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

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2008

Agenda Item No. 5(H)

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

From: George M. Burgess
County Manager

Subject: Class I Permit Application by the Florida Power & Light Company to Provide Cover and Protection for a Submerged 69-kV Transmission Line by Placing Geotextile Fabric and a 2-Foot Layer of Stone Over a 50-Foot Section of the Line Located South of Fisherman's Channel in Biscayne Bay, Miami

Resolution R-993-08

Attached, please find for your consideration an application by the 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

Date: October 7, 2008

Memorandum

MIAMI-DADE COUNTY

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 Provide Cover and Protection for a Submerged 69-kV Transmission Line by Placing Geotextile Fabric and a 2-Foot Layer of Stone Over a 50-Foot Section of the Line Located South of Fisherman's Channel in Biscayne Bay, Miami

---

Recommendation

I have reviewed the Class I Permit application by the Florida Power & Light Company. 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 work is located in Commission District 5 (Commissioner Barreiro) in Biscayne Bay, just south of Fisherman's Channel, which runs parallel to the south side of the Port of Miami, Miami.

Fiscal Impact/Funding Source

Not Applicable

Track Record/Monitor

Not Applicable

Background

The subject Class I Permit application involves the filling of tidal waters to provide cover and protection for a previously permitted, submerged electrical transmission line located in Biscayne Bay south of Fisherman's Channel, within an 8-foot by 50-foot area of submerged lands which runs parallel to the south side of the Port of Miami within the City of Miami, Miami-Dade County. Pursuant to Chapter 24-48.2 of the Code, a Class I Permit application for the filling of tidal waters in Miami-Dade County requires review and approval by the Board of County Commissioners prior to issuance of the permit.

On April 13, 2005, the Department of Environmental Resources Management (DERM) administratively issued Class I Permit No. CC03-182 for the relocation of a subaqueous high-voltage electrical cable. This cable relocation was essential for the Florida Power & Light Company to meet an increasing electrical demand from the City of Miami and the City of Miami Beach. While restoring the work area in accordance with the Class I Permit conditions, it was determined that the newly installed cable did not have sufficient cover to offer long-term protection. A section of the cable has since migrated up through the soil column to the existing mudline. The applicant is proposing to place geotextile fabric and a layer of limerock riprap boulders with carbonaceous sand to cover and protect a 50-foot section of exposed electrical transmission line. In addition, the applicant is proposing to install a layer of sediment tubes with seagrass regrowth media over the limerock and sand layer to promote seagrass regrowth in this area. The proposed project will occur in an area previously authorized for impacts under the Class I Permit No. CC03-182. Section 24-48.3(2) of the Code of Miami-Dade County requires that dredging or filling work proposed in Class I Permit applications comply with at least one of six listed criteria. The proposed project complies with the above referenced criteria as it relates to the minimum spoiling for public necessity.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is also consistent with all other Miami-Dade County coastal protection provisions. Please find attached a Project Report from the DERM Coastal Resources Section which sets forth the reasons the 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 reference hereto.

List of Attachments

Attachment A: Class I Permit Application
Attachment B: Grant of Easement by City of Miami to Florida Power & Light Company
Attachment C: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
Attachment D: Zoning Memorandum
Attachment E: Turbidity Monitoring Plan
Attachment F: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY THE FLORIDA POWER & LIGHT COMPANY FOR A CLASS I PERMIT TO PROVIDE COVER AND PROTECTION FOR A SUBMERGED 69-KV TRANSMISSION LINE BY PLACING GEOTEXTILE FABRIC AND A 2-FOOT LAYER OF STONE OVER A 50-FOOT SECTION OF THE LINE LOCATED SOUTH OF FISHERMAN'S CHANNEL IN BISCAYNE BAY, MIAMI, 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 an application by the Florida Power & Light Company for a Class I Permit to provide cover and protection for a submerged 69-kV transmission line by placing geotextile fabric and a 2-foot layer of stone over a 50-foot section of the line located south of Fisherman's Channel in Biscayne Bay, Miami, Miami-Dade County, Florida. Such Public Hearing will be held on the 7th day of October 2008 at 9:30 AM at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center, 111 NW 1st Street, in Miami, Florida.

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

Oral statements will be heard and appropriate records made. For accuracy of records all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (Kay Sullivan, Deputy Clerk), 111 NW 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Environmental Resources Management, 6th Floor, 701 NW 1st Court, Miami, Florida, 33136.

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

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Kay Sullivan, Deputy Clerk

MEMORANDUM

(Revised)

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

DATE: October 7, 2008

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

SUBJECT: Agenda Item No. 5(H)

R-993-08

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(H)
10-7-08

RESOLUTION NO. R-993-08

RESOLUTION RELATING TO AN APPLICATION BY THE FLORIDA POWER & LIGHT COMPANY FOR A CLASS I PERMIT TO PROVIDE COVER AND PROTECTION FOR A SUBMERGED 69-KV TRANSMISSION LINE BY PLACING A GEOTEXTILE FABRIC AND A 2-FOOT LAYER OF STONE OVER A 50-FOOT SECTION OF THE LINE LOCATED SOUTH OF FISHERMAN'S CHANNEL IN BISCAYNE BAY, MIAMI, MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by the Florida Power & Light Company for a Class I Permit to provide cover and protection for a submerged 69-kV transmission line by placing geotextile fabric and a 2-foot layer of stone over a 50-foot section of the line located south of Fisherman's Channel in Biscayne Bay, Miami, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner Audrey M. Edmonson, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman 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	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 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.

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA ★★★

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

MIAMI-DADE COUNTY

Class I
Permit Application

1. Application number	2. Date Day/Month/Year	3. For official use only
2007-CLI-PER-00316	9/11/08	

4. Applicant Information: Florida Power & Light Company
Name: James A. Keener, Vice President, ~~Power Systems~~ TRANSMISSION (substation)
Address: Post Office Box 14000
Juno Beach, Florida Zip Code: 33408
Phone #: 561-694-3284 Fax #: 561-994-3610

5. Applicant's authorized permit agent
Jeffry H. Marcus, Ph.D., Vice President
Name: Consulting Engineering & Science, Inc.
Address: 10700 N. Kendall Drive, Suite 400
Miami, Florida Zip Code: 33176
Phone #: 305-378-5555 Fax #: 305-279-4553

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.

Provide cover/protection for a 69 kV transmission line by placing a geotextile fabric and 2-ft layer of stone over a 50-ft section of the line.

The stone layer would be "choked" with limestone sand and covered with seagrass regrowth media.

	Dredged/Excavated		Filled/Deposited	
Volume of Material:	0 CY (Waterward of O.H.W. or M.H.W.)	0 CY (Landward of O.H.W. or M.H.W.)	30 CY (Waterward of O.H.W. or M.H.W.)	0 CY (Landward of O.H.W. or M.H.W.)

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

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

Name: Dade County Seaport
Address: 1015 N. American Way
Miami, Fl Zip Code 33132

Name:
Address:
Zip Code

9. Location where proposed activity exists or will occur.
Street Address: N/A
Latitude 25°45'50" N Longitude -80°09'15"
Section 14 Township 54S Range 42E
State Florida County Miami-Dade In City or Town Miami Near City Or Town

10. Name of waterway at location of the activity.
Biscayne Bay, south of Fisherman's Channel/Port South Channel

11. Date activity is proposed to:
Commence 2008 Be completed 2009

12. Is any portion of this activity for which authorization is sought now complete?
☐ Yes
☑ No
If answer is "yes", give reasons in the remarks section. Indicate the existing work on the drawings.
Month and Year the activity was completed _____

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

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
FDEP	Permit mod.	#13-0205980-007	August 21, 2007	January 24, 2008
Corps.	Permit mod.	#SAJ-2003-5101	April 25, 2007	August 6, 2007

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 = $40,000.00

17. Contractor's name and address
Name: TBD 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 James A. Keener
James A. Keener, Vice President, ~~Power Systems~~ TRANSMISSION & Substation
Date 9/15/08

SUBSCRIBED AND SWORN TO ME THIS 15 DAY OF September, 2008, BY James A. Keener
☑ PERSONALLY KNOWN ☐ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)
TYPE OF ID PRODUCED _____
Lauri Block NOTARY PUBLIC

LAURI BLOCK
MY COMMISSION # DD 694522
EXPIRES: July 12, 2011
Bonded Thru Budget Notary Services

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 his name, the signature appearing opposite his name is the genuine signature of such officer, and he is authorized to sign the Miami-Dade County Class I Permit #2007-CLIPER-00316 with Miami-Dade County DERM in said capacity:

Name	Title	Signature
James A. Keener	Vice President, ~~Power Systems~~ TRANSMISSION & SUBSTATION	

IN WITNESS WHEREOF, I have hereafter signed my name and affixed the seal of the Company on this 16TH day of September, 2008.

J.E. Leon
Assistant Secretary

Attachment B:

GRANT OF EASEMENT BY CITY OF MIAMI TO FLORIDA POWER & LIGHT COMPANY

GRANT OF EASEMENT BY
CITY OF MIAMI
TO
FLORIDA POWER & LIGHT COMPANY

THIS AGREEMENT, entered into this 19th day of January, 2004, between THE CITY OF MIAMI, a municipal corporation of the State of Florida, (hereinafter called the "GRANTOR"), and FLORIDA POWER & LIGHT COMPANY, a corporation of the State of Florida (hereinafter called the "GRANTEE").

RECITALS

GRANTOR, for and in consideration of the sum of one dollar ($1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged by the GRANTOR, has granted and does hereby grant to the GRANTEE, its successors and assigns, the right and privilege of a non-exclusive Easement on Biscayne Bay with full rights of ingress thereto and egress therefrom, (hereinafter called the "EASEMENT"), to relocate, construct, install and maintain two existing high voltage electrical cables in order to accommodate the dredging of the South Channel of the Port of Miami (hereinafter, collectively called the "FACILITIES"), on the property of the GRANTOR (hereinafter called the "PROPERTY"), as more particularly described in Exhibit "A" which is attached hereto and made a part hereof.

GRANTEE shall regulate the installation, operation, repair, replacement, removal and any other activities herein permitted with respect to the FACILITIES and all future

operations within the PROPERTY so as not to unreasonably conflict with the normal operations of the GRANTOR.

GRANTOR reserves the right to use the PROPERTY for any lawful purpose that will not prevent or interfere with the exercise by the GRANTEE of the rights granted under this EASEMENT.

GRANTEE shall have full right to enter upon the PROPERTY for the purposes of normal operations, maintenance or emergency repairs of the FACILITIES.

GRANTEE agrees to indemnify, hold harmless and defend GRANTOR and any and all of its agents and employees, from and in connection with, all claims, actions, judgments, liability, loss, cost, expense, court costs, attorney fees and demands of whatever nature incurred by, or presented against GRANTOR arising out of or by reason of the actions of GRANTEE, its agents, servants, employees or contractors in the exercise of its rights hereunder, including allegations that GRANTOR was passively negligent or vicariously liable. GRANTEE agrees to take any and all remedial actions required by any governmental regulatory agency, including but not limited to environmental regulatory agencies.

Prior to commencing construction on the PROPERTY, GRANTEE shall furnish to the GRANTOR policy/policies of insurance or certificates of insurance from GRANTEE'S contractors in form and such reasonable amounts approved by the GRANTOR naming the GRANTOR as an additional insured and protecting the GRANTOR, for the duration of the construction, against all claims for personal injury and property damage arising out of or related to the activities undertaken by GRANTEE, its agents, employees, consultants and contractors, or anyone directly or indirectly

employed by any of them or anyone for whose acts they may be liable, upon the PROPERTY or in connection with activities on the site.

GRANTEE shall be responsible, at GRANTEE's sole cost and expense, for any environmental clean-up, if required by a Federal, State or local agency, which may be caused by the granting of this EASEMENT.

GRANTEE shall be held responsible for any damage to adjacent property as a result of its installation of the FACILITIES within the PROPERTY and future operations therein to the extent said damage arises from the actions of GRANTEE, including any of its employees, agents, contractors of GRANTEE.

GRANTEE shall notify GRANTOR of all pre-construction meetings on installation work of the FACILITIES and all future construction operations within the PROPERTY and permit attendance by GRANTOR at same.

GRANTOR shall be notified within forty-eight (48) hours of the actual start of construction of the FACILITIES within the PROPERTY. Any restoration of the PROPERTY necessary as a result of damage associated with construction, maintenance, replacement, repairs or removal shall be at the GRANTEE's expense. Should GRANTEE fail to restore the PROPERTY within thirty (30) days after receipt of written notice from GRANTOR directing the required restoration, GRANTOR shall cause the PROPERTY to be restored on behalf of GRANTEE, and GRANTEE shall pay GRANTOR the full cost of such restoration within thirty (30) days of receipt of an invoice from GRANTOR indicating the cost of such required restoration.

GRANTEE shall exercise the rights granted herein in such a manner as not to cause any damage or destruction of any nature to or interruption of the use of the adjoining lands owned by GRANTOR.

GRANTEE shall pay for and obtain the necessary and applicable permits in compliance with all Federal, State and local statutes, laws, rules and regulations in connection with its use of the PROPERTY.

GRANTOR assumes no responsibility for any property of the GRANTEE, its agents, servants, employees or contractors brought on or about the PROPERTY and the GRANTOR is released from all liability for any loss or damage to said property sustained by reason of GRANTEE's occupancy of the PROPERTY.

GRANTEE accepts this EASEMENT and hereby acknowledges that GRANTEE's compliance with all applicable Federal, State and local statutes, laws, ordinances and regulations in its use of the PROPERTY, including but not limited to building codes and zoning restrictions, is a condition of this EASEMENT and GRANTEE shall comply therewith as the same presently exist and as such may be amended hereafter.

GRANTEE shall not encroach beyond the boundaries of the PROPERTY during the course of construction or installation of the FACILITIES and future operations within the PROPERTY. Should GRANTEE fail to remove an encroachment within thirty (30) days after receipt of written notice from GRANTOR directing the required removal of encroachment, GRANTOR shall cause the encroachment to be removed on behalf of GRANTEE; and GRANTEE shall pay GRANTOR the full cost of such removal within

thirty (30) days of receipt of an invoice from GRANTOR indicating the cost of such required removal.

Should GRANTEE at any time abandon the use of the PROPERTY or any part of it, or fail at any time to use it for the purpose specified herein, the right given shall cease to the extent of the use so abandoned or discontinued, and

GRANTOR shall at once have the right, in addition to but not in derogation of the rights reserved, to resume the exclusive possession of the PROPERTY or the part whose use is discontinued or abandoned.

All notices or other communications which shall or may be given pursuant to this EASEMENT shall be in writing and shall be delivered by personal service or by certified mail addressed to the parties hereto at their respective addresses indicated below or as the same may be changed in writing from time to time. Such notice shall be deemed given on the day on which personally served, or if by certified mail on the date of actual receipt. Notice shall be effectively served by GRANTEE upon GRANTOR when addressed to GRANTOR and mailed to the CITY MANAGER at 3500 Pan American Drive, Miami, Florida, 33133, with copies sent to the City Attorney and Department of Economic Development, 444 S.W. 2 Avenue, 9th and 3rd Floor respectively, Miami, Florida, 33130. Notice shall be effectively served by the GRANTOR upon the GRANTEE when addressed to GRANTEE and mailed to GRANTEE's Florida Power & Light Company Senior Environmental Specialist at Post Office Box 14000, Juno Beach, Florida 33408-0420, with a copy sent to the Director of Florida Power & Light Company, Post Office Box 14000, Juno Beach, Florida 33408-0420.

This EASEMENT shall be construed and enforced according to the laws of the State of Florida and venue shall be in Miami-Dade County, Florida.

This EASEMENT shall be binding upon the parties herein, their successors and assigns.

In the event any paragraph, clause or sentence of this EASEMENT or any amendment is declared invalid by a court of competent jurisdiction, such paragraph, clause or sentence shall be stricken from the subject EASEMENT and the balance of the EASEMENT shall not be affected by the deletion.

No waiver of any provision shall be deemed to have been made unless such waiver is in writing and signed by GRANTOR and GRANTEE. The failure of either party to insist upon the strict performance of any of the provisions or conditions of this EASEMENT shall not be construed as waiving or relinquishing in the future any such covenants or conditions but the same shall continue and remain in full force and effect.

IN WITNESS WHEREOF, THE CITY OF MIAMI, a municipal corporation of the State of Florida, in the County of Miami-Dade, has caused this instrument to be executed in its name and its seal to be affixed hereto by the authority granted to the City Manager and the City Clerk at the November 13, 2003 City Commission Meeting by Resolution No.: 03-1154, authorized this 12th day of December, 2003.

CITY OF MIAMI, a municipal corporation of the State of Florida

By: _____
Joe Arriola
City Manager

ATTEST:

Priscilla A. Thompson
City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

Alejandro Vilarello
City Attorney

A-#0300990

Accepted and Agreed by Florida Power & Light Company, a Florida Corporation of the State of Florida, this 7th day of January, 2014

ATTEST:

FLORIDA POWER & LIGHT COMPANY,
A Florida Corporation

By:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

EXHIBIT "A"

F.P.L. EASEMENT

69 KV LINE – SUBMERGED BISCAYNE BAY

LEGAL DESCRIPTION:

A STRIP OF SUBMERGED LANDS SITUATED IN BISCAYNE BAY, SITUATED SOUTH OF LUMMUS ISLAND (PORT OF MIAMI) IN MIAMI-DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE WITH THE SOUTH LINE OF "THE NEW PORT OF MIAMI", AS SHOWN ON A PLAT ENTITLED "METROPOLITAN DADE COUNTY, FLORIDA, BULKHEAD LINE, PART THREE, ADDITION ONE", AS RECORDED IN PLAT BOOK 74 AT PAGE 19 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID COMMENCING POINT HAVING COORDINATES OF N-522,159.82 & E-775,069.15 (NAD 27/80 REV.), THENCE S25°02'07"W FOR 150.00 FEET; THENCE S64°57'53"E FOR 1,150.00 FEET; THENCE S88°36'19E ALONG RANGE (-) 100 OF FISHERMAN'S CHANNEL (BULKHEAD LINE) FOR 3,525.91 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20-FOOT WIDE EASEMENT, BEING 10 FEET ON EACH SIDE OF HEREINAFTER DESCRIBED CENTERLINE:

FROM SAID POINT OF BEGINNING, HAVING COORDINATES OF N-521,451.44 & E-779,572.49 (NAD 27/80 REV.), THENCE S58°13'35"W, THROUGH BISCAYNE BAY, FOR 1,649.13 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, BEING CONCAVE TO THE NORTHWEST AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 31°46'26", A RADIUS OF 50.00 FEET, FOR AN ARC DISTANCE OF 27.73 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE WEST FOR 150.00 FEET TO THE TERMINATION POINT OF THIS DESCRIBED CENTERLINE OF EASEMENT. SAID TERMINATION POINT HAVING COORDINATES OF N-520,575.57 & E-777,994.18 (NAD 27/80 REV.)

F.P.L. EASEMENT

138 KV LINE – SUBMERGED BISCAYNE BAY

LEGAL DESCRIPTION:

A STRIP OF SUBMERGED LANDS IN BISCAYNE BAY, SITUATED SOUTH OF LUMMUS ISLAND (PORT OF MIAMI) IN MIAMI-DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE WITH THE SOUTH LINE OF "THE NEW PORT OF MIAMI", AS SHOWN ON A PLAT ENTITLED "METROPOLITAN DADE COUNTY, FLORIDA, BULKHEAD LINE, PART THREE, ADDITION ONE", AS RECORDED IN PLAT BOOK 74 AT PAGE 19 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID COMMENCING POINT HAVING COORDINATES OF N-522,159.82 & E-775,069.15 (NAD 27/80 REV.), THENCE RUN S25°02'07"W FOR 150.00 FEET; THENCE S64°57'53"E FOR 1,150.00 FEET; THENCE S88°36'19E ALONG RANGE(-) 100 OF FISHERMAN'S CHANNEL (BULKHEAD LINE) FOR 3,702.75 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20-FOOT WIDE EASEMENT, BEING 10 FEET ON EACH SIDE OF HEREINAFTER DESCRIBED CENTERLINE:

FROM SAID POINT OF BEGINNING, HAVING COORDINATES OF N-521,447.14 & E-779,749.27 (NAD 27/80 REV.), THENCE S52°43'03"W, THROUGH BISCAYNE BAY, FOR 1,600.11 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, BEING CONCAVE TO THE EAST AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 100°20'42", A RADIUS OF 50.00 FEET, FOR AN ARC DISTANCE OF 87.57 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S47°37'39"E FOR 150.00 FEET TO THE TERMINATION POINT OF THIS DESCRIBED CENTERLINE OF EASEMENT. SAID TERMINATION POINT HAVING COORDINATES OF N-520,300.07 & E-778,583.54 (NAD 27/80 REV.)

ORDER NO. 13228 - B DATE: APRIL 14, 2003

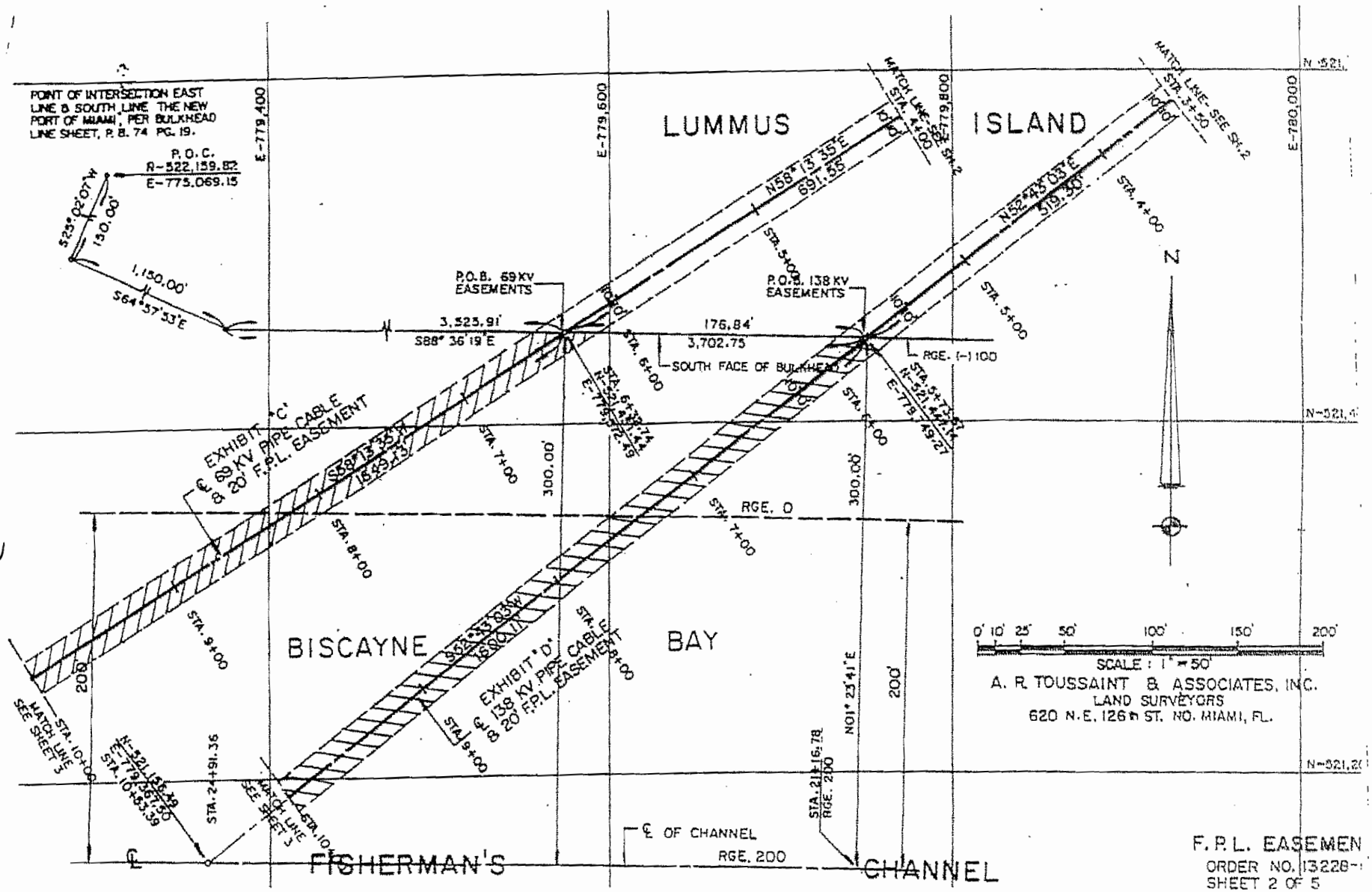
PREPARED BY:

A. R. TOUSSAINT & ASSOCIATES, INC.
LAND SURVEYORS
620 N.E. 126 STREET, NORTH MIAMI,
FLORIDA 33161
PH. (305) 891-7340 FAX: (305) 893-0325

BY: _____ V.PRES.
HOWARD C. GAMBLE
REGISTERED SURVEYOR & MAPPER NO. 1683

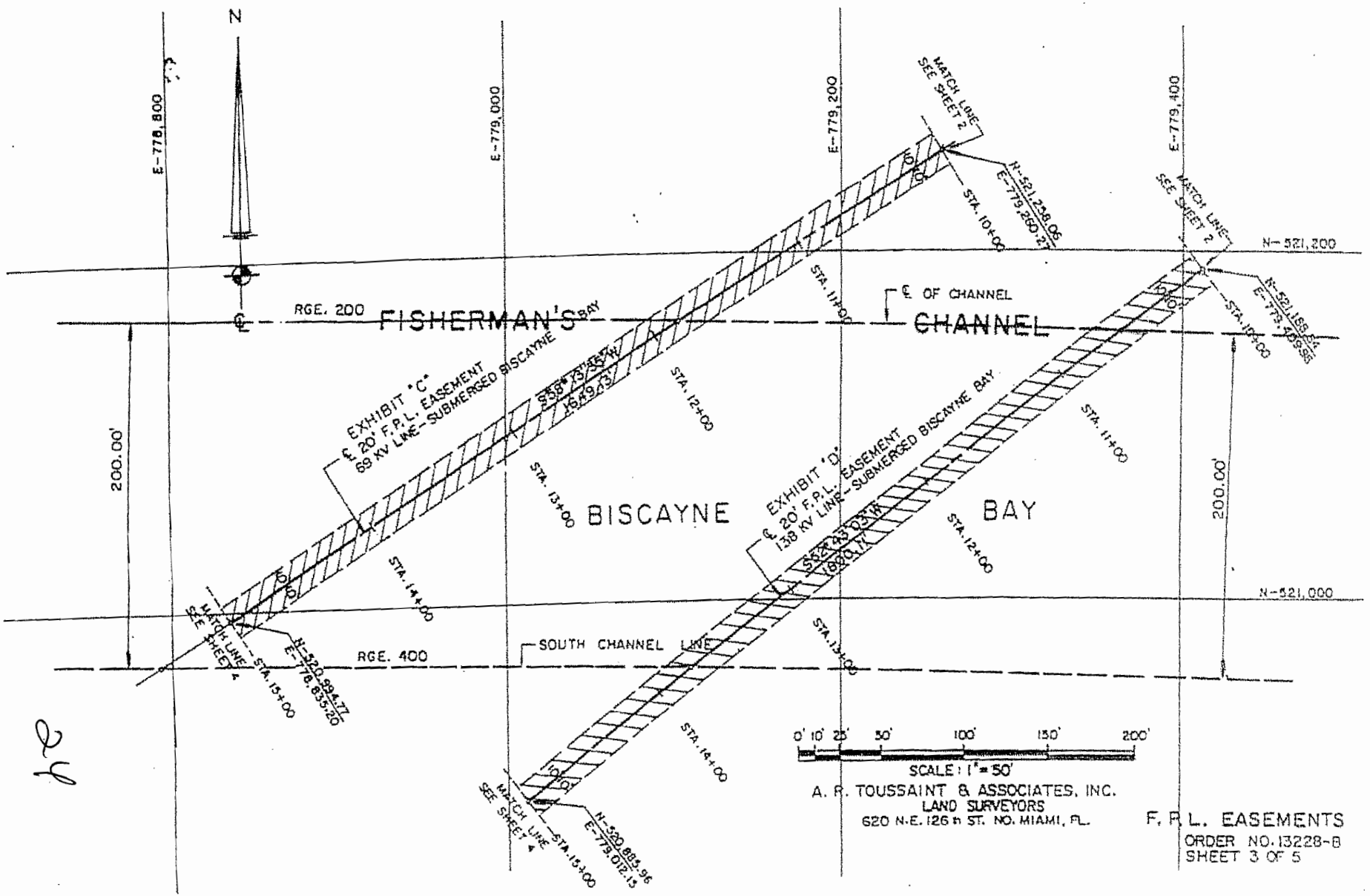
ORDER NO. 13228-B
SHEET 1 OF 5

22



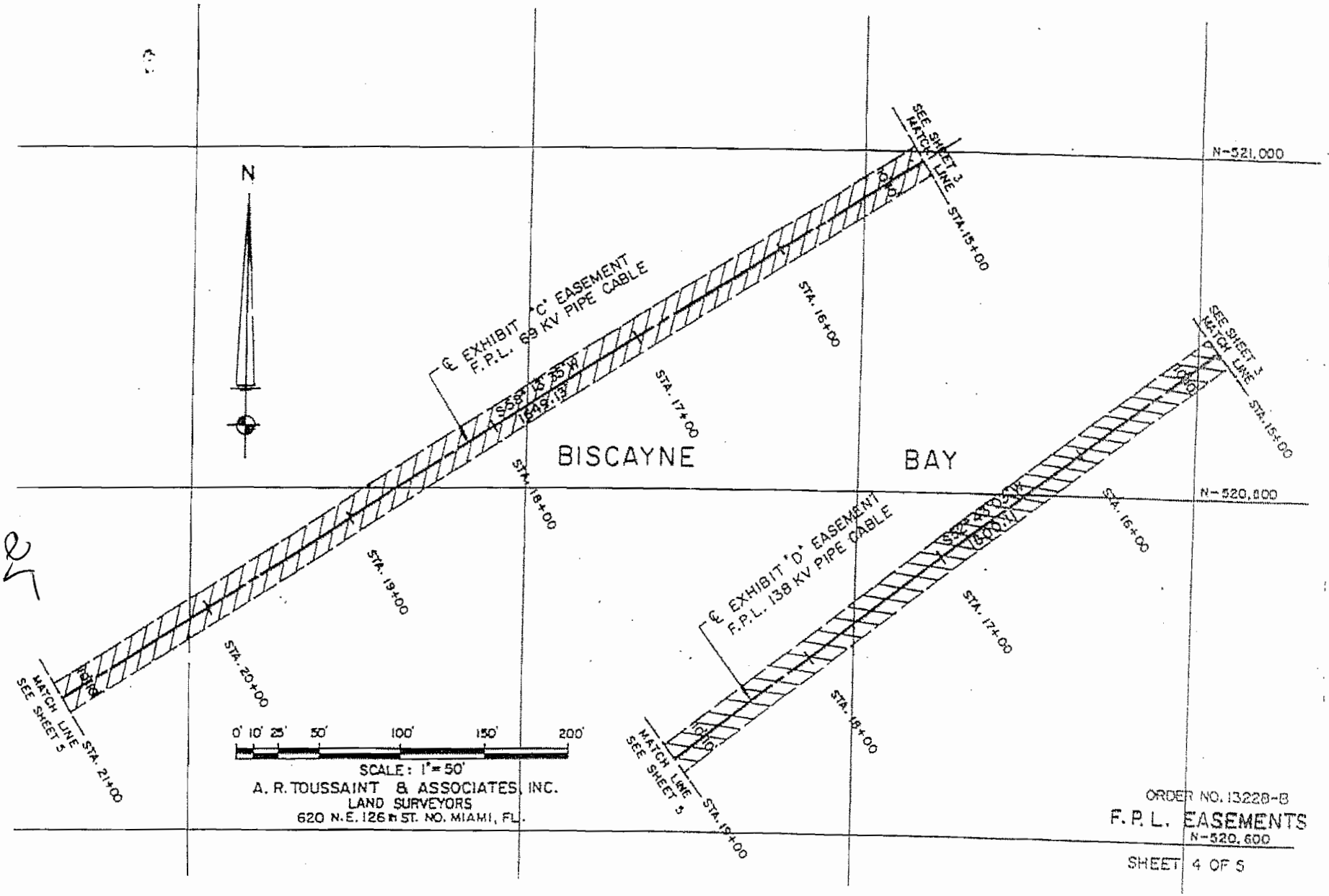
POINT OF INTERSECTION EAST LINE & SOUTH LINE THE NEW PORT OF MIAMI, PER BULKHEAD LINE SHEET, P. B. 74 PG. 19.
P. O. C.
R-522,159.82
E-775,069.15
S25°02'07"W
130.00'
1,150.00'
S64°57'53"E
E-779,400
E-779,600
E-779,800
E-780,000
LUMMUS
ISLAND
BISCAYNE
BAY
FISHERMAN'S
CHANNEL
N58°13'35"E
691.55'
N52°43'03"E
519.50'
MATCH LINE-SEE SH. 2
STA. 3+50
STA. 4+00
STA. 5+00
STA. 6+00
STA. 7+00
STA. 8+00
STA. 9+00
STA. 10+00
STA. 24+91.36
STA. 21+16.78
RGE. 200
N01°23'41"E
P.O.B. 69 KV EASEMENTS
P.O.B. 138 KV EASEMENTS
3,525.91'
S88°36'19"E
176.84'
3,702.75
SOUTH FACE OF BULKHEAD
RGE. (-) 100
RGE. 0
300.00'
200'
EXHIBIT "C"
℄ 69 KV PIPE CABLE & 20' F.P.L. EASEMENT
EXHIBIT "D"
℄ 138 KV PIPE CABLE & 20' F.P.L. EASEMENT
℄ OF CHANNEL
N
0' 10' 25' 50' 100' 150' 200'
SCALE: 1" = 50'
A. R. TOUSSAINT & ASSOCIATES, INC.
LAND SURVEYORS
620 N.E. 126th ST. NO. MIAMI, FL.
F. P. L. EASEMEN
ORDER NO. 13228-
SHEET 2 OF 5

23



A. R. TOUSSAINT & ASSOCIATES, INC.
LAND SURVEYORS
620 N.E. 126 th ST. NO. MIAMI, FL.

F. P. L. EASEMENTS
ORDER NO. 13228-B
SHEET 3 OF 5



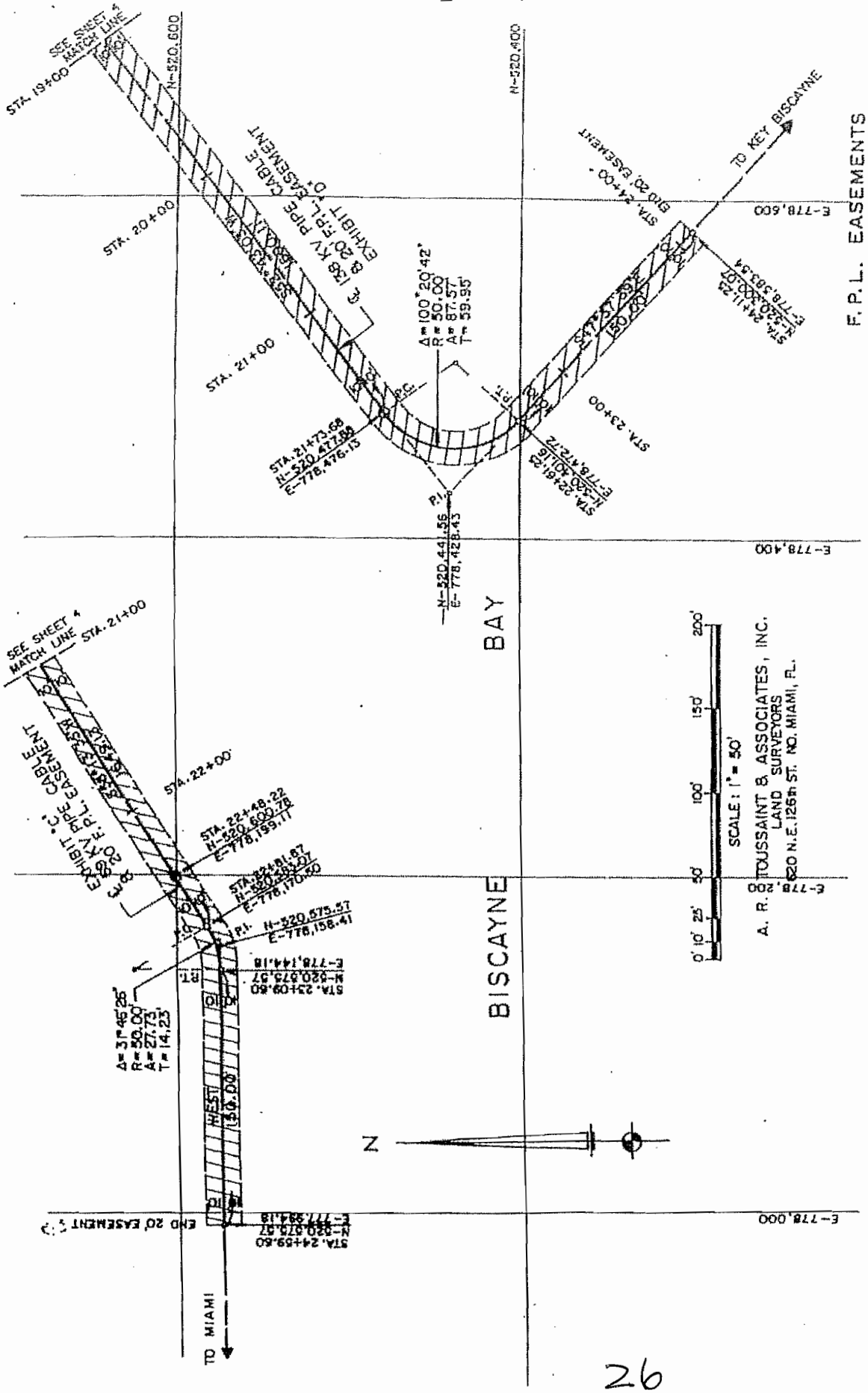
A. R. TOUSSAINT & ASSOCIATES, INC.
LAND SURVEYORS
620 N.E. 126 th ST. NO. MIAMI, FL.

ORDER NO. 13228-B

F. P. L. EASEMENTS

N-520,600

SHEET 4 OF 5


F.P.L. EASEMENTS
ORDER NO. 13228-B SHEET 5 OF 5
BISCAYNE BAY
TO KEY BISCAYNE
TO MIAMI
SEE SHEET 4 MATCH LINE STA. 19+00
SEE SHEET 4 MATCH LINE STA. 21+00
STA. 20+00
STA. 21+00
STA. 22+00
STA. 23+00
STA. 24+00
N-520,600
N-520,400
E-778,600
E-778,400
E-778,200
E-778,000
Δ=100°20'42"
R=50.00
A=87.57'
T=59.95'
Δ=31°46'26"
R=50.00'
A=27.73'
T=14.23'
P.C.
P.T.
P.I.
N-520,441.56
E-778,428.43
STA. 21+73.68
N-520,477.88
E-778,476.15
STA. 22+48.22
N-520,600.78
E-778,199.11
STA. 22+81.87
N-520,633.01
E-778,170.50
P.I. N-520,575.57
E-778,158.41
STA. 23+09.60
N-520,573.57
E-778,144.18
STA. 24+59.60
N-520,573.57
E-777,994.18
STA. 22+61.25
N-520,601.16
E-778,472.72
STA. 24+11.24
N-520,603.07
E-778,583.54
STA. 24+00
END 20' EASEMENT
EXISTING 138 KV PIPE CABLE EASEMENT
EXISTING 20' F.P.L. EASEMENT
"C" CABLE EASEMENT
"D" CABLE EASEMENT
136.00' WIDE
SCALE: 1" = 50'
0' 10' 25' 50' 100' 150' 200'
A. R. TOUSSAINT & ASSOCIATES, INC.
LAND SURVEYORS
220 N.E. 125th ST. NO. MIAMI, FL.
N

26

Attachment C:

Owner/Agent Letter, Engineer Certification Letter & Project Sketches

CONSULTING ENGINEERING & SCIENCE, INC.

Civil Engineers Coastal Engineers Environmental Scientists

RECEIVED
FEB 25 2008
DERM
Environmental Resources Regulation Division

February 21, 2008

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

Re: Class I Standard Form Permit Application Number 2007 CLI PER 00316 - provide cover/protection for a 69 kV transmission line by placing a geotextile fabric and 2-ft layer of stone over a 50-ft section of the line. The stone layer would be "choked" with limestone sand and covered with seagrass regrowth media.

By the attached Class I Standard Form permit application with supporting documents, I, Jeffry Marcus, Ph.D., Vice-President of Consulting Engineering & Science, Inc. am the permit applicant/applicant's authorized agent (circle one) and hereby request permission to perform the following: provide cover/protection for a 69 kV transmission line by placing a geotextile fabric and 2-ft layer of stone over a 50-ft section of the line. The stone layer would be "choked" with limestone sand and covered with seagrass regrowth media. 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.

28

10700 N. Kendall Drive, Suite 400 • Miami, Florida 33176 • Phone: (305)378-5555 • Fax: (305) 279-4553

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,

Jeffry Marcus, Ph.D., Vice President
Consulting Engineering & Science, Inc.
Applicant's Authorized Agent

JACOBS

501 North Broadway
St. Louis, Missouri 63102
1.314.335.4000 Fax 1.314.335.5102

July 31, 2008

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

RE: Class I Standard Form Permit Application Number 2007 CLI PER 2007-CLI-PER 00316 - provide cover/protection for 69KV transmission line by placing a geotextile fabric and a 2 foot layer of stone over a 50 foot section of the line. The stone layer would be "choked" with limestone sand and covered with seagrass regrowth media

Ladies and Gentlemen:

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

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

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

c. Material injury to adjacent property.

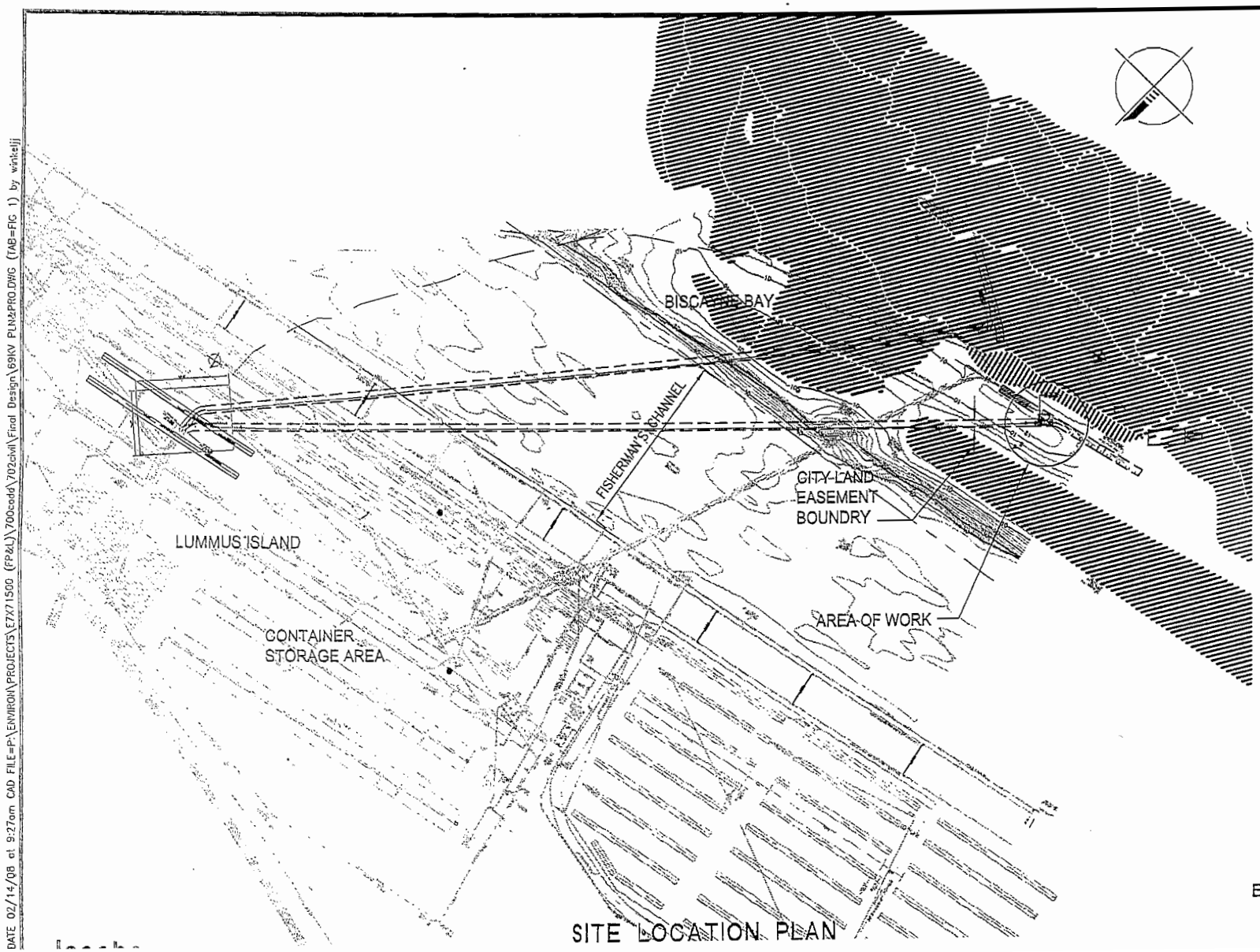
d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

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

Sincerely,

Thomas J. Meinhart
P.E. #60606

RECEIVED
FEB 25 2008
DERM
Environmental Resources Regulation Division

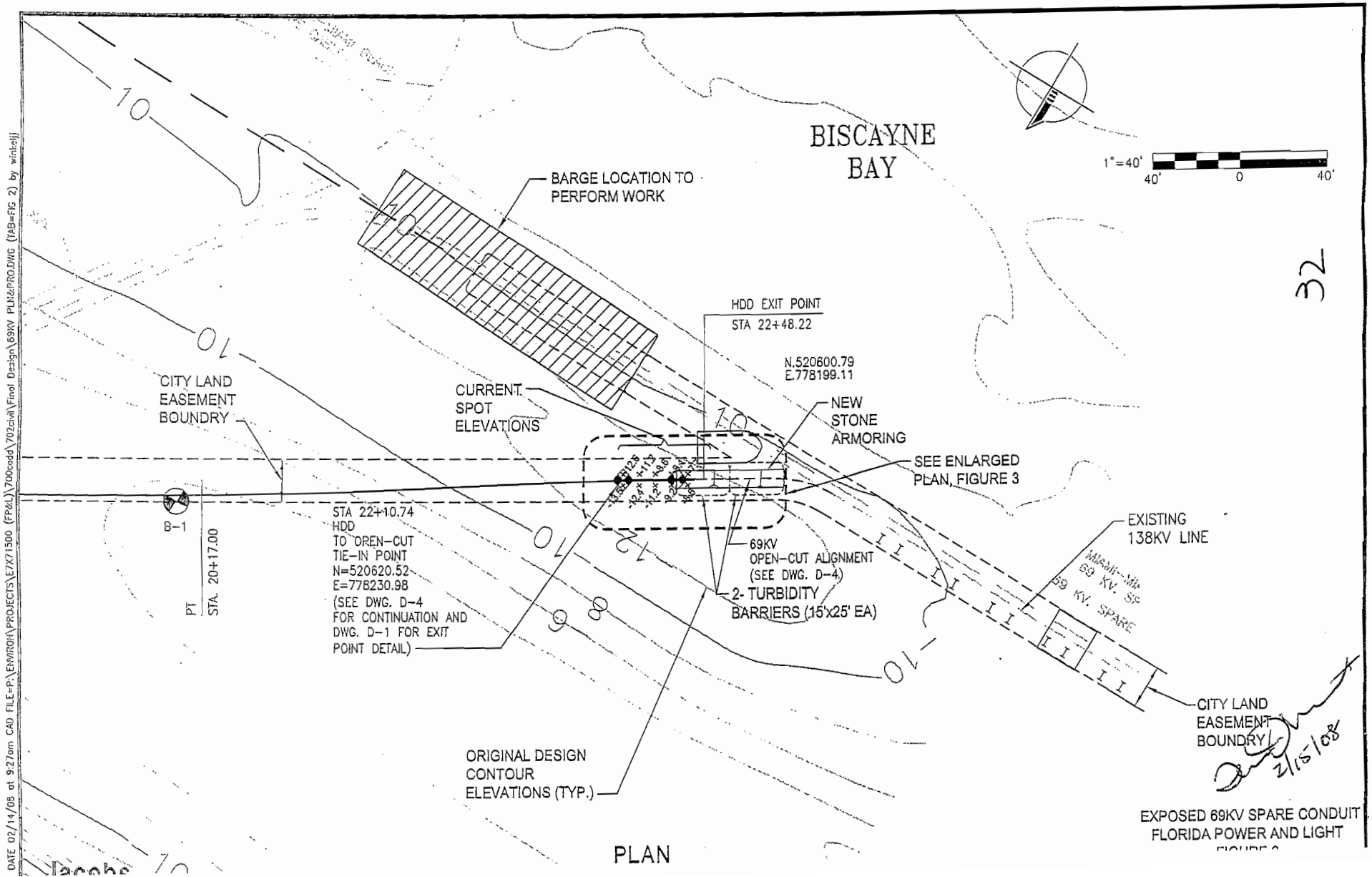


SITE LOCATION PLAN

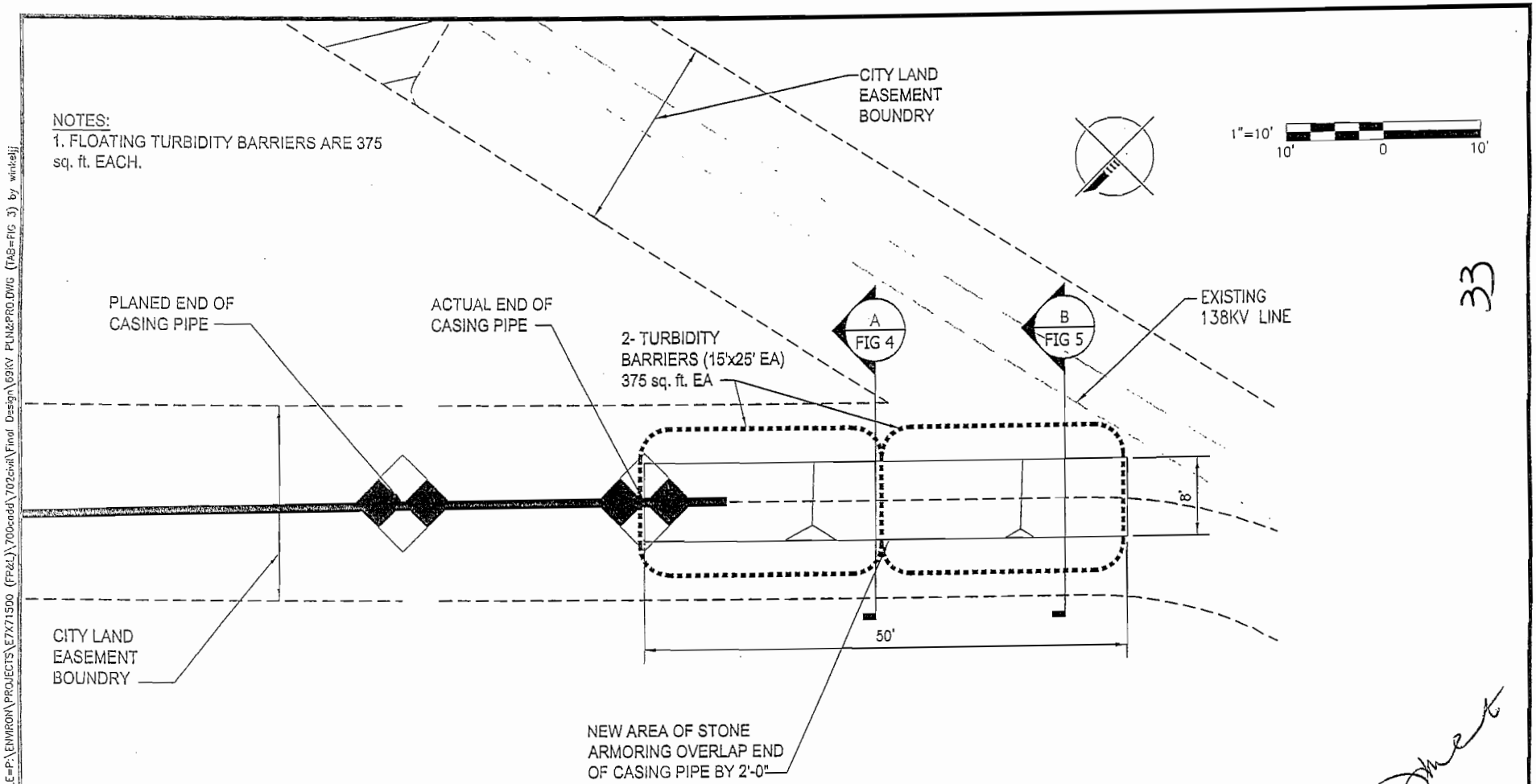
2/15/08

EXPOSED 69KV SPARE CONDUIT
FLORIDA POWER AND LIGHT
FIGURE 1

DATE 02/14/08 at 9:27am CAD FILE=P:\ENVIRON\PROJECTS\E7X71500 (FP&L)\700cadd\702civil\Final Design\69kV PLN&PRO.DWG (TAB=FIG 1) by winkeljj



DATE 02/14/08 at 9:27am CAD FILE=P:\ENVROI\PROJECTS\E7X71500 (FP&L)\700cadd\702civil\Final Design\69KV PLN2PRO.DWG (TAB=FIG 2) by winkelj



33

2/15/08

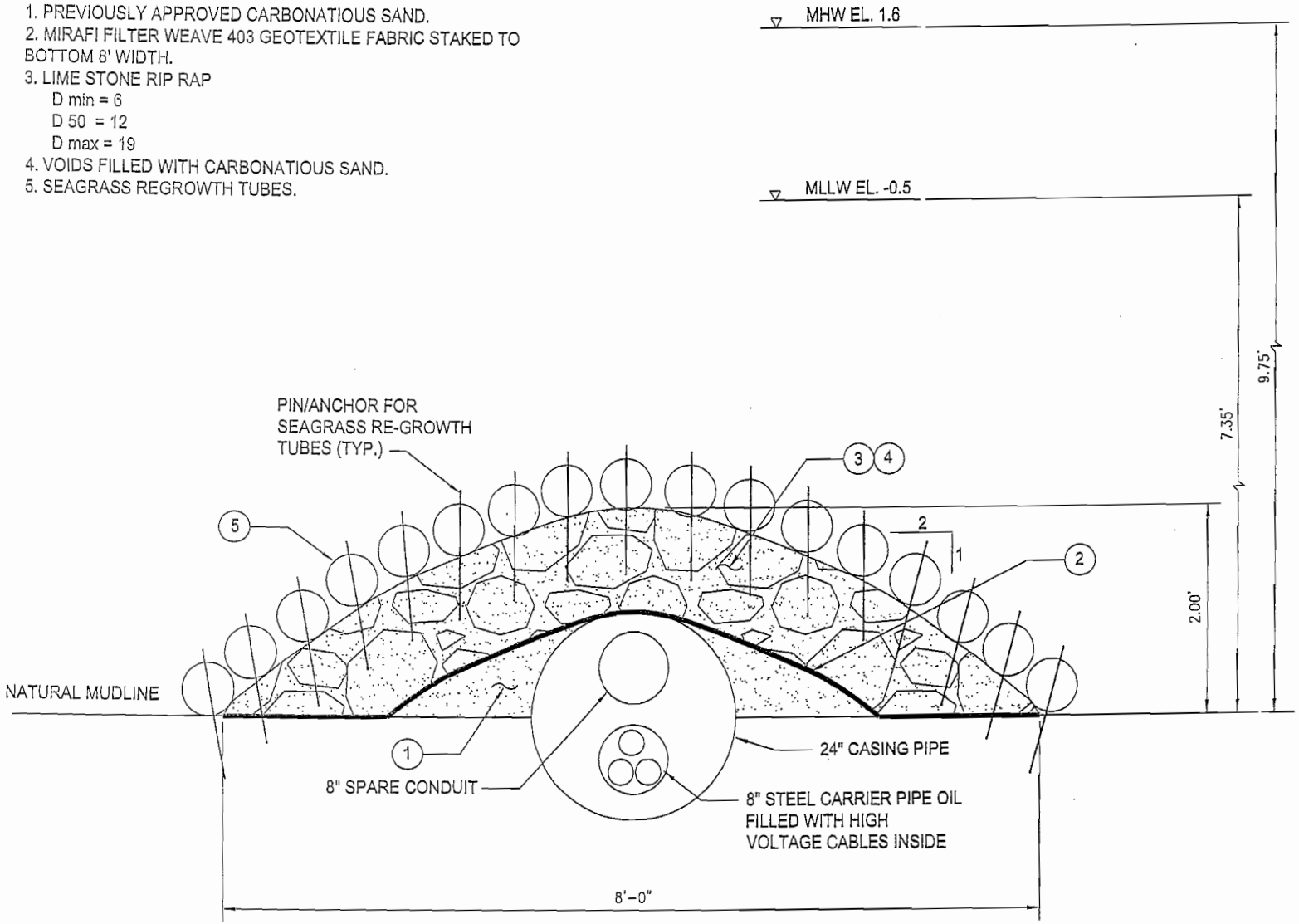
EXPOSED 69KV SPARE CONDUIT
FLORIDA POWER AND LIGHT
FIGURE 3

DATE 02/14/08 at 9:27am CAD FILE=P:\ENVIRON\PROJECTS\E7X71500 (FP&L)\700cadd\702civil\Final Design\69KV PLN&PRO.DWG (TAB=FIG 3) by winkeljj

Jacobs

ENLARGED PLAN

1. PREVIOUSLY APPROVED CARBONATIOUS SAND.
2. MIRAFI FILTER WEAVE 403 GEOTEXTILE FABRIC STAKED TO BOTTOM 8' WIDTH.
3. LIME STONE RIP RAP
   D min = 6
   D 50 = 12
   D max = 19
4. VOIDS FILLED WITH CARBONATIOUS SAND.
5. SEAGRASS REGROWTH TUBES.



SECTION A - CONDUIT ROCK ARMORING
DETAIL AT OVERLAP OF CASING PIPE

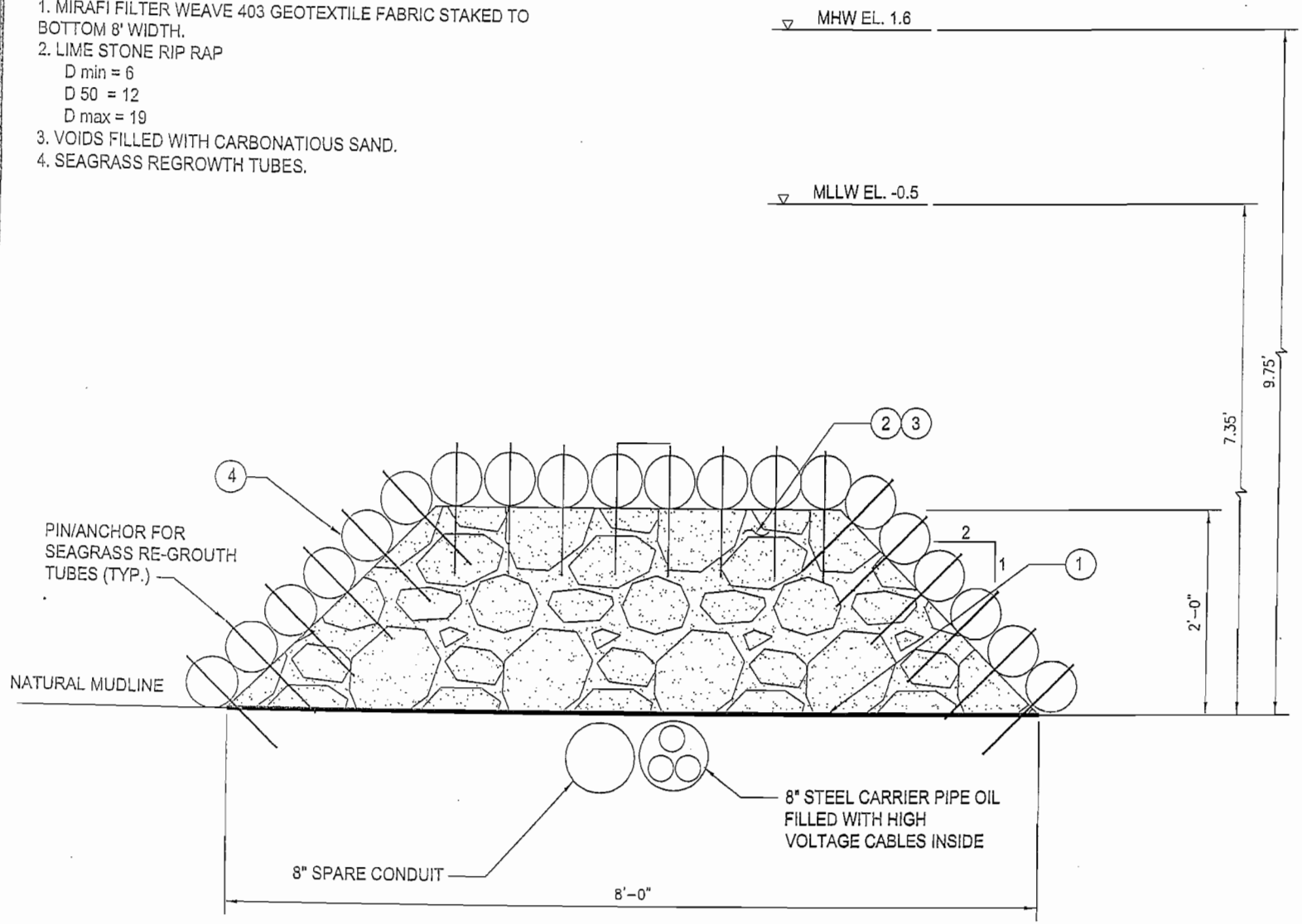
Jacobs

2/15/08

EXPOSED 69KV SPARE CONDUIT
FLORIDA POWER AND LIGHT
FIGURE 4

PLOT DATE 02/11/08 at 8:16am CAD FILE=P:\ENVIRON\PROJECTS\E7X71500 (FP&L)\700cadd\702civil\Final Design\69KV PLN&PRO.DWG (TAB=FIG 4) by winkelij

1. MIRAFI FILTER WEAVE 403 GEOTEXTILE FABRIC STAKED TO BOTTOM 8' WIDTH.
2. LIME STONE RIP RAP
   D min = 6
   D 50 = 12
   D max = 19
3. VOIDS FILLED WITH CARBONATIOUS SAND.
4. SEAGRASS REGROWTH TUBES.



SECTION B - CONDUIT ROCK ARMORING
DETAIL AT BEYOND CASING PIPE

Jacobs

EXPOSED 69KV SPARE CONDUIT
FLORIDA POWER AND LIGHT
FIGURE 5

2/15/08

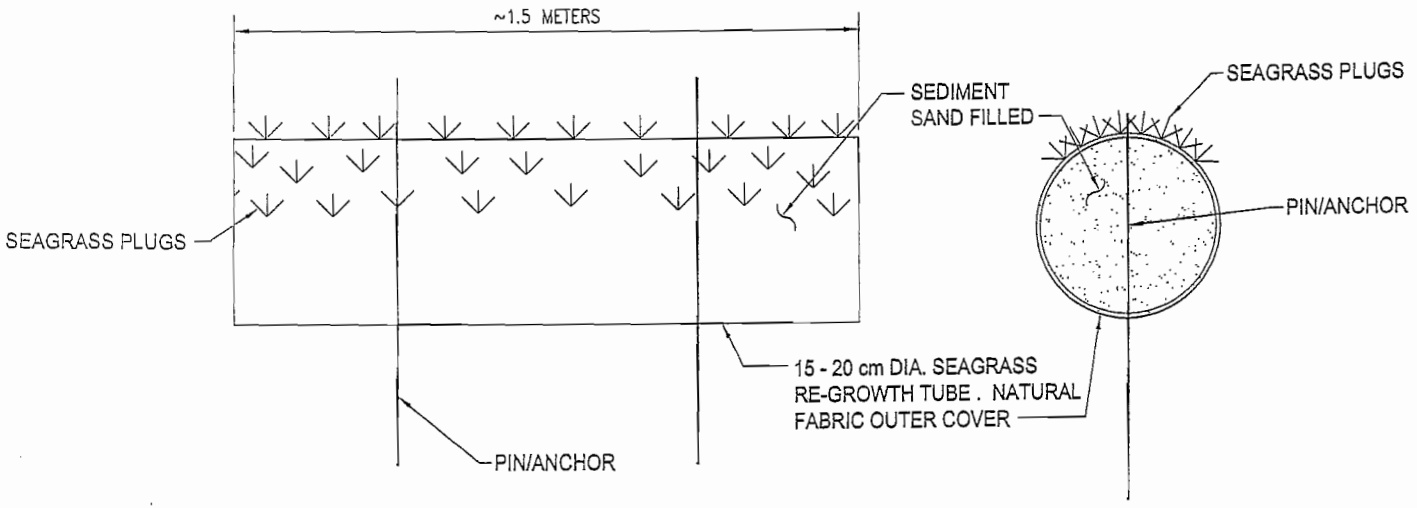
PLOT DATE: 02/11/08 at 8:16am CAD FILE=P:\ENVIRON\PROJECTS\E7X71500 (FP&L)\700cadd\702civil\Final Design\69KV PLN2PRO.DWG (TAB=FIG 5) by winkeljj

PLOT DATE: 02/11/08 at 8:16am CAD FILE=P:\ENVIRON\PROJECTS\E7X71500 (FP&L)\700cadd\702civil\Final Design\69KV PLN&PRO.DWG (TAB=NEW FIG 6) by winkelji

GENERAL DESCRIPTION:

The seagrass regrowth tubes will be made of a biodegradable, natural fabric (i.e. burlap). The burlap tubes will be filled with sediment and laid directly on top of the limerock layer. The sediment inside the tube will be native crushed carbonatious sand, the same sand used to fill the voids between the limerock rip-rap (See attached spec sheet). Each tube will be approximately 1.5 meters long, 15-20 cm in diameter, and weigh about 30-40 pounds.

The seagrass regrowth tubes provide a desired substrate with adequate sediment grain size to allow seagrass roots to grow into. The sand sediment is contained inside the burlap tube, which prevents it from being swept away with a current or from causing turbidity problems. Once the tubes are laid atop the limerock layer, small slits will be cut into the top of each tube. Seagrass plugs will then be inserted into the slits and should proliferate, as anticipated, to restore seagrass habitat in the construction area.



SEAGRASS RE-GROWTH TUBE DETAIL

2/15/08

EXPOSED 69KV SPARE CONDUIT
FLORIDA POWER AND LIGHT
FIGURE 6

Jacobs

Attachment D:

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: July 28, 2008

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

From: Lourdes Barrelli, Biologist II
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by the Florida Power & Light Company to Provide Cover/Protection for a 69 kV Transmission Line by Placing a Geotextile Fabric and 2-ft Layer of Stone Over a 50-ft Section of the Line.

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 Miami-Dade County Board of County Commissioners and prior to issuance of the Class I permit.

Attachment E:

TURBIDITY MONITORING PLAN

TURBIDITY MONITORING PLAN

South Channel Transmission Line

Prior to the commencement of any construction activities, double floating turbidity curtains will be properly installed around the perimeter of the proposed transmission line covering area (see attached figure). The turbidity curtains will have weighted skirts that extend to the bay bottom, which should adequately contain all turbidity inside the work areas and isolate the work areas from surrounding waters.

The floating turbidity curtains shall be maintained and shall remain in place until all construction activities are completed and turbidity levels in the project area return to background levels. All turbidity control devices are to be inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity curtains.

The following turbidity monitoring plan is proposed for the construction area. A background sample shall be taken in Fisherman's Channel each morning prior to the initiation of daily construction activities. The location of the background sample shall always be a minimum of 100 feet from the double floating turbidity curtain surrounding the transmission line covering area (i.e. the background sample shall be taken at a location east of the transmission line work area on the incoming tide and west of the dock construction area when tidal flow is out of Biscayne Bay and toward the Atlantic Ocean). The compliance samples shall be taken on the waterward side of the turbidity curtain surrounding the transmission line work area, on the same side as tidal flow (See attached figure). Hence, during the ebb tide when flow is toward the Atlantic, the compliance sample will be taken on the east side of the turbidity curtain.

Turbidity will be monitored a minimum of twice per day at least 4 hours apart while construction is occurring. During each monitoring event, sampling shall occur at the water's surface and at a mid-depth level. Turbidity shall be measured in Nephalometric Turbidity Units (NTU's). All water quality monitoring data shall be kept on site and shall contain the following information:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Proj.: South Channel Line
Date: JAN 24 2008
By: Jill King
13-0205930-007
9 of 10
STATE OF FLORIDA

a) Permit Number
b) Date of sampling
c) A statement describing the methods used in sample collection, handling, storage, and analysis of the samples
d) A map indicating the sampling location
e) A statement by the individual responsible for the implementation of the sampling program verifying the authenticity, precision, limits of detection and the accuracy of the data
f) Time and day samples were taken
g) Depth of monitoring location
h) Depth of sample
i) Antecedent weather conditions
j) Tidal stage and direction of flow
k) Wind direction and velocity

If any turbidity monitoring results indicate that state water quality standards have been exceeded (a difference of 1 NTU or greater between background and compliance samples), the Florida Department of Environmental Protection (FDEP), and the U.S. Army Corps of Engineers (USACE) shall be notified and all in water construction shall cease. Work will not commence until corrective actions are taken to properly contain construction-related turbidity and turbidity levels in adjacent waters again fall below the minimum water quality standards.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
13-0205980-007
Proj: FPL South Charlotte Transmission Line Structure Staking
Date: JAN 24 2008
By: Jill Kings
10 of 10
STATE OF FLORIDA

Attachment F:

DERM Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION No. 2007 CLI-PER-00316

THE FLORIDA POWER & LIGHT COMPANY TO PROVIDE COVER/PROTECTION FOR A 69 KV TRANSMISSION LINE BY PLACING A GEOTEXTILE FABRIC AND 2-FT LAYER OF STONE OVER A 50-FT SECTION OF THE LINE. THE STONE LAYER WOULD BE "CHOKED" WITH LIMESTONE SAND AND COVERED WITH SEAGRASS REGROWTH MEDIA.

Date: August 13, 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 impact from the proposed project is minimal. The proposed project involves the placement of approximately thirty (30) cubic yards of unconsolidated limerock riprap boulders and carbonaceous sand within an area previously authorized for impacts during the initial installation of the electrical transmission line. During a post-construction in-water assessment, only sparse macroalgae were documented in the area immediately surrounding the exposed cable. In addition, the proposed project includes the placement of seagrass sediment tubes to be placed over the riprap and sand layer to promote seagrass regrowth into the post-construction project area.

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

3. **Hydrology** – Not applicable.

4. **Water Quality** – The proposed project may affect surface water quality on a temporary basis during the installation of the carbonaceous sand and unconsolidated limerock riprap boulders. In order to minimize impacts to surface waters, the Class I Permit shall require that a water quality monitoring plan and proper turbidity controls be implemented during the proposed work to ensure turbidity levels within the surrounding waters does not exceed State and County water quality standards.

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 any negative aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of barges and other machinery associated with the proposed work.

9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation. The project site is located between existing shoal areas with water depths averaging two (2) feet or less, and can therefore only be accessed by shallow draft vessels. The final elevation of the cable's protective cover shall result in an estimated three point eight (3.8) feet of clearance at mean lower low water. In addition, the Unites States Coast Guard has provided the applicant with written confirmation that they have no objection to the proposed work with regards to navigation.

10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.

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

12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.

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

14. **Marine and Wildlife Habitats** – The proposed project will result in minimal impacts to marine and wildlife habitats. The immediate area surrounding the site of the existing exposed cable consists of sand substrate with sparse macroalgae that will be impacted during the placement of the unconsolidated limerock riprap boulders and carbonaceous sand. However, the existing sparse macroalage is providing minimal marine habitat value. The proposed placement of the seagrass regrowth media tubes over the rock and sand layer may promote seagrass recruitment into the area. In addition, although the project site is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan, there will be no increase in motorized vessel traffic as a result of the proposed project.

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

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect marine flora. The exposed cable is immediately surrounded by an area with minimal benthic resources, consisting of sparse macroalgae.

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

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to result in adverse effects to rare, threatened or endangered species. Although the project site is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan, the Class I Permit will require implementation of all applicable standard manatee protection measures during construction procedures and there will be no increase in motorized vessel traffic as a result of the proposed project.

19. **Natural Flood Damage Protection** – Not applicable.

20. **Wetland Values** – The proposed project does not involve dredging or filling of wetlands.

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 will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the 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.

23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect environmental values affecting the public interest. The submerged lands on which the project will occur consist of an easement that has been granted to the applicant 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) Miami-Dade County Public Works Manual
    b) Biscayne Bay Management Plan (Section 33D-1 through 33-D-4 of the Code of Miami-Dade County)
    c) Chapter 33B of the Code of Miami-Dade County

25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project will result in neither adverse environmental impacts nor cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.

26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:

    a) Chapter 24 of the Code of Miami-Dade County
    b) United States Clean Water Act (Army Corps of Engineers Permit is required)
    c) Florida Department of Environmental Protection Regulations (Permit is required)

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 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 does not involve the dredging of 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 involve the 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 expected to negatively affect rare, threatened and/or endangered species. Although the proposed project is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan, the Class I Permit will require implementation of all applicable standard manatee protection measures.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – The project is not located within a designated "Mangrove Protection Area."

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

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

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

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

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. - The project involves minimal filling within Biscayne Bay that is consistent with the dredge and fill criteria listed under Section 24-48.3(B) of the Code of Miami-Dade County and is in an area with no significant benthic resources.

Objective 2/Policies 2A, 2B - Beach restoration and renourishment objectives. - The proposed project does not involve beach restoration or renourishment.

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

Objective 5/Policy 5B – Existing and new areas for water-dependent uses. – The proposed project does not create or eliminate any water dependent uses.

Objective 5/Policy 5D - Consistency with Chapter 33D of the Code of Miami-Dade County (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 of the Code of Miami-Dade County) - The proposed project is consistent with the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** – The proposed project is located within an area designated as essential West Indian Manatee (*Trichechus manatus*) habitat by the Miami-Dade County Manatee Protection Plan. The Class I Permit shall require that all applicable standard manatee conditions be adhered to during in-water construction operations. Additionally, there will be no increase in motorized vessel traffic as a result of the proposed project. Therefore, the proposed project is not reasonably expected to result in adverse effects to rare, threatened or endangered species provided the standard manatee protection measures are implemented.

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

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

33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(13)(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** – 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 listed in Section 24-48.3(2) of the Code of Miami-Dade County:

- 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 does not involve placing clean fill in wetlands.

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

Lisa Spadafina

Lisa M. Spadafina
Manager
Coastal Resources Section

Lourdes Barrelli

Lourdes Barrelli
Biologist II
Coastal Resources Section