

Technical Advisory Group

1/18/08 Meeting Minutes

9AM to 11:30AM

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ATTENDEES: Lee Cook, Chuck Courtney, Tom Crisman, Derek Doughty, Eric Fehrmann, Steve Gran, Ann Hodgson, Pete Hubbell, Alberto Martinez, Dale Meryman, Patricia Metz, Tim Neldner, Wayne Richardson, Mark Sramek

EPC ATTENDEES: Leslie Campbell, Barbara Motte, Pete Owens, Debbie Sinko, Bob Stetler, Kim Tapley, Mike Thompson, Andy Zodrow

HANDOUTS: Agenda

Bob Stetler announced that EPC made the internal decision to make the TAG a sunshine group. The meetings will be recorded and possibly uploaded to the TAG website (located on the Estuary Atlas Website). When the sub-committees break out, they must take their own meeting minutes because there is only one tape recorder.

Bob Stetler stated that the TAG Agricultural sub-committee worked hard on their white paper for the (at that time) proposed rule. This white paper assisted the EPC Board in the decision to vote on the rule. The EPC Board voted to approve Ch 1-11.12 Bona Fide Agricultural Activities Rule on January 17, 2008.

The other sub-committees should form their white papers like the Agricultural sub-committee did. Simply stated, the papers should have pros and cons of a given subject with suggested rule/policy changes.

Andy Zodrow discussed the Sunshine Law and how it will relate to the functions of the TAG. It was decided to operate the TAG under Sunshine based upon an abundance of caution, in the event the TAG does create recommendations that are ultimately considered by the EPC Board. The requirements for operating under the Sunshine Laws are: 1) Public notice must be given of each meeting. This will be accomplished by posting on the website. 2) Meeting minutes must be taken. Meetings do not have to be recorded, but written minutes must be available for the public. 3) TAG members cannot have discussions with other TAG members outside of the meetings on what has taken place in the meetings or topics that the TAG might vote on. Public comment will also be a standard section of the meeting. Public comment will be held at the end of the meeting with time limits. To date there has been no public attending the meeting. One of the arguments that the TAG wouldn't be under Sunshine is because the TAG is to make recommendations to EPC staff and not the EPC Board. Andy Zodrow noted that if the TAG was not under Sunshine and only made recommendations to EPC staff then someone from the public could stand up at a board meeting and reference some of the work the TAG has completed. TAG comments could unintentionally come before the EPC Board which would potentially create a Sunshine Law violation. Andy Zodrow will research to see if postings to the website to compile the white papers and emails between TAG members would violate the Sunshine Law.

The question arose about day to day conversations on mitigations and other topics that are a part of the TAG's topics to discuss and evaluate. Andy Zodrow noted that TAG members should use common sense in speaking with other TAG members outside of formal meetings. Discussions

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of the topics for projects/work related is fine, as long as no discussions of TAG recommendations or decisions occur.

It was suggested that the TAG should vote on topics. As an example the Agricultural sub-committee's white paper will have many opinions and the stakeholders didn't know if a majority of TAG was for or against to the proposed Agricultural rule.

Bob Stetler re-iterated the goals of TAG. TAG was created when the EPC Board voted on the Hybrid plan. The Hybrid laid out a framework and deadlines for things to be accomplished. This group is part of that. A brief status update was given. Yesterday EPC staff submitted a petition to DEP for delegation of single family permits. Staff is working on a record keeping process such as how many wetlands have been delineated, how many wetlands acres are being requested to be impacted and how many acres are actually being impacted. In addition the Agricultural Rule will also be tracked to see how many impacts will occur with this new rule. Staff is also working with SWFWMD to revise and update the current Memorandum of Understanding (MOU). County Auditor's are currently working on their report and review of EPC Wetlands Division. The auditor's will present their report to the EPC Board.

Bob Stetler briefly summarized the status with the Agricultural Rule. The TAG Agricultural sub-committee produced a white paper, which was reviewed and approved by TAG. That paper went to the Wetland Advisory Committee (also known as the stakeholders) and to the Citizen Environmental Advisory Committee (CEAC). Both committees voted to recommend approval of the rule to the EPC Board with the exception of changing the 7 year penalty time limit to 5 years. The EPC Board ratified the rule, the change to 5 years and tracking of this rule and its requested impacts with a report given quarterly.

Bob Stetler re-iterated the origination of the sub-committees and their goals to be accomplished. The sub-committees were created due to the amount and complexity of the topics to be discussed by TAG. The members then, based upon a questionnaire that each filled out, were placed on a sub-committee based upon his/her interests. Members are encouraged to cross-over and take part in other sub-committees. All sub-committees should create a white paper similar to the Agricultural sub-committee. In addition to the facts and opinions placed in the white paper it is important that anyone who has an opposing view or an alternative suggestion is also included into the white paper. The goal is for the sub-committees to evaluate the rule and policies in order to make suggestions on how the Wetlands Division could possibly be more efficient. Dr. Garrity's goal with the Hybrid is for the Wetlands Division and the Wetland Rule to be more transparent, thus this is also the goal of the TAG.

TAG discussed the need for a classification sub-committee. Bob Stetler re-iterated Dr. Garrity's statement related to the Wetland Rule that states no impacts to wetlands unless for reasonable use of the property. And that staff does not review anything related to the quality of a wetland. The classification sub-committee should be reviewing and answering fundamental questions such as should EPC use existing classification systems? Can there be a category for man-altered wetlands? Could these categories be used to review wetland impacts?

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TAG discussed that the classification system should evaluate the functions of wetlands. It was noted that an issue with that is the lower rated systems might be the ones that are automatically slated for impact. It was also noted that some of lower rated wetlands may be significantly important due to their locations and lack of other wetlands nearby.

Sub-committee break-out. Please see the meeting minutes for each sub-committee located on that specific sub-committee's web page. Full TAG reconvenes on the recording at 1 hour and 50 minutes.

Sub-committees briefly summarized their meetings and goals for future meetings.

Process sub-committee discussed discrepancies between SWFWMD engineers and EPC engineers. It was recommended that these instances are documented and discussed with the agencies. Discussion also included justification for impact and mitigation for the impact, further discussion is needed. The process sub-committee will draft proposed rule changes, discuss the reasonable use language and discuss a two step process for conceptual permitting.

Classification sub-committee discussed its original intent of how to come up with functional assessments. Two issues were discussed and will continue to be discussed: 1) The appropriate time to evaluate the wetland systems (function, structure, conditions) should be at the beginning of the project to aid the developer in his/her knowledge of the property and its possible constraints and 2) sites should be evaluated on regional contexts, individual properties are individually permitted, and regional characteristics are not typically reviewed. This sub-committee will also try to create an evaluation for staff to use in order to evaluate the wetland within its regional context.

Mitigation sub-committee is working on their white paper, which is from discussions of topics like reasonable use as it relates to impacts and mitigation, also discussion of timeframes, mitigation banking, single family homeowner impacts, Pollution Recovery Funds, and other options for mitigation.

Bob Stetler noted that the process sub-committee should be discussing reasonable use definition and the Basis of Review. EPC staff is working on the same subjects and it is the goal to have the outlines to the process group for their review. It was requested that Clark Hull (SWFWMD) and ACOE should be included in the reasonable use discussion.

Meeting adjourned.