

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

WWALS WATERSHED COALITION, INC.,

Petitioner,

vs.

OGC CASE NO.: 15-0468

**SABAL TRAIL TRANSMISSION, LLC and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Respondents.

_____ /

**REQUEST FOR ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the State of Florida Department of Environmental Protection (Department) has received the attached Petition for Hearing in the above-styled case. Under Section 120.569(2)(a), Florida Statutes, the Department requests that the Division of Administrative Hearings (DOAH)¹ assign this matter to an administrative law judge (ALJ) to conduct all necessary proceedings required by law and to submit a recommended order to the Department. See § 120.57(1), Fla. Stat. (2012). The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding. The Department has stricken a portion of the Amended Petition and has ruled that one party to the Amended Petition should be dropped. See Attachment V.

¹ The DOAH docket, e-filing registration and instructions, and procedural rules are available at www.doah.state.fl.us.

YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Section 120.57(1)(g), Florida Statutes, and Rule 28-106.214(1), Florida Administrative Code. Such a record will be preserved by a court reporter, mechanical, or by video recording equipment. The Department will use a court reporter selected by the Department, unless you are otherwise advised before the final hearing, or unless arrangements for an alternative court reporter, including payment of the court reporter's fees, are made by one of the parties. Any party arranging for the presence of a court reporter at the hearing should notify the administrative law judge and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

Whenever a court reporter is used, Rule 28-106.214(2), Florida Administrative Code, provides that the court reporter's recordation becomes the official transcript. The Department may mechanically record a hearing for its own use even when a court reporter is present. If the Department records a proceeding that is also recorded by a court reporter, copies of the tapes can be made available to all parties upon request at cost of reproduction. However, parties should not assume in all instances that the Department will mechanically record a proceeding.

If a party decides to file exceptions to any finding of fact made by the ALJ in a recommended order, the party will need to submit an official transcript of the proceeding. A transcript may be prepared, at the expense of the requesting party, from a court reporter's notes or, when no court reporter has been hired, from the tapes made by the Department.

Attachments: Attachment I: Agency Action/ Notice of Intent, July 10, 2015

Attachment II: Petition for Hearing, August 7, 2015

Attachment III: Order Dismissing Petition for Hearing with Leave to Amend,
August 14, 2015

Attachment IV: Amended Petition for Hearing, August 28, 2015

Attachment V: Order Dismissing Petition of WWALS FL with Prejudice and

Striking Portions of WWALS' Amended Petition for Hearing, September 2, 2015

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was **emailed only** to Chris and Deanna Mericle, 7712 SW 32nd Lane, Jasper, Florida 32052, at mericle.deanna@gmail.com and cjmericle@gmail.com; John S. Quarterman, President, WWALS Watershed Coalition, Inc., P.O. Box 88, Hahira, Georgia 31632, at wwalswatershed@gmail.com; Richard S. Brightman, Timothy M. Riley, and H. French Brown, IV, Hopping Green and Sams, P.O. Box 6526, Tallahassee, Florida, 32314-6526, at richardb@hgslaw.com, timothy@hgslaw.com, frenchb@hgslaw.com on this 3rd day of September, 2015.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

/s/ Jack Chisolm

Jack Chisolm
Senior Assistant General Counsel
Florida Bar No.: 273473
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2275
Facsimile: (850) 245-2298
Email: Jack.Chisolm@dep.state.fl.us



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

In the matter of an Application for a Permit/Water Quality Certification and Authorization to Use Sovereign Submerged Lands by:

Applicant:

Sabal Trail Transmission, LLC
Attn. Gus McLachlan
400 Colonial Center Parkway, Suite 300
Lake Mary, FL 32746
gamclachlan@spectraenergy.com

File No.: 0328333-001

Project Name: Sabal Trail Natural Gas Pipeline

Counties: Hamilton, Suwannee, Gilchrist, Alachua, Levy, Citrus, Marion, Sumter, Lake, Polk, Orange, and Osceola

CONSOLIDATED NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT AND EASEMENT TO USE SOVEREIGN SUBMERGED LANDS

The Department of Environmental Protection (Department) gives notice of its intent to issue an Environmental Resource Permit (ERP) in accordance with Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.) (draft copy of permit attached). Issuance of the ERP constitutes certification of compliance with state water quality standards pursuant to section 401 of the Clean Water Act U.S.C. § 1341. Additionally, issuance of the ERP permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, 16 U.S.C. § 1456.

The Department of Environmental Protection (Department) also gives notice of its intent to grant an easement to use sovereign submerged lands for the proposed activity, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, Title 18, F.A.C., and the policies of the Board of Trustees, as described, below subject to any fees, special lease, easement, or consent of use conditions in the attached Recommended Proprietary Action document.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant, Sabal Trail Transmission, applied on July 31, 2014 to the Department of Environmental Protection for a permit, water quality certification and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to construct a new natural gas transmission pipeline that includes 232.75 miles of 36-inch diameter pipeline for the Mainline Route, 13.1 miles of 36-inch diameter pipeline for the Hunters Creek Line, and 21.5 miles of 24-inch diameter pipeline for the Citrus County Line, and the construction and operation of three compressor stations and three meter and regulation (M&R) stations.

The activity commences at the Florida-Georgia line in Hamilton County and will traverse Suwanee, Gilchrist, Alachua, Levy, Citrus, Marion, Sumter, Lake, Polk, Orange and Osceola Counties, terminating at the interconnection with Florida Southeast Connection Pipeline at the Central Florida Hub in Osceola County, Florida.

The activity includes consideration of an application for a public easement containing 176,018 square feet, more or less, which requires payment of \$129,851.35 representing \$6.7011 per linear foot (based on a minimum width of ten feet) as a one-time fee.

II. AUTHORITY FOR REVIEW

The Department is authorized to grant this permit pursuant to Part IV of Chapter 373, F.S., and Chapter 62-330, F.A.C. The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain a proprietary authorization. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051, 62-330.075, F.A.C., the policies of the Board of Trustees, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. General

Sabal Trail Transmission, LLC (Sabal Trail), a joint venture between affiliates of Spectra Energy Partners, LP and NextEra Energy, Inc., is seeking an Individual Environmental Resource Permit to construct a new natural gas transmission pipeline. The project includes approximately 232.75 miles of 36-inch diameter pipeline for the Mainline Route, approximately 13.1 miles of 36-inch diameter pipeline for the Hunters Creek Line, and approximately 21.5 miles of 24-inch diameter pipeline for the Citrus County Line, and the construction and operation of three compressor stations and three meter and regulation (M&R) stations. Other features of the project include access roads, pig launcher and receiver stations, mainline valves (MLVs), and pipe storage/work areas.

The Project will affect 408.45 acres of wetlands and Other Surface Waters (OSWs); consisting of 403.37 acres of wetlands, and 5.08 acres of OSWs. The construction of the Project will result in

temporary effects, conversion of forested wetlands to non-forested wetland types and loss of wetlands through placement of fill material.

The Project will temporarily affect approximately 105.71 acres of palustrine emergent (PEM) wetlands, 6.48 acres of palustrine scrub-shrub (PSS) wetlands, and 180.95 acres of palustrine forested (PFO) wetlands. These temporary effects will be from clearing of vegetation, and excavation of wetland soils for installation of the pipeline(s). Since the affected areas will be returned to pre-construction conditions, there will be no permanent effects on these resources. The Project will also temporarily affect approximately 5.08 acres of OSWs.

The installation of the pipeline will also permanently convert 103.45 acres of PFO wetlands to PEM/PSS wetlands and the installation of access roads will permanently impact 0.01 acres of PEM wetlands, 0.18 acres of PSS wetlands, and 0.48 acres of PFO wetlands.

The construction of the compressor stations and M&R stations will temporarily affect approximately 1.01 acres of PEM wetlands, 1.90 acres of PSS wetlands, and 0.96 acres of PFO wetlands. These temporary effects will be from clearing of vegetation for construction access. Since the affected areas will be returned to pre-construction conditions, there will be no permanent effects on these resources. The construction of the compressor stations and M&R stations will permanently impact 0.88 acres of PEM wetlands, 0.01 acres of PSS wetlands and 1.35 acres of PFO wetlands.

After installation of the pipeline, the construction right-of-way will be restored to pre-construction contours. There will be no long-term effects to wetland hydrology. Wetland vegetation will re-establish through natural recruitment. Herbaceous vegetation is expected to re-establish rapidly, scrub shrub vegetation may take several years to re-establish, and forested areas may take 2-50+ years to re-establish to pre-construction conditions depending on the existing quality of the community structure. Sabal Trail has provided compensatory mitigation to offset the temporal loss of forested wetland function. Sabal Trail is not proposing compensatory mitigation for effects to PEM and PSS wetlands or OSWs.

To offset unavoidable impacts that will occur from the approved activities, the permittee proposes to purchase 45.4 credits from the mitigation banks noted in Attachment L of the attached draft permit.

Treatment, attenuation, and volumetric retention of stormwater runoff will be provided for at each of the compressor and M&R stations in accordance with the presumptive criteria of the geographically applicable water management district.

B. Specific Regulatory Basis for Issuance

The Department has determined, based on the information currently on file and the general and specific conditions included within the attached draft permit, the applicant has provided reasonable assurance that the construction, including the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance of an environmental resource permit, as provided in Chapter 62-330, F.A.C., and Applicant's Handbook, Volumes I and II (as applicable). The construction and operations of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. and will not degrade ambient water quality in Outstanding Florida Waters pursuant to Rule 62-4.242, F.A.C.. The applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary and cumulative impacts, is clearly in the public interest, pursuant to Section 373.414(1)(a), F.S.

C. Specific Proprietary Basis for Issuance

Through the above and based on the general and specific conditions to the easement, the applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter(s) 253, F.S., associated rule(s) 18-21, and 18-18, F.A.C., and the policies of the Board of Trustees. The applicant has provided reasonable assurance that the activity:

- (1) will clearly be "in the public interest;
- (2) will maintain essentially natural conditions;
- (3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
- (4) will not interfere with the riparian rights of adjacent property owners.

IV. PUBLICATION OF NOTICE

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Subsection 373.413(4), F.S. and section 5.5.5.3 of Applicant's Handbook, Volume I, you (the applicant) are required to publish at your own expense this Notice of Intent to Issue. The notice is required to be published one time, in the legal ad section in a newspaper or newspapers of general circulation in the areas affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to:

Florida Department of Environmental Protection
Central District

Permittee: Sabal Trail Transmission
Project: Sabal Trail Pipeline
Permit No.: 0328333-001
Page 5 of 7

3319 Maguire Blvd, Suite 232
Orlando, Florida 32803-3767

The proof of publication shall be provided to the above address within 30 days of issuance of intended agency action, or within 21 days of the date of publication, whichever occurs sooner. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit easement to use sovereign submerged lands.

VI. RIGHTS OF AFFECTED PARTIES

The Department will issue the environmental resource permit (draft permit attached) and easement to use sovereign submerged lands, subject to the applicant's compliance with the requirement to publish notice in a newspaper of general circulation and to provide proof of such publication in accordance with section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative proceeding (hearing) is filed pursuant to sections 120.569 and 120.57, F.S. The actual terms of the easement will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such easement. If a timely petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application(s), subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the permit and authorization to use sovereign submerged lands will be issued as a ministerial action, and any required lease or easement will be executed.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. The failure of any person 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 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or at Agency.Clerk@dep.state.fl.us.

Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process will constitute a renewed determination of the Department's decision on the application. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent, in the Office of General Counsel at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rules 28-5.207 and 60Q-2.010, F.A.C.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Jeff Prather
Director, Central District

ATTACHMENTS:

Public Notice
Draft Permit

Permittee: Sabal Trail Transmission
Project: Sabal Trail Pipeline
Permit No.: 0328333-001
Page 7 of 7

Copies furnished to:

U.S. Army Corps of Engineers, corpsjaxreg@usace.army.mil
FERC, John.Penconom@ferc.gov
FFWCC, Jennifer.Goff@myfwc.com
SFWMD, mparrott@sfwmd.gov
SFWMD, Jennifer.Thomson@sfwmd.gov
SRWMD, [Carlos Herd, CDH@srwmd.org](mailto:Carlos.Herd@srwmd.org)
SWFWMD, Amy.Brennan@watermaters.org
FDEP NED, Michael.Savage@dep.state.fl.us
FDEP SWD, Mark.Langford@dep.state.fl.us
FDEP SLERC, Timothy.Rach@dep.state.fl.us
Richard Brightman, RichardB@hgslaw.com
FDEP, FGS, Jon Arthur, Jonathan.Arthur@dep.state.fl.us
Audubon Society, Charles Lee, chlee@earthlink.net
Tom Edwards, tse@edwardsragatz.com

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed before the close of business on [DATE], 2015, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED on this date with the designated Department Clerk,
pursuant to 120.52(7), F.S., receipt of which is hereby acknowledged.



7/10/2015

Clerk

Date



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

Permittee:

Sabal Trail Transmission, LLC
Attn. Gus McLachlan
400 Colonial Center Parkway, Suite 300
Lake Mary, FL 32746
gamclachlan@spectraenergy.com

Consultant:

TRC
Attn. Brad Floyd
400 Colonial Center Parkway, Suite 300
Lake Mary, FL 32746
bfloyd@trcsolutions.com

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

Permit No.: 0328333-001

Permit Issuance Date: TBD

Approval Expiration Date: TBD



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

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

Permittee /Grantee: Sabal Trail Transmission LLC

Permit No: 0328333-001

PROJECT LOCATION

The activities approved by this permit will commence at the Florida-Georgia line in Hamilton County and will traverse Suwanee, Gilchrist, Alachua, Levy, Citrus, Marion, Sumter, Lake, Polk, Orange and Osceola Counties, terminating at the interconnection with Florida Southeast Connection Pipeline at the Central Florida Hub in Osceola County, Florida.

PROJECT DESCRIPTION

The Permittee is authorized to construct a new natural gas transmission pipeline that includes 232.75 miles of 36-inch diameter pipeline for the Mainline Route, approximately 13.1 miles of 36-inch diameter pipeline for the Hunters Creek Line, and approximately 21.5 miles of 24-inch diameter pipeline for the Citrus County Line, and the construction and operation of three compressor stations and three meter and regulation (M&R) stations. Other features of the project include access roads, pig launcher and receiver stations, mainline valves (MLVs), and pipe storage/work areas.

Stormwater management systems will be constructed at each of the compressor and M&R stations to provide treatment, attenuation, and volumetric retention of stormwater runoff in accordance with the presumptive criteria of the geographically applicable water management district. The authorized activities pertaining to these systems are depicted in Attachment D, Aboveground Facilities.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall purchase 45.4 UMAM credits from the mitigation banks noted in Attachment L, Summary of Compensatory Mitigation.

AUTHORIZATIONS

Environmental Resource Permit

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

Sovereignty Submerged Lands Authorization

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

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

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

Federal Authorization

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

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

Coastal Zone Management

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

Water Quality Certification

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

Other Authorizations

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

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

PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

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

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

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

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

1. The terms, conditions, and provisions of the required easements shall be met. Construction of this activity shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required easement documents have been executed to the satisfaction of the Department.
2. Construction of the activities authorized by this permit shall not begin until the permittee provides the Department with proof of sufficient property ownership where the activities will occur per 4.2.3(d) of the Environmental Resource Permit Applicant's Handbook Volume I. The required submittal shall be provided to the Department in a digital format (via electronic mail, CD or DVD, or through file transfer site) when practicable. The mailing address for the appropriate Department office is 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767 and the electronic mail address is DEP_CD@dep.state.fl.us. All submittals shall include the project name and indicated permit number when referring to this project.
3. Subsequent to the selection of the contractor to perform the authorized activity and prior to the initiation of work authorized by this permit, the Permittee (or authorized agent) and the contractor shall schedule and attend a pre-construction conference with a representative of the Department's Compliance Assurance Program. Conferences should be held with each of the following regulatory offices:
 - Central District, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 (407-897-4100)

- Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 (813-470-5700).
- Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256 (904) 256-1700.

SPECIFIC CONDITIONS – THREATENED AND ENDANGERED SPECIES

4. The potential exists for colonial water birds like the little blue heron and snowy egret to occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for water bird nesting colonies and if nesting is observed, the Permittee shall maintain a minimum distance of 330 feet between the edge of the nesting area and any disturbance activity during the breeding season (Rodgers and Smith 1995). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.
5. Florida sandhill cranes may also occur within or adjacent to the pipeline corridor. The Permittee shall conduct surveys for this species. If nesting is observed within or adjacent to the corridor, FWC recommends maintaining a minimum distance of 400 feet between the edge of the nesting area and any disturbance activity during the breeding season (Stys 1997). If maintaining the recommended buffer is impracticable or the removal of nesting habitat is necessary for the project, please contact FWC staff prior to construction activities to discuss minimization and permitting alternatives.
6. Open trenches shall be inspected and the beginning and end of each work day for wildlife that may have become trapped. Listed species or injured wildlife shall be reported to FWC.
7. The Permittee shall install “wildlife ramps” within any trench open greater than 48 hours to allow uninjured wildlife to leave the trench on their own accord.

SPECIFIC CONDITIONS – GENERAL CONSTRUCTION ACTIVITIES

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

SPECIFIC CONDITIONS – CONTRACTOR YARDS, LAYDOWN AREAS, ACCESS ROADS

11. Construction of contractor yards, laydown areas, and access roads:
 - a. Shall be prepared using clearing and grubbing techniques with minimal regrading as required to create a safe work area;
 - b. Shall not impede or alter existing drainage patterns, or impound surface water; and
 - c. Shall have sediment and erosion control best management practices (BMPs) installed and maintained on disturbed areas throughout the construction of the project to prevent the possibility of transferring suspended solids offsite.
12. Limestone used for coarse aggregate to stabilize contractor yards, laydown areas, or access roads shall be FDOT approved natural stone No. 57. No asphalt, millings, crushed concrete, or any other material that either cements or produces fines shall be used to stabilize the contractor yards, laydown areas, or access roads.
13. All material used to stabilize the contractor yards, laydown areas and temporary access roads constructed specifically for the project shall be removed once construction has been completed and the areas shall be disked to reduce compaction and improve percolation. Material used to maintain existing access roads does not need to be removed provided that the gravel is used to return the temporary access road to preconstruction conditions. The disturbed areas shall be revegetated so that erosion will not occur. Turbidity control devices shall be removed no later than one year from completion of the project.

SPECIFIC CONDITIONS - SPOIL MANAGEMENT AND GRADE RESTORATION

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

SPECIFIC CONDITIONS – CONSTRUCTION DEWATERING

16. If dewatering is to occur during any phase of construction or thereafter and discharge is to on-site or off-site surface waters of the State, either directly or via a stormwater management system, a generic permit in accordance with Rule 62-621.300, F.A.C., will be required prior to any dewatering.

17. If dewatering is to occur during any phase of construction or thereafter a consumptive use permit in accordance with Rule 40E-2, F.A.C., 40D-2 F.A.C or Rule 40B-2.041, F.A.C., may be required from the South Florida Water Management District (SFWMD), Southwest Florida Water Management District (SWFWMD) or Suwanee River Water Management District (SRWMD) prior to beginning any dewatering.
18. A general plan for routing of discharge water must be submitted to the DEP Central District Office for approval prior to commencement of dewatering.

SPECIFIC CONDITIONS - TURBIDITY

19. Turbidity must be controlled to prevent violations of water quality pursuant to Rule 62-302.530(69), Florida Administrative Code (F.A.C.). Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background conditions at the mixing zone boundary. In Outstanding Florida Waters, NTU levels cannot exceed background at the mixing zone boundary. Turbidity barriers shall be correctly installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed work. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established.
20. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the Permittee will be responsible for the removal of the barriers. All turbidity barriers shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapters 62-330 or 62-701, F.A.C., or cause violations of state water quality standards.
21. The Department has determined that turbidity monitoring for crossings of inundated wetlands and water bodies will be required. Turbidity shall be monitored as noted in Specific Conditions 24 through 33 for these areas.
22. A mixing zone for turbidity is granted with the following size and configuration constraint(s): The mixing zone shall extend no further than 150 meters downstream, from the edge of construction right-of-way, return flow discharge, or other points of turbidity generation [Chapter 62-4.244(5)(c), F.A.C.].
23. Measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: www.dep.state.fl.us/labs/qa/sops.htm More specifically, the instruments used to measure turbidity shall be fully calibrated within one month prior to commencement of the project, and at least once a month thereafter during the project. Calibration shall be verified each morning prior to use, and after each time the instrument is turned on, using a turbidity "standard" that is different from the one used during calibration. Calibration procedures shall be recorded in a permanent logbook, and copies must be submitted with the data.
24. Monitoring for turbidity shall be conducted for the duration of the project. Sampling will commence prior to, but no more than 24 hours before initiation of any dredging or filling activities specified in Specific Condition 21.

25. A minimum of 3 sampling sites shall be established within mixing zones as described in Specific Condition 22, and as allowed by landowner access permission. If access is permitted, the first site will be located at the mixing zone boundary (Compliance Sample (CS)); if the CS does not meet the standard, additional sampling will be required at the second site which will be located 25 meters downstream from the CS; and if the second site sample does not meet the standard, additional sampling will be required at the third site which shall be located 50 meters downstream from the CS. These sites shall be established on a transect extending down current from the turbidity source.
26. Samples shall be collected from surface, mid-depth and one foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. Sampling will be restricted to the axis of the visible plume. Samples will be collected at the intersection of the mixing zone boundary and a line parallel with the water current and extending from the source of turbidity if a plume is not visible.
27. Background samples shall be collected at two sites upstream of the crossing, contingent upon access permission being provided by the landowner. These samples will be collected at surface, mid-depth, and one-foot above bottom. Mid-depth samples are sufficient in water that is less than five feet deep. The two background sites will be marked by temporary buoys/stakes and shall be maintained for the duration of the sampling program; these sites shall not be changed without specific written authorization by the Department.
28. Samples shall be collected with a Kemmerer, Van Dorn or a similar sampler that is designed to collect in situ water samples. Samples shall be analyzed immediately after collection with a turbidimeter that produces results in Nephelometric measurements. The field sample results shall be accurately recorded to the precision capabilities (decimal place) of the instrument. Field turbidimeter results shall be rounded to the next whole number (ex. 15.23 NTUs shall be recorded; however the results shall be interpreted as 16.00 NTUs). If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 19, the Permittee shall cease all work pursuant to Specific Condition 33.
29. Turbidity monitoring reports shall be submitted to the Department each Monday following project commencement, where construction has occurred in inundated wetlands or surface waters; reports shall include the Permittee name and permit number. When submitting this information to the Department, please include, at the top of each page or as a cover page to the submittal: "This information is being provided in partial fulfillment of the monitoring requirements in Permit No. 0328333-001" Failure to submit reports in a timely manner constitutes a violation of the permit and may be grounds for revocation.
30. Monitoring data shall contain the following information:
 - a. Permit number;
 - b. Dates of sampling and analysis;
 - c. A statement describing the methods used in collection and analysis of the samples;
 - d. A map showing the sampling locations, along with indicating milepost, station number or latitude and longitude;
 - e. Copies of the Quality Assurance/Quality Control log; and
 - f. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision and accuracy of the data;

31. Monitoring reports shall also include the following information for each sample that is taken:
 - a. Time of day samples taken;
 - b. Depth of water body;
 - c. Depth of sample;
 - d. Tidal stage and direction of flow; and
 - e. Antecedent weather conditions, including wind direction and velocity.
32. The compliance location specified in Specific Condition 25 shall be considered the limits of the temporary mixing zone for turbidity allowed during construction.
33. If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 19, the Permittee shall take the following measures:
 - a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
 - b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair non-functioning turbidity containment devices; and
 - c. Increase monitoring frequency to every 2 hours until turbidity levels are within acceptable limits as specified in Specific Condition 19. Interim samples collected following the violation (s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the water quality standard for turbidity has been met.
 - d. The violation(s) shall be immediately reported to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department.

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

SPECIFIC CONDITIONS – HORIZONTAL DIRECTIONAL DRILL

34. The Permittee shall comply with the procedures outlined in Attachment F “Best Drilling Practices for the Sabal Trail Project”.
35. The Department shall be notified immediately in the event of a fracout or any other bentonite discharges or spills. All pertinent information shall be provided, i.e. location, time of day, extent of area effected, timing and methodology for removal, clean up and restoration of the site.

SPECIFIC CONDITIONS – MITIGATION

36. To offset wetland impacts, the Permittee has reserved 45.4 UMAM credits from the mitigation banks noted in Attachment L. Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with documentation the credits have been deducted from the credit ledger the referenced mitigation bank.

SPECIFIC CONDITIONS – ABOVEGROUND FACILITIES

37. The authorized stormwater management systems serving the aboveground compressor and M&R stations shall be constructed in accordance with the Specific and General Conditions of this permit and as depicted on Attachment D. The permittee must obtain a permit from the Department prior to beginning construction of subsequent phases or any other work associated with this project not specifically authorized by this permit.
38. Before any offsite discharge from the stormwater management systems occurs, the retention and detention storage must be excavated to rough grade prior to construction or placement of impervious surface within the area served by those systems.
39. Adequate measures must be taken to prevent sedimentation to these treatment systems and control structures during construction. Sediment and debris must be removed prior to final grading and stabilization.
40. All material used as fill shall be clean material and shall not be contaminated with vegetation, garbage, trash, tires, hazardous, toxic waste or other materials that are not suitable for road construction within waters of the State as so determined by the Department.
41. The following measures shall be taken to minimize erosion:
- A. Swales and dry ponds: sodding of all side slopes; seeding and mulching of flat-lying bottom areas;
 - B. Berms and other disturbed flat-lying areas: seed and mulch.
- Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased.
42. The following maintenance activities shall be performed as needed on
- A. All permitted stormwater management systems:
 - 1) Removal of trash and debris;
 - 2) Inspection of inlets and outlets;
 - 3) Removal of sediments when the storage volume or conveyance capacity of the stormwater management system is less than the permitted design; and
 - 4) Stabilization and restoration of eroded areas.
 - B. Retention, swale, and underdrain systems:
 - 1) Mowing and removal of grass clippings;

- 2) Aeration, tilling, or replacement of topsoil; and
- 3) Re-establishment of vegetation on disturbed surfaces.

C. Wet detention systems:

- 1) Replanting of natural vegetation within the littoral zone; and
- 2) Control of nuisance and exotic vegetation.

43. If any of the stormwater management systems are not functioning as designed and permitted, operational maintenance must be performed as quickly as practical to restore the system. Within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted electronically or in writing to the Department using the enclosed "Operation and Maintenance Inspection Certification" [Form 62-330.311(1)] describing the remedial actions taken to resolve the failure or deviation. If operational maintenance measures are insufficient to enable the system to meet the design and performance standards of this chapter, the permittee must either replace the system or construct an alternative design. A permit modification must be obtained from the Department prior to constructing such an alternate design pursuant to Rule 62-330.315, F.A.C.
44. All retention, underdrain, wet detention, swale, and wetland stormwater management systems shall be inspected for substantial conformance with the permitted design upon completion of construction and every two years thereafter. Within 30 days following completion of such an inspection, a report shall be provided to the Department on the enclosed "Operation and Maintenance Inspection Certification" form [DEP Form 62-330.311(1), F.A.C.].
45. The authorized stormwater management systems within the geographic limits of the Southwest Florida Water Management District shall be constructed in accordance with 5.11 Sensitive Karst Areas of that District's Environmental Resource Permit Applicant's Handbook Volume II. The systems shall be constructed to prevent direct discharge of untreated stormwater into the Floridan Aquifer System. Systems also must be constructed in a manner that avoids breaching an aquitard and such that construction excavation will not allow direct mixing of untreated water between surface waters and the Floridan Aquifer System. The systems shall also be constructed to prevent the formation of solution pipes or other types of karst features in any known sensitive karst area. Test borings located within the footprint of a proposed stormwater management pond must be plugged in a manner to prevent mixing of surface and ground waters. If during construction or operation of the stormwater management systems, a structural failure is observed that has the potential to cause the direct discharge of surface water into the Floridan Aquifer System, corrective actions designed or approved by a registered professional shall be taken as soon as practical to correct the failure. A report prepared by a registered professional must be provided as soon as practical to the District for review and approval that provides reasonable assurance that the breach will be permanently corrected.
46. The authorized stormwater management systems within the geographic limits of the Suwannee River Water Management District shall be constructed in accordance with 5.9 Sensitive Karst Areas Design Criteria and Guidelines of that District's Environmental Resource Permit Applicant's Handbook Volume II. The systems shall be constructed to prevent direct discharge of untreated stormwater into the Floridan Aquifer System. Systems also must be constructed in a manner that avoids breaching an aquitard and such that construction excavation will not allow direct mixing of untreated water between surface waters and the Floridan Aquifer System. The systems shall also be

constructed to prevent the formation of solution pipes or other types of karst features in any known sensitive karst area. Test borings located within the footprint of a proposed stormwater management pond must be plugged in a manner to prevent mixing of surface and ground waters. If during construction or operation of the stormwater management systems, a structural failure is observed that has the potential to cause the direct discharge of surface water into the Floridian Aquifer System, corrective actions designed or approved by a registered professional shall be taken as soon as practical to correct the failure. A report prepared by a registered professional must be provided as soon as practical to the District for review and approval that provides reasonable assurance that the breach will be permanently corrected.

47. All post-issuance submittals required by Specific Conditions 37 through 47 of this permit shall be provided to the Department in a digital format (via electronic mail, CD or DVD, or through a file transfer site) when practicable. The mailing address for the appropriate Department office is 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767 and the electronic mail address is DEP_CD@dep.state.fl.us. All submittals shall include the project name and indicated permit number when referring to this project.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

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

The reports shall include the following:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
 - b. Brief description of the work (i.e. portions of pipeline installed, restoration complete, maintenance activities, monitoring) completed since the previous report or since permit was issued. Provide initially, one full set of numbered aerials or quad maps. Refer to these maps by number to indicate locations where there is ongoing construction or has been completed. Subsequent reports should refer to the same master set of maps, with accompanying tables and other relevant information.
 - c. Brief description and extent of work (portions of pipeline installed, restoration complete, maintenance activities, monitoring) anticipated in the next three months. Refer to the above master set of maps to document the location of the anticipated construction.
 - d. This report shall include on the first page, the certification of the following statement by the individual who supervised the preparation of the report: "This report represents a true and accurate description of the activities conducted during a three month period covered by this report."
 - e. Progress of natural revegetation in right-of-way areas
 - f. Summary of incidents of water quality violations which have occurred prior to successful ground stabilization.
49. Restoration Area Success Criteria - Wetland restoration areas will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met

continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.

- a. The restoration areas can reasonably be expected to develop into the pre-construction community type as determined by the Florida Land Use and Cover and Forms Classification System (third edition; January 1999).
- b. Topography, water depth and water level fluctuation in the restoration area are characteristic of the wetlands/surface water type specified in criterion "a."
- c. Species composition of recruiting wetland vegetation is indicative of the wetland type specified in criterion "a."
- d. At least 80 percent of the planted or recruited individuals in each stratum have survived throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,
- e. Percent cover by appropriate wetland species meets or exceeds percent cover in the adjacent wetland areas that were not disturbed by construction; and,
- f. Coverage by nuisance or exotic species does not exceed the percent in the adjacent wetland areas that were not disturbed by construction.
- g. The wetland restoration area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

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

50. The Permittee shall monitor and maintain the wetland restoration areas until the criteria set forth in the Wetland Restoration Success Criteria Condition above are met. The Permittee shall perform corrective actions identified by the Department if the Department identifies a wetland restoration deficiency that is the result of project construction.
51. The Permittee shall undertake required maintenance activities within the wetland restoration areas as needed at any time between the restoration area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Restoration Success Criteria Condition above. Herbicides shall not be used without the prior written approval of the District.
52. The Permittee shall submit, within six months of placing the pipeline in service, an as-built survey of the wetland restoration areas certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, water surface elevations, and species composition, numbers and densities. Upon Department inspection and approval of the restoration areas, the monitoring program shall be initiated with the date of the Department field inspection being the construction completion date of the restoration areas. Monitoring events shall occur between March 1 and November 30 of each year. An Annual Wetland Monitoring Report shall be submitted upon the anniversary date of Department approval to initiate monitoring.

Annual reports shall provide documentation that a sufficient number of maintenance

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

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

SPECIFIC CONDITIONS – KARST FEATURES

56. The Permittee shall comply with the procedures outlined in Attachment J “Karst Mitigation Plan”.
57. The Permittee shall supply the Department with any geologic data related to karst features within the construction right-of-way.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

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

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

needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

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

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

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

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

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

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

Executed in Orange, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

DRAFT

Jeff Prather
Director, Central District

Attachments:

Attachment A Contractor Yards
Attachment B Figures
Attachment D Aboveground Facilities
Attachment E Erosion and Sediment Control Plan
Attachment F Best Drilling Practices Plan
Attachment G Spill Prevention and Countermeasure Plan
Attachment H HDD Plan and Profile
Attachment I Wetland Detail Drawings
Attachment J Karst Mitigation Plan
Attachment K State Lands Easement Drawings
Attachment L Summary of Compensatory Mitigation
Construction Commencement Notice/Form 62-330.350(1)
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)
Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)
Operation and Maintenance Inspection Certification/Form 62-330.311(1)
Request to Transfer Permit/Form 62-330.340(1)

Oculus Links to Above referenced Attachments:

All drawings (minus Attach B, part 1):

[http://depdms.dep.state.fl.us/Oculus/servlet/shell?command=getEntity&\[guid=23.277890.1\]&\[profile=Plans and Specifications\]](http://depdms.dep.state.fl.us/Oculus/servlet/shell?command=getEntity&[guid=23.277890.1]&[profile=Plans and Specifications])

Attachment B, part 1:

[http://depdms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&\[guid=23.277891.1\]&\[profile=Plans and Specifications\]](http://depdms.dep.state.fl.us:80/Oculus/servlet/shell?command=getEntity&[guid=23.277891.1]&[profile=Plans and Specifications])

Copies furnished to:

U.S. Army Corps of Engineers, corpsjaxreg@usace.army.mil

FERC, John.Penconom@ferc.gov

FFWCC, Jennifer.Goff@myfwc.com

SFWMD, mparrott@sfwmd.gov

SFWMD, Jennifer.Thomson@sfwmd.gov

SRWMD, Carlos Herd, CDH@srwmd.org

SWFWMD, Amy.Brennan@watermaters.org

FDEP NED, Michael.Savage@dep.state.fl.us

FDEP SWD, Mark.Langford@dep.state.fl.us

FDEP, SLERC Timothy.Rach@dep.state.fl.us

Richard Brightman, RichardB@hgslaw.com

FDEP FGS, Jonathan.Arthur@dep.state.fl.us

Audubon Society, Charles Lee, chlee@earthlink.net

Tom Edwards, tse@edwardsragatz.com

CERTIFICATE OF SERVICE

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

FILING AND ACKNOWLEDGMENT

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

DRAFT

Clerk

Date

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

August 7, 2015

Dept. of Environmental Protection
Office of General Counsel

WWALS Watershed Coalition, Inc.,

Petitioners,

vs.

SABAL TRAIL TRANSMISSION, LLC and
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondents.

OGC Case No.: 15-0468

Petition for Administrative Hearing:

Florida Department of Environmental Protection's intent to issue Environmental Resource Permit

Petitioner: WWALS Watershed Coalition, Inc.

P.O. Box 88

Hahira, GA 31632

wwalswatershed@gmail.com

Local Contact:

Chris and Deanna Mericle

(386) 938-5943 or (321) 431-3204 or

(386) 855-5096

7712 SW 32nd Lane

Jasper, FL 32052

mericle.deanna@gmail.com

cjmericle@gmail.com

Permit applicant: Sabal Trail Transmission, LLC.

400 Colonial Center Parkway, Suite 300

Lake Mary, FL 32746

Department Permit file number: 0328333-001

WWALS to FL DEP, 7 August 2015, Case no. 15-0468, file no. 0328333-001, page 1 of 11

Counties affected by the permitted activity: Hamilton, Suwannee, Gilchrist, Alachua, Levy, Citrus, Marion, Sumter, Lake, Polk, Orange, Osceola. Affected counties represented by WWALS: Hamilton, Suwannee.

Date Petitioner became aware of the Department's action: July 16, 2015 in the legal notices of the Jasper News. According to the denial of request for extension of time to file petition for administrative hearing, Petitioner has 10 days from July 28, 2015 to file the petition.

Statement of Petitioner's substantial interests: WWALS Watershed Coalition is a Georgia nonprofit corporation and an IRS 501(c)(3) educational not for profit organization with members in Florida and Georgia. WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, and upper Suwannee River watersheds in south Georgia and north Florida through awareness, environmental monitoring, and citizen activities. WWALS hosts monthly paddling outings for our members. Our next outing is on August 15, 2015 on the Suwannee River, Gibson Park past the proposed pipeline crossing to Suwannee River State Park. We have held several outings on the Suwannee River including one in September 2014. Our members are out paddling the rivers of our represented watersheds not only during our planned outings but at other times individually and in families and other groups. Our members and other members of the public receive a sense of rejuvenation being out in the natural environment. The point is that our members and other members of the public get out and enjoy the rivers, including the Suwannee. It would be devastating if the rivers were irreparably altered from the installation of this pipeline.

WWALS is the Waterkeeper® Affiliate for the Withlacoochee and upper Suwannee Rivers and their watersheds. Waterkeeper® Affiliates are associated with Waterkeeper® Alliance as partners across the WWALS to FL DEP, 7 August 2015, Case no. 15-0468, file no. 0328333-001, page 2 of 11

globe advocating for everyone's right to swimmable, drinkable, and fishable water, while on track to become fully licensed Waterkeeper® organizations.

As the Waterkeeper® Affiliate for the watersheds of the Withlacoochee and upper Suwannee Rivers, WWALS represents thousands of people who live in these watersheds in Hamilton and Suwannee Counties. At least one of our members, Tom Edwards, who owns the Florida corporation TSE Plantation, LLC, dba Echo River Plantation, is a property owner along the Suwannee River who will be directly affected by the HDD drilling and pipeline installation. Partly at the recommendation of WWALS members, the Hamilton County Board of Commissioners passed a resolution opposing the pipeline crossing of the Withlacoochee River in Florida. Not only does WWALS advocate for the interests of the people in these watersheds, but also for the natural environment itself. It is our obligation as Waterkeeper® Affiliate for this area that we request that Florida Department of Environmental Protection deny the Environmental Resource Permit for the Sabal Trail Transmission natural gas pipeline, especially through Hamilton and Suwannee Counties.

How Petitioner's substantial interests are affected: The Petitioner's substantial interests will be affected by the construction and operation of a 36-inch diameter natural gas pipeline through Hamilton and Suwannee Counties as follows:

1. Forested lands will be cleared, resulting in reduced wildlife habitat.
2. Wetlands will be filled, resulting in reduced fish and wildlife habitat.
3. Karst terrain will be traversed and drilled through, possibly forming new sinkholes under or near the pipeline, potentially resulting in pipeline failure and altered underground water flow.
4. HDD Operations through karst limestone at river crossings have an increased risk of

frac-outs, intersecting with spring conduits, and sinkhole formation resulting in potentially catastrophic effects on spring and river flows and water quality in both rivers and private wells. This will also have adverse effects on aquatic fauna whose habitat will be damaged from this pipeline. More study of these habitats is needed before a pipeline is drilled under the rivers and destroys these underground caverns and spring conduits. Damage to karst formations is permanent.

Material facts disputed by Petitioner: Based on Petitioner's best information and belief as it exists at the time of this filing, Petitioner disputes these material facts:

1. Whether the proposed activity is “not contrary to the public interest” or is “clearly in the public interest” as required by Section 373.414(1). This project clearly is not in the public interest of the citizens of Hamilton and Suwannee Counties who will be affected by the construction and operation of this pipeline without any benefit whatsoever.
 - a. There are only risks to their rivers and water supply, disruption and destruction of their property, and threats to their health, safety, and welfare in the form of explosions, contaminated water, and development of sinkholes from karst collapse, which could cause property damage or injury to individuals.
 - b. Secondly, having a natural gas pipeline on or near a citizen's property will cause lower property values and potentially higher insurance rates.
 - c. Thirdly, the citizens of Hamilton and Suwannee Counties rely on the economic benefits of eco-tourism. The risks to our rivers and springs from the proposed pipeline installation and operation are incompatible with eco-tourism.
2. Whether the proposed activity is “important to and is beneficial to the public health, safety, or welfare” as required by Rule 62-4.242, F.A.C. The citizens of Hamilton and

Suwannee Counties will have no benefit and only risks to their health, safety, and welfare with the construction and operation of this pipeline for the reasons listed above.

3. Whether the proposed activity will maintain essentially natural conditions. The HDD drilling under rivers has the potential to cause irreparable damage to underground karst geology and is likely to do so by the nature of the large diameter of this pipeline. Collapse of spring conduits or other karst features could open large sinkholes, alter river flows and degrade springs. That is not maintaining “essentially natural conditions.” Also, cutting down trees that may take 50 years to regrow, or may never regrow, as well as filling in parts of wetlands, does not maintain essentially natural conditions.
4. Whether the proposed activity will not cause adverse impacts to fish and wildlife resources or public recreation or navigation. If the above mentioned collapse of underground karst geology leads to alteration in river flows and degradation of springs, which would alter water quality, all of these things will cause adverse impacts to fish, other wildlife that depend on the rivers, and recreation. If an explosion occurs due to instability of the pipe in fragile karst limestone, that would impact fish, wildlife, navigation and recreation, not to mention public safety.
5. Whether the proposed activity will not interfere with the riparian rights of adjacent property owners. If the construction and operation of this pipeline causes alteration in river flows and water quality as mentioned above, the riparian rights of adjacent property owners will be affected.
6. Whether the Department was given reasonable assurance that the applicant will be able to safely install a 36-inch diameter pipeline in the sensitive karst terrain of Hamilton and Suwannee Counties, especially when drilling under the designated Outstanding Florida Waters, the Suwannee and Santa Fe Rivers. Outstanding Florida Waters are rivers, lakes, and other

water features designated by the Florida Department of Environmental Protection as worthy of special protection because of their natural attributes. Outstanding Florida Waters have special restrictions on any new activities that would lower ambient water quality or otherwise degrade the body of water. On Sabal Trail Transmission's application, Attachment J, the Karst Mitigation Plan states that other pipelines have been successfully installed in the sensitive karst terrain of south Georgia and north Florida. However, none of them have been as large in diameter as the proposed Sabal Trail Transmission Natural Gas Pipeline. The risk to our Outstanding Florida Waters is just too great. The risk is not just to these waters or to these counties: it is to the entire State of Florida. As the Florida, Georgia, and Alabama chapters of the Sierra Club pointed out to FERC in March 2014, Florida already gets 60% of its electricity generation from natural gas. Adding yet another pipeline would make the state even more vulnerable to economic failure of shale gas, or to enemy attacks on pipelines. Especially now that solar power is less expensive than natural gas, far faster to install than pipelines, requires no drilling, uses no water, and emits no pollutants, solar power makes far more sense for the Sunshine State.

7. Whether the pipeline will only be used to carry natural gas. It is possible that the pipeline could be re-purposed at a later date to transport other materials such as liquid petroleum products. There would then be potential risks of water and ground contamination from leaking pipes. An example of this occurred in April 2015 in Texas when a natural gas pipeline owned and operated by DCP Midstream, a subsidiary of Sabal Trail Transmission's parent company Spectra Energy, leaked oil.

8. Whether applicant has given reasonable assurance that they will properly maintain and repair the pipeline. Sabal Trail's parent company, Spectra Energy is facing many fines and orders by the National Energy Board of Canada, the U.S. Pipeline & Hazardous Materials

Safety Administration, and others for failing to properly maintain and repair their pipelines and for failing to clean up contamination from leaks. This is a risk we must not take.

9. Whether the proposed activity will adversely affect significant historical or archaeological resources. An investigation of archaeological artifacts found on property that is in the path of the pipeline is ongoing. But despite this, the Florida DEP has already issued its intent to issue the Environmental Resource Permit.
10. Whether there is a conflict of interest among the Board of Trustees of Florida's Internal Improvement Trust Fund, who own the submerged lands being affected by the proposed pipeline. Specifically, Governor Rick Scott, a member of this Board, has financial interests in Spectra Energy, the parent company of Sabal Trail Transmissions, as well as in Williams Company, the owner of the Transco pipeline from which Sabal Trail plans to get its gas. The governor and other public officials are prohibited by state ethics laws from owning stock in businesses subject to their regulation or that do business with state agencies.

Facts which Petitioner contends require reversal or modification of the Department's proposed action:

1. The construction and operation of this 36-inch diameter natural gas pipeline through the sensitive karst geology of north central Florida is contrary to the public's interest, especially the members of the public who reside in Hamilton and Suwannee Counties.
2. The Department has not received reasonable assurance that the Applicant can safely install a 36-inch diameter pipeline in the sensitive karst terrain of north central Florida, nor under our Outstanding Florida Waters like the Suwannee and Santa Fe Rivers without catastrophic, irreparable damage.
3. The construction and operation of this 36-inch diameter natural gas pipeline is not beneficial to

the health, safety, and welfare of the public, especially not to the members of the public who reside in Hamilton and Suwannee Counties.

4. The proposed project will result in significant adverse individual, secondary or cumulative impacts to underground karst geology, which will lead to sinkhole formation and damage to underground spring conduits that will ultimately cause degradation of the rivers and springs. This in turn will cause adverse individual, secondary, or cumulative effects on the aquatic species who have been shown to inhabit underground caves and springs in the areas in question. This week, another sinkhole opened just across the state line in Lowndes County, Georgia, threatening to absorb a road, as another one did a few years ago. Such sinkholes can form years after a pipeline is installed, as happened in Assumption Parish, Louisiana in 2013, when Florida Gas Transmission (FGT) had to move its pipeline. FGT declared that sinkhole a *force majeure* incident. If Sabal Trail did the same, any insurance it had might not have to pay, leaving local, state, and county taxpayers to pay for the problem.
5. The proposed activity will not maintain essentially natural conditions in the deforested areas, the filled in wetlands, and the permanently damaged underground limestone karst terrain.

Rules or Statutes Petitioner contends require reversal or modification of the Department's proposed action:

Rule 62-4.242, F.A.C.

Section 373.414 (1), F. S.

403.061 (27)

Article 2 Section 7 of the Florida Constitution

112.311 (5), F.S.

In a letter that the Florida Department of Environmental Protection forwarded on March 27, 2014 to the Federal Energy Regulatory Commission, State Geologist John Arthur, PhD supports the arguments of WWALS as put forward in this petition. He warns of the dangers associated with drilling this large diameter pipeline through the sensitive karst limestone of north Florida and south Georgia. He points out that the proposed route of the Sabal Trail pipeline is slated to pass through Florida Springs Protection areas and areas that have been found to be the “most vulnerable” on the Floridan Aquifer Vulnerability Assessment map.

According to Heinz Mueller, U.S. Environmental Protection Agency, in his July 17, 2014 letter to Federal Energy Regulatory Commission, “The EPA is particularly concerned for proposed wetland and stream crossings that may impact special aquatic sites. Locations of heightened concern include southwest Georgia, the ecologically significant Suwannee River and Santa Fe River, and associated freshwater springs within the north Florida region.”

Ann Shortelle, Ph.D., previous Executive Director of the Suwannee River Water Management District, in her April 18, 2014 letter to the Federal Energy Regulatory Commission states, “Damage to the conduit system that feeds these spring systems could directly impact the Minimum Flows and Levels for a priority spring by potentially reducing the flow to the spring causing a violation of the MFL. It is anticipated that evaluation of the final pipeline route will be thoroughly evaluated in light of the sensitive groundwater and spring systems located within the SRWMD. Such situations might not be avoided with pre-excavation geotechnical testing because the locations of these features are not predictable. Therefore the pipeline route should be altered to avoid karst areas, conduit and spring-flow areas of the SRWMD.”

Relief sought by Petitioner:

WWALS Watershed Coalition respectfully requests that Florida Department of Environmental Protection deny the Environmental Resource Permit to Sabal Trail Transmission to construct and operate a 36-inch diameter natural gas pipeline in the state of Florida. At the very least, WWALS requests that the sensitive karst terrain that underlies north central Florida be avoided entirely, especially drilling under the Withlacoochee, Suwannee, and Santa Fe Rivers.

Respectfully submitted this 7th day of August, 2015.

John S. Quarterman, President

Pro Se

WWALS Watershed Coalition, Inc.

P.O. Box 88

Hahira, GA 31632

wwalswatershed@gmail.com

229-242-0102

Copies furnished to:

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SWFWMD, Amy.Brennan@watermaters.org

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FDEP SWD, Mark.Langford@dep.state.fl.us

FDEP SLERC, TimothyRach@dep.state.fl.us

FDEP, FGS, Jon Arthur,
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corpsjaxreg@usace.army.mil

FERC, John.Penconom@ferc.gov

Audubon Society, Charles Lee, chlee@earthlink.net

Tom Edwards, tse@edwardsragatz.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail before close of business on this 7th day of August, 2015, to the above-listed addresses and to those below:

Jeffrey Brown
Deputy General Counsel
Department of Environmental Protection
Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399
Jeffrey.Brown@dep.state.fl.us
850-245-2242

Florida Department of Environmental Protection,
3900 Commonwealth Blvd., Mail Station 35,
Tallahassee FL 32399-3000t
Agency_Clerk@dep.state.fl.us
850-245-2242

Sabal Trail Transmission LLC
c/o Gus McLachlan
400 Colonial Center Parkway, Suite 300
Lake Mary, FL 32746
gamclachlan@spectraenergy.com
(321) 249-8615

Richard S. Brightman, Fla. Bar. No. 347231
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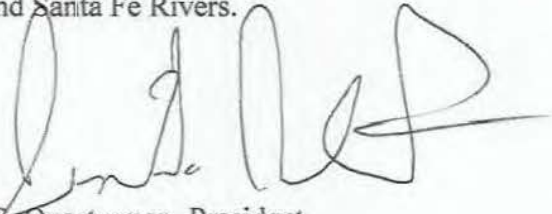
/s/ John S. Quarterman

President

Relief sought by Petitioner:

WWALS Watershed Coalition respectfully requests that Florida Department of Environmental Protection deny the Environmental Resource Permit to Sabal Trail Transmission to construct and operate a 36-inch diameter natural gas pipeline in the state of Florida. At the very least, WWALS requests that the sensitive karst terrain that underlies north central Florida be avoided entirely, especially drilling under the Withlacoochee, Suwannee, and Santa Fe Rivers.

Respectfully submitted this 7th day of August, 2015.



John S. Quarterman, President

Pro Se

WWALS Watershed Coalition, Inc.

P.O. Box 88

Hahira, GA 31632

wwalswatershed@gmail.com

229-242-0102

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WWALS WATERSHED COALITION, INC.,

Petitioners,

vs.

OGC CASE NO. 15-0468

**SABAL TRAIL TRANSMISSION, LLC, and
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,**

Respondents.

ORDER DISMISSING PETITION WITH LEAVE TO AMEND

On August 7, 2015, the Petitioner, WWALS Watershed Coalition, Inc. (WWALS), filed its petition for administrative hearing (Petition) regarding the Department of Environmental Protection's (Department) Consolidated Notice of Intent to Issue Environmental Resource Permit and Easement to Use Sovereign Submerged Lands¹ (Notice of Intent) issued to the Respondent Sabal Trail Transmission, LLC. (Sabal Trail). Sabal Trail proposes to construct and operate a natural gas transmission pipeline and related structures (File No. 0328333-001). The Petition was filed in response to the Department's July 28, Order Denying Request for Extension of Time to File Petition for Hearing and Dismissing Petition for Administrative Hearing (Order). As

¹ Subsection 253.002(1), Florida Statutes provides that "[t]he Department of Environmental Protection shall perform all staff duties and functions related to the acquisition, administration, and disposition of state lands, title to which is or will be vested in the Board of Trustees of the Internal Improvement Trust Fund. . . . Unless expressly prohibited by law, the board of trustees may delegate to the department any statutory duty or obligation relating to the acquisition, administration, or disposition of lands, title to which is or will be vested in the board of trustees."

discussed below, the Department must dismiss the Petition because the allegations do not demonstrate standing and are insufficient.

Lack of standing

The Petition's allegations do not demonstrate statutory standing under subsection 403.412(6), Florida Statutes, or associational standing under applicable case law. The allegations in the Petition cannot demonstrate statutory standing under subsection 403.412(6), which only applies to Florida nonprofit corporations. The Petition alleges that WWALS is a Georgia nonprofit corporation. See § 403.412(6), Fla. Stat. (2015).

In addition, WWALS must meet the test for standing of an environmental association set forth in Friends of the Everglades Inc., v. Board of Trustees of the Internal Improvement Trust Fund, 595 So. 2d 186 (Fla. 1st DCA 1992). In Friends of the Everglades, the Court held that an environmental organization must meet both the two-pronged test for standing of Agrico Chemical Company v. Department of Environmental Regulation, 406 So. 2d 478 (Fla. 2d DCA 1981), rev. den., 415 So. 2d 1359 (Fla. 1982), and the test for standing of associations under Florida Home Builders Association v. Department of Labor and Employment Security, 412 So. 2d 351 (Fla. 1982).

For associational standing, WWALS must show (1) that a substantial number of its members ... are substantially affected by the challenged agency action, (2) that the agency action it seeks to challenge is within the association's general scope of interest and activity, and (3) that the relief it requests is of the type appropriate for such an association to receive on behalf of its members. See Fla. Home Builders Ass'n v. Dep't of Labor and Employment Sec., 412 So. 2d 351, 353-54 (Fla. 1982); St. Johns Riverkeeper, Inc. v. St. Johns River Water Mgmt. Dist., 54 So.

3d 1051, 1054 (Fla. 5th DCA 2011). The Petition failed to quantify the number of WWALS members that use the lands or waters that might be affected by the proposed activities described in the Department's Notice of Intent. The Petition names a single member, "a property owner along the Suwannee River" and alleges that he "will be directly affected by the [Horizontal Directional Drill] drilling and pipeline installation." However, a single member is not a "substantial number" of members in the context of an environmental organization's total membership. See Conservation Alliance of St. Lucie Cty., Inc. v. Ft. Pierce Utilities Authority, Case No. 09-1588 at ¶ 100 (Fla. DOAH May 24, 2013; Fla. DEP July 8, 2013).

In order to be "substantially affected" WWALS must also demonstrate that its members (1) will suffer injury in fact which is of sufficient immediacy to entitle them to a hearing under sections 120.569 and 120.57, Florida Statutes, and Rule 28-106.201, Florida Administrative Code, and (2) the injury is of a type or nature which the administrative proceeding is designed to protect. See Agrico Chem. Co. v. Dep't of Env'tl. Reg. 406 So. 2d 478, 482 (Fla. 2d DCA 1981). The Petition's allegations do not establish that members of WWALS use the lands or waters in the immediate vicinity of the natural gas pipeline construction and operation. See e.g., Conservation Alliance of St. Lucie Cty., Inc., et al. v. Allied Universal Corp., Case No. 10-3807 (Fla. DOAH May 24, 2013; Fla. DEP Aug. 21, 2013). Because the Petition does not contain the requisite allegations, it must be dismissed. See Agrico Chem. Co., 406 So. 2d at 482; Village Park v. Dep't of Bus. Reg., 506 So. 2d 426, 433 (Fla. 1st DCA 1987) (reflecting that the petition's allegations failed to demonstrate actual injury-in-fact or a real and immediate threat of direct injury); see also South Broward Hospital Dist. v. Agency for Health Care Admin., 141 So. 3d 678 (Fla. 1st DCA 2014).

Further, the Petition's allegations do not demonstrate standing to challenge the Department's intent to grant an easement to use sovereign submerged lands. WWALS makes conclusory allegations that the proposed activity will affect "the riparian rights of adjacent property owners," and that the "HDD [o]perations through karst limestone at river crossings have . . . potentially catastrophic [consequences]." However, the Petition does not contain any allegations that either WWALS, or a substantial number of its members, are upland riparian property owners, adjacent to the sovereign submerged lands easement where river crossings are proposed. See Fla. Admin. Code R. 18-21.004(3)(c); see also Bd. of Comm'ns of Jupiter Inlet Dist. v. Thibadeau, 956 So. 2d 529 (Fla. 4th DCA 2007); Menorah Manor, Inc. v. Agency for Health Care Admin., 908 So. 2d 1100, 1104 (Fla. 1st DCA 2005) (conclusory allegations of speculative future harm are insufficient to demonstrate that a party's substantial interest will be affected).

Lack of sufficient allegations regarding disputed issues of material fact

The Petition contains conclusory allegations that are not material facts in this type of proceeding. Brookwood Extended Care Center of Homestead, LLP v. Agency for Healthcare Administration, 870 So. 2d 834 (Fla. 3d DCA 2003), elucidates the requirement of identifying those material facts that are in dispute for persons requesting an administrative hearing. In Brookwood, the court held that, "in a proceeding governed by Rule 28-106.201, the burden is now on the person or entity petitioning for an administrative hearing . . . to identify the facts that are in dispute." Id. at 840.

The Petition alleges that the proposed activity "clearly is not in the public interest of the citizens of Hamilton and Suwannee Counties" However, the facts supporting this allegation

relate to the proposed activity's effect on property values, insurance rates and the economic benefits of eco-tourism. It is not appropriate for the Department to consider non-environmental impacts to the property of others in the public interest analysis. See, e.g., Miller v. Dep't of Env'tl. Reg., 504 So. 2d 1325, 1327 (Fla. 1st DCA 1987); Mid-Chattahoochee River Users v. Fla. Dep't of Env'tl. Prot., 948 So. 2d 794, 797 (Fla. 1st DCA 2006), rev. den., 966 So. 2d 967 (Fla. 2007).

In addition, the Petition contains conclusory assertions questioning reasonable assurances provided by Sabal Trail. However, the conclusory assertions are unsupported by sufficient factual allegations and contain claims of speculative future harm. See Fla. Admin. Code R. 28-106.201(d); Menorah Manor, Inc. v. Agency for Health Care Admin. 908 So. 2d 1100, 1104 (Fla. 1st DCA 2005) (conclusory allegations of speculative future harm are insufficient to demonstrate that a party's substantial interest will be affected).

Lack of allegations that warrant reversal or modification of the Department's decision

WWALS' allegation regarding a conflict of interest under subsection 112.311(5), Florida Statutes, is not material in this proceeding and does not warrant reversal or modification of the Department's decision. Such a claim falls outside the scope of the Department's jurisdiction in this proceeding. See § 112.320, Fla. Stat. (2015).

Also, the Petition contains conclusory allegations regarding public interest, reasonable assurance, and adverse individual, secondary or cumulative impacts, which are not supported by specific facts. See Fla. Admin. Code R. 28-106.201(2)(e); Menorah Manor, Inc. v. Agency for Health Care Admin. 908 So. 2d 1100, 1104 (Fla. 1st DCA 2005) (conclusory allegations of speculative future harm are insufficient to demonstrate that a party's substantial interest will be affected).

In view of the above, the Petition must be dismissed as required by Section 120.569(2)(c), Florida Statutes. See Brookwood Extended Care Center of Homestead, LLP v. Agency for Healthcare Admin., 870 So. 2d 834, 841 (Fla. 3d DCA 2003).

IT IS THEREFORE ORDERED:

A. The Petition is DISMISSED, without prejudice, and the Petitioner is granted leave to file an amended petition providing the additional information listed above. Any amended petition must comply with all the requirements of Rule 28-106.201(2), Florida Administrative Code.

B. Any amended petition must be filed with the Agency Clerk, Agency_Clerk@dep.state.fl.us, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within fourteen (14) days after the date set forth in the certificate of service on the last page of this order.

C. This order constitutes final agency action of the Department, unless a timely amended petition is filed in compliance with this order.

Any party to this proceeding has the right to seek judicial review of this order under Section 120.68, Florida Statutes, by filing a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fee with the

appropriate district court of appeal. The notice of appeal must be filed within thirty days after the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 14th day of August, 2015, in Tallahassee, Florida.

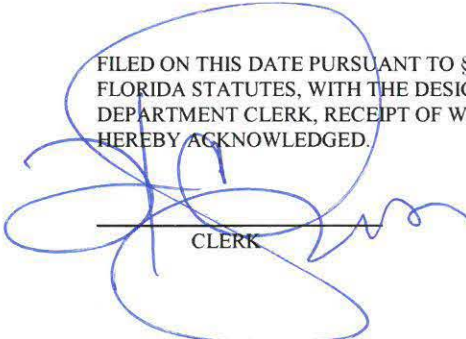
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



CRAIG D. VARN
General Counsel

3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.



CLERK

8/14/15
DATE

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was provided by email only to Chris and Deanna Mericle, 7712 SW 32nd Lane, Jasper, Florida 32052, at mericle.deanna@gmail.com and cjmericle@gmail.com; John S. Quarterman, President, WWALS Watershed Coalition, Inc., P.O. Box 88, Hahira, GA 31632, at wwalswatershed@gmail.com; and Sabal Trail Transmission, LLC, c/o Gus McLachlan, 400 Colonial Center Pkwy, Suite 300, Lake Mary, Florida, at gamclachlan@spectraenergy.com on this 14th day of August, 2015.



FRANCINE M. FOLKES
Administrative Law Counsel

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

August 28, 2015

Dept. of Environmental Protection
Office of General Counsel

WWALS Watershed Coalition, Inc.,

Petitioners,

vs.

SABAL TRAIL TRANSMISSION, LLC and
STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondents.

OGC Case No.: 15-0468

Petition for Administrative Hearing:

Florida Department of Environmental Protection's intent to issue Environmental Resource Permit

Petitioner:	WWALS Watershed Coalition, Inc.	WWALS Watershed Coalition Florida Inc.
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Permit applicant: Sabal Trail Transmission, LLC.

400 Colonial Center Parkway, Suite 300

Lake Mary, FL 32746

Department Permit file number: 0328333-001

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Counties affected by the permitted activity: Hamilton, Suwannee, Gilchrist, Alachua, Levy, Citrus, Marion, Sumter, Lake, Polk, Orange, Osceola. Affected counties represented by WWALS: Hamilton, Suwannee, Madison.

Date Petitioner became aware of the Department's action: July 16, 2015 in the legal notices of the Jasper News. According to the denial of request for extension of time to file petition for administrative hearing, Petitioner had 10 days from July 28, 2015 to file the petition. WWALS filed a petition on August 7, 2015. DEP sent WWALS an Order (herein the Order) August 14, 2015 denying the petition and granting Petitioner 14 days to amend the petition and resubmit. The present document is the amended petition WWALS is submitting.

Statement of Petitioner's substantial interests: WWALS Watershed Coalition, Inc. (WWALS) is a Georgia nonprofit corporation and an IRS 501(c)(3) educational not for profit organization.

The Order said *“The Petition alleges WWALS is a Georgia nonprofit corporation.”* WWALS is also a registered foreign corporation in Florida, document number W15000057203. WWALS has filed with the Florida Secretary of State (confirmation number 200276542662, effective incorporation date August 23rd 2015) for a wholly owned and controlled Florida nonprofit subsidiary corporation named WWALS Watershed Coalition Florida, Inc. (WWALS-FL). This petition is filed on behalf of both WWALS and WWALS-FL.

The Order said: *“For associational standing, WWALS must show (1) that a substantial number of its members ... are substantially affected by the challenged agency action,”* All members of the parent corporation WWALS who reside or own land in Florida are members of WWALS-FL. WWALS has a
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total of 85 members, 36 of whom reside in Florida and 48 in Georgia (and one in New York). So 42% of WWALS members are WWALS-FL members. Thirty-one (31) of our members reside or own property in Hamilton County or Suwannee County, Florida, so 68% of WWALS-FL members (and 36% of WWALS members) reside in the two WWALS-FL counties through which Sabal Trail proposes to drill, which are the two counties on either side of the Suwannee River where Sabal Trail proposes to drill. The names of some of these WWALS-FL members in these two counties are provided in Exhibit A. Plus WWALS-FL members in Madison County may also be affected; see Exhibit J. In addition, all WWALS members may be affected; see Exhibit B and below.

The Order continued: “(2) *that the agency action it seeks to challenge is within the association's general scope of interest and activity,*”. The Mission of WWALS is: “WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, and upper Suwannee River watersheds in south Georgia and north Florida through awareness, environmental monitoring, and citizen activities.” The Corporate Purpose WWALS-FL is: “WWALS WATERSHED COALITION FLORIDA ADVOCATES FOR CONSERVATION AND STEWARDSHIP OF THE UPPER SUWANNEE RIVER WATERSHED THROUGH AWARENESS, ENVIRONMENTAL MONITORING, AND CITIZEN ACTIVITIES.”

WWALS members as well as their guests use the rivers very frequently for paddling, fishing, and swimming. WWALS hosts monthly paddling outings for our members. In fact we hosted an outing on August 15, 2015 on the Suwannee River from Gibson Park, past the proposed pipeline crossing to Suwannee River State Park, pictured in Exhibit B. We have held several outings on the Suwannee River including one in September 2014. Our members paddle the rivers of our represented watersheds not only during our planned outings but at other times individually, in families, and with other groups.

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A substantial number of our members in addition to members of the general public use the rivers for swimming, fishing, and boating. Our members receive a sense of rejuvenation being out on the rivers and in the natural environment. The point is that our members and other members of the public get out and enjoy the rivers, including the Suwannee. It would be devastating if the rivers were irreparably altered due to the installation of this pipeline. A substantial number of our members would be substantially affected if the springs were degraded, the river flow altered, or the water quality degraded due to the installation of this pipeline.

WWALS is the Waterkeeper® Affiliate for the Withlacoochee and upper Suwannee Rivers and their watersheds. Waterkeeper® Affiliates are associated with Waterkeeper® Alliance as partners across the globe advocating for everyone's right to swimmable, drinkable, and fishable water, while on track to become fully licensed Waterkeeper® organizations.

As the Waterkeeper® Affiliate for the upper Suwannee River watershed, WWALS-FL represents thousands of people who live in these watersheds in Hamilton, Madison, and Suwannee Counties.

The Order said: “The petition failed to quantify the number of WWALS members that use the lands or waters that might be affected by the proposed activities described in the Department's Notice of Intent”.

As the Department itself argued to FERC 18 April 2014 (accession number 20140418-5237, see also Exhibit F) the proposed pipeline could adversely affect the Floridan Aquifer and thus all users of that Aquifer. All of those users of the Floridan Aquifer in the Upper Suwannee River watershed in Florida are represented by WWALS-FL, and all of them in the entire upper Suwannee River watershed in Florida and Georgia are represented by WWALS. Thus the proposed activities described in the Department's Notice of Intent might affect everyone represented by WWALS. Nonetheless, here are

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some specific WWALS and WWALS-FL members very directly affected by the proposed activities.

One of our members, Tom Edwards, who owns the Florida corporation TSE Plantation, LLC, dba Echo River Plantation, is a property owner along the Suwannee River where the HDD drilling would emerge in Suwannee County on his land, thus he would be directly affected by the HDD drilling and pipeline installation. He has filed extensive comments with FERC about springs and sinkholes Sabal Trail neglected to mention; see Exhibit C. Two other families who are members of WWALS, Nate and Kathleen Combass and Chris and LeeAnn Combass, own and reside on a family homestead in Hamilton County where the pipeline is proposed to be installed. Another family who are WWALS members in Hamilton County (the McClungs) reside less than 800 feet away from the proposed pipeline route; this is well within the blast radius of the proposed pipeline. These families will be substantially affected by this construction and maintenance of this pipeline. See Exhibit A for their names and addresses.

The Order said, *“and (3) that the relief it requests is of the type appropriate for such an association to receive on behalf of its members.”* WWALS has in fact already received similar relief when Sabal Trail moved off of the Withlacoochee River in Florida, by which move FERC and Sabal Trail acknowledged that landowners and residents both directly on the pipeline path and farther away in the Floridan Aquifer would be affected by its proposed pipeline.

Partly at the recommendation of WWALS members, the Hamilton County Board of Commissioners passed a resolution opposing the pipeline crossing of the Withlacoochee River in Florida; see Exhibit D. That Resolution referenced a hydrogeological study of springs and sinkholes commissioned by a WWALS member; see Exhibit E. Not only does WWALS advocate for our own members, we advocate for the interests of the people in these watersheds, and very importantly, for the natural

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environment itself. Experts including Florida Department of Environmental Protection's State Geologist, John Arthur (see Exhibit F), Suwannee River Water Management District's Ann Shortelle (see Exhibit G), and the U.S. Environmental Protection Agency's Heinz Mueller (see Exhibit H) all have stated that the karst terrain and springsheds of north Florida should be avoided by the Sabal Trail Pipeline, and that river crossings are the most sensitive of all. And yet, the Florida DEP is planning to grant a permit for the project. If Florida DEP won't stand up for the protection of our sensitive karst terrain and Outstanding Florida Waters, then citizen organizations like WWALS must do so. It is our obligation as Waterkeeper® Affiliate for this area that we request that Florida Department of Environmental Protection deny the Environmental Resource Permit for the Sabal Trail Transmission natural gas pipeline, especially through Hamilton and Suwannee Counties.

The Order says: *“In order to be “substantially affected” WWALS must also demonstrate that its members (1) will suffer injury in fact which is of sufficient immediacy to entitle them to a hearing.... and (2) the injury is of a type or nature which the administrative hearing is designed to protect.... The Petition's allegations do not establish that members of WWALS use the lands or waters in the immediate vicinity of the natural gas pipeline construction and operation.”* See above and Exhibit A and Exhibit B for WWALS members who own lands in the immediate vicinity of the proposed pipeline construction and operation, and for WWALS members who on August 15th 2015 and other dates used the Suwannee River where the pipeline proposed to cross. As noted above, the Department itself argued to FERC that effects of the proposed pipeline also go far beyond the direct path of the pipeline, and that argument supports effects on all WWALS-FL and WWALS members, not just upland riparian land owners.

Without quoting further from the Order, WWALS in this amended petition has demonstrated all the requirements for standing.

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How Petitioner's substantial interests are affected:

The Order alleges WWALS did not demonstrate sufficient evidence of lack of public benefit, *“reasonable assurance, and adverse individual, secondary or cumulative impacts, which are not supported by specific facts.”* WWALS refers the Department to the Department's own extensive submissions to FERC 18 April 2014 (accession number 20140418-5237, see also Exhibit F), as well as to the revised material below. WWALS will be happy to present further evidence in a hearing; surely the Department cannot expect Petitioner to litigate the entire case in a single petition.

As an advocate for our members, for the general public in our Waterkeeper® jurisdiction, and for our rivers and springs and the riparian areas surrounding them, extending to the entire watersheds and the subterranean waters beneath them, the Petitioner's substantial interests will be affected by the construction and operation of a 36-inch diameter natural gas pipeline through Hamilton and Suwannee Counties as follows:

1. Forested lands will be cleared, resulting in reduced wildlife habitat. According to the Suwannee River State Park Management Plan, 29 designated species (endangered, threatened, or of special concern) have been recorded at the Suwannee River State Park, on whose property the pipeline will be installed. The management plan states that “most designated animal species roam outside park boundaries.” It also states that “utility corridors like pipeline rights of way and power line easements fragment the habitats of wildlife.” Species such as the gopher tortoise (State Threatened-ST), Sherman's Fox squirrel (Species of Special Concern-SSC), Florida Pine snake (SSC), and Eastern

Indigo snake (Federal Threatened-FT) inhabit the State Park lands and surrounding lands. These species as well as other non-designated species will be substantially affected by the pipeline from habitat destruction which will in turn cause further decline in their numbers. That is not acceptable. Also, the equipment used for the construction of the pipeline has the potential to bring in invasive plant species to the area. For example, the invasive species commonly called chamber bitter

(*Phyllanthus urinaria* L.) can be seen along the Suwannee River on State Park property where another natural gas pipeline easement exists; see Exhibit I.

2. Wetlands will be filled, resulting in reduced fish and wildlife habitat. Wading birds, such as the Little Blue Heron (SSC) and White Ibis (SSC) rely on wetlands for food and nesting. Their habitat will be substantially affected by the pipeline construction and in turn their numbers will decline. This is not acceptable.
3. Karst terrain will be traversed and drilled through, possibly forming new sinkholes under or near the pipeline, potentially resulting in pipeline failure and altered underground water flow. When sinkholes form, there is the potential for property damage and human injury, including pollution of wells.
4. Horizontal Directional Drilling (HDD) Operations through karst limestone at river crossings have an increased risk of frac-outs, intersecting with spring conduits, and sinkhole formation resulting in potentially catastrophic effects on spring and river flows and water quality in both rivers and private wells. See Exhibit E. This will also have adverse effects on aquatic fauna whose habitat will be damaged from this pipeline.
5. According to a scholarly paper by Stephen J. Walsh for the U.S Geological Survey, “Karst systems in Florida contain among the most diverse faunas [of troglobites] nationwide. . . the greatest biodiversity is found in the northern peninsula and east

central panhandle.” Walsh cites Franz & others 1994 who “reviewed the cave faunas of Florida and southern Georgia and identified 267 biologically important caves serving as critical habitat for populations of 27 invertebrates and vertebrate taxa, 93% of which are aquatic. He states that “973 taxa of these troglobites are confined in distribution to one county and nearly one third of all taxa occur at single sites.” Walsh states that “few comprehensive surveys exist of the biota of Florida spring habitats.” Aquatic caves have not been adequately surveyed for designated troglobites such as the Santa Fe crayfish and the pallid cave crayfish, therefore, more study of these habitats is needed before a pipeline is drilled under the rivers and destroys these underground caverns and spring conduits that may cause extinction of these species. Damage to karst formations is permanent. It cannot be “mitigated.” Extinction is permanent. It cannot be “mitigated.”

6. Other designated species could be affected by this pipeline from destruction of habitat if an explosion occurs, as recently happened to a natural gas pipeline in the Arkansas river; see Exhibit K. An explosion would cause death to aquatic species and irreparable damage to underground karst terrain and spring conduits. Species such as Gulf Sturgeon (FT), Alligator snapping turtle (SSC), American Alligator (FT), and Suwannee Cooter turtle (SSC) will suffer death, loss of habitat, and decreased food supply, which will substantially affect their numbers. This is not an acceptable risk.
7. In December, 2014, Suwannee River Water Management District performed a dye test that showed underground connections between Falmouth Spring, located south of Highway 90 in Suwannee County, and Suwannacoochee Spring on the Withlacoochee River in Madison County, a span of approximately 3 miles, and Ellaville Spring, also about 3 miles away.; see Exhibit J. The dye also appeared in Lime Spring and Lime Run Spring in the Suwannee River State Park. According to Sabal Trail's “Close Up View”

of the Suwannee River crossing, there are four springs within a mile radius of the crossing, the closest being approximately one quarter mile away. It is highly conceivable and probable that these springs, located within one mile of the proposed crossing, are also interconnected and may be transected by the drilling of the pipeline. Cave divers have mapped many underground cave systems and spring conduits in the area of the proposed Suwannee River pipeline crossing. A Suwannee River Management District dye test showed dye inserted miles on the Suwannee County side of the Suwannee River came up on the other side of that river in Suwanoochee Spring on the Withlacoochee River in Madison County; see Appendix J. There may very well be undocumented spring conduits in the path of the HDD drilling under the Suwannee River. As Ann Shortelle of SRWMD states (see Exhibit G), these conduits and underground features are not predictable and may be intersected by the HDD drilling, therefore the whole area should be avoided.

Material facts disputed by Petitioner: Based on Petitioner's best information and belief as it exists at the time of this filing, Petitioner disputes these material facts:

1. Whether the proposed activity is “not contrary to the public interest” or is “clearly in the public interest” as required by Section 373.414(1). This project clearly is not in the public interest of the citizens of Hamilton and Suwannee Counties who will be affected by the construction and operation of this pipeline without any benefit whatsoever.
 - a. The pipeline produces many risks to their rivers and water supply, disruption and destruction of their property, and threats to their health, safety, and welfare in the form of explosions, contaminated water, and development of sinkholes from karst collapse, which could cause property damage or injury to individuals.
 - b. Secondly, having a natural gas pipeline on or near a citizen's property will cause lower property values and potentially higher insurance rates.
 - c. Thirdly, the citizens of Hamilton and Suwannee Counties rely on the economic benefits of eco-tourism. The risks to our rivers and springs from the proposed pipeline installation and operation are incompatible with eco-tourism.
2. Whether the proposed activity is “important to and is beneficial to the public health, safety, or welfare” as required by Rule 62-4.242, F.A.C. The citizens of Hamilton and Suwannee Counties will have no benefit and only risks to their health, safety, and welfare with the construction and operation of this pipeline for the reasons listed above.
3. Whether the proposed activity maintain essentially natural conditions. The HDD drilling under rivers will cause irreparable damage to underground karst geology, especially in light of the huge diameter of this pipeline. Collapse of spring conduits or other karst features could open large sinkholes, alter river flows and degrade springs. That is not maintaining “essentially natural conditions.” Also, cutting down trees that may take 50 years to regrow, or

may never regrow, as well as filling in parts of wetlands, does not maintain essentially natural conditions.

4. Whether the proposed activity will not cause adverse impacts to fish and wildlife resources or public recreation or navigation. If the above mentioned collapse of underground karst geology leads to alteration in river flows and degradation of springs, which would alter water quality, all of these things will cause adverse impacts to fish, other wildlife that depend on the rivers, and to human recreation. If an explosion occurs due to instability of the pipe in fragile karst limestone, that would impact fish, wildlife, navigation and recreation, not to mention public safety. According to Sabal Trail's Karst Mitigation Plan, Section 2.3.2, Sabal Trail purports that their tooling and the mainline pipe itself is strong enough to remain intact in voids up to 15 feet. However, underground limestone caverns whose integrity is compromised by this tooling and pipeline may collapse or get larger over time due to water flowing through them. This will result in failure of the pipeline and have catastrophic effects.
5. Whether the proposed activity will not interfere with the riparian rights of adjacent property owners. If the construction and operation of this pipeline causes alteration in river flows and water quality as mentioned above, the riparian rights of adjacent property owners will be affected.
6. Whether the Department was given reasonable assurance that the applicant will be able to safely install a 36-inch diameter pipeline in the sensitive karst terrain of Hamilton and Suwannee Counties, especially when drilling under the designated Outstanding Florida Waters, the Suwannee and Santa Fe Rivers. Outstanding Florida Waters are rivers, lakes, and other water features designated by the Florida Department of Environmental Protection as worthy of special protection because of their natural attributes. Outstanding Florida Waters have special restrictions on any new activities that would lower ambient water quality or otherwise degrade

the body of water. On Sabal Trail Transmission's application, Attachment J, the Karst Mitigation Plan states that other pipelines have been successfully installed in the sensitive karst terrain of south Georgia and north Florida. However, none of them have been as large in diameter as the proposed Sabal Trail Transmission Natural Gas Pipeline. According to the Florida Public Service Commission (FPSC), the FPSC is unable to specify the diameter of the Florida Natural Gas Transmission pipeline that already traverses Hamilton and Suwannee Counties, but the FPSC states the diameter ranges from 8 to 24 inches, that is at least 8 to 28 inches smaller than the proposed Sabal Trail pipeline. The risk to our Outstanding Florida Waters by a 36 inch pipeline is just too great. The risk is not just to these waters or to these counties: it is to the entire State of Florida, whose growing population relies on the Floridan aquifer for much of its drinking water. The members of WWALS are not willing to trade our drinking water, nor the natural beauty of our rivers and springs, nor our wildlife for gas. The Florida, Georgia, and Alabama chapters of the Sierra Club pointed out to FERC in March 2014, Florida already gets 60% of its electricity generation from natural gas. Adding yet another pipeline would make the state even more vulnerable to economic failure of shale gas, or to enemy attacks on pipelines. Especially now that solar power is less expensive than natural gas, far faster to install than pipelines, requires no drilling, uses no water, and emits no pollutants, solar power makes far more sense for the Sunshine State.

7. Whether the pipeline will only be used to carry natural gas. It is possible that the pipeline could be re-purposed at a later date to transport other materials such as liquid petroleum products. There would then be potential risks of water and ground contamination from leaking pipes. An example of this occurred in April 2015 in Texas when a NATURAL GAS pipeline owned and operated by DCP Midstream, a subsidiary of Sabal Trail Transmission's parent company Spectra Energy, LEAKED OIL.

8. Whether applicant has given reasonable assurance that they will properly maintain and repair the pipeline. Sabal Trail's parent company, Spectra Energy is facing many fines and orders by the National Energy Board of Canada, the U.S. Pipeline & Hazardous Materials Safety Administration, and others for failing to properly maintain and repair their pipelines and for failing to clean up contamination from leaks. Why is Florida DEP trusting this company with our valuable natural resources? It is not acceptable.
9. Whether the proposed activity will adversely affect significant historical or archaeological resources. An investigation of archaeological artifacts found on property that is in the path of the pipeline is ongoing. But despite this, the Florida DEP has already issued its intent to issue the Environmental Resource Permit. Doesn't Florida DEP care about what this report's findings are?
10. Whether there is a conflict of interest among the Board of Trustees of Florida's Internal Improvement Trust Fund, who own the submerged lands being affected by the proposed pipeline. Specifically, Governor Rick Scott, a member of this Board, has financial interests in Spectra Energy, the parent company of Sabal Trail Transmissions, as well as in Williams Company, the owner of the Transco pipeline from which Sabal Trail plans to get its gas. The governor and other public officials are prohibited by state ethics laws from owning stock in businesses subject to their regulation or that do business with state agencies.
11. Whether the Applicant, Sabal Trail, used the most up to date geological surveying techniques to evaluate the river crossings to assure that the route planned is safe for the environment and the citizens. There is no evidence in Sabal Trail's application for environmental resource permit that LIDAR (Light Detection and Ranging) was used to evaluate the Suwannee River Crossing. WWALS demands that LIDAR be used by an expert geologist in Florida karst terrain to evaluate the safety of the proposed Suwannee River pipeline crossing.

Facts which Petitioner contends require reversal or modification of the Department's proposed action:

1. The construction and operation of this 36-inch diameter natural gas pipeline through the sensitive karst geology of north central Florida is contrary to the public's interest, especially the members of the public and members of WWALS who reside or own property in Hamilton and Suwannee Counties. It has not been shown how this pipeline is “clearly in the public interest,” yet Sabal Trail is being granted a permit. How is this pipeline clearly in the public interest?
2. The Department has not received reasonable assurance that the Applicant can safely install a 36-inch diameter pipeline in the sensitive karst terrain of north central Florida, nor under our Outstanding Florida Waters like the Suwannee and Santa Fe Rivers without catastrophic, irreparable damage to the underground geology and springs. According to Sabal Trail's Karst Mitigation Plan, Section 2.3-HDD crossings, “Areas of karst activity pose increased risks to the successful installation of pipelines by HDD.” According to Sabal Trail's Karst Mitigation Plan Section 2.3.1, lost drilling fluid returns, Sabal Trail admits that cave systems and spring conduits could be intersected. According to the Sabal Trail Project Best Drilling Practices Plan, Section 2.4, the HDD contingency plans, three different attempts, with multiple 36-48 inch holes drilled into the fragile karst limestone could occur. Has this type of situation ever been encountered by the constructors of Sabal Trail in this type of terrain with this large a diameter pipe? Has Sabal Trail provided Florida DEP with research that has been done as to what effects this would have on the rivers and springs? It is in the contingency plan, it could happen. As we said before, damage to karst limestone is permanent. When it is done, it's done. There is no mitigation. The river and nearby karst geology could be left with multiple 3-4 foot gaping holes, susceptible to collapse or which intersect spring conduits and degrade springs. The

members of WWALS and the citizens of Suwannee and Hamilton Counties are not willing to accept these risks.

3. The construction and operation of this 36-inch diameter natural gas pipeline is not beneficial to the health, safety, and welfare of the public, especially not to the members of the public who reside in Hamilton and Suwannee Counties. The onus of proof that this pipeline is beneficial to the health, safety, and welfare of the public should be on Sabal Trail and the governing agencies that permit these projects. Citizens should not have to bear the burden of proof that this project is not beneficial to their health, safety, and welfare. How is this pipeline beneficial to the health, safety, and welfare of the public? It is in no way beneficial to the members of WWALS nor the members of the public that live in Hamilton and Suwannee Counties, nor the natural environment itself which will bear the burden of damage from this pipeline.
4. The proposed project will result in significant adverse individual, secondary or cumulative impacts to underground karst geology, which will lead to sinkhole formation and damage to underground spring conduits that will ultimately cause degradation of the rivers and springs. This in turn will cause adverse individual, secondary, or cumulative effects on the aquatic species who have been shown to inhabit underground caves and springs in the areas in question, specifically underwater spring conduit and spring cave-dwelling troglobites. Sabal Trail admits in their Karst Mitigation Plan, Section 2.3.3, that “HDD operations could trigger or reactivate sinkhole activity.” This month, another sinkhole opened just across the state line in Lowndes County, Georgia, threatening to absorb a road, as another one did a few years ago. Such sinkholes can form years after a pipeline is installed, as happened in Assumption Parish, Louisiana in 2013, when Florida Gas Transmission (FGT) had to move its pipeline. FGT declared that sinkhole a *force majeure* incident. If Sabal Trail did the same, any insurance it had might not have to pay, leaving local, state, and county taxpayers to pay for the problem.

5. The proposed activity will not maintain essentially natural conditions in the deforested areas, the filled in wetlands, and the permanently damaged underground limestone karst terrain.

Rules or Statutes Petitioner contends require reversal or modification of the Department's proposed action:

Rule 62-4.242, F.A.C.

Section 373.414 (1), F. S.

403.061 (27)

Article 2 Section 7 of the Florida Constitution

112.311 (5), F.S.

In a letter that the Florida Department of Environmental Protection forwarded on March 27, 2014 to the Federal Energy Regulatory Commission, State Geologist John Arthur, PhD and staff support the arguments of WWALS as put forward in this petition; see Exhibit F. He warns of the dangers associated with drilling this large diameter pipeline through the sensitive karst limestone of north Florida and south Georgia. He points out that the proposed route of the Sabal Trail pipeline is slated to pass through Florida Springs Protection areas and areas that have been found to be the “most vulnerable” on the Floridan Aquifer Vulnerability Assessment map.

According to Heinz Mueller, U.S. Environmental Protection Agency, in his July 17, 2014 letter to Federal Energy Regulatory Commission, “The EPA is particularly concerned for proposed wetland and stream crossings that may impact special aquatic sites. Locations of heightened concern include southwest Georgia, the ecologically significant Suwannee River and Santa Fe River, and associated freshwater springs within the north Florida region.” See Exhibit H.

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Ann Shortelle, Ph.D., previous Executive Director of the Suwannee River Water Management District, in her April 18, 2014 letter to the Federal Energy Regulatory Commission states, “Damage to the conduit system that feeds these spring systems could directly impact the Minimum Flows and Levels for a priority spring by potentially reducing the flow to the spring causing a violation of the MFL. It is anticipated that evaluation of the final pipeline route will be thoroughly evaluated in light of the sensitive groundwater and spring systems located within the SRWMD. Such situations might not be avoided with pre-excavation geotechnical testing because the locations of these features are not predictable. Therefore the pipeline route should be altered to avoid karst areas, conduit and spring-flow areas of the SRWMD.” See Exhibit G.

Relief sought by Petitioner:

WWALS Watershed Coalition respectfully requests that Florida Department of Environmental Protection deny the Environmental Resource Permit to Sabal Trail Transmission to construct and operate a 36-inch diameter natural gas pipeline in the state of Florida. At the very least, WWALS requests that the sensitive karst terrain that underlies north central Florida be avoided entirely, especially drilling under the Withlacoochee, Suwannee, and Santa Fe Rivers.

Respectfully submitted this 27th day of August, 2015.

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Pro Se

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail before close of business on this 27th day of August, 2015, to the above-listed addresses and to those below:

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/s/ John S. Quarterman

President

ATTACHMENTS

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Exhibit A: WWALS Members in Florida

Selected WWALS members who reside in or own property in Hamilton or Suwannee County.

There are others not on this list, and everyone in Hamilton, Suwannee or Madison Counties could be affected by the pipeline, as well as WWALS members from far away; see Exhibits A, C-K.

* Within 1000 feet of the proposed pipeline path.

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Russ Tatum
property owner in Hamilton County
320 Mary Jess Rd.
Orlando, FL 32839

Mark Garner
7723 SW 32nd Lane
Jasper, FL 32052

Bill and Ann Williams
4234 SW 77th Blvd.
Jasper, FL 32052

Darwin and Lillian Lloyd
5740 SW 54th Trail
Jasper, FL 32052

Chris and LeeAnn Combass*
6005 SW 31st St.
Jasper, FL 32052

Nate and Kathleen Combass*
6029 SW 31st St.
Jasper, FL 32052

Hamilton County (continued)

Greg, Trish, and Sam Morrison
4420 SW 77th Blvd.
Jasper, FL 32052

Joe and Laurie McClung*
4074 SW 69th Dr.
Jasper, FL 32052

Dennis and Dottie Price
P.O. Box 45
White Springs, FL 32096

Suwannee County

Thomas Edwards*
property owner in Suwannee County
501 Riverside Ave., Suite 601
Jacksonville, FL 32202

Debra Johnson
P.O. Box 803
Wellborn, FL 32094

Patricia Tayman
P.O. Box 691
Live Oak, FL 32060

Russell and Roylyn Johnson
9588 58th St.
Live Oak, FL 32060

Exhibit B: WWALS on Suwannee River at proposed Sabal Trail pipeline crossing, 15 Aug 2015

A Sabal Trail survey stake is visible in the picture. Note that WWALS members who use the Suwannee River and other rivers are not limited to those who reside nearby, nor to this one outing.

WWALS members pictured include at least Chris Mericle (Hamilton County, FL), Dwight Griner (Cook County, GA), Ashlie Prain (Lowndes County, GA), Debra Lister (Coffee County, GA), Patrick and Mary Ann Kunes (Tift County, GA), Gretchen Quarterman (Lowndes County, GA), Deanna Mericle (Hamilton County, FL), Dan Coleman (Madison County, FL). Taking the picture: John S. Quarterman (Lowndes County, GA). Some of the other attendees were from as far away as Colombia in South America, and from South Africa.



Exhibit C: Thomas S. Edwards TSE Plantation sinks and springs

Filed with FERC 29

January 2015

as [Accession Number: 20150129-5192](#),

“Supplemental

Information / Request

of Edwards & Ragatz,

P.A. under CP15-17.

Supplemental

Comments of

Proposed Intervener,

Thomas S. Edwards,

Manager, TSE

Plantation, LLC

Opposing Portion of

Sabal Trail Route and

Related Motion to

Accept Late

Comments”.

The one image included here from Exhibit B of that document illustrates the widespread extent of the underground caves and cracks feeding the springs, across many of which Sabal Trail proposes to drill its pipeline.

WWALS to FL DEP, 7 August 2015, Case no. 15-0468, file no. 0328333-001, page 25 of 34

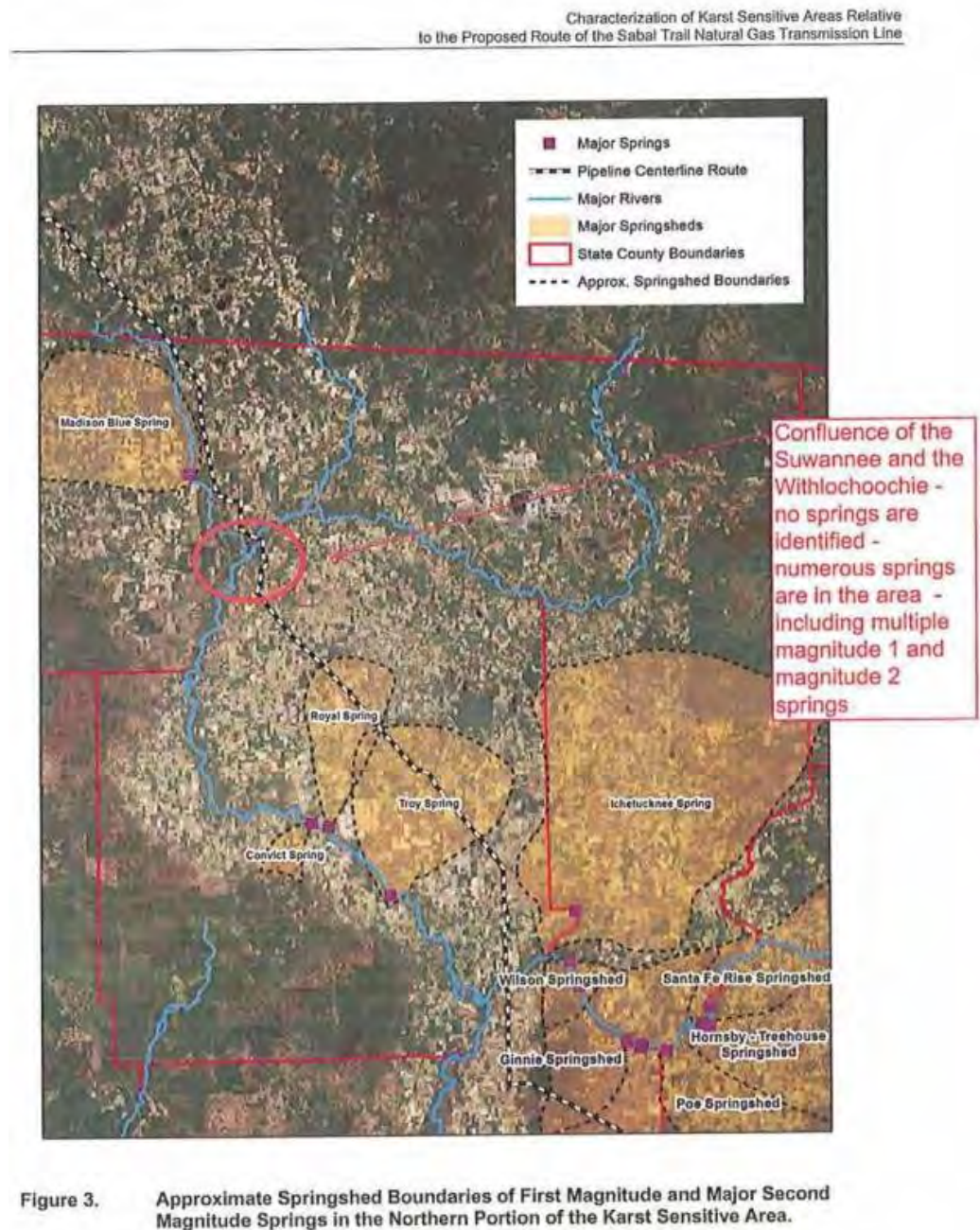


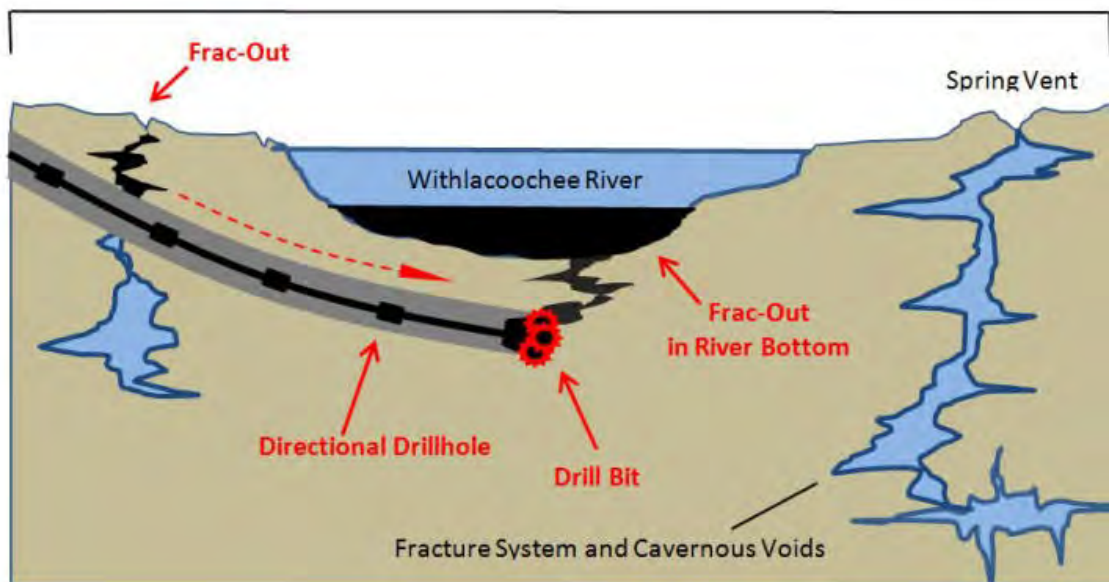
Exhibit D: Hamilton County Resolution No. 14-10, 14 August 2015

As a result of evidence of environmental hazards from the proposed Sabal Trail pipeline, such as those in Exhibit E, the Hamilton County Board of Commissioners passed RESOLUTION 2015-02 on 22 August 2014 asking Sabal Trail to move off of the Withlacoochee River in Florida. The Hamilton County Board of Commissioners also later filed “Motion to Intervene of Hamilton County, Florida Board of County Commissioners under CP15-17. “, FERC Accession Number 20141218-5333, 18 December 2014, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14282868.

Exhibit E: Karst Features and Hydrogeology of the Proposed Sabal Trail Natural Gas Transmission Pipeline Withlacoochee River Crossing — Hamilton County, Florida, by David Brown, professional geologist

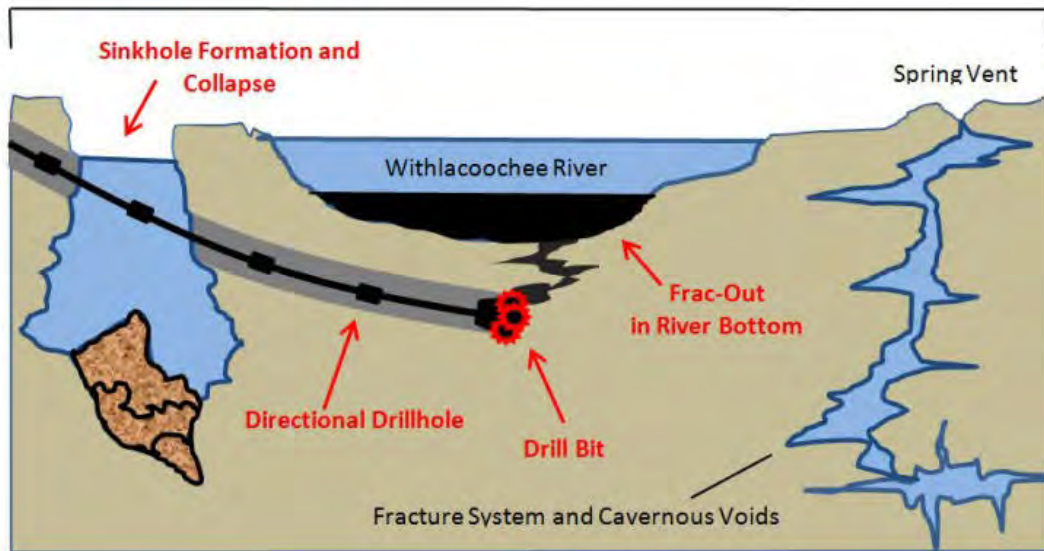
This report was commissioned by Hamilton County resident Chris Mericle, who is now a WWALS board member. “Hydrogeology Report: Sabal Trail methane pipeline crossing of Withlacoochee River”, by David Brown, 22 August 2014. Included in “RESOLUTION 2015-02,” Hamilton County, Florida Board of Commissioners, 22 August 2014. Both report and resolution included in WWALS Watershed Coalition, Inc., “Motion to intervene and request for extension of filing deadline, by WWALS Watershed Coalition, Inc. under CP15-17.” FERC Accession Number 20141216-5051, 16 December 2014, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14280938. Two illustrations from that report are included here.

Approximately 2,500 Lineal Feet Horizontal Directional Drill Hole



Cross-section of the proposed HDD crossing of the Withlacoochee River and hypothetical karst features that could result in a hydrofracture (frac-out)

Sinkhole Formation and Collapse



Potential sinkhole or collapse feature forming as a result of the proposed HDD crossing of the Withlacoochee River.

Exhibit F: Florida State Geologist John Arthur

18 April 2014 FERC filing (submission number 20140418-5237) by the Florida Department of Environmental Protection, includes [a letter of 27 March 2014 through Jon Arthur, Florida State Geologist](#).

http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20140418-5237

That letter spells out many reasons why the Sabal Trail pipeline is inappropriate in the fragile karst limestone geography of north Florida. That letter is illustrated by the "Florida portion of the Southeast Markets Pipeline Project superimposed on Floridan Aquifer Vulnerability Assessment Map", which is included here.

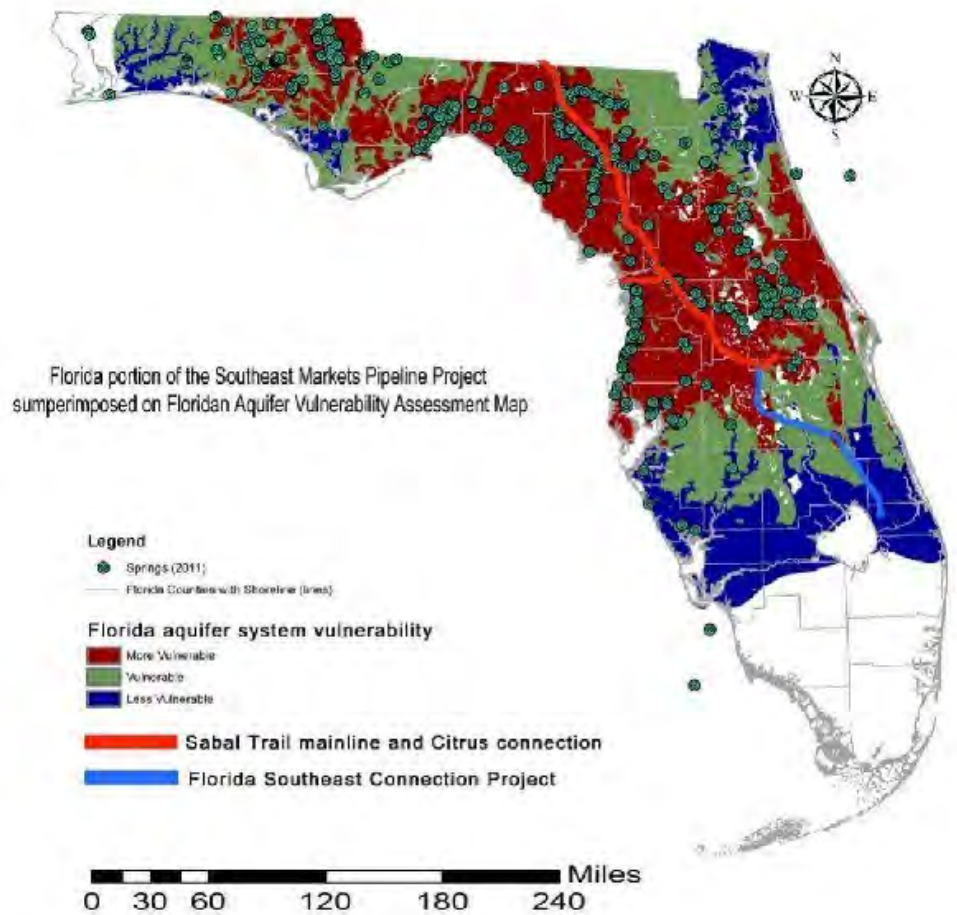


Figure 1: Florida portion of the Southeast Markets Pipeline Project superimposed on Floridan aquifer vulnerability assessment (FAVA) map. FAVA data from: http://www.dep.state.fl.us/geology/programs/hydrogeology/fava_gis_data.htm

Exhibit G: Suwannee River Water Management District, Ann Shortelle

Filed with FERC 18 April 2014 as Accession Number 20140418-5169. The cover letter by Ann Shortelle, then Executive Director, Suwannee River Water Management District, is included here. The entire letter with its attached memorandum is relevant to the current petition.

Dear Ms. Harris:

The Suwannee River Water Management District (District) has reviewed preliminary information concerning the SMP project for the installation of a gas transmission pipeline from Hamilton to Martin counties in Florida. The proposed pipeline route crosses four counties and two major rivers within the District. The two proposed river crossings appear to be within extremely sensitive karst regions and could have significant impacts to the District's water resources including our rivers, springs and water supplies. The attached memorandum describes District staff's review, concerns, and recommendations on the proposed pipeline route.

*The District does not oppose the installation of pipelines and understands the value these projects provide to Florida's economy. However we do recommend that the proposed pipeline route be modified to avoid highly sensitive water resource features, karst topography, and unconfined drinking water sources (**Floridan Aquifer**) within the District. We appreciate the opportunity to review these preliminary documents and look forward to working with the Federal Energy Regulatory Commission staff to provide the necessary information needed to find a more suitable route for the proposed pipeline.*

Respectfully,

[signed]

Ann B. Shortelle, Ph.D.

Executive Director

*cc: Suwannee River Water Management
District Governing Board
Herschel Vinyard, Secretary, Florida
Department of Environmental Protection*

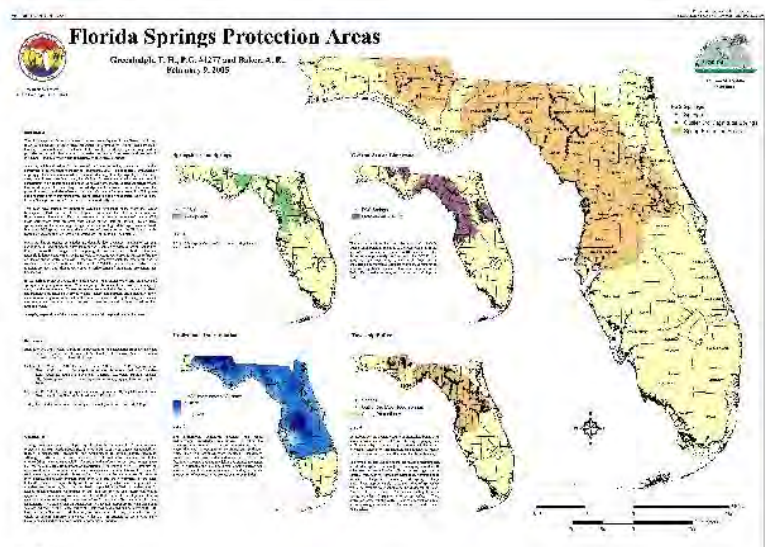


Exhibit H: U.S. Environmental Protection Agency, Heinz Mueller

Filed with FERC 23 April 2014 in Accession Number 20140423 as Comments of EPA Region 4 under PF14-1. The entire filing is relevant to the current petition.

Exhibit I: Exotic invasive species Chamber Bitter on existing SONAT pipeline at Suwannee River

Species *Phyllanthus urinaria* on and downstream of the Southern Natural Gas pipeline on the Suwannee River 15 August 2015. Another pipeline could bring in this or other exotic invasive species on its construction equipment. From one site, this and other exotics spread rapidly nearby and via equipment to farther sites.



Appendix J: SRWMD Dye Test

Suwannee River Water Management District, [“Falmouth dye trace reveals unknown connectivity”](http://www.srwmd.state.fl.us/DocumentCenter/View/10522), Press Release, 4 December 2014, <http://www.srwmd.state.fl.us/DocumentCenter/View/10522>. The Sabal Trail pipeline proposes to run through this same area, thus risking extensive contamination of underground water, which could affect springs and wells, and possibly cause sinkholes. Exactly which springs or wells or where the sinkholes might occur cannot be known in advance, because the underground connections have never been completely mapped, as witness this dye test.



Exhibit K: Spectra Energy pipeline explosion under Arkansas River in Little Rock 31 May 2015

“Arkansas River pipeline blowout occurred on Sunday morning, cause still unknown,” by Benjamin Hardy, Arkansas Times, 3 June 2015. The Clinton Center is visible in the foreground. This was an unused section of Spectra Energy's Texas Eastern pipeline, of smaller diameter than Sabal Trail proposes to drill under the Suwannee River. Emergency personnel and vehicles can be called in from far away to a pipeline explosion, costing city, county, and state taxpayers.



**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WWALS WATERSHED COALITION, INC.,

Petitioners,

vs.

OGC CASE NO. 15-0468

**SABAL TRAIL TRANSMISSION, LLC, and
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,**

Respondents.

_____ /

**ORDER DISMISSING PETITION OF WWALS-FL WITH PREJUDICE AND
STRIKING PORTIONS OF WWALS' AMENDED PETITION FOR HEARING**

On August 7, 2015, the Petitioner, WWALS Watershed Coalition, Inc. (WWALS), filed its petition for administrative hearing (Petition) regarding the Department of Environmental Protection's (Department) Consolidated Notice of Intent to Issue Environmental Resource Permit and Easement to Use Sovereign Submerged Lands¹ (Notice of Intent) issued to the Respondent Sabal Trail Transmission, LLC. (Sabal Trail). Sabal Trail proposes to construct and operate a natural gas transmission pipeline and related structures (File No. 0328333-001). On August 14,

¹ Subsection 253.002(1), Florida Statutes provides that "[t]he Department of Environmental Protection shall perform all staff duties and functions related to the acquisition, administration, and disposition of state lands, title to which is or will be vested in the Board of Trustees of the Internal Improvement Trust Fund. . . . Unless expressly prohibited by law, the board of trustees may delegate to the department any statutory duty or obligation relating to the acquisition, administration, or disposition of lands, title to which is or will be vested in the board of trustees."

2015, the Department dismissed the Petition giving WWALS 14 days to file an amended petition.

On August 28, 2015, WWALS timely filed its amended petition for administrative hearing (Amended Petition). The Amended Petition also served as an initial petition for administrative hearing from a newly formed nonprofit subsidiary corporation, WWALS Watershed Coalition Florida, Inc. (WWALS-FL).² As discussed below, the Department must dismiss the untimely initial petition of WWALS-FL. In addition, this Order strikes certain allegations of the Amended Petition that are not cognizable in this administrative proceeding.

ORDER DISMISSING WWALS-FL PETITION

WWALS-FL's Initial Petition is Untimely

WWALS states that it received notice of the Department's action on July 16, 2015, in the legal notices of the Jasper News. Rule 62-110.106(3), Florida Administrative Code, and the notice require that persons whose substantial interests are affected by the agency's decision must file a petition for an administrative hearing in the Department's Office of General Counsel within 14 days of publication of notice. See Fla. Admin. Code R. 62-110.106(2); City of LaBelle v. Bio-Med Servs., Inc., 598 So. 2d 207, 208 (Fla. 2d DCA 1992). Rule 62-110.106(3)(b) provides that the failure to file a petition within the applicable time period constitutes a waiver of any right to request an administrative hearing under Chapter 120, Florida Statutes.

WWALS-FL was not incorporated until after the Department's August 14 dismissal of WWALS' Petition. WWALS-FL's failure to timely file an initial petition within 14 days of

² Effective date of incorporation in Florida was August 23, 2015. See Amended Petition at page 2.

publication of notice constitutes a waiver of its right to request an administrative proceeding under Chapter 120, Florida Statutes. See Fla. Admin. Code R. 62-110.106(3)(b); Env'tl. Resource Assoc. of Fla., Inc. v. Dep't of General Servs., 624 So. 2d 330, 331 (Fla. 1st DCA 1993)(reflecting that appellant waived its right to a hearing when it failed to avail itself of the opportunity provided by agency's notice). Under Section 120.569(2)(c), Florida Statutes, this defect cannot be cured by WWALS-FL.

IT IS THEREFORE ORDERED that WWALS-FL's initial petition is DISMISSED, with prejudice.

ORDER STRIKING PORTIONS OF WWALS' AMENDED PETITION

The Amended Petition contains allegations that are not material facts in this type of proceeding that relate to the proposed activity's effect on property values, insurance rates and the economic benefits of eco-tourism. See Amended Petition at page 11 of 34, paragraphs 1.b. and 1.c. It is well settled that the Department does not consider non-environmental impacts to the property of others in the public interest analysis. See, e.g., VanWagoner v. Dep't of Transp., 18 F.A.L.R. 2277 (DEP 1996); aff'd, Save Anna Maria, Inc. v. Dep't of Transp., 700 So. 2d 113 (Fla. 2d DCA 1997); Miller v. Dep't of Env'tl. Reg., 504 So. 2d 1325, 1327 (Fla. 1st DCA 1987); Mid-Chattahoochee River Users v. Fla. Dep't of Env'tl. Prot., 948 So. 2d 794, 797 (Fla. 1st DCA 2006), rev. den., 966 So. 2d 967 (Fla. 2007).

In addition, WWALS' allegation regarding a conflict of interest under subsection 112.311(5), Florida Statutes, is not material in this proceeding. See Amended Petition at page 14 of 34, paragraph 10; page 17 of 34, line 9. Such a claim falls outside the scope of the Department's jurisdiction in this proceeding. See § 112.320, Fla. Stat. (2015).

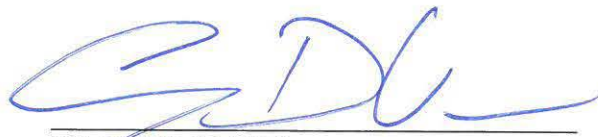
IT IS THEREFORE ORDERED that WWALS' Amended Petition paragraphs 1.b. and 1.c. on page 11 of 34; paragraph 10 on page 14 of 34; and line 9 on page 17 of 34, are stricken.

JUDICIAL REVIEW

Any party to this proceeding has the right to seek judicial review of this order under Section 120.68, Florida Statutes, by filing a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fee with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 22nd day of September, 2015, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



CRAIG D. VARN
General Counsel

3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.


CLERK
Deputy

9/2/15
DATE

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was provided by **email only** to Chris and Deanna Mericle, 7712 SW 32nd Lane, Jasper, Florida 32052, at mericle.deanna@gmail.com and cjmericle@gmail.com; John S. Quarterman, President, WWALS Watershed Coalition, Inc., P.O. Box 88, Hahira, GA 31632, at wwalswatershed@gmail.com; Sabal Trail Transmission, LLC, c/o Gus McLachlan, 400 Colonial Center Pkwy, Suite 300, Lake Mary, Florida, 32746, at gamlachlan@spectraenergy.com; Richard S. Brightman, Timothy M. Riley, and H. French Brown, IV, Hopping Green & Sams, Post Office Box 6526, Tallahassee, Florida, 32314-6526, at richardb@hgslaw.com, timothy@hgslaw.com, frenchb@hgslaw.com, on this 2nd day of September, 2015.



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