

## M E M O R A N D U M

**TO:** Governing Board Members

**FROM:** Chip Merriam, Deputy Executive Director, Water Resources

**DATE:** April 28, 2009

**SUBJECT:** **Authorize publication of a Notice of Rulemaking in the Florida Administrative Weekly to amend Rule 40E-400.315, F.A.C, to delete language in section (2)(c) regarding thresholds and additional conditions within Collier County.**

### RECOMMENDATION

Authorization to publish the Notice of Rulemaking to amend Rule 40E-400.315, F.A.C., to delete language regarding thresholds and additional conditions for a No Notice General Permit within Collier County (County).

### BACKGROUND

The District's existing Rule 40E-400.315, F.A.C., contains a partial delegation to Collier County. On February 9, 2006, Collier County submitted a request to pursue a delegation agreement pursuant to subsection 62-344.300(l) F.A.C. for a formal delegation of a portion of the District's Environmental Resource Permitting responsibilities. However, on July 22, 2008, the Collier County Commission voted to withdraw that request and relinquish their existing delegated permitting authority. The County considered the following factors in their decision to relinquish their existing delegated permitting authority:

- 1) District has opened a local permit review office in Collier County;
- 2) District has implemented ePermitting on a large scale, has posted their existing files online and sends electronic notifications to interested parties;
- 3) The remaining undeveloped portions of the County would either continue to be permitted by the District under any proposed delegation agreement or are already in the process of being built; and
- 4) Workload and permit activity in the County has decreased.

Under the existing delegation, Collier County has processed less than 10 applications per year over the past three years. The District will now be responsible for reviewing and permitting these applications. However, it should be noted that some of these projects will qualify for the District's No-Notice General Permit (Rule 40-E-400.315, F.A.C.). The application workload can be absorbed at this time due to the overall slowdown in permitting activity. However, as the economy improves and permitting activity increases, some staffing adjustments may be needed.

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**THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:**

**40E-400.315 No Notice General Permit for Activities in Uplands.**

(1) No Change.

(2) through (2)(b) No Change.

~~(c) Thresholds and Additional Conditions Within Collier County.~~

~~\_\_\_\_\_ 1. The project must have less than 40 acres total land area.~~

~~\_\_\_\_\_ 2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

*Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History— New 10-3-95, Amended 4-14-03, \_\_\_\_\_.*