



FLORIDA DEPARTMENT OF Environmental Protection

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Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

October 20, 2023

STATE 404 PROGRAM PUBLIC NOTICE



Permit Application No. 0435134-002-SFI

TO WHOM IT MAY CONCERN: The Department of Environmental Protection has received an application for a State 404 Program permit pursuant to 62-331, Florida Administrative Code, as described below:

APPLICANT: Duke Energy Florida, LLC
% Michael Holdsworth
3300 Exchange Place
Lake Mary, Florida 32746
407-942-9540

LOCATION: The project site begins southeast of the intersection of East Jefferson Street and Emerson Road and terminates east of the intersection of Jasmine Drive and Mondon Hill Road, Brooksville, Florida, 34601, in Sections 23, 24, 26, Township 22 East, Range 19 South, Hernando County.

APPROXIMATE CENTRAL COORDINATES: The project begins at Latitude 28°33'13.45"N and Longitude -82°22'1.68"W and terminates at Latitude 28°32'36.51"N and Longitude -82°22'28.40"W.

PROJECT PURPOSE: Duke Energy Florida, LLC, proposes to remove an existing 230kV transmission line and construct a new 230kV transmission line within the same transmission line corridor to allow for the installation of designated points of access for maintenance and emergency repair in order to provide reliable services that meet the growing energy demand within southwest Florida.

PROPOSED WORK: The applicant seeks authorization to remove approximately 1.5 miles of an existing 230kV transmission line and install a new 230kV transmission line. The proposed work will involve the removal of existing structures, installation of new structures, installation of at-grade access improvements and structure pads, temporary matting, and above-grade access improvements and structure pads for construction access.

As part of the construction, the applicant proposes to place approximately 5,918 cubic yards of fill material within the wetlands. The fill material utilized will be clean, free of debris and toxic or deleterious substances. The work is expected to be completed in less than five years.

The described work will result in permanent impacts to 1.287 acres of depression marshes and 0.001 acres of drainage ditches and secondary impacts to 0.830 acres of depression marshes.

All wetlands and surface waters delineated using Chapter 62-340, F.A.C. and regulated under Part IV of Chapter 373, F.S. were accepted as waters of the United States.

EXISTING CONDITIONS: The approximately 31.84-acre project area consists of an existing transmission line corridor that has been historically cleared and maintained. The applicant identified five wetlands and eleven surface waters on site for an approximate area of 13.51 acres of wetlands and surface waters within the project area. The property consists of depression marshes, drainage ditches, and 18.33 acres of upland mixed woodlands.

Depression Marshes

Depression marshes on the property are generally vegetated by emergent vegetation such as bushy bluestem (*Andropogon glomeratus*), soft rush (*Juncus effusus*), giant sedge (*Carex gigantea*), and woolgrass (*Scirpus cyperinus*). Approximately 12.15 acres of the project area exists as depression marsh.

Drainage Ditches/Reservoirs

The six conveyance features on the property are cut through wetlands and uplands and are dominated by St. Augustine grass (*Stenotaphrum secundatum*) and Bahia grass (*Paspalum notatum*). The five stormwater ponds on the property consist of Peruvian primrose willow (*Ludwigia peruviana*), torpedo grass (*Panicum repens*) and sedges (*Carex spp.*). Approximately 0.61 acre of the project area exists as drainage ditches and approximately 0.75 acre exists as drainage reservoirs.

AVOIDANCE AND MINIMIZATION INFORMATION: Based on information provided by the applicant, the applicant has designed the project to have a minimal adverse effect on wetland resources by constructing the project entirely within an existing transmission line corridor. Access improvements were designed and located to have the least impact to wetlands and hydrology. Additionally, these improvements will provide for minimization impacts long-term to the wetland by providing designated points of crossing. The applicant's alternative site plan that meets most proposed project criteria is the currently proposed site plan, which is considered to be the Least Environmentally Damaging Practicable Alternative (LEDPA). Best management practices such as silt fences and turbidity barriers will be employed throughout the construction phase to prevent any adverse impacts. To offset unavoidable impacts to onsite wetlands and surface waters, the applicant shall purchase dual mitigation credits from Hilochee Mitigation Bank.

COMPENSATORY MITIGATION: The applicant will provide compensatory wetland mitigation in the form of offsite freshwater, herbaceous mitigation bank credits. Functional loss was determined by utilizing the Uniform Mitigation Assessment Method (UMAM), in accordance with 62-345, F.A.C. Accordingly, the applicant will purchase 0.92 of dual freshwater, herbaceous credits from the Hilochee Mitigation Bank (SAJ-2014-01190) to offset 1.287 acres of permanent impacts and 0.830 acres of secondary impacts to depression marshes and 0.001 acres of permanent impacts to drainage ditches.

CULTURAL RESOURCES: The Department has requested review from the State Historic Preservation Officer (SHPO) and those federally recognized Tribes with concerns in Florida and the permit area. Per the Department of Historical Resources, the following permit condition will be required:

If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

FEDERALLY AND STATE-LISTED SPECIES: The Department has requested review from the Florida Fish and Wildlife Conservation Commission (FWC) and the US Fish and Wildlife Service (USFWS), and the below comments have been received.

Wood Stork

The project lies within the 15-mile CFA buffer of the Weeki Wachee, 611305, and Croom wood stork nesting colonies and onsite shallow surface waters that may provide suitable foraging habitat. Wood storks occur in a wide variety of wetland habitats. Typical foraging sites for the wood stork include freshwater marshes and stock ponds, shallow, seasonally flooded roadside and agricultural ditches, narrow tidal creeks and shallow tidal pools, managed impoundments, and depressions in cypress heads and swamp sloughs. The applicant is proposing to provide mitigation at an approved mitigation bank which is within the appropriate CFA and of matching hydroperiod of the proposed impacts, and the project is not contrary to the Habitat Management Guidelines for the Wood Stork in the Southeast Region. FWC staff determined that the project “may affect but is not likely to adversely affect” the wood stork and the wetland mitigation requirements required by the Florida Department of Environmental Protection (FDEP) in the State 404 permit will ensure this effect determination.

Red-Cockaded Woodpecker

The red-cockaded woodpecker lives and forages in mature pine forests, specifically those with longleaf pines averaging 80 to 120 years old and loblolly pines averaging 70 to 100 years old. Red-cockaded woodpeckers live in groups with a breeding pair and as many as four helpers, usually male offspring from the previous year. Each group needs about 200 acres of old pine forest to support its foraging and nesting needs. According to application materials provided by Flatwoods, the project site does not contain suitable foraging or nesting habitat for the species. Based on this information, FWC staff has determined that the proposed project would have “no effect” on the red-cockaded woodpecker and no State 404 permit conditions are necessary for this species.

Florida Scrub-Jay

The Florida scrub-jay is endemic to peninsular Florida’s ancient dune ecosystems of oakdominated scrub, or xeric oak scrub habitat, which occur on well-drained to excessively well-drained sandy soils. Optimal habitat for scrub-jays is dominated by low growing oaks (sand live oak [*Quercus geminata*], Chapman oak [*Q. chapmanii*], myrtle oak [*Q. myrtifolia*], scrub oak [*Q. inopina*]), which are 1 to 3 meters high, interspersed with 10 to 50 percent unvegetated, sandy openings for foraging and acorn-caching space, and a sand pine (*Pinus clausa*) canopy of less than 20 percent. The project lies within the Consultation Area for the Florida scrub-jay, but existing site conditions do not provide suitable habitat for this species. Additionally, according to the *Environmental Narrative*, none were observed during surveys conducted in March, April, June 2018, and January 2023. FWC staff has determined that the project would have “no effect” on the Florida scrub-jay and no State 404 permit conditions are necessary for this species.

Eastern Indigo Snake

The eastern indigo snake inhabits dry scrub, sandhills, wet prairies, and hydric hardwood hammocks and is often found in or around gopher tortoise burrows. The USFWS South Florida Ecological Services Field Office currently applies a buffer of 0.62 miles around documented locations of eastern indigo snakes to assess the likelihood of occurrence on project sites. Based on coordination with USFWS staff, the subject project site does not fall within any buffer area. Based on this information, FWC staff has determined that the project would have “no effect” on the eastern indigo snake and no State 404 permit conditions are necessary for this species.

Gopher Tortoise

The gopher tortoise typically inhabits uplands with relatively well-drained, sandy soils and herbaceous ground cover for forage. The Gopher Tortoise Temporary Exclusion Permit (GTU-21-00021) expired on May 19, 2022. The applicant intends to conduct a 100% survey of suitable habitat prior to any site work. The applicant can refer to the FWC's *Gopher Tortoise Permitting Guidelines* (revised April 2023) for survey methodology and permitting guidance prior to any development activity (<http://www.myfwc.com/license/wildlife/gopher-tortoise-permits/>). Survey methodologies require a burrow survey covering a minimum of 15 percent of potential gopher tortoise habitat to be impacted by development activities including staging areas (refer to Appendix 4 in the *Guidelines* for additional information). Specifically, the permitting guidelines include methods for avoiding impacts (such as preservation of occupied habitat) as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavation should be handled in accordance with Appendix 9 of the *Guidelines*. FWC staff have provided survey and avoidance conditions for this species that should be included in the State 404 permit.

Short-Tailed Snake

The project site is located within the potential range of the short-tailed snake and suitable habitat may occur in xeric upland habitat located within and adjacent to the project site. Short-tailed snakes are naturally secretive, spending most of their time burrowed in sand and may also use fallen logs and gopher tortoise burrows as refuges. Short-tailed snakes are most active from March through April and October through November. Additional information can be found in the *Species Conservation Measures and Permitting Guidelines for the Short-Tailed Snake* (<https://myfwc.com/media/22867/shorttailedsnakeguidelines-2019.pdf>). FWC staff have provided avoidance conditions for the short-tailed snake that should be included in the State 404 permit.

Florida Pine Snake

Florida pine snakes are naturally secretive and can spend up to 80 percent of their time in underground refuges like stump holes, gopher tortoise burrows, and the burrows of nine-banded armadillos and mice. They traditionally occupy habitats with open canopies and dry, sandy soils. Florida pine snakes have historically occurred in this area, and suitable habitat may occur onsite. This species is often associated with southeastern pocket gophers (*Geomys pinetis*); however, they can persist and thrive in areas without this species. Florida pine snakes are active from March through October but show the greatest activity in May, June, July, and October when they move more frequently and travel farther distances. Additional information can be found in the *Species Conservation Measures and Permitting Guidelines for the Florida Pine Snake* (<https://myfwc.com/media/25003/floridapinesnake1.pdf>). FWC staff have provided avoidance conditions for this species that should be included in the State 404 permit.

Florida Sandhill Crane

Florida sandhill cranes rely on shallow, freshwater marshes and other herbaceous wetlands adjacent to open habitats for foraging including agricultural fields, pastures, and golf courses. While no nesting Florida sandhill cranes were observed, potentially suitable nesting habitat may be present in the freshwater wetlands onsite. The *Species Conservation Measures and Permitting Guidelines for Florida Sandhill Crane* (<https://myfwc.com/media/11565/florida-sandhill-crane-guidelines.pdf>) can be referenced for biological information, survey methodology, measures for avoiding impacts, and recommended conservation practices. If nesting is identified on the project site, avoidance measures include maintaining a 400-foot (122-meter) buffer around the nesting area. FWC staff have provided survey and avoidance conditions for this species that should be

included in the State 404 permit.

Wading Birds

The potential exists for state-listed wading bird foraging and nesting activity in the reservoirs and freshwater wetlands throughout the site and extending offsite. While there was no nesting observed during wildlife surveys conducted on the project site, surveys should be conducted immediately prior to the commencement of any clearing, grading, or filling activities and during their breeding season, which extends from March through August. Additional information and guidance for conducting surveys can be found in the *Species Conservation Measures and Permitting Guidelines for Little Blue Heron, Reddish Egret, Roseate Spoonbill, Tricolored Heron* (<https://myfwc.com/media/18634/threatened-wading-birds-guidelines.pdf>). If nesting is discovered after site activities have begun, buffers of 330 feet (100 meters) should be maintained around the nesting sites to avoid disturbance by human activities. FWC staff have provided avoidance conditions for this species that should be included in the State 404 permit.

OTHER INFORMATION: Water Quality Certification was granted by the Florida Department of Environmental Protection through issuance of an Environmental Resource Permit, No. 0435134-001-EI.

COMMENTS regarding the potential authorization of the work proposed may be submitted through the business portal ([Public Comment | DEP Business Portal \(fldepportal.com\)](#)) or in writing to Claudia Kirby at 13051 N Telecom Pkwy., Temple Terrace, FL 33637, or by electronic mail at Claudia.Kirby@FloridaDep.gov, within 30 days from the date of this notice. Written comments will be made part of the record and should reference the above permit application number. Objections must be factual, specific, and fully describe the reasons upon which any objection is founded. Any comments received will be considered by the Department to determine whether to issue, modify, condition, or deny a permit for this proposal. Unless a written request is filed with the Department within the 30-day public comment period, the Department may decide on the application without a public meeting.

EVALUATION: The determination as to whether a permit will be issued, or a public meeting held, will be based on an evaluation of all relevant factors, including the public comments received and the effect of the proposed work on the public interest, including, but not limited to, fish, wildlife, historical resources, and pollution. The specific permit decision criteria can be found in Chapter 62-331, Florida Administrative Code.

The Department is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. To make this consideration, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are also used to determine the need for a public meeting and to determine the overall public interest of the proposed activity.

FOR FURTHER INFORMATION regarding this application, contact the project manager, to Claudia Kirby at 13051 N Telecom Pkwy, Temple Terrace, FL 33637, or by electronic mail at Claudia.Kirby@FloridaDEP.gov; or by telephone at (813) 470-5796. Please include the permit application number referenced at the top of this page in any correspondence.

REQUEST FOR PUBLIC MEETING: Any person may request a public meeting. The request must be submitted to Claudia Kirby within the designated comment period of the notice and must state the specific reasons for requesting the public meeting.

FULL FILE:

https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=hitlist&|freeText=|&|folderName=|&|profile=Permitting_Authorization|&|creator=|&|entityType=any|&|createdDateTo=|&|catalog=45|&|searchBy=Profile|&|sortBy=Document+Date|&|createdDate=|&|County=_EQ_HERNANDO|&|District=_EQ_SWD|&|Facility-Site+ID=_EQ_ST404_435134|

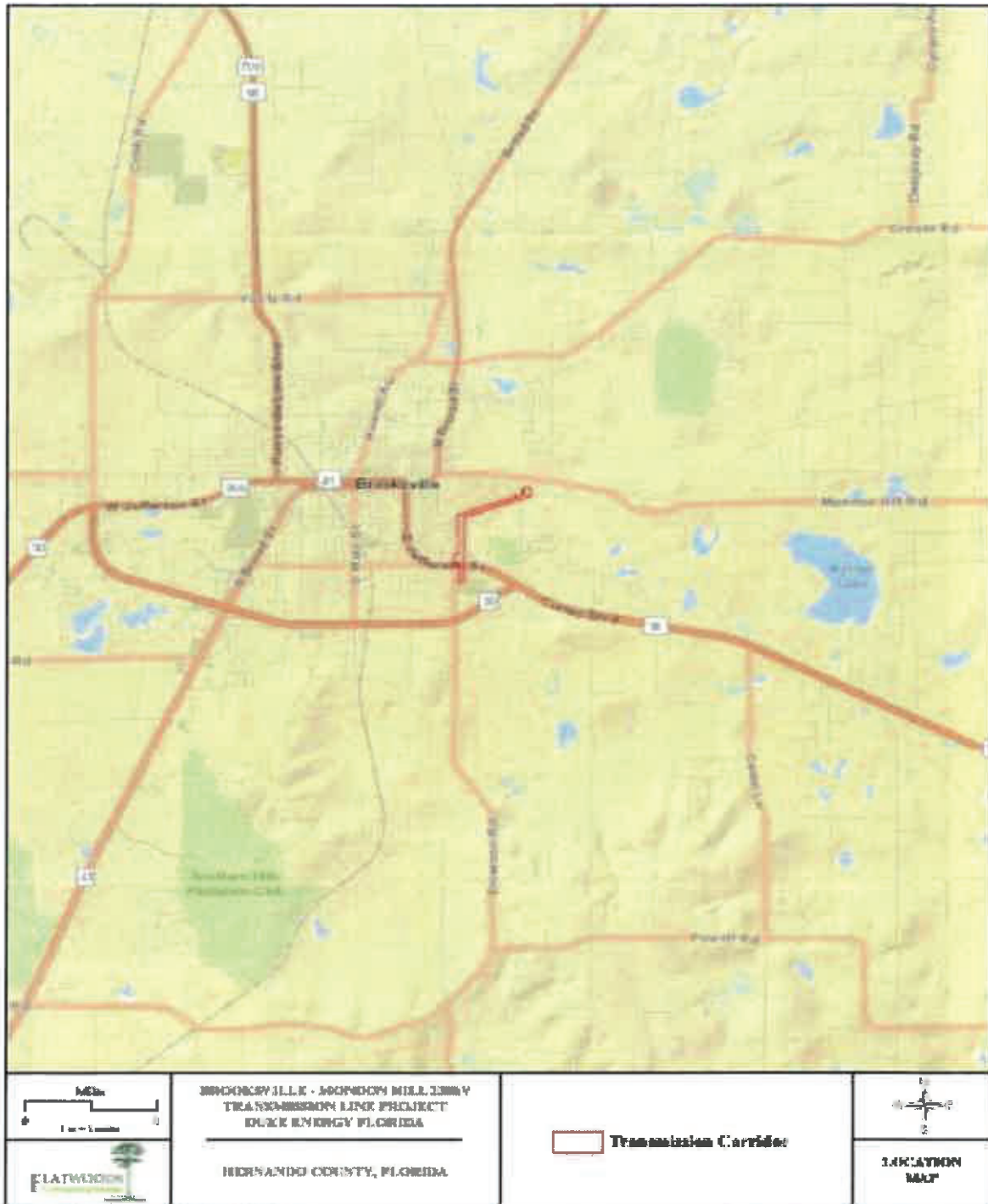
FULL PROJECT PLAN SET:

https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&|guid=45.90920.3|&|profile=Permitting_Authorization

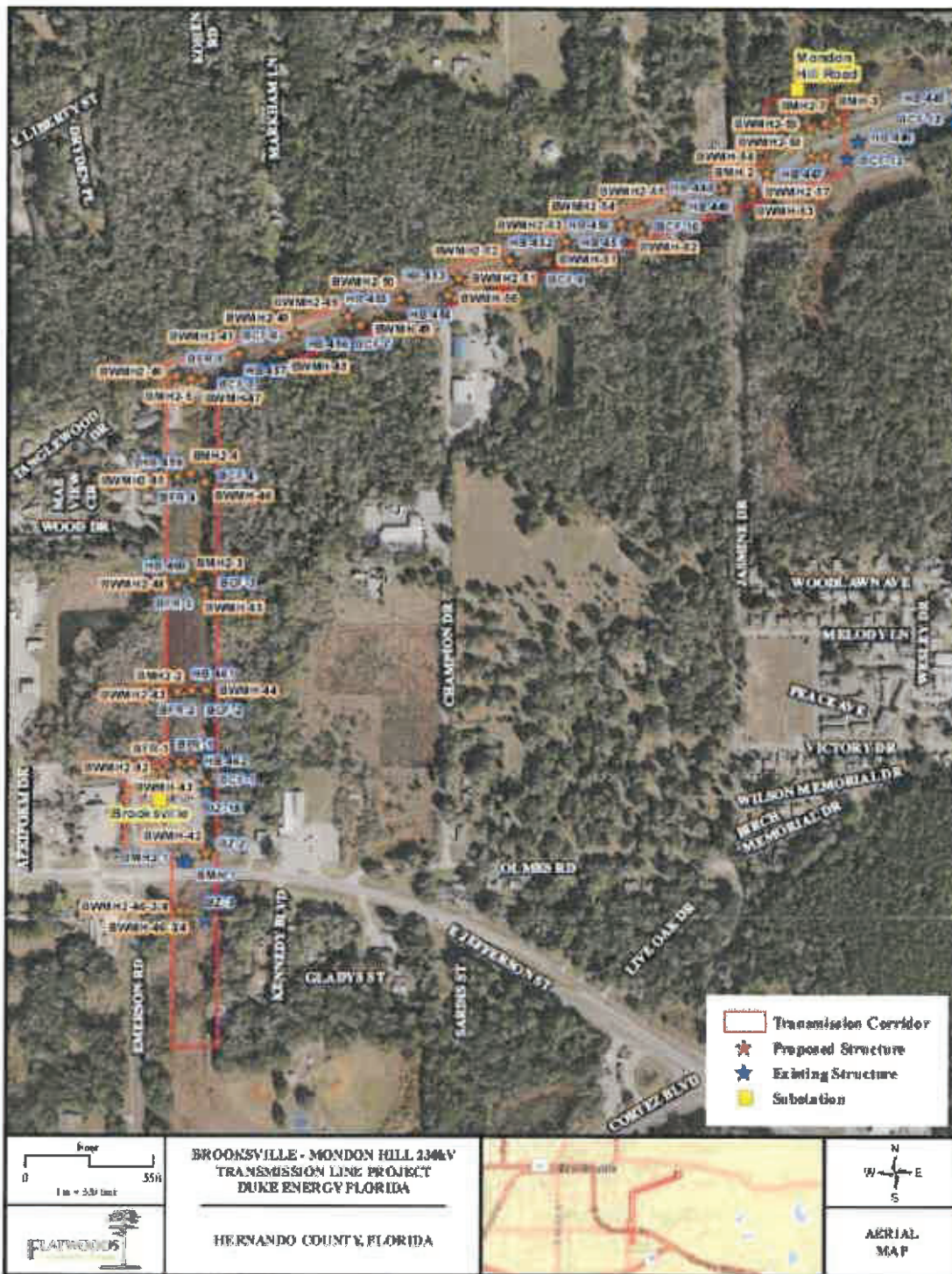
Attachments:

1. Location Map, 1 page
2. Project Development Map, 1 page

Attachment 1: Location Map



Attachment 2: Project Development Map



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