

Date: July 17, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

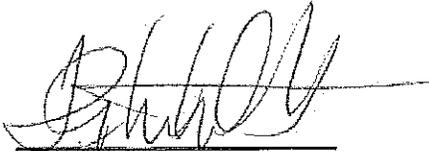
From: Carlos A. Gimenez 
Mayor

Subject: Resolution Relating to an Application by Red Bull North America, Inc for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County for the Construction of Temporary, Non-Water Dependent Fixed Structures over Tidal Waters for a Flying Device Competition in Biscayne Bay at Bayfront Park, 315 South Biscayne Boulevard, Miami, Miami-Dade County and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten (10) Years

Agenda item No.5(D)

Resolution No. R-627-12

Attached, please find for your consideration an application by Red Bull North America, Inc. for a Class I permit and a variance from Section 24-48.24. Also attached is the recommendation of the Director of the Department of Regulatory and Economic Resources and a proposed resolution approving the issuance of the aforesaid Class I permit and approving a variance.



Jack Osterholt, Deputy Mayor

Memorandum



Date: June 19, 2012

To: Carlos Gimenez
Mayor

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

Subject: Resolution Relating to an Application by Red Bull North America, Inc for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County for the Construction of Temporary, Non-Water Dependent Fixed Structures over Tidal Waters for a Flying Device Competition in Biscayne Bay at Bayfront Park, 315 South Biscayne Boulevard, Miami, Miami-Dade County and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten (10) Years

Recommendation

I have reviewed the attached application for a Class I permit and a variance submitted by Red Bull North America, Inc. Based upon the applicable evaluation factors set forth in Section 24-48.3 and Section 24-48.25 of the Code of Miami-Dade County (Code), Florida, I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit and approve the requested variance for the reasons set forth below.

Scope

The project site is located in Commissioner Barreiro's District 5 in Biscayne Bay at Bayfront Park, 315 South Biscayne Boulevard, Miami.

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

The Coastal Resources Section Manager in the Department of Regulatory and Economic Resources will monitor the terms and conditions of this permit.

Background

The attached application for a Class I permit and a variance requests authorization for temporary placement of non-water-dependent fixed structures for a flying device competition in Biscayne Bay, Miami-Dade County, Florida. Non-water-dependent fixed structures are prohibited by Section 24-48.24 of the Code, so the applicant is seeking a variance from this prohibition at a public hearing before the Board. In addition, Class I permit approvals by the Board shall only be valid for 3 years from the date of permit issuance unless another time period is stated in the resolution. In anticipation of future similar events, the applicant has requested that the permit be valid for ten (10) years.

The project site is along the waterfront at Bayfront Park, 315 South Biscayne Boulevard in downtown Miami. The Class I permit application requests the temporary placement of barges, scaffoldings and platforms for the Red Bull Flugtag "flying day" competition scheduled for November 03, 2012. The applicant is proposing to install a 22-foot high elevated stage area constructed over 2 spud barges. Additional barges will be used to support a large screen projector television to broadcast the event to the on-shore audience and to collect debris during the event. All non-water-dependent structures will be installed within a buoy line that will extend approximately 217 linear feet waterward of Bayfront Park. Site diagrams are included in Attachment B.

The Red Bull Flugtag is a one day event that takes place over four hours and is free to the general public. Contestants will attempt to fly homemade, human-powered flying machines launched from the stage area. Each flying machine must be constructed of environmentally friendly materials in its entirety, and debris will be removed from the water after each flight attempt.

The temporary, non-water-dependent structures will be installed in an area with no significant marine resources and will be fixed in place for the duration of the event. The event requires five (5) days for set-up, one (1) day for the actual event, and two (2) days for breakdown. The United States Coast Guard has issued a notification of intent to issue a Marine Event permit to ensure boating safety on navigable waters, and the Class I permit will require that the event be fully permitted by the Coast Guard prior to the start of any activities. Since the non-water-dependent structures are temporary in nature and no navigational impacts or cumulative environmental impacts are expected, the Department of Regulatory and Economic Resources recommends that the variance request be approved.

The Red Bull Flugtag was previously held at the same location in July 2010. A variance for authorization of non-water-dependent structures in the same location and configuration was approved by the Board through Resolution No. R-591-10, and the Department of Environmental Resources Management issued the Class I permit on June 23, 2010. That prior Class I permit did not include authorization for multiple events. In anticipation of future such events, the subject Class I permit application requests a permit term of ten (10) years. A ten (10) year period is consistent with the maximum timeframe allowed for extensions of standard form Class I permits, and the Department of Regulatory and Economic Resources recommends approval of the requested ten (10) year permit. If approved, the applicant will seek administrative permit modifications for each individual event whereby the applicant must provide authorization from all applicable Federal, State, and local agencies prior to the Department of Regulatory and Economic Resources issuing a Class I permit modification. In addition, the Class I permit will include a specific condition that will require the applicant to submit proof of authorization from the Department of the Army prior to each subsequent event.

The Red Bull Flugtag is located in an area designated by the Miami-Dade County Manatee Protection Plan as essential habitat for the *Trichechus manatus* (West Indian Manatee). The applicant has developed a comprehensive manatee protection plan to deal with any potential adverse impacts to manatees. The radio broadcast covering the event will contain a segment to remind vessels to travel at idle speed. Manatee observers will be stationed in three locations throughout the venue during the event. If a manatee is spotted within the event area, all activities that have the potential to impact the manatee will stop until such time that the manatee has left the area. Additionally, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water staging, operation, and demobilization.

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 Department of Regulatory and Economic Resources Project Report which sets forth the reasons the proposed project is recommended for approval by the Department of Regulatory and Economic Resources pursuant to the applicable evaluation factors set forth in Section 24-48.3 and in Section 24-48.25 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

- Attachment A: Class I Permit Application
- Attachment B: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
- Attachment C: Zoning Memorandum
- Attachment D: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work
- Attachment E: Department of Regulatory and Economic Resources Project Report



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 17, 2012

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

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(D)
7-17-12

RESOLUTION NO. R-627-12

RESOLUTION RELATING TO AN APPLICATION BY RED BULL NORTH AMERICA, INC FOR A CLASS I PERMIT AND A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY FOR THE CONSTRUCTION OF TEMPORARY, NON-WATER DEPENDENT FIXED STRUCTURES OVER TIDAL WATERS FOR A FLYING DEVICE COMPETITION IN BISCAYNE BAY AT BAYFRONT PARK, 315 SOUTH BISCAYNE BOULEVARD, MIAMI, MIAMI-DADE COUNTY AND TO AUTHORIZE THE TIME OF COMPLETION OF WORK OF THE SUBJECT PERMIT FOR A PERIOD OF TEN (10) YEARS

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 and Section 24-48.25 of the Code of Miami-Dade County, hereby approves the application by Red Bull North America, Inc. for a Class 1 permit and a variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the construction of temporary, non-water dependent fixed structures over tidal waters for a flying device competition in Biscayne Bay at Bayfront Park, 315 South Biscayne Boulevard, Miami, Miami-Dade County, Florida, and to authorize the time of completion of work of the subject permit for a period of ten (10) years, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner **Bruno A. Barreiro**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	aye
	Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	aye	Lynda Bell
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz
Sally A. Heyman	aye	Barbara J. Jordan
Jean Monestime	aye	Dennis C. Moss
Rebeca Sosa	aye	Sen. Javier D. Souto
Xavier L. Suarez	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 2012. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency. *ASR*

Abbie Schwaderer-Raurell

Attachment A
Class I Permit Application



Class I Permit Application

RECEIVED
RECORD DEPARTMENTAL USE ONLY

Date Received: <div style="text-align: center; font-size: 1.2em; font-weight: bold;">JUN 01 2012</div> <div style="text-align: center; font-size: 0.8em;">DERM Coastal Resources Section (Natural Resources Regulation & Restoration Division (NRRRD))</div>	Application Number: CLI-2011-0292 Application Fee: \$1,970.00
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Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

1. Applicant Information: Name: <u>Red Bull North America, Inc.</u> Address: <u>545 Dutch Valley Road</u> <u>Atlanta, Georgia</u> Zip Code: <u>30324</u> Phone #: <u>(404) 870-8476</u> Fax#: _____ Email: <u>karyn.scott@us.redbull.com</u> <small>* This should be the applicant's information for contact purposes.</small>	2. Applicant's Authorized Permit Agent: <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>Kirk Lofgren, Managing Member, Ocean Consulting, LLC</u> Address: <u>340 Minorca Avenue, Suite 5</u> <u>Miami, Florida</u> Zip Code: <u>33134</u> Phone #: <u>(305) 921-9344</u> Fax #: <u>(305) 667-3254</u> Email: <u>kirk@oceanconsultingfl.com</u>
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3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):

Folio #(s): 01-0100-000-0520 Latitude: _____ Longitude: _____
 Street Address: 315 South Biscayne Blvd Section: 00 Township: 50N Range: 41E
 In City or Town: Miami Near City or Town: _____
 Name of waterway at location of the activity: Biscayne Bay

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

<input type="checkbox"/> Scawall	<input type="checkbox"/> Dock(s)	<input type="checkbox"/> Boatlift	<input type="checkbox"/> Dredging	<input type="checkbox"/> Mangrove Trimming
<input type="checkbox"/> New/Replacement Scawall	<input type="checkbox"/> Pier(s)	<input type="checkbox"/> Mooring Piles	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Mangrove Removal
<input type="checkbox"/> Scawall Cap	<input type="checkbox"/> Viewing Platform	<input type="checkbox"/> Fender Piles	<input type="checkbox"/> New	
<input type="checkbox"/> Batter Piles		<input type="checkbox"/> Davits	<input type="checkbox"/> Filling	
<input type="checkbox"/> King Piles				
<input type="checkbox"/> Footer/Toe Wall				
<input type="checkbox"/> Riprap				

Other: Installation of non-water-dependent structures and request for a variance.

Estimated project cost = \$70,000.00

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

5. Proposed Use (check all that apply): <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Utility	6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel): Proposed Vessel Type (s): <u>Barges</u> Vessel Make/Model (If known): <u>120'x30', 90'x32', 90'x30', 80'x20'</u> Draft (s)(range in inches.): <u>3'3' 2'</u> Length (s)(range in feet.): <u>80 to 120 feet</u> Total Number of Slips: <u>4 (4 barges in total)</u>
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7. List all permits or certifications that have been applied for or obtained for the above referenced work:

Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date

B. Contractor Information (if known):

Name: Dock & Marine Construction, Inc. License # (County/State): E410
Address: 752 N.E. 79th Street, Miami, FL Zip Code: 33138
Phone #: (305) 751-9911 Fax #: (305) 751-4825 E-mail: Alarson@dockandmarine.net

9. IMPORTANT NOTICE TO APPLICANTS: The written consent of the property owner is required for all applications to be considered complete. Your application **WILL NOT BE PROCESSED** unless the Applicant and Owner Consent portion of the application is completed below. You have the obligation to apprise the Department of any changes to information provided in this application.

Application is hereby made for a Miami-Dade County Class I permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, data and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 2 of this application to process the application, furnish supplemental information relating to this application and bind the applicant to all requirements of this application, and
- I agree to provide access and allow entry to the project site to inspectors and authorized representatives of Miami-Dade County for the purpose of making the preliminary analyses of the site and to monitor permitted activities and adherence to all permit conditions.

A. IF APPLICANT IS AN INDIVIDUAL

Signature of Applicant _____ Print Applicant's Name _____ Date _____

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

Red Bull North America, Inc. Corp Georgia
Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of
Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

[Signature] Wesley Scott Director of 11/29/20
Signature of Authorized Representative Print Authorized Representative's Name Title Date

C. IF APPLICANT IS A JOINT VENTURE Each party must sign below (If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of
Registration/Incorporation

Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of
Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

10. WRITTEN CONSENT OF THE PROPERTY OWNER OF THE AREA OF THE PROPOSED WORK

I/We are the fee simple owner(s) of the real property located at 315 South Biscayne Boulevard Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 01-0100-000-0520 & 01-0100-000-0521

I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

A. IF THE OWNER(S) IS AN INDIVIDUAL

Signature of Owner _____ Print Owner's Name _____ Date _____

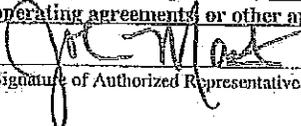
Signature of Owner _____ Print Owner's Name _____ Date _____

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

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

3500 Pan American Drive, Miami, Florida 33133
Address of Owner _____

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Owner, to bind the Owner, and if so required to authorize the issuance of a bond on behalf of the Owner. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements or other applicable agreements or laws, you must attach additional signature pages.*****

 _____ J. MARTINEZ P.E. City Manager _____ 12-23-11
Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

RECEIVED

JUN 01 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Attachment B

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



OCEAN CONSULTING, LLC · 340 Minorca Avenue, Suite 5 · Coral Gables, FL 33134
Tel: 305-921-9344 · Fax: 305-677-3254
www.oceanconsultingfl.com

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

June 1, 2012

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

Re: Class I Standard Form Permit Application Number CLI-2011-0292

By the attached Class I Standard Form permit application with supporting documents, I, Kirk Lofgren, Managing Member, Ocean Consulting, LLC, am the applicant's authorized agent and hereby request permission to perform the work associated with Class I Permit Application CLI-2011-0292. 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 Regulatory and Economic Resources. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,

Kirk Lofgren,
Managing Member, Ocean Consulting, LLC
Applicant's Authorized Agent

RECEIVED

JUN 01 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

CLARK | REDER

ENGINEERING

ENGINEER LETTER OF CERTIFICATION

May 31, 2012

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

RE: Class I Permit Application Number CLI-2011-0292

Ladies and Gentlemen:

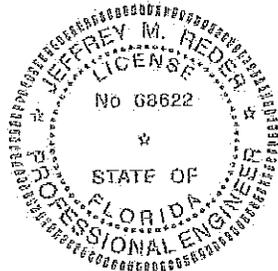
This letter will certify that I am an engineer registered/licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code 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,

Jeffrey M. Reder, P.E.
P.E. #68622



5/31/2012

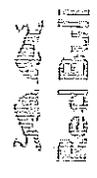
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JUN 01 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

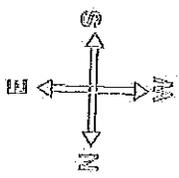
NOTES

This drawing and the other specifications and related drawings herein are the sole and exclusive property of Red Bull. The location and use of Red Bull is the responsibility of the user. Red Bull may not be reproduced, in whole or in part, without the written consent of Red Bull. This equipment has been prepared to comply with applicable laws, regulations, standards, and codes of practice as they exist at the time of printing.



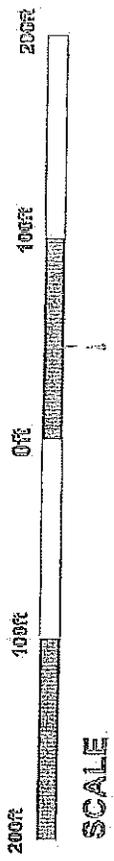
Red Bull
FUGATA
MIAMI
Flight Deck
Plan
Miami
Bayfront Park

November 9, 2012



Date: February 09, 2012
Time: 11:10 AM

REFER TO GRAPHIC SCALE FOR APPROXIMATE DIMENSIONS
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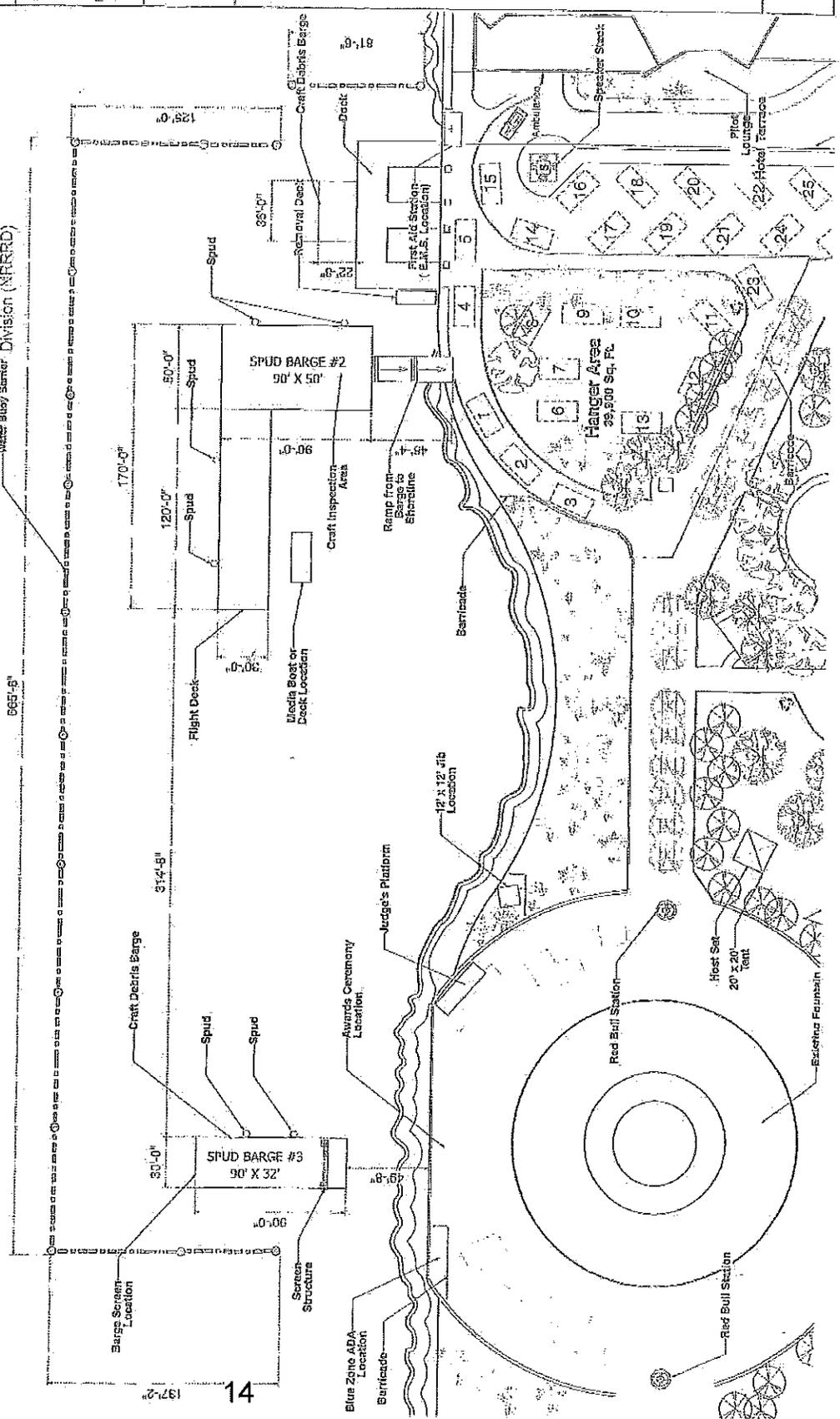


SCALE

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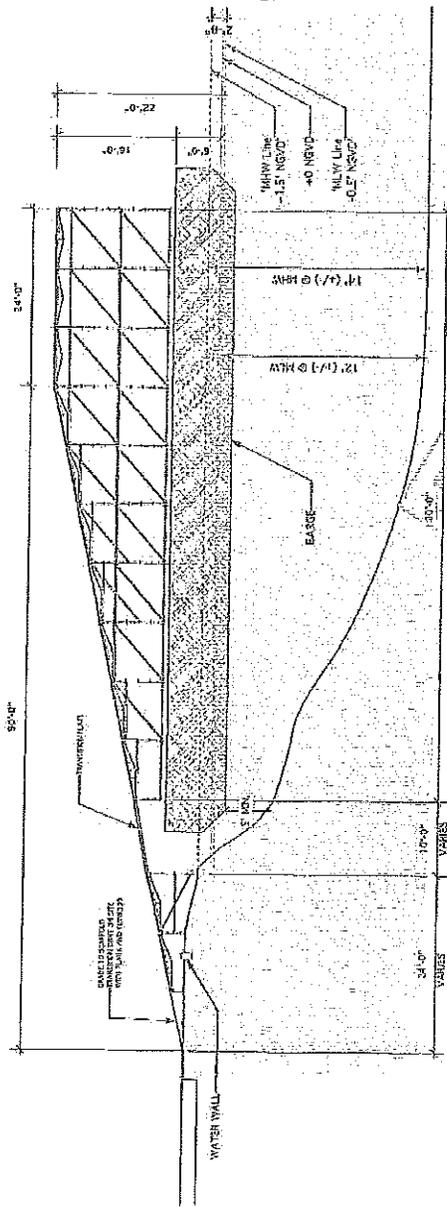
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Water Busy Barrier Division (NRRD)



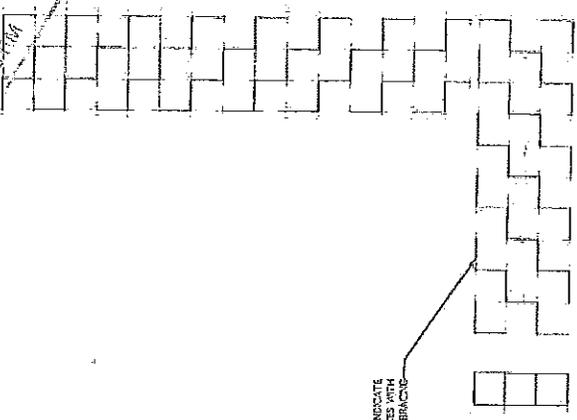
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FEB 20 2012

DEPM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRD)



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PLAN VIEW OF DIAGONAL BRACING



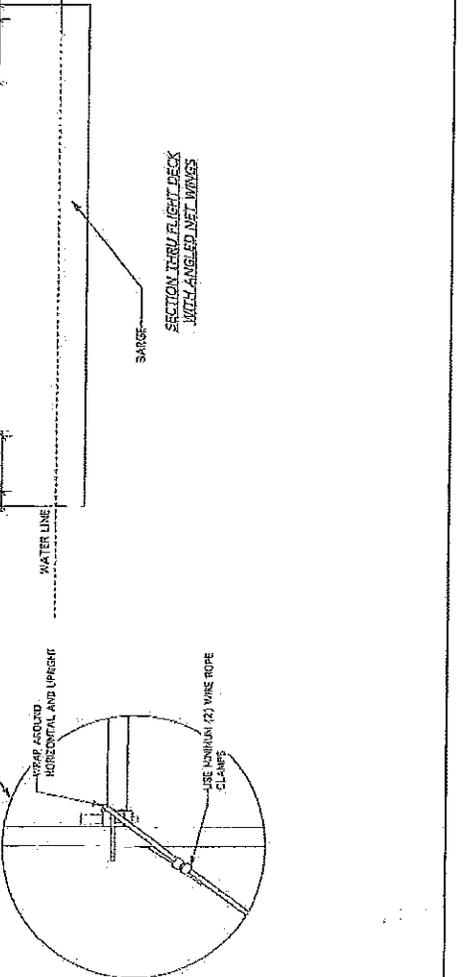
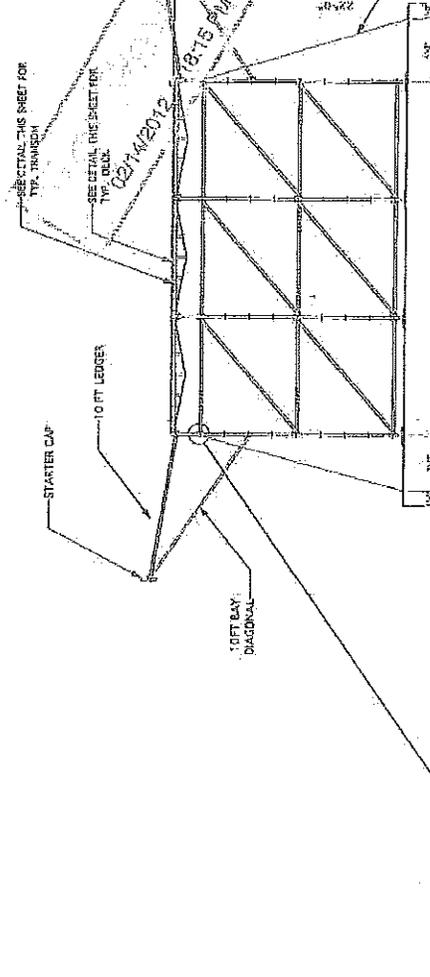
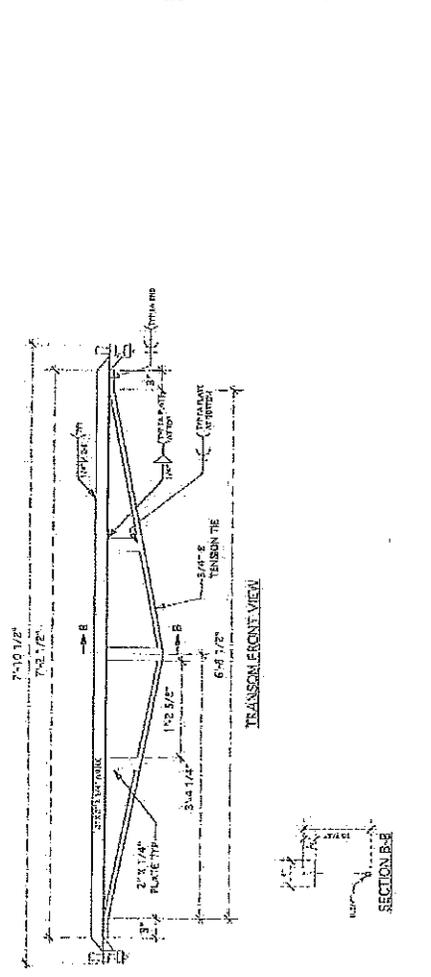
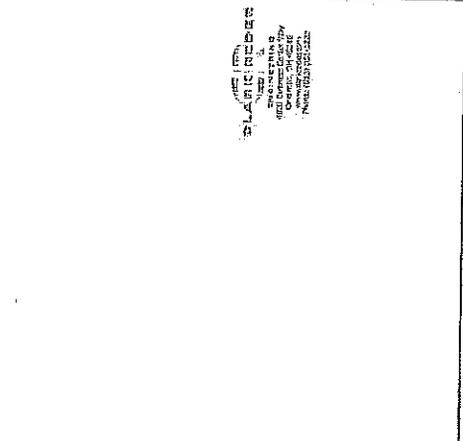
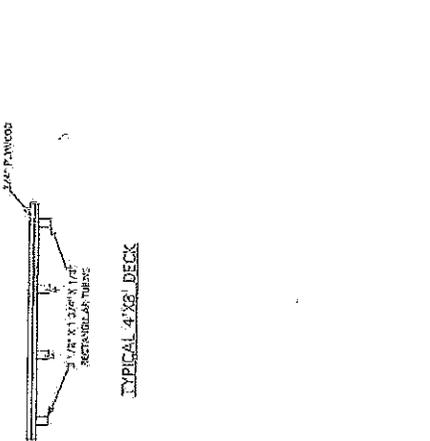
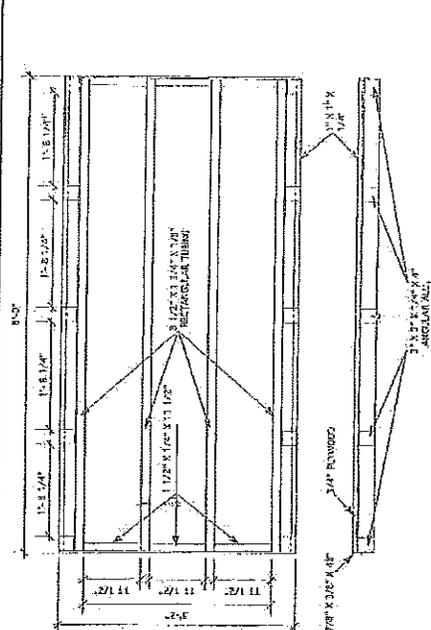
P BROWN UNITED
P.B. BROWN, P.E.
P.O. BOX 1000
MIAMI, FL 33101
PH: (305) 441-1100
FAX: (305) 441-1101
www.brownpb.com

RAMP SECTION AND BRACING PLAN
FLUGTAG MIAMI

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SECTION OF FLIGHT DECK
 FLUGTAG MIAMI
 info@brownunited.com
 BROWN UNITED
 Ph. (800) 44-BROWN
 Fax. (800) 25-BROWN

NO.	DATE	DESCRIPTION
1	11/15/11	ISSUED FOR PERMITS
2	02/14/2012	REVISION
3	02/14/2012	REVISION
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18	02/14/2012	REVISION
19	02/14/2012	REVISION
20	02/14/2012	REVISION



Attachment C
Zoning Memorandum

Memorandum



Date: June 15, 2012

To: Lisa Spadafina, Manager *CA for*
Coastal Resources Section
Department of Regulatory and Economic Resources

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

Subject: Class 1 Permit Application by Red Bull North America, Inc. and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the Construction of Non-Water Dependent Fixed Structures Associated with a Flying Device Competition in Biscayne Bay at 315 South Biscayne Boulevard, Miami, Miami-Dade County, Florida, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten Years.

Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter will be submitted after approval by the Miami-Dade County Board of County Commissioners and prior to issuance of the Class 1 permit.

Attachment D

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

0101000000520

CITY OF MIAMI
DEPT OF P & D ASSET MNGMNT DIVISION
444 SW 2ND AVE STE 325
MIAMI, FL 33130-1910

0101000000522

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

0101000000525

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

0131360790010

SHC CHOPIN PLAZA LLC
151 KALMUS DR STE A102
COSTA MESA, CA 92626-5900

0131360790020

CRESCENT MIAMI CENTER LLC
% V GRANT
777 MAIN ST STE 2100
FORT WORTH, TX 76102-5366

RECEIVED

APR 16 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Attachment E

**Department of Regulatory and Economic Resources
Project Report**

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. CLI-2011-0292

Class I Permit Application by Red Bull North America, Inc. and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the Construction of Non-Water Dependent Fixed Structures Associated with a Flying Device Competition in Biscayne Bay at 315 South Biscayne Boulevard, Miami, Miami-Dade County, Florida, and to Authorize the Time of Completion of Work of the Subject Permit for a Period of Ten Years.

Date: June 1, 2012

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 (Code), Florida. The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The potential adverse environmental impacts from the installation and removal of the proposed structures and the launching of non-motorized, homemade flying machines is minimal. The proposed project is temporary in nature and is not reasonably expected to create environmental impacts with the exception of temporary minor water quality impacts during the staging and removal of barges. No gasoline or any other harmful chemicals are expected to enter tidal waters as a result of this project due to the non-motorized nature of the flying machines. In addition, each flying machine must be unsinkable and constructed in its entirety of environmentally friendly materials. All the craft debris will be removed from the water and be disposed of into a dumpster located on a spud barge after each contestant attempts to fly. The project is located within Johnson's Seagrass Critical Habitat; however, a biological assessment revealed no significant marine resources within the area of the proposed work. Therefore, no impacts to seagrasses are expected. An increased presence of law enforcement is expected to ensure that the anchoring of spectator vessels outside of the project area will not result in adverse environmental impacts to the bay bottom and benthic resources.

The Red Bull Flugtag is located in an area designated by the Miami-Dade County Manatee Protection Plan (MDCMPP) as essential habitat for the *Trichechus manatus* (West Indian Manatee). The applicant has developed a comprehensive manatee protection plan to deal with any potential adverse impacts to manatees. A mooring area for spectator vessels will be delineated by a second buoy line. Said area shall be designated as a no-wake zone where vessels will move at the slowest speed possible to prevent any collision with manatees. Additionally, the radio broadcast covering the event will contain a segment to remind vessels to travel at idle speed. Manatee observers will be stationed in three locations throughout the venue during the event. If a manatee is spotted within the area, all activities that have the potential to disturb or harass the manatee will stop until such time that the manatee has left the area. The Class 1 permit will require that all standard construction permit conditions regarding manatees be followed during all in-water staging, operation, and demobilization.
2. **Potential Cumulative Adverse Environmental Impact** – The project is temporary in nature and will occur in an area with no significant marine resources. Therefore, the proposed project is not reasonably expected to result in potential cumulative adverse environmental impacts.
3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project may result in temporary minor water quality impacts during the staging and removal of the barges. However, these impacts will be minimized by the implementation of proper turbidity control devices.
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. The project is a one day event that takes place over four hours. The installation of the non-water-dependent structures is expected to last approximately five days and the removal of structures is expected to last approximately two days. During construction there may be temporary aesthetic impacts related to the presence of machinery and equipment associated with the construction activities.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation. The United States Coast Guard has issued a notice of intent to issue a Marine Event permit to

ensure boating safety on navigable waters. Additionally, the Class I permit will require that the event be fully permitted by the USCG prior to the start of any activities.

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 project is located within Johnson's Seagrass Critical Habitat; however, a biological assessment revealed no significant marine resources within the area of the proposed work.

The proposed project is located in an area designated by the MDCMPP as essential habitat for the West Indian Manatee. The applicant has developed a comprehensive manatee protection plan to deal with any potential adverse impacts to manatees, as set forth in Number 1 above. In addition, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water staging, operation, and demobilization.

15. Wetland Soils Suitable for Habitat - The proposed work does not involve any work in wetland soils.
16. Floral Values - A biological assessment revealed no significant marine resources within the area of the proposed work. Therefore, the proposed project is not reasonably expected to adversely affect marine flora. An increased presence of law enforcement is expected to ensure that the anchoring of spectator vessels outside of the project area will not result in adverse environmental impacts to the bay bottom and benthic resources.
17. Fauna Values - The proposed project is not reasonably expected to adversely affect faunal values. Although the proposed project is located in an area designated by the MDCMPP as essential habitat for the West Indian Manatee, the applicant has developed a comprehensive manatee protection plan to deal with any potential adverse impacts to manatees, as set forth in Number 1 above. In addition, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water staging, operation, and demobilization.
18. Rare, Threatened and Endangered Species - The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. The proposed project is located within Johnson's Seagrass Critical Habitat; however, a biological assessment revealed no significant marine resources within the area of the proposed work. Therefore, no impacts to seagrasses are expected. An increased presence of law enforcement is expected to ensure that the anchoring of spectator vessels outside of the project area will not result in adverse environmental impacts to the bay bottom and benthic resources.

The proposed project is located in an area designated by the MDCMPP as essential habitat for the West Indian Manatee. The applicant has developed a comprehensive manatee protection plan to deal with any potential adverse impacts to manatees, as set forth in Number 1 above. In addition, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water staging, operation, and demobilization.

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 – The proposed project will occur in the City of Miami, Florida. 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 pending approval by the Board of County Commissioners and prior to the issuance of the Class 1 permit.
22. Recreation - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. Other Environmental Values Affecting the Public Interest - The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed work will occur on submerged lands leased by the City of Miami and owned by the Department of the Army. The applicant has obtained authorization for the use of the subject submerged lands from both the Department of the Army and the City of Miami.
24. Conformance with Standard Construction Procedures and Practices and Design and Performance Standards – The proposed project includes the installation of non-water-dependent fixed structures; therefore, the project is not in full conformance with the Biscayne Bay Management Plan or with Section 24-48.24 of the Code. However, the applicant is requesting a variance to the water dependency requirement of the Code. In addition, the installation of non-water-dependent structures is not reasonably expected to create adverse environmental impacts.
25. Comprehensive Environmental Impact Statement (CEIS) – In the opinion of the Director, the proposed project is not reasonably expected to result in adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by the Department of Regulatory and Economic Resources 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) United States Clean Water Act (US Army Corps of Engineers permit is required)
 - b) Federal Endangered Species Act (Florida Fish and Wildlife Conservation Commission)
 - c) Florida Department of Environmental Protection (Florida Department of Environmental Protection permit is required)
27. Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP) - In the opinion of the Department of Regulatory and Economic Resources, the proposed project is not in full conformance with the CDMP. However, the applicant is requesting a variance from the Section of Code relating to these non-water dependent structures as they pertain to the proposed project. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The proposed project is consistent with the Conservation and Coastal Management Elements of the CDMP. The 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 – The project includes the temporary installation of non-water-dependent structures for a flying day competition. The proposed project does not propose expansion of the aviation system.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project will not take place 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 is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria. - The proposed project does not compromise flood protection, and is consistent with all relevant criteria related to cut and fill activities.

Objective 6/Policy 6A - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

Objective 6/Policy 6D - Suitable fill material for the support of development. - The proposed project does not involve filling for the purposes of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. - The proposed project will not result in a net loss of any such wetlands.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. - The proposed project is located within Johnson's Seagrass Critical Habitat; however, a biological assessment revealed no significant marine resources within the area of the proposed work. Therefore, no impacts to seagrasses are expected. An increased presence of law enforcement is expected to ensure that the anchoring of spectator vessels outside of the project area will not result in adverse environmental impacts to the bay bottom and benthic resources.

The proposed project is located in an area designated by the MDCMPP as essential habitat for the West Indian Manatee. The applicant has developed a comprehensive manatee protection plan to deal with any potential adverse impacts to manatees, as set forth in Number 1 above. In addition, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water staging, operation, and demobilization.

COASTAL MANAGEMENT ELEMENT VII:

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

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

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

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, 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 proposed project does not involve the dredging or filling of grass/algal flats, hard bottom or other viable benthic communities.

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

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

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species. - The proposed project is located within Johnson's Seagrass Critical Habitat; however, a biological assessment revealed no significant marine resources within the area of the proposed work. Therefore, no impacts to seagrasses are expected. An increased presence of law enforcement is expected to ensure that the anchoring of spectator vessels outside of the project area will not result in adverse environmental impacts to the bay bottom and benthic resources.

The proposed project is located in an area designated by the MDCMPP as essential habitat for the West Indian Manatee. The applicant has developed a comprehensive manatee protection plan to deal with any potential adverse impacts to manatees, as set forth in Number 1 above. In addition, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water staging, operation, and demobilization.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project is not reasonably expected to affect water-dependent uses.

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 includes the installation of non-water-dependent fixed structures. Therefore, the project is not in full conformance with the Biscayne Bay Management Plan. However, the applicant is requesting a variance to the water dependency requirement of the Code. In addition, the installation of non-water-dependent structures is not reasonably expected to create adverse environmental impacts.

30. Conformance with the Miami-Dade County Manatee Protection Plan - Protection of endangered or threatened animal species. – The proposed project is located in an area designated by the MDCMPP as essential habitat for the West Indian Manatee. The applicant has developed a comprehensive manatee protection plan to deal with any potential adverse impacts to manatees, as set forth in Number 1 above. In addition, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water staging, operation, and demobilization.

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 reasonably 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 – The Department of Regulatory and Economic Resources has considered the following factors:
 - i. Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources – Not applicable.
 - ii. Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel – Not applicable
 - iii. Whether the applicant has provided notarized letters of consent to the Department of Regulatory and Economic Resources from adjoining riparian property owners – Not applicable.
 - iv. Whether any letters of objection from adjoining riparian property owners were received by the Department of Regulatory and Economic Resources – 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 does not involve dredging and filling activities.

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project complies with 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 – The proposed project does not involve placing clean fill in wetlands.

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

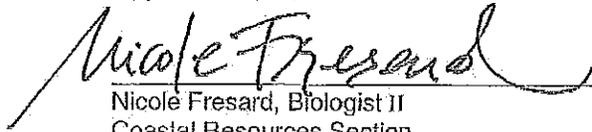
36. Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters – The event is located within Biscayne Bay and is open to the general public.
37. Historical significance – Not applicable
38. Need for covered vessel repair facilities - Not applicable.
39. Environmental impact or cumulative environmental impact – The potential for any adverse environmental impacts from the proposed project is minimal. The proposed structures are not reasonably expected to adversely affect surface water quality, or impact seagrasses. Additionally, the proposed project is temporary in nature.

40. Navigation – The proposed project is not reasonably expected to adversely affect navigation. The United States Coast Guard has issued a notice of intent to issue a Marine Event permit to ensure boating safety on navigable waters. Additionally, the Class 1 permit will require that the event be fully permitted by the USCG prior to the start of any activities.
41. Public safety – The applicant has developed a comprehensive safety plan.
42. Aesthetics – The proposed project is not reasonably expected to have negative aesthetic impacts. The project is a one day event that takes place over four hours. The installation of the non-water-dependent structures is expected to last approximately five days and the removal of structures is expected to last approximately two days. During construction there may be temporary aesthetic impacts related to the presence of machinery and equipment associated with the construction activities.
43. Biscayne Bay Management Plan – The proposed project is in conformance with the Biscayne Bay Management Plan. In the opinion of the Department of Regulatory and Economic Resources, elements of the proposed project are not in full conformance with the Biscayne Bay Management Plan. However, the applicant is requesting a variance from the Section of the Code relating to the non-water dependent structures as they pertain to the proposed project. In addition, the applicant has obtained an Environmental Resource Permit (ERP) from the Florida Department of Environmental Protection (FDEP) which authorizes the installation of the non-water dependent structures.
44. Biscayne Bay Aquatic Preserve Act – The proposed project is not in conformance with the Biscayne Bay Aquatic Preserve Act. However, the applicant is requesting a variance from the Section of the Code relating to the non-water dependent structures as they pertain to the proposed project. In addition, the applicant has obtained an ERP from FDEP which authorizes the installation of the non-water dependent structures.
45. Rules of the Biscayne Bay Aquatic Preserve – The proposed project is not in conformance with the rules of the Biscayne Bay Aquatic Preserve. However, the applicant is requesting a variance from the Section of the Code relating to the non-water dependent structures as they pertain to the proposed project. In addition, the applicant has obtained an ERP from the FDEP which authorizes the installation of the non-water dependent structures.

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS 1 PERMIT BE APPROVED.



Lisa Spadafina, Manager
Coastal Resources Section



Nicole Fresard, Biologist II
Coastal Resources Section