

WALK ON #1

Lee County Board Of County Commissioners

Blue Sheet No. 20050500

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Adopt attached policy resolution discouraging out-of-county wironmental impact mitigation for projects within Lee County.

2. WHAT ACTION ACCOMPLISHES: Puts appropriate permitting agencies on notice that the Board of County Commissioners prefers in-county mitigation, where feasible, and requests that such agencies take this policy into consideration when reviewing permits.

3. MANAGEMENT RECOMMENDATION: Approve per Board direction; actual review of Environmental Resource Permits would require additional staff and is not proposed at this time. Options will be discussed at the Board's May Management & Planning meeting in the context of a broader discussion on the pros/cons of "delegation" of certain water-related reviews by outside agencies.

4. Departmental Category:

5. Meeting Date: 04-12-2005

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

Consent

Statute

Commissioner

BOCC

Administrative

Ordinance

Department

Smart Growth

Appeals

Admin. Code

Division

Public

Other

By: Wayne Daltry WD

Walk-On

9. Background:

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
WD	N/A	N/A	N/A	4/11/05	N/A	N/A	N/A	N/A	4-11-05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA TO ADOPT A POLICY DISCOURAGING OUT-OF-COUNTY ENVIRONMENTAL IMPACT MITIGATION FOR LOCAL PROJECTS AND NOTIFYING THE APPROPRIATE PERMITTING AGENCIES OF SUCH POLICY.

WHEREAS: Lee County is a recreational destination for much of the population of the United States, and has an increasing foreign visitor component of its tourism; and

WHEREAS: a large part of the population of Lee County consists of citizens from communities elsewhere who have used their discretion to relocate here because they find the County attractive because of its many environmental assets; and

WHEREAS: despite the County's rapid growth and early land use decisions, the County is the home and host of numerous environmental lands, including the State's first aquatic preserve, which is one of its three, four national wildlife refuges, six state parks, two state beach recreational areas, two inland regional open space complexes, and thirty four County preserves; and

WHEREAS: the County continues to invest in additional management and open space programs for remediation of past environmental impacts as well as the purchase of sensitive lands for preservation; and

WHEREAS: the Environmental Impact Statement performed by the United States Army Corps of Engineers on growth in Southwest Florida highlighted not only the importance of mitigation for individual projects but the cumulative and secondary impacts of projects upon habitat and watersheds; and

WHEREAS: the County has performed an assessment of the critical natural resource lands needing management for environmental purposes; and

WHEREAS: the quality of these natural resources depend upon having the logical and predicted growth of the County mitigate its impacts in the systems wherein the impacts are expected to occur; and

WHEREAS: Federal and State permitting agencies have been given the flexibility in determining the location of mitigation projects, including mitigation outside of our County for impacts occurring within Lee County, for which the Board of Lee County Commissioners is held accountable; and

WHEREAS: with the investment in planning and implementation that the County has made, there is no need for out of County mitigation unless it is shown that there is no feasible alternative.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT it is the Board's desire and direction to ensure a balance in growth with environmental sustainability needs. To that end, the Board directs staff as follows:

1. Notify each permitting agency of Lee County's interest and intent to maintain the environmental sustainability of the County's water resources and critical habit by within County mitigation where feasible.
2. Direct appropriate County staff to ensure they are on the Agency notification list for permit notices for construction activities within Lee County.

3. Inform any potential or current Legislative efforts regarding Federal or State law or rule changes that Lee County supports in basin and in jurisdiction mitigation as the first preferred option that permit agencies should consider.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to a vote, the vote was as follows:

ROBERT JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
TAMMY HALL _____
JOHN E. ALBION _____

ADOPTED AND PASSED, THIS _____ DAY OF _____, 2005.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
County Attorney