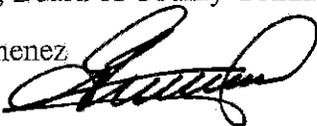


Date: July 14, 2015

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

From: Carlos A. Gimenez
Mayor 

Subject: Class I Permit Application by the Cloisters on the Bay Condominium Association, Inc.
to Trim Mangrove Trees in a Coastal Band Community for the Creation and
Maintenance of Viewing Corridors at 3471 Main Highway in the City of Miami

Agenda Item No. 5(E)

Resolution No. R-625-15

Attached, please find for your consideration an application by the Cloisters on the Bay Condominium Association, Inc. 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: June 10, 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 Cloisters on the Bay Condominium Association, Inc. to Trim Mangrove Trees in a Coastal Band Community for the Creation and Maintenance of Viewing Corridors at 3471 Main Highway in the City of Miami

Recommendation

I have reviewed the attached application for a Class I permit by the Cloisters on the Bay Condominium Association, Inc. 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 County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

Scope

The project site is located at 3471 Main Highway, Miami, in Commission District 7, which is represented by Commissioner Xavier L. Suarez.

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 establish a view corridor, maintain existing views, and maintain upland clearance for the waterfront residents of the development. 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 work involves the trimming of mangrove trees along the shoreline of the Cloisters on the Bay townhouse development, adjacent to Biscayne Bay in the Coconut Grove section of Miami. The predominantly mature red mangrove trees extend approximately 60 feet along the southern end of the subject property and are part of a larger wetland system that extends along the adjacent property to the south. Although the majority of the Cloisters on the Bay shoreline is unvegetated, the existing mangrove configuration does not provide for a view of Biscayne Bay from the southernmost townhouse, and lateral branches of the mangroves extend over the uplands and in close proximity to the residence. The proposed trimming will create a view corridor for the southernmost property and will also include side trimming to maintain the existing view of Biscayne Bay from the townhouses to

the north. In addition, the applicant is requesting to conduct minor trimming of lateral branches that overhang the uplands that extend within 10 feet of the southernmost townhouse. The proposed trimming configuration has been designed to avoid significant impacts to any individual tree or to the wetland area as a whole. The Class I permit will authorize future maintenance of the permitted configuration, and will include conditions that prohibit top-pruning or the removal of greater than 25% of the canopy of any individual tree. Therefore, the proposed project is not reasonably expected to result in significant adverse environmental impacts and 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 1,096 square feet of mangrove canopy. Mitigation for impacts to halophytic (salt water) 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. 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: July 14, 2015

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

SUBJECT: Agenda Item No. 5(E)

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(E)
7-14-15

RESOLUTION NO. R-625-15

RESOLUTION APPROVING A CLASS I PERMIT APPLICATION BY THE CLOISTERS ON THE BAY CONDOMINIUM ASSOCIATION, INC. TO TRIM MANGROVE TREES IN A COASTAL BAND COMMUNITY FOR THE CREATION AND MAINTENANCE OF VIEWING CORRIDORS AT 3471 MAIN HIGHWAY IN THE CITY OF MIAMI, 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 Cloisters on the Bay Condominium Association, Inc. for a Class I permit to trim mangrove trees in a Coastal Band Community for the creation and maintenance of viewing corridors at 3471 Main Highway in the City of Miami, 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 **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 14th day of July, 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 Schwaderer-Raurell

Attachment A

Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY	
Date Received: <u>SEP 18 2014</u> <small>DERM Coastal Resources Section Natural Resources Regulation & Restoration Division (NRRRD)</small>	Application Number: <u>CL1-2014-0351</u> Application Fee: <u>\$225</u> / Permit <u>225</u>

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

1. Applicant Information: Name: <u>Cloisters on the Bay Condominium Association, Inc.</u> Address: <u>3471 Main Highway</u> <u>Miami, Florida</u> Zip Code: <u>33133</u> Phone #: <u>305-445-0009</u> Fax#: _____ Email: <u>cloistersonthebay@comcast.net</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>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>
--	--

3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):

Folio #(s): 01-4121-227-0001 Latitude: 25°43'27.46"N Longitude: 80°14'27.27"W
 Street Address: 3471 Main Highway Section: 21 Township: 54 Range: 41
 In City or Town: Coconut Grove 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"/> Seawall	<input type="checkbox"/> Dock(s)	<input type="checkbox"/> Boatlift	<input type="checkbox"/> Dredging	<input checked="" type="checkbox"/> Mangrove Trimming
<input type="checkbox"/> New/Replacement Seawall	<input type="checkbox"/> Pier(s)	<input type="checkbox"/> Mooring Piles	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Mangrove Removal
<input type="checkbox"/> Seawall 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: _____

Estimated project cost = \$ N/A

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 checked="" type="checkbox"/> Multi-Family <input 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>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: N/A 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

RECEIVED

Signature of Applicant Print Applicant's Name SEP 16 2014 Date

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

DEEM Coastal Resources Section
Marine Resources Regulation & Restoration
Division (NRRRD)

Cloisters on the Bay Condominium Association, Inc. Non-profit Corporation Florida
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 Jay Ziskind President 09-09-14 Date
Print Authorized Representative's Name Title

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

9

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 3471 Main Highway Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 01-4121-227-0001

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 _____

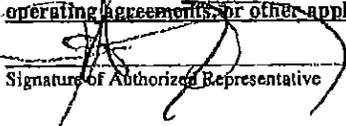
Signature of Owner _____ Print Owner's Name _____ Date _____

B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

(Examples: Corporation, Partnership, Joint Venture, Trust, LLC, LLP, etc.)

Cloisters on the Bay Condominium Association, Inc. Non-profit Corporation Florida
 Print Name of Owner (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation
3471 Main Highway, Miami, FL 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.*****

 _____ Jay Zlskind President 09-09-14
 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

SEP 18 2014

DERM Coastal Resources Division
 Natural Resources Management Section
 Division of Natural Resources

10

Attachment B

Owner/Agent Letter and Project Sketches

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

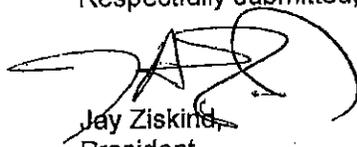
Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2014-0351

By the attached Class I Standard Form permit application with supporting documents, I, Jay Ziskind, President, Cloisters on the Bay Condominium Association, Inc., am the permit applicant/permit applicant's authorized agent, and hereby request permission to perform the work associated with Class I Permit Application CLI-2014-0351. 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.

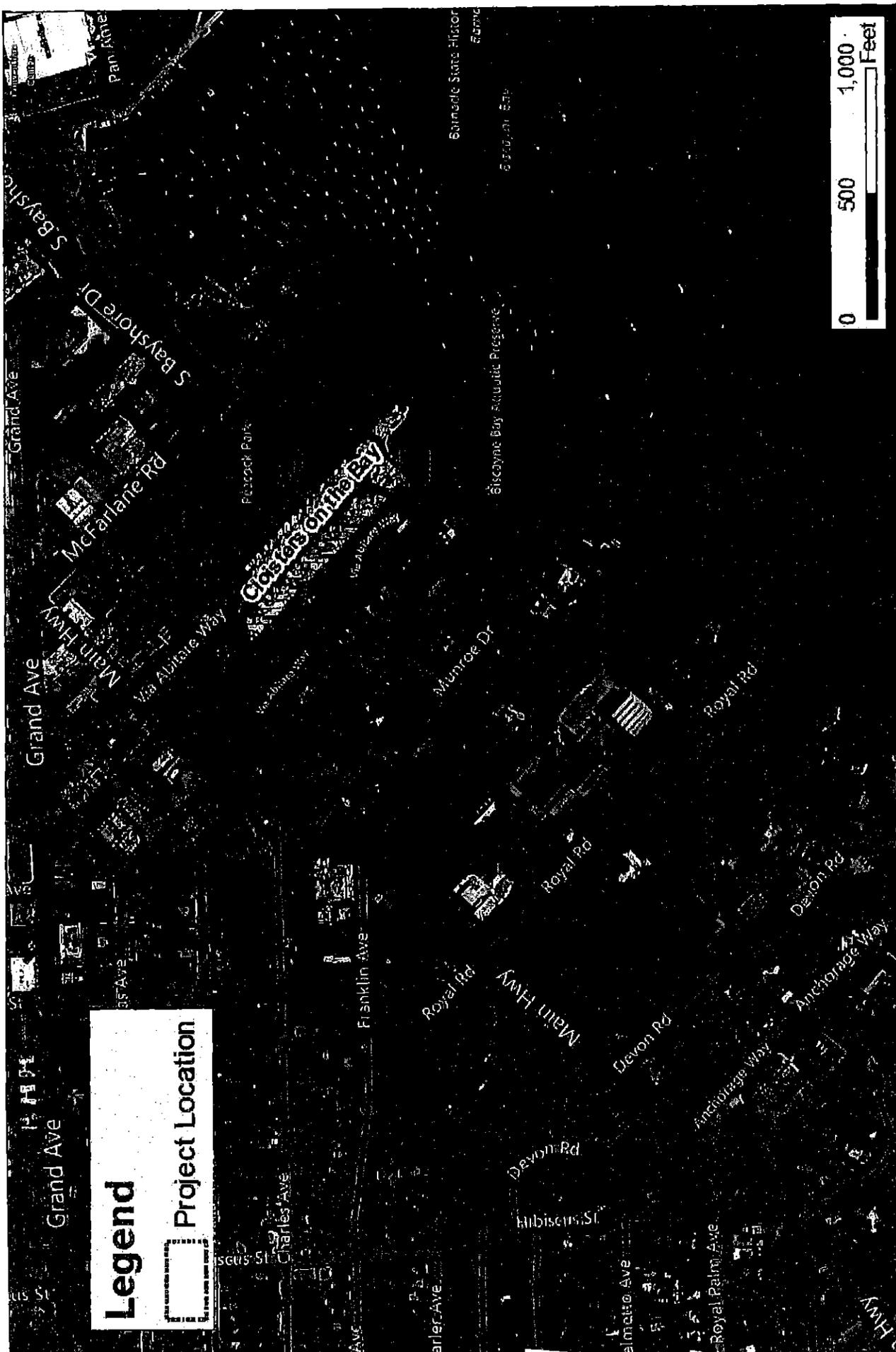
Respectfully submitted,



Jay Ziskind
President
Cloisters on the Bay Condominium Association, Inc.

RECEIVED
APR 09 2015

DEPR
Environmental Resources Regulation Division



Legend

 Project Location





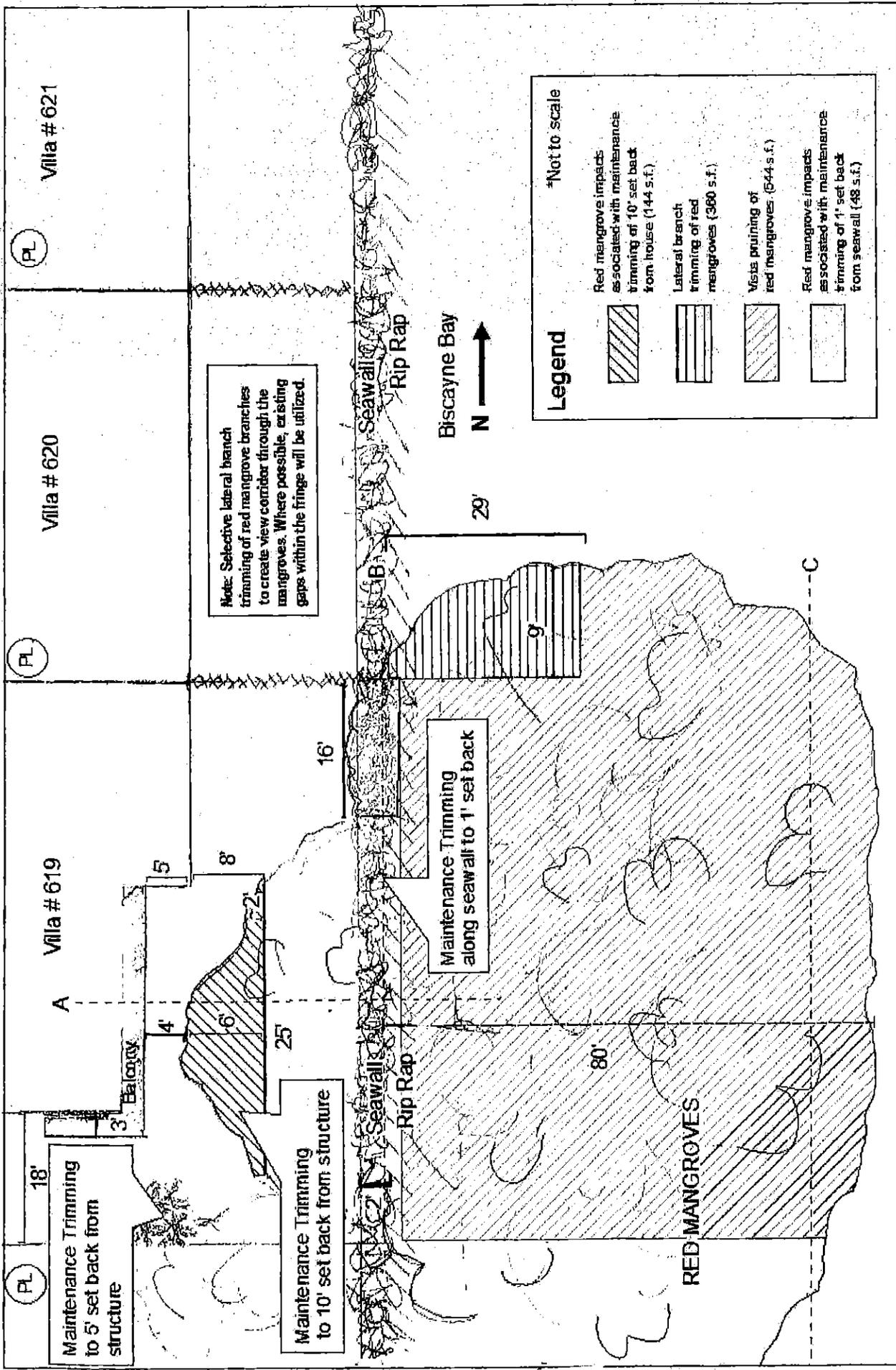
Permit Sketches
Sheet 1 of 6

CLOISTERS ON THE BAY

Mangrove Trimming
Section 21, Township 54, Range 41
Miami-Dade County, Florida

DAVIS ENVIRONMENTAL SOLUTIONS

12864 Biscayne Blvd., Suite 324, North Miami, FL 33181
www.davis-environmental.com
P: 305-502-1954



Permit Sketches
Sheet 2 of 6

CLOISTERS ON THE BAY
Mangrove Trimming
 Section 21, Township 54, Range 41
 Miami-Dade County, Florida

DAVIS Environmental SOLUTIONS
 12804 54th Ave. S.W., Suite 324, North Miami, FL 33181
 www.davis-environmental.com
 P-305-502-1964

14

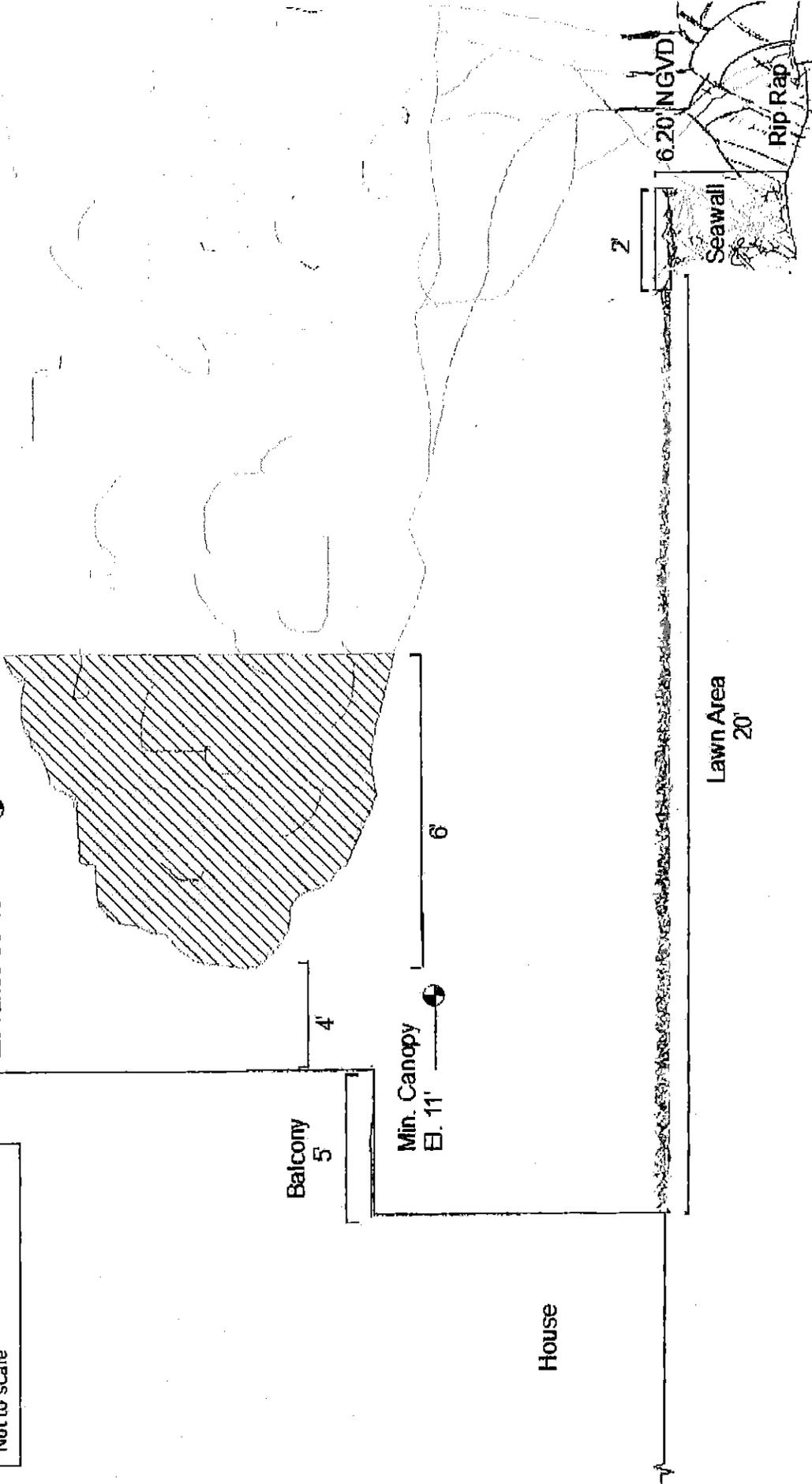
Cross Section A

Proposed Mangrove Trimming

Max. Canopy
El. varies 30'-40'

Red mangrove impacts associated with maintenance trimming of house set back (144 s.f.)

*Not to scale



CLOISTERS ON THE BAY
Mangrove Trimming
Section 21, Township 54, Range 41
Miami-Dade County, Florida

Permit Sketches
Sheet 3 of 6

DAVIS ENVIRONMENTAL SOLUTIONS

12864 Bis Cayne Blvd., Suite 324, North Miami, FL 33181
www.davis-environmental.com
P. 305-502-1954

15

Cross Section B Proposed Mangrove Trimming

PL

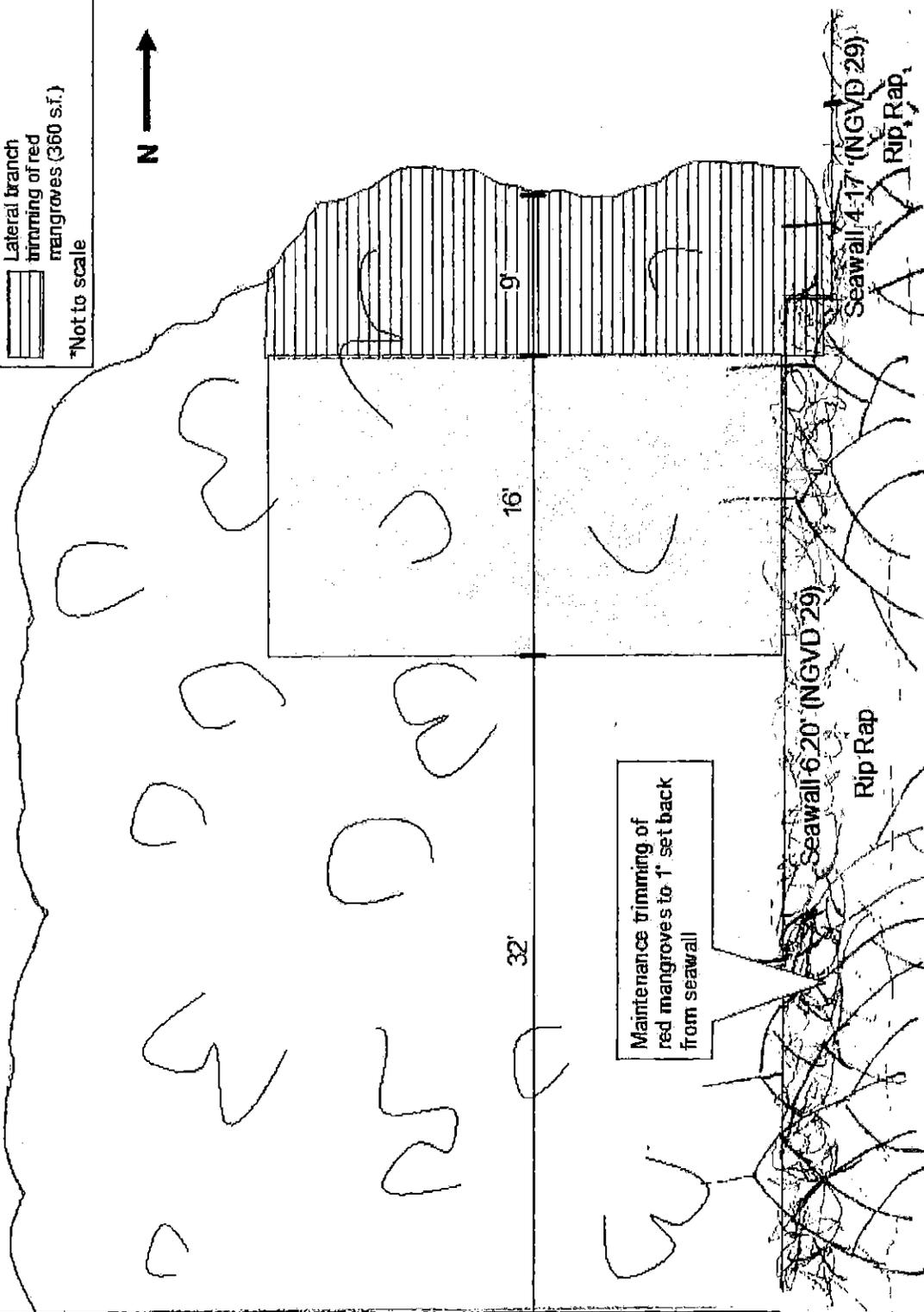
Canopy El. varies 30'-40'

11' from top of seawall (17.20' NGVD)

Legend

-  Red mangrove impacts associated with maintenance trimming along seawall (48 s.f.)
-  Lateral branch trimming of red mangroves (360 s.f.)

*Not to scale



- 0' from top of seawall
- MHW El. +1.5'
- MILW El. -0.4'
- Substrate El. at seawall -0.1'

CLOISTERS ON THE BAY

Mangrove Trimming
Section 21, Township 54, Range 41
Miami-Dade County, Florida

Permit Sketches
Sheet 4 of 6

DAVIS ENVIRONMENTAL SOLUTIONS
12864 Biscayne Blvd., Suite 324, North Miami, FL 33181
www.davis-environmental.com
P. 305-502-1964

Cross Section C Proposed Mangrove Trimming

PL

Canopy El. varies 30'-40'

11' from top of seawall

Note: Selective lateral branch trimming of red mangrove branches to create view corridors through the mangroves. Where possible, existing gaps within the fringe will be utilized.

3' from top of seawall

MHW EL +1.5'

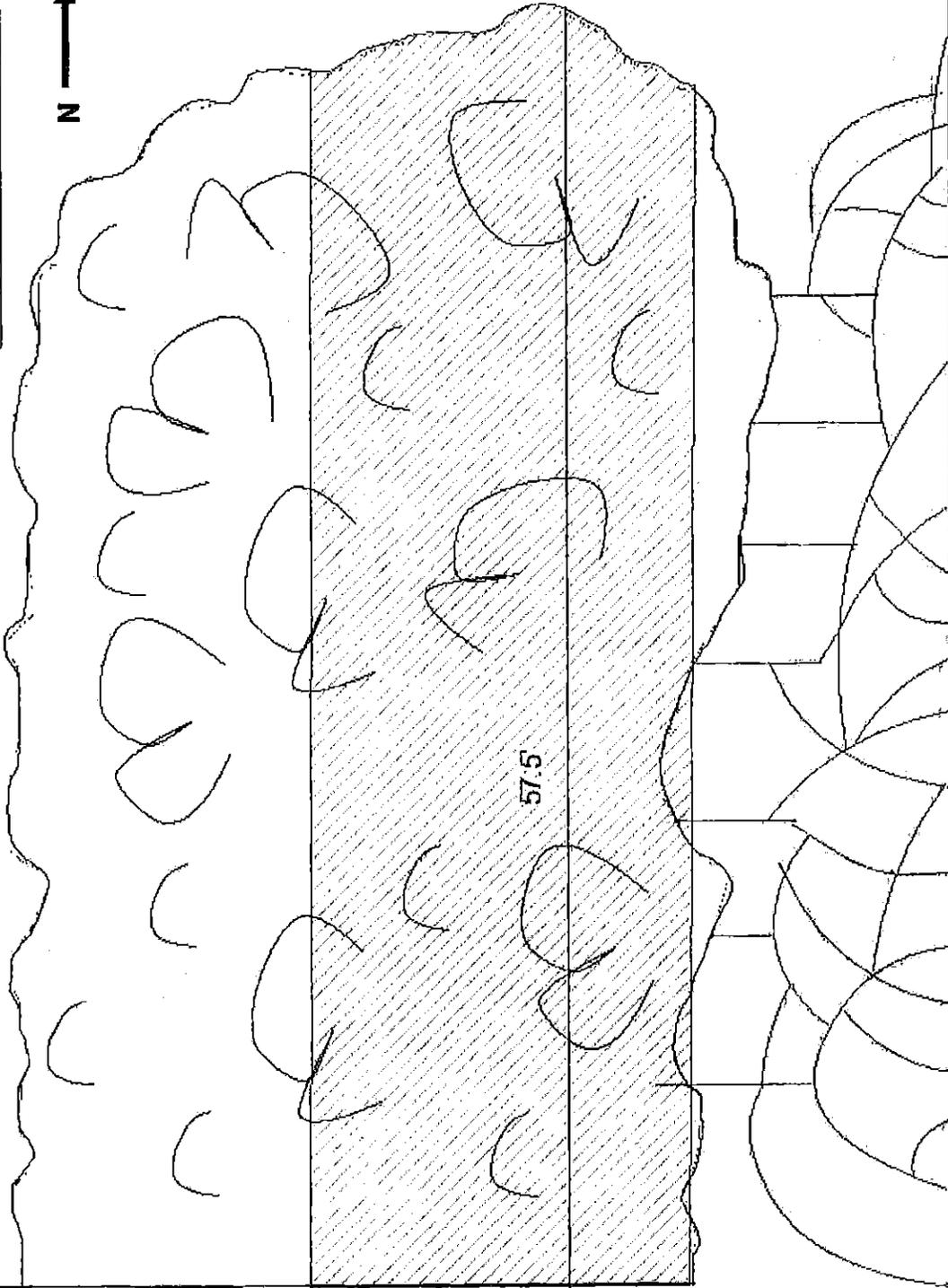
MLW EL -0.4'

Substrate varies

Legend

Vista pruning of red mangroves (544 s.f.)

*Not to scale



DAVIS
Environmental SOLUTIONS

12864 Bis cayne Blvd., Suite 324, North Miami, FL 33181
www.davis-environmental.com
P- 305-502-1954

CLOISTERS ON THE BAY

Mangrove Trimming

Section 21, Township 54, Range 41
Miami-Dade County, Florida

Permit Sketches
Sheet 5 of 6

17

Mangrove Pruning Notes

1. Mangrove trimming/pruning must be conducted or supervised by a Professional Mangrove Trimmer (PMT).
2. The pruning of the mangrove trees must not result in removal, defoliation, or destruction of the mangrove trees.
3. Follow trimming plans and sections for trimming/pruning.
4. No top pruning will occur.
5. All trimming must be conducted in stages so that no more than 25% of any individual tree foliage is removed annually.
6. All trimming shall be removed from the site.



12854 Se cayne Blvd., Suite 324, North Miami, FL 33181
www.davis-environmental.com
P: 305-502-1994

CLOISTERS ON THE BAY

Mangrove Trimming
Section 21, Township 54, Range 41
Miami-Dade County, Florida

Permit Sketches
Sheet 6 of 6

Attachment C

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

Easy Peel Labels
Use Avery® TEMPLATE 8160™



▲
Feed Paper



See Instruction Sheet
for Easy Peel Feature



AVERY® 8160™

TIFFF/ DNR-RES. & Parks
The Barnacle State Hist. Site
3900 Commonwealth Blvd
Tallahassee, FL 32399

City of Miami-Dept of P&D
Asset Management Division
444 SW 2 Ave, Suite 325
Miami, FL 33130

David J. Ivler & W Jessica
3503 Main Lodge Dr.
Coconut Grove, FL 33133

Abitare Condominium Association
10691 N Kendall Drive
Unit 107
Miami, FL 33176

Attachment D
Zoning Memorandum

Memorandum



Date: May 18, 2015

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

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

Subject: Class I Permit Application by the Cloisters on the Bay Condominium Association, Inc. to Trim Mangrove Trees in a Coastal Band Community for the Creation and Maintenance of Viewing Corridors at 3471 Main Highway, in the City of Miami, Miami-Dade County, Florida

Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter from the City of Miami 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-2014-0351

Class I Permit Application by the Cloisters on the Bay Condominium Association, Inc. to Trim Mangrove Trees in a Coastal Band Community for the Creation and Maintenance of Viewing Corridors at 3471 Main Highway in the City of Miami, Florida

DATE: May 18, 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 *Rhizophora mangle* (red 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 1,096 square feet of red mangrove canopy. However, the trees that will be trimmed are part of a larger wetland system, and the proposed trimming configuration has been designed to avoid significant impacts to any individual tree or to the wetland area as a whole. The Class I permit will authorize future maintenance of the permitted configuration, and will include conditions that prohibit top-pruning or the removal of greater than 25% of the canopy of any individual tree. Therefore, the proposed project is not reasonably expected to result in significant adverse environmental impacts and 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 1,096 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.

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 Miami stating that the proposed project does not violate any zoning laws was submitted.
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 sovereign submerged land and 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) Florida Statutes 403.9321-403-9334 (1996 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, 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 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 is not located within a designated “Mangrove Protection Area.”

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 boardwalk 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 1,096 square feet of red mangrove canopy, the project site is part of a 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 does not involve the use of new areas for water-dependent uses.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – The proposed project is exempt from being reviewed 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 is in conformance with the Biscayne Bay Management Plan.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project was evaluated for consistency with the Miami-Dade County Manatee Protection Plan (MDCMPP). The project site is located in an area designated by the MDCMPP as essential habitat for *Trichechus manatus* (West Indian Manatee). The proposed work is not reasonably expected to adversely affect manatees, and the Class I permit shall require that all standard construction permit conditions regarding manatees be followed during all in-water operations.
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** - The proposed project does not involve lake excavation.
32. **Municipality Recommendation** - Pursuant to Section 24-48.2(II)(B)(7), Code of Miami-Dade County, Florida, a substantiating letter from the City of Miami stating that the proposed project does not violate any zoning laws was submitted.
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 1,096 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.

Lisa Spadafina, Chief
Natural Resources Division

Kirk Linaje, Biologist I
Coastal and Wetlands Resources Section