MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT

Water Supply Water Demand

1. **Paragraph 17(A)(1) Table 17.1, water calculations shall list restaurants space use separate from retail. Restaurants are large water users. Flow calculation by area could be misleading.**

   Table 17.A.1 (R) – Average Daily Potable Water Demand has been revised to provide potable water estimates for restaurants as a separate component of the proposed 350,000 square feet of retail space..

2. **Paragraph 17(F) and (H) shall include an availability of service statement from Miami-Dade Water and Sewer Department (MDWASD). The City of Hialeah is a wholesaler customer of MDWASD and does not have water production capabilities. The water production wells and water treatment plant serving the area are owned and operated by MDWASD. A service availability statement from MDWASD is required.**

   Letters have been sent to MDWASD and the City of Hialeah requesting a statement of service availability, and the response letters will be forwarded when received.

Wastewater Disposal

3. **Paragraph 18, in Table 18.1, average wastewater flow estimates need to list restaurant space use separate from retail. An allowance for infiltration and inflow into the sanitary sewer system needs to be added too. Additionally, estimated wastewater flow is lower than potable water uses. Countywide sanitary sewer service practices have demonstrated the volume of wastewater collected is larger than the amount of water delivered.**

   Table 18.A.1 (R) – Wastewater was revised to provide wastewater treatment demand estimates for restaurants as a separate component of the proposed 350,000 square feet of retail space.

4. **Paragraph 18(C) shall include availability of service from MDWASD. The City of Hialeah is a wholesale customer of MDWASD and does not have wastewater treatment capabilities. Wastewater collected by the City sanitary sewer system is transmitted to the MDWASD Water and Wastewater Treatment Plant (WWTP) by transmission mains and booster Private Stations (PS) operated and owned by MDWASD. A service availability statement from MDWASD is required.**

   Letters have been sent to MDWASD and the City of Hialeah requesting a statement of service availability, and the response letters will be forwarded when received.

Air Quality Preservation

5. **The DERM Air Quality Management Division has reviewed the Application for Development Approval for the Beacon Countyline DRI to determine if an air quality modeling analysis would be required. This carbon monoxide analysis for each phase, as well as project buildout, would be based upon Florida Department of**

Environmental Protection (FDEP's) "Guidelines for Evaluating the Air Quality Impacts of Indirect Sources". These guidelines require that all Level of Service (LOS) "E" or "F" intersections impacted by 5% or more project traffic and any surface parking areas of 1500 vehicle trips per hour, or a parking garage of 750 vehicle trips per hour, be considered for air quality modeling.

Air quality modeling analysis will be performed to the standards required by DERM for all Level of Service (LOS) "E" or "F" intersections impacted by five percent or more project traffic and any surface parking areas of 1500 vehicle trips per hour, or a parking garage of 750 vehicle trips per hour.

6. **DERM concurs with the applicant's response to Question 22 Air, that, once Question 21 Transportation has been approved, they will meet with DERM and FDEP to address air quality issues. Please contact Bruce Coward of DERM at (305)372-6925 and Bruce Offord of FDEP at (561)681-6630 to make arrangements for an air quality methodology meeting to determine which intersections and/or parking need to be considered for the carbon monoxide analysis.**

   The Applicant will meet with DERM and FDEP to address air quality issues once **Question 21 – Transportation** has been approved.

Natural Resources Part III

Item 9 Maps

7. **Map B: The narrative states that the aerial photograph shows the conditions of the project site, however, the photo is difficult to see under the cross-hatching.**

   Map B (R) – Aerial Photo has been revised and the hatching removed to show the conditions of the Project Site and is located in **Question 9 - Maps**.

8. **Map C: This map needs a legend to identify the meaning of the symbols.**

   Map C (R) – Topography has been revised to show the meaning of all symbols and is located in **Question 9 - Maps**.

9. **Map F: The narrative needs to describe the differences between Map F.1 and Map F.2. Please note that these maps will need to be revised if DERM determines that the wetland acreage differs from what is shown.**

   Map F.1 (R) – Vegetation Associations depicts all vegetation types on the property while **Map F.2 (R) – Wetlands** shows only the wetlands. Since the submittal of the original ADA, the environmental consultant for the Project, RS Environmental Consulting, Inc. (RSEC) has conducted a site inspection with representatives from the Freshwater Wetlands Section of DERM on December 18, 2007. During site inspection, RSEC presented a map showing the additional area that had been added to the wetland delineation for the Project. Please note that with the removal of the Golden Glades Right-of-Way, the total wetland acreage is now 101 acres. The revised **Map F.2 (R) – Wetlands** provides an accurate representation of all of the wetlands on the Property.

10. Map G: This map may not depict all properties that may contain wetlands. In addition, there is no map legend that identifies the features depicted.

Since the submittal of the original ADA, the environmental consultant for the Project, RS Environmental Consulting, Inc. (RSEC) has conducted a site inspection with representatives from the Freshwater Wetlands Section of DERM on December 18, 2007. During site inspection, RSEC presented a map showing the additional area that had been added to the wetland delineation for the Project. Please note that with the removal of the Golden Glades Right-of-Way, the total wetland acreage is now 101 acres. The revised **Map G (R) – Sample Station Locations** provides an accurate representation of all of the wetlands on the property. Please note that a legend has been included.

11. Map J: This map needs to identify what the labels represent in the legend.

Map J (R) – Existing Transportation Network has been revised to show what the labels represent in the legend and is located in **Question 9 - Maps**.

Stormwater Management and Disposal

12. The ADA does not indicate how the project intends to satisfy the requirements of the Special Drainage Basin B, insofar as providing retention of the 100-year/3-day rainfall event. Therefore, the information therein is insufficient with respect to compliance with the Miami-Dade County Cut & Fill criteria.

The storm water management plan is being prepared in consultation with DERM Water Control Section to meet their requirements for permitting.

Item 12-Vegetation & Wildlife

13. The applicant states that there is a total of 122 acres of wetlands within the DRI area. DERM has not verified that acreage and requests that all information used to determine this acreage are included.

Please note that with the removal of the Golden Glades Right-of-Way, the total wetland acreage is now 101 acres and is depicted on the revised **Map F.2 (R) – Wetlands**. Since the submittal of the original ADA, the environmental consultant for the Project, RS Environmental Consulting, Inc. (RSEC) has conducted a site inspection with representatives from the Freshwater Wetlands Section of DERM on December 18, 2007. During the site inspection, RSEC presented a map showing the additional area that had been added to the wetland delineation for the Project. Information utilized to determine the extent of wetlands on the property includes the U.S. Soil Conservation Service Soil Survey, the elevation survey prepared by Ludovici & Orange Consulting Engineers, Inc., and interpretation of aerial photography. **Map E (R) – Soil Map**, **Map C (R) – Topography** and **Map B (R) – Aerial Photo** were provided in the original application. RSEC has utilized this information in combination with extensive fieldwork on the Project Site to identify the extent of the wetlands within the Project boundaries. All delineations of wetlands have been conducted in accordance with the Unified Wetland Delineation

Methodology as described in Chapter 62-360 FAC for both the SFWMD and DERM as well as in accordance with the 1987 Wetlands Delineation Methodology for the Corps.

14. The applicant has provided some of the wetland plants found within the DRI area, including ones that are obligate wetland species. DERM has not verified the wetland species present on-site and requests that a more detailed vegetation list and map be included.

Since the submittal of the original ADA, the environmental consultant for the Project, RS Environmental Consulting, Inc. (RSEC) has conducted a site inspection with representatives from the Freshwater Wetlands Section of DERM on December 18, 2007. Because of the heavy canopy of melaleuca and resultant shading of the understory, the vegetative species diversity is limited. The list of plant species provided in the original ADA contains the most prevalent vegetative species observed within wetlands on the Project Site. Likewise, **Map F.2 (R) – Wetlands** showing the wetland boundaries is an accurate representation of the limits of wetlands in the Beacon Countyline Project.

15. The applicant states that mitigation for project-related impacts will be developed, pursuant to an ERP that will be sought for relatively small areas of the property. DERM does not concur that the not yet verified wetland acreage of 122 acres is small. The applicant also states that mitigation for other project activities is not proposed, due to the significant altered nature of the area and lack of native natural systems on-site. Section 24-48 of the Code of Miami-Dade County, Florida (the Code) requires mitigation for all wetland impacts. DERM will require an appropriate mitigation plan for all wetland impacts proposed by the Beacon Countyline project.

The Applicant is exploring the potential for conducting wetland restoration on another property owned by the applicant in the vicinity of the Beacon Countyline Project. It is anticipated that the overall mitigation plan will incorporate off-site wetland restoration within the same watershed as well as the purchase of credits at local mitigation banks (including the Hole-in-the-Donut and the Everglades Mitigation Bank). Details of the mitigation plan will be developed in coordination with the environmental permitting processes of the U.S. Army Corps of Engineers, South Florida Water Management District and the Miami-Dade County Department of Environmental Resources Management.

Item 13 Wetlands: Background

16. The applicant states that several FDEP and DERM permits have been issued for the existing construction and demolition use. Please provide the type of permit and permit numbers for each agency.

Please see the attached spreadsheet listing the DERM and FDEP Permits that have been issued for the Project Site. A map has also been included to show the tracts that are included in each of the permits that have been issued.

17. The applicant should revise the historical description of the subject wetland ecosystem to be consistent throughout the document. Also, in the background

information, the applicant refers to the historical wetlands as being part of the coastal everglades system. This is incompatible with the location of the DRI area.

As clarification, historically, the wetlands on the Project Site were part of the vast freshwater everglades ecosystem that ultimately discharged into the coastal wetlands along Biscayne Bay. Water flow within and through these extensive wetland systems consisted of sheet-water and groundwater flow that eventually found its way to Biscayne Bay (or into the aquifer).

18. In the background information, the applicant states that, to improve soil conditions, ditches were constructed to move ponded water to Biscayne Bay. DERM does not concur that drainage systems would have improved the soil conditions; rather hydrology in the area would be adversely impacted by the ditches. Please explain the direct hydrological connection from the DRI area to Biscayne Bay.

The term "improvement" used in the original ADA as a reference to increasing the capacity of the soils to support agricultural operations such as cattle grazing and crop production. We agree that the result of the overall drainage features was to lower water levels in many of the wetlands in the vicinity of the Project, either through direct drainage or through diversion of surface water flow (sheet-flow). The drainage features in the vicinity of the Project are somewhat complex. There appears to be a divide at the northeast corner of the Project Site. West of the intersection of NW 97th Avenue and NW 170th Street, the canal on the north side of NW 170th Street (Golden Glades Canal) flows in a western direction. After flowing west, the canal intersects with the Miami Canal which then flows into Biscayne Bay. The canal east of the intersection of NW 97th Avenue and NW 170th Street flows east to intersect with a series of canals that ultimately flows into Biscayne Bay.

19. The applicant states that continued development and drainage systems enabled the establishment of invasive and exotic plant species found on the DRI area today. This evaluation has not considered the effects of permitted uses, illegal uses or legal uses approved prior to the adoption of Section 24-48 of the Code in September of 1983. Please explain how the current uses in the DRI area have impacted the wetland communities on-site. In addition, please provide all historical information and water level data available to support the assertion that drainage of the area has occurred.

The attached photo from 1940 shows the general Project area prior to the expansion of agricultural, commercial and residential development into the northern Miami-Dade County area. At that time, the general vegetation pattern shows the herbaceous nature of wetlands that existed prior to the expansion resulting from the increased population in Miami-Dade County.

The expansion of agricultural, commercial and residential development has resulted in the wetland conditions that are now present on the Project Site. The creation of the drainage canal system and construction of the road/highway system to accommodate the transportation needs of the northern Miami-Dade County area resulted in the transition of the herbaceous wetland systems on the Project Site to a system dominated by exotic hardwoods including Melaleuca, Australian Pine, and Brazilian Pepper. This transition has been facilitated by both the effects of the drainage canals as well as the

disruption of surface water flow. The operation of the C&D landfill operation on the Project Site was one of the many factors that resulted in the current hydrologic conditions on the Project Site.

Item 13: Part A: Item 1

20. The applicant states that an evaluation was conducted of the on-site wetlands that revealed the existing wetlands located in the DRI area are of a low quality. The applicant further states that no native wetland systems remain on-site. However, the supplemental documentation that was provided does not support these findings. Please explain this discrepancy.

The canopy of all the forested wetlands on the Project Site is dominated by the exotic hardwood melaleuca. While the disturbed prairie systems do contain native vegetation species, they are becoming invaded by melaleuca, Brazilian pepper, and marlberry. These prairie systems were maintained as pastures for cattle grazing that occurred historically on the Project Site. With the reduction in the need for grazing, the mowing of the pastures has been discontinued and the pastures are becoming dominated by the woody species listed above. The vegetation patterns on the Project Site have now been inspected by the Corps, SFWMD and DERM.

21. The applicant states that the ability of the on-site wetlands to continue to support obligate wetlands species is in question, due to the effects of water manipulation, lowered hydrologic patterns, and rock mining operations. Has a cover abundance study been conducted in the DRI area to verify the decline in wetland obligate plant species for the on-site wetland communities over time? The applicant should revise the statement to accurately reflect the evaluation of the site relative to the wetlands that reasonably exist today.

Although an abundance study has not been performed for this Project, the wetlands on the Project Site follow a similar trend shown by many wetlands in the vicinity that has resulted in wetlands formerly dominated by sawgrass marsh or muhly grass prairie to be replaced by a low diversity forested wetland community dominated by a canopy of melaleuca. Once established, the thick canopy reduces sunlight penetration to the ground which results in minimal sub-canopy and groundcover vegetative species.

While the disturbed prairie systems do contain native vegetation species, they are becoming invaded by melaleuca, Brazilian pepper, and marlberry. These prairie systems were maintained as pastures for cattle grazing that occurred historically on the Project Site. With the reduction in the need for grazing, the mowing of the pastures has been discontinued and the pastures are becoming dominated by the woody species listed above.

22. Please describe, in detail, the past clearing activities that have occurred within the DRI area, how off-road vehicle use has affected the wetland areas within the DRI area, how the adjacent rock mining activities have affected the hydrology of the DRI area, and provide documentation that these activities were approved by DERM.

Most of the Project Site (approximately 80 percent) has been cleared and filled in accordance with the solid waste permits issued by both DERM and FDEP as shown on the attached list of permits.

There is some evidence of off-road vehicular use in wetlands in the southwest corner of the property. This off-road use is most likely associated with trucks utilized for management of the cattle that occur on this part of the Property. These activities are all normal and customary agricultural land management uses. Wetland impacts from the off-road use are limited to minor tire rutting in wetlands dominated by wedelia.

The adjacent rock mining operations represent one of the several landscaping alterations that have resulted in changes to the general sheet-flow of water in the vicinity of the Project Site. As stated in responses to previous questions, the expansion of agricultural, commercial and residential development has resulted in the wetland conditions that are now present on the Project Site. The creation of the drainage canal system and construction of the road/highway system to accommodate the transportation needs of the northern Miami-Dade County area resulted in the transition of the herbaceous wetland systems on the Project Site to a system dominated by exotic hardwoods including Melaleuca, Australian Pine, and Brazilian Pepper. This transition has been facilitated by both the effects of the drainage canals as well as the disruption of surface water flow.

23. The applicant states that there is a dense canopy of exotics and only minimal sub-canopy and ground cover within the remaining wetlands of the DRI area. This Department has not verified these statements and requests that all information used to make these statements be included in the application. In addition, please provide all hydrologic data used to assert that the "continued water manipulations, lowered hydrologic patterns resulting from the canal to the north", drainage ditches and rock mining operations have affected the ability of the wetlands to support obligate wetland species."

Since the submittal of the original ADA, the environmental consultant for the Project, RS Environmental Consulting, Inc. (RSEC) has conducted a Site inspection with representatives from the Freshwater Wetlands Section of DERM on December 18, 2007. During the site inspection, RSEC presented a map showing the additional area that has been added to the wetland delineation for the Project. Information utilized to determine the extent of wetlands on the Property includes the U.S. Soil Conservation Service Soil Survey, the elevation survey prepared by Ludovici & Orange Consulting Engineers, Inc., and interpretation of aerial photography. **Map E (R) – Soil Map**, **Map C (R) – Topography** and **Map B (R) – Aerial Photo** were provided in the original application. RSEC has utilized this information in combination with extensive fieldwork on the Project Site to identify the extent of the wetlands within the Project boundaries. All delineations of wetlands have been conducted in accordance with the Unified Wetland Delineation Methodology as described in Chapter 62-360 FAC for both the SFWMD and DERM as well as in accordance with the 1987 Wetlands Delineation Methodology for the Corps.

24. Within the Wetlands narrative, the applicant states that various impacts have affected the hydrology of the DRI area, including ditches that drain to Biscayne Bay. However, on page 13-3, paragraph 3, the applicant states that the wetlands are isolated and have no direct connection to off-site water bodies or adjacent wetland communities. Please explain this discrepancy, and describe how the

hydrology of the remaining wetlands has been changed by the construction of berms, landfills, roads, etc. around the DRI area.

Historically, a number of drainage features were constructed to provide more suitable hydrological conditions for agricultural operations, including both cattle grazing and crop production. These features were also implemented as a means for flood prevention to facilitate the safety of the expanding population in southern Florida. The result of the overall drainage features was to lower water levels in many of the wetlands in the vicinity of the Project, either through direct drainage or through diversion of surface water flow (sheet-flow). Although the wetlands on the Property are isolated and not directly connected to any of these drainage features, the wetland hydrology has most likely been affected through disruption of surface water flow (sheet-flow) to the Project Site as well as by the drainage affect of the nearby canals.

Item 13: Part A: Item 2

25. Please provide all historical information and water level data available to support the historic hydroperiods and seasonal water elevations reported in the Wetlands narrative.

The attached photo from 1940 shows the general Project area prior to the expansion of agricultural, commercial and residential development into the northern Miami-Dade County area. At that time, the general vegetation pattern shows the herbaceous nature of wetlands that existed prior to the expansion resulting from the increased population in Miami-Dade County.

The expansion of agricultural, commercial and residential development has resulted in the wetland conditions that are now present on the Project Site. The creation of the drainage canal system and construction of the road/highway system to accommodate the transportation needs of the northern Miami-Dade County area resulted in the transition of the herbaceous wetland systems on the Project Site to a system dominated by exotic hardwoods including Melaleuca, Australian Pine, and Brazilian Pepper. This transition has been facilitated by both the effects of the drainage canals as well as the disruption of surface water flow. The operation of the C&D landfill operation on the Project Site was one of the many factors that resulted in the current hydrologic conditions on the Project Site.

Item 13: Part A: Item 6

26. Reference is made to Map F3, which is not included in the review. However, Map F2 is labeled as the wetland map. The map illustrates that wet melaleuca, wet prairies, and a ditch make up the proposed 122 acres of wetlands found on the property. As stated above, DERM has not verified the wetland species present on-site and requests that a detailed vegetation map be included.

The reference to Map F3 was a typographical error and should have referenced **Map F.2 – Wetlands**. Please see previous responses for information related to verification of wetlands by DERM staff.

Item 13: Part A: Item 8

27. The review states that there are no existing jurisdictional determinations for the property. Please note that DERM has numerous wetland files that contain information related to wetland evaluations, and DERM has issued five Class IV Wetland Permits in Section 17-52-40.

Based on subsequent review of the DERM files, the attached spreadsheet was created to list the previous wetland evaluations and existing permits.

Item 13: Part B

28. The first sentence of the response seems contradictory and/or incomplete. Please review and refine this section. Also, if it is not the intention of the applicant to have on-site preservation and/or creation of wetlands, please state this in the response to this question. DERM cannot fully address and approve any mitigation plan until a thorough review is conducted during the permitting process.

The first sentence of the section should be revised as follows:

"The analysis of the Property has resulted in a finding of no significant listed species or on-site habitat areas of sufficient quality to require preservation in their present state or location."

The applicant has committed to working with DERM to close the landfill in accordance with all current closure requirements. The combination of the closure requirements, along with the stormwater management system design, and the street and building layout necessitate the filling of the 101 acres of wetlands On-Site. Please note that the revised number of wetland acres on the Project Site is now 101 acres with the removal of the Golden Glades Right-of-Way. The primary need to fill the wetlands is the result of the requirement to locate the ponds/lakes required for the storage of treated stormwater in areas that do not overlay any portions of the Project Site that have been previously used for the placement of construction and demolition debris. The avoidance of siting these bodies of water over non-landfill portions of the property is related to water quality.

As demonstrated in the previous minimization and avoidance discussion, the entirety of the Project Site is required to accomplish the closure of the landfill to meet all regulatory requirements as well as to allow for the development of a commercial facility within the configuration available to Beacon Countyline LLC.

Also, the applicant is exploring all options for offsetting the unavoidable impacts to wetlands. It is anticipated that the majority of the mitigation plan will consist of the purchase of credits at local mitigation banks (including the Hole-in-the-Donut and the Everglades Mitigation Bank). Details of the mitigation plan will be developed in coordination with the environmental permitting processes of the U.S. Army Corps of Engineers, South Florida Water Management District and the Miami-Dade County

Department of Environmental Resources Management. We understand that DERM cannot fully address the mitigation plan at this time.

Item 14: Water - Part A

29. On page 14-1, paragraph 2, the applicant states that the C&D material currently covering 77% of the site will be spread around the remainder of the site. DERM has not evaluated that proposal, and approval may not be possible, based on stormwater management or wetland regulatory issues. Specifically, the Code states that only clean fill may be used in wetland areas.

The C&D material will be spread only over the previously filled areas of the Site.

30. Please provide all historical information and water level data available to support the statement that the majority of the site is 10-12 feet above the seasonal high groundwater level.

See **Appendix 14.2 – Historical Water Level** in book two of this submittal.