

13. WETLANDS

A. If there are wetlands on the site, discuss and specify the following:

1. **Acreage and percentage of property which is currently wetlands. These wetlands should be shown on Map F, Vegetation Associations, and identified by individual reference numbers. (These numbers should be utilized in responding to the other sub-questions.)**

There are no wetlands within the property. The lack of wetland resources was confirmed via jurisdictional determinations conducted by Miami-Dade County DERM and the South Florida Water Management District (SFWMD). The wetland assessments were performed in accordance with Rule 62-330.060(2), F.A.C., and Section 10.0 of the SFWMD's Environmental Resource Permit Application's Handbook Volume I, including review of pertinent soil and hydrology data and onsite field inspection. The results were memorialized via Binding Letter of Interpretation (BLP) issued by DERM and Formal Wetland Determination issued by the SFWMD dated March 8 and September 11, 2023, respectively (see enclosed BLP and Formal Wetland Determination).

2. **Historic hydroperiods and seasonal water elevations of on-site wetlands.**

Considering the property was found to be devoid of wetland areas, there are no historic hydroperiods that are characteristic of the upland conditions onsite. The seasonal water elevation is typically at a depth of approximately 4-5ft below the ground surface, thereby precluding any sufficient saturation to establish hydric conditions for wetland habitat.

3. **Acreage and location of wetlands which are to be preserved in their natural or existing state, including proposed hydro periods, seasonal water elevations and methods for preservation.**

Given the lack of wetland areas onsite, preservation of existing wetlands in their natural state is not applicable to the proposed site development.

4. **Acreage and location of wetlands which are to be enhanced in their natural or existing state, including proposed hydroperiods, seasonal water elevations and methods of enhancement.**

There are no wetlands onsite; therefore, the project does not include any methods of wetland enhancement.

5. **Actions taken to minimize or mitigate impacts on wetland areas, including maintaining the hydro period and providing buffers.**

The site does not contain any wetland areas; therefore, no wetland impacts will be incurred by site development. Minimization or mitigation of wetland impact is not applicable to the proposed project.

6. Acreage and location of wetlands which will be disturbed or altered, including a discussion of the specific alterations and disturbances.

There are no wetland areas within the subject property; therefore, no alteration or disturbance of wetlands will occur during site development.

7. Precautions to be taken during construction to protect wetland areas.

No wetland impacts will occur as part of the proposed site development. Nonetheless, silt fencing will be installed as erosion control devices to prevent impacts to adjacent properties.

8. If available, provide jurisdictional determinations.

Enclosed are copies of the jurisdictional determinations issued by Miami-Dade County DERM (BLP2023-0006) and the SFWMD (13-109444-P) on March 8 and September 11, 2023, respectively.

B. Provide any proposed plans (conceptual or specific) for created or enhanced wetland areas, including littoral lake slopes, buffers, vegetative species to be planted, etc.

Considering the lack of wetland resources onsite, the enhancement of wetland areas is not applicable. Given the proposed development will not incur any wetland impact, the project site plan does not include, nor necessitate, the creation of wetland areas as mitigation. The property is abutted by additional upland agricultural acreage to the north and south, an existing major roadway (Krome Ave) to the west, and an existing residential development to the east with no adjacent wetland areas; therefore, no wetland buffers are required.

C. Responses to Review Agency Requirements Detailed in the Agreement to Delete Questions, Appendix A

1. The Applicant stated that the City Park site is classified as an “upland” in the National Wetland Inventory. The Applicant also stated the site was inspected on February 9, 2022, to confirm site conditions, and no wetlands were observed.

As detailed in Item A above, the lack of wetland conditions at the property was confirmed via jurisdictional determinations by Miami-Dade County DERM and the SFWMD.

2. The Applicant shall coordinate and consult with Miami-Dade County to conduct a determination of wetlands to determine whether wetlands are present on the site. Applicant shall detail how its proposed project shall address the location of, and the potential impacts to, existing wetlands, or demonstrate how impacts to wetlands on the site shall be avoided and/or mitigated. If areas located within the proposed project area contain state jurisdictional wetland areas, site inspections with SFWMD and Miami-Dade

County staff shall be required for proposed projects for the identification or conclusions regarding the absence or presence of wetlands. Any environmental considerations, including elimination or reduction of wetland impacts and mitigation requirements shall need to be addressed as part of the Environmental Resource Permit (ERP) applications, in accordance with Rule 62-330.060(2), F.A.C. and Section 10.0 of the SFWMD Environmental Resource Permit Applicant's Handbook Volume I.

As detailed in Item A above, the jurisdictional wetland determinations have been conducted by the SFWMD and Miami-Dade County DERM and the absence of wetland resources at the property has been confirmed. Considering the results of the agency determinations, the avoidance or mitigation of wetland impact is not applicable to the project.

- 3. The additional onsite evaluation shall be performed to confirm the presence of wetland areas pursuant to the applicable Florida wetland delineation protocol contained in §373.019, Florida Statutes (F.S.), the techniques included in 62-340, F.A.C. and by the US Army Corps of Engineers Wetland Delineation Manual (last updated 2018). The wetland evaluation and review shall be incorporated into the evaluation of vegetation within the study area. Initial techniques that shall be used to determine the potential extent of wetland areas onsite include the review of past wetland permits or jurisdictional determinations, and additional review of recent and historic aerial photographs of the site to determine the potential presence of natural areas. Additional field analysis shall be conducted to confirm the current onsite conditions concerning vegetation, surface hydrology, and soils. Measurements of the existing groundwater table elevation within onsite irrigation wells located throughout the site shall be compared to the ground surface elevation to determine the potential for site inundation or soil saturation. Observations of potential hydrologic indicators and coverage of hydrophilic vegetation shall be documented throughout the subject property. More extensive evaluation of site hydrology and soil profile shall be localized preliminarily identified areas with greater potential to exhibit wetland characteristics. All areas confirmed to contain all three of the required wetland parameters (two confirmed parameters for the state of Florida determination) shall be delineated on a scaled aerial photograph of the site and included in the overall habitat analysis.**

The jurisdictional determinations were performed in accordance with the wetland delineation protocols established by Florida Statutes and Florida Administrative Code. The field inspections considered measurements of groundwater elevation within onsite irrigation wells, assessment of soil profile samples and observation of hydrologic indicators to determine the presence or absence of wetland areas. The results confirmed that no hydric soils, hydrophilic vegetation or hydrological indicators were present; therefore, no wetland characteristics were documented.

- 4. The results of the survey shall then be provided in support of the proposed formal requests for Jurisdictional Determinations that shall be submitted to pertinent agencies including the USACE, the State of Florida (FDEP or SFWMD), and DERM. The formal determinations conducted by**

the agencies shall ultimately determine the presence of jurisdictional wetland areas onsite, thereby establishing the criteria for environmental considerations that may or may not be needed in accordance with Rule 62-330.060(2), F.A.C. and Section 10.0 of the SFWMD's Environmental Resource Permit Application's Handbook Volume I.

As stated in Item A above, the results of the jurisdictional determinations by the SFWMD and Miami-Dade County DERM both confirmed the absence of wetland areas onsite. Copies of the formal agency determinations are enclosed.

- 5. Although the site is anticipated to be devoid of wetland resources, any project-related impacts are proposed to be offset by a suitable mitigation plan that may incorporate the preservation of onsite natural areas or be transferred to an approved offsite mitigation area. If the additional field analysis does result in the identification of areas that may be considered appropriate for onsite preservation, enhancement, or restoration, then the final mitigation plan shall incorporate an onsite component to maintain these natural areas as deemed practicable. Additionally, any documented listed plant and wildlife species within the study area shall be protected from impacts during the construction process. In conclusion, any long-term alterations to the project site resulting from the proposed development shall be offset through appropriate habitat and species mitigation.**

Given the lack of wetland resources within the subject property, wetland impacts will not be incurred by the proposed project and no compensatory mitigation will be required. No impacts to wildlife species or habitats are anticipated.

BLP 2023-0006
Binding Letter of Interpretation



Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 6th Floor

Miami, Florida 33136-3912

T 305-372-6567 F 305-372-6407

miamidade.gov

March 8th, 2023

EAS Engineering, Inc.
c/o Edward Swakon
55 Almeria Ave.
Coral Gables, Florida 33134

Sent via email: eswakon@eas-eng.com

Re: Binding Letter of Interpretation for the following approximate 935 acres located at approximately east of SW 177th Avenue between SW 136th Street and SW 152nd Street Sections 19 & 20, Township 55S, Range 39E, Miami Dade County, Florida 33187 (Folio nos. 30-5919-000-0010, -0011, -0013, 30-5920-000-0030, -0040, -0070, -0080, and 0210), BLP- 20230006.

Dear Mr. Swakon,

In response to your request, Departmental staff conducted an environmental assessment of the above-referenced properties by reviewing photographic aeriels, U.S.D.A. soil maps, Miami-Dade County Comprehensive Development Master Plan (CDMP), Departmental records, and a site inspection. The purpose of the assessment was solely to determine if a Miami-Dade County Class IV Permit for work in wetlands would be required. A Class IV Permit with appropriate mitigation must be obtained prior to the commencement of any work in areas identified as wetlands according to Chapter 24-5 of the Code of Miami-Dade County, referencing subsection 373.019 (25) Florida Statutes (F.S.) and subsection 62-340.200 (19), Florida Administrative Code (F.A.C.). The landward extent of wetlands is determined by the dominance of plant species, soils, and other hydrologic evidence indicative of regular and periodic inundation or saturation.

Our environmental assessment revealed that the subject properties do not contain wetlands as defined by Chapter 24-5 of the Code of Miami-Dade County; therefore, a Miami-Dade County Class IV Permit will not be required for any work on the subject properties.

For further information regarding approvable uses on the subject properties, please contact the Development Services Division of RER for conformance with the zoning laws of Miami-Dade County at 305-372-2800.

Permits from the U.S. Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD) may be required for any proposed project(s) at this location. It is the responsibility of the applicant to contact the USACOE, the DEP and the SFWMD.

Because applicable regulations and site conditions are likely to change over time, this letter will only be valid for a period of two (2) years. Please be advised that receipt of this letter does not authorize any work on the subject property. If you have any questions, please contact the Wetland Resources Section at (305) 372-6585.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Kenyon".

Faith Kenyon, Biologist II
Wetlands Resources Section

Permit No. 13-109444-P
Formal Wetland Determination



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

September 11, 2023

** Delivered via email*

Greg Mcpherson *
Lennar Corporation
5505 Blue Lagoon Dr 5th Floor
Miami, FL 33126

Subject: City Park
Petition for Formal Determination of Wetlands and Surface Waters
Permit No. 13-109444-P
Application No. 230322-38056
Miami-Dade County

Your petition for a formal determination of wetlands and other surface waters is approved. This action is taken based on Chapter 373, Part IV of Florida Statutes (F.S.) and the rules in Chapters 62-330 and 62-340, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This action is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- All referenced Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance to the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I hereby certify that this Formal Wetland Determination and Notice of Rights have been mailed or electronically submitted to the addressee (and the persons listed on the attached distribution list) on September 8, 2023 in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (www.sfwmd.gov/ePermitting).

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary R. Priest".

Gary R. Priest, P.E.
Engineering Section Administrator, Environmental Resource Bureau

**South Florida Water Management District
Formal Wetland Determination Permit No. 13-109444-P
Date Issued: September 11, 2023**

Project Name: City Park

Petitioner: Greg Mcpherson
Lennar Corporation
5505 Blue Lagoon Dr 5th Floor
Miami, FL 33126

Application No. 230322-38056

Location: Miami-Dade County, See Exhibit 1

Acres: 935

Expiration Date: September 11, 2028

Type: Certified Survey

Summary

No wetlands or other surface waters (OSWs) were found on the site during staff's site visit on May 12, 2023. Data forms documenting staff's findings using the procedures and methodology described in Chapter 62-340, F.A.C., can be found on the District's ePermitting site. A certified survey attached in Exhibit No. 2.0 depicts the boundaries of the area inspected by staff. Exhibit No. 3.0 provides a map of the various parcels comprising the site and their respective legal descriptions.

Formal Determination of Wetlands and OSWs

The Site is located in Sections 19 and 20, Township 55 South, Range 39 East in Unincorporated Miami- Dade County. It is bordered on the north and south by agricultural land, on the east by residential development and on the west by Krome Avenue, see Exhibit Nos. 1.0 and 1.1 for Location Maps. Portions of the site were under cultivation with small vegetables, fruit trees and cover crops at the time of staff's site inspection and other portions appear to have been recently tilled. The site appears to be at generally the same elevation throughout with only small variation in topography due to the rows and furrows (Exhibit No. 4.0, Aerial).

The site has been in agricultural use since at least 1983 that appears laid out in a pattern similar to the current condition. Vegetation cover on the planted rows includes egg plant *Solanum melongena*, okra *Abelmoschus esculentus*, papaya *Carica papaya* and purple yam *Dioscorea alata*. Additional site descriptions are available in the District's e-Permitting file.

The soil mapping unit identified by the Natural Resource Conservation Service (NRCS) for the entire site is Krome very gravelly marly loam, 0-2% slopes (non-hydric). Exhibit No. 5.0 contains the soils map. Descriptions and photos of the soils are provided in the data form available in the permit file.

This Formal Determination of Wetlands and OSWs is the District's determination of the landward extent (boundaries) of wetlands and OSWs within the property based on the documentation submitted by the petitioner and field application of Chapter 62-340, F.A.C. This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or OSWs. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/boundaries.

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination (FWD) upon a finding that the petitioner has submitted inaccurate information to the District.

The FWD shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and OSWs waters during that period.

Distribution List

Edward Swakon, EAS Engineering, Inc *

Carlos Gonzalez, Lennar Homes LLC *

Edward W Easton, Trustee

Edward W Easton, TRS

Pablo Quesada, Guherqui International SA *

Greg Mcpherson *

Florida Department of Environmental Protection SLERC *

Miami-Dade County Property Appraiser *

Florida Department of Environmental Protection - Environmental Administrator *

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 230322-38056.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 1.1 Detailed Location Map](#)

[Exhibit No. 2.0 Certified Survey](#)

[Exhibit No. 3.0 Parcels and Legal Descriptions](#)

[Exhibit No. 4.0 Aerial](#)

[Exhibit No. 5.0 Soils Map](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request

that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.

- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.