

MEMORANDUM

Agenda Item No. 8(H)(1)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a Consent Order between the South Florida Water Management District and Miami-Dade County for required maintenance of three maintenance areas located at the County-owned Trail Glades Range totaling 66.86 acres in maintenance condition of less than five percent cover by exotic vegetation.

Resolution No. R-1070-24

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: December 3, 2024

To: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Approval of a Consent Order between the South Florida Water Management District and Miami-Dade County for Required Conservation of Three Maintenance Areas at Trail Glades Range

Executive Summary

This item authorizes Miami-Dade County, via the Parks, Recreation and Open Spaces Department (PROS) to enter into a formal consent order agreement with the South Florida Water Management District (SFWMD) regarding required natural areas management of three maintenance areas located within PROS' Trail Glades Range (TGR). The consent order decreases the 593.82 acres that PROS was required to maintain per SFWMD Permit No. 13-02453P to 66.86 acres comprised of three maintenance areas. Additionally, the consent order eliminates the requirement of 16.6 future mitigation credits per SFWMD Permit No. 13-108033-P, which supersedes SFWMD Permit No. 13-02453-P. The consent order requires PROS to maintain exotic vegetation at less than 5% cover in the maintenance areas in perpetuity and provide an annual monitoring report to SFWMD for five years evidencing compliance. The County's Trail Glades Range Park (TGR) is a total of 699 acres. The consent order agreement with SFWMD will not change the park acreage in County ownership or impact on the developed areas of the park.

Recommendation

It is recommended that the Board approve the consent order (Attachment A) and authorize the County Mayor or County Mayor's designee to execute the agreement, supporting the conservation and stewardship of wetland resources at Trail Glades Range while providing significant cost savings for natural areas maintenance.

Scope

Trail Glades Range is located at 17601 SW 8 Street, Miami, FL 33194 within County Commission District 12, which is represented by Commissioner Juan Carlos Bermudez.

Fiscal Impact/Funding Source

Fees associated with the consent order total \$10,497.50. PROS estimates the cost to maintain the three maintenance areas (total of 66.86 acres) for 5 years at \$375,000 (initial cost is estimated at \$1500.00/acre and is expected to lessen over the first 2-3 years as the habitat condition improves with repeated treatment). The original cost to maintain the 593.82-acre area was estimated at \$1.005 million for the first year and more than \$450,000 annually thereafter due to the complex access issues and the high density of exotic vegetation in and around the wetland. PROS estimates the annual cost to maintain the three maintenance areas after the five year reporting period at approximately \$54,376.00 (\$800/acre), a significant cost savings.

Track Record/Monitor

The project will be administered by PROS Conservation Unit/Natural Areas Management Division staff.

Delegation of Authority

The County Mayor or Mayor's designee will have the authority to execute the consent order agreement and exercise all provisions of the agreement including the amendment and termination provisions contained therein.

Background

Trail Glades Range includes jurisdictional wetlands, with specific natural areas maintenance guidelines both mandated and recommended as best practices by the South Florida Water Management District (SFWMD), U.S. Army Corps of Engineers, and the Regulatory and Economic Resources Department's Division of Environmental Resources Management (RER-DERM).

In 2005 two mitigation areas were created, 18.72 acres (Maintenance Area 1) and 11.11 acres (Maintenance Area 2), collectively, the Mitigation Areas covering 29.83 acres of wetland habitat via SFWMD Permit #13-02453-P. In 2006, new construction and improvements to existing structures were proposed and planned for TGR, requiring additional permits from the SFWMD, RER-DERM, and the U.S. Army Corps of Engineers (USACE). SFWMD issued a modification to Permit No. 13-02453-P on November 22, 2010 and on March 18, 2010, the SFWMD conservation easement was recorded in the County's Official Record Book that was placed on the property covering 593.82 acres of wetland habitat. Also in 2010, PROS applied for future mitigation credits to develop the park, which were not used.

SFWMD notified PROS of permitted non-compliance. Estimates to treat the entire 593.82-acre conservation easement were obtained in the range of \$1.005 million for initial treatment and at least \$300,000.00 annually thereafter. PROS conducted a review of all TGR documents and determined that mitigation was needed only for the impacts of Phase I of the construction project, which totaled 37.03 acres. PROS drafted a new management plan for 37.03 acres and placed this new mitigation area (Maintenance Area 3) on top of an existing 105-acre conservation easement that was created for the RER-DERM and USACE permits needed for the same construction project. SFWMD accepted this new management plan, provided that PROS surrender the 16.6 future mitigation credits and submit a new permit modification request that included the aforementioned management plan.

In 2023 PROS received SFWMD Permit No. 13-10833-P which reduced the conservation easement acreage that PROS is required to maintain from 593.82 acres to 66.86 acres. Permit No. 13-10833-P included three Maintenance Areas, a new 37.03-acre area and the two previously created maintenance areas of 11.11 and 18.72 acres, respectively, for a total of 66.86 acres. Per the 2023 Permit, PROS is to maintain exotic vegetation at less than 5% cover of non-native vegetation in the three Maintenance Areas (66.86 acres) in perpetuity and provide an annual monitoring report to SFWMD for five years evidencing compliance.

A consultant was retained to prepare the permit modification, monitor the maintenance areas and submit required reports to SFWMD. A contractor will be needed to treat exotic vegetation in the three SFWMD maintenance areas included in this consent order and the one RER-DERM/USACE conservation easement (total of 134.83 acres) at an estimated initial treatment cost of approximately \$1,500.00 per acre, with the cost decreasing each successive year until the habitat quality reaches maintenance condition of less than 5% cover by exotic vegetation.



Jimmy Morales
Chief Operating Officer

Memorandum



Date: October 29, 2024
To: Eugene Love, Agenda Coordinator
From: Jimmy Morales, Chief Operating Officer
Subject: Request to Process Late Departmental Agenda Item

I am requesting that the following item be placed on the November Committee Cycle.

RESOLUTION APPROVING A CONSENT ORDER BETWEEN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND MIAMI-DADE COUNTY FOR REQUIRED MAINTENANCE OF THREE MAINTENANCE AREAS LOCATED AT THE COUNTY-OWNED TRAIL GLADES RANGE TOTTALLING 66.86 ACRES IN MAINTENANCE CONDITION OF LESS THAN 5% COVER BY EXOTIC VEGETATION.

It is important that this item be heard on the November Committee cycle in order to comply with the South Florida Water Management District's consent order for December for the commencement of the removal of exotic vegetation from the Miami-Dade County's Parks, Recreation and Open Spaces Department's Trail Glades Range.

I am aware that this item is subject to approval for placement on the agenda by the appropriate committee chairperson as well as the BCC Chairperson, and review by the Office of the County Attorney. Therefore, please process the item notwithstanding that the 3-day rule may be applicable to these items.



Approved by Mayor or Mayor's Designee
Signature

Jimmy Morales

Print Name



Approved by Legislative Affairs Director
Signature

Nicole Tallman

Print Name

c: Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
CAOagenda@miamidade.gov



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(H)(1)

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
- ☐ Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) 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. 8(H)(1)
12-3-24

RESOLUTION NO. R-1070-24

RESOLUTION APPROVING A CONSENT ORDER BETWEEN
THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
AND MIAMI-DADE COUNTY FOR REQUIRED
MAINTENANCE OF THREE MAINTENANCE AREAS
LOCATED AT THE COUNTY-OWNED TRAIL GLADES
RANGE TOTALING 66.86 ACRES IN MAINTENANCE
CONDITION OF LESS THAN FIVE PERCENT COVER BY
EXOTIC VEGETATION

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Incorporates and approves the foregoing recital as if fully set forth herein.

Section 2. This Board approves the terms of and authorizes the County Mayor or County Mayor's designee to execute and enforce all provisions of the Consent Order between the County and the South Florida Water Management District ("SFWMD"), in substantially the form attached to the accompanying memorandum as Attachment A, for the ongoing management of three maintenance areas located at Trail Glades Range totaling 66.86 acres in maintenance condition of less than five percent cover of exotic vegetation.

The foregoing resolution was offered by Commissioner **Kevin Marino Cabrera** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Anthony Rodríguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of December, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

mjs

Melanie J. Spencer

ATTACHMENT A

BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT,

Complainant,

v.

SFWMD No. 2024-____-CO-ERP

MIAMI-DADE COUNTY,

Respondent.

_____/

CONSENT ORDER

This Consent Order is entered into between Complainant, South Florida Water Management District ("District"), and Respondent, Miami-Dade County ("Respondent"), by mutual consent, who agree as follows:

FINDINGS OF FACT

1. The District, a government entity created under Chapter 373, Florida Statutes, is a multipurpose water management district with its principal office located at 3301 Gun Club Road, West Palm Beach, Florida 33406.

2. Respondent is a person within the meaning of Section 373.019(15), Florida Statutes. Respondent's mailing address is 275 NW 2nd Street, Miami, Florida 33128.

3. The following exhibits are attached and incorporated into this Consent Order:

Exhibit A – Location Map;

Exhibit B – Deed of Conservation Easement;

Exhibit C – Florida Invasive Species Council's 2019 List of Invasive Plant Species ;

Exhibit D - Notice of Violation; and

Exhibit E – Notice of Rights.

4. Respondent owns property with Parcel Identification Numbers 3039560000160, 3049060000030, 3049060010080, and 3049060010070; located in Section 6, Township 54 South, Range 39 East; Miami-Dade County, Florida ("Property"). The Property is shown on the location map attached as Exhibit A.

5. The District has jurisdiction over the Respondent, the Property, any stormwater management system, wetlands, wetland impacts, all works, and maintenance activities conducted on the Property as provided in Chapter 373, Florida Statutes.

6. On January 12, 2005, the District issued Respondent Environmental Resource Permit ("ERP") No. 13-02453-P, via Application No. 020725-13, authorizing the construction and operation of a surface water management system for improvements to an existing facility on the Property ("Permit"). The Permit established an 18.72-acre ("Maintenance Area 1") and an 11.11-acre ("Maintenance Area 2") mitigation area (collectively, the "Mitigation Areas").

7. On April 7, 2006, Respondent submitted ERP Application No. 060407-16 to expand the facilities on the Property resulting in an additional 1.46 acres of direct wetland impacts and 1.84 acres of secondary impacts. As part of the application, Respondent proposed to place a conservation easement over 593.82 acres of wetlands located in the

northern portion of the Property ("Conservation Area"). The Conservation Area included the 37.03 acres¹ needed to offset the additional impacts ("Maintenance Area 3"), and the Mitigation Areas (29.83 acres) previously established in the Permit. Thus, Respondent proposed to preserve a surplus of 536.81 acres of wetlands in the Conservation Area resulting in 16.6 extra functional units of mitigation that Respondent could use during the permitting of future phases of construction on the Property.

8. The District approved Respondent's ERP Application No. 060407-16 on November 22, 2010 ("Modified Permit").

9. A Deed of Conservation Easement was recorded over the Conservation Area in the Official Records Book 27219, at Pages 4813-4821 of the Public Records of Miami-Dade County, Florida ("Conservation Easement"). The Conservation Easement is attached as Exhibit B.

10. Special Condition No. 16 of the Modified Permit requires Respondent to maintain the Conservation Area free of Category I exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance). Exotic and nuisance vegetation must not exceed 5% cover between maintenance events and must not dominate any one section of the Conservation Area.

¹ Application No. 060407-16 stated that 27.18 acres of wetlands were needed to offset the additional impacts. However, during the review of ERP Application No. 221107-36524, District staff determined an error was made in Application No. 060407-16, and instead 37.03 acres of land was needed to mitigate for the wetland impacts associated with the Modified Permit.

11. On September 24, 2018, District staff conducted an aerial inspection of the Conservation Area. Staff noted that exotic and nuisance vegetation was exceeding 5% cover and was dominating the western and southern portions of the Conservation Area.

12. On November 19, 2018, the District issued a Notice of Noncompliance to Respondent for failing to comply with Special Condition No. 16 of the Modified Permit.

13. On November 12, 2019, District staff conducted a site inspection and observed exotic and nuisance vegetation still exceeded 5% cover in the Conservation Area.

14. On January 7, 2021, the District issued a Second Notice of Noncompliance to Respondent.

15. On March 15, 2021, the District issued a Final Notice of Noncompliance to Respondent.

16. On March 23, 2021, Respondent provided the District with a corrective action plan to address the noncompliance issues identified in the Notices of Noncompliance. However, the District found Respondent's corrective action plan insufficient to sufficiently resolve the violations.

17. On May 19, 2021, the District reissued the Final Notice of Noncompliance to Respondent and explained that Respondent's corrective action plan was insufficient.

18. On October 27, 2021, the District issued a Notice of Violation ("NOV") to Respondent for failing to comply with Special Condition 16 of the Modified Permit. The NOV is attached as Exhibit C.

19. On November 5, 2021, Respondent replied to the NOV stating that they would work with the District to resolve the violations noted in the NOV.

20. On November 7, 2022, Respondent submitted ERP Application No. 221107-36524 requesting the following:

- a. Eliminating the 16.6 surplus functional units of mitigation assigned to Respondent in the Modified Permit; and
- b. Reducing the extent of the Conservation Area subject to exotic and nuisance vegetation maintenance to include only Maintenance Area 3 and the Mitigation Areas.

21. Respondent's ERP Application No. 221107-36524 did not propose to amend the Conservation Easement or release the surplus area from the Conservation Easement.

22. On November 21, 2023, the District issued ERP No. 13-108033-P, which reestablished the Mitigation Areas and required Respondent to conduct the necessary exotic vegetation maintenance work in the Mitigation Areas and Maintenance Area 3 in accordance with Exhibit 3.0 of ERP No. 13-108033-P, thereby eliminating the surplus mitigation credits (16.6 functional units) and resolving the violations identified in the NOV to the District's satisfaction.

23. By entering into this Consent Order, Respondent provided the District with reasonable assurances of good faith and the District agrees not to initiate an enforcement action for the violations described above. Respondent agrees that all factual and legal claims providing the basis for this Consent Order, including all terms, provisions, and

matters referred to in the Findings of Fact and Conclusions of Law, shall not be contested in any subsequent legal proceeding that may be brought to enforce the terms of this Consent Order.

CONCLUSIONS OF LAW

24. As provided in Rule 62-330.020, Florida Administrative Code, and Sections 373.413 and 373.416, Florida Statutes, the District requires permits to construct, alter, operate, or maintain stormwater management systems or works, including activities that impact wetlands. The activity must not harm the District's water resources.

25. The District finds that Respondent violated Chapter 373, Florida Statutes, and its corresponding rules, by not complying with Special Condition No. 16 of the Modified Permit.

26. The District may initiate and maintain legal action to enforce its rules, permits and orders, or to protect and preserve the state's water resources in accordance with Section 373.129, Florida Statutes. The District may recover a civil penalty for each offense in an amount not to exceed \$15,000.00 per offense. Each additional day in which a violation occurs will constitute a separate offense. The District may further recover investigative costs, court costs, and reasonable attorney's fees.

THEREFORE, having reached resolution of this matter, it is ORDERED:

ORDER

27. Within 60 days of the effective date of this Consent Order, Respondent must pay the District a total of \$10,497.50 in civil penalties and costs for settlement of the violations identified in this Consent Order. This amount includes \$7,997.50 in civil

penalties and \$2,500.00 for the District's costs and attorney's fees incurred during the investigation of this matter and for preparing and tracking this Consent Order. Payment shall be made by check or money order. The instrument must be made payable to the "South Florida Water Management District" and must be delivered via U.S. Mail or hand delivery at the following address: South Florida Water Management District, MSC9210, Environmental Resource Bureau, 3301 Gun Club Road, West Palm Beach, Florida 33406. Respondent agrees that these amounts are reasonable and shall not contest them in any subsequent action regarding this Consent Order.

GENERAL PROVISIONS

28. District representatives may enter the Property to verify compliance with this Consent Order. Respondent's failure to comply with this Consent Order shall constitute a violation of Chapter 373, Florida Statutes.

29. Should Respondent fail to meet the requirements set forth in this Consent Order, the District reserves the right to petition for judicial or administrative enforcement of its terms. In such event, Respondent shall not contest or deny any fact, legal conclusion, or any other matter set forth in this Consent Order, including the Findings of Fact, Conclusions of Law, penalties, fees, and costs. In exchange for the District not initiating legal proceedings and by signing below, Respondent waives all rights set forth in the Notice of Rights, attached as Exhibit E.

30. If the District successfully petitions or sues for enforcement of this Consent Order, Respondent agrees to and must pay the District's attorneys' fees, including, but

not limited to, the fair market value of in-house counsel fees as if performed by outside or private counsel, court costs, and any other damages.

31. The District expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violation of applicable statutes or the corresponding rules, or to alleviate an immediate serious danger to the public health, safety, or welfare. If Respondent's non-compliance with this Consent Order leads to the District bringing an enforcement action, Respondent consents to receive service of process by registered mail with no signature required, delivered to the Respondent's address.

32. This Consent Order shall take effect after the Respondent's and the District's execution and shall remain in full force and effect until its terms and conditions are completed to the District's satisfaction.

33. Entry of this Consent Order does not relieve the Respondent of the need to comply with all applicable federal, state, and local laws, regulations, or ordinances, including District permitting requirements. This Consent Order does not give Respondent the authority to conduct any activities on the Property that are under the District's jurisdiction without first obtaining District authorization.

34. In the event it is necessary for the District to initiate legal action regarding this Consent Order, such action may be initiated in the Fifteenth Judicial Circuit in Palm Beach County, Florida. The District also reserves the right to seek administrative enforcement by issuing an Administrative Complaint and Order for Corrective Action. If the District pursues administrative enforcement, any final hearing shall be located at the closest District facility to the subject Property, unless the District agrees otherwise.

DONE AND SO ORDERED in West Palm Beach, Palm Beach County, Florida, this
_____ day of _____, 2024.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation Division

Jill S. Creech, P.E., Director

Date

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ by _____.

Signature of Notary Public – State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification
Type of Identification Produced

General Counsel Concurrence

Maricruz R. Fincher
General Counsel

Date

Legal Form Approval

Emily Johnson
Attorney

Date

RESPONDENT – MIAMI-DADE COUNTY

BY: _____
Signature

DATE: _____

PRINT NAME: _____

TITLE: _____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ by _____.

Signature of Notary Public – State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification
Type of Identification Produced

_____, _____, of Miami-Dade County



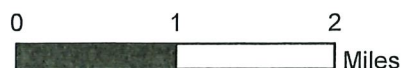
Exhibit No: A

Exhibit Created On:
2021-10-18

MIAMI-DADE COUNTY, FL

REGULATION DIVISION

CASE NAME:
TRAIL GLADES RANGE



Enforcement
Case No.: 20023



South Florida Water Management District
Exhibit A, Page 1 of 1

MDC020

CONSERVATION EASEMENT

Document prepared by:
South Florida Water Management District
3301 Gun Club Road, MSC 4210
West Palm Beach, FL 33406

THIS DEED OF CONSERVATION EASEMENT is given this 18th day of March, 2010, by Miami-Dade County, a political subdivision of the State of Florida, 111 NW First Street, Miami, Florida 33128 ("Grantor"), to the South Florida Water Management District ("Grantee"). As used herein, the term "Grantor" shall include any and all, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Miami-Dade County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct Trail Glades Range Park Mitigation Area ("Project") at a site in Miami-Dade County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Permit No. 13-02453-P ("Permit") authorizes certain activities which affect surface waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve, enhance, restore and/or mitigate wetlands and/or uplands under the District's jurisdiction; and

WHEREAS, the Grantor has developed and proposed as part of the Permit conditions a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the Property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement defined in Section 704.06, Florida Statutes, over the area described on Exhibit "A" ("Conservation Easement").

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates, and establishes a

perpetual Conservation Easement for and in favor of the Grantee upon the property described on Exhibit "A" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the Conservation Easement which are to be preserved, enhanced or created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Easement that may be damaged by any inconsistent activity or use.

3. Prohibited Uses. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, or other activities described herein that are permitted or required by the Permit, the following activities are prohibited in or on the Conservation Easement:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a District approved maintenance plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

e. Surface use except for purposes that permit the land or water area to remain in its natural or enhanced condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas;

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. Passive Recreational Facilities. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and that are not inconsistent with any District rule, criteria, the Permit and the intent and purposes of this Conservation Easement. Passive recreational uses that are not contrary to the purpose of this Conservation Easement may be permitted upon written approval by the District. Without limiting the generality of the foregoing, the following rights are expressly reserved:

a. The Grantor may conduct limited land clearing for the purpose of constructing such pervious facilities as docks, boardwalks or mulched walking trails; and

b. The Grantor may construct and maintain passive public use facilities for the purpose of educating the public or allowing public access and recreation which have minimal or no impact on natural resources; and

c. Grantor may place signs and markers as necessary to identify trails, restoration areas, or other site features related to public use and land management activities; and

d. Grantor may construct and maintain to the extent allowed by current and future permits, at-grade, management roads, fire breaks, trails, walkways, piers, observation platforms or boardwalks necessary to provide public access and management activities as provided for in the site's management plan; and

e. Grantor may remove or kill by any lawful means, exotic or nuisance vegetation or animal species, conduct prescribed burns and conduct other management activities necessary to carry out management for conservation purposes; and

f. Grantor may conduct restoration and enhancement projects which do not conflict with the purpose of this easement: and

g. The construction and use of the approved passive recreational facilities shall be subject to the following conditions:

i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;

ii. Such facilities and improvements shall be constructed and maintained in such a manner as to reduce adverse impacts on surface water quality;

iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;

iv. This Conservation Easement shall not constitute permit authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, District or local permitting requirements.

5. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

6. Grantee's Liability. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

7. Property Assessments. Grantor shall keep the assessments on the Easement Parcel current.

8. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder.

9. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

10. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

11. Terms, Conditions, Restrictions, Purpose. The terms, conditions, restrictions and purpose of this Conservation Easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this Conservation Easement.

12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Miami-Dade County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

The Grantor agrees to defend the title to the Conservation Easement property hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF,

(Grantor) has hereunto set its authorized hand this 18th day of March, 2010.

MIAMI-DADE COUNTY
a political subdivision of the State of Florida

By: [Signature]
Carlos A. Alvarez, Mayor

ATTEST
DADE COUNTY
Clerk of the Board
By: [Signature]
Deputy Clerk

APPROVED AS TO FORM AND LEGAL
AND SUFFICIENCY

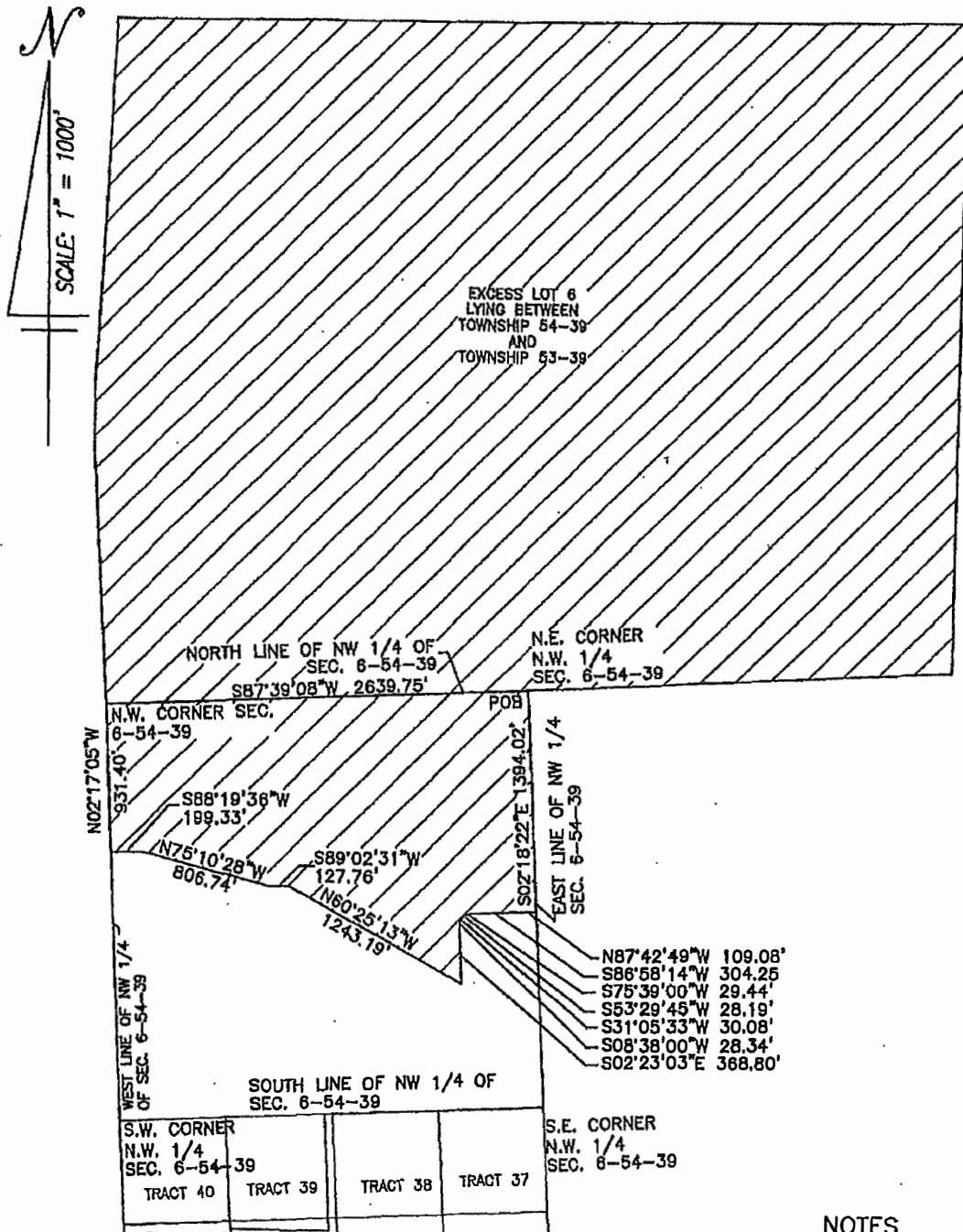
By: [Signature]
Assistant County Attorney

APPROVED AS TO TERMS
CONDITIONS

By: [Signature]
Richard E. Walesky, Director
Department of Environmental
Resources Management

Return recorded document to:
South Florida Water Management District
3301 Gun Club Road, MSC 4210
West Palm Beach, FL 33406

SKETCH OF CONSERVATION EASEMENT



NOTES
THIS IS NOT A SURVEY

PREPARED BY:
AYLWARD ENGINEERING & SURVEYING, INC.
3222 Ridge Trace
Davie, Florida 33328
954-424-5852 or 305-827-2216
LB No. 5183
DATE: 3/23/2009
PROJECT NO. 08-117

Exhibit A-1

SHEET 1 OF 2

SHARON AYLWARD COX, P.S.M. 5450

THIS SURVEY NOT VALID WITHOUT THE
SIGNATURE AND ORIGINAL RAISED SEAL OF
THE FLORIDA LICENSED SURVEYOR AND
MAPPER.

LEGAL DESCRIPTION

A portion of the Northwest 1/4 of Section 6, In Township 54 South, Range 39 East, Miami-Dade County, Florida, more particularly described as follows:

BEGIN at the Northeast Corner of the Northwest 1/4 of said Section 6; thence run S02°18'22"E along the East line of the Northwest 1/4 of said Section 6 for 1394.02 feet; thence run N87°42'49"W for 109.08 feet; thence run S86°58'14"W for 304.25 feet; thence run S75°39'00"W for 29.44 feet; thence run S53°29'45"W for 28.19 feet; thence run S31°05'33"W for 30.08 feet; thence run S08°38'00"W for 28.34 feet; thence run S02°23'03"E for 368.80 feet; thence run N60°25'13"W for 1243.19 feet; thence run S89°02'31"W for 127.76 feet; thence run N75°10'28"W for 806.74 feet; thence run S88°19'36"W for 199.33 feet to the West line of the Northwest 1/4 of said Section 6; thence run N02°17'05"W along the West line of the Northwest 1/4 of said Section 6 for 931.40 feet to the NW Corner of said Section 6; thence run S87°39'08"W along the North line of the NW 1/4 of said Section 6 for 2639.75 feet to the Northeast Corner of the NW 1/4 of said Section 6 and the POINT OF BEGINNING.

AND ALSO

Government Excess Lot 6 lying between Township 54 South, Range 39 East and Township 53 South, Range 39 East, Miami-Dade County, Florida, less the North 250 feet thereof.

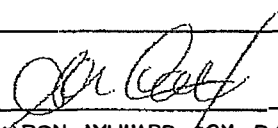
PREPARED BY:

AYLWARD ENGINEERING & SURVEYING, INC.

3222 Ridge Trace
Davie, Florida 33328
954-424-5852 or 305-827-2216
LB No. 5183
DATE: 3/23/2009
PROJECT NO. 08-117

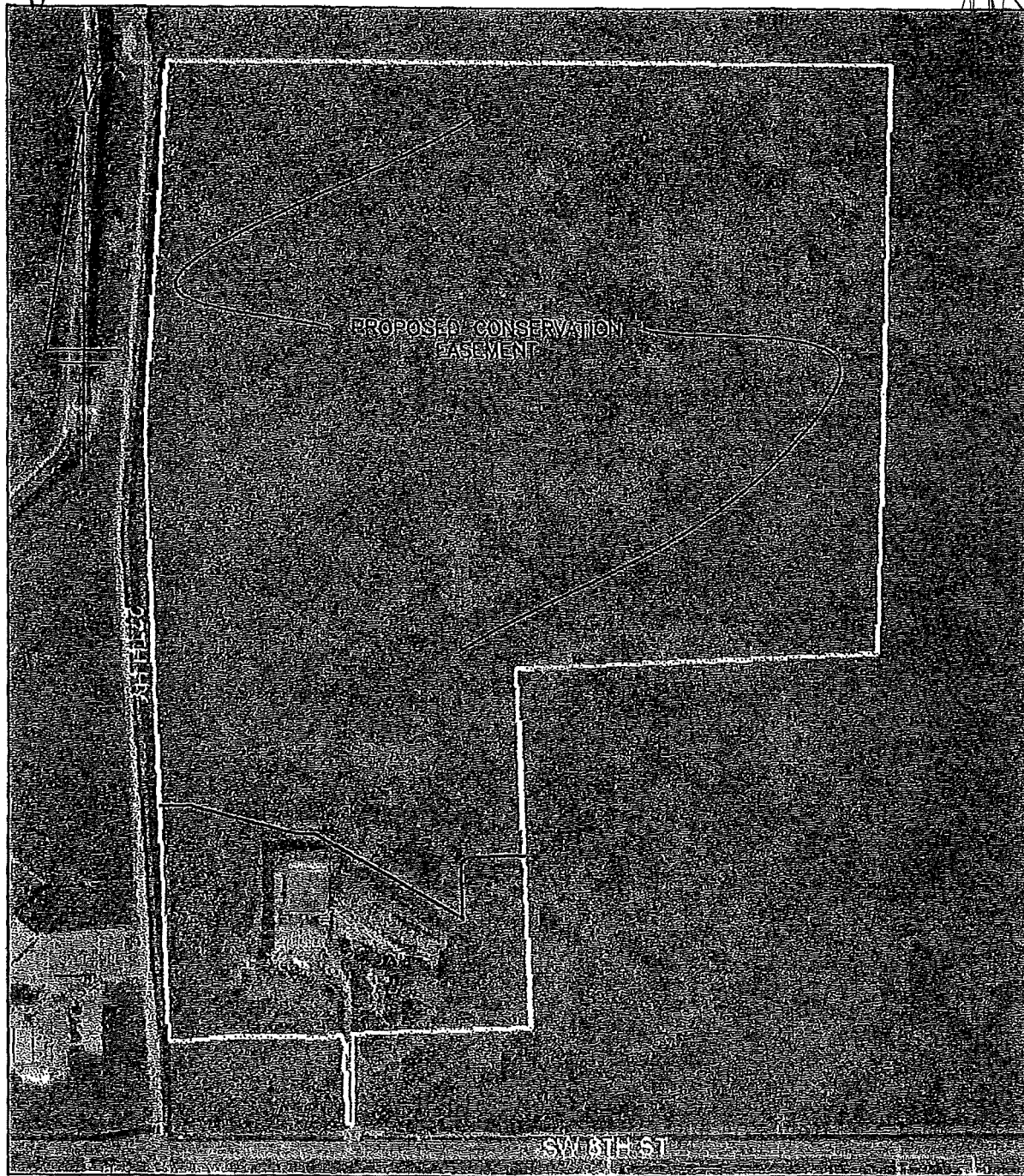
Exhibit A-2

SHEET 2 OF 2


SHARON AYLWARD COX, P.S.M. 5450

THIS SURVEY NOT VALID WITHOUT THE
SIGNATURE AND ORIGINAL RAISED SEAL OF
THE FLORIDA LICENSED SURVEYOR AND
MAPPER.

SKETCH OF CONSERVATION EASEMENT



PREPARED BY:

AYLWARD ENGINEERING & SURVEYING, INC.

3222 Ridge Trace

Davie, Florida 33328

954-424-5852 or 305-827-2216

LB No. 5183

DATE: 3/23/2009

PROJECT NO. 08-117

Exhibit A-3

SHEET 1 OF 1

Exhibit B, Page 9 of 9



For more information on
invasive exotic plants
including links to related
web pages, visit:

www.fleppc.org

MDC030

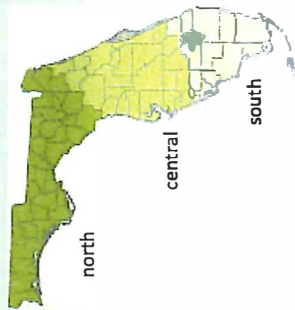
FLEPPC List Definitions:

Exotic—a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. **Native**—a species whose natural range includes Florida. **Naturalized exotic**—an exotic that sustains itself outside cultivation (it is still exotic; it has not “become” native).

Invasive exotic — an exotic that has not only naturalized, but is expanding on its own in Florida native plant communities.

Zone: N = north, C = central, S = south,

Referring to each species’ general distribution in regions of Florida (not its potential range in the state). Please refer to the map below.



Citation example:

FLEPPC. 2019 List of Invasive Plant Species.
Florida Exotic Pest Plant Council. Internet: www.fleppc.org

The 2019 list was prepared by the FLEPPC Plant List Committee

Tony Pernas, Co-Chair, 2017-2019, National Park Service,
Big Cypress National Preserve, tony_pernas@nps.gov
Dennis Giardina, Co-Chair, 2017-2019, Florida Fish and Wildlife
Conservation Commission, dennis.giardina@myfwc.com
Janice Duquesnel, Florida Park Service, Florida Department
of Environmental Protection, janice.duquesnel@dep.state.fl.us
Alan Franck, Florida International University, Department
of Biological Sciences, afanck@fiu.edu
Roger L. Hammer, Retired Naturalist and Author,
kaskaz44@comcast.net
John Kunzer, Florida Fish and Wildlife Conservation
Commission, john.kunzer@myfwc.com
James Lange, Fairchild Tropical Botanic Garden,
jlange@fairchildgarden.org
Kenneth Langeland, Professor Emeritus, University of
Florida/IFAS, Agronomy Department, gator8@ufl.edu
Deah Lieurance, University of Florida/IFAS, Agronomy
Department, dmlieurance@ufl.edu
Chris Lockhart, Habitats Specialists Inc., chris@lockharts.org
Jean McColom, Natural Ecosystems, jeanm@naples.net
Gil Nelson, Professor Emeritus, Florida State University/
iDigBio, gilnelson@bio.fsu.edu
Jennifer Possley, Fairchild Tropical Botanic Garden,
jpossley@fairchildgarden.org
Jimi L. Sadle, National Park Service, Everglades National Park,
jimi_sadle@nps.gov
Dexter Sowell, Florida State University, FNAI,
dsowell@fna1.fsu.edu
Jessica Spencer, US Army Corps of Engineers,
jessica.e.spencer@usace.army.mil
Arthur Stiles, Florida Park Service,
arthur.stiles@dep.state.fl.us
Richard P. Wunderlin, Professor Emeritus, University of
South Florida, rwunder@usf.edu

Florida Exotic Pest Plant Council’s 2019 List of Invasive Plant Species

*The mission of the Florida Exotic Pest Plant Council is to
reduce the impacts of invasive plants in Florida through
the exchange of scientific, educational, and technical
information.*

Note: The FLEPPC List of Invasive Plant Species is not a
regulatory list. Only those plants listed as Federal Noxious
Weeds, Florida Noxious Weeds, Florida Prohibited Aquatic
Plants, or in local ordinances are regulated by law.

Purpose of the List

To provide a list of plants determined by the Florida Exotic
Pest Plant Council to be Invasive in natural areas of Florida
and routinely update the list based upon information of
newly identified occurrences and changes in distribution
over time. Also, to focus attention on:

- The adverse effects exotic pest plants have on Florida’s
biodiversity and native plant communities,
- The habitat losses in natural areas from exotic pest
plant infestations,
- The impacts on endangered species via habitat loss
and alteration,
- The need for pest plant management,
- The socio-economic impacts of these plants
(e.g., increased wildfires or flooding in certain areas),
- Changes in the severity of different pest plant
infestations over time,
- Providing information to help managers set priorities
for research and control programs.

www.fleppc.org

CATEGORY I

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

Scientific Name	Common Name	Zone	Scientific Name	Common Name	Zone
<i>Abies procumbens</i>	rosy pea	C, S	<i>Melinis repens</i>	Newgrass	C, S
<i>Acacia auriculiformis</i>	earleaf acacia	C, S	<i>Microsorium gracissim</i> [*]	serpent fern, wart fern	S
<i>Abutilon theophrasti</i>	mimosa, silk tree	N, C	<i>Microstegium vinifolium</i>	Japanese silkgrass	N
<i>Abutilon theophrasti</i>	woman's tongue	C, S	<i>Mimosa pigra</i>	catawba mimosa	C, S
<i>Ardisia crenata</i>	coral ardisia	N, C, S	<i>Nandina domestica</i>	heavenly bamboo, hardy	N, C
<i>Asparagus aethiops</i>	asparagus fern	N, C, S	<i>Nephrolepis brownii</i>	sword fern	N, C, S
<i>Bauhinia variegata</i>	orchid tree	C, S	<i>Nephrolepis cordifolia</i>	Burma reed	S
<i>Bischofia javanica</i>	bihi	C, S	<i>Nepenthes rafflesiana</i>	crested floating heart	C, S
<i>Calophyllum inophyllum</i>	Santa Maria	S	<i>Nymphoides cristata</i>	sewer vine	C, S
<i>Casuarina equisetifolia</i>	Australian pine	N, C, S	<i>Paederia foetida</i>	skunk vine	N, C, S
<i>Cinchona puberula</i>	suckering Australian pine	C, S	<i>Panicum repens</i>	water hyacinth	N, C, S
<i>Cinnamomum camphora</i>	elephant grass, Napier grass	N, C, S	<i>Paspalum stratiotes</i>	water lettuce	N, C, S
<i>Calocasia esculenta</i>	camphor tree	N, C, S	<i>Paspalum distachyum</i>	stawberry guava	C, S
<i>Calleryna alba</i>	wild tree	N, C, S	<i>Paspalum guajana</i>	guava	N, C, S
<i>Calleryna alba</i>	carrotwood	S	<i>Pueraria montana</i> var. <i>lobata</i>	kudzu	N, C, S
<i>Calleryna alba</i>	Japanese false spinnelwort	N, C	<i>Ruellia simplex</i>	downy rose-myrtle	C, S
<i>Calleryna alba</i>	winged yam	N, C, S	<i>Ruellia simplex</i>	Mexican petunia	N, C, S
<i>Calleryna alba</i>	air potato	N, C, S	<i>Scaevola taccada</i>	beach naupaka, half-flower	N, C, S
<i>Calleryna alba</i>	cat's-claw vine	N, C, S	<i>Scaevola taccada</i>	schiffelia, umbrellia tree	C, S
<i>Calleryna alba</i>	water hyacinth	N, C, S	<i>Scaevola taccada</i>	Brazilian pepper	N, C, S
<i>Calleryna alba</i>	Surinam cherry	C, S	<i>Scaevola taccada</i>	Wright's nutrush	C, S
<i>Calleryna alba</i>	Hydrilla verticillata	N, C, S	<i>Scaevola taccada</i>	tropical nutrush	C, S
<i>Calleryna alba</i>	green hygro	N, C, S	<i>Scaevola taccada</i>	Christmas fern, climbing cassia	C, S
<i>Calleryna alba</i>	West Indian marsh grass	N, C, S	<i>Scaevola taccada</i>	wetland night shade	C, S
<i>Calleryna alba</i>	cogon grass	N, C, S	<i>Scaevola taccada</i>	tropical soda apple	N, C, S
<i>Calleryna alba</i>	water spinach	N, C, S	<i>Scaevola taccada</i>	West Indian dropseed	N, C, S
<i>Calleryna alba</i>	Brazilian Jasmine	N, C, S	<i>Scaevola taccada</i>	arrowhead vine	N, C, S
<i>Calleryna alba</i>	lantana, shrub verbena	N, C, S	<i>Scaevola taccada</i>	Java plum	C, S
<i>Calleryna alba</i>	glossy privet	N, C, S	<i>Scaevola taccada</i>	incised halberd fern	S
<i>Calleryna alba</i>	Japanese honeysuckle	N, C, S	<i>Scaevola taccada</i>	jeweled maidenhair fern	S
<i>Calleryna alba</i>	Peruvian primrosewillow	N, C, S	<i>Scaevola taccada</i>	seaside mahoe	N, C
<i>Calleryna alba</i>	black mangrove	S	<i>Scaevola taccada</i>	small-leaf spiderwort	C, S
<i>Calleryna alba</i>	Tropical American watergrass	N, C, S	<i>Scaevola taccada</i>	Chinese tallow-tree	N, C, S
<i>Calleryna alba</i>	Japanese climbing fern	N, C, S	<i>Scaevola taccada</i>	Caesar's weed	N, C, S
<i>Calleryna alba</i>	Old World climbing fern	N, C, S	<i>Scaevola taccada</i>	paragrass	N, C, S
<i>Calleryna alba</i>	spadilla	S	<i>Scaevola taccada</i>	beach vitex	N
<i>Calleryna alba</i>	Meibomia papilionacea	C, S			

^{*}Does not include *Ficus microcarpa* var. *juvensis*, which is sold as "green island ficus".

¹Historically this non-native has been referred to as *Lantana camara*, a species not known to occur in Florida.

²Does not include the native endemic *Spermatocoea neoterminalis*.

³Microsorium gracissim has been previously misidentified as *Microsorium scolopendria*.

⁴Added to the IEPPLC list of Invasive Species in 2019.

Plant names are those published in the Atlas of Florida Plants (<http://www.florida.plantatlas.usf.edu>). For historical species nomenclature see "Guide to Vascular Plants of Florida Third Edition," Wunderlin and Hansen, University of Florida Press, 2011.

CATEGORY II

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category 1 species. These species may become Category 1 if ecological damage is demonstrated.

Scientific Name	Common Name	Zone	Scientific Name	Common Name	Zone
<i>Adiantum petiolatum</i>	red sandalwood	S	<i>Koeberlinia elegans</i> subsp. <i>formosa</i>	flamegold tree	C, S
<i>Agave sisalana</i>	sisal hemp	C, S	<i>Leucaena leucocephala</i>	spotted duckweed	N, C, S
<i>Alternanthera versicolor</i>	devil tree	S	<i>Leucaena leucocephala</i>	leucaena	N, C, S
<i>Alternanthera versicolor</i>	alligator weed	N, C, S	<i>Leucaena leucocephala</i>	Asian marshweed	N, C, S
<i>Antigonon leptopus</i>	coral vine	N, C, S	<i>Leucaena leucocephala</i>	Chinese fan palm	C, S
<i>Ardisia japonica</i>	Japanese ardisia	N	<i>Leucaena leucocephala</i>	wild bushbean	C, S
<i>Aristolochia elegantissima</i>	calico flower	N, C, S	<i>Leucaena leucocephala</i>	bottlebrush	C, S
<i>Asystasia gangetica</i>	Ganges primrose	C, S	<i>Leucaena leucocephala</i>	China berry	N, C, S
<i>Begonia cucullata</i>	wax begonia	N, C, S	<i>Leucaena leucocephala</i>	millets grass	C, S
<i>Bougainvillea spectabilis</i>	paper mulberry	N, C, S	<i>Leucaena leucocephala</i>	mile-a-minute vine	S
<i>Bougainvillea spectabilis</i>	large-leaved mangrove	S	<i>Leucaena leucocephala</i>	balsa m-apple	N, C, S
<i>Callisia fragrans</i>	inch plant	C, S	<i>Leucaena leucocephala</i>	orange-jessamine	S
<i>Cassia tor</i>	river sheath	C, S	<i>Leucaena leucocephala</i>	Eurasian water-milfoil	N, C, S
<i>Cassia tor</i>	trumpet tree	S	<i>Leucaena leucocephala</i>	twin-flowered passion vine	S
<i>Cassia tor</i>	mission grass	S	<i>Leucaena leucocephala</i>	Sergel date palm	C, S
<i>Cassia tor</i>	fountain grass	S	<i>Leucaena leucocephala</i>	golden bamboo	N, C
<i>Cassia tor</i>	day jessamine	C, S	<i>Leucaena leucocephala</i>	Taiwanese chestnut	S
<i>Cassia tor</i>	bamboo palm	S	<i>Leucaena leucocephala</i>	staghorn fern	C
<i>Cassia tor</i>	Japanese clematis	N, C	<i>Leucaena leucocephala</i>	praxelis	C
<i>Cassia tor</i>	coconut palm	S	<i>Leucaena leucocephala</i>	Chinese brake, ladder brake	N, C, S
<i>Cassia tor</i>	redflower ragwort	C, S	<i>Leucaena leucocephala</i>	solitary palm	S
<i>Cassia tor</i>	Madagascar rubber vine	C, S	<i>Leucaena leucocephala</i>	large-flowered Mexican clover	N, C, S
<i>Cassia tor</i>	umbrella plant	C, S	<i>Leucaena leucocephala</i>	castor bean	N, C, S
<i>Cassia tor</i>	dwarf papaya	C, S	<i>Leucaena leucocephala</i>	dwarf raton, roundleaf toothcup	S
<i>Cassia tor</i>	Durban crow's-foot grass	C, S	<i>Leucaena leucocephala</i>	green shrimp plant	N, C, S
<i>Cassia tor</i>	Indian rosewood, stucco	C, S	<i>Leucaena leucocephala</i>	ratiboa	N, C, S
<i>Cassia tor</i>	spurge creeper	C, S	<i>Leucaena leucocephala</i>	meta-pasta	C, S
<i>Cassia tor</i>	Spanish arbor vine, wood-rose	C, S	<i>Leucaena leucocephala</i>	twinkler nightshade	N, C, S
<i>Cassia tor</i>	bowstring hemp	C, S	<i>Leucaena leucocephala</i>	turkeyberry	N, C, S
<i>Cassia tor</i>	silver cholla, thorny olive	N, C	<i>Leucaena leucocephala</i>	shrubby false buttonweed	C, S
<i>Cassia tor</i>	autumn olive, silverberry	C, S	<i>Leucaena leucocephala</i>	wedelia	N, C, S
<i>Cassia tor</i>	pothos	C, S	<i>Leucaena leucocephala</i>	nettle-leaf portulaca	S
<i>Cassia tor</i>	Chinese crown orchid	C, S	<i>Leucaena leucocephala</i>	Terminalia catappa	C, S
<i>Cassia tor</i>	candle tree, false banyan	S	<i>Leucaena leucocephala</i>	Tribulus terrestris	C, S
<i>Cassia tor</i>	governor's plum	S	<i>Leucaena leucocephala</i>	Guineagrass	N, C, S
<i>Cassia tor</i>	limpograss	C, S	<i>Leucaena leucocephala</i>	tung-oil tree	N, C, S
<i>Cassia tor</i>	reclining	S	<i>Leucaena leucocephala</i>	simple-leaf chestnut	C, S
<i>Cassia tor</i>	Jaraguá	N, C, S	<i>Leucaena leucocephala</i>	Washington fan palm	C, S
<i>Cassia tor</i>	shrub morning glory	C, S	<i>Leucaena leucocephala</i>	Chinese wisteria	N, C
<i>Cassia tor</i>	mother of millions	N, C, S	<i>Leucaena leucocephala</i>	malanga, elephant ear	N, C, S
<i>Cassia tor</i>	life plant	C, S	<i>Leucaena leucocephala</i>		



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 27, 2021

Maria Nardi
Miami-Dade County Parks, Recreation & Open Spaces
275 NW 2nd Street
Miami, FL 33128
CERTIFIED MAIL NO. 70180680000190907019

**Subject: Trail Glades Range
Notice of Violation for Environmental Resource Permit (ERP)
Noncompliance
Enforcement Case No. 20023
ERP No.: 13-02453-P
Miami-Dade County**

Dear Ms. Nardi:

As discussed with South Florida Water Management District (District) staff and Jennifer Stern on October 18, 2021, this correspondence is to provide notification that the referenced project is in violation of Section 373.430(1)(b), Florida Statutes (FS), and Rule 62-330.350(2), Florida Administrative Code (FAC), as a result of noncompliance with the conditions of the referenced ERP. The activities that are presently not in compliance with the permit include the following:

1. As noted in the District's previous Notices of Noncompliance (enclosed), exotic vegetation, primarily *Melaleuca quinquenervia*, is dominating the western and southern extent of the conservation easement. The presence of this exotic vegetation in the conservation easement is in violation of Special Condition No. 16 of the ERP, which requires exotic and nuisance vegetation to not exceed 5% total cover. Exotic and nuisance vegetation is also not allowed to dominate any one section of the conservation easement.

As a result of this violation, the District will seek civil penalties, recovery of staff investigative costs and require remediation of the noncompliance issues. The specific terms for resolution of this violation will be forwarded to you after your response to this Notice. The District is authorized under Section 373.129, FS, to seek civil penalties and to recover costs such as staff investigative time and attorneys fees.

Please respond, in writing, within 10 days of receipt of this letter with your intentions regarding this matter.

If you have any questions or require additional assistance, please contact Gregory Vazquez, PWS at 561-682-6053 or via email at gvazquez@sfwmd.gov.

Sincerely,



Wayne Blythe
Administrator, Environmental Resource Bureau

eEnclosures: Location Map
([20023 LocMap 20211018.pdf](#))
First Notice of Noncompliance, November 19, 2018
([060407-16 ENV NonComp1 20181119](#))
Second Notice of Noncompliance, January 7, 2021
([13-02453-P ENV NonComp2 20210107.pdf](#))
Final Notice of Noncompliance, March 15, 2021
([13-02453-P ENV NonComp3 20210315.pdf](#))
Final Notice of Noncompliance, May 19, 2021
([13-02453-P ENV NonComp3 20210519.pdf](#))

c: Eduardo Salcedo, Miami-Dade County Parks, Recreation & Open Spaces (E-Mail)
Jennifer Stern, Miami-Dade County Parks, Recreation & Open Spaces (E-Mail)
David Livingstone, Miami-Dade County Parks, Recreation & Open Spaces (E-Mail)
Paul Vitro, Miami-Dade County Parks, Recreation & Open Spaces (E-Mail)
David Cardenas, Miami-Dade County Parks, Recreation & Open Spaces (E-Mail)

This document is filed in the eEnforcement system under Enforcement Case Number 20023

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.