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Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 6th Floor

Miami, Florida 33136-3912

T 305-372-6567 F 305-372-6407

Permit No: MOP-000480-2020/2021 (B)-GEN
 Permit Issued To: LUMMUS LANDING PUBLIC DOCKS
 Facility Location: 250 NW NORTH RIVER DR
 MIAMI, FL 33128-

Contact Name/Address:
 Attn: Daniel Rotenberg
 CITY OF MIAMI - DREAM
 444 SW 2 AVE - 3RD FLOOR
 MIAMI, FL 33130-

**MARINE FACILITIES
 ANNUAL OPERATING PERMIT**

DESCRIPTION OF FACILITY/EQUIPMENT

This document, issued under the provisions of Chapter 24, Miami-Dade County Code (Ordinance Number 89-104), shall be valid from 01-OCT-2020 through 30-SEP-2021. The above named permittee, is hereby authorized to operate the marine facility at the above location which consists of the following:

Recreational Boat Docking Facility.

Total wet slips: 15
 Total dry slips: 0
 Total dry storage spaces: 0
 Total commercial vessels: 0
 Total recreational vessels: 15
 Number of liveaboards: 0
 Days of week in operation: 7

This facility is subject to conditions listed below and in the following pages (if any) of this permit.

SPECIFIC CONDITIONS

1. This facility spans 250 and 176 NW North River Drive (Folios 01-0109-030-2020 and 01-0110-090-1100). This permit shall extend to the two adjacent parcels as one facility.
2. The subject docking facility has been approved to have a maximum of 15 slips. Therefore, no greater than 15 vessels may be moored at the subject facility at any time.
3. Pursuant to the Sovereign Submerged Lands Lease, the permittee shall ensure that 1 slip is used exclusively for water taxi access (e.g. the loading and off-loading of water taxi passengers) and that signage is placed on the waterward edge of the dock, which clearly designates the use of the slip is for "Water Taxi Only." The Water Taxi slip shall be utilized solely for water dependent public transportation.
4. Pursuant to the Sovereign Submerged Lands Lease, the permittee shall ensure that 1 slip is used exclusively for law enforcement vessels and that signage is placed on the waterward edge of the dock, which clearly designates the location and use of the slip is for "Law Enforcement Only."
5. The remaining 13 slips that are not specifically designated for Law Enforcement and Water Taxi use shall be used exclusively by recreational vessels. No commercial activities or operations are authorized in association with the remaining 13 slips.
6. Pursuant to the Sovereign Submerged Lands Lease, only temporary day mooring shall be allowed at the facility. Overnight or permanent mooring is prohibited.

**Lee N. Hefty, Assistant Director
 Department of Regulatory and Economic Resources,
 Environmental Resources Management**

7. Due to shallow water depths, vessels shall be restricted from mooring in areas designated as a "Mooring Prohibited Area," as depicted in Attachment A of Class I permit CLI-2015-0299 as MPA #1 and MPA #2. Mooring of vessels anywhere north of the dock (WASD Easement) or along the AT&T easement near the center of the dock, just north of NW 2nd Street, shall be strictly prohibited. Additionally, the installation of fenders, davits, mooring whips, cleats, or any hardware to facilitate the mooring of vessels in a "Mooring Prohibited Area" is prohibited. Signage denoting the mooring prohibited areas shall be posted and maintained along said areas.
8. Covered trash containers shall be provided at convenient locations adjacent to the facility for the disposal of solid waste. Permanent signs shall be posted along the marginal dock advising the users thereof to dispose of solid waste in the trash containers provided rather than throwing it in the adjacent waters.
9. No live-aboard vessels, permanent or transient, shall be permitted to dock at this facility at any time.
10. The fueling of any vessels at this facility, including the use of landside tanker trucks, is strictly prohibited.
11. No marine related repairs of any type are to be performed at this facility.
12. A manatee educational display is required at this docking facility. Said sign(s) shall be posted in a prominent location, in an area clearly visible to users, staff, and guests of the facility. This is in addition to having the required minimum of two (2) manatee awareness (i.e. caution) signs posted. All signs shall conform to Florida Fish and Wildlife Conservation Commission (FWC) guidelines (<http://www.myfwc.com>) and be maintained for the life of the docking facility in a manner acceptable to FWC and DERM.
13. The maximum number of vessels that may be stored, docked, or moored at this facility may not exceed the number of slips and/or dry storage spaces as referenced above in this Operating Permit. Unless otherwise authorized by DERM, a maximum of one (1) vessel shall be moored in each designated slip. This condition shall not apply to appurtenant vessels such as dinghies and tenders that are associated by ownership, design, and common usage with a primary vessel docked, moored, or stored at the facility, and therefore, are affixed to/carried by and stored on the primary vessel.
14. Adequate clearance shall be maintained at all times between the submerged bottom, and any existing benthic resources, and any vessels moored at the property, such that there are no impacts to either benthic resources or the submerged bottom, including but not limited to bottom scouring or prop dredging.
15. The use of bilge cleaners or degreasers by vessels shall be prohibited while they are docked at or within this facility. In addition, no discharge of bilge wastewater or gray water shall cause iridescence on the water's surface or be contaminated by oil, fuel, or other regulated contaminants.
16. This facility must be operated in accordance with the "Marine Facilities Best Management Practices" (BMPs), which are incorporated by reference as part of this permit. Copies of the BMPs are available upon request.
17. All applicable conditions from previously executed local, state, and federal permits issued for the above-referenced marine facility shall be enforced.
18. All fixed or floating non-water dependent structures in, on, over, or upon tidal waters, unless previously approved by a Class I permit, are prohibited.
19. All permanent sewage pumpout systems and portable pumpout systems required at this facility pursuant to DERM, state, or federal permits shall be maintained on site and in fully operable condition at all times in order to convey sewage to the sanitary sewer system. Designated slips for pumpout stations shall be kept open at all times except while a vessel is discharging sewage to the pumpout system. There shall be no overboard discharge of sewage to tidal waters from vessels at this facility. This prohibition also includes discharges from approved Coast Guard Type 1 or 2 flow-through marine sanitation devices. All vessel occupants shall use shoreside facilities unless the vessel is equipped with a Coast Guard approved holding tank system or is directly connected to the facility's sewage pumpout system.
20. The facility owner/operator is required to maintain a submerged land lease from the State of Florida if any vessels or structures are located over state-owned submerged lands. Use of state-owned submerged lands without a lease or other form of consent from the State of Florida is prohibited.
21. Unless otherwise approved by DERM, fueling of vessels at this facility shall be prohibited. Facilities approved for fueling operations shall maintain on-site spill prevention, containment,



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and recovery equipment and materials including, but not limited to, absorbent pads, booms, and sweeps and shall maintain staff trained in the deployment and operation of said equipment at all times. Fueling at approved facilities shall be conducted only at the designated fueling location in order to contain any spills that may occur. A floating containment boom large enough to enclose the area of the vessel being fueled, but with a minimum length of fifty (50) feet, shall be available at all times during fueling operations. Said equipment shall be deployed and operated in the most effective manner possible when spills occur.

22. Strict compliance with reporting requirements for fuel and oil spills (regardless of the size) shall be required pursuant to local, state, and federal regulations. The use of dispersants, including household detergents, to treat in-water fuel and oil spills is prohibited.
23. The facility shall immediately report to DERM any discharges to surface waters, or to drainage features connected to surface waters, of petroleum or other pollutants including but not limited to fuel, sewage, solvents, paints, or other chemicals. DERM shall be notified by telephone at 305-372-6955 and/or electronic mail at EnvironmentalComplaints@miamidade.gov. The facility shall also report the discharge to the National Response Center (NRC) by calling 1-800-424-8802 so that the US Coast Guard may be notified. Reports of a discharge shall include information concerning the time, source, type, and quantity of the discharge along with actions taken, and to be taken, to remediate the discharge.
24. Any vessel meeting the definition of a derelict vessel as defined in Section 823.11(b) Florida Statutes shall not be left, stored, or abandoned in, on, over, or upon tidal waters and submerged bottom within the facility. This includes any vessel in a wrecked, junked, or substantially dismantled condition, including any sunken vessel. For any derelict vessel that is docked, grounded, or beached upon private property within the facility, the property owner shall remove the vessel after complying with the notice requirements specified in Section 328.17(5) Florida Statutes. As the custodian of any such derelict vessel, the facility shall be responsible for the removal and proper disposition of the vessel if the owner of the vessel fails to do so.
25. Harassment of manatees is prohibited. Harassment includes, but is not limited to, feeding, watering, physical contact, and/or any interference in their normal behavior or movements.
26. All permitted docking facilities shall post a minimum of two (2) manatee awareness (i.e. caution) signs. Facilities with fifty (50) or more boat slips are also required to post a manatee educational display. All signs shall be posted in prominent locations, in areas clearly visible to users, staff, and guests of the facility. All signs shall conform to Florida Fish and Wildlife Conservation Commission (FWC) guidelines (<http://www.myfwc.com>) and be maintained for the life of the docking facility in a manner acceptable to FWC and DERM. Additional signs may be requested to be posted depending on the size and layout of the facility.
27. Pursuant to Section 24-48.26 of the Code of Miami-Dade County, for all facilities which are subject to a County marine facilities operating permit pursuant to Chapter 24, such permit shall require the removal, replacement, or repair of any unencapsulated polystyrene, as defined in Section 24-5, where such polystyrene shows evidence of degradation, disintegration, shredding, or other damage, as determined in the discretion of the Director.
28. In-water disposal of fish carcasses is prohibited. Facilities with fish cleaning stations shall provide covered trash containers at a convenient location adjacent to each fish cleaning station for the disposal of fish carcasses. Permanent signs shall be posted at each cleaning station advising facility patrons of this disposal requirement.

GENERAL CONDITIONS

29. The Permittee, by acceptance of this document, agrees to operate and maintain the subject operation so as to comply with the requirements of Chapter 24 of the Code of Miami-Dade County.
30. If for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified on this document the Permittee shall immediately notify and

provide the Department with the following information: (a) a description of and cause of non-compliance; and (b) the period of non-compliance including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps taken to reduce, eliminate, and prevent recurrence of the non-compliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or revocation of this document.

31. As provided in Section 24-15 of the Code of Miami-Dade County, the prior written approval of the Department shall be obtained for any alteration to this facility.
32. The issuance of this document does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. Nor does it relieve the Permittee from liability for harm or injury to human health or welfare or property.
33. This document is required to be posted in a conspicuous location at the facility site during the entire period of operation.
34. The Permittee must provide written notification to the Department upon ceasing operations at the facility that includes the official date of closure. If the submittal of other information is required by the Department prior to the closure of the facility pursuant to the conditions of this permit, said information must be submitted in accordance with the requirements and applicable timeframes indicated therein.
35. This document is not transferable. A new or modified permit issued by the Department, pursuant to Chapter 24 of the Miami-Dade County Code, is required for any changes or modifications to the name of the Permittee, facility location, or upon sale or legal transfer of the property or facility.
36. The Permittee, by acceptance of this document, specifically agrees to allow access to the named source at reasonable times by Department personnel presenting credentials for the purposes of inspection and testing to determine compliance with this document and Department rules.
37. This document does not constitute an approval by the Department or certification that the Permittee is in compliance with applicable laws, ordinances, rules or regulations. The Permittee acknowledges that separate enforcement actions may be initiated by the Department and that this document does not constitute compliance with orders issued in conjunction with enforcement actions for correction of violations.
38. This document does not indicate a waiver of or approval of any other Department permit that may be required for other aspects of this facility.
39. Failure to comply with any condition of this document, or the requirements of Chapter 24, Code of Miami-Dade County may subject the Permittee to the penalty provisions of said Chapter including civil judicial penalties up to \$25,000 per day per offense and/or criminal penalties not to exceed \$500 per day or, for violations of Section 24-42.4 Sanitary Sewer Discharge Limitations and Pretreatment Standards not to exceed \$2,000 per day and/or sixty (60) days in jail.