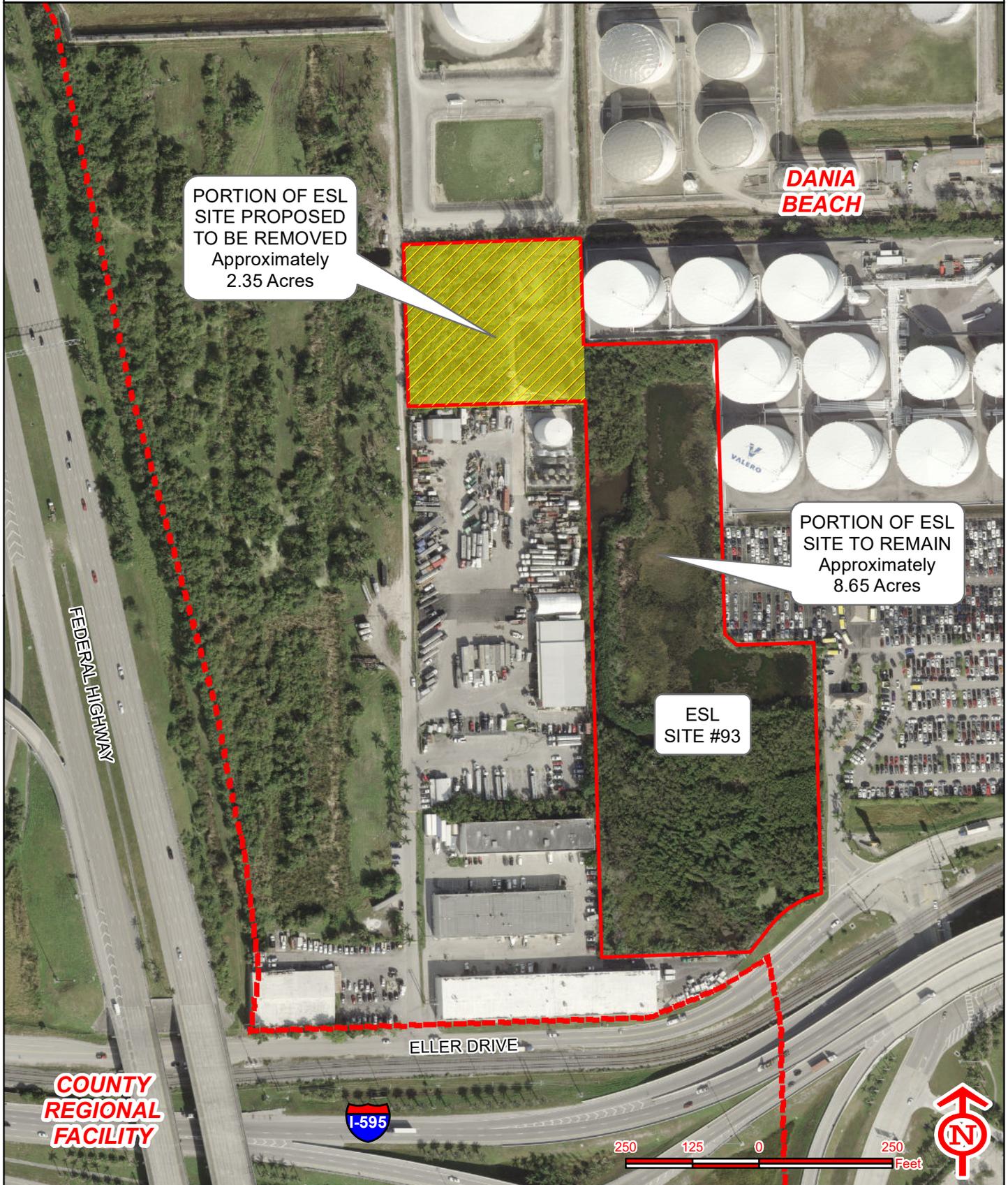


MAP 2
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH OF ENVIRONMENTALLY SENSITIVE LANDS EXCERPT
AMENDMENT PCNRM 19-1



MAP 3
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH OF PORTION OF ESL SITE TO BE REMOVED
AMENDMENT PCNRM 19-1



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PCNRM 19-1

**(NATURAL RESOURCE MAP SERIES -
ENVIRONMENTALLY SENSITIVE LANDS MAP)**

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Transmittal Recommendation August 13, 2019

Due to concerns regarding climate resiliency and protection of natural resources, including wetlands and environmentally sensitive lands consistent with BrowardNext – Broward County Land Use Plan (BCLUP) Policies 2.21.5, 2.22.2, 2.23.1, 2.23.2, 2.23.3 and 2.23.4, Planning Council staff is unable to support the proposed amendment.

The requirement of a second Planning Council public hearing is at the pleasure of the Planning Council.

II. Planning Council Land Use/Trafficways Committee Recommendation August 22, 2019

Deferred item to the full Planning Council meeting.

III. Planning Council Transmittal Recommendation August 22, 2019

Planning Council recommended approval of the proposed amendment (to remove approximately 2.35 acres of the existing 11.0 acre Label 82 / Site 93 from the Environmentally Sensitive Lands Map). (Vote of the board; 9-5; Yes: Blattner, Breslau, Brunson, Gomez, Parness, Railey, Rosenof, Williams and DiGiorgio. No: Blackwelder, Good, Graham, Grosso and Hardin)

IV. County Commission Transmittal Recommendation November 5, 2019

Approval per Planning Council transmittal recommendation.

V. Summary of State of Florida Review Agency Comments December 6, 2019

The State of Florida Review Agencies issued no comments or objections regarding the proposed amendment.

SECTION II
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 19-1

INTRODUCTORY INFORMATION

Pursuant to Policy 2.23.1 of the BrowardNext - Broward County Land Use Plan (BCLUP), Broward County maintains the Environmentally Sensitive Lands (ESL) Map that identifies natural resources, including Local Areas of Particular Concern (LAPC), that have been found to comply with the definitions and criteria established within the Implementation Requirements and Procedures Section of the BCLUP. The ESL Map is adopted within the BCLUP Natural Resource Map Series. This ESL Map amendment proposes to remove a portion of one (1) LAPC resource site in eastern Broward County. **See Maps 1, 2 and 3.**

The proposed amendment would remove an approximately 2.35 acre portion of an 11 acre LAPC site identified as "Map Label 82 / Site 93," which is located at 851 Eller Drive, in the City of Dania Beach, from the BCLUP Natural Resource Map Series: Environmentally Sensitive Lands Map. See Maps 1, 2 and 3. The proposed amendment to remove the subject area was submitted by the property owner and initiated by the Broward County Commission at its September 13, 2018, meeting. **See Attachment 1.** The item was requested for initiation by the Broward County Commission subsequent to the Planning Council declining to initiate the amendment at its June 28, 2018, meeting.

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 19-1

PLANNING ANALYSIS

Environmentally Sensitive Land (ESL) “means those areas containing Natural Resources, as depicted in the Natural Resource Map Series of the Broward County Land Use Plan, which have been determined to be environmentally sensitive by the Broward County Board of County Commissioners. The criteria for designation of Environmentally Sensitive Lands are contained within the Plan Implementation Requirements section of the Broward County Land Use Plan. Policies which ensure the protection of Environmentally Sensitive Lands are contained within the Broward County Land Use Plan.”

ESL sites are depicted on the Environmentally Sensitive Lands Map (Map) of the BrowardNext – Broward County Land Use Plan (BCLUP) Natural Resource Map Series. The Map was developed from a comprehensive study prepared by the Environmental Coalition of Broward County in 1987 and was initially adopted as part of the 1989 BCLUP following the public hearing process.

The 2.35 acre portion of the 11.0 acre Map Label 82 / Site 93 proposed to be removed from the Map is a “designated land” which means that it is privately owned but not managed for preservation. Designated sites on the Map are subject to the provisions of the Broward County Land Development Code per BCLUP Policy 2.23.2. The parcel has a land use designation of Transportation for the Port Everglades area, which generally permits “shipping, warehousing and, with the exception of residential uses, all other uses which may be permitted by the Broward County Board of County Commissioners which are consistent with tourism, international trade, and maritime commerce.”

The **applicant’s rationale** for the proposed amendment is that the existing environmental response equipment, materials and storage yard uses need to be expanded to meet the growing demands of Port Everglades and related marine industries as regulated by federal and state requirements to have an emergency response contractor that is approved to deploy spill containment and recovery response, including equipment, materials and personnel within specific timeframes. In addition to providing this essential expertise, local, state and federal agencies rely on the existing business operation to ensure its licensed fleet is maintained on the property to meet certain environmental permit requirements and respond to emergency or unexpected situations. The demands of this specialized environmental services operation require expansion of the existing 8.1 acre industrial site to include the 2.35 acres of LAPC that is the subject of this amendment.

Based on information provided by the applicant, the 2.35 acre portion of the site proposed to be removed from the ESL Map consists of mangrove, surface water, uplands and stormwater retention areas. The stormwater retention area will remain intact and the higher quality mangroves will be mitigated via offsite mitigation at the Everglades Mitigation Bank.

PLANNING ANALYSIS (continued)

In addition, the applicant states that the mangrove area of the proposed 2.35 acre portion of the site was previously conditioned and preserved to satisfy earlier mitigation requirements for the development of the southern 8.1 acres. See **Attachment 2** for the detailed rationale and mitigation plan.

The proposed amendment to remove approximately 2.35 acres of the existing 11.0 acre Label 82 / Site 93 from the Environmentally Sensitive Lands Map was distributed to County and municipal agencies for comments and input. The following comments have been received:

The **Broward County Planning and Development Management Division (PDMD)** recognizes that the County does not currently have specific criteria to evaluate removal of a designated ESL site. In lieu of such, PDMD staff evaluated the site based on upon BCLUP Policies 2.23.1, 2.23.2, 2.23.3 and 2.23.4 and also recommends using BCLUP Policy 2.21.5, which states, “Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding.” Policy 2.21.5 would require adequate storm water management and drainage facilities be provided to mitigate potential impacts on surrounding ESLs, particularly because the site is designated on the ESL Map, as well as being depicted as 1) a flood prone area on the Floodplains, Flood Prone Areas and Coastal Storm Area Map, 2) a priority planning area on the Priority Planning Areas Map, 3) a salt water marsh adjacent to a water body and a mitigation parcel on the Wetlands Map, and 4) is located between two (2) low lying areas to the east and west. **See Attachment 3.**

The **Broward County Environmental Planning and Community Resilience Division (EPCRD)** does not recommend removal of Site 93 from the ESL Map. The EPCRD report identifies that development of the amendment site could impact storm water management, contribute to flooding of the surrounding area and adversely affect ESLs. These findings are based on the following site characteristics:

- Dense native vegetation including mangroves, oaks and understory plants were documented onsite. Maintenance of urban tree canopy and habitat diversity is supported by the County's comprehensive and climate action policy. Since the site is contiguous to other environmentally sensitive lands within a completely developed portion of the urban area, it is preferential for preservation to allow migration of species as environmental conditions change. The proposal of mitigation outside of the county does not serve to increase local community resilience.

PLANNING ANALYSIS (continued)

- The site appears valuable for water storage and recharge given its condition as an existing wetland and the lack of permeable surfaces surrounding the site.
- Policy supports discouraging amendments which would place adjacent development at risk of flooding from sea level rise. Given the site's projection for inundation by sea level rise on the Priority Planning Areas Map and a future wet season water table elevation of 2.5 feet NAVD, the implementation of insufficient drainage onsite as part of development would impact adjacent properties.

In addition, EPCRD staff supports implementation of BCLUP Policy 2.23.4 that states, “by 2019, Broward County shall work with Broward’s municipalities and interested stakeholders to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled.” **See Attachment 4.**

The **Broward County Environmental Engineering and Permitting Division (EPPD)** report summarizes various environmental licenses and permits associated with the property and ESL Site 93 from 1988 through present. It is noted in the EPPD report that the LAPC acreage that is the subject of the proposed amendment includes the wetland mitigation area that was required by prior licenses for the initial development of the site. In addition, the EPPD report identifies that mangrove habitat is a limited resource in Broward County with some areas under threat from development, and that there is a cumulative impact to the overall mangrove resource from projects proposing “small” impacts to mangroves. **See Attachment 5.**

The **Broward County Environmental and Consumer Protection Division (ECPD)** has no comment regarding the proposed amendment. **See Attachment 6.**

The **City of Dania Beach** has no opposition to the proposed amendment. **See Attachment 7.**

The relevant BCLUP Policies that are cited by the review agencies and Planning Council staff are provided in Attachment 8, for ease of reference.

The applicant provided additional information in response to review agency concerns. The response includes:

- Restating the existing company’s essential role as a licensed environmental services provider for Port Everglades and associated marine industries and the importance of the proposed expansion to continue to meet the regulatory demands for the Port and associated marine industries;
- Recognizing that the Broward County Commission initiated this proposed ESL Map Amendment at its September 13, 2018, meeting and that the City of Dania Beach has no objection to the proposed amendment;
- Identifying provisions of the Deepwater Port Component of the Broward County Comprehensive Plan that support the proposed amendment;

PLANNING ANALYSIS (continued)

- Reconfirming that the impacts of the LAPC amendment will be fully offset through offsite mitigation at an approved mitigation bank;
- Clarifying that the existing wetlands are permitted outside of the developed site and do not currently provide any water storage for the permitted site; however, the proposed expansion may incorporate the existing wetland area, including planned drainage improvements; and
- Clarifying that this proposal is exempt from the future wet season water table elevation of 2.5 feet, as the project was submitted prior to the new requirement going into effect on July 1, 2017, and is a modification to a previously approved permit designed with an established water table elevation of 0.5 feet. **See Attachment 9.**

The additional information was distributed to the review agencies for consideration. Responses have been received from review agencies as follows:

Neither the **Broward County Environmental Planning and Community Resilience Division** nor the **(EPCRD) Broward County Environmental Engineering and Permitting Division (EPPD)** has any further comment. **See Attachments 10 and 11.A.**

The **Broward County Planning and Development Management Division (PDMD)** identified several objectives and policies of the Broward County Deepwater Port Component that may be considered in evaluating the proposed LAPC site removal, in addition to stating that the recommendations provided in its initial comments continue to be applicable. **See Attachment 11.B.**

The applicant has provided correspondence confirming that all the required permitting and licensing necessary for development of the property will be obtained and stating its commitment to mitigate environmental impacts to the extent feasible, as well as the enhancement of the existing drainage pond via supplemental wetland plantings beyond the licensing requirements. **See Attachment 12.**

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 19-1

PLANNING COUNCIL STAFF ANALYSIS AND RECOMMENDATION

As previously noted, this site is depicted on the Environmentally Sensitive Lands Map (Map) of the BrowardNext – Broward County Land Use Plan (BCLUP) Natural Resource Map Series. The Map was developed from a comprehensive study prepared by the Environmental Coalition of Broward County in 1987 and was initially adopted as part of the 1989 BCLUP following the public hearing process. The Map has never been amended or evaluated since its initial adoption.

Planning Council staff analysis of the BCLUP Highlighted Regional Issues, Climate Change Resilience Vision and World-Class Natural Resource Protection and Enhancement Vision sets the foundation for the recognition of the unique natural resources found in Broward County. The following Strategies should be considered in the planning analysis:

- Strategy CCR-2: Increase the resilience of our community to the effects of climate change.
 - Implementation strategies include: In coordination with municipalities, adopting land use regulations to limit development and redevelopment in areas particularly vulnerable to flooding due to sea level rise, stormwater inundation, and other impacts of climate change.
- Strategy EP-3: Preserve and protect Broward County’s natural environment through County and local environmental regulatory programs and well-planned patterns of growth and development.
 - Implementation strategies include: Acquire, protect, preserve and enhance Local Areas of Particular Concern.

In addition to the referenced Strategies, Planning Council staff finds that although the property is privately held and controlled, the Policies and Recommended Practices included in **Attachment 8** are applicable and should be considered in the examination of the proposed amendment.

Additional information that is offered for contemplation includes:

- A portion of the site proposed for deletion was previously licensed and utilized for mangrove mitigation;
- Although there have been two (2) publicly funded bond programs that acquired properties for conservation and/or open space in 1989 and 2000, this property was not acquired; and
- BCLUP Policies 2.23.3 and 2.23.4 to implement strategies for the protection of ESLs and to incentivize the protection of privately held properties have not been formally implemented by Broward County.

PLANNING COUNCIL STAFF ANALYSIS AND RECOMMENDATION (continued)

Based on the aforementioned review agency comments and due to concerns regarding climate resiliency and protection of natural resources, including wetlands and environmentally sensitive lands consistent with BrowardNext – Broward County Land Use Plan (BCLUP) Policies 2.21.5, 2.22.2, 2.23.1, 2.23.2, 2.23.3 and 2.23.4, as provided in Attachment 8, Planning Council staff is unable to support the deletion of the 2.35 acre portion of Map Label 82 / Site 93, as depicted on Map 2.

SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 19-1

ATTACHMENTS

1. Broward County Commission Initiation of Environmentally Sensitive Lands Map Amendment
2. Applicant's Rationale with Project and Preliminary Environmental Assessment Summaries
3. Broward County Planning and Development Management Division Report of November 14, 2018
4. Broward County Environmental Planning and Community Resilience Division Report of November 26, 2018
5. Broward County Environmental Engineering and Permitting Division Report of November 16, 2018
6. Email correspondence from Jeff Halsey, Director, Broward County Environmental and Consumer Protection Division, to Sermin Turegun, Director, Broward County Environmental Engineering and Permitting Division, dated November 6, 2018
7. Email correspondence from Corinne Lajoie, Planning and Zoning Manager, City of Dania Beach, to Dawn Teetsel, Assistant to the Executive Director, Broward County Planning Council, dated December 11, 2018
8. BrowardNext - Broward County Land Use Plan Strategies, Policies and Recommended Practices Relevant to Proposed Amendment
9. Correspondence from Edwin J. Stacker, Esq., Shutts and Bowen, LLP, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated July 1, 2019
10. Email correspondence from Dr. Jennifer Jurado, Director, Broward County Environmental Planning and Community Resilience Division, to Dawn Teetsel, Director of Planning, Broward County Planning Council, dated July 24, 2019

ATTACHMENTS (continued)

11. A. Email correspondence from Sermin Turegun, Director, Environmental Engineering and Permitting Division, to Dawn Teetsel, Director of Planning, Broward County Planning Council, dated July 31, 2019
- B. Updated Broward County Planning and Development Management Division Report of July 30, 2019
12. Email correspondence from Edwin J. Stacker, Esq., Shutts and Bowen, LLP, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated August 7, 2019



Broward County Commission Regular Meeting

11.

Meeting Date: 09/13/2018
Director's Name: Henry A. Sniezek
Department: Environmental Protection

Information

Requested Action

MOTION TO INITIATE amendment to the Broward County Land Use Plan Natural Resource Map Series - Environmentally Sensitive Lands Map; Local Areas of Particular Concern (LAPC), on behalf of a private property owner to remove the current LAPC designation on an approximate 2.4 acre parcel located at 851 Eller Drive, city of Dania Beach. **(Commission District 7)**

ACTION: (T-1:46 PM) Approved.

VOTE: 9-0.

Why Action is Necessary

Amendments to the Broward County Land Use Plan Map Series may only be initiated by one of the following: 1) Broward County Commission, 2) Broward County Planning Council, or 3) municipality having jurisdiction over the subject property.

What Action Accomplishes

Initiation of the amendment would permit the Broward County Planning Council and Broward County staff to review the proposal and prepare a staff report and recommendation, hold a Broward County Planning Council public hearing, receive a Broward County Planning Council recommendation, and hold a Broward County Board of County Commission public hearing to allow the Board to adopt, deny, or modify the proposed amendment.

Is this Action Goal Related

Previous Action Taken

No previous action.

Summary Explanation/Background

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTION.

Staff has received a request from Mr. Leigh Kerr, Leigh Robinson Kerr & Associates, Inc, on behalf of the property owner of 851 Eller Drive, Dania Beach, to initiate an amendment to the Broward County Land Use Plan Natural Resource Map Series - Environmentally Sensitive Lands Map; Local Areas of Particular Concern (LAPC), to remove the current LAPC designation on an approximate 2.4 acre parcel located at 851 Eller Drive. Please Exhibit 1.

The property owner is requesting the Board to initiate the amendment since amendments to the Broward County Land Use Plan Map Series may only be initiated by one of the following: 1) Broward County Board of County Commissioners, 2) Broward County Planning Council, or 3) municipality having jurisdiction over the subject property. The Broward County Planning Council considered initiating the amendment at their meeting of June 28, 2018, but declined to initiate.

County staff is bringing the request forward, in consultation with the County Attorney's Office, with a recommendation that the Board approve the requested initiation to permit the Broward County Planning Council and Broward County staff to review the proposal and prepare a staff report and recommendation, hold a Broward County Planning Council public hearing, receive a Broward County Planning Council recommendation, and bring the item back to the Board as a public hearing item to allow the Board to adopt, deny, or modify the proposed amendment. As of this writing, Broward County Planning Council and Broward County staff have not analyzed the requested amendment, and do not have a recommendation as to whether to approve, deny, or modify the subject request to remove the current LAPC designation.

Source of Additional Information

Henry Sniezek, Director, Environmental Protection and Growth Management Department, (954) 357-6670

Fiscal Impact

Fiscal Impact/Cost Summary:

No fiscal impact. It is noted that amendments to the Broward County Land Use Plan Natural Resources Map Series are not subject to a Broward County Planning Council application fee.

Attachments

Exhibit 1 - Cliff Berry Properties (CBI Plat)

**Leigh Robinson Kerr
& Associates, Inc.**

Member, American Institute of Certified Planners

August 6, 2018

Henry A. Sniezek, Director
Broward County Environmental Protection & Growth Management
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

Re: Cliff Berry Property (CBI Plat) - LAPC No. 93 Amendment

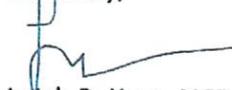
Dear Mr. Sniezek,

Pursuant to correspondence from Broward County Environmental Engineering and Protection Division, we are respectfully requesting an amendment to the Comprehensive Plan for the above referenced Local Area of Particular Concern (see attached).

It is our understanding that because the amendment to the Comprehensive Plan is not a land use amendment, it must be initiated by the Broward County Commission. Accordingly, we are requesting that the Broward County Commission initiate an amendment for consideration by the review agencies to amend the Natural Resource Map Series – Environmentally Sensitive Lands Map: Local Area of Particular Concern for the property depicted on the attached aerial photograph. At the appropriate time, we would be happy to supply additional information as may be necessary for the County's review and consideration of this matter.

We appreciate your attention to this matter and we look forward to the scheduling of this item on an available Broward County Commission meeting.

Sincerely,



Leigh R. Kerr, AICP
President

Cc: Tyler Chappell, The Chappell Group



Environmental Protection and Growth Management Department
ENVIRONMENTAL ENGINEERING and PERMITTING DIVISION
Surface Water Management Program
1 North University Drive, Mailbox 201 • Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

February 2, 2018 (Revised)

Flynn Engineering Services, P.A.
Attention: Dennis R. Shultz, P.E.
241 Commercial Blvd
Lauderdale by the Sea, FL 33308

Subject: CBI Fort Lauderdale S23/T50S/R42E
Surface Water Management License Application No. L2015-008
Environmental Resource License Application No. DF15-1007
SFWMD Application No. Pending

Dear Mr. Shultz:

Pursuant to your written correspondence dated August 10th, 2017, you have waived the request for additional information limitations set forth in 125.022 F.S. The staff has completed a review of the subject project, based on the materials received January 17, 2018. In accordance with Section 5.5.3.1 of the Environmental Resource Permit Applicant's Handbook Volume I (AH I), adopted by reference in Section 62.330.010(4)(a), Florida Administrative Code (F.A.C.) and Section 27-200(b)(3), satisfactory answers to the following comments/questions must be provided to complete the application and provide reasonable assurances for permit issuance.

1. On page 2 of the drainage report, the proposed total acreage is 8.12 acres, while the existing total acreage is 7.95 acres. The pre-development and post development calculations need to be consistent in the drainage report.
 - a. Since the pre-development area does not match the post-development area, how is the post-development meeting the pre-development with respect to water quantity for the 25-year, 3-day and 100-year, 3-day peak storm events?
 - b. It appears that the original SWM2002-028-0 license included property that has not been modeled in the post development near SE 9th Avenue. Please submit pre-development and post-development calculations for the 25-year, 3-day and 100-year, 3-day peak storm events for the entire site including the wetland area and area being modeled by SE 9th Avenue. In addition, there are paved areas within or adjacent to SE 9th Avenue that were not approved in the original license, or any other license. Please address.
2. Please provide the status of the renewal of license No. SWM2002-028-2. The uploaded Notice of Operation was submitted for SWM2002-028-0 not SWM2002-028-2.
3. The dry retention area being replaced with proposed exfiltration trench appears to be wet and not functioning as originally designed. Please provide documentation justifying the wet season water table is 0.50' NAVD or revise the calculations as appropriate.

4. On the C. B. I. Plat No. 2, there is a designated "Mangrove Preservation Area". Prior to any impacts to that area, the Plat must be amended and approved by the County Commissioners to remove this designation. Please contact Thuy Turner of the Planning and Development Management Division at tturner@broward.org or (954) 357-6623 for additional information regarding this process.

5. There is also a designation of a "Local Area of Particular Concern" (LAPC No. 93) which includes a portion of the C.B. I. Plat 2 and a portion of the proposed project area. Any impacts to the LAPC must be approved by the Board of County Commissioners with the revision of the LAPC boundary. Please contact Peter Schwarz of the Broward County Planning Council at Pschwarz@broward.org or 954-357-6688 for additional information regarding this process.

Please submit responses to this letter electronically on the County's ePermits website (<https://webapps.broward.org/EPermits/>) to expedite administrative processing of the application and to save paper. Please note that an electronic response may be submitted even if the original application was submitted via hard copy. Alternatively, please provide one (1) original and one (1) copy of the requested information, clearly labeled with the application number, to the Environmental Licensing and Building Permitting Division.

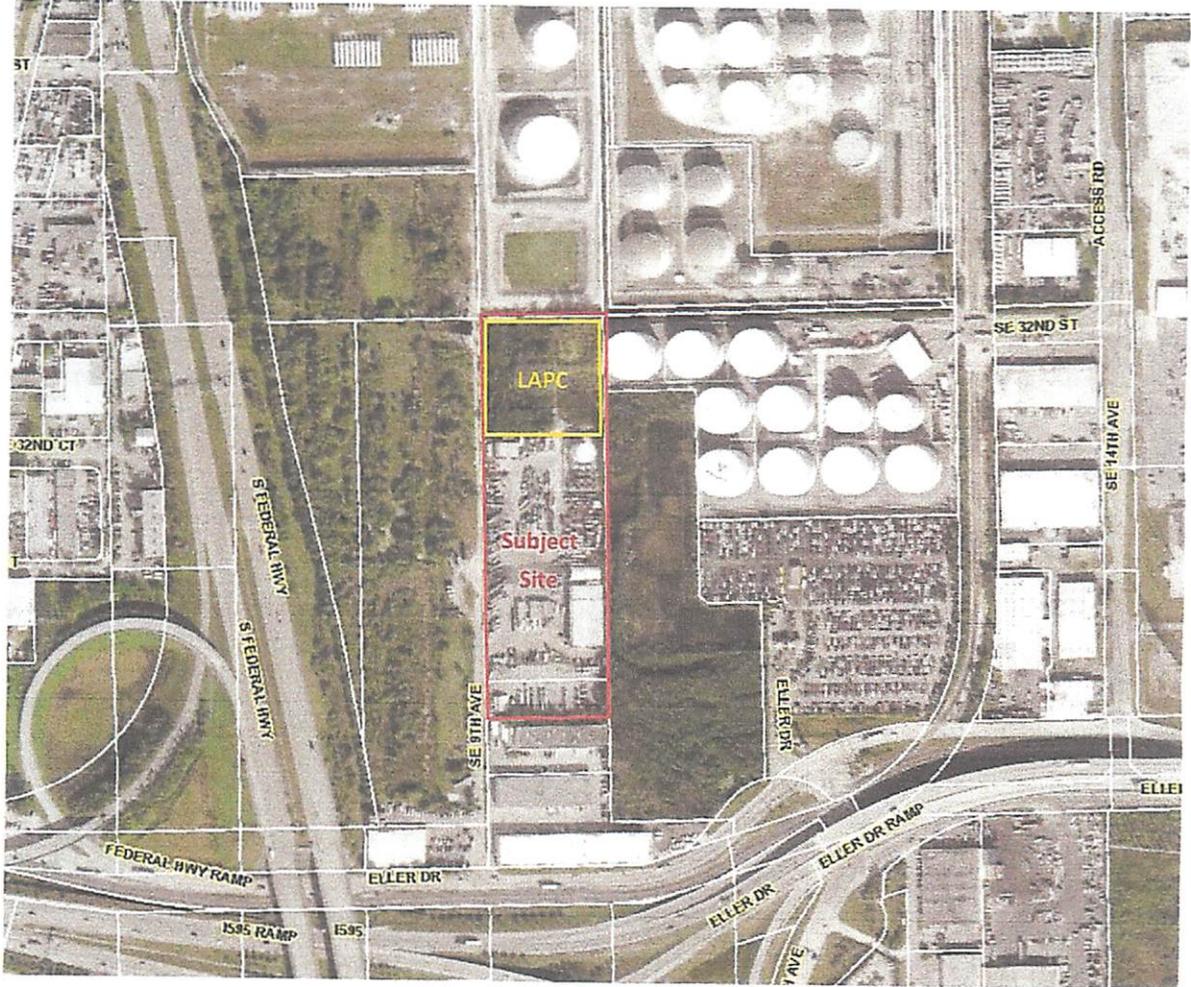
In accordance with Section 5.5.3.5 of AH I and Paragraph 40E-1.603(1)(d) F.A.C. and Sec. 27-200(b)(3)(c) of the Code, "Request for additional information", if the requested information is not received within sixty (60) days from the date of this letter, this application may be processed for denial if not withdrawn by the applicant. If additional time is needed, please request an extension before the 60 day period ends.

It is recommended that a meeting be held to attempt to resolve the outstanding issues prior to submitting a response. Please contact George Serbanescu at 954-357-4955 or gserbanescu@broward.org to schedule a meeting at your earliest convenience.

Issued by:

George Serbanescu, E.I.
Surface Water Management Program

EXHIBIT A
AERIAL



PROJECT SUMMARY

CBI, INC. PROPOSAL TO AMEND BROWARD COUNTY NATURAL RESOURCE MAP SERIES – ENVIRONMENTALLY SENSITIVE LANDS MAP: LOCAL AREA OF PARTICULAR CONCERN

Cliff Berry, Inc. (CBI) has been offering comprehensive Environmental Services for over 57 years with its headquarters located at the subject site. The subject site consists of an ±8.1-acre industrial lot located at 3400 SE 9th Avenue in the City of Dania Beach, Broward County. The subject site contains a developed industrial yard and a ±2.4-acre mangrove area in a Local Area of Particular Concern (LAPC). The LAPC area is located on the northern portion of the property and consists of 0.80 acres of mangrove wetland, 0.34 acres of other surface waters, 0.77 acres of uplands, and a 0.45 acre storm water retention pond. The proposed project includes the filling of ±1.14 acres of existing low quality wetlands and surface waters, and the development of an associated stormwater management system to expand the existing operational hub from which specialized environmental mitigation personnel and equipment are dispatched.

The United States Coast Guard and the Florida Department of Environmental Protection (FDEP) both require petroleum storage companies, cruise ships, and other marine vessels to have an emergency response contractor who is an approved Oil Spill Removal Organization (OSRO) and Discharge Cleanup Organization (DCO), respectively, that can respond and deploy spill containment, recovery and storage equipment and personnel within 1-hr and 2-hr requirements. CBI holds an OSRO classification by the United States Coast Guard (0048) for the River/Canal and Inland operating environments as: level MM through W3 and MM respectfully. Additionally, CBI is an approved DCO under the approval of the FDEP. Accordingly, CBI has access to and the ability to deploy all the spill response equipment and materials required for spill clean-up from the subject site. The location in which CBI has made the headquarters of the business is essential to this regulatory demand. Further, Port Everglades petroleum companies rely upon CBI's OSRO and DCO certifications and spill response expertise to meet the requirements of the law and to reduce their risk and impact to the environment.

The US Department of Transportation, the FDEP, and Broward County all require CBI's licensed fleet to reside at the CBI permitted facility (project site) pursuant to the Used Oil and Material Processing Permit. Further, the Department of Homeland Security relies on CBI to secure the company trucks and fixed storage tanks, which are licensed to store/haul hazardous materials and hazardous wastes. As such all residue tankers and vacuum trucks must be parked at the facility to comply with the regulations.

CBI has recently experienced exceptional growth in their service area due to the expansion and growth of Port Everglades, as well as increased regulatory requirements upon the petroleum industry and cruise line industry. Therefore, CBI proposes to expand their existing maintenance and storage yard to meet these demands. To accomplish the proposed expansion, the applicant requests the revision of the LAPC boundary reflecting the removal of the 2.4-acre portion of LAPC site #93 from the Broward County Map and proposes mitigation for unavoidable impacts to the LAPC at an approved mitigation bank to offset the impacts of the proposed expansion. The proposed project will not result in adverse impacts to water quality, habitat, hydrology or listed species.

ATTACHMENT 2

CBI PROJECT SUMMARY AND JUSTIFICATION FOR REMOVAL FROM LOCAL AREA OF PARTICULAR CONCERN (LAPC) MAP

Cliff Berry, Inc. (CBI) has been offering comprehensive Environmental Services for over 57 years with its headquarters located at the subject site. The subject site consists of an ±8.1-acre industrial lot located at 3400 SE 9th Avenue in the City of Dania Beach, Broward County. The subject site contains a developed industrial yard and a ±2.4-acre mangrove area in a Local Area of Particular Concern (LAPC). The LAPC area is located on the northern portion of the property and consists of 0.80 acres of mangrove wetland, 0.34 acres of other surface waters, 0.77 acres of uplands, and a 0.45 acre storm water retention pond. The proposed project includes the filling of ±1.14 acres of existing low quality wetlands and surface waters, and the development of an associated stormwater management system to expand the existing operational hub from which specialized environmental mitigation personnel and equipment are dispatched.

The United States Coast Guard and the Florida Department of Environmental Protection (FDEP) both require petroleum storage companies, cruise ships, and other marine vessels to have an emergency response contractor who is an approved Oil Spill Removal Organization (OSRO) and Discharge Cleanup Organization (DCO), respectively, that can respond and deploy spill containment, recovery and storage equipment and personnel within 1-hr and 2-hr requirements. CBI holds an OSRO classification by the United States Coast Guard (0048) for the River/Canal and Inland operating environments as: level MM through W3 and MM respectfully. Additionally, CBI is an approved DCO under the approval of the FDEP. Accordingly, CBI has access to and the ability to deploy all the spill response equipment and materials required for spill clean-up from the subject site. The location in which CBI has made the headquarters of the business is essential to this regulatory demand. Further, Port Everglades petroleum companies rely upon CBI's OSRO and DCO certifications and spill response expertise to meet the requirements of the law and to reduce their risk and impact to the environment.

The US Department of Transportation, the FDEP, and Broward County all require CBI's licensed fleet to reside at the CBI permitted facility (project site) pursuant to the Used Oil and Material Processing Permit. Further, the Department of Homeland Security relies on CBI to secure the company trucks and fixed storage tanks, which are licensed to store/haul hazardous materials and hazardous wastes. As such all residue tankers and vacuum trucks must be parked at the facility to comply with the regulations.

CBI has recently experienced exceptional growth in their service area due to the expansion and growth of Port Everglades, as well as increased regulatory requirements upon the petroleum industry and cruise line industry. Therefore, CBI proposes to expand their existing maintenance and storage yard to meet these demands. To accomplish the proposed expansion, the applicant requests the revision of the LAPC boundary reflecting the removal of the 2.4-acre portion of LAPC site #93 from the Broward County Map and proposes mitigation for unavoidable impacts to the LAPC at an approved mitigation bank to offset the impacts of the proposed expansion. The

proposed project will not result in adverse impacts to water quality, habitat, hydrology or listed species.

The below response to criteria demonstrates that the subject area no longer meets the criteria for a LAPC and may be removed from the Broward County Map.

- **BROWARDNEXT IMPLEMENTATION REGULATIONS AND PROCEDURES**

7. □ CRITERIA AND PROCEDURES FOR ENVIRONMENTALLY SENSITIVE LANDS AND LOCAL AREAS OF PARTICULAR CONCERN

Broward County will conduct a review of all Natural Resources as defined in the text and depicted on the Natural Resource Map Series of the Broward County Land Use Plan. The review will determine whether such lands are environmentally sensitive and shall provide the basis for the regulation of those lands found to be environmentally sensitive as is required by Section 163.3202, Florida Statutes.

The Broward County Commission shall conduct a review of the following maps and, utilizing the criteria enumerated herein or utilizing additional alternative criteria review and approved by the County Commission, make a determination as to whether the designation and regulation of additional Environmentally Sensitive Lands is appropriate:

g. Local Areas of Particular Concern

Local Areas of Particular Concern (LAPCs) may be designated in six categories according to the types of resources present. Unless otherwise indicated, LAPCs must have one or more of the characteristics for the respective category.

1. Marine Resource Category

Coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, or; coastal areas of high natural productivity or essential habitat for fish, wildlife, and the various trophic levels in the food web critical to their well-being, or; coastal areas of substantial recreational value and/or potential, or; areas needed to protect, maintain, or replenish coastal flood plains, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

Response: The site does not have resources that are unique, scarce, fragile or vulnerable. The 2.4 acres site contains a mix of black and white mangroves along with an exotic plant, Brazilian pepper. The black mangroves observed on site were stressed, most likely due to the existing elevations and hydrology that do not allow for enough tidal influence. The site is isolated

and surrounded by industrial parcels. Thus, it does not provide recreational value or flood plain recharge.

2. Natural Landforms and Features Category

A geological, hydrological, or physiographical feature confined to a small area of Broward County and considered quite rare locally or regionally, or; a representative natural ecosystem and/or its units existing in a few isolated locations, but extirpated from most of the county.

Response: No geological, hydrological, or physiological features are present on site. Overall, the majority of existing mangrove wetlands within Broward County are located east of US-1 within the center of the County, primarily within Broward County's West Lake Park and John U. Lloyd State Park. Additional smaller contiguous areas of existing mangroves are located within Port Everglades, Broward County's Deerfield Island Park, the Bonnet House, Hugh Taylor Birch State Park and the City of Hollywood's Holland Park. Remaining areas of mangroves consist primarily of small mangrove fringes present along existing canals and channelized waterways, including those within South Florida Water Management District right-of-way. These mangrove areas are typically under various forms of site protection, either as conservation easements or within designated park boundaries. Thus, the site is not considered rare locally or regionally. The loss of this low quality, isolated, degraded wetland would result in an insignificant loss of wetland function to Broward County

3. Native Vegetative Communities Category

(a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).

(b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy at least three of the following criteria:

i. Uniqueness - The site contains a significant sample of rare or endangered species, or, the site is among a small number of sites in Broward County representing a particular ecological community.

ii. Diversity - A significant sample of two or more ecological communities are contained within the site.

iii. Low Level of Exotic Invasion - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.

iv. Potential for Protection -Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.

v. Geography - The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).

Response: While mangroves are present within the site, the mangroves observed appeared stressed, most likely due to the existing elevations and hydrology that do not allow for enough tidal influence in the area. In addition, exotic Brazilian pepper are present which make this a low-quality mangrove wetland.

The site was surveyed for the potential presence of listed species and/or listed species habitat. Due to the developed surroundings, existing vegetative conditions, and use of the eastern portion of the site, the subject area does not provide for roosting or forage habitat by listed species, and any use by such species would likely be only transient in nature. The site is not a highly productive coastal tideland as a low amount of tidal inundation occurs. The site is not used for scientific study or research on wildlife.

Only one ecological community is present, a mangrove wetland. Thus, the site is not considered diverse. Brazilian pepper is scattered within the site and cannot be easily maintained. Currently 2/3 of the site is being utilized for private commercial use. The site and the surrounding area is not likely to be protected in the future due to continuing development.

Commercial/industrial development exists adjacent to the north and east of the site. In addition, port everglades is located in the immediate surrounding area.

4. Wildlife Category

Existing wildlife refuges, reserves, and sanctuaries, or; known habitats of rare, threatened, or endangered species or species of special concern, or; major wildlife intensive use areas such as well-developed hammock communities,

highly productive coastal tidelands, and mangroves, or; areas used for scientific study and research on wildlife.

Response: The site was surveyed for the potential presence of listed species and/or listed species habitat. Due to the developed surroundings, existing vegetative conditions, and use of the eastern portion of the site, the subject area does not provide for roosting or forage habitat by listed species, and any use by such species would likely be only transient in nature.

5. Economic Resource Category

Existing ports, marinas, piers, energy resources, and artificial reefs, or; areas noted for specific study and research concerning economic development.

Response: Port Everglades is present in immediate vicinity of the subject site. No known specific study or research is being conducted concerning the site and economic development.

6. Cultural Resource Category

Sites designated on the National Register of Historic Places or on the Florida Master Site File, or; sites related to the general development of the local area, region, or State, or; buildings which are significant examples of the architectural design of their period, or; sites associated with the life/lives of important person(s), or social, political, cultural, or economic movements or with historical events, or; archaeological sites which have yielded useful information on the area's past.

Response: No cultural resources are present. The site is not designated on the National Register of Historic Places or on the Florida Master Site File. The Department of Historical Resources reviewed the site as part of the U.S. Army Corps. permit process and approved the project.

CBI Storage Yard
Avoidance & Minimization Summary/Mitigation Plan
BCEPGMD File No.: DF15-1007
TCG Project No. 16-0027

The project site consists of an ±8.1-acre industrial lot located at 851 Eller Dive in the City of Dania Beach, Broward County. The subject site contains a developed industrial yard and a ±1.4-acre mangrove mitigation area and ±0.95-acre drainage easement associated with Environmental Resource License DF90-1063. The subject area is located on the northern portion of the property and consists of ±1.4 acres of mangrove wetland, ±0.02 acres of other surface waters, ±0.48 acres of uplands, and a ±0.45 acre stormwater retention pond. The mangrove wetland area consists of a canopy of native and non-native species. Observed canopy species included white mangrove (*Laguncularia racemosa*), black mangrove (*Avicennia germinans*), and Brazillian pepper (*Schinus terebinthifolius*). The proposed project includes the filling of ±1.4 acres of existing wetlands and surface waters, and the development of an associated stormwater management system.

This summary serves as a narrative on the avoidance and minimization of impacts as reviewed. It was determined that the onsite preservation was not sufficient due to limited size, location of the wetland in a predominantly industrial area, and lack of connectivity to surrounding wetlands. The subject site contains ±1.4 acres of mangrove wetland. It is bordered by developed industrial yards to the north, south and east. There is a utility road along the western boundary, which disconnects the subject site and the undeveloped parcel to the west. Therefore, existing wetlands onsite are isolated, and their preservation or enhancement is not the best option. In order to expand the facility to accommodate the increased need for storage and associated drainage, any additional avoidance and minimization would further reduce and isolate an already small and isolated wetland onsite that provides little to no habitat or function for wildlife or aquatic species. In addition to the limited and isolated conditions onsite, the surrounding area consists of low quality wetlands. This area is not able to support greater amounts of wildlife as a result of the preservation of onsite conditions. Mitigation for the proposed wetland and surface water impacts is suggested to be conducted through a credit purchase at the Everglades Mitigation Bank.

The purchase of mangrove credits through the Everglades Mitigation Bank (EMB) was determined to be the most feasible option due to its ecological value, connectivity to multiple habitat types, its cost effectiveness and its extensive size. The EMB is a 13,249-acre site in South Florida and contains mangrove and freshwater marsh ecosystems. It is located between two national parks, the Everglades National Park and Biscayne National Park, which provides connectivity for many species and communities within and between the parks and bank. Many birds, mammals, reptiles and fish, including threatened and endangered species, migrate to and forage in the EMB.

The proposed mitigation plan includes the purchase of 0.95 saltwater credits at the Everglades Mitigation Bank. Please see the attached WATER scores for the evaluation for credit purchase at the Everglades Mitigation Bank. A summary table is included below.

WATER Scores

| | |
|---|--------------------------------|
| | Impact W-1 (1.4 ac) |
| Cumulative Score | 32 |
| Maximum Possible Score | 48 |
| WATER = Cumulative Score/Maximum Possible Score | 0.67 |
| Credit Determination SSE (1.02) x WATER x Impact Acreage | 0.952 |
| | Total Credits |

Appendix A

Site Photographs



CBI Cliff Berry, Inc.
Environmental Services

CBI Port Everglades Facility

Print #160621185
Date: 06/21/16
Lat/Lon: 26.083601 -80.132814
Order No. 58481
Aerial Photography, Inc. 954-568-0484

Photo 1: Aerial of mitigation area.



CBI Cliff Berry, Inc.
Environmental Services

CBI Port Everglades Facility

Print #160621186
Date: 06/21/16
Lat/Lon: 26.083601 -80.132814
Order No. 58481
Aerial Photography, Inc. 954-568-0484

Photo 2: Aerial of mitigation area.



Photo 3: Northwest corner of the property, facing east. Note fringing Brazillian pepper (*Schinus terebinthifolius*).



Photo 4: Central portion of the mangrove mitigation area, facing west.



Photo 5: Central portion of the mangrove mitigation area, facing north.



Photo 6: Northeast portion of the property, facing north.

**PRELIMINARY ENVIRONMENTAL ASSESSMENT
SUMMARY REPORT**



**CBI STORAGE YARD
TCG PROJECT NO. 16-0027**

JUNE 2016

**PREPARED FOR:
CLIFF BERRY FAMILY LIMITED PARTNERSHIP
851 ELLER DRIVE
FORT LAUDERDALE, FL 33316**

1.0 INTRODUCTION

The subject site is a ±2.4-acre undeveloped portion of an existing industrial environmental cleanup yard located at 851 Eller Drive in Section 23, Township 50, Range 42, in the City of Dania Beach, Broward County, Florida (See Appendix A).

The purpose of this report is to provide information on the location of any jurisdictional wetlands and other surface waters on the property. The report includes additional vegetation descriptions and soil analysis, as well as the identification of any listed endangered or threatened species and/or potential listed species habitat observed onsite.

2.0 METHOD

Two (2) qualified biologists from The Chappell Group, Inc. (TCG) conducted an onsite visual investigation of the site on June 6, 2016 for the presence of potential jurisdictional wetlands and wildlife resources that may exist on the property. The onsite visual inspection consisted of traversing the perimeter and interior of the site utilizing meandering transects to provide an overlapping field of review. In addition to the visual observation of the site and existing conditions, several soil pits were excavated for a physical assessment of existing soils for potential evidence of hydrologic conditions.

3.0 DISCUSSION

Prior to the site investigation, historical aerials were reviewed to become familiar with the location, vegetation and past use(s) of the subject site. A review of historical aerials revealed that the site has been undeveloped and vacant as far back as 1994.

The site is bordered by a commercial boatyard to the south, an undeveloped parcel to the west, and by oil tank storage to the north and east. While no topographic survey data was available, elevations on-site were below the surrounding developments and roadways. An aerial exhibit is included as Appendix C, which depicts the location of any wetlands, surface waters or listed species found at the site during inspection.

4.0 FINDINGS

Observed vegetation on-site consisted primarily of a mixture of native and non-native canopy species and scattered shrubs common to disturbed coastal wetlands and transitional habitats. The dominant canopy species on site were white mangrove (*Laguncularia racemosa*), black mangrove (*Avicennia*

germinans) and Brazilian pepper (*Schinus terebinthifolius*). Other species observed included giant leather fern (*Achrostichum danaeifolium*), common reed (*Arundo donax*) and bishopwood (*Bischofia javanica*). The eastern portion of the survey area consists of a wet and dry storm water retention area. The western portion of the survey area consists of a primarily black and white mangrove wetland, with Brazilian pepper scattered throughout. The black mangroves were observed to be stressed, most likely due to the existing elevations and hydrology that do not allow for enough tidal influence. The site is hydrologically connected to an adjacent drainage canal and existing culvert pipe. This connection allows for tidal inundation of the northern extents of the site at most high tides.

In addition to the site assessment, the Broward County Soil Survey was reviewed to determine the soil characteristics of the subject parcel. The survey revealed the subject parcel historically consisted of Pennsuco silty clay loam (Appendix C). These soils consist of nearly level, poorly drained and very poorly drained soils on coastal lowlands and in tidal swamps. Soils onsite were observed at various locations and were found to be primarily consistent with mapped units.

Along with the observations of soils, vegetation and surface waters on or adjacent to the site, the subject property was reviewed for the potential presence of listed species and/or listed species habitat. Due to the developed surroundings, existing vegetative conditions, and use of the eastern portion of the site, the subject area does not provide for roosting or forage habitat by listed species, and any use by such species would likely be only transient in nature. Animal species observed onsite were limited to brown basilisk (*Basiliscus vittatus*), eastern gray squirrel (*Sciurus carolinensis*) and long tailed vervet monkey (*Chlorocebus pygerythrus*).

5.0 CONCLUSION

Given the presence of hydric soils, vegetation, and evidence of hydrology, jurisdictional wetlands, as defined by Chapter 62-340 F.A.C., exist on the subject property. Proposed re-development of the site, including drainage, excavation of surface waters from uplands or any alterations onsite would be regulated by the Broward County Environmental Protection and Growth Management Department (EPGMD), South Florida Water Management District (SFWMD) and U.S. Army Corps of Engineers (USACOE). A regulatory review for wetland and surface water jurisdiction may be necessary with any proposed re-development of the site.

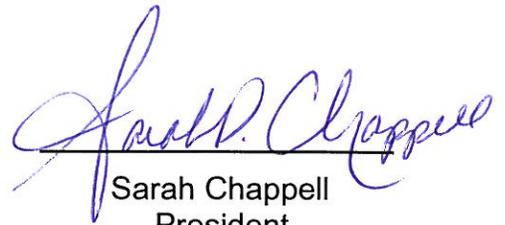
This report is and the information contained herein is based on the existing site conditions observed at the time of the survey inspection. The findings are based on reasonable scientific judgment. The formal determination of wetland jurisdiction and associated jurisdictional wetland boundaries and/or surface waters is subject to review and approval by the applicable local, State and Federal regulatory agencies. Should you have any questions or comments regarding the report or the information contained herein, please do not hesitate to contact the undersigned at your convenience.

Sincerely,

THE CHAPPELL GROUP INC.

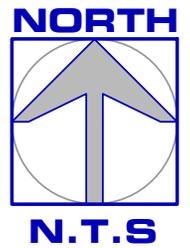


Kathryn Bongarzone
Senior Project Biologist



Sarah Chappell
President

**APPENDIX A
LOCATION MAP**



SUBJECT SITE

Eler Dr

5

Terminal Dr

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 Pompano Beach, Florida 33060
 tel. 954.782.1908
 fax. 954.782.1108 www.thechappellgroup.com

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- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

CBI STORAGE YARD

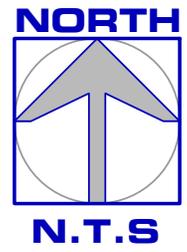
PREPARED FOR:
CLIFF BERRY FAMILY LIMITED PARTNERSHIP

LOCATION MAP

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| Date: 6/6/2016 | Sheet : | of : |
| Proj No.: 16-0027 | 1 | 1 |

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APPENDIX B
SURVEY AERIAL EXHIBIT



LEGEND

- SUBJECT SITE (±2.4 ac)
- FLUCCS 612, MANGROVE SWAMP (±2.4 ac)

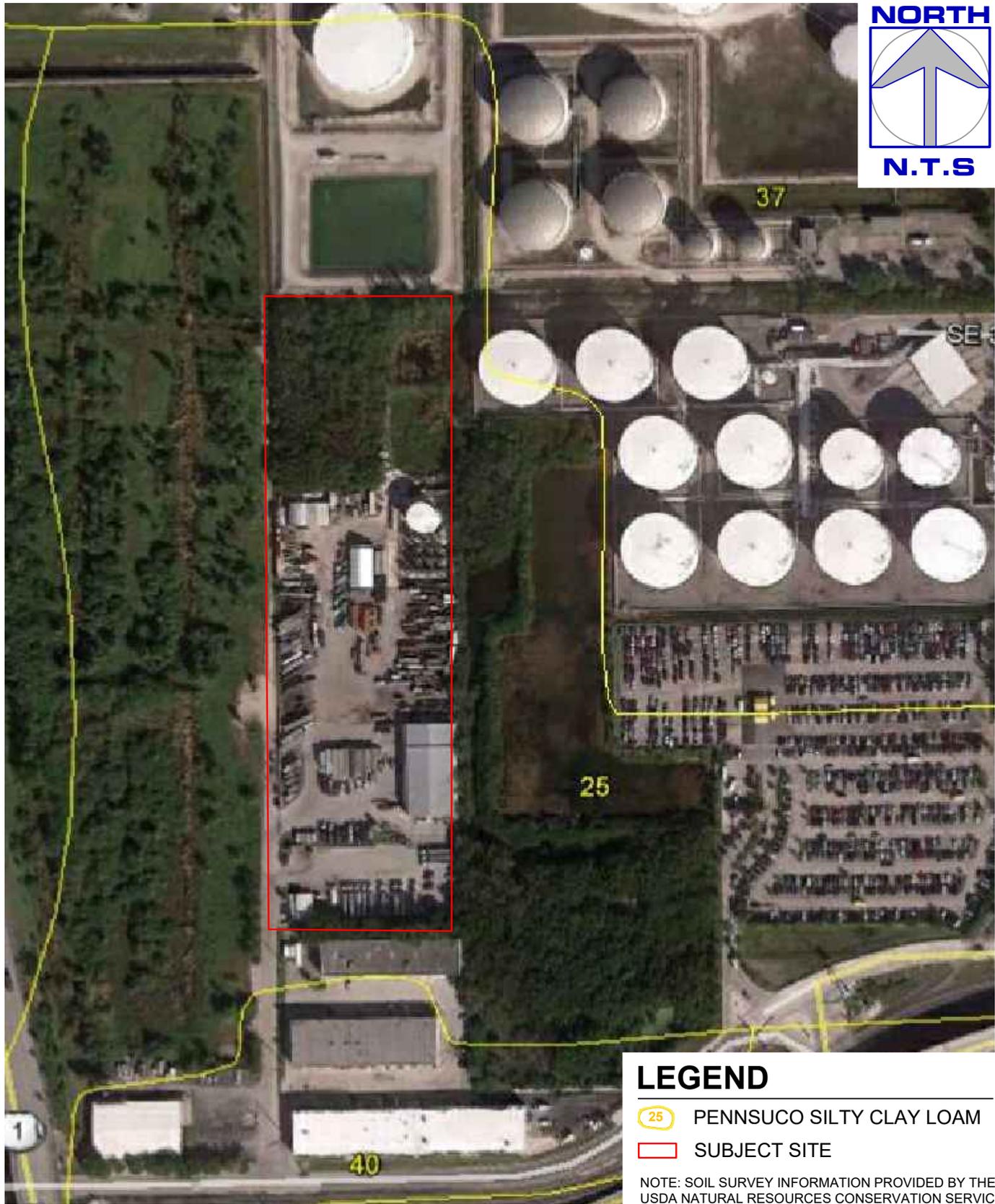
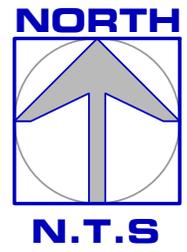
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| WETLAND AERIAL EXHIBIT | | |
|------------------------|---------|------|
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APPENDIX C
SOILS MAP



LEGEND

- 25 PENNSUCO SILTY CLAY LOAM
- SUBJECT SITE

NOTE: SOIL SURVEY INFORMATION PROVIDED BY THE USDA NATURAL RESOURCES CONSERVATION SERVICE.

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| SOILS MAP | | |
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APPENDIX D

SITE PHOTOGRAPHS



1. Central portion of the survey area, facing east. Note existing retention area.



2. Southeast corner of the subject area, facing northwest.



3. Northeast corner of the property, facing west.



4. Northwest corner of the property, facing south.



5. Northwest corner of the property, facing east.



6. Central portion of the survey area, facing north. Note standing water.



7. Central portion of the survey area, facing east. Note stressed and dead black mangroves (*Avicennia germinans*).



8. Central portion of the survey area, facing south.



9. Central portion of the survey area, facing west.



10. Western portion of the property, facing east. Note existing drainage pipe.



EVERGLADES
MITIGATION BANK

November 29, 2017

Cliff Berry Family Limited Partnership
851 Eller Drive
Fort Lauderdale, FL 33316
Attn: Mr. Cliff Berry

**Re: Everglades Mitigation Bank Credit Reservation: REVISED
U. S. Army Corps of Engineers Permit Number SAJ-1988-01204
Broward County Environmental Protection and Growth Management
Department Permit Number DF15-1007**

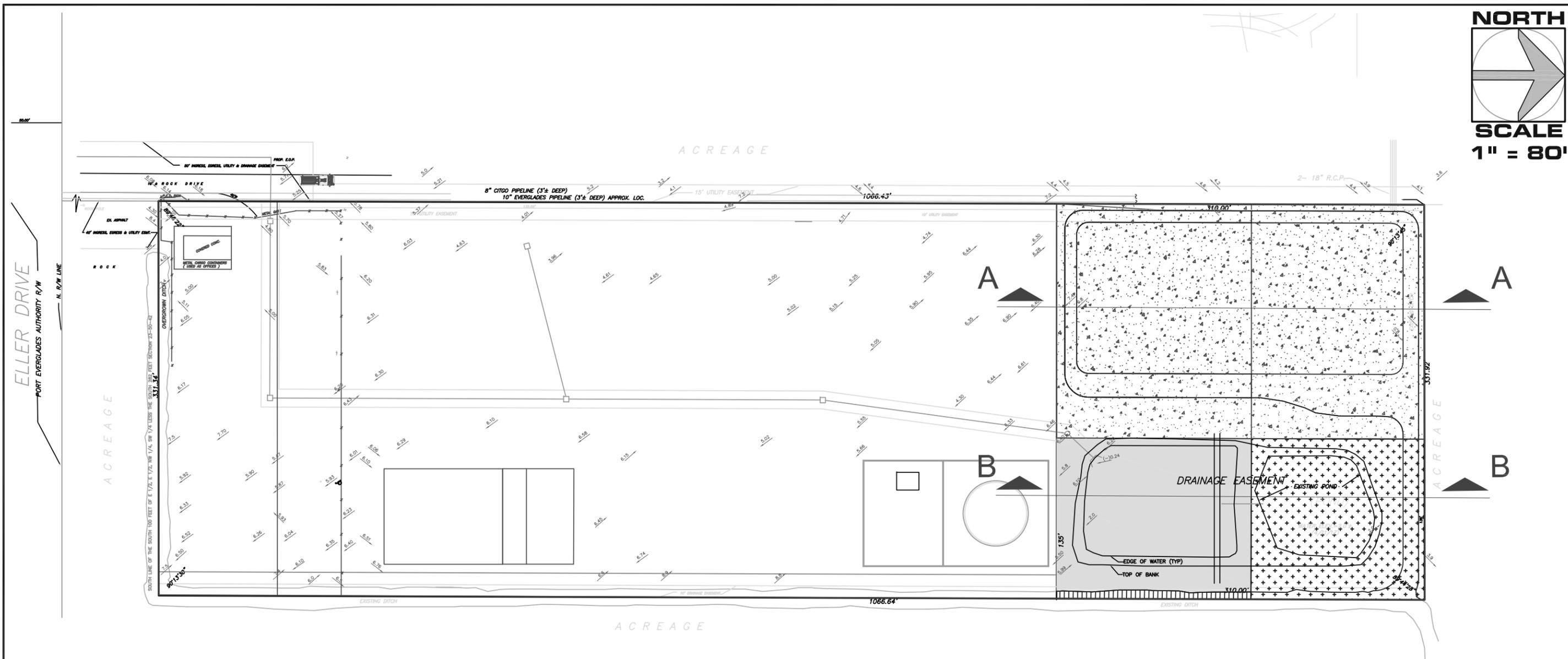
Please be advised that the Everglades Mitigation Bank (the "EMB") has reserved 0.96 Saltwater mitigation credits necessary to offset the unavoidable wetland impact for the above referenced project. Phase II of the EMB has a signed Mitigation Banking Instrument acknowledged by both FDEP and USACE and sufficient credits are currently available on the EMB ledger to offset the proposed impacts. **The EMB acknowledges receiving payment in full for the above referenced credits.**

Please contact me at 561-694-6388 for any additional information or questions regarding this matter.

Regards,

A handwritten signature in blue ink, appearing to read 'Joe Sicbaldi', written in a cursive style.

Joseph R. Sicbaldi
Everglades Mitigation Bank



LEGEND

- SUBJECT SITE (± 8.1ac)
- WETLAND IMPACT-FILL (±1.4 ac - ±11,521 yds³)
- OTHER SURFACE WATERS IMPACT - FILL (± 0.02 ac - ±200 yds³)
- PROPOSED DRAINAGE POND (± 0.45 ac)
- UPLANDS FILL (± 0.48 ac - ±3,121 yds³)

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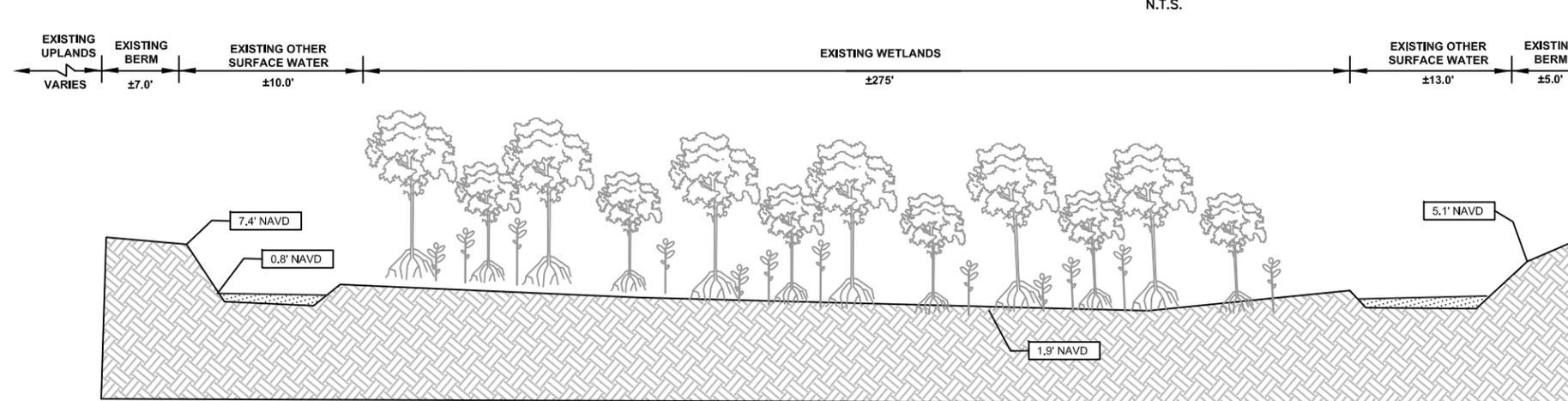
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DREDGE & FILL PLAN

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| Date: 7/13/2017 | Sheet : 1 | of : 3 | |
| Proj No.: 16-0027 | | | |

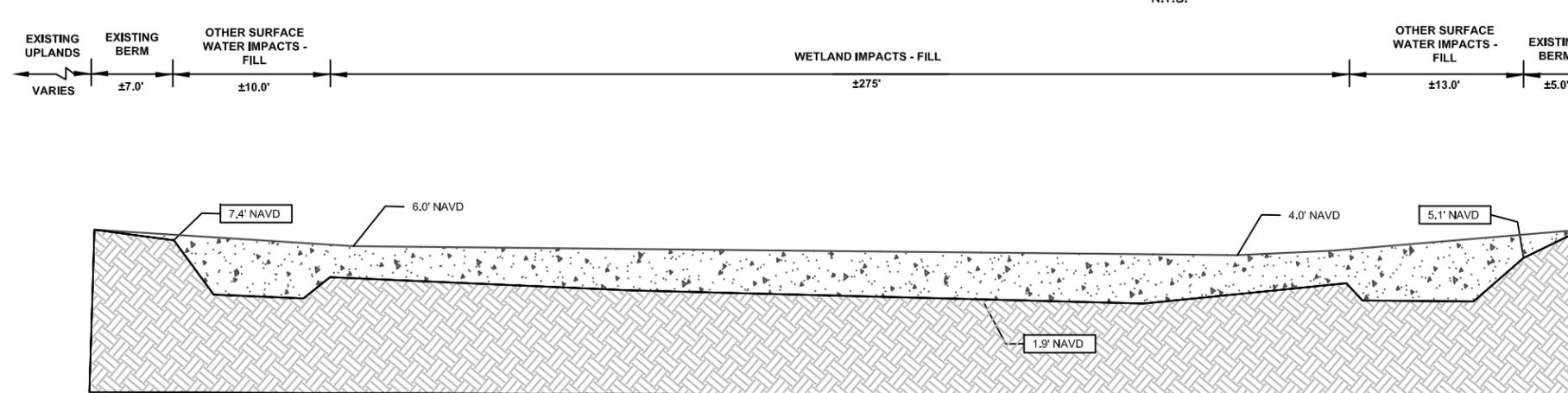
EXISTING CONDITIONS SECTION A-A (TYP.)

N.T.S.



PROPOSED CONDITIONS SECTION A-A (TYP.)

N.T.S.



LEGEND



EXISTING SUBSTRATE



UPLAND IMPACT - FILL (± 3,121 yds³)



WETLAND IMPACT-FILL (±11,521 yds³)



OTHER SURFACE WATER IMPACT-FILL (± 200 yds³)

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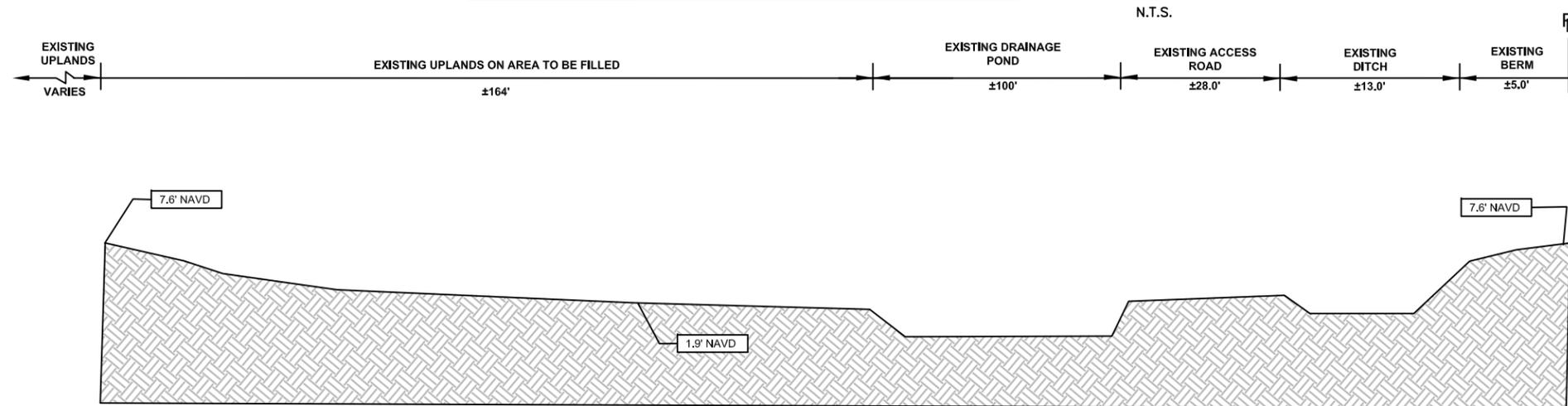
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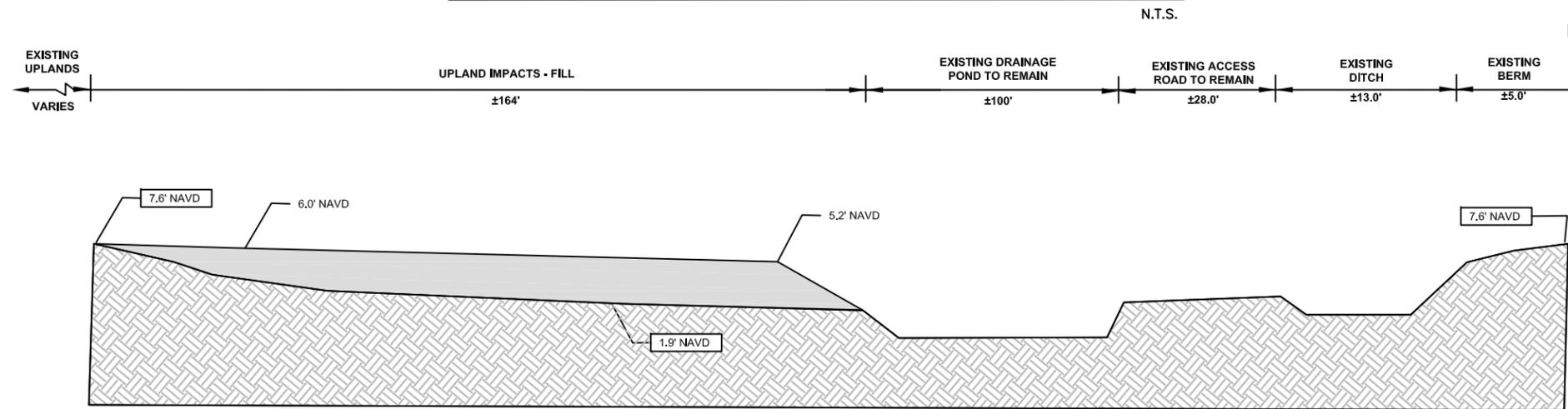
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| SECTIONS | | |
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| Date: 7/13/2017 | Sheet : 2 | of : 3 |
| Proj No.: 16-0027 | | |

EXISTING CONDITIONS SECTION B-B (TYP.)



PROPOSED CONDITIONS SECTION B-B (TYP.)



LEGEND

- EXISTING SUBSTRATE**
- UPLAND IMPACT - FILL (± 3,121 yds³)**
- WETLAND IMPACT-FILL (±11,521 yds³)**
- OTHER SURFACE WATER IMPACT-FILL (± 200 yds³)**

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| SECTIONS | | |
|----------------------|---------------------|------------------|
| Date: 7/13/2017 | Sheet : 3 | of : 3 |
| Proj No.: 16-0027 | | |

ATTACHMENT 3



Environmental Protection and Growth Management Department

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

115 S. Andrews Avenue, Suite 329-K, Ft. Lauderdale, FL 33301 T: 954-357-6634 F: 954-357-8655

MEMORANDUM



TO: Sermin Turegun, Director
Environmental Engineering and Permitting Division

FROM: Josie P. Sesodia, AICP, Director
Planning and Development Management Division

A handwritten signature in black ink that reads "Josie Sesodia".

DATE: November 14, 2018

SUBJECT: ESL Map Amendment PCNRM 19-1

The Planning and Development Management Division (PDMD) has reviewed the above-referenced request to remove Local Area of Particular Concern (LAPC) Site Number 93 from the Broward County Natural Resource Map Series to expand the existing maintenance and storage yard on the site in order to meet the growing demands of Port Everglades and the increased regulatory requirements upon the petroleum and cruise line industries. The Environmentally Sensitive Lands Map site also designates the site as a Natural Resource Area in accordance with Broward County Code of Ordinances, Chapter 5, Article II.

The Broward County Code of Ordinances, Chapter 5, Section 281 provides criteria to evaluate when a site is being considered for inclusion on the Environmentally Sensitive Lands Map, however no criteria is provided to consider the removal of a designated a site. In a letter dated October 30, 2018, the applicant states that the site no longer meets the criteria that warranted the site's designation as an LAPC.

The PDMD staff evaluated the site based upon adopted comprehensive plan policies. The Broward County Land Use Plan Policies that address Local Areas of Particular Concern include Policy 2.23.1, 2.23.2, 2.23.3, and 2.23.4. Additionally, Policy 2.21.5 of the LUP states: "Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding."

While this is not a plan amendment request, if the site is being considered for removal from Natural Resource Map Series we recommend using Policy 2.21.5 as guidance in this matter. This would require that adequate storm water management and drainage facilities be

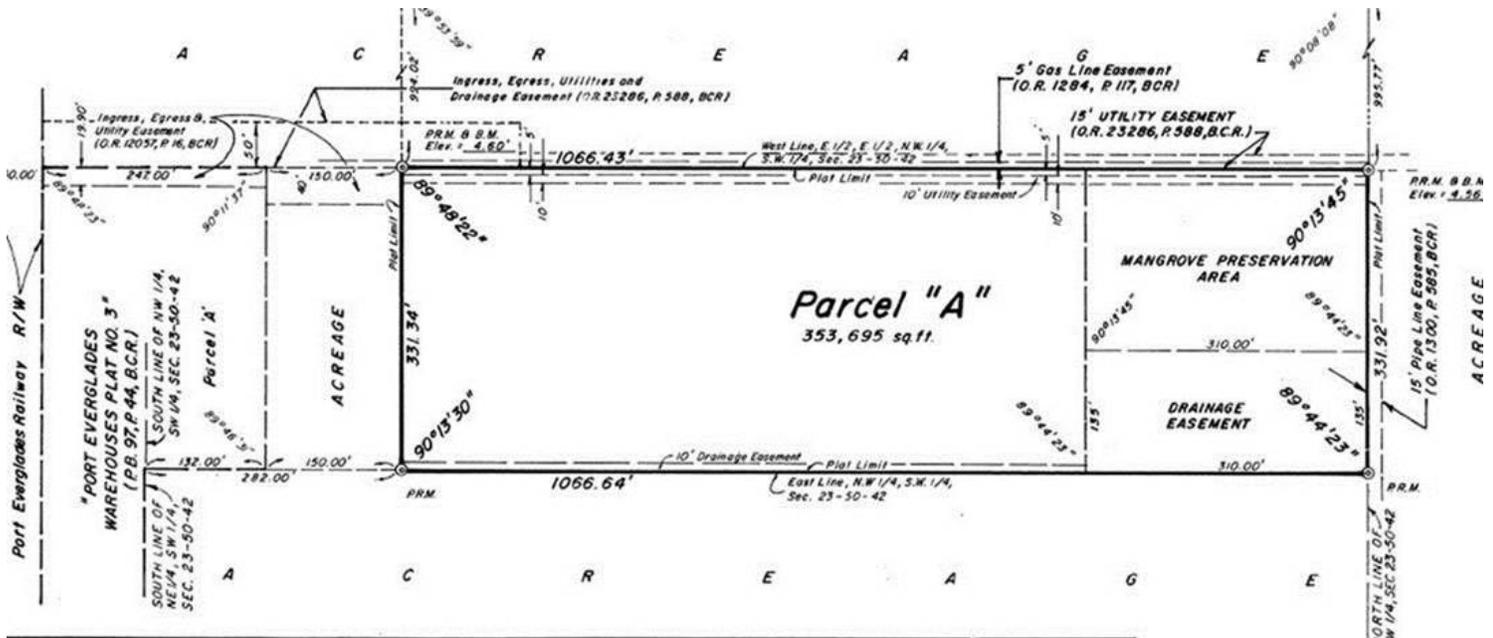
Memorandum

November 14, 2018
Page 2 of 3

provided to mitigate potential impacts on surrounding environmentally lands, particularly for the following reasons:

- The site is part of an Environmentally Sensitive Land designated at #82 on the Broward County Land Use Plan (LUP): Environmentally Sensitive Lands map;
- It is depicted in the "flood prone area" on the Floodplains, Flood Prone Areas and Coastal Storm Area map;
- It is depicted as a "priority planning area" on the LUP Priority Planning Areas 2015 map;
- It is depicted as a Salt Water Marsh adjacent to a water body and a mitigation parcel on the LUP Wetland map, (square number 235042); and
- The site is located between two low lying areas to the east and west.

Furthermore, this site is part of C.B.I. Plat No. 2 Plat and restricted to 50,000 square feet of Industrial use and 4,900 square feet of Office use (image below). The plat restricts the subject site for mangrove preservation area and a drainage easement. Prior to development of the site, the restriction must be modified, and an easement vacation must be approved. The modify conditions of plat approval will need to be submitted to PDMD, as well as a request to vacate the easement.



If you have any questions, please contact Sara Forelle at sforelle@broward.org or 954-357-6635.

cc: Henry Sniezek, Director, Environmental Protection and Growth Management Department

Memorandum

November 14, 2018

Page 3 of 3

Jennifer Jurado, Director, Environmental Planning and Community Resilience Division
Sara Forelle, AICP, Planning Section Supervisor, Planning and Development
Management Division
Thuy Turner, AICP, Planning Section Supervisor, Planning and Development
Management Division
Heather Cunniff, AICP, Senior Planner, Planning and Development Management Division



ATTACHMENT 4



ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT
ENVIRONMENTAL PLANNING AND COMMUNITY RESILIENCE DIVISION
115 S. Andrews Avenue, Room 329H • Fort Lauderdale, Florida 33301 • 954-519-1270 • FAX 954-519-1496

MEMORANDUM



TO: Sermin Turegun, Director
Environmental Engineering and Permitting Division

FROM: Dr. Jennifer Jurado, Director *J.S.*
Environmental Planning and Community Resilience Division

DATE: November 26, 2018

SUBJECT: ESL Map Amendment PCNRM 19-1

The Environmental Planning and Community Resilience Division has reviewed the above referenced request to remove Local Area of Particular Concern Site Number 93 from the Broward County Natural Resource Map Series and does not recommend removal.

EPCRD would support implementation of Policy 2.23.4 to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled. The following site characteristics suggest that development of the site could impact stormwater management, contribute to flooding of the surrounding area and adversely affect environmentally sensitive lands.

- Dense native vegetation including mangroves, oaks and understory plants were documented onsite. Maintenance of urban tree canopy and habitat diversity is supported by the County's comprehensive and climate action policy. Since the site is contiguous to other environmentally sensitive lands within a completely developed portion of the urban area, it is preferential for preservation to allow migration of species as environmental conditions change. The proposal of mitigation outside of the county does not serve to increase local community resilience.
- The site appears valuable for water storage and recharge given its condition as an existing wetland and the lack of permeable surfaces surrounding the site.
- Policy supports discouraging amendments which would place adjacent development at risk of flooding from sea level rise. Given the site's projection for inundation by sea level rise on the Priority Planning Area Map and a future wet season water table elevation of 2.5 feet NAVD, the implementation of insufficient drainage onsite as part of development would impact adjacent properties.

Please contact me at jjurado@broward.org or 954-519-1466 with any questions.

cc: Henry Sniezek, Director, Environmental Protection and Growth Management Department
Josie Sesodia, Director, Planning and Development Management Division

ATTACHMENT 5



Environmental Protection and Growth Management Department

ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

MEMORANDUM



TO: Sermin Turegun, Director
Environmental Engineering and Permitting Division (EEPD)

THROUGH: Carlos Adoriso, Engineering Unit Supervisor, EEPD

FROM: Linda Sunderland, Natural Resources Manager, EEPD

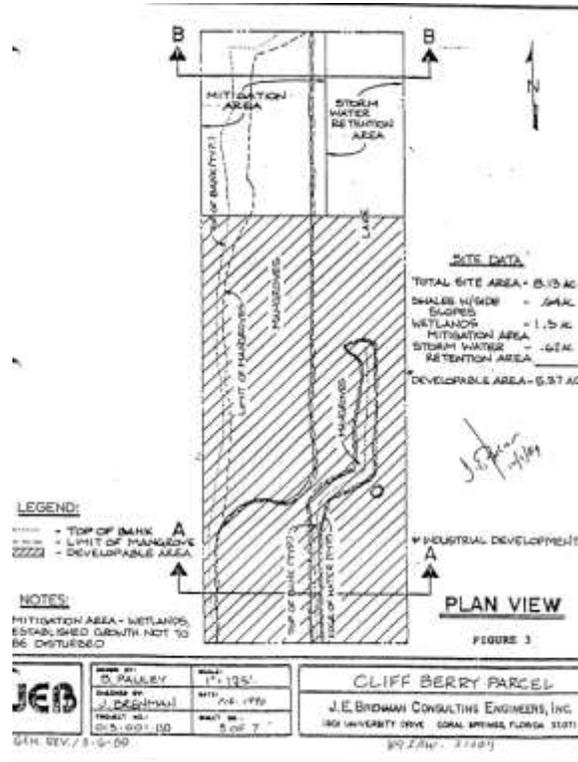
DATE: November 16, 2018

SUBJECT: CBI Plat – Environmentally Sensitive Lands Map Amendment for Local Area of Particular Concern #93

The Environmental Engineering and Permitting Division (EEPD) has been asked to provide comments for the above referenced request to amend the boundaries of a Local Area of Particular Concern (LAPC). The applicant is requesting release of 2.4 acres of an approximate 11 acre LAPC to allow the expansion of an existing industrial facility located directly south of this portion of the LAPC.

The Cliff Berry, Inc., facility located at 851 Eller Drive (Folio # 504223260010) in Dania Beach has received numerous licenses and permits over the years. In 1988, the Florida Department of Environmental Protection issued Environmental Resource Permit (ERP) # 06-0725146 to fill portions of an existing lake and plant mangroves. In 1990, the US Army Corp of Engineers issued permit SAJ-1988-01204 (SP-KDS) to fill 5.37 acre of wetlands and open water. Mitigation required was to create a 0.13 acre off-site mangrove planter and enhance 1.4 acres of on-site mangrove wetland.

Also in 1990, the County issued Environmental Resource License (ERL) (DF90-1063) to impact 5.37 acres of mangrove wetlands in order to construct an industrial facility and associated surface water management area. Mitigation for those wetland impacts required enhancement of 1.4 acres of mangroves on-site (see diagram below) and the off-site creation of a 0.13 acre mangrove planter in Port Everglades. The County ERL did not require a conservation easement (CE) at the time. The County only started requiring CE's after 1992. ERL # DF90-1063 expired on June 15, 1995.



The 1996 Mangrove Trimming and Preservation Act (Act) (403.9322 F.S.) states: “The Legislature finds that mangroves play an important ecological role as habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife, including mammals, birds, and reptiles; as shoreline stabilization and storm protection; and for water quality protection and maintenance and as food-web support. The mangrove forest is a tropical ecosystem that provides nursery support to the sports and commercial fisheries. Through a combination of functions, mangroves contribute to the economies of many coastal counties in the state.” Section 403.9323 (1) states: “It is the intent of the Legislature to protect and preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation and destruction.” The Act was delegated to Broward County on February 13, 1996, for the regulation of mangroves, review of projects proposing impacts, enforcement of violations and determining mitigation requirements.

In 1997, ERL # DF97-1001 was issued to Cliff Berry for the construction of the 0.13 acre mangrove planter which was not completed as required under DF90-1063 and required enhancement of 3.51 acres of mangroves in Port Everglades by the removal of a berm and old haul road to improve hydrology in a mangrove wetland area. A modification of this license was also issued to include unavoidable impacts to mangroves to access a haul road and to conduct dredging operations for mitigation construction area. Work was completed, monitored and in compliance as of May 26, 2004. ERL # DF97-1001 expired on February 27, 2002.

On April 15, 2015, the EEPD received an ERL application (DF15-1007) requesting authorization to fill the 1.9 acres of mangrove wetlands and stormwater management (SWM) area on-site for expansion of the industrial development. The application remains open pending finalization of SWM items, SWM fees due, the LAPC designation and Plat notes referencing the “Mangrove Preservation Area”. Mitigation proposed is purchase of 0.96 credits at Everglades Mitigation Bank in Homestead. No mitigation is proposed to remain in Broward County.

On October 30, 2018, the Broward County Planning Council received a request from Leigh Robinson Kerr & Associates, Inc., on behalf of Cliff Berry, to remove the LAPC #93 designation from a significant portion (2.4 acres) of the approximate 11 acre LAPC. The 2.4 acres includes the wetland mitigation which was required by prior licenses which authorized impacts to mangroves for the initial development of this site. The request (Page 2, Paragraph 7.g.1) indicates that the mangroves on-site are “stressed”; the site is “isolated” and “surrounded by industrial parcels”. The request (Page 3, Paragraph 7.g.2) also describes the site as “low quality”, “isolated”, “degraded wetland” and impacts would be an “insignificant loss” to the County.

On December 14, 2016, and as part of the review of the ERL application (DF15-1007), EEPD staff conducted a site inspection with staff from The Chappell Group, Inc. During this site inspection, the site was scored using the Wetland Assessment Technique for Environmental Reviews (WATER) to determine the amount of mitigation which would be required if the license is issued. The mangroves appeared healthy and the hydrology was adequate. The LAPC is tidally connected through ditches, culverts and channels to the Intracoastal Waterway. Spring and king tide flushing allows the site to maintain hydrologic conditions required by Black, White, and Red Mangroves. The area serves as a nursery for small fish and crustaceans and potential foraging habitat for other species. Small mammals, birds, aquatic macroinvertebrates, fish, amphibians, and reptiles currently use the site. Over story canopy consisted of desirable native species and exotic vegetation was less than 1%. Water depth was greater the 6”, there were no visible indicators of poor water quality, and the topography appeared to be unaltered. Using the WATER methodology, the site scored 32 points from a possible score of 48 points. The calculated score indicates 0.952 credits would be required from the Everglades Mitigation Bank in Homestead. On November 16, 2018, EEPD staff performed another site inspection and observed essentially the same that conditions were observed during the December 14, 2016, site inspection.

Mangrove habitat is a limited resource in Broward County with some of the areas under threat from development. There is a cumulative impact to the overall mangrove resource from projects proposing “small” impacts to mangroves.

ATTACHMENT 6

Teetsel, Dawn

From: Halsey, Jeff
Sent: Tuesday, November 6, 2018 10:00 AM
To: Turegun, Sermin
Cc: Boden, Connie; Custode, Gail; Hashmi, Bilal; McChesney, Philip; Meidingerhosey, Deborah; O'Geen, Joseph; Stagnari, John; Younes, Ali
Subject: Resend - FW: ESL Map Amendment (PCNRM 19-1)
Attachments: PCNRM 19-1 application submittal.pdf; PCNRM 19-1 Aerial.pdf; PCNRM 19-1 Location.pdf; BCC Agenda Item 11 with backup 9-13-18.pdf

ECPD has no comments.

From: Vialpando, Lenny
Sent: Tuesday, November 06, 2018 7:46 AM
To: Wiltshire, Glenn <GWILTSHIRE@broward.org>; Jurado, Jennifer <JJURADO@broward.org>; Turegun, Sermin <STuregun@broward.org>; Halsey, Jeff <JHALSEY@broward.org>; Sesodia, Josie <JSESODIA@broward.org>
Cc: Teetsel, Dawn <DTEETSEL@broward.org>
Subject: FW: ESL Map Amendment (PCNRM 19-1)

Good morning,

Please review the attached and provide any comments you or your staff may have to Sermin.

Sermin, please coordinate for submission to the Planning Council.

Thanks,

LLV



LEONARD VIALPANDO PE, DEPUTY
DIRECTOR

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

115 South Andrews Avenue, Rm 329 | Fort Lauderdale, Florida 33301
954-357-6677

From: Teetsel, Dawn
Sent: Monday, November 05, 2018 4:21 PM
To: Vialpando, Lenny <LVIALPANDO@broward.org>
Cc: Snizek, Henry <HSNIEZEK@broward.org>; Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>
Subject: ESL Map Amendment (PCNRM 19-1)

Hi Lenny,

As you may recall on September 13, 2018, the Broward County Commission initiated an amendment to the Environmentally Sensitive Lands Map on behalf of a private property owner, located in the City of Dania Beach. Attached please find the application package for said amendment, PCNRM 19-1, as well as the Commission Agenda Item for same and BCPC maps for your reference.

The proposed amendment is anticipated for first public hearing before the Broward County Planning Council for its January 2019 meeting.

We are requesting that comments be digitally submitted to our office by December 5, 2018, to allow adequate time for consideration, discussion and incorporation into the Planning Council's amendment report.

Due to the site's proximity to Port Everglades, would you please consider coordinating their review, if not, please let us know and we will forward to them directly.

Please note that since the ESL site is located within the City of Dania Beach, we are transmitting the amendment application to the City for comment as well.

Please feel free to contact me if you have any questions.



Regards,
Dawn Teetsel

Dawn B. Teetsel, Assistant to the Executive Director

115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.7571 (direct) www.Broward.org/PlanningCouncil

ATTACHMENT 7

Teetsel, Dawn

Subject: FW: ESL Map Amendment (PCNRM 19-1)

From: Lajoie, Corinne <clajoie@daniabeachfl.gov>

Sent: Tuesday, December 11, 2018 10:41 AM

To: Teetsel, Dawn <DTEETSEL@broward.org>

Subject: RE: ESL Map Amendment (PCNRM 19-1)

The City of Dania Beach has no opposition to this request.



Corinne Lajoie

Planning & Zoning Manager | City of Dania Beach

clajoie@daniabeachfl.gov | daniabeachfl.gov

100 W Dania Beach Blvd. | Dania Beach, FL 33004

Phone: 954-924-6805 ext. 3704 | **Fax:** 954-922-2687

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From: Teetsel, Dawn [<mailto:DTEETSEL@broward.org>]

Sent: Tuesday, December 11, 2018 9:04 AM

To: Baldwin, Robert

Cc: LaFerrier, Marc; Lajoie, Corinne

Subject: RE: ESL Map Amendment (PCNRM 19-1)

Good morning Mr. Baldwin,

This is a friendly reminder that the Broward County Planning Council staff is requesting comments from the City regarding the attached application to amend the Environmentally Sensitive Lands (ESL) Map: PCNRM 19-1, which is located in the City of Dania Beach. It would be much appreciated if, at a minimum, the City could respond with its support or opposition to the proposed amendment.

The amendment application and associated backup materials are attached your reference.

We kindly extend the deadline to submit digital comments by Monday, December 17.

Please feel free to contact me if you have any questions.

Regards,

Dawn Teetsel



Dawn B. Teetsel, Assistant to the Executive Director

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.7571 (direct) www.Broward.org/PlanningCouncil

From: Teetsel, Dawn

Sent: Monday, November 5, 2018 4:31 PM

To: 'rbaldwin@ci.dania-beach.fl.us' <rbaldwin@ci.dania-beach.fl.us>

Cc: mlaferrier@ci.dania-beach.fl.us; Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>

Subject: ESL Map Amendment (PCNRM 19-1)

Greetings Mr. Baldwin,

The Broward County Planning Council (BCPC) staff is currently processing an application to amend the Environmentally Sensitive Lands (ESL) Map: PCNRM 19-1, located in the City of Dania Beach. It is noted that the Broward County Commission initiated said amendment to the ESL Map on behalf of a private property owner on September 13, 2018, and it has been transmitted to the appropriate County agencies for review. Since the site is located within Dania Beach, BCPC staff is affording the City an opportunity to review the proposed ESL amendment.

The amendment application and associated backup materials are attached your review.

The proposed amendment is anticipated for first public hearing before the Broward County Planning Council for its January 2019 meeting.

We are requesting that comments be digitally submitted to our office by December 5, 2018, to allow adequate time for consideration, discussion and incorporation into the Planning Council's amendment report.

Please feel free to contact me if you have any questions.

Regards,

Dawn Teetsel



Dawn B. Teetsel, Assistant to the Executive Director

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.7571 (direct) www.Broward.org/PlanningCouncil

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

ATTACHMENT 8

BROWARDNEXT-BROWARD COUNTY LAND USE PLAN STRATEGIES, POLICIES AND RECOMMENDED PRACTICES IDENTIFIED IN THE CONSIDERATION OF PCNRM 19-1

BCLUP SECTION 1: HIGHLIGHTED REGIONAL ISSUES

...

CLIMATE CHANGE RESILIENCE VISION

...

Strategy CCR-2: Increase the resilience of our community to the effects of climate change.

...

Implementation strategies include: In coordination with municipalities, adopting land use regulations to limit development and redevelopment in areas particularly vulnerable to flooding due to sea level rise, stormwater inundation, and other impacts of climate change.

...

WORLD-CLASS NATURAL RESOURCE PROTECTION & ENHANCEMENT VISION

...

Strategy EP-3: Preserve and protect Broward County's natural environment through County and local environmental regulatory programs and well-planned patterns of growth and development.

...

Implementation strategies include: Acquire, protect, preserve and enhance Local Areas of Particular Concern.

...

BCLUP SECTION 2: POLICIES

...

CLIMATE RESILIENCY, ADAPTATION ACTION AREAS AND PRIORITY PLANNING AREAS

POLICY 2.21.1 Broward County shall evaluate plan amendments within Priority Planning Areas for Sea Level Rise and strongly discourage those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. In review of such amendments, the County shall consider: a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.

...

POLICY 2.21.5 Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding.

POLICY 2.21.6 Broward County shall support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Climate Action Plan, as approved by the Broward County Climate Change Task Force, and adopted by the Broward County Board of County Commissioners.

WETLANDS

POLICY 2.22.1 The Broward County Environmental Protection and Growth Management Department shall protect the functional values of wetlands within Broward County through mechanisms such as its Environmental Resource License requirements.

POLICY 2.22.2 Broward County and its local governments shall consider the impacts of land use plan amendments on wetland resources and minimize those impacts to the maximum extent practicable.

...

ENVIRONMENTALLY SENSITIVE LANDS

POLICY 2.23.1 Natural resources that have been found to comply with the definition of Local Areas of Particular Concern have been identified on a Map of Local Areas of Particular Concern within the Future Broward County Land Use Map Series.

POLICY 2.23.2 Local Areas of Particular Concern are declared to be environmentally sensitive lands and upon adoption of this plan shall be subject to the provisions of the Broward County Land Development Code regarding environmentally sensitive lands.

POLICY 2.23.3 Broward County shall implement strategies for the protection of Local Areas of Particular Concern and other environmentally sensitive lands such as: acquisition by public or private organizations; establishment of a County trust fund for acquisition; adoption of innovative land development regulations; conservation easements; transfer of development rights; deed restrictions; and restrictive covenants.

POLICY 2.23.4 By 2019, Broward County shall work with Broward's municipalities and interested stakeholders to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled.

...

BCLUP SECTION 3: RECOMMENDED PRACTICES

...

ENVIRONMENTAL

...

POLICY 3.3.6 Promote the acquisition, retention and management of unique natural areas in order to preserve their environmental, recreational and other public benefits.

...

POLICY 3.3.9 Discourage activities in the vicinity of Local Areas of Particular Concern which would have a detrimental impact upon such areas.

POLICY 3.3.10 Encourage local governments to protect natural resources through the implementation of land development regulations and procedures that promote the acquisition, retention and management of such areas.



ATTACHMENT 9

EDWIN J. STACKER
PARTNER
Shutts & Bowen LLP
200 East Broward Boulevard
Suite 2100
Fort Lauderdale, Florida 33301
DIRECT (954) 847-3839
FAX (954) 527-7915
EMAIL EStacker@shutts.com

July 1, 2019



VIA HAND DELIVERY

Barbara Blake-Boy, Executive Director
Broward County Planning Council
115 So. Andrews Avenue, Rm. 307
Fort Lauderdale, FL 33301

**Re: CBI PLAT NO. 2
ESL MAP AMENDMENT PCNRM 19-1**

Dear Barbara:

As you are aware, our law firm represents the Cliff Berry Family Limited Partnership, owner of the above-referenced plat, located at 3400 SE 9th Avenue, in Dania Beach, Florida (“CBI Plat”). The CBI Plat consists of approximately 8.11 acres and is located off the north side of Eller Drive within the Port Jurisdictional Area (“PJA”), the northernmost 2.4 acres of which remains undeveloped and is included within an overall approx. 11 acre LAPC (Map Label #82, Site #93).

Cliff Berry, Inc. (“CBI”), the preeminent comprehensive environmental services provider to the Port is headquartered at this general location and has been utilizing the bulk of the CBI Plat as its operational and storage facility for years (a detailed description of CBI’s operations is attached for convenience to this letter as Attachment 1). In need of expanding its existing facilities, several years ago, CBI initiated modifications to its existing environmental permits in order to expand their operations to utilize the northern 2.4 acres. Having undergone extensive reviews from the County and the Army Corps, the permitting process was subsequently delayed when the County Staff focused upon the existence of the LAPC designation on the property and advised that the LAPC designation needs to be deleted through the map amendment process.

As you are also aware, an initial request for the Planning Council to initiate the LAPC amendment was denied, without prejudice, last June, but the Broward County Commission voted to initiate ESL Map Amendment PCNRM 19-1 at its meeting on September 13, 2018. Our Client’s application support documentation was submitted to the Planning Council Staff on or about October 30, 2018, and agency comments were solicited and received during the month of November. Subsequent to receipt of all Staff comments, CBI and its consultants have been reviewing procedural alternatives and have been engaged in periodic conversations with Staff in an effort to mutually-resolve the situation.

FTLDOCS 7712070 1 44034.0002

July 1, 2019

Page 2

Broward County Planning Council

In reviewing the comments provided to the Planning Council Staff, our consultants are confident that with favorable action in removing the LAPC designation from the 2.4 acres, there will be no other impediments to concluding the permitting process. Moreover, the City of Dania Beach has expressed in writing that the City has no objection to the requested action. Thus, the only new correspondence from our consultants addressing Staff comments, is the attached response from Flynn Engineering to a Memorandum dated November 26, 2018, from Dr. Jennifer Jurado, Director of EPCSD (Attachment 2).

In evaluating this request, however, we strongly suggest that in addition to the review and discussion regarding environmental concerns, there is a “balancing of interests” analysis which government should undergo at this time. That is, to assess whether the continued designation of this 2.4 acres as a LAPC is outweighed by the overall community benefit in assuring that CBI can continue to enhance and provide much-needed emergency service to the County and region-at-large, and, specifically, in recognizing the extensive growth that Port Everglades has seen and will continue to see over the coming years. That is to say, that the benefit to the County by granting CBI the ability to expand at this location far outweighs the need to continue to have this property designated as an LAPC, particularly when potential environmental impacts are being otherwise adequately addressed in the permitting process.

In furtherance of this “balancing of interests” test, we have reviewed the Deepwater Port Component of the Broward County Comprehensive Plan and have identified numerous provisions set out in the Goals, Objectives & Policies which we believe recognize the importance of CBI’s operations at this location, and are supportive of a recommendation to remove the LAPC designation under the circumstances (see Attachment 3).

In summary, we look forward to the upcoming Planning Council meeting, and ask that you review and consider that there are compelling reasons to remove the LAPC designation at this time to enable the expansion of CBI’s operations.

Sincerely,

Shutts & Bowen LLP



Edwin J. Stacker

EJS/MS5

Enclosures

cc: Kelly Brandenburg, Esq.
Dennis Shultz, P.E.
Nick Zweber, P.E.
Tyler Chappell, P.E.

ATTACHMENT 1

PROJECT SUMMARY

CBI, INC. PROPOSAL TO AMEND BROWARD COUNTY NATURAL RESOURCE MAP SERIES – ENVIRONMENTALLY SENSITIVE LANDS MAP: LOCAL AREA OF PARTICULAR CONCERN

Cliff Berry, Inc. (CBI) has been offering comprehensive Environmental Services for over 57 years with its headquarters located at the subject site. The subject site consists of an ±8.1-acre industrial lot located at 3400 SE 9th Avenue in the City of Dania Beach, Broward County. The subject site contains a developed industrial yard and a ±2.4-acre mangrove area in a Local Area of Particular Concern (LAPC). The LAPC area is located on the northern portion of the property and consists of 0.80 acres of mangrove wetland, 0.34 acres of other surface waters, 0.77 acres of uplands, and a 0.45 acre storm water retention pond. The proposed project includes the filling of ±1.14 acres of existing low quality wetlands and surface waters, and the development of an associated stormwater management system to expand the existing operational hub from which specialized environmental mitigation personnel and equipment are dispatched.

The United States Coast Guard and the Florida Department of Environmental Protection (FDEP) both require petroleum storage companies, cruise ships, and other marine vessels to have an emergency response contractor who is an approved Oil Spill Removal Organization (OSRO) and Discharge Cleanup Organization (DCO), respectively, that can respond and deploy spill containment, recovery and storage equipment and personnel within 1-hr and 2-hr requirements. CBI holds an OSRO classification by the United States Coast Guard (0048) for the River/Canal and Inland operating environments as: level MM through W3 and MM respectfully. Additionally, CBI is an approved DCO under the approval of the FDEP. Accordingly, CBI has access to and the ability to deploy all the spill response equipment and materials required for spill clean-up from the subject site. The location in which CBI has made the headquarters of the business is essential to this regulatory demand. Further, Port Everglades petroleum companies rely upon CBI's OSRO and DCO certifications and spill response expertise to meet the requirements of the law and to reduce their risk and impact to the environment.

The US Department of Transportation, the FDEP, and Broward County all require CBI's licensed fleet to reside at the CBI permitted facility (project site) pursuant to the Used Oil and Material Processing Permit. Further, the Department of Homeland Security relies on CBI to secure the company trucks and fixed storage tanks, which are licensed to store/haul hazardous materials and hazardous wastes. As such all residue tankers and vacuum trucks must be parked at the facility to comply with the regulations.

CBI has recently experienced exceptional growth in their service area due to the expansion and growth of Port Everglades, as well as increased regulatory requirements upon the petroleum industry and cruise line industry. Therefore, CBI proposes to expand their existing maintenance and storage yard to meet these demands. To accomplish the proposed expansion, the applicant requests the revision of the LAPC boundary reflecting the removal of the 2.4-acre portion of LAPC site #93 from the Broward County Map and proposes mitigation for unavoidable impacts to the LAPC at an approved mitigation bank to offset the impacts of the proposed expansion. The proposed project will not result in adverse impacts to water quality, habitat, hydrology or listed species.

ATTACHMENT 2



241 Commercial Blvd.
Lauderdale-By-The-Sea, FL 33308

954.522.1004
www.flynnengineering.com

June 28, 2019

Barbara Blake-Boy
Executive Director
BROWARD COUNTY PLANNING COUNCIL
115 S. Andrews Avenue, Room 307
Ft. Lauderdale, FL 33301

Re: **CBI FORT LAUDERDALE**
ESL Map Amendment PCNRM 19-1
FES #16-1327.01
Response to Review Memo

Dear Ms. Blake Boy:

In anticipation of the upcoming Planning Council consideration of the above-referenced Amendment, the following is an itemized response to the review comments provided by Dr. Jennifer Jurado, in her Memorandum dated November 26, 2018:

1. The removal of the existing mangroves and canopy on site will not impact the overall urban tree canopy and habitat diversity of the surrounding area. A cumulative impact analysis was prepared and accepted by the environmental agencies which demonstrates that a cumulative impact to the New River Basin (Broward County) would not occur, and thus, a mitigation credit purchase from Everglades Mitigation Bank would fully offset the impacts of the proposed project. In addition, the migration of species as environmental conditions change will not be altered as the surrounding parcels such as the conservation easement at Port Everglades to the south, West Lake Park to the south, and Snyder park to the west provide a larger area for nesting and foraging of migratory species.
2. The existing wetland is currently permitted outside of the developed site which is currently bermed to contain the 100yr-3day storm event on site. Therefore this wetland is not providing any current water storage for the permitted site. As part of the modification submitted under DF15-1007 and SWM L2015-008 this project is proposing to incorporate this wetland area into the project area with added exfiltration trench connected to the existing drainage system and contained within the 100yr-3day berm which will be modified to enclose this area.
3. We understand the County policy for the future wet season water table elevation of 2.5 feet NAVD. This issue was discussed as part of the permitting process of SWM L2015-008. Because this project was submitted December 21, 2016 prior to this policy and because this project is a modification to a previous permit with an already established water table elevation of 0.50, the current County policy does not require the implementation of the future water table elevation. This project meets the County requirements and will be licensed as currently designed. Since the new criteria are not applicable to this project, we believe that a recommendation to deny removal of the LAPC designation is inappropriate.

Please call if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dennis Shultz', is written over a light blue circular stamp.

Dennis Shultz, P.E.

cc: Dr. Jennifer Jurado, BCEPCRD
Mr. Ed Stacker, Shutts

ATTACHMENT 3

BROWARD COUNTY COMPREHENSIVE PLAN DEEPWATER PORT COMPONENT

GOALS, OBJECTIVES & POLICIES

Policy P1.1.4

PED shall continue to develop the Port in a manner that achieves a pattern of land uses characterized by the concentration and interconnection of related compatible land

Policy P1.2.3

PED shall encourage private port-related businesses to construct and utilize appropriate facilities within the PJA.

Policy P1.3.1

PED shall ensure that land uses are consistent with future land use designations of the Broward County Land Use Plan (BCLUP) and the land use patterns in the Port Everglades Master/Vision Plan and that they maximize the use of Port property.

OBJECTIVE P2.4 – HAZARDOUS MATERIALS

PED, working with appropriate public safety, governmental, and private agencies, shall maintain procedures to respond to and mitigate hazardous material spills within the PJA.

POLICY P2.4.1

PED shall comply with appropriate federal, State, regional, and local regulations and procedures for the safe and expedient cleanup of hazardous spills and shall continue to implement the hazardous material-handling and cleanup provisions of the effective Port Tariff.

POLICY P2.4.2

PED shall continue to comply with applicable federal, State, and local oil spill contingency planning requirements within the PJA and the protocol for reporting, cleaning, and disposal of toxic spill or emission incidents, which may include oil spills, gas leaks, and leaks of unknown substances.

POLICY P2.4.3

PED shall cooperate with governmental agencies to provide complete and timely information to the public in the event of a hazardous material spill.

OBJECTIVE P2.5 – SAFE OPERATING ENVIRONMENT

PED shall reduce the potential of harm from manmade disasters by implementing safety and security programs for Port employees, tenants, users, and visitors.

ATTACHMENT 3

POLICY P2.5.1

PED shall implement required safety and health measures and ensure that operations are conducted to the maximum extent possible in accordance with those measures.

POLICY P2.5.2

PED shall ensure its operations comply with applicable health and safety standards.

OBJECTIVE P2.7 – EMERGENCY MANAGEMENT

PED shall endeavor to protect Port employees, tenants, users, and the public, as well as the facilities at the Port and the surrounding areas in various emergencies.

POLICY P2.7.1

PED shall maintain an Emergency Management Plan to respond to emergencies at the Port and shall ensure that Port staff and tenants are familiar with its provisions.

POLICY P2.7.2

PED shall coordinate with State, regional, and local emergency management agencies to maintain and update emergency management procedures.

POLICY P2.7.3

PED shall provide safe and efficient vehicular movement, off-street parking, and adequate access for service and emergency vehicles within the PJA through the implementation of adopted land development codes in accordance with the Interlocal Agreement.

OBJECTIVE P2.8 POST-DISASTER REDEVELOPMENT

PED shall work with the EMD in the ongoing initiative to develop a Broward County Recovery Framework, a long-term strategic framework for post-disaster redevelopment in compliance with State guidelines.

POLICY P2.8.1

PED shall identify appropriate post-disaster redevelopment procedures to reduce or eliminate exposure of human life and property to hazardous conditions, restore Port services, and reconstruct Port facilities in the aftermath of a disaster.

POLICY P2.8.2

Following a disaster, the Port Director or his designee shall give first priority to removal of hazardous conditions necessary to protect the public health and safety, second priority to restoring essential Port services, and third priority to long-term repair and redevelopment activities.

ATTACHMENT 10

Teetsel, Dawn

Subject: FW: ESL Map Amendment (PCNRM 19-1)

From: Jurado, Jennifer <JJURADO@broward.org>

Sent: Wednesday, July 24, 2019 12:14 PM

To: Teetsel, Dawn <DTEETSEL@broward.org>; Vialpando, Lenny <LVIALPANDO@broward.org>

Cc: Turegun, Sermin <STuregun@broward.org>; Adoriso, Carlos <CADORISIO@broward.org>; Sunderland, Linda <LSUNDERLAND@broward.org>; Sesodia, Josie <JSESODIA@broward.org>; Sniezek, Henry <HSNIEZEK@broward.org>; Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>

Subject: RE: ESL Map Amendment (PCNRM 19-1)

Hi Dawn,

Our Department has no further information to submit at this time.

Thank you.

Jennifer

From: Teetsel, Dawn

Sent: Tuesday, July 2, 2019 3:52 PM

To: Vialpando, Lenny <LVIALPANDO@broward.org>

Cc: Turegun, Sermin <STuregun@broward.org>; Adoriso, Carlos <CADORISIO@broward.org>; Sunderland, Linda <LSUNDERLAND@broward.org>; Jurado, Jennifer <JJURADO@broward.org>; Sesodia, Josie <JSESODIA@broward.org>; Sniezek, Henry <HSNIEZEK@broward.org>; Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>

Subject: ESL Map Amendment (PCNRM 19-1)

Hi Lenny,

The applicant for ESL Map Amendment PCNRM 19-1 has submitted additional information to address the County staff comments received during the application review period, as well as the March 1, 2019 meeting with County staff and the applicant. The additional information is attached for review and comment – in an effort to assist with the distribution of said information, the agencies that originally provided comments are copied on this email. However, it would be greatly appreciated if you could share this with anyone that may have been inadvertently omitted. We are requesting that comments be digitally submitted to our office by July 31, 2019, to allow adequate time for consideration, discussion and incorporation into the Planning Council's amendment report.

Please feel free to contact me if you have any questions.

Regards,
Dawn Teetsel



Dawn B. Teetsel, Director of Planning

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.7571 (direct) www.Broward.org/PlanningCouncil

ATTACHMENT 11.A.

Teetsel, Dawn

Subject: FW: ESL Map Amendment (PCNRM 19-1)
Attachments: PCNRM 19-1 - Proposed ESL Map Amendment

From: Turegun, Sermin <STuregun@broward.org>
Sent: Wednesday, July 31, 2019 12:04 PM
To: Teetsel, Dawn <DTEETSEL@broward.org>
Cc: Adoriso, Carlos <CADORISIO@broward.org>; Sunderland, Linda <LSUNDERLAND@broward.org>; Sesodia, Josie <JSESODIA@broward.org>; Sniezek, Henry <HSNIEZEK@broward.org>; Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>; Jurado, Jennifer <JJURADO@broward.org>; Vialpando, Lenny <LVIALPANDO@broward.org>; Forelle, Sara <SFORELLE@broward.org>
Subject: RE: ESL Map Amendment (PCNRM 19-1)

Hi Dawn,

Please find attached Planning and Development Management Division's comments on the new information provided by the applicant. At this time Environmental Engineering and Permitting Division has no further comments. Thanks.



SERMIN TUREGUN, DIRECTOR

Environmental Protection and Growth Management Department
ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION
1 North University Drive, Mailbox 201, Plantation, FL 33324-2038
Office: (954) 519-1460 Fax: (954) 519-1412

Broward.org/Environment

We value your feedback as a customer. You can comment on the quality of service you received by completing our [Customer Satisfaction Survey](#). Thank you!

From: Teetsel, Dawn
Sent: Tuesday, July 2, 2019 3:52 PM
To: Vialpando, Lenny <LVIALPANDO@broward.org>
Cc: Turegun, Sermin <STuregun@broward.org>; Adoriso, Carlos <CADORISIO@broward.org>; Sunderland, Linda <LSUNDERLAND@broward.org>; Jurado, Jennifer <JJURADO@broward.org>; Sesodia, Josie <JSESODIA@broward.org>; Sniezek, Henry <HSNIEZEK@broward.org>; Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>
Subject: ESL Map Amendment (PCNRM 19-1)

Hi Lenny,

The applicant for ESL Map Amendment PCNRM 19-1 has submitted additional information to address the County staff comments received during the application review period, as well as the March 1, 2019 meeting with County staff and the applicant. The additional information is attached for review and comment – in an effort to assist with the distribution of said information, the agencies that originally provided comments are copied on this email. However, it would be greatly appreciated if you could share this with anyone that may have been inadvertently omitted. We are requesting that comments be digitally submitted to our office by

July 31, 2019, to allow adequate time for consideration, discussion and incorporation into the Planning Council's amendment report.

Please feel free to contact me if you have any questions.



Regards,
Dawn Teetsel

Dawn B. Teetsel, Director of Planning

115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.7571 (direct) www.Broward.org/PlanningCouncil

ATTACHMENT 11.B.



Environmental Protection and Growth Management Department

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

115 South Andrews Avenue, Suite 329-K • Fort Lauderdale, Florida 33301 • Telephone 954-357-6634 • FAX 954-357-8655

MEMORANDUM



TO: Sermin Turegun, Director
Environmental Engineering and Permitting Division

FROM: Josie P. Sesodia, AICP, Director
Planning and Development Management Division *J. Sesodia*

DATE: July 30, 2019

SUBJECT: ESL Map Amendment PCNRM 19-1 (LAPC Site Number 93)
Response to new applicant comments

Planning and Development Management Division (PDMD) staff have reviewed the updates provided by the applicant in their letter dated July 1, 2019. The recommendations provided by PDMD on November 14, 2018 still apply. Please note, property is added to the Environmentally Sensitive Lands (ESL) Map based on a determination by the Board of County Commissioners (Board) that it meets the criteria established in Section 5-281 of the Land Development Code. To remove a site from the ESL Map, there must be determination that the site no longer meets those criteria. As with designation, the determination is the authority of the Board.

The applicant included several Goals, Objectives and Policies (GOPs) from the Broward County Comprehensive Plan's Deepwater Port Component in support of the proposed changes. The Deepwater Port Component GOP's identified below were not included with the applicant's response and may be worth consideration by the Board for their determination of consistency. (see Attachment A for additional details):

Objective P3.1 regarding Natural Resource Preservation and Protection, states that the Ports Everglades Department (PED) ...shall work with federal, State, regional, and local agencies in developing sound environmental policies and measures to minimize the environmental impacts of Port development and operations.

Policy P3.1.2 states, PED shall maintain a current inventory and map of unique and productive terrestrial and aquatic habitats that exist in the Port's vicinity that could be adversely affected by Port activities and shall implement the environmental policies and statements in the Port Everglades Master/Vision Plan to manage Port facilities in a manner that will protect natural habitat.

Objective P4.1 states, PED shall be proactive in coordinating its development efforts with local, State, and federal permitting agencies and with private stakeholders to ensure development and operations are carried out in accordance with the public interest and regulatory requirements and promote environmental sustainability.

Memorandum
Sermin Turegun, EEPD
PCNRM 19-1
July 30, 2019
Page 2 of 4

If you have any questions, please contact Darby Delsalle at ddelsalle@broward.org or 954-357-9792.

cc: Henry Snizek, Director, EPGMD
Jennifer Jurado, PhD, Director, EPCRD
Darby Delsalle, AICP, Assistant Director, PDMD
Sara Forelle, AICP, Planning Section Supervisor, PDMD
Karina da Luz, Planning Section Supervisor, PDMD
Heather Cunniff, AICP, Senior Planner, PDMD

JPS/dd

ATTACHMENT A

SELECT POLICIES FROM DEEPWATER PORT ELEMENT

OBJECTIVE P3.1 – NATURAL RESOURCE PRESERVATION AND PROTECTION PED shall conserve, protect, and, where possible, enhance environmental resources consistent with the Port Everglades Development District, the Broward County Land Development Code, and the Broward County Natural Resource Protection Code. In so doing, the Port shall work with federal, State, regional, and local agencies in developing sound environmental policies and measures to minimize the environmental impacts of Port development and operations.

POLICY P3.1.1 - PED shall evaluate specific and cumulative impacts on coastal resources before undertaking maintenance and expansion activities and shall take measures to minimize or avoid negative impacts and to mitigate for damage that cannot be avoided.

POLICY P3.1.2 - PED shall maintain a current inventory and map of unique and productive terrestrial and aquatic habitats that exist in the Port's vicinity that could be adversely affected by Port activities and shall implement the environmental policies and statements in the Port Everglades Master/Vision Plan to manage Port facilities in a manner that will protect natural habitat.

OBJECTIVE P4.1 – PLAN IMPLEMENTATION PED shall be proactive in coordinating its development efforts with local, State, and federal permitting agencies and with private stakeholders to ensure development and operations are carried out in accordance with the public interest and regulatory requirements and promote environmental sustainability.

POLICY P4.1.1 – PED shall continue to cooperate with local, regional, and other governmental agencies and stakeholders, including environmental interests, to ensure that environmental planning and management activities are coordinated. Among the requisite agencies and stakeholders are the FDEP, the SFWMD, and the EPGMD.

OBJECTIVE P4.2 – COORDINATION WITH OTHER BROWARD COUNTY DEPARTMENTS PED shall support the plans and programs of Broward County, including economic development initiatives that expand opportunities in trade, industry, and commerce, and shall coordinate its planning and development initiatives with the appropriate County departments.

POLICY P4.2.1 - Compatibility with Broward County's Comprehensive Plan. PED shall coordinate its planning and development efforts with the EPGMD to ensure that planned projects and land uses at the Port are compatible with and support the programs and policies contained in the Broward County Comprehensive Plan. The Port shall also evaluate proposed amendments to the Broward County Comprehensive Plan, particularly the Coastal Management Element, as to potential impacts on Port activities.

POLICY P4.2.3 - PED shall: [...]

d) Ensure that standards are consistent with the goals, objectives, and policies of the Broward County Comprehensive Plan and the Broward County Land Development Code; and [...]

Memorandum
Sermin Turegun, EEPD
PCNRM 19-1
July 30, 2019
Page 4 of 4

POLICY P4.2.4 - PED shall see that future development within the PJA is consistent with the adopted local comprehensive plans and land development codes within Broward County and the Cities of Fort Lauderdale, Hollywood, and Dania Beach, in accordance with the Interlocal Agreement dated May 6, 1994, among the respective municipalities and Broward County.

ATTACHMENT 12

Teetsel, Dawn

Subject: FW: CBI Plat No. 2 -- ESL MAP AMENDMENT PCNRM 19-1

From: Edwin J. Stacker <EStacker@shutts.com>

Sent: Wednesday, August 7, 2019 3:26 PM

To: Blake Boy, Barbara <BBLAKEBOY@broward.org>

Cc: Von Stetina, Deanne <DVONSTETINA@broward.org>; Teetsel, Dawn <DTEETSEL@broward.org>

Subject: CBI Plat No. 2 -- ESL MAP AMENDMENT PCNRM 19-1

Barbara, in reviewing our correspondence to you dated July 1st, I wanted to reiterate/clarify our position regarding compliance with applicable permitting requirements, as follows:

The Applicant agrees to comply with all current applicable Code provisions as required to complete Environmental Resource License Application DF15-1007, Surface Water Management License Application L2015-008, and the associated South Florida Water Management ERP Application.

In addition, CBI and its consultants have recently proposed, and will coordinate with County Staff when concluding the permitting process, the enhancement of the existing drainage pond which is approximately 0.45 acres, with a control water elevation of 0.5, by planting wetland plants such as pickerelweed, duck potato, spike rush and fire flag in the pond. Also, on the slopes they are proposing plantings of shrubs and ground covers of cocoplum, fakahatchee grass and firebush.

Thank you very much for your consideration of our request to remove this parcel from a Map designation that took place approximately thirty (30) years ago, and we trust you will concur that resolution of these issues can be, and should be, appropriately addressed through the permitting process as contemplated in the County Land Development Code, without compromising the integrity of certain environmental policies.

Thank you, again, and we look forward to working with the County in order to reach a mutually satisfactory resolution of this matter through the permitting process.

Ed



Edwin J. Stacker

Partner

Shutts & Bowen LLP

200 East Broward Boulevard, Suite 2100 | Fort Lauderdale, FL 33301

Direct: (954) 847-3839 | Fax: (954) 527-7915 | Cell: (954) 980-8116

[E-Mail](#) | [Biography](#) | [V-Card](#) | [Website](#)

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