

# Environmental Compliance

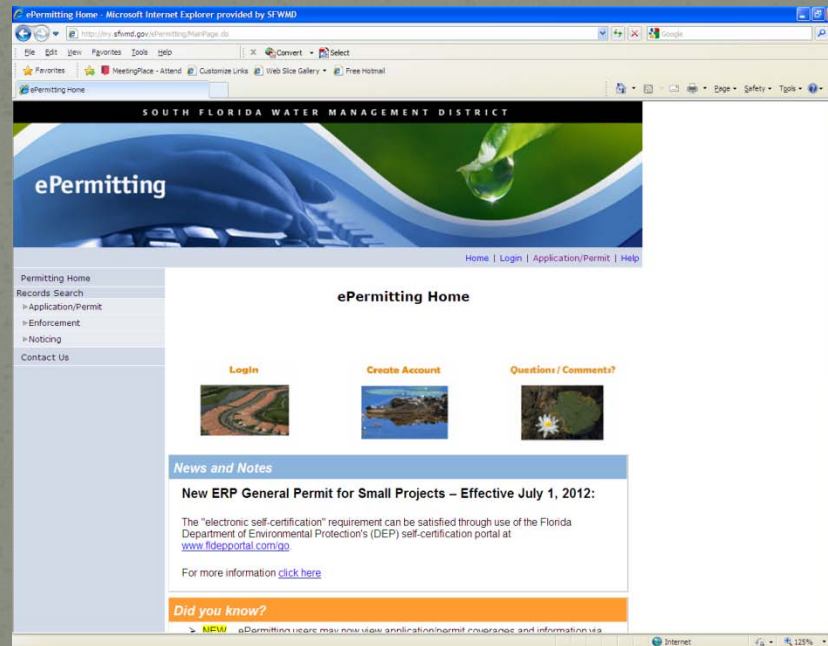
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An overview of requirements for wetland preserves

Roxanne Clifton, PWS

# Where to find ERP's

<http://my.sfwmd.gov/ePermitting/MainPage.do>



The screenshot shows a web browser window titled "ePermitting Home - Microsoft Internet Explorer provided by SFWMD". The address bar displays "http://my.sfwmd.gov/ePermitting/MainPage.do". The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help". The toolbar contains "Convert" and "Select" buttons. The page content features a header for the "SOUTH FLORIDA WATER MANAGEMENT DISTRICT" with a banner image of a hand holding a water droplet and the text "ePermitting". Below the banner is a navigation menu with "Home", "Login", "Application/Permit", and "Help". A left sidebar lists "Permitting Home", "Records Search", "Application/Permit", "Enforcement", "Noticing", and "Contact Us". The main content area is titled "ePermitting Home" and contains three buttons: "Login" (with a road image), "Create Account" (with a landscape image), and "Question / Comments?" (with a flower image). Below these is a "News and Notes" section with the heading "New ERP General Permit for Small Projects – Effective July 1, 2012:" and text explaining the "electronic self-certification" requirement, linking to "www.fldepportal.com/go". A "Did you know?" section at the bottom contains a "NEW!" icon and text: "ePermitting users may now view applications/permit coverages and information via". The browser's status bar at the bottom shows "Internet" and "125%".



# Maintenance & Monitoring



If the preserve looks like this, there is a problem...



# Financial Assurances

- Percent reductions based on success levels
- Need to be in the name of the permittee
- Use SFWMD language (adopted by rule)
- Bonds need a stand-by trust fund agreement

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
**Performance Bond to Demonstrate Financial Assurance**

Date Bond executed \_\_\_\_\_  
Effective date \_\_\_\_\_  
Principal \_\_\_\_\_  
\_\_\_\_\_  
Legal Name and Business Address of Principal

Type of Organization:  
\_\_\_\_ Individual  
\_\_\_\_ Joint Venture  
\_\_\_\_ Partnership  
\_\_\_\_ Corporation


State of Incorporation \_\_\_\_\_

License and Registration: The Surety is licensed and registered in the State of Florida.  
Surety(ies) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Name(s) and Business Address(es)

Scope of coverage: Mitigation, maintenance and monitoring pursuant to the requirements of permit number \_\_\_\_\_ issued by the South Florida Water Management District ("District") including the plans approved by said permit.  
Total penal sum of Bond \_\_\_\_\_  
Surety's Bond number \_\_\_\_\_

Period of Coverage: This Bond shall continue to be effective until notification of final release by the District. The District shall provide this notification of final release within 30 days of determining the mitigation is successful in accordance with subsection 4.3.6, Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40C-4.091 Florida Administrative Code.

**KNOW ALL PERSONS BY THESE PRESENTS**, that we, the Principal and Surety(ies) hereto are firmly bound to the District in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally, provided that, where the Sureties are corporations acting as co-sureties,

Incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C. 

Form 1105 (12/2011)

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**  
**Irrevocable Letter of Credit to Demonstrate Financial Assurance**

SOUTH FLORIDA WATER MANAGEMENT DISTRICT (DISTRICT)  
3301 Ocean Club Road  
P.O. Box 24690  
West Palm Beach, FL 33416-4690  
\_\_\_\_\_  
Address of Issuing Institution

Dear Sir or Madam:

We hereby establish our Irrevocable Letter of Credit No. \_\_\_\_\_ ("Letter of Credit") in the District's favor, at the request and for the account of \_\_\_\_\_ ("Permitter") \_\_\_\_\_ Permitter's Name and Address

Permitter's Name and Address (continued) \_\_\_\_\_  
up to the aggregate amount of \_\_\_\_\_

U.S. dollars \$ \_\_\_\_\_ in \_\_\_\_\_ available upon presentation of:


1. your sight draft, bearing reference to this Letter of Credit No. \_\_\_\_\_, and either:  
a) a Certificate issued by the South Florida Water Management District in the form of Certificate I attached hereto and made a part hereof; or  
b) a Certificate issued by the South Florida Water Management District in the form of Certificate II attached hereto and made a part hereof.

The issuer of this Letter of Credit has authority to issue letters of credit and the issuer's letter of credit operations are regulated and examined by a federal or Florida state agency. This letter of credit is established with a financial institution licensed in Florida.

The District is the sole beneficiary of this Letter of Credit. The original Letter of Credit shall be retained by the District.

This Letter of Credit may be drawn on to cover the following mitigation activities of the \_\_\_\_\_ as authorized and required by District Environmental Resource Permit number \_\_\_\_\_ (the "permit") as such permit may be amended and include all plans approved by such permit.

This Letter of Credit is effective as of \_\_\_\_\_, This date is prior to the date the activity authorized by the permit commences. This Letter of Credit shall continue to be effective through \_\_\_\_\_ but such expiration date shall be automatically extended without amendment for additional periods of one year from the present or future expiration date until notification of final release by the District.

Incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C. 

Form 1105 (12/2011)

# Common Compliance Issues

- Insufficient maintenance
- Homeowner encroachments
- Vegetative encroachments
- Trash/debris in preserves
- Lack of water level monitoring
- Unpermitted discharges into preserves
- Unfinished monitoring programs
- Unmet Success Criteria

# Exotic maintenance is forever



At least, it's supposed to be!



# Homeowner encroachments

Education is important



# Vegetative encroachments



Non-native grasses / sod  
are encroaching into preserve areas

This will add to the maintenance costs

Suggestions:

- Use of a 1' to 2' "dead zone"
- Herbicide
- Hand clearing
- Mulch
- Use a native vegetative buffer



# Trash and Debris



# Water level monitoring

- Documents the success of hydrological enhancement, effects of the project on the wetlands, etc.
- Wells vs staff gauges- which one will provide the information needed for the monitoring program?



# Unpermitted Discharges into Preserves



- Pool Drains
- Pool Overflows
- Hydrant flushes
- Gutter discharge



- Rerouting of surface water flows



# Monitoring Reports

- Time-zero reports should be submitted after all initial mitigation activity is complete
- Monitoring should be conducted the same time every year, with reports a year apart
  - SFWMD recommends biannual monitoring with annual reports
- A skipped year doesn't mean a report can be skipped
- Monitoring programs can be extended if success isn't met after five years

# Success Criteria & Final Sign-Off

- Success criteria are determined during the permitting process
  - Has the target community been achieved?
  - What species are being managed for?
  - How much credit was given for the proposed plan?
- Think about the target communities when determining if the minimum native coverage is being met
- Certification shows that the project has been built according to the permit
- Permit transfers help to promote continuity with the maintenance requirements

# Challenging Situations

## Girdled Melaleuca





# Challenging Situations

## Trees adjacent to structures



# Challenging Situations

## Triploid Grass Carp

- Indiscriminate vegetarians
- Lakes are often inter-connected to the preserves
- Littoral zone plantings at risk
- Exclusion grates need maintenance
- Grass carp require permits from FWC



Can you see the spider in this picture?



Don't you just love these guys?



# LWCSC Contacts

Ricardo A. Valera, P.E.

## ERP Permitting

Dan Waters, P.E.

Tammy Alonso

Pierre Fortunat

Ken Kellum, P.E.

Errol Noel

Carmen Quan, P.E.

Jessica White, P.E.

Laura Layman

Karyn Allman

Jewelene Harris

Justin Hojnacki

Mari Roberson

## WU Permitting / Compliance

David Hurst, P.E.

Brad Cook, P.G.

Scott Korf

John Randall

Toby Schwetje

Mike Taylor, P.G.

Janice Tobias

## Compliance / Enforcement

Melissa Roberts, P.E.

Roxanne Clifton, PWS

Marie Dessources

Angelica Hoffert, P.E.

Louis Hunter

Steve Nagle

Beckie Reide, P.E.

Mark White