

Wetlands Advisory Task Force

MINUTES

APRIL 18, 2012

701 NW 1 COURT
2ND FLOOR TRAINING ROOM

MEETING CALLED TO ORDER	By Chair at 1:09pm		
MEMBER ATTENDEES	Present: Patricia Baloyra Jose K Fuentes Jose M. Gonzalez James F. Murley Alice Pena Stephen A Sauls	Absent: Manuel Echezarreta	Present Non Voting: Rebecca Elliot

Agenda topics

WELCOME AND ANNOUNCEMENTS

LEE HEFTY, ASSISTANT DIRECTOR, PERA

DISCUSSION	<p>Meeting of April 18, 2012 was called to order by the Chair. The Chair welcomed all in attendance and advised them that Phase I of the Task Force concluded at the March 14, 2012 meeting and that this meeting began what is being called Phase II.</p> <p>The Chair recognized Mr. Lee Hefty for additional announcements.</p> <p>Mr. Hefty advised the Task Force members that the final report on Chapter 24 Changes was transmitted to the County Commission and County Mayor on April 11, 2012, a copy of which was forwarded to the members. He also advised them that a copy can be found on the website as well as the minutes from the meeting of February 23, 2012.</p> <p>Mr. Hefty advised the members that a letter from Mr. Dan Kimball, Superintendent of the Everglades and Dry Tortugas National Parks was received on April 15, 2012 regarding issues of 33B and the East Everglades which was distributed to them for their information.</p>
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APPROVAL OF AGENDA

DISCUSSION	Motion to approve the agenda was made by Patricia Baylora and seconded by Jose Gonzalez. Motion passed with no objections
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APPROVAL OF MINUTES FROM MARCH 14, 2012 MEETING

JAMES F. MURLEY – CHAIR - WATF

DISCUSSION	Motion was made by Patricia Baylora to approve the minutes from the March 14, 2012 meeting and seconded by Jose Gonzalez. Motion was passed with no objections.
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33B BACKGROUND

SAM E. POOLE, III

DISCUSSION	<p>The Chair introduced Mr. Sam Poole, presently with the law firm of Berger and Singerman, a former County employee, USACOE and former Executive Director of the SFWMD.</p> <p>Mr. Poole gave a brief history on his career with emphasis on the timeframe between 1976-1982 as a Planner working for the Planning Department of Miami Dade County working on the East Everglades Resources Planning project which dealt with conflicts that occurred between the County and development in the area now known as the East Everglades.</p> <p>The study done was science based working with the US Geological Survey and the University of Miami and other experts to determine what the natural resources of the area were and how they related to the existing development and how they would be impacted by future development.</p> <p>Mr. Poole presented information based on his experiences with regards to the background of Chapter 33B.</p> <p>Task Force members discussion</p> <p>Alice Pena referred to the Dante Fascell bill that was passed by congress and authorized the restoration of the everglades and pointed out that the Las Palmas area is not lumped into the areas that Mr. Poole covered in his presentation. She further stated that the flooding in the 70's and the happenings at the District were experiments and that canals were shut for intentional flooding. She further stated that the USCOE completed the Mod Water project in the area and that over \$400 million was spent on a canal, pumpstation and levy to prevent flooding.</p> <p>The chair reiterated that Mr. Poole speaks for himself and the knowledge he obtained regarding the issue, as well as anyone else who may address the task force. If there are any document provided, they would be provided to the members.</p> <p>Task force members discussion</p>
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<p>DISCUSSION</p>	<p>The Chair recognized Grisel Rodriguez of Sustainability, Planning and Economic Enhancement to outline the regulations of Chapter 33B.</p> <p>Ms. Rodriguez discussed the history of the Comprehensive Development plan and outlined the regulations of Chapter 33B.</p> <p>Task force members discussion</p> <p>Ms. Pena commented that the 8.5 SMA is lumped into Management Area 1 that, they have nothing to do with what’s going on in the East Everglades or Taylor Slough. They have been lumped in the area for appropriation and they have no disclosure to state that they are environmentally concerned and that the document form 1981 ignores the 1989 law. The canals are finished, the mod waters is finished, the \$400 million has been spent and its time to move on and leave this area be.</p> <p>Task force members discussion</p>
<p>ACTION ITEM</p>	<ul style="list-style-type: none"> • Chair requested a map series with a base and then builds from there for clarity and focus as the Task Force moves forward • Members requested a map that show publicly owned lands vs privately owned lands

PUBLIC COMMENTS

PUBLIC

<p>DISCUSSION</p>	<p><u>Steve Carney, President, Carney Environmental Consulting – 6435 SW 85 Street Miami, FL</u></p> <p>“There has been a lot of questions about maps and the limits of certain areas. Until today, I presumed that Management Area 1 was only the so called 8.5 SMA. I did not know it included the other areas. The map provided previously for 33B did not indicate those areas as Management Area 1, in fact in the text of 33b, there’s a textural description of the limits of Management Area 1 and it describes only the 8.5 SMA. Whatever, whether we use that map as a standard or the textural description, for the purpose of this, Management Area 1 is meant to be that which I know is the 8.5 SMA. The East Everglades as we learned covers a big area. The entire area outlined is 242 square miles. Management Area 1, which I have truncated to its current size, is now Las Palmas, 6 square miles. The year of enactment was January 15, 1981 and as Patti pointed out, it allowed, after the year 2000, for the County to consider providing public services to the areas east of the everglades that needed it. It is important to know that the Management Area 1, the former 8.5 SMA is described as previously altered by human activity. It’s completely different from most of the 242 SMA that you see there.</p> <p>The outline in black is the original 8.5sma as defined in 33B. The outline in purple traces the levy that has been installed as part of the CERP project. There were some unwilling property owners to sell so the levy has a funny series of jogs to it. When I was out in the field Friday, I was trying to get around the FAA site, there is no longer easy access. This area is fenced off, so from here south, is the area that is 6 SMA now known as the 6 SMA. That’s the area we are talking about today.</p> <p>According to the soil conservation service, the predominate soil out there is Chekika very gravelly loam which is a soil that is created by agriculture, rock plowing, so this slide is meant to demonstrate that the area has some wetland characteristics, it certainly is not a virgin wetland area. For the environmental impact statement put together by the USACOE, they collected to topographic data and again this just reflects what’s left in the Las Palmas area and you will see that there is a fairly high ridge to the east and it tappers off and gets lower as you move to the west towards the thread line of Shark Valley Slough. This is also from the environmental impact statement, it indicates the final condition of Las Palmas when Alternative 60 is in operation. Alternative 60 is the system that is in place. It is this levy system here with a seepage canal and pump to discharge. It shows frankly the whole area is upland, I don’t believe that to be true. But certainly as a planning tool, its important to know that this area is completely different than this area (referring to slide). This is again limited only to the Las Palmas area, this comes from the flood insurance rate maps, the area X is essentially the 500 year flood plain, not many of those in Miami and the section left here is the 100 year flood plain. Both exceed the 1 and 10 year flood that was a criteria outlined in 33B.</p> <p>There was concerns in early discussion when talking about Chapter 24 about the protection of groundwater resources, very important here in Miami Dade County with the Biscayne Bay Aquifer being a sole source. Here we can see the limits of Las Palmas relative to all the wellfield protection areas in Miami Dade county. The closest one is the west wellfield here. The rings indicated here are the actual pumping rates of the west wellfield today, I’ve been told that it is not expected to expand from what you see there. But in both cases, the reach of that well does not go beyond the L31 canal. So Las Palmas, whatever it decides to do, will not have an affect on the Miami Dade West wellfield.</p> <p>Concerns for development density currently in the 8.5sma is 1 house in 40 acres and when you drive around out there, you see houses with swimming pools, you see a whole collection of situations. Some are grandfathered, some are not. But I think, given the character of what we’ve seen here, the kind of upland character of this region, compared to the rest of the east everglades region, that 1 in 40 maybe a little stringent and I would think that if we got Las Palmas removed from the considerations of Chapter 33B, that the master plan density of 1 house per 5 acres would probably suitable for that area.</p> <p>The one component of 33B that has puzzled me is that no area fill shall exceed ½ acre. If you go to through 33B you will see that. But it’s not ½ acre per area, its just ½ acre period. So if you have ½ acre lot you can fill it. If you have</p>
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a 40 acre lot you can fill ½ acre. So there seems to be some lack of equitability between property owners. I would say if Las Palmas is to remain in Chapter 33B that this component be reconsidered and make it something more kin to like the natural forest communities or something like that, that it's a percentage of the lot size, like 20%, pick one.

For the farmers out there, currently because there's a ½ acre fill limitation, the rows and furrows, a lot of the rows were considered filled. So if you have a 5 acre parcel, half as rows, half as furrows, you know have 2 ½ acres of fill you are in violation of 33B. I don't think that was the intent of the Chapter. So that point needs clarification.

The east everglades was placed together with critical area designation concerns. If you go to 33B Section 13, description of area, the first category is recharge of Biscayne Aquifer. The area forms a part of the recharge zone of the Biscayne Aquifer and is directly up gradient from wellfields which provide irrigation and drinking water for Miami Dade County and Monroe County. I'm here to say that nearly all of Dade County forms this recharge of the Biscayne Aquifer. The nearest wellfield, which is the west wellfield, is beyond the reach of Las Palmas. The west wellfield where it's currently located, was constructed on top of a farm field and continues to operate in that area. So I don't think agriculture is necessarily a problem to the wellfields of Miami Dade County.

Another concern was surface supply to Everglades National Park. This entire area is now surrounded by a levy. There is a pump station. When they have to draw water out of the seepage canal it goes into a containment area. So the entire area is a self contained system. So based on the hydraulic studies and experiments in the area, the water will, through percolation go from either within Las Palmas or within that catch basin and work its way back into the L31 canal. Water quality maintenance is an issue, again because its an entirely closed and management water system, there are no concerns of any water leaving that area and making its way into the Everglades National Park via surface water flow.

Protection of economic vitality of Miami Dade County. The last statement, the management plan for the east everglades identified important existing and future agricultural lands within the study area. Almost the entire area here you can see is ag land. Uncontrolled development of these lands will result in the loss of these valuable lands for agriculture, thereby jeopardizing the economic diversity and vitality of the Miami Dade County economy. The people on Las Palmas want to continue their farming.

33B addresses concerns for endangered species. There are 2 federally protected species in the current east everglades, the crocodile and the cape sable seaside sparrow. The closest is the cape sable seaside sparrow and this shows its areas of occurrence relative to Las Palmas. So again, the presence of Las Palmas would not have an affect on these species.

Based on these data, I would say that the area is unique and it holds a preponderance of high ground. There are wetlands out there in the limits of Las Palmas, but the majority area has been previously disturbed due to agriculture surrounded on all sides by a levy and is a self contained artificial system. I think that the best part of this is that Chapter 33B does allow for applicants to go in and have areas revisited visa vi management area 1. I think based on all of the discussions that you have had in this room these past several months, that it is an area of contention, it has sucked a lot of oxygen out of the room and I think it might be fruitful just to have 33b or have Las Palmas removed from 33B, keep 33B to continue on protecting the remaining 97 ½% of the east everglades and still allow the County the State and the USACOE to regulate this area through chapter 24 and the various other environmental regulations. If it is removed, I guess for planning and zoning, they just went through a considerable effort to redefine the open land category when it came to agriculture. That Open Land version of the map that I have, I don't know if its still true or not, the Open Land area icon was the shape of Management Area 1 as it was when it was the 8.5 SMA, is to redefine that, its to pull that in eastward to the limits of the levy system and south to 120 street and so it will require modification to the master plan. Anyway it is my recommendation based on what I've seen from data, not mine, from other agencies, is to remove that area known as Las Palmas from 33B."

James Humble.

"I've watched this for 40 years. I own no land here, all our land was south of there in the ag area. The way the County has treated this group of citizens is stunning. They pay the same taxes as everybody else. I think it would be nice to bring this community into this county and not look at it as pariah out there. 35-40 years ago Wall Street Journal wrote an article about this when this ordinance passed. They pointed out the manner in which it was done and I just don't think it was fair and I don't think anybody here is tied to it that much and I think its just time to let it go, I really do. Again, I don't own land here, but just watching it is just a nightmare sometimes, Jim I just want to sleep well some night when I think about this and you can lead the charge on this and get them back into the County. Thank you."

Alina Ramirez – 5000 Monroe Street Hollywood Fl

"33B has a definition part, the interesting thing about this is if Las Palmas or 8.5 was intended to be kind of regulated within 33B, they wouldn't have made it a point to define it out of what's called the East Everglades Area of Critical Environment and that is 33B division 4 section 33B 53D and that is stated there. It says hey, everything is an everglades area of critical environment except for 8.5....."

Task Force members discussion

"What I am saying is that if the intention was that if the 8.5 to be the same as everything else in that management area, it was extracted from this purposefully.

Anyway, regarding the maps, before Mr. Skornick left, I had him identify the private properties within 8.5 because originally I had requested a whole list of all the private owners in that area. I have the whole excel printout and then I asked him to identify that in a map for me because I wanted to identify in the 8.5 how much of the stuff was privately

	<p>owned. So I do have the maps if anyone is interested.”</p> <p>“In reading 33B its really interesting how it constantly talks about protecting agriculture and how it is essential that we do not lose this land from agriculture and yet we are making it impossible for the people who are the farmers to operate those properties because it is unaffordable with all these regulations that have on them. Thank you.”</p> <p>Task Force members and staff discussion</p> <p><u>Laura Reynolds – Tropical Audubon Society- 5530 Sunset Drive</u></p> <p>“I wanted to thank you for convening the presentations that were done today. I know that I’ve learned a lot, it was a great education so thank you for doing that. I think what struck me today after listening were some profound comments that member Steve Sauls made about being political. I think that really kind of stuck with me. Many scientists over the years, and I’ve read so many papers on this area, have said that you can’t keep this area dry with the water that’s anticipated through everglades restoration and I think just looking at the outline of the project that is there, you can see that it was anticipated that much of that would be maintained as wetland. That with the water anticipated through everglades restoration it would be impossible to keep this area dry. So I encourage you not to be driven by politics in your decisions in amending or suggesting changes to 33B, but to be driven by science. So you should have a presentation from a hydrologist who can explain exactly what is anticipated through Everglades Restoration and why this project was put there and why so many people say that this can not be kept dry. So I think more science, not just the politics or the history, I appreciate those presentations, but I really think this is driven by hydrology and a presentation to go over the anticipated results of what everglades restoration would bring to this area ought to be brought to this task force. So I encourage you to look at that and I encourage you not to be driven by politics. Thank you.”</p> <p>Ms. Pena stated that the members did hear from hydrologist, Steve Carney and reminded the members that the politicians are elected officials that pass the laws and it has been scientifically driven.</p> <p>Task force member discussion</p>
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GENERAL TASK FORCE DISCUSSION

TASK FORCE MEMBERS

	<p>Ms. Pena read from a letter from Dante Fascell to a homeowner in January of 1990 “I am pleased to advise you that legislation, which I sponsored to provide flood protection for the 8.5sma in conjunction with plans to restore the natural flow of water to the Everglades National Park was passed by congress and signed into law last month. I will be seeking funds to implement this project.”</p> <p>Mr. Sauls thanked Mr. Carney for his presentation. He also indicated that further guidance was needed to determine if removed, what would be the affects of the 8.5sma from 33B. He also indicated that the broad public purpose and the long term cost benefit should be considered as well. Guidance should be given to staff for future presentations to understand the context of what is being looked at by the members.</p> <p>Ms. Baylora asked staff to provide scenarios if the 6SMA was removed from 33B; what regulations would be in place to govern potential development of the area; what would be the zoning category? Or if it stays within 33B and some of the restrictions were loosen, what would you suggest for purposes of allowing owners to be differently monitored than the rest of the area.</p> <p>Mr. Gonzalez commented that clarity of what the members should define as the scope of what is going to be reviewed in order to be able to transmit a simple memorandum back to the Board with recommendations.</p> <p>Mr. Murley commented that 33B needs to be framed as a whole and recommend what needs to be further studied. He recommended that the report should include Section A and Section B including the 6 SMA with conclusions that were reached in our discussions regarding that area.</p>
DISCUSSION	
ACTION ITEM	<ul style="list-style-type: none"> • Staff to provide scenarios if the 6SMA was removed from 33B; what regulations would be in place to govern potential development of the area; what would be the zoning category? Or if it stays within 33B and some of the restrictions were loosen, what would you suggest for purposes of allowing owners to be differently monitored then the rest of the area.

SET AGENDA/POLL MEMBERS FOR NEXT MEETING

TASK FORCE MEMBERS

	<p>Next meeting has been scheduled for Wednesday, May 23, 2012 1pm to 4pm.</p> <p>Proposed agenda for future meetings as follows:</p> <ul style="list-style-type: none"> • Presentation/Update, performance standards and management of lands from the USACOE • Presentation from Staff of background information • Presentation on consequences of removing the 6SMA out of Chapter 33B
DISCUSSION	
MEETING ADJOURNED	3:50pm