

Memorandum



Date: December 1, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Lourdes M. Gomez, Director 
Department of Regulatory and Economic Resources

Agenda Item No. 5(G)

Subject: Class I Permit Application by Miami-Dade County, through its Department of Transportation and Public Works

Recommendation

I have reviewed the attached application for a Class I permit by Miami-Dade County, through its Department of Transportation and Public Works, 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 extends along Northeast 151 Street from the intersection of U.S. Route 1 to Bay Vista Boulevard within the City of North Miami, Florida, in Commission District 4, which is represented by Commissioner Sally A. Heyman.

Delegation of Authority

This item has no delegation of authority. Upon approval of this item, Section 24-48.2(C)(2) of the Code authorizes the Department to issue the permit, provided that other Code requirements are satisfied, such as submittal of final plans and bonds, and to require additional conditions, limitations, and restrictions if consistent with this Board’s approval.

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 14,969 sq. ft. of wetlands that support halophytic (salt tolerant) vegetation and the removal of 4,014 sq. ft. of mangrove canopy in association with the proposed improvements along an approximately 4,600 foot long section of road extending along Northeast 151 Street from the intersection of U.S Route 1 to Bay Vista Boulevard in the City of North Miami, Miami-Dade County, Florida. To be approved, this application must be reviewed and decided by the Board after a public hearing because the filling of halophytic wetlands and the trimming of mangroves in a Coastal Band Community 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 subject project area contains an existing asphalt road that serves as the sole access route, including during emergency evacuations for FIU Biscayne Bay Campus, Alonso and Tracy Mourning Senior High School, Marine Academy of Arts and Sciences (MAST) Magnet High School, and David Lawrence Jr. K-8 Center. The roadway also serves as the primary access to the Sole Mia residential community. The Applicant has indicated that the road as currently constructed frequently floods and does not adequately address traffic and emergency evacuation needs. Furthermore, the existing road does not include a designated bike lane or continuous sidewalks for pedestrian access. While the majority of the proposed work will take place on upland property and within the footprint of the existing road, median and road shoulders. However, in order to elevate the road to alleviate flooding and provide for operational safety enhancements, a portion of the work would result in the filling of wetlands and trimming of mangroves. Specifically, this proposed filling of wetlands and trimming of mangroves would be limited to a narrow area running linearly, for approximately 4,600 feet along the adjacent uplands. No temporary impacts to wetlands are proposed under the subject application.

Filling work proposed in a Class I application shall comply with at least one of the criteria listed in Section 24-48.3(2) of the Code. While the elevation of this area would necessarily impact the wetlands adjacent to the current linear upland, the proposed work has been designed to minimize impacts to the wetlands, including the installation of a retaining wall in lieu of side slopes. The elevation of the existing roadway and infrastructure, including the existing sidewalk, is needed to reduce flooding of the roadway and sidewalk. For example, in times of a major weather event this proposed elevation of the existing roadway and infrastructure would also help to adequately and safely facilitate transportation and emergency evacuations of the adjacent schools and areas. As the work is a physical modification necessary to protect public or private property, the proposed project complies with the requirements in Section 24-48.3(2)(f) of the Code, which applies to dredging and filling work proposed in a Class I permit application.

The proposed work would impact mangroves that have been designated by the Miami-Dade County Comprehensive Development Master Plan (CDMP) as a Mangrove Protection Area. Cutting, trimming, pruning or other alteration including dredging or filling of mangroves within a Mangrove Protection Area must be consistent with the criteria outlined in the Coastal Management Element of the CDMP. In addition, the project must be consistent with the criteria outlined in the Conservation, Aquifer Recharge, and Drainage Element of the CDMP. The proposed work includes operational safety enhancements such as elevating the road and the sidewalk to alleviate flooding along an emergency evacuation route for the adjacent schools and residential community. The Florida Department of Transportation (FDOT) conducted a feasibility study to evaluate potential roadway alternative routes to alleviate traffic concerns in the area, including improving access for emergency response vehicles (Improving Access at Florida International University Biscayne Bay Campus, July 2020 on file with the Department). The alternative routes were evaluated based on various factors, including potential environmental impact. The FDOT study concluded that the improvements proposed to Northeast 151 Street would result in significantly less environmental impacts as compared to the other alternatives, several of which would have necessitated substantial filling of halophytic wetlands and the removal of Coastal Band Community mangroves within designated Mangrove Protection Areas. The proposed elevation and improvements to Northeast 151 Street under the subject Class I permit application would primarily occur within the footprint of the existing road or within the adjacent uplands. As discussed above, the project has been designed to minimize the impact to wetlands and only impacts a narrow area of wetlands along the existing linear uplands. Furthermore, the project avoids any impacts to

wetlands in the area subject to the Clean Water Act Section 404(c) along the south side of the existing road. For all of the reasons stated herein, the proposed work is consistent with the CDMP as the work is clearly in the public interest and is in a location where no reasonable upland alternative exists. Furthermore, the proposed mangrove trimming and alteration has been minimized and would be done in a manner that preserves the function of the mangrove system and does not adversely affect habitat. The Class I permit would include authorization for future maintenance trimming and alteration of mangroves along the road to maintain clearance, should mangroves grow into this area.

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 and mitigation is required for permissible projects that otherwise result in adverse environmental impacts. While the proposed road would be installed in generally the same footprint as the existing road, in order to prevent flooding and provide operational safety enhancements, the roadway would be elevated and expanded to the north resulting in the filling of 14,969 sq. ft. of wetlands and the removal of 4,014 sq. ft. of mangrove canopy. In order to minimize impacts to adjacent wetlands by the subject road improvements, the Applicant is proposing to install a retaining wall in lieu of side slopes. Furthermore, drainage improvements associated with the proposed roadway would eliminate direct runoff from the existing roadway and is therefore reasonably expected to reduce water quality impacts associated with direct roadway runoff and associated soil erosion. Any temporary water quality impacts would be minimized through the implementation of proper turbidity controls, including silt fencing, throughout construction operations to ensure that State and County water quality standards are met. The project area would be maintained free of exotic pest plants and nuisance species in accordance with the Class I permit conditions. To mitigate for otherwise permissible impacts to wetlands and the trimming of mangroves, the Applicant has proposed the purchase of saltwater mitigation bank credits from the Florida Power and Light Company’s Everglades Mitigation Bank (FPL EMB), which would restore, enhance, and preserve coastal wetlands in accordance with federal, State and local regulations.

The project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. Please find attached a DERM Project Report which also sets forth the reasons the proposed project is recommended for approval by DERM pursuant to the applicable evaluation factors and criteria as 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 Application
- Attachment B: Owner/Agent Letter, Engineer Letter and Project Sketches
- Attachment C: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the proposed Work.
- Attachment D: Zoning Memorandum
- Attachment E: DERM Project Report

Attachment A
Class I Permit Application

8. Contractor Information (If known):

Name: _____ 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.)

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 _____

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, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. _____.

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.)

_____ Print Name of Owner (Enter the complete name as registered)	_____ Type (Corp, LLC, LLP, etc.)	_____ State of Registration/Incorporation
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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	_____ Print Authorized Representative's Name	_____ Title	_____ Date
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_____ Signature of Authorized Representative	_____ Print Authorized Representative's Name	_____ Title	_____ Date
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Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

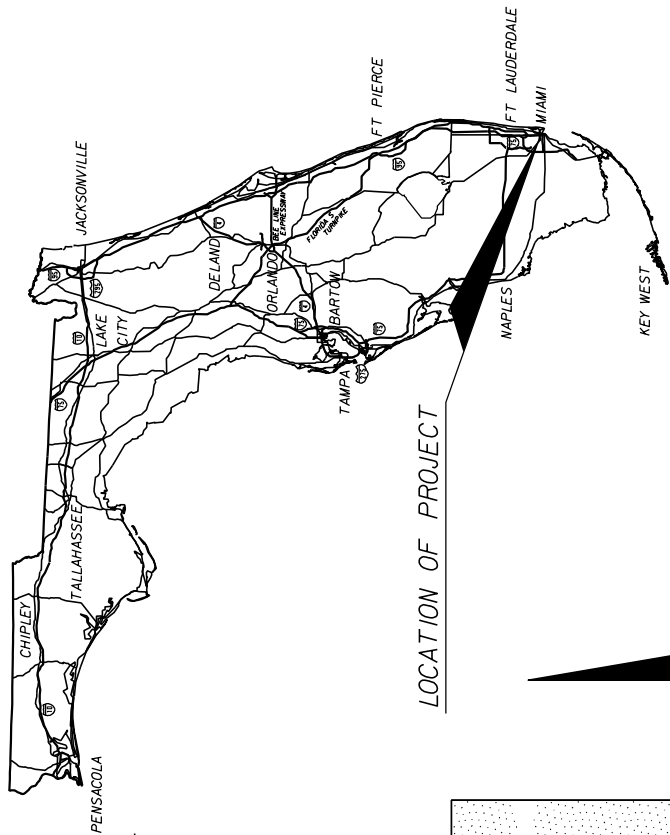
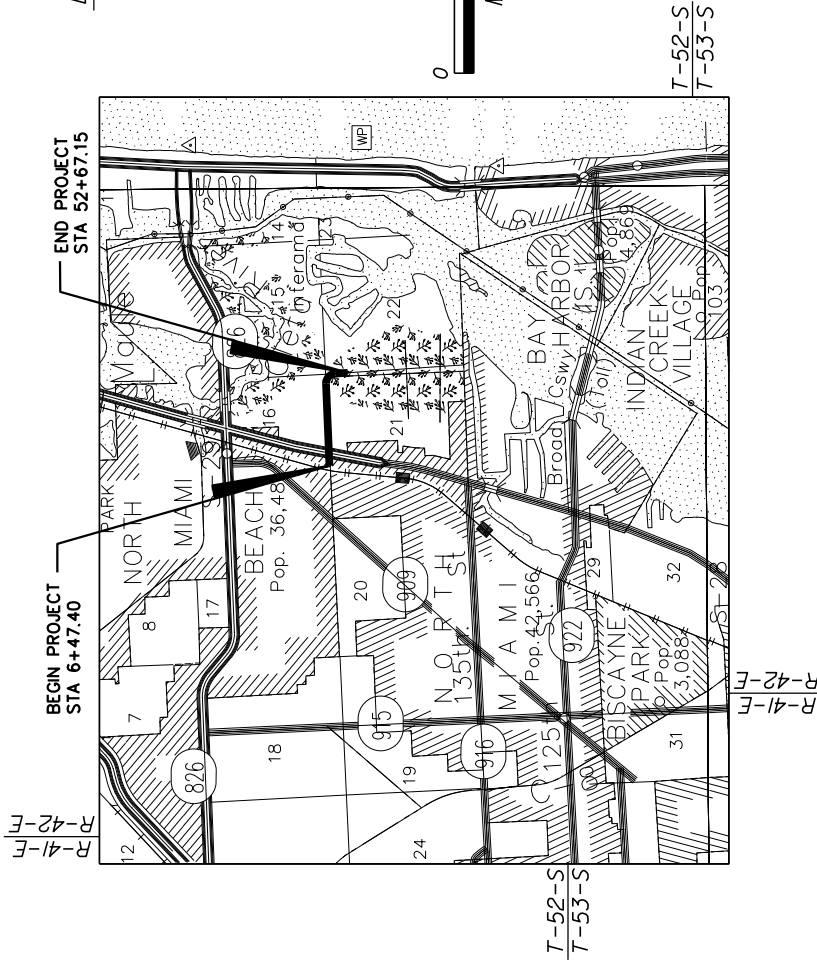
Box 10: either A or B

Attachment B

Owner/Agent Letter, Engineer Letter and Project Sketch

DREDGE AND FILL SKETCHES

NE 151 ST
FROM EAST OF RAILROAD TRACKS
TO BAY VISTA BOULEVARD



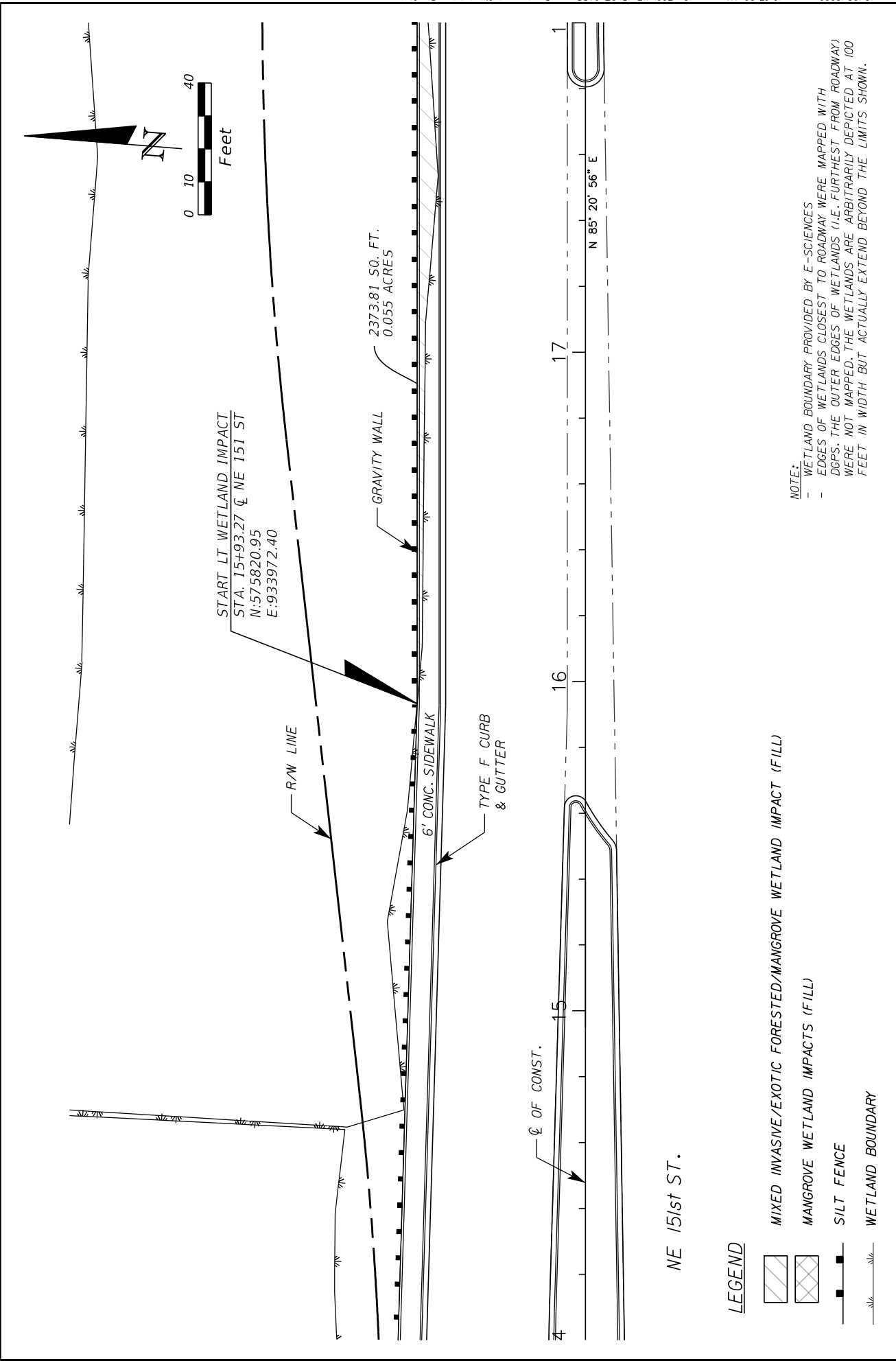
THIS ITEM HAS BEEN DIGITALLY
SIGNED AND SEALED BY
PAOLA RIVEROS, P.E. LICENCE No. 74249

PRINTED COPIES OF THIS DOCUMENT ARE
NOT CONSIDERED SIGNED AND SEALED
AND THE SIGNATURE MUST BE VERIFIED
ON ANY ELECTRONIC COPIES.

R.J. Behar & Company, Inc.
Engineers • Planners
6861 S.W. 196 AVENUE, SUITE 302
PEMBROKE PINES, FL 33332
TEL: (954) 680-7771
FAX: (954) 680-7781





WETLAND SUMMARY OF QUANTITIES

TYPE OF IMPACT	AREA (AC)	AREA (SF)	VOLUME (CY)
MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)	0.071	3,078	392
MANGROVE WETLAND IMPACTS (FILL)	0.273	11,891	1,661
TYPE OF IMPACT	LENGTH (FT)	TRIMMING DEPTH (FT)	AREA
MANGROVE TRIMMING	1,338	3	4014 SF 0.090 Ac




NE 151st ST.

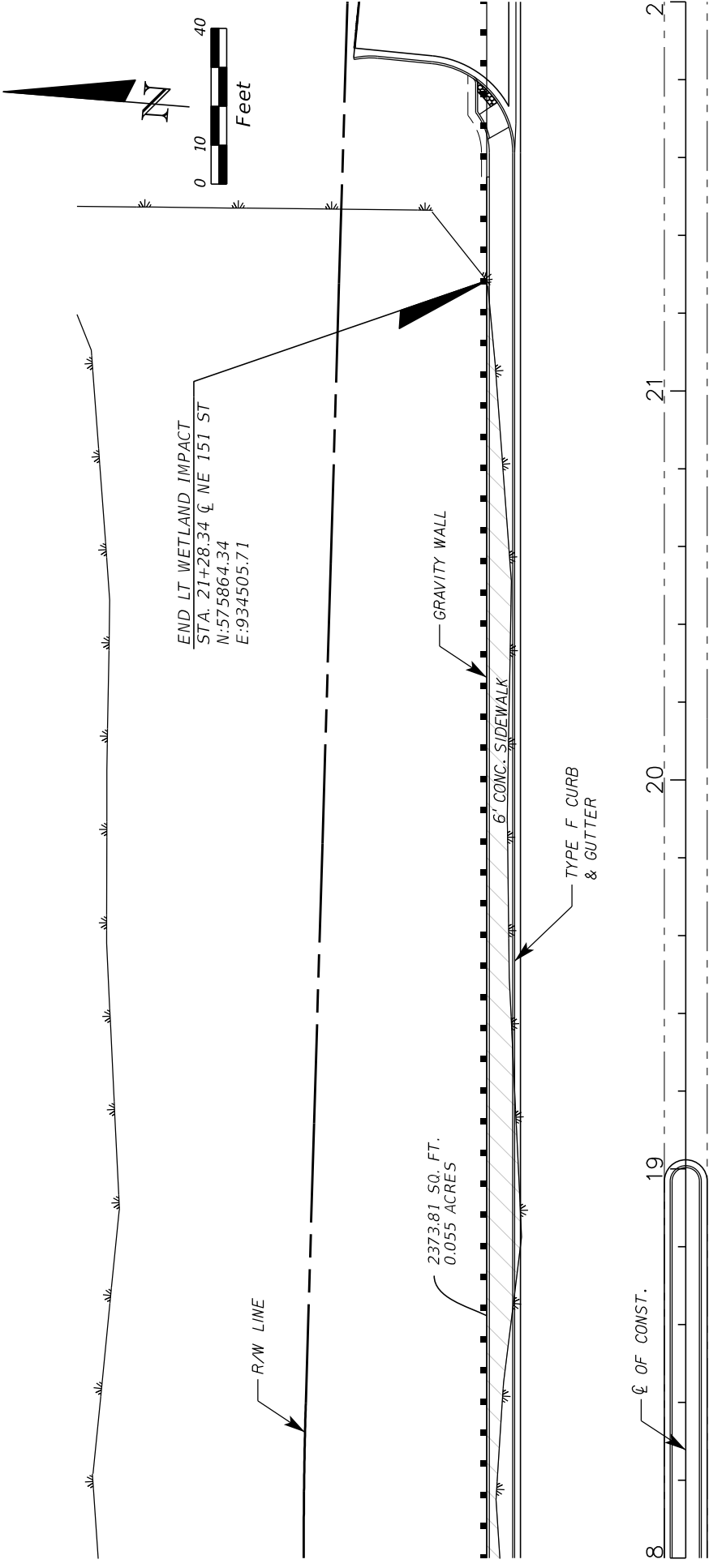
LEGEND

-  MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)
-  MANGROVE WETLAND IMPACTS (FILL)
-  SILT FENCE
-  WETLAND BOUNDARY





NOTE:
 - WETLAND BOUNDARY PROVIDED BY E-SCIENCES
 - EDGES OF WETLANDS CLOSEST TO ROADWAY WERE MAPPED WITH DGPS. THE OUTER EDGES OF WETLANDS (I.E. FURTHEST FROM ROADWAY) WERE NOT MAPPED. THE WETLANDS ARE ARBITRARILY DEPICTED AT 100 FEET IN WIDTH BUT ACTUALLY EXTEND BEYOND THE LIMITS SHOWN.

PROJECT DESCRIPTION		COUNTY: MIAMI-DADE PROJECT No: 17061	
NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD		 COE PERMIT WMD PERMIT SHEET 2 OF 11 DATE: 12/15/2020	
TWP: 52 S	RNG: 42 E		
SECTIONS: 16, 17, & 21		10	

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LEGEND





-  MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)
-  MANGROVE WETLAND IMPACTS (FILL)
-  SILT FENCE
-  WETLAND BOUNDARY

NOTE:

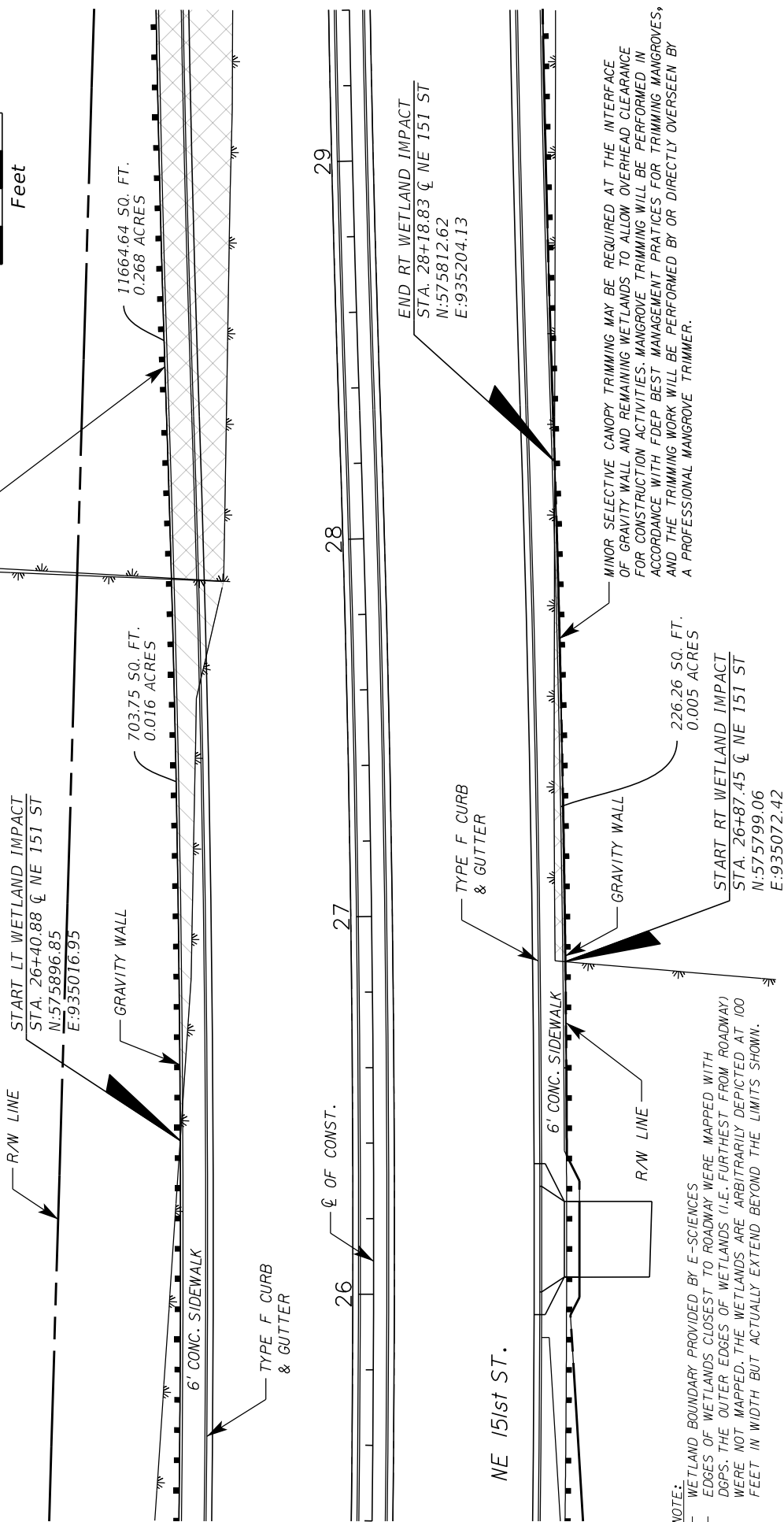
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<p>R.J. Behar & Company, Inc. Engineers • Planners 6061 S.W. 196 AVENUE, SUITE 302 PEMBROKE PINES, FL 33332 PAOLA RIVEROS, P.E. LICENCE NO. 74249</p>		<p>COUNTY: MIAMI-DADE PROJECT No: 17061</p>	
<p>PROJECT DESCRIPTION</p>		<p>COE PERMIT WMD PERMIT</p>	
<p>NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD</p>		<p>SHEET 3 OF 11</p>	
<p>TWP: 52 S</p>		<p>DATE: 12/15/2020</p>	
<p>SECTIONS: 16, 17, & 21</p>		<p>11</p>	

LEGEND

-  MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)
-  MANGROVE WETLAND IMPACTS (FILL)
-  SILT FENCE
-  WETLAND BOUNDARY

MINOR SELECTIVE CANOPY TRIMMING MAY BE REQUIRED AT THE INTERFACE OF GRAVITY WALL AND REMAINING WETLANDS TO ALLOW OVERHEAD CLEARANCE FOR CONSTRUCTION ACTIVITIES. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH FDEP BEST MANAGEMENT PRACTICES FOR TRIMMING MANGROVES, AND THE TRIMMING WORK WILL BE PERFORMED BY OR DIRECTLY OVERSEEN BY A PROFESSIONAL MANGROVE TRIMMER.



NOTE:
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PROJECT DESCRIPTION

NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD

TWP: 52 S

RNG: 42 E

SECTIONS: 16, 17, & 21

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COUNTY: MIAMI-DADE

PROJECT No: 17061



COE PERMIT

WMD PERMIT

SHEET 4 OF 11

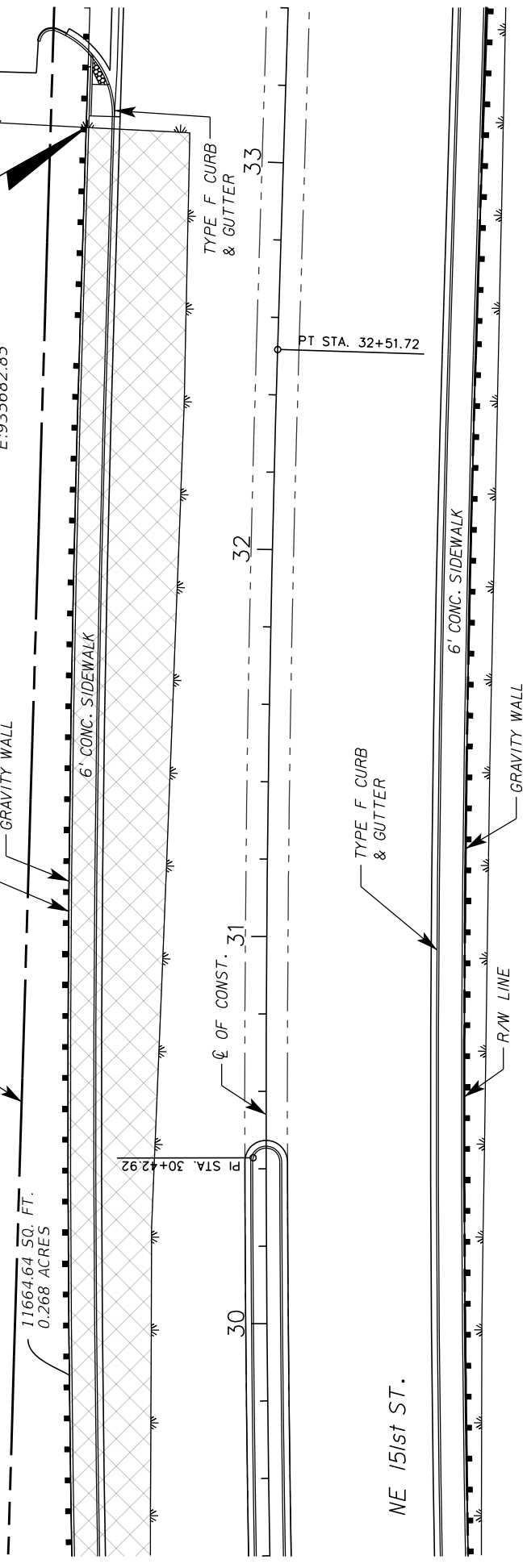
DATE: 12/15/2020

LEGEND

-  MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)
-  MANGROVE WETLAND IMPACTS (FILL)
-  SILT FENCE
-  WETLAND BOUNDARY
-  R/W LINE

MINOR SELECTIVE CANOPY TRIMMING MAY BE REQUIRED AT THE INTERFACE OF GRAVITY WALL AND REMAINING WETLANDS TO ALLOW OVERHEAD CLEARANCE FOR CONSTRUCTION ACTIVITIES. MANGROVE TRIMMING WILL BE PERFORMED IN ACCORDANCE WITH FDEP BEST MANAGEMENT PRACTICES FOR TRIMMING MANGROVES, AND THE TRIMMING WORK WILL BE PERFORMED BY OR DIRECTLY OVERSEEN BY A PROFESSIONAL MANGROVE TRIMMER.

END LT WETLAND IMPACT
 STA. 33+07.58 @ NE 151 ST
 N:575953.71
 E:935682.85



NE 151st ST.

NOTE:
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PROJECT DESCRIPTION

NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD
 TWP: 52 S RNG: 42 E
 SECTIONS: 16, 17, & 21

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COUNTY: MIAMI-DADE



PROJECT No: 17061

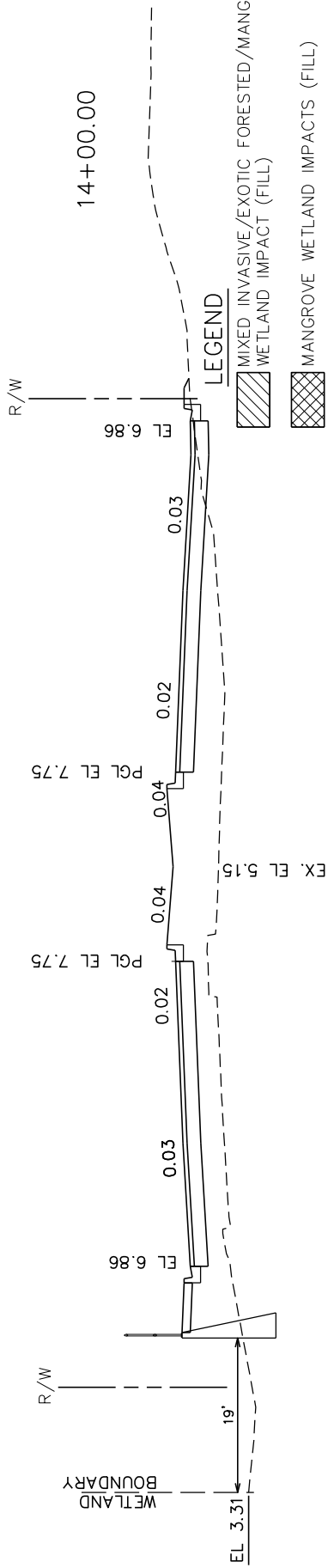
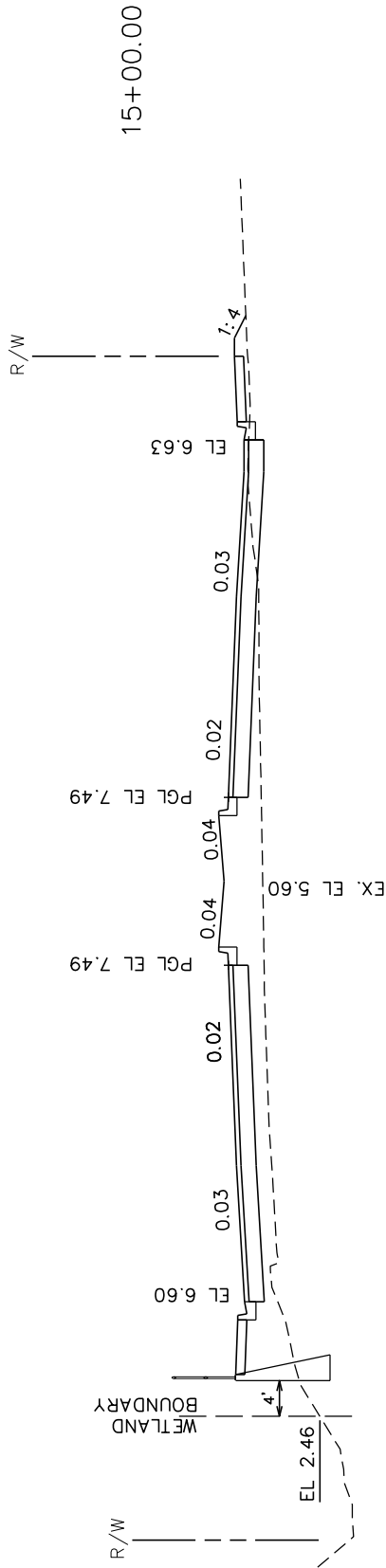
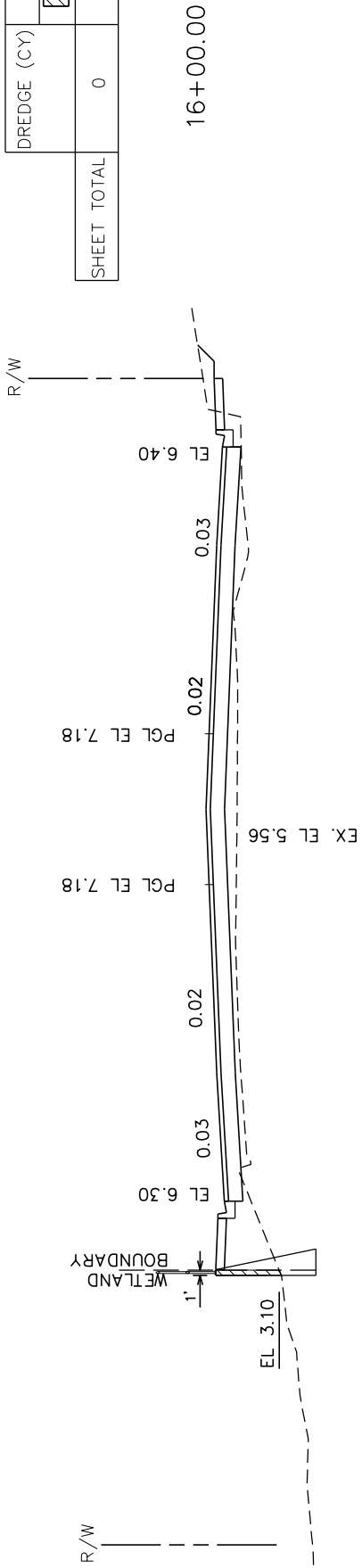
COE PERMIT

WMD PERMIT

SHEET 5 OF 11

DATE: 12/15/2020

SHEET TOTAL	DREDGE (CY)	FILL (CY)
	0	4
	0	0

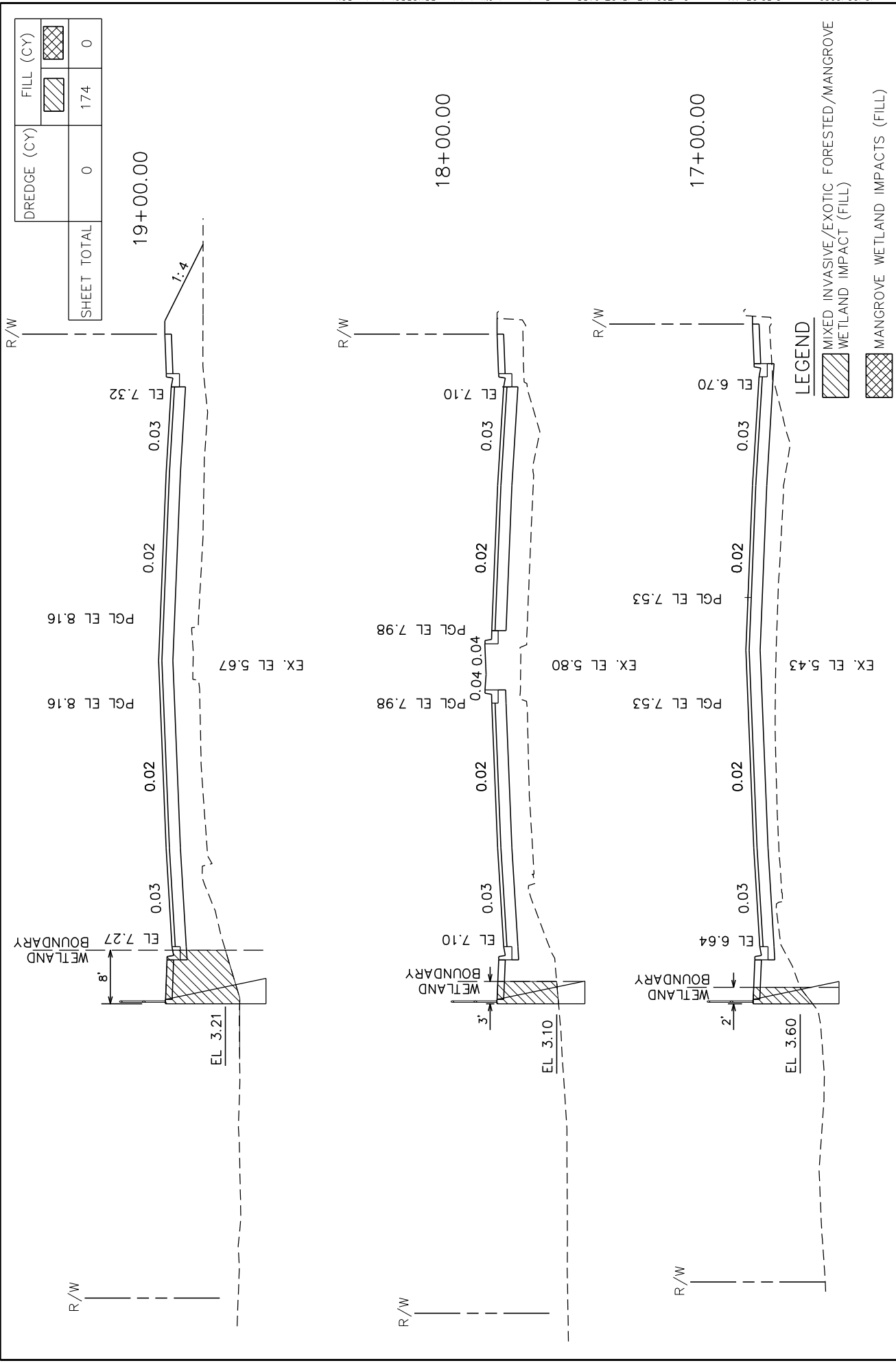


LEGEND

	MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)
	MANGROVE WETLAND IMPACTS (FILL)

PROJECT DESCRIPTION		COUNTY: MIAMI-DADE PROJECT No: 1706I	
NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD			
TWP: 52 S	RMG: 42 E	SFWMD PERMIT	SHEET 6 OF 11
SECTIONS: 16, 17, & 21		COE	DATE: 12/3/2020

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DREDGE (CY)	FILL (CY)
0	174
SHEET TOTAL	0

LEGEND

- MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)
- MANGROVE WETLAND IMPACTS (FILL)

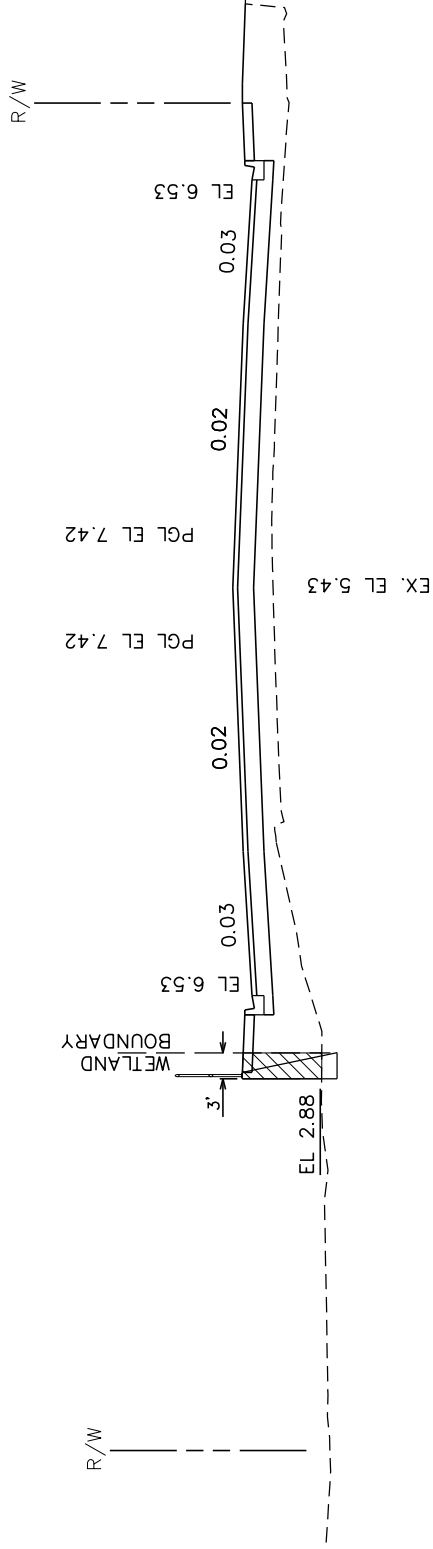
COUNTY: MIAMI-DADE		PROJECT No: 1706I	
MIAMI-DADE COUNTY			
SFWM PERMIT		SHEET	7 OF 11
COE	WMD	DATE: 12/3/2020	

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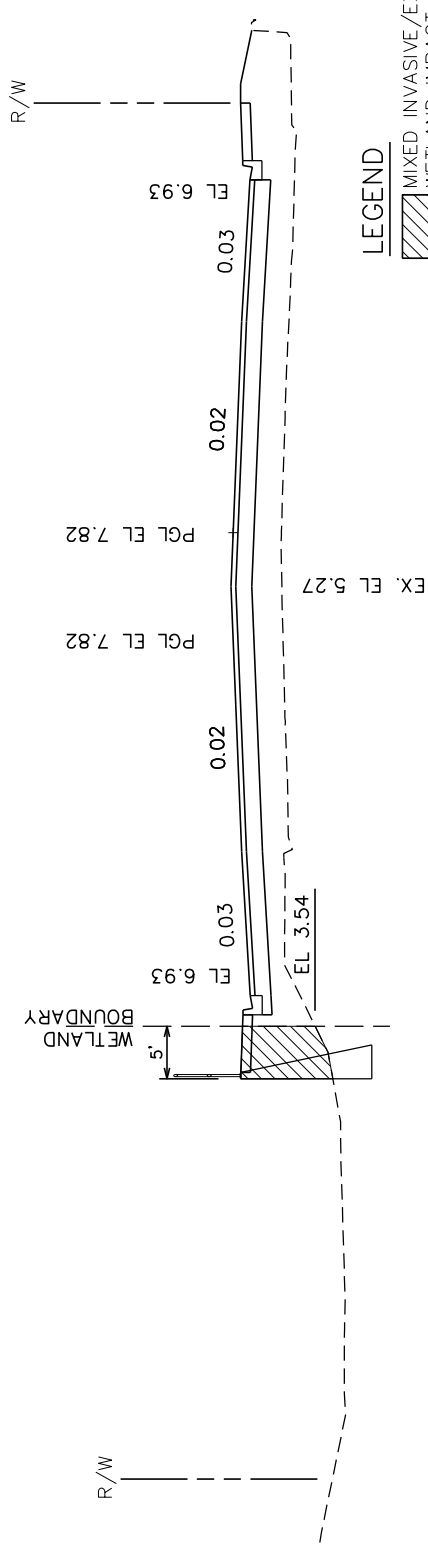
PROJECT DESCRIPTION	
NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD	
TWP: 52 S	RNG: 42 E
SECTIONS: 16, 17, & 21	

DREDGE (CY)	FILL (CY)
0	179
SHEET TOTAL	0

21+00.00



20+00.00



LEGEND

MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)

MANGROVE WETLAND IMPACTS (FILL)

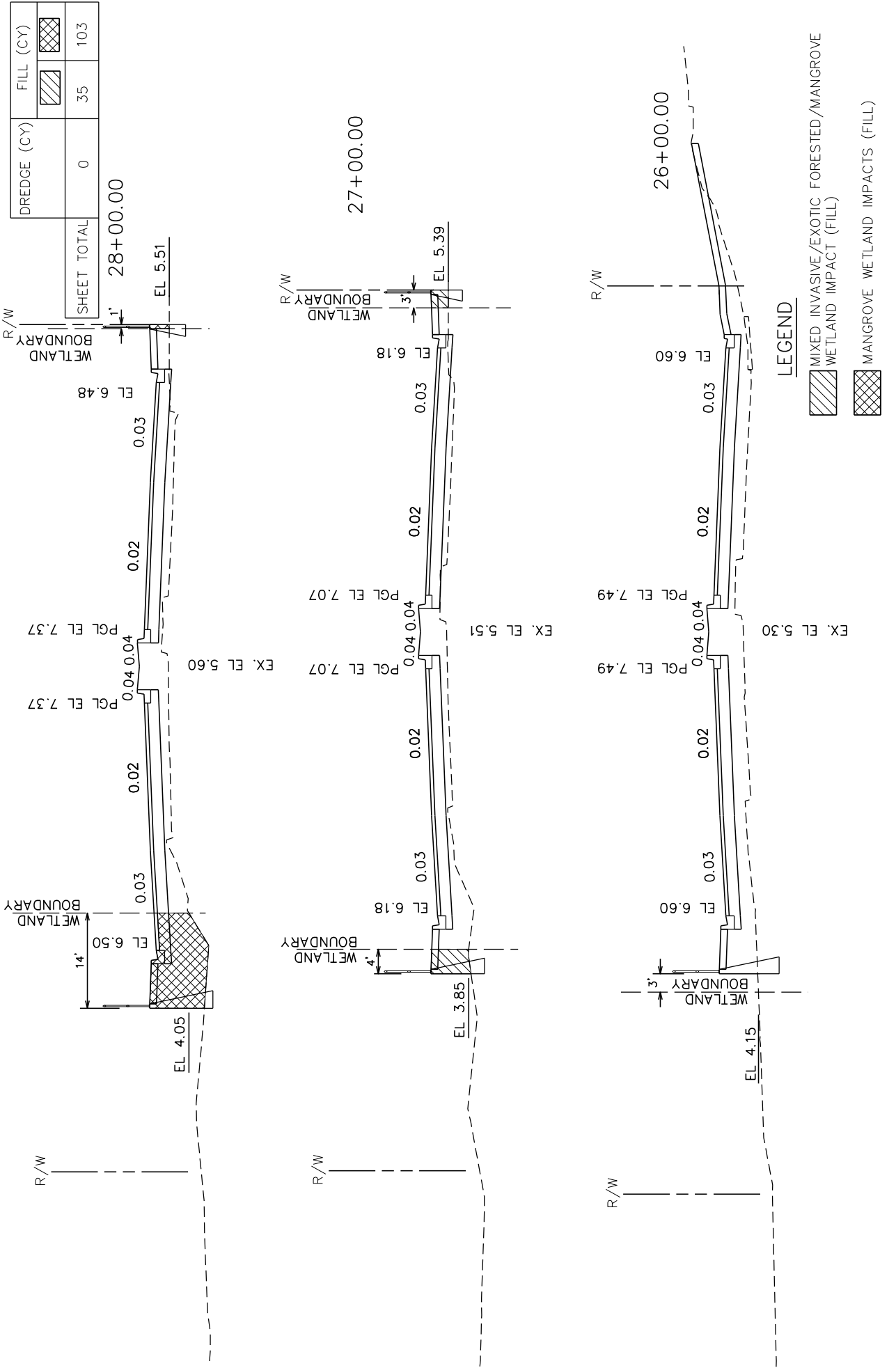
COUNTY: MIAMI-DADE PROJECT No: 17061	
SFWM PERMIT	SHEET 8 OF 11
COE	DATE: 12/3/2020
MIAMI-DADE COUNTY	
WMD	

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PROJECT DESCRIPTION

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 TWP: 52 S
 RING: 42 E
 SECTIONS: 16, 17, & 21



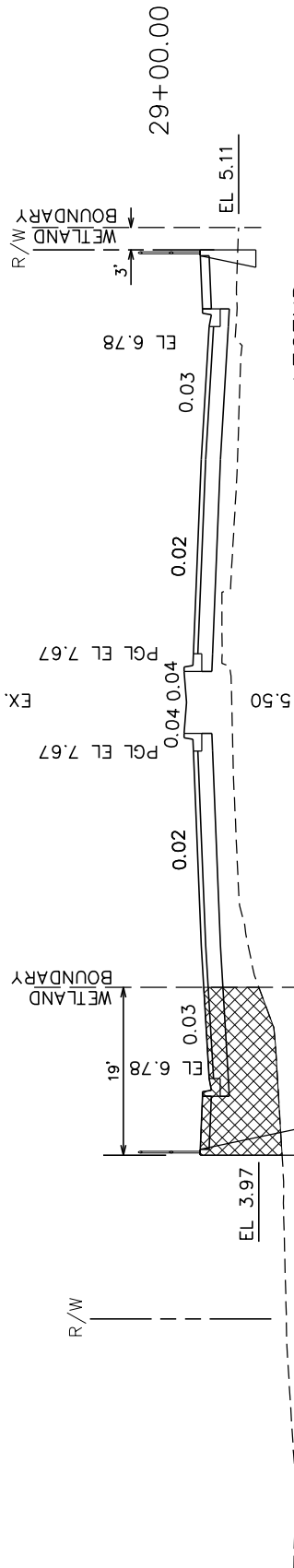
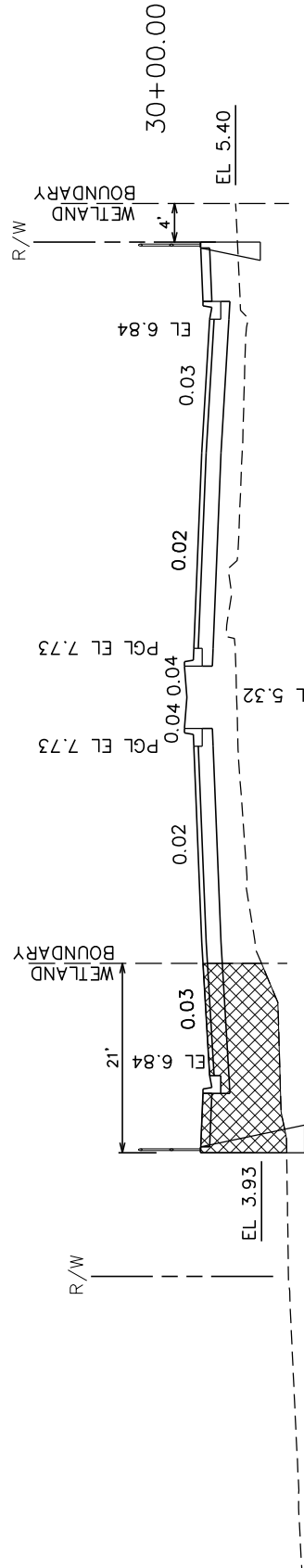
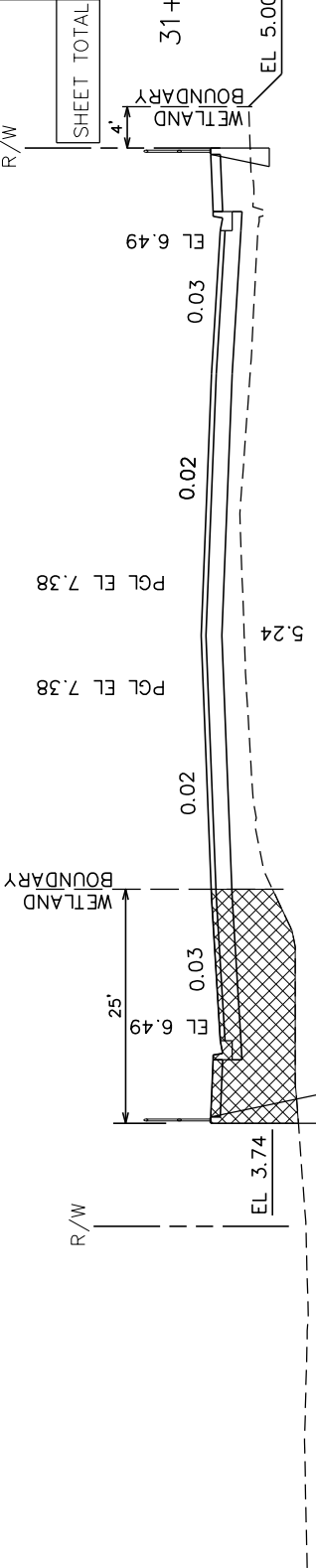
DREDGE (CY)	0	FILL (CY)	35
SHEET TOTAL	0		103

COUNTY: MIAMI-DADE PROJECT No: 17061 	
SFWM PERMIT	WMD
COE	WMD
SHEET	9 OF 11
DATE:	12/3/2020

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PROJECT DESCRIPTION	
NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD	
TWP: 52 S	RNG: 42 E
SECTIONS: 16, 17, & 21	

DREDGE (CY)	FILL (CY)
0	890
SHEET TOTAL	
0	890



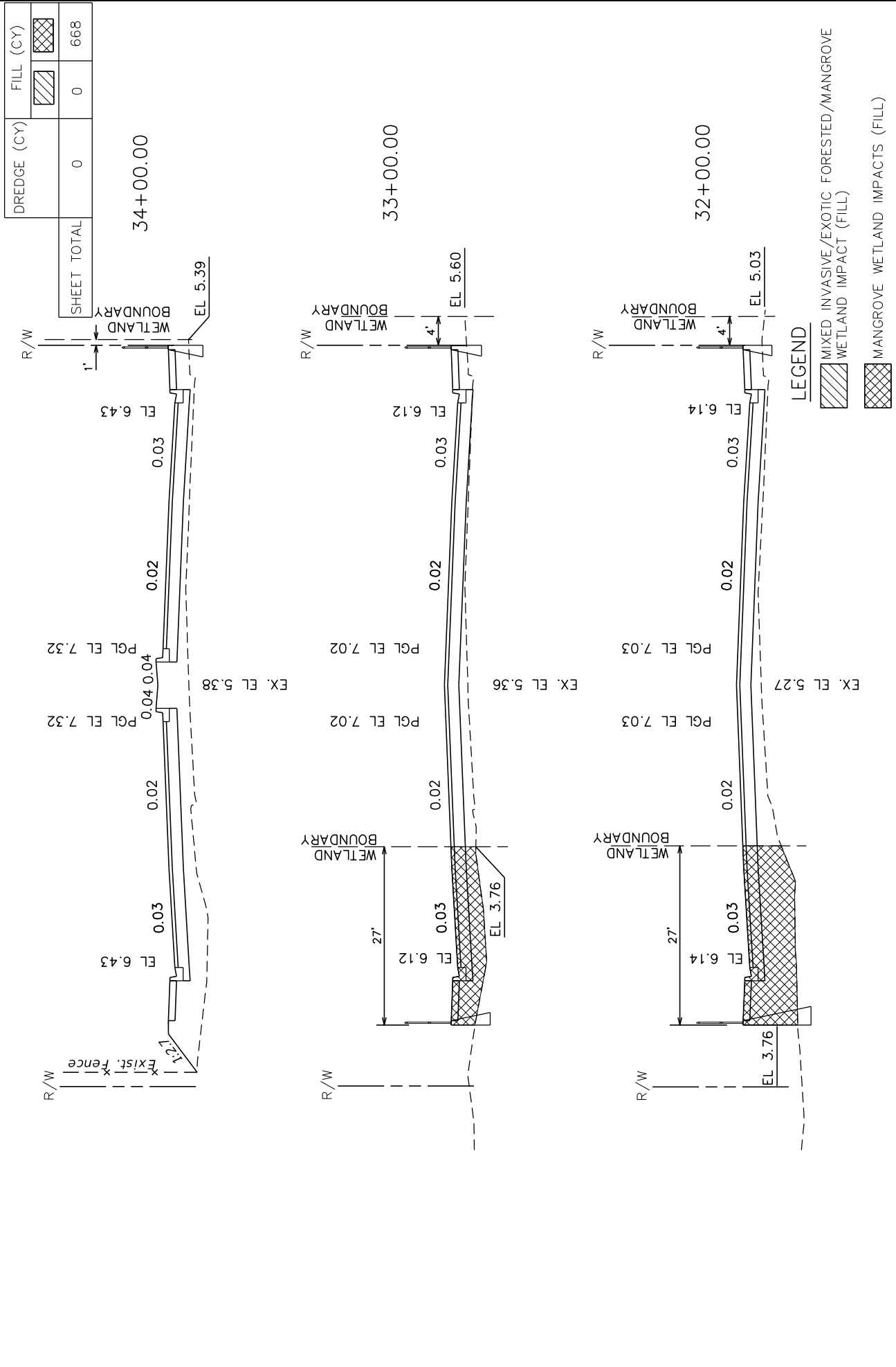
LEGEND

	MIXED INVASIVE/EXOTIC FORESTED/MANGROVE WETLAND IMPACT (FILL)
	MANGROVE WETLAND IMPACTS (FILL)

COUNTY: MIAMI-DADE PROJECT No: 17061	
SFWM PERMIT	SHEET 10 OF 11
COE	WMD
DATE: 12/3/2020	

R.J. Behar & Company, Inc.
 Engineers & Planners
 6861 S.W. 196 AVENUE, SUITE 302
 PEMBROKE PINES, FL 33332
 PAOLA RIVEROS, P.E. LICENCE NO. 333332

PROJECT DESCRIPTION	
NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD	
TWP: 52 S	RNG: 42 E
SECTIONS: 16, 17, & 21	



DREDGE (CY)	FILL (CY)
0	0
SHEET TOTAL	
0	668

PROJECT DESCRIPTION		COUNTY: MIAMI-DADE PROJECT No: 17061	
NE 151st ST FROM EAST OF RAILROAD TO BAY VISTA BLVD		MIAMI-DADE COUNTY	
TWP: 52 S	42 E	SFWM PERMIT	SHEET 11 OF 11
SECTIONS: 16, 17, & 21		COE	DATE: 12/3/2020

R.J. Behar & Company, Inc.
 Engineers & Planners
 6861 S.W. 196 AVENUE, SUITE 302
 PEMBROKE PINES, FL 33332
 PAOLA RIVEROS, P.E. LICENCE NO. 33332

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: 2/2/2021

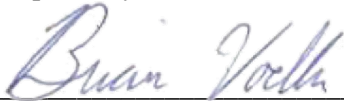
Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2018-0478

By the attached Class I Standard Form permit application with supporting documents, I, Brian Voelker, am the authorized permit agent and hereby request permission to perform the work associated with Class I Permit Application CLI-2018-0478. 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,



ENGINEER LETTER OF CERTIFICATION

Date: 2/2/2021

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

RE: Class I Permit Application Number CLI-2018-0478

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 provisions 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:

- 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, certified surveys, drawings, and other data furnished by the contractor to me.

Sincerely,



Robert J. Behar, PE
Principal
R.J. Behar & Company, Inc.
P.E. # 21755

Attachment C

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

City of North Miami Finance Department
PO Box 610847
North Miami, FL 33261

One Fifty One at Biscayne Condo
Association, Inc Lessee
15051 Royal Oaks Lane
Miami, FL 33181

City of North Miami
776 NE 125th Street
North Miami, FL 33161-5654

City of North Miami
Finance Department
PO Box 610847
North Miami, FL 33261

TIITIF/DNR-DIV Rec and Parks
Oleta River State Recreation Area
% DNR Douglas Building
Tallahasee, FL 32399

Attachment D
Zoning Memorandum

Memorandum



Date: October 15, 2021

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

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

Subject: Class I Permit Application by Miami-Dade County, through its Department of Transportation and Public Works for the Filling of Wetlands Supporting Halophytic Vegetation in Association with Improvements to 151 Street, located between U.S. Route 1 and Bay Vista Boulevard, in the City of North Miami, Miami-Dade County, Florida.

Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter 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-2018-0478

Class I Permit Application by Miami-Dade County, through its Department of Transportation and Public Works for the Filling of Wetlands Supporting Halophytic Vegetation in Association with Improvements to 151 Street, located between U.S. Route 1 and Bay Vista Boulevard, in the City of North Miami, Miami-Dade County, Florida.

DATE: October 8, 2021

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 and staff's opinion to its conformance 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 and mitigation is required for permissible projects that otherwise result in adverse environmental impacts. While the proposed road would be installed in generally the same footprint as the existing road, in order to prevent flooding and provide operational safety enhancements, the roadway would be elevated and expanded to the north resulting in the filling of 14,969 square feet of wetlands and the removal of 4,014 square feet of mangrove canopy. In order to minimize impact to adjacent wetlands by the subject road improvements, the Application is proposing to install a retaining wall in lieu of side slopes. As discussed above, the Applicant has proposed the purchase of saltwater mitigation bank credits from the Florida Power and Light Company's Everglades Mitigation Bank. Furthermore, it is reasonably expected that the direct runoff associated with the existing asphalt road would be eliminated through the drainage improvements associated with the proposed roadway, and therefore is expected to increase water quality in the adjacent halophytic wetlands. The project area would be maintained free of exotic pest plants and nuisance species in accordance with the Class I permit conditions. Any temporary water quality impacts would be minimized through the implementation of proper turbidity controls, including silt fencing, throughout construction operations to ensure that State and County water quality standards are met. In addition, the installation of retaining walls along the sides of the improved road reducing the direct road runoff would further eliminate erosion and turbidity into the future.
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 may affect surface water quality on a temporary basis during construction operations. Any temporary water quality impacts will be minimized through the implementation of proper turbidity controls, including silt fencing, throughout construction operations to ensure that State and County water quality standards are met. In addition, the Applicant is proposing to install a retaining wall between the road and the existing adjacent wetlands to further eliminate erosion and turbidity. Furthermore, in portions of the existing roadway, stormwater runoff is directly discharged into the adjacent wetlands. This direct runoff associated with the existing road would be eliminated through the installation of stormwater drainage improvements with curb and gutter on either side of the newly constructed roadway. By eliminating the direct runoff, these improvements are expected to increase water quality in the adjacent halophytic wetlands
5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.
6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.
7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.

8. **Aesthetics** – The proposed project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.
12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** –The proposed project involves the filling of wetlands which would be mitigated as set forth in Number 1 above.
16. **Floral Values** – The proposed project involves the filling of wetlands which would be mitigated as set forth in Number 1 above.
17. **Fauna Values** - The proposed project involves the filling of wetlands which would be mitigated 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.
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 project involves the filling of wetland habitat which would be mitigated as set forth in Number 1 above.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, 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 would 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 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 and must be obtained prior to performing work)
 - c) Florida Department of Environmental Protection (regulatory permit is required and must be obtained prior to performing work)
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 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 would 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 - Wetland protection and restoration. – The proposed work includes operational safety enhancements such as elevating the road and the sidewalk to alleviate flooding along an emergency evacuation route for the adjacent schools and residential community. To mitigate for otherwise permissible impacts to wetlands and the trimming of mangroves, the Applicant has proposed the purchase of saltwater mitigation bank credits from the Florida Power and Light Company’s Everglades Mitigation Bank (FPL EMB), which would restore, enhance, and preserve coastal wetlands in accordance with federal, State and local regulations.

Objective 7/Policy 7C, 7D, 7J - Wetland protection and restoration. – Not applicable to this project.

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 mitigated as set forth in Number 1 above.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A – Mangrove wetlands within Mangrove Protected Areas – As discussed above, the proposed work includes operational safety enhancements to alleviate flooding along an emergency evacuation route for the adjacent schools and residential community.. The Florida Department of Transportation (FDOT) conducted a feasibility study to evaluate potential roadway alternative routes to alleviate traffic concerns in the area, including improving access for emergency response vehicles (Improving Access at Florida International University Biscayne Bay Campus, July 2020 on file with the Department). The alternative routes were evaluated based on various factors, including potential environmental impact. The FDOT study concluded that the improvements proposed to Northeast 151 Street under the subject Class I permit application would result in significantly less environmental impacts as compared to the other alternatives, several of which would have necessitated substantial filling of halophytic wetlands and the removal of Coastal Band Community mangroves within designated Mangrove Protection Areas. The proposed elevation and improvements to Northeast 151 Street would primarily occur within the footprint of the existing road or within the adjacent uplands. As discussed above, the project has been designed to minimize the impacts to wetlands and only impacts a narrow area of wetlands along the existing linear uplands. Furthermore, the project avoids any impacts to wetlands in the area subject to the Clean Water Act Section 404(c) along the south side of the existing road. For all of the reasons stated herein, the proposed work is consistent with the CDMP as the work is clearly in the public interest and is in a location where no reasonable upland alternative exists. Furthermore, the proposed mangrove trimming and alteration has been minimized and would be done in a manner that preserves the function of the mangrove system and does not adversely affect habitat. The Class I permit would include authorization for future maintenance trimming and alteration of mangroves along the road to maintain clearance, should mangroves grow into this area.

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project would not affect natural surface flow into and through coastal wetlands.

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

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The project involves the filling of wetlands which will be mitigated as set forth in Number 1 above.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The project involves the filling of wetlands which would be mitigated as set forth in Number 1 above.

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

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

Objective 3/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.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project does not involve a water-dependent use.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – 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 (MPP)** - The MPP is not applicable to the proposed project.
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 stating that the proposed project does not violate any zoning laws, or a plan approval, will be submitted prior to permit issuance. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a 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 project involves the filling of wetlands which would be mitigated as set forth in Number 1 above.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Sections 2448.3(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:

- (f) The work is a physical modification necessary to protect public or private property.

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 Code-required water depth criteria is not applicable to the proposed project.

24-48.3 (4) Clean Fill in Wetlands – The project involves the filling of wetlands; all fill would meet the definition of clean fill as defined in Section 24-5 of the Code of Miami-Dade County.

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 Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(G)

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(G)
12-1-21

RESOLUTION NO. _____

RESOLUTION TAKING ACTION ON CLASS I PERMIT APPLICATION BY MIAMI-DADE COUNTY, THROUGH ITS DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, FOR THE FILLING OF WETLANDS SUPPORTING HALOPHYTIC VEGETATION AND THE REMOVAL OF MANGROVES IN ASSOCIATION WITH IMPROVEMENTS TO NORTHEAST 151 STREET, LOCATED BETWEEN U.S. ROUTE 1 AND BAY VISTA BOULEVARD, IN THE CITY OF NORTH MIAMI, 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, through its Department of Transportation and Public Works, for the filling of wetlands supporting halophytic vegetation and the removal of mangroves in association with improvements to Northeast 151 Street, located between U.S. Route 1 and Bay Vista Boulevard, in the City of North Miami, 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:

- | | |
|---------------------------------------|------------------------|
| Jose "Pepe" Diaz, Chairman | |
| Oliver G. Gilbert, III, Vice-Chairman | |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Joe A. Martinez |
| Kionne L. McGhee | Jean Monestime |
| Raquel A. Regalado | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 2021. 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
Christopher J. Wahl