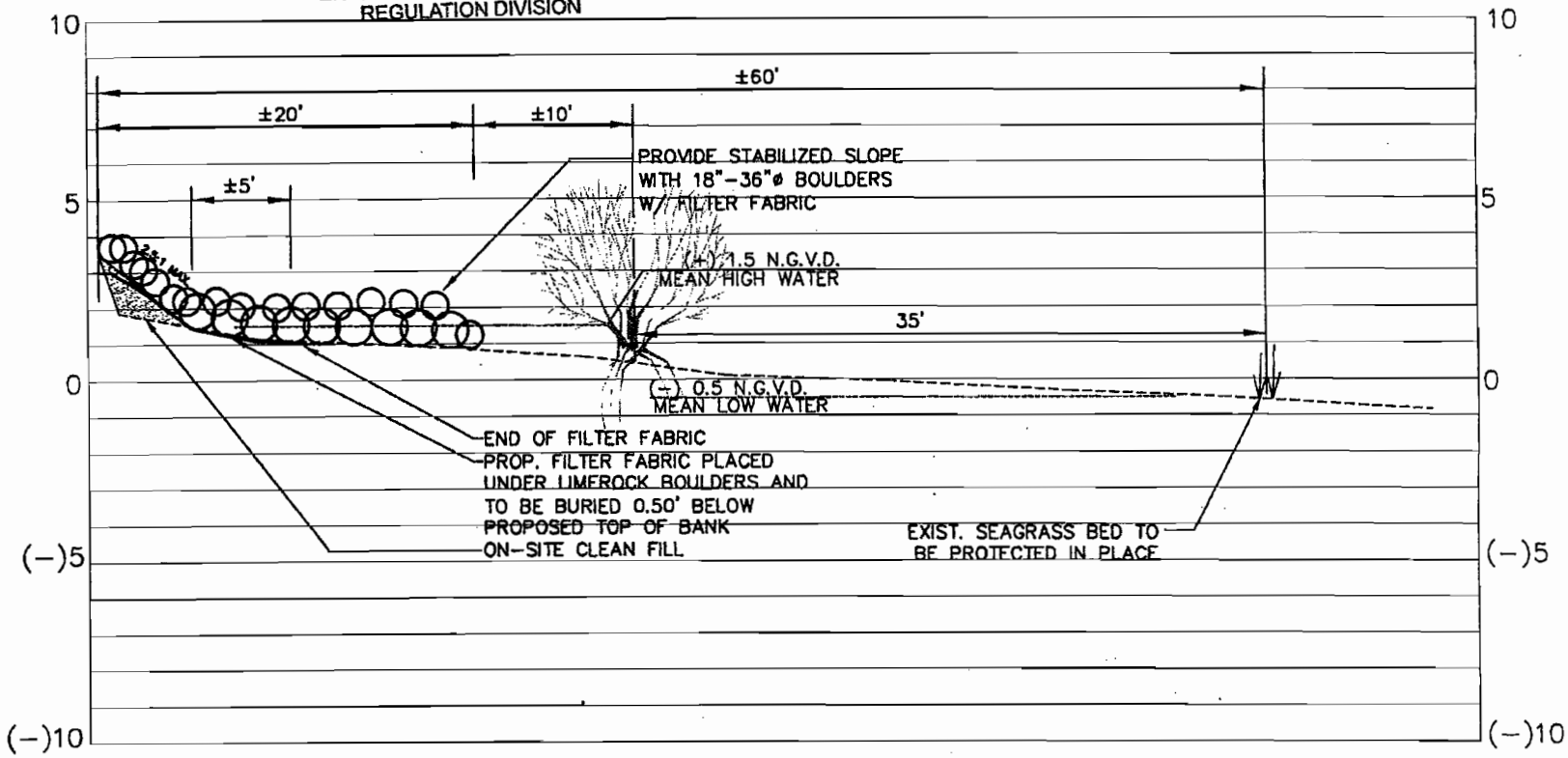
REGULATION DIVISION



EAST END OBSERVATION POINT
PROPOSED TYPICAL (EAST-WEST VIEW) SECTION 6

SCALE HOR 1"=10'
SCALE VER 1"=5'

Matheson Shoreline Calculations for Estimated "Cut" Quantities

Total – CUT – In Low Energy Zone - ABOVE MHWL = 1955 CY
Total – CUT – In High Energy Zone - ABOVE MHWL = 566 CY

TOTAL CUT - ABOVE MHWL = **2521 CY** (In both High and Low Energy Zones)

Total – CUT – High Energy - BELOW MHWL = 8000 CY
Total – CUT – High Energy - ABOVE MHWL = 566 CY

TOTAL CUT - In High Energy Zone = **8566 CY** (In both above and below MHWL)

Total – CUT – In Low Energy Zone – Below MHWL = 3299 CY
Total – CUT – In High Energy Zone – Below MHWL = 8000 CY

TOTAL CUT - Below MHWL = 11299 CY (In both High and Low Energy Zones)

Total – CUT – In Low Energy Zone - ABOVE MHWL = 1955 CY
Total – CUT – In Low Energy Zone - BELOW MHWL = 3299 CY

TOTAL CUT – In Low Energy Zone = 5254 CY (In both above and below MHWL)

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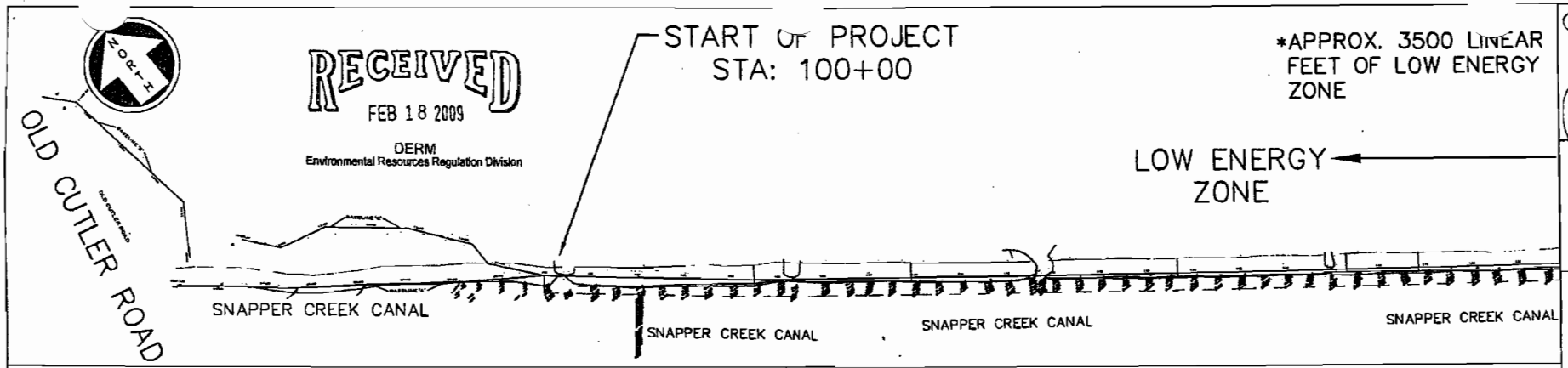
REGULATION DIVISION



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APPROX. 2520 CY OF MATERIAL IS TO BE EXCAVATED ABOVE THE MHWL TO CONFORM TO THE PROPOSED CROSS-SECTIONS OF THE SHORELINE.

APPROX. 8566 CY OF MATERIAL IS TO BE EXCAVATED FROM THE HIGH ENERGY ZONE (BOTH ABOVE AND BELOW THE MHWL) TO CONFORM TO THE PROPOSED CROSS-SECTIONS OF THE SHORELINE.

APPROX. 5254 CY OF MATERIAL IS TO BE EXCAVATED FROM THE LOW ENERGY ZONE (ABOVE AND BELOW THE MHWL). TO CONFORM TO THE PROPOSED CROSS-SECTIONS OF THE SHORELINE.

APPROX. AMOUNT OF FILL TO BE PLACED IN THE LOW ENERGY ZONE:
102 CY ABOVE MHWL
0 CY BELOW MHWL

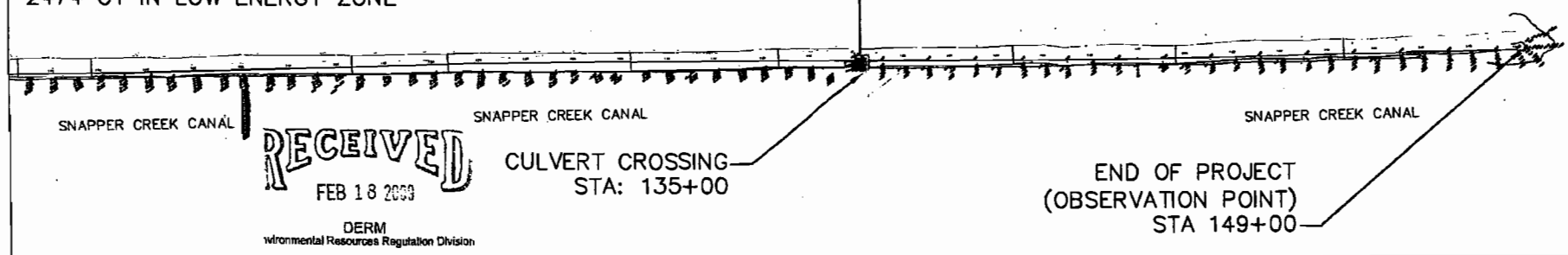
APPROX. AMOUNT OF FILL TO BE PLACED IN THE HIGH ENERGY ZONE:
75 CY ABOVE MHWL
146 CY BELOW MHWL

VOLUMES SHOWN ON THIS PLAN WERE CALCULATED BASED ON UNCERTIFIED AND UNDATED SURVEY INFORMATION PROVIDED BY DERM. AS SUCH, ALL INFORMATION SHOWN IS ONLY AN ESTIMATE AND SHALL BE VERIFIED WITH UPDATED SURVEY DATA.

*APPROX. 2134 TOTAL CY OF MANGROVES TO BE TRIMMED

*APPROX. 4,255 TOTAL CY OF RIPRAP BOULDERS TO BE PLACED ON SITE:
1781 CY IN HIGH ENERGY ZONE
2474 CY IN LOW ENERGY ZONE

*APPROX. 1400 LINEAR FEET OF HIGH ENERGY ZONE



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DERM
Environmental Resources Regulation Division

** NUMERICAL VALUES ARE CALCULATED TAKING CROSS-SECTIONS OF THE EXISTING SHORELINE EVERY 50 FEET AND COMPARING THEM TO THE APPROPRIATE TYPICAL CROSS-SECTION PROPOSED. TO MAKE CALCULATIONS FEASIBLE & MANAGEABLE, THE ASSUMPTION MADE IS THAT THE TOPOGRAPHY OF THE SHORELINE IS UNIFORM FOR SAID 50 FEET OF SHORELINE. THE SURVEY ELEVATIONS UPON WHICH ALL OF THESE CALCULATIONS ARE PREDICATED WAS PROVIDED BY DERM. THESE ELEVATIONS ARE USED AS A REPRESENTATION OF THE EXISTING CONDITIONS OF THE SHORELINE.

Scale: NTS
Drawn by: L.V.M.
Date: 10/01/08
Revised: 01/29/09

30

SHORELINE STABIZILATION
OVERVIEW OF PROJECT SITE
R. Hardy Matheson Preserve
LOCATED IN

ConsulTech
DEVELOPMENT SERVICES, INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. 9008
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS

Attachment D
Zoning Memo

Memorandum

MIAMI-DADE COUNTY

Date: April 30, 2009

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

From: Elaine Pietryak, Biologist II
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County to Dredge and Fill Wetlands and Trim and Alter Mangroves to Stabilize the North Shoreline of the Snapper Creek Canal with Limerock Riprap Boulders and Native Vegetation, and for the Replacement of Five Non-Functional Culverts with Two New Culverts in Order to Enhance Tidal Flushing to the Adjacent Wetlands at the R. Hardy Matheson Preserve

---

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. Said letter will be submitted after approval by the County Commission 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

STEVEN L. RISI&W ELIZABETH A.
11125 SNAPPER CREEK RD
CORAL GABLES, FL. 33156-4215

JOHN J. RUIZ&W MAYRA C. CRUZ
11180 SNAPPER CREEK RD
CORAL GABLES, FL. 33156-4216

RICHARD ALLEN HAMILTON&W MARIA
11140 SNAPPER CREEK RD
MIAMI, FL. 33156-4216

SNAPPER CREEK LAKES CLUB,INC.
MARINA, INC.
11190 SNAPPER CREEK RD
MIAMI, FL. 33156-4216

Attachment F
South Florida Water Management District Authorization

SCANNED 01/16/2009 07:55 PM

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 13-01952-P
DATE ISSUED:January 16, 2009

Form #0941
08/95

PERMITTEE: MIAMI-DADE COUNTY
275 NW 2ND ST
5TH FLOOR
MIAMI, FL 33128

PROJECT DESCRIPTION: Modification of an Environmental Resource Permit to construct 2.72 acre shoreline stabilization and environmental enhancement project known as R. Hardy Matheson Preserve Shoreline Stabilization.

PROJECT LOCATION: MIAMI-DADE COUNTY, SEC 7 TWP 55S RGE 41E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 070926-12, dated September 26, 2007. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40 , Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 General Conditions (See Pages : 2 - 4 of 7).
3. the attached 24 Special Conditions (See Pages : 5 - 7 of 7) and
4. the attached 3 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 16th day of January, 2009, in accordance with Section 120.60(3), Florida Statutes.

BY: Anita R. Bain

Anita R. Bain
Director - Environmental Resource Permitting Division
Palm Beach Service Center

Certified mail number 7007 3020 0000 2072 6727

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373. F.S.

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.

5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.

6. Within 30 days after completion of construction of the permitted activity, the permitee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit

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GENERAL CONDITIONS

Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..

12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit

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GENERAL CONDITIONS

application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.

19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

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SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on January 16, 2014.
2. Maintenance of the stabilized shoreline, tidal flushing culverts, and on-site wetland mitigation areas shall be the responsibility of MIAMI-DADE COUNTY.
3. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
4. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
5. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
6. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
7. The permittee shall be resonsible for the routine and perpetual maintenance of the culverts installed beneath the unimproved passive recreational/canal maintenance path to ensure regular tidal flushing to the the adjacent mangrove wetlands. Such maintenance shall include, but not be limited to, periodic removal of any accumulated material or sediment and any other measure necessary to prevent obstruction of tidal flushing through the culverts.
8. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the project occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the project, if necessary, to eliminate the cause of the adverse impacts.
9. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
10. Any fill material around newly installed structures shall be fully compacted with permittee being responsible for correction of any erosion problems.
11. All barge activity shall occur only in areas where at least one-foot bottom clearance is maintained at all times.
12. Construction of the permitted activities shall be conducted in accordance with Exhibit 2.
13. All contractors must be provided with a copy of the staff report and permit conditions prior to the commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.
14. Mangrove trimming is limited to activities identified in the plans attached as Exhibit 2. All mangrove trimming activities shall be accomplished by a certified professional mangrove trimmer and in accordance with the Mangrove Trimming and Preservation Act (Sections 403.9321-403.9333 Florida Statutes).
15. No construction dewatering is authorized.
16. No root structure, including aerial prop-roots of red mangroves, may be altered, regardless of their size or height.
17. Manatee exclusion grates shall be placed across the openings of existing or proposed culverts or pipes

SPECIAL CONDITIONS

that are greater than eight inches but smaller than eight feet in diameter and in accordance with Exhibit 2. The installation of grates applies to any submerged or partially submerged pipes and culverts accessible to manatees during any tidal phase. Permittee shall keep all grates free and clear of debris.

18. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.

19. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

    The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

    Siltation barriers shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exist from essential habitat.

    All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

    If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

    Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.

    Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 81/2" by 11" which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of operation. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-772-562-3909) in south Florida.

20. The 0.3 acre on-site wetland mitigation areas shown on Exhibit 3 may in no way be altered from their natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to:
    (a) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;
    (b) dumping or placing soil or material as landfill or dumping or placing of trash, waste, or unsightly or

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SPECIAL CONDITIONS

offensive materials;
(c) removal or destruction of trees, shrubs, or other vegetation - with the exception of exotic and nuisance vegetation removal;
(d) excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substances in such manner as to affect the surface;
(e) surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
(f) activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation, including but not limited to ditching, diking or fencing;
(g) acts or uses detrimental to such retention of land or water areas; and
(h) acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

21. A maintenance and monitoring program, and perpetual maintenance, shall be implemented in accordance with the the requirements contained in District Permit No. 13-01952-P, Application No. 020910-6 for the 0.03 acre on-site wetland mitigation area.

22. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 13-01952-P unless otherwise specified herein.

23. Silt screens, hay bales, turbidity screens/barriers or other such sediment control measures shall be utilized during construction. The selected sediment control measures shall be installed prior to the commencement of construction in or adjacent to wetlands and other surface waters and shall remain in place until all adjacent construction is completed.

24. No work shall occur within the District's right-of-way until a right-of-way occupancy permits for Application No. 07-1011-1 are obtained authorizing the proposed work in the District's right-of-way.

40E-4.321 Duration of Permits.

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application, for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. The effective date of the local government's comprehensive plan amendment,
2. The effective date of the local government development order,
3. The date on which the District issues the conceptual approval, or
4. The date on which the District issues a final order pertaining to the resolution of any Section 120.57, F.S., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual or standard general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

(e) For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's e-Permitting website or in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. The Governing Board takes action on an application for extension of an individual permit, or
2. Staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to paragraph 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of the permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06.

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NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does <u>not</u> constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing
Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose to the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District's Governing Board takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation
The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW
Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

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Last Date For Agency Action: 20-JAN-2009

GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: R Hardy Matheson Preserve Shoreline Stabilization

Permit No.: 13-01952-P

Application No.: 070926-12

Application Type: Environmental Resource (New General Permit)

Location: Miami-Dade County, S7/T55S/R41E

Permittee : Miami-Dade County

Operating Entity : Miami-Dade County Parks And Recreation

Project Area: 2.72 acres

Project Land Use: Environmental Restoration

Drainage Basin: BISCAYNE BAY

Receiving Body: N/A

Special Drainage District: NA

Total Acres Presv/Mit Compensation Onsite: .30

Conservation Easement To District : No

Sovereign Submerged Lands: No

PROJECT PURPOSE:

Modification of an Environmental Resource Permit to authorize construction of a 2.72 acre shoreline stabilization and environmental enhancement project known as R. Hardy Matheson Preserve Shoreline Stabilization.

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The project site is located along the northern shoreline of the C-2/Snapper Creek Canal which is located to the east of Old Cutler Road at approximately SW 114th Street in the City of Coral Gables, Miami-Dade County, as shown on Exhibit 1, page 1.

The site includes a man-made dredge spoil mound with an unimproved passive recreational/canal maintenance path which bisects the C-2/Snapper Creek Canal located adjacent to the south and an extensive tract of coastal mangrove and salt marsh wetlands located adjacent to the north. The shoreline along the canal, which was previously disturbed by the construction of the canal, primarily consists of barren dredged spoil and exposed limestone areas and invasive/exotic vegetation, and scattered narrow corridors of sparse white mangroves. Seagrasses are also present within the southern extent of project site within 5-feet to 30-feet of the waterward edge of the project construction activities. Shoreline stabilization measures have not previously been implemented along the canal shoreline and portions of it are eroding into the canal.

There are five existing 12-inch metal culverts located at project station 135+00 (see Exhibit 1, page 2) which provided a hydrologic connection between the C-2/Snapper Creek Canal and the interior area of the extensive tract of mangrove and salt marsh wetlands, which are collapsed and no longer effectively maintain a hydrologic connection between these two areas.

The site is also located directly adjacent to a 2.25 acre mangrove wetland creation/restoration mitigation area which was previously permitted by the District to off-set wetland impacts associated with roadway improvements located off-site within Matheson Hammock Park Roadway Improvements permit (Permit No. 13-01952-P, Application No. 020910-6).

The project will adversely impact 0.004 acre of low quality mangrove wetlands growing adjacent to the collapsed culverts, as described in the 'Wetlands' section below.

PROJECT BACKGROUND:

In February, 2006 the District authorized Miami-Dade County to construct and operate a surface water management system to serve improvements to 6.04 acres of existing roadway within Matheson Hammock Park, which included wetland impacts and an off-site wetland mitigation project at the R. Hardy Matheson Preserve under Permit No. 13-01952-P, Application No. 020910-6. The off-site wetland mitigation entailed the creation/restoration of 2.25 acres of red mangrove wetlands.

PROPOSED PROJECT:

The project includes stabilization of the north shoreline along the C-2/Snapper Creek Canal. The unconsolidated shoreline will be stabilized by installing approximately 4,255 cubic yards of natural limerock boulders (18-inch to 24-inch in diameter) underlain with filter fabric within 1.21 acres of surface waters, and planting native vegetation (Spartina spartinae, Spartina bakerii, Spartina patens, paspalum vaginatum, Heleanthus debilus and Borrichia sp.).

In addition, two new 24-inch concrete culverts will be installed to replace the five 12-inch collapsed metal culverts and to provide for enhanced tidal flow between the C-2/Snapper Creek Canal and the extensive tract of coastal mangrove and salt marsh wetlands located adjacent to the north. Approximately 66 cubic yards of 18-inch to 24-inch natural limerock boulders (18-inch to 24-inch in diameter) underlain with filter fabric will be installed within this area.

The construction activities will be conducted from the uplands and from the C-2/Snapper Creek Canal. Upland construction access to/from the project site will be from Old Cutler Road utilizing the existing

unimproved passive recreational/canal maintenance path on top of the man-made dredge spoil mound which runs along the north shoreline of the C-2/Snapper Creek Canal. Portions of the project will be conducted from the C-2/Snapper Creek Canal utilizing a barge in order to eliminate impacts to the existing mangroves along the shoreline.

The project will be constructed in accordance with the construction plans included in Exhibit 2.

WATER QUALITY

To ensure that proposed construction activities do not degrade adjacent wetlands and surface waters, the permittee will install and maintain temporary silt fences and turbidity barriers around the limits of construction as stipulated in the special conditions of this permit. The temporary erosion control barriers will be installed prior to and will be removed upon completion of construction activities.

No adverse water quality impacts are anticipated as a result of the proposed project.

WETLANDS

Portions of the eroding shoreline of the C-2/Snapper Creek Canal are lined with a narrow corridor of scattered white mangroves. As shown on the plans, select minimal trimming of the overhanging mangrove branches is proposed to allow for the proposed shoreline stabilization.

The permittee has implemented practicable design modifications to reduce and eliminate wetland impacts. Specifically, as shown in Exhibit 2, the project is designed around desirable natural resources such as mangroves and seagrasses, and therefore, no natural resources will be impacted as a result of the shoreline enhancement.

In addition, the installation of the two new 24-inch culverts between the C-2/Snapper Creek Canal and the extensive tract of coastal salt marsh and mangrove wetlands located to the north of the project site will result in hydrologic enhancement to interior portions of those wetlands through reconnection of tidal flow.

However, based upon District Right-of-Way permitting criteria the permittee was required to modify the project to expand the width of the unimproved passive recreational/canal maintenance path over the existing proposed two new 24-inch culverts to 12.5-feet wide which will result in the filling of 0.004 acre of white mangroves along the shoreline of the C-2/Snapper Creek Canal, as shown on Exhibit 2, page 4.

Mitigation Proposal:

The permittee proposes to mitigate for adverse wetland impacts to a total of 0.004 acre of white mangrove wetlands by performing on-site wetland mitigation within the previously mentioned 2.25 acre mangrove creation/restoration mitigation area, which was previously permitted by the District as off-site mitigation to off-set wetland impacts associated with the Matheson Hammock Park Roadway Improvements project (Permit No. 13-01952-P, Application No. 020910-6).

Specifically, the as-built plans for the 2.25 acre mitigation area, for which construction and planting was completed in early 2008, revealed that a total of 2.55 acres of red mangrove wetlands were actually created/restored, which is 0.3 acre more than that which was originally permitted to off-set the wetland impacts associated with the Matheson Hammock Park Roadway Improvements project (Permit No. 13-01952-P, Application No. 020910-6). The excess 0.3 acre mitigation areas are shown in Exhibit 3.

Pursuant to Rule 62-345, F.A.C., a functional analysis using the Unified Mitigation Assessment Method

(UMAM) was conducted to determine the amount of mitigation needed to offset the proposed wetland impacts to a total of 0.004 acre of mangrove wetlands and to determine the value of the 0.3 acre on-site mitigation. According to that analysis, the wetland functional loss resulting from the project is determined to be -0.003 functional units and the wetland functional gain for the on-site wetland mitigation is +0.08 functional units. Therefore, the on-site wetland mitigation will adequately offset the wetland impacts. Specifically the proposed on-site mitigation will result in an excess functional gain of +0.08 that is not proposed to off-set any wetland impacts associated with work proposed under this application or any other Miami-Dade County project. A copy of District staff's mitigation UMAM calculations are contained in the District permit file.

Monitoring/Maintenance:

A 5-year monitoring and maintenance program for and perpetual maintenance of the 0.3 acre on-site wetland mitigation areas will be performed by the Miami-Dade County Parks and Recreation Department in accordance with those requirements identified in the previously permitted Matheson Hammock Park Roadway Improvements permit (Permit No. 13-01952-P, Application No. 020910-6) for the 2.25 acre mitigation, of which the additional 0.3 acre mitigation areas are a part. Specifically, the 5-year monitoring and maintenance of these areas is currently on-going.

Wetland Inventory:

The project includes a total of 0.004 acre of mangrove wetland impacts. However, due to limited capabilities of the permit database system, this small acreage cannot be entered into the Wetland Inventory table above.

Wetland Inventory :

CONSTRUCTION MOD -CONSTRUCTION

Site Id	Site Type	Pre-Development				Post-Development						
		Pre Fluc cs	AA Type	Acreage (Acres)	Current Wo Pres	With Project	Time Lag (Yrs)	Risk Factor	Pres. Adj. Factor	Post Fluccs	Adj Delta	Functional Gain / Loss
1	OFF	816	Direct	1.21						816	.000	.000
			Total:	1.21								.00

Wetland Inventory :

CONSTRUCTION MOD -WETLAND MITIGATION

Site Id	Site Type	Pre-Development				Post-Development						
		Pre Fluc cs	AA Type	Acreage (Acres)	Current Wo Pres	With Project	Time Lag (Yrs)	Risk Factor	Pres. Adj. Factor	Post Fluccs	Adj Delta	Functional Gain / Loss
1	ON	743	Restoration/Creation	.30	.23	.87	5	2.00			.281	.084
			Total:	.30								.08

Fluccs Code	Description
743	Spoil Areas
816	Canals And Locks

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Wildlife Issues:

Areas located directly adjacent to the project site contain preferred mangrove wetlands habitat for wetland-dependent endangered or threatened wildlife species or species of special concern, specifically for wading bird species and the American crocodile (Crocodylus acutus) which is listed as endangered by the Florida Fish and Wildlife Conservation Commission (FWC). While the project does include a small amount of adverse impacts to disturbed mangrove wetlands in order to accomplish the project design, the shoreline stabilization project, installation of new tidal flushing culverts and the on-site creation/restoration of high quality red mangrove wetland habitat is expected to provide improved habitat value to these species and other wetland and wetland dependent species.

The project site is also located within an area frequented by, and which contains the preferred habitat of, the West Indian manatee (Trichechus manatus latirostris), a listed threatened species by the Florida Fish and Wildlife Conservation Commission (FWC).

To ensure that manatees cannot become entrapped in the two new 24-inch culverts the permittee will install a manatee exclusion grates in accordance with Exhibit 2 and as stipulated in the special conditions of this permit. The manatee exclusion grates will be installed between the downstream end of the culverts and the C-2/Snapper Creek Canal.

In addition, the permittee will implement standard manatee protection provisions during all in-water project construction activities as stipulated in the special conditions of this permit.

District staff does not anticipate that the proposed project will adversely impact any listed species.

This permit does not relieve the permittee from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site, as stipulated in the special conditions of this permit.

Species	Potential Occurence	Use Types
Crocodile	Known Use	Known Use
Manatee	Known Use	Known Use

LEGAL ISSUES:

The 0.3 acre on-site wetland mitigation area, which is an additional part of the previously permitted 2.25 acre mitigation area authorized under the Matheson Hammock Park Roadway Improvements permit (Permit No. 13-01952-P, Application No. 020910-6), is located within the R. Hardy Matheson Preserve which is covered by an existing management agreement (Agreement No. 013-003/3549) between the State of Florida and Miami-Dade County. The management agreement was previously determined to provide adequate provisions to ensure the long-term protection of environmental resources within the overall preserve, including the 2.25 acre and 0.3 acre mitigation areas in lieu of recording a conservation easement. A copy of the management agreement is included as an exhibit in Permit No. 13-01952-P. In addition, Miami-Dade County Parks and Recreation Department previously provided a letter of commitment acknowledging responsibility for construction the construction, 5-year maintenance and monitoring, and perpetual management of the mitigation area. A copy of this letter is also included as an exhibit in Permit No. 13-01952-P.

SOVEREIGN/SUBMERGED LANDS:

The proposed work is not located within and is not anticipated to adversely affect sovereign submerged lands. Specifically, the District owns the right-of-way portion of C-2/Snapper Creek Canal within which the project is proposed.

RELATED CONCERNS:

Water Use Permit Status:

The permittee has indicated that dewatering is not required for construction of this project. In addition, the permittee has indicated that landscape irrigation is not required for the project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Right-Of-Way Permit Status:

A Right-of-Way Permit application (Application No. 07-1011-1) has been processed and deemed complete by the District for this project. Specifically, components of the project were modified in accordance with District Right-of-Way permitting criteria.

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that archaeological site 8DA9 is located adjacent to the northern portion of the project area, and that as long as this archaeological site is avoided it is the opinion of that agency that the project will have no adverse effect on historical or archaeological resources.

This permit does not release the permittee from compliance with any other agencies' requirements in the event that historical and/or archaeological resources are found on the site.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Environmental Protection or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

SCANNED 01/16/2009 07:55 DR

DIVISION APPROVAL:

NATURAL RESOURCE MANAGEMENT:

Barbara J. Conmy

Barbara J. Conmy

DATE: 1/15/09

SURFACE WATER MANAGEMENT:

Carlos A. DeRojas, P.E.

DATE: 1/15/09

52

Attachment G
R. Hardy Matheson Preserve Management Agreement

State of Florida
Department of Natural Resources
Division of State Lands

Document Conversion

FILE HEADER SHEET

FILE #: 013-0003 (1)

JJH:05/16/91:Alpha Systems

MANAGEMENT AGREEMENT (1) 013-0003

FOR CERTAIN STATE LANDS WITHIN DADE COUNTY

Agreement No. 013-0003

THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, referred to herein as the "Board" and the STATE OF FLORIDA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF STATE LANDS, as agent for the Board referred to here as "State Lands" grant to METROPOLITAN DADE COUNTY, a political subdivision of the State of Florida, herein referred to as "County", authorization to manage the area described in the Exhibit A attached hereto and made a part hereof, which shall be managed for recreation purposes as a part of the County park system. Specifically, authorization is hereby granted to the County to manage these lands for public health and safety, for property protection, and for management as a park and recreation area.

WITNESSETH:

The Board and the County, for and in consideration of the covenants hereinafter contained do hereby covenant as follows:

1. Subject to all existing encumbrances and the terms and conditions of the subject parcel, the Board, by this agreement, designates the County as the managing agency for the subject property, to act as management coordinator and supervisor for the effective management of the subject property. The County as the supervising agency shall have responsibility for the implementation of any/all provisions of any management plan, draft or program provided for by the terms of this Agreement. The County as the managing agency shall be specifically responsible for:

   A. Compiling an overall management plan for submittal pursuant to Section 253.034, Florida Statutes; and

   B. More specific management activities which shall include the following:

      1. Management of the subject property for user health and safety protection, and property protection, which shall not conflict with the conservation, protection, and enhancement of said lands, nor shall this Agreement be construed in any way to interfere with the maintenance of public navigation projects or other public works projects authorized by the United States Congress, nor shall this Agreement be construed to apply to any lands title to which is not vested in the Board.

2. All management activities specified by this Agreement shall be designed to conserve, protect and enhance the environmentally unique and irreplaceable lands covered by this Agreement as provided for under Chapter 253, Florida Statutes.

3. In addition to the management responsibilities specified herein, the managing agency will provide the following:

   A. The management plan developed for the subject property shall be consistent with any/all applicable policies of the State Lands Management Plan. The County shall submit a draft of the master management plan to State Lands, within 180 days of the effective date of this agreement. The draft will be submitted to the Board for approval. Management activities shall be reviewed by the participating agencies for compliance with the draft on an annual basis until such time as the master plan is approved by the Board. Subsequent to its adoption by the Board, the master plan shall be the directive for all management activities on the subject parcel. The Plan shall be reviewed jointly by the participating parties and the Board, or its agent, at no greater than five year intervals, and updated as necessary.

   B. The participating agencies shall not clear, plant, build, alter or use the property except as provided for in the approved draft or master plan without the advance written approval of the Board.

   C. The Board, or its duly authorized agent shall retain the right to engage in management activities not inconsistent with any plan or provision provided for by this Agreement. To accomplish this the Board may from time to time grant compatible uses of the property to other parties during the life of this Agreement subject to mutual approval by the County. Such approval shall not be unreasonably withheld.

   D. The Board, or its duly authorized agent may at any time inspect the works and operations of the managing party in any matter pertaining to this agreement. Should the County fail to keep or perform any of its responsibilities as designated by any plan or program provided for herein, or fail to keep

any of its covenants contained in this Agreement, the Board shall have the right to terminate this Agreement on the 180th day following written notice to the County, provided that the County fails to initiate procedures to correct the deficiency within the 180 day period, and further provided that if the County takes corrective action, satisfactory evidence of the corrective action taken shall be submitted to the Board or its agent. If correction or justification is not made after 180 days of receipt of written notice, the Board, or its duly authorized agency may terminate the County's responsibilities by providing thirty days written notice of such pending action.

E. Whenever a greater public purpose may be served, the Board, shall have the right to terminate this agreement upon 180 days written notice, to the County, provided that such notification is in writing from the Executive Director of the Department of Natural Resources, acting as agent to the Board.

4. The County shall not engage in any activity except as provided for in the management plan without the advance written approval of the Board, pursuant to Section 253.034(4), Florida Statutes, and applicable rules.

5. This agreement shall endure so long as the County wishes to manage the area for the purposes stated herein, or until the agreement is terminated, as provided for herein.

6. The County shall have the right to terminate this agreement upon providing 180 days written notice to the Board.

7. This agreement and any rights and privileges contained herein are for the sole use of the County and shall not be assigned or transferred to another party without the approval of the Board. However, nothing in this provision shall preclude the County from providing related management or recreational facilities and/or services through concession agreements or subcontracts entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Board. Upon execution of this agreement, the County shall have the right to enter and

occupy the property for the purposes necessary to fulfill its designated responsibilities, including the protection of the property. The County, its agents and employees shall take all reasonable measures to provide security against property damage, property degradation and unauthorized uses.

8. The County agrees to investigate all claims of any nature at its own expense and shall idemnify, protect, defend, hold and save the Board harmless, to the extent of the limitation included within Section 768.28 F.S. from any and all liabilities, lawsuits or claims, or losses and causes or actions which may arise solely as a result of the County's negligence; however, nothing in this section shall idemnify the Board for any liability or claim arising out of negligence, performance or failure of performance required of the Board or as a result of the negligence of any third party authorized by the Board to use the area pursuant to Paragraph 3 (C) on the area maintained.

9. The County further agrees to assume all responsibility for liability that accrues to the subject property or to improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the life of this Agreement.

10. Execution of this agreement in no way affects any of the parties' obligations pursuant to Chapter 267, Florida Statutes. The collection of artifacts or the disturbance of archaeological and historical sites on state-owned lands is prohibited unless prior authorization has been obtained from the Division of Archives, History and Records Management (DAHRM). The land management plan prepared pursuant to Section 253.034, F.S. shall be reviewed by the DAHRM to insure that adequate measures have been planned to locate, identify, protect and preserve the archaeological and historic sites and properties on the tract.

11. Any inequities that may subsequently arise as a result of this agreement shall be subject to negotiation upon written request of either party hereto, and the parties agree to negotiate in good faith. In case of failure by the respective staffs to resolve

conflict(s), the matter may be referred to the Board for final resolution.

IN TESTIMONY WHEREOF, the legally designated agent of the Board, and the legally designated agent of the County, have hereunto set their hands.

THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND OF THE STATE OF FLORIDA

BY: _____
Dr. Elton J. Gissendanner
Executive Director
Department of Natural Resources

Attest and Seal
(or 2 Witnesses)

BY: Violet Dawin DATE: 3-26-84

METROPOLITAN DADE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSSIONERS

Attest and Seal

BY: _____
M.R. Stierheim
County Manager

BY: Anne Shaw DATE: 2-13-84
DEPUTY Clerk

APPROVED AS TO FORM AND LEGALITY
BY _____
DATE 3-25-84

82R 58385

1982 MAR 16 AM 11:32

OFF REC 11381 1311

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27,501 75

SPECIAL WARRANTY DEED

THIS INDENTURE, Made this 11th day of March, 1982, BETWEEN ITT-SOUTH FLORIDA DEVELOPMENT CORPORATION, a Florida Corporation, of the County of Dade, and State of Florida, of the first part, and BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, whose permanent address is Dept. of Natural Resources, 3900 Commonwealth Blvd., Tallahassee, Florida 32303, of the County of Leon, State of Florida, of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of TEN AND NO/100THS DOLLARS ($10.00), lawful money of the United States of America, to it in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the said party of the second part, and its heirs and assigns forever, all of the following pieces, parcels, or tracts of land, situate, lying and being in the County of Dade, State of Florida, and more particularly described as follows:

PARCEL #1: All of SNAPPER CREEK PROPERTY, according to the Plat thereof, recorded in Plat Book 34, Page 31, of the Public Records of Dade County, Florida; LESS that portion lying West and North of Old Cutler Road as it presently exists, and less the .43 acres more or less, conveyed by the Grantor herein to ELEANOR F. JENNINGS, by Deed dated February 28, 1957, which is recorded in Official Records Book 178, Page 425, of the Public Records of Dade County, Florida; and,

7-555-41E

PARCEL #2: Tract 2 of AVOCADO LAND COMPANY'S SUBDIVISION, Section 7, Township 55 South, Range 41 East, according to the Plat thereof, as recorded in Plat Book 2, Page 44, of the Public Records of Dade County, Florida; and,

PARCEL #3: Tract 4, of AVOCADO LAND COMPANY'S SUBDIVISION, Section 7, Township 55 South, Range 41 East, according to the Plat thereof, as recorded in Plat Book 2, Page 44, of the Public Records of Dade County, Florida.

$27,501 75 Documentary Stamps Collected
Dade County
Richard P. Brinker
Clerk, Circuit & County Courts
By H. Lunning Jr. 16 Mar 82 DC

Bureau of Land Acquisition
BLA Review No. 82-016-745
Project Document No. 348
By [illegible] 3/24/82

60

10.00

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all the estate, right, title, interest, dower, and right of dower, separate estate, property, possession, claim and demand whatsoever, as well as in equity, of the said party of the first part, of, in and to the same, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD the above granted, bargained, and described premises, with the appurtenances, unto the said party of the second part, its heirs and assigns, to its own proper use, benefit and behoof forever.

And the said party of the first part, for itself and for its heirs, executors, and administrators, does covenant, promise and agree to and with the said party of the second part, its heirs and assigns, that the said party of the first part, at the time of the ensealing and delivery of these presents, is lawfully seized of and in all and singular the above granted, bargained and described premises, with the appurtenances, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid. And the said party of the second part, its heirs and assigns, shall and may at all times hereafter peaceably and quietly have, hold, use, occupy, possess and enjoy the above granted premises and every part and parcel thereof, with the appurtenances, without any let, suit, trouble, molestation, eviction or disturbance of the said party of the first part, its heirs or assigns, or of any other person or persons lawfully claiming or to claim the same, by, through, and under the grantor herein.

And the said party of the first part, for, itself and for its heirs, warrants the above described and hereby granted and released premises, and every part and parcel thereof, with the appurtenances, unto the said party of the second part, its heirs and assigns, against the said party of the first part, its heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, by, through, and under the grantor herein, shall and will warrant and by these presents forever defend.

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IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above written, said Corporation signing by its duly authorized Vice President, with corporate seal affixed by its Secretary.

(Corporate Seal)

ITT SOUTH FLORIDA DEVELOPMENT CORPORATION
a Florida Corporation

By: James D. McGraw
James D. McGraw, Vice President

Attest:

N. Ronald Silberstein, Secretary

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

COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF SUFFOLK)

On this day personally appeared before me, JAMES D. McGRAW and N. RONALD SILBERSTEIN, Vice President and Secretary, respectively, of ITT SOUTH FLORIDA DEVELOPMENT CORPORATION, a Corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing conveyance to the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at BOSTON, in the County and State last aforesaid, this 11th day of March, 1982.

David T. Rich, Notary Public
Commonwealth of Massachusetts

My Commission Expires:
March 3, 1983

This instrument was prepared by:
EDMUND P. RUSSO
Russo, Allen & Baker, P.A.
4675 Ponce de Leon Boulevard
Coral Gables, Florida 33146

State of Florida
Department of Natural Resources
Division of State Lands

Document Conversion

FILE HEADER SHEET

FILE #: 013-0003(2)

JJH:05/16/91:Alpha Systems

AMENDMENT TO (2) 013-0003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

MANAGEMENT AGREEMENT NUMBER 013-0003

ITT-SNAPPER CREEK HAMMOCK

THIS LEASE AMENDMENT is entered into this 27th day of March, 19 86, by and between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (hereinafter referred to as the BOARD) and METROPOLITAN DADE COUNTY (hereinafter referred to as the MANAGING AGENCY);

WHEREAS, the BOARD, by virtue of Section 253.03, Florida Statutes, holds title to certain lands and property for the use and benefit of the State of Florida; and

W I T N E S S E T H

WHEREAS, on March 26, 1984, the BOARD and the MANAGING AGENCY entered into Management Agreement No. 013-0003;

WHEREAS, the BOARD and the MANAGING AGENCY desire to amend Management Agreement No. 013-0003;

NOW, THEREFORE, the BOARD and the MANAGING AGENCY hereby agree as follows:

(a) The property subject to this lease shall include the following additional lands:
(See Exhibit "A")

It is understood and agreed by the BOARD and the MANAGING AGENCY that in each and every respect, the remaining terms of the original Management Agreement No. 013-0003 shall remain unchanged; and the same is hereby ratified, approved and confirmed by the BOARD and the MANAGING AGENCY.

IN TESTIMONY WHEREOF, the lawfully designated agents of the Board of Trustees of the Internal Improvement Trust Fund and Metropolitan Dade County have hereunto subscribed their names in the City of Tallahassee, Florida on the day and year first written above.

(SEAL)
BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

By: _____
DIRECTOR, DIVISION OF STATE
LANDS AGENT FOR THE BOARD OF
TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE
STATE OF FLORIDA

(SEAL)
METROPOLITAN
DADE COUNTY

METROPOLITAN DADE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

BY: _____
DEPUTY Clerk

By: _____
H.R. Stierheim
County Manager

DATE: 10-4-85

Approved for Compliance With 253.0378

By: _____

Approved as to Form and Legality

By: _____

Exhibit "A"
Amendment to
Management Agreement No. 013-0003

All that land lying in Sections 17 and 18, Township 55 South, Range 41 East, in the City of Coral Gables, Dade County, Florida, bounded on the South by the South lines of said Sections 17 and 18, bounded on the West by East right-of-way line of Red Road as shown on the Plat of CORAL BAY SECTION "D" as recorded in Plat Book 68 at Page 60 of the Public Records of Dade County, Florida, bounded on the North by the South right-of-way line of Bella Vista Avenue as shown on the aforementioned plat of CORAL BAY SECTION "D" and as shown on the plat of CORAL BAY SECTION "C" as recorded in Plat Book 65 at Page 147 of the Public Records of Dade County, Florida, and as shown on the plat of REPLAT OF PORTIONS OF CORAL BAY SECTION "D" as recorded in Plat Book 76 at Page 69 of the Public Records of Dade County, Florida, and bounded on the East by the West line of Tract "A"; as shown on the aforementioned plat of REPLAT OF PORTIONS OF CORAL BAY SECTION "D" and the Southerly extension of said West line of said Tract "A"; AND Tract "A" as shown on the aforementioned plat of REPLAT OF PORTIONS OF CORAL BAY SECTION "D"; AND That portion of said Sections 17 and 18 lying South of the South line of Tract "A" as shown on the aforementioned plat of REPLAT OF PORTIONS OF CORAL BAY SECTION "D" and lying West of the Southerly extension of the East line of said Tract "A", all of said lands being in Dade County, Florida. The lands described herein contain 180 acres, more or less.

Attachment H
Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2007-CLIPER-00384

CLASS I PERMIT APPLICATION BY MIAMI-DADE COUNTY TO DREDGE AND FILL WETLANDS AND TRIM AND ALTER MANGROVES TO STABILIZE THE NORTH SHORELINE OF THE SNAPPER CREEK CANAL WITH LIMEROCK RIPRAP BOULDERS AND NATIVE VEGETATION, AND FOR THE REPLACEMENT OF FIVE NON-FUNCTIONAL CULVERTS WITH TWO NEW CULVERTS IN ORDER TO ENHANCE TIDAL FLUSHING TO THE ADJACENT WETLANDS AT THE R. HARDY MATHESON PRESERVE

APRIL 20, 2009

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 (Code), 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 associated with the shoreline stabilization and culvert installation will be minimized. The shoreline stabilization will require that certain areas of the shoreline be graded to a suitable slope for the planting of native herbaceous vegetation and the placement of four thousand two hundred fifty-five (4,255) cubic yards of limerock riprap boulders along five thousand (5,000) linear feet of the shoreline. This work will result in the excavation of one thousand three hundred fifty-nine (1,359) square feet of uplands, six thousand thirty-three (6,033) square feet of substrate below the mean high water line, and the filling of one hundred thirteen (113) square feet of tidal waters. The shoreline stabilization will also require the trimming of two thousand one hundred thirty-four (2,134) square feet of white mangrove canopy for the placement of the limerock riprap boulders. In order to improve flushing to the mangrove wetlands on the north side of the fill road, the applicant proposes to remove five (5) existing non-functional twelve (12) inch diameter culverts and replace with two (2) new twenty-four (24) inch diameter culverts. In order to perform the proposed work, excavation of the fill road will be required. Furthermore, since the new culverts will be longer and wider than the existing culverts, the existing access road is required to be stabilized and widened from five (5) feet to twelve and a half (12.5) feet. This will result in the filling of five hundred eighty-eight (588) square feet of tidal waters and the removal of two (2) *Rhizophora mangle* (red mangrove), one (1) *Laguncularia racemosa* (white mangrove) and three (3) *Conocarpus erectus* (green buttonwood) trees, for of a total of twenty-five (25) square feet of mangrove and buttonwood canopy. The total area within tidal waters to be dredged and filled as a result of the project will be six thousand seven hundred thirty-four (6,734) square feet. However, DERM acknowledges that the proposed shoreline stabilization and culvert improvement project will benefit the adjacent halophytic (salt tolerant) wetlands through the enhanced hydrological connection to Biscayne Bay, through improved water quality, and through the creation and enhancement of benthic and shoreline habitat along the Snapper Creek Canal. DERM has worked with the applicant to avoid and minimize impacts associated with this proposed project. The Class I permit shall include conditions to minimize turbidity and protect rare, threatened and endangered species. In addition, the Class I permit shall include conditions stating the trimming or alteration of mangroves, buttonwoods or wetland vegetation, other than what is authorized under this Class I permit, shall be prohibited.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in potential cumulative adverse environmental impacts.

3. **Hydrology** – The proposed project as designed is not reasonably expected to adversely affect surface water drainage or retention of stormwater. The replacement of the non-functional culverts will reestablish a hydrological connection and increase flushing between the Snapper Creek Canal and the halophytic wetlands within the R. Hardy Matheson Preserve. Additionally, the proposed project is designed in accordance with DERM and the South Florida Water Management District (SFWMD) criteria and design standards.

4. **Water Quality** – The proposed project may affect surface water quality on a temporary basis during the construction activities. It is anticipated that the replacement culverts will provide tidal flushing and enhance the hydrologic connection to the halophytic wetlands adjacent to the project site within the R. Hardy Matheson Preserve. In addition, the stabilization of the shoreline will prevent further erosion of the north embankment of the Snapper Creek Canal, thus reducing possible water quality impacts to tidal waters. The Class I permit will require that turbidity control devices such as, but not limited to, turbidity curtains, be utilized during all phases of construction to ensure compliance with the County's water quality standard for turbidity.

5. **Wellfields** – Not applicable.

6. **Water Supply** – Not applicable.

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

8. **Aesthetics** – The proposed project is not reasonably expected to have negative aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of machinery and equipment associated with the construction activities.

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.

12. **Archaeological Values** – The proposed project is not reasonably expected to adversely affect archaeological values. The Class I permit will require that the work be reviewed by the Miami-Dade County Archaeologist prior to commencement in order to ensure that work is adequately monitored and that adverse impacts to archaeological resources, if any, are avoided. If archaeological artifacts or features are discovered during the project, the contractor and permittee shall cease and desist all activities, and perform whatever remedial or avoidance measures are deemed appropriate by the County Archaeologist.

13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.

14. **Marine and Wildlife Habitats** – The proposed project has been designed for the purpose of restoring and enhancing the natural system at the R. Hardy Matheson Preserve and Snapper Creek Canal. Although seagrasses are present in the canal, no seagrass was documented within the footprint of the proposed project, and the applicant has proposed to maintain a minimum of a two (2) foot buffer between any seagrass resources encountered within the Snapper Creek Canal and the proposed work. In addition, the Miami-Dade County Manatee Protection Plan (MDCMPP) designates the Snapper Creek Canal as critical habitat for *Trichechus manatus* (West Indian Manatee). Therefore, the applicant has proposed to install protective grates at the open ends of the culverts in order to minimize danger of entrapment to manatees. Furthermore, the subject site has the potential to be utilized by *Crocodylus acutus* (American Crocodile)

and *Mycteria americana* (Wood Stork). However, DERM has determined that impacts to the existing halophytic wetlands have been minimized and the proposed project will restore and enhance the habitat at the site for these species.

The mangrove community within R. Hardy Matheson Preserve is designated as a Mangrove Protection Area (MPA) in the Miami-Dade County Comprehensive Development Master Plan (CDMP). The proposed work is required for natural system restoration and enhancement and is therefore consistent with the evaluation criteria in the CDMP as it relates to trimming and alteration of mangrove trees that are part of a designated MPA. Furthermore, pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and/or minimized. Mitigation is required to compensate for all unavoidable adverse environmental impacts. DERM acknowledges the proposed shoreline stabilization and culvert improvement project will benefit and enhance the adjacent halophytic wetlands through the enhanced hydrological connection to Biscayne Bay, through improved water quality, and through the creation and enhancement of benthic and shoreline habitat along the Snapper Creek Canal. DERM has worked with the applicant to avoid and minimize impacts associated with this proposed project and believes the long-term benefits of the project will surpass the short-term impacts. The Class I permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during all phases of construction.

15. **Wetland Soils Suitable for Habitat** – The proposed project involves the excavation and filling of hydric soils supporting marine flora and fauna. However, DERM acknowledges that the proposed shoreline stabilization and culvert improvement project will benefit the adjacent halophytic wetlands through the enhanced hydrological connection to Biscayne Bay, improved water quality, and through the creation and enhancement of benthic and shoreline habitat along the Snapper Creek Canal. DERM has worked with the applicant to avoid and minimize impacts associated with this proposed project.

16. **Floral Values** – The proposed project is not reasonably expected to adversely impact any significant marine flora and the potential for any adverse environmental impacts will be minimized. The installation of the culverts will require that the existing access road be stabilized and widened to twelve and a half (12.5) feet, resulting in the filling of tidal waters and the removal of two (2) *Rhizophora mangle* (red mangrove), one (1) *Laguncularia racemosa* (white mangrove) and three (3) *Conocarpus erectus* (green buttonwood) trees for a total of twenty-five (25) square feet of mangrove and buttonwood canopy. The total area to be dredged and filled as a result of the project is six thousand seven hundred thirty-four (6,734) square feet. In addition, the shoreline stabilization will require the trimming of two thousand one hundred thirty-four (2,134) square feet of white mangrove canopy located along the shoreline of the canal. The Class I permit shall include conditions stating the trimming or alteration of mangroves, buttonwoods or wetland vegetation, other than what is authorized under this Class I permit, shall be prohibited.

17. **Fauna Values** – The proposed project may cause temporary adverse impacts to marine fauna resulting from turbidity as a result of the construction operations. However these impacts will be minimized by the implementation of proper turbidity control devices. The Class I permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during all phases of construction. Furthermore, the Snapper Creek Canal is identified by the Miami-Dade County Manatee Protection Plan (MDCMPP) as essential manatee habitat for *Trichechus manatus* (West Indian Manatee).

Therefore, the Class I permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to result in adverse effects to rare, threatened or endangered species provided that standard manatee protection measures are implemented. The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan (MDCMPP) as essential manatee habitat for *Trichechus manatus* (West Indian Manatee). Therefore, the applicant has proposed to install protective grates at the open ends of the culverts in order to minimize danger of entrapment to manatees. The Class I permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations. Furthermore, the subject site has the potential to be utilized by *Crocodylus acutus* (American Crocodile) and *Mycteria americana* (Wood Stork). However, DERM has determined that impacts to the existing halophytic wetlands have been minimized and the proposed project will restore and enhance the habitat at the site for these species.

19. **Natural Flood Damage Protection** – The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater. The replacement of the five (5) existing non-functional twelve (12) inch diameter culverts with two (2) new twenty-four (24) inch diameter culverts will improve surface water drainage and tidal flushing at the site.

20. **Wetland Values** – The proposed project will result in a net increase in wetland values. The proposed shoreline stabilization and culvert replacement will benefit and enhance the adjacent MPA and mangrove mitigation site through the enhanced hydrological connection to Biscayne Bay, improved water quality, and through the creation and enhancement of benthic and shoreline habitat along the Snapper Creek Canal.

21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter shall be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.

22. **Recreation** – The proposed project does not conflict with the recreation elements of the Miami-Dade County Comprehensive Development Master Plan and 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.

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 (Sections 33D-1 through 33D-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) Rule 40E-4, Florida Administrative Code (FAC)
    b) United States Clean Water Act (US Army Corps of Engineers permit is required)
    c) Rules of the South Florida Water Management District
    d) Basis of Review for Surface Water Management Permit Applications within the South Florida Water Management District
    e) 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 proposed 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 is not located in 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 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 or State-designated threatened or endangered species. – The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan (MDCMPP) as essential manatee habitat for *Trichechus manatus* (West Indian Manatee). Therefore, the applicant has proposed to install protective grates at the open ends of the culverts in order to minimize danger of entrapment to manatees. The Class I permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations. Furthermore, the subject site has the potential to be utilized by *Crocodylus acutus* (American Crocodiles) and *Mycteria americana* (Wood Storks) however, DERM has determined that impacts to the existing halophytic wetlands have been minimized and the proposed project will restore and enhance the habitat at the site for these species.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A – Tidally connected mangroves in mangrove protection areas – The proposed project is located within a designated "Mangrove Protection Area" (MPA). The Miami-Dade County Comprehensive Development Master Plan (CDMP) states that no cutting, trimming, pruning, or other alteration of mangroves shall be permitted within designated MPAs except for the purposes of surveying or for projects that are: one (1) necessary to prevent or eliminate a threat to public health, safety or welfare; two (2) are water dependent; three (3) required for natural system restoration and enhancement or; four (4) clearly in the public interest and where no reasonable upland alterative exists. The proposed work is required for natural system restoration and enhancement and clearly in the public interest; therefore, the project is consistent with the CDMP as it relates to trimming and alteration of mangrove trees that are part of a designated MPA.

Objective 1/ Policy 1B – Natural surface flow into and through coastal wetlands. – The proposed culvert installation project will improve tidal flushing to the adjacent halophytic wetland through the enhanced hydrological connection to Biscayne Bay.

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

Objective 1/Policy 1D – Protection and maintenance of mangrove forests and related natural vegetational communities. – The proposed project is located within a designated "Mangrove Protection Area" (MPA). However, the proposed work is required for natural system restoration

and enhancement and is therefore consistent with the CDMP as it relates to trimming and alteration of mangrove trees that are part of a designated MPA. The proposed culvert installation project will benefit the adjacent halophytic wetlands through the enhanced hydrological connection to Biscayne Bay. The Class I permit shall require that construction fencing or similar visible barriers be installed to prevent incidental damage to the mature mangroves along the edge of the project. In addition, the Class I permit shall include conditions stating the trimming, or alteration of mangroves, buttonwoods or wetland vegetation, other than what is authorized under this Class I permit, shall be prohibited.

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 halophytic wetlands and therefore does not involve monitoring of mitigation for impacts to halophytic wetlands. DERM acknowledges the proposed shoreline stabilization and culvert replacement will benefit the adjacent halophytic wetlands through the enhanced hydrological connection to Biscayne Bay, through improved water quality and through the creation and enhancement of benthic and shoreline habitat along the Snapper Creek Canal. The Department believes the resulting long-term environmental benefits of the project will serve as mitigation for the short-term impacts associated with the work.

Objective 1/Policy 1G – Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The proposed project 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 5/Policy 5B – Existing and new areas for water-dependent uses. – The proposed project does not create or eliminate any water dependent uses.

Objective 5/Policy 5D – Consistency with Chapter 33D of the Code of Miami-Dade (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 Sections 33D-1 through 33D-4) – The proposed project is in conformance with the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** – The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan (MDCMPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). Therefore, the applicant has proposed to install protective grates at the open ends of the culverts in order to minimize danger of entrapment to manatees. The Class I

permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.

32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter shall 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 shoreline stabilization and culvert replacement will benefit the adjacent halophytic wetlands through the enhanced hydrological connection to Biscayne Bay, through improved water quality and through the creation and enhancement of benthic and shoreline habitat along the Snapper Creek Canal.

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 complies with the following criteria:

- Minimum dredging and filling as is necessary to enhance the biological, chemical or physical characteristics of adjacent waters.

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a

Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project does not involve the creation of a boat slip.

24-48.3 (4) Clean Fill in Wetlands – The proposed project involves the placement of only clean fill in wetlands.

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

Lisa Spadafina, Manager
Coastal Resources Section

Elaine Pietryak, Biologist II
Coastal Resources Section