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

Memorandum

MIAMI-DADE COUNTY

Date: June 30, 2009

Agenda Item No. 5(C)
Resolution No. R-790-09

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

From: George M. Burgess
County Manager

Subject: Class I Permit Application by the Deering Bay Marina Association, Inc. for Trimming and Alteration of Red Mangroves which are Part of a Coastal Band Community to Provide Navigational Access

---

Attached, please find for your consideration an application by the Deering Bay Marina Association, Inc. for a Class I permit. Also attached is the recommendation of the Director of the Department of Environmental Resources Management and a resolution seeking the Board's approval of the aforesaid Class I permit.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: June 2, 2009

To: George M. Burgess
County Manager

From: Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Class I Permit Application by the Deering Bay Marina Association, Inc. for Trimming and Alteration of Red Mangroves which are Part of a Coastal Band Community to Provide Navigational Access

---

Recommendation

I have reviewed the attached Class I permit application by Deering Bay Marina Association, Inc. 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 issuance of a Class I permit for the reasons set forth below.

Scope

The project site is located along an access channel to a private lagoon at 13600 Old Cutler Road, Coral Gables, in Commission District 7 (Commissioner Carlos A. Gimenez).

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class I permit application involves the trimming and alteration of red mangroves which are part of a Coastal Band Community to facilitate navigational access between Biscayne Bay and the Deering Bay Marina lagoon to the north. The site is located along the channel adjacent to the west side of the Chapman Field Park Mangrove Protection Area and east of Deering Bay Estates Golf Course in Coral Gables, Miami-Dade County, Florida.

Pursuant to Section 24-48.1 of the Code of Miami-Dade County, a Class I permit is required to trim, cut or alter mangrove trees in Miami-Dade County. The project site consists of an unconsolidated shoreline with high-quality halophytic (salt tolerant) wetland vegetation dominated by mature red mangroves that are part of a Coastal Band Community as defined by Section 24-5 of the Code. Section 24-48.2 of the Code requires permit applications for the trimming, cutting, or alteration of mangrove trees that are part of a Coastal Band Community to be processed as a standard form application that requires review and approval by the Miami-Dade County Board of County Commissioners.

The proposed project site consists of a channel which connects the Deering Bay Marina lagoon and Biscayne Bay. Said channel is bordered by mangroves on both sides, and has shallow water depths along the west side. Deering Bay Marina Association Inc. has an interest in maintaining the channel for the purpose of navigation to their marina within the lagoon. The mangroves on the east side of the channel are encroaching into the waterway, making navigation difficult for many of the vessels that are docked at the marina in the lagoon.

The submerged lands upon which the mangroves are located are owned by Miami-Dade County and administered by the Miami-Dade County Park and Recreation Department. The applicant has obtained authorization for use of submerged lands in the form of a letter signed by the Director of the Park and Recreation Department (Attachment F).

The mangroves at the site are designated by the Comprehensive Development Master Plan (CDMP) of Miami-Dade County as being within a Mangrove Protection Area. However, the proposed project is consistent with the exceptions of the CDMP as the trimming and alteration of mangroves to provide navigational access to the marina within the lagoon is water dependent. The proposed project shall result in the removal of mangrove branches and prop roots along three hundred (300) linear feet of shoreline for a total of three thousand one hundred thirty-five (3,135) square feet of mangrove impacts. To mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of twenty-five thousand eighty dollars ($25,080) to be used for the creation or restoration of halophytic wetlands.

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

Attachments

Attachment A: Class I Permit Application
Attachment B: Affidavit of Ownership and Hold Harmless Agreement
Attachment C: Owner/Agent Letter and Project Sketches
Attachment D: Zoning Memorandum
Attachment E: Names and Addresses of Owners of All Riparian or Wetland Property Within Three Hundred (300) Feet of the Proposed Work
Attachment F: Revocable At-Will Consent for Use of Submerged Lands
Attachment G: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY DEERING BAY MARINA ASSOCIATION, INC. FOR A CLASS I PERMIT FOR TRIMMING AND ALTERATION OF RED MANGROVES WHICH ARE PART OF A COASTAL BAND COMMUNITY TO PROVIDE NAVIGATIONAL ACCESS

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Section 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 Deering Bay Marina Association, Inc. for a Class I permit for trimming and alteration of red mangroves which are part of a Coastal Band Community to provide navigational access. Such Public Hearing will be held on the 30th day of June 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 (Diane Collins, 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: _____
Diane Collins, Deputy Clerk

MEMORANDUM

(Revised)

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

DATE: June 30, 2009

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

SUBJECT: Agenda Item No. 5(C)

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)**
___V___	**No committee review**

5

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(C)
6-30-09

RESOLUTION NO. R-790-09

RESOLUTION RELATING TO AN APPLICATION BY DEERING BAY MARINA ASSOCIATION, INC. FOR A CLASS I PERMIT FOR TRIMMING AND ALTERATION OF RED MANGROVES WHICH ARE PART OF A COASTAL BAND COMMUNITY TO PROVIDE NAVIGATIONAL ACCESS

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 Deering Bay Marina Association, Inc. for a Class I permit for trimming and alteration of red mangroves which are part of a Coastal Band Community to provide navigational access, 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 Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Katy Sorenson and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman aye

Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	absent
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 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

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Robert A. Duvall

Attachment A

Class I Permit Application

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

Class I
Permit Application

1. Application number	2. Date Day/Month/Year	3. For official use only
2008-CLI-PER-00197	12/4/08	

4. Applicant Information:

Name: James Mayes, President, **Deering Bay Marina Association, Inc.**

Address: **13660 Deering Bay Drive**
Miami, Florida 33158

Phone #: 305-256-2510 Fax #:305-256-2500

5. Applicant's authorized permit agent

Name: **Coastal Development Consulting, Inc.**

Address: **940 NW 131 Avenue**
Miami, Florida 33182

Phone #: **305-228-9007** Fax #: **305-228-9008**

6. Describe the proposed activity, its purpose and intended use, including a description of the 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.

Trimming and Alteration of Red Mangroves which are part of a Coastal Band Community to Provide Navigational Access

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

7. Proposed Use: (Check One)
- ☐ Private
- ☐ Public
- X Commercial
- ☐ Other **Multi Family**

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

Name: **N/A**
Address:

Name: **N/A**
Address:

9. Location where proposed activity exists or will occur.

Street Address: **13600 Old Cutler Road, Coral Gables, Florida 33158** (03-5024-001-0030)
Latitude_____Longitude_____ Section_____Township_____Range_____

State_**Florida**___County__**Miami-Dade**___In City or Town_ **Coral Gables** __Near City Or Town

RECEIVED
JAN 07 2009
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

10. Name of waterway at location of the activity.

Marina Basin

11. Date activity is proposed to commence: By March 2009 or ASAP Be completed : By March 2009 or ASAP

12. Is any portion of this activity for which authorization is sought now complete?
☐ Yes
X 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

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

15. Remarks

16. Estimated project cost = N/A

17. Contractor's name and address

Name: **TBD** License #:_____

Address:

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 Mayes, President, Deering Bay Marina Association, Inc.
Date 12/4/08

SUBSCRIBED AND SWORN TO ME THIS 4 DAY OF December, 2008, BY James D Mayes

☑ PERSONALLY KNOWN ☐ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED N/A _____ NOTARY PUBLIC

NOTARY PUBLIC-STATE OF FLORIDA
Lourdes Gegundez-Wallace
Commission # DD502267
Expires: DEC. 27, 2009
Bonded Thru Atlantic Bonding Co., Inc.

10

RECEIVED
JAN 0 7 2009
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

Attachment B

Affidavit of Ownership and Hold Harmless Agreement

Affidavit of Ownership
and Hold Harmless Agreement

Personally Appeared Before Me, **James Mayes, President, Deering Bay Marina Association, Inc.** that 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:

24 55 40 569.734 M/L AVOCADO LAND C0 PB 2-44 BEG NE COR OF SEC 55.40-24 TH W 2336.54FT M/L S576.43FT SELY 553FT M/L SWLY 1754.21FT

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-00197 for a Class I permit under and pursuant to Section 24-58 of the Code of Miami-Dade County to construct or engage in the following activity:

Trimming and Alteration of Red Mangroves which are part of a Coastal Band Community to Provide Navigational Access

3. That your affiant hereby swears and affirms its ownership or leasehold in the above noted property necessary for the work noted in Paragraph 2 above, and hereby agrees to: defend same and hold the County harmless from any and all liability, claims and damages of any nature whatsoever occurring, including or arising as a result of your affiant not having the proper title to all lands or proper leasehold to all lands that are the subject matter of this application.

STATE OF FLORIDA
COUNTY OF DADE

Owner/Applicant
President, Deering Bay Marina Association, Inc.

BEFORE ME, the undersigned authority, personally appeared **James Mayes, President, Deering Bay Marina Association, Inc.** , 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 4 (day) of December (month) 2008.

NOTARY PUBLIC-STATE OF FLORIDA
Lourdes Gegundez-Wallace
Commission # DD502267
Expires: DEC. 27, 2009
Bonded Thru Atlantic Bonding Co., Inc.

RECEIVED
JAN 0 7 2009
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

Attachment C

Owner/Agent Letter and Project Sketches

December 4, 2008

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

Re: Class I Standard Form Permit Application Number 2008-CLI-PER-00197, Trimming and Alteration of Red Mangroves which are part of a Coastal Band Community to Provide Navigational Access

By the attached Class I Standard Form permit application with supporting documents, I, Lourdes Gegúndez-Wallace, President of Coastal Development Consultants Inc., am the applicant's authorized agent and hereby request permission to perform the following: Trimming and Alteration of Red Mangroves which are part of a Coastal Band Community to Provide Navigational Access. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered/licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a registered/licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a registered/licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,

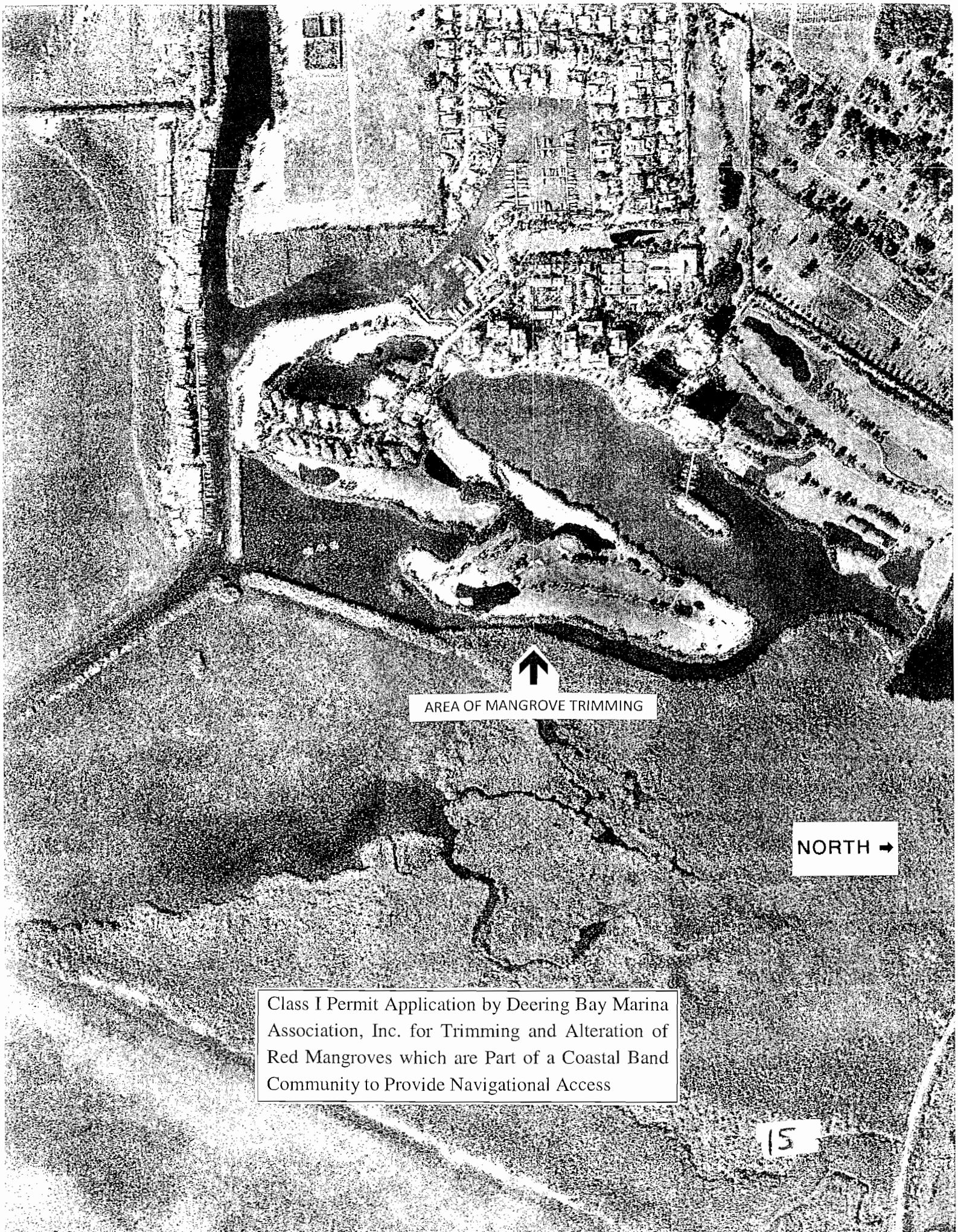
Lourdes Gegúndez-Wallace
President, Coastal Development Consultants, Inc.
Authorized Agent

RECEIVED

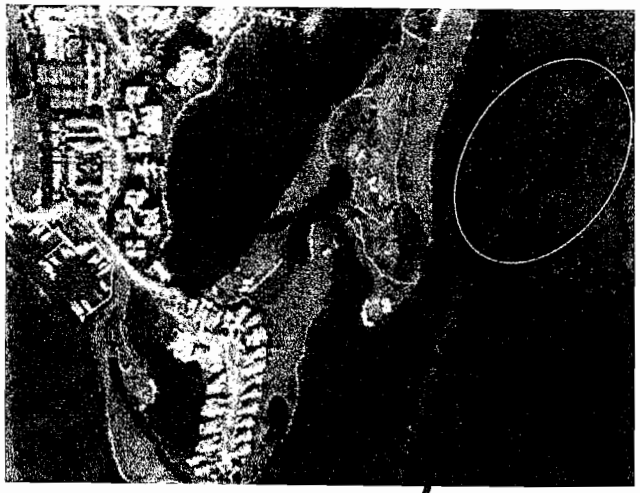
JAN 0 7 2009

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

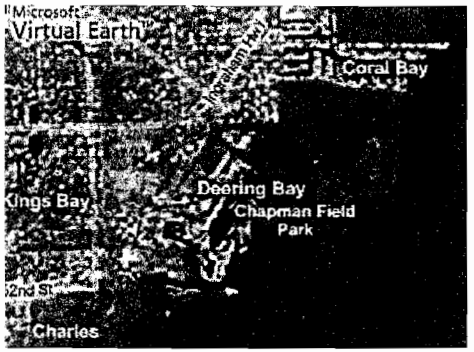
14



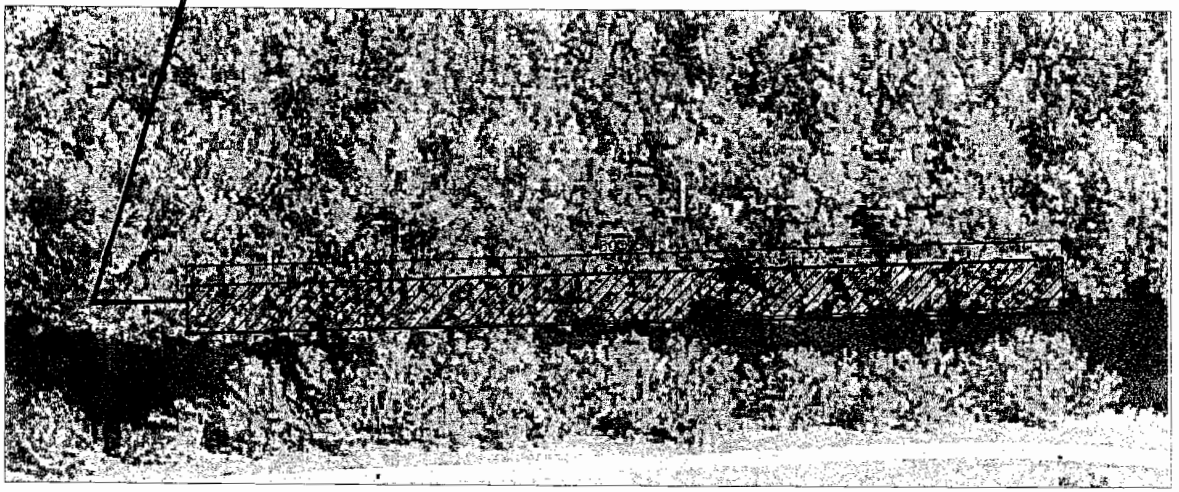
Class I Permit Application by Deering Bay Marina Association, Inc. for Trimming and Alteration of Red Mangroves which are Part of a Coastal Band Community to Provide Navigational Access



MANGROVE CANALS



LOCATION MAP



AREA OF TRIMMING

RECEIVED
0 8 2009
DERM
ENVIRONMENTAL RESOURCES
MANAGEMENT DIVISION

Coastal Development Consultants, Inc.
305-228-9007 (o)
305-228-9008 (f)
305-323-3135 (m)
marine engineering, permitting & development
-docks-seawalls-boatlifts-marinas-mangrove trimming-
-coral relocation-site assessment
www.coastaldev.info

DEERING BAY
CORAL GABLES, FLORIDA

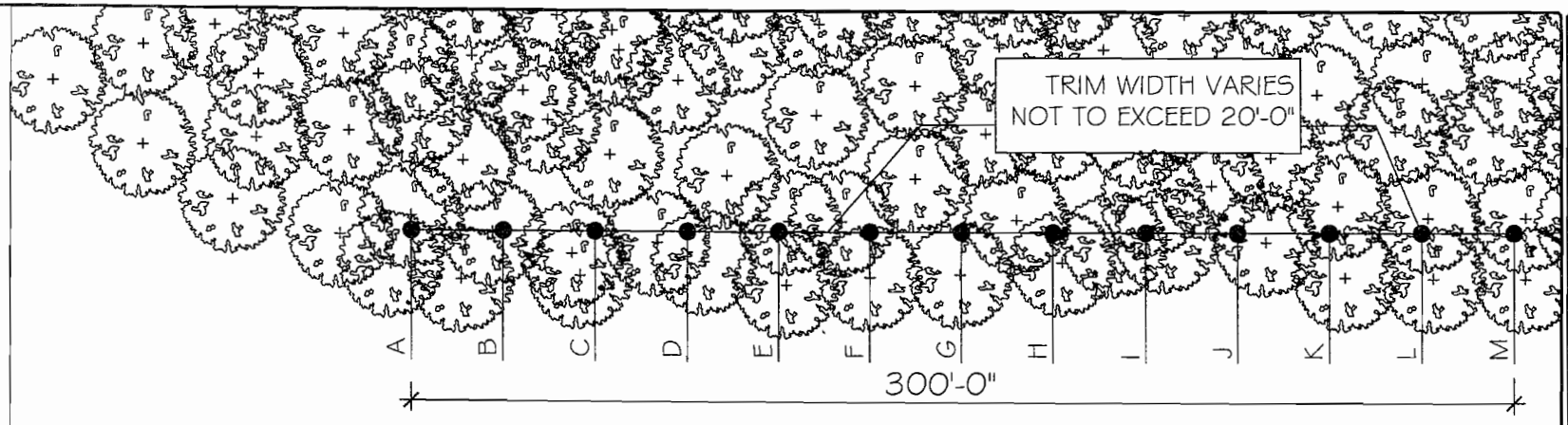
title: MANGROVE TRIMMING

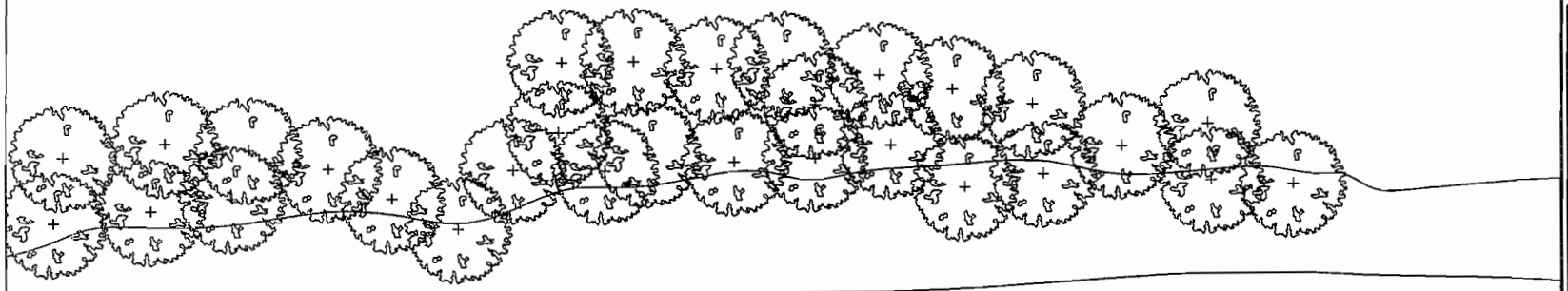
job no.

date 09/02/08
issued
drawn
checked
project no.
revisions:
12/15/08
02/15/09
03/17/09
04/06/09
05/07/09

sheet no.
S-1
1 of 3

19





STAKE	LATITUDE	LONGITUDE	DISTANCE TO MANG.
A	25°38'06.68" N	80°17'10.41" N	11'-0"
B	25°38'06.65" N	80°17'10.44" N	13'-0"
C	25°38'06.40" N	80°17'10.43" N	10'-0"
D	25°38'06.17" N	80°17'10.48" N	6'-0"
E	25°38'05.97" N	80°17'10.46" N	11'-0"
F	25°38'05.70" N	80°17'10.47" N	9'-0"
G	25°38'05.48" N	80°17'10.46" N	11'-0"
H	25°38'05.18" N	80°17'10.41" N	18'-0"
I	25°38'04.99" N	80°17'10.46" N	13'-0"
J	25°38'04.75" N	80°17'10.44" N	18'-0"
K	25°38'04.51" N	80°17'10.47" N	13'-0"
L	25°38'04.35" N	80°17'10.42" N	16'-0"
M	25°38'04.02" N	80°17'10.48" N	12'-0"

RECEIVED
MAY 0 8 2009
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

N

TRIMMING REFERENCE PLAN

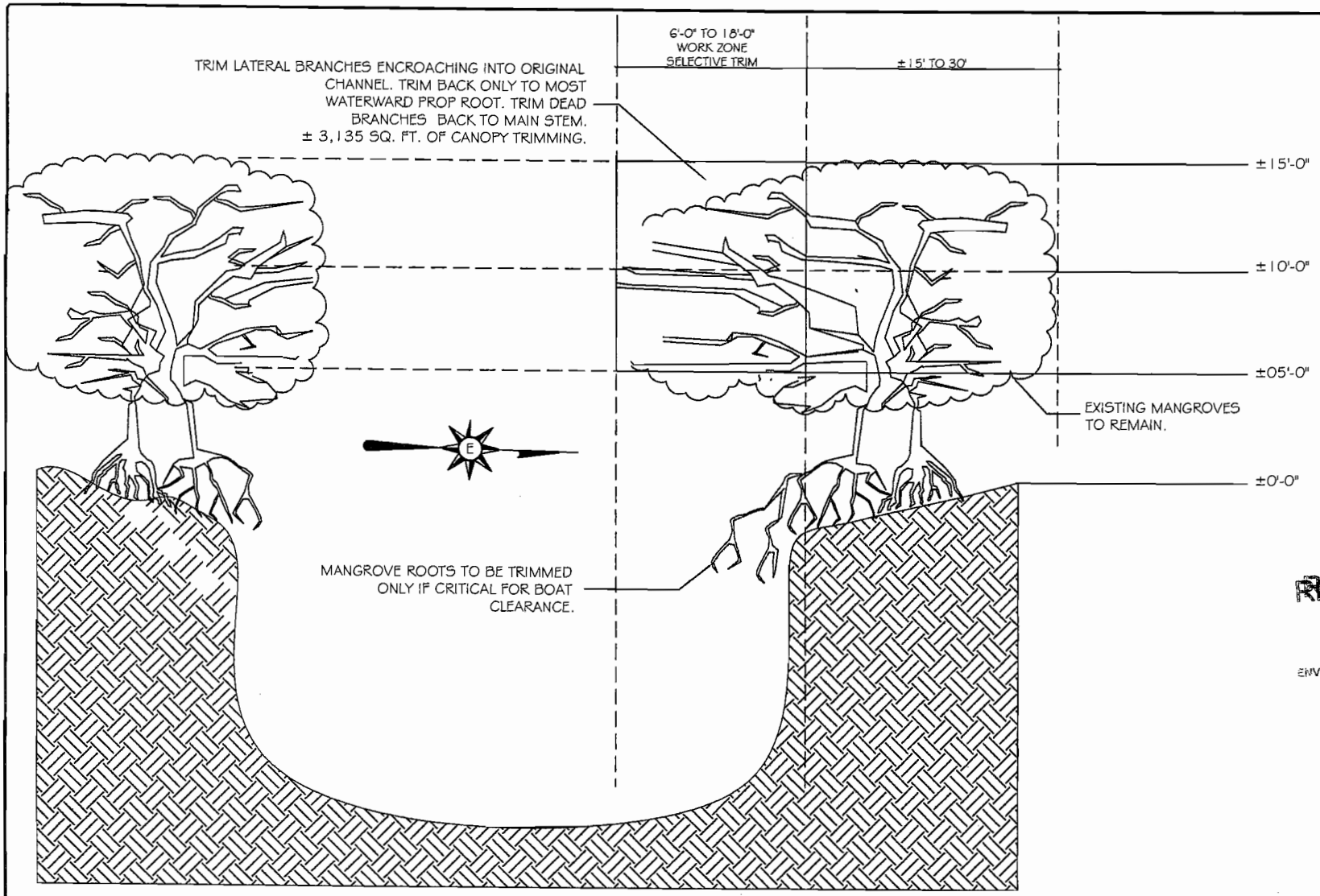
Coastal Development Consultants, Inc.
marine engineering, permitting & development
-docks-seawalls-boatlifts-marinas-mangrove trimming
-coral relocation-site assessment
305-228-9007 (o)
305-228-9098 (f)
305-323-3135 (m)
www.coastaldev.info

job name: DEERING BAY
CORAL GABLES, FLORIDA

title: MANGROVE TRIMMING

date 09/02/08
issued
drawn
checked
project no.
revisions:
12/15/08
02/15/09
03/13/09
04/06/09
05/07/09

sheet no.
S-2
2 of 3



RECEIVED
MAY 08 2009
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

SECTION "A-A"

SCALE: N.T.S.

Coastal Development Consultants, Inc.
marine engineering, permitting & development
-docks-seawalls-boatlifts-marinas-mangrove trimming-
-coral relocation-site assessment
305-228-9007 (o)
305-228-9006 (f)
305-323-3135 (m)
www.coastaldev.info

job name: DEERING BAY
CORAL GABLES, FLORIDA

title: MANGROVE TRIMMING

date 03/02/09
issued
drawn
checked
project no.
revisions:
12/15/08
02/15/09
03/18/09
04/06/09
05/07/09

sheet no.
S-3
3 of 3

Attachment D

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: January 29, 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 the Deering Bay Marina Association, Inc. for Trimming and Alteration of Red Mangroves which are part of a Coastal Band Community to Provide Navigational Access.

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

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

Miami-Dade County Park & Recreation
c/o Jack Kardys
275 NW 2nd Street, Suite 342
Miami, Florida 33128

Weatherproof Laser Labels
Use template for 5162®
AVERY® 5522™
1-800-Go-AVERY (462-8379)
www.avery.com

Attachment F

Revocable At-Will Consent for Use of Submerged Lands

MIAMI-DADE COUNTY

Park and Recreation
275 NW 2nd Street
Miami, Florida 33128
T 305-755-7800

miamidade.gov

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

Miami-Dade County
Department of Environmental Resource Management
701 NW 1 Court
Miami, Florida 33138

RE: Revocable At-Will Consent for Use of Submerged Lands in Chapman Field Park for Work Proposed in Miami-Dade DERM Class 1 Permit Application Number 2008-CLI-PER-00197

Please be advised that the Miami Dade County Park and Recreation Department asserts and claims that it administers on behalf of Miami Dade County the submerged lands in Chapman Field Park upon which work in Miami Dade DERM Class 1 Permit Application Number 2008-CLI-PER-00197 is proposed. The Miami Dade County Park and Recreation Department hereby consents to the aforesaid proposed work upon the aforesaid submerged lands in Chapman Field Park. This consent is revocable at will and does not constitute a lease or license of any kind. Furthermore, Miami Dade County may rely upon both this assertion and claim of ownership and revocable at-will written consent to the proposed work on the aforesaid submerged lands for issuance of the aforesaid Miami Dade DERM Class 1 Permit. This revocable at will consent is provided in accordance with Section 24-48.2(1) (B) (1) (c) a. (Short Form Permit Application) or Section 24-48.2(II)(A)(1)a. (Standard Form Permit Application) of the Code of Miami Dade County, Florida.

Authorized Signature _____ Director
/s/ Jack Kardys (Official Title)

Date 12/22/08

RECEIVED
DEC 23 2008
DERM
Environmental Resources Regulation Division

Attachment G

DERM Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2008 CLI-PER 00197

DEERING BAY MARINA ASSOCIATION, INC., FOR A CLASS I PERMIT FOR TRIMMING AND ALTERATION OF RED MANGROVES WHICH ARE PART OF A COASTAL BAND COMMUNITY TO PROVIDE NAVIGATIONAL ACCESS

Date: May 8, 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 proposed project shall impact three thousand one hundred thirty-five (3,135) square feet of red mangroves within Chapman Field Park for the purpose of maintaining navigational access through an adjacent channel which provides access between Biscayne Bay and the marina within the Deering Bay lagoon to the north. However, the Department of Environmental Resources Management (DERM) believes that the potential for adverse environmental impacts has been minimized. No additional impacts to the surrounding wetland vegetation are proposed. To mitigate for the unavoidable adverse environmental impacts, the applicant has agreed to provide a contribution to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of twenty-five thousand eighty ($25,080.00) dollars to be used for the creation or restoration of halophytic wetlands.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to have cumulative adverse environmental impacts. Although the red mangroves in the area support various species of wildlife, the minimal trimming proposed with this project will not result in a significant reduction in available habitat.

3. **Hydrology** – The proposed project is not reasonably expected to adversely affect existing patterns or volumes of flow in the area.

4. **Water Quality** – The proposed project is not reasonably expected to adversely affect water quality. The Class I permit shall contain a condition that vegetative debris is not allowed to enter tidal waters.

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 permanent negative aesthetic impacts. All trimming shall be conducted by a Professional Mangrove Trimmer in accordance with plans that have been reviewed and approved by DERM staff.

9. **Navigation** –The proposed project will improve navigational access within the proposed project area. Currently, navigational access is limited due to the red mangroves encroaching into the channel. Trimming and alteration of red mangroves will allow the vessels currently moored at the marina within the Deering Bay lagoon to the north to have unimpeded access to Biscayne Bay.

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

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

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

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

14. **Marine and Wildlife Habitats**– The proposed project is not reasonably expected to adversely affect marine and wildlife habitats. The proposed project will result in trimming and alteration of three thousand one hundred thirty-five (3,135) square feet of red mangroves and associated prop roots within the proposed work area. Although the red mangroves in the area support various species of wildlife, the minimal trimming proposed with this project will not result in a significant reduction in available habitat.

    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 Class I Permit shall have conditions to minimize turbidity, and protect rare, threatened and endangered species.

15. **Wetland Soils Suitable for Habitat** – The proposed project is not reasonably expected to adversely affect wetland soils suitable for habitat.

16. **Floral Values** –The proposed project shall result in trimming and alteration of red mangroves and associated prop roots within the channel providing access between the marina within the Deering Bay lagoon to the north and Biscayne Bay. However, the proposed project has been minimized and will not result in a significant reduction in available habitat.

17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values. Although the red mangroves in the area support various species of wildlife, the minimal trimming proposed with this project will not result in a significant reduction in available habitat. 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. However, the Class I Permit will require that all standard manatee construction permit conditions shall be followed during all in-water operations.

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 Class I permit will require that all standard manatee construction permit conditions will be followed during all in-water operations. Although the Park has the potential to be utilized by *Crocodylus acutus* (American Crocodiles) and *Mycteria americana* (Wood Storks), DERM has determined that impacts to the existing halophytic wetland habitats have been minimized.

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.

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 mitigation will compensate for 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)
    d) The Mangrove Trimming and Preservation Act (Chapter 403, F.S.)

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 tidal waters of 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 impact three thousand one hundred thirty-five (3,135) square feet of high quality halophytic wetlands. The wetlands to be impacted by the proposed project are a part of the Coastal Band Community within the Chapman Field Park Mangrove Protection Area. The proposed impacts are to allow for continued navigational access between Biscayne Bay and the marina within the Deering Bay lagoon to the north. The red mangroves are encroaching into a channel that provides the only water access to the marina, which has been in its existing location since 1994. To mitigate for these impacts, the applicant has agreed to provide a contribution to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of twenty-five thousand eighty dollars ($25,080.00) to be used for the creation or restoration of halophytic 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 in an area which is designated as essential habitat for the West Indian Manatee (*Trichechus manatus*) by 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. Therefore, the Class I Permit will require that all standard manatee construction permit conditions shall be followed during all in-water operations. In addition, although the Park has the potential to be utilized by *Crocodylus acutus* (American Crocodiles) and *Mycteria americana* (Wood Storks), DERM has determined that impacts to the existing coastal wetland habitats have been minimized. Furthermore, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of twenty-five thousand eighty dollars ($25,080.00) to be used for the creation or restoration of halophytic wetlands.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – The project site has been designated by the CDMP of Miami-Dade County as a Mangrove Protection Area (MPA). However, the proposed project is water dependant, and requires only the minimum necessary trimming and alteration of the existing mangroves. In addition, to mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of twenty-five thousand eighty dollars ($25,080.00) to be used for the creation or restoration of halophytic wetlands.

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

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

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The halophytic wetlands to be impacted by the proposed project are a part of the Coastal Band Community within the Chapman Field Park MPA. The proposed trimming is to allow for navigational access between Biscayne Bay and the marina within the Deering Bay lagoon to the north. The red mangroves are encroaching into the channel that provides the only water access to the marina, which has been in its existing location since prior to 1994. To mitigate for these impacts, the applicant has agreed to provide a contribution to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of twenty-five thousand eighty dollars ($25,080.00) to be used for the creation or restoration of halophytic wetlands.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project involves the trimming and alteration of red mangroves and associated prop-roots along three hundred (300) linear feet of shoreline within an MPA for a total of three thousand one hundred thirty-five (3,135) square feet of impacts. These impacts are necessary to maintain navigational access through a channel between Biscayne Bay and the marina within the Deering Bay lagoon to the north. To mitigate for these impacts, the applicant has agreed to provide a payment to the Biscayne Bay Environmental Enhancement Trust Fund in the amount of twenty-five thousand eight eighty dollars ($25,080.00) dollars to be used for the creation or restoration of halophytic 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 by improving access between Biscayne Bay and the marina within the Deering Bay lagoon to the north.

Objective 5/Policy 5D - Consistency with Chapter 33D of the Code of Miami-Dade County (shoreline access, environmental compatibility of shoreline development) – The applicant has applied for a "Need for Compliance 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 of the 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 in an area which is designated as essential habitat for the West Indian Manatee (*Trichechus manatus*) by the Miami-Dade County Manatee Protection Plan. Therefore, the Class I Permit will require that all standard manatee construction permit conditions shall be followed during all in-water 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) 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.

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 impacts to wetland hydrological and biological functions as a result of this project will be minimal.

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 – Not applicable

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

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

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

Lisa. M. Spadafina, Manager
Coastal Resources Section

Christine D. Hopps, ERPS
Coastal Resources Section