



*Already in file*

# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

Mail Station #2500

June 11, 1996

Susan M. Markley, Ph.D  
Metropolitan Dade County  
Environmental Resources Management  
33 S.W. 2nd Avenue, Suite 300  
Miami, FL 33130-1540

RE: Memorandum of Agreement (MA-13-114)  
Board of Trustees, DEP, and Metropolitan Dade County

Dear Ms. Markley:

Thank you for returning two final executed copies of the MOA to us for our department records. I understand that you are in the process of having the document recorded with the County Clerk.

As you stated, the Department is also looking forward to implementing this new process. As part of that procedure, our division will be arranging training with your staff in the near future. Part of the agreement states that training shall be provided by the DEP within 90 days of execution. Therefore, by way of this letter, I am copying our division's Environmental Administrators who are responsible for implementing the training program with DERM. Mr. Leonard Nero is the training coordinator for this agreement and may be reached at 407/791-4042 in Wellington.

Thanks go to you and Craig again for all your efforts regarding this agreement. We are looking forward to a great partnership.

Sincerely,

Valerie Jones, Agenda Unit  
Bureau of Submerged Lands & Environmental Resources  
Division of Environmental Resource Permitting

Enclosures

cc: Craig Grossenbacher  
Leonard Nero  
Charles Knight  
Bill Torres  
Michael Ashe  
Jim Stoutamire

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

DERM MOA

8/11/96



Larry,

Please note that although the agreement states that training shall be provided within "90 days of execution" (DEP signed 4/5/96), it was sent back to DERM for their attorney's approval & not rec'd back in Tally until 5/20/96, when we were all at SUEP Camp. Therefore, the first time I saw it back was 5/28/96, Tuesday.

Therefore, possibly the "date of execution" to be used could be 5/15/96, the date of the letter from DERM returning the documents, or possibly 5/20/96, the date DERM's package was received back in Tallahassee.

- Valerie Jones, Agenda

DERM  
Dade Co.

DIVISION OF ENVIRONMENTAL RESOURCE PERMITTING  
DELEGATION OF AUTHORITY ACTION

DELEGATION OF AUTHORITY: Specific BOT Item No. 4, December 12, 1995  
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MEMORANDUM OF AGREEMENT NO. MA-13-114

ACTION TAKEN: Execution of an MOA with Metropolitan Dade County/DERM regarding minor activities that qualify for an exemption or a letter of consent.

APPLICANT: Division of Environmental Resource Permitting

COUNTY: Dade

CONSIDERATION: N/A

STAFF REMARKS: The Board of Trustees approved issuance of the MOA on December 12, 1995, and granted authority to the DEP Secretary to execute the agreement.

RECOMMEND

| <u>Review/Routing</u>     | <u>Approved by (Signature)</u>        | <u>Date</u> |
|---------------------------|---------------------------------------|-------------|
| 1. Originator             | Alice Heathcock                       | 4-1-96      |
| 2. DERP Division Director | Jeremy Craft                          | 4-1-96      |
| 3. Legal                  | RPB                                   | 4/4/96      |
| 4. DEP Secretary          | (See MA-13-114)<br>Kirby B. Green, II | 4/5/96      |

CT 4/4/96

MEMORANDUM OF AGREEMENT

3(A)(9)  
2-6-96  
R-69-96

Among  
Board of Trustees of the Internal Improvement Trust Fund,  
Department of Environmental Protection  
and  
Metropolitan Dade County

Agreement No. MA-13-114

**Article I**

Whereas, both the Board of Trustees of the Internal Improvement Trust Fund (BOT), through the Department of Environmental Protection (DEP), and Metropolitan Dade County, through its Department of Environmental Resources Management (DERM), have jurisdiction over dredge and fill activities occurring within the boundaries of Dade County; and

Whereas, the jurisdiction of the Board of Trustees, through the DEP, is proprietary in nature, and the jurisdiction of Metropolitan Dade County, through DERM, is regulatory in nature; and

Whereas, implementation of these different jurisdictions has resulted in regulatory and proprietary programs that are to a significant degree overlapping; and

Whereas, the parties acknowledge that certain types of dredge and fill activities can be adequately reviewed by a single party; and

Whereas, the parties are striving to reduce the degree of overlap in their programs, thereby providing more efficient service to the public and allowing each party to focus limited staff and funding on other more pressing issues.

NOW, THEREFORE, the parties make this Memorandum of Agreement (MOA) in accordance with the purposes outlined above, and hereby agree as follows:

**Article II**

A. The Board of Trustees hereby:

1. Delegates to Metropolitan Dade County the authority to act as agent of the BOT to review, authorize, or deny those project types listed in Attachment A of this MOA, except for projects for which Metropolitan Dade County is the applicant or that are located contiguous to unbridged, undeveloped coastal islands as defined by sections 18-21.003(12), (13), (52), (53), and 18-21.004(1)(h), F.A.C.

B. The Department of Environmental Protection, through its Bureau of Submerged Lands and Environmental Resources (BSLER), agrees to do as follows:

1. Provide DERM with updates to the Operations and Procedures Manual as they are issued.

2. Include DERM in all applicable BSLER training programs.
  3. Provide policy and rule guidance to DERM staff as necessary to ensure consistency with BOT and DEP policy and procedures.
  4. Assume the lead role in modifying this MOA as necessary.
- C. Metropolitan Dade County, through its Department of Environmental Resources Management (DERM), agrees to do as follows:
1. Apply chapters 18-18, 18-20, and 18-21, F.A.C., to all project types listed in Attachment A of this MOA.
  2. Apply the BSLER Operations and Procedures Manual to all aspects of application processing associated with those project types listed in Attachment A of this MOA.
  3. Participate in BSLER training sponsored by DEP as determined necessary by DEP.
  4. Forward the original files for those project types listed in Attachment A of this MOA to the DEP's Division of State Lands' public records center within 30 days of agency action.
  5. Provide to BSLER an annual report in accordance with the report matrix of Attachment B of this MOA. Failure to comply with these reporting requirements may result in termination of the agreement.

### Article III

- A. The delegations set forth in Attachment A of this MOA are not applicable to a specific application for a request to use sovereign submerged lands under chapters 18-18, 18-20, or 18-21, F.A.C., where one or more members of the BOT, or DEP or DERM staff, determines that such application is reasonably expected to result in a heightened public concern, because of its potential effect on the environment, natural resources, or controversial nature or location.
- B. Should disagreements arise regarding requests to use sovereign, submerged land or should interpretation of rules be necessary, such disagreements or interpretation shall be resolved by the DEP Bureau of Submerged Lands and Environmental Resources.
- C. This agreement shall become effective upon execution by the parties and upon DERM staff completing proprietary program training provided by the DEP within 90 days of execution.

### Article IV

- A. This agreement may be modified by mutual consent of the parties.

- B. This agreement may be terminated by any party by providing a 30-day written notice to another party by certified U.S. mail at the following addresses:

Dade

County/

DERM:

Metropolitan Dade County  
Department of Environmental Resources Management  
33 S.W. 2nd Avenue  
Miami, FL 33130-1540

BOT:

The Board of Trustees of the Internal Improvement Trust Fund  
The Capitol  
Tallahassee, FL 32399

DEP:

Department of Environmental Protection  
Bureau of Submerged Lands and Environmental Resources  
2600 Blair Stone Road, MS 2505  
Tallahassee, FL 32399-2400

Article V

- A. The Chief of BSLER is hereby designated as the official representative of the BOT and DEP on matters relating to this agreement.
- B. The Director of Dade County's Department of Environmental Resources Management is hereby designated as the official representative of Metropolitan Dade County on matters relating to this agreement.

In Witness Whereof, this Memorandum of Agreement has been executed by the undersigned duly authorized parties on April 5<sup>th</sup>, 1996.

METROPOLITAN DADE COUNTY

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION, BOARD OF TRUSTEES  
OF THE INTERNAL IMPROVEMENT  
TRUST FUND, STATE OF FLORIDA

By: 

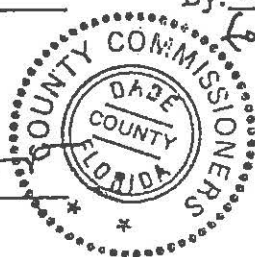
ARMANDO VIDAL, P.E.  
COUNTY MANAGER

By: 

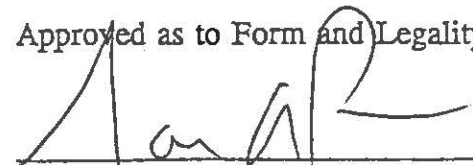
for Virginia B. Wetherell  
Secretary, DEP

By: 


Harvey Ruvlin, Clerk



Approved as to Form and Legality:

  
County Attorney

Approved as to Form and Legality:

  
Assistant General Counsel, DEP

## ATTACHMENT A

The MOA Applies to the Following Project Types  
Located in Dade County  
and Not Contiguous to an  
Unbridged, Undeveloped Coastal Island

1. Installation and repair of private residential single-family docks that meet the requirements of Section 403.813(2)(b), F.S. A private residential single-family dock means a dock associated with a detached residence.
2. Installation and repair of private residential single-family boat ramps that meet the requirements of Section 403.813(2)(c), F.S. A private residential single-family boat ramp means a ramp associated with a detached residence.
3. Repair or replacement of existing docks that meet the requirements of Section 403.813(2)(d), F.S.
4. Repair or replacement of existing seawalls, revetments, or bulkheads that meet the requirements of Section 403.813(2)(e), F.S.
5. Maintenance dredging projects that meet the requirements of Section 403.813(2)(f), F.S., where ~~the dredged material will be used for public purposes on public land or has no economic value as~~ determined by Section 18-21.011(3)(c), F.A.C.
6. Repair or replacement of existing functional pipes or culverts, the purpose of which is the discharge of stormwater, that meet the requirements of Section 403.813(2)(h), F.S.
7. Installation of aids to navigation and associated buoys that meet the requirements of Section 403.813(2)(k), F.S.

ATTACHMENT B

ANNUAL REPORT

to the Department of Environmental Protection

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Submitted by:

Metropolitan Dade County  
Department of Environmental Resources  
Management  
Susan Markley, Chief  
Natural Resources Division



ATTACHMENT B

ANNUAL REPORT

Metropolitan Dade County  
Department of Environmental Resources Management

| PROJECT CLASSIFICATION | NUMBER OF APPLICATIONS | NUMBER OF APPROVALS | NUMBER OF DENIALS |
|------------------------|------------------------|---------------------|-------------------|
|                        |                        |                     |                   |
|                        |                        |                     |                   |
|                        |                        |                     |                   |
|                        |                        |                     |                   |
|                        |                        |                     |                   |
|                        |                        |                     |                   |
|                        |                        |                     |                   |
|                        |                        |                     |                   |

Period beginning \_\_\_\_\_ and ending \_\_\_\_\_  
Certified this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by

\_\_\_\_\_  
Susan Markley, Chief  
DERM, Natural Resources Division