



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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LAN 01

August 15, 2005

Mr. John Hulsey, Senior Planner
 South Florida Regional Planning Council
 3440 Hollywood Boulevard, Suite 140
 Hollywood, FL 33021

Dear Mr. Hulsey,

**Subject: Florida City Commons, DRI No. 05-475
 First Sufficiency Review**

South Florida Water Management District (SFWMD) staff has reviewed the Application for Development Approval (ADA) for the above subject Development of Regional Impact (DRI) and has determined that the following require additional information/clarification:

Question 8: Permit Information

- (1) Under the list of SFWMD permits, the ADA indicates that an Environmental Resource Permit (Stormwater and Water Quality Certification) has been issued with the stormwater plan to be modified. This is incorrect. A Surface Water Management Permit and a Wetland Resource Permit (dredge and fill) were originally issued for the filling of 980 acres for agricultural purposes and for the excavation of a 251 acre lake. These permits were later modified for the excavation of an additional 71 acre lake within the area previously authorized to be filled. As the current development proposal is for a mixed-use residential/commercial development, a new Environmental Resource Permit (ERP) will be required. The proposed development must meet all applicable ERP rules/criteria.

Question 9: Maps

- (2) The drainage map provided (Map I) is not adequate. The map does not delineate structures or flow routes nor does it show how stormwater from all parcels will be routed into the proposed wet retention lake.

Question 10: General Project Description

- (3) In the response to Question 10.A, no detailed information could be found regarding project phasing and build-out, with the exception of a heading entitled "Proposed Project (2007-2015)" in Table 10-2.

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Question 13: Wetlands

- (4) The ADA relies upon previously issued SFWMD permits (No. 13-00034-D and No. 13-01409-S) to address wetland issues within the DRI boundaries. The wetland determination (Map 3) established during the review of these permits resulted from a Binding Jurisdictional Determination completed by the Florida Department of Environmental Protection (FDEP), which has since expired. Reliance upon this delineation is only valid if the proposed DRI is consistent with the mining and filling that is associated with the agricultural activities permitted in the referenced permits. Since the land use proposed within the DRI is different than the previous authorizations, the on-site wetlands should be delineated in accordance with Rule 62-340, F.A.C. Furthermore, any proposed wetland impacts and mitigation must be evaluated in accordance with the criteria set forth in Rule 62-345, F.A.C.
- (5) A portion of the previously permitted mitigation is within the DRI footprint. SFWMD staff has concerns related to the long-term sustainability and assumed lift in wetland functions of this mitigation area, as development surrounds this area. Assurances need to be provided (through hydrological calculations) that the hydrology of this area will be maintained or improved from the previously issued permit. In addition, the buffer requirements contained within the SFWMD's Basis of Review (BOR) for ERP Applications must be adhered to.
- (6) Secondary impacts associated with project development must be evaluated. Numerous road expansions and new roads are referenced in the ADA that will require full review prior to authorization(s). Minimization and avoidance of wetland impacts must be addressed prior to road corridor establishment. Additional secondary impacts associated with development of this project include increased utilization of Key Largo, the Crocodile Lakes National Wildlife Refuge, the waters surrounding Card Sound Road, and the offshore waters around Key Largo.
- (7) The ADA does not yet include any commitments to provide water and wastewater services. These commitments need to be provided as part of the ERP application review and are a prerequisite for permit issuance.

Question 14: Water

- (8) The groundwater model submitted does not meet the model design requirements in Section 1.7.5.2 of the Basis of Review for Water Use (BOR). In addition, irrigation demands are not included. SFWMD cannot conduct an evaluation of water availability or determine the level of impact this DRI will have on the water resources until adequate information has been provided. Once the volumes have been identified, along with the source(s) and location of withdrawal points,

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the project can be assessed for potential impacts to wetlands, other users, pollution sources, the saline water interface and Minimum Flows and Levels water bodies.

- (9) In the response to Question 14.B, the water quality results are for surface water only. No ground water quality information is provided.
- (10) In the response to Question 14.C, mitigation of impacts is only discussed for construction and operation of on-site surface water sources. According to the BOR, the Biscayne Aquifer is a Minimum Flows and Levels (MFL) water body that must be protected from further salt water intrusion. The saltwater intrusion line is within one-mile of the project boundary. In addition, the SFWMD is in the process of developing MFL criteria for Biscayne Bay. If the proposed use of water modifies flows to Biscayne Bay, the ability to permit the project in the future may be subject to consideration of consistency with the MFL.

Question 17: Water Supply

- (11) According to the table provided in the response to Question 17.A, the demand is based on sewage loading rather than raw water withdrawals, which would be applicable for potable uses only. The project's non-potable water demands are not included in the table (or elsewhere) and this information needs to be provided. The applicant is advised that any proposed withdrawals from the on-site lakes for landscape irrigation could be limited by the proposed littoral shelves within the lakes, if they are for mitigation purposes. The applicant is further advised that, if any withdrawals are proposed from on-site wells for landscape irrigation, the potential impacts on the surrounding wetland mitigation areas will need to be assessed at the time of permit application.
- (12) The ADA should include a discussion regarding the potential for use of reclaimed water.
- (13) The response to Question 17.B does not contain all of the required information. The applicant should provide a revised breakdown of water supply sources that include not only potable, but also non-potable and development phases through project completion.
- (14) The response to Question 17.C requires that all existing on-site wells be located on Map H. There are no existing on-site wells shown on Map H and there is no statement in the response to this question that no wells exist on-site (although the description for Map D on pages 9-1 and 9-2 of the ADA does state that no wells exist on-site). Since the project site is being and/or has been used for agriculture purposes, it is reasonable to assume that there are existing wells on the project site. The applicant needs to demonstrate how the fields were irrigated and the current status of those facilities. At this time, there are no Water

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Use permits for the agricultural properties within this project and therefore no authorized withdrawal facilities are available for water use. In addition, if there are any existing wells on-site, the applicant should indicate if any of them will continue to be used for the proposed development. If there are any existing wells that will not be used, the applicant will be required to plug and abandon them, as set-forth in Chapter 373.203, F.S., and Section 40E-3.531, F.A.C.

- (15) The response to Question 17.E states that "The utilities that are capable of providing potable water to the project are Miami-Dade County Water and Sewer Department and Florida City". However, the service provider letters were sent to Florida City and the City of Homestead (Exhibit 17-1). The project site is not within the service area of either of these cities. The most likely service provider is Miami-Dade County. Approximately one-half of project area is located within the service area of Water Use Permit No. 13-00040-W. This permit was issued to Miami-Dade County for their South County Public Water Supply. However, the County cannot provide service beyond the UDB and the entire project site is located outside of the UDB.
- (16) The response to Question 17.H states that "the site is within the service boundary of Florida City". This statement does not coincide with information currently on file at the SFWMD. In addition, Florida City is currently exceeding their permitted withdrawals and their current permit expires in early 2006.
- (17) The applicant is advised that SFWMD Water Use permit criteria include requirements for compatible land use (Section 2.1.4 of the BOP). The proposed project is located on lands currently designated as "Agriculture" and "Open Land". It will be necessary for the land use designation and zoning categories to be changed to be consistent with the urban uses proposed for the DRI before a Water Use permit can be issued.

Question 18: Wastewater Management

- (18) In the response to Question 18.C.1, the applicant indicates that wastewater treatment will be provided by the Miami-Dade County Water and Sewer Department. However, there is no letter to or from that agency.
- (19) In the response to Question 18.E, the applicant indicates that the site will be serviced by Miami-Dade County. However, the project site is located outside of the UDB and the County's service area.

Question 19: Stormwater Management

- (20) The responses provided to the questions under this heading do not provide sufficient detail regarding the proposed stormwater management plan, including how the different parcels will be interconnected with the wet retention lake, typical

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exfiltration trench and overflow structure detail, anticipated percolation rates, proposed control elevations, lake cross-section detail, perimeter berm detail, and typical lot and road grading schemes. In addition, preliminary calculations should be provided to demonstrate that water quality and flood protection criteria will be met. Additional stormwater management details should also be provided for the proposed off-site access roads.

In addition to the above, please note that the project site is located within the Biscayne Bay Coastal Wetlands (BBCW) Study Area. The Comprehensive Everglades Restoration Plan (CERP) BBCW project contemplates a Stormwater Treatment Area (STA) with a spreader canal in the vicinity of the project site. The STA will provide for enhanced water quality treatment and wetland hydration. However, the BBCW Project Deliver Team (PDT) has not yet selected a final project plan that incorporates these features.

In the past, the SFWMD has had discussions with Atlantic Civil, Inc., regarding the possibility of purchasing land that includes the project site. However, the SFWMD has concluded that purchase of this land is too costly in relation to the benefits that would potentially be provided to the BBCW CERP project. Although the SFWMD has no plans to purchase this land, SFWMD staff and the property owner have had discussions regarding modifications to the project's surface water management system design (i.e., incorporation of a flow-way) to further the goals of the CERP, as noted in the response to Question 19.D on page 19-2 of the ADA.

As this project proceeds through the required development approval and permitting processes, the SFWMD requests that the developer(s) meet with staff, as necessary, in order to identify potential ancillary benefits of site development, including mitigation and conservation easements. In addition, close coordination will be necessary on issues related to higher ambient groundwater levels, control elevations, flood protection, and location of CERP project features and easements.

If you have any questions concerning the above, please do not hesitate to contact me at (561) 682-6862.

Sincerely,



James J. Golden, AICP
Senior Planner
Environmental Resource Regulation

/jlg

c: Rob Curtis, The Curtis Group