

From: Dee Layne [mailto:deelayne@tampabay.rr.com]
Sent: Tuesday, July 17, 2007 12:50 PM
Subject: Comments on Garrity's Hybrid Proposal
Importance: High

Below in red are my comments regarding Dr. Garrity' hybrid proposal on how EPC will handle the wetlands process. Unfortunately, this proposal, although streamlining and creating one-stop shopping, actually weakens our standards. I heard this same rhetoric in Tallahassee for the past 9 years. If we had true enforcement of regulations, these ideas might work. But in reality, all but the primo wetlands are destroyed and mitigated. (See Cypress Creek Town Center example below.)

Why would we open our rules to weaken them? We need STRICTER rules, not weakened rules. Why do we need an EPC if they are regulating wetlands at the same standards ultimately as the state and federal governments? This proposal is CREATING duplication, not eliminating it.

Let Dr. Garrity and your commissioners know your thoughts on this...WE WANT STRICTER STANDARDS, NOT WEAKER ONES!

To Contact the County Commissioners: <http://www.hillsboroughcounty.org/bocc/about/contactus.cfm>

To Contact Dr. Rick Garrity: garrityr@epcjanus.epchc.org

Thank you.

Denise Layne

EPC Wetlands Protection: Improving the Process, **Maintaining the Protection** Draft

Proposed Rule Changes for adoption in August 2007

- Exemptions and/or Noticed Exemptions for selected activities such as dredging and filling in artificially created wetlands (examples: upland cut ditches, roadway ditches, cattle watering ponds, and other upland cut open water bodies). Applicable forms will be on the EPC website and will be able to be submitted online.
(Danger: Some of these artificially created wetlands are actually functioning in the eco-system and providing wildlife habitat as well as a benefit. Those functioning wetlands need to be protected.)
- The Wetland rule would be amended to define miscellaneous activities (such as boat ramps, docks, boat lifts, nuisance vegetation removal, boardwalks and aids to navigation) and streamline the approval process. The new advisory board proposed below will help in recommending future categories.
Result – Clearer rule language defining exemptions with priorities set on higher quality wetlands (...“with priorities set on higher quality wetlands” means that the lesser ones are devalued and expendable. We are amending the Rule here, very dangerous – this weakens the standards, AND we are letting this new advisory committee make recommendations. Isn’t this supposed to be based on science, not politics? The staff should be doing this – not an advisory committee. Garrity might as well step aside and turn over the wetlands department to the industry. Join PGM.)

Future Proposed Rule Changes

- Develop a local Basis of Review document for implementing Ch. 1-11.

- Include guidelines for determining “reasonable use”
(There is a reason why this has NOT been done at the federal or state levels...it can't be done. Each piece of property must be looked at individually. Right now the courts are determining on a case by case basis. If you start saying that 90% use of their land is reasonable or 60%, the wetlands will no longer be the issue – but turn only to look at property rights. As a believer in property rights, I also believe in the bigger public value of wetlands. If this definition could be done, don't you think this would have been defined in the Bert Harris Act (property rights' law)? **BAD POLICY THAT WILL ONLY WEAKEN WETLAND PROTECTION.**)
- Develop a classification of wetlands based on ecological values of the functions provided by the wetlands to be incorporated into the regulatory process as a guide in determining whether a wetland impact can be approved. In addition, the proposed rule may also consider net environmental benefits to allow enhanced mitigation proposals in determining whether a wetland impact can be approved.
(Mitigation is now equal to avoidance in reviewing. This is where the state and federal levels are. Scientific reality is that all wetlands have a value and a function. If we classify wetlands, only the Class I wetlands will survive. I don't care what we are told, the practical reality of this classification is that anything less than Class I is expendable and mitigation is automatic. A perfect example is Cypress Creek Town Center. It was reviewed by the state and federal regulations, and 57 acres of Class II wetlands was allowed to be destroyed and 68 acres to be recreated miles away. How does this help the flooding and health of our creeks, rivers, etc. in the area that used to have these wetlands? I thought we prided ourselves (EPC) on science guiding these regulations versus politics!)
- Develop a wetland application checklist to assist applicants in making a complete submittal
- Establish a formal on-line application form. Provide for electronic submittals of online applications through the EPC website.
- Establish by rule, time frames for review activities and post time frames on web.
- Adopt rule amendments that are necessary for obtaining delegations and streamline permitting including:
 - adoption of portions of the state's Basis of Review (**Weakening to state's basis of review – lesser standards**)

adoption of applicable sections of the state's wetland statute Sec. 373.414, F.S. (**This is part of the law that MANDATES mitigation if they can't meet the criteria of this section for surface water standards. “7(b) If the applicant is unable to otherwise meet the criteria set forth in this subsection, the governing board or the department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects that may be caused by the regulated activity. Such measures may include, but are not limited to, onsite mitigation, offsite mitigation, offsite regional mitigation, and the purchase of mitigation credits from mitigation banks permitted under s. 373.4136. It shall be the responsibility of the applicant to choose the form of mitigation. The mitigation must offset the adverse effects caused by the regulated activity.” (emphasis added)**)

- if necessary, adoption of applicable portions of Tampa Port Authority's submerged lands management rules

Result – Better guidance for applicants, clearer guidelines, clearer time frames, conformance with delegation agreements (And weaker standards)

Customer Service Changes

- **Establish Wetlands Advisory Committee.** The committee will consist of stakeholders as well as technical experts selected by the Executive Director such as the proposed Committee Chairman Dr. Tom Crisman (Research Fellow and Professor of Environment at the USF Patel Center for Global Solutions and past Director of the University of Florida Howard T. Odum Center for Wetlands). The committee will review wetland rule amendment proposals, regulatory processes, and evaluate comprehensive wetlands issues over time.
Result – Stakeholder and technical expert input on entire program/guidance (This stakeholder group should be ALL science, not politics.)
- **Assign EPC wetlands permitting ombudsman.** The ombudsman service will be available to assist all applicants but especially small farms and “mom & pop” projects in understanding permitting requirements, obtaining application status, and assisting in contacting staff in other agencies.
Result – Professional assistance to help applicants understand the regulatory process
- **Mitigation Banking & ROMA’s (Regional Off-site Mitigation Areas)**
EPC will proactively coordinate with SWFWMD, DEP and ELAPP to develop a mitigation banking strategy for wetland impacts that will encourage a diversity of habitat types in as many of the county’s watersheds as possible. Part of the strategy will include clear measures in EPC’s rules where mitigation bank credits can be used.
Result – More streamlined permitting procedures and opportunities for more effective and successful mitigation wetlands (How does this mitigation 6 miles away, sometimes 20 miles away, help the flooding and water quality and quantity issues on the project? Mitigation should be minimal and NOT destroying the wetlands the goal. Bad policy)

Process Changes

- **Combined DEP Environmental Resource Permit (ERP), Tampa Port Authority, and EPC authorizations.** Request delegation for single family homes, docks, and shoreline stabilization projects from DEP. The delegation will include EPC’s stricter standards. Accept delegation from the Tampa Port Authority for minor works permits. This delegation will also utilize EPC standards. These combined delegated programs will roll into one process applicable federal, state, Tampa Port Authority, and local approvals and will include all permitting, compliance and enforcement activities.
Result – 1 stop permitting
- **DEP – Mangrove trimming** – continue the existing delegated program in which EPC is the sole agency with authorization to issue mangrove trimming permits and associated compliance and enforcement activities.
Result – 1 stop permitting
- **Phosphate mining reviews.** EPC to continue permitting, compliance and enforcement activities, but work more closely with DEP Bureau of Mining and PGM to coordinate review process and possibly co-process applications. EPC already is extensively involved through “Life of Mine” permits, which extend out to 2026 for significant areas of phosphate mines in Hillsborough County.
Result – Streamlined permitting

- **Development Review Process** (this is coordinated with PGM, City of Tampa, City of Temple Terrace, and City of Plant City for a cradle to grave review)
 - Eliminate review of offsite wetland impacts.
 - Conduct a process audit to evaluate EPC Development Review activities to determine where the most effective input may occur. The goal will be to work with PGM and the municipalities to streamline the process but improve the product and eliminate redundant reviews. The EPC review will focus on the front end of projects to ensure minimization and avoidance of wetland impacts. A significant savings in staff time is anticipated. Estimated time to complete this task is 4 months.
 - As a result of the process audit, tailor EPC input to the most effective parts of the process.
 - Initiate with PGM an instant document dispersal program to eliminate delays of document transfer. Procure necessary equipment and training to handle digitally submitted applications, thus eliminating delays in transferring hard copies.
 - Continue EPC participation in City of Tampa, City of Temple Terrace, and City of Plant City development reviews. These processes can also be reviewed during the audit process.

Result – Streamlined but more effective process with expected savings in staff time (Great idea! Let's keep the tougher standards, though)

- **SWFWMD Coordination**
 - Both agencies will continue to conduct project reviews in a way that complements each other's work by emphasizing different criteria for project approval. EPC concentrates on wetlands protection by its more stringent criteria for avoidance and minimization of wetland impacts through a cradle to grave review. SWFWMD reviews wetlands impacts and stormwater management issues through the ERP.
 - EPC will supply SWFWMD with early project information from development review as outlined above.
 - EPC and SWFWMD will accept each other's wetland delineations. This eliminates duplication of effort by the applicant and staff. Both agencies will consider developing and maintaining a GIS database for all wetland delineations in the County to be made available through the Water Atlas to all parties.
 - EPC will attend SWFWMD's regular pre-application meetings to assist in a coordinated review. These early project coordinated meetings with applicants will outline agency requirements, set applicants on the correct path for approvals, and introduce them to the agency contacts.
 - EPC, PGM, SWFWMD, and the cities will explore a sharing of electronic submittal information in a form accessible to all parties.
 - Continue the Memorandum of Understanding (MOU) between the EPC and SWFWMD for compliance and enforcement of SWFWMD ERP projects and mitigation compliance. Pursuant to the MOU between the two agencies, SWFWMD and the EPC coordinate compliance/enforcement responsibilities for ERP. Prior to issuing the ERP Operating Permit, SWFWMD handles compliance/enforcement on their behalf. After the permit is issued, EPC conducts compliance/enforcement for the mitigation agreements for both agencies.
 - EPC will request to be the first respondent to all complaints on wetlands and water quality violations in the County. The EPC currently has an on-call operation for citizen complaints that operates 24 hours a day, seven days a week.
 - Agricultural Ground and Surface Water Management (AGSWM) – EPC will work with SWFWMD in the implementation of agricultural Best Management Practices (BMP) and standards related to the AGSWM program for Hillsborough County. Statewide adopted and industry specific agricultural BMP manuals utilized in SWFWMD's AGSWM program may be adopted into EPC rule criteria for qualifying projects in the County.

Result: Greatly increased coordination between EPC and SWFWMD, better guidelines for applicants (Please note that SWFWMD refuses to allow EPC full delegation. DEP has agreed to do so, why not SWFWMD?)

- **Army Corps of Engineers (ACOE)**
 - Explore feasibility and economics of obtaining a general permit authorization from the ACOE. This would provide ACOE approval for wetland impacts where EPC authorizes the impact through its review.
 - Explore feasibility of obtaining ACOE delineation authority.

Result: This would enable streamlined services and 1 stop permitting for ACOE authorization (There are already 15 jurisdictions in this state that have delegation from ACOE for 3 acres or less. EPC could easily take over this right now. Then we truly have one stop shopping at our local level.)

SUMMARY OF RESULTS

- ❖ Streamlined permitting process and faster turnaround time
- ❖ Eliminate multiple reviews
- ❖ Clearer rules
- ❖ Consolidates multiple agency approvals
- ❖ Priorities set on wetlands protection
- ❖ Exemption for lesser priorities
- ❖ Drastically reduces real or perceived duplication
- ❖ Emphasizes customer service
- ❖ Maintains resource protection
- ❖ Many items have short term implementations; full implementation 1-2 years.

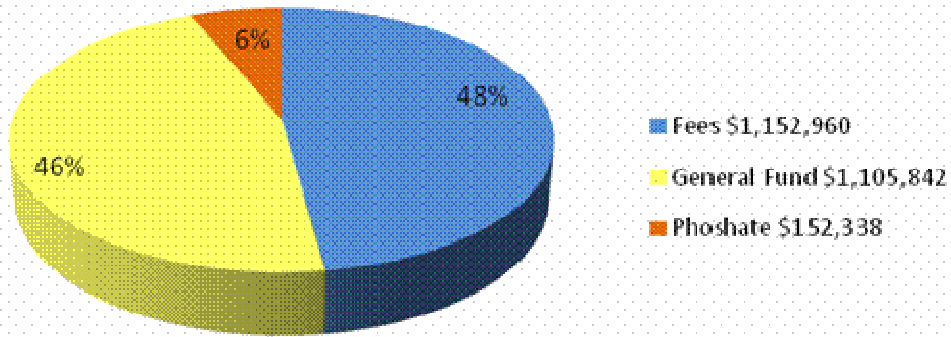
Economic analysis : The economic analysis is provided on attached charts.

**ENVIRONMENTAL PROTECTION COMMISSION
WETLANDS HYBRID PROPOSAL
FY 08**

	Budget	Hybrid		
	Submission	Proposal	Difference	
Revenues				
Fees	\$1,152,960	\$1,152,960	\$0	
Estimated Additional Revenue Generated by DEP Delegation		31,700	31,700	
Total Revenues	\$1,152,960	\$1,184,660	\$31,700	3%
Expenditures				
Personal Services	\$2,288,847	\$1,942,646	-\$346,201	
Operating Expenditures	122,293	93,021	-29,272	
Total Expenditures	\$2,411,140	\$2,035,667	-\$375,473	16%
FTE Positions	29	24	-5	17%

ENVIRONMENTAL PROTECTION COMMISSION WETLANDS HYBRID PROPOSAL

FY 08 Budget Submission



FY 08 Hybrid Proposal

