



MEMORANDUM

AGENDA ITEM #VII.B

DATE: JUNE 28, 2021
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: CORRESPONDENCE AND ARTICLES

Recommendation

Information only



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2021 TOM BRADLEY LEADERSHIP AWARD

The Honorable Oliver G. Gilbert III

*Chairman, Miami-Dade Transportation Planning Organization (TPO)
Governing Board, Miami-Dade County, Florida*

Oliver G. Gilbert III, Chairman of the Miami-Dade TPO Governing Board for Miami-Dade County, Florida, also serves as the Vice Chairman for the Miami-Dade County Board of County Commissioners (BCC) and as the Chairman for the Southeast Florida Transportation Council (SEFTC). Chairman Gilbert has led the Miami-Dade TPO Governing Board by providing guidance and overseeing the passage of fifty TPO Governing Board transportation planning related resolutions during 2020. As the Miami-Dade TPO Chairman, he has led major milestone resolutions that are advancing critical transportation initiatives in the Miami Urbanized region. Through his leadership, Chairman Gilbert continues to forge partnerships throughout the Miami region to advance multimodal transportation for residents and visitors.

[ENVIRONMENT](#)

Florida Cabinet clears way for Miami-Dade's highway through Everglades wetlands

BY [ADRIANA BRASILEIRO](#) AND [MARY ELLEN KLAS](#)

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A southbound view of Southwest 157th Avenue running next to the Bird Basin Park, the planned route of the State Road 836 extension, whose proposed name is the Kendall Parkway. An administrative judge ruled against the project on March 30, 2020.

Gov. Ron DeSantis and the Florida Cabinet on Tuesday rejected a legal ruling that loomed as a massive roadblock to Miami-Dade County's controversial plan to [run a major highway through wetlands](#) fringing the Everglades.

The decision doesn't technically green light the planned Kendall Parkway, which would add about 14 miles to State Road 836 in a project that the county touts as a solution to ease traffic jams in western suburbs. But the move does clear the way for the county to seek environmental permits from state agencies.

DeSantis stressed that it was "premature" to assume that the project will be approved.

"It's not like this is going to happen. I mean they've got to go through all those environmental reviews," the governor said. "... If some of the things that are happening that are positive do happen, I don't think it's going to get permitted by the South Florida Water Management District. I just wasn't convinced that this all needed to happen on the front end."

Environmentalists said the decision ran counter to state efforts to restore the Everglades and Biscayne Bay, both dependent on a [plentiful supply of fresh, clean water](#). They also say the highway would destroy wetlands that help replenish the county's underground drinking water supply and open the door to more suburban sprawl.

"It's really disappointing that the governor and the Cabinet have voted like that, contradicting all their Everglades leadership," said Paola Ferreira, executive director at Tropical Audubon, one of the groups that challenged the county's plans. She said advocates intend to appeal the Cabinet's decision.

Meeting as the state Board of Administration, the governor and two members of the Cabinet rejected an administrative court ruling that the planned parkway violated the county's comprehensive plan to protect Miami-Dade's water supply, agricultural lands and wetlands.

Only Agriculture Commissioner Nikki Fried — who has already announced she intends to run for governor herself — voted to uphold the administrative judge's ruling, arguing that the environmental impacts outweighed the small estimated improvements in congestion. Chief Financial Officer Jimmy Patronis and Attorney General Ashley Moody voted with the governor.

A GREEN GOVERNOR

DeSantis built a significant part of his campaign on [appealing to environmental activists](#) and supporting multimillion-dollar Everglades restoration projects, including a plan to use the wetlands earmarked for the proposed expressway to store water that will be used to restore Biscayne Bay. By rejecting the judge's ruling and clearing the way for the new road to pave over wetlands, he appears to be opposing his own [commitment to Everglades restoration](#), environmentalists say.

The new road would run through the Bird Drive Basin, a wetland area that is included in the latest project aimed at sending more water to the southern Everglades and Florida Bay, as well as to Biscayne Bay, which is battling pollution and algae blooms.

In a [ruling in March last year](#), Suzanne Van Wyck, the administrative law judge who heard the case, recommended that the governor and other members of the state Cabinet reject the county's application to change development rules allowing for the construction of the 14-mile toll road championed by former Mayor Carlos Gimenez. The expressway was touted as a solution for west Kendall traffic as it would connect [western suburbs with State Road 836](#), a route best known as the Dolphin Expressway.

Van Wyck cited uncertain impacts on Everglades preservation and only "meager" improvements of traffic congestion; the road extension would cut down commute times by just six minutes, according to estimates by the county's own traffic expert. She also said the project violated the county's comprehensive plan to protect water supplies and wetlands.

Bird Drive Basin was once part of the Shark River Slough, the main artery for water flow in the Everglades. It's used to recharge the region's shallow Biscayne aquifer, the only drinking water source for communities in Miami-Dade and the Miccosukee Tribe. It's also home to native animals, wading birds and rare plants.

Advocates also said the proposed road would displace between 300 and 400 acres of farmland in the area, impinging on the county's already shrinking agricultural land supply.

"Any way you slice it, there's no way you can justify running a highway through these wetlands where your water management district and DEP are still struggling to undo the damage of prior highways," said Richard Grosso, an attorney representing Tropical Audubon Society and West Kendall resident Michelle Garcia in the [legal action](#). "The idea that we would actually run a new highway through the very Everglades wetlands we're trying to restore here in 2021 is really kind of an amazing concept" just to save drivers a few minutes on their daily commute.

'NOT IN THE EVERGLADES'

Dennis Kerbel, the county attorney who represented Miami-Dade in the legal challenge, said the benefits to commuters in west Kendall outweigh environmental concerns, and that the roadway would be built away from an area now considered the Everglades.

"They keep saying this is in the Everglades, it's not in the Everglades. This is miles away from Everglades National Park," Kerbel said. "It does run through wetlands that have been identified as part of the comprehensive Everglades restoration plan ... and this commission doesn't have to decide exactly this, but the comments that we received from the Water Management District are that the CERP project for the area is going to be done via a conveyance canal," said the attorney, referring to the Comprehensive Everglades Restoration Plan and adding that the road could be built "in a manner that is consistent with a canal and therefore would preserve the existing project."

Miami Republican Congressman Gimenez made the extension a priority during his final term as Miami-Dade mayor. In a letter to the governor's chief of staff in November, Gimenez said the project would "reduce driver commutes by two to five hours per week and also provide an alternate hurricane evacuation route." He also said the project would "create 10,000 new job opportunities" and "enhance the surrounding natural environment."

Alex Ferro, his chief of staff, said the project is especially important to the 600,000 residents of Kendall who he said "are paralyzed in traffic that consumes hours of their days."

He said that the proposal to use the Bird Drive Basin as a recharge area was abandoned 15 years ago by the Water Management District because of its impact on flooding.

Anna Upton of the Everglades Foundation warned that building on the wetland would create irreversible damage.

"You can't get these lands back," she said. "They are strategically located near Everglades National Park and intended for Everglades restoration project that will benefit the Everglades and Miami-Dade County's water supply."

VOICE MAIL FROM COMMISSIONER

The decision came after both Patronis and Moody entered into the record a voice mail from Miami-Dade County Commissioner Joe Martinez, urging them to reject the judge's order and support the extension. Both Cabinet members said the communications, from someone involved in a decision that is pending before them, violated the rule against "ex parte" communications that bans parties from speaking to them directly about issues in a pending matter.

According to the transcript of the call, Martinez told Moody: "Rodney Barreto gave me your number and I was just reaching out to you. I know you have a Cabinet meeting to discuss a bill — and actually it's my ordinance that I presented on the 836 extension. I look forward [sic] and hopefully you have a favorable impression of it."

Martinez then urged Moody to call him if she had any questions and added, "I have never sat down with you but I hear a lot of good things about you from many people."

Moody told the Cabinet that she did not respond to Martinez "but in an abundance of caution and compliance with the law we have disclosed it and provided it as part of the record." A transcript of the call Patronis received showed he received a similar voice message.



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