



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610

June 12, 2019

Regulatory Division
West Branch
Mine Team

PUBLIC NOTICE

Permit Application No. SAJ-2018-01464(SP-MGH)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: MIAPROP, LLC
19 West Flagler Street, Suite 1212
Miami, Florida 33130

WATERWAY AND LOCATION: The project would affect waters of the United States associated within the Florida Southeast Coast, Southern Florida Basin (HUC_08: 03090206). The project site is located between NW 130 and 138 Streets and NW 127 and 132 Avenues, in Section 26, Township 52 South, Range 39 West, Miami-Dade County, Florida.

Directions to the site are as follows: From the Florida Turnpike take the Okeechobee Road Ext, travel south ½ mile on NW 118 Avenue, northwest 1 mile on NW 136 Street to northeast corner of the property.

APPROXIMATE CENTRAL COORDINATES: Latitude 25.894238°
Longitude -80.409530°

PROJECT PURPOSE:

Basic: Limestone Mining

Overall: To provide affordable, high-quality construction grad aggregate that satisfies the public need for such material within peninsular Florida, defined as geographically comprising Florida Department of Transportation Districts 1, 2, 4, 5, 6, and 7.

EXISTING CONDITIONS: The wetland system consists of 130 acres of dense melaleuca, 12 acres of dense melaleuca saplings and 14 acres of prairie (FLUCCS 641) with 50-75% melaleuca for a total of 156 acres of jurisdictional wetlands.

PROPOSED WORK: The applicant seeks authorization to mine limestone on the 156 acre project site. During the mining process, the area is first demucked, the demucked area is filled with limestone aggregate to provide a stable work platform and then the

filled area is excavated to produce the limestone aggregate. Out of the total 156 acre property, 133 acres will be excavated and 23 acres will remain as a 100' littoral area around the perimeter of the excavated lake.

PROJECT HISTORY: A Record of Decision (ROD) and regional Statement of Findings was finalized on January 29, 2010 on the May 2009 *Final Supplemental Environmental Impact Statement (FSEIS) on Rock Mining in the Lake Belt Region of Miami-Dade County, Florida* (Lake Belt FSEIS) for ten (10) Department of the Army permit applications comprised within the Lake Belt FSEIS. The Corps determined that a modified version of Alternative 3 including on-site avoidance areas, staged mining and special conditions known collectively as "Modified Alternative 3" is the Least Environmentally Damaging Practicable Alternative (LEDPA). The Corps authorized project includes; 1) after-the-fact authorization for discharges of dredged or fill material into 2,717 acres of wetlands that took place between February 2002 and January 2009, 2) discharge of dredged or fill material into 7,327 acres of wetlands. The 7,327 acres of wetland impacts have been divided into two (2) geographic areas: Section I (4,591 acres) and Section II (2,736 acres).

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

Avoidance and minimization was accomplished through the Lake Belt Plan adopted by the Florida Legislature, by concentrating the mining in the eastern 4 miles of the Lake Belt and establishing a mitigation fee to fund the acquisition and restoration of the Pennsuco wetlands in the western portion of the Lake Belt. The Pennsuco wetlands include approximately 12,600 acres and in the Lake Belt Mitigation Committee 2017 Annual Report, it was estimated that approximately 88% of the Pennsuco wetlands have been or are currently being treated to remove exotic vegetation.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The wetland impact in terms of the Wetland Rapid Assessment Methodology (WRAP), as calculated for the Lake Belt Permits is shown below:

MIAPROP, LLC S-T-R 26-52-39	Proposed Wetland Impacts	Prairie 50-75% Melaleuca	Dense Melaleuca	Dense Melaleuca Saplings
Acres	156	14	130	12
WRAP units/acre		0.623	0.424	0.484
WRAP units	69.7	8.7	55.1	5.8

Per Table 3 in the 2018 Annual Report Supplemental Mitigation Summary, the cumulative wetland units balance at the end of 2017 was 2,941.7 units. The 69.7 WRAP units associated with this project will not significantly affect the overall Lake Belt Mitigation balance. Additional Lake Belt mitigation fees will be collected as a result of this additional mining and will be utilized by the Lake Belt Mitigation Committee to obtain additional mitigation credits.

The project will also result in 23 acres of littoral area, which will also contribute to a positive mitigation balance.

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES:

The property was included in the January 11, 2010 US Fish and Wildlife Service (FWS), Biological Opinion (BO) as part of a full Lake Belt mining alternative (LBMA) (SEIS Alternative 8) and its effects on the endangered wood stork (*Mycteria americana*). The BO addressed limerock mining during the full 30-year period addressed in the Corps May 1, 2009, *Final Supplemental Environmental Impact Statement on Rock Mining in the Lake Belt Region of Miami-Dade County, Florida (FSEIS)*. FWS reviewed the status of the wood stork, environmental baseline for the action area, effects of the proposed action and the cumulative effects, determined the LBMA is not likely to jeopardize the continued existence of the wood stork. No critical habitat has been designated for the species, therefore none would be affected. FWS BO provided reasonable and prudent measures necessary and appropriate to minimize impacts of incidental take into the design of the proposed action. The Corps will request initiation of formal consultation with the FWS pursuant to Section 7 of the Endangered Species Act by separate letter.

The wetlands on the property are predominately dense melaleuca. According to the 2010 BO, the endangered Everglade snail kite (*Rostrhamus sociabilis plumbeus*) may occasionally occur in the Lake Belt project area as habitat conditions that provide the necessary hydrology for growth and development of populations of prey species (apple snail (*Pomacea paludosa*)) important to snail kites are present. Dense growth of melaleuca in much of the project area would prevent kites from foraging. Snail kites have not been documented nesting within the Lake Belt and hydrologic changes that may result from the mining projects are also not expected to affect hydrologic changes that may result from the nesting areas adjacent to the project within WCA-3B. FWS stated any impacts to potential snail kite foraging habitat are expected to be insignificant and discountable, thus the proposed action is not likely to adversely affect the snail kite.

The Corps will request initiation of formal consultation with the FWS pursuant to Section 7 of the Endangered Species Act by separate letter.

The project is located within the consultation area of the Florida bonneted bat (*Eumops floridanus*). This species was not evaluated during the 2010 BO. The project site consists of dense growth of melaleuca, therefore the Corps has determined that the proposed project “may affect” the Florida bonneted bat and will request initiation of formal consultation with the FWS pursuant to Section 7 of the Endangered Species Act by separate letter.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Mine Team, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610 within 21 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Mindy Hogan-Charles, in writing at the Mine Team, 10117 Princess Palm Avenue, Suite 120, Tampa, Florida 33610; by electronic mail at Melinda.G.Hogan-Charles@usace.army.mil; by facsimile transmission at (813)769-7061; or, by telephone at (813)769-7066.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All

factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

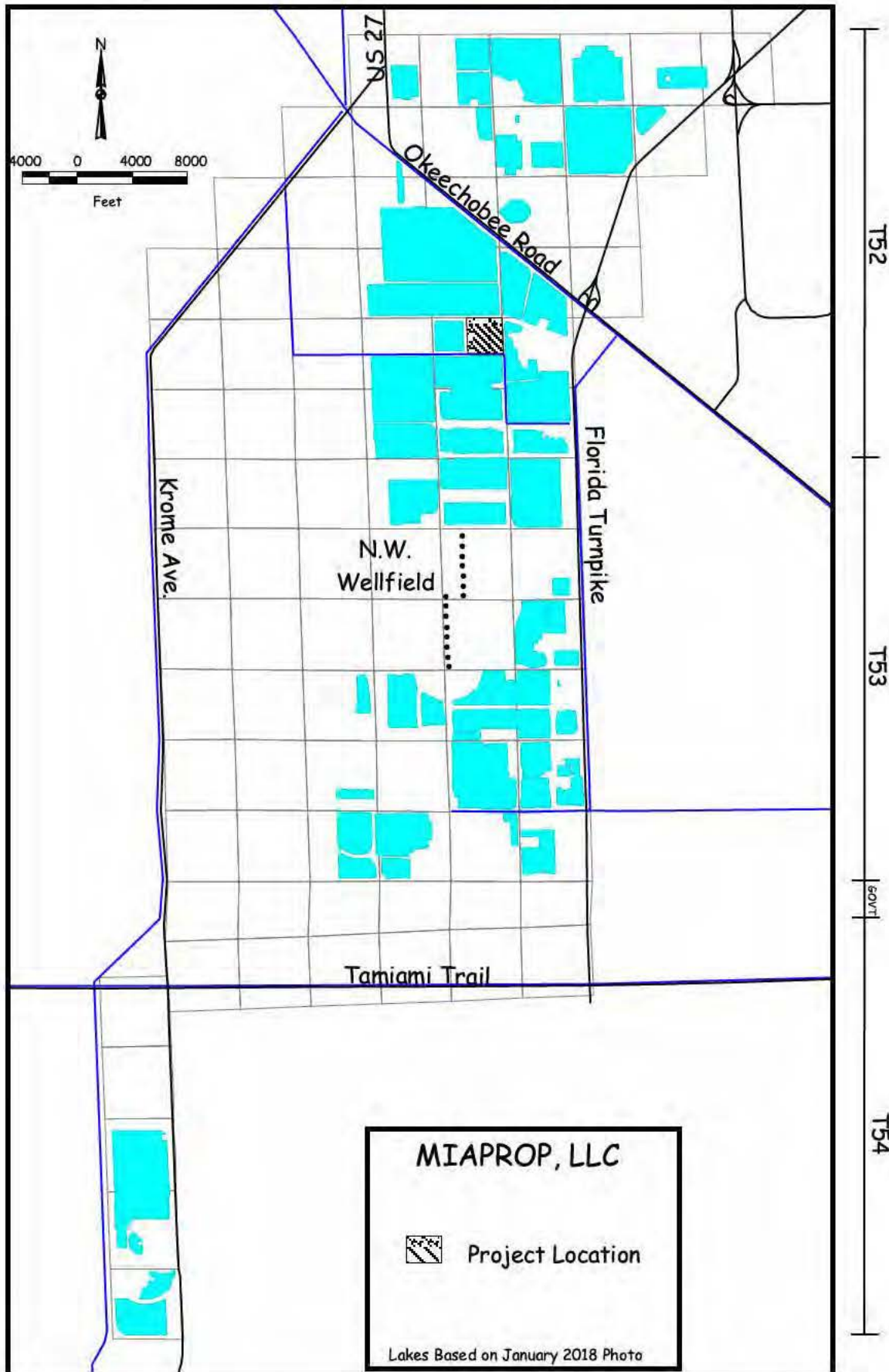
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

R38

R39

R40





AERIAL PHOTO

MIAPROP, LLC

For Limestone Mining
in T52S, R39E
Miami-Dade County


 Permit request

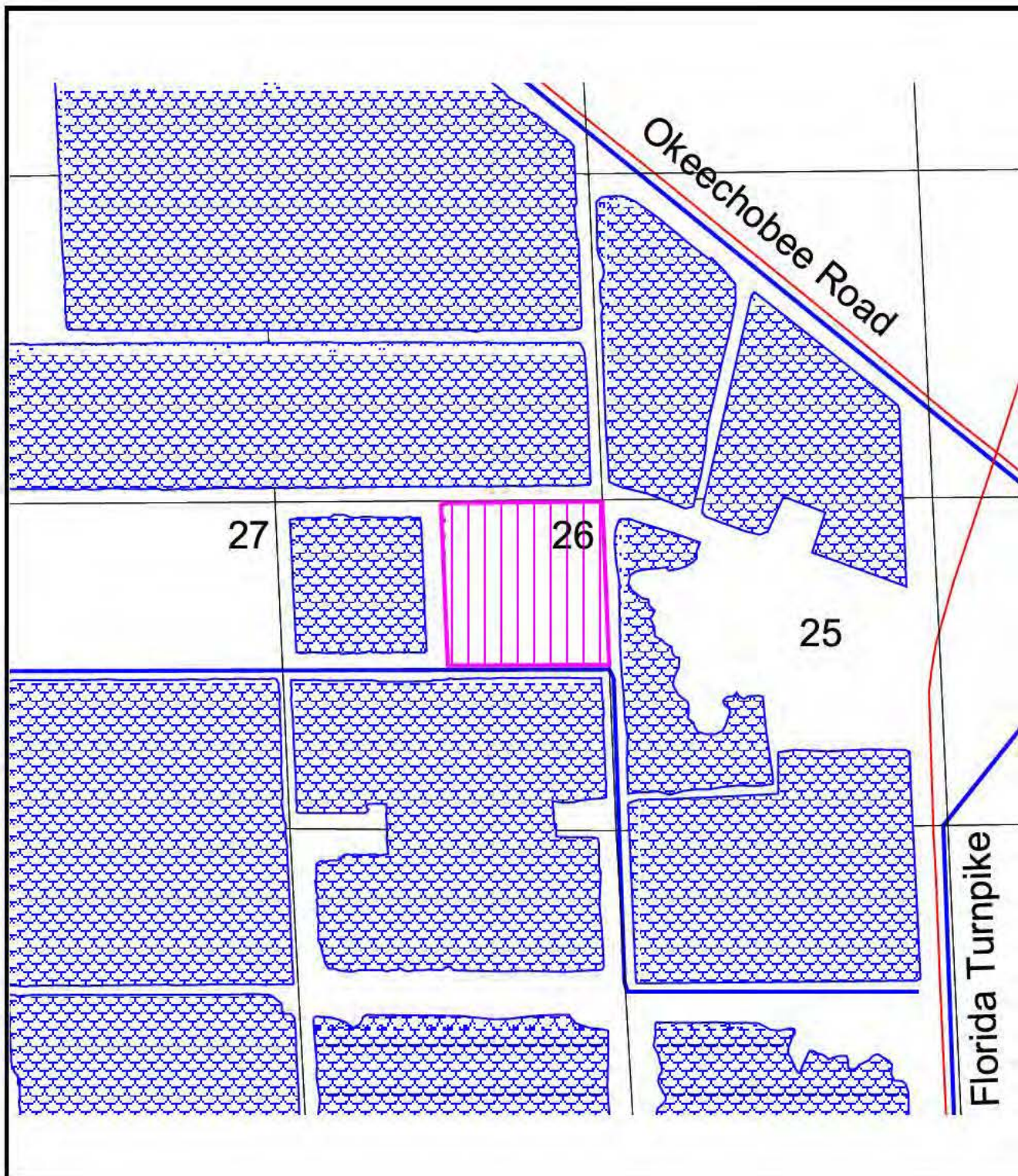
Photo Date: January 2017



1500 0 1500 Feet


Corps 5/2018

MacVicar Consulting, Inc.



MINING PLAN

MIAPROP, LLC

For Limestone Mining
in T52S, R39E
Miami-Dade County



January 2017 Lakes



Permit request



1500 0 1500 Feet

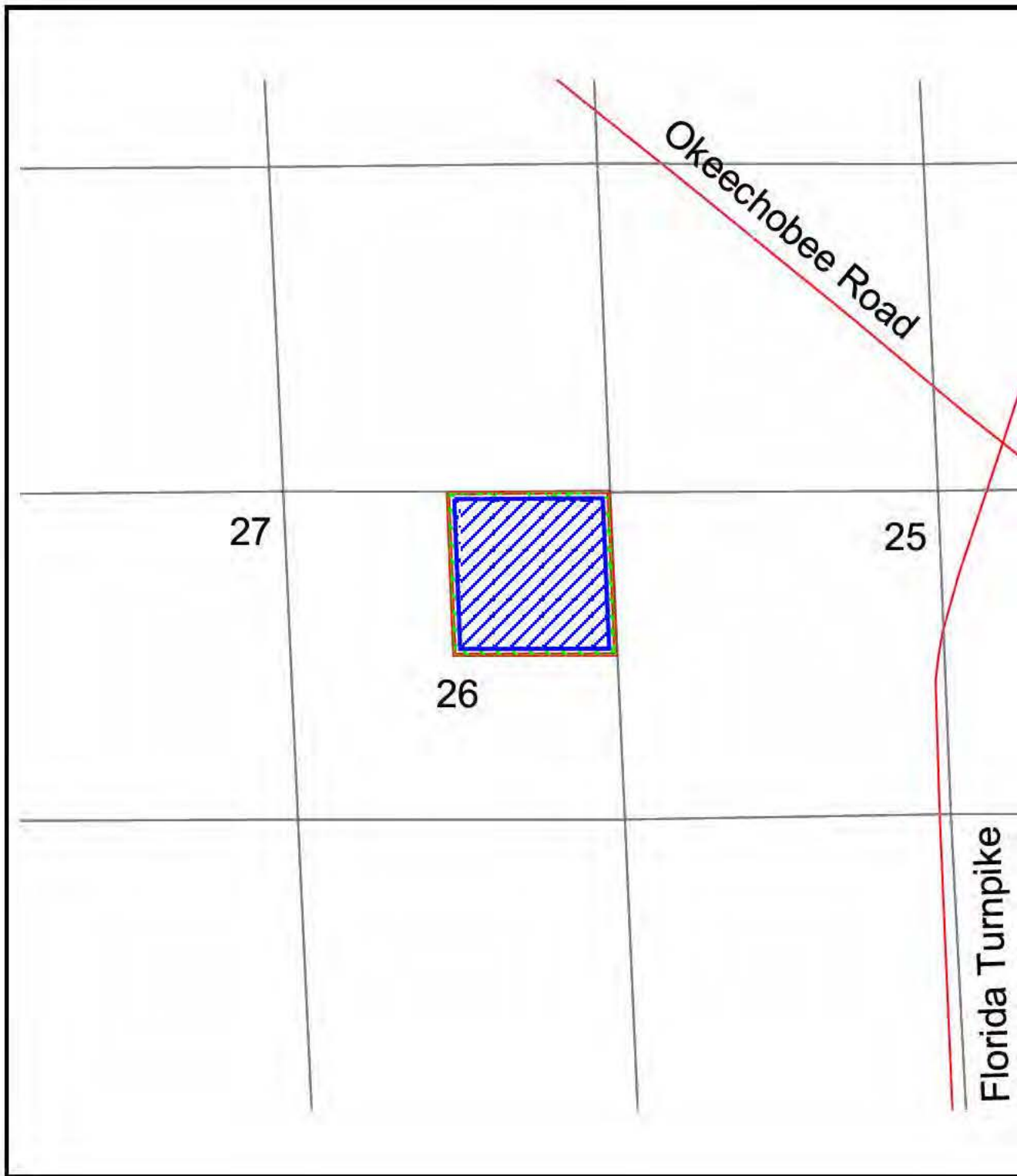
Corps 5/2018

MacVicar Consulting, Inc.

MACVICAR CONSULTING, INC.

4524 Gun Club Road, Suite 201, West Palm Beach, Florida 33415
CA-29797

William A. Baker, P.E.
Florida P.E. #54119



PROPOSED LANDUSE

MIAPROP, LLC

For Limestone Mining
in T52S, R39E
Miami-Dade County



Lakes



100' Littoral Area

Lakes	133	acres
Littoral	23.0	acres
TOTAL	156	acres



1500 0 1500 Feet

Corps - 5/2018

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LANDUSE/WETLAND MAP



















MIAPROP, LLC

For Limestone Mining
in T52S, R39E
Miami-Dade County

 January 2017 Lakes

 Permit request

Land Use Classification Lake Belt PEIS (2000)

	AG	(Agriculture - 2000)
	C	(Canals - 5100)
	D	(Disturbed Land - 7400)
	DM	(Dense Melaleuca - 6193)
	DMS	(Dense Mel. Saplings - 6194)
	DP	(Disturbed Prairie - 6435)
	DP50	(DP with 10-50% Mel. - 6436)
	DP75	(DP with 50-75% Mel. - 6437)
	DV	(Developed Land - 1000)
	FPL	(FPL right-of-way - 8300)
	L	(Lakes - 5200)
	LP	(Lake Perimeter - 5201)
	P	(Prairie - 6411)
	P50	(P with 10-50% Mel. - 6190)
	P75	(P with 50-75% Mel. - 6191)
	TI	(Tree Island - 6181)
	W	(Open Water - 5000)
	WH	(Willow Head - 6180)

1500 0 1500 Feet


Corps 5/2018

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COV	AC	%
DM	130	83%
DMS	12	8%
P75	14	9%
TOTAL 156 acres		

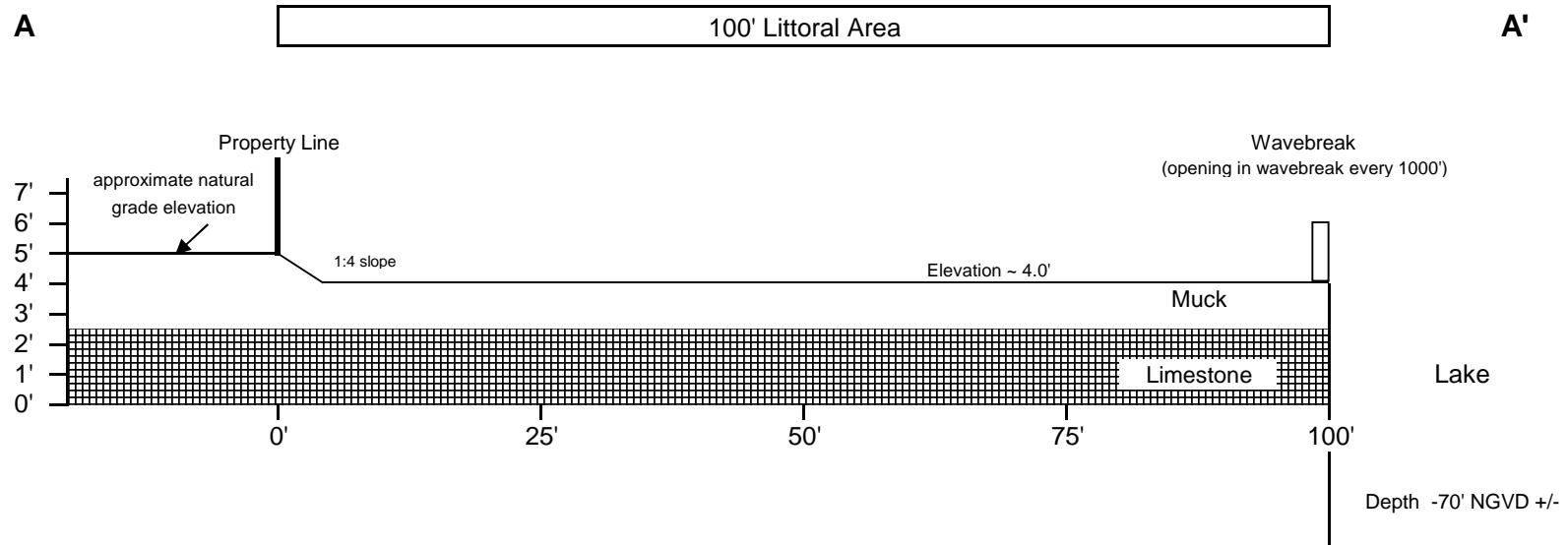
Okeechobee Road

25

Florida Turnpike

Table 1. Permit Modification

	Acres							
Location	December 2014 lake	Section 1	Total Remaining in Permit	Disturbed Prior to December 2014	Non-Disturbed	100' Littoral Areas	Mitigation in 1000' setback	Deep Cut
MIAPROP, LLC	0	156	156	0	156	23.0	0	133
Total	0	156	156	0	156	23	0	133
2007 lakes	0					2014 lakes	0	
2007-2014 mining	0					Deep Cut	133	
						Prop. Littoral	23	
						Total	156	



MIAPROP, LLC - Typical Littoral Area Cross Section

Note: The wavebreaks at the lake edge will be constructed of coarse limerock. The elevation of the top of the wavebreak will be approximately 6 feet NGVD. Boulders will be placed in the openings in the wavebreak to minimize muck erosion.