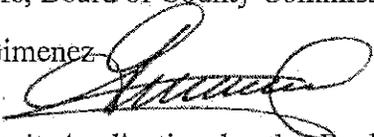


**Date:** May 5, 2015  
**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez  
Mayor   
**Subject:** Class I Permit Application by the Frederick L. Feick, Jr. Revocable Trust to Trim  
Mangrove Trees in a Coastal Band Community at 5859 Paradise Point Drive in the  
Village of Palmetto Bay, Florida

Agenda Item No. 5(D)

Resolution No. R-376-15

Attached, please find for your consideration an application by the Frederick L. Feick, Jr. Revocable Trust for a Class I permit. Also attached is the recommendation of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM) and a proposed resolution approving the issuance of the Class I permit.

  
\_\_\_\_\_  
Jack Osterholt, Deputy Mayor

# Memorandum



**Date:** March 31, 2015  
**To:** Carlos A. Gimenez  
Mayor  
**From:** Jack Osterholt, Deputy Mayor/Director  
Department of Regulatory and Economic Resources  
**Subject:** Class I Permit Application by the Frederick L. Feick, Jr. Revocable Trust to Trim Mangrove Trees in a Coastal Band Community at 5859 Paradise Point Drive in the Village of Palmetto Bay

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## **Recommendation**

I have reviewed the attached application for a Class I permit by the Frederick L. Feick, Jr. Revocable Trust. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

## **Scope**

The project site is located at 5859 Paradise Point Drive, Palmetto Bay, in Commission District 8, which is represented by Commissioner Daniella Levine Cava.

## **Fiscal Impact/Funding Source**

This resolution is a regulatory approval and does not have a fiscal impact as contemplated by R-530-10.

## **Track Record/Monitor**

The Natural Resources Division Chief in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), Lisa Spadafina, will be responsible for monitoring the proposed permit.

## **Background**

This Class I permit application requests authorization to trim mangrove trees that are part of a Coastal Band Community as defined in Section 24-5 of the Code. The proposed work will provide clearance for an existing single-family residence with a patio and yard that were constructed on the upland portion of the property. The proposed project is required to be reviewed and approved by the Board at a public hearing because the scope of work is specifically referenced in Section 24-48.2 of the Code as work that shall be processed as a standard form application, including a public hearing.

The proposed project location is one of fourteen single-family lots in the Paradise Point development, located at the east end of a spit of land that extends into Biscayne Bay. A portion of the upland development previously contained wetlands, which were authorized to be filled pursuant to a Miami-Dade County Board of County Commissioners approval and a Class I permit issued in 1990. This area of Paradise Point is bordered to the south and west by approximately 12 acres of halophytic (salt tolerant) wetlands dominated by mature red mangrove trees, although white mangrove trees and black mangrove trees are also present. The applicant is requesting to conduct minor trimming of the lateral branches of white mangrove trees that extend over the upland portion of the property and within 1 foot of the house. The trimming will result in the

removal of 555 square feet of white mangrove canopy. However, the trees that will be trimmed are part of a large high-quality wetland system, and the work will not result in significant impacts to the wetland as a whole.

Under the Miami-Dade County Comprehensive Development Master Plan (CDMP), the mangrove trees adjacent to the proposed project site are within a designated Mangrove Protection Area. Cutting, trimming, pruning or other alteration of mangroves in a Mangrove Protection Area shall only be permitted for purposes of surveying or for projects that are necessary to prevent or eliminate a threat to public health, safety or welfare; are water dependent; are required for natural system restoration and enhancement; or are clearly in the public interest and where no reasonable upland alternative exists. However, the proposed trimming is limited to portions of the mangrove trees that are overhanging the upland areas of the property which were previously permitted for development. In addition, the proposed trimming is minimal and will not significantly impact any individual trees or the wetland area as a whole. No dredging or filling of wetlands are proposed and the project is not reasonably expected to result in adverse environmental impacts. Additionally, the applicant will be required to mitigate for removal of mangrove canopy, and the trimming will be conducted in a manner that is otherwise consistent with the Mangrove Protection Area provisions. Therefore, the proposed project is recommended for approval.

Section 24-48.3 of the Code requires mitigation for permissible projects that otherwise result in adverse environmental impacts. The project will result in the removal of 555 square feet of mangrove canopy. Mitigation for impacts to halophytic wetlands will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund to be used for the creation, restoration or enhancement of coastal wetlands adjacent to Biscayne Bay or its tidal tributaries.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all Miami-Dade County coastal protection provisions, other than that specified above. The attached Project Report sets forth the reasons the project is recommended for approval pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code.

**Attachments**

Attachment A: Class I Permit Application

Attachment B: Owner/Agent Letter and Project Sketches

Attachment C: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work

Attachment D: Zoning Memorandum

Attachment E: RER-DERM Project Report



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** May 5, 2015

**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 Mayor'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)  
5-5-15

RESOLUTION NO. R-376-15

RESOLUTION APPROVING A CLASS I PERMIT APPLICATION BY THE FREDERICK L. FEICK, JR. REVOCABLE TRUST TO TRIM MANGROVE TREES IN A COASTAL BAND COMMUNITY AT 5859 PARADISE POINT DRIVE IN THE VILLAGE OF PALMETTO BAY, MIAMI-DADE COUNTY

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by the Frederick L. Feick, Jr. Revocable Trust for a Class I permit to trim mangrove trees in a Coastal Band Community at 5859 Paradise Point Drive in the Village of Palmetto Bay, Miami-Dade County, subject to the conditions set forth in the memorandum from 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 **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	<b>aye</b>
	Esteban L. Bovo, Jr., Vice Chairman	<b>aye</b>
Bruno A. Barreiro	<b>aye</b>	Daniella Levine Cava
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan
Dennis C. Moss	<b>aye</b>	Rebeca Sosa
Sen. Javier D. Souto	<b>absent</b>	Xavier L. Suarez
Juan C. Zapata	<b>aye</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of May, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Abbie N. Schwaderer

**Attachment A**  
**Class I Permit Application**



# Class I Permit Application

FOR DEPARTMENTAL USE ONLY	
<b>Date Received:</b> _____	<b>Application Number:</b> _____  <b>Application Fee:</b> _____

Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

<b>1. Applicant Information:</b> Name: <u>Frederick L. Feick, Jr. Revocable Trust</u> Address: <u>5859 Paradise Point Drive</u> <u>Palmetto Bay, Florida</u> Zip Code: <u>33157</u> Phone #: <u>305-255-1186</u> Fax #: _____ Email: <u>carey19@gmail.com</u> <small>* This should be the applicant's information for contact purposes.</small>	<b>2. Applicant's Authorized Permit Agent:</b> <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>Kate Davis, Davis Environmental Solutions, LLC.</u> Address: <u>12864 Biscayne Blvd., #324</u> <u>North Miami, Florida</u> Zip Code: <u>33181</u> Phone #: <u>305-502-1954</u> Fax #: _____ Email: <u>kate@davis-environmental.com</u>
---	--

<b>3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):</b>	
Folio #(s): <u>33-5025-009-0090</u>	Latitude: <u>25°37'46.59"N</u> Longitude: <u>80°17'18.85"W</u>
Street Address: <u>5859 Paradise Point Drive</u>	Section: <u>25</u> Township: <u>55</u> Range: <u>40</u>
In City or Town: <u>Palmetto Bay</u>	Near City or Town: _____
Name of waterway at location of the activity: <u>Biscayne Bay</u>	

<b>4. Describe the proposed activity (check all that apply):</b>	
<input type="checkbox"/> Seawall <input type="checkbox"/> New/Replacement Seawall <input type="checkbox"/> Seawall Cap <input type="checkbox"/> Batter Piles <input type="checkbox"/> King Piles <input type="checkbox"/> Footer/Toe Wall <input type="checkbox"/> Riprap  <input type="checkbox"/> Other: _____	<input type="checkbox"/> Dock(s) <input type="checkbox"/> Pier(s) <input type="checkbox"/> Viewing Platform  <input type="checkbox"/> Boatlift <input type="checkbox"/> Mooring Piles <input type="checkbox"/> Fender Piles <input type="checkbox"/> Davits  <input type="checkbox"/> Dredging <input type="checkbox"/> Maintenance <input type="checkbox"/> New <input type="checkbox"/> Filling  <input checked="" type="checkbox"/> Mangrove Trimming <input type="checkbox"/> Mangrove Removal
Estimated project cost = \$ <u>N/A</u>	
Are you seeking an after-the-fact approval (ATF)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", describe the ATF work: _____	

<b>5. Proposed Use (check all that apply):</b> <input checked="" type="checkbox"/> Single Family Multi-Family <input type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Utility	<b>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):</b> Proposed Vessel Type (s): <u>N/A</u> Vessel Make/Model (if known): <u>N/A</u> Draft (s)(range in inches): <u>N/A</u> Length (s)(range in feet.): <u>N/A</u> Total Number of Slips: <u>N/A</u>
--	--

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

**8. Contractor Information (If known):**

Name: To be determined License # (County/State):  
Address: Zip Code:  
Phone #: Fax #: E-mail:

**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.)

Frederick L. Feick, Jr. Revocable Trust Trust FL  
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.\*\*\***

*Frederick L. Feick, Jr.* Frederick L. Feick, Jr. Trustee 12/16/14  
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



**Attachment B**

**Owner/Agent Letter and Project Sketches**

**PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT**

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

Re: Class I Standard Form Permit Application Number CLI-2014-0331

By the attached Class I Standard Form permit application with supporting documents, I, Frederick L. Feick, Jr., Trustee, Frederick L. Feick, Jr. Revocable Trust, am the permit applicant/permit applicant's authorized agent, and hereby request permission to perform the work associated with Class I Permit Application CLI-2014-0331. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

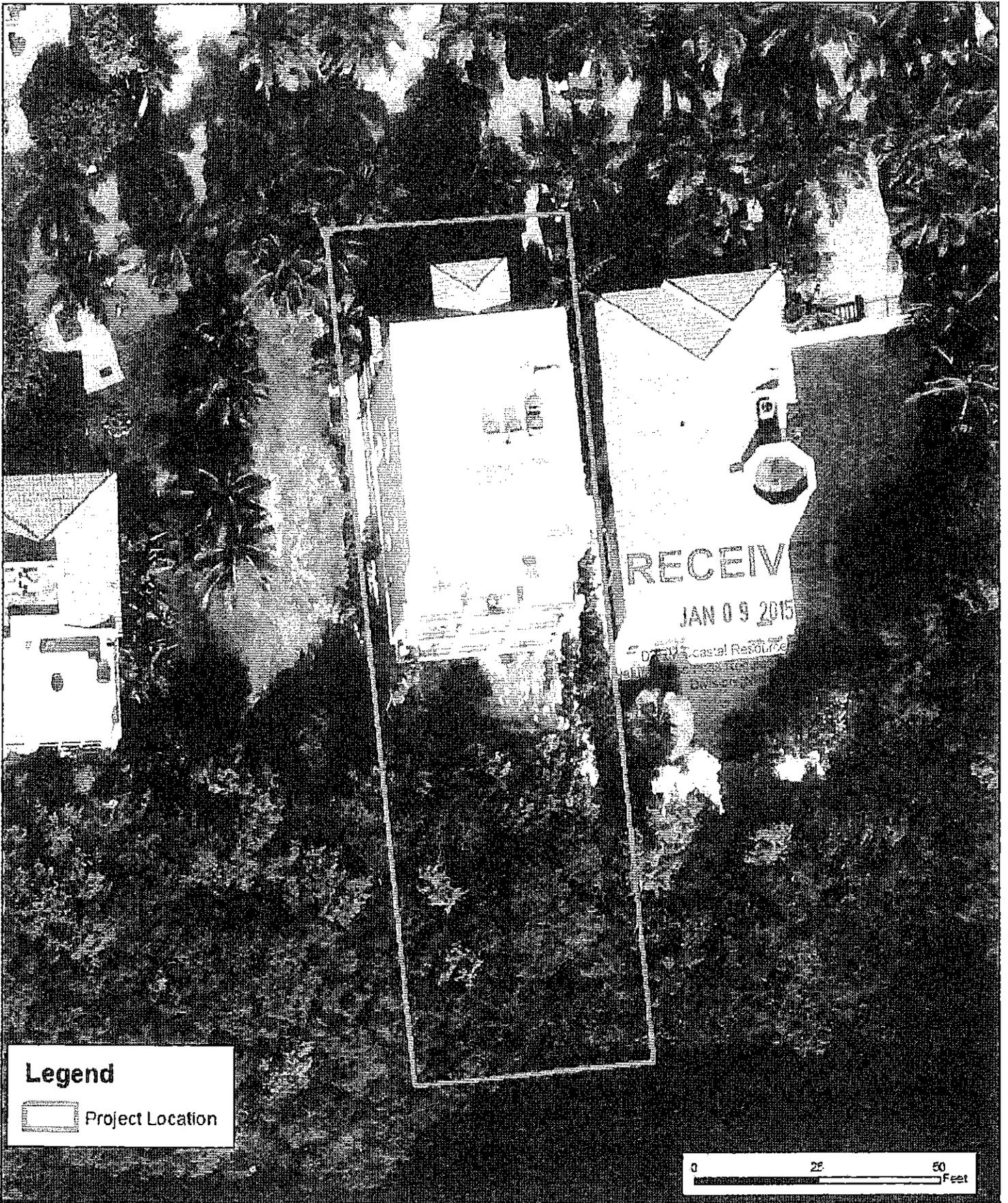
If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department. The permit applicant will secure the services of an engineer 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,



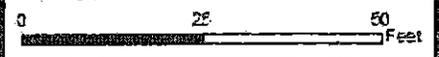
Frederick L. Feick, Jr.,  
Trustee  
Frederick L. Feick, Jr. Revocable Trust





**Legend**

 Project Location



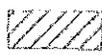
**DAVIS**  
 Environmental Solutions  
 13300 E. 15th Ave. Suite 100  
 Denver, CO 80231  
 Phone: 303.751.1111

**Frederick and Carey Feick**  
 Mangrove Trimming  
 Section 15 Township 35 Range 40  
 Manatee County Florida

Permit Sketches  
 Sheet 2 of 7

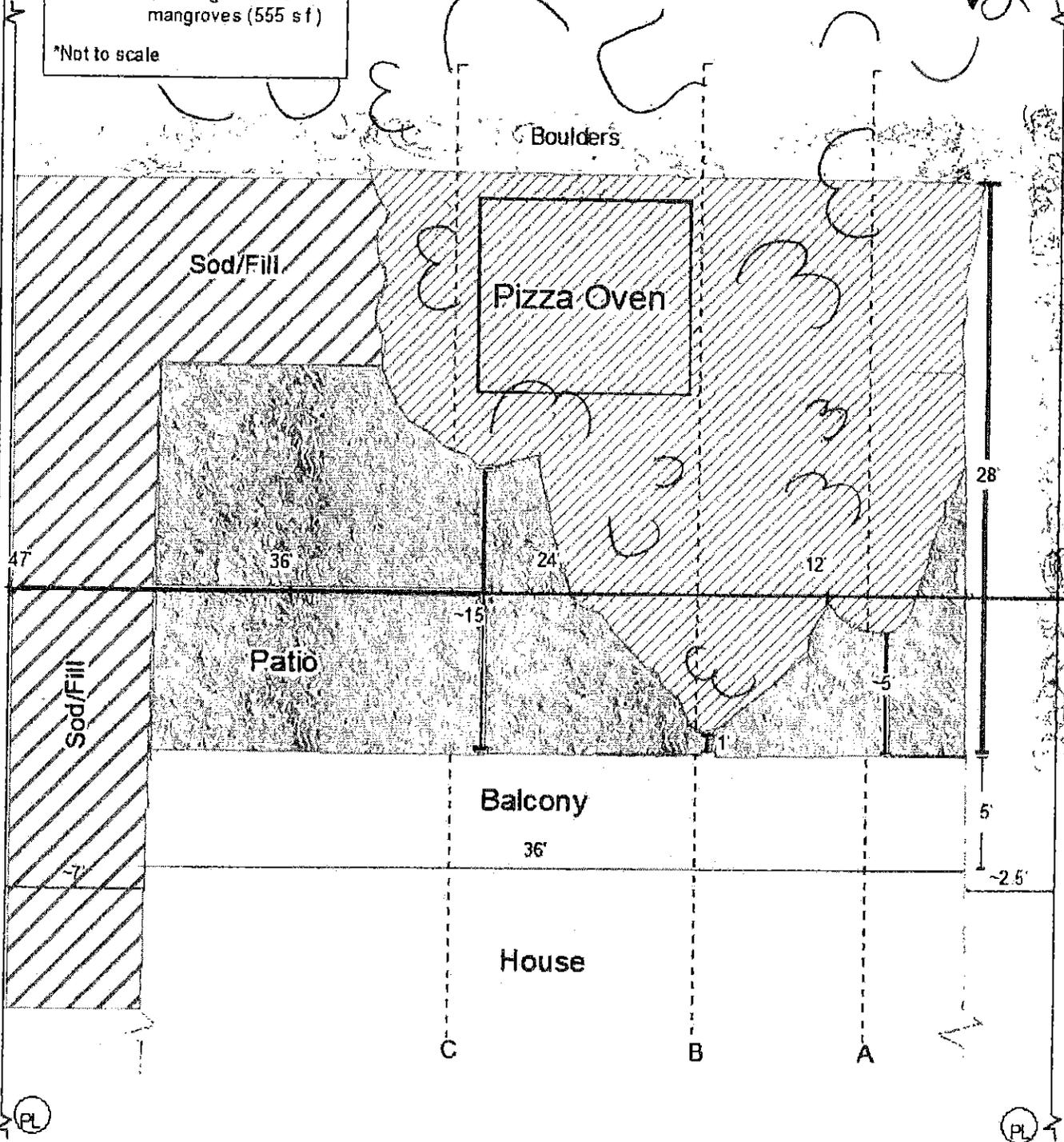


**Legend**

 Lateral branch trimming of white mangroves (555 sf)

\*Not to scale

**Mangrove Wetlands**



**DAVIS**

**CORPORATION**  
**SOLUTIONS**

10974 Biscayne Blvd., Suite 204, North Miami, FL 33161  
www.davisenvironmental.com  
P. 305-832-1974

**Frederick and Carey Feick**  
Mangrove Trimming  
Section 25 Township 55 Range 40  
Miami-Dade County, Florida

Permit Sketches  
Sheet 3 of 7

**Attachment C**

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



Frank & Lucille Azor  
5867 Paradise Point Dr.  
Palmetto Bay, FL 33135

Donn A. & Joann Szaro  
5855 Paradise Point Dr.  
Palmetto Bay, FL 33157

Sina Negahbani  
PO Box 566055  
Miami, FL 33256

Paradise Point Marina Condo  
6111 Paradise Point Dr.  
Palmetto Bay, FL 33157

Gary J. Turner  
5847 Paradise Point Dr.  
Palmetto Bay, FL 33157

Royal Harbour Yacht Club  
Townhouse Assoc., Inc.  
12396 SW 82 Ave.  
Miami, FL 33156

Aleander & Stella Prendes  
P.O. Box 56-6253  
Miami, FL 33256

Elizabeth Hoover  
5843 Paradise Point Dr.  
Palmetto Bay, FL 33156

Wifred & Maritza Padron  
5856 Paradise Point Dr.  
Palmetto Bay, FL 33157

Paradise Point Dr. LLC  
2100 Ponce De Leon Blvd  
Suite 1045  
Coral Gables, FL 33134

William Hayes  
5860 Paradise Point Dr.  
Palmetto Bay, FL 33157

Rafael & Gloria Gonzalez  
5852 Paradise Point Dr.  
Palmetto Bay, FL 33157

Arjun Saluja  
5848 Paradise Point Dr.  
Palmetto Bay, FL 33157

Ronald & Caria Zelhof  
5844 Paradise Point Dr.  
Palmetto Bay, FL 33157

Terry T. & Susie N. Lau  
5840 Paradise Point Dr.  
Palmetto Bay, FL 33157

**Attachment D**  
**Zoning Memorandum**

# Memorandum



**Date:** March 31, 2015

**To:** Lisa Spadafina, Chief *CLA foy*  
Natural Resources Division  
Department of Regulatory and Economic Resources

**From:** Kirk Linaje, Biologist *KL*  
Coastal and Wetlands Resources Section  
Department of Regulatory and Economic Resources

**Subject:** Class I Permit Application by the Frederick L. Feick, Jr. Revocable Trust to Trim Mangrove Trees in a Coastal Band Community at 5859 Paradise Point Drive, in the Village of Palmetto Bay, Miami-Dade County, Florida

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Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter from the City of Coral Gables stating that the proposed project does not violate any zoning laws was submitted by the applicant.

**Attachment E**  
**RER-DERM Project Report**

**PROJECT REPORT**  
**CLASS I PERMIT APPLICATION NO. CLI-2014-0331**

Class I Permit Application by the Frederick L. Feick, Jr. Revocable Trust to Trim Mangrove  
Trees in a Coastal Band Community at 5859 Paradise Point Drive in the Village of Palmetto  
Bay, Florida

**DATE: February 26, 2015**

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 (Code). 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 impact associated with the proposed project is minimal. The project includes the trimming of lateral branches of *Laguncularia racemosa* (white mangrove) trees that are part of a Coastal Band Community, as defined in Section 24-5 of the Code. The proposed work will result in the removal of 555 square feet of white mangrove canopy that extends over uplands. However, the project site is part of a 12-acre high-quality halophytic (salt-tolerant) wetland system, and the proposed trimming is not reasonably expected to result in significant adverse environmental impacts.

Mitigation for impacts to halophytic wetlands will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund to be used for the creation, restoration, or enhancement of coastal wetlands adjacent to Biscayne Bay or its tidal tributaries.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in 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 is not reasonably expected to adversely affect water quality.
5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.
6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.
7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. **Aesthetics** – The proposed project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.
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 as set forth in Number 1 above.

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 is not reasonably expected to adversely affect floral values as set forth in Number 1 above.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** –The proposed project site is part of a high quality wetland system that can be used as alternate habitat. Therefore, the proposed project is not reasonably expected to adversely affect rare, threatened and endangered species.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project is not reasonably expected to adversely affect wetland values as set forth in Number 1 above.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7), Code of Miami-Dade County, Florida, a substantiating letter from the City of Coral Gables stating that the proposed project does not violate any zoning laws was submitted by the applicant.
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 project will occur over land owned by the applicant.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of Chapter 33B of the Code of Miami-Dade County and the Miami-Dade County Public Works Manual.
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by RER-DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with applicable State, Federal and local laws and regulations:
  - a) Chapter 24 of the Code of Miami-Dade County
  - b) 403.9321-403-9334 F. S. (Mangrove Trimming and Preservation Act)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, 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 3/Policies 3A, 3B, 3C** - Protection of natural resources and systems. – The proposed project is consistent with all applicable environmental regulations, 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 AV-5A** - Aviation System Expansion - There is no aviation element to the proposed project.

**Port of Miami River Subelement/Objective 3** - Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River.

**CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:**

**Objective 3/Policies 3A, 3B, 3D** - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.

**Objective 3/Policy 3E** - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/ Broward Levee, NW 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 will not compromise flood protection.

**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 7/Policy 7A, 7C, 7D, 7J** - Wetland protection and restoration. – The proposed project is not reasonably expected to compromise wetland protection or restoration, as set forth in Number 1 above.

**Objective 9/Policies 9A, 9B, 9C** - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species as set forth in Number 18 above, and the impacts have been minimized and will be mitigated as set forth in Number 1 above.

**COASTAL MANAGEMENT ELEMENT VII:**

**Objective 1/Policy 1A** - Tidally connected mangroves in mangrove protection areas – The proposed project will result in the removal of 555 square feet of mangrove canopy within a designated “Mangrove Protection Area” (MPA) in association with work that is not consistent with the permissible types of

projects listed in the CDMP. However, the proposed project will occur over an upland area that was previously authorized for development, is not reasonably expected to result in adverse environmental impacts and will be mitigated, and the trimming will be conducted in a manner that is otherwise consistent with the MPA provisions.

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

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

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project is nor reasonably expected to adversely affect mangrove forests and related natural vegetational communities as set forth in Number 1 above.

**Objective 1/Policy 1E** - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – Although the proposed project will result in the removal of 555 square feet of white mangrove canopy, the project site is part of a 12 acre high-quality wetland system and the work is not reasonably expected to result in the degradation or destruction of coastal wetlands. In addition, the impacts will be mitigated as set forth in Number 1 above.

**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 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 4/Policy 4A, 4C, 4E, 4F** – Protection of endangered or threatened animal species. – The proposed project is not reasonably expected to result in impacts to endangered or threatened species as set forth in Number 18 above.

**Objective 5/Policy 5B** - Existing and new areas for water-dependent uses. - The proposed project will not affect existing water-dependent use.

**Objective 5/Policy 5D** - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – The proposed project does not meet the thresholds for review by the Miami-Dade County 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, 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 will not occur within Biscayne Bay.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project was evaluated for consistency with the MPP. The proposed project will occur over uplands, in a location that is not accessible by the West Indian Manatee.
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)(B)(7), Code of Miami-Dade County, Florida, a substantiating letter from the City of Coral Gables stating that the proposed project does not violate any zoning laws was submitted by the applicant.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(B)(10)(b) of the Code of Miami-Dade County.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** - The proposed project will result in the removal of 555 square feet of mangrove canopy; however, the impacts to wetlands have been minimized and shall be mitigated as set forth in Number 1 above.
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.

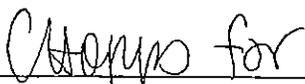
The proposed project was also evaluated for compliance with the standards contained in Sections 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

**24-48.3 (2) Dredging and Filling for Class I Permit** - Not applicable.

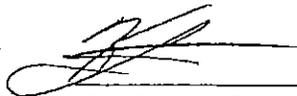
**24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County** - Not applicable.

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

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



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Lisa Spadafina, Chief  
Natural Resources Division



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Kirk Linaje, Biologist I  
Coastal and Wetlands Resources Section