



# FLORIDA DEPARTMENT OF Environmental Protection

Northeast District  
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**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

## REQUEST FOR ADDITIONAL INFORMATION

June 4, 2020

Gulf Power Company  
Michael Spoor  
One Energy Place  
Pensacola, Florida 32520  
[mike.g.spoor@nexteraenergy.com](mailto:mike.g.spoor@nexteraenergy.com)

Re: First Request for Additional Information (RAI)  
Columbia County – Environmental Resource Permitting Program  
Site Name: North Florida Resiliency Connection - Geotech  
Site ID: 378587-002  
DEP Application No.: 12-0378587-002

Dear Mr. Spoor:

Thank you for your application for an Individual Permit submitted on May 12, 2020 for the above referenced Site. A review of your application and supporting documentation indicates the application is incomplete. Please provide the information listed below and refer to this RAI in your response.

- a. Per Rule 62-330.071, FAC, the Individual Permit processing fee is \$320.00 when the electronic application is submitted via DEP Business Portal. The Department has received \$250.00 leaving a balance of \$70.00. The fee can be paid online via the link below <http://www.fldepportal.com/DepPortal/go/pay-outstanding-balances/> using the ten-digit application number 0378587-002.
- b. Per Rule 62-330.051(11)(d), FAC, the application submitted for this project might qualify for a **Geotechnical Exemption**. Please review this rule (attached) and let us know if your project design meets these criteria and if you wish to pursue the Exemption instead. If so, no additional fee would be due as stated in a. above.

**Your application does not qualify for an SPGP.** Please see the Army Corps Jacksonville District Regulatory Division Sourcebook for more information about federal permitting. Please call your local Corps office if you have questions about federal permitting.

Michael Spoor  
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To continue the processing of your application, the Department must receive a response within 90 days of this letter, September 1, 2020, unless a written request for additional time to provide the requested information is submitted and approved. It is the Department's desire to provide prompt turnaround times on permit applications, and a quicker response to this RAI shortens the timeframe for which a final decision on the application can be made. Pursuant to Chapter 62-330 and Section 120.60, F.S., failure of an applicant to provide timely requested information by the applicant deadline may result in denial of the application. You are encouraged to contact this office to discuss the items requested to assist you in developing a complete and adequate response.

Your processor, Thalia Fletcher can be contacted at (904) 256-1668, [thalia.fletcher@floridadep.gov](mailto:thalia.fletcher@floridadep.gov). Please submit your response by email.

Sincerely,



Brian Durden  
Environmental Manager

BD:kp:tkf

v. 1.8

**cc:**

Michael Leahy, Pickett and Associates, Inc., [mleahy@pickettusa.com](mailto:mleahy@pickettusa.com)  
Jude Dawson, Environmental Consulting & Technology, Inc., [jdawson@ectinc.com](mailto:jdawson@ectinc.com)  
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Thomas Kallemeyn, FDEP NED  
Brian Durden, FDEP NED  
Kim Pearce, FDEP NED  
Thalia Fletcher, FDEP NED

**Attachment:**

Chapter 62-330.051(11)(d), FAC, for Geotechnical Exemption

## **62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

### **(11) Sampling and Testing –**

**(d) Geotechnical** investigations, including soil test borings, standard penetration tests, and other work involving boring, auguring, or drilling for the purposes of collecting geotechnical data, together with clearing for temporary access corridors to perform these investigations, subject to the following:

1. Excavation at each soil boring, auguring, or coring location is limited to no more than one foot in diameter. The total area of work authorized in wetlands and other surface waters is limited to 0.5 acre, including all excavations and clearing for temporary access corridors.

2. No drilling fluid or dredged material shall be left above grade in a wetland or other surface water.

3. Boreholes suspected to have penetrated a confining layer shall be grouted from the bottom up by means of a tremie pipe and the severed materials shall be removed from the wetland or other surface waters.

4. This exemption shall not apply to borings used to place seismographic charges for oil and gas exploration.

5. This exemption does not supersede the exemption in section 403.813(1)(v), F.S., for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities.

6. Turbidity, sedimentation, and erosion shall be controlled during and after investigations to prevent violations of state water quality standards due to construction related activities.

7. Drilling activities associated with construction of wells must comply with chapter 62-532, F.A.C.

8. Temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

a. Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

b. The maximum width of the construction access area shall be limited to 15 feet;

c. All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

d. Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.*

**62-330.050 Procedures for Review and Agency Action on Exemption Requests.**

(9) The following apply when specified in an exemption in rule 62-330.051, F.A.C.:

(a) Activities shall not exceed a permitting threshold in section 1.2 of the applicable Volume II;

(b) Construction, alteration, and operation shall not:

1. Adversely impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

2. Cause an adverse impact to the minimum flows and levels established pursuant to section 373.042, F.S.;

3. Cause adverse impacts to a Work of the District established pursuant to section 373.086, F.S.;

4. Adversely impede navigation or create a navigational hazard;

5. Cause or contribute to a violation of state water quality standards. Turbidity, sedimentation, and erosion shall be controlled during and after construction to prevent violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3) and rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters due to construction-related activities. Erosion and sediment control best management practices shall be installed and maintained in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, June 2007), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02530>), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02531>); nor

6. Allow excavated or dredged material to be placed in a location other than a self-contained upland disposal site, except as expressly allowed in an exemption in rule 62-330.051, F.A.C.

(c) When performed in waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon, all in-water work shall comply with the following:

1. All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

2. All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

3. All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

4. Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

Copies of incorporated materials identified above may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.109, 373.406, 373.4131, 373.4145, 403.813(1), 668.003, 668.004, 668.50 FS. History--New 10-1-13, Amended 6-1-18.*