DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
2170 SW Canal Street
Stuart, FL 34997

REPLY TO
ATTENTION OF

28 SEP 2007

Regulatory Division
Special Projects and Enforcement Branch
SAJ-2006-7190(NPR-AAZ)

Florida Department of Transportation, District 6
Attn: John Palenchar
1000 NW 111th Avenue
Miami, FL 33172

Dear Mr. Palenchar:

Reference is made to the application received on October 10, 2006, for a Department of the Army permit to widen NW 87th Avenue from two lanes to five lanes from NW 59th Street to NW 74th Avenue. The work includes the construction of a right-turn lane, construction of a stormwater management drainage system, construction of two mast arm signalized intersections, placement of landscaping and signage, and milling and resurfacing. The application has been assigned number SAJ-2006-7190. The project is located along NW 87th Avenue from NW 59th Street to NW 74th Avenue in Sections 9, 10, 15, 16, 21, and 22; Township 53 South; Range 40 East, Miami-Dade County, Florida.

The project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is not located within the navigable waters of the United States. Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States. Provided the work is done in accordance with the enclosed drawings, Department of the Army authorization will not be required.

A U.S. Army Corps of Engineers' (Corps) "Basis for Jurisdiction" form is enclosed for your information and file. This letter contains an approved jurisdictional determination for your permit application. If you object to this decision, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you request to appeal this decision, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Michael F. Bell
South Atlantic Division
U.S. Army Corps of Engineers
CESAD-CM-CO-R, Room 9M15
60 Forsyth St., SW.
Atlanta, Georgia 30303-8801.

Mr. Bell can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by November 28, 2007. It is not necessary to submit an RFA form to the Division office, if you do not object to the decision in this letter.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work. Please be advised this determination reflects current policy and regulations and is valid for a period of no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If after the 5-year period, the Corps has not specifically revalidated this determination, it will automatically expire. Any reliance upon this determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulation.

Additionally, your project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if Federally listed species or their habitat are present on your project site. If it is determined that Federally listed species may be affected by the proposed project,

authorization for "incidental take" may be required. FWS offices can be contacted by the following telephone numbers: Jacksonville at 904-232-2580, Panama City at 850-763-2177, St. Petersburg at 727-570-5398, or Vero Beach at 772-562-3909.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Alisa Zarbo by email at Alisa.A.Zarbo@saj02.usace.army.mil, at the letterhead address, or by telephone at 772-219-8418.

Thank you for your cooperation with our permit program.

Sincerely,

Bob Basran
for Loren M. Mason
Chief, Special Projects and
Enforcement Branch

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: FDOT, District 6		File Number: **SAJ-2006-7190**	Date: 9-28-07
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- *ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.*
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Project Manager as noted in letter	If you only have questions regarding the appeal process you may also contact: Michael Bell 404-562-5137

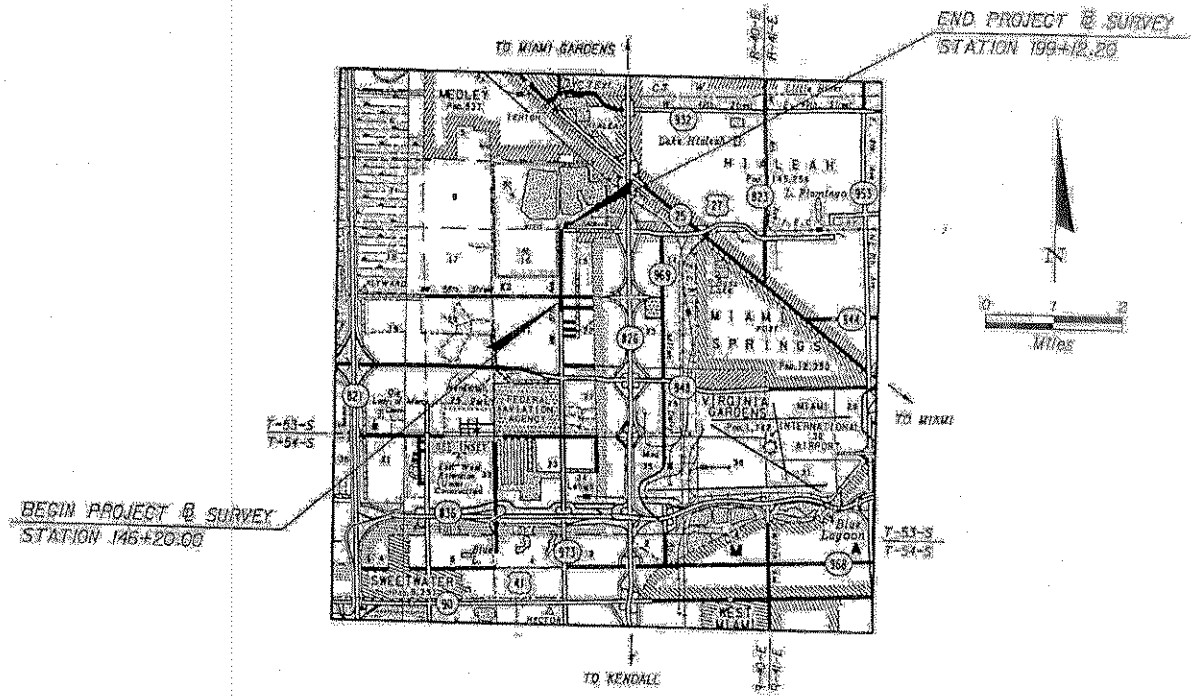
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:

N.W. 87th AVENUE
FROM NW 58th STREET TO NW 74th STREET
MIAMI-DADE COUNTY, FLORIDA
Financial Project No. 405615-2-52-01
DREDGE AND FILL SKETCHES

RECEIVED
SEP 04 2007
JACKSONVILLE DISTRICT
USACE

Prepared for:
FLORIDA DEPARTMENT OF TRANS PORTATION
DISTRICT 6



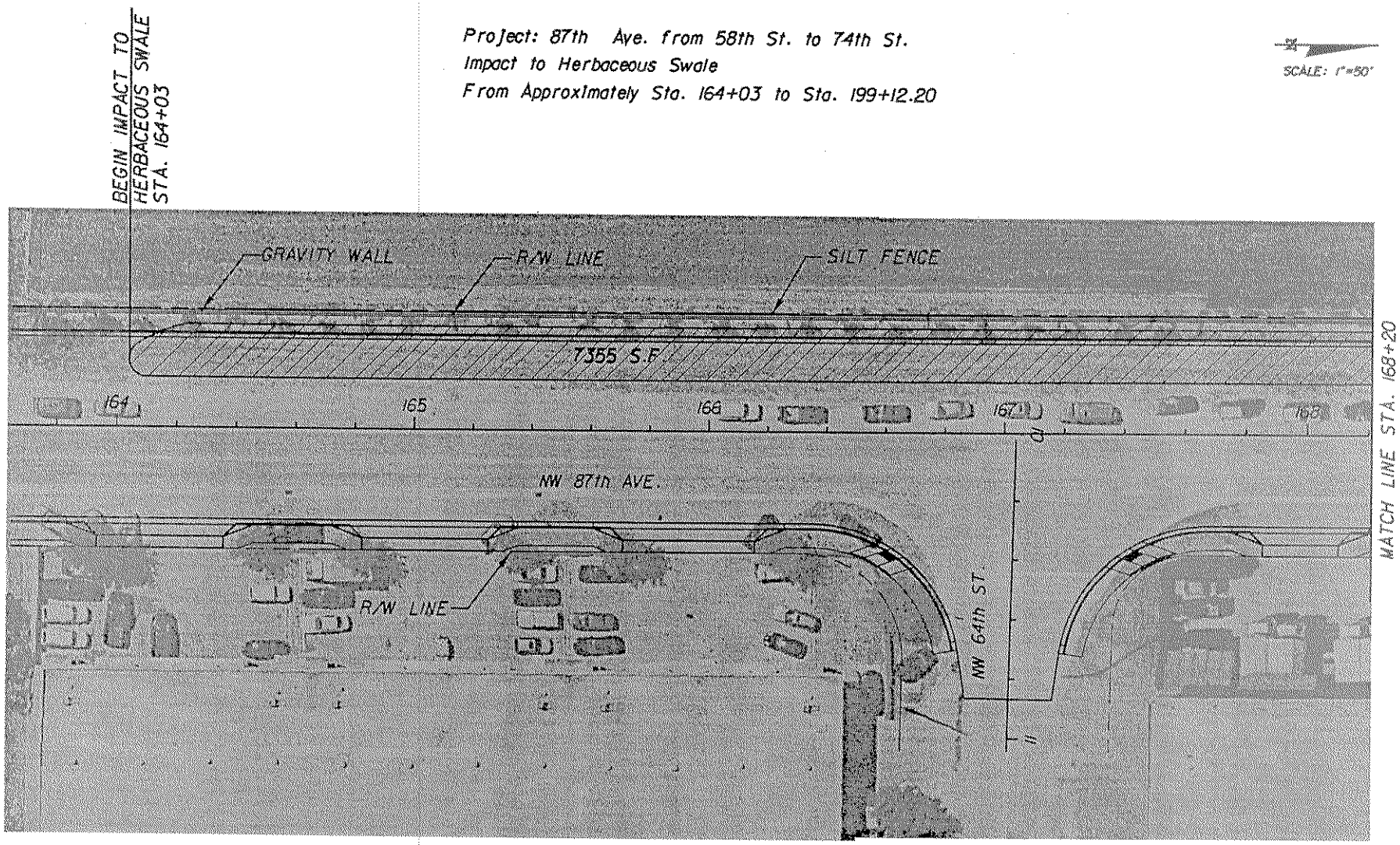
DIRECT IMPACT:
DREDGE AREA: 0
FILL AREA: 58,255 S.F. (1.34 Acres)
DREDGE VOLUME: 0
FILL VOLUME: 5,877 C.Y
SECONDARY IMPACT AREA: 156 S.F. (0.004 Acres)

PE# 33691
5/16/07

A.D.A. ENGINEERING, INC.
Consulting Engineers and Planners
11401S.W. 40th Street, Suite 470
Miami, Florida 33165
Phone (305) 551-4608

Project: 87th Ave. from 58th St. to 74th St.
Impact to Herbaceous Swale
From Approximately Sta. 164+03 to Sta. 199+12.20

SCALE: 1"=50'

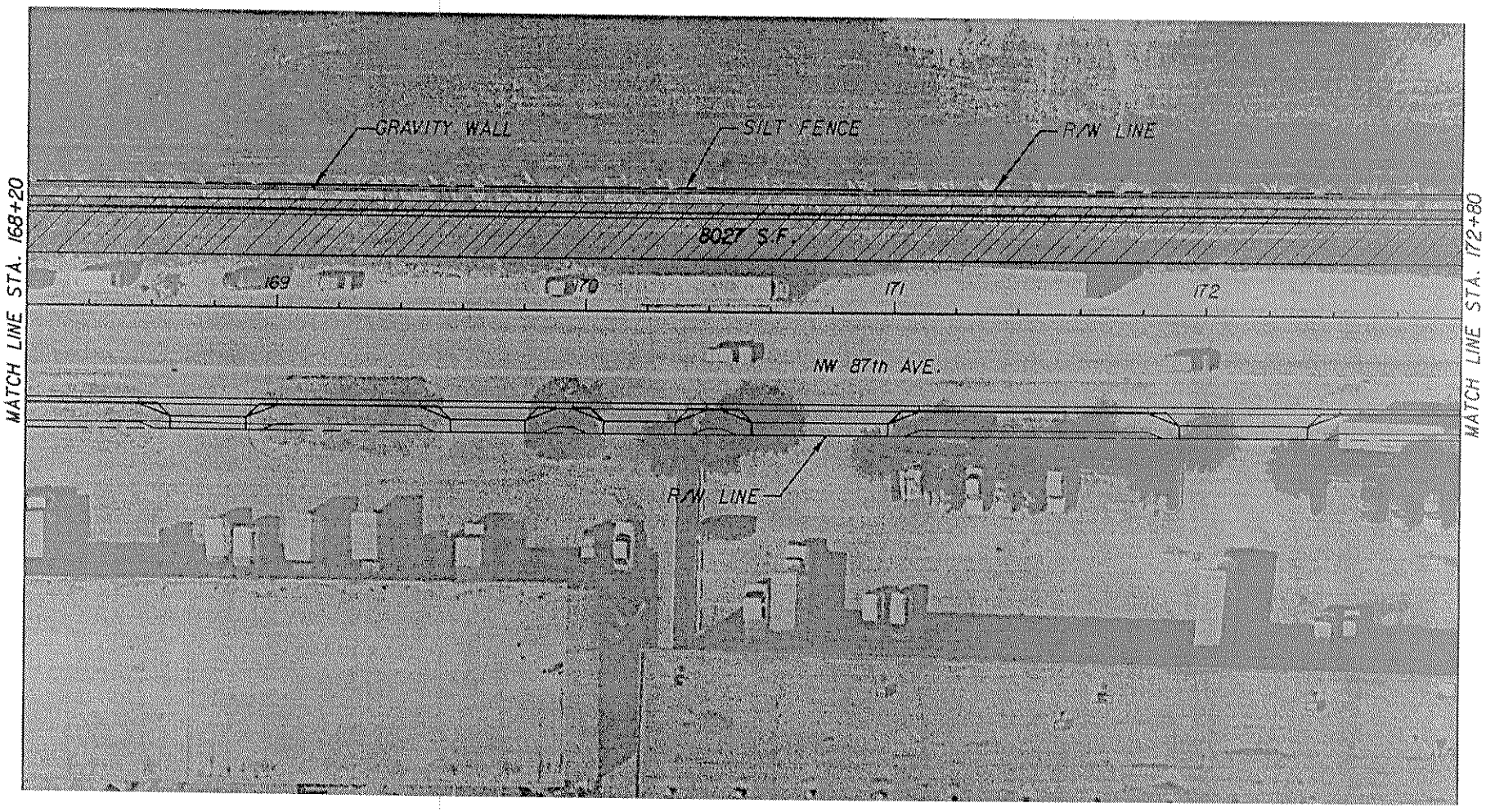


Fill area

PE033691
5/16/07

A.D.A. ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
11401 S.W. 40th ST. SUITE 470
MIAMI, FLORIDA 33165 EB# 00003212
PHONE (305) 551-4608 FAX (305) 551-8977
WWW.ADAENGINEERING.COM
ENGINEER OF RECORD: HERMINIA M. LARRUA, P.E.
P.E. LICENSE NO. 33691 STATE OF FL.

SCALE: 1"=50'



Fill area

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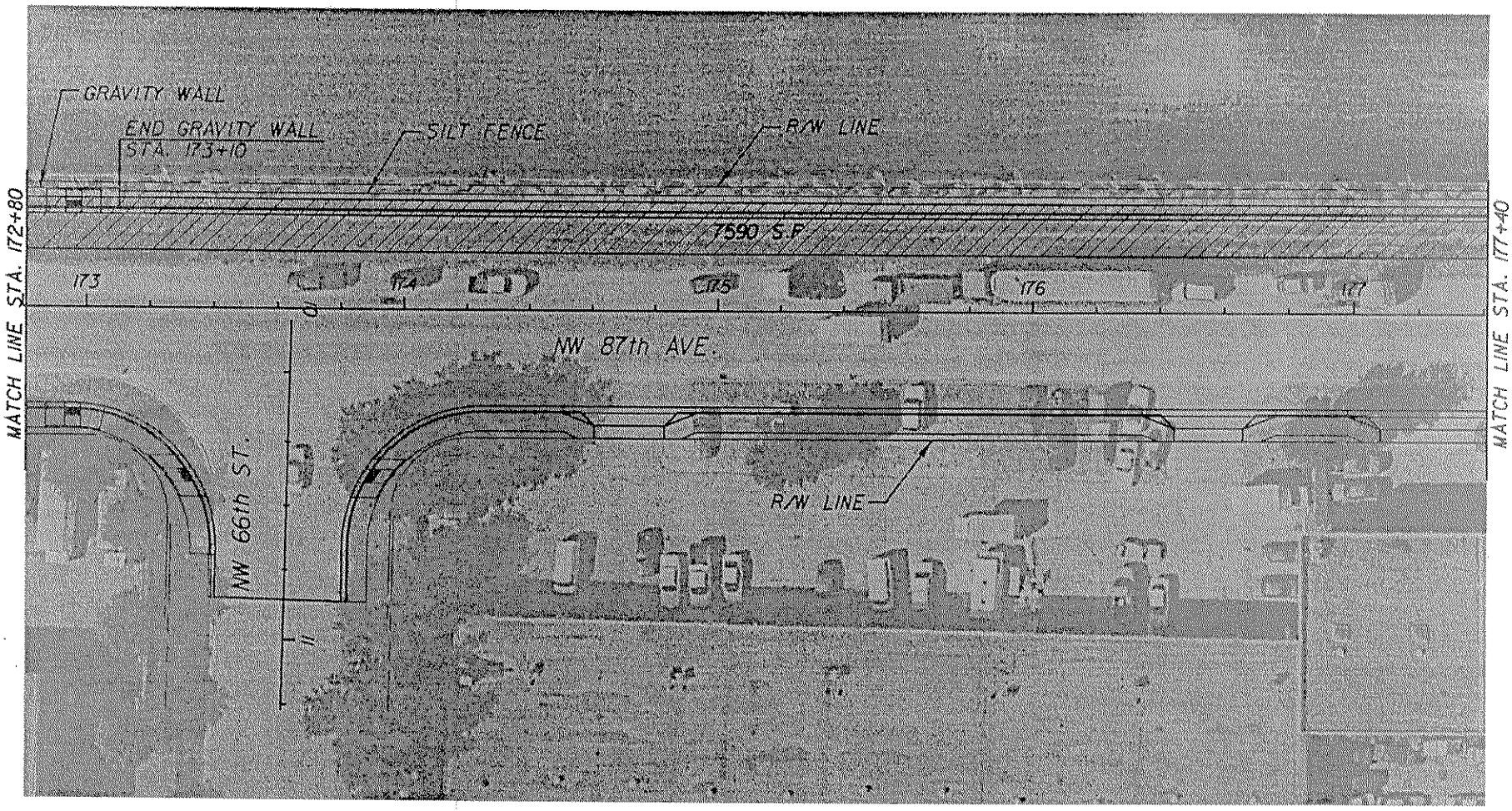

Fill area

PE0336
5/16/07

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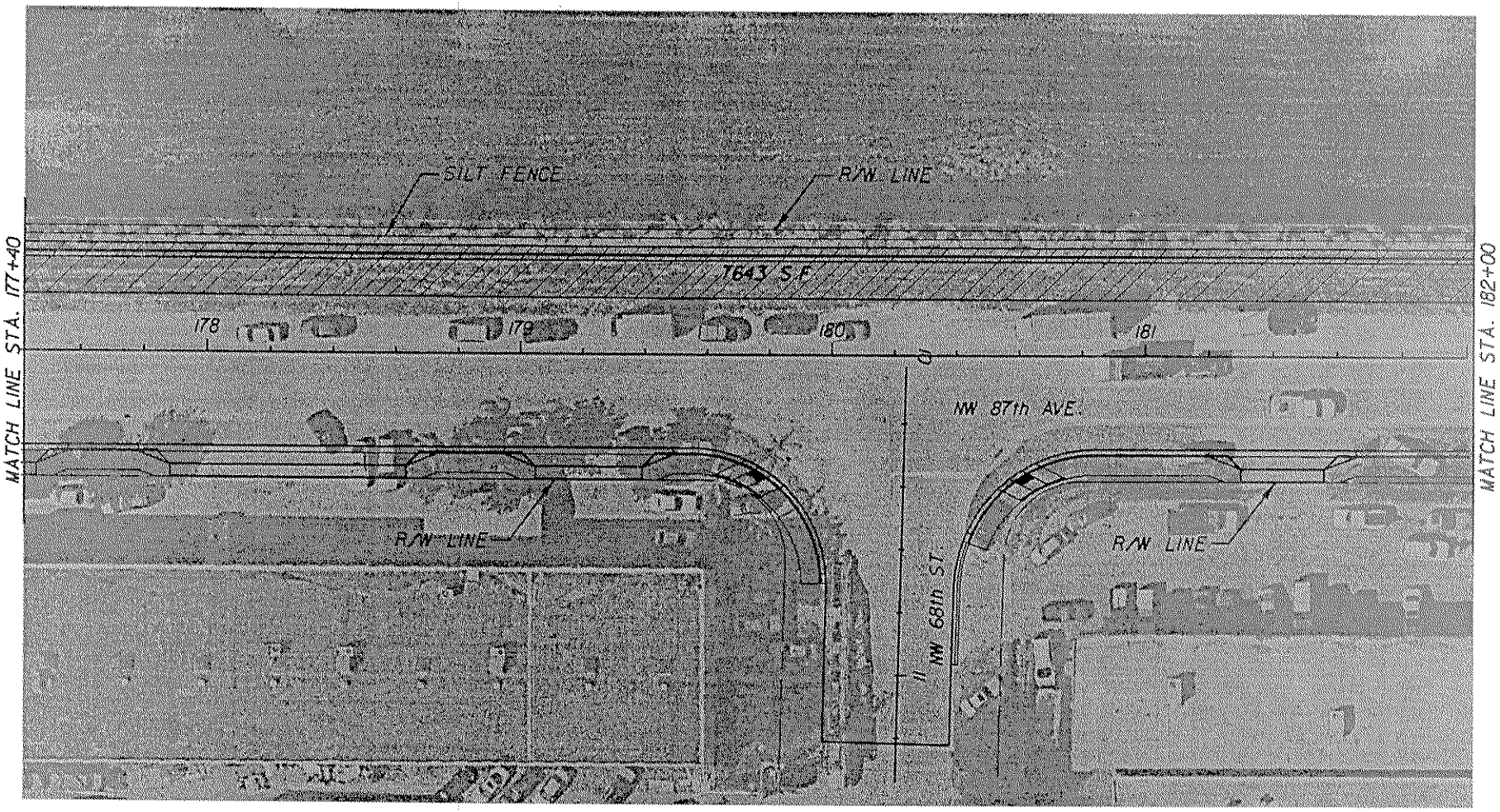

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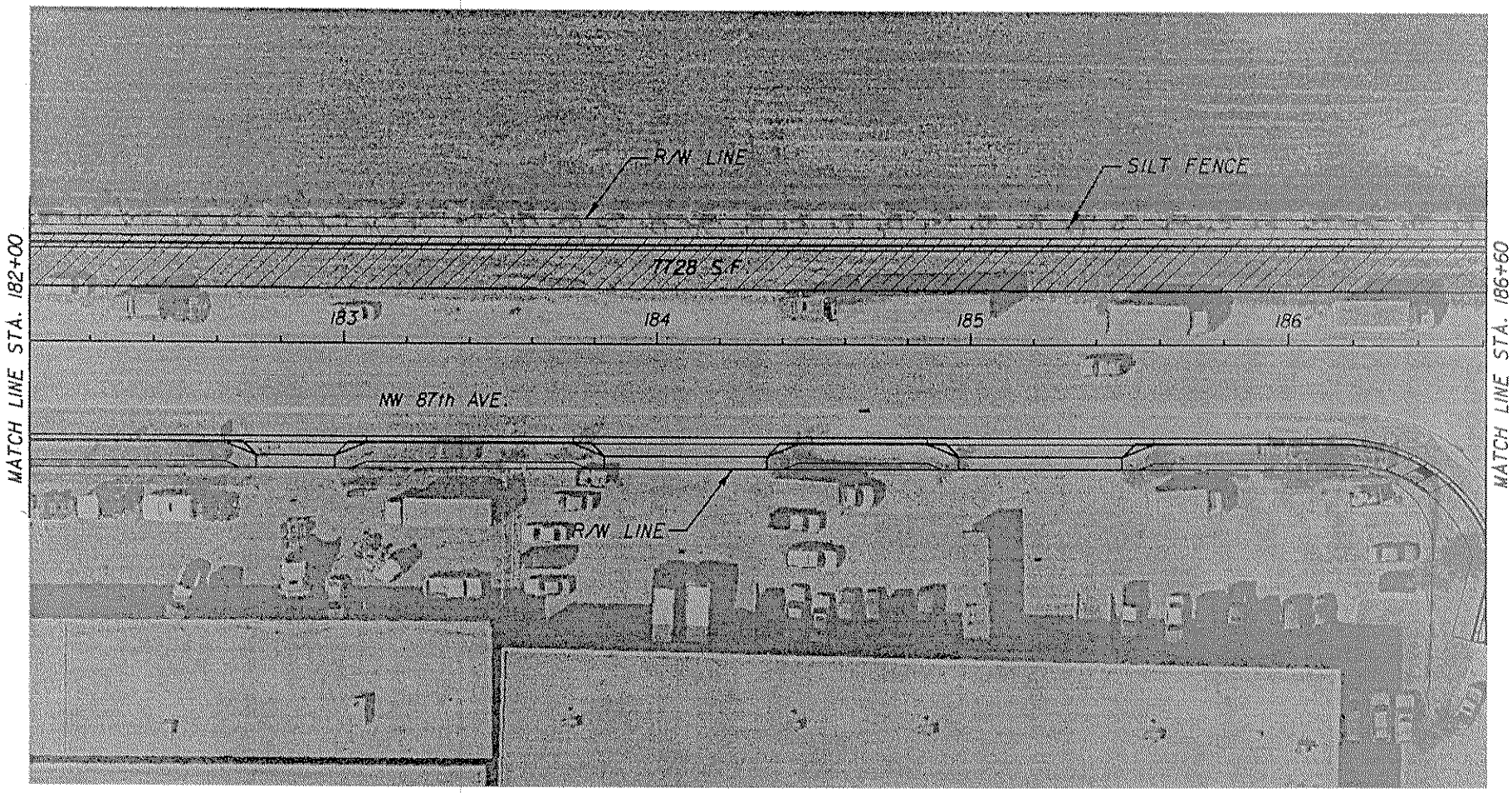

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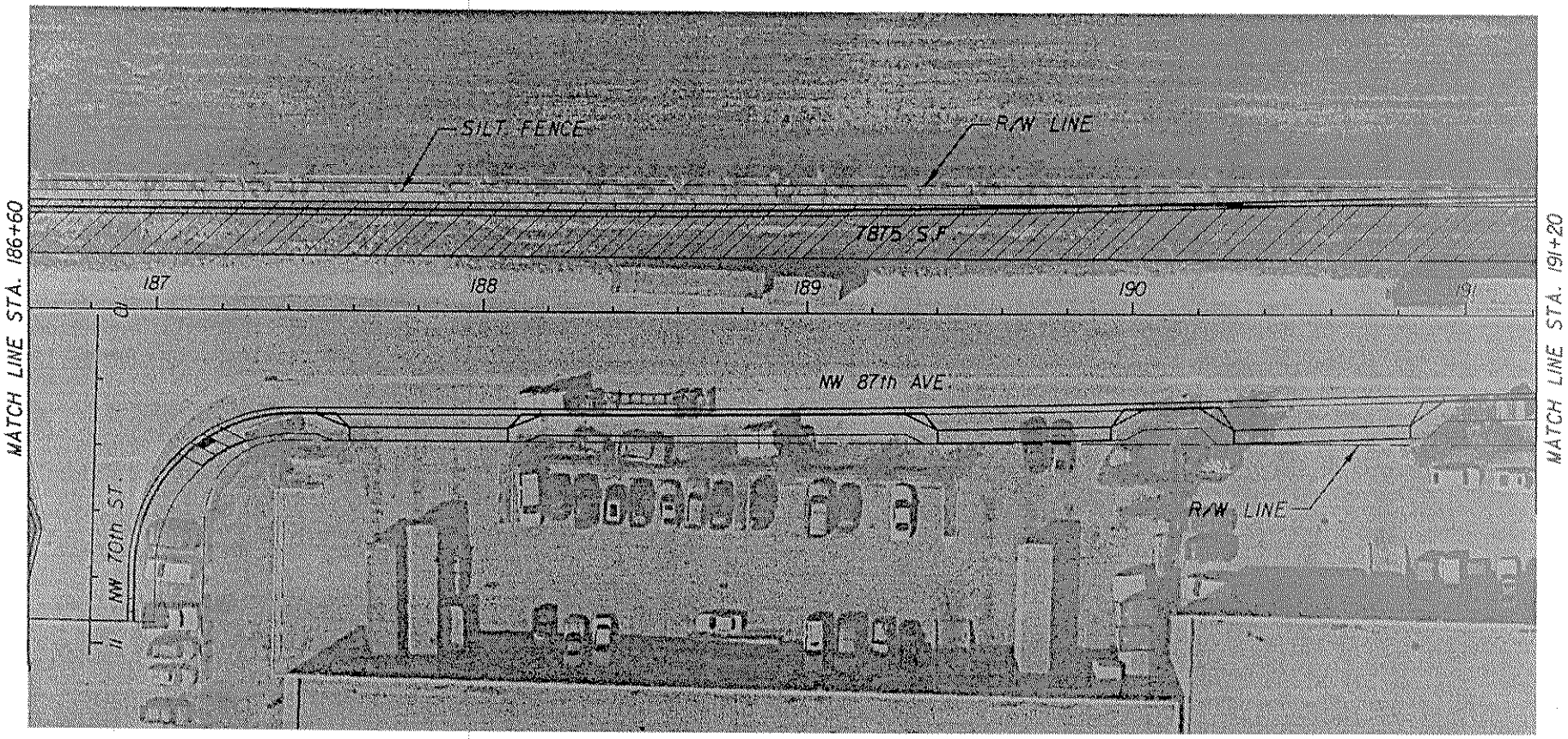

FIII area

PE033691
5/16/07

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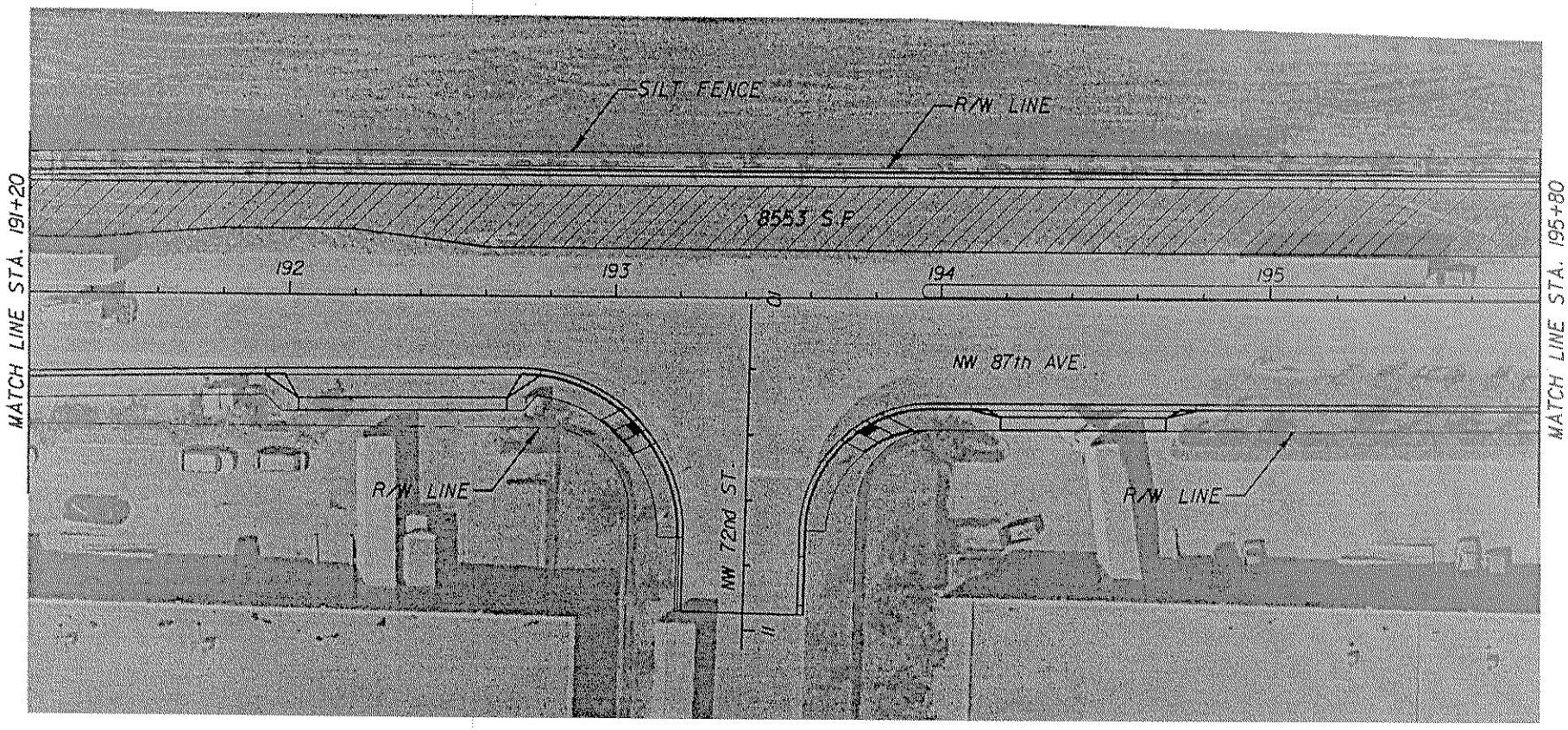

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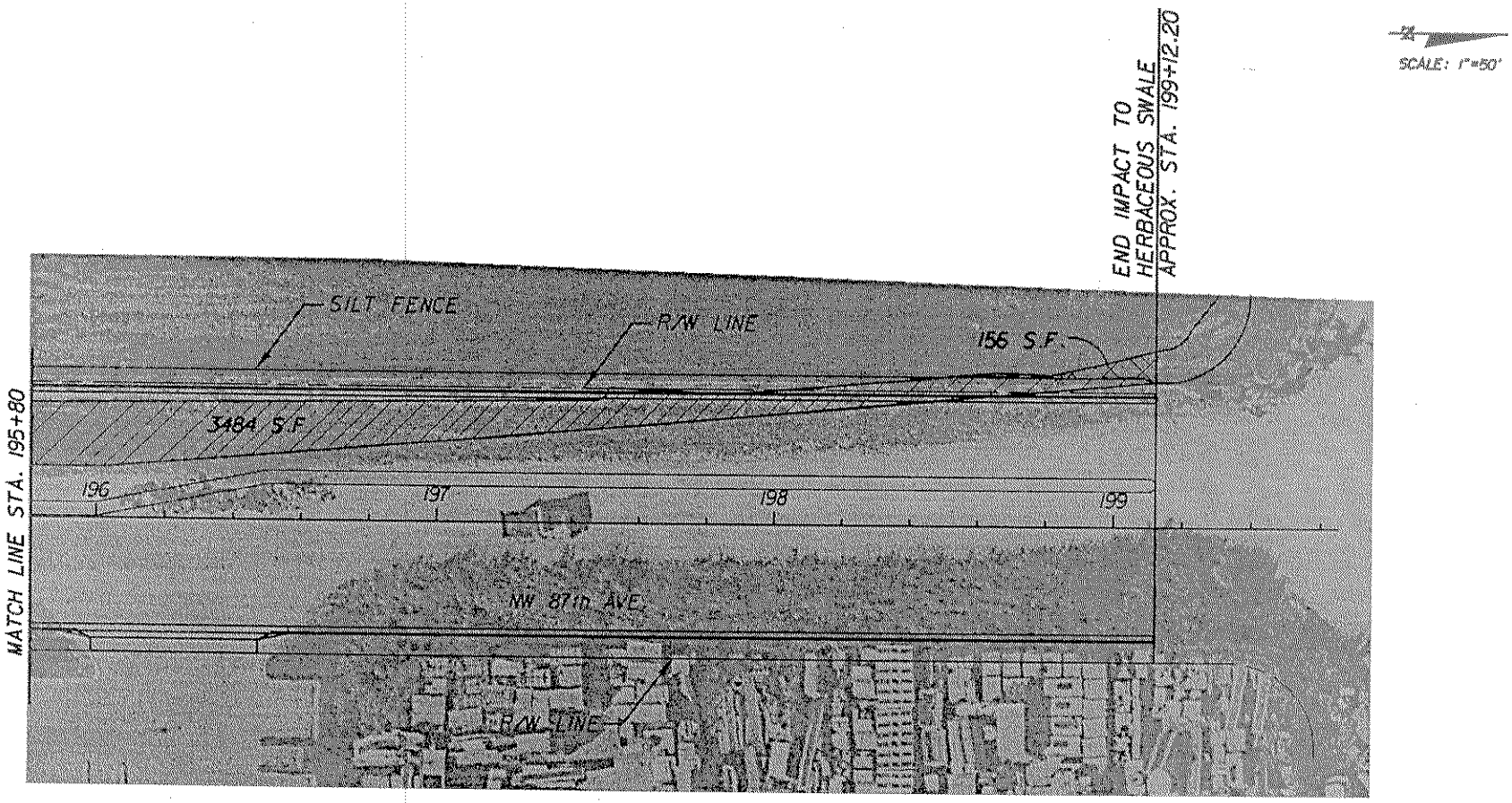

Fill area

Secondary Impact

PED 33691
5/16/07

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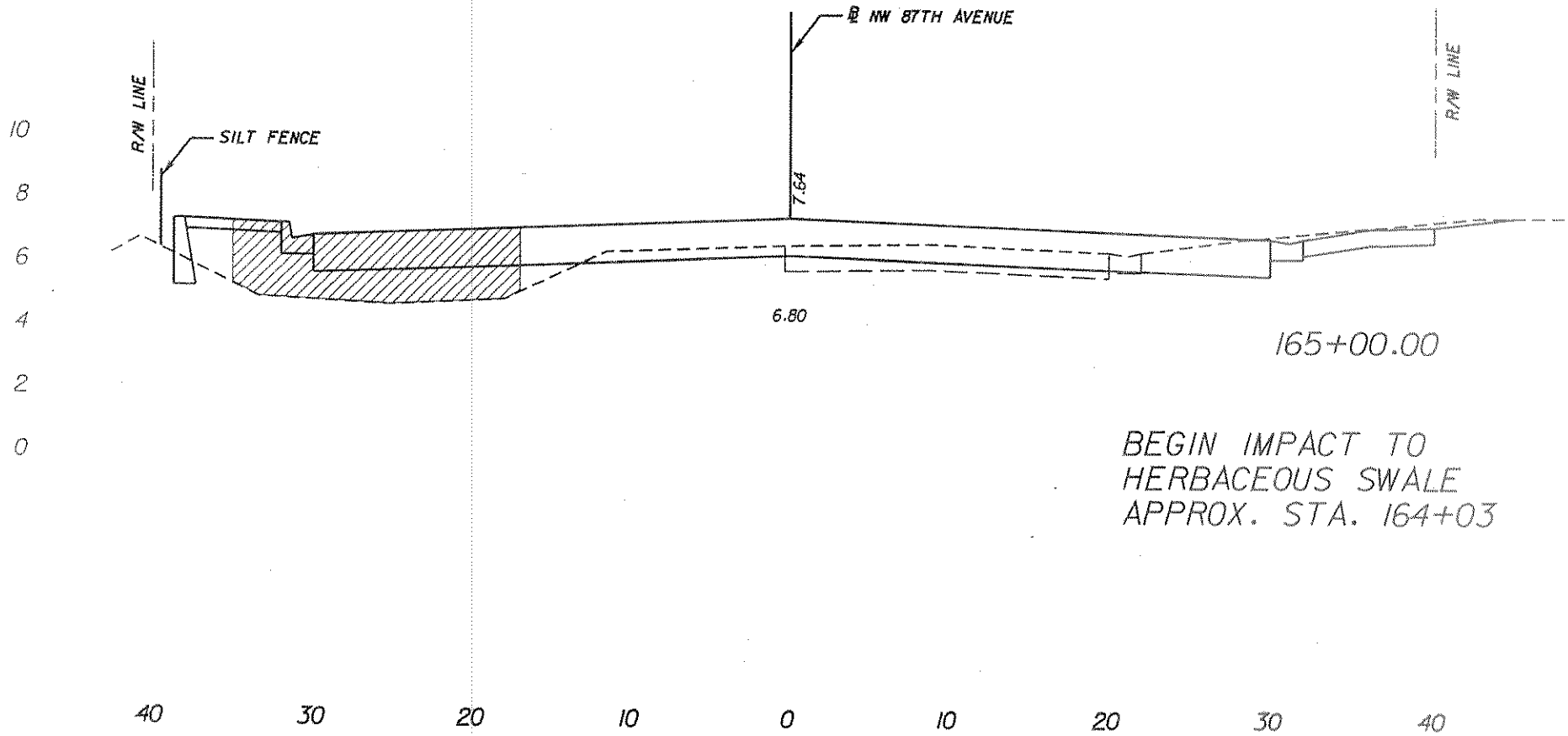

DREDGE AND FILL SKETCHES

LEGEND

WETLANDS FILL

PE033691
5/16/07

SCALE:

HORIZ. 1" = 10'

VERT. 1" = 5'

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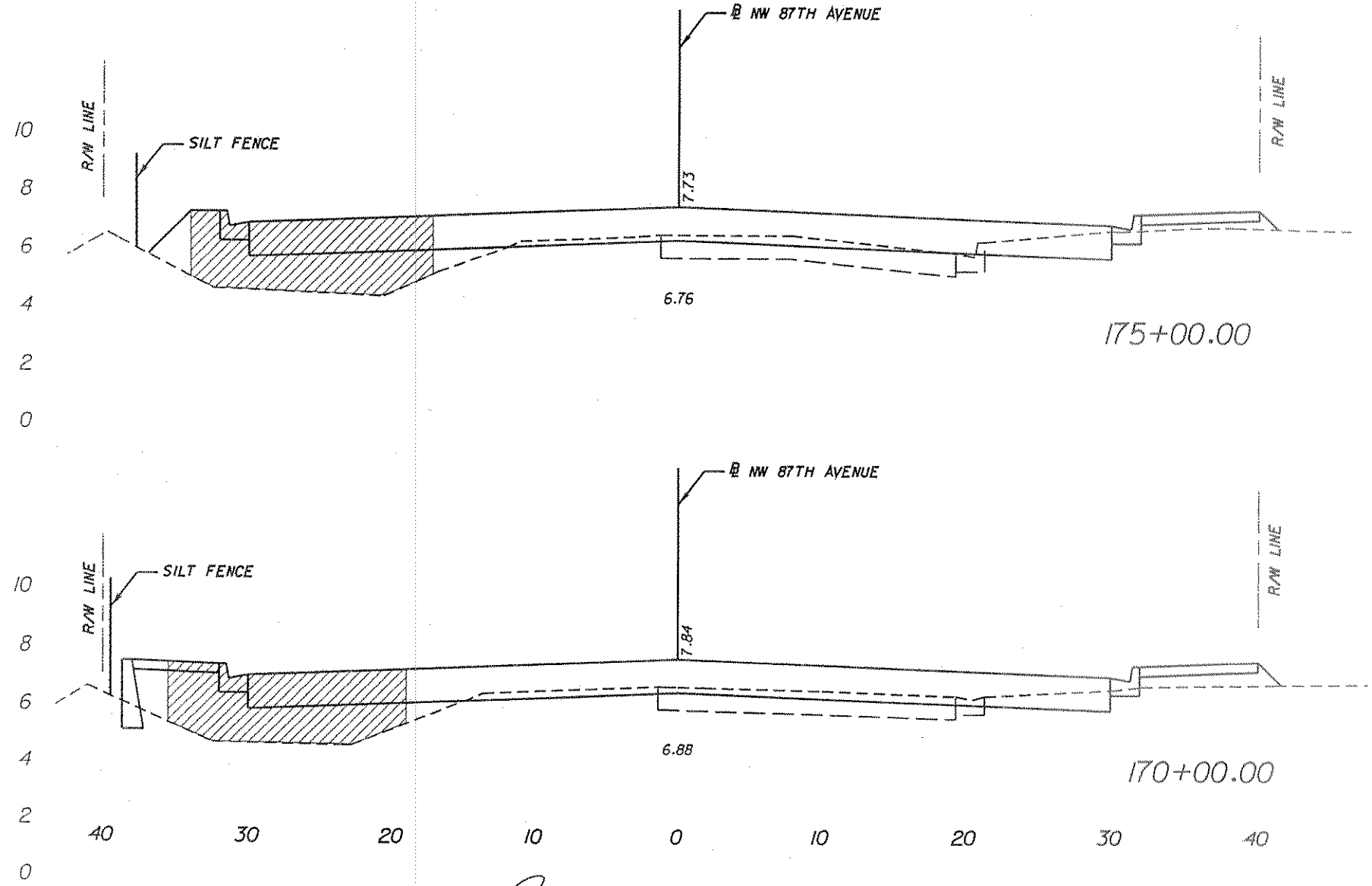

LEGEND

WETLANDS FILL

PE 037691
5/16/07

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DREDGE AND FILL SKETCHES

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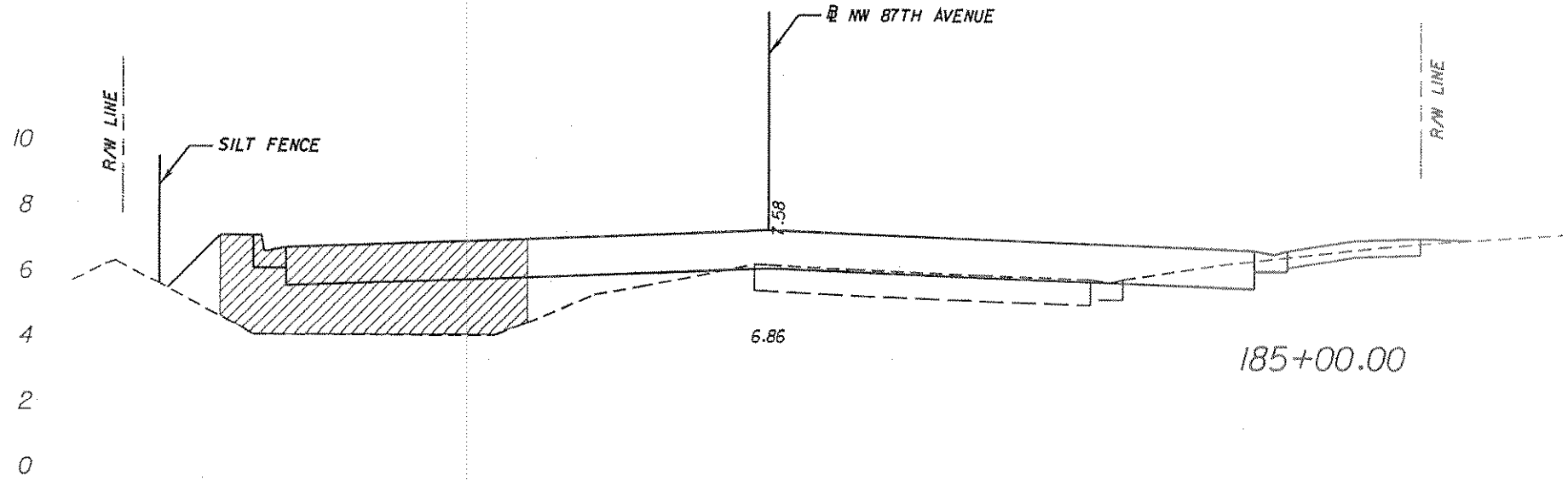

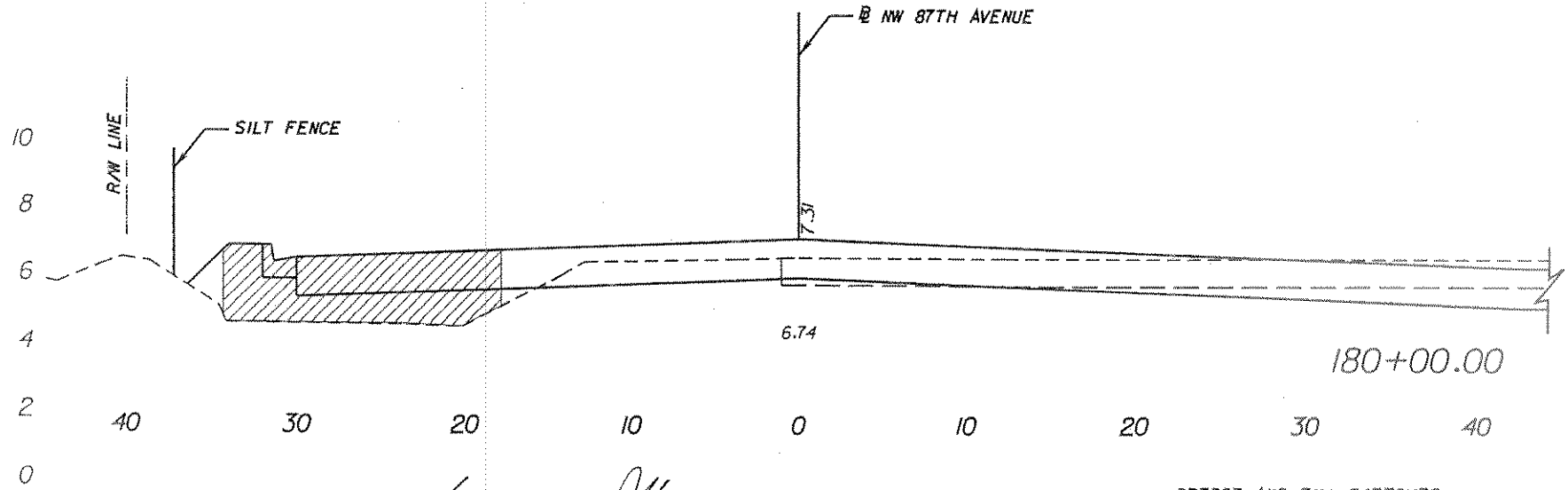

DREDGE AND FILL SKETCHES

LEGEND

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PE037691

5/16/07

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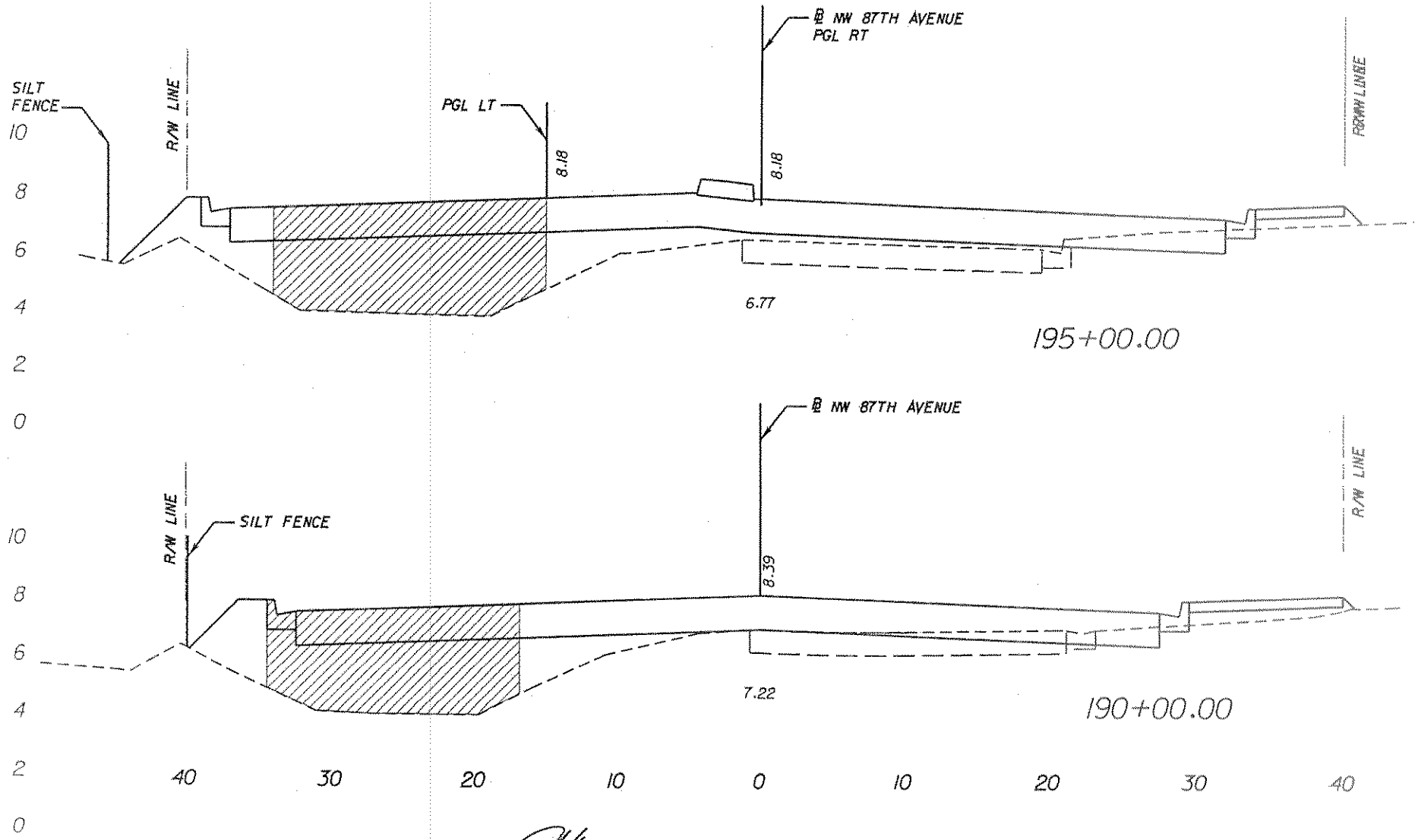

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LEGEND

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PE0037691
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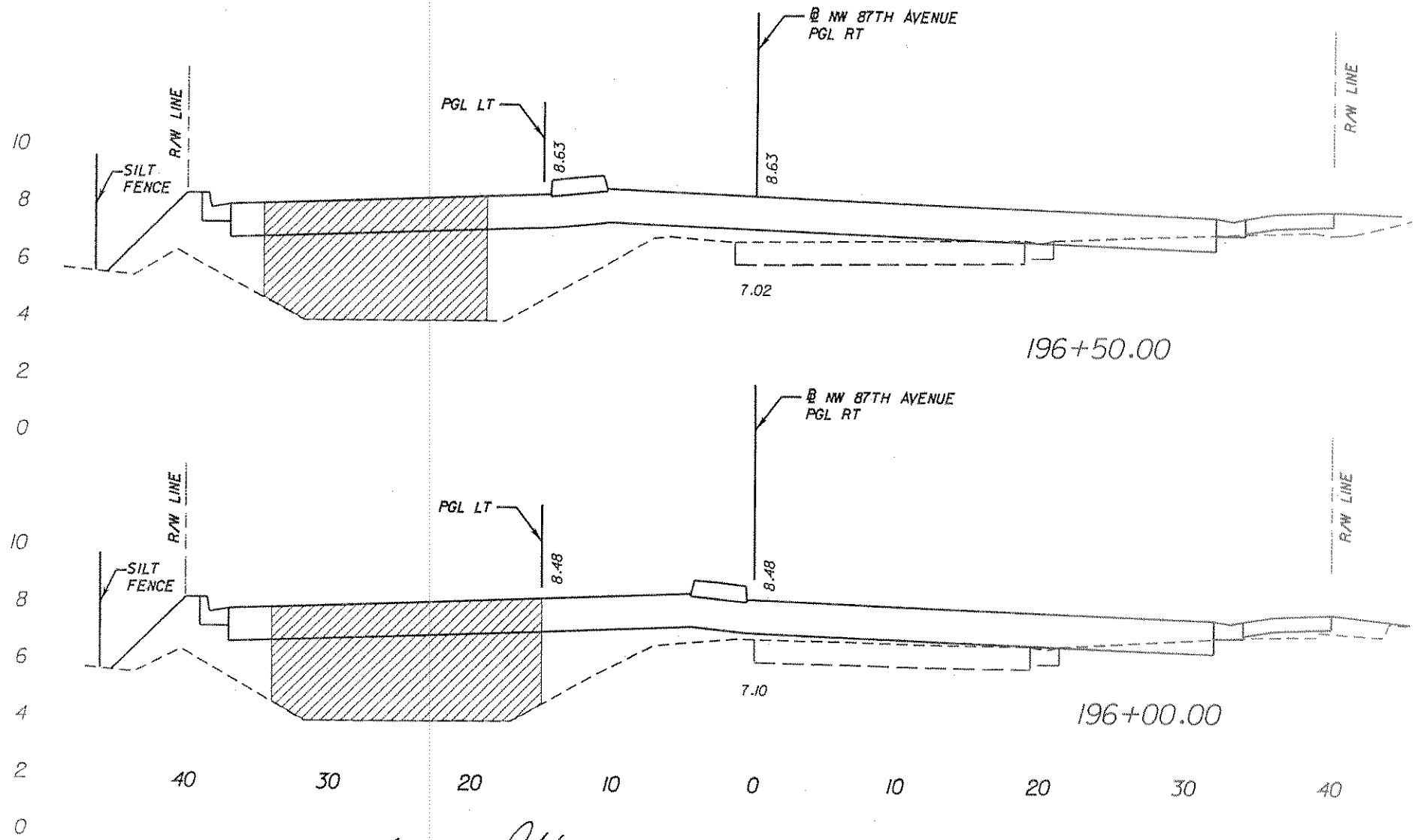

LEGEND

WETLANDS FILL

PE0023691
5/16/07

SCALE:

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DREDGE AND FILL SKETCHES

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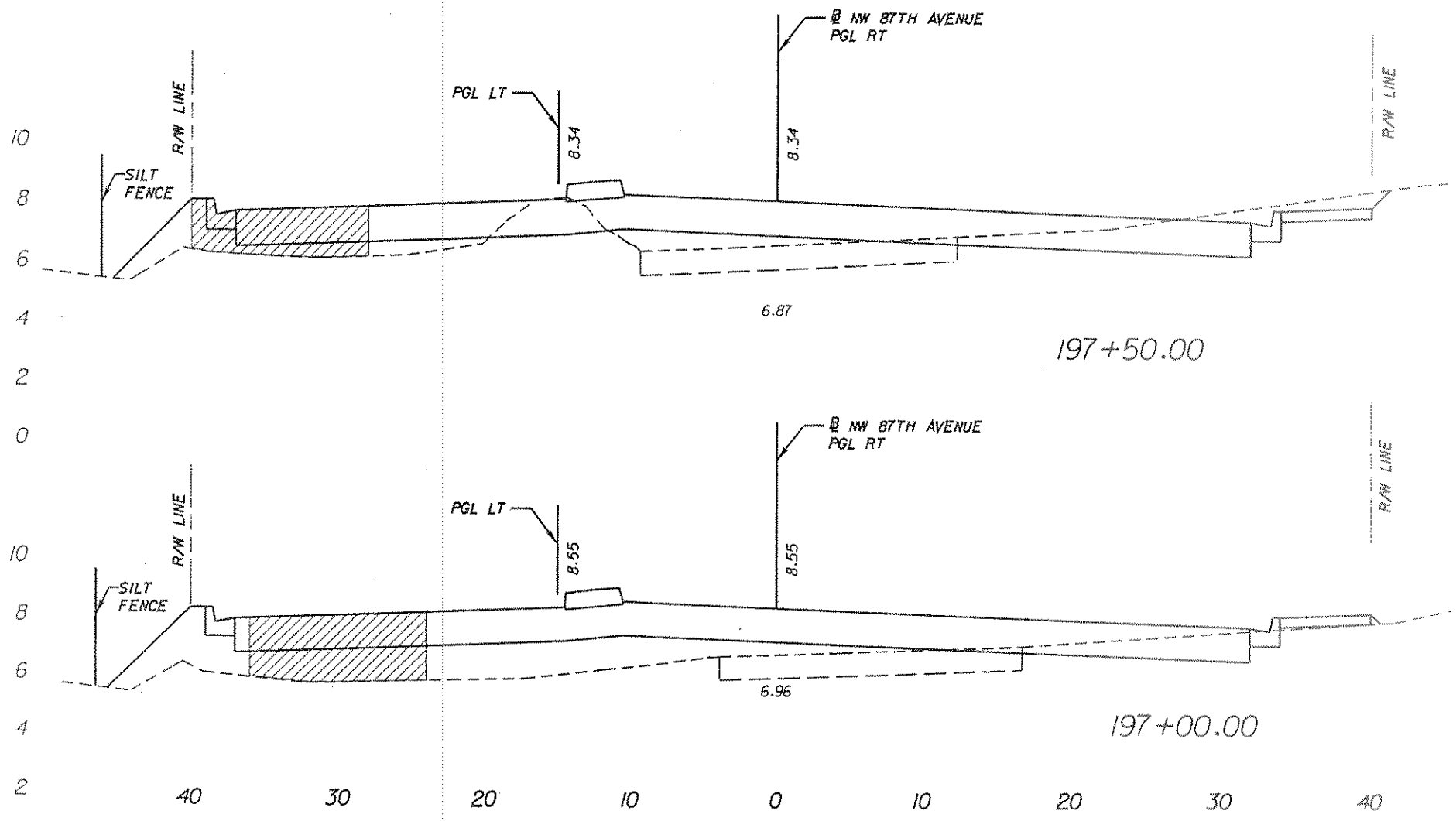

LEGEND

WETLANDS FILL

5/14/07
PE0037691

SCALE:

HORIZ. 1" = 10'

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DREDGE AND FILL SKETCHES

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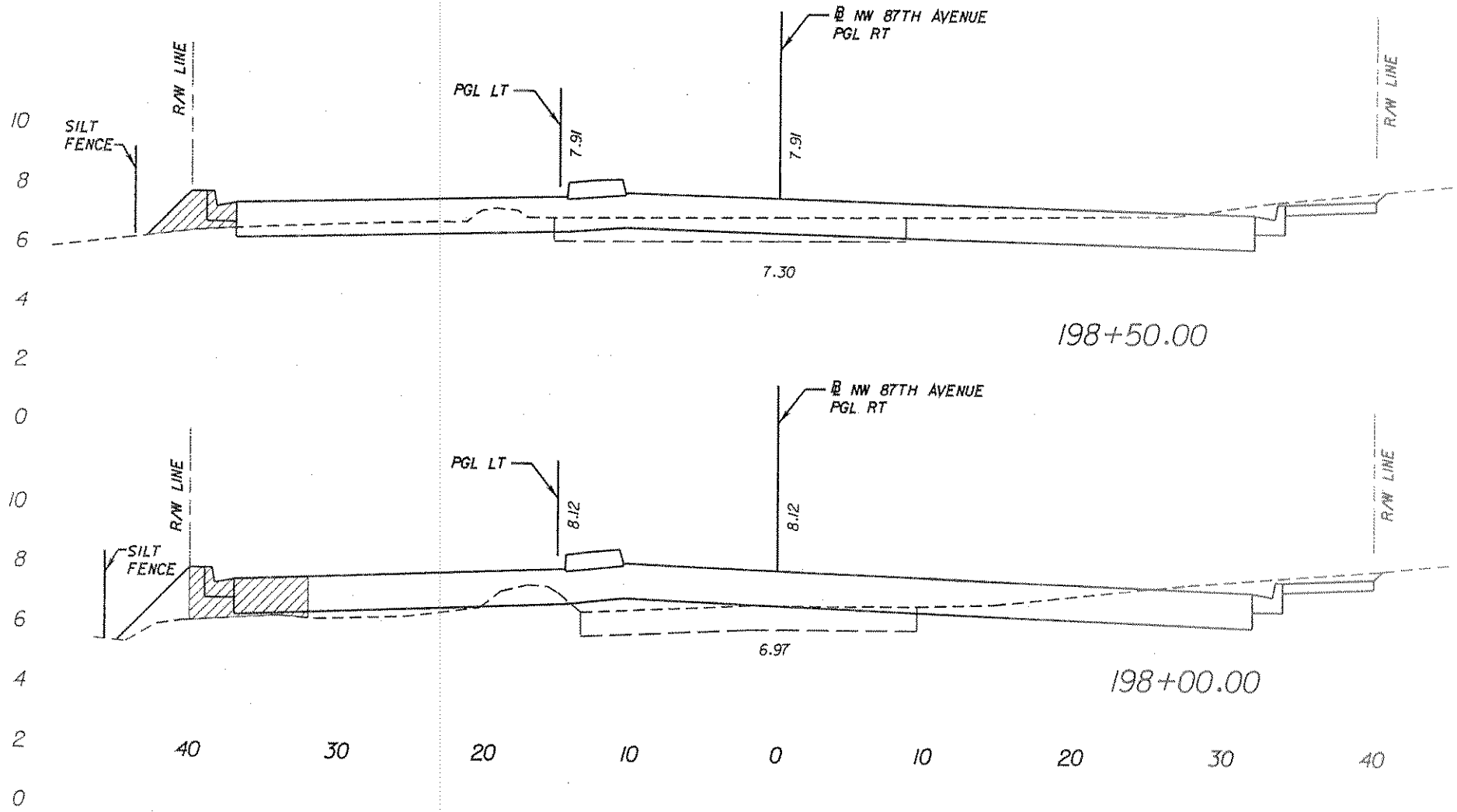

DREDGE AND FILL SKETCHES

LEGEND

WETLANDS FILL

PE037691
5/16/07

SCALE:
HORIZ. 1" = 10'
VERT. 1" = 5'

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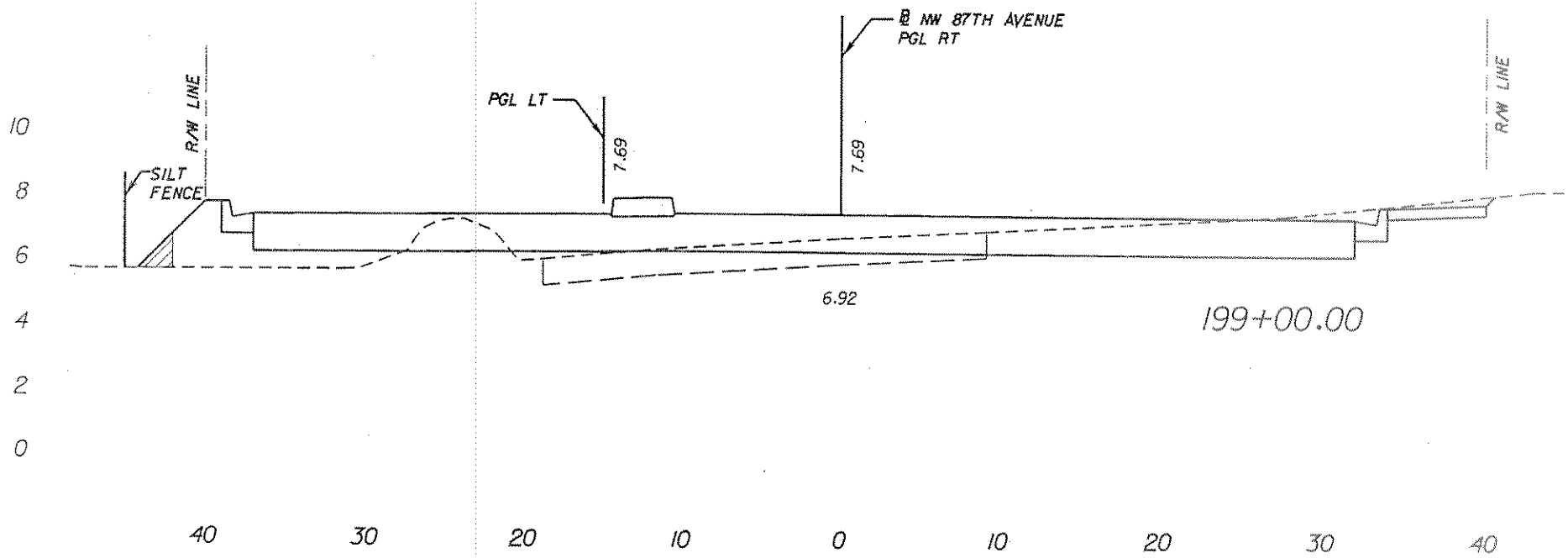
CONSULTING ENGINEERS AND PLANNERS
11401 S.W. 40th ST. SUITE 470
MIAMI, FLORIDA 33165 EB# 00003212
PHONE (305) 551-4608 FAX (305) 551-8977
WWW.ADAENGINEERING.COM
ENGINEER OF RECORD: HERMINIA M. LARRUA, P.E.
P.E. LICENSE NO. 33691 STATE OF FL.

SUMMARY OF WETLANDS
DREDGE AND FILL
TOTAL FILL = 5,877 CY
TOTAL DREDGE = 0 CY

END IMPACT TO
HERBACEOUS SWALE
APPROX. STA. 199+12.20



LEGEND
WETLANDS FILL

PE03369/
5/16/07

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