MDC “De Facto” Mitigation Bank

Regulatory Structure, Opaque Accounting, and Systemic Conflict in the Las Palmas / 8.5 Square Mile Area

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Oversight Findings at a Glance

- The system performs the economic and regulatory function of mitigation banking
- No unified public ledger exists
- No lawful delegation to MDC exists
- Enforcement preceded jurisdictional proof
- Infrastructure-created capacity is being used as development offset
- The same government participates as regulator, enforcer, and beneficiary
- Due process protections are structurally impaired

Executive Summary

This white paper explains why Miami-Dade County ("MDC"), operating within the MDC–SFWMD–FDEP–USACE regulatory ecosystem, functions as a **de facto mitigation banking and in-lieu fee system** even though it does not publicly use that label. The analysis is not rhetorical. It is structural and economic.

Under federal and Florida law, what matters is **function, not branding**. Any system that (i) controls or creates restoration/preservation capacity, (ii) allows development to proceed because that capacity exists, and (iii) treats that capacity as a finite regulatory resource, is operating a **mitigation instrument** regardless of the name used (33 C.F.R. Part 332; 40 C.F.R. Part 230).

In South Florida, restoration capacity is created and managed through CERP projects, stormwater treatment areas, and regional water infrastructure operated by SFWMD and partners, while MDC simultaneously acts as land-use classifier, local enforcer, development approver, and financial beneficiary of development enabled by those projects. The result is a **distributed, role-fragmented mitigation ledger** without a transparent public accounting.

The Las Palmas / “8.5 Square Mile Area” case demonstrates the risk:

- No lawful delegation of wetlands/ERP authority to MDC exists.
- No Rule 62-340 delineation preceded enforcement.
- No lawful site access occurred before a Cease and Desist Order.

- Objective data (SFWMD DBHYDRO and FEMA FIRM Panel 12086C0420L, BFE 8 ft) contradicts wetland hydrology.
- Enforcement pressure appears amid dense regional restoration infrastructure and nearby large developments.

This structure creates a **textbook conflict of interest**: MDC operates as **Regulator + Enforcer + Beneficiary** inside a system that relies on restoration capacity to enable development. Even if each role is lawful in isolation, their aggregation undermines due process (Art. I, §9, Fla. Const.; U.S. Const. amend. XIV; §120.57, Fla. Stat.).

When a system performs the functions of a mitigation bank, it is a mitigation bank **in substance**, regardless of nomenclature. The South Florida system behaves economically and legally like a mitigation banking / in-lieu fee system embedded in public works. Calling it something else does not change what it is.

Reader's Guide

- **Purpose:** Public, Congressional, and oversight education.
- **Method:** Function-over-label analysis using governing statutes and the Las Palmas record.
- **Citations:** Bracket-style references appear in text (e.g., [A1-P1DOC5], [FEMA-12086C0420L], [SFWMD-DBHYDRO]). A source list appears at the end.
- **Interpretive Notice:** This document does not allege fraud, corruption, or criminal conduct by any individual or agency. The analysis concerns institutional structure, incentives, and governance risk, and examines how a system can produce legally and constitutionally significant outcomes regardless of intent.

Scope and Continuing Investigation Notice

The exhibits and documentary materials published with this report represent **only an initial and limited subset** of a much larger evidentiary record.

The full record consists of **more than one hundred (100+) documents**, including but not limited to agency correspondence, public records productions, internal communications, maps, datasets, hearing materials, and inter-agency communications spanning multiple local, state, and federal entities.

Only a **foundational and representative portion** of that record is being published at this time to establish the core structural, jurisdictional, and factual issues discussed in this report.

This matter remains **under active investigation and ongoing record development**. Additional documents continue to be collected, reviewed, verified, and preserved. Further exhibits and supplemental publications may be released as the investigation, oversight process, and record development continue.

This publication is intended to preserve the public record, provide transparency, enable independent review, and prevent later claims of ignorance or lack of notice.

Definitions and Abbreviations

For clarity and consistency, the following abbreviations and terms are used throughout this report:

- **MDC —** Miami-Dade County, Florida.
- **DERM —** Miami-Dade County Division of Environmental Resources Management (now operating within the Department of Regulatory and Economic Resources unless otherwise noted).
- **RER —** Miami-Dade County Department of Regulatory and Economic Resources.
- **SFWMD —** South Florida Water Management District.
- **FDEP —** Florida Department of Environmental Protection.
- **USACE —** United States Army Corps of Engineers.
- **CERP —** Comprehensive Everglades Restoration Plan.
- **ERP —** Environmental Resource Permit (Florida wetland and surface water permitting program under Part IV, Chapter 373, Florida Statutes).
- **CWA —** Clean Water Act (33 U.S.C. §1251 et seq.).
- **§404 —** Section 404 of the Clean Water Act (33 U.S.C. §1344), governing dredge and fill permitting administered by USACE.
- **Rule 62-340 —** Florida Administrative Code Rule 62-340, the Florida Wetland Delineation Method.
- **DBHYDRO —** The South Florida Water Management District's public hydrologic database system.
- **FEMA —** Federal Emergency Management Agency.
- **FIRM —** Flood Insurance Rate Map (published by FEMA).
- **BFE —** Base Flood Elevation, as shown on FEMA Flood Insurance Rate Maps.
- **GAO —** United States Government Accountability Office.
- **OIG —** Office of Inspector General (federal or state, as context indicates).
- **IFR —** In-Lieu Fee (mitigation program), as used in federal mitigation regulations.

Defined Usage in This Report

- **Mitigation Bank / Mitigation System —** As used in this report, these terms refer **only to the functional and economic operation** of a system as described in 33 C.F.R. Part 332 and 40 C.F.R. Part 230, and **not** to any claim regarding formal charter, licensing, ownership, or branding of any entity.

- **Distributed Public Mitigation Ledger System** — A descriptive term used in this report to refer to a regulatory structure in which mitigation capacity is created, managed, allocated, and consumed across multiple public agencies and infrastructure programs without a single unified, transparent public ledger.

Prefatory Explanation — Why This Record Uses the Term “Mitigation Bank”

This record uses the term “mitigation bank” not as a label of convenience or accusation, but as a **functional and economic description** of how the South Florida regulatory system operates in practice.

Under the Clean Water Act and Florida’s ERP framework, what matters is not how a program brands itself, but whether it:

- Controls or creates restoration/preservation assets,
- Allows those assets to be used to offset or justify impacts elsewhere, and
- Treats those assets as finite regulatory resources with permitting value.

If those conditions are met, the system is operating a **mitigation instrument**—whether it is called a bank, an in-lieu fee program, a “regional restoration project,” or “public works.” (33 C.F.R. Part 332; 40 C.F.R. Part 230).

In South Florida, the combined MDC–SFWMD–FDEP–USACE system functions as a **distributed mitigation ledger** embedded inside public infrastructure and restoration programs. No single agency advertises itself as “the bank,” but:

- Restoration capacity is created through CERP and stormwater treatment areas,
- Regulatory authority is exercised through ERP/wetlands jurisdiction and local enforcement,
- Development approvals rely on the existence of that capacity, and
- Land classification determines which parcels become development enablers and which become preservation assets.

The fact that this system is embedded in public works rather than operated as a chartered private mitigation bank does not change its **functional regulatory character**. From an economic and regulatory perspective, this structure is indistinguishable from a mitigation banking system. The only difference is opacity.

This is why the Constructive Notice to Congress used the term and why this white paper continues to use it.

Terminology Clarification

In this document, the terms “mitigation bank” and “mitigation system” are used **only in the functional and economic sense** described in 33 C.F.R. Part 332 and 40 C.F.R. Part 230.

These terms are **not used** as claims regarding formal charter, ownership, licensing status, or branding of any agency or entity. The analysis in this record concerns **regulatory function and economic effect**, not organizational form or nomenclature.

Section I — Jurisdiction, Land, and Authority

I.1 The 8.5 Square Mile Area: Legal Context

The Las Palmas Community lies outside the eastern Everglades protective levee and has historically consisted of active agricultural land. Environmental resource permitting and wetlands jurisdiction originate at the federal and state levels. Local authority exists **only by express delegation**.

I.2 Where Authority Begins, Ends, and Is Exceeded

The sequence is:

1. Federal authority (Clean Water Act §404; USACE).
2. State authority (Part IV, Ch. 373, Fla. Stat.; FDEP/SFWMD).
3. Local authority **only if expressly delegated** (§403.182, Fla. Stat.).

Miami-Dade County has **no delegation** for wetlands/ERP. The 2001 FDEP–MDC SOA delegates **domestic wastewater** functions, not wetlands or ERP.

Local codes (e.g., MDC "Chapter 24") cannot self-create state or federal wetlands jurisdiction. (FDEP v. ContractPoint Florida Parks, LLC, 986 So.2d 1260 (Fla. 2008)).

I.3 Land Classification as a Financial Gateway

Land classification determines whether land:

- Remains freely farmable,
- Becomes permit-restricted,
- Generates fines/penalties, or
- Enters the mitigation economy.

Once land is administratively converted into preservation/mitigation status, its regulatory value may be consumed by third parties—often irreversibly.

Section II — What Counts as a Mitigation Bank (Function Over Label)

As described in the Prefatory Explanation, under 33 C.F.R. Part 332 and 40 C.F.R. Part 230, a system is a mitigation instrument if it:

- Controls or produces restoration assets,
- Uses them to offset impacts elsewhere, and
- Allows development to proceed because those assets exist.

The label does not matter.

Section III — How MDC Avoids the Label While Performing the Function

Instead of "mitigation bank," MDC and partners use:

- CERP projects
- Stormwater treatment areas
- Environmental lands
- Regional mitigation
- Water quality enhancement areas
- Public works environmental offsets

If land is being used to generate regulatory offsets, it is **functionally** a mitigation system.

Section IV — Role Fragmentation and Hidden Conflict

Roles are split:

- MDC: enforcement, local code, development approvals
- SFWMD: hydrologic infrastructure, DBHYDRO
- FDEP: ERP oversight and enforcement protocols
- USACE: §404 and federal mitigation framework

On paper: no single “bank.” In reality: a unified mitigation economy with divided letterhead.

Section V — The Delegation and Due Process Failure

V.1 No Wetlands/ERP Delegation to MDC

Authority remains with FDEP/SFWMD/USACE. (§403.182, Fla. Stat.; Part IV, Ch. 373, Fla. Stat.).

V.2 Site Access Was Unlawful

FDEP enforcement procedures, including those reflected in Chapter 62-780, F.A.C., and the Department’s July 2023 Enforcement Guidance, require a sequence of: voluntary request → notice → OGC review → District Director execution → service → petition period → Final Order → wait period → access. None occurred.

V.3 Enforcement Hierarchy Ignored

FDEP’s Enforcement Manual (July 2023) and Compliance Assistance Flowchart (June 2, 2021) require compliance assistance first, OGC oversight, and peer review. None occurred.

V.4 No Rule 62-340 Delineation

Florida wetland jurisdiction requires a site-specific delineation: soils, hydrology, vegetation, and a surveyed boundary. In Las Palmas, enforcement preceded access and later “inspection” consisted of photographs only—no borings, no hydrology, no transects, no boundary (Rule 62-340, F.A.C.).

Section VI — CERP and Regional Water Infrastructure as an Offset Engine

CERP and regional flood-control projects:

- Are publicly funded,
- Create managed wetlands/treatment capacity,
- Are used to justify development approvals elsewhere.

Economically, this is a **regional mitigation balance sheet**.

Section VII — The Opaque Ledger Problem

A lawful mitigation system has transparent ledgers: generation, allocation, retirement. In South Florida:

- No parcel-level public ledger exists,
- Requests are deflected,
- No clear accounting is produced.

This prevents public scrutiny of who benefits and which lands are sacrificed.

Section VIII — Structural Conflict of Interest

If MDC enforces wetlands rules, benefits from development enabled by restoration capacity, and participates in the offset system, then MDC is:

Regulator + Enforcer + Beneficiary

This is a **structural conflict analysis**, not an allegation of subjective intent or motive. Such a structure violates due process principles (Art. I, §9, Fla. Const.; U.S. Const. amend. XIV; §120.57, Fla. Stat.).

> "Even if every individual agency action were substantively correct, the **structure itself** fails constitutional neutrality tests because the same government benefits fiscally and politically from the outcome of its own enforcement posture."

This invokes **Tumey v. Ohio / Ward v. Monroeville-**type structural bias doctrine without citing them explicitly

Section IX — Why Agricultural and Peripheral Lands Are Targeted

Peripheral agricultural lands near major infrastructure:

- Have less political leverage,
- Sit near CERP/SFWMD works,
- Their restriction improves the regional mitigation math,
- Increases development value elsewhere.

Section X — Application to Las Palmas

The record shows:

- No ERP/wetlands delegation to MDC
- No lawful site access before the August 1, 2024 C&D
- No Rule 62-340 delineation
- Objective data contradicts wetland hydrology: SFWMD DBHYDRO and FEMA FIRM Panel 12086C0420L (BFE 8 ft) show groundwater ~5 ft below grade [A1-P1DOC5] [SFWMD-DBHYDRO] [FEMA-12086C0420L]
- Enforcement amid dense regional restoration infrastructure and nearby large developments

This is the signature of a **Distributed Public Mitigation Ledger System**: enforcement first, justification later.

“In a lawful system, jurisdiction is proven first, enforcement follows. Here, enforcement occurred first and justification was assembled afterward. That is the signature of a quota-driven or capacity-driven regulatory system.”

Section XI — The Legal Test (Discovery and Oversight)

The existence of a mitigation system is not determined by labels, branding, or organizational charts. It is determined by **function, accounting, and effect**. Under 33 C.F.R. Part 332 and 40 C.F.R. Part 230, if restoration or preservation capacity is being used to enable impacts elsewhere, then a mitigation instrument exists in fact, regardless of how it is described.

The legal and audit test is therefore **documentary and structural**, not rhetorical.

XI.1 Required Productions

Any system performing a mitigation function must be able to produce, at minimum:

- Credit ledgers (bank, in-lieu fee, or functional equivalent)
- Allocation and retirement records
- Inter-agency agreements and coordination instruments
- CERP and regional project mitigation accounting
- Development offset calculations and impact-to-capacity justifications
- USACE coordination and compliance records under 33 C.F.R. Part 332

If restoration or preservation capacity is being used to justify or enable impacts, and these records exist in any form, then a mitigation system exists **as a matter of law and economics**, even if it is not formally named or disclosed as such.

XI.2 The Distributed Ledger Test

In South Florida, the mitigation function appears to be **distributed across agencies and programs** rather than housed in a single chartered entity. The proper discovery and oversight question is therefore not:

> "Where is the bank?"

but rather:

> "Where is the ledger?"

If no unified, auditable ledger can be produced showing:

- How restoration/preservation capacity is created,
- How it is allocated or consumed, and
- How it is retired or exhausted,

then the system is operating an **unaccounted mitigation balance sheet embedded in public works and land-use regulation**.

XI.3 Oversight Red Flags

The Las Palmas / 8.5 Square Mile Area record triggers multiple, independent oversight red flags:

- No public or parcel-level mitigation ledger exists
- No transparent accounting of capacity generation, allocation, or retirement exists
- No lawful wetlands/ERP delegation to MDC exists
- Enforcement preceded jurisdictional proof and delineation
- Public infrastructure appears to function as offset capacity for private development
- The same government participates as regulator, enforcer, and beneficiary

Each of these conditions alone warrants oversight scrutiny. In combination, they describe a **structurally un-auditable mitigation regime**.

XI.4 Structural Audit Jurisdiction

Multiple independent oversight bodies have jurisdiction to examine some or all aspects of this system, including but not limited to:

- Florida Auditor General
- Florida Office of Inspector General
- U.S. EPA Office of Inspector General
- U.S. Department of the Interior Office of Inspector General
- U.S. Army Corps of Engineers Office of Inspector General

- U.S. Government Accountability Office (GAO)
- U.S. House Committee on Oversight and Accountability
- U.S. House Committee on Transportation and Infrastructure
- U.S. Senate Committee on Environment and Public Works

Any one of these entities has authority to demand production of the records described above and to determine whether a **de facto mitigation banking / in-lieu fee system** is operating inside public works and land-use regulation.

XI.5 The Functional Legal Conclusion

If restoration or preservation capacity is being used to enable impacts, then:

> A mitigation system exists in fact.

If that system cannot produce a transparent, auditable ledger showing generation, allocation, and retirement of that capacity, then:

> An unaccounted and un-auditable mitigation system is operating.

And if enforcement, land classification, and development approvals are being conducted inside that system by entities that also benefit from the outcomes, then:

> The structure itself presents a due process and governance failure, independent of any individual intent.

Section XII — Conclusion

Miami-Dade County, operating within the MDC–SFWMD–FDEP–USACE ecosystem, has constructed a **de facto mitigation banking / in-lieu fee system** embedded in public works and restoration programs while simultaneously enforcing the rules those programs feed. By avoiding formal labels and fragmenting roles, the system obscures conflicts, incentives, and accounting—inviting abuse and eroding due process.

APPENDIX & EVIDENTIARY RECORD

Scope, Certification, and Continuing Investigation Notice

This section contains the documentary exhibits referenced in the preceding white paper titled:

“MDC De Facto Mitigation Bank — Regulatory Structure, Opaque Accounting, and Systemic Conflict in the Las Palmas / 8.5 Square Mile Area”

Scope of This Appendix

The documents provided here are limited to the following exhibits:
Exhibits A1-P1DOC1 through A1-P1DOC9

These exhibits were selected because they establish the core factual record for the issues analyzed in the report, including:

- Authority and access,
- Agricultural classification,
- Absence of lawful wetlands delineation,
- Objective hydrologic and elevation data,
- Contradictions in the enforcement record,
- The procedural posture of the County’s actions.

Important Limitation and Disclosure

The documents in this appendix represent only a fraction of the total evidentiary record. The full record consists of hundreds of additional documents, agency correspondence, public records productions, emails, maps, datasets, hearing materials, and inter-agency communications spanning multiple local, state, and federal entities.

Only a representative and foundational subset is being published here at this time.

Continuing Investigation Notice

This matter is ongoing. Additional records continue to be collected, analyzed, verified, and preserved. Further exhibits may be published as the investigation, oversight process, and record development continue.

This publication is intended to preserve the public record, provide transparency, enable independent review, and prevent later claims of ignorance or lack of notice.

Relationship Between the Report and the Exhibits

The white paper preceding this appendix:

- Cites these materials by exhibit reference,
- Bases its factual analysis on them,

- And is intended to be read together with this evidentiary record.

The exhibits are presented as received or maintained, without alteration, except for formatting or pagination.

TABLE OF EXHIBITS (Published in This Appendix)

- **A1-P1DOC1 —** Trust / authority documentation (ownership and signature authority context).
- **A1-P1DOC2 —** Miami-Dade County Property Appraiser record showing agricultural classification and ADRI MARC S.A., Trustee (printed Aug. 1, 2024).
- **A1-P1DOC3 —** USDA NRCS Custom Soil Resource Report (Aug. 1, 2024), 31 pages, documenting soil series and absence of wetland indicators for the subject parcel.
- **A1-P1DOC4 —** MDC enforcement and access record; inspection/enforcement materials demonstrating the absence of a lawful Rule 62-340 wetland delineation prior to enforcement.
- **A1-P1DOC5 —** SFWMD **DBHYDRO** groundwater/surface-water elevation records (dates as shown in exhibit), demonstrating water levels materially below FEMA Base Flood Elevation.
- **A1-P1DOC6 —** Supplemental records relating to site conditions and enforcement context.
- **A1-P1DOC7 —** Aug. 1, 2024 time-stamped email disputing the Cease and Desist Order and placing MDC on notice.
- **A1-P1DOC8 —** Email and record evidence concerning site access, timing, and post-hoc narrative formation.
- **A1-P1DOC9 —** Records concerning the purported Rule 62-340 delineation and internal contradictions/admissions regarding methodology and access.

(Each exhibit follows on the pages that follow.)

Purpose, Scope, and Disclaimer

This appendix and the accompanying report are published in good faith for purposes of public oversight, historical record, policy analysis, and transparency. They are intended to preserve and present documentary materials relevant to the matters discussed, enable independent review, and prevent later claims of lack of notice or access to the record.

This publication does not allege **fraud, corruption, or criminal conduct** and does not request or seek enforcement action. It documents processes, structures, incentives, administrative conduct, and systemic risk as reflected in the available record.

This appendix and the accompanying report are provided for informational and public-policy analysis purposes only and do not constitute legal advice. The exhibits are presented as received or maintained, without alteration except for formatting or pagination. The exhibits speak for themselves.

ADRI MARC S.A., Trustee
8901 SW 157 AVE Unit 16-167
Miami, FL 33196

August 20, 2024

Department of Environmental Resources Management (DERM)
701 NW 1st COURT
Miami, FL 33136

Attention: Elizabeth McKiernan

Dear Ms. Mckiernan,

On behalf of The Cabaña Living Land Trust, ADRI MARC S.A., as Trustee, I authorize DERM to access the property identified as Folio Number: 30 5815 000 0795 located in Miami-Dade County, Florida 33196, for the purpose of conducting a site inspection.

The property is owned by The Cabaña Living Land Trust and is held in trust on behalf of the beneficiary and/or beneficiaries. To fulfill DERM's request and adhere to applicable regulations, an inspection is necessary to evaluate environmental conditions. This assessment is a critical step in finalizing a Binding Letter of Interpretation.

I understand that the inspector will conduct the inspection in a professional and responsible manner and will take all necessary precautions to minimize any disturbance to the property.

Attached is a copy of the Warranty Deed to Successor Trustee for your reference. Please contact me if you have any questions or r quire further information.

Sincerely,

Emelina Pino, Grantor

GRANTOR
The Cabaña Living Land Trust

Enclosure: Copy of Warranty Deed to Suc essor Trustee,
The Cabaña Living Land Trust Deed

Exhibit A1-P1DOC1 — Summary

Document: A1-P1DOC1.pdf

What it is:
This exhibit is a **letter dated August 20, 2024** addressed to Miami-Dade County DERM, purporting to authorize access to the property identified as Folio No. 30-5815-000-0795. The letter is **signed by the grantor of the trust (Emeline Pino / Grantor)**, not by the trustee, and encloses a copy of a warranty deed to successor trustee. The document was **received by DERM on August 21, 2024**, more than **three weeks after** the August 1, 2024 Cease and Desist Order.

A1-P1DOC1

What it shows:
• The letter **expressly acknowledges that DERM had requested access**, and attempts to supply that access after the fact.
• The **signatory is the grantor, not ADRI MARC S.A., Trustee**, which is the only party with legal authority to bind the trust or grant access to trust property.
• The document is **dated August 20, 2024** and stamped as **received August 21, 2024**, which is **after** the Cease and Desist Order of August 1, 2024.
• The letter itself states that the purpose is to conduct an inspection in order to **"finalize a Binding Letter of Interpretation,"** confirming that **no completed inspection or delineation existed before this date**.
• The enclosure of a deed copy underscores that **DERM did not previously have proper chain-of-authority documentation**.

How to use it:
• Demonstrate that **DERM had no valid consent or authority to enter the property on or before August 1, 2024**.
• Prove that **any claim of an August 1, 2024 site inspection is impossible**, because this document shows access was still being negotiated weeks later.
• Establish that **even the attempted access authorization was legally defective**, because it came from the grantor rather than the trustee.
• Show that any **inspection, photographs, observations, or conclusions** attributed to an earlier date are **procedurally tainted and factually unreliable**.
• Use it to impeach agency claims of **prior investigation, prior access, or prior field verification**.

Why it matters:
Under Florida trust law, **only the trustee may grant access or bind the trust property**. A grantor has **no legal authority** to authorize government entry. This document therefore fails on **two independent grounds**:
(1) It is signed by the **wrong legal party**, and
(2) It is **dated and received weeks after** the enforcement action already began.

This means the Cease and Desist Order was issued **without lawful access, without lawful consent, and without any field inspection derived from the subject property itself**.

What it establishes in the record:
• No valid trustee authorization existed on or before August 1, 2024.
• No lawful site access existed when the Cease and Desist Order was issued.
• Any evidence allegedly derived from an earlier “inspection” is **ultra vires, procedurally defective, and subject to exclusion**.
• The County’s enforcement action **preceded both lawful access and any legitimate field investigation**.
• The enforcement process was **backward: order first, access later**.

Disclaimer:
This summary is provided for informational and public-record contextual purposes only. It is not legal advice. It reflects the owner’s position and interpretation of the document and issues. For legal determinations, the original documents and applicable law control.

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 08/01/2024

PROPERTY INFORMATION

Folio	30-5815-000-0795
Property Address	0 , FL
Owner	ADRI MARC S A TRS
Mailing Address	8901 SW 157 AVE 16 167 MIAMI, FL 33196
Primary Zone	8900 INTERIM-AWAIT SPECIFIC ZO
Primary Land Use	6981 CONTAINER NURSERY ABOVE-GR : VACANT LAND
Beds / Baths /Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	209,523.6 Sq.Ft
Year Built	0

ASSESSMENT INFORMATION

Year	2024	2023	2022
Land Value	$432,900	$432,900	$228,475
Building Value	$0	$0	$0
Extra Feature Value	$0	$0	$0
Market Value	$432,900	$432,900	$228,475
Assessed Value	$16,835	$11,544	$11,544

BENEFITS INFORMATION

Benefit	Type	2024	2023	2022
Agriculture	Classified Value	$416,065	$421,356	$216,931

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION

TAXABLE VALUE INFORMATION

Year	2024	2023	2022
COUNTY			
Exemption Value	$0	$0	$0
Taxable Value	$16,835	$11,544	$11,544
SCHOOL BOARD			
Exemption Value	$0	$0	$0
Taxable Value	$16,835	$11,544	$11,544
CITY			
Exemption Value	$0	$0	$0
Taxable Value	$0	$0	$0
REGIONAL			
Exemption Value	$0	$0	$0
Taxable Value	$16,835	$11,544	$11,544

SALES INFORMATION

15 55 38 4.81 AC M/L
S1/2 OF NE1/4 OF SW1/4 OF SW1/4
LESS W25FT FOR R/W
OR 16425-4368 0794 1
COC 22081-4743 02 2004 1

Previous Sale	Price	OR Book-Page	Qualification Description
02/06/2013	$100	28479-0576	Corrective, tax or QCD; min consideration
02/01/2004	$65,000	22081-4743	Sales which are qualified
07/01/1994	$45,000	16425-4368	Sales which are qualified
11/01/1989	$0	00000-00000	Sales which are disqualified as a result of examination of the deed

Exhibit A1-P1DOC2 — Summary

Document: A1-P1DOC2.pdf

What it is:
This exhibit is an **official Summary Report from the Miami-Dade County Office of the Property Appraiser** for Folio No. **30-5815-000-0795**, printed on **August 1, 2024**, the **same day** Miami-Dade County DERM issued the Cease and Desist Order. It identifies **ADRI MARC S.A., Trustee** as the owner of record and shows the parcel's **active agricultural classification/exemption** in the County's own tax and land-use system.

What it shows:
• The property is **officially classified as agricultural** in the County's records as of **August 1, 2024**.
• The **owner of record is ADRI MARC S.A., Trustee**, confirming the trust ownership structure and the only lawful authority over the property.
• The parcel is identified as **"Container Nursery Above-Ground / Vacant Land"**, a recognized agricultural use.
• The County assigns a **classified agricultural value** and applies the agricultural benefit for tax purposes.
• The County's own system, on the exact day enforcement began, **treated and recognized the land as agricultural**, not as a regulated wetland site.

How to use it:
• Establish that, **on the day of the Cease and Desist Order**, the County itself classified and treated the property as **agricultural land**.
• Corroborate that **only the trustee (ADRI MARC S.A.)** is the lawful authority for the parcel.
• Use it as a **baseline, contemporaneous government record** to compare against later agency narratives, recharacterizations, or after-the-fact justifications.
• Use it to impeach any claim that the property was being treated by the County as a wetland, non-agricultural, or unclassified site at the time enforcement was initiated.

Why it matters:
In Florida and under federal programs, **agricultural classification at the local level is not merely a tax label**. It is the **gateway classification** that aligns the parcel with:
• State agricultural policy and **Right-to-Farm protections**,
• **USDA/NRCS** agricultural land status and federal farm program treatment,
• Longstanding **state and federal exemptions and carve-outs** for normal, ongoing farming activities.

When a parcel is **officially classified and recognized as agricultural by the County**, it is presumptively treated as agricultural land across the regulatory system **unless and until a lawful, evidence-based reclassification is made through proper process**.

What it establishes in the record:
• On **August 1, 2024**, the County itself recognized the property as **agricultural**.
• The County recognized **ADRI MARC S.A., Trustee** as the owner of record.

• The enforcement action was launched in **direct conflict with the County's own contemporaneous agricultural classification**.
• The property sat within the **umbrella of local, state, and federal agricultural protections** at the time of enforcement.
• Any later attempt to treat the property as non-agricultural or as a wetland site is **contradicted by the County's own official record on the enforcement date**.

Disclaimer:
This summary is provided for informational and public-record contextual purposes only. It is not legal advice. It reflects the owner's position and interpretation of the document and issues. For legal determinations, the original documents and applicable law control.

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Miami-Dade County Area, Florida

Victor Reyes

August 1, 2024

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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Contents

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map

Map Scale: 1:1,070 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 15 30 60 90

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Miami-Dade County Area, Florida
Survey Area Data: Version 15, Aug 28, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 29, 2024—Feb 24, 2024

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
23	Chekika very gravelly marly loam, 0 to 2 percent slopes	5.0	100.0%
Totals for Area of Interest		**5.0**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Miami-Dade County Area, Florida

23—Chekika very gravelly marly loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2z9sl
Elevation: 0 to 20 feet
Mean annual precipitation: 55 to 70 inches
Mean annual air temperature: 77 to 81 degrees F
Frost-free period: 365 days
Farmland classification: Farmland of unique importance

Map Unit Composition

Chekika and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Chekika

Setting

Landform: Rises on marine terraces
Landform position (three-dimensional): Tread, talf
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Loamy marl over oolitic limestone

Typical profile

Lmap - 0 to 5 inches: very gravelly loam
2R - 5 to 15 inches: bedrock

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: 2 to 10 inches to lithic bedrock
Drainage class: Somewhat poorly drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: About 18 to 42 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 80 percent
Maximum salinity: Slightly saline to strongly saline (4.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 4.0
Available water supply, 0 to 60 inches: Very low (about 0.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: D
Forage suitability group: Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands (G156AC521FL)
Other vegetative classification: Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands (G156AC521FL)
Hydric soil rating: No

Minor Components

Biscayne

Percent of map unit: 4 percent
Landform: Marshes on marine terraces
Landform position (three-dimensional): Tread, talf
Down-slope shape: Linear
Across-slope shape: Concave
Other vegetative classification: Forage suitability group not assigned (G156AC999FL)
Hydric soil rating: Yes

Krome

Percent of map unit: 4 percent
Landform: Rises on marine terraces
Landform position (three-dimensional): Tread, rise
Down-slope shape: Convex
Across-slope shape: Linear
Other vegetative classification: Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands (G156AC521FL)
Hydric soil rating: No

Rock outcrop, misc

Percent of map unit: 3 percent
Landform: Marshes on marine terraces
Landform position (three-dimensional): Tread, talf
Down-slope shape: Linear
Across-slope shape: Concave
Hydric soil rating: No

Opalocka

Percent of map unit: 2 percent
Landform: Rises on marine terraces
Landform position (three-dimensional): Tread, rise
Down-slope shape: Convex
Across-slope shape: Linear
Other vegetative classification: Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands (G156AC521FL)
Hydric soil rating: No

Gator lake

Percent of map unit: 2 percent
Landform: Marshes on marine terraces
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread, dip
Down-slope shape: Concave
Across-slope shape: Concave
Other vegetative classification: Organic soils in depressions and on flood plains (G156AC645FL)
Hydric soil rating: Yes

Soil Information for All Uses

Suitabilities and Limitations for Use

The Suitabilities and Limitations for Use section includes various soil interpretations displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each interpretation.

Land Classifications

Land Classifications are specified land use and management groupings that are assigned to soil areas because combinations of soil have similar behavior for specified practices. Most are based on soil properties and other factors that directly influence the specific use of the soil. Example classifications include ecological site classification, farmland classification, irrigated and nonirrigated land capability classification, and hydric rating.

Ecological Classification Name: Forage Suitability Groups

Ecological classifications consist of a series of vegetative classification systems developed by various partners in the National Cooperative Soil Survey. The classifications include, but are not limited to, systematic vegetative groupings. Examples include NRCS ecological sites, United States Forest Service plant associations, and forage suitability groups. The classifications systems are identified by the Ecological Classification Type Name field, which is in the Component Ecological Classification table.

Map—Ecological Classification Name: Forage Suitability Groups

Map Scale: 1:1,070 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 15 30 60 90

Feet: 0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

Soil Rating Polygons

- Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands
- Not rated or not available

Soil Rating Lines

- Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands
- Not rated or not available

Soil Rating Points

- Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

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Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

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Date(s) aerial images were photographed: Jan 29, 2024—Feb 24, 2024

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Ecological Classification Name: Forage Suitability Groups

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
23	Chekika very gravelly marly loam, 0 to 2 percent slopes	Shallow or moderately deep, sandy or loamy soils on rises and ridges of mesic uplands	5.0	100.0%
Totals for Area of Interest			**5.0**	**100.0%**

Rating Options—Ecological Classification Name: Forage Suitability Groups

Class: Forage Suitability Groups

Aggregation Method: Dominant Condition

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The aggregation method "Dominant Condition" first groups like attribute values for the components in a map unit. For each group, percent composition is set to the sum of the percent composition of all components participating in that group. These groups now represent "conditions" rather than components. The attribute value associated with the group with the highest cumulative percent composition is returned. If more than one group shares the highest cumulative percent composition, the corresponding "tie-break" rule determines which value should be returned. The "tie-break" rule indicates whether the lower or higher group value should be returned in the case of a percent composition tie. The result returned by this aggregation method represents the dominant condition throughout the map unit only when no tie has occurred.

Component Percent Cutoff: None Specified

Components whose percent composition is below the cutoff value will not be considered. If no cutoff value is specified, all components in the database will be

considered. The data for some contrasting soils of minor extent may not be in the database, and therefore are not considered.

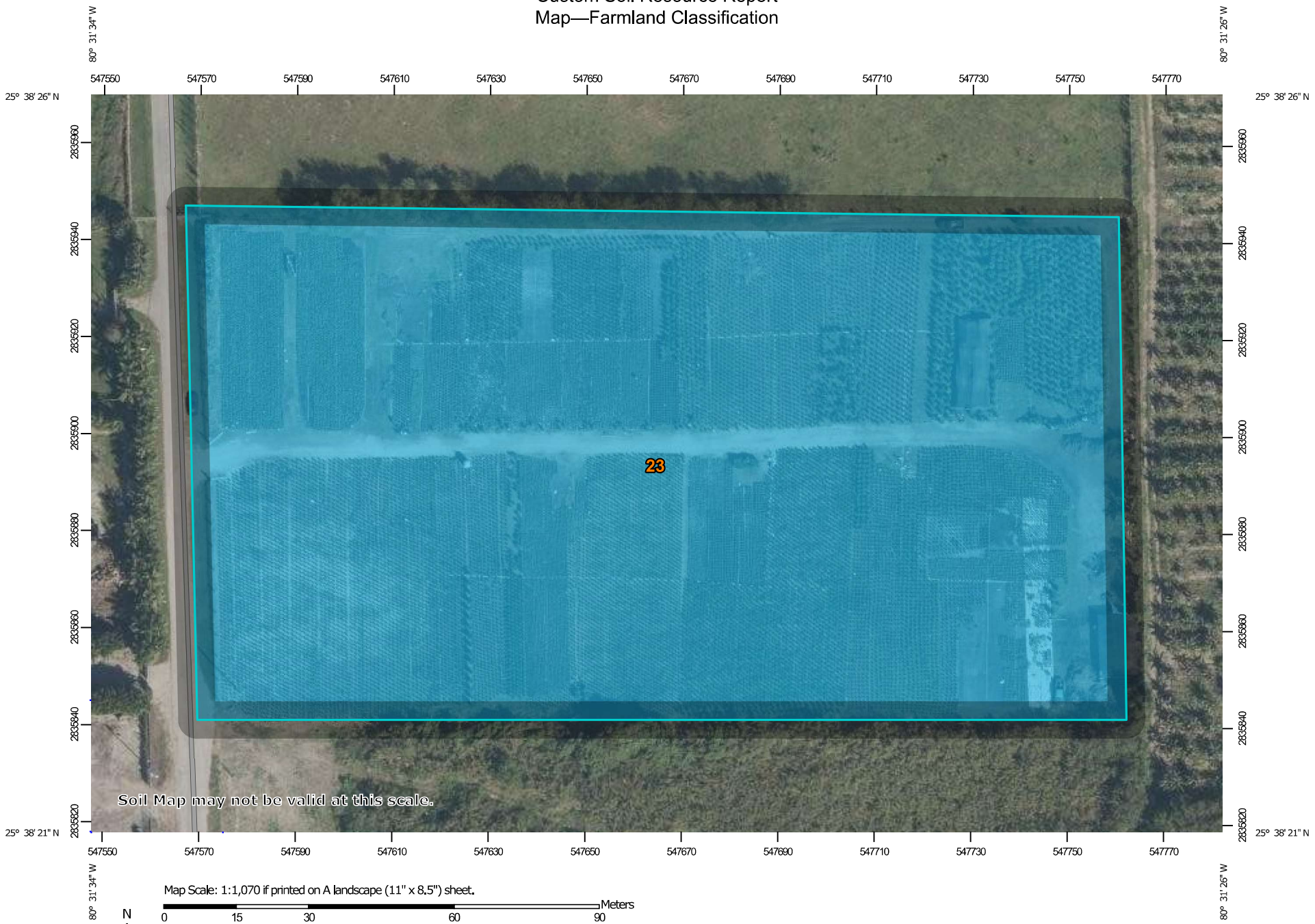
Tie-break Rule: Lower

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

Farmland Classification

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Custom Soil Resource Report
Map—Farmland Classification



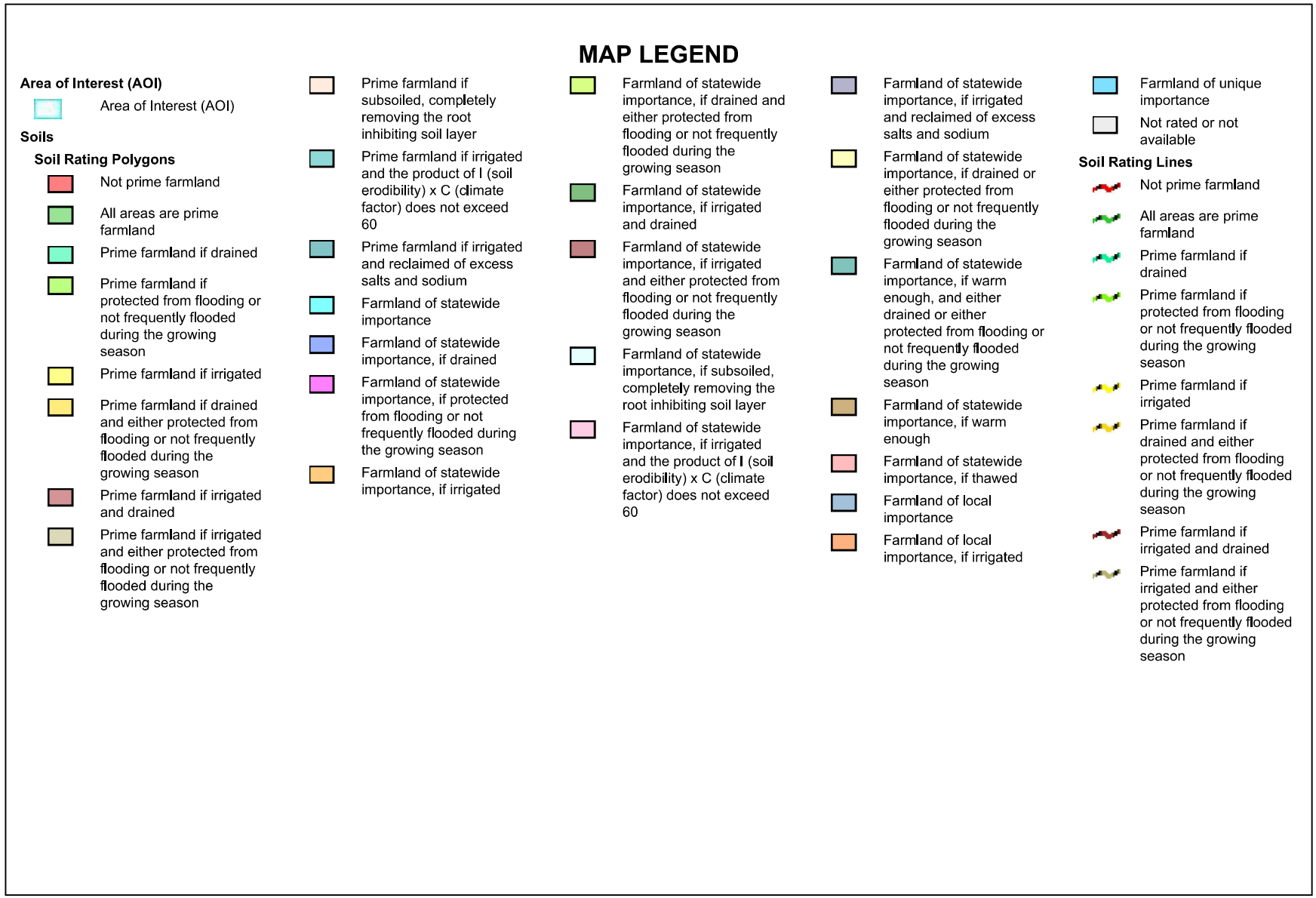
Map Scale: 1:1,070 if printed on A landscape (11" x 8.5") sheet.

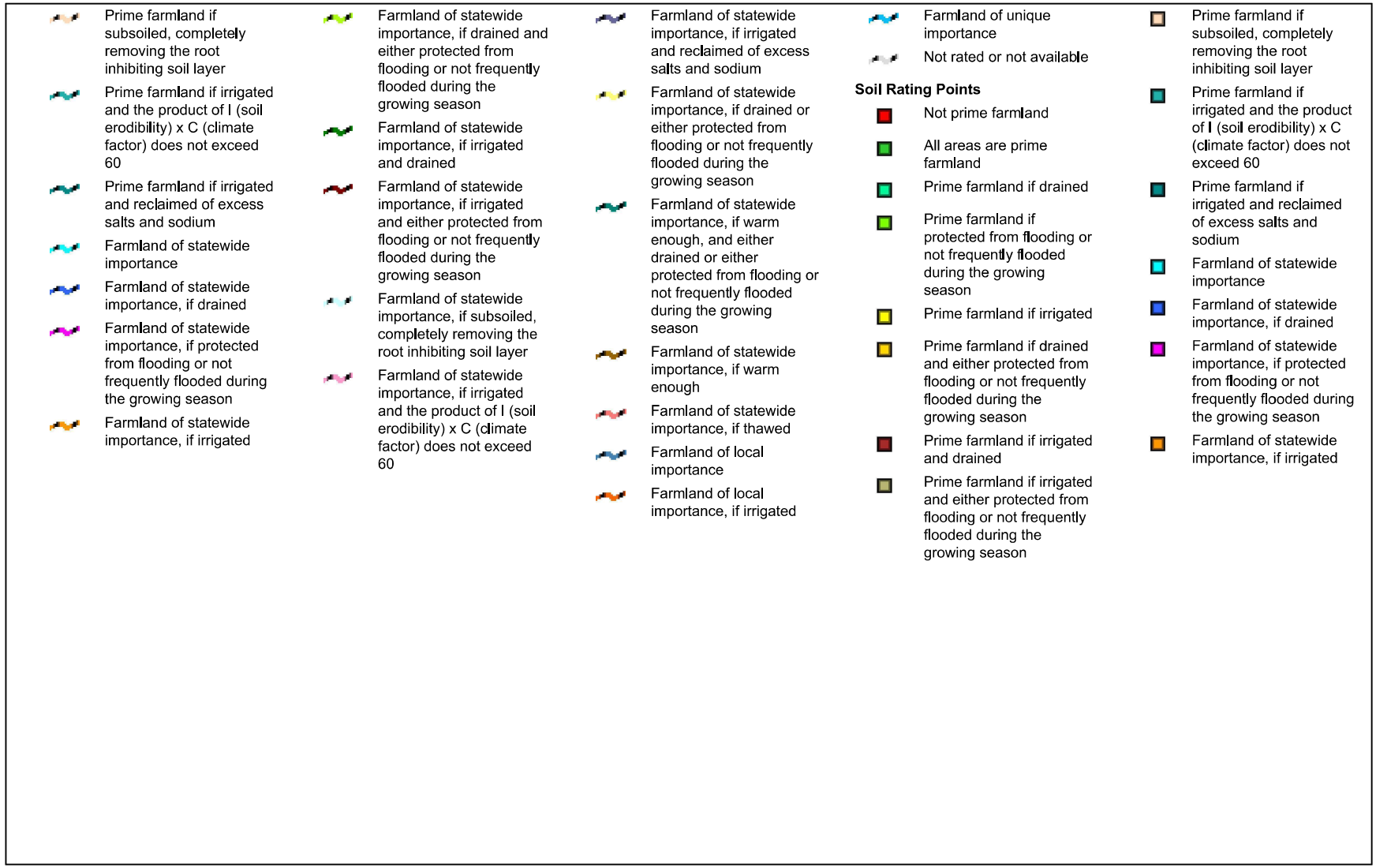
N

Meters: 0 15 30 60 90

Feet: 0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84


MAP LEGEND
Area of Interest (AOI)
Area of Interest (AOI)
Soils
Soil Rating Polygons
Not prime farmland
All areas are prime farmland
Prime farmland if drained
Prime farmland if protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated
Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated and drained
Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
Prime farmland if subsoiled, completely removing the root inhibiting soil layer
Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Prime farmland if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance
Farmland of statewide importance, if drained
Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated
Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated and drained
Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if warm enough
Farmland of statewide importance, if thawed
Farmland of local importance
Farmland of local importance, if irrigated
Farmland of unique importance
Not rated or not available
Soil Rating Lines
Not prime farmland
All areas are prime farmland
Prime farmland if drained
Prime farmland if protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated
Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated and drained
Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season


Prime farmland if subsoiled, completely removing the root inhibiting soil layer
Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Prime farmland if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance
Farmland of statewide importance, if drained
Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated
Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated and drained
Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if warm enough
Farmland of statewide importance, if thawed
Farmland of local importance
Farmland of local importance, if irrigated
Farmland of unique importance
Not rated or not available
Soil Rating Points
Not prime farmland
All areas are prime farmland
Prime farmland if drained
Prime farmland if protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated
Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
Prime farmland if irrigated and drained
Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
Prime farmland if subsoiled, completely removing the root inhibiting soil layer
Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
Prime farmland if irrigated and reclaimed of excess salts and sodium
Farmland of statewide importance
Farmland of statewide importance, if drained
Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
Farmland of statewide importance, if irrigated

- Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if irrigated and drained
- Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
- Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance, if warm enough
- Farmland of statewide importance, if thawed
- Farmland of local importance
- Farmland of local importance, if irrigated
- Farmland of unique importance
- Not rated or not available

Water Features

- Streams and Canals

Transportation

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background

- Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Miami-Dade County Area, Florida
Survey Area Data: Version 15, Aug 28, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 29, 2024—Feb 24, 2024

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
23	Chekika very gravelly marly loam, 0 to 2 percent slopes	Farmland of unique importance	5.0	100.0%
Totals for Area of Interest			**5.0**	**100.0%**

Rating Options—Farmland Classification

Aggregation Method: No Aggregation Necessary

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The majority of soil attributes are associated with a component of a map unit, and such an attribute has to be aggregated to the map unit level before a thematic map can be rendered. Map units, however, also have their own attributes. An attribute of a map unit does not have to be aggregated in order to render a corresponding thematic map. Therefore, the "aggregation method" for any attribute of a map unit is referred to as "No Aggregation Necessary".

Tie-break Rule: Lower

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

Hydric Rating by Map Unit

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of

nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Custom Soil Resource Report
Map—Hydric Rating by Map Unit

Map Scale: 1:1,070 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 15 30 60 90

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Soil Rating Lines
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Soil Rating Points
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Miami-Dade County Area, Florida
Survey Area Data: Version 15, Aug 28, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 29, 2024—Feb 24, 2024

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
23	Chekika very gravelly marly loam, 0 to 2 percent slopes	6	5.0	100.0%
Totals for Area of Interest			**5.0**	**100.0%**

Rating Options—Hydric Rating by Map Unit

Aggregation Method: Percent Present

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The aggregation method "Percent Present" returns the cumulative percent composition of all components of a map unit for which a certain condition is true. For example, attribute "Hydric Rating by Map Unit" returns the cumulative percent composition of all components of a map unit where the corresponding hydric rating is "Yes". Conditions may be simple or complex. At runtime, the user may be able to specify all, some or none of the conditions in question.

Component Percent Cutoff: None Specified

Components whose percent composition is below the cutoff value will not be considered. If no cutoff value is specified, all components in the database will be considered. The data for some contrasting soils of minor extent may not be in the database, and therefore are not considered.

Tie-break Rule: Lower

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

References

American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.

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Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

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Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.

United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.

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United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Exhibit A1-P1DOC3 — Summary

Document: A1-P1DOC3.pdf (USDA Natural Resources Conservation Service — Custom Soil Resource Report)

What it is:
This exhibit is a **site-specific USDA NRCS Custom Soil Resource Report** generated for the defined **Area of Interest (AOI)** covering the subject parcel. It is a standardized federal technical product used across **agriculture, conservation, and land capability programs**. The report is dated **August 1, 2024** — the **same day** Miami-Dade County DERM issued the Cease and Desist Order — and provides a complete technical snapshot of the parcel's **mapped soils, farmland classification, and related soil characteristics**.

What it shows:
• The entire AOI (5.0 acres / 100%) is mapped as **Map Unit 23 — "Chekika very gravelly marly loam, 0 to 2 percent slopes."**
• The **Farmland Classification table** classifies 100% of the AOI as **"Farmland of unique importance."**
• The AOI overlay on aerial imagery shows the site laid out and occupied as an **active nursery/agricultural operation**, with extensive organized growing areas and potted plant coverage.
• The report includes the **NRCS hydric rating framework** and soil property descriptions applicable to the mapped unit.
• The report **does not designate the AOI as a wetland** and does not make any jurisdictional wetland determination; it is a soil and farmland capability classification product.
• The soil profile for the mapped unit shows **very gravelly marly loam over oolitic limestone**, shallow depth to bedrock, and characteristics consistent with **upland agricultural soils** as mapped.

How to use it:
• Establish the **federal technical baseline** for the parcel's soils and farmland status **as of August 1, 2024**.
• Anchor the **timeline** by pairing this exhibit with the Cease and Desist Order (A1-P1DOC4) to show what the federal technical record said **on the exact same day enforcement began**.
• Cross-corroborate with **A1-P1DOC2 (County agricultural classification)** and the photographic/operational evidence to show **local records, federal soil data, and actual use all align**.
• Use the NRCS **hydric rating framework and farmland tables** to test and rebut any later claim that the parcel should be treated as a wetland **without a proper, standards-based, site-specific delineation**.
• Use it as an **objective federal reference** against which any County-generated or after-the-fact wetland narrative can be measured.

Why it matters:
USDA NRCS soil surveys are **foundational datasets relied upon throughout federal and state agriculture, land-use, conservation, and regulatory programs**. This report shows that **on the day enforcement was initiated**:

• The entire site was classified as **Farmland of unique importance**,
• The mapped soils were **Chekika very gravelly marly loam (0–2% slopes)**,
• The aerial context shows **active agricultural/nursery operations**, and
• There is **no NRCS wetland designation** in this federal technical product.

This makes the report a **contemporaneous federal technical reference point** that directly conflicts with a same-day enforcement posture premised on a wetland theory.

What it establishes in the record:
• As of **August 1, 2024**, the federal soil authority's site-specific product:
• Classifies **100% of the AOI as Farmland of unique importance**.
• Maps the parcel to **Map Unit 23 (Chekika very gravelly marly loam, 0–2% slopes)**.
• Shows the site in **active agricultural/nursery use** on aerial imagery.
• That a **federal technical baseline existed on the enforcement date** that supports agricultural classification, not a wetland premise.
• That any later wetland narrative must be measured against — and reconciled with — this **same-day federal technical record**.

Disclaimer:
This summary is provided for informational and public-record contextual purposes only. It is not legal advice. It reflects the owner's position and interpretation of the document and issues. For legal determinations, the original documents and applicable law control.

Department of Regulatory and Economic Resources
Division of Environmental Resources Management
701 NW 1st Court
Miami, Florida 33136-3912
T 305-372-6585 F 305-372-6479

miamidade.gov

Folio No. 30-5815-000-0795 | DERM Case CLIV-20240048 | May 28, 2025

WETLANDS RESOURCES SECTION
FIELD NOTICE OF VIOLATION AND ORDERS TO CEASE AND DESIST

Owner/Operator: Adri Marc S.A Trs **Date:** 8/1/2024

Location: Folio : 30-5815-000-0795 **Miami-Dade County, Florida**

Contractor/Facility/Name:

YOU ARE HEREBY NOTIFIED that on 8/1/24 **at** 12:15 **am / (pm) a representative of this Department inspected the above premises and documented unauthorized work in, on, or upon wetlands of Miami-Dade County in violation of Section 24-48 (1), Code of Miami-Dade County, specifically:**

Clearing a wetland without a class IV Permit and filling

Therefore, pursuant to Chapter 24, of the Code of Miami-Dade County, you are hereby ordered to immediately CEASE AND DESIST all unauthorized work/activity on the above referenced property upon receipt of this Notice and:

☒ **Contact DERM at 305-372-6585 within** 48 **hours to discuss remedial action(s) necessary to resolve the above-referenced violation(s).**

☒ **Take the following corrective action(s) within** 30 **days of receipt of this Field Notice:**

Submit a ATF class IV Permit Application within 30 days

-OR-

return the property to wetland grade and elevation and remove the fill material within 30 days

the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to requiring corrective action(s) and payment of a civil penalty and/or the epartment, subjecting you to the enforcement and penalty provisions of ade County.

of the Director of the Division of Environmental Resources Management e Environmental Quality Control Board (EQCB) by filing a written notice e fee, to the Code Coordination and Public Hearings Section of DERM or decision by DERM.

Lisa Spadafina
~~Lee N. Hefty~~, Director
Division of Environmental Resources Management (DERM)

MIAMI-DADE COUNTY

Lizzie McKiernan
Biologist 1

Regulatory & Economic Resources
Wetlands Resources Section / Natural Resources Division
701 NW 1st Court, 6th Floor
Miami, Florida 33136-3912
T 305-372-6470 F 305-372-6479
elizabeth.mckiernan@miamidade.gov

miamidade.gov

Received by POSTED **Recipient's Signature**

Print **Recipient's Name**

Title

Posted: Y ✓ **N** **Photographed Y** ✓ **N**

Issued/Posted by: **Signature**

Print Elizabeth McKiernan **Name**

Phone 305-372-6585

161_01-308 2/19

Exhibit A1-P1DOC4 — Summary

Document: A1-P1DOC4.pdf

What it is: This exhibit is Miami-Dade County DERM's **Field Notice of Violation and Orders to Cease and Desist** dated **August 1, 2024**, together with the surrounding enforcement paperwork. It is the County's own initiating instrument that purports to assert wetlands jurisdiction, orders a shutdown of activity, and demands an after-the-fact Class IV permit application.

What it shows: • DERM claims an inspection occurred on **August 1, 2024** and alleges "clearing a wetland without a Class IV permit and filling," yet the record shows **no lawful site access** occurred on that date. • The notice was **posted** and signed by DERM personnel without trustee consent, without an inspection warrant, and without any administrative access order. • The enforcement relies on **Chapter 24 of the Miami-Dade County Code** and does **not** cite any valid state delegation of wetlands or ERP authority. • The document demands corrective action (permit application, restoration, removal of fill) **before** any lawful jurisdictional determination under **Rule 62-340, F.A.C.** was performed.

How to use it: • Establish that the **entire enforcement case begins with an ultra vires instrument** issued without lawful access or jurisdiction. • Show that **all downstream evidence is tainted** because it flows from an unlawful entry / unlawful assertion of authority. • Anchor the timeline to **August 1, 2024** as the date DERM claims an inspection while the record shows **no access and no delineation**. • Demonstrate that the County attempted to **force the owner into the ERP process** without having any delegated authority to do so.

Why it matters: Under Florida law, **local governments do not possess inherent wetlands or ERP authority**. That authority is reserved to **FDEP, SFWMD, and the U.S. Army Corps of Engineers** and can exist at the local level **only by express delegation**. The 2001 FDEP–Miami-Dade **Specific Operating Agreement (SOA)** delegates **only domestic wastewater authority** under §403.182, F.S.—**not** wetlands, **not** ERP, and **not** agricultural lands. Chapter 24 of the County Code **cannot self-create** state or federal permitting authority.

Separately, **site access** is governed by **Chapter 62-780, F.A.C.** and FDEP's **July 2023 Instructions for Use of Site Access Documents**, which require (in sequence): voluntary request, Notice of Intent, OGC review, District Director execution, certified service with petition period, and a Final Order **before** any forced access—**and only** when contamination has been demonstrated. None of this occurred.

FDEP's **Compliance Assistance and Enforcement Process Flowchart (June 2, 2021)** and the **FDEP Enforcement Manual (July 2023)** require compliance assistance first, OGC oversight, peer review for major cases, and lawful access mechanisms (consent, warrant, or access order). DERM bypassed all of these steps.

What it establishes in the record: • The County's case **starts with an unlawful act**: a Cease and Desist issued **without jurisdiction and without lawful access**. • There was **no trustee authorization**, **no warrant**, and **no administrative access order** on August 1, 2024. • There was **no wetlands delineation** under **Rule 62-340, F.A.C.** at the time enforcement was initiated. • There is **no state or**

federal delegation of wetlands/ERP authority to Miami-Dade County; Chapter 24 provides none. • All inspections, photos, findings, and enforcement steps **derived from this notice are tainted** as fruit of an ultra vires action. • The action conflicts with, among others: **§163.3162, F.S.; §823.14, F.S.; HB 909 (2022–2023); Rule 62-340, F.A.C.; §112.313(6), F.S.; §§837.06 & 838.022, F.S.; Art. I, §9, Fla. Const.; U.S. Const. amend. XIV; and the Miami-Dade Code of Ethics §§2-11.1(g), (h), (j).**

Additional jurisdictional and conflict-of-interest context: • Wetlands/ERP jurisdiction remains with **FDEP, SFWMD, and USACE**. • Miami-Dade County is simultaneously positioned in the regional **mitigation-credit ecosystem** (buyer/seller/beneficiary/administrator), creating a **structural conflict of interest** when it attempts to act as investigator, enforcer, and economic participant in the same regulatory space.

Disclaimer: This summary is provided for informational and public-record contextual purposes only. It is not legal advice. It reflects the owner’s position and interpretation of the document and issues. The original documents and applicable law control.

Timeseries ID	Station	Data Type	Units	Frequency	Statistic Type	Strata	Operation No.	Recorder	Agency	Startdate	Enddate	County	Latitude	Longitude	Section	Township	Range	Alternate ID
68356	S357_H	STG	ft NAVD88	DA	MEAN	0		DRV	WMD	04/13/2009	01/27/2025	DAD	253629.885	803127.373	34	55	38	S357-U-L

Statistical Summary by Day For timeseries 68356
For Period 08/01/2024 to 01/31/2025

Day	Sample Size	Min	Mean	Max	Median	Std. Dev.
Jan-01	1	2.946	2.946	2.946	2.946	0
Jan-02	1	2.894	2.894	2.894	2.894	0
Jan-03	1	2.862	2.862	2.862	2.862	0
Jan-04	1	2.845	2.845	2.845	2.845	0
Jan-05	1	2.833	2.833	2.833	2.833	0
Jan-06	1	2.82	2.82	2.82	2.82	0
Jan-07	1	2.803	2.803	2.803	2.803	0
Jan-08	1	2.78	2.78	2.78	2.78	0
Jan-09	1	2.772	2.772	2.772	2.772	0
Jan-10	1	2.767	2.767	2.767	2.767	0
Jan-11	1	2.789	2.789	2.789	2.789	0
Jan-12	1	2.8	2.8	2.8	2.8	0
Jan-13	1	2.792	2.792	2.792	2.792	0
Jan-14	1	2.798	2.798	2.798	2.798	0
Jan-15	1	2.795	2.795	2.795	2.795	0
Jan-16	1	2.781	2.781	2.781	2.781	0
Jan-17	1	2.793	2.793	2.793	2.793	0
Jan-18	1	2.917	2.917	2.917	2.917	0
Jan-19	1	2.936	2.936	2.936	2.936	0
Jan-20	1	2.96	2.96	2.96	2.96	0
Jan-21	1	3.002	3.002	3.002	3.002	0
Jan-22	1	2.997	2.997	2.997	2.997	0
Jan-23	1	2.968	2.968	2.968	2.968	0
Jan-24	1	2.951	2.951	2.951	2.951	0
Jan-25	1	2.92	2.92	2.92	2.92	0
Jan-26	1	2.888	2.888	2.888	2.888	0
Aug-01	1	3.026	3.026	3.026	3.026	0
Aug-02	1	2.993	2.993	2.993	2.993	0
Aug-03	1	3.085	3.085	3.085	3.085	0
Aug-04	1	3.085	3.085	3.085	3.085	0
Aug-05	1	3.035	3.035	3.035	3.035	0
Aug-06	1	3.019	3.019	3.019	3.019	0
Aug-07	1	2.987	2.987	2.987	2.987	0
Aug-08	1	2.954	2.954	2.954	2.954	0
Aug-09	1	2.966	2.966	2.966	2.966	0
Aug-10	1	3.001	3.001	3.001	3.001	0

Aug-11	1	2.95	2.95	2.95	2.95	0
Aug-12	1	2.892	2.892	2.892	2.892	0
Aug-13	1	2.842	2.842	2.842	2.842	0
Aug-14	1	2.931	2.931	2.931	2.931	0
Aug-15	1	3.031	3.031	3.031	3.031	0
Aug-16	1	2.953	2.953	2.953	2.953	0
Aug-17	1	2.925	2.925	2.925	2.925	0
Aug-18	1	2.9	2.9	2.9	2.9	0
Aug-19	1	2.867	2.867	2.867	2.867	0
Aug-20	1	2.84	2.84	2.84	2.84	0
Aug-21	1	2.837	2.837	2.837	2.837	0
Aug-22	1	2.832	2.832	2.832	2.832	0
Aug-23	1	2.828	2.828	2.828	2.828	0
Aug-24	1	2.813	2.813	2.813	2.813	0
Aug-25	1	2.804	2.804	2.804	2.804	0
Aug-26	1	2.783	2.783	2.783	2.783	0
Aug-27	1	2.768	2.768	2.768	2.768	0
Aug-28	1	2.814	2.814	2.814	2.814	0
Aug-29	1	2.902	2.902	2.902	2.902	0
Aug-30	1	2.894	2.894	2.894	2.894	0
Aug-31	1	2.893	2.893	2.893	2.893	0
Sep-01	1	3.111	3.111	3.111	3.111	0
Sep-02	1	2.76	2.76	2.76	2.76	0
Sep-03	1	2.624	2.624	2.624	2.624	0
Sep-04	1	2.609	2.609	2.609	2.609	0
Sep-05	1	2.726	2.726	2.726	2.726	0
Sep-06	1	2.835	2.835	2.835	2.835	0
Sep-07	1	3.051	3.051	3.051	3.051	0
Sep-08	1	3.085	3.085	3.085	3.085	0
Sep-09	1	3.155	3.155	3.155	3.155	0
Sep-10	1	3.2	3.2	3.2	3.2	0
Sep-11	1	3.205	3.205	3.205	3.205	0
Sep-12	1	3.18	3.18	3.18	3.18	0
Sep-13	1	3.169	3.169	3.169	3.169	0
Sep-14	1	3.134	3.134	3.134	3.134	0
Sep-15	1	3.106	3.106	3.106	3.106	0
Sep-16	1	3.087	3.087	3.087	3.087	0
Sep-17	1	3.075	3.075	3.075	3.075	0
Sep-18	1	3.096	3.096	3.096	3.096	0
Sep-19	1	3.047	3.047	3.047	3.047	0
Sep-20	1	3.02	3.02	3.02	3.02	0
Sep-21	1	3.008	3.008	3.008	3.008	0
Sep-22	1	2.986	2.986	2.986	2.986	0

Sep-23	1	2.951	2.951	2.951	2.951	0
Sep-24	1	2.918	2.918	2.918	2.918	0
Sep-25	1	2.979	2.979	2.979	2.979	0
Sep-26	1	3.126	3.126	3.126	3.126	0
Sep-27	1	3.111	3.111	3.111	3.111	0
Sep-28	1	3.027	3.027	3.027	3.027	0
Sep-29	1	2.985	2.985	2.985	2.985	0
Sep-30	1	2.955	2.955	2.955	2.955	0
Oct-01	1	2.956	2.956	2.956	2.956	0
Oct-02	1	2.935	2.935	2.935	2.935	0
Oct-03	1	2.891	2.891	2.891	2.891	0
Oct-04	1	2.86	2.86	2.86	2.86	0
Oct-05	1	2.873	2.873	2.873	2.873	0
Oct-06	1	3.1	3.1	3.1	3.1	0
Oct-07	1	3.113	3.113	3.113	3.113	0
Oct-08	1	3.283	3.283	3.283	3.283	0
Oct-09	1	3.29	3.29	3.29	3.29	0
Oct-10	1	3.322	3.322	3.322	3.322	0
Oct-11	1	3.208	3.208	3.208	3.208	0
Oct-12	1	3.175	3.175	3.175	3.175	0
Oct-13	1	3.181	3.181	3.181	3.181	0
Oct-14	1	3.067	3.067	3.067	3.067	0
Oct-15	1	3.107	3.107	3.107	3.107	0
Oct-16	1	3.165	3.165	3.165	3.165	0
Oct-17	1	3.171	3.171	3.171	3.171	0
Oct-18	1	3.078	3.078	3.078	3.078	0
Oct-19	1	3.072	3.072	3.072	3.072	0
Oct-20	1	3.045	3.045	3.045	3.045	0
Oct-21	1	3.032	3.032	3.032	3.032	0
Oct-22	1	3.009	3.009	3.009	3.009	0
Oct-23	1	2.981	2.981	2.981	2.981	0
Oct-24	1	2.972	2.972	2.972	2.972	0
Oct-25	1	2.94	2.94	2.94	2.94	0
Oct-26	1	2.926	2.926	2.926	2.926	0
Oct-27	1	2.913	2.913	2.913	2.913	0
Oct-28	1	2.892	2.892	2.892	2.892	0
Oct-29	1	2.88	2.88	2.88	2.88	0
Oct-30	1	2.858	2.858	2.858	2.858	0
Oct-31	1	2.854	2.854	2.854	2.854	0
Nov-01	1	2.852	2.852	2.852	2.852	0
Nov-02	1	2.842	2.842	2.842	2.842	0
Nov-03	1	2.843	2.843	2.843	2.843	0
Nov-04	1	2.831	2.831	2.831	2.831	0

Nov-05	1	2.837	2.837	2.837	2.837	0
Nov-06	1	2.857	2.857	2.857	2.857	0
Nov-07	1	2.844	2.844	2.844	2.844	0
Nov-08	1	2.857	2.857	2.857	2.857	0
Nov-09	1	2.855	2.855	2.855	2.855	0
Nov-10	1	2.831	2.831	2.831	2.831	0
Nov-11	1	2.815	2.815	2.815	2.815	0
Nov-12	1	2.819	2.819	2.819	2.819	0
Nov-20	1	2.702	2.702	2.702	2.702	0
Nov-21	1	2.699	2.699	2.699	2.699	0
Nov-22	1	2.68	2.68	2.68	2.68	0
Nov-23	1	2.684	2.684	2.684	2.684	0
Nov-24	1	2.71	2.71	2.71	2.71	0
Nov-25	1	2.731	2.731	2.731	2.731	0
Nov-26	1	2.745	2.745	2.745	2.745	0
Nov-27	1	2.752	2.752	2.752	2.752	0
Nov-28	1	2.748	2.748	2.748	2.748	0
Nov-29	1	2.745	2.745	2.745	2.745	0
Nov-30	1	2.742	2.742	2.742	2.742	0
Dec-01	1	2.74	2.74	2.74	2.74	0
Dec-02	1	2.731	2.731	2.731	2.731	0
Dec-03	1	2.71	2.71	2.71	2.71	0
Dec-04	1	2.698	2.698	2.698	2.698	0
Dec-05	1	2.689	2.689	2.689	2.689	0
Dec-06	1	2.683	2.683	2.683	2.683	0
Dec-07	1	2.689	2.689	2.689	2.689	0
Dec-08	1	2.689	2.689	2.689	2.689	0
Dec-09	1	2.681	2.681	2.681	2.681	0
Dec-10	1	2.689	2.689	2.689	2.689	0
Dec-11	1	2.689	2.689	2.689	2.689	0
Dec-12	1	2.692	2.692	2.692	2.692	0
Dec-13	1	2.674	2.674	2.674	2.674	0
Dec-14	1	2.673	2.673	2.673	2.673	0
Dec-15	1	2.706	2.706	2.706	2.706	0
Dec-16	1	2.719	2.719	2.719	2.719	0
Dec-17	1	2.762	2.762	2.762	2.762	0
Dec-18	1	2.782	2.782	2.782	2.782	0
Dec-19	1	2.771	2.771	2.771	2.771	0
Dec-20	1	2.763	2.763	2.763	2.763	0
Dec-21	1	2.752	2.752	2.752	2.752	0
Dec-22	1	2.746	2.746	2.746	2.746	0
Dec-23	1	2.734	2.734	2.734	2.734	0
Dec-24	1	2.751	2.751	2.751	2.751	0

Dec-25	1	2.79	2.79	2.79	2.79	0
Dec-26	1	2.814	2.814	2.814	2.814	0
Dec-27	1	2.811	2.811	2.811	2.811	0
Dec-28	1	2.818	2.818	2.818	2.818	0
Dec-29	1	3.003	3.003	3.003	3.003	0
Dec-30	1	3.082	3.082	3.082	3.082	0
Dec-31	1	3.001	3.001	3.001	3.001	0

Provisional data are excluded from this statistical report.

Exhibit A1-P1DOC5 — Summary

Document: A1-P1DOC5.pdf (SFWMD DBHYDRO Water Level Records)

What it is:
This exhibit is an official **South Florida Water Management District (SFWMD) DBHYDRO** data output showing **dated, time-series groundwater / surface-water stage measurements** (in feet NAVD88) from the regional monitoring network governing hydrologic operations affecting the Las Palmas area. DBHYDRO is SFWMD's authoritative system of record for operational, planning, and regulatory hydrologic data.

What it shows:
• Daily, instrument-measured water levels recorded by SFWMD at nearby monitoring stations over time.
• Each entry is **date-stamped**, allowing direct correlation to inspection, enforcement, and hearing timelines.
• The tables show water levels consistently clustering around **~2.7 to ~3.2 feet NAVD88**.
• On **August 1, 2024** (the date of the Cease and Desist Order), the regional recorded water level is approximately **3.0 feet NAVD88**.
• The record reflects the **managed regional hydrologic system** (canals, pumps, control structures, and retention infrastructure), not uncontrolled natural wetland conditions.
• FEMA Flood Insurance Rate Map (FIRM) Panel **12086C0420L** assigns the area a **Base Flood Elevation (BFE) of 8.0 feet** (Flood Zone AH), which is a modeled storm-event flood surface, not ordinary water level.

How to use it:
• Establish the **baseline, normal hydrologic condition** of the area using SFWMD's own official measurements.
• Correlate the **August 1, 2024 enforcement date** to the actual recorded water levels that existed that day.
• Demonstrate that **ordinary regional water levels were approximately five (5) feet below** the FEMA regulatory flood elevation.
• Show that **temporary surface moisture or irrigation cannot be used as a proxy for wetland hydrology**.
• Support the requirement that any wetlands claim must rest on a **proper Rule 62-340, F.A.C. field delineation and scientific analysis**, not snapshots taken during normal or managed conditions.

Why it matters:
FEMA BFEs represent **modeled storm-event flood surfaces**, not everyday or permanent water levels. The SFWMD DBHYDRO record shows that **ordinary, managed regional water levels are far below both the ground surface and far below the FEMA BFE**. This means the site sits well above the normal water table and within a **dry, unsaturated hydrologic regime** under ordinary conditions. The approximately **five-foot vertical separation** between normal regional water levels and the FEMA flood

elevation on the enforcement date is **inconsistent with wetland hydrology** and directly undermines any claim that the site is naturally saturated or functions as a wetland.

What it establishes in the record:
• On **August 1, 2024**, regional SFWMD water levels were approximately **3.0 feet NAVD88**.
• The property's regulatory flood elevation is **8.0 feet**, creating about **five (5) feet of vertical separation**.
• Normal hydrologic conditions are **dry and unsaturated**, with the water table well below the ground surface.
• Any surface moisture observed that day is consistent with **routine irrigation or regional water-management operations**, not wetland hydrology.
• A lawful wetland determination would require a **formal Rule 62-340 field delineation**, not enforcement based on assumptions or photographs.

Disclaimer:
This summary is provided for informational and public-record contextual purposes only. It is not legal advice. It reflects the owner's position and interpretation of the document and issues. For legal determinations, the original documents and applicable law control.

Victor Reyes c/o ADRI MARC S.A., Trustee
on behalf of
The Cabaña Living Land Trust
8901 SW 157 Ave 16-167
Miami, FL 33196
Private Tel: 561-669-6024
VREYES33196@GMAIL.COM

August 2, 2024

Department of Environmental Resources Management (DERM)
701 NW 1 Court, 6th Floor
Miami, FL 33136

Re: Urgent Request for Temporary **Withdrawal of Cease and Desist Order** – Folio Number 3058150000795

Dear DERM,

I am writing to formally dispute the notice of presumed wetland violation and accompanying cease and desist order issued on August 1, 2024, regarding folio number 3058150000795. This order, signed by Biologist 1 Elizabeth McKiernan, demands a complete shutdown of our business and poses a catastrophic threat to our property and employees' livelihoods.

This is a time-sensitive matter requiring immediate attention. The immediate cessation of operations as mandated by the cease and desist order will result in over $1,000,000 in damages due to lost business, employee wages, subcontractor fees, property devaluation and loss of 100,000 live plants.

We respectfully request a temporary withdrawal of the cease and desist order pending a thorough review of this matter. We dispute the claim of a wetland violation and maintain that the property has been classified as agricultural exempt by the Miami-Dade County Property Appraiser for decades. Our records, including USDA Wetland maps, do not indicate any wetland and/or violations, rendering a Class IV permit unnecessary. Furthermore, the soil level on the property remains unchanged according to Florida topographical maps.

We believe the notice issued by the Division of Environmental Resources Management (DERM) is a generic form lacking merit in this specific case. We are prepared to provide any additional documentation or information to support our position.

We request a prompt review of this matter and the immediate withdrawal of the cease and desist order.

Thank you for your urgent attention to this critical matter. We look forward to your prompt response.

Sincerely,

Victor Reyes

Enclosure(s): MDC Agricultural Exemption, USDA Wetland Report, Florida topographical maps available upon request or online.

Exhibit A1-P1DOC6 — Summary

Document: A1-P1DOC6.pdf

What it is:
This exhibit is a **formal written dispute and demand letter dated August 2, 2024** sent by **Victor Reyes on behalf of ADRI MARC S.A., Trustee / The Cabaña Living Land Trust** to Miami-Dade County DERM. It was sent **one day after** the August 1, 2024 Cease and Desist Order and constitutes an **immediate, written, official objection** to the enforcement action, together with a request for **temporary withdrawal** of the order pending review.

What it shows:
• The letter is dated **August 2, 2024**, establishing **next-day response** to the Cease and Desist Order.
• It **formally disputes** the "presumed wetland violation" and the Cease and Desist Order issued **August 1, 2024**.
• It states the order **demands a complete shutdown of the business** and threatens property and livelihoods.
• It documents **claimed damages exceeding $1,000,000**, including lost business, wages, subcontractors, property devaluation, and loss of inventory.
• It states the property has been **classified as agricultural and exempt by the Miami-Dade County Property Appraiser for decades**.
• It states that **USDA Wetland Maps do not indicate any wetland** and that **soil levels remain unchanged** per Florida topographic maps.
• It requests a **temporary withdrawal** of the Cease and Desist Order pending proper review.
• It lists **enclosures** including: agricultural classification records, USDA materials, and Florida topographic maps — showing that evidence was being formally offered immediately.

How to use it:
• Establish that the owner **immediately and formally contested** the enforcement action.
• Prove that the County was put on **actual written notice** of agricultural classification and federal mapping conflicts **within 24 hours**.
• Show that the enforcement action **did not proceed because of silence, delay, or acquiescence** by the owner.
• Use it to demonstrate **procedural unfairness and disregard of submitted evidence** if the County continued enforcement anyway.
• Tie it to **A1-P1DOC3 (USDA NRCS)** and **A1-P1DOC2 (Property Appraiser)** to show the County was told exactly what contrary evidence existed.

Why it matters:
In administrative and judicial proceedings, **timing and notice are critical**. This document proves that:
• The enforcement action was **immediately challenged in writing**.
• The County was **placed on notice of agricultural status and federal soil/wetland mapping conflicts at the very beginning**.
• Any later claim that the owner "failed to raise these issues early" is **factually false**.

• Any continued enforcement **without addressing this letter and its enclosures** supports due-process, arbitrary-and-capricious, and bad-faith enforcement arguments.

What it establishes in the record:
• The Cease and Desist Order was **formally disputed on August 2, 2024**.
• The County was told immediately that the property is **agricultural and supported by federal and state mapping**.
• The County was warned immediately about **massive damages** being caused by the shutdown.
• The owner **did not acquiesce, delay, or remain silent**.
• The County proceeded **with full knowledge that its action was contested and contradicted by documentary evidence**.

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Gmail victor reyes <vreyes33196@gmail.com>

PRESUMED Wetland Violation

1 message

victor reyes <vreyes33196@gmail.com> Thu, Aug 1, 2024 at 6:19 PM
To: elizabeth.mckiernan@miamidade.gov

Dear MDC DERM c/o Elizabeth McKiernan,

I am writing to formally dispute the notice of a presumed wetland violation and accompanying cease and desist order issued on August 1, 2024, regarding folio number 3058150000795. This order, signed by Biologist 1 Elizabeth McKiernan, demands a complete shutdown of our business and poses a catastrophic threat to our property and employees' livelihoods.

The immediate cessation of operations will result in over $1,000,000 in damages due to lost business, employee wages, subcontractor fees, and property devaluation. It is imperative to note that this property has been classified as agricultural exempt by the Miami-Dade County Property Appraiser for decades. Our records, including USDA Wetland maps, do not indicate any wetland violations, rendering a Class IV permit unnecessary.

Furthermore, the soil level on the property remains unchanged according to Florida topographical maps. We believe the notice issued by the Division of Environmental Resources Management (DERM) is a generic form lacking merit in this specific case.

We respectfully request a prompt review of this matter and the immediate withdrawal of the cease and desist order. We are prepared to provide any additional documentation or information upon request.

Sincerely,

Victor Reyes C/O
ADRI MARC S.A., Trustee
on behalf of
The Cabaña Living Land Trust
Private Number: 561-669-6024

MDC DERM CEASE AND DESIST.pdf
532K

Exhibit A1-P1DOC7 — Summary

Document: A1-P1DOC7.pdf

What it is:
This exhibit is a **time-stamped email dated August 1, 2024 at 6:19 PM** from Victor Reyes, on behalf of **ADRI MARC S.A., Trustee / The Cabaña Living Land Trust**, addressed to **Miami-Dade County DERM (Elizabeth McKiernan)**. The email **formally disputes** the "Presumed Wetland Violation" and the **Cease and Desist Order issued earlier the same day** and requests prompt review and withdrawal.

What it shows:
• Sender and authority: **Victor Reyes on behalf of ADRI MARC S.A., Trustee**.
• Recipient: **MDC DERM (Elizabeth McKiernan)**.
• Date/Time: **Thursday, August 1, 2024, 6:19 PM** (same day as the Cease and Desist).
• Subject: **"PRESUMED Wetland Violation."**
• The email:
• **Formally disputes** the notice and the Cease and Desist Order issued August 1, 2024.
• States the order demands a **complete shutdown of the business** and threatens property and livelihoods.
• Documents **claimed damages exceeding $1,000,000** (lost business, wages, subcontractors, and property devaluation).
• States the property has been **classified as agricultural and exempt by the Miami-Dade County Property Appraiser for decades**.
• States that **USDA wetland maps and records do not indicate any wetland violation**.
• States that **soil levels remain unchanged** according to Florida topographic maps.
• Asserts the DERM notice is a **generic form lacking merit** in this specific case.
• **Requests prompt review and immediate withdrawal** of the Cease and Desist Order and offers to provide further documentation.

How to use it:
• Establish **same-day, contemporaneous written objection** to the enforcement action.
• Prove DERM was placed on **actual notice** of agricultural classification, USDA mapping conflicts, and factual disputes **on the very day the order was issued**.
• Anchor the **timeline** to August 1, 2024 and show the owner **did not acquiesce, delay, or remain silent**.
• Corroborate damages and due-process arguments by showing the County was **warned immediately** of catastrophic economic impact.
• Tie this exhibit to **A1-P1DOC2 (Property Appraiser)** and **A1-P1DOC3 (USDA NRCS)** to show the same evidence was invoked **from day one**.

Why it matters:
Contemporaneous, time-stamped objections are critical in administrative records. This email shows that the enforcement action was **not uncontested, not accepted, and not procedurally clean from the outset**. It demonstrates that the County proceeded **with full knowledge** that the owner disputed the

facts, the agricultural status, the federal mapping, and the wetland premise, and that the action was causing immediate and severe harm.

What it establishes in the record:
• The owner **formally objected in writing on August 1, 2024**, the same day the Cease and Desist Order was issued.
• DERM had **actual notice** of the factual, agricultural, and federal-mapping disputes from the first day.
• The County was **warned immediately** of massive damages and business shutdown consequences.
• The owner invoked **agricultural classification and USDA records at the very beginning**, not later in the process.
• Any later claim of acquiescence, delay, or failure to raise these issues early is **contradicted by this exhibit**.

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Enforcement Inspection Report

Inspection Date:	8/1/2024
DERM Staff:	E. McKiernan (Project Manager) and M. Cobos (Biologist)
File:	CLIV-20240048
Responsible Party:	ADRI MARC S A TRS
Location:	Approximately SW 207 Ave and SW 133 St
Folio:	30-5815-000-0795

Reason for Inspection

While conducting routine inspections of the East Everglades Basin, staff observed work in wetlands without a Class IV Permit.

Field Notice of Violation (FNOV) issued for:	Clearing and filling a wetland without a Class IV Permit and improper disposal of solid waste.
Other:	
Date FNOV Issued:	08/01/2024

Current Site Status

Property in compliance:	No
Solid waste present on site:	Yes
Type-	
a:	Vegetative debris
b:	N/A
c:	N/A
Other:	
Unpermitted fill on site:	Yes
Illegal land use:	N/A
Specify:	
Notified DP&Z:	N/A
Additional violation(s) on property:	
Impacts to adjacent wetland properties:	No
Location of impacted properties:	
Photos:	Yes
Recommend next enforcement action:	No

Notes/Recommendations

During routine inspections in the East Everglades Wetlands Basin, unauthorized clearing and filling of wetlands, and improper disposal of solid waste in the form of vegetative debris was observed on the subject property. Staff observed an unauthorized east/west filled access road along the center of the property, a container nursey, an unauthorized structure, and piles of vegetative debris. A Field Notice of Violation and Orders to Cease and Desist (FNOV) was issued and posted at the entrance to the subject property for the unauthorized clearing and filling of wetlands and improper disposal of solid waste. The FNOV stated to contact the department within 48 hours of receiving and to submit a complete Class IV Permit Application with a mitigation proposal or to remove the unauthorized fill material and solid waste within thirty (30) days and return the area to natural wetland grade and elevation. A follow-up inspection will be conducted in thirty (30) days to determine compliance. Within an hour of posting the notice, Mr. Reyes, a representative of ADRI MARC S A TRS, contacted the Wetlands Resource Section to “dispute the claim of a wetland violation.” Staff informed Mr. Reyes that the subject property contains wetlands as defined by Chapter 24-5 of the Code; therefore, any work occurring on the subject property would require a Class IV Permit. Mr. Reyes insisted that the subject property did not contain wetlands and informed staff that he would be providing documentation to support his claim.

I recommend reinspection of the subject property after thirty (30) days to determine compliance with the FNOV posted onsite.

Please see associated photos and aerial.

Enforcement Inspection

File #	CLIV-20240048
Name	ADRI MARC S A TRS
Location	Approximately SW 207 Ave and SW 133 St

Photo 1

Photo 2

Date:	8/1/2024	Staff:	E. McKiernan (PM) and M. Cobos (Biologist)	Location:	Approximately SW 207 Ave and SW 133 St

Photo 1: Overview of the unauthorized container nursey (see blue) and access road (red arrow). Photo taken facing east from the ROW of SW 207 Avenue.

Photo 2: Close up of unauthorized container nursey of *Clusia rosea* (Pitchapple, FAC). Note the unauthorized fill material (red arrow).

Enforcement Inspection

File #	CLIV-20240048
Name	ADRI MARC S A TRS
Location	Approximately SW 207 Ave and SW 133 St

Photo 3

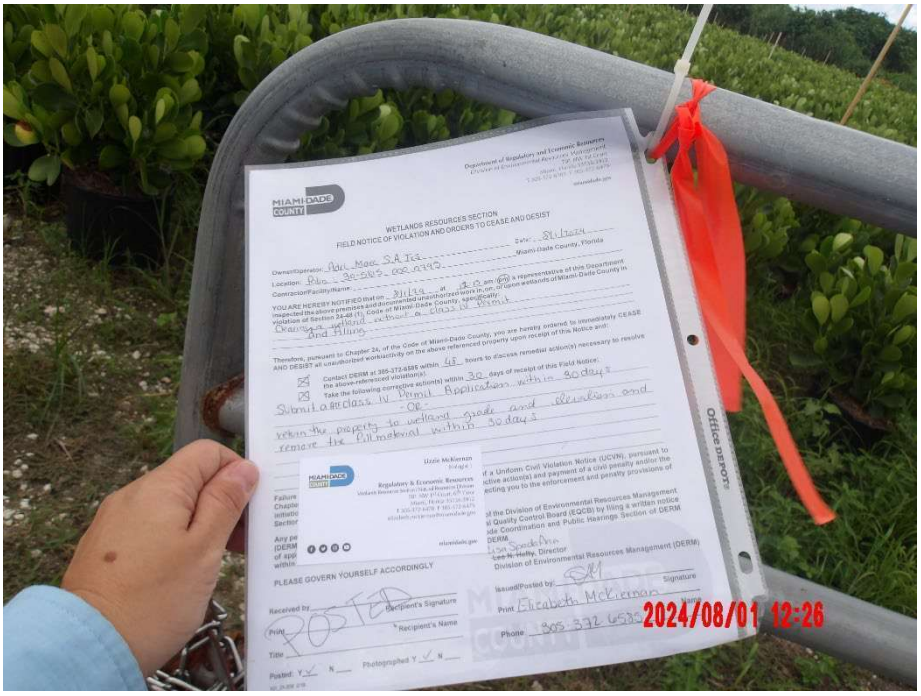
Date:	8/1/2024	Staff:	E. McKiernan (PM) and M. Cobos (Biologist)	Location:	Approximately SW 207 Ave and SW 133 St

Photo 3: Overview of the subject property. Note the unauthorized fill access road (yellow arrow), container nursey (pink arrow), vegetative debris see white arrow), and structure (red arrow). Photo taken facing east from the ROW of SW 207 Ave.

Enforcement Inspection

File #	CLIV-20240048
Name	ADRI MARC S A TRS
Location	Approximately SW 207 Ave and SW 133 St

Photo 4



Date:	8/1/2024	Staff:	E. McKiernan (PM) and M. Cobos (Biologist)	Location:	Approximately SW 207 Ave and SW 133 St

Photo 4: Close up view of FNOV posted on the entrance gate to the subject property.

Enforcement Inspection

File #	CLIV-20240048
Name	ADRI MARC S A TRS
Location	Approximately SW 207 Ave and SW 133 St

Aerial

COMMENTS
Angled aerial (north) of the subject property outlined in red taken from the Miami Dade Office of the Property Appraiser website.

From: victor reyes
Sent on: Tuesday, August 20, 2024 10:57:53 PM
To: McKiernan, Elizabeth (RER); Ball, Katrina (RER)
Subject: Owner and Agent Authorization Letter
Attachments: CABAÑA LIVING LAND TRUST DEED.pdf (173.69 KB), WARRANTY DEED TO SUCCESSOR TRUSTEE.pdf (139.07 KB), DERM Entry and Agent.pdf (791.92 KB)

Re: Owner and Agent Authorization Letter

Dear Ms. McKiernan,

I apologize for any inconvenience caused by my full voicemail. I will clear it out promptly.

I am ready to provide you with the Owner Authorization Letter and Agent Authorization Letter.

As a reminder, our meeting is scheduled for **Thursday, August 22, 2024, at 11:30 AM**. Please let me know if you need to reschedule.

Feel free to contact me at 561-669-6024 or reply to this email if you have any questions.

Thank you for your understanding and cooperation.

Sincerely,

Victor Reyes c/o

ADRI MARC S.A., Trustee

on behalf of

The Cabaña Living Land Trust

From: McKiernan, Elizabeth (RER)
Sent on: Tuesday, August 20, 2024 2:16:46 PM
To: vreyes33196@gmail.com
Subject: Request for Access for BLP-20240011

Good afternoon Mr. Reyes,

I hope this email finds you well!
I was trying to call you, but your voice mailbox is full, so I was unable not leave a message. When you get a chance could you call me back at (305)781-2549 or (305) 372-6470? I wanted to discuss with you the possibility off you providing us with an owner authorization letter to access the subject property to conduct a site inspection. I also need an agent authorization letter. We were hoping to access the site Thursday and get this Binding Letter of Interpretation back to you as soon as possible; however, this cannot be accomplished without the previously notes items.

Thank you for your understanding, I look forward to hearing from you soon!

Kindest regards,
Lizzie McKiernan, Biologist II
Wetlands Resources Section
Division of Environmental Resources Management (DERM)
Department of Regulatory and Economic Resources
701 NW 1st Court, 6th Floor, Miami, Florida 33136
Office: (305) 372-6470
www.miamidade.gov/environment

Please consider the environment before printing this email.

From: McKiernan, Elizabeth (RER)
Sent on: Wednesday, August 21, 2024 11:38:12 AM
To: victor reyes; Ball, Katrina (RER)
Subject: RE: Owner and Agent Authorization Letter

Good morning Mr. Reyes,

Thank you for the documents!
If something comes up, we will let you know. As of now, we will be onsite Thursday, August 22nd at 11:30am.

Kindest regards,
Lizzie McKiernan, Biologist II
Wetlands Resources Section
Division of Environmental Resources Management (DERM)
Department of Regulatory and Economic Resources
701 NW 1st Court, 6th Floor, Miami, Florida 33136
Office: (305) 372-6470
www.miamidade.gov/environment

From: victor reyes <vreyes33196@gmail.com>
Sent: Tuesday, August 20, 2024 10:58 PM
To: McKiernan, Elizabeth (RER) <elizabeth.mckiernan@miamidade.gov>; Ball, Katrina (RER) <Katrina.Ball@miamidade.gov>
Subject: Owner and Agent Authorization Letter

Re: Owner and Agent Authorization Letter

Dear Ms. McKiernan,

I apologize for any inconvenience caused by my full voicemail. I will clear it out promptly.

I am ready to provide you with the Owner Authorization Letter and Agent Authorization Letter.

As a reminder, our meeting is scheduled for **Thursday, August 22, 2024, at 11:30 AM**. Please let me know if you need to reschedule.

Feel free to contact me at 561-669-6024 or reply to this email if you have any questions.

Thank you for your understanding and cooperation.

Sincerely,

Victor Reyes c/o

ADRI MARC S.A., Trustee

on behalf of

The Cabaña Living Land Trust

Exhibit A1-P1DOC8 — Summary

Document: A1-P1DOC8.pdf (Miami-Dade County DERM Enforcement Inspection Report)

What it is:
This exhibit is Miami-Dade County DERM's **Enforcement Inspection Report** for the subject property (Folio No. 30-5815-000-0795 / Case CLIV-20240048). It is the County's **primary inspection narrative and photographic report** that DERM relies upon to support the August 1, 2024 **Field Notice of Violation and Cease and Desist Order**.

What it shows:
• The report lists **"Inspection Date: 8/1/2024"** and identifies staff **Elizabeth McKiernan (Project Manager) and M. Cobos (Biologist)**.
• It alleges work in wetlands without a Class IV permit and improper disposal of vegetative debris.
• It marks the property as **"Not in compliance."**
• It attaches multiple **photographs** showing nursery rows, access roads, gravel areas, potted plants, and a posted notice.
• It includes an **aerial image** taken from the Miami-Dade Property Appraiser website with a red parcel outline.
• The report also contains **embedded email correspondence** dated **August 20–21, 2024** scheduling the **first authorized site visit for August 22, 2024 at 11:30 AM** and confirming that access required owner/trustee authorization.

How to use it:
• Establish that this is the **core document DERM uses to justify the enforcement action**.
• Compare the **claimed inspection date (8/1/2024)** against the **embedded emails** showing that access was **not authorized and not scheduled until August 22, 2024**.
• Use it to demonstrate that the **photographs and observations could not have been taken on August 1, 2024**.
• Use it to test whether the County actually performed a **Rule 62-340, F.A.C. wetlands delineation** or any qualifying scientific field work.
• Use it to impeach the **timeline, accuracy, and reliability** of the County's enforcement narrative.

Why it matters:
Lawful environmental enforcement depends on **lawful site access, accurate timelines, and scientifically valid field work**. This exhibit itself contains the evidence that:
• **Access was not authorized on August 1, 2024**, and
• The **first scheduled, authorized site visit was August 22, 2024 at 11:30 AM** (as shown in the embedded emails).

This makes the listed "Inspection Date: 8/1/2024" a **timeline that conflicts with the County's own internal correspondence**. The report also contains **no soil borings, no hydrology measurements, no vegetation analysis, and no surveyed wetland boundary**, which are required components of a lawful **Rule 62-340 wetlands delineation**.

What it establishes in the record:
• This is the **principal inspection report** underlying the enforcement action.
• The report claims an **inspection date of August 1, 2024**.
• The same exhibit contains **emails proving access was not authorized and not scheduled until August 22, 2024**.
• Therefore, the **photographs and observations in this report could not have been collected on August 1, 2024**.
• The report contains **no standards-based Rule 62-340 delineation work** (no soils, no hydrology, no vegetation, no surveyed boundary).
• The enforcement case rests on a document whose **timeline and methodological foundation are internally contradicted by its own attachments**.

Disclaimer:
This summary is provided for informational and public-record contextual purposes only. It is not legal advice. It reflects the owner's position and interpretation of the document and issues. For legal determinations, the original documents and applicable law control.

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 6th Floor
Miami, Florida 33136-3912
T 305-372-6902 F 305-372-6630
miamidade.gov

January 17, 2025

Adri Marc S.A., Trustee
The Cabana Living Land Trust
8901 SW 157 Avenue, 16-167
Miami, Florida 33196

Certified Mail No. 9589 0710 5270 2276 4986 01
Return Receipt Requested

Re: Unpermitted clearing, filling and disposal of solid waste in freshwater wetlands located at, near, or in the vicinity of SW 136 Street and SW 207 Avenue, Section 15, Township 55 South, Range 38 East, Miami-Dade County, Florida. (Folio no. 30-5815-000-0795) File CLIV-20240048.

Dear Ms. Marc:

NOTICE OF VIOLATION
AND
ORDERS FOR CORRECTIVE ACTION

Inspections by representatives of this Department revealed that clearing and filling of freshwater wetlands and the improper disposal of solid waste has occurred on the above-referenced property. A review of Department records reveals that said work was performed without the required Class IV Wetland Permit. During the inspection conducted on August 1, 2024, Department staff issued a Field Notice of Violation outlining the corrective actions required to bring the property into compliance with the Code of Miami-Dade County. A review of Department records reveals that you have failed to comply with said Notice.

Be advised the above constitutes violations of Chapter 24, Miami-Dade County Environmental Protection Ordinance and Chapter 62, Florida Administrative Code (F.A.C.), specifically:

Section 24-27, of said Ordinance, inasmuch as no person shall cause, or allow to be caused, any nuisance or sanitary nuisance as defined in Sections 24-5(42), 24-5(58) and/or 24-28 hereof; and,

Section 24-25(4), of said Ordinance, which states in pertinent part: "Any person who commits a violation of any rules and regulations adopted pursuant to this Section shall be deemed guilty of committing a violation of this Chapter."

Section 24-29, of said Ordinance, which states in pertinent part: "It shall be unlawful for any person to violate any lawful rule or regulation promulgated under this Chapter, any lawful order of the Director of the DERM or his designee."

Section 24-48(1), – of said Ordinance, which states in pertinent part: "It shall be unlawful for any person ... to fill, dredge or authorize, allow, suffer or permit filling or dredging or perform or authorize, allow, suffer or permit any type of work in, on, over or upon ... wetlands anywhere in Miami-Dade County ... without first having obtained a permit from the Miami-Dade County Department of Environmental Resources Management."

Chapter 62-701.300(1), – Florida Administrative Code, which states in pertinent part: "No person shall store, process or dispose of solid waste except at a permitted solid waste management facility or a facility exempt from permitting under this chapter."

Chapter 62-701.300(2)(e), – Florida Administrative Code, which states in pertinent part: "No solid waste shall be stored or disposed of by being placed: in an area subject to frequent and periodic flooding unless flood control protection measures are in place."

Based on the above and pursuant to the authority granted to me under Chapter 24, Miami-Dade County Environmental Protection Ordinance, I am hereby ordering you to:

1. Upon receipt of this Notice, **"CEASE AND DESIST"** from any further unpermitted work on the subject property.

2. Upon receipt of this Notice, **"CEASE AND DESIST"** from any further disposal of solid waste at the subject property.

3. Within fifteen (15) days of receipt of this Notice, begin removal of the solid waste from the subject property and complete said removal within thirty (30) days of receipt of this Notice. All solid waste shall be disposed of properly at an approved and permitted landfill with copies of the disposal receipts submitted to this office.

4. Within thirty (30) days of receipt of this Notice, submit a *complete* application for an after-the-fact Class IV wetland permit for the work that has been performed in wetlands at the subject site and obtain the required Class IV permit within ninety (90) days of receipt of this Notice. Class IV permit applications are available on-line at http://www.miamidade.gov/derm/permit_applications.asp. Please be advised, an approvable mitigation proposal is required prior to the issuance of a Class IV permit. Failure to provide adequate mitigation to offset the wetland impacts at the subject property may result in denial of said permit application and the restoration of the impacted portions of the property. All uses on the property must be consistent with the County's planning and zoning rules and regulations. Please be advised, under County Code the maximum area that may be filled at this location is 0.5 acres. Any impacted areas on the subject property that are not part of the Class IV Permit application shall be properly restored to a natural elevation within ninety (90) days of receipt of this Notice.

OR

Within ninety (90) days of receipt of this Notice, remove all unauthorized fill material, nursery materials and nursery plants from the impacted portions of the subject property and return the site to natural elevation, and allow the site to revegetate with native wetland plant species.

BE ADVISED THAT FAILURE TO COMPLY WITH THE ABOVE MAY RESULT, AT A MINIMUM, IN CIVIL PENALTIES AND THE PAYMENT OF ALL DEPARTMENTAL COSTS INCURRED IN THE INVESTIGATION AND SETTLEMENT OF THIS CASE, OR IN THE ISSUANCE OF A UNIFORM CIVIL VIOLATION NOTICE (UCVN) PURSUANT TO THE PROVISIONS OF 8CC OF THE CODE OF MIAMI-DADE COUNTY WHICH CARRIES A MANDATORY CIVIL PENALTY AND REQUIREMENT TO CORRECT THE VIOLATION. IN ADDITION, FAILURE TO COMPLY MAY RESULT IN YOUR CASE BEING PREPARED FOR FORMAL ENFORCEMENT ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO THE ENFORCEMENT AND PENALTY PROVISIONS OF SECTION 24-29, CODE OF MIAMI-DADE COUNTY.

Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the

applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

If you have any questions regarding the above, please contact Elizabeth McKiernan of the Wetlands Resources Section of this office at (305) 372-6585 or the undersigned at (305) 372-6919.

Sincerely,

Mark J. Pettit
Environmental Code Enforcement Officer II
Regulatory Services

Supporting Documents

Attachment A: Site Map
Attachment B: Soil Map
Attachment C: East Everglades Topography Map
Attachment D: 62340 Form for Site
Attachment E: 62340 Form for Altered Site
Attachment F: 62340 Form for Altered Site

Attachment A: Site Map

BLP-2040011
ADRI MARC S A TRS
Folio nos. 30-5815-000-0795

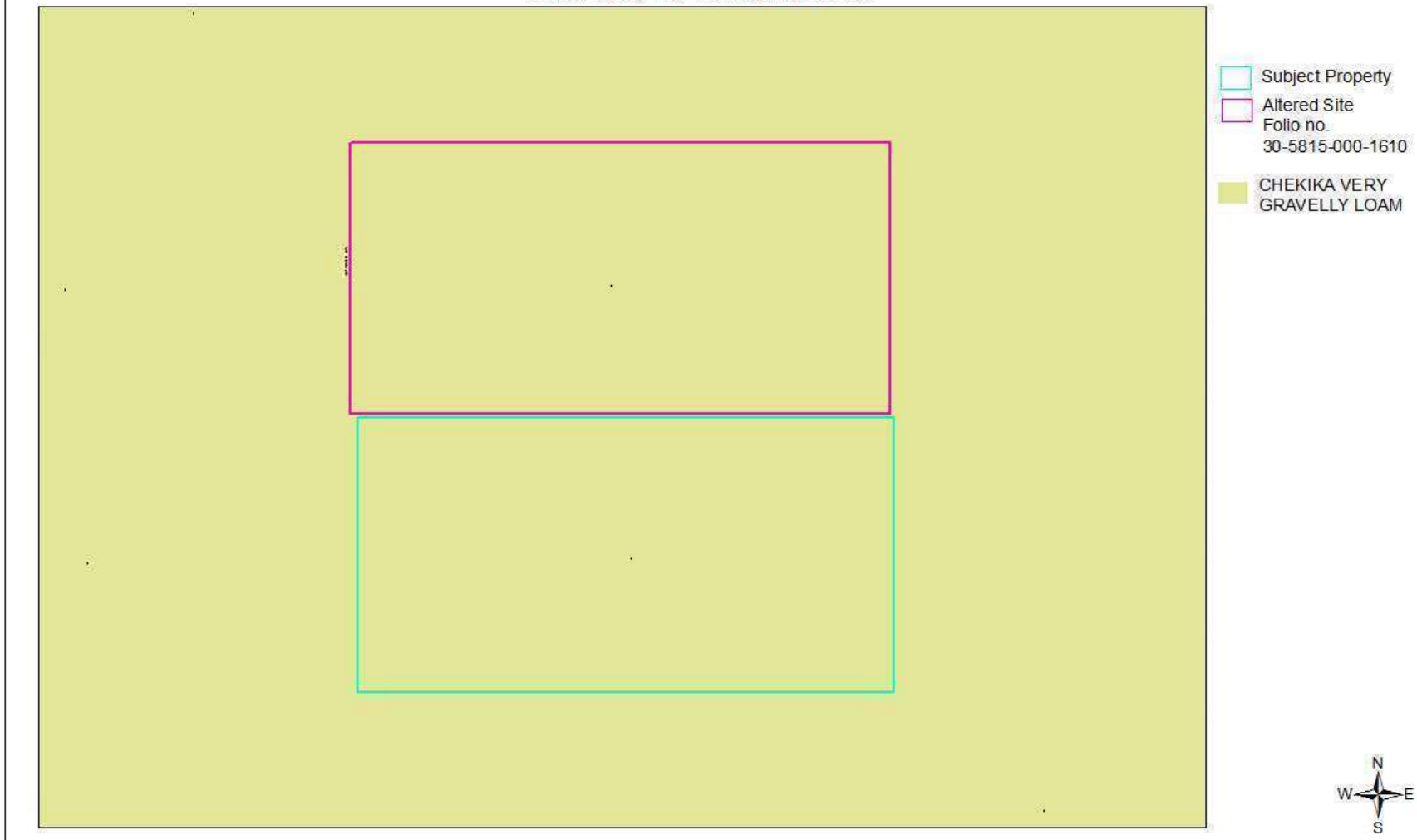
Subject Property
Altered Site
Folio no.
30-5815-000-1610

N
W E
S

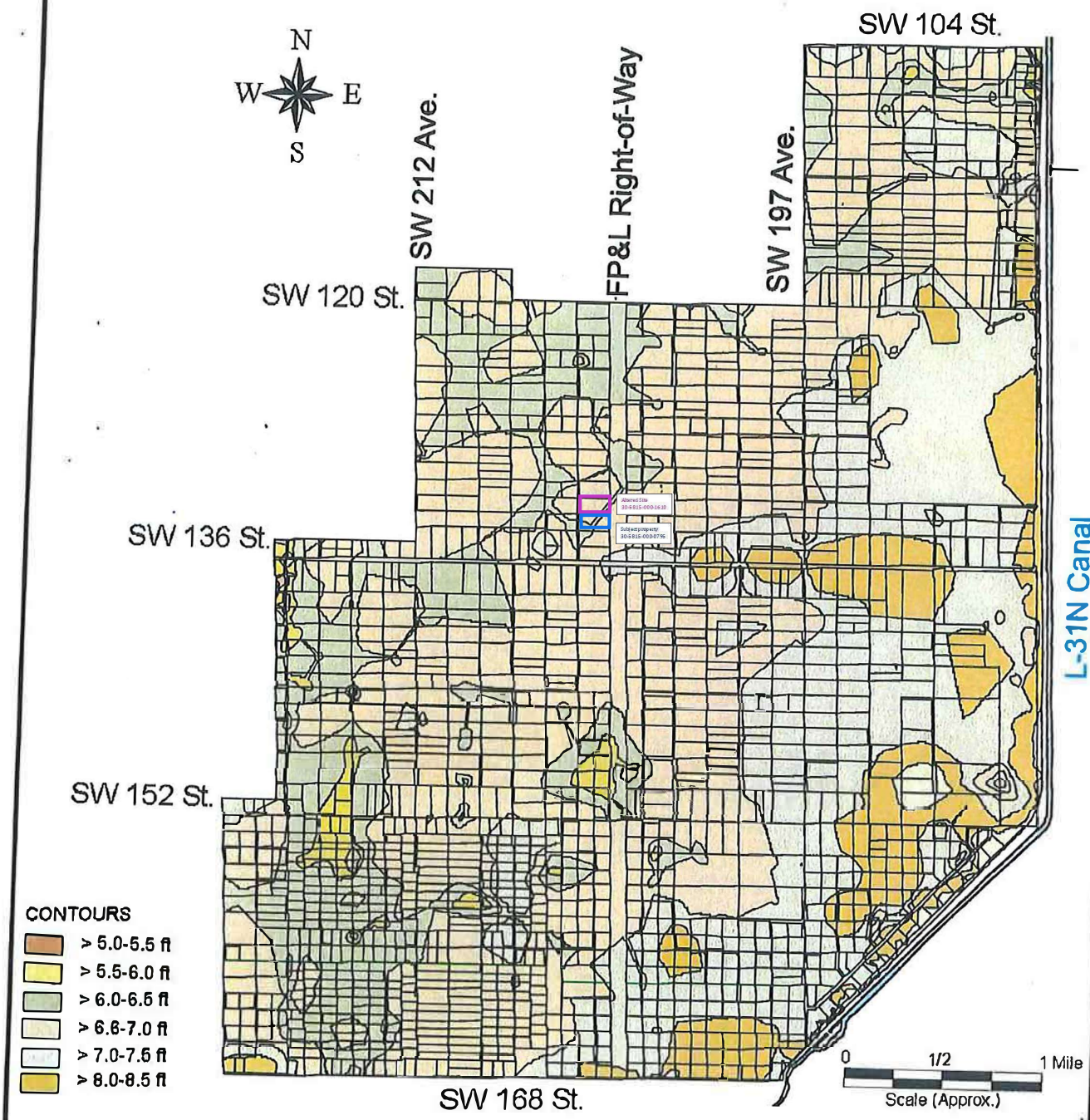
2023 Aerial

Attachment B: Soil Map

CLIV-20240048
ADRI MARC S A TRS
Folio nos. 30-5815-000-0795



Attachment C: East Everglades Topography Map



Source: DERM (1998)

CENTRAL AND SOUTHERN FLORIDA
MODIFIED WATER DELIVERIES TO
EVERGLADES NATIONAL PARK, FLORIDA
8.5 SQUARE MILE AREA

FIGURE NO. 5
TOPOGRAPHIC SETTING

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS
JACKSONVILLE, FLORIDA

TO ACCOMPANY PLANNING DOCUMENT DATED:_____
FILE NO.

Attachment D: 62340 Form for Site

Chapter 62-340, F.A.C. Data Form

§ denotes the Rule, subsection, paragraph, or subparagraph referenced from Ch. 62-340, F.A.C.

1. Date: Aug 22, 2024 2. Staff Present: EM (PM) and KB (Manager) 3. Form recorder(s): EM

4. County: Miami-Dade (13) 5. Site Name: ADRI Marc SA TRS Tracking #: BLP-20230011

6. Point ID: 30-5815-000-0795 GPS Coordinates: 25.640377 -80.524570

7. Distances and bearings from fixed objects (if no GPS):

8. Current condition of described point: ◉ Authorized or legal condition ○ Unauthorized or illegal condition

9. Work type: ◉ Identification ○ Delineation

Point status: ◉ Wetland ○ Non-Wetland Surface Water ○ Upland

10. Vegetative Stratum §62-340.400: Using §62-340.400, F.A.C. with reasonable scientific judgment, select the appropriate vegetative stratum. (Do not include FAC species when determining 10% minimum areal extent.)

○ Canopy (Min. 10% areal extent) ○ Subcanopy (Min. 10% areal extent) ◉ Groundcover (No min. areal extent)

○ Vegetation Absent *(skip to #14)* ○ Evaluation Impossible *(skip to #14)* **Why?**

11. Plant List §62-340.200(2),(6),(16), §62-340.400, §62-340.450, F.A.C.:

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

Areal extent estimator: EM & KB

Select and identify plants in an area just large enough to represent and classify the plant community at the described point. Do not extend into different communities or hydrologic conditions.

1. Record the scientific name (binomial) and status of each plant species necessary to identify/delineate and classify the plant community in the selected area.
2. Record the percent areal extent in the canopy, subcanopy, and groundcover columns for each species.
3. For each species present in the **stratum selected in #10**, transfer the numbers from only that stratum's column into the appropriate status columns.

#	Binomial of Observed Species	Status	Canopy	Subcanopy	Groundcover	Upland	Facultative	Fac. Wet	Obligate
1.	Cyperus Esculentus	F			5		5		
2.	Hydrocotyle spp	FW			25			25	
3.	Euphorbia heterophylla	F			5		5		
4.	Parthenium hysterophorus	F			2		2		
5.	Setaria parviflora	F			1		1		
6.	Echinochloa crus-galli	F			2		2		
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
	Percent areal extent totals for the stratum selected in question 10					0	15	25	0

12. In the stratum selected in #10: What is the % areal extent of Obligate plants? 0

What is the % areal extent of Upland plants? 0

Is the areal extent of Obligate plants greater than that of Upland plants? ○ Yes ◉ No

13. In the stratum selected in #10: What is the total % areal extent of Obligate & Facultative Wet plants combined? 25

What is the total % areal extent of Obligate, Facultative Wet, & Upland plants combined? 25

What is the percentage of OBL + FACW in relation to all plants, excluding FAC? ($\frac{\text{OBL+FACW}}{\text{OBL+FACW+UPL}}$) 100.0%

Point ID/Location: 25.640377 -80.524570 | Soil describer: EM

14. LRR/MLRA U | **Textures:** Peat, Mucky Peat, Muck, Mucky Mineral (S or F), Sand, Fine, Marl

15. Is a soil profile evaluation possible? ○ Yes ◉ No If no, why? Soil disturbed *(**If No**, skip to #18)*

16. Soil Description: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Soil surface, or 0 inch depth for purposes of Chapter 62-340, F.A.C. is the muck or mineral surface (whether natural or fill)

Horizon	beginning to ending **Depth** (inches)	**Matrix Texture**	moist condition **Matrix Hue Value/ Chroma**	for sandy matrix horizons w/ value ≤ 3: **% Organic Coating**	- **Describe soil features: DA** (areas darker than matrix), **LA** (areas lighter than matrix), **RC** (redox concentrations): Record in moist condition **hue value/chroma; % volume in horizon; boundaries** (sharp/clear/diffuse); **shape** (rounded/linear/angular). - **OB** (organic bodies): Record **texture** (muck or mucky mineral), **% volume in horizon.** - **H_2S** (hydrogen sulfide odor): Indicate shallowest depth where detected - **Note** if horizon is **Physically Mixed (PM), Nonsoil** (any material not listed in "Textures" above), or **Fill** and describe.
1					
2					
3					
4					
5					
6					

17. Hydric Soil Field Indicators: If present, check all Hydric Soil Field Indicators satisfied and specify their beginning and ending depths

☑ All Texture	☑ Sandy Texture	☑ Fine Texture
__(A1) Histosol*	__(S4) Sandy Gleyed Matrix*	__(F2) Loamy Gleyed Matrix*
__(A2) Histic Epipedon*	__(S5) Sandy Redox	__(F3) Depleted Matrix
__(A3) Black Histic*	__(S6) Stripped Matrix	__(F6) Redox Dark Surface
__(A4) Hydrogen Sulfide*	__(S7) Dark Surface	__(F7) Depleted Dark Surface
__(A5) Stratified Layers*	__(S8) Polyvalue Below Surface	__(F8) Redox Depression
__(A6) Organic Bodies	__(S9) Thin Dark Surface	__(F10) Marl
__(A7) 5cm Mucky Mineral*	__(S12) Barrier Islands 1cm Muck	__(F12) Iron-Manganese Masses
__(A8) Muck Presence*		__(F13) Umbric Surface
__(A9) 1cm Muck*		__(F22) Very Shallow Dark Surface
__(A11) Depleted Below Dark Surface		
__(A12) Thick Dark Surface		

Indicator Present	Begin Depth	End Depth
1.		
2.		
3.		
4.		
5.		
6.		

* = *Stand-alone D Test - both hydric soil and hydrologic indicator*

To combine layers/indicators to meet thickness requirements, see NRCS Hydric Soils Technical Note 4.

18. Excluding organic horizons, is any nonsoil horizon present at or within the uppermost 12 inches of the ground surface?
○ Yes *(e.g. bedrock, rock outcrop, limestone fill, gravel, etc)* ○ No ◉ Soil profile or site inaccessible

19. Is one or more hydric soil field indicators present? ○ Yes ○ No ◉ Inconclusive *(e.g., evaluation to 12+ inches impeded by disturbance, water, nonsoil, no site access, etc.)*
If no or inconclusive, is the soil hydric as determined by other NRCS methods?
○ Yes ← Which method(s)? _____ ○ No ◉ Inconclusive ← Why? Site disturbed
(e.g., hydric soil definition, HSTS[2], indicator present at drier elevation, indicator would be present but for disturbance)

20. Is the depth of the soil profile 20 inches or greater from the soil surface? ○ Yes ◉ No
If no, depth of soil profile is: _____ inches Why? Altered Site
(e.g., root refusal, nonsoil, water table, loose sand, heavy texture, compaction, weather conditions, inspection interrupted)

21. **Observed** height or depth of standing water from **soil** surface: 2 inches ◉ Above ○ Below ○ Not Observed

Point ID/Location: 25.640377 -80.524570 | Indicator evaluator: EM

22. Hydrologic Indicators: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Hydrologic Indicators per §62-340.500, F.A.C. (and as applied to §62-340.600, F.A.C.)	Present at or near point	Predicted during normal high water or wet season◆	Within 100 ft waterward of point (not for upland points)	1. Describe the type of all checked indicators. 2. Approximate the distance and compass direction of indicators within 100 ft of the point. 3. For water level indicators (potential indicators denoted by *) **note the height from ground surface** at the point as well as waterward (with distance from point). ◆Only for indicators not present due to dry season/drought
(1) Algal mats*				
(2) Aquatic mosses or liverworts*				
(3) Aquatic plants*				
(4) Aufwuchs				
(5) Drift lines and rafted debris*				
(6) Elevated lichen lines*				
(7) Evidence of aquatic fauna				
(8) Hydrologic data*	✓			LasPalms07 shows inundation for part of the year
(9) Morphological plant adaptations*				
(10) Secondary flow channels				
(11) Sediment deposition*				
(12) Tussocks or hummocks*				
(13) Water marks*				

Highest water level indicator height at point: _____ inches ○ Above Ground Surface ○ No Water Level Indicators ○ Above Soil Surface ○ N/A (described point is Upland)

23. Is one or more hydrologic indicator(s) listed in §62-340.500, F.A.C. present or predicted with normal high water or wet season conditions at the described point? ◉ Yes ○ No ○ Evaluation Impossible ← Why? _____

24. Delineation by Wetland Definition §62-340.300(1), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Has a wetland boundary been delineated at the described point? ○ Yes ◉ No *(**If No**, skip to #25)*

b) If yes to 24a, can the boundary be easily delineated using the definition of wetlands? ○ Yes ○ No

25. A & B Test Wetland Criteria §62-340.300(2)(a),(b), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the areal extent of Obligate plants in the stratum selected in #10 greater than the areal extent of all Upland plants in that stratum? (See #12) ○ Yes ◉ No ○ Vegetation Absent *(skip to #25f)* ○ Evaluation Impossible *(skip to #26a)*

b) Is the areal extent of Obligate and/or Facultative Wet plants in the stratum selected in #10 equal to or greater than 80% of all the plants in that stratum, excluding Facultative plants? (See #13) ◉ Yes ○ No

c) Is the soil hydric as identified using standard NRCS definitions and practices? (see #19) ○ Yes ○ No ◉ Indeterminable with current conditions ← Why? Site disturbed

d) Is the substrate composed of riverwash, nonsoil (see #18), rock outcrop-soil complex, or is the substrate located within an artificially created wetland area? ○ Yes ◉ No If yes, which condition is present? _____

e) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ◉ Yes ○ No

f) Are the A Test criteria met per §62-340.300(2)(a), F.A.C. at the described point? ○ Yes ◉ No
(Note: If yes to 25a and yes to either 25c, 25d, or 25e, A Test criteria are met)

g) Are the B Test criteria met per §62-340.300(2)(b), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25b and yes to either 25c, 25d, or 25e, B Test criteria are met)

h) Are there any **alterations or conditions** affecting reliable application of the A or B Test such that the Altered Sites Test is more appropriate? ◉ Yes ○ No

Point ID/Location: 25.640377 -80.524570

26. C Test Wetland Criteria §62-340.300(2)(c), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Per §62-340.300(2)(c), F.A.C. is the described point Pine Flatwoods or Improved Pasture, or does it have drained soils? ○ Yes ◉ No ***If yes**, select which of the following are met, then skip to #26d*

☐ Pine Flatwoods ☐ Improved Pasture ☐ Drained Soils

***Pine Flatwoods** must have flat terrain, a monotypic or mixed canopy of long leaf pine or slash pine, and a ground cover dominated by saw palmetto with other species that are NOT obligate or facultative wet. **Improved Pasture** means areas where the dominant native plant community has been replaced with planted or natural recruitment of herbaceous species which are NOT obligate or facultative wet species and which have been actively maintained for livestock through mechanical means or grazing. **Drained Soils** are those in which permanent alterations, excluding mechanical pumping, preclude the formation of hydric soils.*

b) Are the soils at the described point saline sands (salt flats-tidal flats), **or** have they been **field verified** by NRCS's Keys to Soil Taxonomy (4th ed. 1990) as Umbraqualfs, Sulfaquents, Hydraquents, Humaquepts, Histosols (except Folists), Argiaquolls, or Umbraquults? ○ Yes ◉ No

c) Do the soils at the described point have a NRCS hydric soil field indicator (see #17), **and** is the point located within a map unit named or designated by the NRCS as frequently flooded, depressional, or water?

Map Unit: _____ ○ Yes ◉ No ○ Inconclusive ← Why? _____ *(skip to #27a)*

d) Are the C Test criteria met per §62-340.300(2)(c), F.A.C. at the described point? ○ Yes ◉ No

(Note: If no to 26a and yes to either 26b or 26c, C Test criteria are met)

e) Are there any **alterations or conditions** affecting reliable application of the C Test such that the Altered Sites Test is more appropriate? ◉ Yes ○ No

27. D Test Wetland Criteria §62-340.300(2)(d), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the soil hydric as verified by a NRCS hydric soil field indicator? (See #17)

○ Yes ○ No *(skip to #27d)* ◉ Inconclusive ← Why? site site disturbed *(skip to #28)*

b) Does any NRCS hydric soil field indicator begin **at the soil surface or** are any of the following indicators present: A1, A2, A3, A4, A5, A7, A8, A9, S4, F2? ○ Yes ○ No *(If yes, then hydrologic indicator §62-340.500(8) or (11) is met)*

c) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ○ Yes ○ No

d) Are the D Test criteria met per §62-340.300(2)(d), F.A.C. at the described point? ○ Yes ○ No

(Note: If yes to 27a and yes to either 27b or 27c, D Test criteria may be met)

e) Are there any **alterations or conditions** affecting reliable application of the D Test such that the Altered Sites Test is more appropriate? ◉ Yes ○ No

28. Altered Sites Tests §62-340.300(3), F.A.C. (Legal/Authorized or Illegal/Unauthorized)

*For purposes of Chapter 62-340, F.A.C. **altered** refers to any natural or man-induced condition(s) which **masks or eliminates reliable expression** of wetland indicators (i.e. hydrophytic vegetation, hydric soils, and hydrologic indicators). **Unaltered or normal does not require a natural condition**, only an expression of wetland indicators that is sufficient to **reliably** identify or delineate the wetland using the criteria in §62-340.300, F.A.C.*

Are alterations affecting normal wetland condition? ◉ Yes ○ No *(skip to #32)* ○ Evaluation Impossible *(skip to #32)*

29. Authorized or Legally Altered Vegetation and Soils Test Criteria §62-340.300(3)(a), F.A.C.

a) Are there **authorized** or **legal** alterations affecting reliable expression of vegetation at the described point? ○ Yes ◉ No If yes, how? _____

b) Are there **authorized** or **legal** alterations affecting reliable soil evaluation at the described point? ○ Yes ◉ No If yes, how? _____ *(**If no to both** 29a and 29b, skip to #30)*

c) If yes to 29a or 29b, which criteria tests are affected by the legal alterations?

☐ A Test ☐ B Test ☐ C Test ☐ D Test

d) Using the most reliable available information and reasonable scientific judgment, would the types of evidence and characteristics contemplated in §62-340.300, F.A.C. identify or delineate the described point as a wetland with cessation of the legal altering activities? ○ Yes ○ No If no, why? _____ *(**If no**, skip to #30)*

e) If yes to 29d, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of legal altering activities? ☐ Plants ☐ Soils ☐ Hydrologic indicators

f) If yes to 29d, which tests would be passed with cessation of legal altering activities?

☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test

Why? _____

Point ID/Location: 25.640377 -80.524570

30. Authorized or Legally Altered Hydrology Test Criteria §62-340.300(3)(b), F.A.C.

a) Has wetland hydrology of the area been **legally** drained or lowered? ○ Yes ◉ No *(**If no**, skip to #31)*
If yes, how? _____

b) Has wetland hydrology been **legally** eliminated at the described point? ○ Yes ○ No *(**If no**, skip to #31)*

c) If yes to 30b, using reasonable scientific judgment or §62-340.550, F.A.C., have dredging or filling activities authorized by **Part IV** of Chapter 373, F.S. **permanently eliminated** wetland hydrology at the described point such that the wetland definition cannot be met? ○ Yes (point is upland) ○ No *(**If yes**, skip to #31)*

*Chapter 373, F.S. Part II activities (e.g., water use permits) or other temporary hydrologic alterations (e.g., surface water pumps, drought) do **not** apply to this or any other Ch. 62-340, F.A.C. determinations.*

d) If no to 30c, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of temporary hydrologic drainage? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If no to 30c, Which tests would be passed with cessation of temporary hydrologic alterations?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

31. Unauthorized or Illegally Altered Sites Test Criteria §62-340.300(3)(c), F.A.C.

*If the altering activity is a violation of regulatory requirements, then application of §62-340.300(3)(c), F.A.C. and all provisions of Chapter 62-340, F.A.C. are utilized to identify or delineate the wetland in a forensic manner. **This identification or delineation reflects the condition immediately prior to the unauthorized alteration**.*

a) Have any **unauthorized** alterations affected the normal wetland condition at the described point? ◉ Yes ○ No
If yes, how? agricultural operation and clearing of the vegetation *(**If no**, skip to #32)*

b) If yes to 31a, which criteria tests are affected by the unauthorized alterations?
☒ A Test ☒ B Test ☐ C Test ☒ D Test

c) With reasonable scientific judgment is the described point a wetland, or would it have been a wetland immediately prior to the unauthorized alteration? ◉ Yes ○ No If no, why? _____ *(**If no**, skip to #32)*

d) If yes to 31c, what §62-340.300, F.A.C. evidence is present now and/or was present immediately prior to the unauthorized alteration? ☒ Plants ☒ Soils ☒ Hydrologic indicators

e) If yes to 31c, which tests would be passed immediately prior to the unauthorized alteration?
☐ Wetland Definition ☒ A Test ☒ B Test ☐ C Test ☒ D Test
Why? cessation of agricultural operation would allow wetland functions to return to the site

32. Wetland and Other Surface Water Summary §62-340.600(2)(a-e), F.A.C.:

Given **normal** expression, **cessation** of **authorized** alterations, or **immediately prior** to any **unauthorized** alterations:

a) With **reasonable scientific judgment** is the described point a wetland as defined in §62-340.200(19), F.A.C. and located by Ch. 62-340, F.A.C.? ◉ Yes ○ No If yes, which criteria identified or delineated the wetland?
☒ Wetland Definition ☒ A Test ☒ B Test ☐ C Test ☒ D Test
If summary answers differ from answers in 25f, 25g, 26d, or 27d, why? _____

b) Is the described point located at or within the Mean High Water Line of a tidal water body?
○ Yes ◉ No ○ MHWL Unknown

c) Is the described point located at or within the Ordinary High Water Line of a non-tidal natural water body or natural watercourse? ○ Yes ◉ No

d) Is the described point located at or within the top of the bank of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes of 1 foot vertical to 4 feet horizontal or steeper, excluding spoil banks when the canals and ditches have resulted from excavation into the ground? ○ Yes ◉ No

e) Is the described point located at or within the Seasonal High Water Line of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes flatter than 1 foot vertical to 4 feet horizontal or an artificial water body created by diking or impoundment above the ground? ○ Yes ◉ No

33. Connection or Isolation of Wetland per Applicant's Handbook Vol.1 Section 2.0

If the described point is a wetland, does it have a connection via wetlands or other surface waters, or is it wholly surrounded by uplands and therefore isolated? ◉ Connected ○ Isolated ○ N/A (Point is not wetland)

Point ID/Location: 25.640377 -80.524570

34. Photographs and/or videos: Soil profile with Data Form, Soil profile close-up, Cross section(s) at 6" depth for sandy textures and/or critical depths for fine textures, Hydric soil indicators, Water table or inundation depth, Four cardinal directions of plant strata present, Hydrologic indicators (with scale as necessary), Critical plant ID (optional)

#	Memory Card # / Metadata	Description, compass direction (if applicable)	Taken By
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

Notes: Tadpoles observed in standing water

Helpful Definitions for Applying Ch 62-340, F.A.C.

[1]**RSJ** stands for Reasonable Scientific Judgment where used throughout this Data Form (See *The Florida Wetlands Delineation Manual* pg. 2 & 12)

[2]**HSTS** stands for Hydric Soils Technical Standard (See NRCS Hydric Soils Technical Note 11)

Definition from §62.340.200(19) Florida Administrative Code
"**Wetlands**," as defined in subsection 373.019(17), F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Definition from §373.019(19) Florida Statutes
"**Surface water**" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

Definition from §373.019(14) Florida Statutes
"**Other watercourse**" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

Definition from §62.340.200(15) Florida Administrative Code
"**Seasonal High Water**" means the elevation to which the ground and surface water can be expected to rise due to a normal wet season.

From The Florida Wetlands Delineation Manual pg. 37
Ordinary high water is that point on the slope or bank where the surface water from the water body ceases to exert a dominant influence on the character of the surrounding vegetation and soils. The OHWL frequently encompasses areas dominated by non-listed vegetation and non-hydric soils. When the OHWL is not at a wetland edge, the general view of the area may present an "upland" appearance.

Definition from §403.803(14) Florida Statutes
"Swale" means a manmade trench which:
(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;
(b) Contains contiguous areas of standing or flowing water only following a rainfall event;
(c) Is planted with or has stablized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
(d) Is designed to take into acount the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Attachment E: 62340 Form for Altered Site

§ denotes the Rule, subsection, paragraph, or subparagraph referenced from Ch. 62-340, F.A.C.

FDEP SLERC August 2019

Chapter 62-340, F.A.C. Data Form

1. Date: Aug 22, 2024 2. Staff Present: EM (PM) and KB (Manager) 3. Form recorder(s): EM

4. County: Miami-Dade (13) 5. Site Name: Julio R Felipe Tracking #: BLP-20230011

6. Point ID: 30-5815-000-1610 GPS Coordinates:

7. Distances and bearings from fixed objects (if no GPS):

8. Current condition of described point: (•) Authorized or legal condition ( ) Unauthorized or illegal condition

9. Work type: (•) Identification ( ) Delineation

Point status: (•) Wetland ( ) Non-Wetland Surface Water ( ) Upland

10. Vegetative Stratum §62-340.400: Using §62-340.400, F.A.C. with reasonable scientific judgment, select the appropriate vegetative stratum. (Do not include FAC species when determining 10% minimum areal extent.)

( ) Canopy (Min. 10% areal extent) ( ) Subcanopy (Min. 10% areal extent) (•) Groundcover (No min. areal extent)

( ) Vegetation Absent *(skip to #14)* ( ) Evaluation Impossible *(skip to #14)* **Why?**

11. Plant List §62-340.200(2),(6),(16), §62-340.400, §62-340.450, F.A.C.:

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

Areal extent estimator: EM & KB

Select and identify plants in an area just large enough to represent and classify the plant community at the described point. Do not extend into different communities or hydrologic conditions.

1. Record the scientific name (binomial) and status of each plant species necessary to identify/delineate and classify the plant community in the selected area.
2. Record the percent areal extent in the canopy, subcanopy, and groundcover columns for each species.
3. For each species present in the **stratum selected in #10**, transfer the numbers from only that stratum's column into the appropriate status columns.

#	Binomial of Observed Species	Status	Canopy	Subcanopy	Groundcover	Upland	Facultative	Fac. Wet	Obligate
1.	Bacopa spp	O			80				80
2.	Hydrocotyle spp	FW			5			5	
3.	Spermacoce verticillate	F			85		85		
4.	Pluchea rosea	FW			5			5	
5.	Cyperus Esculentus	F			1		1		
6.	Asclepias curassavica	F			1		1		
7.	Eupatorium coelestinum	F			2		2		
8.	Phyla nodiflora	F			5		5		
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
Percent areal extent totals for the stratum selected in question 10						0	94	10	80

12. In the stratum selected in #10: What is the % areal extent of Obligate plants? 80

What is the % areal extent of Upland plants? 0

Is the areal extent of Obligate plants greater than that of Upland plants? (•) Yes ( ) No

13. In the stratum selected in #10: What is the total % areal extent of Obligate & Facultative Wet plants combined? 90

What is the total % areal extent of Obligate, Facultative Wet, & Upland plants combined? 90

What is the percentage of OBL + FACW in relation to all plants, excluding FAC? ($\frac{\text{OBL+FACW}}{\text{OBL+FACW+UPL}}$) 100.0%

Point ID/Location: _____ | Soil describer: EM

14. LRR/MLRA U | **Textures:** Peat, Mucky Peat, Muck, Mucky Mineral (S or F), Sand, Fine, Marl

15. Is a soil profile evaluation possible? ○ Yes ◉ No If no, why? Site access *(**If No**, skip to #18)*

16. Soil Description: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Soil surface, or 0 inch depth for purposes of Chapter 62-340, F.A.C. is the muck or mineral surface (whether natural or fill)

Horizon	beginning to ending **Depth** (inches)	**Matrix Texture**	moist condition **Matrix Hue Value/ Chroma**	for sandy matrix horizons w/ value ≤ 3: **% Organic Coating**	- **Describe soil features: DA** (areas darker than matrix), **LA** (areas lighter than matrix), **RC** (redox concentrations): Record in moist condition **hue value/chroma; % volume in horizon; boundaries** (sharp/clear/diffuse); **shape** (rounded/linear/angular). - **OB** (organic bodies): Record **texture** (muck or mucky mineral), **% volume in horizon.** - **H_2S** (hydrogen sulfide odor): Indicate shallowest depth where detected - **Note** if horizon is **Physically Mixed (PM), Nonsoil** (any material not listed in "Textures" above), or **Fill** and describe.
1					
2					
3					
4					
5					
6					

17. Hydric Soil Field Indicators: If present, check all Hydric Soil Field Indicators satisfied and specify their beginning and ending depths

☑ All Texture	☑ Sandy Texture	☑ Fine Texture
__(A1) Histosol*	__(S4) Sandy Gleyed Matrix*	__(F2) Loamy Gleyed Matrix*
__(A2) Histic Epipedon*	__(S5) Sandy Redox	__(F3) Depleted Matrix
__(A3) Black Histic*	__(S6) Stripped Matrix	__(F6) Redox Dark Surface
__(A4) Hydrogen Sulfide*	__(S7) Dark Surface	__(F7) Depleted Dark Surface
__(A5) Stratified Layers*	__(S8) Polyvalue Below Surface	__(F8) Redox Depression
__(A6) Organic Bodies	__(S9) Thin Dark Surface	__(F10) Marl
__(A7) 5cm Mucky Mineral*	__(S12) Barrier Islands 1cm Muck	__(F12) Iron-Manganese Masses
__(A8) Muck Presence*		__(F13) Umbric Surface
__(A9) 1cm Muck*		__(F22) Very Shallow Dark Surface
__(A11) Depleted Below Dark Surface		
__(A12) Thick Dark Surface		

Indicator Present	Begin Depth	End Depth
1.		
2.		
3.		
4.		
5.		
6.		

* = *Stand-alone D Test - both hydric soil and hydrologic indicator*

To combine layers/indicators to meet thickness requirements, see NRCS Hydric Soils Technical Note 4.

18. Excluding organic horizons, is any nonsoil horizon present at or within the uppermost 12 inches of the ground surface?
○ Yes *(e.g. bedrock, rock outcrop, limestone fill, gravel, etc)* ○ No ◉ Soil profile or site inaccessible

19. Is one or more hydric soil field indicators present? ○ Yes ○ No ◉ Inconclusive *(e.g., evaluation to 12+ inches impeded by disturbance, water, nonsoil, no site access, etc.)*
If no or inconclusive, is the soil hydric as determined by other NRCS methods?
○ Yes ← Which method(s)? _____ ○ No ◉ Inconclusive ← Why? no site access
(e.g., hydric soil definition, HSTS[2], indicator present at drier elevation, indicator would be present but for disturbance)

20. Is the depth of the soil profile 20 inches or greater from the soil surface? ○ Yes ◉ No
If no, depth of soil profile is: _____ inches Why? Site access
(e.g., root refusal, nonsoil, water table, loose sand, heavy texture, compaction, weather conditions, inspection interrupted)

21. **Observed** height or depth of standing water from **soil** surface: _____ inches ○ Above ○ Below ◉ Not Observed

Point ID/Location: folio 30-5815-000-1610 | Indicator evaluator: EM

22. Hydrologic Indicators: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Hydrologic Indicators per §62-340.500, F.A.C. (and as applied to §62-340.600, F.A.C.)	Present at or near point	Predicted during normal high water or wet season◆	Within 100 ft waterward of point (not for upland points)	1. Describe the type of all checked indicators. 2. Approximate the distance and compass direction of indicators within 100 ft of the point. 3. For water level indicators (potential indicators denoted by *) **note the height from ground surface** at the point as well as waterward (with distance from point). ◆Only for indicators not present due to dry season/drought
(1) Algal mats*				
(2) Aquatic mosses or liverworts*				
(3) Aquatic plants*				
(4) Aufwuchs				
(5) Drift lines and rafted debris*				
(6) Elevated lichen lines*				
(7) Evidence of aquatic fauna				
(8) Hydrologic data*	✓			LasPalms07 shows inundation for part of the year
(9) Morphological plant adaptations*				
(10) Secondary flow channels				
(11) Sediment deposition*				
(12) Tussocks or hummocks*				
(13) Water marks*				

Highest water level indicator height at point: _____ inches ○ Above Ground Surface ◉ No Water Level Indicators ○ Above Soil Surface ○ N/A (described point is Upland)

23. Is one or more hydrologic indicator(s) listed in §62-340.500, F.A.C. present or predicted with normal high water or wet season conditions at the described point? ◉ Yes ○ No ○ Evaluation Impossible ← Why? _____

24. Delineation by Wetland Definition §62-340.300(1), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Has a wetland boundary been delineated at the described point? ○ Yes ◉ No *(**If No**, skip to #25)*

b) If yes to 24a, can the boundary be easily delineated using the definition of wetlands? ○ Yes ○ No

25. A & B Test Wetland Criteria §62-340.300(2)(a),(b), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the areal extent of Obligate plants in the stratum selected in #10 greater than the areal extent of all Upland plants in that stratum? (See #12) ◉ Yes ○ No ○ Vegetation Absent *(skip to #25f)* ○ Evaluation Impossible *(skip to #26a)*

b) Is the areal extent of Obligate and/or Facultative Wet plants in the stratum selected in #10 equal to or greater than 80% of all the plants in that stratum, excluding Facultative plants? (See #13) ◉ Yes ○ No

c) Is the soil hydric as identified using standard NRCS definitions and practices? (see #19) ○ Yes ○ No ◉ Indeterminable with current conditions ← Why? no site access

d) Is the substrate composed of riverwash, nonsoil (see #18), rock outcrop-soil complex, or is the substrate located within an artificially created wetland area? ○ Yes ◉ No If yes, which condition is present? _____

e) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ◉ Yes ○ No

f) Are the A Test criteria met per §62-340.300(2)(a), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25a and yes to either 25c, 25d, or 25e, A Test criteria are met)

g) Are the B Test criteria met per §62-340.300(2)(b), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25b and yes to either 25c, 25d, or 25e, B Test criteria are met)

h) Are there any **alterations or conditions** affecting reliable application of the A or B Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

Point ID/Location: folio no. 30-5815-000-1610

26. C Test Wetland Criteria §62-340.300(2)(c), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Per §62-340.300(2)(c), F.A.C. is the described point Pine Flatwoods or Improved Pasture, or does it have drained soils? ○ Yes ◉ No ***If yes**, select which of the following are met, then skip to #26d*

☐ Pine Flatwoods ☐ Improved Pasture ☐ Drained Soils

***Pine Flatwoods** must have flat terrain, a monotypic or mixed canopy of long leaf pine or slash pine, and a ground cover dominated by saw palmetto with other species that are NOT obligate or facultative wet. **Improved Pasture** means areas where the dominant native plant community has been replaced with planted or natural recruitment of herbaceous species which are NOT obligate or facultative wet species and which have been actively maintained for livestock through mechanical means or grazing. **Drained Soils** are those in which permanent alterations, excluding mechanical pumping, preclude the formation of hydric soils.*

b) Are the soils at the described point saline sands (salt flats-tidal flats), **or** have they been **field verified** by NRCS's Keys to Soil Taxonomy (4th ed. 1990) as Umbraqualfs, Sulfaquents, Hydraquents, Humaquepts, Histosols (except Folists), Argiaquolls, or Umbraquults? ○ Yes ◉ No

c) Do the soils at the described point have a NRCS hydric soil field indicator (see #17), **and** is the point located within a map unit named or designated by the NRCS as frequently flooded, depressional, or water?

Map Unit: _____ ○ Yes ◉ No ○ Inconclusive ← Why? _____ *(skip to #27a)*

d) Are the C Test criteria met per §62-340.300(2)(c), F.A.C. at the described point? ○ Yes ◉ No

(Note: If no to 26a and yes to either 26b or 26c, C Test criteria are met)

e) Are there any **alterations or conditions** affecting reliable application of the C Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

27. D Test Wetland Criteria §62-340.300(2)(d), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the soil hydric as verified by a NRCS hydric soil field indicator? (See #17)

○ Yes ○ No *(skip to #27d)* ◉ Inconclusive ← Why? Site Access _____ *(skip to #28)*

b) Does any NRCS hydric soil field indicator begin **at the soil surface or** are any of the following indicators present: A1, A2, A3, A4, A5, A7, A8, A9, S4, F2? ○ Yes ○ No *(If yes, then hydrologic indicator §62-340.500(8) or (11) is met)*

c) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ○ Yes ○ No

d) Are the D Test criteria met per §62-340.300(2)(d), F.A.C. at the described point? ○ Yes ○ No

(Note: If yes to 27a and yes to either 27b or 27c, D Test criteria may be met)

e) Are there any **alterations or conditions** affecting reliable application of the D Test such that the Altered Sites Test is more appropriate? ○ Yes ○ No

28. Altered Sites Tests §62-340.300(3), F.A.C. (Legal/Authorized or Illegal/Unauthorized)

*For purposes of Chapter 62-340, F.A.C. **altered** refers to any natural or man-induced condition(s) which **masks or eliminates reliable expression** of wetland indicators (i.e. hydrophytic vegetation, hydric soils, and hydrologic indicators). **Unaltered or normal does not require a natural condition**, only an expression of wetland indicators that is sufficient to **reliably** identify or delineate the wetland using the criteria in §62-340.300, F.A.C.*

Are alterations affecting normal wetland condition? ○ Yes ◉ No *(skip to #32)* ○ Evaluation Impossible *(skip to #32)*

29. Authorized or Legally Altered Vegetation and Soils Test Criteria §62-340.300(3)(a), F.A.C.

a) Are there **authorized** or **legal** alterations affecting reliable expression of vegetation at the described point? ○ Yes ○ No If yes, how? _____

b) Are there **authorized** or **legal** alterations affecting reliable soil evaluation at the described point? ○ Yes ○ No If yes, how? _____ ***(If no to both** 29a and 29b, skip to #30)*

c) If yes to 29a or 29b, which criteria tests are affected by the legal alterations?

☐ A Test ☐ B Test ☐ C Test ☐ D Test

d) Using the most reliable available information and reasonable scientific judgment, would the types of evidence and characteristics contemplated in §62-340.300, F.A.C. identify or delineate the described point as a wetland with cessation of the legal altering activities? ○ Yes ○ No If no, why? _____ *(**If no**, skip to #30)*

e) If yes to 29d, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of legal altering activities? ☐ Plants ☐ Soils ☐ Hydrologic indicators

f) If yes to 29d, which tests would be passed with cessation of legal altering activities?

☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test

Why? _____

Point ID/Location: folio no. 30-5815-000-1610

30. Authorized or Legally Altered Hydrology Test Criteria §62-340.300(3)(b), F.A.C.

a) Has wetland hydrology of the area been **legally** drained or lowered? ○ Yes ○ No *(**If no**, skip to #31)*
If yes, how? _____

b) Has wetland hydrology been **legally** eliminated at the described point? ○ Yes ○ No *(**If no**, skip to #31)*

c) If yes to 30b, using reasonable scientific judgment or §62-340.550, F.A.C., have dredging or filling activities authorized by **Part IV** of Chapter 373, F.S. **permanently eliminated** wetland hydrology at the described point such that the wetland definition cannot be met? ○ Yes (point is upland) ○ No *(**If yes**, skip to #31)*
*Chapter 373, F.S. Part II activities (e.g., water use permits) or other temporary hydrologic alterations (e.g., surface water pumps, drought) do **not** apply to this or any other Ch. 62-340, F.A.C. determinations.*

d) If no to 30c, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of temporary hydrologic drainage? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If no to 30c, Which tests would be passed with cessation of temporary hydrologic alterations?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

31. Unauthorized or Illegally Altered Sites Test Criteria §62-340.300(3)(c), F.A.C.

*If the altering activity is a violation of regulatory requirements, then application of §62-340.300(3)(c), F.A.C. and all provisions of Chapter 62-340, F.A.C. are utilized to identify or delineate the wetland in a forensic manner. **This identification or delineation reflects the condition immediately prior to the unauthorized alteration**.*

a) Have any **unauthorized** alterations affected the normal wetland condition at the described point? ○ Yes ○ No
If yes, how? _____ *(**If no**, skip to #32)*

b) If yes to 31a, which criteria tests are affected by the unauthorized alterations?
☐ A Test ☐ B Test ☐ C Test ☐ D Test

c) With reasonable scientific judgment is the described point a wetland, or would it have been a wetland immediately prior to the unauthorized alteration? ○ Yes ○ No If no, why? _____ *(**If no**, skip to #32)*

d) If yes to 31c, what §62-340.300, F.A.C. evidence is present now and/or was present immediately prior to the unauthorized alteration? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If yes to 31c, which tests would be passed immediately prior to the unauthorized alteration?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

32. Wetland and Other Surface Water Summary §62-340.600(2)(a-e), F.A.C.:

Given **normal** expression, **cessation** of **authorized** alterations, or **immediately prior** to any **unauthorized** alterations:

a) With **reasonable scientific judgment** is the described point a wetland as defined in §62-340.200(19), F.A.C. and located by Ch. 62-340, F.A.C.? ◉ Yes ○ No If yes, which criteria identified or delineated the wetland?
☒ Wetland Definition ☒ A Test ☒ B Test ☐ C Test ☐ D Test
If summary answers differ from answers in 25f, 25g, 26d, or 27d, why? _____

b) Is the described point located at or within the Mean High Water Line of a tidal water body?
○ Yes ◉ No ○ MHWL Unknown

c) Is the described point located at or within the Ordinary High Water Line of a non-tidal natural water body or natural watercourse? ○ Yes ◉ No

d) Is the described point located at or within the top of the bank of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes of 1 foot vertical to 4 feet horizontal or steeper, excluding spoil banks when the canals and ditches have resulted from excavation into the ground? ○ Yes ◉ No

e) Is the described point located at or within the Seasonal High Water Line of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes flatter than 1 foot vertical to 4 feet horizontal or an artificial water body created by diking or impoundment above the ground? ○ Yes ◉ No

33. Connection or Isolation of Wetland per Applicant's Handbook Vol.1 Section 2.0

If the described point is a wetland, does it have a connection via wetlands or other surface waters, or is it wholly surrounded by uplands and therefore isolated? ◉ Connected ○ Isolated ○ N/A (Point is not wetland)

Point ID/Location: folio no. 30-5815-000-1610

34. Photographs and/or videos: Soil profile with Data Form, Soil profile close-up, Cross section(s) at 6" depth for sandy textures and/or critical depths for fine textures, Hydric soil indicators, Water table or inundation depth, Four cardinal directions of plant strata present, Hydrologic indicators (with scale as necessary), Critical plant ID (optional)

#	Memory Card # / Metadata	Description, compass direction (if applicable)	Taken By
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

Notes:

Helpful Definitions for Applying Ch 62-340, F.A.C.

[1]**RSJ** stands for Reasonable Scientific Judgment where used throughout this Data Form (See *The Florida Wetlands Delineation Manual* pg. 2 & 12)

[2]**HSTS** stands for Hydric Soils Technical Standard (See NRCS Hydric Soils Technical Note 11)

Definition from §62.340.200(19) Florida Administrative Code
"**Wetlands**," as defined in subsection 373.019(17), F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Definition from §373.019(19) Florida Statutes
"**Surface water**" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

Definition from §373.019(14) Florida Statutes
"**Other watercourse**" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

Definition from §62.340.200(15) Florida Administrative Code
"**Seasonal High Water**" means the elevation to which the ground and surface water can be expected to rise due to a normal wet season.

From The Florida Wetlands Delineation Manual pg. 37
Ordinary high water is that point on the slope or bank where the surface water from the water body ceases to exert a dominant influence on the character of the surrounding vegetation and soils. The OHWL frequently encompasses areas dominated by non-listed vegetation and non-hydric soils. When the OHWL is not at a wetland edge, the general view of the area may present an "upland" appearance.

Definition from §403.803(14) Florida Statutes
"Swale" means a manmade trench which:
(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;
(b) Contains contiguous areas of standing or flowing water only following a rainfall event;
(c) Is planted with or has stablized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
(d) Is designed to take into acount the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Attachment F: 62340 Form for Altered Site

FDEP SLERC August 2019

Chapter 62-340, F.A.C. Data Form

§ denotes the Rule, subsection, paragraph, or subparagraph referenced from Ch. 62-340, F.A.C.

1. Date: 07/22/2021 2. Staff Present: E. Somoza. K. Feeney, E. Alvarez 3. Form recorder(s): ES

4. County: Miami-Dade (13) 5. Site Name: Julio Felipe Tracking #:

6. Point ID: 30-5815-000-1610 GPS Coordinates:

7. Distances and bearings from fixed objects (if no GPS):

8. Current condition of described point: ○ Authorized or legal condition ○ Unauthorized or illegal condition

9. Work type: ◉ Identification ○ Delineation

Point status: ◉ Wetland ○ Non-Wetland Surface Water ○ Upland

10. Vegetative Stratum §62-340.400: Using §62-340.400, F.A.C. with reasonable scientific judgment, select the appropriate vegetative stratum. (Do not include FAC species when determining 10% minimum areal extent.)

○ Canopy (Min. 10% areal extent) ○ Subcanopy (Min. 10% areal extent) ◉ Groundcover (No min. areal extent)

○ Vegetation Absent *(skip to #14)* ○ Evaluation Impossible *(skip to #14)* **Why?**

11. Plant List §62-340.200(2),(6),(16), §62-340.400, §62-340.450, F.A.C.:

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

Areal extent estimator:

Select and identify plants in an area just large enough to represent and classify the plant community at the described point. Do not extend into different communities or hydrologic conditions.

1. Record the scientific name (binomial) and status of each plant species necessary to identify/delineate and classify the plant community in the selected area.
2. Record the percent areal extent in the canopy, subcanopy, and groundcover columns for each species.
3. For each species present in the **stratum selected in #10**, transfer the numbers from only that stratum's column into the appropriate status columns.

#	Binomial of Observed Species	Status	Canopy	Subcanopy	Groundcover	Upland	Facultative	Fac. Wet	Obligate
1.	Eliocharis spp.	O			50				50
2.	Hydrocotyle	O			20				20
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
Percent areal extent totals for the stratum selected in question 10						0	0	0	70

12. In the stratum selected in #10: What is the % areal extent of Obligate plants? 70

What is the % areal extent of Upland plants? 0

Is the areal extent of Obligate plants greater than that of Upland plants? ◉ Yes ○ No

13. In the stratum selected in #10: What is the total % areal extent of Obligate & Facultative Wet plants combined? 70

What is the total % areal extent of Obligate, Facultative Wet, & Upland plants combined? 70

What is the percentage of OBL + FACW in relation to all plants, excluding FAC? ($\frac{\text{OBL+FACW}}{\text{OBL+FACW+UPL}}$) 100.0%

Point ID/Location: 30-5815-000-1610 | Soil describer: _____

14. LRR/MLRA _____ | **Textures:** Peat, Mucky Peat, Muck, Mucky Mineral (S or F), Sand, Fine, Marl

15. Is a soil profile evaluation possible? ◉ Yes ○ No If no, why? Site Access *(**If No**, skip to #18)*

16. Soil Description: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***
Soil surface, or 0 inch depth for purposes of Chapter 62-340, F.A.C. is the muck or mineral surface (whether natural or fill)

Horizon	beginning to ending **Depth** (inches)	**Matrix Texture**	moist condition **Matrix Hue Value/ Chroma**	for sandy matrix horizons w/ value ≤ 3: **% Organic Coating**	- **Describe soil features: DA** (areas darker than matrix), **LA** (areas lighter than matrix), **RC** (redox concentrations): Record in moist condition **hue value/chroma; % volume in horizon; boundaries** (sharp/clear/diffuse); **shape** (rounded/linear/angular). - **OB** (organic bodies): Record **texture** (muck or mucky mineral), **% volume in horizon.** - **H_2S** (hydrogen sulfide odor): Indicate shallowest depth where detected - **Note** if horizon is **Physically Mixed (PM), Nonsoil** (any material not listed in "Textures" above), or **Fill** and describe.
1		3/2	10YR		Algal matting (periphyton present)
2					
3					
4					
5					
6					

17. Hydric Soil Field Indicators: If present, check all Hydric Soil Field Indicators satisfied and specify their beginning and ending depths

☑ All Texture	☑ Sandy Texture	☑ Fine Texture
__(A1) Histosol*	__(S4) Sandy Gleyed Matrix*	✓(F2) Loamy Gleyed Matrix*
__(A2) Histic Epipedon*	__(S5) Sandy Redox	__(F3) Depleted Matrix
__(A3) Black Histic*	__(S6) Stripped Matrix	__(F6) Redox Dark Surface
__(A4) Hydrogen Sulfide*	__(S7) Dark Surface	__(F7) Depleted Dark Surface
__(A5) Stratified Layers*	__(S8) Polyvalue Below Surface	__(F8) Redox Depression
__(A6) Organic Bodies	__(S9) Thin Dark Surface	__(F10) Marl
__(A7) 5cm Mucky Mineral*	__(S12) Barrier Islands 1cm Muck	__(F12) Iron-Manganese Masses
__(A8) Muck Presence*		__(F13) Umbric Surface
__(A9) 1cm Muck*		__(F22) Very Shallow Dark Surface
__(A11) Depleted Below Dark Surface		
__(A12) Thick Dark Surface		

Indicator Present	Begin Depth	End Depth
1.		
2.		
3.		
4.		
5.		
6.		

* = *Stand-alone D Test - both hydric soil and hydrologic indicator*

To combine layers/indicators to meet thickness requirements, see NRCS Hydric Soils Technical Note 4.

18. Excluding organic horizons, is any nonsoil horizon present at or within the uppermost 12 inches of the ground surface?
○ Yes *(e.g. bedrock, rock outcrop, limestone fill, gravel, etc)* ◉ No ○ Soil profile or site inaccessible

19. Is one or more hydric soil field indicators present? ◉ Yes ○ No ○ Inconclusive *(e.g., evaluation to 12+ inches impeded by disturbance, water, nonsoil, no site access, etc.)*
If no or inconclusive, is the soil hydric as determined by other NRCS methods?
○ Yes ← Which method(s)? _____ ○ No ○ Inconclusive ← Why? _____
(e.g., hydric soil definition, HSTS[2], indicator present at drier elevation, indicator would be present but for disturbance)

20. Is the depth of the soil profile 20 inches or greater from the soil surface? ○ Yes ◉ No
If no, depth of soil profile is: _____ inches Why? Refusal
(e.g., root refusal, nonsoil, water table, loose sand, heavy texture, compaction, weather conditions, inspection interrupted)

21. Observed height or depth of standing water from **soil** surface: _____ inches ◉ Above ○ Below ○ Not Observed

Point ID/Location: 30-5815-000-1610 | Indicator evaluator: _____

22. Hydrologic Indicators: ***As is under current conditions, without considering RSJ[1] or the legality of any alterations***

Hydrologic Indicators per §62-340.500, F.A.C. (and as applied to §62-340.600, F.A.C.)	Present at or near point	Predicted during normal high water or wet season◆	Within 100 ft waterward of point (not for upland points)	1. Describe the type of all checked indicators. 2. Approximate the distance and compass direction of indicators within 100 ft of the point. 3. For water level indicators (potential indicators denoted by *) **note the height from ground surface** at the point as well as waterward (with distance from point). ◆Only for indicators not present due to dry season/drought
(1) Algal mats*				
(2) Aquatic mosses or liverworts*				
(3) Aquatic plants*				
(4) Aufwuchs				
(5) Drift lines and rafted debris*				
(6) Elevated lichen lines*				
(7) Evidence of aquatic fauna				
(8) Hydrologic data*	✓			standing water
(9) Morphological plant adaptations*				
(10) Secondary flow channels				
(11) Sediment deposition*				
(12) Tussocks or hummocks*				
(13) Water marks*				

Highest water level indicator height at point: _____ inches ○ Above Ground Surface ○ No Water Level Indicators ○ Above Soil Surface ○ N/A (described point is Upland)

23. Is one or more hydrologic indicator(s) listed in §62-340.500, F.A.C. present or predicted with normal high water or wet season conditions at the described point? ◉ Yes ○ No ○ Evaluation Impossible ← Why? _____

24. Delineation by Wetland Definition §62-340.300(1), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Has a wetland boundary been delineated at the described point? ○ Yes ◉ No *(**If No**, skip to #25)*

b) If yes to 24a, can the boundary be easily delineated using the definition of wetlands? ○ Yes ○ No

25. A & B Test Wetland Criteria §62-340.300(2)(a),(b), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the areal extent of Obligate plants in the stratum selected in #10 greater than the areal extent of all Upland plants in that stratum? (See #12) ◉ Yes ○ No ○ Vegetation Absent *(skip to #25f)* ○ Evaluation Impossible *(skip to #26a)*

b) Is the areal extent of Obligate and/or Facultative Wet plants in the stratum selected in #10 equal to or greater than 80% of all the plants in that stratum, excluding Facultative plants? (See #13) ◉ Yes ○ No

c) Is the soil hydric as identified using standard NRCS definitions and practices? (see #19) ◉ Yes ○ No ○ Indeterminable with current conditions ← Why? _____

d) Is the substrate composed of riverwash, nonsoil (see #18), rock outcrop-soil complex, or is the substrate located within an artificially created wetland area? ○ Yes ◉ No If yes, which condition is present? _____

e) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ◉ Yes ○ No

f) Are the A Test criteria met per §62-340.300(2)(a), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25a and yes to either 25c, 25d, or 25e, A Test criteria are met)

g) Are the B Test criteria met per §62-340.300(2)(b), F.A.C. at the described point? ◉ Yes ○ No
(Note: If yes to 25b and yes to either 25c, 25d, or 25e, B Test criteria are met)

h) Are there any **alterations or conditions** affecting reliable application of the A or B Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

Point ID/Location: 30-5815-000-1610

26. C Test Wetland Criteria §62-340.300(2)(c), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Per §62-340.300(2)(c), F.A.C. is the described point Pine Flatwoods or Improved Pasture, or does it have drained soils? ○ Yes ◉ No ***If yes**, select which of the following are met, then skip to #26d*

☐ Pine Flatwoods ☐ Improved Pasture ☐ Drained Soils

***Pine Flatwoods** must have flat terrain, a monotypic or mixed canopy of long leaf pine or slash pine, and a ground cover dominated by saw palmetto with other species that are NOT obligate or facultative wet. **Improved Pasture** means areas where the dominant native plant community has been replaced with planted or natural recruitment of herbaceous species which are NOT obligate or facultative wet species and which have been actively maintained for livestock through mechanical means or grazing. **Drained Soils** are those in which permanent alterations, excluding mechanical pumping, preclude the formation of hydric soils.*

b) Are the soils at the described point saline sands (salt flats-tidal flats), **or** have they been **field verified** by NRCS's Keys to Soil Taxonomy (4th ed. 1990) as Umbraqualfs, Sulfaquents, Hydraquents, Humaquepts, Histosols (except Folists), Argiaquolls, or Umbraquults? ○ Yes ◉ No

c) Do the soils at the described point have a NRCS hydric soil field indicator (see #17), **and** is the point located within a map unit named or designated by the NRCS as frequently flooded, depressional, or water?

Map Unit: _____ ◉ Yes ○ No ○ Inconclusive ← Why? _____ *(skip to #27a)*

d) Are the C Test criteria met per §62-340.300(2)(c), F.A.C. at the described point? ◉ Yes ○ No

(Note: If no to 26a and yes to either 26b or 26c, C Test criteria are met)

e) Are there any **alterations or conditions** affecting reliable application of the C Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

27. D Test Wetland Criteria §62-340.300(2)(d), F.A.C.

As is under current conditions, without considering RSJ[1] or the legality of any alterations:

a) Is the soil hydric as verified by a NRCS hydric soil field indicator? (See #17)

◉ Yes ○ No *(skip to #27d)* ○ Inconclusive ← Why? _____ *(skip to #28)*

b) Does any NRCS hydric soil field indicator begin **at the soil surface or** are any of the following indicators present: A1, A2, A3, A4, A5, A7, A8, A9, S4, F2? ◉ Yes ○ No *(If yes, then hydrologic indicator §62-340.500(8) or (11) is met)*

c) Is one or more of the hydrologic indicators in §62-340.500, F.A.C. present at the described point? (See #23) ◉ Yes ○ No

d) Are the D Test criteria met per §62-340.300(2)(d), F.A.C. at the described point? ◉ Yes ○ No

(Note: If yes to 27a and yes to either 27b or 27c, D Test criteria may be met)

e) Are there any **alterations or conditions** affecting reliable application of the D Test such that the Altered Sites Test is more appropriate? ○ Yes ◉ No

28. Altered Sites Tests §62-340.300(3), F.A.C. (Legal/Authorized or Illegal/Unauthorized)

*For purposes of Chapter 62-340, F.A.C. **altered** refers to any natural or man-induced condition(s) which **masks or eliminates reliable expression** of wetland indicators (i.e. hydrophytic vegetation, hydric soils, and hydrologic indicators). **Unaltered or normal does not require a natural condition**, only an expression of wetland indicators that is sufficient to **reliably** identify or delineate the wetland using the criteria in §62-340.300, F.A.C.*

Are alterations affecting normal wetland condition? ○ Yes ◉ No *(skip to #32)* ○ Evaluation Impossible *(skip to #32)*

29. Authorized or Legally Altered Vegetation and Soils Test Criteria §62-340.300(3)(a), F.A.C.

a) Are there **authorized** or **legal** alterations affecting reliable expression of vegetation at the described point? ○ Yes ○ No If yes, how? _____

b) Are there **authorized** or **legal** alterations affecting reliable soil evaluation at the described point? ○ Yes ○ No If yes, how? _____ ***(If no to both** 29a and 29b, skip to #30)*

c) If yes to 29a or 29b, which criteria tests are affected by the legal alterations?

☐ A Test ☐ B Test ☐ C Test ☐ D Test

d) Using the most reliable available information and reasonable scientific judgment, would the types of evidence and characteristics contemplated in §62-340.300, F.A.C. identify or delineate the described point as a wetland with cessation of the legal altering activities? ○ Yes ○ No If no, why? _____ *(**If no**, skip to #30)*

e) If yes to 29d, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of legal altering activities? ☐ Plants ☐ Soils ☐ Hydrologic indicators

f) If yes to 29d, which tests would be passed with cessation of legal altering activities?

☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test

Why? _____

Point ID/Location: 30-5815-000-1610

30. Authorized or Legally Altered Hydrology Test Criteria §62-340.300(3)(b), F.A.C.

a) Has wetland hydrology of the area been **legally** drained or lowered? ○ Yes ○ No *(**If no**, skip to #31)*
If yes, how? _____

b) Has wetland hydrology been **legally** eliminated at the described point? ○ Yes ○ No *(**If no**, skip to #31)*

c) If yes to 30b, using reasonable scientific judgment or §62-340.550, F.A.C., have dredging or filling activities authorized by **Part IV** of Chapter 373, F.S. **permanently eliminated** wetland hydrology at the described point such that the wetland definition cannot be met? ○ Yes (point is upland) ○ No *(**If yes**, skip to #31)*
*Chapter 373, F.S. Part II activities (e.g., water use permits) or other temporary hydrologic alterations (e.g., surface water pumps, drought) do **not** apply to this or any other Ch. 62-340, F.A.C. determinations.*

d) If no to 30c, what §62-340.300, F.A.C. evidence is present now and/or will be present in the future with cessation of temporary hydrologic drainage? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If no to 30c, Which tests would be passed with cessation of temporary hydrologic alterations?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

31. Unauthorized or Illegally Altered Sites Test Criteria §62-340.300(3)(c), F.A.C.

*If the altering activity is a violation of regulatory requirements, then application of §62-340.300(3)(c), F.A.C. and all provisions of Chapter 62-340, F.A.C. are utilized to identify or delineate the wetland in a forensic manner. **This identification or delineation reflects the condition immediately prior to the unauthorized alteration**.*

a) Have any **unauthorized** alterations affected the normal wetland condition at the described point? ○ Yes ○ No
If yes, how? _____ *(**If no**, skip to #32)*

b) If yes to 31a, which criteria tests are affected by the unauthorized alterations?
☐ A Test ☐ B Test ☐ C Test ☐ D Test

c) With reasonable scientific judgment is the described point a wetland, or would it have been a wetland immediately prior to the unauthorized alteration? ○ Yes ○ No If no, why? _____ *(**If no**, skip to #32)*

d) If yes to 31c, what §62-340.300, F.A.C. evidence is present now and/or was present immediately prior to the unauthorized alteration? ☐ Plants ☐ Soils ☐ Hydrologic indicators

e) If yes to 31c, which tests would be passed immediately prior to the unauthorized alteration?
☐ Wetland Definition ☐ A Test ☐ B Test ☐ C Test ☐ D Test
Why? _____

32. Wetland and Other Surface Water Summary §62-340.600(2)(a-e), F.A.C.:

Given **normal** expression, **cessation** of **authorized** alterations, or **immediately prior** to any **unauthorized** alterations:

a) With **reasonable scientific judgment** is the described point a wetland as defined in §62-340.200(19), F.A.C. and located by Ch. 62-340, F.A.C.? ◉ Yes ○ No If yes, which criteria identified or delineated the wetland?
☒ Wetland Definition ☒ A Test ☒ B Test ☒ C Test ☒ D Test
If summary answers differ from answers in 25f, 25g, 26d, or 27d, why? _____

b) Is the described point located at or within the Mean High Water Line of a tidal water body?
○ Yes ◉ No ○ MHWL Unknown

c) Is the described point located at or within the Ordinary High Water Line of a non-tidal natural water body or natural watercourse? ○ Yes ◉ No

d) Is the described point located at or within the top of the bank of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes of 1 foot vertical to 4 feet horizontal or steeper, excluding spoil banks when the canals and ditches have resulted from excavation into the ground? ○ Yes ◉ No

e) Is the described point located at or within the Seasonal High Water Line of an artificial lake, borrow pit, canal, ditch, or other type of artificial water body or watercourse with side slopes flatter than 1 foot vertical to 4 feet horizontal or an artificial water body created by diking or impoundment above the ground? ○ Yes ◉ No

33. Connection or Isolation of Wetland per Applicant's Handbook Vol.1 Section 2.0

If the described point is a wetland, does it have a connection via wetlands or other surface waters, or is it wholly surrounded by uplands and therefore isolated? ○ Connected ○ Isolated ○ N/A (Point is not wetland)

Point ID/Location: 30-5815-000-1610

34. Photographs and/or videos: Soil profile with Data Form, Soil profile close-up, Cross section(s) at 6" depth for sandy textures and/or critical depths for fine textures, Hydric soil indicators, Water table or inundation depth, Four cardinal directions of plant strata present, Hydrologic indicators (with scale as necessary), Critical plant ID (optional)

#	Memory Card # / Metadata	Description, compass direction (if applicable)	Taken By
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

Notes:

Helpful Definitions for Applying Ch 62-340, F.A.C.

[1]**RSJ** stands for Reasonable Scientific Judgment where used throughout this Data Form (See *The Florida Wetlands Delineation Manual* pg. 2 & 12)

[2]**HSTS** stands for Hydric Soils Technical Standard (See NRCS Hydric Soils Technical Note 11)

Definition from §62.340.200(19) Florida Administrative Code
"**Wetlands**," as defined in subsection 373.019(17), F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Definition from §373.019(19) Florida Statutes
"**Surface water**" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

Definition from §373.019(14) Florida Statutes
"**Other watercourse**" means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

Definition from §62.340.200(15) Florida Administrative Code
"**Seasonal High Water**" means the elevation to which the ground and surface water can be expected to rise due to a normal wet season.

From The Florida Wetlands Delineation Manual pg. 37
Ordinary high water is that point on the slope or bank where the surface water from the water body ceases to exert a dominant influence on the character of the surrounding vegetation and soils. The OHWL frequently encompasses areas dominated by non-listed vegetation and non-hydric soils. When the OHWL is not at a wetland edge, the general view of the area may present an "upland" appearance.

Definition from §403.803(14) Florida Statutes
"Swale" means a manmade trench which:
(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;
(b) Contains contiguous areas of standing or flowing water only following a rainfall event;
(c) Is planted with or has stablized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
(d) Is designed to take into acount the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Wetlands Resource Section response to the REM Public Records Request DERM Delineation Report

1 message

McKiernan, Elizabeth (RER) <elizabeth.mckiernan@miamidade.gov> Mon, Jan 6, 2025 at 9:59 AM
To: victor reyes <vreyes33196@gmail.com>
Cc: "Ball, Katrina (RER)" <Katrina.Ball@miamidade.gov>, "Caporale, Christopher (RER)" <Christopher.Caporale@miamidade.gov>, "Jungman, Andrew (RER)" <Andrew.Jungman@miamidade.gov>

Good morning Mr. Reyes,

Please see the Wetlands Resource Section (WRS) response in italics to your REM Public Records Request DERM Delineation Report:

1. General Wetland Delineation Process

• Documentation of the specific procedures followed by DERM in classifying the property as a wetland.

This information was provided on 9/6/2024, 9/9/2024, and 11/22/2024 via a previous Public Records Review request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• The official wetland delineation guidelines followed (e.g., U.S. Army Corps of Engineers Wetland Delineation Manual, Florida DEP guidelines).

The Wetlands Resource Section follows the Florida DEP guidelines as outlined in Chapter 62-340 FAC.

• Names, qualifications, and certifications of individuals who performed the wetland delineation.

The Wetlands Resources Section received a request for a letter of interpretation. The interpretation request did not include a wetland delineation of the subject property. Therefore, a wetland delineation has not been conducted on the subject property. The names of the Department staff present for the assessment conducted on 8/22/2024 were Elizabeth McKiernan, Biologist with the Wetlands Resource Section, and Katrina Ball, Manager of the Wetlands Resource Section. Please see the Letter of Interpretation file BLP-20240011 for more information.

2. Hydric Soil Test and Soil Analysis

• Results of soil sampling, including the locations where samples were taken.

This information was provided on 9/9/2024 and 11/22/2024 via a previous Public Records Review request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Details of tests performed to identify hydric soils and redoximorphic features.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Soil profile analysis for the property, including depth, color, and organic content.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

3. Vegetation Survey and Plant Life Analysis

• Plant species identified, including hydrophytic species.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available via the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Dominance assessment of wetland species.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Methodology used to identify wetland and non-wetland plant species.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

4. Hydrology and Water Table Monitoring

• Results of hydrological tests or assessments.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request.. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Data from monitoring wells, piezometers, or any groundwater level measurements.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Hydrology reports related to flooding, water table fluctuations, and surface water on the property.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

5. Seasonal Monitoring and Historical Data

• Seasonal water table monitoring results and historical data.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Historical aerial photographs and any other data showing water or vegetation changes on the property.

Please see the historical aerials from 1982-2024 of the subject property attached. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

6. Field Survey Details

• Maps or coordinates of sampling locations for soil and plant surveys.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Reports detailing the areas surveyed and justification for their selection.

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents", "Inspection Report" dated 8/22/2024, and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

7. Test Results Documentation

• Complete report of the wetland delineation, including all test results (soil, plant, hydrology).

This information was previously provided on 9/9/2024 and 11/22/2024 via a Public Records Request. Review of the file is available on the Public Access Database. Instructions for accessing the database have also been provided. Please see the "Supporting Documents" and related files in the Letter of Interpretation file, BLP-20240011, associated with the enforcement file, CLIV-20240048.

• Laboratory reports and raw data for any soil or water samples analyzed.

The WRS does not have this information.

8. Methodology for Wetland Delineation

• Specific methodologies used for wetland plant identification and classification.

The WRS follows the methodologies outlined by Florida Department of Environmental Protection.

• Details on any statistical analysis or sampling techniques employed.

The WRS follows the methodologies outlined by Florida Department of Environmental Protection for assessing wetlands. The WRS does not have records for "Statistical analysis".

9. Compliance with Wetland Laws and Regulations

• Confirmation that DERM followed both federal and state wetland delineation requirements.

DERM follows the state wetland delineation requirements.

• Any correspondence with Miami-Dade County or South Florida Water Management District (SFWMD) regarding the classification.

The WRS does not have this information.

10. Appeals Process and Discrepancies

• Information regarding the process for appealing the wetland classification if necessary.

This information has already been provided. Appeals can be requested from the Environmental Quality Control Board (EQCB). For more information about the Environmental Quality Control Board, please contact them via email at eqcb@miamidade.gov *or call 305-372-6764.*

In addition to the above responses to the records request, please be advised, that the public records request form submitted is a Clerk of Courts form and needs to be submitted to the Clerk of Courts. In addition, the submitted request addressed to the commission auditor has been forward to Mr. Majekodunmi, for review.

If you have any questions, please let us know.

Kindest regards,

Lizzie McKiernan, Biologist II

Wetlands Resources Section

Division of Environmental Resources Management (DERM)

Department of Regulatory and Economic Resources

701 NW 1st Court, 6th Floor, Miami, Florida 33136

Office: (305) 372-6470

www.miamidade.gov/environment

Please consider the environment before printing this email.

From: victor reyes <vreyes33196@gmail.com>
Sent: Monday, December 30, 2024 8:31 AM
To: McKiernan, Elizabeth (RER) <elizabeth.mckiernan@miamidade.gov>; Ball, Katrina (RER) <Katrina.Ball@miamidade.gov>; Caporale, Christopher (RER) <Christopher.Caporale@miamidade.gov>
Subject: Urgent Request for Withdrawal of DERM Cease and Desist Order – Folio Number: 3058150000795 and INCLUSION of Additional Supporting Documents

Greetings,

The attached documents, together with the previously submitted evidence, will provide clear and undeniable proof that there are no wetlands on the property in question.

I respectfully request that these documents be added to my case file for thorough review and consideration. I further request that these documents and previous and future documents, email, reports, scientific evidence, studies, observations etc., be made accessible to the public under the provisions of the Florida Sunshine Law. I believe public access to these documents is essential for ensuring government transparency and accountability.

The South Florida Water Management District's Quality Assurance and Quality Control (QA/QC) process posted on DBHYDRO as "Archived" for 2024 will soon be released via a SFWMD Public Records Request.

Additionally, I kindly request that all correspondence, replies, and any questions regarding this matter be made exclusively via certified mail or email. Due to poor connectivity, I ask that no attempt be made to contact me by phone under any circumstances.

I reserve the right to include additional information as it becomes available.

Thank you for your prompt attention to this matter.

Sincerely,

Victor Reyes
Folio Number: 3058150000795, Case No. CLIV-20240048

Enclosures: Supporting Documents

8.5 SQUARE MILE AREA

Description	Site	Flow CFS	Upstream WATER LEVEL (ft NAVD88)	Downstream WATER LEVEL (ft NAVD88)	Offset (to NGVD29)
Outflow to 8.5 SMA Detention Area	S357	0	3.13	5.07	
Stage west of 8.5 SMA	ANGEL		6.04		
Stage west of 8.5 Square Mile Area	G3273		6.16		
Stage near SW corner of 8.5 SMA	LPG1		3.11		
Stage 1.25 mi north of LPG1	LPG2		3.13		

MIAMI-DADE COUNTY

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 6th Floor
Miami, Florida 33136-3912
T 305-372-6567 F 305-372-6407

miamidade.gov

May 15, 2025

Victor Reyes
8901 SW 157 Avenue 16-140
Miami, FL 33196

Certified Mail No.: 9589 0710 5270 2984 6851 95
Return Receipt Requested
vreyes33196@gmail.com

ADRI MARC S.A., Trustee
c/o Emelina Pino, Grantor
The Cabana Living Trust
8901 SW 157 Avenue, Unit 16-167
Miami, FL 33196

Certified Mail No.: 9589 0710 5270 2984 6852 01
Return Receipt Requested

Re: Complaint Letter Dated May 9, 2025 for the property located at approximately SW 133rd Street and SW 207th Avenue, Section 15, Township 55 Range 38, Miami-Dade County, Florida (Folio no. 30-5815-000-0795). DERM file: CLIV-20240048.

Dear Mr. Reyes:

This letter is provided in response to your letter dated May 9, 2025 and submitted via email. Item no. 3 in the subject letter titled "Unauthorized Entry onto Private Trust Property" alleges that the DERM site inspection was conducted without permission. However, information submitted with the request for a letter of interpretation authorized DERM to access the property.

On February 4, 2025, DERM sent a letter requesting a copy of the Trust Agreement documentation to verify the authorized agents to act on behalf of the Trust. A response to the request has not been received by DERM. DERM is again requesting the information and documentation identifying the authorized agents to act on behalf of ADRI MARC S.A., Trustee. Correspondence issued to ADRI MARC S.A., Trustee, has been based on the best available contact information.

In addition, the letter dated May 9, 2025, requested that no further enforcement will proceed until a lawful and complete delineation is performed by USDA NRCS or USACE. Please be advised, the Department's enforcement action in this matter will not be held in abeyance.

If you have any questions concerning the above, please contact the undersigned at (305) 372-6919 or via email at mark.pettit@miamidade.gov.

Sincerely,

Mark J. Pettit
Environmental Code Enforcement Officer II
Regulatory Services

Cc: Katrina Ball, DERM

From: victor reyes
Sent on: Tuesday, August 20, 2024 10:57:53 PM
To: McKiernan, Elizabeth (RER); Ball, Katrina (RER)
Subject: Owner and Agent Authorization Letter
Attachments: CABAÑA LIVING LAND TRUST DEED.pdf (173.69 KB), WARRANTY DEED TO SUCCESSOR TRUSTEE.pdf (139.07 KB), DERM Entry and Agent.pdf (791.92 KB)

Re: Owner and Agent Authorization Letter

Dear Ms. McKiernan,

I apologize for any inconvenience caused by my full voicemail. I will clear it out promptly.

I am ready to provide you with the Owner Authorization Letter and Agent Authorization Letter.

As a reminder, our meeting is scheduled for **Thursday, August 22, 2024, at 11:30 AM**. Please let me know if you need to reschedule.

Feel free to contact me at 561-669-6024 or reply to this email if you have any questions.

Thank you for your understanding and cooperation.

Sincerely,

Victor Reyes c/o

ADRI MARC S.A., Trustee

on behalf of

The Cabaña Living Land Trust

Exhibit A1-P1DOC9 — Summary

Document: A1-P1DOC9.pdf

What it is:

This exhibit is a **composite, post-hoc package assembled by Miami-Dade County DERM** that purports to be a **Rule 62-340, F.A.C. wetland delineation** or "wetlands determination" for the subject property. In reality, it is a **desk-assembled compilation** of mixed maps, forms, images, and generic materials created **after enforcement had already begun**, and not the product of any lawful, site-specific wetland delineation.

This file also contains the **County's own internal narrative pages** explaining and implicitly admitting that **no proper delineation was performed** and that the materials were assembled after the fact.

What it shows:

• The Cease and Desist Order was issued **August 1, 2024**, before any lawful site access or delineation occurred.
• DERM **did not have access to the property prior to August 22, 2024**.
• The **only actual site visit** occurred on or about **August 22, 2024 at approximately 11:30 AM**, for a "Letter of Interpretation" visit.
• That visit was performed by **Elizabeth McKiernan (Biologist/Code Enforcer) and Katrina Ball (Supervisor)**.
• The visit consisted of **walking the site and taking photos only**.
• There was **no survey, no soil borings, no hydrology measurements, no vegetation transects, no flagging, no instruments, and no sampling**.
• The file itself acknowledges that a lawful Rule 62-340 delineation requires systematic field work that **did not occur**.
• The file shows **no site-specific sampling points**, **no soil logs**, **no hydrology worksheets tied to the parcel**, and **no mapped or flagged wetland boundary**.
• The materials include **multiple properties mixed together**, not a parcel-specific delineation.
• The file contains **internally contradictory and non-coherent materials** assembled from different sources and dates.
• The County's own narrative pages state that **no Rule 62-340 delineation had been performed** and that the materials were assembled **after enforcement**.
• Objective data inside the file itself shows:
– SFWMD DBHYDRO records show regional water table **well below ground surface**.
– FEMA FIRM Panel 12086C0420L classifies the area as **Flood Zone AH with BFE = 8 feet**, and the property's elevations relative to DBHYDRO and FEMA demonstrate **no sustained wetland hydrology**.

How to use it:

• To prove that **no lawful Rule 62-340 delineation exists** for this property.
• To demonstrate that **enforcement occurred first and paperwork was fabricated later**.
• To impeach and destroy the County's claimed **wetlands jurisdiction**.
• To prove **ultra vires enforcement**, arbitrary and capricious action, and due process violations.
• To support **suppression and exclusion of all enforcement actions and evidence** derived from this fabricated premise.
• To show that the County's case rests on a **manufactured administrative record**, not a real scientific determination.

Why it matters:

Under Florida law, **wetlands jurisdiction cannot exist without a lawful, site-specific Rule 62-340 delineation**. That requires:

• Soil borings and soil profile documentation
• Hydrology indicators and measurements
• Vegetation community analysis and transects
• Flagging and mapping of wetland boundaries
• Repeatable, documented field methodology

None of this occurred.

This exhibit proves that the County **reversed the lawful process**:
Enforcement first — justification later.

The County's own materials show that **objective hydrologic data contradicts the presence of wetlands**, and that the "delineation package" is a **desk-assembled compilation**, not a field-generated scientific product.

What it establishes in the record:

• There was **no site access before August 22, 2024**.
• The August 22, 2024 visit was **not a delineation**.
• **No Rule 62-340 delineation was ever performed**.
• The Cease and Desist Order was issued **without jurisdictional foundation**.
• The County **manufactured a record after the fact** to try to justify enforcement.
• The County's own file **admits this**.
• Without a lawful delineation, **there is no wetlands jurisdiction and no lawful basis for enforcement**.

Bottom line:

This exhibit demonstrates a **fabricated administrative record**. The County issued enforcement **first**, then attempted to build a paper trail **afterward**.

Without a lawful, site-specific Rule 62-340 delineation, **there is no wetlands jurisdiction and no lawful basis for any of the County's actions**.

Official Rebuttal Submission – Agricultural Property Rights Defense (DERM Case No. 20240048)

1 message

victor reyes <vreyes33196@gmail.com> Mon, Jun 2, 2025 at 12:50 PM
To: Lisa.Spadafina@miamidade.gov, Mayor@miamidade.gov, Felix.Jimenez@miamidade.gov, eric.peitz@usda.gov, gvazquez@sfwmd.gov, eService@miamisao.com
Cc: oca@miamidade.gov, EQCB@miamidade.gov, martha.lastregarcia@miamidade.gov, mark.pettit@miamidade.gov, District1@miamidade.gov, District2@miamidade.gov, District3@miamidade.gov, District4@miamidade.gov, District5@miamidade.gov, District6@miamidade.gov, District7@miamidade.gov, District8@miamidade.gov, District9@miamidade.gov, District10@miamidade.gov, District11@miamidade.gov, District12@miamidade.gov, District13@miamidade.gov, cig@eog.myflorida.com

Victor Reyes
Contributor, MiamiDade.watch
info@MiamiDade.watch
www.MiamiDade.watch
8901 SW 157th Avenue, #16-140
Miami, FL 33196

May 28, 2025

Lisa Spadafina, Director
Division of Environmental Resources Management (DERM)
Miami-Dade County Regulatory and Economic Resources Department
Stephen P. Clark Center
111 NW 1st Street, 11th Floor
Miami, FL 33128
Email: Lisa.Spadafina@miamidade.gov

Rebuttal to Notice of Violation and Orders for Corrective Action (Dated January 17, 2025) – Folio No. 30-5815-000-0795

Dear Ms. Spadafina,

This correspondence serves as a formal rebuttal to the Notice of Violation and Orders for Corrective Action dated January 17, 2025, issued by DERM against the agricultural property identified as Folio Number 30-5815-000-0795. As the beneficiary of the Cabana Living Land Trust and a contributing researcher to www.MiamiDade.watch, I respectfully contest the legal, factual, and procedural validity of the enforcement actions taken.

I. VIOLATIONS OF LOCAL, STATE, AND FEDERAL LAW

DERM's actions appear to conflict with multiple legal protections afforded to agricultural landowners:

1. **Florida Right to Farm Act (Fla. Stat. § 823.14)**
   This statute limits local governments' authority to regulate bona fide agricultural activities. The subject property has been in continuous agricultural use, with USDA filings and hydrologic evidence demonstrating normal farming conditions. The AD-1026 certification process is currently pending final trustee acceptance and will confirm compliance with federal wetland conservation provisions applicable to agricultural lands.

2. **Florida Statutes Chapter 193.461**
   The property has received a long-standing agricultural classification for ad valorem tax purposes, affirming its principal use for agriculture.

3. **Federal Farm Bill Protections (7 CFR Part 12)**
   The USDA Natural Resources Conservation Service (NRCS) holds exclusive jurisdiction over wetland

determinations related to federal agricultural programs. DERM's unilateral classification disregards this federal authority and conflicts with NRCS's established procedures and determinations.

4. **House Bill 909 and Improper Characterization of Agricultural Mulch**
   The initial enforcement visit made no mention of mulch, debris, or waste. DERM's Notice of Violation and Orders for Corrective Action instructed the landowner to either apply for a Class IV permit or restore the land to wetland conditions, including the removal of fill. When this approach failed—since the land use is protected by local, state, and federal law—DERM shifted its rationale by improperly recharacterizing standard nursery mulch as "debris" and invoking solid waste disposal regulations.

   Under **House Bill 909 (2022)** and **Section 163.3162, Florida Statutes**, known as the *Agricultural Land and Practices Act*, local governments are expressly preempted from regulating agricultural practices, including the placement of mulch or other organic materials when used in accordance with accepted agricultural operations. This mischaracterization of mulch as "debris" and the misuse of solid waste disposal rules constitute an unlawful circumvention of agricultural exemptions, property rights, and statutory protections. Such actions violate the legislative intent of HB 909 and demonstrate a troubling pattern of "whatever-it-takes" enforcement tactics unsupported by law.

   Further compounding these issues, DERM's wetland classification and enforcement actions suffer from significant scientific insufficiencies and abuse of regulatory discretion:

   - No on-site soil boring or scientifically validated vegetation study was conducted prior to enforcement.
   - The agency relied solely on outdated aerial imagery and speculative desktop reviews, contrary to established and accepted field delineation protocols.
   - Repeated submissions of current and relevant hydrological data by the undersigned, acting on behalf of the Florida Land Trust that holds legal title to the property, were ignored or actively suppressed from the public record.

   Moreover, the only material identified as "fill" was a narrow strip of limerock placed on a roadway to manage surface water resulting from temporary flooding caused by the U.S. Army Corps of Engineers (USACE) construction of the Everglades Seepage Barrier Wall. This temporary flooding—confirmed by Armando Vilaboy of the South Florida Water Management District (SFWMD)—was acknowledged as an artificial condition expected to be resolved shortly. The limerock road was essential for maintaining access and protecting livestock and agricultural operations from harm during this period.

   MDC CURRENTLY ALLOWS UP TO 1/2 ACRE OF FILL ON THE SUBJECT PROPERTY

   According to the **Miami-Dade County Code of Ordinances**, agricultural-exempt properties within the Las Palmas Community are allowed up to ¼ acre of fill. The amount of limerock used was well within this allowance. The volume of fill was so minimal that native caprock remains visibly protruding, demonstrating no significant alteration to the land's natural grade or hydrology. This fill was neither intended nor capable of altering topography or hydrology in any substantial way, given that the natural water table lies approximately five feet below ground surface, as supported by SFWMD and FEMA flood elevation data.

   Finally, the property does not meet the criteria for jurisdictional wetlands under **Rule 62-340, Florida Administrative Code (F.A.C.)**, rendering DERM's wetland-based enforcement scientifically and legally unsupportable.

II. SUPPRESSION OF PUBLIC RECORDS AND SELECTIVE ENFORCEMENT

Despite submitting daily hydrology reports between August 1, 2024, and April 1, 2025, through DERM's RER Portal, these uploads were not properly acknowledged or published. This obstruction of record transparency violates **Florida's Public Records Law (Chapter 119, F.S.)** and undermines due process rights. Multiple requests to rectify these failures were dismissed or ignored.

III. ECONOMIC COERCION AND VIOLATION OF DUE PROCESS

The imposition of Class IV permit requirements, fees, and the threat of additional penalties constitutes an unlawful taking without just compensation. The **Bert J. Harris, Jr. Private Property Rights Protection Act (Fla. Stat. § 70.001)** protects against regulatory actions that inordinately burden property rights. These burdens have been imposed without scientific justification or meaningful administrative remedy.

IV. FEDERAL PREEMPTION AND JURISDICTIONAL OVERREACH

DERM's actions encroach upon areas where the **U.S. Army Corps of Engineers** and **South Florida Water Management District (SFWMD)** retain primary jurisdiction over wetland delineation and environmental permitting under the **Clean Water Act**, particularly where federal jurisdiction has not been delegated or waived. The lack of federal wetland classification (per USFWS maps and USDA determinations) underscores the absence of legal standing for DERM's enforcement.

V. PERSONAL AND ECONOMIC IMPACT OF ENFORCEMENT ACTIONS

The enforcement actions taken by DERM against this agricultural property not only threaten the owner's legal rights but also inflict profound emotional and economic hardship. This landowner, who dutifully pays taxes and follows all applicable laws, now faces coercive demands to sign a Class IV permit—an action that effectively strips away fundamental property rights without just cause.

This is not just a regulatory overreach—it is a failure of public trust. In a country where so many have sacrificed their lives for liberty and justice, it is unconscionable for local governments to erode those values through coercive and unfounded administrative action. The defense of property rights, fairness, and due process is not optional—it is the very foundation of lawful governance and democratic society that is at stake.

VI. RELIEF REQUESTED

In light of the above, I respectfully demand:

1. Immediate withdrawal of the January 17, 2025, Notice of Violation and Orders for Corrective Action.
2. Removal of the subject property from any current or future enforcement under incorrect wetland designation.
3. A formal public correction acknowledging the hydrological data and federal jurisdictional boundaries.
4. Coordination with USDA NRCS and SFWMD to affirm the property's legal agricultural status.

Please direct all future correspondence regarding this matter to **info@MiamiDade.watch**. This letter and supporting exhibits will be published in full at www.MiamiDade.watch as part of an ongoing transparency initiative.

Submitted Exhibits: A through L. Notably, Exhibit I addresses the site's failure to meet wetland criteria as defined under Rule 62-340, Florida Administrative Code.

A Certificate of Service is appended to this package as a procedural attachment to confirm proper distribution to all relevant agencies.

Sincerely,
Victor Reyes
Contributor, *MiamiDade.watch*
Beneficiary, *Cabana Living Land Trust*

CERTIFICATE OF SERVICE
I hereby certify that on June 2, 2025, a true and correct copy of the attached rebuttal letter and supporting evidence regarding DERM Enforcement Case No. 20240048 (Folio No. 30-5815-000-0795) was served via email to the following recipients:

Index of Attached Exhibits and Documents:

1. **Exhibit A** – Timeline of DERM Violations and Legal Basis for Complaint
2. **Exhibit B** – Real-Time Hydrology Reports (S357)
3. **Exhibit C** – Rebutting DERM's Enforcement and Jurisdiction
4. **Exhibit D** – USDA Agricultural Status and Coordination Failure
5. **Exhibit E** – FEMA Flood Maps and Artificial Hydrology Evidence
6. **Exhibit F** – Soil Depth and Hydric Soil Analysis

7. **Exhibit G** – Land Use History and Agricultural Classification
8. **Exhibit H** – Soil and Hydrology Conditions
9. **Exhibit I** – Failure to Meet Wetland Criteria under Rule 62-340 F A C
10. **Exhibit J** – Continuous Water Table Monitoring and Hydrologic Records
11. **Exhibit K** – USDA Exemption and Agricultural Classification
12. **Exhibit L** – Public Records Failures and Indexing Irregularities
13. **Document 1** – Prior Correspondence Submitted Without Trustee Authorization (Now Revoked)
14. **Document 2** – MDC Property Appraiser Ag Exempt Augut 1, 2024
15. **Document 3 –** Custom Soil Resource Report for MDC Victor Reyes
16. **Document 4 –** MDC DERM CEASE AND DESIST 08-01-2024
17. **Document 5 –** SFWMD Water Table Monitoring S357 Statistical Summary Aug 1, 2024 - Jan 31, 2025
18. **Document 6** – REQUEST of Withdraway of Cease and Desist Order Aug 02, 2024
19. **Document 7** – Gmail - PRESUMED Wetland Violation Aug 01, 2024
20. **Document 8** – Enforcement Inspection Report 08-01-2024
21. **Document 9** – Enforcement letter 01-17-2025

Recipients:

- **Miami-Dade County DERM** – Lisa Spadafina: Lisa.Spadafina@miamidade.gov
- **Office of the Mayor** – Mayor Daniella Levine Cava: Mayor@miamidade.gov
- **Office of the Commission Auditor**: oca@miamidade.gov
- **Office of the Inspector General** – Felix Jimenez: Felix.Jimenez@miamidade.gov
- **USDA NRCS** – Eric Peitz: eric.peitz@usda.gov
- **South Florida Water Management District (SFWMD)** – Gregory Vazquez: gvazquez@sfwmd.gov
- **Miami-Dade State Attorney's Office**: eService@miamisao.com
- **Environmental Quality Control Board (EQCB)**: EQCB@miamidade.gov
- **Miami-Dade County Wetlands Staff**:
    - Martha Lastre Garcia: martha.lastregarcia@miamidade.gov
    - Mark Pettit: mark.pettit@miamidade.gov

Miami-Dade County Commissioners:

- District 1 – Oliver G. Gilbert, III: District1@miamidade.gov
- District 2 – Marleine Bastien: District2@miamidade.gov
- District 3 – Keon Hardemon: District3@miamidade.gov
- District 4 – Micky Steinberg: District4@miamidade.gov
- District 5 – Eileen Higgins: District5@miamidade.gov
- District 6 – Natalie Milian Orbis: District6@miamidade.gov
- District 7 – Raquel A. Regalado: District7@miamidade.gov

- District 8 – Danielle Cohen Higgins: District8@miamidade.gov
- District 9 – Kionne L. McGhee: District9@miamidade.gov
- District 10 – Anthony Rodriguez: District10@miamidade.gov
- District 11 – Roberto J. Gonzalez: District11@miamidade.gov
- District 12 – Juan Carlos Bermudez: District12@miamidade.gov
- District 13 – René Garcia: District13@miamidade.gov
- **Florida Chief Inspector General**: cig@eog.myflorida.com

Respectfully submitted,
Victor Reyes
Contributor, MiamiDade.watch
Email: info@MiamiDade.watch

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21 attachments

Document 2 MDC Property Appraiser Ag Exempt Augut 1, 2024.pdf
361K

Document 4 MDC DERM CEASE AND DESIST 08-01-2024.pdf
535K

Document 1 Prior Correspondence Submitted Without Trustee Authorization (Now Revoked).pdf
443K

Document 7 Gmail - PRESUMED Wetland Violation Aug 01, 2024.pdf
96K

Document 6 REQUEST of Withdraway of Cease and Desist Order Aug 02, 2024.pdf
496K

Document 5 SFWMD Water Table Monitoring S357 Statistical Summary Aug 1, 2024 - Jan 31, 2025.pdf
877K

Document 8 Enforcement Inspection Report 08-01-2024.pdf
1061K

Exhibit A – Timeline of DERM Violations and Legal Basis for Complaint.pdf
79K

Document 9 Enforcement letter 01-17-2025.pdf
504K

Exhibit B – Real-Time Hydrology Reports (S357).pdf
77K

Exhibit D – USDA Agricultural Status and Coordination Failure.pdf
61K

Exhibit E – FEMA Flood Maps and Artificial Hydrology Evidence.pdf
58K

Exhibit F – Soil Depth and Hydric Soil Analysis.pdf
60K

Exhibit G – Land Use History and Agricultural Classification.pdf
65K

Exhibit H – Soil and Hydrology Conditions.pdf
60K

Exhibit I – Failure to Meet Wetland Criteria under Rule 62-340 F A C.pdf
62K

Exhibit C - Rebutting DERM's Enforcement and Jurisdiction.pdf
2109K

Exhibit J – Continuous Water Table Monitoring and Hydrologic Records.pdf
252K

Exhibit K – USDA Exemption and Agricultural Classification.pdf
60K

Exhibit L – Public Records Failures and Indexing Irregularities.pdf
58K

Document 3 Custom Soil Resource Report for MDC Victor Reyes.pdf
10038K

Exhibit A1-eMail — Summary

Document: A1-eMail.pdf

What it is:
This exhibit is a compiled, time-stamped record of **formal email correspondence and transmittal packages** sent by Victor Reyes (on behalf of the Cabana Living Land Trust / ADRI MARC S.A., Trustee) to **Miami-Dade County DERM, the Mayor's Office, County oversight offices, USDA NRCS, SFWMD, and other state and federal agencies**. The core document is the **June 2, 2025 formal rebuttal submission** to the January 17, 2025 Notice of Violation, together with its certificate of service and distribution list, showing exactly what was sent, to whom, and when.

What it shows:
• The **exact date and time** (June 2, 2025, 12:50 PM) the formal rebuttal package was transmitted.
• The **full distribution list** to County leadership, DERM staff, County oversight bodies, USDA NRCS, SFWMD, and the State Attorney's Office.
• That the submission included a **comprehensive, indexed evidence package** (Exhibits A through L and Documents 1 through 9), including: agricultural classification records, USDA/NRCS materials, FEMA flood maps, SFWMD hydrology data, soil reports, enforcement letters, and procedural objections.
• That the County and other agencies were provided with **detailed legal, factual, scientific, and jurisdictional objections** to the enforcement action.
• That a **Certificate of Service** was included, formally documenting service on all relevant agencies and officials.

How to use it:
• Prove **notice and service**: establish precisely what the County and other agencies received and when.
• Reconstruct the **procedural timeline** of the rebuttal and evidence submission after the January 17, 2025 Notice of Violation.
• Tie each substantive exhibit (A1-P1DOC1 through A1-P1DOC9 and the related Exhibit set) to the **date and method of delivery**.
• Impeach any claim by the County that it **lacked information, lacked evidence, or was not put on formal notice** of the objections and contradictory data.
• Show that the owner **formally, in writing, and in an organized manner** placed the agencies on notice rather than relying on informal or verbal communications.

Why it matters:
In administrative and judicial proceedings, **due process and fairness depend on what the agency knew and when it knew it**. This exhibit establishes a documented chain of communication showing that Miami-Dade County and multiple state and federal agencies were provided with **hydrologic data, agricultural records, USDA/NRCS jurisdictional issues, and detailed legal objections** before the enforcement process continued. It allows a fact-finder to compare the **information in the government's possession** against the **actions it chose to take afterward**.

What it establishes in the record:

• That the County and multiple agencies received a **formal, comprehensive rebuttal and evidence package** on June 2, 2025.

• That the enforcement record contains a **documented paper trail of submissions and service**, not informal or undocumented complaints.

• That the County and other agencies were placed on **actual notice** of the agricultural, hydrologic, scientific, and jurisdictional objections.

• That any later claim of **lack of notice, lack of documentation, or lack of opportunity to review the evidence** is contradicted by this exhibit.

• That this exhibit functions as the **communications and service backbone** tying the rest of the evidence set to the official administrative and oversight record.

Disclaimer:

This summary is provided for informational and public-record contextual purposes only. It is not legal advice. It reflects the owner's position and interpretation of the document and issues. For legal determinations, the original documents and applicable law control.

About This Document

This document is published as a public-interest effort to collect, organize, and explain records and events related to land use, environmental regulation, and administrative enforcement.

It is not a court filing, not a judicial or administrative determination, does not make findings of fact or law, does not determine liability or wrongdoing, and does not constitute legal advice. It reflects documentation and analysis based on available records.

Some matters described may be disputed, incomplete, or subject to differing interpretations or ongoing legal or administrative processes. Readers are encouraged to review original source materials and reach their own conclusions.

Final determinations of fact, law, responsibility, or remedy are for courts and competent authorities, not this document.

Why This Work Exists

This work is grounded in a simple principle: **institutions are strongest and most legitimate when they operate transparently, lawfully, and within their proper authority**.

The purpose is not to accuse or prejudge, but to preserve accurate records, promote lawful process, and support accountability through proper channels.

A system governed by law depends not only on institutions, but also on **informed citizens who are willing to insist that procedures be respected and authority be properly exercised**. This document is published in that spirit.

Civic Responsibility and Public Trust

A constitutional system depends not only on laws and institutions, but also on the **character and responsibility of those who participate in it—**as officials, professionals, and citizens alike.

Public authority carries public trust. That trust is strengthened when decisions are made carefully, records are kept accurately, procedures are followed, and power is exercised with restraint and accountability.

This work is offered in that spirit: **not as an attack, but as a contribution to a culture of responsibility, integrity, and respect for the rule of law**.