

EPC WORKSHOP

for PROPOSED RULE REVISIONS to CHP. 5 of THE BASIS OF REVIEW

**FOR AUTHORIZATION OF ACTIVITIES PURSUANT TO
CHAPTER 1-11 – WETLANDS**

and

CHP. 1-6, RULES OF THE EPC



THIS WORKSHOP IS BEING RECORDED



Virtual Housekeeping

- ▶ Thank you for attending this Workshop.
- ▶ Please mute microphone unless speaking.
- ▶ Please avoid use of video during presentation.
- ▶ Avoid the use of inappropriate language or visuals.
- ▶ Written questions during the workshop can be typed in the Q & A section – located on the bottom right corner of your screen.
- ▶ Verbal questions will be taken at the end of the presentation.



Outline of Presentation

- ▶ BOR History & Purpose of Revisions
- ▶ Non-Construction Related Activities
 - Aquatic Plant Control (*previously Whole Lake Treatment*)
 - Removal of Floating Tussocks
- ▶ Construction Related Activities
 - Fences
 - Marginal Structures
 - Shoreline Stabilization – *New activity type created*
- ▶ Exemptions
- ▶ Ch. 1-6, Rules of the EPC



Basis of Review History & Revision Purpose

Rule adopted in 2008 by the EPC Commission and amended in May 2021.

Chapter V contains criteria required for Miscellaneous Activities in Wetlands (MAIW). MAIWs are those activities that constitute development within wetlands or other surface waters under Section 1-11.02(2)(b) yet are considered to have a nominal consequence on those wetland or other surface water functions thus qualifying them for a permit under Chapter 1-11 (the EPC Wetlands Rule).

The proposed amendments address:

- feedback from citizens, staff, and other stakeholders
- clarify criteria for common activity types

5.2.5 Aquatic Plant Control

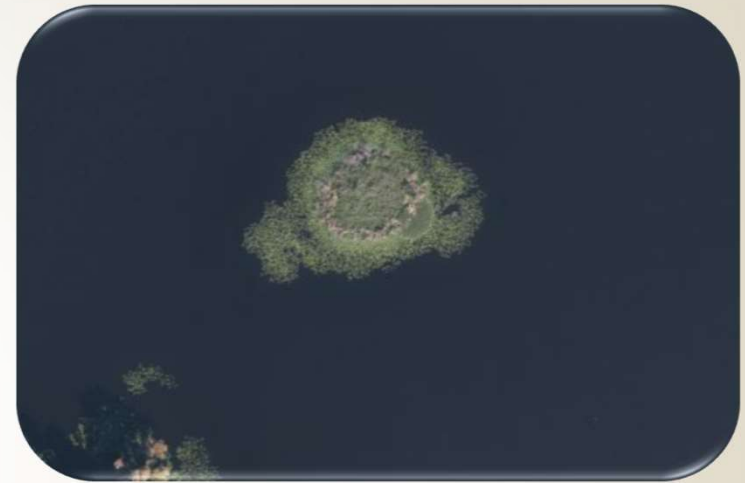
- Revised section title from Whole Lake Treatment to Aquatic Plant Control
- Aquatic Plant Control Noticed Exemption
 - Included algae
 - Clarified duration of noticed exemption validity
- Noticing of a permit not required for federal, State, and local governments

Reminder: Aquatic Plant Control does not include shoreline/littoral vegetation removal



5.2.6 Removal of Floating Tussocks

- ▶ Created section for removal of floating tussocks composed of predominantly **native vegetation**.
 - ▶ Ownership requirements
 - ▶ Tussock must limit access/use of surface water, hinder flood control, or impair open water access
 - ▶ Active bird nesting
- ▶ Tussocks that are composed of **non-native vegetation** are now included in 5.4 Exempt Activities.



5.3.2 Fences

- Modified language to clearly limit the appropriate fencing materials
- Elevation above OHW line
- Identify that wire fencing is appropriate between substrate and OHW



5.3.4.2 Marginal Structures

- Revised the definition of a marginal structure
- Combined language regarding a structure located within a swim/open water access area
- PTB jurisdiction and other artificially created residential canals exempt from certain criteria



5.3.5 Shoreline stabilization

- 5.3.5.(1) Native Based Solutions
 - Native Shoreline
 - Native Shoreline with Minimum Shoreline Hardening *New*
- 50% Fee reduction for Native Based Solutions





5.4 Exempt Activities

- ▶ Removed cumulative language to clarify multiple exemptions may be obtained on a single structure
- ▶ (6) Native plantings along natural shoreline areas that does not involve vegetation removal or re-grading of shoreline.
 - ▶ Added criteria to allow the use of fiber logs for native plantings exemption
- ▶ (21) Removal of floating tussocks composed of predominantly non-native vegetation.

Reminder: A separate Port Tampa Bay authorization may still be required for any activity that is exempt.



Ch. 1-6, Rules of the EPC

- Fee Schedule - Section 1-6.05.l.

Revised subsections 3. and 4. from Whole Lake Treatment to Aquatic Plant Control to be consistent with BOR revisions.

Subsection 6. creates 50% fee reduction for Native Based Solution projects either under an MAIW or MWP.



Conclusion & Reminders

- ▶ Rule opened for revision to clarify criteria and address stakeholder feedback.
- ▶ If the applicant doesn't qualify for an MAIW, the draft rule clarifies that the applicant can apply for a Wetland Impact Review pursuant to Section 1-11.07
- ▶ Port Tampa Bay Submerged Lands Management Rules are still applicable and may be more stringent than the criteria contained in the Basis of Review.



WRITTEN COMMENTS

➤ After the workshop you can send written comments to

epcinfo@epchc.org

- Send comments by **April 29**, so they can be considered before the EPC Commission Meeting, May 19, 2022.
- Thank you for attending!

Written Q & A Responses Verbal Questions



After the workshop please send all written comments to epcinfo@epchc.org