



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
MIAMI REGULATORY OFFICE  
11420 N. KENDALL, SUITE 104  
MIAMI, FL 33178-1039

REPLY TO  
ATTENTION OF

Regulatory Division  
South Permits Branch  
South Permits Section

**PUBLIC NOTICE**

Permit Application No. 2004-8665 (IP-MLC) **OCT 07 2004**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below.

APPLICANTS:

Rolando Rodriguez  
Dolphin Amusement Enterprises, L.L.C.  
7725 NW 146 St.  
Miami Lakes, FL 33016

WATERWAY & LOCATION: The proposed project is located in freshwater wetlands in the northeast corner of the intersection at S.W. 344<sup>th</sup> Street and S.W. 172<sup>nd</sup> Avenue north of the South Dade Wetlands Basin in Miami-Dade County. The project is within Section 19, Township 57 South, Range 39 East.

DIRECTIONS TO SITE: From the Florida Turnpike heading South, take Exit 1 (the terminal point of the Turnpike) onto US-1. Make an immediate left onto Palm Drive (SW 344 St.) and head east. Turn north on S.W. 172<sup>nd</sup> Avenue. The subject site is at the northeast corner of the intersection of S.W. 344<sup>th</sup> Street and S.W. 172<sup>nd</sup> Avenue.

LATITUDE AND LONGITUDE: Latitude 25° 26' 44"  
Longitude 80° 28' 15"

PROJECT PURPOSE:

Basic: The basic purpose is to construct residential housing.

Overall: The overall purpose of this application is to construct a multi-family residential complex in south Miami-Dade County.

PROPOSED WORK: The applicants propose to impact 20.94 acres of freshwater wetlands for construction of a residential development and its associated stormwater treatment areas.

Specifically, the applicant proposes to place 112,933 cubic yards of fill in 20.94 acres of freshwater wetlands to construct the proposed development.

EXISTING CONDITIONS: The project is located due north of the South Dade Wetlands Basin, characterized as historically being a short- to moderate- hydroperiod wetland community. The freshwater wetlands affected by this component of the project are characterized as 11.24 acres of Brazilian pepper (*Schinus terebinthifolius*) dominated wetlands and 9.7 acres of Burma reed (*Neyraudia reyaudiana*). Leatherfern (*Acrostichum danaeifolium*), willow (*Salix caroliniana*), shoebutton Ardisia (*Ardisia elliptica*), *Bischofia javanica*, and Royal palm (*Roystonea elata*) are present. The soils present were marly and standing water was present throughout the site.

NOTE: Corps regulatory staff in the Miami Field Office has verified the wetland acreage on this site.

PROPOSED MITIGATION: If it is determined that the permit issuance is appropriate, mitigation will be required. The applicant has proposed to mitigate for 20.94 acres of wetlands by conducting restoration at "Hole in the Donut" within Everglades National Park. The appropriate amount and location of mitigation will be determined after consultation with Federal, State and Local agencies.

ENDANGERED SPECIES: The Corps has made the determination that the project may affect, but is not likely to affect the wood stork (*Mycteria americana*). The Corps will seek concurrence with this determination from the Fish and Wildlife Service via separate correspondence. Additionally, the Corps has made the determination that the project may affect the Florida Panther (Puma) (= *Felis concolor coryi*), and the Corps will seek to initiate formal consultation with the Fish and Wildlife Service via separate correspondence for this determination. This determination was made based upon the Panther Key dated July 1, 2003.

ESSENTIAL FISH HABITAT: The project would impact freshwater wetlands; therefore, the Corps has determined that no substantial adverse impacts to EFH will result from the proposed action.

HISTORIC/ARCHAEOLOGICAL RESOURCES: Project site information will also be forwarded to the State Historical Preservation Office to

be reviewed for the presence of any resources listed, or eligible for listing in the *National Register of Historic Places*.

AUTHORIZATIONS FROM OTHER AGENCIES: The applicant has submitted an application for an Environmental Resource (ERP) Permit No. 040720-7 from the South Florida Water Management District (submitted July 20, 2004) and Class IV Freshwater Wetlands Permit Application FW 03-054 from Miami-Dade County DERM (submitted July 1, 2004).

Comments regarding this application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Megan Clouser of this office, by telephone at 305-526-7182, by fax at 305-526-7184, or by electronic mail at Megan.L.Clouser@saj02.usace.army.mil.





**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

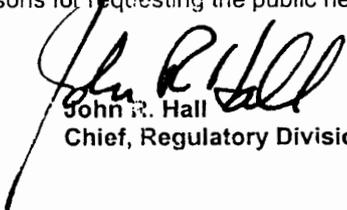
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division