



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

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SECRETARY

**Permittee:**

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**Consolidated Environmental Resource Permit and Recommended Intent to Grant  
Sovereignty Submerged Lands Authorization**

**Permit No.: 49-324813-002**

**Permit Issuance Date: November 19, 2014**

**Conceptual Approval Expiration Date: November 19, 2019**



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**Permittee /Grantee:** Florida Southeast Connection, LLC

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### **PROJECT LOCATION**

The activities approved by this permit will commence in Osceola County, Florida, at the interconnection with the Sabal Trail Pipeline within the Central Florida Hub, located at a point just north of the county line at County Road (CR) 532. The pipeline will traverse Polk, Osceola, Okeechobee, St. Lucie, and Martin Counties, terminating at the Martin Meter Station located at the Martin Clean Energy Center in Martin County, Florida.

### **PROJECT DESCRIPTION**

The permittee is authorized to construct and operate Phase I (119 miles) of the 127 mile-long natural gas pipeline known as the Florida Southeast Connection Project (FSC Project) and the construction and operation of one meter station (known as the Martin Meter Station). Other features of the FSC Project include access roads, pig launcher and receiver stations, mainline valves (MLVs), and pipe storage/work areas. The parcels listed in Exhibit 5 will be authorized under a future phase.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall purchase 4.934 forested credits from Southport Ranch Mitigation Bank and 2.41 forested credits from Bluefield Ranch Mitigation Bank.

### **AUTHORIZATIONS**

#### **[Phase I]**

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a public easement, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the public easement will be sent to the permittee/lessee/grantee by the Department's Division of State Lands for execution. The Department intends to issue the public easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the permit. **You may not begin construction of the activities described until you receive a copy of the executed public easement from the Department.**

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at (321) 504-3771, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency, within the extent of detail provided, with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This conceptual approval permit, within the extent of detail provided, also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### **PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

### **SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION**

1. The terms, conditions, and provisions of the required easements shall be met. Construction of this activity shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required easement documents have been executed to the satisfaction of the Department.
2. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the Permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's Compliance Assurance Program. Conferences should be held with each of the following regulatory offices:
  - Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 (407-897-4100)
  - Southeast District, 400 N. Congress Ave., Suite 200, West Palm Beach, FL 33401 (561-681-6639).
  - Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 (813-470-5700).

### **SPECIFIC CONDITIONS – THREATENED AND ENDANGERED SPECIES**

3. The potential exists for colonial water birds like the little blue heron and snowy egret to occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for water bird nesting colonies prior to any construction activities. If nesting is observed, the Permittee shall maintain a minimum distance of 330 feet between the edge of the nesting area and any disturbance activity during the breeding season (Rodgers and Smith 1995). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.
4. Florida sandhill cranes may also occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for this species. If nesting is observed within or adjacent to the corridor, FWC

recommends maintaining a minimum distance of 400 feet between the edge of the nesting area and any disturbance activity during the breeding season (Stys 1997). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, please contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.

5. Open trenches shall be inspected and the beginning and end of each work day for wildlife that may have become trapped. Listed species or injured wildlife shall be reported to FWC.
6. The Permittee shall install “wildlife ramps” within any trench open greater than 24 hours to allow uninjured wildlife to leave the trench on their own accord.

#### **SPECIFIC CONDITIONS – GENERAL CONSTRUCTION ACTIVITIES**

7. Best management practices for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Chapter 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
8. The limits of construction within wetlands shall be delineated by silt fencing. The Permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The Permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.

#### **SPECIFIC CONDITIONS – CONTRACTOR YARDS, LAYDOWN AREAS, ACCESS ROADS**

9. Construction of contractor yards, laydown areas, and access roads:
  - a. Shall be prepared using clearing and grubbing techniques only with no regrading;
  - b. Shall be at existing grade with the exception of three locations (one along SR 60 and one along US 441);
  - c. Shall not impede or alter existing drainage patterns, or impound surface water; and
  - d. Shall have sediment and erosion control best management practices (BMPs) installed and maintained on disturbed areas throughout the construction of the project to prevent the possibility of transferring suspended solids offsite.
10. No limestone, asphalt, millings, crushed concrete, or any other material that either cements or produces fines shall be used to stabilize the contractor yards, laydown areas, or access roads.
11. All material used to stabilize the contractor yards, laydown areas, and access roads shall be removed once construction has been completed and the areas shall be disked to reduce compaction and improve percolation. The disturbed areas shall be revegetated so that erosion will not occur. Turbidity control devices shall be removed no later than one year from completion of the project. All turbidity control devices shall be disposed of in an upland disposal area.

## **SPECIFIC CONDITIONS - SPOIL MANAGEMENT AND GRADE RESTORATION**

12. Within wetlands that are not inundated, the Permittee shall segregate the first 12” of topsoil from earth removed during the excavation necessary to bury the pipe. While work is in progress segregated topsoil shall be contained using any necessary performance based erosion control measure. The Permittee shall then replace the segregated material within the first top 12” of the restored soil elevation.
13. The Permittee shall provide reasonable assurance that pre-construction ground elevations are restored so that surface water flows are maintained to pre-construction conditions. Any changes to ground elevations must be surveyed, documented and submitted to the Department with a detailed explanation for deviations for review and approval, if appropriate, within 30 days from completion of the affected construction “spread”. Unapproved deviations shall be subject to restoration or additional mitigation as deemed appropriate by the Department. Restoration or mitigation for unapproved deviations shall be successfully implemented within 30 days of approval by the Department and may be required prior to undertaking subsequent construction “spreads”, if deemed appropriate by the Department.

## **SPECIFIC CONDITIONS – CONSTRUCTION DEWATERING**

14. If dewatering is to occur during any phase of construction or thereafter and discharge is to on-site or off-site surface waters of the State, either directly or via a stormwater management system, a generic permit in accordance with Rule 62-621.300, F.A.C., will be required prior to any dewatering.
15. If dewatering is to occur during any phase of construction or thereafter a consumptive use permit in accordance with Rule 40E-2, F.A.C., 40D-2 F.A.C or Rule 40C-2.041, F.A.C., may be required from the South Florida Water Management District (SFWMD), Southwest Florida Water Management District (SWFWMD) or St. Johns River Water Management District (SJRWMD) prior to beginning any dewatering.
16. A plan for routing of discharge water must be submitted to the DEP Central District Office for approval prior to commencement of dewatering.

## **SPECIFIC CONDITIONS - TURBIDITY**

17. Turbidity must be controlled to prevent violations of water quality pursuant to Rule 62-302.530(69), Florida Administrative Code (F.A.C.). Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background conditions. In Outstanding Florida Waters, NTU levels cannot exceed background at the mixing zone boundary. Turbidity barriers shall be correctly installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed work. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established.

18. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the Permittee will be responsible for the removal of the barriers.
19. The Department has determined that turbidity monitoring for crossings of inundated wetlands and water bodies will be required. Turbidity shall be monitored as noted in Specific Conditions 20 through 31 for these areas.
20. A mixing zone for turbidity is granted with the following size and configuration constraint(s): The mixing zone shall extend no further than 150 meters downstream, from the cutterhead, return flow discharge, or other points of turbidity generation [Chapter 62-4.244(5)(c), F.A.C.].
21. Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: [www.dep.state.fl.us/labs/qa/sops.htm](http://www.dep.state.fl.us/labs/qa/sops.htm) More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration. Calibration procedures shall be recorded in a permanent logbook, and copies must be submitted with the data.
22. Monitoring for turbidity shall be conducted for the duration of the project. Sampling will commence prior to, but no more than 24 hours before initiation of any dredging or filling activities specified in Specific Condition 19.
23. A minimum of 3 sampling sites shall be established within mixing zones as described in Specific Condition 20. The first site will be located at the mixing zone boundary (Compliance Sample (CS)); if required the second site will be located 25 meters downstream from the CS; and the third site shall be located 50 meters downstream from the CS. These sites shall be established on a transect extending down current from the turbidity source.
24. Samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling will be restricted to the axis of the visible plume. Samples will be collected at the intersection of the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.
25. Background samples shall be collected at two sites upstream of the crossing. These samples will be collected at surface, mid-depth, and one-foot above bottom. The two background sites will be marked by temporary buoys/stakes and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department.
26. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 17, the Permittee shall cease all work pursuant to Specific Condition 31.

27. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement, where construction has occurred in inundated wetlands or surface waters; reports shall include the Permittee name and permit number. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 48-324813-002." Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.
28. Monitoring data shall contain the following information:
  - a. Permit number;
  - b. Dates of sampling and analysis;
  - c. A statement describing the methods used in collection and analysis of the samples;
  - d. A map showing the sampling locations, along with indicating the latitude and longitude;
  - e. Copies of the Quality Assurance/Quality Control log; and
  - f. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision and accuracy of the data;
29. Monitoring reports shall also include the following information for each sample that is taken:
  - a. Time of day samples taken;
  - b. Depth of water body;
  - c. Depth of sample;
  - d. Tidal stage and direction of flow; and
  - e. Antecedent weather conditions, including wind direction and velocity.
30. The compliance location specified in Specific Condition 20 shall be considered the limits of the temporary mixing zone for turbidity allowed during construction.
31. If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 17, the Permittee shall take the following measures:
  - a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
  - b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
  - c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits as specified in Specific Condition 17. Interim samples collected following the violation (s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the water quality standard for turbidity has been met.
  - d. The violation(s) shall be immediately reported to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be



made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

Failure to report violation(s) or to follow correct procedures before resuming work shall constitute grounds for permit revocation and may subject the Permittee to formal enforcement action.

### **SPECIFIC CONDITIONS – HORIZONTAL DIRECTIONAL DRILL**

32. The Permittee shall comply with the procedures outlined in Exhibit 3 “HDD Contingency Plan”.
33. The Department shall be notified immediately in the event of a fracout or any other bentonite discharges or spills. All pertinent information shall be provided, i.e. location, time of day, extent of area effected, timing and methodology for removal, clean up and restoration of the site.

### **SPECIFIC CONDITIONS – MITIGATION**

34. To offset wetland impacts, the Permittee has reserved 4.65 forested credits from Southport Ranch Mitigation Bank and 2.41 forested credits from Bluefield Ranch Mitigation Bank. Prior to any construction or impacts authorized by this permit, the Permittee shall provide the Department with documentation that 4.934 credits have been deducted from the South Florida Water Management District’s credit ledger for Southport Ranch Mitigation Bank and 2.41 from Bluefield Ranch Mitigation Bank for FDEP Permit Number 49-324813-002.

### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

35. Progress reports for the project shall be submitted to the Department (3319 Maguire Boulevard, Suite 232, Orlando, FL 32803) beginning, January 2, 2015 and shall continue to be submitted on a quarterly basis until construction of the permitted project and mitigation is complete and successful. The cover page shall indicate the permit number, project name and the Permittee name. Progress reports shall be submitted to the Department even if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the upcoming quarter.

The reports shall include the following:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
- b. Brief description of the work (i.e. portions of pipeline installed, restoration complete, maintenance activities, monitoring) completed since the previous report or since permit was issued. Provide initially, one full set of numbered aerials or quad maps. Refer to these maps by number to indicate locations where there is ongoing construction or has been completed. Subsequent reports should refer to the same master set of maps, with accompanying tables and other relevant information.
- c. Brief description and extent of work (portions of pipeline installed, restoration complete, maintenance activities, monitoring) anticipated in the next three months. Refer to the above master set of maps to document the location of the anticipated construction.
- d. This report shall include on the first page, the certification of the following statement by the individual who supervised the preparation of the report: “This report represents a true and accurate description of the activities conducted during a three month period covered by this report.”

- e. Progress of natural revegetation in right-of-way areas
- f. Summary of incidents of water quality violations which have occurred prior to successful ground stabilization

36. Restoration Area Success Criteria - Wetland restoration areas will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.
- a. The restoration areas can reasonably be expected to develop into the pre-construction community type as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).
  - b. Topography, water depth and water level fluctuation in the restoration area are characteristic of the wetlands/surface water type specified in criterion "a."
  - c. Species composition of recruiting wetland vegetation is indicative of the wetland type specified in criterion "a."
  - d. At least 80 percent of the planted or recruited individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
  - e. Percent cover by appropriate wetland species meets or exceeds percent cover in the adjacent wetland areas that were not disturbed by construction; and,
  - f. Coverage by nuisance or exotic species does not exceed the percent in the adjacent wetland areas that were not disturbed by construction.
  - g. The wetland restoration area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The restoration area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the restoration area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

37. The Permittee shall monitor and maintain the wetland restoration areas until the criteria set forth in the Wetland Restoration Success Criteria Condition above are met. The Permittee shall perform corrective actions identified by the Department if the Department identifies a wetland restoration deficiency.
38. The Permittee shall undertake required maintenance activities within the wetland restoration areas as needed at any time between the restoration area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Restoration Success Criteria Condition above. Herbicides shall not be used without the prior written approval of the District.
39. The Permittee, prior to beneficial use of the pipeline must submit an as-built survey of the wetland restoration areas certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, water surface elevations, and species composition, numbers and densities. Upon Department inspection and approval of the restoration areas, the monitoring

program shall be initiated with the date of the Department field inspection being the construction completion date of the restoration areas. Monitoring events shall occur between March 1 and November 30 of each year. An Annual Wetland Monitoring Report shall be submitted upon the anniversary date of Department approval to initiate monitoring.

Annual reports shall provide documentation that a sufficient number of maintenance inspection/activities were conducted to maintain the restoration areas in compliance according to the Wetland Restoration Success Criteria Condition above. Note that the performance of maintenance inspections and maintenance activities will normally need to be conducted more frequently than the collection of other monitoring data to maintain the restoration areas in compliance with the Wetland Restoration Success Criteria Condition above.

40. Monitoring Data shall be collected annually.
41. The Permittee shall commence all wetland restoration within 30 days of wetland impacts, if wetland impacts occur between February 1 and August 31. If wetland impacts occur between September 1 and January 31, restoration shall commence by March 1. In either case, construction of the mitigation areas shall be completed within 120 days of the commencement date unless a time extension is approved in writing by the Department.
42. Following the Department's determination that the wetland restoration has been successfully completed, the Permittee shall operate and maintain the wetland restoration areas such that they remain in their current or intended condition for the life of the system. The Permittee must perform corrective actions for any portions of the wetland restoration areas where conditions no longer meet the criteria set forth in the Wetland Restoration Criteria Condition.

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under Chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer*

*Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.*

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
  11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
  12. The permittee shall notify the Agency in writing:
    - a. Immediately if any previously submitted information is discovered to be inaccurate; and
    - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
  13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
  14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
  15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

### **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.

8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### **Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a



petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orange, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Jeff Prather  
Director, Central District

**Attachments:**

Exhibit 1, Project Drawings and Design Specs., 144 Pages  
Exhibit 2, Construction and Mitigation Plan, 23 Pages  
Exhibit 3, HDD Contingency Plan 4 pages  
Exhibit 4, Stormwater Management Plan, 89 Pages  
Exhibit 5, Un-surveyed Areas, 2 pages  
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)  
Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)  
Request to Transfer Permit/Form 62-330.340(1)

**Copies furnished to:**

U.S. Army Corps of Engineers  
FFWCC, Jennifer.Goff@myfwc.com

SFWMD, [mparrott@sfwmd.gov](mailto:mparrott@sfwmd.gov)  
John Renfranz, [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us)  
Mark Langford, [Mark.Langford@dep.state.fl.us](mailto:Mark.Langford@dep.state.fl.us)  
File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on **November 19, 2014** to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



11/19/2014

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Clerk

Date



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

**Permittee:**

Florida Southeast Connection, LLC  
Attn. Randall LaBauve  
700 Universe Boulevard JES/JB  
Juno Beach, FL 33408  
[Randall.LaBauve@nee.com](mailto:Randall.LaBauve@nee.com)

**Consultant:**

Environmental Consulting & Technology, Inc.  
Attn. Lisa Ricker  
6440 Southpoint Parkway, Suite 130  
Jacksonville, FL 32216  
[lricker@ectinc.com](mailto:lricker@ectinc.com)

**Consolidated Environmental Resource Permit and Recommended Intent to Grant  
Sovereignty Submerged Lands Authorization**

**Permit No.: 49-324813-002**

**Permit Issuance Date: November 19, 2014**

**Conceptual Approval Expiration Date: November 19, 2019**



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

## **Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization**

**Permittee /Grantee:** Florida Southeast Connection, LLC

**Permit No:** 49-324813-002

### **PROJECT LOCATION**

The activities approved by this permit will commence in Osceola County, Florida, at the interconnection with the Sabal Trail Pipeline within the Central Florida Hub, located at a point just north of the county line at County Road (CR) 532. The pipeline will traverse Polk, Osceola, Okeechobee, St. Lucie, and Martin Counties, terminating at the Martin Meter Station located at the Martin Clean Energy Center in Martin County, Florida.

### **PROJECT DESCRIPTION**

The permittee is authorized to construct and operate Phase I (119 miles) of the 127 mile-long natural gas pipeline known as the Florida Southeast Connection Project (FSC Project) and the construction and operation of one meter station (known as the Martin Meter Station). Other features of the FSC Project include access roads, pig launcher and receiver stations, mainline valves (MLVs), and pipe storage/work areas. The parcels listed in Exhibit 5 will be authorized under a future phase.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall purchase 4.934 forested credits from Southport Ranch Mitigation Bank and 2.41 forested credits from Bluefield Ranch Mitigation Bank.

### **AUTHORIZATIONS**

#### **[Phase I]**

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a public easement, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the public easement will be sent to the permittee/lessee/grantee by the Department's Division of State Lands for execution. The Department intends to issue the public easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the permit. **You may not begin construction of the activities described until you receive a copy of the executed public easement from the Department.**

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at (321) 504-3771, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency, within the extent of detail provided, with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This conceptual approval permit, within the extent of detail provided, also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### **PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

### **SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION**

1. The terms, conditions, and provisions of the required easements shall be met. Construction of this activity shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required easement documents have been executed to the satisfaction of the Department.
2. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the Permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's Compliance Assurance Program. Conferences should be held with each of the following regulatory offices:
  - Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 (407-897-4100)
  - Southeast District, 400 N. Congress Ave., Suite 200, West Palm Beach, FL 33401 (561-681-6639).
  - Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 (813-470-5700).

### **SPECIFIC CONDITIONS – THREATENED AND ENDANGERED SPECIES**

3. The potential exists for colonial water birds like the little blue heron and snowy egret to occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for water bird nesting colonies prior to any construction activities. If nesting is observed, the Permittee shall maintain a minimum distance of 330 feet between the edge of the nesting area and any disturbance activity during the breeding season (Rodgers and Smith 1995). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.
4. Florida sandhill cranes may also occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for this species. If nesting is observed within or adjacent to the corridor, FWC

recommends maintaining a minimum distance of 400 feet between the edge of the nesting area and any disturbance activity during the breeding season (Stys 1997). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, please contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.

5. Open trenches shall be inspected and the beginning and end of each work day for wildlife that may have become trapped. Listed species or injured wildlife shall be reported to FWC.
6. The Permittee shall install “wildlife ramps” within any trench open greater than 24 hours to allow uninjured wildlife to leave the trench on their own accord.

#### **SPECIFIC CONDITIONS – GENERAL CONSTRUCTION ACTIVITIES**

7. Best management practices for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Chapter 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
8. The limits of construction within wetlands shall be delineated by silt fencing. The Permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The Permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.

#### **SPECIFIC CONDITIONS – CONTRACTOR YARDS, LAYDOWN AREAS, ACCESS ROADS**

9. Construction of contractor yards, laydown areas, and access roads:
  - a. Shall be prepared using clearing and grubbing techniques only with no regrading;
  - b. Shall be at existing grade with the exception of three locations (one along SR 60 and one along US 441);
  - c. Shall not impede or alter existing drainage patterns, or impound surface water; and
  - d. Shall have sediment and erosion control best management practices (BMPs) installed and maintained on disturbed areas throughout the construction of the project to prevent the possibility of transferring suspended solids offsite.
10. No limestone, asphalt, millings, crushed concrete, or any other material that either cements or produces fines shall be used to stabilize the contractor yards, laydown areas, or access roads.
11. All material used to stabilize the contractor yards, laydown areas, and access roads shall be removed once construction has been completed and the areas shall be disked to reduce compaction and improve percolation. The disturbed areas shall be revegetated so that erosion will not occur. Turbidity control devices shall be removed no later than one year from completion of the project. All turbidity control devices shall be disposed of in an upland disposal area.

## **SPECIFIC CONDITIONS - SPOIL MANAGEMENT AND GRADE RESTORATION**

12. Within wetlands that are not inundated, the Permittee shall segregate the first 12” of topsoil from earth removed during the excavation necessary to bury the pipe. While work is in progress segregated topsoil shall be contained using any necessary performance based erosion control measure. The Permittee shall then replace the segregated material within the first top 12” of the restored soil elevation.
13. The Permittee shall provide reasonable assurance that pre-construction ground elevations are restored so that surface water flows are maintained to pre-construction conditions. Any changes to ground elevations must be surveyed, documented and submitted to the Department with a detailed explanation for deviations for review and approval, if appropriate, within 30 days from completion of the affected construction “spread”. Unapproved deviations shall be subject to restoration or additional mitigation as deemed appropriate by the Department. Restoration or mitigation for unapproved deviations shall be successfully implemented within 30 days of approval by the Department and may be required prior to undertaking subsequent construction “spreads”, if deemed appropriate by the Department.

## **SPECIFIC CONDITIONS – CONSTRUCTION DEWATERING**

14. If dewatering is to occur during any phase of construction or thereafter and discharge is to on-site or off-site surface waters of the State, either directly or via a stormwater management system, a generic permit in accordance with Rule 62-621.300, F.A.C., will be required prior to any dewatering.
15. If dewatering is to occur during any phase of construction or thereafter a consumptive use permit in accordance with Rule 40E-2, F.A.C., 40D-2 F.A.C or Rule 40C-2.041, F.A.C., may be required from the South Florida Water Management District (SFWMD), Southwest Florida Water Management District (SWFWMD) or St. Johns River Water Management District (SJRWMD) prior to beginning any dewatering.
16. A plan for routing of discharge water must be submitted to the DEP Central District Office for approval prior to commencement of dewatering.

## **SPECIFIC CONDITIONS - TURBIDITY**

17. Turbidity must be controlled to prevent violations of water quality pursuant to Rule 62-302.530(69), Florida Administrative Code (F.A.C.). Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background conditions. In Outstanding Florida Waters, NTU levels cannot exceed background at the mixing zone boundary. Turbidity barriers shall be correctly installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed work. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established.



18. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the Permittee will be responsible for the removal of the barriers.
19. The Department has determined that turbidity monitoring for crossings of inundated wetlands and water bodies will be required. Turbidity shall be monitored as noted in Specific Conditions 20 through 31 for these areas.
20. A mixing zone for turbidity is granted with the following size and configuration constraint(s): The mixing zone shall extend no further than 150 meters downstream, from the cutterhead, return flow discharge, or other points of turbidity generation [Chapter 62-4.244(5)(c), F.A.C.].
21. Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: [www.dep.state.fl.us/labs/qa/sops.htm](http://www.dep.state.fl.us/labs/qa/sops.htm) More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration. Calibration procedures shall be recorded in a permanent logbook, and copies must be submitted with the data.
22. Monitoring for turbidity shall be conducted for the duration of the project. Sampling will commence prior to, but no more than 24 hours before initiation of any dredging or filling activities specified in Specific Condition 19.
23. A minimum of 3 sampling sites shall be established within mixing zones as described in Specific Condition 20. The first site will be located at the mixing zone boundary (Compliance Sample (CS)); if required the second site will be located 25 meters downstream from the CS; and the third site shall be located 50 meters downstream from the CS. These sites shall be established on a transect extending down current from the turbidity source.
24. Samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling will be restricted to the axis of the visible plume. Samples will be collected at the intersection of the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.
25. Background samples shall be collected at two sites upstream of the crossing. These samples will be collected at surface, mid-depth, and one-foot above bottom. The two background sites will be marked by temporary buoys/stakes and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department.
26. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 17, the Permittee shall cease all work pursuant to Specific Condition 31.

27. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement, where construction has occurred in inundated wetlands or surface waters; reports shall include the Permittee name and permit number. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 48-324813-002." Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.
28. Monitoring data shall contain the following information:
  - a. Permit number;
  - b. Dates of sampling and analysis;
  - c. A statement describing the methods used in collection and analysis of the samples;
  - d. A map showing the sampling locations, along with indicating the latitude and longitude;
  - e. Copies of the Quality Assurance/Quality Control log; and
  - f. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision and accuracy of the data;
29. Monitoring reports shall also include the following information for each sample that is taken:
  - a. Time of day samples taken;
  - b. Depth of water body;
  - c. Depth of sample;
  - d. Tidal stage and direction of flow; and
  - e. Antecedent weather conditions, including wind direction and velocity.
30. The compliance location specified in Specific Condition 20 shall be considered the limits of the temporary mixing zone for turbidity allowed during construction.
31. If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 17, the Permittee shall take the following measures:
  - a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
  - b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
  - c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits as specified in Specific Condition 17. Interim samples collected following the violation (s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the water quality standard for turbidity has been met.
  - d. The violation(s) shall be immediately reported to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be

made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

Failure to report violation(s) or to follow correct procedures before resuming work shall constitute grounds for permit revocation and may subject the Permittee to formal enforcement action.

### **SPECIFIC CONDITIONS – HORIZONTAL DIRECTIONAL DRILL**

32. The Permittee shall comply with the procedures outlined in Exhibit 3 “HDD Contingency Plan”.
33. The Department shall be notified immediately in the event of a fracout or any other bentonite discharges or spills. All pertinent information shall be provided, i.e. location, time of day, extent of area effected, timing and methodology for removal, clean up and restoration of the site.

### **SPECIFIC CONDITIONS – MITIGATION**

34. To offset wetland impacts, the Permittee has reserved 4.65 forested credits from Southport Ranch Mitigation Bank and 2.41 forested credits from Bluefield Ranch Mitigation Bank. Prior to any construction or impacts authorized by this permit, the Permittee shall provide the Department with documentation that 4.934 credits have been deducted from the South Florida Water Management District’s credit ledger for Southport Ranch Mitigation Bank and 2.41 from Bluefield Ranch Mitigation Bank for FDEP Permit Number 49-324813-002.

### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

35. Progress reports for the project shall be submitted to the Department (3319 Maguire Boulevard, Suite 232, Orlando, FL 32803) beginning, January 2, 2015 and shall continue to be submitted on a quarterly basis until construction of the permitted project and mitigation is complete and successful. The cover page shall indicate the permit number, project name and the Permittee name. Progress reports shall be submitted to the Department even if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the upcoming quarter.

The reports shall include the following:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
- b. Brief description of the work (i.e. portions of pipeline installed, restoration complete, maintenance activities, monitoring) completed since the previous report or since permit was issued. Provide initially, one full set of numbered aerials or quad maps. Refer to these maps by number to indicate locations where there is ongoing construction or has been completed. Subsequent reports should refer to the same master set of maps, with accompanying tables and other relevant information.
- c. Brief description and extent of work (portions of pipeline installed, restoration complete, maintenance activities, monitoring) anticipated in the next three months. Refer to the above master set of maps to document the location of the anticipated construction.
- d. This report shall include on the first page, the certification of the following statement by the individual who supervised the preparation of the report: “This report represents a true and accurate description of the activities conducted during a three month period covered by this report.”

- e. Progress of natural revegetation in right-of-way areas
- f. Summary of incidents of water quality violations which have occurred prior to successful ground stabilization

36. Restoration Area Success Criteria - Wetland restoration areas will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.
- a. The restoration areas can reasonably be expected to develop into the pre-construction community type as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).
  - b. Topography, water depth and water level fluctuation in the restoration area are characteristic of the wetlands/surface water type specified in criterion "a."
  - c. Species composition of recruiting wetland vegetation is indicative of the wetland type specified in criterion "a."
  - d. At least 80 percent of the planted or recruited individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
  - e. Percent cover by appropriate wetland species meets or exceeds percent cover in the adjacent wetland areas that were not disturbed by construction; and,
  - f. Coverage by nuisance or exotic species does not exceed the percent in the adjacent wetland areas that were not disturbed by construction.
  - g. The wetland restoration area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The restoration area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the restoration area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

37. The Permittee shall monitor and maintain the wetland restoration areas until the criteria set forth in the Wetland Restoration Success Criteria Condition above are met. The Permittee shall perform corrective actions identified by the Department if the Department identifies a wetland restoration deficiency.
38. The Permittee shall undertake required maintenance activities within the wetland restoration areas as needed at any time between the restoration area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Restoration Success Criteria Condition above. Herbicides shall not be used without the prior written approval of the District.
39. The Permittee, prior to beneficial use of the pipeline must submit an as-built survey of the wetland restoration areas certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, water surface elevations, and species composition, numbers and densities. Upon Department inspection and approval of the restoration areas, the monitoring

program shall be initiated with the date of the Department field inspection being the construction completion date of the restoration areas. Monitoring events shall occur between March 1 and November 30 of each year. An Annual Wetland Monitoring Report shall be submitted upon the anniversary date of Department approval to initiate monitoring.

Annual reports shall provide documentation that a sufficient number of maintenance inspection/activities were conducted to maintain the restoration areas in compliance according to the Wetland Restoration Success Criteria Condition above. Note that the performance of maintenance inspections and maintenance activities will normally need to be conducted more frequently than the collection of other monitoring data to maintain the restoration areas in compliance with the Wetland Restoration Success Criteria Condition above.

40. Monitoring Data shall be collected annually.
41. The Permittee shall commence all wetland restoration within 30 days of wetland impacts, if wetland impacts occur between February 1 and August 31. If wetland impacts occur between September 1 and January 31, restoration shall commence by March 1. In either case, construction of the mitigation areas shall be completed within 120 days of the commencement date unless a time extension is approved in writing by the Department.
42. Following the Department's determination that the wetland restoration has been successfully completed, the Permittee shall operate and maintain the wetland restoration areas such that they remain in their current or intended condition for the life of the system. The Permittee must perform corrective actions for any portions of the wetland restoration areas where conditions no longer meet the criteria set forth in the Wetland Restoration Criteria Condition.

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under Chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer*

*Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.*

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
  11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
  12. The permittee shall notify the Agency in writing:
    - a. Immediately if any previously submitted information is discovered to be inaccurate; and
    - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
  13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
  14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
  15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

### **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.



8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### **Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a

petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orange, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Jeff Prather  
Director, Central District

**Attachments:**

- Exhibit 1, Project Drawings and Design Specs., 144 Pages
- Exhibit 2, Construction and Mitigation Plan, 23 Pages
- Exhibit 3, HDD Contingency Plan 4 pages
- Exhibit 4, Stormwater Management Plan, 89 Pages
- Exhibit 5, Un-surveyed Areas, 2 pages
- As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)
- Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)
- Request to Transfer Permit/Form 62-330.340(1)

**Copies furnished to:**

U.S. Army Corps of Engineers  
FFWCC, Jennifer.Goff@myfwc.com

SFWMD, [mparrott@sfwmd.gov](mailto:mparrott@sfwmd.gov)  
John Renfranz, [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us)  
Mark Langford, [Mark.Langford@dep.state.fl.us](mailto:Mark.Langford@dep.state.fl.us)  
File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on **November 19, 2014** to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



11/19/2014

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Clerk

Date



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

**Permittee:**

Florida Southeast Connection, LLC  
Attn. Randall LaBauve  
700 Universe Boulevard JES/JB  
Juno Beach, FL 33408  
[Randall.LaBauve@nee.com](mailto:Randall.LaBauve@nee.com)

**Consultant:**

Environmental Consulting & Technology, Inc.  
Attn. Lisa Ricker  
6440 Southpoint Parkway, Suite 130  
Jacksonville, FL 32216  
[lricker@ectinc.com](mailto:lricker@ectinc.com)

**Consolidated Environmental Resource Permit and Recommended Intent to Grant  
Sovereignty Submerged Lands Authorization**

**Permit No.: 49-324813-002**

**Permit Issuance Date: November 19, 2014**

**Conceptual Approval Expiration Date: November 19, 2019**



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

## **Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization**

**Permittee /Grantee:** Florida Southeast Connection, LLC

**Permit No:** 49-324813-002

### **PROJECT LOCATION**

The activities approved by this permit will commence in Osceola County, Florida, at the interconnection with the Sabal Trail Pipeline within the Central Florida Hub, located at a point just north of the county line at County Road (CR) 532. The pipeline will traverse Polk, Osceola, Okeechobee, St. Lucie, and Martin Counties, terminating at the Martin Meter Station located at the Martin Clean Energy Center in Martin County, Florida.

### **PROJECT DESCRIPTION**

The permittee is authorized to construct and operate Phase I (119 miles) of the 127 mile-long natural gas pipeline known as the Florida Southeast Connection Project (FSC Project) and the construction and operation of one meter station (known as the Martin Meter Station). Other features of the FSC Project include access roads, pig launcher and receiver stations, mainline valves (MLVs), and pipe storage/work areas. The parcels listed in Exhibit 5 will be authorized under a future phase.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall purchase 4.934 forested credits from Southport Ranch Mitigation Bank and 2.41 forested credits from Bluefield Ranch Mitigation Bank.

### **AUTHORIZATIONS**

#### **[Phase I]**

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a public easement, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the public easement will be sent to the permittee/lessee/grantee by the Department's Division of State Lands for execution. The Department intends to issue the public easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the permit. **You may not begin construction of the activities described until you receive a copy of the executed public easement from the Department.**

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at (321) 504-3771, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency, within the extent of detail provided, with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This conceptual approval permit, within the extent of detail provided, also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### **PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

### **SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION**

1. The terms, conditions, and provisions of the required easements shall be met. Construction of this activity shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required easement documents have been executed to the satisfaction of the Department.
2. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the Permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's Compliance Assurance Program. Conferences should be held with each of the following regulatory offices:
  - Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 (407-897-4100)
  - Southeast District, 400 N. Congress Ave., Suite 200, West Palm Beach, FL 33401 (561-681-6639).
  - Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 (813-470-5700).

### **SPECIFIC CONDITIONS – THREATENED AND ENDANGERED SPECIES**

3. The potential exists for colonial water birds like the little blue heron and snowy egret to occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for water bird nesting colonies prior to any construction activities. If nesting is observed, the Permittee shall maintain a minimum distance of 330 feet between the edge of the nesting area and any disturbance activity during the breeding season (Rodgers and Smith 1995). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.
4. Florida sandhill cranes may also occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for this species. If nesting is observed within or adjacent to the corridor, FWC



recommends maintaining a minimum distance of 400 feet between the edge of the nesting area and any disturbance activity during the breeding season (Stys 1997). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, please contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.

5. Open trenches shall be inspected and the beginning and end of each work day for wildlife that may have become trapped. Listed species or injured wildlife shall be reported to FWC.
6. The Permittee shall install “wildlife ramps” within any trench open greater than 24 hours to allow uninjured wildlife to leave the trench on their own accord.

#### **SPECIFIC CONDITIONS – GENERAL CONSTRUCTION ACTIVITIES**

7. Best management practices for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Chapter 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
8. The limits of construction within wetlands shall be delineated by silt fencing. The Permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The Permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.

#### **SPECIFIC CONDITIONS – CONTRACTOR YARDS, LAYDOWN AREAS, ACCESS ROADS**

9. Construction of contractor yards, laydown areas, and access roads:
  - a. Shall be prepared using clearing and grubbing techniques only with no regrading;
  - b. Shall be at existing grade with the exception of three locations (one along SR 60 and one along US 441);
  - c. Shall not impede or alter existing drainage patterns, or impound surface water; and
  - d. Shall have sediment and erosion control best management practices (BMPs) installed and maintained on disturbed areas throughout the construction of the project to prevent the possibility of transferring suspended solids offsite.
10. No limestone, asphalt, millings, crushed concrete, or any other material that either cements or produces fines shall be used to stabilize the contractor yards, laydown areas, or access roads.
11. All material used to stabilize the contractor yards, laydown areas, and access roads shall be removed once construction has been completed and the areas shall be disked to reduce compaction and improve percolation. The disturbed areas shall be revegetated so that erosion will not occur. Turbidity control devices shall be removed no later than one year from completion of the project. All turbidity control devices shall be disposed of in an upland disposal area.

## **SPECIFIC CONDITIONS - SPOIL MANAGEMENT AND GRADE RESTORATION**

12. Within wetlands that are not inundated, the Permittee shall segregate the first 12” of topsoil from earth removed during the excavation necessary to bury the pipe. While work is in progress segregated topsoil shall be contained using any necessary performance based erosion control measure. The Permittee shall then replace the segregated material within the first top 12” of the restored soil elevation.
13. The Permittee shall provide reasonable assurance that pre-construction ground elevations are restored so that surface water flows are maintained to pre-construction conditions. Any changes to ground elevations must be surveyed, documented and submitted to the Department with a detailed explanation for deviations for review and approval, if appropriate, within 30 days from completion of the affected construction “spread”. Unapproved deviations shall be subject to restoration or additional mitigation as deemed appropriate by the Department. Restoration or mitigation for unapproved deviations shall be successfully implemented within 30 days of approval by the Department and may be required prior to undertaking subsequent construction “spreads”, if deemed appropriate by the Department.

## **SPECIFIC CONDITIONS – CONSTRUCTION DEWATERING**

14. If dewatering is to occur during any phase of construction or thereafter and discharge is to on-site or off-site surface waters of the State, either directly or via a stormwater management system, a generic permit in accordance with Rule 62-621.300, F.A.C., will be required prior to any dewatering.
15. If dewatering is to occur during any phase of construction or thereafter a consumptive use permit in accordance with Rule 40E-2, F.A.C., 40D-2 F.A.C or Rule 40C-2.041, F.A.C., may be required from the South Florida Water Management District (SFWMD), Southwest Florida Water Management District (SWFWMD) or St. Johns River Water Management District (SJRWMD) prior to beginning any dewatering.
16. A plan for routing of discharge water must be submitted to the DEP Central District Office for approval prior to commencement of dewatering.

## **SPECIFIC CONDITIONS - TURBIDITY**

17. Turbidity must be controlled to prevent violations of water quality pursuant to Rule 62-302.530(69), Florida Administrative Code (F.A.C.). Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background conditions. In Outstanding Florida Waters, NTU levels cannot exceed background at the mixing zone boundary. Turbidity barriers shall be correctly installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed work. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established.

18. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the Permittee will be responsible for the removal of the barriers.
19. The Department has determined that turbidity monitoring for crossings of inundated wetlands and water bodies will be required. Turbidity shall be monitored as noted in Specific Conditions 20 through 31 for these areas.
20. A mixing zone for turbidity is granted with the following size and configuration constraint(s): The mixing zone shall extend no further than 150 meters downstream, from the cutterhead, return flow discharge, or other points of turbidity generation [Chapter 62-4.244(5)(c), F.A.C.].
21. Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: [www.dep.state.fl.us/labs/qa/sops.htm](http://www.dep.state.fl.us/labs/qa/sops.htm) More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration. Calibration procedures shall be recorded in a permanent logbook, and copies must be submitted with the data.
22. Monitoring for turbidity shall be conducted for the duration of the project. Sampling will commence prior to, but no more than 24 hours before initiation of any dredging or filling activities specified in Specific Condition 19.
23. A minimum of 3 sampling sites shall be established within mixing zones as described in Specific Condition 20. The first site will be located at the mixing zone boundary (Compliance Sample (CS)); if required the second site will be located 25 meters downstream from the CS; and the third site shall be located 50 meters downstream from the CS. These sites shall be established on a transect extending down current from the turbidity source.
24. Samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling will be restricted to the axis of the visible plume. Samples will be collected at the intersection of the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.
25. Background samples shall be collected at two sites upstream of the crossing. These samples will be collected at surface, mid-depth, and one-foot above bottom. The two background sites will be marked by temporary buoys/stakes and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department.
26. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 17, the Permittee shall cease all work pursuant to Specific Condition 31.

27. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement, where construction has occurred in inundated wetlands or surface waters; reports shall include the Permittee name and permit number. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 48-324813-002." Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.
28. Monitoring data shall contain the following information:
  - a. Permit number;
  - b. Dates of sampling and analysis;
  - c. A statement describing the methods used in collection and analysis of the samples;
  - d. A map showing the sampling locations, along with indicating the latitude and longitude;
  - e. Copies of the Quality Assurance/Quality Control log; and
  - f. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision and accuracy of the data;
29. Monitoring reports shall also include the following information for each sample that is taken:
  - a. Time of day samples taken;
  - b. Depth of water body;
  - c. Depth of sample;
  - d. Tidal stage and direction of flow; and
  - e. Antecedent weather conditions, including wind direction and velocity.
30. The compliance location specified in Specific Condition 20 shall be considered the limits of the temporary mixing zone for turbidity allowed during construction.
31. If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 17, the Permittee shall take the following measures:
  - a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
  - b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
  - c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits as specified in Specific Condition 17. Interim samples collected following the violation (s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the water quality standard for turbidity has been met.
  - d. The violation(s) shall be immediately reported to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be

made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

Failure to report violation(s) or to follow correct procedures before resuming work shall constitute grounds for permit revocation and may subject the Permittee to formal enforcement action.

### **SPECIFIC CONDITIONS – HORIZONTAL DIRECTIONAL DRILL**

32. The Permittee shall comply with the procedures outlined in Exhibit 3 “HDD Contingency Plan”.
33. The Department shall be notified immediately in the event of a fracout or any other bentonite discharges or spills. All pertinent information shall be provided, i.e. location, time of day, extent of area effected, timing and methodology for removal, clean up and restoration of the site.

### **SPECIFIC CONDITIONS – MITIGATION**

34. To offset wetland impacts, the Permittee has reserved 4.65 forested credits from Southport Ranch Mitigation Bank and 2.41 forested credits from Bluefield Ranch Mitigation Bank. Prior to any construction or impacts authorized by this permit, the Permittee shall provide the Department with documentation that 4.934 credits have been deducted from the South Florida Water Management District’s credit ledger for Southport Ranch Mitigation Bank and 2.41 from Bluefield Ranch Mitigation Bank for FDEP Permit Number 49-324813-002.

### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

35. Progress reports for the project shall be submitted to the Department (3319 Maguire Boulevard, Suite 232, Orlando, FL 32803) beginning, January 2, 2015 and shall continue to be submitted on a quarterly basis until construction of the permitted project and mitigation is complete and successful. The cover page shall indicate the permit number, project name and the Permittee name. Progress reports shall be submitted to the Department even if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the upcoming quarter.

The reports shall include the following:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
- b. Brief description of the work (i.e. portions of pipeline installed, restoration complete, maintenance activities, monitoring) completed since the previous report or since permit was issued. Provide initially, one full set of numbered aerials or quad maps. Refer to these maps by number to indicate locations where there is ongoing construction or has been completed. Subsequent reports should refer to the same master set of maps, with accompanying tables and other relevant information.
- c. Brief description and extent of work (portions of pipeline installed, restoration complete, maintenance activities, monitoring) anticipated in the next three months. Refer to the above master set of maps to document the location of the anticipated construction.
- d. This report shall include on the first page, the certification of the following statement by the individual who supervised the preparation of the report: “This report represents a true and accurate description of the activities conducted during a three month period covered by this report.”

- e. Progress of natural revegetation in right-of-way areas
- f. Summary of incidents of water quality violations which have occurred prior to successful ground stabilization

36. Restoration Area Success Criteria - Wetland restoration areas will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.
- a. The restoration areas can reasonably be expected to develop into the pre-construction community type as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).
  - b. Topography, water depth and water level fluctuation in the restoration area are characteristic of the wetlands/surface water type specified in criterion "a."
  - c. Species composition of recruiting wetland vegetation is indicative of the wetland type specified in criterion "a."
  - d. At least 80 percent of the planted or recruited individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
  - e. Percent cover by appropriate wetland species meets or exceeds percent cover in the adjacent wetland areas that were not disturbed by construction; and,
  - f. Coverage by nuisance or exotic species does not exceed the percent in the adjacent wetland areas that were not disturbed by construction.
  - g. The wetland restoration area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The restoration area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the restoration area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

37. The Permittee shall monitor and maintain the wetland restoration areas until the criteria set forth in the Wetland Restoration Success Criteria Condition above are met. The Permittee shall perform corrective actions identified by the Department if the Department identifies a wetland restoration deficiency.
38. The Permittee shall undertake required maintenance activities within the wetland restoration areas as needed at any time between the restoration area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Restoration Success Criteria Condition above. Herbicides shall not be used without the prior written approval of the District.
39. The Permittee, prior to beneficial use of the pipeline must submit an as-built survey of the wetland restoration areas certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, water surface elevations, and species composition, numbers and densities. Upon Department inspection and approval of the restoration areas, the monitoring

program shall be initiated with the date of the Department field inspection being the construction completion date of the restoration areas. Monitoring events shall occur between March 1 and November 30 of each year. An Annual Wetland Monitoring Report shall be submitted upon the anniversary date of Department approval to initiate monitoring.

Annual reports shall provide documentation that a sufficient number of maintenance inspection/activities were conducted to maintain the restoration areas in compliance according to the Wetland Restoration Success Criteria Condition above. Note that the performance of maintenance inspections and maintenance activities will normally need to be conducted more frequently than the collection of other monitoring data to maintain the restoration areas in compliance with the Wetland Restoration Success Criteria Condition above.

40. Monitoring Data shall be collected annually.
41. The Permittee shall commence all wetland restoration within 30 days of wetland impacts, if wetland impacts occur between February 1 and August 31. If wetland impacts occur between September 1 and January 31, restoration shall commence by March 1. In either case, construction of the mitigation areas shall be completed within 120 days of the commencement date unless a time extension is approved in writing by the Department.
42. Following the Department's determination that the wetland restoration has been successfully completed, the Permittee shall operate and maintain the wetland restoration areas such that they remain in their current or intended condition for the life of the system. The Permittee must perform corrective actions for any portions of the wetland restoration areas where conditions no longer meet the criteria set forth in the Wetland Restoration Criteria Condition.

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under Chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer*

*Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.*

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:



- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
  11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
  12. The permittee shall notify the Agency in writing:
    - a. Immediately if any previously submitted information is discovered to be inaccurate; and
    - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
  13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
  14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
  15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

### **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.

8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### **Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a

petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orange, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Jeff Prather  
Director, Central District

**Attachments:**

- Exhibit 1, Project Drawings and Design Specs., 144 Pages
- Exhibit 2, Construction and Mitigation Plan, 23 Pages
- Exhibit 3, HDD Contingency Plan 4 pages
- Exhibit 4, Stormwater Management Plan, 89 Pages
- Exhibit 5, Un-surveyed Areas, 2 pages
- As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)
- Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)
- Request to Transfer Permit/Form 62-330.340(1)

**Copies furnished to:**

U.S. Army Corps of Engineers  
FFWCC, Jennifer.Goff@myfwc.com

SFWMD, [mparrott@sfwmd.gov](mailto:mparrott@sfwmd.gov)  
John Renfranz, [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us)  
Mark Langford, [Mark.Langford@dep.state.fl.us](mailto:Mark.Langford@dep.state.fl.us)  
File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on **November 19, 2014** to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



11/19/2014

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Clerk

Date



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

**Permittee:**

Florida Southeast Connection, LLC  
Attn. Randall LaBauve  
700 Universe Boulevard JES/JB  
Juno Beach, FL 33408  
[Randall.LaBauve@nee.com](mailto:Randall.LaBauve@nee.com)

**Consultant:**

Environmental Consulting & Technology, Inc.  
Attn. Lisa Ricker  
6440 Southpoint Parkway, Suite 130  
Jacksonville, FL 32216  
[lricker@ectinc.com](mailto:lricker@ectinc.com)

**Consolidated Environmental Resource Permit and Recommended Intent to Grant  
Sovereignty Submerged Lands Authorization**

**Permit No.: 49-324813-002**

**Permit Issuance Date: November 19, 2014**

**Conceptual Approval Expiration Date: November 19, 2019**



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

## **Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization**

**Permittee /Grantee:** Florida Southeast Connection, LLC

**Permit No:** 49-324813-002

### **PROJECT LOCATION**

The activities approved by this permit will commence in Osceola County, Florida, at the interconnection with the Sabal Trail Pipeline within the Central Florida Hub, located at a point just north of the county line at County Road (CR) 532. The pipeline will traverse Polk, Osceola, Okeechobee, St. Lucie, and Martin Counties, terminating at the Martin Meter Station located at the Martin Clean Energy Center in Martin County, Florida.

### **PROJECT DESCRIPTION**

The permittee is authorized to construct and operate Phase I (119 miles) of the 127 mile-long natural gas pipeline known as the Florida Southeast Connection Project (FSC Project) and the construction and operation of one meter station (known as the Martin Meter Station). Other features of the FSC Project include access roads, pig launcher and receiver stations, mainline valves (MLVs), and pipe storage/work areas. The parcels listed in Exhibit 5 will be authorized under a future phase.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall purchase 4.934 forested credits from Southport Ranch Mitigation Bank and 2.41 forested credits from Bluefield Ranch Mitigation Bank.

### **AUTHORIZATIONS**

#### **[Phase I]**

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.



As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a public easement, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the public easement will be sent to the permittee/lessee/grantee by the Department's Division of State Lands for execution. The Department intends to issue the public easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the permit. **You may not begin construction of the activities described until you receive a copy of the executed public easement from the Department.**

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at (321) 504-3771, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency, within the extent of detail provided, with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This conceptual approval permit, within the extent of detail provided, also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### **PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

### **SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION**

1. The terms, conditions, and provisions of the required easements shall be met. Construction of this activity shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required easement documents have been executed to the satisfaction of the Department.
2. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the Permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's Compliance Assurance Program. Conferences should be held with each of the following regulatory offices:
  - Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 (407-897-4100)
  - Southeast District, 400 N. Congress Ave., Suite 200, West Palm Beach, FL 33401 (561-681-6639).
  - Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 (813-470-5700).

### **SPECIFIC CONDITIONS – THREATENED AND ENDANGERED SPECIES**

3. The potential exists for colonial water birds like the little blue heron and snowy egret to occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for water bird nesting colonies prior to any construction activities. If nesting is observed, the Permittee shall maintain a minimum distance of 330 feet between the edge of the nesting area and any disturbance activity during the breeding season (Rodgers and Smith 1995). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.
4. Florida sandhill cranes may also occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for this species. If nesting is observed within or adjacent to the corridor, FWC

recommends maintaining a minimum distance of 400 feet between the edge of the nesting area and any disturbance activity during the breeding season (Stys 1997). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, please contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.

5. Open trenches shall be inspected and the beginning and end of each work day for wildlife that may have become trapped. Listed species or injured wildlife shall be reported to FWC.
6. The Permittee shall install “wildlife ramps” within any trench open greater than 24 hours to allow uninjured wildlife to leave the trench on their own accord.

#### **SPECIFIC CONDITIONS – GENERAL CONSTRUCTION ACTIVITIES**

7. Best management practices for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Chapter 62-302, F.A.C. The Permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
8. The limits of construction within wetlands shall be delineated by silt fencing. The Permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The Permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.

#### **SPECIFIC CONDITIONS – CONTRACTOR YARDS, LAYDOWN AREAS, ACCESS ROADS**

9. Construction of contractor yards, laydown areas, and access roads:
  - a. Shall be prepared using clearing and grubbing techniques only with no regrading;
  - b. Shall be at existing grade with the exception of three locations (one along SR 60 and one along US 441);
  - c. Shall not impede or alter existing drainage patterns, or impound surface water; and
  - d. Shall have sediment and erosion control best management practices (BMPs) installed and maintained on disturbed areas throughout the construction of the project to prevent the possibility of transferring suspended solids offsite.
10. No limestone, asphalt, millings, crushed concrete, or any other material that either cements or produces fines shall be used to stabilize the contractor yards, laydown areas, or access roads.
11. All material used to stabilize the contractor yards, laydown areas, and access roads shall be removed once construction has been completed and the areas shall be disked to reduce compaction and improve percolation. The disturbed areas shall be revegetated so that erosion will not occur. Turbidity control devices shall be removed no later than one year from completion of the project. All turbidity control devices shall be disposed of in an upland disposal area.

## **SPECIFIC CONDITIONS - SPOIL MANAGEMENT AND GRADE RESTORATION**

12. Within wetlands that are not inundated, the Permittee shall segregate the first 12” of topsoil from earth removed during the excavation necessary to bury the pipe. While work is in progress segregated topsoil shall be contained using any necessary performance based erosion control measure. The Permittee shall then replace the segregated material within the first top 12” of the restored soil elevation.
13. The Permittee shall provide reasonable assurance that pre-construction ground elevations are restored so that surface water flows are maintained to pre-construction conditions. Any changes to ground elevations must be surveyed, documented and submitted to the Department with a detailed explanation for deviations for review and approval, if appropriate, within 30 days from completion of the affected construction “spread”. Unapproved deviations shall be subject to restoration or additional mitigation as deemed appropriate by the Department. Restoration or mitigation for unapproved deviations shall be successfully implemented within 30 days of approval by the Department and may be required prior to undertaking subsequent construction “spreads”, if deemed appropriate by the Department.

## **SPECIFIC CONDITIONS – CONSTRUCTION DEWATERING**

14. If dewatering is to occur during any phase of construction or thereafter and discharge is to on-site or off-site surface waters of the State, either directly or via a stormwater management system, a generic permit in accordance with Rule 62-621.300, F.A.C., will be required prior to any dewatering.
15. If dewatering is to occur during any phase of construction or thereafter a consumptive use permit in accordance with Rule 40E-2, F.A.C., 40D-2 F.A.C or Rule 40C-2.041, F.A.C., may be required from the South Florida Water Management District (SFWMD), Southwest Florida Water Management District (SWFWMD) or St. Johns River Water Management District (SJRWMD) prior to beginning any dewatering.
16. A plan for routing of discharge water must be submitted to the DEP Central District Office for approval prior to commencement of dewatering.

## **SPECIFIC CONDITIONS - TURBIDITY**

17. Turbidity must be controlled to prevent violations of water quality pursuant to Rule 62-302.530(69), Florida Administrative Code (F.A.C.). Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background conditions. In Outstanding Florida Waters, NTU levels cannot exceed background at the mixing zone boundary. Turbidity barriers shall be correctly installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed work. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established.

18. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the Permittee will be responsible for the removal of the barriers.
19. The Department has determined that turbidity monitoring for crossings of inundated wetlands and water bodies will be required. Turbidity shall be monitored as noted in Specific Conditions 20 through 31 for these areas.
20. A mixing zone for turbidity is granted with the following size and configuration constraint(s): The mixing zone shall extend no further than 150 meters downstream, from the cutterhead, return flow discharge, or other points of turbidity generation [Chapter 62-4.244(5)(c), F.A.C.].
21. Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: [www.dep.state.fl.us/labs/qa/sops.htm](http://www.dep.state.fl.us/labs/qa/sops.htm) More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration. Calibration procedures shall be recorded in a permanent logbook, and copies must be submitted with the data.
22. Monitoring for turbidity shall be conducted for the duration of the project. Sampling will commence prior to, but no more than 24 hours before initiation of any dredging or filling activities specified in Specific Condition 19.
23. A minimum of 3 sampling sites shall be established within mixing zones as described in Specific Condition 20. The first site will be located at the mixing zone boundary (Compliance Sample (CS)); if required the second site will be located 25 meters downstream from the CS; and the third site shall be located 50 meters downstream from the CS. These sites shall be established on a transect extending down current from the turbidity source.
24. Samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling will be restricted to the axis of the visible plume. Samples will be collected at the intersection of the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.
25. Background samples shall be collected at two sites upstream of the crossing. These samples will be collected at surface, mid-depth, and one-foot above bottom. The two background sites will be marked by temporary buoys/stakes and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department.
26. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 17, the Permittee shall cease all work pursuant to Specific Condition 31.

27. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement, where construction has occurred in inundated wetlands or surface waters; reports shall include the Permittee name and permit number. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 48-324813-002." Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.
28. Monitoring data shall contain the following information:
  - a. Permit number;
  - b. Dates of sampling and analysis;
  - c. A statement describing the methods used in collection and analysis of the samples;
  - d. A map showing the sampling locations, along with indicating the latitude and longitude;
  - e. Copies of the Quality Assurance/Quality Control log; and
  - f. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision and accuracy of the data;
29. Monitoring reports shall also include the following information for each sample that is taken:
  - a. Time of day samples taken;
  - b. Depth of water body;
  - c. Depth of sample;
  - d. Tidal stage and direction of flow; and
  - e. Antecedent weather conditions, including wind direction and velocity.
30. The compliance location specified in Specific Condition 20 shall be considered the limits of the temporary mixing zone for turbidity allowed during construction.
31. If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 17, the Permittee shall take the following measures:
  - a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
  - b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
  - c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits as specified in Specific Condition 17. Interim samples collected following the violation (s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the water quality standard for turbidity has been met.
  - d. The violation(s) shall be immediately reported to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be

made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

Failure to report violation(s) or to follow correct procedures before resuming work shall constitute grounds for permit revocation and may subject the Permittee to formal enforcement action.

### **SPECIFIC CONDITIONS – HORIZONTAL DIRECTIONAL DRILL**

32. The Permittee shall comply with the procedures outlined in Exhibit 3 “HDD Contingency Plan”.
33. The Department shall be notified immediately in the event of a fracout or any other bentonite discharges or spills. All pertinent information shall be provided, i.e. location, time of day, extent of area effected, timing and methodology for removal, clean up and restoration of the site.

### **SPECIFIC CONDITIONS – MITIGATION**

34. To offset wetland impacts, the Permittee has reserved 4.65 forested credits from Southport Ranch Mitigation Bank and 2.41 forested credits from Bluefield Ranch Mitigation Bank. Prior to any construction or impacts authorized by this permit, the Permittee shall provide the Department with documentation that 4.934 credits have been deducted from the South Florida Water Management District’s credit ledger for Southport Ranch Mitigation Bank and 2.41 from Bluefield Ranch Mitigation Bank for FDEP Permit Number 49-324813-002.

### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

35. Progress reports for the project shall be submitted to the Department (3319 Maguire Boulevard, Suite 232, Orlando, FL 32803) beginning, January 2, 2015 and shall continue to be submitted on a quarterly basis until construction of the permitted project and mitigation is complete and successful. The cover page shall indicate the permit number, project name and the Permittee name. Progress reports shall be submitted to the Department even if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the upcoming quarter.

The reports shall include the following:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
- b. Brief description of the work (i.e. portions of pipeline installed, restoration complete, maintenance activities, monitoring) completed since the previous report or since permit was issued. Provide initially, one full set of numbered aerials or quad maps. Refer to these maps by number to indicate locations where there is ongoing construction or has been completed. Subsequent reports should refer to the same master set of maps, with accompanying tables and other relevant information.
- c. Brief description and extent of work (portions of pipeline installed, restoration complete, maintenance activities, monitoring) anticipated in the next three months. Refer to the above master set of maps to document the location of the anticipated construction.
- d. This report shall include on the first page, the certification of the following statement by the individual who supervised the preparation of the report: “This report represents a true and accurate description of the activities conducted during a three month period covered by this report.”

- e. Progress of natural revegetation in right-of-way areas
- f. Summary of incidents of water quality violations which have occurred prior to successful ground stabilization

36. Restoration Area Success Criteria - Wetland restoration areas will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.
- a. The restoration areas can reasonably be expected to develop into the pre-construction community type as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).
  - b. Topography, water depth and water level fluctuation in the restoration area are characteristic of the wetlands/surface water type specified in criterion "a."
  - c. Species composition of recruiting wetland vegetation is indicative of the wetland type specified in criterion "a."
  - d. At least 80 percent of the planted or recruited individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
  - e. Percent cover by appropriate wetland species meets or exceeds percent cover in the adjacent wetland areas that were not disturbed by construction; and,
  - f. Coverage by nuisance or exotic species does not exceed the percent in the adjacent wetland areas that were not disturbed by construction.
  - g. The wetland restoration area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The restoration area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the restoration area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

37. The Permittee shall monitor and maintain the wetland restoration areas until the criteria set forth in the Wetland Restoration Success Criteria Condition above are met. The Permittee shall perform corrective actions identified by the Department if the Department identifies a wetland restoration deficiency.
38. The Permittee shall undertake required maintenance activities within the wetland restoration areas as needed at any time between the restoration area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Restoration Success Criteria Condition above. Herbicides shall not be used without the prior written approval of the District.
39. The Permittee, prior to beneficial use of the pipeline must submit an as-built survey of the wetland restoration areas certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, water surface elevations, and species composition, numbers and densities. Upon Department inspection and approval of the restoration areas, the monitoring



program shall be initiated with the date of the Department field inspection being the construction completion date of the restoration areas. Monitoring events shall occur between March 1 and November 30 of each year. An Annual Wetland Monitoring Report shall be submitted upon the anniversary date of Department approval to initiate monitoring.

Annual reports shall provide documentation that a sufficient number of maintenance inspection/activities were conducted to maintain the restoration areas in compliance according to the Wetland Restoration Success Criteria Condition above. Note that the performance of maintenance inspections and maintenance activities will normally need to be conducted more frequently than the collection of other monitoring data to maintain the restoration areas in compliance with the Wetland Restoration Success Criteria Condition above.

40. Monitoring Data shall be collected annually.
41. The Permittee shall commence all wetland restoration within 30 days of wetland impacts, if wetland impacts occur between February 1 and August 31. If wetland impacts occur between September 1 and January 31, restoration shall commence by March 1. In either case, construction of the mitigation areas shall be completed within 120 days of the commencement date unless a time extension is approved in writing by the Department.
42. Following the Department's determination that the wetland restoration has been successfully completed, the Permittee shall operate and maintain the wetland restoration areas such that they remain in their current or intended condition for the life of the system. The Permittee must perform corrective actions for any portions of the wetland restoration areas where conditions no longer meet the criteria set forth in the Wetland Restoration Criteria Condition.

#### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under Chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer*

*Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.*

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
  11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
  12. The permittee shall notify the Agency in writing:
    - a. Immediately if any previously submitted information is discovered to be inaccurate; and
    - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
  13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
  14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
  15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

### **GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION**

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.

8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a

petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orange, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Jeff Prather  
Director, Central District

**Attachments:**

- Exhibit 1, Project Drawings and Design Specs., 144 Pages
- Exhibit 2, Construction and Mitigation Plan, 23 Pages
- Exhibit 3, HDD Contingency Plan 4 pages
- Exhibit 4, Stormwater Management Plan, 89 Pages
- Exhibit 5, Un-surveyed Areas, 2 pages
- As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)
- Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)
- Request to Transfer Permit/Form 62-330.340(1)

**Copies furnished to:**

U.S. Army Corps of Engineers  
FFWCC, Jennifer.Goff@myfwc.com

SFWMD, [mparrott@sfwmd.gov](mailto:mparrott@sfwmd.gov)  
John Renfranz, [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us)  
Mark Langford, [Mark.Langford@dep.state.fl.us](mailto:Mark.Langford@dep.state.fl.us)  
File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on **November 19, 2014** to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



11/19/2014

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Clerk

Date