

Environmental Quality Control Board
Miami-Dade County
701 NW 1st Court, 6th Floor
Miami, Florida 33136

Date: October 10, 2025

Via Email: ecqb@miamidade.gov

RE: Memorandum on Standing – EQCB Case No. 2025-EQCB-00050
Appeal of DERM Tree Removal Permit No. TREE-2500284 – 8300 NE 4th Place, El Portal, Florida 33138

From: Scott Kobrick (Appellant)

Address:
400 NE 85th Street
El Portal, Florida 33138
Email: scottkobrick@gmail.com

Dear Members of the Environmental Quality Control Board:

This memorandum is submitted to clarify and reaffirm Appellant Scott Kobrick's standing to appeal the issuance of Tree Removal Permit No. TREE-2500284 by the Miami-Dade Department of Environmental Resources Management (DERM), pursuant to Section 24-11 of the Miami-Dade County Code. The Board's conclusion that Mr. Kobrick lacked standing misapprehends both the applicable law and the factual nexus between the Appellant's interests and the adverse environmental impacts at issue.

Statement of Interest and Impact

Mr. Kobrick resides directly along the same Little River bank as the site of the permitted tree removals, separated by only one parcel and train tracks. The trees at issue form part of the continuous canopy and riparian system that stabilizes the riverbank, provides critical wildlife habitat, absorbs runoff, and serves as a natural buffer against flooding and storm impacts. This section of the riverbank functions as a single, interconnected ecological and hydrological system. The removal of mature native fig trees materially diminishes those shared ecological/physical protections, and climate resilience of the shared riverbank, directly impacting Mr. Kobrick's property and the surrounding environment.

The injury here is not speculative or generalized. The degradation of the riverbank disrupts the ecosystem, habitat continuity, and undermines climate resiliency. These are tangible harms that directly affect the Petitioner's property value, environmental stability and enjoyment, and long-term climate resilience.

Additionally, the El Portal Comprehensive Plan's Coastal Management and Conservation Elements, together with El Portal Code § 24-19, require preservation of natural canal banks and native vegetation along this reach of the Little River. The permitted removals conflict with those more stringent local protections, that are in place and clearly defined for these exact reasons. DERM's approval effectively disregarded those standards, creating a direct conflict between municipal law and County action.

Further, the EQCB memorandum erroneously characterized the subject trees as 'effectively destroyed' and 'already removed.' Independent arborist review and photographic documentation establish that at least two of the specimen trees remain viable for preservation. The factual inaccuracies in the memorandum cannot serve as a legitimate basis for denying standing or dismissing the appeal as moot.

Legal Framework

Under Miami-Dade County Code § 24-11, 'any person aggrieved by any action or decision of the Director' may appeal to the Environmental Quality Control Board.

Florida law recognizes that an 'aggrieved person' under environmental and land-use statutes includes any individual who can demonstrate a direct, substantial, and particularized injury resulting from the challenged action. The standard does not require ownership of the subject property but rather a tangible interest adversely affected by the decision.

Florida courts have long recognized that nearby property owners suffer a direct and particularized injury from environmental degradation and loss of natural features, sufficient to confer standing. See *Pinecrest Lakes, Inc. v. Shidel*, 795 So.2d 191 (Fla. 4th DCA 2001); *Homosassa River Alliance v. Citrus County*, 2 So.3d 329 (Fla. 1st DCA 2008). In both cases, the courts affirmed that the destruction or alteration of the surrounding natural environment constitutes a legally cognizable harm to adjacent or nearby property owners.

Conclusion

Under the governing legal standards and the facts specific to this location, Appellant Scott Kobrick clearly satisfies the criteria for standing to challenge DERM's permitting decision. The challenged action directly affects the Appellant's environmental stability and climate resilience (based in law, and generally accepted and adopted principles), aesthetic, and flood-protection interests- uniquely and adversely impacted by removal of mature native trees along the shared Little River bank (also linked to a planned removal

the natural bank that has established municipal laws for preservation). The finding that he lacks standing should be corrected, and the appeal recognized as properly brought by an aggrieved and adversely affected party within the meaning of § 24-11.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Scott Kobrick", is written over a horizontal line.

Scott Kobrick, Appellant

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