

MEMORANDUM OF UNDERSTANDING

Between

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**The State of Florida Department of Agriculture and Consumer Services,
The State of Florida Department of Environmental Protection,
and
The South Florida Water Management District**

This Memorandum of Understanding is made and entered into by and between the State of Florida Department of Agriculture and Consumer Services (DACS), the State of Florida Department of Environmental Protection (FDEP), and the South Florida Water Management District (SFWMD) (collectively, the Agencies) for the purpose of encouraging the voluntary creation/restoration of wetlands on agricultural lands within the Lake Okeechobee watershed, as defined in Chapter 373.4595(2)(i) Florida Statutes and that portion of the Indian River watershed, as defined in DACS Rule 5M-2.002 within the SFWMD in concert with and as a part of programs including but not limited to the United States Department of Agriculture's Conservation Reserve Enhancement Program, the Agencies Public / Private Partnership initiatives and the Agencies project with World Wildlife Fund to assess the economic and ecological benefits of on-ranch water management options in the Lake Okeechobee Watershed.

WHEREAS, the Agencies agree that voluntarily created/restored wetlands on agricultural lands including the resultant hydrologic enhancement of associated existing wetlands as necessary, will have inherent environmental benefits; and

WHEREAS, agricultural landowners may elect to voluntarily create or restore wetlands where they formerly occurred, but no longer exist; and

WHEREAS, the FDEP and the SFWMD have agreed that the future re-conversion of voluntarily created or restored wetlands to agricultural activities compatible with maintaining applicable water quality standards of receiving waters, will not be harmful to water resources and is not inconsistent with the overall objectives of the district; and

NOW THEREFORE, in consideration of the mutual benefits to be derived from this MOU and the covenants contained therein, the Agencies agree as follows:

- The voluntary creation or restoration of wetlands and the subsequent re-conversion of the created or restored wetlands to agricultural activities or practices that are compatible with the maintenance of applicable state water quality standards in receiving or adjacent waters of the state shall qualify for a "de minimis" exemption under Section 373.406(6), F. S. without further notice to the Department when such creation, restoration (including hydrologic enhancement of associated existing wetlands) or re-conversion is regulated under Part IV of Chapter 373, F. S. provided that:

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1. The wetlands created or restored reflect documented historic wetlands as defined by Florida statutes, but do not necessarily need to recreate or restore the type, nature and function of the historic wetland, and
 2. The wetlands created or restored reflect the general location of the documented historic wetlands, and
 3. The area of wetland creation or restoration is not presently a wetland as defined and delineated by Rule 62-340 F. A. C., and
 4. No areas of existing Florida wetlands, as delineated by Rule 62-340 F. A. C., are eliminated or adversely impacted by the creation, restoration, or re-conversion of the wetlands, and
 5. The re-conversion of the wetlands does not occur prior to the term of the contractual agreement between the landowner and the Agencies, and
 6. The area of re-conversion shall remain in agricultural use for a period of at least two years prior to being used for any non-agricultural purpose.
- Wetland areas created or restored(including hydrologic enhancement of associated existing wetlands) that are covered by the provisions of this MOU shall be subject to all applicable regulatory jurisdiction of the state except for the re-conversion to agriculture as specified above.
 - If the existence of the created or restored wetlands are used, either in full or in part, to satisfy preservation or mitigation requirements of any state, federal or local government regulatory permit, or are used to satisfy provisions of a Development of Regional Impact (DRI), a land use development order or local zoning requirements, the "de minimis" permitting exemption for re-conversion shall cease and all applicable rules shall apply to the created or restored(including hydrologic enhancement of associated existing wetlands) wetlands.

ACCORDINGLY:

1. DACS shall maintain a record or "registry" of the created or restored wetlands covered by this MOU. This record shall at a minimum contain the acres created or restored, a survey of the boundary of the wetland after creation or restoration performed to the standards of 62-343.040 F.A.C. and the complete terms of the contractual agreement with the landowner along with provisions 2, 3 and 4 below.
2. Prior to creation or restoration activities, a site inspection shall be conducted by competent personnel provided by the landowner or

Michael Anton

Commissioner,
Department of Agriculture
and Consumer Services

4-5-06

Date

Richard W. Cantrell

Secretary, *for the Secretary*
Department of Environmental
Protection

August 23, 2006

Date

Judith Close Sargent

Executive Director,
for South Florida Water Management
District

5-22-06

Date