



Environmental Resource Permit (ERP) Overview Elimination and Reduction of Impacts

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Environmental Criteria

- **Chapter 40E-4**
 - **Sets forth requirements for various types of Environmental Resource Permits.**
 - **Incorporates by reference “Basis of Review for Environmental Resource Permit Applications”.**



Environmental Criteria (cont'd)

- **Basis of Review is comprised of four primary sections:**
 - **Water Quality Criteria**
 - **Water Quantity Criteria**
 - **Water Management System Design and Construction Criteria**
 - **Environmental Criteria**



Environmental Criteria (cont'd)



- **Basis of Review guides District review process and ensures consistent review/application of Environmental Resource Permit criteria.**

Environmental Criteria

- **Wetlands and Other Surface Waters**
- **Environmental Review Criteria**
 - **Elimination or Reduction of Impacts**
- **Mitigation**
- **Mitigation Banking**
- **Formal Determination of Landward Extent of Wetlands and Other Surface Waters**



Elimination or Reduction of Impacts

First step in the environmental review process pursuant to Section 4.2.1 of the Basis of Review requires:

- **Consideration of Elimination or Reduction of Impacts**



Consider Design Modifications

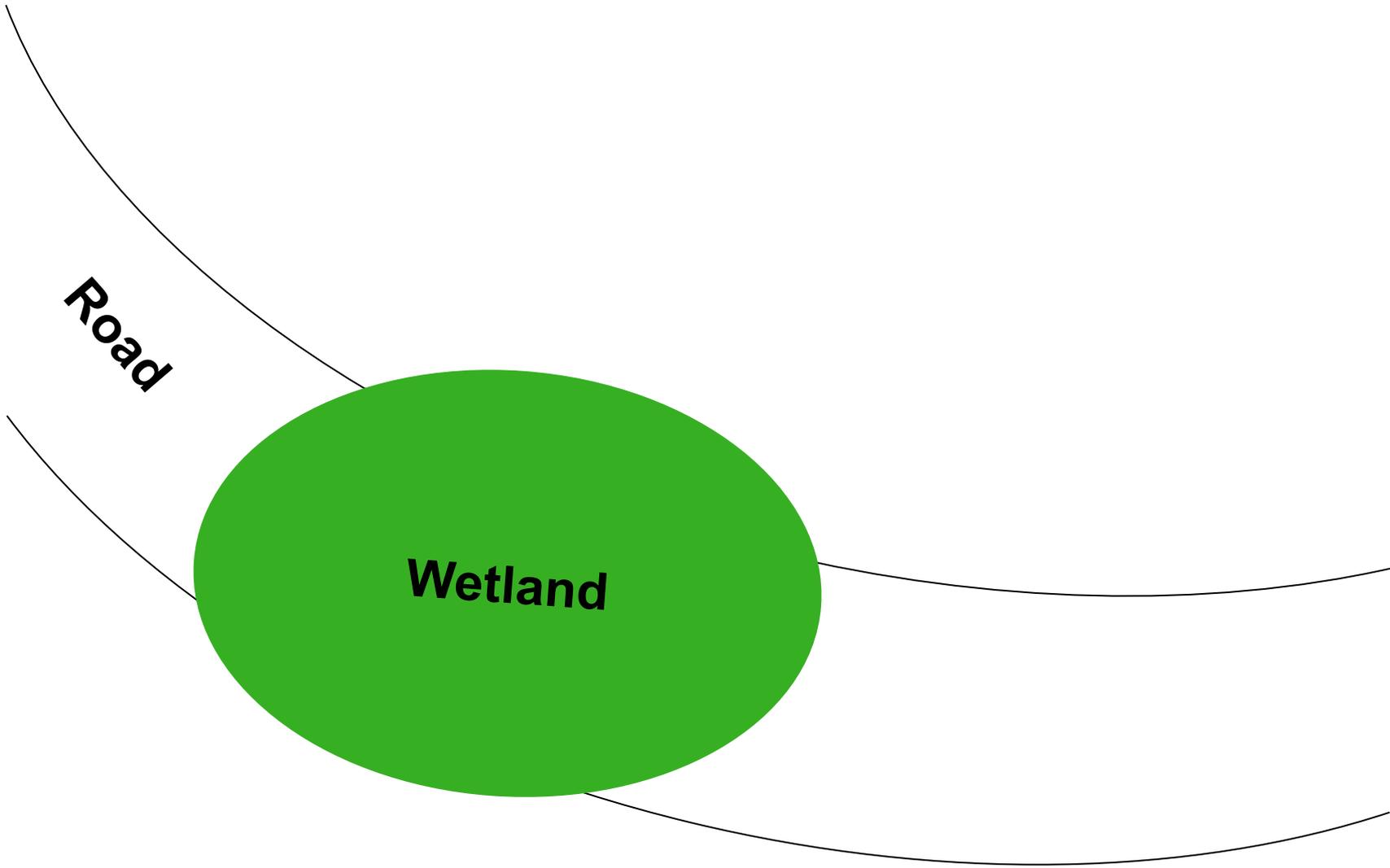


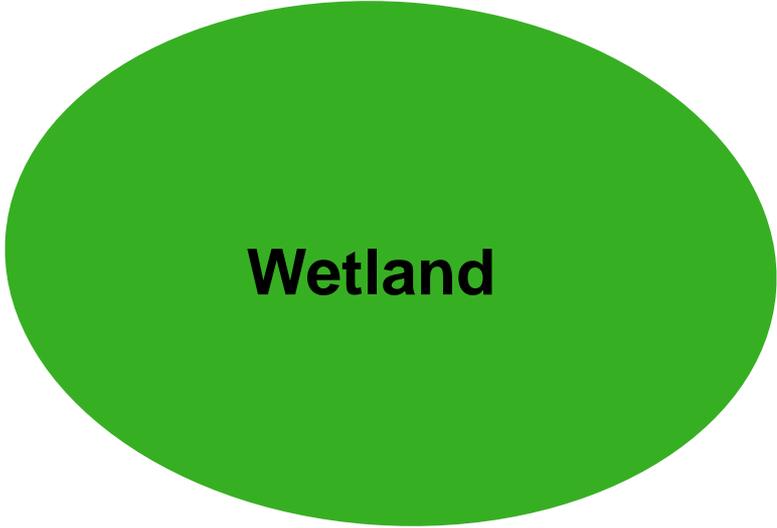
If the proposed system will result in adverse impacts to the functions provided by wetlands or other surface waters, then practicable design modifications must be considered to reduce or eliminate those adverse impacts.

What is a Practicable Modification?

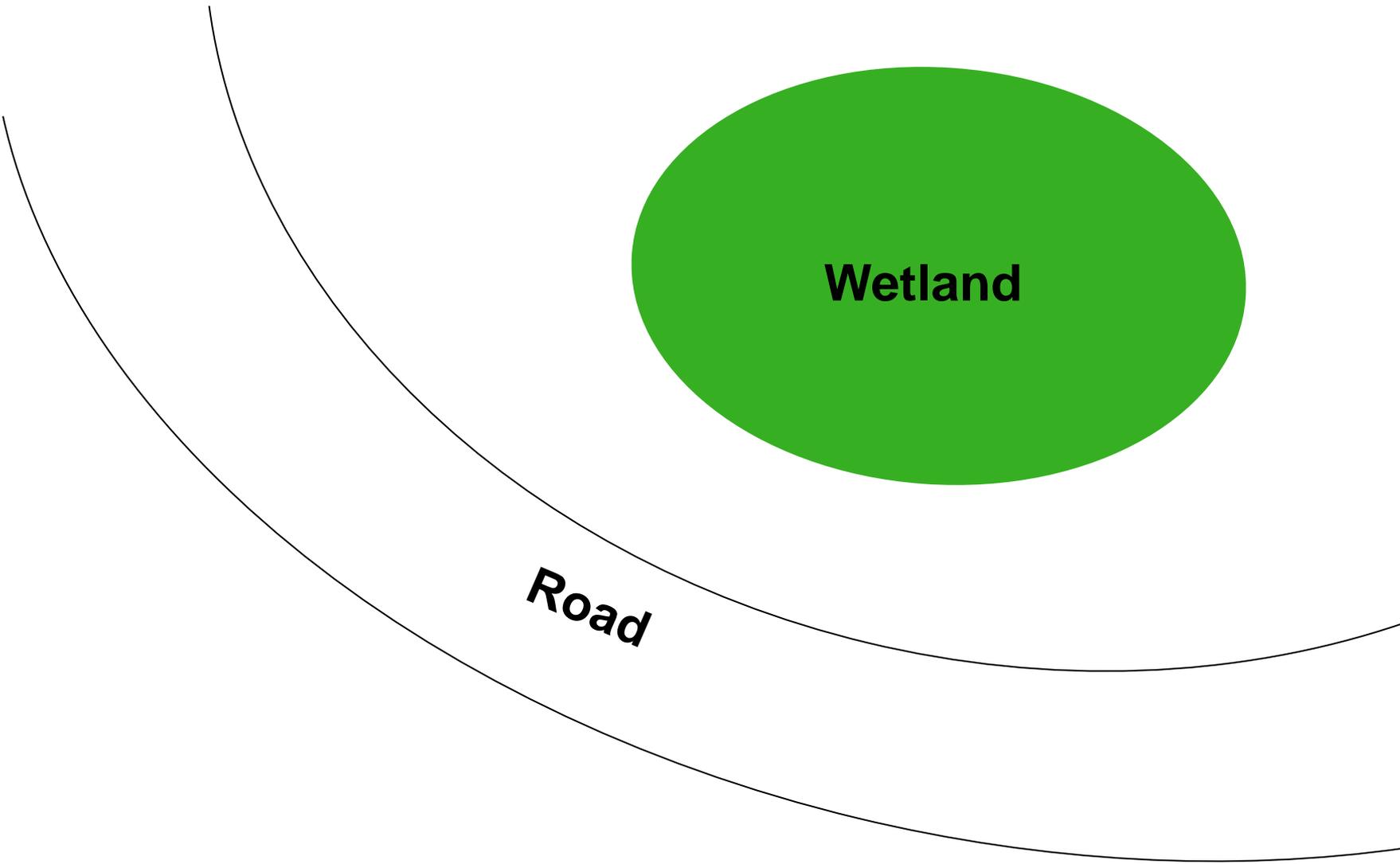


- 1. Does not include the alternative of not building or implementing some form of the system;**
- 2. Does not include a different type of project;**
- 3. Must be technically feasible and economically viable;**
- 4. Cannot adversely affect public safety or endanger life or property;**
- 5. BUT – Does not have to be highest and best use of property.**





Wetland



Road

On the other hand:

A modification does not have to provide for the highest and best use of the property to be practicable.

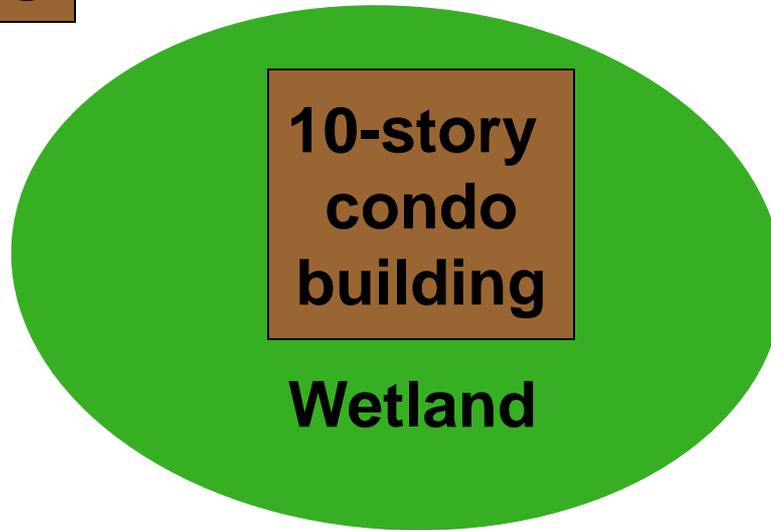


Proposed



**10-story
condo
building**

**10-story
condo
building**

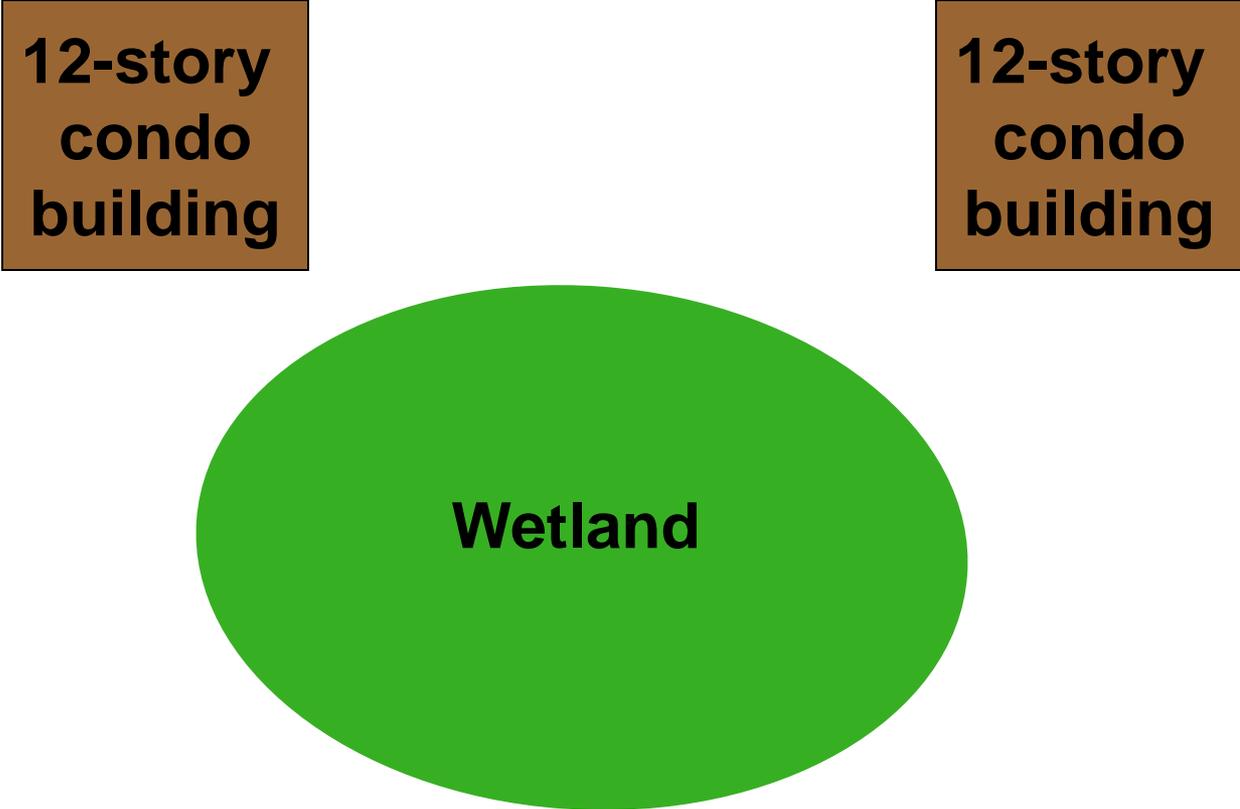


Practicable Alternative

**12-story
condo
building**

**12-story
condo
building**

Wetland

A diagram illustrating a practicable alternative. It features two brown rectangular boxes, one on the left and one on the right, each containing the text "12-story condo building". In the center, between the two buildings, is a large green oval labeled "Wetland".



Alternatives Analysis

- **WMD's and DEP do not have authority to require consideration of alternative sites.**
- **However, we do consider alternative alignments for linear projects.**
- **By contrast, ACOE can require an alternative sites analysis.**



When is Reduction or Elimination not Required?



- a. **Ecological value of the affected area is low, AND mitigation provides greater long-term ecological value than area adversely affected; OR**
- b. **Mitigation implements all or part of a plan that provides regional ecological value and provides greater regional, long-term ecological value than the affected area.**





Mitigation

- Mitigation will be approved only after the applicant has complied with the requirements regarding practicable modifications to eliminate or reduce adverse impacts.
- Any adverse impacts remaining after practicable design modifications may be offset by mitigation as described in the Basis of Review

4.2.1, BOR (SFWMD); 3.2.1 (SWFWMD); 12.2.1 (SJRWMD)

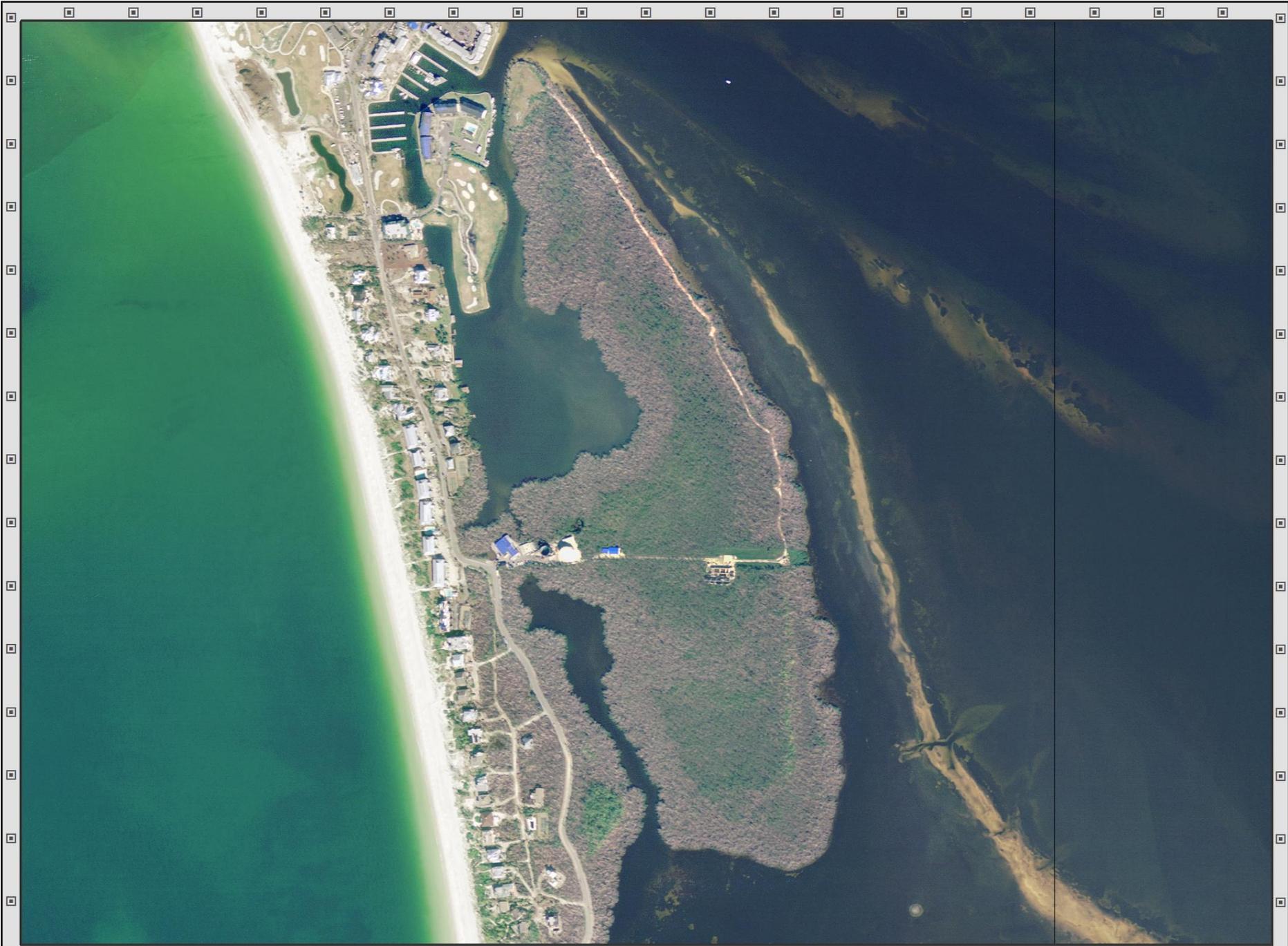


Summary

- **With large projects or projects in sensitive areas, often extensive site plan revisions are made before project is determined to be permissible**







Original Site Plan

- **7.4 acres proposed for development**
- **4.8 acres of impact to mangroves**
 - **Buildings**
 - **Pool, Spa and Tennis Court**
 - **Access Road and Surface Water Management System**



Mitigation

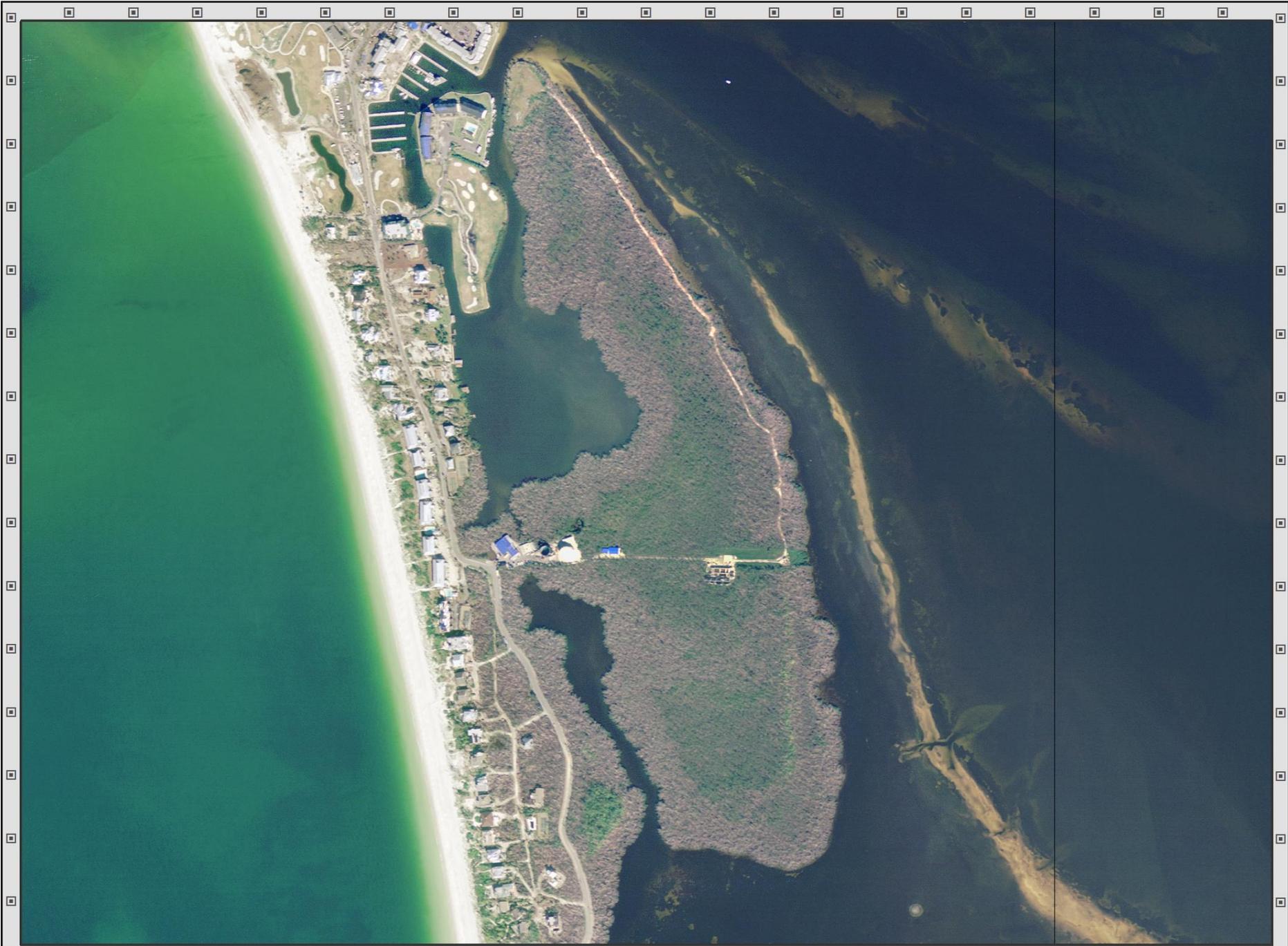
- A total of 71 acres were to be preserved
- Also included monitoring, perpetual maintenance and placement of the mitigation under conservation easement



Elimination or Reduction During Application Review:



- Tennis court was eliminated
- Development concentrated further from edge of mangroves and building footprint modified
- 5.24 acres (reduced from 7.4 acres)
- Mangrove impacts reduced to 2.98 acres (from 4.8 acres)
- Preservation increased to 73.31 acres (from 71 acres)
- .11 mitigation bank credit



Recommended Order

Found that the District met all appropriate criteria with the exception of the following:

- **SFWMD did not review financial or market information to demonstrate that fewer condo units would not be economically viable**



Conclusion

- Financial evaluation not typically a component of routine Environmental Resource Permit evaluation
- No staff expertise in market economics, contract money available to assist when needed
- However, a financial evaluation does not guarantee that no further elimination or reduction of impacts will be required

