

MAP 1 - AMENDMENT PCNRM 25-1



Broward County Land Use Plan: Environmentally Sensitive Lands

EXHIBIT 2

PCNRM 10-1 Amended Map to Include Wedge.
Please contact the Planning Council at
954.357.8051, if you need additional information.

PALM BEACH COUNTY

Legend

- Designated lands
- Protected lands
- Section Township Range
- Municipal Boundaries

See Table A for individual site name and designation

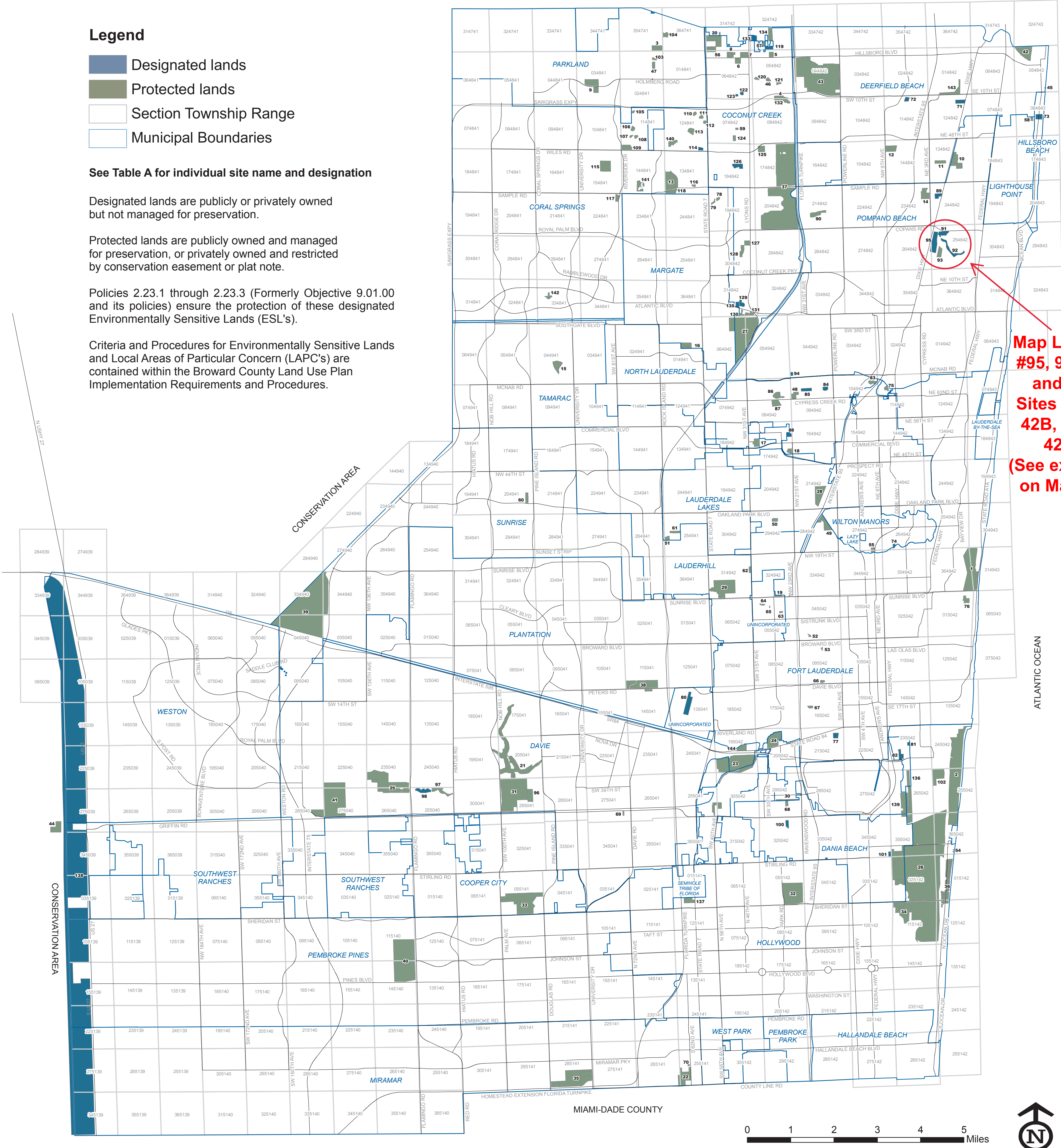
Designated lands are publicly or privately owned but not managed for preservation.

Protected lands are publicly owned and managed for preservation, or privately owned and restricted by conservation easement or plat note.

Policies 2.23.1 through 2.23.3 (Formerly Objective 9.01.00 and its policies) ensure the protection of these designated Environmentally Sensitive Lands (ESL's).

Criteria and Procedures for Environmentally Sensitive Lands and Local Areas of Particular Concern (LAPC's) are contained within the Broward County Land Use Plan Implementation Requirements and Procedures.

Map Labels
#95, 91, 92
and 93
Sites #42A,
42B, 42C,
42D
(See excerpt
on Map 2)



III.B. Natural Resource Map Series: Environmentally Sensitive Lands

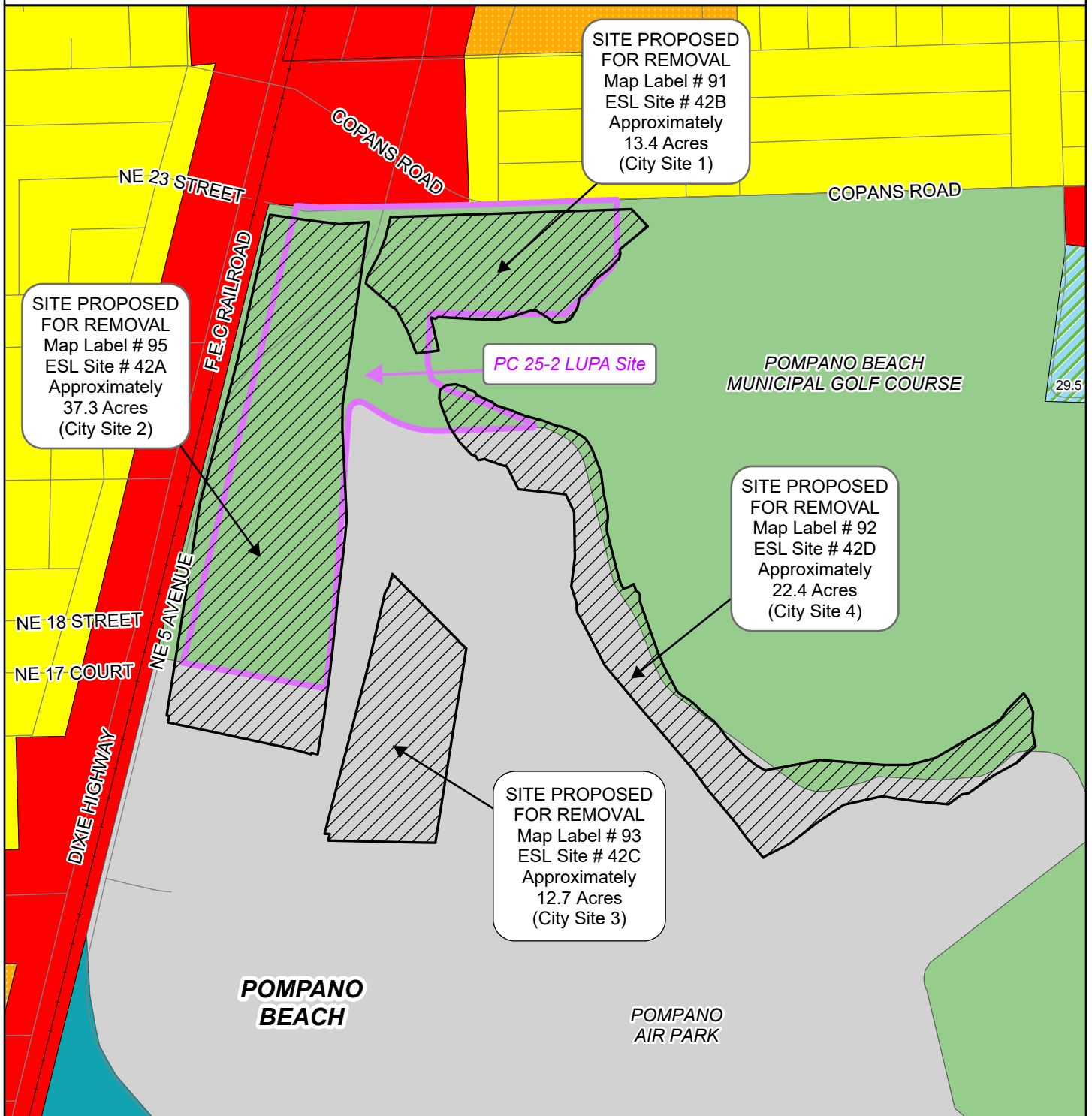
Source:
Broward County Natural Resources Planning and Management Division
Prepared By
Land Preservation Program
954-519-0305
Adopted: January 28, 2020

This map is for conceptual purposes only and should not be used for legal boundary determinations. Please contact the Broward County Planning Council office regarding questions pertaining to parcel boundaries or limits.

MAP 2
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH OF ENVIRONMENTALLY SENSITIVE LANDS EXCERPT
AMENDMENT PCNRM 25-1



MAP 3 **BROWARDNEXT - BROWARD COUNTY LAND USE PLAN** **FUTURE LAND USE DESIGNATIONS** **AMENDMENT PCNRM 25-1**



- | | |
|-----------------------------|---------------------------|
| Sites | Commerce |
| Low (5) Residential | Recreation and Open Space |
| Low-Medium (10) Residential | Community |
| Irregular Residential | Transportation |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCNRM 25-1

NATURAL RESOURCE MAP SERIES -
ENVIRONMENTALLY SENSITIVE LANDS MAP
REMOVAL OF SITE 42 – CITY OF POMPANO BEACH

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation

May 13, 2025

While Planning Council staff does not generally support these types of amendment applications due to the environmentally sensitive nature of the designated lands, there are aspects of the application that differentiate it from other similar applications, including the deed restriction for aviation uses and that the management of the site is preempted by the Federal Aviation Administration. In consideration of the balancing of interests in this very narrow set of circumstances, Planning Council staff does not object to the removal of Sites 42A, 42B, 42C and 42D / Map Labels 95, 91, 93 and 92 from the Natural Resource Map Series Environmentally Sensitive Lands Map.

The City of Pompano Beach's commitments regarding 1) gopher tortoise survey no more than 90 days prior to any construction or clearing and the relocation of gopher tortoise burrows subject to Florida Wildlife Commission permitting, 2) tree plantings along the City's multipurpose path (Northeast 5th Avenue and Northeast 10th Street) and 3) the detailed listed plant survey to be taken prior to any land clearing, as well as the City assisting Broward County or similar staff with the collection of native seeds and plant clippings from rare and endangered plants on the parcels, are recognized.

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Transmittal Recommendation (continued) ***May 13, 2025***

- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.

II. Planning Council Transmittal Recommendation ***May 22, 2025***

Approval per Planning Council staff transmittal recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 14-0: Abramson, Brunson, Castillo, Geller, Gomez, Greenberg, Hardin, Horland, Levy, Newbold, Rosenof, Ryan, Zeman and DiGiorgio)

SECTION II

PROPOSED AMENDMENT PCNRM 25-1

INTRODUCTION AND APPLICANT'S RATIONALE

- | | | |
|------|--|---|
| I. | <u>Municipality:</u> | Pompano Beach |
| II. | <u>County Commission District:</u> | District 4 |
| III. | <u>Site Characteristics</u> | |
| A. | Size: | Approximately 85.8 acres |
| B. | Location: | In Section 25, Township 48 South, Range 42 East; generally located on the southeast corner of Copans Road and the FEC Railway. |
| C. | Existing Uses: | Aviation use and natural areas |
| D. | <u>Broward County Land Use Plan (BCLUP) Designation:</u> | Recreation and Open Space and Transportation |
| IV. | <u>Existing Uses and BCLUP Designations Adjacent to the Amendment Site</u> | |
| A. | Existing Uses: | North: Warehouses and single-family residential
East: Golf course and municipal airport
South: Golf course, municipal airport and horse stables
West: Retail |
| B. | Planned Uses: | North: Commerce and Low (5) Residential
East: Recreation and Open Space and Transportation
South: Transportation
West: Commerce |

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

V. Applicant/Petitioner

- A. ***Applicant:*** City of Pompano Beach
- B. ***Agent:*** City of Pompano Beach
- C. ***Property Owner:*** City of Pompano Beach

VI. Recommendation of Local Governing Body:

The City of Pompano Beach recommends approval of the proposed amendment. **See Attachment 1.**

VII. Applicant's Rationale

The applicant states: "Airports are usually characterized by large open spaces surrounding the airfield to create an obstruction-free area for aviation operations. This open space, often developed as golf courses or left entirely natural, will attract wildlife. Wildlife attraction can result in serious safety hazards for both the wildlife and the airplanes that can result in both wildlife and human deaths. The Federal Aviation Administration (FAA) has issued Advisory Circular 150-5200-33C that addresses a variety of landscaping concerns. The *2005 Wildlife Hazard Management at Airports Manual*, written jointly by the FAA and United States Department of Agriculture, specifically states:

"Do not use trees and other landscaping plants for the street side of airports that produce fruits or seeds attractive to birds. Avoid plants that produce fruits and seeds desired by birds. Also avoid creation of areas of dense cover for roosting, especially European starlings and blackbirds. Thinning the canopy of trees, or selectively removing trees to increase their spacing, can help eliminate bird roosts that form in trees on airports."

In 2016-2017, the City hired Kimley-Horn to prepare a Wildlife Hazard Assessment for the Airpark. This study recommends removing the forested areas from the airfield to prevent wildlife-airplane conflicts and to manage the golf course and surrounding parks in a way that minimizes wildlife attraction. In 2023, the City again hired Kimley-Horn to prepare a Natural Resource Assessment (NRA) of the wooded areas on the airfield proposed to be removed from the County's Environmentally Sensitive Lands Map. The resulting NRA is provided in **Attachment 2.**"

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 25-1

BACKGROUND INFORMATION

Environmentally Sensitive Land (ESL) “means those areas containing Natural Resources, as depicted in the Natural Resource Map Series of the Broward County Land Use Plan, which have been determined to be environmentally sensitive by the Broward County Board of County Commissioners. The criteria for designation of an ESL are contained within the Implementation Requirements and Procedures Section of the Broward County Land Use Plan. Policies which ensure the protection of Environmentally Sensitive Lands are contained within the Broward County Land Use Plan.”

Pursuant to Policy 2.23.1 of the BrowardNext - Broward County Land Use Plan (BCLUP), Broward County maintains the Environmentally Sensitive Lands (ESL) Map that identifies natural resources, including Local Areas of Particular Concern (LAPC’s). The Map was developed from a comprehensive study prepared by the Environmental Coalition of Broward County in 1987 and was initially adopted as part of the 1989 BCLUP.

The Map was updated in 2009 to add several sites that were purchased through the County’s bond program. In 2020, an amendment to remove a portion of a privately owned LAPC that had been partially developed and critical to Port operations was approved. Following this, in 2022, Planning Council staff identified the ownership and development status of the 144 designated sites on the Map. Said evaluation revealed approximately 40 sites as being privately held with at least 14 of those sites already developed.

This ESL Map amendment proposes to remove four (4) areas approximately 85.8 acres in size from the BCLUP Natural Resource Map Series: Environmentally Sensitive Lands Map. The areas are identified as “Sites 42A, 42B, 42C and 42D / Map Labels 95, 91, 93 and 92,” and are located south of Copans Road and east of the FEC Railroad/Northeast 5 Avenue, in the City of Pompano Beach, and have a land use designation of Recreation and Open Space and Transportation. **See Maps 1 through 3.**

Sites 42A, 42B and 42D are “designated lands” which means that they are publicly or privately owned but not managed for preservation. Site 42C is a “protected land” which means that it is publicly owned and managed for preservation or privately owned and restricted by conservation easement or plat note. All four (4) sites are publicly owned by the City of Pompano Beach. Both designated lands and protected lands are subject to the provisions of the Broward County Land Development Code per BCLUP Policy 2.23.2. These provisions regulate clearing activities on the site, as well as require the applicant to prepare an Environmental Impact Report identifying the effects that proposed development would have on the unique natural qualities and resources of the area and identifying strategies to protect the resource or mitigate unavoidable adverse impacts on the resource.

BACKGROUND INFORMATION (continued)

Based on information provided by the City, the sites consist of sand pine scrub community but have a high percentage of invasive exotic vegetation. The areas are also known habitat for gopher tortoises and burrowing owls. Any wildlife within the subject parcels will be relocated with approved Florida Department of Environmental Protection relocation permits. Trees will be mitigated by planting new trees along the perimeter of the airport, specifically Northwest 5 Avenue and Northwest 10 Street, which will enhance the 5-mile-long multi-purpose path that surrounds the airport. **See Attachment 1.**

REVIEW AGENCY COMMENTS

The proposed amendment to remove four (4) sites approximately 85.8 acres in size from the Environmentally Sensitive Lands Map was distributed to County agencies for comments and input. The following comments have been received:

The **Broward County Environmental Permitting Division (BCEPD)** staff recommends against the approval of the removal of the sites from the ESL Map as it finds that the subject sites meet several LAPC criterion: the sites contain scrub habitat which is an increasingly rare natural ecosystem within the County, and are invaluable for protected wildlife, including gopher tortoises and burrowing owls, as well as over 40 plant species. Although the scrub habitat is fire dependent for management, there are alternatives such as removing the exotic species and replanting with native vegetation. Further, a conservation easement for approximately 13 acres was recorded on Site 42C with the intent of preserving the area in its natural state in perpetuity. The BCEPD staff states that although the City will relocate protected wildlife species and mitigate tree canopy, this does not replace the loss of this limited native scrub habitat. **See Attachment 3.**

The **Broward County Resilient Environment Department (BCRED)** report indicates that a limited area of the amendment sites (0.08 acres) is located within an area prioritized for resilience planning consideration, as indicated on the Priority Planning Area for Sea Level Rise Map. Therefore, the proposed amendment is subject to BCLUP Policies 2.21.1, 2.21.5 and 2.21.6 regarding sea level rise, areas prone to flooding and the Climate Change Action Plan and the Regional Climate Action Plan recommendations and strategies. **See Attachment 4.**

The **Broward County Parks and Recreation Division (BCPRD)** objects to the removal of the subject sites from the ESL Map. Said removal would result in the loss of almost 86 acres of protected scrub habitat which is listed by the Florida Natural Areas Inventory as “Imperiled” both globally and locally and home to many threatened and endangered species. The BCPRD had its botanist consultant (Fairchild Tropical Botanic Garden) survey the sites. The assessment indicates that the sites are still considered high-quality sand pine scrub and would likely respond well to habitat management. The sites contain noteworthy plant observations including possibly the largest remaining population of Florida rosemary and Delaney’s goldenaster. Other vegetation includes native sand pines, saw palmetto, scrub oaks and greenbrier. Invasive exotic species can be removed and should not be seen as a reason for the sites not qualifying as natural areas.

REVIEW AGENCY COMMENTS (continued)

Regarding safety concerns, the BCPRD indicates that removal of the invasive exotic species would be a significant improvement to the sites and would reduce the majority of the tallest trees in the area. High quality scrub habitat is not dependent on a tall tree canopy, as sand pine scrub are often widely interspersed with open sand, saw palmetto patches, and native grass and herbaceous ground cover. **See Attachment 5.**

The relevant BCLUP Policies that are cited by the review agencies are provided in Attachment 6, for ease of reference.

The City of Pompano Beach has provided responses to the stated review agency objections:

- The sites are subject to strict security protocols by the Federal Aviation Administration (FAA) as part of an active airport operations area. They have been deed restricted since 1947 for aviation uses. Wildlife and wildlife habitat are not compatible with aviation operations and enhancing this habitat is contrary to aviation planning guidelines.
- The FAA has stated that any attraction of wildlife could pose a hazard to aircraft using the airport facility, and they are opposed to encumbrances of airport property for ecological purposes.
- “Right-Tree-Right-Place” principles apply to these wooded areas on an active airport which is not the right place for wildlife habitat of any kind.
- The 13-acre conservation easement was created by the City and can be rescinded in the same manner. The County does not have jurisdiction over the City’s conservation easement.
- Two (2) large sand pine scrub preserves totaling 58 acres exist nearby in Pompano Beach. These areas are more appropriate locations for wildlife habitat.
- A detailed listed plant survey will be taken prior to any land clearing, and the City will assist Broward County staff with the collection of native seeds and plant clippings from rare and endangered plants on the parcels.
- All required permits will be obtained before any clearing of native species and relocation of wildlife occurs.

See Attachment 7.

The Federal Aviation Administration (FAA) opposes any encumbrance of airport property for ecological conservation purposes. Although the FAA appreciates local land preservation, there does not appear to be a significant benefit to the airpark or civil aviation by restricting future development within these areas. In addition, wildlife attractants are of particular concern to the FAA. Any changes in land use that promotes the attraction of wildlife could be a hazard to aircraft using the facility. **See Attachment 8.**

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 25-1

PLANNING COUNCIL STAFF ANALYSIS AND RECOMMENDATION

The subject application is for the removal of approximately 85.8 acres of Environmentally Sensitive Lands (ESL) Sites 42A, 42B, 42C and 42D / Map Labels 95, 91, 93 and 92. The sites have been depicted on the ESL Map (Map) of the BrowardNext – Broward County Land Use Plan (BCLUP) Natural Resource Map Series since its initial adoption in 1989, and all four (4) sites are currently undisturbed or aviation use (portion of Site 42A).

Although the sites contain native pine scrub habitat, as well as protected wildlife species such as gopher tortoises and burrowing owls, the City of Pompano Beach has indicated that the areas have been deed restricted for aviation uses since 1947 and are under strict security protocols by the Federal Aviation Administration (FAA). The FAA considers wildlife and wildlife habitat incompatible with and a hazard to airport operations. The City will mitigate the lost habitat by planting trees along the surrounding multipurpose path and relocating gopher tortoises. The City has also offered to assist County staff with the collection of native seeds and plant clippings from rare and endangered plants on the parcels. **See Attachments 7 and 8.**

While Planning Council staff does not generally support these types of amendment applications due to the environmentally sensitive nature of the designated lands, there are aspects of the application that differentiate it from other similar applications, including the deed restriction for aviation uses and that the management of the site is preempted by the Federal Aviation Administration. In consideration of the balancing of interests in this very narrow set of circumstances, Planning Council staff does not object to the removal of Sites 42A, 42B, 42C and 42D / Map Labels 95, 91, 93 and 92 from the Natural Resource Map Series Environmentally Sensitive Lands Map.

SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 25-1

ATTACHMENTS

1. City of Pompano Beach Amendment Application – Pompano Airpark
2. Natural Resource Assessment, Kimley-Horn and Associates, Inc., September 2023
3. Broward County Environmental Permitting Division Report of April 4, 2025
4. Broward County Resilient Environment Department Report of March 24, 2025
5. Broward County Parks and Recreation Division Report of April 10, 2025, including Pompano Airport Scrub: Rapid Vegetation Assessment, submitted by James Lange, Research Botanist, Fairchild Tropical Botanic Garden, Received April 18, 2025
6. BrowardNext – Broward County Land Use Plan Policies and Implementation Requirements and Procedures Identified in the Consideration of the Proposed Amendment
7.
 - A. Applicant Response to Review Agency Comments, Received April 22, 2025
 - B. Pompano Airpark Deed Restrictions and Federal Aviation Administration Email
8. Correspondence from Marisol C. Elliott, Community Planner, Federal Aviation Administration, to Steven P. Rocco, Airport Manager, Pompano Beach Airpark, dated May 12, 2025



City of Pompano Beach
Environmentally Sensitive Lands Map
Amendment Application

Pompano Airpark

December, 2023
Prepared by City of Pompano Beach
Department of Development Services

APPENDIX 4
BROWARD COUNTY PLANNING COUNCIL APPLICATION CHECKLIST FOR AMENDMENTS TO THE ENVIRONMENTALLY SENSITIVE LANDS MAP

1. TRANSMITTAL INFORMATION

- A. Letter from applicant, agent or property owner requesting that the Planning Council process an amendment to the Environmentally Sensitive Lands Map of the Broward County Land Use Plan.

Response: The transmittal letter is attached.

- B. Letter from municipal mayor or manager indicating the local government's position on the proposed amendment to be provided no later than 21 days prior to the first Planning Council scheduled public hearing.

Response: The ordinance approved on first reading for the amendment of the ESL map is provided as ***Exhibit 1***.

- C. Name, title, address, telephone number and e-mail address of the municipal contact person.

Jean E. Dolan, AICP, CFM
Principal Planner
City of Pompano Beach
Development Services Department
100 W. Atlantic Blvd.
Pompano Beach, Florida 33060

Phone (954)786-4045
jean.dolan@copbfl.com

2. APPLICANT INFORMATION

- A. Name, title, address, telephone number and e-mail address of the applicant.

Steven Rocco, C.M., ACE
Airpark Manager
City of Pompano Beach
Phone (954)786-4135
Email: steve.rocco@copbfl.com

- B. Name, title, address, telephone number and e-mail address of the agent.

Jean E. Dolan, AICP, CFM
Principal Planner
City of Pompano Beach
Development Services Department
100 W. Atlantic Blvd.
Pompano Beach, Florida 33060

Phone (954)786-4045
jean.dolan@copbfl.com

- C. Name, title, address, telephone number and e-mail address of the property owner.

Response: The subject property is owned by the City of Pompano Beach.

D. Applicant's rationale for the amendment.

Airports are usually characterized by large open spaces surrounding the airfield to create an obstruction-free area for aviation operations. This open space, often developed as golf courses or left entirely natural, will attract wildlife. Wildlife attraction can result in serious safety hazards for both the wildlife and the airplanes that can result in both wildlife and human deaths. The FAA has issued Advisory Circular 150-5200-33C that addresses a variety of landscaping concerns. The *2005 Wildlife Hazard Management at Airports Manual*, written jointly by the FAA and USDA specifically states:

"Do not use trees and other landscaping plants for the street side of airports that produce fruits or seeds attractive to birds. Avoid plants that produce fruits and seeds desired by birds. Also avoid the creation of areas of dense cover for roosting, especially by European starlings and blackbirds. Thinning the canopy of trees, or selectively removing trees to increase their spacing, can help eliminate bird roosts that form in trees on airports."

In 2016-17, the City hired Kimley Horn to prepare a Wildlife Hazard Assessment for the Airpark. This study recommends removing the forested areas from the airfield to prevent wildlife-airplane conflicts and to manage the golf course and surrounding parks in a way that minimizes wildlife attraction.

In 2023, the City again hired Kimley Horn to prepare a Natural Resource Assessment (NRA) of the wooded areas on the airfield proposed to be removed from the County's Environmentally Sensitive Lands Map available at the following link:

(<http://www.pompanobeachfl.gov/compmap/EnvironmentallySensitiveLands>.)

The resulting NRA is provided herein as **Exhibit 2**.

3. AMENDMENT SITE DESCRIPTION

- A. Concise written description of the general boundaries and gross acreage (as defined by the BCLUP) of the proposed amendment.

Response: All four of the areas designated as LAPCs on the Pompano Airpark are being proposed for removal from that map. The legal descriptions for each is included in Exhibit 3:

Parcel 1: LAPC Map #91 = 11.6 acres

Parcel T (46.4 acres) less Parcel 1 (11.6 Acres) plus southern portion of Parcel 2 (4.9 acres):

LAPC Map #95 = 39.7 Acres

Parcel 3: LAPC Map#93 = 11.4 acres

Parcel 4: LAPC Map #92 = 12.1 acres

Total Acreage = 74.8 acres

- B. Original sealed survey, including legal description.

Response: The legal descriptions are provided in **Exhibit 3**.

- C. Aerial photograph.

Response: An aerial photo is provided as **Exhibit 4**.

- D. Recorded plat(s), if applicable.

Response: The subject area is not platted.

EXISTING AND PROPOSED USES

- E. Existing use of amendment site and adjacent areas. Provide cross-sections of the existing conditions on the subject site.

Response: The subject sites are wooded areas surrounded by the Pompano Airpark and the Pompano Municipal Golf Course.

- F. Proposed use of the amendment site including proposed square footage for each non-residential use and/or dwelling unit count. Provide draft cross-sections of post-development conditions on the subject site.

Response: The proposed use of Parcel 1 is for approximately 207,000 SF of aviation related industrial uses based on 40% lot coverage and one-story buildings. The proposed use of Parcel 2 is approximately 358,000 SF of airplane hangars based on 40% lot coverage and one-story buildings. Parcels 3 and 4 are not yet planned for development, however, they already have a Transportation land use and are designated for aviation-related uses on the FAA approved Airpark Property Map. No specific plans have been drawn for development of any of these parcels to date.

If the amendment site is not developed, please provide the following information:

4. LAPC CATEGORIES

Indicate if the amendment site contains resources or characteristics of Local Areas of Particular Concern (LAPC) as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

- A. Marine Resources

Response: The amendment site does not contain a marine resource such as coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

- B. Natural Landforms and Features

Response: The amendment site is not characterized as a natural landform as it does not contain a rare geological, hydrological, or physiographical feature, as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

- C. Native Vegetative Communities

Response: The amendment site does contain the following ecological community: Scrub Community. A Natural Resources Assessment was completed in June 2023, which included field reconnaissance. This site assessment delineated the project site as sand pine with scrub species also present. However, this vegetative community is not being maintained (lack of fire) and there was a relatively high percentage of exotic vegetation present (Brazilian pepper, earleaf acacia, etc.). Therefore, based on the exotic invasion present, especially within the two

areas located west of Runway 15-33, these areas would likely not qualify as a Local Area of Particular Concern.

The following ecological communities are not present at the site: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).

C. Wildlife

Response: The amendment site is characterized as a wildlife resource with documented occurrences and known habitat for the gopher tortoise and burrowing owl. Please see attached Natural Resources Assessment that was completed for this site, which describes these type species and their occurrences within or near the amendment site.

D. Economic Resources

Response: Though the Airpark is a significant economic resource both to Pompano and to the Federal aviation system, the areas designated to be removed from the ESL map are not categorized as an economic resource based on the County's definitions related to Local Areas of Particular Concern because these isolated areas do not contain existing ports, marinas, piers, energy resources, and artificial reefs, or areas noted for specific study and research concerning economic development.

E. Cultural Resources

Response: The amendment site is not designated on the National Register of Historic Places. The Florida Master Site File (FMSF) documents a total of four (4) cultural resources within a 0.25-mile buffer of the Airpark, however, the proposed removal of these wooded areas from the Airpark Operational Area would have no impact on these four resources.

5. ENVIRONMENTAL ANALYSIS

A. An environmental analysis must be provided to determine the proposed amendment's environmental impacts both on-site and to adjacent properties.

Response: Field reconnaissance was conducted on June 21, 2023, to characterize the existing conditions of the property relative to threatened and endangered species and their habitat, ecological communities, land cover and vegetation, wetlands, soils, hydrology, archaeological and historical resources, and floodplains. See Natural Resource Assessment report (NRA) in *Exhibit 2*.

B. A proposed mitigation strategy which identifies measures to avoid and/or minimize any potential risks as indicated by the environmental analysis.

Response: As described in the NRA (September, 2023), a 100% gopher tortoise survey and a Florida burrowing owl survey will be completed prior to any clearing or development within the amendment sites. The gopher tortoises and any other wildlife occurring in the subject forested areas to be removed will be relocated with FDEP approved relocation permits.

The City is mitigating the trees being removed from the airfield by planting trees along the perimeter of the airport on NW 10th Street and NW 5th Avenue. The planting along NW 5th Avenue is nearly complete and the enhancement the trees provide to the extremely popular,

5-mile long multipurpose path that surrounds the Airpark has made it even more attractive and pleasant to use.

The City plans additional plantings along NW 10th Street to provide shade and beauty to that segment of the multipurpose path while also screening from view the aviation hangars that have been built on the aviation development parcels on the south end of the Airpark property.

The goal is for the number of quality native and flowering trees along these two frontages to surpass the number of trees to be removed from the Airport Operations Area (AOA) replacing the carbon attenuation benefits while providing trees where they can be enjoyed by the general public rather than in a restricted area. The trees will not be provided in the density required to attract significant wildlife to the perimeter of the Airpark.

- C. Broward County Environmental Resource License – provide information including the permit number and status of any license related to the proposed amendment site.

Response: There are no records of existing license/permits, however, an Environmental Resource License will be filed prior to altering the amendment site, should it be required.

- D. Federal and/or State Environmental Permits – provide information including the permit number and status of any license related to the proposed amendment site.

Response: There are no records of existing license/permits, however, environmental permit applications will be filed prior to altering the amendment site, should it be required.

- E. Surface Water Management Plan – Indicate if a Plan has been approved, or an application submitted to, the South Florida Water Management District (SFWMD).

Response: There are no records of an existing Surface Water Management Plan, however, applicable documentation will be filed prior to altering the amendment site. The Master Drainage Plan for the Air Park is issued under License Number: SWM2012-016-0.

- F. Identify the drainage district and drainage systems serving the amendment site, including any planned drainage improvements, including year, funding sources and other relevant information.

Response: The amendment site is not located within an independent drainage district. It is located within the South Florida Water Management District boundaries.

- G. Identify the management of storm water retention on-site, as well as the extent to which the amendment site provided storm water retention to surrounding properties and how potential run-off will be mitigated throughout the affected area.

Response: The subject areas are not used for stormwater retention for the Airpark. These areas have been identified as uplands. Each development parcel derived from these areas will accommodate their own stormwater management requirements and will have no negative effect on adjacent parcels. The amendment site is included within the Master Drainage Plan (License Number: SWM2012-016-0) issued to the Pompano Air Park.

6. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated.

- A. Wetlands – describe whether the amendment will impact existing wetlands, lakes or aquifer recharge areas. If so, describe what management practices will be used to protect or mitigate the area’s natural features.

Response: Please see attached NRA (September 2023) for more information on land use/land cover. Field reconnaissance was conducted on June 21, 2023. No wetlands were present within the amendment site. Habitats onsite were mapped utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS). A FLUCFCS Map depicting the land uses is included in the NRA as Figure 4. The land use consists of sand pine (413) and open land (190).

After removal of these areas from the ESL map, aquifer recharge will still be provided through the golf course and saltwater intrusion will continue to be mitigated by the City’s reclaimed water program. It is anticipated that eventually the wellfields on the Airpark will be discontinued from use due to unavoidable saltwater intrusion caused by sea level rise.

- B. Soils – describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to protect or mitigate the area’s natural features.

Response: Please see attached NRA (September 2023) for more information on soil types located within the amendment area. Any potential development or clearing within the amendment area will not require the alteration of soil conditions or topography other than typical construction activity. No special soil conditions exist on-site that would affect the land development activity. A section of the NRCS Soil Survey of Broward County, East Part, Florida (1984) Soils Map is attached as Figure 2 within the NRA. The trees are the primary natural feature of the subject areas. These are being mitigated along the multipurpose path built along the perimeter of the Airpark property.

- C. “Endangered species,” “threatened species,” “species of special concern” or “commercially exploited” as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

Response: Please see attached NRA (September 2023) for more information on listed species. Based on the FNAI report, there are two documented occurrences of listed species and both have suitable habitat within and adjacent to the amendment site: burrowing owl (*Athene cunicularia*) and gopher tortoise (*Gopherus polyphemus*). At the time of the site visit, nine (9) gopher tortoise burrows were observed within the amendment area, and five (5) burrowing owls were observed just south of the amendment area. Other protected species that could occur within the amendment area include the Florida scrub-jay, Florida bonneted bat, and the eastern indigo snake. The attached NRA details suggested steps should the amendment site be developed.

FNAI noted eleven (11) state and four (4) federally listed plants as possibly occurring in this area, with three of them being documented within or near the project site: sand-dune spurge,

large-flowered rosemary, and nodding pinweed. Although none of the listed plant species were observed during field reconnaissance, due to the presence of suitable habitat observed on site for these species, a native plant survey will be completed prior to any construction or tree clearing.

There are no species that are considered commercially exploited within the amendment site.

- D. Tree Canopy and Ground Cover, including plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services. If yes, identify the species and show the location on a map.

Response: There is no evidence to date of any plant species listed on the index being located on the amendment site.

- E. Priority Planning Area – indicate whether the amendment is located within a priority planning area. If yes, address Broward County Land Use Plan Policy 2.21.1 regarding sea level rise.

Response: The subject properties are not within a Priority Planning Area.

- F. Flood Zone Area per the Federal Emergency Management Agency’s Flood Insurance Rate Map.

Response: The subject properties are primarily in an X zone on the 2014 FEMA maps and the Airpark was not included in the 2019 FEMA Coastal Study related to the 2019 FEMA map update. Please see Figure 6 within the NRA for a map of the flood zones.

- G. Wellfields – indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 “Wellfield Protection.” If so, specify the affected zone and any provisions which will be made to protect the wellfield.

Response: Pompano’s eastern wellfield is on the Airpark and several of the wells are along the perimeter of the subject properties. This is the same condition that occurs and has been accommodated on other development parcels on the Airpark. All land uses will be located in accordance with Chapter 27 to ensure the continued integrity of the wellfield.

- H. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.

Response: Please see attached NRA (September 2023) for more information on historic resources. A review of the records of the Florida Master Site File (FMSF) Florida Department of State, Division of Historical Resources, State Historic Preservation Officer (SHPO), and the Broward County Historical documents a total of four (4) cultural resources within the 0.25-mile buffer area being identified. One resource within the buffer is eligible for listing with the NRHP: Railroad Tracks (Site ID:BD04087). Any impacts to the amendment site will not impact the nearby railroad. Three (3) resources within the research area are listed as not eligible for listing with the NRHP: Pompano Beach Air Park, Runway 15-33, and P.B. Municipal Golf Course.

Additionally, a Cultural Resources Assessment Survey (CRAS) was completed for a portion of the Pompano Air Park in 2009. Portions of the Area of Potential Effect (APE) within the CRAS overlap with the current project area. The CRAS identified only two potentially historic

resources, Runway 15-33 and the Pompano Beach Air Park, however both were determined to be ineligible for listing with the National Register of Historic Places. Therefore, based on the CRAS findings and the current SHPO request conducted in June 2023, this project will not negatively impact any cultural resources.

- I. Archaeological sites listed on the Florida Master Site File.

Response: The FMSF review indicated no archaeological sites within the amendment site and the previously conducted CRAS also indicated no archaeological sites.

- J. Local Parks – indicate if the amendment site is utilized to meet the municipal “community parks” requirement, as defined by the Broward County Land Use Plan. If yes, indicate whether the municipality will continue to meet the “community parks” acreage requirement based on its projected build-out population.

Response: The City had previously categorized 33 acres of this wooded area, referred to as the “arboretum” on the City’s park and open space inventory for purposes of meeting the County’s 3-acre per 1,000 population level of service standard for Community Parks. Even without this completely inaccessible 33 acres, the City is meeting the County’s 3-acres per 1,000 standard.

The City’s level of service standard for parks is 5 acres per 1,000 residents. The City has enough park acreage to meet this standard for the projected population beyond the current planning horizon of 2040 even without the 33 acre arboretum which was never accessible to the public based on it being inside the secured Airport Operations Area (AOA).

- K. Beach Access – indicate if the amendment site fronts the ocean or would impact access to public beaches. If so, describe how public beach access will be addressed.

Response: The Airpark is not adjacent to the beach.

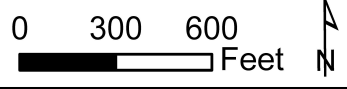
- L. Hurricane Evacuation - indicate if the amendment site is located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division. If yes, provide a hurricane evacuation analysis based on the proposed use of the amendment site, considering the number of permanent and seasonal residential dwelling units requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times.

Response: The Airpark is not in a hurricane evacuation area.

7. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments.

Response: The Airpark is not adjacent to another local government.



811

NE 3rd Ave

E Copans Rd

NE 5th Ave

NE 6th Ave

NE 23rd Pl

NE 23rd Ct

NE 8th Ave

NE 9th Ave

NE 23rd Pl

NE 23rd Ct

E Copans Rd

E 23rd St

N Dixie Hwy

NE 5th Ave

ir Fashions
y Cherry

N Dixie Hwy

Pompano Beach
Airpark

NATURAL RESOURCE ASSESSMENT

Environmentally Sensitive
Lands within the
Pompano Air Park
Pompano Beach, Broward County,
Florida

September 2023



CITY OF POMPANO BEACH, FLORIDA

Kimley»Horn

040985205

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West Palm Beach, FL 33411

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1.0 INTRODUCTION

The following technical memorandum summarizes a review of readily available documentation and the results of field reconnaissance conducted at the project limits. The purpose of this Natural Resource Assessment (NRA) is to characterize the existing conditions of the property relative to threatened and endangered species and their habitat, ecological communities, land cover and vegetation, wetlands, soils, hydrology, archaeological and historical resources, and floodplains.

The scope of this assessment included a review of readily available information from public databases as described in [Section 2.0 Methodology](#) and field reconnaissance to evaluate the environmental conditions of the site and future permit requirements if development or modifications to the project limits were to proceed.

The proposed project limits consist of four (4) individual areas designated as Environmentally Sensitive Lands (ESL) within the Pompano Air Park, located south of East Copans Road and east of North Dixie Highway, in Pompano Beach, Broward County, Florida in Section 25 of Township 48 South and Range 42 East. A location map of the project limits is attached as [Figure 1](#). A portion of the U.S. Geological Service (USGS) Quadrangle Map depicting the location of the proposed project limits is attached as [Figure 2](#).

2.0 METHODOLOGY

The methodology for this assessment included a review of the following resources:

- Florida Natural Areas Inventory (FNAI) Biodiversity Matrix (<http://www.fnai.org/biointro.cfm>)
- Various Geographic Information System (GIS) data layers from the U.S. Fish and Wildlife Service (USFWS), U.S. Geological Survey (USGS), Florida Fish and Wildlife Conservation Commission (FWC) [(<http://legacy.myfwc.com/bba/data/default.asp>) and (<https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx>)]
- USFWS IPaC data (<https://ecos.fws.gov/ipac/>)
- U.S. Department of Agriculture (USDA) / Natural Resources Conservation Service (NRCS) Soil Survey of Broward County, Florida (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)
- USFWS National Wetlands Inventory (NWI) Maps (<http://www.fws.gov/wetlands/Data/mapper.html>)
- South Florida Water Management District Interactive GIS Map
- Florida Department of Environmental Protection (FDEP) MapDirect GIS
- City of Pompano Beach Land Development Code
- Chapter 62-340, Florida Administrative Code (FAC) and the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual

Field reconnaissance was conducted on June 21, 2023. Two Kimley-Horn biologists inspected the project limits by walking representative transects, observing the state and conditions of the site itself, and adjacent properties as visible from the project limits.

3.0 EXISTING CONDITIONS

3.1 SOILS

The USDA / NRCS *Soil Survey of Broward County, Florida* maps the entire project limits with the following soils: (22) Paola fine sand, 0 to 8 percent slopes, (23) Paola-Urban land complex, (38) Udorthents-shaped, and (40) Urban land, 0 to 2 percent slopes. A copy of the digital USDA/NRCS soils data is attached as **Figure 3** and details regarding each soil are listed in **Table 1**.

Table 1 NRCS Soils Identified Within the Subject Property

Soil ID Number ¹	Soil Name	Occurrence	Characteristics	Drainage Class	Groundwater Depth	Hydric, Hydric Inclusions, or Non-hydric ²
22	Paola fine sand, 0 to 8 percent slopes	Low knolls and ridges	Available water capacity is very low in all layers of the soil, permeability is very rapid in all layers. Natural fertility and content of the organic matter are low.	Excessively drained	Below 80 inches	Non-hydric
23	Paola-Urban Land complex	Low knolls and ridges	Available water capacity is very low in all layers of the soil, permeability is very rapid in all layers. Natural fertility and content of the organic matter are low.	Excessively drained	Below 80 inches	Non-hydric
38	Udorthents, shaped	Marine terraces	Permeability is mostly rapid, and available water capacity is generally very low or low. layers. Shaped and contoured primarily for golf courses.	Well drained to excessively drained	Varies, usually below 20 inches	Non-hydric
40	Urban land, 0 to 2 percent slopes	Flatwoods on marine terraces	Natural soil not readily available due to development.	N/A	N/A	Unranked

1: Reference: Soil Survey of Broward County - [Soil survey of Broward County, Florida \(ufl.edu\)](http://soil.survey.of.Broward.County.Florida(ufl.edu))

2: Reference: Hydric Soils of Florida Handbook, 4th Edition, March 2007

3.2 LAND COVER AND NATURAL COMMUNITIES

Vegetative communities in the proposed project limits were identified through pedestrian transects and aerial photograph interpretation. Vegetative communities were classified using the *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS, Florida Department of Transportation, 1999). A FLUCFCS map of the study area is attached as [Figure 4](#). A description of the upland land cover included below characterizes dominant vegetation observed along random pedestrian transects and does not represent an all-inclusive vegetative inventory.

FLUCFCS 190 – OPEN LAND (±9.73 AC.)

This land cover is found within Area 3, in the northwestern corner of the Pompano Air Park. Vegetation consists of primarily mowed and maintained grasses, such as bahia grass (*Paspalum notatum*), and partially paved paths for airport accessibility.

FLUCFCS 413 – SAND PINE (±75.9 AC.)

This land cover is found within Areas 1 – 4 along the perimeter of the Pompano Air Park. Vegetation consists of dense canopy and subcanopy species including sand pine (*Pinus clausa*), Australian pine (*Casuarina equisetifolia*), cabbage palm (*Sabal palmetto*), sea grape (*Coccoloba uvifera*), American beautyberry (*Callicarpa americana*), umbrella tree (*Schefflera actinophylla*), mature live oak (*Quercus virginiana*), carrotwood (*Cupaniopsis anacardioides*), Brazilian pepper (*Schinus terebinthifolia*), earleaf acacia (*Acacia auriculiformis*), saw palmetto (*Serenoa repens*), love vine (*Cassytha filiformis*), and muscadine vine (*Vitis rotundifolia*). Field reconnaissance was conducted in June 2023 and confirmed the sand pine land use type with scrub species also present within Areas 1 – 4. However, this vegetative community is not being maintained (lack of fire) and there was a relatively high percentage of exotic vegetation present (Brazilian pepper, earleaf acacia, etc.), especially within Areas 2 and 3 located west of Runway 15-33. Although these areas are currently considered environmentally sensitive lands (ESL), they would likely not qualify as a Local Area of Particular Concern based on the exotic invasion present.

3.3 WILDLIFE UTILIZATION

Wildlife utilization within the project limits included Northern mockingbird (*Mimus polyglottos*), Northern cardinal (*Cardinalis cardinalis*), mourning dove (*Zenaida macroura*), and green iguana (*Iguana iguana*). Additionally, nine (9) gopher tortoise (*Gopherus polyphemus*) burrows were observed throughout Area 4, and five (5) burrowing owls (*Athene cunicularia*) were observed to the south of Area 4.

3.4 THREATENED AND ENDANGERED SPECIES

A listing of species potentially occurring within the project vicinity was reviewed using the databases described in the Section 2.0 Methodology and are as follows:

FNAI – Based on the FNAI report, there are two documented occurrences of listed species, which include FNAI Matrix Units 68924 and 68925. ([Appendix A](#)). The following species are noted within FNAI and have suitable habitat within the project limits: burrowing owl (*Athene cunicularia*) and gopher tortoise (*Gopherus polyphemus*). These species are discussed further below.

FWC – There are no known bald eagle nests or wading bird colonies on or within one mile of the project limits.

USFWS Consultation Areas – The project limits are not within any USFWS Consultation Areas.

USFWS Wood Stork Colonies – The project limits are within the core foraging area (CFA) of two known wood stork colonies: Sawgrass Ford and Wakodahatchee. The CFA for the project limits is defined as 18.6 miles from an active wood stork colony. As there are no wetlands or surface waters within the project limits, there will be no impacts to any suitable foraging habitat or nesting habitat for the wood stork.

USFWS IPaC Data – The IPaC Trust Resources (See [Appendix A – FNAI Report and IPaC Report](#)) include historical data in their reporting, which results in some species findings that do not reflect current on-site conditions. The following species are listed in the data with the potential for suitable habitat within the project limits: Florida scrub-jay (*Aphelocoma coerulescens*), Florida

bonneted bat (*Eumops floridanus*), and the eastern indigo snake (*Drymarchon couperi*). Listed species in the data that do not have suitable habitat on-site include: American crocodile (*Crocodylus acutus*), American alligator (*Alligator mississippiensis*), Florida panther (*Puma concolor coryi*), West Indian manatee (*Trichechus manatus*), southeastern beach mouse (*Peromyscus polionotus niveiventris*), Eastern black rail (*Laterallus jamaicensis ssp. Jamaicensis*), hawksbill sea turtle (*Eretmochelys coriacea*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), Monarch butterfly (*Danaus plexippus*), Bartram's Hairstreak Butterfly (*Strymon acis bartrami*), and the Miami blue butterfly (*Cyclargus thomasi bethunebakeri*). These species do not have suitable habitat on-site and therefore will not be discussed further. The project limits are not within any USFWS-designated Critical Habitats.

Based on field reconnaissance and database reviews, a listing of the state and federally-listed species potentially occurring within the immediate vicinity of the project limits has been compiled. **Table 2** lists species that may occur and their likelihood of occurrence. The likelihood of occurrence is based on actual observation of the species, signs of the species (burrows, tracks, scat, etc.), observance of suitable habitat, or documented occurrences of the species within various databases.

Table 2 – Potential Listed Species Occurrence					
Common Name		Scientific Name	Status	Comments	Likelihood of Occurrence
Birds	Florida Scrub-Jay	<i>Aphelocoma coerulescens</i>	FT	Observed On-site: No Observed in Proximity: No Habitat present: Marginal Habitat Type: Foraging/Nesting	Low
	Florida Burrowing Owl	<i>Athene cunicularia</i>	ST	Observed On-site: Yes Observed in Proximity: Yes Habitat present: Marginal Habitat Type: Foraging/Roosting	High
Mammals	Florida Bonneted Bat	<i>Eumops floridanus</i>	FE	Observed On-site: No Observed in Proximity: No Habitat present: Marginal Habitat Type: Foraging/Roosting	Medium
Reptiles	Gopher Tortoise	<i>Gopherus polyphemus</i>	ST	Observed On-site: Yes Observed in Proximity: Yes Habitat present: Yes Habitat Type: Burrowing/Foraging	High

	Eastern Indigo Snake	<i>Drymarchon couperi</i>	FT	Observed On-site: No Observed in Proximity: No Habitat present: Marginal Habitat Type: Foraging/Burrowing	Low
¹ Based on <i>Florida's Endangered and Threatened Species</i> updated December 2022 available on http://myfwc.com/wildlifehabitats/imperiled/ . Federal Status: E = Endangered; T = Threatened; C = Candidate Species, NL = Not Listed. State Status: FT = Federally Threatened ST= State Threatened.					

Based on the database review and field reconnaissance, the following species could occur on-site or require additional evaluation, survey, or permitting:

FLORIDA SCRUB-JAY

The Florida scrub-jay inhabits fire-dominated, low-growing, oak scrub habitat found on well-drained sandy soils. The site falls within the USFWS consultation area for the Florida scrub-jay and marginal habitat exists on-site within the sand pine land use type. Although no scrub-jays were observed during field reconnaissance, coordination with USFWS is recommended to determine if a scrub jay survey may be required. Surveys can be conducted from March-October with March, July, and October being the best times to survey. Surveys are conducted with the assistance of a scrub-jay vocalization which is broadcast along transects throughout suitable habitat. If scrub-jays are present and occupied habitat will be impacted, a permit may be required from the USFWS as well as mitigation for the impacts.

FLORIDA BURROWING OWL

The Florida burrowing owl burrows into the ground and inhabits high, sparsely vegetated, sandy ground, dry prairie and sandhill habitats. It also uses rural areas like pastures, airports, ball fields, parks, school grounds, university campuses, road rights-of-way, and vacant spaces in residential areas. Five (5) burrowing owls were observed during the field survey just to the south of Area 4, in the southeastern portion of the Pompano Air Park (see **Figure 5 – Listed Species Map**). Prior to any construction or clearing, a survey for the burrowing owl will need to be conducted to determine if any burrows are located within 33 feet from construction/clearing activities. If a burrow is located within 33 feet, an

Incidental Take Permit from FWC will be required to excavate the on-site burrows prior to site development.

FLORIDA BONNETED BAT

The Florida bonneted bat is the largest bat species endemic to Florida. This species only occurs in south Florida (Miami-Dade, Broward, Collier, Hendry, Lee, Charlotte, Glades, Highlands, Desoto, and Polk counties). This species is known to roost in natural tree cavities and tree cavities created by woodpeckers and other species. This project is located within the South Florida Urban Bat Area and therefore, during permitting, further coordination will be required with USFWS to determine the level of surveying required. An acoustic survey may be required.

GOPHER TORTOISE

The gopher tortoise is a burrowing tortoise that inhabits upland habitats with sandy soils such as pine flatwoods, xeric oak hammocks, open sandy pastures, and can often be found in disturbed areas. Marginal burrowing and foraging habitat for the gopher tortoise exists within the project limits. Nine (9) active gopher tortoise burrows were observed during the field survey. A 100% gopher tortoise survey will be required to be completed no more than 90 days prior to any construction or tree clearing due to the known occurrence of burrows within the project areas. Gopher tortoise burrows that cannot be avoided by 25 feet and therefore must be relocated will require a permit from FWC to be relocated prior to site clearing.

EASTERN INDIGO SNAKE

The eastern indigo snake is found within a range of habitats, including pine flatwoods, scrubby flatwoods, high pine, dry prairie, tropical hardwood hammocks, edges of freshwater marshes, agricultural fields, coastal dunes, and human-altered habitats. The snake requires large tracts of land to survive and often winters in burrows of gopher tortoises, armadillos, cotton rats, and land crabs (in coastal areas) and forages in hydric habitats. No individuals were observed during field reconnaissance; however, habitat for the eastern indigo snake does exist on-site. Thus, per the *Eastern Indigo Snake-Effect Determination Key* (March 23, 2021), with the implementation of the USFWS Standard Protection Measures for the Eastern Indigo Snake ([Appendix B](#)) during site clearing,

impacts on the eastern indigo snake are not anticipated and no further action should be required.

LISTED PLANT SPECIES

The Florida Department of Agriculture and Consumer Service's *Notes on Florida's Threatened and Endangered Plants* and Richard Wunderlin's *Guide to Vascular Plants of Florida* were consulted to assess habitat requirements for listed plant species. FNAI noted eleven (11) state and four (4) federally listed plants as possibly occurring in this area, with three of them being documented within or near the project site: sand-dune spurge, large-flowered rosemary, and nodding pinweed. Although none of the listed plant species were observed during field reconnaissance, due to the presence of suitable habitat observed on site for these species, a native plant survey should be completed prior to any construction or tree clearing.

K:\WPB_GIS\WPB_Environmental\040985205 - Airpark Traffic and Environment\MXD\NKA Figures\



Kimley»Horn

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West Palm Beach, FL 33411
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Species Observations Map

**Pompano Air Park
Broward County, Florida**

1 inch = 800 feet

PROJECT NUMBER: 040985205

JUNE 2023

FIGURE 5

3.5 HISTORIC AND ARCHAEOLOGICAL RESOURCES

Kimley-Horn requested data from the Department of State, State Historic Preservation Officer (SHPO) Division of Historical Resources databases regarding the presence of known historical or archaeological findings on the proposed project limits or in the immediate vicinity to determine if additional studies will be required. The SHPO Division database showed there are four (4) historical resources within 0.25 miles of the site (Pompano Beach Air Park, Runway 15-33, and P.B. Municipal Golf Course); with one resource eligible for listing on the NRHP (Railroad Tracks). The resources are not within the project limits and will not be impacted by project development. A cultural resources map and letter are included in [Appendix C](#).

Additionally, a Cultural Resources Assessment Survey (CRAS) was completed for a portion of the Pompano Air Park in 2009. Portions of the Area of Potential Effect (APE) within the CRAS overlap with the current project area. The CRAS identified only two potentially historic resources, Runway 15-33 and the Pompano Beach Air Park, however both were determined to be ineligible for listing with the National Register of Historic Places. Therefore, based on the CRAS findings and the current SHPO request conducted in June 2023, this project is unlikely to negatively impact any cultural resources.

3.6 FLOODPLAIN

The project limits are primarily located outside of the 100-year floodplain within Flood Zone X: Outside Special Flood Hazard Area. However, portions of the project area exist within flood zone AE: 1% annual chance flood with base flood elevations known and AH: 1% annual chance flood. If impervious areas are proposed within the flood zones, then floodplain compensation is anticipated to be required. A FEMA flood zone map is attached in [Figure 6](#).

K:\WPB_GIS\WPB_Environmental\040985205 - Airpark Traffic and Environment\MXD\NKA Figures\



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FEMA Flood Zone Map

**Pompano Air Park
Broward County, Florida**

1 inch = 600 feet

PROJECT NUMBER: 040985205

JUNE 2023

FIGURE 6

APPENDIX A

FNAI BIODIVERSITY MATRIX & USFWS IPAC



1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
850-681-9364 fax
www.fnai.org

FLORIDA
Natural Areas
INVENTORY

Florida Natural Areas Inventory

Biodiversity Matrix Query Results

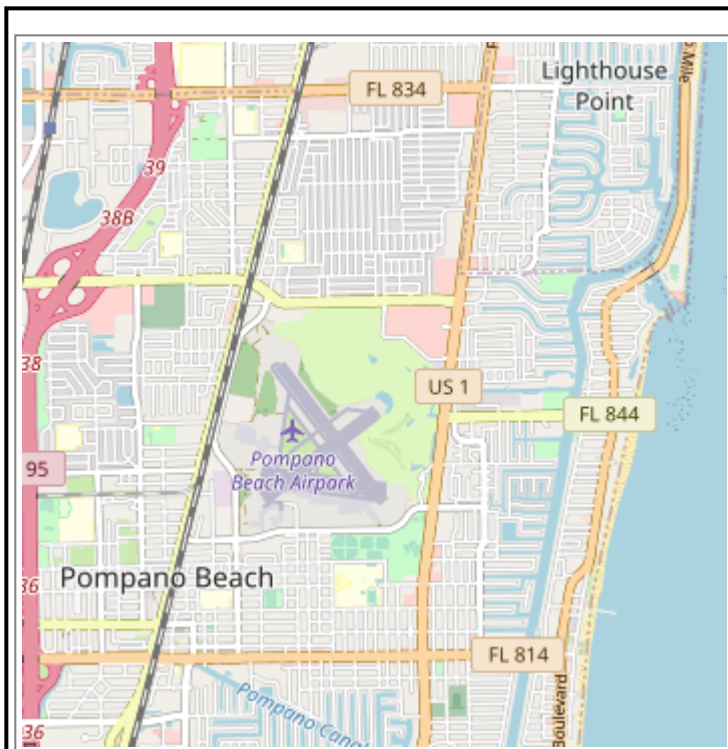
UNOFFICIAL REPORT

Created 6/26/2023

(Contact the FNAI Data Services Coordinator at 850.224.8207 or
kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 4 Matrix Units: 68924 , 68925 , 69058 , 69059



Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 68924

1 Documented Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Athene cunicularia floridana Florida Burrowing Owl	G4T3	S3	N	ST

0 Documented-Historic Elements Found

1 Likely Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Scrub	G2	S2	N	N

Matrix Unit ID: 689257 **Documented** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Athene cunicularia floridana Florida Burrowing Owl	G4T3	S3	N	ST
Chamaesyce cumulicola sand-dune spurge	G2	S2	N	E
Conradina grandiflora large-flowered rosemary	G3	S3	N	T
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Lechea cernua nodding pinweed	G3	S3	N	T
Sceloporus woodi Florida Scrub Lizard	G2G3	S2S3	N	N
Scrub	G2	S2	N	N

0 **Documented-Historic** Elements Found0 **Likely** Elements Found**Matrix Unit ID: 69058**1 **Documented** Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Athene cunicularia floridana Florida Burrowing Owl	G4T3	S3	N	ST

0 **Documented-Historic** Elements Found0 **Likely** Elements Found**Matrix Unit ID: 69059**0 **Documented** Elements Found0 **Documented-Historic** Elements Found0 **Likely** Elements Found**Matrix Unit IDs: 68924 , 68925 , 69058 , 69059**33 **Potential** Elements Common to Any of the 4 Matrix Units

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Aphelocoma coerulescens Florida Scrub-Jay	G2?	S1S2	T	FT
Athene cunicularia floridana Florida Burrowing Owl	G4T3	S3	N	ST
Chamaesyce cumulicola sand-dune spurge	G2	S2	N	E
Cladonia perforata perforate reindeer lichen	G2G3	S2S3	E	E
Coleataenia abscissa cutthroatgrass	G3	S3	N	E
Conradina grandiflora large-flowered rosemary	G3	S3	N	T
Ctenogobius stigmaturos Spottail Goby	G2	S2	N	N
Drymarchon couperi Eastern Indigo Snake	G3	S2?	T	FT

<i>Elytraria caroliniensis</i> var. <i>angustifolia</i> narrow-leaved Carolina scalystem	G4T2	S2	N	N
<i>Eretmochelys imbricata</i> Hawksbill Sea Turtle	G3	S1	E	FE
<i>Eumops floridanus</i> Florida bonneted bat	G1	S1	E	FE
<i>Glandularia maritima</i> coastal vervain	G3	S3	N	E
<i>Gopherus polyphemus</i> Gopher Tortoise	G3	S3	C	ST
<i>Halophila johnsonii</i> Johnson's seagrass	G2Q	S2	T	E
<i>Heterodon simus</i> Southern Hognose Snake	G2	S2S3	N	N
<i>Jacquemontia curtissii</i> pineland jacquemontia	G2	S2	N	T
<i>Jacquemontia reclinata</i> beach jacquemontia	G1	S1	E	E
<i>Lechea cernua</i> nodding pinweed	G3	S3	N	T
<i>Lechea divaricata</i> pine pinweed	G2	S2	N	E
<i>Linum carteri</i> var. <i>smallii</i> Small's flax	G2T2	S2	N	E
<i>Lithobates capito</i> Gopher Frog	G2G3	S3	N	N
<i>Nemastylis floridana</i> celestial lily	G2	S2	N	E
<i>Podomys floridanus</i> Florida Mouse	G3	S3	N	N
<i>Polygala smallii</i> tiny polygala	G1	S1	E	E
<i>Pteroglossaspis ecristata</i> giant orchid	G2G3	S2	N	T
<i>Rallus longirostris scottii</i> Florida Clapper Rail	G5T3?	S3?	N	N
<i>Rivulus marmoratus</i> Mangrove Rivulus	G4G5	S3	SC	N
<i>Roystonea regia</i> Florida royal palm	G2G3	S2	N	E
<i>Sceloporus woodi</i> Florida Scrub Lizard	G2G3	S2S3	N	N
<i>Setophaga discolor paludicola</i> Florida Prairie Warbler	G5T3	S3	N	N
<i>Swietenia mahagoni</i> West Indies mahogany	G3G4	S3	N	T
<i>Trichechus manatus latirostris</i> Florida Manatee	G2G3T2	S2S3	T	N
<i>Trichomanes punctatum</i> ssp. <i>floridanum</i> Florida filmy fern	G4G5T1	S1	E	E

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Florida Ecological Services Field Office

1339 20th Street

Vero Beach, FL 32960-3559

Phone: (772) 562-3909 Fax: (772) 562-4288

Email Address: fw4flesregs@fws.gov



In Reply Refer To:

Project Code: 2023-0097799

Project Name: Pompano Air Park

June 26, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Please include your Project Code, listed at the top of this letter, in all subsequent correspondence regarding this project. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Marine Mammals
 - Wetlands
-

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Florida Ecological Services Field Office

1339 20th Street

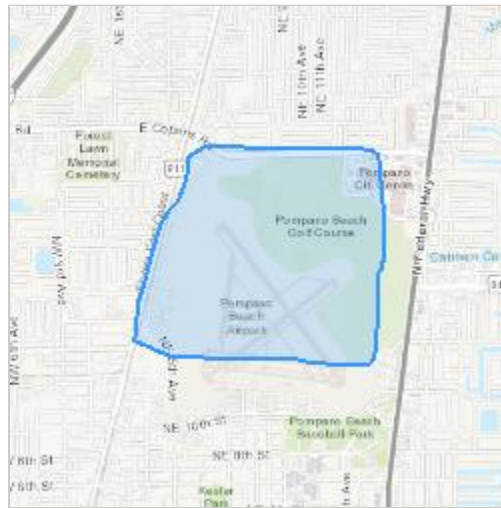
Vero Beach, FL 32960-3559

(772) 562-3909

PROJECT SUMMARY

Project Code: 2023-0097799
Project Name: Pompano Air Park
Project Type: Airport - Maintenance/Modification
Project Description: environmentally sensitive lands
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@26.252142749999997,-80.11189546328504,14z>



Counties: Broward County, Florida

ENDANGERED SPECIES ACT SPECIES

There is a total of 20 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Florida Panther <i>Puma</i> (= <i>Felis</i>) <i>concolor coryi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1763	Endangered
Puma (=mountain Lion) <i>Puma</i> (= <i>Felis</i>) <i>concolor</i> (all subsp. except <i>coryi</i>) Population: FL No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6049	Similarity of Appearance (Threatened)
Southeastern Beach Mouse <i>Peromyscus polionotus niveiventris</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3951	Threatened
West Indian Manatee <i>Trichechus manatus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. <i>This species is also protected by the Marine Mammal Protection Act, and may have additional consultation requirements.</i> Species profile: https://ecos.fws.gov/ecp/species/4469	Threatened

BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Florida Scrub-jay <i>Aphelocoma coerulescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6174	Threatened
Wood Stork <i>Mycteria americana</i> Population: AL, FL, GA, MS, NC, SC No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8477 General project design guidelines: https://ipac.ecosphere.fws.gov/project/MYXRZLIK3NESFMYEVFQGRBTSEM/documents/generated/6954.pdf	Threatened

REPTILES

NAME	STATUS
American Alligator <i>Alligator mississippiensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/776	Similarity of Appearance (Threatened)
American Crocodile <i>Crocodylus acutus</i> Population: U.S.A. (FL) There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6604	Threatened
Eastern Indigo Snake <i>Drymarchon couperi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/646	Threatened
Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6199	Threatened
Hawksbill Sea Turtle <i>Eretmochelys imbricata</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3656	Endangered
Leatherback Sea Turtle <i>Dermochelys coriacea</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1493	Endangered
Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1110	Threatened

INSECTS

NAME	STATUS
Bartram's Hairstreak Butterfly <i>Strymon acis bartrami</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4837	Endangered
Florida Leafwing Butterfly <i>Anaea troglodyta floridalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6652	Endangered
Miami Blue Butterfly <i>Cyclargus (=Hemiargus) thomasi bethunebakeri</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3797	Endangered
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Beach Jacquemontia <i>Jacquemontia reclinata</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1277	Endangered
Tiny Polygala <i>Polygala smallii</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/996	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9587	Breeds Apr 1 to Aug 31
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Jul 31

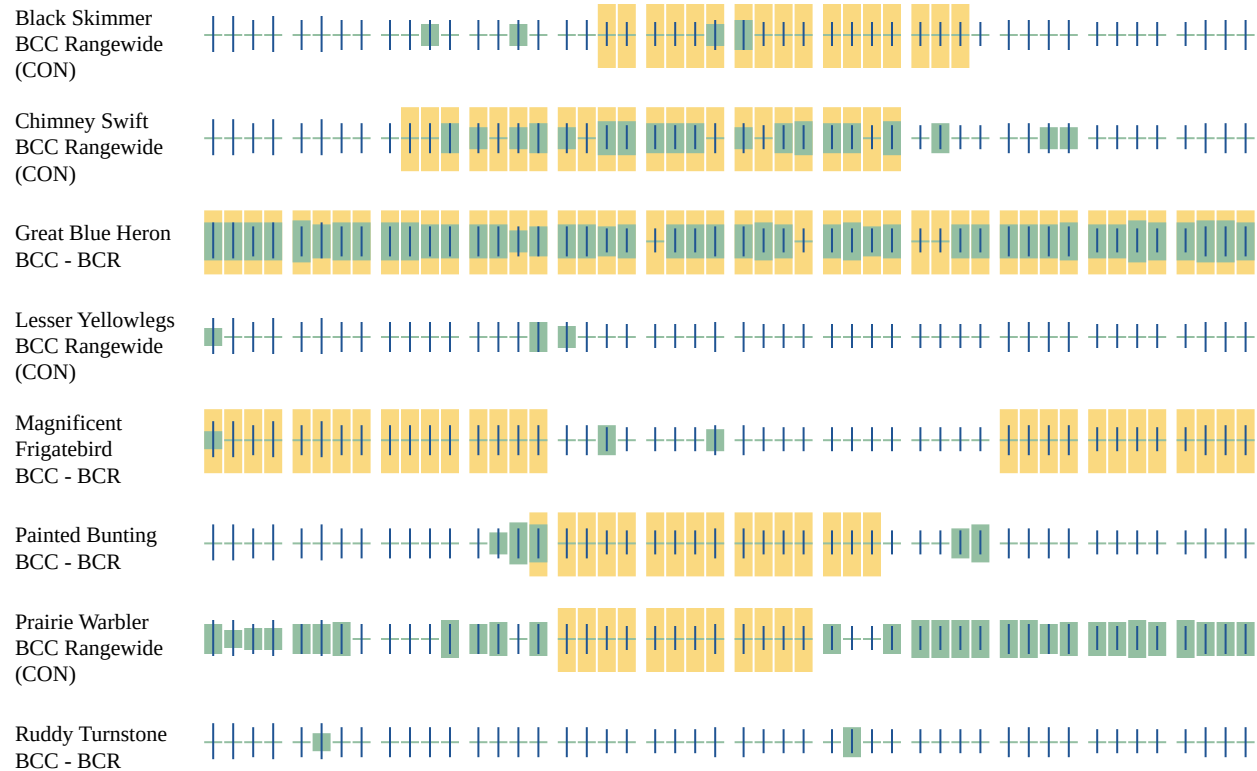
NAME	BREEDING SEASON
Black Skimmer <i>Rynchops niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Great Blue Heron <i>Ardea herodias occidentalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Jan 1 to Dec 31
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Magnificent Frigatebird <i>Fregata magnificens</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Oct 1 to Apr 30
Painted Bunting <i>Passerina ciris</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 25 to Aug 15
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
 2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
 3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles)
-

potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

MARINE MAMMALS

Marine mammals are protected under the [Marine Mammal Protection Act](#). Some are also protected under the Endangered Species Act¹ and the Convention on International Trade in Endangered Species of Wild Fauna and Flora².

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries³ [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the [Marine Mammals](#) page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

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1. The [Endangered Species Act](#) (ESA) of 1973.
 2. The [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
 3. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

NAME

West Indian Manatee *Trichechus manatus*

Species profile: <https://ecos.fws.gov/ecp/species/4469>

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- [R5UBH](#)

FRESHWATER POND

- [PUBHx](#)
-

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Lisa Celano
Address: 1920 Wekiva Way
Address Line 2: Suite 200
City: West palm beach
State: FL
Zip: 33411
Email: lisa.celano@kimley-horn.com
Phone: 5614047239

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers

APPENDIX B
STANDARD PROTECTION MEASURES FOR
THE EASTERN INDIGO SNAKE

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE U.S. Fish and Wildlife Service

March 23, 2021

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida and Georgia for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov; Georgia Field Office: gaes_assistance@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or approval from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or approval from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11 x 17in or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat.

These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida and Georgia. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas and often move seasonally between upland and lowland habitats, particularly in the northern portions of its range (North Florida and Georgia). Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Reliance on xeric sandhill habitats throughout the northern portion of the range in northern Florida and Georgia is due to the dependence on gopher tortoise burrows for shelter during winter. Breeding occurs during October through February. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. Taking of eastern indigo snakes is prohibited by the Endangered Species Act without a permit is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes. ^
- Immediately notify supervisor or the applicants designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicants designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office: (904) 731-3336

Panama City Field Office: (850) 769-0552

South Florida Field Office: (772) 562-3909

Georgia Field Office: (706) 613-9493

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5 x 11in paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC or GADNR websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).

2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicants designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.

APPENDIX C

SHPO RESOURCES



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com for project review information.

June 16, 2023

Lisa Celano, M.S., Environmental

Kimley-Horn | 1920 Wekiva Way, Suite 200, West Palm Beach, FL 33411

In response to your request on June 16, 2023, the Florida Master Site File lists four resource groups recorded, within a 0.25-mile buffer, around the designated parcel in Broward County, Florida.

When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi, Ph.D.
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com



AR=0
SS=0
CM=0
RG=4
BR=0
Total=4

Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
BD04087	RG	Railroad Tracks	Pompano Beach	Linear Resource - 1 Contrib Resources	Eligible	
BD04567	RG	Pompano Beach Air Park	Pompano Beach	Designed Historic Landscape - 3 Contrib Resources	Not Eligible	
BD04568	RG	Runway 15-33	Pompano Beach	Designed Historic Landscape - 3 Contrib Resources	Not Eligible	
BD04648	RG	P.B. Municipal Golf Course	Pompano Beach	Designed Historic Landscape	Insufficient Info	



Resilient Environment Department

ENVIRONMENTAL PERMITTING DIVISION

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

MEMORANDUM

TO: David Vanlandingham, Director
Environmental Permitting Division (EPD)

THROUGH: Carlos Adorisio, Assistant Director, EPD

FROM: Peter Burke, Environmental Project Coordinator, EPD

DATE: April 4, 2025

SUBJECT: Environmentally Sensitive Lands (ESL) Map Amendment
Environmentally Sensitive Lands Site/ LAPC # 42

PETER
BURKEDigitally signed by
PETER BURKE
Date: 2025.04.04
08:51:02 -04'00'

The Environmental Permitting Division (EPD) is hereby providing comment related to request PCNRM 25-1 submitted by the City of Pompano Beach to amend the County's Environmentally Sensitive Land (ESL) Map and remove the Local Area of Particular Concern (LAPC) designation for LAPC Site #42 (Site). The Site was designated as a LAPC on February 20, 1989, and contains the following property ID numbers: 4842 25 00 0010, 4842 25 00 0060 and 4842 26 00 0250. The Site is located within the Pompano Beach Air Park, which is located south of East Copans Road, west of North Federal Highway, east of Dixie Highway and north of N.E. 10th Street in the City of Pompano Beach.

EPD Comments Regarding LAPC Designation

The City of Pompano Beach's request to the Broward County Planning Council is to amend the ESL map, removing the ESL designation from the entire area of LAPC #42.

The following section details the criteria for LAPC designation, the applicant's evaluation of the Site, and EPD's comments and observations. Due to the Site being subject to strict security protocols by the Federal Aviation Administration, EPD has not performed an inspection of the Site since 2010.

- A. Criterion: Marine Resources** - Coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, or; coastal areas of high natural productivity or essential habitat for fish, wildlife, and the various trophic levels in the food web critical to their well-being, or; coastal areas of substantial recreational value and/or potential, or; areas needed to protect, maintain, or replenish coastal flood plains, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

Applicant: The amendment site does not contain a marine resource such as coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

Staff Comments: The Site is located inland and does not contain coastal resources.

- B. Criterion: Natural Landforms and Features** – A geological, hydrological, or physiological feature confined to a small area of Broward County and considered quite rare locally or regionally, or a

representative natural ecosystem and/or its units existing in a few isolated locations, extirpated from most of the County.

Applicant: The amendment site is not characterized as a natural landform as it does not contain a rare geological, hydrological, or physiographical feature, as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

Staff comments: The Site contains scrub habitat, an increasingly rare natural ecosystem that only exists in certain areas of Broward County. The scrub habitat is invaluable for protected species of wildlife and plant species; over 40 species of plants are considered endemic to this habitat, and about half of these species are threatened or endangered.

C. Criterion: Native Vegetative Communities:

(a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Ever-glades Community (Freshwater Marsh).

Applicant: The amendment site does contain the following ecological community: Scrub Community. A Natural Resources Assessment was completed in June 2023, which included field reconnaissance. This site assessment delineated the project site as sand pine with scrub species also present. However, this vegetative community is not being maintained (lack of fire) and there was a relatively high percentage of exotic vegetation present (Brazilian pepper, earleaf acacia, etc.). Therefore, based on the exotic invasion present, especially within the two areas located west of Runway 15-33, these areas would likely not qualify as a Local Area of Particular Concern.

The following ecological communities are not present at the site: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).

Staff Comments: The Site contains Scrub Community and still meets the criteria to be designated as an LAPC. While this habitat is fire dependent, there are alternatives to fire management to manage the Site. This type of management, which is the removal of the exotics by hand or light equipment and replanting with native vegetation, has previously occurred on 5.75 acres of Parcel 3 of the Site.

(b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy **at least three** of the following criteria:

i. Uniqueness - The Site contains a significant sample of rare or endangered species, or the site is among a small number of sites in Broward County representing a particular ecological community.

Staff Comments: The Site contains Scrub Community, an increasingly rare plant community in South Florida. Per the applicant's report, the Site contains active gopher tortoise burrows and potentially hosts four other listed wildlife species. Per the report, "FNAI noted eleven (11) state and four (4) federally listed plants as possibly occurring in this area, with three of them being documented within or near the project site".

ii. Diversity - A significant sample of two or more ecological communities are contained within the site.

Staff Comments: The Site is primarily a Scrub Community.

iii. Low Level of Exotic Invasion - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.

Staff Comments: There are exotic species that exist on the Site; however, the Site can be managed by the removal of the exotic species and replanting with native vegetation.

iv. Potential for Protection – Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.

Staff Comments: A conservation easement for approximately 13 acres was recorded on Parcel 3 of the Site. The easement was recorded with the intent of preservation of the area in its natural state in perpetuity.

v. Geography – The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).

Staff Comments: There are two preserves in the vicinity of the Site, Crystal Lake Sand Pine Scrub Area, and Highland Scrub Natural Area. There is also a Gopher Tortoise preserve at the Fort Lauderdale Executive Airport. All these sites provide habitat for protected wildlife such as the Florida Scrub-Jay, Gopher Tortoise and endangered plant species.

D. Criterion: Wildlife - Existing wildlife refuges, reserves, and sanctuaries, or; known habitats of rare, threatened, or endangered species or species of special concern, or; major wildlife intensive use areas such as well-developed hammock communities, highly productive coastal tidelands, and mangroves, or; areas used for scientific study and research on wildlife.

Applicant: The amendment site is characterized as a wildlife resource with documented occurrences and known habitat for the gopher tortoise and burrowing owl. Please see attached Natural Resources Assessment that was completed for this site, which describes these type species and their occurrences within or near the amendment site.

Staff Comments: Staff agrees with the Applicant's characterization of the Site as a wildlife resource.

E. Criterion: Economic Resources - Economic Resources - Existing ports, marinas, piers, energy resources, and artificial reefs, or areas noted for specific study and research concerning economic development.

Applicant: Though the Airpark is a significant economic resource both to Pompano and to the Federal aviation system, the areas designated to be removed from the ESL map are not categorized as an economic resource based on the County's definitions related to Local Areas of Particular Concern because these isolated areas do not contain existing ports, marinas, piers, energy resources, and artificial reefs, or areas noted for specific study and research concerning economic development.

Staff Comments: The Site is located within the Airpark and is not considered an economic resource.

F. Criterion: Cultural Resources - Sites designated on the National Register of Historic Places or on the Florida Master Site File, or; sites related to the general development of the local area, region, or State, or; buildings which are significant examples of the architectural design of their period, or; sites associated with the life/lives of important person(s), or social, political, cultural, or economic movements or with historical events, or; archaeological sites which have yielded useful information on the area's past.

Applicant: - The amendment site is not designated on the National Register of Historic Places. The Florida Master Site File (FMSF) documents a total of four (4) cultural resources within a 0.25-mile buffer of the Airpark, however, the proposed removal of these wooded areas from the Airpark Operational Area would have no impact on these four resources.

Staff Comments: The Site is not considered a cultural resource.

EPD Comments Regarding Applicant's Environmental Analysis. Note: Only Sections in which staff has comments were included.

Section B. A proposed mitigation strategy which identifies measures to avoid and/or minimize any potential risks as indicated by the environmental analysis.

Applicant Comments:

As described in the NRA (September 2023), a 100% gopher tortoise survey and a Florida burrowing owl survey will be completed prior to any clearing or development within the amendment sites. The gopher tortoises and any other wildlife occurring in the subject forested areas to be removed will be relocated with FDEP approved relocation permits.

The City is mitigating the trees being removed from the airfield by planting trees along the perimeter of the airport on NW 10th Street and NW 5th Avenue. The planting along NW 5th Avenue is nearly complete and the enhancement the trees provide to the extremely popular, 5-mile-long multipurpose path that surrounds the Airpark has made it even more attractive and pleasant to use.

The City plans additional plantings along NW 10th Street to provide shade and beauty to that segment of the multipurpose path while also screening from view the aviation hangars that have been built on the aviation development parcels on the south end of the Airpark property. The goal is for the number of quality native and flowering trees along these two frontages to surpass the number of trees to be removed from the Airport Operations Area (AOA) replacing the carbon attenuation benefits while providing trees where they can be enjoyed by the general public rather than in a restricted area. The trees will not be provided in the density required to attract significant wildlife to the perimeter of the Airpark.

Staff Comments: The relocation of Gopher Tortoises, Burrowing Owls and other protected species from the site does not replace the loss of habitat that the Site provides for these species. This type of habitat is becoming rarer and rarer in Broward County and is irreplaceable. Likewise, the installation of street trees on NW 10th Street and NW 5th Avenue might replace the canopy of the trees that would be removed from the Site, but it does not replace native scrub habitat.

Section C. Broward County Environmental Resource License – provide information including the permit number and status of any license related to the proposed amendment site.

Applicant Comments: There are no records of existing license/permits, however, an Environmental Resource License will be filed prior to altering the amendment site, should it be required.

Staff Comments: All designated LAPC's are also considered Natural Forest Communities and are subject to Section 27-411 of the Broward County Code of Ordinances. A Tree Removal License is required for any impacts to Natural Forest Community. On October 1, 2010, Tree Removal License # TP10-1068 was issued for impacts to parcels 2 and 3 to allow the extension of a runway. As compensation for the impacts, the enhancement of a 5.75-acre area of Parcel 3 of the Site was required.

EPD Staff Recommendation

The Site is scrub habitat, an increasingly rare habitat in Broward County. The Applicant's report indicates that nine Gopher Tortoise burrows were observed on one of the parcels of the Site, and five Burrowing Owls were observed in the vicinity of the site. The report also indicates that other protected species could occur on the Site, including the Florida Scrub-Jay, the Florida Bonneted Bat, and the Eastern Indigo Snake.

The report indicates that the FNAI notes that eleven (11) state and four (4) federally listed plants could possibly occur on the Site, with three species documented near or within the Site: Sand-Dune Spurge, Large Flowering Rosemary and Nodding Pinweed.

The Applicant indicates that the Site is subject to exotic plant intrusion. While there is exotic intrusion on the site, it can be effectively managed by the removal of the exotic species and replanting with native vegetation. This has been done at other sites like the County Crystal Lake Sand Pine Scrub Area, and Highland Scrub Natural Area and at the Fort Lauderdale Executive Airport.

Based upon EPD's review, the Site still meets the criteria to be designated as an LAPC. The Site is worthy of protection through the Tree Removal License process, as occurred previously in 2010. EPD must recommend against approval of the amendment to the Environmentally Sensitive Lands Map.

ATTACHMENT 4



RESILIENT ENVIRONMENT DEPARTMENT

115 S. Andrews Avenue, Room 329 • Fort Lauderdale, Florida 33301 • 954-357-6613 • FAX 954-357-8655

To: Ms. Barbara Blake-Boy, Executive Director, Broward County Planning Council

From: Dr. Jennifer Jurado, Chief Resilience Officer, and Deputy Director

Date: 3/24/2025

A handwritten signature in black ink, appearing to be "J. Jurado".

Re: Initial Resilience Review of PCNRM 25-1, Pompano Airpark

The Broward County Resilient Environment Department / Resilience Unit through the Broward County Natural Resources Division (NRD) seeks to provide comment regarding the review of PCNRM 25-1 for areas within the Pompano Airpark on the Environmentally Sensitive Lands Map. The initial resilience review has determined that the site contains a limited area (0.08 Acres) prioritized for resilience planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. Therefore, BCLUP Policies 2.21.1, 2.21.5, and 2.21.6 apply in the review of this application.

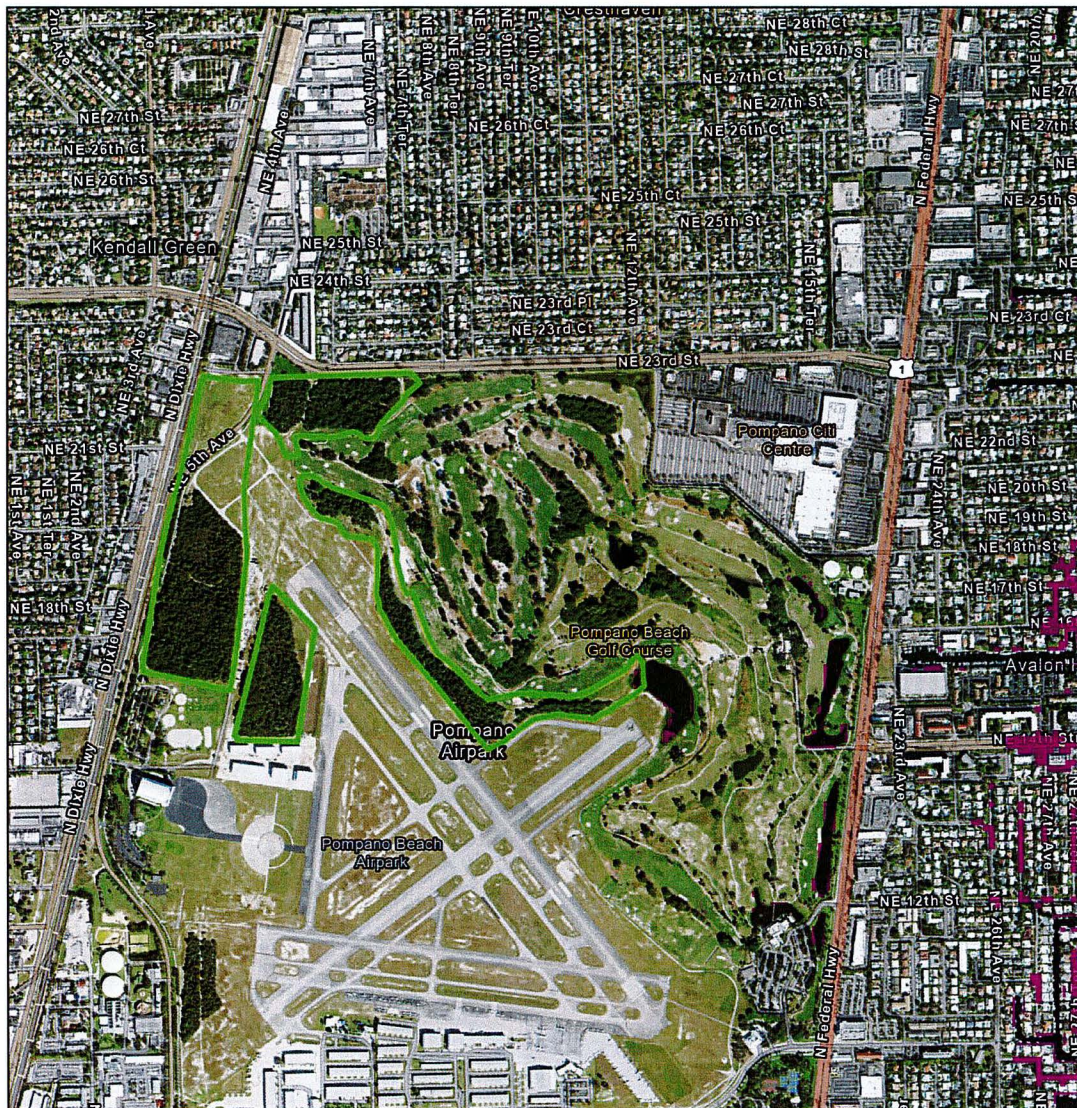
The Priority Planning Areas for Sea Level Rise Map identifies areas that are at increased risk of flooding due to, or exacerbated by, sea level rise by the year 2070. In review of land use plan amendments and requests for amendments to the Environmentally Sensitive Land Map, the County requires the applicant to demonstrate that the project will not increase saltwater intrusion or areawide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate stormwater management and drainage facilities.

The County also strongly discourages those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. The County will take into consideration sea level rise and flood protection mitigation strategies and requirements included within the city's local comprehensive plans and/or development regulations, or improvements committed to by the applicant which would mitigate or enhance flood protection and adaptation from rising sea levels.

Following Policy 2.21.6, the Resilience Unit of the Resilient Environment Department asks that the Applicant strongly consider CCAP - Healthy Community Actions concerning heat such as #33 (Reduce the urban heat island effect), and Water Resources concerning stormwater such as #133 (Promote green infrastructure), #134 (Increase pervious areas) and RCAP Recommendations and Strategies pertaining to Public Health such as those pertaining to heat: PH-3.1 (Use of green infrastructure to reduce heat), PH-3.3 (Use of cool building materials), through the application, design, permitting and construction process.

The Applicant should note that the groundwater maps have recently been updated and there is a new future conditions groundwater map (Broward County Plate WM 2.3 2070 Future Conditions Average Wet Season Groundwater Elevation) that would need to be considered for the development of the stormwater management system.

**Broward County Land Use Plan
Proposed Amendment PCNRM 25-1
Priority Planning Area Map**



-  Proposed Amendment Site
-  Priority Planning Areas for Sea Level Rise near tidal water bodies at an increased risk of inundation under a 40 inch sea level rise scenario projected to occur by 2070 (A very small SE portion of PCNRM 25-1 is located inside of a Priority Planning Area)

0 0.13 0.25 Miles

ATTACHMENT 5



PARKS AND RECREATION DIVISION • Administrative Offices
950 N.W. 38th St. • Oakland Park, FL 33309-5982 • 954-357-8100 • TTY 954-537-2844 • FAX 954-357-5991

*Winner of the National Gold Medal Award for Excellence in Park and Recreation Management
Accredited by the Commission for Accreditation of Park and Recreation Agencies (CAPRA)*

April 10, 2025

To: Deanne Von Stetina, Assistant Executive Director
Broward County Planning Council

Thru: Dan West, Director
Parks and Recreation Division

From: Linda Briggs Thompson, Environmental Program Manager *LBT*
Parks and Recreation Division

Re: **Land Use Plan Amendment Comments**
Proposed Amendment PC 25-2 Pompano Air Park (Pompano Beach)

Broward County Parks and Recreation Division has reviewed the proposed amendment to the Broward County Land Use Plan – Pompano Air Park (Pompano Beach). Our comment is as follows:

PC 25-2 Broward County Parks and Recreation objects to the removal of Environmentally Sensitive Land (ESL) Designation and removal of the protections to the parcels within this proposal. The development of the parcels would result in the loss of 86 acres of protected natural areas, primarily comprised of scrub habitat. Scrub habitat is listed as by the Florida Natural Areas Inventory as Imperiled both globally and locally and is home to many threatened and endangered species. Beyond this unit, only 118 acres of scrub habitat remains protected in public ownership in just seven parcels of land in Broward County. The removal of the acreage at Pompano Air Park would be a significant loss to this already very limited habitat.

Regarding the concerns with trees near the runways, removing just the invasive trees would reduce the majority of the tallest trees within these units. High quality scrub habitat is not dependent on a large intact canopy of tall trees. Sand pines found in scrub are often widely interspersed with open sand, saw palmetto patches, and native grass and herbaceous ground cover.

The Land Use Plan Application lists lack of fire as the reason the site has not been maintained. Removal of the invasives trees and plants alone, even without prescribed fire, would be a significant improvement to the ESL site. With the imperiled state of scrub habitat, there may be funding available from the Florida Fish and Wildlife Conservation Commission (Invasive Plant Management Section) or other grants to assist with invasive removal.

If you or your staff has any questions about our comments, please call me at 954-357-8120.

From: [Ashwas, Huda](#)
To: [Von Stetina, Deanne](#)
Subject: FW: Pompano Airpark LAPC's
Date: Tuesday, April 29, 2025 3:46:12 PM
Attachments: [Pompano Airport Scrub Memo.docx](#)

From: Briggs, Linda <lbriggs@broward.org>
Sent: Friday, April 18, 2025 2:01 PM
To: Ashwas, Huda <HASHWAS@broward.org>
Cc: West, Dan <danwest@broward.org>; Burke, Peter <PBURKE@broward.org>; JLANGE <jlange@fairchildgarden.org>; Therrien, Michel <mtherrien@broward.org>; Sunderland, Linda <LSUNDERLAND@broward.org>
Subject: FW: Pompano Airpark LAPC's

Hi Huda,

James Lange from Fairfield Tropical Botanic Gardens was able to have a quick visit to the Pompano Airpark on Wednesday 4/16/2025 after our visit on Tuesday. His thoughts are in the attached memo. We are hoping to have the memo included in the review.

I was surprised at how much high-quality scrub habitat remains on site, especially considering the lack of active management.

Let me know if you have any questions.

Thanks,

Linda Briggs Thompson



Linda Briggs Thompson, Environmental Program Manager
Parks and Recreation, Environmental Management Group
950 NW 38th St., Oakland Park, FL 33309
Office: 954 357-8120 Cell: 954 809-8437

broward.org/parks • facebook.com/browardcountyparks

Schedule: M-TH 7:00am to 5:30pm

Pompano Airport Scrub: Rapid Vegetation Assessment

James Lange, Research Botanist
Fairchild Tropical Botanic Garden

We rapidly surveyed parcels 1, 2, 3, and 4 on April 16, 2025, spending between 5 and 15 minutes at each parcel. We spent the most time, ~15 minutes at parcel 4, where access was easier. Noteworthy plant observations are summarized in **Table 1**. We considered coefficients of conservatism, a metric of a species' affinity to quality natural areas. Of these, 17 species have at least a moderate affinity to high-quality natural areas, with at least four species with a high affinity to high-quality natural areas (Mortellaro et al. 2012), suggesting that the parcels still contain characteristics of high-quality Florida scrub, including intact substrate (i.e. biological crusts), and likely would respond well to reasonable levels of appropriate habitat management (see **Figure 1**).

Parcel 4 contained substantial areas of sand pine scrub habitat, with several areas of open sand that support sensitive herbaceous diversity. This parcel contains over 20 species characteristic of Florida scrub, and includes one of, and possibly *the* largest remaining population of Florida rosemary (*Ceratiola ericoides*, est. 25-50 individuals) in Broward County. This parcel also contains the only remaining Broward County population of Delaney's goldenaster (*Chrysopsis delaneyi*), previously thought to be extirpated in the County. Florida rosemary has a coefficient of conservatism of 10, meaning the species is considered obligate to high quality natural areas.

Parcels 1, 2, and 3 also still possess large areas of intact sand pine scrub, though these are more overgrown, with dense saw palmetto (*Serenoa repens*), scrub oaks (*Quercus myrtifolia* et al.), and native greenbrier (*Smilax auriculata*), making surveys extremely difficult in the limited timeframe allotted. These parcels are fringed with invasive species, but invasion levels within intact habitat are very manageable, not unlike portions of local conservation areas in Miami-Dade, Broward, and Palm Beach Counties. Techniques have been developed for successful treatment common invasives such as Brazilian pepper (*Schinus terebinthefolia*), umbrella tree (*Heptapleurum actinophyllum*), and earleaf acacia (*Acacia auriculiformis*) should not be seen as a reason that these sites are not quality natural areas. Similarly, management strategies that serve as fire surrogates have been employed successfully throughout the state in scrub habitat.

References:

Mortellaro, S., M. Barry, G. Gann, J. Zahina, S. Channon, C. Hilsenbeck, D. Scofield, G. Wilder, & G. Wilhelm. 2012. Coefficients of conservatism values and the floristic quality index for the vascular plants of South Florida. *Southeastern Naturalist*, 11(mo3), 1-62.

Table 1: Noteworthy vascular plant species observed on 4/16/25, including coefficients of conservatism per Mortellaro et al. 2012, with relevant comments. * = taxonomic change from listing in Mortellaro et al. per Florida Plant Atlas.

Species	Common Name	Coefficient of Conservatism	Site(s) observed	Comments
<i>Aristida gyrans</i>	Corkscrew threeawn	5	4	
<i>Asimina reticulata</i>	Netted pawpaw	7	2,3	
<i>Bulbostylis ciliatifolia</i>	Capillary hairsedge	7	4	
<i>Ceratiola ericoides</i>	Florida rosemary	10	4	Largest population in County
<i>Chrysopsis delaneyi</i>	Delaney's goldenaster	4*	4	FL Endemic, only population in County
<i>Cnidosculus stimulosus</i>	Tread softly	7	3,4	
<i>Commelina erecta</i>	Whitemouth dayflower	6	3,4	
<i>Crocanthemum nashii</i>	Florida scrub frostweed	5*	4	
<i>Dichantherium portoricense</i> var. <i>portoricense</i>	Hemlock witchgrass	7*	1,2,3,4	
<i>Euphorbia polyphylla</i>	Lesser Florida spurge	7	4	FL Endemic
<i>Galactia purshii</i>	Pursh's milkpea	7*	1,2,3,4	
<i>Galium bermudense</i>	Coastal bedstraw	4*	3,4	
<i>Geobalanus oblongifolia</i>	Gopher apple	4*	1,2,3,4	
<i>Lyonia fruticosa</i>	Coastalplain staggerbush	7	1,2,3,4	
<i>Opuntia austrina</i>	Prickly pear	6*	4	FL Endemic
<i>Palafoxia feayi</i>	Feay's palafox	7	2,4	FL Endemic
<i>Pinus clausa</i>	Sand pine	8	1,2,3,4	
<i>Polygonum polygamum</i>	October flower	7*	2,4	
<i>Quercus myrtifolia</i>	Myrtle oak	7	1,2,3,4	
<i>Rhynchospora megalocarpa</i>	Sandyfield beaksedge	8	1,2,3,4	
<i>Scleria ciliata</i>	Fringed nutrush	4	2	
<i>Serenoa repens</i>	Saw palmetto	5	1,2,3,4	
<i>Stipulicida setacea</i>	Pineland scalypink	7	4	
<i>Tillandsia balbisiana</i>	Northern needleleaf	4	1	Endangered (FL)
<i>Tillandsia fasciculata</i>	Cardinal airplant	2	4	Endangered (FL)
<i>Tillandsia utriculata</i>	Giant airplant	3	4	Endangered (FL)
<i>Triplasis purpurea</i>	Purple sandgrass	8	4	
<i>Vaccinium myrsinites</i>	Shiny blueberry	7	2,4	
<i>Ximenia americana</i>	Hog plum	7	1,2,3,4	

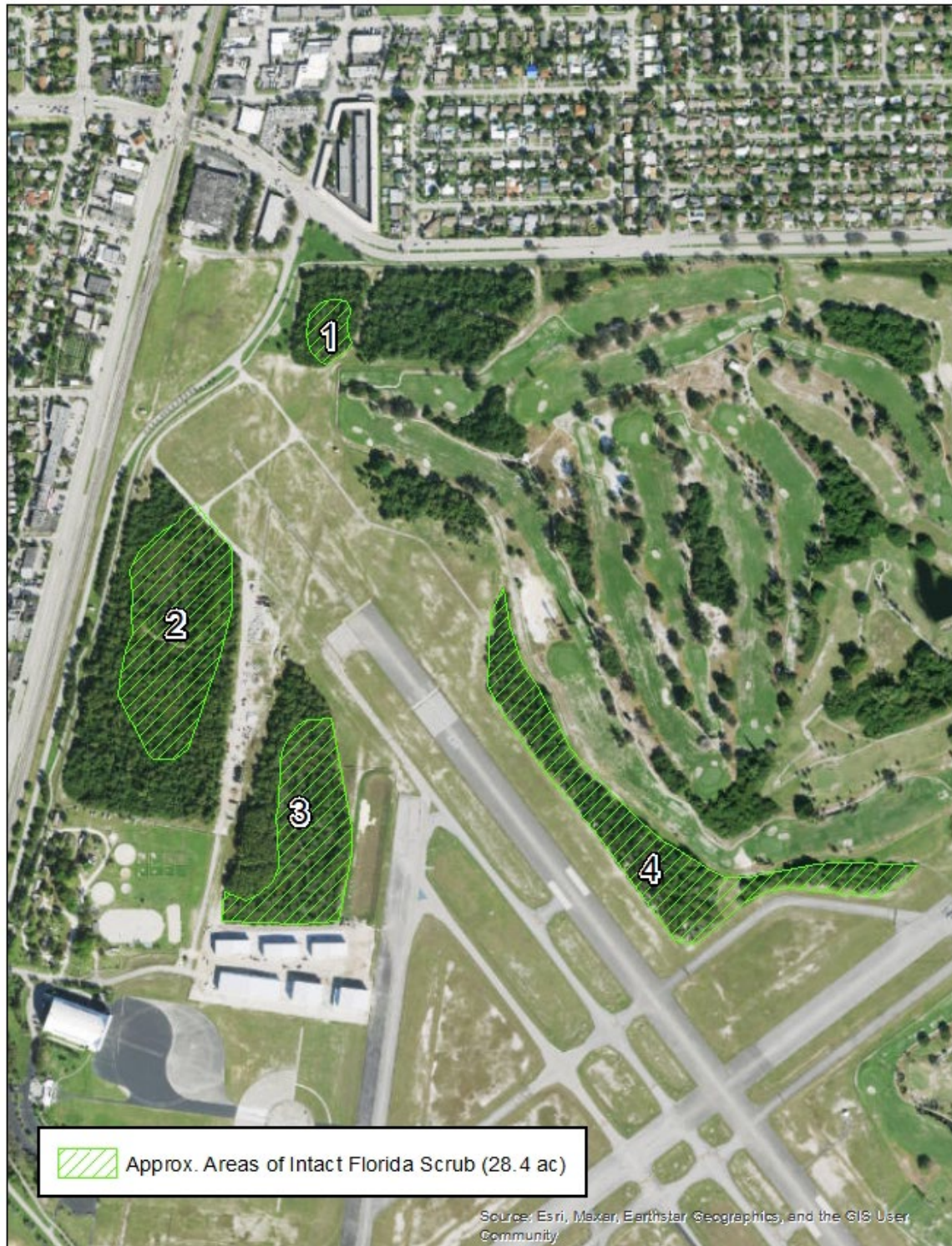


Figure 1: Surveyed areas confirmed as intact Florida scrub communities.



Reproductive Florida rosemary in parcel 4. At least 25 individuals were observed during our visit, with more likely present. This is one of the largest remaining populations in Broward County.



Open edges on west side of parcel 4 containing Florida rosemary and other scrub specialists. Sand pines in background. Manageable levels of umbrella tree (*Heptapleurum actinophyllum*) are present.



Sole population of Delaney's goldenaster in Broward County in parcel 4. A scrub specialist that also tolerates disturbance, e.g. often thrives in firebreaks.



Parcel 1 interior. Dominated by dense scrub oaks, hog plum, and saw palmetto with sand pines. Cutting paths to treat umbrella tree would also facilitate more open scrub habitat and could be accomplished in a matter of days.



Netted pawpaw, observed in parcels 2 and 3.



Interior of parcel 2. Dominated by dense scrub oaks, hog plum, and saw palmetto with sand pines and low levels of invasive plants. Cutting paths would facilitate more open scrub habitat in the absence of fire.

ATTACHMENT 6

BROWARDNEXT-BROWARD COUNTY LAND USE PLAN POLICIES AND IMPLEMENTATION REQUIREMENTS AND PROCEDURES IDENTIFIED IN THE CONSIDERATION OF PCNRM 25-1

BCLUP SECTION 2: POLICIES

CLIMATE RESILIENCY, ADAPTATION ACTION AREAS AND PRIORITY PLANNING AREAS

POLICY 2.21.1 Broward County shall evaluate plan amendments within Priority Planning Areas for Sea Level Rise and strongly discourage those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. In review of such amendments, the County shall consider: a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.

POLICY 2.21.5 Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding.

POLICY 2.21.6 Broward County shall support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Broward County Climate Change Action Plan and the Southeast Florida Regional Climate Action Plan as approved by the Broward County Climate Change Task Force and the Broward County Board of County Commissioners.

ENVIRONMENTALLY SENSITIVE LANDS

POLICY 2.23.1 Natural resources that have been found to comply with the definition of Local Areas of Particular Concern have been identified on a Map of Local Areas of Particular Concern within the Future Broward County Land Use Map Series.

POLICY 2.23.2 Local Areas of Particular Concern are declared to be environmentally sensitive lands and upon adoption of this plan shall be subject to the provisions of the Broward County Land Development Code regarding environmentally sensitive lands.

BCLUP SECTION 2: IMPLEMENTATION REQUIREMENTS AND PROCEDURES

7. CRITERIA AND PROCEDURES FOR ENVIRONMENTALLY SENSITIVE LANDS AND LOCAL AREAS OF PARTICULAR CONCERN

g. Local Areas of Particular Concern

Local Areas of Particular Concern (LAPCs) may be designated in six categories according to the types of resources present. Unless otherwise indicated, LAPCs must have one or more of the characteristics for the respective category.

1. Marine Resource Category

Coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, or; coastal areas of high natural productivity or essential habitat for fish, wildlife, and the various trophic levels in the food web critical to their well-being, or; coastal areas of substantial recreational value and/or potential, or; areas needed to protect, maintain, or replenish coastal flood plains, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

2. Natural Landforms and Features Category

A geological, hydrological, or physiographical feature confined to a small area of Broward County and considered quite rare locally or regionally, or; a representative natural ecosystem and/or its units existing in a few isolated locations, but extirpated from most of the county.

3. Native Vegetative Communities Category

(a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).

(b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy at least three of the following criteria:

- i. Uniqueness - The site contains a significant sample of rare or endangered species, or, the site is among a small number of sites in Broward County representing a particular ecological community.
- ii. Diversity - A significant sample of two or more ecological communities are contained within the site.
- iii. Low Level of Exotic Invasion - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.

- iv. Potential for Protection -Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.
 - v. Geography - The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).
4. Wildlife Category
- Existing wildlife refuges, reserves, and sanctuaries, or; known habitats of rare, threatened, or endangered species or species of special concern, or; major wildlife intensive use areas such as well-developed hammock communities, highly productive coastal tidelands, and mangroves, or; areas used for scientific study and research on wildlife.
5. Economic Resource Category
- Existing ports, marinas, piers, energy resources, and artificial reefs, or; areas noted for specific study and research concerning economic development.
6. Cultural Resource Category
- Sites designated on the National Register of Historic Places or on the Florida Master Site File, or; sites related to the general development of the local area, region, or State, or; buildings which are significant examples of the architectural design of their period, or; sites associated with the life/lives of important person(s), or social, political, cultural, or economic movements or with historical events, or; archaeological sites which have yielded useful information on the area's past.

ATTACHMENT 7.A.

APPLICANT RESPONSE TO COUNTY COMMENTS CITY OF POMPAÑO BEACH ESL MAP AMENDMENT APPLICATION



Resilient Environment Department

ENVIRONMENTAL PERMITTING DIVISION

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

MEMORANDUM

TO: David Vanlandingham,
Director Environmental
Permitting Division (EPD)



THROUGH: Carlos Adoriso, Assistant Director, EPD

FROM: Peter Burke, Environmental Project Coordinator, EPD
BURKE

Digitally signed by
PETER BURKE
Date: 2025.04.04
08:51:02 -04'00'

DATE: April 4, 2025

SUBJECT: Environmentally Sensitive Lands (ESL) Map
Amendment Environmentally Sensitive Lands
Site/ LAPC # 42

The Environmental Permitting Division (EPD) is hereby providing comment related to request PCNRM 25-1 submitted by the City of Pompano Beach to amend the County's Environmentally Sensitive Land (ESL) Map and remove the Local Area of Particular Concern (LAPC) designation for LAPC Site #42 (Site). The Site was designated as a LAPC on February 20, 1989, and contains the following property ID numbers: 4842 25 00 0010, 4842 25 00 0060 and 4842 26 00 0250. The Site is located within the Pompano Beach Air Park, which is located south of East Copans Road, west of North Federal Highway, east of Dixie Highway and north of N.E. 10th Street in the City of Pompano Beach.

EPD Comments Regarding LAPC Designation

The City of Pompano Beach's request to the Broward County Planning Council is to amend the ESL map, removing the ESL designation from the entire area of LAPC #42.

The following section details the criteria for LAPC designation, the applicant's evaluation of the Site, and EPD's comments and observations. Due to the Site being subject to strict security protocols by the Federal Aviation Administration, EPD has not performed an inspection of the Site since 2010.

Applicant Response: Site visits were held for County Staff and their representatives on April 15th and 16, 2025.

- A. Criterion: Marine Resources** - Coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, or; coastal areas of high natural productivity or essential habitat for fish, wildlife, and the various trophic levels in the food web critical to their well-being, or; coastal areas of substantial recreational value and/or potential, or; areas needed to protect, maintain, or replenish coastal flood plains, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

Applicant: The amendment site does not contain a marine resource such as coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

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Staff Comments: The Site is located inland and does not contain coastal resources.

- B. Criterion: Natural Landforms and Features** – A geological, hydrological, or physiological feature confined to a small area of Broward County and considered quite rare locally or regionally, or a representative natural ecosystem and/or its units existing in a few isolated locations, extirpated from most of the County.

Applicant: The amendment site is not characterized as a natural landform as it does not contain a rare geological, hydrological, or physiographical feature, as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

Staff comments: The Site contains scrub habitat, an increasingly rare natural ecosystem that only exists in certain areas of Broward County. The scrub habitat is invaluable for protected species of wildlife and plant species; over 40 species of plants are considered endemic to this habitat, and about half of these species are threatened or endangered.

Applicant Response: Staff's comments above are unrelated to "Natural Landforms and Features". Landforms are features on the Earth's surface that make up the terrain, such as mountains, valleys, plains or plateau. They also include coastal features, such as peninsulas or bays, and underwater features, such as ocean basins and mid-ocean ridges. Staff's comment is describing a "Native Vegetative Community". These wooded areas on the Air Park do not meet the "landform" criteria.

C. Criterion: Native Vegetative Communities:

- (a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Ever-glades Community (Freshwater Marsh).

Applicant: The amendment site does contain the following ecological community: Scrub Community. A Natural Resources Assessment was completed in June 2023, which included field reconnaissance. This site assessment delineated the project site as sand pine with scrub species also present. However, this vegetative community is not being maintained (lack of fire) and there was a relatively high percentage of exotic vegetation present (Brazilian pepper, earleaf acacia, etc.). Therefore, based on the exotic invasion present, especially within the two areas located west of Runway 15-33, these areas would likely not qualify as a Local Area of Particular Concern.

The following ecological communities are not present at the site: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).

Staff Comments: The Site contains Scrub Community and still meets the criteria to be designated as an LAPC. While this habitat is fire dependent, there are alternatives to fire management to manage the Site. This type of management, which is the removal of the exotics by hand or light equipment and replanting with native vegetation, has previously occurred on 5.75 acres of Parcel 3 of the Site.

Applicant Response: As noted above, these parcels are subject to strict security protocols by

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the Federal Aviation Administration as part of an active airport operations area. These parcels are Deed Restricted for Aviation Use (Deed from 1947 attached). None of these parcels have been released from the Deed Restrictions granting the property to the City under the Surplus Property Act of 1944 and 1947. Wildlife and wildlife habitat are not compatible with aviation operations and enhancing this habitat is contrary to aviation planning guidelines and will not be done regardless of the methodology. The City is consulting with the FAA to determine what actions the FAA will take, if any, if the County blocks the ability of the City to comply with the Deed Restrictions granting the Air Park to the City of Pompano Beach.

(b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy **at least three** of the following criteria:

i. Uniqueness - The Site contains a significant sample of rare or endangered species, or the site is among a small number of sites in Broward County representing a particular ecological community.

Staff Comments: The Site contains Scrub Community, an increasingly rare plant community in South Florida. Per the applicant's report, the Site contains active gopher tortoise burrows and potentially hosts four other listed wildlife species. Per the report, "FNAI noted eleven (11) state and four (4) federally listed plants as possibly occurring in this area, with three of them being documented within or near the project site".

Applicant Response: Broward County has two Scrub Community preserves in Pompano that total 58 acres (24-acre Crystal Lake Sand Pine Scrub and 34-acre Highlands Scrub Natural Area). These existing preserves are in locations where they are more appropriate for wildlife habitat and FNAI would list the same species can be accommodated in those already existing preserves which were purchased under a 1989 Bond issue.

The criterion of "uniqueness" therefore, is not met.

ii. Diversity - A significant sample of two or more ecological communities are contained within the site.

Staff Comments: The Site is primarily a Scrub Community.

Applicant Response: This criterion which requires a "significant sample of two or more ecological communities", therefore, is not met.

iii. Low Level of Exotic Invasion - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.

Staff Comments: There are exotic species that exist on the Site; however, the Site can be managed by the removal of the exotic species and replanting with native vegetation.

Applicant Response: As previously stated, context matters. "Right-Tree-Right-Place" principles apply to these wooded areas on an active airport which is not the right place for wildlife habitat of any kind. As noted above, these parcels are subject to strict security protocols by the Federal Aviation Administration as part of an active airport operations area. These parcels are Deed Restricted for Aviation Use. None of these parcels have been released from the Deed Restrictions granting the property to the City under the Surplus Property Act of 1944 and 1947. Wildlife and wildlife habitat are not compatible with aviation operations and enhancing this habitat is contrary to aviation planning guidelines and will not be done regardless of the methodology. The City is consulting with the FAA (see attached email) to determine what actions the FAA will take, if any, if the County blocks the ability of the City to

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comply with the Deed Restrictions granting the Air Park to the City of Pompano Beach.

The “low level of exotic invasion” criterion is not met.

iv. Potential for Protection – Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.

Staff Comments: A conservation easement for approximately 13 acres was recorded on Parcel 3 of the Site. The easement was recorded with the intent of preservation of the area in its natural state in perpetuity.

Applicant Response: This conservation easement was created by Ordinance of the City of Pompano Beach and can be rescinded in the same manner. The County does not have jurisdiction over this conservation easement. As stated by Staff above, along with all the other parcels included in this application, the parcel subject to the conservation easement is under strict security protocols by the Federal Aviation Administration as part of an active airport operations area. The continuation of this conservation easement is dependent on the release by the FAA of the Deed Restriction on this parcel limiting it to development of aviation related uses. The conservation easement, therefore, does not increase the probability of this area being protected and does nothing to support protection of the other 3 areas included in this Application. As previously stated, the City is consulting with the FAA (see attached email) to determine what actions the FAA will take, if any, if the County blocks the ability of the City to comply with the Deed Restrictions granting the Air Park to the City of Pompano Beach.

The criterion that ownership patterns make it likely that this site will be protected is clearly not met. The aviation use deed restrictions on this land make it impossible for this criterion to be met.

v. Geography – The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).

Staff Comments: There are two preserves in the vicinity of the Site, Crystal Lake Sand Pine Scrub Area, and Highland Scrub Natural Area. There is also a Gopher Tortoise preserve at the Fort Lauderdale Executive Airport. All these sites provide habitat for protected wildlife such as the Florida Scrub-Jay, Gopher Tortoise and endangered plant species.

Applicant Response: This criterion is related to the parcels proximity to other valuable habitats. The Crystal Lake Sand Pine Scrub Habitat is approximately 0.81 miles west of the Air Park. The Highlands Scrub Natural Area is approximately 1.5 miles north of the Air Park. Fort Lauderdale Executive Airport is approximately 4.5 miles away from the Air Park. These sites are not contiguous with the Air Park parcels and therefore do not increase the ecological value of the parcels on the Air Park. The sites noted are a better argument for removing the sites on the Air Park from the ESL map as they emphasize they are not particularly unique and there are other existing preserves that provide for the same habitat in other, more appropriate, locations in Pompano Beach. The Air Park is not an appropriate place for wildlife habitat especially with this close proximity to active runways. Conflicts with aircraft does not end well for either the wildlife or the pilots on an active runway.

This criterion, therefore, is not met.

- D. Criterion: Wildlife** - Existing wildlife refuges, reserves, and sanctuaries, or; known habitats of rare, threatened, or endangered species or species of special concern, or; major wildlife intensive use areas such as well-developed hammock communities, highly productive coastal tidelands, and mangroves, or; areas used for scientific study and research on wildlife.

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Applicant: The amendment site is characterized as a wildlife resource with documented occurrences and known habitat for the gopher tortoise and burrowing owl. Please see attached Natural Resources Assessment that was completed for this site, which describes these type species and their occurrences within or near the amendment site.

Staff Comments: Staff agrees with the Applicant's characterization of the Site as a wildlife resource.

Applicant Response: Staff must also agree with the Applicant's characterization of the Air Park as an inappropriate location for wildlife habitat which is inconsistent with safe aviation operation for both the pilots and the wildlife. The FAA has an entire Advisory Circular dedicated to managing airports to discourage wildlife cohabitation. The Advisory Circular can be accessed at the link below.

<https://www.ecfr.gov/current/title-14/chapter-I/subchapter-G/part-139/subpart-D/section-139.337>

A Wildlife Hazard Assessment was completed for Pompano Air Park in 2017 that follows the requirements of the above Advisory Circular. The recommendations from that study included the removal of the wooded areas and that recommendation is being effectuated by this ESL Map amendment application. The full Wildlife Assessment can be accessed at the link below:

<https://cdn.pompanobeachfl.gov/city/other/Final%20Wildlife%20Hazard%20Assessment%20Pompano%20Airpark%208-4-17.pdf>

- E. Criterion: Economic Resources** - Economic Resources - Existing ports, marinas, piers, energy resources, and artificial reefs, or areas noted for specific study and research concerning economic development.

Applicant: Though the Airpark is a significant economic resource both to Pompano and to the Federal aviation system, the areas designated to be removed from the ESL map are not categorized as an economic resource based on the County's definitions related to Local Areas of Particular Concern because these isolated areas do not contain existing ports, marinas, piers, energy resources, and artificial reefs, or areas noted for specific study and research concerning economic development.

Staff Comments: The Site is located within the Airpark and is not considered an economic resource.

- F. Criterion: Cultural Resources** - Sites designated on the National Register of Historic Places or on the Florida Master Site File, or; sites related to the general development of the local area, region, or State, or; buildings which are significant examples of the architectural design of their period, or; sites associated with the life/lives of important person(s), or social, political, cultural, or economic movements or with historical events, or; archaeological sites which have yielded useful information on the area's past.

Applicant: - The amendment site is not designated on the National Register of Historic Places. The Florida Master Site File (FMSF) documents a total of four (4) cultural resources within a 0.25-mile buffer of the Airpark, however, the proposed removal of these wooded areas from the Airpark Operational Area would have no impact on these four resources.

Staff Comments: The Site is not considered a cultural resource.

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EPD Comments Regarding Applicant's Environmental Analysis. Note: Only Sections in which staff has comments were included.

Section B. A proposed mitigation strategy which identifies measures to avoid and/or minimize any potential risks as indicated by the environmental analysis.

Applicant: As described in the NRA (September 2023), a 100% gopher tortoise survey and a Florida burrowing owl survey will be completed prior to any clearing or development within the amendment sites. The gopher tortoises and any other wildlife occurring in the subject forested areas to be removed will be relocated with FDEP approved relocation permits.

The City is mitigating the trees being removed from the airfield by planting trees along the perimeter of the airport on NW 10th Street and NW 5th Avenue. The planting along NW 5th Avenue is nearly complete and the enhancement the trees provide to the extremely popular, 5-mile-long multipurpose path that surrounds the Airpark has made it even more attractive and pleasant to use.

The City plans additional plantings along NW 10th Street to provide shade and beauty to that segment of the multipurpose path while also screening from view the aviation hangars that have been built on the aviation development parcels on the south end of the Airpark property. The goal is for the number of quality native and flowering trees along these two frontages to surpass the number of trees to be removed from the Airport Operations Area (AOA) replacing the carbon attenuation benefits while providing trees where they can be enjoyed by the general public rather than in a restricted area. The trees will not be provided in the density required to attract significant wildlife to the perimeter of the Airpark.

Staff Comments: The relocation of Gopher Tortoises, Burrowing Owls and other protected species from the site does not replace the loss of habitat that the Site provides for these species. This type of habitat is becoming rarer and rarer in Broward County and is irreplaceable. Likewise, the installation of street trees on NW 10th Street and NW 5th Avenue might replace the canopy of the trees that would be removed from the Site, but it does not replace native scrub habitat.

Applicant Response: As Broward County staff noted, there are already two large sand pine scrub preserves in Pompano Beach totaling 58 acres so the habitat is not rare in our city. Wildlife habitat is not appropriate on or adjacent to an airport. The existing wildlife will be relocated to acceptable preserves where they will live a safer existence. The Air Park has already removed gopher tortoises in the past and will continue to do everything possible to keep them away from the airfield for their safety and the safety of the flying public.

Additionally, a detailed listed plant survey will take place prior to any land clearing activities within these parcels. It would be acceptable for Broward County staff to attend and assist with the plant survey. The city and the Air Park staff will assist Broward County staff with the collection of native seeds and plant clippings from rare and endangered plants that may occur on these parcels. These activities can take place prior to any clearing of the parcels.

Section C. Broward County Environmental Resource License – provide information including the permit number and status of any license related to the proposed amendment site.

Applicant Comments: There are no records of existing license/permits, however, an Environmental Resource License will be filed prior to altering the amendment site, should it be required.

Staff Comments: All designated LAPC's are also considered Natural Forest Communities and are subject to Section 27-411 of the Broward County Code of Ordinances. A Tree Removal License is required for any impacts to Natural Forest Community. On October 1, 2010, Tree Removal License # TP10-1068 was issued for impacts to parcels 2 and 3 to allow the extension of a runway. As

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compensation for the impacts, the enhancement of a 5.75- acre area of Parcel 3 of the Site was required.

Applicant Response: Like in 2010, all required permits will be obtained before any clearing of native species and relocation of wildlife occurs.

EPD Staff Recommendation

The Site is scrub habitat, an increasingly rare habitat in Broward County. The Applicant's report indicates that nine Gopher Tortoise burrows were observed on one of the parcels of the Site, and five Burrowing Owls were observed in the vicinity of the site. The report also indicates that other protected species could occur on the Site, including the Florida Scrub-Jay, the Florida Bonneted Bat, and the Eastern Indigo Snake.

The report indicates that the FNAI notes that eleven (11) state and four (4) federally listed plants could possibly occur on the Site, with three species documented near or within the Site: Sand-Dune Spurge, Large Flowering Rosemary and Nodding Pinweed.

The Applicant indicates that the Site is subject to exotic plant intrusion. While there is exotic intrusion on the site, it can be effectively managed by the removal of the exotic species and replanting with native vegetation. This has been done at other sites like the County Crystal Lake Sand Pine Scrub Area, and Highland Scrub Natural Area and at the Fort Lauderdale Executive Airport.

Based upon EPD's review, the Site still meets the criteria to be designated as an LAPC. The Site is worthy of protection through the Tree Removal License process, as occurred previously in 2010. EPD must recommend against approval of the amendment to the Environmentally Sensitive Lands Map.

Applicant Response: The Applicant does not agree that 3 of the above criteria under the Native Vegetative Communities classification have been met to enable the wooded areas on the Air Park to be designated as LAPCs. In addition, LAPCs and any wildlife habitat are not appropriate on an airport.

The city is coordinating with the FAA (see attached email) to determine what actions the FAA will take, if any, if the County blocks the ability of the City to remove potentially hazardous wildlife habitat from the airfield and to comply with the Deed Restrictions granting the Air Park to the City of Pompano Beach which requires these parcels on the Air Park to be developed in aviation and aviation supportive uses.

APPLICANT ATTACHMENTS

POMPANO AIRPARK DEED RESTRICTIONS RELATED
TO AVIATION AND AVIATION SUPPORTIVE USES

AND

FAA EMAIL CONFIRMING THAT CONSERVATION
AREAS AND WILDLIFE HABITAT CANNOT BE USED
TO RESTRICT DEVELOPMENT OF AVIATION USES

322157

THIS INDENTURE, made this 29th day of August, 1947.

between THE UNITED STATES OF AMERICA, acting by and through the War Assets Administrator, under and pursuant to Executive Order 9689, dated January 31, 1946, and the powers and authority contained in the provisions of the Surplus Property Act of 1944, as amended, and applicable rules, regulations and orders, party of the first part, and the City of Pompano Beach, a municipal corporation organized and existing under the laws of the State of Florida, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the assumption by the party of the second part of all the obligations and its taking subject to certain reservations, restrictions and conditions and its covenant to abide by and agreement to certain other reservations, restrictions and conditions, all as set out hereinafter, has remised, released and forever quitclaimed and by these presents does remise, release and forever quitclaim unto the said party of the second part, its successors and assigns, under and subject to the reservations, restrictions and conditions, exceptions and reservation of property and rights hereinafter set out, all its right, title and interest in the following described property situate, lying and being in the County of Broward, State of Florida, to-wit:

① All of NW $\frac{1}{4}$ lying West of right of way of U.S. Highway #1, Section 31, Township 48 South, Range 42 East.

② All NE $\frac{1}{4}$ lying West of U.S. Highway #1, Section 36, Township 48 South, Range 42 East. North $\frac{1}{2}$ of NW $\frac{1}{4}$ - 3 and N $\frac{3}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$. 4

③ All those tracts or parcels of land situate lying and being in Pinecrest Subdivision, according to a Plat thereof, recorded in Plat Book 7, Page 13, Broward County Records, lying North of 7th Street and lots 15 and 12, Block 16, and 15 and 12, Block 15 of said Subdivision.

④ E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$; N $\frac{3}{4}$ of E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$; ⑤ S 468.61 feet of that part of W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ lying East of Florida East Coast Right of way, Section 35, Township 48 South, Range 42 East.

⑥ All of S $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ lying East of Florida East Coast right of way, Section 26, Township 48 South, Range 42 East.

⑦ E $\frac{1}{2}$ of SE $\frac{1}{4}$; N $\frac{3}{4}$ of W $\frac{1}{2}$ of SW $\frac{1}{4}$; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$; S $\frac{1}{2}$ of E $\frac{1}{2}$ of NE $\frac{1}{4}$; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; NE $\frac{1}{4}$ of SE $\frac{1}{4}$; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$; S $\frac{1}{2}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Section 25, Township 48 South, Range 42 East.

Together with buildings and improvements described as follows:

runways, taxiways, aprons, fencing, telephone system, control tower, electric distribution system and the following buildings: 92, 136, 138, 163.

DEED 632 PAGE 459

Same being a part of the same property acquired by the United States of America condemnation proceedings in U. S. District Court, Southern District of Florida, Miami Division, suit styled United States of America vs 1036 acres of land, more or less, in Broward County, Florida (A.O.T.B. North Pompano Field) same being suit No. 791-M-Civil, recorded Office Clerk of said Court, Miami, Florida.

The above-described premises are transferred subject to existing easements for roads, highways, public utilities, railways and pipelines.

EXCEPTING, HOWEVER, from this conveyance all right, title and interest in and to all property in the nature of equipment, furnishings and other personal property which can be removed from the land without material injury to the land or structures located thereon other than property of such nature located on the premises conveyed hereby which is required for the efficient operation for airport purposes of the structures and improvements specifically listed hereinabove as being transferred hereby; and further excepting from this conveyance all structures on the above described premises other than structures specifically described or enumerated above as being conveyed hereunder, and reserving to the party of the first part the right of removal from the premises of the property and structures excepted hereby, within a reasonable period of time after the date hereof, which shall not be construed to mean any period less than one (1) year after the date of this instrument.

By accepting this instrument or any rights hereunder, the said party of the second part hereby releases the party of the first part from any and all liability for all claims for losses or damage arising out of the exceptions and the reservations above.

Said property transferred hereby was duly declared surplus and was assigned to the War Assets Administrator for disposal, acting pursuant to the provisions of the above-mentioned Act, as amended, Executive Order 9639, and applicable rules, regulations and orders.

By the acceptance of this deed or any rights hereunder, the said party of the second part, for itself, its successors and assigns agrees that transfer of the property transferred by this instrument, is accepted subject to the following restrictions set forth in subparagraphs (1) and (2) of this paragraph, which shall run with the land, imposed pursuant to the authority of Article 4, Section 5, Clause 2 of the Constitution of the United States of America, the Surplus Property Act of 1944, as amended, Executive Order 9639 and applicable rules, regulations and orders:

(1) That all of the property transferred hereby, hereafter in this instrument called the "airport", shall be used for public airport purposes, and only for such purposes, on reasonable terms and without unjust discrimination and without grant or exercise of any exclusive right for use of the airport within the meaning of Section 303 of the Civil Aeronautics Act of 1938. As used herein, "public airport purposes" shall be deemed to exclude use of the structures conveyed hereby, or any portion thereof, for manufacturing or industrial purposes. However, until, in the opinion of Civil Aeronautics Administration or its successor Government agency, it is needed for public airport purposes, any particular structure transferred hereby may be utilized for non-manufacturing or non-industrial purposes in such manner as the party of the second part deems advisable, provided that such use does not interfere with operation of the remainder of the airport as a public airport.

(2) That the entire landing area, as defined in WAA Regulation 16, dated June 26, 1946, and all structures, improvements, facilities and equipment of the airport shall be maintained at all times in good and serviceable condition to assure its efficient operation, provided, however, that such maintenance shall be required as to structures, improvements, facilities and equipment only during the remainder of their estimated life, as determined by the Civil Aeronautics Administration or its successor Government agency. In the event materials are required to rehabilitate or repair certain of the aforementioned structures, improvements, facilities or equipment they may be procured by demolition of other structures, improvements, facilities or equipment transferred hereby and located on the above-described premises, which have outlived their use as airport property

in the opinion of the Civil Aeronautics Administration or its successor Government agency.

By the acceptance of this deed or any rights hereunder, the said party of the second part for itself, its successors and assigns, also assumes the obligations of, covenants to abide by and agree to, and this transfer is made subject to, the following reservations and restrictions set forth in subparagraphs (1) to (6) of this paragraph, which shall run with the land, imposed pursuant to the authority of Article 4, Section 3, Clause 2 of the Constitution of the United States of America, the Surplus Property Act of 1944, as amended, Executive Order 9689 and applicable rules, regulations and orders:

(1) That insofar as is within its power and reasonably possible, the party of the second part and all subsequent transferees shall prevent any use of land either within or outside the boundaries of the airport, including the construction, erection, alteration, or growth of any structure or other object thereon, which use would be a hazard to the landing, taking-off, or maneuvering of aircraft at the airport, or otherwise limit its usefulness as an airport.

(2) That the building areas and non-aviation facilities, as such terms are defined in WIA Regulation 16, dated June 26, 1946, of or on the airport shall be used, altered, modified, or improved only in a manner which does not interfere with the efficient operation of the landing area and of the airport facilities, as defined in WIA Regulation 16, dated June 26, 1946.

(3) That itinerant aircraft owned by the United States of America (hereinafter sometimes referred to as the "Government") or operated by any of its employees or agents on Government business shall at all times have the right to use the airport in common with others; Provided, however, that such use may be limited as may be determined at any time by the Civil Aeronautics Administration or the successor Government agency to be necessary to prevent interference with use by other authorized aircraft, so long as such limitation does not restrict Government use to less than twenty-five (25) per centum of capacity of the landing area of the airport. Government use of the airport by virtue of the provisions of this subparagraph shall be without charge of any nature other than payment for damage caused by such itinerant aircraft.

7-1002-462

(4) That during the existence of any emergency declared by the President of the United States of America or the Congress thereof, the Government shall have the right without charge, except as indicated below, to the full, unrestricted possession, control and use of the landing area, building areas, and airport facilities, as such terms are defined in WAA Regulation 16, dated June 26, 1946, or any part thereof, including any additions or improvements thereto made subsequent to the declaration of any part of the airport as surplus; Provided, however, that the Government shall be responsible during the period of such use for the entire cost of maintaining all such areas, facilities and improvements, or the portions used, and shall pay a fair rental for the use of any installations or structures which have been added thereto without Federal aid.

(5) That no exclusive right for the use of any landing area or air navigation facilities, as such terms are defined in WAA Regulation 16, dated June 26, 1946, included in or on the airport shall be granted or exercised.

(6) That the property transferred hereby may be successively transferred only with the approval of the Civil Aeronautics Administration or the successor Government agency and with the proviso that any such subsequent transferee assumes all the obligations imposed upon the party of the second part by the provisions of this instrument.

By acceptance of this instrument or any rights hereunder, the party of the second part further agrees with the party of the first part as follows:

(1) That upon a breach of any of the aforesaid reservations or restrictions by the party of the second part or any subsequent transferee, whether caused by the legal inability of said party of the second part or subsequent transferee to perform any of the obligations herein set out, or otherwise, the title, right of possession and all other rights transferred to the party of the second part, or any portion thereof, shall at the option of the party of the first part revert to the party of the first part upon demand made in writing by the War Assets Administration or its successor Government agency at least sixty (60) days prior to the date fixed for the revesting of such title, right of possession and other rights transferred, or any portion thereof; Provided, that, as to installations or structures which have been added to the premises without Federal aid, the Government shall have the option to acquire title to or use of the same at the then

then fair market value of the rights therein to be acquired by the Government.

DEED 602 PAGE 4

(2) That if the construction as covenants of any of the foregoing reservations and restrictions recited herein as covenants or the application of the same as covenants in any particular instance is held invalid, the particular reservations or restrictions in question shall be construed instead merely as conditions upon the breach of which the Government may exercise its option to cause the title, right of possession and all other rights transferred to the party of the second part, or any portion thereof, to revert to it, and the application of such reservations or restrictions as covenants in any other instance and the construction of the remainder of such reservations and restrictions as covenants shall not be affected thereby.

TO HAVE AND TO HOLD the said premises, with appurtenances, except the property and rights excepted and reserved above, and under and subject to the aforesaid reservations, restrictions and conditions, unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed as of the day and year first above written.

WITNESSES:

Carl B. Widel
Caryl A. Casner

UNITED STATES OF AMERICA
Acting by and through
War Assets Administrator

By Lyle T. Pitchard (U.S.)
Deputy Regional Director
Real Property Disposal
War Assets Administration

CITY LIMITS

F.E.C.R.R.

FEDERAL HIGHWAY (U.S. 1)

N.E. 10th. STREET

QUIT CLAIM DEED
DATED AUG. 29, 1947

SUPPLEMENTAL
QUIT CLAIM DEED
DATED JUNE 24, 1948

PREPARED BY:
CITY OF POMPANO BEACH ENGINEERING DEPT.
DATE - APRIL 11, 1983

MUNICIPAL AIRPORT
POMPANO BEACH
FLORIDA

SCALE: 1"=1,000'

From: [Elliott, Marisol \(FAA\)](#)
To: [Steve Rocco](#); [Brown, Juan \(FAA\)](#); [Henry, Rebecca \(FAA\)](#); [Rupinta, Vernon \(FAA\)](#)
Cc: [Jean Dolan](#); [Brian Donovan](#)
Subject: RE: Actual Air Park Deed with use restriction language
Date: Tuesday, April 22, 2025 1:19:53 PM

This Message Is From an External Sender

This message came from outside your organization.

Good afternoon Steve,

Below you mention the need for a letter. We will need some additional time to pull together a letter. In the meantime, to provide a general response via email, we have looked at historical letters regarding this issue and have stated previously that granting of easements for ecological conservation purposes would prevent the city's ability to develop the property in a manner that would benefit the airport and the flying community. Additionally, wildlife attractants are of also particular concern to the FAA. Any change in land use that may promote the attraction of wildlife could pose a hazard to aircraft using the facility and therefore, we have opposed encumbrances of airport property for ecological purposes.

Marisol C. Elliott
Community Planner

Federal Aviation Administration
Orlando Airports District Office
8427 SouthPark Circle, Suite 524
Orlando, FL 32819-9058
Direct (407) 487-7231
Fax (407) 487-7135

From: Steve Rocco <Steve.Rocco@copbfl.com>
Sent: Monday, April 21, 2025 6:37 PM
To: Elliott, Marisol (FAA) <Marisol.Elliott@faa.gov>; Brown, Juan (FAA) <Juan.Brown@faa.gov>; Henry, Rebecca (FAA) <Rebecca.Henry@faa.gov>; Rupinta, Vernon (FAA) <Vernon.Rupinta@faa.gov>
Cc: Jean Dolan <Jean.Dolan@copbfl.com>; Brian Donovan <Brian.Donovan@copbfl.com>
Subject: FW: Actual Air Park Deed with use restriction language
Importance: High

CAUTION: This email originated from outside of the Federal Aviation Administration (FAA). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Orlando ADO Team,

I am following up on below email sent on April 8. As stated, we (City) are in process of

preparing a Land Use Plan Amendment and Zoning Change for parcels of Airpark Deed restricted property for future aviation development as depicted in the ALP and Airpark Master Plan. In order to facilitate these changes it is necessary for the City (Airport Sponsor) get Broward County approvals to amend the County's Environmental Sensitive Land (ESL) Map and remove the Local Area of Particular Concern (LAPC) designations from these areas. I have added a new word document which we (Airport Sponsor) will responded to Broward County Environmental Permitting Division as it relates to their reluctance to grant the changes. As we (City) have emphasized throughout the correspondence advising Broward County the FAA's position on deed restricted land uses on the airport, we (City) are looking for a letter from the FAA supporting our efforts to provide Broward County so we can receive their concurrence on our request. Looking forward to a response from your office. Thank you.



From: Steve Rocco

Sent: Tuesday, April 8, 2025 5:27 PM

To: 'Elliott, Marisol (FAA)' <Marisol.Elliott@faa.gov>

Cc: 'Rupinta, Vernon (FAA)' <Vernon.Rupinta@faa.gov>; Brown, Juan (FAA) <Juan.Brown@faa.gov>; Henry, Rebecca (FAA) <Rebecca.Henry@faa.gov>; Jean Dolan <Jean.Dolan@copbfl.com>; Brian Donovan <Brian.Donovan@copbfl.com>

Subject: FW: Actual Air Park Deed with use restriction language

Importance: High

Marisol,

Per our discussion last week, I have attached several letters/documents pertaining to the City's actions preparing an Airpark Land Use Plan Amendment (LUPA) and Environmental Sensitive Land (ESL) map amendment to change the Land Use Designation to Transportation and to allow the currently wooded areas on the Pompano Beach Airpark to accommodate future aviation uses. The amendment will create revenue producing parcels as mandated by the Airpark Deed Restrictions and Grant Assurances. I have also attached a copy of the FBO Phase I Plat for your review. The City (Airpark) has recently started a survey for the future FBO

Phase II Plat depicted in the attached sketches.

The County's Environmentally Sensitive Lands Map as well as the conservation easement created by City Commission on one of these wooded areas more than thirty years ago when this property was not needed for aviation use, are barriers to developing these existing wooded areas in aviation uses. The first round of written comments by Broward County staff indicates a lack of support to remove the wooded areas on the airport from the ESL Maps. The City would like a definitive statement on what the FAA's position will be if Broward County denies our request to amend the ESL map and effectively blocks all future development of these wooded areas?

The City (Airpark) wants to be prepared to develop the airport as depicted on the adopted ALP. We are requesting a letter confirming that the FAA requires the removal of all barriers to development of these wooded areas to enable the development of aviation and aviation-supportive uses as required by the Airpark Surplus Property Act Deed Restrictions and the Airpark Master Plan.

If you need additional information please let us know. Thank you for your attention and assistance with this very important matter.

Best Regards,



ATTACHMENT 8



U.S. Department
of Transportation
**Federal Aviation
Administration**

Orlando Airports District Office
8427 Southpark Circle, Suite 524
Orlando, FL 32819-9058

Phone: (407) 487-7231
Fax: (407) 487-7135

May 12, 2025



Mr. Steven P. Rocco, C.M., ACE
Airport Manager
Pompano Beach Airpark
1001 Northeast 10th Street
Pompano Beach, FL 33060

Dear Mr. Rocco:

Re: Pompano Beach Airpark (PMP), Pompano Beach, FL – City's Land Use Plan and Environmental Sensitive Land Amendments

This responds to your April 8, 2025 e-mail, regarding the City's plan to submit amendments to the Airport Land Use Plan (LUPA) and Environmental Sensitive Land (ESL) map to change the land use designation to Transportation versus Local Area of Particular Concern (LAPC). Historically, the FAA has responded to numerous inquiries concerning the designation of this property as environmental preservation or LAPC, and our current stance is unchanged. The Federal Aviation Administration (FAA) opposes any encumbrance of airport property for ecological conservation purposes, as it may prevent future development needed to meet aeronautical demand.

The Pompano Beach Airpark was transferred to the City of Pompano Beach on August 29, 1947, under the provisions of the Surplus Property Act of 1944, as amended by Public Law 80-289. This property was transferred for use as a public airport, and the deed included property in excess of aeronautical needs to be used expressly for the purpose of generating income for the operations and maintenance of the airport.

Although the FAA can appreciate the local interest in preserving land on PMP, there does not appear to be a significant benefit to PMP or civil aviation by restricting future development with the LAPC. These areas designated as LAPC could be developed for aeronautical use with direct access to the aircraft operations area as well as being suitable for non-aeronautical commercial development which could provide revenue to the PMP to cover airport operating expenses and capital improvements.

In addition, when accepting grants from the federal government for airport development there are Grant Assurances (GAs) that the City is contractually obligated to comply with. There are key grant assurances that directly impact land use on airport property including: property ownership

(GA4), ability to exercise necessary rights and powers (GA5), consistency with local plans (GA 6), consideration of local interests (GA 7), operation and maintenance of noise compatibility measures (GA 13), hazard removal and mitigation (GA 20), compatible land use (GA21), and ensuring the airport layout plan is updated (GA 29). Designating land as ESL may be in conflict with these GAs.

Also, wildlife attractants are of particular concern to the FAA. Any changes in land use that may promote the attraction of wildlife could possibly be a hazard to aircraft using the facility. The City has the responsibility of maintaining the Airpark and preventing the introduction of potential hazards.

If you have further questions or need for clarification, please feel free to contact me at (407) 487-7231.

Sincerely,

MARISOL
C ELLIOTT

Digitally signed by
MARISOL C ELLIOTT
Date: 2025.05.12
11:31:57 -04'00'

Marisol C. Elliott
Community Planner