

Nova Law Review

Volume 20, Issue 2

1996

Article 7

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Ecosystem Management in Florida—A Case Study

Mike Batts*

In March of 1994, the Department of Environmental Protection (“DEP”) embarked on an ambitious initiative to demonstrate how ecosystem management could work in Florida. There were six geographic areas selected for implementation of the ecosystem management concept: Apalachicola River and Bay, the Lower St. Johns River Basin, the Florida Bay, the Wekiva River, the Hillsborough River, and the Suwannee River.¹ This paper is a case study of a project located in the Florida Bay Ecosystem Management (East Everglades) area that incorporated an ecosystem management approach in environmental permitting.

Florida Rock and Sand Co., Inc. (“FRS”) is a limestone rock mining and processing company located in south Dade County, Florida. FRS originally held lands south of its existing operations for future expansion but was advised in 1985, by the U.S. Army Corps of Engineers, to divest this land and make provisions to expand future mining efforts to the north. This recommendation was based primarily on the quality of the wetlands. To the south of the existing operations, a high quality wetland community existed while north of the operations the wetlands were invaded by nuisance and exotic vegetation. FRS divested its southern-most land holdings and began to acquire parcels north of its existing operations for future expansion.

FRS began its mine expansion permitting efforts in 1987 with the Lake D project, which was proposed for approximately 167 acres of mining located just north of its current operations. The project was complex, primarily because of a proposed mitigation plan that contained several components, some of which were considered questionable by the regulatory agencies. The agencies questioned whether or not proposed impacts to environmentally sensitive areas would be adequately off-set by the proposed mitigation. At that time, ecosystem management was not an initiative by the DEP and the agency approached the permitting of Lake D more in its

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1. See OFFICE OF ECOSYSTEM MANAGEMENT, FLORIDA DEP’T OF EVRTL. PROTECTION, TOWARD ECOSYSTEM MANAGEMENT, FIRST INTERIM REPORT 1, 6-8 (1994).

traditional manner of site specificity. As a result of these concerns, the DEP took the position that the area of impact would be limited to approximately fifty acres and additional mitigation may be required. Economically, this was unacceptable to FRS.

Accordingly, FRS redirected its efforts and totally redesigned the Lake D project in order to accomplish its corporate objectives for minable resources as well as adequately off-set wetland impacts. FRS purchased additional land in an area that would later become integral to the South Florida Water Management District ("SFWMD") and Dade County's environmentally sensitive land acquisition program, the South Dade Wetlands Project. The South Dade Wetlands Project includes approximately 48,000 acres in the areas known as the North C-111 Basin and Model Land Basin.² In FRS' redirected efforts for Lake D, those wetlands within FRS ownership and within the South Dade Wetlands Project would be enhanced and donated to the SFWMD in order to off-set impacts from mining.

FRS re-submitted its permit application to the DEP to construct Lake D in September, 1994. Since FRS was in the permitting process for almost eight years, availability of minable resources was becoming critical. The redesigned project included preserving approximately 2000 acres of enhanced wetlands, created wetlands, and open water in exchange for permits for 306 acres of mining under a life of the mine concept (a twenty-five year permit). The DEP, realizing the importance of the enhanced, created, and preserved 2000 acres of wetlands and open water to Florida's ecosystem management initiative and the South Dade Wetlands Project, permitted Lake D in July, 1995 after thorough review.³

FRS developed a fully integrated mitigation plan incorporating wetland creation, enhancement, and preservation of environmentally sensitive lands designed to off-set mining impacts. The mitigation component of the project complemented the DEP's ecosystem management initiative and provided donated land to the South Dade Wetlands Project.

The DEP and other environmental regulatory agencies incorporated the ecosystem management initiative in permitting the Lake D project. By forming a public/private partnership in the early phases of the redesigned Lake D project, the DEP and FRS were able to amicably coordinate objectives of protecting and enhancing south Florida's fragile natural resources and providing minable resources critical to projects with public

2. OFFICE OF THE COUNTY MANAGER, METROPOLITAN DADE COUNTY, FLA., SOUTH DADE WETLANDS PROJECT (1995).

3. *See In re* Application for Permit by Florida Rock & Sand Co., DEP Permit No. 132586929, MS132589199 (Fla. Dep't of Env'tl. Protection July 17, 1995).

interests (prison construction, transportation infrastructure, and canal restoration). The Lake D project is one of several private projects that has combined permitting efforts with ecosystem management (others include Disney's Wildlife Wilderness Preserve and White Springs Agricultural Chemicals'—formerly OxyChem—off-site mitigation agreement). The ecosystem management initiative provides Florida with an excellent tool for managing environmentally sensitive lands while recognizing the economic importance of the State's industries.