



REPLY TO
ATTENTION OF

Regulatory Division
South Branch
Miami Permits Section

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
9900 SOUTHWEST 107TH AVE, SUITE 203
MIAMI, FLORIDA 33176

June 13, 2019

PUBLIC NOTICE

Permit Application No. SAJ-2019-01921 (SP-MLC)

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: Foundry Commercial
Attn: Pryse Elam
95 Merrick Way, Suite 460
Coral Gables, FL 33134

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the East Turnpike Wetlands Basin. The project site is located west of NW 107th Avenue, between theoretical NW 145 St and 146 St and proposes fill activities in waters of the United States in Section 19, Township 52 South, Range 40 East, in Hialeah Gardens, Miami-Dade County, Florida (folios #27-2019-001-0080 and #27-2019-001-0560).

Directions to the site are as follows: From the Florida Turnpike, exit on US-27, and proceed east. Turn left on NW 138 St and then left on NW 107th Avenue. The site is on the left approximately 0.5 miles later.

APPROXIMATE CENTRAL COORDINATES: Latitude 25.906028°
Longitude -80.374863°

PROJECT PURPOSE:

Basic: The basic project purpose is for commercial development.

Overall: The overall project purpose is for commercial development, in northwest Miami-Dade County.

EXISTING CONDITIONS: The wetland system consists of a freshwater system. The project site contains a parking facility and various portions that contain exotic dominated wetlands. Historically, this site was an herbaceous freshwater marsh system.

PROPOSED WORK: The applicant seeks authorization to place 152,944 cubic yards of fill in 20 acres of wetlands. The project is for the development of the site for a warehouse and its associated roadways and stormwater retention system,

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:

Based on the low ecological value of the parcel (existing agricultural surrounded by landfills and heavy industrial/ warehouse development), it is unlikely that a viable wetland preserve could be incorporated into the project. Any proposed preserve would be adversely affected by secondary impacts from existing surrounding land uses. The proposed filling will be performed in such a way as to preserve water quality from potential contamination during construction. In order to minimize impacts to adjacent wetlands, the applicant proposes to implement the FDEP NPDES BMP's to ensure turbidity standards are met or exceeded. Material used on the site will consist entirely of clean fill. A full Avoidance & Minimization will be submitted shortly, along with an Alternatives Analysis.

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

The applicant is proposing the purchase of 28.44 mitigation credits at the Hole-in-the-Donut.

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:

A preliminary review the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service's Protected Resource Divisions (NMFS-PRD)'s list of Endangered and Threatened Species indicates the following listed species may occur in the project area:

The Corps has determined the proposed project will have no effect on the Everglade snail kite, as the site does not contain habitat for this species and it is not designated critical habitat for this species.

The Corps has determined the proposed project is “*May affect but is not likely to adversely affect*” the wood stork (*Mycteria americana*). Based on the Effect Determination Key for the Wood Stork in South Florida (dated May 18, 2010), the Corps determination sequence was A>B>C>D=MANLAA.

The Corps has determined the proposed project “*May affect but is not likely to adversely affect*” the Eastern indigo snake (*Drymarchon corais couperi*). Based on the *Eastern Indigo Snake Effect Determination Key* (dated August 1, 2017), the Corps determination sequence resulted in A>B>C>D= May affect, but is not likely to adversely affect.

The Corps has determined the proposed project “*May affect but is not likely to adversely affect*” the Florida bonneted bat (*Eumops floridanus*). Based on the 2013 FBB Effect Determination Guidelines, the Corps determination sequence resulted in 2>a= “May affect but is not likely to adversely affect.” The Corps will request initiation of formal consultation/informal correspondence with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act by separate letter.

The Corps has determined the proposal would have no effect on any other listed threatened or endangered species or designated critical habitat.

This notice serves as request for information from the U.S. Fish and Wildlife Service, the National Marine Fisheries Service’s Protected Resource Division, and any other interested party, on whether any species listed or proposed for listing may be present in the area.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the snapper-grouper complex as the proposed project impacts freshwater wetlands. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

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 Miami Permits Section, 9900 Southwest 107th Avenue, Suite 203, Miami, FL 33176 within 30 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, Megan Clouser, in writing at the Miami Permits Section, 9900 Southwest 107th Avenue, Suite 203, Miami, FL 33176; by electronic mail at Megan.L.Clouser@usace.army.mil; or, by telephone at (305)526-7182.

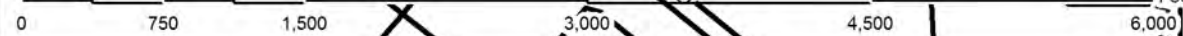
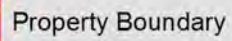
IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information 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.

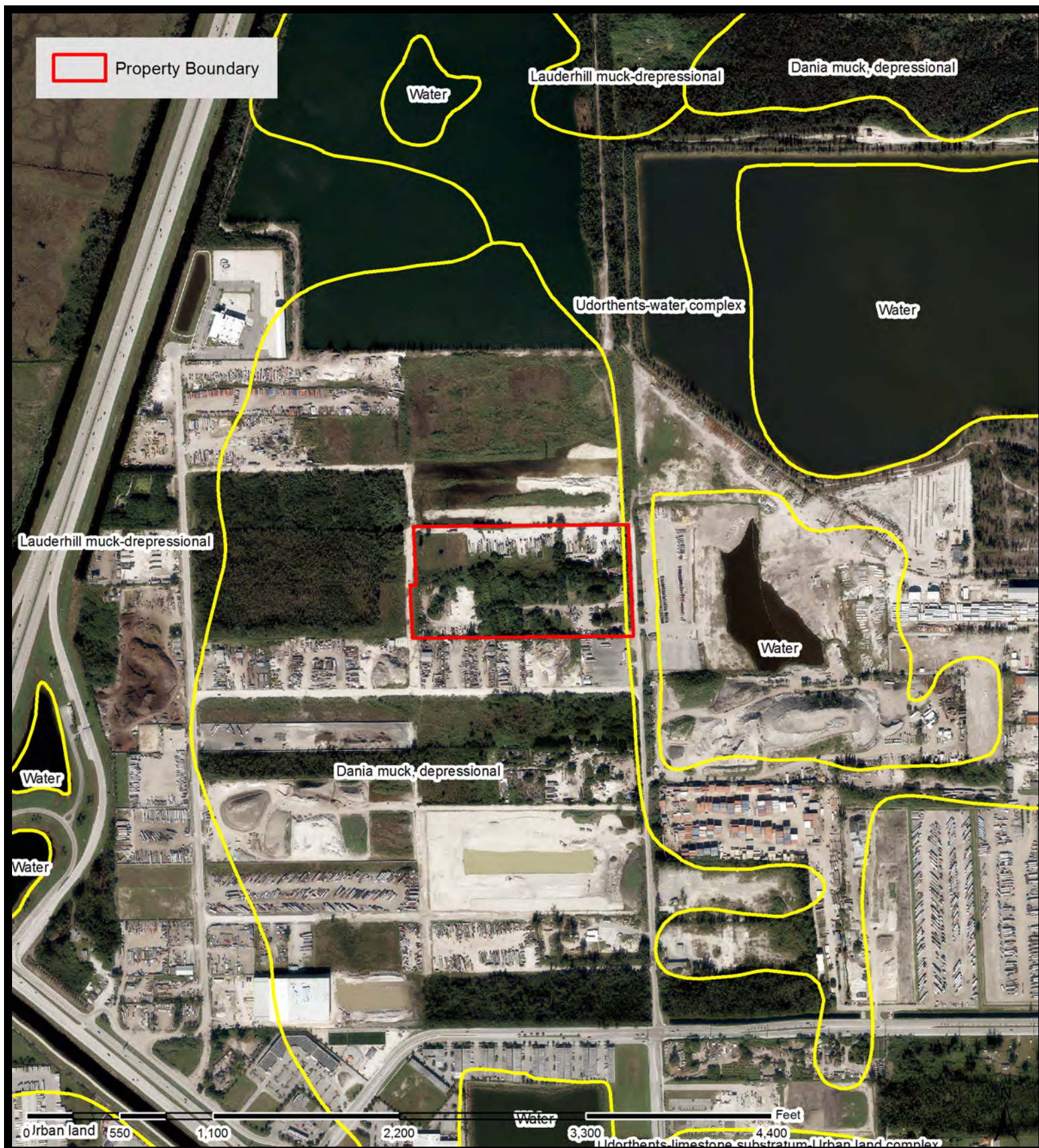
COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning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

**MIAMI-DADE COUNTY, FLORIDA**

2014 Aerial

SCALE: NTS



Foundry Hialeah Gardens

MIAMI-DADE COUNTY, FLORIDA



RS Environmental
Consulting Inc.
P.O. Box 161158
Miami FL, 33116
Phone: 305-383-3404
www.rs-env.com

2014 Aerial

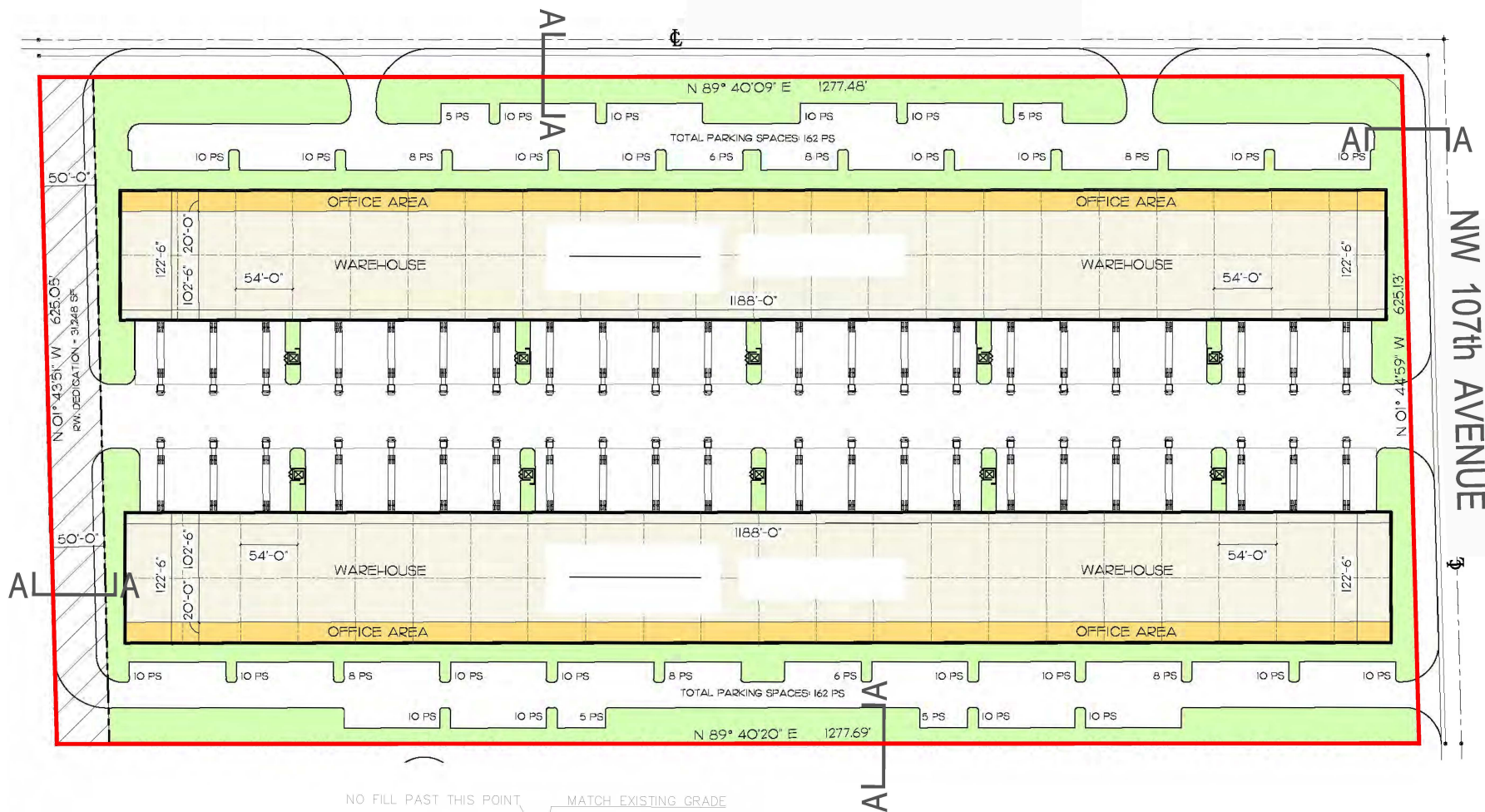
Soils Map T-52S, R-40E, S-19

DRAWN BY: RWS

DATE: 5-2-19

CHECKED BY: RWS

SCALE: NTS



NO FILL PAST THIS POINT MATCH EXISTING GRADE

Off-site No Filling P/L Project area (fill)

Off-site Cross Sections A-A



RS Environmental Consulting, Inc.

P.O. Box 161158
Miami, FL 33116-1158
Phone: (305) 383-3404
Fax: (305) 383-3270
www.rs-env.com

PROJECT: FOUNDRY HIALEAH GARDENS

SHEET NAME: ACOE PLAN VIEW & CROSS SECTIONS

PREPARED FOR: FOUNDRY DEVELOPMENT

DORAL, FL

PROJECT No:

DATE: 5-2-19

SCALE: NTS

RSEC:

1



-  Property Boundary
-  Current WL1 - Freshwater Wetland
-  Current WL2 - Disturbed Wetland
-  Current UL1 - Upland



Foundry Hialeah Gardens

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2014 Aerial

Current Vegetation Map
T-52S, R-40E, S-19

DRAWN BY: RWS

DATE: 5-2-19

CHECKED BY: RWS

SCALE: NTS



Property Boundary

NW 146TH ST

NW 143RD ST

NW 107TH AVE

0 125 250 500 750 1,000 Feet

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2014 Aerial



Location Map
T-52S, R-40E, S-19

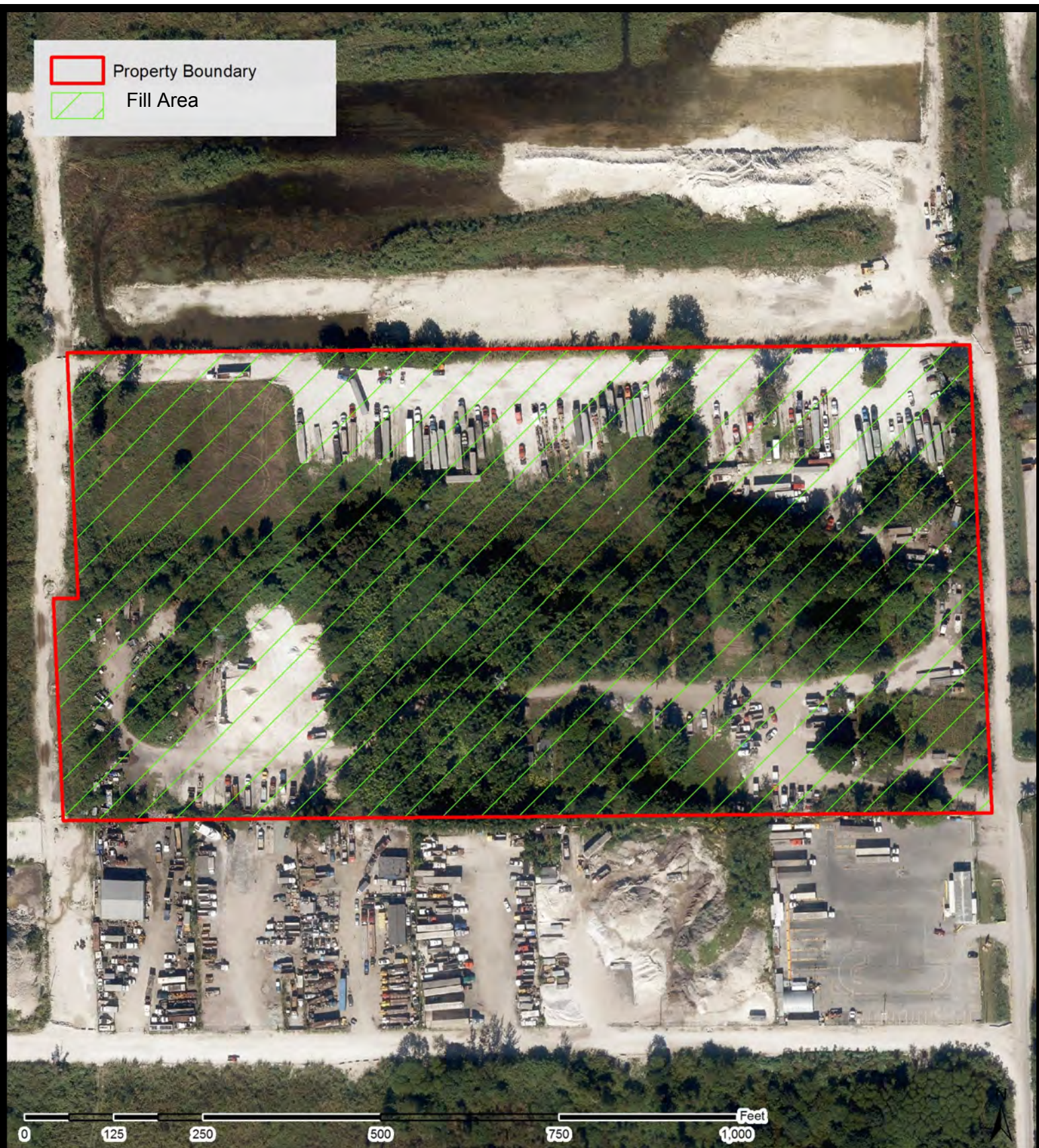
DRAWN BY: RWS

DATE: 5-2-19

CHECKED BY: RWS

SCALE: NTS

-  Property Boundary
-  Fill Area



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2014 Aerial

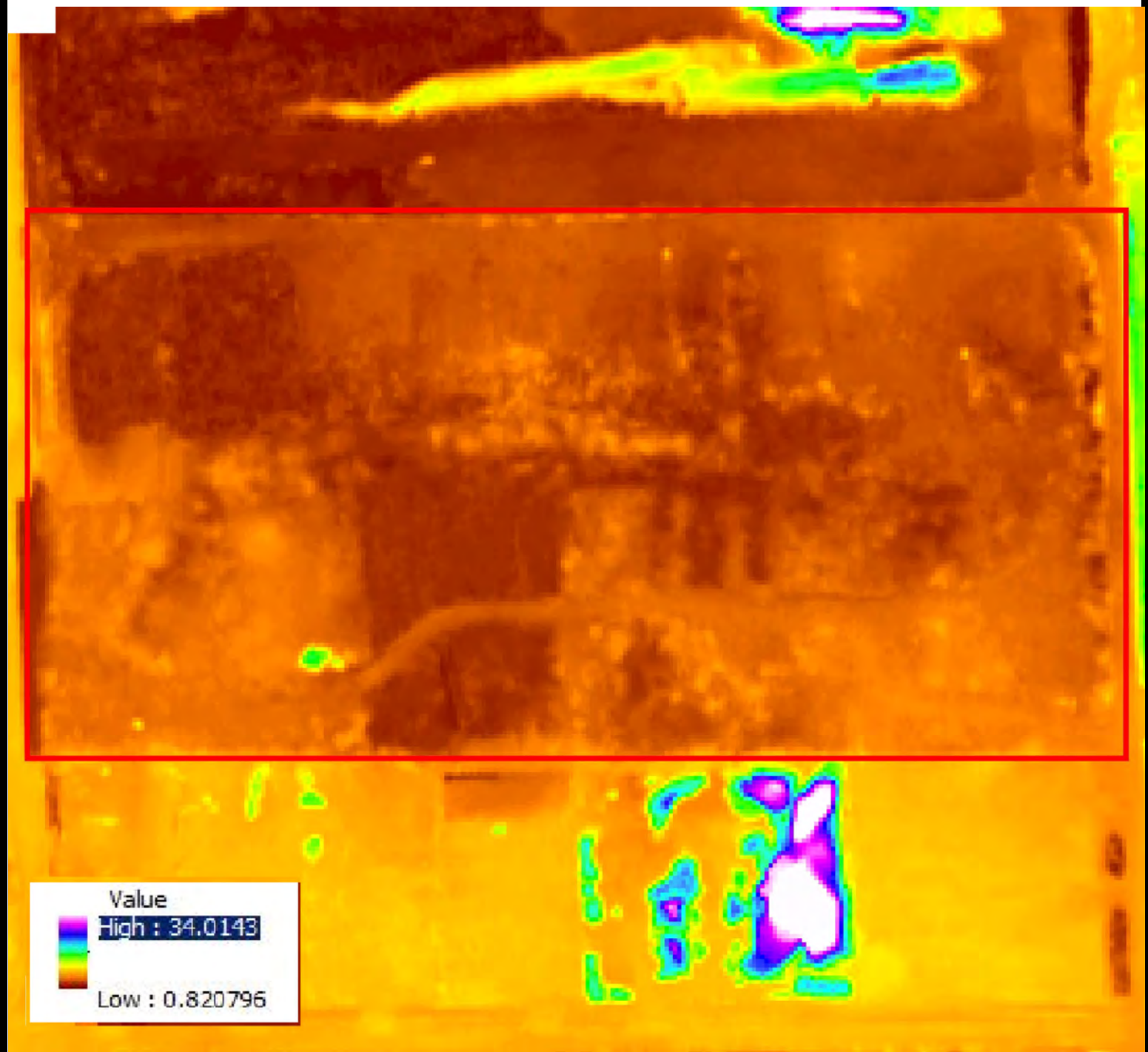
Fill Map
T-52S, R-40E, S-19

DRAWN BY: RWS

DATE: 5-2-2019

CHECKED BY: RWS

SCALE: NTS



Foundry Hialeah Gardens

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Miami FL, 33116
Phone: 305-383-3404
www.rs-env.com

LIDAR
T-52S, R-40E, S-19

DRAWN BY: RWS

DATE: 5-2-19

CHECKED BY: RWS

SCALE: NTS