

Memorandum

MIAMI-DADE
COUNTY

Date: May 8, 2007

To: Honorable Chairman Bruno A. Barreiro and Members,
Board of County Commissioners

From: George M. Bulgett
County Manager

Amended
Agenda Item No. 5(AA)

Subject: Class IV Permit Application by Felix Israel Rodriguez to Impact 29.18 Acres of Wetlands
for an Agricultural Operation

R-540-07

Attached, please find for your consideration an application by Felix Israel Rodriguez for a Class IV Permit. Also, attached is the recommendation of the Director of the Department of Environmental Resources Management and a Resolution seeking the Board's approval of the aforesaid Class IV Permit.



Assistant County Manager

Memorandum



Date: May 8, 2007

To: George M. Burgess
County Manager

From: Carlos Espinosa, P.E., Director
Environmental Resources Management

Subject: Class IV Permit Application by Felix Israel Rodriguez to Impact 29.18 Acres of Wetlands for an Agricultural Operation

Recommendation

I have reviewed the application for a Class IV Permit by Felix Israel Rodriguez. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, I recommend that the Board of County Commissioners approve the issuance of a Class IV Permit for the reasons set forth below.

Scope

The subject property is located between NW 117 and NW 122 Avenues and between NW 154 and NW 155 Streets, which is within County Commission District 12.

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

Not applicable.

Background

The subject Class IV Permit application involves the proposed dredging and filling of 29.18 acres of wetlands not supporting halophytic vegetation for an agricultural operation. The subject property is located between NW 117 and NW 122 Avenues and between NW 154 and NW 155 Streets in Section 13, Township 52 South, Range 39 East, Miami-Dade County, Florida. On December 21, 2005, DERM cited the property owner, Mr. Felix Israel Rodriguez, with a violation of Chapter 24, Miami-Dade County Code, for performing work in wetlands without obtaining a proper permit. On May 16, 2006, a consent agreement was executed between Miami-Dade County and Mr. Rodriguez, imposing a \$10,000 penalty and requiring that Mr. Rodriguez either restore the wetlands or obtain a Class IV permit. Mr. Rodriguez is making payments on the penalty and is applying for this permit pursuant to the consent agreement. The proposed project site is surrounded by active agricultural operations.

The project site consists of previously disturbed herbaceous wetlands with sparse levels of sapling *Melaleuca*, an invasive exotic plant species. The disturbed nature of the wetlands is a result of legal long-term cattle grazing activities. Compensatory mitigation for the ecological impacts related to the removal of wetland plant communities will be accomplished by providing \$518,805.38 in mitigation funds to the Everglades National Park (ENP) for the purpose of restoring 17.50 acres of wetlands within the Hole-in-the-Donut Regional Offsite Mitigation Area managed by the Department of the Interior. The Hole-in-the-Donut enhances property in the ENP by removing exotic vegetation, restoring filled areas to natural wetland grade, and allowing the area to revegetate with native wetland plant species.

The proposed project has been designed in accordance with all relevant Miami-Dade County Class IV Permit criteria and is consistent with all other Miami-Dade County wetland protection provisions. Please find attached a Project Report from the Department of Environmental Resources Management (DERM), which sets forth in more detail the reasons this project is recommended for approval by

2

DERM pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, Florida. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by reference hereto.

Attachments

- Attachment A: Class IV Permit Application, Affidavit of Ownership, Site Plans
- Attachment B: Applicants/Agents Letter
Engineer's Certification Letter
- Attachment C: Zoning Approval Letter
DERM Water Control's Cut & Fill Approval
Mitigation Acceptance Letter
- Attachment D: Adjacent Property Owner's List
- Attachment E: DERM Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY
FELIX ISRAEL RODRIGUEZ TO IMPACT 29.18 ACRES
OF WETLANDS FOR AGRICULTURAL PURPOSES
BETWEEN NW 117 AND NW 122 AVENUES AND
BETWEEN NW 154 AND NW 155 STREETS IN SECTION
13, TOWNSHIP 52 SOUTH, RANGE 39 EAST, MIAMI-
DADE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a Public Hearing on a request by Felix Israel Rodriguez to impact 29.18 acres of wetlands for agricultural purposes. Such Public Hearing will be held on the 8th day of May 2007, at 9:30 am, at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Environmental Resources Management, 701 NW 1st Court, Miami, Florida, 33136.

Oral statements will be heard and appropriate records made. For accuracy of records all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to her beforehand (Kay Sullivan, Deputy Clerk), 111 N.W. 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Environmental Resources Management, 701 NW 1st Court, Miami, Florida, 33136.

A person who decides to appeal any decision made by any Board, Agency, or Commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Kay Sullivan, Deputy Clerk



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 8, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Amended
Agenda Item No. 5(AA)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 5(AA)
05-08-07

RESOLUTION NO. R-540-07

RESOLUTION RELATING TO AN APPLICATION BY FELIX ISRAEL RODRIGUEZ FOR A CLASS IV PERMIT TO IMPACT 29.18 ACRES OF WETLANDS FOR AGRICULTURAL PURPOSES BETWEEN NW 117 AND NW 122 AVENUES AND BETWEEN NW 154 AND NW 155 STREETS IN SECTION 13, TOWNSHIP 52 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County hereby approves the application by Felix Israel Rodriguez for a Class IV permit to impact 29.18 acres of wetlands for agricultural purposes, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Environmental Resources Management, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner _____, who moved
its adoption. The motion was seconded by Commissioner _____ and upon being
put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of
May, 2007. This resolution shall become effective ten (10) days after the date of its adoption
unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this
Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Peter S. Tell

ATTACHMENT A

Class IV Permit Application Form

Affidavit Of Ownership

Site Plans



RECEIVED

MAR - 2 2007

DERM
Department of Environmental Resources Management
Regulation Division

**Class IV Wetland
Permit Application**

For Official Use Only CORPS Application Number: DER Application Number:	Date Received <p style="text-align: center; font-size: 1.2em;">3.22.2007</p>	Application Number <p style="text-align: center; font-size: 1.2em;">FW 06-097</p>
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1. Applicant Information:

Name: Felix Israel Rodriguez

Address: 315 Atlantic Island
Sunny Isle, FL

Zip Code: 33160

Phone #: (305) 322-8914 Fax # (305) 681-8107

2. Applicant's authorized permit agent:

Name: URS Corporation

Address: 7650 Corporate Center Drive, Ste 401
Miami, FL

Zip Code: 33126

Phone #: (305) 884-8900 Fax # (305) 884-2665

3. Location where proposed activity exists or will occur:

East side of NW 122nd Ave, btwn, NW 154th & NW 156th Sts and continues to NW 117th Ave from NW 154th to 155th Sts, Tracts 56, 57, & 58

Street, road, or other descriptive location

Section: 13 Miami-Dade

Township: 52S Incorporated city or town

Range: 39E 30-2913-001-0531 & -0560
Folio Number

4. Proposed use:

Private Single Dwelling	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Multi-family Dwelling	<input type="checkbox"/>	Agricultural	<input checked="" type="checkbox"/>
Public	<input type="checkbox"/>	Other	<input type="checkbox"/>

Please explain:

Maintenance of livestock and a nursery with a perimeter berm and swale

5. Description of Project (Use additional sheets, if necessary)

Total Acreage of Wetlands to be Impacted 29.18 acres

A. Lake Excavation or Dredging:

1. Total wetland acreage to be excavated or dredged _____

2. Cubic yards: Total for Project _____

a. Depth of excavated/dredged area _____

b. Type of material to be excavated/dredged _____

B. Placement of Fill

1. Total wetland acreage to be filled 29.18 acres

a. Cubic yards _____

2. Type of material to be used Approved-clean Concrete Rubble

3. Source of fill material to be used Concrete producing plant

CONTINUED ON NEXT PAGE

10

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MAR 22 2006

5. Description of Project (continued)

C. Agriculture

DERM
Environmental Resources Regulation Division

1. Total wetland area to be cleared and/or plowed _____

2. Total area to be bedded for planting _____

3. Type of agriculture to be conducted (check any that apply): Please see attached plan sheet for details

a. Row Crops

b. Grove

c. Field Nursery

d. Container Nursery 9.0 acres proposed to be filled for a container nursery

e. Shade House Nursery

f. Other

(please explain) 11.52 acres proposed to be filled for maintaining livestock, including area of placement of utility building and driveway

4. If proposed project involves the construction of any drainage, water containment or conveyance facilities (i.e. ditches, diked areas, ponds, swales), please describe the proposed facilities:

All surface water will be retained on site, as a 2.16-acre berm will be placed around the developed (filled area & swale) site with 6.5 acres of the site as a dry retention area (swale), along the perimeter inside of the berm.

NOTE: If the project involves construction of any residential, office, storage facilities or other structures, or if the project involves the placement of a trailer on the property, separate approval from Miami-Dade County Building and Zoning Department (305-375-2500) is required:

6. Date activity is proposed to commence ASAP
Date activity is proposed to be completed ASAP

7. Previous permits for this project (or any part thereof) have been:

	DER*	Corps*
A. Denied (date) _____	_____	_____
5-13-1992	DERM Class IV FW91-092	
B. Issued (date) 9-07-2005	_____	USACE SWANCC Letter attached
Issued 06-14-2006	SFWM Permit No. 13-02812-P	No Permit required
C. Other (please explain) _____		

*Differentiate between existing work and proposed work on the drawings.

8. ADDITIONAL ITEMS REQUIRED FOR APPLICATION SUBMITTAL. (Please note that, in addition to the information requested on this application form, there are several other items which must be submitted with your application. See Instruction pamphlet for the additional information required for this application.)

9. AFFIDAVIT OF OWNERSHIP OR CONTROL of the property on which the proposed project is to be undertaken.

I CERTIFY THAT I AM THE RECORD OWNER, LESSEE, OR RECORD EASEMENT HOLDER OF THE PROPERTY DESCRIBED BELOW.

NOTE: Lessees must provide a signed, notarized statement from the property owner indicating that the owner has reviewed the proposed project, including all proposed plans, and has agreed to allow the proposed project to occur on his or her lands.

LEGAL DESCRIPTION OF PROPERTY SITUATED IN MIAMI-DADE COUNTY, FLORIDA
(use additional sheets if necessary)

Tract 56, Section 13, Township 52 South, Range 39 East, of Florida Fruit Lands Company's Subdivision, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of Public Records of Miami-Dade County, Florida.

Tract 57, Section 13, Township 52 South, Range 39 East, of FLORIDA FRUIT LANDS COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

Tract 58 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION in Section 13, Township 52 South, Range 39 East, according to the Plat thereof, recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

[Signature]
Signature
Felix Israel Rodriguez
Print Name

OWNER
Official Title

Sworn and subscribed before me at Miami Dade

county, this 23rd day of April, 2007

ROSALBA M. ALONSO
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD293672
EXPIRES 02/24/2008
BONDED THROUGH NOTARY

[Signature]
Notary Public

My commission expires: 02/24/2008

12

10. APPLICATION IS MADE FOR A PERMIT(S) TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN.

- A. I authorize the agent listed in Item #2 to negotiate modifications or revisions, when necessary, and accept or assent to any stipulations on my behalf.
- B. I agree to provide entry to the project sit for inspectors with proper identification or documents from Miami-Dade County Department of Environmental Resources Management for the purpose of making preliminary analyses of the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work if a permit is granted.
- C. Further, I hereby acknowledge the obligation and responsibility for obtaining all of the required state, federal or local permits **before** commencement of construction activities. I also understand that before commencement of this proposed project I must be granted separate permits or authorizations from the U.S. Army Corps of Engineers, the Department of Environmental Regulation, the Department of Natural Resources, and the South Florida Water Management District, as necessary.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

 _____ Signature of Applicant(s)	<u>17-3-07</u> Date
Felix Israel Rodriguez _____ Print Name	
Property Owner _____ Official Title	
_____ Signature of Applicant(s)	_____ Date
_____ Print Name	
_____ Official Title	

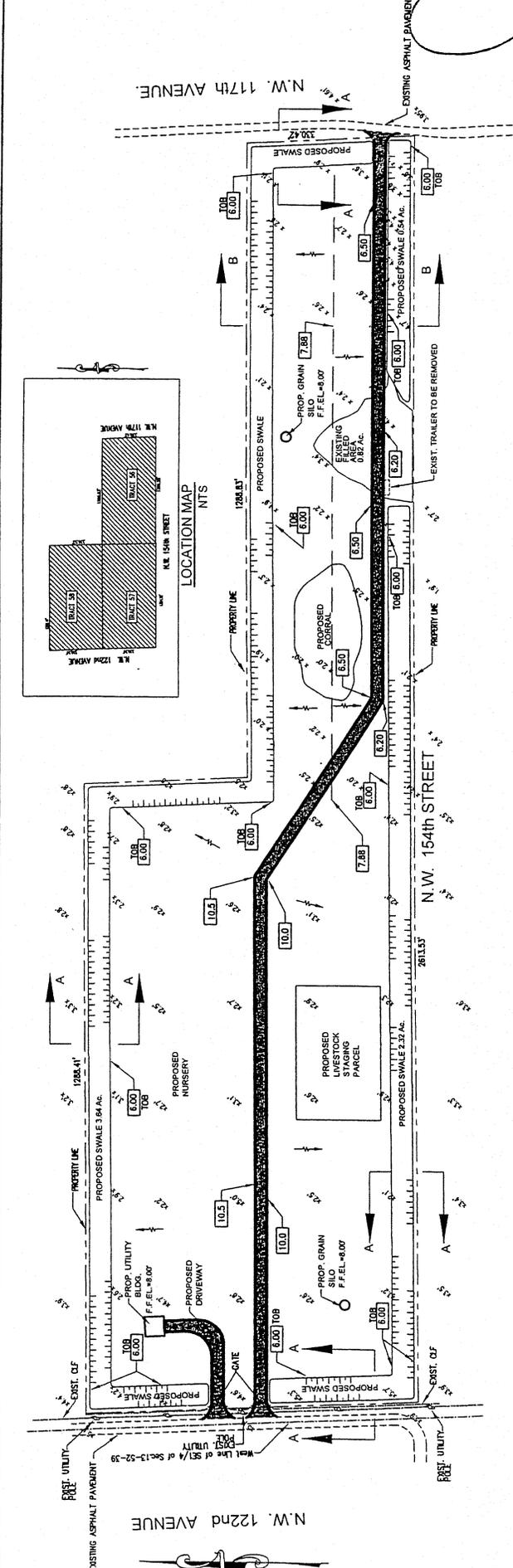
RECEIVED
MAR 22 2007
DERM
Environmental Resources Regulation Division

NOTE: THIS APPLICATION MUST BE SIGNED by the person(s) who desires to undertake the proposed activity or by an authorized agent. If an agent is applying on behalf of the applicant, attach proof of authority for the agent to sign and bind the applicant.

NOTICE TO PERMIT APPLICANTS

This is a Class IV Permit Application; It is **NOT A Class IV Permit!** You Must Obtain **ALL** Required Local, State, and Federal Authorizations or Permits **BEFORE** Commencing work!!

For Your Information: Section 370.034, Florida Statutes, requires that all dredge and fill equipment owned, used, leased, rented or operated in the state shall be registered with the Department of Natural Resources. Before selecting your contractor or equipment you may wish to determine if this requirement has been met. For further information contact the Chief of the Bureau of Licenses and Motorboat Registration, Tallahassee, Florida 32303. Telephone Number 904-488-1195.



ENGINEERING NOTES:

- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES IN THE FIELD. CONTRACTOR SHALL EXERCISE CARE AND WORK IN THE FIELD TO AVOID DAMAGE TO EXISTING UTILITIES. CONTRACTOR SHALL NOTIFY THE APPROPRIATE UTILITY COMPANY, ANY AND ALL COSTS INCURRED DUE TO DAMAGE TO EXISTING UTILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. (48) HOURS BEFORE EXISTING CALL SHIMSHINE, TOLL FREE 1-800-432-4770.
- ALL WORK SHALL MEET MIAMI-DADE COUNTY PUBLIC WORKS DEPT. REGULATIONS AND STANDARDS.
- ELEVATIONS SHOWN REFER TO NAVD83 (NATIONAL GEODETIC VERTICAL DATUM 1983).
- ALL DRIVING SURFACES MUST BE CONSTRUCTED ON A 6% OR 8% LESS, THAN 2% WHEN COMPACTED TO A MINIMUM FIELD DENSITY OF 95% OF MAX. DENSITY AS DETERMINED BY ASTM D 1557, PROVIDE 12" STABILIZED SUB-BASE.
- BEFORE STARTING ANY FILL OPERATIONS, THE CONTRACTOR SHALL REMOVE ALL EXISTING VEGETATION. ALL AREAS TO BE FILLED SHALL BE FILLED, ROLLED AND COMPACTED PRIOR TO EXCEEDING 12" LAYERS UNLESS FILL AND COMPACTED TO 95% OF MAX. DENSITY AS DETERMINED BY ASTM D 1557. FILL SHALL BE LOCALLY ACQUIRABLE AND SUITABLE FOR FILL PURPOSES. FILL SHALL BE 100% COMPACTED TO 95% OF MAX. DENSITY AS DETERMINED BY ASTM D 1557.
- IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH THE APPLICABLE CODES AND ORDINANCES IN MIAMI-DADE COUNTY. CONTRACTOR SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER.
- TOPOGRAPHIC INFORMATION WAS OBTAINED FROM THE SURVEY PREPARED BY ROYAL POINT, LAND SURVEYORS, INC., DATED 10-31-00.

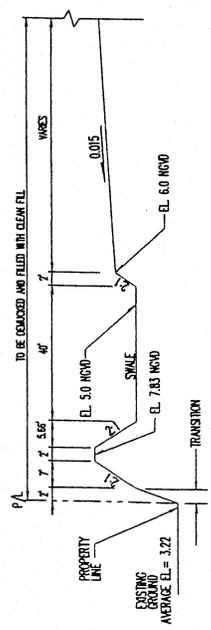
NOTES:

- CONTRACTOR TO PROVIDE EROSION CONTROL ALONG PROPERTY LINE
- AT ELEVATION 7.83 (YEAR-2010) (SEE SECTION B-B)
- MIN. F.F.E. = 8.00 N.G.V.D.

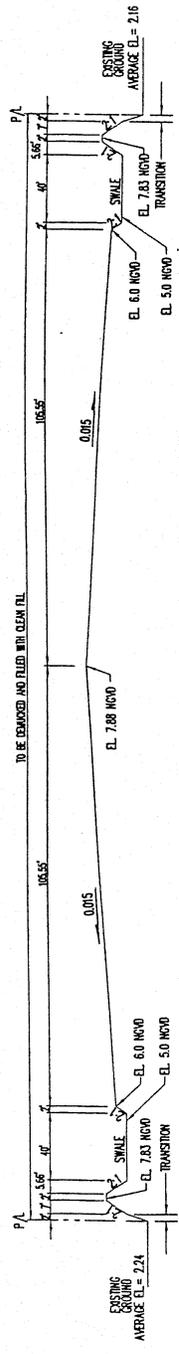
LEGEND:

- PROPOSED GRAVEL DRIVEWAY
- PROPOSED ELEVATIONS
- EXISTING ELEVATION
- PROPOSED ROODE LINE
- PROP. TOP OF BANK
- PROP. SWALE
- EXISTING ASPHALT PAVEMENT
- PROPOSED ASPHALT PAVEMENT
- PROPOSED FLOW OF RANOFF

CALL 48 HOURS BEFORE YOU DIG
 IT'S THE LAW!
 1-800-432-4770
 SUNSHINE STATE ONE CALL OF FLORIDA, INC.



TYPICAL SECTION A-A NTS



TYPICAL SECTION B-B NTS

ATTACHMENT B

Applicants/Agents Letter

Engineer's Certification Letter

PERMIT APPLICANT/AUTHORIZED AGENT STATEMENT

April 23, 2007

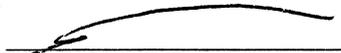
Miami Dade County DERM
Wetland Resources Section
701 N.W. 1st Court, Suite 400
Miami, Florida 33136-3912

Re: Class IV Standard Form Permit Application No. FW 06-097 – Filling 29.18 acres of wetlands for agricultural purposes to include 11.52 acres for maintaining livestock, including area of placement of utility building and driveway, 9.0 acres for a container nursery, 6.5 acres of a dry retention swale, and a 2.16-acre berm to be placed around the developed (filled area & swale) site.

By the attached Class IV Wetland Permit application with supporting documents, I, Felix Israel Rodriguez, am the permit applicant and hereby request permission to perform the following: Filling 29.18 acres of wetlands for agricultural purposes to include 11.52 acres for maintaining livestock, including area of placement of utility building and driveway, 9.0 acres for a container nursery, 6.5 acres of a dry retention swale, and a 2.16-acre berm to be placed around the developed (filled area & swale) site. I understand that a Miami-Dade County Class IV Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered/licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record.

Respectfully submitted,



Felix Israel Rodriguez, Permit Applicant

ROBAYNA AND ASSOCIATES INC. ENGINEERS - PLANNERS - SURVEYORS

December 21, 2006 (Revised April 23, 2007)

Miami-Dade County DERM
Wetland Resources Section
33 S.W. 2nd Avenue, Suite 400
Miami, Florida 33130-1540

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APR 23 2007

DERM
Environmental Resources Regulation Division

RE: Project for Felix Israel Rodriguez Parcel
NW 154 St. and NW 122 Ave.
Class IV Standard Form Permit Application No. FW 06-097 –
Filling 29.18 acres of freshwater wetlands for agricultural purposes to include 11.52 acres for
maintaining livestock, including area of placement of utility building and driveway, 9.0 acres for a
container nursery, 6.5 acres of a dry retention swale, and a 2.16-acre berm to be placed around the
developed (filled area & swale) site.

Ladies and Gentlemen:

This letter will certify that I am an engineer registered / licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)
- c. Material injury to adjacent property.
- d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

Further, I have been retained by the applicant to provide inspections throughout the construction period and prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Sincerely yours,

ROBAYNA AND ASSOCIATES, INC.

Rafael L. Robayna, PE
President
PE # 19453 State of Florida

Cf: 06024302 R&A Project # 060243

ATTACHMENT C

Zoning Approval Letter

DERM Water Control's Cut & Fill Approval

Mitigation Acceptance Letter

Memorandum

MIAMI-DADE
COUNTY

Date: November 21, 2006

To: Siramad Trujillo, ERPS
Wetland and Forest Resources Section, DERM

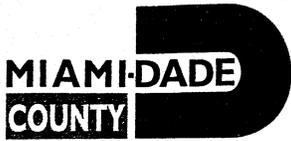
From: 
Alberto J. Torres, Assistant Director for Zoning
Department of Planning and Zoning

Subject: Class IV Permit FW 06-097
Felix Rodriguez

The proposed usage of the property upon which the proposed work would occur does not violate any zoning law applicable to the area of the proposed work.

If you have any questions regarding this matter, please contact me at extension 2600.

AJT/dah



September 27, 2006

Environmental Resources Management
Environmental Resources Regulation Division
Water Control Section
33 SW 2nd Avenue, 2nd Floor
Miami, Florida 33130-1540
T 305-372-6681 F 305-372-6489

miamidade.gov

Marvin Abarca, P.E.
AB Engineers, Inc.
6001 N.W. 153 Street
Suite 122
Miami Lakes, Florida 33014

Re: Felix I. Rodriguez Property
Section 13-52-39, Basin B
Folio No.: 30-2913-001-0531 & 0560
C&F No. 502

Dear Mr. Abarca:

This office has completed its review of the fill encroachment study dated September 12, 2006 for the referenced project. Pursuant to the information submitted, we have concluded that the proposed surface water management area calculated for cut and fill criteria complies with the Basin B requirements, therefore, approval is granted, subject to the following conditions:

1. The owner of the referenced property, with a total site area of 29.18 acres agrees to reserve 6.5 acres of swale area designated as surface water management.
2. The site, with exception of the water management area, shall be filled to Miami-Dade County Flood Criteria, with a minimum low point set at elevation +6.0 feet NGVD.
3. No encroachment by fill or any use other than intended is allowed in the surface water management area.
4. Provide a berm with minimum elevation of +7.83 feet NGVD (100-year/3-day storm stage) along the property lines with equivalent grading to match the required berm elevation at all roadway entrances.
5. This approval is only for agricultural nursery use, and not for any development of the property. Any future development other than of the approved agricultural nursery use will require a new application and re-approval of the Cut & Fill criteria for the entire property.

If you have any questions, please contact Rogelio Mata at (305) 372-6539.

Sincerely,


J.M. (Manny) Tobon, P.E.
Chief, Water Control Section

RM:ms

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management**
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Assessment Center
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer



NATIONAL PARK
FOUNDATION

11 Dupont Circle, NW
Suite 600
Washington, D.C. 20036-1224

Phone: 202.238.4200

Fax: 202.234.3103

April 24, 2006

Felix I. Rodriguez
315 Atlantic Island
Miami Beach, FL 33160

Dear Mr. Rodriguez:

Please let this letter serve as receipt for \$286,123.71 for a total of 12.44 mitigation acres as described in the attached letter. The National Park Foundation received the cashier's check on April 1, 2006.

I apologize for the delay in providing this receipt.

Sincerely,

Celeste E. Regan
Chief Financial Officer

cc: Karen Marie de Guzman at URS Corporation
Craig Smith (through scan; email)



United States Department of the Interior
NATIONAL PARK SERVICE



Everglades and Dry Tortugas National Parks
40001 State Road 9336
Homestead, Florida 33034

IN REPLY REFER TO:

HID 2007-013
January 22, 2007

Mr. Felix Rodriguez

315 Atlantic Island
Miami Beach, FL, 33160

Dear Mr. Rodriguez:

As the manager of the Hole-in-the-Donut Wetland Restoration and Mitigation Banking Program at Everglades National Park, it is my intent to sell 5.06 acres of freshwater herbaceous wetland restoration for mitigation to for the Felix Rodriguez 2006 project, with permit application numbers and property information as follows:

Permit/Application Numbers

Corps: SFWMD: DERM: FW06-097

Property Information

Folio	S	T	R	Location
30-2913-001-0531	0	0	0	East side of NW 122 Ave, between NW 154 & NW 156 Streets and continues to NW 117 Ave from NW 154 to 155 St.
30-2913-001-0560	0	0	0	East side of NW 122 Ave, between NW 154 & NW 156 Streets and continues to NW 117 Ave from NW 154 to 155 St.

The cost for each restored acre will be \$45984.52, for a total of \$232681.67, payable to the National Park Foundation, Suite 600, 11 Dupont Circle NW, Washington, DC 20036-1224. The Foundation currently adds a \$100.00 transaction fee to the cost listed above. If the aforementioned restoration credits are not purchased within one year of the date of this reservation, the offer to sell is withdrawn and the reserved credits will be released for sale to other buyers.

The Hole-in-the-Donut Wetland Resources Mitigation Bank operates according to permits issued by the Florida Department of Environmental Protection (permit #132416479) and the U.S. Army Corps of Engineers (permit #1993-01691), both of which expire on February 15, 2015. Thank you for supporting the Hole-in-the-Donut wetland restoration project. If the Hole-in-the-Donut Wetland Resources Mitigation Bank can be of assistance to you as a source of wetland mitigation credits in the future, please contact me.

Sincerely,

Craig S. Smith
Restoration Project Manager

ATTACHMENT D

Adjacent Property Owner's List

BETTY L DUNN
1101 QUAIL AVENUE
MIAMI SPRINGS, FL 33166-3135

VECELLIO & GROGAN INC
101 SANSBURYS WAY
WEST PALM BEACH, FL 33411

TRS OF II FUND
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399

ANTONIO JESUS HERNANDEZ
18600 NW 51 AVENUE
CAROL CITY, FL 33055

DAHOMY TALAVERA
6402 SW 185 WAY
FORT LAUDERDALE, FL 33332

ERNESTO TORIBIO
100 SW 76 COURT
MIAMI, FL 33144

EDDY GONZALEZ
715 W 51 PLACE
HIALEAH, FL 33012

RAUL A & SUM LLITERAS
18021 NW 77 COURT
MIAMI, FL 33015-2803

HETRAM PURAN
5631 PLUNKETT STREET
HOLLYWOOD, FL 33023

SIGLER INVEST INC
10811 NW 18 STREET
PEMBROKE PINES, FL 33026

SIGLER DEVELOPMENT CORP
10811 NW 18 STREET
PEMBROKE PINES, FL 33026

JOSE I SIGLER
10811 NW 18 STREET
PEMBROKE PINES, FL 33026

ELIA & FERNANDO FIGUEROA
% JUAN A FIGUEROA
2384 SW 27 LANE
COCONUT GROVE, FL 33133-3110

WILFREDO & SARA RODRIGUEZ
575 SE 1 STREET
HIALEAH, FL 33010-5305



24

FRANCISCO & MARIA AMELIA GONZALEZ
45 SW 8 AVENUE
MIAMI, FL 33130-1213

IVAN & MARILYN DIAZ
15550 NW 122 AVENUE
MIAMI, FL 33018-1026

ARQUIMIDES & MARISOL DE ARMAS &
GILBERTO & MARICELIS ARMAS
12201 NW 154 STREET
HIALEAH, FL 33018-1025

ARMANDO ENRIQUEZ
4141 SW 148 PLACE
MIAMI, FL 33185-4338

LUIS M & MAGALY CASAS
3601 SW 128 AVENUE
MIRAMAR, FL 33027

A G PROFESSIONAL SHOTCRETE INC
6110 WEST 6 AVENUE
HIALEAH, FL 33012-6527

ATTACHMENT E

Project Report

PROJECT REPORT

CLASS IV PERMIT APPLICATION NO. FW06-097

Felix Rodriguez

March 30, 2007

Staff's recommendation of approval for the above-referenced project is based upon the applicable evaluation factors set forth in Section 24-48.3, Code of Miami-Dade County. The following is a summary evaluation of the proposed project with respect to each applicable evaluation factor:

1. Potential Adverse Environmental Impact – The proposed project will result in an adverse environmental impact to 29.18 acres of wetlands. However, the mitigation, as set forth in Number 14 below, will compensate for the loss of wetland values associated with the proposed project.
2. Potential Cumulative Adverse Environmental Impact – The proposed project is not reasonably expected to result in potential cumulative adverse environmental impacts. However, the mitigation, as set forth in Number 14 below, will compensate for the loss of wetland values associated with the proposed project within the subject property.
3. Hydrology - The proposed project as designed, is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. Water Quality – The proposed project as designed is not reasonably expected to adversely affect water quality.
5. Wellfields – The proposed project is not within a wellfield protection area.
6. Water Supply – The proposed project is not reasonably expected to adversely affect any water supply.
7. Aquifer Recharge – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. Aesthetics - The proposed project is designed to be aesthetically compatible with the surrounding area.
9. Navigation – Not applicable.
10. Public Health - The proposed project is not reasonably expected to adversely affect the public health.
11. Historic Values – The proposed project is not reasonably expected to adversely affect historic values.
12. Archaeological Values - No known archaeological site is located within the boundaries of this application.

13. Air Quality – The proposed project is not reasonably expected to adversely affect air quality.
14. Marine and Wildlife Habitats - The proposed project will result in the dredging and filling of 29.18 acres of herbaceous wetlands disturbed as a result of cattle grazing. Compensatory mitigation for the ecological impacts related to the removal of wetland plant communities will be accomplished by providing mitigation funds in the amount of \$518,805.38 to Everglades National Park for the purpose of restoring 17.50 acres of wetlands within the Hole-in-the-Donut Regional Off-Site Mitigation Area managed by the Department of the Interior through Everglades National Park.
15. Wetland Soils Suitable for Habitat - The proposed project will result in the permanent removal of wetland soils. However, the mitigation, as set forth in Number 14, will result in the enhancement of existing wetland habitat and soils by restoring appropriate wetland elevations and removing exotics, thereby promoting re-vegetation with native wetland plant species and soil-vegetative interactions.
16. Floral Values - The proposed project will impact highly degraded herbaceous wetlands. However, the mitigation, as set forth in Number 14 above, will provide for the establishment of native wetland vegetation appropriate for promoting the natural ecosystem.
17. Faunal Values - The proposed project will disturb native wildlife habitat. However, the mitigation, as set forth in Number 14 above, will provide for high quality habitat for native fauna.
18. Rare, Threatened and Endangered Species – The proposed project is not reasonably expected to result in adverse impacts to rare, threatened or endangered species.
19. Natural Flood Damage Protection - The water management features of the project have been reviewed by DERM's Water Control Section and are in compliance with DERM's cut and fill criteria for this area (see attachment C). The proposed project is not reasonably expected to adversely affect natural flood damage protection.
20. Wetland Values – The proposed project will result in an adverse impact to 29.18 acres of wetlands. However, the mitigation, as set forth in Number 14 above, will compensate for the loss of wetland values associated with the proposed project.
21. Land Use Classification - The Miami-Dade County Department of Planning and Zoning has determined the proposed usage does not violate any zoning law applicable to the area of the proposed work. (See Attachment C)
22. Recreation – The proposed project is not reasonably expected to adversely affect recreational values.

23. Other Environmental Values Affecting the Public Interest – There are no other known environmental values affecting the public interest.

24. Standard Construction Procedures and Practices and Design and Performance Standards - The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:

Miami-Dade County Public Works Manual
Biscayne Bay Management Plan (Section 33D-1 through 33D-4)
Chapter 33B of the Code of Miami-Dade County

25. Comprehensive Environmental Impact Statement (CEIS) - In the opinion of the Director, the proposed mitigation plan will compensate for the loss of wetland values associated with the proposed project. As such, a CEIS was not required by DERM to evaluate the proposed project.

26. Conformance with All Applicable Federal, State, and Local Laws and Regulations – The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:

- a) United States Clean Water Act (US Army Corps of Engineers and US Environmental Protection Agency)
- b) Federal Endangered Species Act (US Fish & Wildlife Service)
- c) Florida Department of Environmental Protection Regulations
- c) Chapter 24 of the Code of Miami-Dade County
- d) Rules of the South Florida Water Management District
- e) Basis of Review for Surface Water Management Permit Applications Within the South Florida Water Management District

27. Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP) – In the opinion of DERM, the proposed land use conforms with the CDMP. Specifically, the proposed project complies with the following CDMP Elements and Policies:

LAND USE ELEMENT:

Objective 1 – Growth management - The proposed project is generally consistent with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage Element.

Objective 3/Policies 3B, 3C - Protection of natural resources and systems - The proposed project is consistent with all applicable environmental regulations, as well as all other elements of the CDMP. The proposed project is compatible with surrounding land uses and does not involve development in the Big Cypress area of Critical State concern or the East Everglades.

CONSERVATION, AQUIFER RECHARGE AND DRAINAGE ELEMENT:

Objective 2/Policy 2A – Protection of ground and surface water resources - The proposed project adheres to all relevant stormwater management criteria.

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection - The proposed project is not within a wellfield protection area.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, N.W. 12 Street and Okeechobee Road - The proposed project is not located within the above described or referenced area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential, or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria - The water management features of the proposed project have been reviewed by DERM's Water Control Section and are in compliance with DERM's cut and fill criteria for this area.

Objective 6/Policy 6A - Areas of highest suitability for mineral extraction - The proposed project is not located in an area proposed or suitable for mineral extraction.

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna – Not applicable.

Objective 6/Policy 6D - Suitable fill material for the support of development – The proposed project will not cause premature urban encroachment. The proposed project must use suitable fill material in order to meet the requirements of Chapter 24 of the Code of Miami-Dade County.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands – The wetlands associated with this project are not high quality. The loss of wetland values associated with the proposed project will be mitigated as set forth in Number 14 above.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species - The proposed project is not expected to affect any rare, threatened, or endangered species.

28. Conformance with Chapter 33B, Code of Miami-Dade County (East Everglades Zoning Overlay Ordinance) – The proposed project is not within the East Everglades Zoning overlay area.
29. Conformance with Miami-Dade County Ordinance 81-19 (Biscayne Bay Management Plan) – The proposed project is not within the area of the Biscayne Bay Management Plan.
30. Conformance with Manatee Protection Plan – Not applicable.
31. Consistency with Miami-Dade County Criteria for Lake Excavation – Not applicable.
32. Municipality Recommendation – Not applicable.
33. Coastal Resources Management Line – Not Applicable.
34. Maximum Protection of a Wetland's Hydrological and Biological Functions Through Adherence to the Following Fill Limitations:
 - i) Placement of the minimum fill necessary to provide for the land usage alternative which results in the least adverse environmental impact and the least cumulative adverse environmental impact – The proposed project uses the minimum amount of fill necessary to provide for the area of the proposed agricultural operation, as well as the minimum amount of fill necessary to comply with required cut and fill criteria for the surface water management area.
 - ii) Placement of temporary fill pads and fill roads for the purpose of conducting rockmining. - Not applicable.

The proposed project was also evaluated for compliance with the minimum required standards contained in Section 24-48.3 (2), (3), and (4) of the Code of Miami-Dade County. The following is a summary of the proposed project's compliance with said standards:

24-48.3 (2) Dredging or Filling for Class I Permit - Not applicable.

24-48.3 (3) - Not applicable.

24-48.3 (4) Clean Fill in Wetlands - The proposed project involves the placement of clean fill material only.

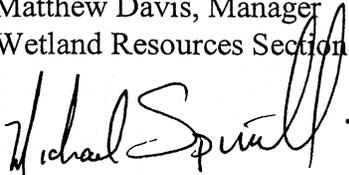
24-48.3 (6) Basin B Fill Criteria - The proposed project complies with criteria for the total volume of fill material placed on a project. Specifically, the applicant has provided calculations showing an engineering alternative to the standard formula that provides for the full on-site retention of stormwater without exceeding established stages for the 100-year, three-day storm and the same has been approved by DERM.

SUMMARY

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS IV PERMIT BE APPROVED.



Matthew Davis, Manager
Wetland Resources Section



Michael Spinelli, Environmental Resources Project Supervisor
Wetland Resources Section