

Technical Advisory Group
Classification Sub-Committee
1/29/08 Meeting Minutes

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ATTENDEES: Tom Crisman, Scott Emery, Rhonda Evans, Jason Mickel, Mark Sramek (via phone)

EPC ATTENDEES: Bob Stetler, Andrew Zodrow, Jason Fife (EPC Intern)

HANDOUTS: None

Bob Stetler noted that the sub-committee was to produce a white paper that is similar to the Agricultural Sub-Committee paper. This sub-committee is 'classification', but there may be smaller sub-topics under the 'classification' that the committee may wish to write separate papers about. The final papers are due in May. Bob also noted that the mitigation and classification topics would probably be completed earlier because the subject matter is not as complicated as say with the process sub-committee.

The last classification meeting was between Bob Stetler, Tom Crisman and Alberto Martinez. There were meeting notes that will be posted online.

Bob Stetler said that the classification idea stems from Dr. Garrity's ideas. Currently the wetland rule does not take into account the quality of a wetland when it comes to impacting it. A wetland may only be impacted if the impact is necessary for reasonable use of the property.

Dr. Garrity does not want the rule to be changed nor there to be a step process or new classification policy, rather a preliminary look at the site with other offsite wetlands and significant wildlife habitats.

Scott Emery gave a brief summary of the status of the Process sub-committee. UMAM plus was discussed that maybe UMAM can be used with other aspects to evaluate and classify the wetlands, such as wetlands near critical wildlife habitats or special specific (unusual or rare) wetlands. Then the UMAM number would be multiplied based upon one of these special wetlands. Andrew Zodrow is not sure if EPC can require the UMAM plus method. Zodrow noted that having UMAM plus and telling someone that this particular wetland is extremely valuable and cannot be impacted could either violate the UMAM statute or result in a taking under some circumstances. UMAM is a state rule and only the state could change it or add multipliers with regard to mitigation, EPC cannot. However if UMAM plus was not related to mitigation then it might be possible. A TAG member asked, then why is there an EPC if they can't change the mitigations? Zodrow answered that theoretically every privately owned wetlands in the county could be filled in if the applicants all went to SWFWMD and there was no EPC. The EPC has a stricter standard for the impact approval. For instance the property could be divided to have 100% wetland parcels. In addition, when reviewing a project, SWFWMD is not allowed to look at consistency with other governmental regulations or requirements they can only require the applicant to re-design the site plan to avoid/minimize wetland impacts under some circumstances. The EPC is part of the PGM review process and the EPC, again, has a stricter standard for avoidance, so wetlands cannot be impacted by this situation.

It was noted by a TAG member that the reason this is all happening is that the private sector wanted clearer answers and a streamlined approach to the permitting process. The TAG member noted that 1) EPC should be in the process as early as possible to aid the applicant in determining where potential (and perhaps costly) problem areas might be and 2) Put value on those systems

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that are inviolate, but concern is that this cannot happen as per the previous discussion with Zodrow.

Zodrow noted that it may be possible to add something in the Basis of Review that says staff will be able to look at the quality of a wetland. He also added that since 'classification' could be so subjective, the Basis of Review should elaborate and take into account the percent of exotics, degraded hydrology, ditching, etc. Zodrow noted that EPC staff already does some form of this review by having the opportunity, for instance, in changing the proposed roadway from going through the cypress dome to the road going through the Brazilian pepper ditch in the event one or the other impacts is deemed necessary.

A TAG member noted that then it would be possible for a wetland owner to cause harm to a wetland so that it's degradation in quality would allow it to be filled it. For example, if an area has been pumped, then the wetlands are degraded. What's to stop someone from pumping more because those wetlands area already degraded and therefore low in quality?

A brief discussion of Reasonable use occurred, where examples were cited such as roadway and public safety.

A TAG member brought up another classification scenario: One healthy cypress wetland surrounded on all sides by roadways (isolating it) compared to a ditch filled with exotics on a ELAPP property. Which wetland is more valuable? Therefore fragmentation vs. connectivity should be a part of the evaluation process.

A TAG member suggested to put a value to the wetlands and put them on a map. Zodrow noted that Orange County does something similar, but is has been very controversial and the map would have to be updated periodically.

The classification sub committee agreed that this evaluation of the wetlands should be done as early in the process as possible in order to aid the developer.

One option might be to recommend adding verbiage to the LDC, regarding specific kinds of wetlands.

A TAG member suggested that a map be created showing the wetlands and put them into categorizes based upon components that would make then significant/critical. The value of the map would be to pinpoint future mitigation, restoration & land acquisitions.

Bob Stetler noted that the easiest way to start that is by using the FLUCCS.

A TAG member suggested EPC using UMAMs within the Urban Service Areas and using UMAM plus outside of those areas. Bob Stetler noted that the issue with that is if it is easier to develop in those areas, when those areas are developed they will want the lines expanded.

A TAG member said that the saving the wetlands are important but the main concern is preserving drinking water. EPC should be protecting wetlands for the greater good of sustainability.

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TAG members discussed the UMAM plus within the context of regional interactions. In addition it was noted that the classification should not satisfy the reasonable use criteria of the rule.

Zodrow then noted that in the event the UMAM plus would only be there for the mitigation, the UMAM statute would prohibit the local government requiring a different mitigation calculation.

Meeting adjourned.