

Memorandum



Date: October 18, 2011

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

Agenda Item No. 5(F)

From: Carlos A. Gimenez
Mayor

Subject: Resolution Relating to an Application by Miami-Dade County for a Class IV Permit for After-the-Fact Approval to Impact 9.76 Acres of Wetlands and Approval to Impact an Additional 1.46 Acres of Wetlands at the Trail Glades Range, a Miami-Dade County Park, and Acceptance of a Restrictive Covenant to Preserve and Enhance 105 Acres On-Site at 17601 SW 8 Street, Miami-Dade County

Attached, please find for your consideration an application by Miami-Dade County for a Class IV permit for after-the-fact approval for the unpermitted filling of 9.76 acres of freshwater wetlands and for the proposed impacts to 1.46 acres of freshwater wetlands for public use at the Trail Glades Range. Chapter 24 of the Code of Miami-Dade County requires Board approval for the issuance of Class IV permits for projects that propose to impact more than ten (10) acres of wetlands outside the Urban Development Boundary (UDB).

As further explained in the attached report, this Class IV permit will allow the Miami-Dade County Park and Recreation Department (MDPR) to proceed with the planned range reconstruction, roadway reconstruction, sewer line installation and culvert replacement improvements at Trail Glades Range and to address the impacted wetlands that were filled without a permit by the Trail Glades Range concessionaire, Sporting Clays International, between December 1999 and February 2002.

Prior to the unpermitted filling, the MDPR Chief of the Natural Areas Management Division directed the concessionaire to work in the upland/impacted area not requiring any permitting. The concessionaire did not comply with this direction and proceeded to fill wetlands beyond the authorized area without the required permitting. Due to the unpermitted activities by Sporting Clays International, MDPR required the concessionaire to restore a portion of the area. Sporting Clays International was subsequently terminated by MDPR in 2004. These events resulted in the MDPR Regional Manager and Facility Manager being disciplined. The Regional Manager received a record of counseling that was placed in the Regional Manager's personnel file. The Facility Manager subsequently resigned from the County. After this incident, MDPR instituted mandatory monthly inspections of all parks with the Regional Manager and Facility Manager, and semi-annual inspections with the Assistant Director for Operations.

MDPR had applied for a Class IV permit in July 2002 to address the wetlands filled by Sporting Clays International. The permit application was revised several times by MDPR over the following years due to changes in scope and project elements. The attached permit application was submitted by MDPR in October 2010. This permit application will allow the final appropriate action to rectify the unpermitted activities as well as allow for additional new filling to occur on-site.

Also attached is the recommendation of the Department of Environmental Resources Management (DERM) and a proposed resolution approving the issuance of the Class IV permit.

Jack Osterholt, Deputy Mayor

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Date: September 15, 2011

To: Carlos A. Gimenez
Mayor

From: 
Lee N. Hefty, Interim Director
Department of Environmental Resources Management

Subject: Resolution Relating to an Application by Miami-Dade County for a Class IV Permit for After-the-Fact Approval to Impact 9.76 Acres of Wetlands and Approval to Impact an Additional 1.46 Acres of Wetlands at the Trail Glades Range, a Miami-Dade County Park, and Acceptance of a Restrictive Covenant to Preserve and Enhance 105 Acres On-Site at 17601 SW 8 Street, Miami-Dade County

Recommendation

I have reviewed the attached application for a Class IV permit by Miami-Dade County. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), 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 Trail Glades Range is located at 17601 SW 8th Street in Commissioner Diaz's District 12.

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

The Wetlands Resources Section Manager of the Department of Environmental Resources Management (DERM) will monitor the terms and conditions of this permit.

Background

The subject Class IV permit application requests authorization for after-the-fact approval of 9.76 acres of impacts to freshwater wetlands and approval of an additional proposed 1.46 acres of impacts to freshwater wetlands for public use. The permittee is proffering a restrictive covenant to preserve and enhance 105 acres of wetlands on-site as part of the mitigation requirements for said impacts. The project consists of the expansion of the Trail Glades Range, owned and managed by Miami-Dade County, to include a skeet-shooting area and improvements to the facility's entrance roadway. The subject property is located at the northeast corner of SW 177th Avenue (Krome Avenue) and SW 8th Street (Tamiami Trail) in Miami-Dade County. Chapter 24 of the Code requires Board approval for the issuance of Class IV permits for projects that propose to impact more than ten (10) acres of wetlands outside the Urban Development Boundary (UDB). The proposed project site lies west of the UDB and is surrounded by undeveloped wetlands to the east and north, the Miccosukee Resort & Gaming complex to the west and the Dade Corners truck stop to the south.

This Class IV permit will allow the Miami-Dade County Park and Recreation Department (MDPR) to proceed with the planned range reconstruction, roadway reconstruction, and sewer line installation improvements at Trail Glades Range and to address previous violations for unpermitted filling of wetlands conducted by the Trail Glades Range concessionaire, Sporting Clays International. Sporting Clays International filled onsite wetlands without permits between December 1999 and February 2002 and was subsequently terminated by MDPR in 2004.

When the unauthorized impact was discovered, MDPR chose to accept the restoration of 1.9 acres from Sporting Clays International and pursue an after-the-fact permit for the remaining 9.76 impacted acres for possible future use and expansion of the facility. The work that will be conducted under this permit will address the past violations associated with the unauthorized filling, will allow for additional fill within the site and will meet the mitigation requirements associated with the planned improvements at Trail Glades Range which include range reconstruction, roadway reconstruction and widening, sewer installation and culvert replacement.

Compensatory mitigation for the ecological impacts related to the loss of wetland functions will be accomplished by the preservation and enhancement of 105 acres of freshwater wetlands within the property boundary. The wetlands impacted within the project site are historically characterized as a native wet prairie with varying densities of *Melaleuca*, an invasive exotic plant species. The wetland restoration and enhancement conducted within this area will include treatment with herbicides and removal of invasive exotics. A restrictive covenant guaranteeing the preservation and long-term maintenance of the 105-acre mitigation area has been proffered.

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 DERM Wetland Resources Section which provides 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. 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
Restrictive Covenant
Site Plans
- Attachment B: Applicants/Agents Letter
Engineer's Certification Letter
- Attachment C: Zoning Approval Letter
DERM Water Control's Cut & Fill Approval
- Attachment D: Adjacent Property Owners List
- Attachment E: Project Report

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS IV PERMIT FOR AFTER-THE-FACT APPROVAL TO IMPACT 9.76 ACRES OF WETLANDS AND APPROVAL TO IMPACT AN ADDITIONAL 1.46 ACRES OF WETLANDS FOR PUBLIC USE, SPECIFICALLY, THE CLEARING AND FILLING OF WETLANDS FOR THE EXPANSION OF THE TRAIL GLADES RANGE, A MIAMI-DADE COUNTY PARK, AND ACCEPTANCE OF A RESTRICTIVE COVENANT TO PRESERVE AND ENHANCE 105 ACRES ON-SITE LOCATED EAST OF SW 177TH AVENUE AND NORTH OF SW 8TH STREET IN SECTION 06, TOWNSHIP 54 SOUTH, AND RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a Public Hearing on a request by Miami-Dade County, for a Class IV wetland permit for after-the-fact approval to impact 9.76 acres of wetlands and approval to impact an additional 1.46 acres of wetlands for public use, specifically, the clearing and filling of wetlands for the expansion of the Trail Glades Range, a Miami-Dade County Park, and acceptance of a restrictive covenant to preserve and enhance 105 acres on-site. Such Public Hearing will be held on the 18th day of October 2011 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 him beforehand (Christopher Agrippa, 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: _____
Christopher Agrippa, Deputy Clerk



MEMORANDUM

(Revised)

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

DATE: October 18, 2011

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

SUBJECT: Agenda Item No. 5(F)

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. 5(F)
10-18-11

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS IV PERMIT FOR AFTER-THE-FACT APPROVAL TO IMPACT 9.76 ACRES OF WETLANDS AND APPROVAL TO IMPACT AN ADDITIONAL 1.46 ACRES OF WETLANDS FOR PUBLIC USE, SPECIFICALLY, THE CLEARING AND FILLING OF WETLANDS FOR THE EXPANSION OF THE TRAIL GLADES RANGE, A MIAMI-DADE COUNTY PARK, AND ACCEPTANCE OF A RESTRICTIVE COVENANT TO PRESERVE AND ENHANCE 105 ACRES ON-SITE LOCATED EAST OF SW 177TH AVENUE AND NORTH OF SW 8TH STREET IN SECTION 06, TOWNSHIP 54 SOUTH, AND RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Miami-Dade County for a Class IV permit for after-the-fact approval to impact 9.76 acres of wetlands and approval to impact an additional 1.46 acres of wetlands for public use, specifically, the clearing and filling of wetlands for the expansion of the Trail Glades Range, a Miami-Dade County park, and accepts the proffered restrictive covenant to preserve and enhance 105 acres on-site located east of SW 177th Avenue and north of SW 8th Street in Section 06, Township 54S, and Range 39E in Miami-Dade County, subject to the conditions set forth in the memorandum from 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:

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	

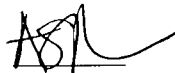
The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of October, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

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Attachment A

Class IV Permit Application Restrictive Covenant Site Plans

Class IV Permit Application

RECEIVED

FEB 22 2011

MIAMI-DADE
COUNTY

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

FOR DEPARTMENTAL USE ONLY		Updated 09/09
Date Received:	Application Number: FW 09-003	
	Application Fee: Paid	

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

1. Applicant Information: Name: <u>Miami-Dade County</u> Address: <u>111 NW First St.</u> <u>Miami, Florida</u> Zip Code: <u>33128</u> Phone #: <u>305-468-5900</u> Fax#: _____ Email: _____ <small>* This should be the applicant's information for contact purposes.</small>	2. Applicant's Authorized Permit Agent: <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>EAS Engineering, Inc.</u> Address: <u>55 Almeria Avenue</u> <u>Coral Gables, FL</u> Zip Code: <u>33134</u> Phone #: <u>(305) 445-5553</u> Fax #: <u>(305) 444-2112</u> Email: <u>eswakon@eas-eng.com</u>
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3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):	
Folio #(s): <u>3049060000030, 3049060010070</u>	Latitude: _____ Longitude: _____
Street Address: <u>17601 S.W. 8 Street</u>	Section: <u>6, Lot 6</u> Township: <u>54 S</u> Range: <u>39 E</u>
In City or Town: <u>Unincorporated</u>	Near City or Town: _____

4. Describe the proposed activity (check all that apply):		
<input type="checkbox"/> Agriculture <input type="checkbox"/> Row Crops <input type="checkbox"/> Fruit Grove <input type="checkbox"/> Field Nursery - At Grade <input type="checkbox"/> Field Nursery - Row and Furrow <input type="checkbox"/> Container Nursery <input type="checkbox"/> Shade House Nursery <input type="checkbox"/> Drainage Features <input type="checkbox"/> Other: _____	<input type="checkbox"/> Excavation/Dredging (See Box 6) <input type="checkbox"/> Lake Excavation <input type="checkbox"/> Drainage Features <input type="checkbox"/> Rock Mining	<input checked="" type="checkbox"/> Filling <input checked="" type="checkbox"/> Limerock <input type="checkbox"/> Soil/Muck <input type="checkbox"/> Sand <input type="checkbox"/> Marl <input type="checkbox"/> Clay <input type="checkbox"/> Stone <input type="checkbox"/> Concrete Rubble
<input type="checkbox"/> Other: _____		
Total Property size: _____ <u>698</u> acres	Wetland acreage proposed to be impacted: _____ <u>11.2</u> acres	
Are you seeking an after-the-fact approval for any portion of the work (ATF)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

5. Proposed Use (check all that apply): <input type="checkbox"/> Single Family <input type="checkbox"/> Commercial <input type="checkbox"/> Multi-Family <input type="checkbox"/> Industrial <input type="checkbox"/> Private <input type="checkbox"/> Utility <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/> Agricultural	6. If the proposed work relates to Excavation/Dredging as indicated in Box 4 above, provide the following information: Proposed acreage of excavation: _____ <u>0</u> acres Proposed depth of excavation: _____ <u>N/A</u> feet below ground surface Proposed acreage of backfill area: _____ <u>N/A</u> acres (if applicable)
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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	Permit	13-02453-P	07/12/02	01/12/05

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

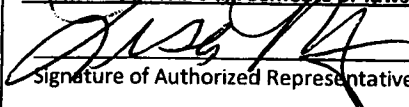
Signature of Applicant	Print Applicant's Name	Date
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B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

<u>MIAMI-DADE COUNTY</u>	<u>GOVERNMENT</u>	<u>FLORIDA</u>
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.*****

	<u>LUCA MARTINEZ</u>	<u>Senior Advisor</u>	<u>9/25/11</u>
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date

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
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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
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Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
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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. _____. 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.)

MIAMI-DADE COUNTY GOVERNMENT FLORIDA
Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation

111 NW FIRST ST. MIAMI, FL 33128
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] LISA MARTINEZ Senior Advisor 9/26/11
Signature of Authorized Representative Print Authorized Representative's Name Title 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

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

The undersigned, Miami-Dade County, 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:

Legal Description

A portion of Government Excess Lot 6 lying between Township 54 South, Range 39 East and Township 53 South, Range 39 East, Miami Dade County, Florida, more particularly described as follows: Begin at the Northeast Corner of the Northwest ¼ of Section 6, Township 54 South, Range 39 East also known as the Point of Beginning (POB); thence run N 87° 39' 08" E along North line of Section 6 T54S R39E for 2,639.74 feet; thence run N 01° 22' 29" E along the East line of said Government Excess Lot 6 for 1,701.15 feet; thence run S 87° 39' 08" W for 2,748.96 feet; thence run S 02° 18' 22" E along the extended East line of the NW ¼ of Section 6 T54S R39E for 1,667.56 feet to the Northeast Corner of the Northwest ¼ of Section 6, Township 54 South, Range 39 East and the Point of Beginning. Said described area contains 105.0 acres more or less

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 09-003.

1. The owner covenants to Miami-Dade County to comply with all conditions set forth in the Miami-Dade County Class IV Permit No. FW 09-003 attached hereto as Exhibit A and incorporated herein by reference.
2. The owner 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.
3. The owner 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 covenants to Miami-Dade County to prohibit and prevent public access to the Property as described above.
5. If Miami-Dade County determines, in its sole discretion, that the Property, or any portion thereof, has been or is being degraded through the removal of or damage to plants, the presence of trash or debris, or any other form of neglect or misuse, then Miami-Dade County may require the owner to install protective barriers around any area within the Property.
6. 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 their heirs, successors, grantees and assigns until such time as the same is modified or released by the Miami-Dade County Board of County Commissioners.

- 7. 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 Miami-Dade County 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.
- 8. This Restrictive Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Restrictive Covenant is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Restrictive Covenant has first been modified or released by Miami-Dade County.
- 9. The term Owner shall include the Owner, and its heirs, successors, assigns and grantees.

IN WITNESS WHEREOF, the undersigned have caused this Covenant to be executed this _____ day of _____, 2011.

Witnesses:

Property Owner:

sign _____

sign _____

print _____

print _____

sign _____

Title _____

print _____

Address _____

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, 2011, by _____ as _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

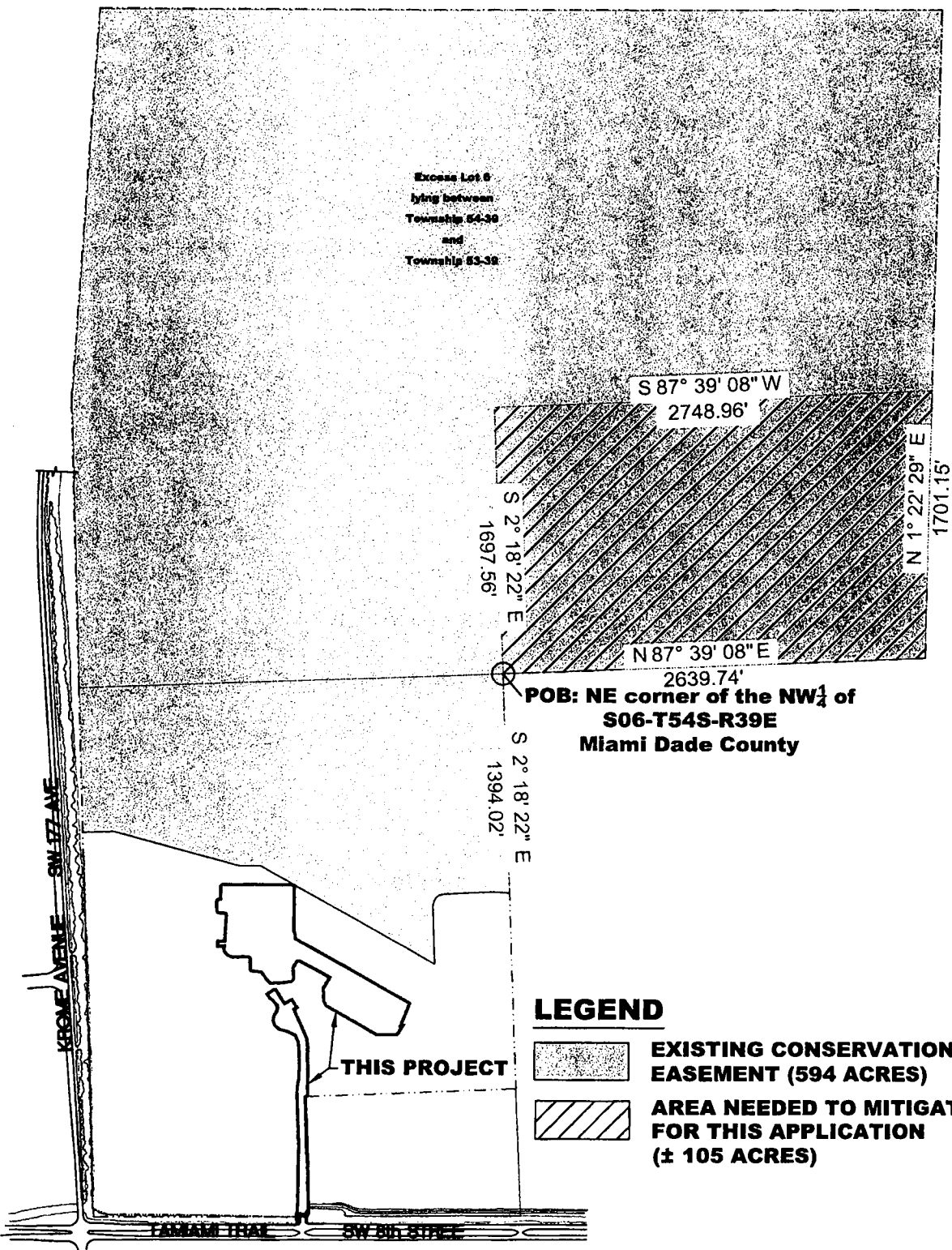
sign _____

print _____



State of Florida at Large (Seal)

My Commission Expires:

REV. DATE	DESCRIPTION
2/19/2011	Added Covenant Area



LEGEND

-  **EXISTING CONSERVATION EASEMENT (594 ACRES)**
-  **AREA NEEDED TO MITIGATE FOR THIS APPLICATION (± 105 ACRES)**



PURPOSE: **PROPOSED CONSERVATION EASEMENT**
 DATUM: N/A
 JOB #: 2006-02
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305) 445-5653

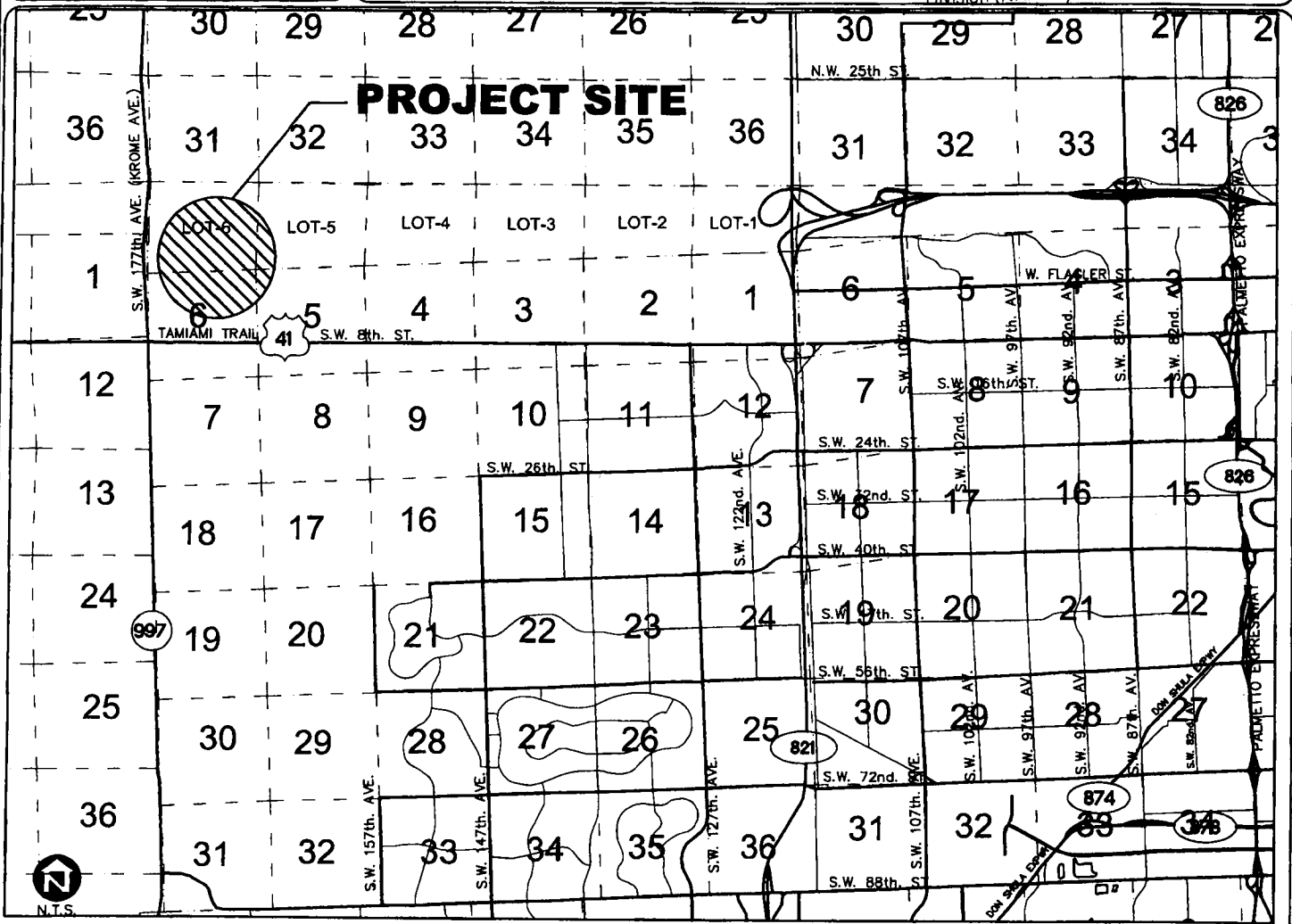
COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
MIAMI-DADE COUNTY PARK AND RECREATION DEPT.
 275 NW SECOND STREET SECTION: 6, LOT 6
 MIAMI, FLORIDA 33128 TOWNSHIP: 54
 SHEET 12 DATE: 02-16-11 RANGE: 39

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FEB 22 2011

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

REV. DATE	DESCRIPTION



INDEX OF DRAWINGS

SHEET #	TITLE
1	VICINITY MAP + INDEX OF DRAWINGS
2	EXISTING VEGETATION AND LOCATION MAP
3	UNPERMITTED FILL AND LIMITS OF PROPOSED WORK
4	SITE PLAN
5	ENTRANCE ROAD PLAN
6	TYPICAL ENTRANCE ROAD SECTION
7	WETLAND IMPACTS
8	SECTIONS A THROUGH D
9	SECTIONS 1 THROUGH 5
10	WETLAND RESTORATION PLAN
11	SECTION E-E
12	CONSERVATION EASEMENT

PURPOSE: VICINITY MAP + INDEX OF DRAWINGS

DATUM: N/A

JOB #: 2006-02

EAS ENGINEERING, INC.

55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5663

COUNTY OF MIAMI-DADE STATE OF FLORIDA

APPLICATION BY:

MIAMI-DADE COUNTY PARK AND RECREATION DEPT.

275 NW SECOND STREET

MIAMI, FLORIDA 33128

SHEET 1

DATE: 02/16/11

SECTION: 6, LOT 6

TOWNSHIP: 54

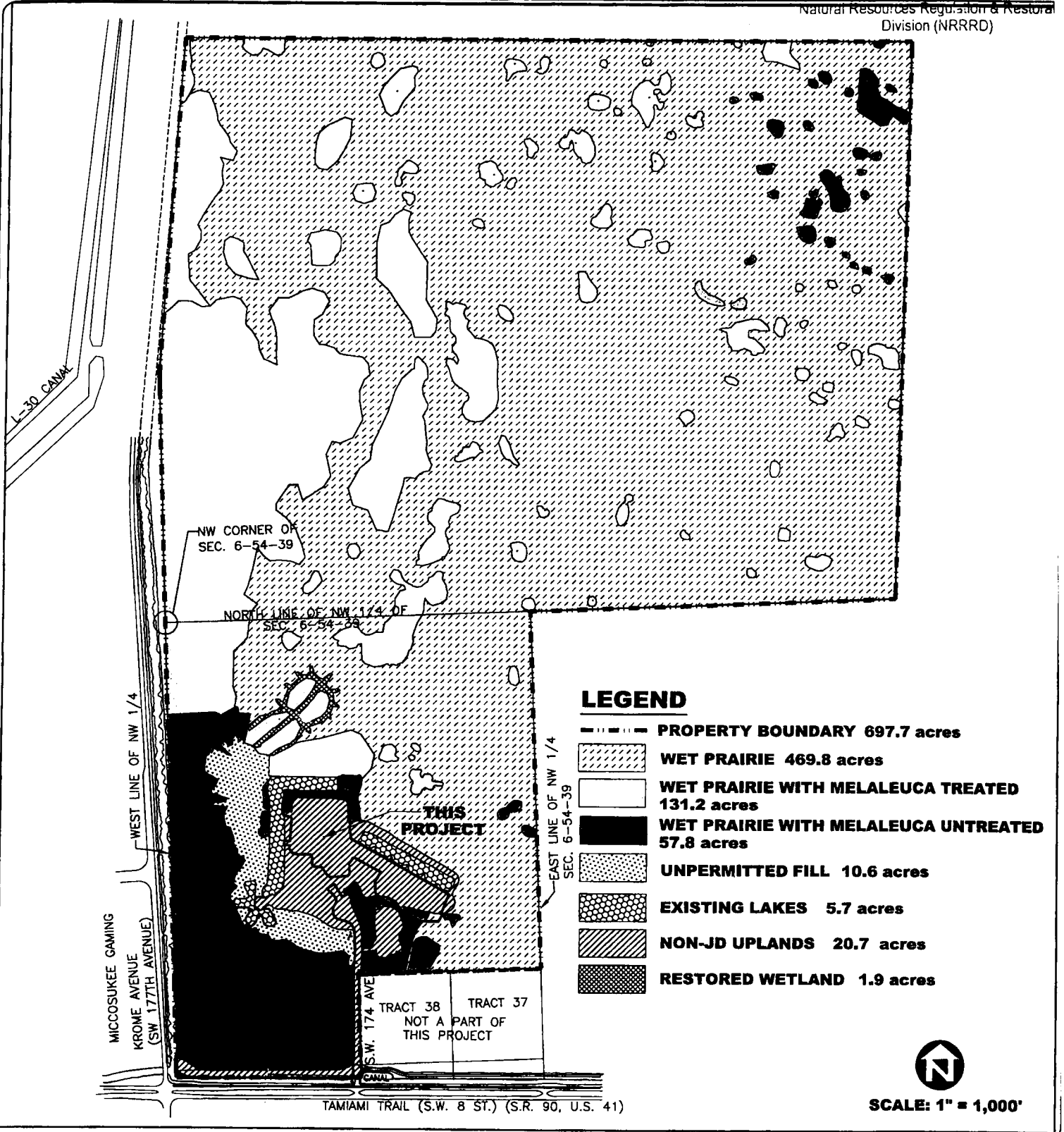
RANGE: 39

15

FEB 22 2011

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

REV. DATE	DESCRIPTION
07-15-09	PHASE -1 BOUNDARY REVICED
08-05-09	GENERAL REVISIONS
10-29-09	GENERAL REVISIONS



LEGEND

- PROPERTY BOUNDARY 697.7 acres
- WET PRAIRIE 469.8 acres
- WET PRAIRIE WITH MELALEUCA TREATED 131.2 acres
- WET PRAIRIE WITH MELALEUCA UNTREATED 57.8 acres
- UNPERMITTED FILL 10.6 acres
- EXISTING LAKES 5.7 acres
- NON-JD UPLANDS 20.7 acres
- RESTORED WETLAND 1.9 acres



SCALE: 1" = 1,000'

PURPOSE: **EXISTING VEGETATION + LOCATION MAP**
 DATUM: N/A
 JOB #: 2006--02
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)446-5553

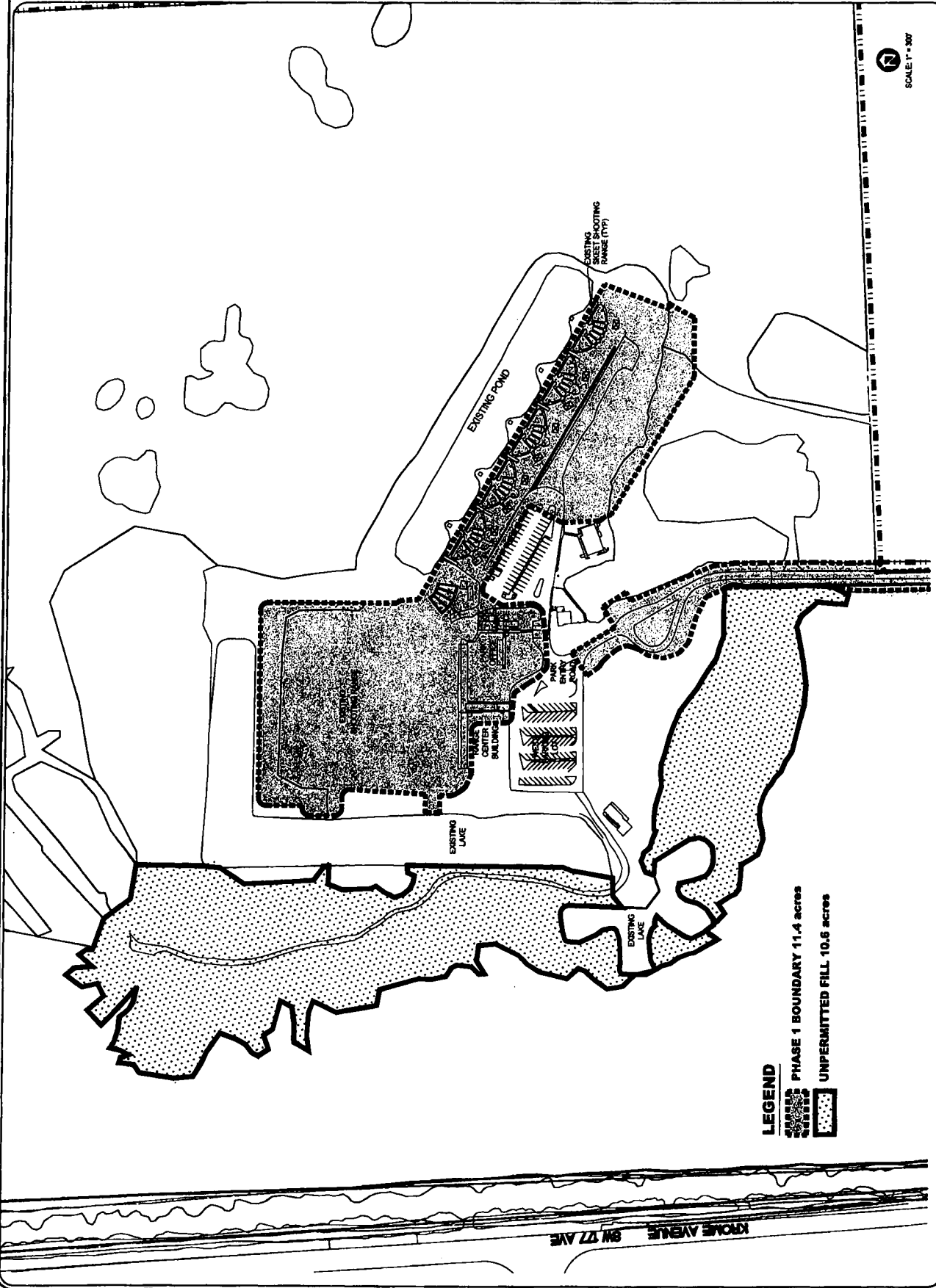
COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
MIAMI-DADE COUNTY PARK AND RECREATION DEPT.
 275 NW SECOND STREET SECTION: 6, LOT 6
 MIAMI, FLORIDA 33128 TOWNSHIP: 54
 SHEET 2 DATE: 11/14/08 RANGE: 39

RECEIVED

FEB 22 2011

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

REV.	DATE & DESCRIPTION
07-15-09	PHASE -1 BOUNDARY REVISED
08-05-09	GENERAL REVISIONS



SCALE: 1" = 300'

STATE OF FLORIDA
 COUNTY OF MIAMI-DADE
 APPLICATION BY:
MIAMI-DADE COUNTY PARK AND RECREATION DEPT.
 275 NW SECOND STREET SECTION: 6, LOT 6
 MIAMI, FLORIDA 33128 TOWNSHIP: 54
 SHEET 3 DATE: 11/14/08 RANGE: 39

PURPOSE: UNPERMITTED FILL AND PHASE-1
 DATUM: N/A
 JOB NO: 2006-02
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

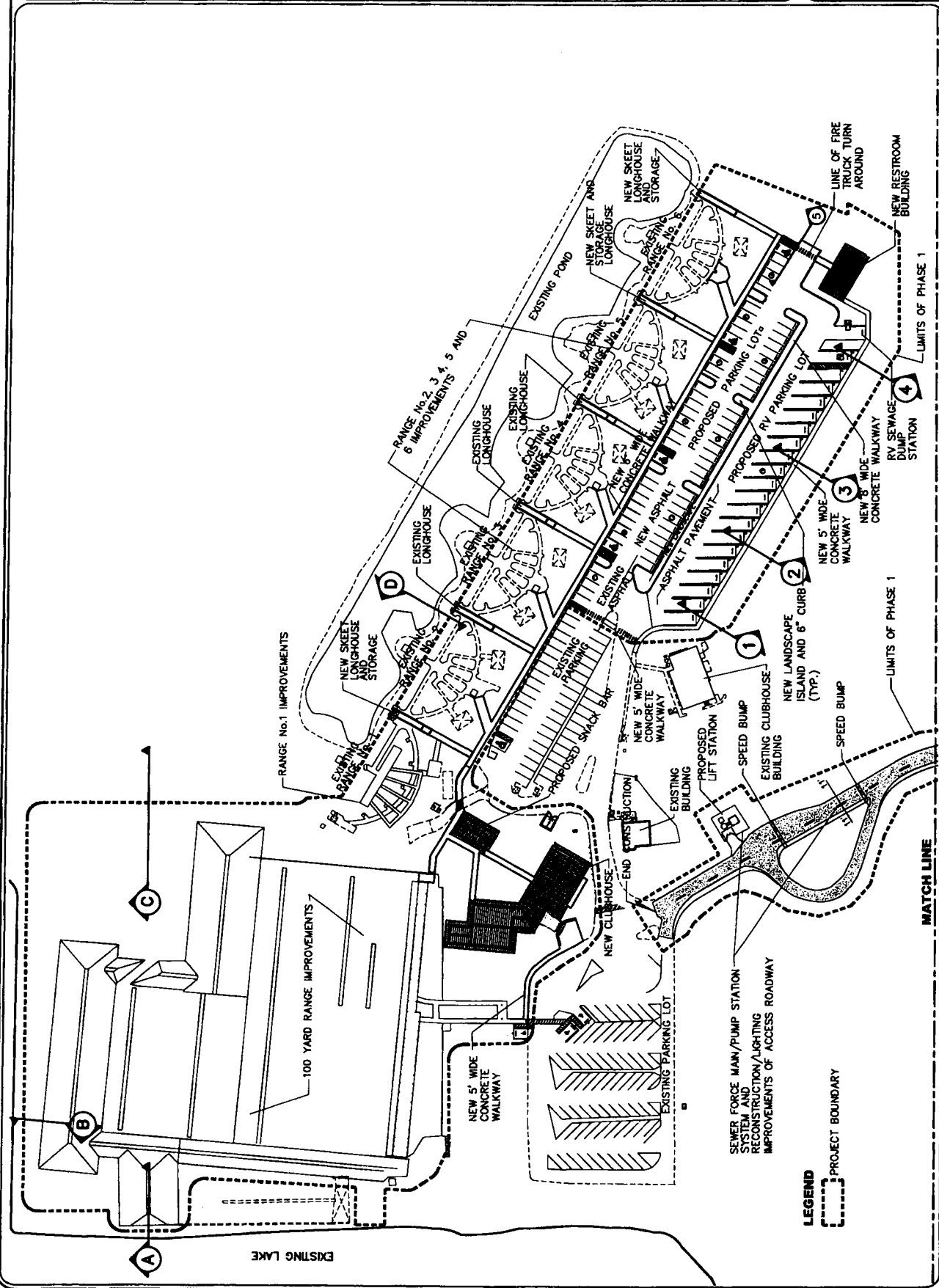
17

RECEIVED

FEB 27 2011

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

REV.	DATE & DESCRIPTION
07-15-09	PHASE -1 BOUNDARY REVISED
07-24-09	ADDED SECTION CUTS
08-05-09	GENERAL REVISIONS



STATE OF FLORIDA
 COUNTY OF MIAMI-DADE
 APPLICATION BY:
MAM-DADE COUNTY PARK AND RECREATION DEPT,
 275 NW SECOND STREET
 MIAMI, FLORIDA 33128
 SECTION: 6, LOT 6
 TOWNSHIP: 39
 RANGE: 39

SHEET 4
 DATE: 11/14/08
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

PURPOSE: **SITE PLAN**
 DATUM: N/A
 JOB NO: 2006-02

81

REV. DATE	DESCRIPTION
08-05-09	GENERAL REVISIONS
10-27-09	GENERAL REVISIONS
12-01-09	ADDED NEW 8" SAN FM

RECEIVED

FEB 22 2011

DEPT. Wetlands Resource Section
 Natural Resources Regulation & Restoration
 Division (NRRRD)



SCALE: 1" = 160'

MATCH LINE

EXIST. FH
TO BE RELOCATED

EXIST. GATE/FENCE
TO BE REPLACED W/
8' FENCE & DOUBLE
SWING GATE

LIMITS OF PHASE 1

EXIST. FH
TO BE RELOCATED

PROPERTY LINE

PROPERTY LINE

LIMITS OF PHASE 1

(WOODED AREA)

TO BE RELOCATED

R/W LINE

11' 11'

TAMIAMI CANAL R/W EASEMENT LINE
PER SFWMD CANAL C-4 R/W MAP

EXIST. FH
(TO REMAIN)

EXIST. DIRT
ROAD

TOP OF BANK

EDGE OF WATER
PROPERTY LINE

BEGIN CONSTRUCTION

EXIST. GUARDRAIL
(TO REMAIN)

EDGE OF WATER

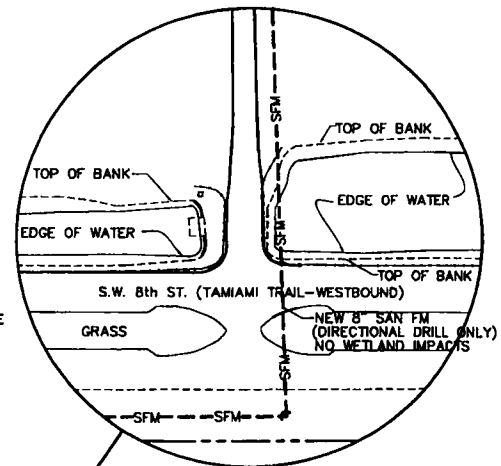
TAMIAMI CANAL

TAMIAMI CANAL

TAMIAMI TRAIL (S.W. 8 ST.) (S.R. 90, U.S. 41)

LEGEND

- ▬▬▬▬ PHASE 1 BOUNDARY
- ▨▨▨▨ WIDENING
- ▧▧▧▧ MILLING, RESURFACING & OVERBUILD
- ▩▩▩▩ RECONSTRUCTION
- SWALE (SOD, BAHIA)



PURPOSE: **ENTRANCE ROAD PLAN**

DATUM: N/A

JOB #: 2006-02

EAS ENGINEERING, INC.

55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

COUNTY OF MIAMI-DADE STATE OF FLORIDA

APPLICATION BY:

MIAMI-DADE COUNTY PARK AND RECREATION DEPT.

275 NW SECOND STREET

MIAMI, FLORIDA 33128

SHEET 5 DATE: 11/14/08

SECTION: 6, LOT 6

TOWNSHIP: 54

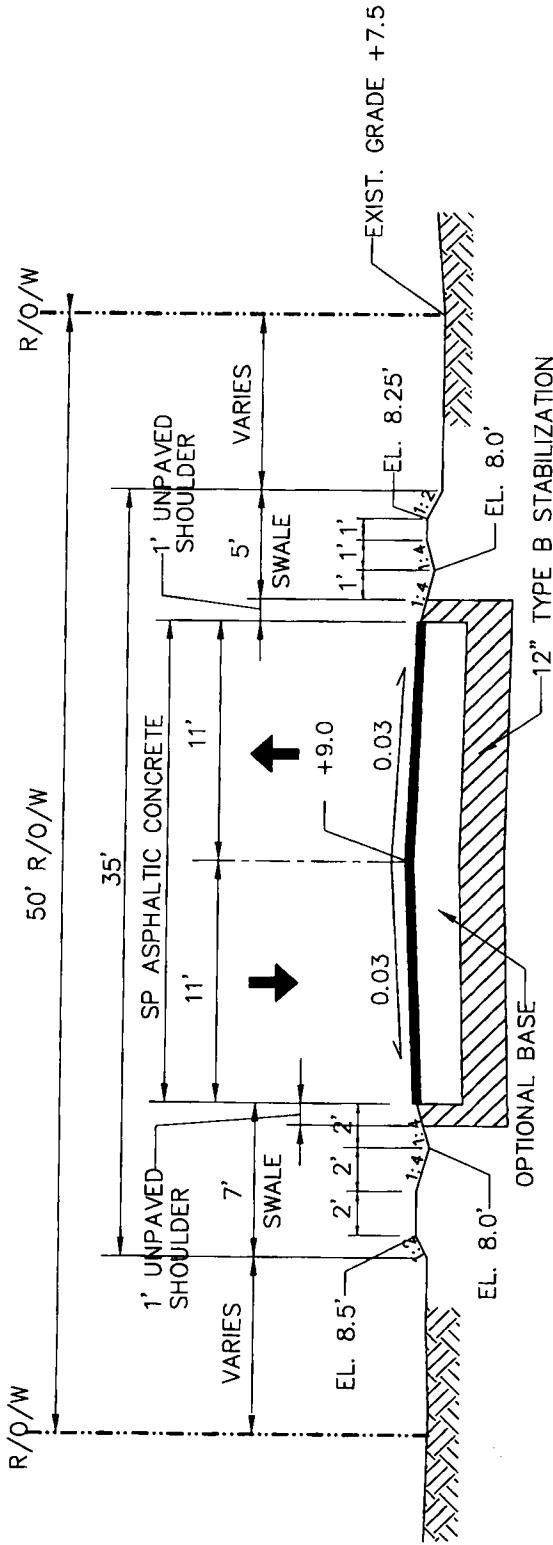
RANGE: 39

19

FEB 22 2011

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

REV. #	DATE & DESCRIPTION
08-05-09	GENERAL REVISIONS



ELEVATIONS AND SLOPES REQUESTED FOR SWALE AND BERMS

TYPICAL ENTRANCE ROAD SECTION

N.T.S.

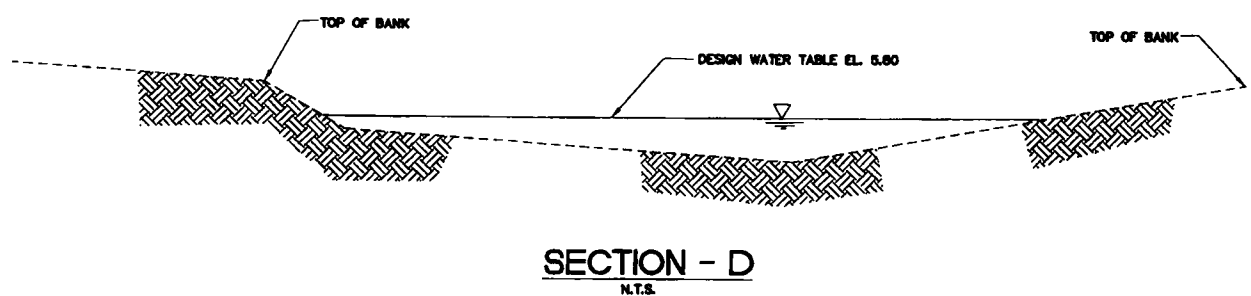
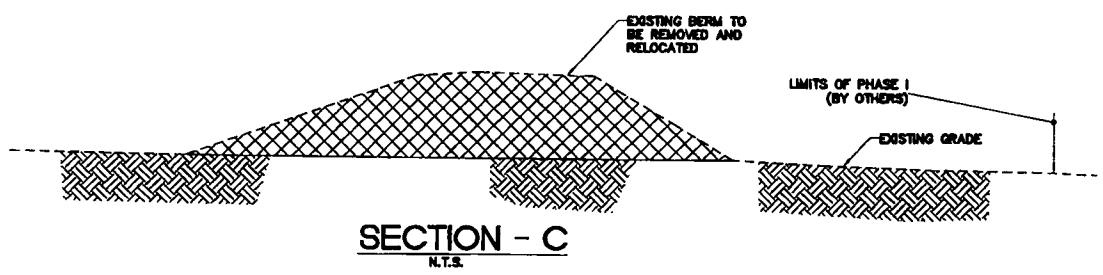
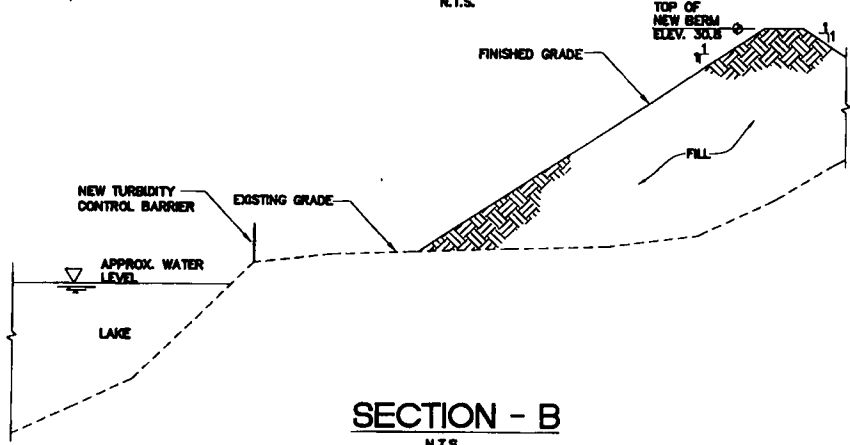
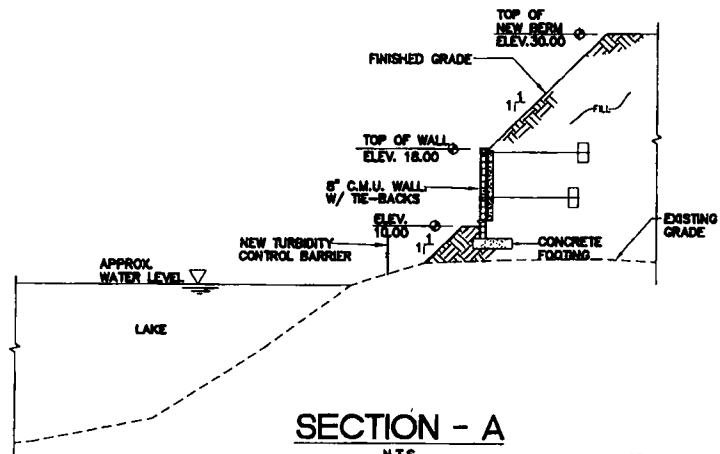
COUNTY OF ~~ROSELAND~~ **MIAMI-DADE COUNTY PARK AND RECREATION DEPT.**
 APPLICATION BY: **275 NW SECOND STREET**
MIAMI, FLORIDA 33128
 SECTION: 6, LOT 6
 TOWNSHIP: 54
 RANGE: 39
 DATE: 11/14/08
 SHEET 6

PURPOSE: **TYPICAL ENTRANCE ROAD SECTION**
 DATUM: N/A
 JOB NO: 2006-02
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-6653

FEB 22 2011

CEM Wallards Resources Ser
Natural Resources Regulation & Re
Division (NRRRD)

REV. DATE	DESCRIPTION
08-05-09	GENERAL REVISIONS



PURPOSE: **SECTIONS A THROUGH D**
 DATUM: N/A
 JOB #: 2006-02
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
MIAMI-DADE COUNTY PARK AND RECREATION DEPT.
 275 NW SECOND STREET SECTION: 6, LOT 6
 MIAMI, FLORIDA 33128 TOWNSHIP: 54
 SHEET 8 DATE: 07/24/09 RANGE: 39

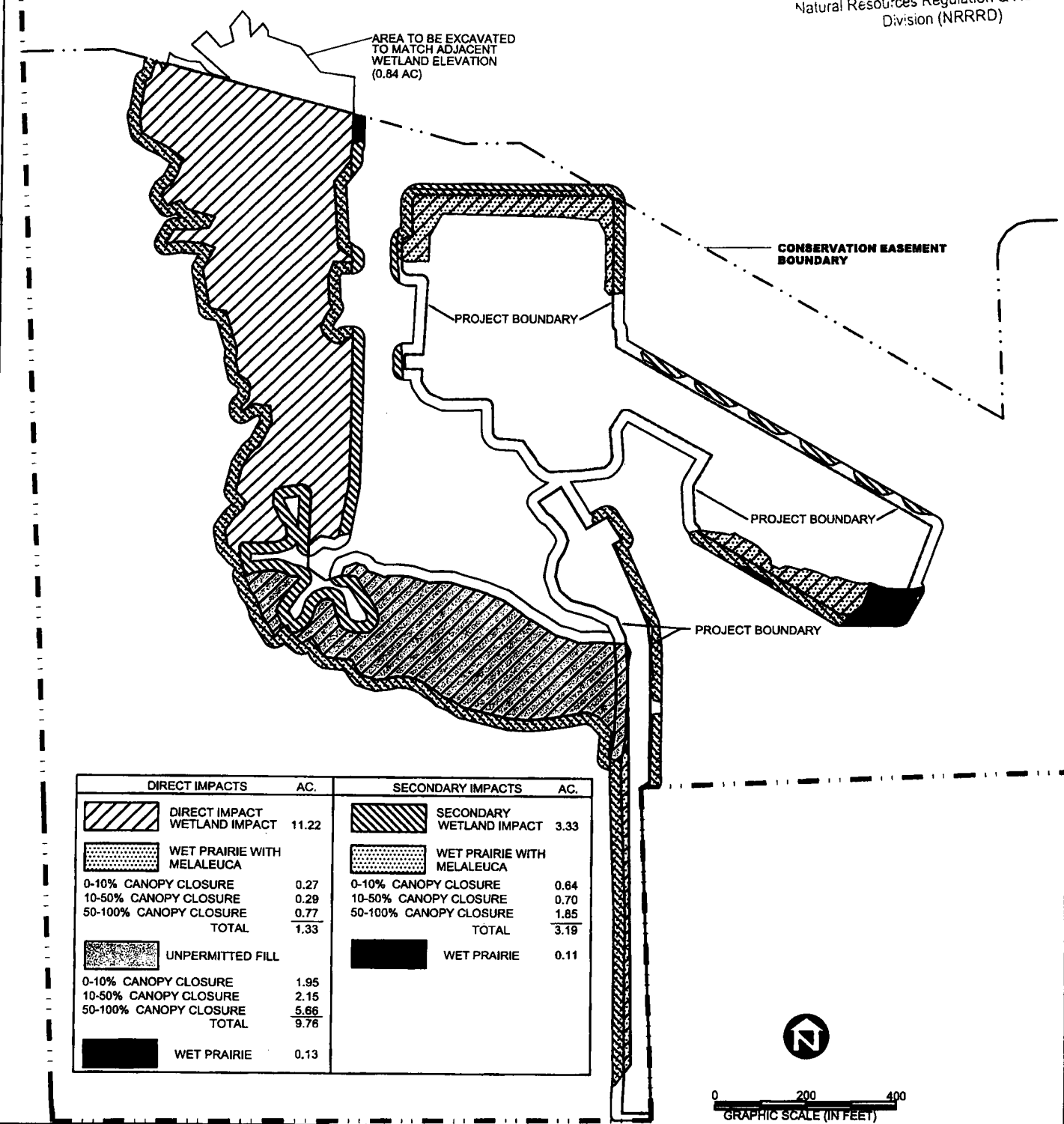
21

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REV. DATE	DESCRIPTION

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



PURPOSE: **WETLAND IMPACTS**
DATUM: N/A
JOB #: 2006-02

EAS ENGINEERING, INC.
55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

COUNTY OF MIAMI-DADE STATE OF FLORIDA
APPLICATION BY:
MIAMI-DADE COUNTY PARK AND RECREATION DEPT.
275 NW SECOND STREET SECTION: 6, LOT 6
MIAMI, FLORIDA 33128 TOWNSHIP: 54
SHEET 7 DATE: 02/16/11 RANGE: 39

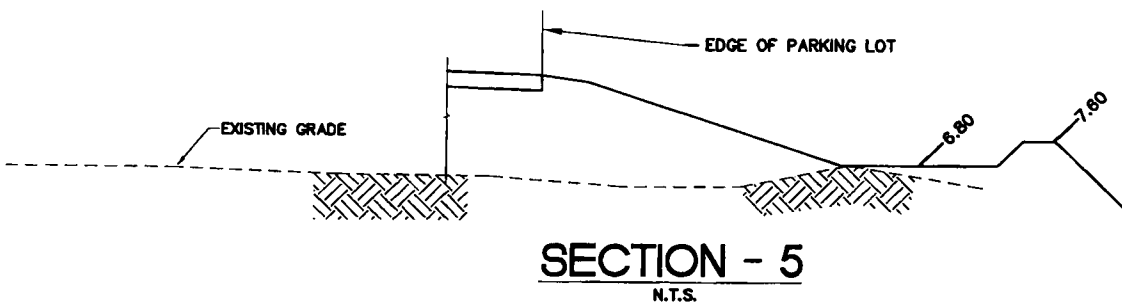
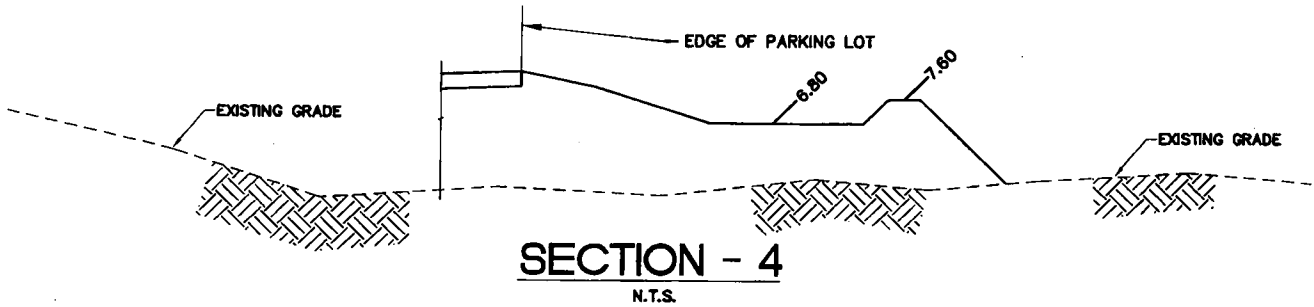
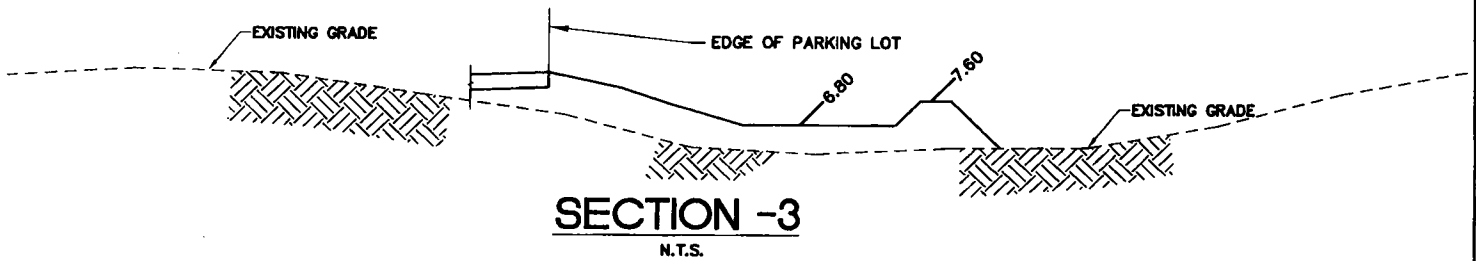
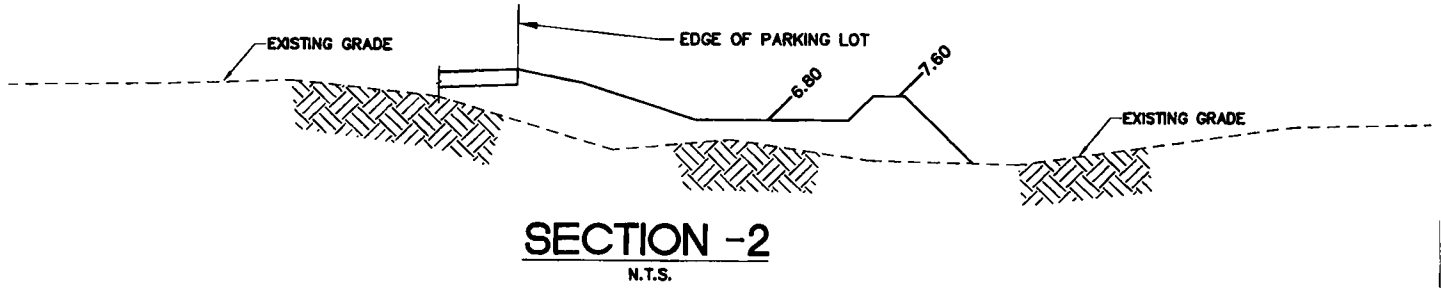
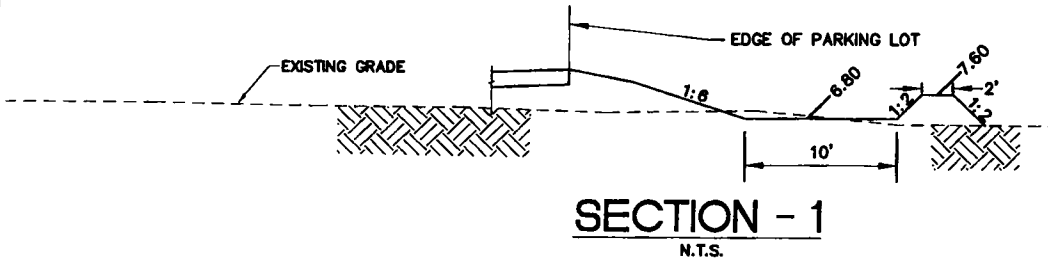
22

REV. DATE	DESCRIPTION
08-05-09	GENERAL REVISIONS

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



PURPOSE: **SECTIONS 1 THROUGH 5**

DATUM: N/A

JOB #: 2006-02

EAS ENGINEERING, INC.

65 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5563

COUNTY OF MIAMI-DADE STATE OF FLORIDA

APPLICATION BY:

MIAMI-DADE COUNTY PARK AND RECREATION DEPT.

275 NW SECOND STREET

MIAMI, FLORIDA 33128

SHEET 9

DATE: 07/24/09

SECTION: 6, LOT 6

TOWNSHIP: 54

RANGE: 39


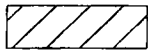
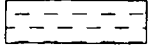
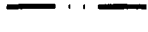
RECEIVED

FEB 22 2011

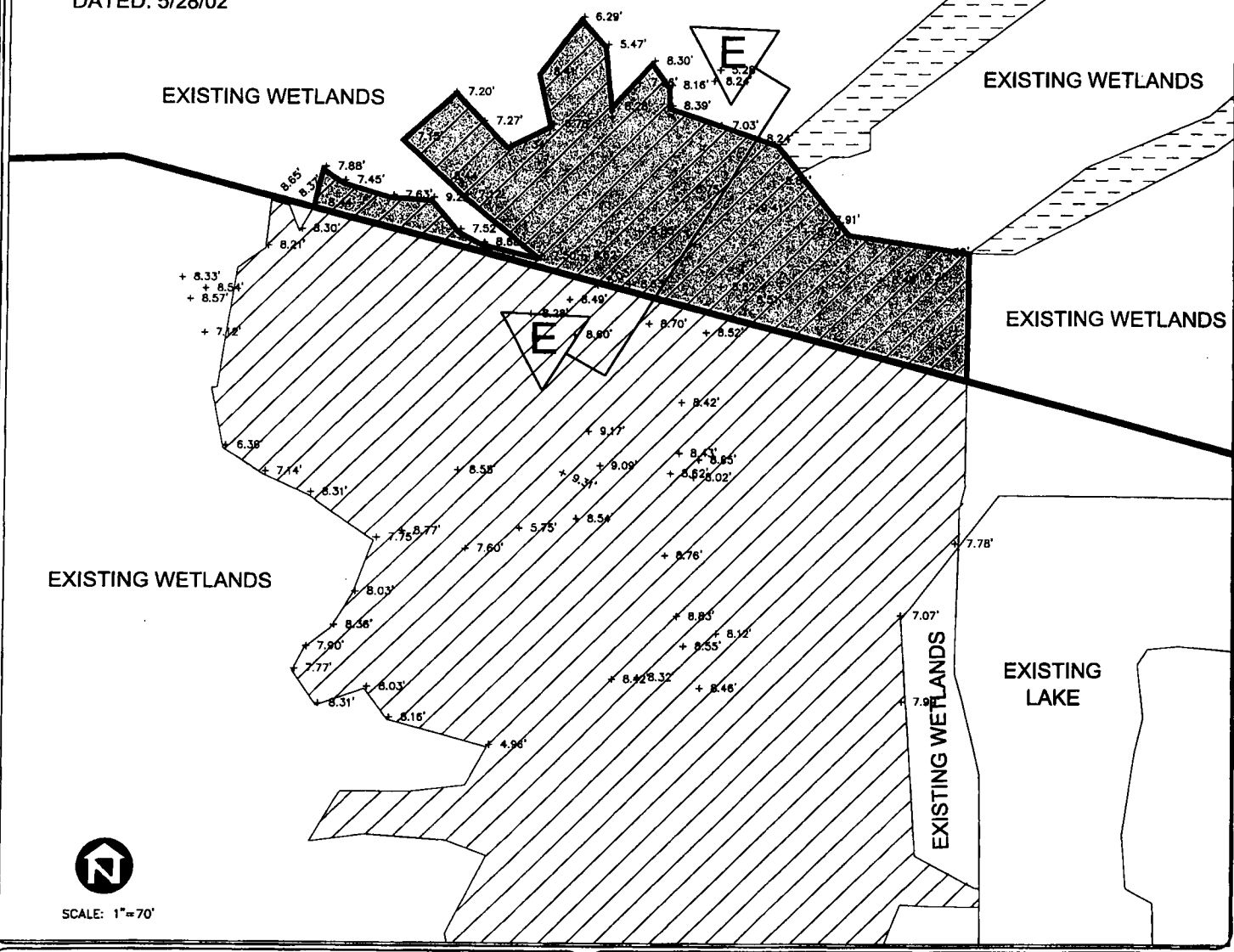
DEPM Wetlands Resources Section
Natural Resources Regulation & Restoration
Division (NRRD)

REV. DATE	DESCRIPTION

LEGEND

-  FILL TO BE REMOVED (0.84 AC.)
-  UNPERMITTED FILL
-  PREVIOUSLY RESTORED "LOOP ROAD" WETLANDS
-  CONSERVATION EASEMENT BOUNDARY
- + 7.15' EXISTING ELEVATIONS

NOTE:
TOPOGRAPHIC SOURCE: DELTA SURVEYORS INC.
DATED: 5/28/02



PURPOSE: **WETLAND RESTORATION PLAN**
 DATUM: N/A
 JOB #: 2006-02
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5563

COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
MIAMI-DADE COUNTY PARK AND RECREATION DEPT.
 275 NW SECOND STREET
 MIAMI, FLORIDA 33128
 SHEET 10 DATE: 02/16/11

SECTION: 6, LOT 6
 TOWNSHIP: 54
 RANGE: 39

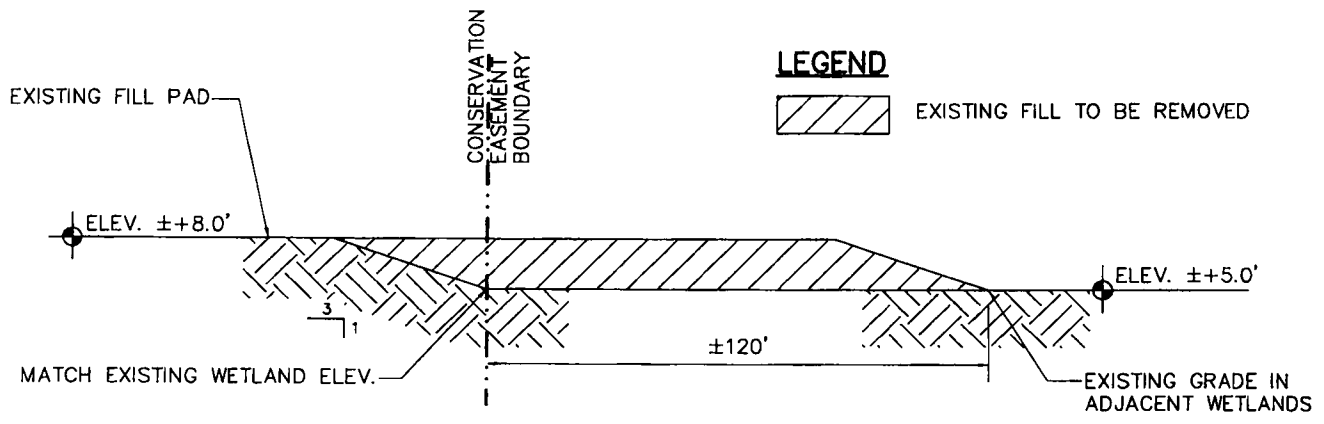
24

REV. DATE	DESCRIPTION

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FEB 27 2011

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



SECTION E-E
 N.T.S.

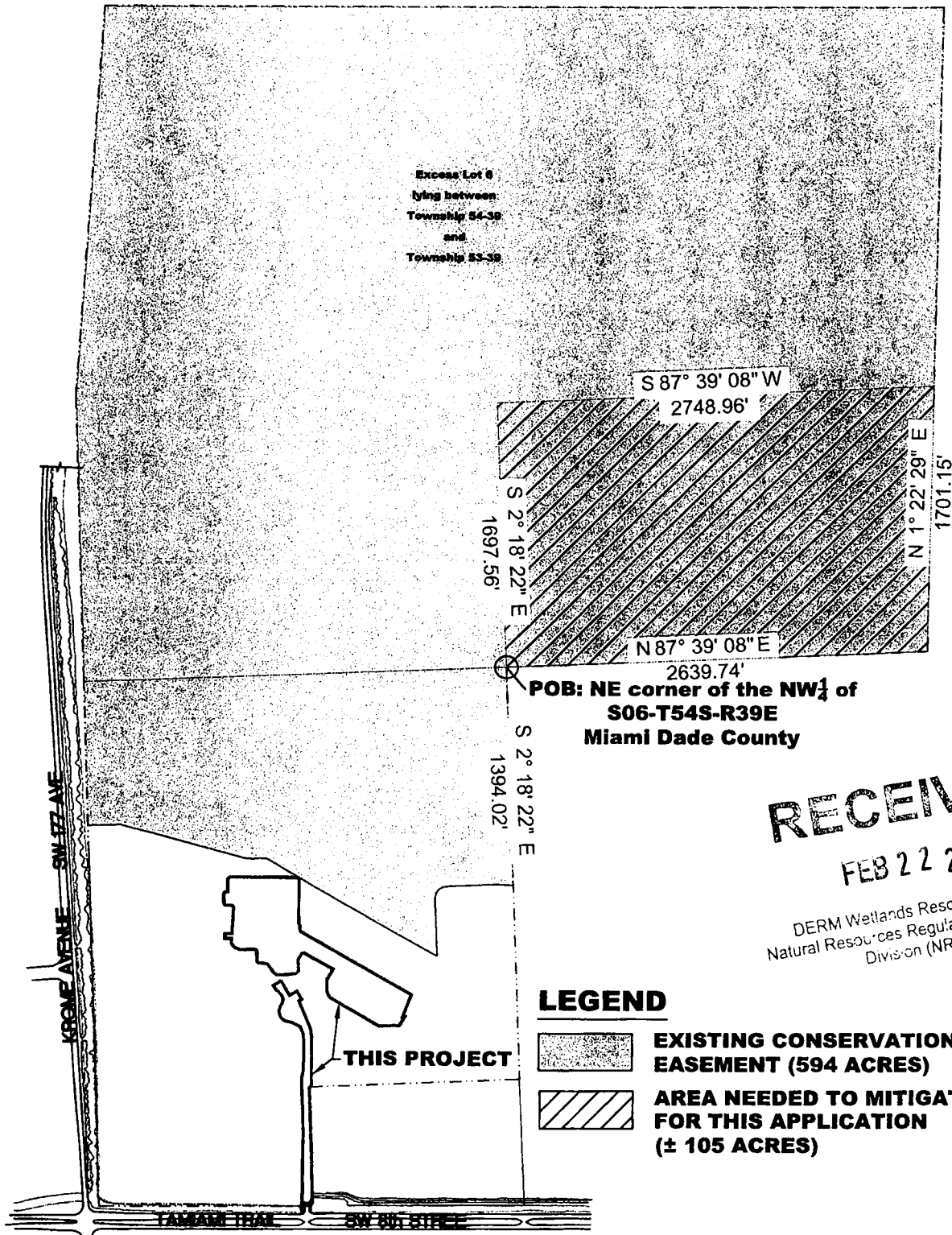
PURPOSE: **SECTION E-E**
 DATUM: NGVD
 JOB #: 2006-02
EAS ENGINEERING, INC.
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

COUNTY OF MIAMI-DADE STATE OF FLORIDA
 APPLICATION BY:
MIAMI-DADE COUNTY PARK AND RECREATION DEPT.
 275 NW SECOND STREET SECTION: 6, LOT 6
 MIAMI, FLORIDA 33128 TOWNSHIP: 54
 SHEET 11 DATE: 02/16/11 RANGE: 39

25

REV. DATE	DESCRIPTION
2/19/2011	Added Covenant Area

Excess Lot 6
lying between
Township 54-39
and
Township 53-39



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FEB 22 2011

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

LEGEND

-  **EXISTING CONSERVATION EASEMENT (594 ACRES)**
-  **AREA NEEDED TO MITIGATE FOR THIS APPLICATION (± 105 ACRES)**



PURPOSE: **PROPOSED CONSERVATION EASEMENT**

DATUM: N/A

JOB #: 2006-02

EAS ENGINEERING, INC.

55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

COUNTY OF MIAMI-DADE STATE OF FLORIDA

APPLICATION BY:

MIAMI-DADE COUNTY PARK AND RECREATION DEPT.

275 NW SECOND STREET

MIAMI, FLORIDA 33128

SHEET 12

DATE: 02-16-11

SECTION: 6, LOT 6

TOWNSHIP: 54

RANGE: 39

26

Attachment B

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

EAS ENGINEERING, INC.

55 ALMERIA AVE. • CORAL GABLES • FLORIDA 33134 • (305) 445-5553 • FAX: (305) 444-2112 • WWW.EAS-ENG.COM

RECEIVED

February 22, 2011

FEB 22 2011

To:

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

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

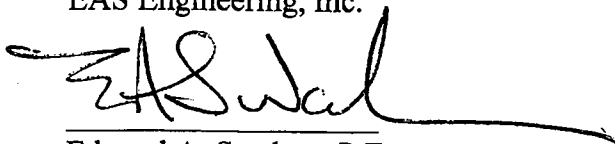
Re: Class IV Standard Form Permit Application Number 2009-CLIV-PER-00003, by Miami-Dade County, for after-the-fact impacts to 9.8 acres and proposed impacts to 1.4 acres of wetlands for the construction of a recreational shooting range in Section 6, Township 54S, Range 39E, Miami-Dade County, Florida

By the attached Class IV Standard Form permit application with supporting documents, I, Edward A. Swakon, P.E., am the permit applicant/applicant's authorized agent and hereby request permission to perform the following: to impact 11.2 acres of wetlands for the construction of a recreational shooting range in Section 6, Township 54S, Range 39E, Miami-Dade County, Florida. 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,

EAS Engineering, Inc.



Edward A. Swakon, P.E.
Authorized Agent

EAS ENGINEERING, INC.

55 ALMERIA AVE. • CORAL GABLES • FLORIDA 33134 • (305) 445-5553 • FAX: (305) 444-2112 • WWW.EAS-ENG.COM

February 22, 2011

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

RECEIVED

FEB 22 2011

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

Re: Class IV Standard Form Permit Application Number 2009-CLIV-PER-00003, by Miami-Dade County, for after-the-fact impacts to 9.8 acres and proposed impacts to 1.4 acres of wetlands for the construction of a recreational shooting range in Section 6, Township 54S, Range 39E, Miami-Dade County, Florida

Ladies and Gentlemen:

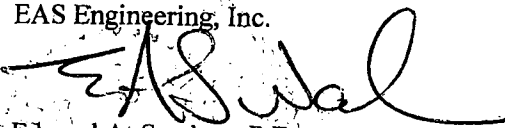
This letter will certify that I am an engineer registered/licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code 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 shall 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,

EAS Engineering, Inc.



Edward A. Swakon, P.E.
President
P.E. License No. 31184

Attachment C

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

Memorandum

MIAMI-DADE
COUNTY

Date: March 25, 2011

To: Martha Garcia, Biologist 2
Wetland Resources Section, DERM

From: *MCL* Marc C. LaFerrier, Director
Department of Planning and Zoning

Subject: Class IV Permit FW 09-003
Miami-Dade Park and Recreation Department

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

If you have any questions regarding this matter, please contact me at extension (305) 375-2840.

MCL/dah

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APR 06 2011

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

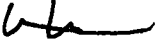
31

Memorandum



Date: February 28, 2011

To: Evan M. Skornick, REM, CFM
Manager, Wetlands Resources Section

From: Maria Molina P.E., Senior Professional Engineer
Water Control Section 

Subject: Class IV Application FW 09-003
Trail Glades Range
Miami-Dade County Park and Recreation Department
Property located at SW 8th Street and SW 177th Avenue

Water Control has reviewed the site plans entitled, "Vicinity Map + Index of Drawings" dated 2/16/2011 and offer the following comments:

1. Although the project is located outside of the North Trail Basin and Bird Drive Basin, site was reviewed for fill encroachment criteria because it is located in a flood prone area and was found to be in compliance with said criteria.
2. The proposed work will not result in adverse environmental impacts to water quality or water quantity and meets minimum drainage requirements for the filled areas.
3. Advise the applicant that permits from the South Florida Water Management District (1-800-432-2045) may also be required for the proposed project.
4. A covenant will not be required by Water Control Section since property is outside of the Bird Drive Basin and North Trail Basin.

Attachment D
Adjacent Property Owners List

Wiccosukee Tribe of Indians
PO BOX 440021 Tamiami Station
Miami FL, 33144-0021

Attachment E
Project Report

PROJECT REPORT

CLASS IV PERMIT APPLICATION NO. FW 09-003

Class IV Permit Application by Miami-Dade County Requesting After-the-Fact Approval to Impact 9.76 Acres of Wetlands and Approval to Impact an Additional 1.46 Acres of Wetlands for Public Use, Specifically, the Clearing and Filling of Wetlands For the Expansion of the Trail Glades Range, a Miami-Dade County Park, and Acceptance of a Restrictive Covenant to Preserve and Enhance 105 Acres On-Site.

May 3, 2011

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 11.2 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 located within West 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 seeks after-the-fact and additional approval for proposed impacts for dredging and filling of 11.2 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*, an invasive exotic plant species. The mitigation area for this project site contains favorable habitat for endangered or threatened wildlife species or species of special concern. The potential use of the site by such species is sufficient to recommend approval of the proffered restrictive covenant (see Attachment A) for the preservation and enhancement of 105 acres of freshwater wetlands within the property boundary. The wetland restoration and enhancement conducted within this area will include preservation and maintenance of the wetlands through treatment with herbicides and removal of invasive exotics.

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 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 seeks after-the-fact approval to impact 9.76 acres of wetlands and approval to impact an additional 1.46 acres of wetlands. The project site is a herbaceous prairie supporting native plant species including sawgrass (*Cladium jamaicensis*) and spikerush (*Eleocharis* spp.), however it has been hydrologically altered due to its proximity to SW 177th (Krome) Avenue and the L-30 Canal (located approximately 800 feet west), and SW 8th Street and the C-4 canal (located approximately 1,000 feet south). Improper water levels have resulted in the presence of invasive exotics on the site such as *Melaleuca*. The mitigation set forth in Number 14 above will compensate for the loss of wetland values associated with the proposed project.
21. Land Use Classification –The Miami-Dade County Department of Planning and Zoning has determined the proposed usage does not violate any zoning law applicable to the area of the proposed work. (See Attachment C)
22. Recreation – The proposed project 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 located within a Wellfield protection area. The project, as designed, is not reasonably expected to adversely affect the water quality reaching the West 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 impacted by 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 Miami-Dade County Planning and 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.

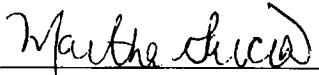
24-48.3 (6) Basin Fill Criteria – The proposed project complies with criteria for the total volume of fill material placed on a project. Specifically, the drainage plans and calculations for the subject project demonstrate the project meets the water quality and water quantity for stormwater. The project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