

Wetlands Philosophy and Protection Guidelines for the Nature Reserve at The Shores of Long Bayou

(July 2013)



I. Nature Reserve at the Shores of Long Bayou

The Shores of Long Bayou is a gated waterfront condominium community with 77 acres of waterfront land, with 25 acres of lakes and ponds and nature preserve. The nature reserve features a 1.7 mile nature trail. Residents like to walk and bike the nature trails, or do some bird watching or spend the day fishing in the lakes.

The Nature Reserve is an ecological jewel within an urban landscape on the shores of Old Tampa Bay. This coastal system, comprised of aquatic and upland ecosystems, is home to numerous species of native plants and animals. Use of this nature preserve is primarily intended for passive recreation, nature observation, a nesting and foraging area for wildlife, and as a buffer from storm damage. The trail is part of the land development called The Shores of Long Bayou and is therefore owned and controlled by the Homeowners' Association (HOA).

The Wetlands Committee of The Shores of Long Bayou endeavors to protect the quality of the water, protect the waterfowl by providing a nesting and feeding habitat, protect the flora by replacing exotic, invasive plants with Florida-native species, protect the mangroves and protect the native animals.

Many newcomers to the area think that Florida native landscape is similar to that of a golf course and are surprised by the riotous growth of so many different plant species that are the true Florida. The Nature Reserve is characteristic of the varying stages of recovery of our ecosystem and will involve the rise and fall of a number of differing species of plants and animals, each of which has a particular niche in the greater scheme of nature. Some are going to be aesthetically pleasing and some will be less so, but each will be no more or less important to the natural health of that ecosystem.

II. History of Wetland Protection in Florida

The Florida Department of Environmental Protection, the Southwest Florida Water Management District (SWFMD), and the City of Seminole all share the responsibility for protecting wetlands in Florida.

In the past, Florida's wetland protection programs consisted of the Wetlands Reserve Program (WRP, also known as Dredge and Fill), the Management and Storage of Surface Waters (MSSW) permit program, and the Sovereign Submerged Lands program.

The current Environmental Resource Permit (ERP) program went into effect in October 1995. It combined the WRP and MSSW programs into a single program, using a single permit application. The ERP program is administered by five state water management districts, of which SWFMD is the one that controls Pinellas County. Under this program, uplands also are regulated to control storm-water and drainage (quality and quantity), and to protect the habitat value that uplands provide to wetland-dependent animals. The ERP program is designed to ensure that activities in uplands, wetlands, and other surface waters do not degrade water quality (such as through loss of wetlands, improper construction techniques in waters, or discharges of improperly treated storm-water runoff), cause flooding, or degrade habitat for aquatic or wetland dependent wildlife.

The trail was dredged and created by the Army Corps of Engineers to prevent and control storm-water run-off from the uplands development from polluting Long Bayou waters with silt and contaminants.

The vegetation growing on the berm is an integral part, as it helps to stabilize this earthen dam against erosion. The sole mandate to the Shores of Long Bayou- HOA is to maintain the integrity of this dam. The trail is incidental, and in some ways, a detriment, as it was made, and is maintained, by removing much of the vegetation.

III. Southwest Florida Water Management District (SWFMD)

Unofficially nicknamed "Swiftmud" or SWFMD, it is one of five regional water management districts created in 1972 by the Florida Legislature to protect and preserve water resources. The District's responsibilities have expanded to include managing water supply and protecting water quality and the natural systems — rivers, lakes, wetlands and associated uplands.

a. SWFMD Guidelines for Vegetation in the Nature Reserve

In June 2013, Ernie Franke, chairman of the Wetlands Committee, talked with Russell A. Martin, Senior Environmental Scientist, Environmental Resource Permit Bureau of the Southwest Florida Water Management District. If it has to do with wetlands, SWFMD must be involved. A District permit was issued for the construction of the Shores of Long Bayou - Area II (permit# 44013154.004), which required the creation of several wetland mitigation areas to offset wetland impacts that were conducted during the project construction. We transitioned from the mitigation phase to the operational stage in March of 2005 (Alba E. Mäs, P.E., Tampa Regulation Dept.).

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Guidance Based on Conversations with SWFMD

The basic philosophy is that the mitigation plan called for a certain planting when it was permitted so leave it alone. SWFMD desires to keep the area unchanged from the state achieved

in 2005, following the mitigation period. Stocking of grass carp in Blue Heron Lake, for instance, could upset the balance, as these areas are intended to be vegetated with specific species and the grass carp may cause impacts from feeding on the required plants. Thus SWFMD opposes even the use of grass carp.

Trimming is permitted. This includes weeding and mowing.

Removal of dead trees and branches is permitted.

Removal of exotic, invasive species is encouraged.

Trimming of Mangroves and Buttonwoods is controlled by the City of Seminole

Any extensive changes must involve an environmental company (such as Armstrong Environmental) to present a restoration plan for approval by SWFMD. Typically a large plan involves equipment. Rule-of-thumb: Hand-work is permitted, but when the chain-saw or back-hoe appears, one has to have an approved environmental plan. The restoration of Ibis Pond in 2012, for example, brought the pond to the identical condition after its mitigation phase, all within the approval of SWFMD.

Repairs to the berm are handled immediately to bring the structure back to standard. The City of Seminole regulates the trimming of mangroves (red, black, white) and Buttonwoods.

b. Removal of Invasive Species

SWFMD, along with other agencies, battles invasive plants in waters and lands managed for the protection of public resources and does not recommend the use of invasive plants for landscaping. The problem with invasive, exotic plants is that they spread from managed landscapes into Florida's natural areas, crowding out native plants and stressing the habitats that support Florida's threatened and endangered species of plants and animals.

Punk trees (Melaleuca), Brazilian Pepper trees, Chinese Tallow, Water Hyacinth, Water Lettuce, Australian Pines, Jacaranda, Chinaberry and Kudzu are well known pests that cost the state of Florida millions of dollars annually to control. Not as well known are some ornamental plants that also spread into Florida's waterways, parks, and natural areas.

The Florida Exotic Pest Plant Council (FLEPPC), an organization comprised of professional botanists, environmental scientists, park rangers and land managers, maintains a list of exotic plants that have shown their abilities to invade natural areas. The list (<http://www.fleppc.org/list/list.htm>) is updated every two years.

c. City of Seminole Guidelines for Vegetation in the Nature Reserve

In June 2013, Ernie Franke, chairman of the Wetlands Committee, talked with Mark Ely of the City of Seminole. Mark made it very clear that the interest of the City of Seminole dwelt only with Live Oaks, Laurel Oaks and Mangroves (red, white, black and Buttonwoods). These can only be removed with a permit from the city. Mangrove trimming is specifically controlled according to the trimming brochure.

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IV.

- Berms must be protected at all costs.
- The berms were established by the Army Corps of Engineers in 1974 from dredging of Long Bayou. Berms are the primary guard against flooding and storm surge. The berms are merely large piles of dirt, held in place by the roots of mangroves, live oaks, and myrtle
- Vegetation must not be removed from the berms.
- No feeding, molesting or harassing of wildlife.
- The Florida Game and Fresh Water Fish Commission is the state agency that regulates and enforces the ways in which we interact with wildlife. This includes alligators, waterfowl, squirrels, raccoons, possums, coyotes, and bob-cats.
- Feeding of wildlife tends to domesticate the animals and decreases their fear of mankind. This poses a serious threat to condo owners and visitors. Feeding also increases the vermin population (rats and snakes). It may seem cute to feed the wildlife, but in the end it is cruel and goes contrary to their natural diet.
- The Animal Rights Foundation of Florida, among other groups, strongly recommends that people DO NOT feed the ducks. Their natural diet is comprised of vegetation and insects— both of which are abundant in our tropical climate. Humans most often feed these animals bread and similar items. These have no nutritional value for the animals. Additionally, feeding by humans make the ducks reliant on such hand-outs and too lazy to continue foraging for their natural dietary items.
- No littering or dumping is allowed on the trail or adjacent to the trail. This includes paper, plastic, Styrofoam, wood, metal, tires, unwanted plants and planters.
- Pets are permitted in the Nature Reserve
- Pets must be on a leash. Pets are not allowed to run free or access lakes, ponds and wetland preserve areas by agreement with the Florida Game and Fresh Water Fish Commission.
- Condo dwellers and visitors are again cautioned about the aggressive nature of alligators toward small dogs and cats.
- The condominium rules concerning picking up after one's dog applies equally on the trail.
- No alcoholic beverages are permitted on or adjacent to the trail.
- No weapons, firearms, dangerous ordinance, fireworks, and air-guns are permitted.
- Smoking is not allowed (potential fire hazard) along the trail.
- No kindling of fires permitted on or adjacent to the trail.
- No Bar-B-Ques, Hibachis, or charcoal, fires are allowed.

- No swimming or wading is permitted, with the exception of maintenance activities.
 - No camping permitted on or adjacent to the trail.
 - The trail is open for use by residents from one-half hour before sunrise to one-half hour after sunset.
 - Kayaks can be launched, as long as there is no destruction to the mangroves. --
Bicycling is permitted on the trail.
 - Florida law requires bicyclists under 16 to wear helmets.
 - Gas-powered outboards are not allowed on lakes and ponds, except for maintenance boats.
 - Lakes and ponds are open to hand-launched boats, canoes, and kayaks. Electric trolling motors are allowed.
 - Unauthorized vehicles, motorcycles, scooters and all-terrain vehicles (ATVs) are prohibited.
 - No electric or motorized vehicles (including scooters and motorcycles) are permitted, with the exception of maintenance and construction vehicles.
 - Muscovy Ducks are seriously discouraged from residing in the Nature Reserve. -
Muscovy Ducks are classified as a pest species due to their aggressive nature, their droppings, and their tendency to destroy lawns. Removal of these ducks is difficult and expensive.
 - The Shores of Long Bayou, just as Pinellas County, strongly discourages the presence of Muscovy Ducks. These ducks can consume up to 40% of their body weight each day. The droppings are impossible to avoid upsetting the nutrient balance of the ponds and lake, not mentioning the sidewalks and walkways. These large ducks are often aggressive, especially when accustomed to being fed, and may chase or attempt to bite. The excessive droppings not only decrease the aesthetic value of ponds and lakes, but also contaminate water, presenting a significant hazard to the health of humans and their pets.
 - Fishing and crabbing are only permitted in the larger lakes: Blue Heron Lake and Snowy Egret Pond. Sieve netting is not permitted. Small nets and crabbing is permitted only in Blue Heron Lake and Snowy Egret Pond. Fishing is not permitted in the other ponds and lakes of the Shores of Long Bayou Condominiums. Dispose of fish and fishing line in trash receptacles appropriately.
 - State of Florida fishing regulations must be followed.
Florida Fish and Wildlife Conservation Commission: A freshwater fishing license is NOT needed if you are fishing in a fish pond of 20 acres or less which is located entirely within the private property of its owner and with no surface water connection to public waters. (<http://myfwc.com/license/recreational/do-i-need-a-license/>)
- No Construction of docks

V Mangrove Trimming and Preservation

Mangroves play an important ecological role as habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife, including mammals, birds, and reptiles; as shoreline stabilization and storm protection; and for water quality protection and maintenance and as food-web support.

The Florida Department of Environmental Protection (FDEP) has delegated its authority to regulate the trimming and alteration of mangroves to the county of Pinellas. In 2003, the

Board of County Commissioners adopted the Homeowner Guidelines for Trimming Mangroves in Pinellas County (<http://www.tbep.org/pdfs/Mangrove-Trim-Pinellas.pdf>) which now provides the sole regulation over mangroves in Pinellas County. The law regulating the trimming and alteration of mangroves (The Mangrove Trimming and Preservation Act) was amended by the 1996 Florida Legislature and became effective July 1, 1996, replacing all previous state regulations regarding the trimming and alteration of mangroves. The Buttonwood tree is a mangrove.

The trimming of mangroves over ten ft in height must be supervised or conducted exclusively by a professional mangrove trimmer.

No more than 65% of the area (footprint) of mangroves at the subject site (HOA) will be trimmed.

No mangrove may be trimmed so that the overall height of any mangrove is reduced to less than six feet.

No herbicide or other chemical may be used for the purpose of removing leaves of a mangrove.

The trimming cannot result in the removal, destruction, or defoliation of the mangroves. All trimming of mangroves in excess of 16 ft must be conducted in stages so that no more than 25% of the pre-trimmed foliage or height of the trees is removed annually. Re-growth from the previous year's trimming may be trimmed in addition to the 25% mentioned above.

Trimming may only be conducted from March 1 through November 30.

All Brazilian pepper trees, punk trees, and Chinese tallow that are within 25 ft of the mangrove canopy must be removed from the applicant's property. Where the removal is to a degree that a potential for erosion is created, the area must be re-stabilized.

All trimmed branches and trunks must be removed from the wetlands.