OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: June 17, 2008

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

From: George M. Burgess, County Manager

Agenda Item No. 5(B)

Resolution No. R-698-08

Subject: Class I Permit Application by the Florida Power & Light Company to Replace Four (4) Existing Power Line Poles Located within Wetlands Supporting Halophytic Vegetation

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Attached, please find for your consideration an application by Florida Power & Light Company 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: June 17, 2008

To: George M. Burgess
County Manager

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

Subject: Class I Permit Application by the Florida Power & Light Company to Replace Four (4) Existing Power Line Poles Located within Wetlands Supporting Halophytic Vegetation

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

Scope
The project site is located at SW 344 Street east of SW 97 Avenue in Miami-Dade County, located in Commission District 9 (Comm. Moss).

Fiscal Impact/Funding Source
Not applicable.

Track Record/Monitor
Not applicable.

Background
The subject Class I Permit application involves the removal of four (4) existing wood power line poles serving the Turkey Point Nuclear Power Plant, and the installation of four (4) new concrete poles within jurisdictional wetlands supporting halophytic vegetation. The subject property is located on SW 344 Street east of SW 97 Avenue, which runs south to the entrance road to the Turkey Point Nuclear Power Plant.

The applicant, FPL, is in the process of hardening the power transmission lines that run from Turkey Point Nuclear Power Plant along SW 344 Street. The majority of power poles along this corridor are not located in jurisdictional wetlands and do not require permit approval from DERM for replacement. However, four of the power line poles to be replaced are located in jurisdictional wetlands. Section 24-48.1 of the Code of Miami-Dade County requires that a Class I Permit be obtained for any type of work in wetlands supporting halophytic vegetation anywhere in Miami-Dade County. The project site abuts Biscayne National Park located immediately to the east and contains wetlands that support halophytic species as identified in Section 24-5 of the Code of Miami-Dade County. In addition, Section 24-48.3(B) of the Code of Miami-Dade County requires that dredging or filling work proposed in Class I permit applications shall comply with at least one of six listed criteria. The proposed project complies with the above referenced criteria as it relates to minimum dredging and spoiling for public necessity.

The applicant proposes to use an auger to dredge a thirty-two (32) inch diameter hole for each new concrete pole which shall be located no more than two (2) feet from the existing power poles.

The resulting spoil will then be used to fill the holes left by the previously existing wood power line poles.

Vegetation located in the vicinity of the project includes Buttonwoods (*Conocarpus erecta)*, Red Mangroves (*Rhizophora mangle)* and White Mangroves (*Laguncularia racemosa).* This vegetation is located five (5) to fifteen (15) feet from each of the existing wood power line poles. The concrete power line poles will be installed no more than two (2) feet to the north or south of the existing wood poles. As such, adverse environmental impacts to the existing halophytic vegetation shall be minimal. The trimming or alteration of mangroves, buttonwoods or wetland vegetation is not authorized under this Class I permit.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. Please find attached a DERM Project Report which sets forth the reasons the proposed project is recommended for approval by DERM pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

Attachment A: Class I Permit Application, Affidavit of Ownership and Hold Harmless Agreement
Attachment B: Permit Applicant/Authorized Agent Statement
Attachment C: Engineer Letter of Certification
Attachment D: Project Plans
Attachment E: Adjacent Riparian Land Owner Labels
Attachment F: Zoning Memo
Attachment G: Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY THE FLORIDA POWER & LIGHT COMPANY FOR A CLASS I PERMIT TO REPLACE FOUR (4) EXISTING POWER LINE POLES LOCATED WITHIN WETLANDS SUPPORTING HALOPHYTIC VEGETATION AT SW 344 STREET EAST OF 97 AVENUE, 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 the Florida Power & Light Company for a Class I Permit to replace four (4) existing power line poles located within wetlands supporting halophytic vegetation at SW 344 Street east of SW 97 Avenue, Miami-Dade County, Florida. Such Public Hearing will be held on the 3rd day of June 2008 at 9:30 AM at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center, 111 NW 1 Street, Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 6th Floor, 701 NW 1 Court, Miami, Florida 33136.

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in

triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (Kay Sullivan, Deputy Clerk), 111 NW 1 Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Environmental Resources Management, 701 NW 1 Court, Miami, Florida 33136.

A person who decides to appeal any decision made by any Board, Agency, or Commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Kay Sullivan, Deputy Clerk

MEMORANDUM
(Revised)

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

DATE: June 17, 2008

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

SUBJECT: Agenda Item No. 5(B)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

✓ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(B)
6-17-08

RESOLUTION NO. R-698-08

RESOLUTION RELATING TO AN APPLICATION BY THE FLORIDA POWER & LIGHT COMPANY FOR A CLASS I PERMIT TO REPLACE FOUR (4) EXISTING POWER LINE POLES LOCATED WITHIN WETLANDS SUPPORTING HALOPHYTIC VEGETATION AT SW 344 STREET EAST OF SW 97 AVENUE, 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 of the Florida Power & Light Company for a Class 1 Permit to replace four (4) existing power line poles located within wetlands supporting halophytic vegetation, 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 foregoing resolution was offered by Commissioner Dennis C. Moss, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	absent	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of June, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

PST

Peter S. Tell

Attachment A

Class I Permit Application
Affidavit of Ownership
Hold Harmless Agreement

MIAMI-DADE COUNTY

RECEIVED MAY 06 2008

Class I Permit Application

DERM
Environmental Resources Regulation Division WR # 2362082

1. Application number	2. Date Day/Month/Year	3. For official use only
2007-CLI-PER-00203	01/05/08	

4. Applicant Information:
FLORIDA POWER & LIGHT COMPANY
Name: ADALBERTO ALFONSO,VICE PRESIDENT, DISTRIBUTION
Address: 700 UNIVERSE BLVD., ROOM D1426
JUNO BEACH, FLORIDA Zip Code: 33408
Phone #: 561-691-2900 Fax #: 561-691-2127

5. Applicant's authorized permit agent
FLORIDA POWER & LIGHT COMPANY
Name: ALICIA ARES,LEADER ENGINEERING SUPPORT DISTRIBUTION
Address: 4200 W. FLAGLER ST., - SE/LFO
MIAMI, FLORIDA Zip Code: 33134
Phone #: (305) 442-5119 Fax #: (305)442-5123

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.

Replace 4 existing power line poles located within wetlands supporting halophytic vegetation. These poles are part of the Feeder that serves Turkey Point Nuclear Power Plant.

	Dredged/Excavated		Filled/Deposited	
Volume of Material:	CY (Waterward of O.H.W. or M.H.W.)	11.2 CY (Landward of O.H.W. or M.H.W.)	CY (Waterward of O.H.W. or M.H.W.)	CY (Landward of O.H.W. or M.H.W.)

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

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

FOLIO # 30-7028-000-0020
Name: USA, BISCAYNE NATIONAL PARK
Address: 2900 S. HORSESHOE DR. STE 100
NAPLES, FLA. Zip Code 33942

FOLIO # 30-7029-001-0011
Name: FLORIDA POWER AND LIGHT COMPANY
Address: ATTN. PROPERTY TAX DEPT., PO BOX 14000
JUNO BEACH, FLA. Zip Code 33408

9. Location where proposed activity exists or will occur.
Street Address: SW 97 AVE & SW 344 ST
(ENTRANCE TO THE TURKEY POINT NUCLEAR PLANT)
Latitude _____ Longitude _____
Section 28 Township 57S Range 40E
State FLORIDA County MIAMI-DADE In City or Town N/A Near City Or Town _____

10. Name of waterway at location of the activity.
N/A

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Environmental Resources Regulation Division

11. Date activity is proposed to:
Commence IMMEDIATELY UPON PERMIT ISSUANCE Be completed 2 WEEKS

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
N/A				

14. Has any other agency denied approval for any activity directly related to the activity described herein?
☐ Yes
☒ No

15. Remarks

16. Estimated project cost = $64,712.00

17. Contractor's name and address
UNKNOWN AT PRESENT TIME
Name: _____ License #: _____
Address: _____
_____ Zip Code: _____
Phone #: _____ Fax #: _____

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 Adalberto Alfonso
ADALBERTO ALFONSO, VICE PRESIDENT DISTRIBUTION
Date 5/1/08

SUBSCRIBED AND SWORN TO ME THIS 1ST DAY OF MAY, 2008 BY Adalberto Alfonso.
☑ PERSONALLY KNOWN ☐ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)
TYPE OF ID PRODUCED N/A _____ NOTARY PUBLIC

MIRIAM CORZO GARCIA
Notary Public - State of Florida
My Commission Expires Dec 18, 2011
Commission # DD 721046

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Environmental Resources Regulation Divisi

FLORIDA POWER & LIGHT COMPANY

CERTIFICATE AS TO SIGNATURE AND INCUMBENCY OF OFFICER

The undersigned, Jack Leon, Assistant Secretary of Florida Power & Light Company, a Florida corporation (the "Company"), hereby certifies that the person whose name, title and signature appearing below is a duly appointed, qualified and acting officer of the Company and holds on the date hereof the title set forth opposite her name, the signature appearing opposite her name is the genuine signature of such officer, and she is authorized to sign the Miami-Dade County Class 1 DERM Permit #2007-CLIPER-00203 (FPL WR #2362082) with Miami-Dade County DERM in said capacity:

Name	Title	Signature
Adalberto Alfonso	Vice President, Distribution	

IN WITNESS WHEREOF, I have hereafter signed my name and affixed the seal of the Company on this 2nd day of May, 2008.

J. E. Leon
Assistant Secretary

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MAY 06 2008
DERM
Environmental Resources Regulation Division

Affidavit of Ownership and Hold Harmless Agreement

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

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

   EAST SIDE OF SW 97TH AVENUE AND SOUTH OF SW 344TH STREET
   SECTION 28, TOWNSHIP 57S, RANGE 40E

   * 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-CLI-PER-00203 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:

   Replace 4 existing power line poles located within wetlands supporting halophytic vegetation. These poles are part of the Feeder that serves Turkey Point Nuclear Power Plant.

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

Owner/Applicant ADALBERTO ALFONSO
VICE PRESIDENT, DISTRIBUTION

BEFORE ME, the undersigned authority, personally appeared ADALBERTO ALFONSO, 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 1ST (day) of May (month), 2008 (year).

Notary Signature

Notary Seal

MIRIAM CORZO GARCIA
Notary Public - State of Florida
My Commission Expires Dec 15, 2011
Commission # DD 721066

Attachment B

Permit Applicant/Authorized Agent Statement

System Expansion Dept., 4200 W. Flagler Street, Miami, Florida 33134
Office: (305) 442-5140 Fax: (305) 442-5123

FPL

May 1, 2008

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MAY 06 2008
DERM
Environmental Resources Regulation Division

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

Re: Class 1 Standard Form Permit Application Number: 2007-CLI-PER-00203
Description of work: Replace 4 existing power line poles located within wetlands supporting halophytic vegetation. These poles are part of the Feeder that serves Turkey Point Nuclear Power Plant.

By the attached Class 1 Standard Form permit application with supporting documents, I, **Alicia Ares** , am the permit applicant / applicant's authorized agent (circle one) and hereby request permission to perform the following: **Replace 4 existing power line poles located within wetlands supporting halophytic vegetation. These poles are part of the Feeder that serves Turkey Point Nuclear Power Plant.** 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,

Alicia Ares

Alicia Ares
Leader Engineering Support Distribution, Florida Power & Light Company
(Authorized Agent's name), Authorized Agent

cc: WR 2362082

LETTERS\CL1-PERMIT APPLICANT-AUTHORIZED AGENT STATEMENT-WR2362082.doc

Attachment C

Engineer Letter of Certification

System Expansion Dept., 4200 W. Flagler Street, Miami, Florida 33134
Office: (305) 442-5140 Fax: (305) 442-5123

FPL

September 26, 2007

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

RE: Class 1 Standard Form Permit Application Number: 2007-CLI-PER-00203
Description of Work: Replace 4 existing power line poles located within wetlands supporting halophytic vegetation. These poles are part of the Feeder that serves Turkey Point Nuclear Power Plant

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 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 or 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,

Print name: _____, P.E.
P.E. # Jose Alan Garcia P.E.
FL PE #31954
FPL
9250 W. Flagler St.
Miami, FL 33174

LETTERS\CL1-PE CERTIFICATION LETTER – WR 2362082.doc

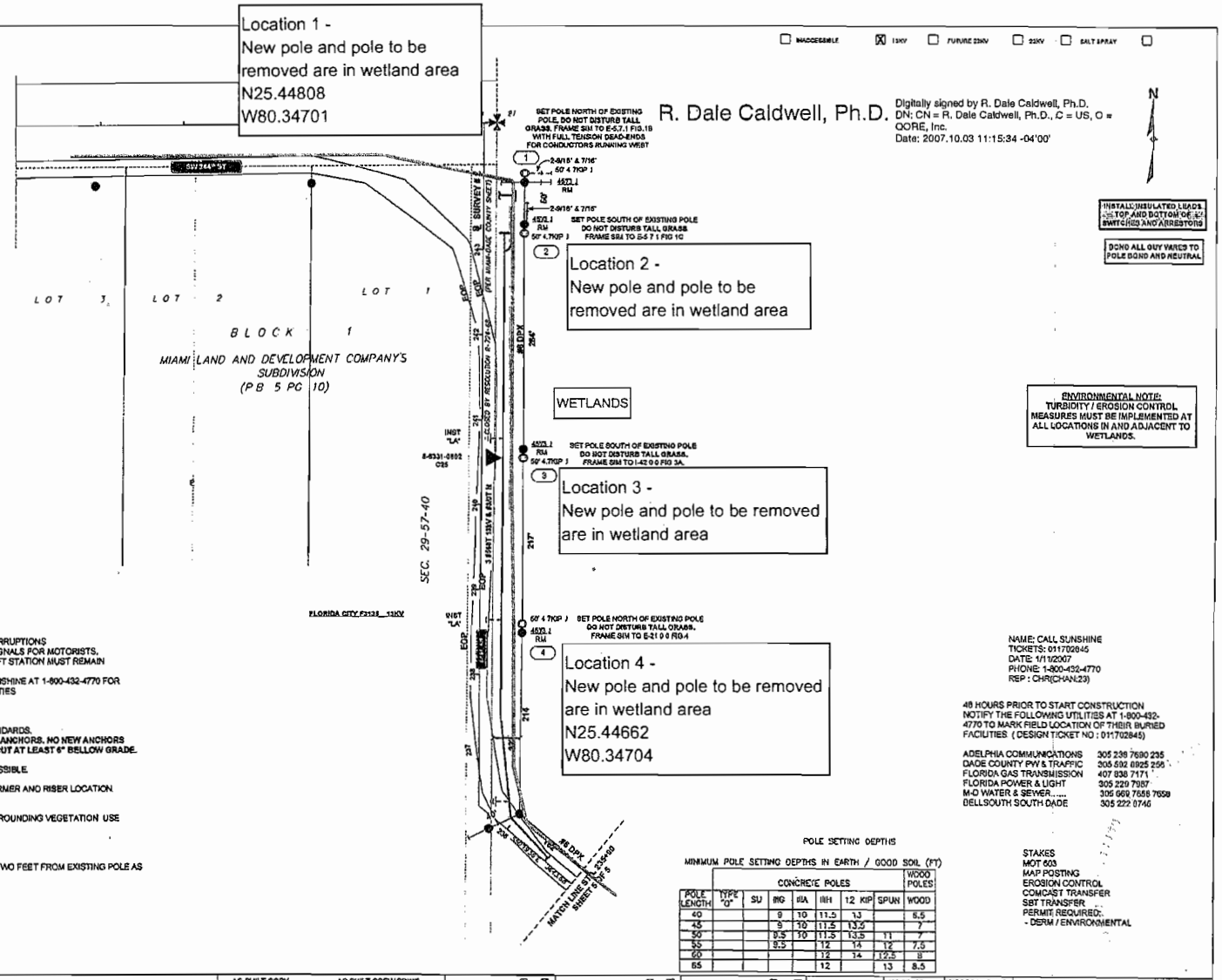
Attachment D

Project Plans

Location 1 -
New pole and pole to be removed are in wetland area
N25.44808
W80.34701

R. Dale Caldwell, Ph.D.

Digitally signed by R. Dale Caldwell, Ph.D.
DN: CN = R. Dale Caldwell, Ph.D., C = US, O = QORE, Inc.
Date: 2007.10.03 11:15:34 -04'00'



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OCT 11 2007
DERM
Environmental Resources Regulation Division

19

COPY

Jose Alan Garcia P.E. 10/10/07

Jose Alan Garcia P.E.
FL PE #31954
FPL
9250 W. Flagler St.
Miami, FL 33174

Attachment E

Adjacent Riparian Land Owner Labels

PEEL-OFF/STICK-ON LABELS OF ALL RIPARIAN OWNERS WITHIN 300 FEET OF PROPOSED

FOLIO # 30-7028-000-0020
USA, Biscayne National Park
2900 S. Horseshoe Dr., STE 100
Napes, Fla. 33942

FOLIO # 30-7029-001-0011
Florida Power & Light Co.,
Attn.: Property Tax Dept.
PO Box 14000
Juno Beach, Fla. 33408

RECEIVED

SEP 1 0 2007

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

Attachment F

Zoning Memo

Memorandum

MIAMI-DADE COUNTY

Date: April 8, 2008

To: Lee Hefty, Chief
Environmental Resources Regulation Division
Environmental Resources Management

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

Subject: Class I Permit Application by the Florida Power and Light Company to Replace Four (4) Existing Power Line Poles Located Within Wetlands Supporting Halophytic Vegetation.

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 G

Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2007-CLIPER-00203

FLORIDA POWER AND LIGHT COMPANY TO REPLACE FOUR (4) EXISTING POWER LINE POLES LOCATED WITHIN WETLANDS SUPPORTING HALOPHYTIC VEGETATION

April 22, 2008

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

1. **Potential Adverse Environmental Impact** – The potential for any adverse environmental impacts is minimal. Mangroves and other halophytic wetland vegetation are present within five (5) to fifteen (15) feet of the proposed work. However, each new pole will be installed no more than two (2) feet to the north or south of the existing poles that are to be removed in order to avoid impacts to said vegetation. In addition, the Class I permit shall include conditions stating the trimming, or alteration of mangroves, buttonwoods or wetland vegetation is not authorized

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

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

4. **Water Quality** – The proposed project, as designed, is not reasonably expected to adversely affect water quality.

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 with equipment in association with the construction activities.

9. **Navigation** – Not applicable.

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 removing four (4) existing wood power line poles and using an auger to dig a hole thirty-two (32) inches in diameter for four (4) new poles; therefore, impacts to marine and wildlife habitat are not anticipated.

15. **Wetland Soils Suitable for Habitat** – Impacts to wetland soils suitable for habitat shall be minimal. The proposed project involves removing four (4) existing wood power line poles and using an auger to dig a hole thirty-two (32) inches in diameter for four (4) new poles. The resulting spoil will be used to backfill the hole from the previously existing, pulled pole.

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect fauna values. Mangroves and other halophytic wetland vegetation are present within five (5) to fifteen (15) feet of the proposed work. However, each new pole will be installed no more than two (2) feet to the north or south of the existing poles that are to be removed in order to avoid impacts to said vegetation. In addition, the Class I permit shall include conditions stating the trimming, or alteration of mangroves, buttonwoods or wetland vegetation is not authorized

17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values.

18. **Rare, Threatened and Endangered Species** – 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 will not result in the net gain or loss of wetland values. An auger will be used to dig four (4) holes thirty-two (32) inches in diameter for four (4) new power line poles. The resulting spoil will be used to backfill the hole from the previously existing pole.

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 element of the Miami-Dade County Comprehensive Development Master Plan and recreation element of the Biscayne Bay Management Plan recreation elements.

23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect 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:

    - Miami-Dade County Public Works Manual
    - Biscayne Bay Management Plan (Section 33D-1 through 33-D-4 of the Code of Miami-Dade County)
    - 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) Biscayne Bay Management Plan
    b) United States Clean Water Act (Army Corps of Engineers permit) is required
    c) Florida Department of Environmental Protection Regulations permit is required
    d) 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 not reasonably expected to adversely affect rare, threatened and endangered 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."

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project will not affect natural surface flow into and through coastal wetlands.

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The proposed project does not involve access through a Mangrove Protection Area.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - Mangroves and other halophytic wetland vegetation are present within five (5) to fifteen (15) feet of the proposed work. However, each new pole will be installed no more than two (2) feet to the north or south of the existing poles that are to be removed in order to avoid impacts to said vegetation. In addition, the Class I permit shall include conditions stating the trimming, or alteration of mangroves, buttonwoods or wetland vegetation is not authorized.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project does not involve the degradation and destruction of coastal wetlands and therefore does not involve monitoring of mitigation for impacts to coastal wetlands. Mitigation shall not be required for this project. The use of the resulting spoil from the new poles to fill the holes left by the pulled poles will offset the overall impacts of the installation of the new poles.

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, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The proposed project does not require review by the Shoreline Development Review Committee.

Objective 5/Policy 5F - The siting of water dependent facilities. - The proposed project does not involve the creation of any new water dependent facilities.

28. **Conformance with Chapter 33B, Miami-Dade County Code** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Section 33D-1 through 33D-4) - 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 area is not located within essential habitat for the West Indian Manatee (*Trichechus manatus*).

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 project is not expected to impact wetland hydrological and biological functions.

35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – DERM has considered the following factors:

i) **Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources** – Not applicable.
ii) **Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel** – Not applicable.
iii) **Whether the applicant has provided notarized letters of consent to DERM from adjoining riparian property owners** – Not applicable.
iv) **Whether any letters of objection from adjoining riparian property owners were received by DERM** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Section 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

24-48.3 (2) Dredging and Filling for Class I Permit - The proposed project complies with the following criteria:

- Minimum dredging and spoiling for public navigation or public necessity.

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 will use existing onsite fill material to restore holes left after removal of the old power poles.

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

Lee Hefty, Chief
Environmental Resources Regulation Division

Elaine Pietryak, Biologist II
Coastal Resources Section