

SUWANNEE RIVER WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

FROM: Warren Zwanka, P.G., Division Director, Resource Management

THRU: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: August 18, 2020

RE: Rulemaking to Amend Rules 40B-4.1020, 40B-4.1040, 40B-4.1100, 40B-4.1110, and 40B-4.3000 for Works of the District Permits

RECOMMENDATION

Authorize staff to publish a Notice of Rule Development to amend Works of the District rules 40B-4.1020, 40B-4.1040, 40B-4.1100, 40B-4.1110, and 40B-4.3000, Florida Administrative Code; publish a Notice of Proposed Rule for the amendments; file the proposed amendments and any changes that do not change the intent of the rulemaking with the Department of State if no objections are received; and authorize the Executive Director to certify that violations of the amended rules would not be minor violations pursuant to section 120.695, Florida Statutes.

BACKGROUND

The intent of the rule amendments shown in Attachment A are as follows:

- 40B-4.1020, Florida Administrative Code (F.A.C.) -Definitions amendments clarify terms used in rule and include new definitions for 'top of bank' and '75-foot setback.'
- 40B-4.1040, F.A.C. - Permits Required amendments explain the relationship between WOD permits and Sovereign Submerged Lands (SSL) authorizations.
- 40B-4.1100, F.A.C. -Duration of Permits amendments extend Works of the District (WOD) permit durations from three to five years, consistent with Environmental Resource Permit durations.
- 40B-4.1110, F.A.C. - Modification of Permits amendments create a less-restrictive 'minor modification' permit type if the previously permitted project meets WOD exemption or Noticed General criteria.
- 40B-4.3000, F.A.C. - Adopted Works of the District amendments clarify that Federal Emergency Management Agency (FEMA) flood maps are used to establish the floodways listed in this rule.

These amendments largely clarify existing rule or reduce regulatory burdens; therefore, staff has determined that the requested rulemaking will have no adverse impact on the regulated public.

WZ/tm
Attachment