

- DRAFT RULE -

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-11
WETLANDS**

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**1-11.04 DELINEATION OF WETLANDS
AND OTHER SURFACE WATERS**

1. Sections 62-340.300, 62-340.400, 62-340.450, 62-340.500, 62-340.550, and 62-340.600, F.A.C. providing the statewide method as amended by the Legislature for delineating

wetlands in Florida, are adopted by reference. Qualified developments granted vested or grandfathered rights pursuant to Section 373.421(7), F.S. shall be delineated as provided therein.

2. Upon request of any person with a legal or equitable interest including governmental bodies, and upon payment of the appropriate fee as established in Chapter 1-6 of these Rules, a formal determination approving a certified survey, or an approximate delineation as reflected on a scaled site plan, shall be issued as to the existence and extent of any wetlands and other surface waters upon specific lands within Hillsborough County. Failure to make a wetland determination within 30 days of receipt of a complete request and payment therefore shall entitle the applicant upon appropriate notice, to a hearing before a hearing officer as provided in Section 9 of Chapter 84-446, Laws of Florida.

3. Delineations made upon interpretation of aerial photography are subject to modification by future on-site inspection.

4. Delineations pursuant to a formal determination or pursuant to a DEP or SWFWMD permit where the delineation was field-verified and specifically approved in the permit shall be binding for five years provided physical conditions on the property do not change to alter the boundaries during that time.

5. All other determinations made prior to the effective date of this rule shall be presumptively valid only.

6. This section shall not be construed as limiting the right of any citizen to register a complaint or request investigation of an alleged violation.

Section History – Amended December 18, 1997;
Amended July 17, 2008
Effective date: _____

1-11.05 POLLUTION PROHIBITED

1. Development within wetlands and other surface waters of Hillsborough County which destroys, reduces or impairs the wetland and / or other waters or which contributes to the present

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or potential future destruction, reduction or impairment of the environmental benefits provided by the wetland and / or other waters or a portion thereof constitutes pollution as defined by Chapter 84-446, Laws of Florida, as amended, and is prohibited except to the extent as may be specifically authorized in writing by the Executive Director or ~~his~~ authorized agent.

Effective date: _____

2. The intentional or knowing destruction of marine wetlands and / or other surface waters by filling, excavation, dredging, prop-dredging, contamination, or other development as defined herein, except as provided in section 1-11.24, is a violation of this rule; ordinary fishing practices (such as casting a line, using tackle or nets, anchoring, etc.) shall not be construed as destruction of marine wetlands when conducted outside of designated Marine Recovery Areas.

3. Knowing failure to comply with the restrictions of a management plan within a designated Recovery Area is a violation of this rule.

Section History – Amended December 18, 1997;
Amended July 17, 2008

Effective date: _____

1-11.06 REVIEW OF PROPOSED DEVELOPMENT WITHIN WETLANDS AND OTHER SURFACE WATERS

(1) Upon request to the Executive Director or authorized agent to review a proposed development within wetlands or other surface water, an applicant must demonstrate reasonable assurance that the activity will comply with the adopted rules of the Commission.

(2) The Executive Director will review any application for wetland and other surface water impacts based on the standards in this rule and those provided in the currently adopted Basis of Review for Authorization of Activities Pursuant to Chapter 1-11 – Wetlands.

Section History - Repealed ~~and transferred in part~~
July 22, 2004-; Re-Adopted July 17, 2008

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