

MEMORANDUM

Agenda Item No. 11(A)(4)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

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

SUBJECT: Resolution directing the Mayor
to work collaboratively with the
United States Fish and Wildlife
Service to proactively identify
issues and concerns related to
endangered species on County-
owned properties

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

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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 Mayor'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)(4)

4-21-15

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S
DESIGNEE TO WORK COLLABORATIVELY WITH THE
UNITED STATES FISH AND WILDLIFE SERVICE TO
PROACTIVELY IDENTIFY ISSUES AND CONCERNS
RELATED TO ENDANGERED SPECIES ON COUNTY-
OWNED PROPERTIES

WHEREAS, Miami-Dade County is home to a number of animal and plant species that may be threatened or endangered; and

WHEREAS, federal law, specifically the Endangered Species Act, 16 U.S.C. 35, has various procedures and requirements that are designed to protect these species; and

WHEREAS, the federal government, through the United States Fish and Wildlife Service, may from time to time add or delete species from the lists of threatened and endangered species, and the agency may also designate areas of critical habitat for threatened or endangered species; and

WHEREAS, before adding or deleting species from the lists of threatened and endangered species or designating new areas of critical habitat, the agency publishes a notice of proposed rulemaking and sends written notices to certain affected parties; and

WHEREAS, listings of new endangered or threatened species and designations of new areas of critical habitat may affect what property owners may do on their property, pursuant to the Endangered Species Act, 16 U.S.C. 35; and

WHEREAS, certain activities on County owned properties, such as County parks as well as conservation lands, could require a permit under the Endangered Species Act, 16 U.S.C. 35; and

WHEREAS, for example, the United States Fish and Wildlife Service has issued a lengthy opinion which allows controlled burns on certain County properties, provided that controlled burns are conducted in a specific way; and

WHEREAS, depending on the type of permit or authorization needed, the United States Fish and Wildlife Service may take over a year to make a final decision on such permit applications, and some decisions by the United States Fish and Wildlife Service must be published in the Federal Register and subject to a formal comment period before those decisions may be made final; and

WHEREAS, by working collaboratively with the United States Fish and Wildlife Service, the County may be able to identify issues and concerns related to endangered species on County-owned properties in a proactive manner, thus better protecting endangered species, allowing the County more time to consider what permits or authorizations may be required under the Endangered Species Act, and providing decision makers with more information about endangered species on County properties,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby directs the Mayor or Mayor's designee to work collaboratively with the United States Fish and Wildlife Service to proactively identify issues and concerns related to endangered species as they relate to County-owned property.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of April, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Abbie Schwaderer-Raurell