

Notice of Appeal – Tree Removal Permit No. TREE-2500284

To: Clerk of the Environmental Quality Control Board
Miami-Dade County Department of Regulatory and Environmental Resources
701 NW 1st Court, 6th Floor
Miami, Florida 33136

Re: Appeal of Tree Removal Permit No. TREE-2500284

Pursuant to Miami-Dade County Code §§24-8 and 24-49.7, I hereby appeal Tree Removal Permit No. TREE-2500284, issued on August 13, 2025, to The Launch at Little River, LLC, authorizing removal of specimen trees at 8300–8358 NE 4th Place, El Portal, Florida.

I am a nearby property owner directly impacted by this decision through the loss of native canopy, scenic views, ecological functions, and property value. This harm is distinct from the general public and therefore establishes standing.

Permit facts: The permit authorizes removal of 6,099 sq. ft. of tree canopy, including native specimen trees *Ficus aurea* (strangler fig) and *Ficus citrifolia* (shortleaf fig), with mitigation limited to payments into the County Tree Trust Fund.

Immediate relief is essential. These native specimen figs are scheduled for removal imminently — potentially as soon as tomorrow morning — unless DERM acts to pause enforcement of this permit. Without immediate intervention, this appeal will be rendered moot and the irreversible harm will already have occurred.

II. Grounds for Appeal

A. Violation of the Comprehensive Plan: Native Fig Removal

The permit authorizes removal of native specimen figs that provide habitat and form the natural canopy along the Little River. The Coastal Management Element of the Village of El Portal Comprehensive Plan states:

Objective 1.1: “Retain the limited natural waterfront stretch on the Little River Canal.”

Policy 1.1.1: “Preserve (and mitigate where possible) the natural canal banks to further marine and wildlife habitat.”

As native canal-bank species, these figs’ extensive root systems are vital for erosion control and storm resilience where natural banks are preserved — which is the express goal of the Village Code and Comprehensive Plan. They also contribute to the natural canopy that these policies are designed to retain. Authorizing removal of healthy native specimen figs from this specifically designated protected riverbank contradicts these directives. The permit allows removal of these specimen figs with mitigation limited to a monetary contribution to the Tree Trust Fund. While such payment may satisfy general County requirements elsewhere, it cannot satisfy the Comprehensive Plan and Village Code’s mandate to retain and preserve the natural canal-bank canopy in this specifically designated area.

B. Conflict with El Portal Zoning Code §24-19(b) and (c) (Environmentally Sensitive Areas)

§24-19(b) – Landscaped areas and native vegetation: “At least 15 percent of any lot area must be retained in pervious landscaped, grass or natural coverage (including retention of native trees) to achieve runoff and pollution control, and aquifer recharge objectives. Any development subject to site plan review shall be required to retain any natural, native vegetation in the required setbacks and non-building area, to the maximum extent feasible.”

§24-19(c) – Little River Canal bank preservation: “Any development permit for a parcel abutting the Little River Canal shall be approved only if natural vegetation is preserved or planted in a manner acceptable to the village development administrator who in turn may consult with the county department of environmental resources management. This provision shall supersede Code of Ordinances section 23-16 for a distance of three feet from the water's edge.”

In El Portal, tree permits are reviewed and approved by DERM, consistent with County authority. But where the Village has enacted stricter standards, those standards must guide DERM's approval process. Section 24-19(b) requires preservation of native vegetation in setbacks and non-building areas “to the maximum extent feasible.” Section 24-19(c) makes preservation or planting of canal-bank vegetation a condition of approval for parcels abutting the Little River.

In this case, DERM processed the application as though it were a routine County tree removal permit — approving removal of specimen figs in exchange for a Trust Fund payment — without applying the Village's heightened protections or accounting for the fact that these exact trees are the subject of ongoing litigation.

While the Village of El Portal approved the underlying development, that approval is under active judicial review for inconsistency with the Comprehensive Plan and §24-19. The lawsuit exists to determine whether removal of these canal-bank trees is lawful. By issuing the tree permit before the courts have ruled, DERM not only failed to apply §24-19(b) and (c), but also undermined the purpose of the litigation by allowing irreversible harm to protected canal-bank resources.

C. Arborist Evaluation and Need for Independent Review

The arborist plan was prepared by the developer's consultant (Ebrahimian Creative Group), not by an independent agency. This raises conflict-of-interest concerns in light of the strong preservation requirements in the Comprehensive Plan and §24-19 of the El Portal Code. The evaluation emphasized removal rather than exploring feasible mitigation measures such as root bridging, selective pruning, or seawall reinforcement around trees.

The report rated nearly all of the specimen figs as “poor” and one as “fair/poor.” Notably, the tree rated “fair/poor” is one of the two remaining figs still standing today — and it urgently requires protection before removal occurs.

For example, Tree #13 (Strangler Fig, DBH 84", Native) was rated "Fair/Poor." Even so, the report noted "moderate foliation and scaffold branches with sufficient spacing for healthy lateral branch growth," which are positive indicators of health. Areas of decay could have been removed or mitigated, and in my own documented photographs — taken from the river side — Tree #13 appears very healthy and capable of sustaining the necessary pruning or corrective measures. Yet the report still concluded it "does not meet the standard" for protection. This contradiction underscores why an independent review is necessary before irreversible removal occurs.

DERM's approval process accepted this consultant report at face value and did not adequately consider mitigation alternatives. That approach is inconsistent with the County's obligation to ensure trees are preserved "to the maximum extent feasible."

D. Premature Reliance on Seawall Project

The tree disposition plan ties removal of the native figs to a proposed seawall project. The SFWMD Permit No. 16942-R (March 12, 2024) itself makes clear that construction cannot proceed without additional approvals, including a USACE Section 408 authorization and an Environmental Resource Permit (ERP).

Whether or not those approvals are now in place, the critical point is that federal and state permits do not resolve the separate question of consistency with the Village of El Portal's Comprehensive Plan and Zoning Code. The seawall design reflected in the SFWMD permit is itself the subject of ongoing litigation, and may not be what is ultimately legally permissible.

By approving tree removal now, DERM has locked in irreversible harm based on a seawall plan that may never be allowed. The proper course is to determine — through the courts — what form of seawall, if any, can lawfully be built under the Comprehensive Plan and §24-19's mandate to preserve natural banks and vegetation. The necessity of tree removal cannot be determined until that process is complete. Premising removal on a contingent, unripe seawall approval is procedurally improper and environmentally reckless.

E. Inadequate Mitigation

The removal of healthy native specimen figs from this protected riverbank directly conflicts with the Comprehensive Plan's directives to retain the limited natural waterfront stretch and preserve the natural canal banks, and with §24-19's mandate that natural/native vegetation be preserved to the maximum extent feasible in this specifically designated area.

III. Relief Requested

Appellant respectfully requests that the EQCB:

1. Revoke or suspend Permit No. TREE-2500284 as it relates to *Ficus aurea* and *Ficus citrifolia*, pending judicial resolution of the Village's development approval and completion of all federal/state seawall authorizations.
2. Require an independent arborist review of tree health and feasible preservation alternatives.

3. Clarify that, pending judicial resolution of the ongoing lawsuit, no tree permitting for this parcel may proceed in a manner inconsistent with the Village of El Portal Comprehensive Plan (Objective 1.1, Policy 1.1.1) and Code §24-19(b) & (c). Because DERM is the permitting authority, it must ensure that its approvals do not authorize actions that would violate these governing provisions, should the courts confirm that they apply as written.
4. In light of the imminent threat of removal, issue an immediate stay or suspension of Permit No. TREE-2500284 pending this appeal, to prevent irreversible loss of protected native canopy.

Respectfully submitted,

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