



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

July 23, 2020

Gulf Power Company
c/o Michael Spoor, Vice President, Power Delivery
One Energy Place
Pensacola, Florida 32520
Mike.G.Spoor@nexteraenergy.com

File No.: 0378587-007-EE/32, Jackson County

Dear Mr. Spoor:

On July 8, 2020, we received your request for verification of exemption to perform the following activities:

To perform a geotechnical investigation temporarily impacting approximately 0.288 acres of wetlands within an existing FDOT Right of Way. Work will occur within unnamed wetlands, Class III Outstanding Florida Waters. Temporary vehicular access within wetlands during construction will be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Areas disturbed for access will be restored to natural grades. All requirements listed under Rule 62-330.051(11)(d), F.A.C. will be met. The project is located within the FDOT Right of Way of Interstate-10 on the north side of the westbound lane, near mile marker 171, Sneads, Florida 32460, in Section 26, Township 03 North, Range 07 West in Jackson County; 30°38'5.02" North Latitude, 84°54'22.61" West Longitude.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the federal review portion of this verification request.

Additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(11)(d), Florida Administrative Code (F.A.C.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – Not Required

The activity does not appear to be located on sovereign submerged lands, and does not require further authorization under Chapters 253 or 258, F.S. or Chapters 18-20 or 18-21, F.A.C.

3. Federal Review – SPGP Not Approved

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

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

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S. and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the

administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

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

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

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and

120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

If you have any questions regarding this matter, please contact Hali Troendle at the letterhead address, at (850)595-0610, or at Hali.Troendle@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Hali Troendle
Environmental Specialist
Submerged Lands and Environmental Resources Program

Attachments:

1. Rule 62-330.051(11)(d), F.A.C., X pages
2. Project Drawings, 7 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
Tanya A. McHale, DEP, Tanya.McHale@FloridaDEP.gov
Thomas Kallemeyn, DEP, Thomas.Kallemeyn@FloridaDEP.gov
Kimberly Pearce, DEP, Kimberly.Pearce@FloridaDEP.gov
Jude Dawson, Environmental Consulting & Technology, Inc., jdawson@ectinc.com
Frank LeBlanc, Florida Power and Light Company, Frank.L.Leblanc@fpl.com
Michael Leahy, Pickett and Associates, Inc., mleahy@PickettUSA.com
Douglas Dycus, FDOT, Douglas.Dycus@dot.state.fl.us
Jackson County, danielsw@jacksoncountyfl.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

July 23, 2020
Date

62-330.051 Exempt Activities.

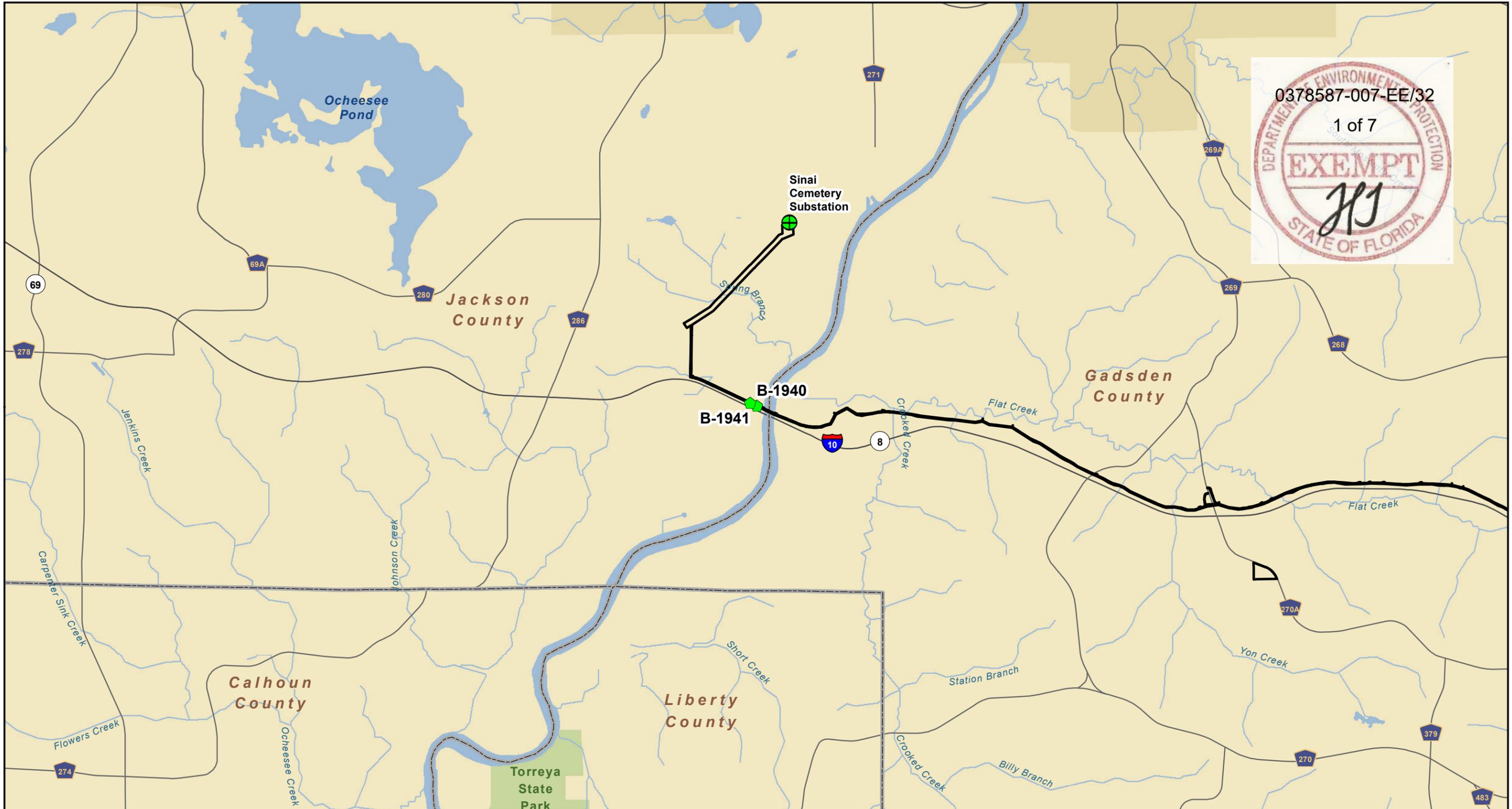
The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(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.



LEGEND

NFRC Project Features

- Workspace
- Substation

Geotechnical ERP Features

- Bore in Wetland

**FIGURE 1
LOCATION MAP
JACKSON COUNTY**

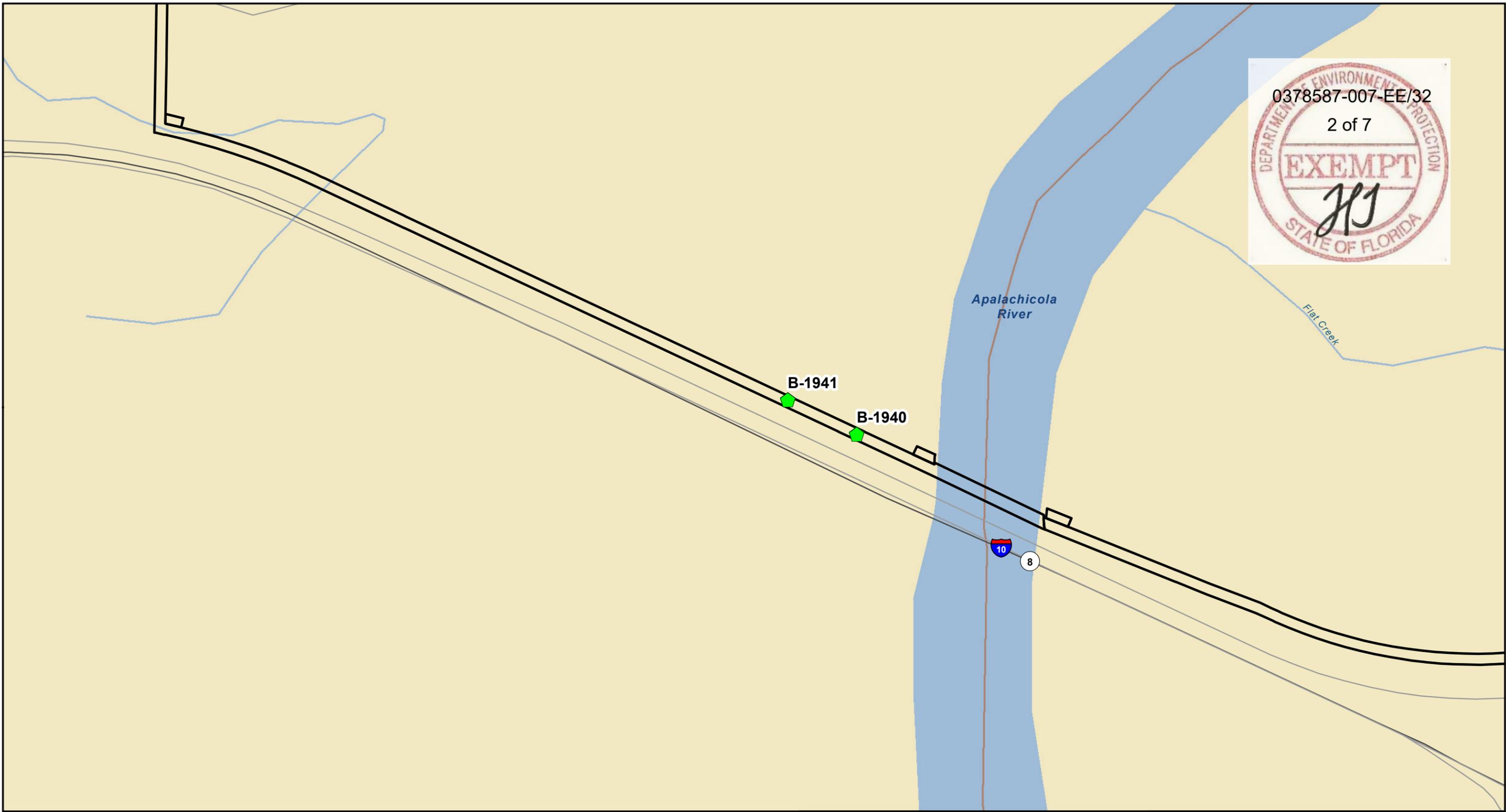
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NORTH FLORIDA RESILIENCY CONNECTION



Sources: FDOT, 2018; ECT, 2019, E&E, 2019; Golder, 2019; ESRI, 2018

EPL 036074
NAD 1983 StatePlane Florida Albers
20210451
IPS 0903 Feet



LEGEND

NFRC Project Features

 Workspace

Geotechnical ERP Features

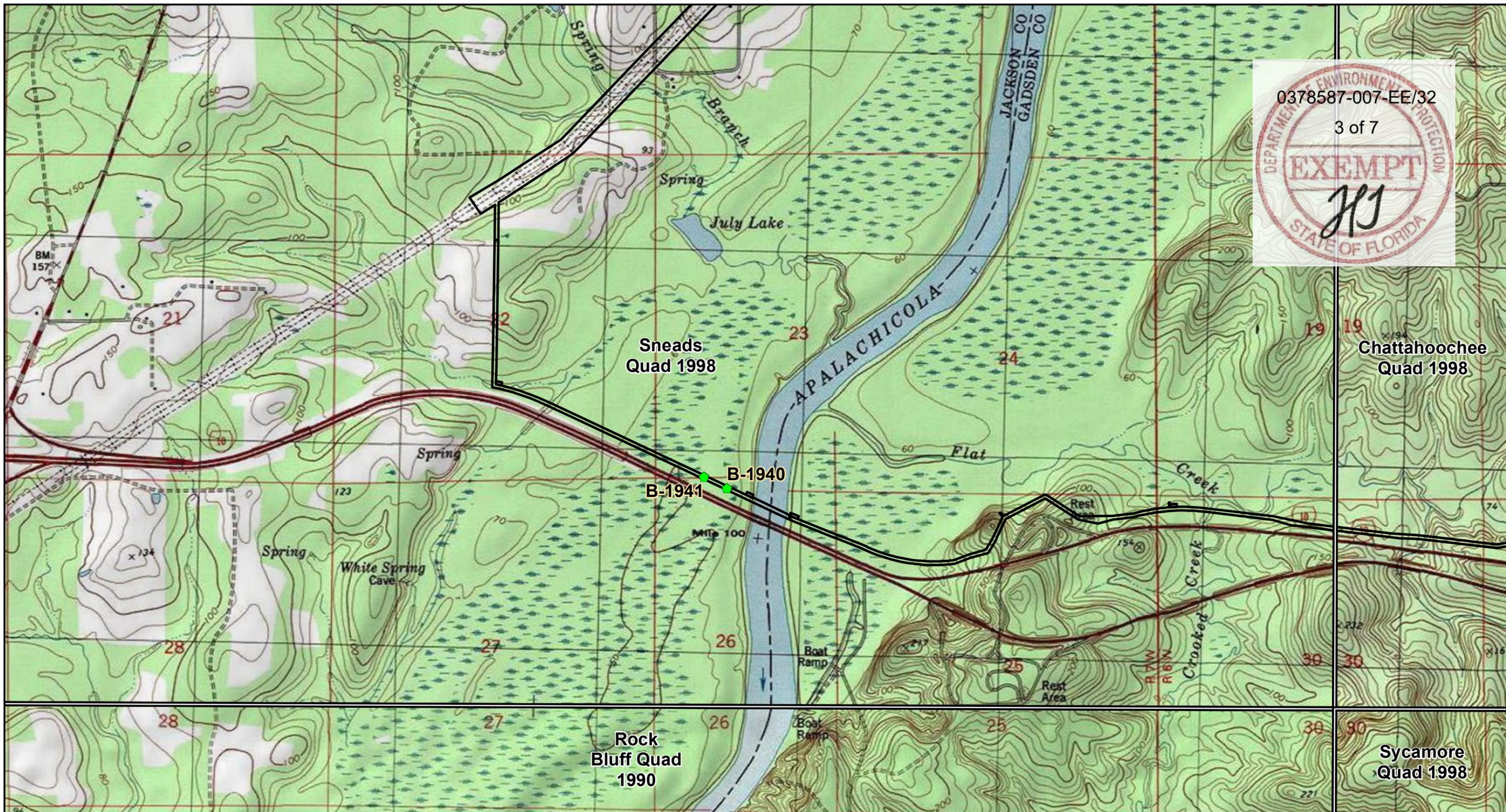
 Bore in Wetland

**FIGURE 2
ROAD MAP
JACKSON COUNTY**

SCALE: 1 in = 500 feet DATE: 7/1/2020 7:44:00 PM
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NORTH FLORIDA RESILIENCY CONNECTION





0378587-007-EE/32
 3 of 7
EXEMPT
 JH
 STATE OF FLORIDA

LEGEND

- NFRC Project Features**
- Workspace
 - USGS Quadrangle Index (24k)

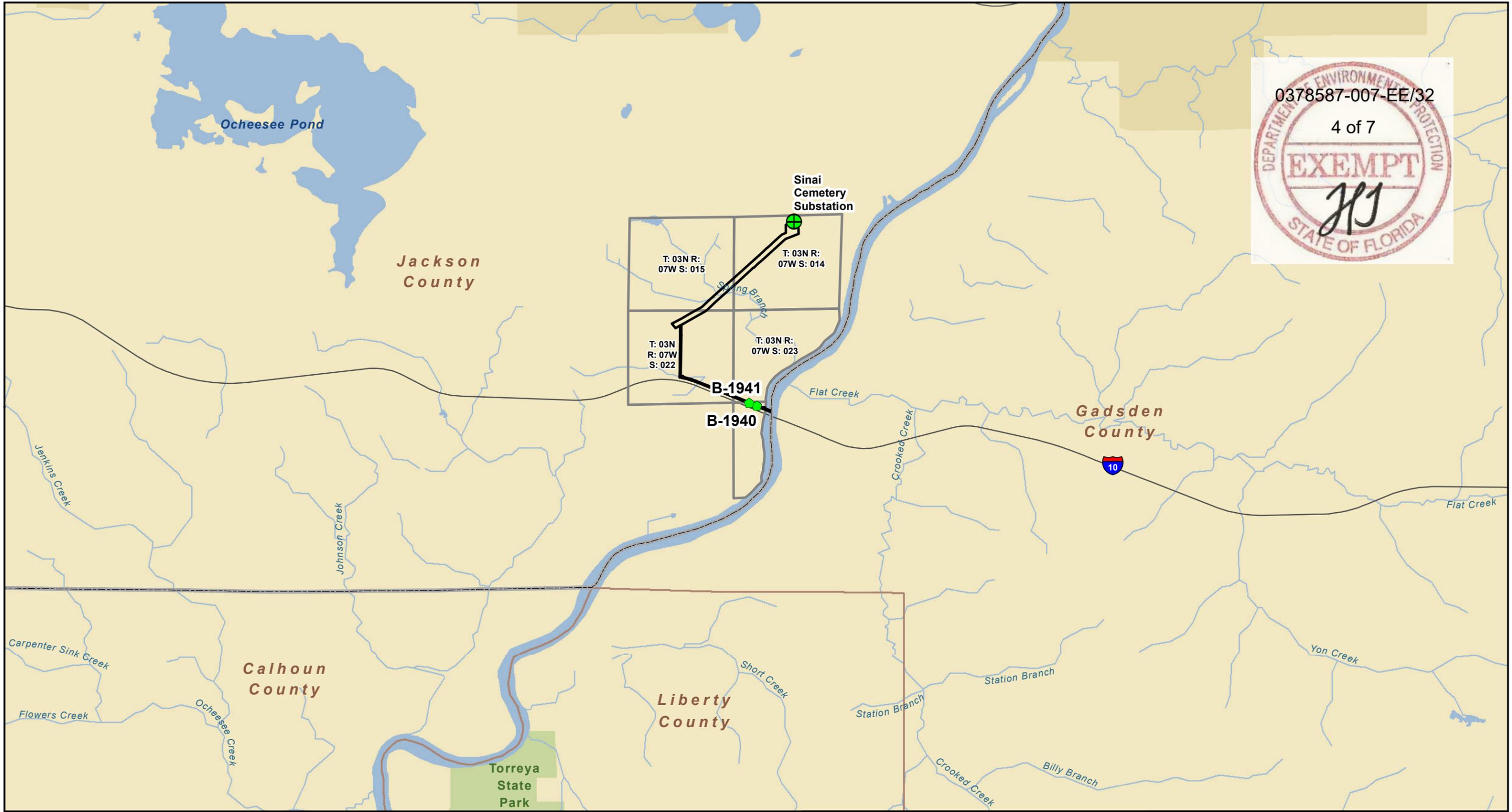
- Geotechnical ERP Features**
- Bore in Wetland

**FIGURE 3
 TOPOGRAPHIC MAP
 JACKSON COUNTY**

NORTH FLORIDA RESILIENCY CONNECTION

SCALE: 1 in = 1,500 feet DATE: 5/14/2020 2:02:47 PM
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LEGEND

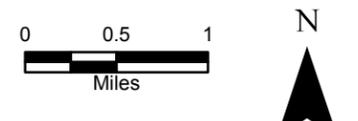
- NFRC Project Features**
- Substation
 - Workspace
 - Township-Range-Section

- Geotechnical ERP Features**
- Bore in Wetland

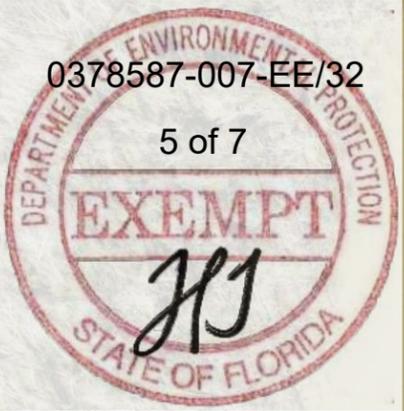
FIGURE 4
TOWNSHIP-RANGE-SECTION MAP
JACKSON COUNTY

NORTH FLORIDA RESILIENCY CONNECTION

SCALE: 1 in = 1 mile DATE: 5/14/2020 1:52:41 PM
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Sources: FDOT, 2018; ECT, 2019, E&E, 2019; Golder, 2019; ESRI, 2018



- LEGEND**
- NFRC Project Features**
- Project Boundary
 - Access Area
 - Wetland
 - Stream

- Geotechnical ERP Features**
- ◆ Bore in Wetland
 - GeoTechAccessJA
 - Hydric Soils



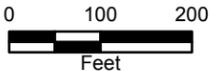
**FIGURE 5
GEOTECH SOILS MAP**

COUNTY: JACKSON
 SCALE: 1 in = 200 feet FILE NAME: NFRC_GeoTechIndivSoilsJA
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NOTE: Acreage values of 0.00 are less than 0.01 acre. Refer to TABLE 8.
 Sources: USDA, 2019; FDOT, 2019; ECT, 2019; ESRI, 2018

NORTH FLORIDA RESILIENCY CONNECTION





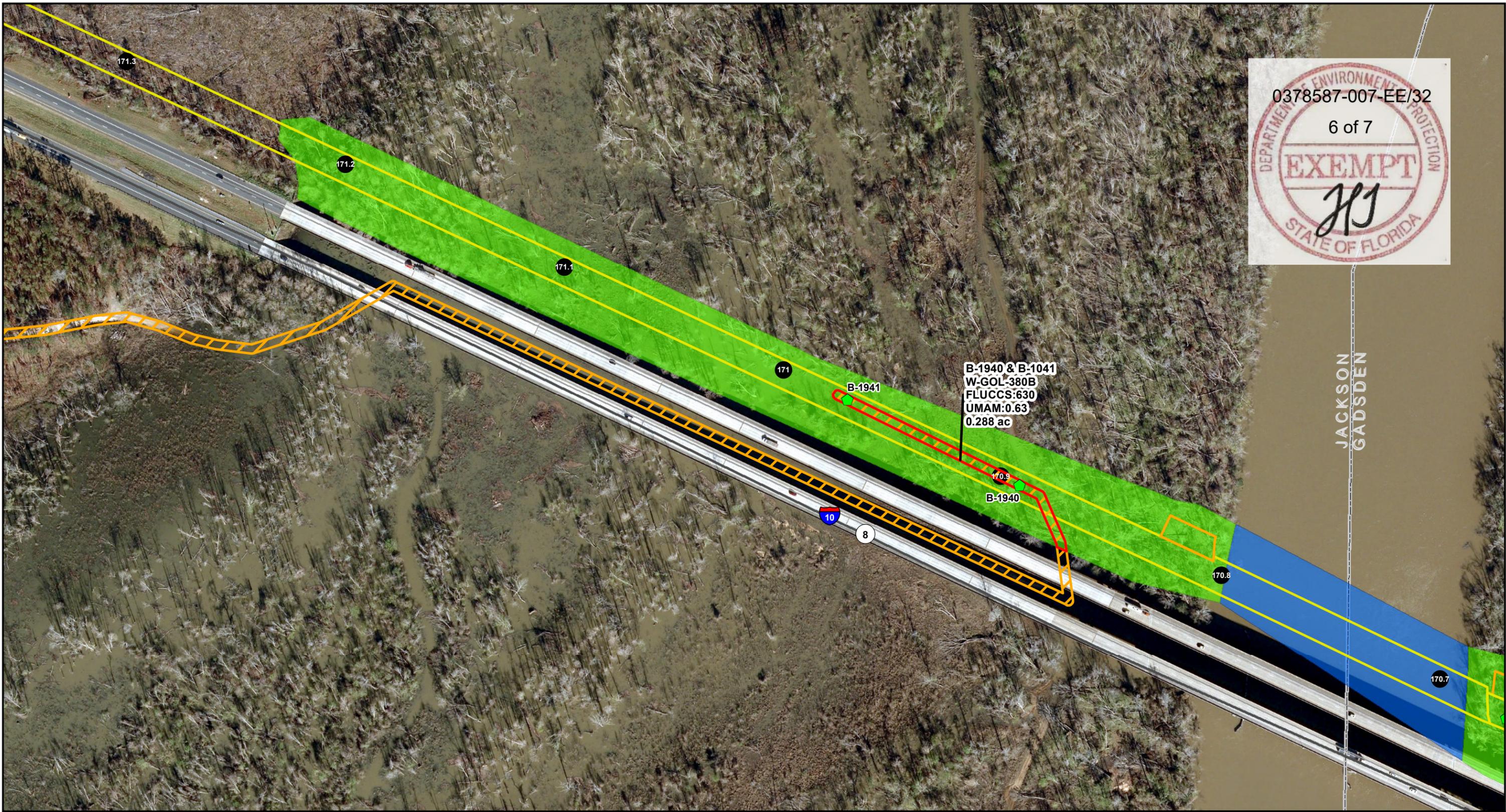
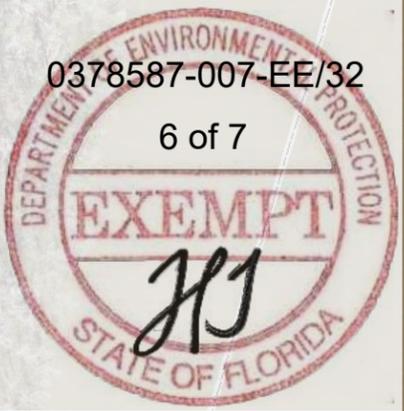
0 100 200
Feet



N

EPL 036078
20210415

NAD 1983 StatePlane FIPS 9903 Feet



JACKSON
GADSDEN

- LEGEND**
- NFRC Project Features**
- Project Boundary
 - Access Area
 - Wetland
 - Stream

- Geotechnical ERP Features**
- Bore in Wetland
 - Wetland Impact
 - GeoTech Access



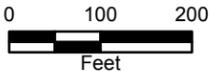
FIGURE 6
GEOTECH WETLAND IMPACTS MAP

COUNTY: JACKSON
 SCALE: 1 in = 200 feet FILE NAME: NFRC_GeoTechIndivImpactsJA
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NOTE: Acreage values of 0.00 are less than 0.01 acre. Refer to TABLE 8.
 Sources: USDA, 2019; FDOT, 2016, 2019; ECT, 2019; ESRI, 2018

NORTH FLORIDA RESILIENCY CONNECTION





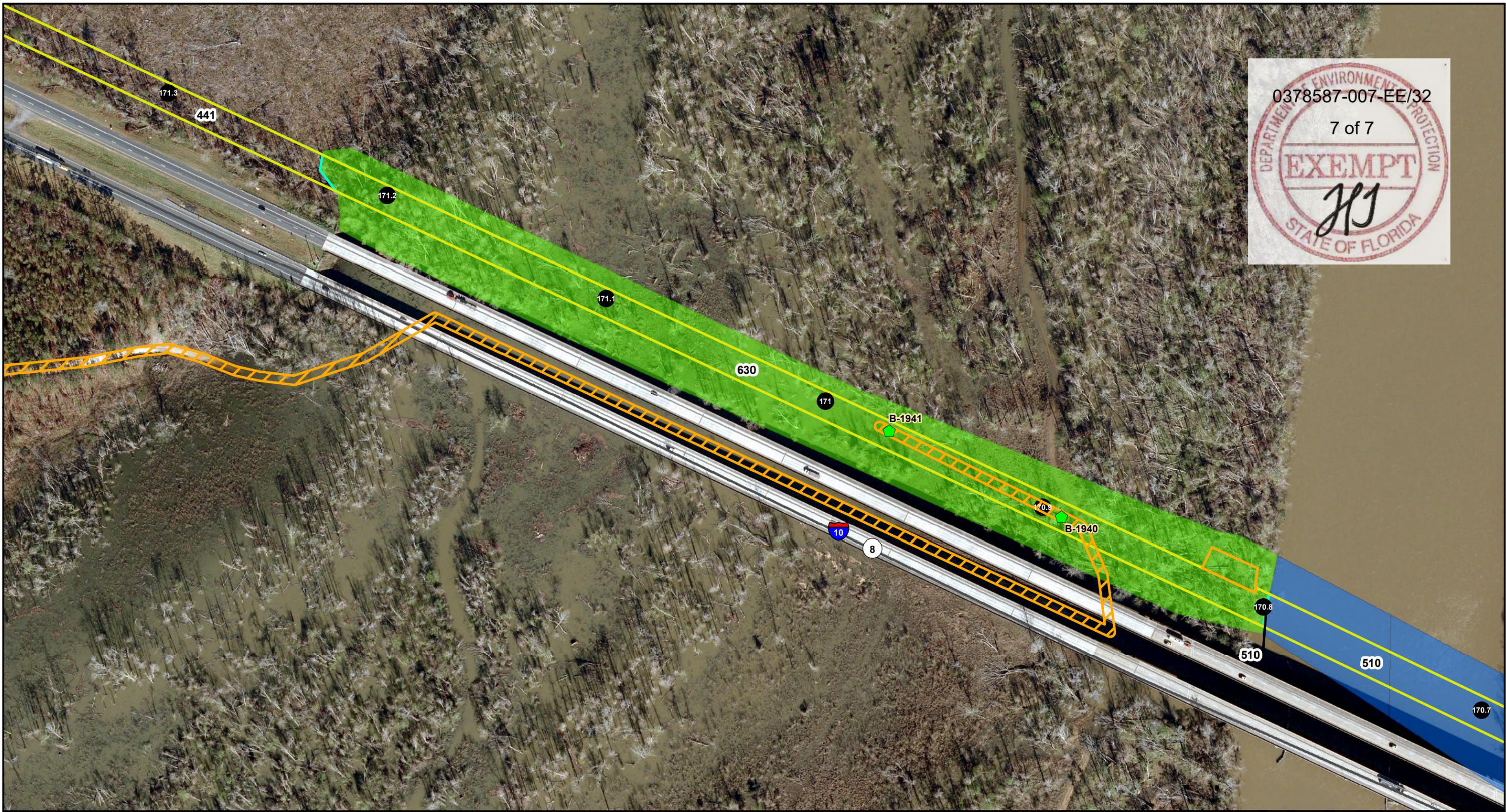
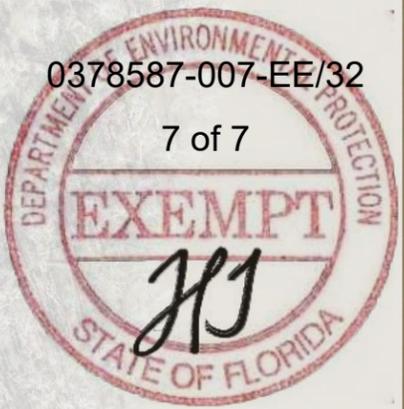
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Feet



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EPL 036070
20210415

NAD 1983 StatePlane Florida Albers
20210415



- LEGEND**
- NFRC Project Features**
- Project Boundary
 - Access Area
 - Land Use/Land Cover
 - Wetland
 - Stream

- Geotechnical ERP Features**
- Bore in Wetland
 - GeoTechAccessJA



**FIGURE 7
GEOTECH
LAND USE / LAND COVER MAP**

COUNTY: JACKSON

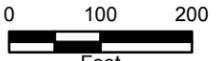
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NOTE: Acreage values of 0.00 are less than 0.01 acre. Refer to TABLE 8.

Sources: FDOT, 2019; ECT, 2019; ESRI, 2018

NORTH FLORIDA RESILIENCY CONNECTION





0 100 200
Feet



N

EPL 036980
20210415

NAD 1983 StatePlane FIPS 9903 Feet