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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

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

Resolution No. R-331-15

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

DATE: April 21, 2015

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

SUBJECT: Agenda Item No. 11(A)(4)

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. R-331-15

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 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 **Daniella Levine Cava**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**absent**
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell