

May 15, 1989

To: Mayor Stephen Clark and Members of the County Commission
Subject: Class I Application by B.R. Terama

Our attorney of record in this matter is Maureen B. Harwitz who is out of town and unable to attend this hearing. As vice-president of the Arch Creek Trust I am reading these comments so they may become part of the record.

The Arch Creek Trust is opposed to the issuance of the requested Class I permit and requests that the permit be denied. The Trust is greatly concerned about the historic Oleta River and committed to the protection and enhancement of the natural resources of this, the only meandering river left in Dade County as well as the Oleta State Recreation Area.

In February, 1989 the Arch Creek Trust appeared before the City of North Miami Beach during the Land Use Plan adoption proceedings and objected to the high density land use designation of the Terama tract and accompanying marina.

The Trust renews its objections to the Commission and specifically objects to the proposed work that is the subject of this class I application involving the construction of a two phase 95 boat slip marina; construction of a jetty in the Oleta River; dredging of a cut to connect an upland canal to the shallow waters of the Preserve.

There has never been residential use at this location and there has never been a private marina here. The commercial marina which existed before being abandoned predated the establishment of the Oleta River State Park and the Biscayne Bay Aquatic Preserve and predated much of the development that has occurred in north Dade County. The use now proposed is a change in the use of the area and is totally incompatible with the surrounding state recreation lands.

The Department of Community Affairs in a letter of April 12, 1989 notified North Miami Beach that its Comprehensive Plan is **not** in compliance with FS 163 since it is not consistent with various sections of 163; with the state comprehensive plan; the South Florida Comprehensive Regional Policy Plan or Chapter 9J-5, Florida Administrative Code, based primarily on problems identified with the designation of the B.R. Terama tract for high density development.

Specifically, the DCA noted that: the area is environmentally sensitive; that endangered mammals and birds are in the area; that the plan fails to address the availability of infrastructure concurrent with the impacts of development; that the property is a flood plain; that the property is listed for state purchase; that the land use for the B.R. Terama property fails to comply with applicable state rules. I am submitting to the record-- a copy of the Notice of Intent to find the North Miami Beach

Comprehensive Plan not in compliance which details the myriad of problems associated with using the B.R. Terama tract as designated in the plan along with the accompanying marina.

In summary: We request that you support the DERM recommendation of denial of this application for a coastal I permit.