

Tab 1	SB 1344 by Cruz ; (Similar to H 01343) Statewide Environmental Resource Permitting Rules					
Tab 2	SB 1530 by Rouson ; (Similar to CS/H 01319) Vessels					
443802	D	S	RCS	EN, Rouson	Delete everything after	04/02 04:10 PM
Tab 3	SB 1772 by Bracy (CO-INTRODUCERS) Stewart ; (Identical to H 01263) Little Wekiva River					
301328	A	S	RCS	EN, Bracy	Delete L.60 - 71:	04/02 04:10 PM
Tab 4	SR 1820 by Hooper ; (Similar to H 01379) Moratorium on Drilling in the Gulf of Mexico					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Montford, Chair
Senator Albritton, Vice Chair

MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Montford, Chair; Senator Albritton, Vice Chair; Senators Berman, Mayfield, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1344 Cruz (Similar H 1343)	Statewide Environmental Resource Permitting Rules; Clarifying the duty of the Department of Environmental Protection to adopt, in coordination with the water management districts, specified statewide environmental resource permitting rules; directing the water management districts, with department oversight, to adopt rules for specified design and performance standards relating to new development and redevelopment projects, etc. EN 04/02/2019 Favorable AEG AP	Favorable Yeas 4 Nays 0
2	SB 1530 Rouson (Similar CS/H 1319)	Vessels; Requiring vessel operators to reduce speed in specified hazardous situations; revising criteria for determining that a vessel is at risk of becoming derelict; providing criminal penalties for failure to present a certificate of title showing proper transfer of vessel ownership; revising civil penalties relating to certain at-risk vessels and prohibited anchoring or mooring, etc. EN 04/02/2019 Fav/CS CJ RC	Fav/CS Yeas 4 Nays 0
3	SB 1772 Bracy (Identical H 1263)	Little Wekiva River; Directing the St. Johns River Water Management District to conduct a specified study and submit a report to the Acquisition and Restoration Council and the Board of Trustees of the Internal Improvement Trust Fund by a specified date and to develop a specified plan and submit the plan to the Governor and Legislature by a specified date, etc. EN 04/02/2019 Fav/CS AEG AP	Fav/CS Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, April 2, 2019, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SR 1820 Hooper (Similar HR 1379)	Moratorium on Drilling in the Gulf of Mexico; Supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line, etc. EN 04/02/2019 Favorable MS RC	Favorable Yeas 4 Nays 0

5	Presentation on the Apalachicola-Chattahoochee-Flint River Litigation		Presented
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

Secretary of Environmental Protection

6	Valenstein, Noah (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 5 Nays 0
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Governing Board of the South Florida Water Management District

7	Goss, Chauncey P. II (Sanibel)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
	Wagner, Scott Andrew (Miami Beach)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
	Thurlow-Lippisch, Mary Jacqueline "Jacqui" (Sewall's Point)	03/01/2022	Recommend Confirm Yeas 4 Nays 0
	Steinle, John "Jay" P. (West Palm Beach)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
	Roman, Charlette I. (Marco Island)	03/01/2021	Recommend Confirm Yeas 4 Nays 0
	Meads, Cheryl Anne (Tavernier)	03/01/2021	Recommend Confirm Yeas 4 Nays 0
	Martinez, Carlos "Charlie" E. (Miami)	03/01/2020	Recommend Confirm Yeas 4 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 1344

INTRODUCER: Senator Cruz

SUBJECT: Statewide Environmental Resource Permitting Rules

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schreiber	Rogers	EN	Favorable
2.			AEG	
3.			AP	

I. Summary:

SB 1344 requires the water management districts, with Department of Environmental Protection (DEP) oversight, to adopt rules governing stormwater quality and quantity, including standards for removing nutrients from stormwater discharges. The bill requires DEP to incorporate these standards by reference for use within each district to ensure new pollutant loadings are not discharged into impaired water bodies.

The bill requires DEP and the water management districts, by December 1, 2019, to amend the environmental resource permit applicant's handbook to include revised best management practices and low impact design that increase the removal of nutrients from stormwater discharges and to require application of the net improvement performance standard to ensure that new pollutant loadings are not discharged into impaired water bodies.

The bill clarifies that a rebuttable presumption that a stormwater management system does not cause or contribute to violations of water quality standards applies if designed in accordance with certain stormwater treatment requirements *and* best management practices criteria.

II. Present Situation:

Stormwater Management

Stormwater is the flow of water resulting from, and immediately following, a rainfall event.¹ When stormwater falls on pavement, buildings, and other impermeable surfaces the runoff flows quickly and can pick up sediment, nutrients (such as nitrogen and phosphorous), chemicals, and

¹ DEP and Water Management Districts, *Environmental Resource Permit Applicant's Handbook Volume I (General and Environmental)*, 2-10 (June 1, 2018), available at https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/Applicant_Hanbook_I_-_Combined.pdf (last visited Mar. 29, 2019).

other pollutants.² A stormwater management system is a system designed to control discharges necessitated by rainfall events, incorporating methods to collect, convey, store, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution.³ Most activities that create new impermeable surfaces or alter surface water flows will involve a stormwater management system.⁴ Stormwater pollution is a major source of water pollution in Florida.⁵

The Department of Environmental Protection's (DEP) rules state that effective stormwater management is essential to reduce nonpoint source pollution.⁶ Stormwater runoff is a form of nonpoint source pollution because it comes from many different places and not from a single identifiable point.⁷ Nonpoint source pollution is the largest contributor of pollutants to Florida's surface and ground waters.⁸ DEP states that it is far easier and much more cost-effective to prevent or minimize nonpoint source pollution, especially from new land use activities, than it is to restore polluted waterbodies.⁹

Methods, such as low-impact design technologies and best management practices, can be implemented to address pollution in stormwater discharges.¹⁰ Low-impact development refers to systems and practices that mimic or preserve natural drainage processes to manage stormwater.¹¹ This approach is also known as "green infrastructure," and instead of moving stormwater away from the built environment these methods treat stormwater at its source.¹² Low-impact designs, including green roofs, permeable pavements, or bioswales, can result in stormwater being reused, soaking into vegetation which performs evaporative cooling, or infiltrating the soil and replenishing groundwater.¹³ A stormwater best management practice (BMP) is a method or

² DEP, *Stormwater Management*, 1 (2016), available at https://floridadep.gov/sites/default/files/stormwater-management_0.pdf (last visited Mar. 30, 2019). When rain falls on fields, forests, and other areas with naturally permeable surfaces the water not absorbed by plants filters through the soil and replenishes Florida's groundwater supply.

³ Section 373.403(10), F.S.

⁴ DEP and Water Management Districts, *Environmental Resource Permit Applicant's Handbook Volume I (General and Environmental)*, 1-5 (June 1, 2018), available at https://www.sfwmd.state.fl.us/sites/default/files/medias/documents/Applicant_Hanbook_I_-_Combined.pdf (last visited Mar. 29, 2019).

⁵ DEP, *Stormwater Support*, <https://floridadep.gov/water/engineering-hydrology-geology/content/stormwater-support> (last visited Mar. 30, 2019); DEP, *Nonpoint Source Program Update*, 10 (2015), available at <https://floridadep.gov/sites/default/files/NPS-ManagementPlan2015.pdf> (last visited Mar. 30, 2019).

⁶ Fla. Admin. Code R. 62-40.431(1).

⁷ U.S. EPA, *Basic Information about Nonpoint Source (NPS) Pollution*, <https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution> (last visited Mar. 30, 2019).

⁸ DEP, *Nonpoint Source Program Update*, 9 (2015), available at <https://floridadep.gov/sites/default/files/NPS-ManagementPlan2015.pdf> (last visited Mar. 30, 2019).

⁹ *Id.* at 10.

¹⁰ South Florida Water Management District, *Quick Facts on the Statewide Unified Stormwater Rule* (2009), available at https://www.sfwmd.gov/sites/default/files/documents/spl_stormwater_rule.pdf (last visited Mar. 30, 2019).

¹¹ U.S. EPA, *Benefits of Low Impact Development*, 1 (2012), available at <https://www.epa.gov/sites/production/files/2015-09/documents/bbfs1benefits.pdf> (last visited Mar. 30, 2019); U.S. EPA, *Urban Runoff: Low Impact Development*, <https://www.epa.gov/nps/urban-runoff-low-impact-development> (last visited Mar. 27, 2019).

¹² DEP, *Green Infrastructure*, <https://floridadep.gov/wra/319-tmdl-fund/content/green-infrastructure> (last visited Mar. 30, 2019).

¹³ U.S. EPA, *Benefits of Low Impact Development*, 1 (2012), available at <https://www.epa.gov/sites/production/files/2015-09/documents/bbfs1benefits.pdf> (last visited Mar. 30, 2019); South Florida Water Management District, *Quick Facts on the Statewide Unified Stormwater Rule* (2009), available at https://www.sfwmd.gov/sites/default/files/documents/spl_stormwater_rule.pdf (last visited Mar. 30, 2019).

combination of methods found to be the most effective and feasible means of preventing or reducing the amount of pollution generated, and this may include low-impact designs.¹⁴

Since the 1980s, Florida has regulated the discharge of stormwater to prevent pollution of the waters of the state and protect the designated beneficial use of surface waters.¹⁵ Florida has established minimum stormwater treatment performance standards, which require design and performance criteria for new stormwater management systems to: achieve at least 80 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards and achieve at least 95 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards in Outstanding Florida Waters (OFW).¹⁶ When a stormwater management system complies with rules establishing applicable design and performance criteria, there is a rebuttable presumption that the system's discharge will comply with state water quality standards.¹⁷ Research has shown that stormwater management systems can vary greatly in pollutant removal effectiveness.¹⁸

Environmental Resource Permits

Florida's Environmental Resource Permitting (ERP) program regulates activities involving the alteration of surface water flows.¹⁹ This includes activities that create stormwater runoff, as well as dredging and filling in wetlands and other surface waters.²⁰ ERPs are designed to prevent flooding, protect wetlands and other surface waters, and protect Florida's water quality from stormwater pollution.²¹ The statewide ERP program is implemented by DEP, the water management districts, and certain local governments.

DEP and the water management districts are authorized to require permits and impose reasonable conditions to ensure that construction or alteration of stormwater management systems and related structures are consistent with applicable law and not harmful to water resources.²² DEP and the water management districts are also authorized to require permits and impose reasonable conditions for the maintenance or operation of such structures.²³

¹⁴ South Florida Water Management District, *Best Management Practices for South Florida Urban Stormwater Management Systems*, 2 (2002), available at https://www.sfwmd.gov/sites/default/files/documents/bmp_manual.pdf (last visited Mar. 30, 2019).

¹⁵ DEP, *Evaluation of Current Stormwater Design Criteria within the State of Florida*, 1-1 (2007), available at <https://www.sfwmd.gov/sites/default/files/documents/sw%20treatment%20report-final71907.pdf> (last visited Mar. 30, 2019).

¹⁶ Fla. Admin. Code R. 62-40.432(2); DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Mar. 30, 2019).

¹⁷ Fla. Admin. Code R. 62-40.432(2).

¹⁸ DEP, *Evaluation of Current Stormwater Design Criteria within the State of Florida*, 1-1 (2007), available at <https://www.sfwmd.gov/sites/default/files/documents/sw%20treatment%20report-final71907.pdf> (last visited Mar. 30, 2019).

¹⁹ Chapter 373, p. IV, F.S.; Fla. Admin. Code Ch. 62-330; DEP, *DEP 101: Environmental Resource Permitting*, <https://floridadep.gov/comm/press-office/content/dep-101-environmental-resource-permitting> (last visited Mar. 30, 2019).

²⁰ DEP, *DEP 101: Environmental Resource Permitting*, <https://floridadep.gov/comm/press-office/content/dep-101-environmental-resource-permitting> (last visited Mar. 30, 2019).

²¹ South Florida Water Management District, *Environmental Resource Permits*, <https://www.sfwmd.gov/doing-business-with-us/permits/environmental-resource-permits> (last visited Mar. 29, 2019).

²² Section 373.413, F.S.; see s. 403.814(12), F.S.

²³ Section 373.416, F.S.

In 2012, the Legislature passed s. 373.4131, F.S., which directed DEP to create new statewide ERP rules.²⁴ The law requires DEP, in coordination with the water management districts, to adopt statewide ERP rules governing the construction, operation, or removal of stormwater management systems, dams, reservoirs, appurtenant works, or any combination thereof.²⁵ The rules must provide for general permits that do not allow significant adverse impacts and impose conditions including monitoring, inspection, and reporting requirements.²⁶ The rules must also provide for conceptual permits for local governments that create stormwater master plans for urban infill and redevelopment areas or community redevelopment areas.²⁷

The water management districts are required to implement DEP's rules under the ERP permitting program and are authorized to implement and interpret the rules.²⁸ The districts are authorized, with DEP oversight, to continue to adopt rules governing design and performance standards for stormwater quality and quantity, which DEP may incorporate by reference into its rules for use within the geographic jurisdiction of each district.²⁹ DEP may delegate authority to implement the ERP program to local governments.³⁰

DEP and the water management districts must require applicants to provide reasonable assurance that state water quality standards will not be violated.³¹ If a stormwater management system is designed in accordance with the stormwater treatment requirements and criteria adopted by DEP or the water management districts, then the system design is presumed not to cause or contribute to violations of applicable state water quality standards.³² If a stormwater management system is constructed, operated, and maintained for stormwater treatment in accordance with a valid permit or exemption then the stormwater discharged from the system is presumed not to cause or contribute to violations of applicable state water quality standards.³³ If an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, DEP or a district must consider mitigation measures acceptable to the applicant that cause net improvement of the water quality in the water body that does not meet the standards.³⁴

²⁴ Chapter 2012-94, Laws of Fla.; Susan Roeder Martin, *New Environmental Resource Permit Rules*, FLORIDA BAR JOURNAL Vol. 87, No. 8 (2013), available at <https://www.floridabar.org/the-florida-bar-journal/new-environmental-resource-permit-rules/> (last visited Mar. 29, 2019); Florida Senate, Committee on Environmental Preservation and Conservation, *Statewide Environmental Resource Permit*, 6 (2012), available at

<https://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-121ep.pdf> (last visited Mar. 29, 2019).

²⁵ Section 373.4131(1), F.S.

²⁶ *Id.*

²⁷ *Id.*; s. 163.340(10), F.S. “Community redevelopment area” is defined as “a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment”; see ch. 163, part III, F.S.

²⁸ Section 373.4131(2), F.S.

²⁹ Section 373.4131(3), F.S.

³⁰ Sections 373.4131(2)(b) and 373.441, F.S.; Fla. Admin. Code R. 62-344.500.

³¹ Section 373.414(1), F.S.; see s. 373.403(11), F.S.; see Ch. 403, F.S.; see Fla. Admin. Code Ch. 62-4, 62-302, 62-520, and 62-550.

³² Section 373.4131(3)(b), F.S.

³³ Section 373.4131(3)(c), F.S.

³⁴ Section 373.414(1)(b)3., F.S.

Chapter 62-330 of the Florida Administrative Code implements the statewide ERP program under s. 373.4131, F.S.³⁵ Under the rules, a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any nonexempt project that cumulatively results in any of the following:

- Any project in, on, or over wetlands or other surface waters;
- A total of more than 4,000 square feet of impervious and semi-impervious surface areas subject to vehicular traffic;
- A total of more than 9,000 square feet of impervious and semi-impervious surface area;
- A total project area of more than five acres;
- A capability of impounding more than 40 acre-feet of water;
- Any dam having a height of more than 10 feet, as measured from the lowest elevation of the downstream toe to the dam crest;
- Any project that is part of a larger common plan of development or sale;
- Any dry storage facility storing 10 or more vessels that is functionally associated with a boat launching area;
- Any project exceeding the thresholds in section 1.2 (District-specific thresholds) of the applicable Volume II; or
- Any modification or alteration of a project previously permitted under part IV of ch. 373, F.S.³⁶

Exemptions from these permitting requirements exist, both in the rules and in district handbooks, including for activities relating to aquatic plant control, repair of bridges and roadways, and silviculture (cultivating trees).³⁷

The ERP rules contain numerous permit conditions that are designed to protect water resources. As a condition of permitting, activities may not be conducted in a manner that causes or contributes to violations of state water quality standards.³⁸ Another condition is the use of performance-based erosion and sediment control BMPs.³⁹

Environmental Resource Permit Applicant's Handbook

The Environmental Resource Permit Applicant's Handbook was developed by DEP to help people understand the rules, procedures, standards, and criteria that apply to the ERP program.⁴⁰ The handbook exists in two volumes, and both are incorporated into the Florida Administrative Code by reference.⁴¹

³⁵ Fla. Admin. Code Ch. 62-330.

³⁶ Fla. Admin. Code R. 62-330.020(2).

³⁷ Fla. Admin. Code R. 62-330.051 and 62-330.0511.

³⁸ Fla. Admin. Code R. 62-330.350(1)(c) and 62-330.405.11; see Fla. Admin. Code R. 62-330.301(1).

³⁹ Fla. Admin. Code R. 62-330.350(1)(c) and 62-330.405.11.

⁴⁰ Section 373.4131(1)(a)9., F.S.; DEP and Water Management Districts, *Environmental Resource Permit Applicant's Handbook Volume I (General and Environmental)*, 1-4 (June 1, 2018), available at https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/Applicant_Hanbook_I_-_Combined.pdf (last visited Mar. 29, 2019).

⁴¹ Fla. Admin. Code R. 62-330.010(4).

The Applicant's Handbook Volume I applies statewide to all activities regulated under Chapter 62-330 of the Florida Administrative Code, and it includes:

- Explanations, procedures, guidance, standards, and criteria on what is regulated by the chapter;
- The types of permits available;
- How to submit an application or notice for a regulated activity;
- How applications and notices are reviewed;
- The standards and criteria for issuance; and
- Permit duration and modification.⁴²

A separate ERP Applicant's Handbook Volume II is adopted by each water management district, for use within their respective jurisdictions.⁴³ The separate volumes provide design and performance standards specific to the geographical areas of each district, accounting for regional differences in hydrology, soils, geology, and rainfall.⁴⁴ Volume II applies whether an ERP application is processed by DEP, a water management district, or a delegated local government.⁴⁵ Volume II provides:

- Design and performance standards and criteria for water quality and quantity, including those for specific types of stormwater management systems, dams, impoundments, reservoirs, works, and appurtenant works;
- Standards and criteria pertaining to special basins that may exist within the geographic area of each district;
- Standards and criteria pertaining to flood protection; and
- Design and performance standards for dams.

These design and performance standards and criteria are also applicable to inspections, compliance, and enforcement.⁴⁶

Operating agreements between DEP and each water management district specify which agency will process each type of application.⁴⁷ DEP generally reviews and takes action on applications involving waste facilities, mining, power plants and transmission lines, certain types of dredging, seaports, single-family dwelling units, systems seaward of the coastal construction control line, and other related areas.⁴⁸ The water management districts review and take action on all other applications.⁴⁹

⁴² Fla. Admin. Code R. 62-330.010(4)(a).

⁴³ Fla. Admin. Code R. 62-330.010(4)(b); DEP, *ERP Stormwater*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-stormwater> (last visited Mar. 29, 2019).

⁴⁴ DEP and Water Management Districts, *Environmental Resource Permit Applicant's Handbook Volume I (General and Environmental)*, 1-5 (June 1, 2018), available at https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/Applicant_Hanbook_I_-_Combined.pdf (last visited Mar. 29, 2019).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ DEP, Environmental Resource Permitting Coordination, Assistance, Portals, *Operating Agreements ERP Permitting: DEP District Offices and the Water Management District Offices*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/environmental-resource-permitting> (last visited Mar. 29, 2019); see Fla. Admin Code Ch. 62-113.

⁴⁸ *Id.*

⁴⁹ *Id.*

Net Improvement

An applicant for an ERP permit must provide reasonable assurance that the regulated activity will not cause or contribute to violations of water quality standards.⁵⁰ If the site of the proposed activity currently does not meet water quality standards then the applicant must demonstrate that the activities will not contribute to the existing violation or must propose mitigation.⁵¹

An “impaired water” is a waterbody or segment of a waterbody that does not meet its applicable water quality standards, due at least in part to discharges of pollutants from point or nonpoint sources.⁵² DEP’s regulations provide the process for identification of waters that do not meet state water quality standards and that are subject to pollution limits and recovery plans.⁵³

When an applicant is unable to meet water quality standards because existing ambient water quality does not meet the standards, and the activity will cause or contribute to this existing condition, mitigation for water quality impacts can consist of water quality enhancement that achieves a net improvement.⁵⁴ In such cases, the applicant must propose and agree to implement mitigation measures that will cause net improvement of the water quality in the receiving waters that are not meeting the standards.⁵⁵

NPDES Permits

The ERP program is separate from the National Point Discharge Elimination System (NPDES) permitting program, which is part of the federal Clean Water Act and includes certain types of stormwater permitting.⁵⁶ Although DEP is authorized to implement parts of the NPDES program, NPDES permitting is a federal program that is not linked to the ERP program, and applicants are advised to pursue both ERP and NPDES permits, as required, prior to construction.⁵⁷

⁵⁰ DEP and Water Management Districts, *Environmental Resource Permit Applicant’s Handbook Volume I (General and Environmental)*, 10-9 (June 1, 2018), available at https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/Applicant_Hanbook_I_-_Combined.pdf (last visited Mar. 29, 2019); see s. 373.414(1), F.S.

⁵¹ *Id.* at 10-11.

⁵² See Fla. Admin. Code R. 62-303.200(7).

⁵³ DEP and Water Management Districts, *Environmental Resource Permit Applicant’s Handbook Volume I (General and Environmental)*, 1-13 (June 1, 2018), available at https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/Applicant_Hanbook_I_-_Combined.pdf (last visited Mar. 29, 2019); see Fla. Admin. Code Ch. 62-303, 62-304, and 62-306; see DEP, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Mar. 30, 2019).

⁵⁴ *Id.* at 8-2, 10-26.

⁵⁵ *Id.*; see s. 373.414(1)(b)3., F.S.; see Fla. Admin Code R. 62-330.301(2) and 62-330-451(7)(b).

⁵⁶ DEP and Water Management Districts, *Environmental Resource Permit Applicant’s Handbook Volume I (General and Environmental)*, 1-9, 1-10 (June 1, 2018), available at https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/Applicant_Hanbook_I_-_Combined.pdf (last visited Mar. 29, 2019); see DEP, *Construction Activity (CGP)*, <https://floridadep.gov/water/stormwater/content/construction-activity-cgp> (last visited Mar. 31, 2019). A NPDES Stormwater Construction Generic Permit (CGP) is required for construction activities that: disturb at least one or more acres of land or disturb less than one acre of land but are part of a common plan of development or sale; and discharge stormwater to surface waters of the state or to surface waters of the state through a municipal separate storm sewer system (MS4).

⁵⁷ DEP and Water Management Districts, *Environmental Resource Permit Applicant’s Handbook Volume I (General and Environmental)*, 1-9 (June 1, 2018), available at

2010 Stormwater Rulemaking

From 2008 to 2010, DEP and the water management districts worked together on developing a statewide unified stormwater rule. The general goal of the rulemaking initiative was to protect Florida's surface waters from the effects of excessive nutrients in stormwater runoff.⁵⁸ A technical advisory committee was established to assist the staff of DEP and the districts, and the committee met ten times leading up to 2010.⁵⁹ In 2010, DEP announced a series of workshops to present for public comment the statewide stormwater quality draft rule Chapter 62-347 of the Florida Administrative Code and an Applicant's Handbook.⁶⁰ The notice stated that DEP, the water management districts, and a technical advisory committee had "developed stormwater quality design and performance standards to update the existing criteria and reflect new research and today's understanding of the impact of nutrient discharges from surface water management systems on water quality."⁶¹ The notice also stated that the goal of the rule was to "increase the level of nutrient treatment in stormwater discharges and provide statewide consistency by establishing revised stormwater quality treatment performance standards and best management practices design criteria."⁶²

These rulemaking efforts produced a draft version of a document called the "Environmental Resource Permit Stormwater Quality Applicant's Handbook: Design Requirements for Stormwater Treatment in Florida."⁶³ The handbook applied to the design of stormwater treatment systems authorized pursuant to ch. 373, F.S., and stated that Chapter 62-347 of the Florida Administrative Code would be entitled "Stormwater Treatment Systems."⁶⁴ The handbook defined stormwater treatment system as "a system which is designed and constructed or implemented to reduce the discharge of pollutants in stormwater by incorporating methods to collect, convey, store, absorb, treat, use, or reuse stormwater."⁶⁵ Fifteen different types of stormwater treatment systems were listed, including low impact design, pervious pavements, and stormwater harvesting.⁶⁶

https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/Applicant_Hanbook_I_-_Combined.pdf (last visited Mar. 29, 2019).

⁵⁸ South Florida Water Management District, *Quick Facts on the Statewide Unified Stormwater Rule*, https://www.sfwmd.gov/sites/default/files/documents/spl_stormwater_rule.pdf (last visited Mar. 30, 2019).

⁵⁹ Nicole C. Kibert, *Status of Low Impact Development in Florida and Legal Considerations for Operation and Maintenance of LID Systems*, FLORIDA BAR JOURNAL Vol. 85, No. 1 (2011), available at <https://www.floridabar.org/the-florida-bar-journal/status-of-low-impact-development-in-florida-and-legal-considerations-for-operation-and-maintenance-of-lid-systems/> (last visited Mar. 30, 2019).

⁶⁰ Florida Administrative Register, Notices of Meetings, Workshops, and Public Hearings, *Notice of Rescheduling*, pg. 1885 (Apr. 23, 2010), available at <https://www.flrules.org/Faw/FAWDocuments/FAWVOLUMEFOLDERS2010/3616/3616doc.pdf> (last visited Mar. 30, 2019).

⁶¹ *Id.*

⁶² *Id.*

⁶³ DEP and Water Management Districts, *March 2010 Draft, Environmental Resource Permit Stormwater Quality Applicant's Handbook, Design Requirements for Stormwater Treatment Systems in Florida* (2010), available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content2/roadway/drainage/files/stormwaterqualityapphb-draft.pdf?sfvrsn=579bf184_0 (last visited Mar. 30, 2019).

⁶⁴ *Id.* at 1; see s. 373.4142, F.S.

⁶⁵ DEP and Water Management Districts, *March 2010 Draft, Environmental Resource Permit Stormwater Quality Applicant's Handbook, Design Requirements for Stormwater Treatment Systems in Florida*, 1, 5 (2010). The handbook described stormwater treatment systems as usually being components of surface water management systems.

⁶⁶ *Id.* at 3. Language highlighted in yellow was where comments and alternatives were especially being sought.

The 2010 draft handbook's stormwater quality permitting requirements provided for different stormwater treatment performance standards based on various classifications of water quality.⁶⁷ The handbook included instructions for calculating a project's required nutrient load reduction based on comparing the pre-development and post-development loadings.⁶⁸ In order to implement appropriate BMPs to minimize erosion and control sediment, the handbook required applicants to have either: an erosion and sediment control plan, or a stormwater pollution prevention plan.⁶⁹ Stating that stormwater treatment systems are composed of BMPs, the handbook provided required criteria for such BMPs while categorizing them into three types:

- Retention BMPs, where stormwater is not discharged but is recovered through percolation into the soil, evaporation, or evapotranspiration;
- Detention BMPs, which retain stormwater and discharge it at a specified rate, usually the predevelopment peak discharge rate; and
- Source control BMPs, practices that are nonstructural BMPs used to either minimize the amount of stormwater generated or minimize the amount of pollution getting into the stormwater.⁷⁰

The 2010 draft handbook provided criteria for Low Impact Design BMPs, stating that when these nonstructural BMPs are applied early in the design process they can reduce stormwater volume and pollutants generated from development sites.⁷¹ Five of these BMPs were listed as being eligible for "stormwater nutrient load reduction credits": natural area conservation; site reforestation; disconnecting directly connected impervious areas; Florida-friendly landscaping; and rural subdivisions.⁷²

The new rule and revised handbook were expected to be adopted in 2011.⁷³ However, no such rules or revised handbook were ever adopted, and Chapter 62-347 of the Florida Administrative Code, entitled "Stormwater Permitting," contains no regulations.⁷⁴ While the draft Stormwater Quality Applicant's Handbook never went into effect it can provide context for understanding what new rules on these topics may look like.

⁶⁷ *Id.* at 6-7.

⁶⁸ *Id.* at 8-11.

⁶⁹ *Id.* at 21.

⁷⁰ *Id.* at 29.

⁷¹ *Id.* at 146.

⁷² *Id.* at 146-151.

⁷³ Nicole C. Kibert, *Status of Low Impact Development in Florida and Legal Considerations for Operation and Maintenance of LID Systems*, FLORIDA BAR JOURNAL Vol. 85, No. 1 (2011), available at <https://www.floridabar.org/the-florida-bar-journal/status-of-low-impact-development-in-florida-and-legal-considerations-for-operation-and-maintenance-of-lid-systems/> (last visited Mar. 30, 2019).

⁷⁴ Department of State, Florida Administrative Code, *Division: 62*, <https://www.flrules.org/gateway/organization.asp?divid=430> (last visited Mar. 30, 2019).

III. Effect of Proposed Changes:

Section 1 amends s. 373.4131, F.S., which requires the Department of Environmental Protection (DEP), water management districts, and local governments to establish environmental resource permitting programs for stormwater management systems, dams, impoundments, reservoirs, and associated structures or canals.

The bill requires the water management districts, with DEP oversight, to adopt rules governing design and performance standards for stormwater quality and quantity, including design and performance standards that increase the removal of nutrients from stormwater discharges from all new development and redevelopment projects.

The bill requires DEP to incorporate by reference the design and performance standards adopted by the water management districts for use within the geographic jurisdiction of each water management district to ensure that new pollutant loadings are not discharged into impaired water bodies.

The bill requires DEP and the water management districts, by December 1, 2019, to amend the environmental resource permit applicant's handbook to include revised best management practices design criteria and low impact design best management practices and design criteria that increase the removal of nutrients from stormwater discharges from all new development and redevelopment projects and measures for consistent application of the net improvement performance standard to ensure that new pollutant loadings are not discharged into impaired water bodies.

The bill clarifies that a rebuttable presumption that a stormwater management system does not cause or contribute to violations of water quality standards applies if designed in accordance with certain stormwater treatment requirements *and* best management practices criteria.

Section 2 states that the bill takes effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The bill requires DEP and the water management districts to create new rules and standards and to amend the environmental resource permit applicant's handbook. These actions may cause DEP and the water management districts to incur additional costs. Therefore, this bill may have an indeterminate, negative fiscal impact on DEP and the water management districts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.4131 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Cruz

18-01588-19

20191344__

A bill to be entitled
An act relating to statewide environmental resource
permitting rules; amending s. 373.4131, F.S.;
clarifying the duty of the Department of Environmental
Protection to adopt, in coordination with the water
management districts, specified statewide
environmental resource permitting rules; directing the
water management districts, with department oversight,
to adopt rules for specified design and performance
standards relating to new development and
redevelopment projects; directing the department to
incorporate such rules by reference for use within the
geographic jurisdiction of each water management
district and to amend such rules into the applicant's
handbook; providing a rebuttable presumption that
certain stormwater management systems do not cause or
contribute to violations of applicable state water
quality standards; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (1) and (3) of section 373.4131,
Florida Statutes, are amended to read:

373.4131 Statewide environmental resource permitting
rules.—

(1) The department must ~~shall initiate rulemaking to~~ adopt,
in coordination with the water management districts, statewide
environmental resource permitting rules governing the
construction, alteration, operation, maintenance, repair,

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abandonment, and removal of any stormwater management system,
dam, impoundment, reservoir, appurtenant work, works, or any
combination thereof, under this part.

(a) The rules must provide for statewide, consistent
regulation of activities under this part and must include, at a
minimum:

1. Criteria and thresholds for requiring permits.

2. Types of permits.

3. Procedures governing the review of applications and
notices, duration and modification of permits, operational
requirements, transfers of permits, provisions for emergencies,
and provisions for abandonment and removal of systems.

4. Exemptions and general permits that do not allow
significant adverse impacts to occur individually or
cumulatively.

5. Conditions for issuance.

6. General permit conditions, including monitoring,
inspection, and reporting requirements.

7. Standardized fee categories for activities under this
part to promote consistency. The department and water management
districts may amend fee rules to reflect the standardized fee
categories but are not required to adopt identical fees for
those categories.

8. Application, notice, and reporting forms. To the maximum
extent practicable, the department and water management
districts shall provide for electronic submittal of forms and
notices.

9. An applicant's handbook that, at a minimum, contains
general program information, application and review procedures,

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59 a specific discussion of how environmental criteria are
60 evaluated, and discussion of stormwater quality and quantity
61 criteria.

62 (b) The rules must provide for a conceptual permit for a
63 municipality or county that creates a stormwater management
64 master plan for urban infill and redevelopment areas or
65 community redevelopment areas created under chapter 163. Upon
66 approval by the department or water management district, the
67 master plan shall become part of the conceptual permit issued by
68 the department or water management district. The rules must
69 additionally provide for an associated general permit for the
70 construction and operation of urban redevelopment projects that
71 meet the criteria established in the conceptual permit. The
72 following requirements must also be met:

73 1. The conceptual permit and associated general permit must
74 not conflict with the requirements of a federally approved
75 program pursuant to s. 403.0885 or with the implementation of s.
76 403.067(7) regarding total maximum daily loads and basin
77 management action plans.

78 2. Before a conceptual permit is approved ~~granted~~, the
79 municipality or county must assert that stormwater discharges
80 from the urban redevelopment area do not cause or contribute to
81 violations of water quality standards by demonstrating a net
82 improvement in the quality of the discharged water existing on
83 the date the conceptual permit is approved.

84 3. The conceptual permit may not expire for at least 20
85 years unless a shorter duration is requested and must include an
86 option to renew.

87 4. The conceptual permit must describe the rate and volume

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of stormwater discharges from the urban redevelopment area, including the maximum rate and volume of stormwater discharges as of the date the conceptual permit is approved.

5. The conceptual permit must contain provisions regarding the use of stormwater best management practices and must ensure that stormwater management systems constructed within the urban redevelopment area are operated and maintained in compliance with s. 373.416.

(c) The rules must rely primarily on the rules of the department and water management districts in effect immediately prior to the effective date of this section, except that the department may:

1. Reconcile differences and conflicts to achieve a consistent statewide approach.

2. Account for different physical or natural characteristics, including special basin considerations, of individual water management districts.

3. Implement additional permit streamlining measures.

(d) The application of the rules must continue to be governed by the first sentence of s. 70.001(12).

(3)(a) The water management districts, with department oversight, must ~~may continue to~~ adopt rules governing design and performance standards for stormwater quality and quantity, including design and performance standards that increase the removal of nutrients from stormwater discharges from all new development and redevelopment projects. ~~and~~ The department must ~~may~~ incorporate the design and performance standards by reference for use within the geographic jurisdiction of each district to ensure that new pollutant loadings are not

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117 discharged into impaired water bodies. By December 1, 2019, the
118 department and water management districts shall amend the
119 applicant's handbook to include revised best management
120 practices design criteria and low impact design best management
121 practices and design criteria that increase the removal of
122 nutrients from stormwater discharges from all new development
123 and redevelopment projects and measures for consistent
124 application of the net improvement performance standard to
125 ensure that new pollutant loadings are not discharged into
126 impaired water bodies.

127 (b) If a stormwater management system is designed in
128 accordance with the stormwater treatment requirements and best
129 management practices design and operation criteria adopted by
130 the department or a water management district under this part,
131 there is a rebuttable presumption that the stormwater system
132 does ~~the system design is presumed~~ not to cause or contribute to
133 violations of applicable state water quality standards.

134 (c) If a stormwater management system is constructed,
135 operated, and maintained for stormwater treatment in accordance
136 with a valid permit or exemption under this part, there is a
137 rebuttable presumption that the stormwater ~~discharged from the~~
138 system does ~~is presumed~~ not to cause or contribute to violations
139 of applicable state water quality standards.

140 Section 2. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 1530

INTRODUCER: Environment and Natural Resources Committee and Senator Rouson

SUBJECT: Vessels

DATE: April 2, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Fav/CS
2.			CJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1530 requires vessel operators to reduce speed to a slow speed with minimum wake upon approaching certain hazardous conditions. A vessel operator that violates this requirement is guilty of a noncriminal infraction.

The bill increases the civil penalties for a vessel deemed at risk of becoming derelict and increases the maximum penalties for anchoring or mooring in a prohibited area. The bill creates penalties for vessels that do not reduce speed in the hazardous conditions specified under the bill.

II. Present Situation:

Anchoring or mooring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.¹ Mooring is accomplished through the utilization of moorings permanently affixed to the bottom of the water body. Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not. Mooring fields are areas designated and used for a system of properly spaced moorings.²

¹ Section 327.02, F.S., defines the term "vessel" to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

² Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at <https://www.law.ufl.edu/pdf/academics/centers-clinics/clinics/conservation/resources/anchaway.pdf> (last visited Mar. 21, 2019).

Derelict Vessels

A derelict vessel is a vessel that is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of this state; at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached upon the property of another without the consent of the owner of the property.³

It is unlawful to store, leave, or abandon a derelict vessel in Florida.⁴ A person found in violation of this law commits a first degree misdemeanor.⁵ State law further provides that a violation of derelict vessel laws may also subject a person to a civil penalty of up to \$50,000 per day.⁶ Each day during any portion of which the violation occurs constitutes a separate offense.⁷

At-risk vessels

In 2016, the Legislature prohibited neglected vessels or those in deteriorating conditions from anchoring, mooring, or occupying the waters of the state.⁸ A vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, or is listing due to water intrusion, or is sunk or partially sunk; or
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair.⁹

Penalties for Boating Infractions

Section 327.73, F.S., provides for non-criminal violations relating to vessel laws. An owner or operator of a vessel at risk of becoming derelict on waters of the state is subject to a uniform boating citation and penalties.¹⁰ The penalties are:

- For a first offense, \$50;
- For a second offense occurring 30 days or more after a first offense, \$100; and
- For a third offense occurring 30 days or more after a previous offense, \$250.

³ Section 823.11(1)(b), F.S.

⁴ Section 823.11(2), F.S.

⁵ A first degree misdemeanor is punishable by a term of imprisonment of no more than one year and a fine of up to \$1,000.

⁶ Section 376.16(1), F.S.

⁷ *Id.*

⁸ Chapter 2016-108, Laws of Fla.; s. 327.4107, F.S.

⁹ Section 327.4107, F.S.

¹⁰ Section 327.73(aa), F.S.

An owner or operator who violates the law by anchoring or mooring in a prohibited area is subject to a uniform boating citation and penalties.¹¹ The penalties are:

- For a first offense, up to a maximum of \$50;
- For a second offense, up to a maximum of \$100; and
- For a third offense, up to a maximum of \$250.

In addition to civil penalties, the section provides that a person who fails to appear or otherwise properly respond to a uniform boating citation will be charged with a second-degree misdemeanor, which is punishable by a maximum fine of \$500 and no more than 60 days imprisonment.¹²

III. Effect of Proposed Changes:

The bill requires vessel operators to reduce speed to a slow speed with minimum wake upon approaching certain hazardous conditions and provides that a vessel operator that violates this requirement is guilty of a noncriminal infraction. The hazardous conditions are:

- Approaching within 300 feet of any emergency vessel, including but not limited to, a law enforcement vessel, a United States Coast Guard vessel or auxiliary vessel, fire vessel, or tow vessel, with its emergency lights activated; and
- Approaching within 300 feet of any construction vessel or barge actively engaged in operations and displaying an orange flag or yellow flashing light from the tallest portion of the vessel or barge.

The bill increases the civil penalties for a vessel deemed at risk of becoming derelict for a second offense from \$100 to \$250, and for a third offense from \$250 to \$500. The bill also increases the maximum penalties for anchoring or mooring in a prohibited area for a second offense from \$100 to \$250, and for a third offense from \$250 to \$500.

The bill creates penalties for vessels that do not reduce speed in specified hazardous conditions: \$50 for a first offense, \$250 for a second offense occurring within 12 months after a prior conviction, \$500 for a third offense occurring within 36 months after a prior conviction, and \$1000 for a fourth or subsequent offense occurring within 72 months after a prior conviction.

The bill takes effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹¹ Section 327.73(bb), F.S.

¹² Sections 775.082 and 775.083, F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be a positive fiscal impact on FWC due to the new and increased penalties imposed under the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 327.73 of the Florida Statutes.

This bill creates section 327.332 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources Committee on April 2, 2019:

- Removes a provision relating to slowing speeds upon seeing a vessel or person in a hazardous or vulnerable position.
- Removes certain provisions relating to derelict vessels.

- Removes a provision relating to transfer of ownership of a vessel.
- Removes the authority to impound derelict vessels after three violations.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



443802

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2019	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Rouson)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 327.332, Florida Statutes, is created to
read:

327.332 Special hazards requiring slow speed.—

(1) A vessel operator must reduce to slow speed, minimum
wake upon approaching within 300 feet of any emergency vessel,
including, but not limited to, a law enforcement vessel, United



443802

11 States Coast Guard vessel or auxiliary vessel, fire vessel, or
12 tow vessel, with its emergency lights activated.

13 (2) A vessel operator must reduce to slow speed, minimum
14 wake upon approaching within 300 feet of any construction vessel
15 or barge when workers are present and actively engaged in
16 operations and an orange flag or yellow flashing light is
17 displayed from the tallest portion of the vessel or barge.

18 (3) A vessel operator found in violation of this section is
19 guilty of a noncriminal infraction as provided in s. 327.73.

20 Section 2. Paragraphs (aa) and (bb) of subsection (1) of
21 section 327.73, Florida Statutes, are amended, and paragraph
22 (cc) is added to that subsection, to read:

23 327.73 Noncriminal infractions.—

24 (1) Violations of the following provisions of the vessel
25 laws of this state are noncriminal infractions:

26 (aa) Section 327.4107, relating to vessels at risk of
27 becoming derelict on waters of this state, for which the civil
28 penalty is:

29 1. For a first offense, \$50.

30 2. For a second offense occurring 30 days or more after a
31 first offense, \$250 ~~\$100~~.

32 3. For a third or subsequent offense occurring 30 days or
33 more after a previous offense, \$500 ~~\$250~~.

34 (bb) Section 327.4109, relating to anchoring or mooring in
35 a prohibited area, for which the penalty is:

36 1. For a first offense, up to a maximum of \$50.

37 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

38 3. For a third or subsequent offense, up to a maximum of
39 \$500 ~~\$250~~.



443802

(cc) Section 327.332, relating to vessels failing to reduce speed for special hazards, for which the penalty is:

1. For a first offense, \$50.

2. For a second offense occurring within 12 months after a prior conviction, \$250.

3. For a third offense occurring within 36 months after a prior conviction, \$500.

4. For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.

Any person cited for a violation of any provision of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 3. This act shall take effect July 1, 2019.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:



443802

69 A bill to be entitled
70 An act relating to vessels; creating s. 327.332, F.S.;
71 requiring vessel operators to reduce speed in
72 specified hazardous situations; providing penalties;
73 amending s. 327.73, F.S.; revising civil penalties
74 relating to certain at-risk vessels and prohibited
75 anchoring or mooring; providing civil penalties
76 relating to vessels that fail to reduce speed for
77 special hazards; providing an effective date.

By Senator Rouson

19-01529A-19

20191530__

A bill to be entitled
An act relating to vessels; creating s. 327.332, F.S.;
requiring vessel operators to reduce speed in
specified hazardous situations; providing penalties;
amending s. 327.4107, F.S.; revising criteria for
determining that a vessel is at risk of becoming
derelict; requiring that such vessels be moved after
certain notice is delivered to the owner or operator
of the vessel or posted conspicuously on the vessel;
amending s. 328.21, F.S.; providing criminal penalties
for failure to present a certificate of title showing
proper transfer of vessel ownership; amending s.
327.73, F.S.; revising civil penalties relating to
certain at-risk vessels and prohibited anchoring or
mooring; providing civil penalties for vessels which
create special hazards; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 327.332, Florida Statutes, is created to
read:

327.332 Special hazards.—

(1) A vessel operator shall reduce speed to slow speed,
minimum wake upon seeing a vessel or person in a hazardous or
vulnerable position, if the wake from the operator's vessel is
likely to cause property damage or injury to the vulnerable
vessel or person. A vessel is not in a hazardous or vulnerable
position under this subsection if it is docked and unattended.

(2) A vessel operator shall reduce to slow speed, minimum

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30 wake upon approaching within 300 feet of any emergency vessel,
31 including, but not limited to, a law enforcement vessel, a
32 United States Coast Guard vessel or auxiliary vessel, a fire
33 vessel, or a tow vessel, with its emergency lights activated.

34 (3) A vessel operator shall reduce to slow speed, minimum
35 wake upon approaching within 300 feet of any construction vessel
36 or barge actively engaged in operations and displaying an orange
37 flag or a yellow flashing light from the tallest portion of such
38 vessel or barge.

39 (4) A vessel operator found in violation of this section is
40 guilty of a noncriminal infraction as provided in s. 327.73.

41 Section 2. Present subsections (3), (4), and (5) of section
42 327.4107, Florida Statutes, are redesignated as subsections (4),
43 (5), and (6), respectively, paragraph (e) of subsection (2) of
44 that section is amended, and a new subsection (3) is added to
45 that section, to read:

46 327.4107 Vessels at risk of becoming derelict on waters of
47 this state.—

48 (2) An officer of the commission or of a law enforcement
49 agency specified in s. 327.70 may determine that a vessel is at
50 risk of becoming derelict if any of the following conditions
51 exist:

52 (e) The vessel does not have or is unable to demonstrate an
53 effective means of propulsion for safe navigation within 72
54 hours after the vessel owner or operator receives telephonic or
55 written notice, which may be provided by facsimile, electronic
56 mail, or other electronic means, stating such from an officer,
57 does not have a declared destination upon inquiry by a law
58 enforcement officer, and the vessel owner or operator is unable

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to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The commission may adopt rules to implement this paragraph.

(3) A vessel at risk of becoming derelict must be moved to a location with a minimum distance of 3 miles from the previous location on or before 90 days after the date of notice pursuant to paragraph (2)(e) is delivered to the owner of the vessel or posted conspicuously on the vessel.

Section 3. Section 328.21, Florida Statutes, is amended to read:

328.21 Transfer without delivery of certificate; operation or use without certificate; failure to surrender; other violations.—A person who:

(1) Except as otherwise provided for in this chapter, purports to sell or transfer a vessel for which a certificate of title is required without delivering to the purchaser or transferee thereof a certificate of title thereto which is duly assigned to the purchaser as provided in this chapter or who operates or uses in this state a vessel for which a certificate of title is required, without the certificate having been obtained in accordance with this chapter, or upon which the certificate of title has been canceled;

(2) Fails to surrender any certificate of title, certificate of registration, or sticker upon cancellation of the same by the department and notice thereof as prescribed in this chapter;

(3) Fails to surrender the certificate of title to the department as provided in this chapter when the vessel has been destroyed, dismantled, or changed so that it is not the vessel

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described in the certificate of title; ~~or~~

(4) Fails to present the certificate of title to the department with the new owner information to ensure proper transfer of ownership of the vessel; or

(5)~~(4)~~ Violates any of the other provisions of this chapter, or any lawful rule adopted under this chapter,

is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each offense.

Section 4. Paragraphs (aa) and (bb) of subsection (1) of section 327.73, Florida Statutes, are amended, and paragraph (cc) is added to that subsection, to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(aa) Section 327.4107, relating to vessels at risk of becoming derelict on waters of this state, for which the civil penalty is:

1. For a first offense, \$100 ~~\$50~~.

2. For a second offense occurring 30 days or more after a first offense, \$250 ~~\$100~~.

3. For a third or subsequent offense occurring 30 days or more after a previous offense, \$500 ~~\$250~~. A person cited more than 3 times within a 12-month period may have their vessel impounded by law enforcement.

(bb) Section 327.4109, relating to anchoring or mooring in a prohibited area, for which the penalty is:

1. For a first offense, up to a maximum of \$100 ~~\$50~~.

2. For a second offense, up to a maximum of \$250 ~~\$100~~.

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117 3. For a third or subsequent offense, up to a maximum of
118 \$500 ~~\$250~~. A person cited more than 3 times within a 12-month
119 period may have their vessel impounded by law enforcement.

120 (cc) Section 327.332, relating to vessels creating special
121 hazards, for which the penalty is:

122 1. For a first offense, \$50.

123 2. For a second offense occurring within 12 months after a
124 prior conviction, \$250.

125 3. For a third offense occurring within 36 months after a
126 prior conviction, \$500.

127 4. For a fourth or subsequent offense occurring within 72
128 months after a prior conviction, \$1,000.

129
130 Any person cited for a violation of any provision of this
131 subsection shall be deemed to be charged with a noncriminal
132 infraction, shall be cited for such an infraction, and shall be
133 cited to appear before the county court. The civil penalty for
134 any such infraction is \$50, except as otherwise provided in this
135 section. Any person who fails to appear or otherwise properly
136 respond to a uniform boating citation shall, in addition to the
137 charge relating to the violation of the boating laws of this
138 state, be charged with the offense of failing to respond to such
139 citation and, upon conviction, be guilty of a misdemeanor of the
140 second degree, punishable as provided in s. 775.082 or s.
141 775.083. A written warning to this effect shall be provided at
142 the time such uniform boating citation is issued.

143 Section 5. This act shall take effect July 1, 2019.



City of Altamonte Springs **MEMORANDUM**

Date: March 27, 2019

To: Mayor Pat Bates
Commissioner Jon Batman
Commissioner Lucius Cushman
Commissioner Sarah Reece
Commissioner Jim Turney

From: Frank Martz, City Manager 

Re: **CITY OF ORLANDO PROJECT AND IMPACT ON THE LITTLE WEKIVA RIVER**

During our last City Commission meeting, a discussion ensued relating to a planned park project currently proposed by Dr. Phillips Inc. and the City of Orlando, Florida.

Following the meeting, I grew concerned that some residents in this area might be induced to subscribe to what appears to be incorrect or misleading online postings about the impacts of Dr. Phillips Inc.'s and the City of Orlando's planned park project on the Little Wekiva River (LWR) and/or the City of Altamonte Springs.

The planned park project, located in the City of Orlando, is called the "Packing District Park." Its assigned St. Johns River Water Management District (SJRWMD) Permit Number is 135506-2 and the project received an approved permit from SJRWMD on February 4, 2019.

We have obtained the permit issued by SJRWMD for this project. We also obtained what is called the "TSR," or Technical Staff Report.

To assist you, we included those documents with this memo, and we have highlighted and circled a number of passages that are pertinent. Specifically, the SJRWMD permit authorizes, *"Construction and operation of a Stormwater Management System for Packing District Park, a 137.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019."*

To this point, the City of Orlando and Dr. Phillips, Inc. received an approved permit from SJRWMD and a permit decision is expected in the coming months from USACOE.

Overview of Memo's Purpose and Our Responsibility to Residents

There exists an effort to stop the City of Orlando's planned park project which has received St. Johns River Water Management District approval, and which is currently under review by the United States Army Corps of Engineers.

In the course of those efforts, a number of false or incorrect claims and assertions have been made as part of the corresponding narrative to stop the City of Orlando's planned park project.

There are certain unavoidable facts and those unavoidable facts do not play well with two main narratives that are being "shopped" online:

Fact #1: There have been two such studies performed as part of the Wekiva Commission process and there are current and highly advanced models that are constantly updated with data and recalibrated in use by SJRWMD and USACOE, and

Fact #2: Based on data and submittals, signed and sealed by licensed engineers and reviewed and approved by a state agency, the documentation shows that the wetlands the City of Orlando plans to improve are not currently functioning. The documentation shows that the City of Orlando's work will improve the headwaters and wetlands, and therefore will improve the LWR.

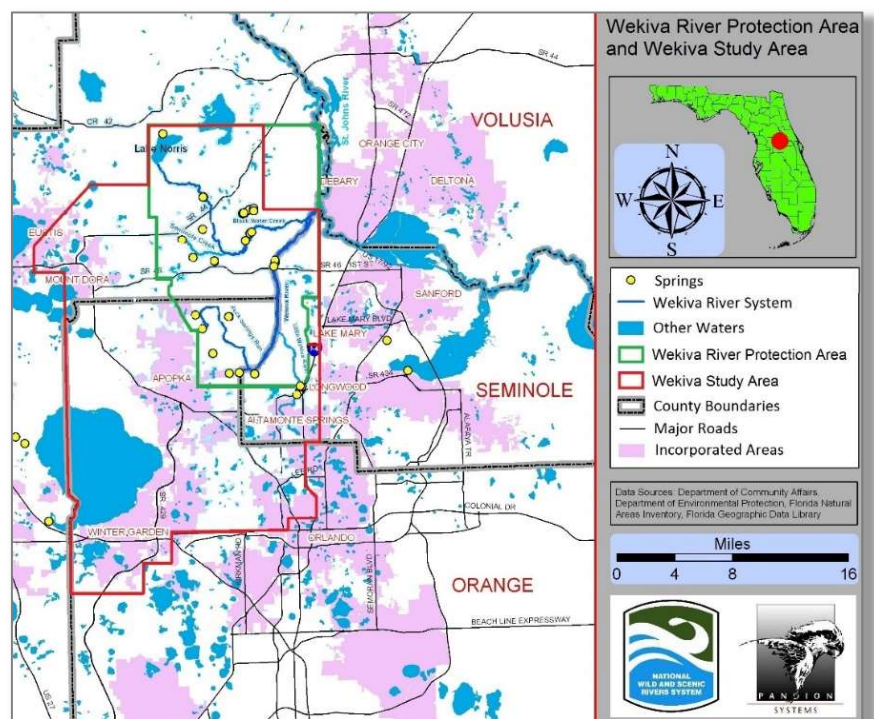
Since our City Commission meeting, we have put more than one hundred hours of staff time into ensuring the information herein is correct, and is based on the best information possible.

Whenever the river rises, or threatens to, emotions rise too. Fears rise. That is understandable. Our job is to help our residents, and to make sure residents are both protected and that they have the correct information. There is a lot of innuendo surrounding the City of Orlando's planned park project, and surrounding the state and federal review processes. Innuendo does attract attention but it doesn't make it correct.

We all share responsibility to protect and serve our residents in the Wekiva basin, and the LWR in particular.

Here is a graphic showing the Wekiva Study Area in red and the Wekiva Protection Area in green.

A large portion but not all of the City is within the Wekiva Study Area. Every member of our City Commission resides within the Wekiva Study Area.



No part of Altamonte Springs is within the Wekiva Protection Area.

Some of our residents live within the FEMA designated LWR floodplain. Those homes were built in an existing place that flooded, before FEMA created floodplain labels or floodway maps. The homes in Altamonte Springs that are within the FEMA floodway were built where flooding naturally had been occurring for an immeasurable amount of time.

Misleading Information

A number of concerning statements or positions were brought to our attention.

The most concerning statements highlighted to us are:

- A Change.org petition that includes several incorrect statements; and
- Statements that the City of Orlando is “damaging the Little Wekiva River;” and
- Statements that “the headwaters of the Little Wekiva River are in danger of being destroyed;” and
- Statements that there has not been a comprehensive analysis or modeling of the Little Wekiva River; and
- Statements that there is no current data to support permitting of Orlando’s planned park; and
- Statements that the City of Orlando planned park could harm the City of Altamonte Springs, its residents or its neighborhoods if constructed.

These are all concerning statements.

change.org Start a petition My petitions Browse Membership Log in

Help Save The Wetlands at the Headwaters of The Little Wekiva River



704 have signed. Let's get to 1,000!

First name

Last name

Email

Kissimmee, 34741 United States

☒ Please share my name and email address with Speak Up Wekiva, so that I can receive updates on this campaign and others.

☒ Display my name and comment on this petition

Sign this petition

By signing, you accept Change.org's [Terms of Service](#) and [Privacy Policy](#), and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.

Speak Up Wekiva started this petition to Mayor Buddy Dyer and 9 others

The Headwaters of the Little Wekiva River are in danger of being destroyed in an upcoming plan to build several structures and 16 tennis courts over this vital ecosystem located near John Young Parkway and Princeton Ave. The City of Orlando is proposing to build a recreational center on these wetlands.

This area is the last undeveloped wetlands protecting the headwaters to the Little Wekiva River and is listed a Tier 1 Protected Wetlands. Wetlands are the kidneys of Florida's water. This unique wetland filters the water that flows into the Little Wekiva River, provides flood protections to the nearby community, and is home to a diverse ecosystem for wildlife.

We need your help to ask our elected officials to protect these vital wetlands by stopping these destructive projects.

Instead, we can bring the community together by preserving the wetlands with an educational park and trails to teach about the importance of this ecosystem.

Please sign the petition and let our public officials you don't want these wetlands at the Headwaters of the Little Wekiva River destroyed.

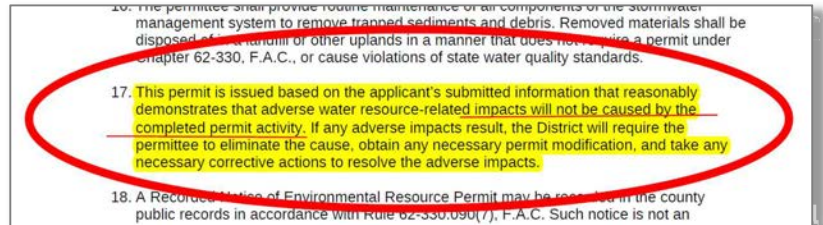
Protect these wetlands at the headwaters of the Little Wekiva River for future generations.

For More information on the importance of these wetlands and how they connect to the Little Wekiva River visit <http://www.speakupwekiva.com/>

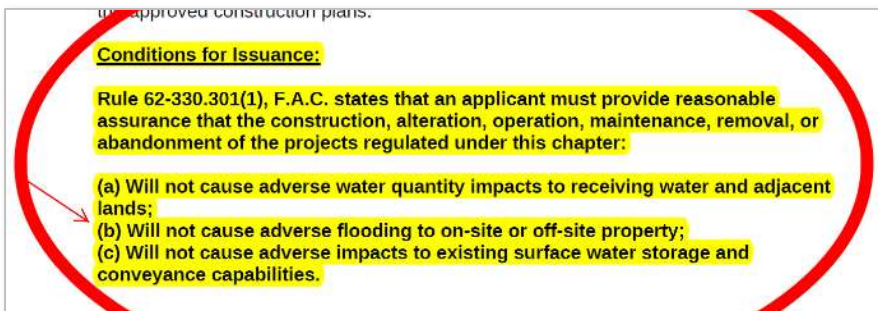
Review of the Current City of Orlando Packing District Park Permit Approval

We have discovered no evidence to support the language in the Change.org petition or that support statements that the City of Orlando is damaging the LWR itself, or doing anything that threatens the City of Altamonte Springs, its residents or its neighborhoods.

As mentioned, the City of Orlando and Dr. Phillips, Inc. received a permit from the SJRWMD. Among the conditions of the permit, the SJRWMD stated, *"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."*



The SJRWMD permit for this project, which is evidence-based and may only be issued consistent with Florida law and the Florida Administrative Code, includes protections for the LWR and the City of Altamonte Springs. Neither may be negatively impacted by the development in the City of Orlando. The permit seems to directly refute postings or statements that Altamonte Springs and the LWR are being damaged. Not only is that a permit requirement, it is a requirement in Rule 62-330.301(1), Florida Administrative Code. Rule 62-330.301(1)(b), FAC, is specific: the project is permitted only if it *"Will not cause adverse flooding to on-site or off-site property."*



Information provided by the City of Orlando indicates conditions in and around the headwaters will be improved as a result of this project. Orlando stated via email that the existing wetlands within the project boundary are poorly functioning and need to be

improved, and that "The [City of Orlando Municipal Planning Board] members asked great questions and concluded that the master stormwater system will benefit the Lake Lawne basin and ultimately the Wekiva River basin by providing treatment to 87 acres of developed industrial properties which are not currently being treated and impacting the water quality of the Wekiva River Basin, and therefore were supportive of this community park project."

The project includes retrofitting stormwater facilities to provide for appropriate water quality management for projects in and near the Packing District that were not installed at the time of development. It appears there will be a benefit to the headwaters, our residents and the entire watershed.

Intending to move responsibly, Kevin Edmonds, Chief Administrative Officer for the City of Orlando, indicated to me that Orlando would not issue any building permits until the USACOE issues its permits.

Additional Background Information

SJRWMD and the USACOE do not rely on past or old studies to make decisions or issue permits. Both agencies, like we do, rely on current hydrological models that are constantly updated with new data open which to base permit approvals.

It is our understanding that the “Wekiva River, Rock Springs Run, and Little Wekiva Canal Basin Management Action Plan” (BMAP) was created based on historical data and contemporaneous studies of the watershed.

Moreover, a baseline had been developed even earlier, which formed the foundation for the Wekiva River Protection Act (1988), the resulting statutes, and the administrative code used in the review of project applications. The City of Altamonte Springs has actively participated in the Little Wekiva River Working Group, formed in 1995, and all other initiatives thereafter to make decisions and improvements basin-wide.

In November 2005, a comprehensive hydrologic and hydraulic (H&H) model and pollutant load analysis was completed for the LWR. This model entitled the Little Wekiva River Watershed Management Plan included a robust evaluation of flooding problems and outlined potential solutions throughout the watershed. The LWR models are, in many ways, living documents.

Based on those models and databases, along with the information submitted to the SJRWMD for review, the SJRWMD staff members determined that the application reasonably demonstrates that adverse impacts will not result with this project, based on the information submitted to them.

Short of massive hydrological collusion between multiple agencies, the statement that the City of Orlando is damaging the LWR and that the City of Orlando is destroying the headwaters appears to be unfounded, or at minimum not supported by the documentation in the permit approval and materials we reviewed. The permit the SJRWMD issued to the City of Orlando and Dr. Phillips, Inc. prohibits adverse impacts and makes both entities liable for damages their project may cause.

Therefore, we have a duty to let the City Commission know that the primary claims of the Change.org petition appear to be false and online statements on Facebook that the City of Orlando is damaging the LWR also appear to be false.

The City and Its Residents

Altamonte Springs’ city staff and I are meticulous in our understanding of the hydrological truths about the LWR. During and after Hurricane Irma, Ed Torres, our Director of Public Works and Utilities, and I were present on Spring Oaks Boulevard for twenty-one straight days, and then nearly daily thereafter for two months.

Because of our long history of protecting the LWR, we were duty-bound to investigate misleading claims that could stoke fear in our residents. No matter the motivation, spreading false information about flooding in the LWR is incredibly detrimental to our community, especially when residents feel they are getting this information from a credible source.

Over the years and particularly after Hurricane Irma, we learned that many homeowners in Spring Oaks “thought they heard something” or “thought they saw something on the internet” or “on Facebook” or on “NextDoor” about the reasons the LWR floods. Our city staff members have held numerous meetings with residents, sometimes in their homes, and we have prepared very detailed presentations for them, in an attempt to educate and dispel rumors. False information is terribly dangerous; it forms the roots from which urban myths grow.

After Hurricane Irma, we met with nearly every property owner or resident along the LWR floodplain in Altamonte Springs. Many who experienced flooding instinctively sought someone to blame. There were many misleading or inaccurate statements made during that time. For example, some residents suspected that the City had secret pipes underground that we refused to open, which caused the flooding. Some people claimed that our sewer lift stations were flood control pumps in disguise, and that we chose not to turn them on. Some people thought the river flowed south instead of north. One resident claimed they saw an Altamonte Springs Fire Fighter closing secret underground valves along Spring Oaks Boulevard, despite the fact that there are not secret valves and we do not have an Altamonte Springs Fire Department. Some people blamed development that was “never there before.” Some people think that the City of Orlando and Orange County open “floodgates” to flood the river. None of these things are accurate.

As mentioned, in November 2005, a comprehensive hydrologic and hydraulic (H&H) model and pollutant load analysis was completed for the LWR. This model entitled the Little Wekiva River Watershed Management Plan included a robust evaluation of flooding problems and outlined potential solutions throughout the watershed.

The model specifically shows the Spring Oaks subdivision floods, and substantiates that there is no solution to the flooding during massive rain events because the “development in this area has encroached into the floodplain.” The model report goes on to say that “there is little to no opportunity to provide storage for flood attenuation purposes” and that “there is also little opportunity to improve the channel segments.”

Currently, the City of Altamonte Springs has the most up-to-date H&H model of the Little Wekiva River as we had Streamline Technologies, Inc., the actual developers of the software used for most H&H models, updated the 2005 model. This updated model is being used for the design of erosion control projects funded by the recent USDA/NRCS Emergency Watershed Protection grant.

Hurricane Irma

It is important to note that the flow of water through the LWR was significant during Hurricane Irma. You will recall from our discussions just after Irma, the area in Spring Oaks has been in a floodplain for millions of years. In the 1970's, some of the property along the LWR was designated to be a floodplain (when FEMA first began assigning such designations) **after** the construction of Spring Oaks. The LWR has flooded many times since the 1970's.

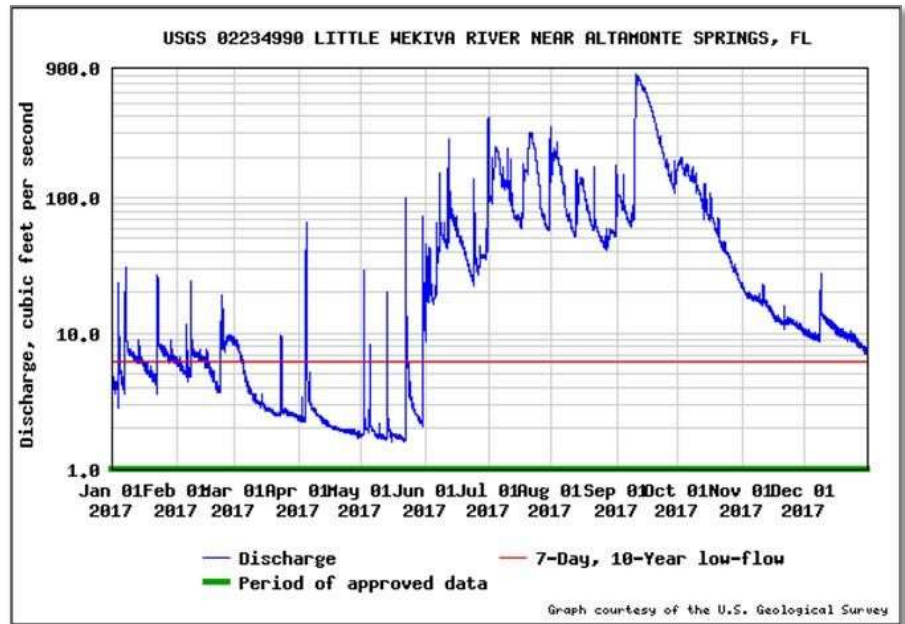
The rate of flow in the LWR during Hurricane Irma was caused by three significant factors:

1. **Antecedent water.** The amount of rainfall through the spring and summer preceding the storm saturated the soil from the headwaters to Jacksonville; and
2. **Heavy rain.** The amount of intense rainfall during Irma was very high. Rainfall at one of our stations recorded 17" of rain during the storm; and
3. **Gravity.** Without an apple falling on our heads, we know that water runs downhill.

Most people perceive the LWR to be flat. It is not. In fact, from the headwaters to Montgomery Road (the eastern edge of Spring Oaks subdivision) the riverbed drops in elevation approximately forty-six feet and fifty-eight feet at State Road 434.

Rainfall during the summer of 2017 was as high, or higher, than that experienced during the 2004 hurricanes. Groundwater tables were high, soils were saturated, and the river, which flows north, was already at high water stages because the natural drainage course for the LWR is the Wekiva River, which flows to the St. Johns River, and then out to the ocean in Jacksonville.

There was no other place for the water to go but outside of the riverbed until the high waters in Jacksonville receded. Note that waters in north Florida were higher than normal for nearly a year after Hurricane Irma, because it takes a long time for the Little Wekiva System, the Wekiva system, and the St. Johns system to process rainwater naturally.



Our Take At This Point

Petitions or online comments that the City of Orlando is damaging the Little Wekiva River, or threatening the City of Altamonte Springs or its neighborhoods, appear to be completely false based on the publicly available documentation.

The project in the City of Orlando, based on the SJRWMD permit, will not make the floodplain worse than it is today, or was during Hurricane Irma, based on the publicly available documentation and the models.

Moreover, our research, due diligence and the documentation review indicates the City of Orlando's project will be a betterment to the stormwater system, the hydrology in the area of the Orlando's planned park, and to water quality without adverse impacts on the Little Wekiva River or the City of Altamonte Springs, its residents or its neighborhoods.

We Are At Your Service

We are very thankful that this topic could be accurately addressed at our meeting and that we are able to set the record straight more comprehensively by way of this memorandum.

In an effort to do all needed due diligence to support this memo, I directly spoke with the Chair of the Wekiva River Commission, the United States Army Corps of Engineers, the St. Johns River Water Management District, the City of Orlando, and this memo was supported by a number of experts working at the City.¹

There is a concerning amount of innuendo being presented on the internet or in the form of submittals to agencies. Having read a good deal of it thus far, most of it sounds credible but is wrong – kind of like, the tenth statement may sound correct but can only be correct if the previous nine statements are also correct. Much of what has been presented to me mirrors that

¹ Chief staff members assisting in the development and review of this memorandum were:

Ed Torres, MS, PE, LEED AP. Ed is the Director of Public Works and Utilities Department, and he has a Master of Civil Engineering. He has over 28 years of experience in the management and implementation of a wide variety of Public Works projects. He was the recipient of the FWEA Integrated Water Resources Award in 2016. He is also a Leadership in Energy and Environmental Design Accredited Professional (LEED AP) and a past member of the board of directors for the Florida Stormwater Association and for the University of Central Florida's Stormwater Management Academy. Ed also is heading our Altamonte Electric Utility.

Jo Ann Jackson, MS, PE. Jo Ann is our Division Director of Water, Wastewater and Reuse and she has a Master of Engineering focused on Environmental Engineering. She has over 30 years of experience in both the private sector and the public sector, and currently serves on the Board of Directors of the Florida Water Environment Association (FWEA) Utility Council. Jo Ann was also selected to serve as a utility appointee to the Florida Potable Reuse Commission. Jo Ann has been managing the City's innovate direct potable reuse project, pureAlta, which recently won both national and international awards.

Danielle Marshall, CFM. Danielle is our Division Director for Streets, Stormwater and Solid Waste Division Director. She holds a Bachelor of Environmental Engineering degree and is a Certified Floodplain Manager. The majority of her professional career has been spent within the public sector, having joined the City eleven years ago. Danielle has varied experience with several special City projects and currently supervises city crews that maintain the roadways and infrastructure within the City.

simile; many of the statements online and in print opposing this project may sound correct but are not correct.

Held up against the facts, much of the innuendo that I have seen, and perhaps you have seen, is simply not correct. Please excuse the pointed nature of my statement but it is our job to forewarn you.

As I committed to you at our City Commission meeting, we will continue to monitor this situation and we will review the USACOE permit, when and if issued.

Please do not hesitate to contact me if I can be of further assistance on this matter.

Attachments

- City Park Master Plan
- City of Orlando City Park at the Packing District Presentation
- Wetland Boundaries at City Park
- City of Orlando Briefing Paper
- SJRWMD Approved Environmental Resource Permit
- SJRWMD Environmental Resource Permit Technical Staff Report
- USACOE PUBLIC NOTICE for Permit Application Number SAJ-2018-01763 (SP-JSC)
- USACOE Rainfall Data – October 1993 through September 2018

City Park Master Plan

Storm Engineering & Ecology Review

Current Holdings

- 84 acres
- 700,000 square feet
- Warehouse, light Industrial & commercial
- Constructed pre-1950's
- Annexed 1996 w/PD

Packing District Plan

- Mixed Uses - Adaptive Re-Use, retail, office & residential



Opportunity to Acquire land

Existing Conditions

- 118 acres -privately owned
- Adjacent to the district
- Undeveloped and available
- Long term neglect

But What if?



What if?

Opportunity for a regional park of size

Reshape the Basins Drainage Plan

Integrated wetland function & restoration

A new home for the historic Tennis Center





Framework of Constraints



Lake Lawne Basin

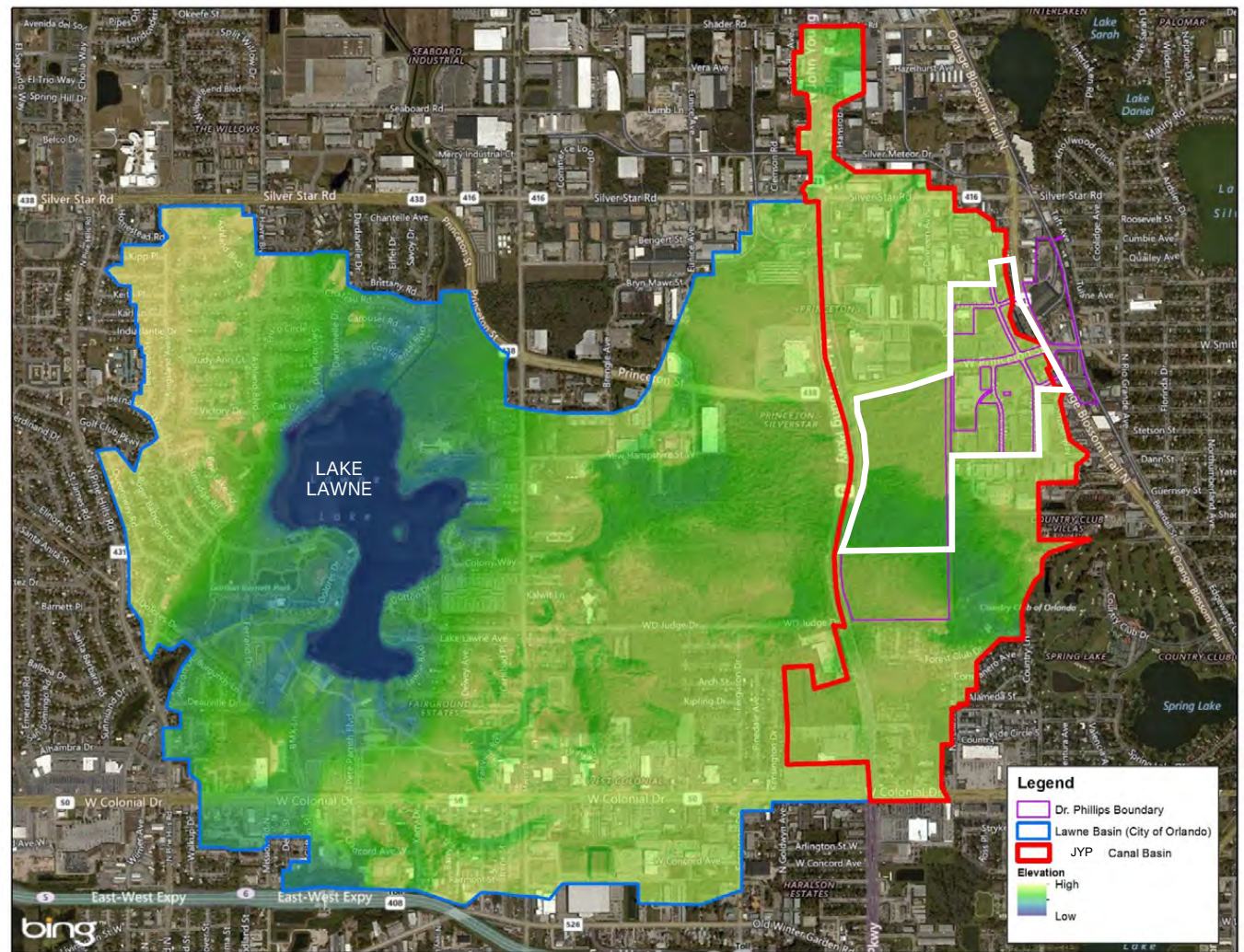
Drainage basin of 2,600 acres

JYP Canal Basin if 000 acres

The Packing District and the Park
total 200 acres

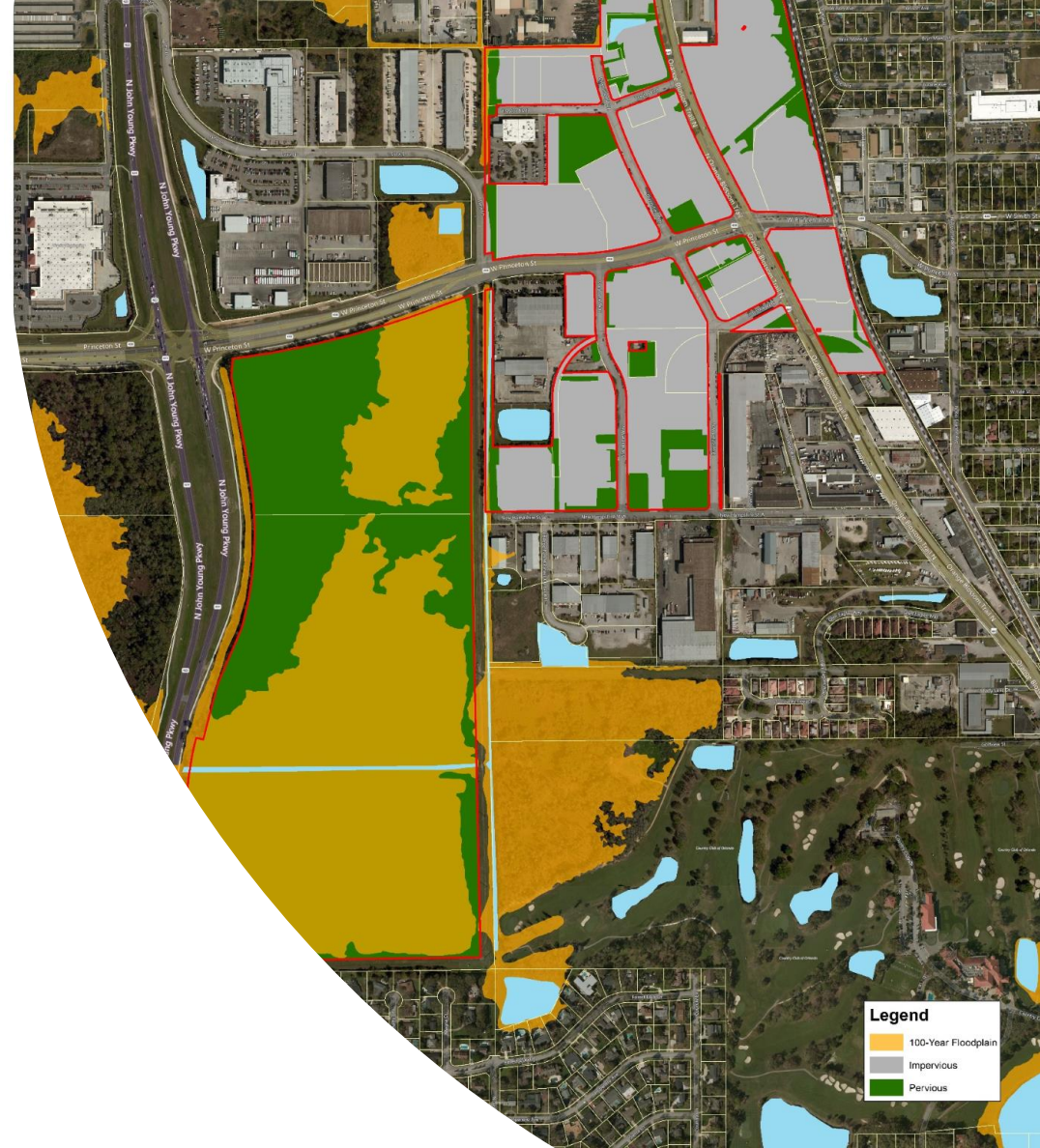
- 00% of the JYP Basin

Lake Lawne on City's priority list
for improvement.



Site Conditions

Existing developed areas with direct discharge to existing canal system.



Site Conditions Today

Drainage Basin Impacts

- Ground water re-directed away from the property & wetlands - over 70 years
- direct discharge with little treatment
- Peak Storm management doesn't exist
- Hydrology, soil condition have deteriorated



Site Improvements

Public amenity

Attenuation of peak storm events

Water Quality

Wetland enhancement

Nutrient Removal

Overall water quality benefit for the Lake
Lawne drainage basin



Site Improvements

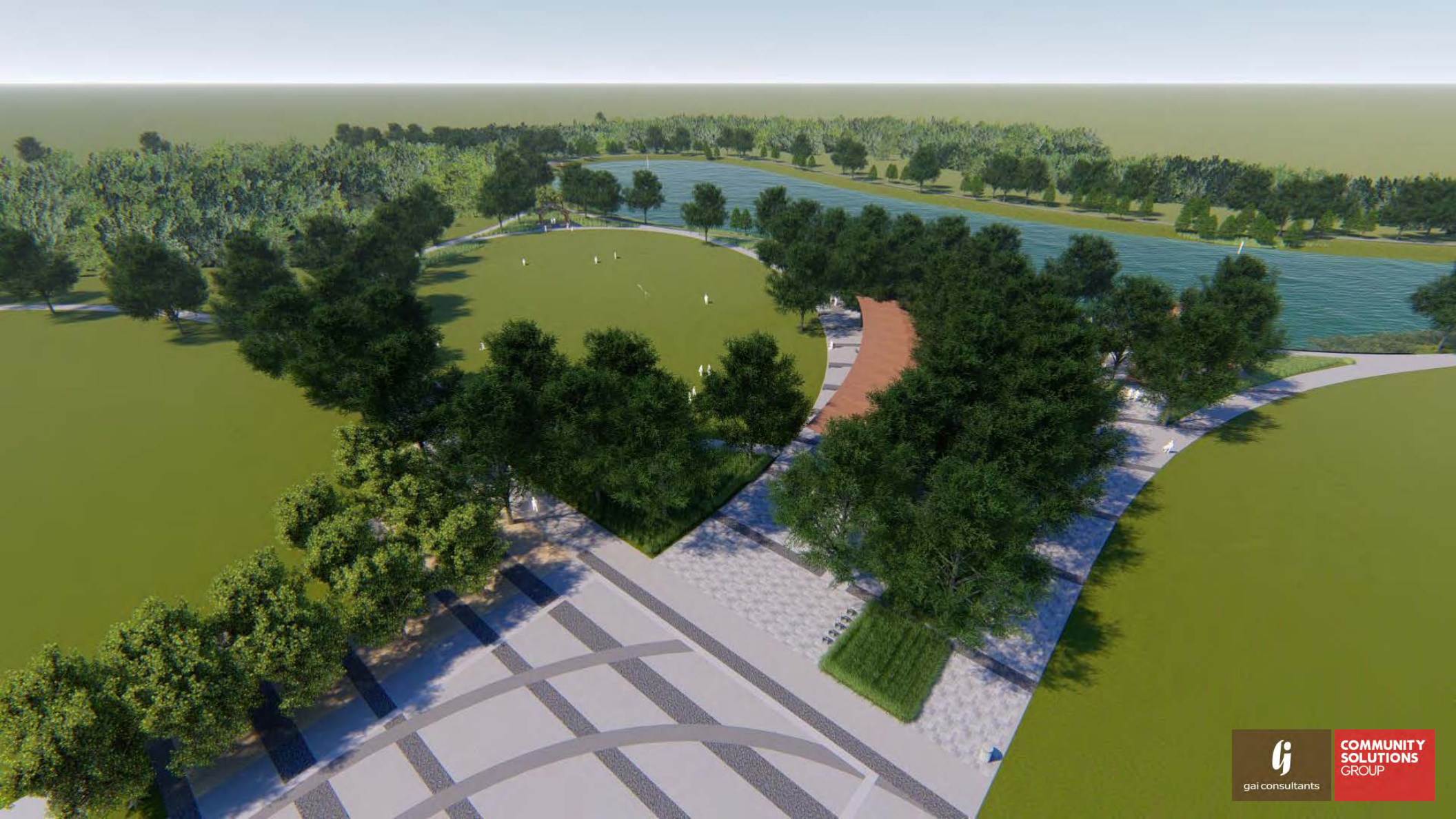
Annual Impact

333 lbs of Nitrogen removed per year
22% reduction

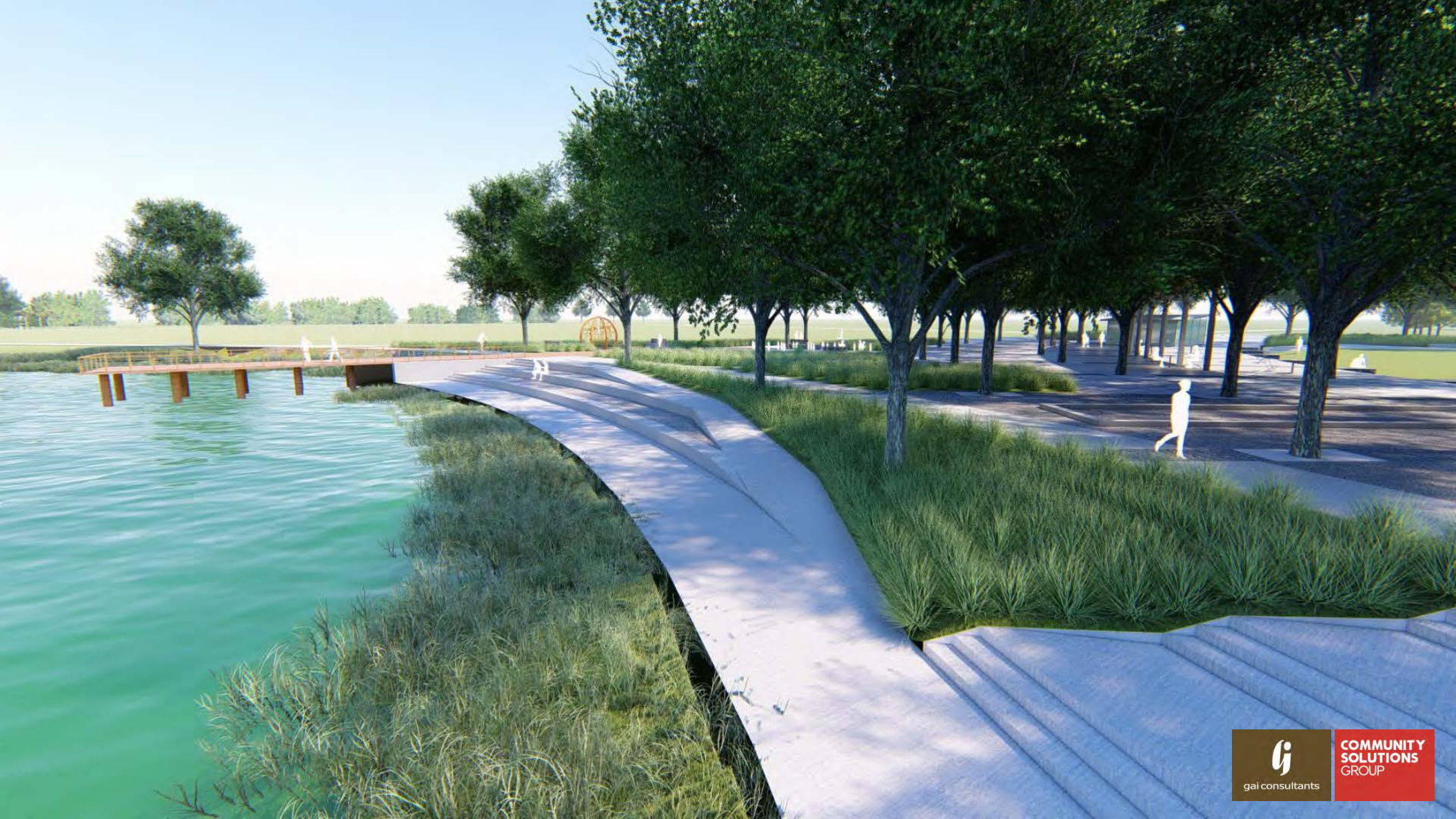
120 lbs of Phosphorus removed per year
57% reduction

	Nitrogen	Phosphorus
Pre-Development	694 kg/yr	96 kg/yr
Post-Development	543 kg/yr	41 kg/yr
Reduction	151 kg/yr	55 kg/yr
% Reduction	22%	57%











Wetland Conditions today

- Dominated by Invasive Species (i.e. castor bean, air potato, Brazilian pepper, Chinese tallow, earpod tree, sewervine, elephant ear, Asian sword fern)
- Extensive Soil Oxidation
- Very Little Regeneration of Desirable Species









[illegible]

Wetland Impact Summary

Wetland #	Total Acreage	UMAM score*	Acres Impacted	Acres Not Impacted
Wetland 1 (North)	4.57	-0.33	4.57	0
Wetland 1 (South)	2.96	-0.23	2.96	0
Wetland 2	0.14	n/a**	0.14	0
Wetland 3	1.94	-0.30	1.94	0
Wetland 5	18.04	-0.28***	2.14	15.90
OSW (Other Surface Water)	1.20		0.48	0.72
Total	28.85	n/a	12.23	16.62

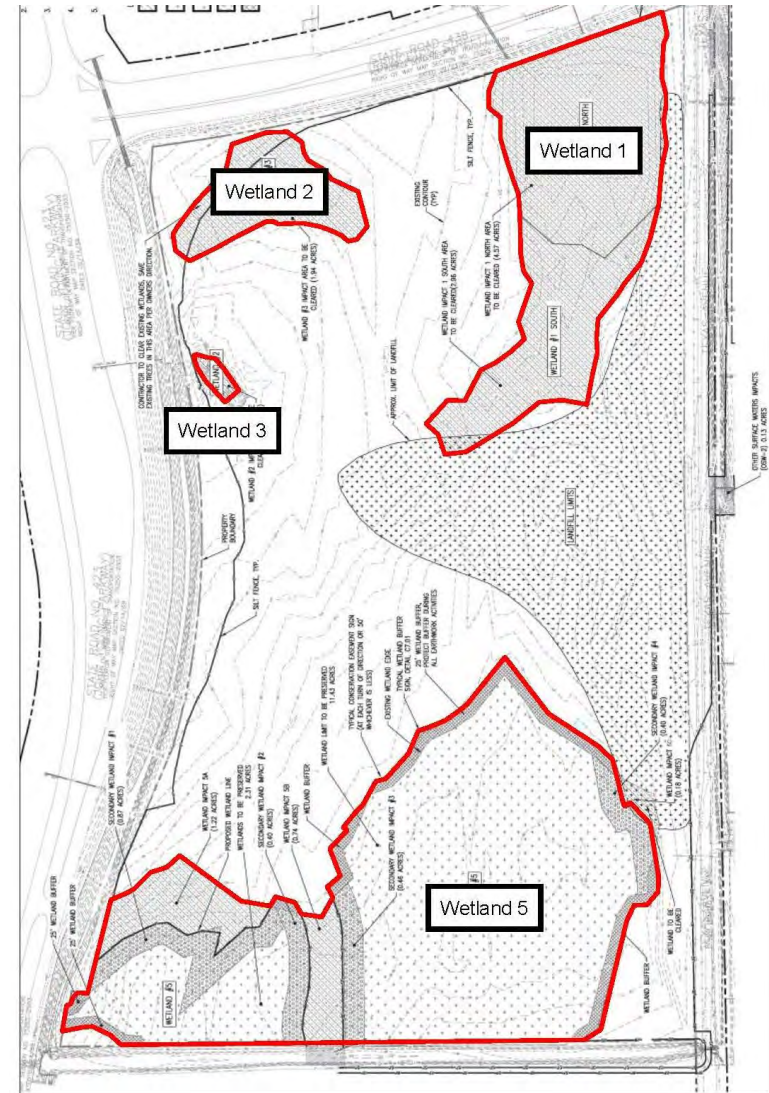
*All of the UMAM scores have been reviewed and approved by the St. Johns River Water Management District in Permit #135506-2.

**No mitigation required as this wetland is isolated, less than 0.5 acre and not utilized by protected species.

***This is an average UMAM score for Wetland 5. There are 3 small impacts to Wetland 5 and each were scored separately. Impact 5a = -0.27, Impact 5b = -0.30 and Impact 5c = -0.27.

There are also secondary impacts that were assessed for Wetland 5. Secondary impacts for swale/path = 0.86 acre, UMAM score = -0.03 and Secondary impacts for compensating storage pond = 1.27 acres, UMAM score = -0.07.

There is no Wetland 4, within this project because Wetland 4 is south of the east-west canal, which is not included in this project area.



Water / Hydrologic Improvements

- Improve water quality in the basin
 - treat water within site to the current strict standards
 - treat offsite properties that are under no regulatory obligation to be treated
- Discharge from pond routed through east and west side of Wetland 5
- Swale discharge to east and west side of Wetland 5
- Densely planted native vegetation
- Expansion of Wetland 5 in two areas.



Regional Mitigation Strategy

- Improvements to overall water quality and hydrologic improvements to Wetland 5, as previously described
- Consistent with Section 10.2.1.2(b) of the Applicant's Handbook, Volume I, and 40 CFR Part 230 federal mitigation rule, impacts will be mitigated through the purchase of credits within a regionally significant mitigation bank.
- Wekiva River Mitigation Bank
 - Approximately 1,643 acres
 - Regionally significant as demonstrated by its ranking in the highest priority group on the Florida Forever acquisition list of sites.
 - Regionally significant headwater and tributary flow link to the Rock Springs Run flow way, which is a critical western tributary of the Wekiva River

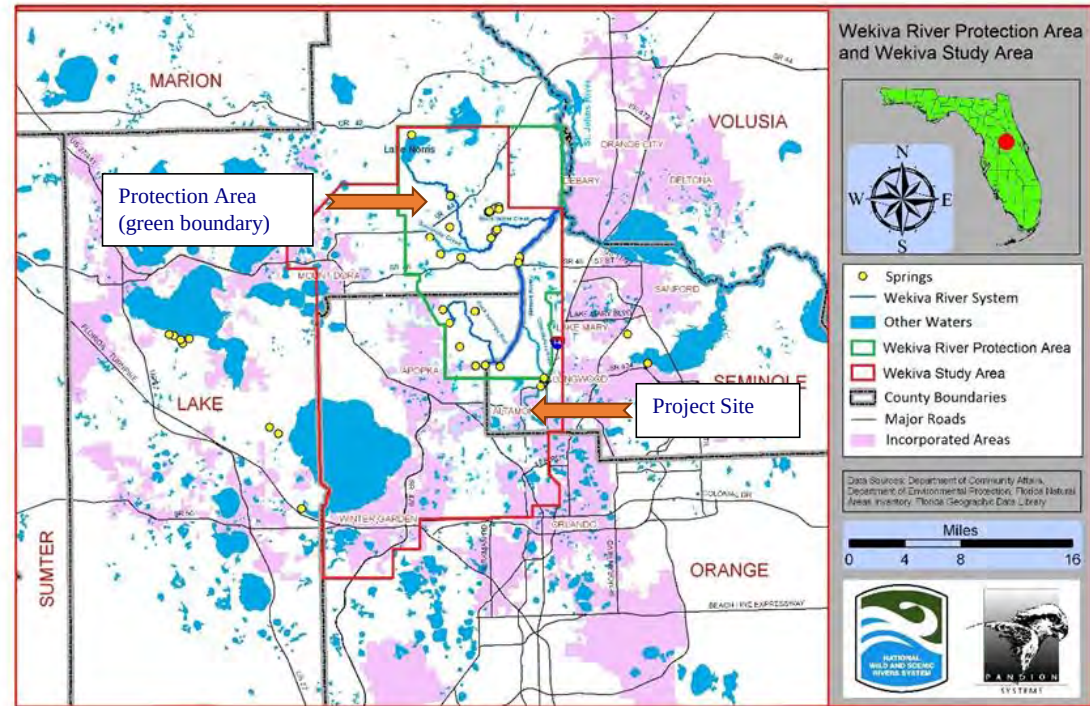


Current Permitting Status

- SJRWMD permit (Permit #135506-2) was issued on February 4, 2019.
- Army Corps of Engineers permit (Permit #SAJ-20181015) review is nearing completion. All questions have been responded to and the Applicant expects a final decision within the next month.
- City engineering permit (Permit #ENG2018-11407) is under review and will not be approved until both agency permits are finalized.



- Site is within the Wekiva Study Area
- Site is NOT within the Wekiva Protection Area
 - The state adopted the Protection Area to provide further standards for development review. This area is well outside City limits, and portions of the Act that apply only to the Protection Area are not applicable within the City of Orlando.



CITY PARK AT THE PACKING DISTRICT

MPL2018-10089

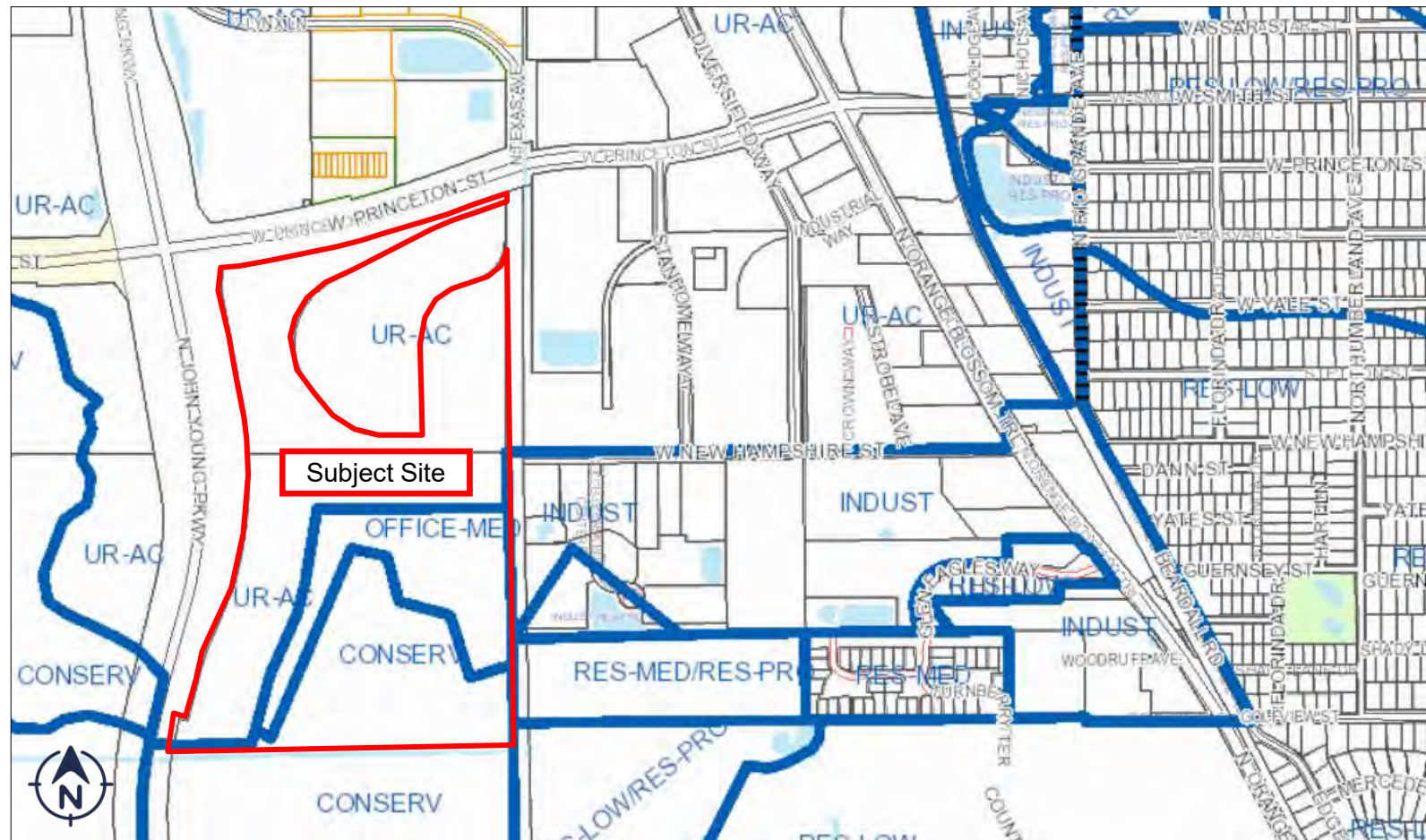
Katy Magruder, Planner II

PROJECT LOCATION

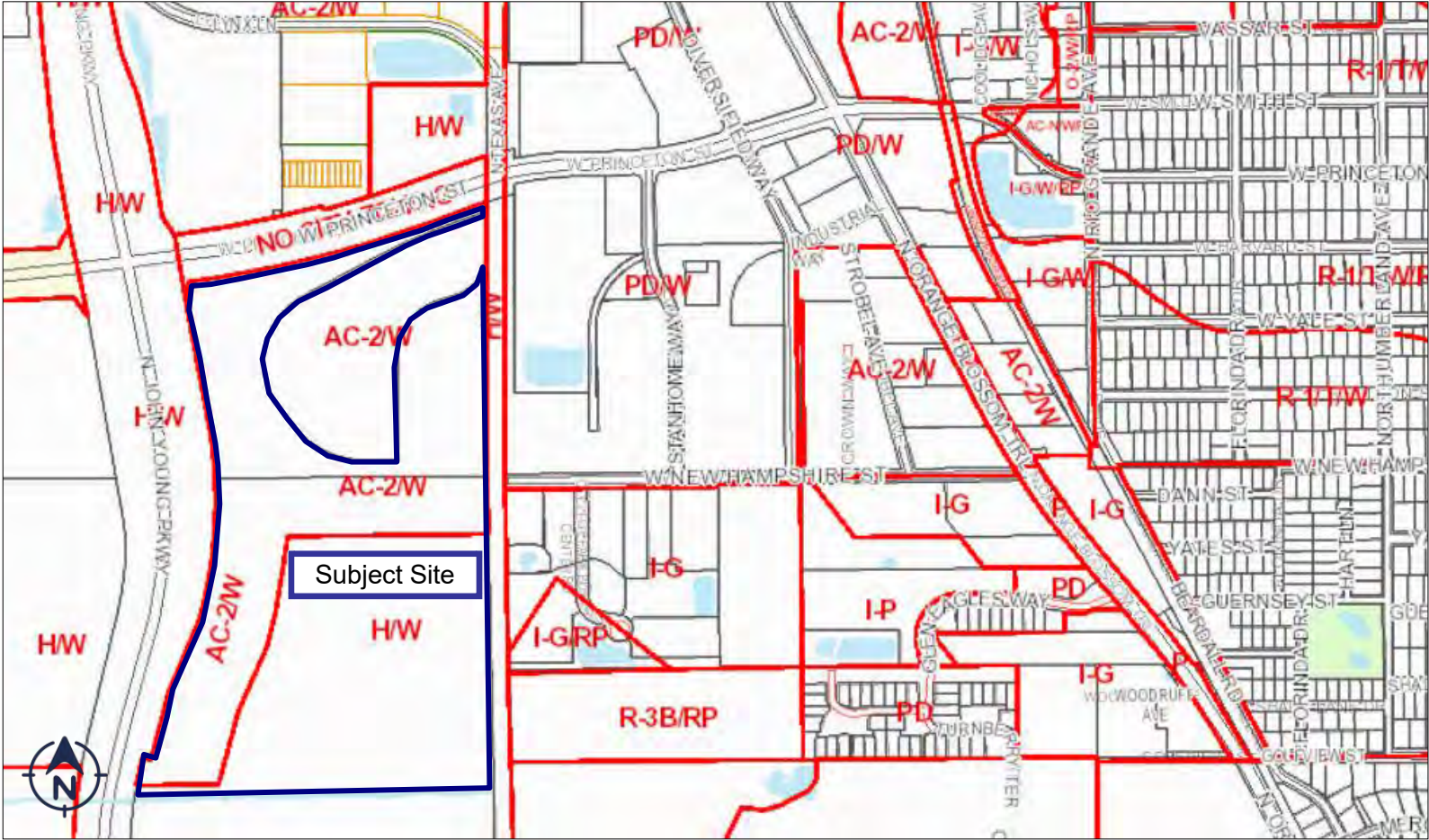


The northern portion of 1599 N. John Young Pkwy. & W. Princeton St. (16-22-29-0000-00-021) (Generally located north of Vineland Rd., east of N. John Young Pkwy, south of W. Princeton St. and west of Texas Ave. right-of-way) District 3, ±66 acres

FUTURE LAND USE



ZONING



Request for Phase I of a Master Plan for a City Park adjacent to and in connection with The Packing District PD for open space requirements of the Wekiva Overlay and for stormwater requirements.

The park will include a large stormwater pond, roadways, a parking lot, trails, preserved wetlands, and a future tennis center and various park amenities.

The subject site is currently vacant. The project has received prior approvals from and entered into several agreements with the City relevant to this proposal, including:

- 1996: Annexation Ordinance (Ord. # 29729)—Annexed the Dr. Phillips properties into the City from Orange County.
- 2017: Grant Agreement—Addressed the transfer of Dr. Phillips, Inc. owned property to the City for developing it as a park and master stormwater system, and the obligations of both parties related to the transfer.
- 2017: Community Infrastructure Agreement—Set forth the infrastructure design, construction, and funding obligations for Dr. Phillips, Inc. and the City within the City Park and The Packing District PD amendment to the Princeton Commerce Center PD.

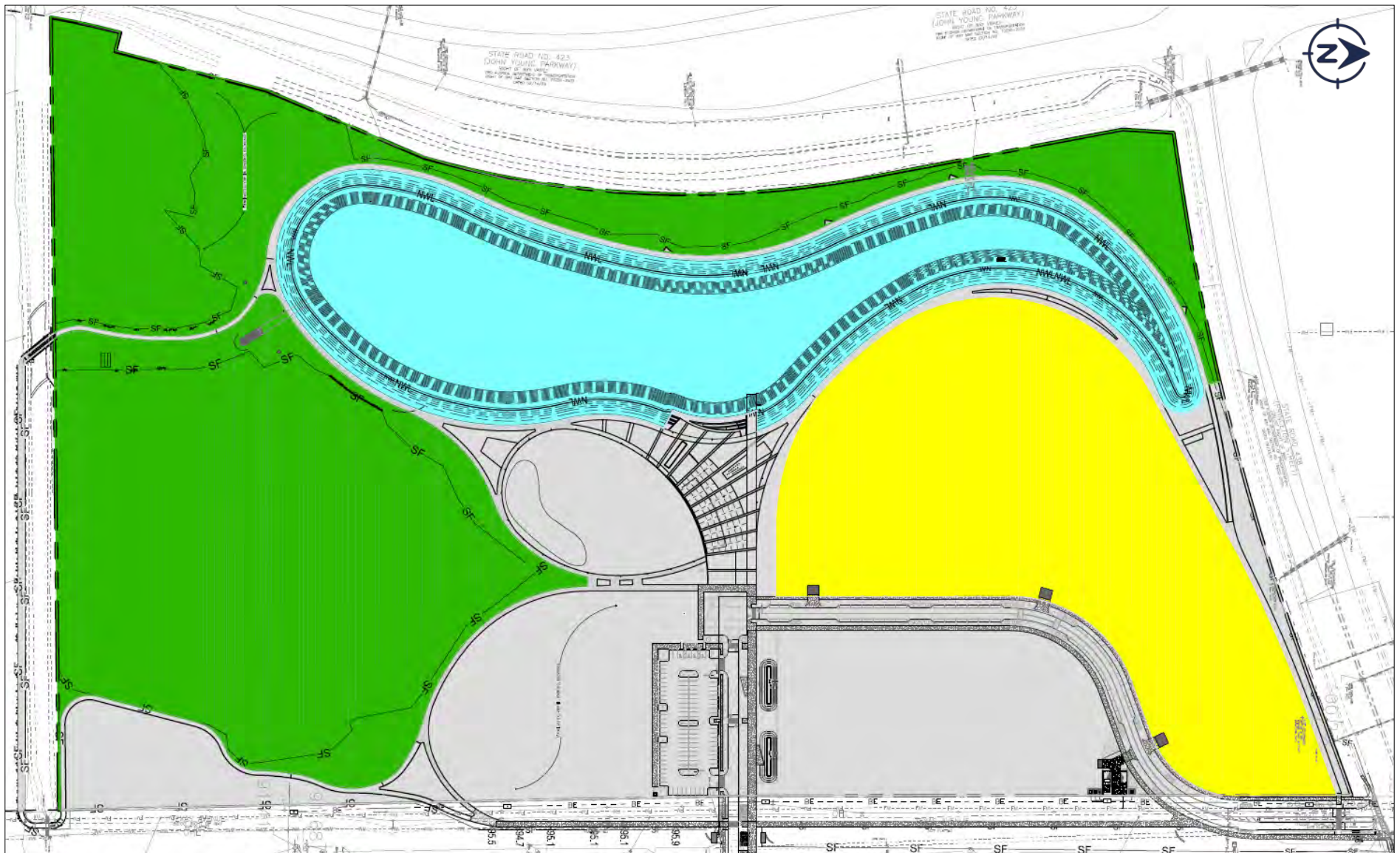
This City park is associated with The Packing District PD for the following reasons:

1. The land was donated by Dr. Phillips, Inc., the master developer of what is now the Princeton Commerce Center PD, but is currently being amended to The Packing District PD (ZON2018-10023).
2. The proximity of the City park to The Packing District PD.
3. The industrial development within the Princeton Commerce Center PD (soon to be The Packing District PD) was constructed in Orange County jurisdiction, and prior to City regulations regarding stormwater existing. The uses within the PD have not changed since this time and would not require upgrades to the City's extensive stormwater treatment standards today, per the annexation agreement between Dr. Phillips and the City dating back to 1996.

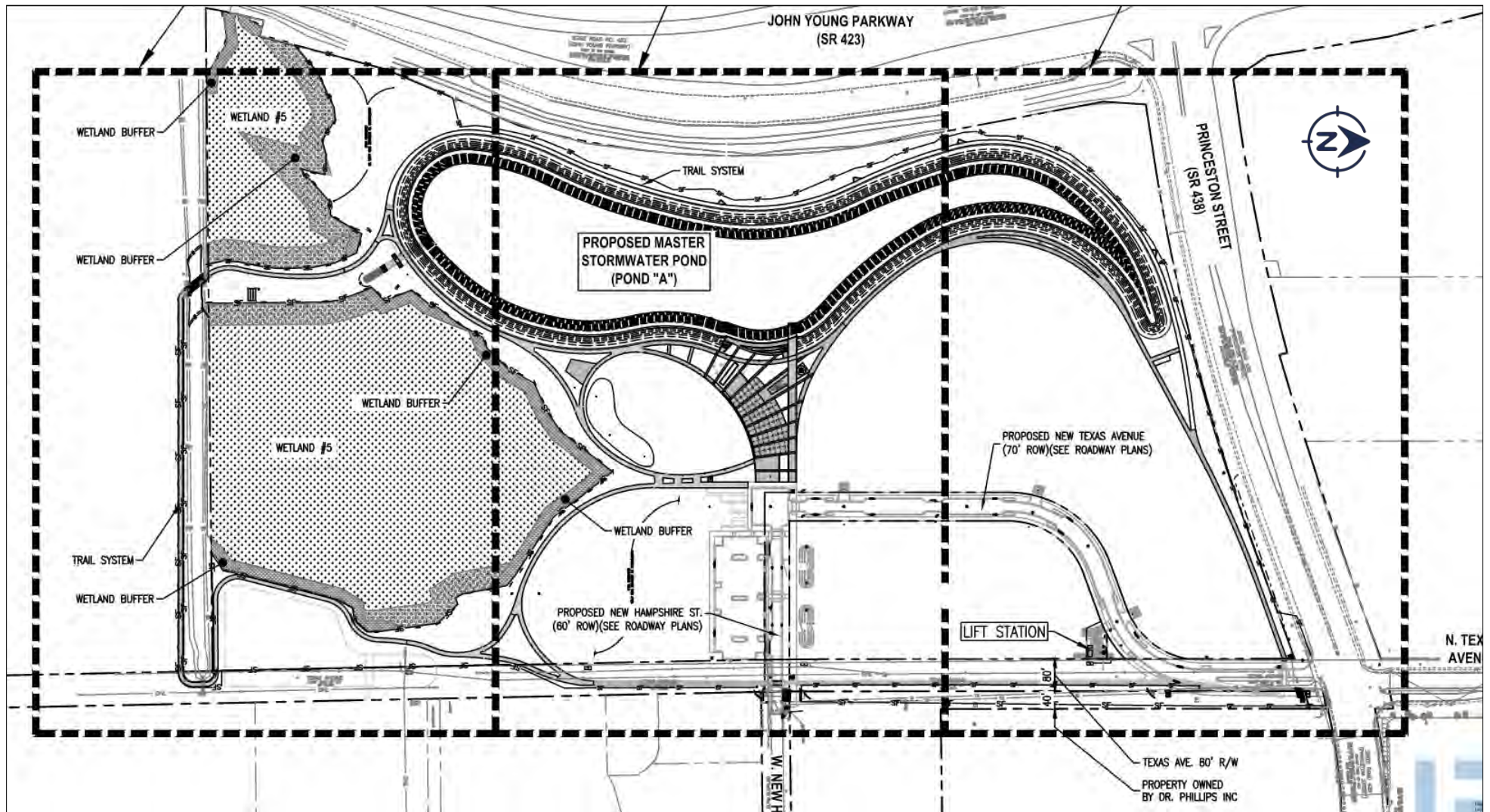
The granted land for the park site allows the City to accomplish key objectives:

1. Build a large community park including: large open spaces, trails, and other passive uses.
2. Provide location for a new tennis centre, to replace the existing Tennis Centre at the Downtown Recreation Center which is soon to be displaced by more dense downtown development in Orlando to support the two new college campuses under construction in Creative Village.
3. Improve the water quality through the development of a master stormwater system that will provide treatment to properties that otherwise may not have been required to be treated, thus improving the water quality within the Lake Lawne basin, and ultimately the Wekiva River basin.

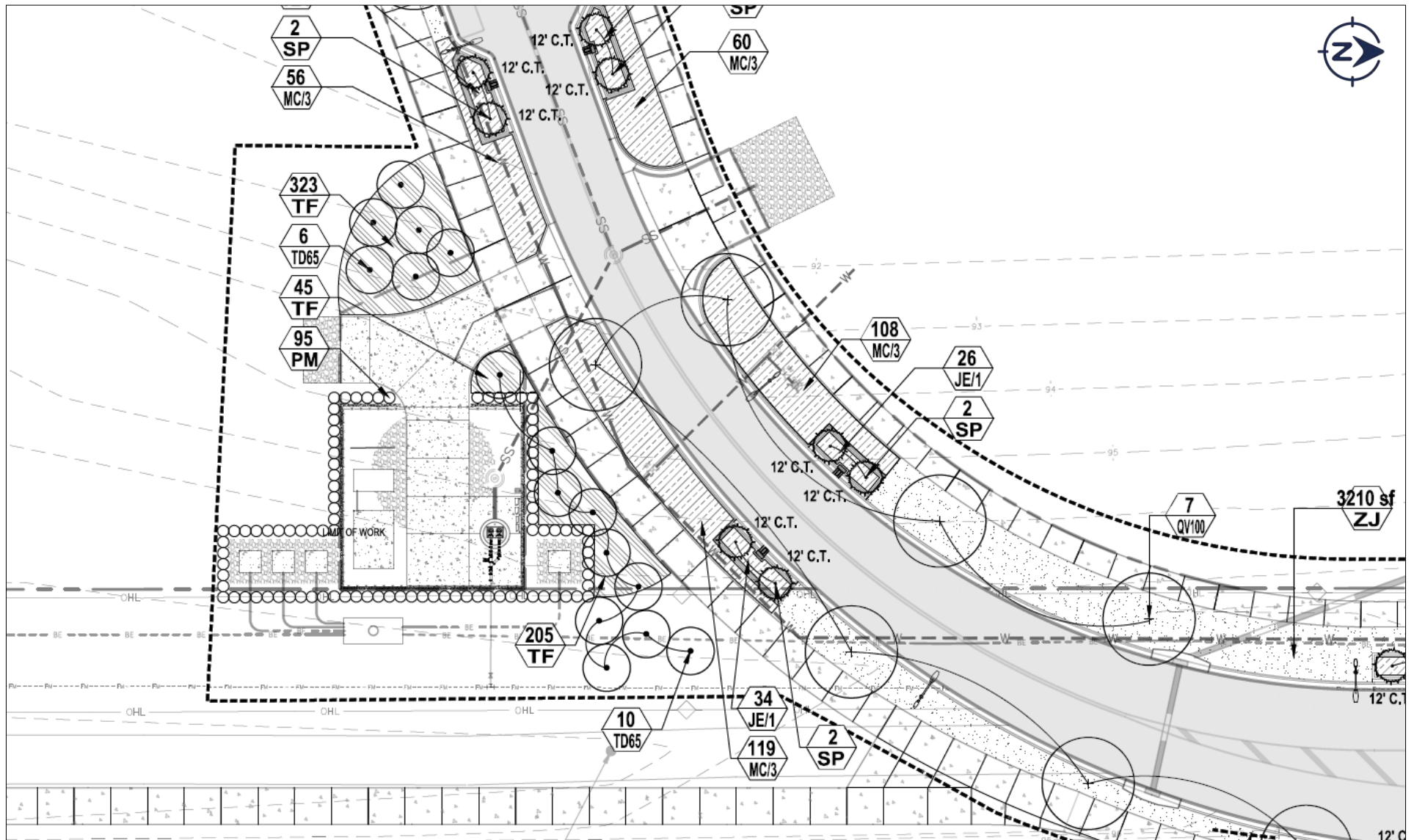
OPEN SPACE PLAN



SITE PLAN



LIFT STATION



AERIAL



EXISTING CONDITIONS

Existing wetlands have deteriorated over time and are no longer properly functioning.

Although the land is highly vegetated, the majority of the flora observed onsite was invasive species such as:

- Brazilian pepper
- Chinese tallow
- Earpod tree
- Elephant ear
- Asian sword fern
- Sewervine



Historic Soil
Location

Extreme soil oxidation in Wetland 1



Wind thrown trees due to soil loss in
Wetland 5



Environmental Analysis

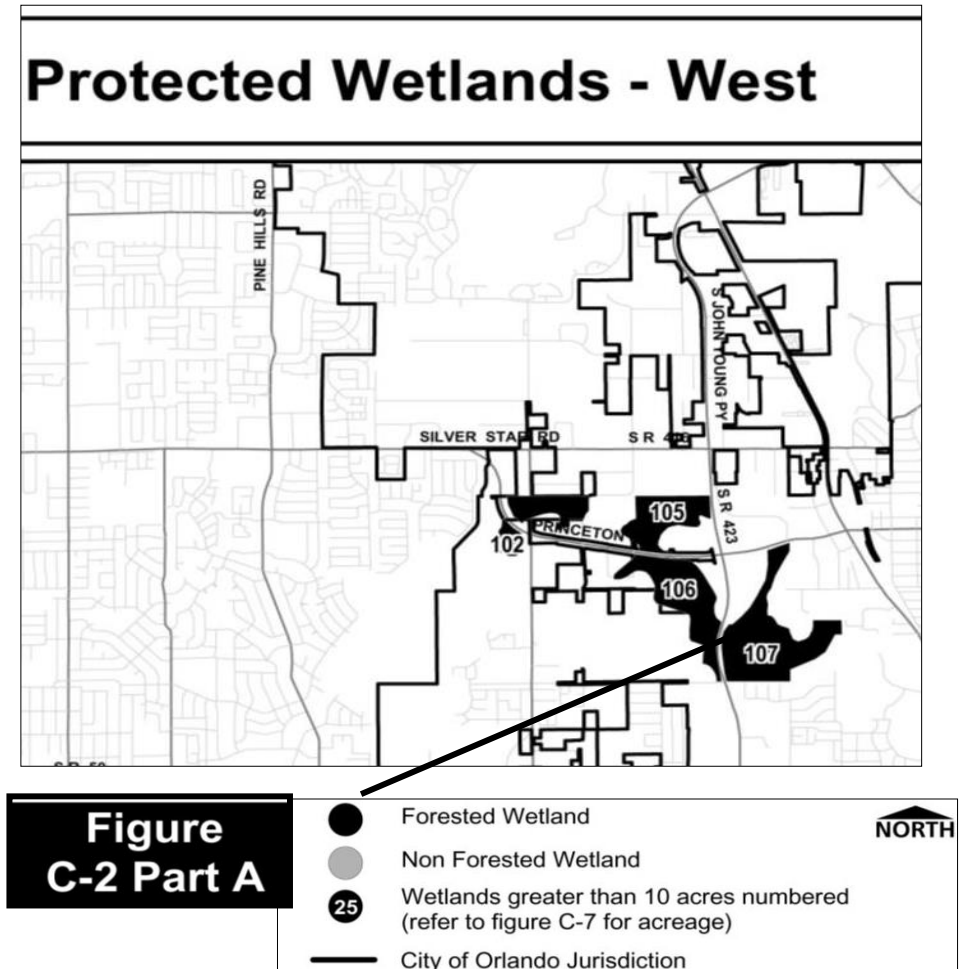
GMP Conservation Policy 1.4.1 states that all projects requiring MPB and City Council review shall provide an Environmental Assessment. The applicant submitted permit applications that provide the information required by the environmental assessment.

- Packing District Park, Orlando FL Environmental Resource Permit Application (to the St. Johns River Water Management District), May 2018 by GAI Consultants and Modica & Associates
 - Status: SJRWMD permit (Permit #135506-2) was issued on February 4, 2019.
- Packing District Park, Orlando FL U.S. Army Corps of Engineers (ACOE) Individual Permit Application, June 2018 by Modica & Associates
- Applicant's Response to Request for Additional Information, SAJ-2018-01763 (SP-JSC), Packing District Park Orlando, FL, December 21, 2018 by Modica and Associates.
 - Status: Army Corps permit (Permit #SAJ-20181015) is also nearing completion. All questions have been responded to and the applicant expects a final decision within the next month.

For this project, the City has no additional comments to provide to the regulatory agencies

A portion of the site is labeled as Wetland “107” within the Conservation Protected Wetlands-West area (Conservation Element Figure C-2, Part A). This wetland was studied in 1992 when this map was first adopted. The map includes a note that it is for illustrative purposes only.

The environmental report identifies wetland boundaries that are substantially different than Figure C-2. Per Conservation Policy 1.4.4, the surveyed boundaries in the report were approved by the SJRWMD and therefore supersede the boundaries in Figure C-2.



Access

Vehicular access to the site will be accomplished through two roadway extensions.

- Texas Ave. will be extended into the site from Princeton St.
- W. New Hampshire St. will be extended west into the site to an intersection with Texas Ave.

Pedestrian access will be accomplished through a minimum of 6 ft. sidewalks along the new roadway extensions as well as a trail system throughout the park. The trail will connect to future trails into the City network.

Parking

- Phase I proposal to include a surface parking lot with 101 parking spaces.
- The extension of Texas Ave. will incorporate on-street parking spaces. This will be analyzed in the Phase II Master Plan.

Subject to the conditions contained herein, the proposal is consistent with the requirements for approval of master plan applications contained in Section 65.000 of the Land Development Code [LDC]:

1. The proposed use is consistent with the City's Growth Management Plan.
2. The proposed use is consistent with the purpose and intent of the AC-2/W and H/W zoning district and all other requirements of the LDC.
3. The proposed use will be compatible with surrounding land uses and the general character of the area.
4. The necessary public facilities will be adequate to serve the proposed use, or will be provided by the applicant as a condition of this approval.

Staff recommends approval of the Master Plan subject to the following conditions:

Growth Management

1. Wekiva Overlay. This site is within the Wekiva Overlay, the requirement for 20% open space must be met (GMP2018-10036).
2. Future Land Use Map Amendment. Prior to development, applicant shall submit a request for a planning official determination to update the boundaries of the conservation future land use area. No net loss in conservation acreage may be proposed.

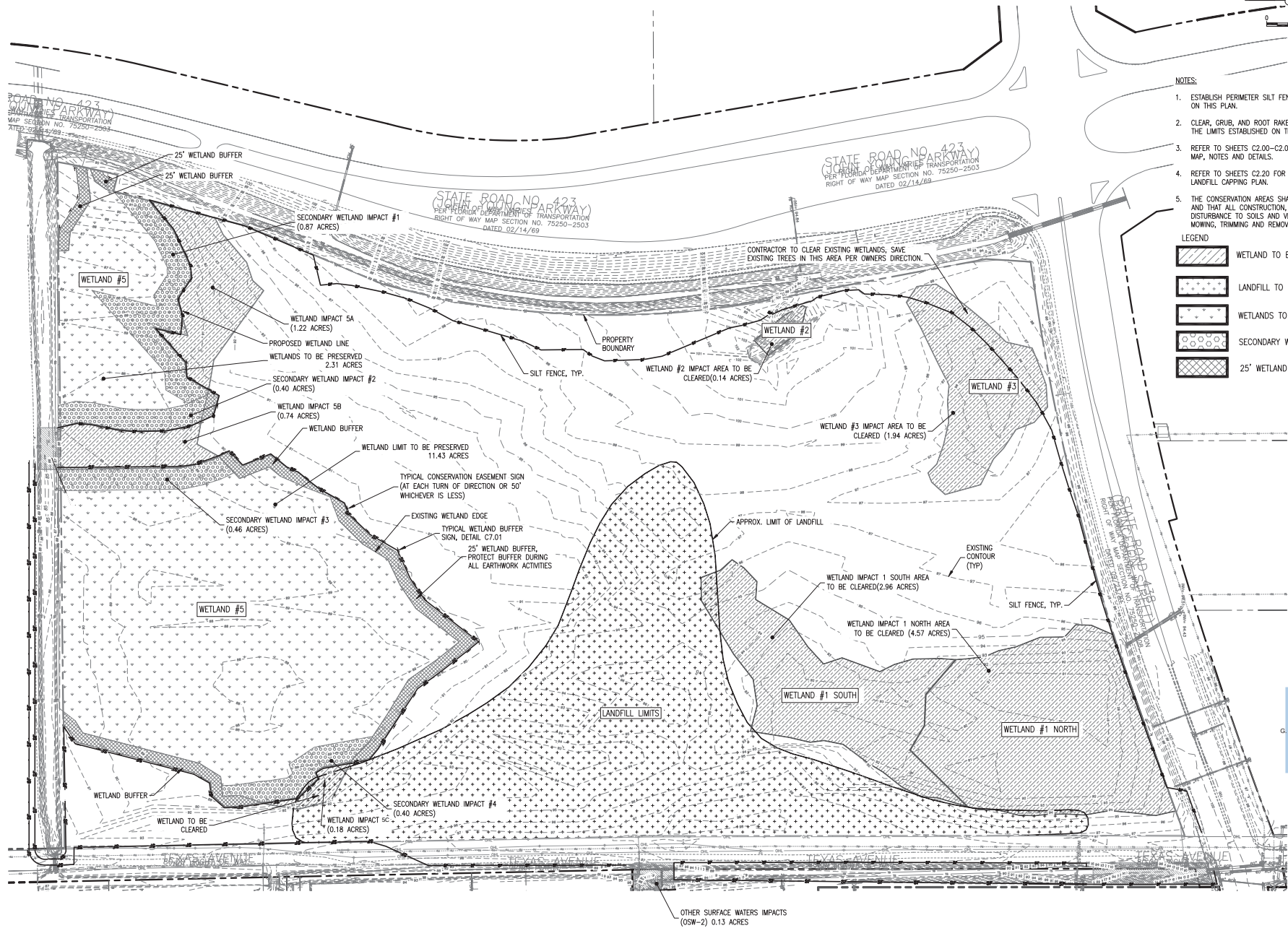
Land Development

6. Phasing. The development is proposed in three phases. Phase II & III are subject to Master Plan applications to the MPB.

QUESTIONS?

12/19/2018 2:39 PM

Z:\info\2016\A160848.04 - Dr. Phillips Princeton St\CAD\Civil\PLAN SET - Master Stormwater\A160848.04_DWG.dwg



NOTES:

1. ESTABLISH PERIMETER SILT FENCE LIMITS AS SHOWN ON THIS PLAN.
2. CLEAR, GRUB, AND ROOT RAKE ENTIRE SITE WITHIN THE LIMITS ESTABLISHED ON THIS PLAN.
3. REFER TO SHEETS C2.00-C2.02 FOR FULL SWPPP MAP, NOTES AND DETAILS.
4. REFER TO SHEETS C2.20 FOR SITE DEMUCKING AND LANDFILL CAPPING PLAN.
5. THE CONSERVATION AREAS SHALL REMAIN UNDISTURBED AND THAT ALL CONSTRUCTION, DUMPING AND DISTURBANCE TO SOILS AND VEGETATION INCLUDING MOWING, TRIMMING AND REMOVAL IS PROHIBITED.

LEGEND

- WETLAND TO BE REMOVED (IMPACTED)
- LANDFILL TO BE FILLED/REMOVED
- WETLANDS TO REMAIN
- SECONDARY WETLAND IMPACT
- 25' WETLAND BUFFER

CLEARING AND GRUBBING PLAN
CITY OF ORLANDO, FLORIDA PACKING
DISTRICT PARK IMPROVEMENTS

REVISIONS

NO.	DATE	BY	REVISION
1	12/14/2018	RES	RES
2		GNL	GNL
3		RSC	RSC

SCALE: AS SHOWN
DATE: 12/14/2018
CHECKED: RES
APPROVED: GNL
RSC

Signature of G. Nicolas Leyva
G. Nicolas Leyva
P.E. NO. 66591

gal consultants
1100 SOUTH MIAMI AVENUE, SUITE 200
ORLANDO, FLORIDA 32801
PHONE: (407) 433-8398

PROJECT NO./DASH NO.
A160848.04

SHEET
C2.10

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



St. Johns River

Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

February 04, 2019

Kenneth Robinson
Dr. Phillips Inc.
7400 Dr. Phillips Blvd
Orlando, FL 32869-2709

SUBJECT: 135506-2
Packing District Park

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on February 04, 2019. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at www.sjrwmd.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Noticing Your Permit:

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at www.sjrwmd.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at www.sjrwmd.com/permitting under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need

GOVERNING BOARD

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SANFORD

Janet Price
FERNANDINA BEACH

Allan Roberts
ST. AUGUSTINE

copies of the appropriate forms, please contact the Bureau of Regulatory Support at (386) 329-4570.

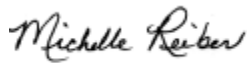
Transferring Your Permit:

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.sjrwmd.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.

Sincerely,



Michelle Reiber, Bureau Chief
Regulatory Services
St. Johns River Water Management District
525 Community College Parkway, S.E.
Palm Bay, FL 32909
(321) 409-2129

Enclosures: Permit

cc: District Permit File

Darla Miller
Modica & Associates,
302 Mohawk Rd
Clermont, FL 34715-7434

Tim F Ziegler
GAI
618 E South St
Orlando, FL 32801-2986

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 135506-2

DATE ISSUED: February 04, 2019

PROJECT NAME: Packing District Park

A PERMIT AUTHORIZING:

Construction and operation of a Stormwater Management System for Packing District Park, a 137.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019.

LOCATION:

Section(s): 15 Township(s): 22S Range(s): 29E
Orange County

Receiving Water Body:

Name	Class
Lake Lawne	III Fresh, IW

ISSUED TO:

Dr. Phillips Inc.
7400 Dr. Phillips Blvd
Orlando, FL 32869-2709

City of Orlando, Florida
400 S Orange Ave
Orlando, FL 32801-3360

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated February 04, 2019

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory Services

By: 

Marjorie Cook
Supervising Professional Engineer

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 135506-2
Packing District Park
DATED February 04, 2019

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 District 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 District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
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 Operation 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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 District in writing of changes required by any other regulatory District 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 District 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 District 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, District 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 prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
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 District 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 Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted.

The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. The proposed stormwater management system to be constructed and operated per the plans received on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019.
24. An appropriate permit modification will be required for any future activity not shown on the approved construction plans.
25. Prior to the sale of any lot or parcel, or use of the infrastructure for its intended use, whichever comes first, the permittee must install conservation area signs every 50-feet or turn in direction, whichever is less, along the remaining wetlands and other surface waters and upland buffers that state:

"NATURAL CONSERVATION AREA: No dumping, land clearing, or other disturbance to native soils or vegetation permitted beyond this point."
26. Before the start of any construction, the permittee must provide the District with documentation demonstrating that 3.49 forested mitigation credits have been debited from the Wekiva River Mitigation Bank ledger (FDEP Permit No. 0234803-001).
27. In the event that the permittee does not successfully complete the transaction to purchase 3.49 forested mitigation credits from the Wekiva River Mitigation Bank (FDEP Permit No. 0234803-001), then the permittee must obtain a permit modification to provide alternative mitigation.

Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice Of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

Notice Of Rights

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent to the permittee:

Kenneth Robinson
Dr. Phillips Inc.
7400 Dr. Phillips Blvd
Orlando, FL 32869-2709

This 4th day of February, 2019.

A handwritten signature in cursive script that reads "M. Daniels".

Margaret Daniels, Office Director
Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Permit Number: 135506-2

NOTICING INFORMATION

Dear Permittee:

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to compliancesupport@sjrwmd.com (preferred method) **or** send a copy of the original affidavit to:

Margaret Daniels, Office Director
Office of Business and Administrative Services
4049 Reid Street
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director
Office of Business and Administrative Services

NOTICE OF AGENCY ACTION TAKEN BY THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on _____:

(Name and address of applicant) _____
permit# _____. The project is located in _____ County, Section
_____, Township _____ South, Range _____ East. The permit authorizes a surface
water management system on _____ acres for _____ known as
_____. The receiving water body is _____.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., may be available and choosing mediation does not affect your right to an administrative hearing.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at www.sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit http://www.sjrwmd.com/nor_dec/ to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Director of Business and Administrative Services, 4049 Reid St., Palatka, FL 32177-2529, tele. no. (386)329-4570.

NEWSPAPER ADVERTISING

ALACHUA

The Alachua County Record, Legal Advertising
P. O. Box 806
Gainesville, FL 32602
352-377-2444/ fax 352-338-1986

BRAFORD

Bradford County Telegraph, Legal Advertising
P. O. Drawer A
Starke, FL 32901
904-964-6305/ fax 904-964-8628

CLAY

Clay Today, Legal Advertising
1560 Kinsley Ave., Suite 1
Orange Park, FL 32073
904-264-3200/ fax 904-264-3285

FLAGLER

Flagler Tribune, c/o News Journal
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Daytona Beach, FL 32120-2831
386-681-2322

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Daily Commercial, Legal Advertising
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352-365-8235/fax 352-365-1951

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904-261-3696/fax 904-261-3698

ORANGE

Sentinel Communications, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

PUTNAM

Palatka Daily News, Legal Advertising
P. O. Box 777
Palatka, FL 32178
386-312-5200/ fax 386-312-5209

SEMINOLE

Seminole Herald, Legal Advertising
300 North French Avenue
Sanford, FL 32771
407-323-9408

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Baker County Press, Legal Advertising
P. O. Box 598
Macclenny, FL 32063
904-259-2400/ fax 904-259-6502

BREVARD

Florida Today, Legal Advertising
P. O. Box 419000
Melbourne, FL 32941-9000
321-242-3832/ fax 321-242-6618

DUVAL

Daily Record, Legal Advertising
P. O. Box 1769
Jacksonville, FL 32201
904-356-2466 / fax 904-353-2628

INDIAN RIVER

Vero Beach Press Journal, Legal Advertising
P. O. Box 1268
Vero Beach, FL 32961-1268
772-221-4282/ fax 772-978-2340

MARION

Ocala Star Banner, Legal Advertising
2121 SW 19th Avenue Road
Ocala, FL 34474
352-867-4010/fax 352-867-4126

OKEECHOBEE

Okeechobee News, Legal Advertising
P. O. Box 639
Okeechobee, FL 34973-0639
863-763-3134/fax 863-763-5901

OSCEOLA

Little Sentinel, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

ST. JOHNS

St. Augustine Record, Legal Advertising
P. O. Box 1630
St. Augustine, FL 32085
904-819-3436

VOLUSIA

News Journal Corporation, Legal Advertising
P. O. Box 2831
Daytona Beach, FL 32120-2831
(386) 681-2322



St. Johns River

Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

February 04, 2019

Rick Howard
City of Orlando, Florida
400 S Orange Ave
Orlando, FL 32801-3360

SUBJECT: 135506-2
Packing District Park

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on February 04, 2019. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at www.sjrwmd.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Noticing Your Permit:

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at www.sjrwmd.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at www.sjrwmd.com/permitting under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need

GOVERNING BOARD

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Allan Roberts
ST. AUGUSTINE

copies of the appropriate forms, please contact the Bureau of Regulatory Support at (386) 329-4570.

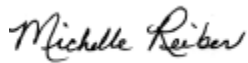
Transferring Your Permit:

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.sjrwmd.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.

Sincerely,



Michelle Reiber, Bureau Chief
Regulatory Services
St. Johns River Water Management District
525 Community College Parkway, S.E.
Palm Bay, FL 32909
(321) 409-2129

Enclosures: Permit

cc: District Permit File

Darla Miller
Modica & Associates,
302 Mohawk Rd
Clermont, FL 34715-7434

Tim F Ziegler
GAI
618 E South St
Orlando, FL 32801-2986

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 135506-2

DATE ISSUED: February 04, 2019

PROJECT NAME: Packing District Park

A PERMIT AUTHORIZING:

Construction and operation of a Stormwater Management System for Packing District Park, a 137.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019.

LOCATION:

Section(s): 15 Township(s): 22S Range(s): 29E
Orange County

Receiving Water Body:

Name	Class
Lake Lawne	III Fresh, IW

ISSUED TO:

Dr. Phillips Inc.
7400 Dr. Phillips Blvd
Orlando, FL 32869-2709

City of Orlando, Florida
400 S Orange Ave
Orlando, FL 32801-3360

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated February 04, 2019

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory Services

By: 

Marjorie Cook
Supervising Professional Engineer

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 135506-2
Packing District Park
DATED February 04, 2019

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 District 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 District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
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 Operation 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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 District in writing of changes required by any other regulatory District 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 District 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 District 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, District 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 prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
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 District 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 Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted.

The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. The proposed stormwater management system to be constructed and operated per the plans received on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019.
24. An appropriate permit modification will be required for any future activity not shown on the approved construction plans.
25. Prior to the sale of any lot or parcel, or use of the infrastructure for its intended use, whichever comes first, the permittee must install conservation area signs every 50-feet or turn in direction, whichever is less, along the remaining wetlands and other surface waters and upland buffers that state:

"NATURAL CONSERVATION AREA: No dumping, land clearing, or other disturbance to native soils or vegetation permitted beyond this point."
26. Before the start of any construction, the permittee must provide the District with documentation demonstrating that 3.49 forested mitigation credits have been debited from the Wekiva River Mitigation Bank ledger (FDEP Permit No. 0234803-001).
27. In the event that the permittee does not successfully complete the transaction to purchase 3.49 forested mitigation credits from the Wekiva River Mitigation Bank (FDEP Permit No. 0234803-001), then the permittee must obtain a permit modification to provide alternative mitigation.

Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice Of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

Notice Of Rights

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent to the permittee:

Rick Howard
City of Orlando, Florida
400 S Orange Ave
Orlando, FL 32801-3360

This 4th day of February, 2019.



Margaret Daniels, Office Director
Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Permit Number: 135506-2

NOTICING INFORMATION

Dear Permittee:

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to compliancesupport@sjrwmd.com (preferred method) **or** send a copy of the original affidavit to:

Margaret Daniels, Office Director
Office of Business and Administrative Services
4049 Reid Street
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director
Office of Business and Administrative Services

NOTICE OF AGENCY ACTION TAKEN BY THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on _____:

(Name and address of applicant) _____
permit# _____. The project is located in _____ County, Section
_____, Township _____ South, Range _____ East. The permit authorizes a surface
water management system on _____ acres for _____ known as
_____. The receiving water body is _____.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., may be available and choosing mediation does not affect your right to an administrative hearing.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at www.sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit http://www.sjrwmd.com/nor_dec/ to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Director of Business and Administrative Services, 4049 Reid St., Palatka, FL 32177-2529, tele. no. (386)329-4570.

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INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT
04-Feb-2019
APPLICATION #: 135506-2

Applicant: Rick Howard
City of Orlando, Florida
400 S Orange Ave
Orlando, FL 32801-3360
(407) 246-3222

Kenneth Robinson
Dr. Phillips Inc.
7400 Dr. Phillips Blvd
Orlando, FL 32869-2709
(407) 422-6105

Owner: Rick Howard
City of Orlando, Florida
400 S Orange Ave
Orlando, FL 32801-3360
(407) 246-3222

Consultant: Tim F Ziegler
GAI
618 E South St
Orlando, FL 32801-2986
(321) 319-3169

Project Name: Packing District Park
Acres Owned: 218.23
Project Acreage: 137.49
County: Orange
STR:

Section(s):	Township(s):	Range(s):
15	22S	29E

Receiving Water Body:

Name	Class
Lake Lawne	III Fresh, IW

Authority: 62-330.020 (2)(b), 62-330.020 (2)(d), 62-330.020 (2)(a), 62-330.020 (2)(c)
Existing Land Use: Mixed Wetland Hardwoods(6170), Cypress(6210), Pine Flatwoods(4110), Borrow Areas(7420)
Mitigation Drainage Basin: Wekiva River Nested
Special Regulatory Basin: Wekiva Recharge Basin, Wekiva River
Final O&M Entity: City of Orlando

ERP Conservation Easements/Restrictions:	No
Interested Parties:	No
Objectors:	Yes

Authorization Statement:

Construction and operation of a Stormwater Management System for Packing District Park, a 137.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019.

Recommendation: Approval

Reviewers: Timothy Wetzel; Rick Sobczak

Staff Comments

Project Applicant and Sufficient Real Property Interest: *Under rule 62-330.060, Florida Administrative Code (F.A.C.), and subsection 4.2.3(d), Environmental Resource Permit Applicant's Handbook Volume I (ERP A.H. Volume I), a permit applicant must certify that it has sufficient real property interest over the land upon which the activities subject to the application will be conducted.*

The permit applicants are the record title holders over the property on which the proposed activities will be conducted.

Project Location and Brief Description:

The park site is located at the southeast intersection of John Young Parkway and Princeton Street. The site is also located within the Wekiva River Hydrologic Basin and the Wekiva Recharge Protection Basin.

The applicant is proposing a park (Packing District Park) that includes two open areas, mass graded areas for a future outparcel and tennis center, two roadways (New Texas Avenue and New Hampshire Avenue), parking area, one paved open plaza, storm sewer system, one wet detention pond, one outfall swale, two dry retention ponds, one dry retention swale, a 10-foot wide walking trail, and two compensating storage areas.

Permitting History:

Permit Number 135506-1 authorized a formal wetland determination of the landward extent of wetlands and other surface waters for the project site.

Engineering

Description of Project (Surface Water Management System):

The applicant is proposing a park and a stormwater management system that includes one wet detention pond, one outfall swale, two dry retention ponds, one dry retention swale and two compensating storage areas to serve the proposed project.

The wet detention pond has been designed for the future development outparcels assuming 80% imperviousness, the future tennis center assuming 80% imperviousness, and for redevelopment of a portion of the existing Packing District area parcels (approximately 60.53 acres; roughly located east of Texas Avenue, north and south of Princeton Street and extending westward of North Orange Blossom Trail) and Packing District roads (approximately 23.79 acres). Refer to Table C-3 in the calculations for the breakdown of allowable impervious areas for the future redevelopment of the parcels and roadways.

The remaining Packing District basin that is located eastward of North Orange Blossom Trail to a railroad alignment will not be included as part of the proposed wet detention pond design. That portion of the basin drains to Lake Fairview and will be permitted under a separate permit application.

Runoff from the proposed project will be conveyed to the proposed stormwater management system for the required water quality treatment and runoff attenuation, and will continue to discharge in the same direction as in the pre-development condition.

The applicant proposes excavating the proposed wet detention pond to a 14-foot depth. The applicant has provided anoxic depth calculations demonstrating that the proposed aerobic pond depth meets the requirements for a wet detention system pursuant to Section 8.0, ERP A.H. Volume II.

An appropriate permit modification will be required for any future activity not shown on the approved construction plans.

Conditions for Issuance:

Rule 62-330.301(1), F.A.C. states that an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

- (a) Will not cause adverse water quantity impacts to receiving water and adjacent lands;**
- (b) Will not cause adverse flooding to on-site or off-site property;**
- (c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities.**

Water Quantity:

Pursuant to 3.1, ERP A.H. Volume II, it is presumed that the conditions for issuance (a) through (c) above are met if the systems are designed to meet the standards in subsections 3.2.1, 3.3.1, 3.3.2, 3.4.1, 3.5.1, and 3.5.2, ERP A.H. Volume II.

The applicant has met the presumptive criteria and designed the system to meet the applicable standards. The applicant submitted drainage calculations demonstrating that

the post-development peak rate of discharge does not exceed the pre-development peak rate of discharge for the mean annual 24-hour storm event and the 25-year, 24-hour storm event. The project does not discharge to a land-locked lake.

The project is located within the Wekiva River Hydrologic Basin, and meets the special basin criteria as discussed below.

e) Will not adversely affect the quality of receiving waters such that the state water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated.

Water Quality:

A system that complies with the applicable rule provisions found in ERP A.H. Volumes I and II, creates a rebuttable presumption that the applicant has provided reasonable assurance that the proposed project meets the requirements of 62-330.301(1)(e), F.A.C., above.

Runoff from the site will be conveyed to the proposed stormwater management system for the required water quality treatment.

The project outfalls into Lawne Lake, which is considered an impaired waterbody of the state for total nitrogen and total phosphorous. The applicant has provided reasonable assurance that the proposed stormwater system will not result in discharge that may cause or contribute to violations of state water quality standards for nutrients, as set forth in Chapters 62-330, Florida Administrative Code, by demonstrating that the proposed stormwater management system will attenuate the post-development total phosphorus and total nitrogen loadings to pre-development levels.

(k) Will comply with any applicable special basin or geographic area criteria.

Special Basin Criteria:

The project is located within the Wekiva River Hydrologic Basin. The project, as proposed, is consistent with the conditions for permit issuance pursuant to 40C-41 and 62-330, F.A.C. and Section 13.3, ERP A.H. Volume II, as follows:

Recharge Standard: The site is located within the Wekiva Recharge Protection Basin. The applicant has met this standard by providing plans and calculations demonstrating that the proposed stormwater management system will retain and recover three inches of runoff from the impervious area proposed within the Most Effective Recharge Area (Type A soils).

Storage Standard: A portion of the proposed system is located within the 100-year floodplain; however, the floodplain does not have a direct hydrologic connection to the

Wekiva River, Little Wekiva River, or Black Water Creek. Therefore, this standard does not apply.

Standards for Erosion and Sediment Control and Water Quality: The project is not located within the Water Quality Protection Zone; however, the project area exceeds 120-acres. The applicant has met the standard in Section 13.3.3(a), ERP A.H. Volume II by providing an erosion control plan in conformance with the erosion and sediment control principles set forth in Section 13.8.2, ERP A.H. Volume II and contains the information set forth in Section 13.8.3, ERP A.H. Volume II.

The standard in Section 13.3.3(b), ERP A.H. Volume II does not apply as the project is not located wholly or partially within 100 feet of an Outstanding Florida Waterbody or within 100 feet of any wetland abutting such a water.

Standard for Limiting Drawdown: The project is not located within the Water Quantity Protection Zone because the project is located greater than 300 feet away from the landward extent of the wetlands abutting the Little Wekiva River. Therefore, this standard does not apply.

Standard for Riparian Wildlife Habitat: The project is not located within the Riparian Habitat Protection Zone. Therefore, this standard does not apply.

Local Government Notification for Wekiva River Protection Area: The project is not located within the Wekiva River Protection Area and; therefore, no local government notification is necessary.

Operation and Maintenance:

The project will be operated and maintained by the City of Orlando and, thus, meets the requirements of Section 12.3.1(a), ERP A.H. Volume I.

Environmental

Site Description:

The project site is located southeast of the intersection of John Young Parkway and Princeton Street within the City of Orlando. Large drainage canals border the eastern and southern sides of the property and are part of the Fairvilla drainage canal system. On-site uplands are best characterized as pine flatwoods and disturbed areas. On-site wetlands include four systems which are best characterized as mixed forested cypress communities and mixed hardwood wetlands that have been adversely impacted from historic filling and drainage activities and surrounding urban development. Exotic and nuisance vegetation colonization and encroachment within both the uplands and wetlands is apparent throughout the property. The site provides limited fish and wildlife habitat, with no observed evidence of listed species utilization.

(d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;

Functions to Fish and Wildlife and Listed Species

In evaluating this criterion, District staff considered Section 10.2.2, ERP A.H. Volume I, which states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife, listed species and the bald eagle (*Haliaeetus leucocephalus*); and (b) the habitat of fish, wildlife, and listed species.

District staff conducted site visits to assess the wetlands and other surface waters and the functions they provide. The project site is located in a highly urbanized area within the City of Orlando. The project area includes wetland systems that were historically part of a large cypress slough system that has been hydrologically altered, with large areas that include significant soil subsidence from current and historic drainage. A portion of the project site was historically used as a landfill for construction debris and there has also been significant dumping and homeless encampments throughout the property for decades.

Fire suppression and exotic and nuisance vegetation encroachment throughout the property have limited potential wildlife use of the property. Heavily traveled roadways to the north and west have limited wildlife movement and overall urbanization of the area has limited the functional values provided by the on-site wetlands and other surface waters.

Impacts: *Subsection 10.2.2, ERP A.H. Volume I, states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.*

The project includes work within a total of 12.34 acres of wetlands and other surface waters, including impacts to a 0.14-acre isolated wetland and 0.59-acre of drainage canal. The isolated wetland system meets the criteria of section 10.2.2.1, ERP A.H. Volume I and, thus, mitigation is not required for this impact. The system is low in ecological value and habitat functions, with no observed evidence of listed species utilization, not located within an area of critical state concern and is of minimal value to fish and wildlife.

Impacts to 0.59-acre of drainage canal from an entry road and bridge crossings are not adverse because these actively maintained drainage features are low in ecological value and habitat function.

The remaining 11.61 acres of wetland impacts are to systems with limited ecological functions and habitat values from historic and current drainage activities, exotic and nuisance vegetation infestation and surrounding urbanization. The wetland systems have limited ecological value, but impacts to these areas will adversely affect

the abundance, diversity, food sources or habitat of aquatic or wetland dependent species and need mitigation to offset the loss of these functions as described below.

Elimination/Reduction of Impacts: *Pursuant to Subsection 10.2.1.1, ERP A.H. Volume I, the applicant must implement practicable design modifications to reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through endangerment of lives or property is not considered "practicable". Alternatively, an applicant may meet this criterion by demonstrating compliance with subsection 10.2.1.2.a. or 10.2.1.2.b, ERP A.H. Volume I.*

The applicant was not required to eliminate or reduce impacts to the isolated wetland and drainage canal because these impacts are not adverse.

Pursuant to section 10.2.1.2 b, ERP A.H. Volume I, the applicant was not required to eliminate or reduce the 11.61 acres of adverse wetland impacts because the applicant proposed a mitigation plan (the purchase of mitigation bank credits from the Wekiva River Mitigation Bank) that will provide regional ecological value and provide greater long-term ecological value than the impacted wetlands. Because of its large size, location and active management of wetlands and uplands for wildlife, the Wekiva River Mitigation Bank provides habitat of regional ecological value. The bank also provides greater long-term ecological value than the impacted wetlands that have been significantly altered from historic and current drainage activities, exotic and nuisance vegetation infestation and surrounding urbanization.

Mitigation:

Mitigation was not required for impacts to the isolated wetland per section 10.2.2.1, ERP A.H. Volume I, and mitigation was not required for impacts to the drainage canal because they were not adverse.

The applicant proposes to mitigate for the direct and secondary wetland impacts through the purchase of 3.49 mitigation credits from the Wekiva River Mitigation Bank. The purchase of these mitigation credits will offset the functions lost due to the proposed direct and adverse secondary impacts. The Uniform Mitigation Assessment Method (UMAM) was used to determine the functional values of the impact and mitigation bank areas. The proposed project, with mitigation, will not result in impacts to wetland and other surface water functions that will cause adverse impacts to fish, wildlife and listed species or their habitat.

The Wekiva River Mitigation Bank is located in southeastern Lake County and is approximately 1,643 acres in size. This bank site is regionally significant as demonstrated by its ranking in the highest priority group on the Florida Forever acquisition list of sites. The bank site serves as a regionally significant headwater and tributary flow link to the Rock Springs Run flow way, which is a critical western tributary

of the Wekiva River. In addition, the Wekiva River Mitigation Bank is bordered on three sides by existing conservation lands. The bank site provides a regionally significant area of high ecological value, including large, intact ecosystems of both wetland and upland habitats that are utilized by various wetland dependent and listed wildlife species and is considered an important ecological corridor.

(f) Will not cause adverse secondary impacts to the water resources.

Secondary impacts: *Subsection 10.2.7, ERP A.H. Volume I, contains a four-part criterion that addresses additional impacts that may be caused by a proposed activity: (a) adverse impacts to wetland (and other surface water) functions and water quality violations that may result from the intended or reasonably expected uses of a proposed activity; (b) adverse impacts to the upland nesting habitat of bald eagles and aquatic or wetland dependent listed animal species; (c) impacts to significant historical and archaeological resources that are very closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) adverse wetland (and other surface) impacts and water quality violations that may be caused by future phases of the project or by activities that are very closely linked and causally related to the project.*

The proposed activities were assessed for the potential to result in unacceptable secondary impacts, as defined in section 10.2.7(a), ERP A.H. Volume I. In order to prevent secondary impacts to the on-site wetland system from the proposed development, the applicant has designated a 25-foot average undisturbed upland buffer directly abutting much of the remaining wetland areas. In order to provide assurance that the upland buffer areas remain in an undisturbed condition, the applicant has proposed signage along the buffers. The 25-foot upland buffer area is clearly demarcated on the permitted plan sheets and includes a note on the plans that states that these areas shall remain undisturbed, and that all construction, dumping and disturbance to soils and vegetation including mowing, trimming and removal shall be prohibited. Conservation area signage will be placed at 50-foot intervals or turn in direction along the conservation area and is shown on the permitted plan sheets. Secondary impacts are anticipated along the portions of the wetland lacking a 25-foot upland buffer. Secondary impact acreages were assessed based on the adjacent proposed land use (park trails, outfall swale, compensating storage pond). Along with native plantings to help offset secondary wetland impacts in these areas, secondary impacts were assessed for 2.13 acres of the remaining wetland system. Adverse secondary impacts will be offset through the purchase of mitigation bank credits from the Wekiva River Mitigation Bank.

A review for known bald eagle nest sites in the general area was accomplished and showed no documented nest sites within one-half mile of the project site. Comments for the proposed project were received from the Florida Fish and Wildlife Conservation Commission and were limited to advisory information and recommendations for reducing potential conflicts with Florida black bear. There is no evidence of on-site

upland nesting or denning habitat for listed species that are aquatic or wetland dependent as defined by section 10.2.7(b), ERP A.H. Volume I.

The Florida Department of State, Division of Historical Resources provided correspondence stating that the proposed project is unlikely to affect historic properties. Significant historical and archaeological resources are not expected to be impacted by the proposed activities as defined by Section 10.2.7(c), ERP A.H. Volume I.

Based on the submitted information, there is no indication that future phases or activities that are closely linked and causally related to the project would result in water quality violations or adverse impacts to the functions of wetlands or other surface waters, pursuant to Section 10.2.7(d), ERP A.H. Volume I.

(g) Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S.;

The activities proposed in this application are not anticipated to impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

(h) Will not cause adverse impacts to a Work of the District established pursuant to section 373.086, F.S.;

No works of the District are within the permit area.

(i) Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;

Registered professional engineers have designed the project. All supporting materials provided by the registered professionals demonstrate that the project will be capable of performing and functioning as proposed based on generally accepted engineering and scientific principles.

(j) Will be conducted by a person with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued;

The permit applicants are the record title holders over the property on which the proposed activities will be conducted, and have the financial capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit.

Additional Conditions for Issuance

Rule 62-330.302(1) states that in addition to the conditions in Rule 62-330.301, F.A.C., to obtain an individual permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, repair, removal, and abandonment of a project:

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such activities significantly degrade or are within an Outstanding Florida Water (OFW), are clearly in the public interest, as determined by balancing the following criteria as set forth in sections 10.2.3 through 10.2.3.7, ERP A.H. Volume I:

Public Interest

No wetlands or other surface waters within the project boundary are designated as an OFW, therefore the applicant need only demonstrate that regulated activities in, on, or over wetlands or other surface waters are not contrary to the public interest. In determining whether the proposed activities are not contrary to the public interest, the District shall consider and balance the following criteria:

1. Whether the activities will adversely affect the public health, safety, or welfare or the property of others;

In reviewing and balancing this criterion, the District will evaluate whether the activity located in, on, or over wetlands or other surface waters will cause:

- (a) An environmental hazard to public health, safety, or improvement to public safety with respect to environmental conditions;
- (b) Impacts to areas classified by the Department of Agriculture and Consumer Services as approved, conditionally approved, restricted or conditionally restricted for shellfish harvesting;
- (c) Flooding or alleviate existing flooding on the property of others; and
- (d) Environmental impacts to property of others.

The project will not cause an environmental hazard to public health or safety, is not located in a designated shellfish harvesting area, and will not cause environmental impacts to the property of others. Additionally, as previously discussed, the applicant meets the water quantity criteria in ERP A.H. Volume II; therefore, pursuant to 10.2.3.1(c), ERP A.H. Volume I, this factor is neutral.

2. Whether the activities will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

The District's review of this factor is encompassed within the review of the activity under section 10.0, ERP A.H. Volume I, described above. The site provides limited fish and wildlife habitat, with no observed evidence of listed species utilization and adverse impacts are addressed through mitigation; therefore, this factor is neutral.

3. Whether the activities will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

In reviewing and balancing this criterion, the District will evaluate whether the activity located in, on, or over wetlands or other surface waters will:

(a) Significantly impede navigability. The District will consider the current navigational use of surface waters and will not speculate on uses that may occur in the future.

(b) Cause or alleviate harmful erosion or shoaling.

(c) Significantly impact or enhance water flow.

The proposed activities will not significantly impede navigability. The applicant is required to comply with erosion control best management practices and the permit includes a condition that requires the applicant to utilize appropriate erosion control practices. The applicant has met the water quantity criteria as discussed above and there is no obstruction to water flow. Therefore, this factor is neutral.

4. Whether the activities will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

In reviewing and balancing this criterion, the District will evaluate whether the activity located in, on, or over wetlands or other surface waters will cause:

(a) Adverse effects to sport or commercial fisheries or marine productivity.

(b) Adverse effects or improvements to existing recreational uses of a wetland or other surface waters, which may provide boating, fishing, swimming, waterskiing, hunting and bird watching.

There are no sport or commercial fisheries on or adjacent to the project. While there will be a loss of wetlands and diminished wetland function from secondary impacts, these adverse impacts are offset through mitigation, native plantings, signage and buffers. Therefore, this factor is neutral.

5. Whether the activities will be of a temporary or permanent nature;

The proposed activities are permanent as is the mitigation that will fully offset the impacts; therefore, this factor is neutral.

6. Whether the activities will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S.; and

The project was reviewed by the Division of Historical Resources and it was determined that the project was unlikely to affect historical and archaeological resources. The permit also includes the recommended condition to cease activities and contact the Division of Historical Resources should unexpected artifacts be encountered during ground breaking activities. Therefore, this factor is neutral.

7. The current condition and relative value of functions being performed by areas affected by the proposed activities.

On-site wetland and other surface water habitats provide limited ecological functions and adverse impacts have been mitigated accordingly. Therefore, this factor is neutral.

Staff determined in balancing the above criteria, that the proposed project was neutral and the applicant had provided sufficient reasonable assurance that the project, with mitigation, is not contrary to the public interest.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in sections 10.2.8 through 10.2.8.2 of ERP A.H. Volume I.

Cumulative Impacts: Subsection 10.2.8, ERP A.H. Volume I, requires applicants to provide reasonable assurances that their projects will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Under section 10.2.8, ERP A.H. Volume I, when an applicant proposes mitigation that offsets a project's adverse impacts within the same basin as the impacts, the project does not cause unacceptable cumulative impacts.

The applicant proposes to mitigate all impacts within the same drainage basin (Wekiva River Nested) as the proposed impacts. In accordance with paragraph 373.414(8)(b), F.S., the proposed mitigation meets the cumulative impact requirements of paragraph 373.414(8)(a), F.S., subsection 62-330.302(1)(b) and section 10.2.8, ERP A.H. Volume I.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department of Agriculture and Consumer Services as approved, restricted, conditionally approved, or conditionally restricted for shellfish harvesting will comply with the additional criteria in section 10.2.5 of Volume I, as described in subsection 62-330.010(5), F.A.C.

The proposed activities do not occur in, adjacent to or in close proximity to Class II or Class III waters as described above.

(d) Involving vertical seawalls in estuaries or lagoons will comply with the additional criteria provided in section 10.2.6 of Volume I.

The proposed activities do not include vertical seawalls.

Financial Assurance Mechanism:

No.

Off-Site Mitigation:

No.

Conclusion:

The project as proposed meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

**Wetland Summary Table
Packing District Park Recreational**

	<u>Acres</u>
Total Surface Water, Upland RHPZ and Wetlands in Project	
Wetlands	11.75
OSW	0.590
Upland RHPZ	0.000
Total	12.34
Impacts that Require Mitigation	
Dredged or Filled	4.570
Dredged or Filled	2.960
Dredged or Filled	1.940
Dredged or Filled	1.220
Dredged or Filled	0.740
Dredged or Filled	0.180
Other	0.860
Other	1.270
Total	13.74
Impacts that Require No Mitigation	
Dredged or Filled	0.140
Dredged or Filled	0.590
Total	0.730

**Mitigation
On-Site**

Total 0.000

Off-Site

Total 0.000

Other

**Reserved
Credits**

WR Mitigation Bank Credits (Wekiva
River,15, Forested Wetlands)

3.490

Conclusion:

The applicant has provided reasonable assurance that the proposed project meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

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 District 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 District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
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 Operation 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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 District in writing of changes required by any other regulatory District 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 District 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 District 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, District 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 prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
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 District 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 Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. The proposed stormwater management system to be constructed and operated per the plans received on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019.
24. An appropriate permit modification will be required for any future activity not shown on the approved construction plans.
25. Prior to the sale of any lot or parcel, or use of the infrastructure for its intended use, whichever comes first, the permittee must install conservation area signs every 50-feet or turn in direction, whichever is less, along the remaining wetlands and other surface waters and upland buffers that state:

"NATURAL CONSERVATION AREA: No dumping, land clearing, or other disturbance to native soils or vegetation permitted beyond this point."

26. Before the start of any construction, the permittee must provide the District with documentation demonstrating that 3.49 forested mitigation credits have been debited from the Wekiva River Mitigation Bank ledger (FDEP Permit No. 0234803-001).
27. In the event that the permittee does not successfully complete the transaction to purchase 3.49 forested mitigation credits from the Wekiva River Mitigation Bank (FDEP Permit No. 0234803-001), then the permittee must obtain a permit modification to provide alternative mitigation.

MODIFIABLE SUMMARY TABLE

Site/Project Name:		Application Number:		Date:						
Packing District Park		IND-095-135506-2		January 14, 2019						
Impact Summary										
Assessment Area	Impact Type	Location and Landscape Support		Water Environment		Community Structure		Impact Delta	Acres	Functional Loss
		Current	w/Impact	Current	w/Impact	Current	w/Impact			
1 W1 (north)	621	3	0	3	0	4	0	0.33	4.57	1.510
2 W1 (south)	621	3	0	2	0	2	0	0.23	2.96	0.680
3 W3	617	3	0	3	0	3	0	0.30	1.94	0.580
4 W5a	617	3	0	2	0	3	0	0.27	1.22	0.330
5 W5b	617	3	0	2	0	4	0	0.30	0.74	0.220
6 W5c	617	3	0	2	0	3	0	0.27	0.18	0.050
7 W5 secondary path	617	3	3	2	1	3	3	0.03	0.86	0.030
8 W5 secondary pond	617	3	2	2	2	3	2	0.07	1.27	0.090
9 -	-	-	-	-	-	-	-	-	-	-
10 -	-	-	-	-	-	-	-	-	-	-
11 -	-	-	-	-	-	-	-	-	-	-
12 -	-	-	-	-	-	-	-	-	-	-
13 -	-	-	-	-	-	-	-	-	-	-
14 -	-	-	-	-	-	-	-	-	-	-
TOTAL									13.74	3.490

Mitigation Summary									
Assessment Area	Mitigation Type	Location and Landscape Support		Water Environment		Community Structure		Mitigation Delta	Time Lag
		w/o Mit	w/Mit	w/o Mit	w/Mit	w/o Mit	w/Mit		
1 W/RGB	-	-	-	-	-	-	-	-	-
2 -	-	-	-	-	-	-	-	-	-
3 -	-	-	-	-	-	-	-	-	-
4 -	-	-	-	-	-	-	-	-	-
5 -	-	-	-	-	-	-	-	-	-
6 -	-	-	-	-	-	-	-	-	-
7 -	-	-	-	-	-	-	-	-	-
8 -	-	-	-	-	-	-	-	-	-
9 -	-	-	-	-	-	-	-	-	-
10 -	-	-	-	-	-	-	-	-	-
TOTAL								0	3.49

TEMPORAL LAG TABLE				
YEAR	T-factor	YEAR	T-factor	T-factor
< or = 1	1	11-15	1.46	3.03
2	1.03	16-20	1.68	3.34
3	1.07	21-25	1.92	3.65
4	1.10	26-30	2.18	3.91
5	1.14	31-35	2.45	
6-10	1.25	36-40	2.73	

TOTALS			
Impacts	Acres	Mitigation - Upland	Mitigation - Wetland
		Restoration	Creation
Direct Impacts	11.61	Enhancement	Restoration
Secondary Impacts	2.13	Preservation	Enhancement
Total Impacts	13.74	Total Upland Mitigation	Total Wetland Mitigation
		0.00	0.00

Total Functional Loss	3.49
Total Functional Gain	3.49
Excess Mitigation	0

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT
04-Feb-2019
APPLICATION #: 135506-2

Applicant: Rick Howard
City of Orlando, Florida
400 S Orange Ave
Orlando, FL 32801-3360
(407) 246-3222

Kenneth Robinson
Dr. Phillips Inc.
7400 Dr. Phillips Blvd
Orlando, FL 32869-2709
(407) 422-6105

Owner: Rick Howard
City of Orlando, Florida
400 S Orange Ave
Orlando, FL 32801-3360
(407) 246-3222

Consultant: Tim F Ziegler
GAI
618 E South St
Orlando, FL 32801-2986
(321) 319-3169

Project Name: Packing District Park
Acres Owned: 218.23
Project Acreage: 137.49
County: Orange
STR:

Section(s):	Township(s):	Range(s):
15	22S	29E

Receiving Water Body:

Name	Class
Lake Lawne	III Fresh, IW

Authority: 62-330.020 (2)(b), 62-330.020 (2)(d), 62-330.020 (2)(a), 62-330.020 (2)(c)
Existing Land Use: Mixed Wetland Hardwoods(6170), Cypress(6210), Pine Flatwoods(4110), Borrow Areas(7420)
Mitigation Drainage Basin: Wekiva River Nested
Special Regulatory Basin: Wekiva Recharge Basin, Wekiva River
Final O&M Entity: City of Orlando

ERP Conservation Easements/Restrictions:	No
Interested Parties:	No
Objectors:	Yes

Authorization Statement:

Construction and operation of a Stormwater Management System for Packing District Park, a 137.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019.

Recommendation: Approval

Reviewers: Timothy Wetzel; Rick Sobczak

Staff Comments

Project Applicant and Sufficient Real Property Interest: *Under rule 62-330.060, Florida Administrative Code (F.A.C.), and subsection 4.2.3(d), Environmental Resource Permit Applicant's Handbook Volume I (ERP A.H. Volume I), a permit applicant must certify that it has sufficient real property interest over the land upon which the activities subject to the application will be conducted.*

The permit applicants are the record title holders over the property on which the proposed activities will be conducted.

Project Location and Brief Description:

The park site is located at the southeast intersection of John Young Parkway and Princeton Street. The site is also located within the Wekiva River Hydrologic Basin and the Wekiva Recharge Protection Basin.

The applicant is proposing a park (Packing District Park) that includes two open areas, mass graded areas for a future outparcel and tennis center, two roadways (New Texas Avenue and New Hampshire Avenue), parking area, one paved open plaza, storm sewer system, one wet detention pond, one outfall swale, two dry retention ponds, one dry retention swale, a 10-foot wide walking trail, and two compensating storage areas.

Permitting History:

Permit Number 135506-1 authorized a formal wetland determination of the landward extent of wetlands and other surface waters for the project site.

Engineering

Description of Project (Surface Water Management System):

The applicant is proposing a park and a stormwater management system that includes one wet detention pond, one outfall swale, two dry retention ponds, one dry retention swale and two compensating storage areas to serve the proposed project.

The wet detention pond has been designed for the future development outparcels assuming 80% imperviousness, the future tennis center assuming 80% imperviousness, and for redevelopment of a portion of the existing Packing District area parcels (approximately 60.53 acres; roughly located east of Texas Avenue, north and south of Princeton Street and extending westward of North Orange Blossom Trail) and Packing District roads (approximately 23.79 acres). Refer to Table C-3 in the calculations for the breakdown of allowable impervious areas for the future redevelopment of the parcels and roadways.

The remaining Packing District basin that is located eastward of North Orange Blossom Trail to a railroad alignment will not be included as part of the proposed wet detention pond design. That portion of the basin drains to Lake Fairview and will be permitted under a separate permit application.

Runoff from the proposed project will be conveyed to the proposed stormwater management system for the required water quality treatment and runoff attenuation, and will continue to discharge in the same direction as in the pre-development condition.

The applicant proposes excavating the proposed wet detention pond to a 14-foot depth. The applicant has provided anoxic depth calculations demonstrating that the proposed aerobic pond depth meets the requirements for a wet detention system pursuant to Section 8.0, ERP A.H. Volume II.

An appropriate permit modification will be required for any future activity not shown on the approved construction plans.

Conditions for Issuance:

Rule 62-330.301(1), F.A.C. states that an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

- (a) Will not cause adverse water quantity impacts to receiving water and adjacent lands;**
- (b) Will not cause adverse flooding to on-site or off-site property;**
- (c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities.**

Water Quantity:

Pursuant to 3.1, ERP A.H. Volume II, it is presumed that the conditions for issuance (a) through (c) above are met if the systems are designed to meet the standards in subsections 3.2.1, 3.3.1, 3.3.2, 3.4.1, 3.5.1, and 3.5.2, ERP A.H. Volume II.

The applicant has met the presumptive criteria and designed the system to meet the applicable standards. The applicant submitted drainage calculations demonstrating that

the post-development peak rate of discharge does not exceed the pre-development peak rate of discharge for the mean annual 24-hour storm event and the 25-year, 24-hour storm event. The project does not discharge to a land-locked lake.

The project is located within the Wekiva River Hydrologic Basin, and meets the special basin criteria as discussed below.

e) Will not adversely affect the quality of receiving waters such that the state water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated.

Water Quality:

A system that complies with the applicable rule provisions found in ERP A.H. Volumes I and II, creates a rebuttable presumption that the applicant has provided reasonable assurance that the proposed project meets the requirements of 62-330.301(1)(e), F.A.C., above.

Runoff from the site will be conveyed to the proposed stormwater management system for the required water quality treatment.

The project outfalls into Lawne Lake, which is considered an impaired waterbody of the state for total nitrogen and total phosphorous. The applicant has provided reasonable assurance that the proposed stormwater system will not result in discharge that may cause or contribute to violations of state water quality standards for nutrients, as set forth in Chapters 62-330, Florida Administrative Code, by demonstrating that the proposed stormwater management system will attenuate the post-development total phosphorus and total nitrogen loadings to pre-development levels.

(k) Will comply with any applicable special basin or geographic area criteria.

Special Basin Criteria:

The project is located within the Wekiva River Hydrologic Basin. The project, as proposed, is consistent with the conditions for permit issuance pursuant to 40C-41 and 62-330, F.A.C. and Section 13.3, ERP A.H. Volume II, as follows:

Recharge Standard: The site is located within the Wekiva Recharge Protection Basin. The applicant has met this standard by providing plans and calculations demonstrating that the proposed stormwater management system will retain and recover three inches of runoff from the impervious area proposed within the Most Effective Recharge Area (Type A soils).

Storage Standard: A portion of the proposed system is located within the 100-year floodplain; however, the floodplain does not have a direct hydrologic connection to the

Wekiva River, Little Wekiva River, or Black Water Creek. Therefore, this standard does not apply.

Standards for Erosion and Sediment Control and Water Quality: The project is not located within the Water Quality Protection Zone; however, the project area exceeds 120-acres. The applicant has met the standard in Section 13.3.3(a), ERP A.H. Volume II by providing an erosion control plan in conformance with the erosion and sediment control principles set forth in Section 13.8.2, ERP A.H. Volume II and contains the information set forth in Section 13.8.3, ERP A.H. Volume II.

The standard in Section 13.3.3(b), ERP A.H. Volume II does not apply as the project is not located wholly or partially within 100 feet of an Outstanding Florida Waterbody or within 100 feet of any wetland abutting such a water.

Standard for Limiting Drawdown: The project is not located within the Water Quantity Protection Zone because the project is located greater than 300 feet away from the landward extent of the wetlands abutting the Little Wekiva River. Therefore, this standard does not apply.

Standard for Riparian Wildlife Habitat: The project is not located within the Riparian Habitat Protection Zone. Therefore, this standard does not apply.

Local Government Notification for Wekiva River Protection Area: The project is not located within the Wekiva River Protection Area and; therefore, no local government notification is necessary.

Operation and Maintenance:

The project will be operated and maintained by the City of Orlando and, thus, meets the requirements of Section 12.3.1(a), ERP A.H. Volume I.

Environmental

Site Description:

The project site is located southeast of the intersection of John Young Parkway and Princeton Street within the City of Orlando. Large drainage canals border the eastern and southern sides of the property and are part of the Fairvilla drainage canal system. On-site uplands are best characterized as pine flatwoods and disturbed areas. On-site wetlands include four systems which are best characterized as mixed forested cypress communities and mixed hardwood wetlands that have been adversely impacted from historic filling and drainage activities and surrounding urban development. Exotic and nuisance vegetation colonization and encroachment within both the uplands and wetlands is apparent throughout the property. The site provides limited fish and wildlife habitat, with no observed evidence of listed species utilization.

(d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;

Functions to Fish and Wildlife and Listed Species

In evaluating this criterion, District staff considered Section 10.2.2, ERP A.H. Volume I, which states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife, listed species and the bald eagle (*Haliaeetus leucocephalus*); and (b) the habitat of fish, wildlife, and listed species.

District staff conducted site visits to assess the wetlands and other surface waters and the functions they provide. The project site is located in a highly urbanized area within the City of Orlando. The project area includes wetland systems that were historically part of a large cypress slough system that has been hydrologically altered, with large areas that include significant soil subsidence from current and historic drainage. A portion of the project site was historically used as a landfill for construction debris and there has also been significant dumping and homeless encampments throughout the property for decades.

Fire suppression and exotic and nuisance vegetation encroachment throughout the property have limited potential wildlife use of the property. Heavily traveled roadways to the north and west have limited wildlife movement and overall urbanization of the area has limited the functional values provided by the on-site wetlands and other surface waters.

Impacts: *Subsection 10.2.2, ERP A.H. Volume I, states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.*

The project includes work within a total of 12.34 acres of wetlands and other surface waters, including impacts to a 0.14-acre isolated wetland and 0.59-acre of drainage canal. The isolated wetland system meets the criteria of section 10.2.2.1, ERP A.H. Volume I and, thus, mitigation is not required for this impact. The system is low in ecological value and habitat functions, with no observed evidence of listed species utilization, not located within an area of critical state concern and is of minimal value to fish and wildlife.

Impacts to 0.59-acre of drainage canal from an entry road and bridge crossings are not adverse because these actively maintained drainage features are low in ecological value and habitat function.

The remaining 11.61 acres of wetland impacts are to systems with limited ecological functions and habitat values from historic and current drainage activities, exotic and nuisance vegetation infestation and surrounding urbanization. The wetland systems have limited ecological value, but impacts to these areas will adversely affect

the abundance, diversity, food sources or habitat of aquatic or wetland dependent species and need mitigation to offset the loss of these functions as described below.

Elimination/Reduction of Impacts: *Pursuant to Subsection 10.2.1.1, ERP A.H. Volume I, the applicant must implement practicable design modifications to reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through endangerment of lives or property is not considered "practicable". Alternatively, an applicant may meet this criterion by demonstrating compliance with subsection 10.2.1.2.a. or 10.2.1.2.b, ERP A.H. Volume I.*

The applicant was not required to eliminate or reduce impacts to the isolated wetland and drainage canal because these impacts are not adverse.

Pursuant to section 10.2.1.2 b, ERP A.H. Volume I, the applicant was not required to eliminate or reduce the 11.61 acres of adverse wetland impacts because the applicant proposed a mitigation plan (the purchase of mitigation bank credits from the Wekiva River Mitigation Bank) that will provide regional ecological value and provide greater long-term ecological value than the impacted wetlands. Because of its large size, location and active management of wetlands and uplands for wildlife, the Wekiva River Mitigation Bank provides habitat of regional ecological value. The bank also provides greater long-term ecological value than the impacted wetlands that have been significantly altered from historic and current drainage activities, exotic and nuisance vegetation infestation and surrounding urbanization.

Mitigation:

Mitigation was not required for impacts to the isolated wetland per section 10.2.2.1, ERP A.H. Volume I, and mitigation was not required for impacts to the drainage canal because they were not adverse.

The applicant proposes to mitigate for the direct and secondary wetland impacts through the purchase of 3.49 mitigation credits from the Wekiva River Mitigation Bank. The purchase of these mitigation credits will offset the functions lost due to the proposed direct and adverse secondary impacts. The Uniform Mitigation Assessment Method (UMAM) was used to determine the functional values of the impact and mitigation bank areas. The proposed project, with mitigation, will not result in impacts to wetland and other surface water functions that will cause adverse impacts to fish, wildlife and listed species or their habitat.

The Wekiva River Mitigation Bank is located in southeastern Lake County and is approximately 1,643 acres in size. This bank site is regionally significant as demonstrated by its ranking in the highest priority group on the Florida Forever acquisition list of sites. The bank site serves as a regionally significant headwater and tributary flow link to the Rock Springs Run flow way, which is a critical western tributary

of the Wekiva River. In addition, the Wekiva River Mitigation Bank is bordered on three sides by existing conservation lands. The bank site provides a regionally significant area of high ecological value, including large, intact ecosystems of both wetland and upland habitats that are utilized by various wetland dependent and listed wildlife species and is considered an important ecological corridor.

(f) Will not cause adverse secondary impacts to the water resources.

Secondary impacts: *Subsection 10.2.7, ERP A.H. Volume I, contains a four-part criterion that addresses additional impacts that may be caused by a proposed activity: (a) adverse impacts to wetland (and other surface water) functions and water quality violations that may result from the intended or reasonably expected uses of a proposed activity; (b) adverse impacts to the upland nesting habitat of bald eagles and aquatic or wetland dependent listed animal species; (c) impacts to significant historical and archaeological resources that are very closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) adverse wetland (and other surface) impacts and water quality violations that may be caused by future phases of the project or by activities that are very closely linked and causally related to the project.*

The proposed activities were assessed for the potential to result in unacceptable secondary impacts, as defined in section 10.2.7(a), ERP A.H. Volume I. In order to prevent secondary impacts to the on-site wetland system from the proposed development, the applicant has designated a 25-foot average undisturbed upland buffer directly abutting much of the remaining wetland areas. In order to provide assurance that the upland buffer areas remain in an undisturbed condition, the applicant has proposed signage along the buffers. The 25-foot upland buffer area is clearly demarcated on the permitted plan sheets and includes a note on the plans that states that these areas shall remain undisturbed, and that all construction, dumping and disturbance to soils and vegetation including mowing, trimming and removal shall be prohibited. Conservation area signage will be placed at 50-foot intervals or turn in direction along the conservation area and is shown on the permitted plan sheets. Secondary impacts are anticipated along the portions of the wetland lacking a 25-foot upland buffer. Secondary impact acreages were assessed based on the adjacent proposed land use (park trails, outfall swale, compensating storage pond). Along with native plantings to help offset secondary wetland impacts in these areas, secondary impacts were assessed for 2.13 acres of the remaining wetland system. Adverse secondary impacts will be offset through the purchase of mitigation bank credits from the Wekiva River Mitigation Bank.

A review for known bald eagle nest sites in the general area was accomplished and showed no documented nest sites within one-half mile of the project site. Comments for the proposed project were received from the Florida Fish and Wildlife Conservation Commission and were limited to advisory information and recommendations for reducing potential conflicts with Florida black bear. There is no evidence of on-site

upland nesting or denning habitat for listed species that are aquatic or wetland dependent as defined by section 10.2.7(b), ERP A.H. Volume I.

The Florida Department of State, Division of Historical Resources provided correspondence stating that the proposed project is unlikely to affect historic properties. Significant historical and archaeological resources are not expected to be impacted by the proposed activities as defined by Section 10.2.7(c), ERP A.H. Volume I.

Based on the submitted information, there is no indication that future phases or activities that are closely linked and causally related to the project would result in water quality violations or adverse impacts to the functions of wetlands or other surface waters, pursuant to Section 10.2.7(d), ERP A.H. Volume I.

(g) Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S.;

The activities proposed in this application are not anticipated to impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

(h) Will not cause adverse impacts to a Work of the District established pursuant to section 373.086, F.S.;

No works of the District are within the permit area.

(i) Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;

Registered professional engineers have designed the project. All supporting materials provided by the registered professionals demonstrate that the project will be capable of performing and functioning as proposed based on generally accepted engineering and scientific principles.

(j) Will be conducted by a person with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued;

The permit applicants are the record title holders over the property on which the proposed activities will be conducted, and have the financial capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit.

Additional Conditions for Issuance

Rule 62-330.302(1) states that in addition to the conditions in Rule 62-330.301, F.A.C., to obtain an individual permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, repair, removal, and abandonment of a project:

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such activities significantly degrade or are within an Outstanding Florida Water (OFW), are clearly in the public interest, as determined by balancing the following criteria as set forth in sections 10.2.3 through 10.2.3.7, ERP A.H. Volume I:

Public Interest

No wetlands or other surface waters within the project boundary are designated as an OFW, therefore the applicant need only demonstrate that regulated activities in, on, or over wetlands or other surface waters are not contrary to the public interest. In determining whether the proposed activities are not contrary to the public interest, the District shall consider and balance the following criteria:

1. Whether the activities will adversely affect the public health, safety, or welfare or the property of others;

In reviewing and balancing this criterion, the District will evaluate whether the activity located in, on, or over wetlands or other surface waters will cause:

- (a) An environmental hazard to public health, safety, or improvement to public safety with respect to environmental conditions;
- (b) Impacts to areas classified by the Department of Agriculture and Consumer Services as approved, conditionally approved, restricted or conditionally restricted for shellfish harvesting;
- (c) Flooding or alleviate existing flooding on the property of others; and
- (d) Environmental impacts to property of others.

The project will not cause an environmental hazard to public health or safety, is not located in a designated shellfish harvesting area, and will not cause environmental impacts to the property of others. Additionally, as previously discussed, the applicant meets the water quantity criteria in ERP A.H. Volume II; therefore, pursuant to 10.2.3.1(c), ERP A.H. Volume I, this factor is neutral.

2. Whether the activities will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

The District's review of this factor is encompassed within the review of the activity under section 10.0, ERP A.H. Volume I, described above. The site provides limited fish and wildlife habitat, with no observed evidence of listed species utilization and adverse impacts are addressed through mitigation; therefore, this factor is neutral.

3. Whether the activities will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

In reviewing and balancing this criterion, the District will evaluate whether the activity located in, on, or over wetlands or other surface waters will:

(a) Significantly impede navigability. The District will consider the current navigational use of surface waters and will not speculate on uses that may occur in the future.

(b) Cause or alleviate harmful erosion or shoaling.

(c) Significantly impact or enhance water flow.

The proposed activities will not significantly impede navigability. The applicant is required to comply with erosion control best management practices and the permit includes a condition that requires the applicant to utilize appropriate erosion control practices. The applicant has met the water quantity criteria as discussed above and there is no obstruction to water flow. Therefore, this factor is neutral.

4. Whether the activities will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

In reviewing and balancing this criterion, the District will evaluate whether the activity located in, on, or over wetlands or other surface waters will cause:

(a) Adverse effects to sport or commercial fisheries or marine productivity.

(b) Adverse effects or improvements to existing recreational uses of a wetland or other surface waters, which may provide boating, fishing, swimming, waterskiing, hunting and bird watching.

There are no sport or commercial fisheries on or adjacent to the project. While there will be a loss of wetlands and diminished wetland function from secondary impacts, these adverse impacts are offset through mitigation, native plantings, signage and buffers. Therefore, this factor is neutral.

5. Whether the activities will be of a temporary or permanent nature;

The proposed activities are permanent as is the mitigation that will fully offset the impacts; therefore, this factor is neutral.

6. Whether the activities will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S.; and

The project was reviewed by the Division of Historical Resources and it was determined that the project was unlikely to affect historical and archaeological resources. The permit also includes the recommended condition to cease activities and contact the Division of Historical Resources should unexpected artifacts be encountered during ground breaking activities. Therefore, this factor is neutral.

7. The current condition and relative value of functions being performed by areas affected by the proposed activities.

On-site wetland and other surface water habitats provide limited ecological functions and adverse impacts have been mitigated accordingly. Therefore, this factor is neutral.

Staff determined in balancing the above criteria, that the proposed project was neutral and the applicant had provided sufficient reasonable assurance that the project, with mitigation, is not contrary to the public interest.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in sections 10.2.8 through 10.2.8.2 of ERP A.H. Volume I.

Cumulative Impacts: Subsection 10.2.8, ERP A.H. Volume I, requires applicants to provide reasonable assurances that their projects will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Under section 10.2.8, ERP A.H. Volume I, when an applicant proposes mitigation that offsets a project's adverse impacts within the same basin as the impacts, the project does not cause unacceptable cumulative impacts.

The applicant proposes to mitigate all impacts within the same drainage basin (Wekiva River Nested) as the proposed impacts. In accordance with paragraph 373.414(8)(b), F.S., the proposed mitigation meets the cumulative impact requirements of paragraph 373.414(8)(a), F.S., subsection 62-330.302(1)(b) and section 10.2.8, ERP A.H. Volume I.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department of Agriculture and Consumer Services as approved, restricted, conditionally approved, or conditionally restricted for shellfish harvesting will comply with the additional criteria in section 10.2.5 of Volume I, as described in subsection 62-330.010(5), F.A.C.

The proposed activities do not occur in, adjacent to or in close proximity to Class II or Class III waters as described above.

(d) Involving vertical seawalls in estuaries or lagoons will comply with the additional criteria provided in section 10.2.6 of Volume I.

The proposed activities do not include vertical seawalls.

Financial Assurance Mechanism:

No.

Off-Site Mitigation:

No.

Conclusion:

The project as proposed meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

**Wetland Summary Table
Packing District Park Recreational**

	<u>Acres</u>
Total Surface Water, Upland RHPZ and Wetlands in Project	
Wetlands	11.75
OSW	0.590
Upland RHPZ	0.000
Total	12.34
Impacts that Require Mitigation	
Dredged or Filled	4.570
Dredged or Filled	2.960
Dredged or Filled	1.940
Dredged or Filled	1.220
Dredged or Filled	0.740
Dredged or Filled	0.180
Other	0.860
Other	1.270
Total	13.74
Impacts that Require No Mitigation	
Dredged or Filled	0.140
Dredged or Filled	0.590
Total	0.730

**Mitigation
On-Site**

Total 0.000

Off-Site

Total 0.000

Other

**Reserved
Credits**

WR Mitigation Bank Credits (Wekiva
River, 15, Forested Wetlands)

3.490

Conclusion:

The applicant has provided reasonable assurance that the proposed project meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

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 District 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 District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
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 Operation 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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 District in writing of changes required by any other regulatory District 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 District 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 District 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, District 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 prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
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 District 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 Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. The proposed stormwater management system to be constructed and operated per the plans received on December 21, 2018 and January 18, 2019 and as amended by plans sheets C2.00, C2.01 and C2.02 received on February 1, 2019.
24. An appropriate permit modification will be required for any future activity not shown on the approved construction plans.
25. Prior to the sale of any lot or parcel, or use of the infrastructure for its intended use, whichever comes first, the permittee must install conservation area signs every 50-feet or turn in direction, whichever is less, along the remaining wetlands and other surface waters and upland buffers that state:

"NATURAL CONSERVATION AREA: No dumping, land clearing, or other disturbance to native soils or vegetation permitted beyond this point."

26. Before the start of any construction, the permittee must provide the District with documentation demonstrating that 3.49 forested mitigation credits have been debited from the Wekiva River Mitigation Bank ledger (FDEP Permit No. 0234803-001).
27. In the event that the permittee does not successfully complete the transaction to purchase 3.49 forested mitigation credits from the Wekiva River Mitigation Bank (FDEP Permit No. 0234803-001), then the permittee must obtain a permit modification to provide alternative mitigation.

MODIFIABLE SUMMARY TABLE

Site/Project Name:		Application Number:		Date:						
Packing District Park		IND-095-135506-2		January 14, 2019						
Impact Summary										
Assessment Area	Impact Type	Location and Landscape Support		Water Environment		Community Structure		Impact Delta	Acres	Functional Loss
		Current	w/Impact	Current	w/Impact	Current	w/Impact			
1 W1 (north)	621	3	0	3	0	4	0	0.33	4.57	1.510
2 W1 (south)	621	3	0	2	0	2	0	0.23	2.96	0.680
3 W3	617	3	0	3	0	3	0	0.30	1.94	0.580
4 W5a	617	3	0	2	0	3	0	0.27	1.22	0.330
5 W5b	617	3	0	2	0	4	0	0.30	0.74	0.220
6 W5c	617	3	0	2	0	3	0	0.27	0.18	0.050
7 W5 secondary path	617	3	3	2	1	3	3	0.03	0.86	0.030
8 W5 secondary pond	617	3	2	2	2	3	2	0.07	1.27	0.090
9 -	-	-	-	-	-	-	-	-	-	-
10 -	-	-	-	-	-	-	-	-	-	-
11 -	-	-	-	-	-	-	-	-	-	-
12 -	-	-	-	-	-	-	-	-	-	-
13 -	-	-	-	-	-	-	-	-	-	-
14 -	-	-	-	-	-	-	-	-	-	-
TOTAL									13.74	3.490

Mitigation Summary									
Assessment Area	Mitigation Type	Location and Landscape Support		Water Environment		Community Structure		Mitigation Delta	Time Lag
		w/o Mit	w/Mit	w/o Mit	w/Mit	w/o Mit	w/Mit		
1 W/RGB	-	-	-	-	-	-	-	-	-
2 -	-	-	-	-	-	-	-	-	-
3 -	-	-	-	-	-	-	-	-	-
4 -	-	-	-	-	-	-	-	-	-
5 -	-	-	-	-	-	-	-	-	-
6 -	-	-	-	-	-	-	-	-	-
7 -	-	-	-	-	-	-	-	-	-
8 -	-	-	-	-	-	-	-	-	-
9 -	-	-	-	-	-	-	-	-	-
10 -	-	-	-	-	-	-	-	-	-
TOTAL								0	3.49

TEMPORAL LAG TABLE				
YEAR	T-factor	YEAR	T-factor	T-factor
< or = 1	1	11-15	1.46	3.03
2	1.03	16-20	1.68	3.34
3	1.07	21-25	1.92	3.65
4	1.10	26-30	2.18	3.91
5	1.14	31-35	2.45	
6-10	1.25	36-40	2.73	

TOTALS			
Impacts	Acres	Mitigation - Upland	Mitigation - Wetland
		Restoration	Creation
Direct Impacts	11.61	Enhancement	Restoration
Secondary Impacts	2.13	Preservation	Enhancement
Total Impacts	13.74	Total Upland Mitigation	Total Wetland Mitigation
		0.00	0.00

Total Functional Loss	3.49
Total Functional Gain	3.49
Excess Mitigation	0



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
P.O BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division
North Permits Branch
Cocoa Permits Section

August 1, 2018

PUBLIC NOTICE

Permit Application Number SAJ-2018-01763 (SP-JSC)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANTS: City of Orlando
400 S. Orange Ave., City Hall
Orlando, FL 32802

Dr. Phillips, Inc.
7400 Dr. Phillips Blvd.
Orlando, FL 32819

WATERWAY AND LOCATION: The 80.6 ± acre Packing District Park project would affect waters of the United States associated with the Wekiva River Basin, which is part of the Upper St. Johns River Watershed (HUC 03080101). The project site is located in the City of Orlando, east of John Young Parkway and south of Princeton St., within Sections 16 and 21, Township 22 South, Range 29 East in Orange County, Florida.

Directions to the site are as follows: From the Cocoa field office, head west on the 528 (Beachline). Turn north onto the 417, then head west on the 408. Take the 408 to John Young Parkway and head north. At the intersection of John Young Parkway and Princeton, turn right (east). Travel approximately 0.3 mile and there is a road along the west side of the canal that leads into the property.

APPROXIMATE CENTRAL COORDINATES: Latitude 28.56694°
Longitude -81.41257°

PROJECT PURPOSE:

Basic: multi-use development.

Overall: The overall project purpose is development of multi-family residential with a recreational facility, and a regional recreational park which includes a wetland park, trails, open spaces/gathering areas, a tennis center and other recreational fields (soccer/flex fields), compensating storage areas and a regional stormwater pond within the City of Orlando, Orange County, Florida.

ADDITIONAL INFORMATION: The property within this project includes both the City of Orlando and Dr. Phillips, Inc. as owners. In addition to the Packing District Park, Dr. Phillips, Inc. owns 80+ acres immediately east of this site. These additional lands are fully developed and primarily include industrial uses and other businesses. Dr. Phillips, Inc. is planning an extensive redevelopment of these properties and will convert many of the industrial uses to non-industrial uses (office, retail, multi-family). Many of the buildings will remain, but the interiors will be redesigned for non-industrial uses (i.e. adaptive reuse). This will maintain the historic character of the Packing District area, while providing an alternative use of the land. The large regional pond proposed within the Packing District Park project would also provide retrofit stormwater treatment for redevelopment areas within the Dr. Phillips, Inc. adjacent land holdings.

EXISTING CONDITIONS: A large canal is located adjacent to the Packing District Park site along the eastern and southern boundaries. This canal conveys untreated stormwater from the currently developed parcels directly into Lake Lawne, which is classified as an impaired water body. This water drains to the Little Wekiva River.

All of the wetlands within this project site are highly altered systems as a result of the adjacent canal systems and roadways. Soil oxidation from 1- to 4-feet can be found in many of the wetlands, especially those adjacent to the canal systems. Nuisance and exotic species are prevalent within the wetlands and minimal recruitment of native wetland species is found in any of the wetland areas.

The availability of habitats outside the assessment area provides limited support due to the highly developed nature of the land use surrounding the wetland. The major roadways (John Young Parkway and Princeton Street), the large drainage canal and the existing development has resulted in a greatly reduced hydroperiod within the wetland system as evidenced by the lack of soil moisture and the oxidation and reduction of the soil profile throughout the wetland (up to 4-feet in some areas). The wetland system is dry throughout, and the soils are showing significant signs of oxidation, which is characteristic of a severely reduced hydroperiod. There is limited evidence of use by animal species with specific hydrologic requirements; those species present have more generalized hydrologic requirements. The majority of the plant community composition consists of transitional and/or nuisance/exotic species.

On-site vegetative communities documented on the Subject Parcel were classified using the *Florida Land Use Cover & Forms Classification System*. Using data from aerial photography, published resources and by ground-truthing, a total of four vegetative communities were documented on the project site:

411 – Pine Flatwoods

The dominant land use within the Subject Parcel consists of Pine Flatwoods. The primary vegetation of this community type is slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), a heavy understory of saw palmetto (*Serenoa repens*), greenbriar

(*Smilax* sp.), wax myrtle (*Myrica cerifera*) and large patches of dense blackberry (*Rubus* sp.).

617 – Mixed Wetland Hardwoods

This area includes the small wetland in the northwest corner of the site and the large wetland along the southern boundary.

The small wetland in the northwest corner of the site primarily consists of red maple (*Acer rubrum*) and laurel oak (*Quercus laurifolia*) in the canopy. The subcanopy consists of red maple, laurel oak and wax myrtle. There was very little groundcover in this area.

The southern wetland includes more a blend of species and less of a red maple component. This area contains bald cypress (*Taxodium distichum*), sweetbay (*Magnolia virginiana*), swamp bay (*Persea palustris*), Chinese tallow (*Triadica sebifera*), earpod tree (*Enterolobium cyclocarpum*), dahoon holly (*Ilex cassine*), red maple, and water oak (*Quercus nigra*). These species are found throughout different parts of the wetland. Groundcover consists of swamp fern (*Blechnum serrulatum*), wild taro (*Colocasia esculenta*), sword fern (*Polystichum munitum*), Asian sword fern (*Nephrolepis brownii*), elephant ear (*Colocasia* sp.), royal fern (*Osmunda regalis*), and dense pockets of blackberry. Additional species in this area include lizard's tail (*Saururus cernuus*), poison ivy (*Toxicodendron radicans*) and scattered grapevine (*Vitis* sp.). Certain portions of this wetland are heavily infested by sewer vine (*Paederia cruddasiana*).

The hydrology in this wetland is highly altered, with evidence of soil reduction of up to 3-feet in most areas.

621 – Cypress

This is the wetland in the northeastern corner of the site. The northern portion of this wetland primary includes bald cypress in the canopy. Other species include sweetbay, dahoon holly, earpod tree, Chinese tallow tree, Peruvian primrose willow (*Ludwigia peruviana*), scattered Brazilian pepper (*Schinus terebinthifolia*), laurel oak, wax myrtle, greenbriar, Virginia chain fern (*Woodwardia virginica*) and some royal fern.

The southern portion of this wetland contains a denser canopy of earpod trees mixed with the cypress. All strata within this area are heavily infested by sewer vine. The groundcover consists of wild taro, blackberry, sword fern, and swamp fern.

The hydrology in both of these wetlands is highly altered, with evidence of soil reduction of 2-3 feet in certain areas.

742 – Borrow Area

This area was excavated from the uplands and was included on the SJRWMD Formal Wetland Determination as a wetland; therefore, it is being included to be consistent with

the previous approval. This area includes species such as Chinese tallow tree, wax myrtle and live oak.

PROPOSED WORK: The applicant seeks authorization to fill 12.32 acres of waters of the United States (11.74 acres wetland and 0.58 acre canal) for construction of the Packing District Park project.

AVOIDANCE AND MINIMIZATION INFORMATION – The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

“Multiple alternative sites were evaluated for the location of this project and multiple site plans were evaluated once the preferred site was selected. All of the wetlands within this project site are highly altered systems as a result of the adjacent canal systems and roadways. Soil oxidation from 1 to 4 feet can be found in many of the wetlands - especially those adjacent to the canal systems. Nuisance and exotic species are prevalent within the wetlands, as well. Most of the impacts have been directed to the wetlands adjacent to the major road systems (John Young Parkway and Princeton Street)”.

COMPENSATORY MITIGATION – The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

“Mitigation will be in the form of purchase of 4.13 wetland credits at the Wekiva River Mitigation Bank.”

CULTURAL RESOURCES:

The Corps is not aware of any known historic properties within the permit area. By copy of this public notice, the Corps is providing information for review. Our final determination relative to historic resource impacts is subject to review by and coordination with the State Historic Preservation Officer and those federally recognized tribes with concerns in Florida and the Permit Area.

ENDANGERED SPECIES:

The proposed activity is within the Core Foraging Area (CFA) of a wood stork rookery; the project supports marginally Suitable Foraging Habitat (SFH) for wood stork. Based on the *Effect Determination Key for the Wood Stork in Central and North Peninsular Florida* (dated September 2008), the Corps determination sequence was A>B>C>E = “may affect, not likely to adversely affect”. The determination is supported by SFH compensation provided within the service area of a mitigation bank which covers the CFA, and provides an amount of habitat and foraging function equivalent to that of impacted SFH; is not contrary to the Service’s *Habitat Management Guidelines For The Wood Stork In The Southeast Region* and in accordance with the CWA Section

404(b)(1) guidelines. The Corps has U.S. Fish and Wildlife Service concurrence for the proposed activities through the use of the aforementioned determination key.

The Corps has determined the proposed project “may affect, but is not likely to adversely affect” the Eastern Indigo Snake. Based on the Eastern Indigo Snake Effect Determination Key (dated January 25, 2010; August 13, 2013 Addendum), the Corps determination sequence is as follows: A (The project is not located in open water or salt marsh.) >B (The permit will be conditioned for use of the Service’s Standard Protection Measures for the Eastern Indigo Snake during site preparation and protection construction.) >C (There are gopher tortoise burrows, holes, cavities, or other refugia where a snake could be buried or trapped and injured during project activities.) >D (The project will impact less than 25 acres of xeric habitat supporting less than 25 active and inactive gopher tortoise burrows) >E (Any permit will be conditioned such that all gopher tortoise burrows, active or inactive, will be evacuated prior to site manipulation in the vicinity of the burrow) = NLAA. The permittee agrees to use the Standard Protection Measures for the Eastern Indigo Snake (dated August 12, 2013). If an indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. Any permit will also be conditioned such that holes, cavities, and snake refugia other than gopher tortoise burrows will be inspected each morning before planned site manipulation of a particular area, and, if occupied by an indigo snake, no work will commence until the snake has vacated the vicinity of proposed work. The Corps has U.S. Fish and Wildlife Service concurrence for the proposed activities through the use of the aforementioned determination key.

The project is within the Consultation Area for Florida scrub jay and Everglades Snail Kite. Based on existing habitat types, the Corps preliminarily determined the project will have no effect on these species.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 12.32 acres of wetland forested mixed community located in the headwaters of the Wekiva River. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in either the Wekiva or upper St. Johns River. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida 32926 within 21 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Jeffrey Collins, in writing at the Cocoa Permits Section, 400 High Point Drive, Suite 600, Cocoa, Florida, 32926; by electronic mail at Jeffrey.S.Collins@usace.army.mil; by fax at (321) 504-3803, or by telephone at (321) 504-3771 extension 13.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

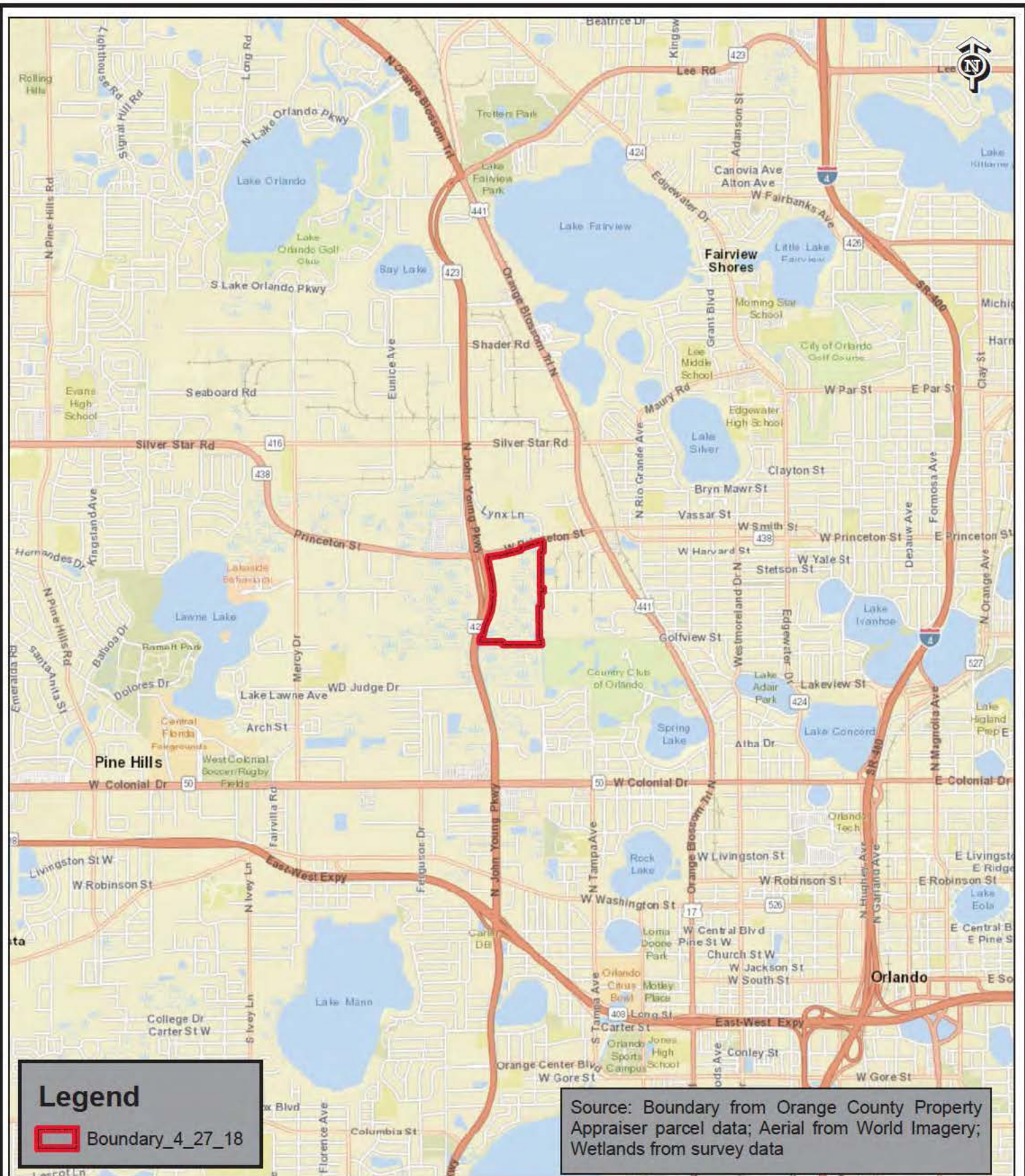
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess

impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with the Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



Packing District Park

Figure 1 - Location Map
 Sections 16 and 21, Township 22 South, Range 29 East
 Orlando, Florida

3,500 1,750 0 3,500 Feet



MODICA & ASSOCIATES
 302 Mohawk Road
 Clermont, Florida 34715
 P: (352) 394-2000
 F: (352) 394-1159
 Email: Environmental@Modica.cc
www.ModicaAndAssociates.com



Packing District Park

Figure 2 - Aerial Map
Sections 16 and 21, Township 22 South, Range 29 East
Orlando, Florida

350 175 0 350 Feet



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Packing District Park

Figure 3 - Approximate Ownership Boundary
Sections 16 and 21, Township 22 South, Range 29 East
Orlando, Florida

400 200 0 400 Feet



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Packing District Park

Figure 8 - Dr. Phillips-Owned Adjacent Property Map
Sections 16 and 21, Township 22 South, Range 29 East
Orlando, Florida

600 300 0 600 Feet



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Packing District Park

Figure 4 - Soils Map
Sections 16 and 21, Township 22 South, Range 29 East
Orlando, Florida

400 200 0 400 Feet



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Packing District Park

Figure 5 - Land Use Map
Sections 16 and 21, Township 22 South, Range 29 East
Orlando, Florida

400 200 0 400 Feet



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Packing District Park

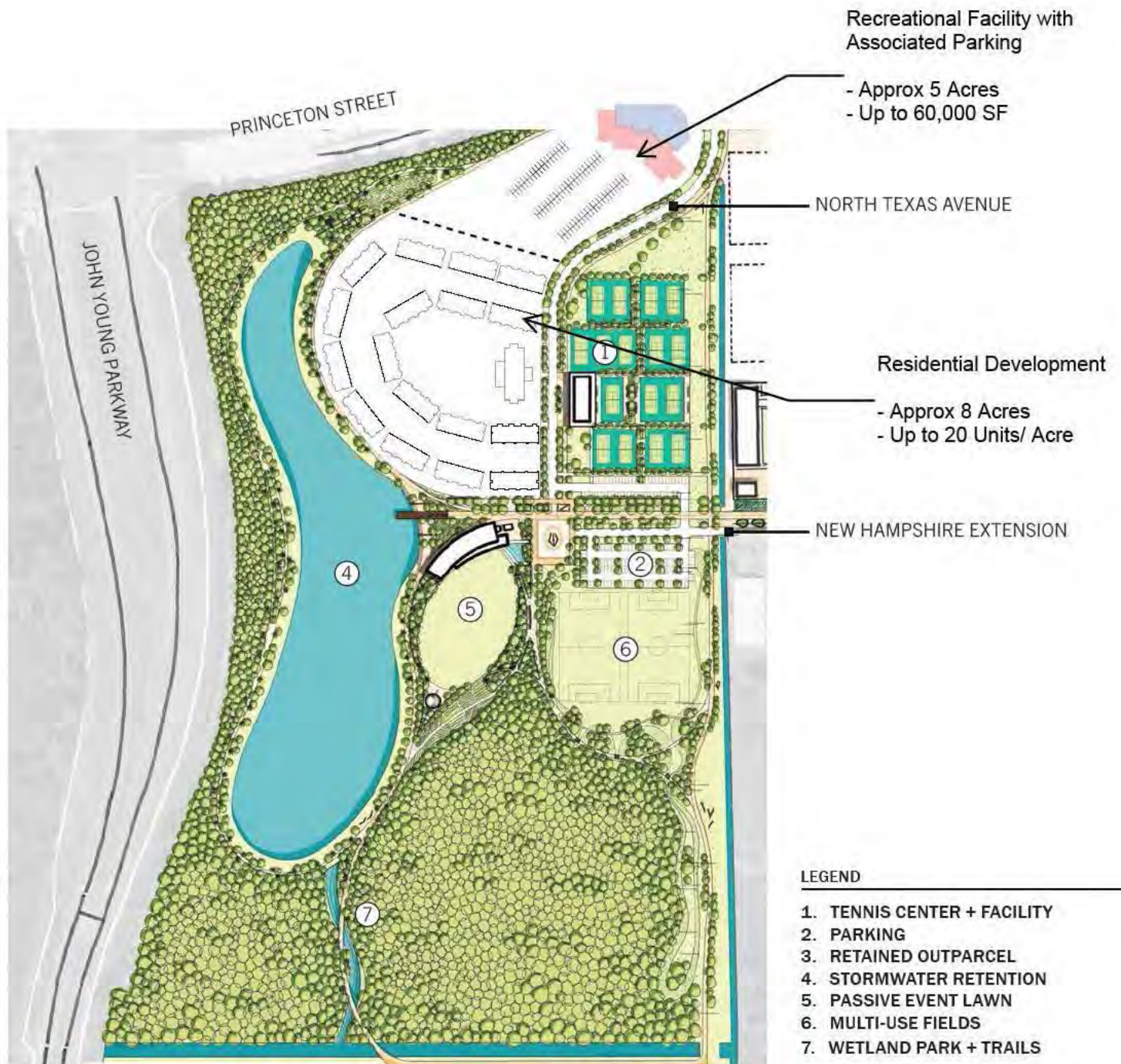
Figure 6 - Wetland and Surface Waters Map
Sections 16 and 21, Township 22 South, Range 29 East
Orlando, Florida

400 200 0 400 Feet

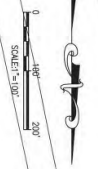


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www.ModicaAndAssociates.com

PACKING DISTRICT PARK - MASTER DEVELOPMENT PLAN



ALTERNATE SITE PLAN #3 - PREFERRED ALTERNATIVE



LEGEND

[Symbol]	WETLAND TO REMAIN
[Symbol]	WETLAND BUFFER
[Symbol]	UPLAND BUFFER
[Symbol]	PRIMARY WETLAND IMPACTS
[Symbol]	SECONDARY WETLAND IMPACTS
[Symbol]	OTHER SURFACE WATER IMPACTS

STATE ROAD 423
(JOHN YOUNG PARKWAY)
RIGHT-OF-WAY AND/OR TRANSPORTATION
PER FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DATE 02/14/08

STATE ROAD 438
(PRINCETON STREET)
RIGHT-OF-WAY AND/OR TRANSPORTATION
PER FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY DATE 02/14/08

WETLAND IMPACTS

**KEY BANK MASTER STORMWATER PLAN
CITY OF ORLANDO, FLORIDA**

SCALE:	AS SHOWN
DATE:	12-19-2017
DRAWN:	MJC
CHECKED:	RSC
APPROVED:	ASC

REVISIONS		DESCRIPTION
NO.	DATE	
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

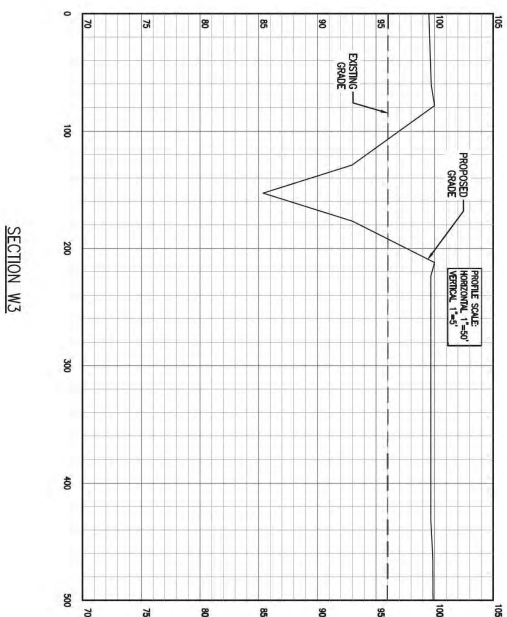
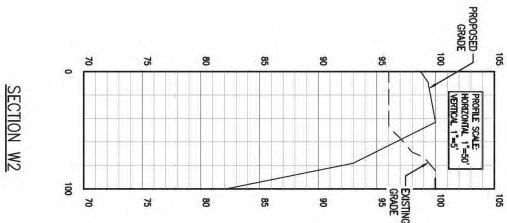
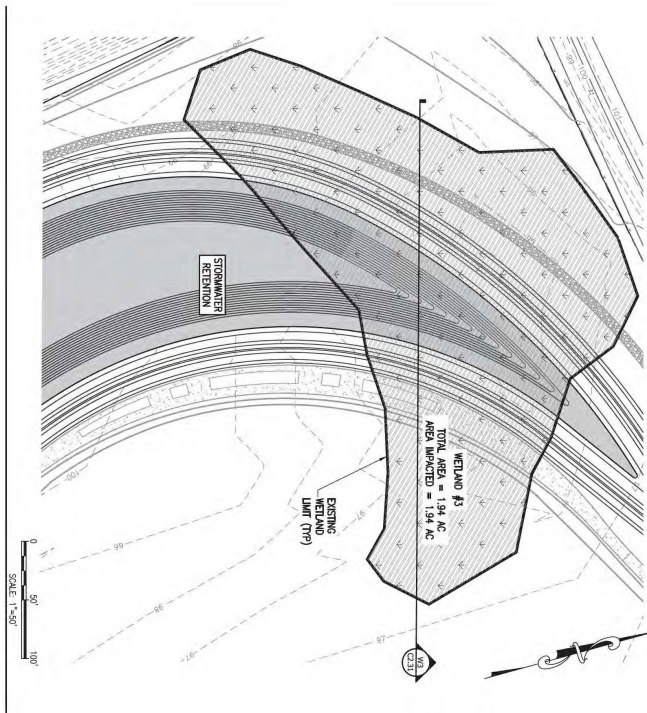
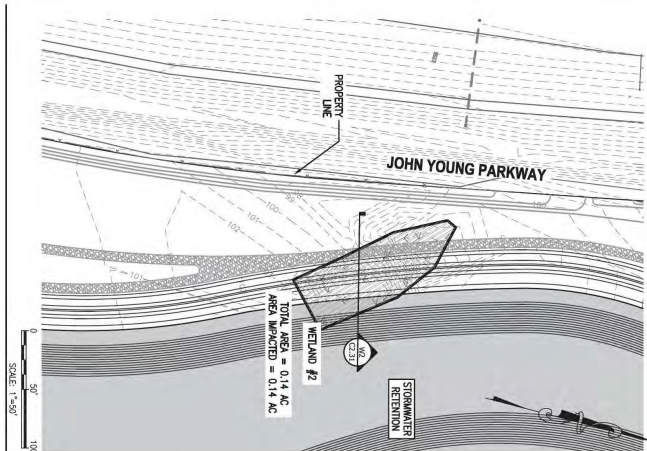
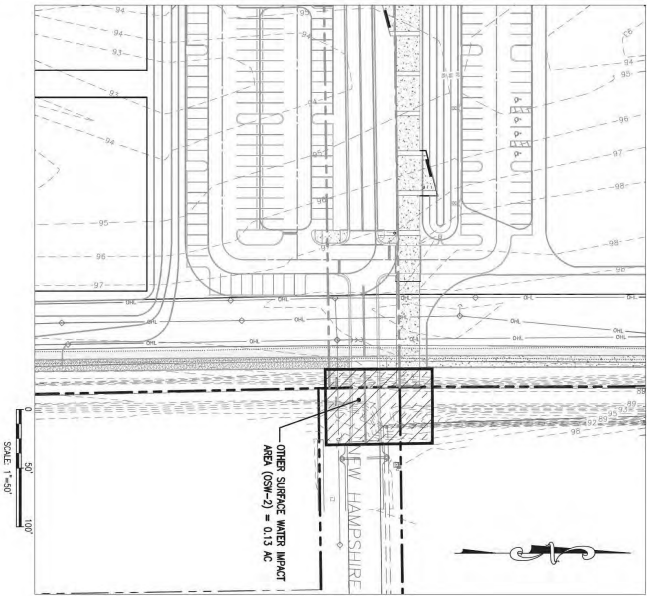
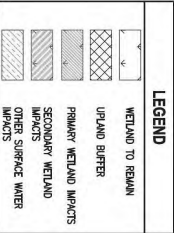
gal consultants

18180 E. 15th Ave.
Suite 200
Orlando, FL 32835
Phone: (407) 421-2888
Fax: (407) 421-2889
Email: info@galconsultants.com
Website: www.galconsultants.com

PROJECT NO. 20601 N.L.
A160848.04

SHEET
C2.30

SEIT
C2.30



WETLAND IMPACTS

**KEY BANK MASTER STORMWATER PLAN
CITY OF ORLANDO, FLORIDA**

SCALE:	AS SHOWN
DATE:	12-19-2017
DRAWN:	MJC
CHECKED:	RSC
APPROVED:	ASC

NO.	DATE	BY	CHKD	APPVD	DESCRIPTION

REVISIONS

ANTHONY S. SCALE P.E.

REG. 81735



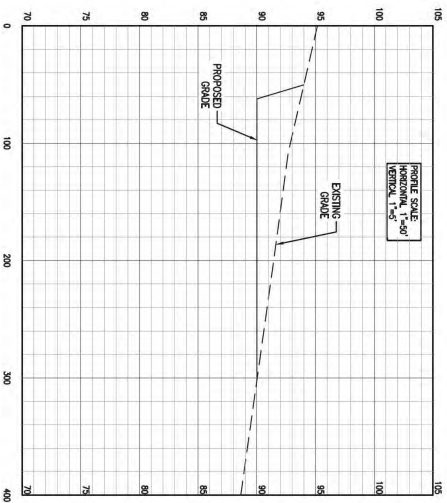
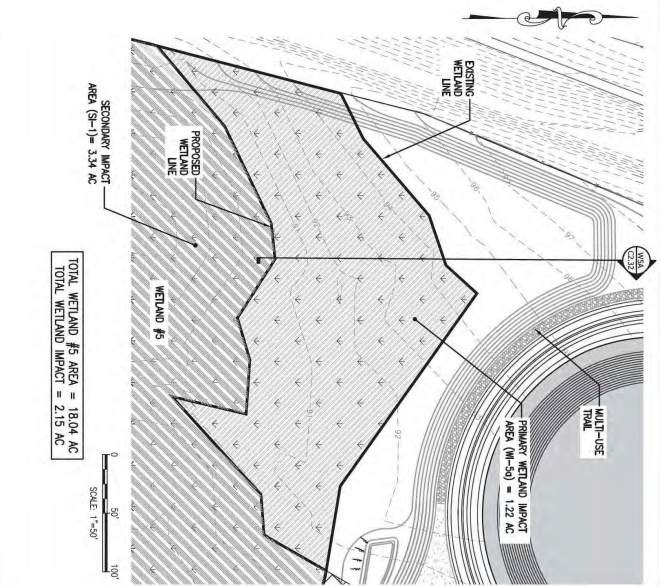
gai consultants

618 SOUTH ST. SUITE 200
ORLANDO, FL 32801
PHONE: (407) 424-2888

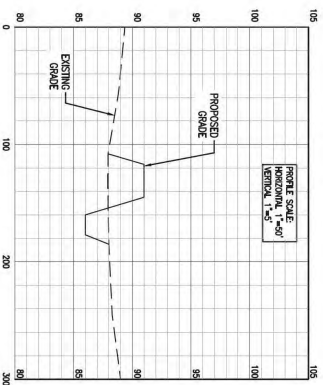
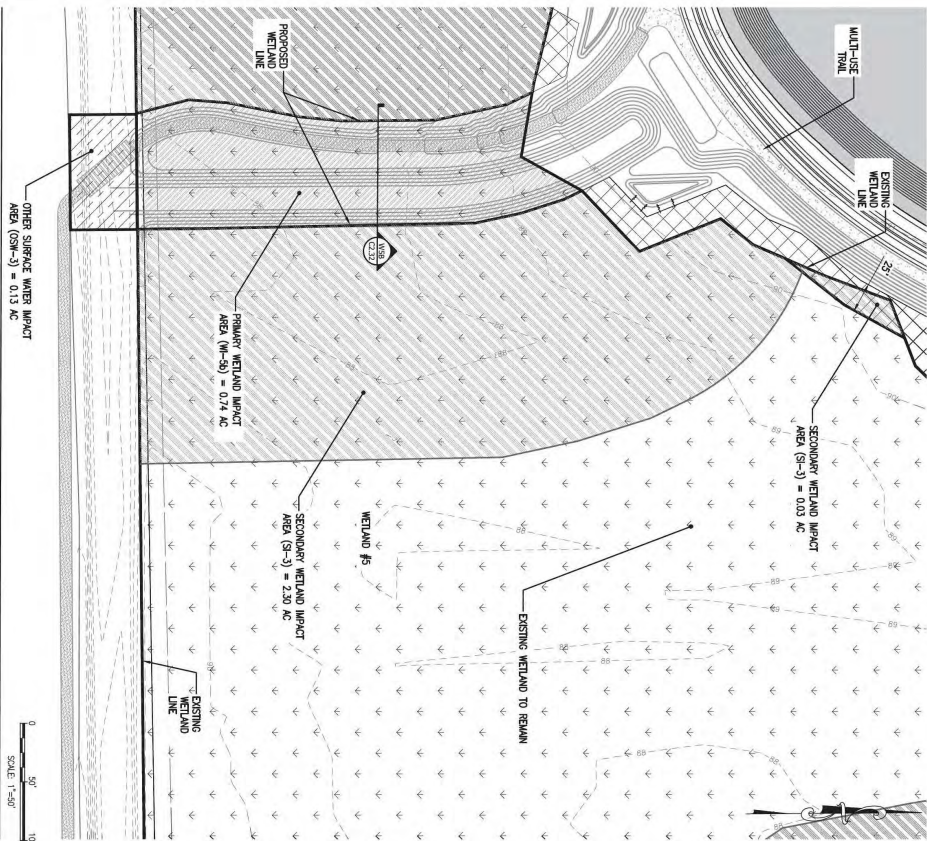
PROJECT NO./SHEET NO.
A160848.04

SHEET

C2.31

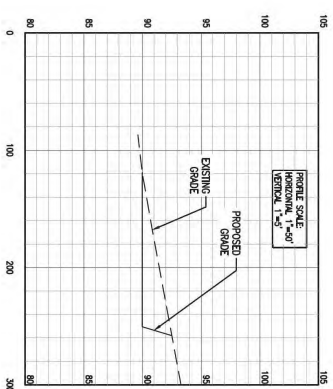
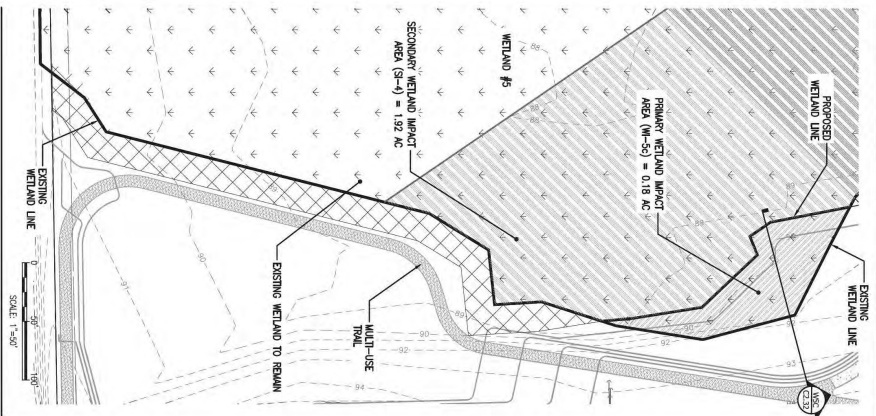


SECTION - WSA



SECTION - WSB

LEGEND	
	WETLAND TO REMAIN
	UPLAND BUFFER
	PRIMARY WETLAND IMPACTS
	SECONDARY WETLAND IMPACTS
	OTHER SURFACE WATER IMPACTS



SECTION - WSC

WETLAND IMPACTS

KEY BANK MASTER STORMWATER PLAN CITY OF ORLANDO, FLORIDA

SCALE: AS SHOWN
DATE: 12-19-2017
DRAWN: MJC
CHECKED: RSC
APPROVED: ASG

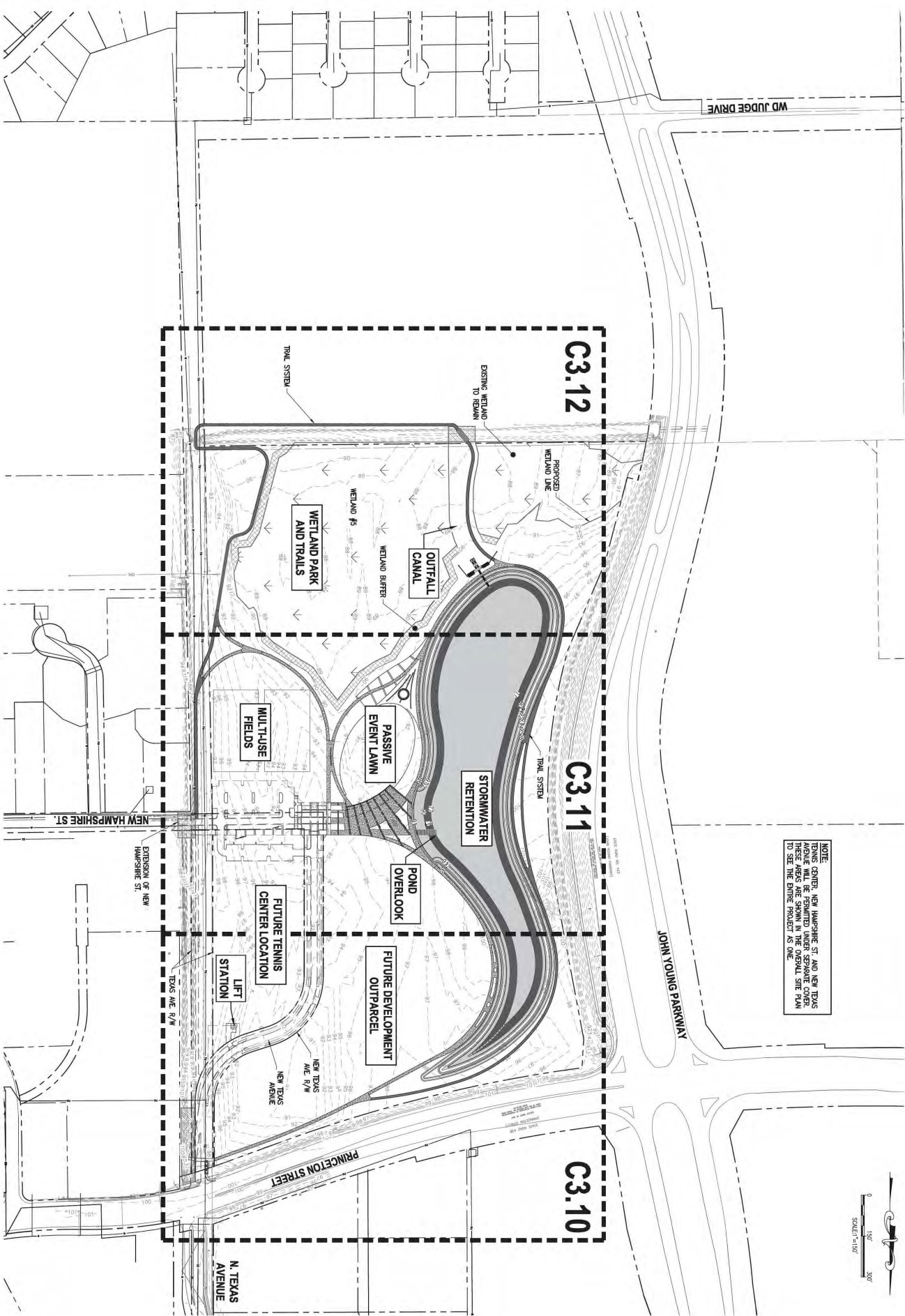
REVISIONS	
NO.	DESCRIPTION

ANTHONY S. GALT, P.E.
Reg. No. 87975

gai consultants
18180 SW 3rd St, Suite 200
Miami, FL 33157
Phone: (305) 424-2888
Fax: (305) 424-2889

PROJECT NO./DRAW NO.
A160848.04

SHEET
C2.32



NOTE:
TENNIS CENTER, NEW HAMPSHIRE ST. AND NEW TEXAS AVENUE WILL BE PERMITTED UNDER SEPARATE COVER. THESE PLOTS ARE SHOWN IN THE OVERALL SITE PLAN TO SEE THE ENTIRE PROJECT AS ONE.

**SITE PLAN
OVERALL PLAN**
**KEY BANK MASTER STORMWATER PLAN
CITY OF ORLANDO, FLORIDA**

SCALE: AS SHOWN
DATE: 12-19-2017
DRAWN: MJC
CHECKED: RSC
APPROVED: ASC

REVISIONS						DESCRIPTION
NO.	DATE	BY	CHKD	APPD		

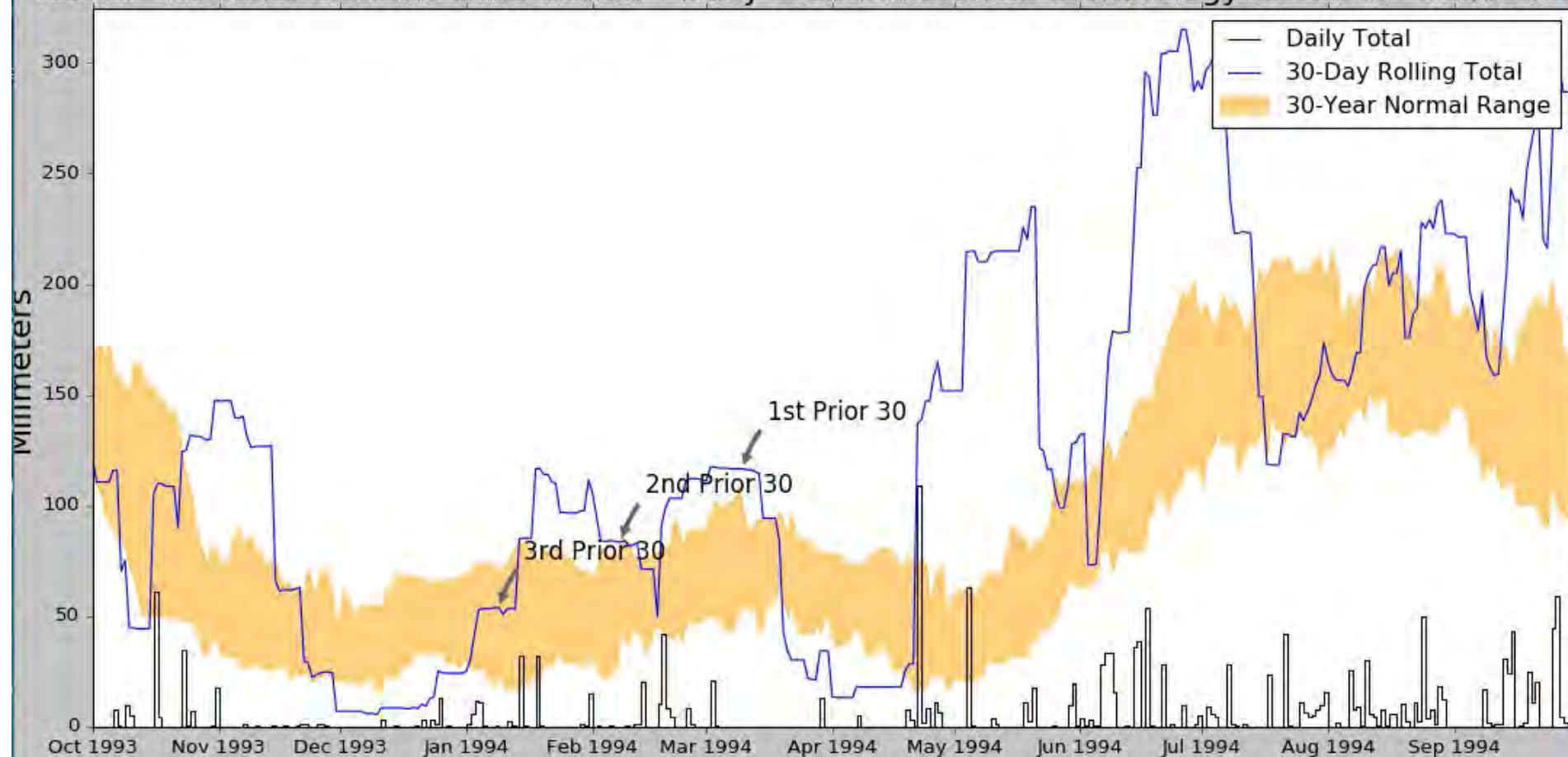
gai consultants
1818 BOWEN ST. SUITE 200
ORLANDO, FL 32801
PHONE: (407) 421-2888
PROJECT NO./DRAW NO.
A160848.04

ANTHONY S. GAI, P.E.
No. 81793

C3.00



NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.252873, -81.358519
Observation Date	1994-03-10
Elevation (ft)	51.2
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Moderate drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	52.53	98.48	116.5	Wet	3	3	9
2nd Prior 30	44.92	85.89	83.4	Normal	2	2	4
3rd Prior 30	21.41	71.74	53.7	Normal	2	1	2
Result							Wetter than Normal - 15

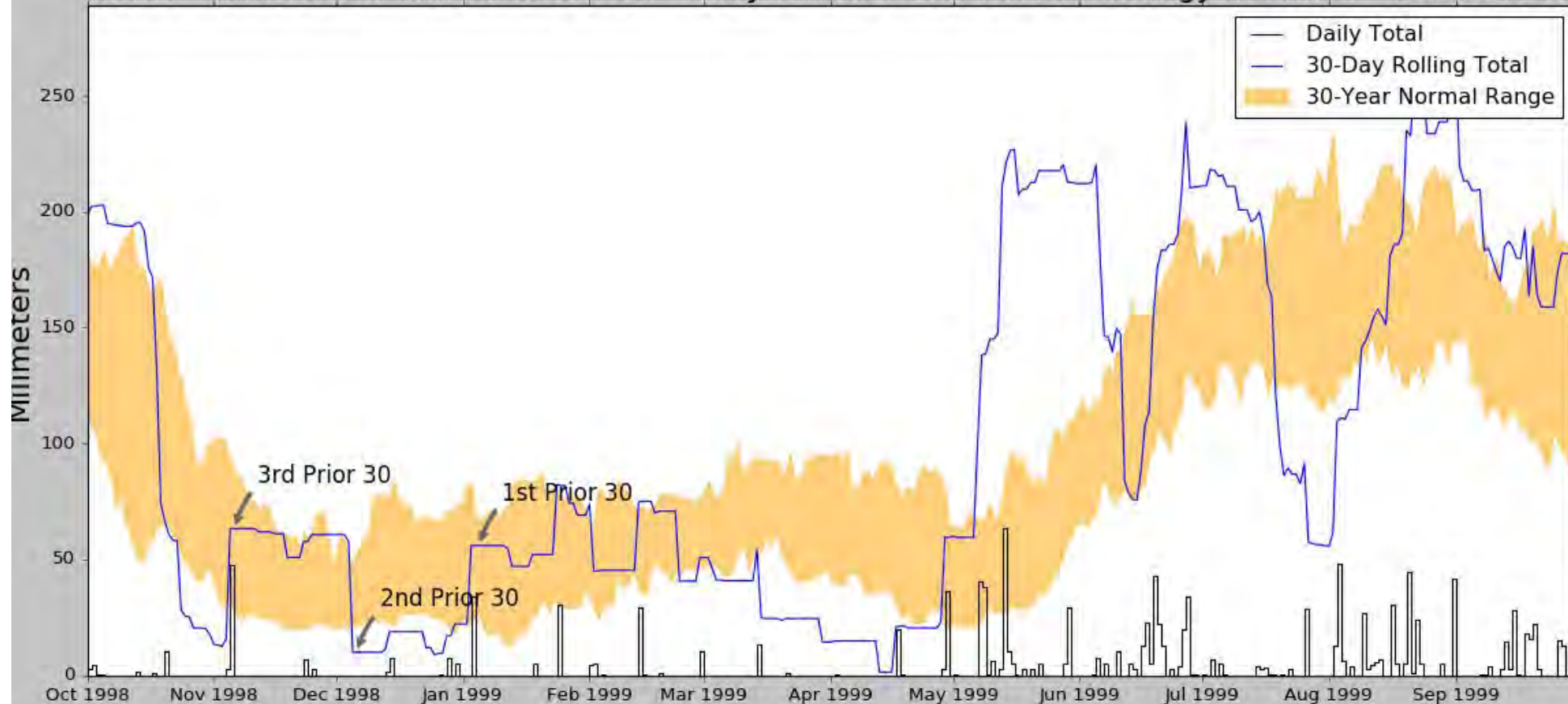


Figure generated using the
Antecedent Rainfall Calculator

Written by Jason C. Deters
Jason.Deters@usace.army.mil
Phone: (916) 557-7152

	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Record	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.299	8.839	1.973	10891	395
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.676	38.695	6.195	401	0
Tertiary Station	HART LAKE	28.3833, -81.1833	59.055	13.961	7.855	6.392	60	0
Quaternary Station	ISLEWORTH	28.4833, -81.5333	115.157	19.147	63.957	9.841	1	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	1999-01-05
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Moderate drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	26.25	67.82	55.9	Normal	2	3	6
2nd Prior 30	21.74	51.93	9.9	Dry	1	2	2
3rd Prior 30	28.65	88.64	63.3	Normal	2	1	2
Result							Normal Conditions - 10

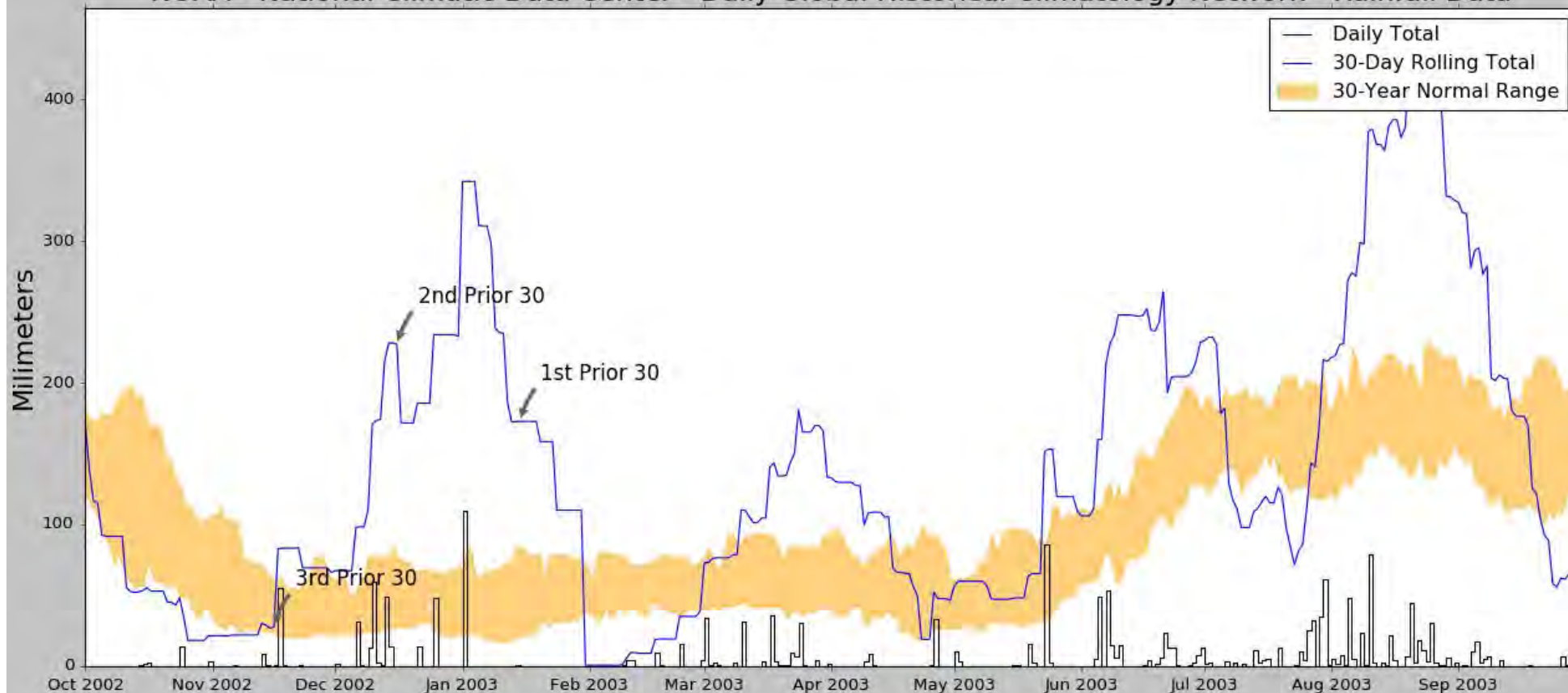


Figure generated using the
Antecedent Rainfall Calculator

Written by Jason C. Deters
Jason.Deters@usace.army.mil
Phone: (916) 557-7152

	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11115	363
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	177	32
Tertiary Station	HART LAKE	28.3833, -81.1833	59.055	13.864	4.365	6.299	60	0
Quaternary Station	ISLEWORTH	28.4833, -81.5333	115.157	18.81	60.467	9.602	1	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2003-01-15
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Severe wetness

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	21.61	82.8	172.7	Wet	3	3	9
2nd Prior 30	27.26	75.69	227.3	Wet	3	2	6
3rd Prior 30	24.44	61.6	27.5	Normal	2	1	2
Result							Wetter than Normal - 17

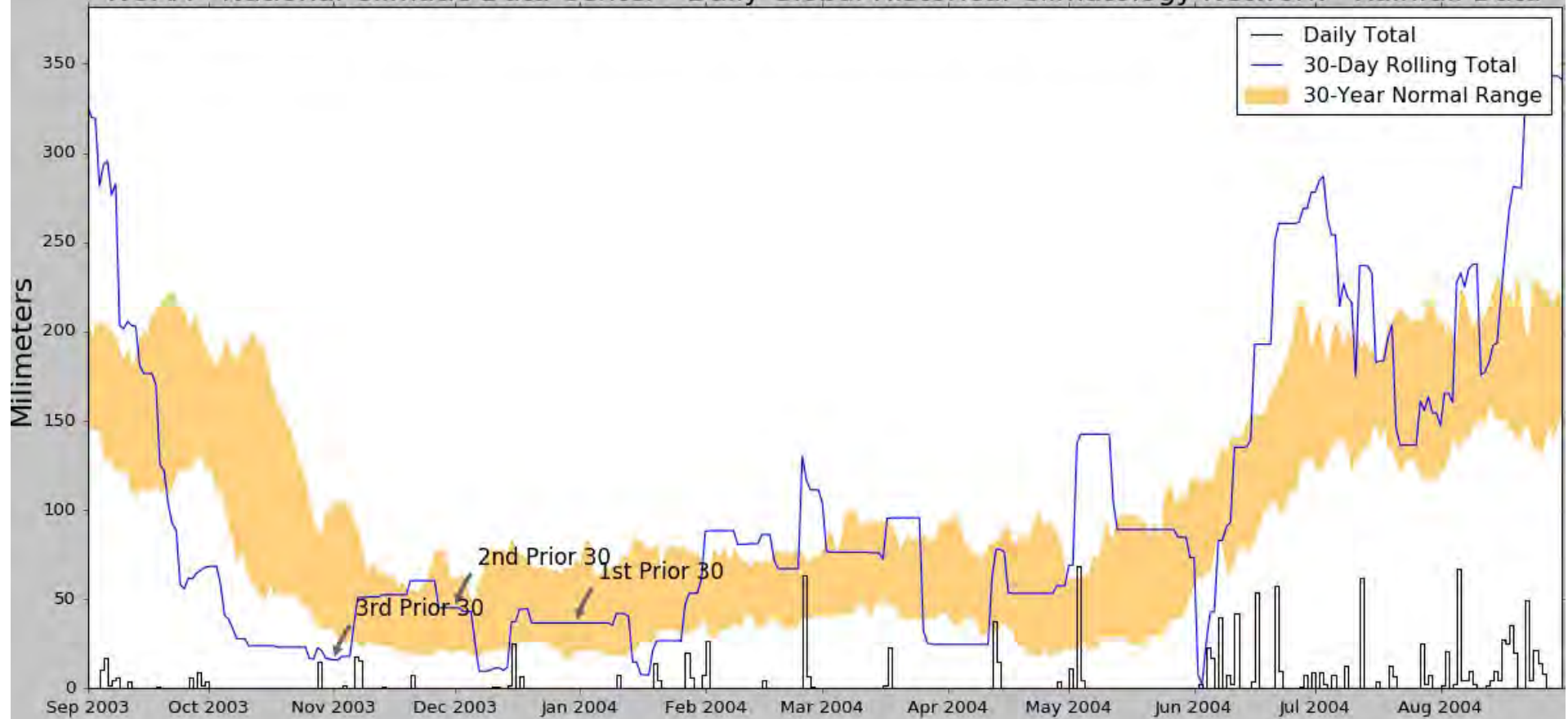


Figure generated using the
Antecedent Rainfall Calculator

Written by Jason C. Deters
Jason.Deters@usace.army.mil
Phone: (916) 557-7152

	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11076	392
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	216	3
Tertiary Station	HART LAKE	28.3833, -81.1833	59.055	13.864	4.365	6.299	60	0
Quaternary Station	ISLEWORTH	28.4833, -81.5333	115.157	18.81	60.467	9.602	1	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2003-12-31
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Normal

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	21.3	71.91	36.7	Normal	2	3	6
2nd Prior 30	20.93	61.24	45.2	Normal	2	2	4
3rd Prior 30	34.17	102.56	16.0	Dry	1	1	1
Result							Normal Conditions - 11

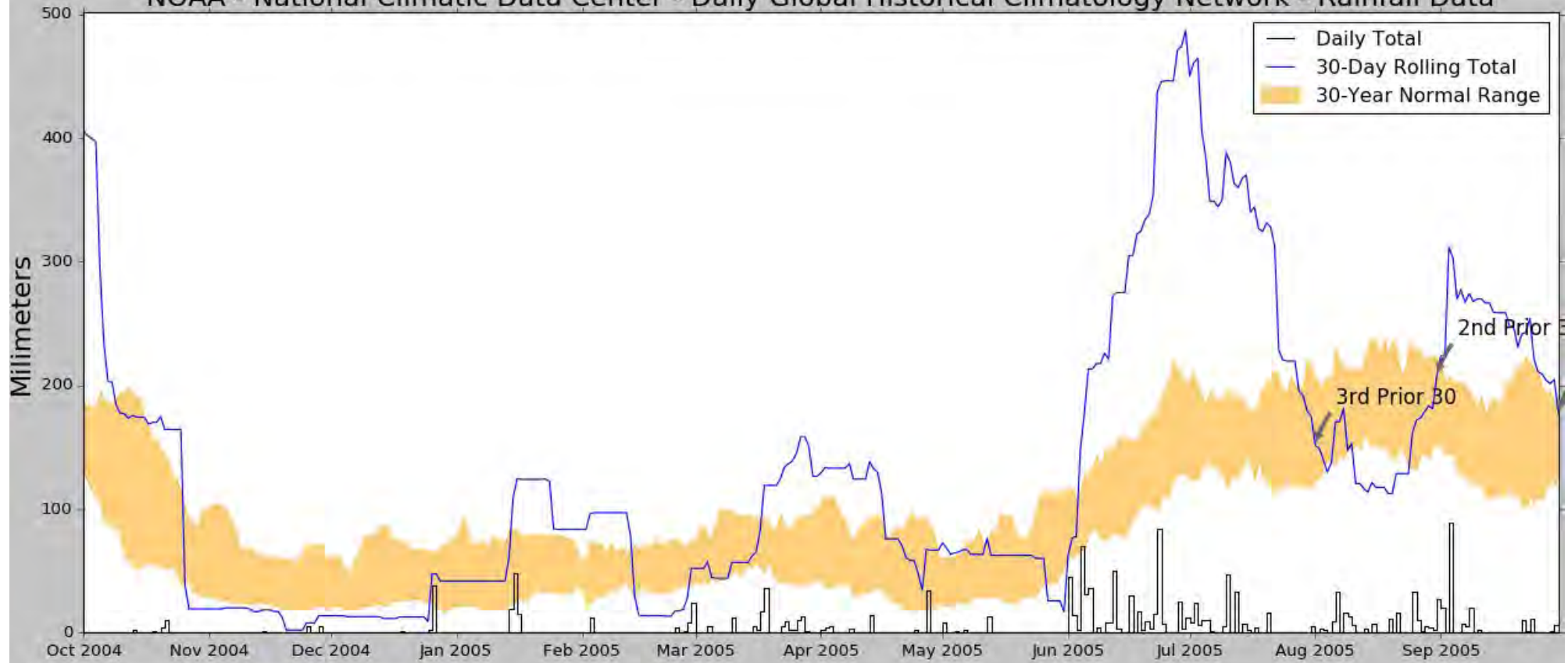


Figure generated using the
Antecedent Rainfall Calculator

Written by Jason C. Deters
Jason.Deters@usace.army.mil
Phone: (916) 557-7152

	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11102	392
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	219	5
Tertiary Station	HART LAKE	28.3833, -81.1833	59.055	13.864	4.365	6.299	30	0
Quaternary Station	ISLEWORTH	28.4833, -81.5333	115.157	18.81	60.467	9.602	1	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2005-09-30
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Mild drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	123.41	185.45	177.8	Normal	2	3	6
2nd Prior 30	157.23	221.96	207.6	Normal	2	2	4
3rd Prior 30	123.67	206.67	151.6	Normal	2	1	2
Result							Normal Conditions - 12

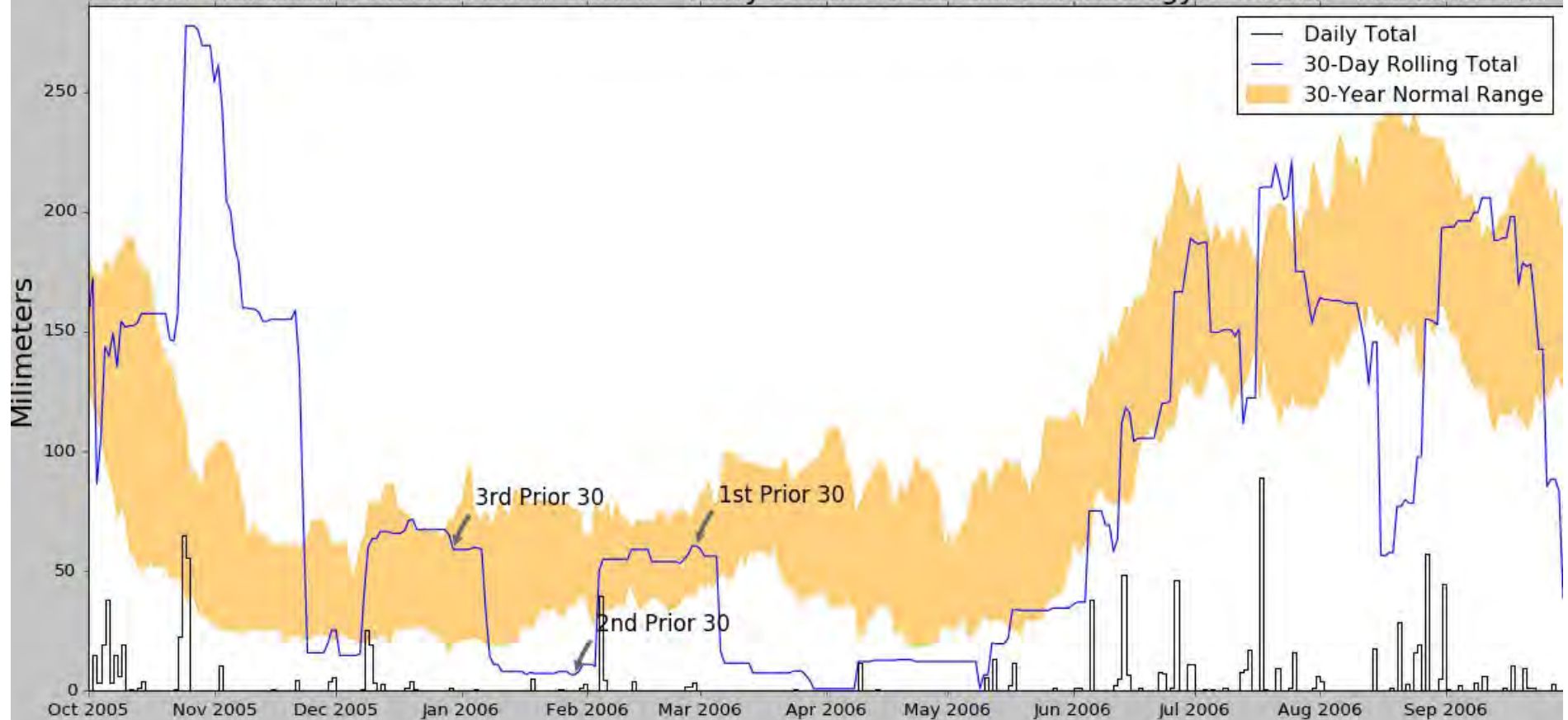


Figure generated using the
Antecedent Rainfall Calculator

Written by Jason C. Deters
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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11128	391
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	225	4

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2006-02-28
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Normal

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	41.42	77.13	60.5	Normal	2	3	6
2nd Prior 30	36.42	75.99	6.7	Dry	1	2	2
3rd Prior 30	21.3	71.49	59.0	Normal	2	1	2
Result							Normal Conditions - 10

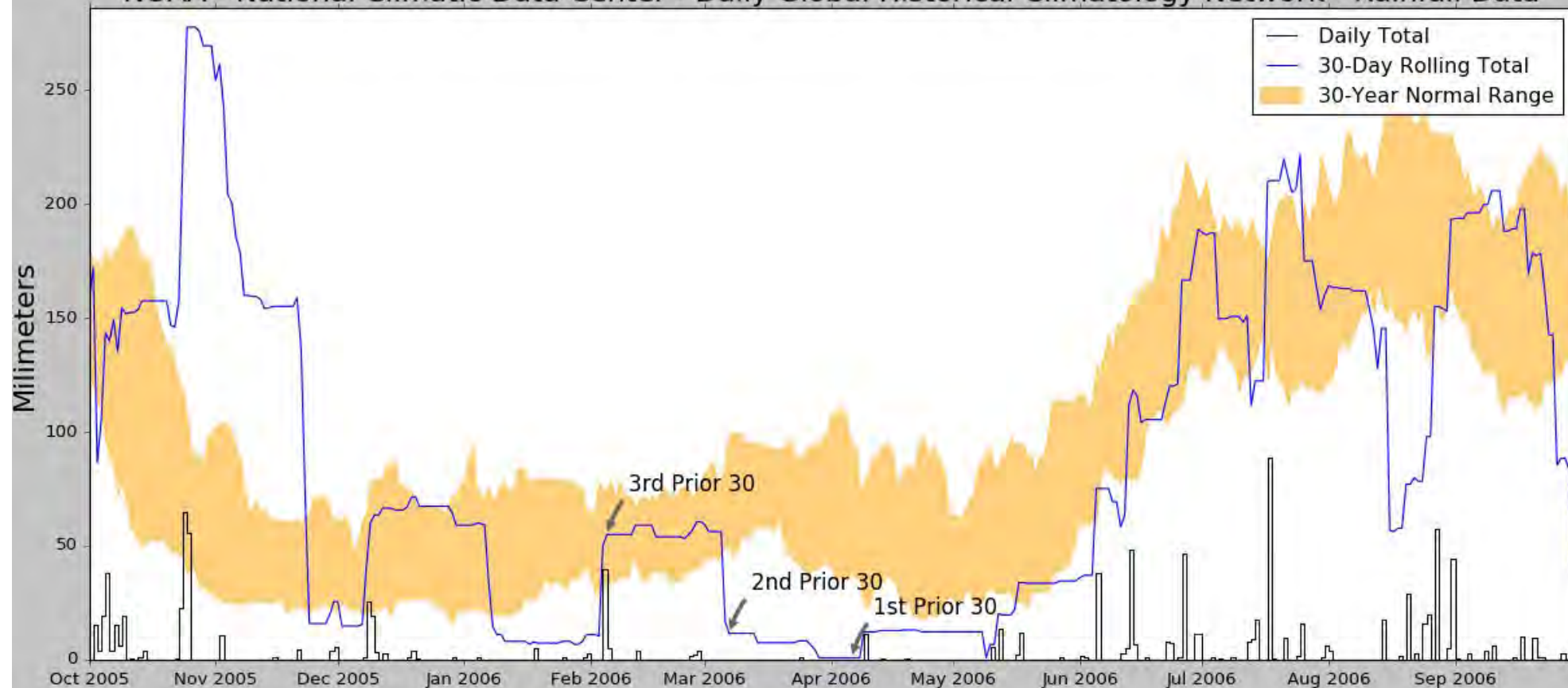


Figure generated using the
Antecedent Rainfall Calculator

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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11126	393
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	227	2

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2006-04-06
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Mild drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	39.29	93.23	0.8	Dry	1	3	3
2nd Prior 30	49.2	99.44	11.5	Dry	1	2	2
3rd Prior 30	34.43	74.57	54.9	Normal	2	1	2
Result							Drier than Normal - 7

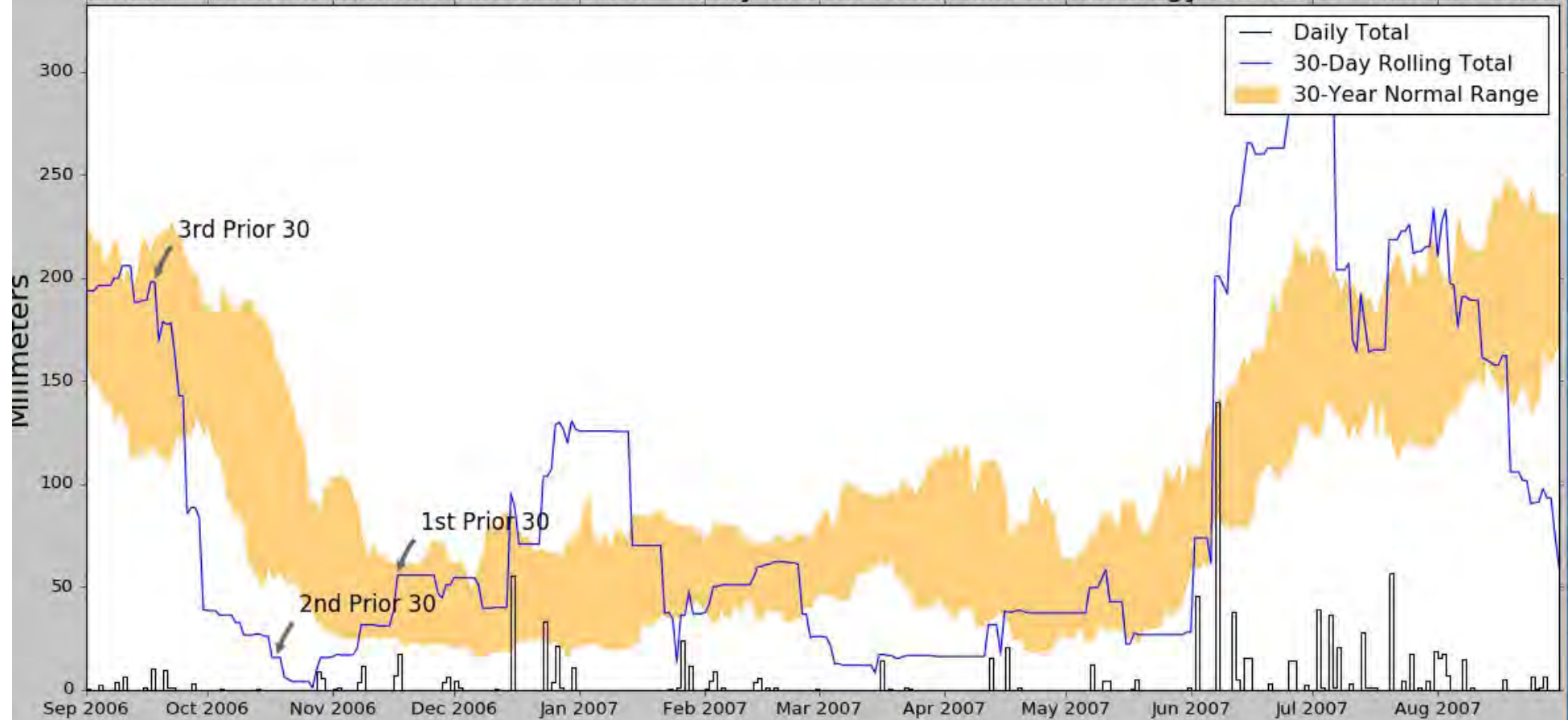


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Antecedent Rainfall Calculator

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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11126	393
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	227	2

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2006-11-17
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Moderate drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	25.93	61.18	55.5	Normal	2	3	6
2nd Prior 30	55.14	156.97	15.5	Dry	1	2	2
3rd Prior 30	119.49	220.2	198.0	Normal	2	1	2
Result							Normal Conditions - 10

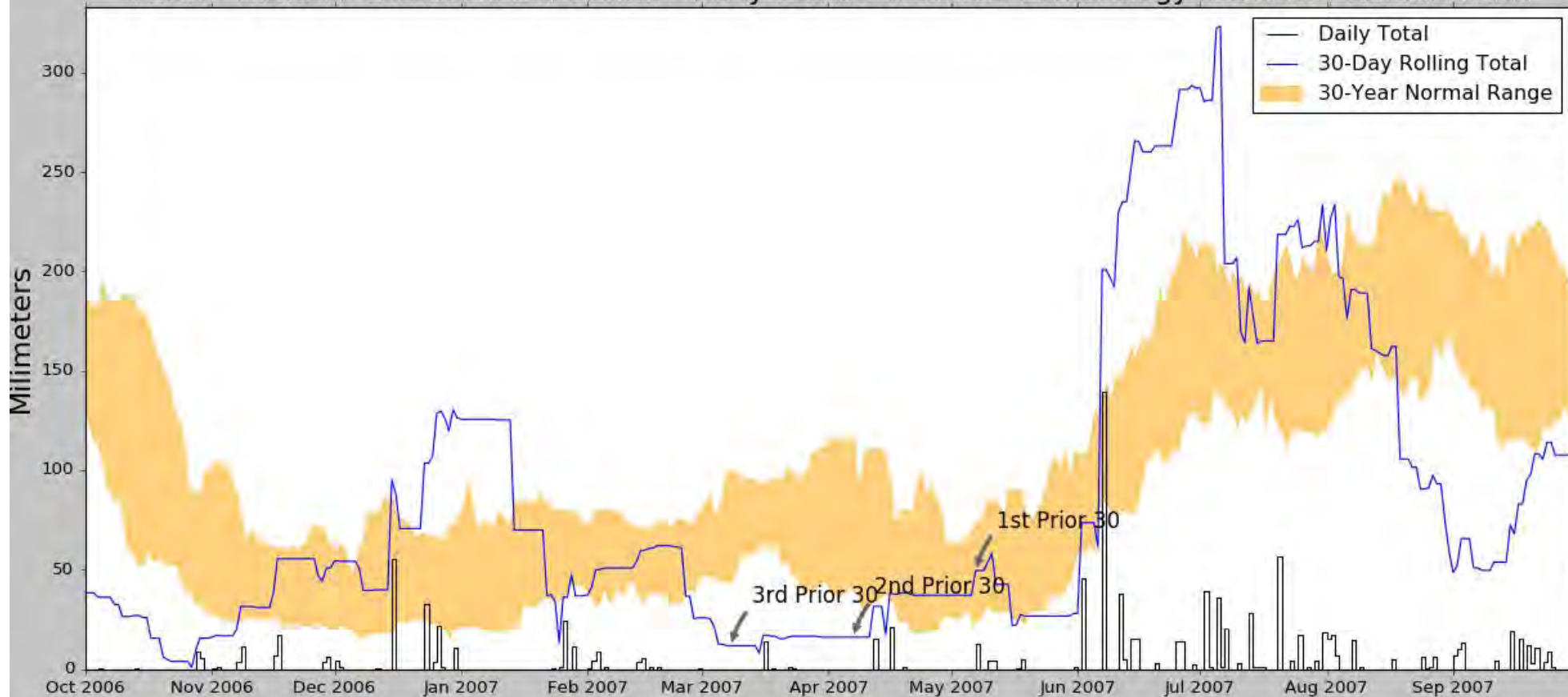


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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Record	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11125	362
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	228	3

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2007-05-07
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Severe drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	23.84	74.97	49.5	Normal	2	3	6
2nd Prior 30	39.29	116.71	16.0	Dry	1	2	2
3rd Prior 30	43.9	99.8	11.7	Dry	1	1	1
Result							Drier than Normal - 9

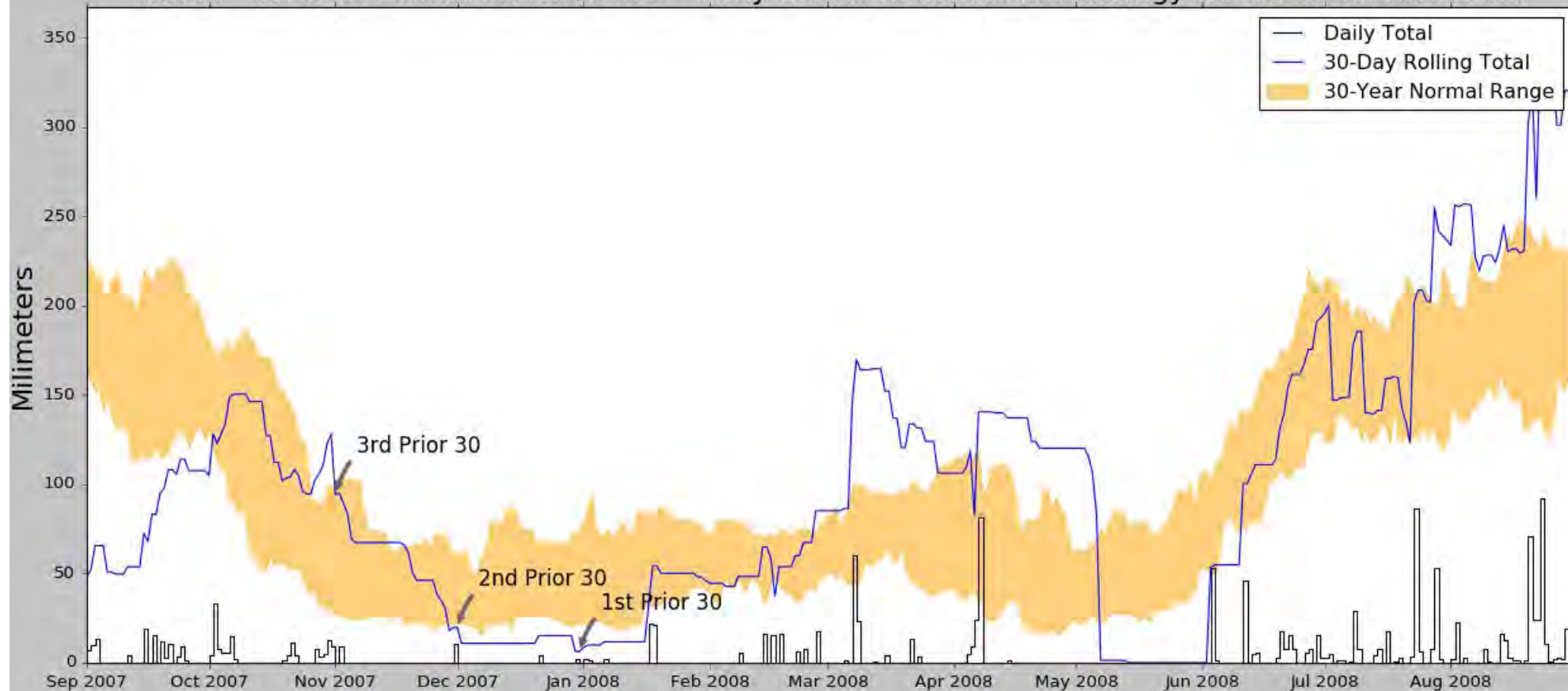


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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11125	392
Secondary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	228	3

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2007-12-31
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Extreme drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	21.95	76.99	6.3	Dry	1	3	3
2nd Prior 30	22.08	61.24	19.8	Dry	1	2	2
3rd Prior 30	27.39	102.56	94.2	Normal	2	1	2
Result							Drier than Normal - 7

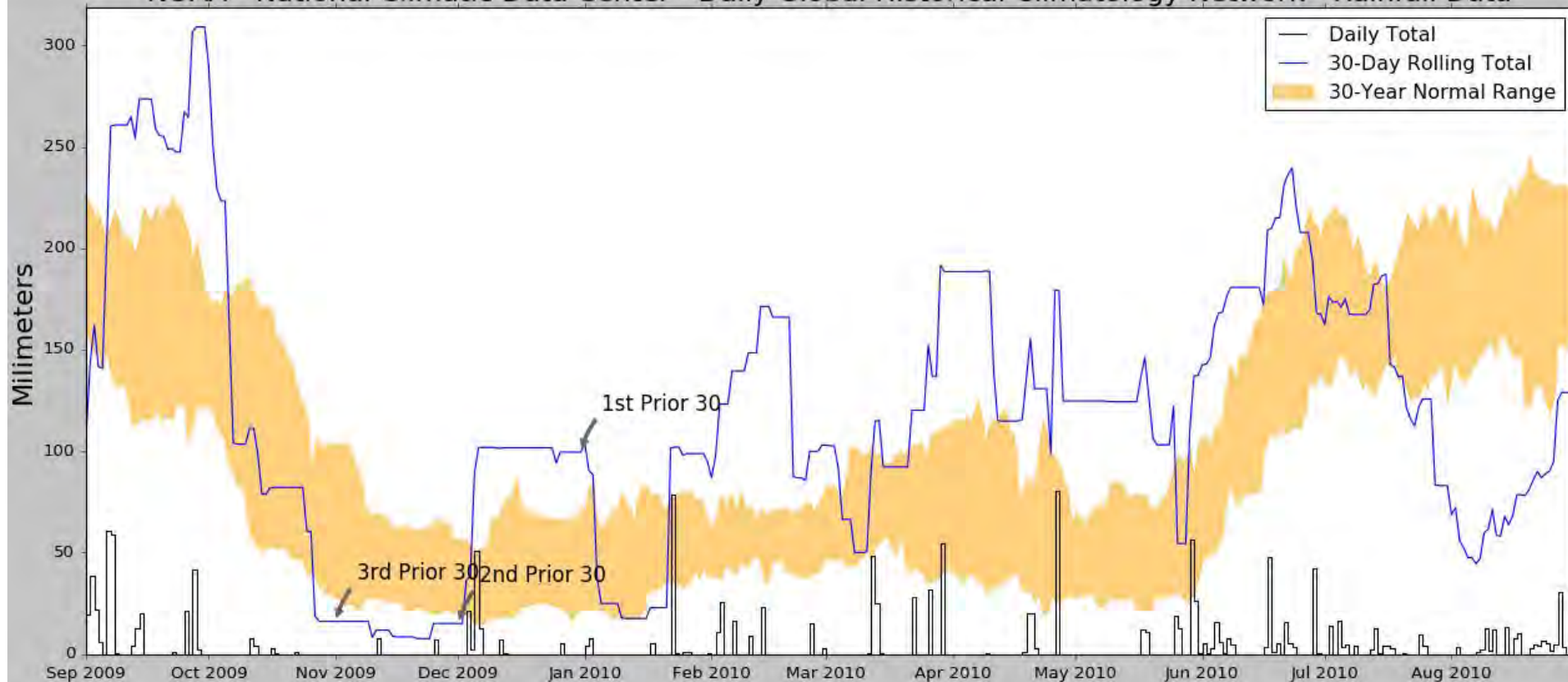


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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11121	331
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	0	5
Tertiary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	0	53
Quaternary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	0	1
Quinary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	231	7

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2009-12-31
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Incipient wetness

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	21.3	71.91	99.5	Wet	3	3	9
2nd Prior 30	21.2	56.29	15.0	Dry	1	2	2
3rd Prior 30	27.39	102.56	16.1	Dry	1	1	1
Result							Normal Conditions - 12

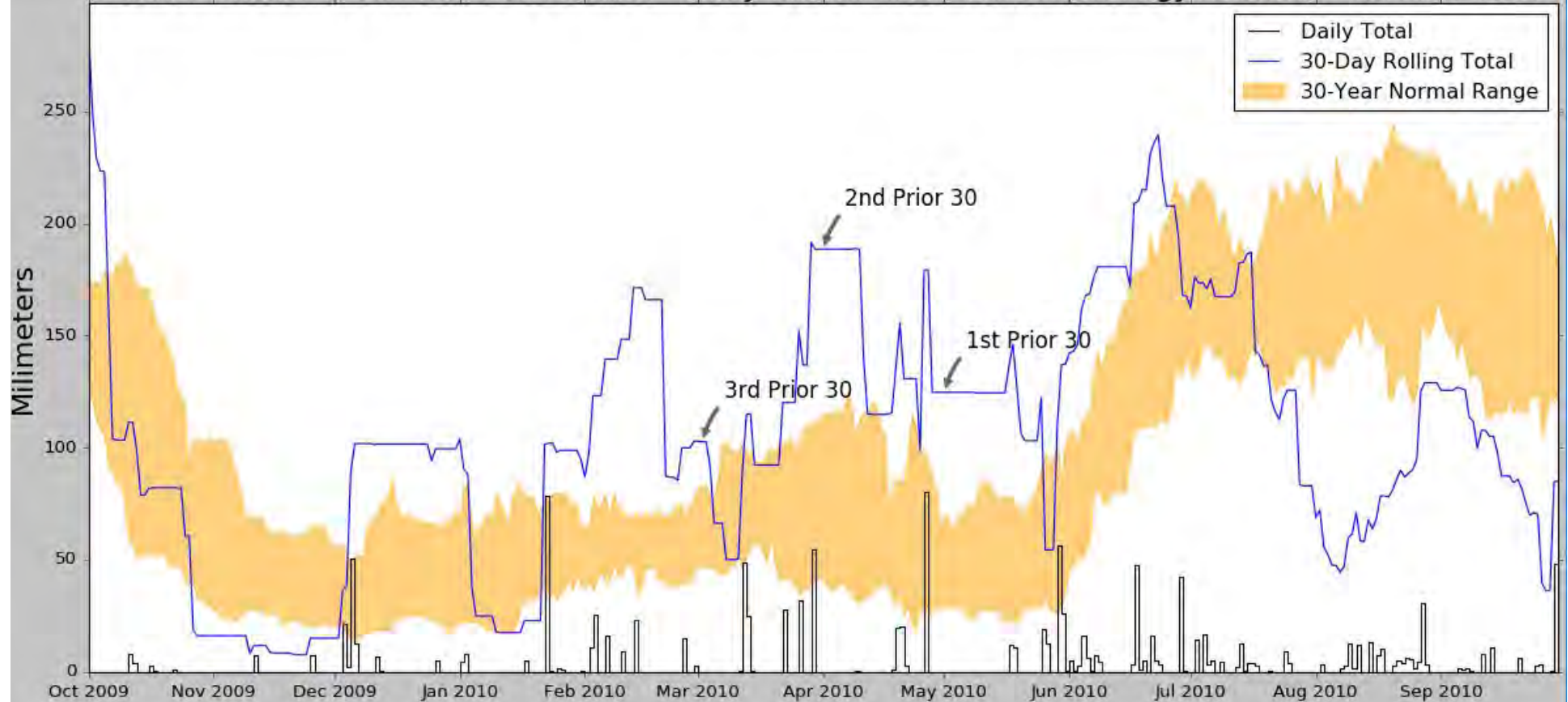


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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11006	355
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	57	40
Tertiary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	53	1
Quaternary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	1	0
Quinary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	236	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2010-05-01
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Normal

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	28.63	70.17	124.7	Wet	3	3	9
2nd Prior 30	40.61	115.35	188.5	Wet	3	2	6
3rd Prior 30	47.33	83.0	102.6	Wet	3	1	3
Result							Wetter than Normal - 18

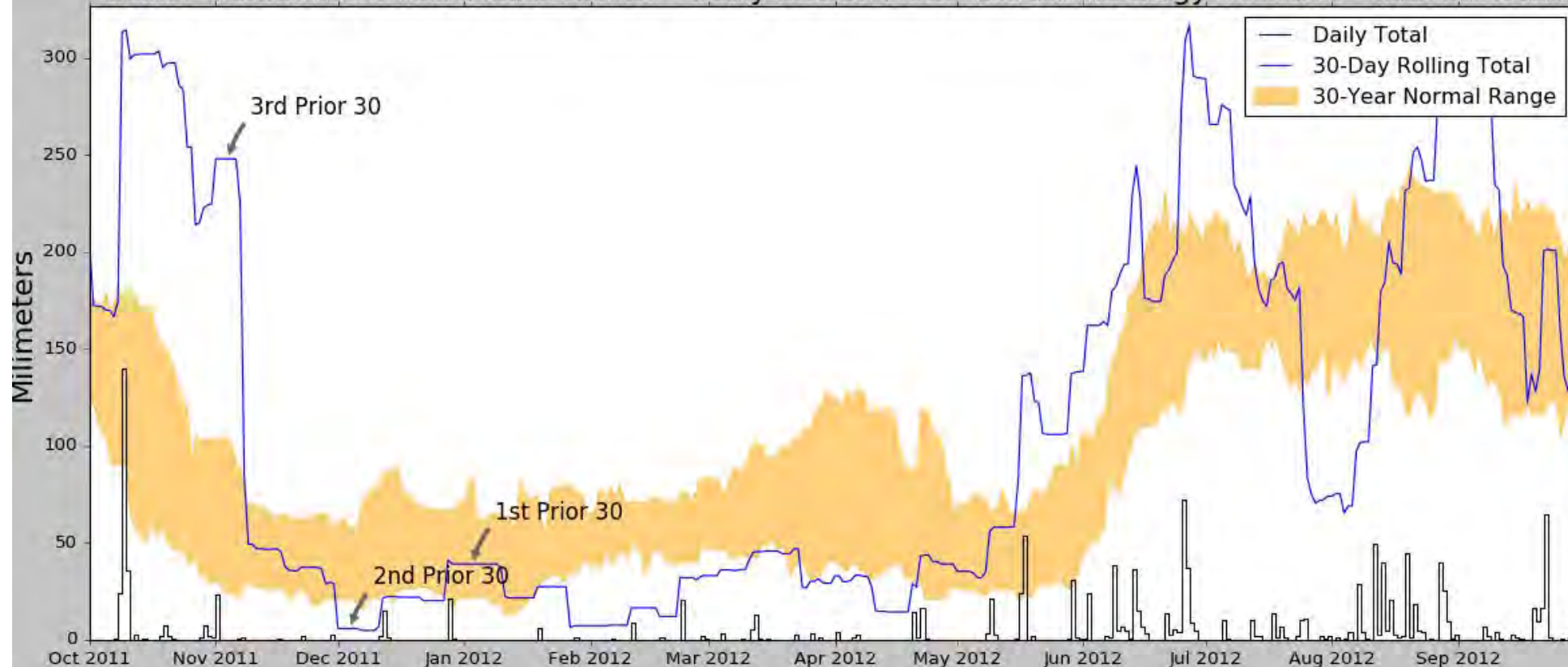


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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	11006	354
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	57	40
Tertiary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	53	1
Quaternary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	1	0
Quinary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	236	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2012-01-03
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Moderate drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	22.34	82.1	38.9	Normal	2	3	6
2nd Prior 30	21.02	55.25	5.7	Dry	1	2	2
3rd Prior 30	24.75	102.35	247.9	Wet	3	1	3
Result							Normal Conditions - 11

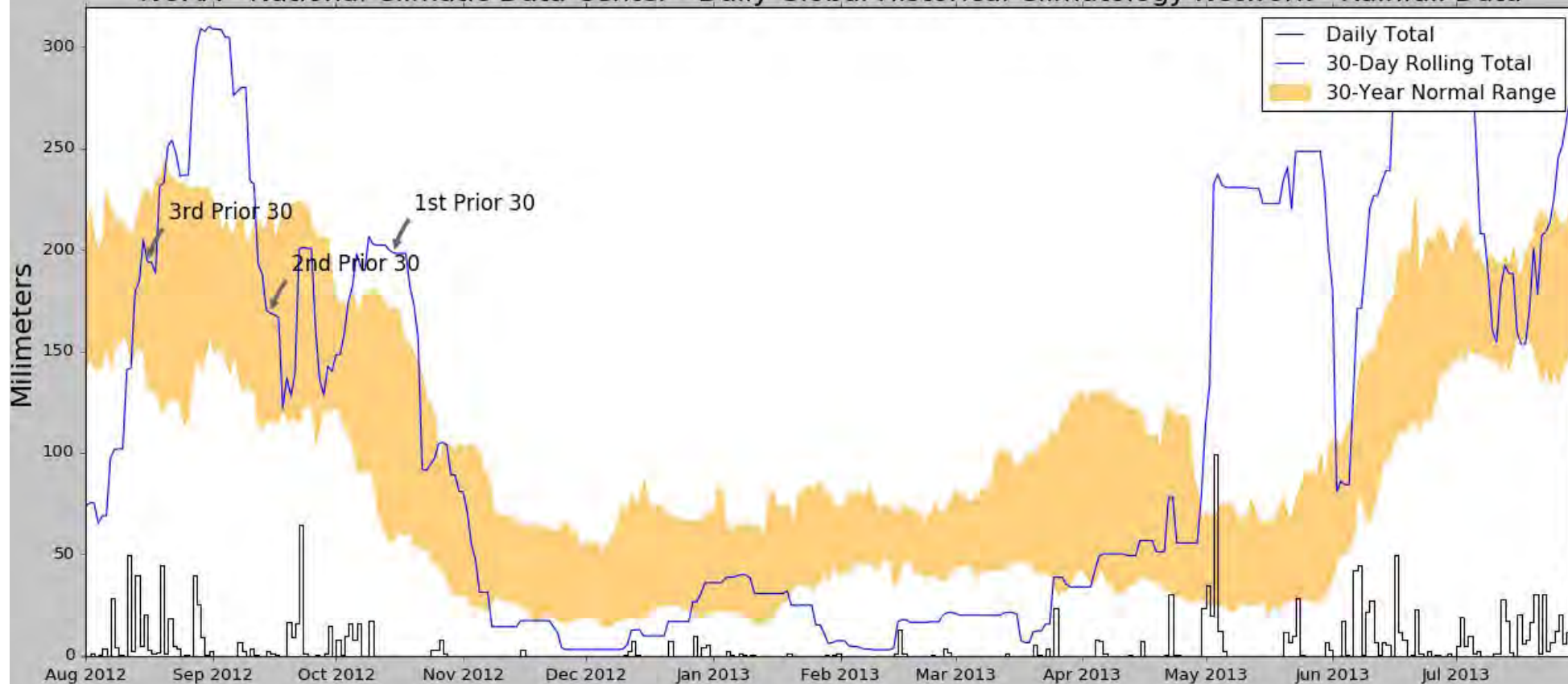


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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	10946	382
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	115	1
Tertiary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	54	13
Quaternary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	1	0
Quinary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	236	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2012-10-15
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Normal

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	57.23	171.49	198.5	Wet	3	3	9
2nd Prior 30	115.49	225.59	168.7	Normal	2	2	4
3rd Prior 30	131.29	228.68	194.1	Normal	2	1	2
Result							Wetter than Normal - 15

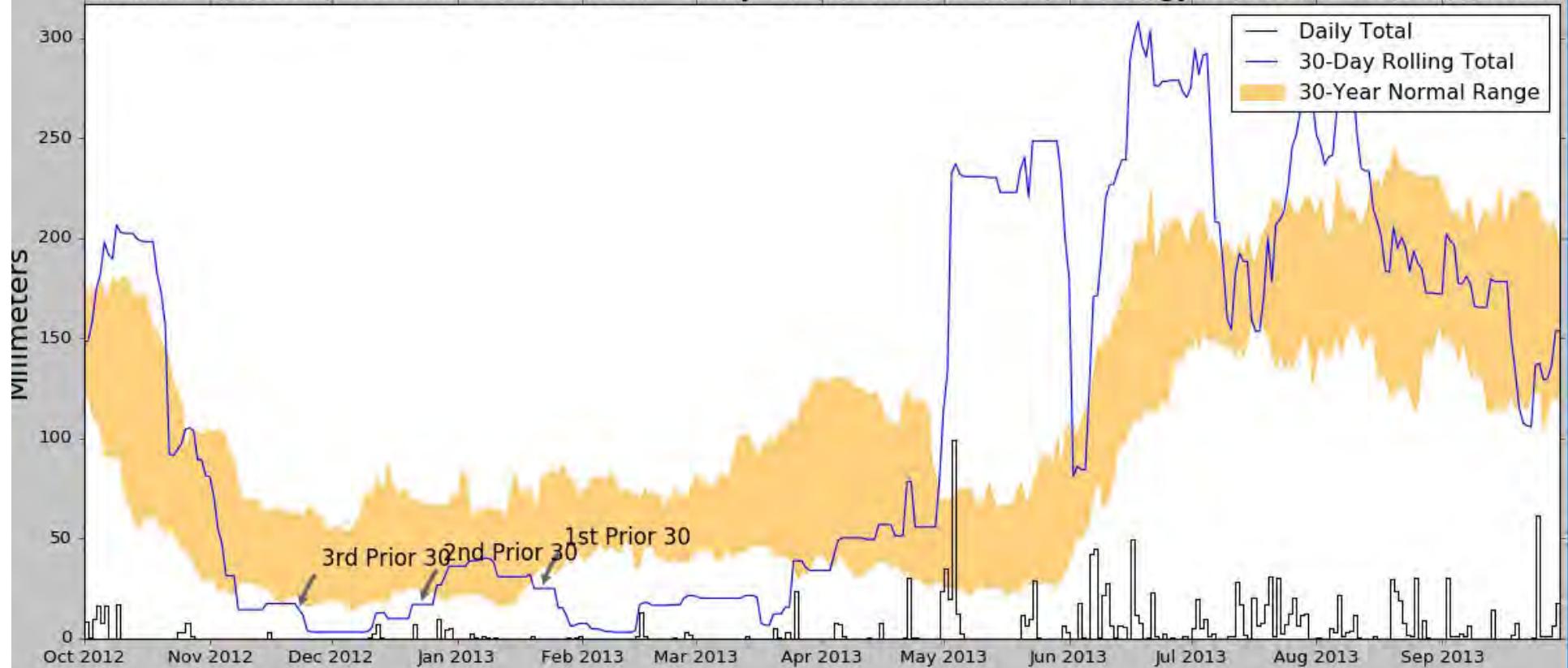


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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	10937	389
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	116	0
Tertiary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	67	6
Quaternary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	1	0
Quinary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	232	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2013-01-22
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Incipient drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	36.36	81.46	24.8	Dry	1	3	3
2nd Prior 30	25.49	68.41	16.8	Dry	1	2	2
3rd Prior 30	20.91	63.07	14.2	Dry	1	1	1
Result							Drier than Normal - 6

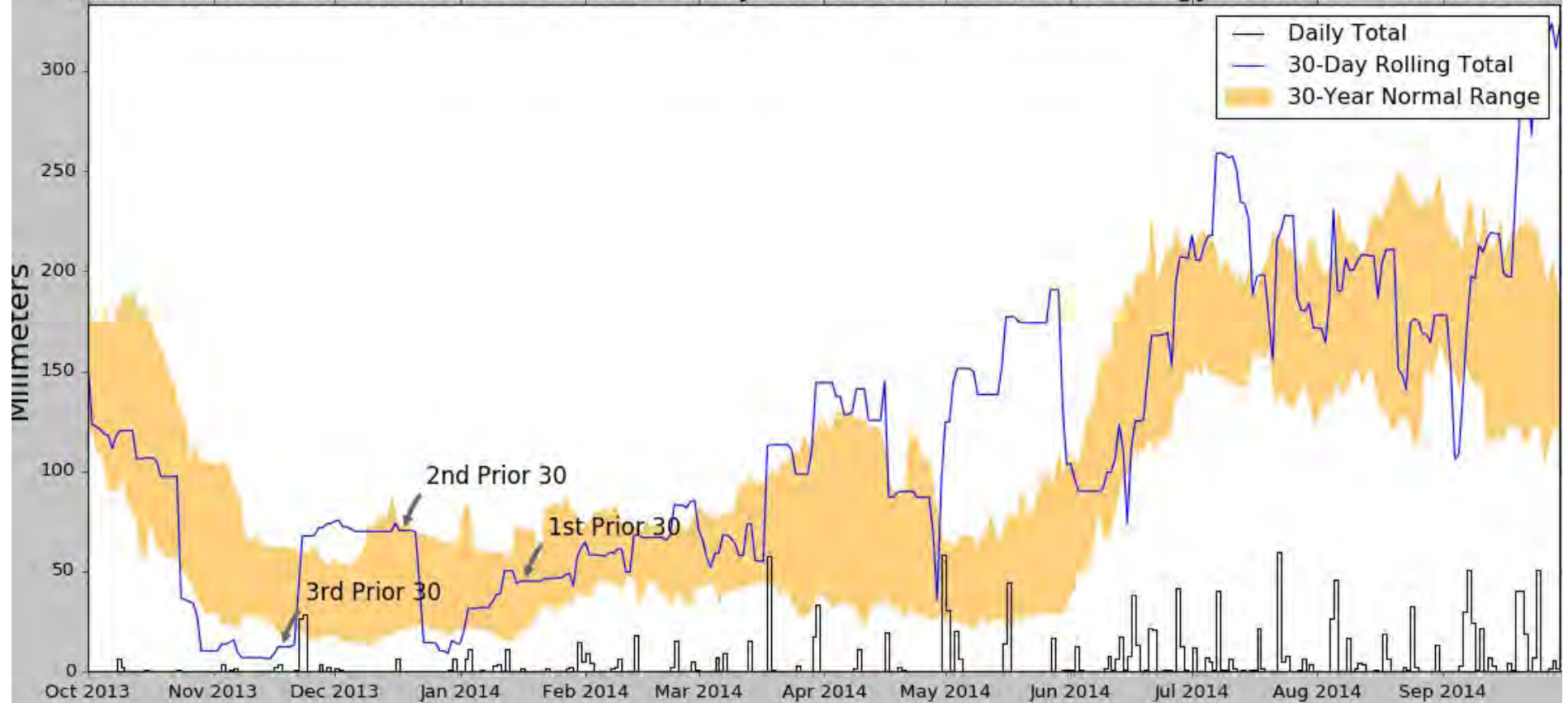


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	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	10937	389
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	116	0
Tertiary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	67	6
Quaternary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	1	0
Quinary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	232	0

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.257425, -81.360727
Observation Date	2014-01-17
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Normal

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	23.01	70.35	45.1	Normal	2	3	6
2nd Prior 30	20.9	74.14	70.4	Normal	2	2	4
3rd Prior 30	19.05	62.47	12.3	Dry	1	1	1
Result							Normal Conditions - 11

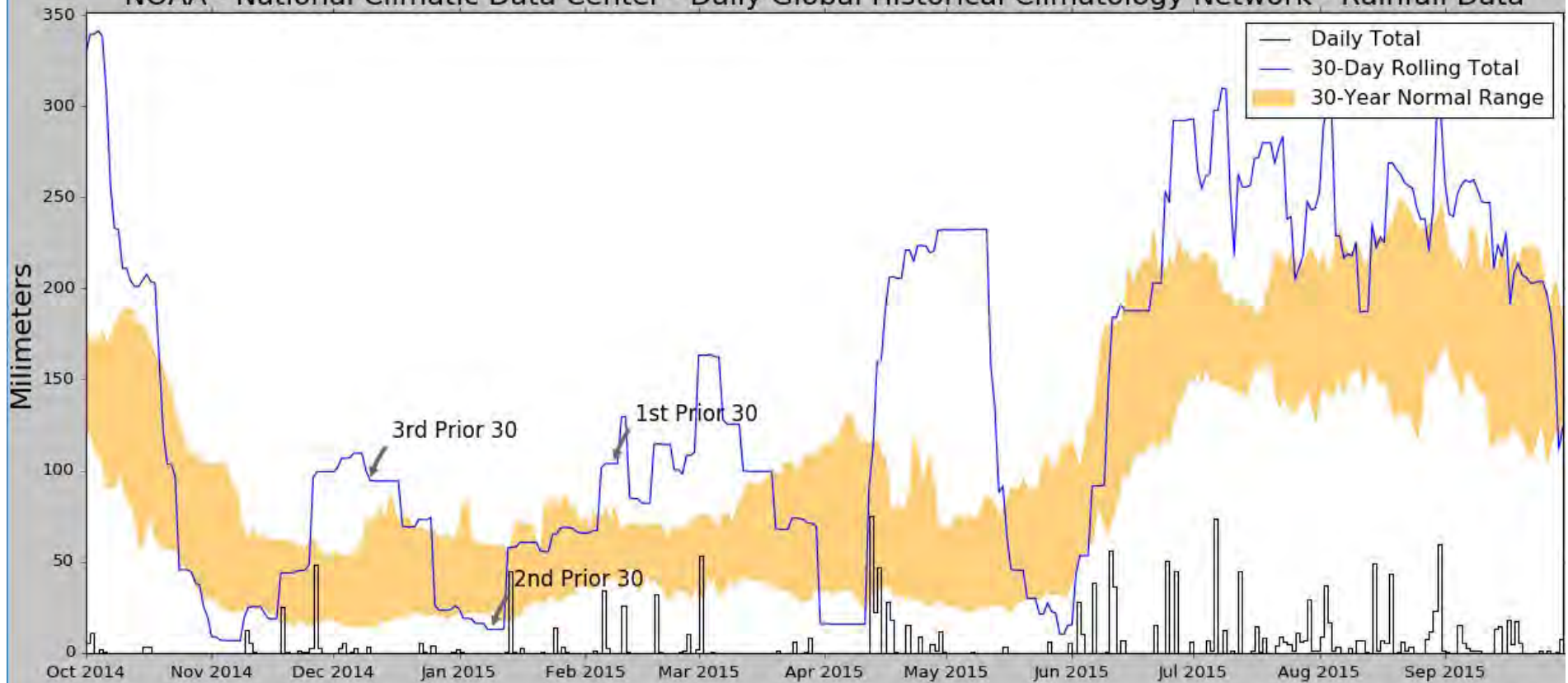
	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Record	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	10935	390
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	116	0
Tertiary Station	KISSIMMEE 9.3 SSW	28.1908, -81.4943	69.882	9.347	15.192	4.348	0	4
Quaternary Station	POINCIANA PLACE 0.5 ENE	28.1614, -81.4776	69.882	9.732	15.192	4.527	0	1
Quinary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	70	0
Senary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	1	0
Septenary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	231	0



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Coordinates	28.257425, -81.360727
Observation Date	2015-02-08
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Mild-wetness

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	42.75	80.11	103.8	Wet	3	3	9
2nd Prior 30	24.06	59.74	12.7	Dry	1	2	2
3rd Prior 30	14.08	72.52	94.5	Wet	3	1	3
Result							Normal Conditions - 14

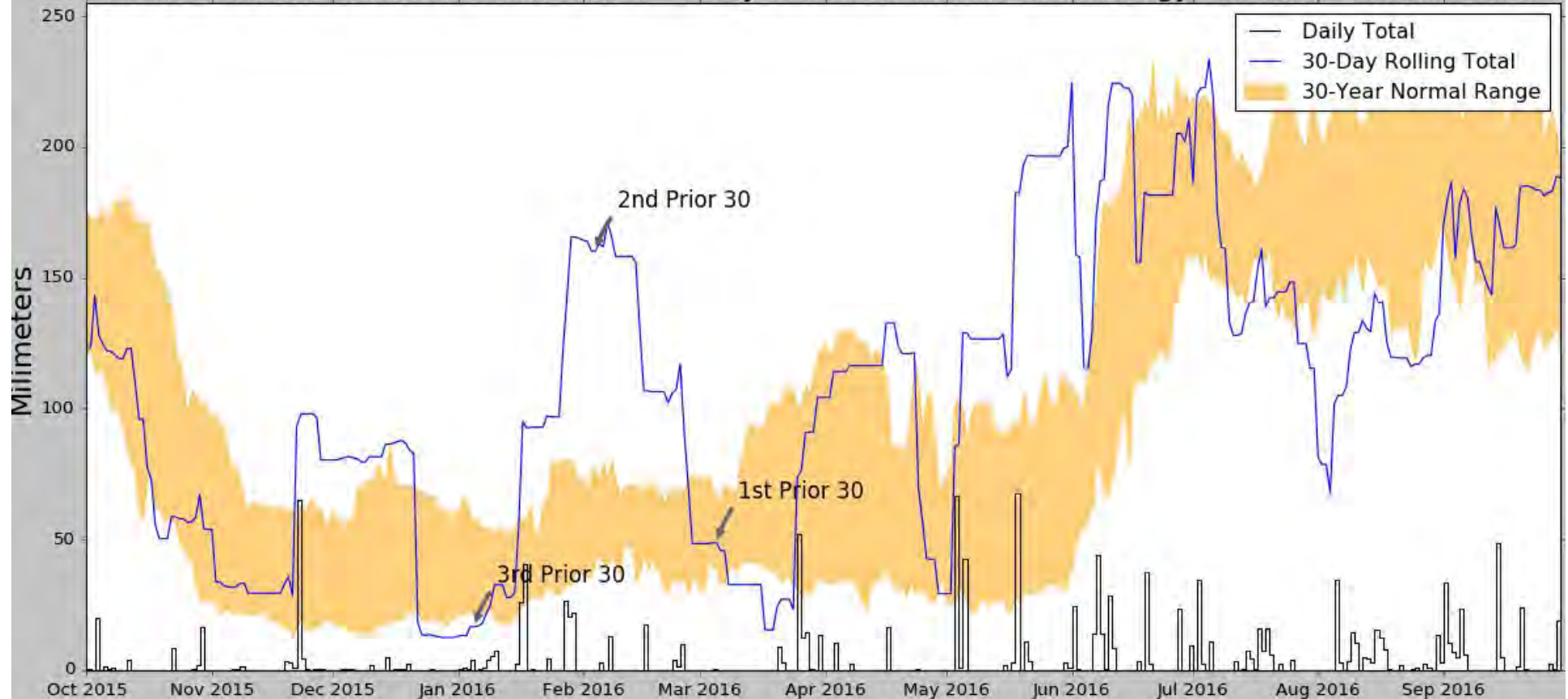
	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	10934	376
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	116	0
Tertiary Station	ORLANDO 12.0 S	28.3645, -81.4146	87.927	8.094	33.237	3.911	0	5
Quaternary Station	KISSIMMEE 9.3 SSW	28.1908, -81.4943	69.882	9.347	15.192	4.348	4	14
Quinary Station	POINCIANA PLACE 0.5 ENE	28.1614, -81.4776	69.882	9.732	15.192	4.527	1	0
Senary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	70	0
Septenary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	1	0
Octonary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	227	0



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Coordinates	28.257425, -81.360727
Observation Date	2016-03-05
Elevation (ft)	54.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Mild wetness

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	39.54	66.6	48.6	Normal	2	3	6
2nd Prior 30	41.74	74.71	160.2	Wet	3	2	6
3rd Prior 30	22.4	57.07	16.5	Dry	1	1	1
Result							Normal Conditions - 13

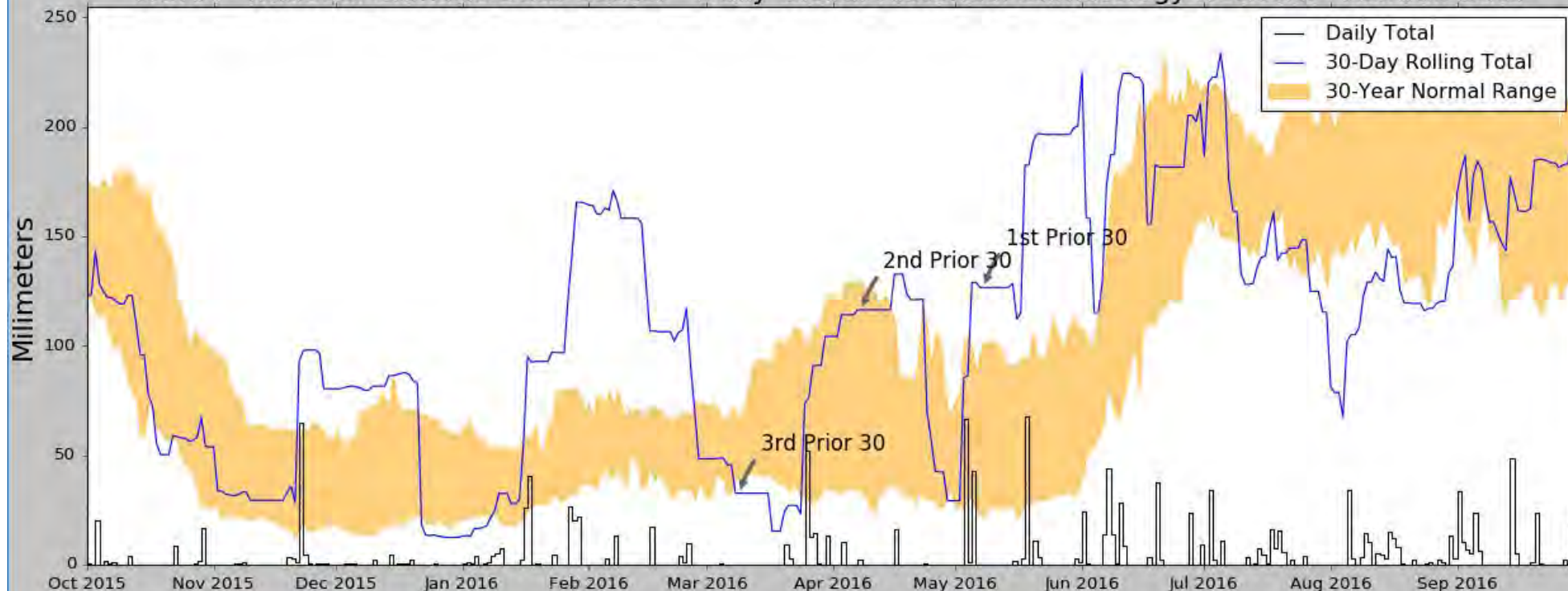
	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.063	5.349	1.85	10921	380
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.349	4.821	1.978	116	0
Tertiary Station	ORLANDO 12.0 S	28.3645, -81.4146	87.927	8.094	33.237	3.911	5	16
Quaternary Station	KISSIMMEE 9.3 SSW	28.1908, -81.4943	69.882	9.347	15.192	4.348	17	0
Quinary Station	POINCIANA PLACE 0.5 ENE	28.1614, -81.4776	69.882	9.732	15.192	4.527	1	0
Senary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.563	34.221	4.631	70	0
Septenary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.245	1.412	5.528	1	0
Octonary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.389	35.205	6.011	221	0



Figure generated using the
Antecedent Rainfall Calculator

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Phone: (916) 557-7152

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.251998, -81.356985
Observation Date	2016-05-08
Elevation (ft)	50.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Mild wetness

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	22.37	101.77	126.6	Wet	3	3	9
2nd Prior 30	33.58	128.79	116.4	Normal	2	2	4
3rd Prior 30	39.39	67.33	32.6	Dry	1	1	1
Result							Normal Conditions - 14

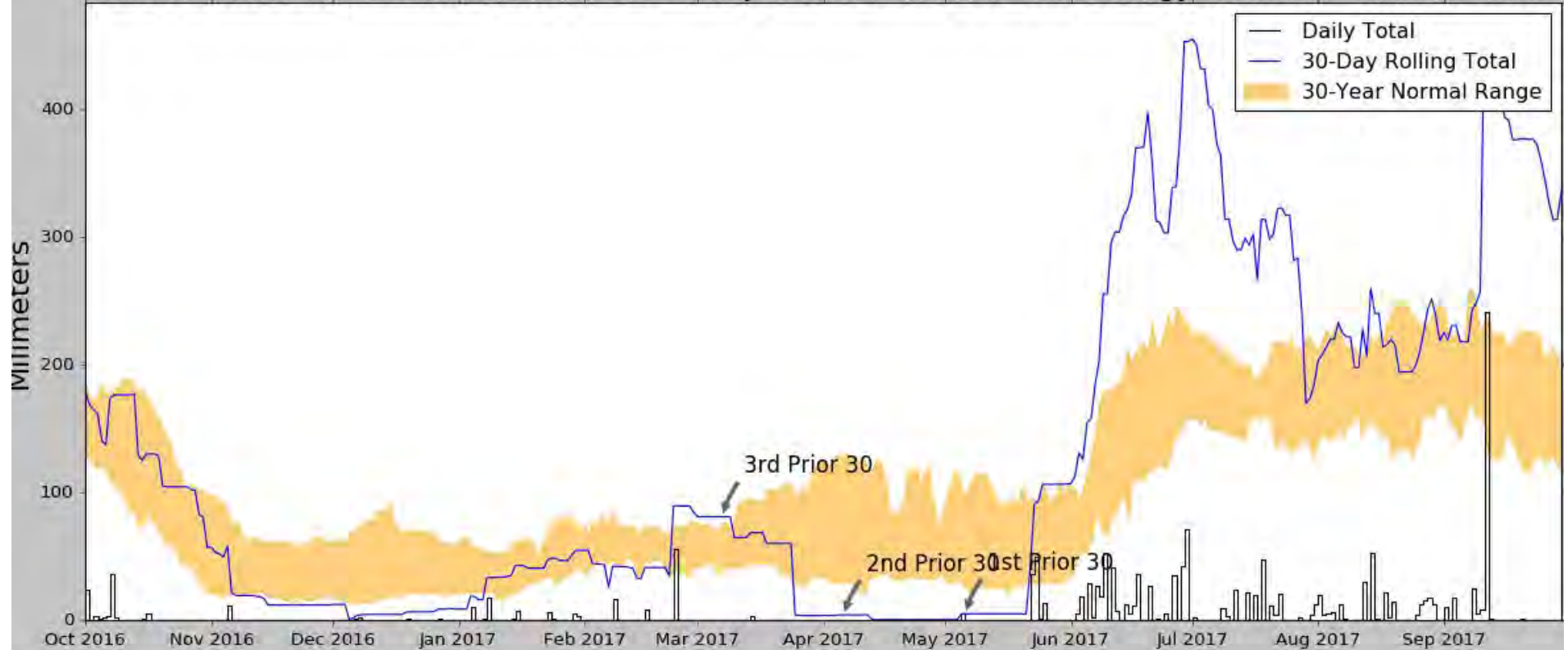
	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.409	9.349	2.025	10921	380
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.051	0.821	1.826	116	0
Tertiary Station	ORLANDO 12.0 S	28.3645, -81.4146	87.927	8.529	37.237	4.156	5	16
Quaternary Station	KISSIMMEE 9.3 SSW	28.1908, -81.4943	69.882	9.371	19.192	4.397	17	0
Quinary Station	POINCIANA PLACE 0.5 ENE	28.1614, -81.4776	69.882	9.653	19.192	4.529	1	0
Senary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.6	38.221	4.687	70	0
Septenary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.083	5.412	5.503	1	0
Octonary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.721	39.205	6.223	221	0



Figure generated using the
Antecedent Rainfall Calculator

Written by Jason C. Deters
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Phone: (916) 557-7152

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.251998, -81.356985
Observation Date	2017-05-06
Elevation (ft)	50.69
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Severe drought

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	25.72	96.61	5.1	Dry	1	3	3
2nd Prior 30	30.58	129.28	4.3	Dry	1	2	2
3rd Prior 30	39.17	76.33	81.1	Wet	3	1	3
Result							Drier than Normal - 8

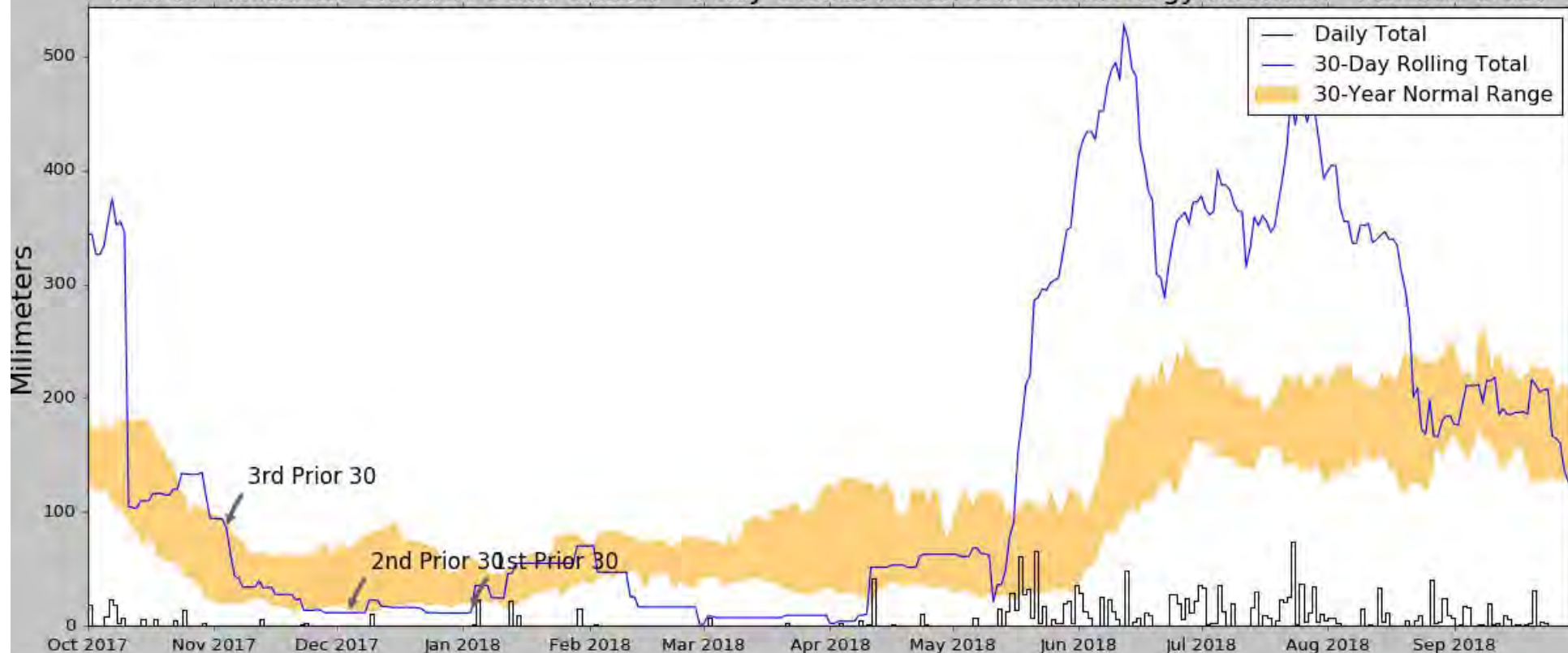
	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.409	9.349	2.025	10907	365
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.051	0.821	1.826	116	0
Tertiary Station	ORLANDO 12.0 S	28.3645, -81.4146	87.927	8.529	37.237	4.156	21	30
Quaternary Station	KISSIMMEE 9.3 SSW	28.1908, -81.4943	69.882	9.371	19.192	4.397	17	0
Quinary Station	POINCIANA PLACE 0.5 ENE	28.1614, -81.4776	69.882	9.653	19.192	4.529	1	0
Senary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.6	38.221	4.687	70	0
Septenary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	12.083	5.412	5.503	1	0
Octonary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.721	39.205	6.223	220	0



Figure generated using the
Antecedent Rainfall Calculator

Written by Jason C. Deters
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Phone: (916) 557-7152

NOAA - National Climatic Data Center - Daily Global Historical Climatology Network - Rainfall Data



Coordinates	28.249815, -81.361409
Observation Date	2018-01-03
Elevation (ft)	51.01
Image or Event	N/A
Source	N/A
Palmer Index (PDSI)	Normal

	30 th %ile (Low)	70 th %ile (High)	Observed Rainfall	Dry, Wet, Normal	Condition Value	Weight Value	Product of Values
1st Prior 30	22.02	58.79	11.8	Dry	1	3	3
2nd Prior 30	14.8	68.2	11.5	Dry	1	2	2
3rd Prior 30	20.8	92.61	85.7	Normal	2	1	2
Result							Drier than Normal - 7

	Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Normal Records	Rolling Records
Primary Station	KISSIMMEE 2	28.2764, -81.4239	60.039	4.225	9.029	1.939	10879	356
Secondary Station	ST. CLOUD 0.1 WNW	28.2426, -81.2913	49.869	4.297	1.141	1.939	116	0
Tertiary Station	ST. CLOUD 2.9 S	28.2006, -81.285	88.911	5.764	37.901	2.812	0	28
Quaternary Station	ORLANDO 12.0 S	28.3645, -81.4146	87.927	8.562	36.917	4.169	51	11
Quinary Station	KISSIMMEE 9.3 SSW	28.1908, -81.4943	69.882	9.062	18.872	4.249	17	0
Senary Station	POINCIANA PLACE 0.5 ENE	28.1614, -81.4776	69.882	9.35	18.872	4.384	1	0
Septenary Station	POINCIANA PLACE 2.6 NNW	28.193, -81.4997	88.911	9.292	37.901	4.534	70	0
Octonary Station	SOLIVITA 2.0 SSW	28.1141, -81.4789	56.102	11.799	5.092	5.369	1	0
Nonary Station	ORLANDO INTL AP	28.4339, -81.325	89.895	12.914	38.885	6.313	218	0



Figure generated using the
Antecedent Rainfall Calculator

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 1772

INTRODUCER: Environment and Natural Resources Committee and Senators Bracy and Stewart

SUBJECT: Little Wekiva River

DATE: April 2, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rogers	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1772 designates the wetlands in a particular area in Orlando as the headwaters of the Little Wekiva River. The St. Johns River Water Management District (WMD) will conduct a study that identifies the impact of this area on the Wekiva River System, the St. Johns River, and the Floridan Aquifer. The study will consider the following related to the Little Wekiva headwaters:

- The environmental significance to connected waters.
- The environmental impact of industrial development located at the intersection of Princeton Street and John Young Parkway on the Little Wekiva headwaters and connected waters.
- The importance to overall water quality and the preservation of natural systems.
- The risks of future development on the wetlands.
- The importance of preserving natural systems related to the Little Wekiva River to prevent nutrient algae blooms in the Wekiva River System and St. Johns River.

The findings will be submitted to the Acquisition and Restoration Council (ARC) and the Board of Trustees of the Internal Improvement Trust Fund by October 1, 2020. The WMD must develop a plan to purchase and restore wetlands related to the Little Wekiva River headwaters and the Wekiva River System and must submit the plan to the Governor and Legislature before January 1, 2021.

ARC will determine if the lands related to the Little Wekiva headwaters and other areas within the Wekiva River System should be included in a Florida Forever project.

Except for permits approving water quality projects that are part of a local government capital improvement, any development permits for the wetlands related to the Wekiva River headwaters and the Wekiva River system may not be approved or issued, and permitted development projects on wetlands related to the Little Wekiva River headwaters and the Wekiva River System for which construction has not begun may not begin, until ARC decides whether to include the area in a Florida Forever project.

II. Present Situation:

Florida Forever

As a successor to Preservation 2000, the Legislature created the Florida Forever program in 1999 as the blueprint for conserving Florida's natural resources.¹ The Florida Forever Act reinforced the state's commitment to conserve its natural and cultural heritage, provide urban open space, and better manage the land acquired by the state.² Florida Forever encompasses a wide range of goals including: land acquisition; environmental restoration; water resource development and supply; increased public access; public lands management and maintenance; and increased protection of land through the purchase of conservation easements.³ The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and the Florida Forever programs.⁴

Under Florida Forever, the issuance of up to \$5.3 billion in Florida Forever bonds is authorized to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements⁵ to lands and water areas which accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.⁶

¹ Chapter 99-247, Laws of Fla.

² Department of Environmental Protection (DEP), *Florida Forever Five Year Plan* (2018), available at http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Mar. 7, 2019).

³ Section 259.105, F.S.

⁴ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Mar. 7, 2019). See Florida Natural Areas Inventory, *Summary of Florida Conservation Lands* (February 2019), available at https://www.fnai.org/PDF/Maacres_201902_FCL_plus_LTF.pdf (last visited Mar. 4, 2019) for a complete summary of the total amount of conservation lands in Florida.

⁵ As defined in s. 259.03, F.S., the terms "capital improvement" or "capital project expenditure" when used in ch. 259, F.S. mean "those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities' signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter."

⁶ Section 215.618, F.S.

The Acquisition and Restoration Council

The Acquisition and Restoration Council (ARC) is a 10-member body⁷ that makes recommendations on the acquisition, management, and disposal of state-owned lands.⁸ ARC accepts applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for Florida Forever funding. In evaluating each application, ARC is required to consider whether the project:

- Meets multiple program goals;
- Is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources;
- Enhances or facilitates management of properties already under public ownership;
- Has significant archaeological or historic value;
- Has funding sources that are identified and assured through at least the first 2 years of the project;
- Contributes to the solution of water resource problems on a regional basis;
- Has a significant portion of its land area in imminent danger of development, losing its significant natural attributes or recreational open space, or subdivision that would result in multiple ownership and make acquisition of the project more costly or less likely to be accomplished;
- Implements an element from a plan developed by an ecosystem management team;
- Is one of the components of Everglades restoration efforts;
- May be purchased at 80 percent of appraised value;
- May be acquired, in whole or in part, using alternatives to fee simple; and
- Is a joint acquisition.⁹

ARC is required to give higher priority to:

- Projects for which matching funds are available;
- Project elements previously identified on an acquisition list which can be acquired at 80 percent or less of appraised value;
- Projects that can be acquired in less than fee ownership (acquiring land at less than fee ownership means acquisition of an interest in the property which allows the conservation and protection of resources on the property at less cost while keeping the land in private ownership);
- Projects that contribute to improving the quality or quantity of surface water or groundwater;
- Projects that contribute to improving the water quality and flow of springs; and

⁷ Section 259.035(1), F.S. Four of ARC's 10 members are appointed by the Governor, three from scientific disciplines related to land, water, or environmental sciences and one with least five years of experience in managing lands for both active and passive types of recreation. Four of the members are the Secretary of Environmental Protection, the director of the Florida Forest Service of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, or their respective designees. One member is appointed by the Commissioner of Agriculture from a discipline related to agriculture, including silviculture, and one member is appointed by the Fish and Wildlife Conservation Commission from a discipline related to wildlife management or wildlife ecology.

⁸ DEP, *Florida Forever Five Year Plan*, 50 (2018), available at http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Mar. 7, 2019).

⁹ Section 259.105(9), F.S.

- Projects for which the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.¹⁰

Using its established criteria, ARC develops a priority list of applications submitted. An affirmative vote of at least five members of ARC is required to place a proposed project on the priority list. ARC evaluates and selects projects twice per year, in June and December, and ranks the projects annually.¹¹ Each project on the priority list is placed in one of the following categories of expenditure for land conservation projects: climate change, critical natural lands, less-than-fee, partnerships or regional incentives, and substantially complete (greater than 85 percent complete).¹² Projects are ranked within each category from highest to lowest priority.

The priority list is presented to the Governor and the Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund (BOT).¹³ The BOT is responsible for acting on ARC's recommendations by approving the acquisition of each parcel.¹⁴ While the BOT is authorized to remove projects from the priority list, the BOT may not add or rearrange projects on the priority list.¹⁵

The Division of State Lands within DEP prepares an annual work plan based on the priority list developed by ARC, which outlines the specific projects and acquisitions within projects that will be negotiated for purchase with Florida Forever funds available for that fiscal year for land acquisition.¹⁶

Wekiva River System

The Wekiva River begins at the junction of Wekiwa Spring Run and Rock Springs Run and runs north for 15 miles.¹⁷ It is a Florida and National Scenic and Wild River¹⁸ and a state designated paddling trail.¹⁹ The Little Wekiva River, Blackwater Creek, and more than 30 springs contribute their waters to the Wekiva as it winds its way north.²⁰ The Wekiva River Basin is a complex ecological system of rivers, springs, seepage areas, lakes, streams, sinkholes, wetland prairies, hardwood hammocks, pine flatwoods, and sand pine scrub communities.²¹ The Wekiva and its

¹⁰ Section 259.105(10), F.S.

¹¹ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Mar. 7, 2019).

¹² Section 259.105(17), F.S.

¹³ Section 259.105(14), F.S.

¹⁴ DEP, *Florida Forever Five Year Plan*, 51 (2018), available at http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Mar. 29, 2019).

¹⁵ Section 259.105(14), F.S.

¹⁶ Section 259.105(17), F.S.

¹⁷ DEP, *Wekiva River Aquatic Preserve*, <https://floridadep.gov/rcp/aquatic-preserve/locations/wekiva-river-aquatic-preserve> (last visited Mar. 29, 2019).

¹⁸ National Wild and Scenic Rivers System, *Florida*, <https://www.rivers.gov/florida.php> (last visited Mar. 29, 2019).

¹⁹ DEP, *Florida's Designated Paddling Trails*, <https://floridadep.gov/parks/ogt/content/floridas-designated-paddling-trails> (last visited Mar. 29, 2019).

²⁰ DEP, *Wekiva River Aquatic Preserve*, <https://floridadep.gov/rcp/aquatic-preserve/locations/wekiva-river-aquatic-preserve> (last visited Mar. 29, 2019).

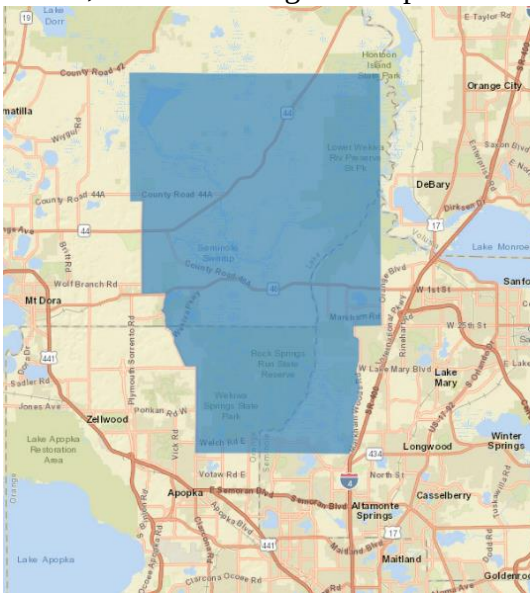
²¹ National Wild and Scenic Rivers System, *Wekiva River, Florida*, <https://www.rivers.gov/wekiva.php> (last visited Mar. 29, 2019).

tributaries are in superb ecological condition. The basin supports many species of plant and animal life, some of which are endangered, threatened, or of special concern.²²

The Little Wekiva River is a tributary to the Wekiva River. It is approximately 15 miles long, and its main stem flows northward from Lake Lawne in Orlando.²³

Wekiva River Protection Act

In 1988, the Florida Legislature passed the Wekiva River Protection Act, which requires the river's surrounding counties to amend their comprehensive plans and land development rules to deter wetlands losses, promote protection of wildlife and their habitats, and provide long-term protection for the area.²⁴ A small portion of the Little Wekiva River Basin is within this protection area, namely the area of the basin that is to the north of S.R. 434 and to the west of Markham Woods Road.²⁵ The adjacent map shows the Wekiva River Protection Area.²⁶



The Wekiva-Ocala Greenway Project

The Wekiva-Ocala Greenway is a Florida Forever Project.²⁷ The purpose for state acquisition is stated as follows:

The springs, rivers, lakes, swamps, and uplands stretching north from Orlando to the Ocala National Forest are an important refuge for the Florida black bear, as well as other wildlife such as the bald eagle, swallow-tailed kite, Florida scrub jay, and wading birds. The Wekiva-Ocala Greenway will protect these animals and the Wekiva and St. Johns River basins by protecting natural corridors connecting Wekiwa Springs State Park, Rock Springs Run State Reserve, the Lower Wekiva River State Reserve, and Hontoon Island State Park with the Ocala National Forest. It will also provide the people of the booming Orlando area with a large, nearby natural area in which to enjoy camping, fishing, swimming,

²² *Id.*

²³ Seminole County, *Seminole County Water Atlas*, available at <http://www.seminole.wateratlas.usf.edu/macro/waterbody.aspx?wbodyid=1013> (last visited Mar. 29, 2019).

²⁴ Sections 369.301-369.309, F.S. See St. John's WMD, *Little Wekiva River Watershed Management Plan* (Nov. 2005), available at http://www.orange.wateratlas.usf.edu/upload/documents/Basinreport_LittleWekiva_ExecSumm.pdf (last visited Mar. 29, 2019).

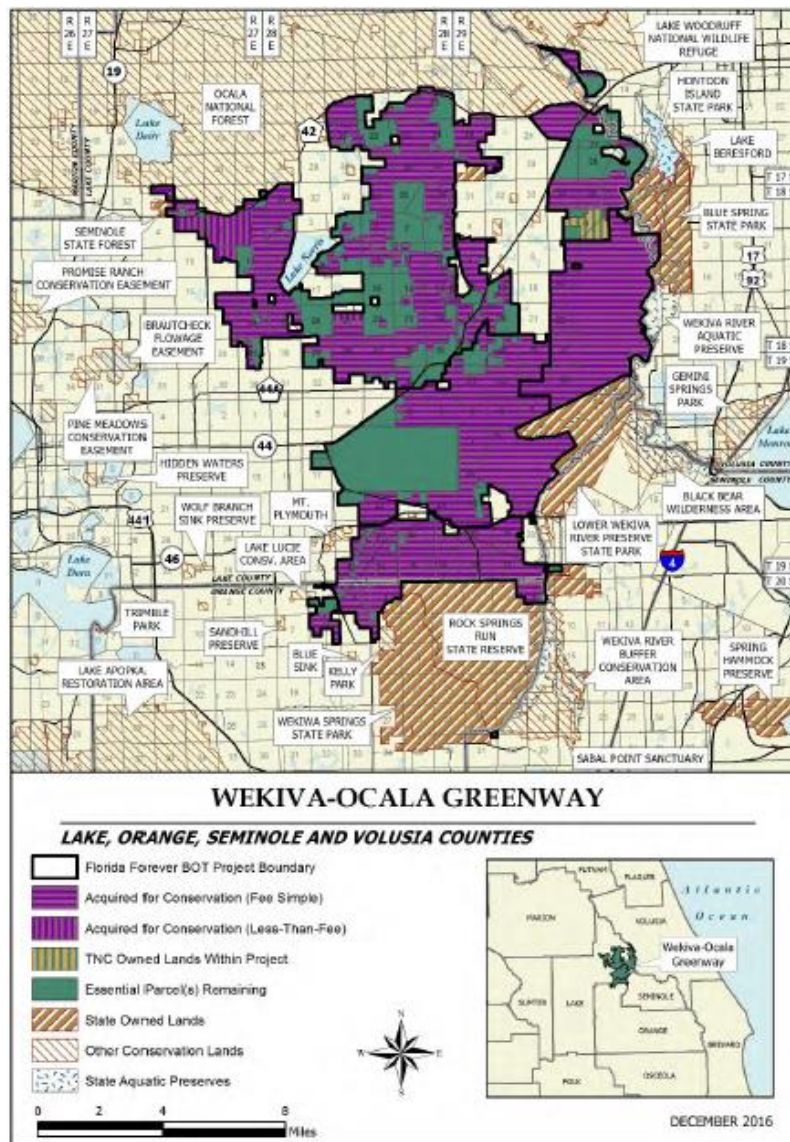
²⁵ *Id.*

²⁶ St. Johns WMD, *Wekiva River Protection Area*, http://data-floridaswater.opendata.arcgis.com/datasets/9e518b719548416eb6a0ef46c80ad612_23?mapSize=map-maximize&geometry=-82.075%2C28.589%2C-80.769%2C29.064 (last visited Mar. 29, 2019).

²⁷ DEP, *Florida Forever Five Year Plan*, 862-869 (2018), available at http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Mar. 29, 2019).

hiking, canoeing, and other recreational pursuits. The Florida National Scenic Trail, a cross-Florida hiking and non-motorized trail, is also planned to cross this project. The trail is a congressionally designated national scenic trail.²⁸

The Wekiva-Ocala Connector is one part of the project. It provides a wildlife movement corridor between the Ocala National Forest and the other portions of the projects along the Wekiva River. The project is primarily managed by the Florida Forest Service within DACS and the Division of Recreation and Parks within DEP. The majority of land acquisition for the project is complete.²⁹



²⁸ *Id.*

²⁹ *Id.*

Planned Development in Orlando

There is a planned park project, located in the City of Orlando, called “Packing District Park.”³⁰ It has been proposed by Dr. Phillips Inc. and the City of Orlando, Florida. It has recently received a permit from the St. Johns River Water Management District and is currently under permit review by the United States Army Corps of Engineers. There is an effort to stop the project from going forward. Citizens have expressed concern that the headwaters of the Little Wekiva will be degraded by the project. The City of Orlando asserts that it has done studies that actually indicated that conditions in the headwaters will be improved as a result of this project, which includes retrofitting stormwater facilities that will provide stormwater treatment for existing facilities in addition to the planned facility.³¹

Although the Wekiva-Ocala Connector and the Wekiva Protection Area are north of the area where the proposed project is located, the project is within the Wekiva River Hydrologic Basin. Within that basin, Rule 40C-41.063 of the Florida Administrative Code sets out a heightened level of protection that applies to stormwater permits issued in that area.³² The St. Johns Water Management District has monitored the water quality in the area for many years and uses that monitoring program to inform its permitting decisions.³³

III. Effect of Proposed Changes:

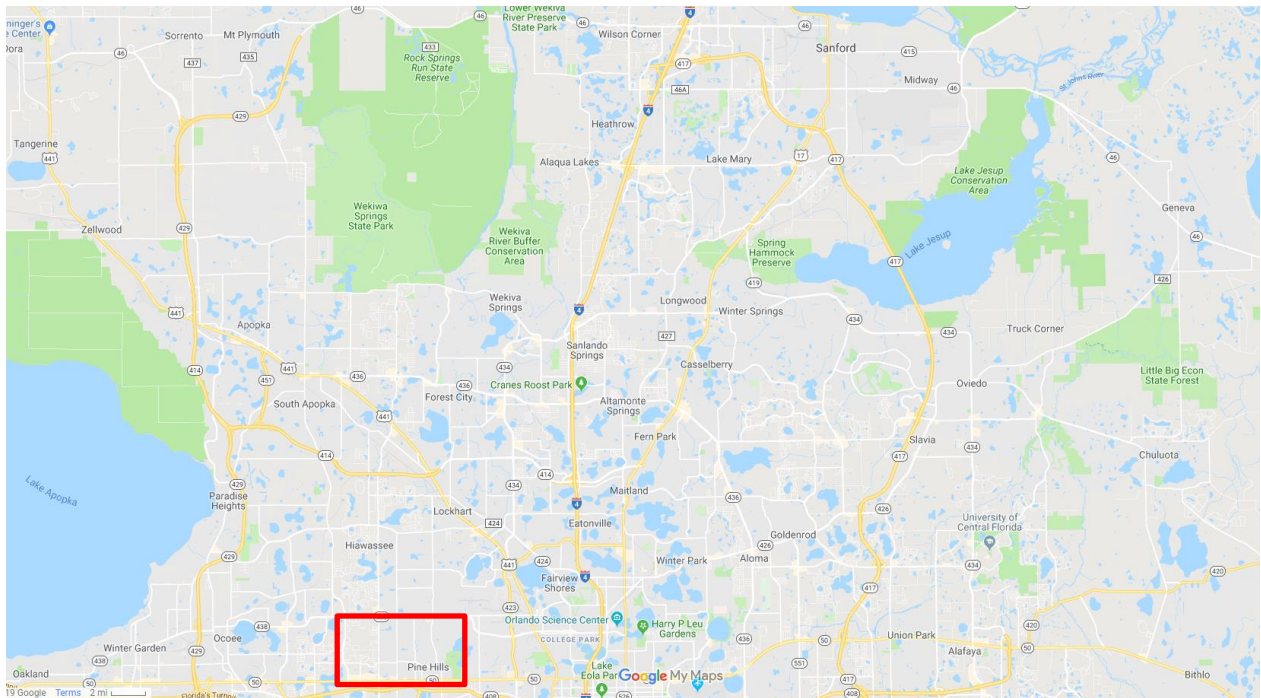
CS/SB 1772 designates the wetlands located in the area south of State Road 416, north of State Road 50, east of State Road 431, and west of State Road 441 in the City of Orlando in Orange County, Florida, as the headwaters of the Little Wekiva River. The bill creates a statement of legislative intent that these headwaters be considered in the restoration efforts of the Wekiva River System.

³⁰ Frank Martz, City Manager, Letter: Re: City of Orlando Project and Impact on the Little Wekiva River (Mar. 27, 2019) (on file with the Senate Committee of Environment and Natural Resources).

³¹ *Id.*

³² Fla. Admin. Code s. 40C-41.063. Note that DEP sets out protections in its ERP rules that require applicants to provide reasonable assurance that construction will not cause: adverse water quantity impacts to receiving water and adjacent lands, flooding, or adverse impacts to existing surface water storage and conveyance capabilities. Fla. Admin. Code s. 62-330.301. DEP and the water management districts must require applicants to provide reasonable assurance that state water quality standards will not be violated in order to issue an ERP. Sections 373.414(1), 373.403(11), F.S.

³³ St. Johns Water Management District, 2018 Status and Trends – Surface Water, *available at* <https://floridaswater.maps.arcgis.com/apps/MapSeries/index.html?appid=229a09b80d714064a950fce02b8c47b5> (last visited April 1, 2019).



The St. Johns River Water Management District (WMD) is tasked with conducting a study that identifies the impact of the Little Wekiva River headwaters and the surrounding wetlands on the Wekiva River System, the St. Johns River, and the Floridan Aquifer.

The study will consider:

- The environmental significance of the headwaters and wetlands related to the Little Wekiva River, the Wekiva River System, the Wekiva Spring, the St. Johns River, and the Floridan Aquifer.
- The environmental impact of industrial development on the Little Wekiva headwaters located at the intersection of Princeton Street and John Young Parkway on the Wekiva River System, the St. Johns River, and the Floridan Aquifer.
- The importance of the Little Wekiva River headwaters and related wetlands to overall water quality in the district and the preservation of natural systems.
- The risks of future development on the wetlands related to the Little Wekiva River headwaters and other wetlands along the Little Wekiva River.
- The importance of preserving natural systems related to the Little Wekiva River to prevent nutrient algae blooms in the Wekiva River System and St. Johns River.

Based on their findings, the WMD must develop a plan to purchase and restore wetlands related to the Little Wekiva River headwaters and the Wekiva River System and must submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 1, 2021. The WMD shall submit a report detailing its findings to the Acquisition and Restoration Council (ARC) and the Board of Trustees of the Internal Improvement Trust Fund before October 1, 2020.

At the next scheduled meeting of the ARC after receiving the report from the WMD, the council shall determine if the lands related to the Little Wekiva headwaters and other areas within the Wekiva River System should be included in the existing Wekiva-Ocala Connector Project and if any lands relating to the Little Wekiva River headwaters constitute a new project under the Florida Forever program.

Except for permits approving water quality projects that are part of a local government capital improvement, any permit for development projects on wetlands related to the Little Wekiva River headwaters and the Wekiva River System may not be approved or issued, and permitted development projects on wetlands related to the Little Wekiva River headwaters and the Wekiva River System for which construction has not begun may not begin, until ARC makes a determination on whether to include the area in a Florida Forever project.

The bill provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Art. III, s. 10 of the Florida Constitution prohibits the Legislature from enacting any special law unless notice is first published or a referendum is conducted. A special law or “local law” relates to or operates upon a particular person, thing, or part of the state; it does not apply with geographic uniformity across the state and bears no reasonable relationship to differences in population or other legitimate criteria.³⁴ On the other hand, a general law of local application relates to a class of persons or things or subdivisions of the state, based upon distinctions or differences that are inherent or particular to the class or location. The Legislature is granted wide discretion in making such classifications.³⁵ If a particular condition exists in only a portion of the state, enactments that reference the

³⁴ See *State ex rel. Landis v. Harris*, 163 So. 237, 240 (Fla. 1934); and *Lawnwood Medical Center, Inc. v. Seeger*, 990 So.2d 503 (Fla. 2008).

³⁵ *Shelton v. Reeder*, 121 So. 2d 145, 151 (Fla. 1960). But see also Art. X, s. 11 of the Florida Constitution.

limited geographic area may be general laws.³⁶ “[I]f a law utilizes a classification that is geographical in its terms but the purpose of the statute is one of statewide importance and impact, and the classification is reasonably related to the law’s purpose, it is a valid general law.”³⁷

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a negative financial impact on businesses within the area described by the bill that may not develop until the ARC determines whether to include the area in a Florida Forever project.

C. Government Sector Impact:

There will be a negative fiscal impact on the WMD in conducting the study and in developing a plan to purchase and restore the wetlands. There may be a negative fiscal impact to the state if the state decides to purchase parcels in the area.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unclear what happens to development permits in the area after ARC makes its decision. Even a decision by ARC to include the area in a Florida Forever project may not result in immediate purchase of the property. Furthermore, since the bill does not employ eminent domain, there is no requirement for the property owner to sell the property. It is possible that even if the WMD conducts the study and ARC includes the property in a Florida Forever project, development of the area may continue but with some delay as a result of the bill.

VIII. Statutes Affected:

The bill creates an undesignated section of law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources Committee on April 2, 2019:

³⁶ *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).

³⁷ *Id.* at 1056.

Provides an exception for permits approving water quality projects that are part of a local government capital improvement from the moratorium on building permits in a specified area.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



301328

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2019	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Bracy)
recommended the following:

Senate Amendment

Delete lines 60 - 71
and insert:

(4) Except for permits approving water quality projects
that are part of a local government capital improvement, any
permit for development projects on wetlands related to the
Little Wekiva River headwaters and the Wekiva River System may
not be approved or issued, and permitted development projects on
wetlands related to the Little Wekiva River headwaters and the



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Wekiva River System for which construction has not begun may not begin, until the council makes a determination pursuant to subsection (3).

(5) Based on their findings, the district must develop a plan to purchase and restore wetlands related to the Little Wekiva River headwaters and the Wekiva River System and must submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 1,

By Senator Bracy

11-00206C-19

20191772__

A bill to be entitled
An act relating to the Little Wekiva River; providing legislative intent; directing the St. Johns River Water Management District to conduct a specified study and submit a report to the Acquisition and Restoration Council and the Board of Trustees of the Internal Improvement Trust Fund by a specified date and to develop a specified plan and submit the plan to the Governor and Legislature by a specified date; directing the council to make certain determinations; prohibiting the approval and issuance of permits for certain development projects and commencement of certain permitted development projects until the council makes certain determinations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The wetlands located in the area south of State Road 416, north of State Road 50, east of State Road 431, and west of State Road 441 in the City of Orlando in Orange County, Florida, are deemed headwaters of the Little Wekiva River. It is the intent of the Legislature that these headwaters be considered in the restoration efforts of the Wekiva River System.

(2) (a) The St. Johns River Water Management District shall conduct a study that identifies the impact of the Little Wekiva River headwaters and the surrounding wetlands on the Wekiva River System, the St. Johns River, and the Floridan Aquifer.

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30 (b) In conducting the study, the district must consider, at
31 a minimum:

32 1. The environmental significance of the headwaters and
33 wetlands related to the Little Wekiva River, the Wekiva River
34 System, the Wekiva Spring, the St. Johns River, and the Floridan
35 Aquifer.

36 2. The environmental impact of industrial development on
37 the Little Wekiva headwaters located at the intersection of
38 Princeton Street and John Young Parkway on the Wekiva River
39 System, the St. Johns River, and the Floridan Aquifer.

40 3. The importance of the Little Wekiva River headwaters and
41 related wetlands to overall water quality in the district and
42 the preservation of natural systems.

43 4. The risks of future development on the wetlands related
44 to the Little Wekiva River headwaters and other wetlands along
45 the Little Wekiva River.

46 5. The importance of preserving natural systems related to
47 the Little Wekiva River to prevent nutrient algae blooms in the
48 Wekiva River System and St. Johns River.

49 (c) The district shall submit a report detailing its
50 findings to the Acquisition and Restoration Council and the
51 Board of Trustees of the Internal Improvement Trust Fund before
52 October 1, 2020.

53 (3) At the next scheduled meeting of the council after
54 receiving the report from the district, the council shall
55 determine if the lands related to the Little Wekiva headwaters
56 and other areas within the Wekiva River System should be
57 included in the existing Wekiva-Ocala Connector Project and if
58 any lands relating to the Little Wekiva River headwaters

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59 constitute a new project under the Florida Forever program.

60 (4) Any permit for development projects on wetlands related
61 to the Little Wekiva River headwaters and the Wekiva River
62 System may not be approved or issued, and permitted development
63 projects on wetlands related to the Little Wekiva River
64 headwaters and the Wekiva River System for which construction
65 has not begun may not begin, until the council makes a
66 determination pursuant to subsection (3).

67 (5) Based on their findings, the district must develop a
68 plan to purchase and restore wetlands related to the Little
69 Wekiva River headwaters and the Wekiva River System and must
70 submit the plan to the Governor, the President of the Senate,
71 and the Speaker of the House Representatives before January 1,
72 2021.

73 Section 2. This act shall take effect July 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SR 1820

INTRODUCER: Senator Hooper

SUBJECT: Moratorium on Drilling in the Gulf of Mexico

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schreiber	Rogers	EN	Favorable
2.			MS	
3.			RC	

I. Summary:

SR 1820 states that:

- The State of Florida must maintain a unified front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;
- To allow drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida Senate supports an indefinite extension of the restriction, specified in the Gulf of Mexico Security Act of 2006 (GOMESA), on oil and gas leasing in all areas east of the Military Mission Line established at 86°41' west longitude and an indefinite extension of GOMESA's ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

Resolutions are not subject to action by the Governor and do not have the effect of law. In addition, they are not subject to the constitutional single-subject limitation or title requirements.

II. Present Situation:

Gulf of Mexico Range Complex

Florida's 20 major military installations and defense business presence provide a nearly \$84.9 billion annual economic impact and account for 801,747 jobs in Florida.¹ Additionally, Florida is home to: three unified combatant commands; two of only four Navy deep water ports in the United States with adjacent airfields; the military's only east coast space launch facility; the Marine Corps' only maritime prepositioning force facility; one of only three Navy Fleet

¹ Enterprise Florida, *Florida's Military Profile*, 1 (2018), available at http://www.enterpriseflorida.com/wp-content/uploads/Military_Install_Map.pdf (last visited Mar. 28, 2019).

Readiness Centers; and several critical research, development, training and evaluation centers.² The “military mission line” is the 86° 41’ line in the Gulf of Mexico.³ The area in the Gulf of Mexico east of the military mission line provides approximately 101,000 square miles of surface and airspace, making it the largest over-water United States Department of Defense test and training area in the continental United States.⁴

Joint basing, joint usage, and joint training areas are vital to assessing the future of a military base. Florida’s military bases are dependent on access to the air and sea space provided by the Gulf of Mexico Range Complex (GOMEX Range Complex). The GOMEX Range Complex is larger than all other training ranges inside the continental United States combined and has been in use for over 60 years.⁵ The GOMEX Range Complex stretches from the Florida Panhandle south to Key West and encompasses the eastern Gulf of Mexico.⁶ The GOMEX Range Complex “supports NAS Pensacola, NAS Whiting Field, Hurlburt Air Force Base, Duke Field, Eglin Air Force Base, NSA Panama City, Tyndall Air Force Base, MacDill Air Force Base, and NAS Key West missions directly while also supporting Joint live fire weapons and operational testing for Air Force, Navy and Marine units from around the world.”⁷ The GOMEX Range Complex also contains multiple live-fire bombing ranges, including Pinecastle Range, Avon Park Air Force Range, and Eglin Bombing Range that allow for simultaneous maritime, air, and land training exercises.⁸

New technology is constantly emerging along with the need for more integrated realistic training missions in order to keep up with ever changing global threats. Consequently, Air Force and Navy ranges within the GOMEX Range Complex must keep pace to ensure they will be capable of handling the new aircraft and weapons requirements.⁹ Due to its capabilities of offering joint training exercises, access to sea and land, and close proximity to Florida’s bases, the GOMEX Range Complex serves as a vital part of the Department of Defense’s training strategies.

Oil Production in the Gulf of Mexico

Offshore drilling and oil exploration in the Gulf of Mexico began in the 1930s. According to the U.S. Department of Energy, in 2016 Gulf of Mexico offshore production accounted for

² Enterprise Florida, *Florida Defense Factbook*, 5 (Sept. 2015), available at <http://www.coj.net/departments/military-and-veterans-affairs/docs/2015-fl-defense-factbook-sept-2015.aspx> (last visited Mar. 28, 2019).

³ Enterprise Florida, Florida Defense Support Task Force White Paper, *Oil Drilling & Military Mission Compatibility*, 4 (2017), available at <https://www.enterpriseflorida.com/wp-content/uploads/FDSTF-White-Paper-Oil-Drilling-and-Military-Mission-Compatibility.pdf> (last visited Mar. 28, 2019).

⁴ U.S. DOD, Office of the Secretary of Defense, *Preserving Military Readiness in the Eastern Gulf of Mexico*, 2 (May 2018), available at <http://www.iadc.org/wp-content/uploads/2018/05/DOD-Offshore-Report.pdf> (last visited Mar. 28, 2019).

⁵ Enterprise Florida, Florida Defense Support Task Force White Paper, *Oil Drilling & Military Mission Compatibility*, 1 (2017), available at <https://www.enterpriseflorida.com/wp-content/uploads/FDSTF-White-Paper-Oil-Drilling-and-Military-Mission-Compatibility.pdf> (last visited Mar. 28, 2019).

⁶ *Id.*

⁷ *Id.* at 2.

⁸ Enterprise Florida, *Florida Defense Factbook*, 5 (Sept. 2015), available at <http://www.coj.net/departments/military-and-veterans-affairs/docs/2015-fl-defense-factbook-sept-2015.aspx> (last visited Mar. 28, 2019).

⁹ Enterprise Florida, Florida Defense Support Task Force White Paper, *Oil Drilling & Military Mission Compatibility*, 3 (2017), available at <https://www.enterpriseflorida.com/wp-content/uploads/FDSTF-White-Paper-Oil-Drilling-and-Military-Mission-Compatibility.pdf> (last visited Mar. 28, 2019).

seventeen percent of total U.S. crude oil production and five percent of total U.S. dry natural gas production.¹⁰

In 2018, the Florida constitution was amended to prohibit drilling for exploration or extraction of oil or natural gas on lands “beneath all state waters which have not been alienated and that lie between the mean high water line and the outermost boundaries of the state’s territorial seas.”¹¹ Mean high water is the average height of high waters over a 19-year period, and the “mean high water line” is where this mean high water intersects with the shore.¹² The mean high-water line generally represents the boundary between the state-owned foreshore (alternately covered and uncovered by the tide) and the dry sand above the mean high water line which may be privately owned.¹³ The seaward boundaries of Florida’s state waters are from shore to three nautical miles into the Atlantic Ocean, and from shore to approximately nine nautical miles into the Gulf of Mexico.¹⁴

The federal government’s jurisdiction over submerged lands, subsoil, and seabed extends from the seaward extent of the state’s jurisdiction to the seaward limits defined under accepted principles of international law (generally 200 to 350 nautical miles from the territorial sea baseline).¹⁵ The Department of Interior’s Bureau of Ocean Energy Management is responsible for administering the National Outer Continental Shelf Oil and Gas Leasing Program for oil and gas lease sales proposed for planning areas of the U.S. Outer Continental Shelf.¹⁶ The program specifies the size, timing, and location of potential leasing activity that the Secretary of the Interior determines will best meet national energy needs.¹⁷

After the OPEC crisis in the 1970s and the September 11, 2001 attacks, interest in energy production, particularly domestic oil and natural gas, grew.¹⁸ The Department of Defense became concerned about the possibility of an unchecked expansion of oil drilling platforms in the eastern Gulf of Mexico conflicting with military training and weapons testing in the GOMEX Range Complex.¹⁹ In 2005, the Secretary of Defense sent a memo to the United States Senate Armed Services Committee stating the concern and that the Department of Defense would work

¹⁰ U.S. Energy Information Administration website, *Gulf of Mexico Fact Sheet*, https://www.eia.gov/special/gulf_of_mexico/ (last visited Mar. 28, 2019).

¹¹ FLA CONST. art. II, s. 7(c).

¹² Section 177.27(14), (15).

¹³ Section 177.28, F.S.; Section 177.27(9), F.S. The full definition of “foreshore” is “the strip of land between the mean high-water and mean low-water lines that is alternately covered and uncovered by the flow of the tide.”

¹⁴ 42 U.S.C. § 1312; *United States v. States of La., Tex., Miss., Ala., & Fla.*, 364 U.S. 502, 503 (1960); DEP, *Florida Coastal Management Program Guide, A Guide to the Federally Approved Florida Coastal Management Program*, 7 (2017), available at https://floridadep.gov/sites/default/files/FCMP-Program-Guide-2017_0.pdf; FWC, *Boundary Maps and Management Zones*, <https://myfwc.com/fishing/saltwater/recreational/maps/> (last visited Mar. 28, 2019).

¹⁵ Department of the Interior Bureau of Ocean Energy Management, *Outer Continental Shelf*, <https://www.boem.gov/Outer-Continental-Shelf/> (last visited Mar. 28, 2019).

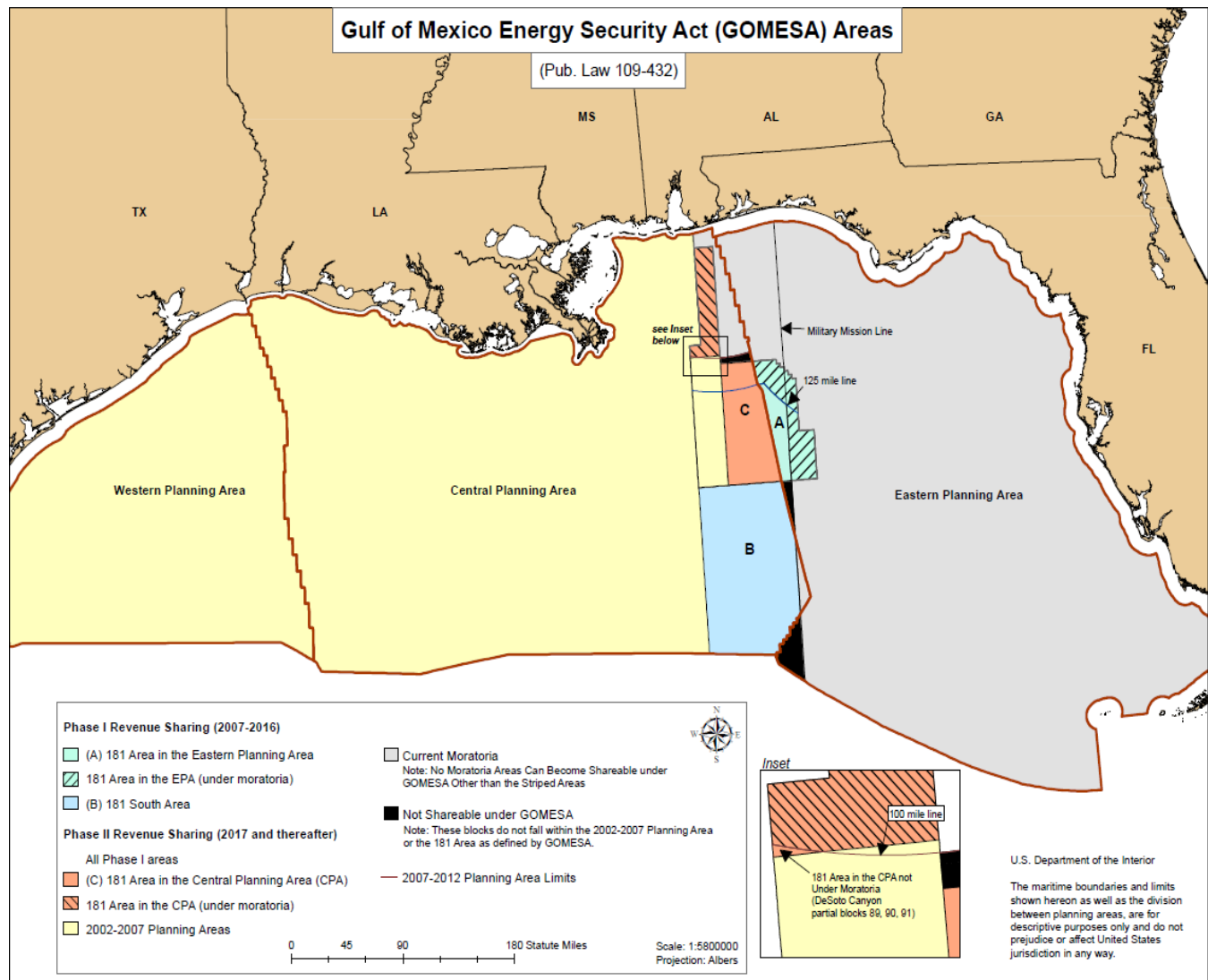
¹⁶ Department of the Interior Bureau of Ocean Energy Management, *National OCS Oil and Gas Leasing Program*, <https://www.boem.gov/National-OCS-Program/> (last visited Mar. 28, 2019).

¹⁷ *Id.*

¹⁸ Enterprise Florida, Florida Defense Support Task Force White Paper, *Oil Drilling & Military Mission Compatibility*, 2 (2017), available at <https://www.enterpriseflorida.com/wp-content/uploads/FDSTF-White-Paper-Oil-Drilling-and-Military-Mission-Compatibility.pdf> (last visited Mar. 28, 2019).

¹⁹ *Id.* at 4.

with the Department of Interior to strike a balance between the nation's energy needs and national security goals.²⁰



Gulf of Mexico Energy Security Act of 2006

The Secretary of Defense's memo led to federal legislation limiting oil and gas production in the Gulf of Mexico. On December 20, 2006, the federal Gulf of Mexico Energy Security Act of 2006 (GOMESA) was signed into law.²¹ GOMESA enhances Outer Continental Shelf oil and gas leasing activities and revenue sharing in the Gulf of Mexico by:

- Sharing leasing revenues with Gulf producing states and the Land & Water Conservation Fund for coastal restoration projects;

²⁰ *Id.*

²¹ Gulf of Mexico Energy Security Act of 2006, Pub. L. No. 109-432, S. 3711, 109th Cong. (Dec. 20, 2006), available at <https://www.congress.gov/bills/109th-congress/senate-bill/3711> (last visited Mar. 28, 2019).

- Banning oil and gas leasing within 125 miles off the Florida coastline in the Eastern Gulf of Mexico Planning Area, and a portion of the Central Planning Area until 2022; and
- Allowing companies to exchange certain existing leases in moratorium areas for bonus and royalty credits to be used on other Gulf of Mexico leases.²²

GOMESA restricts leasing activities that include portions of the Eastern Planning Area within 125 miles of Florida, all areas in the Gulf of Mexico east of the military mission line, and the area within the Central Planning Area that is within 100 miles of Florida.²³

Efforts to Revise the Moratorium

In 2013, the “Offshore Energy and Jobs Act” was introduced to remove limits imposed by GOMESA, including shortening the duration of the moratorium from 2022 to 2017.²⁴ The bill passed the House of Representatives; however, it was never taken up in the Senate.²⁵

Two years later a similar bill, the “Offshore Energy and Jobs Act of 2015,” was filed.²⁶ Among other things, the bill reduced the exclusion area east of the military mission line from 125 miles to 50 miles off shore and reduced the area subject to the moratorium in the Central Planning Area off the coastline of Florida. The bill was never heard in the Senate.²⁷

On April 28, 2017, the President issued an executive order with the intent to expand offshore drilling in the Arctic and Atlantic Oceans, in addition to assessing whether energy exploration can take place in marine sanctuaries in the Pacific and Atlantic Oceans.²⁸ The order also directs the Secretary of the Interior, in consultation with the Secretary of Defense, to review “the schedule of proposed oil and gas lease sales...in the Western Gulf of Mexico, Central Gulf of Mexico, Chukchi Sea, Beaufort Sea, Cook Inlet, Mid-Atlanta, and the South Atlantic.”²⁹

Subsequently, in October, 2017, Department of the Interior Secretary Zinke announced that the department is proposing “the largest oil and gas lease sale ever held in the United States, 76,967,935 acres in federal waters of the Gulf of Mexico, offshore of Texas, Louisiana, Mississippi, Alabama and Florida.”³⁰ The proposed lease sale is scheduled for March 2018.³¹

²² Department of the Interior Bureau of Ocean Energy Management, *Gulf of Mexico Energy Security Act*, <https://www.boem.gov/Revenue-Sharing/> (last visited Mar. 28, 2019).

²³ *Id.*

²⁴ Offshore Energy and Jobs Act, H.R. 2231, 113th Cong. (June 4, 2013), available at <https://www.congress.gov/bill/113th-congress/house-bill/2231> (last visited Mar. 28, 2019).

²⁵ *Id.*

²⁶ S. 1276, 114th Cong. (May 11, 2015), available at <https://www.congress.gov/bill/114th-congress/senate-bill/1276> (last visited Mar. 28, 2019).

²⁷ *Id.*

²⁸ Executive Order 13795, available at <https://www.federalregister.gov/documents/2017/05/03/2017-09087/implementing-an-america-first-offshore-energy-strategy> (last visited Mar. 28, 2019).

²⁹ *Id.*

³⁰ Department of the Interior Press Release, October 24, 2017, available at <https://www.doi.gov/pressreleases/secretary-zinke-announces-largest-oil-gas-lease-sale-us-history> (last visited Mar. 28, 2018).

³¹ *Id.*

On January 4, 2018, Secretary Zinke announced a draft proposed National Outer Continental Shelf Oil and Gas Leasing Program that would make over 90 percent of the total outer continental shelf acreage and more than 98 percent of undiscovered, technically recoverable oil and gas resources in federal offshore areas available for future exploration and development.³² By contrast, the current oil and gas leasing program puts 94 percent of the outer continental shelf off limits. In addition to the largest number of lease sales in U.S. history, the proposed program announced in January of 2018 includes two lease sales in portions of the Eastern and Central Gulf of Mexico after the expiration of the Congressional moratorium in 2022, making the majority of the Eastern Gulf of Mexico Planning Area available for leasing for the first time since 1988.³³ However, news organizations reported that on January 9, 2018, after meeting with Florida's Governor Rick Scott, Secretary Zinke said that he would not allow offshore drilling in waters near Florida through 2024.³⁴ A spokeswoman for the Department of Interior said that Gulf and Atlantic waters adjacent to Florida would be removed from consideration for the plan that covers drilling rights sales from 2019 to 2024.³⁵

On March 12, 2019, officials from the Department of the Interior announced that the Bureau of Ocean Energy Management proposes to offer 78 million acres for a region-wide lease sale in August of 2019, known as Lease Sale 253.³⁶ The sale would include all available unleased areas in federal waters of the Gulf of Mexico.³⁷ The Department of the Interior's press release states that blocks subject to the congressional moratorium established by GOMESA are excluded from Lease Sale 253.³⁸

Expanding the Current Moratorium

Senator Bill Nelson (D-FL) filed the "Marine Oil Spill Prevention Act" in January, 2017.³⁹ The bill, among other things, would have extended the moratorium in GOMESA to 2027.

In May of 2017, acting Under Secretary of Defense, Anthony Kurta, sent a letter to Representative Matt Gaetz (R-FL) stating that military training and related exercises in the Eastern Gulf necessitate a continuation of the GOMESA. Kurta also stated the following:

Emerging technologies such as hypersonics, autonomous systems, and advanced sub-surface systems will require enlarged testing and training

³² Department of the Interior Press Release, January 4, 2018, *Secretary Zinke Announces Plan For Unleashing America's Offshore Oil and Gas Potential*, <https://www.doi.gov/pressreleases/secretary-zinke-announces-plan-unleashing-america-s-offshore-oil-and-gas-potential> (last visited Mar. 28, 2019).

³³ *Id.*

³⁴ Timothy Cama, *Zinke Removing Florida from Offshore Drilling Plan*, THE HILL (Jan. 9, 2018), available at <http://thehill.com/homenews/administration/368208-zinke-to-take-florida-out-of-offshore-drilling-plan> (last visited Mar. 28, 2019).

³⁵ *Id.*

³⁶ Department of the Interior Press Release, March 12, 2019, *Interior Proposes Region-Wide Oil and Gas Lease Sale 253 for Gulf of Mexico*, <https://www.doi.gov/pressreleases/interior-proposes-region-wide-oil-and-gas-lease-sale-253-gulf-mexico> (last visited Mar. 28, 2019); see Bureau of Ocean Energy Management, *Lease Sale 253*, <https://www.boem.gov/Sale-253/> (last visited Mar. 28, 2019).

³⁷ *Id.*

³⁸ *Id.*

³⁹ S. 74, 115th Cong. (Jan. 9, 2017), available at <https://www.congress.gov/bill/115th-congress/senate-bill/74?q=%7B%22search%22%3A%5B%22oil+drilling+moratorium%22%5D%7D&r=1> (last visited Mar. 28, 2019).

footprints and increased Department of Defense reliance on the Gulf of Mexico Energy Security Act's moratorium beyond 2022. The moratorium is essential for developing and sustaining our nation's future combat capabilities.⁴⁰

Additionally, county commissions, chambers of commerce, local economic development councils, and military affairs committees from counties bordering the Gulf of Mexico have provided resolutions in support of the GOMESA to the Florida Legislature.⁴¹

Senator Marco Rubio (R-FL) filed the "Florida Shores Protection and Fairness Act" in January of 2019.⁴² The bill would extend the moratorium to June 30, 2027.

III. Effect of Proposed Changes:

The resolution includes a series of whereas clauses relating to the importance of the GOMEX Range Complex and concerns over efforts to allow oil and gas exploration and production in the area. The bill states that:

- The State of Florida must maintain a unified front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;
- To allow drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida Senate supports an indefinite extension of the restriction, specified in the Gulf of Mexico Security Act of 2006 (GOMESA), on oil and gas leasing in all areas east of the Military Mission Line established at 86°41' west longitude and an indefinite extension of GOMESA's ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

Resolutions are not subject to action by the Governor and do not have the effect of law. In addition, they are not subject to the constitutional single-subject limitation or title requirements.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴⁰ Congressional Record, Senator Bill Nelson's Remarks, *Gulf of Mexico Oil Drilling Moratorium* (May 1, 2017), available at <https://www.congress.gov/congressional-record/2017/05/01/senate-section/article/S2654-4> (last visited Mar. 28, 2019).

⁴¹ Enterprise Florida, Florida Defense Support Task Force White Paper, *Oil Drilling & Military Mission Compatibility*, 5, 6, and Attachment 2 (2017), available at <https://www.enterpriseflorida.com/wp-content/uploads/FDSTF-White-Paper-Oil-Drilling-and-Military-Mission-Compatibility.pdf> (last visited Mar. 28, 2019).

⁴² S.13, 116th Cong. (Jan. 3, 2019), available at <https://www.congress.gov/bill/116th-congress/senate-bill/13?s=1&r=54> (Mar. 28, 2019).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This Senate resolution does not amend the Florida Statutes. If enacted, it will become an undesignated chapter law codified in the Laws of Florida.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Hooper

16-02925-19

20191820__

Senate Resolution

A resolution supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line.

WHEREAS, the Florida Legislature represents the military bases and personnel that maintain, manage, and use the Gulf of Mexico (GOMEX) Range Complex, which provides for the common defense of this state and the nation, and

WHEREAS, defense is the State of Florida's fourth largest industry, accounting for more than 775,000 jobs, \$80 billion in economic impact, and 65 percent of the regional economy of Northwest Florida, and

WHEREAS, testing and training activities conducted from Florida's air and sea bases are considerably dependent on unconstrained access to the Eastern Gulf of Mexico airspace and seaspace, and

WHEREAS, the GOMEX Range Complex is a unique national resource, and

WHEREAS, the range is larger than all other training ranges within the continental United States combined, stretching from the Florida Panhandle south to Key West and encompassing the Eastern Gulf of Mexico, and

WHEREAS, surrounding the GOMEX Range Complex are numerous United States Department of Defense installations, ranges, and airspaces, which make the complex unique, and

WHEREAS, originally a place to practice air-to-air engagements and air-to-surface bombing and strafing, the GOMEX Range Complex has served the nation for over 60 years, and

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20191820__

WHEREAS, after World War II, the GOMEX Range Complex was used to test surface-to-air rockets against drones and, with the advent of fifth-generation aircraft at Tyndall and Eglin Air Force Bases, has been used extensively to test future weapons systems, and

WHEREAS, the military missions require day and night access to the airspace, from the surface up to 60,000 feet, for high-speed flying and maneuvering, as well as day and night access to the seaspace, from the sea surface to the subsurface areas, for use by ships and submarines, and

WHEREAS, the military uses live ammunition and missiles against remotely piloted full-scale targets and drones, resulting in large debris fields of dangerous objects, and

WHEREAS, for well over a decade and through two presidential administrations, the United States Department of Defense policy has been to keep the Eastern Gulf of Mexico free from obstruction, and

WHEREAS, oil exploration and offshore platforms placed in the Eastern Gulf of Mexico could jeopardize military missions and severely reduce the state's appeal in keeping military installations, and

WHEREAS, without access to airspace in order to test modern and emerging weapons systems and train the aircrews that support such systems, Florida would lose its primary reason for hosting the GOMEX Range Complex, and

WHEREAS, the Gulf of Mexico Energy Security Act (GOMESA) of 2006 restricts oil and gas leasing in all areas east of the Military Mission Line established at 86°41' W. longitude and bans oil and gas leasing within 125 miles of the Florida

16-02925-19

20191820__

coastline in the Eastern Planning Area and in a portion of the Central Planning Area until 2022, and

WHEREAS, attempts to reduce restrictions on oil and gas exploration and production arose in 2013 and 2015, when the members of the United States Senate and the United States House of Representatives developed and introduced bills to change GOMESA without addressing the military need to maintain the GOMEX Range Complex, and

WHEREAS, in 2013, the Offshore Energy and Jobs Act was introduced by United States Representative Doc Hastings of Washington to propose changes in oil and gas drilling and exploration locations, and

WHEREAS, the Offshore Energy and Jobs Act of 2015 was introduced by United States Senator Bill Cassidy of Louisiana, to increase oil and gas exploration and production, most notably through reducing the exclusion area east of the Military Mission Line from 125 miles to 50 miles offshore and through shortening the time limit of the moratorium from 2022 to 2017, but the bill ultimately did not advance past committee, and GOMESA remained intact for the time being, and

WHEREAS, the United States Secretary of Defense, the Chief of Staff of the United States Air Force, and 15 members of the United States Congress from Florida have written letters requesting an extension to the moratorium that is essential for developing and sustaining the military's future capabilities and for guaranteeing long-term capabilities for future test missions that may enable new technologies such as hypersonic fifth-generation fighters, advanced subsurface weapons systems, and other projects that require enlarged testing and training

16-02925-19

20191820__

88 footprints well beyond 2022, and

89 WHEREAS, without the certainty of an extension to the
90 moratorium, investment in upgrades in telemetry, tracking, and
91 other important improvements are at risk, and

92 WHEREAS, in March 2017, 20 local county commissions,
93 chambers of commerce, local economic development councils, and
94 military affairs committees drafted resolutions in support of
95 the moratorium and submitted them to the Florida Legislature,
96 NOW, THEREFORE,

97
98 Be It Resolved by the Senate of the State of Florida:

99
100 That the State of Florida must maintain a united front in
101 supporting an extension of the current moratorium on drilling in
102 the Gulf of Mexico east of the Military Mission Line.

103 BE IT FURTHER RESOLVED that to allow drilling east of the
104 Military Mission Line would mean loss of range areas and
105 possible relocation of aircraft and bases to other unrestricted
106 range areas.

107 BE IT FURTHER RESOLVED that the Florida Senate supports an
108 indefinite extension of the restriction, specified in the Gulf
109 of Mexico Energy Security Act of 2006, on oil and gas leasing in
110 all areas east of the Military Mission Line established at
111 86°41' W. longitude and indefinite extension of the act's ban on
112 oil and gas leasing within 125 miles of the Florida coastline in
113 the Eastern Planning Area and in a portion of the Central
114 Planning Area.



Florida v. Georgia Orig. 142

**DEP, Office of the General Counsel
Justin G. Wolfe
Interim General Counsel**



OUTLINE

- **Historical Context**
- **Procedural Posture**
- **The Supreme Court Opinion**
- **What Comes Next**

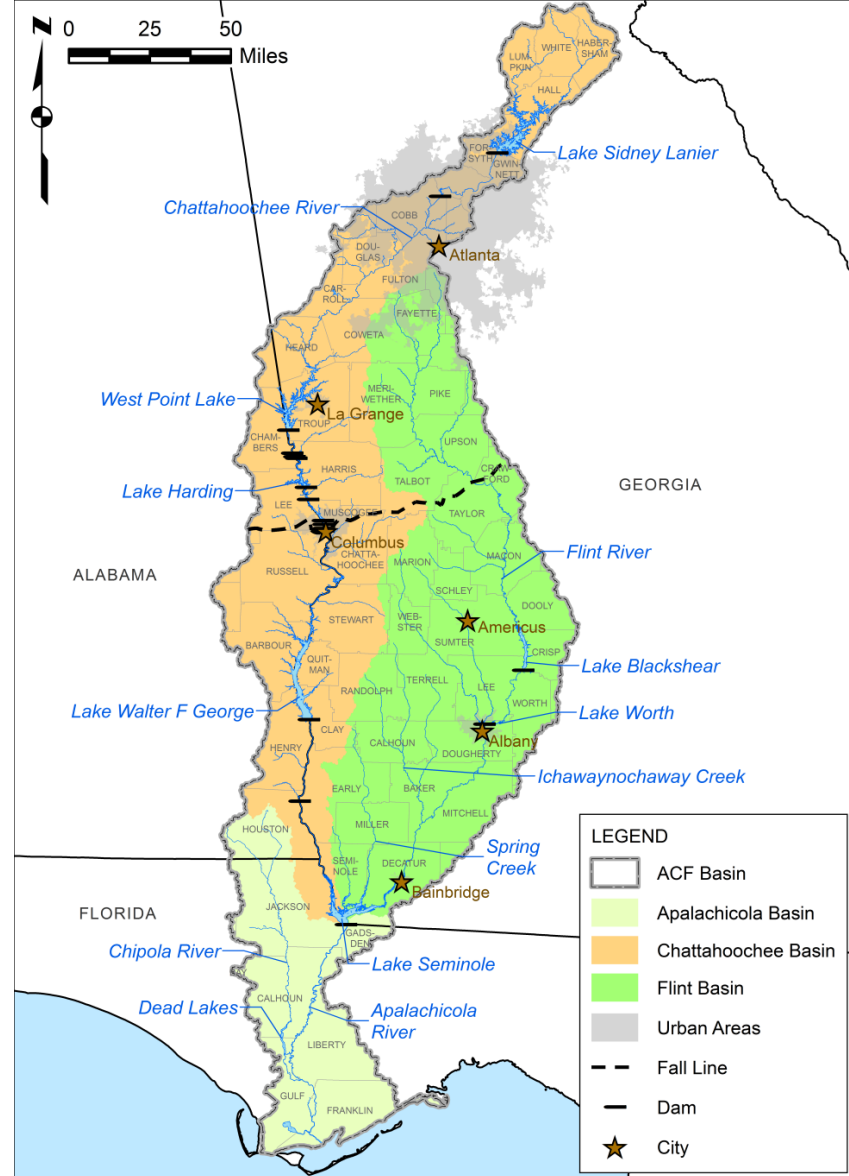


HISTORICAL CONTEXT



HISTORICAL CONTEXT

Apalachicola-Chattahoochee-Flint (ACF) River Basin.





BASIN PROJECT PURPOSES



- **Navigation**
- **Hydroelectric Power**
- **National Defense**
- **Recreation**
- **Industrial & Municipal Water supply**



JIM WOODRUFF LOCK AND DAM



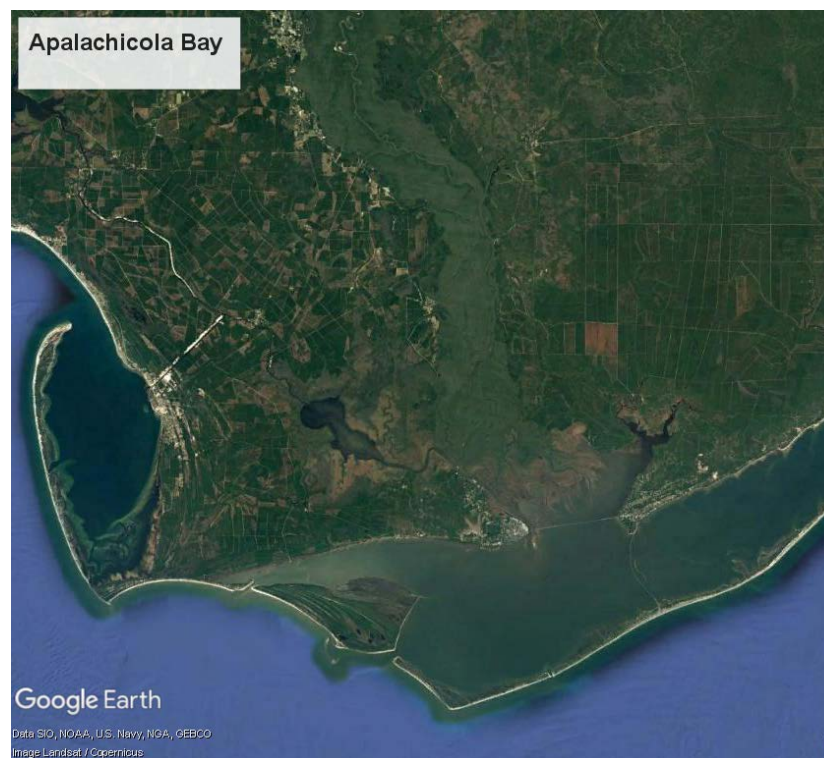
USACE, *Water Control Manual* (2016)

- **At Lake Seminole**
- **1,000 ft downstream from convergence of Chattahoochee and Flint Rivers**
- **Crosses FL-GA state line (Gadsden County, FL and Decatur County, GA)**



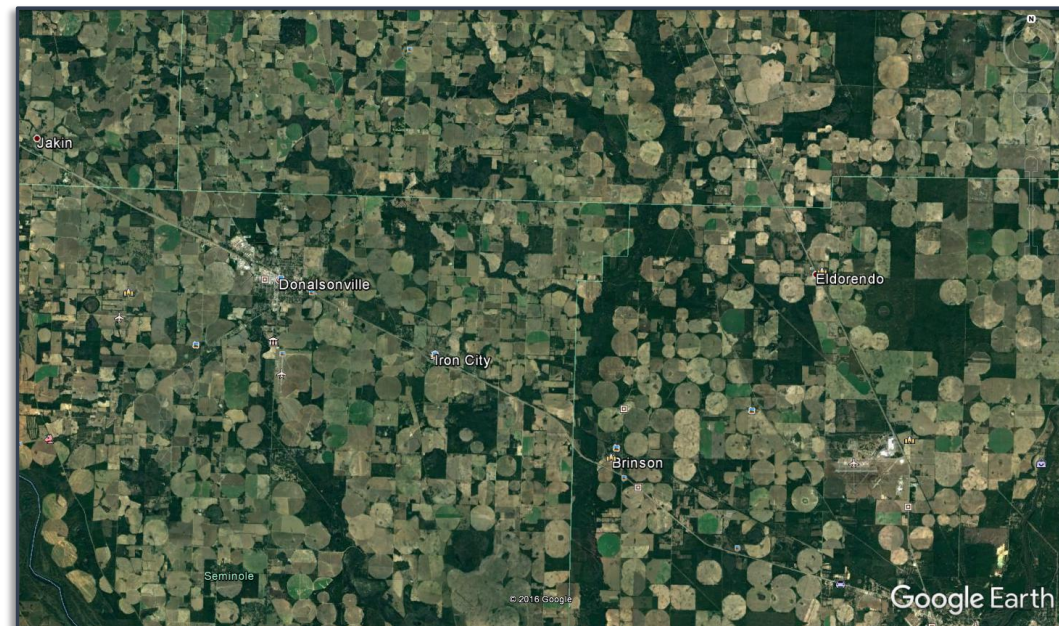
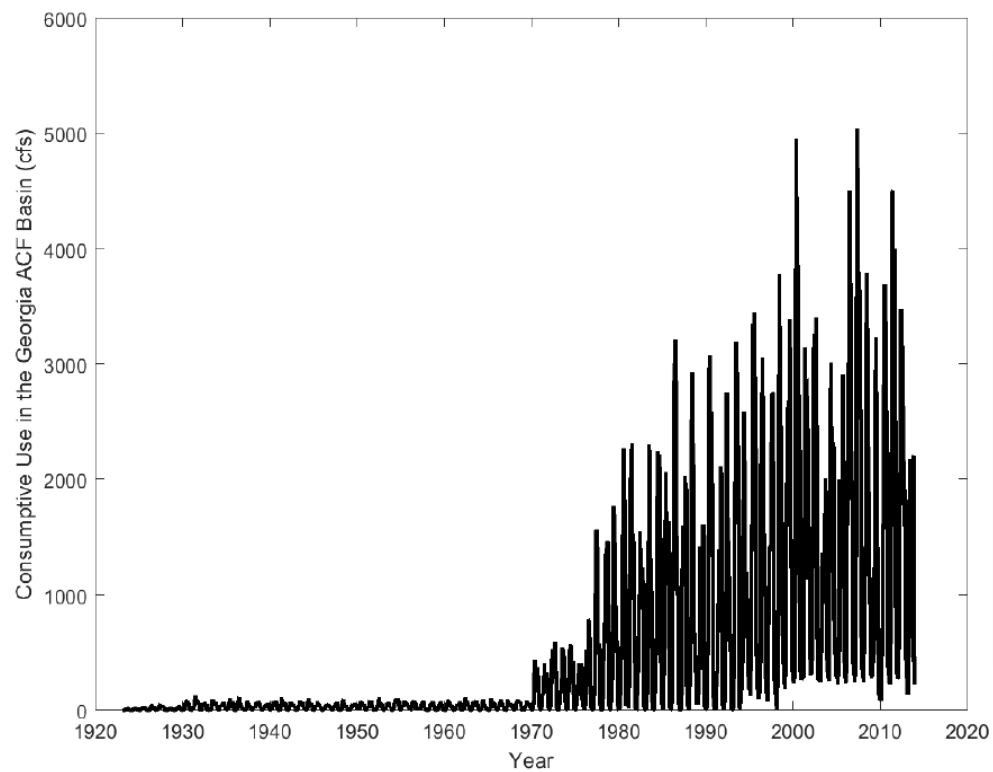
APALACHICOLA BAY

- **Wide shallow estuary**
- **One of the largest and most productive estuaries in northern hemisphere**
- **Oysters, shrimp, and finfish**
- **River flows maintain salinity levels**





Georgia's Water Consumption



Hornberger at 37, Figure 7.



FX-751a



PROCEDURAL POSTURE

FX-266h



CURRENT CASE

- **Complaint filed on October 1, 2013**
- **Hearing before Special Master October 31, 2016 – December 1, 2016**
- **Report of the Special Master issued February 14, 2017**



THE SPECIAL MASTER'S REPORT

- **Special Master recommended denying Florida's request for a consumption cap on Georgia concluding that without the Corps as a party the Court cannot fashion a decree that would remedy Florida's harm.**
- **Finding that the Corps has discretion to store more water upstream thus offsetting any increased flows from the Flint River Basin.**



THE SPECIAL MASTER'S REPORT CONT.

“Georgia’s upstream agricultural water use has been – and continues to be – largely unrestrained”

“Georgia’s position – practically, politically, and legally – can be summarized as follows: Georgia’s agricultural water use should be subject to no limitations, regardless of the long-term consequences for the Basin”

“There is little question that Florida has suffered harm from decreased flows in the river”

- **Evidence favors increased salinity rather than harvesting pressure as cause of collapse**



Current Case

- **Florida filed exceptions to the Special Master's Report**
- **Argument before the Supreme Court on January 8, 2018**
- **Supreme Court Opinion released June 27, 2018, remanding to Special Master**



Supreme Court Opinion



SUPREME COURT OPINION

- **5-4 Decision: Remanded to Special Master for further findings**
- **The special master applied too strict a standard, put the “cart before the horse”**
- **The Court reserved judgment as to the ultimate disposition of the case, addressing only the narrow threshold question – whether Florida has shown that its injuries can effectively be redressed by limiting Georgia’s consumptive use without a decree binding the Corps**
- **Florida will be entitled to a decree only if it is shown that the benefits of the apportionment substantially outweigh the harm that might result**



SUPREME COURT OPINION

- (1) To what extent does Georgia take too much water from the Flint River;**
- (2) To what extent has Florida sustained injuries as a result;**
- (3) To what extent would a cap on Georgia's water consumption increase the amount of water that flows into Lake Seminole;**
- (4) To what extent would additional water resulting from a cap on Georgia's water consumption result in additional streamflow in the Apalachicola River; and**
- (5) To what extent would that additional streamflow ameliorate Florida's injuries.**



REMAND PROCEEDING

- **New Special Master – Paul J. Kelly, Jr. – United States Circuit Court Judge – 10th Cir. New Mexico**
- **Parties filed proposed Findings of Fact and Conclusions of Law, and Supplemental Briefing on January 31, 2019, and Responses on February 28, 2019**
 - **Florida’s position remains unchanged**
 - **Georgia’s position remains unchanged even in the face of the Supreme Court Opinion**



What Comes Next?



WHAT COMES NEXT?

- **Florida has submitted a Motion for Oral Argument**
- **Special Master issues report**
- **Filing of exceptions**
- **Back to the Supreme Court for final disposition**



Contact Information
Justin G. Wolfe
850-245-2242

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Noah Valenstein

Secretary of Environmental Protection

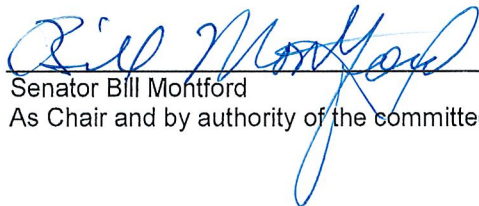
NOTICE OF HEARING

TO: Secretary Noah Valenstein

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, April 2, 2019, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 2:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 28th day of March, 2019

Committee on Environment and Natural
Resources



Senator Bill Montford
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

780

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Noah Valenstein

is duly appointed

Secretary,

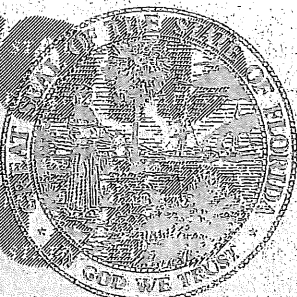
Department of Environmental Protection

for a term beginning on the Nineteenth day of February, A.D.,
2019, to serve at the pleasure of the Governor and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of March, A.D., 2019.*



Secretary of State





RON DESANTIS
GOVERNOR

RECEIVED
2019 FEB 20 AM 9:51

February 19, 2019

Secretary Laurel Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 20.255 Florida Statutes:

Mr. Noah Valenstein
708 North Forest Drive
Tallahassee, FL 32303

as Secretary of the Department of Environmental Protection, subject to confirmation by the Florida Senate and concurrence by the Florida Cabinet. This appointment is effective February 19, 2019, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/mm

HAND DELIVERED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

STATE OF FLORIDA

2019 MAR -8 PM 1:15

County of Leon

DIVISION OF ELECTIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Secretary, Department of Environmental Protection

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 8 day of March, 2019.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Tori Deal
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced /



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

3900 Commonwealth Blvd

Street or Post Office Box

Tallahassee, Florida 32399

City, State, Zip Code

Noah Valenstein

Print Name

[Signature]
Signature

Amended

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Chauncey Goss

is duly appointed a member of the

**Governing Board,
South Florida Water Management District**

for a term beginning on the Second day of March, A.D., 1919,
until the First day of March, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of March, A.D., 2019.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RON DESANTIS
GOVERNOR

Amended

RECEIVED
DEPARTMENT OF STATE
2019 MAR 15 AM 10:00
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

March 1, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Chauncey Goss
978 Oyster Court
Sanibel, Florida 33957

as a member of the Governing Board, South Florida Water Management District, filling the seat vacated by Frederick T. Barber, subject to confirmation by the Senate. This appointment is effective March 2, 2019, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/mm

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2019 FEB 11 PM 2:55

STATE OF FLORIDA

County of Palm Beach

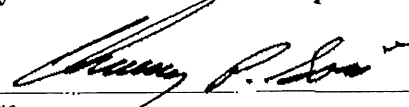
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Governing Board Member, South Florida Water Management District

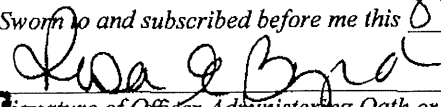
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]


Signature

Sworn to and subscribed before me this 8th day of February, 2019


Signature of Officer Administering Oath or of Notary Public



Rosa E Byrd
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

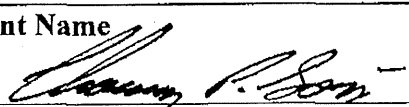
Mailing Address: ☒ Home ☐ Office

P.O. Box 1139
Street or Post Office Box

Sanibel FL 33957
City, State, Zip Code

Chauncey Goss

Print Name


Signature

Amended
2435

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Scott Wagner

is duly appointed a member of the

**Governing Board,
South Florida Water Management District**

for a term beginning on the Second day of March, A.D., 2019,
until the First day of March, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of March, A.D., 2019.*



Laurel M. Lee

Secretary of State

State of Florida appears in small letters across the face of this 8 1/2 x 11" document

If photocopied or chemically altered, the word "VOID" will appear.



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2019 MAR 15 AM 10:00

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

March 1, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Scott Wagner
5945 North Bay Road
Miami Beach, Florida 33140

as a member of the Governing Board, South Florida Water Management District, replacing Sam Accuriso, subject to confirmation by the Senate. This appointment is effective March 2, 2019, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "R. DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/mm

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of MIAMI-DADE

RECEIVED
DEPARTMENT OF STATE
2019 MAR -5 PM 12:35

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

SOUTH FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD MEMBER
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 4th day of MARCH, 2019.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced



Eric M. Sodt
Commission # GG12
Expires: July 16, 2021
Bonded thru Aaron

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

3650 BISCAYNE BLVD. #904
Street or Post Office Box

MIAMI, FL 33137
City, State, Zip Code

SCOTT WAGNER
Print Name

[Signature]
Signature

2435

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Jacqui Thurlow-Lippisch

is duly appointed a member of the
Governing Board,

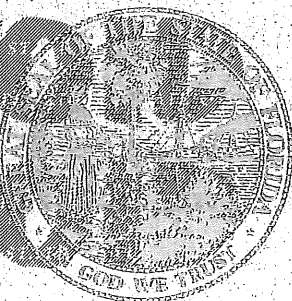
South Florida Water Management District

for a term beginning on the Twenty-First day of February, A.D.,
2019, until the First day of March, A.D., 2022 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of March, A.D., 2019.*

Laurel M. Lee

Secretary of State





RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2019 MAR 11 AM 10:53
DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 21, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mrs. Jacqui Thurlow-Lippisch
18 Riverview Drive
Sewalls Point, Florida 34996

as a member of the Governing Board, South Florida Water Management District, filling the seat vacated by Melanie Peterson, subject to confirmation by the Senate. This appointment is effective February 21, 2019, for a term ending March 1, 2022.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/mm

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Palm Beach

RECEIVED
DEPARTMENT OF STATE

2019 MAR 12 AM 11:56

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

South Florida Water Management District Governing Board Member

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 11 day of March, 2019.

[Signature]
Signature of Officer Administering Oath or of Notary Public



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

18 Riverview Drive

Street or Post Office Box

Stuart, FL 34996

City, State, Zip Code

Jacqui Thurnau-Lippisch

Print Name

[Signature]
Signature

Amended
2435

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

John "Jay" Steinle

is duly appointed a member of the

**Governing Board,
South Florida Water Management District**

for a term beginning on the Second day of March, A.D., 2019,
until the First day of March, A.D., 2023 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fifteenth day of March, A.D., 2019.*



Laurel M. Lee

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2019 MAR 15 AM 10:00
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

March 1, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. John P. Steinle
7217 South Flagler Drive
West Palm Beach, Florida 33405

as a member of the Governing Board, South Florida Water Management District, succeeding James J Moran, subject to confirmation by the Senate. This appointment is effective March 2, 2019, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/mm

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Palm Beach

RECEIVED
DEPARTMENT OF STATE
2019 MAR -7 AM 10:11
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

South Florida Water Management District Governing Board Member

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 6th day of March, 2019

Signature of Officer Administering Oath or of Notary Public

Rosa E. Byrd

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

7217 S Flagler Dr

Street or Post Office Box

WPB, FL 33405

City, State, Zip Code

John "Jay" Steinle

Print Name

Signature

2435

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Charlette I. Roman

is duly appointed a member of the
Governing Board,

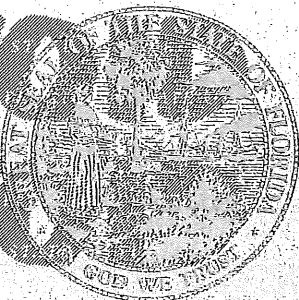
South Florida Water Management District

for a term beginning on the Twenty-First day of February, A.D.,
2019, until the First day of March, A.D., 2021 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of March, A.D. 2019.*

Laurel M. Lee

Secretary of State





RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2019 MAR 11 AM 10:52

DIVISION OF ELECTIONS
TALLAHASSEE, FL.

February 21, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of
Section 373.073, Florida Statutes:

Mrs. Charlette Irene Roman
348 Colonial Avenue
Marco Island, Florida 34145

as a member of the Governing Board, South Florida Water Management District, filling the
seat vacated by Max 'Jaime' Weisinger, subject to confirmation by the Senate. This
appointment is effective February 21, 2019, for a term ending March 1, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/mm

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2019 MAR -7 AM 10:13

STATE OF FLORIDA

County of Collier

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

South Florida Water Management District Governing Board

(Title of Office)

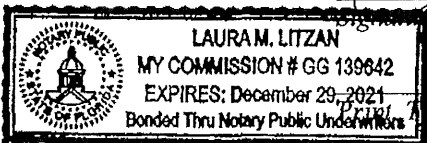
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 5th day of March, 2019.

[Signature]
Signature of Officer Administering Oath or of Notary Public



[Signature]
Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

348 Colonial Avenue

Street or Post Office Box

Marco Island, FL 34145

City, State, Zip Code

Charlette I. Roman

Print Name

[Signature]
Signature

2435

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Cheryl Anne Meads

is duly appointed a member of the
Governing Board,

South Florida Water Management District

for a term beginning on the Twenty-First day of February, A.D.,
2019, until the First day of March, A.D., 2021 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of March, A.D., 2019.*

Laurel M. Lee

Secretary of State





RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2019 MAR 11 AM 10:52
DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 21, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of
Section 373.073, Florida Statutes:

Mrs. Cheryl Anne Meads
89375 Old Highway
Tavernier, Florida 33070

as a member of the Governing Board, South Florida Water Management District, filling the
seat previously vacated by Brandon Dwayne Tucker, subject to confirmation by the Senate.
This appointment is effective February 21, 2019, for a term ending March 1, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", with a long horizontal flourish extending to the right.

Ron DeSantis
Governor

RD/mm

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Monroe

RECEIVED
DEPARTMENT OF STATE
2019 MAR -6 AM 10:20

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

South Florida Water Management District Governing Board Member
(Title of Office)

on which I am now about to enter, so help me God.

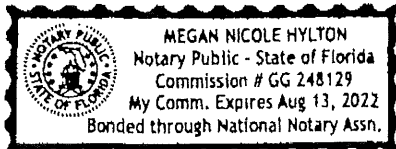
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Cheryl Anne Meads
Signature

Sworn to and subscribed before me this 5th day of March, 2019.

Megan Nicole Hylton
Signature of Officer Administering Oath or of Notary Public

Megan Nicole Hylton
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

P.O. Box 9537
Street or Post Office Box

Tavernier, FL 33070
City, State, Zip Code

Cheryl Anne Meads
Print Name

Cheryl Anne Meads
Signature

2435

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Charlie Martinez

is duly appointed a member of the

Governing Board,

South Florida Water Management District

for a term beginning on the Twenty-Seventh day of February,
A.D., 2019, until the First day of March, A.D., 2020 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eighteenth day of March, A.D., 2019.*

Laurel M. Lee

Secretary of State



"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2019 MAR 11 AM 10:53

DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 27, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Carlos "Charlie" E. Martinez
5754 Southwest 100th Street
Miami, Florida 33156

as a member of the Governing Board, South Florida Water Management District, filling the seat vacated by Federico Fernandez, subject to confirmation by the Senate. This appointment is effective February 27, 2019, for a term ending March 1, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/mm

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2019 MAR 13 AM 9:58

STATE OF FLORIDA

County of Palm Beach

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

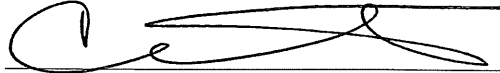
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

South Florida Water Management District Governing Board Member

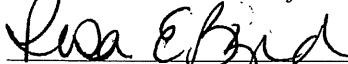
(Title of Office)

on which I am now about to enter, so help me God.

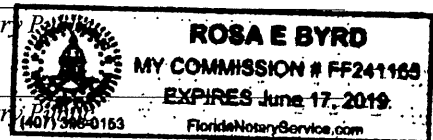
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]


Signature

Sworn to and subscribed before me this 12 day of March, 2019


Signature of Officer Administering Oath or of Notary Public

Rosa E. Byrd
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

5754 SW 100 ST.
Street or Post Office Box

MIAMI, FL. 33156
City, State, Zip Code

CHARLES MARTINEZ
Print Name


Signature

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Environment and Natural Resources
MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President

FROM: Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Secretary of Environmental Protection

Appointee: Valenstein, Noah

Term: 2/19/2019-Pleasure of Governor

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor and Cabinet.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Noah Valenstein
Secretary of Environmental Protection

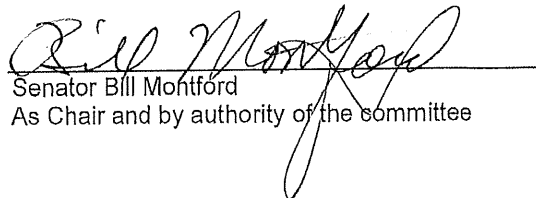
NOTICE OF HEARING

TO: Secretary Noah Valenstein

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, April 2, 2019, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 2:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 28th day of March, 2019

Committee on Environment and Natural
Resources


Senator Bill Montford
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Noah Valenstein

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environment and Natural Resources

DATE: April 2, 2019

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Environment and Natural Resources
MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President

FROM: Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Governing Board of the South Florida Water Management District

Appointee: Goss II, Chauncey P.

Term: 3/2/2019-3/1/2023

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Environment and Natural Resources
MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President

FROM: Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Governing Board of the South Florida Water Management District

Appointee: Wagner, Scott Andrew

Term: 3/2/2019-3/1/2023

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Environment and Natural Resources
MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President

FROM: Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Governing Board of the South Florida Water Management District

Appointee: Thurlow-Lippisch, Mary Jacqueline "Jacqui"

Term: 2/21/2019-3/1/2022

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Environment and Natural Resources
MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President

FROM: Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Governing Board of the South Florida Water Management District

Appointee: Steinle, John "Jay" P.

Term: 3/2/2019-3/1/2023

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Environment and Natural Resources
MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President

FROM: Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Governing Board of the South Florida Water Management District

Appointee: Roman, Charlette I.

Term: 2/21/2019-3/1/2021

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Environment and Natural Resources
MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President

FROM: Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Governing Board of the South Florida Water Management District

Appointee: Meads, Cheryl Anne

Term: 2/21/2019-3/1/2021

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

The Florida Senate
**COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT**

COMMITTEE: Committee on Environment and Natural Resources
MEETING DATE: Tuesday, April 2, 2019
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

TO: The Honorable Bill Galvano, President

FROM: Committee on Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Governing Board of the South Florida Water Management District

Appointee: Martinez, Carlos "Charlie" E.

Term: 2/27/2019-3/1/2020

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Noah Valenstein

Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address 960 Live Oak Plantation Rd.

Phone _____

Street

Tallahassee

FL

32312

Email _____

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Everglades Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19
Meeting Date

1772
Bill Number (if applicable)

Topic SB 1772 Little Wekiva River Headwaters Amendment Barcode (if applicable)

Name Dr. W. Lisa Jones

Job Title

Address Street

Phone

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19

Meeting Date

1820

Bill Number (if applicable)

Topic

Military Mission & Offshore E&P

Amendment Barcode (if applicable)

Name

DAVID MICA

Job Title

Director

Address

215 S. Monroe St Ste 800

Phone

561-6300

Street

Tallahassee FL 32301

City

State

Zip

Email

DMICA@fp.org

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

FLORIDA PETROLEUM COUNCIL

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-19
Meeting Date

1344
Bill Number (if applicable)

Topic Statewide ERP Rules

Amendment Barcode (if applicable)

Name Jennifer Wilson

Job Title Lobbyist, Conservancy of Southwest Florida

Address 101 E. Kennedy Blvd., Ste 2800

Phone 813-407-0203

Tampa FL 33602
City State Zip

Email JWilson@shumder.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Conservancy of Southwest Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4-2-19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1344

Bill Number (if applicable)

Topic STORMWATER PERMITS

Name KURT SPITZER

Job Title _____

Address 693 FOREST LAKE

Street

City

State

Zip

Phone 228-6212

Email KURTSPITZER@KSANET.NET

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLA. STORMWATER ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19
Meeting Date

1344
Bill Number (if applicable)

Topic Statewide QRP

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757
Street

Phone _____

Tallahassee FL 32302
City State Zip

Email rohara@fldh.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Fla League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-19
Meeting Date

1530
Bill Number (if applicable)
443802
Amendment Barcode (if applicable)

Topic _____

Name JERRY PAUL

Job Title _____

Address _____
Street

Phone 850-86-5267

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AMERICAN CRUISING ASSOCIATION (AGLCA)

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/12/19
Meeting Date

1530
Bill Number (if applicable)

Topic VESSELS

443802
Amendment Barcode (if applicable)

Name JEREMY STARKLEY

Job Title CEO, Capitol Alliance Group

Address 106 E Collyer #640
Street

Phone 888 224 1660

RDH FL 32301
City State Zip

Email jeremy@starkleygroup.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing CITY OF ST PETERSBURG

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19
Meeting Date

1530
Bill Number (if applicable)

Topic Vessels

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757
Street

Phone 222 9684

Tallahassee FL 32302
City State Zip

Email rohara@flcourts.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-19

Meeting Date

1530

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JERRY PAUL

Job Title _____

Address _____
Street

Phone 850-386-5267

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AMERICA'S CRUISING ASSOCIATION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Jay Starnile

Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Everglades Foundation

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Jacqui Thurlow-Lippisch Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Everglades Foundation

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Scott Wagner

Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Everglades Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19
Meeting Date

Bill Number (if applicable)

Topic Confirmation of Chauncey Goss

Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Everglades Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Charlie Martinez

Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Everglades Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Cheryl Meads

Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Everglades Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/19

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Charlotte Roman

Amendment Barcode (if applicable)

Name Anna Upton

Job Title _____

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Everglades Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

CourtSmart Tag Report

Room: LL 37
Caption: Senate Committee on Environment and Natural Resources

Case No.:

Type:
Judge:

Started: 4/2/2019 2:03:40 PM
Ends: 4/2/2019 3:12:29 PM **Length:** 01:08:50

2:03:39 PM	Call to order
2:03:44 PM	Pledge of Allegiance
2:04:13 PM	Chair opening remarks
2:04:31 PM	Take up Tab 6; Confirmation of Noah Valenstein
2:04:55 PM	Noah Valenstein for opening remarks
2:08:00 PM	Questions?
2:09:00 PM	Senator Berman for a question
2:09:09 PM	Noah Valenstein for a response
2:11:29 PM	Senator Berman for a follow up
2:11:40 PM	Noah Valenstein for a response
2:13:32 PM	Senator Berman for a question
2:13:44 PM	Noah Valenstein for a response
2:14:57 PM	Senator Berman for a follow up
2:15:04 PM	Noah Valenstein for a response
2:16:09 PM	Senator Berman for a follow up
2:16:17 PM	Noah Valenstein for a response
2:17:13 PM	Senator Berman for a follow up
2:17:23 PM	Noah Valenstein for a response
2:18:49 PM	Senator Mayfield for a question
2:18:58 PM	Noah Valenstein for a response
2:21:14 PM	Senator Mayfield for a question
2:21:20 PM	Noah Valenstein for a response
2:22:51 PM	Senator Mayfield for a comment
2:23:40 PM	Noah Valenstein for a response
2:24:23 PM	Chair Montford for a question
2:24:31 PM	Noah Valenstein for a response
2:27:57 PM	Appearance forms
2:28:05 PM	Anna Upton waives in support
2:28:31 PM	Chair Montford to swear in Anna Upton
2:28:50 PM	Debate?
2:28:55 PM	Senator Mayfield in debate
2:31:03 PM	Senator Wright in debate
2:31:32 PM	Chair Montford in debate
2:32:16 PM	Senator Wright moves to recommend a favorable nomination
2:32:32 PM	Nomination of Noah Valenstein is reported favorably
2:32:41 PM	Take Up Tab 3 SB 1772
2:32:54 PM	Senator Bracy for a response
2:34:00 PM	Take Amendment 301328
2:34:10 PM	Senator Bracy to explain the amendment
2:34:25 PM	Questions?
2:34:29 PM	No appearance forms
2:34:32 PM	Debate?
2:34:36 PM	Senator Bracy waives close
2:34:40 PM	The Amendment is adopted
2:34:46 PM	back on the bill as amended
2:34:51 PM	Appearance forms
2:34:59 PM	Dr. W. Lisa Jones
2:40:18 PM	Debate?
2:40:21 PM	Senator Bracy to close
2:40:30 PM	CS/SB 1772 is reported favorably
2:40:42 PM	Take up Tab 4 SB 1820
2:41:00 PM	Senator Hopper to explain the bill

2:42:02 PM Questions?
 2:42:05 PM Appearance forms
 2:42:08 PM David Mica
 2:46:12 PM Debate?
 2:46:19 PM Senator Berman in debate
 2:46:41 PM Senator Hooper to close
 2:47:01 PM SR 1820 is reported favorably
 2:48:01 PM Take up Tab 1 SB 1344
 2:48:12 PM Senator Cruz to explain the bill
 2:49:07 PM Questions?
 2:49:10 PM Appearance forms
 2:49:16 PM Rebecca O'Hara
 2:49:25 PM Kurt Spitzer waives in support
 2:49:32 PM Jennifer Wilson waives in support
 2:49:39 PM Debate?
 2:49:44 PM Senator Cruz waives close
 2:49:51 PM SB 1344 is reported favorably
 2:50:05 PM Take up Tab 2 SB 1530
 2:50:12 PM Senator Rouson for an explanation
 2:50:24 PM Take up Amendment # 443801
 2:50:37 PM Senator Rouson to explain the amendment
 2:50:44 PM Questions?
 2:50:48 PM Appearance forms?
 2:50:56 PM Jeff Sharkey waives in support
 2:51:10 PM Jerry Paul waives in support
 2:51:19 PM Sen. Rouson waives in support
 2:51:24 PM The amendment is adopted
 2:51:29 PM back on the bill as amended
 2:51:36 PM Senator Rouson for an explanation
 2:53:18 PM Questions?
 2:53:22 PM Appearance forms
 2:53:26 PM Jerry Paul waives in support
 2:53:33 PM Rebecca O'Harra waives in support
 2:53:40 PM Senator Berman in debate
 2:54:10 PM Senator Rouson waives close
 2:54:16 PM CS/SB 1530 is reported favorably
 2:54:35 PM Take up Tab 7; Confirmations for the Governing Board of the South Florida Water Mgt Dist.
 2:55:31 PM Senator Berman for a question of the chair
 2:55:39 PM Chair Montford for a response
 2:55:46 PM Senator Berman for a follow up
 2:55:51 PM Chair Montford for a response
 2:56:16 PM Chair Montford for a reading of appointees
 2:56:41 PM Questions?
 2:56:45 PM Senator Berman for a question
 2:57:30 PM Chair Montford for a response
 2:58:00 PM Anna Upton
 3:00:06 PM Chair Montford for remarks on the appointees
 3:00:45 PM Senator Wright moves to recommend confirmation of all appointees
 3:01:05 PM Nomination of all appointees are recommended favorably
 3:01:26 PM Take up Tab 5; Presentation on the Apalachicola-Chattahoochee- Flint River Litigation
 3:01:59 PM Justin Wolfe, DEP to present
 3:10:46 PM Questions?
 3:11:05 PM Chair remarks
 3:11:32 PM Senator albritton voted favorably on SB 1772, 1820, and Noah Valenstein's confirmation
 3:12:13 PM Meeting Adjourned