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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

May 8, 2009

Ms. Amanda G. Bush  
Senior Assistant General Counsel  
Florida Department of Environmental Protection  
Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

**Re: Department of Environmental Protection  
Proposed Rule 62-341.494**

Dear Ms. Bush:

I have the following additional questions regarding the proposed rule referenced above:

**62-341.494(2)(d)1.** This rule establishes certain "No Internal Combustion Motor Zones." The Statement of Facts and Circumstances Justifying [this] Rule states, on page 4, "To offset impacts to sea grass resources and provide that the activities within the aquatic preserves are clearly in the public interest . . . the general permit also requires the establishment of four No Internal Combustion Motor Zones (NICMZs) . . ." Please explain the rational basis for the determination that the creation of an area in which no internal combustion motors will be allowed to operate minimizes the "adverse environmental impacts" of dredging in another location, and places that dredging activity in the category of being "clearly in the public interest" as required by ss.373.414(1) and 258.42(1)(a), F.S.

In addition, please provide and explain the specific law implemented authorizing the Department to implement s.258.42(1)(a), F.S., taking into consideration s.258.43(1), F.S., which grants authority to the Board of Trustees of the Internal Improvement Trust Fund to adopt rule to implement the provisions of Ch. 258, F.S.

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- 62-341.494(2)(d)2.** In your letter dated May 1, 2009, you state that this rule grants the West Coast Inland Navigation District (WCIND) the ability to apply as an agent of the Department of Environmental Protection for permits from the Florida Fish and Wildlife Conservation Commission (FWCC). Please provide the specific law implemented which authorizes the Department the authority to grant agency status to WCIND.
- 62-341.494(3)(i)** This rule requires the WCIND to mark the affected trafficshed or secondary channel system with aids to navigation in accordance with Chapter 327, F.S. Chapter 327, F.S., is interpreted and enforced by the FWCC. Please provide and explain the authority of the Department to require compliance with that chapter as a specific condition of the general permit issued by this rule.
- 62-341.494(5)** This rule has been changed to state, "This general permit constitutes a Letter of Consent by the Board of Trustees of the Internal Improvement Trust Fund (BOT) under Chapters 253 and 258, F.S., and Chapters 18-20 and 18-21, F.A.C., for the West Coast Inland Navigation District to enter upon and use state-owned submerged lands to the extent necessary to complete the permitted activities." Please provide and explain the specific law implemented authorizing the Department to issue a letter of consent for the Board of Trustees of the Internal Improvement Trust Fund.

Thank you again for your attention to these issues.

Sincerely,



Suzanne G. Printy  
Chief Attorney