

Draft, for Review by Sub-committee members

To: Process Sub-committee Members

From: Dr. Scott Emery

Date: 11/29/07

Re: Summary Notes - Process Sub-committee (PS-c) Meeting on 11/29/07

Present: C. Courtney, D. Doughty, S. Emery, R. Evans (via phone), E. Fehrman, D. Meryman, P. Metz.

EPC Assistance provided by Bob Stetler and Chris Cooley.

Scott opened the meeting by going over the proposed agenda in brief. Bob Stetler requested that the Net Environmental Benefit and UMAM subject matters be allowed to happen within the Classification Sub-committee. At our request, Bob promised to let us know then Process Sub-committee will be meeting.

Chris provided a significant amount of information regarding Wetland Delineations in a hand-out. The next 2 hours were spent predominantly in a discussion of Wetland Delineation matters. EPC's rule has adopted 62-340.200 through 62-340.600. Pursuant to questions from the PS-c, EPC will examine why the entire 62-340 was not adopted.

Discussion ensued as to the amount of group training that is undertaken between SWFWMD and EPC staff regarding delineations. Chris provided information on the training that EPC personnel received and several PS-c members provided input on the training SWFWMD staff receives. Following this discussion, the PS-c decided to recommend that there be group training conducted on a regular basis to maximize consistency of approaches between the two agencies. The PS-c further recommended that the two agencies trust the wetland lines as established by the other agency (that reciprocity be the standard approach used by EPC [and SWFWMD]). Rhonda provided recent court ruling information from the Federal level. After discussion, it was decided that the critical component for group training was between SWFWMD and EPC, although EPC needs to remain up to date on the current "goings on" at the Federal level related to delineations. EPC may want to examine the possibility of some general programmatic delegation possibilities for smaller wetland-related subject matters such as docks.

Discussion continued regarding ways to standardize approaches and to minimize duplication of effort. The PS-c began examination of the differences between how surface waters can be treated between SWFWMD and EPC. It was pointed out that the intent of the EPC wetland rule was to provide local standards to protect and maintain wetlands. Surface waters can, under some situations, be evaluated somewhat differently under SWFWMD's regulatory program. The PS-c decided to continue and complete their discussion of this topic at the next PS-c meeting.

Discussion turned to time clocks for EPC, once the survey information and other required information has been received by EPC. The current rule talks of the ability of the applicant to file for Administrative Hearing. The PS-c felt that such an option would be unduly cumbersome and expensive (to both sides). The PS-c recommends that EPC

examine the State's approach to a "time clock" and consider adopting the same or consistent approach.

Discussion ensued regarding the fee structure. One committee member described the genesis of the current fee structure. The PS-c recommends that EPC put into place a data recording process that will allow EPC to track and quantify actual time and effort expended for delineation services and subsequent monitoring services. The PS-c recommends that after such data has been duly recorded and tracked to obtain a sufficient amount of information to allow for statistical evaluations, that EPC analyze the information to determine the relevance of the old fee schedule and approach in today's regulatory climate.

The PS-c will discuss the following topics at the next PS-c meeting:

1 – Surface water (see above)

2 - Set-backs*

3 - Re-zonings*

4 – Construction Plans*

5 – Process and Timing*

*(See original task list for External Sub-committee)

The PS-c will decide upon the date and time of the next Ps-c meeting during the full TAG meeting on December 14.

End draft summary notes