



ENVIRONMENTAL PROTECTION COMMISSION GUIDELINE FOR WETLAND IMPACT AND MITIGATION PROPOSAL

Pursuant to Chapter 1-11 Wetlands, Rules of the Environmental Protection Commission (EPC), no wetland(s) may be developed unless it is first demonstrated that reasonable use of the land cannot be accomplished without affecting the wetland. Anyone proposing to develop, alter, or eliminate a wetland or any portion thereof, must obtain PRIOR written approval from the Executive Director of the EPC or his designee. If the impact is not justified as necessary to obtain a reasonable use of the land, the Executive Director will reject the application. It is recommended that the applicant receive approval to impact wetlands from the EPC prior to submitting construction plans to 'upland' permitting entities (Hillsborough County Planning and Growth Management Department, City of Tampa, etc.). Be advised that mitigation requirements for the EPC may differ from those mandated by other 'wetland' regulatory agencies. Other agencies that you may be required to contact are:

- * Army Corps of Engineers (ACOE) (813) 769-7068
- * Department of Environmental Protection (DEP) (813) 632-7600
- * Southwest Florida Water Management District (SWFWMD) (813) 985-7481

Review of requests to impact wetlands and compensate by creating mitigated wetlands has three distinct requirements: a) avoidance, b) minimization and c) compensation (mitigation) if wetland impacts are approved. This results in a two-step review process, (1) review of the impact justification and (2) review of the mitigation proposal.

To initiate this process, the applicant must submit the information requested on the following pages with the required review fee. The fee is determined by the type of development proposed and, for commercial and subdivision development, the type of wetland proposed for impact. The review fee for single family homeowners seeking to impact wetlands is \$850.00. For subdivision and commercial developments seeking wetland impact approval, the review fee is \$4075.00 for herbaceous wetland impacts and \$4975.00 for projects proposing impacts to forested wetlands. The review fee for bona fide agricultural projects that propose forested wetland impacts is \$1050.00 and the fee is \$850.00 when herbaceous wetland impacts are proposed. It is assumed that the applicant already has an EPC approved wetland delineation survey.

The Wetland Management Division staff (as agent for the Executive Director) will review the proposals for completeness and technical feasibility to assure that the purposes and requirements of Chapter 1-11 are met.

It is requested that the information be provided in the order as indicated. This is not intended to be an exhaustive listing of requirements, however, and the Executive Director retains the right to require additional information as necessary.

STEP I (Wetland Impact Justification)

A. Project Description

1. Describe proposed project (narrative).
2. The project location (unincorporated Hillsborough County or municipality) and its relationship to existing land uses in the area, legal description, and folio number. If the project is within multiple "upland" jurisdictions please state which jurisdiction is taking the lead.
3. Current property owner(s) and if applicable, letter(s) or other documentation authorizing agent representation.
4. The current land use designation and any permitting history (e.g.; zoning conditions, Development of Regional Impact Development Order) and/or vesting status provided on issuing agency letterhead. This information is to be provided for project background only and will not by itself serve to justify any proposed wetland impacts.

B. Proposed Wetland Impact(s)

The applicant must provide, in writing and by document for the file, sufficient information about the intended project to justify the need to impact wetlands. This information should also be provided in narrative and table format explaining how and why avoidance and minimization have been optimized, while adequately protecting the wetlands.

1. Environmental description of the wetland(s) projected for impact and its condition, community type, as well as any special considerations that might make the wetland unique.
2. A description of and justification for each wetland impact and the impact's conformance with the Chapter 1-11, Rules of the EPC. If justification involves design criteria as required by other regulatory agencies, cite the specific code and provide a photocopy from the technical manual (e.g., for road construction, cite the Hillsborough County Highway and Bridge Technical Manual and/or the Florida Department of Transportation reference manual and provide photocopy).
3. Representative photographs of each proposed area(s) of impact.
4. Most current (blue-line, 1 inch = 200 feet scale) aerial from Hillsborough County with the project boundary, wetland lines, wetland impacts (shown by cross hatching), proposed mitigation area, development lay-out, property access, and roads outlying the project boundaries.

5. Plan drawings must show wetland boundary, the area proposed for impact by cross-hatching, the acreage of the proposed wetland impact, any road or building footprints, the location of the mitigation site(s) and acreage, cross-sections of the impacts and any drainage design. Plans must also include existing and proposed elevations of land and water, grading, drainage patterns, control structures, and wetland hydroperiods. Cross-sections must be provided where wetland(s) interface with any graded feature. The cross-section should include the wetland line, impact zone, proposed and existing grade, vertical and relative horizontal scale, proposed slope and toe of fill, and wetland hydroperiods.

The EPC Mitigation Review Committee will review the above information. If the proposed wetland impact(s) is determined to be insufficiently justified, the Executive Director will deny the application regardless of the mitigation that is proposed. As a courtesy, the Committee will provide **informal comments** regarding the adequacy and technical feasibility of the proposed mitigation plan. However, an approval of the mitigation plan does not imply that wetland impacts, as proposed, will be approved by this agency.

If the impact(s) is justifiable, the adequacy of the mitigation proposal will then be reviewed. Please see "Step 2" outlined below.

STEP II (Mitigation)

If the wetland impact is justified, the EPC Mitigation Review Committee will review the adequacy of the mitigation proposal to ensure that the mitigation areas impacted "adequately protects" the environmental benefits that are provided by the impacted wetland. According to the rule, the wetland functions lost by the proposed development must be replaced on a one-to-one, type for type basis. This ensures that, over time, a no-net-loss of wetlands and wetland systems will occur. If the plan is acceptable, it will be incorporated into a Mitigation Agreement that constitutes the Executive Director's approval under the Rule.

A. Description of proposed mitigation

1. Describe pre-existing conditions of the proposed mitigation area, the location and dimensions of the proposed mitigation area, its proposed relationship to existing and post construction land configurations, both upland and wetland and its proximity to the wetland to be impacted. Approval of Documentation of the **upland** permitting entities will be required, i.e. Planning and Growth Management Department's Natural Resources Review Team, City of Tampa, City of Temple Terrace.
2. Provide the elevations, slopes, and drainage patterns existing in the location of the proposed mitigation area and alteration proposed by the development.
3. Provide the community type(s) of the proposed mitigation, planting zones including species and quantity of each, planting method, planting zones and elevations, spacing, grouping, and use of on-site plant materials, mulching, erosion and weed control. Include an evaluation of the additional benefits it will provide as identified in Section 1-11.06 of the Rules.
4. Provide a plan and timetable for implementing the proposed mitigation plan;

5. Provide a monitoring and maintenance plan to minimally include: an 85% survival rate, areal coverage requirements (replanting annually if necessary), nuisance species control and semi-annual monitoring for three years to five years
6. It is recommended all items in the "Monitoring and Maintenance Notes" (see attachment) be copied verbatim into the applicant's detailed mitigation plan sheets. **Please note that actual plan timelines are required. These may be relative to construction rather than specific dates. In addition, the plant source and size of plant material must be identified.**
7. The EPC staff will not approve construction plans of the site until the EPC approved detailed mitigation sheet is included in the construction plans for the project and this agency has received a signed mitigation agreement, required recording fees for the mitigation agreement and certified cost estimates.

At a minimum, consideration of the items listed above will be taken into account when determining the adequacy of mitigation.

EPC staff may request additional information or clarification and review shall be suspended pending response, unless the applicant requests in writing that the Executive Director make a decision upon the submitted information.

Upon review completion, EPC staff will provide the applicant with a written decision that will outline any conditions for approval or the reasons for denial. If minor adjustment would make the mitigation acceptable, staff may so recommend.

Otherwise, the Executive Director denies the unacceptable proposal and a written explanation will be provided. If the mitigation proposal is disapproved in writing, the applicant will be allowed two additional submittals of the same project before a new submittal fee (\$775.00) is required. Preliminary discussion with the environmental assessment staff regarding mitigation options and standards is available as time may permit.

Should the EPC staff approve the wetland impact, a Mitigation Agreement must be signed by the owner/ developer, notarized, and approved by the Executive Director of the EPC. The mitigation agreement must be provided to this agency. When the Mitigation Agreement is to be recorded, the recording fee must be paid by the owner/developer and should accompany the Mitigation Agreement. Recording fees are \$6.00 for the first page and \$4.50 for each additional page. Money orders or certified checks (no personal checks accepted) must be made payable to the Clerk of Circuit Court. Please note that a four-inch (4") space must left blank at the top of the first page of the mitigation agreement for the required document stamps.

The owner/agent must provide the EPC staff with certified cost estimates for the construction, planting, and monitoring and maintenance of the mitigation site plus 10%. This amount must be entered into item "g" of the Mitigation Agreement.

As part of the Mitigation Agreement, the owner agrees to provide, **prior to commencing the proposed impact**, an Irrevocable Standby Letter of Credit or equivalent financial security to EPC for the amount identified by the certified cost estimate. The owner must contact the financial institution of their choice to arrange the appropriate financial guarantee. Letters of Credit are not required for governmental entities or public utilities.

If the mitigation acreage, cumulatively, is greater than or equal to 0.5 acres, a conservation easement in favor of the EPC, must be conveyed over the mitigation area(s). Conservation Easements are to be recorded in the public records in the same manner as a mitigation agreement. The Conservation Easement must be received by EPC staff, along with the appropriate recording fee at the submittal of the initial mitigation monitoring report.

EPC staff recommends that the applicant submit a request to impact wetlands prior to the submittal of the preliminary plans through Hillsborough County PGMD. This should reduce the potential for delays associated with the EPC staff's review of the wetland impact proposal and approval of the associated construction plans. The applicant should keep in mind that the EPC will not recommend approval of construction plans showing wetland impacts and mitigation until the exact location and amount of wetland impact are shown on the plans, the exact location and amount of mitigation area are shown on the plans, all the EPC -approved mitigation details are incorporated within the plans, all wetland related requirements of the Hillsborough County Land Development Code are shown on the plans, and an approvable EPC Wetland Mitigation Agreement has been signed and received by the EPC along with the appropriate recording fees.

General Information

Applicants can obtain legal descriptions from:

County Appraiser's Office	office hours:
601 E. Kennedy Boulevard, 16 th Floor	8:00-5:00 PM Mon.-Fri.
Tampa, FL 33602	(813) 272-6100, ask for customer service

Current aerials for properties within the city limits of Tampa can be obtained from:

Central Duplicating	fee: \$5.00
3rd Floor, City Hall Annex	office hours:
306 E. Jackson	8:30-12:30 AM
Tampa, FL 33602,	1:30-4:00 PM
(813) 223-8971	

Current aerials for Hillsborough County properties outside the city limits of Tampa (including unincorporated Hillsborough County, Temple Terrace and Plant City) can be purchased from:

County Engineering Print Room	fee: \$7.00
601 E. Kennedy Boulevard, 21 st Floor	
Tampa, FL 33602	
(813) 272-5912	

Upland permitting information can be obtained from the Hillsborough County Planning and Growth Management Department (PGMD).

Planning and Growth Management Department
601 E. Kennedy Boulevard, 20th Floor
Tampa, FL 33602
(813) 272-5920

STANDARD EPC MITIGATION MONITORING AND MAINTENANCE NOTES

- A. A Wetland Mitigation Completion Report, to include as-built surveys and planting details of the mitigation area(s), shall be submitted to the EPC within 30 days of completing construction and planting of the wetland mitigation area(s). The as-built survey must include representative elevations of the bottom and slopes. A contour line within 0.1' of the upper design elevation (typically SHW) shall be depicted on the survey. Using the polygon formed by the upper elevation contour, calculate and report the as-built acreage of the mitigation area(s) on the survey. Upon EPC inspection and approval of the mitigation area(s), the monitoring program shall be initiated.
- B. Semi-annual monitoring along with associated monitoring reports and maintenance is required for a minimum of three years for herbaceous/shrub systems and 5 years for forested systems. Monitoring reports must be submitted to EPC within 30 days following each monitoring event. At a minimum, monitoring reports should address:
1. Date planted and number of planted materials used
 2. Soil stabilization measures used
 3. Percent cover of desirable wetland species
 4. Percent cover of nuisance/exotic species
 5. Number of plants replanted (if necessary) to meet the annual coverage requirements
 6. Water quality
 - a. Visual observations of water quality
 - b. Lab data if necessary, (salinity, conductivity, pH, etc.)
 7. Desirable wetland species cover
 8. Plant diversification and natural recruitment (list species present)
 9. Depth of water at monitoring event
 10. Permanently marked photo stations
 11. Wildlife usage
 12. Overall ecological evaluation
 13. Problems encountered and corrective actions implemented or needed
- C. Maintenance shall mean the removal of nuisance or exotic species. Nuisance species coverage must not exceed 10% (cattails, Typha spp; willows, Salix spp; primrose willow, Ludwigia peruviana; dogfennel, Eupatorium spp; Sesbania spp; water hyacinths, Eichhornia spp. are examples, but not the comprehensive list of nuisance species).
- D. **85% survival must be guaranteed for each planted tree and shrub species. The mitigation area(s) must attain an areal coverage by beneficial wetland species of 50% at the end of the first year, 70% at the end of the second year and 85% prior to release. Additional planting may be required annually if these requirements are not met.**
- E. A timetable for the start and completion of the mitigation work must be included.
- G. Monitoring and maintenance must continue until all EPC success criteria have been met, at which time a Certificate of Completion is issued. If success criteria cannot be met, reconstruction of the site design may be necessary to achieve functioning wetlands.