



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
4400 PGA BOULEVARD, SUITE 500  
PALM BEACH GARDENS, FL 33410

Palm Beach Gardens Regulatory Office

January 3, 2006

## ***PUBLIC NOTICE***

Permit Application No. SAJ-2005-4653(IP-PLC)

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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Cutler Properties LC  
1300 Brickell Avenue  
Miami, Florida 33131

WATERWAY & LOCATION: The project is located at 18551 Old Cutler Road in Unincorporated Miami-Dade County in Township 56 south, Range 40 east, Sections 2&3 and comprises the following folios:

30 6003 001 0013  
30 6002 000 0010  
30 6002 000 0020  
30 6002 000 0030  
30 6002 000 0040  
30 6002 000 0050  
30 6002 000 0060  
30 6002 000 0120

Directions to the site are as follows: Head south on I-95 until I-95 becomes S Dixie Highway/US-1. Turn left onto Ludlam Road/SW 67<sup>th</sup> Avenue. Turn right onto Old Cutler Road and continue to 18551 Old Cutler Road on your left.

LATITUDE & LONGITUDE: Latitude 25<sup>0</sup>35'50" North  
Longitude 80<sup>0</sup>17'50" West

PROJECT PURPOSE:

Basic: The basic project purpose is residential development.

Overall: The overall project purpose is residential development in southeastern Miami-Dade County.

PROPOSED WORK: The applicant proposes to excavate 112,933 cubic yards of material landward of the OHWL/MHWL, place 354,974 cubic yards waterward of the OHWL/MHWL and place 40,374 cubic yards landward of the OHWL/MHWL. The proposed project would impact approximately 33.85 acres of low quality wetlands and 0.18 acres of high quality wetlands. The applicant is proposing a 95.24 acre wetland preserve.

EXISTING CONDITIONS: The applicant owns 139.22 acres of which 9.95 acres are upland. The remaining wetlands are primarily high quality wetlands consisting of a mature mangrove forest and a freshwater wetland system on the western edge of the property. The applicant cleared transects through the wetlands in 2002 during a topographic survey. The applicant did not have authorization for the clearing associated with the surveying and the transects were more extensive than necessary for survey work. The coastal portion of the wetlands that were damaged is currently being restored. The project is bordered to the east by Biscayne National Park, to the northwest by the Burger King Headquarters, to the northeast by undeveloped mangrove forest, to the southwest by residential development to the southeast by undeveloped mangrove forest, and to the west by Old Cutler Road. The project is in the footprint of the Acceler8 Biscayne Bay Coastal Wetlands project.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act of 1996. The proposal would impact approximately 34.03 acres of freshwater and coastal forested wetlands utilized by various life stages of penaeid shrimp complex. The Corps initial determination is that the proposed project would not have a substantial adverse impact on EFH or federally managed fisheries in the South Atlantic Region. 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

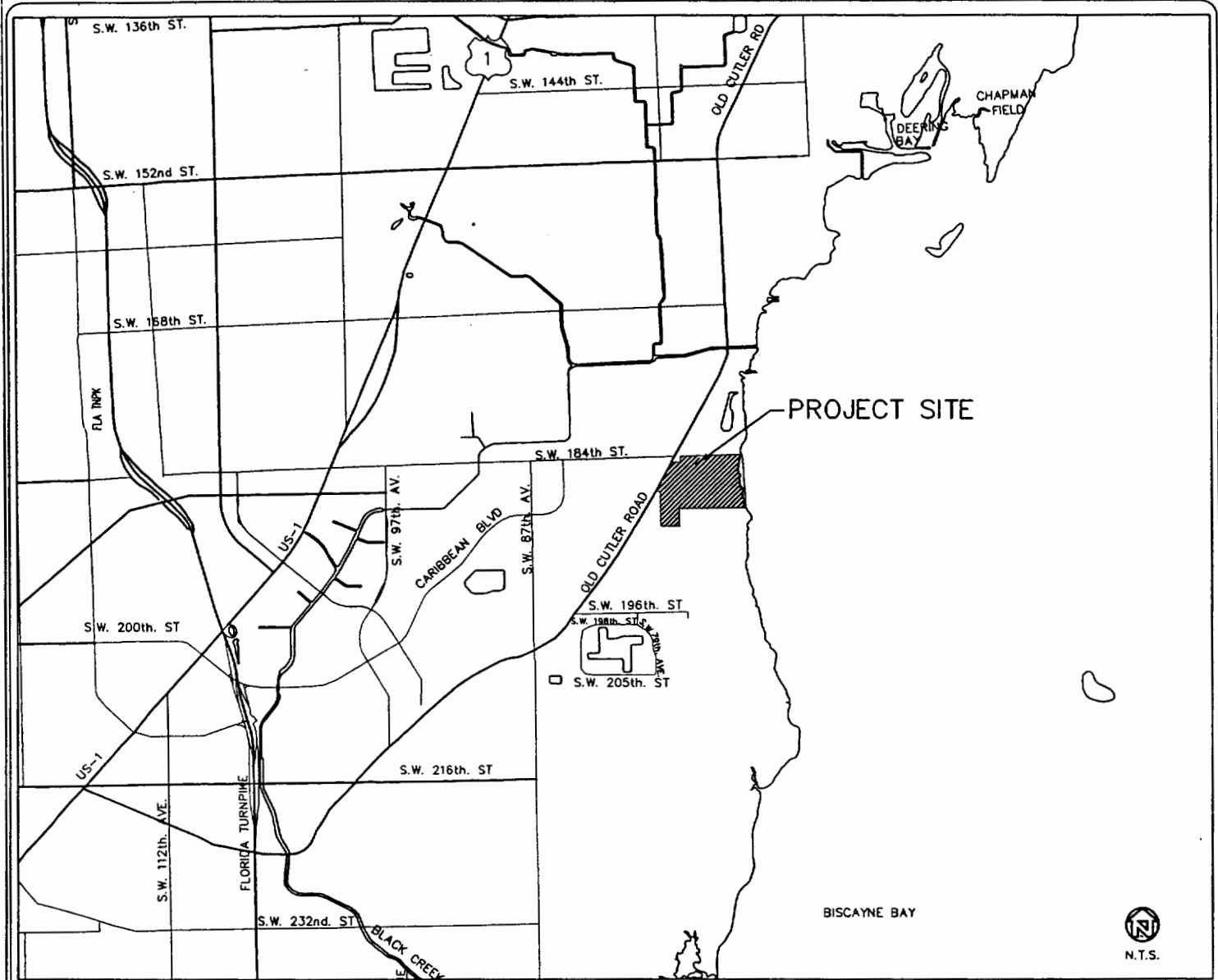
Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice. Although the public notice comment period ends in 30 days, the Corps permit decision will not be made for several weeks after that date as a result of necessary coordination regarding endangered species and/or essential fish habitat as well as heavy permit evaluation workload.

If you have any questions concerning this application, you may contact Penny Cutt at the letterhead address, by electronic mail at Penny.Cutt@saj02.usace.army.mil, by fax at 561-626-6971, or by telephone at 561-472-3505.

ADDITIONAL INFORMATION: **After reviewing all available information pertaining to the completed work, the Department of the Army has not recommended legal action at this time. Final determination regarding legal action will be made after review of the project through the permit procedure.**

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

REV. DATE	DESCRIPTION



INDEX OF DRAWINGS

SHEET #	TITLE
1	VICINITY MAP & INDEX OF DRAWINGS
2	LOCATION MAP
3	EXISTING CONDITIONS
4	SITE PLAN
5	WETLAND IMPACTS
6	SECTION A-A
7	SECTION B-B

PURPOSE: VICINITY MAP AND INDEX OF DRAWINGS  
 DATUM: N/A  
 JOB #: 2003-07

**EAS ENGINEERING, INC.**  
 55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553



US Army Corps of Engineers  
 SAJ-2005-4653(IP-PLC)  
 Cutler Properties, LC  
 December 27, 2005 Attachment #1 of 7

DATE	DESCRIPTION



**LEGEND**

PROPERTY LINE  
BOUNDARY BETWEEN  
HIGH FLOW QUALITY  
WETLANDS



AREA TO BE DEVELOPED



WETLAND PRESERVE



SCALE: 1" = 400'

COUNTY OF MIAM-DADE STATE OF FLORIDA  
 APPLICATION BY:  
 CUTLER PROPERTIES, LC  
 1300 BRICKELL AVE.  
 MIAMI, FLORIDA 33131  
 SHEET 2 DATE: 03/02/05 RANGE: 40E

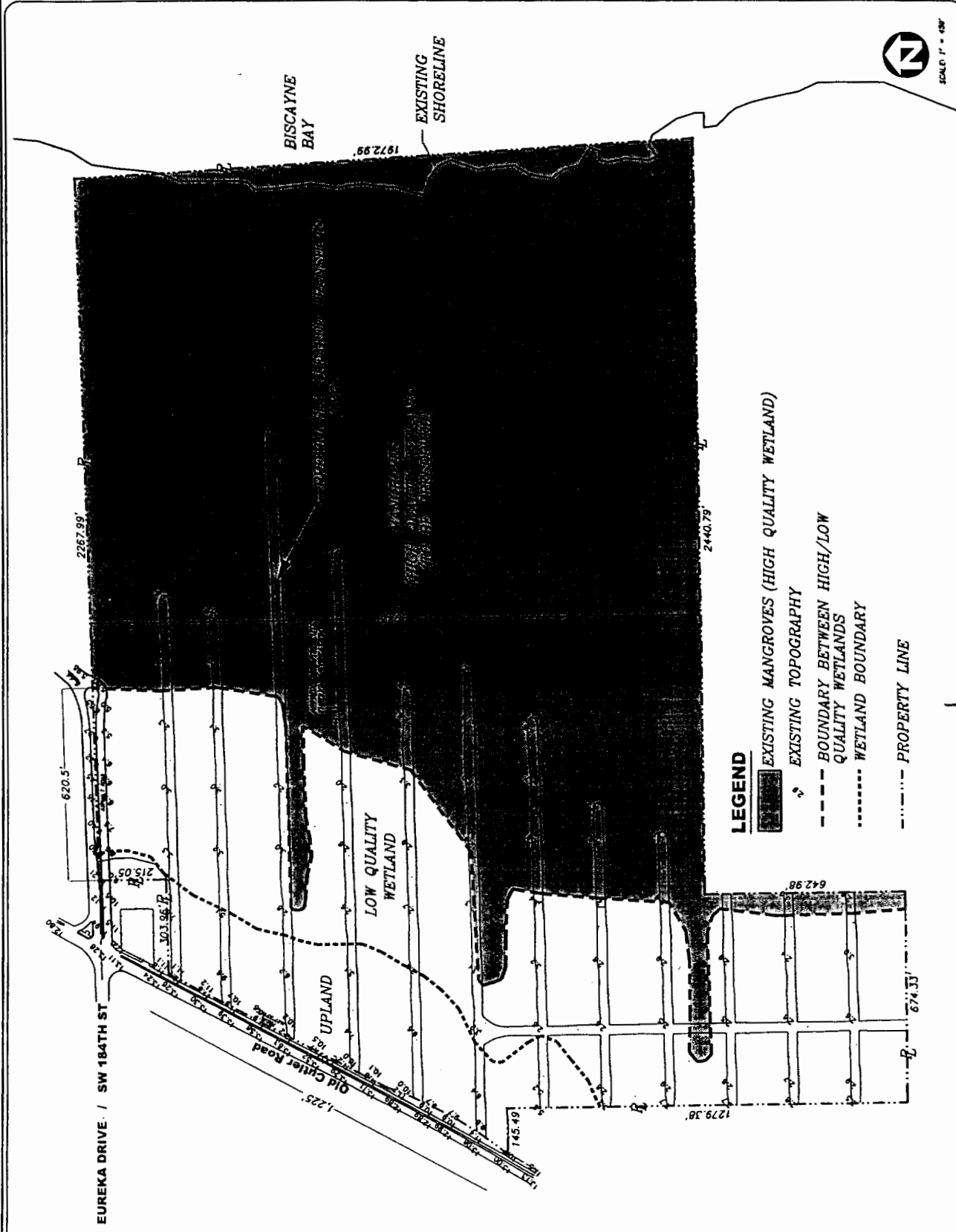
*[Handwritten signature]*



US Army Corps of Engineers

PUR: SAJ-2005-4653(IP-PLC)  
 DAT: Cutler Properties, LC  
 JOB: December 27, 2005 Attachment #2 of 7

DATE	DESCRIPTION



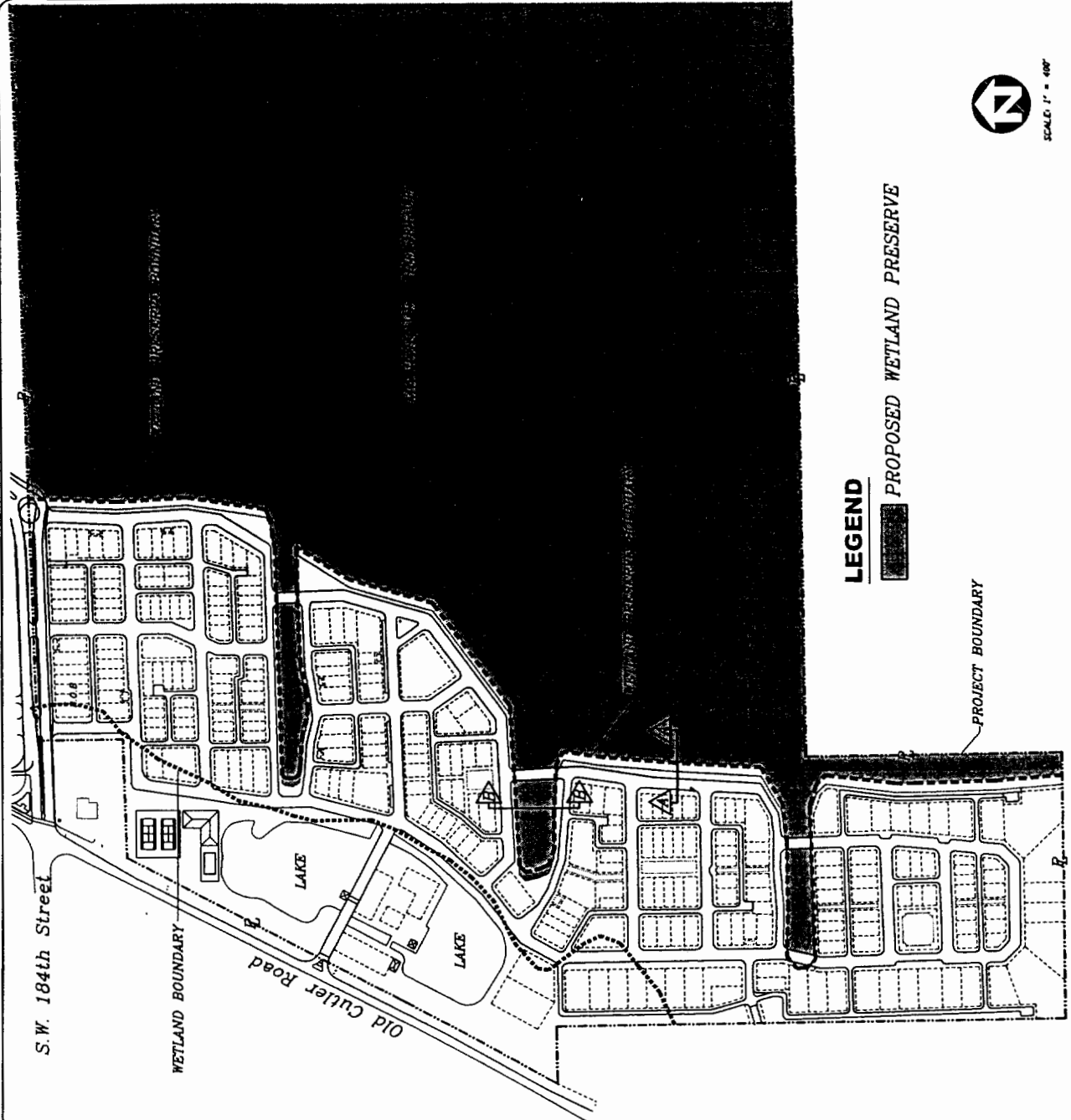
SCALE: 1" = 60'

COUNTY OF MIAM-DADE  
 STATE OF FLORIDA  
 APPLICATION BY:  
 CUTLER PROPERTIES, LC  
 1300 BRICKELL AVE.  
 MIAMI, FLORIDA 33131  
 SHEET 3 DATE: 03/02/05  
 SECTION: 2&3  
 TOWNSHIP: 56S  
 RANGE: 40E

*[Handwritten signature]*

PU: DA JOE  
 SAJ-2005-4653(IP-PLC)  
 Cutler Properties, LC  
 December 27, 2005 Attachment #3 of 7

DATE	DESCRIPTION



COUNTY OF MIAM-DADE STATE OF FLORIDA  
 APPLICATION BY: CUTLER PROPERTIES, LC  
 1300 BRICKELL AVE.  
 MIAMI, FLORIDA 33131  
 SHEET 4 DATE: 03/02/05 RANGE: 40E  
 SECTION: 2&3 TOWNSHIP: 56S

*Handwritten signature*  
 2-31-05

EUREKA DRIVE / SW 184TH ST

Old Cutler Road

BISCAYNE BAY

EXISTING SHORELINE

UPLAND

LOW QUALITY WETLAND

**LEGEND**

- BOUNDARY BETWEEN HIGH/LOW QUALITY WETLANDS
- WETLAND BOUNDARY
- · - · - PROPERTY LINE — 139.22 ACRES
- UPLAND — 9.95 ACRES
- WETLAND IMPACTS
- ▨ LOW QUALITY WETLAND — 33.85 ACRES
- ▩ HIGH QUALITY WETLAND — 0.18 ACRES

**WETLAND PRESERVE**

- ▩ HIGH QUALITY WETLAND PRESERVE — 95.24 ACRES



SCALE: 1" = 40'

DATE	DESCRIPTION

COUNTY OF MIAM-DADE

STATE OF FLORIDA

APPLICATION BY:

CUTLER PROPERTIES, LC

1300 BRICKELL AVE.

MIAMI, FLORIDA 33131

SHEET 5

DATE: 03/02/05

SECTION: 2&3

TOWNSHIP: 56S

RANGE: 40E



US Army Corps of Engineers.

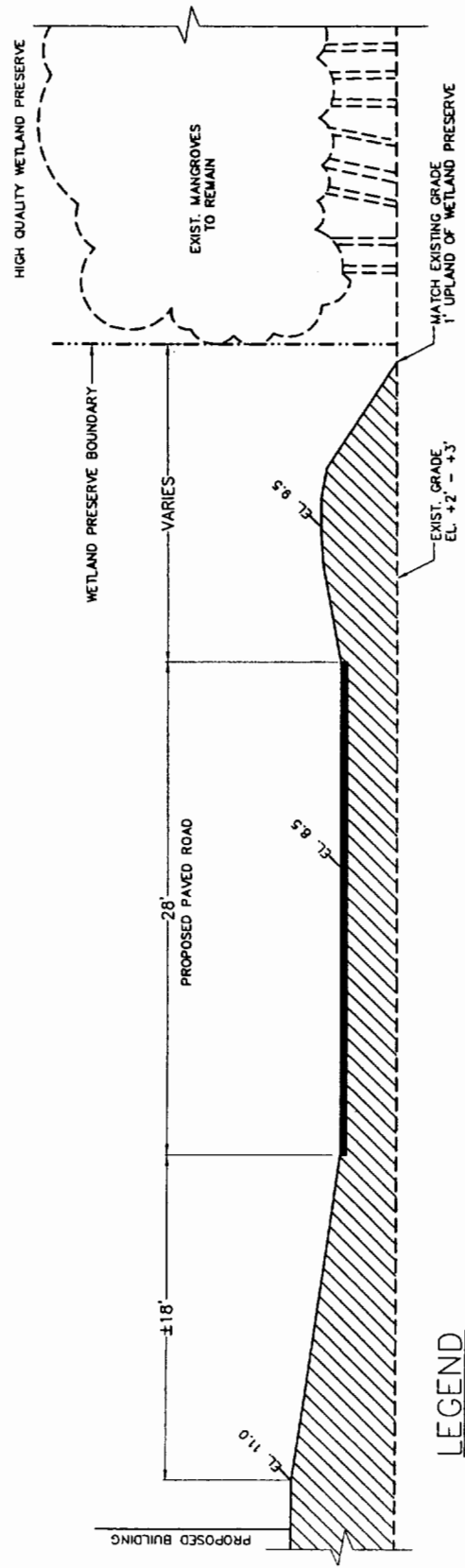
SAJ-2005-4653(IP-PLC)

Cutler Properties, LC

December 27, 2005 Attachment #5 of 7



REV.	DATE	DESCRIPTION



**TYPICAL SECTION A-A**

SCALE: 1" = 10'

**LEGEND**

- DEVELOPMENT BOUNDARY
- ▨ PROPOSED FILL

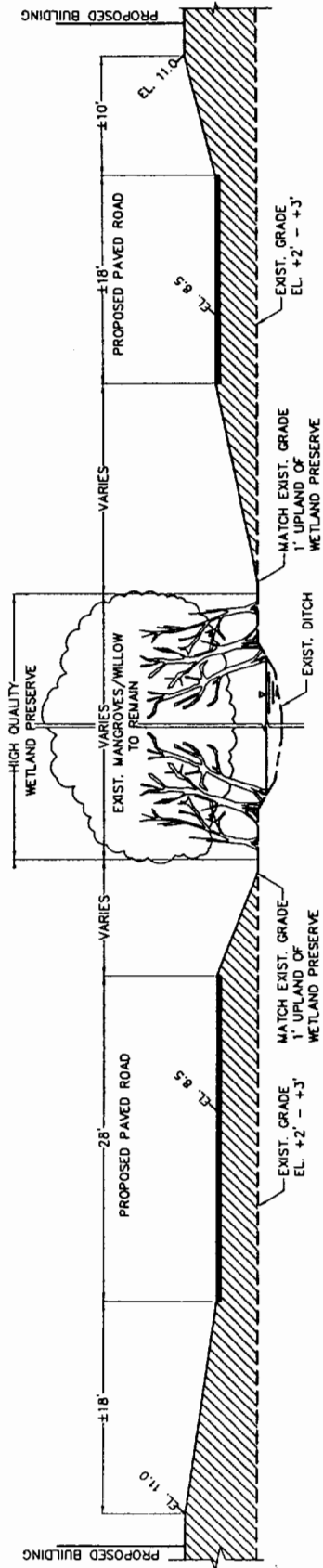
COUNTY OF MIAMI-DADE  
 APPLICATION BY:  
 CUTLER PROPERTIES, LC  
 1300 BRICKELL AVE.  
 MIAMI, FLORIDA 33131  
 SHEET 6 DATE: 03/02/05

STATE OF FLORIDA  
 SECTION: 2&3  
 TOWNSHIP: 56S  
 RANGE: 40E



PURPO. SAJ-2005-4653(IP-PLC)  
 DATUM: Cutler Properties, LC  
 JOB NC December 27, 2005 Attachment #6 of 7

REV. DATE	DESCRIPTION



**TYPICAL SECTION B-B**

SCALE: 1" = 15'

**LEGEND**

 PROPOSED FILL



US Army Corps of Engineers

**PURPOSE** SAJ-2005-4653(IP-PLC)

**DATUM:** Cutler Properties, LC

**JOB NO:** December 27, 2005 Attachment #7 of 7

**EA**

55 ALMERIA AVENUE

COUNTY OF MIAMI-DADE STATE OF FLORIDA

APPLICATION BY:

CUTLER PROPERTIES, LC  
1300 BRICKELL AVE.

MIAMI, FLORIDA 33131

SHEET 7

DATE: 03/02/05

SECTION: 2&3

TOWNSHIP: 56S

RANGE: 40E

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US 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 for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, 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, 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. 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 US 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.



Lawrence C. Evans  
Chief, Regulatory Division