

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN RE: AUTHORIZATION TO THE SOUTHWEST
 FLORIDA WATER MANAGEMENT DISTRICT OGC NO. 96-0350
 TO ADMINISTER AND ENFORCE THE
 REGULATION OF MANGROVES**

ORDER OF DELEGATION

WHEREAS, Chapter 95-299 of the Laws of Florida (Mangrove Trimming and Preservation Act), to be codified at Section 403.9321 through 403.9332, gives the Department of Environmental Protection (Department) the authority to regulate mangrove trimming and alteration;

WHEREAS, subsections 403.061(3), 403.061(28), and 403.805(1) of the Florida Statutes authorize the Department to delegate any of its authority to a water management district;

WHEREAS, the legislature in 1993 enacted Chapter 93-213 of the Laws of Florida with an intent, inter alia, to streamline the wetlands permitting process;

WHEREAS, in Chapter 93-213, section 19, Laws of Florida, the legislature stated its intent that the Department and the water management districts consolidate all permits for activities involving dredging and filling, management and storage of surface waters, and alteration of mangroves into a single permit known as an environmental resource permit;

WHEREAS, Chapter 95-299 of the Laws of Florida might be construed such that both a mangrove permit from the Department and an environmental resource permit from a water management district would be necessary for an activity which required an environmental resource permit under Part IV of Chapter 373, F.S., from the district and which involved trimming or alteration (removal, defoliation, or destruction) of mangroves;

WHEREAS, this result would be both inefficient and contrary to streamlining;

NOW THEREFORE, the Department hereby exercises its authority to delegate to the Southwest Florida Water Management District the authority to regulate mangrove trimming and alteration as set forth in the Mangrove Trimming and Preservation Act, and such further rules and policies that may be developed by the Department; and to that end it is, therefore,

ORDERED:

1. The Southwest Florida Water Management District (District) is delegated the authority to regulate mangrove trimming and alteration, as set forth in the Mangrove Trimming and Preservation Act, for mangrove trimming or alteration proposed in connection with an activity for which the District is processing an environmental resource permit application under Part IV of Chapter 373 in accordance with the operating agreement between the Department and the District pursuant to section 373.046, F.S.

2. This delegation shall include authority, except as set forth below, to review, and grant or deny permit applications to trim or alter mangroves, and to enforce and defend against any action brought pursuant to the Mangrove Trimming and Preservation Act, or any rules or policies adopted in accordance with such act, provided such mangrove trimming or alteration is proposed in conjunction with an activity for which the District is processing an environmental

resource permit application under Part IV of Chapter 373, F.S., in accordance with the operating agreement between the Department and the District pursuant to section 373.046, F.S.

3. This delegation shall not apply to the alteration or trimming of mangroves to be conducted by the District; the Department shall retain such authority.

4. In implementing this delegated authority, the District shall consolidate the issuance or denial of a mangrove trimming or alteration permit with the issuance or denial of an environmental resource permit under Part IV of Chapter 373, F.S., in order to streamline the issuance of permits.

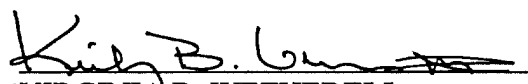
5. This delegation of authority shall be modified as necessary upon execution by the Department or the District of an order delegating the ERP Program (including mangrove regulation for activities which would require the issuance of an environmental resource permit by the District) to a local government in accordance with Section 373.441, F.S. Such a modification of this delegation of authority to the District shall be designed to avoid duplicative regulation of mangrove trimming and alteration by the District and local government.

6. Either the Department or District may give written notice of not less than ninety days that it wishes to terminate this delegation. If such notice is not withdrawn within ninety days of its issuance, this delegation shall automatically terminate without further action by the Department.

7. This delegation order shall become effective upon its execution by the Secretary for the Department, or her designate.

DONE AND ORDERED this 29th day of January, 1996, in Tallahassee, Leon County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


VIRGINIA B. WETHERELL
Secretary
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone (904) 488-1554

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER OF DELEGATION was sent by U.S. Mail to Peter Hubbell, Executive Director, Southwest Florida Water Management District, 2739 Broad Street, Brooksville, FL 34609 on this 29th day of January, 1996.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone: (904) 488-9314