

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
TUESDAY, MAY 7, 1996
COMMISSIONERS BOARD ROOM
2:30 PM**

AGENDA

PAGE

I. PUBLIC HEARING

Consider Amendment To Wetland Rule 1-11. 1

II. WETLANDS MANAGEMENT DIVISION

Consider Request By Stephen Dibbs (Assuming Adoption Of The Above Item)
To Defer Environmental Protection Commission Jurisdiction To SWFWMD. 3

Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

A RULE

AMENDING CHAPTER 1-11, WETLAND RULE, TO ADD SUBSECTION 1-11.07(4) THAT WOULD ALLOW THE COMMISSION IN UNIQUE CIRCUMSTANCES, TO DEFER ON A CASE-BY-CASE BASIS SPECIFIC ASPECTS OF ITS JURISDICTION UNDER THE WETLAND RULE TO ANOTHER REGULATORY AGENCY, WHERE SUCH DEFERRAL IS DETERMINED TO BE IN THE PUBLIC INTEREST, AND UNDER SUCH CONDITIONS AS ARE DEMONSTRATED TO ADEQUATELY PROTECT THE ENVIRONMENT OF HILLSBOROUGH COUNTY; PROVIDING CRITERIA FOR SUBMITTAL AND APPROVAL OF REQUESTS FOR SUCH DEFERRAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, the Commission determines that there may be certain unique circumstances on a case-by-case basis
2 that justify deferring the Commission's jurisdiction to another agency having similar regulatory jurisdiction over the
3 affected wetlands, and

4 **WHEREAS**, the Environmental Protection Commission of Hillsborough County is empowered by Chapter 84-446,
5 Laws of Florida to adopt and amend from time to time rules to protect the waters of the county, and

6 **WHEREAS**, the Commission determines that it is reasonably necessary for the effective implementation of Chapter
7 84-446, Laws of Florida to amend its rule for protecting wetlands in Hillsborough County, and

8 **WHEREAS**, the Commission published due notice of its intent to consider adoption of amendments to its Wetland
9 Rule, Chapter 1-11, in Hillsborough County,

10 **NOW, THEREFORE**, the Environmental Protection Commission of Hillsborough County, in special public meeting
11 this ___ day of _____, 1996, enacts the following:

12 **Section 1.** Section 1-11.07 of Chapter 1-11 of the Rules of the Commission is amended to read as follows:

13 **1-11.07 ENVIRONMENTAL PROTECTION COMMISSION AUTHORIZATION**

14 1. Written authorization may be given to conduct proposed development affecting wetlands
15 only if reasonable use of the land cannot be accomplished without affecting the wetland, and only if the

1 environmental benefits provided by the affected wetland are adequately protected by specified conditions
2 and time limitations which would be imposed upon approval of the development.

3 2. In certain cases the Commission may require the posting of a bond to ensure the proper
4 completion of a mitigation plan.

5 3. Development pursuant to such authorization shall be periodically inspected to ensure com-
6 pliance with the conditions imposed. Failure to comply with any condition shall be a violation of this rule
7 subject to administrative and judicial enforcement and penalties under Chapter 84-446, Laws of Florida.

8 4(a) In unique circumstances, the Commission may, upon super majority vote, defer its
9 jurisdiction pursuant to identified sections of this rule to another agency with similar regulatory jurisdiction
10 over wetlands, when in public meeting the Commission specifically (i) determines that such deferral is in
11 the public interest, and (ii) establishes conditions for that deferral which ensure the adequate protection of
12 the environment and wetlands of Hillsborough County. In approving such deferral, the Commission must
13 specify the limits of the deferral and identify when jurisdiction is reassumed by the EPC for purposes of
14 monitoring, compliance and enforcement of activities occurring on the affected property.

15 (b) Requests for such deferral must be submitted to the Environmental Director with sufficient
16 documentation to identify (i) the project and potentially affected wetlands, (ii) which standards of the
17 Wetland Rule are proposed to be deferred, and (iii) specifically what comparable regulatory standards
18 would be applied by the agency to which deferral is proposed, with adequate time for the information to
19 be made available for public inspection prior to the meeting.

20 (c) Unless circumstances are of an emergency nature that makes notice impossible, the person
21 making the request must provide 15 days written notice to each registered neighborhood organization within
22 1 mile of the property subject to the request, a description of the standards to be deferred and of the
23 standards to be applied, the name and telephone of a contact for more information, and the date and time
24 when the matter will be considered by the Commission.

25 **Section 2.** It is declared to be the intent of the Environmental Protection Commission that the provisions of
26 this rule amendment are separate and severable. If one or more of the provisions of this amendment are held invalid
27 or to impose an undue burden for whatever reason, the remaining portions of the Wetland Rule shall not be affected.

28 **Section 3.** This rule shall be immediately effective upon approval in accordance with law.

BOARD OF COUNTY COMMISSIONERS HILLSBOROUGH COUNTY, FLORIDA



Chairman
 Jim Norman, District 2

Vice Chairman
 Dottie Berger, District 4

Ed Turanchik, District 1
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 Chris Hart, District 5
 Phyllis Bomanusky, District 6
 Joe Chillum, District 7

P.O. Box 1110
 Tampa, Florida 33601
 (813) 272-5660

Daniel A. Kleman, County Administrator

MEMORANDUM

DATE: April 16, 1996

TO: Roger Stewart, Executive Director, EPC

FROM: Commissioner Dottie Berger

SUBJECT: Agenda Item Request Regarding Dibbs Commercial Center

Roger:

Please include the attached for discussion on the EPC Board Meeting on Thursday, April 18, 1996. If you have any questions, please call.

/klm

Post-It [®] Fax Note	7671	Date	4/17	# of pages	2
To	Tom K.		From	Com. Berger	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	2/5157		Fax #		

Re-transmitted as requested

Post-It [®] Fax Note	7671	Date	4/16	# of pages	2
To	Roger Stewart		From	Commissioner	
Co./Dept.			Co.	Dottie Berger	
Phone #			Phone #	2725740	
Fax #	2725157		Fax #		

Stephen J. Dibbs

3812 N. 22nd Street
Tampa, Florida 33610

Telephone (813) 238-5969
Fax (813) 238-6978

April 16, 1996

Ms. Dottie Berger
Chairman
Environmental Protection Commission
P.O. Box 1110
Tampa, FL 33601

**VIA FACSIMILE AND
U.S. REGULAR MAIL.**

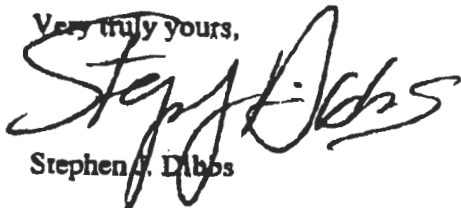
Re: Dibbs Commercial Center

Dear Ms. Berger:

Would you please put me on the agenda to consider approval of our proposed Settlement Agreement with Hillsborough County wherein EPC would defer jurisdiction of my project to SWFWMD thereby avoiding duplicate reviews.

Thank you for your consideration.

Very truly yours,



Stephen J. Dibbs

SJD/cgp