



Broward County

Legislation Details (With Text)

File #: 21-479 **Version:** 1

Status: Agenda Ready

In control: Resilient Environment - Environmental Permitting Division

On agenda: 4/6/2021 **Final action:** 4/6/2021

Title: MOTION TO DIRECT Office of the County Attorney to draft an Ordinance amending Section 27-335 of the Broward County Code of Ordinances to amend exemptions for certain projects performed by the United States Army Corps of Engineers (ACOE) or by Broward County's Port Everglades Department (PED) from the requirements to obtain a Broward County Environmental Resource License (ERL).

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Port Everglades Department Memo - 1 pg

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Leonard Vialpando

Department: Environmental Protection

Division: Environmental Engineering & Permitting

Information

Requested Action

MOTION TO DIRECT Office of the County Attorney to draft an Ordinance amending Section 27-335 of the Broward County Code of Ordinances to amend exemptions for certain projects performed by the United States Army Corps of Engineers (ACOE) or by Broward County's Port Everglades Department (PED) from the requirements to obtain a Broward County Environmental Resource License (ERL).

Why Action is Necessary

Board action is required to direct the Office of the County Attorney to draft an Ordinance.

What Action Accomplishes

Directs the County Attorney to draft amendments to Section 27-335 of the Broward County Code of Ordinances to amend the exemptions from obtaining an ERL for projects performed by the ACOE or the PED.

Is this Action Goal Related

Yes

Previous Action Taken

None.

Summary Explanation/Background

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

This action supports the Board's value of "Encouraging investments in renewable energy, sustainable practices and environmental protection" and Goal 2: "To proactively lead in the planning, design and construction of projects supporting resilience and climate adaptation, including coordination with other entities to foster resilient design as part of local and regional projects, especially shore protection efforts."

The ACOE maintains that they are exempt under federal law from the requirement to obtain local authorizations and that proper mitigation for impacts from dredging, filling, and aquatic resource alteration projects at Port Everglades and its federal channel will be assured through the County's involvement and as part of the state and federal permitting processes.

Article XI of Chapter 27 of the Broward County Code of Ordinances requires persons performing dredging and filling activities and/or aquatic resource alteration to obtain an ERL from the Environmental Protection and Growth Management Department. Section 27-335 currently provides exemptions from the ERL requirements for certain activities, including ACOE and other PED dredging projects.

The proposed ordinance revisions would aid in the implementation of the PED's 2018 Master Plan by amending Section 27-335 to amend the exemption from obtaining an ERL to include filling and aquatic resource alteration projects by the ACOE and the PED for where Broward County is satisfied that all actions undertaken as part of the project are properly permitted by necessary state and federal agencies.

Source of Additional Information

Sermin Turegun, Director, Environmental Engineering and Permitting Division, 954-519-1460.

Fiscal Impact

Fiscal Impact/Cost Summary

No fiscal impact.