Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 5(A)

Date: November 24, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Class I Permit Application and Request for a Variance from Section 24-48.23 of the Code of Miami-Dade County by Skyrise Miami, LLC for the Temporary Staging of Barges for Non-Water-Dependent Use over Tidal Waters at 301 and 401 Biscayne Boulevard, Miami, Miami-Dade County, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Four (4) Years

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Attached, please find for your consideration an application by Skyrise Miami, LLC for a Class I permit and a variance from Section 24-48.23 of the Code of Miami-Dade County. Also attached is the recommendation of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, and a proposed resolution approving the variance and the issuance of the Class I permit.

Jack Osterholt, Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: October 9, 2014

To: Carlos A. Gimenez
Mayor

From: Jack Osterholt, Deputy Mayor / Director
Department of Regulatory and Economic Resources

Subject: Class I Permit Application and Request for a Variance from Section 24-48.23 of the Code of Miami-Dade County by Skyrise Miami, LLC for the Temporary Staging of Barges for Non-Water-Dependent Use over Tidal Waters at 301 and 401 Biscayne Boulevard, Miami, Miami-Dade County, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Four (4) Years

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Recommendation

I have reviewed the attached application for a Class I permit and a variance by Skyrise Miami, LLC. Based upon the applicable evaluation factors set forth in Sections 24-48.3 and 24-48.25 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit and variance request for the reasons set forth below.

Scope

The project site is located at 301 and 401 Biscayne Boulevard, Miami, in County Commission District 5 (Commissioner Bruno A. Barreiro).

Fiscal Impact/Funding Source

This resolution is a regulatory approval and does not have a fiscal impact as contemplated by Resolution No. R-530-10.

Track Record/Monitor

The Natural Resources Division Chief, Lisa Spadafina, within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), will be responsible for monitoring the proposed permit.

Background

This Class I permit application and request for a variance seeks authorization to temporarily stage barges over tidal waters for non-water dependent use at 301 and 401 Biscayne Boulevard in the City of Miami. The proposed project is required to be reviewed and approved by the Board at a public hearing because Section 24-48.23 of the Code prohibits non-water-dependent floating structures. Therefore, a variance from the Code, including a standard form application and a public hearing, is required.

The applicant is proposing to construct the "Skyrise Miami Tower" on the east side of the City of Miami's Bayside Miamarina, adjacent to Biscayne Bay. The construction footprint encompasses the entire upland area and does not provide space for the necessary construction materials, equipment, and support facilities. Therefore, the applicant is requesting to stage barges at Miamarina in order to facilitate construction operations. The marina is being reconfigured to allow the installation of barges immediately adjacent to the east and west sides of the construction area. The barges are proposed to be used for a "laydown" area where construction materials will be delivered and staged, for a batch plant to manage the concrete that will be utilized for construction, and for upland facilities that will be displaced as a result of the construction (e.g. restrooms, laundry facilities, offices).

The barges will be located over a 1.1 acre area within the marina and over a 1.2 acre area of Biscayne Bay. These areas have historically been used for the mooring of vessels, and do not support significant marine resources. The conditions of the Class I permit will require that the plumbing system installed for the removal of domestic wastes from the barges be connected to an upland sewer system and be maintained, and that a comprehensive plan to prevent any discharge of pollutants or solid wastes to tidal waters be approved by RER-DERM and implemented throughout the duration of the authorized activities. Therefore, the proposed project is not reasonably expected to result in adverse environmental impacts.

The construction of the tower is anticipated to exceed the three (3) year timeframe authorized for the completion of work associated with a standard form Class I permit. Therefore, the applicant is requesting that the Class I permit be valid for a period of four (4) years. A four (4) year period is within the maximum timeframe allowed for extensions of standard form Class I permits, and RER-DERM recommends approval of the requested four (4) year permit.

A portion of the proposed project site is located within an area designated as essential habitat for the West Indian Manatee by the Miami-Dade County Manatee Protection Plan (MPP). Therefore, the Class I permit will require that all standard manatee construction conditions be followed during all in-water operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of four (4) feet of standoff from the bulkhead under maximum operational compression.

The proposed project has been designed in accordance with all other relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. The attached Project Report sets forth the reasons the proposed project is recommended for approval pursuant to the applicable evaluation factors set forth in Sections 24-48.3 and 24-48.25 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:	Owner/Agent Letter, Engineer Certification Letter, and Project Sketches
Attachment C:	Zoning Memorandum
Attachment D:	Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work
Attachment E:	RER-DERM Project Report

MEMORANDUM
(Revised)

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

DATE: November 24, 2014

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

SUBJECT: Agenda Item No. 5(A)

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(A)
11-24-14

RESOLUTION NO. _____

RESOLUTION APPROVING A CLASS I PERMIT APPLICATION AND REQUEST FOR A VARIANCE FROM SECTION 24-48.23 OF THE CODE OF MIAMI-DADE COUNTY BY SKYRISE MIAMI, LLC FOR THE TEMPORARY STAGING OF BARGES FOR NON-WATER-DEPENDENT USE OVER TIDAL WATERS AT 301 AND 401 BISCAYNE BOULEVARD, MIAMI, MIAMI-DADE COUNTY, FLORIDA, AND TO AUTHORIZE THE TIME OF COMPLETION OF WORK OF THE SUBJECT PERMIT FOR A PERIOD OF (4) FOUR YEARS

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 Sections 24-48.3 and 24-48.25 of the Code of Miami-Dade County, hereby approves the application by Skyrise Miami, LLC for a Class I permit and a variance from Section 24-48.23 of the Code of Miami-Dade County for the temporary staging of barges for non-water-dependent use over tidal waters at 301 and 401 Biscayne Boulevard, Miami, Miami-Dade County, Florida, and to authorize the time of completion of work of the subject permit for a period of four (4) years, 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

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Daniella Levine Cava	Jose "Pepe" Diaz
Audrey M. Edmonson	Sally A. Heyman
Barbara J. Jordan	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of November, 2014 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:	**Application Number: CLI-2014-0248**

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

1. Applicant Information:

Name: Skyrise Miami, LLC

Address: 2665 South Bayshore Drive, Suite #1200

Miami, Florida Zip Code: 33133

Phone #: (305) 854-2800 Fax#:

Email: aberkowitz@berkowitzdev.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: J. Fredric Blitstein

Address: 1211 Crandon Boulevard, PH E-1208

Key Biscayne, Florida Zip Code: 33149

Phone #: (305) 361-9062 Fax #:

Email: jfb4244@gmail.com

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

Folio #(s): 01-0100-000-0520 & 01-0100-000-0525 Latitude: 25°46'08" Longitude: 80°11'02"

Street Address: 112 MacArthur Causeway Section: 6 Township: 54S Range: 42E

In City or Town: Miami Near City or Town:

Name of waterway at location of the activity: Biscayne Bay, Miamarina Basin

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

- ☐ Seawall
  - ☐ New/Replacement Seawall
  - ☐ Seawall Cap
  - ☐ Batter Piles
  - ☐ King Piles
  - ☐ Footer/Toe Wall
  - ☐ Riprap
- ☐ Dock(s)
  - ☐ Pier(s)
  - ☐ Viewing Platform
- ☐ Boatlift
  - ☐ Mooring Piles
  - ☐ Fender Piles
  - ☐ Davits
- ☐ Dredging
  - ☐ Maintenance
  - ☐ New
  - ☐ Filling
- ☐ Mangrove Trimming
- ☐ Mangrove Removal

X Other: Non-Water Dependent Use of Barges

Estimated project cost = $ 1,000,000.00 +

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

5. Proposed Use (check all that apply):

- ☐ Single Family
- ☐ Multi-Family
- ☐ Private
- X Public
- X 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): Barges

Vessel Make/Model (If known):

Draft (s)(range in inches.): Max 36 inches Length (s)(range in feet.): 80- 120 feet

Total Number of Slips: 12

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

8. Contractor Information (If known):

Name: Southeast Marine Construction, Inc. License # (County/State): CGC060467

Address: 404 Northeast 38th Street, Oakland Park, Florida Zip Code: 33334

Phone #: 954-630-2300 Fax #: E-mail: semarine@semarineconstruction.com

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

Signature of Applicant | Print Applicant's Name | Date

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

Skyrise Miami, LLC by Berkowitz Development Group, Inc., its manager LLC Florida

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. ***

Jeffrey Berkowitz, President, Berkowitz Development Group, Inc., Manager, Skyrise Miami, LLC | Manager | 1/24/14

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

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. ***

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 301 and 401 Biscayne Boulevard, Miami Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio Nos. 01-0100-000-0520 and 01-0100-000-0525. 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
Signature of Owner	Print Owner's Name	Date

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

City of Miami	Municipality	Florida
Print Name of Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

444 Southwest 2nd Avenue, Miami, Florida 33130
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. ***

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
	Daniel J. Alfonso	Manager	
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

Attachment B

Owner/Agent Letter, Engineer Certification 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-2014-0248

By the attached Class I Standard Form permit application with supporting documents, I, J. Frederic Blitstein, am the permit applicant's authorized agent, and hereby request permission to perform the work associated with Class I Permit Application CLI-2014-0248. 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,

J. Frederic Blitstein

ENGINEER LETTER OF CERTIFICATION

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

RE: Class I Permit Application Number CLI-2014-0248

Ladies and Gentlemen:

This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of Florida or any provisions 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 of 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)

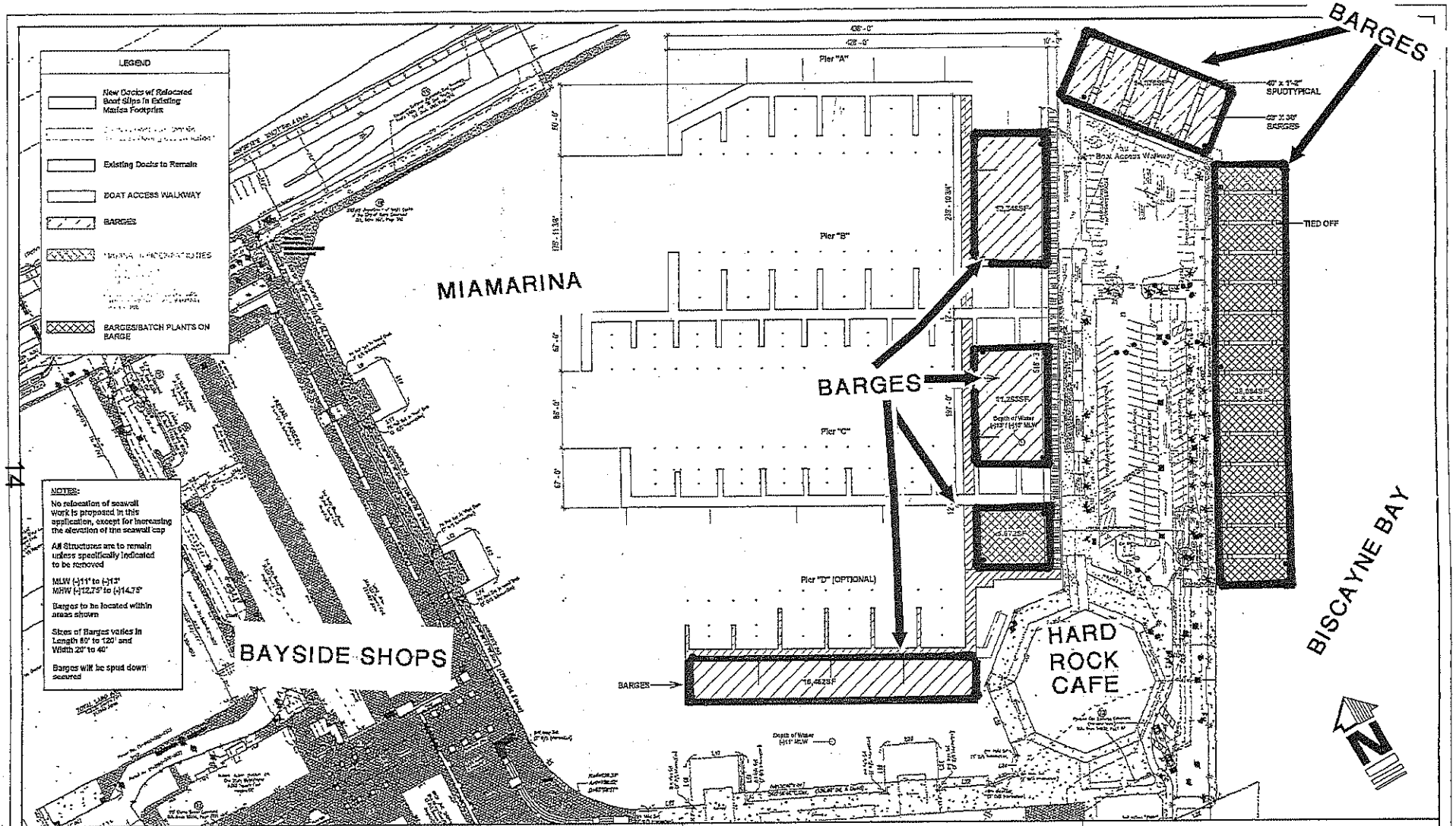
Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, certified surveys, drawings, and other data furnished by the contractor to me.

Sincerely,

7/28/14

P.E. #

Dynamic Engineering Solutions, Inc.
John H. Omslaer, PE 52733, EB26829
950 N. Federal Hwy. Suite212
Pompano Beach, FL 33062



Coastal TISHMAN

Owner: CITY OF MIAMI

Project: SKYRISE MIAMI

BARGE PLAN

Project number	0000
Date Printed	8/19/2014 10:25:31
Drawn by	Author
Checked by	Checker

M7.05

Scale 1" = 100'-0"

Attachment C

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: October 8, 2014

To: Lisa Spadafina, Chief (CH for)
Natural Resources Division
Department of Regulatory and Economic Resources

From: Nicole Fresard, Biologist II (NF)
Coastal and Wetlands Resources Section
Department of Regulatory and Economic Resources

Subject: Class I Permit Application and Request for a Variance from Section 24-48.23 of the Code of Miami-Dade County by Skyrise Miami, LLC for the Temporary Staging of Barges for Non-Water-Dependent Use over Tidal Waters at 301 and 401 Biscayne Boulevard, Miami, Miami-Dade County, Florida, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of (4) Four Years

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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 D

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

L-2302L (4 LABELS) (4 NAMES) 500'FT FROM ACTUAL SKYRISE SITE

CITY OF MIAMI-DEPT OF P&D
ASSET MANAGEMENT DIVISION
444 SW 2 AVE
STE #325
MIAMI FL 33130-1910

CITY OF MIAMI-BAYSIDE
GENERAL GROWTH PROPERTIES
PO BOX 617905
CHICAGO IL 60661-7905

USA
PO BOX 4970
JACKSONVILLE FL 32201

BAYSIDE CENTER LTD PRTNERSHP
% PROPERTY TAX DEPT
PO BOX 617905
CHICAGO IL 60661-7905

Attachment F

RER-DERM Project Report

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. CLI-2014-0248

Class I Permit Application and Request for a Variance from Section 24-48.23 of the Code of Miami-Dade County by Skyrise Miami, LLC for the Temporary Staging of Barges for Non-Water-Dependent Use over Tidal Waters at 301 and 401 Biscayne Boulevard, Miami, Miami-Dade County, Florida, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Four (4) Years

DATE: September 23, 2014

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

1. **Potential Adverse Environmental Impact** – The proposed project is not reasonably expected to result in adverse environmental impacts. The project is temporary in nature and the barges will be located over areas that do not support significant benthic resources, and have historically been used for the mooring of vessels. The conditions of the Class I permit will require that the plumbing system installed for the removal of wastes from the barges associated with restrooms, laundry facilities and offices be connected to an upland sewer system and be maintained, and that a comprehensive plan to prevent any discharge of pollutants or solid wastes to tidal waters be approved by RER-DERM and implemented for the duration of the authorized activities.

   A portion of the proposed project site is located within an area designated as essential manatee habitat for the *Trichechus manatus* (West Indian Manatee) by the Miami-Dade County Manatee Protection Plan (MPP); therefore, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

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

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 adversely affect water quality. Potential impacts to water quality are minimal and will be addressed a set forth in Number 1 above.

5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.

6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.

7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.

8. **Aesthetics** – The proposed project is temporary in nature; however, during the construction process, there may be temporary aesthetic impacts related to the presence of machinery associated with 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.

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

14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats, as set forth in Number 1 above.

15. **Wetland Soils Suitable for Habitat** – The proposed project does not involve any work in wetland soils.

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect marine flora, as set forth in Number 1 above.

17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect marine fauna as set forth in Number 1 above.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. A portion of the proposed project site is located within an area designated as essential manatee habitat for the West Indian Manatee by the MPP. Therefore, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

20. **Wetland Values** –The proposed project does not involve work in wetlands.

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

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

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 on lands owned entirely by the City of Miami.

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) Chapter 33B of the Code of Miami-Dade County
    b) Miami-Dade County Public Works Manual

    The proposed project involves authorization for the temporary non-water dependent use of barges. Therefore, the project is not in full conformance with the Biscayne Bay Management Plan or with Section 24-48.23 of the Code. However, the applicant is requesting a variance to the water-dependency requirement of the Code, and the use is not reasonably expected to result in adverse environmental impacts for the reasons set forth in Number 1 above.

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) Section 24 of the Code of Miami-Dade County (variance is required)
    b) United States Clean Water Act (US Army Corps of Engineers permit is required)
    c) South Florida Water Management District (permit is required)

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. 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 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 5 - 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 is not reasonably expected to 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 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. – The proposed project does not involve work in wetlands.
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. A portion of the proposed project site is located within an area designated as essential manatee habitat for the West Indian Manatee by the MPP; therefore, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

COASTAL MANAGEMENT ELEMENT VII:
Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – The proposed project is not located within a designated "Mangrove Protection Area."
Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project is not located within coastal wetlands.
Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The proposed project does not involve access through mangroves.
Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests or related natural vegetational communities.
Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project will not result in the degradation or destruction of coastal wetland and therefore does not involve monitoring of mitigation for impacts to coastal wetlands.
Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The 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 affect endangered or threatened animal species, as set forth in Number 18 above.
Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project is not reasonably expected to adversely 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 has been reviewed and approved 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, 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 includes the non-water dependent use of barges that is not in full conformance with the Biscayne Bay Management Plan. However, the applicant is requesting a variance to the water dependency requirement of the Code, and the use is not reasonably expected to result in adverse environmental impacts for the reasons set forth in Number 1 above.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project was evaluated for consistency with the MPP. A portion of the proposed project site is located within an area designated as essential manatee habitat for the West Indian Manatee by the MPP; therefore, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

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 shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.

33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(B)(10)(b) of the Code of Miami-Dade County.

34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not located within wetlands.

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 – The proposed project complies with Section 24-48.3 (3) of the Code of Miami-Dade County.

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

The project was also evaluated based upon the applicable factors set forth in Section 24-48.25 of the Code.

36. **Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters** – The proposed project is temporary in nature, and is not reasonably expected to impact visual or physical access to the adjacent waters.

37. **Historical significance** – The proposed project is not historically significant.

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

39. **Environmental impact or cumulative environmental impact** – The proposed project is not reasonably expected to result in adverse environmental impacts as set forth in Number 1 above.

40. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.

41. **Public safety** – The proposed project is not reasonably expected to adversely affect public safety.

42. **Aesthetics**- The proposed project is temporary in nature; however, during the construction process, there may be temporary aesthetic impacts related to the presence of machinery associated with construction activities.

43. **Biscayne Bay Management Plan** – The project includes a non-water-dependent use that is not in full conformance with the Biscayne Bay Management Plan. However, the applicant is requesting a variance to the water dependency requirement of the Code. In addition, the proposed project is not reasonably expected to result in adverse environmental impacts as set forth in Number 1 above.

44. **Biscayne Bay Aquatic Preserve Act** - The project is not in full conformance with the Biscayne Bay Aquatic Preserve Act. However, the applicant is requesting a variance as set forth in Number 43 above.

45. **Rules of the Biscayne Bay Aquatic Preserve** - The project is not in full conformance with the rules of the Biscayne Bay Aquatic Preserve. However, the applicant is requesting a variance as set forth in Number 43 above.

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

CHOMPS for
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