

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR**

October 15, 2009
9:00 AM

**INVOCATION AND PLEDGE OF ALLEGIANCE
APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT
AGENDA ITEMS FOR DISCUSSION AS REQUESTED BY BOARD MEMBERS.**

- I. PUBLIC COMMENT**
Three (3) Minutes Are Allowed for Each Speaker
- II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the CEAC Chairman – David Jellerson
- III. CONSENT AGENDA**
- | | |
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- IX. LEGAL AND ADMINISTRATIVE SERVICES**
Present Results of the Evaluation of the Executive Director53

Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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SEPTEMBER 17, 2009 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, September 17, 2009, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Al Higginbotham and Commissioners Kevin Beckner, Rose Ferlita (arrived at 9:07 a.m.), Ken Hagan, Jim Norman, Mark Sharpe, and Kevin White (arrived at 9:35 a.m.).

Chairman Higginbotham called the meeting to order at 9:03 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, noted the revised August 20, 2009, EPC minutes and supplemental information for Item VII, emergency order for natural disasters.

CONSENT AGENDA

- A. Approval of minutes: August 20, 2009.
- B. Monthly activity reports.
- C. Pollution Recovery Fund (PRF) report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summaries.
- F. Request authority to take appropriate legal action against Charles H. Monroe and MPG Race Track Limited, Sean Donnelly, and Dubliner North Incorporated.
- G. Request the EPC Board set October 15, 2009, at 9:00 a.m., as a public hearing to consider an amendment to EPC Rule 1-6, services-fee schedule, and authorize appropriate public notice.

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner Beckner so moved, seconded by Commissioner Sharpe.** At the request of Commissioner Norman, Dr. Garrity described issues surrounding MPG Race Track Limited. Commissioner Hagan asked if proposed action against Dubliner North Incorporated was the strongest action that could be taken. Dr. Garrity explained citations were issued for violations of the noise ordinance and the company was slow to act; EPC was looking at getting the Hillsborough County Sheriff's Office involved. Commissioner Hagan reported he had received complaints and personally visited the site. **The motion carried six to zero.** (Commissioner White had not arrived.)

THURSDAY, SEPTEMBER 17, 2009 - DRAFT MINUTES

PUBLIC COMMENT

Mr. Richard Campion, 3904 West McKay Avenue, owner, Dubliner Irish Pub, described actions taken to address issues, referenced contact with EPC staff and enactment of policies regarding entertainment/sound amplification, perceived the problem related to lack of buffering between the establishment and adjacent townhomes, and commented on efforts to work with the townhomes to address issues. Chairman Higginbotham suggested Mr. Campion speak with staff. Mr. Campion had met with EPC staff and was actively working to resolve issues.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Dr. Wayne Eckleberger, vice chairman, CEAC, reported the September 14, 2009, CEAC meeting included a review of the last/current EPC meeting agenda items and a detailed report on PRF applications. The CEAC formally responded with opinions on funding/denial for PRF projects, which would be presented at the October 2009 EPC meeting. Dr. Eckleberger said the EPC staff report on PRF applications was helpful in making decisions. An update was received from the County Technical Advisory Committee on water conservation. The next CEAC meeting was scheduled for October 5, 2009.

EXECUTIVE DIRECTOR

Annual Report - Dr. Garrity stated the EPC had started the Sterling management system (Sterling) study, which was helping with enhancing the EPC vision/mission; reviewed a statement of values and the EPC mission; opined the future of resource protection was dependent on a full understanding of why protection was necessary and fostering a culture of resource stewardship promoted individual/corporate responsibility for safeguarding the environment; said EPC staff was fully engaged in environmental education and served as environmental extension agents to County residents; noted services were provided through core competencies, including technical expertise in engineering and science, measuring/interpreting scientific data, understanding/applying the underlying laws governing resource protection, and delivery of first-rate customer service; highlighted the regional watershed concept; and commented on air/water quality monitoring, impaired waterways, total maximum daily load (TMDL), habitat restoration activities/projects, grants received for Cockroach Bay restoration, seagrass/artificial reef management, wetlands protection/mitigation, permit delegation, improving customer service, inspections conducted, Brownfields redevelopment/cleanup, the small quantity generator/Green Star programs, hazardous waste inspections, and challenges.

THURSDAY, SEPTEMBER 17, 2009 - DRAFT MINUTES

Commissioner Sharpe recognized EPC staff efforts, referenced the Clean Water Act and an article on States falling behind on monitoring/administering the act, acknowledged difficulties/challenges, appreciated efforts to consolidate and work with other agencies, perceived services provided to the community could not be calculated, recalled challenges/frustration with EPC in the past, and respected that Dr. Garrity did not accept a pay increase offered. Dr. Garrity announced the EPC just finished a two-day self assessment with Sterling and responded to queries from Commissioner Beckner regarding time/resources devoted to researching grants. Commissioner Beckner stressed the importance of that and thanked Dr. Garrity for the comprehensive report.

WETLANDS AND WATERSHED MANAGEMENT DIVISION

Nitrogen Management Consortium (NMC) Reasonable Assurance Plan - Ms. Holly Greening, director, Tampa Bay Estuary Program, provided an overview of the two-year process initiated by over 30 public/private participants; referred to the 1972 Clean Water Act, which required pollution limits to be set for water bodies; commented on TMDLs, regulatory settings, water quality protection goals, the reasonable assurance process, NMC activities, water levels being maintained at target levels in Tampa Bay, future growth requiring projects and/or transfers to offset nitrogen increases, possible regulatory revisions, final document approval/submittal, and forwarding a declaration to appropriate authorities for consideration; and highlighted declaration language, implications, concurrent activities, and summary points.

In response to queries from Commissioner Beckner related to the fertilizer ordinance, Ms. Greening stated the reduction/management of nitrogen fertilizer was important, reported almost 20 percent of excess nitrogen coming into the Tampa Bay was from residential areas, and said Pinellas County would evaluate their fertilizer ordinance at a workshop in October 2009, Manatee County was also moving forward in the fall, and she and Dr. Garrity were talking with the University of Florida Institute of Food and Agricultural Sciences to move Hillsborough County discussions forward. Dr. Garrity confirmed efforts to bring something back. Ms. Greening noted the State was requiring enactment of an ordinance.

Amendments to the Designated Uses and Classification System of Surface Water Bodies - Mr. Richard Boler, EPC, explained in July 2009 the Florida Stormwater Association filed a petition asking that rulemaking be initiated for changes in the system/classifications and mentioned the Clean Water Act, components of State water quality standards, water classifications, proposed changes/additions, the purpose of rulemaking, financial implications, and the importance of targeting/prioritizing efforts.

THURSDAY, SEPTEMBER 17, 2009 - DRAFT MINUTES

Commissioner Beckner inquired about risks for increased contamination/dumping from reclassifying waterways. Mr. Boler mentioned components and criteria, noting the criteria was not being changed, and acknowledged difficulty in integrating criteria with the use classification. Commissioner Beckner confirmed the County should not expect to see a larger amount of contaminants. Mr. Boler reported the notion was to put TMDL dollars where those dollars would have the most impact to create restoration. Commissioner Beckner asked about possible reductions in impaired waterways. Chairman Higginbotham announced a briefing would be held, which could be beneficial to EPC Board members and requested a copy of the report/presentation for further review.

FINANCE AND ADMINISTRATION

Discuss Evaluation Process for the Executive Director - Ms. Joan Ohman, Director, EPC Finance and Administration, said an evaluation was provided to EPC Board members, which should be completed by October 5, 2009, and provided to Chairman Higginbotham for presentation at the next EPC meeting.

LEGAL DEPARTMENT

Emergency Order for Natural Disasters - EPC General Counsel Richard Tschantz recognized an intern from Stetson University; stated staff had developed a template for local emergency orders to be issued, which would help the public recover in the event of a natural disaster, and no action was required; explained in the event of a natural disaster, the Governor would declare the County, or parts of the County, a natural disaster area after which the Florida Department of Environmental Protection would issue an executive order authorizing certain environmental regulations to be waived or permitting requirements to be expedited for post storm recovery; noted delegated programs would be subject to that order; and referenced a template for a local emergency order in background material that would allow the Executive Director to similarly waive certain EPC regulations.

THURSDAY, SEPTEMBER 17, 2009 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 10:06 a.m.

READ AND APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

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**FY 09 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

SEP TOTAL

A. Public Outreach/Education Assistance

1.	Phone calls	143	2,018
2.	Literature Distributed	-	151
3.	Presentations	1	15
4.	Media Contacts	-	26
5.	Internet	60	732
6.	Host/Sponsor Workshops, Meetings, Special Events	-	4

B. Industrial Air Pollution Permitting

1.	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	-	77
	b. Construction	4	93
	c. Amendments	-	-
	d. Transfers/Extensions	1	17
	e. General	-	-
	f. Title V	3	38
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ^1 (Counted by Number of Fees Collected) - ^2 Counted by Number of emission Units affected by the Review)		
	a. Operating ^1	3	81
	b. Construction ^1	13	120
	c. Amendments ^1	-	-
	d. Transfers/Extensions ^1	-	15
	e. Title V Operating ^2	-	76
	f. Permit Determinations ^2	-	10
	g. General	-	14
3.	Intent to Deny Permit Issued	-	-

C. Administrative Enforcement

1.	New cases received	-	13
2.	On-going administrative cases		
	a. Pending	2	2
	b. Active	12	12
	c. Legal	3	3
	d. Tracking compliance (Administrative)	15	15
	e. Inactive/Referred cases	-	-
	TOTAL	32	32
3.	NOIs issued	1	17
4.	Citations issued	-	2
5.	Consent Orders Signed	1	15
6.	Contributions to the Pollution Recovery Fund	\$ 2,476	\$ 41,611
7.	Cases Closed	1	20

**FY 09 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

	<u>SEP</u>	<u>TOTAL</u>
D. Inspections		
1. Industrial Facilities	19	200
2. Air Toxics Facilities		
a. Asbestos Emitters	-	-
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	-	16
c. Major Sources	3	52
3. Asbestos Demolition/Renovation Projects	11	227
E. Open Burning Permits Issued	-	20
F. Number of Division of Forestry Permits Monitored	301	2,789
G. Total Citizen Complaints Received	47	625
H. Total Citizen Complaints Closed	53	621
I. Noise Sources Monitored	4	46
J. Air Program's Input to Development Regional Impacts	2	24
K. Test Reports Reviewed	48	702
L. Compliance		
1. Warning Notices Issued	6	92
2. Warning Notices Resolved	7	59
3. Advisory Letters Issued	6	62
M. AOR's Reviewed	8	94
N. Permits Reviewed for NESHAP Applicability	2	17
O. Planning Documents coordinated for Agency Review	-	14

**FY 09 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

FY TO
SEP DATE

A. ENFORCEMENT

1.	New cases received	4	4
2.	On-going administrative cases	124	124
	Pending	5	5
	Active	49	49
	Legal	11	11
	Tracking Compliance (Administrative)	47	47
	Inactive/Referred Cases	12	12
3.	NOI's issued	5	19
4.	Citations issued	5	18
5.	Consent Orders and Settlement Letter Signed	1	14
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -	\$ 37,209
7.	Enforcement Costs Collected (\$)	\$ 859	\$ 15,240
8.	Cases Closed	4	20

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	-	11
2.	FDEP Permits Reviewed	-	12
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	-	4
4.	Other Permits and Reports		
	County Permits Received	-	15
	County Permits Reviewed	-	17
	Reports Received	29	369
	Reports Reviewed	28	354
5.	Inspections (Total)	259	4,326
	Complaints	19	232
	Compliance/Reinspections	10	172
	Facility Compliance	43	357
	Small Quantity Generator	187	3,557
	P2 Audits	-	8
6.	Enforcement		
	Complaints Received	20	243
	Complaints Closed	20	232
	Warning Notices Issued	4	18
	Warning Notices Closed	-	21
	Compliance Letters	76	928
	Letters of Agreement	-	6
	Agency Referrals	2	14
7.	Pamphlets, Rules and Material Distributed	109	1,838

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	84	1,026
	Installation	9	151
	Closure	12	143
	Compliance Re-Inspections	16	236

**FY 09 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

	<u>SEP</u>	<u>FY TO DATE</u>
2. Installation Plans Received	8	115
3. Installation Plans Reviewed	15	119
4. Closure Plans & Reports		
Closure Plans Received	16	101
Closure Plans Reviewed	17	98
Closure Reports Received	3	81
Closure Reports Reviewed	11	110
5. Enforcement		
Non-Compliance Letters Issued	75	887
Warning Notices Issued	-	37
Warning Notices Closed	-	11
Cases Referred to Enforcement	1	14
Complaints Received	1	23
Complaints Investigated	1	21
Complaints Referred	-	1
6. Discharge Reporting Forms Received	5	34
7. Incident Notification Forms Received	15	166
8. Cleanup Notification Letters Issued	5	34
9. Public Assistance	-	-

D. STORAGE TANK CLEANUP

1. Inspections	44	456
2. Reports Received	98	1,334
3. Reports Reviewed	103	1,309
Site Assessment Received	13	130
Site Assessment Reviewed	15	123
Source Removal Received	3	35
Source Removal Reviewed	4	37
Remedial Action Plans (RAP'S) Received	10	127
Remedial Action Plans (RAP'S) Reviewed	14	119
Site Rehabilitation Completion Order/No Further Action Rec'd	3	50
Site Rehabilitation Completion Order/No Further Action Revw'd	3	54
Active Remediation/Monitoring Received	46	564
Active Remediation/Monitoring Reviewed	46	548
Others Received	23	428
Others Reviewed	21	429

E. RECORD REVIEWS

13	192
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F. LEGAL PIR'S

12	84
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G. PUBLIC INFORMATION PROJECTS

-	13
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**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

**FY TO
SEP DATE**

A. ENFORCEMENT

1.	New Enforcement Cases Received	4	43
2.	Enforcement Cases Closed	3	39
3.	Enforcement Cases Outstanding	50	50
4.	Enforcement Documents Issued	7	74
5.	Recovered Costs to the General Fund	\$ 903	\$ 10,682
6.	Contributions to the Pollution Recovery Fund	\$ 11,298	\$ 80,678

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	15	192
	a. Facility Permit	3	34
	(i) Types I and II		5
	(ii) Type III	3	29
	b. Collection Systems - General	5	70
	c. Collection systems-Dry Line/Wet Line	7	87
	d. Residuals Disposal	-	1
2.	Permit Applications Approved	14	180
	a. Facility Permit	3	25
	b. Collection Systems - General	4	73
	c. Collection systems-Dry Line/Wet Line	7	81
	d. Residuals Disposal	-	1
3.	Permit Applications Recommended for Disapproval	-	1
	a. Facility Permit	-	-
	b. Collection Systems - General	-	1
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
4.	Permit Applications (Non-Delegated)	-	2
	a. Recommended for Approval	-	2
5.	Permits Withdrawn	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
6.	Permit Applications Outstanding	42	42
	a. Facility Permit	17	17
	b. Collection Systems - General	4	4
	c. Collection systems-Dry Line/Wet Line	21	21
	d. Residuals Disposal	-	-
7.	Permit Determination	4	29

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	SEP	FY TO DATE
8. Special Project Reviews	-	1
a. Reuse	-	-
b. Residuals/AUPs	-	1
c. Others	-	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	15	154
a. Inspection (CEI)	1	57
b. Sampling Inspection (CSI)	14	93
c. Toxics Sampling Inspection (XSI)	-	4
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	71	690
a. Inspection (RI)	14	130
b. Sample Inspection (SRI)	-	7
c. Complaint Inspection (CRI)	57	545
d. Enforcement Inspection (ERI)	-	8
3. Engineering Inspections	30	368
a. Reconnaissance Inspection (RI)	3	18
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	4
d. Preconstruction Inspection (PCI)	4	43
e. Post Construction Inspection (XCI)	23	303
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	1	28
a. Facility Permit	-	21
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	-	21
b. General Permit	-	1
c. Preliminary Design Report	1	6
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	1	6
2. Permits Recommended to DEP for Approval	-	-

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	SEP	FY TO DATE
3. Special Project Reviews	1	18
a. Facility Permit	1	17
b. General Permit	-	1
4. Permitting Determination	-	-
5. Special Project Reviews	35	437
a. Phosphate	8	79
b. Industrial Wastewater	18	170
c. Others	9	188

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	30	146
a. Inspection (CEI)	15	131
b. Sampling Inspection (CSI)	15	15
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	16	174
a. Inspection (RI)	7	78
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	8	95
d. Enforcement Inspection (ERI)	1	1
3. Engineering Inspections (Total)	1	68
a. Compliance Evaluation (CEI)	1	65
b. Sampling Inspection (CSI)	-	-
c. Performance Audit Inspection (PAI)	-	-
d. Complaint Inspection (CRI)	-	3
e. Enforcement Reconnaissance Inspections (ERI)	-	-

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints	50	661
a. Domestic	39	529
(i) Received	20	234
(ii) Closed	19	295
b. Industrial	11	132
(i) Received	5	66
(ii) Closed	6	66

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	SEP	FY TO DATE
2. Warning Notices	13	189
a. Domestic	10	154
(i) Received	6	93
(ii) Closed	4	61
b. Industrial	3	35
(i) Received	1	20
(ii) Closed	2	15
3. Non-Compliance Advisory Letters	22	206
4. Environmental Compliance Reviews	147	1,989
a. Industrial	47	612
b. Domestic	100	1,377
5. Special Project Reviews	1	10

G. RECORD REVIEWS

1. Permitting Determination	8	67
2. Enforcement	2	10

**H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS
REVIEWED (LAB)**

1. Air division	50	645
2. Waste Division	-	1
3. Water Division	41	275
4. Wetlands Division	-	1
5. ERM Division	203	1,863
6. Biomonitoring Reports	13	84
7. Outside Agency	27	328

I. SPECIAL PROJECT REVIEWS

		87
1. DRIs	-	27
2. ARs	-	8
3. Technical Support	6	44
4. Other	-	8

**FY 09 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

**FY TO
SEP DATE**

ASSESSMENT REPORT

Agriculture Exemption Report

# Agricultural Exemptions Reviews	-	1
# Isolated Wetlands Impacted	-	3
# Acres of Isolated Wetlands Impacted	-	0.34
# Isolated Wetlands qualify for Mitigation Exemption	-	3
# Acres of Wetlands qualify for Mitigation Exemption	-	0.34

PGMD Reviews Performance Report

# of Reviews	55	997
Timeframes Met	100%	99%
Year to Date		91%

Formal Wetland Delineation Surveys

Projects	9	131
Total Acres	69	1,926
Total Wetland Acres	14	391
# Isolated Wetlands < 1/2 Acre	8	53
Isolated Wetland Acreage	0.97	10.11

Construction Plans Approved

Projects	15	203
Total Wetland Acres	18	552
#Isolated Wetlands < 1/2 Acre	1	65
Isolated Wetland Acreage	0.23	14.09
Impacts Approved Acreage	0.1	6.01
Impacts Exempt Acreage	0.1	5.96

Mitigation Sites in Compliance

Ratio	194/204	194/204
Percentage	95%	95%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	3.88	17.06
Acreage of Wtaer Quality Impacts	0.10	2.80
Acreage Restored	4.48	16.68

General

Telephone Conferences	656	7,675
Scheduled Meetings	190	2,325
Unscheduled Citizen Assistance	338	2,221

REVIEW TIMES

# of Reviews	201	3,030
% On Time	98%	98%
% Late	2%	2%

**FY 09 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

FY TO
SEP DATE

A. General

1.	Telephone conferences	656	8,105
2.	Unscheduled Citizen Assistance	338	2,266
3.	Scheduled Meetings	190	2,516
4.	Correspondence	1,281	9,579
1/ 5.	Intergency Coordination	49	262
1/ 6.	Trainings	7	109
1/ 7.	Public Outreach/Education	-	6
1/ 8.	Quality Control	14	95

B. Assessment Reviews

1.	Wetland Delineations	17	222
2.	Surveys	14	191
3.	Miscellaneous Activities in Wetland	15	299
4.	Mangrove	3	59
5.	Notice of Exemption	1	25
6.	Impact/Mitigation Proposal	18	203
7.	Tampa Port Authority Permit Applications	40	518
8.	Wastewater Treatment Plants (FDEP)	-	3
9.	Development Regn'l Impact (DRI) Annual Report	-	27
10.	On-Site Visits	93	1,165
11.	Phosphate Mining	-	33
12.	Comp Plan Amendment (CPA)	-	16
1/ 13.	AG SWM		4
	Sub-Total	201	2,765

Planning and Growth Management Review

14.	Land Alteration/Landscaping	1	23
15.	Land Excavation	1	7
16.	Rezoning Reviews	9	157
17.	Site Development	35	346
18.	Subdivision	12	159
19.	Wetland Setback Encroachment	4	46
20.	Easement/Access-Vacating	-	13
21.	Pre-Applications	11	192
1/ 22.	Agriculture Exemption	-	6
	Sub-Total	73	949
	Total Assessment Review Activities	274	3,714

**FY 09 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

FY TO
SEP DATE

C. Investigation and Compliance

	1. Warning Notices Issued	11	114
	2. Warning Notices Closed	8	61
1/	3. Complaints Closed	43	201
	4. Complaint Inspections	49	507
	5. Return Compliance Inspections for Open Cases	42	401
	6. Mitigation Monitoring Reports	25	394
	7. Mitigation Compliance Inspections	39	361
	8. Erosion Control Inspections	15	267
	9. MAIW Compliance Site Inspections	-	176
	10. TPA Compliance Site Inspections	-	24
2/	11. Mangrove Compliance Site Inspections	-	2
1/	12. Conservation Easement Inspection	3	9

D. Enforcement

	1. Active Cases	19	19
	2. Legal Cases	-	-
	3. Number of "Notice of Intent to Initiate Enforcement"	3	18
	4. Number of Citations Issued	-	2
	5. Number of Consent Orders Signed	5	43
	6. Administrative - Civil Cases Closed	4	45
	7. Cases Referred to Legal Department	-	3
	8. Contributions to Pollution Recovery	\$ 450	\$ 101,821
	9. Enforcement Costs Collected	\$ 379	\$ 12,853

E. Ombudsman

	1. Agriculture	7	47
	2. Permitting Process & Rule Assistance	1	14
	3. Staff Assistance	-	91
	4. Citizen Assistance	5	15

1/ Reported activity beginning with April 2009.

2/ Reported activity beginning with May 2009.

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ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 09/30/09

	As of 9/30/09
Beginning Fund Balance, 10/01/08	\$ 908,910
Interest Accrued	50,268
Deposits	257,765
Disbursements	(254,098)
Intrafund Budget Transfers to Project Fund	(443,301)
Intrafund Budget Transfers from Project Fund	34,233
Pollution Recovery Fund Balance	\$ 553,777
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 2,263
Artificial Reef Program	23,193
PRF Project Outreach	16,877
PRF Project Monitoring	(243)
Total Encumbrances	\$ 42,090
Minimum Balance (Reserves)	\$ 120,000
Balance Available 09/30/09	\$ 391,687

PROJECT FUND	Project Amount	Project Balance
Open Projects		
FY 06 Projects		
COT Parks Dept/Cypress Point (97)	\$ 100,000	\$ 100,000
Bahia Beach Restoration (contract 04-03)	150,000	55,657
Field Measurement for Wave Energy	125,000	-
Port of Tampa Stormwater Improvement	45,000	-
	\$ 450,000	\$ 155,657
FY 07 Projects		
Tank Removal	\$ 25,000	\$ 1,570
Agriculture Best Management Practice Impl	150,000	100,857
Lake Thonotosassa Assessment	75,000	75,000
Natures Classroom Cap, PH III	188,000	-
Pollution Monitoring Appl Pilot Project	45,150	6,773
Seagrass & Longshore Bar Recovery	75,000	30
Seawall Removal Cotanchobee Ft Brooke Park	100,000	100,000
Knights Preserve	35,235	-
Oyster Reef Shore/Stab & Enhance	30,000	35
Nitrogen Emission/Deposition Ratios, Air Pollution	40,906	5,867
Erosion Control/Oyster Bar Habitat Creation	75,000	62,500
Remediation of Illegally Dumped Asbestos	4,486	4,486
	\$ 843,777	\$ 357,118
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	\$ 80,000	\$ 80,000
Restoration of MOSI	125,000	65,208
Invasive Plant Removal Egmont Key	133,000	12,415
Lake Magdalene Special Disposition District	66,954	18,879
Testing Reduction of TMDL in Surface Water Flow	19,694	12,777
Assessing Bacteria Lake Carroll	101,962	11,080
	\$ 526,610	\$ 200,359
FY 09 Projects		
Agriculture Pesticide Collection & Education Day	\$ 24,000	\$ 8,860
Agriscience, Food & Natural Resources Department	2,275	2,275
Great American Cleanup 2009	12,830	12,830
MacDill Phase 2 Seagrass Transplanting	79,196	41,620
McKay Bay Sediment Quality	55,000	55,000
Mini FARMS BMP Implementation	50,000	50,000
Petrol Mart, Inc Tank Removal	75,000	75,000
Site Assessment & Removal of Contaminated Soils	25,000	25,000
Wetland Restoration on County Owned Lands	120,000	120,000
	\$ 443,301	\$ 390,585

**ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF 09/30/09**

Fund Balance as of 10/1/08	\$ 241,187
Interest Accrued	5,552
Disbursements FY 09	-
Fund Balance	\$ 246,739
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	246,739
Total Encumbrances	\$ 246,739
Fund Balance Available 09/30/09	\$ -

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

JULY- AUGUST 2009 QUARTERLY SURVEY CARD RESULTS

Ratings are on a scale of one to five, where 5 is Excellent and 1 is Poor.

Division		Prompt Service	Profess'al Courteous	Concerns Addressed	Easy to find Person	EPC Rules Easy	EPC Website Friendly	Overall Satisf
Air	1 SURVEY CARDS - TOTAL POINTS	1.0	n/a	1.0	n/a	4.0	4.0	1.0
	AVERAGE	1.0	n/a	1.0	n/a	4.0	4.0	1.0
	Comments: <i>I reported a neaby neighbors LOUD POOL PUMP 1 week ago and it is STILL as loud as ever from the hours of 10:15am-5:15pm EVERYDAY. It drives the side, front and rear neighbors NUTS!! Your dept. has not nothing to date. I am very disappointed. The complaint address was at: "2011" Green Juniper LN Brandon FL 33511 (Providence Lakes @ Peppermill) Subdivision... My name is Grace Austin and I live about FOUR houses away and still hear the AWFUL POOL Pump NOISE daily...do something...I am very disappointed with the EPC :(Per your site they are breaking a city ordinance!!! No need to Reply, just do something!</i>							
Waste	2 SURVEY CARDS - TOTAL POINTS	9.0	9.0	9.0	9.0	9.0	4.0	9.0
	AVERAGE	4.5	4.5	4.5	4.5	4.5	4.0	4.5
	Comments: <i>n/a</i> <i>n/a</i>							
Water	1 SURVEY CARDS - TOTAL POINTS	5.0	5.0	5.0	5.0	5.0	5.0	5.0
	AVERAGE	5.0	5.0	5.0	5.0	5.0	5.0	5.0
	Comments: <i>I E mailed the Environment Protection Commission for the State of Florida with great concerns within my Community. When contacted by the State they informed me that Hillsborough County has jurisdiction and will be contacting me shortly. Within one hour of that call, Mr. Jeffrey R. Sklut phoned me and took all of my information. He made an appointment around my busy schedule the following day, and came out to my community and listened, inspected, observed, and also had to put up with a lot of grief from selected residents. At all times Mr. Sklut remained professional, courteous, answered all questions regardless of the tone and/or attitude of the residents. He introduced himself with a handshake and his business card, and explained everything multiple times. You have a fine employee with Mr. Sklut and an asset to your department, this is one County Employee that deserves a ♦Job Well Done ♦from his supervisors. Warmest Regards, Deborah Stasiak</i>							
Wetlands	2 SURVEY CARDS - TOTAL POINTS	10.0	10.0	10.0	10.0	7.0	8.0	10.0
	AVERAGE	5.0	5.0	5.0	5.0	3.5	4.0	5.0
	Comments: <i>n/a</i> <i>Wendy and Dena were very helpful and professional</i>							
	6 CARDS TOTAL EPC AVERAGE	4.2	4.8	4.2	4.8	4.2	4.2	4.2

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 15, 2009

Subject: Legal Case Summary for October 2009

Consent Agenda X **Regular Agenda** **Public Hearing**

Division: Legal Department

Recommendation: None, informational update.

Brief Summary: The EPC Legal Department provides a monthly list of all its pending civil matters, administrative matters, and cases that parties have asked for additional time to file an administrative challenge.

Financial Impact: No financial impact anticipated; informational update only.

Background: In an effort to provide the Commission a timely list of legal challenges, the EPC staff provides monthly updates. The updates not only can inform the Commission of pending litigation, but may be a tool to check for any conflicts they may have. The summaries generally detail civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed to other Legal Department cases that have not risen to that level. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they wish to file an administrative challenge to an agency action while we concurrently are attempting to negotiate a settlement.

List of Attachments: **October 2009 EPC Legal Case Summary**

**EPC LEGAL DEPARTMENT MONTHLY REPORT
October 2009**

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [5]

Florida Gas Transmission Co., LLC [LEPC08-029]: On October 31, 2008 Florida Gas Transmission Company, LLC filed an application for an order granting a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline and compression facilities and to acquire pipeline facilities. On November 13, 2008 the EPC Board granted the Legal Dept. authority to intervene in the FERC certification process to protect the interests of Hillsborough County's environment. The EPC filed its motion to intervene on November 26, 2008. A draft Environmental Impact Statement (EIS) was issued by FERC and the EPC provided comments on the draft in early June 2009. The final EIS should be issued by September 18. (RT/RM).

Martini Island Land Co. [LEPC07-023]: On August 29, 2007, the Appellant filed a request for an extension of time to file an appeal to challenge a Citation to Cease and Order to Correct that was issued by the Water Mgmt Division. The request was granted and the Appellant had until September 21, 2007 to file an appeal. On Sept. 21, 2007 the Appellant did file an Appeal challenging the Citation to Cease and Order to Correct. The parties are negotiating and the facility is going through foreclosure. (RM)

Michael and Jemimah Ruhala v. DEP and EPC [LEPC08-012]: On May 16, 2008, the Ruhalas filed Chp. 120 petitions against two wastewater treatment permits the DEP Parks Department requested and received modifications on for an expanded effluent sprayfield system at the Hillsborough River State Park. The parties conducted settlement negotiations twice in June and the DEP is investigating reasonable modifications. The parties placed the case in a brief abeyance in an effort to seek settlement. (RM)

Evelyn Romano et al. v. EPC and City of Tampa [LEPC09-005]: On March 7, 2009 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a wetland impact approval and mitigation agreement. The Legal Department granted the request and the Appellant has until April 30, 2009 to file an appeal in this matter. On April 27, 2009 the Appellant filed a Notice of Appeal and the matter has been transferred to a Hearing Officer to conduct an administrative hearing. The parties conducted a case management conference and set the final hearing date in this matter for December 10, 2009. The parties are proceeding with the administrative appeal. (AZ)

Vertis, Inc. [LEPC09-009]: On April 22, 2009 Vertis, Inc. filed a Petition for Administrative Hearing to challenge Operating Permit #0570254-022-AF for its facility located at 4646 S. Grady Avenue in Tampa. The parties are negotiating. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [0]

EXISTING CIVIL CASES [14]

Phillips & Munzel Oil Co., Inc. Robert G. Phillips, Individually, and Clyde W. Munzel Individually [LEPC09-003]: On February 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of the EPC Act, Chapter 1-7, EPC Rules and Chapter 62-770, FAC. Citations of Violation were issued on June 25, 2008, the Respondents failed to appeal the citations and they became final orders of the Agency enforceable in Court. The violations have not been corrected. (AZ)

Michael Robilotta [LEPC08-032]: On December 18, 2008 the EPC Board granted authority to take legal action against Respondent Michael Robilotta, owner and operator of the Old Estates Mobile Home Park, for violations of the EPC Act and EPC Rules Chapter 1-1, General Rules and Chapter 1-5, Water Pollution. Respondent failed to respond to the Citation issued on September 15, 2008 and also failed to respond to the Consent Order offered on November 3, 2008. The Citation became final and is enforceable in Circuit Court. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. Due to lack of response the Clerk's office entered a default against Robilotta on May 7, 2009. (RM)

Fuego Churrascaria Steakhouse Corp. [LEPC08-027]: On November 13, 2008, the EPC Board granted authority to take legal action against Respondent Fuego Churrascaria Steakhouse Corp. for violations of the Noise Rule, Chapter 1-10. On March 18, 2008 staff hand delivered a Citation to Cease and Order to Correct Violation. Respondent failed to respond and the Citation became final and is enforceable in Circuit Court. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. On April 24, 2009, the Clerk of Court granted the EPC's motion for default. The owner has recently entered negotiations with the EPC. (RM)

Realty Group, LLC., SRJ Enterprises, LLC and Surinder Joshi [LEPC08-028]: On November 13, 2008, the EPC Board granted authority to take legal action against the Defendants for unresolved violations of several EPC Rules including the Waste Management Rule, Chapter 1-7, the Storage Tank Rule, Chapter 1-12, and the Water Quality Rule, Chapter 1-5 at the 301 Truck Stop. On April 23, 2009, the EPC Legal Department filed a lawsuit seeking all corrective actions as well as assessment of civil penalties and costs in the matter. The parties are in negotiations concerning a settlement of the matter (AZ)

Grace E. Poole and Michael Rissell [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

Ecoventure New Port I, LLC [LEPC08-006]: Authority to take appropriate legal action against Ecoventure New Port I, LLC for failure to assess petroleum contamination in accordance with EPC and State regulations was granted on March 20, 2008. The property owner is required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

Miley's Radiator Shop [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. (AZ)

Petrol Mart, Inc. [LEPC07-018]: Authority to take appropriate action against Petrol Mart, Inc. to seek corrective action, appropriate penalties and recover administrative costs for improperly abandoned underground storage tanks and failure to address petroleum contamination was granted on June 21, 2007. The owner of the property is insolvent and the corporation inactive; however, the Waste Management Division intends on obtaining a judgment and lien on the property for the appropriate corrective actions. The Legal Department filed a civil lawsuit on September 26, 2007. The defendant was served with the lawsuit on October 12, 2007. The Court entered a default on November 9, 2007 for the Defendant's failure to respond. The EPC Legal Department set this matter for trial on March 26, 2008. The Court ruled in favor of EPC and entered a Default Judgment against the Defendant awarding all corrective actions, penalties of \$116,000 and costs of \$1,780. In the event the corrective actions are not completed the court also authorized the EPC to contract to have the site cleaned and to add those costs to the lien on the property. PRF monies were allocated in November 2008 to assist in remediating the site. (AZ)

Medallion Convenience Stores, Inc. and MDC6, LLC [LEPC07-034]: The Commission granted authority to take appropriate action against Medallion Convenience Stores, Inc. and MDC6, LLC on December 13, 2007 for failure to comply with a consent order. The consent order required the facility to submit a Discharge Report Form for petroleum discharge and submit proof of an N.P.D.E.S. permit for de-watering activities at the site. The EPC is attempting to negotiate a settlement in this matter. (AZ)

Tranzparts, Inc. and Scott Yaslow [LEPC06-012]: Authority was granted on April 20, 2006 to pursue appropriate legal

action against Tranzparts, Inc., Scott Yaslow, and Ernesto and Judith Baizan to enforce the agency requirement that various corrective actions and a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. The EPC entered a judicial settlement (consent final judgment [CFJ]) with Tranzparts and Yaslow only on February 16, 2007. The Defendants have only partially complied with the CFJ, thus the case has been re-opened in the Circuit Court in order to enforce the CFJ and hold the Defendants in contempt. A hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. The Legal Dept. filed a proposed Supplemental Judgment with the Court. The Court entered the Order on May 15, 2008, and the Defendants have yet to pay any supplemental costs or penalties. The EPC has filed for contempt proceedings and additional penalties for ongoing violations of the CFJ. (RM)

Spencer Farms, Inc. [LEPC09-004]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act, Chapter 1-7 EPC Rules and Chapter 62-770, F.A.C. A Citation of Violation was issued on June 27, 2006, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected. (AZ)

2601 Hillsborough, LLC and Charlie Mavros [LEPC09-006]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of various wastewater regulations in Chapters 62-620, 62-660, and 62-4, F.A.C. A Citation of Violation was issued on November 25, 2008, the Respondents failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected and a lawsuit will be filed. (RM)

Hindu Religious Center, Inc. [LEPC09-008] : On April 16, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise Pollution). In September 2008 Respondent and EPC staff entered into a Consent Order to address the violations. Respondent has failed to comply with the corrective measures contained therein and, as a result, continues to violate the EPC noise standards. The Center has begun to modify the facility in an effort to comply with the Consent Order and EPC will evaluate the recent upgrades. The remedies have not been effective, thus the EPC will pursue litigation. (RM)

U.S. Bankruptcy Court in re Jerry A. Lewis [LEPC09-011]: On May 1, 2009 the U.S. Bankruptcy Court Middle District of Florida filed a Notice of Chapter 13 Bankruptcy Case regarding Jerry A. Lewis. On May 26, 2009, the EPC filed a Proof of Claim with the Court. The EPC's basis for the claim is a recorded judgment lien awarded in Civil Court against Mr. Lewis concerning unauthorized disposal of solid waste. (AZ)

RECENTLY RESOLVED CIVIL CASES [0]

C. OTHER OPEN CASES [7]

The following is a list of cases assigned to the EPC Legal Department that are not in litigation, but a party has asked for an extension of time to file for administrative litigation in the hope of negotiating a settlement prior to forwarding the case to a Hearing Officer. The below list may also include waiver or variance requests.

Notice of Intent to Initiate Litigation Against EPC, Billy Williams, Claimant [LEPC05-013]: On April 29, 2005 McCurdy and McCurdy, LLP submitted to EPC a Notice of Intent to Initiate Litigation Against Governmental Entity Re: Hillsborough County Environmental Protection Commission on behalf of Mr. Billy Williams, Claimant, for damages sustained on or about December 15-18, 2003. The Notice alleges that Mr. Williams sustained serious bodily injuries and property damage as the result of EPC's actions and inactions with regard to alleged fugitive emissions released into the air by Coronet Industries. The suit could have been filed October 2005 but has not yet been filed. EPC was not added as a Defendant,, therefore the EPC case has been closed. (RT)

TRANSFLO Terminal Services, Inc. [LEPC09-001]: On January 22, 2009 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit. The Legal Department has granted subsequent requests for extension of time and the Petitioner has until November 25, 2009 to file a petition in this matter. (RM)

GI Entertainment & Restaurant Group LLC [LEPC09-002]: On February 13, 2009 the Appellant (Green Iguana) filed a request for an extension of time to file a Notice of Appeal to challenge a Citation to Cease and Order to Correct Violation issued on February 9, 2009, regarding noise violations. The request was denied and the party has until March 26, 2009, to file an appeal. An appeal was filed on March 13, 2009 and the parties are negotiating. (RM)

OneSteel [LEPC09-010]: On April 30, 2009 the Petitioner (OneSteel) filed a request for an extension of time to challenge draft Air Construction Permit #0571400-001-AC. The request was granted and the Petitioner has until July 14, 2009 to file a petition for administrative hearing. . Subsequently, the Petitioner requested and was granted two additional extensions of time. Currently, the Petitioner has until September 14, 2009 to file a petition in this matter. The disputed issues have been resolved, the permit issued, and the case has been closed. (RM)

OneSteel [LEPC09-013]: On August 27, 2009 Petitioner OneSteel filed a request for an extension of time to challenge draft Air Construction Permit #0571404-001-AC. The disputed issues have been resolved, the permit issued, and the case has been closed. (RM)

Patco Transport, Inc. [LEPC09-012]: On July 2, 2009 the Appellant filed a request for an extension of time to file an Appeal regarding a Citation of Violation that was issued by the EPC on June 9, 2009. The request was granted and the Appellant has until August 31, 2009 to file an appeal in this matter. (AZ)

Separation Technologies LLC[LEPC09-014]: On September 11, 2009 Petitioner Separation Technologies LLC filed a request for an extension of time to challenge draft Air Operating Permit #0571326-003-AO. The request was granted and Petitioner has until November 9, 2009 to file a petition in this matter. (RM)

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 15, 2009

Subject: Public Hearing to Consider an Amendment to Chapter 1-6 (Services-Fee Schedule)

Consent Agenda _____ **Regular Agenda** _____ **Public Hearing** X

Division: Legal and Administrative Services

Recommendation: Conduct a Public Hearing to approve proposed amendment to Chapter 1-6 (Services – Fee Schedule), to be effective November 1, 2009

Brief Summary: Staff has completed a review and analysis of fees to be charged for Tampa Port Authority minor works permit.

Staff presented the recommended changes to Rule 1-6 to CEAC on October 5, 2009. CEAC voted to support the new fee as proposed by staff. In addition, a public workshop was held on September 29, 2009. An announcement of this public hearing to amend the rule was published on October 1, 2009, at least 10 days prior to the scheduled hearing date as required by Chapter 84-446, Laws of Florida.

Financial Impact: It is estimated \$206,500 will be collected for issuance of TPA minor work permits to fully recover costs for EPC staff.

Background:

Pursuant to the Hillsborough County Environmental Protection Act (EPC Act) Section 5.2, the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the EPC Board approve holding a public hearing at its next regularly scheduled meeting on October 15, 2009 to adopt a fee for Tampa Port Authority minor works permits to be effective November 1, 2009.

On September 30, 2007 the EPC Board authorized the Executive Director to enter into an interlocal agreement delegating the Tampa Port Authority (TPA) permitting authority over “minor work permits” to the EPC to streamline permitting and avoid confusion for applicants. The current procedure for Tampa Port Authority (TPA) “minor work permits” is TPA reviews the application and charges \$100, then forwards the application to EPC for an environmental review for an additional charge of \$150. With delegation, EPC does the entire review and issues the TPA minor work permit and collects the total \$250 fee. This eliminates the need for two stops for TPA minor work permit and any confusion by the applicants of where they need to go for a permit.

The Amended and Restated Interlocal Agreement between the TPA and EPC was signed June 23, 2009 assigning delegation for TPA minor work permits to EPC. The agreement provides “[t]he EPC shall collect both the current TPA and EPC permit fees for the EPC Permits it may issue in accordance with the

existing fee schedules until such time as EPC adopts its own fee schedule under its applicable rules.” EPC has completed its own fee study and calculated appropriate fee to fully recover the cost of issuing minor work permits to include the agency’s indirect and overhead costs in addition to Hillsborough County’s indirect cost recovery rate of 18.12%.

Based on an estimated 350 Tampa Port Authority permit applications per year at the proposed fee of \$590.00, total revenues for one year would be \$206,500.00. The 350 estimated permits are based generally on a nine year average of applications submitted.

Summary of Current and Proposed Fees:

Tampa Port Authority (Minor Work Permit)	<u>Current</u>	<u>Proposed (delegated)</u>
Sovereign Land Review (Minor Work Permit)	\$100.00	\$440.00
EPC Environmental Review (Minor Form)	\$150.00	\$100.00
EPC Inspection	n/a	\$ 50.00
Total	\$250.00	\$590.00

List of Attachments:

Draft Chapter 1-6 Services-Fee Schedule

RULE DRAFT dated September 14, 2009
RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY

CHAPTER 1-6
SERVICES-FEE SCHEDULE

- 1-6.01 Declaration and Intent
- 1-6.02 Air Management
- 1-6.03 Waste Management
- 1-6.04 Water Management
- 1-6.05 Wetlands Management
- 1-6.06 Other Miscellaneous Charges
- 1-6.07 Fee Waivers
- 1-6.08 Prohibitions

1-6.01 DECLARATION AND INTENT

It is the intent of the Commission to establish reasonable fees for services performed by the Environmental Protection Commission Director, and his duly authorized agents and employees in the review of applications and other technical materials, in the investigation of cases involving violation of the enabling act and rules promulgated there under, and in the conduct of inspections.

Said fees are for the purpose of defraying expenses incurred by the Environmental Protection Commission in performing professional services necessitated by the actions of others. All funds collected for said services shall become funds of Hillsborough County and shall be deposited in the General Revenue Fund.

1-6.02 AIR MANAGEMENT

A. Stationary source permitting

1. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to full permit delegation from the Florida Department of Environmental Protection (FDEP) except as provided in subsection A.2 below. The fees for the non-delegated facilities are as follows:

- (a) Construction permit for an air pollution source

- (i) New source review or prevention of significant deterioration \$480
- (ii) All others \$960
- (b) Operation permit for an air pollution source for 5 yrs \$1245
 - (i) Minor facility
 - (1) Application review \$795
 - (2) Compliance \$450
 - (ii) Synthetic minor facility \$1645
 - (1) Application review \$795
 - (2) Compliance \$850
 - (iii) Major facility \$2645
 - (1) Application review \$795
 - (2) Compliance \$1850
- (c) Revise an air pollution source permit \$380
- (d) Transfer of ownership, name change, and extension of expiration date for each air permit \$45

2. Air permits being reviewed and processed pursuant to full permit delegation from FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C., as summarized below, and shared with FDEP as agreed.

- (a) Construction permits
 - (i) Source with PSD or NAA, 100 tons/yr or more \$750
 - (ii) Source without PSD or NAA, 100 tons/yr or more \$5000
 - (iii) Source 50 tons/yr but less than 100 \$4500
 - (iv) Source 25 tons/yr but less than 50 \$2000
 - (v) Source 5 tons/yr but less than 25 \$1000
 - (vi) Source less than 5 tons/yr \$250
 - (vii) Minor modification \$250
 - (viii) Minor modification, original permit fee less than \$30 \$50
 - (ix) Transfer of ownership/permit \$50
 - (x) Time extension on permit \$50
- (b) Operation permits
 - (i) Major source no fee
 - (ii) Minor source - stack sample \$1500
 - (iii) Minor source - other source \$1000
 - (iv) Minor source - no sample \$750
 - (v) Minor modifications \$250
 - (vi) Transfer of permit ownership \$50
 - (vii) Time extension on permit \$50

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(viii) Variable form permitting standards or conditions \$2000

NOTE: Major sources will pay a Title V fee pursuant to Section 62-213 F.A.C. If EPC and DEP have an agreement to share this fee, then no additional fee will be required under this rule. However, if there is no fee sharing agreement, then fees listed in section 1-6.02 A.1. above shall apply for Title V sources.

B. Asbestos notification*

1. Notification for commercial demolition

- (a) For structures less than 50,000 gross sq ft \$200
- (b) For structures 50,000 gross sq ft and greater \$300

2. Notification for asbestos abatement

- (a) Renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos \$300
- (b) Renovation greater than 1000 linear feet or 1000 sq ft \$500
- (c) Annual notifications for facilities where renovation of asbestos containing material is expected to exceed 160 sq ft or 260 linear feet in a calendar year \$500

***There is no fee for courtesy notifications. Courtesy notifications are where a notification for a project is provided by the building owner or his contractor, even though it is not required by rule.**

C. Open burning authorization

- 1. Two (2) acres or less \$400
- 2. Greater than two (2) acres \$600

1-6.03 WASTE MANAGEMENT

A. Solid waste

1. Construction permits

- (a) Class I or class II facility 5 year permit \$3300
 - (i) Application review \$800
 - (ii) Compliance \$2500
- (b) Class III facility - 5 year permit \$2500
 - (i) Application review \$500
 - (ii) Compliance \$2000

(c) Resource recovery/ Incinerator - 5 years \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(d) Construction & demolition debris disposal - 5 year permit \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(e) Waste processing facility - 5 year permit \$2000

- (i) Application review \$500
- (ii) Compliance \$1500

(f) Compost facility - 5 year permit \$2000

- (i) Application review \$500
- (ii) Compliance \$1500

(g) All other solid waste management facilities - 5 years \$2000

- (i) Application review \$500
- (ii) Compliance \$1500

2. Operation permits

(a) Class I or class II facility - 5 year permit \$3100

- (i) Application review \$600
- (ii) Compliance \$2500

(b) Class III facility - 5 year permit \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(c) Resource recovery/ Incinerator - 5 year permit \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(d) Construction & demolition debris disposal - 5 year permit \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(e) Waste processing facility - 5 year permit \$2000

- (i) Application review \$500
- (ii) Compliance \$1500

(f) Compost facility - 5 year permit \$2000

- (i) Application review \$500

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(ii) Compliance	\$1500	
(g) All other solid waste management facilities - 5 years		\$2000
(i) Application review	\$500	
(ii) Compliance	\$1500	
3. Closure/long term care permits		
(a) Class I or class II facilities - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(b) Class III facility - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(c) Construction & demolition debris disposal - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(d) All other solid waste management facilities - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
4. Director's Authorization - facilities not otherwise requiring a solid waste permit issued by the FDEP		
(a) Old landfill development-5 year permit		\$2800
(i) Application review	\$800	
(ii) Compliance	\$2000	
(b) Recovered materials processing facility		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	
(c) Yard trash processing facility		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	
(d) One time on site disposal - residential		\$100
(e) All other solid waste management facilities - 5 year permit		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	

5. Modifications

(a) Minor modifications	
(i) Corrections, minor changes which will not involve new work, or new work locations, which will not alter, replace or eliminate permit requirements	\$0
(ii) Transfer, time extension, minor changes which involve new work, or new work locations which will alter, replace or eliminate permit requirements.	\$100
(b) Substantial modifications shall require the appropriate application review fee in conformance with Section 1-6.03, 1 through 4.	
6. Small quantity hazardous waste generators**	
(a) Annual notification/verification fee	\$40

****NOTE: These Environmental Protection Commission fees will normally be collected by the Hillsborough County Tax Collector.**

B. Storage tanks	
1. Storage tank installation and upgrade plan reviews	\$150

1-6.04 WATER MANAGEMENT

A. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to permit delegation from the FDEP:	
1. Domestic wastewater source permits	
(a) Preliminary design report review	\$2500
(b) Facility permit for 5 years	
(i) Types I & II	\$2940
(a) Application review	\$1850
(b) Compliance activities	\$1090
(ii) Type III	\$930
(a) Application review	\$380
(b) Compliance activities	\$550
(c) Permit modifications	
(i) Minor modification involving	\$750

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construction activity		(a) New and expansion	\$870
(ii) Substantial modification	\$1750	(b) Extension and renewal	\$650
(d) Residual site application	\$1445		
2. Collection systems		*2. Rezoning application	\$300
(a) General permit		*3. Subdivision applications	
(i) Less than 10 EDU	\$230	(a) Preliminary	\$370
(ii) 10 or more EDU	\$460	(b) Master plan	\$750
(a) Application review	\$230	(c) Construction	\$490
(b) Compliance (10 or more EDU)	\$230	(d) Final plat	\$200
(b) Standard permit		(e) Minor subdivision plans	\$230
(i) Less than 10 EDU	\$270	(f) As-build verification	\$300
(ii) 10 or more EDU	\$500		
(a) Application review	\$270	*4 Tampa Port Authority (TPA)	
(b) Compliance	\$230	(a) <u>Delegated Minor Work Permit form</u>	<u>\$590-\$150</u>
		(b) Standard form	\$300
		(b) <u>EPC Minor Work Permit Revision</u>	<u>\$.75</u>
3. Industrial wastewater source permits		(c) <u>TPA Permit</u>	
(a) Preliminary design report		(i) <u>Minor Work Permit Environmental and Compliance Review (fee collected by TPA)</u>	<u>\$150</u>
(i) Major facility	\$2500	(ii) <u>Standard Work Permit Environmental and Compliance Review (fee collected by TPA)</u>	<u>\$300</u>
(ii) Minor facility	\$1000		
(b) Facility permit for 5 years		*5. Phosphate mining	
(i) Minor facility	\$1000	(a) Annual review and inspection	
(ii) Major facility	\$3000	(b) Unit review and reclamation	\$375
(a) Application review	\$2455	(c) Bimonthly inspections (6 per year)	\$3500
(b) Compliance activities	\$545	(d) Administrative Review	\$310
(c) General permits	\$275	(e) Land Alteration	\$100
(d) Permit modifications		(f) Amendments to Mining/ Reclamation	\$500
(i) Minor modification involving construction activity	\$750	(i) Changes within the mining unit	
(ii) Substantial modification	\$1750	(ii) Addition of adjacent acreage	\$1000
4. EPC authorization for facilities not requiring a FDEP permit which may discharge pollutants or contaminants into waters of the county	\$2200		***
		*6. Development of regional impact	\$1200
B. Water permits being reviewed and processed by the Commission pursuant to permit delegation from the FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C., although the compliance fees above may also apply as appropriate.		*7. Commercial site development application	\$500
		*8. Natural Resources	\$270
1-6.05 WETLANDS AND WATERSHED MANAGEMENT		*9. Miscellaneous activities in wetlands	
*1. Land excavation permits		(a) Nuisance species removal	

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	(b) Dock, boardwalks, riprap, etc.	No fee \$150	(i) Review (ii) 11 monitoring reports	\$2500 \$2475
10.	Wetland delineation		(e) Professional Mangrove Trimmer	
	(a) Less than 250 L.F		fee per Ch. 1-14.08	
	(b) 250 L.F. or greater	\$150 \$150 + .20 L.F	First time registration fee	\$50
			Annual renewal fee	\$25
11.	Wetland mitigation			
	(a) Single family homes (review and monitoring reports)			*Denotes EPC Fees collected by the Planning and Growth Management Department for EPC.
	(i) Review	\$850		**Only this subsection of Rule 1-6.05.11 applies if the application contains a request for authorization to impact both forested and herbaceous wetlands.
	(ii) 7 monitoring reports	\$500		***Minimum \$500 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mining unit divided by 2500, multiplied by the fee required by Rule 1-6.05.5(b)
**	(b) Commercial/subdivision-forested	\$350		****Minimum \$700 or Straight Line Pro-Rata, Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mitigation application divided by 2500, multiplied by the fee required by Rule 1-6.05.11(b) or (c), as applicable.
	(i) Review			
	(ii) 11 monitoring reports	\$2500		
	(c) Commercial/subdivision - herbaceous	\$2475		
	(i) Review	\$4075		
	(ii) 7 monitoring reports	\$2500		
	(d) Agricultural - Forested	\$1575		
	(i) Review	\$1050		
	(ii) Monitoring	\$500		
	(e) Agricultural - Herbaceous	\$550		
	(i) Review	\$850		
	(ii) Monitoring	\$500		
	(f) Amendment to mitigation plan	\$350		
	(i) Changes in configuration/ location			
	(ii) Changes in elevations/ planting scheme	\$500		
	(g) Phosphate mining within a previously approved mitigation application	\$100		
	(i) Addition of adjacent area or additional wetland impact request			
12.	Mangrove Trimming and Alteration			
	(a) Trimming permit per Ch. 1-14.06	\$225		1.6.05 (5)(d) Administrative Review - shall include applications that, regardless of whether the proposed activity is within an approved Mining Unit, do not (1) request authorization for wetland impacts; (2) require a field inspection; (3) necessitate an engineering review within the Wetlands Division; or (4) request any substantive modifications to an existing approval. For the purposes of this rule, non-substantive modifications shall include the following: modification of an approved mining schedule; modification of an approved reclamation schedule; transfer of permits; and transportation related modifications.
	(b) Compliance / monitoring fee for staged trimming for each trim event	\$50		
	(c) Other Trimming and Alteration permit Single family	\$1,050		1.6.05 (5)(e) Land Alteration - shall include applications that, regardless of whether the proposed activity is within an approved Mining Unit: (1) do not request authorization for wetland impacts; and (2) may necessitate an engineering review within the Wetlands Division. This type of application shall include, but not limited to, the following: authorization to construct or expand access and utility corridors; applications to site settling ponds.
	(i) Review	\$500		
	(ii) 11 monitoring reports	\$550		
	(d) Other Trimming and Alteration permit Commercial / subdivision	\$4,975		Section History -- amended February 16, 2006

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1-6.06 OTHER MISCELLANEOUS CHARGES

- 1. Enforcement Costs \$50/hr
- 2. Data Processing Data Analysis \$50/hr
- 3. Certification of Copies \$1/pg
- 4. Copies .15/pg

Amended 07/10/90
Amended 08/22/90
Effective 10/01/90
Amended 05/22/91
Amended 09/25/91
Amended 11/05/91
Amended 3/24/93
Amended 5/26/93
Amended 1/25/95
Amended 8/21/97
Amended 9/17/98
Amended 6/12/03
Effective 10/01/03
Amended 2/16/06
Effective 2/24/06

1-6.07 FEE WAIVERS

- 1. Executive Director may waive the appropriate application fee in cases of financial hardship.
- 2. The Executive Director may modify or waive an application fee in circumstances where unfairness would otherwise be the result.

1-6.08 PROHIBITIONS

The fees listed in Sections 1-6.02 through 1-6.05 are due and payable upon submission of a request, application or notification. Whenever a request application or notification is submitted without the required fee, receipt shall be acknowledged and the request, application or notification shall be immediately returned with attachments; no further action shall be taken until the appropriate fees are submitted along with the supporting documents. It shall be a violation to fail to pay a required fee.

[**Publisher's Note:** EPC charges for development and rezoning applications may be submitted to appropriate governmental entities where the review process has been coordinated with EPC]

ADOPTED 2/28/85
Effective 03/15/85
Amended 02/28/86
Amended 12/11/86
Amended 01/13/88
Amended 02/28/90
Effective 04/01/90

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: 10/22/09

Subject: Proclamation declaring the week of November 1, 2009 as "*Brownfield Redevelopment Week*" in Hillsborough County.

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Waste Division

Recommendation: In favor of proclamation.

Brief Summary: The 12th Annual Florida Brownfields Conference "*Finding Green in the New Economy*" is being held in Tampa November 1-4, 2009. Commissioner Higginbotham will be welcoming participants to Hillsborough County.

Financial Impact: No Financial Impact

Background: The 12th Annual Florida Brownfields Conference is being held in Tampa November 1-4, 2009 at the Tampa Hyatt Regency. The conference will be highlighting brownfield redevelopment in Hillsborough County, including boat tours to Tampa Heights and the Port of Tampa, walking tours of Channelside, and a reception at the new Tampa Bay History Center.

The Florida Brownfields Association sponsors this conference, providing opportunities for national, state, and local regulators, the regulated community, and community members to meet, providing an opportunity for the advancement of brownfield redevelopment through collaborative efforts. Through activities such as this annual conference, community workshops, and other outreach, the FBA has become a model for other state brownfield organizations. Notably, one day of this conference is set aside as "Community Day" to encourage the participation by community leaders and activists from around the state. The FBA, in conjunction with the Goldstein Brownfields Foundation, will be providing scholarships for those who might not otherwise be able to attend.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 15, 2009

Subject: Yard Trash and Processed Yard Trash Guidance Policy Update

Consent Agenda **Regular Agenda** X **Public Hearing**

Division: Waste Management Division

Recommendation:

No staff recommendations. Provided to the Board for informational purposes only.

Brief Summary:

Staff are providing an informational update related to the development of a material guidance policy that has been crafted in order to establish reasonable and acceptable criteria for the use and reuse of processed yard trash in Hillsborough.

Background:

Based on an apparent need to provide clarification to concerned and affected parties with regard to the regulation of the reuse and disposal of yard trash and processed yard trash in Hillsborough County, the EPC has, in cooperation with other federal, State and local agencies, developed a guidance policy associated with the use, reuse and disposal of yard trash and processes yard trash.

Staff are providing an informational update outlining the activities already undertaken in the development of the guidance policy, a brief overview of the guidance itself, as well as an update pertaining to the steps still planned in the finalization and dissemination of the guidance information.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 15, 2009

Subject: 2009 Pollution Recovery Fund Projects

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Wetlands and Watershed Management

Recommendation: Approve staff and CEAC's recommendations for funding selected Pollution Recovery Fund Projects and authorize EPC Chair to execute agreements with selected parties. See details below.

Brief Summary: The EPC staff and the Citizens Environmental Advisory Committee (CEAC) have been reviewing ten 2009 Pollution Recovery Fund applications since May 2009. After extensive review, the staff and CEAC jointly recommend approving four of the projects as described in the attached project summary. Five of the projects are jointly recommended for denial by staff and CEAC. One project is recommended for approval by staff, but denial by CEAC.

Financial Impact: The financial impact for approving the EPC staff recommended projects would be to reduce the PRF balance available for projects as of August 31, 2009 from \$381,588 to \$102,547 thereby approving a total expenditure of \$279,041 for new projects.

Background: EPC staff and CEAC have reviewed the Calendar Year 2009 Pollution Recovery Fund project applications. Each application is reviewed for legal sufficiency (compliance with the EPC Act and Chapter 1-9 Rules of the EPC), technical merit (is the project permitable and is it based on sound scientific knowledge), and financial requirements. A total of ten applications were received this year, all of which were deemed complete and legally sufficient. Both EPC staff and CEAC are jointly recommending approval of 4 projects and denial of 5 of the projects as described in the attached project summary list. One project is recommended for approval by staff, but denial by CEAC.

EPC staff recommends that the Board:

- 1) Approve or Deny the attached projects as recommended by EPC staff
- 2) Authorize the EPC Chair, on a continuing basis, to execute the approved PRF agreements and any amendments to PRF agreements that involve non-material changes or reasonable deadline extensions as may be necessary from time to time. The minor amendments will not involve changes in funding.

List of Attachments: 2009 PRF Project Summary List & 2009 Synopsis of Recommendations

2009 Pollution Recovery Fund Project Summary

Total PRF Funds Available for Projects: \$ 381,588 (As of 8/30/09)

Total PRF Funds Approved for Projects: \$ 204,041 / \$ 279,041

Total Remaining Available for Projects: \$ 177,547 / \$ 102,547

4 Projects Recommended for Approval by both EPC Staff & CEAC

5 Projects Recommended for Denial by both EPC Staff & CEAC

1 Project Recommended for Approval by EPC but Denial by CEAC *

✓ Basis of Review for Borrow Pit Applications

- EPC Staff & CEAC Recommend Approval for \$68,160 (CEAC Vote 13-0-0)
- This project will help develop more current scientific knowledge to aid staff with reviews.
- Emphasis will be placed on technical criteria needed to review potential borrow pit impacts.

✓ Effects of Restoration on Use of Habitat by Neo-tropical Migratory Songbirds

- EPC Staff & CEAC Recommend Approval for \$84,081 (CEAC Vote 11-0-2)
- This project builds on existing data related to migratory birds' use of coastal upland habitats.
- Project will restore 5 acres of habitat in Cockroach Bay and develop useful restoration techniques for future projects in Tampa Bay.

✓ Artificial Wetland Cells

- EPC Staff & CEAC Recommend Approval for \$5,500 (CEAC Vote 13-0-0)
- Project will create and deploy several floating vegetated islands in lakes and ponds.
- The islands will provide nutrient uptake, wildlife habitat, and aesthetic benefits.

✓ East Lake Watershed: A Student-led Action Plan to Improve Water Quality

- EPC Staff & CEAC Recommend Approval for \$46,300 (CEAC Vote 13-0-0)
- This project is focused on student-driven environmental management and education.
- Students will monitor water quality, stormwater impacts, and develop a management plan.

- X Agriculture Best Management Practice Implementation Project
- EPC Staff & CEAC Recommend Denial (\$150,000) (CEAC Vote 11-1-1)
 - This is a continuation of an existing statewide initiative for another 3 year period
 - The existing project has not fully used its current funding and has doubled state and federal match

- X Nutrient Input Reduction into Tampa Bay Using Vegetative Buffer Zones
- EPC Staff & CEAC Recommend Denial (\$50,000) (CEAC Vote 12-0-1)
 - Little new information would be gained about nutrient uptake benefits of planted shorelines
 - The amount of shoreline planted and actual environmental benefit would likely be minimal

- X Constructing a Rain Garden to Reduce Stormwater Runoff
- EPC Staff & CEAC Recommend Denial (\$49,618) (CEAC Vote 12-0-1)
 - The project focuses on the USF campus and would have minimal county-wide impact
 - Implies funds would be used to meet already required MS4 & NPDES requirements

- X Pilot Project for Outfall Water Quality in Lake Magdalene
- EPC Staff & CEAC Recommend Denial (\$92,000) (CEAC Vote 13-0-0)
 - The applicant has a current PRF project in place that is not yet completed
 - There is uncertainty regarding long-term maintenance and permission to use county ROW

- X Tampa Port Authority Stormwater Retrofit Project
- EPC Staff & CEAC Recommend Denial (\$17,000) (CEAC Vote 13-0-0)
 - The project proposes additional work in a previously approved project area
 - There would be minimal additional benefit by adding on to an already completed project

- * Greenhouse Gas Inventory for Hillsborough County Government
- EPC Staff Recommends Approval for \$75,000
 - CEAC Recommends Denial (CEAC Vote 2-10-1)
 - Staff feels that the project will allow the county to update its GHG inventory thus being able to take future action toward implementing greener initiatives with county facilities and vehicles
 - CEAC feels this is an inappropriate use of PRF funding and any such study should be funded by the county itself. CEAC also feels that there are more readily available and less expensive ways of calculating the same data.

2009 Project Requests for Pollution Recovery Funds

A09-01 Agriculture Best Management Practice Implementation Project II

Applicant: **FDACS Office of Agriculture Water Policy**

Project Details Specific objectives of this project are to:

1. Help fund a BMP Implementation team focused on providing guidance to growers/managers for BMP implementation in commercial farms. This team will conduct evaluations of physical features and production practices and then provide recommendations for changes and improved operation and management.
2. Through partnerships, establish demonstrations of unfamiliar BMPs on commercial sites and conduct evaluations of their effectiveness to reduce off-site impacts of farming operations.
3. Provide educational opportunities (workshops, demonstrations, field days, etc.) to demonstrate and discuss BMPs for all levels within the production system, from upper management to laborers.
4. Work with the Hillsborough County Agriculture Partnership to identify new BMPs or improvements to existing BMPs that can result in practical solutions for improving water quality and the sustainability of agricultural production. In addition, the Implementation Team will provide information on the status of BMP implementation to interested agencies and the general public.
5. Review pertinent research relating to BMPs and develop summaries in formats suitable for dissemination to growers.

PRF Request: \$150,000.00

Project Manager: Brian Boman

Total Cost: \$1,865,688.00

Phone: 772-468-3922

EPC Staff Recommendation: **Denial**

- Staff Notes:
- This is a continuation of an existing statewide initiative for another 3 year period
 - The existing project has not fully used its current funding and has doubled state and federal match

CEAC Recommendation **Denial**

CEAC Notes: (CEAC Vote 11-1-1)

A09-02 Nutrient Input Reduction into Tampa Bay by the Supplementation of Vegetative Buffer Zones Along Drainage System Tributaries

Applicant: **University of South Florida, Dept of Integrated Biology**

Project Details The goals of this project are to construct artificial plant communities using dominant native plant species of the appropriate habit and hydric regime along the shores of five tributaries of the Tampa Bay drainage system, which will then be monitored for their effects on water quality and invertebrate community composition. The cost and benefits (i.e. results) of this pilot study will be calculated to determine if this technique provides a cost-effective management and restoration strategy for Tampa Bay.

The objectives of the following proposal are to 1) assess native plant communities along the riparian areas of the Tampa Bay drainage system; 2) use these data to develop species diversity and dominance indices for these native plant communities; 3) establish experimental native plant communities (to serve as natural water filters) using the five most appropriate species (obtained from 1 and 2 above) along small tributaries of the Tampa Bay drainage system and 4) monitor the effects of experimental plant communities on water quality and plant and invertebrate community structure.

PRF Request: \$50,000.00

Project Manager: Peter Stiling

Total Cost: \$75,000.00

Phone: 813-974-3754

EPC Staff Recommendation: **Denial**

- Staff Notes:
- Little new information would be gained about nutrient uptake benefits of planted shorelines
 - The amount of shoreline planted and actual environmental benefit would likely be minimal

CEAC Recommendation **Denial**

CEAC Notes: (CEAC Vote 12-0-1)

2009 Project Requests for Pollution Recovery Funds

A09-03 Constructing a Rain Garden to Reduce Stormwater Runoff Pollutant Loads and Meet National Pollutant Discharge Elimination System Requirements

Applicant: **University of South Florida**

Project Details The rain garden will filter the sediment and nutrients and will mitigate stormwater pollution. It will increase the size of the natural and pervious areas and help reduce pollutant loads to the stormwater system. The project will assist the University of South Florida to meeting NPDES Municipal Separate Stormwater Sewer System (MS4) requirements. The project will also help with the TMDL program in Hillsborough County, specifically for nutrient load reduction from non-point sources to Hillsborough River. The rain garden project will be evaluated according to the following. First, is it meeting the NPDES requirements for stormwater management by USF. Second, the survival of the plants species chosen for the site. This will be done by continuous monitoring and checking the survival rates of the plants. Third, its capacity to filter nutrients. This will be done by taking samples of the water runoff before it enters the rain garden and after it leaves it. Fourth, by tracking the number of visitors to the site and their willingness to adopt this technique to improve water quality on their lands.

PRF Request: \$49,618.00

Project Manager: Kamal Alsharif Ph.D.

Total Cost: \$57,118.00

Phone: 813-974-4883

EPC Staff Recommendation: **Denial**

Staff Notes:

- The project focuses on the USF campus and would have minimal county-wide impact
- Implies funds would be used to meet already required MS4 & NPDES requirements

CEAC Recommendation **Denial**

CEAC Notes: (CEAC Vote 12-0-1)

A09-04 Basis of Review for Borrow Pit Applications

Applicant: **HSW Engineering**

Project Details HSW Engineering, Inc. proposes to prepare an up-to-date manual on how to permit borrow pits and protect the local hydrology. Additionally, they propose to conduct 2 seminars for permit reviewers, developers, and interested citizens regarding the manual and methods developed in this project. These seminars should focus not on processing an EPC permit with the draft BOR, but generally the methodologies to develop a borrow pit without impacting the surrounding natural resources. Finally, they propose to assist the EPC in codifying the manual into a Hillsborough County Ordinance. As rulemaking on this subject is not a current Board mandate, the PRF funds should be used for the other parts of this project if the Board agrees. As described in the application, rulemaking could be a separate part of the project, and not necessarily a part of the PRF project.

PRF Request: \$68,160.00

Project Manager: Dr. Ken Watson

Total Cost: \$78,000.00

Phone: 813-968-7722

EPC Staff Recommendation: **Approve**

Staff Notes:

- This project will help develop more current scientific knowledge to aid staff with reviews.
- Emphasis will be placed on technical criteria needed to review potential borrow pit impacts.

CEAC Recommendation **Approve**

CEAC Notes: (CEAC Vote 13-0-0)

2009 Project Requests for Pollution Recovery Funds

A09-05 Effects of Restoration on Use of Habitat by Neo-Tropical Migratory Songbirds

Applicant: **Quest Ecology**

Project Details Loss of native habitat has contributed to the decline of nearly two-thirds of all migratory birds. No research has currently been completed on the use of restored or created habitats by migratory songbirds. The planned result of this restoration is to provide optimal stopover habitat for migratory songbirds whose populations have declined, some as much as 75%, but that are not listed under the Endangered Species Act. Quest Ecology Inc., in association with Hillsborough County Parks and Recreation, Natural Resources Division, and Audubon of Florida, has established a long-term monitoring program at Cockroach Bay Aquatic Preserve. Commencing in the Spring of 2007, Quest Ecology's Avian Ecologist, Lauren Deaner, with the assistance of volunteers, has been banding neo-tropical migratory songbirds during spring and fall migration. Spring of 2007 and fall of 2007 were partially funded by grants from the Tampa Port Authority (Sovereign Lands Program) and the Tampa Bay Estuary Program (Mini-grant Program) respectively. Spring 2008, Fall 2008, and Spring 2009 have all been self-funded by Quest Ecology Inc. The project has been well-received by the community.

PRF Request: \$84,081.00

Project Manager: Lauren Deaner

Total Cost: \$162,472.69

Phone: 813-642-0799

EPC Staff Recommendation: **Approve**

Staff Notes:

- This project builds on existing data related to migratory birds' use of coastal upland habitats.
- Project will restore 5 acres of habitat in Cockroach Bay and develop useful restoration techniques for future projects in Tampa Bay.

CEAC Recommendation **Approve**

CEAC Notes: (CEAC Vote 11-0-2)

A09-06 Artificial Wetland Cells

Applicant: **Logan Gate Village Special Dependent District**

Project Details Project Narrative:

A. Objectives of this project are to create 20 artificial wetland cells in the form of 32 square foot floating islands that will accomplish the following environmental objectives:

1). Form a man-made natural habitat of plants to generate the uptake of nitrogen and excess nutrients from detention ponds.

2). Once the artificial wetlands are established, they will form the host for the entire food chain starting with beneficial bacteria that will begin converting nitrogen into nitrite and ammonia for consumption or release into the atmosphere, further removing nitrogen from the ponds.

B. Benefits expected are improved water quality in detention ponds. With the reduction of nutrients in the water, the pond will no longer be a host for excessive growth of phytoplankton and algae. Once the beneficial bacteria become abundant due to the increased presence of oxygen, from the plants root systems, algae will begin to accumulate on the plants roots. The fish will harvest the new algae growth helping to keep its population in check and improving the habitat for fish. As the summer rains continue to flush the watershed of excess nutrients, the artificial wetland cells will also continue absorption through uptake and bacteria consumption. Outflow of the detention ponds will now be much cleaner thereby fostering better water quality further down the flow to streams, rivers, lakes and onto the bay.

C. General Project Information. Early retention/detention ponds were built without a littoral shelf along the banks of the ponds. The littoral shelf forms wetlands where plants can take root and help consume excess nutrients. Today we are unable to add wetlands to these ponds because land area is not available to convert to wetlands. This project creates wetland areas on the surface of the pond. This active wetland project will be observed quarterly. Photographs will be taken of the growth and habitat activities. Upon approval of this grant, the months preceding the availability of funds, sampling of nitrogen, algae, water clarity dissolved oxygen and ph will begin and then continue after the islands are fielded. After about two years of study, the effectiveness of the islands can then be evaluated.

PRF Request: \$5,500.00

Project Manager: Don Hardy

Total Cost: \$6,200.00

Phone: 813-918-1566

EPC Staff Recommendation: **Approve**

Staff Notes:

- Project will create and deploy several floating vegetated islands in lakes and ponds.
- The islands will provide nutrient uptake, wildlife habitat, and aesthetic benefits.

CEAC Recommendation **Approve**

CEAC Notes: (CEAC Vote 13-0-0)

2009 Project Requests for Pollution Recovery Funds

A09-07 Pilot Project for Outfall Water Quality in Lake Magdalene: Pre & Post Testing

Applicant: **Lake Magdalene Special Dependent District**

Project Details Project Narrative:

Identify the point sources discharging into the lake, collect more water quality data, rank and prioritize the improvements, assess the cost-benefit of the retrofit measures i.e. (CDS units, and/or natural biological treatment systems).

Objectives:

- a) Assist the Principal Investigator in identifying current outfall areas on the lake
- b) Update the stormwater points of entry and choose one that typically represents pollutant runoff into Lake Magdalene
- c) Monitor the nutrient levels coming in points of entry/outfalls
- d) Reduce levels of nutrients and other contaminants in urban stormwater so that concentrations in the discharge at a minimum meet the standards applicable to the water body. Promote proper maintenance of stormwater points of entry/outfalls including installation of CDS units or other sediment/filtration and/or biological treatment devices to capture debris and retard nutrient and fertilizer invasions. This objective is consistent with the lake management plan.
- e) Educating the homeowners to their responsibilities of preventing pollutants going into the lake via lawn care maintenance will be an ongoing objective of this grant.

Results and/or Benefits Expected:

- a) It is the Lake Magdalene Special Dependent District's belief that the lake will be ecologically restored to its natural-system-state prior to the Cherry Creek subdivision (accounting for a minimum of 3-4 points of entry/outfalls for stormwater runoff), Haven Bend roadway, Lake Wilford, Briardale Lane, Shady Shore Drive and Bearss Avenue (accounting for 1-2 points of entry/ outfalls) jettisoned growth and development of North Dale Mabry's Corridor (accounting for a minimum of 2 points of entry/outfalls for stormwater runoff).
- B) Physically, as the hydrilla, cattails and malaleuca are reduced or thinned out, present navigational hazards will be eliminated by increased visibility and submerged malaleuca tree trunks as obstacles will be avoided. The lake ecosystem will benefit wildlife habitats and significantly increase food chains.
- C) The economical and financial benefits will be evidenced by a stable or increased tax base by preserving property values which have shown an increase in assessed values under normal economic conditions in the Bay area.

PRF Request: \$92,000.00

Project Manager: Rick Wagner

Total Cost: \$125,000.00

Phone: 813-695-5490

EPC Staff Recommendation: **Denial**

- Staff Notes:
- The applicant has a current PRF project in place that is not yet completed
 - There is uncertainty regarding long-term maintenance and permission to use county ROW

CEAC Recommendation **Denial**

CEAC Notes: CEAC vote 13-0-0

A09-08 East Lake Watershed: A Student-led Action Plan to Improve Water Quality

Applicant: **Suncoast Earth Force**

Project Details The goal of this project is for students to develop an East Lake Watershed Action Plan that is based on management plans for this area, water quality data from an array of scientific organizations, and both water quality data and land use analysis that these students have collected over an entire year.

Students will gain:

- scientific knowledge including the basics of watershed management from professional scientists
 - how to communicate effectively with homeowners, business owners, and water management professionals
 - leadership skills required to coordinate diverse groups of students and analyze scientific data
- Service-learning is emerging as a critical topic in K-12 schools, higher education, and community organizations that work with youth. This is because students participating in service-learning show improvements in academic achievement, career preparation, feelings of self-efficacy, behavior, attendance, and civic engagement (Dr. J. Folman, Director, Florida Alliance for Student Service, Florida State University).

PRF Request: \$46,300.00

Project Manager: Scott Willis

Total Cost: \$113,821.00

Phone: 727-215-8619

EPC Staff Recommendation: **Approve**

- Staff Notes:
- This project is focused on student-driven environmental management and education.
 - Students will monitor water quality, stormwater impacts, and develop a management plan.

CEAC Recommendation **Approve**

CEAC Notes: (CEAC Vote 13-0-0)

2009 Project Requests for Pollution Recovery Funds

A09-09 Tampa Port Authority Stormwater Retrofit Project

Applicant: **Ecosphere Restoration Institute, Inc.**

Project Details The goals of the project are to improve and enhance stormwater quality, as well as provide additional habitat within the developed area of the Port and demonstrate the effectiveness of the treatment system. The project consists of conducting a stormwater system improvement and enhancement project on the new site located on the Hooker's Point peninsula within the Tampa Port Authority's (TPA's) property. Through a previously conducted GIS study TPA identified a basin that required stormwater retrofit activities and this was installed in March 2009. The requested funds are to finalize the project and monitor the effectiveness of the system plus install additional native plants to improve the water quality for Tampa Bay.

PRF Request: \$17,000.00

Project Manager: Thomas Ries

Total Cost: \$80,000.00

Phone: 813-376-9076

EPC Staff Recommendation: **Denial**

Staff Notes: •The project proposes additional work in a previously approved project area
•There would be minimal additional benefit by adding on to an already completed project

CEAC Recommendation **Denial**

CEAC Notes: CEAC Vote 13-0-0

A09-10 Greenhouse Gas Inventory for the Hillsborough County Government

Applicant: **Hillsborough County Real Estate**

Project Details Project Boundaries

The project is located within Hillsborough County boundaries. County buildings and all operations associated with the facilities are to be included in the GHG Inventory:

1. All County owned buildings.
2. All County owned vehicles.
3. All County activities which emit greenhouse gases, such as the Resource Recovery facility and the SE Landfill.
4. All County owned lands which may sequester carbon and create credits.

Objectives

The objectives of this project are to:

1. Complete an emission inventory of GHGs from Hillsborough County government facilities, lands and activities.
2. Compile a Climate Action Plan.
3. Identify potential reduction projects.
4. Identify carbon offset projects and evaluate their worth. This would be existing offsets as well as potential offsets resulting from some further action.

Results and/or benefits expected

The results and benefits that can be expected from this project are:

1. County will have an updated GHG inventory and Climate Action Plan.
2. County will have a list of projects which would reduce GHG emissions.
3. County will have a list of carbon offset projects both existing and recommended, and their worth.
4. County will have the most economically advantageous strategy in place to address future GHG control mandates from the US EPA.
5. County will be able to conserve energy and reduce their overall operating cost.
6. County will help reduce their dependence on fossil fuels both locally and in a small way on the national level.
7. County will reduce their GHG emissions as the Board directs over time.
8. County will increase their employees and the public's awareness of GHG reduction measures, thus the reductions could expand as individuals make more informed decisions in their personal life.

PRF Request: \$75,000.00

Project Manager: Randy Kildworth

Total Cost: \$75,000.00

Phone: 813-276-8789

EPC Staff Recommendation: **Approve**

Staff Notes: •Staff feels that the project will allow the county to update its GHG inventory thus being able to take future action toward implementing greener initiatives with county facilities and vehicles

CEAC Recommendation **Denial**

CEAC Notes: CEAC Vote 2-10-1 CEAC feels this is an inappropriate use of PRF funding and any such study should be funded by the county itself. CEAC also feels that there are more readily available and less expensive ways of calculating the same data.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 15, 2009

Subject: Fertilizer and Landscape Management Regulation Update

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Wetlands and Watershed Management Division

Recommendation: Informational Report and Board Discussion

Brief Summary: Consistent with Board direction received in May 2009, EPC staff is providing an update on the fertilizer legislation and proposed rulemaking.

Financial Impact: No Financial Impact

Background: After extensive workshops and meetings, the Tampa Bay Estuary Program (TBEP) created a draft model ordinance for fertilizer regulation in November 2008 and encouraged all the local governments around Tampa Bay to adopt it, in an effort to reduce nitrogen pollution in our local waterways and the bay. In response to that and other state-wide initiatives (e.g. - FDEP and DACS taskforces and manuals) on fertilizer regulation, the EPC Board in January 2009 directed EPC staff to work closely with Hillsborough County staff and the community on exploring fertilizer and landscape management regulation. EPC staff led a Technical Staff Coordination (TSC) Group on the issue. The TSC Group held four “fact-finding” meetings (on 2/24/2009, 3/3/2009, 3/24/2009, and 4/14/2009). The TSC Group included representation from several county departments, the UF/IFAS Extension Service to Hillsborough County, and beginning in 3/24/2009, representatives from the local jurisdictions of Tampa, Plant City, and Temple Terrace.

The TSC Group focused on developing consensus for key issues such as public education and outreach programs on fertilizer use, and possible training/certification programs for companies that apply fertilizer in primarily residential settings. The TSC Group held a broader public workshop on 4/23/2009 at the County Extension Office, which included participation from key stakeholder and interest groups, as well as the general public. These numerous technical staff meetings, and the public workshop, resulted in the exchange of ideas and the development of facts and issues bearing on the overall policy decisions concerning landscape management regulations. On May 21, 2009, the EPC staff provided an update on the process, the major consensus and non-consensus items that arose at the meetings, and asked if any rulemaking should commence. Due to the uncertainty of ongoing fertilizer legislation and the pending

budget, the EPC Board tabled the agenda item until the Legislative session and the BOCC/EPC budget were resolved.

Current Status and Board Direction on EPC Rulemaking

Senate Bill 494 was passed and approved by the Governor shortly after the EPC Board's May meeting. The law became effective July 1, 2009. Section 403.9337, of the Florida Statutes (created by SB 494), in part, requires cities and counties that have nutrient-impaired waters to adopt the FDEP's Model Ordinance, published in "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions," a publication of the FDEP and UF-IFAS, dated January 2009.

While the EPC is not required to adopt the Model Ordinance, all three cities and the County would be required to adopt the ordinance based on nutrient-impaired waters that flow through all four local government jurisdictions. This could lead to four different and possibly confusing fertilizer regulations in Hillsborough County. Thus, many members of the TSC group had suggested that if there is to be an ordinance or rule, the EPC should create one County-wide rule, to minimize confusion and overlapping regulations.

EPC staff will provide a current status report on residential fertilizer legislation, and on related actions locally, and around the state. Staff will standby for Board direction, which we anticipate may range from holding additional meetings to perhaps initiating rulemaking in cooperation with the local municipalities. In the event the EPC does not move forward with developing a consistent fertilizer rule for all four municipalities in the county, the three cities and the County may have to begin drafting ordinances on their own to comply with Section 403.9337, F.S.

List of Attachments: None.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 15, 2009

Subject: Executive Director's Evaluation

Consent Agenda _____ **Regular Agenda** _____ **Public Hearing** _____

Division: Legal and Support Services Division

Financial Impact: No Financial Impact

Background: Evaluation forms were distributed on September 17, 2009. As of October 7, 2009, three evaluation forms were completed and provided to Commissioner Higginbotham's office. Staff has compiled the three evaluation forms submitted and the results indicate an average score of 4.59 in Behavior Dimensions and an average score of 4.60 in Accomplishment of Goals Dimensions. The scores are on a scale of 1 through 5, with 5 representing the highest possible score. The FY 10 budget as adopted, does not provide merit or market equity increases for EPC staff. Therefore, there is no financial impact associated with this item. Staff recommends acceptance of the evaluation results.

List of Attachments: Evaluation Summary Assessment

PERFORMANCE EVALUATION

October 18, 2007

DR. RICK GARRITY

EXECUTIVE DIRECTOR

ENVIRONMENTAL PROTECTION COMMISSION

SUMMARY ASSESSMENT

Ranking – Behaviors & Accomplishments

HIGHEST

5. Behaviors/Accomplishments are outstanding and as such are obvious to others in county government and to members of the Community.
4. Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
3. Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
2. Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
1. Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.

LOWEST

**DR. RICK GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
ASSESSMENT**

	BEHAVIORS									
	Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization		
Kevin Beckner	4.00	4.00	5.00	5.00	4.00	4.00	4.00	4.00		
Rose Ferlita	5.00	5.00	5.00	5.00	4.75	5.00	5.00	5.00		
Ken Hagan	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Al Higginbotham	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Jim Norman	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Mark Sharpe	5.00	4.00	5.00	5.00	4.00	5.00	4.00	N/A		
Kevin White	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Average	4.67	4.33	5.00	5.00	4.25	4.67	4.33	4.50		

4.59

**DR. RICK GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
ASSESSMENT**

ACCOMPLISHMENT OF GOALS						
	Regulatory Effectiveness	Regulatory Efficiency	Coordination with Regulatory Partners	Partnering for Better Compliance	Outreach	
Kevin Beckner	5.00	4.00	4.00	4.00	4.00	4.00
Rose Ferlita	5.00	5.00	5.00	5.00	5.00	5.00
Ken Hagan	N/A	N/A	N/A	N/A	N/A	N/A
Al Higginbotham	N/A	N/A	N/A	N/A	N/A	N/A
Jim Norman	N/A	N/A	N/A	N/A	N/A	N/A
Mark Sharpe	4.00	4.00	5.00	5.00	5.00	5.00
Kevin White	N/A	N/A	N/A	N/A	N/A	N/A
<i>Average</i>	4.67	4.33	4.67	4.67	4.67	4.67

4.60

Commissioner's Comments

Commissioner Ferlita: See comments attached

Commissioner Sharpe: Outstanding character and leadership- demonstrates the ability to adjust quickly to new facts on the ground. Not perfect but aims high.

Performance Evaluation
Dr. Rick Garrity
Executive Director
Environmental Protection Commission

September 17, 2009

Attachment to evaluation ratings

I again rated the *Quality of Staff Work* category as a 4.75 as I don't view staff work directly, but it's obvious that they follow Dr. Garrity's leadership, in terms of efforts and achievements. Thanks again to Dr. Garrity for his attention to efficiency during this difficult budget process.

Rose V. Ferlita



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/BA/CGS

September 3, 2009

Dr. Richard D. Garrity
Executive Director
Environmental Protection Commission
Of Hillsborough County
3929 Queen Palm Drive
Tampa, Florida 33619-1309

Dear Dr. Garrity:

Enclosed for your files is an executed copy of Cooperative Agreement No. 401819J549. Also enclosed are Standard Forms 269 and 270 for your use under this agreement. A copy of the Project Officer delegation is also enclosed.

If you have any questions concerning this action, please contact Janice McNeill, Contract Specialist, at the above address, Suite 310, or at telephone number (404) 679-4056.

Sincerely,

Don Calder
Chief, Division of Contracting and Grant
Services

Enclosure

AGREEMENT NO.: 401819J549
CHARGE CODE: 41910-1124-0000 W5 (FY09)
AMOUNT: \$25,000.00
DUNS NO: 032500985
FAADS: 12-71000-Tampa-057-Hillsborough-33601-09-08/01/2009-07/31/2010-to restore the hydrology on land that will be added to the Cockroach Bay saltern habitat-00

COOPERATIVE AGREEMENT

Between

U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

And

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

I. COOPERATIVE AGREEMENT RECIPIENT:

Environmental Resources Management Division
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Dr.
Tampa, FL 33619

Recipient Class: Local Government
Catalog of Federal Domestic Assistance Number: 15.630

II. AUTHORITY:

This Cooperative Agreement ("agreement") between the U.S. Department of the Interior, Fish and Wildlife Service (hereinafter referred to as the "Service") and the Environmental Protection Commission of Hillsborough County (hereinafter referred to as the "Recipient") is hereby entered into under the authority of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, not including 742d-l; 70 Stat. 1119, as amended).

III. PURPOSE AND BACKGROUND:

This Cooperative Agreement is being entered into in order to restore the hydrology on land recently purchased by the Hillsborough County via its Environmental Lands Acquisition and Protection Program. The land will be added to the Cockroach Bay Aquatic Preserve on Tampa Bay. The area contains approximately 10 acres of saltern habitat. Salt barrens (aka salterns) forms in areas where brackish water moves in during very high tides and evaporates, creating open stretches of salty, dry soil. During periods of inundation, salt barrens serve as foraging areas for fish and wading birds including important sport fish such as snook and tarpon. Funding for this project will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheetflow from the surrounding upland and high marsh areas to the saltern sites. A minimum of a 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish in the filled ditch areas. This proposal represents Phase I of a larger scale restoration project comprised of three phases on the site and an adjacent site.

IV. SCOPE OF EFFORT:

A. The Service shall:

1. Provide funding in the amount of \$25,000.00 to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheet flow from the surrounding upland and high marsh areas to the saltern sites.
2. Provide technical assistance regarding the hydrological restoration of the property by filling in drainage ditches and removing berms from the surrounding upland and high marsh areas to the saltern sites.

B. The Recipient shall:

1. Provide technical assistance regarding the engineering survey of the property and hydrological restoration of the surrounding upland and high marsh areas to the saltern sites.
2. Remove exotics within a 100 foot buffer area of the project site to lessen the chance to re-establish in the filled ditch areas.
3. Provide the necessary equipment, supplies and labor to effect the appropriate habitat management actions.

4. Execute and conduct the project as described in their proposal, Attachment A, incorporated herein and made a part hereof. The Recipient may contract for service to assist in this effort.

V. PERIOD OF PERFORMANCE:

The period of performance of this agreement is August 1, 2009 to July 31, 2010.

VI. AWARD AMOUNT:

- A. TOTAL (NOT-TO-EXCEED) AWARD AMOUNT: \$100,000.00
- B. TOTAL AMOUNT FUNDED TO DATE: \$25,000.00
- C. FUNDED INCREMENTS: The Recipient is advised that the Service's obligation to provide funding for funding increments included in this agreement is contingent upon (i) satisfactory performance and (ii) the availability of funds. Accordingly, no legal liability on the part of the Recipient exists unless or until funds are made available to the Recipient and notice of such availability is confirmed in writing to the Recipient.

VII. APPROPRIATION DATA:

APPROPRIATION: 41910-1124-0000 W5 25,000.00 (FY 09)

VIII. PAYMENT PROVISIONS:

- A. Upon acceptance of the terms and conditions of this agreement, the Recipient may submit requests for payment using Standard Form 270, Electronic fund transfer may be used in lieu of SF-270 if available. Request for Advance or Reimbursement, no more frequently than monthly. (Standard Form 271 must be used if agreement is for construction.)
- B. The original and two copies of each payment request (SF 270) shall be submitted to the Service Project Officer identified in Article X.A. of this agreement. Upon approval, the Service Project Officer shall forward the payment request and one copy to the Budget, Planning and Financial Services Officer for processing.
- C. Should the Recipient be unable to complete the provisions of this agreement, all monies provided by the Service which prove to be cancelable obligations or unallowable costs in accordance with OMB Circular A-87 ("Cost Principles for State and Local Governments") shall be refunded to the Service.

D. This agreement is intended to support a particular project for a specific period of time. Any portion of funds advanced to the Recipient that are not expended at the completion of the period of performance of this agreement shall be returned to the Service, along with any interest earned on that amount.

IX. ADMINISTRATIVE OFFICER:

The Administrative Officer for this agreement is:

Janice McNeill
Contract Specialist
U.S. Fish and Wildlife Service
1875 Century Boulevard, Room 310
Atlanta, GA 30345
Phone: (404) 679-4056
Fax: (404) 679-4057
Email: Janice_mcnell@fws.gov

X. PROJECT OFFICERS:

A. Fish and Wildlife Service:

Ann Marie Lauritsen
United States Fish and Wildlife Service
Ecological Services Office
600 4th Street South
St. Petersburg, FL 33701
(904) 525-0661
AnnMarie_Lauritsen@fws.gov

B. Recipient:

Laura Thorne
Environmental Restoration Section
Environmental Resources Management Division
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Dr.
Tampa, FL 33619
(813) 627-2600*1081
thornel@epchc.org

XI. REPORTING/DELIVERY REQUIREMENTS:

A. Interim Reports

The recipient shall submit an annual progress report to the Service Project Officer by the 10th day of the month following the period reported upon.

B. Final Report

Within 90 calendar days after the agreement completion date as defined in the agreement or in the most current modification, the Recipient Project Officer shall submit a final report to the Service Project Officer identified in Article X.A. of this agreement. A copy of the final report shall also be forwarded to the Service Administrative Officer.

C. Final Financial Status Report

Within 90 days after completion of this award, the Recipient shall submit to the Service Administrative Officer a final Financial Status Report (Standard Form 269).

XII. TERMS AND CONDITIONS:

The Department of the Interior regulations governing assistance agreements with state, local, or Indian tribe governments at subparts A-E of 43 CFR Part 12, Administrative and Audit Requirements and Cost Principles for Assistance Programs, (plus relevant circulars of the Office of Management and Budget as referenced in these regulations), are applicable to this agreement and are incorporated by reference with the same force and effect as if they were given in full text. Upon request, the Service's Division of Contracting and Grant Services will make the full text of these regulations available.

XIII. MODIFICATIONS:

Modifications or renewals may be proposed at any time during the period of performance by either party and shall become effective upon written approval of both parties.

XIV. SPECIAL PROVISIONS:

- A. The results of any studies or investigations accomplished under this agreement may be published jointly by the parties or by either party separately. Appropriate credits to the United States Department of the Interior, Fish and

Wildlife Service, shall be included in any formally published article providing the Service does not otherwise deem it appropriate to issue a disclaimer. Authorship shall not incur any privileges of copyright or restriction on distribution.

- B. Any research data collected under this agreement shall be jointly owned by the parties to this agreement. Both parties shall have complete and unlimited access to all such data.
- C. News releases and other publicity issued by either party concerning this agreement will give due credit to cooperators to this agreement and is subject to approval prior to release by the Service's Regional Public Affairs Office.
- D. No member of, or delegate to, Congress or resident commissioner, shall be admitted to any share or part of this agreement; or to any benefit that may rise therefrom. This provision shall not be construed to extend to this agreement if made with a corporation for its general benefits.
- E. The Service's liability will be governed by the Federal Tort Claims Act (28 U.S.C. 2671 et seq.). The extent of the Recipient's liability shall be governed by the laws of the State of Florida, including but not limited to section 768.28, Florida Statutes.
- F. The Recipient will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as "Buy American Act").

IN WITNESS WHEREOF, the parties hereto have caused this Cooperative Agreement to be executed as of the date therein written.

U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

BY: 

TITLE: CHIEF, DIVISION OF CONTRACTING
AND GRANT SERVICES

DATE: 9-3-09

ENVIRONMENTAL PROTECTION
COMMISSION OF
HILLSBOROUGH COUNTY

BY: 

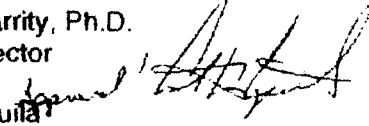
TITLE: Ex. Director


DATE: 8/27/09

Attachment "A"

MEMORANDUM

To: Richard D. Garrity, Ph.D.
Executive Director

THRU: Anthony D'Aquila 
Director, Environmental Resource Management

 Joan Ohman
Director, Administration and Finance

FROM: Laura Thorne
Environmental Scientist II, Environmental Resource Management

SUBJECT: Grant Pre-Proposal for United States Fish and Wildlife Service (USFWS)
Coastal Programs Grant.

This is to request authorization to submit the attached proposal entitled: "Cockroach Bay Saltern Restoration Project-Phase II" for United States Fish and Wildlife Service (USFWS) Coastal Programs Grant. This proposal is for the restoration of the hydrology on land recently purchased by the Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP) to be added to the Cockroach Bay Aquatic Preserve on Tampa Bay. The area contains approximately 10 acres of saltern habitat. Funding for this project will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheetflow from the surrounding upland and high marsh areas to the saltern sites. A 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish in the tilled ditch areas. This proposal represents Phase II of a larger scale restoration project comprised of three phases on the site and an adjacent site. The attached proposal is due July 10, 2009.

Approved  Disapproved

Richard D. Garrity, Ph.D.
Executive Director
Date: _____

kt

Cockroach Bay Saltern Restoration Project Full-Proposal
Environmental Protection Commission of Hillsborough County

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Principal Investigators and Key Personnel:

Laura Thorne, Environmental Scientist II
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619
(813) 627-2600 x1081
thornel@epchc.org

David J. Karlen, General Manager I
Benthic Monitoring Section Supervisor
Environmental Resources Management Division
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619-1309
Phone: (813) 627-2600 x1202
karlen@epchc.org

Ms. Thorne received a B.S. degree in Biology from the University of South Florida in 2005. She has worked as an Environmental Scientist since then at The Environmental Protection Commission of Hillsborough County. She has performed a variety of roles there including water quality, seagrass and benthic monitoring, database management, geo-statistical analysis, and grant project management. She is currently project manager on the Bahia Beach Restoration and is the administrator of the Pollution Recovery Funds.

Mr. Karlen received a B.S. and M.S. degree in Biological Oceanography from the Florida Institute of Technology in 1991 and 1993 respectively and is currently a Ph.D. candidate in Biology at the University of South Florida. He has worked at the Environmental Protection Commission of Hillsborough County since 1994 as a benthic ecologist and marine invertebrate taxonomist. He is currently the manager of the Tampa Bay Benthic Monitoring Program.

Major Objectives:

The major objective of this project is to restore the historical sheet flow to this property thereby increasing the size and health of the existing salterns.

Results and Benefits Expected:

The benefits are expected to be enhanced fisheries habitat and an aid to restoring some of the 36% loss of saltern area in the Tampa Bay area.

General Project Information:

Salt barrens aka salterns are of particular interest to the habitat restoration efforts in Tampa Bay because a large portion of this habitat has been lost. The Tampa Bay Estuary Program's Comprehensive Conservation and Management Plan (CCMP) reports a loss of 36% salt barren habitat between 1950 and 1990. Salt barrens form in areas where brackish water moves in during very high tides and evaporates, creating open stretches of salty, dry soil. This hyper-saline terrain supports low-growing succulent plants and serves as a seasonal feeding habitat for wading birds. During periods of inundation, salt barrens serve as foraging areas for fish and wading birds including important sport fish such as snook and

tarpon. The local chapter of the Audubon Society reports that many wading and shore birds utilize salt barren habitats for feeding including several that are listed as "species of special concern" by the Florida Fish & Wildlife Conservation Commission (FWC). These include Clapper Rails, Spotted Sand Pipers, Reddish and Snowy Egrets, Tri-color Herons, and Little Blue Herons as well as the Least Tern which is classified as 'threatened' by the FWC (pers comm. from Ann Paul, Regional Coordinator, Audubon of Florida).

This project seeks to restore the hydrology on land recently purchased by the Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP) to be added to the Cockroach Bay Aquatic Preserve on Tampa Bay.

The project location is adjacent to the Cockroach Bay Aquatic Preserve near Ruskin, Florida on the east side of Tampa Bay (Gulf Coast of Florida) on land owned by Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP). The specific parcel is on the south side of Cockroach Bay Rd. on folio numbers 0327110000 and 0327080000.



Figure 1. Map of ELAPP properties at Cockroach Bay Aquatic Preserve where saltern restoration will take place.

The area contains approximately 10 acres of saltern habitat. Funding for this project will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheet flow from the surrounding upland and high marsh areas to the saltern sites. A 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish in the filled ditch areas. This proposal is part of a larger scale restoration project that encompasses this site and an adjacent site.

Partnerships:

The Environmental Protection Commission of Hillsborough County: Will provide in-kind services administering the grant funds and conducting vegetation surveys to monitor the restoration progress. Additional funding for the project may also be provided through the EPCHCs Pollution Recovery Fund (estimated \$50,000) pending a grant proposal review and approval in 2010.

The Hillsborough County Parks and Recreation Department: Will provide supervision of on-the-ground restoration efforts and oversee the hiring of any contractors and some in-kind exotic removal. They will also provide long-term management of the restoration site. The Parks and Recreation Department also administers the Environmental Lands Acquisition and Protection Program (ELAPP).

The Tampa Bay Estuary Program has expressed their support for this project since it fulfills one of the goals of the aforementioned Comprehensive Conservation and Management Plan objectives for restoring a sensitive habitat type that has been lost historically to coastal development and inundation by exotic/invasive plant species.

Scope of Work:

The scope of the project consists of a preliminary gopher tortoise survey and a vegetation survey within the first month of receiving funds. There were several inactive borrows located along the berm that will be assessed as part of the gopher tortoise survey. If there are any active burrows found, they will be evaluated by authorized personnel and management options will be determined. The vegetation survey will be carried out by EPC staff as in-kind. Within the second month a contractor authorized by Hillsborough County will be chosen to perform an engineering survey. Required permit applications will be prepared and submitted by EPC staff. Once permits are acquired, Hillsborough County Parks, Recreation, and Conservation staff will rent equipment to fill the ditches necessary to restore the hydrology to the saltern areas. Once this part of the project is complete Hillsborough County Parks and Recreation staff will incorporate the site into their routine maintenance schedule. Future plans for the site include interpretive trails with educational signage and more ditch filling to restore hydrology on the northern adjacent parcel.

Timeline:

Task	Months Following Task Notice to Proceed											
	1	2	3	4	5	6	7	8	9	10	11	12
Gopher Tortoise Survey	X											
Archaeological Survey	X											

Vegetation Survey	X												
Engineering Survey and plans		X											
Permits			X	X	X	X	X	X					
Earthwork						X	X	X	X				
Exotic Removal								X	X	X			
Monitoring										X	X	X	

Continuation of Project:

Future plans for this project include expanding the restoration area to include the salterns on the north side of Cockroach Bay Rd. The area will be incorporated into ELAPP's routinely monitored sites. Walkways with interpretational signage to educate the public about the importance of the unique saltern habitat will be installed. Possible funding sources for these future endeavors include EPC's pollution Recovery Funds, Pinellas County Environmental Funds, Tampa Bay Estuary Program's MiniGrants or various others.

Project Budget:

Total funds requested:
\$25,000.00.

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Surveys		\$ 7,000	\$ 634	\$ 7,000	\$ 634	\$ 7,634
2. Engineering				11,000		11,000
3. Permits/Admin				4,000		4,000
4. Equip. Rental				2,000	2,240	5,240
5. Totals		\$ 25,000	\$ 2,874	\$ 25,000	\$ 2,874	\$ 27,874

SECTION B - BUDGET CATEGORIES					
8. Object Class Categories	GRANT PROGRAM FUNCTION OR ACTIVITY				Total (h)
	(1) Surveys	(2) Engineering	(3) Permitting	(4) Equipment	
a. Personnel	\$ 452		\$ 3,000	\$ 1,600	\$ 2,052
b. Fringe Benefits	182			640	622
c. Travel					
d. Equipment					2,000
e. Supplies					
f. Contractual	7,000	11,000		3,000	22,000
g. Construction					
h. Other			1,000		
i. Total Direct Charges (sum of 6a-6h)	7,634	11,000	4,000		
j. Indirect Charges					
k. TOTALS (sum of 6 and 6j)	\$ 7,634	\$ 11,000	\$ 4,000	\$ 5,240	\$ 27,874
7. Program Income					

Authorized for Local Reproduction

Standard Form 424A (Rev. 1-87)
Prescribed by GSA (Circular 41-102)

References:

Tampa Bay Estuary Program (TBEP). 2006. Charting the course: The Comprehensive Conservation and Management Plan for Tampa Bay.

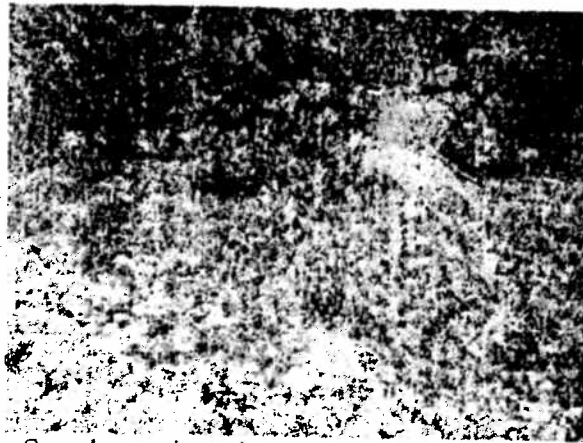


Figure 2. Map showing the saltern areas.

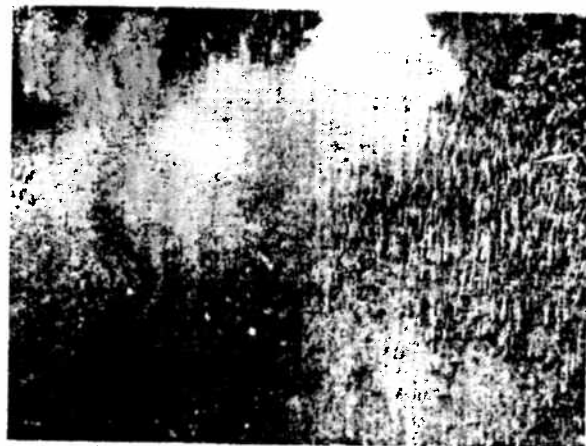
Figure 3. Pictures from Cockroach Bay Saltern Areas



Salt Barren at Cockroach Bay



Ground vegetation and mangroves bordering salt barren



**Tidal water along the edge of the salt barren.
Note black mangrove pneumatophores and fiddler crabs.**



Figure 1. Map of ELAPP properties at Cockroach Bay Aquatic Preserve where saltern restoration will take place.

1. INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Partners for Fish & Wildlife	15-631	\$ 14,000.00	\$ 9,180.00	\$	\$	0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 14,000.00	\$ 9,180.00	\$ 0.00	\$ 0.00	0.00

SECTION B - BUDGET CATEGORIES					
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Partners for Fish & Wildlife	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	0.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual	13,650.00		9,180.00		22,830.00
g. Construction					0.00
h. Other	350.00				350.00
i. Total Direct Charges (sum of 6a-6h)	14,000.00		9,180.00	0.00	23,180.00
j. Indirect Charges					0.00
k. TOTALS (sum of 6i and 6j)	\$ 14,000.00	\$	\$ 9,180.00	\$ 0.00	\$ 23,180.00
7. Program Income	\$	\$	\$	\$	\$

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Partners for Fish & Wildlife	\$ 9,180.00	\$	\$	\$ 9,180.00
9.				0.00
10.				0.00
11.				0.00
12. TOTAL (sum of lines 8-11)	\$ 9,180.00	\$ 0.00	\$ 0.00	\$ 9,180.00

SECTION D - FORECASTED CASH NEEDS									
(a) Grant Program	Total for 1st Year	1st Quarter		2nd Quarter		3rd Quarter		4th Quarter	
13. Federal	\$ 5,585.00	\$	2,555.00	\$	3,030.00	\$		\$	
14. Non-Federal	0.00								
15. TOTAL (sum of lines 13 and 14)	\$ 5,585.00	\$	2,555.00	\$	3,030.00	\$	0.00	\$	0.00

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. Partners for Fish & Wildlife	\$ 5,585.00	\$ 1,530.00	\$ 6,885.00	\$ 0.00
17.				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$ 5,585.00	\$ 1,530.00	\$ 6,885.00	\$ 0.00

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted	2. Federal Grant or Other Identifying Number Assigned By Federal Agency	OMB Approval No. 0348-0038	Page
3. Recipient Organization (Name and complete address, including ZIP code)			
4. Employer Identification Number	5. Recipient Account Number or Identifying Number	6. Final Report <input type="checkbox"/> Yes <input type="checkbox"/> No	7. Basis <input type="checkbox"/> Cash <input type="checkbox"/> Accr
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) To: (Month, Day, Year)	
10. Transactions:	I Previously Reported	II This Period	III Cumulative
a. Total outlays			
b. Recipient share of outlays			
c. Federal share of outlays			
d. Total unliquidated obligations			
e. Recipient share of unliquidated obligations			
f. Federal share of unliquidated obligations			
g. Total Federal share (Sum of lines c and f)			
h. Total Federal funds authorized for this funding period			
i. Unobligated balance of Federal funds (Line h minus line g)			
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed		
	b. Rate	c. Base	d. Total Amount
			e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.			
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.			
Typed or Printed Name and Title		Telephone (Area code, number and extension)	
Signature of Authorized Certifying Official		Date Report Submitted December 29, 2004	

REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

OMB APPROVAL NO. **0348-0004** PAGE OF PAGES

<p>1. TYPE OF PAYMENT REQUESTED</p> <p>a. "X" one or both boxes</p> <p><input type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT</p> <p>b. "X" the applicable box</p> <p><input type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL</p>	<p>2. BASIS OF REQUEST</p> <p><input type="checkbox"/> CASH</p> <p><input type="checkbox"/> ACCRUAL</p>
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<p>3. FEDERAL SPONSORING AGENCY AND ORGANIZATION ELEMENT TO WHICH THIS REPORT IS SUBMITTED</p>	<p>4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY</p>	<p>5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST</p>
--	--	---

<p>6. EMPLOYER IDENTIFICATION NUMBER</p>	<p>7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER</p>	<p>8. PERIOD COVERED BY THIS REQUEST</p>	
		<p>FROM (month, day, year)</p>	<p>TO (month, day, year)</p>

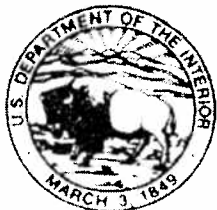
<p>9. RECIPIENT ORGANIZATION</p> <p>Name :</p> <p>Number and Street :</p> <p>City, State and ZIP Code :</p>	<p>10. PAYEE (Where check is to be sent is different than item 9)</p> <p>Name :</p> <p>Number and Street :</p> <p>City, State and ZIP Code :</p>
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11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

PROGRAMS/FUNCTIONS/ACTIVITIES ▶	(a)	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)	\$	\$	\$	\$
b. Less: Cumulative program income				
c. Net program outlays (Line a minus line b)				
d. Estimated net cash outlays for advance period				
e. Total (Sum of lines c & d)				
f. Non-Federal share of amount on line e				
g. Federal share of amount on line e				
h. Federal payments previously requested				
i. Federal share now requested (Line g minus line h)				
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month			
	2nd month			
	3rd month			

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

a. Estimated Federal cash outlays that will be made during period covered by the advance	\$
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested (Line a minus line b)	\$



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/BA/CGS

September 3, 2009

Memorandum

To: Ann Marie Lauritsen, U. S. Fish and Wildlife Service, Jacksonville ES Office,
Florida

From: Chief, Division of Contracting and Grant Services

Subject: Designation as Project Officer for Cooperative Agreement No. 401819J549

You have been designated as the Project Officer for the above referenced agreement. This guidance is provided to assist you in clarifying your Service responsibilities as a Project Officer.

FUNCTIONS AND DUTIES

You are authorized by this designation to take any or all actions with respect to the following which could lawfully be taken by me as Contracting Officer/Grants Officer except any action specifically prohibited by the terms of the agreement or by the referenced documents cited therein. Note that references to "recipient" below refer to the grantee/cooperator. These duties and authorities are not redelegable to any other individual, unless the agreement is modified to reflect the designation of a new Project Officer.

- a. Ensure that the recipient performs the technical requirements of the agreement in accordance with its terms, conditions, and specifications. Answer technical questions, address issues, and ensure compliance with all technical aspects of the assigned agreement.
- b. Ensure that work is not performed outside the scope or funding in the agreement.
- c. Review all proposed requests for modifications and provide comments and/or approval to the Administrative or Contracting Officer.
- d. Ensure that all reporting requirements are met as specified in the agreement. Review reports for adequacy, accuracy, and timeliness. Notify the Contracting Officer if reports are not submitted in a timely manner or do not provide proper information.

- e. Coordinate and communicate as needed with the Service Contracting Officer and with the recipient's agreement coordinator. Work with the recipient's agreement coordinator to set up and conduct meetings as needed.
- f. Review and approve Requests for Advance or Reimbursement (SF 270) submitted to the Service by the recipient or return rejected requests to the recipient with an explanation. Forward approved SF 270 to CGS for payment. Your approval of these requests constitutes your acknowledgment the recipient's performance and reporting has been satisfactory.
- g. Ensure that advance payments are not authorized unless they (1) have been authorized in the agreement and (2) include a justification of expenditures to your satisfaction.
- h. Track the status/usage of any government-owned equipment and review the final SF 270, the final SF 269, relative to the status of any government-owned equipment in possession of the recipient prior to agreement close-out.
- i. Monitor expiration dates, determine if extensions are needed, and contact CGS 60 days in advance of expiration to request extensions.

LIMITATIONS

Under this appointment, except as noted herein, you are not authorized under any circumstances to perform any of the following tasks. If uncertain, contact the Service Contracting Officer for a case-by-case review and decision.

- a. Take any action that may change the funding, scope, reporting requirements, or other essential terms and conditions of the agreement unless such changes are specifically stated in a written agreement modification signed by the Contracting Officer.
- b. Make commitments on behalf of the recipient. This means making commitments with vendors, subgrantees, or private landowners. Only an authorized official of the recipient organization may make those commitments.
- c. Direct recipient personnel. When lines of authority and responsibility blur, the recipient may be viewed as an agent of the federal government acting at its direction, thereby exposing the federal government to lawsuits for injury or wrongful action actually conducted by the recipient. Remember that under agreements, the lines of responsibility must remain clear at all times.
- d. Serve in the capacity of an official of the recipient organization. Sometimes, however, Service personnel are requested to serve in an advisory capacity on boards of nonprofit organizations or planning committees. In such cases, the Service official must request a review by the Service's Division of Human Resources to ensure there are not restrictions or

conflicts of interest unless written approval has been obtained per 212 FW 4 and provided to the Contracting Officer.

Exceptions to Limitations b and c

Under a cooperative agreement (including the Wildlife Cooperative Extension Agreement (WCEA) that is a type of cooperative agreement) where the Service is expected to be “substantially involved” with the project, the Service Project Officer may direct contractor or recipient personnel if specifically and clearly defined in the cooperative agreement. Thus, a “Statement of Federal Substantial Involvement” shall be included in all cooperative agreements (Item 2 of the WCEA Project Plan, Exhibit A; or within the Scope of Work, Service Responsibilities section of other cooperative agreements). This Statement of Federal Substantial Involvement must clearly describe those categories of activities in which the Service Project Officer expects to be substantially involved.

For example, the Service Project Officer may provide direction and guidance to the cooperator’s personnel or vendors in the planting of trees and other vegetation (how, when, where, species, etc.), including the review and technical approval of each stage of the planting process; the installation of in-stream habitat improvement structures (how, when, where, specific location, etc.); and the construction of wetlands and hydrologic reestablishment.

In applying these exceptions, the Service Project Officer shall notify and discuss with the Cooperator any deviations from the Project Plan (Exhibit A) or Scope of Work.

CAUTION: Although the Service Project Office under a cooperative agreement may provide direction and guidance to the Cooperator’s personnel or vendor as specified in the agreement, such direction by Service personnel could result in a cost overrun or claim by the contractor against the landowner. Any such cost overrun generally would be the responsibility of the Government to cover the additional costs to the landowner.

TERM OF DESIGNATION

This designation as Project Officer shall remain in effect through the life of the agreement unless revoked sooner by the Contracting Officer. An official change to the designated Project Officer must be made through a written modification to the agreement signed by the Contracting Officer. The Contracting Officer will notify the recipient of any changes to the Project Officer designation through issuance of a written modification.

RECORDS AND REPORTS

You are required to maintain adequate records to sufficiently record the performance of your duties as Project Officer during the life of this agreement or during your designation as the Service Project Officer. If your role as Project Officer changes before completion of the agreement, please turn your records over to the successor Project Officer or obtain disposition instructions from the Contracting Officer.

ETHICAL RESPONSIBILITIES

See “Standards of Ethical Conduct for Employees of the Executive Branch” (5 CFR 2635.201) and Service Manual Chapter 212 FW 4.

PROJECT OFFICER ACKNOWLEDGMENT

Please sign a copy of the delegation and return to the issuer within 10 days of receipt.

Project Officer’s Signature

Date

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
OCTOBER 15, 2009
9:00 AM**

ADDENDUM

I. CONSENT AGENDA

Cooperative Agreement between the EPC and Hillsborough County for
Cockroach Bay Aquatic Preserve Saltern Habitat Restoration

Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

Visit our website at www.epchc.org



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 15, 2009

Subject: Cooperative Agreement between the EPC and Hillsborough County for Cockroach Bay Aquatic Preserve Saltern Habitat Restoration

Consent Agenda **Regular Agenda** **Public Hearing**

Division: Wetlands and Watershed Management

Recommendation: Approve Cooperative Agreement between the EPC and Hillsborough County for Cockroach Bay Aquatic Preserve Saltern Habitat Restoration and authorize Chair's signature

Brief Summary: The US Fish and Wildlife Service granted \$25,000 to the EPC to restore saltern habitat on land owned by the County via ELAPP at the Cockroach Bay Aquatic Preserve on Tampa Bay. During periods of inundation, salt barrens (salterns) serve as foraging areas for fish and wading birds including important sport fish such as snook and tarpon. The EPC proposes to contract with the County Parks, Recreation and Conservation Department to perform among other things design and construction work to fill in drainage ditches and remove berms to restore the historic sheetflow from the surrounding upland and high marsh areas to restore the damaged saltern sites.

Financial Impact: By this agreement, the EPC will fund the County's Parks, Recreation and Conservation Department by an amount not to exceed \$21,000, using federal grant money provided to the EPC.

Background: Through an agreement dated September 3, 2009, the US Fish and Wildlife Service (USFWS) granted \$25,000 to the EPC to assist in restoring the hydrology on land recently purchased by the County via its Environmental Lands Acquisition and Protection Program. The land has been added to the Cockroach Bay Aquatic Preserve on Tampa Bay. The area contains approximately 10 acres of saltern habitat. Salt barrens (aka salterns) forms in areas where brackish water moves in during very high tides and evaporates, creating open stretches of salty, dry soil. During periods of inundation, salt barrens serve as foraging areas for fish and wading birds including important sport fish such as snook and tarpon. Funding established in the USFWS Agreement will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheetflow from the surrounding upland and high marsh areas to the currently impacted saltern sites. A minimum of a 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish

in the filled ditch areas. This proposal represents the first phase of a larger scale restoration project comprised of three phases on the site and an adjacent site. The EPC will acquire all necessary permits and oversee the project. Through this proposed EPC and County agreement, the EPC will pay the County \$21,000 to have the Parks, Recreation and Conservation Department use the funds to hire a contractor to assist in the design plans, earthwork, exotics removal, and maintenance.

List of Attachments: Proposed Cooperative Agreement between EPC and Hillsborough County



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/BA/CGS

September 3, 2009

Dr. Richard D. Garrity
Executive Director
Environmental Protection Commission
Of Hillsborough County
3929 Queen Palm Drive
Tampa, Florida 33619-1309

Dear Dr. Garrity:

Enclosed for your files is an executed copy of Cooperative Agreement No. 401819J549. Also enclosed are Standard Forms 269 and 270 for your use under this agreement. A copy of the Project Officer delegation is also enclosed.

If you have any questions concerning this action, please contact Janice McNeill, Contract Specialist, at the above address, Suite 310, or at telephone number (404) 679-4056.

Sincerely,

Don Calder
Chief, Division of Contracting and Grant
Services

Enclosure

AGREEMENT NO.: 401819J549
CHARGE CODE: 41910-1124-0000 W5 (FY09)
AMOUNT: \$25,000.00
DUNS NO: 032500985

FAADS: 12-71000-Tampa-057-Hillsborough-33601-09-08/01/2009-07/31/2010-to restore the hydrology on land that will be added to the Cockroach Bay saltern habitat-00

COOPERATIVE AGREEMENT

Between

U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

And

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

I. COOPERATIVE AGREEMENT RECIPIENT:

Environmental Resources Management Division
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Dr.
Tampa, FL 33619

Recipient Class: Local Government
Catalog of Federal Domestic Assistance Number: 15.630

II. AUTHORITY:

This Cooperative Agreement ("agreement") between the U.S. Department of the Interior, Fish and Wildlife Service (hereinafter referred to as the "Service") and the Environmental Protection Commission of Hillsborough County (hereinafter referred to as the "Recipient") is hereby entered into under the authority of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, not including 742d-l; 70 Stat. 1119, as amended).

III. PURPOSE AND BACKGROUND:

This Cooperative Agreement is being entered into in order to restore the hydrology on land recently purchased by the Hillsborough County via its Environmental Lands Acquisition and Protection Program. The land will be added to the Cockroach Bay Aquatic Preserve on Tampa Bay. The area contains approximately 10 acres of saltern habitat. Salt barrens (aka salterns) forms in areas where brackish water moves in during very high tides and evaporates, creating open stretches of salty, dry soil. During periods of inundation, salt barrens serve as foraging areas for fish and wading birds including important sport fish such as snook and tarpon. Funding for this project will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheetflow from the surrounding upland and high marsh areas to the saltern sites. A minimum of a 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish in the filled ditch areas. This proposal represents Phase I of a larger scale restoration project comprised of three phases on the site and an adjacent site.

IV. SCOPE OF EFFORT:

A. The Service shall:

1. Provide funding in the amount of \$25,000.00 to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheet flow from the surrounding upland and high marsh areas to the saltern sites.
2. Provide technical assistance regarding the hydrological restoration of the property by filling in drainage ditches and removing berms from the surrounding upland and high marsh areas to the saltern sites.

B. The Recipient shall:

1. Provide technical assistance regarding the engineering survey of the property and hydrological restoration of the surrounding upland and high marsh areas to the saltern sites.
2. Remove exotics within a 100 foot buffer area of the project site to lessen the chance to re-establish in the filled ditch areas.
3. Provide the necessary equipment, supplies and labor to effect the appropriate habitat management actions.

4. Execute and conduct the project as described in their proposal, Attachment A, incorporated herein and made a part hereof. The Recipient may contract for service to assist in this effort.

V. PERIOD OF PERFORMANCE:

The period of performance of this agreement is August 1, 2009 to July 31, 2010.

VI. AWARD AMOUNT:

- A. TOTAL (NOT-TO-EXCEED) AWARD AMOUNT: \$100,000.00
- B. TOTAL AMOUNT FUNDED TO DATE: \$25,000.00
- C. FUNDED INCREMENTS: The Recipient is advised that the Service's obligation to provide funding for funding increments included in this agreement is contingent upon (i) satisfactory performance and (ii) the availability of funds. Accordingly, no legal liability on the part of the Recipient exists unless or until funds are made available to the Recipient and notice of such availability is confirmed in writing to the Recipient.

VII. APPROPRIATION DATA:

APPROPRIATION: 41910-1124-0000 W5 25,000.00 (FY 09)

VIII. PAYMENT PROVISIONS:

- A. Upon acceptance of the terms and conditions of this agreement, the Recipient may submit requests for payment using Standard Form 270, Electronic fund transfer may be used in lieu of SF-270 if available. Request for Advance or Reimbursement, no more frequently than monthly. (Standard Form 271 must be used if agreement is for construction.)
- B. The original and two copies of each payment request (SF 270) shall be submitted to the Service Project Officer identified in Article X.A. of this agreement. Upon approval, the Service Project Officer shall forward the payment request and one copy to the Budget, Planning and Financial Services Officer for processing.
- C. Should the Recipient be unable to complete the provisions of this agreement, all monies provided by the Service which prove to be cancelable obligations or unallowable costs in accordance with OMB Circular A-87 ("Cost Principles for State and Local Governments") shall be refunded to the Service.

D. This agreement is intended to support a particular project for a specific period of time. Any portion of funds advanced to the Recipient that are not expended at the completion of the period of performance of this agreement shall be returned to the Service, along with any interest earned on that amount.

IX. ADMINISTRATIVE OFFICER:

The Administrative Officer for this agreement is:

Janice McNeill
Contract Specialist
U.S. Fish and Wildlife Service
1875 Century Boulevard, Room 310
Atlanta, GA 30345
Phone: (404) 679-4056
Fax: (404) 679-4057
Email: Janice_mcneill@fws.gov

X. PROJECT OFFICERS:

A. Fish and Wildlife Service:

Ann Marie Lauritsen
United States Fish and Wildlife Service
Ecological Services Office
600 4th Street South
St. Petersburg, FL 33701
(904) 525-0661
AnnMarie_Lauritsen@fws.gov

B. Recipient:

Laura Thorne
Environmental Restoration Section
Environmental Resources Management Division
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Dr.
Tampa, FL 33619
(813) 627-2600*1081
thornel@epchc.org

XI. REPORTING/DELIVERY REQUIREMENTS:

A. Interim Reports

The recipient shall submit an annual progress report to the Service Project Officer by the 10th day of the month following the period reported upon.

B. Final Report

Within 90 calendar days after the agreement completion date as defined in the agreement or in the most current modification, the Recipient Project Officer shall submit a final report to the Service Project Officer identified in Article X.A. of this agreement. A copy of the final report shall also be forwarded to the Service Administrative Officer.

C. Final Financial Status Report

Within 90 days after completion of this award, the Recipient shall submit to the Service Administrative Officer a final Financial Status Report (Standard Form 269).

XII. TERMS AND CONDITIONS:

The Department of the Interior regulations governing assistance agreements with state, local, or Indian tribe governments at subparts A-E of 43 CFR Part 12, Administrative and Audit Requirements and Cost Principles for Assistance Programs, (plus relevant circulars of the Office of Management and Budget as referenced in these regulations), are applicable to this agreement and are incorporated by reference with the same force and effect as if they were given in full text. Upon request, the Service's Division of Contracting and Grant Services will make the full text of these regulations available.

XIII. MODIFICATIONS:

Modifications or renewals may be proposed at any time during the period of performance by either party and shall become effective upon written approval of both parties.

XIV. SPECIAL PROVISIONS:

- A. The results of any studies or investigations accomplished under this agreement may be published jointly by the parties or by either party separately. Appropriate credits to the United States Department of the Interior, Fish and

Wildlife Service, shall be included in any formally published article providing the Service does not otherwise deem it appropriate to issue a disclaimer. Authorship shall not incur any privileges of copyright or restriction on distribution.

- B. Any research data collected under this agreement shall be jointly owned by the parties to this agreement. Both parties shall have complete and unlimited access to all such data.
- C. News releases and other publicity issued by either party concerning this agreement will give due credit to cooperators to this agreement and is subject to approval prior to release by the Service's Regional Public Affairs Office.
- D. No member of, or delegate to, Congress or resident commissioner, shall be admitted to any share or part of this agreement; or to any benefit that may rise therefrom. This provision shall not be construed to extend to this agreement if made with a corporation for its general benefits.
- E. The Service's liability will be governed by the Federal Tort Claims Act (28 U.S.C. 2671 et seq.). The extent of the Recipient's liability shall be governed by the laws of the State of Florida, including but not limited to section 768.28, Florida Statutes.
- F. The Recipient will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as "Buy American Act").

IN WITNESS WHEREOF, the parties hereto have caused this Cooperative Agreement to be executed as of the date therein written.

U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

BY: 

TITLE: CHIEF, DIVISION OF CONTRACTING
AND GRANT SERVICES

DATE: 9-3-09

ENVIRONMENTAL PROTECTION
COMMISSION OF
HILLSBOROUGH COUNTY

BY: 

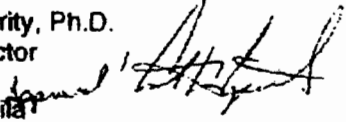
TITLE: Ex. Director


DATE: 8/27/09

Attachment "A"

MEMORANDUM

To: Richard D. Garrity, Ph.D.
Executive Director

THRU: Anthony D'Aquila 
Director, Environmental Resource Management

 Joan Ohman
Director, Administration and Finance

FROM: Laura Thorne
Environmental Scientist II, Environmental Resource Management

SUBJECT: Grant Pre-Proposal for United States Fish and Wildlife Service (USFWS) Coastal Programs Grant.

This is to request authorization to submit the attached proposal entitled: "Cockroach Bay Saltern Restoration Project-Phase II" for United States Fish and Wildlife Service (USFWS) Coastal Programs Grant. This proposal is for the restoration of the hydrology on land recently purchased by the Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP) to be added to the Cockroach Bay Aquatic Preserve on Tampa Bay. The area contains approximately 10 acres of saltern habitat. Funding for this project will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheetflow from the surrounding upland and high marsh areas to the saltern sites. A 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish in the tilled ditch areas. This proposal represents Phase II of a larger scale restoration project comprised of three phases on the site and an adjacent site. The attached proposal is due July 10, 2009.

Approved  Disapproved

Richard D. Garrity, Ph.D.
Executive Director
Date: _____

tk

Cockroach Bay Saltern Restoration Project Full-Proposal
Environmental Protection Commission of Hillsborough County

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Principal Investigators and Key Personnel:

Laura Thorne, Environmental Scientist II
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619
(813) 627-2600 x1081
thornel@epchc.org

David J. Karlen, General Manager I
Benthic Monitoring Section Supervisor
Environmental Resources Management Division
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619-1309
Phone: (813) 627-2600 x1202
karlen@epchc.org

Ms. Thorne received a B.S. degree in Biology from the University of South Florida in 2005. She has worked as an Environmental Scientist since then at The Environmental Protection Commission of Hillsborough County. She has performed a variety of roles there including water quality, seagrass and benthic monitoring, database management, geo-statistical analysis, and grant project management. She is currently project manager on the Bahia Beach Restoration and is the administrator of the Pollution Recovery Funds.

Mr. Karlen received a B.S. and M.S. degree in Biological Oceanography from the Florida Institute of Technology in 1991 and 1993 respectively and is currently a Ph.D. candidate in Biology at the University of South Florida. He has worked at the Environmental Protection Commission of Hillsborough County since 1994 as a benthic ecologist and marine invertebrate taxonomist. He is currently the manager of the Tampa Bay Benthic Monitoring Program.

Major Objectives:

The major objective of this project is to restore the historical sheet flow to this property thereby increasing the size and health of the existing salterns.

Results and Benefits Expected:

The benefits are expected to be enhanced fisheries habitat and an aid to restoring some of the 36% loss of saltern area in the Tampa Bay area.

General Project Information:

Salt barrens aka salterns are of particular interest to the habitat restoration efforts in Tampa Bay because a large portion of this habitat has been lost. The Tampa Bay Estuary Program's Comprehensive Conservation and Management Plan (CCMP) reports a loss of 36% salt barren habitat between 1950 and 1990. Salt barrens form in areas where brackish water moves in during very high tides and evaporates, creating open stretches of salty, dry soil. This hyper-saline terrain supports low-growing succulent plants and serves as a seasonal feeding habitat for wading birds. During periods of inundation, salt barrens serve as foraging areas for fish and wading birds including important sport fish such as snook and

tarpon. The local chapter of the Audubon Society reports that many wading and shore birds utilize salt barren habitats for feeding including several that are listed as "species of special concern" by the Florida Fish & Wildlife Conservation Commission (FWC). These include Clapper Rails, Spotted Sand Pipers, Reddish and Snowy Egrets, Tri-color Herons, and Little Blue Herons as well as the Least Tern which is classified as 'threatened' by the FWC (pers comm. from Ann Paul, Regional Coordinator, Audubon of Florida).

This project seeks to restore the hydrology on land recently purchased by the Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP) to be added to the Cockroach Bay Aquatic Preserve on Tampa Bay.

The project location is adjacent to the Cockroach Bay Aquatic Preserve near Ruskin, Florida on the east side of Tampa Bay (Gulf Coast of Florida) on land owned by Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP). The specific parcel is on the south side of Cockroach Bay Rd. on folio numbers 0327110000 and 0327080000.



Figure 1. Map of ELAPP properties at Cockroach Bay Aquatic Preserve where saltern restoration will take place.

The area contains approximately 10 acres of saltern habitat. Funding for this project will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheet flow from the surrounding upland and high marsh areas to the saltern sites. A 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish in the filled ditch areas. This proposal is part of a larger scale restoration project that encompasses this site and an adjacent site.

Partnerships:

The Environmental Protection Commission of Hillsborough County: Will provide in-kind services administering the grant funds and conducting vegetation surveys to monitor the restoration progress. Additional funding for the project may also be provided through the EPCHCs Pollution Recovery Fund (estimated \$50,000) pending a grant proposal review and approval in 2010.

The Hillsborough County Parks and Recreation Department: Will provide supervision of on-the-ground restoration efforts and oversee the hiring of any contractors and some in-kind exotic removal. They will also provide long-term management of the restoration site. The Parks and Recreation Department also administers the Environmental Lands Acquisition and Protection Program (ELAPP).

The Tampa Bay Estuary Program has expressed their support for this project since it fulfills one of the goals of the aforementioned Comprehensive Conservation and Management Plan objectives for restoring a sensitive habitat type that has been lost historically to coastal development and inundation by exotic/invasive plant species.

Scope of Work:

The scope of the project consists of a preliminary gopher tortoise survey and a vegetation survey within the first month of receiving funds. There were several inactive borrows located along the berm that will be assessed as part of the gopher tortoise survey. If there are any active burrows found, they will be evaluated by authorized personnel and management options will be determined. The vegetation survey will be carried out by EPC staff as in-kind. Within the second month a contractor authorized by Hillsborough County will be chosen to perform an engineering survey. Required permit applications will be prepared and submitted by EPC staff. Once permits are acquired, Hillsborough County Parks, Recreation, and Conservation staff will rent equipment to fill the ditches necessary to restore the hydrology to the saltern areas. Once this part of the project is complete Hillsborough County Parks and Recreation staff will incorporate the site into their routine maintenance schedule. Future plans for the site include interpretive trails with educational signage and more ditch filling to restore hydrology on the northern adjacent parcel.

Timeline:

Task	Months Following Task Notice to Proceed											
	1	2	3	4	5	6	7	8	9	10	11	12
Gopher Tortoise Survey	X											
Archaeological Survey	X											

Vegetation Survey	X												
Engineering Survey and plans		X											
Permits			X	X	X	X	X	X					
Earthwork						X	X	X	X				
Exotic Removal								X	X	X			
Monitoring										X	X	X	

Continuation of Project:

Future plans for this project include expanding the restoration area to include the salterns on the north side of Cockroach Bay Rd. The area will be incorporated into ELAPP's routinely monitored sites. Walkways with interpretational signage to educate the public about the importance of the unique saltern habitat will be installed. Possible funding sources for these future endeavors include EPC's pollution Recovery Funds, Pinellas County Environmental Funds, Tampa Bay Estuary Program's MiniGrants or various others.

Project Budget:

Total funds requested:
\$25,000.00.

SECTION A - BUDGET SUMMARY							
Item	Description of Program Function or Activity (a)	Class of Federal Contract Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
			Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1	Surveys		\$ 7,000	\$ 0	\$ 7,000	\$ 634	\$ 7,634
2	Engineering		\$ 11,000	\$ 0	\$ 11,000	\$ 0	\$ 11,000
3	Permits/Admin		\$ 4,000	\$ 0	\$ 4,000	\$ 0	\$ 4,000
4	Equip. Rental		\$ 2,000	\$ 0	\$ 2,000	\$ 2,240	\$ 4,240
5	Totals		\$ 25,000	\$ 0	\$ 25,000	\$ 2,874	\$ 27,874

SECTION B - BUDGET CATEGORIES					
Object Class Category	OBJECT PROGRAM FUNCTION OR ACTIVITY				Total (g)
	(1) Surveys	(2) Engineering	(3) Permitting	(4) Equipment	
a. Personnel	\$ 452	\$ 0	\$ 3,000	\$ 1,600	\$ 2,052
b. Fringe Benefits	182	0	0	640	622
c. Travel	0	0	0	0	0
d. Equipment	0	0	0	0	2,000
e. Supplies	0	0	0	0	0
f. Contractual	7,000	11,000	0	3,800	22,000
g. Construction	0	0	0	0	0
h. Other	0	0	1,000	0	1,000
i. Total Direct Charges (sum of 6a-h)	7,634	11,000	4,000	0	22,634
j. Indirect Charges	0	0	0	0	0
k. TOTALS (sum of i and j)	7,634	11,000	4,000	0	22,634
l. Program Income	0	0	0	0	0

Authorized for Local Reproduction

Standard Form 494A (Rev. 7-87)
Prescribed by GPO (CPS, Inc.) 4-7-82

References:

Tampa Bay Estuary Program (TBEP). 2006. Charting the course: The Comprehensive Conservation and Management Plan for Tampa Bay.

Cockroach Bay Aquatic Preserve
Proposed Grant Restoration Area

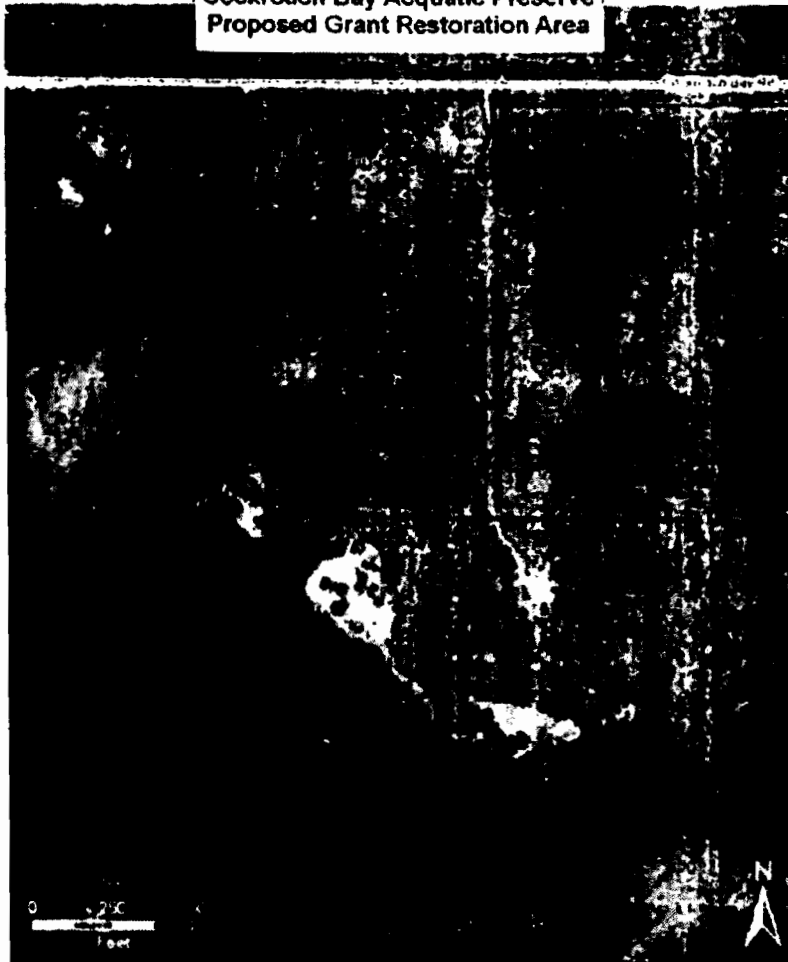


Figure 2. Map showing the saltern areas.

Figure 3. Pictures from Cockroach Bay Saltern Areas



Salt Barren at Cockroach Bay



Ground vegetation and mangroves bordering salt barren



**Tidal water along the edge of the salt barren.
Note black mangrove pneumatophores and fiddler crabs.**



Figure 1. Map of ELAPP properties at Cockroach Bay Aquatic Preserve where saltern restoration will take place.

INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Partners for Fish & Wildlife	15-631	\$ 14,000.00	\$ 9,180.00	\$	\$	0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		\$ 14,000.00	\$ 9,180.00	\$ 0.00	\$ 0.00	0.00
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					
	(1) Partners for Fish & Wildlife	(2)	(3)	(4)	Total (5)	
a. Personnel	\$	\$	\$	\$	\$ 0.00	
b. Fringe Benefits					0.00	
c. Travel					0.00	
d. Equipment					0.00	
e. Supplies					0.00	
f. Contractual	13,650.00		9,180.00		22,830.00	
g. Construction					0.00	
h. Other	350.00				350.00	
i. Total Direct Charges (sum of 6a-6h)	14,000.00		9,180.00	0.00	23,180.00	
j. Indirect Charges					0.00	
k. TOTALS (sum of 6i and 6j)	\$ 14,000.00	\$ 9,180.00	\$ 0.00	\$ 0.00	\$ 23,180.00	
7. Program Income		\$	\$	\$	\$	

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Partners for Fish & Wildlife	\$ 9,180.00 \$		\$	\$ 9,180.00
9.				0.00
10.				0.00
11.				0.00
12. TOTAL (sum of lines 8-11)	\$ 9,180.00 \$	0.00 \$	0.00 \$	9,180.00

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year			
	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 5,585.00 \$	2,555.00 \$	3,030.00 \$	\$
14. Non-Federal	0.00			
15. TOTAL (sum of lines 13 and 14)	\$ 5,585.00 \$	2,555.00 \$	3,030.00 \$	0.00 \$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. Partners for Fish & Wildlife	\$ 5,585.00 \$	1,530.00 \$	6,885.00 \$	0.00
17.				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$ 5,585.00 \$	1,530.00 \$	6,885.00 \$	0.00

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges:	
22. Indirect Charges:	
23. Remarks:	

FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted	2. Federal Grant or Other Identifying Number Assigned By Federal Agency	OMB Approval No. 0348-0038	Page
3. Recipient Organization (Name and complete address, including ZIP code)			
4. Employer Identification Number	5. Recipient Account Number or Identifying Number	6. Final Report <input type="checkbox"/> Yes <input type="checkbox"/> No	7. Basis <input type="checkbox"/> Cash <input type="checkbox"/> Accr
8. Funding/Grant Period (See instructions) From: (Month, Day, Year)	To: (Month, Day, Year)	9. Period Covered by this Report From: (Month, Day, Year)	To: (Month, Day, Year)
10. Transactions:	I Previously Reported	II This Period	III Cumulative
a. Total outlays			
b. Recipient share of outlays			
c. Federal share of outlays			
d. Total unliquidated obligations			
e. Recipient share of unliquidated obligations			
f. Federal share of unliquidated obligations			
g. Total Federal share (Sum of lines c and f)			
h. Total Federal funds authorized for this funding period			
i. Unobligated balance of Federal funds (Line h minus line g)			
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed		
	b. Rate	c. Base	d. Total Amount
			e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.			
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.			
Typed or Printed Name and Title			Telephone (Area code, number and extension)
Signature of Authorized Certifying Official			Date Report Submitted December 29, 2004

REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

OMB APPROVAL NO. **0348-0004** PAGE **OF** PAGES

1. TYPE OF PAYMENT REQUESTED a. "X" one or both boxes <input type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT b. "X" the applicable box <input type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL	2. BASIS OF REQUEST <input type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL
---	--

3. FEDERAL SPONSORING AGENCY AND ORGANIZATION ELEMENT TO WHICH THIS REPORT IS SUBMITTED	4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY	5. PARTIAL PAYMENT REQUEST NUMBER FOR THIS REQUEST
---	---	--

6. EMPLOYER IDENTIFICATION NUMBER	7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER	8. PERIOD COVERED BY THIS REQUEST	
		FROM (month, day, year)	TO (month, day, year)

9. RECIPIENT ORGANIZATION Name : Number and Street : City, State and ZIP Code :	10. PAYEE (Where check is to be sent is different than item 9) Name : Number and Street : City, State and ZIP Code :
--	---

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

PROGRAMS/FUNCTIONS/ACTIVITIES ▶	(a)	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)	\$	\$	\$	\$
b. Less: Cumulative program income				
c. Net program outlays (Line a minus line b)				
d. Estimated net cash outlays for advance period				
e. Total (Sum of lines c & d)				
f. Non-Federal share of amount on line e				
g. Federal share of amount on line e				
h. Federal payments previously requested				
i. Federal share now requested (Line g minus line h)				
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances	1st month			
	2nd month			
	3rd month			

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

a. Estimated Federal cash outlays that will be made during period covered by the advance	\$
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested (Line a minus line b)	\$



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/BA/CGS

September 3, 2009

Memorandum

To: Ann Marie Lauritsen, U. S. Fish and Wildlife Service, Jacksonville ES Office,
Florida

From: Chief, Division of Contracting and Grant Services

Subject: Designation as Project Officer for Cooperative Agreement No. 401819J549

You have been designated as the Project Officer for the above referenced agreement. This guidance is provided to assist you in clarifying your Service responsibilities as a Project Officer.

FUNCTIONS AND DUTIES

You are authorized by this designation to take any or all actions with respect to the following which could lawfully be taken by me as Contracting Officer/Grants Officer except any action specifically prohibited by the terms of the agreement or by the referenced documents cited therein. Note that references to "recipient" below refer to the grantee/cooperator. These duties and authorities are not redelegable to any other individual, unless the agreement is modified to reflect the designation of a new Project Officer.

- a. Ensure that the recipient performs the technical requirements of the agreement in accordance with its terms, conditions, and specifications. Answer technical questions, address issues, and ensure compliance with all technical aspects of the assigned agreement.
- b. Ensure that work is not performed outside the scope or funding in the agreement.
- c. Review all proposed requests for modifications and provide comments and/or approval to the Administrative or Contracting Officer.
- d. Ensure that all reporting requirements are met as specified in the agreement. Review reports for adequacy, accuracy, and timeliness. Notify the Contracting Officer if reports are not submitted in a timely manner or do not provide proper information.

- e. Coordinate and communicate as needed with the Service Contracting Officer and with the recipient's agreement coordinator. Work with the recipient's agreement coordinator to set up and conduct meetings as needed.
- f. Review and approve Requests for Advance or Reimbursement (SF 270) submitted to the Service by the recipient or return rejected requests to the recipient with an explanation. Forward approved SF 270 to CGS for payment. Your approval of these requests constitutes your acknowledgment the recipient's performance and reporting has been satisfactory.
- g. Ensure that advance payments are not authorized unless they (1) have been authorized in the agreement and (2) include a justification of expenditures to your satisfaction.
- h. Track the status/usage of any government-owned equipment and review the final SF 270, the final SF 269, relative to the status of any government-owned equipment in possession of the recipient prior to agreement close-out.
- i. Monitor expiration dates, determine if extensions are needed, and contact CGS 60 days in advance of expiration to request extensions.

LIMITATIONS

Under this appointment, except as noted herein, you are not authorized under any circumstances to perform any of the following tasks. If uncertain, contact the Service Contracting Officer for a case-by-case review and decision.

- a. Take any action that may change the funding, scope, reporting requirements, or other essential terms and conditions of the agreement unless such changes are specifically stated in a written agreement modification signed by the Contracting Officer.
- b. Make commitments on behalf of the recipient. This means making commitments with vendors, subgrantees, or private landowners. Only an authorized official of the recipient organization may make those commitments.
- c. Direct recipient personnel. When lines of authority and responsibility blur, the recipient may be viewed as an agent of the federal government acting at its direction, thereby exposing the federal government to lawsuits for injury or wrongful action actually conducted by the recipient. Remember that under agreements, the lines of responsibility must remain clear at all times.
- d. Serve in the capacity of an official of the recipient organization. Sometimes, however, Service personnel are requested to serve in an advisory capacity on boards of nonprofit organizations or planning committees. In such cases, the Service official must request a review by the Service's Division of Human Resources to ensure there are not restrictions or

conflicts of interest unless written approval has been obtained per 212 FW 4 and provided to the Contracting Officer.

Exceptions to Limitations b and c

Under a cooperative agreement (including the Wildlife Cooperative Extension Agreement (WCEA) that is a type of cooperative agreement) where the Service is expected to be “substantially involved” with the project, the Service Project Officer may direct contractor or recipient personnel if specifically and clearly defined in the cooperative agreement. Thus, a “Statement of Federal Substantial Involvement” shall be included in all cooperative agreements (Item 2 of the WCEA Project Plan, Exhibit A; or within the Scope of Work, Service Responsibilities section of other cooperative agreements). This Statement of Federal Substantial Involvement must clearly describe those categories of activities in which the Service Project Officer expects to be substantially involved.

For example, the Service Project Officer may provide direction and guidance to the cooperator’s personnel or vendors in the planting of trees and other vegetation (how, when, where, species, etc.), including the review and technical approval of each stage of the planting process; the installation of in-stream habitat improvement structures (how, when, where, specific location, etc.); and the construction of wetlands and hydrologic reestablishment.

In applying these exceptions, the Service Project Officer shall notify and discuss with the Cooperator any deviations from the Project Plan (Exhibit A) or Scope of Work.

CAUTION: Although the Service Project Office under a cooperative agreement may provide direction and guidance to the Cooperator’s personnel or vendor as specified in the agreement, such direction by Service personnel could result in a cost overrun or claim by the contractor against the landowner. Any such cost overrun generally would be the responsibility of the Government to cover the additional costs to the landowner.

TERM OF DESIGNATION

This designation as Project Officer shall remain in effect through the life of the agreement unless revoked sooner by the Contracting Officer. An official change to the designated Project Officer must be made through a written modification to the agreement signed by the Contracting Officer. The Contracting Officer will notify the recipient of any changes to the Project Officer designation through issuance of a written modification.

RECORDS AND REPORTS

You are required to maintain adequate records to sufficiently record the performance of your duties as Project Officer during the life of this agreement or during your designation as the Service Project Officer. If your role as Project Officer changes before completion of the agreement, please turn your records over to the successor Project Officer or obtain disposition instructions from the Contracting Officer.

ETHICAL RESPONSIBILITIES

See "Standards of Ethical Conduct for Employees of the Executive Branch" (5 CFR 2635.201) and Service Manual Chapter 212 FW 4.

PROJECT OFFICER ACKNOWLEDGMENT

Please sign a copy of the delegation and return to the issuer within 10 days of receipt.

Project Officer's Signature

Date

COOPERATIVE AGREEMENT
Between the
Environmental Protection Commission of Hillsborough County
and
Hillsborough County
for Cockroach Bay Aquatic Preserve Saltern Habitat Restoration

THIS COOPERATIVE AGREEMENT, (the “Agreement”) is made and entered into by and between Hillsborough County, a political subdivision of the State of Florida (the “COUNTY”) and the Environmental Protection Commission of Hillsborough County (the “EPC”), a political subdivision of the State of Florida.

WITNESSETH:

WHEREAS, the EPC is a local government environmental agency created by Special Act 84-446, Laws of Florida as amended, that implements various environmental regulatory programs, restoration projects, and conducts activities designed to prevent and minimize pollution; and

WHEREAS, the COUNTY manages certain lands designated for conservation or preservation, including, but not limited to, the Cockroach Bay Aquatic Preserve on Tampa Bay; and

WHEREAS, the EPC was granted \$25,000.00 by the U.S. Department of the Interior, Fish and Wildlife Service (the “USFWS”) to restore certain saltern habitat in the Cockroach Bay Aquatic Preserve (the “Project”) pursuant to Agreement No. 401819J549 between the EPC and the USFWS, attached hereto as Attachment A, (the “EPC/USFWS Agreement”); and

WHEREAS, the EPC/USFWS Agreement proposes that the EPC assist in restoring the hydrology on land recently purchased by the COUNTY via its Environmental Lands Acquisition and Protection Program. The land has been added to the Cockroach Bay Aquatic Preserve on Tampa Bay. The area contains approximately 10 acres of saltern habitat. Salt barrens (aka salterns) forms in areas where brackish water moves in during very high tides and evaporates, creating open stretches of salty, dry soil. During periods of inundation, salt barrens serve as foraging areas for fish and wading birds including important sport fish such as snook and tarpon. Funding for the EPC/USFWS Agreement will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheetflow from the surrounding upland and high marsh areas to the saltern sites. A minimum of a 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish in the filled ditch areas. This proposal represents the first phase of a larger scale restoration project comprised of three phases on the site and an adjacent site; and

WHEREAS, the COUNTY desires to assist the EPC with the above-described restoration Project through its Parks, Recreation and Conservation Department; and

WHEREAS, the EPC and the COUNTY agree that a Cooperative Agreement wherein the EPC pays the COUNTY to assist in the Project is an efficient allocation of resources to achieve a common goal of habitat restoration.

NOW, THEREFORE, in consideration of the mutual covenants, promises and provision contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

PART I - EPC RESPONSIBILITIES

- a) The EPC shall pay the COUNTY an amount not to exceed \$21,000.00 to perform the functions related to the Project as specifically set forth in this Agreement.
- b) The EPC shall reimburse the COUNTY through the use of an Inter-Organization Charge form ("IOC") process, and/or other accounting procedures, resulting in the actual transfer of funds to the COUNTY. The IOC, prepared by the COUNTY and including appropriate backup documentation, will charge the EPC's expense index code and credit the COUNTY's established revenue index code. The EPC shall reimburse the COUNTY in accordance with the time frame set forth in the Local Government Prompt Payment Act (Chp. 218, F.S.). EPC shall reimburse the COUNTY within 45 days of receiving a complete invoice from the COUNTY. In the event the COUNTY's request for reimbursement is not supported by adequate documentation, the EPC may request additional information in writing within 30 days. Upon receipt of additional documentation the EPC's reimbursement deadline of 45 days commences.
- c) The EPC will assist in the project design and will secure all necessary permits, perform pre-construction vegetation survey, and monitor the restoration progress. In addition, the EPC will provide on-site management during construction if the Parks, Recreation and Conservation Department needs assistance.

PART II - COUNTY RESPONSIBILITIES

- a) The COUNTY shall, through its Parks, Recreation and Conservation Department, perform the following tasks within the noted time frames, as outlined in the EPC/USFWS Agreement (see attachment A):
 - 1) Oversee the hiring and activities of the engineering contractor who will perform surveys and draft plans.
 - 2) Assist the EPC with acquiring all necessary permits.
 - 3) Remove exotics in the 100 foot buffer zone of the filled ditches.
 - 4) Rent the equipment necessary to perform the work (fill the ditches).
 - 5) Perform the long-term maintenance of the site.
- b) The COUNTY will assist the EPC with the EPC's reporting requirements pursuant to the EPC/USFWS Agreement.

c) The COUNTY will provide a quarterly summary of the Project activities conducted during the term of this Agreement. This summary will be supported by relevant documentation (hours worked, photos, plans, diagrams, etc.).

d) The COUNTY will prepare the IOC and shall attach appropriate back-up documentation supporting such IOC, if appropriate. If EPC has any questions or needs additional information to ensure that the reimbursement is appropriate under this Agreement, the County shall arrange to promptly provide the additional information in response to a written EPC request, as needed, prior to reimbursement.

PART III - MUTUAL CONSIDERATION and MISCELLANEOUS CONDITIONS

a) EPC and COUNTY staff will meet regularly to discuss the Project and progress.

b) Modifications to this Agreement may be presented at any time and if mutually agreed upon, shall be placed in writing and executed by both parties.

c) This Agreement shall become effective as of the date of the filing of this Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida (the "Effective Date"). The term of this Agreement shall be from the Effective Date and shall end on October 31, 2010.

d) Key personnel are as follows and any written notices should be provided via U.S. mail or hand delivery to the following:

i. COUNTY: Richard Sullivan, Parks, Recreation and Conservation Department, 3709 Gulf City Road, Ruskin, FL, 33570.

ii. EPC: Laura Thorne, Wetlands and Watershed Management Division, 3629 Queen Palm Drive, Tampa, FL 33619, (813) 627-2600.

Changes to key personnel may be made in writing to the other party, without need for modification to this Agreement.

e) Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its respective officers, agents, and employees arising from the duties related to this Agreement. Notwithstanding any provision in this Agreement, all issues relating to liability, including but not limited to waivers or assumptions of liability, in this Agreement are subject to, may not be contrary to, and are limited by the sovereign immunity laws, including but not limited to section 768.28, Florida Statutes.

f) If any provision of this Agreement is found invalid or unenforceable by any court of competent jurisdiction, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this Agreement which shall continue in full force and effect, provided the rights and obligations of the parties contained herein are not materially prejudiced and that the intentions of the parties can continue to be effected. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws

of the State of Florida. Venue of any disputes relating to this Agreement shall be in Hillsborough County, Florida.

g) This Agreement is subject to funding availability. In the event sufficient budget funds are not available for a new fiscal period, either party shall notify the other of such occurrence and the Agreement shall terminate on the last day of current fiscal period without penalty or expense to the COUNTY or EPC. The COUNTY shall be paid for all work performed up until the date of termination. Pursuant to section 218.77, F.S. the parties are aware that the EPC's funding for this project is contingent on receipt of federal funds or federal approval.

h) The parties shall allow public access to all documents, papers and letters made or received by the EPC in connection with this Agreement that are public records pursuant to Chapter 119, Florida Statutes.

i) This Agreement may be terminated in writing by either party provided that no termination may be effected unless the other party is given not less than sixty (60) calendar days written notice, delivered by certified mail. Upon termination, the COUNTY shall promptly discontinue all affected work (unless the notice directs otherwise), and shall deliver or otherwise make available to the EPC all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the COUNTY in performing the Agreement, whether completed or in progress. The COUNTY shall be paid for all work performed up until the date of termination.

PART IV - RECORDING:

The Clerk of the Board of County Commissioners for the COUNTY is hereby authorized and directed, after approval of this Agreement by the respective governing bodies of the COUNTY and EPC and the execution thereof by the duly qualified and authorized representatives of each of the parties hereto, to file this Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida, for recording in the public records of Hillsborough County, Florida.

IN WITNESS WHEREOF, the COUNTY and EPC have caused this Cooperative Agreement for Cockroach Bay Aquatic Preserve Saltern Habitat Restoration to be approved as of the dates noted below.

ATTEST:
PAT FRANK
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Ken Hagan, Chairman
Board of County Commissioners

(OFFICIAL SEAL)

Date: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY

By: _____
Assistant County Attorney

By: _____
Al Higginbotham, Chairman
Environmental Protection Commission

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
EPC Attorney