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

From: James F. Murley, Chair
Miami-Dade County DERM Wetlands Advisory Task Force

Subject: Final Report of the Miami-Dade County Wetlands Advisory Task Force

1 Pursuant to Section 1 of Resolution No. R-561-11, the [Wetlands Advisory Task Force \(WATF\)](#) was
2 established for the purpose of providing recommendations to the Board of County Commissioners
3 (BCC). The initial meeting of the WATF took place on September 29, 2011, and deliberations were
4 completed on XXXXXXXX XX, 2012. [During the course of our deliberations, the reorganization of County](#)
5 [departments resulted in the Department of Environmental Resources Management \(DERM\) becoming a](#)
6 [part of a newly created Department of Permitting Environment and Regulatory Affairs \(PERA\)](#). PERA
7 staff was assigned to provide information on the administration of the County wetland program as well
8 as to act as the staff support to the Task Force. This report reflects the recommendations of the Task
9 Force and does not necessarily represent the opinion of PERA or the County Administration. Pursuant
10 to a majority vote of the membership of the WATF, enclosed is a final report of its findings and
11 recommendations.

12 INTRODUCTION

13 On July 7, 2011, the Miami-Dade County Board of County Commissioners (BCC) passed resolution R-
14 561-11 which established the Wetlands Advisory Task Force (WATF). The WATF was established for a
15 period of six (6) months with a mandate to hold at least five (5) meetings. On January 24, 2012, the BCC
16 approved a two month extension to the original six month term, providing the Task Force with a revised
17 final reporting date of March 17, 2012. The purpose of the WATF as defined in the resolution is as
18 follows:

- 19 1) Review the process that is used in classifying and determining wetland designations.
- 20 2) Determine whether the appeals process is fair, adequate and allows for due-process
- 21 3) Investigate ways of providing enhanced outreach to property owners located in
22 environmentally sensitive areas regarding environmental permitting requirements that may be
23 applicable to their properties.
- 24 4) Provide advice and recommendations to the BCC regarding revisions to wetlands regulations in
25 chapter 24 of the Miami-Dade county code and any DERM fees related thereto.
- 26
- 27

28 The primary responsibility of the WATF, as outlined in Section 4 of resolution R-561-11, is to make
29 recommendations to the Board of County Commissioners as to the matters identified above, including
30 any specific recommended revisions to the wetlands regulations in Chapter 24 of the Miami-Dade
31 County Code and any fees related thereto. The resolution called for the WATF to be comprised of seven
32 (7) voting members, six (6) appointed by the BCC and one (1) appointed by the County Mayor, and two
33 (2) non-voting members representing the State of Florida Department of Environmental Protection
34 (FDEP) and the State of Florida Department of Agriculture and Consumer Services (FDACS), respectively.
35 A third non-voting member, representing the South Florida Water Management District (District) was

36 invited to participate based upon an operating agreement between FDEP and the District, in which the
37 District handles a large share of wetlands permitting and enforcement on behalf of the State. The WATF
38 held xxxx (x) meetings: September 29, 2011; October 19, 2011; November 8, 2011; November 30,
39 2011; December 19, 2011; January 11, 2012; February 14, 2012, February 23, 2012 and xxxxxxxx xx,
40 2012. This report will serve to summarize the main topics reviewed and the findings and
41 recommendations of the WATF.

42
43 MAJOR ISSUES OF REVIEW

44 During the eight (8) month review period, the WATF received detailed presentations on the following
45 subjects related to wetland recommendations:

- 46 • Federal, State and County rules and methodologies relating to delineation of wetlands,
47 permitting requirements and methods for determining mitigation for impacts
- 48 • County Code requirements and the County’s implementation of the State rules
- 49 • How the State determines and applies exemptions from permitting for agricultural uses
- 50 • Department policies and procedures for progressive enforcement, general review of
51 wetland enforcement cases and review of County wetland regulations
- 52 • Wetland permitting timelines and proposed concepts for process improvements through
53 revisions to Chapter 24
- 54 • Past and current outreach efforts by the County
- 55 • Chapter 24 processes for appeals and procedures of the County’s Environmental Quality
56 Control Board
- 57 • USACE planning, designs and goals of the Modified Water Deliveries Project and Flood
58 Mitigation for the 8.5 Square Mile Area
- 59 • Potential options for streamlining permitting for Agricultural uses in wetlands.
- 60 • Common agricultural practices for fallowing of farm fields

61
62 A considerable amount of time was devoted to the issue of agricultural operations in jurisdictional
63 wetland areas. Over the past couple of years there have been significant changes in State law and
64 County land use that have greatly benefited agriculture.

65
66 In the 2010 legislature, the “Right to Farm Act” was amended. The previous version of the law
67 protected agriculture from encroaching land uses by prohibiting the County from “adopting” laws,
68 ordinances, policies etc. that limit an activity of a bona fide farm operation on land classified as
69 agricultural land if such activity is regulated through rules or measures adopted by the Department of
70 Environmental Protection, the Department of Agriculture and Consumer Services or a Water
71 Management District. The revised version expanded the prohibition to “adopt *or enforce*” thereby
72 exempting agriculture from the requirement to comply with almost any local ordinance, even those
73 previously in existence. The revised bill however, specifically maintained the requirement for agriculture
74 to comply with existing local wetland and stormwater programs.

75
76 In 2011, the County modified the Comprehensive Development Master Plan in two Open Land sub-
77 areas to allow agriculture to expand from solely seasonal crops to many other uses such as tree farms,
78 nurseries and limited livestock production. The two sub-areas include the C-9 basin and the Las Palmas
79 Area (also known as the 8.5 Square Mile Area).

80
81 Also in 2011, the State Legislature revised an existing exemption to the State’s Environmental Resource
82 Permit Program. The exemption in its original form stated “nothing herein, or in any rule, regulation or

83 order adopted pursuant hereto shall be construed to affect the right of any person engaged in the
84 occupation of agriculture, silviculture, floriculture or horticulture to alter the topography of any tract of
85 land for purposes consistent with the practice of such occupation. However, such alteration may not be
86 for the sole or predominant purpose of impounding or obstructing surface waters.” As a result of an
87 order from an appeals court that this exemption did not apply to wetlands due to provisions within the
88 Warren S. Henderson Wetlands Protection Act as codified in Chapter 403, F.S. , the state legislature
89 revised the law to change the wording and intent of the exemption to state “***Notwithstanding s.***
90 ***403.927***, nothing herein, or in any rule, regulation or order adopted pursuant hereto shall be construed
91 to affect the right of any person engaged in the occupation of agriculture, silviculture, floriculture or
92 horticulture to alter the topography of any tract of land, ***including, but not limited to, activities that***
93 ***may impede or divert the flow of surface waters or adversely impact wetlands***, for purposes
94 consistent with the practice of such occupation. However, such alteration or activity may not be for the
95 sole or predominant purpose of ***impeding or diverting the flow of surface waters or adversely***
96 ***impacting wetlands*** [emphases added].” Additionally, whereas previously the Florida Department of
97 Agriculture and Consumer Services (FDACS) was tasked under the law with assisting a water
98 management district in determining if an activity qualifies for the exemption, the revised law gave
99 FDACS exclusive authority to make binding determinations as to whether an activity qualifies for the
100 exemption in those situations where such a determination is requested by a landowner or a water
101 management district. Finally, the revision made the exemption retroactive to 1984. The passage of the
102 revised and expanded agricultural exemption in the State law, and how it is applied by the water
103 management district and FDACS was discussed at length in the Task Force meetings.

104 ~~Also in 2011, the State Legislature revised an existing exemption to the state Environmental Resource~~
105 ~~Permit Program that allowed for agricultural operations to alter the topography of any tract of land~~
106 ~~without the requirement to obtain a state permit, provided the activity is considered normal and~~
107 ~~customary and not for the sole or predominant purpose of impounding or obstructing surface water.~~
108 ~~The revised version expanded the exemption by stating that activities that impede or divert the flow of~~
109 ~~surface waters or adversely impact wetlands were exempt as well, provided that the sole or~~
110 ~~predominant purpose of the activity may not be for impeding or diverting the flow of surface waters or~~
111 ~~adversely impacting wetlands. This exemption within the state law was made retroactive back to 1984.~~
112 ~~The passage of the revised and expanded agricultural exemption in the State law was discussed at~~
113 ~~length in the Task Force meetings. The exemption allows for certain normal and customary agricultural~~
114 ~~operations to impact wetlands without a state permit, provided the activity is not for the sole and~~
115 ~~predominant purpose of doing so. The revised law provides for the Florida Department of Agriculture,~~
116 ~~upon request of an applicant or a water management district to make a binding determination of~~
117 ~~whether a proposed activity qualifies under the exemption. The Task Force views this exemption as~~
118 ~~having some potential benefit to the agricultural community, however, because of the Law’s recent~~
119 ~~passage, there is little to no information on the potential effects within the County. The Task Force~~
120 ~~recommends that the County monitor the implementation of the exemption statewide and specifically~~
121 ~~within Miami-Dade County for a period of six months to one year. Based on the assessment, the~~
122 ~~determination of whether it would be in the County’s overall best interest to adopt a similar type of~~
123 ~~exemption at the County level will be better informed.~~

124
125 **DISCUSSION**

126
127 **A summary of the information reviewed and finding of the four topics of committee consideration are**
128 **discussed below.**

129

130 **1) Review the process that is used in classifying and determining wetland designations.**

131 The process for determining the presence of wetlands requires specific training and technical
132 knowledge of botany, hydrology, and soils. It is not always simple for untrained people to
133 recognize a jurisdictional wetland, especially in the dry season.

134
135 Presentations were made by the Army Corps of Engineers, Florida Department of
136 Environmental Protection and County staff regarding the methodology used in the delineation
137 of wetlands by each agency. Pursuant to State Law, all state and local programs must use the
138 definition and methodology for determining the landward extent of wetlands pursuant to
139 Chapters 373.019(25) and 373.421 F.S., and Rule 62-340 F.A.C. The County's presentation
140 confirmed that the County Code references the State methodology and that the County Staff
141 that conduct wetland determinations are trained and certified by the State of Florida in the
142 proper application of the unified statewide delineation methodology. The non-voting members
143 on the task force from the Florida Department of Environmental (FDEP) Protection and the
144 South Florida Water Management District confirmed that the County was using the correct
145 methodology. One specific example was discussed in which the FDEP Wetland Evaluation and
146 Delineation Section staff from Tallahassee was brought in to perform a second delineation in
147 association with a wetland case that was in litigation. The FDEP staff confirmed the County's
148 wetland determination.

149
150 There was considerable discussion about wetland jurisdictional determinations on agricultural
151 land. Both the State and the County explained in detail that agricultural production can, and
152 often does, take place on land that maintains jurisdictional wetland status. While a legal
153 agricultural operation may continue in wetlands, a ~~significant~~ change in land use or dredging
154 and filling of that land ~~will generally may~~ require wetland permits.

155
156 **2) Determine whether the appeals process is fair, adequate and allows for due-process.**

157 Information was presented and discussed regarding the appeals and due process rights
158 available to the public related to wetland issues. Chapter 24-11 of the Code of Miami-Dade
159 County provides an appeals process for any person aggrieved by an action or decision of the
160 Director. This appeal must be made within fifteen (15) days of the date of the action or
161 decision, after which a hearing will be scheduled before the Environmental Quality Control
162 Board (EQCB). The EQCB is made up of five highly technical independent members appointed by
163 the Board of County Commissioners. If an appellant is dissatisfied with a decision of the EQCB,
164 they can further appeal through the circuit court process.

165
166 In addition, if a land owner is in disagreement with a wetland delineation performed by the
167 County, they can request that a formal, binding wetland determination be performed by the
168 FDEP or the Water Management District. The FDEP or the District will conduct a separate
169 independent evaluation of the property to determine the presence of wetlands and the line of
170 delineation between wetland and uplands.

171
172 The Task Force has found that ~~an adequate a~~ process exists for appeals and due process,
173 however, public testimony to the task force has indicated that some landowners were unaware
174 of one or both of these options.

176 **3) Investigate ways of providing enhanced outreach to property owners located in**
177 **environmentally sensitive areas regarding environmental permitting requirements that may**
178 **be applicable to their properties.**

179 The Task Force was provided with several examples of tools developed by the Department to
180 increase the awareness of wetland issues and outreach to the community. These included
181 targeted mailings to real estate agents, title agents and other professionals involved in the
182 potential sale or acquisition of properties that may contain wetlands and the creation of an
183 informational brochure that has been made available to interested parties and is provided to
184 the South Dade Agricultural Extension Center for greater distribution. Additionally, the Task
185 Force was advised that the Department regularly attends all meetings of the County's
186 Agricultural Practices Advisory Board, and has regularly scheduled meetings with the Builders
187 Association of South Florida. They also attend many other public or industry meetings when
188 requested.

189
190 It should be noted that the Department **recently** developed an on-line GIS tool linked to the
191 Property Appraiser's website. Upon review of a property on the site, the user may select the
192 Environmental Considerations link. This link will redirect the user to an application that will
193 display known and potential environmental information, such as wetlands, that exist in the
194 vicinity of the property. The user will also be provided with links to additional information and
195 all necessary contact information for the Department.

196
197 During the public comment at the meetings, a number of people indicated that they were
198 unaware that a property they purchased or even owned for many years, contained jurisdictional
199 wetlands until after they did unpermitted work. The committee ~~recommends that discussed~~
200 additional **opportunities for** outreach efforts by the Department ~~be explored~~.

201
202 **4) Provide advice and recommendations to the BCC regarding revisions to wetlands regulations**
203 **in chapter 24 of the Miami-Dade County code and any PERA fees related thereto.**

204 The Task Force requested presentations and held lengthy discussions on the development of
205 recommendations, with the goal of, as the Mayor outlined in his State of the County Address,
206 "...streamlining our permitting processes by simplifying our codes and doing away with well-
207 intended, but cumbersome regulations that stifle job growth, while still protecting our
208 environment and natural resources." These proposals attempted to recommend changes that
209 are consistent with the adopted County policies under the Land Use, Conservation, and Coastal
210 Management Elements of the Comprehensive Development Master Plan related to ensuring
211 that drinking water quality is protected and that the preservation of high quality wetlands,
212 wetland values and habitats for threatened and endangered species is maintained.

213
214 With the participation of the County, State and Federal permitting representatives, areas of
215 overlapping jurisdiction were presented. In general, the programs all delineate and evaluate the
216 amount of mitigation necessary for impacts to wetlands, however, the focus of the review
217 criteria are generally quite different. These other criteria range from the Federal review for
218 Threatened and Endangered Species to the State evaluation of regional impact to the County's
219 local focus on well field protection and consistency with land use policy and law. The issue of
220 streamlining has been discussed in great detail at all three levels for several years. State law
221 instructs the State to seek delegations from the Federal government and also allows for and
222 encourages the delegation of the State program to qualified local governments pursuant to

223 Chapter 373.103 F.S. and Rule 62-244 F.A.C. ~~With the reductions to State and District funding~~
224 ~~and staffing and with the State and District permitting offices located in West Palm Beach, the~~
225 ~~urgency and need to streamline the permitting programs are paramount to ensuring the~~
226 ~~protection of local resources. Additionally, an~~ An analysis of the Environmental Resource
227 Permitting program indicates that the fees generally do not even cover half of the cost of
228 administering the program. If the County were to receive delegation, the State permit criteria
229 could be evaluated concurrent with the County's. This efficiency would bring services closer to
230 the regulated public, avoid the need for future fee increases to cover the State and District
231 portions of the permitting program and significantly simplify the process for applicants, allowing
232 both permits to be processed concurrently in a streamlined manner with one point of contact.
233 Discussion was held, pursuant to specific public comment, that delegation for wetland
234 permitting for rockmining not be sought.

235
236 The County's fee schedule related to wetland regulations was provided to the Task Force along
237 with the methodology used to set the fees. The fees are developed based on the staff time
238 required to process an average permit application. The fees are then presented and approved
239 by the Board of County Commissioners. The majority of the Task Force deliberations focused on
240 the costs associated with providing compensatory mitigation for unavoidable impacts to
241 wetlands, which is not a fee imposed by the County, but is often, by far, the highest cost
242 associated with wetland permitting.

243
244 Wetland mitigation methodologies are established by the State through the Uniform Mitigation
245 Assessment Methodology (UMAM) pursuant to Chapter 373.414(18) F.S and Rule 62-345 F.A.C.
246 The cost of mitigation is somewhat variable depending on the type of mitigation performed;
247 however, the majority of mitigation in the County is done through private mitigation banks
248 where the cost is set by the bank itself.

249
250 A significant amount of time was devoted to the ~~support concerns~~ of the agricultural industry
251 ~~and the 8.5 Square Mile Area (aka the Las Palmas Community)~~. The primary concern revolved
252 around the cost of wetland mitigation necessary to offset any loss of wetland function due to
253 the establishment of new agricultural operations in wetland areas. An effort was made to
254 develop recommendations for mitigation alternatives that would reduce the cost of mitigation
255 for agriculture without losing significant wetland function.

256
257 Throughout the process, public involvement was encouraged. Public comment was recorded
258 verbatim in the meeting minutes. Additionally, the public was encouraged to provide comments
259 and suggestions in writing to the task force. A number of suggestions were received and
260 reviewed for consideration in the recommendations.

261 262 263 **RECOMMENDATIONS**

264
265 Currently, there is no consideration within Chapter 24 of the Code of Miami-Dade County for periods of
266 inactivity of an agricultural operation, either as a result of common agricultural practice or other
267 circumstances. For the County to consider implementing an exemption to allow farming to continue in
268 wetlands after a fallowing period, without the requirement to obtain a permit, a definition of fallowing

269 is required. Recommendations one through three relate to allowing fallowing periods and the
270 continuation of agriculture in wetlands.

271
272 Recommendation 1: Modify Chapter 24-5 of the Code of Miami-Dade County to add a definition for
273 Agricultural Fallowing: Agricultural Fallowing shall mean a period of no more than five years in which
274 a legal bona fide agricultural operation is inactive

275
276 Recommendation 2: Modify Chapter 24-48 of the Code of Miami-Dade County to establish an
277 exemption from requirements to obtain a Class IV wetland permit for the resumption of a bona fide
278 agricultural operation within the period of Agricultural Fallowing as defined in Chapter 24-5 of the
279 Code

280
281 Recommendation 3: Modify Chapter 24-48 of the Code of Miami-Dade County to include the option
282 of an administrative review for extension of the fallowing period due to unique or extenuating
283 circumstances including, but not limited to, natural disasters, contamination, acts of God or
284 governmental authority. The administrative decision may be appealed to the EQCB.

285
286
287 Currently, there are a limited number of project types that qualify as exempt from permitting under
288 Chapter 24-48. The Department has identified several project types that consist of time sensitive and/or
289 environmentally beneficial work in wetlands that can be done without the need for a permit, provided
290 that the Department determines that the specific proposed project will not have an adverse effect on
291 the environment, flood protection or drinking water supplies. The committee supports these expanded
292 exemptions.

293
294 Recommendation 3 4: Modify Chapter 24-48 of the Code of Miami-Dade County to add the
295 following to the list of exemptions for Class IV permitting.

- 296
- 297 • Scientific, water quality, or geotechnical sampling or testing in wetlands, provided the
298 Department determines that the sampling and testing will result in no adverse
299 environmental impact.
 - 300 • Work in wetlands, not to exceed thirty (30) days, associated with motion picture, television,
301 photographic or other media production provided the Department determines that work
302 will result in no adverse environmental impact.
 - 303 • Treatment or removal of vegetation which is listed as a prohibited species as set forth in
304 Section 24-49.9 of the Code of Miami-Dade County, Florida, ~~for the purpose of~~
305 ~~environmental restoration or environmental enhancement activities~~, provided the
306 Department determines that the work will result in no adverse environmental impact.
 - 307 • Work in wetlands performed to restrict access to a property for the purpose of maintaining
308 the property in its natural state and protecting the property from trespass, illegal dumping,
309 or damage to wetlands, provided the Department determines the work to restrict access
310 will result in no adverse environmental impact.

311
312
313 As previously noted herein, there was considerable time and effort allocated to the discussion of
314 agricultural uses in wetlands. The primary cost of obtaining a permit is the cost of mitigation to offset
315 unavoidable impacts to wetlands. This cost has been described as a prohibitive factor in an industry

316 where profit margins are low. Recommendations 5 through 8 relate to opportunities for conducting
317 agricultural activities with no mitigation requirement or with lower cost alternative mitigation options
318 in an effort to balance the expansion of the agricultural industry with the protection of natural
319 resources.

320
321 Recommendation 5: Modify Chapter 24-48 of the Code of Miami-Dade County to allow for a limited
322 exemption from County wetlands permitting requirements for bona fide agricultural activities in
323 jurisdictional wetlands subject to the following guidelines when such impacts are exempt from the
324 State permitting criteria:

- 325 • Impacts under the exemption do not exceed 10 acres in size for any one property;
- 326 • No additional fill may be brought to the site except for that clean soil, free from chemical
327 contaminants, needed to replace soil lost to removal of field grown trees;
- 328 • The wetlands to be impacted are either currently in active agriculture production or the site
329 consists of greater than 90% non-native vegetation.

330
331 Recommendation 5 6: Modify Chapter 24-48 of the Code of Miami-Dade County to allow impacts to
332 wetlands requiring a Class IV permit for bona fide agricultural production to qualify for a deferral of
333 the mitigation requirement subject to the following guidelines when such impacts are exempt from
334 the State permitting criteria:

- 335 • Through the permitting process the Department will perform a detailed biological
336 assessment necessary to document the conditions of the property in sufficient detail as
337 needed to impose mitigation at a future date;
- 338 • The property must contain predominantly non-native vegetation and have evidence that it
339 was in legal agricultural use within the past 25 years;
- 340 • No additional fill may be brought to the site except for that clean soil, free from chemical
341 contaminants, needed to replace soil lost to removal of field grown trees;
- 342 • The owner must proffer a covenant to be accepted by the Director of PERA on behalf of the
343 Board of County Commissioners. The covenant shall specify the terms of the deferred
344 mitigation and shall require that at the time of a change in land use, the impacts to
345 wetlands and corresponding loss of wetland functions must be fully mitigated, either
346 through permitting and mitigation for an alternate use or through the restoration of the
347 property, including a period of monitoring and maintenance.

348
349 Recommendation 4 7: The County should develop a process whereby impacts to wetlands for bona
350 fide agricultural uses may be offset through payment of funds for purchase and preservation of
351 environmentally sensitive wetlands elsewhere in the County as identified by the Department, when
352 such impacts are exempt from the State permitting criteria.

353
354 Recommendation 8: The County should identify areas where a County sponsored Regional Offsite
355 Mitigation Area (ROMA) could be established and permitted/authorized to provide additional
356 mitigation options for wetland permitting at a potentially lower cost and to pursue such if feasible.

357
358 In the aftermath of Hurricane Wilma, many landowners accepted what they believed to be clean mulch
359 material from hurricane cleanup efforts. In most cases, this material was found to be shredded
360 vegetation mixed with other debris material including solid waste. In many cases the County was able to
361 identify the trucking companies who brought the material to these sites and had the companies remove
362 it. However, a number of unresolved cases still exist and the extent of the cleanup is often beyond the

363 financial ability for the property owners to resolve. Now, more than six years later, several cases
364 remain unresolved. Potential impacts include the loss of wetlands and the possibility of groundwater
365 and soil contamination.

366
367 Recommendation 6 9: The County should ~~investigate ways to~~ provide a one-time resolution for
368 property owners who accepted mulched hurricane debris associated with the 2005 storm season. ~~If~~
369 ~~it is determined that the mulched hurricane debris has resulted in, or poses a risk of groundwater~~
370 ~~contamination, under its authority, the County shall assume responsibility to clean up the~~
371 ~~environmental hazard, otherwise grandfather such material.~~

372
373 One of the commonly cited concerns raised by the regulated community and members of the public is
374 that prior to purchasing land, prospective buyers are sometimes unaware that a property contains
375 wetlands. In response to this concern, the Department worked closely with the Property Appraiser's
376 Office to develop a new environmental screening tool. This application includes information on
377 wetlands areas of concern, flood zones, wellfield protection areas, brownfields and contaminated sites,
378 among others. This new tool can assist title agents, realtors, attorneys, and the general public
379 conducting due diligence associated with real estate transactions, and direct them to contact the
380 County for additional pertinent information.

381
382 Recommendation 7 10: As it is essential to maintain the public's confidence in the County's
383 environmental programs and practices, it is important to have the public understanding of their
384 responsibilities and requirements under the law. The Department should enhance its outreach
385 efforts, making multiple and repeated efforts to inform the public on environmental issues,
386 including and especially those most affected by environmental protection laws, and should increase
387 efforts to publicize the newly created Environmental Considerations application that has been
388 added to the County's My Home web application. ~~This tool assists land owners and prospective~~
389 ~~buyers in the identification of potential environmental considerations that may affect the desired~~
390 ~~use of a property, such as the presence of jurisdictional wetlands.~~

391
392 ~~Recommendation 8 11: The County should identify areas where a County sponsored Regional~~
393 ~~Offsite Mitigation Area (ROMA) could be established and permitted/authorized to provide~~
394 ~~additional mitigation options for wetland permitting at a potentially lower cost and to pursue such~~
395 ~~if feasible.~~

396
397 Currently, the Department issues permits administratively for certain types of projects. Within the UDB,
398 most large projects receive several different approvals that allow for review, including zoning changes
399 and platting. Allowing more projects to be approved administratively without the need for review by
400 the Board of County Commissioners will streamline the permitting process and reduce costs for
401 applicants without having an adverse effect on the environment, flood protection or drinking water
402 supplies.

403
404 Recommendation 9 11: Modify Chapter 24-48 of the Code of Miami-Dade County to change the
405 thresholds for the issuance of ~~short form~~ Class IV permits ~~applications~~ to allow more projects to be
406 issued administratively. Specifically:

- 407
408 • Remove the acreage threshold for Class IV permitting for projects within the Urban
409 Development Boundary Line to allow all projects to be issued administratively.

- 410 • Change the threshold for administrative issuance of permits for administrative projects in
411 Open Land and Agricultural areas from 10 acres to 40 acres.

412
413
414 Issues related to the environment are reviewed under the authority of Federal, State and local
415 permitting programs. However, issues of local concern, including, but not limited to, wellfield
416 protection, flood management and locally environmentally protected areas are reviewed solely at the
417 local level. Furthermore, the nearest offices for the FDEP and SFWMD are located in West Palm Beach
418 and neither of these agencies have local regulatory staff. The County has the resources and the ability
419 to provide review of State permitting requirements to the locally regulated community. This will save
420 applicants time and cost, provide local accountability and ensure that the unique resources of the
421 County are adequately considered. This recommendation is supported within the County's
422 Comprehensive Development Master Plan (CDMP Objective CON-7/Policy CON-7I) and State law
423 (Chapter 373.441).

424
425 Recommendation ~~10~~ 12: In order to increase government efficiency and provide services at a local
426 level, the County should immediately seek a delegation of the ERP program from the Florida
427 Department of Environmental Protection. However, as the review and approval of bona fide
428 rockmining operations is directly discussed in State law as being under the purview of the FDEP,
429 delegation for wetland permitting for rockmining should not be sought.

430
431 ~~Recommendation 11: The committee sees potential value in the State agricultural exemption~~
432 ~~passed in the 2011 legislature; however the committee does not have enough information to advise~~
433 ~~the County Commission on the impact and utility of the exemption in Miami-Dade County.~~
434 ~~Therefore, the Task Force recommends an evaluation period of six months to one year to evaluate~~
435 ~~the impact based on the actual state determinations made in Miami-Dade County and to determine~~
436 ~~if it would be in the County's best interest to adopt a similar exemption.~~