



CARLOS A. GIMENEZ

MAYOR
MIAMI-DADE COUNTY

September 26, 2018

The Honorable Marco Rubio
United States Senate
Washington, DC 20510

Dear Senator Rubio,

Thank you for your recent letter reiterating your desire to ensure that the Kendall Parkway protect and enhance Everglades restoration efforts. I agree wholeheartedly with this goal, and your concerns have provided the County with an opportunity to make the project's conditions of approval even more robust.

You asked us to make more explicit, in the proposed Interlocal Agreement (the "Interlocal") with the Miami-Dade Expressway Authority (MDX), that the Kendall Parkway is required to avoid any interference with Comprehensive Everglades Restoration Program (CERP) project components, and that the roadway will incorporate design features to compliment CERP goals. To address your request, we have added the following underlined language to Section 2(d)(x) of the Interlocal, to underscore this requirement:

Demonstrate the Facility's consistency with the Comprehensive Everglades Restoration Program (CERP) objectives, projects and features. This includes avoiding any conflict with CERP project components, and incorporating roadway project design features, such as culverts, bridges, or elevated portions of the roadway, as necessary, to ensure consistency with CERP.

You further requested that MDX direct its land acquisition efforts in the area south of SW 8th Street to create a half-mile buffer to the east of, and parallel to, the conveyance canal that is planned for development along Krome Avenue. This planned conveyance canal represents the most recent iteration of CERP in the Bird Drive Basin area. Although the Bird Drive Basin had once been proposed for more robust enhancement as an aquifer recharge area, the Army Corps of Engineers' project studies demonstrated years ago that the original project concept was not feasible due to concerns with seepage management. This area is immediately adjacent to the Urban Development Boundary (UDB), and higher water levels could potentially increase flooding of the adjacent urbanized area. To further the effectiveness of the planned conveyance canal, you have asked that MDX assist in acquiring a half-mile buffer alongside it to better support the project. MDX had previously offered to "swap" land in the vicinity of the planned canal alignment with lands that the State and the Army Corps had acquired towards the east yet have not been utilized for CERP. To address your request, we have added the following underlined language to Section 2(h)(i) of the Interlocal, to make the land swap a requirement of the Kendall Parkway approval:

MDX has represented to the County that it will preserve no less than 1,000 acres of wetlands in connection with this proposed Facility. Consistent with these representations by MDX, MDX shall acquire, restore, and preserve no less than 1,000 acres of land within the North Trail or Bird Drive Wetland Basins as a component of the wetland mitigation for the Facility. Furthermore, to facilitate state and federal CERP goals to establish a canal or other flow-way from the Tamiami Trail to the C-1W canal, including the western Bird Drive Basin, MDX agrees to acquire properties located within a one-half mile buffer area east of Krome Avenue, and agrees to make these lands available to the state or the federal government for CERP purposes in exchange for state or federally owned properties located in the eastern Bird Drive Basin that are determined to no longer be needed for CERP.

This language crystalizes what I have been articulating for months about the truly unique policy conditions for the Kendall Parkway. We can achieve the dual goals of protecting the environment in this sensitive area and acting responsibly to provide sorely-needed traffic relief to the 600,000 residents of West Kendall. It is my hope that the land acquisitions in this area will act as a catalyst in ensuring that a Bird Drive Basin CERP project component finally becomes a reality.

Please note Policy CON-7J in the Conservation Element of Miami-Dade County's Comprehensive Development Master Plan (CDMP) currently states that:

In evaluating applications that will result in alterations or adverse impacts to wetlands Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives, projects or features shall be denied.

Policy LU-8G (ii)(c) further identifies as an area that shall be avoided the "Comprehensive Everglades Restoration Plan project footprints delineated in Tentatively Selected Plans and/or Project implementation Reports." Nevertheless, in order to further CERP goals through our CDMP, we will include in this policy as areas to be avoided any project footprints "that have been approved by the South Florida Water Management District Governing Board."

These CDMP policies, along with other land use, conservation and infill policies, have contributed to this County's strong history of holding the line on urban development. Rather than depart from that history, the Kendall Parkway amendment includes the addition of more than a dozen new CDMP policies that will amplify and secure that history into the future. While these new policies have received little media coverage, they provide significant assurance that the roadway will act only to address transportation backlogs and not to support future urban development in inappropriate areas.

The preservation policies included in the amendment, in concert with the new concurrency and capacity restrictions that will deny developers the ability to avail themselves of any additional roadway capacity that the Kendall Parkway may provide, uniquely assure residents all over Miami-Dade County that this project, will in fact, strengthen the UDB by discouraging development in this area. For example, the amendment requires that existing agricultural uses impacted by the alignment be preserved at a level commensurate with that impact. In addition, the amendment requires, similar to the policies that were adopted concurrently with the CDMP approval to widen Krome Avenue, that any zoning or land use change to approve any use, other than direct agricultural production outside the UDB and within one mile

of the Parkway, shall require a supermajority vote of two-thirds vote of the total membership of the County Commission or any other zoning board—the same supermajority requirement that exists today for UDB amendments. Furthermore, proposed Policy LU-3R adds that the policies approved as part of the Parkway amendment, including the environmental protection policies and the concurrency and capacity restriction policies, cannot be modified unless approved by the same supermajority of the County Commission. But the biggest assurance for our residents lies in the Interlocal that your suggestions are helping to perfect. Miami-Dade County has, through this Interlocal, “the authority to seek injunctive relief against MDX, including but not limited to injunctive relief to prevent the opening or operation of the SR-836 Extension, to enforce compliance with or prohibit the violation of any of the provisions of this agreement.”

I assure you that Miami-Dade County remains firmly committed to Everglades restoration and successful completion of these critical CERP projects. County technical staff participate in CERP Project Development Teams, routinely coordinate with South Florida Water Management District and Army Corps staff to facilitate implementation of CERP projects, and the County has also certified County owned lands to CERP to further facilitate meeting these important restoration goals.

Senator, thank you for working with me to assure our residents that the Kendall Parkway achieves goals that benefit our entire community without abandoning the very real needs of any one corner of our County. Please do not hesitate to contact me if you have any further suggestions for the enhancement of this project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephen P. Clark', is written over a faint circular stamp.

c: Honorable Chairman Esteban L. Bovo, Jr. and Members, Board of County Commissioners
Abigail Price-Williams, County Attorney
Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources
Lourdes Gomez, Deputy Director, Department of Regulatory and Economic Resources
Jerry Bell, Assistant Director, Planning Division, Department of Regulatory and Economic Resources
Lee Hefty, Assistant Director, Division of Environmental Resources, Department of Regulatory and Economic Resources
Dennis Kerbel, Assistant County Attorney