

Date: May 5, 2009

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

From: George M. Burgess
County Manager

Agenda Item No. 5(R)

Resolution No. R-470-09

Subject: Class I Permit Application by Miami-Dade County to Install Seven Hundred Fifty-Four (754) Linear Feet of New Sheet Pile Bulkhead, Dredge Five Thousand Fifty (5,050) Cubic Yards of Sediment from a Thirteen Thousand Forty-Six (13,046) Square Foot Area to a Depth of Minus Thirty-Two (-32) Feet National Geodetic Vertical Datum, and Backfill Twenty-Five Thousand Seven Hundred Nine (25,709) Square Feet of Tidal Waters with Thirteen Thousand Three Hundred (13,300) Cubic Yards of Clean Fill Along Fisherman's Channel on the South Side of Port of Miami in Biscayne Bay

Attached, please find for your consideration an application by Miami-Dade County for a Class I permit. Also attached is the recommendation of the Director of the Department of Environmental Resources Management and a resolution seeking the Board's approval of the aforesaid Class I permit.


Assistant County Manager

Memorandum



Date: April 13, 2009

To: George M. Burgess
County Manager

From: Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County to Install Seven Hundred Fifty-Four (754) Linear Feet of New Sheet Pile Bulkhead, Dredge Five Thousand Fifty (5,050) Cubic Yards of Sediment from a Thirteen Thousand Forty-Six (13,046) Square Foot Area to a Depth of Minus Thirty-Two (-32) Feet National Geodetic Vertical Datum, and Backfill Twenty-Five Thousand Seven Hundred Nine (25,709) Square Feet of Tidal Waters with Thirteen Thousand Three Hundred (13,300) Cubic Yards of Clean Fill Along Fisherman's Channel on the South Side of Port of Miami in Biscayne Bay

Recommendation

I have reviewed the attached Class I permit application submitted by Miami-Dade County. 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 (BCC) approve issuance of a Class I permit for the reasons set forth below.

Scope

The project site is located adjacent to Fisherman's Channel in Biscayne Bay on the south side of the Port of Miami, Miami-Dade County, in Commission District 5 (Commissioner Bruno A. Barreiro).

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class I permit application, if approved, will allow necessary improvements to cargo ship berthing areas along the south side of the Port of Miami on Dodge Island, Miami-Dade County, Florida.

The Class I permit application involves the installation of seven hundred fifty-four (754) linear feet of new sheet pile bulkhead and associated backfilling of twenty-five thousand seven hundred nine (25,709) square feet of tidal waters with thirteen thousand three hundred (13,300) cubic yards of clean fill along Fisherman's Channel on the south side of Port of Miami (Port) in Biscayne Bay. Additionally, the application involves maintenance dredging five thousand fifty (5,050) cubic yards of sediment from a thirteen thousand forty-six (13,046) square foot area to a depth of minus thirty-two (-32) feet National Geodetic Vertical Datum (NGVD). The project site is located along the south side of the Port, Dodge Island. The proposed project is required to be reviewed and approved by the BCC at a public hearing because the scope of work involves the filling of tidal waters. Said work is not specifically referenced in Section 24-48.2 of the Code of Miami-Dade County (Code) as work that can be processed administratively with a short form application and therefore requires a standard form application including a public hearing.

The location of the proposed bulkhead currently consists of seven hundred fifty-four (754) linear feet of unconsolidated riprap shoreline, and is used for the berthing of cargo vessels. Vessels are secured along the shoreline using mooring piles. The new sheet pile bulkhead will connect the two bulkheads at either end of the proposed worksite, and match their existing alignment. The project site will continue to be

utilized for cargo operations; however, the bulkhead will provide for safer vessel operations. Additionally, the bulkhead will provide greater protection from erosion and storm surge. Upon completion of the bulkhead, the upland area will be backfilled with thirteen thousand three hundred (13,300) cubic yards of clean fill, to match the existing grade.

Upon completion of the new bulkhead, maintenance dredging is proposed along seven hundred fifty-four (754) linear feet of shoreline starting five (5) feet waterward of the bulkhead and extending up to thirty (30) feet waterward of the bulkhead. Maintenance dredging is proposed to a depth of minus thirty-two (-32) feet NGVD. All of the submerged lands within the project area are owned by Miami-Dade County, and completion of the work requires the removal of five thousand fifty (5,050) cubic yards of sediment. The dredge spoil will be contained onsite and handled in accordance with the Turbidity Management and Control Plan approved by the Department of Environmental Resources Management (see Attachment E).

There are no significant marine resources within the proposed dredge area. Although there are isolated coral colonies located on some of the riprap along the unconsolidated shoreline, they will be relocated prior to the start of construction. Mitigation for water quality impacts associated with the installation of the new bulkhead and the dredging and filling of tidal waters will be completed as part of a shoreline stabilization project under a separate Class I permit and is not included in this scope of work. This mitigation project will involve the placement of three thousand nine hundred sixty-one (3,961) cubic yards of riprap along five hundred sixty-five (565) linear feet of shoreline.

The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). The applicant is proposing to incorporate a fender system along the new seawall to provide at least four (4) feet of standoff from the bulkhead under maximum operational compression to prevent manatees from being trapped or crushed. Additionally, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water construction operations.

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 DERM Project Report attached hereto are incorporated herein by references hereto.

Attachments

- Attachment A: Class I Permit Application
- Attachment B: Affidavit of Ownership and Hold Harmless Agreement
- Attachment C: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
- Attachment D: Zoning Memorandum
- Attachment E: Turbidity Management and Control Plan
- Attachment F: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO INSTALL SEVEN HUNDRED FIFTY-FOUR (754) LINEAR FEET OF NEW SHEET PILE BULKHEAD, DREDGE FIVE THOUSAND FIFTY (5,050) CUBIC YARDS OF SEDIMENT FROM A THIRTEEN THOUSAND FORTY-SIX (13,046) SQUARE FOOT AREA TO A DEPTH OF MINUS THIRTY-TWO (-32) FEET NATIONAL GEODETIC VERTICAL DATUM, AND BACKFILL TWENTY-FIVE THOUSAND SEVEN HUNDRED NINE (25,709) SQUARE FEET OF TIDAL WATERS WITH THIRTEEN THOUSAND THREE HUNDRED (13,300) CUBIC YARDS OF CLEAN FILL ALONG FISHERMAN'S CHANNEL ON THE SOUTH SIDE OF PORT OF MIAMI IN BISCAYNE BAY

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a public hearing on a request by Miami-Dade County for a Class I permit to install seven hundred fifty-four (754) linear feet of new sheet pile bulkhead, dredge five thousand fifty (5,050) cubic yards of sediment from a thirteen thousand forty-six (13,046) square foot area to a depth of minus thirty-two (-32) feet National Geodetic Vertical Datum, and backfill twenty-five thousand seven hundred nine (25,709) square feet of tidal waters with thirteen thousand three hundred (13,300) cubic yards of clean fill along Fisherman's Channel on the south side of Port of Miami in Biscayne Bay. Such public hearing will be held on the 21st day of April 2009 at 9:30 AM in the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 111 NW 1st Street in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 4th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (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, 4th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

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

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Kay Sullivan, Deputy Clerk



MEMORANDUM

(Revised)

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

DATE: May 5, 2009

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

SUBJECT: Agenda Item No. 5(R)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (R)
5-5-09

RESOLUTION NO. R-470-09

RESOLUTION RELATING TO AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO INSTALL SEVEN HUNDRED FIFTY-FOUR (754) LINEAR FEET OF NEW SHEET PILE BULKHEAD, DREDGE FIVE THOUSAND FIFTY (5,050) CUBIC YARDS OF SEDIMENT FROM A THIRTEEN THOUSAND FORTY-SIX (13,046) SQUARE FOOT AREA TO A DEPTH OF MINUS THIRTY-TWO (-32) FEET NATIONAL GEODETIC VERTICAL DATUM, AND BACKFILL TWENTY-FIVE THOUSAND SEVEN HUNDRED NINE (25,709) SQUARE FEET OF TIDAL WATERS WITH THIRTEEN THOUSAND THREE HUNDRED (13,300) CUBIC YARDS OF CLEAN FILL ALONG FISHERMAN'S CHANNEL ON THE SOUTH SIDE OF PORT OF MIAMI IN BISCAYNE BAY

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 Miami-Dade County for a Class I permit to install seven hundred fifty-four (754) linear feet of new sheet pile bulkhead, dredge five thousand fifty (5,050) cubic yards of sediment from a thirteen thousand forty-six (13,046) square foot area to a depth of minus thirty-two (-32) feet National Geodetic Vertical Datum, and backfill twenty-five thousand seven hundred nine (25,709) square feet of tidal waters with thirteen thousand three hundred (13,300) cubic yards of clean fill along Fisherman's Channel on the south side of Port of Miami in Biscayne Bay, 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 Bruno A. Barreiro, who moved its adoption. The motion was seconded by Commissioner Audrey M. Edmonson and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye		
	Jose "Pepe" Diaz, Vice-Chairman	absent		
Bruno A. Barreiro	aye		Audrey M. Edmonson	aye
Carlos A. Gimenez	aye		Sally A. Heyman	aye
Barbara J. Jordan	aye		Joe A. Martinez	aye
Dorin D. Rolle	aye		Natacha Seijas	aye
Katy Sorenson	aye		Rebeca Sosa	absent
Sen. Javier D. Souto	aye			

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



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

HARVEY RUVIN, CLERK

Diane Collins

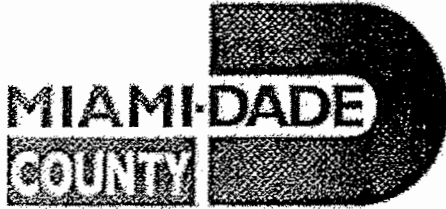
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. 

Peter S. Tell

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Attachment A
Class I Permit Application



Class I Permit Application

1. Application number
2008-CLI-PER-00222

2. Date Day/Month/Year
9/08/2008

3. For official use only

4. Applicant Information
Name: Miami-Dade County
Address: 1015 N. American Way, 2nd Floor
Miami, FL Zip Code: 33132
Phone#: (305)347-4970 Fax#: (305)347-4849
e-mail bhope@miamidade.gov

5. Applicant's authorized permit agent
Name: _____
Address: _____
_____ Zip Code: _____
Phone#: _____ Fax#: _____
e-mail: _____

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pipe or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

Class I Permit Application by Miami-Dade County to Install Seven Hundred Fifty-Four (754) Linear Feet of New Sheet Pile Bulkhead, Dredge Five Thousand Fifty (5,050) Cubic Yards of Sediment from a Thirteen Thousand Forty-Six (13,046) Square Foot Area to a Depth of Minus Thirty-Two (-32) Feet National Geodetic Vertical Datum, and Backfill Twenty-Five Thousand Seven Hundred Nine (25,709) Square Feet of Tidal Waters with Thirteen Thousand Three Hundred (13,300) Cubic Yards of Clean Fill Along Fisherman's Channel on the South Side of Port of Miami in Biscayne Bay.

Dredged/Excavated 5,050 CY Filled/Deposited 13,300 CY

Volume of Material: <u>5,050</u> CY	_____ CY	_____ CY	<u>13,300</u> CY
<small>Waterward of O.H.W. or M.H.W.</small>	<small>Landward of O.H.W. OR M.H.W.</small>	<small>Waterward of O.H.W. or M.H.W.</small>	<small>Landward of O.H.W. OR M.H.W.</small>

7. Proposed Use: (Check One)

Private Commercial
 Other Public

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

Name: _____	Name: _____
Address: _____	Address: _____
_____ Zip Code: _____	_____ Zip Code: _____

9. Location where proposed activity exists or will occur.

Street Address: Port of Miami, Miami Harbor
Along Fisherman's Channel
State FL County Miami-Dade In City or Town _____ Folio # 0142050000010
Latitude 25° 46' 10.50"N Longitude 80° 10' 01.74"W
Section 37 Township 54S Range 42E
Near City or Town _____

10. Name of waterway at location of the activity.
Fisherman's Channel

11. Date activity is proposed to:

Commence 05/31/ 2009 Be Completed 09/30/2010 9

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	ERP	13-0151218-003	03-29-2007	03/10/09
DOA	ERP	2007-6547 (IP-KLV)	03-29-2007	Intent 10/16/08

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 = \$10 million

17. Contractor's name and address

Name: TBD License #: _____

Address: _____

Zip Code: _____

Phone#: _____ Fax#: _____

e-mail _____

19. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:

- 8 1/2 x 11 Location Map
- 8 1/2 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 *Ysela Llort*
 Ysela Llort, Assistant County Manager, Miami-Dade County
 Date April 6, 2009

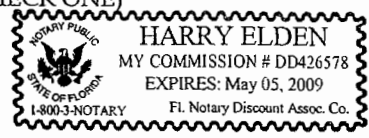
SUBSCRIBED AND SWORN TO ME THIS 06th DAY OF April, 2009

BY Ysela Llort

PERSONALLY KNOWN PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED _____

Harry Elden NOTARY PUBLIC



Attachment B

**Affidavit of Ownership
and
Hold Harmless Agreement**

Affidavit of Ownership and
Hold Harmless Agreement

Personally Appeared Before Me, Ysela Llorc, Assistant County Manager,
Miami-Dade County
(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:

See attached survey and legal description.

* 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. 2008-CLI-PER-00222 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:

Class I Permit Application by Miami-Dade County to Install Seven Hundred Fifty-Four (754) Linear Feet of New Sheet Pile Bulkhead, Dredge Five Thousand Fifty (5,050) Cubic Yards of Sediment from a Thirteen Thousand Forty-Six (13,046) Square Foot Area to a Depth of Minus Thirty-Two (-32) Feet National Geodetic Vertical Datum, and Backfill Twenty-Five Thousand Seven Hundred Nine (25,709) Square Feet of Tidal Waters with Thirteen Thousand Three Hundred (13,300) Cubic Yards of Clean Fill Along Fisherman's Channel on the South Side of Port of Miami in Biscayne Bay.

- 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.

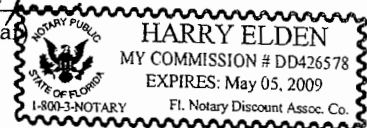
STATE OF FLORIDA
COUNTY OF DADE

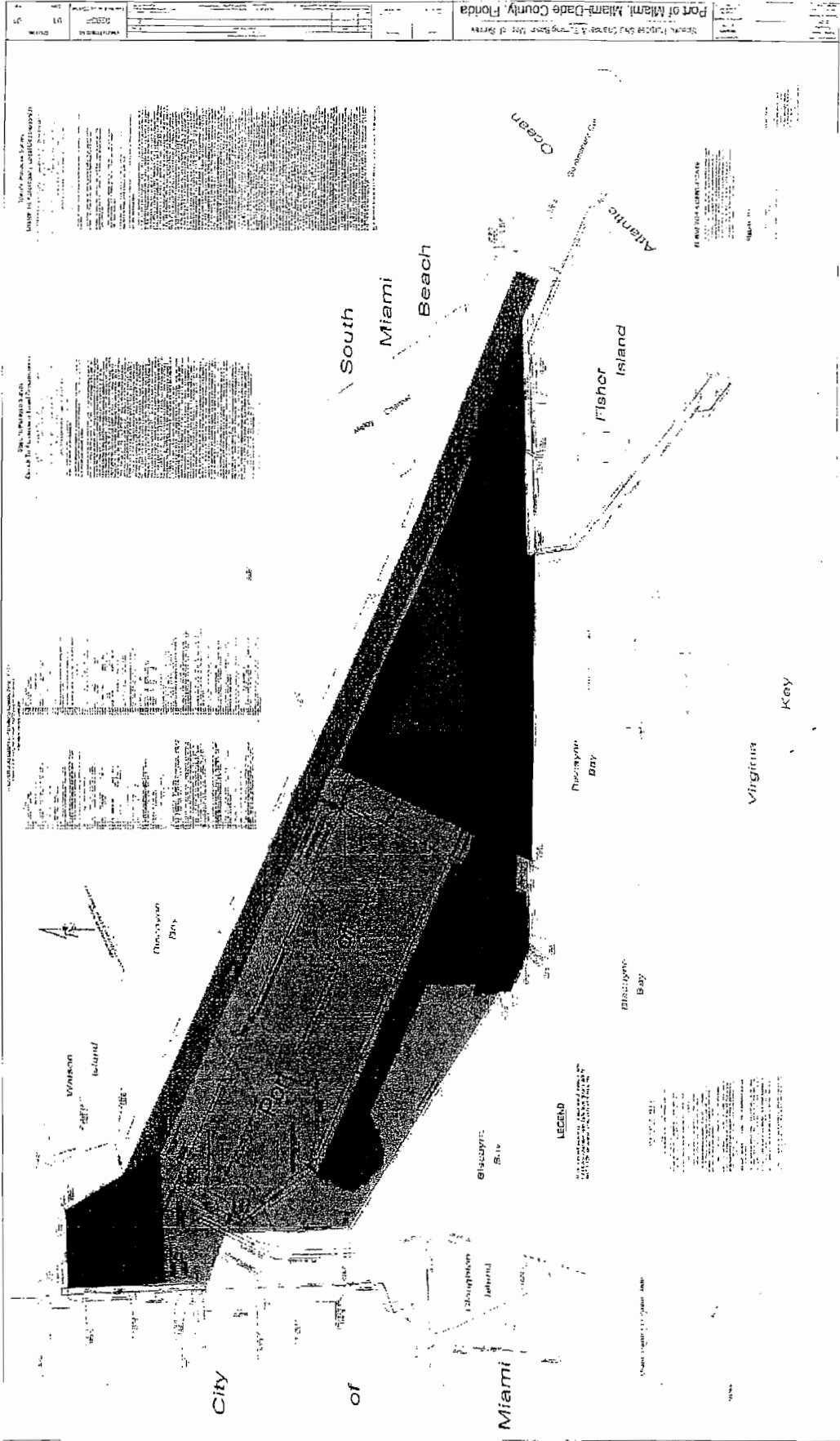
Ysela Llorc
Ysela Llorc, Assistant County Manager,
Miami-Dade County

BEFORE ME, the undersigned authority, personally appeared Ysela Llorc, 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 06th of April, 2009
(day) (month) (year)

Notary Signature Harry Elden 12 Notary Seal





PORT OF MIAMI
LEGAL SURVEY MAP

RECEIVED

SEP 08 2008



DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

Specific Purpose Survey Sketch To Accompany Legal Description(s)

The Port of Miami Ship Channels & Turning Basin Boundaries being comprised of Submerged lands lying within
Section 31, Township 53 South, Range 42 East
&
Sections 4, 5, 6, 7, 8, 9, and 10, Township 54 South, Range 42 East,
Miami-Dade County Florida
being more particularly described as follows:

**PORT OF MIAMI SHIP CHANNELS & TURNING BASINS BOUNDARY
(Westerly of Government Cut within Biscayne Bay)**

The PORT OF MIAMI Ship Channel(s) & Turning Basin(s) Westerly of Government Cut within Biscayne Bay consists entirely of submerged lands, as archived historically in U.S. Army Corps of Engineers records and is more particularly described as follows:

Commence from an historic second order National Geodetic Survey (NGS) Monument stamped "MH-18" set by the U.S. Army Corps of Engineers (USCE) in 1963, and run for its backsight anchor USCE 1563 Monument designated and stamped "MH-20" having a reference bearing of N. 84°57'04" W. and a distance of 6,392.81 feet. The reference bearing is based upon the North American Datum of 1983, as adjusted in 1990 for the Florida East 901 Zone state plane coordinate grid. The coordinates for "MH-18" are 524167.0876 feet for a Northing, and 932073.8073 feet for an Easting as published by National Geodetic Survey under the Permanent Identifier (P.I.D.) Number of AC3314, and designated "H 034". From the Point of Commencement (P.O.C.) "MH-18" run N. 25°05'45" E. for a distance of 452.86 feet to a point intersecting at right angles the Main Ship Channel Southwesterly right-of-way line, same said point being the Point of Beginning (P.O.B.) of the Port of Miami Ship Channel(s) & Turning Basin(s) Boundary. thence run S. 64°54'15" E. along the Main Ship Channel Southwesterly right-of-way line for a distance of 4,904.03 feet to a Point of Intersection (P.I.), thence run S. 67°23'53" E. along the Main Ship Channel Southwesterly right-of-way line for a distance of 1,243.52 feet to a P.I., thence run S. 22°36'07" W. along the Easterly Main Ship Channel Turning Basin Westerly right-of-way line for a distance of 603.50 feet to a P.I.; thence run N. 88°37'48" W. along the South Ship Channel Northerly right-of-way line for a distance of 5,345.28 feet to a P.I., thence run N. 84°57'04" W. along the Easterly South Ship Channel Turning Basin Northeasterly right-of-way line for a distance of 1,292.74 feet to a P.I., thence run N. 25°02'56" W. along the Easterly South Ship Channel Turning Basin Northeasterly right-of-way line for a distance of 150.00 feet to a P.I.; thence run N. 84°57'04" W. along the South Ship Channel Northeasterly right-of-way line for a distance of 5,550.00 feet to a P.I.; also being the Northerly most corner limits of the Westerly South Ship Channel Turning Basin, thence run S. 25°37'39" W. along the South Ship Channel Westerly Turning Basin Westerly right-of-way line for a distance of 200.90 feet to a P.I., thence run S. 24°48'34" W. along the South Ship Channel Westerly Turning Basin Westerly right-of-way line for a distance of 483.20 feet to a P.I.; thence run S. 41°14'16" E. along the South Ship Channel Westerly Turning Basin Southwesterly right-of-way line for a distance of 539.09 feet to a P.I., thence run S. 64°57'04" E. along the South Ship Channel Westerly Turning Basin Southwesterly right-of-way line for a distance of 309.31 feet to a P.I., thence run N. 67°19'22" E. along the South Ship Channel Westerly Turning Basin Southwesterly right-of-way line for a distance of 875.73 feet to a P.I. also being the Southwesterly limits of the South Ship Channel right-of-way line. thence run S. 64°57'04" E. along the South Ship Channel Southwesterly right-of-way line for a distance of 2,320.48 feet to a P.I. also being the South Ship Channel Easterly Turning Basin Westerly right-of-way line; thence run S. 01°22'17" W. along the South Ship Channel Easterly Turning Basin Westerly right-of-way line for a distance of 731.15 feet to a P.I.; thence run S. 07°02'21" E. along the South Ship Channel Easterly Turning Basin Westerly right-of-way line for a distance of 583.20 feet to a P.I.; thence run S. 84°57'16" E. along the South Ship Channel Easterly Turning Basin Southwesterly right-of-way line for a distance of 609.13 feet to a P.I., thence run S. 88°36'12" E. along the South Ship Channel Southerly right-of-way line for a distance of 2,723.70 feet to a P.I.; thence run S. 68°37'48" E. along the South Ship Channel Southerly right-of-way line for a distance of 4,917.22 feet to a P.I., thence run N. 88°09'48" E. along the South Ship Channel Southerly right-of-way line for a distance of 440.79 feet to a P.I.; thence run S. 01°50'12" E. along the South Ship Channel Southerly right-of-way line for a distance of 24.99 feet to a P.I., thence run N. 88°09'48" E. along the South Ship Channel Southerly right-of-way line for a distance of 2,100.98 feet to a P.I. with the Main Ship Channel Southwesterly right-of-way line; thence run S. 67°23'53" E. along the Main Ship Channel Southwesterly right-of-way line for a distance of 672.17 feet to a P.I. with the Westerly limits of Government Cut's Channel Transition. thence run N. 22°36'07" E. across the Westerly limits of Government Cut's Channel Transition for a distance of 400.00 feet to a P.I. Main Ship Channel Northeasterly right-of-way line; thence run N. 97°20'53" W. along the Main Ship Channel Northeasterly right-of-way line for a distance of 4,239.44 feet to a P.I.; thence run N. 84°54'15" W. along the Main Ship Channel Northeasterly right-of-way line for a distance of 11,849.32 feet to a P.I. also being the Main Ship Channel Westerly Turning Basin Northeasterly right-of-way line; thence run N. 31°03'51" W. along the Main Ship Channel Westerly Turning Basin Northeasterly right-of-way line for a distance of 1,186.53 feet to a P.I.; thence run S. 87°49'55" W. along the Main Ship Channel Westerly Turning Basin Northerly right-of-way line for a distance of 1,246.27 feet to a P.I.; thence run S. 03°09'51" E. along the Main Ship Channel Westerly Turning Basin Westerly right-of-way line for a distance of 1,623.30 feet to a P.I.; thence run N. 67°30'09" E. along the Main Ship Channel Westerly Turning Basin Southerly right-of-way line for a distance of 2,064.32 feet to a P.I. also being the Main Ship Channel Southwesterly right-of-way line. thence run S. 64°54'15" E. along the Main Ship Channel Southwesterly right-of-way line for a distance of 6,398.88 feet to the Point of Beginning (P.O.B.).

Area as described above contains 11,768,413.347 Square Feet (plus or minus) or 437,407 Acres (plus or minus).

RECEIVED

SEP 08 2008

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

Specific Purpose Survey
Sketch To Accompany Legal Description(s)

The Port of Miami being a parcel of Uplands and Submerged lands lying within
Parish 3 - 1 Township 21 South, Range 42 East

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Sections 4, 5, 6, 7, 8, 9 and 10 Township 21 South, Range 42 East,
Miami-Dade County, Florida
being more particularly described as follows

PORT OF MIAMI BOUNDARY SURVEY

THE PORT OF MIAMI consists of upland and submerged lands in accordance of the following recorded documents:

A certain deed dated July 14th 1960 as recorded in Official Record Book (O.R.B.) 2454, at Pages (Pgs.) 77 and 78 of the Public Records of Miami-Dade County, Florida, and

A certain Lease Record First entitled "The Port of Miami" dated December 16th, 1968 as recorded in Pub. Rec. Bk. 2174, at Page 101 of the Public Records of Miami-Dade County, Florida, and

Certain General Warranty Deed for Tracts 1 & 2 dated May 07th 1969, as recorded in Official Record Book 10754, at Pages 1976 and 1977 of the Public Records of Miami-Dade County, Florida, and

A certain deed dated June 30th 1969 as recorded in Official Record Book 10788, at page 1823 of the Public Records of Miami-Dade County, Florida.

wherein herein expressed more contemporarily as a composite property, the first natural boundary is more particularly described as follows:

Commenced from an historic second order National Geodesic Survey (NGS) Monument stamped "M-15" set by the U.S. Army Corps of Engineers (USACE) in 1901 and fixed as per chart volume 1000, 1961 Monument designated and stamped "M-15" having a reference bearing of $N. 84^{\circ}37'04'' W.$ and a distance of 4,922.87 feet. The reference bearing is taken upon the North American Datum of 1983 as adjusted in 1985 for the Florida State Plane Zone using a conformal projection. The coordinates of "M-15" are 524,677.0673 feet for a Northing, and 532,075.9378 feet for a Easting as published by National Geodesic Survey under the Permanent Identifier (P. I.) Number of ACS311, and designated "11034". From the Point of Commencement (P.O.C.) "M-15" run $N. 75^{\circ}03'40'' E.$ for a distance of 452.86 feet to a point (marked at right angles) the Southeastery Main Ship Channel right-of-way line (as described in Official Record Book (O.R.B.) 2454, at Pages (Pgs.) 77 & 78) same said point being the Point of Beginning (P.O.B.) of the Port of Miami Boundary, thence run clockwise around the Port of Miami boundary beginning in a direction $S. 64^{\circ}54'25'' E.$ for a distance of 4,904.00 feet to a Point of Intersection (P.I.) deflection point on the same shoreward Southeastery Main Ship Channel right-of-way line, thence continue along the Southeastery Main Ship Channel right-of-way line $S. 57^{\circ}25'53'' E.$ for a distance of 3,578.00 feet to a P.I. with a line 100.00 feet offset Northerly and parallel to the Fisher Island Northerly Bulkhead line (as described and recorded in Pub. Rec. Bk. 10754, at Page 1974, and at sub-page (SP) 1, and also as recorded in P.B. 74 at Pg. 8, and at 3Pg. 1) both of the public records of Miami-Dade County, Florida; thence run $S. 06^{\circ}09'39'' W.$ along the same shoreward line 100.00 feet offset Northerly and parallel to the Fisher Island Northerly Bulkhead line for a distance of 2,109.50 feet to a point 1,700 feet Eastery of the Fisher Island Northerly Bulkhead line (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run $N. 01^{\circ}50'12'' W.$ at right angles to the aforementioned course a distance of 24.89 feet to a P.I. with a line approximately 125 feet offset Northerly and parallel to the Fisher Island Northerly Bulkhead line (as described for Tract 1 in O.R.B. 10754, at Pgs. 1976 & 1977); thence run $S. 89^{\circ}09'40'' W.$ along the same shoreward line approximately 125 feet offset Northerly and parallel to the Fisher Island Northerly Bulkhead line for a distance of 1,100.00 feet to a point 175 feet Northerly of the Northern corner of the Fisher Island Northerly Bulkhead line (as described for Tract 1 in O.R.B. 10754, at Pgs. 1976 & 1977); thence run $S. 90^{\circ}12'50'' W.$ a distance of 125.00 feet to Fisher Island's Northerly Bulkhead line corner (as described in O.R.B. 10754, at Pgs. 1976 & 1977) and also as recorded in P.B. 74, at Pg. 8, and at 3Pg. 1, and as recorded in P.B. 74, at Pg. 8, and at 3Pg. 1 both of the public records of Miami-Dade County, Florida; thence run $N. 89^{\circ}22'40'' W.$ from the shoreward Fisher Island's Northerly Bulkhead line corner a distance of 4,891.69 feet (4,895.00 feet, rounded) to the Southeastery corner of Tract 1 (as described in O.R.B. 10754, at Pgs. 1976 & 1977); thence run $N. 27^{\circ}02'56'' E.$ from the shoreward Southeastery corner of Tract 1 a distance of 90.20 feet to a P.I. with the Northerly right-of-way line of Fisherman's Channel, thence run $S. 06^{\circ}09'40'' W.$ along the Northerly right-of-way line of Fisherman's Channel a distance of 1,314.88 feet to the Southeast corner of the Northerly right-of-way line of Fisherman's Channel (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run $N. 00^{\circ}05'23'' W.$ from the Southeast corner of the Northerly right-of-way line of Fisherman's Channel (as described in O.R.B. 2454, at Pgs. 77 & 78) a distance of 22.69 feet to a P.I. of the Southerly line of Tract 2 (as described in O.R.B. 10754, at Pgs. 1976 & 1977); thence run $S. 87^{\circ}32'50'' W.$ along the same shoreward Southerly line of Tract 2 a distance of 77.78 feet to a P.I. at the Southeastery corner of Tract 2 (as described in O.R.B. 10754, at Pgs. 1976 & 1977); thence run $N. 84^{\circ}57'04'' W.$ along the same shoreward Southerly line of the Tract 2 a distance of 725.00 feet to a P.I. along the Southerly line of Tract 2 (as described in O.R.B. 10754, at Pgs. 1976 & 1977); thence run $S. 02^{\circ}27'00'' W.$ along the same shoreward Southerly line of Tract 2 for a distance of 204.07 feet to a P.I. with the Northerly right-of-way line of Fisherman's Channel, thence run $S. 56^{\circ}05'23'' W.$ along the same shoreward Northerly right-of-way line of Fisherman's Channel for a distance of 4,062.00 feet to a P.I. with the Easery and Northerly right-of-way line of Fisherman's Channel, and also being 900 feet offset Easery and parallel to the U.S. Harbor line (as described in O.R.B. 2454, at Pgs. 77 & 78, and as recorded in P.B. 73, at Pg. 3, and at 3Pg. 3 of the public records of Miami-Dade County, Florida); thence run $N. 01^{\circ}56'00'' W.$ along the same shoreward 900 foot offset line Easery of the U.S. Harbor line for a distance of 2,093.00 feet to a P.I. being 450 feet Southerly and parallel to a prolongation of the Southern right-of-way line of N.E. 6th Street (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run $N. 69^{\circ}54'29'' W.$ from the aforesaid P.I. a distance of 571.00 feet to a P.I. with the U.S. Harbor line (as recorded in P.B. 73, at Pg. 3, and at 3Pg. 3 of the Public Records of Miami-Dade County, Florida) being 89.00 feet Southerly of a prolongation of the Southerly right-of-way line of N.E. 6th Street as measured along the U.S. Harbor line (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run $N. 01^{\circ}59'00'' W.$ along the same shoreward U.S. Harbor line for a distance of 65.00 feet to a P.I. being the prolongation of the Southerly right-of-way line of N.E. 6th Street (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run $N. 87^{\circ}41'41'' E.$ from the same aforesaid P.I. on the U.S. Harbor line for a distance of 100.00 feet to a P.I. with a line 100 feet offset Easery and parallel to the aforesaid U.S. Harbor line, thence run $N. 01^{\circ}59'00'' W.$ along the same shoreward line 100 feet offset Easery and parallel to the aforesaid U.S. Harbor line (as described in O.R.B. 2454, at Pgs. 77 & 78) for a distance of 1,325.23 feet to a P.I.; thence run $N. 02^{\circ}22'19'' W.$ from the same aforesaid P.I. along a line 100 feet offset Easery and parallel to the aforesaid U.S. Harbor line for a distance of 890.75 feet to a P.I. of the Northerly line of the Main Ship Channel Westerly Turning Basin, thence run $N. 01^{\circ}59'00'' W.$ also being approximately 700 feet Southerly of the South right-of-way line of the Archer Causeway and 169 feet Easery of the southerly U.S. Harbor line of Biscayne Bay line (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run $N. 87^{\circ}49'45'' E.$ along the aforementioned Northerly line of the Main Ship Channel Westerly Turning Basin for a distance of 1,948.27 feet to a P.I. on the Northerly line of the Main Ship Channel Westerly Turning Basin, thence run $P.I.$ being approximately 778' plus or minus (800 feet, plus or minus, as described in O.R.B. 2454, at Pgs. 77 & 78) as measured at right angles from the Westerly Bulkhead line of Western Island; thence run $S. 31^{\circ}03'51'' E.$ along the aforementioned Northerly line of the Main Ship Channel Westerly Turning Basin for a distance of 1,450.53 feet to a P.I. of the Northerly line of the Main Ship Channel Westerly Turning Basin; thence run $S. 29^{\circ}07'19'' E.$ across the Main Ship Channel from the same aforesaid P.I. to a P.I. with the southern area of the Main Ship Channel Westerly Turning Basin and the Southeastery right-of-way line of the Main Ship Channel (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run $S. 67^{\circ}04'17'' E.$ along the same shoreward Southeastery right-of-way line of the Main Ship Channel (as described in O.R.B. 2454, at Pgs. 77 & 78) to the Point of Beginning (P.O.B.);

Area as described above contains 46,713,267.024 Sq. Ft. plus or minus, or 1,071,885.42 ac. plus or minus.

RECEIVED
SEP 08 2008
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

15

Attachment C

**Owner/Agent Letter, Engineer Certification Letter and
Project Sketches**

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

April 1, 2009

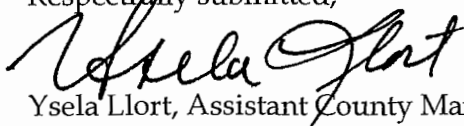
Miami-Dade County DERM
Class 1 Permitting Program
701 N.W. 1st Court
Miami Florida 33136

RE: Class I Permit Application by Miami-Dade County to Install Seven Hundred Fifty-Four (754) Linear Feet of New Sheet Pile Bulkhead, Dredge Five Thousand Fifty (5,050) Cubic Yards of Sediment from a Thirteen Thousand Forty-Six (13,046) Square Foot Area to a Depth of Minus Thirty-Two (-32) Feet National Geodetic Vertical Datum, and Backfill Twenty-Five Thousand Seven Hundred Nine (25,709) Square Feet of Tidal Waters with Thirteen Thousand Three Hundred (13,300) Cubic Yards of Clean Fill Along Fisherman's Channel on the South Side of Port of Miami in Biscayne Bay.

By the attached Class I Standard Form permit application with supporting documents, I, Ysela Llort, Assistant County Manager at the Miami-Dade County, am the permit applicant and hereby request permission to perform the following: Class I Permit Application by Miami-Dade County to Install Seven Hundred Fifty-Four (754) Linear Feet of New Sheet Pile Bulkhead, Dredge Five Thousand Fifty (5,050) Cubic Yards of Sediment from a Thirteen Thousand Forty-Six (13,046) Square Foot Area to a Depth of Minus Thirty-Two (-32) Feet National Geodetic Vertical Datum, and Backfill Twenty-Five Thousand Seven Hundred Nine (25,709) Square Feet of Tidal Waters with Thirteen Thousand Three Hundred (13,300) Cubic Yards of Clean Fill Along Fisherman's Channel on the South Side of Port of Miami in Biscayne Bay. 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 subject of this Class 1 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,


Ysela Llort, Assistant County Manager
Miami-Dade County

ENGINEER LETTER OF CERTIFICATION

Note: Please insert applicable information



CH2MHILL

April 1, 2009

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

CH2M HILL
4350 W. Cypress St.
Suite 600
Tampa, FL 33607
Tel 813.874.0777
Fax 813.874.3056

RE: Class I Standard Form Permit Application by Miami-Dade County Number 2008-CLI-PER-00222, to Install Seven Hundred Fifty-Four (754) Linear Feet of New Sheet Pile Bulkhead, Dredge Five Thousand Fifty (5,050) Cubic Yards of Sediment from a Thirteen Thousand Forty-Six (13,046) Square Foot Area to a Depth of Minus Thirty-Two (-32) Feet National Geodetic Vertical Datum, and Backfill Twenty-Five Thousand Seven Hundred Nine (25,709) Square Feet of Tidal Waters with Thirteen Thousand Three Hundred (13,300) Cubic Yards of Clean Fill Along Fisherman's Channel on the South Side of Port of Miami in Biscayne Bay.

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,

A handwritten signature in black ink that reads "Gary Dupere".

Gary Dupere, P.E.

FL PE# 13102

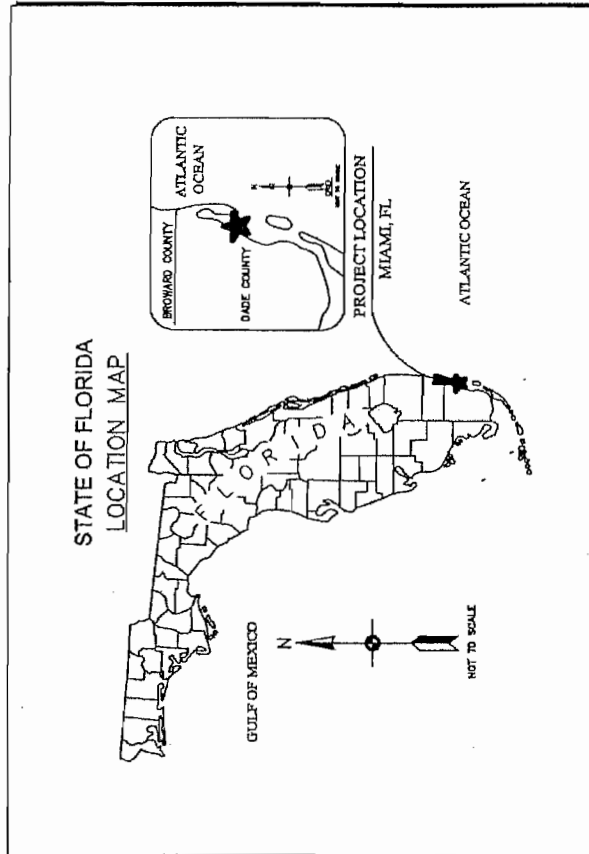
04-02-09

RIP RAP AREA 3 BULKHEAD EXTENSION

Miami - Dade County Seaport Department
Miami, Florida



OCTOBER 13, 2008



RIP RAP AREA 3
BULKHEAD EXTENSION
PORT OF MIAMI
COVER SHEET

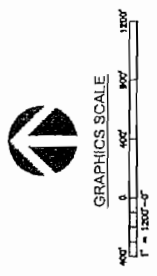
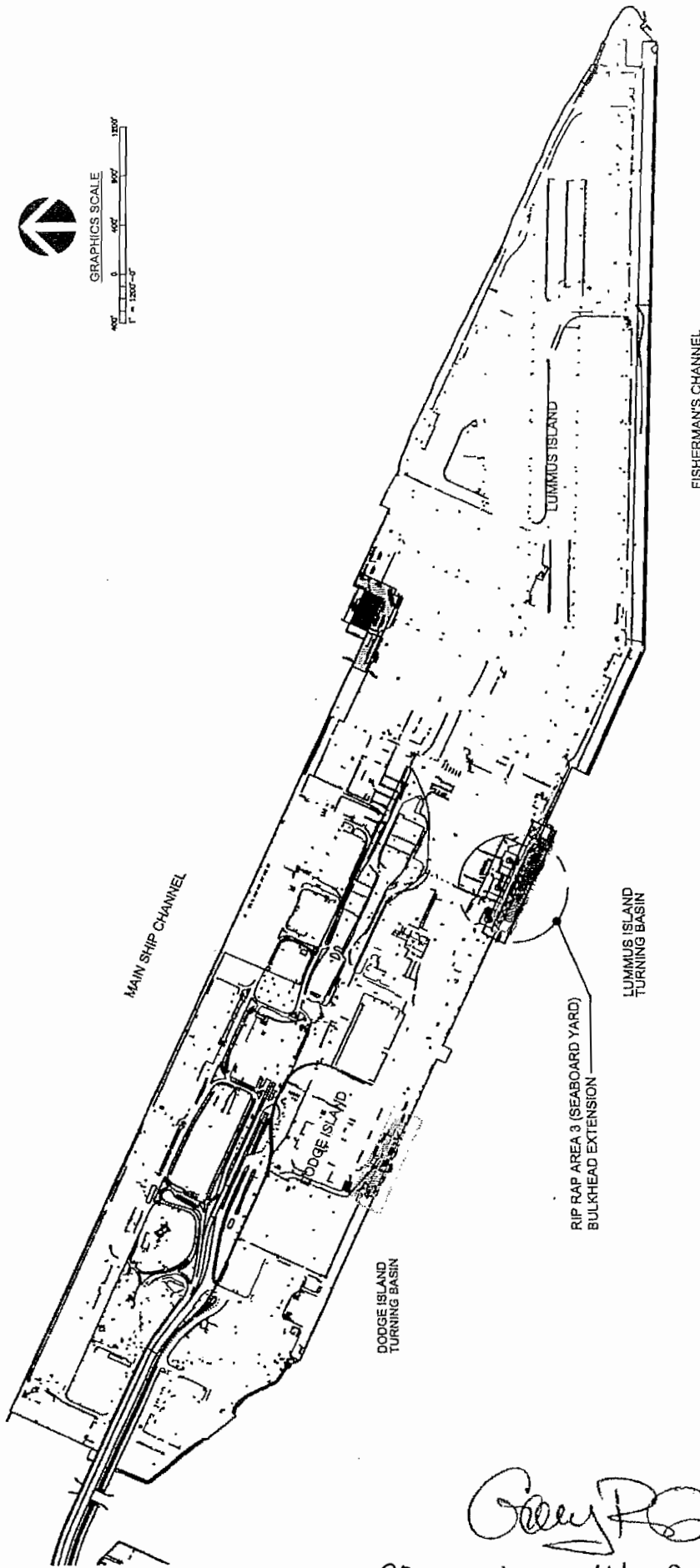
CH2MHILL
4350 W. Cypress St
Suite # 800
Tampa, Florida
33607

JOB No. 352279
CAD FILE p1
SHEET NUMBER
SHEET OF **P1**

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DESIGNED:	BB
DRAWN:	MH
CHECKED:	RC
APPROVED:	GD
DATE:	10-13-2008

REV.	DESCRIPTION	APPR.	DATE

[Handwritten signature]



DATE:	10-13-2007	STATUS:	
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CHECKED:	PC	REV.	
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DATE:	10-13-2008		
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PLOTTER:	10-13-2008		

**RIP RAP AREA 3
BULKHEAD EXTENSION**
MIAMI, FLORIDA
OVERALL SITE PLAN

CH2MHILL
4350 W. Cypress St
Suite # 600
Tampa, Florida
33607

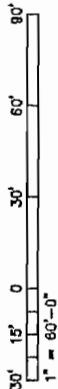
JOB No. 352279
CAD FILE
SHEET NUMBER P2
SHEET OF

20

Gregory P. [Signature]
10-14-08



GRAPHICS SCALE



P/C CONCRETE PILE CUT-OFFS
(CURB STOPS)

EXISTING ASPHALTIC CONCRETE

EXISTING LIGHT POLE

EXISTING FENCE

REMOVE EXISTING MOORING PILE (TYP)
LIMIT OF EXISTING PAVEMENT

PROPOSED BULKHEAD CONSTRUCTION

MHW WATERLINE
EL. +1.60' (NGVD29)

TYP. PROPOSED FENDER
@ 80' ± O.C.

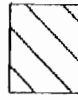
EXISTING BULKHEAD

EXISTING RIP RAP (TYP.) TO BE
REMOVED AND RELOCATED.

MATCH LINE B - B

SEE DWG. - P4

LEGEND



FILL AREA.
APPROX. VOLUME
FILL = 13,300 CY



TOTAL DREDGING AREA
= 13,046 SF = 0.30 ACRES
APPROX. VOLUME OF
DREDGING = 5,050 CY



NOTE: NO DREDGING PRIOR TO BULKHEAD INSTALLATION

RIP RAP AREA 3 BULKHEAD EXTENSION PORT OF MIAMI

MIAMI, FLORIDA

CH2MHILL

4350 W. Cypress St
Suite # 600
Tampa, Florida
33607

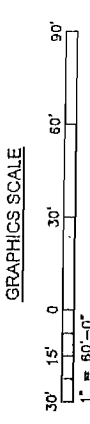
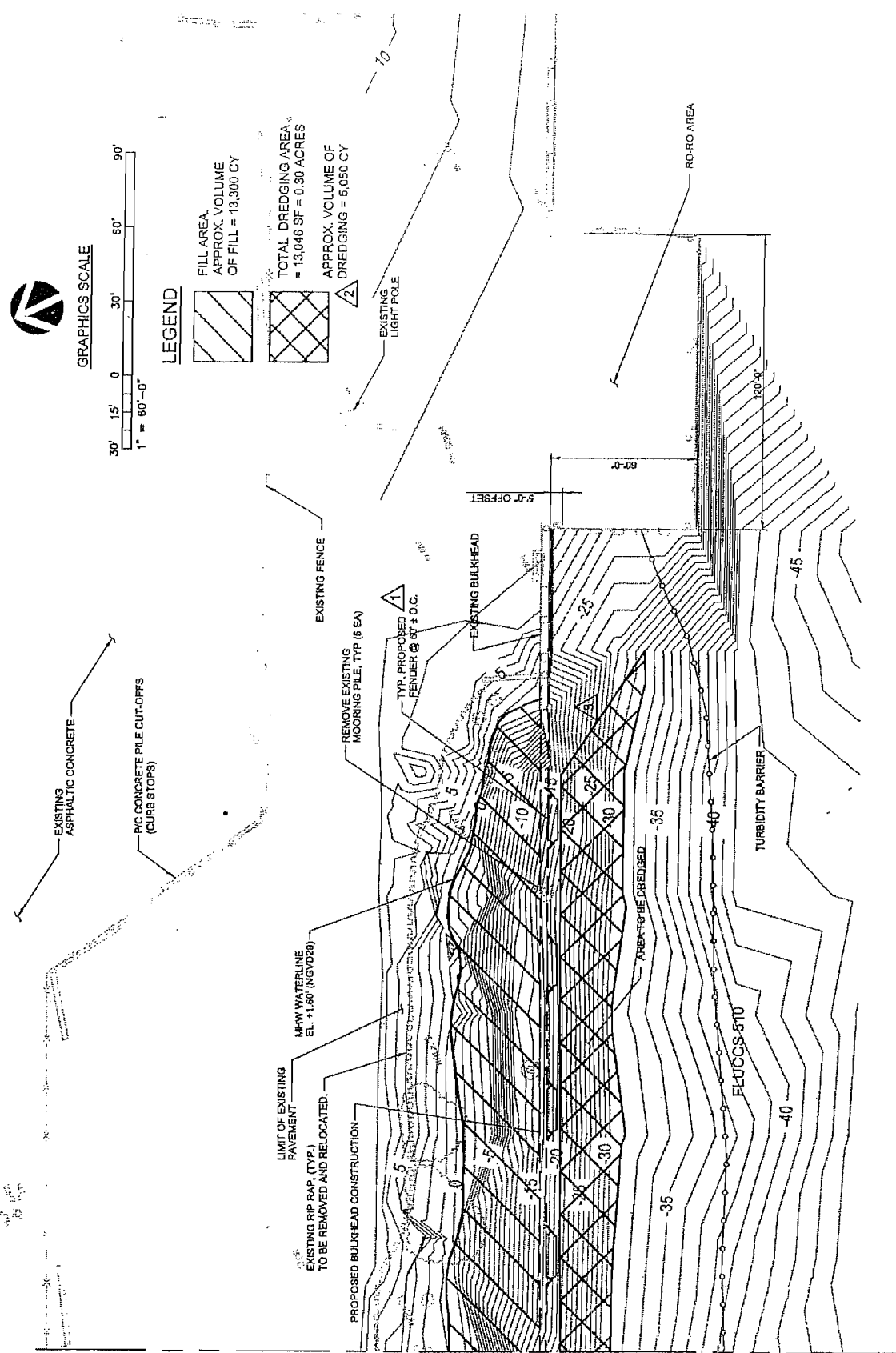
JOB No. 352279
CAD FILE P3
SHEET NUMBER
SHEET OF **P3**

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DRAWN:	MMJ
CHECKED:	RC
APPROVED:	GD
DATE:	10-13-2006




REV.	DESCRIPTION	DATE
2	DREDGE VOLUME	10/10/06
1	FENDER DESIGN	10/10/06

21

Handwritten signature and date: 10-14-08



LEGEND

-  FILL AREA, APPROX. VOLUME OF FILL = 13,300 CY
-  TOTAL DREDGING AREA = 13,046 SF = 0.30 ACRES, APPROX. VOLUME OF DREDGING = 5,050 CY
-  EXISTING LIGHT POLE

MATCH LINE B - B
SEE DWG. - 73

NOTE: NO DREDGING PRIOR TO BULKHEAD INSTALLATION

PLOTTED:	8-25-2008
TIME:	2:35 PM
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DESIGNED:	DB
DRAWN:	AW
CHECKED:	RC
APPROVED:	GD
DATE:	8-26-2008

REV.	DESCRIPTION	DATE
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2	DREDGE VOLUME	10/10/08
1	FENDER DESIGN	10/10/08
GD	REV. DESCRIPTION	APPR. DATE

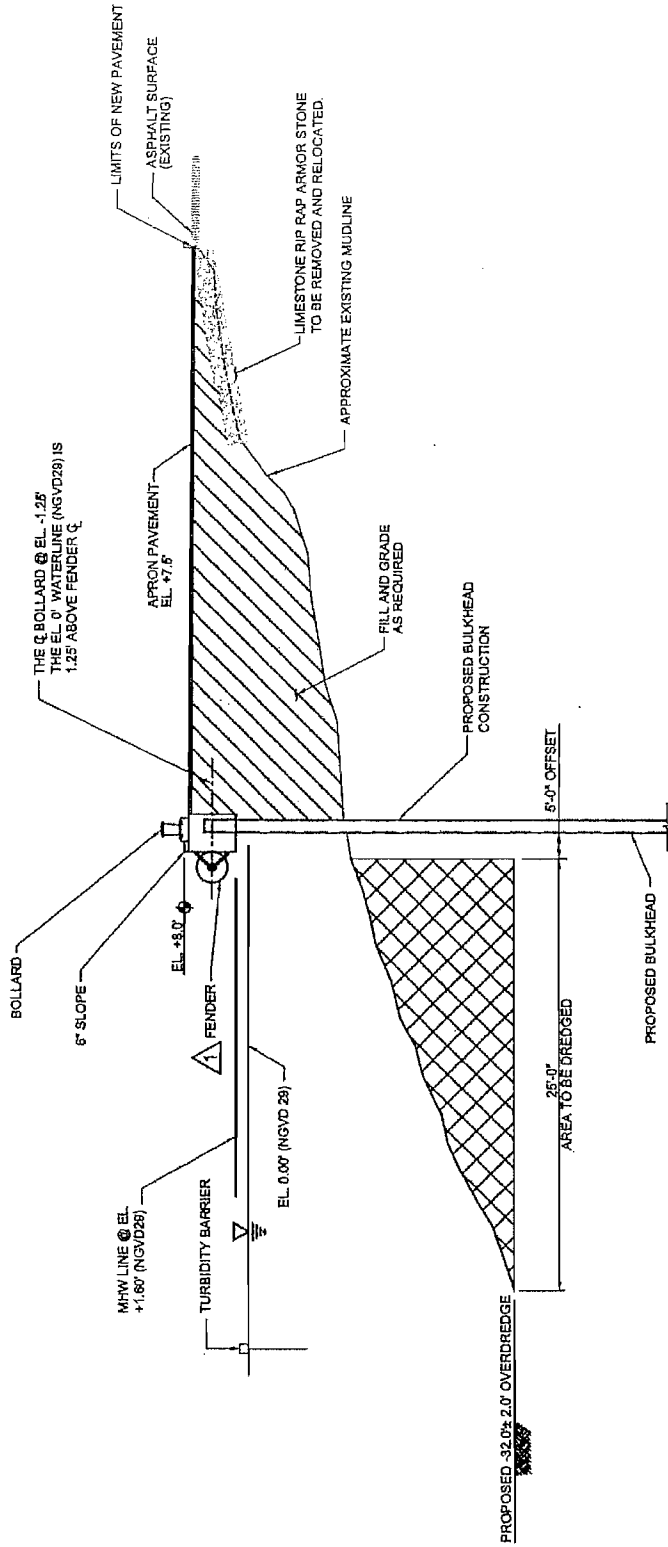
**RIP RAP AREA 3
BULKHEAD EXTENSION**
PORT OF MIAMI
MIAMI, FLORIDA

CH2MHILL
4350 W. Cypress St
Suite # 600
Tampa, Florida
33607

JOB No. 352279
CAD FILE p4
SHEET NUMBER
SHEET OF **P4**

ENLARGED PLAN - RIP RAP AREA 3 - 2 OF 2

22
Gary R. [Signature]
10-14-08



B TYPICAL SECTION
 AREA 3

**RIP RAP AREA 3
 BULKHEAD EXTENSION
 PORT OF MIAMI**

MIAMI, FLORIDA

TYPICAL SECTIONS

CH2MHILL
 4350 W. Cypress St
 Suite # 600
 Tampa, Florida
 33607

JOB No. 352279
 CAD FILE p5
 SHEET NUMBER
P5
 SHEET OF

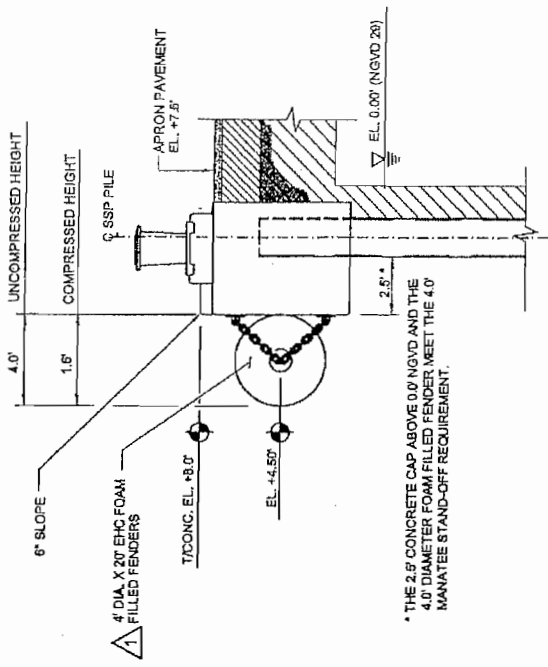
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DATE:	10-13-2008

REV.	DESCRIPTION	DATE
1	FENDER DESIGN	10/10/08
GD	APPRV	DATE

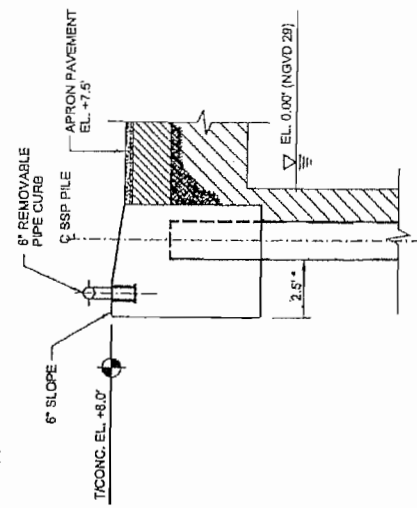
23

Gregory H. [Signature]

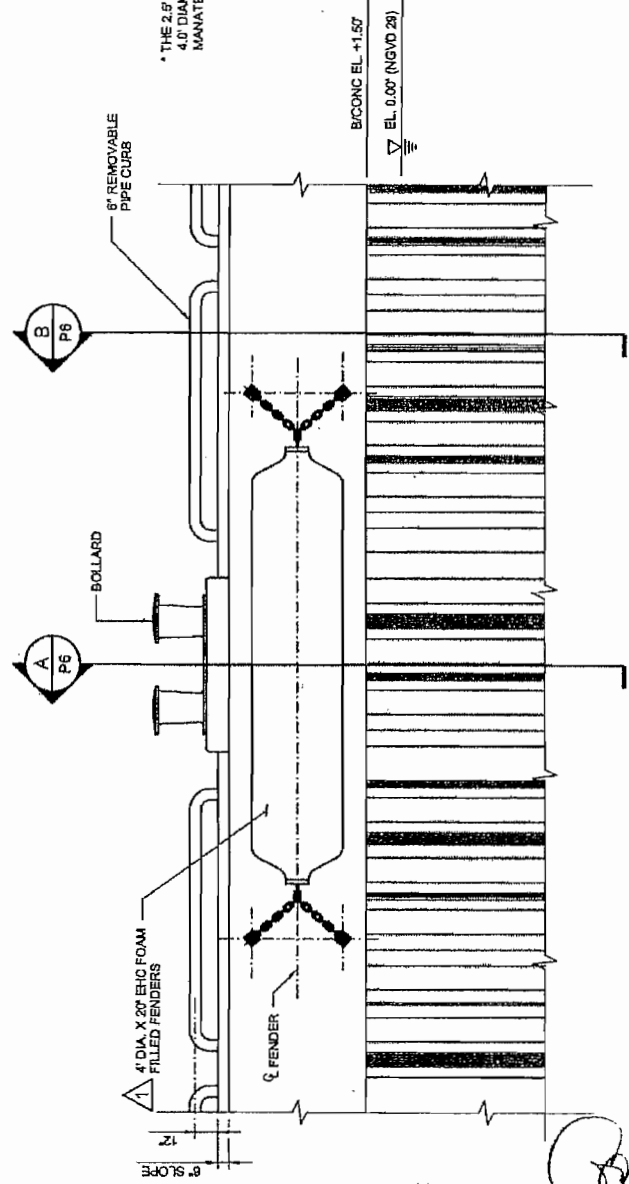
10-14-08



A SECTION - FENDER ATTACHMENT
SCALE: 1/8" = 1'-0"
PS



B SECTION - REMOVABLE CURB
SCALE: 1/8" = 1'-0"
PS



1 FENDER ARRANGEMENT
SCALE: 1/8" = 1'-0"

PLOTTED:	10-13-2008	STATUS:	APR
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DESIGNED:	AS NOTED	REV.:	DESCRIPTION
DRAWN:	BD	NO.	1
CHECKED:	MAI	DATE:	10/10/08
APPROVED:	RC	BY:	GD
DATE:	10-13-2008	DATE:	10/10/08

CH2MHILL
4350 W. Cypress St
Suite # 600
Tampa, Florida
33607

**RIP RAP AREA 3
BULKHEAD EXTENSION
PORT OF MIAMI**

MIAMI, FLORIDA

JOB No. 352279
CAD FILE p6
SHEET NUMBER
SHEET OF **P6**

FENDER - SECTIONS AND DETAILS

24

Handwritten signature and notes:
10-14-08


Attachment D
Zoning Memorandum

Memorandum



Date: April 1, 2009

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

From: Christine D. Hopps, ERPS 
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County to Install Seven Hundred Fifty-Four (754) Linear Feet of New Sheet Pile Bulkhead, Dredge Five Thousand Fifty (5,050) Cubic Yards of Sediment from a Thirteen Thousand Forty-Six (13,046) Square Foot Area to a Depth of Minus Thirty-Two (-32) Feet National Geodetic Vertical Datum, and Backfill Twenty-Five Thousand Seven Hundred Nine (25,709) Square Feet of Tidal Waters with Thirteen Thousand Three Hundred (13,300) Cubic Yards of Clean Fill Along Fisherman's Channel on the South Side of Port of Miami in Biscayne Bay

Pursuant to Section 24-48.2(II)(A)(7), 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 Management and Control Plan

Turbidity Management and Control Plan for Dredge and Fill Activities
Port of Miami Rip Rap Area 3 Bulkhead Extension
2008-CLJ-PER-00222

The Port of Miami seeks to enhance its existing facilities to satisfy the needs of an increasingly technological and competitive customer base. In order to do this, the Port must complete a planned expansion of cargo handling facilities. The permit will allow for bulkhead expansion across an existing rip rap protected slope area known as Rip Rap Area 3 (RR3). RR3 is located at the western end of the Seaboard cargo yard along the south side of the port. The new 755+/- feet bulkhead wall will connect two existing bulkhead berths proposing to create approximately 0.59 acres of berthing area. Approximately 13,300 cubic yards of fill material will be required and approximately 5,050 cubic yards of material will be dredged to achieve the minimal accepted depth of -32 feet.

Dredge and Fill Methodology

The existing Rip rap located at Area 3 (RR3) is proposed to be re-used for the Pilot Station Rip Rap Enhancement project at the East end of Port of Miami. The Pilot Station project is a rip rap shoreline enhancement project as a response to on-going erosion concerns. Prior to transportation to the Pilot Station, the rip rap material will be impounded in a temporary containment area within the contractor's work limits defined by walls, berms, and/or other barriers around the perimeter as necessary for an adequate timeframe for drying. Once the rip rap material has been adequately dried, it will be transferred to the Pilot Station Rip Rap Enhancement Project location.

After removing the rip rap and installing the bulkhead and tie-back system at RR3, dredging excavation will take place waterward of the bulkhead to a depth of minus 32 feet National Geodetic Vertical Datum (NGVD) plus two feet overdredge. All dredged material will then be stockpiled on site and stored in the temporary containment area (an impounded area defined by walls, berm, and/or barriers around the perimeter as necessary for an adequate timeframe for drying). The stockpiled dredge material shall be sampled and tested per Miami-Dade County Department of Environmental Resources Management (DERM) requirements. Test results will be submitted to DERM with a request to either re-use the dredged material behind the bulkhead, below the 24-inch pavement section, or for proper disposal in an approved landfill. If the analytical data reveals that this dredged material cannot be re-used as fill upland of the bulkhead, then it will be properly disposed at an approved landfill after being dried in the temporary containment area. However, the Seaport Department is requesting to retain the option to obtain in-situ sediment samples as outlined by DERM. These analytical results will be submitted to DERM's Pollution Control Section for approval to re-use the dredge material directly behind the bulkhead without placement in the temporary containment area.

Turbidity Management and Control Plan

Mixing Zone

A mixing zone will be established for the fill activities pursuant to Chapter 62-4.244, Florida Administrative Code (FAC), Mixing Zone Standards for Surface Waters. The mixing zone will cover 120 meters from the proposed bulkhead and will be bounded by a floating turbidity barrier as described below. Pursuant to Chapter 62-4.244 FAC, water within the approved mixing zone and outside of the approved mixing zone will be monitored during construction to ensure that all relevant water quality standards are met.

Turbidity Barriers

Best management practices for turbidity and erosion control will be implemented and maintained at all times during dredging to minimize potential transfer of suspended sediments into the water column adjacent to the operations. The primary turbidity control mechanism will be the installation and use of turbidity barriers during all dredge activities. The turbidity barrier will remain in place until the work is completed and levels within the curtains are equal to background levels outside the mixing zone. Turbidity levels may not exceed ambient turbidity levels outside the mixing zone.

Turbidity Monitoring

During the dredging phase of the project, turbidity monitoring will be conducted every four (4) hours starting approximately 30 minutes following commencement of construction or whenever a substantial work-generated plume extends towards the edge of the 120 meter mixing zone. Turbidity shall be monitored both at the background and compliance locations and shall be measured and reported in Nephelometric Turbidity Units (NTUs).

Background Sample(s):

Background samples will be collected two meters below the surface at least 300 meters upcurrent from the dredge or fill site, clearly outside any turbidity generated by the project or other obvious plume.

Compliance Sample(s):

Project compliance samples will be collected two meters below the surface, no more than 120 meters downcurrent from the dredge and fill site and any other point of project associated discharge, within the densest portion of any visible turbidity plume.

Actions if Standards are exceeded:

If the turbidity levels exceed background levels at the edge of the mixing zone, construction will cease until corrective measures have been employed. The contractor shall modify any work procedures that caused the elevated turbidity levels, install additional turbidity containment devices, and repair or replace any non-functioning turbidity containment devices. All turbidity curtains shall remain in place until turbidity within the curtains subsides.

Reporting:

Weekly summaries of all turbidity monitoring data shall be submitted to the Coastal Resources Section Compliance/Enforcement Group of DERM within one week of analysis with documents containing the following information: (1) permit number; (2) dates and times of sampling and analysis; (3) depth of water body; (4) depth of sample; (5) weather conditions; (6) direction of flow; (7) wind direction and velocity; (8) a statement describing the methods used in collection and analysis of the samples; (9) a map indicating the sampling locations; (10) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Attachment F
DERM Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2008 CLI-PER 00222

MIAMI-DADE COUNTY, FOR A CLASS I PERMIT TO INSTALL SEVEN HUNDRED FIFTY-FOUR (754) LINEAR FEET OF NEW SHEET PILE BULKHEAD, DREDGE FIVE THOUSAND FIFTY (5,050) CUBIC YARDS OF SEDIMENT FROM A THIRTEEN THOUSAND FORTY-SIX (13,046) SQUARE FOOT AREA TO A DEPTH OF MINUS THIRTY-TWO (-32) FEET NATIONAL GEODETIC VERTICAL DATUM, AND BACKFILL TWENTY-FIVE THOUSAND SEVEN HUNDRED NINE (25,709) SQUARE FEET OF TIDAL WATERS WITH THIRTEEN THOUSAND THREE HUNDRED (13,300) CUBIC YARDS OF CLEAN FILL ALONG FISHERMAN'S CHANNEL ON THE SOUTH SIDE OF PORT OF MIAMI IN BISCAYNE BAY.

Date: March 26, 2009

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-48.3 of the Code of Miami-Dade County, 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 from the installation of new sheet pile bulkhead, maintenance dredging, and filling of tidal waters will be minimized. The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*); therefore, the applicant is proposing to incorporate a fender system along the new seawall to provide at least four (4) feet of standoff from the bulkhead under maximum operational compression to prevent manatees from being trapped or crushed. Although there are isolated coral colonies located on some of the riprap along the unconsolidated shoreline, they will be relocated prior to the start of construction. Additionally, the Class I permit will have conditions to minimize turbidity and protect rare, threatened, and endangered species.
2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to have cumulative adverse environmental impacts.
3. **Hydrology** - The proposed project, as designed, is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is expected to temporarily affect surface water quality during the construction phase of the project, however these impacts will be minimized by the implementation of proper turbidity control devices (see Attachment E).
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.
9. **Navigation** – The proposed project may temporarily affect navigation. Fisherman's Channel is a direct connection between the Atlantic Ocean, the Port of Miami, and the Miami River, and this channel is frequently used by both recreational and commercial vessels. However, the Class I permit will include conditions requiring the applicant to contact the United States Coast Guard prior to the commencement of construction, and adhere to their conditions to prevent any adverse impacts.
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 will cause temporary disturbances of the benthic soils during bulkhead installation, and permanent coverage of the benthic soils located in the areas to be dredged and filled. Although these soils may support limited numbers of marine infauna (i.e. benthic fauna living within the substrate), the soils do not support any significant marine resources. Mitigation for unavoidable impacts associated with dredging and filling of tidal waters will be provided by the applicant through the placement of three thousand nine hundred sixty-one (3,961) cubic yards of riprap as part of a shoreline stabilization project.

Although there are isolated coral colonies located on some of the riprap along the unconsolidated shoreline, they will be relocated to the north side of the island prior to the start of construction. The proposed project is located within an area identified by the MPP as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*); therefore, the applicant is proposing to incorporate a fender system along the new seawall to provide at least four (4) feet of standoff from the bulkhead under maximum operational compression to prevent manatees from being trapped or crushed.

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.
17. **Fauna Values** – The proposed project may cause temporary impacts to marine fauna resulting from turbidity as a result of the installation of the steel sheet pile seawall and the dredging and filling of the tidal waters; however, these impacts will be minimized by the implementation of proper turbidity control devices (Attachment E).

The proposed project is located within an area identified by the MPP as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). Therefore, the applicant is proposing to incorporate a fender system along the new seawall to provide at least four (4) feet of standoff from the bulkhead under maximum operational compression to prevent manatees from being trapped or crushed.

18. **Rare, Threatened and Endangered Species** –The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). Therefore, the applicant is proposing to incorporate a fender system along the new seawall to provide at least four (4) feet of standoff from the bulkhead under maximum operational compression to prevent manatees from being trapped or crushed. Additionally, the Class I permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project does not involve 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 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.
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 are owned by the applicant.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
 - a) Miami-Dade County Public Works Manual
 - b) Biscayne Bay Management Plan (Sections 33D-1 through 33D-4 of the Code of Miami-Dade County)
 - c) Chapter 33B of the Code of Miami-Dade County
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or 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
 - c) Rule 40E-4, Florida Administrative Code (FAC)
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/Polycys 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/Policys 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 result in a net loss of any such wetlands.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). Therefore, the applicant will install a fender system along the new seawall to provide at least four (4) feet of standoff at maximum operational compression to prevent manatees from being trapped or crushed. Additionally, the Class I

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

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – There are no mangroves in the project area and 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 mangroves.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, 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 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/Policies 3E, 3F - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The proposed project does not involve the development or identification of new cut or spoil areas.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project will enhance existing water-dependent use.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) – The Shoreline Development Review Committee has evaluated the proposed project and determined that the thresholds for review under the Shoreline Ordinance do not apply and the proposed project is not subject to shoreline development review.

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

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.
29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is consistent with the Biscayne Bay Management Plan.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. The proposed project is located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). Therefore, the applicant will install a fender system along the new seawall that will provide at least four (4) feet of standoff at maximum operational compression to prevent manatees from being trapped or crushed. Additionally, the Class I permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.
32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter 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)(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** – 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 is consistent with two of the six dredge and fill criteria specified in Section 24-48.3(2):

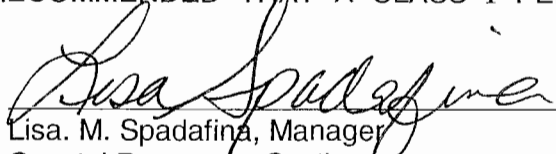
- Minimum dredging and spoiling for public navigation or public necessity
- A physical modification to protect public or private property.

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 –

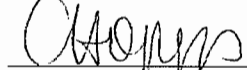
The proposed project is consistent with the water depth requirements set forth in Section 24-48.3(3) of the Code of Miami-Dade County.

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

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



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Coastal Resources Section



Christine D. Hopps, ERPS
Coastal Resources Section