Memorandum

MIAMI-DADE COUNTY

Date: October 5, 2010

Agenda Item No. 5(C)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Class IV Permit Application by 84-A Holdings, LLC to Impact 27.18 Acres of Wetlands to Construct a Residential and Commercial Development

---

Attached, please find for your consideration an application by 84-A Holdings, LLC for a Class IV permit. Also attached is the recommendation of the Director of the Department of Environmental Resources Management and a proposed resolution approving the issuance of the Class IV permit.

Assistant County Manager

/

Memorandum

MIAMI-DADE COUNTY

Date: September 21, 2010

To: George M. Burgess
County Manager

From: Carlos Espinosa, PE, Director
Environmental Resources Management

Subject: Class IV Permit Application by 84-A Holdings, LLC to Impact 27.18 Acres of Wetlands to Construct a Residential and Commercial Development

---

Recommendation
I have reviewed the attached application for a Class IV permit by 84-A Holdings, LLC. 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 (Board) approve the issuance of a Class IV permit for the reasons set forth below.

Scope
The subject property is located east of the NW 92nd-97th Avenue Connector (Hialeah Gardens Boulevard) between NW 121 Terrace and NW 117 Street in Hialeah Gardens, Florida, in 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 27.18 acres of wetlands not supporting halophytic (salt tolerant) vegetation for a residential and commercial development. The subject property is located east of the NW 92nd-97th Avenue Connector (Hialeah Gardens Boulevard) between NW 121 Terrace and NW 117 Street in Section 33, Township 52S, and Range 40E in Hialeah Gardens, Florida. Chapter 24 of the Code of Miami-Dade County, which regulates the permitting of environmental resources, requires Board approval for the issuance of Class IV permits to dredge and fill more than 15 acres of wetlands within the Urban Development Boundary (UDB). The proposed project site is within the UDB and adjacent to undeveloped wetlands to the west, residential development to the north, and a Miami-Dade County public school to the south.

The wetlands that will be impacted within the project site are historically characterized as an herbaceous prairie. The area currently contains both areas of native wet prairie and areas with high densities of *Melaleuca* and *Schinus terebinthifolius* (Brazilian Pepper) invasive exotic plant species. Compensatory mitigation for the ecological impacts related to the loss of wetland functions will be accomplished by purchasing 11.58 freshwater herbaceous mitigation credits in the Everglades Mitigation Bank, owned and managed by Florida Power & Light Company. The wetland restoration and enhancement projects conducted within the Everglades Mitigation Bank have enhanced property in the South Dade Wetland Basin by removing exotic vegetation, replanting with native species, restoring filled areas to natural grade elevations, and implementing a fire management program.

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) Wetland Resources Section, which sets forth in more detail the reasons this project is recommended for approval by 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
	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 Owners List
Attachment E:	Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY 84-A HOLDINGS, LLC, FOR A CLASS IV PERMIT TO IMPACT 27.18 ACRES OF WETLANDS TO CONSTRUCT A RESIDENTIAL AND COMMERCIAL DEVELOPMENT LOCATED EAST OF THE NW 92ND-97TH AVENUE CONNECTOR (HIALEAH GARDENS BOULEVARD) BETWEEN NW 121 TERRACE AND NW 117 STREET IN SECTION 33, TOWNSHIP 52 SOUTH, AND RANGE 40 EAST, HIALEAH GARDENS, 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 84-A Holdings, LLC, for a Class IV wetland permit to impact 27.18 acres of wetlands to construct a residential and commercial development. Such Public Hearing will be held on the 5th day of October 2010 at the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 111 NW 1st Street 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, Suite 400, 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 (Diane Collins, Deputy Clerk), 111 NW 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, Suite 400, 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: _____
Diane Collins, Deputy Clerk

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 5, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 5(C)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

5

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(C)
10-5-10

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY 84-A HOLDINGS, LLC, FOR A CLASS IV PERMIT TO IMPACT 27.18 ACRES OF WETLANDS TO CONSTRUCT A RESIDENTIAL AND COMMERCIAL DEVELOPMENT LOCATED EAST OF THE NW 92ND-97TH AVENUE CONNECTOR (HIALEAH GARDENS BOULEVARD) BETWEEN NW 121 TERRACE AND NW 117 STREET IN SECTION 33, TOWNSHIP 52 SOUTH, AND RANGE 40 EAST, HIALEAH GARDENS, 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 84-A Holdings, LLC for a Class IV permit to impact 27.18 acres of wetlands to construct a residential and commercial development within the project site located east of the NW 92nd-97thA venue Connector (Hialeah Gardens Boulevard) between NW 121 Terrace and NW 117 Street in Section 33, Township 52S, and Range 40E, Hialeah Gardens, Miami-Dade County, 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2010. 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
Site Plans

RECEIVED

JUL 1 2 2010

DERM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Class IV Permit Application

MIAMI-DADE COUNTY

FOR DEPARTMENTAL USE ONLY Updated 09/09

Date Received:	Application Number: FW 09-029 Application Fee: $5,290.35

Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

1. Applicant Information:

Name: 84-A Holdings, LLC
Address: 3857 West 16 Avenue
Hialeah, FL Zip Code: 33012
Phone #: 305-364-8505 Fax#: 305-364-8509
Email:

* This should be the applicant's information for contact purposes.

2. Applicant's Authorized Permit Agent:

Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application

Name: Rainer W. Schael, RS Environmental Consulting, Inc.
Address: PO Box 161158
Miami, FL Zip Code: 33116
Phone #: 305-383-3404 Fax #: 305-383-3270
Email: rainer@rs-env.com

3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):

Folio #(s): 27-2033-001-0330 Latitude: Longitude:
Street Address: Southeast of NW92-97 Connector road and North of State Road 25 Section: 33 Township: 52S Range: 40E
In City or Town: Near City or Town:

4. Describe the proposed activity (check all that apply):

- ☐ Agriculture
  - ☐ Row Crops
  - ☐ Fruit Grove
  - ☐ Field Nursery - At Grade
  - ☐ Field Nursery - Row and Furrow
  - ☐ Container Nursery
  - ☐ Shade House Nursery
  - ☐ Drainage Features
  - ☐ Other:
- ☐ Excavation/Dredging (See Box 6)
  - ☐ Lake Excavation
  - ☐ Drainage Features
  - ☐ Rock Mining
- ☒ Filling
  - ☐ Limerock
  - ☐ Soil/Muck
  - ☐ Sand
  - ☐ Marl
  - ☐ Clay
  - ☐ Stone
  - ☐ Concrete Rubble
- ☐ Other:

Total Property size: 27.18 acres Wetland acreage proposed to be impacted: 27.18 acres

Are you seeking an after-the-fact approval for any portion of the work (ATF)? ☐ Yes ☐ No

5. Proposed Use (check all that apply):

- ☐ Single Family
- ☒ Multi-Family
- ☐ Private
- ☐ Public
- ☐ Agricultural
- ☒ Commercial
- ☐ Industrial
- ☐ Utility
- ☐ Other

6. If the proposed work relates to Excavation/Dredging as indicated in Box 4 above, provide the following information:

Proposed acreage of excavation: _____ acres

Proposed depth of excavation: _____ feet below ground surface

Proposed acreage of backfill area: _____ acres (if applicable)

7. List all permits or certifications that have been applied for or obtained for the above referenced work:

Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date
SFWMD	ERP	090807-12	08/07/09	

9

RECEIVED

JUL 12 2010

DERM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

8. Contractor Information (if known):

Name _____ License # (County/State) _____

Address _____ Zip Code _____

Phone # _____ Fax # _____ E-mail _____

9. IMPORTANT NOTICE TO APPLICANTS The written consent of the property owner is required for all applications to be considered complete. Your application WILL NOT BE PROCESSED unless the Applicant **and** Owner Consent portion of the application is completed below. You have the obligation to apprise the Department of any changes to information provided in this application.

Application is hereby made for a Miami-Dade County Class IV permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, data and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 2 of this application to process the application, furnish supplemental information relating to this application and bind the applicant to all requirements of this application, and
- I agree to provide access and allow entry to the project site to inspectors and authorized representatives of Miami-Dade County for the purpose of making the preliminary analyses of the site and to monitor permitted activities and adherence to all permit conditions.

A. IF APPLICANT IS AN INDIVIDUAL

Signature of Applicant | Print Applicant's Name | Date

B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

Print Name of Applicant (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation
84-A Holdings	LLC	FL

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). ***Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages. ***

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
	Maurice Cayon	Manager	01/28/10

C. IF APPLICANT IS A JOINT VENTURE Each party must sign below (If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). ***Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages. ***

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date

10. WRITTEN CONSENT OF THE PROPERTY OWNER FOR THE PROPOSED WORK LOCATION

I/We are the fee simple owner(s) of the real property located at _____ Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 27-2033-001-0330 _____ I am aware and familiar with the contents of this application for a Miami-Dade County Class IV Permit to perform the work on the subject property, as described in Section 4 of this application. I hereby consent to the work identified in this Class IV Permit application.

A. IF THE OWNER IS AN INDIVIDUAL

Signature of Owner | Print Owner's Name | Date

Signature of Owner | Print Owner's Name | Date

B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Joint Venture, Trust, LLC, LLP, etc.)

84-A Holdings | LLC | FL

Print Name of Applicant (Enter the complete name as registered) | Type (Corp, LLC, LLP, etc.) | State of Registration/Incorporation

3857 West 16 Avenue, Hialeah, FL 33012

Address of Owner

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Owner, to bind the Owner, and if so required to authorize the issuance of a bond on behalf of the Owner. (If asked, you must provide proof of such authority to the Department). ***Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages. ***

Signature of Authorized Representative | Maurice Cayon (Print Authorized Representative's Name) | Manager (Title) | 01/28/10 (Date)

Signature of Authorized Representative | Print Authorized Representative's Name | Title | Date

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

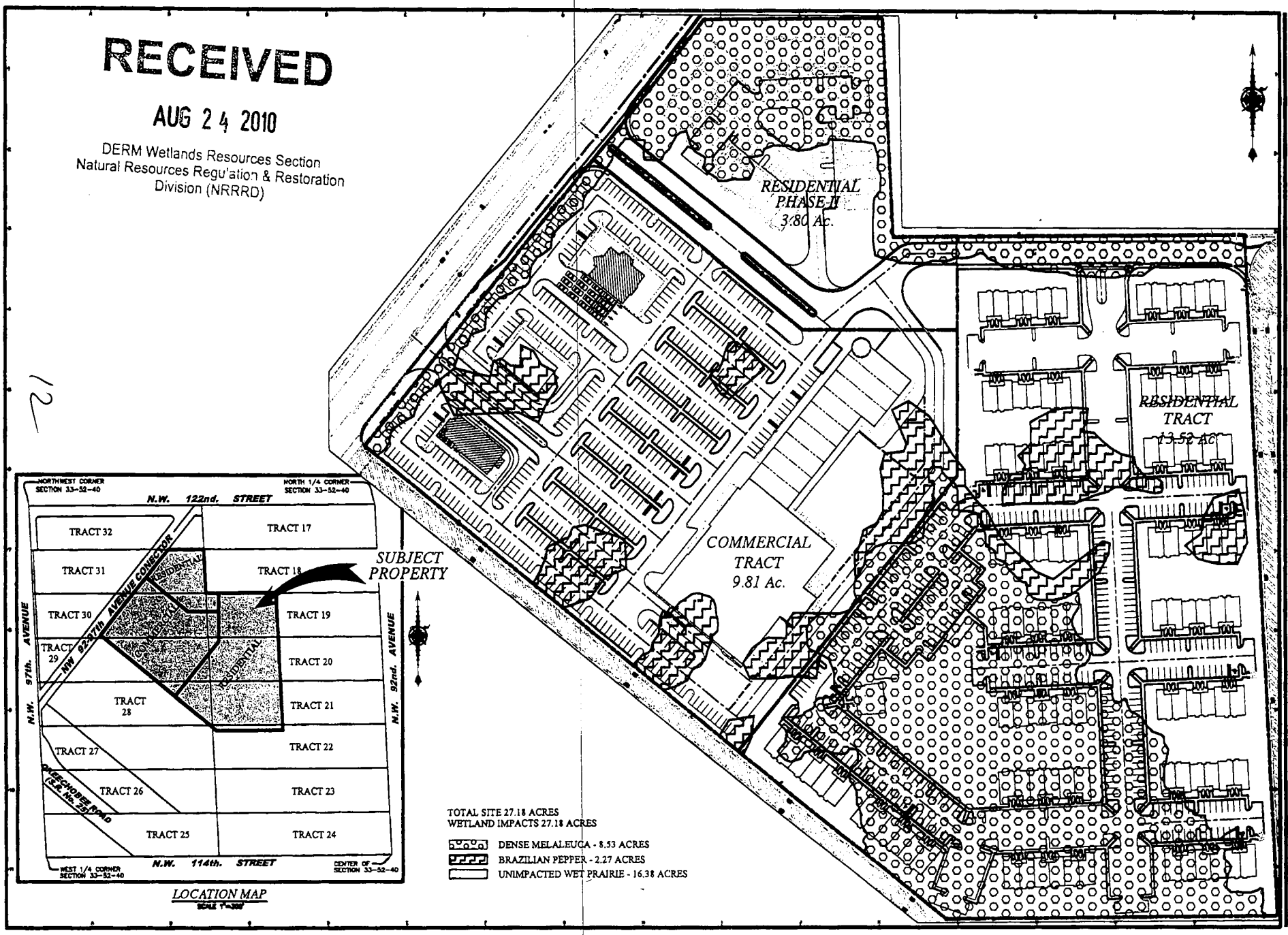
RECEIVED

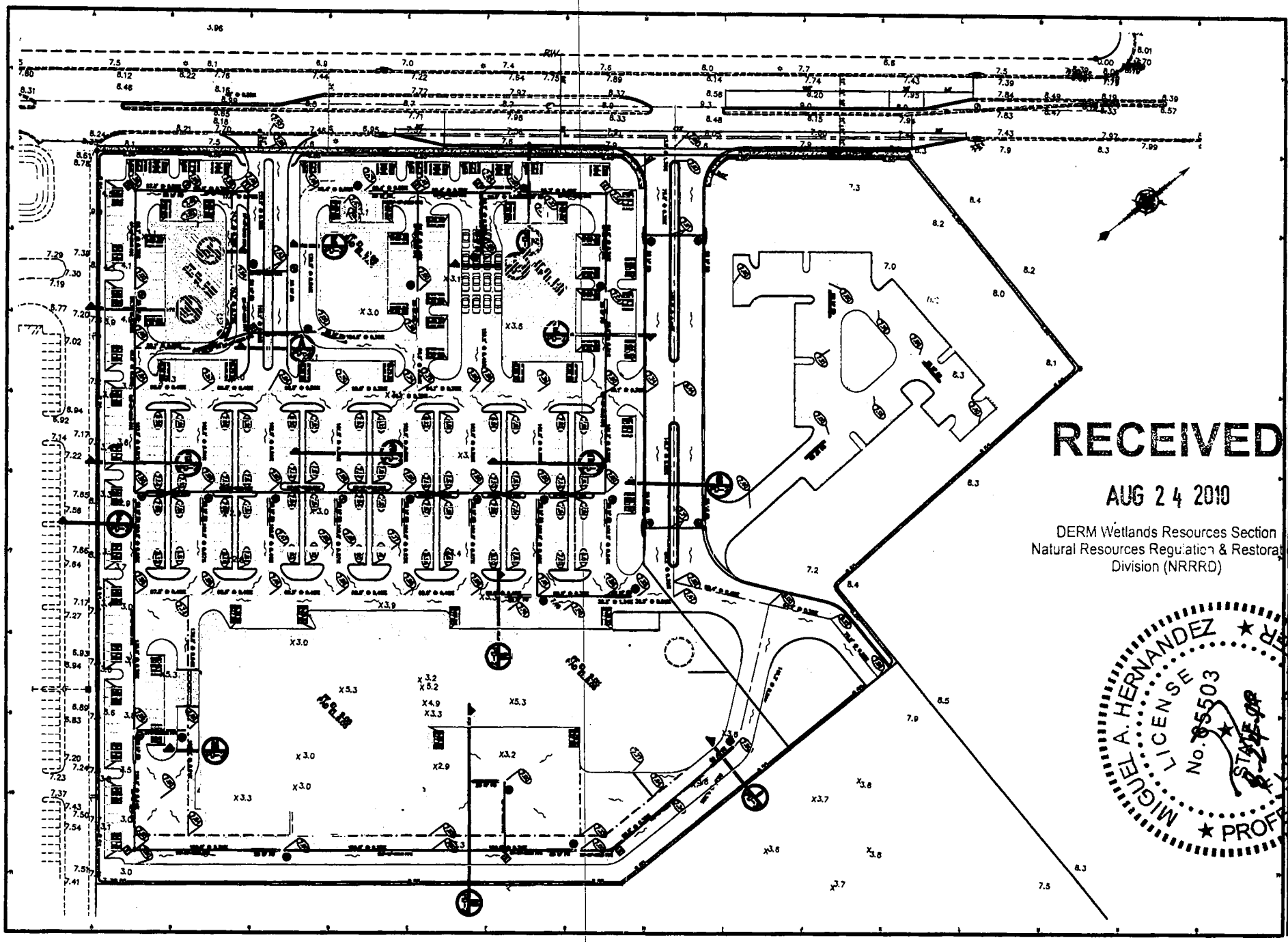
JUL 12 2010

DERM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

RECEIVED
AUG 24 2010
DERM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

12




RECEIVED
AUG 24 2010
DERM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)
MIGUEL A. HERNANDEZ
LICENSE
No. 65503
STATE OF FLORIDA
PROFESSIONAL ENGINEER
FORD ENGINEERS, INC.
CAYON DEVELOPMENT
PAVING AND DRAINAGE SITE PLAN
06-067
PD-1
3 of 7

Attachment B

Applicant's/Agent's Letter
Engineer's Certification Letter

RS ENVIRONMENTAL CONSULTING, INC.

Permit Applicant/ Authorized Agent Statement

September 16, 2010

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

RE: Class IV Standard Form Permit Application Number FW 09-029

By the attached Class IV Standard Form permit application with supporting documents, I, Mr. Rainer W. Schael, President, RS Environmental Consulting, Inc., am the Applicant's Authorized Permit Agent and hereby request permission to perform the work associated with Class IV Permit Application 09-029. 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,

Mr. Rainer W. Schael
President, RS Environmental Consulting, Inc.
Applicant's Authorized Permit Agent

15

PO Box 161158 - Miami, FL 33116-1158 T: (305) 383-3404 F: (305) 383-3270

FORD ENGINEERS, INC.

ENGINEER LETTER OF CERTIFICATION

RECEIVED
SEP 20 2010
DERM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

September 17, 2010

Miami-Dade County DERM
Wetland Resources Section
701 NW 1st Court
6th Floor
Miami, Florida 33136

RE: **Class IV Wetland Permit Application FW 09-029**

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,
Ford Engineers, Inc.
By:

MIGUEL A. HERNANDEZ
LICENSE
No. 65503
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Miguel A. Hernandez, P.E.
P.E. License No. 65503

/6

1950 NW 94th Avenue • 2nd Floor • Doral , FL 33172-2330 • Phone: 305-477-6472 • Fax: 305-470-2805
http:// www.fordco.com

Attachment C

Zoning Approval Letter
DERM Water Control's Cut & Fill Approval
Mitigation Acceptance Letter

Hialeah Gardens

Planning-Zoning Department
10001 N.W. 87th Avenue, Hialeah Gardens, FL 33016 / PHONE 558-3862 - FAX 305-698-7236

STATE OF FLORIDA

August 27, 2010

Miami-Dade County DERM
Wetlands Resources Section
701 NW 1st Court, Suite 400
Miami, Florida 33136-3912

RE: Class IV Standard Form Permit Application Number FW 09-029, Vicenza at Hialeah Gardens for the dredging and filling of 27.18 acres of wetlands for the construction of a "multi-single family" and "commercial" development in Section 33, Township 52S, Range 40E as shown on plans titled Vicenza at Hialeah Gardens Paving and Drainage Site Plans signed and sealed on August 24, 2010.

Ladies and Gentleman:

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 or require any additional information, please advice.

Sincerely,

Mirtha S. Gonzalez
Chief Zoning Official

Cc: Joe Lopez, Public Works Director

RECEIVED
AUG 30 2010
DERM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

18

Memorandum

MIAMI-DADE COUNTY

Date: September 3, 2010

To: Martha Garcia, Biologist II
Wetlands Resources Section

From: Rogelio Mata, Engineer II RM
Water Control Section

Subject: Class IV Application FW 09-029
84-A Holdings, LLC.
Vicenza @ Hialeah Gardens in Section 33-52-40
Folio no. 27-2033-001-0330

Water Control has reviewed the site plans entitled, "Vicenza@ Hialeah Gardens" signed and sealed by Miguel A. Hernandez P.E. and offers the following comments:

1. Project is located outside of an area of Fill Encroachment Requirements, therefore, cut and fill approval is not required in connection with this application.

2. The proposed work will not result in adverse environmental impacts to water quality or water quantity.

3. Advised the applicant that permits from the South Florida Water Management District (1-800-432-2045) may also be required for the proposed project. It is the applicant's responsibility to contact them to determine the applicable requirements.

If you need more information contact me directly.

EVERGLADES
MITIGATION BANK

August 17, 2010

84-A Holdings, LLC
Maurice Cayon, Manager
3857 West 16 Avenue
Hialeah, FL 33012

Re: Everglades Mitigation Bank Credit Reservation:
South Florida Water Management District Permit # 13-01984-P
U S Army Corps of Engineers Permit # SAJ-2005-9583 (IP-MLC)
Miami-Dade County Department of Environmental Resources Management Permit # FW09-029

Please be advised that the Everglades Mitigation Bank (the "EMB") has reserved 11.58 Freshwater Herbaceous mitigation credits necessary to offset the unavoidable wetland impact for the above referenced project. Phase II of the EMB has a signed Mitigation Banking Instrument acknowledged by both FDEP and USACE and sufficient credits are currently available on the EMB ledger to offset the proposed impacts. **The EMB acknowledges receiving a deposit for the above referenced credits.**

Please contact me at 561-694-6388 for any additional information or questions regarding this matter.

Regards,

Joseph R. Sicbaldi
Everglades Mitigation Bank

FPL

P.O. BOX 14000 JUNO BEACH FLORIDA 33408 WWW.FPL.COM/EMB

Attachment D

Adjacent Property Owners List

RS Environmental Consulting, Inc.
PO Box 161158
Miami, FL 33116

SCHOOL BOARD OF MIAMI-DADE COUNTY
1450 NE 2 AVE
MIAMI FL 33132-1308

CAROL ENTERPRISES CORP & FRANK N
MORGENSTERN
17616 LAKE ESTATES DR
BOCA RATON FL 33496-

CORP PRES BISHOP CHURCH OF JESUS
CHRIST LATTER-DAY SAINTS
50 E NORTH TEMPLE ST 22ND FL
SALT LAKE CITY UTAH 84150-

DEBBY INVESTORS COMPANY & FRANK
MORGENSTERN
17616 LAKE ESTATES DR
BOCA RATON FL 33496-1414

Attachment E

Project Report

PROJECT REPORT

CLASS IV PERMIT APPLICATION NO. FW 09-029

Class IV Permit Application by 84-A Holdings, LLC to Impact 27.18 Acres of Wetlands to Construct a Residential and Commercial Development

September 10, 2010

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 27.18 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 will result in minimal 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 storm water.

4. Water Quality – The proposed project, as designed, is not reasonably expected to adversely affect applicable Miami-Dade County water quality standards.

5. Wellfields – The proposed project is not located within a wellfield protection area.

6. Water Supply – The proposed project is not reasonably expected to adversely affect the 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 – There is no known archaeological site 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 27.18 acres of wetlands. The wetlands that will be impacted within the project site are historically characterized as an herbaceous prairie. The area currently contains both areas of native wet prairie and areas with high densities of *Melaleuca* and *Schinus terebinthifolius* (Brazilian Pepper) invasive exotic plant species. The project site does not contain favorable habitat for endangered or threatened wildlife species or species of special concern. The potential use of the site by such species is minimal. Compensatory mitigation for the ecological impacts related to the loss of wetland functions will be accomplished by purchasing 11.58 freshwater herbaceous mitigation credits in the Everglades Mitigation Bank, owned and managed by Florida Power & Light Company. The wetland restoration and enhancement projects conducted within the Everglades Mitigation Bank have enhanced property in the South Dade Wetland Basin by removing exotic vegetation, replanting with native species, restoring filled areas to natural grade elevations, and implementing a fire management program.

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 herbaceous wetlands. However, the mitigation, as set forth in Number 14 above, will provide for the restoration 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/or Endangered Species – The proposed project is not reasonably expected to result in adverse impacts to rare, threatened or endangered species, or species of special concern.

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 criteria for development in this area. (See attachment C).

20. Wetland Values – The proposed project will result in the dredging and filling of 27.18 acres of wetlands. The project site is a herbaceous prairie supporting native plant species as sawgrass (*Cladium jamaicensis*) and spikerush (*Eleocharis* spp.), however it is currently hydrologically isolated due to surrounding development and roadways. Improper water levels and secondary impacts from the surrounding development have resulted in the presence of invasive exotics such as Brazilian pepper (*Schinus terebinthifolius*) and *Melaleuca*. 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 Hialeah Gardens Planning-Zoning Department 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 does not conflict with the recreation elements of the Miami-Dade County Comprehensive Development Master Plan and/or the Biscayne Bay Management Plan.

23. Other Environmental Values Affecting the Public Interest – There are no other known environmental factors that will affect the public interest.

24. Standard Construction Procedures and Practices and Design and Performance Standards – In the opinion of DERM, the proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
    a. Miami-Dade County Public Works Manual
    b. 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 and State Laws and Regulations – In the opinion of DERM, 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 USEPA)
    b. Federal Endangered Species Act (US Fish & Wildlife Service)
    c. Florida Department of Environmental Protection Regulations
    d. Chapter 24 of the Code of Miami-Dade County
    e. Rules of the South Florida Water Management District
    f. 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 is consistent 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 storm water management criteria.

Objective 3/Policies 3A, 3B, 3D - Wellfield protection areas - The proposed project is not located within a Wellfield protection area. The project, as designed, is not reasonably expected to adversely affect the water quality reaching the Northwest Wellfield.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, NW 12 Street and Okeechobee Road - The proposed project is not located within the above 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 criteria for development in 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 considered 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 reasonably 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 - The Hialeah Gardens Planning- Zoning Department has determined the proposed usage does not violate any zoning law applicable to the area of the proposed work. (See Att. C)

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 proposed land usage alternative.
    ii) Placement of temporary fill pads and fill roads for the purpose of conducting rock mining - 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 and/or Filling for Class I Permit – Not applicable.

24-48.3 (3) Docks and Piers for Mooring Purposes - Not applicable.

24-48.3 (4) Clean Fill in Wetlands - The proposed project involves the placement of clean fill material only as defined in Section 24-5 of the Code of Miami-Dade County.

24-48.3 (6) Basin Fill Criteria – The proposed project complies with criteria for the total volume of fill material placed on a project. Specifically, the drainage plans and calculations for the subject project demonstrate the project meets the water quality and water quantity for stormwater. The project is located outside of the Cut and Fill Basins.

SUMMARY

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

Evan Skornick, Wetland Resources Section Manager
Environmental Resources Regulation Division

Martha Garcia, Biologist II
Wetland Resources Section