

Memorandum



Date: October 20, 2009

Agenda Item No. 5(B)

To: Honorable Chairman Dennis C. Moss and Members,
Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess", written over the printed name of the County Manager.

Subject: Class I Permit Application by Miami-Dade County for Shoreline Stabilization along an Unconsolidated Shoreline through Dredging of Concrete Debris and Sediment, and the Placement of Riprap at the Eastern Tip of Lummus Island at the Port of Miami in Biscayne Bay

Attached, please find for your consideration an application by Miami-Dade County for a Class I permit. Also attached is the recommendation of the Director of the Department of Environmental Resources Management and a resolution seeking the Board's approval of the aforesaid Class I permit.

A handwritten signature in black ink, appearing to be a stylized name, written above a horizontal line.

Assistant County Manager

Memorandum



Date: October 5, 2009

To: George M. Burgess
County Manager

From: Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County for Shoreline Stabilization along an Unconsolidated Shoreline through Dredging of Concrete Debris and Sediment, and the Placement of Riprap at the Eastern Tip of Lummus Island at the Port of Miami in Biscayne Bay

Recommendation

I have reviewed the attached Class I permit application by Miami-Dade County. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), Florida, I recommend that the Board of County Commissioners (BCC) approve the issuance of a Class I permit for the reasons set forth below.

Scope

The project site is located at the east point of Lummus Island on the Port of Miami, Miami-Dade County, in Commission District 5 (Comm. Barreiro).

Fiscal Impact/Funding Source

Not applicable

Track Record/Monitor

Not applicable.

Background

The subject Class I permit application by Miami-Dade County involves the dredging and filling of tidal waters and the grading of the adjacent uplands in order to stabilize five hundred sixty-five (565) linear feet of shoreline around the eastern tip of Lummus Island, located at 2911 Port Boulevard at the Port of Miami in Miami, Miami-Dade County, Florida. The proposed project is required to be reviewed and approved by the Miami-Dade County BCC at a public hearing because the scope of work includes non-maintenance dredging and the filling of tidal waters. Said work is not specifically referenced in Section 24-48.2 of the Code as work that can be processed administratively with a short form application. Therefore, a standard form application including a public hearing is required.

The proposed work will be performed along five hundred sixty-five (565) linear feet of unconsolidated shoreline where erosional impacts are occurring as a result of the strong currents and high wave energy from the Atlantic Ocean, Government Cut, and Fisherman's Channel. The existing shoreline has a grade as steep as one (1) horizontal to one (1) vertical slope in some areas and is covered with large pieces of concrete debris in addition to riprap boulders. The proposed project includes removal of the riprap and concrete debris, and re-grading of the shoreline to a two and five tenths (2.5) horizontal to one (1) vertical slope. The re-graded shoreline will then be lined with filter fabric prior to the installation of three thousand nine hundred sixty-one (3,961) cubic yards of limerock riprap boulders. The re-graded shoreline and replacement of the concrete debris with limerock riprap boulders will provide greater protection from erosion and storm surge.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts from a proposed project must be avoided and minimized. Mitigation is required to compensate for all unavoidable, adverse environmental impacts. Hard and soft corals were documented in the area of the proposed excavation. However, said corals will be required to be relocated in accordance with a DERM-approved coral relocation plan prior to the start of construction. No other benthic resources are present in the footprint of the proposed project. The proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for *Trichechus manatus* (West Indian Manatee). However, to reduce potential impacts to manatees traversing the area, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water construction operations.

This proposed shoreline stabilization project will require mitigation in the form of three hundred eighty-seven (387) cubic yards of limerock riprap boulders for water quality impacts related to the grading of the shoreline. A separate project at the Port of Miami, which includes installation of a new bulkhead and filling and dredging of tidal waters, requires mitigation for water quality impacts in the form of seven hundred fifty-four (754) cubic yards of limerock riprap boulders. The bulkhead project was approved by the BCC at a public hearing on May 5, 2009 through Resolution R-470-09. The three thousand nine hundred sixty-one (3,961) cubic yards of limerock riprap boulders that are proposed to be placed as part of this shoreline stabilization project will provide the required amount of mitigation necessary to satisfy both projects combined.

The proposed 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 sets forth the reasons the proposed project is recommended for approval by DERM pursuant to the applicable evaluation factors 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: Affidavit of Ownership and Hold Harmless Agreement
- Attachment C: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
- Attachment D: Zoning Memorandum
- Attachment E: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY
MIAMI-DADE COUNTY FOR A CLASS I PERMIT FOR
SHORELINE STABILIZATION ALONG AN UNCONSOLIDATED
SHORELINE THROUGH DREDGING OF CONCRETE DEBRIS
AND SEDIMENT, AND THE PLACEMENT OF RIPRAP AT THE
EASTERN TIP OF LUMMUS ISLAND AT THE PORT OF MIAMI
IN BISCAYNE BAY, MIAMI, MIAMI-DADE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a Public Hearing on a request by Miami-Dade County for a Class I permit for shoreline stabilization along an unconsolidated shoreline through dredging of concrete debris and sediment, and the placement of riprap at the eastern tip of Lummus Island at the Port of Miami in Biscayne Bay, Miami, Miami-Dade County, Florida. Such Public Hearing will be held on October 20, 2009 at 9:30 AM at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 111 NW 1st Street in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 4th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (Diane Collins, Deputy Clerk), 111 NW 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Environmental Resources Management, 4th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

A person who decides to appeal any decision made by any Board, Agency, or Commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Diane Collins, Deputy Clerk



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners **DATE:** October 20, 2009

FROM: R. A. Cuevas, Jr. County Attorney **SUBJECT:** Agenda Item No. 5(B)

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 5(B)
10-20-09

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT FOR SHORELINE STABILIZATION ALONG AN UNCONSOLIDATED SHORELINE THROUGH DREDGING OF CONCRETE DEBRIS AND SEDIMENT, AND THE PLACEMENT OF RIPRAP AT THE EASTERN TIP OF LUMMUS ISLAND AT THE PORT OF MIAMI IN BISCAYNE BAY, MIAMI, MIAMI-DADE COUNTY, FLORIDA

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Miami-Dade County for a Class I permit for shoreline stabilization along an unconsolidated shoreline through dredging of concrete debris and sediment, and the placement of riprap at the eastern tip of Lummus Island at the Port of Miami in Biscayne Bay, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.


The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of October, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

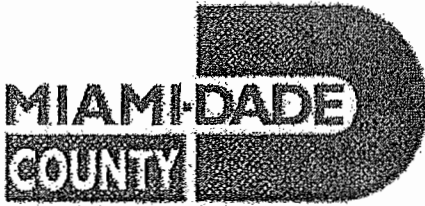
Approved by County Attorney as
to form and legal sufficiency. 

By: _____
Deputy Clerk

Peter S. Tell

Attachment A
Class I Permit Application





Class I Permit Application.

Application number
2008-CLI-PER-00312

2. Date Day/Month/Year
09/21/09

3. For official use only

4. Applicant Information
Name: Miami-Dade County
Address: 1015 North American Way, 2nd Floor
Miami, FL Zip Code: 33132
Phone#: 305-347-4970 Fax#: 305-347-4893

5. Applicant's authorized permit agent
Name: CH2M HILL
Address: 4350 W. Cypress St Ste 600
Tampa, FL Zip Code: 33607
Phone#: 813-874-0777 Fax#: 813-874-3056

6. Describe the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pipe or float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance.

Shoreline Stabilization along an Unconsolidated Shoreline through Dredging of Concrete Debris and Sediment, and the Placement of Riprap at the Eastern Tip of Lummus Island at the Port of Miami in Biscayne Bay.

Dredged/Excavated 11005 Filled/Deposited 14,518

Volume of Material: <u>7337</u> CY	<u>3668</u> CY	<u>6,495</u> CY	<u>8,023</u> CY
<small>Waterward of O.H.W. or M.H.W.</small>	<small>Landward of O.H.W. OR M.H.W.</small>	<small>Waterward of O.H.W. or M.H.W.</small>	<small>Landward of O.H.W. OR M.H.W.</small>

7. Proposed Use: (Check One)

Private
 Public
 Commercial
 Other

8. Names and addresses of adjoining property owners whose property also adjoins the waterway.

Name: _____ Address: _____ ____ Zip Code: _____	Name: _____ Address: _____ ____ Zip Code: _____
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9. Location where proposed activity exists or will occur.

Street Address: Miami Harbor, East side of Port of Miami Latitude 80°8'43"W Longitude 25°46'0"N
Section 37 Township 54S Range 42E
State FL County Miami-Dade In City or Town _____ Near City or Town Miami

10. Name of waterway at location of the activity.
Biscayne Bay

11. Date activity is proposed to:
 Commence August 2009 Be Completed December 2010

12. Is any portion of this activity for which authorization is sought now complete?
 Yes
 No
 If answer is "yes", give reasons in the remarks section. Indicate the existing work on the drawings.
 Month and Year the activity was completed _____

13. List all approvals or certifications required by other Federal, state or local agencies for any structures, construction, discharges, deposits or other activities described in this application, including whether the project is a Development of Regional Impacts.

Issuing Agency	Type of Approval	Identification Number	Date of Application	Date of Approval
FDEP	Exemption	13-0293109-001	11-14-2008	02-23-2009
USACE	Nationwide Permit	2008-4414	11-14-2008	01-27-2009

14. Has any other agency denied approval for any activity directly related to the activity described herein?
 Yes
 No

15. Remarks

16. Estimated project cost = 1,500,000

17. Contractor's name and address
 Name: TBD License #: _____
 Address: _____
 _____ Zip Code: _____
 Phone#: _____ Fax#: _____

19. To obtain proprietary authorization for work on state-owned submerged lands, please include an additional copy of the following:
 8 1/2 x 11 Location Map
 8 1/2 x 11 Project Drawing
 Copy of Application

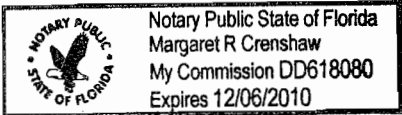
18. Application is hereby made for a permit or permit(s) to authorize the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making the preliminary analyses of the site and monitoring permitted works, if permit is granted. I certify that I am familiar with the information contained in this application and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of owner [Signature]
 Ysela Llorca, Assistant County Manager
 Miami-Dade County

Date _____

SUBSCRIBED AND SWORN TO ME THIS 2nd DAY OF Oct, 2009
 BY [Signature]
 PERSONALLY KNOWN PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED _____
[Signature]
 NOTARY PUBLIC



Attachment B
Affidavit of Ownership and Hold Harmless Agreement

**Affidavit of Ownership and
Hold Harmless Agreement**

Personally Appeared Before Me, Ysela LLort, Assistant County Manager
Miami-Dade County, that

(Property owner, lessee or Corporate Officer if owner is a corporation)

undersigned authority, and hereby swears and affirms under oath as follows:

1. That your affiant is the record owner or lessee of that certain property* more fully described as:

See attached survey and legal description.


* may attach legal description from public records or plat book or a copy of the warranty deed

2. That your affiant is also the riparian and/or littoral owner or lessee of that certain property that is the subject matter of Application No. **2008-CLI-PER-00312** for a Class I permit under and pursuant to Section 24-48 of the Code of MIAMI-Dade County to construct or engage in the following activity:

Shoreline Stabilization along an Unconsolidated Shoreline through Dredging of Concrete Debris and Sediment, and the Placement of Riprap at the Eastern Tip of Lummus Island in Biscayne Bay.

3. That your affiant hereby swears and affirms its ownership or leasehold in the above noted property necessary for the work noted in Paragraph 2 above, and hereby agrees to: defend same and hold the County harmless from any and all liability, claims and damages of any nature whatsoever occurring, including or arising as a result of your affiant not having the proper title to all lands or proper leasehold to all lands that are the subject matter of this application.

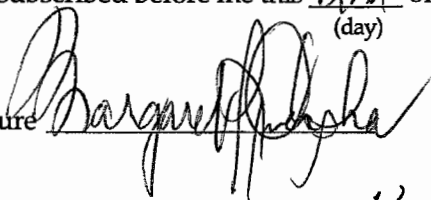
STATE OF FLORIDA
COUNTY OF DADE



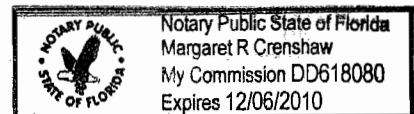
Ysela Llort, Assistant County Manager
Miami-Dade County

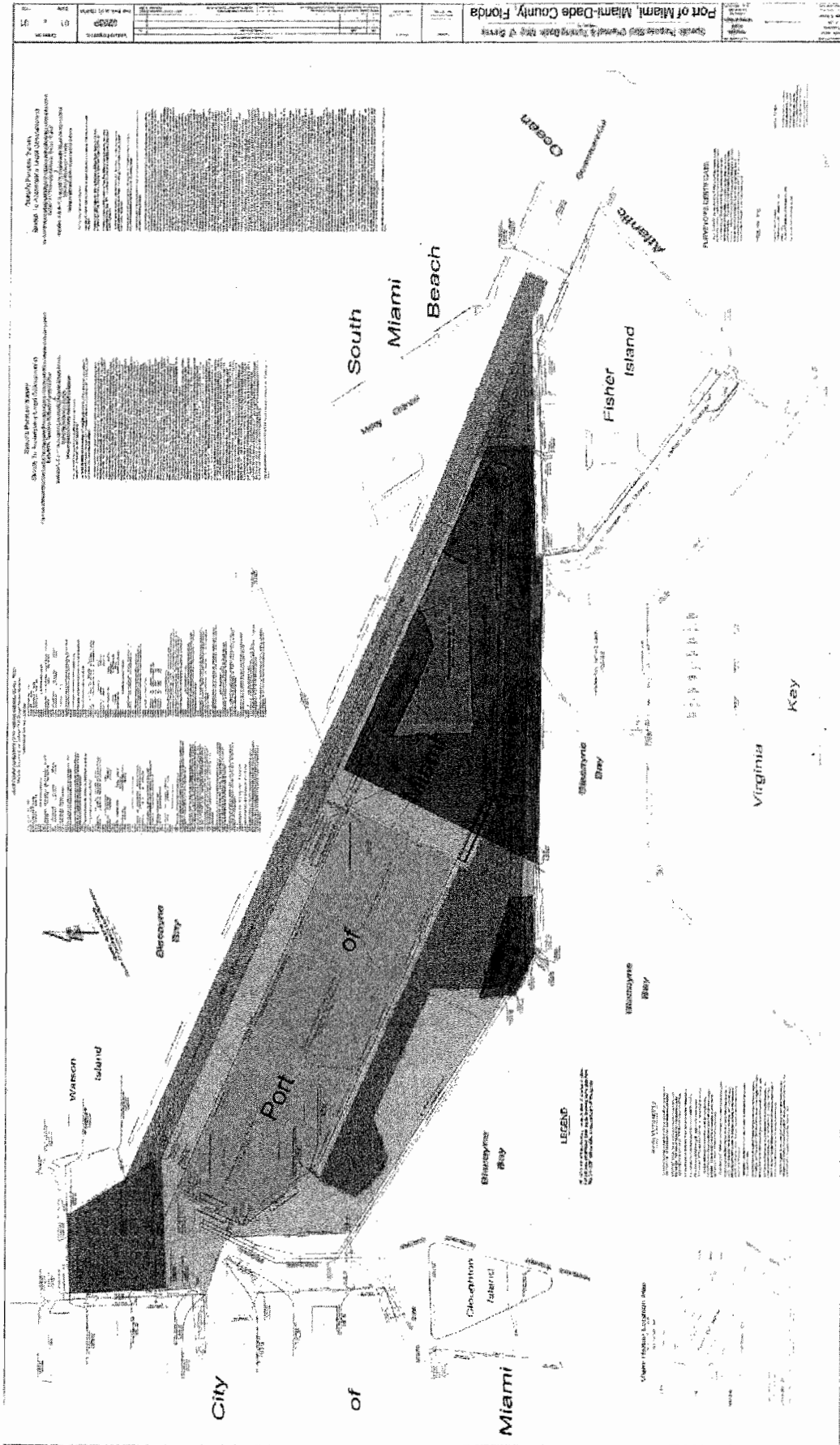
BEFORE ME, the undersigned authority, personally appeared Ysela Llort, who, after being duly sworn, deposes and says that he/she has read the foregoing, and that the statements contained therein are true and correct to the best of his/her knowledge and belief.

Sworn to and subscribed before me this 2nd of Oct, 2009.
(day) (month) (year)

Notary Signature 

Notary Seal





PORT OF MIAMI LEGAL SURVEY MAP



Specific Purpose Survey

Sketch To Accompany Legal Description(s)

The Port of Miami Ship Channels & Turning Basin Boundaries being comprised of Submerged lands lying within
Section 31, Township 53 South, Range 42 East
&
Sections 4, 5, 6, 7, 8, 9, and 10, Township 54 South, Range 42 East,
Miami-Dade County, Florida
being more particularly described as follows:

PORT OF MIAMI SHIP CHANNELS & TURNING BASINS BOUNDARY (Westerly of Government Cut within Biscayne Bay)

The PORT OF MIAMI Ship Channel(s) & Turning Basin(s) Westerly of Government Cut within Biscayne Bay consists entirely of submerged lands, as archived historically in U.S. Army Corps of Engineers records, and is more particularly described as follows:

Commence from an historic second order National Geodetic Survey (NGS) Monument stamped "MH-18" set by the U.S. Army Corps of Engineers (USCE) in 1982, and has for its backsight another USCE 1963 Monument designated and stamped "MH-30" having a reference bearing of N. 64°57'04" W. and a distance of 6,392.91 feet. The reference bearing is based upon the North American Datum of 1983, as adjusted in 1990 for the Florida East 901 Zone state plane coordinate grid. The coordinates for "MH-18" are 524167.0875 feet for a Northing, and 932073.8378 feet for a Easting as published by National Geodetic Survey under the Permanent Identifier (P.I.D.) Number of AC3514, and designated "H 034". From the Point of Commencement (P.O.C.) "MH-18" run N. 25°05'45" E. for a distance of 452.86 feet to a point intersecting at right angles the Main Ship Channel Southwesterly right-of-way line, same said point being the Point of Beginning (P.O.B.) of the Port of Miami Ship Channel(s) & Turning Basin(s) Boundary; thence run S. 64°54'15" E. along the Main Ship Channel Southwesterly right-of-way line for a distance of 4,904.05 feet to a Point of Intersection (P.I.); thence run S. 67°23'53" E. along the Main Ship Channel Southwesterly right-of-way line for a distance of 1,243.52 feet to a P.I.; thence run S. 22°36'07" W. along the Easterly Main Ship Channel Turning Basin Westerly right-of-way line for a distance of 603.50 feet to a P.I.; thence run N. 88°37'48" W. along the South Ship Channel Northerly right-of-way line for a distance of 5,345.28 feet to a P.I.; thence run N. 64°57'04" W. along the Easterly South Ship Channel Turning Basin Northeasterly right-of-way line for a distance of 1,292.74 feet to a P.I.; thence run N. 25°02'56" W. along the Easterly South Ship Channel Turning Basin Northeasterly right-of-way line for a distance of 150.00 feet to a P.I.; thence run N. 64°57'04" W. along the South Ship Channel Northeasterly right-of-way line for a distance of 5,550.00 feet to a P.I. also being the Northerly most corner limits of the Westerly South Ship Channel Turning Basin; thence run S. 25°37'39" W. along the South Ship Channel Westerly Turning Basin Westerly right-of-way line for a distance of 200.00 feet to a P.I.; thence run S. 24°48'34" W. along the South Ship Channel Westerly Turning Basin Westerly right-of-way line for a distance of 463.20 feet to a P.I.; thence run S. 41°14'16" E. along the South Ship Channel Westerly Turning Basin Southwesterly right-of-way line for a distance of 539.09 feet to a P.I.; thence run S. 64°57'04" E. along the South Ship Channel Westerly Turning Basin Southwesterly right-of-way line for a distance of 309.31 feet to a P.I.; thence run N. 67°19'22" E. along the South Ship Channel Westerly Turning Basin Southeasterly right-of-way line for a distance of 675.73 feet to a P.I. also being the Southwesterly limits of the South Ship Channel right-of-way line; thence run S. 64°57'04" E. along the South Ship Channel Southwesterly right-of-way line for a distance of 2,320.48 feet to a P.I. also being the South Ship Channel Easterly Turning Basin Westerly right-of-way line; thence run S. 01°22'12" W. along the South Ship Channel Easterly Turning Basin Westerly right-of-way line for a distance of 731.15 feet to a P.I.; thence run S. 07°02'21" E. along the South Ship Channel Easterly Turning Basin Westerly right-of-way line for a distance of 553.20 feet to a P.I.; thence run S. 64°57'16" E. along the South Ship Channel Easterly Turning Basin Southwesterly right-of-way line for a distance of 609.13 feet to a P.I.; thence run S. 66°36'12" E. along the South Ship Channel Southerly right-of-way line for a distance of 2,723.76 feet to a P.I.; thence run S. 66°37'45" E. along the South Ship Channel Southerly right-of-way line for a distance of 4,917.22 feet to a P.I.; thence run N. 88°09'48" E. along the South Ship Channel Southerly right-of-way line for a distance of 449.75 feet to a P.I.; thence run S. 01°50'12" E. along the South Ship Channel Southerly right-of-way line for a distance of 24.89 feet to a P.I.; thence run N. 88°09'48" E. along the South Ship Channel Southerly right-of-way line for a distance of 2,100.98 feet to a P.I. with the Main Ship Channel Southwesterly right-of-way line; thence run S. 67°23'53" E. along the Main Ship Channel Southwesterly right-of-way line for a distance of 672.17 feet to a P.I. with the Westerly limits of Government Cut's Channel Transition; thence run N. 22°36'07" E. across the Westerly limits of Government Cut's Channel Transition for a distance of 400.00 feet to a P.I. Main Ship Channel Northeasterly right-of-way line; thence run N. 87°23'53" W. along the Main Ship Channel Northeasterly right-of-way line for a distance of 4,238.44 feet to a P.I.; thence run N. 64°54'15" W. along the Main Ship Channel Northeasterly right-of-way line for a distance of 11,849.32 feet to a P.I. also being the Main Ship Channel Westerly Turning Basin Northeasterly right-of-way line; thence run N. 31°03'51" W. along the Main Ship Channel Westerly Turning Basin Northeasterly right-of-way line for a distance of 1160.53 feet to a P.I.; thence run S. 87°49'55" W. along the Main Ship Channel Westerly Turning Basin Northerly right-of-way line for a distance of 1,246.27 feet to a P.I.; thence run S. 03°09'51" E. along the Main Ship Channel Westerly Turning Basin Westerly right-of-way line for a distance of 1,629.30 feet to a P.I.; thence run N. 67°30'09" E. along the Main Ship Channel Westerly Turning Basin Southerly right-of-way line for a distance of 2,084.32 feet to a P.I. also being the Main Ship Channel Southwesterly right-of-way line; thence run S. 64°54'15" E. along the Main Ship Channel Southwesterly right-of-way line for a distance of 6,398.98 feet to the Point of Beginning (P.O.B.).

Area as described above contains 17,768,413.047 Square Feet (plus or minus), or 407.907 Acres (plus or minus).

Specific Purpose Survey

Sketch To Accompany Legal Description(s)

The Port of Miami being comprised of Uplands and Submerged lands lying within
Section 31, Township 53 South, Range 42 East
&
Sections 4, 5, 6, 7, 8, 9, and 10, Township 54 South, Range 42 East,
Miami-Dade County, Florida
being more particularly described as follows:

PORT OF MIAMI BOUNDARY SURVEY

The PORT OF MIAMI consists of upland and submerged lands in composite of the following recorded instruments:

Warranty Deed, dated July 14th 1960, as recorded in Official Record Book (O.R.B.) 2454, at Pages (Pgs.) 77 and 78 of the Public Records of Miami-Dade County, Florida, and

Bulkhead Line Record Plat entitled the "New Port of Miami", dated December 16th, 1968 as recorded in Plat Book (P.B.) 74, at Page (Pg.) 10 of the Public Records of Miami-Dade County, Florida, and

Corrected General Warranty Deed for Tracts 1 & 2, dated May 07th 1960, as recorded in Official Record Book 10754, at Pages 1976 and 1977 of the Public Records of Miami-Dade County, Florida, and

Warranty Deed, dated June 30th 1960, as recorded in Official Record Book 10799, at Page 1923 of the Public Records of Miami-Dade County, Florida.

where herein expressed more contemporarily as a composite property the result interior boundary is more particularly described as follows:

Commence from an historic second order National Geodetic Survey (NGS) Monument stamped "MH-18" set by the U.S. Army Corps of Engineers (USCE) in 1963, and has for its backsight another USCE 1963 Monument designated and stamped "MH-20" having a reference bearing of N. 64°57'04" W. and a distance of 6,392.61 feet. The reference bearing is based upon the North American Datum of 1983, as adjusted in 1993 for the Florida East 901 Zone state plane coordinate grid. The coordinates for "MH-18" are 524167.0875 feet for a Northing, and 932073.8378 feet for a Easting as published by National Geodetic Survey under the Permanent Identifier (P.I.D.) Number of AC3514, and designated "H034". From the Point of Commencement (P.O.C.) "MH-18" run N. 25°05'46" E. for a distance of 452.86 feet to a point intersecting at right angles the Southwesterly Main Ship Channel right-of-way line (as described in Official Record Book [O.R.B.] 2454, at Pages [Pgs.] 77 & 78), same said point being the Point of Beginning (P.O.B.) of the Port of Miami Boundary; thence run clockwise around the Port of Miami boundary beginning in a direction S. 64°54'15" E. for a distance of 4,904.05 feet to a Point of Intersection (P.I.) deflection point on the same aforesaid Southwesterly Main Ship Channel right-of-way line; thence continue along the Southwesterly Main Ship Channel right-of-way line S. 87°23'53" E. for a distance of 3,578.02 feet to a P.I. with a line 100.00 feet offset Northerly and parallel to the Fisher Island Northerly Bulkhead line (as described and recorded in Plat Book [P.B.] 74, at Page [Pg.] 4, and at sub-page [SPg.] 8, and also as recorded in P.B. 74, at Pg. 8, and at SPg. 1 both of the public records of Miami-Dade County, Florida); thence run S. 88°09'48" W. along the same aforesaid line 100.00 feet offset Northerly and parallel to the Fisher Island Northerly Bulkhead line for a distance of 2,100.93 feet to a point 1,700 feet Easterly of the Fisher Island Northerly Bulkhead line (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run N. 01°50'12" W. at right angles to the aforementioned course a distance of 24.89 feet to a P.I. with a line approximately 125 feet offset Northerly and parallel to the Fisher Island Northerly Bulkhead line (as described for Tract 1 in O.R.B. 10754, at Pgs. 1976 & 1977); thence run S. 88°09'48" W. along the same aforesaid line approximately 125 feet offset Northerly and parallel to the Fisher Island Northerly Bulkhead line for a distance of 1,700.00 feet to a point 125 feet Northerly of the Northwest corner of the Fisher Island Northern Bulkhead line (as described for Tract 1 in O.R.B. 10754, at Pgs. 1976 & 1977); then run S. 00°37'20" W. a distance of 125.00 feet to Fisher Island's Northwest Bulkhead line corner (as described in O.R.B. 10754, at Pgs. 1976 & 1977, and also as recorded in P.B. 74, at Pg. 4, and at SPg. 8 and as recorded in P.B. 74, at Pg. 8, and at SPg. 1 both of the public records of Miami-Dade County, Florida); thence run N. 89°22'40" W. from the aforesaid Fisher Island's Northwest Bulkhead line corner a distance of 4,891.89 feet (4,599.00 feet, Record) to the Southwesterly corner of Tract 1 (as described in O.R.B. 10754, at Pgs. 1976 & 1977); thence run N. 25°02'56" E. from the aforesaid Southwesterly corner of Tract 1 a distance of 98.25 feet to a P.I. with the Northerly right-of-way line of Fisherman's Channel; thence run S. 88°09'48" W. along the Northerly right-of-way line of Fisherman's Channel a distance of 1,377.88 feet to the Southwest corner of the Northerly right-of-way line of Fisherman's Channel (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run N. 58°05'23" W. from the Southwest corner of the Northerly right-of-way line of Fisherman's Channel (as described in O.R.B. 2454, at Pgs. 77 & 78) a distance of 32.89 feet to a P.I. of the Southerly line of Tract 2 (as described in O.R.B. 10754, at Pgs. 1976 & 1977); thence run S. 87°32'50" W. along the same aforesaid Southerly line of Tract 2 a distance of 77.75 feet to a P.I. at the Southwesterly corner of Tract 2 (as described in O.R.B. 10754, at Pgs. 1976 & 1977); thence run N. 64°57'04" W. along the same aforesaid Westerly line of the Tract 2 a distance of 725.00 feet to a P.I. along the Westerly line of Tract 2 (as described in O.R.B. 10754, at Pgs. 1976 & 1977); thence run N. 05°27'01" W. along the same aforesaid Westerly line of Tract 2 for a distance of 204.07 feet to a P.I. with the Northeastery right-of-way line of Fisherman's Channel; thence run N. 56°05'23" W. along the same aforesaid Northeastery right-of-way line of Fisherman's Channel for a distance of 4,802.02 feet to a P.I. with the Easterly and Northeastery right-of-way line of Fisherman's Channel, and also being 900 feet offset Easterly and parallel to the U.S. Harbor line (as described in O.R.B. 2454, at Pgs. 77 & 78, and as recorded in P.B. 73, at Pg. 3, and at SPg. 3 of the public records of Miami-Dade County, Florida); thence run N. 01°59'00" W. along the same aforesaid 900 foot offset line Easterly of the U.S. Harbor line for a distance of 2,093.02 feet to a P.I. being 456 feet Southerly and parallel to a prolongation of the Southern right-of-way line of N.E. 6th Street (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run N. 68°54'29" W. from the aforesaid P.I. a distance of 571.20 feet to a P.I. with the U.S. Harbor line (as recorded in P.B. 73, at Pg. 3, and at SPg. 3 of the Public Records of Miami-Dade County, Florida) being 85.00 feet Southerly of a prolongation of the Southerly right-of-way line of N.E. 6th Street as measured along the U.S. Harbor line (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run N. 01°59'00" W. along the same aforesaid U.S. Harbor line for a distance of 85.00 feet to a P.I. being the prolongation of the Southerly right-of-way line of N.E. 6th Street (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run N. 87°41'41" E. from the same aforesaid P.I. on the U.S. Harbor line for a distance of 100.00 feet to a P.I. with a line 100 feet offset Easterly and parallel to the aforesaid U.S. Harbor line; thence run N. 01°59'00" W. along the same aforesaid line 100 feet offset Easterly and parallel to the aforesaid U.S. Harbor line (as described in O.R.B. 2454, at Pgs. 77 & 78) for a distance of 1,525.23 feet to a P.I.; thence run N. 02°20'18" W. from the same aforesaid P.I. along a line 100 feet offset Easterly and parallel to the aforesaid U.S. Harbor for a distance of 693.75 feet to a P.I. of the Northerly limits of the Main Ship Channel Westerly Turning Basin, same said P.I. also being approximately 250 feet Southerly of the South right-of-way line of Mac Arthur Causeway and 100 feet Easterly of the Westerly U.S. Harbor line of Biscayne Bay line (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run N. 87°40'58" E. along the aforementioned Northerly limits of the Main Ship Channel Westerly Turning Basin for a distance of 1,246.27 feet to a P.I. on the Northeastery line of the Main Ship Channel Westerly Turning Basin, same said P.I. being approximately 778, plus or minus (800 feet, plus or minus, as described in O.R.B. 2454, at Pgs. 77 & 78) as measured at right angles from the Westerly Bulkhead line of Watson Island; thence run S. 31°03'51" E. along the aforementioned Northeastery limits of the Main Ship Channel Westerly Turning Basin for a distance of 1,150.83 feet to a P.I. of the Northerly limits of the Main Ship Channel, same said P.I. being approximately 499, plus or minus (500 feet, plus or minus, as described in O.R.B. 2454, at Pgs. 77 & 78) as measured at right angles from the Westerly Bulkhead line of Watson Island; thence run S. 29°07'10" E. across the Main Ship Channel from the same aforesaid P.I. to a P.I. with the Southerly limits of the Main Ship Channel Western Turning Basin and the Southwesterly right-of-way line of the Main Ship Channel (as described in O.R.B. 2454, at Pgs. 77 & 78); thence run S. 84°54'15" E. along the same aforesaid Southwesterly right-of-way line of the Main Ship Channel (as described in O.R.B. 2454, at Pgs. 77 & 78) to the Point of Beginning (P.O.B.).

Area as described above contains 46,713,267.024 Square Feet (plus or minus), or 1,072,389 Acres (plus or minus).

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Attachment C
Permit Applicant/Authorized Agent Statement,
Engineer Letter of Certification, Project Plans

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

Note Please insert applicable information

Date: September 21, 2009

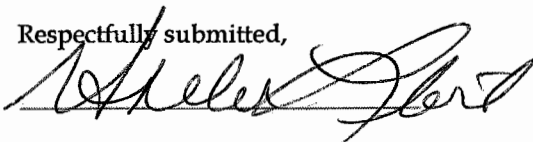
To:
Miami-Dade County DERM Class I
Permitting Program
701 N.W., 1st Court
Miami, Florida 33136

Re: Class I Standard Form Permit Application Number 2008-CLI-PER-00312 by Miami-Dade County for Shoreline Stabilization along an Unconsolidated Shoreline through Dredging of Concrete Debris and Sediment, and the Placement of Riprap at the Eastern Tip of Lummus Island at the Port of Miami in Biscayne Bay.

By the attached Class I Standard Form permit application with supporting documents, I, Ysela LLort, Assistant County Manager of Miami-Dade County, am the permit applicant and hereby request permission to perform the following: Shoreline Stabilization along an Unconsolidated Shoreline through Dredging of Concrete Debris and Sediment, and the Placement of Riprap at the Eastern Tip of Lummus Island at the Port of Miami in Biscayne Bay. 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 registered/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 of Environmental Resources Management. The permit applicant will secure the services of an engineer registered/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,



Ysela Llort, Assistant County Manager
Miami-Dade County
Permit Applicant

ENGINEER LETTER OF CERTIFICATION

Note: Please insert applicable information



CH2MHILL

September 21, 2009

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

CH2M HILL
4350 W. Cypress St.
Suite 600
Tampa, FL 33607
Tel 813.874.0777
Fax 813.874.3056

RE: Class I Standard Form Permit Application Number 2008-CLI-PER-00312 by Miami-Dade County for Shoreline Stabilization along an Unconsolidated Shoreline through Dredging of Concrete Debris and Sediment, and the Placement of Riprap at the Eastern Tip of Lummus Island at the Port of Miami in Biscayne Bay.

Ladies and Gentlemen:

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

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

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

Sincerely,

Raymond L. Cox, P.E. CH2M HILL

FL PE# - 34212

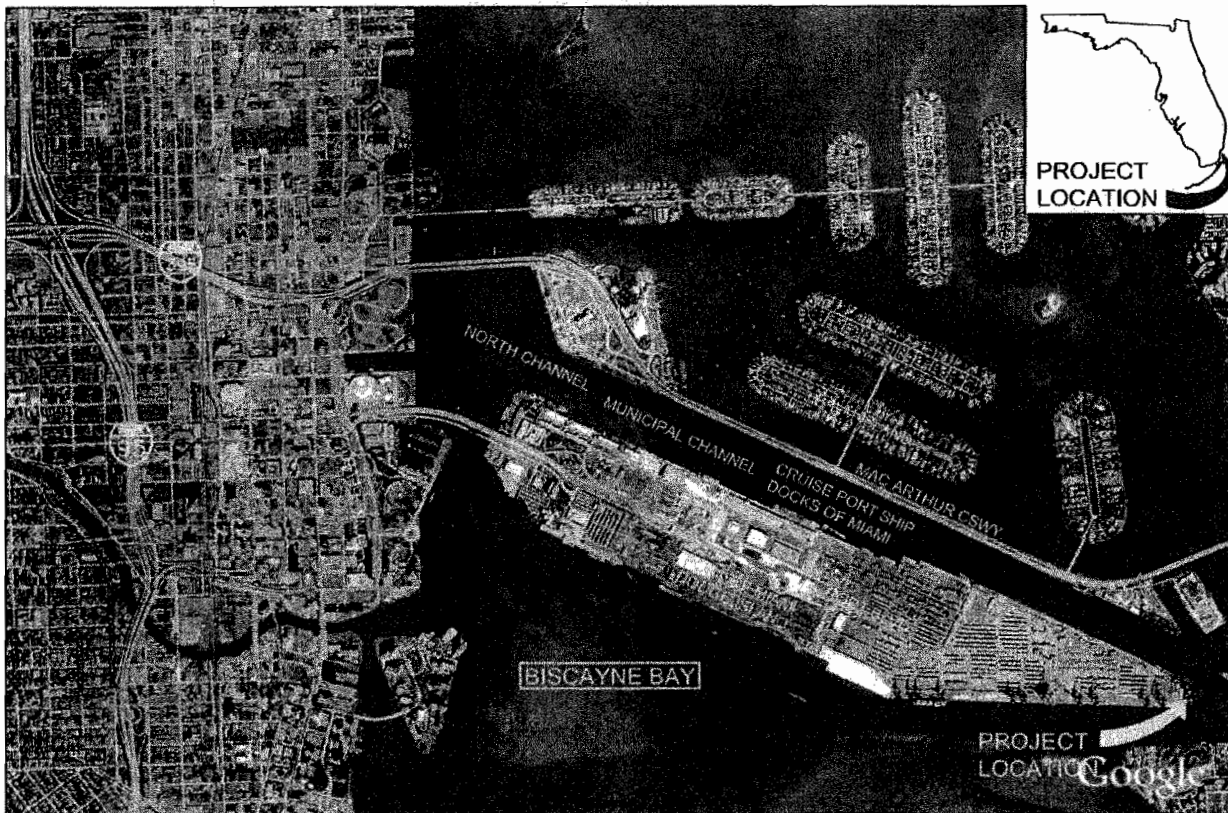
B

PILOT STATION RIP-RAP ENHANCEMENT PROJECT PORT OF MIAMI

MIAMI-DADE COUNTY SEAPORT DEPARTMENT
MIAMI, FLORIDA
NOVEMBER, 2008



PROJECT NO. 2001.058



NOTE: This image has been modified from the original. The base map is from Google Earth Pro, but the superimposed information is from CH2M HILL.

VICINITY MAP

INDEX OF DRAWINGS

T1	TITLE SHEET AND INDEX OF DRAWINGS	C1	SITE LOCATION PLAN WITH PROJECT LIMITS
G1	GENERAL NOTES	C2	EXISTING CONDITIONS SITE PLAN
G2	GENERAL NOTES	C3	RIP RAP REPLACEMENT PLAN
G3	GENERAL NOTES	C4	TYPICAL CROSS SECTION
		C5	EXISTING CONDITIONS CROSS SECTION

FILE NAME: JNO1_0001_300822.dwg PLOT DATE: JAN02, 2009 PLOT TIME: 2:39pm

CH2MHILL 3001 PGA BLVD, SUITE 300 PALM BEACH GARDENS, FL 33410 PH. 561.904.7400 - FAX 561.904.7401 LB 0002934 AA C200056	ISSUED FOR PERMITTING	
	CIVIL	PILOT STATION RIP-RAP ENHANCEMENT PORT OF MIAMI MIAMI-DADE COUNTY SEAPORT MIAMI, FL
TITLE SHEET	NO. DATE	REVISION
	DSGN	CHK
	R. COX	J. PEREZ
	APVD	R. COX
	BY	APVD
		R. COX

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GENERAL NOTES AND SPECIFICATIONS

PERMIT

1. CONTRACTOR SHALL COMPLY WITH ALL THE REQUIREMENTS AND CONDITIONS OF THE FOLLOWING PERMITS. FAILURE TO DO SO MAY RESULT IN AGENCY ENFORCEMENT ACTION AGAINST THE CONTRACTOR.

A. DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS (US COE) APPLICATION NO. ____TBD____

B. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FILE NO. ____TBD____

C. MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES (DERM) PERMIT NO. 2008-CLI-PER-00312

2. CONTRACTOR SHALL ADHERE TO MANATEE, SEA TURTLE, AND SMALL TOOTHED SAWFISH CONSTRUCTION GUIDELINES REFERENCED IN THE ABOVE PERMITS.

3. A PRE-CONSTRUCTION MEETING SHALL BE SCHEDULED. US COE, FDEP, AND DERM ALONG WITH THE PORT ENGINEER SHALL BE NOTIFIED OF THE MEETING AND GIVEN THE OPPORTUNITY TO ATTEND.

4. PRIOR TO PLACING ANY MATERIAL, THE PORT AND DERM SHALL BE NOTIFIED FOR INSPECTION OF MATERIAL PER THE REQUIREMENTS OF THE PERMIT SPECIFIC CONDITION.

DESIGN ENVIRONMENTAL LOADS

25 YEAR STORM / 10 YEAR SURGE / CATEGORY 3 HURRICANE
 DESIGN WAVE HEIGHT: 3.7' H , 4.7' H , BREAKING WAVES
 DESIGN SURGE: EL. +8.6 / 10 YEAR
 EL. +10.5 / 25 YEAR

TIDAL DATA

REFERENCE TO NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929
 NGVD29 EL. +0.00' = NAVD88 EL. +1.40'
 MEAN HIGHER HIGH WATER (MHHW) = EL. +1.66'
 MEAN HIGH WATER (MHW) = +1.60'
 MEAN SEA LEVEL (MSL) = EL. +0.51'
 MEAN TIDE LEVEL (MTL) = EL. +0.51'
 MEAN LOW WATER (MLW) = EL. -0.58'
 MEAN LOWER LOW WATER (MLLW) = EL. -0.71'

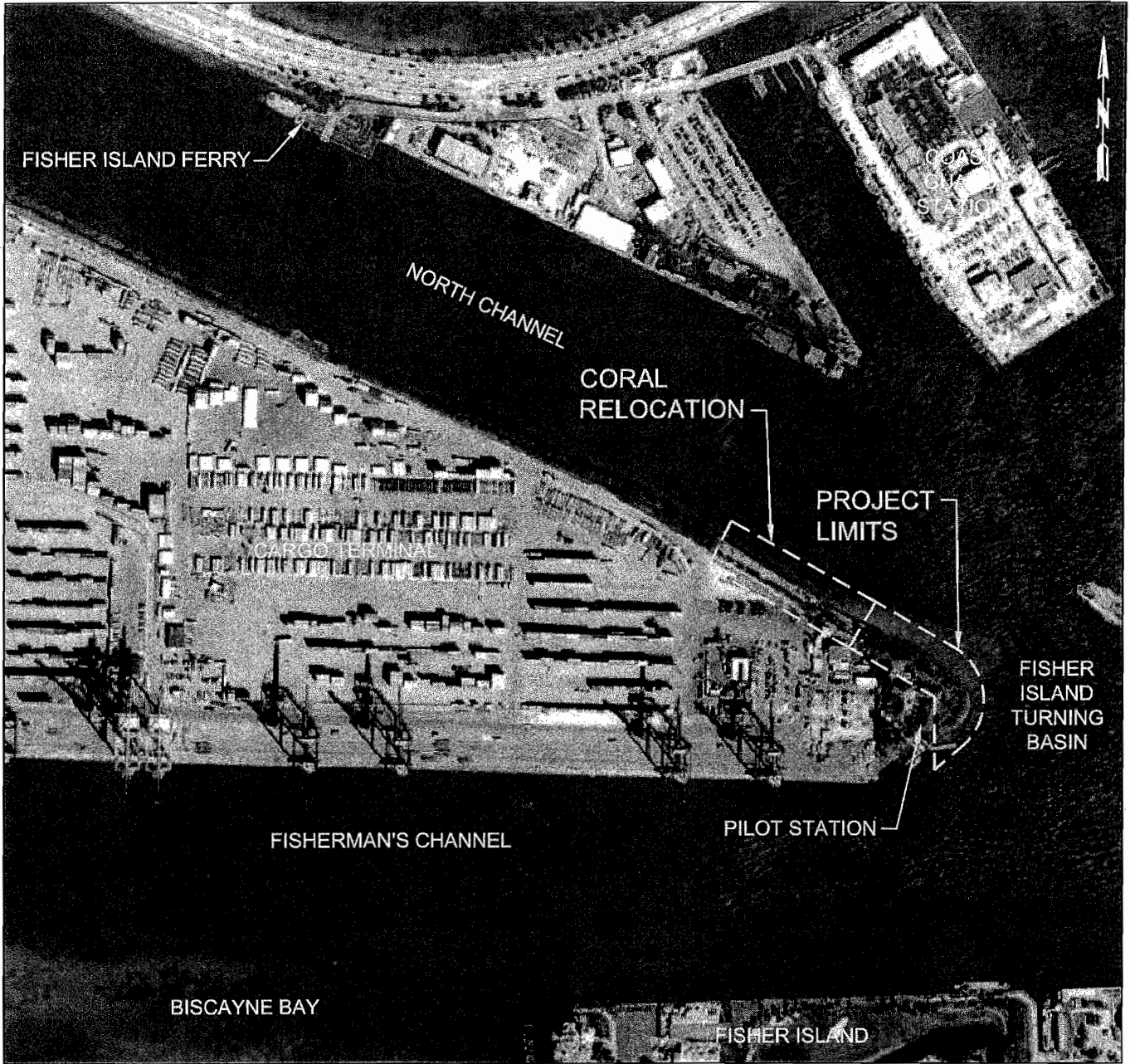
MATERIALS

1. BEDDING STONE: A) HARD, DENSE, DURABLE, LIMESTONE OR OTHER QUARRY RUN STONE, FREE FROM THIN, FLAT AND ELONGATED PIECES. B) SPECIFIC GRAVITY NOT LESS THAN 1.90, WITH ABSORPTION AND SOUNDNESS CONFORMING TO THAT SPECIFIED HEREIN FOR "RIPRAP". C) MEETING THE FOLLOWING GRADATION LIMITS.

SIEVE DESIGNATION U.S. STD. SQUARE MESH	INDIVIDUAL PERCENTAGE BY WEIGHT, PASSING
6 INCH	100
3 INCH	74 - 98
1-1/2 INCH	50 - 80
3/4 INCH	35 - 60
NO. 4	10 - 30
NO. 20	0 - 15
NO. 100	0 - 5

FILENAME: d01_g003_360982.dwg
 PLOT DATE: Jan 05, 2009
 PLOT TIME: 11:38am

SHEET DATE: NOVEMBER 2008 PROJ: 360982 DWG:	VERTICAL SCALE BAR IS ONE INCH LONG GENERAL DRAWING	CH2MHILL 3001 PGA BLVD, SUITE 300 PALM BEACH GARDENS, FL 33410 PH. 561.904.7400 - FAX 561.904.7401 LB 0002934 AA C000656		ISSUED FOR PERMITTING			
		CIVIL GENERAL NOTES		PILOT STATION RIP-RAP ENHANCEMENT PORT OF MIAMI MIAMI-DADE COUNTY SEAPORT MIAMI, FL			
		NO.	DATE	REVISION	BY	APVD	
		DSGN	R. COX	DR	J. PEREZ	CHK	R. COX
				APVD	R. COX	R. COX	



NOTE: This image has been modified from the original. The base map is from Google Earth Pro, but the superimposed information is from CH2M HILL.

SITE LOCATION PLAN WITH PROJECT LIMITS

NTS

FILENAME: d:\01_g002_3601892.dwg PLOT DATE: Jun08, 2009

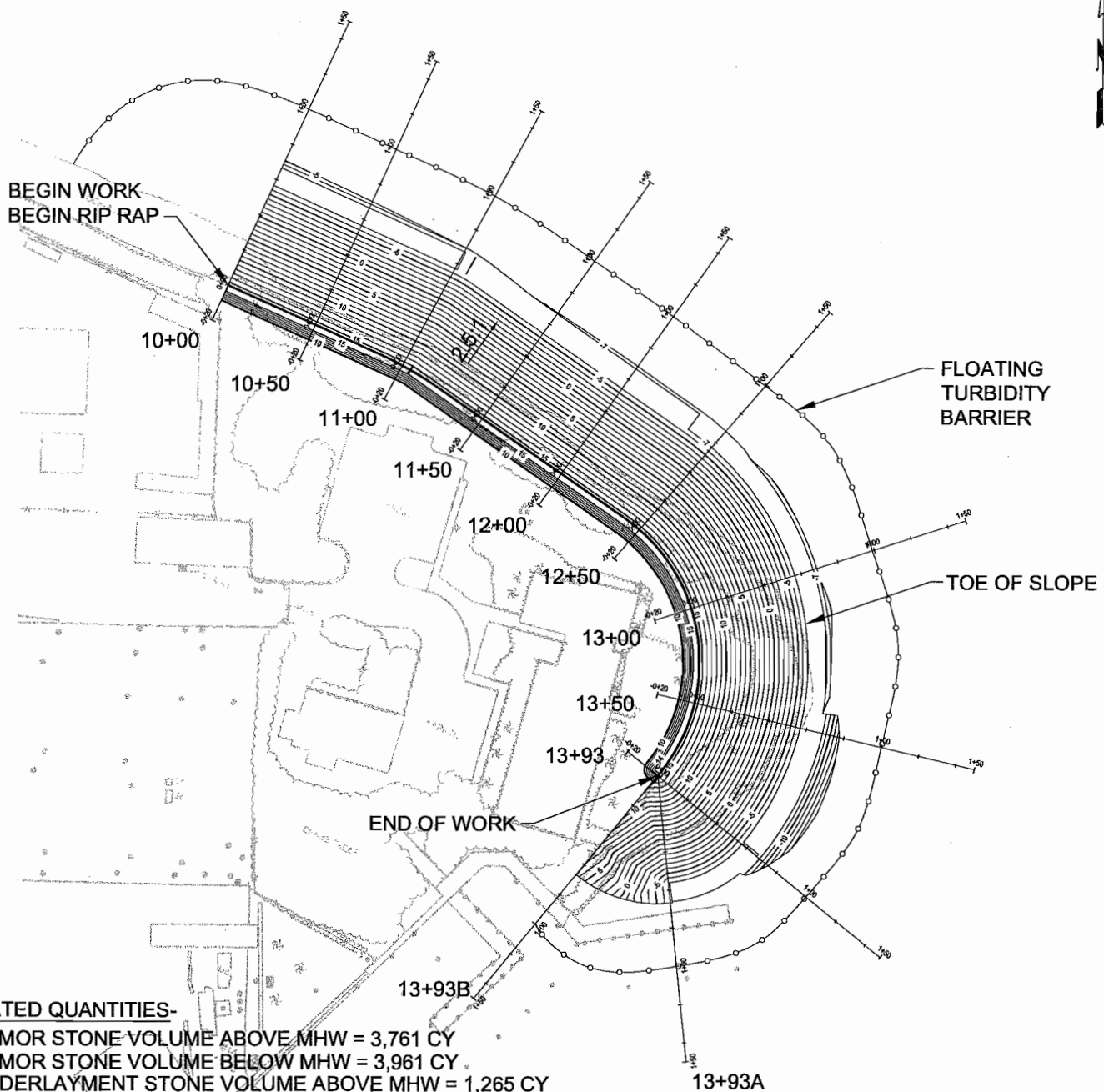
PLOT TIME: 1:34am

SHEET DATE: NOVEMBER 2008 DWG: 3601892 C1	CH2MHILL CIVIL SITE LOCATION PLAN WITH PROJECT LIMITS	3001 PGA BLVD, SUITE 300 PALM BEACH GARDENS, FL 33410 PH. 561.904.7400 - FAX 561.904.7401 LB 0002934 AA C000656	ISSUED FOR PERMITTING			
		PILOT STATION RIP-RAP ENHANCEMENT PORT OF MIAMI MIAMI-DADE COUNTY SEAPORT MIAMI, FL	NO.	DATE	REVISION	BY
		DSGN	DR	CHK	APVD	
		R. COX	J. PEREZ	R. COX	R. COX	

ISSUED FOR 100% REVIEW

REUSE OF DOCUMENTS: THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF CH2M HILL AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF CH2M HILL. ©CH2M HILL 2004. ALL RIGHTS RESERVED.

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ESTIMATED QUANTITIES-

- ARMOR STONE VOLUME ABOVE MHW = 3,761 CY
- ARMOR STONE VOLUME BELOW MHW = 3,961 CY
- UNDERLAYMENT STONE VOLUME ABOVE MHW = 1,265 CY
- UNDERLAYMENT STONE VOLUME BELOW MHW = 2,032 CY
- BEDDING STONE VOLUME ABOVE MHW = 225 CY
- BEDDING STONE VOLUME BELOW MHW = 429 CY
- FILL ABOVE MHW = 2,772 CY
- FILL BELOW MHW = 72.5 CY
- TOTAL FOR FILLING BELOW MHW = 6,495

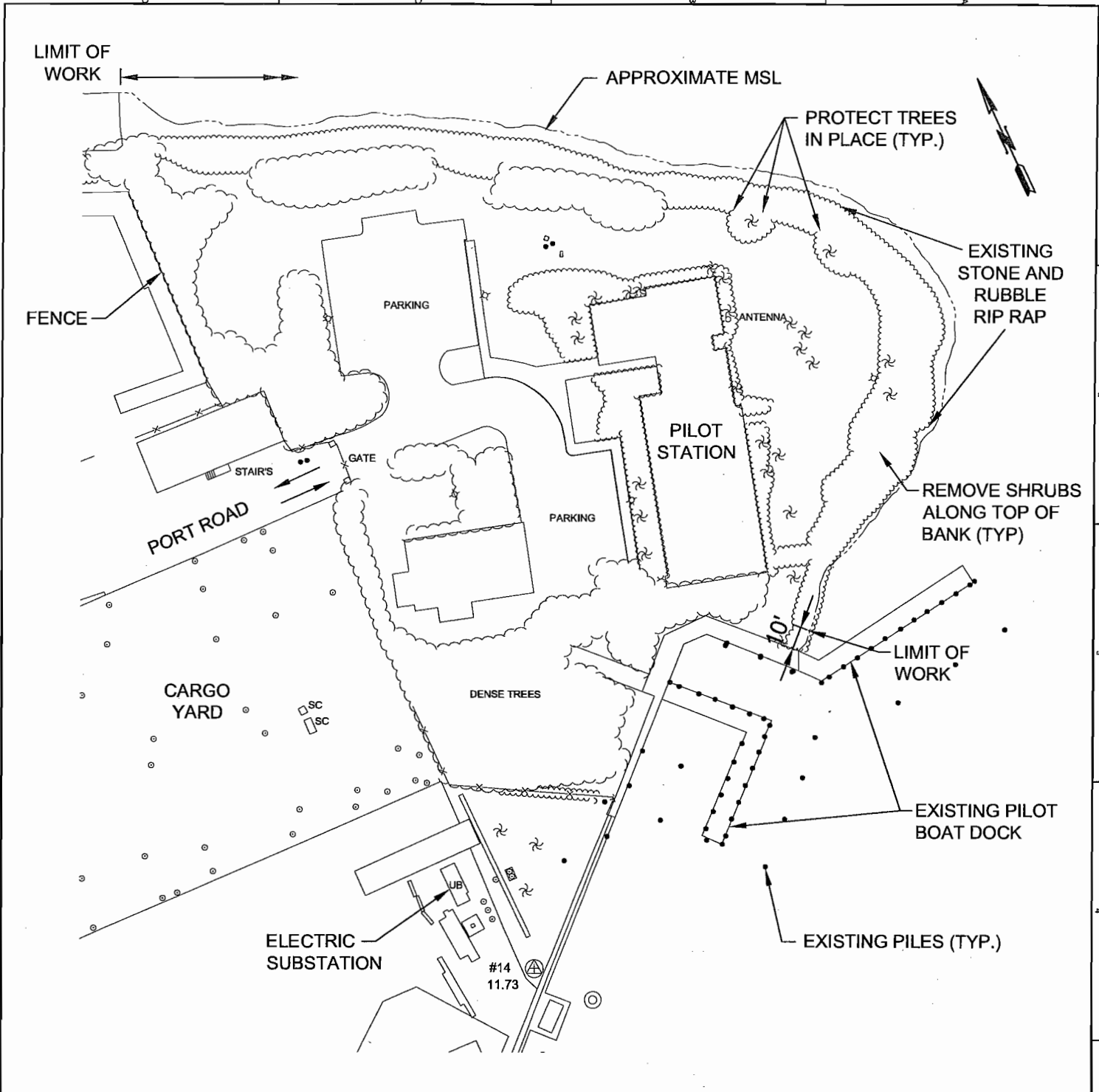
- EXCAVATION ABOVE MHW = 3,688 CY
(INCLUDES EXISTING RIP RAP RUBBLE AND CUT AT TOP OF RIP RAP)
- EXCAVATION BELOW MHW = 7,337 CY

RIP RAP REPLACEMENT PLAN
1"=80'

FILENAME: d:\071012_360892.dwg
PLOT DATE: Aug 05, 2008
PLOT TIME: 1:54pm

CH2MHILL CIVIL RIP RAP REPLACEMENT PLAN	3001 PGA BLVD, SUITE 300 PALM BEACH GARDENS, FL 33410 PH. 561.904.7400 - FAX 561.904.7401 LB 0002934 AA C000656	ISSUED FOR PERMITTING			
		NO. DATE	DESCRIPTION	APVR	N
NO. DATE	REVISION	BY	APVD		
DSGN	DR	CHK	APVD		
R. COX	J. PEREZ	R. COX	R. COX		

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EXISTING CONDITIONS SITE PLAN
1"=60'

FILENAME: d0110100_300892.dwg
 PLOT DATE: Jan09, 2009

PLOT TIME: 11:38am
 SHEET: 02

CH2MHILL

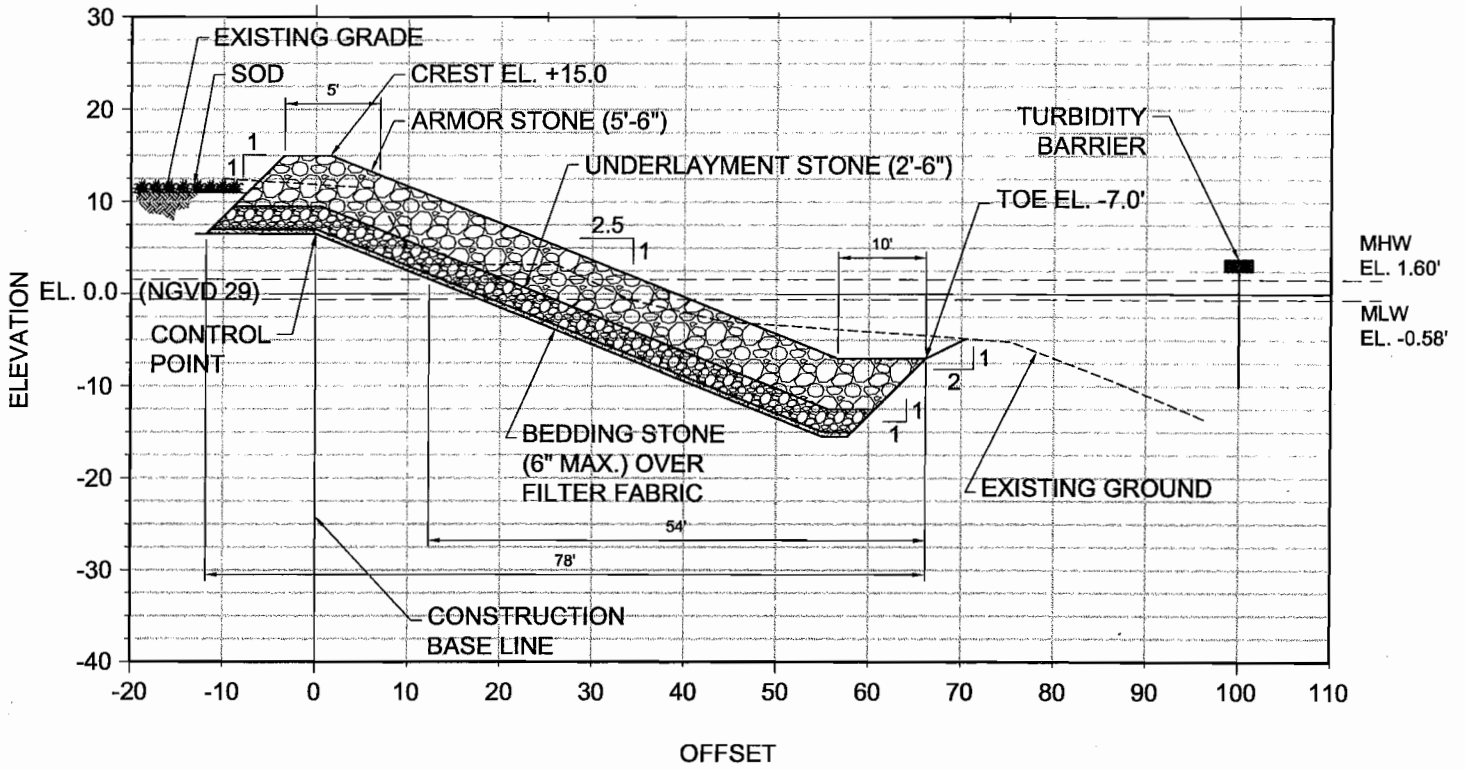
CIVIL
EXISTING CONDITIONS
SITE PLAN

3001 PGA BLVD, SUITE 300
PALM BEACH GARDENS, FL 33410
PH. 561.904.7400 - FAX 561.904.7401
LB 0002934 AA C000656

PILOT STATION RIP-RAP ENHANCEMENT
PORT OF MIAMI
MIAMI-DADE COUNTY SEAPORT
MIAMI, FL

ISSUED FOR PERMITTING

NO.	DATE	DR	CHK	APVD	BY	APVD
DSGN		R. COX	J. PEREZ	R. COX		R. COX

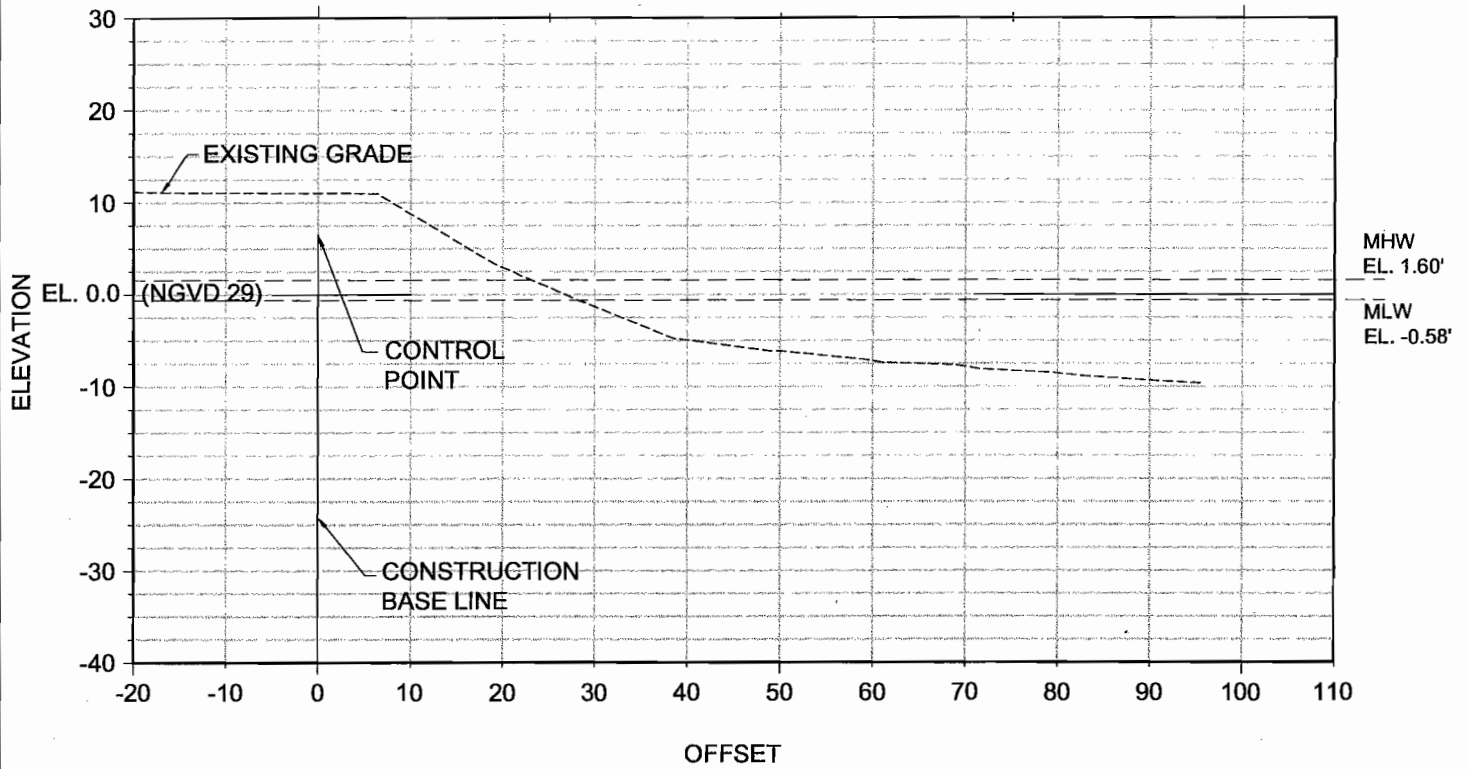


TYPICAL CROSS SECTION
1"=20'

FILENAME: ch2m1101_300992.dwg
 PLOT DATE: Jun20, 2009
 PLOT TIME: 8:16am

CH2MHILL 3001 PGA BLVD, SUITE 300 PALM BEACH GARDENS, FL 33410 PH. 561.904.7400 - FAX 561.904.7401 LB 0002934 AA C000656	ISSUED FOR PERMITTING				
	CIVIL TYPICAL CROSS SECTION		PILOT STATION RIP-RAP ENHANCEMENT PORT OF MIAMI MIAMI-DADE COUNTY SEAPORT MIAMI, FL		
NO. DATE DSGN	DR R. COX	REVISION CHK J. PEREZ	APVD R. COX	BY R. COX	APVD R. COX

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EXISTING CONDITIONS CROSS SECTIONS
1"=20'

FILENAME: dtd110103_360892.dwg

PLOT DATE: Jun 20, 2009

PLOT TIME: 9:46am

DATE	NOVEMBER 2008
PROJ	360892
DWG	
SHEET	CS

CH2MHILL

CIVIL
EXISTING CONDITIONS CROSS SECTION

3001 PGA BLVD, SUITE 300
PALM BEACH GARDENS, FL 33410
PH. 561.904.7400 - FAX 561.904.7401
LB 0002934 AA C000656

PILOT STATION RIP-RAP ENHANCEMENT
PORT OF MIAMI
MIAMI-DADE COUNTY SEAPORT
MIAMI, FL


ISSUED FOR PERMITTING					
NO.	DATE	REVISION	BY	APVD	
DSGN	R. COX	DR	J. PEREZ	CHK	R. COX
				APVD	R. COX


**Attachment D
Zoning Memo**

Memorandum

MIAMI-DADE
COUNTY

Date: September 25, 2009

To: Lisa Spadafina, Manager 
Coastal Resources Section
Environmental Resources Management

From: Christine Hopps, ERPS 
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County for Shoreline Stabilization along an Unconsolidated Shoreline through Dredging of Concrete Debris and Sediment, and the Placement of Riprap at the Eastern Tip of Lummus Island at the Port of Miami in Biscayne Bay

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

**Attachment E
Project Report**

PROJECT REPORT

CLASS I PERMIT APPLICATION NO. 2008 CLI-PER 00312

**MIAMI-DADE COUNTY, FOR A CLASS I PERMIT FOR SHORELINE STABILIZATION
ALONG AN UNCONSOLIDATED SHORELINE THROUGH DREDGING OF CONCRETE
DEBRIS AND SEDIMENT, AND THE PLACEMENT OF RIPRAP AT THE EASTERN TIP OF
LUMMUS ISLAND AT THE PORT OF MIAMI IN BISCAYNE BAY**

Date: September 21, 2009

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. The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The potential for any adverse environmental impacts from the dredging and filling of tidal waters and riprap installation will be minimized. The proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). Although there are isolated coral colonies located on some of the riprap along the unconsolidated shoreline, they will be relocated in accordance with a DERM-approved coral relocation plan prior to the start of construction. However, the Class I permit will have conditions to minimize turbidity and protect rare, threatened, and endangered species.
2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to have cumulative adverse environmental impacts.
3. **Hydrology** - The proposed project, as designed, is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is expected to temporarily affect surface water quality during the construction phase of the project. However, these impacts will be minimized by the implementation of proper turbidity control devices.
5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The proposed project is not reasonably expected to have negative aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of machinery and equipment associated with the construction activities.
9. **Navigation** – The proposed project may temporarily affect navigation. Government Cut is a direct connection between the Atlantic Ocean, Biscayne Bay, the Port of Miami, and the Miami River, and this channel is frequently used by both recreational and commercial vessels. However, the Class I permit will include conditions requiring the applicant to contact the United States Coast Guard (USCG) prior to the commencement of construction, and adhere to USCG conditions to prevent any adverse impacts.
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 existing limerock riprap boulders provide habitat for numerous species of fish and marine fauna. Although there are isolated coral colonies located on some of the riprap along the unconsolidated shoreline, they will be relocated to the north side of the island in accordance with a DERM-approved coral relocation plan prior to the start of construction. The proposed project will cause temporary disturbances of the existing riprap during removal and re-installation, and permanent coverage of the benthic soils located in the areas to be dredged and filled. Although these soils may support limited numbers of marine infauna (i.e. benthic fauna living within the substrate), the soils do not support any significant marine resources. Additionally, mitigation for unavoidable impacts associated with dredging and filling of tidal waters will be provided by the applicant through the placement of three hundred eighty-seven (387) cubic yards of riprap as part of this project.

The proposed project is not located within an area identified by the MPP as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). However, the Class I permit will have conditions to minimize turbidity and protect rare, threatened, and endangered species.

15. **Wetland Soils Suitable for Habitat** – There are no wetland soils suitable for habitat in the footprint of the proposed work.
16. **Floral Values** –The proposed project is not reasonably expected to adversely affect marine flora.
17. **Fauna Values** – The proposed project is not reasonably expected to adversely affect marine fauna. Although there are isolated coral colonies located on some of the riprap along the unconsolidated shoreline, they will be relocated to the north side of the island in accordance with a DERM-approved coral relocation plan prior to the start of construction. The proposed project will cause temporary disturbances of the existing riprap during removal and re-installation, and permanent coverage of the benthic soils located in the areas to be dredged and filled. Although these soils may support limited numbers of marine infauna (i.e. benthic fauna living within the substrate), the soils do not support any significant marine resources. Additionally, mitigation for unavoidable impacts associated with dredging and filling of tidal waters will be provided by the applicant through the placement of three hundred eighty-seven (387) cubic yards of riprap as part of this project.

The proposed project is not located within an area identified by the MPP as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). However, the Class I permit will have conditions to minimize turbidity and protect rare, threatened, and endangered species.

18. **Rare, Threatened and Endangered Species** –The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. The proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). However, the Class I permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

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 does not involve dredging or filling of wetlands.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter 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 and recreation element of the Biscayne Bay Management Plan.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect environmental values affecting the public interest. The submerged lands are 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 following:
 - a) Miami-Dade County Public Works Manual
 - b) Biscayne Bay Management Plan (Sections 33D-1 through 33D-4 of the Code of Miami-Dade County)
 - c) Chapter 33B of the Code of Miami-Dade County
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 the following applicable State, Federal and local laws and regulations:
 - a) Chapter 24 of the Code of Miami-Dade County
 - b) United States Clean Water Act
 - c) Rule 40E-4, Florida Administrative Code (FAC)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of DERM, 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 2/Policy 2A - Level of Service. The proposed project does not involve new or significant expansion of existing urban land uses.

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. The project 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 9 - Aviation System Expansion - There is no aviation element to the proposed project.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

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

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

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project will not adversely affect water storage, aquifer recharge potential or natural surface water drainage. The proposed project does not involve positive drainage of wetland area and will not affect water storage or aquifer recharge potential.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria. – The proposed project does not compromise flood protection, involve filling for development purposes, and is not related to cut and fill activities.

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 does not involve the dredging of a rock quarry.

Objective 6/Policy 6D - Suitable fill material for the support of development. – The proposed project does not involve filling for the purposes of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. – The proposed project will not result in a net loss of any such wetlands.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). However, the Class I permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – There are no mangroves in the project area and the project is not located within a designated “Mangrove Protection Area.”

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

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The project does not involve access through mangroves.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, coastal hammock, or other 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 does not involve the degradation and destruction of coastal wetlands and therefore does not involve monitoring of mitigation for impacts to 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 project does not involve the dredging or filling of grass/algal flats, hard bottom or other viable benthic communities.

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

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

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project does not create or eliminate any water dependent uses.

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 does not involve the creation of any 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 consistent with the Biscayne Bay Management Plan.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species provided standard manatee protection measures are implemented. The proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). However, the Class I permit will require that all standard manatee construction permit conditions shall be followed during all in-water construction operations.
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)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not expected to impact wetland hydrological and biological functions.
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 Section 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 is consistent with one of the six dredge and fill criteria specified in Section 24-48.3(2):

- A physical modification to protect public or private property.

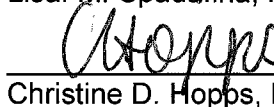
24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – Not applicable

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

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



Lisa M. Spadafina, Manager, Coastal Resources Section



Christine D. Hopps, ERPS, Coastal Resources Section