

Memorandum



Date: July 8, 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(L)

Resolution No. R-628-21

Subject: Class I Permit Application by the Florida Department of Environmental Protection

Recommendation

I have reviewed the attached application for a Class I permit by the Florida Department of Environmental Protection (FDEP) 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 (Department.)

Scope

The project site is located at 3400 Northeast 163 Street, 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 repair of three existing culverts within Oleta River State Park, to include the dredging and filling of halophytic (salt tolerant) wetlands and the removal of 3,728 square feet of mangrove canopy within a Coastal Band Community. The proposed project is required to be reviewed and approved by the Board at a public hearing because the trimming or alteration of mangroves within 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 areas consist of halophytic wetlands comprised of predominately red (*Rhizophora mangle*) mangrove forest within a Coastal Band Community in Oleta River State Park. The project

areas contain three existing damaged or non-functioning culverts used to connect the subject halophytic wetlands to Biscayne Bay. The failed culverts are preventing tidal flow into two areas within the park leading to stress and severe mangrove mortality within these areas. In order to restore tidal flow to the two wetland areas, FDEP is proposing to replace three culverts through the maintenance dredging of 4,600 square feet of accumulated wetland soils and the filling of 1,242 square feet of wetlands supporting halophytic vegetation, and the removal of 3,728 square feet of mangrove canopy. Dredging and filling work in wetlands or tidal waters for the sole purpose of environmental restoration or enhancement is work that is identified by the Code as work that can be processed administratively; however, this application is coming before the Board as the aforementioned work also involves the trimming of mangroves within a Coastal Band Community.

According to Section 24-48.3(2) of the Code, dredging and filling work proposed in a Class I permit application shall comply with at least one of the criteria listed in that section of the Code. The existing mangrove wetland areas are experiencing severe stress and mortality due to the failed culverts, resulting in degraded habitat function within the park. The proposed work would result in the minimal amount of dredging and filling of halophytic wetlands necessary to replace the culverts to re-establish tidal exchange and improve habitat function within the project areas. As the work is necessary to enhance the biological, chemical, or physical characteristics of adjacent waters, the proposed project complies with the requirements in Section 24-48.3(2)(e) of the Code.

Based on the reasons herein and in the Project Report, DERM recommends approval of the dredging and filling of halophytic wetlands and alteration of mangroves within a Coastal Band Community in association with the installation of three culverts.

Oleta River State Park is designated by the Miami-Dade County Comprehensive Development Master Plan (CDMP) as a Mangrove Protection Area. Trimming of mangroves within a Mangrove Protection Area must be consistent with the criteria outlined in the Coastal Management Element of the CDMP. The CDMP states that in areas classified as Mangrove Protection Areas, there shall be “no cutting, trimming, pruning or other alteration including dredging or filling of mangroves” unless the project is “(1) necessary to prevent or eliminate a threat to public health, safety or welfare; (2) water dependent; (3) required for natural system restoration and enhancement; or (4) clearly in the public interest; and where no reasonable upland alternative exists. In such cases, the trimming or alteration shall be kept to the minimum, and done in a manner, which preserves the functions of the mangrove system, and does not reduce or adversely affect habitat used by endangered or threatened species.” The proposed work is consistent with the CDMP as the work is the minimum necessary required for natural system restoration and enhancement as the culvert replacements would reestablish historic tidal flows into two areas of wetland habitat currently experiencing stress and mortality. In addition, it is reasonably expected that the restored tidal flow would result in enhanced faunal and floral habitat and improved water quality of the surrounding wetlands. As the intent of the proposed work is to restore historic tidal flows and the work must be completed in the wetlands, there is no reasonable upland alternative for the project. The proposed trimming and alteration have 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 in the same configuration around the new culverts as that proposed under the subject application. This would allow FDEP to maintain appropriate clearance and hydrologic connection, should mangroves grow into the area around the culverts.

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. Section 24-48.4 of the Code also requires mitigation for permissible projects that otherwise result in unavoidable environmental impacts. The proposed culverts would be installed in generally the same footprint of the existing culverts with minor changes to the elevation and position in order to increase tidal flow and prevent future blockage. The project would result in the dredging of 4,600 square feet of accumulated wetland soils and the filling of 1,242 square feet of wetlands supporting halophytic vegetation, and the removal of 3,728 square feet of mangrove canopy within a Coastal Band Community. These impacts would be fully offset by the re-establishment of tidal exchange to improve water quality and habitat function within the project sites. Furthermore, the replacement of the culverts would result in the hydrological restoration and enhancement of approximately 26 acres (approximately 1.1 million square feet) of halophytic wetlands within Oleta River State Park and therefore, no additional mitigation would be required. 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 as a result of the construction activities 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, any temporary staging areas would not be located within halophytic wetlands to avoid secondary impacts.

Please note that there are no riparian owners within 300 feet of the proposed project. Therefore, no riparian owners were notified.

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: Zoning Memorandum
- Attachment D: DERM Project Report

Attachment A

Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY

Date Received:

Application Number:

Application Fee:

(Updated 09/09)

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

1. Applicant Information:

Name: Florida Department of Environmental Protection

Address: 3400 NE 163rd St

North Miami Beach, FL Zip Code: 33160

Phone #: 305-919-1846 Fax#:

Email: Charles.E.Smith@dep.state.fl.us

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

2. Applicant's Authorized Permit Agent:

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

Name: Michael Burton

Address: 6900 Professional Parkway East

Sarasota, FL Zip Code: 34240

Phone #: 941-907-6900 Fax #: 941-907-6910

Email: mike.burton@Stantec.com

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

Folio #(s): 06-2222-000-001 Latitude: 25.917822 N Longitude: 80.131293 W

Street Address: 3400 NE 163rd St Section: 15 Township: 52 S Range: 42 E

In City or Town: North Miami Beach Near City or Town:

Name of waterway at location of the activity: Drainage ditches where proposed work will occur discharge into 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 | | | | |

The replacement of four existing, non-functioning culverts with three culverts in three different locations within the drainage ditches

- ☒ Other: internal to Oleta River State Park to restore the tidal exchange to two mangrove wetlands that are currently experiencing stress and mortality totaling approximately 26 acres.

Estimated project cost = \$ 160,000

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

5. Proposed Use (check all that apply):

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

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

Proposed Vessel Type (s): N/A

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
SFWMD	General Permit (62-330.485)	TBD		TBD
USACE	Nationwide Permit 27	TBD		TBD

8. Contractor Information (If known):

Name: TBD 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.)

Florida Department of Environmental Protection

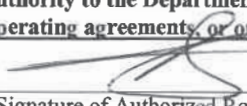
Agency of State of Florida

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

Type (Corp, LLC, LLP, etc.)

State of Registration/Incorporation

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

 _____ Charles Smith _____ Park Manager _____
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 3400 NE 163rd Street North Miami Beach FL 33160 Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 06-2222-000-001.

I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

A. IF THE OWNER(S) IS AN INDIVIDUAL

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

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

B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

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

State of Florida Trustees of the Internal Improvement Trust Fund _____ State Agency _____
Print Name of Owner (Enter the complete name as registered) _____ Type (Corp, LLC, LLP, etc.) _____ State of Registration/Incorporation _____
3900 Commonwealth Blvd, Ms 35 Tallahassee FL 32399
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.*****

 _____ Charles Smith _____ Park Manager _____
Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

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

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

Attachment B

Owner/Agent Letter, Engineer Letter and Project Sketches

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: November 6, 2020

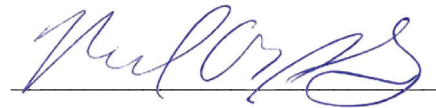
Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2020-0227

By the attached Class I Standard Form permit application with supporting documents, I, Michael Burton, am the authorized agent and hereby request permission to perform the work associated with Class I Permit Application CLI-2020-0227. 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,



Michael Burton, Authorized Agent
Senior Principal, Stantec Consulting Services Inc.

ENGINEER LETTER OF CERTIFICATION



Stantec Consulting Services Inc.
6900 Professional Parkway East
Sarasota, FL 34240
Tel: (941) 907-6900, Fax: (941) 907-6910

March 10, 2021

File: 177311483

Miami-Dade County RER
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Reference: Class I Permit Application Number CLI-2020-0227
Oleta River State Park Mangrove Restoration

Ladies and Gentlemen:

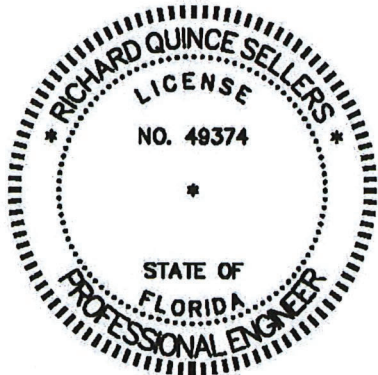
This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws, rules or regulations of the State of Florida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

- 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,

STANTEC CONSULTING SERVICES INC.



Richard Q
Sellers

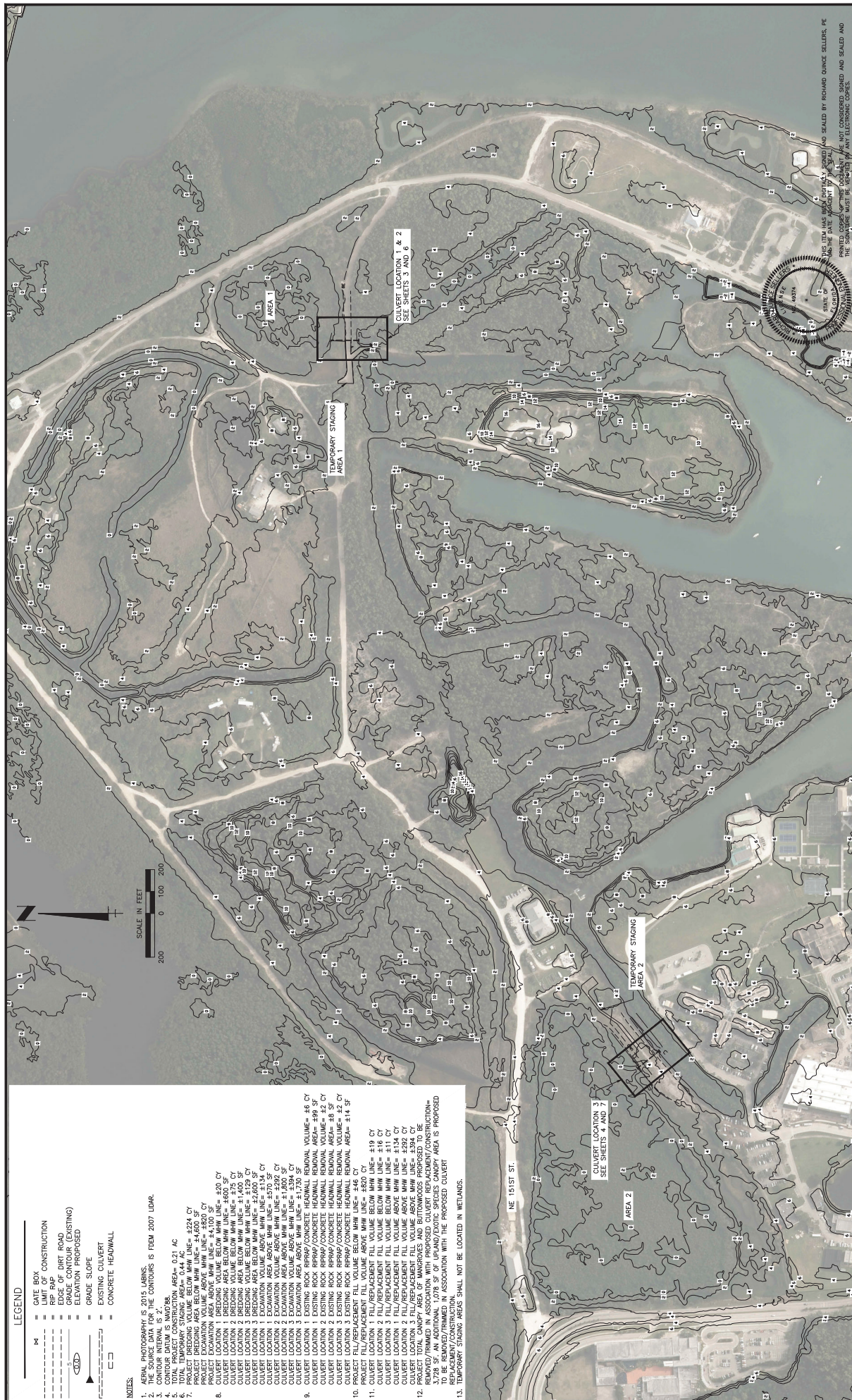
Digitally signed by
Richard Q Sellers
Date: 2021.03.10 11:29:47
-05'00'

This item has been digitally signed and sealed by Richard Quince Sellers, P.E. on the date adjacent to the seal.

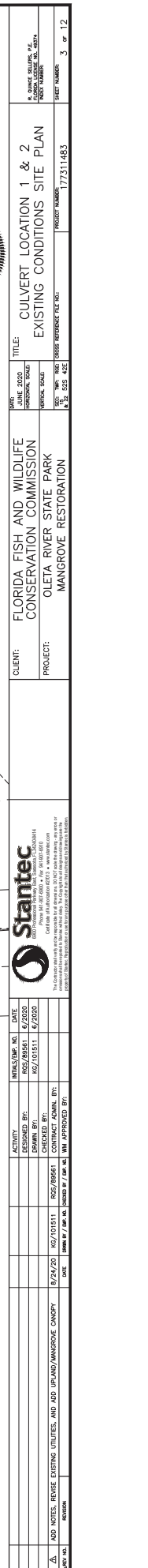
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

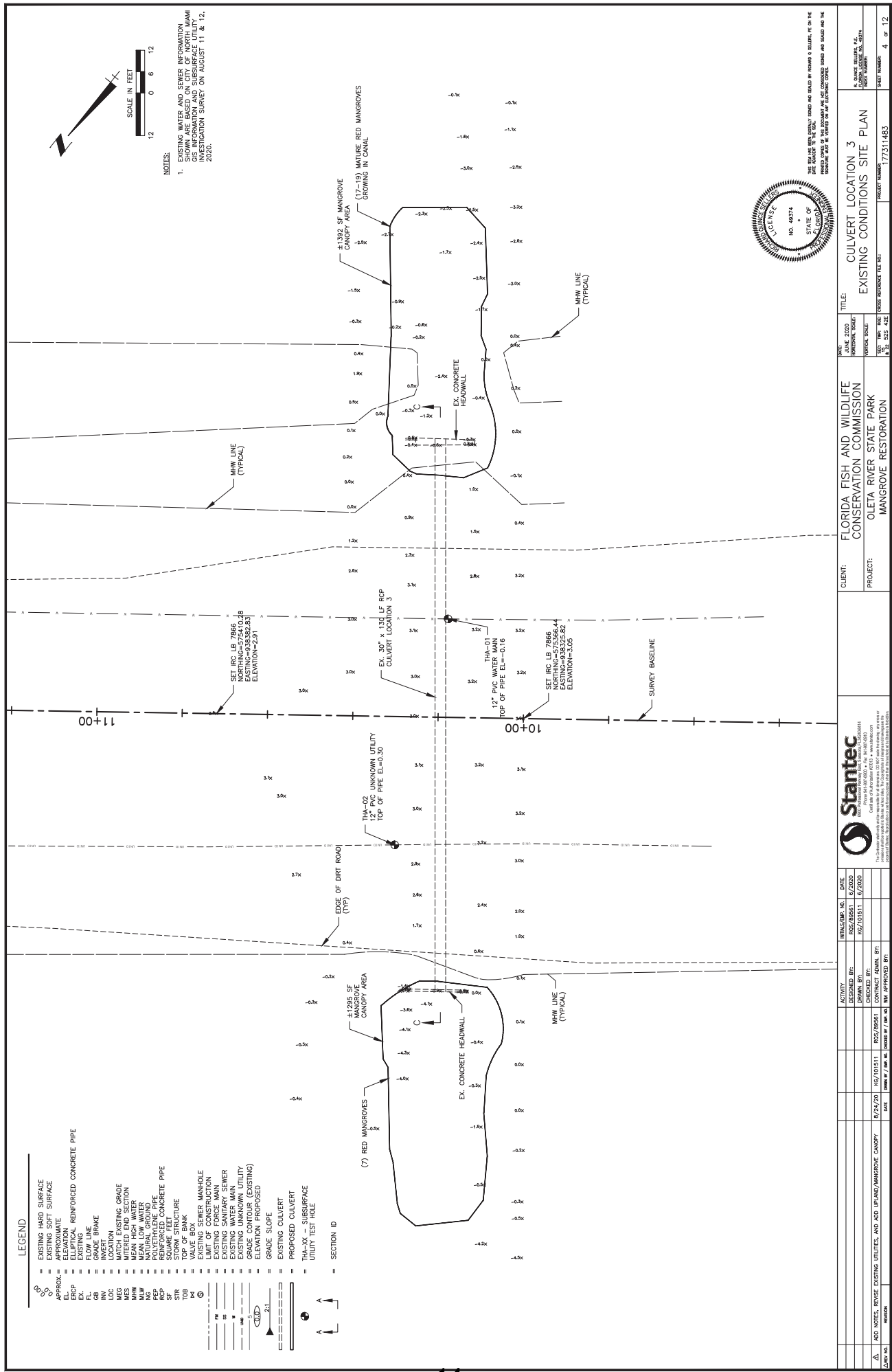
R. Quince Sellers, P.E.
Senior Project Engineer
FL P.E. License No 49374

DATE	INDEX NUMBER
JUNE 2020	D-177311483-01C-001

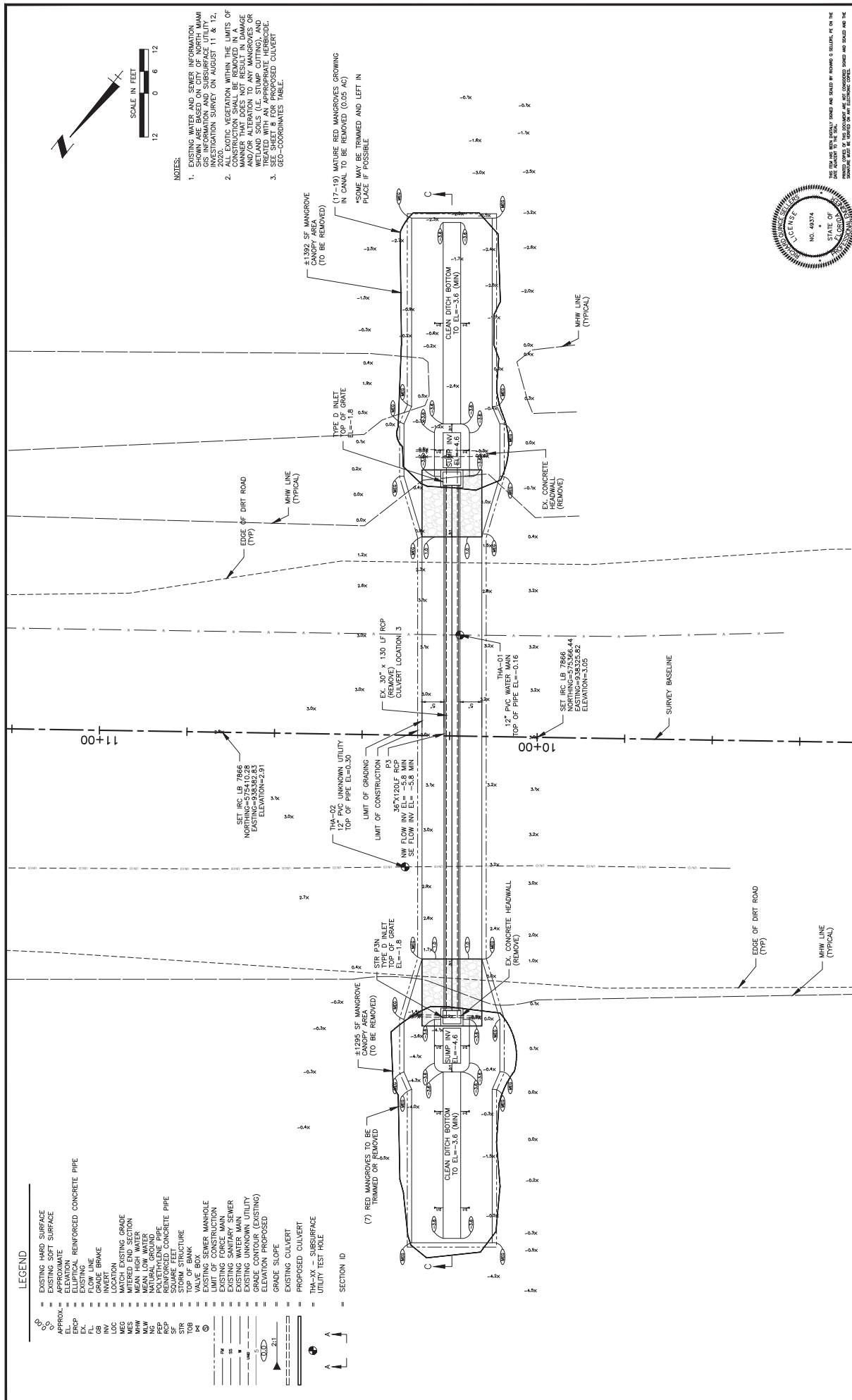


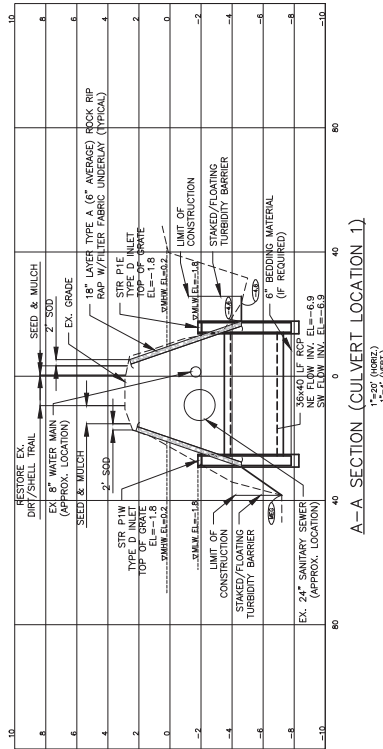
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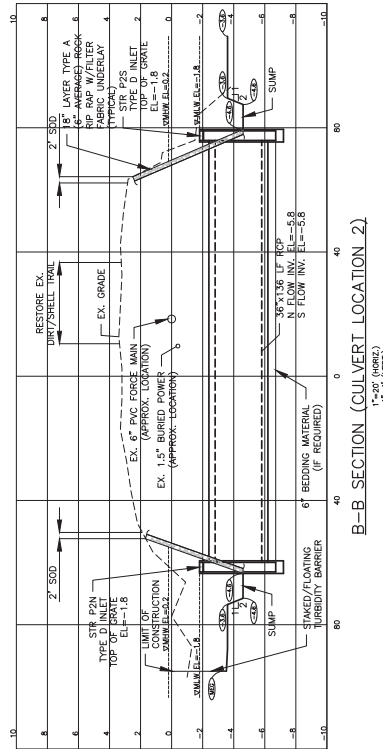


NOTES:

1. EXISTING WATER AND SEWER INFORMATION IS APPROXIMATE AND BASED ON SURFACE UTILITY INVESTIGATION SURVEY ON AUGUST 11 & 12, 2020.
2. ALL LOCATIONS, DIMENSIONS, AND ELEVATIONS OF EXISTING UTILITIES IN THIS PLAN ARE APPROXIMATE AND BASED ON SURFACE UTILITY INVESTIGATION SURVEY ON AUGUST 11 & 12, 2020.
3. INSTALL 2' WIDE STRIP OF SOD AROUND EDGE OF RIP ABOVE MHW
4. LINE & MULCH ALL DISTURBED AREAS ABOVE MHW THAT ARE NOT HARDSCAPED, SODDED, OR IDENTIFIED AS DIRT/SHELL TRAILS.

A-A SECTION (CULVERT LOCATION 1)

1"=20' (HORIZ.)
1"=4' (VERT.)

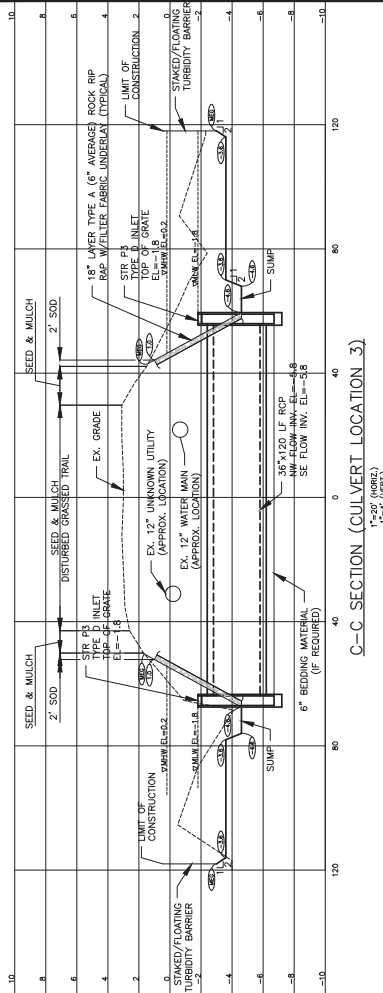


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3. INSTALL 2' WIDE STRIP OF SOD AROUND EDGE OF RIP ABOVE MHW
4. LINE & MULCH ALL DISTURBED AREAS ABOVE MHW THAT ARE NOT HARDSCAPED, SODDED, OR IDENTIFIED AS DIRT/SHELL TRAILS.

B-B SECTION (CULVERT LOCATION 2)

1"=20' (HORIZ.)
1"=4' (VERT.)



NOTES:

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2. ALL LOCATIONS, DIMENSIONS, AND ELEVATIONS OF EXISTING UTILITIES IN THIS PLAN ARE APPROXIMATE AND BASED ON SURFACE UTILITY INVESTIGATION SURVEY ON AUGUST 11 & 12, 2020.
3. INSTALL 2' WIDE STRIP OF SOD AROUND EDGE OF RIP ABOVE MHW
4. LINE & MULCH ALL DISTURBED AREAS ABOVE MHW THAT ARE NOT HARDSCAPED, SODDED, OR IDENTIFIED AS DIRT/SHELL TRAILS.

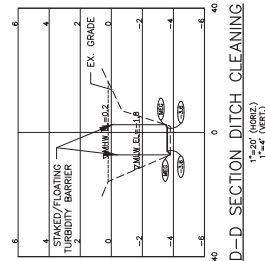
C-C SECTION (CULVERT LOCATION 3)

1"=20' (HORIZ.)
1"=4' (VERT.)

PROPOSED CULVERT GEO-COORDINATES TABLE

END OF CULVERT ID/LOC.	NORTHING	EASTING	LATITUDE	LONGITUDE
P1/NE	576648.19	941613.19	N25° 55' 02.97"	W80° 07' 53.60"
P1/SW	576641.82	941573.70	N25° 55' 46.37"	W80° 07' 54.03"
P2/N	576832.28	941633.70	N25° 55' 04.79"	W80° 07' 53.37"
P2/S	576696.48	941625.71	N25° 55' 03.45"	W80° 07' 54.46"
P3/N	576533.49	938376.55	N25° 54' 50.16"	W80° 08' 25.14"

NOTES: P1-CULVERT 2, P2-CULVERT 3, P3-CULVERT 3
LOC-LOCATION, N-NORTH, NE-NORTHEAST, S-SOUTH, SW-SOUTHWEST



D-D SECTION DITCH CLEANING

1"=20' (HORIZ.)
1"=4' (VERT.)



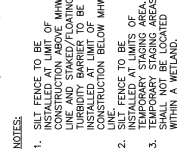
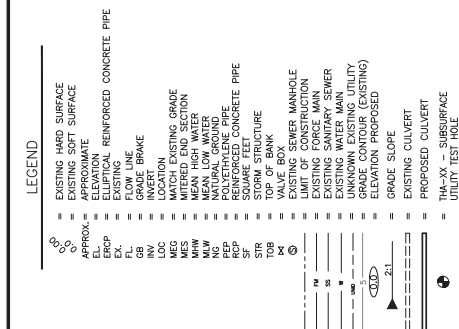
THIS SEAL MAY BE USED ONLY WHEN THE ENGINEER HAS BEEN QUALIFIED BY THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF FLORIDA AND IS CURRENTLY LICENSED BY THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF FLORIDA.

DATE: 6/2020 PROJECT NO.: 225-42E	CLIENT: FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION OLETA RIVER STATE PARK MANGROVE RESTORATION	TITLE: CULVERT LOCATION 1-3 PROPOSED SECTIONS	SHEET NUMBER: 8 OF 12
DESIGNED BY: RSG/RSG/9561 CHECKED BY: RSG/RSG/9561 DATE: 6/2020	DATE: 6/2020 PROJECT NO.: 225-42E	PROJECT NUMBER: 177311483	SHEET NUMBER: 8 OF 12

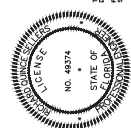


NO.	DATE	ACTIVITY	DESIGNED BY	CHECKED BY	DATE
1	1/06/21	KG/10/511	RSG/RSG/9561	RSG/RSG/9561	6/2020
2	1/13/20	KG/10/511	RSG/RSG/9561	RSG/RSG/9561	6/2020
3	8/24/20	KG/10/511	RSG/RSG/9561	RSG/RSG/9561	6/2020

NO.	DATE	ACTIVITY	DESIGNED BY	CHECKED BY	DATE
1	1/06/21	KG/10/511	RSG/RSG/9561	RSG/RSG/9561	6/2020
2	1/13/20	KG/10/511	RSG/RSG/9561	RSG/RSG/9561	6/2020
3	8/24/20	KG/10/511	RSG/RSG/9561	RSG/RSG/9561	6/2020



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY HOWARD Q. SELLERS, PE ON THE DATE ADJUNCT TO THE SEAL.



INVOICE (IMP. NO.)	DATE	WORKS (IMP. NO.)	DATE	CLIENT:	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION	TITLE:	BEST MANAGEMENT PRACTICE PLAN CULVERT 1 & 2
DESIGNED BY:	6/20/20	DESIGNED BY:	6/20/20	PROJECT:	OLETA RIVER STATE PARK MANGROVE RESTORATION	DATE:	10 or 12
DRAWN BY:	6/20/20	DRAWN BY:	6/20/20			PROJECT NUMBER:	177311483
CHECKED BY:		CHECKED BY:				DATE:	
CONTRACT NUMBER, BY:		CONTRACT NUMBER, BY:				PROJECT NUMBER:	177311483
8/24/20	8/24/20	8/24/20	8/24/20			PROJECT NUMBER:	177311483
DATE	DATE	DATE	DATE			PROJECT NUMBER:	177311483
ADD NOTES	ADD NOTES	ADD NOTES	ADD NOTES			PROJECT NUMBER:	177311483
REVISION	REVISION	REVISION	REVISION			PROJECT NUMBER:	177311483



Attachment C
Zoning Memorandum

Memorandum



Date: April 5, 2021

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

From: Samantha Tiffany, Biologist II
Coastal Resources Section
Department of Regulatory and Economic Resources

Subject: Class I Permit Application by the Florida Department of Environmental Protection for the Removal of 3,728 Square Feet of Mangrove Canopy within a Coastal Band Community in Association with the Replacement of Three Existing Culverts within the Oleta River State Park located at 3400 Northeast 163 Street, 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 D
DERM Project Report

CLASS I PERMIT APPLICATION NO. CLI-2020-0227

Class I Permit Application by the Florida Department of Environmental Protection for the Removal of 3,728 Square Feet of Mangrove Canopy within a Coastal Band Community in Association with the Replacement of Three Existing Culverts within the Oleta River State Park located at 3400 Northeast 163 Street, in the City of North Miami, Miami-Dade County, Florida.

DATE: April 5, 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 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. Section 24-48.4 of the Code also requires mitigation for permissible projects that otherwise result in unavoidable environmental impacts. The proposed culverts would be installed in generally the same footprint of the existing culverts with minor changes to the elevation and position in order to increase tidal flow and prevent future blockage. The project would result in the dredging of 4,600 square feet of accumulated wetland soils and the filling of 1,242 square feet of wetlands supporting halophytic vegetation, and the removal of 3,728 square feet of mangrove canopy within a Coastal Band Community. These impacts would be fully offset by the re-establishment of tidal exchange to improve water quality and habitat function within the project sites. Furthermore, the replacement of the culverts would result in the hydrological restoration and enhancement of approximately 26 acres (approximately 1.1 million square feet) of halophytic wetlands within Oleta River State Park and therefore, no additional mitigation would be required. 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 as a result of the construction activities 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, any temporary staging areas would not be located within halophytic wetlands to avoid secondary impacts.
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** – Any temporary water quality impacts as a result of the construction activities 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, any temporary staging areas would not be located within halophytic wetlands to avoid secondary impacts.
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 intent of the proposed project is to restore hydrologic connection and enhance halophytic wetlands and is therefore not reasonably expected to adversely affect marine and wildlife habitats suitable for habitat.
15. **Wetland Soils Suitable for Habitat** – The proposed project involves the dredging and filling of wetlands, the impacts of which would be fully offset by the restoration of hydrologic connection as set forth in Number 1 above.
16. **Floral Values** – The proposed project involves the dredging and filling of wetlands which would be fully offset by the restoration of hydrologic connection as set forth in Number 1 above.
17. **Fauna Values** – The proposed project involves the dredging and filling of wetlands which would be fully offset by the restoration of hydrologic connection 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 dredging and filling of wetland habitat to restore natural surface water flow within two mangrove wetland areas through the replacement of the existing damaged culverts. The impacts associated with the dredging and filling would be fully offset 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, 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.
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 and in fact is expected to affirmatively promote 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

25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with applicable State, Federal and local laws and regulations:
- a) Chapter 24 of the Code of Miami-Dade County
 - b) United States Clean Water Act (US Army Corps of Engineers permit is required)
 - c) South Florida Water Management District (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 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 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.

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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 project would involve the dredging and filling of wetlands to enhance habitat function and restore hydrologic connection and the impacts associated with the work would be fully offset as set forth in Number 1 above.

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 as set forth in Number 1 above.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A – Mangrove wetlands within Mangrove Protection Areas – The proposed work is consistent with Policy CM-1A of the CDMP as the work is the minimum necessary required for natural system restoration and enhancement as the culvert replacements would reestablish historic tidal flows into two areas of mangrove wetland habitat currently experiencing stress and mortality. In addition, it is reasonably expected that the restored tidal flow would result in enhanced faunal and floral habitat and improved water quality of the surrounding wetlands and waterways of Biscayne Bay. The proposed trimming and alteration have 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 in the same configuration around the new culverts as that proposed under the subject application. This would allow FDEP to maintain appropriate clearance and hydrologic connection, should mangroves grow into the area around the culverts.

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed work is consistent with Policy CM-1B of the CDMP as the purpose of the project is to restore natural surface flow within two mangrove wetland areas through the replacement of the existing damaged culverts.

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 work is consistent with Policy CM-1D of the CDMP as the replacement of the culverts would result in the hydrological restoration and enhancement of approximately 26 acres of halophytic wetlands within Oleta River State Park.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed work is consistent with Policy CM-1E of the CDMP as the replacement of the culverts would result in the hydrological restoration and enhancement of approximately 26 acres of halophytic wetlands within Oleta River State Park.

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.

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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 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 proposed project has been reviewed by the Miami-Dade County Shoreline Development Review Committee (SDRC). The SDRC determined that the thresholds for review under the Shoreline Ordinance are not applicable; therefore, the project is not subject to any further conditions or restrictions with respect to the Shoreline Ordinance.

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

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.
29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is in conformance with the Biscayne Bay Management Plan.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The 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 dredging and filling of wetlands for the sole purpose of restoration and enhancement 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 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

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

(e) Minimum dredging and filling necessary to enhance the biological, chemical or physical characteristics of adjacent waters.

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



Samantha Tiffany, Biologist II
Coastal Resources Section



MEMORANDUM

(Revised)

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

DATE: July 8, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(L)

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(L)
7-8-21

RESOLUTION NO. R-628-21

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE REMOVAL OF 3,728 SQUARE FEET OF MANGROVE CANOPY WITHIN A COASTAL BAND COMMUNITY AND THE DREDGING AND FILLING OF HALOPHYTIC WETLANDS IN ASSOCIATION WITH THE REPLACEMENT OF THREE EXISTING CULVERTS WITHIN THE OLETA RIVER STATE PARK LOCATED AT 3400 NORTHEAST 163 STREET, IN THE CITY OF NORTH MIAMI, MIAMI-DADE COUNTY, FLORIDA

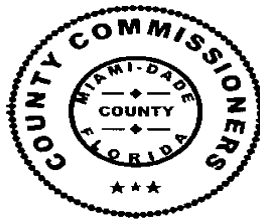
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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 the Florida Department of Environmental Protection for the removal of 3,728 square feet of mangrove canopy within a Coastal Band Community and the dredging and filling of halophytic wetlands in association with the replacement of three existing culverts within the Oleta River State Park located at 3400 Northeast 163 Street, 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 **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl
Abbie Schwaderer-Raurell