



Department of Regulatory and Economic Resources

Environmental Resources Management

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October 9, 2024

City of Miami
c/o Arthur Noriega, City Manager
444 2nd Avenue, 10th Floor
Miami, Florida 33130

Re: Class I Permit Application CLI-2024-0367: City of Miami – Seawall, Seawall Cap, Riprap, Floating Docks, and Wood Ramp located at 1815 & 1825 NW South River Drive, Miami, Miami-Dade County, Florida. (Folio Nos. 01-3134-045-1030 and 01-3134-052-0010)

Dear Mr. Noriega:

Please accept this letter in response to your submittal of a Class I permit application for the above referenced property. DERM staff has conducted a biological assessment and has the following recommendations to continue processing your permit application.

During the biological assessment, staff documented submerged debris, including vegetative, metal, cloth and plastic, along the unconsolidated shoreline and in the notch at the property. Pursuant to the Code of Miami-Dade County (Code), it shall be unlawful for any person to dispose of solid wastes or any other wastes into the waters of this County. The debris must be removed from tidal waters within 30 days of receipt of this letter.

Additionally, the biological assessment revealed the presence of invasive exotic vegetation, including Australian Pine and Seaside Mahoe along the subject shoreline. Pursuant to Section 24-49.9 of the Code, exotic, invasive vegetation present at the site is required to be removed prior to construction and may not be relocated, sold or transported off-site. The Class I permit will include a condition requiring the removal of all exotic invasive vegetation by treating with an appropriate herbicide prior to construction, and that the property be maintained free from harmful exotic vegetation in perpetuity in accordance with the Code.

Recommendations for Class I permits are based on several evaluation factors including, but not limited to, a project's consistency with the Miami-Dade County Manatee Protection Plan (MPP). The subject property is located in an area designated by the Miami-Dade County Manatee Protection Plan (MPP) as Essential Manatee Habitat and within a cold-weather aggregation area and travel corridor. As such, the MPP recommends that new or expanded marine facilities constructed within this area be for Residential Docking: 1 powerboat per 100 feet of developable shoreline. The proposal to construct a docking facility to be made available to the general public as transitory powerboat dockage is not consistent with the recommendations of the MPP and cannot be approved. While not specifically contemplated by the MPP, the creation of a docking facility to be used solely by law enforcement could likely be authorized at the subject property in order to increase compliance with speed zone regulations along the Miami River. DERM may be able to authorize the installation of a docking structure for use solely by non-motorized vessels such as kayaks; however, it is important to note that the Miami River is an active federal channel with large cargo ships frequently navigating the area. Please submit a statement from the property owner that details the total number of proposed vessels and their proposed uses. Please be advised that DERM will require a Restrictive Covenant Running with the Land of Miami-Dade County limiting the number and use of the slips. Furthermore, DERM has received your request to appeal DERM's decision on the use and total allowable powerboats at the property. Please be advised that this type of appeal is heard by the Miami-Dade County Environmental Quality Control Board (EQCB).

DERM has no objection to the proposed seawall, seawall cap, and riprap; however, please clarify if there will be any non-maintenance dredging associated with the removal of the existing concrete ramp and quantify the total square footage of any non-maintenance dredging. Work involving non-maintenance dredging in excess of 100 square feet must be processed as a standard form application, which requires review and approval from the Miami-Dade County Board of County Commissioners (Board) at a public hearing. Additionally, please be advised that due to the proximity of the Federal Channel, the proposed installation of riprap may not be approved by the Army Corps of Engineers; DERM recommends coordinating early with them in the process. Please make the following corrections to any future sketches and submit a full set for review.

- Remove all references to “by others” throughout the plans.
- D301:
 - Include the total square footage of non-maintenance dredging of the ramp waterward of the Mean High Water Line, if applicable.
- G101:
 - Depict the wood pile located waterward of the riprap labeled as “to be removed”.
- S100:
 - Remove future boatlift work and clarify if finger piers are proposed in those areas; if the boatlifts are proposed please include as such or remove the reference.
- S101:
 - Please make all setbacks measure along the shoreline, not from the extended waterward property line.
- S103:
 - Depict all proposed slip areas.
 - Remove future boatlift work and clarify if finger piers are proposed in those areas; if the boatlifts are proposed please include as such or remove the reference.
 - If finger piers are proposed, include dimensions and setbacks to all.
 - Include setbacks to all proposed structures as measured along the shoreline from the property line.
 - Include the dimensions of both proposed aluminum gangways.
 - Include the waterward distance to all floating docks measured from the wetface of the new seawall cap.
 - Include the width of the 30 foot long fixed wood access ramp and the length of the 12 foot wide fixed wood platform.
 - Include the width of the 54'-8" floating dock.
 - Include the length of the 8 foot wide floating dock located waterward of the fixed wood platform.
 - Include the minimum and maximum width of the irregularly shaped sections of the floating docks.
- S301:
 - Include the total waterward distance of the proposed riprap and the total waterward distance of the riprap as measured from the Mean High Water Line.
 - Include the proposed cap over water dimension.
- S302:
 - Include the distance between the fixed and floating dock.
- S102 and S303:
 - Include a note for the proposed outfall that “a Class II permit will be obtained”.

A valid submerged lands lease and direct approval or exemption from the Florida Department of Environmental Protection (FDEP) for the use of the submerged lands may be required prior to the issuance of a Class I permit for the proposed project. FDEP requirements may limit the number and configuration of the vessels that can be moored at the property; therefore, please coordinate with FDEP to discuss the area and location of the submerged lands lease that can be authorized on-site, if any portion of the docks or slips will extend past the City of Miami's property boundary. DERM will work with you to establish a configuration that complies with FDEP requirements and is consistent with the requirements of the Code of Miami Dade-County.

Mitigation is required for the long term and short term environmental impacts associated with the operation of the facility, and is calculated based on the number of slips to be constructed. Mitigation is also required to compensate for the loss of habitat and for environmental impacts associated with the non-maintenance dredging of tidal waters, and is based on the area to be dredged, if applicable. Riprap boulders are typically placed on-site to offset impacts to resources and to create new habitat. However, due to existing site conditions, DERM recommends that mitigation be satisfied off-site, or a contribution to the Biscayne Bay Environmental Enhancement Trust Fund be provided in an amount to be determined.

Prior to the start of construction, a statement of acknowledgment directly from the contractor of record that includes the contractor's name, address, telephone number, license number, DERM Class I permit application number, and scope of work for the project is required to be submitted. The information may not be submitted through a third party. Construction may not commence unless and until a Miami-Dade County or State licensed contractor submits the requested information.

Please note that on any given day, several projects are submitted and placed in a review queue for each project manager based upon the order in which they are received. Depending on queue order and workload, it can take several days for a reviewer to begin the review. Once the review is completed, and assuming the project is approvable, there are specific actions that must be taken prior to issuance of the Class I permit. While every effort is made to expedite all reviews, submittal quality is the most significant factor dictating how quickly a project is approved. The most common deficiency is incomplete or inaccurate sketches or plans. The best way to ensure the timely processing of your Class I permit application is to carefully review the Completeness Summary, including any listed sketch corrections, and submit a complete response. **Incomplete submittals will result in additional requests for information, potentially significantly delaying the processing of the Class I permit application.**

Pursuant to Section 125.022, Florida Statutes, within 30 days of the date of this letter, you are required to submit the information and items requested in the attached Completeness Summary Checklist to complete your Class I permit application.

For Class I permits that first require a quasi-judicial public hearing, the public hearing application is deemed complete when all information and items needed for that public hearing application have been submitted to DERM; this includes, but is not limited to, those items specifically identified in Section 24-48.2(II)(B) of the Code of Miami-Dade County.

For issuance of the Class I permit, regardless of whether a quasi-judicial public hearing is required, the permit application will be deemed complete when all information and items, including but not limited to those items specifically identified in Section 24-48.2 and Section 24-48.5 of the Code of Miami-Dade County, have been submitted to DERM.

If the information and items requested in the attached Completeness Summary Checklist are not provided within 30 days of this letter and the application remains incomplete, this application may be denied without prejudice in accordance with Section 125.022, Florida Statutes. If additional time is necessary, please submit a written request for an extension of time.

Attached please find a Completeness Summary detailing items required in order to complete your Class I Permit Application Package, and a State and Federal Delegated Review Checklist containing additional information and indicating additional items to be submitted prior to Class I permit issuance. If you have any questions concerning the above referenced application, please contact me at (305) 372-6599 or Lindsay.Elam@miamidade.gov.

Sincerely,



Lindsay Elam, ERPS
Coastal Resources Section
Division of Environmental Resources Management (DERM)

cc: Coastal Systems International, Inc. – Authorized Permit Agent (jaolano@coastalsystemsint.com)
Jonathan Pempek – U.S. Army Corps of Engineers (Jonathan.C.Pempek@usace.army.mil)
Ashley LaVere – Florida Fish and Wildlife Conservation Commission (Ashley.LaVere@MyFWC.com)

COMPLETENESS SUMMARY
COASTAL CONSTRUCTION PERMIT APPLICATION
PROJECT NO. CLI-2024-0367

PROJECT NAME: City of Miami
PROJECT ADDRESS: 1815 & 1825 NW South River Drive, Miami
DATE: October 9, 2024
PROJECT MANAGER: Lindsay Elam

THE FOLLOWING DOCUMENTS SHALL BE SUBMITTED TO CONTINUE PROCESSING YOUR PERMIT APPLICATION:

- A written statement from the property owner regarding the proposed number, type, and use of the proposed vessels.
- A revised set of sketches as described in the Completeness Summary Cover Letter.
- Approval from EQCB may be required.
- Approval of the application from the Miami Dade County Board of County Commissioners may be required and additional items will be requested if so.

THE FOLLOWING ARE REQUIRED TO BE SUBMITTED TO COMPLETE THE APPLICATION PRIOR TO PERMIT ISSUANCE:

- A set of plans signed and sealed by a Florida Licensed Professional Engineer.
- Structural approval from the City of Miami.
- FDEP approval or exemption for the use of the subject submerged lands, may be required.
- Mitigation bond, associated bond documents and a mitigation plan or a contribution to the Biscayne Bay Environmental Enhancement Trust Fund in an amount to be determined.
- A Restrictive Covenant, Opinion of Title, and associated recording fees.

STATE AND FEDERAL CHECKLIST

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP)

DERM has been delegated the authority to review the proposed project and grant proprietary authorization for the use of sovereign submerged lands pursuant to an operating agreement between DERM and the FDEP.

We have reviewed the proposed project and have determined that it does not qualify for a consent of use pursuant to this delegated authority. Please submit documentation of either a proprietary approval or exemption for the use of the subject submerged lands from the State of Florida. Contact FDEP at (561) 681-6646 for their permitting requirements. A Class I permit cannot be issued until the State issues a proprietary authorization for the proposed project.

UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

Please contact USACE at (305) 526-7181 for authorization for the proposed work.