



**ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT  
ENVIRONMENTAL PLANNING AND COMMUNITY RESILIENCE DIVISION**

115 S. Andrews Avenue, Room 329H • Fort Lauderdale, Florida 33301 • 954-519-1270 • FAX 954-519-1496

June 2, 2020

**Subject: River Oaks Wetland Inquiry**

Dear Mr. Brownscombe,

I am writing in response to your inquiries and communications dated May 19, 21, and 22 regarding the River Oaks property and stormwater project. You had generally inquired regarding the County's participation or review of this project.

I will share that while not a direct partner in the immediate stormwater wetland project, the County did provide support for vegetative improvements relating the 2-acre upland portion of the site under a 2012 Partners in Preservation grant application submitted by the City. This application provided for exotic removal and vegetative enhancements with the understanding that wetland stormwater project would be addressed by the City at a later time.

Regarding the current project, agency staff have visited the site and determined that early investments are still intact. Staff understands that the appropriate wetland permitting was undertaken with the U.S. Army Corps of Engineers and that county licensing requirements were also addressed. The County's licensing has related to a control structure for water levels and drainage improvements for the River Oaks Neighborhood. In total, the City's total investments in the site are anticipated to provide overall enhancement to the quality of the wetland with substantial restoration of native habitat.

In response to your inquiries regarding protections for this and other Protection Natural Lands sites, please note that there is a great deal of diversity referenced in the ownership, management, and quality of these designated sites and requirements for any projects might vary widely as a result. **There are no formal management requirements for sites included in this map series.**

To your specific questions:

*Item 1.- I am interested in obtaining a copy or link to the conservation agreement (easement?) that protects this site. If there are other natural land protections afforded this site, I would appreciate knowing what they are.*

A Surface Water Management (SWM) License/Environmental Resource Permit (ERL)/Environmental Resource License (ERL) was issued on December 18, 2015 (see attached SWM No. SWM2015-091-0/ERP No. 06-07241-P/ ERL No. DF03-1113). The license scope was for wetland creation/enhancement. As part of the site ERL, A conservation easement was not required, however, the mitigation condition (C)(2) of the ERL describes that long-term

management shall be the responsibility of the City of Fort Lauderdale. Minor modification to the design of the wetland creation/enhancement were approved on November 30, 2018 (see attached ERL No. DF03-1113 Modification). The notice of construction commencement for the and wetland creation/enhancement project was received on March 24, 2020 (attached). Environmental Engineering and Permitting Division (EPPD) staff visited the site on May 28, 2020, and construction appears to be proceeding in accordance to the ERL.

*Item 2a.- I am interested in approvals or guidance the County provided to the City of Fort Lauderdale that would impinge historical plant and wildlife species living on or using the site (such as migratory species) or any rare habitat on that site.*

County Code of Ordinances (Code) Section 27-337. - Criteria for issuance or denial of an environmental resource license (ERL).

(a) Application Requirements: A license shall be granted only after the applicant provides EPGMD with reasonable assurances that the license is not contrary to the public interest. In determining whether a project is not contrary to the public interest, EPGMD shall consider and balance the following criteria:

All Projects:

(1) Whether the activity will adversely affect the public health, safety, or welfare or the property of others.

(2) Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats.

At the time the application for ERL No. DF13-113 was submitted in 2013, the proposed wetland creation/enhancement project was determined it would not adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats.

*Item 2b.- Does the County require an inventory of native plant and wildlife species, and if not, how would protection of rare, Threatened, and Endangered species and rare habitats be possible?*

See reference to County Code Section 27-337 in Item 2a above. This section applies for all ERL applications as well as wetland determination applications. If there is reason to believe that one of these species is present during an inspection within an area (from a license/permit application or a wetland determination application) The EPPD can request the applicant to provide an analysis of the property.

Further, County Code Section 27-411(b)(2)a. requires that for any Tree Removal License application for a parcel designated as a Natural Forest Community (such as Local Areas of Particular Concern and Natural Resource Areas) in shall include identification and preservation if any areas that provide habitat to listed species, areas of high wildlife utilization, and areas which contain relatively undisturbed canopy, subcanopy and groundcover. These requirements regulate development activity on these sites and include preservation of the most ecologically viable portions of the sites, enhancement of the preserved portions of the sites through the removal of invasive exotic species and replanting with native vegetation, and the preservation of the preserved portion of the site in perpetuity through the requirement of a conservation easement.

*Item 2c.- What guidance and requirements regarding conservation protection is given to both County employees and the non-county managing authorities of Broward's 322 "Protected Natural Lands" sites? Anything that the County uses to achieve protection for these Protected Natural Lands would be relevant and of interest to us.*

It must be noted that not all 322 "Protected Natural Lands" are owned or licensed by the County. If any of this sites have an County ERL and/or Tree Removal License, the licensee shall follow the license requirements, including any requirements of the conservation easements granted as part of the license issuance, as well as any other maintenance requirements listed in these licenses' conditions.

*Item 3a.-. What other projects on Protected Natural Land sites are currently approved for work that could impinge historical plant and wildlife species living on or using the site or any rare habitat on the site.*

On December 4, 2018, SWM2018-081-0 was issued to the City of Fort Lauderdale. This SWM license is a conceptional license for drainage improvements within seven neighborhoods (including the River Oaks Neighborhood). SWM license and ERL can be found at:  
<https://dpep.broward.org/Enviros/Default.aspx?PossePresentation=SurfaceWaterLicense&PosseObjectId=48230186>

SWM License No. SWM2002-028-3 and ERL No. DF15-1007 were issued on April 24, 2020 for a property owned by CLIFF BERRY FAMILY LP (Parcel No. 504223260010), which included a portion of the "Local Area of Particular Concern" (LAPC) No. 93. SWM license and ERL can be found at:  
<https://dpep.broward.org/Enviros/Default.aspx?PossePresentation=SurfaceWaterLicense&PosseObjectId=31773486>

The Tree Preservation Program staff is still undertaking a review of tree removal licenses: The list of licenses will be provided this week under separate cover as part of the Public Record Request (#76282).

*Item 3b.- Which of the 322 Protected Natural Land sites have approvals in process (not yet approved)?*

A SWM license application (Application No. L2019-031) for construction of the River Oaks Neighborhood drainage improvements. ERL application can be found at:  
<https://dpep.broward.org/Enviros/Default.aspx?PossePresentation=SurfaceWaterLicense&PosseObjectId=52266257>

ERL Application No. DF20-1121 NSU Port Parcel. ERL application can be found at:  
<https://dpep.broward.org/Enviros/Default.aspx?PossePresentation=EnvironmentalResourceLicense&PosseObjectId=63681840>

The Tree Preservation Program staff is still undertaking a review of tree removal licenses: The list of licenses will be provided this week under separate cover as part of the Public Record Request (#76282).

*Item 3c.- I understand that the Panther Arena Mitigation Area, a Protected Natural Land site “managed by Broward County” is not managed by Broward Parks Environmental Program.*

Please note, while a number of the natural lands listed on the inventory are managed by County Parks, a number are City managed (about a third of the total site list were facilitated acquisitions with 2000 bond funds), and a number are privately managed.

ERL license No. DF87-1127 for Amerifirst-Sawgrass Mill (Panther Arena) did not require a conservation easement. ERL license can be found at:

<https://dpep.broward.org/Enviros/Default.aspx?PossePresentation=EnvironmentalResourceLicense&PosseObjectId=37249360>

*Item 3d.- What other county-managed Protected Natural Land sites also lack active management by the County?*

Of the Protected Natural Lands in the Inventory which are County managed:

- 3 sites - Tree Preserves (non-wetlands) are County owned and preserved for native trees. There is no specific management plan other than preservation of site for the associated trees
- 26 sites - County Parks that actively managed with management plans
- 18 sites - County-owned wetlands mitigation sites with permitted wetlands improvements, five year schedule for completion, and life-time maintenance requirements
- 4 sites - County managed, but with state and/or municipal ownership
- 1 site - managed by Environmental Planning and Community Resilience Division
- ~ 270 sites - owned and managed by municipalities or by private entities. Municipal sites are namely city Parks, a few are wetland mitigation sites, managed by the City. The majority of privately owned sites are mitigation sites, some with conservation easements, some without, usually designated by Plat, with lifetime maintenance requirements.

*Item 3e.-I am aware of the use of bulldozers in natural land restoration such as Bill Baggs State Park, Miramar Pinelands, and Westlake Park. When such work, or any significant work, is proposed, a survey of historical plant and wildlife species living on or using the site (such as migratory species) and any rare habitat on that site must be conducted. There are only a handful of conservation contractors capable of recognizing historical plants and another handful capable of recognizing historical wildlife species and understanding habitat, but they are available and at a cost not greater than incompetent contractors. Please ask if the County needs help to create a list of them.*

Any work on wetlands requires review and approval through an ERL from the EPGMD (Aquatic and Wetland Resource Program). The County Tree Preservation Ordinance only have jurisdiction over certain cities/areas/properties within the County. Any tree removal within the County’s Tree Preservation Ordinance jurisdictional areas requires review and approval through a tree removal license from the EPGMD (Tree Preservation Program). Failure to obtain a license (ERL or tree removal license) will result in enforcement action.

We hope that this information addresses your questions. Should you have any additional questions regarding the licensing of this project or the County's Natural Lands inventory, please do not hesitate to contact Mr. Carlos Adoriso ([cadoriso@broward.org](mailto:cadoriso@broward.org)) or myself ([jjurado@broward.org](mailto:jjurado@broward.org)).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer L. Jurado".

Jennifer L. Jurado, Ph.D.  
Chief Resilience Officer and Director  
Environmental Planning and Community Resilience Division