

**CHAPTER 62-330  
ENVIRONMENTAL RESOURCE PERMITTING**

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**62-330.010 Purpose and Implementation.**

(1) This chapter, together with the rules and all documents it incorporates by reference, implements the comprehensive, statewide environmental resource permit (ERP) program under Section 373.4131, F.S.

(2) The ERP program governs the following: construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works (including docks, piers, structures, dredging, and filling located in, on or over wetlands or other surface waters, as defined and delineated in Chapter 62-340, F.A.C.) (any one or a combination of these may be collectively referred to throughout this chapter as “projects” or “systems”).

(3) The responsibilities for implementing this chapter are described in Operating and Delegation Agreements between the Department of Environmental Protection (“Department”), the water management districts (“Districts”), and local governments (“delegated local governments”). The Agreements are incorporated by reference in Rule 62-113.100, F.A.C. The term “Agency” applies to the Department, a District, or a delegated local government, as applicable, throughout this chapter.

(4) This chapter is used in conjunction with an Applicant’s Handbook, in two volumes, as follows:

(a) Applicant’s Handbook Volume I, “General and Environmental” (hereinafter “Volume I”) applies statewide to all activities regulated under Chapter 62-330, F.A.C. It includes explanations, procedures, guidance, standards, and criteria on what is regulated by this chapter, the types of permits available, how to submit an application or notice for a regulated activity to the Agencies, how applications and notices are reviewed, the standards and criteria for issuance, and permit duration and modification. Volume I, including all the appendices except A, B, D and E, are incorporated by reference herein by the Department, [10-1-13]

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-03174> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-03175>).

(b) An Applicant’s Handbook Volume II (hereinafter, “Volume II”), has been adopted for use within each District. Each District’s Volume II is incorporated by reference herein and in the rules listed below, which also are incorporated by reference herein. These rules and Handbook Volumes are available as provided in subsection (5), below.

1. Northwest Florida Water Management District — “Department of Environmental Protection and Northwest Florida Water Management District Environmental Resource Permit Applicant’s Handbook – Volume II (Design and Performance Standards Including Basin Design and Criteria),” including all appendices, is incorporated by reference herein [10-1-13] and available at: (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03172> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-03173>) or from the Agency as provided in subsection (5).

2. Suwannee River Water Management District, Applicant’s Handbook Volume II, is incorporated by reference herein, [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03182>), and in subsection 40B-400.091(3), F.A.C., [10-1-13] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02523>).

3. St. Johns River Water Management District, Applicants Handbook Volume II, is incorporated by reference herein, [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03181>), and in subsections 40C-4.091(1) [10-1-13] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02524>), 40C-42.091(1) [10-1-13] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02525>), and 40C-44.091(1), F.A.C., [10-1-13] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02526>).

4. Southwest Florida Water Management District, Applicants Handbook Volume II, is incorporated by reference herein, [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03176>), and in Rule 40D-4.091, F.A.C., [10-1-13] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02527>).

5. South Florida Water Management District, Applicants Handbook Volume II, including Appendices A through D, is incorporated by reference herein, [10-1-13] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02528>) and in subsection 40E-4.091(1)(a), F.A.C., [10-1-13] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02529>). A copy of the incorporated material identified above may be obtained from the Agency internet site, <http://www.dep.state.fl.us/water/wetlands/erp/rules/guide.htm>, or as described in subsection 62-330.010(5), F.A.C.

(5) A copy of Volumes I and II and the other Agreements, rules, forms, Applicant's Handbook, and other documents incorporated by reference in this chapter also may be obtained from the Agency Internet site or by contacting staff in an Agency office identified in Appendix A of Volume I.

(6) This chapter explains how to submit notices and applications for activities regulated under Part IV of Chapter 373, F.S., and provides the standards for Agency review and action, which must not be harmful to the water resources and not be inconsistent with the overall objectives of the Agency. This chapter also includes procedures for petitions for a formal determination of the landward extent of wetlands and surface waters under Chapter 62-340, F.A.C.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.418, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.409, 373.413, 373.4131, 373.414(9), 373.4141, 373.4142, 373.4145, 373.416, 373.423, 373.426, 373.428, 373.429, 373.441 FS. History—New 10-1-13.*

### **62-330.020 Regulated Activities.**

(1) A permit under this chapter is not required for activities that qualify for:

(a) Operation and routine custodial maintenance of projects legally in existence, provided the terms and conditions of the permit, exemption, or other authorization for such projects continue to be met, and provided the activity is conducted in a manner that does not cause violations of state water quality standards. However, this exemption shall not apply to any project that is altered, modified, expanded, abandoned, or removed;

(b) An exemption listed in Rule 62-330.051, F.A.C., or in section 1.3 (District-specific exemptions) of the applicable Volume II;

(c) The "grandfathering" provisions of Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), or (16), F.S.; or

(d) The "10/2" general permit for upland stormwater systems authorized in Section 403.814(12), F.S.

(2) Unless the activity qualifies under subsection (1), above, a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any new project that, by itself or in combination with an activity conducted after October 1, 2013, cumulatively results in any of the following:

(a) Any project in, on, or over wetlands or other surface waters;

(b) A total of more than 4,000 square feet of impervious and semi-impervious surface areas subject to vehicular traffic;

(c) A total of more than 9,000 square feet impervious and semi-impervious surface area;

(d) A total project area of more than one acre;

(e) A capability of impounding more than 40 acre-feet of water;

(f) Any dam having a height of more than 10 feet, as measured from the lowest elevation of the downstream toe to the dam crest;

(g) Any project that is part of a larger common plan of development or sale;

(h) Any dry storage facility storing 10 or more vessels that is functionally associated with a boat launching area;

(i) Any project exceeding the thresholds in section 1.2 (District-specific thresholds) of the applicable Volume II;

or

(j) Any modification or alteration of a project previously permitted under Part IV of Chapter 373, F.S.

Construction and operation of the above projects are subject to the additional limitations in paragraph 3.1.4(f) of Volume I.

(3) The following types of permits are available:

(a) A general permit, as provided in Rule 62-330.052, F.A.C., and Rules 62-330.407 through 62-330.635, F.A.C.

(b) An individual permit, as provided in Rule 62-330.054, F.A.C.; and

(c) A conceptual approval permit, as provided in Rule 62-330.055 or 62-330.056, F.A.C.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.117, 373.118, 373.409, 373.413, 373.4131, 373.4132, 373.4145, 373.416, 373.426, 403.0877 FS. History—New 10-1-13.*

### **62-330.021 Definitions.**

Terms used in this chapter are defined in section 2.0 of Volume I and section 2.1 of Volume II.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4141, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4141, 373.4145, 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.021, Amended 10-1-13.*

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

(1) A notice to the Agency is not required to conduct an activity that is exempt under Rule 62-330.051, F.A.C., except where required in a specific exemption. Persons are encouraged, but not required, to use any available electronic self-certification service of the Agency to confirm that the activity meets the exemption.

(2) If a person desires Agency verification of qualification to conduct an exempt activity, and a self-certification is not available or the person chooses not to use a self-certification, they may submit a written or electronic Form 62-330.050(1) – “Request for Verification of an Exemption,” (10-1-13), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02468>), or a letter that clearly requests an exemption verification. A copy of the form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. Such request must include:

(a) The processing fee prescribed in Rule 62-330.071, F.A.C. Only one exemption verification processing fee shall be assessed if the request contains multiple exempt activity types on a single parcel.

(b) A location map(s) of sufficient detail to allow someone who is unfamiliar with the area to locate the site of the activity;

(c) Drawings, calculations, and other supporting information to clearly depict and describe the proposed activities;

(d) The tax parcel identification number from the local government tax rolls;

(e) Contact information for the person requesting the verification; and

(f) Authorization signed by the property owner allowing Agency staff to inspect the location of the proposed activities.

(3) Additional information on completing and submitting a request for verification of an exemption is contained in Rule 62-330.061, F.A.C., and sections 3.2, 4.2, and 4.2.1 of Volume I.

(4) The Agency shall take reasonable efforts to determine within 30 days of receipt of a request whether the submitted materials demonstrate the activity qualifies for an exemption or, if they do not, what information would enable the Agency to make such a verification. If those materials are not received within 60 days of the Agency’s request, the Agency shall advise the person that it cannot verify that the activity qualifies for an exemption. The materials submitted and responses received shall not be considered an application for a general, conceptual approval, or individual permit unless requested in writing.

(5) If, after receipt of an application for a permit, the Agency determines the proposed activity qualifies in whole for an exemption under this chapter, the Agency shall make such verification within 30 days of receipt of the application and refund any processing fees received in excess of those required under Rule 62-330.071, F.A.C.

(6) The Agency will consider exempt activities included in an application to conduct other activities as part of an entire application requiring a permit, and will review and act upon the entire application at one time. However, an applicant may request the Agency separately determine whether specific activities that are part of the application qualify for an exemption. In such a case, the applicant shall pay an additional processing fee for the exemption verification, but only one additional exemption verification processing fee will be required even if more than one kind of exempt activity is included.

(7) The Agency’s determination of qualification for an exemption is subject to Chapter 120, F.S. Self-certification is not an Agency action subject to Chapter 120, F.S., unless the Agency determines the self-certification does not meet all of its applicable terms and conditions.

(8) Activities conducted in accordance with an exemption under this chapter remain subject to other applicable permitting, authorization, and performance requirements of the Agencies, the Board of Trustees, and other federal, state, and local governments.

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

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

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

1. Adversely impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;
2. Cause an adverse impact to the minimum flows and levels established pursuant to Section 373.042, F.S.
3. Cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.;
4. Adversely impede navigation or create a navigational hazard;
5. Cause or contribute to a violation of state water quality standards. Turbidity, sedimentation, and erosion shall be controlled during and after construction to prevent violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3) and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters due to construction-related activities. Erosion and sediment control best management practices shall be installed and maintained in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02530>), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02531>).

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

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

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

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

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

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

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

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

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., and Chapters 18-18, 18-20, and 18-21, F.A.C., as applicable.

**(1) Activities conducted in conformance with the District-specific exemptions in section 1.3 of Volume II applicable to the location of the activity.**

**(2) Activities conducted in conformance with the exemptions in Section 373.406, 373.4145(3), or 403.813(1), F.S.**

**(3) Aquatic Plant and Organic Detrital Control and Removal –**

(a) Disking and tilling of exposed lake bottoms in accordance with a permit issued by the Florida Fish and Wildlife Conservation Commission or an exemption under Chapter 369, F.S.

(b) Organic detrital material removal in accordance with Section 403.813(1)(r) or (u), F.S.

(c) Aquatic plant control where the activity qualifies for an exemption authorized under Section 369.20, F.S., or in a permit from the Florida Fish and Wildlife Conservation Commission under Section 369.20 or 369.22, F.S.; and the harvested plant material is not disposed of in wetlands or other surface waters, or in a manner that adversely affects water quality or flood control.

**(4) Bridges, Driveways, and Roadways –**

(a) The replacement and repair of existing open-trestle foot bridges and vehicular bridges in accordance with Section 403.813(1)(l), F.S.

(b) Construction, alteration, or maintenance, and operation, of culverted driveway or roadway crossings and bridges of wholly artificial, non-navigable drainage conveyances, provided:

1. The construction project area does not exceed one acre and is for a discrete project that is not part of a larger plan of development that requires permitting under this chapter. However, these limitations shall not preclude use of this exemption to provide access to activities that qualify for the general permit in Section 403.814(12), F.S.;

2. The culvert or bridge shall be sized and installed to pass normal high water stages without causing adverse impacts to upstream or downstream property;

3. Culverts shall not be larger than one, 24-inch diameter pipe, or its hydraulic equivalent, and must not reduce the upstream hydraulic discharge capacity;

4. The crossing shall not:

a. Be longer than 30 feet from top-of-bank to top-of-bank;

b. Have a top width of more than 20 feet or a toe-to-toe width of more than 40 feet; and

c. Have side slopes steeper than 3 feet horizontal to 1 foot vertical;

5. There are no more than two crossings on any total land area, with a minimum distance of 500 feet between crossings;

6. If dewatering is performed, all temporary work and discharges must not cause flooding or impoundment, downstream siltation, erosion, or turbid discharges that violate state water quality standards;

7. Any temporary work shall be completely removed and all upstream and downstream areas that were disturbed shall be restored to pre-work grades, elevations and conditions; and

8. All work shall comply with subsection 62-330.050(9), F.A.C.

(c) Minor roadway safety construction, alteration, or maintenance, and operation, provided:

1. There is no work in wetlands other than those in drainage ditches constructed in uplands;

2. There is no alteration to a project previously permitted under Part IV of Chapter 373, F.S.; and

3. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.; and

4. The work is limited to:

a. Sidewalks having a width of six feet or less;

b. Turn lanes less than 0.25 mile in length, and other safety-related intersection improvements; and

c. Road widening and shoulder paving that does not create additional traffic lanes and is necessary to meet current, generally accepted roadway design and safety standards.

(d) Resurfacing of existing paved roads, and grading of existing unpaved roads, provided

1. Travel lanes are not paved that are not already paved;

2. No substantive changes occur to existing road surface elevations, grades, or profiles; and

3. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(e) Repair, stabilization, or paving of existing unpaved roads, and the repair or replacement of vehicular bridges that are part of the unpaved road, where:

1. They were in existence on or before January 1, 2002, and have:

a. Been publicly-used and under county or municipal ownership and maintenance thereafter, including when they have been presumed to be dedicated in accordance with Section 95.361, F.S.;

b. Subsequently become county or municipally-owned and maintained; or

c. Subsequently become perpetually maintained by the county or municipality through such means as being accepted by the county or municipality as part of a Municipal Service Taxing Unit or Municipal Service Benefit Unit; and

2. The work does not realign the road or expand the number of traffic lanes of the existing road, but may include safety shoulders, clearing vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed using generally accepted roadway design standards;

3. Existing bridges are not widened more than is reasonably necessary to properly connect the bridge with the road to match the width of the roadway travel lanes and safely accommodate the traffic expected.

4. No debris from the original bridge shall be allowed to remain in wetlands or other surface waters;

5. Roadside swales or other effective means of stormwater treatment are incorporated as part of the work;

6. No more dredging or filling of wetlands or water of the state is performed than is reasonably necessary to perform the work in accordance with generally accepted roadway design standards; and

7. Notice of intent to use this exemption is provided to the Agency 30 days before performing any work.

8. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

**(5) Dock, Pier, Boat Ramp and Other Boating-related Work —**

(a) Installation or repair of pilings and dolphins associated with private docking facilities or piers that are exempt under Section 403.813(1)(b), F.S.;

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with Section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of all structures located over wetlands and other surface waters does not exceed the limitations in Section 403.813(1)(b), F.S.;

2. No structure is enclosed on more than three sides with walls and doors;

3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and

4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

(c) Construction of private docks of 1,000 square feet or less of over-water surface area in artificial waters and residential canal systems in accordance with Section 403.813(1)(i), F.S.

(d) Replacement or repair of existing docks and piers, including mooring piles, in accordance with Section 403.813(1)(d), F.S., provided the existing structure is still functional or has been rendered non-functional within the last year by a discrete event, such as a storm, flood, accident, or fire.

(e) The construction and maintenance to design specifications of boat ramps in accordance with Section 403.813(1)(c), F.S., where navigational access to the proposed ramp currently exists:

1. In artificial waters and residential canal systems; or

2. In any wetland or other surface waters when the ramps are open to the public; and

3. The installation of docks associated with and adjoining boat ramps constructed as part of the above ramps is limited to an area of 500 square feet or less over wetlands and other surface waters.

(f) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts in accordance with Section 403.813(1)(s), F.S.

(g) The removal of derelict vessels, as defined in Section 823.11(1), F.S., by federal, state, and local agencies, provided:

1. The derelict vessel case has been completed as specified in Section 705.103, F.S., and has been entered into the Statewide Derelict Vessel Database maintained by the Florida Fish and Wildlife Conservation Commission;

2. All work is done in a manner that, to the greatest practicable extent, avoids additional dredging or filling, grounding or dragging of vessels, and damage to submerged resources such as seagrass beds, oyster beds, coral communities, mangroves, other wetlands, and live bottom; and

3. An absorbent blanket or boom shall be immediately deployed on the surface of the water around the derelict vessel if fuel, oil, or other free-floating pollutants are observed during the work.

**(6) Construction, alteration, maintenance, operation, and removal of freshwater fish attractors by the Florida Fish and Wildlife Conservation Commission, U.S. Forest Service, and county and municipal governments, provided:**



1. The material is limited to clean concrete, rock, brush, logs, or trees;
2. The material is firmly anchored to the bottom of the waterbody;
3. The size of an individual fish attractor shall be limited to one quarter of an acre in area;
4. The top of the fish attractor shall be at least three feet below the water surface at mean annual low water;
5. The attractor shall be outside any posted navigational channels;
6. No material is placed on or in areas vegetated by native aquatic vegetation;
7. The site shall be marked with a buoy or buoys to ensure that no material is deposited outside of the site; and
8. The provisions of paragraph 62-330.050(9)(d), F.A.C., also shall apply to protect listed species during the work.

**(7) Maintenance and Restoration —**

(a) Maintenance dredging under Section 403.813(1)(f), F.S.

(b) Maintenance of insect control structures, dikes, and irrigation and drainage ditches under Section 403.813(1)(g), F.S.

(c) The restoration of existing insect control impoundment dikes, and the connection of such impoundments to tidally influenced waters under Section 403.813(1)(p), F.S., provided:

1. The restored section of dike is limited to 100 feet in length;
2. The connection shall provide sufficient cross-sectional area to allow beneficial tidal influence;
3. Dredging and filling are limited to that needed to restore the dike to original design specifications; and
4. The final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations.

(d) Alteration and maintenance of treatment or disposal systems under Rule 62-340.700, F.A.C.

(e) Construction and maintenance of swales in accordance with Section 403.813(1)(j), F.S.

(f) Placement of wooden, composite, metal, or other non-earthen construction mats to provide temporary access to maintain or repair projects within wetlands, provided:

1. There is no cutting or clearing of wetland trees having a diameter 4 inches (circumference of 12 inches) or greater at breast height;
2. The maximum width of the construction access area shall be 15 feet;
3. Mats shall be removed no more than 72 hours after they are placed; and
4. Areas disturbed for access shall be restored to natural grades immediately after the work is complete.

(g) Port dredging under Section 403.813(3), F.S.

**(8) The installation of aids to navigation, including bridge fender piles, “No Wake” and similar regulatory signs, and buoys associated with such aids, in accordance with Section 403.813(1)(k), F.S.**

**(9) Pipes or Culverts —**

(a) Repair or replacement, provided:

1. The pipes or culverts have equivalent hydraulic capacity to those being repaired or replaced;
2. The pipes or culverts function to discharge or convey stormwater, and are not associated with the repair, replacement, or alteration of a dam, spillway, or appurtenant works; and
3. Work is done in accordance with Section 403.813(1)(h), F.S.

(b) Construction, alteration, operation, maintenance, and removal of outfall pipes, together with associated headwalls, and energy dissipation baffles, rocks, and other scour-reduction devices at the outfall locations, provided:

1. The pipes extend less than 20 feet in, on, or over wetlands or other surface waters;
2. The outfall is part of an activity that is exempt under Part IV of Chapter 373, F.S., or qualifies for the general permit in Section 403.814(12), F.S.;
3. The outfall is designed to prevent erosion and scour;
4. Work in natural waterbodies, wetlands, and Outstanding Florida Waters is limited to 0.03 acre;
5. No activities occur in seagrasses;
6. Within waters accessible to manatees, submerged or partially submerged outfall pipes having a diameter larger than 8 inches shall have grating such that no opening is larger than 8-inches; and
7. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(c) The extension of existing culverts and crossing approaches when done to accommodate an activity that does not require a permit under this chapter, when:

1. Work in wetlands or other surface waters is limited to a total of 100 cubic yards of filling, excavation, dredging, and filling, and no more than 0.10 acre at any culvert extension or crossing approach location; and
2. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

**(10) The construction, alteration, maintenance, removal or abandonment of recreational paths for pedestrians, bicycles, and golf carts, provided the paths:**

- (a) Are not located in, on, or over wetlands or other surface waters;
- (b) Have a width of eight feet or less for pedestrian paths, and 14 feet or less for multi-use recreational paths;
- (c) Are not intended for use by motorized vehicles powered by internal combustion engines or electric-powered roadway vehicles, except when needed for maintenance or emergency purposes; and
- (d) Comply with the limitations and restrictions in paragraph 62-330.050(9)(a), F.A.C.

**(11) Sampling and Testing —**

(a) Collection of seagrass, macroalgae, and macrobenthos in accordance with the terms and conditions of a permit or license issued by the Florida Fish and Wildlife Conservation Commission.

(b) Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices, provided:

1. The device's purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording, biological observation and sampling, and water quality testing and improvement. Parshall flumes and other small weirs installed primarily to record water quantity and velocity are authorized, provided the amount of fill is limited to 25 cubic yards;

2. The device and any associated structures or fill, such as foundations, anchors, buoys, and lines, is removed to the maximum extent practicable at the end of sampling;

3. The site is restored to pre-construction conditions within 48 hours of complete use of the device.

4. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(c) An exemption for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities is provided in Section 403.813(1)(v), F.S.

**(12) Construction, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization—**

(a) Construction replacement, and repair of seawalls or riprap in artificial waters and residential canal systems under Section 403.813(1)(i), F.S., including only that backfilling needed to level the land behind seawalls or riprap.

(b) The restoration of a seawall or riprap under Section 403.813(1)(e), F.S., where:

1. The seawall or riprap has been damaged or destroyed within the last year by a discrete event, such as a storm, flood, accident, or fire or where the seawall or rip rap restoration or repair involves only minimal backfilling to level the land directly associated with the restoration or repair and does not involve land reclamation as the primary project purpose, as further explained in section 3.2.4 of Volume I;

2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap;

3. Applicable permits under Chapter 161, F.S., are obtained.

(c) The construction of seawalls or riprap in wetlands or other surface waters between and adjoining existing seawalls or riprap at both ends in accordance with Section 403.813(1)(o), F.S.

(d) Installation of batter or king piles used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

(e) Restoration of an eroding shoreline with native wetland vegetative enhancement plantings, provided:

1. The length of shoreline is 500 linear feet or less;

2. Plantings are native wetland plants appropriate for the site obtained from commercially-grown stock;

3. Plantings extend no farther than 10 feet waterward of the approximate mean high water line (MHWL);

4. All invasive and exotic vegetative species along the shoreline is removed in conjunction with the planting to the extent practicable;

5. If temporary wave attenuation is needed, turbidity curtains shall be installed and maintained in place parallel to the shoreline for a full growing season;

6. No fill is placed other than that needed to support the vegetative plantings, except that a “breakwater” is authorized to be established concurrent with the planting if permanent wave attenuation is required to maintain the shoreline vegetation, provided:

a. The inner toe of the “breakwater” extends no more than 10 feet waterward of the approximate MHWL, with a top height of no more than MHWL;

b. The “breakwater” is composed predominantly of natural oyster shell cultch (clean and fossilized oyster shell) or other stable, non-degradable materials such as oyster reef, reef balls, unconsolidated boulders, clean concrete rubble, rip rap, rock sills, or triangular concrete forms. Oyster shell cultch, if used, shall be enclosed in mesh bags having openings of no more than 3 inches, or securely fixed to matting prior to placement in the water. Oyster bags and mats must be anchored to prevent movement of shell from the project area;

c. The “breakwater” shall not be placed over, or within 3 feet (in any direction) of any submerged grassbed or existing emergent marsh vegetation;

d. The “breakwater” shall be placed in units so that there is a tidal channel of at least three feet wide located a minimum of every 20 feet along the “breakwater” so as to not substantially impede the flow of water;

e. All equipment used during construction shall be operated from, and be stored in uplands;

f. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

**(13) Single-Family Residences and Associated Residential Improvements—**

(a) The construction, alteration, maintenance, removal, and abandonment of one, individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements, that:

1. Do not involve any work in wetlands or other surface waters;

2. Are not part of a larger common plan of development or sale requiring a permit or modification of a permit under Part IV of Chapter 373, F.S.;

3. Comply with the limitations and restrictions in paragraph 62-330.050(9)(a), F.A.C.

(b) The construction, alteration, maintenance, removal, and abandonment of one, individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements if it will be located:

1. Within the boundaries of a valid permit issued under Part IV of Chapter 373, F.S., and it was accounted for under the permit, or

2. Within the boundaries of a development that predates the applicable effective date for the permitting program established under Part IV of Chapter 373, F.S., provided the activity does not involve any work in wetlands or other surface waters.

(c) Construction, operation, or maintenance of a stormwater management facilities designed to serve single-family residential projects in conformance with Section 403.813(1)(q), F.S.

**(14) Utilities—**

(a) Installation of overhead transmission lines in accordance with Section 403.813(1)(a), F.S.

(b) Installation of subaqueous transmission and distribution lines in accordance with Section 403.813(1)(m), F.S.

(c) Replacement or repair of subaqueous transmission and distribution lines in accordance with Section 403.813(1)(n), F.S.

(d) Activities necessary to preserve, restore, repair, remove, or replace an existing communication or utility pole or aerial transmission or distribution line, provided there is no dredging or filling in wetlands or other surface waters except to remove poles and replace them with new poles, and temporary mats needed to access the site in accordance with paragraph 62-330.051(7)(f), F.A.C. The activity must not increase the voltage of existing power lines or relocate existing poles or lines more than 10 feet in any direction from their original location.

(e) Installation, removal, and replacement of utility poles that support telecommunication lines or cables, or electric distribution lines of 35kV or less, together with the bases and anchoring devices to support those poles. “Anchoring device” shall mean steel guy wires fastened to the ground, without the need for dredging, and “base” shall mean a concrete or steel foundation not exceeding four feet in radius, used to support a utility pole. Work must comply with the following:

1. No more than 15 utility poles shall be installed, removed, or replaced in wetlands;
2. There shall be no permanent placement of fill other than utility poles and anchoring devices;
3. Work shall not occur in forested wetlands located within 550 feet from the mean or ordinary high water line of an Aquatic Preserve or a named waterbody designated as an Outstanding Florida Water or an Outstanding National Resource Water.
4. Vehicle usage in wetlands shall be conducted so as to minimize tire rutting and erosion impacts;
5. There shall be no dredging or filling to create fill pads or access roads, except to place temporary mats for access within the utility right-of-way in wetlands. All temporary mats shall be removed within 30 days after completion of the work.
6. Temporary disturbance to wetlands shall be limited to a length of 0.5 mile, a width of 30 feet, and a total area of 0.5 acre;
7. Maintenance of the utility right-of-way in wetlands shall be limited to a cleared corridor of up to 15 feet wide and a total area of 0.25 acre;
8. Except for the authorized permanent structures, pre-work ground elevations and contours shall be restored within 30 days of completion of the work;
9. Water jets shall not be used unless they are a pre-engineered part of the pole and the water for the jets is either recirculated on site or is discharged in a self-contained upland disposal site;
10. The installation of the utility poles and associated bases and anchoring devices shall not interfere with navigation or impede water flow in wetlands; and
11. Work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(f) Excavation or dredging of temporary trenches to install utilities such as communication cables, water lines, and electrical lines, provided:

1. Material is not deposited within wetlands or other surface waters other than that needed to backfill the trench to restore ground to pre-work grades;
2. Backfilling is completed within 24 hours of disturbance; and
3. Work is conducted in compliance with subsection 62-330.050(9), F.A.C.

**(15) Modification or reconstruction of an existing conveyance system constructed prior to the need to obtain a permit under Part IV of Chapter 373, F.S., provided:**

- (a) The work is conducted by a city, county, state agency, or District;
- (b) The system alteration is not intended to serve new development;
- (c) The system does not:
  1. Discharge directly to Outstanding Florida Waters;
  2. Increase pollution loading;
  3. Change points of discharge in a manner that would adversely affect the designated uses of wetlands or other surface waters;
  4. Result in new adverse water quantity impacts to receiving waters and adjacent lands;
  5. Pipe and fill wetlands and other surface waters, including irrigation or drainage ditches; and
  6. Replace a functional treatment swale that was authorized under Chapter 62-25 or Part IV of Chapter 373, F.S.

**(16) The construction, alteration, maintenance, or removal of wholly-owned, artificial surface waters that:**

- (a) Were created entirely from uplands;
- (b) Are isolated such that they do not connect to any other wetlands or other surface waters;
- (c) Involve no more than a total of 0.5 acre of work in wetlands or other surface waters within the artificial waterbody;
- (d) Do not impound, or have the capability of impounding, more than 40 acre-feet of water;
- (e) Do not involve of a dam or appurtenant work that has a height of more than 10 feet, as measured from the lowest elevation of the downstream toe to the dam crest;
- (f) Were not created to provide mitigation under Part IV of Chapter 373, F.S.; and

(g) Were not permitted for stormwater treatment or management under Chapter 62-25, F.A.C., or Part IV of Chapter 373, F.S.

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

**62-330.0511 No-fee Noticed Exemptions for Construction, Operation, Maintenance, Alteration, Abandonment, or Removal of Minor Silvicultural Surface Water Management Systems.**

(1) Silviculture activities conducted and noticed in conformance with the best management practices and procedures below shall qualify for this no-fee noticed exemption. The Agencies shall not be compelled to verify qualification for these exemptions following receipt of the notice required in subsection (2), below. However, if a person desires written Agency verification of compliance with this Rule, they shall follow the noticing and fee requirements of Rule 62-330.050, F.A.C. These exemptions apply to:

(a) Any person constructing, operating, maintaining (including repairing or replacing), altering, abandoning, or removing silvicultural roads, and other minor activities designed to place the property into silvicultural use or to perpetuate the maintenance of the property in silvicultural use.

(b) The U.S. Forest Service to construct, operate, maintain, alter, abandon, or remove surface water management systems.

(2) The construction, operation, maintenance, alteration, abandonment, or removal of the minor silvicultural surface water management system described below shall be initiated only after a completed Notice of Intent to Construct a Minor Silvicultural System, Form 62-330.0511(1), [10-1-13], incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02510>), is received by the Agency, or is properly addressed and stamped and deposited in the United States mail, in which case the postmark date shall be the date of receipt. Persons may also submit annual schedules of proposed silvicultural surface water management systems that meet the requirements of this section, including completed notices for each activity. A copy of the above form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(3) Activities required to implement the following projects qualify for the exemption under this rule:

(a) A permanent culverted fill road with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than 10 square miles. The design of the work must allow for conveyance of normal flows and for overtopping during large storm events, and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. Under this paragraph, the fill material shall be no more than 24 inches above culvert structures. The fill material on the road approaches shall be no more than 24 inches above grade except within an area of 100 feet of either side of a culvert. The road must be designed with culvert inlets positioned at or below natural grade of the bed of the stream or other watercourse to prevent the permanent impoundment of water, and to provide an overflow area or areas which will prevent erosion and adverse effects to water levels upstream and downstream of the road.

(b) A temporary culverted fill road or a temporary bridge up to 50 feet long, with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or a drainage area upstream of the work of less than 10 square miles. The design of the work must allow for conveyance of existing flow during the period of installation and use and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The work must be designed only to facilitate the temporary movement of equipment and must be removed immediately after the operation for which the crossing was needed is complete or within 30 months of the filing of the notice in subsection (2), above, whichever is sooner.

(c) A permanent bridge up to 100 feet in length and 28 feet or less in width supported on pilings or trestles, placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than 10 square miles. The design of the work and associated approach roads, if any, must allow for conveyance of normal flows and for overtopping during large storm events and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The height limitation for fill on the bridge approach roads shall be a maximum of 24 inches above

natural grade.

(d) A permanent culverted fill road or bridge with a road surface of 28 feet or less in width, placed in or crossing a wetland or other impoundment, excluding reservoirs created by dams, where the road surface area over the wetland or other impoundment is less than 0.5 acre. Such crossings must be located in a manner which minimizes the area of wetlands being filled. Fill material for crossings of isolated wetlands or other isolated impoundments may be excavated from the wetland being crossed, provided that all excavation takes place immediately adjacent to the road surface and that the excavated area consists only of narrow trenches which are not connected to ditches constructed or maintained for drainage purposes. In addition, such excavations shall not result in drainage from the wetland.

(e) Temporary stream channel diversions necessary to complete the works described in paragraph (3)(a), (b), or (c) above, provided that the area used for the temporary diversion is restored to its previous contours and elevations.

(f) Clearing and snagging in a stream or other watercourse within 50 feet of the center line of a culverted fill road or a bridge described in paragraph (3)(a), (b), or (c) above, necessary to construct said work.

(g) A permanent low water, hard surfaced crossing in a stream, other watercourse, wetland or other impoundment consisting of the placement of rock or similar material no more than 12 inches higher than the bed of the stream, other watercourse or impoundment. Such crossings must be designed only to facilitate the movement of equipment by creating a stable foundation in shallow streams, other watercourse, wetlands or other impoundments. Temporary low water, hard surfaced crossings may be constructed using logs, but must be removed immediately following the completion of the silvicultural operation or within 30 months of the filing of the Notice of Intent in subsection (2), whichever is sooner.

(h) Upland field ditches of a temporary nature to facilitate only harvesting, site preparation, and planting, with a maximum cross-sectional area of 18 square feet spaced no closer than 660 feet from any other parallel ditch. After seedling establishment, the ditches shall be allowed to revegetate naturally. The person will not be required to fill field ditches after seedling establishment.

(i) Above grade, unpaved, upland silvicultural roads with an average road surface width of 28 feet within a construction corridor up to 50 feet in width. These roads must also incorporate sufficient culverts at grade to prevent alteration of natural sheet flow and may have associated borrow ditches. Road ditches shall be constructed only to obtain road material for the associated road and to provide only enough storage to maintain a dry road surface. Such road ditches must not provide drainage to the tract adjoining the road, other than to provide drainage of the road surface and minor, incidental drainage of abutting lands. These road ditches may be connected to other roadside ditches that were constructed pursuant to an Agency permit or that were exempt from permitting under Part IV of Chapter 373, F.S., but must not connect directly or indirectly to any works onsite or off-site which are designed or constructed to provide drainage or conveyance or which would result in drainage or conveyance. Road ditches must be separated from wetlands and other surface waters by a buffer strip of indigenous ground cover and a water turnout prior to said buffer strip. However, road ditches may discharge directly to a wetland when the slope of the uplands within 1,000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands. The width of the buffer strip shall be no less than 35 feet, or 50 feet when located adjacent to an Outstanding Florida Water, an Outstanding National Resource Water, or Class I waters.

(j) Upland borrow areas needed to obtain fill material for crossings of streams, other watercourses, wetlands, and other impoundments authorized by this exemption. These upland borrow areas must not provide drainage and must not be hydrologically connected to roadside ditches or field ditches.

(4) The systems identified in subsection (3), above, must meet the following performance standards:

(a) Except for those areas to be filled for crossings as provided in this section, the activities must not convert wetlands or other surface waters to uplands.

(b) A road or bridge must be designed to convey normal water flow while being adequately stabilized to allow for overtopping during storm events without washing out.

(c) A permanent road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 0.5 mile from any traversing work which traverses the same stream,

other watercourse, wetland or impoundment. A low water crossing or temporary road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 1/4 mile from any traversing work which traverses the same stream, other watercourse, wetland, or other impoundment. The spacing limitation shall be measured along the stream, other water course, wetland or other impoundment. Notwithstanding the spacing limitation in this paragraph, at least one low water crossing, road or bridge crossing of any stream, other watercourse, wetland or other impoundment may be constructed to each upland area being managed for silviculture that would not otherwise be accessible if these spacing limitations were met.

(d) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased velocities downstream of the work that would cause scour outside of the area of clearing and snagging described in paragraph (3)(f) above.

(e) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased flooding on property not owned by the person.

(f) Erosion control measures must be undertaken to limit the transfer of suspended solids into the receiving waterbody during and after construction of the proposed work. After removing any temporary crossing, disturbed portions of the stream bank and stream channel shall be restored to approximate their original shape and flow capacity. Erodible ground area associated with the crossing shall be stabilized with riprap, mulch or seeded for appropriate ground cover vegetation within 72 hours after removal.

(g) Upland field ditches may connect only to works that are permitted by the Agency, or exempt from permitting under Part IV of Chapter 373, F.S., and only if the connection will not cause the work to exceed its conveyance capacity or to increase flooding on property not owned by the person; however, this section does not authorize connection to works without the consent of the owner of the work. Field ditches will be presumed to meet the erosion control requirements of paragraph (4)(f), above when they are separated from streams, other watercourses, wetlands or other impoundments by a buffer strip of undisturbed vegetation and provided the integrity of this buffer is maintained. The width of the buffer strip shall be the width of the total Special Management Zone (primary zone and secondary zone) as described in the "Silviculture Best Management Practices Manual" (2008), published by the Division of Forestry, Florida Department of Agriculture and Consumer Services, incorporated by reference herein (#1 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03131>, #2 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03132>, #3 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03133>, #4: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03134>, #5 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03135>, #6 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03136>, #7 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03137>, #8 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03138>, #9 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03139>, #10: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03140>, and #11: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03141>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. However, field ditches may discharge directly to a wetland when the slope of the uplands within 1,000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands.

(h) In addition to the performance standards in paragraphs (4)(a) through (g) above, the person undertaking the activities must use the best management practices set forth in the "Silviculture Best Management Practices Manual" referenced in paragraph (4)(g), above.

(i) If climatic or flow conditions prevent the removal of a temporary crossing within the time frame specified in this section, the applicant may re-submit the application identified in subsection (2) to extend the time period for removal and restoration of the temporary crossing. The person must provide a written explanation and evidence supporting the need to reauthorize the crossing and must specify the additional time needed to remove the crossing, which may not exceed one year.

(5) Activities are authorized by the exemptions above for the following durations:

(a) One year to complete construction, alteration, abandonment, or removal of the silvicultural surface water management system;

(b) Permanent for operation and maintenance of the silvicultural surface water management system.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406(2), 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13.*

#### **62-330.052 General Permits—General.**

Rules 62-330.401 through 62-330.635, F.A.C., contain the procedures to submit a notice to use a general permit, the procedures for their review, the general conditions that apply to them, and the terms and specific conditions of each general permit. Those provisions do not apply to activities that qualify for the general permit in Section 403.814(12), F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History – New 10-1-13.*

#### **62-330.054 Individual Permits.**

(1) An individual permit is required for activities that require a permit if they:

(a) Do not qualify for a general permit in Rules 62-330.407 through 62-330.635, F.A.C.; and

(b) Are not proposed for conceptual approval under Rules 62-330.055 or 62-330.056, F.A.C.

(2) Except as otherwise provided in subsection (4), an application for an individual permit shall be:

(a) Prepared using the form and procedures in Rule 62-330.060, F.A.C.;

(b) Submitted in accordance with Rule 62-330.061, F.A.C.; and

(c) Reviewed and acted on in accordance with Rules 62-330.062, 62-330.071, 62-330.075, 62-330.090, 62-330.301, and 62-330.302, F.A.C, and the Applicants Handbook.

(3) An application for a mitigation bank permit shall be processed as a type of individual permit, but also is subject to the requirements in Chapter 62-342, F.A.C. If there is a conflict between this chapter and Chapter 62-342, F.A.C., Chapter 62-342, F.A.C., will control. All references to the “Department” in Chapter 62-342, F.A.C., shall also constitute a reference to the applicable District or delegated local government in accordance with the operating agreements identified in subsection 62-330.010(3), F.A.C.

(4) An individual permit required solely pursuant to both paragraph 62-330.020(2)(i), F.A.C., and Chapter 40C-44, F.A.C., shall be reviewed and acted upon in accordance with Chapter 40C-44, F.A.C., (10-1-13), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02533>) and application for such permit shall be made in accordance with that chapter. A copy of Chapter 40C-44, F.A.C., may be obtained as provided in subsection 62-330.010(5), F.A.C.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History – New 10-1-13.*

#### **62-330.055 Conceptual Approval Permits for Urban Infill or Redevelopment.**

A county or municipality may request a conceptual approval permit for activities occurring within urban infill and redevelopment areas or community redevelopment areas created under Chapter 163, F.S. Following approval of the conceptual permit, any construction, alteration, operation, maintenance or removal consistent with the conceptual permit may be authorized under a notice of intent to use the general permit in Rule 62-330.450, F.A.C.

(1) An urban infill or redevelopment conceptual approval permit shall be reviewed as provided below and in Rule 62-330.056, F.A.C., but does not have to meet all of the stormwater quality and quantity design and performance criteria of Volume II, provided the county or municipality submits a stormwater management master plan for the urban infill or redevelopment area that includes the following:

(a) Identification of the proposed urban infill or redevelopment area and the total contributing drainage area, including any major drainage basins and sub-basins;



(b) Identification of the receiving waters associated with the proposed urban infill or redevelopment area;

(c) Calculation and assignment of the predevelopment annual loading of pollutants of concern as determined during the permit application review, on a drainage basin or sub-basin basis, for all areas to be included within the conceptual approval permit. Loadings must be specific to the types of land use and must be expressed as a “mass per area” basis. The basin or sub-basin loading assignments will serve as the pollutant goal for future urban infill or redevelopment in each of those areas (target pollutant load). Future development that meets the predevelopment pollutant load assignment will be presumed to meet the net improvement requirements of paragraph (2)(a), below.

(2) An application for a conceptual approval permit for urban redevelopment and infill activities shall also include:

(a) A demonstration that the redevelopment will achieve a net improvement of the quality of stormwater in accordance with Section 373.4131(1)(b)2, F.S.

(b) Documentation of the rate and volume of stormwater discharges existing as of the date of the application, and information sufficient to estimate the maximum rate and volume of stormwater discharges that will exist as of the date of issuance of the conceptual approval permit.

(c) A commitment that activities within the redevelopment area will use stormwater best management practices (BMPs) to the maximum extent practicable.

(d) Provisions demonstrating that the individual or regional stormwater management systems within the urban infill or redevelopment area will be operated and maintained in perpetuity, consistent with the terms and conditions of the conceptual approval permit.

(e) An identification of proposed construction and no-construction areas.

(f) An estimate of the maximum extent of impacts to wetlands and other surface waters and details of any proposed mitigation for those impacts.

(g) An estimate of the maximum amount of anticipated impervious surface and description of the stormwater treatment system for those areas.

(h) An identification of the general location and types of activities proposed on any state-owned submerged lands.

(i) A timetable for redevelopment, including the requested duration of the conceptual approval permit.

(3) Consistent with the approved stormwater management master plan, the conceptual approval permit will:

(a) Provide a ledger that indicates the target pollutant load (mass per area) for each drainage basin or sub-basin. Any general permit for construction that is submitted in association with the conceptual permit must demonstrate that the proposed project does not exceed the target pollutant load for the receiving waters.

(b) Provide the annual pollutant load (mass per area) for each type of land use category, and the pollutant removal efficiency for the anticipated BMPs to be employed. Activities requested under the general permit in Rule 62-330.450, F.A.C., that use the BMPs approved in the stormwater master plan, that reduce impervious surfaces, or that otherwise meet the pollutant loading target in the stormwater master plan, and that also comply with all the terms and conditions of the general permit, will result in a debit to the ledger. Once the entire pollutant load target is reached for the receiving waters, no more development is allowed under the general permit, and further development will require an individual permit for construction, alteration, operation, removal, or abandonment that meets all conditions for issuance under this chapter.

(c) Contain specific conditions necessary to ensure that the future applications for permits to construct, alter, operate, maintain, remove, or abandon systems authorized in the conceptual approval permit are consistent with the redevelopment conceptual approval permit and the general permit in Rule 62-330.450, F.A.C.

(d) Allow the rate and volume of stormwater discharges for stormwater management systems within the urban infill or redevelopment area to continue up to the maximum rate and volume of stormwater discharges allowed under Section 373.4131(1)(b)4, F.S.

(4) If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics during the duration of the conceptual approval permit, the applicant must modify the conceptual approval permit if it wishes to continue to rely on it as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and

conditions of this section. If the permittee fails to do this, the conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of the conceptual approval permit at the time a permit application is received to construct the next phase of activities included in the original conceptual approval permit, or at the next requested extension of the conceptual approval permit duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

(5) Issuance of the conceptual approval permit and activities undertaken under the general permit in Rule 62-330.450, F.A.C., must comply with the provisions of Section 373.4131(1)(b)1, F.S.

(6) An urban infill or redevelopment conceptual permit shall be issued for a period of up to 20 years, and may be extended one time for an additional 10 years, subject to activities remaining in compliance with this section and the terms and conditions of the general permit in Rule 62-330.450, F.A.C.

*Rulemaking Authority 373.026, 373.043, 373.044, 373.4131, 373.4145, 373.418, 380.06, 403.805(1) FS. Law Implemented 373.026, 373.409, 373.413, 373.4131, 373.4141, 373.4142, 373.4145, 373.416, 380.06 FS. History—New 10-1-13.*

### **62-330.056 Other Conceptual Approval Permits.**

(1) A conceptual approval permit is available for an applicant who desires approval of design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require an individual permit under this chapter. This includes activities that are to be developed in phases, such as phased development master plans and projects for which an Application for Development Approval has been made pursuant to Part I of Chapter 380, F.S., and whenever an applicant has not yet developed detailed design or construction plans for a future activity.

(2) A conceptual approval permit does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank. Issuance of a conceptual approval permit does not relieve the holder of such a permit of any requirements to obtain a permit to construct, alter, operate, maintain, remove, or abandon projects that require a permit under this chapter, or to establish and operate a mitigation bank.

(3) An application for a conceptual approval permit shall be prepared and submitted using the procedures in Rules 62-330.060, 62-330.061, and 62-330.071, F.A.C. An application for conceptual approval for a mitigation bank also shall include the materials required by Chapter 62-342, F.A.C.

(4) The application shall be reviewed and acted on in accordance with this section, Rules 62-330.062, 62-330.075, 62-330.090, 62-330.301, and 62-330.302, F.A.C., and the Applicant's Handbook. Agency review and action also shall be in accordance with Chapter 62-342, F.A.C., when the conceptual approval application involves a mitigation bank.

(5) An application for a conceptual approval permit may include a request for a permit to construct and operate the first phase of the activities. In such a case, a separate application and processing fee to construct and operate the first phase shall not be required. In all other cases, an individual permit to construct, alter, operate, maintain, remove, or abandon projects authorized by the conceptual approval permit must be obtained prior to initiating such activities.

(6) Any delineation of wetlands or other surface waters submitted as part of the conceptual approval permit application, including supporting documentation, shall not be considered binding unless a specific condition of the permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(7) Issuance of a conceptual approval permit is a determination that the conceptual plans are, within the extent of detail provided in the conceptual approval permit application, consistent with applicable rules at the time of issuance. A conceptual approval permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of the conceptual approval permit, that the engineering design and environmental concepts upon which the designs of the conceptual approval permit are based (within the extent of detail provided in the conceptual approval permit) are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct or operate the future phases:

(a) The application to construct and operate the future phases remains consistent with the designs and conditions of the issued conceptual approval permit. Primary areas for consistency comparisons include the size, location and extent of the activities proposed, the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland and other surface water impacts, mitigation plans implemented or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations.

If an application for construction of any portion of the land area contained within the conceptual approval permit is based upon designs that are inconsistent with the conceptual approval permit, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in the conceptual approval permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of the conceptual approval permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;
2. Abandon reliance on the conceptual approval permit; or
3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.

(b) There are no changes to state water quality standards, that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.

(c) There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.

(d) There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.

(8) If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in paragraphs (7)(a) through (d), during the duration of a conceptual approval permit, the applicant must modify the conceptual approval permit if it wishes to continue to rely on it as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this section. If the permittee fails to do this, the conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of the conceptual approval permit at the time a permit application is received to construct the next phase of activities included in the original conceptual approval permit, or at the next requested extension of the conceptual approval permit duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

(9) The duration of a conceptual approval permit is 20 years, provided a permit under this chapter is issued for the initial phase of construction or alteration, the authorized construction or alteration has been begun within five years of the date the conceptual approval permit was issued, and the work remains in compliance with the terms and conditions of both the conceptual approval permit and all permits authorizing construction or alteration. The time periods of this subsection will be tolled if the reviewing agency is notified, in writing, within five years of issuance of the conceptual approval permit, that administrative review under either of the following is pending:

(a) The project approved by the conceptual approval permit is undergoing Development of Regional Impact review pursuant to Section 380.06, F.S., and an administrative appeal of that review has been filed; or

(b) The issuance of the construction permit for the first phase is under administrative review pursuant to Sections 120.569 or 120.57, F.S.

If notice is given as provided above, the five-year time period for obtaining a permit and commencing construction shall be tolled until the date of final action resolving such administrative appeal or review, including any judicial review.

(10) If a permit for construction or alteration of the initial phase is not obtained from the Agency and construction commenced within five-years of issuance of the conceptual approval permit, the conceptual approval permit will expire five years from its date of issuance.

(11) Prior to expiration of the conceptual approval permit, the permittee may submit a request to modify its duration. However, the application will be reviewed in consideration of the factors in subsections 62-330.056(7) and (8), F.A.C., at the time of submittal of each request to extend the duration and each subsequent permit application to construct another phase of the projects under the conceptual approval permit. Where substantive changes in the design are proposed by the applicant, or are required to address the factors in subsections 62-330.056(7)(b) through (d), F.A.C., the permittee must submit an application for a major modification of the conceptual approval permit, which must be approved prior to the Agency issuing a permit to construct or alter future phases.

(12) A permit under this chapter shall not be required to construct or alter projects consistent with a conceptual approval permit issued under Part IV of Chapter 373, F.S., prior to October 1, 2013; such construction or alteration shall continue to be governed by the rules in effect prior to October 1, 2013, unless modifications are proposed that will require a permit under this chapter in accordance with subsection 62-330.315(4), F.A.C.

(13) Conceptual approvals for ports are available and shall be reviewed in accordance with Section 373.4133, F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New 10-1-13.*

#### **62-330.060 Content of Applications for Individual and Conceptual Approval Permits.**

Materials to include in an application or notice for a permit are described below. Applicants are encouraged to have a pre-application meeting or discussion with Agency staff prior to submitting the application or notice.

(1) An application for an individual permit or conceptual approval permit shall be made on Form 62-330.060(1), “Joint Application for Individual And Conceptual Environmental Resource Permit/Authorization to Use State-Owned Submerged Lands/Federal Dredge and Fill Permit,” including the information required in the applicable Sections A through H [10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03189>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., or by use of the equivalent e-application form of the applicable Agency.

(2) The application must include all material requested in the application form; the processing fee in accordance with Rule 62-330.071, F.A.C.; and other information needed to provide reasonable assurance that the proposed activities meet the conditions for issuance in Rule 62-330.301, F.A.C., the additional conditions for issuance in Rule 62-330.302, F.A.C., and the Applicant’s Handbook.

(3) The applicant must certify that it has sufficient real property interest over the land upon which the activities subject to the application will be conducted, as required in Section A of Form 62-330.060(1) and Section 4.2.3(d) of the Applicant’s Handbook Volume 1. The applicant or the applicant’s authorized agent must sign Part 4.A. of the application, and the applicant must sign Part 4.B. If the applicant’s authorized agent signs Part 4.A, the applicant also must sign Part 4.C.

(4) An application for an individual permit also constitutes an application to operate and maintain the project. The application must specify the entity that will operate and maintain the project. If the applicant proposes an entity other than the current owner to operate and maintain the proposed project, documentation must be included demonstrating how such entity will meet the requirements of sections 12.3 through 12.3.3 of Volume I. A homeowner’s or property owner’s association (“HOA” or “POA,” respectively) draft association documents designating the HOA or POA as the operating entity, and prepared in conformance with sections 12.3 through 12.3.3 of Volume I, shall satisfy this requirement. This provision of the association documents may not be modified without a permit modification in accordance with Rule 62-330.315, F.A.C.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.4131 FS. Law Implemented 373.042, 373.413, 373.4131, 373.416, 668.003, 668.004, 668.50 FS. History—New 10-1-13.*

**62-330.061 Submittal of Applications and Notices to Agency Offices.**

(1) Notices requesting a determination of qualification for an exemption or general permit, and applications for all other permits under this chapter, shall be mailed to, or electronically filed with, the applicable Agency in accordance with Rule 62-330.010(3), F.A.C., and Appendix A of Volume I.

(2) Copies of applications or notices received by the Agency after 5:00 p.m. (local time) of the office to which the submittal is made shall be deemed as filed as of 8:00 a.m. on the next regular business day. Electronic applications or notices to the Northwest Florida Water Management District are considered to be received at the District Headquarters, which is in the Eastern time zone.

(3) Submittal of an application or notice for an activity, a portion of which extends beyond the boundary of more than one water management district, is subject to Section 373.046(6), F.S., which provides that the responsible Agency will be determined based on factors such as the amount and geography of the activity's land area, the location of the activity's discharge or discharges, the type of activity, prior agency history, and the terms and conditions of the Operating Agreements identified in subsection 62-330.010(3), F.A.C.

*Rulemaking Authority 373.026, 373.043, 373.044, 373.118, 373.4131, 373.4145, 373.418, 403.805(1), 668.003, 668.004, 668.50 FS. Law Implemented 373.026, 373.118, 373.413, 373.4131, 373.4145, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New 10-1-13.*

**62-330.062 Water Quality Certification and Coastal Zone Consistency Concurrence.**

(1) A State Water Quality Certification under Section 401 of the Clean Water Act, 33 U.S.C. Section 1341, shall be provided as described below.

(a) A complete application for an individual or conceptual approval permit shall constitute an application for certification of compliance with state water quality standards where necessary. Issuance of such a permit shall constitute certification of compliance with water quality standards, unless water quality certification is waived in accordance with paragraph (1)(c), below.

(b) State water quality certification is granted when an activity meets all the terms and conditions of a general permit under Rule 62-330.052, F.A.C., and the applicable Rules 62-330.401 through 62-330.635, F.A.C.

(c) State water quality certification is waived for activities:

1. That are not regulated under Rule 62-330.020, F.A.C.
2. That are exempt under Rule 62-330.051 or 62-330.0511, F.A.C.
3. That require net improvement of water quality under Section 373.414(1)(b), F.S.
4. That require issuance of a variance of state water quality standards under Section 120.542 or 373.414(17), F.S.
5. In which the individual or conceptual approval permit cannot be issued or denied within 180 days of the date the application is deemed complete by the Agency.

(2) A complete application for an individual or conceptual approval permit for activities located in or seaward of coastal counties, and, in whole or in part, in, on, or over wetlands or other surface waters, shall also constitute a request for the State's concurrence that the activities are consistent with the enforceable policies included in the Florida Coastal Management Program (FCMP) under the "Coastal Zone Management Act" (CZMA), 16 U.S.C. Sections 1451-1466, and its implementing regulations, 15 C.F.R. Part 930. In accordance with Section 380.23, F.S.:

(a) Qualification for a general permit, or issuance of an individual or conceptual approval permit shall constitute the state's concurrence that the activity is consistent with the enforceable policies included in the FCMP;

(b) Applications for federally permitted or licensed activities that qualify for an exemption under Section 373.406 or 403.813(1), F.S., and this chapter, or the "10/2" general permit under Section 403.814(12), F.S., are not eligible to be reviewed for federal consistency with Part IV of Chapter 373, F.S. The U.S. Army Corps of Engineers (Corps) or any designated Federal, State or local agency administering general permits on behalf of the Corps under 33 C.F.R. Section 325.2(b)(2) may presume such exempt activities are consistent with the permitting Agency's authorities within the FCMP, provided the activity receives any applicable authorization to use and occupy state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 380.23(4), 403.0877, 403.805(1) FS. Law Implemented 373.026(7), 373.109, 373.117, 373.118, 373.413, 373.4131, 373.4141, 373.4145, 373.416, 373.426, 373.428, 380.23, 403.0877 FS. History—New 10-1-13.*

#### **62-330.071 Fees.**

(1) A processing fee is required to be submitted with an application, notice, or petition under this chapter. The amount of the fee is specified in the following rules of the applicable Agency where the application, notice, or petition is submitted. The rules in paragraphs (b) through (e), are incorporated by reference herein. A copy of the incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(a) Department or Northwest Florida Water Management District — Rule 62-4.050, F.A.C.

(b) Suwannee River Water Management District — Rule 40B-1.706, F.A.C., [10-1-13],  
(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02534>)

(c) St. Johns River Water Management District — Rule 40C-1.603, F.A.C., [10-1-13],  
(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02535>)

(d) Southwest Florida Water Management District — Rule 40D-1.607, F.A.C., [10-1-13],  
(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02536>)

(e) South Florida Water Management District Rule — Rule 40E-1.607, F.A.C., [10-1-13],  
(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02537>).

(f) The processing fee for applications, notices, or petitions that are the responsibility of a local government delegated to implement this chapter under Section 373.441, F.S., shall be established by the local government in accordance with the Delegation Agreement between the Department and the local government incorporated by reference in Chapter 62-113, F.A.C.

(2) Processing fees submitted in the form of a check shall be made payable to the Agency. Electronic payment will be in accordance with the procedures established by the applicable Agency.

(3) If an applicant withdraws an application for individual or conceptual approval permit prior to Agency action, any processing fee submitted with that application shall be applied to the processing fee for a new application or notice received from the same applicant if done within 365 days from when the previous application was withdrawn, provided the activity is located within all or part of the same project area. In such a case, additional processing fees will be required only to collect the balance due for the activities proposed in the revised application or notice. Processing fees previously paid for an application or notice that was denied by the Agency shall not be applied to a new or revised application or notice.

(4) A processing fee shall not be assessed for applications and notices under this Chapter submitted by the Army, Navy, Air Force, Coast Guard, Marine Corps, or National Guard branches of the United States Department of Defense.

*Rulemaking Authority 373.026(7), 373.043, 373.109, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 218.075, 373.109, 373.4131, 373.4145, 373.418, 373.421 FS. History—New 10-1-13.*

#### **62-330.075 Additional Requirements and Procedures for Concurrent Review of Related Applications.**

(1) A single application shall be submitted and reviewed for activities that require both an individual or conceptual approval permit under this chapter and a proprietary authorization under Chapters 253 or 258, F.S., to use state-owned submerged lands. In such cases, the application shall not be deemed complete, and the timeframes for approval or denial shall not commence, until all information required by applicable provisions of Part IV of Chapter 373, F.S., and proprietary authorization under Chapter 253 or 258, F.S., and rules adopted thereunder for both the environmental resource permit and the proprietary authorization is received.

(2) No application under this section shall be approved until all the requirements of applicable provisions of Part IV of Chapter 373, F.S., and proprietary authorization under Chapter 253 or 258, F.S., and rules adopted thereunder for both the individual or conceptual approval permit and the proprietary authorization are met. The approval shall be subject to all conditions of the regulatory permit and proprietary authorization, and any additional conditions imposed by such statutes or rules.

(3) For an application reviewed under this section for which a request for proprietary authorization to use state-owned submerged lands has been delegated to the Agency to take final action without action by the Board of Trustees of the Internal Improvement Trust Fund, the Agency or water management district shall issue a consolidated notice of intent to issue or deny the individual or conceptual approval permit and the proprietary authorization within 60 days of receiving a complete application under this section. Waiving or tolling the timeframes for final action on the application under this section shall constitute a waiver or tolling of the timeframes for final action on the individual or conceptual approval permit application.

(4) For an application reviewed under this section for which the request for proprietary authorization to use state-owned submerged lands has not been delegated to the Agency to take final action without action by the Board of Trustees of the Internal Improvement Trust Fund, the application shall be reviewed and final agency action taken in accordance with the procedures in Sections 373.427(2)(a) through (c), F.S. The recommended consolidated intent, as required in Section 373.427(2)(a), F.S., shall be considered issued when the Agency submits it for publication on the Board of Trustees' agenda, and releases it to the applicant and to any person to whom notice is required under Rule 62-330.090, F.A.C.

(5) Upon the issuance of the consolidated notice or recommended consolidated notice of intent to issue or deny pursuant to subsection (4), the Agency shall be deemed to be in compliance with the timeframes for approval or denial in Section 120.60(1), F.S. Failure to satisfy these timeframes shall not result in approval by default of the application to use state-owned submerged lands. Also, if an administrative proceeding under Sections 120.569 and 120.57, F.S., is properly requested on both the individual or conceptual approval permit and the proprietary authorization under this section, the review shall be conducted as a single consolidated administrative proceeding, and final agency action shall not be taken on either authorization until the administrative proceeding is concluded.

(6) Appellate review of any consolidated order under this section is governed by Section 373.4275, F.S.

(7) For an activity requiring a permit under Section 161.041, F.S., and an individual or conceptual approval permit under this chapter, a joint coastal permit shall be required, as provided in Chapter 62B-49, F.A.C., in place of the individual or conceptual approval permit under this chapter.

(8) This section shall be applicable to all applications for individual or conceptual approval permits under this chapter, and proprietary authorizations under Chapter 253 or 258, F.S., to use state-owned submerged lands, that are received by the Agency after October 1, 2013. If an applicant requests that its application for an individual or conceptual approval permit under this chapter, and proprietary authorizations under Chapter 253 or 258, F.S., to use state-owned submerged lands, received prior to October 1, 2013, be processed under this rule, such request shall be granted if the applications for both are incomplete as of October 1, 2013.

(9) Nothing in this section shall be construed to limit an applicant's ability to make separate applications for stages, phases, or portions of a project separate from an activity requiring both a proprietary authorization under Chapter 253 or 258, F.S., and an individual or conceptual approval permit under this chapter.

*Rulemaking Authority 161.055, 253.03(7), 253.77, 258.43, 373.026, 373.043, 373.044, 373.4131, 373.418, 373.427, 403.805(1), FS. Law Implemented 120.60, 161.041, 161.055, 253.03, 253.77, 258.42, 258.43, 373.026, 373.413, 373.4131, 373.416, 373.427, 373.4275 FS. History—New 10-1-13.*

#### **62-330.090 Processing of Individual and Conceptual Approval Permit Applications.**

(1) The Agency shall review, notice, and issue a request for any required additional information in accordance with section 5.5.3 of Volume I.

(2) Pending applications shall be exempt from changes in the rules adopted after an application has been deemed complete except as otherwise provided by law or in this chapter.

(3) If an applicant submits a processing fee in excess of the required fee, the Agency shall begin processing the application and shall refund to the applicant the amount received in excess of the required fee. If an applicant fails to provide the complete processing fee, the Agency will inform the applicant of the amount of additional fee required, and the application will not be complete until the complete processing fee is received, along with the other materials that have been timely requested in accordance with section 5.5.3 of Volume I. The Agency cannot be compelled to issue a permit in advance of receipt of the required fee or any other material required by the Agency to deem an application complete.

(4) If a substantial revision is submitted to a pending application, other than revisions proposed to reduce adverse impacts identified by the Agency, the applicant shall pay the difference between the processing fees already submitted and any additional fees required for the revised application under Rule 62-330.071, F.A.C. In such a case, the time frames in section 5.5.3 of Volume I for processing the application shall be restarted.

(5) In addition to the procedures in this section, processing of the application will be performed in accordance with sections 5.5 through 5.6 of Volume I.

(6) A permit shall only be issued to an entity meeting the requirements of section 4.2.3(d) of Volume I.

(7) The Agency shall cause a "Recorded Notice of Environmental Resource Permit" Form No. 62-330.090(1), [10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02519>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., to be recorded in the public records of the county where the property is located unless otherwise noted in the permit. This notice shall not be considered an encumbrance upon the property. Such notice need not be recorded when the entire activity:

(a) Is for an individual, single-family residence, duplex, triplex, or quadruplex that is not part of a larger common plan of development or sale proposed by the permittee, except when the permit specifies that recording is necessary to ensure future owners are advised of long-term operational and maintenance requirements, or conservation provisions;

(b) Is authorized by a general permit under this chapter;

(c) Is temporary (not to exceed one year) in nature;

(d) Has no long term maintenance or operation requirements associated with it;

(e) Is located within lands encumbered by a real property interest held by a federal, state, county, or municipal government; or

(f) Is within the permit area of an existing permit for which a Notice has already been recorded, and the permit modification does not change the permit area.

*Rulemaking Authority 373.026(7), 373.043, 373.116, 373.118, 373.413, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.109, 373.118, 373.4131, 373.4141, 373.4145 FS. History—New 10-1-13.*

#### **62-330.100 Purpose and Intent.**

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.414, 373.415, 373.418, 373.4211(22), (25), 373.461, 380.06(9), 403.805(1) FS. Law Implemented 373.019, 373.042, 373.0421, 373.085, 373.086, 373.109, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), 373.439, 373.461, 380.051, 380.06(9), 403.813(1), 403.414, 403.0877 FS. History—New 12-7-92, Formerly 17-330.100, Amended 10-3-95, Repealed 10-1-13.*

#### **62-330.200 Rules Adopted by Reference.**

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.414, 373.415, 373.418, 373.461, 380.06(9), 403.0877 FS. Law Implemented 373.019, 373.042, 373.0421, 373.085, 373.086, 373.109, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), (25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.06(9), 403.0877, 403.813(1) FS. History—New 12-7-92, Formerly 17-330.200, Amended 10-3-95, 6-6-96, 8-21-00, 9-4-05, 12-5-05, 6-5-06, 8-2-06, 8-2-06, 8-1-10, Repealed 10-1-13.*

#### **62-330.201 Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters.**

(1) A real property owner, an entity having a contract to purchase real property, an entity having the power of eminent domain, or any other person who has a legal or equitable interest in real property, may petition the Agency for a formal determination of the landward extent of wetlands and other surface waters for that property pursuant to Section 373.421(2), F.S. A formal determination means the Agency will make a binding determination of the landward extent (boundaries) of wetlands and other surface waters as defined by Chapter 62-340, F.A.C. A formal determination is binding on the real property for which that determination is sought for as long as the determination is valid, in accordance with Sections 373.421(2) and (3), F.S. If the petitioner is not the owner of the land, the petitioner must



provide the Agency with information sufficient to contact the current owner, and the Agency shall provide notice of receipt of the petition to the landowner.

(2) Procedures for the submittal, review, noticing, and action on a petition for a formal determination are contained in sections 7.2 through 7.2.7 of Volume I. The petition shall be submitted using Form 62-330.201(1), "Petition for a Formal Determination of the Landward Extent of Wetlands and Other Surface Waters," (10-1-13), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02471>). It shall be submitted with the fee prescribed in Rule 62-330.071, F.A.C.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.421(2), 403.0877 FS. Law Implemented 120.54(5)(a), 373.026, 373.4131, 373.421(2), 373.441 FS. History—New 7-4-95, Amended 8-14-96, 8-16-98, 2-19-03, Formerly 62-343.040, Amended 10-1-13.*

### **62-330.301 Conditions for Issuance of Individual and Conceptual Approval Permits.**

(1) To obtain an individual or conceptual approval permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

- (a) Will not cause adverse water quantity impacts to receiving waters and adjacent lands;
- (b) Will not cause adverse flooding to on-site or off-site property;
- (c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities;
- (d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;
- (e) Will not adversely affect the quality of receiving waters such that the state water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated;
- (f) Will not cause adverse secondary impacts to the water resources. In addition to the criteria in this subsection and in subsection 62-330.301(2), F.A.C., in accordance with Section 373.4132, F.S., an applicant proposing the construction, alteration, operation, maintenance, abandonment, or removal of a dry storage facility for 10 or more vessels that is functionally associated with a boat launching area must also provide reasonable assurance that the facility, taking into consideration any secondary impacts, will meet the provisions of paragraph 62-330.302(1)(a), F.A.C., including the potential adverse impacts to manatees;
- (g) Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.
- (h) Will not cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.;
- (i) Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;
- (j) Will be conducted by a person with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; and
- (k) Will comply with any applicable special basin or geographic area criteria established as follows:
  - 1. Within the Northwest Florida Water Management District, Sections 13.0 through 13.4 (Special Basin Criteria for Sensitive Karst Areas, including Appendix A) of Volume II.
  - 2. Within the Suwannee River Water Management District, Section 5.9 (Sensitive Karst Areas) of Volume II.
  - 3. Within the St. Johns River Water Management District:
    - a. Chapter 40C-41, F.A.C., "Surface Water Management Basin Criteria," [10-1-13], incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02551>).
    - b. Sections 13.0 through 13.8.3 (Part VI, Basin Criteria), of Volume II.
  - 4. Within the South Florida Water Management District:
    - a. Chapter 40E-41, F.A.C., "Surface Water Management Basin and Related Criteria," (December 1, 2011), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02554>).

b. Chapter 40E-62, F.A.C., “Works and Lands of the District Management Plans,” (January 23, 1990), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02556>).

c. Chapter 40E-63, F.A.C., “Everglades Program,” (July 3, 2001), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02557>).

d. For activities within the Outstanding Florida Waters of Monroe County, the provisions of Rules 62-312.400 through 62-312.460, F.A.C.

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

(2) In instances where an applicant is unable to meet state water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, the applicant must implement mitigation measures that are proposed by or acceptable to the applicant that will cause net improvement of the water quality in the receiving waters for those parameters that do not meet standards.

(3) In addition to the criteria in subsections 62-330.301(1) through (2), F.A.C., applications for a mitigation bank must also meet the criteria of Chapter 62-342, F.A.C.

(4) The standards and criteria used to determine whether the reasonable assurances required in this section and Rule 62-330.302, F.A.C., have been provided, including the provisions for elimination or reduction of impacts and mitigation to offset adverse impacts, are contained in Volume I, incorporated by reference in subsection 62-330.010(4), F.A.C., and Volume II, incorporated by reference in subsection 62-330.010(4), F.A.C., for the applicable District.

(5) Forms for demonstrating that an applicant has met the financial responsibility requirements of sections 10.3.7 through 10.3.7.9 of Volume I shall be in substantial conformance with the forms incorporated by reference below, a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(a) Form 62-330.301(1), “Performance Bond To Demonstrate Financial Assurance for Mitigation,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02472>).

(b) Form 62-330.301(2), “Irrevocable Letter of Credit To Demonstrate Financial Assurance for Mitigation,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02473>).

(c) Form 62-330.301(3), “Standby Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02474>).

(d) Form 62-330.301(4), “Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02477>).

(e) Form 62-330.301(5), “Escrow Agreement,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02476>).

(f) Form 62-330.301(6), “Guarantee Bond To Demonstrate Financial Assurance for Mitigation,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02488>).

(6) Forms for recording of a conservation easement in the public records in favor of the Agency shall be in substantial conformance with the forms incorporated by reference below, a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The use of these forms shall constitute consistency with Section 704.06, F.S. Where the applicant demonstrates that project specific conditions necessitate deviation from language of the accepted forms, alternative language shall be accepted provided that the intent of Section 704.06, F.S., and section 10.3.8 of Volume I continue to be met:

(a) Form 62-330.301(8), “Deed of Conservation Easement—Standard,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02489>).

(b) Form 62-330.301(9), “Deed of Conservation Easement—Standard, With Third Party Beneficiary,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02490>).

(c) Form 62-330.301(10), “Deed of Conservation Easement—Passive Recreational Uses,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02491>).

(d) Form 62-330.301(11), “Deed of Conservation Easement—Riparian Uses,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02492>).

(e) Form 62-330.301(12), “Deed of Conservation Easement for Local Governments,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02493>).

(f) Form 62-330.301(13), “Deed of Conservation Easement with Third Party Beneficiary Rights to the U.S. Army Corps of Engineers,” [10-1-13] (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02494>).

(g) Form 62-330.301(14), “Declaration of Restrictive Covenants,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02495>).

(h) Form 62-330.301(15), “Declaration of Restrictive Covenants—Insert,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02496>).

(i) Form 62-330.301(16), “Temporary Easement for Construction Access,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02497>).

(j) Form 62-330.301(17), “Permanent Access Easement,” [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02498>).

(7) An overwater pier, dock, or similar structure located in a deepwater port listed in Section 311.09, F.S., does not require treatment of stormwater runoff from its impervious surfaces subject to the requirements of Section 373.406(12), F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.042, 373.409, 373.413, 373.4131, 373.4132, 373.4142, 373.4145, 373.416, 373.426, 373.429, 704.06 FS. History—New 10-1-13.*

### **62-330.302 Additional Conditions for Issuance of Individual and Conceptual Approval Permits.**

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

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

1. Whether the activities will adversely affect the public health, safety, or welfare or the property of others;
2. Whether the activities will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
3. Whether the activities will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. Whether the activities will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
5. Whether the activities will be of a temporary or permanent nature;
6. Whether the activities will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S.; and
7. The current condition and relative value of functions being performed by areas affected by the proposed activities.

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

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

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

(2) When determining whether an applicant has provided reasonable assurances that the permitting standards of this chapter will be met, the Agency shall consider the applicant’s violation of any rules adopted pursuant to Sections 403.91 through 403.929, F.S. (1984 Supp.), as amended, or Part IV, Chapter 373, F.S., and efforts taken by the applicant to resolve these violations.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.414(9), 403.805(1) FS. Law Implemented 373.042, 373.413, 373.4131, 373.414, 373.416, 373.426, 380.23 FS. History—New 10-1-13.*

### **62-330.310 Operation and Maintenance.**

(1) The permit authorizing construction or alteration must be converted to the operation and maintenance phase once the construction or alteration has been completed. The construction or alteration authorized under an individual permit must be certified to be in compliance with the permit before conversion of the permit to the operation and maintenance phase. Procedures for converting the permit to the operation and maintenance phase, and transferring the permit to the perpetual operation and maintenance entity are described in section 12.2 and 12.2.1 of Volume I.

(2) If a separate entity is to operate and maintain the project, the entity must be provided with sufficient ownership, legal, or equitable interest so that it has control over all water management system components authorized by the permit. Any operation and maintenance entity must have the financial, legal, and administrative capability to perform operation and maintenance, as described in sections 12.1 through 12.3.3 of Volume I. Transfer of the permit to the operation and maintenance entity that was approved as part of the permit does not require a permit modification.

(3) If the permittee desires to change or add operation and maintenance entities after the permit is issued, or to allow for multiple entities to operate portions of the project, a permit modification under Rule 62-330.315, F.A.C., must be requested and approved before transfer of the permit to the new entity or entities for operation and maintenance. Such permit modification request must include a demonstration that the new entity or entities meet the requirements of subsection (2), above. For multiple operation and maintenance entities, that application must also demonstrate that each portion of the project is capable of functioning independently in compliance with all conditions for permit issuance.

(4)(a) For individual permits NOT associated with an individual, private single-family dwelling unit, duplex, triplex, or quadruplex:

1. Upon completion of construction, and following the general conditions in paragraphs 62-330.350(1)(f) and (g), F.A.C., the permittee shall submit to the permitting Agency:

a. Form 62-330.310(1), "As-Built Certification and Request for Conversion to Operation Phase," which is incorporated by reference herein [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02499>).

b. Form 62-330.310(2), "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity," which is incorporated by reference herein [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02500>).

2. The permit will be converted to the operation and maintenance phase upon a certification by the permittee and concurrence by the Agency that the entire project, or an independent portion of the project, has been constructed in compliance with the permit.

3. The permit will be transferred to the operation and maintenance entity once the Agency has verified that the entity meets the requirements of section 12.3 of Volume I, all applicable operation and maintenance documents have been recorded in accordance with section 12.3.3 of Volume I, and the entity has accepted responsibility for operation and maintenance of the project or independent portion of the project.

(b) For individual permits FOR an individual, private single family dwelling unit, duplex, triplex, or quadruplex, the permit will automatically convert to the operation and maintenance phase upon completion of construction and the Agency's receipt from the permittee, in accordance with the general conditions in paragraph 62-330.350(1)(f), F.A.C., of a completed Form 62-330.310(3), "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit," [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02501>), which is incorporated by reference herein, certifying that the project was constructed in accordance with the permit.

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

(5) Projects completed in full compliance with the terms and conditions of a general permit shall be operated and maintained and maintained in perpetuity by the permittee and subsequent owners of the land on which the project is located.

(6) The operation and maintenance entity or entities shall remain liable for compliance with the terms of the permit in perpetuity, unless the permit is transferred in accordance with Rule 62-330.340, F.A.C., or the permit is modified in accordance with subsection (3), above.

(7)(a) The operation phase of mining activities subject to the land reclamation requirements of Chapter 378, F.S., shall terminate, without the need to apply for abandonment of the permit, after the mine, or its subunits as applicable:

1. Has been successfully reclaimed in accordance with Chapter 378, F.S., other than lands disturbed by mining operations that are not subject to the requirements of Chapter 378, F.S.;
2. Has met all success requirements of the individual permit issued under Part IV of Chapter 373, F.S.; when the construction phase of the permit includes all phases of construction, abandonment, reclamation, and final success determination over reclaimed lands; and
3. Does not contain components that require long-term operation or maintenance, such as: stormwater management systems; achievement of mitigation success criteria; work in conservation easements requiring a permit under this chapter; state-owned submerged lands authorizations; dams; above-grade impoundments; works; water control structures; erosion and sedimentation controls; or dewatering pits.

(b) If a mine is already operating under an operation and maintenance phase of an individual permit, such operation and maintenance phase shall be allowed to terminate upon successful completion of all phases of reclamation and receipt of final success determinations by the Agency over lands reclaimed in accordance with the rules adopted pursuant to Chapter 378, F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.4131, 373.4141, 373.416, 373.426, 373.429 F.S. History—New 10-1-13.*

#### **62-330.311 Inspections and Reporting.**

(1) The operation and maintenance entity shall provide for the inspection of the permitted project after conversion of the permit to the operation and maintenance phase as provided in section 12.4 of Volume I. Minimum inspection frequencies will be established in Volume II for each District as applicable, but actual inspection and reporting frequencies for the specific project are subject to revision through permit conditions, based on site- and activity-specific operational and maintenance requirements.

(2) Within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted to the Agency using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," incorporated by reference herein [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02502>), describing the remedial actions taken to resolve the failure or deviation.

(3) The operation and maintenance entity of a regional stormwater management facility must notify the Agency on an annual basis, using Form 62-330.311(2), "Regional Stormwater Management System Annual Report," incorporated by reference herein [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02503>), of all new systems and their associated stormwater volumes that have been allowed to discharge stormwater into the regional facility, and must confirm that the maximum allowable treatment volume of stormwater authorized to be accepted by the regional facility has not been exceeded.

(4) A copy of the above forms may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(5) Permits issued prior to the effective date of this section shall continue to be inspected and reported on in accordance with the terms and conditions of the existing permit. However, a permittee may request a modification of the permit to reflect inspection and reporting in accordance with this Rule.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.4131, 373.4141, 373.423, 668.003, 668.004, 668.50 FS. History—New 10-1-13.*

#### **62-330.315 Modification of Permits.**

(1) Modifications to an unexpired individual or conceptual approval permit may be requested by the permittee and will be processed as a minor or a major modification, as described below and in section 6.2 of Volume I. Permit modification fees are set forth in Rule 62-330.071, F.A.C.

(2) Minor modifications may be requested in accordance with section 6.2 of Volume I. Minor modifications are not subject to the public notification requirements of section 5.5 of Volume I. The following types of requests will be considered as minor modifications:

- (a) To extend the duration of the construction phase of an individual permit by up to five years, subject to the provisions of subsection 62-330.320(2), F.A.C.;
- (b) To correct errors or typographical mistakes;
- (c) To incorporate changes requested by the Agency;
- (d) To change due dates for reporting or performance deadlines;
- (e) To transfer a permit upon a change in ownership or control;
- (f) To make minor technical changes; or
- (g) To make other minor changes that do not substantially alter the permit authorization, increase permitted off-site discharge, increase the environmental impact of the project, decrease required retention, decrease required detention, decrease required flood control elevations, or decrease pollution removal efficiency. Factors that will be considered in determining whether a change is minor are described in section 6.2.1 of Volume I.

(3) Any application for modification that does not qualify for a minor modification as described above shall be processed as a major modification. An application for a major modification of a permit shall be submitted, reviewed and processed in the same manner as a new permit application.

(4) Modifications of an unexpired permit issued under Chapter 62-346, 40B-4, 40B-400, 40C-4, 40C-40, 40C-42, 40C-44, 40C-400, 40D-4, 40D-40, 40D-400, 40E-4, 40E-40, or 40E-400, F.A.C., shall be in accordance with the rules under which the permit was issued, except that such modification shall be processed and reviewed under this chapter if:

- (a) The modification is reasonably expected to lead to additional or substantially different water resource impacts;
- (b) The permittee chooses to modify the permit under this chapter; or
- (c) The modification does not qualify as a minor modification under subsection (3).

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.026(7), 373.043, 373.109, 373.118, 373.413, 373.4131, 373.4141, 373.4142, 373.4145, 373.416, 373.418, 373.429 FS. History—New 10-1-13.*

#### **62-330.320 Duration of Permits.**

Unless revoked, extended or otherwise modified, the duration of a permit under this chapter is:

(1) General permit — Five years to construct, commencing from the date notice is received by the Agency, or the date the Agency verifies compliance with the terms and conditions of the general permit in accordance with Rule 62-330.402, F.A.C., whichever is later.

(2) Individual permit — Five years from the date of issuance to construct, except where the permit expressly authorizes a longer duration. Applicants requesting a longer duration must provide reasonable assurance that:

(a) The activity for which the permit is to be granted cannot reasonably be expected to be completed within five years after commencement of construction; and

(b) The impacts of the activity, considering its nature, the size of the project, and any required mitigation, can be accurately assessed and offset where appropriate, and the terms of the permit can be met for the duration of the permit requested.

(3) Operation and maintenance — in perpetuity following:

(a) Construction in conformance with the terms and conditions of a general permit; or

(b) Conversion from the construction to the operation phase of an individual permit in accordance with Rule 62-330.310, F.A.C.

(4) Conceptual approval permit — As provided in Rule 62-330.055 or 62-330.056, F.A.C.

(5) Mitigation bank permit — As provided in Rule 62-342.750, F.A.C.

(6) A modification to extend the duration of the construction phase of an individual permit shall be granted if the extension request is received in writing by the Agency before expiration of the construction phase, and:

(a) The activity remains consistent with plans, terms, and conditions of the permit and the Agency's rules in effect when the permit was issued; and

(b) The request can be approved in consideration of paragraphs (2)(a) and (b), above.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.413, 373.4131, 373.4136, 373.4142, 373.4145, 373.416, 373.426 FS. History—New 10-1-13.*

#### **62-330.340 Transfer of Permit Upon Change in Ownership or Control.**

(1) Permits in the Operation and Maintenance Phase — A permittee with a valid permit in the operation and maintenance phase under this chapter or Chapter 62-342, F.A.C., shall notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer shall be governed by subsections (2) through (4), below.

(2) Except as provided in subsection (1) or as otherwise required in an individual or conceptual approval permit, a permittee shall notify the Agency in writing within 30 days of any change in ownership or control of any portion of the real property upon which an activity is permitted under this chapter or Chapter 62-342, F.A.C. A person who obtains an interest in or control of such real property shall:

(a) Request transfer of the permit to become the new permittee or a co-permittee; or

(b) Provide written documentation of the following:

1. Certification in accordance with subsection 62-330.060(3), F.A.C., that the permittee continues to retain sufficient real property interest over the land upon which the activities subject to the permit will be conducted; and

2. Authorization for Agency staff with proper identification to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(3) The person requesting transfer of the permit shall submit to the Agency a completed Form 62-330.340(1), "Request to Transfer Permit," incorporated by reference herein [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02504>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., together with the permit modification fee prescribed by the Agency as set forth in Rule 62-330.071, F.A.C. A proposed new permittee shall demonstrate that it has sufficient real property interest in or control over the land consistent with subsection 62-330.060(3), F.A.C.

(a) The Request to Transfer Permit shall be processed in the same manner as a minor modification as provided in subsection 62-330.315(2), F.A.C.

(b) The proposed new permittee shall include demonstration or documentation with the request that it meets the requirements for being an acceptable operation and maintenance entity provided in subsections 62-330.310(2), and (3), F.A.C., if applicable.

(4) Upon receipt of the completed Request to Transfer Permit form and fee, the Agency shall approve the permit transfer unless it determines that the proposed permittee or co-permittee has failed to provide reasonable assurances that it qualifies to be a permittee or that it can meet the permit conditions.

(a) If the Agency proposes to deny the transfer, it shall provide both the current permittee and the proposed permittee with notice of proposed agency action of denial, and of the right to request an administrative hearing pursuant to Chapter 120, F.S.

(b) Failure of the permittee to notify the Agency in writing within 30 days of a change in ownership or control shall not, by itself, render a permit invalid. When it does not appear the current permittee has met the requirements of subsection (2), above, or has not otherwise approved or been made aware of the request to transfer the permit, upon transfer of the permit to the new permittee, the Agency will provide notice to the former permittee, at its last known address, advising of the permit transfer, together with a notice of rights under Chapter 120, F.S.

(5) A permittee from whom the permit is transferred shall:

(a) Be jointly and severally liable with the new owner or permittee for compliance with the permit and for any corrective actions that may be required as a result of violations of the permit or Agency rule on the property prior to permit transfer; and

(b) Remain liable for any corrective actions that are required as a result of any violations of the permit that occurred prior to the change in ownership or control of the property upon which the permitted project or activity is located.

(6) Upon transfer of a permit, the new permittee shall comply with all terms and conditions of the permit.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.109, 373.413, 373.4131, 373.4142, 373.4145, 373.416, 373.426, 373.429, 668.003, 668.004, 668.50 FS. History—New10-1-13.*

### **62-330.350 General Conditions for Individual Permits.**

(1) The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(a) 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.

(b) 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.

(c) 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.

(d) 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,"[10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), 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.

(e) 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.

(f) 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:

1. 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

2. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(g) If the final operation and maintenance entity is a third party:



1. 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.

2. 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.

(h) 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.

(i) This permit does not:

1. 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.;
2. Convey to the permittee or create in the permittee any interest in real property;
3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(j) 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.

(k) 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.

(l) The permittee shall notify the Agency in writing:

1. Immediately if any previously submitted information is discovered to be inaccurate; and
2. 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) 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.

(r) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

(2) In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.116, 373.117, 373.409, 373.413, 373.4131, 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 373.428, 403.0877 FS. History—New 10-1-13.*

### **62-330.360 Emergency Authorizations and Actions.**

When the Agency has determined that immediate action is necessary to abate an emergency condition, the Agency shall use one of the following measures below to authorize the work. "Emergency conditions" are defined as those that pose an imminent or existing serious threat or danger and require immediate action to protect the public health, safety or welfare, or the water resources of the Agency, including the health of aquatic and wetland-dependent species; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Carelessness or the lack of planning on the part of an applicant for an emergency authorization shall not be sufficient grounds to warrant the granting of an emergency authorization.

(1) Issuance of an emergency order under Section 373.119(2), F.S. The order shall recite the factual basis for it in accordance with Section 120.569(2)(n), F.S., and include all conditions (including a limitation on the duration of the emergency authorization) required to ensure that the activity authorized or directed does not exceed that necessary to abate the threat. When the activity conducted under the order has an operational or maintenance aspect that continues beyond the emergency, any permits required under this chapter shall be applied for as soon as practicable.

(2) Authorization of construction to begin when the Agency has already received an application for a permit under this chapter, and the applicant has submitted a written request for the work to commence prior to issuance of the permit, together with documentation of the emergency conditions that exist. However, if required upon issuance of the permit, the work initiated shall be modified as necessary to comply with the terms and conditions of the permit.

(3) Issuance of an emergency field authorization when an application is not currently under consideration by the Agency. The entity requesting the emergency field authorization shall complete an "Agency Emergency Field Authorization" Form 62-330.360(1), which is incorporated by reference herein [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02506>). A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The activity authorized by the emergency field authorization may commence upon approval by the Agency's field representative. The recipient of an emergency field authorization is responsible for compliance with all the terms and conditions of the authorization. Within 90 days of issuance of an emergency field authorization, the recipient shall either restore the site to the conditions existing before the emergency, or apply for an application to perform the work in accordance with the requirements for obtaining verification of an exemption or permit, as applicable, under this chapter.

*Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 120.569(2), 373.026(7), 373.119, 373.413, 373.4131, 373.4145, 373.416, 373.418, 373.426, 373.439 FS. History—New 10-1-13.*

### **62-330.395 Variances.**

(1) In addition to a variance available under Section 120.542, F.S., the Agencies are authorized to grant a variance from the provisions of Section 373.414, F.S., paragraph 62-330.301(1)(e), F.A.C., and Rule 62-330.302, F.A.C., pursuant to Section 373.414(17), F.S. A person seeking a variance under Section 373.414(17), F.S., must demonstrate that any hardship asserted as a basis of the need for a variance is peculiar to the affected property and not self-imposed, and that the grant of a variance will be consistent with the general intent and purpose of this chapter.

(a) Any person seeking a variance under this subsection shall file a petition for a variance containing the following information:

1. The petitioner's name and signature.
2. The statute or rule from which the variance is sought.
3. Facts showing that a variance should be granted for one of the reasons in Section 403.201, F.S.
4. The time period for which the variance is sought, including the reasons and facts supporting the time period.
5. The requirements the petitioner can meet, including the date or time when the requirements will be met.
6. The steps or measures the petitioner is taking to meet the requirement from which the variance is sought. If the request is pursuant to Section 403.201(1)(b), F.S., the petitioner shall include a schedule when compliance will be achieved.

7. The fee prescribed in Rule 62-330.071, F.A.C.

(b) The Agency shall review the application within 30 days after receipt to determine if the petition is complete. If the petition is determined to be incomplete, the petitioner shall be afforded an opportunity to supply additional information before the Agency evaluates the petition.

(c) The Agency shall prepare a notice of intended agency action regarding the petition for a variance, and shall publish it one time in the *Florida Administrative Register*. For variance petitions processed by the Department, the petitioner shall also publish notice of intended agency action one time, at its expense, in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located. For variance petitions processed by the District, the District will cause the notice of intended agency action to be published, one time, in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located.

(2) Renewals of variances shall be applied for in the same manner as the initial variance.

*Rulemaking Authority 373.043, 373.044, 373.113, 373.4131, 373.414(9), (17) FS. Law Implemented 373.4131, 373.414(9), (17), 403.201 FS. History—New 10-1-13.*

### **62-330.401 Policy and Purpose.**

(1) General permits authorize activities that, if conducted consistent with the permit requirements, will cause minimal individual and cumulative adverse impacts to the water resources of the Agencies. Mitigation is neither necessary nor required to offset those impacts except when provided for in the general permit. Persons using a general permit must comply with the notice requirements of Rule 62-330.402, F.A.C., the general conditions in Rule 62-330.405, F.A.C., and all of the terms, conditions, and limitations of the specific general permit.

(2) The general permit in Section 403.814(12), F.S., is not a general permit under this chapter and does not require submittal of the notice specified in Rule 62-330.402(1), F.A.C.

(3) General permits that apply to municipalities are also for use by agencies of the United States Department of Defense.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Amended 2-19-03, 10-1-07, Formerly 62-341.201, Amended 10-1-13.*

### **62-330.402 Submittal and Processing of General Permits.**

(1) A person wishing to construct, operate, maintain, alter, abandon, or remove projects under a general permit shall provide notice using Form 62-330.402(1), "Notice of Intent to Use an Environmental Resource General Permit,"[10-1-13], incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref->

02507), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The notice must be received by the applicable Agency at least 30 days prior to initiating the activities authorized by the general permit, or at such other time as specified in the general permit.

(2) The notice must include the processing fee prescribed in Rule 62-330.071, F.A.C. If a single notice includes more than one general permit, a separate fee shall be required for each general permit.

(3) The specific procedures of a general permit shall govern if they differ from the procedures in this Rule.

(4)(a) Within 30 days of receiving Form 62-330.402(1), the Agency shall determine whether the activity qualifies for a general permit. The person may conduct the activities if the Agency fails to request additional information within this period.

(b) If the notice does not qualify for a general permit due to errors or omissions, the Agency shall, within 30 days of its receipt, provide the person 60 days to amend the notice. An additional processing fee will not be required if the person submits additional information demonstrating compliance with the general permit within that 60 days.

(c) If the activities do not qualify for a general permit, the processing fee submitted for the general permit shall be applied to the processing fee required for an individual or conceptual approval permit if the person applies for such permit within 60 days of the Agency's determination of non-qualification.

(5) The Agency will place Notice of the proposed use of a general permit on the Agency website within 10 days of receipt of the request.

(6) At their discretion, persons qualifying for a general permit may publish a notice of qualification to use a general permit, in a newspaper of general circulation in the affected area. The Agency will not publish, or require the person to publish, such notice.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.413, 373.4131 FS. Law Implemented 373.116(2), 373.118(3), 373.413, 373.4131, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New10-1-113.*

#### **62-330.405 General Conditions for All General Permits.**

The following general permit conditions are binding upon the permittee and are enforceable under Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

(3) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

(7) This permit shall not be transferred to a third party except pursuant to Rule 62-330.340, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted activity to ensure conformity with the plans and specifications approved by the permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in this general permit.

(10) A permittee's right to conduct a specific activity under this general permit is authorized for a duration of five years.

(11) 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 implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained 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)*, available at [www.dep.state.fl.us/water/wetlands/docs/erp/FLerosionSedimentManual\\_6\\_07.pdf](http://www.dep.state.fl.us/water/wetlands/docs/erp/FLerosionSedimentManual_6_07.pdf), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at [www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf](http://www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf).

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

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;

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

(c) All mats shall be removed within 72 hours after the work commences; and

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

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in a general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or

(16) 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.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

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

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

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

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

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at [imperiledspecies@myfwc.com](mailto:imperiledspecies@myfwc.com) with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is ~~later~~ discovered to be inaccurate.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13.*

#### **62-330.407 General Permit for Geotechnical Investigations in Wetlands or other Surface Waters.**

A general permit is granted to any person to conduct geotechnical investigations, including soil test borings, standard penetration tests, and other work involving boring, augering, or drilling in wetlands or other surface waters for the purposes of collecting geotechnical data, together with clearing for temporary access corridors to perform these investigations, subject to the following:

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

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

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

(4) This general permit shall not apply to borings used to place seismographic charges for oil and gas exploration.

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

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131 F.S. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1) FS. History—New 10-1-13.*

**62-330.410 General Permit for Dredging by the West Coast Inland Navigation District in Sarasota and Manatee Counties.**

(1) A general permit is granted to the West Coast Inland Navigation District (“WCIND”) to dredge public navigation channels and canals within the trafficsheds listed in Table 1 “Trafficsheds, Dredge Depth Limits, and Trafficshed Report Identification Numbers for Use in Noticed General Permit 62-330.410” effective [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03207>) and Figure 1 “Trafficshed Locations” effective August 4, 2002 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03208>), and as described in the following reports identified in paragraphs (1)(a) through (d), below. Table 1, Figure 1, and the reports are incorporated by reference herein; a copy of each may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.:

(a) Antonini, Gustavo A., and Paul Box, September 1996, A Regional Waterway Systems Management Strategy for Southwest Florida, TP-83, Florida Sea Grant College Program, Gainesville, Florida, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03143>);

(b) Swett, Robert A., Gustavo A. Antonini and Sharon Schulte, July 1999 ~~2000~~, Regional Waterway Management System for North Manatee County, TD-2, Florida Sea Grant College Program, Gainesville, Florida, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03125>);

(c) Antonini, Gustavo A., David Fann, and Robert A. Swett, November 7, 2000, Miguel Bay, Florida: Inventory of Boats, Depths and Signs; and a Waterway Restriction Analysis, TP-2A, Florida Sea Grant College Program, Gainesville, Florida, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03147>);

(d) Antonini, Gustavo A., Robert Swett, Sharon Schulte and David Fann, July 1998 ~~2000~~, Regional Waterway Management System for South Sarasota County, TD-1, Florida Sea Grant College Program, Gainesville, Florida, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03146>).

(2) This general permit is further limited as follows:

(a) The area to be dredged shall not contain any live seagrass beds, oyster beds or bars, coral communities, or attached macro-marine algae communities. However, this shall not prevent dredging of incidental individual specimens or scattered (less than one percent coverage within the area to be dredged) occurrences of seagrasses, oysters, or attached macro-algae. To the extent individual or clumped oysters are to be dredged, they shall be relocated to the maximum extent practicable to locations previously approved by the Department.

(b) Channel alignments shall follow existing channels and previously dredged areas to the maximum extent practicable.

(c) Dredging shall not exceed the maximum depths shown in Table 1.

(d) No more than 6,500 cubic yards of dredged material shall be removed over a five-year period within each trafficshed, beginning with the first project authorized under this general permit within the trafficshed. Within 30 days following the conclusion of each dredging event, a report shall be submitted to the local district office of the Department that includes the volume of material excavated from each channel and canal within the trafficshed, and the cumulative total volume of material excavated for the trafficshed under this general permit. This report shall be included with any subsequent notices to dredge channels or canals within the same trafficshed.

(e) The dredging activity is restricted to Class III waters, or Class II waters that are classified by the Department of Agriculture and Consumer Services under Chapter 5L-1, F.A.C., as unclassified, prohibited, restricted, or conditionally restricted for shellfish harvesting.

(f) For purposes of this general permit, the term “public navigation channels and canals” shall include the Intracoastal Waterway and any other waterway as determined by the WCIND Board to make a significant contribution to boat traffic in the four county district, including access channels connecting the inland waterways to residential canal systems.

(3) All work under this general permit shall be conducted in conformance with the following specific conditions:

(a) Prior to submittal of a notice to use this general permit, the WCIND shall conduct at least one pre-application meeting with the Department to discuss project designs, implementation details, and any resource concerns, including approval of any oyster relocation sites in accordance with paragraph 62-330.410(2)(a), F.A.C.

(b) Each dredging event for a trafficshed shall require a separate notice to use this general permit. Multiple channels within a single trafficshed may be included in one notice. Each notice shall be submitted with:

1. Scaled plan and cross-sectional drawings that clearly identify the length, width, and depth (referenced to mean lower low water) of the area or areas to be dredged within each channel and canal, locations of any hydraulic pipelines between the dredge areas and the dredged material disposal sites, and identification of the channels, canals, and names of the trafficsheds that are to be dredged from Table 1;

2. Identification of the source document described in subsection (1) and reference data that specifically describe the project proposed for dredging within the trafficshed. All document titles, page numbers, figures, and other relevant information to the trafficshed must be identified;

3. The location, dimensions, and estimated volumes of dredged material disposal sites, including the location of any oyster relocation or habitat restoration areas required under paragraph 62-330.410(2)(a), F.A.C. If barges or temporary stockpile areas are to be used for temporary disposal and transport, the type and volume capacity of such barges and stockpile areas, including controls that will be used to prevent dredge material runoff from the barges and stockpile areas also must be described;

4. The estimated volume of each proposed dredging area;

5. The dredging and disposal methods, and proposed duration of each;

6. Identification of any special water classifications for the areas to be dredged, such as the water class (Rule 62-302.400, F.A.C.); shellfish classification under Chapter 5L-1, F.A.C. (approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified); aquatic preserve, state park, or state recreation area designation under Chapter 258, F.S.; and Outstanding Florida Water or Outstanding National Resource Water designation under Rule 62-302.700, F.A.C.;

7. An updated (prepared between May through September within one year prior to the proposed dredging) resource inventory of the areas to be dredged, including the presence of live seagrasses (distinguishing between beds and scattered seagrass growth), oysters (distinguishing between beds, bars, and scattered occurrences), coral communities, or attached macro-marine algae communities (distinguishing between beds and scattered occurrences). This resource inventory must also include all areas within any requested mixing zones associated with the dredging project (including outfall pipes from the dredge material disposal area), and all areas that will be occupied by dredging equipment (including cables, pipelines, dredges, barges, and stockpiling/disposal of dredged material);

8. If the notice applies to a trafficshed that was subject to previous use of this general permit, such notice also shall clearly identify the extent of all previously authorized dredging within the trafficshed by the WCIND; the date of all such dredging events; the estimated cubic yards excavated from each channel and canal, and for the trafficshed as a whole; and the permit numbers assigned to such prior use of this general permit for the trafficshed;

9. The estimated date the dredging activities are planned to begin and the estimated length of time it will take to complete the project. If the project will be accomplished in phases, the estimated starting and ending date of each phase must also be submitted; and

10. A plan for monitoring water quality in accordance with the requirements of paragraph (3)(e), below.

(c) All dredged material resulting from the activities authorized by this general permit shall be removed and deposited on a self-contained, upland dredged material disposal site. The only exceptions shall be: oyster relocations required under paragraph 62-330.410(2)(a), F.A.C.; or where dredged materials are to be used as part of a habitat restoration plan authorized by the Agency under Part IV of Chapter 373, F.S., in which case any discharge of dredged material shall be in compliance with all terms of that authorization. In all cases, the dredging operation, the discharge of dredged material, and the dredged material disposal site shall be designed, located, and operated such that there are no water quality violations in wetlands or other surface waters outside of a mixing zone established under paragraph (3)(d), below.

(d) The permittee shall prevent violations of state water quality standards immediately outside of a mixing zone of no more than 150 meters in radius from the dredge site and from any discharge point associated with a dredge material disposal area. This shall minimally consist of: using and maintaining in a functional condition erosion and sediment control devices and best management practices, including turbidity curtains or similar devices; managing dredge pumping rates and volumes so as to minimize discharges from dredged material disposal sites; and managing



dredged material disposal site dikes, berms, and water control structures so as to minimize erosion, breaches, and discharges. Mixing zones shall be designed to avoid live seagrass beds, oyster beds and bars, and attached macroalgae communities to the maximum extent practical.

(e) Water quality monitoring shall occur following the monitoring plan required under subparagraph (3)(b)10., above. This shall minimally consist of monitoring at the dredge site, at the location of any waters receiving outfall from dredged material disposal sites, and at background and down-gradient locations in the water body where dredging is occurring and surrounding the dredged material disposal sites. This monitoring shall be designed to measure turbidity and any metals or other toxic materials that have been identified as having a likelihood of entering the water column. All monitoring for turbidity shall occur at intervals not to exceed four hours during active dredging operations and when there is a discharge from dredge material disposal sites; monitoring for other parameters shall be at intervals specified in the monitoring plan under subparagraph (3)(b)10., above. Results of this monitoring and a copy of the logs shall be submitted to the local office of the Department in accordance with the reporting plan submitted under subparagraph (3)(b)10., above.

(f) In the event the water quality monitoring required under this general permit detects violations of state water quality standards, dredging shall cease immediately until the source of the violation is resolved and the receiving waters again meet applicable water quality standards.

(g) After dredging, the trafficked shall be marked with appropriate aids to navigation in order to prevent damage to seagrass beds and to minimize turbidity. The permittee is advised that Chapter 327, F.S., governs the placement and marking of such aids to navigation.

(h) In addition to the conditions in subsection 62-330.405(18), F.A.C., the following additional manatee conditions shall apply:

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel shall be responsible for observing water-related activities for the presence of manatees.

2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. If the dredging activity results in any manatee being harmed, harassed, or killed as a result of construction activities, the Department will refer the matter to the Florida Fish and Wildlife Conservation Commission for appropriate action.

3. Temporary signs concerning manatees shall be posted prior to and during dredging activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign that reads "Caution: Boaters" must be posted. A second sign measuring at least 8 ½ inches by 11 inches explaining the requirements for "Idle Speed/No Wake" and the shut-down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [www.MyFWC.com/manatee](http://www.MyFWC.com/manatee). Questions concerning these signs can be sent to [ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com).

(i) Work under this general permit shall not commence until the Department has provided written confirmation to the notice required under paragraph 62-330.410(3)(b), F.A.C., that the applicant qualifies to use the general permit.

(4) For activities located outside of aquatic preserves and outside of state parks, state preserves, and state recreation areas, this general permit constitutes consent of use by the Board of Trustees of the Internal Improvement Trust Fund (BOT) under Chapter 253, F.S., to enter upon and use state-owned submerged lands to the extent necessary to complete the permitted activities. However, specific written authorization from the BOT is required to use or alter state-owned submerged lands within aquatic preserves, state parks, state preserves, and state recreation areas under Chapter 258, F.S.

(5) Dredged material removed from state-owned submerged lands under this general permit shall be exempt from the payment of severed dredged material fees in accordance with Section 253.77, F.S. However, dredged material with economic value, such as beach quality sand, shall be used for public purposes to the maximum extent practicable.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1), 403.814(1) FS. Law Implemented 253.002, 253.77(4), 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.426, 403.813(1)(f), 403.813(2), 403.814(1) FS. History—New 8-4-02, Formerly 62-341.490, Amended 10-1-13.*

**62-330.412 General Permit for Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County.**

(1) A general permit is granted to the West Coast Inland Navigation District (“WCIND”) to dredge public navigation channels and canals within the trafficsheds and secondary channel systems listed in Table 1 “Trafficsheds, Secondary Channel Systems, Dredge Depth Limits, and Trafficshed Report Identification Numbers” effective 18 February 2010, incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03177>) and shown in Figures 1 through 48 of Antonini, Gustavo A., Robert A. Swett, and David Fann, 2008, Maps of Lee County Noticed General Permit Trafficshed Channels and Secondary Channels, SGEF-173, Florida Sea Grant College Program, Gainesville, Florida (30 October 2008), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03148>). Copies of Table 1 and SGEF-173 may be obtained from the Department as described in subsection 62-330.010(5), F.A.C. Additional information on the background, methodology, and data used in identifying the trafficsheds and secondary channel systems that are the subject of this general permit is described in the following reports:

(a) Antonini, Gustavo A, and Paul Box, 1996, A Regional Waterway Systems Management Strategy for Southwest Florida, TP-83, Florida Sea Grant College Program, Gainesville, Florida;

(b) Swett, Robert A., David A. Fann, Gustavo A. Antonini and Lana Carlin Alexander, 2000, Regional Waterway Management System for Lee County, Phase I, TD-3, Florida Sea Grant College Program, Gainesville, Florida;

(c) Swett, Robert A., David A. Fann, Gustavo A. Antonini and Lana Carlin Alexander, 2001, Regional Waterway Management System for Lee County, Phase 2, TD-4, Florida Sea Grant College Program, Gainesville, Florida;

(d) Fann, D.A., R.A. Swett, and G.A. Antonini, 2002. Regional Waterway Management System for Lee County, Phase 3. TD-5, University of Florida, Gainesville, FL: 21 Florida Sea Grant.

Copies of these documents may be obtained by contacting environmental resource permit program staff in the Department’s South District Office (Fort Myers) and from the Department’s Internet site at <http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>. This general permit is not required for maintenance dredging that qualifies for an exemption under Section 403.813(1)(f), F.S.

(2) This general permit is further limited as follows:

(a) For purposes of this general permit, the term “public navigation channels and canals” shall consist of the Intracoastal Waterway and those trafficsheds and secondary channel systems identified on the maps in SGEF-173, which have been determined by the WCIND Board to make a significant contribution to public boating traffic.

(b) The area to be dredged shall not contain any living communities of true stony coral (order Scleractinia), hydrocoral (order Milleporina), octocoral (subclass Octocorallia), or soft coral (Alcyonoacea, Gorgonacea and Pennatulacea), sponge beds (Porifera), oyster bars (*Crassostrea* spp.), or macroalgae of the family Caulerpacae. This shall not prevent dredging of incidental individual specimens of corals, sponges, or oysters. To the extent individual or clumped oysters, corals, or sponges are to be dredged, they shall be relocated to the maximum extent practicable in accordance with paragraph (3)(c) of this general permit. In addition, the dredging alignments shall be located so as to not adversely affect coral and sponge communities and oyster bars as a result of sloughing of channel side slopes. Seagrass within the proposed dredged area shall be relocated in accordance with paragraph (3)(c) of this general permit.

(c) To the maximum extent practicable, dredging alignments shall follow existing channels and previously dredged areas and avoid and minimize impacts to seagrass communities (*Potamogetonaceae*, *Hydrocharitaceae* and *Cymodoceae* sp.). Dredging alignments also shall be located to minimize the potential for erosion to adjacent seagrass communities as a result of sloughing of channel side slopes.

(d)1. The “No Internal Combustion Motor Zones” (NICMZs) shown and described in Exhibit A, effective February 18, 2010, incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref->

03178), which reflect the boundaries approved in Resolution 07-09-49 of the Lee County Board of County Commissioners on September 25, 2007, are hereby established by this general permit. A copy of Exhibit A may be obtained from the Department as described in subsection 62-330.010(5), F.A.C. Within these NICMZs, the use of electric motors is permitted, but operators of all vessels equipped with internal combustion motors (e.g.: gasoline or diesel motors) for propulsion must turn off the internal combustion motor and, if possible to do so, tilt or raise the internal combustion motor out of the water.

2. Prior to any dredging authorized by this general permit within an Aquatic Preserve, WCIND shall demonstrate that the NICMZ(s) within that aquatic preserve have been established and marked in the field. Nothing in this rule shall be construed to relieve WCIND from obtaining sign permits required by the Florida Fish and Wildlife Conservation Commission (FWC). For this purpose, DEP authorizes WCIND to apply to FWC for all required sign permits to mark the boundaries of the NICMZs established by this general permit. WCIND shall be responsible for installing and maintaining all permitted signs.

3. WCIND will design and implement a program to monitor seagrasses within the NICMZs using various scientifically approved methods after consultation with DEP and FWC staff. The monitoring shall be designed to establish the baseline coverage of seagrasses by species, the number and coverage of prop scarring, and document any change in coverage over time. At a minimum, the first monitoring will occur within 90 days after the boundaries of the NICMZs have been marked with signage as provided in the preceding section of this general permit, and thereafter every two years for a total of ten years. The monitoring plan shall include metrics that can be used to quantitatively establish the relative success or failure of seagrass restoration and protection following establishment of the NICMZs.

(e) Dredging alignments shall not exceed the maximum depths shown in Table 1. All dredging alignments shall not exceed a maximum top width of 30 feet and a maximum bottom width of 20 feet. Overdredging to achieve the final authorized depth and width is not allowed. An as-built survey of the dredging alignment shall be submitted to the Department as provided in paragraph (3)(h) below.

(f) No more than 8,500 cubic yards of dredged material shall be cumulatively removed through authorizations by this general permit over a five-year period within each trafficshed or secondary channel system, beginning with the first project authorized under this general permit within the trafficshed or secondary channel system. Within 30 days following the completion of the as-built survey required in paragraphs (2)(e) above and (3)(h), below, a report shall be submitted to the South District office of the Department that includes the volume of material excavated from each channel and canal within the trafficshed or secondary channel system, and the cumulative total volume of material excavated for the trafficshed or secondary channel system under this general permit within the previous five years. This report shall be included with any subsequent notices to dredge channels or canals within the same trafficshed or secondary channel system.

(g) The dredging activity is restricted to Class III Waters, or Class II Waters that are classified by the Department of Agriculture and Consumer Services under Chapter 5L-1, F.A.C., as unclassified, prohibited, restricted, or conditionally approved for shellfish harvesting.

(h) This general permit shall not apply to dredging within the limits of areas subject to currently valid individual permits under Part IV of Chapter 373, F.S.

(3) All work under this general permit shall be conducted in conformance with the general conditions of Rule 62-330.405, F.A.C., and the following specific conditions.

(a) Each dredging event for a trafficshed or secondary channel system shall require a separate notice to use this general permit. Multiple areas within a single trafficshed or secondary channel system may be included in one notice. Each notice shall be submitted with all of the following information.

1. Scaled plan and cross-sectional drawings that clearly identify the length, width, and depth (referenced to mean lower low water) of the area or areas to be dredged within each channel and canal; locations of any hydraulic pipelines between the dredge areas and the dredged material disposal sites; and identification of the channels, canals, and names of the trafficsheds or secondary channel system that are to be dredged from Table 1.

2. Identification of the source document described in subsection 1 and reference data that specifically describe the work proposed for dredging within the trafficked or secondary channel system. All document titles, page numbers, figures, and other relevant information to the trafficked or secondary channel system must be identified.

3. The location, dimensions, and estimated volumes of dredged material disposal sites, including the location of any water quality or habitat restoration as described in paragraph (3)(d) of this general permit and any relocation areas required under paragraph (2)(b), above. If dredged material fill will be transported over water by barge, the notice will include assurance that the barge will be designed and sized to prevent discharge of dredged material runoff, prop or hull dredging, and discharge during the loading and unloading of material. If stockpile areas are to be used for temporary disposal and transport, the type and volume capacity of such stockpile areas, including controls that will be used to prevent dredge material runoff also must be described. The notice must provide assurance any temporary stockpile areas will have no impacts to jurisdictional wetlands or surface waters.

4. The estimated volume of each proposed dredging area.

5. Identification of any special water classifications for the areas to be dredged, such as the water class (Rule 62-302.400, F.A.C.); shellfish classification under Chapter 5L-1, F.A.C.; aquatic preserve, state park, or state recreation area designation under Chapter 258, F.S.; and Outstanding Florida Water or Outstanding National Resource Water designation under Rule 62-302.700, F.A.C.

6. A resource inventory of the dredging alignments which has been prepared or updated between May through September within one year prior to the proposed dredging. The resource inventory must be conducted by an individual experienced and knowledgeable in benthic communities and seagrass identification. The resource inventory must identify the presence and location of seagrasses, oysters, coral communities, sponge beds, and macroalgae of the family Caulerpaceae. This resource inventory must also include all areas within any requested mixing zones associated with the dredging project (including outfall pipes from the dredge material disposal area), and all areas that will be occupied by dredging equipment (including cables, pipelines, dredges, barges, and stockpiling/disposal of dredged material). The resource inventory assessment within channels will be conducted as follows, although the WCIND may use equivalent assessment methods upon receiving prior written approval from the Department:

a. The assessment will be conducted along a minimum of two transects within the dredging alignment. The transects will be along a line parallel with and 5 feet within the sides of the dredging alignment;

b. The resource inventory assessment within any requested mixing zones shall be conducted along grid transects every 10 feet throughout the length and width of the requested mixing zone; and

c. The resource inventory shall be qualitative in nature but shall include identification and location of corals, sponges, and oysters to be relocated pursuant to paragraph (2)(b) of this general permit, and include general identification and location of the extent of seagrass areas and a qualitative description of their relative extent of coverage, and density. The resource inventory shall be completed and submitted a minimum of 30 days prior to the pre-application meeting required by paragraph (3)(b) of this general permit.

7. Identification of the extent and location of all previous dredging within the past five years authorized under this noticed general permit within the trafficked or secondary channel system; the date of all such dredging events; the estimated cubic yards excavated from each distinct portion of the trafficked or secondary channel system under this general permit; and the permit numbers assigned to such prior use of this general permit for the trafficked or secondary channel system.

8. The estimated date the dredging activities are planned to begin and the estimated length of time it will take to complete the project. If the project will be accomplished in phases, the estimated starting and ending date of each phase must also be submitted.

9. A plan for monitoring water quality minimally consisting of monitoring at the dredge site, at the location of any waters receiving outfall from dredged material disposal sites, and at background and down-gradient locations in the water body where dredging is occurring and surrounding the dredged material disposal sites. The monitoring shall be designed primarily to measure in-situ turbidity, but is subject to modification based on the pre-application meeting discussion with the Department to ensure the plan is capable of detecting any potential water quality violations from the project or activities. If the dredge area is in close proximity to a facility or location likely to

cause a discharge of toxic materials, the water quality monitoring, as well as best management practices proposed, shall be designed to retain deleterious substances during dredging. Results of the monitoring and a copy of the logs shall be submitted in accordance with paragraph (3)(f) of this general permit.

10. A description of the resources to be relocated pursuant to paragraphs (2)(b) and (3)(c) of this general permit, the methods to be used for their relocation, and the locations to which they will be relocated.

(b) A minimum of 30 days prior to submittal of a notice to use this general permit, the WCIND and Lee County shall conduct at least one pre-application meeting with the Department's South District Environmental Resources Permitting staff to discuss project designs, implementation details, and any resource concerns, including approval of any resource relocation in accordance with paragraph (2)(b) of this general permit or water quality or habitat restoration sites in accordance with paragraph (3)(d) of this general permit. For a proposed project within an aquatic preserve, this meeting shall include the appropriate aquatic preserve manager or their designee. In the event the pre-application meeting adequately addresses all Department questions or concerns, the Department will inform the WCIND that the notice may be submitted immediately for review.

(c) To the extent seagrass, corals, sponges or clumped oysters are within the dredging footprint, they shall be relocated to the maximum extent practicable. Seagrass, oysters, corals, and sponges must be relocated only into areas previously approved in writing by the Department. Relocation shall be done in a manner that avoids adverse impacts to water quality and adjacent submerged resources. If seagrasses are relocated, the donor site within the dredge area and the location of the seagrass transplant shall be described in the application and in the pre-application meeting required under paragraph (3)(b) of this general permit. Any relocation performed under this paragraph shall be described in a detailed report to the Department's South District office within 60 days of project completion. The report shall describe the methods used, the donor site within the dredge area, and the recipient location of the transplant. The WCIND shall provide copies to the South District office of the Department of any follow up monitoring or studies performed on the success of the transplants.

(d) All dredged material resulting from the activities authorized by this general permit shall be removed and deposited on a self-contained, upland dredged material disposal site. The only exceptions to the use of a self-contained, upland dredged material disposal site shall be: seagrass, oyster, coral, or sponge relocations as required by this general permit; or where dredged materials are to be used as part of a water quality or habitat restoration plan authorized by the Department or a water management district under Part IV of Chapter 373, F.S., in which case any discharge of dredged material shall be in compliance with all terms of that authorization. In all cases, the dredging operation, the discharge of dredged material, and the dredged material disposal site shall be designed, located, and operated such that there are no water quality violations in wetlands or other surface waters outside of a mixing zone established under paragraph (3)(e) of this general permit.

(e) In areas outside of aquatic preserves, violations of state water quality standards shall be prevented immediately outside of a mixing zone of no more than 150 meters in radius from the dredge site and from any discharge point associated with a dredge material disposal area. To the greatest extent practicable, the mixing zone shall be restricted to the limits of the dredging alignment. Within aquatic preserves, violations of water quality standards immediately outside the area of active work shall be prevented. This shall minimally consist of the use of erosion and sediment control devices, turbidity curtains or similar devices, and other best management practices, all of which shall be located immediately surrounding the area of active work and maintained in a functional condition. In addition, dredge pumping rates and volumes shall be managed to minimize discharges from dredged material disposal sites; and the management of dredged material disposal site dikes, berms, and water control structures so as to minimize erosion, breaches, and discharges. In all cases, mixing zones shall be designed to avoid living communities of stony corals [true stony corals (order Scleractinia) hydrocorals (order Milleporina)], and octocorals (subclass Octocorallia), sponge bed communities (Porifera), oyster bars (*Crassostrea* spp.), macroalgae of the family Caulerpaceae, and seagrass (Potamogetaceae, Hydrocharitaceae and Cymodoceae).

(f) At all times during active dredging, the collection, analysis, and monitoring of the water quality samples required under this general permit must be conducted and performed by individuals who have prior training and experience in collecting and analyzing water quality samples using the Standard Operating Procedures accessible at the Department's Internet site and in accordance with Chapter 62-160, F.A.C. Such qualified individual(s) shall be

on site at all times necessary to ensure full compliance with the requirements of this general permit. In the event the water quality monitoring required under this general permit detects violations of state water quality standards, dredging shall cease immediately until the source of the violation is identified, measures taken to avoid future violations, and the receiving waters again meet applicable water quality standards. Weekly reports describing the hours of dredging accomplished and the results of the required monitoring will be provided to the South District office of the Department. Any violations of water quality standards and/or other requirements of this general permit shall be immediately reported to the South District office of the Department.

(g) The permittee shall be responsible for ensuring that all contractors and other entities implementing this general permit comply with the following standard manatee and marine turtle conditions.

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel shall be responsible for observing water-related activities for the presence of manatees.

2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. If the dredging activity results in any manatee being harmed, harassed, or killed as a result of construction activities, the Department will refer the matter to the Florida Fish and Wildlife Conservation Commission (FWC) for appropriate action.

3. Siltation barriers associated with any project or activity authorized by this general permit shall not block manatee entry to or exit from manatee feeding areas and the following manatee warm water refuge areas:

a. Entrance of the Chiquita Canal (which provides access to the Eight Lakes area) within the Cape Coral Southwest Trafficshed.

b. Defined protection speed zone within the Franklin Locks East Trafficshed and all waters of the Caloosahatchee River within 1/4 mile east of the easternmost end of the Franklin Lock & Dam.

c. Matlacha channel (which provides access to the Matlacha Isles canal system) including the Matlacha Isles canal system in the vicinity of the Boat Lift within the Matlacha Isles/Cape Coral (northwest) Trafficshed.

d. Mouth and remainder of the Orange River within the Orange River Trafficshed.

e. All waters within the Mullock Creek Trafficshed.

4. Temporary signs concerning manatees shall be posted prior to and during dredging activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign that reads "Caution: Boaters" must be posted. A second sign measuring at least 8 1/2 inches by 11 inches explaining the requirements for "Idle Speed/No Wake" and the shut-down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [www.MyFWC.com/manatee](http://www.MyFWC.com/manatee). Questions concerning these signs can be sent to [ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com).

5. Specific personnel shall be designated as manatee observers. The designated observer(s) shall be dedicated only for this task, must be on site during all in-water dredging activities, and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. The observer(s) shall wear polarized sunglasses during all dredging to aid in observation, and shall work in shifts of no longer than 5 hours each. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. If approved by the Department after consultation with the FWC, the WCIND shall be allowed to implement alternative measures for observing for the presence of manatees when such measures provide reasonable assurance that manatees will not be adversely affected by the alternative methodology.

6. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion, to the FWC's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at [fcmpmail@myfwc.com](mailto:fcmpmail@myfwc.com).

7. No nighttime mechanical dredging, such as clamshell, shall occur. Movement of a work barge or other associated vessels shall not be performed after sunset, when the possibility of spotting manatees is negligible.

8. All channels designated as Cape Coral Southwest, Franklin Locks East, Matlacha Isles/Cape Coral (northwest), Mullock Creek, and Orange River shall be prohibited from being dredged between November 15th and March 31st of any year due to the high numbers of manatees present at these warm water refuges in the wintertime. When these areas are being dredged between April 1st and November 14th, the manatee protection measures outlined above for all other channel dredging shall be followed.

(h) An as-built survey shall be initiated within two weeks and shall be completed within 60 days after completion of dredging to document depths and widths established by the dredging. The Department shall grant additional time as reasonable to complete the survey upon submittal of written documentation of the existence of inclement weather or situations beyond the control of the permittee that prevented the timely completion of the survey, the submittal of a new timeline for completing the survey.

(i) Within 90 days of completion of each authorized dredge event under this general permit, the affected trafficked or secondary channel system shall be marked along its entire length with aids to navigation. Markers shall be placed in a manner to facilitate safe navigation and protection of submerged natural resources. In channels dredged to less than 4 foot MLLW depth, signage that identifies areas of shallow water shall be installed, using language such as “Controlling Depth 3 feet, Local Knowledge Required,” “Use Caution,” or “Stay in Channel.” Nothing in this rule shall be construed to relieve the WCIND from obtaining permits for markers and signs required by the FWC.

(j) WCIND shall provide an as-built report and survey detailing all work performed under this authorization and its compliance with the conditions and criteria of this general permit.

(k) All reports and information required by this authorization shall be submitted to the South District DEP office.

(l) WCIND will facilitate an update of the *Lee County Boaters Guide* to reflect the NICMZs established by this general permit. The update will also include computer internet links to additional boater information that will enhance water quality and protection of resources within the aquatic preserves that are the subject of this general permit. WCIND will facilitate the distribution of the updated Boaters Guide to local marinas, commercial boat rental operations, and local residents.

(m) Works under this general permit shall not commence until the Department has provided written confirmation within 30 days that the notice required under paragraph (3)(a) meets all the applicable terms and conditions of this general permit.

(4) Consent is granted for the West Coast Inland Navigation District to enter upon and use state-owned submerged lands to the extent necessary to complete the permitted activities, to Lee County and the West Coast Inland Navigation District to establish, mark, and enforce the NICMZs depicted in Exhibit A.

(5) Dredged material removed from state-owned submerged lands under this general permit is exempt from the payment of severed dredged material fees in accordance with Section 253.77, F.S. However, dredged material with economic value, such as beach quality sand, shall be used for public purposes to the maximum extent practicable. *Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1), 403.814(1) FS. Law Implemented 253.002, 253.77(1), 253.77(4), 258.42, 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(1), 373.414(1)(b), 373.414(9), 373.416, 373.426, 403.061(34), 403.813(3), 403.814(1) FS. History—New 2-18-10, Formerly 62-341.494, 62-330.441, Amended 10-1-13.*

#### **62-330.417 General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities.**

(1) A general permit is granted, except in waters that are accessible to manatees within Charlotte, Hillsborough, Levy, Manatee, and Pinellas Counties or the St. Johns River and its tributaries in Lake and Seminole Counties, for construction, alteration, maintenance, and operation of a single boat ramp for the following entities or facilities:

(a) An individual, detached single-family dwelling unit or two adjacent detached single-family dwelling units, provided the ramp is located on the shared property line.

(b) A multi-family dwelling unit, which, for the purpose of this rule, shall include attached multi-family dwelling units, regardless of the legal subdivision of the underlying property.

(c) A commercial entity, provided such ramp is open to the general public for the life of the ramp, with or

without a fee and without any membership or qualifying requirements.

(d) A governmental entity, such as a federal, state, county, or municipal agency, or a water management or inland navigation district, provided the boat ramp is open to the general public for the life of the facility, with or without a fee. The following associated facilities are also authorized for governmental entities in accordance with the terms and conditions of this general permit, provided the ramp and associated facilities remain open to the general public for the life of the facility, with or without a fee: ingress and egress traffic lanes, boat trailer parking spaces, an access road, and associated accessory docks.

(2) The boat ramp and associated facilities must meet all of the following conditions:

(a) The work is not part of a larger plan of development that requires a permit under Part IV of Chapter 373, F.S.

(b) A minimum navigational access of two feet below mean low water in tidal waters or mean annual low water in non-tidal waters must already exist to the proposed ramp. Depth indicators shall be installed at the ramp to identify the controlling depths of the navigational access.

(c) There shall be no work in, on, or over submerged grassbeds or coral communities.

(d) Dredging shall be limited to no more than 100 cubic yards, and in no case shall be more than is necessary to construct the boat ramp surface or restore the ramp to its original configuration and dimension.

(e) The above-water portion of the boat ramp shall be paved or otherwise stabilized to prevent turbidity.

(f) Work under this general permit shall not commence until the Agency has provided written confirmation that the applicant qualifies to use the general permit.

(g) This general permit is limited to one use per parcel of property and cannot be combined with other general permits or exemptions.

(3) Construction of the boat ramp is limited as follows:

(a) The boat ramp for a single-family or multi-family dwelling unit, under paragraph (1)(a) or (b), is limited to a single lane and must not exceed a width of 20 feet, including the side slopes, with the boat ramp surface not to exceed a width of 12 feet.

(b) The boat ramp for a commercial or governmental entity under paragraph (1)(c) or (d) is limited to a maximum of two lanes and must not exceed a width of 60 feet, including the side slopes, with the ramp surface not to exceed a width of 36 feet.

(c) Construction or expansion of a multi-family, commercial, or governmental boat ramp under paragraph (1)(b), (c), or (d) in waters that are accessible to manatees must meet the following criteria:

1. The proposed boat ramp facility must be consistent with the state approved manatee protection plan in counties required to have a manatee protection plan adopted under Section 379.2431(2), F.S., or in counties that have voluntarily completed a state approved manatee protection plan. Documentation of plan consistency must be submitted concurrently with the notice to use the general permit in the form of a letter of consistency concurrence from the Florida Fish and Wildlife Conservation Commission.

2. The proposed boat ramp facility must have a kiosk or permanent information display board providing information on manatee protection and applicable manatee zones as adopted in Chapter 68C-22, F.A.C., (June 13, 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03179>), which is incorporated by reference herein and available as provided in subsection 62-330.010(5), F.A.C., for that county.

(d) A boat ramp for a multi-family residence or for commercial or governmental entities under paragraph (1)(b), (c), or (d) can have a maximum of two accessory docks, abutting either one or both sides of the boat ramp, provided that the cumulative square footage of accessory docks over wetlands or other surface waters does not exceed 500 square feet in Outstanding Florida Waters or 1,000 square feet outside Outstanding Florida Waters. In addition, the accessory docks shall not be used for overnight mooring.

(4) The total impervious surface in uplands that is subject to vehicular traffic associated with a boat ramp for a governmental entity under paragraph (1)(d) shall not exceed 1.2 acres. Before operating any portion of such a boat ramp facility that contains 4,000 square feet or more impervious surface subject to vehicular traffic, a stormwater management system meeting all of the following requirements must be constructed and fully operational.



(a) Each system must be designed by a registered professional in accordance with Chapter 471, 472, 481, or 492, F.S., as applicable, and must be constructed, operated, and maintained to serve the total project area of the boat ramp facility.

(b) No system shall accept or treat runoff from offsite areas not associated with the total project area.

(c) The system must provide treatment for a minimum stormwater retention volume of one-half inch of runoff. Recovery of the specified retention volume must occur within 72 hours by percolation through the sides and bottom of the retention basin.

(d) Impervious traffic lanes and parking areas must be graded such that runoff is directed to the stormwater treatment system.

(e) The system must include a continuous vegetated buffer strip adjacent to the downstream side of impervious areas subject to stormwater treatment. The buffer strip must be at least 25 feet wide and stabilized by well-established natural vegetation.

(f) The permittee must maintain the treatment system and buffer strips at all times for the life of the system.

(g) Upon completing construction of the stormwater management system, the system must be operated and maintained by the permittee in accordance with the terms of this general permit for the life of the system. The permittee shall perform routine inspections of the buffer to check for development of concentrated flow through it, gully erosion, or loss of vegetation, and must repair the buffer as soon as practical to restore shallow overland flow conditions and prevent further concentration of flow and damage to the buffer.

(5) Commercial or governmental entities proposing to construct a boat ramp under paragraph (1)(c) or (d) shall execute and record in the public land records of the county in which the boat ramp is located a fully executed binding agreement. Commercial entities shall execute and record the Agreement to Maintain Public Access, incorporated herein as Form 62-330.417(1) [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02508>), ensuring the facility will remain open to the general public for the life of the facility. Governmental entities shall execute and record the Agreement to Maintain Public Access and Operate Stormwater System, incorporated herein as Form 62-330.417(2) [10-1-13] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02509>), ensuring the facility will remain open to the general public for the life of the facility and to ensure that the stormwater management system associated with the boat ramp will be operated and maintained for the life of the system. Copies of incorporated materials may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. *Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (5), 373.406(5), 373.413, 373.4131, 373.414(1), (9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Amended 12-9-09, Formerly 62-341.417, Amended 10-1-13.*

#### **62-330.427 General Permit for Certain Piers and Associated Structures.**

(1) A general permit is granted to any person to construct, extend, or remove piers and associated structures as described below:

(a) Single-family piers, along with boat lifts, boat houses, terminal platforms, and gazebos attached to the pier, where these structures:

1. Do not accommodate the mooring of more than two water craft;
2. Do not, together with existing structures, exceed a total area of 2,000 square feet; and
3. Have a minimum depth of two feet below the mean low water level for tidal waters and two feet below the mean annual low water level for non-tidal waters for all areas designed for boat mooring and navigational access; and

(b) Public fishing piers that do not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state “No Boat Mooring Allowed.”

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat house, boat shelter, boat lift, gazebo, boat mooring locations, or terminal platforms, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean

high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no living quarters, or other structures enclosed by walls or doors on all sides;

(c) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit; and

(d) This general permit shall not authorize the construction of more than one pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13.*

### **62-330.428 General Permit for Floating Vessel Platforms and Floating Boat Lifts.**

A general permit is granted to the owner of an individual, detached, private single-family residence to construct, alter, operate, maintain, and remove floating vessel platforms or floating boat lifts (“platforms or lifts”) at their residence, under the following conditions:

(1) Platforms and lifts are authorized only at a dock or along a seawall associated with an individual, detached, private single-family residence on the contiguous uplands. For purposes of this general permit, an individual, detached, single-family residence does not include duplexes, triplexes or quadruplexes.

(b) Shall be limited in size as follows:

1. If built in artificial waters and residential canal systems, the platforms and lifts must not cumulatively exceed 1,000 square feet. “Cumulatively” means; either alone or in combination with any other platforms or lifts along the person’s shoreline.

(b) It complies with a permit issued under Chapter 403, F.S., or Part IV of Chapter 373, F.S.; or

(c) It was built in accordance with an exemption under Section 403.813(1), F.S.

(3) The platforms and lifts:

(a) Shall not be located within an aquatic preserve as designated and described in Chapter 258, F.S., or within federally designated critical habitat for Johnson’s seagrass (*Halophila johnsonii*);

(2) In artificially created waterways, floating vessel platforms or floating boat lifts are authorized at a dock or seawall associated with an individual, detached, private single-family residence on the contiguous uplands, provided that all of the following conditions are met.

(a) The cumulative over-water (including wetlands) surface area of the floating vessel platforms or floating boat lifts must not exceed 1,000 square feet, either alone or in combination with any other floating vessel platforms or floating boat lifts along the applicant’s shoreline.

2. If built within Outstanding Florida Waters, the platforms or lifts must not cumulatively exceed ~~or~~ 300 square feet along the person’s shoreline.

3. If built in waters other than those listed above, the platforms and lifts must not cumulatively exceed 675 square feet along the person’s shoreline.

(d) Shall be used solely for the purpose of storing a vessel or vessels, such that the vessel or vessels are stored out of the water at all times when not in use;

(e) Shall not be added to structures or located in areas where boat mooring is specifically prohibited under a permit issued under either Chapter 403, or Part IV of Chapter 373, F.S., or an authorization under Chapter 253 or 258, F.S.; and

(4) If located within submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, the following additional conditions must also be met to qualify for consent to use and occupy such lands under Chapter 253, F.S.:

(a) The platforms and lifts must be installed, operated and maintained in conformance with all the applicable terms and conditions of subsections 18-21.004(3) and (7), F.A.C., (March 12, 2012) and Rule 18-21.0041, F.A.C.

(March 12, 2012).

(b) The platforms and lifts must not extend more than 25 percent into the width of the waterway, as measured from approximate mean high water to approximate mean high water in tidal waters, or from approximate ordinary high water to approximate ordinary high water in non-tidal waters;

(c) Platforms and lifts located on any lands under the jurisdiction or management of the Department's Division of Recreation and Parks must have prior written approval by the Division of Recreation and Parks, and such approval must be submitted with the notice to use this general permit.

*Rulemaking Authority 373.026(7), 373.043, 373.044, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1), 403.813(1), 403.814(1) FS. Law Implemented 253.04, 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.813(1), 403.814(1) FS. History—New 8-4-05, Formerly 62-341.428, Amended 10-1-13.*

#### **62-330.431 General Permit for Installation of Riprap.**

(1) A general permit is granted to any person to install riprap:

(a) At the toe of an existing vertical seawall, provided the slope of the riprap is no steeper than two horizontal to one vertical and the horizontal distance from the toe of the seawall is no more than eight feet;

(b) At an individual, private residential single-family property that is not part of a larger plan of common development, provided:

1. The slope of the riprap is no steeper than two horizontal to one vertical, and the horizontal distance from the existing mean high water or approximate ordinary high water is no more than 8 feet;

2. Riprap is not placed along a length of shoreline of more than 100 linear feet, and is not combined as part of any other use of this general permit on the same parcel of land.

(2) This general permit shall be subject to the specific conditions:

(a) The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimension, and there are no reinforcing rods or other similar protrusions in the concrete rubble;

(b) There is no filling of submerged grassbeds or coral communities;

(c) The amount of wetland area filled shall not exceed 100 square feet; and

(d) There is no backfilling to obtain useable upland, to straighten an otherwise sinuous shoreline, or to reclaim land lost by avulsion or erosion.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.431, Amended 10-1-13.*

#### **62-330.437 General Permit for Installation of Fences.**

A general permit is granted to install a fence in wetlands or other surface waters, under all of the following conditions:

(1) The fence shall not be located in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting;

(2) The fence shall extend a distance of no more than 25 feet waterward into the open water of any navigable river, stream, canal, or tributary thereof, or no more than 20 percent of the width of the open water, whichever is less. "Open water" means any portion of the waterway that is devoid of emergent vegetation;

(3) In a lake, the fence shall extend no more than 15 feet waterward of the landward extent of any lake, including contiguous wetlands;

(4) The fence shall be constructed of wire attached to posts rising at least two feet above the mean high water or the ordinary high water elevation of the waterway; and

(5) In navigable waters and all lakes, the top of the fence posts shall be marked with reflectors visible from all directions so as to prevent the fence from being a navigational hazard.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.437, Amended 10-1-13.*

**62-330.439 General Permit for Construction or Maintenance of Culverted Driveway or Roadway Crossings, and Bridges of Artificial Waterways.**

(1) A general permit is granted to any person for the purpose of constructing or maintaining a culverted driveway or roadway crossing, or bridge of an artificial waterway, provided:

(a) This general permit shall apply only to wholly artificial, non-navigable drainage conveyances;

(b) A culvert or culverts shall be placed under the roadway or driveway;

(c) The size and number of the culvert(s) shall be adequate to pass normal high water stages of the artificial water body being crossed. In no instance shall the culvert(s) provide a smaller cross-sectional area or hydraulic capacity than any upstream culvert;

(d) The elevation of the culvert invert shall be at the existing bottom grade of the artificial waterway;

(e) The length of the driveway, roadway or bridge crossing the waterway shall not exceed 50 feet top of bank to top of bank;

(f) The top width of the driveway, roadway, or bridge shall not exceed 75 feet, the toe to toe width shall not exceed 100 feet, and the side slopes shall not be steeper than two horizontal to one vertical; and

(g) The maintenance of the roadway, driveway or bridge shall continue to provide at least the same volume of discharge through the culvert(s).

(2) If dewatering or channel flow diversion is performed, temporary fill dikes and dewatering discharges shall be installed and constructed so that no upstream flooding or impoundment occurs. Any temporary works shall be completely removed and all areas upstream and downstream from the crossing shall be restored to grades, elevations, and conditions existing before construction.

(3) This general permit shall apply only to a maximum of two crossings on a given parcel of property, with a minimum distance of 500 feet between crossings.

(4) This general permit shall not apply if relocation-of all or part of the artificial waterway is required.

(5) This general permit does not authorize any road construction or alteration connecting to a crossing.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.439, Amended 10-1-13.*

**62-330.441 Noticed General Permit for Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County.**

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1), 403.814(1) FS. Law Implemented 253.002, 253.77(1), 253.77(4), 258.42, 373.118(1), 373.406(5), 373.413, 373.414(1), 373.414(1)(b), 373.414(9), 373.416, 373.426, 403.061(34), 403.813(3), 403.814(1) FS. History—New 2-18-10, Formerly 62-341.494, Transferred to 62-330.412.*

**62-330.443 General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Bridge Alteration, Placement, Replacement, Removal, Maintenance, and Operation.**

(1) A general permit is granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:

(a) The alteration, placement, replacement, removal, modification, or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.50 acre. Placement of bridges shall occur only as part of existing maintained roadways; and

(b) Channel clearing and shaping, not to exceed a combined total of 0.5 acre of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of the structures detailed in paragraph (a) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or water from the spoil deposition area into wetlands or other surface waters is prohibited.

(2) This general permit shall be subject to the following specific conditions:

(a) No dredging of access or work channels is authorized by this general permit;

(b) Temporary fill roads shall not be constructed waterward of mean high water or ordinary high water;

(c) All fill placed in wetlands, other than fill on which a bridge or approach is constructed, shall be regraded to the original wetland elevations and revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within “clear zones,” revegetation shall be with native herbaceous species endemic to adjoining, undisturbed wetlands. During the five-year period following the initial planting or restoration of the site, these areas shall be maintained to ensure planted or naturally recruited native wetland species are surviving and growing, and that the areal coverage of exotic and invasive species constitutes less than 10% areal coverage;

(d) Hydraulic openings of bridges shall be sufficient to prevent downstream scour, increased downstream water velocities, and increased flood elevations on the property of others;

(e) Minimum horizontal and vertical navigational clearances on bridges over navigable waters of the United States shall be established in accordance with procedures outlined in Chapter 2 of the U.S. Coast Guard Bridge Administration Manual, COMDTINST M16590.5C, (March 26, 2004), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03150>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. and in no circumstance shall placement or replacement of a bridge result in a reduction of horizontal and vertical navigational clearances;

(f) Replacement or modification of a bridge that includes changes in the configuration of the bridge and fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 62-330, F.A.C., as applicable, before the start of construction; and

(g) This general permit does not authorize replacement or modification of bridges or approaches that involve the construction of additional lanes, except that any single-lane bridge may be widened to two travel lanes, provided the bridge widening does not exceed that reasonably necessary to match the existing travel lane alignment of a two-lane road.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.443, Amended 10-1-13.*

#### **62-330.447 General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities within Existing Rights-of-Way or Easements.**

(1) A general permit is granted to the Florida Department of Transportation, counties, and municipalities to conduct the activities described below.

(a) The extension of existing culverts and crossing approaches that are authorized under a separate permit or exemption under Part IV of Chapter 373, F.S., as applicable, to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1,000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acre at any one culverted crossing. The 1,000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(b) Relocation, recontouring, widening, or reconstruction of existing highway drainage ditches through uplands provided the floor elevation of the ditch is not deepened below the original design elevation and provided that the work does not cause a change in the hydrology of any wetlands which are connected to or which are adjacent to the ditch.

(c) Culvert placement, replacement and maintenance associated with existing roadways, provided that construction does not cause scour in the downstream waters or increase the velocity of the water downstream, does not reduce existing flood conveyance of the stream for the 100-year flood flow and does not reduce existing flood storage within the 10-year flood plain. The material excavated or deposited as fill shall not exceed 1,000 cubic yards in wetlands and other surface waters. The cross sectional area of the culvert shall not be reduced, unless the reduced cross section provides an equal or greater discharge capability. In the case of a culvert replacement as a wildlife crossing, the cross sectional area shall not be reduced.

(d) Construction of temporary bypass lanes and stream channel diversions necessary to complete projects detailed in paragraph (c) above, provided the area used for the temporary bypass lanes and temporary diversion is restored to its previous contours and elevations.

(e) Channel clearing and shaping, not to exceed a combined total of 0.5 acre of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of structures authorized by paragraph (c) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material and return water from the spoil deposition area into wetlands or other surface waters is prohibited.

(f) Repair of existing concrete bridge pilings by the construction of pile jackets, provided that the permanent outer form is composed of inert materials and the quantity of material shall not exceed 300 cubic yards of dredging or 300 cubic yards of filling per project. Although the bottom sediments within the forms may be removed by jetting or pumping, and may not be recoverable, proper turbidity control measures shall be employed as necessary to prevent violations of state water quality standards.

(g) Ditch or canal bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch or canal. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three-year period.

(h) Roadway safety activities, such as installation of call boxes, sidewalks, guard rails, signs, poles, and mast arms within existing right-of-way that incur no more dredging or filling than 500 square feet per activity, provided the total impact to wetlands or other surface waters does not involve more than 0.5 acre.

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall limit stream channel relocation to streams which have an average discharge of 10 cubic feet per second or less. The length of relocated channels or those significantly altered shall be limited to 200 feet per stream. A stream channel shall be altered only when such a measure will reduce the long term adverse water quality impacts and will maintain or restore the stream's natural hydraulic capability; and

(b) This general permit shall not apply to ditch construction in Class I or Class II surface waters, Outstanding National Resource Waters or waters designated as Outstanding Florida Waters.

(c) Activities under this general permit must not diminish existing stormwater treatment, attenuation, or conveyance capacity.

(d) This general permit does not authorize the construction of additional traffic lanes. Activities that require additional traffic lanes must first obtain an individual environmental resource permit under this chapter, as applicable, before the start of construction.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.447, Amended 10-1-13.*

**62-330.448 General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.**

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.4145, 373.418, 403.805(1), 403.813(1)(t) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.4145, 373.416, 373.418, 373.419, 403.813(1)(t) FS. History—New 2-22-07, Amended 10-1-07, Formerly 62-341.448, Repealed 10-1-13.*

**62-330.449 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Airport Airside Stormwater Management Systems.**

(1) A general permit is granted to the owner of a public or private airport for the construction, alteration, abandonment, removal, operation, and maintenance of stormwater management systems that serve permanently-

paved airside activities, which, for the purposes of this rule, are defined as those components of an airport used for aircraft taxiing, landing, takeoff, loading, unloading, service materials storage and service equipment parking.

(2) The stormwater management systems shall be:

(a) Designed such that the stormwater nutrient loading does not exceed the stormwater nutrient loading from natural vegetative communities. The calculation of such loadings shall be done using the methodology and data set forth in the *Statewide Airport Stormwater Best Management Practices Manual*, (“Airside BMP Manual”) Florida Department of Transportation—Aviation Office (March 6, 2013), incorporated by reference herein (pages 1-63: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03183>, pages 64-126: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03184>). A copy may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(b) Constructed, altered, operated, and maintained such that the runoff from airside activities drains directly to pervious areas that employ one or more of the following applicable structural Best Management Practices (BMPs):

1. Overland flow, as described in Section 605.a of the Airside BMP Manual.
2. Dry retention basin, as described in Section 605.b of the Airside BMP Manual.
3. Swales, as described in Section 605.c of the Airside BMP Manual.

(c) This general permit is only authorized for use where post development site conditions comply with the criteria set forth above.

(3) The projects in subsection (2), above, must also be constructed, operated, and maintained to comply with the following design criteria and performance standards:

(a) There shall be no dredging or filling in wetlands or other surface waters other than those within existing stormwater management systems.

(b) Discharges cannot adversely affect the conveyance capacity of receiving waters, and cannot increase flooding of off-site property or to property not owned by the permittee, based on the design storm specified for the site locale.

(4) Stormwater management systems serving airside areas that consist of underdrains, wet detention systems, other retention methods, and/or alternative treatment systems do not qualify for authorization under this general permit.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-1-13.*

#### **62-330.450 General Permit for Construction, Alteration, and Operation of Urban Infill and Redevelopment Activities in Conformance with the Conceptual Approval Permit in Rule 62-330.056, F.A.C.**

A general permit is issued that authorizes construction, alteration, operation, and maintenance of urban infill and redevelopment projects contemplated by a conceptual approval permit issued under Rule 62-330.055, F.A.C., provided all the following conditions are met:

(1) The activities must be within a community redevelopment area or an urban infill and redevelopment area designated under Chapter 163, F.S., that is the subject of a conceptual approval permit issued under Rule 62-330.055, F.A.C.

(2) The notice of intent to use this general permit must include one set of construction plans and calculations prepared by a registered professional that:

(a) Depict all stormwater management features, all existing and proposed impervious areas, all existing and proposed pervious areas, and the land uses within the site of the proposed activities.

(b) Demonstrate a reduction of loading of pollutants, as identified in the conceptual approval permit, under the existing and proposed conditions at the site of the proposed activities.

(c) Constitute a design consistent with the terms and conditions of the conceptual approval permit, including an identification of the owner and operator of the stormwater management systems, and a demonstration of acceptance of such responsibility by that owner or operator.

(d) Identify the specific location within the urban infill and redevelopment area where activities are proposed, including any areas within or connected to the development area that have been or will be set-aside for preservation, or where construction otherwise is not to occur.

(3) The Agency shall have 30 days upon receipt of the notice to respond as to whether the plans and calculations are in substantial compliance with the conceptual approval permit. If they are, construction of that portion of the site addressed by those plans may commence. If the Agency determines that the plans and calculations are not in substantial compliance with the conceptual approval permit, the Agency shall, within 30 days of receipt of the notice, inform the applicant of the inconsistencies, the measures needed to address those inconsistencies, and that verification of qualification to use the general permit is denied without prejudice. The applicant may resubmit a notice to use this general permit once those inconsistencies have been addressed. Construction of the projects that are the subject of the original notice shall not commence until the permittee has resubmitted a revised notice and obtained verification that the activities qualify for the general permit.

(4) Construction must be performed in compliance with the terms and conditions of the conceptual approval permit.

(5) As part of reviewing the qualification to use this general permit, the Agency will verify the number of debits that must be made to the ledger of target pollutant loads (mass per acre) if the activities included in the notice are constructed, and will debit that amount from the master ledger approved in the conceptual approval permit.

(6) Within 30 days of completion of construction, the registered professional shall submit certification that construction was completed in substantial conformance with the plans and calculations that were submitted in the verified qualification to use this general permit.

(7) This general permit authorizes construction of the above authorized projects within a duration of five years from verification of qualification; operation and maintenance of the authorized system shall be the responsibility of the owner and operator for the life of the project or activity.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History— New 10-1-13.*

#### **62-330.451 General Permit to Counties, Municipalities, and other Agencies to Conduct Stormwater Retrofit Activities.**

(1) A general permit is granted to counties, municipalities, state agencies and water management districts to construct, operate and maintain stormwater retrofit activities as authorized below for improving existing surface water and stormwater systems. This general permit may be used in conjunction with exempt activities.

(2) Types of stormwater retrofit activities authorized under this general permit are:

(a) Construction or alteration that will add additional treatment or attenuation capacity and capability to an existing stormwater management system;

(b) The modification, reconstruction, or relocation of an existing stormwater management system or stormwater discharge facility;

(c) Stabilization of eroding banks, and installation of structures such as gabions to limit sidebank erosion; or

(d) Excavation or dredging to remove sediments or other pollutants that have accumulated in existing surface waters as a result of stormwater runoff and stormwater discharges, provided the material removed is not deposited in existing wetlands or other surface waters.

(3) Stormwater retrofit activities shall not:

(a) Be proposed or implemented for the purpose of providing the water quality treatment or flood control needed to serve new development or redevelopment; or

(b) Include a dam that has more than 50 acre-feet of storage capacity if the dam is more than five feet high, nor a dam having a height of ten or more feet, regardless of storage capacity. Height is measured from the top of the dam to the natural bed of the stream or watercourse at the downward toe of the dam, or from the lowest elevation of the outside limit of the dam to the maximum elevation of the dam.

(4) There is no limit to the acreage of stormwater retrofit activities in artificial waters. Work in wetlands and non-artificial surface waters shall be limited to no more than 0.5 acre.

(5) A stormwater quality retrofit activity must result in at least one of the following:

(a) Addition of treatment capacity to an existing stormwater management system such that it reduces stormwater pollutant loadings to receiving waters;



(b) Addition of treatment or attenuation capability to an existing developed area when either the existing stormwater management system or the developed area has substandard stormwater treatment or attenuation capabilities, compared to what would be required for a new system requiring a permit under Part IV of Chapter 373, F.S.; or

(c) Removal of pollutants generated by, or resulting from, previous stormwater discharges.

(6) A water quantity retrofit project proposed to reduce existing flooding problems must be designed in such a way that the project does not:

(a) Result in a net reduction in water quality treatment provided by the existing stormwater management system;

(b) Increase discharges of untreated stormwater entering receiving waters;

(7) The project must be designed, constructed, and implemented so that it will be implemented as a complete, stand-alone project within the construction phase duration of a general permit, and such that it will not at any time during its construction or operation:

(a) Cause or contribute to any water quality violations;

(b) Contribute to any existing violation if it discharges pollutants into waters where existing ambient water quality does not meet water quality standards for those pollutants. In such a case, the project must include measures that will cause a net improvement in the receiving waters for those pollutants in accordance with Section 373.414(1)(b)3., F.S.;

(c) Adversely affect the value of functions provided to fish and wildlife by wetlands or other surface waters;

(d) Adversely affect the hydroperiod of wetlands on adjacent lands or the hydroperiod of other wetlands upstream, downstream, or adjoining to the work area under subsection (4), above;

(e) Cause or contribute to increased flooding of adjacent lands or cause new adverse water quantity impacts to receiving waters;

(f) Add or increase any chemical treatment;

(g) Be operated by pumps or other mechanical or adjustable features;

(h) Adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

(8) The entity conducting this general permit must conduct at least one pre-notice meeting with Agency staff having responsibility for the review of the proposed activities. The notice required in Rule 62-330.402, F.A.C., shall include materials reflecting the recommendations of the Agency discussed during that meeting, and demonstrating compliance with the above, including a certification by a registered professional that the proposed activity will meet the criteria specified above. Such certification shall include appropriate design analyses, pollutant loading analyses, modeling and other engineering calculations, drawings, specifications and other information to support, describe, verify, and document the registered professional's certification.

(9) Nothing in this general permit will preclude a county or municipality from obtaining and implementing a Basin Management Action Plan with water quality credits for activities performed under this authorization.

(10) Within 30 days after completion of construction, a registered professional shall submit certification that construction was completed in substantial conformance with the plans and calculations that were submitted in the notice to use this general permit.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History— New 10-1-13.*

### **62-330.453 General Permit for Installation, Maintenance, Repair, and Removal of Underground Utility Lines.**

(1) A general permit is granted for the installation, maintenance, repair, and removal of underground utility lines, cable, conduit, or pipeline transmitting electricity, communication signals, potable water, raw water, reclaimed water, domestic wastewater, propane gas or natural gas.

(2) For the purposes of this general permit:

(a) "Directional drilling" means the linear or curvilinear, excavation of a tunnel or conduit, in any direction, through the use of drilling equipment that can change direction during excavation; this also includes borehole reaming and pulling following primary drilling.

(b) "Jack-and-bore" means the linear, primarily lateral excavation of a tunnel, typically between excavated subgrade pits, through use of drilling equipment and encasement which is advanced under mechanical force, and includes similar methods commonly termed as "microtunneling."

(c) "Frac-out" means any release of drilling fluid or slurry which results in above-grade discharge of drilling fluid or slurry or significant loss of such fluid or slurry into the surrounding parent material.

(3) This general permit is limited as follows:

(a) No work occurs within Outstanding Florida Waters, Aquatic Preserves, or Class I waters;

(b) The installation of conduit or pipeline to drain wetlands or other surface waters is not authorized;

(c) Prior to work, existing pipelines shall be evacuated of substances which, if released, could result in a violation of state water quality standards;

(d) The maximum width of the disturbed corridor in wetlands shall not exceed 30 feet;

(e) The total area of forested wetland disturbance shall not exceed 0.5 acre per ten miles of cable, conduit, or pipeline;

(f) Minor above-grade improvements may be constructed in uplands under this general permit, but shall be limited to vents, valves, meter assemblies, relays, junction boxes, pads or similar structures that are directly connected to the utility line, do not create discharges, and which cumulatively comprise no more than 100 square feet of impervious surfaces per mile of utility line.

(g) Installation, maintenance, repair, and removal activities performed via trenching or methods other than directional drilling or jack-and-bore, are subject to the following special conditions:

1. The maximum width of the excavated trench shall not exceed eight feet, with temporary spoil storage banks not to exceed ten feet in width;

2. For a trench with a top width greater than three feet in herbaceous wetlands, the upper layer of the soil horizon shall initially be scraped and segregated into a spoil bank that is separated from the spoil bank resulting from the excavation of the trench for the utility line. The upper layer of the soil horizon shall be replaced as the last step of restored grades to facilitate natural revegetation;

3. Trenching in surface waters shall be limited to wetlands, artificial waters, and residential canal systems;

4. Temporary spoil banks shall contain breaches that prevent impoundment or restriction of surface water flows;

(h) Installation, maintenance, repair, and removal conducted using directional drilling or jack-and-bore methods are subject to the following special conditions:

1. The maximum outside diameter of the cable, conduit or pipeline, including encasement, shall not exceed 24 inches;

2. A minimum of depth of cover, equal to the greater of either five feet, or five times the maximum encased diameter of the utility line to be installed, shall be maintained between the top of the utility line and casing and the soil surface or submerged bottom of any wetland or waterbody being crossed.

3. All work areas associated with directional drilling or jack-and-bore activities, including entrance and exit pits, drill rigs, tanks, pumps, drilling fluid mixing and settling pits, dewatering systems and staging areas for pipe, cables, and drill string, shall be located within uplands.

4. The use of drilling fluids shall not cause or contribute to a violation of state ground water quality criteria or standards, as defined in Chapter 62-520, F.A.C.

5. The permittee shall, at least 48 hours prior to commencement of any directional drilling or jack-and-bore activities, submit to the agency the name, as registered with the Florida Department of State, and all-hours telephone contact information of all contractors responsible for drilling and for containment and cleanup in the event of a drilling fluid frac-out or spill;

6. Contractor shall, at all times during directional drilling activities, maintain appropriate equipment and materials in a readily-accessible location and condition, to effectively contain and clean up a drilling fluid frac-out or spill;

7. The permittee or the permittee's contractor shall, at all times during directional drilling activities, ensure that appropriately-trained personnel monitor downhole equipment position, drilling fluid circulation and pressures, and actively monitor the entire utility line route for surface frac-out of drilling fluids;

8. Drilling activities shall be discontinued and the drilling fluid or slurry shall be contained using appropriate methods as soon as possible, in the event of a drilling fluid frac-out or spill. Removal of drilling fluid or slurry from wetlands and other surface waters shall be initiated and completed in the most expeditious manner practicable. Removed drilling fluid shall be contained or disposed of in an appropriate upland location. Any frac-out or spill of drilling fluid into wetlands or other surface waters shall be reported to Agency staff within 24 hours following detection of the spill or frac-out.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.453, Amended 10-1-13.*

### **62-330.455 General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters.**

(1) A general permit is granted to construct an aerial or piling-supported pipeline, cable, or conduit crossing of a waterbody having a width of no greater than 25 feet, provided:

(a) The crossing is not located in, on, or over Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting if the pipeline or conduit conveys petroleum, domestic wastewater, phosphate matrix slurry, phosphatic clay or sand tailings, recirculated water from beneficiation processes, or other substances which, if leaked, could contaminate drinking water supplies or result in closure of shellfish harvesting waters ~~propane gas, natural gas; electrical power cables and conduits that are not subject to the provisions of Sections 403.52–539, F.S.; and telephone and other electronic communication cables and conduits;~~

(b) ~~There shall be a minimum clearance of five feet between the pipeline, cable or conduit and the elevation of the mean or ordinary high water line, and no pipeline, cable, or conduit shall be lower than existing crossings of the waterbody pipeline, cable or conduit structures in the area;~~

(c) ~~The structure shall not create a navigational hazard or impede the natural flow of water;~~

(d) ~~Dredging shall be restricted to that quantity necessary for actual installation of the support piles, and no fill other than the support piles shall be placed within wetlands or other surface waters, and any disturbance of the side slopes of the waterway shall be stabilized with native vegetation;~~

(e) ~~Work to activities for the install installation of the aerial crossing shall be restricted to a width of no more than thirty feet on each side of the crossing alignment. In cases where multiple pipes, cables or conduits are to be installed along the same alignment the thirty-foot width shall commence from the outermost pipes, cables or conduits. For the purposes of this general permit, no more than three pipes shall be placed along a given alignment, and in no case shall the total disturbance area exceed 75 feet in width; and~~

(f) ~~Construction techniques necessary for the installation of the aerial pipeline, cable or conduit, including the transport and placement of materials, shall not disturb the adjacent bottoms of the waterbody or adversely affect water quality.~~

(2) ~~This general permit shall be subject to the following specific conditions:~~

(a) ~~Any pipeline, or conduit transporting authorized materials, other than propane gas, natural gas, potable water or raw non wastewater, shall be subject to the following spill prevention design criteria:~~

1. ~~Double piping (pipe within a pipe) constructed in such a manner that any leakage from the inside pipe into the outside pipe shall be conveyed to spill detention areas constructed in areas outside of wetland or other surface waters; and~~

2. ~~Pressure sensitive devices designed to detect any leak shall be installed proximal to the aerial crossing and shall be designed to allow both visual and audible detection; and~~

(d)(b) The Agency Department shall be notified within 24 hours of any leak or failure of any of the pipes associated with the aerial crossing.

**62-330.457 General Permit for Subaqueous Utility Crossings of Artificial Waterways.**

(1) A general permit is granted to any person constructing, repairing or replacing a subaqueous utility crossing of artificial waters and residential canal systems, provided:

(a) The crossing is not located in Class I waters, Class II waters or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting if the utility line conveys petroleum, domestic wastewater, phosphate matrix slurry, phosphatic clay or sand tailings, recirculated water from beneficiation processes, or other substances which, if leaked, could contaminate drinking water supplies or result in closure of shellfish harvesting waters;

(b) The crossing shall be limited to non-navigable watercourses or to those waterways in which navigation can be maintained at all times without the necessity of constructing temporary berms, dikes, or dams, or removing or relocating turbidity control devices to allow boat passage. Customary navigation through the waterway shall be maintained at all times during installation;

(c) No dredging or filling shall be conducted in wetlands or other surface waters located landward of the top of the banks of the waterway. Dredging and back filling of littoral zones and wetland vegetation growing on the side slopes of the artificial waterway is authorized as necessary to install the subaqueous utility line crossing;

(d) The maximum length of the utility crossing shall not exceed 150 feet from top of bank to top of bank. Excavated trench dimensions shall be limited to a depth of not more than ten feet below existing bottom contours and a trench top width of not more than ten feet;

(e) The maximum width of the area disturbed by equipment during construction shall be no more than 30 feet wide;

(f) Temporary or permanent spoil disposal sites shall be located exclusively on uplands and shall be sited, designed, and managed to have the capacity to retain all dredged material;

(g) All previously excavated contours are restored with onsite native backfill, coarse sand, or clean, non-toxic rock bedding or cap material, as appropriate, within 72 hours following installation of the utility line.

(2) Installation, maintenance, repair, and removal conducted using directional drilling or jack-and-bore methods under this general permit are subject to the following special conditions.

(a) The maximum outside diameter of the cable, conduit or pipeline, including encasement, shall not exceed 24 inches.

(b) A minimum of depth of cover, equal to the greater of either five feet, or five times the maximum encased diameter of the utility line to be installed, shall be maintained between the top of the utility line and casing and the soil surface or submerged bottom of any wetland or waterbody being crossed.

(c) All work areas associated with directional drilling or jack-and-bore activities, including entrance and exit pits, drill rigs, tanks, pumps, drilling fluid mixing and settling pits, dewatering systems and staging areas for pipe, cables, and drill string, shall be located within uplands.

(d) The use of drilling fluids shall not cause or contribute to a violation of state ground water quality criteria or standards, as defined in Chapter 62-520, F.A.C.

(e) At least 48 hours prior to commencement of any directional drilling or jack-and-bore activities, the permittee shall submit to the agency the name, as registered with the Florida Department of State, and all-hours telephone contact information of all contractors responsible for drilling and for containment and cleanup in the event of a drilling fluid frac-out or spill.

(f) The permittee or the contractor shall, at all times during directional drilling activities, maintain appropriate equipment and materials in a readily-accessible location and condition, to effectively contain and clean up a drilling fluid frac-out or spill;

(g) The permittee or the permittee's contractor shall, at all times during directional drilling activities, ensure that appropriately-trained personnel monitor downhole equipment position, drilling fluid circulation and pressures, and actively monitor the entire utility line route for surface frac-out of drilling fluids.

(h) Drilling activities shall be discontinued and the drilling fluid or slurry shall be contained using appropriate methods as soon as possible, in the event of a drilling fluid frac-out or spill. Removal of drilling fluid or slurry from wetlands and other surface waters shall be initiated and completed in the most expeditious manner practicable. Removed drilling fluid shall be contained or disposed of in an appropriate upland location. Any frac-out or spill of drilling fluid into wetlands or other surface waters shall be reported to Agency staff within 24 hours following detection of the spill or frac-out.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.457, Amended 10-1-13.*

### **62-330.458 General Permit for the Construction and Maintenance of Electric Power Lines by Electric Utilities.**

(1) A general permit is provided in subsection 403.814(6), F.S., for the construction of power lines and electrical support structures by electric utilities. Terms used in this general permit shall have the meanings specified below:

(a) “Access areas” shall mean areas which are cleared to allow equipment to reach existing electrical structures or the proposed location of electrical structures;

(b) “Existing facilities” shall mean existing power lines, substations or power plants;

(c) “Impact site” shall mean that portion of a wetland area within the right-of-way either surrounded by uplands within the right-of-way or lying between upland segments of the right-of-way within which clearing of vegetation to the ground is proposed to occur;

(d) “Power line” shall mean the conductors, supporting structures, and related hardware installed or maintained by electric utilities as defined in Section 366.02(2), F.S.;

(e) “Project” shall mean the proposed or existing power line for which use of the general permit is proposed;

(f) “Selective clearing” shall mean the cutting or control of vegetation by hand, herbicide, or mechanized equipment that minimizes soil compaction, to a height no lower than the water level at the time of cutting or ground level in areas without standing water. This would include removal of the cut trees from the wetland in cases where leaving the trees would preclude revegetation or impound water flow. This shall not mean the non-selective aerial or broadcast application of herbicides;

(g) “Siting board” means the Governor and Cabinet as provided in Section 403.503(8), F.S.;

(h) “Work areas” shall mean areas surrounding the electrical support structures, towers, poles, and guy wires which must be cleared to enable equipment to install and maintain the power line.

(2) Activities conducted under this general permit shall comply with subsection 403.814(6), F.S., and the following additional conditions.

(a) The shoreline of forested wetlands is interpreted to be the mean or ordinary high water line.

(b) Any mechanized equipment that is used to cut or remove vegetation shall be of a type and be operated so as to minimize soil compaction. Except for Brazilian pepper (*Schinus terebinthifolius*), Australian pine (*Casuarina* spp.), and punk tree (*Melaleuca quinquinerva*), clearing in the remainder of the project right-of-way within wetlands shall be limited to selective clearing of vegetation which has an expected mature height of 14 feet or more. During construction and while conducting normal maintenance activities, the permittee shall eradicate Brazilian pepper, Australian pine, and *Melaleuca* from the wetland portion of the right-of-way. During the initial clearing event, and during subsequent maintenance cycles, EPA approved herbicides may be used on the following:

1. Vegetation growing within the area that was formerly cleared to the ground;

2. Vegetation with an expected mature height of over 14 feet growing within the remainder of the right-of-way; and

3. Exotic vegetation within the right-of-way.

(c) Areas dominated (90 percent or greater aerial coverage) by exotic species shall not be included in the acreage calculation of clearing to ground of forested wetlands. The ten mile sections shall be measured from the beginning of the project to the terminus of the project, or vice versa, and the sections shall not end in a wetland. In cases where the section does end in a wetland, the closest landward edge of the wetland shall be as the section

terminus.

(d) Diversion and impoundment of surface waters shall be limited to incidental diversion during construction, and diversion which occurs around support structures, towers, guy wires, and poles.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1), 403.814(6), 403.814(7) FS. History—New 10-3-95, Formerly 62-341.620, Amended 10-1-13.*

#### **62-330.459 General Permit for Relocation of Aerial Electric and Communication Lines Associated with Road Improvement Projects.**

(1) A general permit is provided for use by electric and communication utilities to relocate aerial transmission and distribution lines, including utility poles and associated bases and anchoring devices within or adjacent to the rights of way of existing roadways.

(2) This general permit applies only to relocation projects necessitated by widening or improvement of existing roads. Documentation of the road widening or improvement that necessitates the relocation shall be submitted at the time the notice to use this general permit is submitted to the Agency.

(3) For the purpose of this general permit, the following definitions shall apply:

(a) “Anchoring device” shall mean steel guy wires fastened to the ground without the need for separate dredging;

(b) “Base” shall mean a man-made, concrete or steel foundation not exceeding four feet in radius, used to support a utility pole; and

(c) “Utility pole” shall mean a single pole that supports aerial transmission and distribution lines.

(4) This general permit is subject to the following special conditions:

(a) The relocation of the poles shall be either within the existing or proposed road right-of-way or within ten feet adjacent to the existing or proposed road right-of-way;

(b) There shall be no above grade access roads, and no permanent placement of fill in wetlands or other surface waters for access roads or other purposes, other than the utility poles, associated bases, and anchoring devices;

(c) Work shall not impact any living stony coral, soft coral, macro-marine algae community, or submerged grassbeds.

(d) The clearing of wetland vegetation shall be limited to 0.5 acre per 10 miles of transmission or distribution line, unless the clearing of vegetation is addressed in a previously issued permit under Part IV, Chapter 373, F.S., which authorized the road widening or improvement.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.4137, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.621, Amended 10-1-13.*

#### **62-330.463 General Permit for Breaching Mosquito Control Impoundments and for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies.**

(1) A general permit is granted to any governmental mosquito control agency to construct and operate culverts and associated water control structures for the control of water levels in mosquito control impoundments, and to breach mosquito control impoundments, provided:

(a) The work is done only to provide improved transport of tidal water and organisms between the impounded wetland and adjacent surface waters or between cells within existing mosquito control impoundments for the purpose of improving water quality and the quality of fish and wildlife values;

(b) The work is not required as mitigation under Part IV of Chapter 373, F.S.;

(c) Breaches, culverts, and associated water control structures shall be installed in locations that restore historic flow patterns, such as at or adjacent to historic locations of tidal creeks, and shall be located and operated such that state water quality standards shall not be violated in the receiving waters outside the impoundment;

(d) Culverts and associated water control structures shall either be left open year-round or shall be only seasonally closed as necessary to control mosquito breeding and to minimize the application of pesticides;

(e) Culverts and water control structures shall not be constructed in the locations of existing breaches of the impoundment dike.

(f) Culverts and water control structures shall be made of a corrosion resistant material;

(g) The diameter and invert elevation of culverts and water control structures shall be sufficient to maintain flow and prevent scouring under expected hydrologic conditions;

(h) Spoil material excavated during construction of the breaches shall be handled and deposited so as to prevent violations of state water quality standards for turbidity, and shall be contained in a self-contained upland disposal site; and

(i) Wetlands disturbed by construction shall be stabilized with indigenous wetland vegetation or clean riprap, and the uplands disturbed by construction shall be stabilized with vegetation, riprap, or other means.

(2) The Agency shall send a copy of the notice to use this general permit to the Chairman of the Subcommittee on Managed Marshes which is established under Section 388.46, F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.463, Amended 10-1-13.*

### **62-330.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies.**

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.467, Repealed 10-1-13.*

### **62-330.475 General Permit for Minor Activities and Single-family Residential Activities in Isolated Wetlands.**

(1) A general permit is granted to construct, alter, maintain, operate, abandon, and remove the following:

(a) Piling supported structures of less than 1,000 square feet over wetlands or other surface waters, other than those designated Outstanding Florida Waters;

(b) Piling supported structures up to 500 square feet over wetlands or other surface waters in Outstanding Florida Waters;

(c) Up to 100 square feet of dredging or filling in wetlands or other surface waters;

(d) Maintenance dredging of up to fifty cubic yards of material from wetlands or other surface waters, provided that the dredged material is placed in uplands; or

(e) A single family residence, and associated residential improvements (such as a driveway, garage and an on-site sewage disposal system), provided:

1. The land on which the work is to occur is not part of a larger plan of common development;

2. The notice required in Rule 62-330.402, F.A.C., includes documentation that the tract of land was not divided into two or more parcels after July 1, 1994;

3. Work occurs only in uplands or in isolated wetlands that are not within an Area of Critical State Concern or within the Wekiva River Basin Riparian Habitat Protection Zone as described in subparagraph 40C-41.063(3)(e)1., F.A.C.;

4. Wetland impacts shall be eliminated except where unrestricted uplands are insufficient to support the residence and associated residential improvements. "Unrestricted uplands" are uplands that are not restricted by easement, deed restriction, local government regulation, setback, or similar restriction which would prevent construction there. Uplands are not considered restricted until all available variance or waiver procedures have been exhausted.

5. Wherever possible, structures in isolated wetlands should be built on pilings to minimize fill in wetlands.

6. No more than 4,000 square feet of isolated wetlands are dredged or filled; and no more than 6,000 square feet of isolated wetlands are cleared (this includes the area dredged or filled for the residence and associated residential improvements).

(2) Persons proposing to use this general permit must provide, as part of the notice required in Rule 62-330.402,

F.A.C., reasonable assurance that the proposed activity:

(a) Does not cause a violation of state water quality standards;  
(b) Does not impede the conveyance of a stream, river or other watercourse in a manner that would increase off-site flooding;

(c) Does not adversely impact aquatic or wetland dependent listed species; and

(d) Does not cause the drainage of wetlands.

(3) The Agency will provide written notification to the person proposing to use this general permit whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice. The proposed activity shall not be commenced until the Agency has provided written notice that the applicant qualifies for the general permit.

(4) A determination that an activity qualifies for a general permit for a minor activity applies only to the site specific activity, location, method of construction or operation of the authorized project, and the other design and operation features of the authorized activity.

(5) This general permit shall not be applicable on any parcel of property which has been the subject of the successive filing of notices under this general permit within a three-year period where the combination of activities to be conducted exceed the thresholds in this rule.

(6) The provisions of (1)(e) do not supersede the exemption in Section 403.813(1)(q), F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.475, Amended 10-1-13.*

#### **62-330.476 General Permit for Private Single-Family Residences within Jupiter Farms, Palm Beach County.**

(1) A general permit is granted for the construction, alteration, maintenance, operation, abandonment, and removal of single-family residences and associated on-site residential improvements within the wetlands and other surface waters in Jupiter Farms, Palm Beach County, as identified below. This includes the construction, alteration, maintenance, operation, abandonment, and removal of culverts or bridges over non-navigable drainage or irrigation ditches to provide access to the residence.

(2) This general permit is limited as follows:

(a) The single-family residence is to be located within:

1. Township 40S, Range 41E – Section 33 or 34;

2. Township 41S, Range 41E – Section 1, 2, 3, 4 (east half), 9 (east half), 10, 11, 12, 13, 14, 15, or 16; or

3. Township 41S, Range 42E – Section 7 or 18.

(b) Only one, single-family residence is authorized per parcel or lot. However, this shall not preclude additional living areas, such as “mother-in-law,” and guest quarters that are part of the primary residence or other structures authorized under subsection 62-330.476(4), F.A.C.;

(c) The activities are not part of a larger plan of common development proposed by the applicant;

(d) The total area of dredging, filling, construction, land clearing, and other disturbance in wetlands and other surface waters within a parcel or lot shall not exceed 0.75 acre;

(e) The permittee offsets the functions provided by wetlands and other surface waters that will be lost as a result of the above activities through mitigation, as provided in subsection (3), below; and

(f) The activities undertaken under this general permit:

1. Are associated with a private single-family residence to be used by the current owner; and

2. Are not intended for, or being proposed by, a corporation, partnership, or other business entity, and otherwise will not be used for commercial or industrial purposes. However, this does not preclude an owner from conducting commercial activities on the property that are ancillary to a private single-family residence, such as sale of home-made crafts or home-grown produce; and shall not prohibit a trustee, beneficiary, or current resident from qualifying as an applicant when title to such single-family residence and associated on-site residential improvements is held in trust.

(3) To implement mitigation that will offset impacts from the construction of residences within the above-



described sections, persons wishing to use this general permit shall pay Palm Beach County, as described below, an amount calculated as “X” times \$4,000, where “X” equals the number of acres of wetlands or other surface waters that will be subject to construction, alteration, maintenance, or operation activities authorized herein, rounded to the nearest 0.01 acre (up to 0.75 acre).

(a) Initially these monies shall be applied to the Palm Beach County Department of Environmental Resources Management South Loxahatchee Slough Wetland Restoration Fund to implement the restoration, enhancement and long-term management of 237 acres of impacted wetlands within a 780-acre undeveloped parcel known as the South Loxahatchee Slough Restoration Project (SLSRP), in accordance with the Memorandum of Understanding between the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, Jacksonville District, and Palm Beach County Board of County Commissioners through its Department of Environmental Resources Management Regarding Mitigation for Jupiter Farms and Palm Beach Country Estates, dated August 26, 2002, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03149>) which is herein adopted and incorporated by reference; a copy of this MOU may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. These wetlands are located south of PGA Boulevard, north of the Bee Line Highway, and west of the eastern leg of the C-18 Canal. This site is acknowledged to have the capability of providing 151.9 acre-credits of mitigation for wetland impacts within the above-described sections of Jupiter Farms;

(b) The Department recognizes that all of the wetland impacts within Jupiter Farms cannot be offset within the SLSRP, and that additional mitigation sites will have to be identified, funded, and implemented in the future. Therefore, the SLSRP shall be available under this general permit to offset impacts within the above-described sections of Jupiter Farms until the available credits within that site are exhausted, at which time the money will be directed to other suitable mitigation sites which shall be approved by the Department and identified through amendments to this rule.

(4) For the purposes of this general permit, “associated on-site residential improvements” include projects that are directly associated with a private single-family residence on the property, such as: a driveway, garage, on-site sewage treatment and disposal systems, wells, utility services (water, electricity, telephone, cable, and gas), recreation structures, sheds, barns, stables and animal pens, walkways, boardwalks, lawns, fences, pools, ponds, and gardens. To be authorized under this general permit, such associated on-site residential improvements must be constructed concurrently with construction of an individual single-family residence, or after such residence has been lawfully constructed, and must conform to all the conditions and criteria of this general permit. For purposes of this general permit, associated on-site residential improvements shall not include docks, piers, boat ramps, or other structures designed to provide boating access in, on, or over surface waters, and also shall not include improvements used in whole or part for commercial agriculture or aquaculture operations.

(5) In addition to the general conditions of Rule 62-330.405, F.A.C., and the other limiting conditions of this general permit, the following specific conditions shall also apply:

(a) On-site sewage treatment and disposal systems shall be constructed in uplands unless there is an insufficient unrestricted area of uplands within the contiguous ownership of the applicant on which such treatment and disposal systems can be located. For the purposes of this section, “unrestricted area of uplands” means an area of uplands that is not restricted by easement, deed restriction, local government regulation, or similar restriction that would prevent the on-site sewage treatment and disposal system from being located in those uplands.

(b) Material and debris resulting from any clearing and grading of the property authorized under this general permit shall not be deposited in wetlands or other surface waters outside of the footprint of the residence and associated on-site residential improvements authorized under this general permit.

(c) Culverts or bridges installed in drainage or irrigation ditches to provide access shall be located and sized so as to maintain existing capacity for water flow and volumes.

(d) Any areas excavated under this general permit shall not result in new connections to canals, ditches, swales, or other existing drainage systems within Jupiter Farms.

(6) Persons wishing to conduct activities under this general permit must file a notice with the local office of the Department, which shall include:

(a) A description of the proposed activity on the parcel or lot, including scaled or fully dimensioned plan and

cross section views of the proposed dredging, filling, and construction;

(b) A statement that the residence and associated on-site residential improvements comply with the requirements of paragraph (2)(f) of this general permit;

(c) A statement that the parcel or lot is not part of a larger parcel or lot that was subdivided into two or more parcels or lots after 2-19-03;

(d) A statement that the activities are not part of a plan of common development proposed by the applicant;

(e) A location map showing the relationship of the parcel or lot to existing roads and other land features that can allow a person unfamiliar with the area to locate the site. The map shall include property descriptions from the county tax assessor's office;

(f) The area (in square feet) of wetlands or other surface waters proposed to be subject to dredging, filling, and construction;

(g) A description of the efforts made to locate the on-site sewage treatment and disposal systems in the uplands, including a map depicting the location and extent of the proposed on-site sewage treatment and disposal systems in relation to existing wetlands and other surface waters on the property; and

(h) Proof of the payment as required in subsection 62-330.476(3), F.A.C., in the form of a receipt from Palm Beach County.

(7) This general permit shall not be applicable on any parcel or lot that has been the subject of a prior filing of a notice under this section when the combination of activities to be conducted pursuant to the prior and pending notices exceeds the thresholds of this general permit. However, use of this general permit does not preclude the use of other permits or exemptions that may be applicable on the parcel or lot, except that the general permit under Rule 62-330.475, F.A.C., shall not be used with this general permit.

*Rulemaking Authority 373.026, 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 2-19-03, Amended 11-3-04, Formerly 62-341.476, Amended 10-1-13.*

#### **62-330.477 General Permit for Single Family Residential Lots within the Indian Trail Water Control District.**

(1) A general permit is hereby granted for individual single family residential lots within the M-1 and M-2 basins of the Indian Trail Water Control District in Palm Beach County, as described in subsection (3).

(2) This general permit authorizes dredging and filling within wetlands or other surface waters on individual, single family residential lots, for the construction, alteration, maintenance, operation, abandonment, and removal of single family residences, structures associated with the residence, and other works located within the wetlands or other surface waters within the lot, provided:

(a) The individual, single family residential lot is 5 acres or less in size;

(b) The residence is not part of a larger common plan of development proposed by the applicant;

(c) The permittee offsets the adverse individual and cumulative impacts from the authorized activities, by donating \$250 per lot to the Palm Beach County Pollution Recovery Trust Fund, established pursuant to Palm Beach County Resolution R89-576, which monies shall be applied to the purchase, restoration, or management of a minimum of 200 acres of land, including wetlands and other surface waters within Unit 11 of the Indian Trail Water Control District as described in subsection (4). The permittee must submit proof of this donation, in the form of a receipt from Palm Beach County, with the application to use this general permit;

(d) Associated structures and works authorized by this general permit shall be limited to driveways, culverts, storage sheds, garages, septic tanks and drainfields, pools, fences, gardens, and wells; and

(e) Dredging is limited to the minimum amount necessary to obtain fill material for the residence and associated structures authorized by this general permit. Such dredged areas shall not connect to canals, ditches, swales, or other existing drainage systems within the Indian Trail Water Control District.

(3) The lands within Indian Trail Water Control District to which this general permit applies are:

(a) M-1 basin of the Indian Trail Water Control District consisting of:

1. Township 42 South Range 40 East – the south one-half (S 1/2) of Sections 13, 14 and 15; the north 135 feet of the south one-half (S 1/2) of Sections 16, 17, and 18 and all of Sections 23, 24, 25, 26, 35 and 36.

2. Township 42 South, Range 41 East – the west one-half (W 1/2) of Section 17; all of Sections 18 and 19; all of Section 20 less the northwest one-quarter (NW 1/4) of the northeast one-quarter (NE 1/4) thereof; all of Sections 21, 22, 27, 28, 29, 30 and 31; the west one-half (W 1/2) and the west one-third (W 1/3) of the east one-half (E 1/2) of Section 32, and all of Sections 33, 34 and 35;

3. Township 43 South, Range 41 East – all of Sections 2, 3, 4, 9, 10 and 11; and

(b) M-2 basin of the Indian Trail Water Control District, consisting of Township 43 South, Range 40 East – all of Sections 10 and 11; the west three-quarters (W 3/4) of Section 13; all of Sections 14 and 15, and the west three-quarters (W 3/4) of Sections 24 and 25.

(4) Unit 11 of the Indian Trail Water Control District, consisting of Township 41 South, Range 41 East, all of Sections 30 and 31, and the west 1/2 of Sections 29 and 32.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History–New 4-3-96, Formerly 62-341.630, Amended 10-1-13.*

### **62-330.483 General Permit to the Department and Water Management Districts to Conduct Minor Activities.**

A general permit is granted to the Department and Water Management Districts to conduct the activities described below.

(1) The repair, replacement or alteration of any existing bridge, levee, dam, pump station, lock, culvert, spillway, weir, or any other water control structure with structures of the same design or of a comparable design, provided that the maximum discharge rate capacity and control elevation do not exceed that of the structure to be replaced. Minor deviations in the structure's design are authorized, including those due to changes in materials, construction techniques, or current construction codes or safety standards. Associated construction activities authorized by this permit include temporary fill plugs or cofferdams; upland bypass channels; channel shaping needed to accommodate the repair, replacement or alteration of the structure; and channel and bank stabilization, including riprap within 200 feet of the structure. Replacement may occur at the same site, or adjacent to the original structure. The area of wetlands or other surface waters from which material is to be dredged or filled shall not exceed a total of 0.5 acre for any one structure.

(2) Canal bank and bottom stabilization necessary to repair erosion damage and restore previously existing canal configurations. Authorized repair methods include placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles or other similar stabilization materials. The distance to be restored or repaired shall not exceed 2,000 feet at any one location along canal banks and 500 feet along canal bottoms.

(3) Aerial pipeline crossings (including support piles) of man-made canals consistent with the provisions of Rule 62-330.455, F.A.C., except that the width of the crossing may be up to 200 feet.

(4) When the activity under this general permit is to be conducted by the Department, the Department shall provide the notice and any processing fee required to the appropriate District.

(5) When the activity under this general permit is to be conducted by a water management district, the District shall provide the notice and any required fee to the appropriate Department office.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 403.814(1) FS. History–New 10-3-95, Amended 10-1-07, Formerly 62-341.483, Amended 10-1-13.*

### **62-330.485 General Permit to the Department and Water Management Districts for Environmental Restoration or Enhancement.**

(1) A general permit is granted to the Department and Districts for the construction, alteration, operation, maintenance, removal and abandonment of projects to implement Department or District environmental restoration or enhancement projects.

(2) The environmental restoration or enhancement project must comply with any one of the following procedures:

(a) The project is part of a Surface Water Improvement and Management Plan developed pursuant to Section 373.453, F.S.;

(b) The project is approved by the District Governing Board or the Secretary of the Department after conducting at least one public meeting; or

(c) The project is wholly or partially funded by the Department through the Ecosystem Management and Restoration Trust Fund pursuant to Section 403.1651, F.S., or the Water Resource Restoration and Preservation Act pursuant to Section 403.0615, F.S.

(3) When the activity is to be conducted by the Department, the Department shall provide the notice and any processing fee required by Rule 62-330.071, F.A.C., to the appropriate District.

(4) When the activity is to be conducted by a District, the District shall provide the notice and any required fee to the appropriate Department office.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.485, Amended 10-1-13.*

#### **62-330.487 General Permit to the Department and Water Management Districts to Change Operating Schedules for Water Control Structures.**

(1) A general permit is granted to the Department and Districts to change the operating schedules for existing water control structures that are owned or operated by the Department or District when such changes are for environmental restoration or enhancement.

(2) The Department or the District Governing Board, as applicable, shall hold at least one public meeting concerning the proposed operating schedule prior to its approval.

(3) When the activity under this general permit is to be conducted by the Department, the Department shall provide the notice to the appropriate District.

(4) When the activity under this general permit is to be conducted by a District, the District shall provide the notice to the appropriate Department office.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.487, Amended 10-1-13.*

#### **62-330.488 General Permit to Governmental Entities for Certain Public Use Facilities at Public Natural Areas.**

(1) A general permit is granted to governmental entities to construct, operate, and maintain public use facilities on public natural areas. For purposes of this rule, “public natural areas” are predominantly undeveloped lands owned by the governmental entity and that are dedicated and managed for the preservation, restoration and maintenance of those lands. The public use facilities authorized by this permit are a parking lot or parking area and an at-grade access road, not to exceed a total size of 2 acres of impervious surface located entirely in uplands; at-grade access trails located entirely in uplands; restroom buildings and open-air shelters located entirely in uplands; pile-supported boardwalks having a maximum width of 6 feet; and pile-supported observation platforms, any of which shall not exceed 120 square feet in size.

(2) The facilities and work must comply with the following:

(a) No fill shall be placed in, on, or over wetlands or other surface waters, except pilings for pile-supported boardwalks and observation platforms. All structures located in, on, or over wetlands and other surface waters shall be sited and constructed to minimize wetland impacts and the removal of trees having a diameter at breast height of 4 inches or greater. To minimize shading of wetland vegetation, all pile-supported boardwalks and observation platforms located in, on, or over wetlands and other surface waters shall be elevated at least two feet above mean high water for tidal waters, at least two feet above seasonal high water for non-tidal waters, or four feet above ground surface, whichever is greater. The total area pile-supported structures over wetlands and other surface waters shall not exceed 10,000 square feet.

(b) All stormwater flow from the impervious surfaces shall sheet flow into uplands. Impervious surfaces shall

be no more than one percent of the total acreage of the public natural area, not to exceed a total size of 2 acres of impervious surface. If pervious or semi-impervious surfaces or materials are used, the maximum area of roads, parking lots, parking areas and trails shall not exceed 2 acres, regardless of the total acreage of the public natural area. Water quality treatment shall be provided for the first inch of runoff from the impervious and semi-impervious surfaces.

(c) Impervious surfaces subject to vehicular traffic shall be constructed a minimum of 75 feet from any wetland or other surface water. Buildings and shelters shall be constructed a minimum of 25 feet away from any wetland or other surface water.

(d) Piling supported structures may not be located over coral, seagrasses or other submerged aquatic vegetation. *Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 403.814(1) FS. History— New 10-1-13.*

#### **62-330.490 General Permit for the Reclamation of Eligible Phosphate Lands Mined Before July 1, 1975.**

(1) A general permit is granted to all owners of lands mined or disturbed by the severance of phosphate before July 1, 1975, whose reclamation program application has been approved by the Department under Chapter 378, Part I, F.S., providing the reclamation program:

(a) Is wholly or partially funded by the Department through the Non-mandatory Land Reclamation Trust Fund pursuant to Chapter 378, Part I, F.S.; and

(b) Has an approved detailed non-mandatory land reclamation design plan that meets the standards and criteria in Chapter 62C-17, F.A.C.

(2) All work shall be in accordance with the approved non-mandatory land reclamation program and all provisions of Chapter 62C-17, F.A.C.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 378.034, 378.035, 403.814(1) FS. History— New 10-1-13.*

#### **62-330.491 Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone.**

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118, 373.406(5), 373.413, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 9-4-05, Formerly 62-341.491, Repealed 10-1-13.*

#### **62-330.492 General Permit for Prospecting for Limestone, Sand, and Peat.**

A general permit is granted for prospecting for limestone, sand, and peat provided that all of the following conditions are met:

(1) Prospecting is conducted by coring, augering, impact boring or other techniques designed to remove samples from an excavated opening less than one foot in diameter.

(2) No prospecting is conducted below the ordinary or mean high water line of natural water bodies such as natural lakes, ponds, streams, rivers, estuaries or lagoons.

(3) Prospecting in wetlands must meet the following conditions:

(a) No activities shall be conducted in Outstanding Florida Waters, Aquatic Preserves, Class I waters, Class II waters, waters which are classified by the Florida Department of Agriculture and Consumer Services as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting in Rule 5L-1.003, F.A.C., or wetlands used by endangered or threatened species. For purposes of this permit, a wetland is used by endangered or threatened species if reasonable scientific judgment indicates that the wetland provides habitat in which endangered or threatened species engage in activities such as resting, feeding, breeding, nesting or denning.

(b) No above-grade roads shall be constructed. Vehicles used for prospecting in wetlands shall be of a type generating minimum ground pressure to minimize rutting and other environmental impacts. Disturbed areas along each prospecting line shall be restored to original contours upon completion of prospecting activities along that

specific alignment.

(c) Disturbances within wetlands shall be no wider than 15 feet along any portion of the prospect line, except at the immediate site of the drill hole. At the immediate site of the drill hole the disturbance shall not exceed 25 feet. No debris or spoil shall be placed outside these limits.

(d) Prospecting lines shall be aligned to minimize wetland impacts and avoid the clearing of wetland trees having 4 inches or greater diameter at breast height to the greatest extent practicable.

(e) All drill tailings shall be returned to the drill hole and the excess removed so that no spoil material is left above grade in a wetland.

(f) If the removal or cutting of vegetation is required, there shall be a minimum interval of 300 feet between individual parallel prospecting lines. The removal of vegetation shall not include grubbing, or the pulling or pushing up of root systems.

(g) Any wetland disturbed by prospecting activities shall be restored by replanting native indigenous vegetation of the same species as were displaced. Exotic species such as *Schinus terebinthifolius*, *Melaleuca quinquenervia*, and *Casuarina* spp., and nuisance species *Typha* spp., and *Ludwigia peruviana* shall be controlled at densities not exceeding the densities of these species in undisturbed portions of the wetland.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118, 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 9-4-05, Formerly 62-341.492, Amended 10-1-13.*

#### **62-330.493 General Permit to Perform Prospecting Activities for Phosphate Minerals.**

(1) A general permit is provided for any person engaged in or proposing to engage in the mining of phosphatic ore to perform prospecting activities for phosphate minerals within wetlands and other surface waters except in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting, provided:

(a) "Prospecting activities" shall be defined as those normal and reasonably necessary to retrieve core samples of subsurface geologic sediments for the specific purpose of locating, mapping and determining the quantities and quality of any phosphorus bearing strata or deposits;

(b) Disturbance along any portion of the prospect line within herbaceous wetlands shall be no wider than 25 feet, and no wider than 15 feet within forested wetlands, except at the immediate site of the drill hole, where disturbance shall not exceed 25 feet in width and no activities regulated by the Department associated with prospecting shall occur outside the 15-foot and 25-foot limits, respectively;

(d) An individual prospecting line shall not extend into wetlands or other surface waters more than one-third (1/3) of the width of the landward extent of the wetland or other surface waters involved, unless prospecting is conducted by hand carried drilling devices in which case full penetration of the wetland or other surface waters shall be allowed, except as restricted by paragraph (1)(f). When hand carried drilling devices are used all drilling tailings shall be returned to the drill hole and no spoil shall be left on the surface;

(e) No prospecting activities shall occur in open waters (areas of water bodies not supporting emergent vegetation), such as lakes, ponds, streams, and rivers;

(f) A minimum interval of 300 feet shall exist between individual parallel prospecting lines and minimal distance of 300 ~~330~~ feet shall be maintained between the alignment of the prospecting line or lines and opposing sides of wetlands and other surface waters. When hand carried drilling devices are to be used for total penetration of the wetland or other surface waters, the minimal interval of 300 feet between prospecting lines shall apply;

(g) No debris or spoil shall be mechanically placed outside of the 15-foot or 25-foot width allowed, respectively, above; and

(h) The disturbed area along each prospecting line within herbaceous wetlands shall be replanted with native wetland species that are indigenous to adjoining wetlands unless evidence exists that natural revegetation has covered 33 percent of the disturbed ground area within one growing season. If herbaceous plants are planted, they shall be planted at a density to achieve 33 percent cover by herbaceous wetland species within one growing season. The disturbed area along each prospecting line within forested wetlands shall be replanted with indigenous native

wetland tree species at a rate to achieve survival and growth of 400 trees per acre, and the permittee shall institute maintenance activities to ensure the survival of the planted indigenous native wetland trees. The disturbed area along each prospecting line within forested wetlands also shall be replanted with indigenous native wetland herbaceous species in the same manner as for the herbaceous wetlands described above. The restored sites shall be maintained free of any new growth of *Schinus terebinthifolius* (Brazilian pepper), *Melaleuca quinquenervia* (pork tree), and *Casuarina* spp. (Australian pine), and managed so that *Typha* spp. (cattails) does not attain vegetative dominance.

(2) A person wishing to use this general permit shall submit to the office of the Department to which the prior notice was originally given, an annual schedule of proposed prospecting activities within the prospect areas including location maps, aerial photographs showing the proposed prospecting lines, and approximate commencement and completion dates for the activities planned for each prospect area. The annual schedule, or modifications to the annual schedule, must be submitted at least thirty days prior to the commencement of the proposed activity. Where practicable, the annual schedule should be filed with the office of the Department to which the original notice was given no later than June 1 for the fiscal year July 1 through June 30.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.610, Amended 10-1-13.*

#### **62-330.494 General Permit for Temporary Dragline Crossings of Waterways for Mining Activities.**

(1) A general permit is provided for any person engaged in or proposing to engage in the mining of a phosphatic ore for the construction of temporary dragline crossings within certain wetlands and other surface waters, except in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department for shellfish harvesting, provided:

(a) The crossing is of a ditch or artificially channelized portion of any wetland or other surface water or at a documented location of a previously existing dragline crossing within the preceding five years, of any wetland or other surface water, and is not a navigable surface waterbody. The term navigable, for the purpose of this permit, means the surface waterbody is capable of use by small craft;

(b) Only clean sand fill or temporary mats shall be used to construct the crossing;

(c) When demucking or removal of topsoil is necessary for the construction of the crossing, the muck and topsoil shall be retained at a nearby upland location and returned to the crossing site for the restoration activities;

(d) Culverts are installed to maintain the natural and seasonal volume and flow of water;

(e) The top width of the fill shall not exceed 150 feet and the toe to toe width of the fill shall not exceed 200 feet and the side slopes shall be no steeper than three horizontal to one vertical, and the lateral limits of disturbance of the wetlands shall be no more than 20 feet on each side of the fill;

(f) The crossing shall not remain in place for more than one year, unless the crossing is for a one-way access in which case it shall not remain in place for more than six months; and

(g) The area must be restored to original topographic contours within 60 days of the abandonment of the dragline crossing, which shall be after the dragline has crossed the wetland or other surface water.

(2) This general permit shall be subject to the following specific conditions:

(a) Upon restoration of original topographic contours at a temporary dragline crossing site, the permittee shall at the end of the first growing season provide the opportunity for inspection of the site by staff of the Department office that received notice of the general permit. If satisfactory revegetation of the site has not occurred, the permittee shall initiate, conduct and maintain revegetation and maintenance of the wetland until satisfactory revegetation has been achieved. Revegetation of the site shall be with native wetland species in similar composition to those species which were present at the site or in the contiguous wetland prior to the temporary dragline crossing. For the purpose of this general permit, "satisfactory revegetation" means that the herbaceous wetlands that are disturbed under this general permit shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetland species within one growing season following disturbance of the site, and the forested wetlands that are disturbed under this general permit shall be achieving a survival and growth of not less than 400 wetland trees per acre within one growing season following disturbance of the site, and a maintenance plan

has been developed and is being implemented to ensure the survival of the planted or naturally reestablishing wetland species. The restored sites shall be maintained free of any new growth of *Schinus terebinthifolius* (Brazilian pepper), *Melaleuca quinquenervia* (punk tree), and *Casuarina* spp. (Australian pine). The restored site shall also be managed in a manner which precludes *Typha* spp. (cattails) from manifesting vegetative dominance; and

(b) A person wishing to use this general permit shall submit to the Department office to which the original notice was given, an annual schedule of proposed temporary dragline crossing areas including location maps, aerial photographs with proposed temporary dragline crossings, typical drawings, and approximate commencement and completion dates for the activities planned. Additionally, the plans shall include proposed restoration procedures for each temporary dragline crossing. The annual schedule, or modifications to the annual schedule, must be submitted, together with the required documentation, at least thirty days prior to the commencement of the proposed activity. Where practicable, the annual schedule and documentation should be filed with the Department no later than June 1 for the fiscal year July 1 through June 30.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.611, Amended 10-1-13.*

### **62-330. 495 General Permit for Low Water Crossings for Mining Activities.**

(1) A general permit is provided for any person engaged in or proposing to engage in the mining of a mineralized non-metallic ore to move equipment and vehicles, excluding dredges, through and across wetlands or other surface waters during periods of low water, except in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting, provided:

(a) The only dredging or filling performed shall be that caused by the movement of the vehicle or equipment through the water;

(b) The maximum water depth along the crossing shall not exceed two feet during the time the crossing is used;

(c) Vegetative debris shall not be deposited within wetlands and other surface waters;

(d) The lateral width of disturbance shall in no case exceed that necessary to move the vehicles and equipment through and across wetlands or other surface waters and shall in no case be greater than 50 feet; and

(e) The distance between crossings of an individual wetland or other surface waters shall be at least 5,000 feet, except at sites where a documented four-wheel vehicular access exists, in which case crossings may be at a spacing of 2,500 feet.

(2) This general permit shall be subject to the specific conditions as follows:

(a) The person wishing to use this general permit shall locate crossings at sites that will cause the least environmental impact. The permittee shall coordinate with the appropriate Department office;

(b) Upon restoration of an individual low water crossing site, the permittee shall at the end of the first growing season provide the opportunity for inspection of the site by the appropriate Department office staff. If satisfactory revegetation for the site has not occurred, the permittee shall initiate, conduct and maintain revegetation of the wetland. For the purpose of this general permit, “satisfactory revegetation” means that the herbaceous wetlands that are disturbed under this general permit shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetland species within one growing season following disturbance of the site, and the forested wetlands that are disturbed under this general permit shall be achieving a survival and growth of not less than 400 wetland trees per acre within one growing season following disturbance of the site, and a maintenance plan has been developed and is being implemented to ensure the survival of the planted or naturally reestablishing wetland species. The restored sites shall be maintained free of any new growth of *Schinus terebinthifolius* (Brazilian pepper), *Melaleuca quinquenervia* (punk tree), and *Casuarina* spp. (Australian pine). The restored site shall also be managed in a manner which precludes *Typha* spp. (cattails) from manifesting vegetative dominance. Revegetation of the site shall be with native wetland species in similar composition to those species which were present at the site or in the contiguous wetland prior to the low water crossing; and

(c) A person wishing to use this general permit shall submit to the appropriate Department office, an annual



schedule of proposed low water crossing sites including location maps, aerial photographs with proposed low water crossing sites, typical drawings, and approximate commencement and completion dates for the activities planned. Additionally, the plans shall include proposed restoration procedures for each low water crossing. The annual schedule, or modifications to the annual schedule, must be submitted, together with the required documentation, at least 30 days prior to the commencement of the proposed activity. The annual schedule and documentation shall be filed with the Department no later than June 1 for the fiscal year July 1 through June 30.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.612, Amended 10-1-13.*

#### **62-330.496 General Permit for Dry Borrow Pits of Less than Five Acres.**

A general permit is granted for the construction, operation, maintenance, reclamation, or abandonment of a minor borrow pit for excavation of sand and other soil materials provided that all of the following conditions are met:

- (1) The area of excavation for the borrow pit shall be less than 5 acres, when measured at the natural land surface grade of the pit.
- (2) The final excavated depth of the borrow pit shall not be any deeper than the seasonal high water level.
- (3) The borrow pit shall be constructed entirely in uplands for the purpose of using the borrow materials as appropriately permitted, authorized or as exempted.
- (4) Borrow pits authorized under this permit must meet the following conditions:
  - (a) Does not authorize the construction of or maintain any embankment above the natural land surface grade as a part of this work to construct the pit and remove the soil materials.
  - (b) No above-grade roads shall be constructed as access to the pit area.
  - (c) Does not impact wetlands.
  - (d) Does not penetrate any water table condition, surficial aquifer, aquatard or karst materials.
  - (e) Adequate internal side slopes shall be maintained to prevent erosion or sloughing.
  - (f) The pit area shall be protected at all times by adequate fencing and gating structures to limit access and provide for safety.
  - (g) Applicants are advised that a borrow pit that is operated as a mine, as defined in section 2 of Volume I, will be subject to the mine reclamation requirements under Part III of Chapter 378, F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History— New 10-1-13.*

#### **62-330.500 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems.**

Minor Silvicultural Surface Water Management Systems.

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118, 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 9-4-05, Formerly 62-341.500, Repealed 10-1-13.*

#### **62-330.501 General Permit for Temporary Agricultural Activities within the South Florida Water Management District.**

(1) A general permit is granted to any property owner for temporary agricultural activities within the South Florida Water Management District, provided all the following criteria are met.

(a) Agricultural activities shall be horticultural and limited to seasonal crops. Seasonal crops are harvested in one growing season, which shall not exceed one year.

(b) This permit is valid only for activities in existing improved or semi-improved pastures or fields that have been cultivated within the last five years. For purposes of this section, improved or semi-improved pastures are lands that have been cleared of native plants by mechanical means.

(c) For purposes of this section, the project area and scope is defined as both farmed and detention areas. In order to qualify for a permit under this section, the project area shall not exceed 320 contiguous acres.

- (d) The project outfall structure must be located more than 1 mile from Outstanding Florida Waters.
- (e) No works or farming activities shall occur within 50 feet of a wetland as defined in Section 373.019 (27), F.S. If wetlands are located within the project area, a minimum 50-foot undisturbed buffer must be maintained around the wetland;
- (f) Pump rates shall not exceed a volume of 2 inches per day at a rate of 37.7 gallons per minute per acre of farmed area. Pump on/off elevations shall be within 2.5 feet of natural ground within the farmed area. All surface water discharges shall be into detention areas.
- (g) Water levels in the detention areas shall not exceed a depth of 1.5 feet above natural ground within the detention area.
- (h) Water quality and attenuation requirements shall be met by establishing detention areas at a minimum of fifteen percent of the farmed area.
- (i) If wetlands are located within a detention area, then the control elevation of the detention area shall be set at the wetland edge elevation. If no wetlands are located within a detention area, then the control elevation shall be set at natural ground elevation.
- (j) Control structures shall be sized according to the following list depending on the project size.

Project Size	Control Structure
0-25 acres	6" riser and 12" pipe equivalent
26-65 acres	12" riser and 12" pipe equivalent
66-105 acres	18" riser and 18" pipe equivalent
106-145 acres	24" riser and 24" pipe equivalent
146-185 acres	30" riser and 30" pipe equivalent
186-225 acres	36" riser and 36" pipe equivalent
226-265 acres	42" riser and 42" pipe equivalent
266-305 acres	48" riser and 48" pipe equivalent
306-320 acres	54" riser and 54" pipe equivalent

- (k) The minimum setback between the project edge and the property boundary line shall be 50 feet for all projects.
- (l) Discharges shall be to the existing pre-project surface water conveyance pathway. Existing sheetflow, if any, shall be maintained through the use of a spreader swale.
- (m) Detention area dikes shall be constructed with a top elevation of 3.5 feet above the control elevation with a minimum 5 foot top width and side slopes of two horizontal to one vertical.
- (n) Internal farm ditches shall be no deeper than 3 feet below natural ground elevation (excluding sump areas for pump placement which shall not be deeper than 6 feet below natural ground elevation).
- (o) External perimeter berms of the farmed areas shall not exceed 2 feet in height.
- (p) Farming areas must be laid out in a manner that will not block or impede off-site flows.
- (q) Access to the fields shall be accomplished by existing roads. Roads into or on the project are not part of this authorization.
- (2) The entity must submit a best management plan that addresses sediment control, soil erosion, nutrients, pesticides, herbicides, suspended solids at points of discharge and other agricultural practices appropriate to crop and site conditions. At a minimum the best management plan must include the following best management practices.
  - (a) Application equipment shall be properly calibrated and in good repair.
  - (b) Pesticides and fertilizers shall be stored in a secure, contained location, protected from rainfall. Fertilizers and pesticides shall not be stored together.
  - (c) All mixing and loading operations shall be conducted away from wells, ditches and wetlands.

(d) Pesticide containers shall be rinsed as soon as they are empty. Containers shall be disposed of in accordance with directions on the label.

(e) Equipment shall be used that directs chemicals only to a designated target area. Overspray or application into ditches and wetland buffer areas shall be avoided.

(f) Spills shall be cleaned up as soon as possible.

(g) Equipment shall be cleaned and rinsed away from ditches and wetland buffers.

(h) A soil or leaf analysis shall be used to determine fertilizer application requirements.

(i) Apply seed and mulch or use other methods to stabilize the disturbed areas outside of the planted area within 14 days from the completion of planting.

(j) Install silt fences around wetland buffer areas prior to construction.

(k) Install silt fences, hay bales or equivalent downstream of outfall structure during construction.

(3) The duration of this permit shall not exceed three years. No more than two years of the permit duration shall be dedicated to the planting and harvesting of crops. The remainder of the duration of the permit must be dedicated to fallow time. At the end of the growing season specified in the permit, all works shall be removed from the site and the site returned to the condition that existed prior to permit issuance. The site shall remain fallow the following year. Within 30 days of the permit expiration, the permittee shall provide written notification to the South Florida Water Management District that the project has been restored to conditions that existed prior to permit issuance.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.4131 FS. Law Implemented 120.60, 373.118, 373.119, 373.413, 373.4131, 373.416, 373.418, 373.423 FS. History—New 10-1-13.*

#### **62-330.505 General Permit to the U.S. Forest Service for Minor Works within National Forests.**

(1) A general permit is granted to the U.S. Forest Service to conduct the works described below:

(a) Bathing beach restoration at developed recreation sites where maintenance dredging is less than 100 cubic yards per year and less than 100 cubic yards per single occurrence; and

(b) Dock construction, replacement and maintenance for docks of up to 1,000 square feet of surface area over wetlands and other surface waters in Outstanding Florida Waters and Outstanding National Resource Waters, subject to restrictions listed in Sections 403.813(1)(b) and (d), F.S.

(2) The U.S. Forest Service or its contractors shall use turbidity control measures while dredging or filling within wetlands and other surface water to prevent violations of state water quality standards.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.495, Amended 10-1-13.*

#### **62-330.550 General Permit for Construction, Operation and Maintenance of Nonproduction-related Agricultural Facilities.**

(1) A general permit is granted for the construction, operation, maintenance, alteration or abandonment of minor systems serving any of the following, provided the activities comply with all of the conditions set forth below.

(a) Seasonal or year-round stands and markets selling exclusively or primarily produce and other farm or nursery products grown on-site.

(b) Farm worker housing and ancillary facilities.

(c) Truck loading and staging areas for transporting farm or nursery products grown on-site.

(d) Nonresidential farm buildings and structures used solely for agricultural purposes and located on a farm or on land that is an integral part of an ongoing farm operation.

(e) Roadway and vehicle parking facilities integral to an activity authorized under this general permit.

(2) This general permit is subject to the following limitations:

(a) Total cumulative building, driveways, parking lot and other impervious and semi-impervious surfaces will not exceed 20% of the total land area, up to four acres. This limitation excludes impervious and semi-impervious areas directly related to agricultural production.

(b) No activities will occur in, on or over wetlands or other surface waters.

(c) The activities will not use new surface water drainage facilities larger than one 24-inch diameter pipe or its hydraulic equivalent.

(d) The activities will not use new drainage pumps or other operable structures for stormwater management.

(e) Finished building floors for residential structures will be above the 100-year flood elevation.

(f) All discharge and project runoff locations, excluding runoff from access driveways, will maintain a minimum 75-foot vegetated buffer. This vegetated buffer must include a 25-foot perpetually undisturbed buffer, upland of any wetlands, other surface waters, and drainage ditches.

(g) Impervious and semi-impervious surfaces, excluding access driveways, will maintain a 25-foot vegetated buffer from property boundaries.

(h) Permitted activities are not conducted within the geographic limits of an existing permit issued under Part IV of Chapter 373, F.S.

(3) This general permit is not available if the proposed activities, considered separately or in combination with other activities conducted under this permit, exceed or will exceed any of the limitations in subsection (2) above.

(4) The activities undertaken using this permit shall be taken into account in determining the post-development conditions for any subsequent exemption or permitting decision that includes the same project area.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.414, 373.416, 373.419 FS. History— New 10-1-13.*

#### **62-330.600 General Permit for the Construction of Artificial Reefs.**

(1) A general permit is provided for the construction of an artificial reef by any person, provided:

(a) The material to be used shall be clean concrete or rock, clean steel boat hulls, other clean, heavy gauge steel products with a thickness of 1/4 inch or greater, and prefabricated structures that are a mixture of clean concrete and heavy gauge steel;

(b) The material shall be free of soils, oils and greases, debris, litter, putrescible substances or other pollutants;

(c) The material shall be firmly anchored to the bottom and shall not be indiscriminately dumped; and

(d) The material shall be placed so that the top of the reef does not exceed 1/2 the distance from the bottom to the surface of the water unless a greater distance from the surface is required for safe navigation. At no time shall the distance between the top of the reef and the surface of the water be less than 6 feet.

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall conduct a survey of the bottom of the waterbody on which the reef is to be built and shall submit the survey to the Agency with the notice required in Rule 62-330.402, F.A.C., demonstrating that the bottom does not have submerged grassbed communities, shellfish or other hardbottom communities, or corals;

(b) There shall be no reefs constructed in bays, lagoons, or estuaries that are less than 12 feet deep;

(c) There shall be no “white goods” (inoperative and discarded refrigerators, freezers, ranges, water heaters, washers, and other similar domestic and commercial appliances), asphalt material, tires, other polluting materials used in construction of the reef;

(d) The site shall be marked with perimeter buoys during construction to ensure that no material is deposited outside of the site;

(e) The size of the boundaries within which the artificial reef is to be deposited shall not exceed 1/4 nautical mile on any side;

(f) The artificial reef site shall not be established within any shipping lanes; and

(g) The permittee shall notify the National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland, and the Florida Fish and Wildlife Conservation Commission (FWC), Division of Marine Fisheries Management, via e-mail at [artificialreefdeployments@myfwc.com](mailto:artificialreefdeployments@myfwc.com) of the precise location of the reef within 30 days of placement of the reef material.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.600, Amended 10-1-13.*

**62-330.602 General Permit for Installation and Maintenance of Intake and Discharge Pipes Associated with Marine Bivalve Facilities.**

A general permit is provided to any person installing or maintaining intake and discharge pipes associated with marine bivalve facilities, provided the marine bivalve facility has a valid industrial wastewater general permit, pursuant to Rule 62-660.821, F.A.C.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.602, Amended 10-1-13.*

**62-330.630 General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities.**

(1) A general permit is granted to the U.S. Army Corps of Engineers for the construction, alteration, operation, and maintenance of systems to implement environmental restoration or enhancement projects. In order to qualify for this general permit, the decision documents for the environmental restoration or enhancement activity must have been coordinated through the process described in Section III of the *Interagency Coordination Agreement for Civil Works Projects, Florida Department of Environmental Protection, United States Army Corps of Engineers Jacksonville District, United States Army Corps of Engineers Mobile District* (February 28, 2006), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03128>). Copies of incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. In addition, the environmental restoration or enhancement activity must be funded or conducted by the U.S. Army Corps of Engineers, and be authorized under the following documents, which are incorporated by reference herein:

(a) Section 204 of the Water Resources Development Act (WRDA) of 1992, as amended through January 24, 2002 (Beneficial Uses of Dredged Material), and any subsequent amendment by a WRDA through October 1, 2013, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02583>);

(b) Section 206 of the Water Resources Development Act of 1996, as amended through January 24, 2002 (Aquatic Ecosystem Restoration), as amended by a WRDA through October 1, 2013 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02595>);

(c) Section 1135 of the Water Resources Development Act of 1986, as amended through January 24, 2002 (Project Modifications for Improvement of the Environment), as amended by a WRDA through October 1, 2013, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02596>);

(d) Section 101(8) of WRDA 1992 (Kissimmee River Restoration), as amended by a WRDA through October 1, 2013, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03130>); or

(e) The Army Corps Federal portion of any project approved as part of the “Estuaries and Clean Waters Act of 2000” (Title I, PL 106-457) (ERA), Section 102(3), 104(a), and 110(b) and amended by Section 5017 of WRDA 2007, and any subsequent amendment by a WRDA through October 1, 2013, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02600>).

(2) The following shall not be eligible for this general permit; copies of the materials incorporated by reference below may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.:

(a) Activities on the sandy beaches of Florida fronting the Atlantic Ocean, the Gulf of Mexico or the Straits of Florida that extend seaward of the mean high water line, including beach restoration, nourishment, disposal of dredged material, beach or inlet structures, or excavation;

(b) Activities proposed to implement mitigation for another activity that requires a permit under Part IV of Chapter 373, F.S., a water quality certification, or coastal zone consistency concurrence;

(c) Activities that involve replacing a natural biological community type with a different type of biological community, such as filling bay bottom to create a marsh, except:

1. To restore or enhance a community that was previously damaged or destroyed by human activities, such as filling a dredged channel to the elevations and community types that existed before dredging; or

2. To restore or enhance a community type that was previously existing, but has been lost through avulsion when it is determined to be in the public interest; or

3. To reduce or eliminate populations of exotic and nuisance species with the goal of enabling replacement by natural, endemic communities;

(d) Activities that adversely affect animal species that are listed as endangered, threatened or of special concern and endangered or threatened plant species when such plants are located in a wetland or other surface water;

(e) Activities that would adversely affect historic properties listed in or eligible for listing in the National Register of Historic Places under the provisions of Section 267.061, F.S.;

(f) Activities requiring a permit under Section 373.1502, F.S., or authorized under Section 528 of the Water Resources Development Act of 1996, Public Law 104-303 (Critical Restoration Projects), October 12, 1996, which is incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02602>);

(g) Activities authorized under Section 101(8) of the Water Resources Development Act of 1992, Public Law 102-580, (October 31, 1992), which is incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03127>); or

(h) Activities conducted in association with Everglades, or Lake Okeechobee restoration.

(3) Prior to submittal of the notice to the agency to use this general permit as required and described in paragraph (5)(a), the environmental restoration or enhancement activity must be included in a Feasibility Report, Reevaluation Report, Letter Report or other equivalent Federal environmental decision document that has been reviewed by the state of Florida. Documentation that the state has found the environmental restoration or enhancement activity to be consistent with the Florida Coastal Management Program must be submitted with the notice to use this general permit. It is not necessary that the report types cited above be considered final or approved by the Corps.

(4) Activities under this general permit are subject to the following additional provisions and limitations. The activities:

(a) Shall not be available for use as future mitigation credit for a separate activity that requires a permit under Part IV of Chapter 373, F.S., a water quality certification, or a coastal zone consistency concurrence;

(b) Must be conducted in a manner that will not adversely affect the value of functions provided to fish and wildlife by wetlands or other surface waters;

(c) Must not cause adverse flooding to on-site or off-site property, adverse impacts to existing surface water storage or conveyance capabilities, adverse secondary impacts to the water resources, adverse impacts to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., adverse impacts to a Works of the District established pursuant to Section 373.086, F.S., or adverse effects to properties outside the area to be enhanced or restored;

(d) Must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable special basin and geographic area criteria established in Chapters 40C-41 or 40E-41, F.A.C., both of which are incorporated by reference in paragraph 62-330.302(1)(k), F.A.C.

(e) Must not be for the primary purpose of providing or enhancing recreation or other public uses of the lands that are enhanced or restored under this general permit, although such areas are not prohibited from being made available for compatible public recreation activities. However, the construction, alteration, operation, removal, maintenance, or abandonment of public recreational facilities, such as parking lots, roads, trails, boardwalks, docks, piers, observation decks, kiosks, and visitor's centers, or any project serving those facilities, are not authorized under this general permit, and must be authorized in accordance with Part IV of Chapter 373, and Chapters 253 and 258, F.S., prior to their construction and use.

(5)(a) The notice required in Rule 62-330.402, F.A.C., shall be supplemented with:

1. A copy of the Coastal Zone Consistency Concurrence documentation referenced in subsection (3) of this general permit;

2. Documentation of the approved federal authorization under which funding is expected;

3. Copies of the environmental documents that have been developed as part of the early coordination process described in Section III of the *Interagency Coordination Agreement for Civil Works Projects, Florida Department of*

*Environmental Protection, United States Army Corps of Engineers Jacksonville District, United States Army Corps of Engineers Mobile District, dated February 28, 2006, incorporated by reference in subsection (1), above; and*

4. Should the Corps' contractors propose to use flocculating agents such as polymers or alum to consolidate sediments or to otherwise prevent potential water quality violations associated with the project design, the Corps shall coordinate with the Agency in advance of submittal of the notice to use this general permit, and shall submit with the notice reasonable assurance that use of such flocculating agents is not likely to cause chronic or acute toxicity in violation of Chapter 62-302, F.A.C., as tested using, at a minimum, elutriate analysis on the specific sediments dredged from or deposited at the project site that require treatment.

5. Should the Corps' contractors identify that a mixing zone for turbidity is required to prevent potential water quality violations associated with the project, the Corps shall coordinate with the Agency in advance of submittal of the notice to use this general permit to discuss the methods proposed that will provide reasonable assurance that there will be no violation of the turbidity standards in Chapter 62-302, F.A.C., and, as applicable in Rule 62-4.242, F.A.C., outside of the limits established in subsection 62-4.244(5), F.A.C. When the Agency determines that such mixing zone will not cause adverse impacts to the water resources, the Corps will include in the notice to use this general permit a specific request for such a mixing zone and the methods that will be used to comply with its limitations. Projects that require a mixing zone in excess of that allowed under subsection 62-4.244(5), F.A.C., shall not qualify for this general permit.

(b) The Department will provide written notification to the U.S. Army Corps of Engineers whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice, or 30 days after submittal of any errors or omissions needed to correct the notice, as provided in Rule 62-330.402, F.A.C. The proposed activity shall not commence until the Department has provided affirmative, written confirmation that the proposed activity qualifies for this general permit.

*Rulemaking Authority 373.026, 373.043, 373.044, 373.118, 373.406, 373.4131, 373.414(9) FS. Law Implemented 373.026, 373.043, 373.046, 373.118, 373.403, 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 403.814(1) FS. History—New 12-5-06, Formerly 62-341.486, Amended 10-1-13.*

### **62-330.631 General Permit to Governmental Entities for Limited Environmental Restoration or Enhancement Activities.**

(1) A general permit is granted to governmental entities to construct, operate, alter, or maintain projects for environmental restoration or enhancement, subject to the limitations and conditions of this section. For purposes of this rule, “environmental restoration and enhancement” means activities conducted to improve the habitat value of wetlands or surface waters for fish and wildlife by eliminating harmful drainage, improving water quality, preventing erosion, stabilizing eroding shorelines, planting wetland vegetation, removing spoil, removing exotic and nuisance vegetation, providing structural habitat, and restoring dredged holes to elevations before they were dredged. The following activities are authorized:

(a) The restoration of an eroding shoreline or the enhancement of a disturbed or altered shoreline by planting appropriate native vegetation in accordance with the following:

1. Preparing grades and contours for planting with no net addition or removal of material.
2. Plantings shall consist of native wetland plant species obtained from commercially-grown stock that is native to the geographic area of the project.
3. All invasive and exotic plant species that occur along the shoreline within the project area are removed in conjunction with the planting.
4. If temporary wave attenuation is needed to protect and ensure survivability of the plantings, turbidity curtains shall be installed and maintained immediately waterward of, and parallel to, the planting area, but must be removed within three months after completion of planting.
5. If permanent wave attenuation is required to maintain shoreline vegetation, an oyster reef or riprap “breakwater” is authorized to be established concurrent with the planting, provided that:
  - a. The outer edge of the “breakwater” shall be located no more than 15 feet waterward of the mean or ordinary high water line and have a top height of one foot or less above mean or ordinary high water.
  - b. The “breakwater” shall be composed of riprap or natural oyster shell cultch such as clean oyster shell and

fossilized oyster shell, or combination thereof. Oyster shell shall be packaged within biodegradable bags (i.e., coir fiber) or mesh bags, or securely attached to matting prior to placement in the water to prevent movement of shell out of the project area.

c. The “breakwater” shall have a minimum of three feet of tidal channel opening within every 20 linear feet of structure, so as to not substantially impede the flow of water, and shall not create a navigational hazard.

d. If the breakwater and plantings are located in front of an existing seawall or bulkhead, placement of clean fill for the sole purpose of planting wetland vegetation is authorized, provided that stabilizing riprap or an oyster reef “breakwater” supports the fill at no more than a 2 Horizontal:1 Vertical slope and the total area of fill is less than one acre.

(b) Placement of riprap or clean oyster shell, underlain with geotextile filter fabric, within 10 feet waterward of the mean or ordinary high water line of an eroding shoreline. Oyster shell shall be packaged within mesh bags, or securely attached to matting prior to placement in the water to prevent movement of shell out of the project area. Where the shoreline is undercut, sandbags or geotubes filled with sand or hardened concrete placed over geotextile fabric are authorized to prepare the slope for placement of the riprap or oyster shell.

(c) Backfilling, plugging, or installation of weirs within existing drainage ditches or swales, without piping, for the purpose of restoring the hydroperiod of wetlands or other surface waters, and/or the groundwater in uplands, within publicly-owned lands, provided the ditches to be filled are not connected to upstream offsite ditches or canals. Any proposed backfilling, plugging or weir installation shall be supported by a determination, signed and sealed by a registered professional, that such activities will not cause adverse flooding to off-site property.

(d) Scrape down of spoil islands to an intertidal elevation or a lower elevation at which light penetration is expected to allow for seagrass or other native submerged aquatic vegetation recruitment, provided the total area does not exceed 10 acres.

(e) Backfilling of existing dredge holes that are at least 5 feet deeper than surrounding natural grades to an elevation which is expected to allow for seagrass recruitment, with no displacement of highly organic sediments, provided the total area does not exceed 10 acres.

(f) Placement of rock riprap or clean concrete in existing dredge holes that are at least 5 feet deeper than surrounding natural grades to enhance habitat values, provided that placed rock or concrete does not extend to within 1 foot of surrounding natural grades, and the total area does not exceed 5 acres.

(g) Removal of exotic and nuisance species to allow for the activities listed in paragraphs (1)(a) through (d), above.

(2) To qualify for this general permit, the activity must comply with all the following:

(a) The project shall not be considered as mitigation for any other activity.

(b) The project shall not be located within an Aquatic Preserve.

(c) The project shall not include fill, placement of riprap, placement of any type of “breakwaters” over or within three feet of an area of greater than one percent coverage by emergent or submerged natural resources, or placement of fill material within smalltooth sawfish critical habitat, as designated by the US National Marine Fisheries Service. For purposes of this general permit, the term “emergent or submerged natural resources” includes freshwater and marine herbaceous and forested wetland vegetation, seagrass, coral, sponge, oyster beds, and other submerged aquatic vegetation.

(d) The governmental entity shall submit scaled and dimensioned project plans, signed and sealed by a registered professional, showing the entire project area and all proposed activities within the project area. In addition, project plan-view drawings shall be submitted showing the locations of all existing emergent and submerged natural resource communities, however, these community-depiction drawings are not required to be signed and sealed by a registered professional.

(e) Emergent or submerged natural resources, and other fresh water or marine ecological communities shall not be adversely affected and the ecology of such communities shall directly benefit from the authorized activity, as affirmatively agreed to by the Agency after review of the submitted notice and project plans. To facilitate this review, a pre-application meeting with the Agency must be held in advance of submitting notice to use this general permit.



(3) This general permit shall be subject to the following specific conditions.

(a) All disturbed areas, including intertidal slopes, shall be stabilized and re-vegetated with appropriate non-invasive, annual ground cover vegetation within 72 hours after completion of construction. Subsequently, the areas shall be planted and maintained as necessary to ensure that at least 33 percent cover of planted or naturally re-established native wetland or upland plant species within 18 months of completion of authorized work. The areas shall also be maintained free of exotic invasive species.

(b) Riprap material shall be clean limestone, granite, other native rock, or clean rebar-free concrete rubble measuring 1 foot to 3 feet in diameter.

(c) Except as otherwise allowed under this general permit, fill material used to backfill dredge holes or planting areas shall comply with the standard of not more than 10 percent of the material passing through a number 200 standard sieve and containing no more than 10 percent organic content, and be free of contaminants that cause violations of state water quality standards.

(d) Turbidity shall be monitored at least twice daily during construction. Monitoring records shall be maintained and available for inspection by the Agency for the period of in-water construction and an additional 90 days beyond in-water construction.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131, F.S. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1), FS. History— New 10-1-13.*

#### **62-330.632 General Permit for the Restoration, Establishment and Enhancement of Low Profile Oyster Habitat.**

(1) A general permit is hereby provided for the construction, restoration, and enhancement of low profile oyster habitat (LPOH), subject to the following:

(a) The total footprint of the LPOH is one quarter acre in size or less as verified by GPS or boundary survey;

(b) The work shall be conducted by persons having expertise designing and implementing oyster habitat restoration activities and that the person will carefully supervise all persons responsible for installing the LPOH;

(c) The LPOH will not be inconsistent with a management plan approved by a federal, state, regional and/or local agency, that already addresses oyster habitat, wetland vegetation, submerged resources, water quality, navigation, or fishing and recreational values of the waterbody, including any adopted aquatic preserve management plan under Chapter 18-20, F.A.C.;

(d) The LPOH shall not be part of a mitigation proposal or be used as mitigation to offset impacts from other projects;

(e) The LPOH is not regulated under Section 597.03, F.S., and is not intended to serve any aquaculture function; and

(f) The LPOH will not adversely affect existing natural resources or resource activities within or adjacent to the footprint of the proposed LPOH footprint.

(2) The notice required in Rule 62-330.402, F.A.C., shall include documentation, statements, or demonstrations that the above limitations will be met, together with the following:

(a) An explanation of the overall ecological benefit to be achieved by the LPOH;

(b) Documentation that the person using this general permit has authorization from the landowner, other than the State of Florida, to conduct activities on their land; if located on state-owned submerged land, such documentation does not need to be provided with the notice -- the authorization to conduct the LPOH activity on state-owned submerged lands will be a component of the Department's evaluation of qualification to use the general permit;

(c) An environmental resource survey of the bottom of the waterbody throughout the LPOH area, including an additional 100 foot-wide perimeter surrounding the LPOH area demonstrating that:

1. The LPOH area, including the 100 foot-wide perimeter area, does not have other live native shellfish except as provided in paragraph (3)(d), below, nor submerged grassbeds, clam beds, hardbottom, coral, or macroalgae communities;

2. The LPOH will not affect an archaeological, cultural, or historical resource area regulated under Chapter 267, F.S.;

3. The LPOH will not have any work conducted within 100 meters of actively nesting wading bird colonies or within 180 meters of actively nesting mixed tern/skimmer colonies;

4. The LPOH will not be constructed within:

a. 100 feet of the near bottom edge of a federally maintained channel, where near bottom is defined as the design edge of the established channel closest to the project not including the slope, without written approval from the entity responsible for channel maintenance;

b. 100 feet from the outside edge of any designated channel marked in accordance with Section 327.40 F.S. without written approval from the entity responsible for channel maintenance;

c. Any channel traditionally used for navigation;

d. 100 feet of any dock or overwater structure without notice to the current property owner;

e. Any other designated management zone that requires approval to conduct activities unless written approval is received from the managing agency; or

f. Any previously permitted mitigation areas; and

(d) Agreement that the activity will comply with the additional conditions of subsection (3), below.

(3) All work under this general permit shall be conducted in conformance with the general conditions of Rule 62-330.405 F.A.C., and the following specific conditions:

(a) The LPOH shall be installed, restored, or enhanced using only clean, sediment free culture materials (cultch) that does not contain deleterious substances that have the potential to leach into surface waters. Cultch shall consist of:

1. Recycled shell that has been quarantined for a minimum of three months;

2. Fossil shell;

3. Limerock consisting of a minimum of 20 percent calcium carbonate by volume, with 90 percent of the limerock being no more than six inches in diameter; or

4. Concrete material in which at least 90 percent of the concrete material is no more than 6 inches in diameter.

Concrete shall not be used for a LPOH located in an aquatic preserve designated under Chapter 18-20, F.A.C.

(b) Cultch shall be firmly fixed on the substrate and contained in such a way as to prevent movement away from the LPOH footprint, through use of designs such as bagged shell, loose cultch surrounded and contained by bagged shell, or shell securely fixed to aquaculture grade mesh material.

(c) LPOH materials shall not be indiscriminately dumped, and shall not be placed outside of the total footprint limits.

(d) The LPOH may consist of placement of cultch in locations where no oyster reef currently exists, or restoration of an existing degraded oyster reef to its historic height. Cultch shall not be placed on top of substrate with greater than five live oysters per square meter. Final elevation shall not exceed 18 inches above the existing bottom elevation in locations where no oyster reef currently exists. In existing oyster reef locations, if the historical oyster reef elevation is unknown, restoration shall not result in the placement of cultch to an elevation height greater than the average elevation height of existing natural oyster reefs in the immediate vicinity of the LPOH area.

(e) The LPOH shall not cause harmful erosion or shoaling to adjacent submerged areas and shorelines.

(f) The LPOH shall avoid impacts to the fishing and recreational use of the waterbody, its aquatic and wetland dependent species, and its submerged resources.

(4) A minimum of 60 days prior to submittal of a notice required in subsection (2), the person proposing to use this general permit shall conduct at least one pre-notice meeting with the appropriate Agency staff to discuss the project design, implementation details, and any resource concerns. If the LPOH is included within an aquatic preserve designated in Chapter 18-20, F.A.C., the appropriate aquatic preserve manager, or their designee, shall be invited to the pre-notice meeting.

(5) Within 45 days but no less than 30 days prior to the submittal of the notice required in subsection (2) the person proposing to use this general permit shall:

(a) Publish a one-time notice in a newspaper of paid general circulation in the vicinity of the project location.

The newspaper notice shall provide that any concerns about the LPOH shall be directed to the Department at the

Department's contact address. An affidavit of publication shall be included with the notice required in subsection (2).

(b) Provide written notice to the appropriate Inland Navigation District, and any other special taxing district with authority to construct or maintain navigation channels within the proposed LPOH. In counties where such districts do not exist, the same written notice shall be provided to the county or municipal agency with jurisdictional authority over inland navigation. A copy of each notice shall be included with the notice required in subsection (2).

(c) Provide written notice of the proposed LPOH to the Florida Fish and Wildlife Conservation Commission's Boating and Waterways Section. A copy of the notice shall be included with the notice required in subsection (2) above;

(d) Post readily visible notice of the proposed LPOH at the nearest public boat ramp to the LPOH site, unless prohibited by law. The notice should indicate the location of the LPOH and phone number of the appropriate agency to direct comments to on the proposed LPOH. A copy of the notice and boat ramp locations where the notice was posted shall be included with the notice required in subsection (2), above.

All of the above notices include georeferenced coordinates (latitude and longitude) for the LPOH site, or refer to an Internet site that includes a georeferenced map with coordinates of the LPOH site.

(6) Implementation of the activities authorized in this general permit shall not commence until the Department has confirmed compliance with the terms and conditions of this general permit. The Department will provide written notification whether the proposed activity qualifies for this general permit within 30 days of the Department's receipt of all the materials required above. The proposed activity shall not be commenced until the Department has provided written notice that the person proposing to use this general permit qualifies for the general permit. Any denial by the Department of qualification to use this general permit shall be made without prejudice for the submission of an individual application for the same or a modified LOPH.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131, F.S. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1), FS. History— New 10-1-13.*

### **62-330.635 General Permit for Soil Remediation.**

(1) A general permit is granted to conduct soil removal activities, including installation of wells and work in wetlands and other surface waters necessary to perform soil remediation as part of a Remedial Action Plan approved by the Department. This includes construction, alteration, operation, and removal of a temporary access road for access to conduct this work, subject to the following conditions.

(a) Removal of contaminated soil is limited to no more than a total of 5 acres of wetlands.

(b) Temporary fill and materials for equipment access shall be removed immediately following completion of the remediation work.

(c) Any wetland area affected by the work shall be restored to pre-construction wetland elevations within 30 days following completion of the work, using sediments consisting of the same soil textural material as the original pre-construction soil material that is also free of vegetated debris, rebar and any other solid waste materials.

(d) Any muck removed from wetlands for construction of temporary fill roads shall be stockpiled in uplands and used in restoring the affected area to wetland conditions and preconstruction wetland elevations, unless this material is required to be removed as part of the remediation plan.

(e) Within 7 days of completion of construction, all wetland areas shall be restored to pre-construction wetland elevations and re-vegetated with native wetland species endemic to adjoining, undisturbed wetlands or the underlying wetland community type historically occurring at the site. The restored wetland areas shall be maintained and planted as necessary to ensure that at least 33 percent cover of planted or naturally reestablished native wetland plant species is appropriate for the wetland community type within 18 months of completion of authorized work.

Exotic invasive species, including but not limited to: *Schinus terebinthifolius*, *Melaleuca quinquenervia*, *Casuarina* spp., *Lygodium* spp., and nuisance species *Typha* spp., and *Ludwigia peruviana* shall be controlled at densities not exceeding the densities of these species in undisturbed portions of the wetland.

(f) In addition to compliance with the notice provisions of Rule 62-330.402, F.A.C., within 60 days following completion of construction, the permittee will notify the Agency by letter of the date construction activities were completed.

(g) All contaminated soils removed from the site shall be disposed of in an appropriate disposal facility, in accordance with the Remedial Action Plan approved by the Department.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.418, 376.3071, 403.814(1) FS. History— New 10-1-13.*

#### **62-330.901 Noticed General Permit Forms.**

*Rulemaking Authority 373.026(7), 373.043, 373.118, 373.406(5), 373.414(9), 373.4145, 373.418 FS. Law Implemented 373.118, 373.406(5), 373.413, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New 9-4-05, Amended 10-1-07, Formerly 62-341.900, Formerly 62-341.900, Repealed 10-1-13.*

*(Source: combined DOS current rule 9-7-13 and Certification Coded Rule)*