



# Broward County

## Legislation Text

File #: 21-1453, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO EXEMPTIONS FROM ENVIRONMENTAL RESOURCE LICENSING; AMENDING SECTION 27-335 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AMENDING EXEMPTIONS FROM ENVIRONMENTAL RESOURCE LICENSING FOR CERTAIN PROJECTS PERFORMED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND BROWARD COUNTY'S PORT EVERGLADES DEPARTMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

#### Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of August 24, 2021.

#### What Action Accomplishes

Permits Board consideration of an Ordinance amending certain Environmental Resource License exemptions.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE PORT EVERGLADES DEPARTMENT RECOMMEND APPROVAL OF THE ABOVE MOTION.

Chapter 27 of the Broward County Code of Ordinances ("Code") requires persons performing dredging, filling, or alteration within regulated aquatic or wetland resources alteration to obtain an Environmental Resource License from the Broward County Environmental Protection and Growth Management Department ("EPGMD"). The United States Army Corps of Engineers ("Army Corps") maintains that it is exempt from local authorization requirements and that proper mitigation for

impacts from dredging, filling, and aquatic resource alteration projects will be assured through local government involvement and compliance with state and federal permitting requirements. The Code currently provides narrow exemptions from Environmental Resource Licensing for dredging by the Army Corps and maintenance dredging by Broward County's Port Everglades Department, but it does not exempt filling or alteration within regulated aquatic and wetland resources. Broadening the exemptions to include filling and alteration will aid in the planning and construction of federal projects within Broward County and the implementation of the Port Everglades Department's adopted Master/Vision Plan. Such filling and alteration projects will be adequately protective of the environment if all actions undertaken as part of the project are properly permitted by necessary state and federal agencies, and EPGMD is provided the required advance notice.

**Source of Additional Information**

Michael C. Owens, Senior Assistant County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 2.