



REPLY TO  
ATTENTION OF

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

May 1, 2020

Regulatory Division  
South Permits Branch  
Miami Permits Section

## ***PUBLIC NOTICE***

### **Permit Application No. SAJ-2019-04578 (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: ACE Truck Parking  
c/o Rudy Alvarez  
13201 Mustang Trail  
SW Ranches, FL 33330

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the C-9 Wetlands Basin in Miami-Dade County. The proposed project is located in freshwater wetlands north of NW 154 St, south of NW 158 St., west of NW 122 Ave, and east of NW 124<sup>th</sup> Avenue. The project is within Section 13, Township 52 South, Range 39 East (Folio #s, 30-2913-001-0401, -0391, -0380, -0381, -0382, -0372, -0361, -0362, -0371, -0373, -0374, -0390, -0375, -0370, -0392, -0393, -0394, -0395, -0396, -0397, -0398, -0402, -0403).

Directions to the site are as follows: From the Florida Turnpike exit State Road 27 (Okeechobee Boulevard) head west, turn right on NW 154<sup>th</sup> Street and the site will be on the left.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 25.914764°  
Longitude: - 80.399894°

PROJECT PURPOSE:

Basic: The basic project purpose is for commercial development.

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

**EXISTING CONDITIONS:** This area has been the focus of illegal and un-permitted filling for decades, and between 2009 and 2015, the area was noted to be a center of activity for horse slaughtering and cock-fighting. Remnant wetlands on site are exotic dominated.

**PROPOSED WORK:** The applicant proposes to impact 42 acres of freshwater wetlands and its associated stormwater treatment areas for commercial purposes. The applicant proposes to fill the site with 319,000 cubic yards of clean limerock 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:

“Based on the low ecological value of the parcel, it is unlikely that a viable wetland preserve could be incorporated into the project. Any proposed preserve would be significantly 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 soon.”

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

To offset anticipated impacts, federal herbaceous mitigation credits will be purchased at either FP&L Everglades Mitigation Bank or at Everglades National Park's Hole-in-the-Donut, in-lieu-fee program.

**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. 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 107<sup>th</sup> Avenue, Suite 203, Miami, Florida, 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 107<sup>th</sup> Avenue, Suite 203, Miami, Florida, 33176, by electronic mail at [Megan.L.Clouser@usace.army.mil](mailto:Megan.L.Clouser@usace.army.mil) or by telephone at (305)526-7182.

**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.

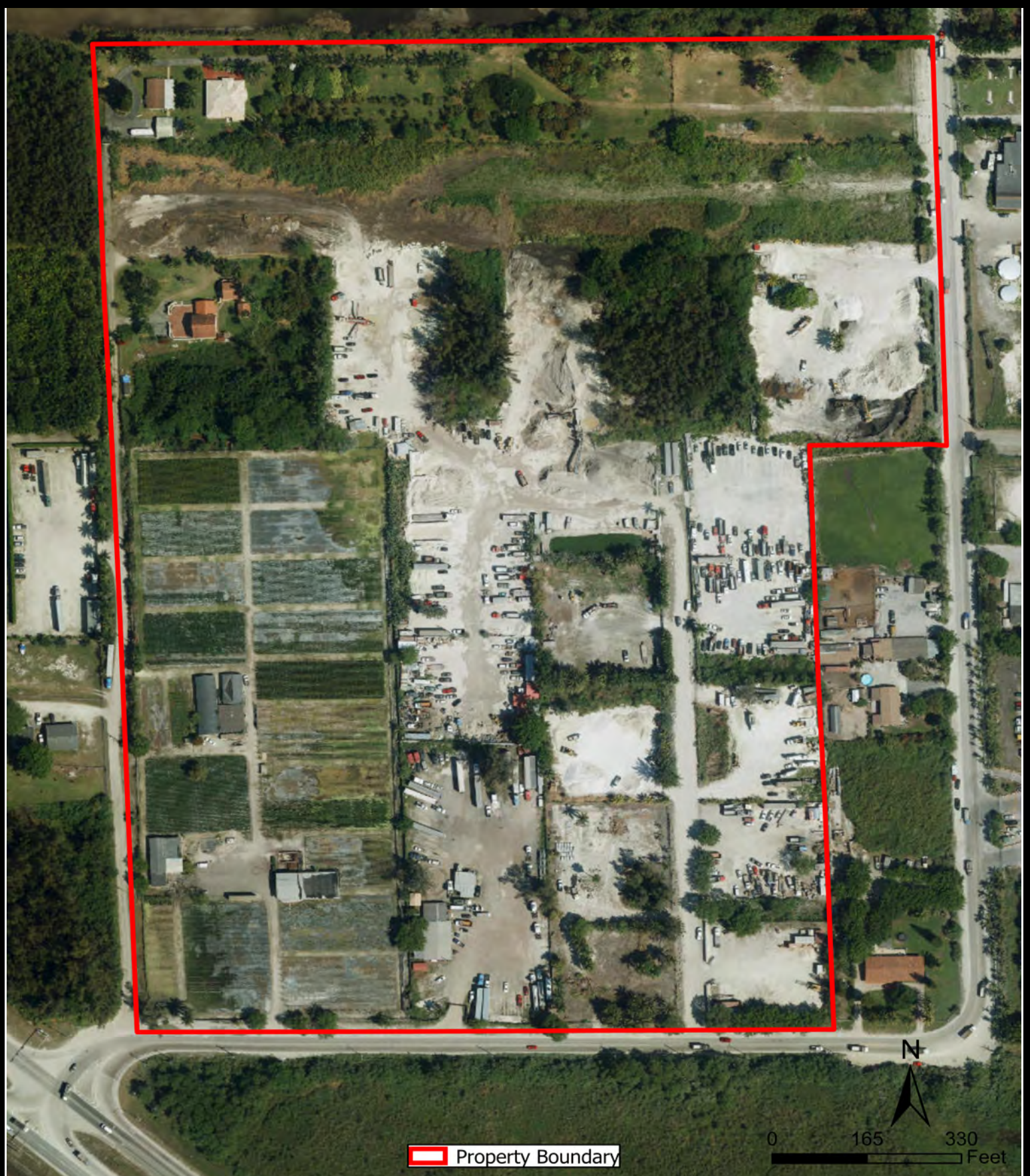
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any


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.





 Property Boundary

0 165 330  
Feet

**Ace Truck Parking**  
**MIAMI-DADE COUNTY, FLORIDA**

Section 13-52-39



RS Environmental  
Consulting Inc.  
P.O. Box 161158  
Miami FL, 33116  
Phone: 305-979-4290  
[rainer@rs-env.com](mailto:rainer@rs-env.com)

**Recent Aerial (2018)**  
41.93 ac.

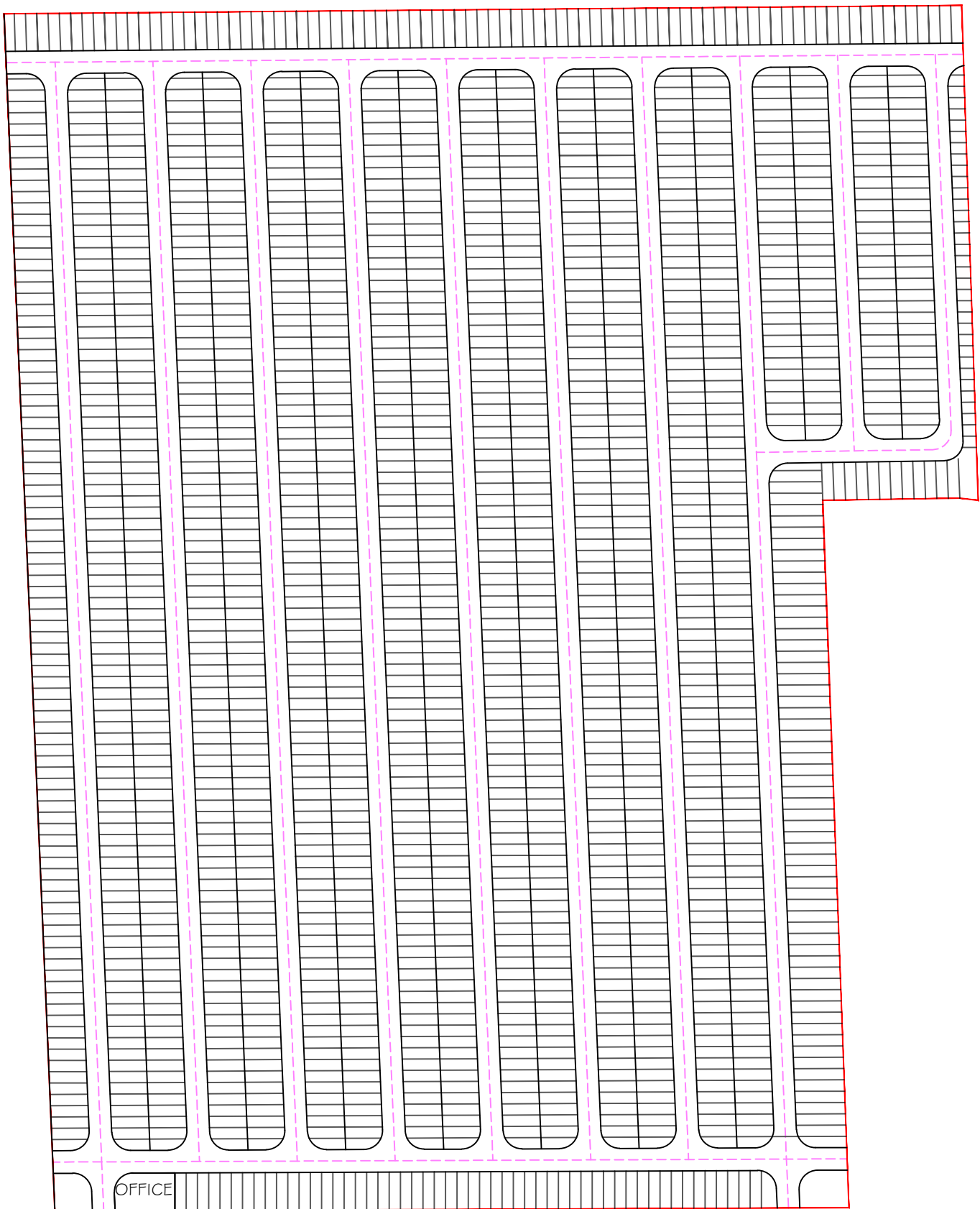
DRAWN BY: RS

DATE: 12-10-2019

CHECKED BY: RWS

As Shown





OFF-SITE CROSS SECTION



FILL AREA  
318,000 CUBIC YARDS



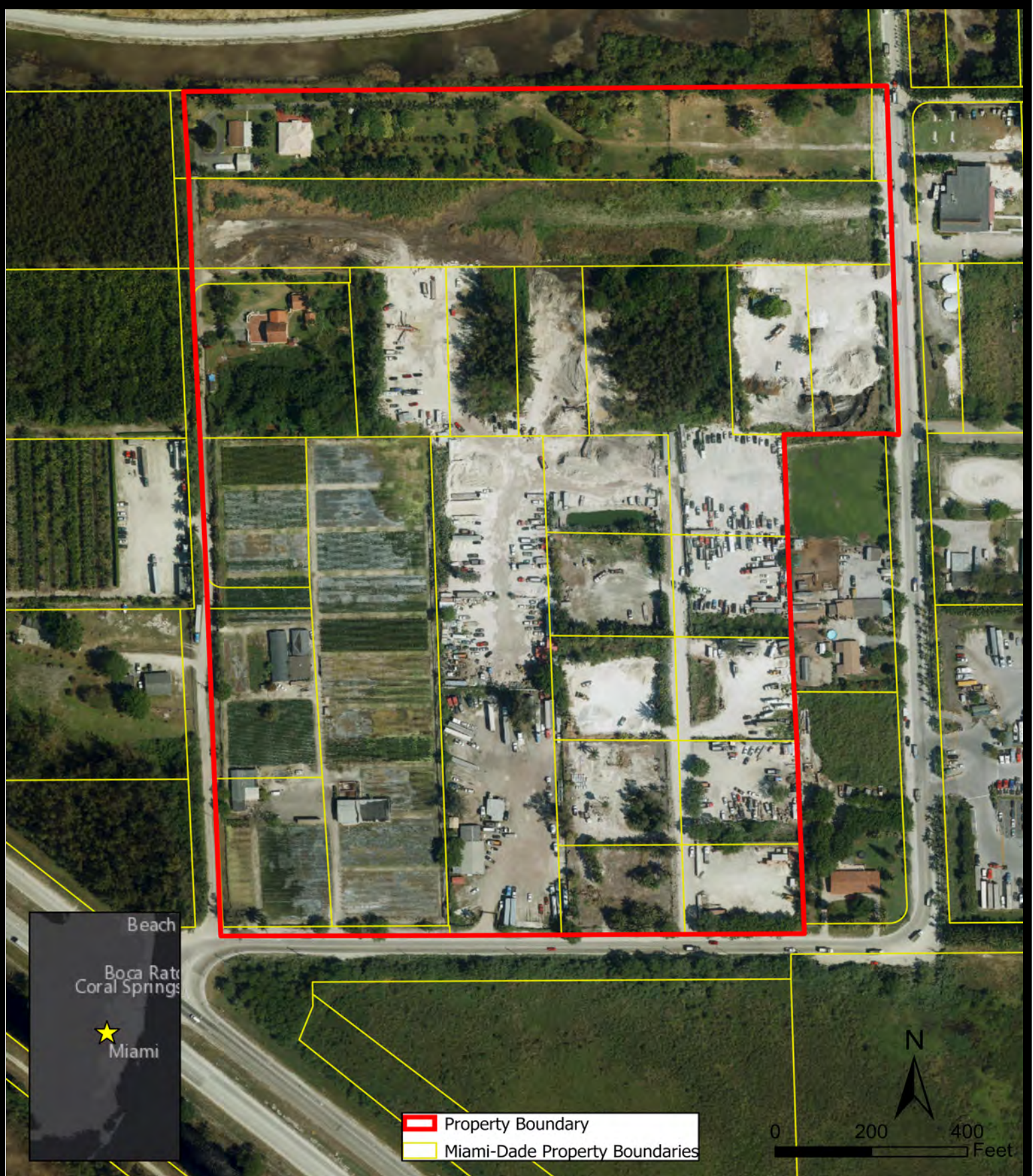
P.O. Box 161158  
Miami, FL 33116-1158  
Phone: (305) 979-4290  
[Rainer@rs-env.com](mailto:Rainer@rs-env.com)

PROJECT: ACE TRUCK PARKING		
SHEET N-ME: ACOE SITE PLAN W/ CROSS SECTIONS		
PREP-RED FOR: RUDY ALVAREZ		
UNINCORPORATED MIAMI-DADE		
PROJECT No:	D-TE: 12-12-19	SC-LE: NTS

SHEET

1





## Ace Truck Parking

MIAMI-DADE COUNTY, FLORIDA

Section 13-52-39



RS Environmental  
Consulting Inc.  
P.O. Box 161158  
Miami FL, 33116  
Phone: 305-979-4290  
[rainer@rs-env.com](mailto:rainer@rs-env.com)

## Proximity (2018)

DRAWN BY: RS

DATE: 12-10-2019

CHECKED BY: RWS

As Shown