

Memorandum



Date: May 6, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

Agenda Item No. 5(U)

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

Subject: Class I Permit Application by Florida Gas Transmission Company, LLC

Recommendation

I have reviewed the attached application for a Class I permit by Florida Gas Transmission Company, LLC 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 in Biscayne Bay between the City of Miami and City of Miami Beach, Miami-Dade County, Florida in Commission Districts 3 and 5, which is represented by Commissioner Keon Hardemon and Eileen Higgins, respectively.

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, Rockell Alhale, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), would be responsible for monitoring the proposed permit.

Background

The subject Class I permit application requests authorization for the filling of tidal waters associated with repairs to exposed portions of the Miami Beach Lateral (FLBUH) Gas Pipeline located at site E-1 of the pipeline located in the City of Miami north of Biscayne Island (25.79220, -80.17555) and site E-5 of the pipeline located in the City of Miami Beach east of Star Island (25.78106, -80.14688). The project is required to be reviewed and approved by the Board at a public hearing because the filling of tidal waters 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.

Due to natural degradation and hydraulic forces associated with tropical system activity, portions of the existing pipeline, which are typically covered by concrete matting, have become exposed. The gas pipeline remains intact but certain protective materials around the pipeline need to be replaced. To protect the pipeline, the Applicant is proposing to install new protective material in the form of concrete matting, geotextile fabric, and riprap over two segments of exposed pipeline resulting in the filling of approximately 1,560 square feet of tidal waters.

Filling work proposed in a Class I application shall comply with at least one of the following criteria listed in Section 24-48.3(2) of the Code. The gas pipeline is associated with the Florida Gas Transmission Company and the repairs are necessary to protect the pipeline and continue providing the gas service to the public. Therefore, the proposed project complies with Section 24-48.3(2)(f) of the Code, which states: the work is a physical modification necessary to protect public or private property, which applies to filling work proposed in a Class I permit application.

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. Note that no federally or State-designated threatened or endangered species of corals or seagrasses were documented within the footprint of the proposed work as documented during the in-water survey conducted by the Applicant's environmental consultant and reviewed by RER-DERM staff.

The proposed work is not reasonably expected to result in cumulative environmental impacts to water quality; however, the construction phase of the proposed project may result in temporary water quality impacts. To minimize the temporary impacts to water quality from the construction activities associated with the proposed work, the Class I permit would require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards. Mitigation for unavoidable temporary impacts to water quality associated with the filling of tidal waters would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund.

Please note that there are no riparian owners within 300 feet of the proposed project. Therefore, no courtesy notices were sent out for this application.

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 RER-DERM Project Report which also sets forth the reasons the proposed project is recommended for approval by RER-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: Zoning Memorandum
- Attachment D: RER-DERM Project Report

Attachment A
Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY

Date Received:	Application Number:
(Updated 09/09)	Application Fee:

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

1. Applicant Information: Name: <u>Kristin Benbow</u> Address: <u>2301 Lucien Way, STE200</u> <u>Maitland, Florida</u> Zip Code: <u>32751</u> Phone #: <u>407.838.7119</u> Fax#: _____ Email: <u>Kristin.Benbow@EnergyTransfer.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>Keith Stannard</u> Address: <u>2 Alhambra Plaza, STE900</u> <u>Coral Gables, Florida</u> Zip Code: <u>33134</u> Phone #: <u>305.495.2788</u> Fax #: _____ Email: <u>Keith.Stannard@AECOM.com</u>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):
Folio #(s): N/A Latitude: _____ Longitude: _____
Street Address: N/A Section: N/A Township: N/A Range: N/A
In City or Town: N/A Near City or Town: Miami and Miami Beach
Name of waterway at location of the activity: Biscayne Bay
4. Describe the proposed activity (check all that apply):
 Seawall Dock(s) Boatlift Dredging Mangrove Trimming
 New/Replacement Seawall Pier(s) Mooring Piles Maintenance Mangrove Removal
 Seawall Cap Viewing Platform Fender Piles New
 Batter Piles Davits Filling
 King Piles
 Footer/Toe Wall
 Riprap
 Other: Placement of 1,560 square feet of articulated concrete mats for pipeline protection.
Estimated project cost = \$ 45,000
Are you seeking an after-the-fact approval (ATF)? Yes No If "Yes", describe the ATF work: _____

5. Proposed Use (check all that apply): <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> 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): <u>N/A</u> Vessel Make/Model (If known): _____ Draft (s)(range in inches.): _____ Length (s)(range in feet.): _____ Total Number of Slips: _____
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

8. Contractor Information (If known):

Name: To be determined at a later date 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

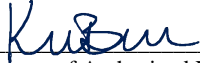
_____	_____	_____
Signature of Applicant	Print Applicant's Name	Date

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

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

<u>Florida Gas Transmission Company</u>	<u>LLC</u>	<u>Florida</u>
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.*****

	<u>Kristin Benbow</u>	<u>Senior Scientist</u>	<u>5/28/2024</u>
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

Class I Permit Application Additional Signatures Page

(Please attach to Class I permit application)

Applicant Name: _____

Owner Name: _____

Project Location: _____

Additional signatures for: Applicant
 Owner

1. IF THE APPLICANT/OWNER IS AN INDIVIDUAL

_____ Signature of Applicant/Owner	_____ Print Name of Applicant/Owner	_____ Date
_____ Signature of Applicant/Owner	_____ Print Name of Applicant/Owner	_____ Date

2. IF THE APPLICANT/OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

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

Under the penalty of perjury, we certify that we have the authority to sign this application on behalf of the Applicant/Owner, to bind the Applicant/Owner, and if so required to authorize the issuance of a bond on behalf of the Applicant/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	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date
_____ Signature	_____ Print Name	_____ Title	_____ Date

Attachment B
Owner/Agent Letter, Engineer Letter, and Project Sketches

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: 7/3/24

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-2024-0188

By the attached Class I Standard Form permit application with supporting documents, I am the permit agent and hereby request permission to perform the work associated with Class I Permit Application CLI-2024-0188. 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

RE: 6-inch Miami Beach Lateral Pipeline Protection (Pipeline Segments E1 and E5)
CLI-2024-0188

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 water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant area of water. (Not applicable of 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)

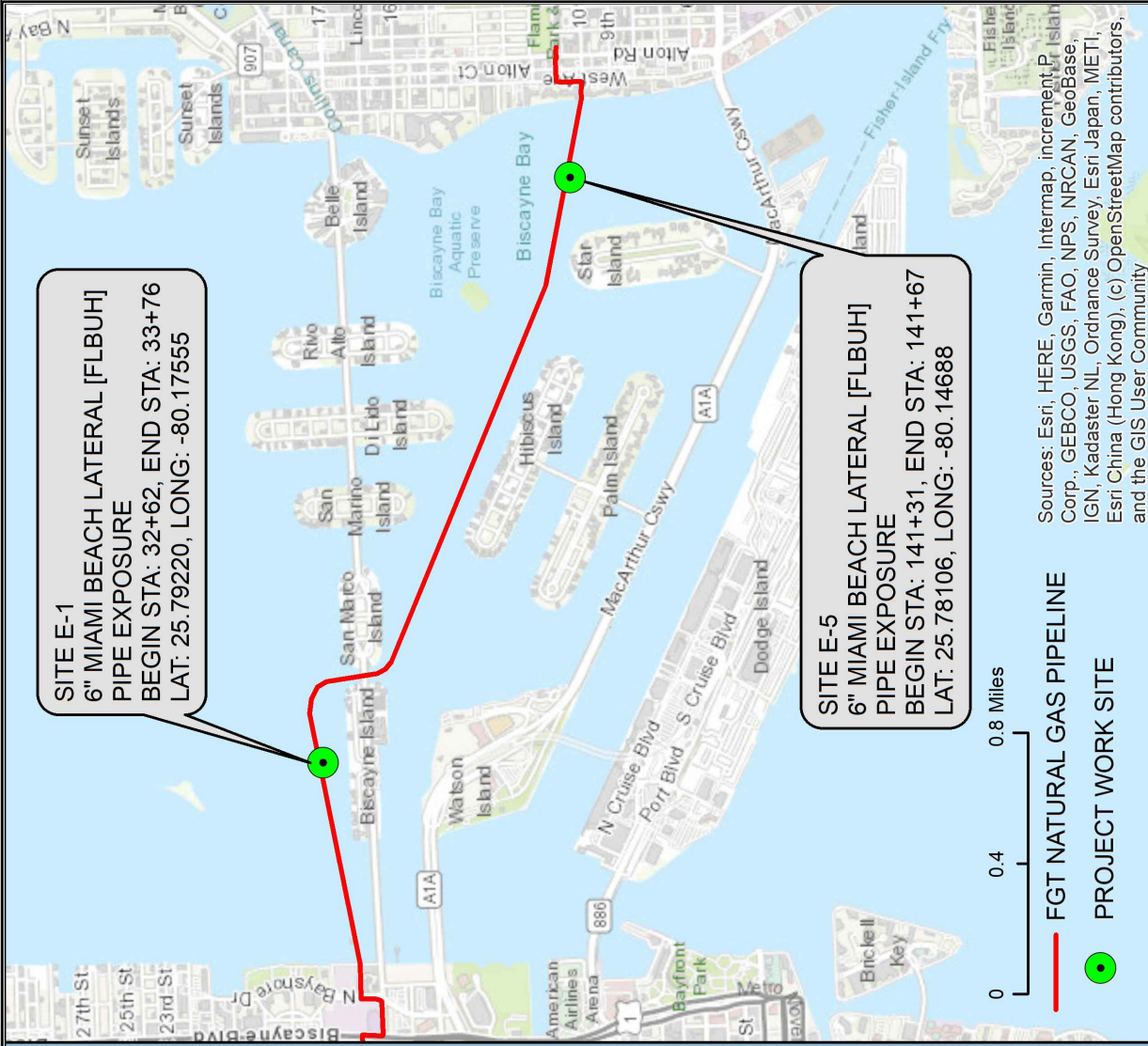
Further, I have been retained by the applicant to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Sincerely, Tyler N Spencer



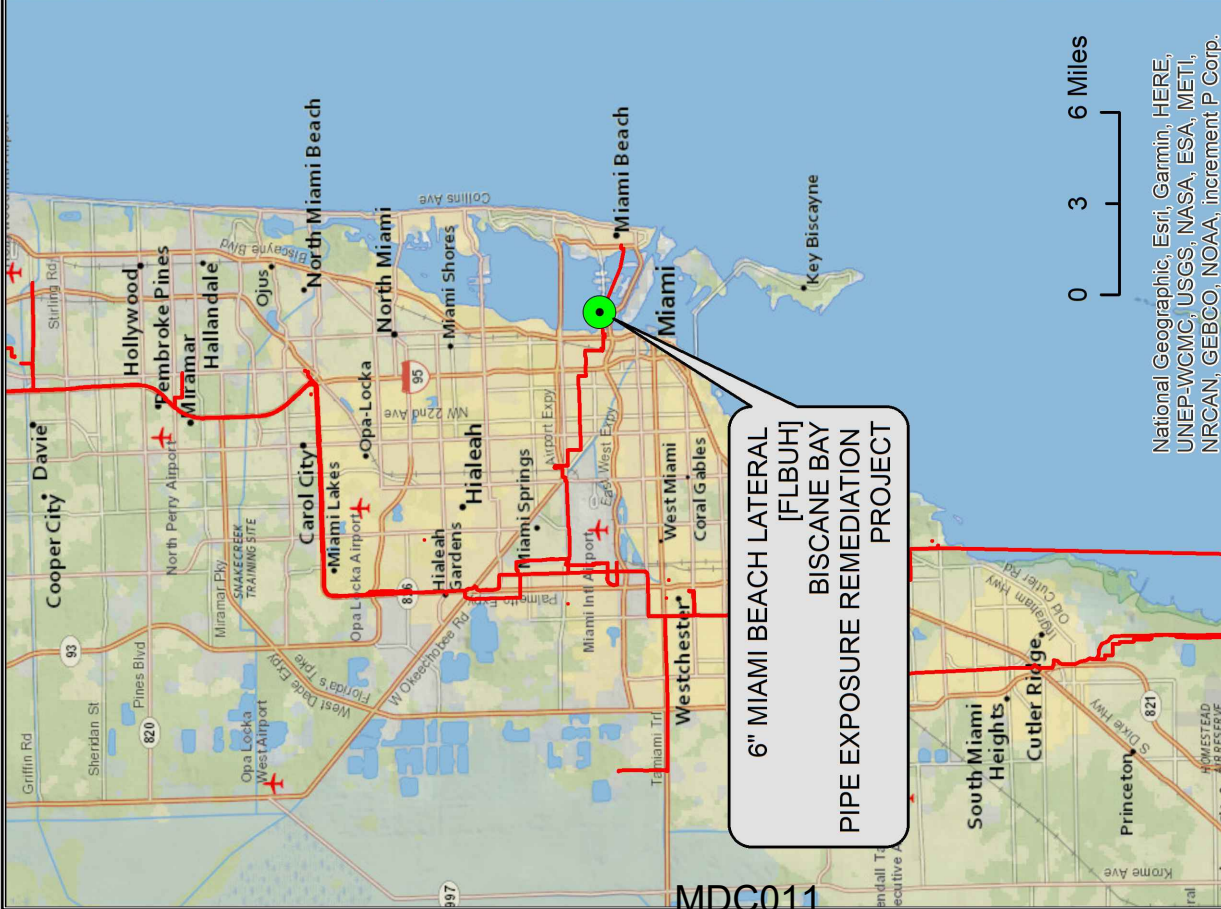
Digitally signed by Tyler N Spencer
DN: CN=Tyler N Spencer,
o=California, ou=Professional Engineers,
c=US
Date: 2024.05.28 12:14:20-04'00'

Tyler Spencer, P.E.
P.E. # 85386



FGT NATURAL GAS PIPELINE
PROJECT WORK SITE

SOURCES: ESRI, HERE, GARMIN, INTERMAP, INCREMENT P CORP., GEBCO, USGS, FAO, NPS, NRCAN, GEOBASE, IGN, KADASTER NL, ORDNANCE SURVEY, ESRI JAPAN, METI, ESRI CHINA (HONG KONG), (C) OPENSTREETMAP CONTRIBUTORS, AND THE GIS USER COMMUNITY



6" MIAMI BEACH LATERAL [FLBUH]
BISCAYNE BAY
PIPE EXPOSURE REMEDIATION
PROJECT

NATIONAL GEOGRAPHIC, ESRI, GARMIN, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, INCREMENT P CORP.

This item has been digitally signed and sealed by Tyler N. Spencer, P.E. on 05/28/2024. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.		Tyler N. Spencer, P.E. FLORIDA LICENSE No. 85386 CARTER ASSOCIATES, INC.		Tyler N. Spencer, P.E. FLORIDA LICENSE No. 85386 COA 205/LB 205	
PIPELINE, STATION, OR ACCOUNT NUMBER FLBUH	SCALE N.T.S.	CONST. YR. 2024	PROJECT NO. C-23152-GL-94300126		
FILE NUMBER 24-088-PERMIT	CADD FILENAME SET.dwg	DRAWN CAI	PREVIOUS DWG. NO. SHT. OF DWG. NO. P8-1 SHT. 1 OF 6		
REV. NO. - DESCRIPTION BY DATE APP.	Florida Gas Transmission Co. Matland, Florida				
6" MIAMI LATERAL [FLBUH] BISCAYNE BAY PIPELINE EXPOSURE REMEDIATION LOCATION MAP MIAMI-DADE COUNTY, FLORIDA					



Total Proposed Fill
(Concrete Mats)
1,560 Sq Ft

LEGEND

— FGT PIPELINE (FLBUH)

This item has been digitally signed and sealed by
 Tyler N. Spencer, P.E.
 on 05/28/2024.
 Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

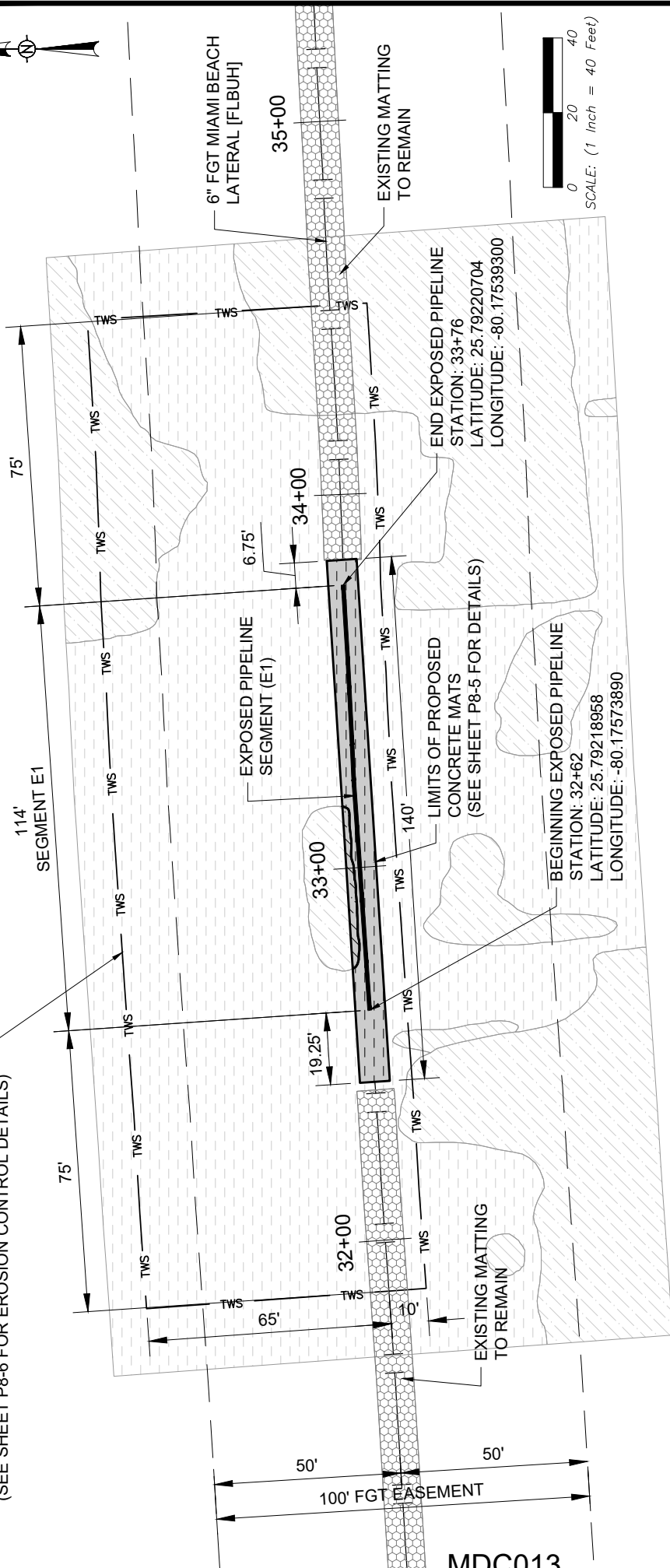


TYLER N. SPENCER, P.E.
 FLORIDA LICENSE NO. 85386
 CARTER ASSOCIATES, INC.
 SIGNATURE DATE
 COA 205/LB 205

PIPELINE, STATION, OR ACCOUNT NUMBER FLBUH	SCALE N.T.S.	CONST. YR. 2024	PROJECT NO. C-23152-GL-94300126
FILENUMBER 24-088-PERMIT	CADD FILENAME SET.dwg	DATE 4/19/24	PREVIOUS DWG. NO.
REV. NO. - DESCRIPTION	BY	DATE	SHT. OF
			DWG. NO. P8-2
			SHT. 2 OF 6
Florida Gas Transmission Co. Mattland, Florida		6" MIAMI LATERAL [FLBUH] BISCAYNE BAY PIPELINE EXPOSURE REMEDIATION OVERALL SITE MAP MIAMI-DADE COUNTY, FLORIDA	
		An Energy Transfer/Kinder Morgan Affiliate	

MIAMI-DADE COUNTY, FLORIDA

TEMPORARY WORKSPACE
(SEE SHEET P8-6 FOR EROSION CONTROL DETAILS)



HABITAT LEGEND

- SILT SOFT BOTTOM
- SILT SOFT BOTTOM, MACROALGAE SPARSE (1-25%)
- SILT SOFT BOTTOM, MACROALGAE MODERATE (25-75%)

PERMANENT IMPACTS

- SILT SOFT BOTTOM, MACROALGAE SPARSE (1-25%)
1,038 SF (0.024 AC)
- SILT SOFT BOTTOM, MACROALGAE MODERATE (25-75%)
82 SF (0.002 AC)
- PROPOSED FILL (CONCRETE MATS)
840 CF = 31.1 CY
1,120 SQ FT

SITE LEGEND

- TEMPORARY WORKSPACE (19,857 SF - 0.456 AC)
- FGT PIPELINE CENTERLINE
- EXPOSED PIPE SEGMENT

This item has been digitally signed and sealed by
 Tyler N. Spencer, P.E.
 on 05/28/2024.
 Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

TYLER N. SPENCER, P.E.
 FLORIDA LICENSE No. 85386
 CARTER ASSOCIATES, INC.
 COA 205/LB 205

REV. NO.	DESCRIPTION	BY	DATE	APP.

PIPELINE, STATION, OR ACCOUNT NUMBER / SCALE
 FLBUH / N.T.S.
 FILENUMBER / CADD FILENAME
 24-088-PERMIT / SET.dwg
 DRAWN / CAI
 DATE / 4/19/24
 CONST. YR. / 2024

PROJECT NO.
 C-23152-GL-94300126
 PREVIOUS DWG. NO.
 SHT. OF
 DWG. NO.
 P8-3
 SHT. 3 OF 6

Florida Gas Transmission Co.
 Matland, Florida
 6" MIAMI LATERAL [FLBUH]
 BISCAYNE BAY
 PIPELINE EXPOSURE REMEDIATION
 PROPOSED PLAN - SITE E1
 MIAMI-DADE COUNTY, FLORIDA

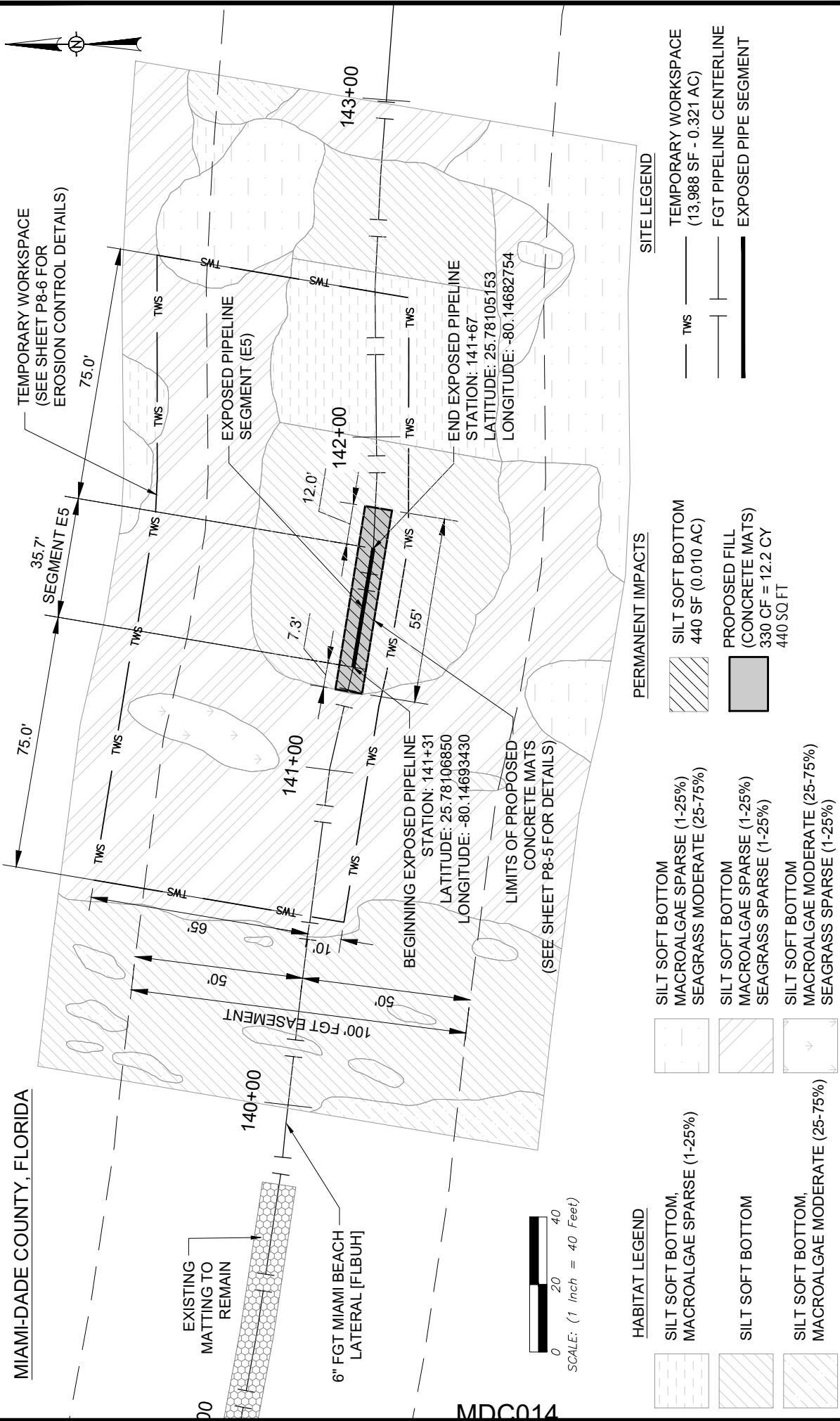
Florida Gas Transmission Company
 An Energy Transfer/Kinder Morgan Affiliate

MDC013

TYLER N. SPENCER, P.E.
 FLORIDA LICENSE No. 85386
 CARTER ASSOCIATES, INC.
 COA 205/LB 205

Signature Date

MIAMI-DADE COUNTY, FLORIDA



EXISTING MATTING TO REMAIN

6" FGT MIAMI BEACH LATERAL [FLBUH]

BEGINNING EXPOSED PIPELINE
STATION: 141+31
LATITUDE: 25.78106850
LONGITUDE: -80.14693430

LIMITS OF PROPOSED CONCRETE MATS
(SEE SHEET P8-5 FOR DETAILS)

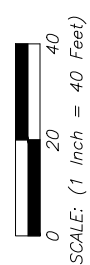
END EXPOSED PIPELINE
STATION: 141+67
LATITUDE: 25.78105153
LONGITUDE: -80.14682754

- HABITAT LEGEND**
- SILT SOFT BOTTOM, MACROALGAE SPARSE (1-25%)
 - SILT SOFT BOTTOM
 - SILT SOFT BOTTOM, MACROALGAE MODERATE (25-75%)

- PERMANENT IMPACTS**
- SILT SOFT BOTTOM MACROALGAE SPARSE (1-25%) SEAGRASS MODERATE (25-75%)
 - SILT SOFT BOTTOM MACROALGAE SPARSE (1-25%) SEAGRASS SPARSE (1-25%)
 - SILT SOFT BOTTOM MACROALGAE MODERATE (25-75%) SEAGRASS SPARSE (1-25%)

- PERMANENT IMPACTS**
- SILT SOFT BOTTOM 440 SF (0.010 AC)
 - PROPOSED FILL (CONCRETE MATS) 330 CF = 12.2 CY 440 SQ FT

- SITE LEGEND**
- TEMPORARY WORKSPACE (13,988 SF - 0.321 AC)
 - FGT PIPELINE CENTERLINE
 - EXPOSED PIPE SEGMENT



MDC014

This item has been digitally signed and sealed by
Tyler N. Spencer, P.E.
on 05/28/2024.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

TYLER N. SPENCER, P.E.
FLORIDA LICENSE No. 85386
CARTER ASSOCIATES, INC.

SIGNATURE DATE
COA 205/LB 205

REV. NO.	DESCRIPTION	BY	DATE	APP.

PIPELINE, STATION, OR ACCOUNT NUMBER | SCALE | CONST. YR.
FLBUH | N.T.S. | 2024

FILENUMBER | CADD FILENAME | DRAWN | DATE
24-088-PERMIT | SET.dwg | CAI | 4/19/24

An Energy Transfer/Kinder Morgan Affiliate

Florida Gas Transmission Co.
Maitland, Florida

6" MIAMI LATERAL [FLBUH]
BISCAYNE BAY
PIPELINE EXPOSURE REMEDIATION
PROPOSED PLAN - SITE E5
MIAMI-DADE COUNTY, FLORIDA

PROJECT NO.
C-23152-GL-94300126

PREVIOUS DWG. NO.
SHT. 0F
DWG. NO.
P8-4
SHT. 4 OF 6

Attachment C
Zoning Memorandum

Memorandum



Date: February 20, 2025

To: Rockell Alhale, Manager
Coastal Resources
Department of Regulatory and Economic Resources

R. Alhale

From: Nicole Alvarado, Biologist II
Coastal Resources Section
Department of Regulatory and Economic Resources

Nicole Alvarado

Subject: Class I Permit Application by Florida Gas Transmission Company, LLC for the Filling of Tidal Waters Associated with Repairs to the Miami Beach Lateral (FLBUH) Gas Pipeline Located in the City of Miami North of Biscayne Island and in the City of Miami Beach East of Star Island, 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 D
DERM Project Report

CLASS I PERMIT APPLICATION NO. CLI-2024-0188

Class I Permit Application by Florida Gas Transmission Company, LLC for the Filling of Tidal Waters Associated with Repairs to the Miami Beach Lateral (FLBUH) Gas Pipeline Located in the City of Miami North of Biscayne Island and in the City of Miami Beach East of Star Island, Miami-Dade County, Florida

DATE: February 20, 2025

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. Note that no federally or State-designated threatened or endangered species of corals or seagrasses were documented within the footprint of the proposed work as documented during the in-water survey conducted by the Applicant's environmental consultant and reviewed by DERM staff.

The proposed work is not reasonably expected to result in cumulative environmental impacts to water quality; however, the construction phase of the proposed project may result in temporary water quality impacts. In order to minimize the temporary impacts to water quality as a result of the construction activities associated with the proposed work, the Class I permit would require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards. Mitigation for unavoidable temporary impacts to water quality associated with the filling of tidal waters would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund.

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; however, the impacts will be mitigated 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** – 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 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.
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, would be submitted prior to permit issuance. Said letter or plan approval would 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 would occur on lands owned by the applicant, Florida Gas Transmission Company, LLC.

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 (U.S. Army Corps of Engineers permit is required)
 - c) Florida Department of Environmental Protection (regulatory permit is required)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)**
- In the opinion of the Director, the proposed project is in conformance with all relevant Objectives in the CDMP and therefore is consistent with the goals and objectives of Policy 3A of the Land Use Element. 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, 7C, 7D, 7J - Wetland protection and restoration. – The proposed project is not located within a wetland.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species, and the impacts have been minimized and would be mitigated.

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 located within 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/algae 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 is the minimum dredging necessary and complies with the following Code criteria:

(f) A physical modification necessary to protect public or private property.

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 is a repair of the existing water-dependent use.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – The proposed project is not required to comply with the provisions stated in Chapter 33 D of the Miami-Dade Code of Ordinance, pertinent to the Shoreline Development Review Committee under the Shoreline Ordinance.

Objective 5/Policy 5F - The siting of water dependent facilities. - The proposed project is consistent with the criteria used to determine appropriateness of the project site.

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, would be submitted prior to permit issuance. Said letter or plan approval would 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 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 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) 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 – Not applicable.

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



Rockell Alhale, Manager
Coastal Resources Section



Nicole Alvarado, Biologist II
Coastal Resources Section



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 6, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(U)

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 ____, majority plus one ____, 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) ____, 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(U)
5-6-25

RESOLUTION NO. _____

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY FLORIDA GAS TRANSMISSION COMPANY, LLC FOR THE FILLING OF TIDAL WATERS ASSOCIATED WITH REPAIRS TO THE MIAMI BEACH LATERAL (FLBUH) GAS PIPELINE LOCATED IN THE CITY OF MIAMI NORTH OF BISCAYNE ISLAND AND IN THE CITY OF MIAMI BEACH EAST OF STAR ISLAND, 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, Florida, hereby approves the Class I permit application by the Florida Gas Transmission Company, LLC for the filling of tidal waters associated with repairs to the Miami Beach Lateral (FLBUH) Gas Pipeline specifically at site E-1 of the pipeline in the City of Miami north of Biscayne Island and site E-5 of the pipeline in the City of Miami Beach east of Star Island, 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:

Anthony Rodriguez, Chairman
Kionne L. McGhee, Vice Chairman
Marleine Bastien
Sen. René García
Roberto J. Gonzalez
Danielle Cohen Higgins
Raquel A. Regalado
District 6 - Vacant
Juan Carlos Bermudez
Oliver G. Gilbert, III
Keon Hardemon
Eileen Higgins
Micky Steinberg

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of May, 2025. 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.

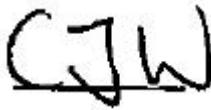
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl
Abbie Schwaderer-Raurell