



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

May 12, 2020

Regulatory Division
South Permits Branch
Miami Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2020-00092 (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: Sergio Pino/Century Homebuilders Group, LLC
1805 Ponce De Leon Blvd., Suite 100
Coral Gables, FL 33134

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 Coral Way (Southwest 26th Street), west of Route 825 (Southwest 137th Avenue) and east of the Southwest 157th Avenue. The project is within Section 10, Township 54 South, Range 39 East (Folio #30-4910-003-0210).

Directions to the site are as follows: From Southwest 8th Street (Tamiami Trail) proceed south on Southwest 137th Avenue. Turn right (west) onto Coral Way (Southwest 26th Street). Turn right (north) on Southwest 147th Avenue. The site will be on your right after Southwest 25th Street.

APPROXIMATE CENTRAL COORDINATES:

Latitude: 25.745127°
Longitude: -80.431257°

PROJECT PURPOSE:

Basic: The basic project purpose is for residential development.

Overall: The overall project purpose is residential development within southwest Miami-Dade County.

EXISTING CONDITIONS: The subject property is located in Miami-Dade County, south of SW 22nd Street and east of SW 147th Avenue. The property, identified by folio 30-4910-003-0190 and the north half of -0180 is approximately 3.50 acres in size and located within the Bird Drive Basin in unincorporated Miami-Dade County. The site is bound on the north, east and west by high density residential housing, and on the south by contiguous and similar exotic dominated wetland habitat that is currently in the wetland permitting process (C Group Homes, LLC). The area was historically part of a wide ranging wetland area, including freshwater marshes, wet prairies and scattered tree islands, although the attached historic aerials and LIDAR imagery indicate that none were/ are present on the subject property. The 1940's and 1971 aerials show the site to be unimpacted, with *Melaleuca* impacts beginning in the 1908's and strengthening during the 1990's. Minor filling impacts from adjacent projects are evident. However, for the purposes of this application, these areas are being considered as jurisdictional wetlands as they were never permitted/ mitigated for. The site in general is a low quality ecosystem, with significant direct and secondary impacts from surrounding residential and commercial development. Due to the short hydroperiod and dominance of exotic vegetation, the site does not provide habitat conducive for wading bird habitat nor raptor foraging. The only animal life observed during multiple site visits was exotic lizards. The dominant vegetation is *Melaleuca* and Brazilian Pepper. Some open areas contain transitional native shrubs such as Wax Myrtle and Dahoon Holly. Sawgrass and scattered Fakahatchee grass are scattered throughout the property. The dominant soil type on the subject property is Dania Muck- Depressional, with some areas of Demory- Rock Outcrop Complex. Both soils are characterized by being level and poorly draining. Historically this area most likely represented a sawgrass marsh within the vast Everglades ecosystem. However, as a result of historic drainage and surrounding development a reduction in groundwater levels has occurred over the last several decades. This reduction in hydrology has permitted woody species to invade a traditionally herbaceous system. Although site inspections were made during the dry season (April), this site appears to contain a severely depressed water table – minimal evidence of high-water stains,

adventitious roots or buttressed trunks were noted. The vegetation makeup (discussed below) provides further evidence of the minimal standing water.

PROPOSED WORK: The applicant proposes to impact 3.50 acres of low quality freshwater wetlands of a 3.50 acre site for construction of a single family housing unit and its associated stormwater treatment areas. The applicant proposes to fill the site with 19,000 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 (surrounded by dense residential development), 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 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:

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: 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*) 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 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, Florida, 33176, by electronic mail at 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.

