

# **Tampa Bay Association of Environmental Professionals**



## **Key Considerations in Environmental Permitting Emerging Policies and Economic Conditions**

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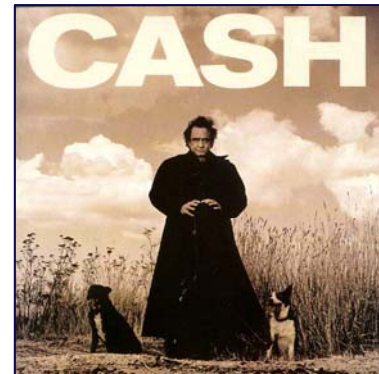
# Key Considerations in Environmental Permitting

## Emerging Policies and Economic Conditions

✓ Regulatory



✓ Economic



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# Key Considerations in Environmental Permitting

## Emerging Policies and Economic Conditions

### Overview

- ✓ Focus DEP and WMD's on Core Missions / DEP Supervisory Authority Role
- ✓ Regulatory Budget Cuts
- ✓ Focus on Streamlining Permitting / Permit Timeframe Reduction
- ✓ DEP Guidance on UMAM
- ✓ DEP Draft Rule Amendments / Rules Being Discussed



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# Key Considerations in Environmental Permitting

## Emerging Policies and Economic Conditions

### Focus on Core Mission - Gov. Scott's Direction (April 12, 2011 Letter to DEP)

- ✓ Effective and efficient water management essential to public and to economic health
- ✓ Focus on core responsibilities
  - Water Supply
  - Flood protection
  - Resource protection
- ✓ DEP to exercise statutory obligation over WMD's



# Key Considerations in Environmental Permitting

## Emerging Policies and Economic Conditions

### DEP's Supervisory Authority Role - Gov. Scott's Direction (April 12, 2011 Letter to DEP)

- ✓ Focus on Core Mission
- ✓ Budgets and debt issuance
- ✓ Rule making activities
  - ERP, Consumptive Use Permitting, UMAM, and MFLs
- ✓ Regulatory streamlining
- ✓ Consistency across boundaries
- ✓ Land acquisition and disposition coordination
- ✓ Coordination Lobbying, policy, and budgetary matters concerning State water resources



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### Regulatory Budget Cuts – Jon Steverson to WMD (June 16, 2011 – WMD Budget Direction)

- ✓ DEP Secretary Announces \$700 Million in Water Management Districts' Budget Reductions

*“Effective and efficient water management is essential to a healthy economy and a healthy environment,” said Secretary Vineyard. “These budget reductions are an important first step in ensuring that the water management districts focus on their core environmental missions, and the reductions reflect a significant savings for Florida taxpayers.”*

- ✓ Final Water Management District budget hearings scheduled
  - SFWMD: September 20<sup>th</sup>
  - NFWMD: September 22<sup>nd</sup>
  - SJRWMD, SRWMD, SWFWMD: September 27<sup>th</sup>



# Key Considerations in Environmental Permitting

## Emerging Policies and Economic Conditions

### Potential Implications of Directive, Budgetary Constraints and DEP / WMD Refocus

- ✓ Staffing
- ✓ Eliminate non-core activities
  - ✓ Mitigation Banking
  - ✓ Outreach Programs



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**Focus on Streamlining Permitting / Permit Timeframe Reduction**  
**(April 25, 2011 – Melissa Meeker “time in house” letter)**  
**(March 22, 2011 RAI Letter – Herschel Vinyard)**



- ✓ Evaluation of timeframe for processing permits
- ✓ Gov. Scott’s directive to DEP to provide meaningful and measurable proposals that streamline regulatory programs
- ✓ Maximum of two (2) RAIs to reduce back and forth



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### Potential Implications of Streamlining Permitting / Permitting Timeframe Reductions



- ✓ Maximum number of RAI's or may result in denial of project
- ✓ “Front –loaded” coordination to delay initiation of time clock
- ✓ Quicker agency response time

*“Please be advised that you may request a time extension to ensure that you have sufficient time to respond to all questions completely. Once your response is received, this application will be deemed complete (for issuance or denial).”*



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### DEP Guidance on UMAM - June 20<sup>th</sup> Letter from Dep. Secretary Jeff Littlejohn

- ✓ DEP's Role in Ensuring Uniform Interpretation and Application of UMAM
- ✓ Role of UMAM in Evaluating Mitigation Proposals
- ✓ Submission and Review of Information Needed to Perform UMAM Assessments
- ✓ Conducting Qualitative Characterizations of Artificial Wetlands and Other Surface Waters or Altered Wetlands and Other Surface Waters
- ✓ Qualitative and Quantitative Assessments of Upland Mitigation Assessment Areas
- ✓ Determining and Evaluation Preservation as Mitigation
- ✓ Location and Landscape Support Scoring
- ✓ Evaluating a Mitigation Plan that Combines Preservation Mechanism with Creation, Restoration, or Enhancement



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### Potential Implications of UMAM Guidance

- ✓ More consistent application of UMAM
- ✓ Use of Uplands as Mitigation
- ✓ SWFWMD – less credits if coupling Preservation with Creation, Restoration, or Enhancement



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### DEP Draft Rule Amendments / Rules Being Discussed



- ✓ Unified Permitting Rules for WMDs
- ✓ DEP Sovereign Submerged Lands Management Draft Rule Amendments



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### Potential Implications of Draft Rule Amendments / Rules Being Discussed

- ✓ More consistent application of rule statewide
- ✓ Permitting timeframe reduced – review at lower level
- ✓ Additional use of SSL by private businesses / development ventures



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### Contact Information and Link to Guidance Letters

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- ✓ [http://www.dep.state.fl.us/secretary/watman/wmd\\_budget.htm](http://www.dep.state.fl.us/secretary/watman/wmd_budget.htm)

