

Facilities Planning and Construction
Suzanne A. Marshall, Chief Facilities Officer (Construction)

SUBJECT: AUTHORIZATION FOR PAYMENT TO THE MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT, IN CONNECTION WITH ENVIRONMENTAL PERMIT APPLICATIONS FOR STATE SCHOOL "VV-1" AND AUTHORIZATION TO ENTER INTO A CONSENT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT IN CONNECTION WITH THE CLEARING OF WETLANDS AT THE STATE SCHOOL "VV -1" AND "W-1" SITES, AND THE PAYMENT OF CIVIL PENALTIES AND ADMINISTRATIVE COSTS

The sites for S/S "VV-1", a 30.62 acre parcel located at S.W. 47th Street and S.W. 157th Avenue, and S/S "W-1", a 10-acre parcel located immediately to the southwest lie within the Bird Drive Wetland Basin. The properties were authorized for purchase by The School Board (Board) in July of 1999, and August of 1999, respectively; closing took place shortly thereafter, on August 31, 1999 for "VV-1" and on October 1, 1999 for "W-1" .

State School VV-1 is scheduled to be developed and, as such, prior to development, the site must be reviewed and assessed as to jurisdictional wetlands by three separate environmental agencies: the Miami-Dade County Department of Environmental Resources Management (DERM); the South Florida Water Management District (SFWMD); and the U. S. Army Corps of Engineers (Corps). At the time the property was recommended to the Board for purchase the Board item referenced a DERM exemption for 20 acres, which was substantiated by a letter from DERM. The wetland mitigation cost under DERM's determination would have been \$297,040. A site-specific statement of jurisdictional wetlands had not been received at that point from the SFWMD, nor from the Corps.

Subsequent to the School District's (District) purchase of the referenced site, and in connection with the required applications to the three agencies for environmental permits, the District received site-specific jurisdictional statements from the SFWMD and the Corps. These statements indicated the entire site would be considered jurisdictional wetlands and that, as such, wetland mitigation would be required on the full 30.62 acres; the cost to the District of this determination was estimated at the time, to be approximately \$909,000.

Given the disparity between the jurisdictional wetland statements, negotiations ensued between the District and the three referenced environmental agencies. The final determination for wetland mitigation, as agreed to by DERM, the SFWMD and the Corps, has now been set at \$603,288.24. If approved by the Board, the District's environmental permit application will be presented to the Governing Board of the SFWMD at its July 12,

2001 meeting, for approval. It should be noted that the referenced mitigation amount pertains only to the "VV-1" 30.62-acre site, and does not include the 10-acre elementary school site, referred to as "W-1".

After the purchases were completed in 1999, the properties were added to the District's inventory for maintenance purposes. In the process of maintaining the property, the District's contractor disturbed wetlands, which resulted in a Notice of Violation being issued on May 23, 2000, by the South Florida Water Management District (SFWMD), and the imposition of civil penalties and administrative costs in the total amount of \$87,800.00.

Pursuant to negotiations between the School District and the SFWMD, the fine has now been reduced by \$30,505.00 to \$57,295.00 (includes civil penalties and administrative costs). If approved by the Board, a Consent Agreement will be executed between the School District and the SFWMD, and payment made pursuant to such Agreement.

If the consent agreement is approved by the Board it will be transmitted to the SFWMD for approval by its governing board at its July 12, 2001 meeting. It should be noted that payment of the fine is a prerequisite for obtaining the environmental permit.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize payment in the amount of \$603,288.24 to the Miami-Dade County DERM, for deposit into the Miami-Dade County Mitigation Trust Fund, in connection with the environmental resources permit application for S/S "VV-1"; and

That The School Board of Miami-Dade County, Florida, authorize the Chair and Secretary to enter into a Consent Agreement with the South Florida Water Management District (SFWMD), and the payment to the SFWMD of civil penalties and administrative costs totaling \$57,295.00 (\$54,795.00 in civil penalties and \$2,500.00 for administrative costs), in connection with the unauthorized clearing of wetlands at the S/S "VV-1" and S/S "W-1" sites.

ADD:svl