MEMORANDUM

Agenda Item No. 11(A)(6)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	February 21, 2012
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution supporting Legislation to expedite State Administrative hearing process to review challenges to DEP proposed dredging permits authorizing improvements to Florida deep water ports

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 21, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
2-21-12

RESOLUTION NO. _____

RESOLUTION SUPPORTING LEGISLATION TO EXPEDITE STATE ADMINISTRATIVE HEARING PROCESS TO REVIEW CHALLENGES TO DEP PROPOSED DREDGING PERMITS AUTHORIZING IMPROVEMENTS TO FLORIDA DEEP WATER PORTS

WHEREAS, the Miami Harbor Phase III deep-draft deepening project (Project) is necessary to enable the Port of Miami to accommodate the deeper draft cargo vessels anticipated to use the expanded Panama Canal commencing in 2014; and

WHEREAS, this Board has previously found that the Project is vital to both the state and South Florida economies and is clearly in the public interest; and

WHEREAS, the Project has previously been authorized by Congress and approved by the Army Corps of Engineers (COE); and

WHEREAS, the Project has previously undergone extensive review by multiple federal and state environmental agencies, and, following public notice and the solicitation of public input, has successfully obtained a final federal Environmental Impact Statement (FEIS), with a favorable review from the Environmental Protection Agency; and

WHEREAS, the Project has also been included in the Florida Department of Transportation 2011-2012 Work Program; and

WHEREAS, after extensive review of the proposed Project by state environmental regulators, the Florida Department of Environmental Protection (DEP) recommended the issuance of a consolidated environmental resource permit, variance, and sovereign submerged lands authorization to the COE to construct the Project; and

WHEREAS, several petitioners objected to the proposed DEP permit, triggering a need for an administrative hearing before the Florida Division of Administrative Hearings (DOAH), which hearing is not scheduled to take place until mid-August and September 2012; and

WHEREAS, such late scheduled hearings could delay commencement of the Project to the extent that the County's ability to complete same in time to coincide with the anticipated 2014 opening of the expanded Panama Canal would be jeopardized,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Expresses its support for legislation before the 2012 Florida Legislature that would expedite the administrative hearing process with respect to challenges to DEP proposed harbor deepening permits involving Florida deep water ports, including the Port of Miami.

Section 2. Urges the Florida Legislature to pass such legislation.

Section 3. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker and Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the issues identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of February, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. SBB

Steven B. Bass