

Impact Description:

Approximately 27,000 ft<sup>2</sup> (~0.62 acres) of wetland alteration from the removal of *Schinus terebinthifolius* and placement of mulch and tree debris throughout a designated wetland area.

Investigation Summary

On October 7, 2021, the Department received notice from the City of Malabar of unauthorized impacts to wetlands without prior authorization. Discussion with the Parcel owner, Rick Pribell, indicated that he was removing *Schinus terebinthifolius* from a wetland area located within Parcel ID No. 28-37-26-00-756. He had previously spoken with Department staff and was informed that the removal of invasive species can be considered an exempt activity and would not require prior authorizations from the Department if dredging does not occur during the removal process. Following the initial vegetation removal, and prior to the Departments onsite investigation, Rick Pribell submitted an ERP application to obtain after-the-fact authorization for his project after receiving additional guidance that his project may have required prior authorizations from the Department. On October 12, 2021, Departmental personnel arrived onsite and utilizing the 62-340, Florida Administrative Code (FAC) methodology, which records and evaluates vegetation, soils, and hydrologic indicators, personnel was able to determine that approximately 27,000 ft<sup>2</sup> (~0.62 acres) of an unnamed wetland system was altered by the complete removal of *Schinus terebinthifolius* from the substrate, constituting dredging, and the placement of mulch and tree debris, constituting filling, throughout the impact area. Following the inspection, Rick Pribell withdrew his ERP application pending new guidance regarding corrective actions and potential restoration.

"MINOR" OR "SIGNIFICANT NON-COMPLIANCE" DESCRIPTION:

The unpermitted and/or unauthorized dredging or filling of a wetland and/or surface water without valid authorization from the Department is in violation of Chapter 62-330, F.A.C. and Chapter 403, F.S.

Statute/Rule Reference(s):

Chapter 62-330.020(2)(a), Florida Administrative Code (F.A.C.)  
Chapter 403.121(3)(c), Florida Statutes (F.S.)

Recommendations for Return to Compliance

To return to compliance, the Department requires the following:

- 1) Apply for a post-enforcement Environmental Resource Permit – *within 30 days of document issuance*
- 2) Remove tree debris and mulch from the wetland impact area, dispose of in an upland location – *within 60 days of document issuance*

Follow-Up Action: Obtain an Environmental Resource Permit to authorize the project activities. Send photo documentation of the tree debris and mulch removal from the wetland impact area.

Supporting Documentation Attached:

- ☒ Figures such as maps, diagrams, and/or aerial imagery
- ☒ Site inspection photographs
- ☒ Chapter 62-340, F.A.C. Data Form(s)

  
Hailey Ambrose, Environmental Specialist III

11/15/2021  
Date