

## **PUBLIC NOTICE**

US Army Corps of Engineers®

Applicant: Marisela Aranguiz-Cueto Miami-Dade Water and Sewer Department Published: May 8, 2025 Expires: June 7, 2025

## Jacksonville District Permit Application No. SAJ-2025-01058(SP-KHN)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) 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) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at Kyle.H.Nichols@usace.army.mil.

APPLICANT: Marisela Aranguiz-Cueto Miami-Dade Water and Sewer Department 3071 SW 38th Avenue Miami, Florida 33178

**WATERWAY AND LOCATION**: The project would affect aquatic resources associated with unnamed wetlands. The project site is located at 13680 NW 58<sup>th</sup> Street and 13700 NW 58<sup>th</sup> Street (Parcel ID Number: 30-3914-000-0010, 30-3912-000-0010, and 30-3911-001-0010); at latitude 25.837481° and longitude -80.417752°; in Miami, Miami-Dade County, Florida.

**EXISTING CONDITIONS:** The site is approximately 57.2 acres bordered by limestone mining areas and borrow pits in all directions. Other significant features include Florida's Turnpike and residential developments to the east; and the East Coast Buffer Water Preserve Area and Florida Everglades to the west. The existing access roadway is in disrepair and exhibiting signs of erosion and subsidence. There is no Department of the Army permitting history for the existing roadway or adjacent fill pads. The Site consists of both uplands and wetland habitats. The upland habitat is primarily along some sections of the roadway, in the existing staging areas, and the upland pads that contain existing buildings.

Forested freshwater wetlands are present within most of the Site and continue offsite. The wetlands in the northeastern portion of the site are dominated by melaleuca trees (*Melaleuca quinquenervia*), Australian pine (*Casuarina equisetifolia*), coin wort (*Centella asiatica*), shield fern (*Thelypteris spp.*), pond apple (Annona glabra), arrow weed (*Sagittaria spp.*), Brazillian pepper (*Schinus terebinthifolius*), and sawgrass (*Cladium spp.*).

The wetlands in the north, northwestern, and western portions of the site contain a higher percentage of melaleuca compared to the northeastern portions of the Site, with Australian pine no longer present. Other vegetation included dayhoon holly (*Ilex cassine*), wax myrtle (*myrica cerifera*), pond apple (*Annona glabra*) salt bush (*Atriplex patula*), leathern fern (*Acrostichum spp.*), and rushes (*Juncus spp.*).

The wetlands in the southern portion of the site are dominated by melaleuca but had a higher percentage of sawgrass and dense vegetation such as white top sedge (*Dichromena colorata*), cattail (*Typha spp.*), flat top sedge (*Cyperus spp.*), bull rush (*Scirpus spp.*), torpedo grass (*Panicum repens*), and water-hyssop (*Bacopa spp.*).

## **PROJECT PURPOSE:**

**Basic:** Improve transportation along an existing roadway.

**Overall:** Improve transportation along an existing roadway located at 13680 NW 58<sup>th</sup> Street and 13700 NW 58<sup>th</sup> Street (Parcel ID Number: 30-3914-000-0010, 30-3912-000-0010, and 30-3911-001-0010) in Miami, Florida.

**PROPOSED WORK:** The applicant requests authorization to improve transportation along an existing roadway by discharging 9,600 cubic yards of fill material within approximately 12.20 acres of wetlands. 6.64 acres of which will be returned to the existing grade and replanted after construction. The roadway improvements will consist of repaving the existing roadway, demucking the embankment, filling the embankment, and the construction of a stormwater management system.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

5.56 acres of permanent wetland impacts and 6.64 acres of temporary wetland impacts will be necessary to make the roadway repairs and in order to meet Miami-Dade County's stormwater requirements. Biosorption activated media will be utilized within the swales to increase the efficiency of the swales; therefore, the project has been designed to minimize wetland impacts by minimizing the swale's footprint. Silt fences will be utilized to reduce the indirect wetland impacts.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Wetland mitigation is planned for the site to be performed as on-site mitigation by the permittee as freshwater herbaceous wetland restoration and enhancement. The mitigation plan will entail restoration of the temporary and secondary wetland impact

areas. Other areas will be supplemented with invasive/exotic species removal via mechanical harvesting and restoration to grade with freshwater herbaceous wetland plantings. The area proposed to be replanted for temporary wetland impacts is 6.64 acres.

**CULTURAL RESOURCES:** The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Southeast Region Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

The Corps has determined initially that the proposed project may affect, but is not likely to adversely affect the wood stork (*Mycteria americana*), eastern indigo snake (*Drymarchon corais couperi*), Everglade snail kite (*Rostrhamus sociabilis plumbus*), Florida Bonneted Bat (*Eumops floridanus*), Eastern Black rail (*Laterallus jamaicensis ssp. jamaicensis*), Florida panther (*Puma (=Felis) concolor coryi*), and the Tricolored bat (*Perimyotis subflavus*). The Corps will evaluate the proposed work and request concurrence from the U.S. Fish and Wildlife Service by separate letter, or obtain programmatic concurrence as appropriate.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps has determined the proposal would have no effect on any Essential Fish Habitat (EFH). The project is located within 57.2 acres of vacant and industrial parcels and will directly impact 12.20 acres of freshwater wetlands. Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water Quality Certification may be required from the South Florida Water Management District (SFWMD).

**COASTAL ZONE MANAGEMENT CONSISTENCY:** Coastal Zone Consistency Concurrence is required from SFWMD. In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**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, historical 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. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Jacksonville District will receive written comments on the proposed work, as outlined above, until June 7, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <a href="https://rrs.usace.army.mil/rrs">https://rrs.usace.army.mil/rrs</a> or to Kyle Nichols at Kyle.H.Nichols@USACE.Army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Jacksonville District, Attention: Kyle Nichols, 4400 PGA Boulevard, Palm Beach Gardens, Florida 33410. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.





