

Memorandum



Date: December 1, 2021

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

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

Amended
Agenda Item No. 5(O)

Resolution No. R-1146-21

Subject: Class I Permit Modification by Yachting Promotions, Inc.

Recommendation

I have reviewed the attached application for a Class I permit modification by Yachting Promotions, Inc. and based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the additional slips and overwater structures by the issuance of a Class I permit modification and deny the request for sea trials 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 sites are located within Biscayne Bay at 1 Herald Plaza, 1635 North Bayshore Drive, and 1737 North Bayshore Drive, Miami, Florida in Commission District 3, which is represented by Commissioner Keon Hardemon.

Delegation of Authority

This item has no delegation of authority. Upon approval of this item, Section 24-48.2(II)(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, as contemplated by Resolution No. R-530-10.

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 modification requests authorization for the installation of an additional 313 temporary slips, the installation of an additional 99,280 square feet of overwater structures, including some temporary wave breaks, and the inclusion of sea trials within the same footprint as previously authorized at the Yachting Promotions, Inc. annual boat show. To be approved, this application must be reviewed and decided by the Board after a public hearing because the creation of fifty (50) or more boat slips is specifically referenced in Section 24-48.2 of the Code as work that shall be processed as a Standard Form Class I permit modification. Furthermore, pursuant to Section 24-48.13(2) of the Code, if, in the opinion

of the Director, the proposed modification will result in a substantial change to the project, said modification shall be subject to a public hearing before the Board of County Commissioners. The increase in the number of slips and overwater structures and the inclusion of sea trials represents a substantial change and the modification request is therefore required to be reviewed and decided by the Board.

On October 25, 2018, the Board approved Resolution No. R-1316-18, authorizing a 10-year Class I permit to Yachting Promotions, Inc. for the installation of a temporary 634 slip docking facility and granting a variance for the installation of floating structures with a non-water dependent use over tidal waters in association with an annual boat show at 1 Herald Plaza, 1635 North Bayshore Drive, and 1737 North Bayshore Drive in the City of Miami. As the National Marine Manufacturers Association boat show previously held within the Marine Stadium basin will no longer be taking place, the Applicant is requesting authorization to modify their existing Class I permit to include the installation of an additional 313 temporary slips, the installation of an additional 99,280 square feet of overwater structures, including temporary wave breaks, and the inclusion of sea trials.

Under the subject Class I permit modification request, the Applicant is proposing to significantly expand the existing temporary boat show and to include sea trials based out of the existing Sea Isle Marina located at 1635 North Bayshore Drive. When the original Class I permit was under consideration in 2018, DERM had recommended approval of the boat show at this location provided that no sea trials were being proposed and that all vessels associated with the event would be moored for the duration of the show. Additionally Specific Condition No. 3 of the subject Class I Permit prohibits the test operation of vessels including sea trials and demonstrations. The project sites are located within an area identified by the Manatee Protection Plan (MPP) as essential manatee habitat and recommended by the MPP for Residential Docking: 1 Motorboat per 100 feet of Developable Shoreline. Protecting rare, threatened, or endangered species such as manatees involves preserving important habitat that the species rely on for survival and minimizing certain human activity that can be disruptive to important behaviors that are also necessary for the species survival. For manatee protection, this involves limiting the construction or expansion of vessel docking facilities that would increase the overlap between typical manatee behavior and high intensity vessel traffic. Essential habitat is used by manatees for sensitive activities such as feeding, resting, mating, nursing, cold shelter, and travel. Furthermore, manatee sighting data also indicates that manatees utilize the mainland side of Biscayne Bay when traveling to and from areas where these sensitive behaviors are occurring. The Applicant has stated that the existing 222 slips at the Sea Isle Marina will not be in use during the duration of the event and has proposed to utilize 150 slips at the Sea Isle site for sea trials. The existing slips utilized by the Sea Isle Marina are primarily recreational vessels that typically do not make frequent daily trips to and from the marina. The inclusion of 150 sea trial slips, which may make numerous trips per day, is reasonably expected to result in a significantly higher frequency of use than the existing Sea Isle slips. The Applicant has developed a map identifying the sea trial routes; however, the proposed routes would transverse areas that are utilized heavily by manatees, particularly during the winter months during which this boat show would take place. While the 1635 North Bayshore Drive and 1737 North Bayshore Drive properties have historically held boat shows, the site was only authorized for a maximum of 99 slips with a portion of said slips authorized for sea trials by vessels that had a draft of 4 feet or less. The subject modification requests to increase the number of proposed slips to 947 and to use 150 of those slips for sea trials. When evaluating this application for potential impacts to manatees, DERM staff considered the increase in on water construction activity associated with building the additional slips for this facility each year, as well as the significant increase in vessel traffic associated with bringing a larger number of vessels to the site to occupy the proposed 947 slip temporary docking facility. This request represents an increase in the number of proposed slips by more than 900 percent before accounting for the unknown number of trips originating from and returning to this location that may be associated with the sea trials. As the

proposed sea trials are reasonably anticipated to result in an increase in vessel activity in these areas known to be utilized by manatees, DERM is recommending denial of the inclusion of sea trials for the boat show event.

With respect to the applicant’s other requested modifications of the existing Class I permit to increase the number of temporary slips and add overwater structures, including temporary wave breaks, DERM is recommending approval. As discussed above, the project sites are located within an area identified by the MPP as essential manatee habitat and recommended for Residential Docking: 1 Motorboat per 100 feet of Developable Shoreline. However, the MPP provides for an existing marine facility to continue with the existing use and to renovate as long as there is no change in the facility size and no increase in the number of slips. As mentioned above, the subject sites have been authorized, through the prior Class I permit, for a reoccurring annual 634 slip temporary boat show event. Although the MPP does not recommend the siting of a high intensity marine related use at the project sites, DERM staff previously recommended approval of a boat show at the subject sites with the understanding that the boat show is not a permanent facility but is instead a temporary event lasting only five days each year. Provided there are no sea trials and all vessels proposed to be moored would remain so for the duration of the event, DERM is recommending approval of the additional 313 temporary slips.

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. In order to avoid impacts to dense benthic resources, including *Halophila johnsonii*, a Federally Listed Threatened species of seagrass, the footprint of the modified docking facility and all associated additional overwater structures have been configured to be in locations where sparse or no seagrasses were documented. In the areas where the floating docks will be temporarily installed over benthic resources, the pile locations have been configured to avoid impacts to benthic resources. Additionally, the Class I permit includes conditions that require shallow areas and dense seagrass beds to be visibly delineated throughout all construction and demolition activities. Due to the temporary nature of the project, long-term shading impacts to seagrasses are not anticipated, and pre- and post-event benthic surveys will be conducted to verify whether any unanticipated impacts occur. Furthermore, the approved Class I permit includes specific conditions to provide assurance that any unanticipated environmental impacts shall be restored and/or mitigated in accordance with DERM requirements, and that a performance bond shall be posted prior to issuance of the modification.

In order to ensure that the modified use of the docking facility and all associated activities will not result in the discharge of pollutants or solid waste into tidal waters, the Class I permit requires the submittal of an operating plan that adequately addresses how the facility and activities will be managed. Objects or materials made of disposable plastic or polystyrene are prohibited within the area subject to the Class I permit and the operating plan shall adequately address management of this issue. The modified facility will also be required to obtain or abide by an existing applicable Marine Facilities Operating Permit prior to the use and throughout the duration of permitted events at the project sites and the water taxi locations in the FEC slip and Island Gardens marina. In addition, the conditions of the Class I permit require that best management practices be implemented during any construction work or activities associated with the event. In order to mitigate for temporary water-quality impacts associated with the construction, deconstruction and use of the modified facility, the Applicant has agreed to provide annual contributions to the Biscayne Bay Environmental Enhancement Trust Fund based on the total number of slips each year.

The Applicant is proposing to continue operating the boat show on two adjacent parcels of submerged lands owned separately by the City of Miami and the State of Florida through the Board of Trustees of the Internal Improvement Trust Fund (Governor and Cabinet). For the portion of work located adjacent to the 1 Herald Plaza site, the Applicant has provided authorization from the submerged lands owner, the City of Miami, through a submerged lands lease agreement. The portion of the proposed work located adjacent to 1635 North Bayshore Drive and 1737 North Bayshore Drive is located on State-owned sovereign submerged lands which require a submerged lands lease and approval from the Florida Department of Environmental Protection (FDEP). The Applicant has not yet secured authorization from the Florida Department of Environmental Protection for the use of the State-owned submerged lands, and such proprietary authorization is required by Chapter 24 as part of a Class I permit application. The Applicant requested and received a variance from the application requirements in Section 24-48.2(II)(B)(1) of the Code from the Environmental Quality Control Board (EQCB), to allow the applicant to submit the submerged lands authorization after the application is heard by this Board, but before any Class I permit modification is actually issued. The EQCB’s approval, requires the applicant to obtain a valid submerged lands lease and direct approval from FDEP prior to issuance by the County of a Class I permit or modification.

Based on the above, DERM is recommending approval of the request to modify the existing permit to include 313 additional slips, 99,280 square feet of overwater structures, and wave breaks subject to the conditions that the inclusion of sea trials be denied. The attached Project Report sets forth additional reasons for DERM’s recommendations, pursuant to the applicable evaluation factors set forth in Sections 24-48.3 and 24-48.25 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

- Attachment A: Class I Permit Application
- Attachment B: Owner/Agent Letter, Engineer Letter, and Project Sketches
- Attachment C: Zoning Memorandum
- Attachment D: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work
- Attachment E: DERM Project Report

Attachment A

Class I Permit Application

Class I Permit Application

FOR DEPARTMENTAL USE ONLY
Date Received:
Application Number:
Application Fee:
Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.
1. Applicant Information:

Name: Yachting Promotions Inc., Ricardo Strul

Address: 1115 NE 9th Avenue

Fort Lauderdale Zip Code: 33304

Phone #: 954-325-0321 Fax #: _____

Email: _____

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

2. Applicant's Authorized Permit Agent:

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

Name: The Chappell Group, Inc.

Address: 714 East McNab Road

Pompano Beach, FL Zip Code: 33060

Phone #: 954-782-1908 Fax #: _____

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

Folio #(s): 01-3231-075-0010, 01-3231-036-0022, 01-3231-036-0023 Latitude: 25 47' 18.10" Longitude: 80 11' 8.08"

Street Address: 1 Herald Plaza & 1635 & 1737 N Bayshore Section: 31 Township: 53 Range: 42

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

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: _____

Estimated project cost = \$ 1,000,000

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): Varries

Vessel Make/Model (If known): Varries

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

Total Number of Slips: 947
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
RER	Class 1	CLI-2018-0071		

8. Contractor Information (If known):

Name: B&M Marine Construction License # (County/State): CGC052820
Address: 3500 SW 14th Street Deerfield Beach, FL Zip Code: 33442
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.)

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

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

Signature of Authorized Representative _____ Ricardo Strul Vice President
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

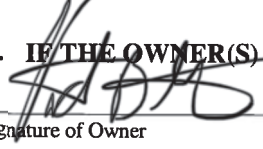
Signature of Authorized Representative _____ Print Authorized Representative's Name Title Date

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 1635 N Bayshore Drive Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 01-3231-036-0022.

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

 Victor Ballestas 10/14/21
Signature of Owner Print Owner's Name Date

Signature of Owner Print Owner's Name Date

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

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

Miami Marina Ventures LLLP Florida
Print Name of Owner (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation
150 SE 2nd Avenue, Suite 800, Miami FL 33131
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.*****

Victor Ballestas 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

ENGINEER LETTER OF CERTIFICATION

Date: Nov. 2, 2021

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

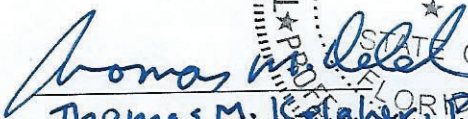
RE: Class I Permit Application Number CLI-2018-0071
Ladies and Gentlemen:

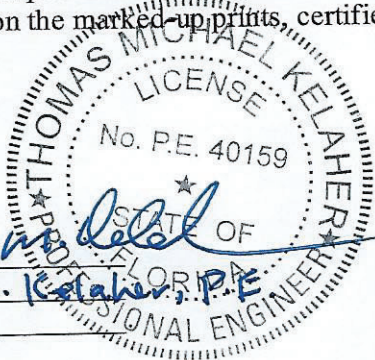
This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of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

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

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

Sincerely,


Thomas M. Kelaheer, P.E.
P.E. # 40159



PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: 10/15/2021

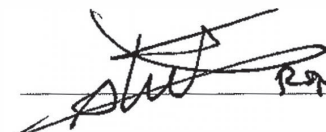
Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2018-0071

By the attached Class I Standard Form permit application with supporting documents, I, Ricardo Strul, am the permit applicant/applicant's authorized agent (circle one) and hereby request permission to perform the work associated with Class I Permit Application CLI-2018-0071. 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,

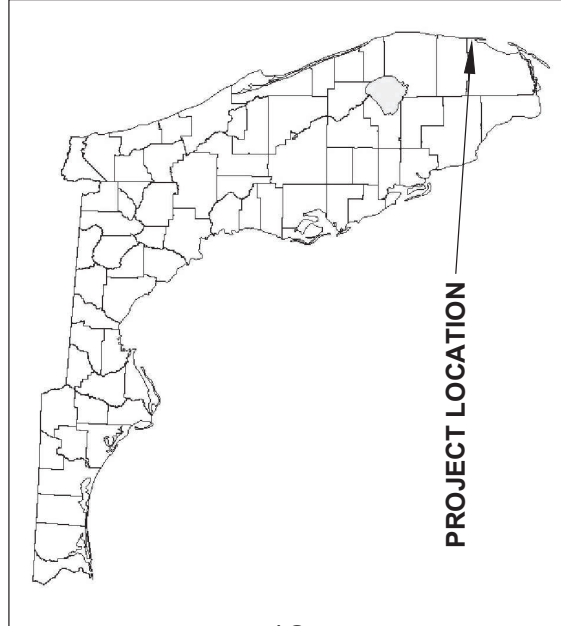
 Ricardo Strul

(Permit Applicants Name), Permit Applicant

(Authorized Agent's Name), Authorized Agent

MIAMI INTERNATIONAL BOAT SHOW

2022 PLANSET



PROJECT LOCATION

LOCATION MAP (n.t.s.)

DRAWING INDEX

SHEET 1: COVER SHEET

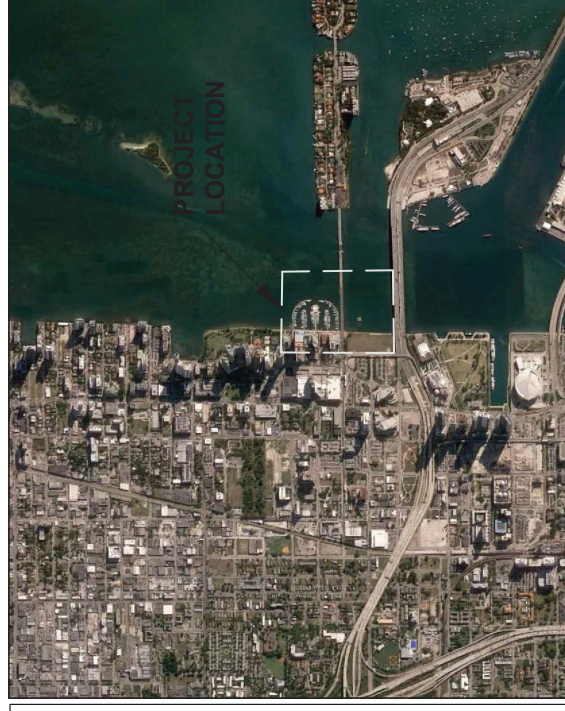
SHEET 2: PROPOSED OVERALL

SHEET 3: SECTIONS

SHEET 4: SECTIONS

SHEET 5: SECTIONS

SHEET 6: SECTIONS



VICINITY AERIAL (n.t.s.)

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, OR OTHERWISE DISCLOSED TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2021

THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
Tel: 954.782.1100
Fax: 954.782.1108
www.thechappellgroup.com

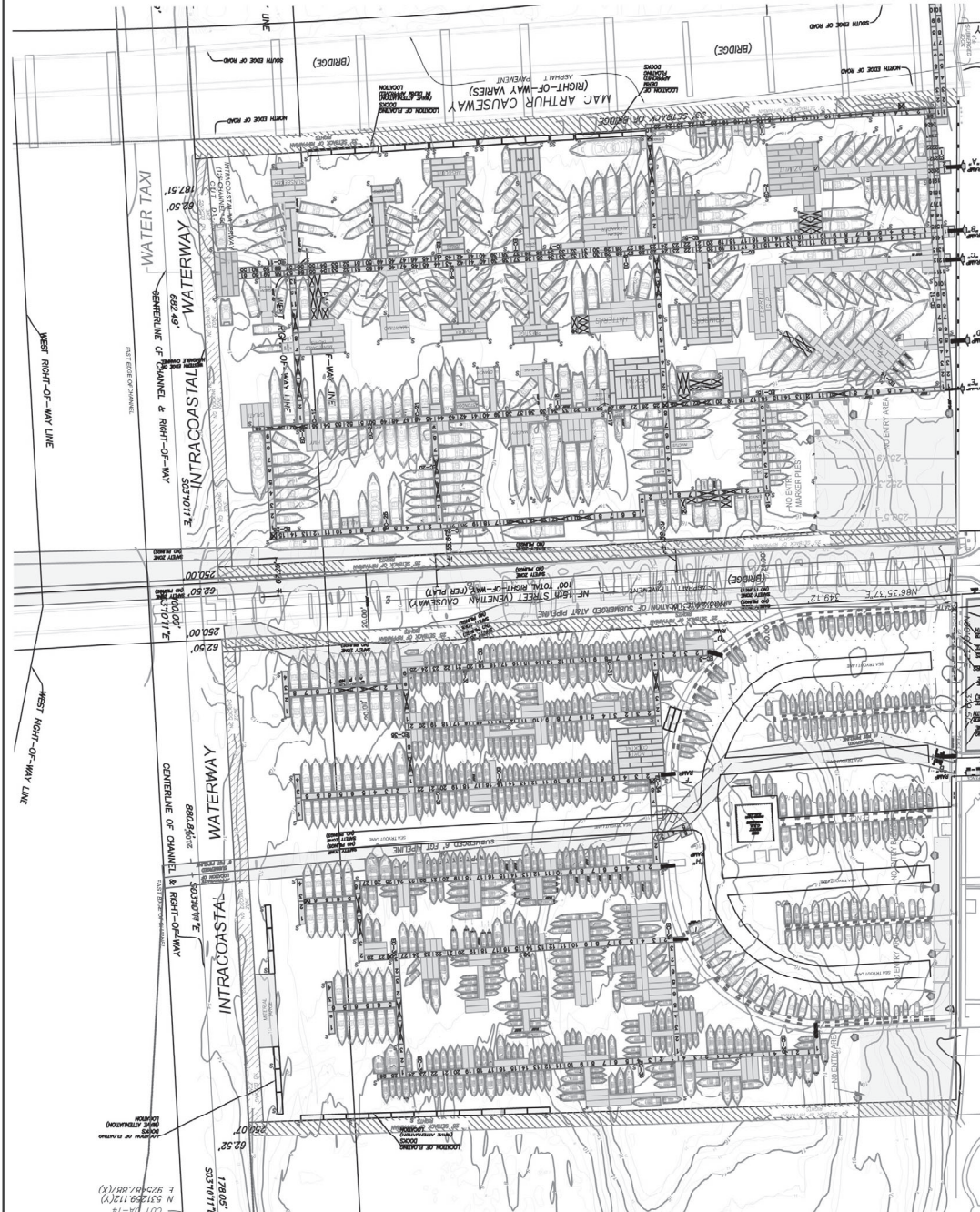
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys & Appraisals

MIAMI INTERNATIONAL BOATSHOW

PREPARED FOR:
YACHTING PROMOTIONS, INC.

COVER

Date: 11/11/2021	Sheet: 1	of: 6
Proj No.: 09-0039.002		



NORTH

SCALE

1" = 200'

LEGEND

- EXISTING DOCKS (61,960 ft²)
- PROPOSED FLOATING DOCKS (328,400 ft²)
- EXISTING SLL (735,614 ft²)
- NAVIGATIONAL CHANNEL

	= 10x10 TEMPORARY FLOATING DOCK
	= TEMPORARY TRIANGLE FLOATING DOCK (various sizes)
	= 10x40 TEMPORARY FLOATING DOCK
	= 5x20 TEMPORARY FLOATING DOCK
	= 10x20 TEMPORARY FLOATING DOCK
	= 4' x 22' DOCK RAMP
	= W/2x48 STEEL T BEAM PILING
	= FIRE EXTINGUISHER (Dry Chemical - Class A-A 40BC)
	= EXHIBITOR BOAT
	= NO ENTRY BUOY
	= NO MOORING SIGNAGE
	= TENTS
	= 10x40 TEMPORARY STEEL WAVE ATTENUATION FLOATING DOCK
	= 35x130 TEMPORARY STEEL WAVE ATTENUATION FLOATING DOCK
	= 4'

- NOTE: 1. BATHYMETRIC SURVEY PROVIDED BY TERRAQUATIC SURVEYING & MAPPING
BOUNDARY SURVEY PROVIDED BY MCLAUGHLIN ENGINEERING CO.
2. THE 150 EXISTING SLIPS FROM THE SEA ISLE MARINA WILL BE USED FOR SEA TRIALS DURING THE SHOW
3. VENDOR DOCK LOCATION MAY VARY, DRAWING SHOWS TYPICAL LOCATION WITHIN BOUNDARY OF LEASE AREA
4. NO VESSELS SHALL BE MOORED TO WAVE ATTENUATION FLOATING DOCKS

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, POSTED, OR OTHERWISE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.

© THE CHAPPELL GROUP, INC. 2021

THE Chappell GROUP

714 East McNab Road
Pompano Beach, Florida 33060
Tel. 954.782.1103
Fax. 954.782.1103

www.thechappellgroup.com

Environmental Consultants
Marina & Wetland Permitting
Mitigation Design & Monitoring
T&E Species Surveys
Tree Surveys & Appraisals

MIAMI INTERNATIONAL BOAT SHOW

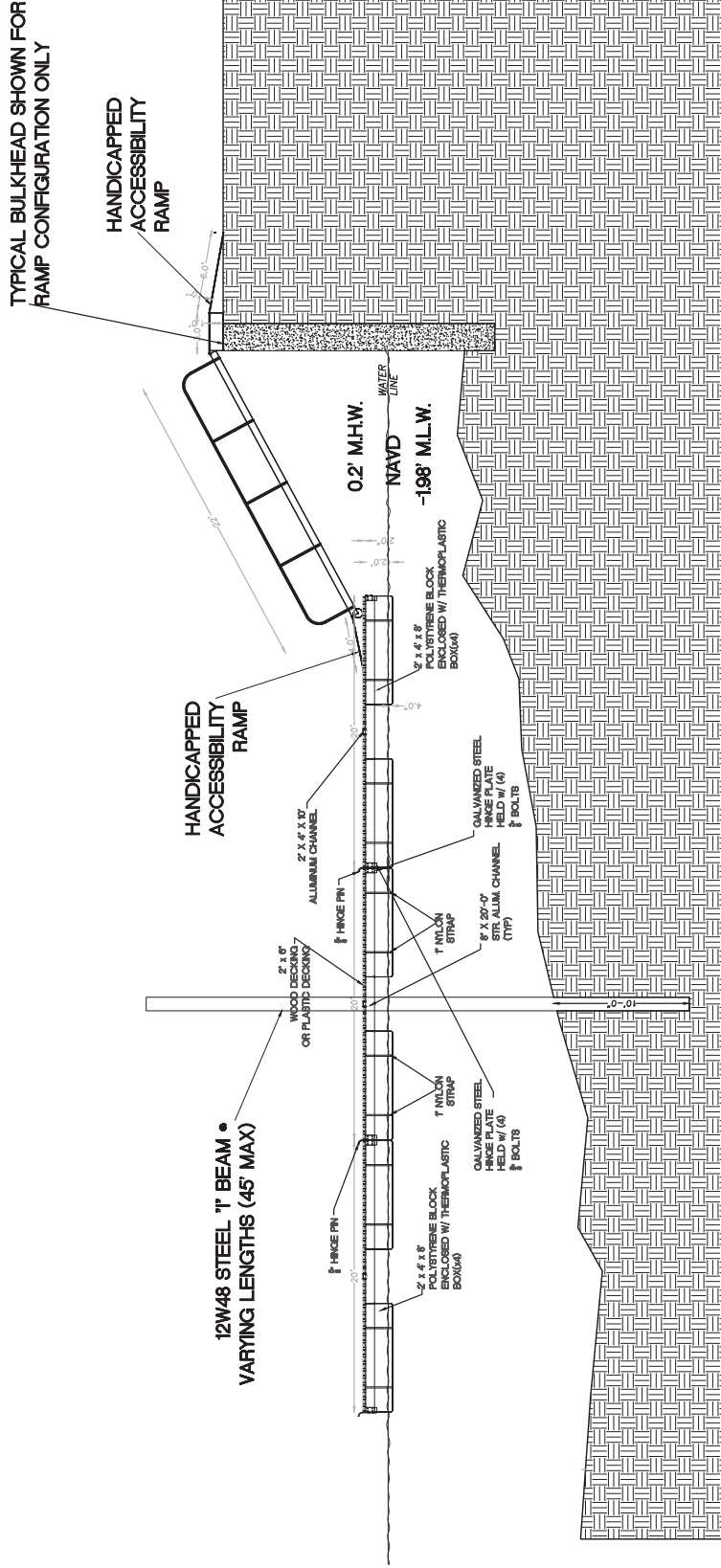
PREPARED FOR:
YACHTING PROMOTIONS, INC.

PROPOSED CONDITIONS VESSELS

Date: 11/11/2021
Sheet: 2 of 6
Proj No.: 09-0039.002

PROPOSED CONDITIONS SECTION (TYP.)

N.T.S.



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, OR OTHERWISE DISCLOSED TO ANY OTHER PARTY WITHOUT WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.

© THE CHAPPELL GROUP, INC. 2021

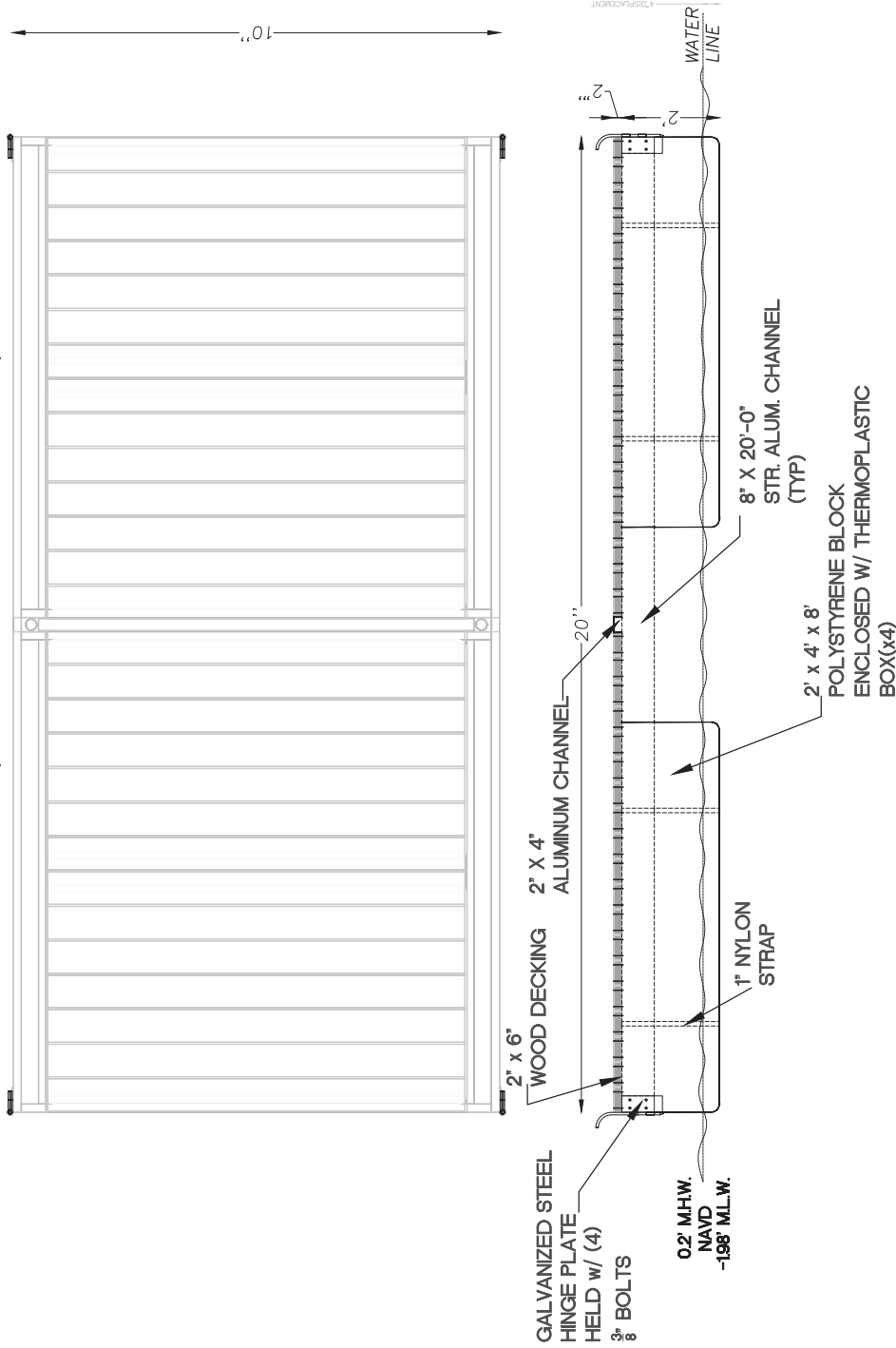
THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
Tel: 954.782.1108
Fax: 954.782.1108
www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys & Appraisals

MIAMI INTERNATIONAL BOAT SHOW
PREPARED FOR:
YACHTING PROMOTIONS, INC.

SECTION	3	of:	6
Date:	11/11/2021	Sheet:	
Proj No.:	09-0039.002		

10' x 20' TEMPORARY FLOATING DOCK
(SECTION THROUGH 20' DIMENSION)



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, OR OTHERWISE DISCLOSED TO ANY OTHER PARTY WITHOUT WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2021

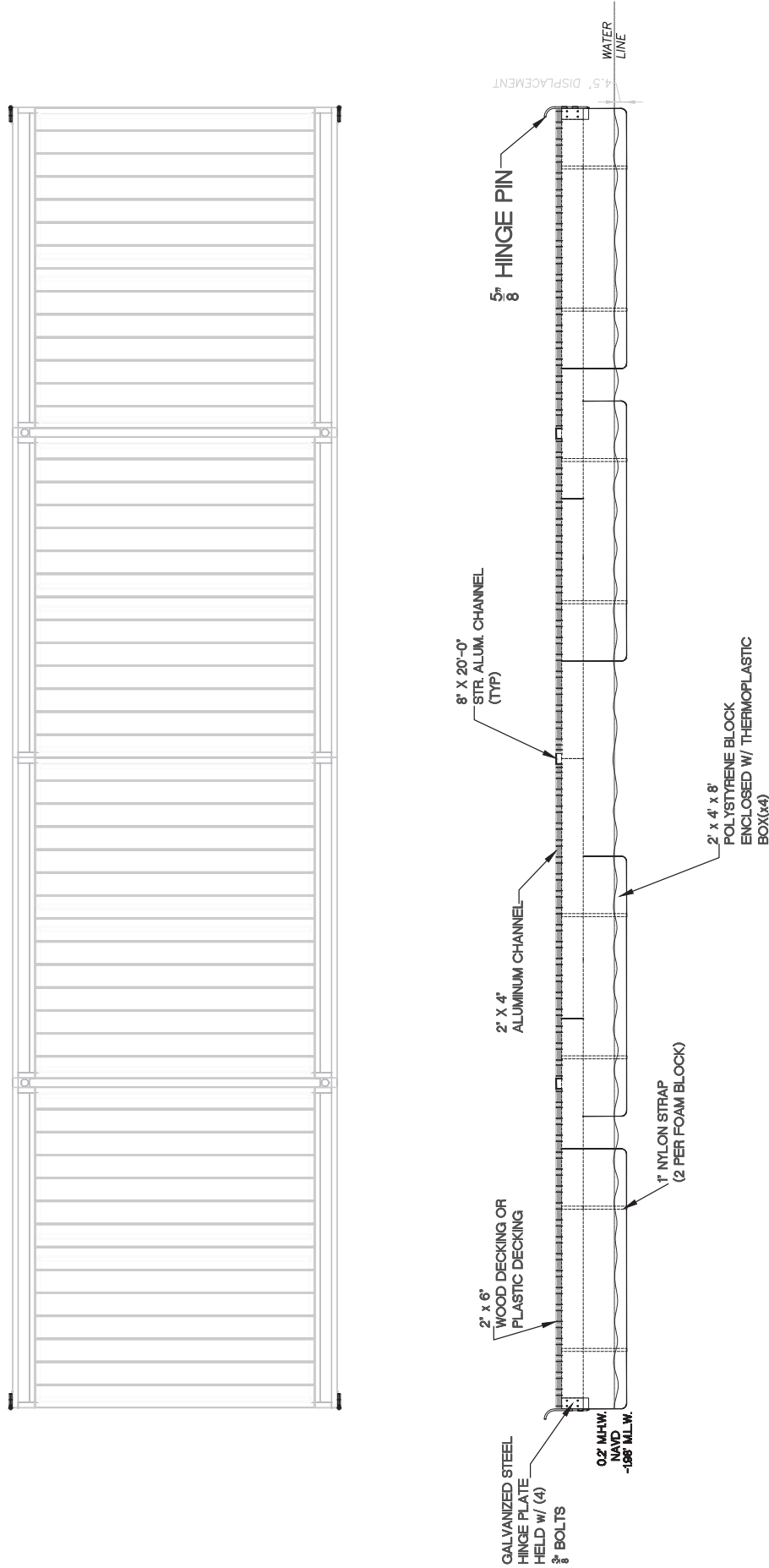
THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
Tel: 954.782.1100
Fax: 954.782.1106
www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys & Appraisals

MIAMI INTERNATIONAL BOAT SHOW
PREPARED FOR:
YACHTING PROMOTIONS, INC.

10'X20' DOCK SECTION			
Date: 11/11/2021	Sheet: 4	of : 6	
Proj No.: 09-0039.002			

10' x 40' TEMPORARY FLOATING DOCK
(SECTION THROUGH 40' DIMENSION)



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, OR OTHERWISE DISCLOSED TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.

THE Chappell GROUP
714 East McNab Road
Pompano Beach, Florida 33060
Tel: 954.782.1100
Fax: 954.782.1106
www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys & Appraisals

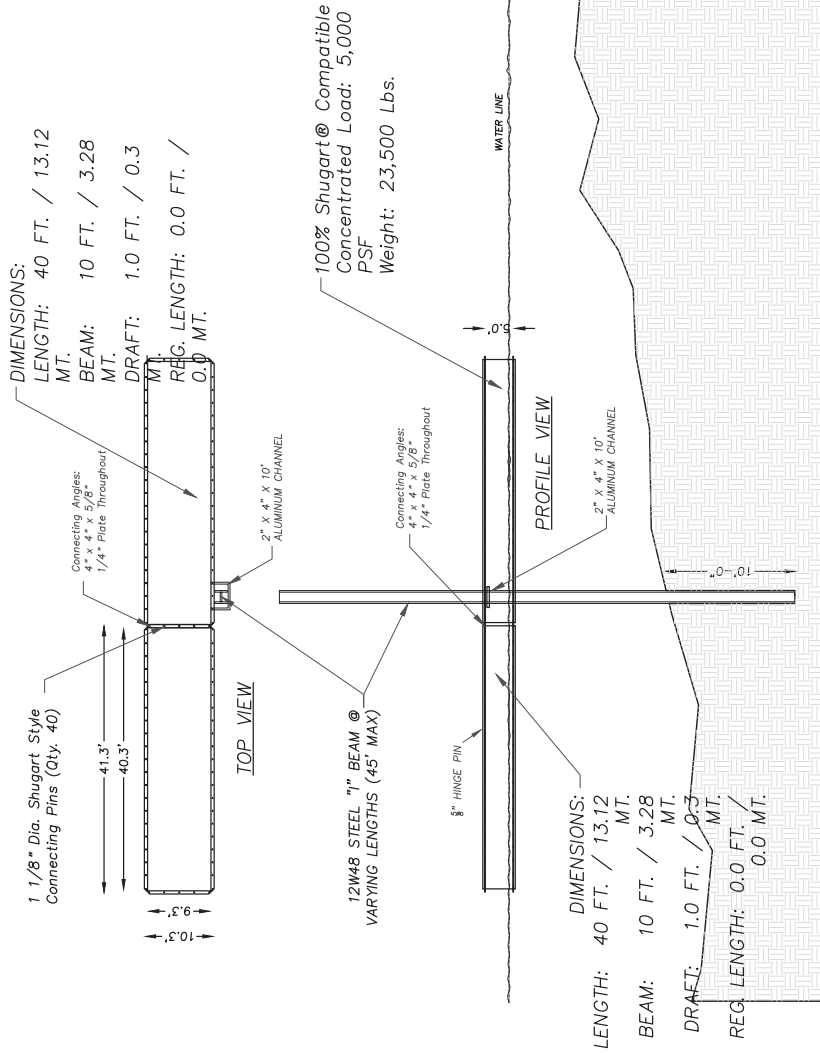
MIAMI INTERNATIONAL BOAT SHOW
PREPARED FOR:
YACHTING PROMOTIONS, INC.

10'X40' DOCK SECTION
Date: 11/11/2021
Sheet: 5 of: 6
Proj No.: 09-0039-002

40'X10'X5' STEEL FLOATING DOCK

NOTES:

40' x 10' x 5' Sectional Dock
 100% Shugart® Compatible
 Concentrated Load: 5,000 PSF
 Weight: 23,500 Lbs.
 Grade A-36 Steel Standard
 Heavy Duty Main Trusses Constructed w/ 6" Channels
 Top Deck Framing: 5" Channels on 12" Centers
 Bottom Deck Framing: 3" Channels on 16 3/4" Centers
 Connecting Angles: 4" x 4" x 5/8"
 1/4" Plate Throughout
 1 1/8" Dia. Shugart® Style Connecting Pins (Qty. 40)
 10'-4" Width - Center Hole to Center Hole
 41'-4" Length - Center Hole to Center Hole
 External Coating: Seaguard 5000 Epoxy



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, OR OTHERWISE DISCLOSED TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.

THE Chappell GROUP
 714 East McNab Road
 Pompano Beach, Florida 33060
 Tel: 954.782.1100
 Fax: 954.782.1108
www.thechappellgroup.com

• Environmental Consultants
 • Marina & Wetland Permitting
 • Mitigation Design & Monitoring
 • TSE Species Surveys
 • Tree Surveys & Appraisals

MIAMI INTERNATIONAL BOAT SHOW

PREPARED FOR:
 YACHTING PROMOTIONS, INC.

STEEL FLOATING DOCK SECTION
 Date: 11/11/2021
 Sheet: 6 of 6
 Proj No: 09-0039.002

Attachment C
Zoning Memorandum

Memorandum



Date: November 19, 2021

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

A handwritten signature in cursive script, appearing to read "McKee Gray".

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

A handwritten signature in cursive script, appearing to read "Tammy Burton".

Subject: Class I Permit Modification by Yachting Promotions, Inc. for the Installation of an additional 313 Temporary Slips, Additional Structures, and the Inclusion of Sea Trials over Tidal Waters within Biscayne Bay at 1 Herald Plaza, 1635 North Bayshore Drive, and 1737 North Bayshore Drive, 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

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

BISCAYNE BAY LAND EAT LLC
C/O RYAN LLC
PO BOX 4900
SCOTTSDALE, AZ 85261

CITY OF MIAMI
444 SW 2 AVE
MIAMI, FL 33130

CITY OF MIAMI - DEPT OF P&D
ASSET MANAGEMENT DIVISION
444 SW 2 AVE STE 325
MIAMI, FL 33130

MIAMI MARINA VENTURES LLLP
150 SE 2 AVE 800
MIAMI, FL 33131

MIRAMAR MARINA CORP
ONE BAYFRONT PLAZA
1100 S BISCAYNE BLVD #1100
MIAMI, FL 33131

VENETIA CONDOMINIUM ASSOCIATION, INC.
C/O JOAQUIN FERNANDEZ, PRES., TREAS.
MANAGEMENT OFFICE
555 NE 15 ST
MIAMI, FL 33132

RESORTS WORLD MIAMI LLC
11000 ROCKAWAY BLVD
JAMAICA, NY 11420

THE GRAND CONDO ASSOC, INC.
C/O STUART KALB, PRES.
1717 N BAYSHORE DR APT 4248-4250
MIAMI, FL 33132

THE GRAND
1717 N BAYSHORE DR APT 3440
MIAMI, FL 33132

THE MIAMI WOMAN'S CLUB
1737 NORTH BAYSHORE DRIVE
MIAMI, FL 33132-1181

Attachment E

DERM Project Report

CLASS I PERMIT MODIFICATION NO. CLI-2018-0071

Class I Permit Modification by Yachting Promotions, Inc. for the Installation of an Additional 313 Temporary Slips, Additional Structures, and the Inclusion of Sea Trials over Tidal Waters within Biscayne Bay at 1 Herald Plaza, 1635 North Bayshore Drive, and 1737 North Bayshore Drive, Miami, Miami-Dade County, Florida

DATE: November 19, 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** – Under the subject Class I permit modification request, the Applicant is proposing to significantly expand the existing temporary boat show and to include sea trials based out of the existing Sea Isle Marina located at 1635 North Bayshore Drive. When the original Class I permit was under consideration in 2018, DERM had recommended approval of the boat show at this location provided that no sea trials were being proposed and that all vessels associated with the event would be moored for the duration of the show. Additionally Specific Condition No. 3 of the subject Class I Permit prohibits the test operation of vessels including sea trials and demonstrations. The project sites are located within an area identified by the Manatee Protection Plan (MPP) as essential manatee habitat and recommended by the MPP for Residential Docking: 1 Motorboat per 100 feet of Developable Shoreline. Protecting rare, threatened, or endangered species such as manatees involves preserving important habitat that the species rely on for survival and minimizing certain human activity that can be disruptive to important behaviors that are also necessary for the species survival. For manatee protection, this involves limiting the construction or expansion of vessel docking facilities that would increase the overlap between typical manatee behavior and high intensity vessel traffic. Essential habitat is used by manatees for sensitive activities such as feeding, resting, mating, nursing, cold shelter, and travel. Furthermore, manatee sighting data also indicates that manatees utilize the mainland side of Biscayne Bay when traveling to and from areas where these sensitive behaviors are occurring. The Applicant has stated that the existing 222 slips at the Sea Isle Marina will not be in use during the duration of the event and has proposed to utilize 150 slips at the Sea Isle site for sea trials. The existing slips utilized by the Sea Isle Marina are primarily recreational vessels that typically do not make frequent daily trips to and from the marina. The inclusion of 150 sea trial slips, which may make numerous trips per day, is reasonably expected to result in a significantly higher frequency of use than the existing Sea Isle slips. The Applicant has developed a map identifying the sea trial routes; however, the proposed routes would transverse areas that are utilized heavily by manatees, particularly during the winter months during which this boat show would take place. While the 1635 North Bayshore Drive and 1737 North Bayshore Drive properties have historically held boat shows, the site was only authorized for maximum of 99 slips with a portion of said slips authorized for sea trials by vessels that had a draft of 4 feet or less. The subject modification requests to increase the number of proposed slips to 947 and to use 150 of those slips for sea trials. When evaluating this application for potential impacts to manatees, DERM staff considered the increase in on water construction activity associated with building the additional slips for this facility each year, as well as the significant increase in vessel traffic associated with bringing a larger number of vessels to the site to occupy the proposed 947 slip temporary docking facility. This request represents an increase in the number of proposed slips by more than 900 percent before accounting for the unknown number of trips originating from and returning to this location that may be associated with the sea trials. As the proposed sea trials are reasonably anticipated to result in an increase in vessel activity in these areas known to be utilized by manatees, DERM is recommending denial of the inclusion of sea trials for the boat show event.

With respect to the applicant's other requested modifications of the existing Class I permit to increase the number of temporary slips and add overwater structures, including temporary wave breaks, DERM is recommending approval. As discussed above, the project sites are located within an area identified by the MPP as essential manatee habitat and recommended for Residential Docking: 1 Motorboat per 100 feet of Developable Shoreline. However, the MPP provides for an

existing marine facility to continue with the existing use and to renovate as long as there is no change in the facility size and no increase in the number of slips. As mentioned above, the subject sites have been authorized, through the prior Class I permit, for a reoccurring annual 634 slip temporary boat show event. Although the MPP does not recommend the siting of a high intensity marine related use at the project sites, DERM staff previously recommended approval of a boat show at the subject sites with the understanding that the boat show is not a permanent facility but is instead a temporary event lasting only five days each year. Provided there are no sea trials and all vessels proposed to be moored would remain so for the duration of the event, DERM is recommending approval of the additional 313 temporary slips.

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. In order to avoid impacts to dense benthic resources, including *Halophila johnsonii*, a Federally Listed Threatened species of seagrass, the footprint of the modified docking facility and all associated additional overwater structures have been configured to be in locations where sparse or no seagrasses were documented. In the areas where the floating docks will be temporarily installed over benthic resources, the pile locations have been configured to avoid impacts to benthic resources. Additionally, the Class I permit includes conditions that require shallow areas and dense seagrass beds to be visibly delineated throughout all construction and demolition activities. Due to the temporary nature of the project, long-term shading impacts to seagrasses are not anticipated, and pre- and post-event benthic surveys will be conducted to verify whether any unanticipated impacts occur. Furthermore, the approved Class I permit includes specific conditions to provide assurance that any unanticipated environmental impacts shall be restored and/or mitigated in accordance with DERM requirements, and that a performance bond shall be posted prior to issuance of the modification.

In order to ensure that the modified use of the docking facility and all associated activities will not result in the discharge of pollutants or solid waste into tidal waters, the Class I permit requires the submittal of an operating plan that adequately addresses how the facility and activities will be managed. Objects or materials made of disposable plastic or polystyrene are prohibited within the area subject to the Class I permit and the operating plan shall adequately address management of this issue. The modified facility will also be required to obtain or abide by an existing applicable Marine Facilities Operating Permit prior to the use and throughout the duration of permitted events at the project sites and the water taxi locations in the FEC slip and Island Gardens marina. In addition, the conditions of the Class I permit require that best management practices be implemented during any construction work or activities associated with the event. In order to mitigate for temporary water-quality impacts associated with the construction, deconstruction and use of the modified facility, the Applicant has agreed to provide annual contributions to the Biscayne Bay Environmental Enhancement Trust Fund based on the total number of slips each year.

The Applicant is proposing to continue operating the boat show on two adjacent parcels of submerged lands owned separately by the City of Miami and the State of Florida through the Board of Trustees of the Internal Improvement Trust Fund (Governor and Cabinet). For the portion of work located adjacent to the 1 Herald Plaza site, the Applicant has provided authorization from the submerged lands owner, the City of Miami, through a submerged lands lease agreement. The portion of the proposed work located adjacent to 1635 North Bayshore Drive and 1737 North Bayshore Drive is located on State-owned sovereign submerged lands which require a submerged lands lease and approval from the Florida Department of Environmental Protection (FDEP). The Applicant has not yet secured authorization from the Florida Department of Environmental

Protection for the use of the State-owned submerged lands, and such proprietary authorization is required by Chapter 24 as part of a Class I permit application. The Applicant requested and received a variance from the application requirements in Section 24-48.2(II)(B)(1) of the Code from the Environmental Quality Control Board (EQCB), to allow the applicant to submit the submerged lands authorization after the application is heard by this Board, but before any Class I permit modification is actually issued. The EQCB's approval, requires the applicant to obtain a valid submerged lands lease and direct approval from FDEP prior to issuance by the County of a Class I permit or modification.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts as set forth in Number 1 above.
3. **Hydrology** – The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is not reasonably expected to adversely affect water quality. The proposed project may result in temporary minor water quality impacts typically associated with the construction, operation, and demolition of a temporary docking facility. To mitigate for these impacts during the life of the permit, the applicant has agreed to provide annual contributions to the Biscayne Bay Environmental Enhancement Trust Fund that will be used for the creation or enhancement of marine habitat within Biscayne Bay. In addition, the event and subject modifications will be required to submit a comprehensive report after each boat show event, which shall address the operation of the boat show and demonstrate compliance with the conditions of the Class I Permit CLI-2018-0071 as required by Specific Condition No. 5.
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 have negative aesthetic impacts. The boat show is temporary in nature. The temporary vessels, structures, and equipment associated with the boat show will be installed and removed within a 45 day period.
9. **Navigation** – The proposed project will temporarily affect navigation within the project area during the 45 day period between the start of installation of the facility and the completion of removal of all structures and associated equipment. However, significant impacts to navigation are not reasonably expected to occur, provided that all structures are lighted in accordance with applicable laws, and all vessels follow safe boating practices as required by all applicable laws.
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, provided the boat show event continues to operate in accordance with the conditions of the Class I permit CLI-2018-0071 and any subsequent modifications and that the sea trials are denied, as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** – The proposed project is not reasonably expected to result in adverse impacts to wetland soils suitable for habitat.
16. **Floral Values** – The proposed project is not reasonably expected to adversely affect marine flora as set forth in Number 1 above.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect marine fauna, provided that the boat show event continues to operate in accordance with the conditions of the Class I permit CLI-2018-0071 and any subsequent modifications and that the sea trials are denied, 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 provided the boat show event continues to operate in accordance with the conditions of the Class I permit CLI-2018-0071 and any subsequent modifications and that the sea trials are denied, as set forth in Number 1 above.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project is not reasonably expected to adversely affect wetland habitat.
21. **Land Use Classification** – 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 stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of 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 Applicant is proposing to continue operating the boat show on two adjacent parcels of submerged lands owned separately by the City of Miami and the State of Florida through the Board of Trustees of the Internal Improvement Trust Fund (Governor and Cabinet). For the portion of work located adjacent to the 1 Herald Plaza site, the Applicant has provided authorization from the submerged lands owner, the City of Miami, through a submerged lands lease agreement. The portion of the proposed work located adjacent to 1635 North Bayshore Drive and 1737 North Bayshore Drive is located on State-owned sovereign submerged lands which require a submerged lands lease and approval from the Florida Department of Environmental Protection (FDEP). The Applicant has not yet secured authorization from the Florida Department of Environmental Protection for the use of the State-owned submerged lands, and such proprietary authorization is required by Chapter 24 as part of a Class I permit application. The Applicant requested and received a variance from the application requirements in Section 24-48.2(II)(B)(1) of the Code from the Environmental Quality Control Board (EQCB), to allow the applicant to submit the submerged lands authorization after the application is heard by this Board, but before any Class I

permit modification is actually issued. The EQCB's approval, requires the applicant to obtain a valid submerged lands lease and direct approval from FDEP prior to issuance by the County of a Class I permit or modification.

24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project involves the temporary installation of a docking facility that has a water-dependent use. The proposed tents and other amenities on the floating docks that will not have a water-dependent use have already been approved through Resolution No. R-1316-18.
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 as set forth in Number 1 above. Therefore, a CEIS was not required by DERM to evaluate the proposed 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 (provided a variance is granted pursuant to Section 24-48.25)
 - b) Florida Department of Environmental Protection (Environmental Resource Permit pending issuance of the submerged lands lease)
 - c) United States Clean Water Act (US Army Corps of Engineers permit pending)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** – In the opinion of the Director, the proposed project is in conformance with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The proposed project is consistent with the Conservation and Coastal Management elements of the CDMP, and will be compatible with the surrounding land uses in Biscayne Bay, provided that the boat show event continues to operate in accordance with the conditions of the Class I permit CLI-2018-0071 and any subsequent modifications and that the sea trials are denied, as set forth in Number 1 above. The proposed project does not involve development in the Big Cypress area of Critical State Concern or the East Everglades.

TRANSPORTATION ELEMENT II

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

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project is not reasonably expected to result in impacts to marine resources as set forth in Number 1 above.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

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

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

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

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

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

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

Objective 7/Policy 7A, 7C, 7D, 7J - Wetland protection and restoration. – The proposed project is not reasonably expected to result in adverse impacts to wetlands 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 project is not located within a designated “Mangrove Protection Area,” and the proposed project is not reasonably expected to result in adverse impacts to mangroves as set forth in Number 1 above.

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project will not affect natural surface flow into and through coastal wetlands as set forth in Number 1 above.

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 mangrove forests and related natural vegetational communities.

Objective 1/Policy 1E – Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project site is not located within coastal wetlands.

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

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

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

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species. – The proposed project is not reasonably expected to result in impacts to endangered or threatened species, provided that the boat show event continues to operate in accordance with the conditions of the Class I permit CLI-2018-0071 and any subsequent modifications and that the sea trials are denied, as set forth in Number 1 above.

Objective 5/Policy 5B – Existing and new areas for water-dependent and water-related uses. – The project site is appropriate for and environmentally compatible with the proposed activities provided that the boat show event continues to operate in accordance with the conditions of the Class I permit CLI-2018-0071 and any subsequent modifications and that the sea trials are denied, as set forth in Number 1 above.

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

Objective 5/Policy 5F – The siting of water-dependent facilities. – The proposed project is consistent with the criteria used to determine appropriateness of the project site provided that the boat show event continues to operate in accordance with the conditions of the Class I permit CLI-2018-0071 and any subsequent modifications and that the sea trials are denied, as set forth in Number 1 above.

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 consistent with the recommendations of the Biscayne Bay Management Plan the proposal to install tents and other amenities on the floating docks that will not have a water-dependent use, the docking facility is water-dependent and has been previously approved through Resolution No. R-1316-18.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - Although the MPP does not recommend the siting of a high intensity marine related use at the project sites, DERM staff previously recommended approval of a boat show at the subject sites with the understanding that the boat show is not a permanent facility but is instead a temporary event lasting only five days each year. Provided there are no sea trials and all vessels proposed to be moored would remain so for the duration of the event, DERM is recommending approval of the additional 313 temporary slips. As the proposed sea trials are reasonably anticipated to result in an increase in vessel activity in these areas known to be utilized by manatees, DERM is recommending denial of the inclusion of sea trials for the boat show event, as set forth in Number 1 above.

31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.
32. **Municipality Recommendation** – 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 stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.
32. **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.
33. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not located in wetlands.
34. **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 – Not applicable.

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

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

The project was also evaluated based upon the applicable factors set forth in Section 24-48.25 of the Code.

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



McKee Gray, Manager
Coastal Resources Section



Tammy Burton, Biologist II
Coastal Resources Section



MEMORANDUM

(Revised)

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

DATE: December 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 5(O)

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 _____

Amended
Agenda Item No. 5(O)
12-1-21

RESOLUTION NO. R-1146-21

RESOLUTION TAKING ACTION ON A CLASS I PERMIT MODIFICATION BY YACHTING PROMOTIONS, INC. FOR THE INSTALLATION OF AN ADDITIONAL 313 TEMPORARY SLIPS, ADDITIONAL STRUCTURES, AND THE INCLUSION OF SEA TRIALS OVER TIDAL WATERS WITHIN BISCAYNE BAY AT 1 HERALD PLAZA, 1635 NORTH BAYSHORE DRIVE, AND 1737 NORTH BAYSHORE DRIVE, 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 and 24-48.25 of the Code of Miami-Dade County, hereby approves the modification by Yachting Promotions, Inc. for the installation of an additional 313 temporary slips and additional structures, over tidal waters within Biscayne Bay at 1 Herald Plaza, 1635 North Bayshore Drive, and 1737 North Bayshore Drive, Miami, Miami-Dade County, Florida. Notwithstanding the recommendation for denial of sea trials in the accompanying memorandum, this Board also approves the modification by Yachting Promotions, Inc. to allow sea trials from up to 150 of the slips, for the Winter 2022 boat show event only, and requires a report with information as to the number of sea trials conducted and any adverse direct impacts to manatees.

This approval is subject to conditions, as set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, and 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 **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

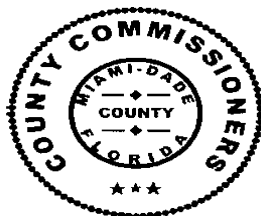
Jose "Pepe" Diaz, Chairman	aye	
Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon aye
Sally A. Heyman	aye	Danielle Cohen Higgins aye
Eileen Higgins	aye	Joe A. Martinez aye
Kionne L. McGhee	aye	Jean Monestime aye
Raquel A. Regalado	aye	Rebeca Sosa aye
Sen. Javier D. Souto	aye	

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: **Melissa Adames**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell
Christopher J. Wahl