



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
MIAMI REGULATORY OFFICE
11420 NORTH KENDALL DRIVE, SUITE 104
MIAMI, FLORIDA 33176

Regulatory Division
General Permit SAJ-74

PUBLIC NOTICE

Regulatory Division
GENERAL PERMIT SAJ-74

OCT 07 2003

TYPES OF ACTIVITIES OCCURRING IN FRESHWATER WETLANDS AUTHORIZED BY THIS REGIONAL GENERAL PERMIT SAJ-74 INCLUDE RESIDENTIAL AND COMMERCIAL DEVELOPMENT, LIMITED SURVEY ACTIVITIES AND CERTAIN TRANSPORTATION PROJECTS WITHIN BIRD DRIVE BASIN AND NORTH TRAIL BASIN, MIAMI-DADE COUNTY, FLORIDA

IMPLEMENTATION: To expedite processing of Department of the Army permits, the Jacksonville District, U.S. Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) hereby proposes re-issuance of general authority to Miami-Dade County Department of Environmental Resources Management (DERM) to administer this permit for residential and commercial development, limited survey activities and certain roadway projects within the geographic area described below. The current Regional General Permit SAJ-74 is due to expire on October 30, 2003. In conjunction with the reauthorization of SAJ-74 the Corps wishes to: expand the footprint of this GP to include the North Trail Basin and implement standard Corps practices to maintain consistency and rapid evaluation for the regulated public. The Corps proposes to assess the mitigation fee of \$29,704 per acre for impacts within the North Trail Everglades Basin due to their ecologic and hydrologic similarities to the Bird Drive Basin. Two thirds of the mitigation amount assessed for wetland impacts in these basins will fund restoration at the Hole in the Donut (HID). The remaining amount will be used at the discretion of the Special Areas Management Plan (SAMP) committee to acquire, restore, enhance, manage or monitor wetlands.

BACKGROUND: In 1987, Miami-Dade County convened a SAMP Committee to evaluate the wetland resources of the Bird Drive Everglades Basin and North Trail Basin and develop a management

plan that would identify the types, locations and sequence of development in the basin. The committee also sought to identify the location and types of wetland resources that warrant preservation and identify suitable mitigation areas for impacts in the Basin. The SAMP Committee included representatives from the Corps, the Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (USFWS), the Florida Department of Environmental Protection (FDEP), the South Florida Water Management District (SFWMD), the Miami-Dade County Department of Building and Zoning, and DERM. In 1990 the SAMP Committee approved a Bird Drive Basin and North Trail Basin Everglades Special Area Management Plan that provided development thresholds and mitigation requirements for residential and commercial activities within the 2000 Urban Development Boundary (UDB), as defined by the Miami-Dade County Comprehensive Development Master Plan.

Guided by the SAMP study and in an effort to streamline the regulatory review process, the Corps issued the Regional General Permit SAJ-74 on April 30, 1996. The SAJ-74 authorized Miami-Dade County DERM to administer a Department of the Army permit for qualifying residential and commercial activities on behalf of the Corps within the Bird Drive Everglades Basin. Mitigation for wetland impacts in the Bird Drive was performed in a manner consistent with the SAMP recommendations at a ratio of 1.5 to 1 (mitigation to impact acres) to be performed on publicly owned land in the HID mitigation area within Everglades National Park and for projects approved by the SAMP committee within Miami-Dade County. The fee has been adjusted periodically to maintain consistency with full cost accounting principles.

The term "general permit" means a Department of the Army authorization that is issued on a nationwide or regional (District) basis for a category of activities, when those activities are substantially similar in nature and cause only minimal individual and cumulative adverse affects on the aquatic environment. General permits are a way to reduce the burden of the regulatory program on the public and ensure timely issuance of permits, while effectively administering the laws and regulations, which establish and govern the program. By authorizing activities with minimal adverse affects under this general permit the Corps can focus its resources on projects with greater adverse affects on the aquatic environment. General permits are reviewed every 5 years. An assessment of the cumulative impacts of work authorized under the general permit is performed at that time. In most instances, anyone complying with the conditions of the general permit can receive project specific authorization.

PROPOSED PERMIT

DEPARTMENT OF THE ARMY PERMIT

GENERAL PERMIT SAJ-74

**RESIDENTIAL AND COMMERCIAL DEVELOPMENT, LIMITED SURVEY
ACTIVITIES AND CERTAIN TRANSPORTATION PROJECTS WITHIN BIRD
DRIVE BASIN AND NORTH TRAIL BASIN, MIAMI-DADE COUNTY, FLORIDA**

Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act, general authority is given to Miami-Dade County Department of Environmental Resources Management (DERM) to administer this permit for residential and commercial development on property within the Bird Drive Basin and North Trail Basin in accordance with the following:

GEOGRAPHIC AREA: The geographic area in which permit applications may be evaluated under Regional General Permit SAJ-74 is as follows: in the Bird Drive Basin, Township 54 South, Range 39 East, Sections 9, 16, 20, 29 and 32; that portion of Section 10 west of SW 144th Avenue; that portion of Section 4 south of Tamiami Trail; and the portion of Section 3 west of SW 143 Avenue (north of SW 9th Terrace) and west of SW 144th Avenue (south of SW 9th Terrace). In the North Trail Basin, Township 53 South, Range 39 East, Government Lot 2, a portion of Government Lot 3, and a portion of Section 3, Township 54 South, Range 39 East (see attached maps).

MITIGATION FOR THE BIRD DRIVE BASIN AND NORTH TRAIL BASIN

The Corps' permits issued under Section 404(a) or Section 404(e) of the Clean Water Act routinely contain conditions that relate to compensatory mitigation for resources that are going to be adversely affected or lost as a result of a permitted activity. The Corps is strongly committed to protection of the overall aquatic environment on a watershed basis and fully mitigating authorized impacts to all aquatic resources, including wetlands. Appropriate mitigation is based solely on the replication of functions and values of the aquatic resources impacted. Functions are defined as the normal or characteristic activities that take place in aquatic ecosystems. The value of wetland and other aquatic functions is defined as the benefits the area provides to the overall aquatic ecosystem.

Currently, impacts to freshwater wetlands caused by excavation or fill in the Bird Drive Basin are offset at a ratio of 1.5 to 1 (mitigation acres to impact acres) by making a monetary donation of \$29,704 per acre to the Miami-Dade County Freshwater Wetland Mitigation Trust Fund prior to the impact. Two-thirds of this amount is used to restore the functionality of wetlands within Everglades National Park at the HID mitigation area located in portions of Township 58S Ranges 36 and 37E, Miami-Dade County, Florida. The remaining amount is used at the discretion of the SAMP committee to acquire, restore, enhance, manage or monitor wetlands.

The per acre monetary contribution may be adjusted as needed to reflect the full cost of the mitigation work.

The remaining wetland acreage within the footprint of the previously authorized SAJ-74 is 606.36 acres. The wetland acreage in the footprint of The North Trail Basin is 95.57 acres. The total jurisdictional coverage of the proposed reauthorization of SAJ-74 is 701.93 acres.

ADDITIONAL OPTIONS FOR MITIGATION MONIES TO BE USED AT THE DISCRETION OF THE SAMP COMMITTEE

At the discretion of the SAMP committee, the Corps also proposes to allow mitigation money provided by permittees within the Bird Drive Basin and North Trail Basin to be used to acquire, restore, enhance, manage or monitor wetlands outside of Miami-Dade County but within the watershed as long as this work benefits the aquatic environment in Miami-Dade County, as long as, mitigation opportunities within Miami-Dade County have been considered first. Similar work may occur in uplands as long as the work provides clear benefit to the adjacent aquatic environment.

CORPS EVALUATION FACTORS AND AVOIDANCE AND MINIMIZATION OF WETLAND IMPACTS

The guidelines under Section 404(b)(1) of the Clean Water Act, require a review of alternative project configurations onsite for projects authorized by general permit to determine if the proposed impacts to wetlands and other aquatic resources could be avoided or minimized.

Before compensatory mitigation is required, the applicant must demonstrate that impacts have been avoided and minimized onsite to the extent practicable. The following evaluation factors will be considered during the onsite minimization process: proximity of preservation areas to other remaining wetlands, location of preserved areas within the watershed, provision of stepping stone or corridor wetlands, the shape of the preserved area, and adjacency to unique features in the landscape (i.e., tree islands). The Corps will provide DERM staff with guidance, programmatically not case by case, in determining whether the onsite avoidance and minimization measures taken by the applicant are sufficient. Projects in which the applicant has not demonstrated adequate and appropriate steps to avoid and minimize impacts onsite will be forwarded to the Corps for review as an individual permit.

SPECIAL CONDITIONS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT WITHIN THE PERMIT AREA

1. Only clean fill and rock material compatible with existing soils shall be used (e.g. Soil, rock, sand, marl, clay and stone). This includes fill of onsite lakes, ponds, quarries, wet and/or dry retention or detention basins.
2. There is no minimum or maximum size limit for residential or commercial projects.

3. During permit evaluation, the Miami-Dade County DERM will determine if tree islands are present on the property and a Phase I Archeological and Historical Survey will be conducted on the tree islands. This information will be provided to the State Historic Preservation Office (SHPO) and the Corps so that measures can be identified to avoid, minimize or mitigate adverse impacts to historic properties listed, or eligible for listing in the National Register of Historic Places, or otherwise of historical or archeological value.

Because of their unique biological and hydrological attributes, tree islands shall be preserved on-site to the extent practicable. Vegetated buffers of a minimum of 25 feet in width shall also be preserved surrounding the tree islands. Tree island preservation areas and their surrounding buffers shall be maintained in perpetuity. The tree island preservation areas shall be fenced and posted to prevent unauthorized access. No soil, vehicles or heavy equipment, fill, building materials, construction debris, dead vegetation or any other materials shall be placed, stored or deposited in the tree island preservation area or in the surrounding buffer areas. Prior to construction activities, the tree island preserve areas and buffers will be delineated with clearly visible, brightly colored plastic fencing material which will clearly mark the areas where no construction activities can take place. No work (including land clearing or grading) may commence until DERM has verified that all required barriers are in place.

SPECIAL CONDITIONS FOR MECHANIZED LAND CLEARING FOR SURVEY ACTIVITIES

1. Clearing shall be for survey purposes only.
2. Mechanical clearing is only allowed in areas with greater than 75% coverage by exotic vegetation as listed under Category I pest plants by the Florida Exotic Pest Plant Council (FLEPCC), as modified from time to time. No mechanical clearing will be authorized in herbaceous wetland areas or tree islands.
3. The maximum width of clearing is eight (8) feet.
4. The total area of clearing shall not exceed one (1) acre.
5. The survey shall be restricted to the property boundaries.
6. The applicant/surveyor shall be required to obtain written permission from the property owner whose land is to be surveyed and adjacent property owners prior to commencement of work.
7. Minimization and mitigation will be required upon site development.

SPECIAL CONDITIONS FOR TRANSPORTATION PROJECTS

1. Only activities required for the construction, expansion, modification or improvement of linear transportation crossings (i.e., highways, railways, trails) will be authorized under this permit.

SPECIAL CONDITIONS FOR ALL PROJECTS:

1. A report will be submitted quarterly to the Miami Field Office of the U.S. Army Corps of Engineers detailing the number of projects authorized by this general permit. A yearly report will be submitted by DERM outlining the results of the offsite mitigation. This will included the acreage and location of the enhanced mitigation sites.

2. No discharge will be authorized under this general permit which would adversely affect Federally listed threatened or endangered species.

3. This general permit is valid for five years unless suspended or revoked by issuance of a public notice by the District Engineer. Reviews will be conducted to determine if continuation of this permit is in the public interest.

4. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as an individual permit.

5. The attached General Conditions are made a part of this permit.

ACTIVITIES EXCLUDED FROM THE SAJ-74

1. Landfills, rock mining, and, projects within the Comprehensive Everglades Restoration Program footprint.

ENDANGERED SPECIES:

The wood stork (*Mycteria americana*) is listed as endangered under the Endangered Species Act (ESA). No evidence exists that wood storks use the proposed area for breeding or nesting. However, wood storks have been observed foraging in and flying over other marshes in the region. The Corps has made the determination that the activities authorized under this Regional General Permit may affect but are not likely to adversely affect the wood stork.

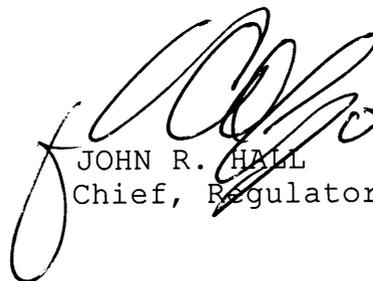
The Florida Panther (*Puma (=Felis) concolor coryi*) is listed as endangered under the Endangered Species Act. The proposed SAJ-74 footprint is outside the Fish and Wildlife Service consultation area as indicated on the Florida Panther Consultation Map dated April 18, 2000. The Corps, therefore, has made the determination that the activities authorized by

this Regional General Permit will have no effect on the Florida panther.

This proposal is being coordinated via separate correspondence with the Fish and Wildlife Service (FWS) for concurrence with the determinations mentioned above.

RESOURCES OF SPECIAL CONCERN: 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*.

Comments regarding this public notice should be submitted in writing to the Mr. Paul Kruger at the letterhead address within 30 days from the date of this notice.



JOHN R. HALL
Chief, Regulatory Division

Bird Drive Everglades Basin

GP-74

US ARMY CORPS OF ENGINEERS

SEP 26 2003

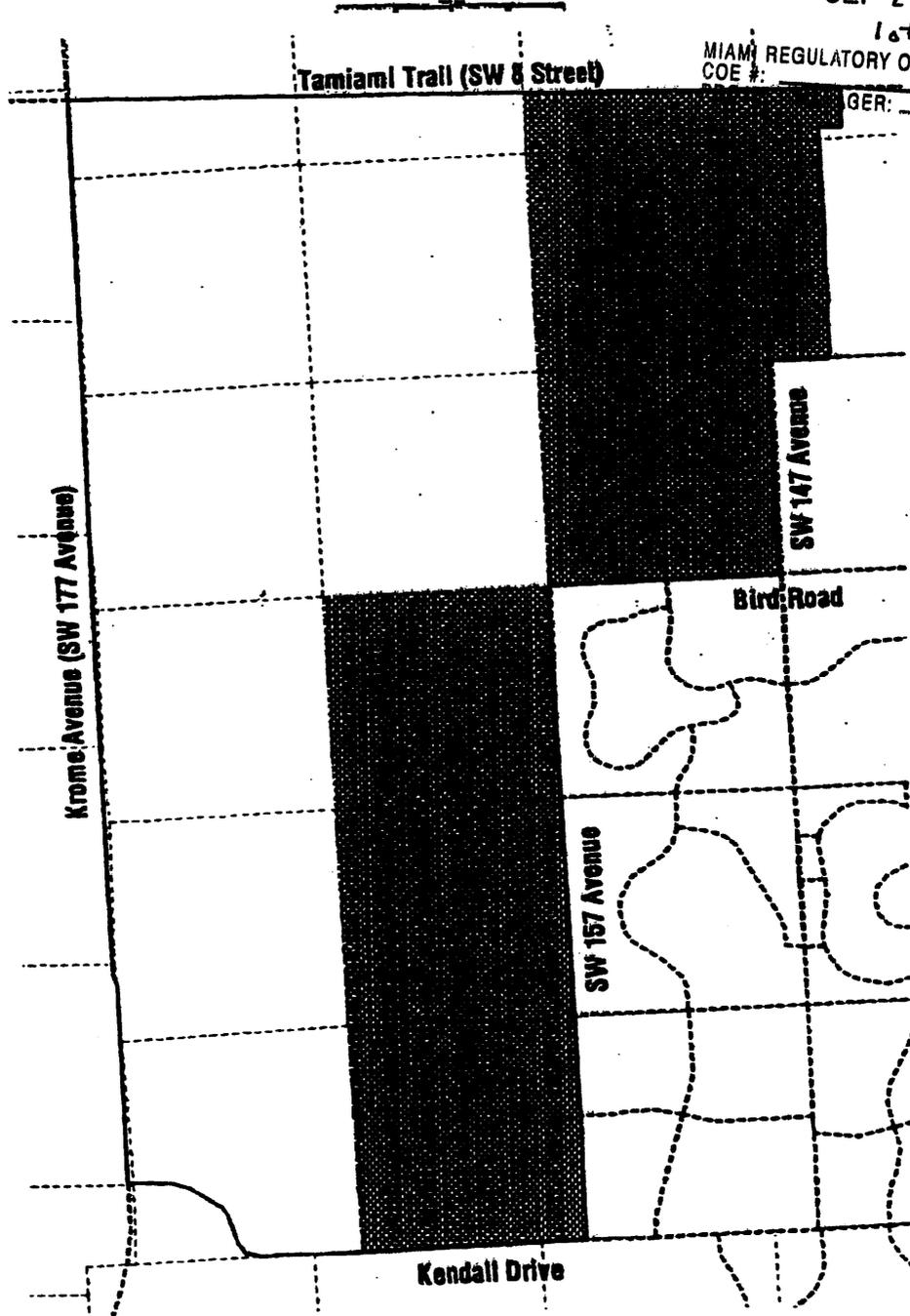
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MIAMI REGULATORY OFFICE
COE #:

SAJ-74

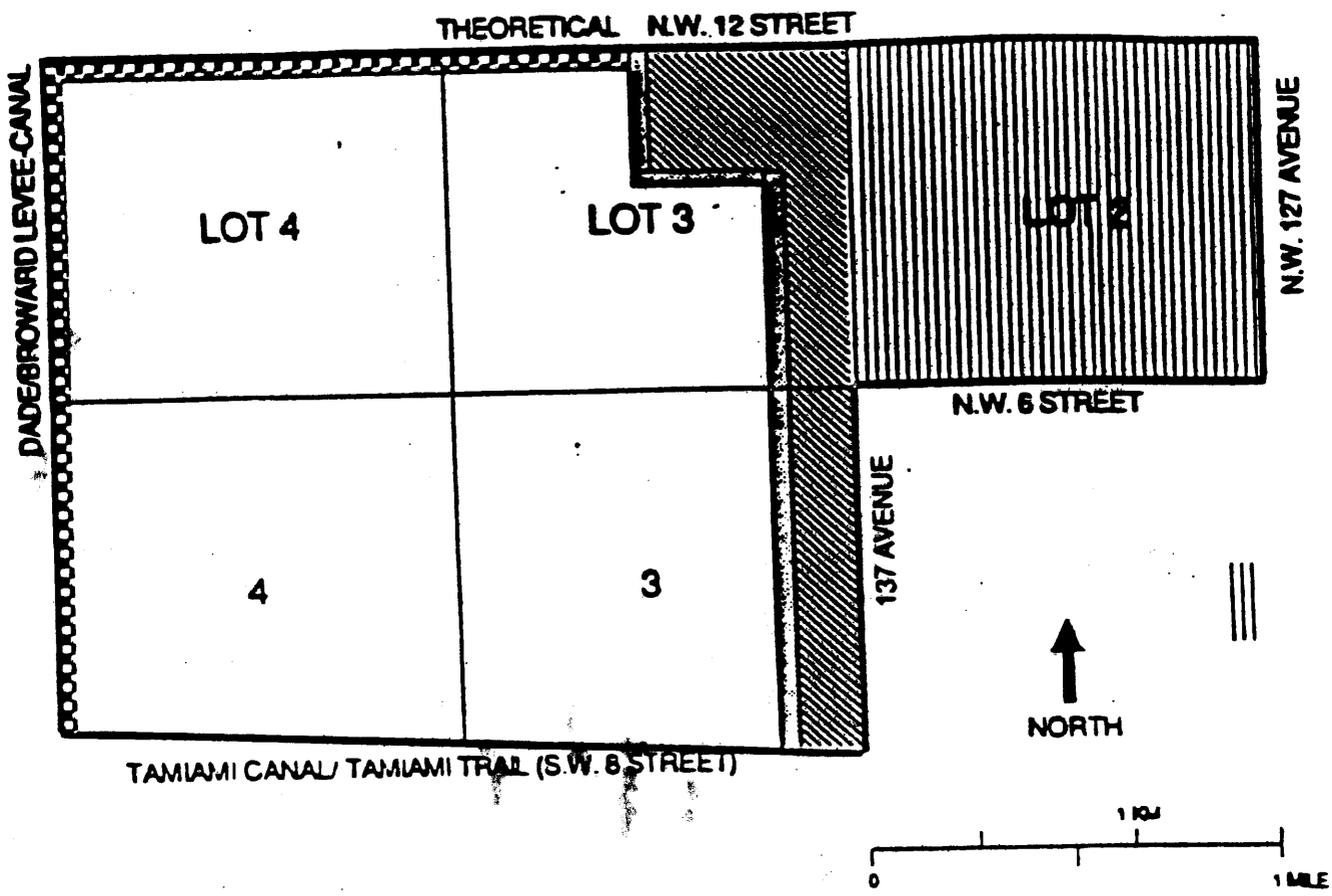
GER:

Kruger



- Section Boundaries
- Major Roads
- Boundary of the Bird Drive Everglades Basin
- Area Affected by GP-74

T53 R39
T54 R39



-  2000 Urban Development Boundary
-  2010 Urban Expansion Area Boundary
-  Low Density Residential Area Designation
-  Industrial and Office Area Designation

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SEP 26 2003

2 of 2

MIAMI REGULATORY OFFICE
COE #: SAJ-74
PROJECT MANAGER: Kruger

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.

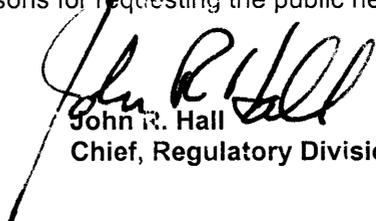
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, 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