MEMORANDUM

Agenda Item No. 8(D)(1)(A)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	July 7, 2011
FROM:	R. A. Cuevas, Jr. County Attorney	SUBJECT:	Resolution authorizing the acceptance of a restrictive covenant running with the land in favor of Miami-Dade County by the City of Hialeah to preserve and enhance 10.07 acres of wetlands located in the east turnpike wetland basin within the theoretical right-of-way of NW 166 Street between NW 107 Avenue and NW 97 Avenue in Section 17, township 52 south, range 40 east, Miami-Dade County, Florida

The accompanying resolution was prepared by the Department of Environmental Resources Management and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: July 7, 2011

To: Honorable Joe A. Martinez, Chairman
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Subject: Resolution Authorizing the Acceptance of a Restrictive Covenant Running with the Land in Favor of Miami-Dade County by the City of Hialeah to Enhance and Preserve 10.07 Acres of Wetlands Located in the East Turnpike Wetland Basin within the Theoretical Right-of-Way of NW 166 Street between NW 107 Avenue and NW 97 Avenue

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Recommendation
It is recommended that the Board approve the attached resolution authorizing the acceptance of a restrictive covenant running with the land in favor of Miami-Dade County by the City of Hialeah.

Scope
The subject property is located within the theoretical right-of-way of NW 166 Street between NW 97 Avenue and NW 107 Avenue in Miami-Dade County, Florida, in Commissioner Diaz's District 12.

Fiscal Impact/Funding Source
Not applicable.

Track Record/Monitor
Not applicable.

Background
On November 29, 2010, the Department of Environmental Resources Management (DERM) issued a Class IV Wetland Permit FW 09-036 (Attachment 1) to the City of Hialeah authorizing the filling of 9.93 acres of wetlands in the East Turnpike Wetland Basin for the construction of a reverse osmosis water treatment plant and dry retention ponds. The permit did not require Board approval under Ch. 24-48.2(I)(A)(21) and was issued administratively by DERM. The permit requires mitigation for the impacts to those wetlands in the form of onsite and offsite wetland restoration and requires a restrictive covenant running with the land. The covenant (Attachment 2) specifies that a 10.07 acre wetland area will be preserved and enhanced according to the Class IV Permit conditions and the "City of Hialeah Reverse Osmosis Treatment Plant Mitigation Package" (Attachment 3). Pursuant to Ch. 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County, the covenant is subject to approval by the Board.

The wetland preservation area is adjacent to a former landfill, agricultural fields and natural wetland areas and is located outside the Miami-Dade County Urban Development Boundary. Historically, the general vicinity of the project consisted of freshwater marshes and prairies with poorly drained hydric soils. The proposed onsite mitigation area is described as an impacted freshwater marsh that will be cleared, re-graded and planted with native wetland species in order to support a long hydroperiod wetland habitat, and the site will be monitored and maintained to minimize the propagation of invasive plant species. It is expected that the planted marsh will provide refuge for aquatic invertebrates, amphibians, wading birds and fish that live and forage in wetland areas, and it will provide storage and filtration of surface runoff prior to groundwater recharge.

Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County, it is recommended that the Board approve the attached resolution.

Attachments
Attachment 1: Class IV Wetlands Permit FW 09-036
Attachment 2: Restrictive Covenant
Attachment 3: City of Hialeah Reverse Osmosis Treatment Plant Mitigation Package

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 7, 2010

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

SUBJECT: Agenda Item No. 8(D)(1)(A)

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(D)(1)(A)
7-7-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY BY THE CITY OF HIALEAH TO PRESERVE AND ENHANCE 10.07 ACRES OF WETLANDS LOCATED IN THE EAST TURNPIKE WETLAND BASIN WITHIN THE THEORETICAL RIGHT-OF-WAY OF NW 166 STREET BETWEEN NW 107 AVENUE AND NW 97 AVENUE IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 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; and

WHEREAS, the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County by the City of Hialeah for the property described in Exhibit A of said restrictive covenant and located within the theoretical right-of-way of NW 166 Street between NW 107 Avenue and NW 97 Avenue, Miami-Dade County, Florida, has been submitted pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County; and

WHEREAS, the attached restrictive covenant is being proffered to this Board for approval, as indicated in the Manager's memorandum, a copy of which is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, through the County Mayor or designee hereby accepts the attached Restrictive Covenant Running With the Land in Favor of Miami-Dade County by the City of Hialeah to enhance and preserve a 10.07-acre Wetland Mitigation Area and authorizes the recording of said Restrictive Covenant in the public records of Miami-Dade County, at the expense of the applicant, in substantially the form attached hereto and made a part hereof, and pursuant to Resolution No. R-974-09, hereby directs the Mayor or the Mayor's designee to provide a recorded copy of the aforementioned

covenant to the Clerk of the Board within thirty (30) days of the effective date of this Resolution and furthermore directs the Clerk of the Board to attach and permanently store a recorded copy of the aforementioned covenant together with this Resolution.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of July, 2011. 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.

Abbie Schwaderer-Raurell

Attachment 1

Class IV Permit FW 09-036

MIAMI - DADE COUNTY DEPARTMENT OF ENVIRONMENTAL
RESOURCES MANAGEMENT (DERM)
701 NW 1st Court, 6th Floor
Miami, Florida 33136
Phone: 305-372-6585 Fax: 305-372-6479

CLASS IV WETLAND PERMIT

**********THIS PERMIT MUST BE KEPT ON SITE**********
DURING ALL PHASES OF CONSTRUCTION

PERMIT NO. FW 09-036

ISSUE DATE: November 29, 2010 **EXPIRATION DATE:** November 29, 2012

ISSUED BY: Martha Garcia **SIGNATURE:** Martha Garcia

PERMITTEE NAME: City of Hialeah

PROJECT LOCATION: Within the theoretical ROW of NW 166th Street, between NW 107th Avenue and NW 97th Avenue.

FOLIO: 04-2017-001-0015

WETLAND BASIN: East Turnpike

PROPOSED WORK

This permit authorizes the filling of 9.93 acres of wetlands for the construction of a reverse osmosis water treatment plant and dry retention ponds, as well as the preservation and enhancement of 10.07 acres of wetlands. The total project area is approximately 24.0 acres.

ENGINEER OF RECORD: Steven A. Schaefer
Parsons
4925 Independence Parkway, Suite 120
Tampa, FL 33634
P.E. # 39885

PLANS ENTITLED: "City of Hialeah Reverse Osmosis Treatment Plant" Sheets G-01 – C-14
"City of Hialeah Reverse Osmosis Treatment Plant Mitigation Package" Sheets G-01-REF-01"

DATE SIGNED AND SEALED: October 1, 2009 and May 4, 2010, respectively

All work shall be performed in accordance with the above referenced plans and in accordance with the attached specific and general permit conditions.

PERMITTEE
(Name, Address, & Telephone)

City of Hialeah, Public Works Department
c/o Armando Vidal, Director
501 Palm Avenue
Hialeah, FL 33010
(305) 566-3800

PERMIT AGENT
(Name, Address, Telephone, & License #)

Parsons
c/o Terry Finch, Senior Project Manager
4925 Independence Parkway, Suite 120
Tampa, FL 33634
(813) 933-4650

PERFORMANCE BOND AMOUNT:	N/A
MITIGATION BOND AMOUNT:	N/A
TOTAL AMOUNT OF BONDS REQUIRED:	N/A
TRUST FUND CONTRIBUTION AMOUNT:	N/A

PRE-WORK CONFERENCE REQUIRED ☐ YES ☐ NO

TO ARRANGE A PRE-CONSTRUCTION CONFERENCE OR TO SCHEDULE A FINAL INSPECTION, PLEASE CONTACT THE DERM WETLAND REGULATORY SECTION AT (305) 372-6585, OR BY FACSIMILE AT (305) 372-6479

UNLESS OTHERWISE EXEMPTED BY DERM, RECORD DRAWINGS (AS-BUILTS PLANS) MAY BE REQUIRED TO BE SUBMITTED TO DERM WITHIN THIRTY (30) DAYS OF PROJECT COMPLETION.

APPLICATION FEE:	$1,629.25.	PERMIT FEE:	$1,846.25
APPLICATION FEE DATE:	10/09/2009	PERMIT FEE DATE:	11/09/2010

AGENCIES OTHER THAN DERM FROM WHICH APPROVAL MAY BE NECESSARY:

1. Local Municipality (structural, zoning, building)
2. Miami-Dade County Building Department (if located in unincorporated Miami-Dade County)
3. South Florida Water Management District (SFWMD)
4. Florida Department of Environmental Protection (FDEP),
5. U.S. Army Corps of Engineers (ACOE)

REVIEWED BY: _____
Wetland Resources Section

It is the Permittee's responsibility to ensure that all other regulatory or proprietary permits and/or authorizations are obtained prior to commencement of work.

SPECIAL CONDITIONS

1. The maximum area of wetlands on the property that may be impacted under this Permit is 9.93 acres for the construction of a reverse osmosis water treatment plant, dry retention ponds, and the preservation and enhancement of 10.07 acres. **NO ADDITIONAL IMPACTS BEYOND THE LIMITS OF THIS AREA ARE AUTHORIZED UNDER THIS PERMIT.**

2. The Permittee is mitigating for the ecological impacts related to the loss of wetland habitat through off-site mitigation by purchasing 5.70 credits in the Everglades Mitigation Bank (EMB). The wetland restoration project carried out by the Florida Power & Light Company (FPL), has enhanced property in the South Dade Wetland Basin by removing exotic vegetation, replanting with native species, restoring filled areas to natural grade, and the implementation of a fire management program. The Permittee purchased the 5.70 credits on August 31, 2010.

3. This permit is good for a period of two (2) years. As provided by Section 24-48.9(2)(b) of the Code of Miami-Dade County, Florida (Code), the permit holder shall submit a written request for an extension of time from the Miami-Dade County Department of Environmental Resources Management (DERM) at least thirty (30) days prior to the expiration date of this permit. Applications for extensions of time must be filed in accordance with Section 24-48.9(2)(b) of the Code or they will be returned to the Permittee.

4. The Permittee has incorporated the 10.07-acre mitigation area into the approved site plans, proposed to enhance the area through the removal of exotics and planting of native species, and agreed to maintain the area in perpetuity in accordance with a restrictive covenant. The enhancement of the preserve area will consist of clearing, grubbing, grading, and planting. The construction of the preservation area shall adhere to the site plans referenced on page 1 of this permit.

5. The Permittee will plant the preservation area upon the completion of the earthwork. All plantings must be conducted in the presence of a certified arborist, qualified biologist or environmental professional. Species to be planted within the upland and marsh habitats shall be in accordance with page WT-08 of the planting plan depicted on the approved mitigation plan listed on page 1 of this Permit entitled "City of Hialeah Reverse Osmosis Treatment Plant Mitigation Package" Sheets G-01 - REF-01.

6. The Permittee agrees to monitor and maintain the on-site preservation area to ensure the area contains less than five percent (5%) exotic plant species and nuisance plant species by vegetative cover between maintenance events. For the purposes of this condition, "exotic plant species" shall be those species listed on Florida Exotic Pest Plant Council's (FLEPPC) Category 1 and Category 2 list of invasive exotic plants. All plantings shall maintain an 80% survival rate for a minimum of five (5) years. If at any time during the (5) years monitoring period, 80% survivorship is not being met or maintained, the Permittee shall conduct supplemental planting using plant species from the proposed planting table referenced in Special Condition #5 to achieve the minimum 80% survivorship rate. Only those plants exhibiting a healthy, non-chlorotic, vigorous condition shall be counted toward survival.

7. The Permittee agrees to monitor and maintain the on-site preservation area according to the following schedule:

Hialeah ROWTP Wetland Mitigation
Construction, Maintenance and Monitoring Schedule

Activity	Start Date	Completion Date
Mitigation Area Earthwork/Site Grading	February 1, 2011	May 30, 2011
Planting of Wetland Vegetation	June 1, 2011	June 30, 2011
Installation of Permanent Markers/Signs	July 1, 2011	July 30, 2011
Time Zero Monitoring Report	July 30, 2011	N/A
Quarterly Maintenance Events (minimum)	July, October, April 2011, through 2016	
Annual Monitoring Reports (five yrs minimum)	June 30, 2010 through 2017	

8. Appropriate signage must be installed informing the public and contractors of the preserve boundaries, restrictions and environmental sensitivity of the preserve.

9. All maintenance with respect to the invasive or nuisance vegetation must be done by hand or with an approved herbicide by a licensed herbicide applicator.

10. Pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County, Florida, the Permittee, being the present owner of the subject property, has proffered a Restrictive Covenant Running with the Land in Favor of Miami-Dade County as part of this permit. Said Restrictive Covenant and its provisions, shall be recorded in the Public Records of Miami-Dade County and be binding upon the present and future owners to preserve 10.07 acres of on-site wetlands as shown in Exhibit A of the recorded covenant.

11. Within sixty (60) days, the Permittee shall execute and submit to the DERM Water Control Section a storm water covenant in favor of Miami-Dade County running with the land binding present and future owners to the 2.83 acres of surface water management areas shown on the site plans referenced on page one (1) of this permit. Please contact Maria D. Molina, P.E, Senior Professional Engineer at Water Control Section, at (305) 372-6769 for more information.

12. A temporary protective barrier, such as silt screens, hay bales, turbidity screens/barriers or other such sediment control measures, shall be utilized during construction phases to prevent encroachment and impacts to any immediately adjacent property lines, wetlands, surface waters, and preserve area. The Permittee shall be responsible for ensuring that erosion control devices and procedures are inspected periodically and maintained during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

GENERAL CONDITIONS

1. The fill material shall consist of clean fill (soil, rock, sand, marl, clay, stone and concrete rubble). No trash, garbage, wood, asphalt, roofing materials, tires, metals, cleared vegetation, building debris, or similar materials are allowed to be used as fill. Evidence that improper fill material has been used shall result in the initiation of enforcement action by DERM against the Permittee. Failure of the Permittee to cease and desist the improper fill violation after receiving written Notice by DERM or to fully correct the violation within the time frames specified by DERM's written Notice may result in the revocation of this permit.

2. This permit is good for a period of two (2) years. As provided by Section 24-48.9(2)(b) of the Code of Miami-Dade County, Florida (Code), the permit holder shall submit a written request for an extension of time from the Miami-Dade County Department of Environmental Resources Management (DERM) at least thirty (30) days prior to the expiration date of this permit. Applications for extensions of time must be filed in accordance with Section 24-48.9(2)(b) of the Code or they will be returned to the Permittee.

3. The Permittee must comply with the terms and conditions of this permit. The Permittee is not relieved of this requirement if the permitted activity is abandoned. However, the Permittee may make a good-faith transfer in compliance with General Condition 6 below.

4. The Permittee shall comply with the provisions of Chapter 16A of the Code to preserve known and potential archeological resources in the area that are subject to this permit.

5. It is a violation of the Code to perform any work authorized pursuant to this Permit if the Permittee(s) sell or otherwise transfer ownership of the property unless DERM has approved an Application for Transfer. An Application for Transfer may be filed with DERM at any time prior to the transfer of property ownership and, for a limited time, after the transfer of property ownership and must be signed by both the proposed transferee and transferor. Applications for Transfer shall be filed in the form prescribed by DERM and shall not be processed if the filed Application for Transfer is not fully complete in all respects pursuant to Section 24-48.18 of the Code within 120 days of the date of transfer of property ownership. In addition to the aforementioned requirements, an Application for Transfer of this Permit shall be filed with DERM not later than 90 days prior to the expiration date of this Permit, and the project shall be in compliance with all the restrictions, limitations, and conditions of this Permit and any related covenants at the time of submittal of the Application for Transfer and continuously throughout the time period during which the application is being processed.

6. The Permittee must allow DERM representatives to inspect the authorized activity during normal business hours to ensure that the work authorized through this permit is being, or has been, accomplished in accordance with the terms and conditions of this permit.

7. All of the plans and documents referenced on page 1 of this permit are a part of the conditions of this permit. In case of conflict between any of these approved plans, between these plans and any condition of this permit, a determination as to which plan or condition will be followed will be made by DERM. However, this condition shall not be used to limit the Department's ability to enforce the provisions of Chapter 24 of the Code.

8. This permit only authorizes the work described in page 1 under PROPOSED WORK. Any additional work in, on, over or upon wetlands at, near or in the vicinity of the subject property shall require additional Class IV Wetland Permit approval.

9. Any deviation from the approved plans for this project shall be submitted in writing to, and approved by DERM prior to the commencement of this project. The Permittee shall take whatever remedial action is necessary to bring the project into compliance with the permit and approved plans upon determination by DERM that the project is not in compliance with such.

10. DERM shall be notified no later than forty-eight (48) hours and no earlier than five (5) days prior to the commencement of the work authorized by this permit, unless otherwise noted herein. The Permittee and/or contractor may notify DERM by calling (305) 372-6585 or by submitting the attached Notice of Commencement of Construction via hand delivery, U.S. Mail, or facsimile at (305) 372-6479.

11. No soil, vehicles or heavy equipment, fill, building materials, construction debris, dead vegetation, waste or any other materials shall be placed, stored, or deposited in any undisturbed, un-permitted wetland areas on or adjacent to the subject property permitted by this Class IV Wetland Permit. All construction personnel shall be shown the location(s) of all wetland areas outside of the permitted work area to prevent encroachment from heavy equipment into these areas.

12. All contractors performing work authorized by this permit shall hold an applicable certificate of competency and shall be licensed in Miami-Dade County and/or the State of Florida.

13. The subject property is located in an area subject to frequent and regular flooding. The Permittee is advised that, at this time, Miami-Dade County has no plans to provide additional flood protection or drainage in this area. The issuance of this Class IV Wetland Permit authorizes the Permittee to undertake work in, on or upon wetlands on the project site, but it does not constitute an acknowledgment that the project will comply with the regulatory requirements for flood protection established by Miami-Dade County through the issuance of a Class II Permit or by the South Florida Water Management District through the issuance of a Management and Storage of Surface Water Construction Permit.

14. Turbidity controls (such as, but not limited to, turbidity curtains) shall be implemented whenever visible plumes are present to ensure compliance with the water quality standards stipulated in Section 24-42 (3), of the Code of Miami-Dade County. Turbidity controls shall be employed and maintained in the most effective manner possible to prevent turbidity from extending beyond the control mechanism in place.

15. Turbidity may not exceed twenty-nine (29) Nephelometric Turbidity Units (NTU's) above background within adjacent wetlands or surrounding surface waters. If the turbidity levels exceed the above standard, all construction shall stop and additional turbidity controls shall be implemented. Work shall not resume until the contractor has implemented adequate turbidity control methods and has received authorization from DERM to recommence work. At DERM's discretion, turbidity samples may be required and shall be collected in accordance with Section 24-44.2(3), of the Code of Miami-Dade County, or as specified by DERM, and the results sent directly to the DERM Project Manager on a weekly basis.

16. The Permittee shall not plant any of the following listed exotic species or any of the species found within the Florida Exotic Pest Plant Council's (FLEPPC) Category 1 and Category 2 list of invasive exotic plants in or on the permitted area. If any of the following listed exotic species currently exist on the permitted area, the Permittee shall remove them prior to development or within sixty (60) days of the issuance of this Permit, whichever is less, in accordance with methods approved by DERM. In addition, their sale, propagation, planting, importation or transportation is prohibited.

A. Melaleuca quinquenervia (Punk Tree)
B. Casuarina spp. (Australian Pines)
C. Schinus terebinthifolius (Brazilian Pepper)
D. Bischofia javanica (Bishopwood)
E. Ricinus communis (Castor Bean)
F. Ardisia elliptica (humilis) (Shoebutton Ardisia)
G. Cestrum diurnum (Day Jasmine)
H. Cupaniopsis anacardioides (Carrotwood)
I. Acacia auriculiformis (earleaf acacia)
J. Adenanthera pavonia (red sandlewood)
R. Ficus microcarpa (laurel fig)
S. Flacourtia indica (governor's plum)
T. Hibiscus tiliaceus (mahoe)
U. Dalbergia sisoo (sissoo)
V. Colubrina asiatica (lather leaf)
W. Leucaena leucocephala (lead tree)
X. Mimosa pigra (catclaw mimosa)
Y. Merremia tuberosa (wood rose)
Z. Neyraudia reynaudiana (cane grass)
AA. Schefflera actinophylla (schefflera)

K. Albizia lebbeck (woman's tongue)
L. Jasminum fluminense (jasmine)
M. Jasminum dichotomum (gold coast jasmine)
N. Ficus altissima (banyan tree)
O. Ficus bengalensis
P. Ficus benjamina (weeping fig)
Q. Ficus elastica (Indian rubber tree)
BB. Solanum viarum (tropical soda apple)
CC. Thespesia populnea (seaside mahoe)

17. This Permit does not authorize residential use of the property or the placement of a trailer on the property. Separate approval from the Miami-Dade County Department of Planning and Zoning, (305) 375-2500, is required for these uses.

18. This permit does not authorize any person to construct, operate or maintain an on-site domestic well system and other water supply wells.

19. No structure requiring the installation of a septic tank shall be placed on the subject property unless authorized in writing by the Environmental Quality Control Board and the State of Florida Department of Health at (305) 623-3574.

20. Should any other regulatory agency require modifications to the permitted area, the Permittee shall notify DERM in writing of the changes prior to implementation so that a determination can be made as to whether a permit modification is required.

21. The Permittee shall immediately notify DERM in writing of any previously submitted information that is later discovered to be inaccurate.

22. This Class IV Permit does not authorize any dewatering activities on the subject property. A separate Class V Permit from the Miami-Dade County DERM Water Control Section, (305)372-6681, is required for this activity.

23. Failure to comply with the General or Special Conditions contained in this Class IV Wetland Permit may result in revocation of the Permit.

DEPARTMENT OF ENVIRONMENTAL
RESOURCES MANAGEMENT
701 NW 1st Court, 6th Floor
Miami, Florida 33136
Phone: 305-372-6585 Fax: 305-372-6479

NOTICE OF COMMENCEMENT OF CONSTRUCTION

PERMIT NO.: FW 09-036

PERMITTEE'S NAME: City of Hialeah

PROJECT LOCATION: Within the theoretical ROW of NW 166th Street, between NW 107th Avenue and NW 97th Avenue

PERMIT ISSUANCE DATE: November 29, 2010

DATE OF COMMENCEMENT:

ANTICIPATED DATE OF COMPLETION:

COMMENTS:

Attachment 2

Restrictive Covenant

This instrument was prepared by:

Joseph G. Goldstein, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY

The undersigned, City of Hialeah, being the present owner(s) of the following real property (hereinafter called "the Property"), lying, being and situated in Miami-Dade County, Florida, to wit:

See Exhibit A

Pursuant to Section 24-48.2(I)(B)(2)(b) of the Code of Miami-Dade County, Florida hereby proffers this executed Restrictive Covenant Running With The Land in Favor of Miami-Dade County, Florida as part of Miami-Dade County Department of Environmental Resources Management Class IV Permit Application Number FW 09-036 and as required by the US Army Corps of Engineers, application number SAJ-2008-02967(IP-IF):

1. The owner, its heirs, successors, assigns and grantees, covenants to Miami-Dade County to comply with all conditions set forth in the Miami-Dade County Class IV Wetland Permit No. FW 09-036 attached hereto as Exhibit B and incorporated herein by reference.

2. The owner, its heirs, successors, assigns and grantees, covenants to Miami-Dade County that neither native trees nor native understory shall be removed from the Property without the prior written consent of the Miami-Dade County Department of Environmental Resources Management.

3. The owner, its heirs, successors, assigns and grantees, shall notify Miami-Dade County in writing not later than thirty (30) days after any conveyance, sale, grant or transfer of the Property or any portion thereof, to any heirs, successors, assigns or grantees.

4. The owner, its heirs, successors, assigns and grantees, covenants to Miami-Dade County to prohibit and prevent public access to all areas of the Property. In the event that the Property is being degraded (i.e., the area is being destroyed or damaged, plants removed or trampled upon or trash and debris are accumulating in the area), then Miami-Dade County may require the owner to install protective barriers around any area within the Property, which has been degraded.

5. This Restrictive Covenant shall run with the land and shall be recorded in the Public Records of Miami-Dade County. Florida and shall remain in full force and effect and be

binding upon the undersigned and the heirs, successors, grantees and assigns until such time as the same is modified or released in writing by Miami-Dade County, Florida.

6. The undersigned agree(s) and covenant(s) that this Restrictive Covenant and the provisions contained herein may be enforced against any person permitting, allowing, letting, causing or suffering any violation of the terms of this Restrictive Covenant by the Department of Environmental Resources Management, or its successor, by temporary, permanent, prohibitory, and mandatory injunctive relief as well as otherwise provided by law or ordinance and also may include an action for and to recover civil penalties, damages, costs and expenses, and attorney's fees in favor of Miami-Dade County against said person(s) as authorized by law or ordinance. All of the remedies provided herein shall be deemed to be independent and cumulative and shall be deemed to be supplemental to any remedies provided by law or ordinance.

IN WITNESS WHEREOF, the UnderSigned, being the owner(s) of the Property, agree(s) to the terms of this Covenant, hereby create same as a covenant running with the land, and set their hands and seal unto this Covenant this 4 day of November, 2019.

Witnesses:

Sign: _____
Print: Aimee Viana

Sign: _____
Print: Cristina Gonzalez

City of Hialeah, Florida
a Florida municipal corporation
501 Palm Avenue
Hialeah, Florida 33010

By: _____ 11/04/19
Mayor Julio Robaina

Attest: _____
David Concepcion
Acting City Clerk

Approved as to form and legal sufficiency:

William Grodnick
William M. Grodnick
City Attorney

Accepted by the Dade County Manager, on behalf of the Board of County Commissioners of Miami-Dade County, Florida

Sign: _____ Date: _____
Print: _____
By: County Manager

Board of County Commissioners
Miami-Dade Center Suites 220 and 230
111 N.W. First Street
Miami, Florida 33128-1963

LEGAL DESCRIPTION

LEGAL DECRIPTION:

THE NORTH 100 FEET OF TRACTS 5 AND 12 AND THE SOUTH 100 FEET OF TRACTS 4 AND 13, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, LYING IN THE NE 1/4 OF SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI DADE COUNTY, FLORIDA.
LESS AND EXCEPT:
ALL THAT PORTION OF SAID TRACTS 12 AND 13, LYING WEST OF A LINE 86 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF THE NE 1/4 OF SAID SECTION 17,
AND LESS AND EXCEPT:
ALL THAT PORTION OF SAID TRACTS 4 AND 5, LYING EAST OF A LINE 120 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 17,
AND LESS AND EXCEPT:
ALL THAT PORTION OF SAID TRACTS 12 AND 13 MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE N 1/4 CORNER OF SAID SECTION 17; THENCE S02°41'22"E, ALONG THE WEST LINE OF THE NE 1/4 OF SAID SECTION 17, FOR 1219.94 FEET TO A POINT ON A LINE 100 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 13, SAID LINE ALSO SHOWN AS THE WESTERLY EXTENSION, OF THE NORTHERLY RIGHT-OF-WAY LINE OF NW 166TH STREET (GOLDEN GLADES EXTENSION) IN THE MIAMI DADE COUNTY SECTION SHEET FOR SAID SECTION 17; THENCE N89°40'56"E, ALONG THE PREVIOUSLY DESCRIBED LINE, FOR 86.07 FEET TO A POINT ON A LINE 86 FEET EAST OF AND PARALLEL WITH, THE WEST LINE OF THE NE 1/4 OF SAID SECTION 17; THENCE ALONG THE PREVIOUSLY DESCRIBED LINE FOR THE FOLLOWING DESCRIBED TWO (2) COURSES: 1) THENCE S02°41'22"E FOR 75.50 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED LESS OUT PARCEL; 2) THENCE CONTINUE S02°41'22"E FOR 58.78 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE WEST, SAID POINT ALSO BEARS S08°53'27"W FROM THE CENTER OF SAID CURVE; THENCE SOUTHEASTERLY, EASTERLY, NORTHEASTERLY, NORTHERLY, NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 203°09'37" FOR 106.37 FEET TO THE POINT OF BEGINNING.
ALL OF THE ABOVE DESCRIBED PARCEL LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 485,365 SQUARE FEET OR 11.1 ACRES MORE OR LESS.

SURVEYOR'S NOTES AND REPORT:

-BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED MERIDIAN ALONG THE EAST LINE OF THE NW 1/4, OF SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST (NW 102ND AVENUE) WHICH IS S02°41'22"E.

-THIS IS NOT A BOUNDARY SURVEY, THIS IS A SKETCH TO ACCOMPANY LEGAL DESCRIPTION.

-NO RECORDED INFORMATION REGARDING R/W DEDICATION FOR NW 166TH STREET (GOLDEN GLADES EXTENSION) WAS FURNISHED TO THE SURVEYOR.

-THE LIMITS OF THE PARCEL DESCRIBED HEREON WERE DETERMINED FROM INFORMATION AND INSTRUCTIONS GIVEN BY THE CLIENT.

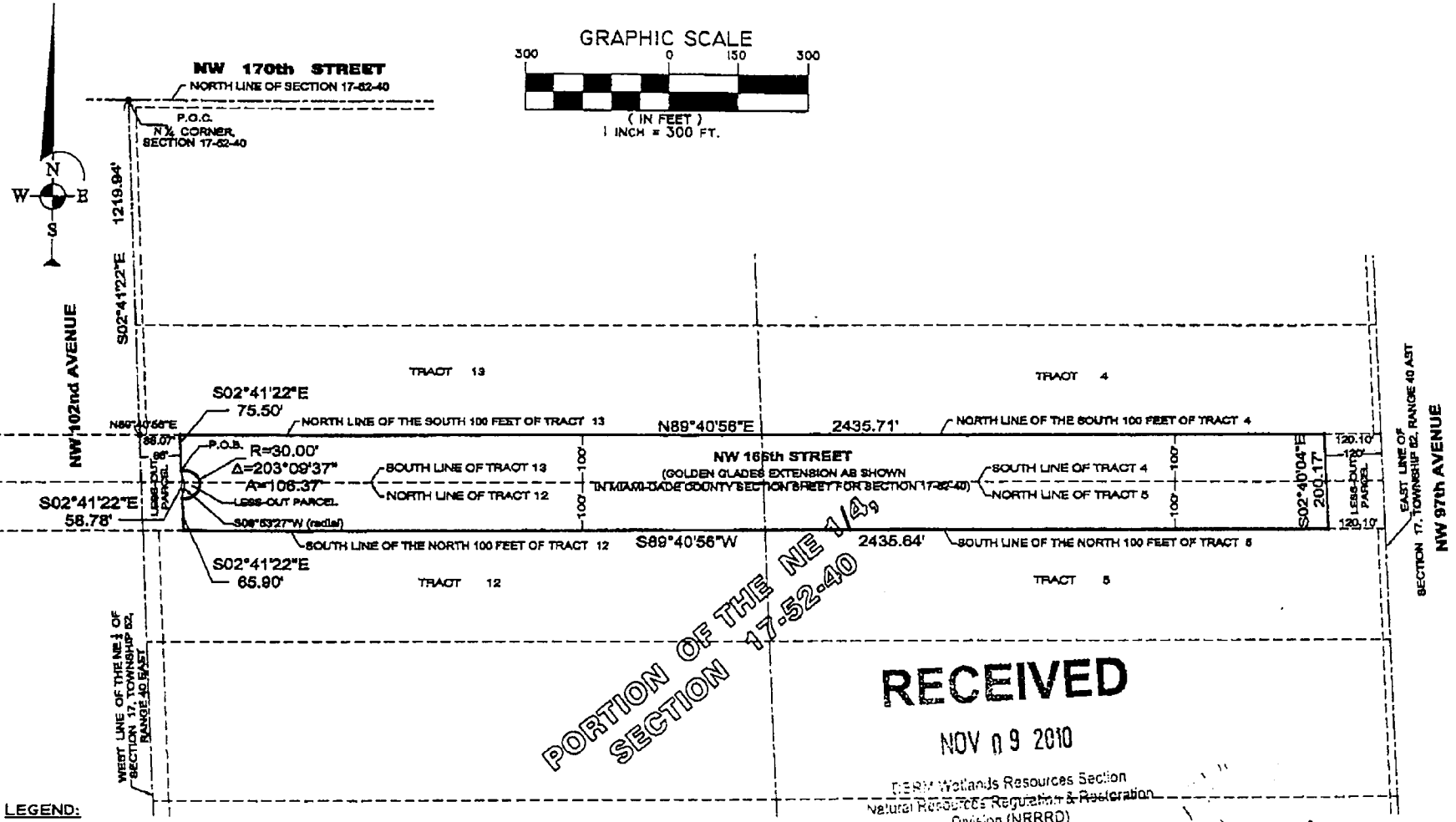
FOR SKETCH SEE SHEET 2

EXHIBIT A

MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • MAPPERS
13960 SW 47th Street • Miami, FL 33175 • Phone (305)221-6210
P.O. BOX 650578 • Miami, FL 33265 • Fax (305)221-1295
www.mgvera.com • e-mail: snuin@mgvera.com
LB 2439

TYPE OF PROJECT	SKETCH TO ACCOMPANY LEGAL DESCRIPTION			
PROJECT NAME	HIALEAH R O WATER TREATMENT PLANT			
DATE	DRAWN BY	SCALE	SHEET	
08-18-2010	T.A.M./S.N.	AS SHOWN	1	OF 2 SHEETS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



RECEIVED
NOV 09 2010
DERM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

LEGEND:

℄ - DENOTES CENTER LINE
R/W - DENOTES RIGHT-OF-WAY
P.O.C. - DENOTES POINT OF COMMENCEMENT
P.O.B. - DENOTES POINT OF BEGINNING
P.B. - DENOTES PLAT BOOK
PG. - DENOTES PAGE
FT. - DENOTES FEET

FOR LEGAL DESCRIPTION SEE SHEET 1

MANUEL G. VERA & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • MAPPERS
13960 SW 47th Street • Miami, FL 33175 • Phone (305)221-6210
P.O. BOX 650578 • Miami, FL 33265 • Fax (305)221-1295
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LB 2439

TYPE OF PROJECT	SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
PROJECT NAME	HIALEAH R O WATER TREATMENT PLANT		
DATE	DRAWN BY	SCALE	SHEET
08-18-2010	T.A.M./S.N.	AS SHOWN	2 OF 2 SHEETS

28

Attachment 3

City of Hialeah Reverse Osmosis Treatment Plant Mitigation Package

CITY OF HIALEAH

REVERSE OSMOSIS WATER TREATMENT PLANT

WETLAND MITIGATION PACKAGE

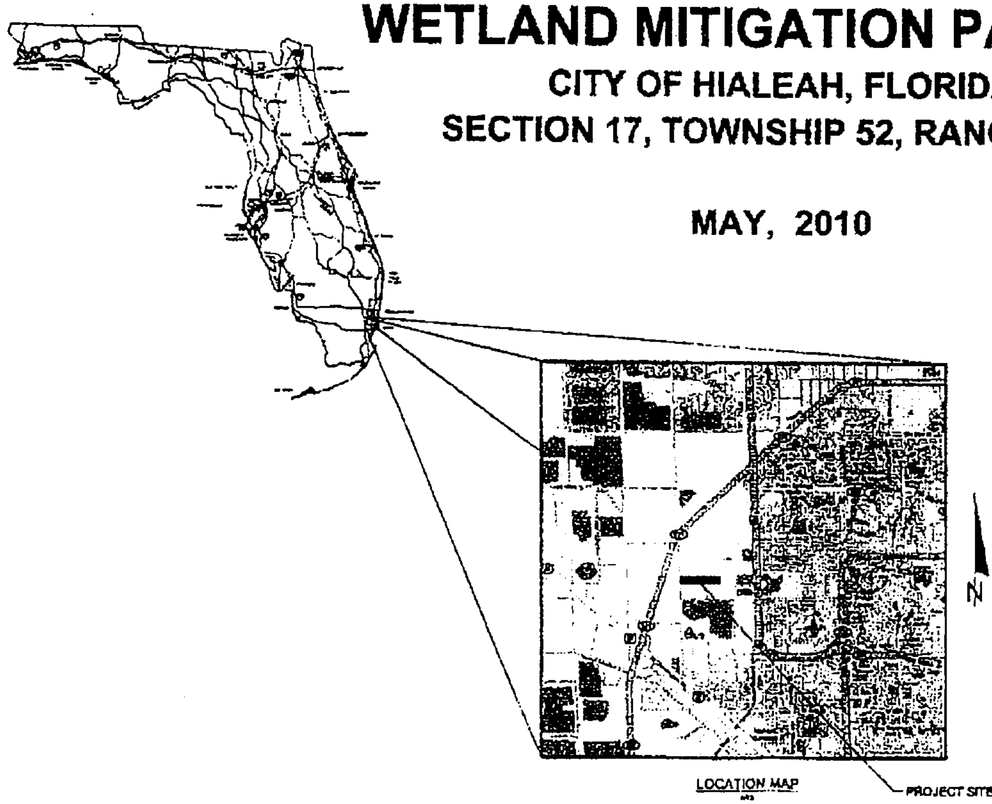
CITY OF HIALEAH, FLORIDA

SECTION 17, TOWNSHIP 52, RANGE 40

MAY, 2010

DERM WETLAND REGULATORY APPROVAL

NAME ___ DATE ___



LOCATION MAP

DRAWING INDEX

SHEET No	DRAWING TITLE	REV

PERMIT SUBMITTAL MAY 2010

PARSONS

CITY OF HIALEAH, FLORIDA
DESIGN, BUILD, OPERATE PROJECT DEVELOPMENT
REVERSE OSMOSIS WATER TREATMENT PLANT

GENERAL
COVER SHEET

G-01

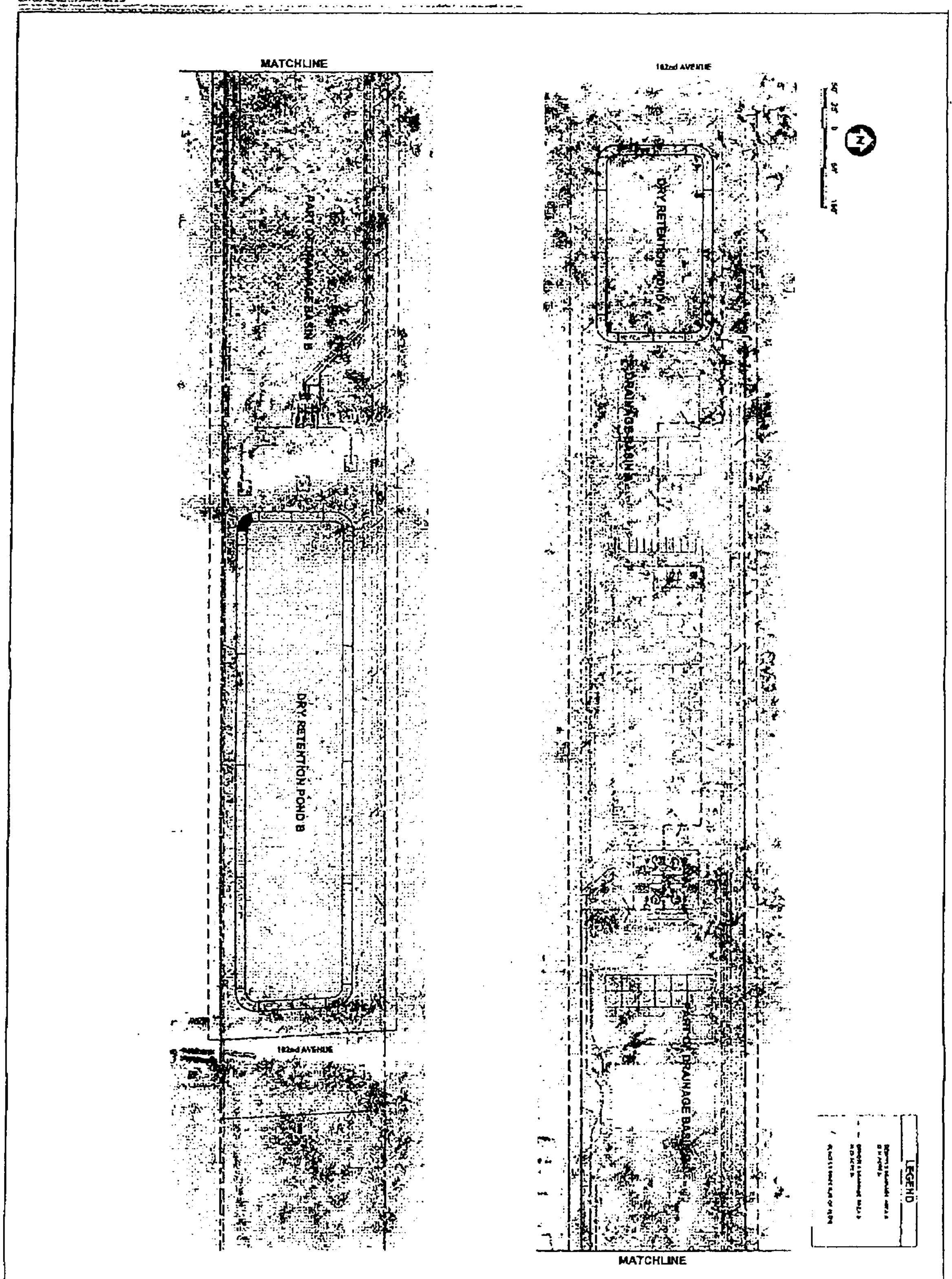


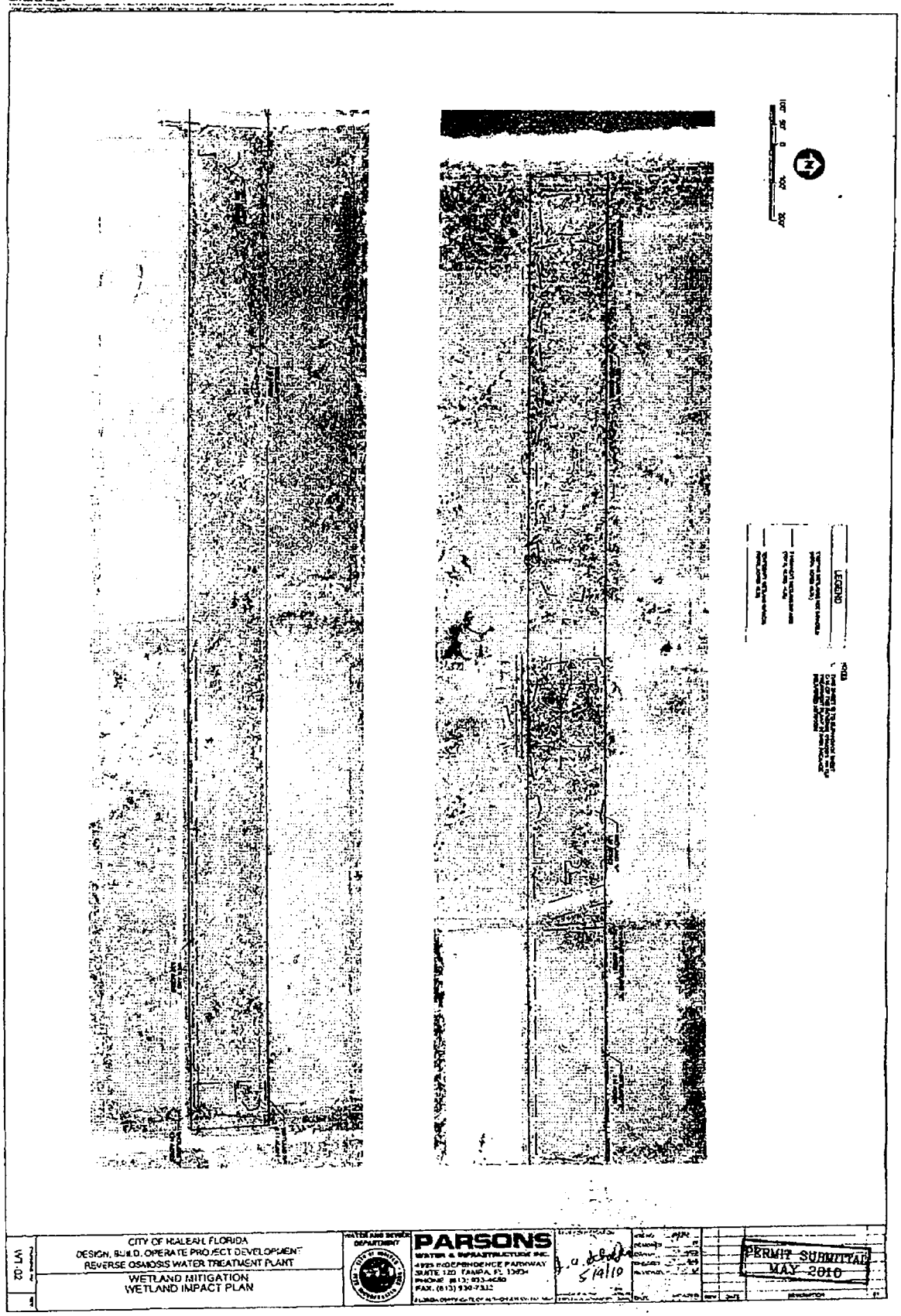
FIGURE A-1

CITY OF HIALEAH, FLORIDA
DESIGN, BUILD, OPERATE PROJECT DEVELOPMENT
REVERSE OSMOSIS WATER TREATMENT PLANT

DRAINAGE BASIN BOUNDARIES

WATER AND SEWER DEPARTMENT

PARSONS
WATER & INFRASTRUCTURE INC.
4925 INDEPENDENCE PARKWAY
SUITE 120, TAMPA, FL 33634
PHONE: (813) 933-4650
FAX: (813) 930-7332


LEGEND
CITY OF HIALEAH, FLORIDA
DESIGN, BUILD, OPERATE PROJECT DEVELOPMENT
REVERSE OSMOSIS WATER TREATMENT PLANT
WETLAND MITIGATION
WETLAND IMPACT PLAN
PARSONS
PERMIT SUBMITTAL
MAY 2010

CITY OF HIALEAH, FLORIDA
DESIGN, BUILD, OPERATE PROJECT DEVELOPMENT
NORTHEAST WASTEWATER TREATMENT PLANT
WETLAND MITIGATION
KEY PLAN
WT-03
PARSONS
PERMIT SUBMITTAL
MAY 2010
FIGURE "A" (SHEETS WT-05 & WT-07)
FIGURE "B" (SHEETS WT-05 & WT-07)
FIGURE "C" (SHEETS WT-06 & WT-08)
WETLAND MITIGATION AREA
102ND AVENUE
97TH AVENUE
FLORIDA TURNPIKE
MATCHLINE (THIS SHEET)

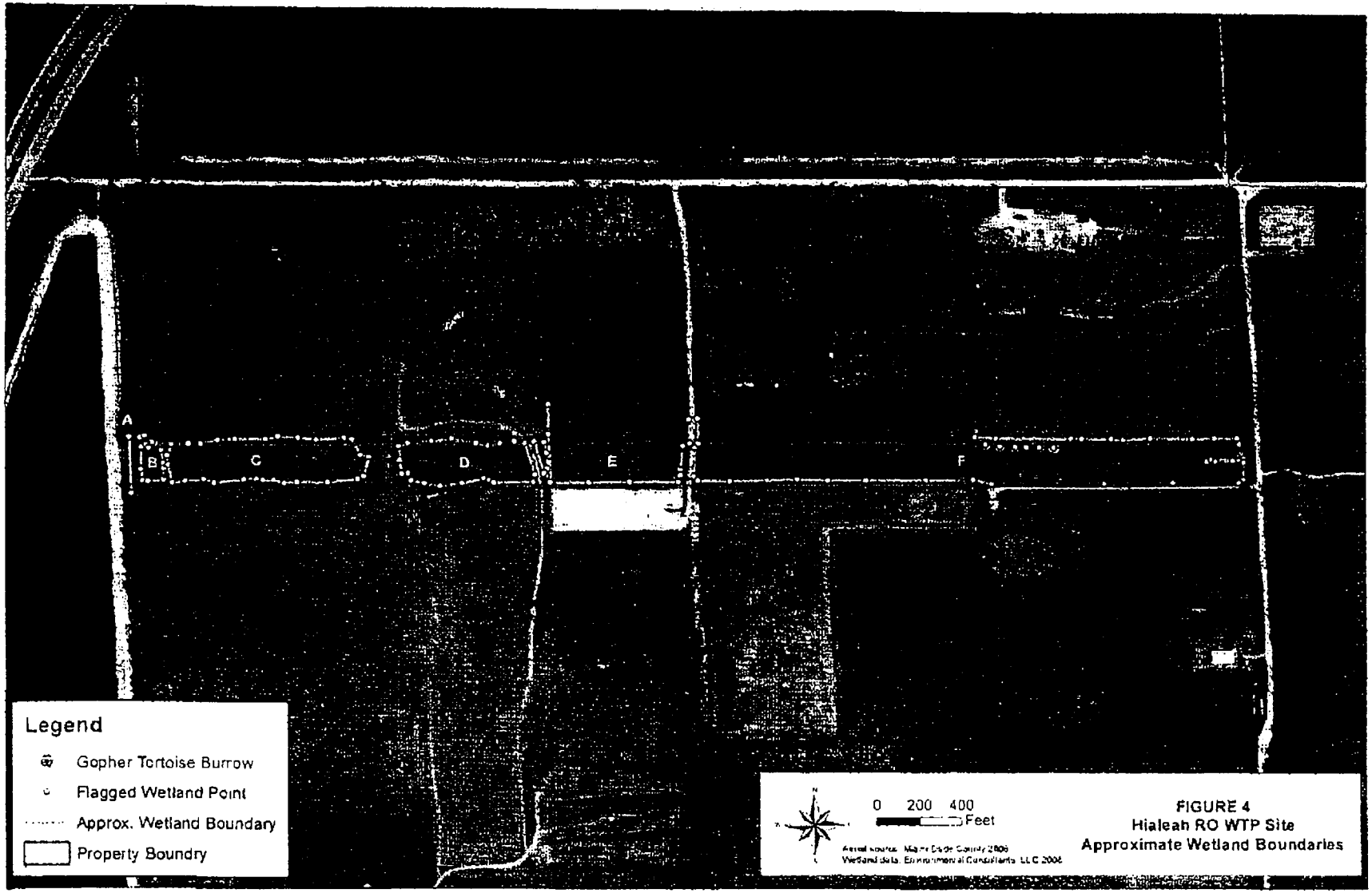
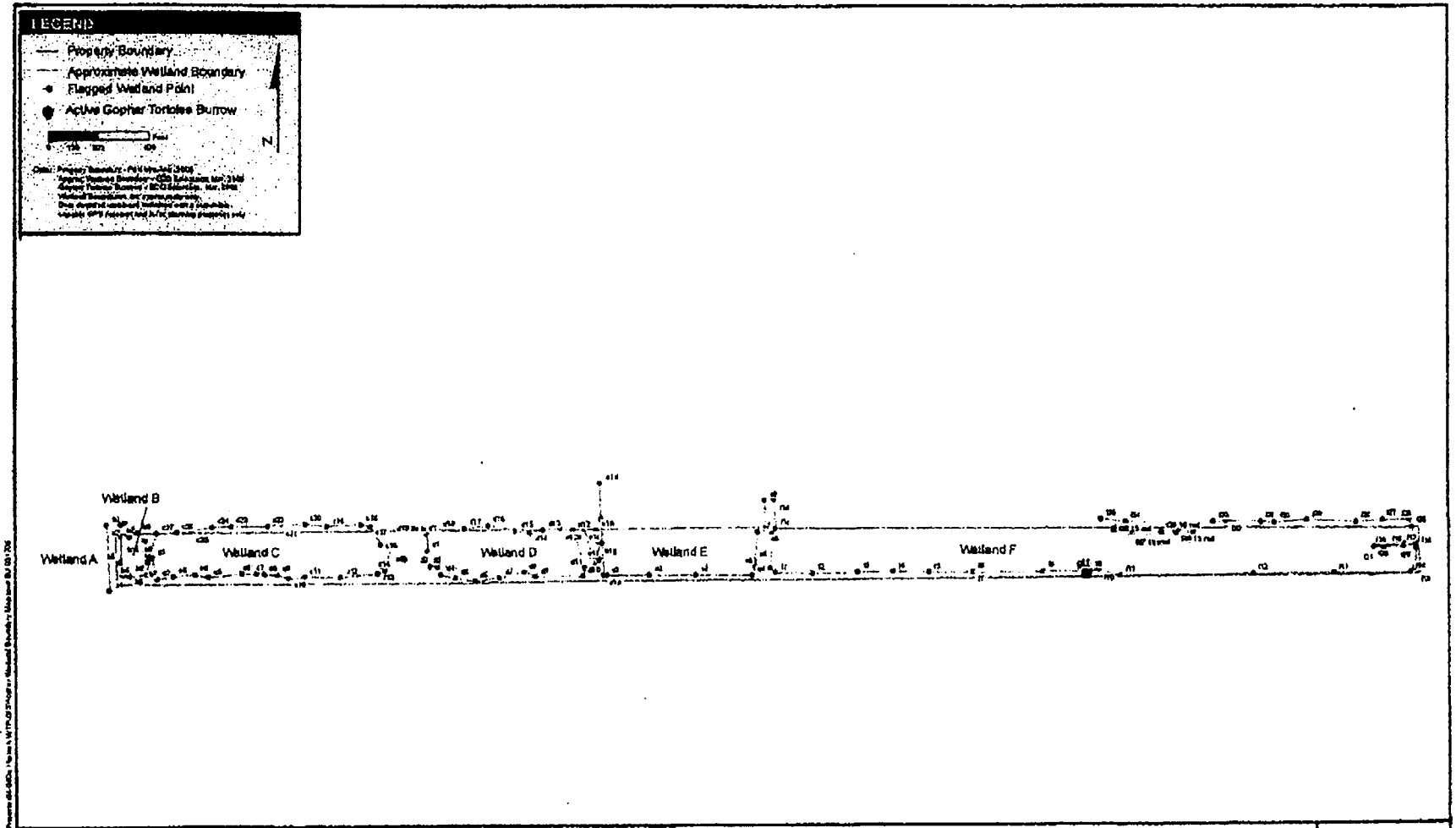


FIGURE 4
Hialeah RO WTP Site
Approximate Wetland Boundaries



HIALEAH WTP Dade County, Florida	APPROXIMATE WETLAND BOUNDARIES MAP	Figure 3

Attachment 1

Hialeah Reverse Osmosis Water Treatment Plant Mitigation Plan

Documentation of the "12 Components of a Compensatory Mitigation Plan"

BACKGROUND

This project area is a 200-ft by 1-mile 24-acre tract that was set aside as a road corridor many years ago and is referred to as the 166th Street ROW on various maps and documents. It is currently zoned as agricultural land. The Miami-Dade County currently is conveying this ROW to the city of Hialeah (City). The site is located between the right-of-way of NW 97th and NW 107th Avenues within the undeveloped portion of the 166th Street right-of-way in Section 17, Township 52 South, and Range 40 East, Hialeah, Florida. The Tax Parcel Identification Number is Folio Number 04-2017-001-0015.

1.0 OBJECTIVES

Two (2) on-site mitigation techniques are proposed for Wetland F; 1) wetland enhancement - which will consist of improving the existing wetland hydrology and removal of non-native and/or nuisance species in the western portion of Wetland F, and 2) wetland restoration - which will be accomplished by clearing, regrading and planting the portions of the western part of Wetland F and most of the eastern portion of Wetland F. The remaining required compensatory mitigation will be accomplished by purchase of wetland mitigation credits at an approved mitigation bank. The wetland mitigation, in conjunction with the storm water treatment ponds should provide significant water quality improvements prior to off-site discharge, provide wildlife cover, feeding, and breeding opportunities, provide habitat for listed plant and animal species (a state-listed endangered plant species has been found on-site), act as a seed dispersal source for desirable species to proximal degraded habitat (water and avian dispersal), and serve as a water storage basin.

2.0 SITE SELECTION

Mitigation site selection was dictated by the location of the project and availability of publicly held land by the City. Review of the land use and cover maps indicate that the closest natural habitat may be greater than one (1) mile away. Most of the region's natural habitats are approximately five (5) miles to the west and the Atlantic coast is approximately 14 miles to the east. The area in between is a mix of high density residential, commercial, and agriculture. The mitigation may be viewed as a waypoint for avifaunal species traversing between the coast and the Everglades or as a refugium for fish, reptiles, amphibians, and small mammals. While there are few advantages of the mitigation site location within the general vicinity or within the project boundaries, Wetland F did have more examples of desirable species in the greatest abundance than the other on-site wetlands. Design concepts were developed to take advantage of the existing desirable vegetation and to create habitat that would be unfavorable to the re-

establishment of melaleuca and Brazilian pepper that now plague most of the region's wetlands. Because there will be no direct connection to existing wetlands with an abundance of the aforementioned nuisance species, invasion opportunities should be limited and management of the nuisance species is attainable through periodic maintenance. Another benefit to the mitigation site is the addition of treated storm water at the west end of the mitigation area. The wetland currently relies primarily on direct rainfall and untreated surface water runoff from the historic landfill land to the north.

3.0 SITE PROTECTION INSTRUMENT

As the property owner, the City of Hialeah will execute a Covenant Running with the Land in Favor of Miami-Dade County to ensure the long-term protection of the mitigation project site.

4.0 BASELINE INFORMATION

The project parcel is a low lying area located in a predominantly undeveloped area of former landfills and agricultural areas. A former landfill lies on the north side of the property, with fill at a depth of 5 to 8 feet above natural grade. The fill appears to include building materials and concrete rubble, evidenced by the rebar and concrete protruding from the soil. The cap on the landfill is thin and eroding, but the meager soil supports non-native grasses and other forbs, and is currently used as pasture for cattle. The property on the southern boundary supports a variety of land uses including agriculture, landfill, and metal waste storage and reclamation. All of the areas on the south side of the subject parcel appeared to have been filled and were three to five feet above natural grade.

Historically, the general vicinity of the project area may have consisted of saw grass marshes, wet to dry prairie, marshes on marl, tree islands, and rock land according to the 1943 J. H. Davis Vegetation Map. However, the Davis map was produced by photointerpretation of 1940 aerial imagery and was a coarse approximation of general plant communities. The 1990 Florida Land Use and Codes Classification System (FLUCCS) data mapped the almost the entire parcel as Dry Prairie (FLUCCS 3100) while the 2000 FLUCCS mapped about half the property as Dry Prairie and the other half as Wet Melaleuca (FLUCCS 6191). The 2008 NWI maps the property as a combination of Palustrine Emergent Wetland (PEM) and Freshwater Forested Wetland (PFO) (~19.5 acres) and uplands (~4.5 acres). The soil on the site is described by the soil survey of Miami-Dade County as Dania Muck Depressional soil which is shallow, nearly level, very poorly drained soil in poorly defined drainage ways. It is inundated for 9 to 12 months in most years, and the water table is within 10 inches of the surface for the remainder of the year. Slopes are smooth and are less than 2 percent.

The on-site inspection revealed approximately 19.7 acres of wetland that are identified as Wetlands B, C, D, E, and F. The common denominators of all the on-site wetlands are the severity of degradation resulting from, but not limited to; the elimination of the historic sheet flow believed to have occurred in this region, the invasion of nuisance, non-native vegetation, ditching, clearing and filling, and ongoing domestic animal damage. Following is a brief synopsis of each wetland.

Wetland B (PFO3), like the surrounding uplands/wetlands, is a mosaic of impacted habitat. The hydroperiod of Wetland B appears very short-term. Biological indicators and other physical indicators of hydrology are not supportive of a typical natural wetland system. Surface water inputs are probably limited to direct rainfall. Groundwater infiltration from the adjoining (illegal) landfill areas is not likely to be high quality. Review of historic aerials would suggest that the historic hydrology of the area was sheet flow. However, current conditions depict a network of canals and ditches that intercept/divert surface and groundwater inputs. Compounding the problem is the fact that Wetland B is isolated from other wetlands/surface waters by berms on four sides. What little ponding that does occur within the wetland is often used by the free-ranging domestic animals for wallowing. The vegetative cover of Wetland B is almost exclusively invasive, non-native species, mostly one or two species such as melalueca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*), that create a thick shrub stratum. The topographic features of the wetland are the result of fill and solid waste.

Wetland C (PEM1/FO3), like the surrounding uplands/wetlands, is a mosaic of impacted habitat. The hydroperiod of Wetland C appears to be adequate for support of native wetland species in the west part of the wetland, but not in most of the east part, with the exception of the excavated pond. Regardless, the hydrology is not supportive of a typical natural wetland system within the region. Surface water inputs are probably limited to direct rainfall and runoff from the surrounding (illegal) landfill areas to the north and south, and perhaps from the east during periods of heavy rainfall. Groundwater infiltration from the adjoining (illegal) landfill areas is not likely to be high quality. Review of historic aerials would suggest that the historic hydrology of the area was sheet flow. However, current conditions depict a network of canals and ditches that intercept/divert surface and groundwater inputs. Compounding the problem is the fact that Wetland C is isolated from other wetlands/surface waters by berms on four sides. What little ponding that does occur within the wetland is often used by the free-ranging domestic animals for wallowing. Two strata exist in the west half of Wetland C, a shrub stratum (mostly non-native nuisance species) and a groundcover stratum (a mix of native and non-native nuisance wetland species). A single stratum exists in the east half of Wetland C, a shrub layer, also consisting of non-native invasive species. The excavated pond is mostly open water, but has a short littoral shelf vegetated with a mix of emergent native and non-native wetland species.

Wetland D (PEM1/FO3), like the surrounding uplands/wetlands, is a mosaic of impacted habitat generally suited for non-native, urban and common wildlife species. Adjacent agricultural activities to the south are a serious detriment to the wetland. The hydroperiod of Wetland D appears to be adequate for support of wetland species (currently dominated with invasive non-native species) in the east part of the wetland, but not in the west parts of the wetland, with the exception of the excavated pond. Regardless, the hydrology is not supportive of a typical natural wetland system within the region. Surface water inputs are probably limited to direct rainfall and runoff from the surrounding (illegal) landfill areas to the north and south, and perhaps from the west during periods of heavy rainfall. Groundwater infiltration from the adjoining (illegal) landfill areas is not likely to be high quality. Review of historic aerials would suggest that the historic hydrology of the area was sheet flow. However, current conditions depict a network of canals and ditches that intercept/divert surface and groundwater inputs. Compounding the problem is the fact that Wetland D is isolated from other wetlands/surface waters by berms on four sides. The ponded areas within the wetland are often used by the free-

ranging domestic animals for wallowing. Other factors impacting water quality include illegal dumping and the use of the wetland as a wallowing area for livestock. Two strata exist in the east half of Wetland D, a shrub stratum (mostly non-native nuisance species) and a groundcover stratum (mostly overgrazed non-native nuisance wetland species). A single stratum exists in the east half of Wetland D, a canopy/shrub layer, also consisting of non-native invasive species. The excavated pond has about 50% areal cover in vegetation, the rest consists of open water. Topographic variability within the wetland appears to be from fill, domestic animal rooting and solid waste.

Wetland E (PEM1/SS3), like the surrounding uplands/wetlands, is a mosaic of impacted habitat. The hydroperiod of Wetland E appears to be adequate for support of wetland species throughout the wetland although surface water inputs are probably limited to direct rainfall and runoff from the surrounding (illegal) landfill areas to the north and south. Groundwater infiltration from the adjoining (illegal) landfill areas is not likely to be high quality. The construction of a high berm between the metal recycling facility and Wetland E appears to prevent untreated surface water from the facility escaping into Wetland E, however, there is evidence that the berm may be occasionally breached, thus, allowing untreated surface water from the facility to flow into Wetland E. Review of historic aerials would suggest that the historic hydrology of the area was sheet flow. Current conditions depict a network of canals and ditches that intercept/divert surface and groundwater inputs eliminating the historic water delivery system. There are two strata within Wetland E, a groundcover stratum that is a mix of native and non-native wetland species, and a rapidly developing shrub stratum that is dominated with a non-native nuisance species. The formerly 'open' wet prairie wetland did provide ecological diversity to the area, but that is rapidly evolving into the typical non-native dominated shrub/forested wetland system common in the region.

Wetland F, like the surrounding uplands/wetlands, is a mosaic of impacted habitat. Untreated surface water from the north property enters through an off-site ditch. At the wetland terminus of the ditch is an area of ponding that is currently dominated with nuisance non-native species. Numbers of large and small domestic animals that far exceed the carrying capacity of Wetland F are confined or have immediate access to Wetland F degrading the vegetative populations and contributing to excessive biowaste inputs, both of which have a dramatic adverse affect on water quality. Wetland F is dominated with non-native nuisance species. Existing topographical variation within the wetland was 'designed' and implemented to fill it, drain it, or provide domestic animal water sources, none of which provide optimal wildlife habitat. Although three strata (canopy, shrub, groundcover) currently exist with melaleuca forming the canopy and the Brazilian pepper forming a shrub layer, either of the species will soon eliminate what remains of the little existing desirable groundcover.

5.0 DETERMINATION OF CREDITS

Credit determination (functional gain or the "lift"), for the Wetland F enhancement/restoration mitigation was calculated using the state of Florida's Unified Mitigation Assessment Methodology (UMAM). The functional gain was then applied to the proposed wetland impacts (functional loss or "loss"). By back calculating it was determined that the Wetland F mitigation could adequately compensate for all proposed Wetland B and Wetland F impacts (including the

temporary Wetland F impacts) and 0.66 acres of the Wetland C impacts. However, additional mitigation would be necessary for 2.97 acres of Wetland C, 2.56 acres of Wetland D, and 2.75 acres of Wetland E impacts. The additional compensation necessary will be through an approved mitigation bank. The applicant proposes to use the Everglades Mitigation Bank (EMB) administered by Florida Power & Light. The EMB credits necessary for the proposed wetland impacts were calculated by using the Wetland Assessment Technique for Environmental Reviews (WATER). The results of these calculations yield a sum of 5.7 credits to be necessary to meet the additional compensatory mitigation requirements.

6.0 MITIGATION WORK PLAN

ENHANCEMENT

The west part of Wetland F is dominated with non-native nuisance species in the canopy and shrub strata, but supports a number of desirable ground cover species. Hydrologic function appears to be adequate to sustain the existing ground cover species and while substrate disturbances have been extensive, they appear to be stable enough to support a viable wetland system. As a result, the objective for this part of the project is to remove all non-native nuisance vegetation and solid waste in the western portion of the mitigation. This part of the on-site mitigation will be referenced as the "Wetland F Enhancement" (see Wetland Mitigation Package Drawing No G-01 and WT-02 through WT-08). The Wetland F Enhancement area is approximately 3.5 acres. Enhancement actions will be limited to the removal of non-native / nuisance vegetation and their seed sources and to perform regular maintenance to remove the undesirable species that will allow the existing desirable plant species to repopulate the wetland, thereby reducing or eliminating the opportunities that initially allowed the invasion of the undesirable species. Generally, non-native nuisance vegetation will be identified as those occurring on the Florida Exotic Pest Plant Council's (FLEPPC) most current list for Category I plants and will herein be referenced at targeted nuisance species.

The removal of the targeted nuisance tree and shrub species may be done manually or with mechanized equipment with low pressure tires that cuts the trees just above ground level (no more than three (3) inches above ground level) and leaves the stumps in place. While manual removal of the targeted nuisance species is an option, the density of the melaleuca infestation may be too great to make this a viable option. Equipment may include a Wheeled Feller Buncher and Vegetation Reduction Tractors for the removal of monocultures.

Selective hand removal will be utilized in more sensitive areas. Swamp mats will be used in areas where the soil is too unstable to support the equipment, and any disturbance to soils shall be minimized.

Removal of all targeted nuisance vegetation shall be conducted in a manner that causes minimal impact to areas not containing the targeted nuisance species and avoids or minimizes disturbance to the substrate in herbaceous wetlands or tree islands. Any unavoidable disturbance to the substrate (i.e. ruts created from heavy equipment shall be corrected through grading or other appropriate corrective measures.

All targeted nuisance species tree and shrub stumps located within the project area shall be cut flush with the natural angle of the surrounding grade [less than three (3) inches above grade]. The stumps shall be treated **immediately (within 1/2 hour of cut)** with a minimum mixture of 25% RODEO® and 10% ARSENAL® with marker dye. Blasting or pushing the stumps out with heavy equipment will **NOT** be permitted.

The cut nuisance vegetation will be moved to an upland area within the project site for further treatment either by windrowing or by mulching and stockpiling the material to kill all viable plant parts, after which it is to be removed off-site to an authorized facility. None of the chipped material is to be deposited on-site.

Work shall be done in accordance with recognized and approved principles of modern arboricultural methods. All work shall be done without damage to trees that are intended to remain in the work area.

Vegetation or existing grade damaged on the construction site shall be restored to original condition unless directed otherwise by the City's Project Manager or by the Project Biologist. Tree limbs, which interfere with equipment operation and are approved for pruning, shall be neatly trimmed in accordance with ISA/ANSI standards. Responsibility for damages maintenance and protection of trees and shrubs shall be with the Contractor.

When required, tree protection barricades used shall be Tensar Safety Barrier, Fluorescent Orange EX 2050, or equal, as directed and approved by the City Project Manager or the Project Biologist.

All work will be performed in strict accordance with the applicable requirements of the following standards:

a. American National Standards Institute (ANSI) Z133.1a: "Safety Requirements for Tree Care Operations - Pruning, Trimming, Repairing, Maintaining and Removing Trees, and for Cutting Brush."

b. American National Standards Institute (ANSI) Z133.1: Tree Care Operations - Pruning, Trimming, Repairing, Maintaining and Removing Trees, and for Cutting Brush."

c. American National Standards Institute (ANSI) A300: Tree Care Operations Tree, Shrub and Other Woody Plant Maintenance.

d. Florida Department of Agriculture & Consumer Services, Division of Forestry, "Tree Protection Manual for Builders and Developers."

RESTORATION (Rehabilitation)

The west part of Wetland F is dominated with non-native nuisance species in all strata, pocked with dredge and fill, and has two (2) dewatering structures (a dewatering ditch and a drainage pipe). Although a wetland by definition, the west part of Wetland F scores low using any wetland assessment technique. The objective for this part of the project is to retain the few desirable patches of existing wetland, but to 'start from scratch' with the remaining wetland. This part of the

project will be referred to as the "Wetland F Restoration." The Wetland F Restoration area comprises of approximately 6.3 acres. The work plan includes site clearing after identifying and installing protective devices around desirable vegetation clusters, if any. After the site is cleared it will then be graded to elevations specified on the Wetland Mitigation Package Drawing No. WT-05 and WT-06 (± 0.2 foot). The grading plan will disconnect Wetland F from the dewatering effects associated with the outfall pipe on the south side of the wetland and the roadside ditch to the west. Once graded, the site will be planted with nursery grown plant material as specified in the Hialeah Wetland 'F' Proposed Planting Table on Drawing Sheet WT-08. Regular maintenance will be performed to remove the targeted nuisance species that will allow the planted species and desirable recruited species to populate the wetland, thereby reducing opportunities for the invasion of nuisance species. Targeted nuisance vegetation will be determined by using the FLEPPC most current list for Category I plants.

ENHANCEMENT AND RESTORATION

Both of the Enhancement and Restoration will benefit from additional water input from the project's treated storm water discharge located at the west end of the Wetland F mitigation. The storm water will be routed through the existing topography which will be enhanced with a slough-like meander that runs from the west to east side of the mitigation area.

The work associated with the clearing of the targeted vegetation shall be completed within 30 calendar days after clearing initiation.

Throughout the course of this project every reasonable effort to preserve desirable native vegetation (wax myrtle's, native grasses, cabbage palms, etc.) within the project area shall be made.

When required, tree protection barricades used shall be Tensar Safety Barrier, Fluorescent Orange EX 2050, or equal, as directed and approved by the City Project Manager or the Project Biologist..

Fence will be installed around the perimeter of Wetland F and its buffer. The fence shall be capable of excluding domesticated animals disruptive to the establishment and development of the mitigation area such as, but not limited to: goats, swine, cattle, and horses.

All efforts will be undertaken to prevent any erosion or turbid water from being discharged into wetlands and/or waters of the United States. Silt screens or other BMP for erosion/turbidity control will be utilized prior to the commencement of any site work. These erosion control devices will be maintained in good condition throughout the duration of the construction and until all soil is stabilized.

7.0 MAINTENANCE PLAN

Because control of any undesirable plant species is vital to the establishment of desirable species, special attention will be provided to the control of **ALL** undesirable species during the critical first year of development. Wetland F mitigation will be inspected and maintained free (< 5% areal cover) of the targeted nuisance species (FLEPPC Category I plants), but also FLEPPC Category II plant species, invasive, undesirable native species, and undesirable upland plant species on a monthly basis for the first year (March - November). Thereafter, Wetland F mitigation will be inspected and maintained free (< 5% areal cover) of targeted nuisance species and invasive, undesirable native species on a quarterly basis for the second and third year. In the fourth and fifth years Wetland F mitigation will be inspected and maintained free (< 5% areal cover) of the targeted nuisance species on a quarterly basis. In no event shall undesirable plant species (FLEPPC Category I and Category II listed plant species, nuisance native species, and/or upland species) exceed ten (10) percent areal cover in any Enhancement or Restoration zone.

Targeted plant removal may be conducted by hand removal or by herbicide application approved for aquatic use. All label directions will be followed. Maintenance will be conducted or field supervised by a professional familiar with the plants and natural plant communities of South Florida.

The fence surrounding Wetland F mitigation will be inspected and repaired, if necessary, during every maintenance event.

Water control structures will be inspected and serviced, if necessary, during every maintenance event.

8.0 PERFORMANCE STANDARDS

Fifty percent (50%) areal cover of the combined strata with desirable native species must be achieved at the end of year 1, 60% areal cover at the end of year 2, and 70% cover by the end of year 3. Prior to termination of the monitoring period areal cover with desirable species must achieve at least 80% using the combined strata present for the zone.

The mitigation area can be reasonably expected to develop into system listed for the specific zone as determined by the USFWS Classifications of Wetlands and Deepwater Habitats of the United States (CWDHUS).

Topography, water depth, and water fluctuation in the mitigation zone is characteristic of the wetland type specified in the CWDHUS.

Species composition of recruiting vegetation in the mitigation zone is indicative of the wetland type as specified in the CWDHUS.

Develop of the zone into a different wetland type(s) than that specifically listed shall be acceptable provided it is a functional analog of the targeted wetland(s), but otherwise meets all other performance standards listed above.

Non-native, nuisance cover (FLEPPC Category I plants) comprise of less than five (5) percent total areal cover for each of the mitigation zones. Non-native, nuisance cover (FLEPPC Category I and Category II plants), native nuisance plants, and upland plants comprise of less than ten (10) percent total areal cover for each of the mitigation zones.

Zone B1 (PFO4 - 0.07 acres) - see above

Zone B2 (PFO4 - 0.02 acres) - see above

Zone C1 (PSS3 - 0.02 acres) - see above

Zone C2 (PSS3 - 0.03 acres) - see above

Zone C3 (PSS7 - 0.22 acres) - see above

Zone C4 (PFO1 - 0.42 acres) - see above

Zone D1 (PFO1 - 0.66 acres) - see above

Zone D2 (PSS1 - 0.33 acres) - see above

Zone E (PFO2 - 3.12 acres) - see above

Zone F (PFO1 - 0.97 acres) - see above

Zone G (PEM1 - 0.18 acres) - see above

Zone H (PEM1 - 0.17 acres) - designed to be sparsely vegetated with areal cover to be no more than 20 percent.

Zone I1 (PEM1 - 3.46 acres) - see above

Zone I2 (PEM1 - 0.06 acres) - see above

9.0 MONITORING REQUIREMENTS

A. A Mitigation Completion Report, to include planting details of the mitigation area, shall be submitted to the Permitting Agency within 30 days of completing construction and planting of the mitigation area. As-built surveys will be submitted which includes representative elevations of the bottom and slopes of the excavated area(s). A contour line within 0.1' of the upper design elevation (typically Seasonal High Water) shall be depicted on the survey. Using the polygon formed by the upper elevation contour, the as-built

acreage of the mitigation area(s) shall be calculated and reported on the survey. Upon inspection and approval of the mitigation area(s) by the Permitting Agency (if applicable), the monitoring program shall be initiated.

B. Semi-annual monitoring along with associated monitoring reports and maintenance will be provided for a minimum of 5 years. Monitoring reports will be submitted to the Permitting Agency within 30 days following each monitoring event. At a minimum, monitoring reports shall address:

1. Date planted and compliance with the approved planting plan;
2. Soil stabilization measures used;
3. Estimate of the percent survival of planted species;
4. Number of plants replanted, if necessary, and when planted;
5. Estimated average height and DBH for the forested components;
6. Water Quality
   a. Visual observations
   b. Lab data if necessary, i.e. salinity, conductivity, pH, etc;
7. Desirable wetland/upland species cover;
8. Plant diversification and natural recruitment (with a listing of dominant species present);
9. Two (2) transects each will be established for the Enhancement and Restoration areas. Each transect will include ten (10) 1-m quadrats that will be spaced to ensure that each zone is represented by at least one (1) quadrat. Quadrats will report percent species cover and water depth at each quadrat;
11. Permanently marked photo stations at each end of transects;
12. Wildlife usage;
13. Maintenance dates, maintenance activities, and results of the maintenance efforts;
13. Overall ecological evaluation; and
14. Problems encountered and corrective actions implemented or needed.

10.0 LONG-TERM MANAGEMENT

The responsibility for long-term management will rest with the City of Hialeah and their designated agent(s)

11.0 ADAPTIVE MANAGEMENT

Three regulatory agencies will oversee the planning, construction, and progress of the Wetland F mitigation; Miami-Dade Department of Environmental Resource Management, Florida Department of Environmental Protection and the United States Army Corps of Engineers. The mitigation monitoring process will identify issues affecting the progress of the mitigation site. In some instances the maturation of the site may proceed in a negative direction. In instances where the mitigation is deviating from Performance Standards attainment, and that deviation appears to it may exceed a duration of one (1) complete growing season, a corrective action plan (Adaptive Management) will be developed by the City or their agent. The corrective action plan will be facilitated by the City before a joint meeting of the regulatory agency representatives for

discussion and review. Upon the agencies' approval, the corrective action plan will be implemented. The regulatory agencies may need to exhibit flexibility and some willingness to compromise in order for the corrective action plan to be implemented effectively.

12.0 FINANCIAL ASSURANCES

A performance bond, letter of credit, escrow account or other vehicle yet to be determined will ensure that the mitigation area will be successfully completed, in accordance with its performance standards.

Hialeah RO WTP Wetland Mitigation
Construction, Maintenance and Monitoring Schedule

Activity	Start Date	Completion Date
Mitigation Area Earthwork/Site Grading	February 1, 2011	May 30, 2011
Planting of Wetland Vegetation	June 1, 2011	June 30, 2011
Installation of Permanent Markers/Signs	July 1, 2011	July 30, 2011
Time Zero Monitoring Report	July 30, 2011	N/A
Quarterly Maintenance Events (minimum)	July, October, January, April 2011 through 2016	
Annual Monitoring Reports (five years minimum)	June 30, 2012 through 2017	

DERM WETLAND REGULATORY APPROVAL

NAME MM

DATE 11/29/10