



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

April 20, 2020

Regulatory Division
South Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2019-03336(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 10-year Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Miccosukee Tribe of Indians of Florida

WATERWAY AND LOCATION: The project is located in freshwater wetlands north of Tamiami Trail (US-41/SW 8th Street) and approximately 6 miles west of SR 997/Krome Avenue, within Water Conservation Area 3B. The project is located at 23993 Southwest 8th St. within Section 1, Township 54 South, Range 37 East in unincorporated Miami-Dade County, Florida (folio #30-4701-000-0010).

Directions to the site are as follows: From the Florida Turnpike, exit Southwest 8th Street, proceed west. The site is approximately 6 miles west of Krome Avenue/Southwest 177th Avenue on the right.

APPROXIMATE CENTRAL COORDINATES: Latitude 25.762086°
Longitude - 80.579403°

PROJECT PURPOSE:

Basic: The basic project purpose is residential.

Overall: The overall project purpose is residential in close proximity to the existing Tigertail Camp.

EXISTING CONDITIONS: The wetland system consists of a freshwater system. The onsite vegetation consists of sawgrass/cattails. The existing area surrounding the project area consists of Water Conservation Area 3B.

PROPOSED WORK: The applicant seeks authorization to place 6,400,000 cubic yards of crushed limerock in 12 acres of freshwater wetlands for residential purposes and the reconfiguration of an existing levee (L-29).

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:

“During construction Best Management Practices would be followed. Silt-screen will be installed along the perimeter of the work site and will remain in place till the slope has been stabilized by natural seeding or sod/plant placement Any structures would be constructed on fill in order to raise the building elevation above the average highwater line.”

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

“Compensation would consist of an agreed upon mitigation plan.”

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*). The Corps has also made the determination that the project may affect, but is not likely to adversely affect the Eastern Indigo Snake (*Drymarclon corais couperi*). The Corps will seek programmatic concurrence with these determinations from the Fish and Wildlife Service regarding the two aforementioned species.

The Corps has determined that the project may affect but is not likely to adversely affect the Florida panther (*Puma (Felis) concolor coryi*), the Florida Bonneted Bat (*Eumops floridanus*) and the Everglade Snail Kite (*Rostrhamus sociabilis plumbeus*).

The Corps will request U.S. Fish and Wildlife/National Marine Fisheries Service concurrence with this determination pursuant to Section 7 of the Endangered Species Act.

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. 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 SW 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.

Tigertail Reclamation Location Map



Legend

- Levee
- Fillpad

6.1 miles west of the intersection of Krome ave.
and U.S. Hwy 41/Tamiami Trail and north of Levee 29.



Tigertail Reclamation NWI



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