

NOTICE OF AVAILABILITY OF A SERC

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Water Resource Management

The Division of Water Resource Management announces availability of a Statement of Estimated Regulatory Cost (SERC) prepared for proposed Rule 62-341.494, F.A.C., Noticed General Permit for Maintenance of Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County. The Department published a Notice of Proposed Rule, which announced the future availability of a SERC, in Vol. 34, No. 53, December 31, 2008 Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Analysis of the proposed rule indicates it will affect three groups of the public. Initial costs to boaters and tourists will be primarily felt in the restriction of access to certain waterways during the time of the dredging. These costs are imposed only in the short term, while the dredging is taking place. Those costs are expected to be at least partially offset by the expected long-term improvement in usability of the waterways after the completion of the dredging. Residents of waterfront communities will have short term costs related to the decrease in boater traffic during periods of dredging. Some of these may also be offset by future increases in boater traffic and the related sales revenues. This increase is likely to most directly impact commercial interests located on or served by the improved trafficsheds and secondary channel systems.

There also may be some long term costs in the form of increased pollution and erosion from increased boat traffic after the completion of the project. However, the direct effect on the net pollution caused by this rule cannot be determined with available data. Increased vessel usage may occur with or without the project as a result of additional boater registrations as Lee Countys population continues to increase. The Department believes the net pollution impacts of this rule will be offset by a decrease of pollution resulting from a reduction in the number of vessel groundings and prop dredging (both of which stir up sediments and create turbidity) as a result of improved boater access.

The Department also believes that mitigation effects of this rule can be expected, over time, to reduce or offset negative impacts to fisherpersons as a result of the establishment of the NICMZs. Specifically, the restoration and enhancement of seagrasses that is expected to result from the establishment of the NICMZs, together with reductions of seagrass impacts from vessel groundings, prop dredging, and decreased light penetrations from the resultant turbidity is expected to result in an improvement in fishery resources.

All affected parties face increased costs relating to the NICMZs in the form of restrictions in access. However, these costs are likely small and primarily offset by the benefits stemming from the newly protected marine habitat. These NICMZs also impose an enforcement cost that is borne by the local and state maritime enforcement agencies.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

THE PERSON TO BE CONTACTED REGARDING THE SERC IS: Micah Sanders, Florida Department of Environmental Protection, Office of General CouncilMS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, telephone (850)245-2242, or e-mail: Micah.Sanders@dep.state.fl.us . Further information and updates on this proposed rule also may be obtained from the Departments web site at www.dep.state.fl.us/water/rules_dr.htm#erp . (OGC No. 07-0200; formerly Docket No. 05-01R)