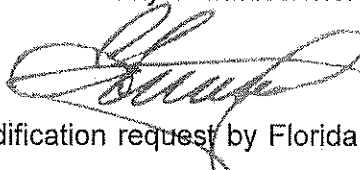


**Date:** December 15, 2015

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Class I Permit Modification request by Florida Power and Light Company – CLI-2014-0312

Agenda Item No. 5(E)

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Resolution No. R-1148-15

For your consideration is a request by Florida Power and Light Company to modify Class I permit CLI-2014-0312. This Class 1 Permit Modification by Florida Power and Light Company is at SW 344th Street and theoretical 356th Street, and the L-31E Canal, for temporary impacts to 0.24 Acres of halophytic wetlands at the properties identified by Folio Numbers 30-7029-001-0011, 30-7290-000-0010, and 30-7029-001-0012, Miami-Dade County, Florida.

Also attached is the recommendation of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management.

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

**Date:** December 4, 2015

**To:** Carlos A. Gimenez  
Mayor

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

**Subject:** Request to Modify Class I Permit CLI-2014-0312 by Florida Power and Light Company at SW 344<sup>th</sup> Street and Theoretical 356<sup>th</sup> Street, and the L-31E Canal, to Authorize Temporary Impacts to 0.24 Acres of Halophytic Wetlands until May 15, 2016 at the Properties Identified by Folio Numbers 30-7029-001-0011, 30-7290-000-0010, and 30-7029-001-0012, Miami-Dade County, Florida

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## **Recommendation**

I have reviewed the attached request by Florida Power and Light Company (FPL) to modify Class I permit CLI-2014-0312. 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 Miami-Dade County Board of County Commissioners (Board) approve the request for the reasons set forth below.

## **Scope**

The proposed project is located at SW 344<sup>th</sup> Street and theoretical 356<sup>th</sup> Street, and the L-31E Canal, for temporary impacts to 0.24 acres of halophytic wetlands at the properties identified by folio numbers 30-7029-001-0011, 30-7290-000-0010, and 30-7029-001-0012, in Commission District 9, which is represented by Commissioner Dennis C. Moss.

## **Fiscal Impact/Funding Source**

This resolution is a regulatory approval and does not have a fiscal impact as contemplated by Resolution No. R-530-10.

## **Track Record/Monitor**

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

## **Background**

FPL owns and operates a cooling canal system (CCS) consisting of an approximately 5,900 acre network of unlined canals at the Turkey Point Power Plant. The CCS was constructed in the early 1970s, and serves as a heat exchange for four (4) of the five (5) power plant units at Turkey Point. In August 2014, the South Florida Water Management District (SFWMD) issued an Emergency Order to FPL authorizing the temporary installation of pipelines and associated equipment to transfer water from the L31E Canal to the CCS to moderate unusually high temperatures and salinity in the system. On April 9, 2015, the SFWMD issued a Final Order to FPL authorizing the temporary pump installation and water withdrawal from the C-103 Basin through the L-31E Canal to reduce salinity and cool water in the system. The SFWMD's Final Order authorizes withdrawal of water from the L-31E Canal as a temporary measure to occur June 1 through November 30, 2015 and June 1 through November 30, 2016. As a condition of the Final Order from the SFWMD, pumping is only authorized to occur each day after discharges to the bay equal or exceed the amount reserved pursuant to state rule for fish and wildlife in Nearshore Central Biscayne Bay, as determined daily by the SFWMD. Pumping operations will be managed through the monitoring of real time data available on the SFWMD website.

In September 2014, the Board approved Class I permit application CLI-02014-0312 authorizing temporary impacts to wetlands supporting halophytic (salt tolerant) vegetation for the temporary installation of two (2), 36 inch aboveground pipelines to facilitate the transfer water from the L31E canal to reduce salinity and temperature in the CCS. As a condition of that approval and pursuant to the Class I permit, the temporary pumping activities associated with the pipelines ceased by October 15, 2014, and the pipelines were removed. In May 2015, the Board approved a modification to the subject Class I permit to authorize reinstallation of the pipelines in wetlands from May 26, 2015 through January 1, 2016 to facilitate an additional period of water transfers from the L31E to the CCS. It should be noted that in its modification request to the Board in May 2015, FPL sought authorization to use the pipelines for an additional two (2) years. However, the Board's approval limited the installation and use of the pipelines to one (1) year. As a result, the Class I permit requires the pipelines to be removed by January 1, 2016.

As a result of pumping additional water into the CCS over the past two (2) summers, salinity levels in the cooling canals has significantly reduced from the very high levels that were previously observed. In the subject request, FPL is seeking approval to modify the Class I permit to authorize the previously installed pipelines to remain in place until May 15, 2016, while FPL assesses all monitoring data and further evaluates the need for additional water from the L31E in 2016. FPL does not have authorization to pump and is not proposing to pump water from the L31E during the timeframe requested under this modification. If approved, the permit modification will prohibit the use of the pipelines for transferring water from the L31E canal to the CCS. FPL has been advised that authorization for the pipelines to remain in place beyond the timeframes requested in this modification, or use of the pipelines for transferring additional water will require further approval from the Board.

Section 24-48.13 of the Code provides for RER-DERM to issue modifications to Class I permits. However, if, in the opinion of the Director, the proposed modification will result in a substantial change to the project, said modification shall be subject to a public hearing before the Board. The modification request to extend the authorization beyond the timeframe imposed by the Board has been determined to be a substantial change, and is required to be processed as a standard form application, including a public hearing.

FPL's representatives assert that further use of water from the L31E to improve water quality in the CCS may be needed until an alternative long term water source is fully approved and functional. Long term monitoring data have indicated that water quality within the cooling canal system has deteriorated over time, resulting in a hyper-saline plume of cooling canal water that has migrated outside the boundaries of the cooling canal system through the groundwater pathway. On October 2, 2015, RER-DERM issued a Notice of Violation to FPL, for violations of County water quality standards and criteria in ground waters outside the boundaries of FPL's CCS and beyond the boundaries of its property. On October 7, 2015, FPL entered into a Consent Agreement with the County that requires FPL to take action to address water quality impacts outside the CCS, as well as implement a long term plan to improve and maintain water quality within the CCS. As a component of their long term plan, FPL proposes to install wells to supply water from the Floridan Aquifer to maintain salinity in the CCS.

Section 24-48.3 of the Code requires RER-DERM to evaluate project related impacts on wetlands habitat values. The direct physical impacts associated with installation of the pipelines have resulted in impacts to approximately 0.24 acres of wetlands that support halophytic (salt tolerant) vegetation; however, these impacts have been minimized to the maximum extent practicable. Mitigation for the temporary impacts to halophytic wetlands was satisfied through the purchase of mitigation credits from the Florida Power and Light Company Everglades Mitigation Bank (EMB). If approved, the Class I permit will require additional mitigation due to the additional time the pipeline is proposed to remain in place through May 15, 2016.

The project site is not located within an area designated as essential manatee habitat by the Miami-Dade County Manatee Protection Plan; however, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water operations.

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 proposed project is recommended for approval pursuant to the applicable evaluation factors set forth in Section 24-48.3 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 1 Permit Modification Request  
Attachment B: Zoning Memorandum  
Attachment C: RER-DERM Project Report

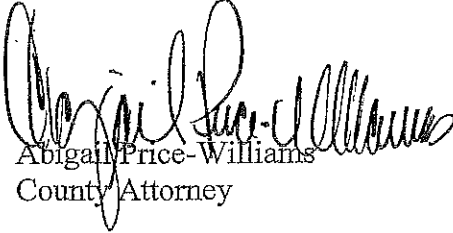


# MEMORANDUM

(Revised)

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

**DATE:** December 15, 2015

**FROM:**   
Abigail Price-Williams  
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
- Statement of social equity 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)  
12-15-15

RESOLUTION NO. R-1148-15

RESOLUTION TAKING ACTION ON REQUEST TO MODIFY CLASS I PERMIT CLI-2014-0312 BY FLORIDA POWER AND LIGHT COMPANY AT SW 344<sup>TH</sup> STREET AND THEORETICAL 356<sup>TH</sup> STREET, AND THE L-31E CANAL, TO AUTHORIZE TEMPORARY IMPACTS TO 0.24 ACRES OF HALOPHYTIC WETLANDS UNTIL MAY 15, 2016 AT THE PROPERTIES IDENTIFIED BY FOLIO NUMBERS 30-7029-001-0011, 30-7290-000-0010, AND 30-7029-001-0012, MIAMI-DADE COUNTY, FLORIDA

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the request by the Florida Power and Light Company to modify Class I permit CLI-2014-0312 to authorize temporary impacts to 0.24 acres of halophytic wetlands until May 15, 2016 at SW 344<sup>th</sup> Street and theoretical 356<sup>th</sup> Street and the L-31E Canal at the properties identified by folio numbers 30-7029-001-0011, 30-7290-000-0010, and 30-7029-001-0012, 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.

6

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

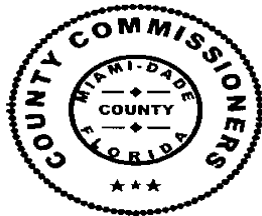
	Jean Monestime, Chairman	<b>aye</b>	
	Esteban L. Bovo, Jr., Vice Chairman	<b>aye</b>	
Bruno A. Barreiro	<b>aye</b>	Daniella Levine Cava	<b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson	<b>absent</b>
Sally A. Heyman	<b>absent</b>	Barbara J. Jordan	<b>aye</b>
Dennis C. Moss	<b>aye</b>	Rebeca Sosa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

The Chairperson thereupon declared the resolution duly passed and adopted this 15<sup>th</sup> day of December, 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. *ASR*

Abbie Schwaderer-Raurell

**Attachment A**

**Class I Permit Modification Request**



**Sweeney, Pamela (RER)**

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**From:** Raffenberg, Matthew <Matthew.Raffenberg@fpl.com>  
**Sent:** Thursday, December 03, 2015 7:23 PM  
**To:** Hefty, Lee (RER); Sweeney, Pamela (RER)  
**Subject:** Class I Permit (CLI-2014-0312)

Lee and Pam,

FPL would like to modify our request to modify Class I Permit (CLI-2014-0312). We now request an extension until May 15, 2016 to keep the two (2) 36 inch, above ground pipes, in place while we assess all of the monitoring data and further evaluate the need for L-31 water in 2016. FPL does not have authorization to withdrawal water from the L-31 during this time, thus the pipe will not be in use. This request does not result in any more wetland impacts. No other modifications to the permit are being sought at this time.

Thanks,

Matt

Matthew J. Raffenberg  
Director - Environmental Services  
Florida Power and Light Company / NextEra Energy  
700 Universe Blvd.  
Juno Beach, FL 33411

561-691-2808  
[matthew.raffenberg@FPL.com](mailto:matthew.raffenberg@FPL.com)

**Attachment B**  
**Zoning Memorandum**

# Memorandum



**Date:** May 5, 2015

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

**From:** Christine Hopps, ERPS *CH*  
Coastal and Wetlands Resources Section  
Department of Regulatory and Economic Resources

**Subject:** Request to Modify Class I Permit CLI-2014-0312 by Florida Power and Light Company for Additional Short-Term Temporary Impacts to 0.24 Acres of Halophytic Wetlands at the Properties Identified by Folio Numbers 30-7029-001-0011, 30-7290-000-0010, and 30-7029-001-0012, 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 was submitted stating that the proposed project does not violate any zoning laws. Said letter was submitted prior to approval by the Miami-Dade County Board of County Commissioners and prior to issuance of the Class I permit.

**Attachment C**

**RER-DERM Project Report**

**PROJECT REPORT  
MODIFICATION REQUEST FOR CLASS I PERMIT NO. CLI-2014-0312**

Request to Modify Class I Permit CLI-2014-0312 by Florida Power and Light Company at SW 344<sup>th</sup> Street and Theoretical 356<sup>th</sup> Street, and the L-31E Canal, to Authorize Temporary Impacts to 0.24 Acres of Halophytic Wetlands until May 15, 2016 at the Properties Identified by Folio Numbers 30-7029-001-0011, 30-7290-000-0010, and 30-7029-001-0012, Miami-Dade County, Florida

**DATE: December 3, 2015**

Staff's recommendation of approval for the above-referenced permit modification is based on the applicable evaluation factors under Section 24-48.3 of the Code of Miami-Dade County, Florida. The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** –The direct physical impacts associated with the construction and associated equipment for two-36 inch above-ground pipes will result in an extended timeframe for the temporary impacts to approximately 0.24 acres of halophytic wetlands; Mitigation for the temporary impacts to halophytic wetlands as well as mitigation associated with the time lag commensurate with the extension of time will be required and satisfied through the purchase of mitigation credits from the Florida Power and Light Company Everglades Mitigation Bank (EMB). The wetland restoration and enhancement projects conducted within the EMB have enhanced the properties in the South Dade Wetland Basin by removing exotic vegetation, replanting with native species, restoring filled areas to natural wetland grade and implementing a fire management program. Federal, State and local regulatory permits issued for the EMB require monitoring and maintenance of the EMB in perpetuity.
2. **Potential Cumulative Adverse Environmental Impact** – The proposed modification to the Class I permit is to authorize temporary impacts to wetlands supporting halophytic vegetation as a result of two-36 inch above ground pipes remaining in place through May 15, 2016, and therefore is not reasonably expected to result in cumulative adverse environmental impact.
3. **Hydrology** - The proposed modification to the Class I permit is to authorize temporary impacts to wetlands supporting halophytic vegetation as a result of two-36 inch above ground pipes remaining in place through May 15, 2016, and therefore is not reasonably expected to adversely affect surface water drainage or retention of stormwater, as set forth in Number 1 above.
4. **Water Quality** – The proposed project is not reasonably expected to adversely affect water quality.
5. **Wellfields** – The proposed modification to the Class I permit is to authorize temporary impacts to wetlands supporting halophytic vegetation as a result of two-36 inch above ground pipes remaining in place through May 15, 2016, and therefore is not reasonably expected to adversely affect wellfields, as set forth in Number 1 above.
6. **Water Supply** – The proposed modification to the Class I permit is to authorize temporary impacts to wetlands supporting halophytic vegetation as a result of two-36 inch above ground pipes remaining in place through May 15, 2016, and therefore is not reasonably expected to adversely affect water supply, as set forth in Number 1 above.
7. **Aquifer Recharge** – The proposed modification to the Class I permit is to authorize temporary impacts to wetlands supporting halophytic vegetation as a result of two-36 inch above ground pipes remaining in place through May 15, 2016, and therefore is not reasonably expected to adversely affect aquifer recharge, as set forth in Number 1 above.
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 not reasonably expected to adversely affect marine and wildlife habitats, unavoidable impacts have been minimized and will be mitigated as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** – The proposed project not reasonably expected to adversely affect wetland soils suitable for habitat, and does not include excavation or filling of wetlands; unavoidable impacts have been minimized and will be mitigated as set forth in Number 1 above.
16. **Floral Values** – The proposed project will result in temporary impacts to 0.24 acres of halophytic wetlands; however, impacts to floral values have been minimized and will be mitigated as set forth in Number 1 above.
17. **Fauna Values** – The proposed project is not reasonably expected to impact fauna values. 14
18. **Rare, Threatened and Endangered Species** – The project site has the potential to be utilized by the *Crocodylus acutus*

(American Crocodile) and the *Trichechus manatus* (West Indian Manatee); however, the proposed project is not reasonably expected to adversely affect these species, and the Class I permit will require that standard construction conditions for manatees be implemented during all in-water work. The project is not located within critical habitat for *Halophila johnsonii* (Johnson's seagrass), a Federally Listed Threatened 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 will result in temporary impacts to 0.24 acres of halophytic wetlands; however, impacts have been minimized and will be mitigated as set forth in Number 1 above.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter was submitted stating that the proposed project does not violate any zoning laws.
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, as set forth in Number 1 above. The proposed project and associated mitigation will occur on lands owned by Florida Power and Light Company, Miami-Dade County, and the State of Florida.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
  - a) Chapter 24 of the Code of Miami-Dade County
  - b) Chapter 33B of the Code of Miami-Dade County
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts as set forth in Numbers 1 and 2 above. 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) United States Clean Water Act (United States Army Corps of Engineers authorization is required)
  - b) South Florida Water Management District and Department of Environmental Protection (authorization is required)
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 for temporary impacts to wetlands supporting halophytic vegetation for the installation of pipelines to provide for the additional short-term withdrawal of water that will be conditionally authorized based on real time flow monitoring, and therefore is consistent with the Conservation and Coastal Management Elements of the CDMP. The proposed modification 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 reasonably expected to compromise wellfield protection, as set forth in Numbers 1 and 2 above.

**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, as set forth in Numbers 1 and 2 above.

**Objective 5/Policies 5A, 5B, 5F** - Flood protection and cut and fill criteria – The proposed project is not reasonably expected to 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/Policies 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 Numbers 1 and 2 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.

#### **COASTAL MANAGEMENT ELEMENT VII:**

**Objective 1/Policy 1A** - Tidally connected mangroves in mangrove protection areas – The proposed project is located within a designated “Mangrove Protection Area,” and is consistent with the criteria for work within a “Mangrove Protection Area.”

**Objective 1/ Policy 1B** - Natural surface flow into and through coastal wetlands. – The proposed project is not reasonably expected to compromise natural surface flow into and through coastal wetlands, as set forth in Numbers 1 and 2 above.

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

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project will result in temporary impacts to 0.24 acres of wetlands; however, the impacts have been minimized and will be mitigated 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. – The applicant will restore the impacted area by re-grading if necessary, planting of native species and monitoring. Mitigation for the temporary impacts to halophytic wetlands as well as mitigation associated with the time lag commensurate with the extension of time will be required and satisfied through the purchase of mitigation credits from the Florida Power and Light Company Everglades Mitigation Bank (EMB).. The wetland restoration and enhancement projects conducted within the EMB have enhanced the properties in the South Dade Wetland Basin by removing exotic vegetation, replanting with native species, restoring filled areas to natural wetland grade and implementing a fire management program. Federal, State and local regulatory permits issued for the EMB require monitoring and maintenance of the EMB in perpetuity.

**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 affect endangered or threatened animal 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 a new 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 is not located within the Shoreline Development Review Boundaries; therefore, 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 consistent with Chapter 33B, Code of Miami-Dade County.
29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is consistent with the Biscayne Bay Management Plan as specified in Numbers 1 and 2 above.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project was evaluated for consistency with the MPP, as set forth in Number 1 above.
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 was submitted stating that the proposed project does not violate any zoning laws.
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 temporary impacts to 0.24 acres of wetlands; however, the impacts have been minimized and will be mitigated, and potential impacts to adjacent wetlands have been evaluated as specified in Numbers 1 and 2 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 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.

  
\_\_\_\_\_  
Chrissy Hopps, BRPS, Coastal and Wetlands Resources Section

  
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Pamela Sweeney, Manager, Coastal and Wetlands Resources Section

NOTICE OF PUBLIC HEARING ON A RESOLUTION  
TAKING ACTION ON A REQUEST TO MODIFY  
CLASS I PERMIT CLI-2014-0312 BY FLORIDA  
POWER AND LIGHT COMPANY AT SW 344 STREET  
AND THEORETICAL 356 STREET, AND THE L-31E  
CANAL, TO AUTHORIZE TEMPORARY IMPACTS TO  
0.24 ACRES OF HALOPHYTIC WETLANDS UNTIL  
MAY 15, 2016 AT THE PROPERTIES IDENTIFIED BY  
FOLIO NUMBERS 30-7029-001-0011, 30-7290-000-  
0010, AND 30-7029-001-0012, MIAMI-DADE COUNTY,  
FLORIDA

BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a public hearing on a resolution taking action on a request by the Florida Power and Light Company to modify Class I permit CLI-2014-0312, to authorize temporary impacts to 0.24 acres of halophytic wetlands until May 15, 2016 at SW 344<sup>th</sup> Street and theoretical 356<sup>th</sup> Street, and the L-31E Canal at the properties identified by folio numbers 30-7029-001-0011, 30-7290-000-0010, and 30-7029-001-0012, Miami-Dade County, Florida. Such public hearing will be held on the 15<sup>th</sup> day of December, 2015 at 9:30 AM in the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 111 NW 1<sup>st</sup> Street in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Regulatory and Economic Resources, 6th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to him beforehand (Christopher Agrippa, Deputy Clerk), 111 NW 1<sup>st</sup> Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Regulatory and Economic Resources, 701 NW 1<sup>st</sup> Court, Miami, Florida, 33136-3912.

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

BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: \_\_\_\_\_  
Christopher Agrippa, Deputy Clerk