

## MEMORANDUM

**TO:** Governing Board Members

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

**DATE:** July 20, 2006

**SUBJECT:** Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-1.659, F.A.C., to incorporate by reference "Off-Site Compensatory Storage of Surface Waters Easement" Form, and to amend the District's Basis of Review for Environmental Resource Permits to clarify requirements for providing compensatory storage.

### Recommendation

Staff recommends approval of the Notice of Rule Development to amend Rule 40E-1.659 F.A.C., to incorporate by reference "Off-Site Compensatory Storage of Surface Waters Easement" Form, and to amend the District's Basis of Review for Environmental Resource Permits to clarify the requirements for providing compensatory storage of surface waters.

### Background

Under existing District rules, compensatory storage is a method which provides an area for the storage of stormwater runoff in order to prevent adverse flooding impacts that would otherwise cause a project to not meet the conditions for issuance. Compensatory storage is best accomplished when provided on-site so that adverse flooding to off-site properties shall not occur; however, off-site compensatory storage will be considered and authorize when certain requirements have been met by applicants. In order to clarify these requirements and to define certain terms, it is necessary to amend the District's Basis of Review for Environmental Resource Permits, as well as Rule 40E-1.659, F.A.C. Staff recommends approval of the Notice of Rule Development to amend Rule 40E-1.659, F.A.C., to incorporate by reference an off-site compensatory storage of surface waters easement form, and to amend the District's Basis of Review for Environmental Resource Permits in order to clarify the requirements for providing compensatory storage.

A District form, "Off-Site Compensatory Storage of Surface Waters Easement," will be incorporated by reference into Rule 40E-1.659, F.A.C.

**Staff Contact:** Anthony Waterhouse, Division Director, Surface Water Management  
Phone (561) 682-6867

Luna Phillips, Sr. Attorney, Office of Counsel  
Phone (561) 682-6753