

EPC Wetlands Protection: Improving the Process, Maintaining the Protection

Overview of Benefits of Hybrid Approach

- Significant cost savings of \$367,859
- Consolidates multiple agency approvals
- Reduces applicant's time seeking project approvals
- Addresses minor activities
- New Basis of Review & Applicant Handbook
- Customer Service improvements
- Maintains local government oversight

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, stock watering ponds, and other upland cut open surface waters). Applicable forms will be on the EPC website and will be able to be submitted online.
- Exemptions for maintenance of lawfully constructed and operated water management structures in wetlands including but not limited to fish ponds, ditches, tail-water recovery areas and stormwater systems.
- Amend the miscellaneous activities rule to define limits and conditions for boat ramps, docks, boat lifts, nuisance vegetation removal, boardwalks and aids to navigation in order to streamline the approval process. The new advisory board proposed below will help in recommending future categories.
- Complete public workshops, finalize rule language for inclusion in Public Hearing 8/16/07
 - ✓ **Result – Clearer rule language defining exemptions and miscellaneous activities with priorities set on higher quality wetlands and surface waters**

Future Proposed Rule Changes

- Establish a **Technical Advisory Committee** to develop and recommend further changes to exemption and miscellaneous activities rule language for future adoption.
- **Obtain delegations and streamline permitting** through rule development in order to achieve one stop permitting, including:
 - Adoption of portions of the state's Basis of Review
 - Adoption of applicable sections of the state's wetland statute Sec. 373.414, F.S
 - Adoption of applicable portions of Tampa Port Authority's submerged lands management rules

- Develop an **EPC Basis of Review** document and an associated **Applicant Handbook** for implementing Ch. 1-11. Include guidelines for determining “reasonable use”, permitting criteria, conditions for authorizations, environmental criteria, listed species, water quality criteria, public interest criteria, mitigation requirements, definitions and procedures for determining historic uplands and project specific guidance.
- 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.
- **Further define miscellaneous activities** language in order to develop a set of guidelines for construction of certain structures and setback requirements that conforms to the Land Development Code where diminimus impacts are expected to result.
- **Complete Hybrid Option** tasks within one year. Develop a prioritized timeline to accomplish Future Proposed Rule Changes within 9 months with established periodic milestones similar to the following:
 - Agricultural rule adopted within 60 days
 - FDEP delegation and rule adoption within 120 days
 - Classification of wetlands, consideration of net environmental benefits and Basis of Review by May 2008
- **Agricultural Ground and Surface Water Management (AGSWM)** - EPC will coordinate with SWFWMD in the implementation of the AGSWM program for agricultural projects and develop specific rules and standards to incorporate the principles of AGSWM. EPC will consider projects that go through the AGSWM process and receive an exemption from permitting or an Environmental Resource Permit as meeting the EPC reasonable use criteria for impacts. For projects described above and for production related agricultural activities on property engaged in bona fide agricultural uses (except for harvesting primary growth natural forested wetlands), mitigation will be required for cumulative impacts greater than ½ acre and for individual isolated wetlands greater than ¼ acre.
- Establish by rule, **time frames** for review activities and post time frames on web.
 - ✓ **Result – Better guidance for applicants, clearer guidelines, clearer time frames, conformance with delegation agreements**

Customer Service Changes

- **Establish Wetlands Advisory Committee.** The committee will consist of an inner circle of technical experts and an outer circle of stakeholders. The technical experts to be 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**

- **Assign EPC wetlands permitting ombudsman (Christina Bryant).** The ombudsman service is 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, and ensuring that applicants or citizens have a voice to agency upper management.
 - ✓ **Result – Professional assistance to help applicants understand the regulatory process**

- Establish a **formal on-line application** form. Provide for electronic submittals of online applications through the EPC website and develop a wetland application checklist to assist applicants in making a complete submittal.
 - ✓ **Result – Reduce time for review and errors in communication from hand written applications without submittal guidance and result in more complete submittals with auto-feedback on missing information**

- **Watershed 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**

Process Changes

- **Combined DEP Environmental Resource Permit (ERP), Tampa Port Authority, and EPC authorizations.** Request delegation from the DEP for single family homes, and the associated docks, and shoreline stabilization projects. 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. Included is the continuation of the existing delegated program in which EPC is the sole agency with authorization to issue mangrove trimming permits and associated compliance and enforcement activities. This effort has been determined to be a first of its kind in the State of Florida.

- ✓ **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)
 - Conduct a process review 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 proposed 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 with staffing efficiency as a guide.
 - Explore with PGM an instant document dispersal program to eliminate delays of document transfer. Determine the feasibility and cost of obtaining the necessary equipment and training to handle digitally submitted applications, thus eliminating delays in transferring hard copies. Report to the Board.
 - 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**

- **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 will attend SWFWMD's regular staff coordination meetings to review projects and maintain consistency for permitting and delineation procedures.
 - EPC will cooperate with PGMD, SWFWMD, and the cities to 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 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.

✓ **Result: Greatly increased coordination between EPC and SWFWMD, better guidelines for applicants**

- **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 complement 1 stop permitting identified above, for additional ACOE wetland permitting**

SUMMARY OF RESULTS

- Streamlined permitting process and faster turnaround time
- Savings of \$367,859 (Five FTE's)
- Eliminate multiple reviews
- Clearer rules for minor activities
- Consolidates multiple agency approvals
- Priorities set on wetlands protection
- Drastically reduces real or perceived duplication
- Emphasizes customer service
- Maintains resource protection
- Many items have short term implementations; full implementation 1 year

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	
Phosphate Severance Tax	152,338		152,338	0	
Estimated Additional Revenue Generated by DEP Delegation			31,700	31,700	
Total Revenues	\$1,305,298		\$1,336,998	\$31,700	3%
Expenditures					
Personal Services	\$2,288,847		\$1,950,260	-\$338,587	
Operating Expenditures	122,293		93,021	-29,272	
Total Expenditures	\$2,411,140		\$2,043,281	-\$367,859	-15%
Revenues Less Expenditures	-\$1,105,842		-\$706,283	\$399,559	-36%
FTE Positions	29		24	-5	-17%

ENVIRONMENTAL PROTECTION COMMISSION WETLANDS HYBRID PROPOSAL

