

Memorandum



Agenda Item No. 5(E)

Date: December 17, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Class I Permit Application by Paradise Point Drive, LLC to Trim Mangrove Trees in a Coastal Band Community at 5863 Paradise Point Drive in the Village of Palmetto Bay

Attached, please find for your consideration an application by Paradise Point Drive, LLC for a Class I permit to trim mangrove trees in a Coastal Band Community. Also attached is the recommendation of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), and a proposed resolution approving the issuance of the Class I permit.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over the name in the signature line.

Jack Osterholt, Deputy Mayor

Date: December 6, 2013
To: Carlos A. Gimenez
Mayor
From: Jack Osterholt, Deputy / Director
Department of Regulatory and Economic Resources
Subject: Class I Permit Application by Paradise Point Drive, LLC to Trim Mangrove Trees in a Coastal Band Community at 5863 Paradise Point Drive in the Village of Palmetto Bay

Recommendation

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

Scope

The proposed work is located at 5863 Paradise Point Drive, Palmetto Bay, in Commission District 8 (Commissioner Bell).

Fiscal Impact/Funding Source

Not applicable

Track Record/Monitor

The Coastal and Wetlands Resources Section Manager, Lisa Spadafina, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, will be responsible for monitoring the proposed permit.

Background

The subject Class I permit application requests authorization to trim mangrove trees that are part of a Coastal Band Community as defined in Section 24-5 of the Code. The proposed work will provide clearance for the construction of a single-family residence on the upland area of the property. The proposed project is required to be reviewed and approved by the Board at a public hearing because the scope of work is specifically referenced in Section 24-48.2 of the Code as work that shall be processed as a standard form application, including a public hearing.

The proposed project location is one of fourteen single-family lots in the Paradise Point development located in the Village of Palmetto Bay at the eastern terminus of SW 152 Street on a spit of land that extends into Biscayne Bay. In 1990, the Board of County Commissioners approved the issuance of a Class I permit to allow the development on a portion of the uplands that contained halophytic (salt tolerant) wetlands. The developed area of Paradise Point is bordered to the south and west by approximately 12 acres of wetlands dominated by mature red mangrove trees with a lesser amount of white mangrove and black mangrove trees. The subject lot has remained vacant, but is currently proposed to be developed and the applicant is requesting to conduct minor trimming of the lateral branches of white mangroves that extend within 2 feet of the proposed footprint of the house. The trimming will result in the removal of 219.5 square feet of white mangrove canopy. The trees that will be trimmed are part of a large high-quality wetland area; the trimming will not significantly impact any individual trees or the wetland area as a whole.

Under the Miami-Dade County Comprehensive Development Master Plan (CDMP), the mangrove trees adjacent to the proposed project site are designated as a Mangrove Protection Area. Cutting, trimming, pruning or other alteration of mangroves in a Mangrove Protection Area shall only be permitted for purposes of surveying or for projects that are necessary to prevent or eliminate a threat to public health, safety or welfare; are water dependent; are required for natural system restoration and enhancement; or are clearly in the public interest; and where no reasonable upland alternative exists. However, the proposed trimming is limited to portions of the mangrove trees that are overhanging the upland areas of the property which were previously permitted for development. In addition, the proposed trimming is minimal and will not significantly impact any individual trees or the wetland area as a whole. No dredging or filling of wetlands are proposed and the project is not reasonably expected to result in adverse environmental impacts. Additionally, the applicant will be required to mitigate for removal of mangrove canopy, and the trimming will be conducted in a manner that is otherwise consistent with the Mangrove Protection Area protections. Therefore, the proposed project is recommended for approval.

Section 24-48.3 of the Code requires mitigation for permissible projects that otherwise result in adverse environmental impacts. The project will result in the removal of 219.5 square feet of mangrove canopy. Mitigation for impacts to halophytic wetlands will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$1,756.00 to be used for the creation, restoration or enhancement of coastal wetlands adjacent to Biscayne Bay or its tidal tributaries.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all Miami-Dade County coastal protection provisions, other than that specified above. The attached Project Report sets forth the reasons the project is recommended for approval pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code.

Attachments

- Attachment A: Class I Permit Application
- Attachment B: Owner/Agent Letter and Project Sketches
- Attachment C: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work
- Attachment D: Zoning Memorandum
- Attachment E: DERM Project Report



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 17, 2013

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

SUBJECT: Agenda Item No. 5(E)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(E)
12-17-13

RESOLUTION NO. _____

RESOLUTION APPROVING A CLASS I PERMIT APPLICATION BY PARADISE POINT DRIVE, LLC TO TRIM MANGROVE TREES IN A COASTAL BAND COMMUNITY AT 5863 PARADISE POINT DRIVE IN THE VILLAGE OF PALMETTO BAY, 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 Paradise Point Drive, LLC for a Class I permit application to trim mangrove trees in a Coastal Band Community at 5863 Paradise Point Drive in the Village of Palmetto Bay, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of December, 2013. 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. 

Abbie Schwaderer-Raurell

Attachment A
Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY

Date Received

RECEIVED

NOV 12 2013

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRD)

Application Number:

Application Fee:

Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

1. Applicant Information:

Name: Paradise Point Drive, LLC
Address: 235 Altara Avenue
Coral Gables, Florida Zip Code: 33146
Phone #: _____ Fax#: _____
Email: mikeecalderon@gmail.com

* This should be the applicant's information for contact purposes.

2. Applicant's Authorized Permit Agent:

Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.

Name: Kate Davis, Davis Environmental Solutions, LLC.
Address: 12864 Biscayne Blvd., #324
North Miami, Florida Zip Code: 33181
Phone #: 305-502-1954 Fax #: _____
Email: kate@davis-environmental.com

3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):

Folio #(s): 33-5025-009-0080 Latitude: _____ Longitude: _____
Street Address: 5863 Paradise Point Drive Section: 25 Township: 55 Range: 40
In City or Town: Palmetto Bay Near City or Town: _____
Name of waterway at location of the activity: Biscayne Bay

4. Describe the proposed activity (check all that apply):

- | | | | | |
|--|---|--|--------------------------------------|---|
| <input type="checkbox"/> Seawall | <input type="checkbox"/> Dock(s) | <input type="checkbox"/> Boatlift | <input type="checkbox"/> Dredging | <input checked="" type="checkbox"/> Mangrove Trimming |
| <input type="checkbox"/> New/Replacement Seawall | <input type="checkbox"/> Pier(s) | <input type="checkbox"/> Mooring Piles | <input type="checkbox"/> Maintenance | <input type="checkbox"/> Mangrove Removal |
| <input type="checkbox"/> Seawall Cap | <input type="checkbox"/> Viewing Platform | <input type="checkbox"/> Fender Piles | <input type="checkbox"/> New | |
| <input type="checkbox"/> Batter Piles | | <input type="checkbox"/> Davits | <input type="checkbox"/> Filling | |
| <input type="checkbox"/> King Piles | | | | |
| <input type="checkbox"/> Footer/Toe Wall | | | | |
| <input type="checkbox"/> Riprap | | | | |

Other: _____

Estimated project cost = \$ 1,250.00

Are you seeking an after-the-fact approval (ATF)? Yes No If "Yes", describe the ATF work: _____

5. Proposed Use (check all that apply):

- Single Family
 Multi-Family
 Private
 Public
 Commercial
 Industrial
 Utility

6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel):

Proposed Vessel Type (s): N/A
Vessel Make/Model (If known): N/A
Draft (s)(range in inches.): N/A Length (s)(range in feet.): N/A
Total Number of Slips: N/A

7. List all permits or certifications that have been applied for or obtained for the above referenced work:

Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date
N/A				

8. Contractor Information (If known):

Name: To be determined License # (County/State): _____
Address: _____ Zip Code: _____
Phone #: _____ Fax #: _____ E-mail: _____

9. IMPORTANT NOTICE TO APPLICANTS: The written consent of the property owner is required for all applications to be considered complete. Your application WILL NOT BE PROCESSED unless the Applicant and Owner Consent portion of the application is completed below. You have the obligation to apprise the Department of any changes to information provided in this application.

Application is hereby made for a Miami-Dade County Class I permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, data and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 2 of this application to process the application, furnish supplemental information relating to this application and bind the applicant to all requirements of this application, and
- I agree to provide access and allow entry to the project site to inspectors and authorized representatives of Miami-Dade County for the purpose of making the preliminary analyses of the site and to monitor permitted activities and adherence to all permit conditions.

A. IF APPLICANT IS AN INDIVIDUAL

RECEIVED

Signature of Applicant _____ Print Applicant's Name _____

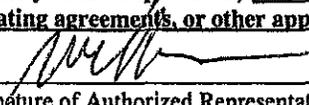
NOV 4 2 2013

B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)
Florida

Paradise Point Drive, LLC _____ LLC _____
Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of _____
Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

 _____ Michael Calderon Manager _____
Signature of Authorized Representative Print Authorized Representative's Name Title Date

C. IF APPLICANT IS A JOINT VENTURE Each party must sign below (If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of _____
Registration/Incorporation

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Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of _____
Registration/Incorporation

NOV 1 2 2013

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

10. WRITTEN CONSENT OF THE PROPERTY OWNER OF THE AREA OF THE PROPOSED WORK

I/We are the fee simple owner(s) of the real property located at 5863 Paradise Point Drive, Coral Gables, FL 33157 Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 33-5025-009-0080

I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

A. IF THE OWNER(S) IS AN INDIVIDUAL

Signature of Owner	Print Owner's Name	Date
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Signature of Owner	Print Owner's Name	Date
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B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

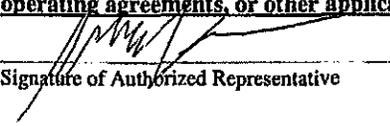
(Examples: Corporation, Partnership, Joint Venture, Trust, LLC, LLP, etc.)

<u>Paradise Point Drive, LLC</u>	<u>LLC</u>	<u>Florida</u>
Print Name of Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

235 Altara Avenue, Coral Gables, FL 33146

Address of Owner

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Owner, to bind the Owner, and if so required to authorize the issuance of a bond on behalf of the Owner. (If asked, you must provide proof of such authority to the Department). *Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

	Michael Calderon	Manager
Signature of Authorized Representative	Print Authorized Representative's Name	Title

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
--	--	-------	------

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

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Natural Resources Regulation & Restoration
Division (NRRRD)

Attachment B

Owner/Agent Letter and Project Sketches

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2013-0136

By the attached Class I Standard Form permit application with supporting documents, I, Michael Calderon, Manager, Paradise Point Drive, LLC, am the permit applicant/permit applicant's authorized agent, and hereby request permission to perform the work associated with Class I Permit Application CLI-2013-0136. 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 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. The permit applicant will secure the services of an engineer 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,


Michael Calderon,
Manager
Paradise Point Drive, LLC

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DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)



5863 Paradise Point Drive



NORTH



5863 Paradise Point Drive

Attachment C

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



Frank & Lucille Azor
5867 Paradise Point Dr.
Palmetto Bay, FL 33135

Donn A. & Joann Szaro
5855 Paradise Point Dr.
Palmetto Bay, FL 33157

Sina Negahbani
PO Box 566055
Miami, FL 33256

Paradise Point Marina Condo
6111 Paradise Point Dr.
Palmetto Bay, FL 33157

Gary J. Turner
5847 Paradise Point Dr.
Palmetto Bay, FL 33157

Royal Harbour Yacht Club
Townhouse Assoc., Inc.
12396 SW 82 Ave.
Miami, FL 33156

Aleander & Stella Prendes
P.O. Box 56-6253
Miami, FL 33256

Elizabeth Hoover
5843 Paradise Point Dr.
Palmetto Bay, FL 33156

Wifred & Maritza Padron
5856 Paradise Point Dr.
Palmetto Bay, FL 33157

Frederick & Carey Feick
Frederick L. Feick Trust
5859 Paradise Point Dr.
Palmetto Bay, FL 33157

William Hayes
5860 Paradise Point Dr.
Palmetto Bay, FL 33157

Rafael & Gloria Gonzalez
5852 Paradise Point Dr.
Palmetto Bay, FL 33157

Arjun Saluja
5848 Paradise Point Dr.
Palmetto Bay, FL 33157

Ronald & Carla Zelhof
5844 Paradise Point Dr.
Palmetto Bay, FL 33157

Terry T. & Susie N. Lau
5840 Paradise Point Dr.
Palmetto Bay, FL 33157

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DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Attachment D
Zoning Memorandum

Memorandum



Date: November 21, 2013

To: Lisa Spadafina, Manager *LS*
Coastal and Wetlands Resources Section
Department of Regulatory and Economic Resources

From: Lourdes Barrelli, Biologist II *LB for*
Coastal and Wetlands Resources Section
Department of Regulatory and Economic Resources

Subject: Class I Permit Application to Trim Mangrove Trees in a Coastal Band Community at 5863 Paradise Point Drive, in the Village of Palmetto Bay, Miami-Dade County, Florida

Pursuant to Section 24-48.2(II)(B)(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 Miami-Dade County Board of County Commissioners and prior to issuance of the Class I permit.

Attachment E
RER-DERM Project Report

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. CLI-2013-0136

Class I Permit Application by Paradise Point Drive, LLC to Trim Mangrove Trees in a Coastal Band Community at 5863 Paradise Point Drive in the Village of Palmetto Bay, Florida

DATE: November 19, 2013

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-48.3 of the Code of Miami-Dade County, Florida (Code). The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The proposed project includes the trimming of lateral branches of *Laguncularia racemosa* (white mangrove) trees that are part of a Coastal Band Community, as defined in Section 24-5 of the Code. The proposed work will result in the removal of 219.5 square feet of white mangrove canopy that extends over uplands; however, the project site is part of a 12 acre high-quality halophytic (salt-tolerant) wetland system, and the proposed trimming is not reasonably expected to result in adverse environmental impacts.

Mitigation for impacts to halophytic wetlands will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of \$1,756.00, to be used for the creation, restoration, or enhancement of coastal wetlands adjacent to Biscayne Bay or its tidal tributaries.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts.
3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is not reasonably expected to result in impacts to water quality; the Class I permit shall require that proper controls be implemented during any upland construction activities to ensure that the work does not impact the adjacent halophytic wetlands.
5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The proposed project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The proposed bridge 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.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project involves the removal of 219.5 square feet of mangrove canopy; however, the project site is part of a 12 acre high-quality wetland system that can be used as alternate habitat. Impacts have been minimized and will be mitigated as set forth in Number 1 above.

15. **Wetland Soils Suitable for Habitat** – The proposed project is not reasonably expected to adversely affect wetland soils suitable for habitat.
16. **Floral Values** – The proposed project will result in impacts to floral values as a result of the removal of 219.5 square feet of mangrove canopy. However, impacts to floral values have been minimized and shall be mitigated as set forth in Number 1 above.
17. **Fauna Values** - The project will result in the removal of 219.5 square feet of mangrove canopy and may temporarily impact fauna values; however, the project site is part of a high-quality wetland system that can be used as alternate habitat. Unavoidable impacts to fauna values have been minimized and shall be mitigated as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** –The proposed project site is part of a high quality wetland system that can be used as alternate habitat; therefore, the proposed project is not reasonably expected to adversely affect rare, threatened and endangered species.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project is not reasonably expected to result in impacts to wetlands.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7), Code of Miami-Dade County, Florida, a substantiating letter from the local zoning authority shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.
22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed project will occur over land owned by the applicant.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the Miami-Dade County Public Works Manual
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by RER-DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with applicable State, Federal and local laws and regulations:
 - a) Chapter 24 of the Code of Miami-Dade County.
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, the proposed project is in conformance with the CDMP other than as specified below. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The project is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

TRANSPORTATION ELEMENT II

Aviation Subelement/Objective 9 - Aviation System Expansion - There is no aviation element to the proposed project.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/ Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria – The proposed project will not compromise flood protection.

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 - Fill material on-site is suitable for the support of development. – The proposed project does not involve filling for the purpose of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. – Although the proposed project will result in minor impacts to halophytic wetlands, the impacts have been minimized and will be mitigated as set forth in Number 1 above.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species as set forth in Number 18 above, and the impacts have been minimized and will be mitigated as set forth in Number 1 above.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – The proposed project will result in the removal of 219.5 square feet of mangrove canopy within a designated “Mangrove Protection Area” (MPA) in association with work that is not consistent with the permissible types of projects listed in the CDMP. However, the proposed project will occur over an upland area that was previously authorized for development, is not reasonably expected to result in adverse environmental impacts and will be mitigated, and the trimming will be conducted in a manner that is otherwise consistent with the MPA protections.

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project is not reasonably expected to affect natural surface flow into and through halophytic wetlands.

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The proposed project does not involve shoreline access through mangroves.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project will result in the removal of 219.5 square feet of mangrove canopy; however, the project site is part of a 12 acre high-quality wetland system, and the impacts have been minimized and will be mitigated as set forth in Number 1 above.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – Although the proposed project will result in the removal of 219.5 square feet of white mangrove canopy, the project site is part of a 12 acre high-quality wetland system and the work is not reasonably expected to result in the degradation or destruction of coastal wetlands. In addition, the impacts will be mitigated as set forth in Number 1 above.

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

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species – The proposed project is not reasonably expected to result in impacts to endangered or threatened species as set forth in Number 18 above.

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

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) – The proposed project does not meet the thresholds for review by the Miami-Dade County 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, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.
29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project will not occur within Biscayne Bay.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project was evaluated for consistency with the MPP. The proposed project will occur over uplands, in a location that is not accessible by the West Indian Manatee.
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)(B)(7), Code of Miami-Dade County, Florida, a substantiating letter from the local zoning authority shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(B)(10)(b) of the Code of Miami-Dade County.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project will result in the removal of 219.5 square feet of mangrove canopy; however, the impacts to wetlands have been minimized and shall be mitigated as set forth in Number 1 above.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Sections 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 – Not applicable.

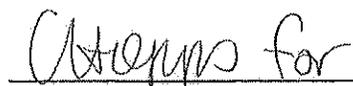
24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County - Not applicable.

24-48.3 (4) Clean Fill in Wetlands – Not applicable.

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



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