

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director, Water Resources

DATE: September 17, 2007

SUBJECT: Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapters 40E-4, 40E-40, F.A.C., Table 4.2.7-1 and Section 5.9.4 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (Basis of Review) to: 1) delete the bald eagle from the listing of aquatic or wetland dependent listed threatened species; 2) update the process for submitting water quality monitoring reports; and 3) update the title of Regulatory Manager to Division Director.

Staff Recommendation

Staff recommends Governing Board approval to publish a Notice of Rule Development to amend Chapters 40E-4, 40E-40, F.A.C., and Table 4.2.7-1 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (Basis of Review) to: 1) delete the bald eagle from the listing of aquatic or wetland dependent listed threatened species; 2) update the process for submitting water quality monitoring reports; and 3) update the title of Regulatory Manager to Division Director.

Background

Pursuant to Rule 68A-27.0012, F.A.C., the Florida Fish and Wildlife Conservation Commission (FFWCC) has published a proposed Bald Eagle Management Plan as part of the process for removing the bald eagle from the State of Florida's list of threatened species. The FFWCC has determined that the bald eagle should be de-listed since (1) bald eagles occur throughout the state; (2) the population does not experience extreme fluctuations in distribution or numbers; (3) the estimated number of adults has increased more than 300% during the past three eagle generations; and (4) the population is not projected to experience significant declines over the next three eagle generations. As a result, the FFWCC anticipates the de-listing of the bald eagle to be finalized toward the end of 2007.

The District's Basis of Review includes a table (4.2.7-1) of Listed Wildlife Species that are Aquatic or Wetland Dependent and that use Upland Habitats for Nesting or Denning. Staff recommends that the table be modified to reflect the change in listing status of the bald eagle concurrently with the FFWCC change.

In addition, Section 5.9.4 of the Basis of Review need to be updated to reflect the current process for submitting water quality monitoring reports. Rules 40E-40.051 and 40E-40.061 also need to be amended to delete the Regulatory Manager title and replace it with the current, correct title of Division Director.

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