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*Defending Florida's Ecosystems  
and Communities*

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November 16, 2015

Miami-Dade Board of County Commissioners  
Stephen P. Clark Center 111 N.W. 1st Street  
Miami, FL 33128

*Sent via email*

*Re: Application # 8 of May 2015 CDMP Amendment Cycle*

Dear Chairman Monestime and Board of County Commissioners,

On behalf of Defenders of Wildlife, International Dark-Sky Association, National Parks Conservation Association, Sierra Club Florida, Sierra Club Miami, Tropical Audubon Society and 1000 Friends of Florida, we write to urge you to deny and not transmit Application 8. The applicant seeks to expand the Urban Development Boundary (UDB) by approximately 61.1 acres and to change the Land Use Plan map to change the designation of the subject property from Agricultural to Industrial and Office and Business and Office.

The applicant has provided woefully insufficient information on the expected impacts of the proposed project including those to wildlife, wetland function, and drainage. The applicant completely fails to address the proximity of the project to Everglades National Park and critical Everglades restoration projects, including Modified Water Deliveries and Everglades National Park Seepage Project. The project is inconsistent with multiple policies of the Comprehensive Development Master Plan (CDMP), including policies for the protection of wellfields and the potable water supply and land use planning. The applicant would expand outside the UDB when sufficient capacity for industrial and business expansion exists within the UDB. The proposed expansion would cause the loss of agricultural land and wetlands.

We strongly urge you to follow the recommendations of County staff and deny and do not transmit Application 8.

**The Applicant Proposes to Unnecessarily Expand the UDB**

The CDMP “requires that before considering expansion of the UDB, it must first be demonstrated that there is a need to add land to the UDB in accordance with Land Use Element Policy 8F. Policy LU-8F requires the UDB to contain adequate developable land having the capacity to accommodate the County’s projected economic growth.”<sup>1</sup> Staff’s analysis demonstrates that there is “adequate commercial land within the UDB to

sustain economic growth beyond the year 2030 at the countywide level and to the year 2028 in the commercial study area.”<sup>1</sup> There is a supply of land to sustain industrial growth until 2021 in the planning analysis tier where the project is located and beyond 2030 countywide.<sup>2</sup> There is no need to expand the UDB for industrial or commercial uses at this time. Furthermore, there is no indication that the proposed development could not occur on land within the UDB.<sup>3</sup>

### **The Applicant Provides Insufficient Information to Assess Impacts to Wildlife and Wetland Function**

The land proposed for expansion includes agricultural lands that seasonally flood and wetlands and is likely to provide habitat for various types of wildlife, including species designated as threatened or endangered by the state or federal governments and birds protected by the Migratory Bird Treaty Act.<sup>4</sup> Protected species that may be found on the property include the bonneted bat, Eastern indigo snake, wood stork, little blue heron, reddish egret, roseate spoonbill, snowy egret, tricolored heron, and white ibis.<sup>5</sup> The applicant has not conducted a comprehensive wildlife survey nor provided sufficient information to analyze the impacts to wildlife. CDMP policy CON-9B protects feeding, roosting and nesting habitat of threatened or endangered species. Approval of this application would be inconsistent with Policy CON-9B.

The applicant does not provide sufficient information on wetland function and wildlife utilization of the subject property.<sup>6</sup> The project area contains wetlands, but the applicant has failed to provide a full characterization of the wetlands on the site.<sup>7</sup> The CDMP in Objective LU-2 requires that the “location, design and management practices of development and redevelopment in Miami-Dade County shall ensure the protection of natural resources and systems by recognizing, and sensitively responding to constraints posed by soil conditions, topography, water table level vegetation type, wildlife habitat...”<sup>8</sup> The applicant’s failure to take the initial step to characterize these resources on the subject property is inconsistent with the CDMP and therefore the application should be denied.

### **The Applicant Fails to Consider Potential Impacts of the Project on Everglades Restoration and Consistency with the Comprehensive Everglades Restoration Project (CERP)**

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<sup>1</sup> *Id.*

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at p. 8-3.

<sup>4</sup> 2015-5 Recommendation to application 8, at p. 8-19.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at p. 8-18.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

The applicant fails to address the potential impacts of the project on Everglades restoration and CERP. The CDMP requires that the County shall consider an applications’ “consistency with the Comprehensive Everglades Restoration Program (CERP) objectives” and deny applications “that are found to be inconsistent with CERP objectives, projects or features.”<sup>9</sup> There are several Everglades restoration projects in the area, including “Modified Water Deliveries to Everglades National Park and related operational plan for the South Dade Conveyance System, plus the Everglades National Park Seepage Management Program.”<sup>10</sup> The applicant did not provide any information regarding potential impacts to these projects. Without additional information demonstrating that the proposed development is consistent with CERP, the application must be denied.

### **The Application Could Impact Groundwater Resources**

The applicant proposes to develop an area that is entirely within the West Wellfield Protection Area. “The highly porous nature of the Biscayne aquifer presents significant water- management implications, especially as it relates to the inadvertent release of contaminants within or immediately outside the wellfield protection area.”<sup>11</sup> In order to protect the water supply from contamination the County has established wellfield protection areas that impose land use restriction, sewage loading restrictions, storm water disposal restrictions and other regulations of activities within the wellfield protection area.<sup>12</sup> In addition to serving the critical need to prevent contamination of the aquifer, the wellfield protection areas and surrounding areas serve important aquifer recharge functions. The existing land at the site for the proposed development is porous agricultural land and wetlands that “provide for maximum wellfield recharge from local rainfall. The re-designation of these lands... will undoubtedly result in an increase in impervious areas, thus negatively affecting wellfield recharge.”<sup>13</sup>

CDMP highlights the importance of our wellfields, and the need for land uses to be compatible with their protection:

“Land uses and activities near and upgradient from wellfields directly impact the quality of water ultimately withdrawn from the wells...[T]he County restricts land use within portions of cones of influence of all public water supply wellfields to minimize the threat of water pollution.”<sup>1</sup>

Policy CON-3B and Objective CON-4 in the CDMP require protection of areas that recharge the aquifer.<sup>14</sup> This application would reduce the aquifer recharge area and

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<sup>9</sup> *Id.* at p. 8-20.

<sup>10</sup> *Id.*

<sup>11</sup> USGS, USDOJ News Release, “Water Supply at Greater Risk than Expected”, August 27, 2008

<sup>12</sup> 2015-5 Recommendation to application 8, at p. 8-18.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

therefore is inconsistent with these aspects of the CDMP. Policy WS-1D requires the County to protect the integrity and water quality within the wellfield protection areas. Policy WS-6B requires the County to take necessary steps “to assure that all viable potable water wellfields in the County remain available for use and possible future expansion.”<sup>15</sup> The applicant proposes to use the wellfield protection area for industrial uses. “The Applicant’s proffered ... covenant... does not adequately address the potential impacts on the West Wellfield that would result from developing the site as requested.”<sup>16</sup> Neither the covenant or application address how hazardous materials in the form of pre-packaged consumer “products may be handled or utilized on the application site, therefore, the application is not consistent with CDMP Objectives WS-6, CON-2, and CON-4, Policies LU-3B, CON-3A, WS-1D, WS-6B, and WS-6D, that require protection of the West Wellfield.”<sup>17</sup> The BCC must deny this application to protect the water quality and ongoing viability of the region’s water supply.

**The proposed development is in a low-lying area of Miami-Dade County that is vulnerable to sea level rise**

The Unified Sea Level Rise Project for Southeast Florida updated in 2015 through the Southeast Regional Climate Compact project “14 to 34 inches above 1992 mean sea level” by 2060 and “31 to 81 inches above 1992 mean sea level by 2100.”<sup>18</sup> The western end of Miami-Dade County, where the proposed development would be built, includes some of the lowest lying land in Miami-Dade County.<sup>19</sup> This proposed development would likely create the need to extend public infrastructure and services in an area that may require costly and complex flood control services in the face of sea level rise.

**Agricultural Lands Would be Unnecessarily Lost if this Application is Approved**

The application would result in conversion of agricultural land in production to urban uses. “Approval of the application may result in additional pressure to prematurely convert adjacent agricultural land for urban uses thus proliferating urban sprawl.”<sup>20</sup> Policy LU-1P of the CDMP “provides that the county is to protect and promote agriculture as viable economic activity”.<sup>21</sup> The conversion of this productive agricultural land to industrial and commercial land is not consistent with this policy of the CDMP.

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at p. 8-4.

<sup>17</sup> *Id.*

<sup>18</sup> Southeast Florida Regional Climate Compact, “Unified Sea Level Rise Projection” October 2015, <http://www.southeastfloridaclimatecompact.org/wp-content/uploads/2015/10/2015-Compact-Unified-Sea-Level-Rise-Projection.pdf>, at p. 4.

<sup>19</sup> Southeast Florida Climate Compact, “Analysis of the Vulnerability of Southeast Florida to Sea Level Rise”, August 2012, at p. 50-53.

<sup>20</sup> 2015-5 Recommendation to application 8, at p. 8-38.

<sup>21</sup> *Id.* at 8-4.

**Conclusion**

We urge you to make this decision based on what is in the best interest of the people of Miami-Dade County, abide by our strong and thoughtful comprehensive plan, and vote to deny and not transmit this UDB application.

Best regards,



Julie Dick

Cc: Mayor Carlos Gimenez, Miami-Dade County  
Deputy Mayor Jack Osterholt, Miami-Dade County  
Mark Woerner, Miami-Dade County  
Elizabeth Fleming, Defenders of Wildlife  
Diana Umpierre, International Dark-Sky Association  
Cara Capp, National Parks Conservation Association  
Jonathan Ullman, Sierra Club Florida  
Jim Teas, Sierra Club Miami  
Laura Reynolds, Tropical Audubon Society  
Charles Pattison, 1000 Friends of Florida