



**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
9900 SW 107<sup>TH</sup>, SUITE 203  
MIAMI, FLORIDA 33176

**September 13, 2019**

REPLY TO  
ATTENTION OF

Regulatory Division  
South Permits Branch  
Miami Permits Section  
SAJ-2019-02333 (JD-NML)  
JURISDICTIONAL VERIFICATION

Alicio Pina, Florida Value Partners  
15500 New Barn Road, Suite 104  
Miami Lakes, Florida 33014

Dear Mr. Pina:

Reference is made to information submitted to the U.S. Army Corps of Engineers (Corps) regarding the potential extent of Federal jurisdiction at the intersection of (south of) SW 356 Street and (west of) SW 8<sup>th</sup> Avenue, in Section 25, Township 57 South, Range 38 East, Florida City, Miami-Dade County, Florida. The evaluation of this jurisdictional determination involved many factors and may have included a field visit, review of aerial photographs, land use maps, soils maps, and site specific information provided by you. A copy of the approved jurisdictional determination form and depiction of the geographic extent of Federal jurisdiction are enclosed. A Department of the Army permit may be required for work in areas identified as waters of the United States.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Jason Steele  
South Atlantic Division  
U.S. Army Corps of Engineers  
CESAD-CM-CO-R, Room 9M15  
60 Forsyth St., SW.  
Atlanta, Georgia 30303-8801.

Mr. Steele can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by **November 12, 2019**. It is not necessary to submit a RFA form to the Division Office if you do not object to the determination in this letter.

The determination shown on the enclosed information represents the upland/wetland boundary for purposes of determining the Corps jurisdictional line. **As depicted on the enclosed drawings, the property does not encompass waters of the United States, which are subject to regulation by the Corps.** Please be advised that the jurisdictional determination shown is based on the Corps of Engineers Wetlands Delineation Manual (1987) or current regional supplement, and is valid for a period no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If, after the 5-year period, the Corps has not specifically revalidated this jurisdictional determination, it shall automatically expire. Any reliance upon this jurisdictional determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulations. You may request revalidation of the jurisdictional determination prior to the expiration date. Any revalidation or updating will be considered under the method of jurisdictional determination and other applicable regulations in use at the time of the request. Additionally, this determination has been based on information provided by you or your agent; should we determine that the information was incomplete or erroneous this delineation would be invalid.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

You are cautioned that work performed below the mean high water line or ordinary high water line in waters of the United States; and/or, the discharge of dredged or fill material into any areas identified on the enclosed information as within Federal jurisdiction, without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from the Department of Environmental Protection or the Water Management District does not obviate the requirement for obtaining a Department of the Army permit.

The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to visit [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey) and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this Internet address is case sensitive and should be entered as it appears above.

Thank you for your cooperation with our permit program. If you have any questions concerning this matter please contact Nicole Liette by mail at the letterhead address, by electronic mail at [Nicole.m.liette@usace.army.mil](mailto:Nicole.m.liette@usace.army.mil), or by telephone at 305-779-6051.

Sincerely,

for Shawn H. Zinszer  
Chief, Regulatory Division

Enclosures

cc: (w/o encls)  
Smart Science, Inc.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: Florida Value Partners		File Number: SAJ-2019-02333	Date: September 13, 2019
Attached is:		See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** *If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** *If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** *You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.*
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision you may contact:

**Project Manager as noted in letter**

If you have questions regarding the appeal process you may contact:

Jason W. Steele  
Administrative Appeals Review Officer  
USACE – South Atlantic Division  
60 Forsyth Street SW, Room 10M15  
Atlanta, Georgia 30303-8801  
(404) 562-5137

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

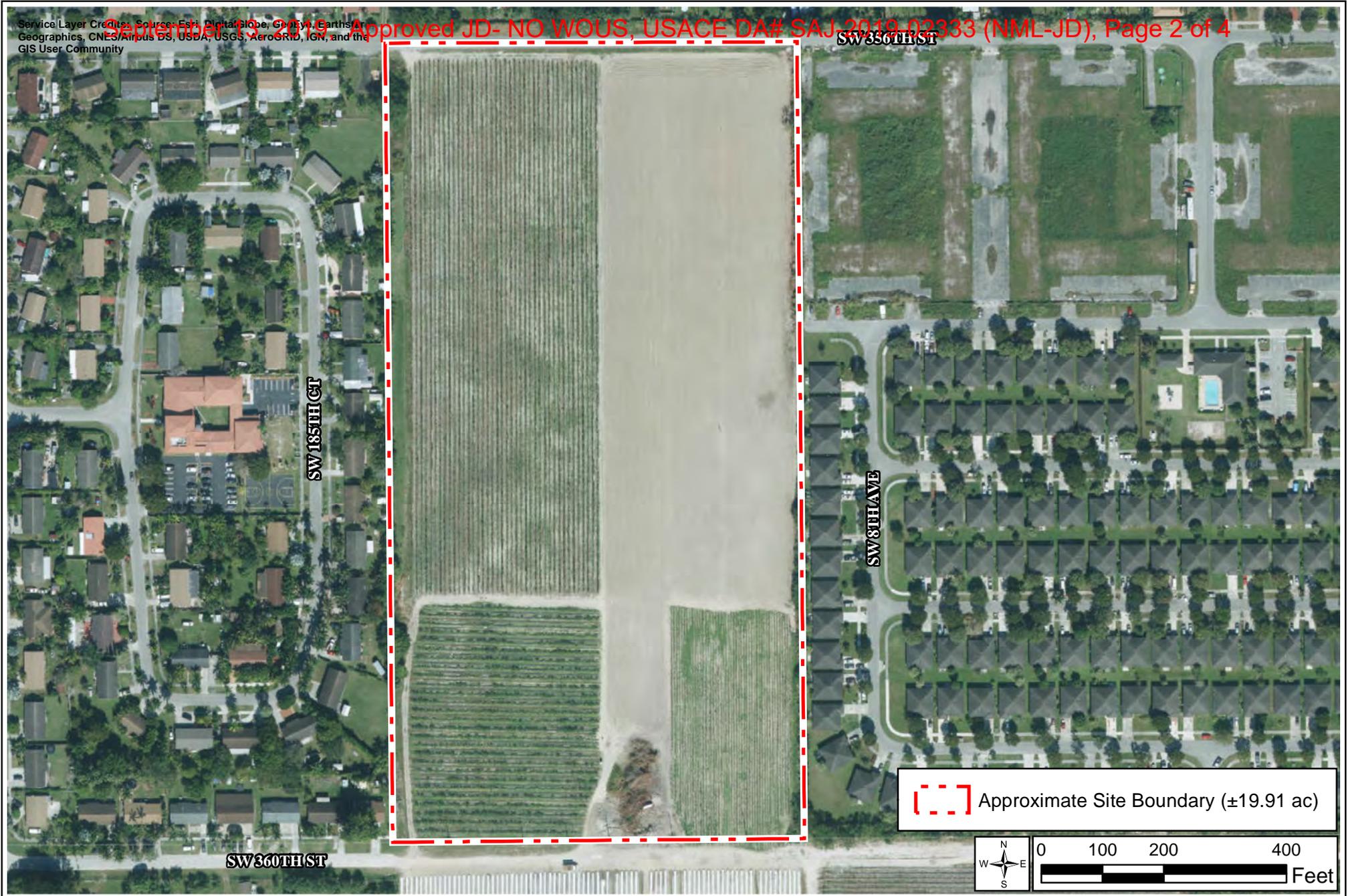
\_\_\_\_\_  
Signature of appellant or agent.

Date:

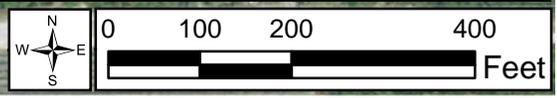
Telephone number:



Document Path: M:\Projects\Projects by Clients\031 - Florida Value Partners\031-005 FVP Las Brisas\4\_figures and drawings\GIS\Fig2\_2017Aerials.mxd



 Approximate Site Boundary (±19.91 ac)



 **SMART-SCIENCES**  
Environmental Consulting  
330 SW 27th Avenue, Suite 504, Miami, FL 33135  
P: 786.313.3977 F: 305.356.4333  
www.smart-sciences.com

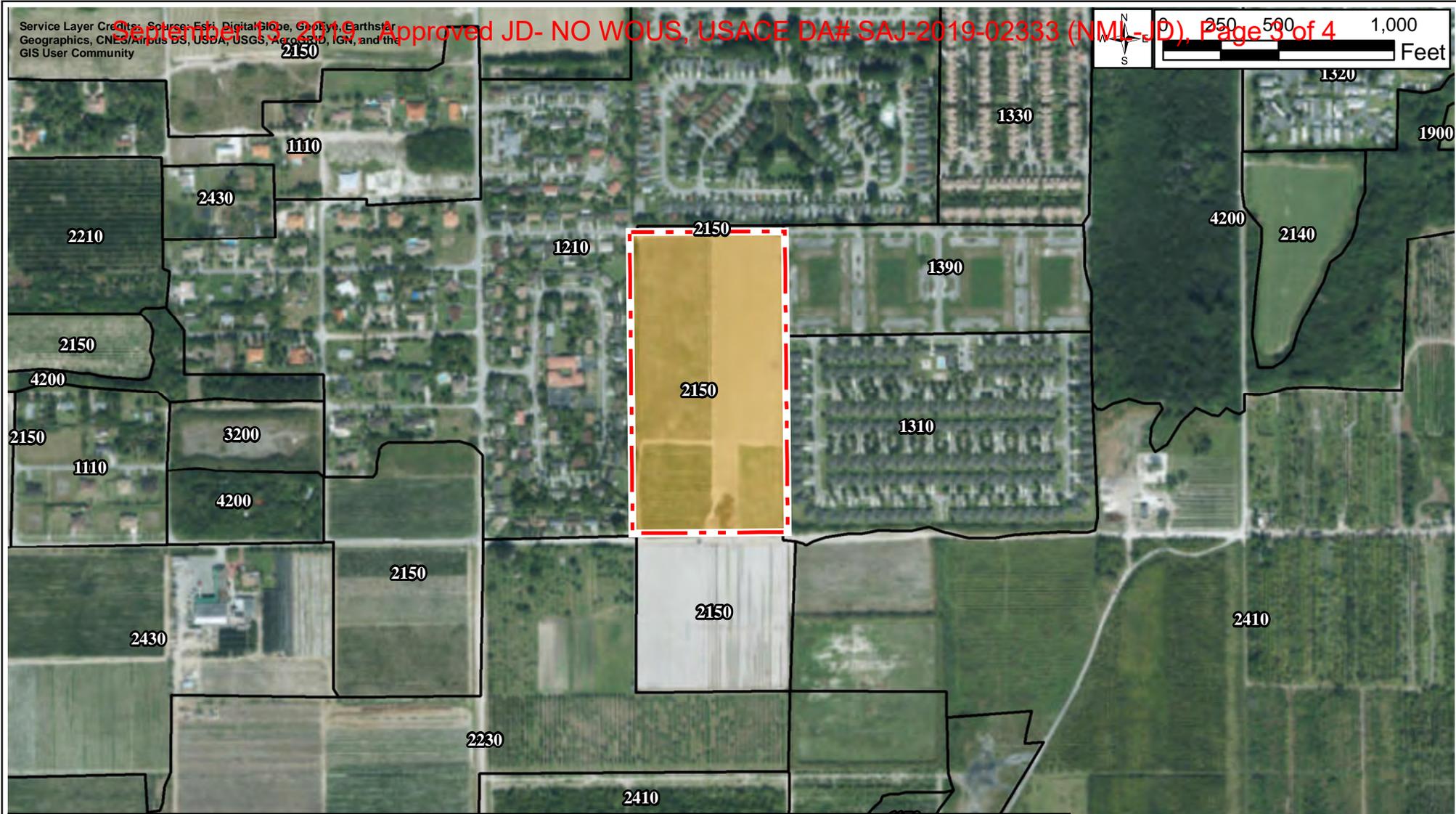
**Las Brisas**  
South of SW 356th Street and  
West of SW 8th Avenue  
Section 25, Township 57S, Range 38E  
Florida City, Miami-Dade County, Florida

**2017 Aerial Imagery**

SCALE: As Shown      DATE: 6/5/2019

FIGURE  
**2**

CHECKED BY: GLC      DRAWN BY: MDV      PROJECT NUMBER 031-005



Approximate Site Boundary (±19.91 ac)	1210 Fixed Single Family Units	2140 Row Crops	3100 Herbaceous (Dry Prairie)
<b>On-Site Land Use, Smart-Sciences 2019</b>	1310 Fixed Single Family Units	2150 Field Crops	3200 Upland Shrub And Brushland
2150 - Field Crops (±19.91 ac)	1320 Mobile Home Units	2210 Citrus Groves	4200 Upland Hardwood Forests
<b>Off-Site Land Use, SFWMD 2009</b>	1330 Multiple Dwelling Units - Low Rise	2230 Other Groves	5300 Reservoirs
1110 Fixed Single Family Units	1390 High Density Under Construction	2410 Tree Nurseries	6172 Mixed Shrubs
1900 Open Land	2430 Ornaments	7470 Dikes And Levees	

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**SMART-SCIENCES**  
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330 SW 27th Avenue, Suite 504, Miami, FL 33135  
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www.smart-sciences.com

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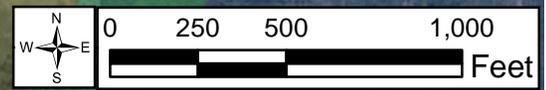
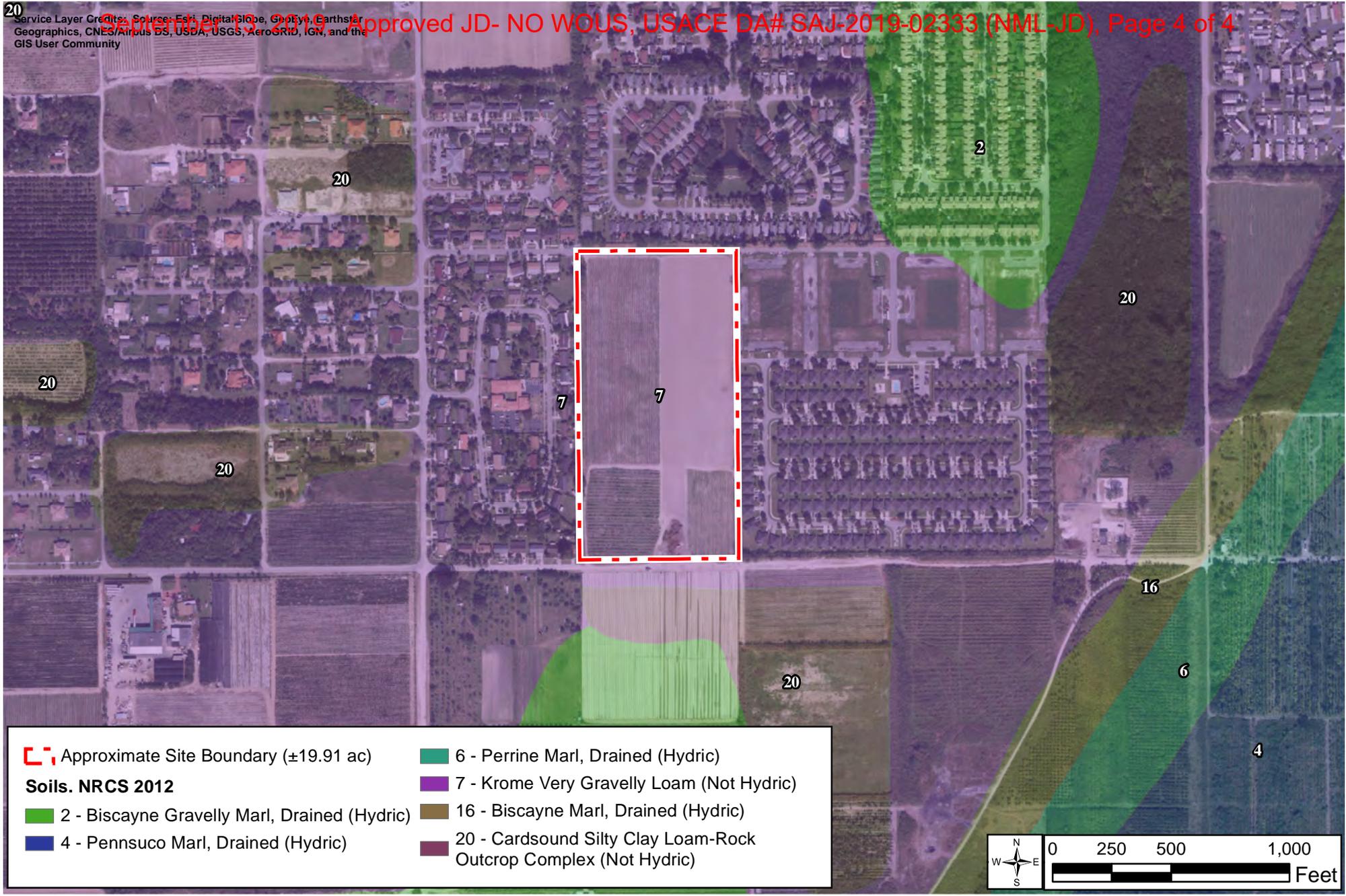
**Land Use**

SCALE: As Shown      DATE: 6/21/2019

**FIGURE 3**

CHECKED BY: GLC      DRAWN BY: MDV      PROJECT NUMBER 031-005

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CHECKED BY: GLC	DRAWN BY: MDV	PROJECT NUMBER 031-005
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**Las Brisas**  
South of SW 356th Street and  
West of SW 8th Avenue  
Section 25, Township 57S, Range 38E  
Florida City, Miami-Dade County, Florida

**Soils**

SCALE: As Shown      DATE: 6/5/2019

FIGURE  
**4**

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): August 14, 2019**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville District, Florida Value Partners, SAJ-2019-02333**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Florida County/parish/borough: Miami-Dade City: Florida City

Center coordinates of site (lat/long in degree decimal format): Lat. 25.434995 °, Long. -80.490267 °

Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Storm water pond, property to the north

Name of watershed or Hydrologic Unit Code (HUC): 03090206

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: August 14, 2019

Field Determination. Date(s): August 1, 2019

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Smart Science Inc. June 25, 2019
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: [Click here to enter text.](#)
- U.S. Geological Survey Hydrologic Atlas: internet based USGS,USDA AERO Grid- ESRI digital globe- land use- Agricultural
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Internet based- USGS,USDA AERO Grid- ESRI digital globe- soil type Krome very gravelly loam- not hydric
- USDA Natural Resources Conservation Service Soil Survey. Citation: [Click here to enter text.](#)
- National wetlands inventory map(s). Cite name: [Click here to enter text.](#)
- State/Local wetland inventory map(s): [Click here to enter text.](#)
- FEMA/FIRM maps: [Click here to enter text.](#)
- 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Historical aerial 1968, 1978, 1985, 1998 and 2009
- or  Other (Name & Date): USACE photos taken Aug. 1, 2019 and included in E-file
- Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- Applicable/supporting case law: [Click here to enter text.](#)
- Applicable/supporting scientific literature: [Click here to enter text.](#)
- Other information (please specify): [Click here to enter text.](#)

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** Agricultural land with no wetland vegetation, hydrology or soils

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<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.