

## **M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Chip Merriam, Deputy Executive Director, Water Resources

**DATE:** September 15, 2008

**SUBJECT:** **Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly to amend Rules 40E-4.091, F.A.C., to incorporate by reference the Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between The South Florida Water Management District and Miami-Dade County, and to delete section 2(b) of Rule 40E-400.315, F.A.C., regarding Thresholds and Additional Conditions within Dade County.**

### **RECOMMENDATION**

Staff recommends approval of the Notice of Rule Development to amend Rules 40E-4.091 and 40E-400.315, F.A.C., to delete partial delegations currently in the rule and to incorporate by reference the agreement with Miami-Dade County (M-D County) for delegation of a portion of the Environmental Resource Permitting Program.

### **BACKGROUND**

The District's existing Rule 40E-400.315, F.A.C. contains a partial delegation to the County, however, the Joint Administrative Procedures Committee (JAPC) objected to this delegation stating that it was not properly authorized and that a new delegation would be required consistent with current procedures.

The strategic plan for the Regulation Program includes delegation of a portion of the Environmental Resource Permit (ERP) program to M-D County. The M-D County will be delegated authority to review and issue ERPs in uplands within the designated boundaries of delegation within the County consistent with the current rule. The County has also requested the option to request and expansion of their delegation to delete size thresholds and issue permits in wetlands after a two year implementation and successful audit of the delegation program. Projects that are within the Comprehensive Everglades Restoration Project (CERP) boundaries, tribal lands, Florida Department of Transportation projects, county owned or operated projects and those projects that include sovereign submerged lands will not be delegated to the M-D County and will remain with the District.

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