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

Memorandum

MIAMI-DADE COUNTY

Date: January 10, 2008

Agenda Item No. 5(C)

To: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

From: George M. Burgess, County Manager

R-04-08

Subject: Class I Permit Application by Key International, Inc. for the Non-Maintenance Dredging of an Existing Boat Slip to Minus Four (–4) Feet NOAA Mean Low Water

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Attached, please find for your consideration an application by Key International, Inc. for a Class I Permit. Also, attached is the recommendation of the Director of the Department of Environmental Resources Management and a Resolution seeking the Board's approval of the aforesaid Class I Permit.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: January 10, 2008

To: George M. Burgess
County Manager

From: for Carlos Espinosa, P.E., Director
Environmental Resources Management

Subject: Class I Permit Application by Key International, Inc. for the Non-Maintenance Dredging of an Existing Boat Slip to Minus Four (–4) Feet NOAA Mean Low Water

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Recommendation

I have reviewed the Class I Permit application by Key International, Inc. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida, I recommend that the Board of County Commissioners approve the issuance of a Class I Permit for the reasons set forth below.

Scope

The project site is located on Biscayne Bay at 745 N. Mashta Drive, Key Biscayne, Miami-Dade County, located in Commission District 7 (Comm. Gimenez).

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

Section 24-48 of the Code of Miami-Dade County requires a Class 1 permit for any work to take place in, on, over or upon any tidal waters or bay bottom lands In Miami-Dade County unless that work is specifically described under Section 24-48.2(I). The Director of the Department of Environmental Resources Management (DERM) shall recommend to the Board of County Commissioners for approval or denial based on the applicable evaluation factors set forth in Section 24-48.3 of the Code. The Board of County Commissioners shall hold a public hearing concerning the proposed work and shall approve or deny the work pursuant to Section 24-48.3.

The subject permit application involves non-maintenance dredging within a boat slip located in a residential area in order to attain the minimum water depth of minus four (-4) feet National Oceanic and Atmospheric Administration (NOAA) mean low water (MLW) datum required by Section 24-48.3(3) of the Code of Miami-Dade County. The applicant proposes to dredge a nineteen (19) foot by forty (40) foot boat slip created by an existing finger pier and marginal dock in order to allow the mooring of a powerboat. Dredging of the subject boat slip to a depth of minus one (-1) foot NOAA MLW datum was previously authorized under Class I Permit CC-119 pursuant to resolution number R-1426-79 approved on November 20, 1979. The slip area proposed to be dredged was created by the installation of a thirty-five (35) foot finger pier and the three (3) mooring piles authorized by Class I Permit CC-119 executed on August 12, 1980.

The subject property is located in a residential area on Mashta Island at the intersection of N. Mashta Drive and Mashta Place (Lot 1 of Block 1) in Key Biscayne, Miami-Dade County, Florida. The applicant is proposing to perform non-maintenance dredging within an existing nineteen (19) foot by forty (40)

foot slip area in order to achieve the minimum Code required water depth of minus four (-4) feet NOAA MLW datum. The proposed non-maintenance dredging exceeds the boundaries described in Section D-5(03)(2)(a) of the Miami-Dade County Public Works Manual. However, the proposed non-maintenance dredging will minimize unnecessary aesthetic and navigational impacts to the adjoining property by eliminating the need to extend the existing docking structures further out to achieve the Code required water depth. In addition, the applicant has obtained a letter of consent from the adjacent property owner (see Attachment G).

In order to mitigate for the unavoidable adverse environmental impacts associated with the proposed non-maintenance dredging, the applicant has agreed to make a contribution to the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) in the amount equivalent to the value of seventy-six (76) cubic yards of natural limerock riprap boulders at a price of ninety dollars ($90.00) per cubic yard. The contribution shall be specifically designated for habitat creation/restoration projects in Biscayne Bay and its foreshore.

Approval of the proposed non-maintenance dredging will allow the Department to issue after-the-fact approval administratively for the following existing structures: existing ten (10) foot by nineteen (19) foot marginal dock, existing five (5) foot by fifteen (15) foot finger pier extension, existing riprap underneath the existing finger pier, existing forty (40) foot aluminum sheet pile wall, one (1) existing mooring pile, and the replacement of the substructure of the existing finger pier.

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

Attachments

Attachment A: Class I Permit Application, Affidavit of Ownership and Hold Harmless Agreement
Attachment B: Permit Applicant/Authorized Agent Statement
Attachment C: Engineer Letter of Certification
Attachment D: Project Plans
Attachment E: Adjacent Riparian Land Owner Labels
Attachment F: Warranty Deed
Attachment G: Letter of Consent
Attachment H: Florida Department of Environmental Protection Permit No. 13-0221455-003
Attachment I: DERM Zoning Memo
Attachment J: Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY KEY INTERNATIONAL, INC. FOR A CLASS 1 PERMIT TO CONDUCT NON-MAINTENANCE DREDGING OF AN EXISTING BOAT SLIP TO MINUS FOUR (–4) FEET NOAA MEAN LOW WATER AT 745 NORTH MASHTA DRIVE, KEY BISCAYNE, 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 request by Key International, Inc. for a Class I Permit for the non-maintenance dredging of an existing boat slip to minus four (–4) feet National Oceanic and Atmospheric Administration mean low water at 745 North Mashta Drive, Key Biscayne, Miami-Dade County, Florida. Such Public Hearing will be held on the 10th day of January 2008, at 9:30 AM at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida.

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

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in

triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (Kay Sullivan, Deputy Clerk), 111 NW 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County

Department of Environmental Resources Management, 701 NW 1st Court, Miami, Florida 33136.

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: _____
Kay Sullivan, Deputy Clerk

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 10, 2008

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

SUBJECT: Agenda Item No. 5(C)

Please note any items checked.

_____	"4-Day Rule" ("3-Day Rule" for committees) applicable if raised
_____	6 weeks required between first reading and public hearing
_____	4 weeks notification to municipal officials required prior to public hearing
_____	Decreases revenues or increases expenditures without balancing budget
_____	Budget required
_____	Statement of fiscal impact required
_____	Bid waiver requiring County Manager's written recommendation
_____	Ordinance creating a new board requires detailed County Manager's report for public hearing
_____	Housekeeping item (no policy decision required)
✓	No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(C)
01-10-08

RESOLUTION NO. **R-04-08**

RESOLUTION RELATING TO AN APPLICATION BY KEY INTERNATIONAL, INC. FOR A CLASS 1 PERMIT TO CONDUCT NON-MAINTENANCE DREDGING OF AN EXISTING BOAT SLIP TO MINUS FOUR (–4) FEET NOAA MEAN LOW WATER AT 745 NORTH MASHTA DRIVE, KEY BISCAYNE, 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 application by Key International, Inc. for a Class 1 Permit to conduct non-maintenance dredging of an existing boat slip to minus four (–4) feet National Oceanic and Atmospheric Administration mean low water, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner **Carlos A. Gimenez**, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of January, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Peter S. Tell

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Attachment A

Class I Permit Application
Affidavit of Ownership
Hold Harmless Agreement

MIAMI-DADE COUNTY

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DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

Class I
Permit Application

1. Application number	2. Date Day/Month/Year	3. For official use only
2007-CUPER-00252	18-Oct-2009	

4. Applicant Information.

Name: Key International, Inc.
Address: 848 Brickell Avenue, Ste 700
Miami, Florida Zip Code: 33131-2946
Phone #: Fax #:

5. Applicant's authorized permit agent

Name: Bunnell Foundation, Inc.
Address: 3033 N.W. N. River Drive
Miami, Florida Zip Code: 33142
Phone #: 31633-3369 Fax #: 31633-3391

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pipe or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

Non-Maintenance Dredging of an existing Boat slip to minus four (-4) feet N.O.A.A. mean Low water (MLW)

	Dredged/Excavated		Filled/Deposited	
Volume of Material	CY	CY	CY	CY
	Waterward of O.H.W. or M.H.W.	Landward of O.H.W. or M.H.W.	Waterward of O.H.W. or M.H.W.	Landward of O.H.W. or M.H.W.

7. Proposed Use: (Check One)

- ☑ Private
- ☐ Public
- ☐ Commercial
- ☐ Other

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

Name: Ted Fernandez & W Rosa
Address: 800 Mashta Place
Key Biscayne, FL Zip Code: 33149-1752

Name: Patricia D. Hartmann
Address: 735 N. Mashta Drive
Key Biscayne, FL Zip Code: 33149-1722

9. Location where proposed activity exists or will occur.

Street Address: 745 N. Mashta Drive
Key Biscayne, Florida
Latitude 25°41m 14.56s Longitude -80°10m 31.9,3:
Section Township Range
State Florida County Dade In City or Town Key Bis Near City Or Town Miami

10. Name of waterway at location of the activity.

Biscayne Bay

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11. Date activity is proposed to:

Commence _____ Be completed _____

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

☐ Yes
☑ No

If answer is "yes", give reasons in the remarks section. Indicate the existing work on the drawings.
Month and Year the activity was completed _____

13. List all approvals or certifications required by other Federal, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application, including whether the project is a Development of Regional Impacts.

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
FDEP	Environmental Resources permit	0221456-003		05/21/2007
ACOE	NW-35	SAJ-2005-1338(NW-LAD...		04/22/2005

14. Has any other agency denied approval for any activity directly related to the activity described herein?

☐ Yes
☑ No

15. Remarks

- approved by federal & State

16. Estimated project cost = $ 5,200.00

17. Contractor's name and address

Name: Richard Baynell License #: E-236
Address: 3033 N.W. N. River Drive
Miami, Florida Zip Code: 33142
Phone #: 305-633-3369 Fax #: 305-633-3391

19. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:

☐ 8½ x 11 Location Map
☐ 8½ x 11 Project Drawing
☐ Copy of Application

18. Application is hereby made for a permit or permit(s) to authorize the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making the preliminary analyses of the site and monitoring permitted works, if permit is granted. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of owner [signature] Presedent of KEH International Inc

Date 10/22/07

SUBSCRIBED AND SWORN TO ME THIS 22th DAY OF October 20 07 BY Jose Hadid.

☑ PERSONALLY KNOWN ☐ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED _____

SILVIA FERNANDEZ
MY COMMISSION # DD 680872
EXPIRES: September 23, 2011
Bonded Thru Notary Public Underwriters

[signature] NOTARY PUBLIC

Affidavit of Ownership and Hold Harmless Agreement

Personally Appeared Before Me. Key International, Inc. , that
(Property owner, lessee or Corporate Officer if owner is a corporation)
undersigned authority, and hereby swears and affirms under oath as follows:

1. That your affiant is the record owner or lessee of that certain property more fully described as: 745 North Mashta Drive Key Biscayne, Fl Folio# 24-5205-008-0390 5-6 55 40 4.46 AC M/L Mashta Island PB 40-93 PT of TR F-DEED SWLY COR LOT 1 BLK 1 N 49 DEG W 130 FT N 40 DEG (more)
may attach legal description from public records or plat book or a copy of the warranty deed

2. That your affiant is also the riparian and/or littoral owner or lessee of that certain property that is the subject matter of Application No. 2007-CUPER-00250 for a Class I permit under and pursuant to Section 24-48 of the Code of Miami-Dade County to construct or engage in the following activity:

Non-Maintenance Dredging of an existing Boat Slip to minus four (-4) feet N.O.A.A. mean Low water (MLW)

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

STATE OF FLORIDA
COUNTY OF DADE

Owner/Applicant President of Key International Inc

BEFORE ME, the undersigned authority, personally appeared Jose Haro , who, after being duly sworn, deposes and says that he/she has read the foregoing and that the statements contained therein are true and correct to the best of his/her knowledge and belief.

Sworn to and subscribed before me this 22th of October 2007
(day) (month) (year)

Notary Signature _____ Notary Seal

SILVIA FERNANDEZ
MY COMMISSION # DD 680872
EXPIRES: September 23, 2011
Bonded Thru Notary Public Underwriters

Attachment B

Permit Applicant/Authorized Agent Statement

BUNNELL
FOUNDATION, INC.

phone (305) 633-3369
fax (305) 633-3391
email: bunnelldocks@aol.com

PERMIT APPLICATION / AUTHORIZED AGENT STATEMENT

Date: **November 16, 2007**

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NOV 16 2007
DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION

To:
Miami-Dade County DERM
Class I Permitting Program
701 N.W. 1st Court
Miami, Florida 33136

Re: Class I Standard Form Permit Application Number **2007-CLI-PER-00252**, **Non-maintenance dredging of an existing boat slip to minus four (-4) feet N.O.A.A. mean low water (MLW)**.

By the attached Class I Standard Form permit application with supporting documents, I, **Richard A. Bunnell,** am the **permit applicant / applicant authorized agent** (circle one) and hereby request permission to perform the following: **Non-maintenance dredging of an existing boat slip to minus four (-4) feet N.O.A.A. mean low water (MLW)**. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

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

Respectfully submitted,

Notary Public State of Florida
Ivan A Enriquez
My Commission DD692179
Expires 07/04/2011

_____ ,Permit Applicant

or

Richard A. Bunnell, President
Bunnell Foundation, Authorized Agent

Attachment C

Engineer Letter of Certification

SolVer Structural Partnership, Inc.
Consulting Structural Engineers
Design • Inspections • Investigation • Reports

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DERM
ENVIRONMENTAL RESOURCES
REGULATION

ENGINEER LETTER OF CERTIFICATION

October 18, 2007

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

RE: Class I Standard Form Permit Application Number **2007-CLI-PER-00252, Non-maintenance dredging of an existing boat slip to minus four (-4) feet N.O.A.A. mean low water (MLW).**

Ladies and Gentlemen:

This letter will certify that I am an engineer registered/licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

A. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.

B. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)

C. Material injury to adjacent property.

D. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Sincerely,

Denis K. Soland, P.E.
PE # 56902
SOLVER STRUCTURAL PARTNERSHIP, INC.

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• 7500 N.W. 25th St • Suite 205 • Miami, Florida 33122 • Phone: (305) 592-9396 • Fax: (305) 599-9347•
• E-Mail: solverstruct@cs.com •

Attachment D

Project Plans

AUG 0 6 2007

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REGULATION DIVISION

SITE PLAN
NTS

LOCATION PLAN
NTS

GENERAL NOTES

WOOD

1. PRIMARY WOOD FRAMING MEMBERS SHALL BE NO. 2 PRESSURE TREATED SOUTHERN PINE OR BETTER. (FB=1050 PSI MINIMUN).
2. ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATON IN THE FIELD.
3. IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE INMEDIATELY BROUGHT TO ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH WORK.
4. IT IS THE INTENT OF THESE PLANS AND THE REPONSABILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE AND FEDERAL ENVIROMENTAL PERMITS ISSUED FOR THIS PROYECT. IT SHALL BE THE CONTRACTORS RESPONSABILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.
5. APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2001 EDITION.
6. ELEVATIONS SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929.

STEEL

1. ALL BOLTS SHALL BE TYPE 316 STAINLESS STEEL.

DESIGN LOADS

1. PLATFORM LL. 60 PSF

08/03/07
Denis K. Solano
P.E. 56902
S.I. 2046
C.O.A. 00009095

BUNNELL FOUNDATION, INC.
marine engineering & foundation
Caissons – docks – seawalls – bridges

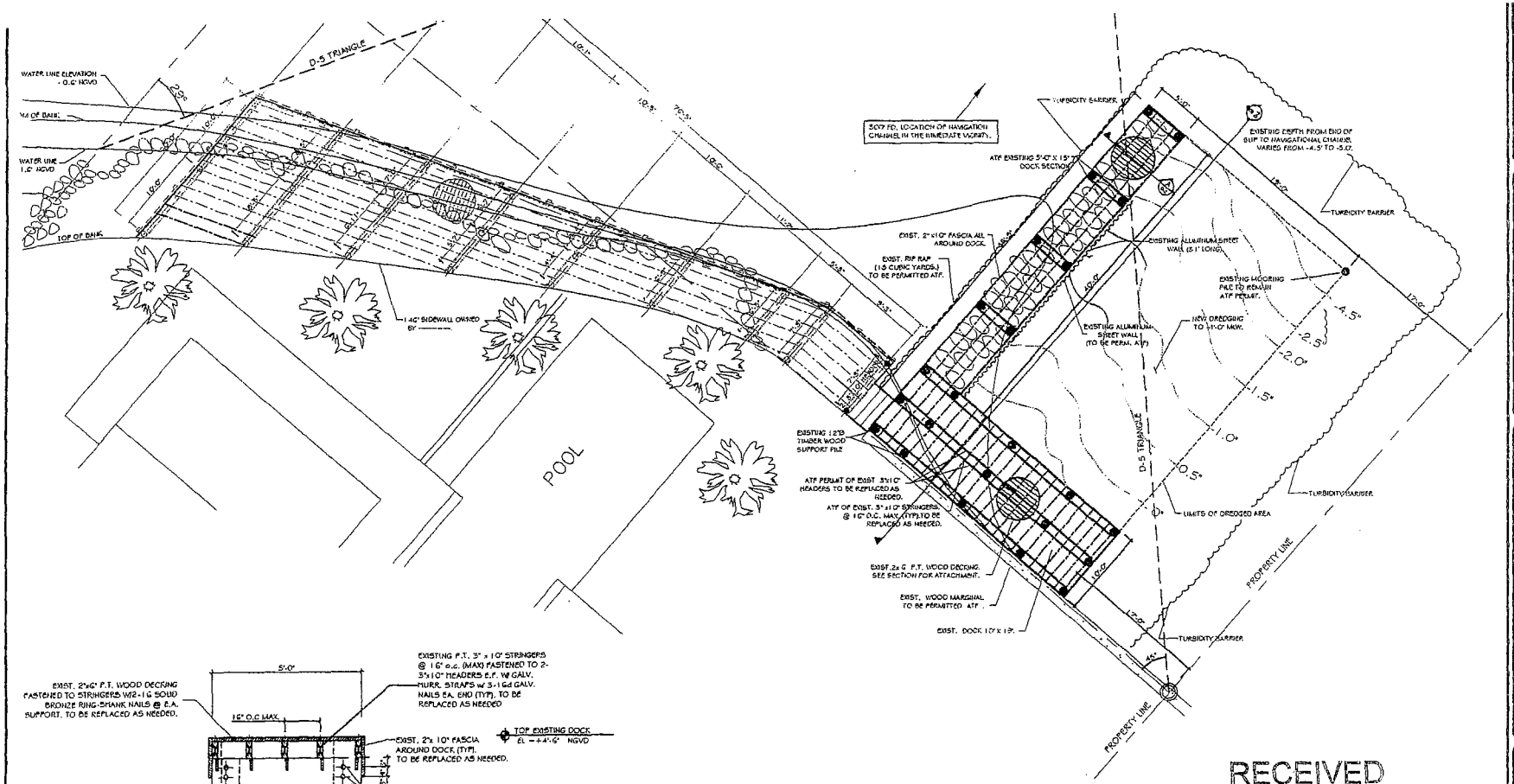
CONSULTANTS:
Solver Structural Partnership, Inc.
7500 NW 25 St. suite 212 Phone:(305) 591 3341
Miami, Florida 33122 Fax:(305) 591 3447
E-Mail: solverstruc@gmi.com
DESIGN - INSPECTION - INVESTIGATION - REPORTS

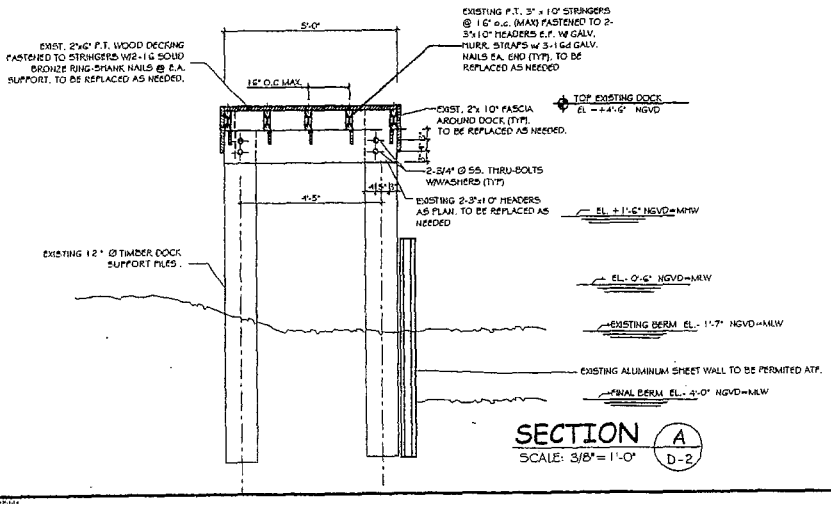
job name: KEY INTERNATIONAL INC.
745 N. MASHTA DR.
KEY BISCAYNE, FLORIDA.

title: PROPOSED DREDGING & ATF STRUCTURES

date	08-06-07
issued	
drawn	S.P.S.
checked	D.K.S.
project no.	2003-110
revisions:	

sheet no.
D-1
1 of 4





SECTION A
SCALE: 3/8"= 1'-0"
D-2

NEW DREDGING PLAN
N.T.S.

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AUG 0 6 2007
DERM
ENVIRONMENTAL RESOURCES REGULATION DIVISION

Debra K. Solano
P.E. 58502
S.I. 2046
C.O.A. 00009205

BUNNELL FOUNDATION, IN
305-633-3338 (f)
305-633-3336 (f)
Civil • structural & foundation • consultants
bridges
9823 sw mohawk dr. miami, florida 33176
bunnellfound@aol.com

CONSULTANTS:
Solver Structural Partnership, Inc.
3591 NW 25 St. suite 212 Miami, Florida 33122
Phone (305) 591 3311
Fax (305) 591 3447
E-Mail: edwardsolver@msn.com
DESIGN - INSPECTION - INVESTIGATION - REPORTS

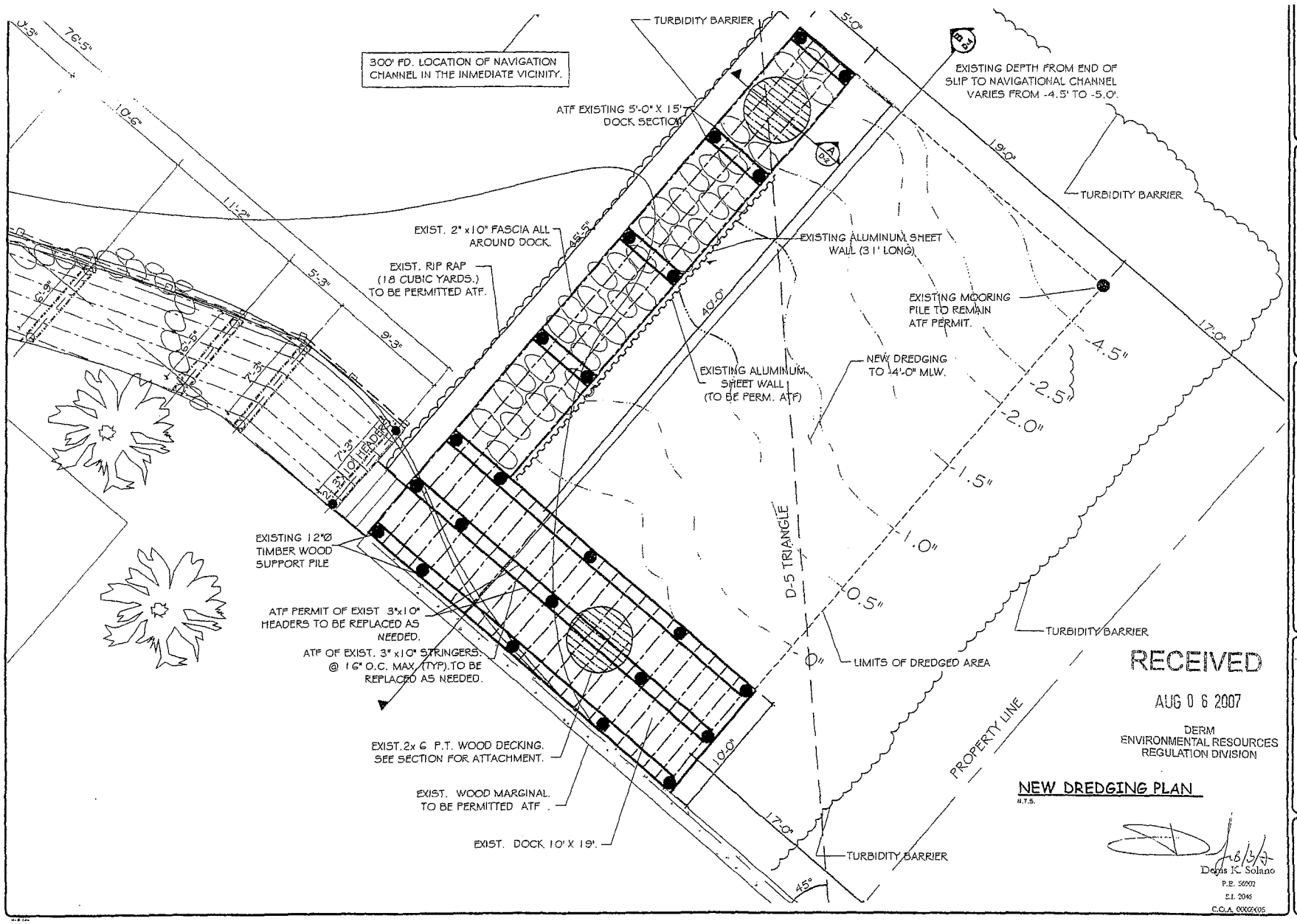
job name: KEY INTERNATIONAL INC.
745 N. MASHTA DR.
KEY BISCAYNE, FLORIDA.

title: PROPOSED DREDGING & ATF STRUCTURES

date 08-06-07
issued
drawn S.P.S.
checked D.K.S.
project no. 2003-110
revisions:

sheet no.
D-2
2 of 2

67

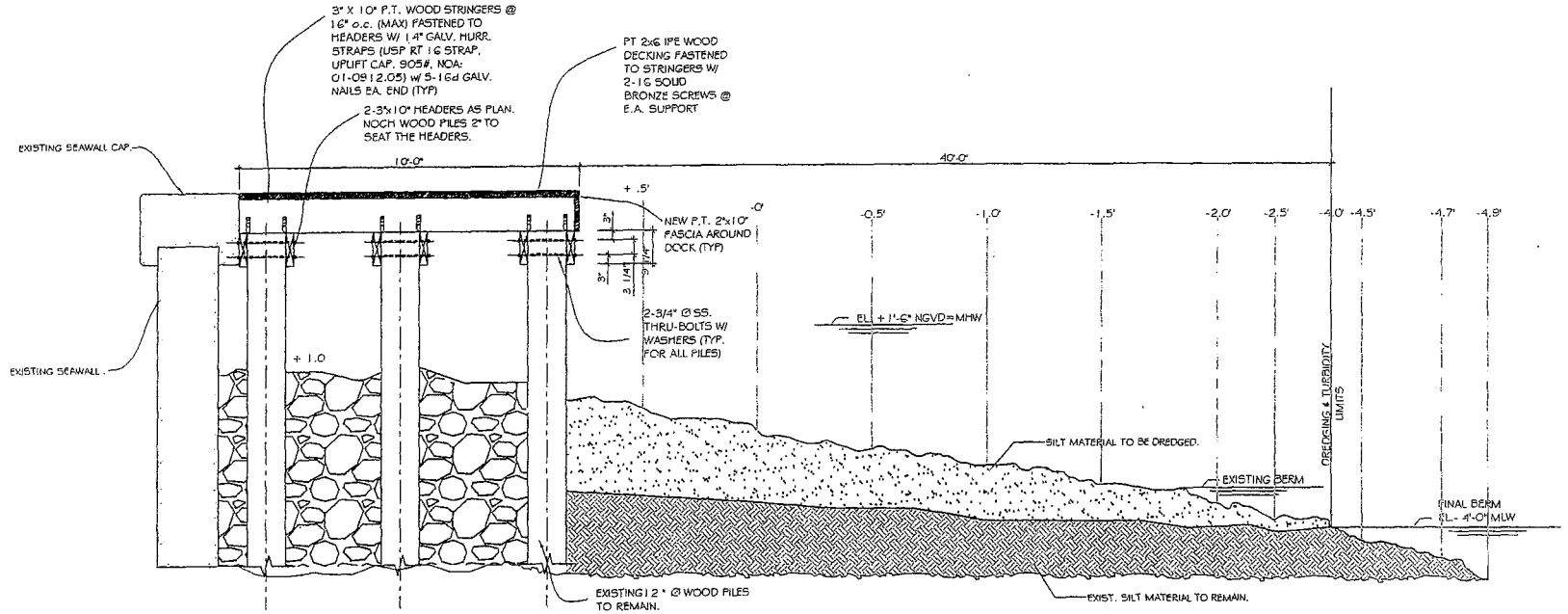

300' FD. LOCATION OF NAVIGATION CHANNEL IN THE INMEDIATE VICINITY.
TURBIDITY BARRIER
EXISTING DEPTH FROM END OF SLIP TO NAVIGATIONAL CHANNEL VARIES FROM -4.5' TO -5.0'.
ATF EXISTING 5'-0" X 15' DOCK SECTION
EXIST. 2" x 10" FASCIA ALL AROUND DOCK.
EXIST. RIP RAP (18 CUBIC YARDS.) TO BE PERMITTED ATF.
EXISTING ALUMINUM SHEET WALL (31' LONG)
EXISTING MOORING PILE TO REMAIN ATF PERMIT.
NEW DREDGING TO 14'-0" MLW.
EXISTING ALUMINUM SHEET WALL (TO BE PERM. ATF)
D-5 TRIANGLE
EXISTING 12"Ø TIMBER WOOD SUPPORT PILE
ATF PERMIT OF EXIST. 3"x10" HEADERS TO BE REPLACED AS NEEDED.
ATF OF EXIST. 3" x 10" STRINGERS @ 16" O.C. MAX. (TYP.). TO BE REPLACED AS NEEDED.
LIMITS OF DREDGED AREA
EXIST. 2x 6 P.T. WOOD DECKING. SEE SECTION FOR ATTACHMENT.
EXIST. WOOD MARGINAL. TO BE PERMITTED ATF .
EXIST. DOCK 10' X 19'.
PROPERTY LINE
RECEIVED
AUG 0 6 2007
DERM
ENVIRONMENTAL RESOURCES REGULATION DIVISION
NEW DREDGING PLAN
N.T.S.
Denis K. Solano
P.E. 56902
S.I. 2046
C.O.A. 00006005
BUNNELL
CONSULTANTS:
Solver Structural Partnership, Inc.
job name: KEY INTERNATIONAL INC. 745 N. MASHTA DR. KEY BISCAYNE, FLORIDA.
title: PROPOSED DREDGING & ATF STRUCTURES
date 08-06-07
issued
drawn S.P.S.
checked D.K.S.
project no. 2003-110
revisions:
sheet no. D-3
3 of 4

2

RECEIVED

AUG 0 6 2007

DERM
ENVIRONMENTAL RESOURCES
REGULATION DIVISION



SECTION B / D-4
N.T.S.

PROPOSED DREDGING.
N.T.S.

8/3/7

Denis K. Solano
P.E. 56902
S.I. 2046
C.O.A. 0000X005

BUNNELL FOUNDATION, IN
305-633-3359 (o)
305-633-3391 (f)
Dade Engineering & Foundation Contractors - Piling - Caissons - Piling - Caissons
bnfdpe
5833 s.w. 88th st.
miami, florida 33143
bunnellfnds@aol.com

CONSULTANTS:
Solver Structural Partnership, Inc.
7581 N.W. 61 st. Suite 212 Phone:(305) 591 1345
Miami, Florida 33166 Fax: (305) 591 1447
E-Mail: solverstruct@bellsouth.net
Florida - INSPECTION - INVESTIGATION REPORTS

job name: KEY INTERNATIONAL INC.
745 N. MASHTA DR.
KEY BISCAYNE, FLORIDA.

title: PROPOSED DREDGING & ATF STRUCTURES

date 08-06-07
issued
drawn S.P.S.
checked D.K.S.
project no. 2003-110
revisions:

sheet no. D-4
4 of 4

Attachment E

Adjacent Riparian Land Owner Labels

300 Foot Radius Map

Approximate Scale: 1" = 200'

Property Address: **745 / / MASHTA / DR /**

Property Legal:

Legal Description:	5-6 55 42 .446 AC M/L MASHTA ISLAND PB 60-93 PT OF TR F-BEG SWLY COR LOT 1 BLK 1 N 49 DEG W130FT N 40 DEG E148.22FT SELY 95.96FT S 49 DEG E34.07FT S 40 DEG W150.31FT TO

23

N

2007-CLI-PET-00252

Patricia D Hartmann
735 N. Mashta Drive
Key Biscayne, Florida 33149

Key International, Inc
848 Brickell Avenue
Miami, Florida 33149

Luis Lamela
715 N. Mashta Drive
Key Biscayne, Florida 33149

Angel L. Achaval
725 N. Mashta Drive
Key Biscayne, Florida 33149

XT Revocable Trust
c/o Stephen J. Kolski Jr.
2600 Douglas Road, Suite 1109
Coral Gables, Florida 33134

Jose M. Norona
740 N Mashta Drive
Key Biscayne, Florida 33149

Prime Mashta, LLC
9429 Harding Avenue
Suite 15
y Harbor Island, Florida 33154

Prime Island, LLC
9429 Harding Avenue
Suite 15
Surfside, FL 33154

Euco Investment, Inc.
710 N. Mashta Drive
Key Biscayne, Florida 33149

Eduardo Alfonso
711 S Mashta Drive
Key Biscayne, Florida 33149

Jorge L. Blanco
731 S. Mashta Drive
Key Biscayne, Florida 33149

Sydney USA, Inc.
741 S. Mashta Drive
Key Biscayne, Florida 33149

Attachment F

Warranty Deed

CFN 2003R0676551
OR Bk 21638 Pgs 0416 - 418; (3pgs)
RECORDED 09/12/2003 14:38:41
DEED DOC TAX 18,900.00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

THIS INSTRUMENT PREPARED BY:
Maria Victoria Currais, Esq.
Murai, Wald, Biondo & Moreno, P.A.
25 S.E. 2nd Ave., Suite 900
Miami, FL 33131

Property Appraisers Parcel I.D.
(Folio) Number(s): 24-5205-008-0390

Grantee(s) S.S.#(s):

RECEIVED
2007
DEPARTMENT OF ENVIRONMENTAL RESOURCES

WARRANTY DEED
(Statutory Form - Section 689.02 F.S.)

THIS INDENTURE, made this ___ day of September, 2003, between **Friendly Biscayne, Inc.**, a corporation organized under the laws of the State of Florida ("Grantor"), and **Key International, Inc.**, a corporation organized under the laws of the State of Florida, whose post office address is Brickell Avenue, PH 1, Miami, Fl. 33131, ("Grantee")["Grantor" and "Grantee" are used for singular or plural, as context requires].

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND NO/100-----($10.00)-----DOLLARS, and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Miami-Dade County, Florida, to-wit:

See Exhibit "A"

Subject to restrictions, conditions, limitations, easements, and reservations of record and existing zoning ordinances, none of which are sought to be reimposed.

Subject to real property taxes for the year 2003 and subsequent years.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

print name: TEVA FARACH

print name: Diamelis Carrazana

Friendly Biscayne, Inc., a Florida corporation

By: _____
Jose Ardid
President

ADDRESS:
Brickell Avenue, PH 1
Miami, Fl. 33131

STATE OF FLORIDA)
): ss.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 5 day of September, 2003 by Jose Ardid as President of **Friendly Biscayne, Inc.**, a Florida corporation on behalf of the corporation. He is personally known to me or who has produced PK as identification.

SILVIA FERNANDEZ
MY COMMISSION # DD 215458
EXPIRES: September 23, 2007
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC, State of Florida
Print Name: Silvia Fernandez
Commission No.: _____

My Commission Expires:

P:\DATA\KEYINT\Friendly Sale to Key Int'l\conveyance docs.doc

RECEIVED
OCT 22 2007

OR BK 21638 PG 0418
LAST PAGE

EXHIBIT "A"
LEGAL DESCRIPTION

A Portion of Tract "F", of MASHTA ISLAND, as recorded in Plat Book 60, at Page 93, of the Public Records of Dade County, Florida, more particularly described as follows:

Begin at the Southwesterly corner of Lot 1, Block 1 of aforesaid MASHTA ISLAND; thence run N 49 degrees 20 minutes 49 seconds W along the Northeasterly line of North Mashta Drive, a distance of 130 feet to a point; thence run N 40 degrees 39 minutes 11 seconds E along a line parallel to the Northwesterly line of said Lot 1, Block 1 for 148.22 feet to a point on a curve concave to the Southwest, said curve being the Metropolitan Dade County Florida Bulkhead Line, as recorded in Plat Book 74, at Page 4, Sheet 12, of the Public Records of Dade County, Florida; thence run Southeasterly along the arc of said curve, having for its elements a radius of 2150 feet and a central angle of 2 degrees 33 minutes 26 seconds for a distance of 95.96 feet to a point of tangency; thence run 49 degrees 19 minutes 19 seconds E along said Bulkhead Line, 34.07 feet to a point; thence run S 40 degrees 39 minutes 11 seconds W along the Northwesterly line of said Lot 1, Block 1, and its Northeasterly extension for 150.31 feet to point of beginning.

MIAMI-DADE COUNTY OFFICIAL RECORDS SERVICE
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

Attachment G

Letter of Consent

LETTER OF CONSENT

Date: **October 18, 2007**

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

RE: Letter of Consent for Miami Dade County DERM Class I Permit Application Number **2007-CLI-PER-00252**, for work proposed at **745 North Mashta Drive, Key Biscayne, FL 33149**.

Ladies and Gentlemen:

I, **Patricia D. Hartmann**, am the owner of the property located at **735 North Mashta Drive, Key Biscayne 33149** which is an adjoining riparian property to the above-referenced property. I have reviewed the plans entitled **Proposed Dredging & ATF Structures** prepared by **Denis K. Solano** dated **August 03, 2007**, and preliminary approved by DERM **August 30, 2007**, for the above-referenced project. Pursuant to Section 24-48.3 (1)(j)(iii) of the Code of Miami Dade County, Florida, I hereby consent to the above-referenced project.

Sincerely,

Patricia D Hartmann

Adjoining Riparian Property Owner

SUBSCRIBED AND SWORN TO ME THIS 18TH DAY OF October, 2007

BY Patricia Hartmann

* PERSONALLY KNOWN ____ PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF PRODUCED _____

Betty Acosta NOTARY PUBLIC

BETTY ACOSTA
MY COMMISSION # DD 418728
EXPIRES: April 14, 2009
Bonded Thru Notary Public Underwriters

30

Attachment H

Florida Department of Environmental Protection Permit No. 13-0221455-003

Florida Department of
Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

MAY 21 2007

RECEIVED
MAY 29 2007
DERM
Environmental Resources Regulation Division

Certified - Return Receipt Requested 7006 2760 0004 8673 0783

Key International
c/o Diego Ardid, Vice President
848 Brickell Avenue, Suite 700
Miami, FL 33130

Dear Mr. Ardid:

Enclosed is Environmental Resource Permit No. 13-0221455-003 issued pursuant to Part IV of Chapter 373, Florida Statues (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

Appeal rights for you as the permittee and for any affected third party are described in the text of the permit along with conditions which must be met when permitted activities are undertaken. Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. As the permittee, you are responsible for compliance with these conditions. **Please ensure all construction personnel associated with your activity review and understand the approved drawings and conditions.** Failure to comply with this permit may result in liability for damages and restoration, and the imposition of civil penalties up to $10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, F.S.

In addition, please ensure the construction commencement notice and all other reporting conditions are forwarded to the appropriate office as indicated in the specific conditions.

If you have any questions about this document, please contact me at 561/681-6646 or at Jill.M.King@dep.state.fl.us.

Sincerely,

Jill King
Environmental Specialist III
Submerged Lands & Environmental
Resources Program

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Florida Department of Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

MAY 21 2007

CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Key International
c/o Diego Ardid, Vice President
848 Brickell Avenue, Suite 700
Miami, FL 33130

Permit/Authorization No.: 13-0221455-003
Date of Issue: MAY 21 2007
Expiration Date of Construction Phase: May 20, 2012
County: Miami-Dade
Project: Key International Dredge Basin

This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

ACTIVITY DESCRIPTION:

The purpose of the project is to maintenance dredge a 25' x 40' an existing boat basin to -4 MLW (1,000-sq. ft.) (60 cubic yards). The dredging shall be conducted via barge. Turbidity curtains shall surround the dredge area to protect the adjacent water quality. All vessels used during the construction shall only operate in waters of sufficient depth to avoid bottom scouring and adjacent seagrass resources. There were no submerged resources located in the project vicinity, therefore no impacts to submerged resources are authorized under this permit. The severed material shall be temporarily stored on the barge and taken to an approved County landfill for permanent disposal.

ACTIVITY LOCATION:

The project is located on Biscayne Bay, within the Biscayne Bay-Card Sound Aquatic Preserve, Class III Waters, Outstanding Florida Waters, adjacent to 745 N. Mashta Drive, Key Biscayne (Section 6, Township 55 South, Range 42 East) in Miami-Dade County (25° 41' 14.20" North Latitude, 80° 9' 15.26" West Longitude).

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This permit also constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, Chapter 18-18, Chapter 18-20, Chapter 18-21, Section 62-343.075, F.A.C.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent to use sovereign, submerged lands, as long as the work

(4) The permittee shall notify the Department of the anticipated construction start date within 30 days of the date that this permit is issued. **At least 48 hours prior to commencement** of activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

(5) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

(6) **Within 30 days after completion of construction** of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(7) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, has **submitted a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form No. 62-343.900(7), F.A.C.)**; the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(8) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

(9) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the Department along with any other final operation and maintenance documents required by sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - August 1995, prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(10) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(11) This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the

(6) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(7) Structures or activities shall not create a navigational hazard.

(8) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(9) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

SPECIFIC CONDITIONS:

(1) The project drawings, sheets 1 through 4; the permit checklist; the 3-page Standard Manatee Conditions for In-Water Work, 2005; and DEP forms 62.343.900(3), (4), (5), and (7) are attached to and become part of this permit.

(2) If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. The permittee shall contact the Department by phone or in writing to schedule the conference: Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, 400 N. Congress Avenue, Suite 200, West Palm Beach, Florida 33401, (561) 681-6643.

(4) The work authorized by this permit shall not be conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.

(5) All storage or stockpiling of tools or materials (i.e. lumber, pilings, etc.) shall be limited to uplands or within the impact areas authorized by this project.

(6) All watercraft associated with the dredging shall only operate in waters of sufficient depth as to preclude bottom scouring, prop dredging, or damage to the bottom.

(7) All areas to be dredged shall be in accordance with the attached permit drawings and shall not exceed the areas and depths indicated on those drawings.

(8) Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be installed surrounding the construction site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not degrade the ambient water quality of Outstanding Florida Waters. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards is no degradation of the ambient water quality of Outstanding Florida Waters outside of the turbidity screens.

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The following measure shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed the ambient water quality levels of the Outstanding Florida Waters:

(k) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection, and accuracy of the data.

Monitoring reports shall be submitted to the Department of Environmental Protection, Southeast District, Submerged Lands & Environmental Resources Program, Compliance/Enforcement Section, 400 N. Congress Avenue, Suite 200, West Palm Beach, Florida 33401, (561) 681-6643. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. When submitting this information to the DEP, the following wording shall be included at the top of each page or as a cover page to the submittal: "This information being provided in partial fulfillment of the monitoring requirements in Permit No. 13-0221455-003."

(10) The dredged material shall be transported to a self-contained upland disposal site by barge. The barge will then off load the material onto trucks. The loaded trucks shall be water tight to accomplish transport of saturated dredged material to an approved County Landfill for disposal. No discharge of water or dredged material to waters of the state shall be allowed during transport. Copies of County landfill disposal receipts shall be submitted within 30 days of completion of dredging.

(11) The permittee shall comply with the standard manatee protection construction conditions listed in the attachment, "Standard Manatee Conditions for In-Water Work, 2005."

RIGHTS OF AFFECTED PARTIES

This permit and consent to use sovereign submerged lands are hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

5/21/07

Georgia Vince Date
Program Administrator
Submerged Lands & Environmental Resources Program

GV/js/jk

Copies furnished to:
USACOE-Palm Beach Gardens, Tonina.Mauge@saj02.usace.army.mil
Miami-Dade County-DERM
Bunnell Foundation, Inc., Attn: Lazaro Diaz, lazdiaz@hotmail.com

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on May 21st 2007, to the above listed persons.

FILING AND ACKNOWLEDGMENT

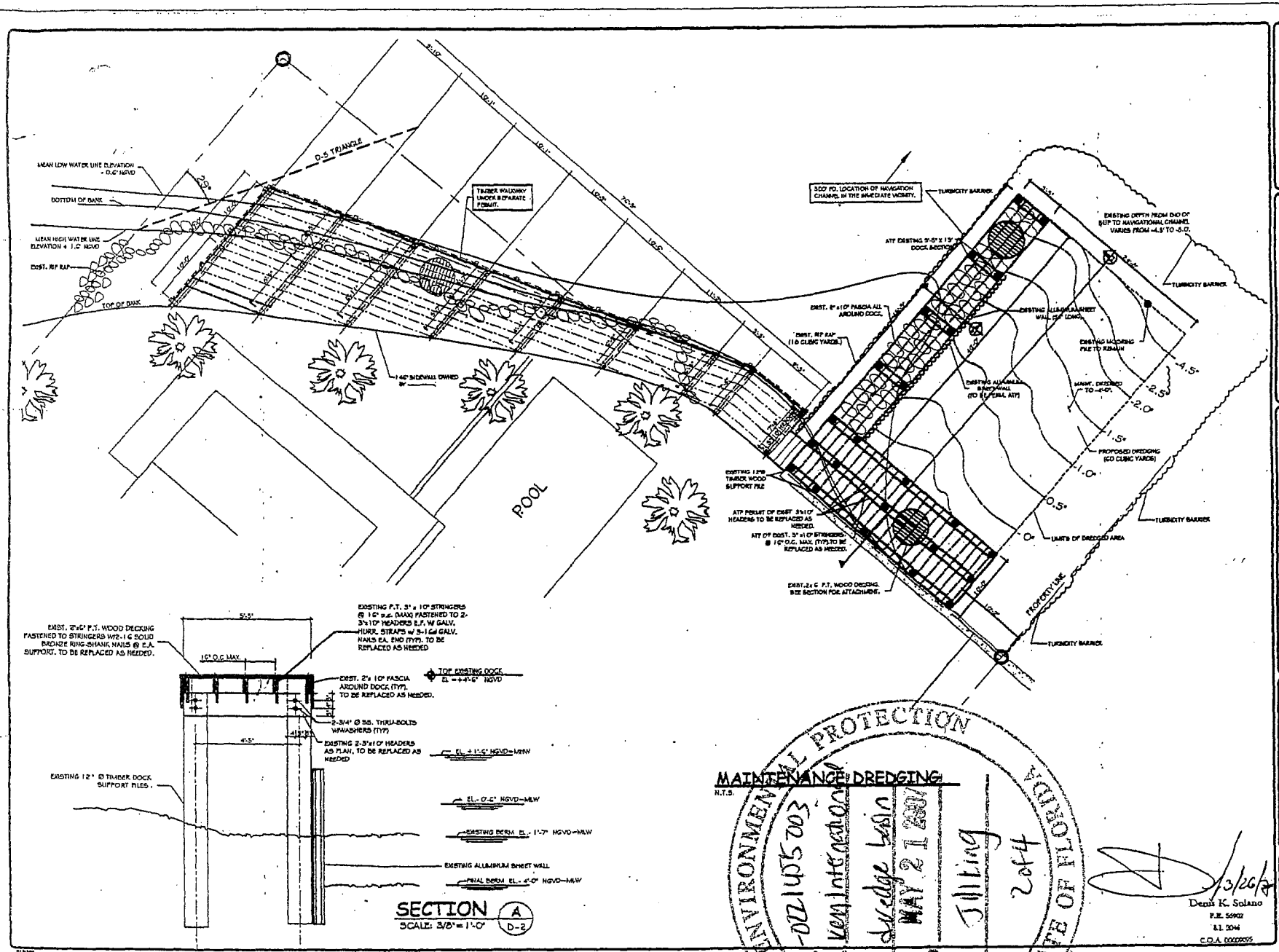
FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

MAY 21 2007

Clerk Date

Prepared by Jill King

12 pages attached.



BUNNELL FOUNDATION, IN

CONSULTANTS:
Solver Structural Partnership, Inc.

job name: FRIENDLY BISCAYNE INC.
745 N. MASHTA DR.
KEY BISCAYNE, FLORIDA.

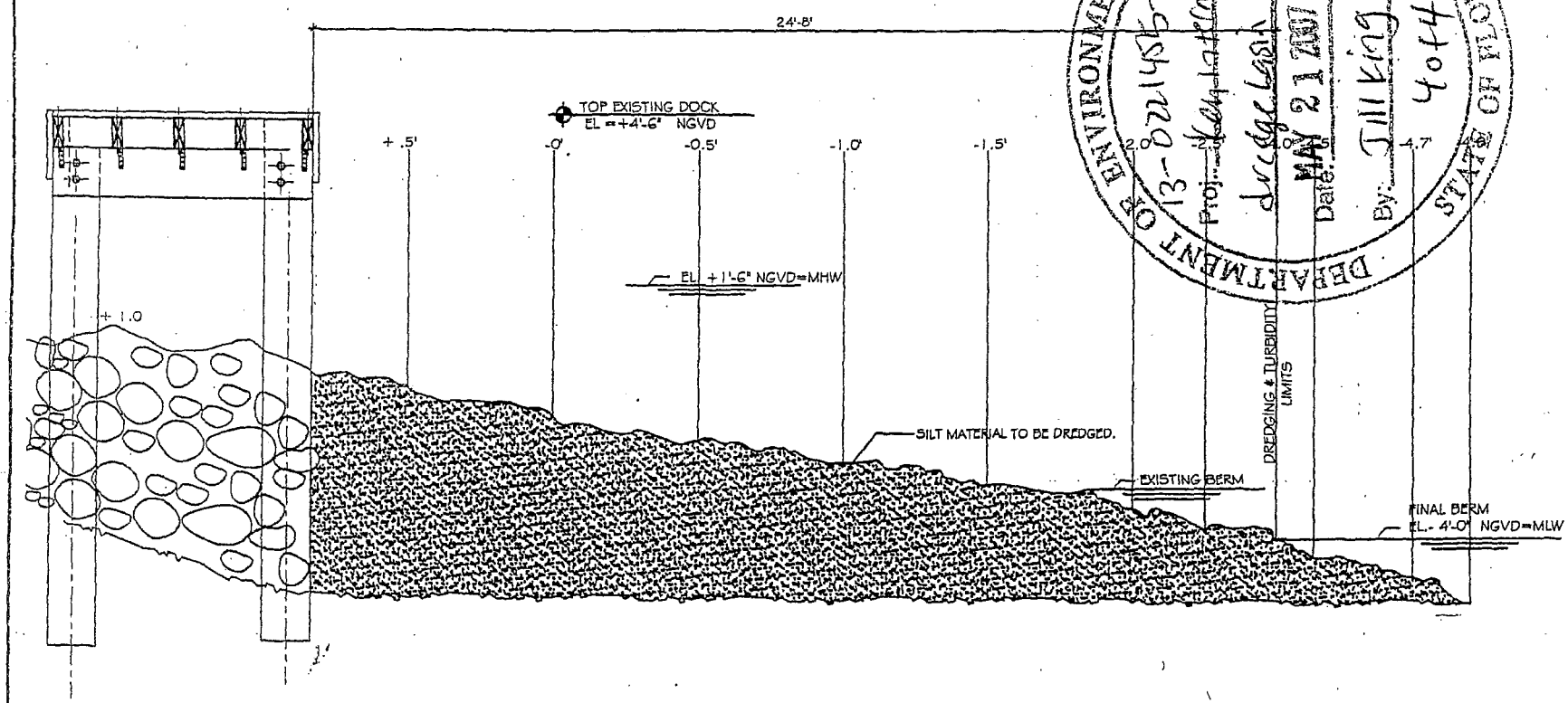
title: MAINTENANCE DREDGING

date 04/24/03
issued
drawn S.P.S.
checked D.K.S.
project no. 2003-110
revisions

sheet no. D-2
2 of 2

Denis K. Solano
P.E. 55902
R.L. 2044
C.O.A. 00009095

39



DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA
13-0221455-003
Proj.: Key Intercoastal dredge basin
Date: MAY 21 2007
By: Jill King
4 of 4

SECTION B / D-4
N.T.S.

PROPOSED DREDGING.
N.T.S.

3/24/07
Denis K. Solano
P.E. 56902
S.I. 2046
C.O.A. 00009095

BUNNELL FOUNDATION, INC.

CONSULTANTS:
Solver Structural Partnership, Inc.

job name: FRIENDLY BISCAYNE INC.
745 N. MASHTA DR.
KEY BISCAYNE, FLORIDA.
title: MAINTENANCE DREDGING

date 03/26/07
issued
drawn S.P.S.
checked D.K.S.
project no. 2003-110
revisions:

sheet no.
D-4
4 of 4

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs
104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs
1829 28th Street North
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897

United Rentals Highway Technologies
309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757

Form #62-343.900(3), F.A.C.
Form Title: Construction Commencement Notice
Date: October 3, 1995

ENVIRONMENTAL RESOURCE PERMIT
Construction Commencement Notice

PROJECT:_____ PHASE:_____

I hereby notify the Department of Environmental Protection that the construction of the surface water management system authorized by Environmental Resource Permit No._____ has commenced / is expected to commence on _____ 200__, and will require a duration of approximately _____ months _____ weeks _____ days to complete. It is understood that should the construction term extend beyond one year, I am obligated to submit the Annual Status Report for Surface Water Management System Construction.

PLEASE NOTE: If the actual construction commencement date is not known, Department staff should be so notified in writing in order to satisfy permit conditions.

_____	_____	_____
Permittee or Authorized Agent	Title and Company	Date

_____	_____
Phone	Address

Send to:

For projects in Palm Beach, Broward, Dade Counties:
Richard Stalker
Florida DEP
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401
Fax: 561/681-6780

Form #62-343.900(5), F.A.C.
Form Title: As-Built Certification by a Registered Professional
Date: October 3, 1995

ENVIRONMENTAL RESOURCE PERMIT
AS-BUILT CERTIFICATION BY A REGISTERED PROFESSIONAL

Permit Number: _____

Project Name: _____

I hereby certify that all components of this surface water management system have been built substantially in accordance with the approved plans and specifications and are ready for inspection. Any substantial deviations (noted below) from the approved plans and specifications will not prevent the system from functioning as designed when properly maintained and operated. These determinations are based upon on-site observation of the system conducted by me or by my designee under my direct supervision and/or my review of as-built plans certified by a registered professional or other appropriate individual as authorized by law.

Name (please print)	Signature of Professional
Company Name	Florida Registration Number
Company Address	Date
City, State, Zip Code	
Telephone Number	(Affix Seal)

Substantial deviations from the approved plans and specifications:

_____

_____

_____

_____

(Note: attach two copies of as-built plans when there are substantial deviations)

Within 30 days of completion of the system, submit two copies of the form to:

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Richard Stalker
Florida DEP
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401
Fax: 561/681-6780

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Attachment I
DERM Zoning Memo

Memorandum

MIAMI-DADE COUNTY

Date: December 24, 2007

To: Luis C. Otero, Manager
Coastal Resources Section LO
Environmental Resources Management

From: Elaine Pietryak, Biologist II EP
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by Key International, Inc. for the Non-Maintenance Dredging of an Existing Boat Slip to Minus Four (–4) Feet N.O.A.A. Mean Low Water (MLW).

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

Attachment J
Project Report

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2007-CLI-PER-00252

KEY INTERNATIONAL, INC. FOR THE NON-MAINTENANCE DREDGING OF AN EXISTING BOAT SLIP TO MINUS FOUR (–4) FEET N.O.A.A. MEAN LOW WATER (MLW)

September 12, 2007

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

1. **Potential Adverse Environmental Impact** – The potential for any adverse environmental impacts is minimal. The Class I Permit shall have conditions to minimize turbidity and protect rare, threaten and endangered species, please see below.

2. **Potential Cumulative Adverse Environmental Impact** – Not applicable.

3. **Hydrology** - The proposed project, as designed, is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

4. **Water Quality** – The proposed project is expected to temporarily adversely affect surface water quality during the construction phase of the project. However, these impacts will be minimized to the maximum extent practicable by the implementation of proper turbidity control devices. The Class I Permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during all phases of construction.

5. **Wellfields** – Not applicable.

6. **Water Supply** – Not applicable.

7. **Aquifer Recharge** – Not applicable.

8. **Aesthetics** – The proposed project is not reasonably expected to have negative aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of barges with excavation equipment and other vessels association with the construction activities.

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. However, the Class I permit shall contain conditions requiring monitoring the site for historic resources as recommended by the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division. If historical artifacts are discovered during the project, the contractor and permittee shall cease and desist all activities which may disturb the soil in the immediate area and contact the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division, as well as the State of Florida Bureau of Historic Preservation, Division of Historical Resources.

12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values. However, the Class I permit shall contain conditions requiring monitoring the site for archaeological resources as recommended by the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division. If archaeological artifacts are discovered during the project, the contractor and permittee shall cease and desist all activities, which may disturb the soil in the immediate area, and contact the Miami-Dade County Department of Community and Economic Development, Historic Preservation Division as well as the State of Florida Bureau of Historic Preservation, Division of Historical Resources.

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

14. **Marine and Wildlife Habitats** – The proposed project shall eliminate seven hundred and sixty (760) square feet of bay bottom. Mitigation for unavoidable adverse environmental impacts associated with the dredging shall be provided through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) in the amount six thousand eight hundred and forty dollars ($6,840.00), equivalent to the value of seventy-six (76) cubic yards of natural limerock riprap boulders at a price of ninety dollars ($90.00) per cubic yard. The $6,840.00 contribution shall be specifically designated for habitat creation/restoration projects in Biscayne Bay and its foreshore.

15. **Wetland Soils Suitable for Habitat** – There are no wetland soils suitable for habitat in the footprint of the proposed work.

16. **Floral Values** – The proposed project may cause temporary adverse impacts to seagrasses present adjacent to the southeast portion of the boat slip proposed to be dredged. However these impacts will be minimized to the maximum extent practicable by the implementation of proper turbidity control devices. The Class I Permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during all phases of construction.

17. **Fauna Values** - The proposed project may cause temporary adverse impacts to marine fauna resulting from turbidity as a result of the dredging operations. However these impacts will be minimized to the maximum extent practicable by the implementation of proper turbidity control devices. The Class I Permit will require the applicant to employ appropriate turbidity control devices such as, but not limited to, turbidity curtains during all phases of construction

18. **Rare, Threatened and Endangered Species** – The proposed project area is located within essential habitat for the West Indian Manatee (*Trichechus manatus*). The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. Therefore, the Class I Permit shall require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

20. **Wetland Values** - The proposed project does not involve dredging or filling of wetlands.

21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter shall be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I Permit.

22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan and recreation element of the Biscayne Bay Management Plan recreation elements.

23. **Other Environmental Values Affecting the Public Interest** – The proposed project is located on State-owned submerged lands. Therefore, proprietary approval from the State of Florida is required. The Florida Department of Environmental Protection has issued permit number 13-0221455-003 for the proposed dredging at this site (see Attachment H).

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:

    - Miami-Dade County Public Works Manual
    - Biscayne Bay Management Plan (Section 33D-1 through 33-D-4 of the Code of Miami-Dade County)
    - Chapter 33B of the Code of Miami-Dade County

25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project will result in neither adverse environmental impacts nor cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.

26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:

    a) Biscayne Bay Management Plan
    b) Biscayne Bay Aquatic Preserve Act
    c) United States Clean Water Act (Army Corps of Engineers permit) is required
    d) Florida Department of Environmental Protection Regulations permits required
    e) Chapter 24 of the Code of Miami-Dade County

27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of DERM, the proposed project is in conformance with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 2/Policy 2A - Level of Service. The proposed project does not involve new or significant expansion of existing urban land uses.

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The proposed project is consistent with the Conservation and Coastal Management Elements of the CDMP. The proposed project is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

TRANSPORTATION ELEMENT II

Aviation Subelement/Objective 9 - Aviation System Expansion - There is no aviation element to the proposed project.

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

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

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

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project will not adversely affect water storage, aquifer recharge potential or natural surface water drainage. The proposed project does not involve positive drainage of wetland area and will not affect water storage or aquifer recharge potential.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria. – The proposed project does not compromise flood protection, involve filling for development purposes, and is not related to cut and fill activities.

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

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

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

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

Objective 9/Policies 9A, 9B, 9C – Protection of habitat critical to Federal or State-designated threatened or endangered species. - The proposed project area is located within essential habitat for the West Indian Manatee (*Trichechus manatus*). The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. Therefore, the Class I Permit shall require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

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 will not affect natural surface flow into and through coastal wetlands.

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

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, coastal hammock, or other natural vegetational communities.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project does not involve the degradation and destruction of coastal wetlands and therefore does not involve monitoring of mitigation for impacts to coastal wetlands.

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The proposed project does not involve the dredging or filling of grass/algal flats, hard bottom or other viable benthic communities.

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

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

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project will enhance existing water-dependent uses associated with the existing property.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The proposed project does not require review by the Shoreline Development Review Committee.

Objective 5/Policy 5F - The siting of water dependent facilities. - The proposed project does not involve the creation of any new water dependent facilities.

28. **Conformance with Chapter 33B, Miami-Dade County Code** (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 Section 33D-1 through 33D-4) - 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 area is located within essential habitat for the West Indian Manatee (*Trichechus manatus*). The proposed project is not expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. Therefore, the Class I Permit shall require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.

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

33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.

34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not expected to impact wetland hydrological and biological functions.

35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – DERM has considered the following factors:

    i) **Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources** – No, the proposed exceedance is not the minimum necessary to avoid seagrasses or other valuable environmental resources.
    ii) **Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel** – Yes. The proposed project involves non-maintenance dredging of a slip in order to achieve the minimum Code required water depth of minus four (-4) feet National Oceanic and Atmospheric Administration (N.O.A.A.) mean low water (MLW) datum. The proposed non-maintenance dredging will minimize unnecessary aesthetic and navigational impacts to adjoining properties by eliminating the need to extend the existing docking structures further water-ward to achieve the Code required water depth
    iii) **Whether the applicant has provided notarized letters of consent to DERM from adjoining riparian property owners** – Yes. The applicant has provided a letter of consent (see Attachment G).
    iv) **Whether any letters of objection from adjoining riparian property owners were received by DERM** – No.

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

24-48.3 (2) Dredging and Filling for Class I Permit - The proposed project complies with the following criteria:

- Minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels.

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County - The proposed project is to occur waterward of an existing bulkhead and involves non-maintenance dredging to provide the minimum Code of Miami-Dade County required water depth within an existing boat slip.

24-48.3 (4) Clean Fill in Wetlands – The proposed project does not involve placing clean fill in wetlands.

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

Luis C. Otero, Manager
Coastal Resources Section

Elaine Pietryak, Biologist I
Coastal Resources Section