

FECA Conference
6/11/2024



Katie Castor, MS, PWS
and Liz Wilkins, Stantec

Environmental Assessment & Permitting





About Me

Katie Castor, M.S., PWS

Senior Project Manager

Environmental Assessment and Permitting

Technical Area Leader – U.S. Gulf Region

Kathleen.castor@stantec.com

- B.S. in Environmental Science and Wildlife Ecology & Conservation (Go Gators!)
- M.S. in Environmental Engineering (Go Bulls!)
- Professional Wetland Scientist (PWS)
- 5 years working on regulatory side
- 7 years private sector / consulting
- Specialize in natural resources / permitting and NEPA (env compliance for federally funded projects, i.e. RUS funding)



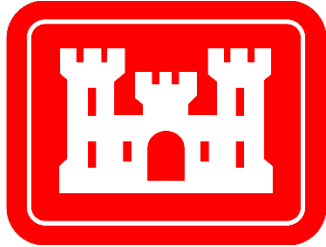
Agenda

1. Regulatory Overview
2. Wetlands & Surface Waters
3. Wildlife & Habitat
4. Local Regulations
5. Questions

Permitting and Agency Updates

Regulatory Overview





Section 404 permitting
has reverted back to
USACE (not FDEP)



Agencies

State Permitting

Timeframe: 3-9 months

- Florida Department of Environmental Protection (FDEP)
- Water Management Districts (WMD) (5 districts)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Division of Historic Resources (DHR / SHPO)

Federal Permitting

Timeframe: 6-18 months

- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service (FWS)
- National Marine Fisheries Service (NMFS)
- Coast Guard (sometimes)

Permits – when do we need one?

Activities affecting wetlands/surface waters and stormwater conveyance/storage

- State Permit (Environmental Resource Permit) (usually FDEP)
- Sovereign Submerged Lands (SSL) crossings
- Requesting use of state-owned uplands

Activities affecting wetlands/surface waters and water quality

- Federal Permit (USACE) – dredging or filling – Section 404 of the Clean Water Act
- Section 10 of the Rivers and Harbors Act (navigability)

Activities that could affect wildlife and habitat

- Agency consultation (informal and formal) – FWC and USFWS
- Take Permits or Conservation Permits (bald eagle, gopher tortoise, etc.)

Permitting Considerations

- Provide real property interest over the land
- State or federal gov coordination if gov-owned land
- Division of State Lands coordination if sovereign submerged land
- Cultural Resource Assessment often required (historic/archaeological review)
- Contamination analysis / Phase 1 and 2 Environmental Site Assessments
- For HDD, need frac-out plan and professional land survey

APPLICATION FOR THE USE OF STATE OWNED UPLANDS

**BOARD OF TRUSTEES
OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA**

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION









**APPLICATION FOR EXTENSION OF RIGHT-OF-WAY
UNDER SPECIAL USE PERMIT**

We, the Talquin Electric Cooperative, Inc of Quincy, Fla., hereby apply
(name of company) (city) (state)
for an extension to our permit as designated above, issued by Gilbert H. Stradt
(name)
Acting Forest Supervisor, on August 1, 19 55. This extension will be
(title)
located in Sect. 13T 3S, R7W Section 18, 19, 30 and 31, T3S, R6W
(sections, township and range or other locality description)

as shown on the attached map; the total distance of the extension will be
3.1 Miles from V-205-150 to BB Summers of which
(miles or feet) (beginning point) (ending point)
2.9 Miles will be on National Forest land; the desired width of right-
(miles or feet)
of-way is 20
(feet)

Date November 6, 19 59. TALQUIN ELECTRIC COOPERATIVE, INC.
(name of company)
By: John Martin
Construction Supt.
(title)

APPROVAL OF APPLICATION FOR EXTENSION

Subject to all terms and conditions of the special use permit issued by
Gilbert H. Stradt, Acting Forest Supervisor, on August 1, 19 55, ~~which~~
~~subject to the terms and conditions of the special use permit issued by~~
~~the above application for extension is approved, for the total distance of 99.1~~
~~on National Forest land, and the above application for extension, to-~~
~~gether with the map submitted with the application for extension, shall be~~
~~attached to and is hereby made a part of the permit specified above.~~

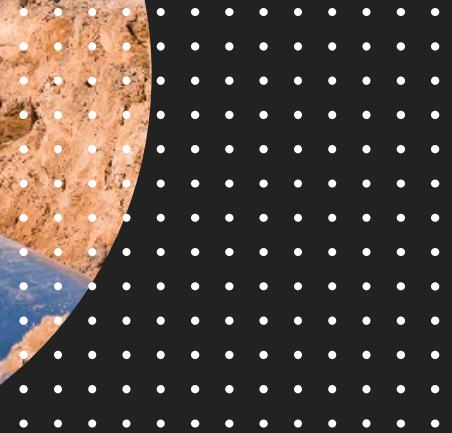
Date November 13, 19 59.

Extension #10 - Apalachicola
Total miles through Ext. #9 - 96.2
Ext. #10 - 2.9
Total miles through Ext. #10 - 99.1
cc: District Ranger - Apalachicola

Dr. J. H. Stradt
(signature of officer issuing extension)
Forest Supervisor
(title)

Wetlands & Surface Waters

Jurisdiction and Implications



Wetlands and other surface waters

State Jurisdiction (ERP)

- Delineate wetlands and other surface waters, determine proposed impacts
- Common exemption – 62-330.051(14), F.A.C. (Florida Administrative Code)
- Common permits – General permits 62-330.447, .455, .457, .458, .459, F.A.C. which do not require mitigation, or Individual Permit + mitigation

Federal Jurisdiction (Section 404 CWA)

- Waters of the US = all wetlands (unless completely hydrologically isolated from draining to navigable waters), plus any surface waters that have a permanent surface water connection to navigable waters
- Common permits – Nationwide Permit (NWP) 3, 12, 57, SAJ-13 (Regional General Permit for aerial transmission in Florida), or Standard Permit

Note:

- Surface waters include ditches, streams, canals, rivers, lakes, ocean
- Higher level of permitting for special waters (Outstanding FL Waters) or larger impacts, mangroves



Wildlife & Habitat

Wildlife and Habitat

State Jurisdiction (State-listed species)

- Florida Fish and Wildlife Conservation Commission (FWC)
- Commenting agency for state ERP applications (WMDs and FDEP)

Federal Jurisdiction (Federally listed species)

- U.S. Fish and Wildlife Service (FWS)
- Commenting agency for federal Section 404 applications (USACE and FDEP)
- National Marine Fisheries Service, if coastal (NMFS)

Process

- Sometimes there are wildlife impacts without wetland impacts; seek consultation to determine level of effort
- Sometimes species-specific surveys are required based on habitat
- Sometimes permit/conservation measures required, plan specifications



Gopher tortoise and eastern indigo snake

Show burrows and 25ft buffer in plans.

FWC requires protection measures and/or gopher tortoise permit.

EIS is a commensal species; FWS requires construction precautions and sometimes permitting.



Bald eagle

Show nest and two buffers in plans (330ft and 660ft).

FWS requires protection measures; could require seasonal construction restrictions, biologist monitoring during construction, visual barriers, or a permit.



Sand skink

If suitable habitat is present, coverboard surveys required.

Typically requires FWS consultation; avoid habitat impacts if possible, conservation credits are expensive.



Crested caracara

If suitable habitat is present, nest surveys required within 1,500m.

Could require FWS consultation and protection measures; could require seasonal construction restrictions or a permit.



Florida scrub-jay

If suitable habitat is present, nest surveys required.

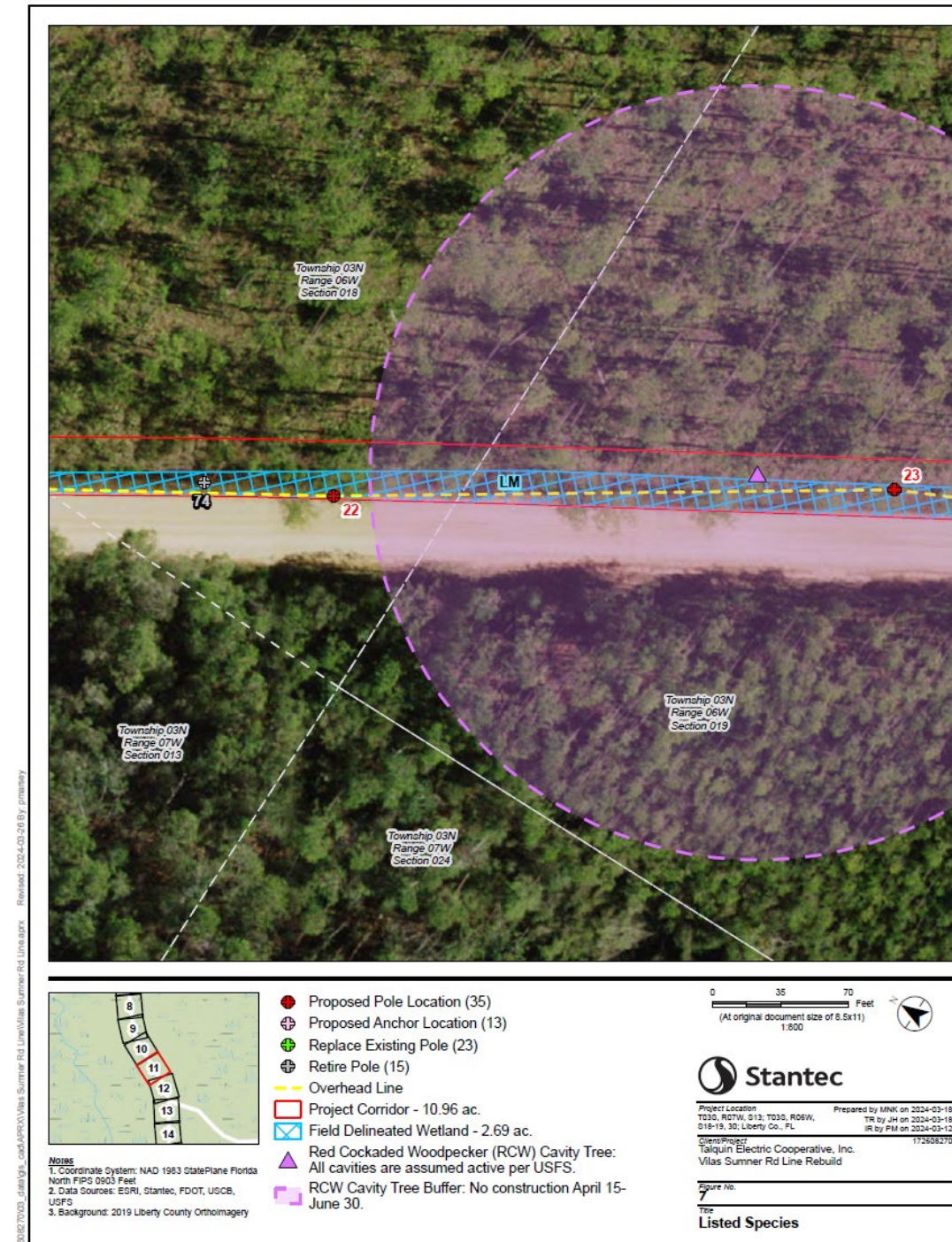
FWS requires protection measures; could require seasonal construction restrictions or a permit.

Other Protected Species

- Wood stork
 - Florida panther
 - Certain plants
 - Big Cypress fox squirrel
 - Certain wading birds
 - Marine species such as manatee
 - Florida burrowing owl
 - Snail kite
 - Sandhill crane
 - Red-cockaded woodpecker
 - Florida bonneted bat
 - Certain shorebirds
 - Southeastern American kestrel
- Maintain awareness that cavity/structure nesting species are protected (woodpeckers, osprey, bald eagle, kestrel)
 - Consider birds when planning trimming activities



...and lots more



Tricolored Bat

*new protected species



- Federal listing anticipated in September
- Population decline of 53% from 2009-2020
- Habitat includes all of Florida, protected/breeding seasonality is most of year
- Roosts in most types of trees, as well as bridges/structures
- Will require more acoustic surveys and potential mitigation/conservation requirements (specifics TBD, pending FWS guidance)



Different considerations for each project

- Due diligence analysis helps determine which wildlife, habitat, wetlands, and surface waters might be affected, and which of the agencies should be coordinated with to obtain all required authorizations



*No cookie cutter approach



About Me

Liz Wilkins

Project Manager / Ecologist

Environmental Assessment and Permitting

Liz.Wilkins@stantec.com

- B.S. in Environmental Science and Policy
- 8 years experience, consulting and regulatory
- Specialize in natural resources / permitting
- NEPA analysis / documentation
- Impact analysis, agency consultation

Local Regulations

Municipalities

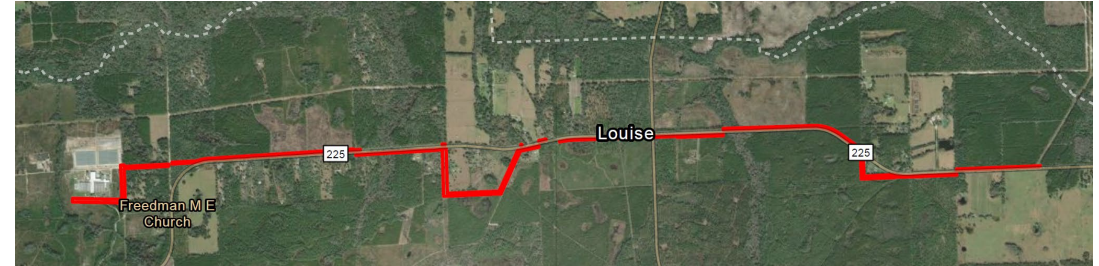


Some Counties and Cities have their own rules and codes:

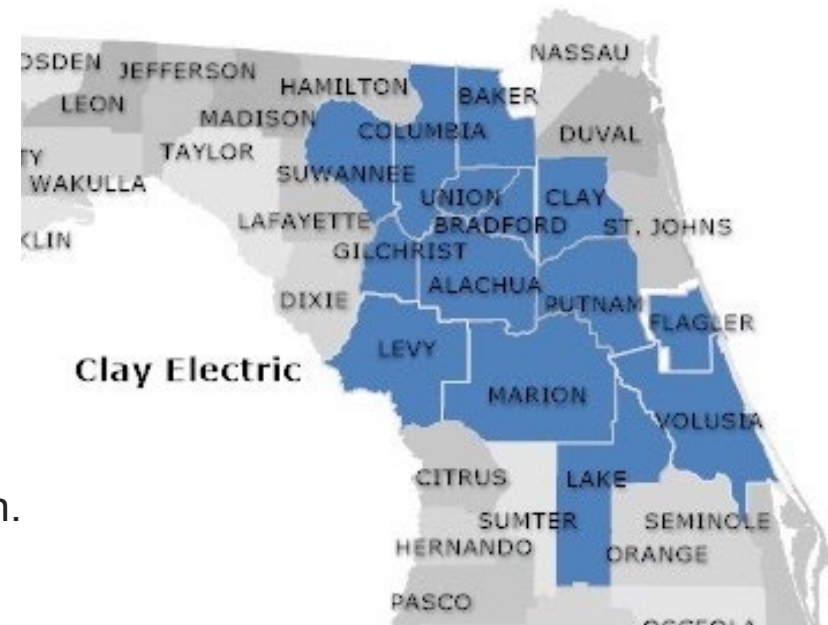
- Hillsborough County – wetlands, trees, and wildlife
- Pasco County - wildlife
- Broward County - vegetation
- Pinellas County – wetlands and surface waters
- Orange County – wetlands and vegetation
- City of Tampa – trees and wildlife
- City of West Palm Beach – vegetation
- Collier County – wetlands and wildlife, strict LDC
- Leon County – similar...most large cities/counties
- Alachua County – trees, wetlands, wildlife, and strict LDC
- Most coastal counties – sea turtle lighting



Monteocha Transmission Line - Alachua County



- New overhead 7-mile transmission line through rural Alachua County.
- Provide more power to an expanding facility located on the western end of the transmission line.
- Initial due diligence efforts included:
 - General habitat assessment.
 - 100% coverage gopher tortoise survey.
 - Review red-cockaded woodpecker potential habitat.
 - Identified local regulated trees.
 - Wetland and waterbody delineations and jurisdictional determinations.
 - Provided anticipated ecological permitting and mitigation requirements.
 - Preliminary coordination with local, state, and federal permitting agencies.
 - Identified mitigation requirements, including county buffer and tree mitigation.



Alachua County Regulations

Case Study

- Unified Land Development Code (ULDC) and Comprehensive Plan
 - Zoning – a Special Exception was required since this was considered a major utility
 - Required and neighborhood workshop and BOCC approval
- Environmental Protection Department
 - Regulated wetlands (UMAM) and wetland buffers (50-ft, 75-ft, or 200-ft) requiring mitigation for impacts
 - Protected Species – gopher tortoise, red-cockaded woodpecker
- Growth Management
 - Regulated trees and required mitigation for impacts



Permitting Requirements and Authorizations

Case Study

Permitting

- USACE – Pre-Construction Notification (PCN) for utilization of Nationwide Permit 57 (NWP 57) for electric utility line and telecommunication activities.
- FDEP – Statewide ERP Individual Permit, pursuant to Chapter 62-330, FAC.
- National Pollutant Discharge Elimination System (NPDES)
 - Construction Generic Permit (CGP) (self-certification) from FDEP pursuant to 62-621.300, FAC.
- Project authorization through the BOCC – tree removal/mitigation, wetland/buffer mitigation, and zoning requirements.

Anticipated Timeframes

- USACE
 - Pre-application meeting
 - 6-12 month anticipated permit authorization timeline from application submittal.
- FDEP
 - Pre-application meeting
 - 6-9 month anticipated permit authorization timeline from application submittal
- NPDES
 - Authorized once submitted
- BOCC Authorization
 - Pre-application meeting
 - County coordination
 - Coincides with state and federal permitting timeframes

Coordinate with Environmental Staff



Ensure that a site assessment was conducted.
Obtain relevant data for incorporation in plans.



Work with engineering staff to minimize impacts and reduce permit requirements.
Work with agencies to obtain required permits or exemptions.



Implement protection measures & BMPs during construction.
Designers and environmental staff coordinate with contractors!



Ensure permit conditions are being met throughout construction.
Water quality, habitat protection, avoidance areas, specifications.



17 offices in Florida

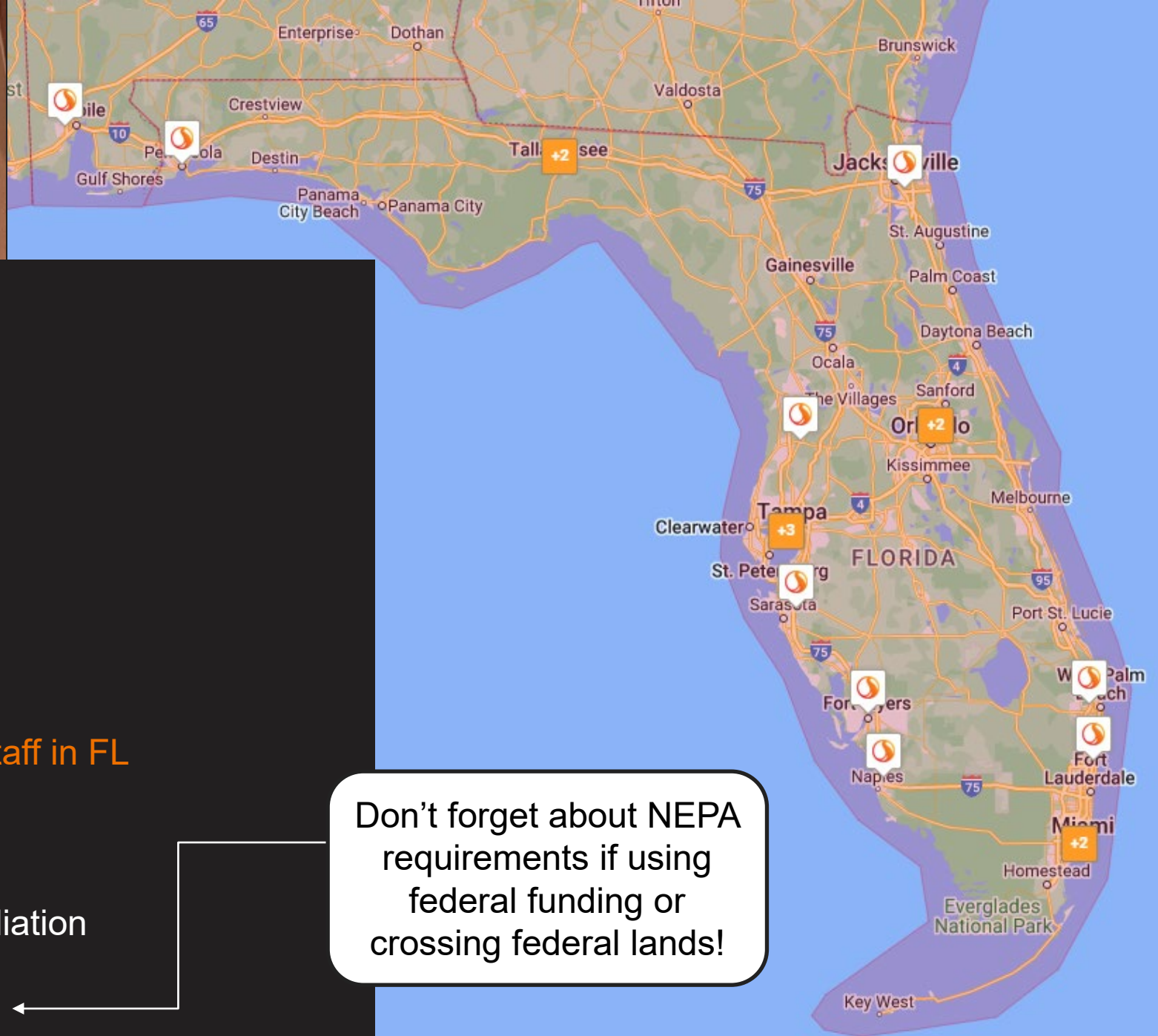
Over 1,000 staff in FL

- Civil engineering
- Structural engineering
- Renewable energy
- Power delivery
- Power generation
- Survey

Over 100 environmental staff in FL

- Wetlands & Wildlife
- Cultural Resources
- Water Quality
- Contamination / Remediation
- Noise / Air
- NEPA (CatEx, EA, EIS)

Don't forget about NEPA requirements if using federal funding or crossing federal lands!



QUESTIONS?

Contact

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