



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
MIAMI REGULATORY OFFICE
9900 SOUTHWEST 107th AVENUE, SUITE 203
MIAMI, FLORIDA 33176

January 10, 2020

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2015-01333 (-AG)

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: Alberto Micha/ Atlas Fam II, LLC
336 East Dania Beach Boulevard
Dania, FL 33004

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the East Turnpike Wetlands Basin in Miami-Dade County. The proposed project is located in freshwater wetlands north of Graham Dairy Road (Northwest 138 Street), west of Northwest 97 Avenue and west of I-75. The project is within Section 20, Township 52 South, Range 40 East (Folio #04-2020-001-0150).

Directions to the site are as follows: From the Florida Turnpike heading South, proceed east on US-27. Turn left (north) on Hialeah Gardens Drive, approximately one mile after exiting the Turnpike. Turn left (west) on Northwest 138 Street and then right (north) on Northwest 97 Avenue. The entrance to the project will be on the left approximately 50 feet beyond the intersection.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 25.900558°
Longitude: -80.360952°

PROJECT PURPOSE:

Basic: The basic project purpose is for a commercial development.

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

EXISTING CONDITIONS: The project is located within the East Turnpike Wetland Basin, characterized as historically being a short- to moderate- hydroperiod wetland community. The subject property is approximately 69.91 acres in size. Currently, the property has two main land uses; antenna farm and agricultural. The antenna farm occupies approximately 15 acres at the western end of the project. In addition to the antennas, the area contains underground wires and a small structure. The area is also utilized for the grazing of cattle. The eastern end of the property, adjacent to NW 97th Avenue, contains a number of livestock barns housing mainly horses. The center of the property is open pasture and is used primarily for cattle grazing. Aerial reviews indicate long term agricultural use beginning in the late 1960's. According to the Natural Resources Conservation Service, the site contains Dania Muck – Depressional. This soil is listed as hydric. The existing area surrounding the project site consists of commercial, residential, and infrastructure development. There are six jurisdictional wetland polygons on the site as well as some non-jurisdictional areas. The largest jurisdictional polygon is the 35.16 acre cattle pasture. The area is actively used for cattle grazing and is dominated by pasture grasses interspersed with native short hydroperiod species including Canada Spikerush (*Eleocharis geniculata*) Lemon Bacopa (*Bacopa caroliniana*) and a variety of obligate, facultative wet and facultative grasses and sedges. Within this polygon are two slightly longer hydroperiod areas (.05 acres of cattle depression) that is dominated by Spikerush (*Eleocharis intersticta*). The northwestern corner of the property contains 3.4 acres of Melaleuca (*Melaleuca quinquenervia*) with scattered Sawgrass (*Cladium jamaicense*) understory. Interspersed through the center of the property (along historic fence-lines) is 9.44 acres of Exotic Shrubs (dominated by exotic Java Plum (*Bischofia javanica*) and Brazilian Pepper (*Schinus terebinthifolius*). The 5.63 acre area around the western antenna, which was excavated to bury transmission wires contains a mix of pasture grasses and longer hydroperiod species such as Duck Potato (*Saggitaria latifolia*) and Spikerush (*Eleocharis cellulosa*). Finally, the non-jurisdictional wetland areas dominate the southeastern corner of the subject property contains historically filled areas and is dominated by upland grasses and contains stables and or animal housing structures. This area historically filled areas which exhibit insufficient hydrology to maintain a wetland and as such is dominated by upland species.

PROPOSED WORK: The applicant proposes to impact 53.68 acres of low quality freshwater wetlands of a 69.91 acre site for construction of a commercial development and its associated stormwater treatment areas. The applicant proposes to fill the site with 563,940 cubic yards of clean fill. Work is proposed in U.S. waters in accordance with the attached site plans.

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:

Prior to the start of construction, silt fences and other erosion control measures will be deployed and will remain in place until all construction activity has subsided.

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

To offset anticipated impacts to 53.68 acres/ 20.26 UMAM Units of wetlands, the applicant has proposed the enhancement of 53.74 acres of exotic dominated wetlands at an offsite parcel adjacent to Everglades National Park as well as South Florida Water Management District and Miami Dade County Environmentally Endangered Lands program parcels. The restoration project proposes to restore wetland hydrology in former farm fields dominated by exotics.

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 Corps has determined the proposed project may affect, but is not likely to adversely affect the wood stork (*Mycteria americana*), Eastern Indigo snake (*Drymarchon corais couperi*), Everglades snail kite (*Rostrhamus sociabilis*), Florida panther (*Puma concolor coryi*), Cape Sable seaside sparrow (*Ammodramus maritimus mirabilis*), and the Florida bonneted bat (*Eumops floridanus*). The Corps will request concurrence with these determinations from 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.

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. The proposal would have no impacts on tidally influenced waters. Our initial determination is that the proposed action would

have a no impact on EFH or Federally managed fisheries within Biscayne Bay. 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 SW 107th Avenue, Suite # 203, Miami, Florida, 33176 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, Albert Gonzalez, in writing at the Miami Permits Section, 9900 SW 107th Avenue, Suite # 203, Miami, Florida, 33176, by electronic mail at albert.gonzalez@usace.army.mil, by fax at (305) 526-7184, or by telephone at (305)779-6055.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. 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. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

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 of 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 decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act 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.



Atlas Fam II, LLC
MIAMI-DADE COUNTY, FLORIDA



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P.O. Box 161158
Miami FL, 33116
Phone: 305-383-3404
Fax: 305-3833270
www.rs-env.com

Shoppes at Highland - Location Map

T-52,R-40,S-20

DRAWN BY: RWS

DATE: 9-27-19

CHECKED BY: RWS

SCALE: AS SHOWN



Shoppes at Highland
Miami Lakes, Florida

Section 20-52-40



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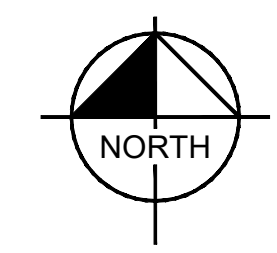
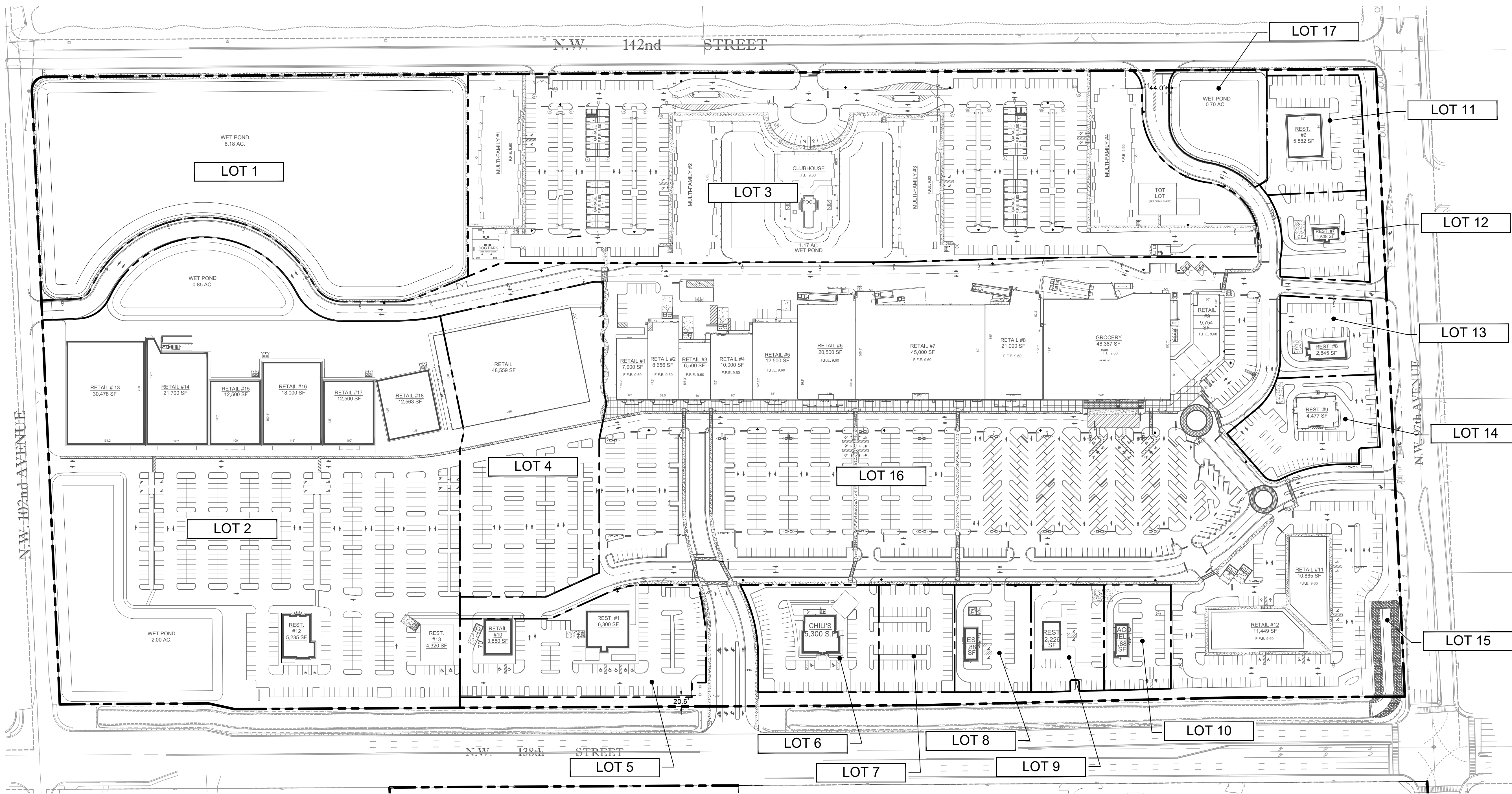
Wetland Vegetation Map

DRAWN BY: RPR

CHECKED BY: RWS

DATE: 11-14-2019

SCALE: AS SHOWN



PARCEL TABLE		
PARCEL #	AREA ACRES	AREA SF
1	6.76	294251.62
2	14.02	610509.58
3	11.27	491086.46
4	3.53	153619.38
5	1.89	82232.00
6	1.10	47916.66
7	0.67	29165.77
8	0.68	29436.28
9	0.63	27602.99
10	0.58	25087.11
11	0.93	40577.99
12	0.64	27788.13
13	0.60	26206.16
14	0.94	40928.06
15	0.72	31507.75
16	24.20	1053984.19
17	0.77	33461.45
TOTAL	69.91	3045361.58



**115 Preservation Land
Trust, LLC**

MIAMI-DADE COUNTY, FLORIDA

Section 10-58-38



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P.O. Box 161158
Miami FL, 33116
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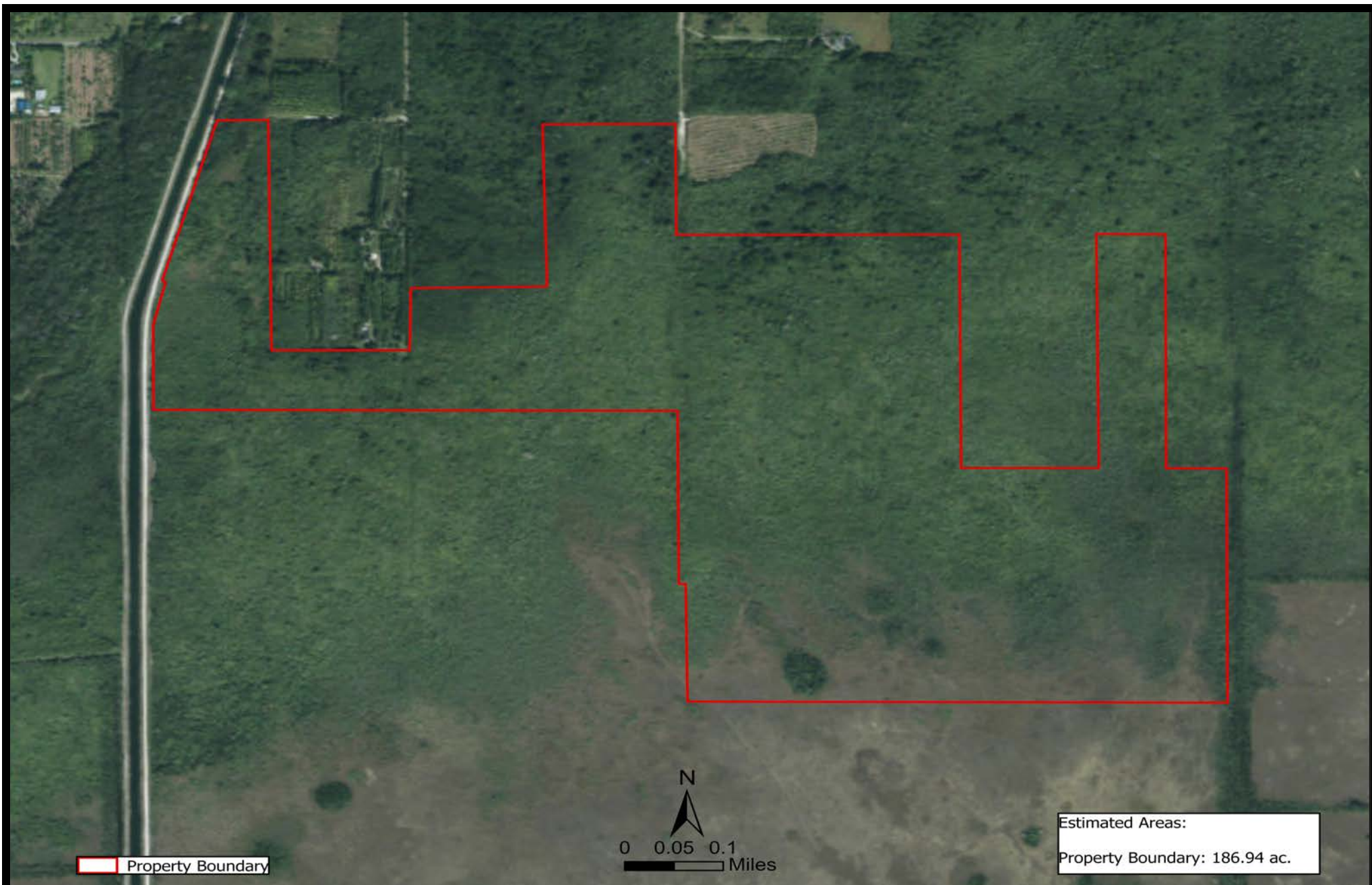
Vicinity Map w/ 2018 aerial
Figure 2

DRAWN BY: RWS

DATE: 5-8-2019

CHECKED BY: RWS

SCALE: As Shown



115 Preservation Land Trust, LLC
MIAMI-DADE COUNTY, FLORIDA

Section 10-58-38



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Current Aerial 2018

Figure 3A

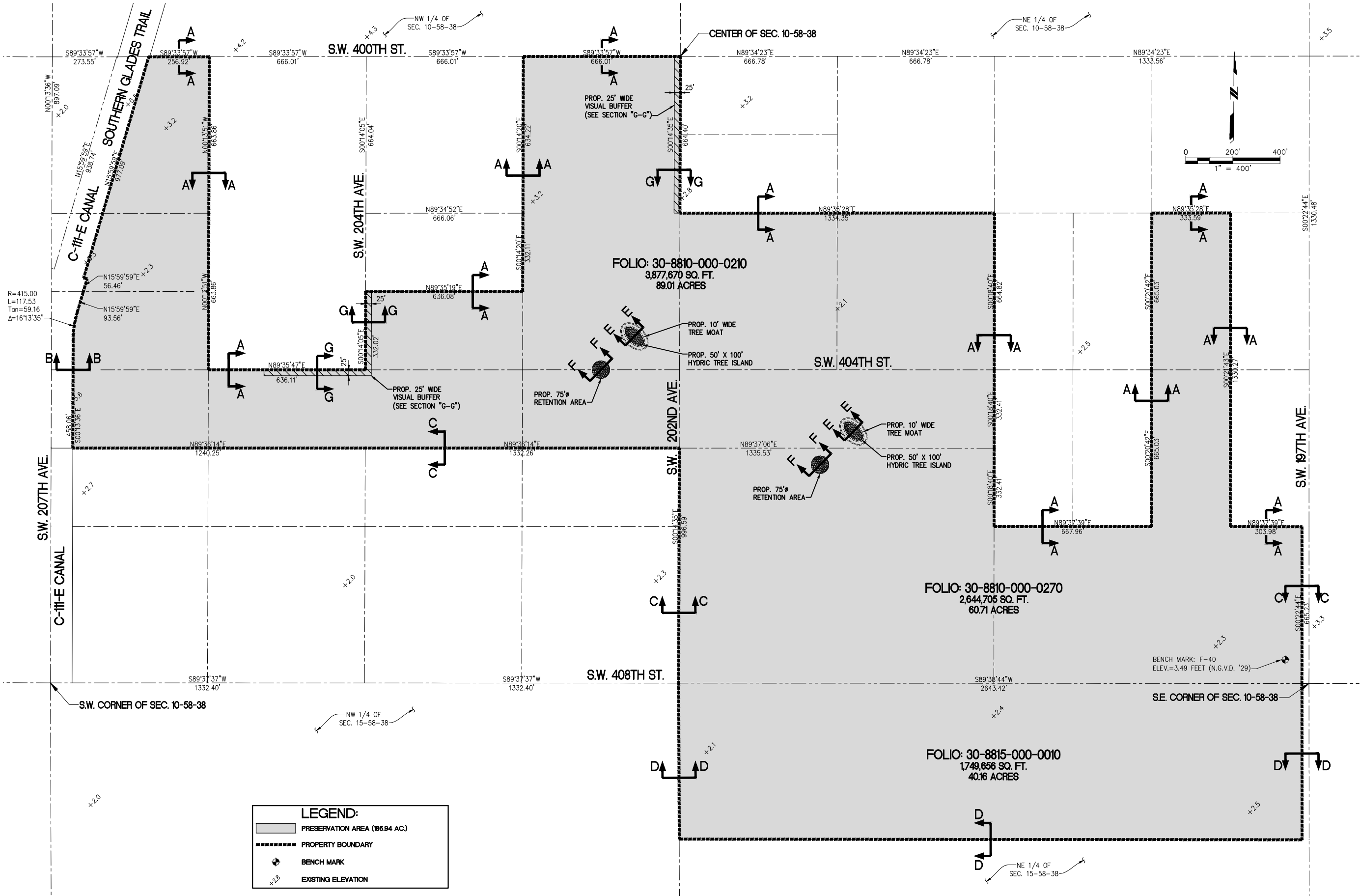
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DATE: 10-30-2019

CHECKED BY: RWS

SCALE: AS SHOWN

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LEGEND:

- PRESERVATION AREA (186.94 AC.)
- PROPERTY BOUNDARY
- BENCH MARK
- EXISTING ELEVATION

NOTE:
1) ELEVATIONS REFER TO N.G.V.D. SEA LEVEL DATUM 1929.

SRSI
CONSULTING ENGINEERS EB-00007317
5001 S.W. 74th COURT, SUITE 201
MIAMI, FLORIDA 33155
TEL. 305-662-8887 FAX 305-662-8858
WWW.SRS-CORP.COM

PROJECT NAME:
115 PRESERVATION LAND TRUST, LLC
MIAMI-DADE COUNTY, FLORIDA

CLIENT:
RS ENVIRONMENTAL CONSULTING, INC.

SHEET TITLE:
SITE PLAN

SHEET NO.:
1

DATE:
01/10/2020

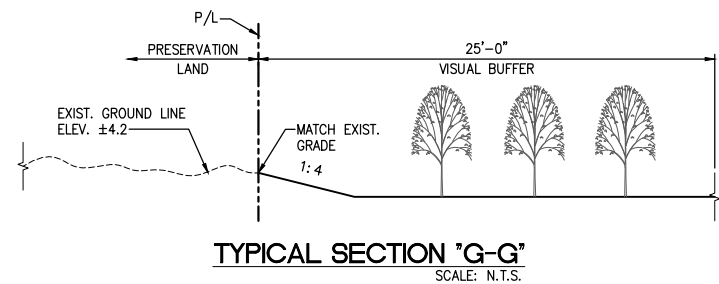
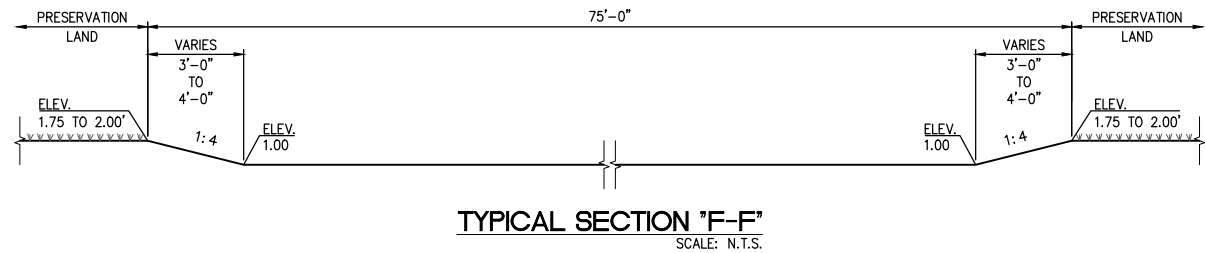
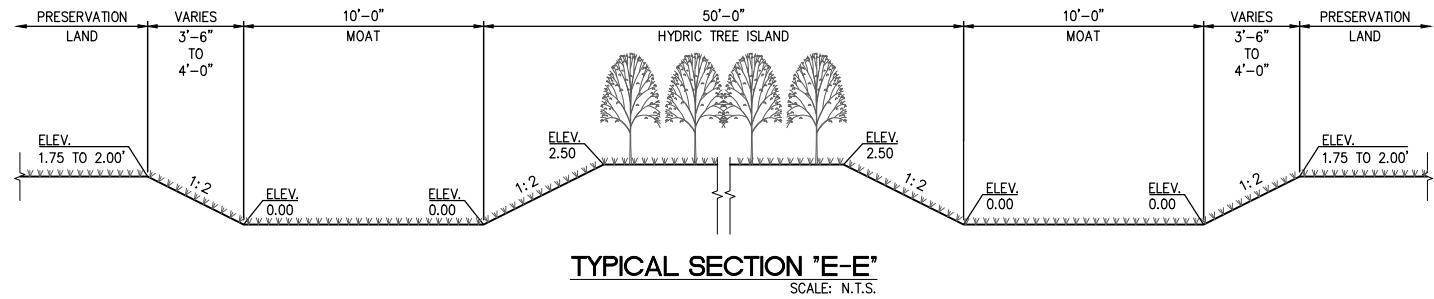
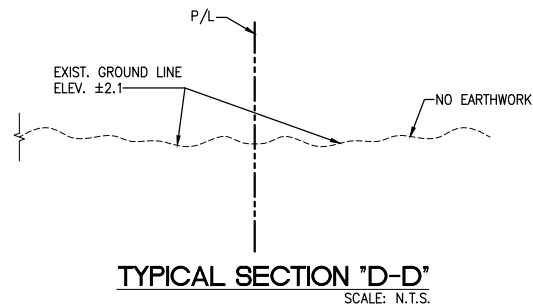
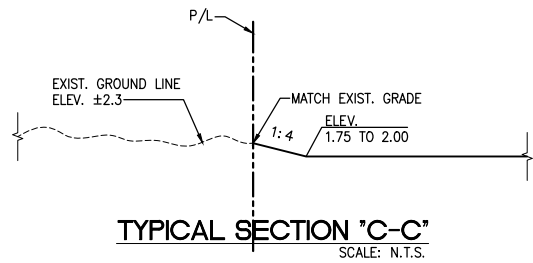
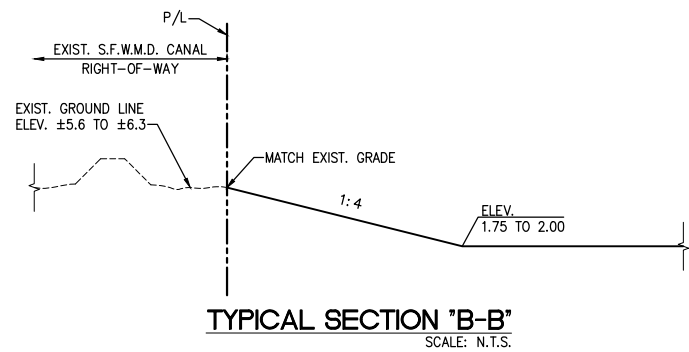
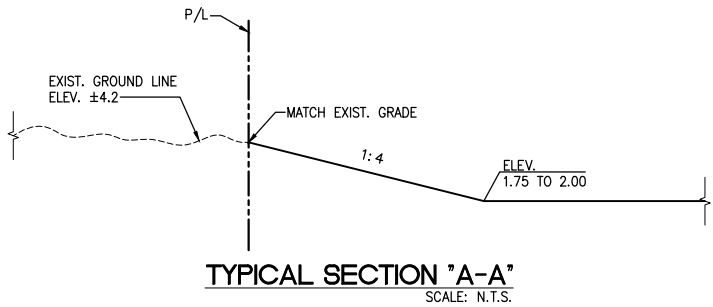
DRAWN BY: **A.M.**
DESIGNED BY: **I.S.**
CHECKED BY: **I.S.**

no.	date	description

SHEET
C-1

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NOTE:
1) ELEVATIONS REFER TO N.G.V.D. SEA LEVEL DATUM 1929.