

Memorandum



Date: June 2, 2020

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

Agenda Item No. 5(I)

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

Subject: Class I Permit Application by Fisher Island Community Association, Inc.

Recommendation

I have reviewed the attached application for a Class I permit by Fisher Island Community Association, Inc. 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 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 at 66 Fisher Island Drive, within unincorporated Miami-Dade County, Florida, 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, McKee Gray, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), will be responsible for monitoring the proposed permit.

Background

The subject Class I permit application requests authorization for the filling of tidal waters, maintenance dredging, and installation of a new seawall, fender systems, and a vehicle transfer bridge, in association with the expansion of an existing commercial ferry slip adjacent to Fisherman's Channel located at 66 Fisher Island Drive, within unincorporated Miami-Dade County, Florida. The proposed project is required to be reviewed by the Board at a public hearing because the filling portion of the scope of work is specifically referenced in Section 24-48.2 of the Code as work that shall be processed with a standard form application, including a public hearing.

The project area is the site of an existing commercial ferry slip, located within an existing boat notch along the north side of Fisher Island. The Applicant is proposing to widen, deepen, and fortify the existing boat notch due to the size, capacity and operational requirements of the new proposed ferries, which will have a maximum draft of 8.5 feet when fully loaded. The project involves the removal of the existing seawall to widen the boat notch from 44 feet to 75 feet through the excavation of the uplands along the west and south sides of the existing notch. In order to stabilize the shoreline within the expanded boat notch, a new sheet pile seawall will be installed around the perimeter. The majority of the boat notch currently exists at a depth of -15 feet NAVD; however, sediments have accumulated at the landward end of the existing boat notch which has resulted in shallower water depths. Therefore,

the Applicant is proposing to maintenance dredge the boat notch to -19 feet NAVD and then backfill the dredged area to -15 feet NAVD with 10,876 square feet of limerock riprap boulders. The proposed riprap will stabilize the substrate and serve as scour protection. To facilitate the larger ferries, the entrance of the boat notch will also be dredged to match the final proposed elevation of -15 feet NAVD within the expanded boat notch. The Applicant is also proposing to install new fender systems, including mooring dolphins, and a vehicle transfer bridge acting as a gangway that will extend into the boat notch and facilitate loading and offloading from the ferry.

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. The submerged bottom within the project area consists of accumulated sediment and does not support seagrasses. Numerous non-federally listed small corals have opportunistically grown on the remnants of the existing deteriorated sheetpile seawall, and although the project will result in impacts to these corals, it is reasonably expected that upon completion of the work the new sheetpile seawall and the placement of riprap will provide suitable habitat for the re-establishment of similar benthic resources 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 habitat for corals will be available upon completion of the proposed work. Additionally, the Class I permit will require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards. Therefore, adverse environmental impacts are not reasonably expected to occur. Mitigation for the temporary impacts to water quality as a result of the seawall installation and dredging will be satisfied through the placement of riprap.

The proposed project site is not located within an area designated as essential manatee habitat by the Miami-Dade County Manatee Protection Plan (MPP). Pursuant to the MPP, the project area is recommended for Motor Boat Density and Various Water Dependent Uses as determined by Existing Zoning or Environmental Regulations. The Class I permit will require that all standard manatee construction permit conditions be followed during all in-water construction operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

The proposed project complies with the requirements in Section 24-48.3(2) of the Code, which applies to dredging and filling work proposed in a Class I permit application, because the proposed project constitutes the minimum dredging and filling for the creation and maintenance of the docking facility. The proposed project has been designed in accordance with all other relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. The attached Project Report sets forth the reasons the proposed project is recommended for approval pursuant to the applicable evaluation factors set forth in Section 24-48.3 and 24-48.25 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 Application
- Attachment B: Owner/Agent Letter, Engineer Letter and Project Sketches
- Attachment C: Names and Addresses of Owners of All Riparian Property within 300 Feet
- Attachment D: Zoning Memorandum
- Attachment E: DERM Project Report

Attachment A

Class I Permit Application



Class I Permit Application

LB

FOR DEPARTMENTAL USE ONLY	
Date Received: <u>MAY 17 2019</u>	Application Number: <u>CL1-2019-0222</u>
NATURAL RESOURCES DIVISION DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES	Application Fee: <u>\$28,750 / \$28,750</u>

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

1. Applicant Information: Name: <u>Fisher Island Community Association, Inc.</u> Address: <u>One Fisher Island Drive</u> <u>Fisher Island, FL</u> Zip Code: <u>33109</u> Phone #: <u>(786) 475-2065</u> Fax #: <u>(786) 475-2066</u> Email: <u>mposey@fisherislandfca.com</u> <small>* This should be the applicant's information for contact purposes.</small>	2. Applicant's Authorized Permit Agent: <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>Kate Davis, Davis Environmental Solutions, LLC.</u> Address: <u>12955 Biscayne Blvd., Suite 314C</u> <u>North Miami, FL</u> Zip Code: <u>33181</u> Phone #: <u>(305) 502-1954</u> Fax #: _____ Email: <u>kate@davis-environmental.com</u>
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5/20/19
8:05am
PB

3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):			
Folio #(s):	<u>30-4209-002-0011 & 30-4209-015-0020</u>	Latitude:	<u>25.763898</u>
		Longitude:	<u>-80.144241</u>
Street Address:	<u>66 Fisher Island Drive</u>	Section:	<u>09</u>
		Township:	<u>54S</u>
		Range:	<u>42E</u>
In City or Town:	<u>Fisher Island</u>	Near City or Town:	_____
Name of waterway at location of the activity: <u>Fisherman's Channel, Biscayne Bay</u>			

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 type="checkbox"/> Mangrove Removal |
| <input checked="" type="checkbox"/> Seawall Cap | <input type="checkbox"/> Viewing Platform | <input checked="" type="checkbox"/> Fender Piles | <input 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 checked="" type="checkbox"/> Riprap | | | | |

☐ Other: _____

Estimated project cost = \$ 5,600,000.00

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): Ferry
Vessel Make/Model (If known): _____
Draft (s)(range in inches.): 78 - 102 Length (s)(range in feet.): 152
Total Number of Slips: 1

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
FDEP	ERP	13-0335117-001	Pending	Pending
USACE	Individual	SAJ-2001-01993	Pending	Pending

8. Contractor Information (If known):

Name: Ebsary Foundation, Co. License # (County/State): CGC 059721
 Address: 2154 Northwest, North River Drive Miami, Florida Zip Code: 33125
 Phone #: (305) 325-0530 Fax #: (305) 325-8684 E-mail: Matt@EbsaryFoundationco.com

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 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.

RECEIVED
MAY 17 2019

NATURAL RESOURCES DIVISION
DEPARTMENT OF REGULATORY
AND ECONOMIC DEVELOPMENT

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.)

Fisher Island Community Association, Inc. Corporation Florida
 Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of
 Registration/Incorporation

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

[Signature] Roberto Sosa President 04.30.19
 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 PB 128-59 Tract A Parcel 8 AS Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 30-4209-002-0011

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.)

Fisher Island Holdings, LLC.

LLC

Florida

Print Name of Owner (Enter the complete name as registered)

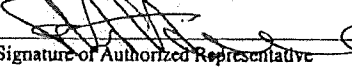
Type (Corp, LLC, LLP, etc.)

State of Registration/Incorporation

One Fisher Island Drive, Fisher Island, FL 33109

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.*****

 Heinrich Von Hanau President 04.30.19
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

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MAY 17 2019

NATURAL RESOURCES DIVISION
DEPARTMENT OF REGULATORY
AND ECONOMIC RESOURCES

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 PB 143-9 Sec 8 TR "B-8" Miami-Dade
County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 30-4209-015-0020

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
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Signature of Owner	Print Owner's Name	Date
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B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

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

Fisher Island Club, Inc.

Corporation

Florida

Print Name of Owner (Enter the complete name as registered)

Type (Corp, LLC, LLP, etc.)

State of Registration/Incorporation

One Fisher Island Drive, Fisher Island, FL 33109

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.*****

Signature of Authorized Representative	Bernard Lackner	President	4/30/19
	Print Authorized Representative's Name	Title	Date

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

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

RECEIVED

MAY 17 2019

NATURAL RESOURCES DIVISION
DEPARTMENT OF REGULATORY
AND ECONOMIC RESOURCES

Attachment B

Owner/Agent Letter, Engineer Letter and Project Sketches

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

June 12, 2019

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

Re: Class I Standard Form Permit Application Number CLI-2019-0222

By the attached Class I Standard Form permit application with supporting documents, I, Roberto Sosa, President, Fisher Island Community Association, Inc., am the permit applicant/permit applicant's authorized agent, and hereby request permission to perform the work associated with Class I Permit Application CLI-2019-0222. 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,



Fisher Island Community Association, Inc.
c/o Roberto Sosa
President, Permit Applicant

ENGINEER LETTER OF CERTIFICATION

June 30, 2019

Miami-Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court, 6th Floor
Miami, Florida 33136

Re: Class I Permit Application Number CLI-2019-0222

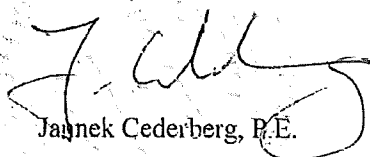
Ladies and Gentlemen:

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,



Jaynek Cederberg, P.E.

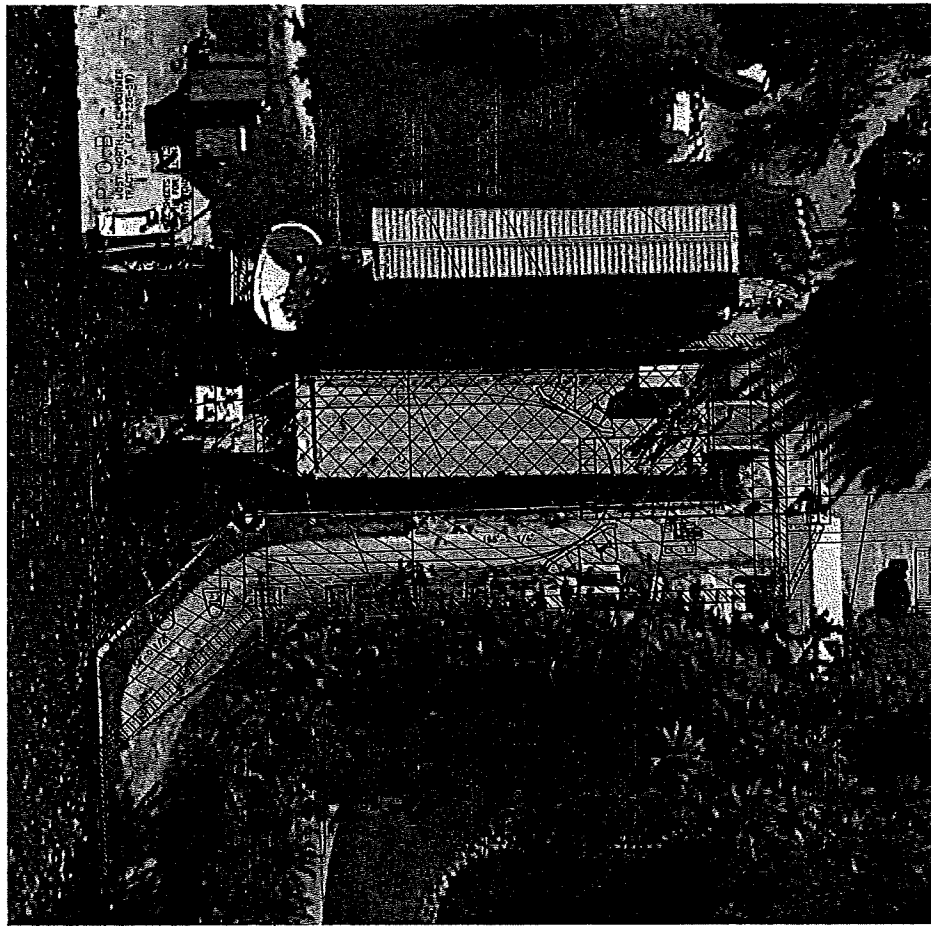
P.E. No. 69839

Cummins-Cederberg, Inc.



Parcel 8 Slip Widening

Fisher Island, Florida



EXISTING & PROPOSED SITE OVERLAY

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Permit Set
April 2019







Stantec

501 Paces Plaza, Suite 300
 Fort Lauderdale, FL 33304
 Phone: 954.473.2000 Fax: 954.473.2001
 Email: info@stantec.com

CUMMINS GEORGE, INC.

10000 W. 11th Avenue
 Fort Lauderdale, FL 33304
 Phone: 954.473.2000 Fax: 954.473.2001
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 Phone: 954.473.2000 Fax: 954.473.2001
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BY :

CHECKED :

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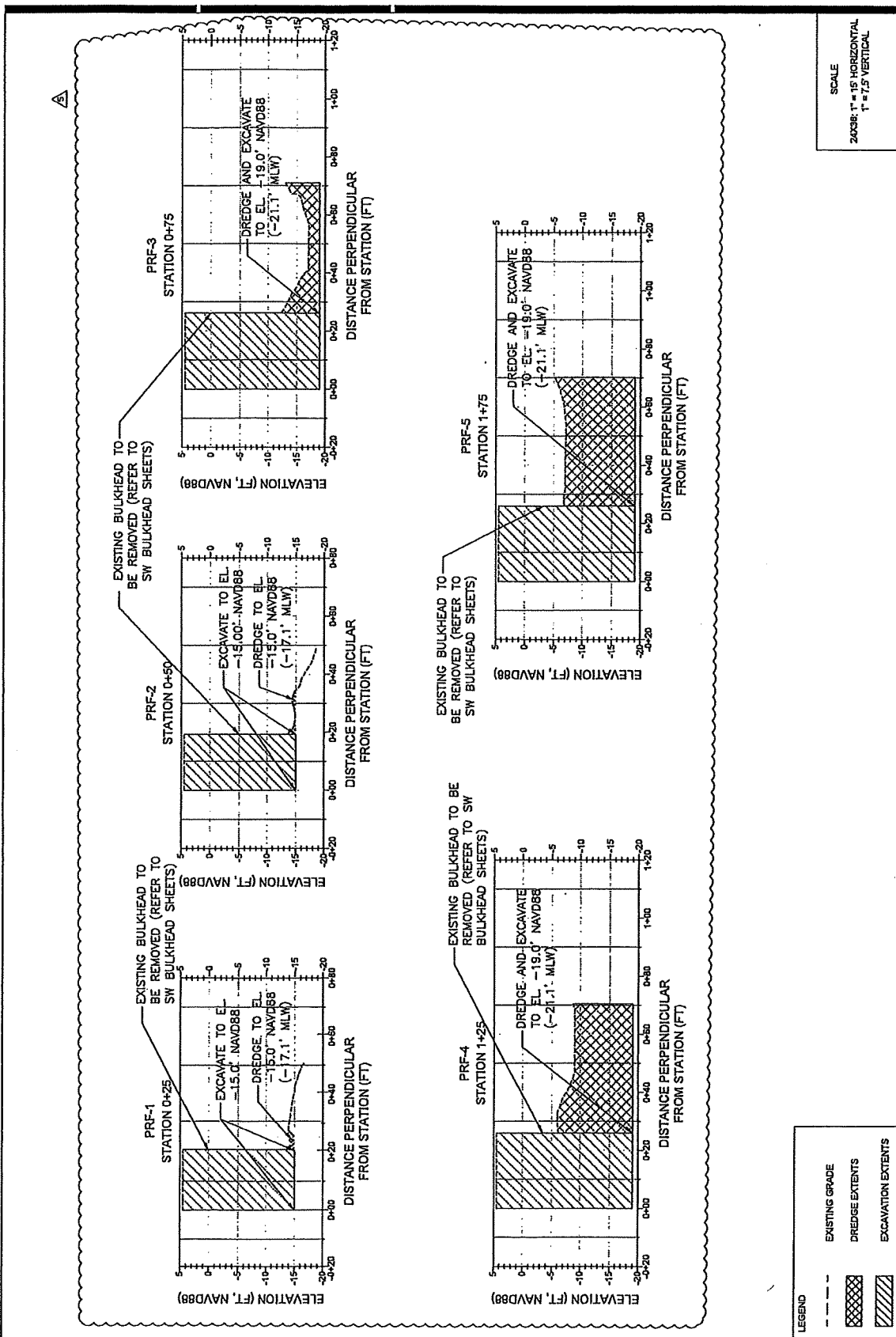
19. DATE

20. DATE

21. DATE

22. DATE

SCALE
 20098: 1" = 15' HORIZONTAL
 1" = 7.5' VERTICAL





Sanitec

101 New York Ave., Suite 200
Cape Charles, VA 23110
Tel: 800-368-2222 Fax: 800-368-2222

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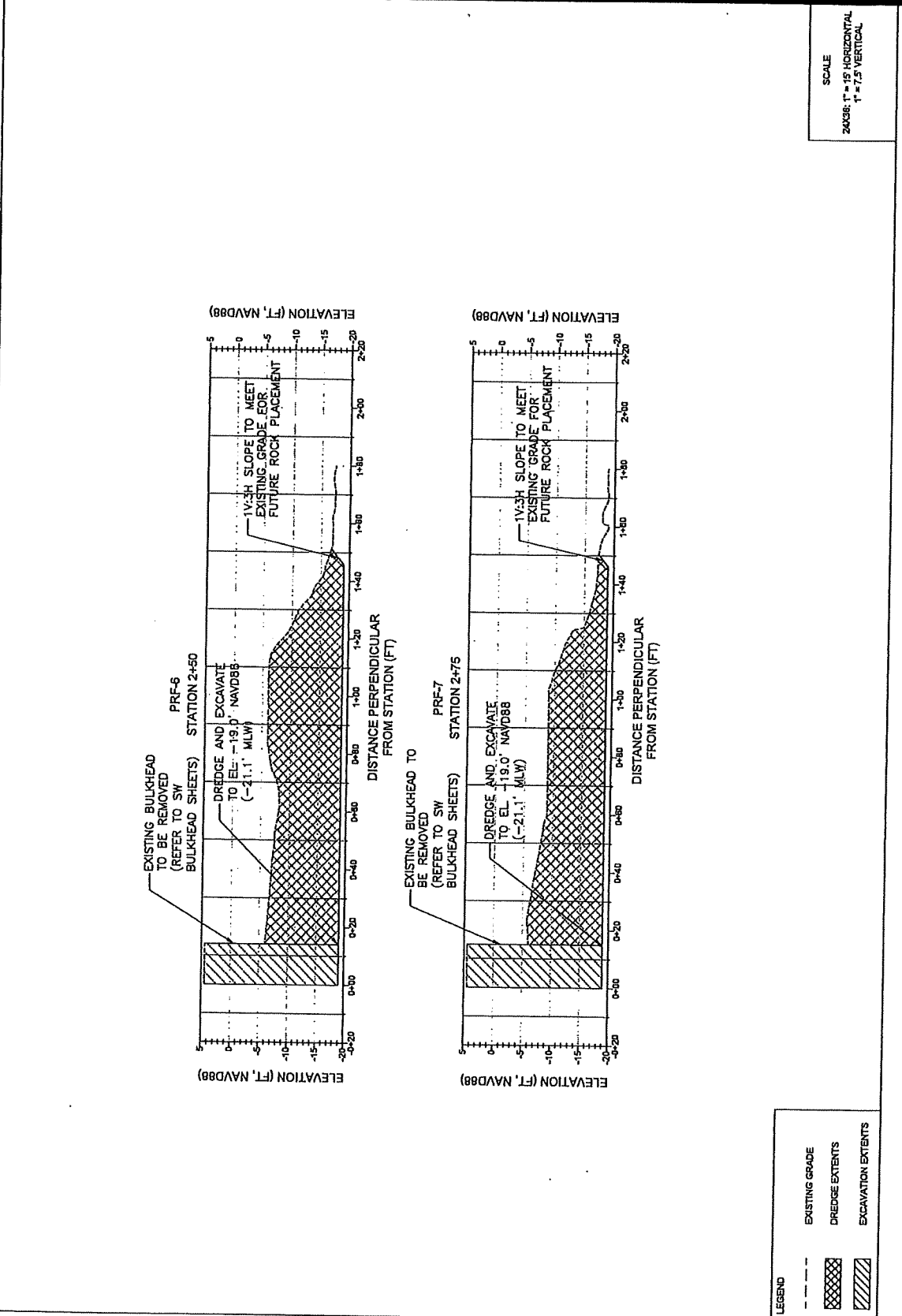
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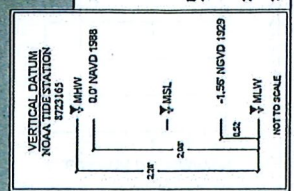


SCALE
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1" = 7.5' VERTICAL

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CMO11





Stanec

871 Peachtree Dunwoody Road, Suite 300
Crested Butte, CO 81224
303.441.1111
www.stanec.com

CUMMINS CEDERBERG, INC.
10000 E. Harvard Avenue
Denver, CO 80231
303.751.1111
www.cumminscederberg.com

JOHNSON CEDERBERG
10000 E. Harvard Avenue
Denver, CO 80231
303.751.1111
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DRAWN :

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ISSUE/REVISIONS

1 2014 100% COMPLETE

2 2015 100% COMPLETE

3 2015 100% COMPLETE

4 2015 100% COMPLETE

5 2015 100% COMPLETE

6 2015 100% COMPLETE

7 2015 100% COMPLETE

8 2015 100% COMPLETE

9 2015 100% COMPLETE

10 2015 100% COMPLETE

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15 2015 100% COMPLETE

16 2015 100% COMPLETE

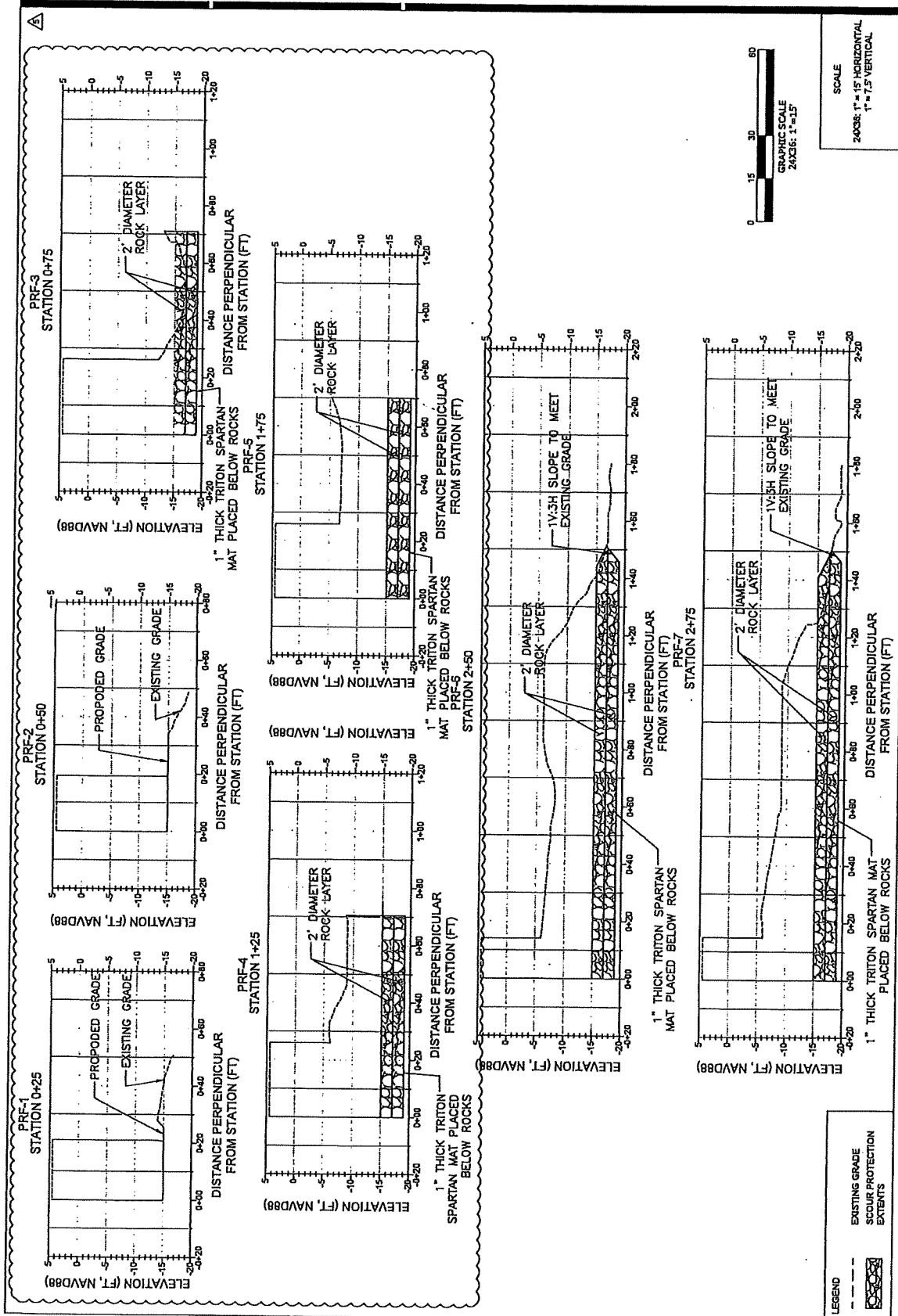
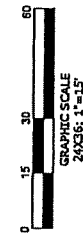
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18 2015 100% COMPLETE

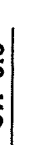
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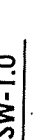
20 2015 100% COMPLETE

SCALE
2008: 1" = 15' HORIZONTAL
1" = 7.5' VERTICAL



LEGEND
--- EXISTING GRADE
--- SCOUR PROTECTION
--- EXTENTS





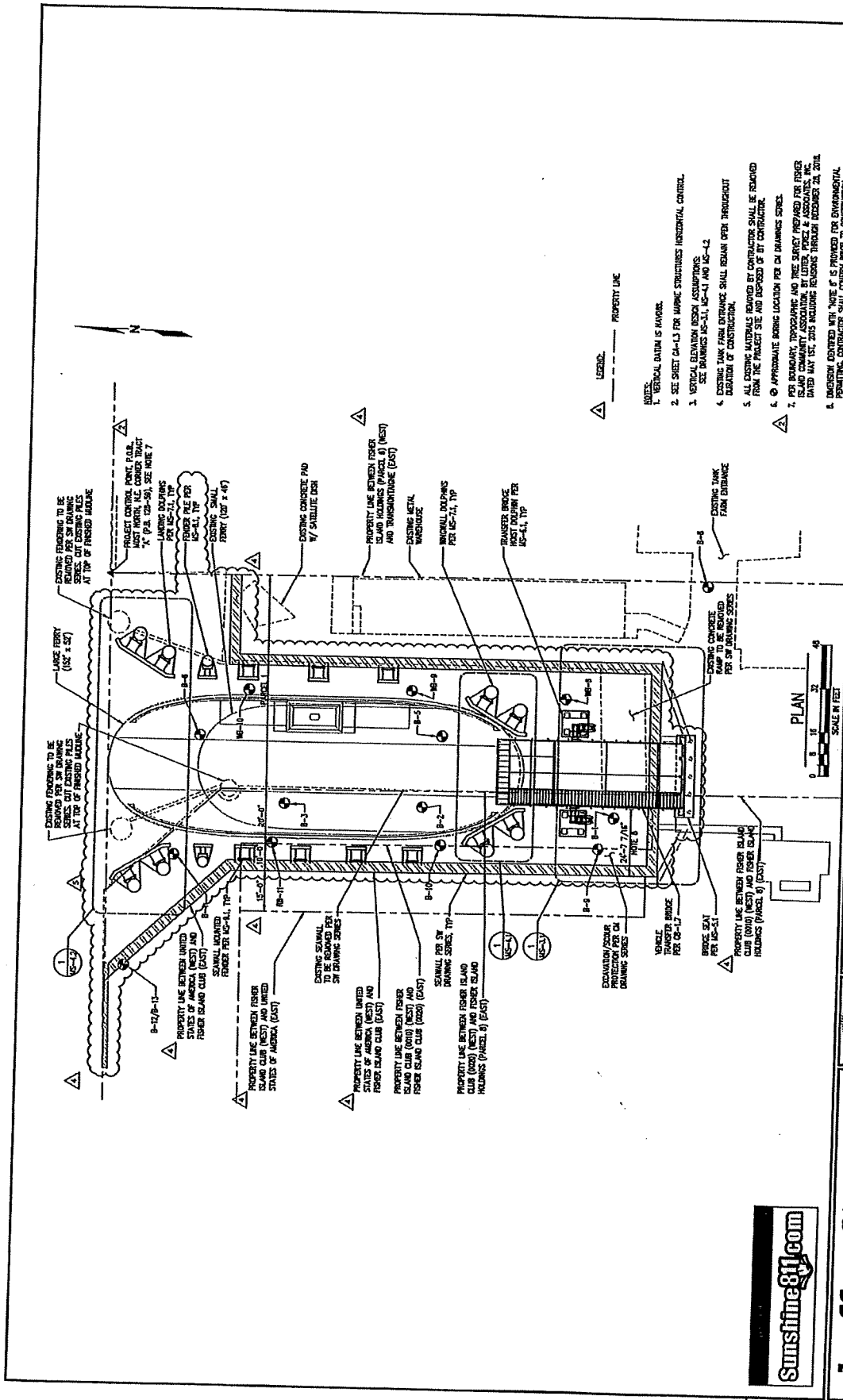
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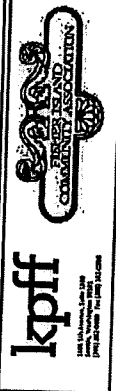
SCALE: 1/4" = 1'-0"

*SITE LOCATIONS NOTED TO ALL NON-SEAWALL ELEMENTS. SITE LOCATIONS ARE SHOWN FOR REFERENCE PURPOSES ONLY, AND REFER TO C-102 (STANTEC), GA-1.2 (OPF), AND LP SURVEY B-556(G), NOTIFY EOR OF ANY DISCREPANCIES.

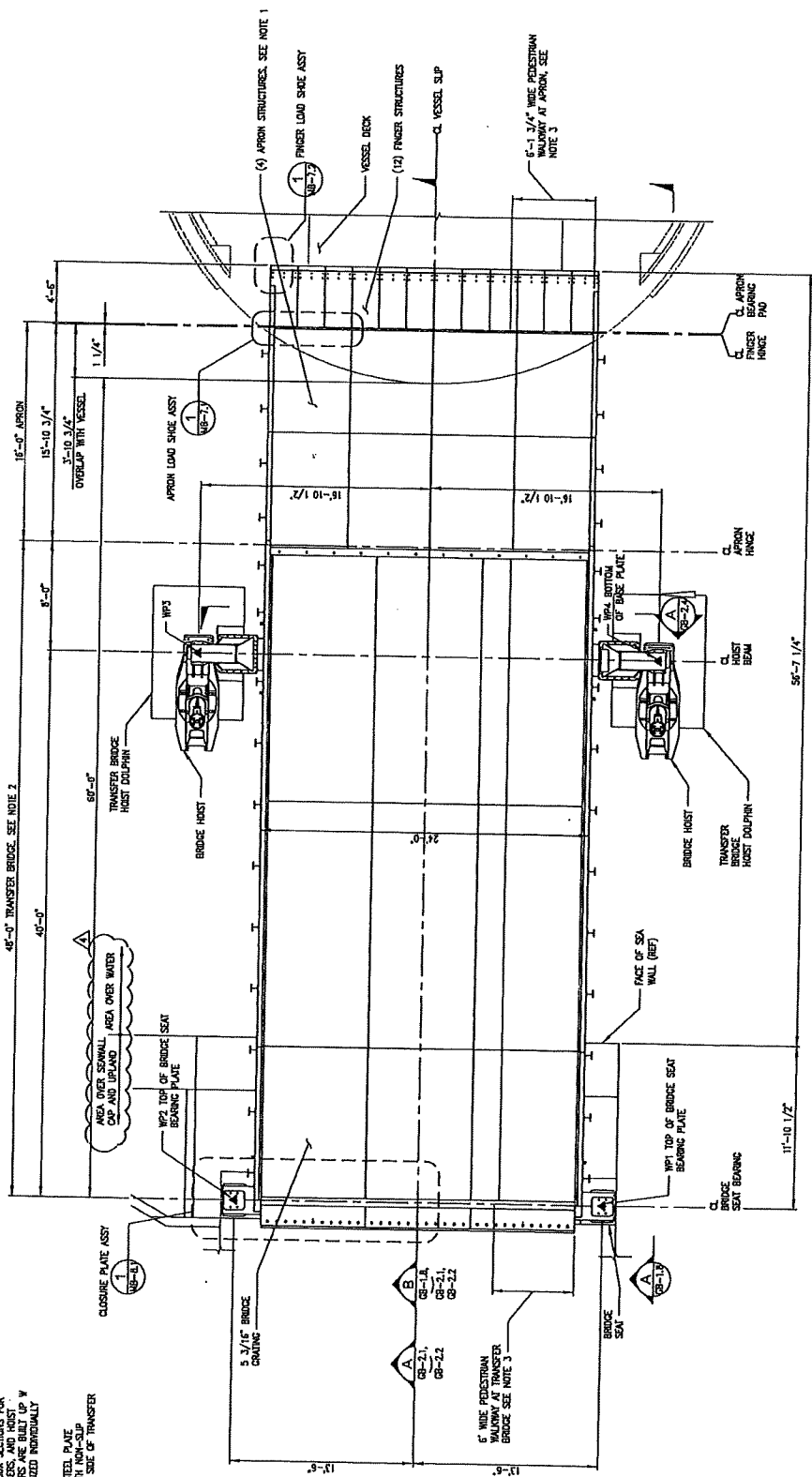
SLOPED SEAWALL PLAN VIEW SHOWING GENERAL DIMENSIONS AND RELATIVE SITE LOCATIONS



PERMIT SET DRAWING NO. GA-1.2 PROJECT NO. 180008 SCALE AS SHOWN CHECKED: DA DATE: APRIL 19, 2019	
FISHER ISLAND FERRY PARCEL 8 SLIP WIDENING COMMERCIAL FISHER ISLAND FERRY LANDING MARINE STRUCTURES SITE PLAN	
NO. 1 DATE 7/12/18 BY MJC REVISION 2 ENVIRONMENTAL COMMENTS	NO. 2 DATE 8/22/18 BY MJC REVISION 4 ENV COMMENTS
NO. 3 DATE 12/19/18 BY DAA REVISION 5 - WEST SEAWALL LOCATION SHIFT	NO. 4 DATE 12/19/18 BY DAA REVISION 5 - WEST SEAWALL LOCATION SHIFT



Printed Dec 20, 2019 - 9:19am morning Layout 1
 X:\111001 (Ferry Island) - 01-Ferry\VT-GA-1.2.dwg



TRANSFER BRIDGE PLAN
SCALE: 1/4" = 1'-0"
SHOWN WITH BRIDGE AND APRON LEVEL

NOTES:

1. ARCH STRUCTURES ARE 16" LONG X 2" WIDE WELDED STEEL PLATE STRUCTURES. NOT PUT ON GAL. AFTER WELDING.

DRAWING NO.	GB-1.7
CHECKED: DH	DATE: APRIL 19, 2019
DESIGN: ED	SCALE: AS SHOWN
DRAWN: CC	PROJECT NO.: 1500127

**FISHER ISLAND FERRY
PARCEL 8 SLIP WIDENING**

NO.	DATE	BY	REVISION
△	05/10/19	DWH	REVISION FOR PERMIT
△	08/22/19	DWH	ENV COMMENTS AUG 2019



1201

Attachment C

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

Étiquettes d'adresse Easy Peel®
Repliez à la hachure afin de révéler le rebord Pop-up®

Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 8160

Transmontaigne Terminals, LLC
1670 Broadway
Suite 3100
Denver, CO 80202

USA District Engineers
Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207

Fisher Island Club, Inc.
1 Fisher Island Drive
Fisher Island, FL 33109

8160 0000

Attachment D
Zoning Memorandum

Memorandum



Date: May 5, 2020

To: McKee Gray, Manager
Coastal Resources Section
Department of Regulatory and Economic Resources

CKG

From: Tammy Burton, Biologist II
Coastal Resources Section
Department of Regulatory and Economic Resources

TS

Subject: Class I Permit Application by Fisher Island Community Association, Inc. for the Filling and Maintenance Dredging of Tidal Waters, and Installation of a New Seawall, Fender Systems, and a Vehicle Transfer Bridge, in Association with the Expansion of the Commercial Ferry Landing Adjacent to Fisherman's Channel Located at 66 Fisher Island Drive, within Unincorporated Miami-Dade County, Florida.

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

Attachment E
DERM Project Report

CLASS I PERMIT APPLICATION NO. CLI-2019-0222

Class I Permit Application by Fisher Island Community Association, Inc. for the Filling and Maintenance Dredging of Tidal Waters, and Installation of a New Seawall, Fender Systems, and a Vehicle Transfer Bridge, in Association with the Expansion of the Commercial Ferry Landing Adjacent to Fisherman's Channel Located at 66 Fisher Island Drive, Within Unincorporated Miami-Dade County, Florida.

DATE: 4/13/2020

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** – 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. The submerged bottom within the project area consists of accumulated sediment and does not support seagrasses. Numerous non-federally listed small corals have opportunistically grown on the remnants of the existing deteriorated sheetpile seawall, and although the project will result in impacts to these corals, it is reasonably expected that upon completion of the work the new sheetpile seawall and the placement of riprap will provide suitable habitat for the re-establishment of similar benthic resources 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 habitat for corals will be available upon completion of the proposed work. Additionally, the Class I permit will require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards. Therefore, adverse environmental impacts are not reasonably expected to occur; mitigation for the temporary impacts to water quality as a result of the seawall installation and dredging will be satisfied through the placement of riprap.

The proposed project site is not located within an area designated as essential manatee habitat for the West Indian Manatee by the Miami-Dade County Manatee Protection Plan (MPP). Pursuant to the MPP the project area is recommended for Motor Boat Density and Various Water Dependent Uses as determined by Existing Zoning or Environmental Regulations. The Class I permit will require that all standard manatee construction permit conditions be followed during all in-water construction operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts as set forth in Number 1 above.
3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is not reasonably expected to result in adverse impacts to water quality. The Class I permit will include specific conditions requiring that appropriate turbidity and erosion controls be installed and maintained during construction operations as set forth in Number 1 above. The proposed project may affect surface water quality on a temporary basis during construction operations; however, potential temporary water quality impacts have been minimized and will be mitigated for as set forth in Number 1 above.
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** - During construction the existing ferry route will be modified to utilize an additional existing boat notch located east of the project area and the modified route is not reasonably expected to adversely affect navigation.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.
12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect high quality 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 as set forth in Number 1 above.
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, a substantiating letter stating that the proposed project does not violate any zoning laws, or a plan approval, must be submitted prior to permit issuance. Said letter or plan approval may 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.
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 is occurring on lands owned by the applicant and the United States Army Corps of Engineers.
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 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 Regulations (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 consistent as required by CDMP policy LU-3A, with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as other elements of 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 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 located within a mangrove forest or related natural vegetational community.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project is not located within 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 Section 24-48.3(2)(c) of the Code, which states: 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 as set forth in Number 1 above.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project will enhance the water dependent use as set forth in Number 1 above.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – The proposed project site is located within the Shoreline Development Review boundaries. The project was reviewed by the Shoreline Development Review Committee under the Shoreline Ordinance and determined to be exempt from the provisions of the Shoreline Development Review Ordinance.

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 1 above.
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.
32. **Zoning Recommendation** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter or plan approval from the applicable zoning authority shall be submitted stating that the proposed project does not violate any zoning laws. Said letter or plan approval will 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)(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:

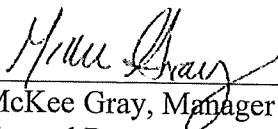
24-48.3 (2) Dredging and Filling for Class I Permit – The proposed project complies with the following criteria:

- (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 BE APPROVED.



McKee Gray, Manager
Coastal Resources Section



Tammy Burton, Biologist II
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(I)

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(I)
6-2-20

RESOLUTION NO. _____

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY FISHER ISLAND COMMUNITY ASSOCIATION, INC. FOR THE FILLING AND MAINTENANCE DREDGING OF TIDAL WATERS, AND INSTALLATION OF A NEW SEAWALL, FENDER SYSTEMS, AND A VEHICLE TRANSFER BRIDGE, IN ASSOCIATION WITH THE EXPANSION OF THE COMMERCIAL FERRY LANDING ADJACENT TO FISHERMAN'S CHANNEL LOCATED AT 66 FISHER ISLAND DRIVE, WITHIN UNINCORPORATED 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 Fisher Island Community Association, Inc. for the filling and maintenance dredging of tidal waters, and installation of a new seawall, fender systems, and a vehicle transfer bridge, in association with the expansion of the commercial ferry landing adjacent to Fisherman's Channel located at 66 Fisher Island Drive within unincorporated 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 this 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