

Memorandum



Date: June 2, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

Agenda Item No. 5(H)

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

Subject: Class I Permit Modification Application by Miami-Dade County

Recommendation

I have reviewed the attached application for a Class I permit modification by Miami-Dade County and based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit modification for the reasons set forth below.

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board's meeting agenda by the Director of the Department of Regulatory and Economic Resources.

Scope

The project site is located along the north shoreline of the Port of Miami, in Commission District 5, which is represented by Commissioner Eileen Higgins.

Fiscal Impact/Funding Source

This resolution is a regulatory approval and does not have a fiscal impact.

Track Record/Monitor

The Coastal Resources Section Manager in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), McKee Gray, will be responsible for monitoring the proposed permit.

Background

On February 7, 2017, the Board approved Resolution No. R-90-17, authorizing a 10-year Class I permit to the Miami-Dade County Seaport Department (Seaport) for the realignment of the north shoreline of PortMiami. The approval authorized non-maintenance dredging and filling of tidal waters and excavation of the uplands in association with the installation of a new seawall along approximately 11,000 linear feet of the north shoreline.

The Seaport has requested a Class I permit modification to extend the length of the permitted project by 1,240 linear feet. The work along the additional area will include excavation of a portion of the uplands, installation of a new seawall, and non-maintenance dredging of tidal waters in Biscayne Bay. The proposed modification to the project is required to be reviewed and approved by the Board at a public hearing because the additional scope of work will result in a substantial change to the project and is specifically referenced in Section 24-48.13(2) of the Code as work that shall be processed with a standard form application, including a public hearing.

Extending the realignment of the seawall 1,240 feet eastward will relocate the shoreline approximately 180 feet landward of the existing riprap shoreline by excavating the uplands for the installation of additional seawall, creating 5.03 acres of new tidal waters and bay bottom. The creation of these additional tidal waters will enhance navigability and provide additional berthing areas for cruise ships at the Port. The proposed project also involves non-maintenance dredging along the length of the additional work area to match the adjacent bottom elevation of minus thirty-seven (-37) feet National Geodetic Vertical Datum.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. An in-water benthic survey revealed a dense coverage of macroalgae and invertebrates, including corals, growing on the riprap shoreline. The Seaport is proposing the following measures in an effort to avoid and minimize impacts to benthic resources within the project footprint.

All federally listed threatened species of corals will be donated by the Seaport to the coral nursery at the University of Miami Rosenstiel School of Marine and Atmospheric Science prior to the construction of the proposed seawall, in accordance with the federal requirements as specified by the National Marine Fisheries Service.

For corals that are not federally listed species, certain percentages of such corals that are greater than ten (10) centimeters will be relocated to an artificial reef site prior to construction. The focus of the relocation program will be to relocate corals that are anticipated to survive well on the offshore artificial reef and initiate colonization of the reef.

While the construction will result in the loss of the existing macroalgae and invertebrates within the project footprint, it is reasonably expected that upon completion of the work the new sheetpile seawall will provide suitable habitat for the re-establishment of similar benthic resources, including federally listed threatened species of coral that can recruit from the surrounding area. In addition, it is not anticipated that this project will result in negative changes to the quality of the available habitat, and a similar amount of suitable replacement habitat for both federally listed threatened and non-listed corals will be available upon completion of the proposed work. Furthermore, the existing habitat within the proposed project footprint is not considered critical to federally listed threatened species of coral as adequate habitat for both listed and non-listed species of coral exists elsewhere in Miami-Dade County. For all these reasons, this project is not anticipated to result in an adverse environmental impact to habitat that is critical to either federally listed threatened or non-listed species of corals.

Mitigation for impacts to benthic resources and temporary water quality impacts associated with the installation of the new seawall and dredging was evaluated using the Uniform Mitigation Assessment Method, pursuant to 62-345, F.A.C. Based on an evaluation of the proposed work, additional mitigation under Chapter 24 will not be required because the impacts will be fully offset by the above-mentioned measures and by the creation of 5.03 acres of tidal waters and bay bottom resulting from the excavation of the uplands. Furthermore, seawalls throughout PortMiami have been documented to provide significant surface area for colonization by benthic resources. It is reasonably expected that upon completion of the proposed seawall, recolonization of benthic resources similar to those that previously existed within the project footprint, including federally listed species of coral, could occur on the new seawall.

The proposed project complies with Section 24-48.3(2) of the Code as related to the criteria for the minimum dredging and filling for the creation and maintenance of marinas, piers, docks and attendant navigational channels and a physical modification necessary to protect public or private property. The project has been designed in accordance with all relevant Miami-Dade County coastal and wetland construction criteria and is consistent with all other County coastal and wetland protection provisions. Please find attached a DERM Project Report which sets forth the reasons 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. 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 Modification Application
- Attachment B: Owner/Agent Letter, Engineer Letter and Project Sketches
- Attachment C: DERM Project Report

Attachment A

Class I Permit Modification Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY

Date Received: January 17, 2018

Application Number: CEI-2016-0033 Modification

Application Fee: \$28,750.00

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

1. Applicant Information:

Name: Miami-Dade County Seaport Department

Address: 1015 North America Way, 2nd Floor

Miami, Florida Zip Code: 33132

Phone #: (305) 347-4800 Fax#: _____

Email: _____

* This should be the applicant's information for contact purposes.

2. Applicant's Authorized Permit Agent:

Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.

Name: Atkins North America, Inc.

Address: 7406 Fullerton Street, Suite 350

Jacksonville, Florida Zip Code: 32256

Phone #: (904) 363-6100 Fax #: (904) 363-8442

Email: Don.Deis@atkinsglobal.com

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

Folio #(s): 01-4205-000-0010 Latitude: 25° 46' 21"N Longitude: 80° 10' 26"W

Street Address: Port of Miami Harbor Section: 37 Township: 54S Range: 42E

In City or Town: Miami, FL Near City or Town: _____

Name of waterway at location of the activity: Biscayne Bay

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

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

☐ Other: _____

Estimated project cost = \$ 10,000,000.00

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

5. Proposed Use (check all that apply):

- ☐ Single Family
☐ Multi-Family
☐ Private
☒ Public
☐ Commercial
☐ Industrial
☐ Utility

6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel):

Proposed Vessel Type (s): Cruise Ships (existing usage)

Vessel Make/Model (If known): Varies

Draft (s)(range in inches.): Varies Length (s)(range in feet.): Varies

Total Number of Slips: existing

7. List all permits or certifications that have been applied for or obtained for the above referenced work:

Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date
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8. Contractor Information (If known):

Name: To Be Determined License # (County/State): _____

Address: _____ Zip Code: _____

Phone #: _____ Fax #: _____ E-mail: _____

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

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

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

A. IF APPLICANT IS AN INDIVIDUAL

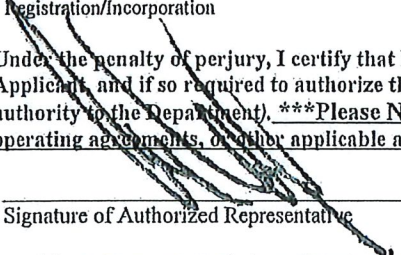
Signature of Applicant _____ Print Applicant's Name _____ Date _____

B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

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

Miami - Dade County Seaport Department Local Government Florida
Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of
Registration/Incorporation

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

 _____ Juan Kuryla Director 3/12/2020
Signature of Authorized Representative Print Authorized Representative's Name Title Date

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

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

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

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

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

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

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

I/We are the fee simple owner(s) of the real property located at Miami-Dade County Seaport Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 01-4205-000-0010. I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

A. IF THE OWNER(S) IS AN INDIVIDUAL

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

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

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

Miami - Dade County Seaport Department Local Government Florida
Print Name of Owner (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation
1015 North America Way Miami, FL 33132
Address of Owner

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

 _____ Juan Kuryla Director 3/12/2022
Signature of Authorized Representative Print Authorized Representative's Name Title Date

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

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

Attachment B

Owner/Agent Letter, Engineer Letter and Project Sketches



Atkins North America, Inc.

7406 Fullerton Street, Suite 350,
Jacksonville, Florida 32256

Project No.: 100056937

Tel: (904) 363-6100

Direct no: (904) 363-8442

March 12, 2018

Don.dels@atkinsglobal.com

www.atkinsglobal.com/northamerica

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

Subject: **PortMiami Cruise Berth 9 Modification to Class I Standard Form Permit Application
Number CLI-2016-0033**

By the attached Class I Standard Form permit application with supporting documents, I, Donald R. Deis, am the permit applicant's authorized agent, and hereby request permission to perform the work associated with Berth 9 Modification to Class I Permit Application CLI-2016-0033. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

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

Respectfully submitted,

Atkins

Donald R. Deis

Cc: Becky Hope, PortMiami
Beth Zimmer, Atkins
Carlos Arboleda, Atkins



Member of the SNC-Lavalin Group

Atkins North America, Inc.
800 Waterford Way, Suite 700
Miami, Florida 33126

Telephone: +1.305.592.7275

www.atkinsglobal.com/northamerica

ENGINEER STATEMENT

March 12, 2018

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

**RE: PortMiami Cruise Berth 9 Modification to Class I Standard Form Permit Application
Number CLI-2016-0033**

Ladies and Gentlemen:

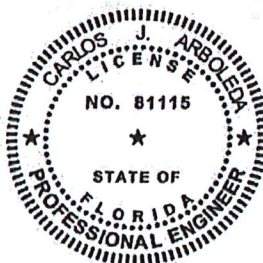
This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws, rules or regulations of the State of Florida 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 of the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

- Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)
- Material injury to adjacent property.
- Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

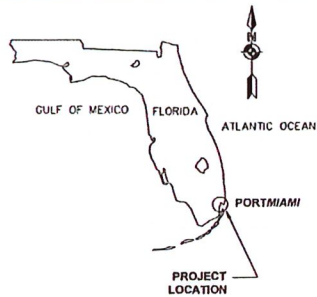
Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, certified surveys, drawings, and other data furnished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

Sincerely,

Carlos J. Arboleda, PE
Florida PE License #81115



**PORTMIAMI
CRUISE TERMINAL 9
1015 North America Way MIAMI, FL. 33132
POM PROJECT NO. 2010-038.01
JANUARY 2018**



PROJECT VICINITY MAP

PORTMIAMI



Delivering Excellence Every Day

**Honorable Carlos A. Gimenez
Mayor**

BOARD OF COUNTY COMMISSIONERS

Honorable Esteban Bovo, Jr., Chairman
District 13

Honorable Audrey M. Edmonson, Vice Chairwoman
District 3

Honorable Barbara J. Jordan
District 1

Honorable Jean Monestime
District 2

Honorable Audrey M. Edmonson
District 3

Honorable Sally A. Heyman
District 4

Honorable Bruno A. Barreiro
District 5

Honorable Rebeca Sosa
District 6

Honorable Xavier L. Suarez
District 7

Honorable Daniella Levine Cava
District 8

Honorable Dennis C. Moss
District 9

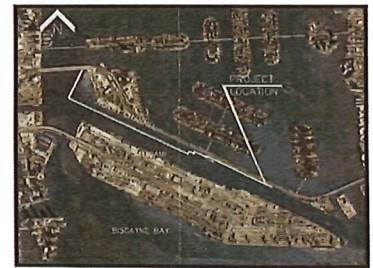
Honorable Javier D. Souto
District 10

Honorable Joe A. Martinez
District 11

Honorable Jose "Pepe" Diaz
District 12

Honorable Esteban Bovo, Jr.
District 13

**Juan Kuryla, PPM
Port Director**



PROJECT LOCATION

ATKINS

800 WATERFOOD WAY, SUITE 700
MIAMI, FLORIDA 33126
(305) 592-7275
LB NO. 0000024

**ATKINS PROJECT NO.100056937
JANUARY 2018
ENVIRONMENTAL PERMIT
DRAWINGS**

WARNING:
This record contains Sensitive Security Information
that is controlled under 49 CFR Part 1520. No
part of this record may be disclosed to persons
without "need to know", as identified in 49 CFR
1520.5, except with the written permission of the
Secretary of Homeland Security. Unauthorized
release may result in civil penalty or other action.
For U.S. Government agencies, public disclosure is
governed by U.S.C. 552 and 49 CFR 1520.

**ENVIRONMENTAL PERMIT DRAWINGS
NOT FOR CONSTRUCTION**



NOTES:

- Berth 9 has a length of 1,240 ft. The bulkhead length in the adjacent tables represent total bulkhead length including bulkhead returns.

QUANTITIES BY PHASE

CRUISE TERMINAL 9	Existing	Proposed
Bulkhead Length	0 ft	1,485 ft
Fenders	0	9 each
Mooring Bollards	0	20 each
Filled Submerged Lands	N/A	0 ft ²
Submerged Lands Create	N/A	219,000 ft ²
New Dredge Surface Area	N/A	137,000 ft ²
Maintenance Dredge Surface Area	N/A	N/A

INDEX OF DRAWINGS

DRAWING	DESCRIPTION
COVER	COVERSHEET
G-001	INDEX OF DRAWINGS
G-002	SITE LOCATION MAP
G-003	PHASING PLAN
S-100	GENERAL STRUCTURAL BERTH PLAN
S-101	ENLARGED STRUCTURAL PLAN 1
S-102	ENLARGED STRUCTURAL PLAN 2
S-103	ENLARGED STRUCTURAL PLAN 3
S-104	DEMOLITION SECTIONS
S-200	STRUCTURAL SECTIONS
S-300	BOLLARD DETAILS
S-301	WATER STATION DETAILS
S-302	FENDER DETAILS
S-303	STRUCTURAL DETAILS
S-304	TYPICAL CURB & MANATEE GRATE DETAILS
C-100	BERTH 9 DRAINAGE SITE PLAN
C-101	ENLARGED DRAINAGE PLAN 1
C-102	ENLARGED DRAINAGE PLAN 2
C-103	ENLARGED DRAINAGE PLAN 3
C-200	TYPICAL DRAINAGE DETAILS

ATKINS

1000 S. W. 10TH AVE., SUITE 100
MIAMI, FL 33135
(305) 571-1234
FAX (305) 571-1235

PORT MIAMI
BERTH 9
BULKHEAD ENVIRONMENTAL PERMITTING
ATKINS PROJECT NO. 100056937

INDEX

SHEET

INDEX

WARNING:
This drawing contains information that is confidential under 16 CFR Part 1525. No part of this work may be disclosed to persons without "prior to" approval, as identified in 16 CFR 1525.3, except with the written permission of the Secretary of Homeland Security. Unauthorized release may result in civil and/or criminal penalties. For U.S. Government official public drawings as required by 48 C.F.R. 101-11.6 and 16 CFR 1525.

REVISION HISTORY

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING		
2	ISSUED FOR PERMITTING		
3	ISSUED FOR PERMITTING		
4	ISSUED FOR PERMITTING		
5	ISSUED FOR PERMITTING		

REVISIONS

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING		
2	ISSUED FOR PERMITTING		
3	ISSUED FOR PERMITTING		
4	ISSUED FOR PERMITTING		
5	ISSUED FOR PERMITTING		

ATKINS

1000 S. W. 10TH AVE., SUITE 100
MIAMI, FL 33135
(305) 571-1234
FAX (305) 571-1235

PROJECT NO. 100056937

DATE: 01/12/11 SCALE: AS NOTED

SHEET: G-001

DATE: 01/12/11

SCALE: AS NOTED

PROJECT NO. 100056937

DATE: 01/12/11

SCALE: AS NOTED

SHEET: G-001

DATE: 01/12/11

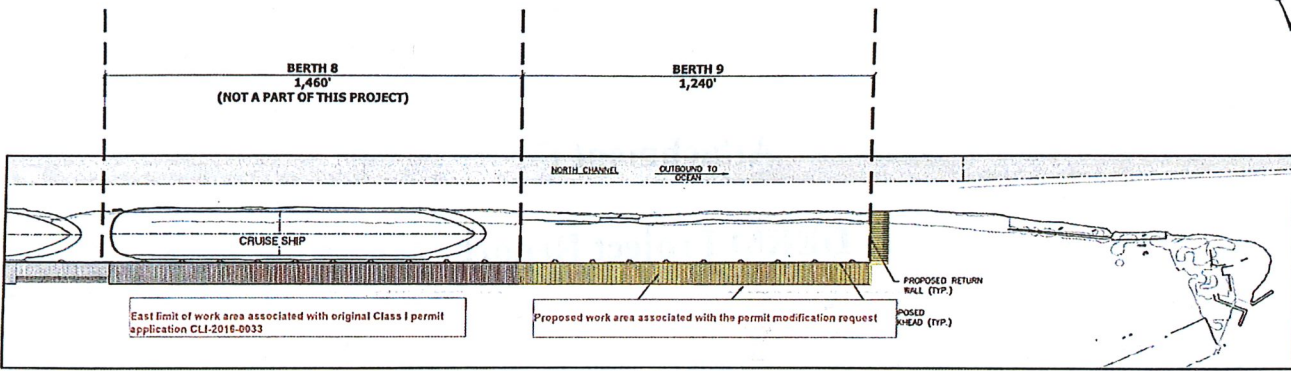
SCALE: AS NOTED

ENVIRONMENTAL PERMIT DRAWINGS
NOT FOR CONSTRUCTION

ATKINS
 200 WASHINGTON BLVD, SUITE 200
 MIAMI, FLORIDA 33136
 (305) 541-7275
 FAX (305) 541-7276

PORTMIAMI
 BERTH 9
 BULKHEAD ENVIRONMENTAL PERMITTING
 ATKINS PROJECT NO.: 100056937

PHASING PLAN



PHASING PLAN
 SCALE: 1" = 150'-0"

0 150' 300'
 SCALE: 1" = 150'

ENVIRONMENTAL PERMIT DRAWINGS
 NOT FOR CONSTRUCTION

PHASING PLAN

WARNING
 This record contains Sensitive Security Information (SSI) as defined in 48 CFR Part 1.552. The SSI in this record may be exempt from release under the Freedom of Information Act (5 U.S.C. 552), except to the extent that the SSI is necessary for the Secretary of Homeland Security to perform his or her duties. For U.S. Government operations, public disclosure is governed by 48 C.F.R. 1.552 and 48 C.F.R. 1.553.

DRAWING HISTORY		
NO.	DESCRIPTION	DATE

ATKINS

CHARLES BARNES/CHARLES BARNES P.E. NO. 81115

PROJECT NO.: 100056937

DRAWING NO.: G-003

DATE: 05-12-15 SCALE: 1"=150'-0"

SHEET: G-003

TOTAL SHEETS: 01

Attachment C
DERM Project Report

CLASS I PERMIT MODIFICATION APPLICATION NO. CLI-2016-0033

Class I Permit Modification Application by Miami-Dade County to Extend the Length of the Permitted Project along the North Side of the Port of Miami for the Installation of a New Seawall and Dredging of Tidal Waters in Biscayne Bay, Miami-Dade County, Florida.

DATE: February 14, 2020

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

1. **Potential Adverse Environmental Impact** – Potential adverse environmental impacts associated with the proposed project have been minimized. The proposed project includes extending the realignment of the seawall 1,240 feet eastward will relocate the shoreline approximately 180 feet landward of the existing unconsolidated shoreline by excavating the uplands for the installation of additional seawall, creating 5.03 acres of new tidal waters and bay bottom. The creation of these additional tidal waters will enhance navigability and provide additional berthing areas for cruise ships at the Port. The proposed project also involves non-maintenance dredging along the length of the additional work area to match the adjacent bottom elevation of minus thirty-seven (-37) feet National Geodetic Vertical Datum.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. An in-water benthic survey revealed a dense coverage of macroalgae and invertebrates, including corals, growing on the riprap shoreline. The Seaport is proposing the following measures in an effort to avoid and minimize impacts to benthic resources within the project footprint.

All federally listed threatened species of corals will be donated by the Seaport to the coral nursery at the University of Miami Rosenstiel School of Marine and Atmospheric Science prior to the construction of the proposed seawall, in accordance with the federal requirements as specified by the National Marine Fisheries Service.

For corals that are not federally listed species, certain percentages of such corals that are greater than ten (10) centimeters will be relocated to an artificial reef site prior to construction. The focus of the relocation program will be to relocate corals that are anticipated to survive well on the offshore artificial reef and provide a start for colonization of the reef.

While the construction will result in the loss of the existing macroalgae and invertebrates within the project footprint, it is reasonably expected that upon completion of the work the new sheetpile seawall will provide suitable habitat for the re-establishment of similar benthic resources, including federally listed threatened species of coral that can recruit from the surrounding area. In addition, it is not anticipated that this project will result in negative changes to the quality of the available habitat, and a similar amount of suitable replacement habitat for both federally listed threatened and non-listed corals will be available upon completion of the proposed work. Furthermore, the existing habitat within the proposed project footprint is not considered critical to federally listed threatened species of coral as adequate habitat for both listed and non-listed species of coral exists elsewhere in Miami-Dade County. For all these reasons, this project is not anticipated to result in an adverse environmental impact to habitat that is critical to either federally listed threatened or non-listed species of corals.

Mitigation for impacts to benthic resources and temporary water quality impacts associated with the installation of the new seawall and dredging was evaluated using the Uniform Mitigation Assessment Method, pursuant to 62-345, F.A.C. Based on an evaluation of the proposed work, additional mitigation under Chapter 24 will not be required because the impacts will be fully offset by the above-mentioned measures and by the creation of 5.03 acres of tidal waters and bay bottom resulting from the excavation of the uplands. Furthermore, seawalls throughout PortMiami have been documented to provide significant surface area for colonization by benthic resources. It is

reasonably expected that upon completion of the proposed seawall, recolonization of benthic resources similar to those that previously existed within the project footprint, including federally listed species of coral, could occur on the new seawall.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts.
3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project may affect surface water quality on a temporary basis during construction operations, and the Seaport has requested authorization for a 150 meter mixing zone that is not required to comply with existing State and County water quality standards for turbidity. In order to minimize impacts to surface waters and resources, the Class I permit modification will include conditions that require proper turbidity controls and water quality monitoring be implemented to prevent exceedances of water quality standards outside of the 150 meter area.
5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.
6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.
7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. **Aesthetics** – The proposed project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation, and will provide for larger ships to access the cruise terminals at the Port.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.
12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** – The proposed project is not reasonably expected to adversely affect wetland soils suitable for habitat.
16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values as set forth in Number 1 above.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values as set forth in Number 1 above.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. The proposed project site is not located within an area designated as essential manatee habitat for the West Indian Manatee by the MPP; however, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water operations. Furthermore, mooring of vessels or barges greater than 100 feet in length requires the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

Any federally listed threatened coral species documented within the proposed project footprint will be donated to the coral nursery at University of Miami Rosenstiel School of Marine and Atmospheric Science prior to the construction of the proposed seawall, in accordance with the federal requirements as specified by National Marine Fisheries Service.

The proposed project site is not located within the area designated as critical habitat for Johnson's seagrass, a federally listed threatened species; in addition, the benthic surveys did not document the presence of seagrasses within the project footprint.

19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project is not reasonably expected to adversely affect wetland values.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, applications by the County within its own jurisdiction shall not be required to submit a substantiating letter or plan approval from the local zoning authority.
22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed project will occur on lands owned by the applicant.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of Chapter 33B of the Code of Miami-Dade County and the Miami-Dade County Public Works Manual.
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with applicable State, Federal and local laws and regulations:
- a) Chapter 24 of the Code of Miami-Dade County
 - b) United States Clean Water Act (US Army Corps of Engineers (permit is required)
 - c) Florida Department of Environmental Protection (permit is required)

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

LAND USE ELEMENT I:

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The proposed project is consistent with all applicable environmental regulations, is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State Concern or the East Everglades.

TRANSPORTATION ELEMENT II

Aviation Subelement/Objective AV-5A - Aviation System Expansion - There is no aviation element to the proposed project.

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

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

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

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

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria – The proposed project will not compromise flood protection.

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

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

Objective 7/Policy 7A, 7C, 7D, 7J - Wetland protection and restoration. – The proposed project is not located within a wetland.

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, and the impacts have been minimized and will be offset as set forth in Number 1 above.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A – Mangrove wetlands within Mangrove Protection Areas – The proposed project is not located within a designated “Mangrove Protection Area.”

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

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The proposed project does not involve the construction of an elevated walkway through mangroves.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project is not reasonably expected to adversely affect mangrove forests and related natural vegetational communities as set forth in Number 1 above.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project will not result in the degradation or destruction of 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 complies with the following criteria:

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

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

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

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species. – The proposed project is not reasonably expected to result in impacts to endangered or threatened species. The proposed project is located within an area designated as critical habitat for the West Indian Manatee; however, the use of the facility is consistent with its historic use, and the Class I permit will include construction conditions for manatees. The proposed project is not located within an area designated as critical habitat for Johnson’s seagrass, a federally listed threatened species; in addition, the benthic surveys did not document the presence of seagrasses within the project footprint.

Any federally listed threatened coral species documented within the proposed project footprint will be donated to the coral nursery at University of Miami Rosenstiel School of Marine and Atmospheric Science prior to the construction of the proposed seawall, in accordance with the federal requirements as specified by National Marine Fisheries Service.

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

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – The proposed project was reviewed by the Miami-Dade County Shoreline Development Review Committee and it was determined that the thresholds for review under the Shoreline Ordinance do not apply and the proposed project is not subject to shoreline development review.

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

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is in conformance with the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is consistent with the MPP as set forth in Number 18 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) of the Code of Miami-Dade County, Florida, applications by the County within its own jurisdiction shall not be required to submit a substantiating letter or plan approval from the local zoning authority.

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 is not located within a wetland.

35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – Not applicable.

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

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

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

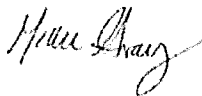
24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project complies with the Code-required water depth criteria.

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

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



Michael Spinelli, Senior Manager
Natural Resources Division



McKee Gray, Manager
Coastal Resources Section

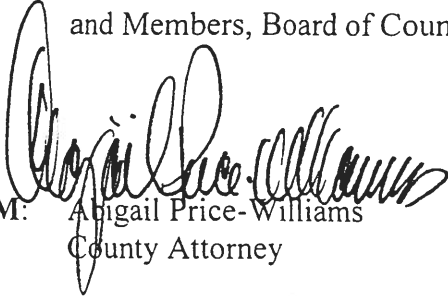


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 2, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(H)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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(H)
6-2-20

RESOLUTION NO. _____

RESOLUTION TAKING ACTION ON A CLASS I
PERMIT MODIFICATION APPLICATION BY
MIAMI-DADE COUNTY FOR THE INSTALLATION OF A
NEW SEAWALL AND TO CONDUCT DREDGING
OF TIDAL WATERS ALONG AN ADDITIONAL 1,240
LINEAR FEET ON THE NORTH SIDE OF THE PORT OF
MIAMI IN BISCAYNE BAY, 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 Miami-Dade County for a Class I permit modification for the installation of a new seawall and to conduct dredging of tidal waters along an additional 1,240 linear feet on the north side of the Port of Miami in Biscayne Bay, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____ and
upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2020. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Abbie Schwaderer-Raurell