



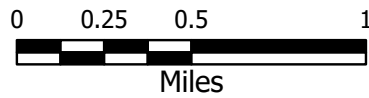


-  Overall Submerged Lands Easement
-  Submerged Lands Lease
-  Deed No. 22219 (330-16)
-  City/County Managed Conservation Lands






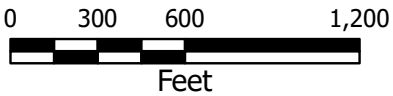
# Eagle LNG Partners LLC

Duval County, Florida

File Location: \\FLDEP1\W3\Counties\Duval\Eagle\_LNG\_Bostwick\GIS\Eagle\_LNG\_Bostwick.aprx  
 Date Saved: 5/23/2022 4:12 PM  
 Map Created By: K. Wyko



-  Overall Submerged Lands Easement
-  Submerged Lands Lease
-  Deed No. 22219 (330-16)



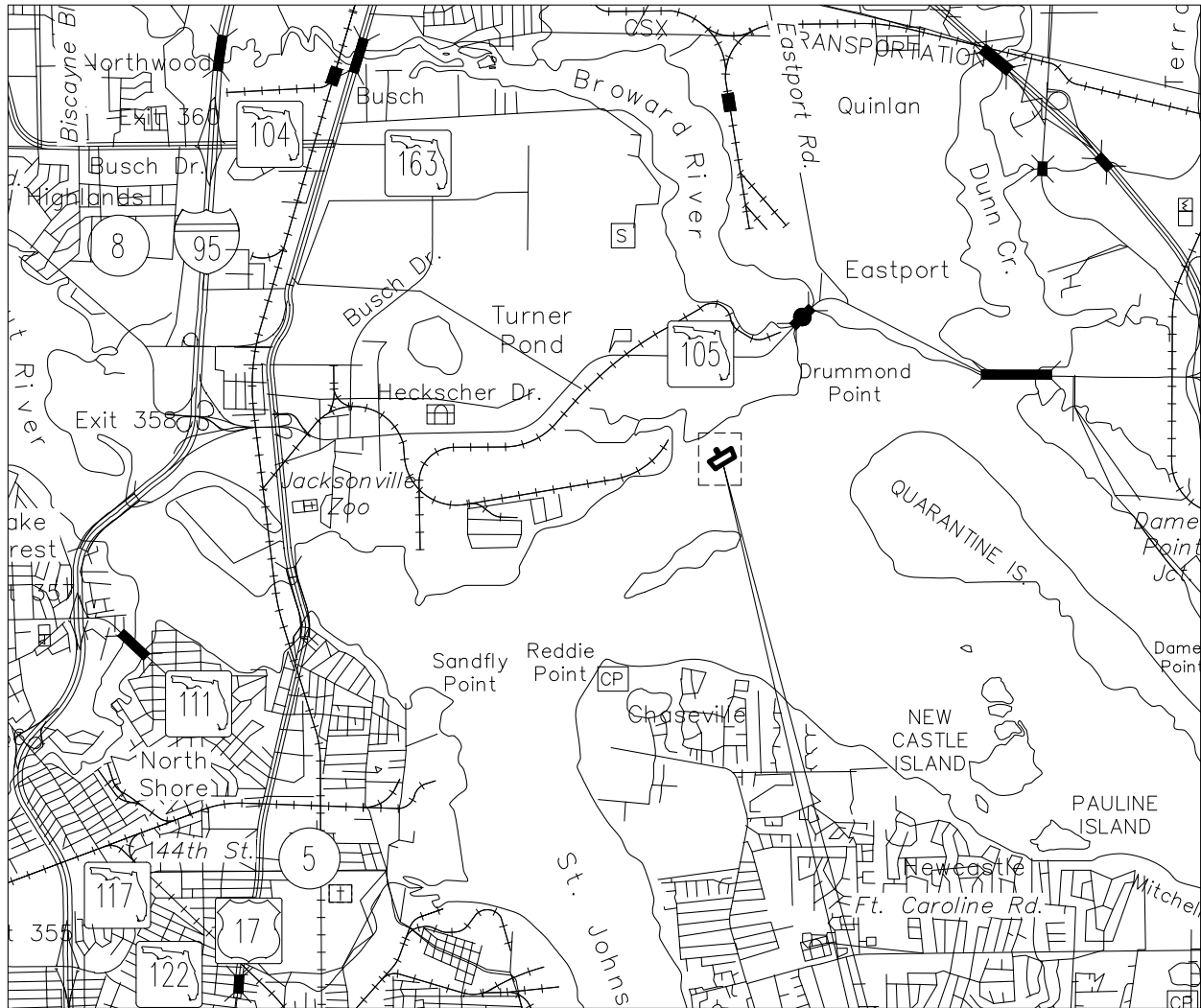
**Eagle LNG Partners LLC**

Duval County, Florida

File Location: \\FLDEP1\W3\Counties\Duval\Eagle\_LNG\_Bostwick\GIS\Eagle\_LNG\_Bostwick.aprx  
 Date Saved: 5/23/2022 4:12 PM  
 Map Created By: K. Wyko

# SKETCH OF LEGAL DESCRIPTION FOR SUBMERGED LAND LEASE

LYING IN UNSURVEYED SECTION 21, TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA



**VICINITY MAP**  
SCALE 1" = 5000'

**SITE LOCATION**


**SURVEYORS REPORT:**

1. THIS IS NOT A BOUNDARY SURVEY.
2. CERTAIN INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY.
3. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH A SOVEREIGN SUBMERGED LANDS LEASE.
4. COORDINATE AND BEARING DATA SHOWN HEREON ARE REFERENCED TO STATE PLANE COORDINATES, FLORIDA ZONE EAST, U.S. SURVEY FOOT, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT).

**NOTICE OF LIABILITY:**

THIS SURVEY IS CERTIFIED TO THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SURVEYOR.

NOT VALID WITHOUT SHEETS 1-4

	<b>SKETCH OF DESCRIPTION</b>		CERT. NO. LB 2108	SHEET 1 OF 4
	Survey Date: April 7, 2022	Scale: 1" = 5000'	SOUTHEASTERN SURVEYING AND MAPPING CORP. Lakeside Business Center 8641 Baypine Road, Suite 5 Jacksonville, Florida 32256 (904)737-5990 Fax (904)737-5995 e-mail: info@ssmc.us	
Drawing Number 58856005	Drawn By: JTA			
Certified to:		<b>BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA</b>		
<b>LEGEND</b> EL.....ELEVATION MHWL.....MEAN HIGH WATERLINE PC.....POINT OF CURVATURE PT.....POINT OF TANGENCY POB.....POINT OF BEGINNING POC.....POINT OF COMMENCEMENT SEC.....SECTION R/W.....RIGHT OF WAY NAVD.....NORTH AMERICAN VERTICAL DATUM		SEE SHEET 4 FOR SIGNATURE AND SEAL NOT VALID WITHOUT SHEETS 1-4		
		Robert W. Gardner P.S.M. Professional Surveyor and Mapper No. 5603		

# SKETCH OF DESCRIPTION FOR SUBMERGED LAND LEASE

LYING IN UNSURVEYED SECTION 21, TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA

**DESCRIPTION:**


A Parcel of Submerged Land lying in the St. Johns River, located in Unsurveyed Section 21, Township 1 South, Range 27 East, Duval County, Florida, and being more particularly described as follows:

For a Point of Reference **COMMENCE** at a 6"x6" concrete monument and brass disk stamped "69+92.43" and embossed "FMCO" along the side, marking the most Westerly corner of the William Drummond Grant, Section 47, Township 1 South, Range 27 East and being a common corner with Section 17, thence S 66°15'27" E a distance of 364.74 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108" lying at the intersection of the South right-of-way line of Zoo Parkway (A.K.A. Heckscher Drive and State Road No. 105 a variable width right of way) with the Southeasterly right-of-way line of the CSX Transportation Railroad (50' right of way); thence along said South right-of-way line of Zoo Parkway the following 5 (five) courses: 1) S 88° 51' 57" E a distance of 1018.10 feet to a found 6"x6" concrete monument embossed "SRD R/W"; 2) thence, N 02° 24' 03" W a distance of 15.04 feet to a 5/8" iron rod and cap stamped "5/8" FDOT"; 3) thence, S 88° 57' 51" E a distance of 300.05 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108"; 4) thence, N 01° 04' 55" E a distance of 10.00 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108"; 5) thence, S 88° 55' 05" E a distance of 764.18 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108" marking the intersection of said South right-of-way line of Zoo Parkway and the line dividing lots 7 and 8 of the William Drummond Grant as recorded in Plat Book 1, Page 17 of the former public records of Duval County, Florida; thence departing said South right-of-way line and running along said line dividing lots 7 and 8, S 22° 46' 59" E a distance of 871.41 feet to an unidentified 1/2" iron pipe; thence continue S 22° 46' 59" E a distance of 30.00 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108" on the former mean-high-water line; thence, N 68° 21' 35" E a distance of 193.47 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108"; thence, S 22° 08' 51" E a distance of 1090.64 feet to a point on the mean-high-water line of the St. Johns River as currently established at elevation 1.01 (NAVD\_88); thence S 17°13'52" W, a distance of 907.05 feet to an intersection with that certain bulkhead line as depicted in bulkhead plat book 1, pages 8 and 8A of the current public records of Duval County, Florida also being the **POINT OF BEGINNING**; thence S 31° 27' 04" E for a distance of 190.26 feet; thence N 59°04'18" E, a distance of 368.66 feet; thence S 21°27'04" E, a distance of 272.59 feet; thence S 58°57'11" W, a distance of 645.45 feet; thence N 41°27'04" W, a distance of 274.83 feet; thence N 59°04'18" E, a distance of 333.87 feet; thence N 31°27'04" W, a distance of 190.26 feet; thence North 59°04'18" East, a distance of 38.00 feet to the **POINT OF BEGINNING**.

Containing 194019.6538 Square Feet, or 4.45 Acres, more or less.

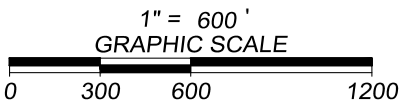
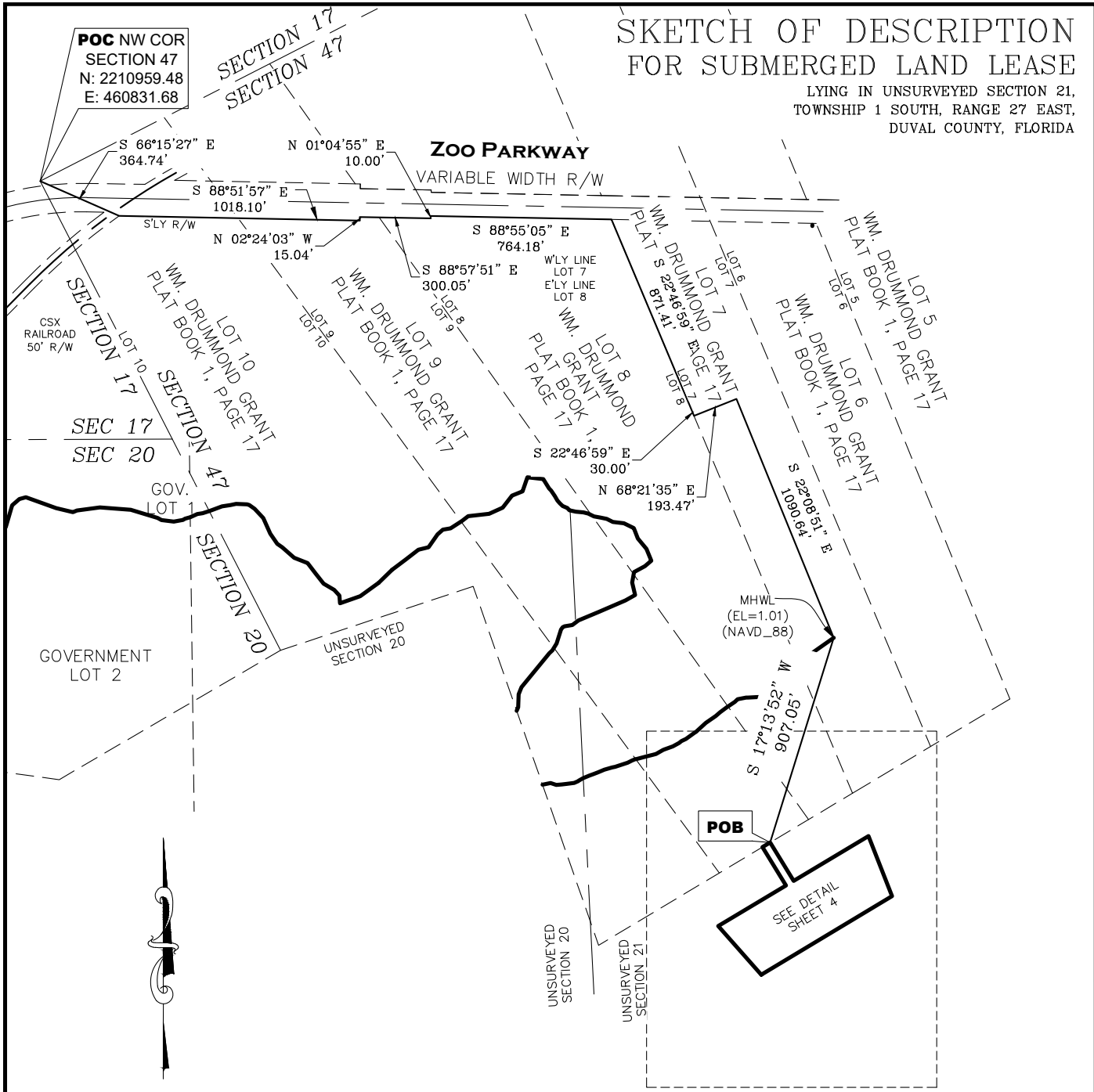
REVISION NOTES:		
DATE:	REVISION(S) MADE	DRAFTER
4-13-22	ADDING ACREAGE TO MAP	JTA
5-25-22	REVISED BOUNDARY	JTA

SEE SHEET 1 FOR NOTES

	<b>SKETCH OF DESCRIPTION</b>		CERT. NO. LB 2108	SHEET 2 OF 4
	Survey Date: April 7, 2022	Scale: <b>VARIES</b>	SOUTHEASTERN SURVEYING AND MAPPING CORP. Lakeside Business Center 8641 Baypine Road, Suite 5 Jacksonville, Florida 32256 (904)737-5990 Fax (904)737-5995 e-mail: info@ssmc.us	
Drawing Number 58856005	Drawn By: <b>JTA</b>			
<b>LEGEND</b> EL.....ELEVATION MHWL.....MEAN HIGH WATERLINE PC.....POINT OF CURVATURE PT.....POINT OF TANGENCY POB.....POINT OF BEGINNING POC.....POINT OF COMMENCEMENT SEC.....SECTION R/W.....RIGHT OF WAY NAVD.....NORTH AMERICAN VERTICAL DATUM		Certified to:  <b>BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA</b>		
		SEE SHEET 4 FOR SIGNATURE AND SEAL NOT VALID WITHOUT SHEETS 1-4		
		Robert W. Gardner P.S.M. Professional Surveyor and Mapper No. 5603		


# SKETCH OF DESCRIPTION FOR SUBMERGED LAND LEASE

LYING IN UNSURVEYED SECTION 21,  
TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA



REVISION NOTES:		
DATE:	REVISION(S) MADE	DRAFTER
4-13-22	ADDING ACREAGE TO MAP	JTA
5-25-22	REVISED BOUNDARY	JTA

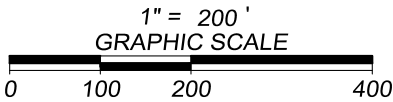
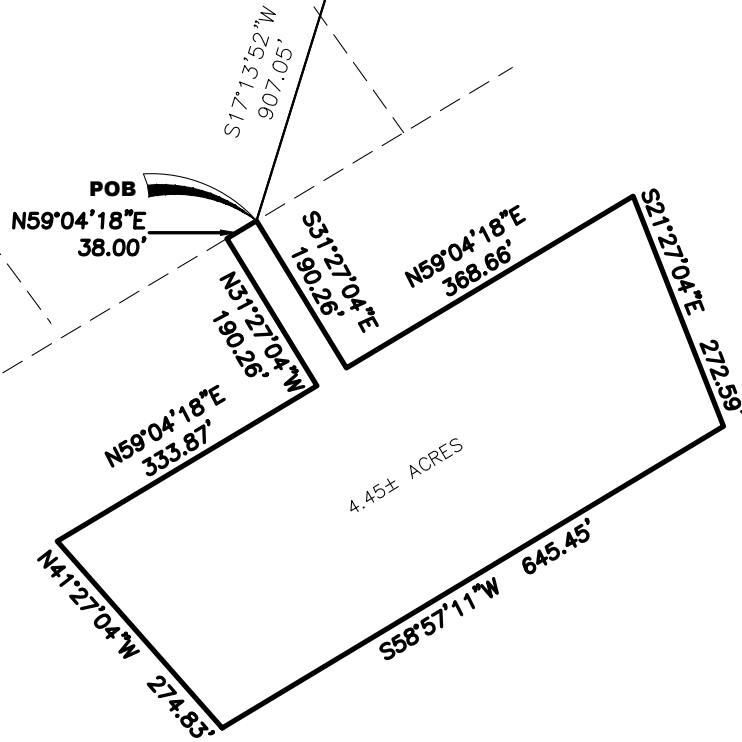
SEE SHEET 1 FOR NOTES

	<b>SKETCH OF DESCRIPTION</b>		CERT. NO. LB 2108	SHEET 3 OF 4
	Survey Date: April 7, 2022	Scale: 1" = 600'	SOUTHEASTERN SURVEYING AND MAPPING CORP. Lakeside Business Center 8641 Baypine Road, Suite 5 Jacksonville, Florida 32256 (904)737-5990 Fax (904)737-5995 e-mail: info@ssmc.us	
Drawing Number: 58856005	Drawn By: JTA	SEE SHEET 4 FOR SIGNATURE AND SEAL NOT VALID WITHOUT SHEETS 1-4		
Certified to:		BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA		
<b>LEGEND</b> EL.....ELEVATION MHWL.....MEAN HIGH WATERLINE PC.....POINT OF CURVATURE PT.....POINT OF TANGENCY POB.....POINT OF BEGINNING POC.....POINT OF COMMENCEMENT SEC.....SECTION R/W.....RIGHT OF WAY NAVD.....NORTH AMERICAN VERTICAL DATUM		Robert W. Gardner P.S.M. Professional Surveyor and Mapper No. 5603		



# SKETCH OF DESCRIPTION FOR SUBMERGED LAND LEASE

LYING IN UNSURVEYED SECTION 21,  
TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA



REVISION NOTES:		
DATE:	REVISION(S) MADE	DRAFTER
4-13-22	ADDING ACREAGE TO MAP	JTA
5-25-22	REVISED BOUNDARY	JTA

SURVEYOR'S SEAL

SEE SHEET 1 FOR NOTES



## SKETCH OF DESCRIPTION

Survey Date: April 7, 2022	Scale: 1" = 200'
Drawing Number 58856005	Drawn By: JTA

Certified to:

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

CERT. NO. LB 2108

SHEET 4 OF 4

SOUTHEASTERN SURVEYING AND MAPPING CORP.  
Lakeside Business Center  
8641 Baypine Road, Suite 5  
Jacksonville, Florida 32256  
(904)737-5990 Fax (904)737-5995  
e-mail: info@ssmc.us

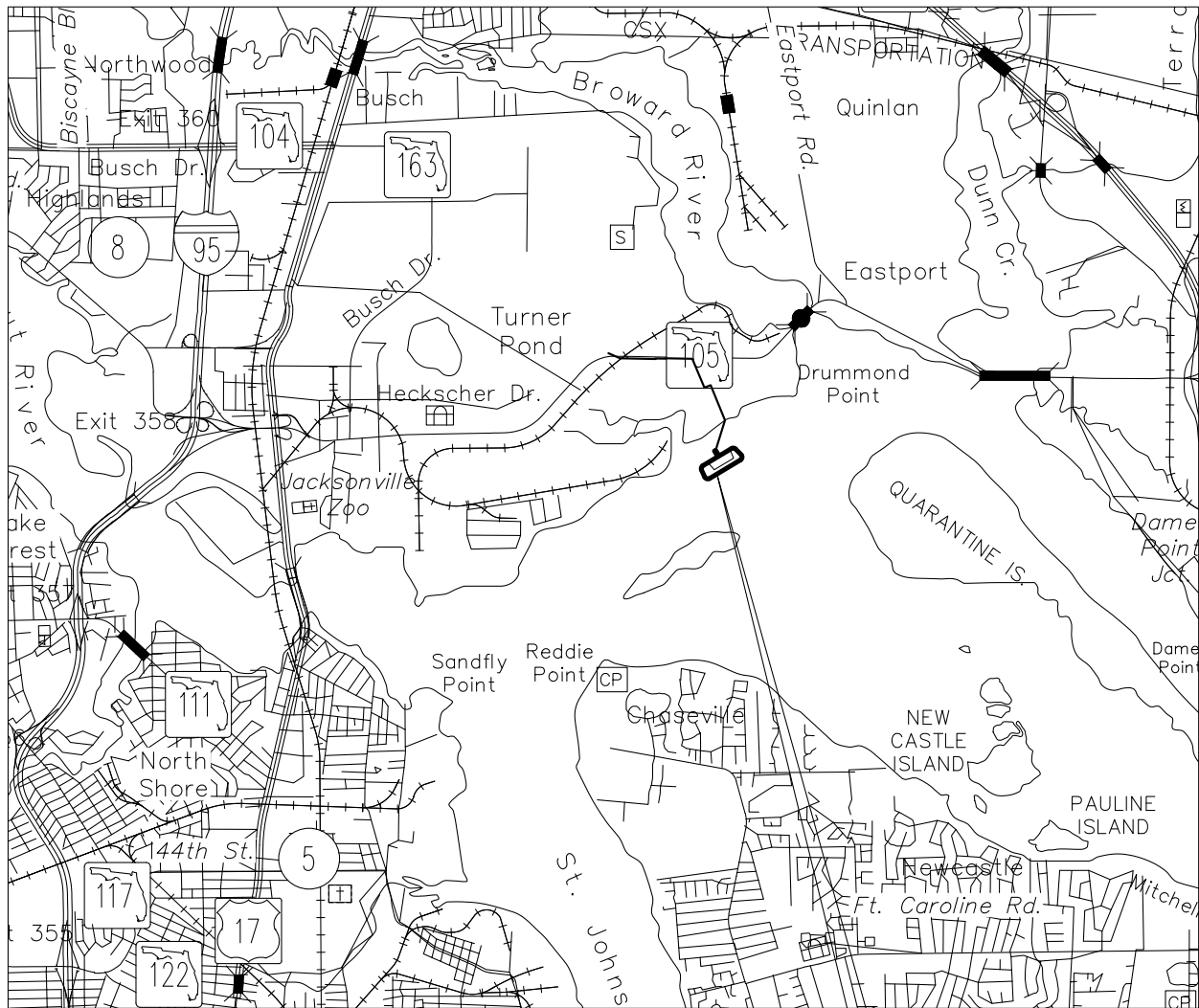
**LEGEND**

- EL.....ELEVATION
- MHWL.....MEAN HIGH WATERLINE
- PC.....POINT OF CURVATURE
- PT.....POINT OF TANGENCY
- POB.....POINT OF BEGINNING
- POC.....POINT OF COMMENCEMENT
- SEC.....SECTION
- R/W.....RIGHT OF WAY
- NAVD.....NORTH AMERICAN VERTICAL DATUM

Robert W. Gardner P.S.M.  
Professional Surveyor and Mapper No. 5603

# SKETCH OF DESCRIPTION FOR SUBMERGED LAND EASEMENT

LYING IN UNSURVEYED SECTION 21, TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA



**VICINITY MAP**  
SCALE 1" = 5000'

**SITE LOCATION**

**SURVEYORS REPORT:**

1. THIS IS NOT A BOUNDARY SURVEY.
2. CERTAIN INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY.
3. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH A SOVEREIGN SUBMERGED LANDS EASEMENT FOR DREDGING.
4. COORDINATE AND BEARING DATA SHOWN HEREON ARE REFERENCED TO STATE PLANE COORDINATES, FLORIDA ZONE EAST, U.S. SURVEY FOOT, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT).

**NOTICE OF LIABILITY:**

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NOT VALID WITHOUT SHEETS 1-5

	<b>SKETCH OF DESCRIPTION</b>		CERT. NO. LB 2108	SHEET 1 OF 5
	Survey Date: April 7, 2022	Scale: 1" = 5000'	SOUTHEASTERN SURVEYING AND MAPPING CORP. Lakeside Business Center 8641 Baypine Road, Suite 5 Jacksonville, Florida 32256 (904)737-5990 Fax (904)737-5995 e-mail: info@ssmc.us	
Drawing Number 58856004	Drawn By: JTA			
<b>LEGEND</b> EL.....ELEVATION MHW.....MEAN HIGH WATERLINE PC.....POINT OF CURVATURE PT.....POINT OF TANGENCY POB.....POINT OF BEGINNING POC.....POINT OF COMMENCEMENT SEC.....SECTION R/W.....RIGHT OF WAY NAVD.....NORTH AMERICAN VERTICAL DATUM		Certified to:  <b>BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA</b>		
		SEE SHEET 5 FOR SIGNATURE AND SEAL NOT VALID WITHOUT SHEETS 1-5  Robert W. Gardner P.S.M. Professional Surveyor and Mapper No. 5603		

**SKETCH OF DESCRIPTION  
FOR SUBMERGED LAND EASEMENT**  
LYING IN UNSURVEYED SECTION 21, TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA


**DESCRIPTION:**

A Parcel of Submerged Land lying in the St. Johns River, located in Unsurveyed Section 21, Township 1 South, Range 27 East, Duval County, Florida, and being more particularly described as follows:

For a Point of Reference **COMMENCE** at a 6"X6" concrete monument and brass disk stamped "69+92.43" and embossed "FMCO" along the side, marking the most Westerly corner of the William Drummond Grant, Section 47, Township 1 South, Range 27 East and being a common corner with Section 17, thence S 66°15'27" E a distance of 364.74 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108" lying at the intersection of the South right-of-way line of Zoo Parkway (A.K.A. Heckscher Drive and State Road No. 105 a variable width right of way) with the Southeasterly right-of-way line of the CSX Transportation Railroad (50' right of way); thence along said South right-of-way line of Zoo Parkway the following 5 (five) courses: 1) S 88° 51' 57" E a distance of 1018.10 feet to a found 6"X6" concrete monument embossed "SRD R/W"; 2) thence, N 02° 24' 03" W a distance of 15.04 feet to a 5/8" iron rod and cap stamped "5/8" FDOT"; 3) thence, S 88° 57' 51" E a distance of 300.05 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108"; 4) thence, N 01° 04' 55" E a distance of 10.00 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108"; 5) thence, S 88° 55' 05" E a distance of 764.18 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108" marking the intersection of said South right-of-way line of Zoo Parkway and the line dividing lots 7 and 8 of the William Drummond Grant as recorded in Plat Book 1, Page 17 of the former public records of Duval County, Florida; thence departing said South right-of-way line and running along said line dividing lots 7 and 8, S 22° 46' 59" E a distance of 871.41 feet to an unidentified 1/2" iron pipe; thence continue S 22° 46' 59" E a distance of 30.00 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108" on the former mean-high-water line; thence, N 68° 21' 35" E a distance of 193.47 feet to a 5/8" iron rod and cap stamped "SSMC LB 2108"; thence, S 22° 08' 51" E a distance of 1090.64 feet to a point on the mean-high-water line of the St. Johns River as currently established at elevation 1.01 (NAVD\_88); thence S 17°13'52" W, a distance of 907.05 feet to an intersection with that certain bulkhead line as depicted in bulkhead plat book 1, pages 8 and 8A of the current public records of Duval County, Florida, also being the **POINT OF BEGINNING** of the parcel herein described;

REVISION NOTES:		
DATE:	REVISION(S) MADE	DRAFTER
4-13-22	CORRECTED ACREAGE CALCULATIONS	JTA
7-07-22	REVISED EASEMENT & LEASE AREAS	JTA

SEE SHEET 1 FOR NOTES

	SKETCH OF DESCRIPTION	CERT. NO. LB 2108	SHEET 2 OF 5
	Survey Date: April 7, 2022	Scale: <b>VARIES</b>	SOUTHEASTERN SURVEYING AND MAPPING CORP. Lakeside Business Center 8641 Baypine Road, Suite 5 Jacksonville, Florida 32256 (904)737-5990 Fax (904)737-5995 e-mail: info@ssmc.us
Drawing Number 58856004	Drawn By: <b>JTA</b>		
<b>LEGEND</b> EL.....ELEVATION MHWL.....MEAN HIGH WATERLINE PC.....POINT OF CURVATURE PT.....POINT OF TANGENCY POB.....POINT OF BEGINNING POC.....POINT OF COMMENCEMENT SEC.....SECTION R/W.....RIGHT OF WAY NAVD.....NORTH AMERICAN VERTICAL DATUM	Certified to:  <b>BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA</b>	SEE SHEET 5 FOR SIGNATURE AND SEAL NOT VALID WITHOUT SHEETS 1-5	
		Robert W. Gardner P.S.M. Professional Surveyor and Mapper No. 5603	



# SKETCH OF DESCRIPTION FOR SUBMERGED LAND EASEMENT

LYING IN UNSURVEYED SECTION 21, TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA

From the **POINT OF BEGINNING**, Thence S 31° 27' 04" E, a distance of 190.26 feet, thence N 59°04'18" E, 414.09 feet to the point of curvature of a curve concave Southerly, having a radius of 100.00 feet and a central angle of 76°41'46"; thence along and around said curve an arc distance of 133.86 feet to the point of tangency thereof, said arc being subtended by a chord bearing and distance of S 82°34'49" E, 124.09 feet to the point of tangency thereof; thence S 44°13'56" E, a distance of 220.93 feet to the point of curvature of a curve concave Southwesterly, having a radius of 100.00 feet and a central angle of 103°18'14"; thence along and around the arc of said curve an arc distance of 180.30 feet, said arc being subtended by a chord bearing and distance of S 07°25'11" W, 156.85 feet to the point of tangency thereof; thence S 59°04'18" W, 1032.05' to a point on a curve concave Northeasterly having a radius of 100.00 feet and a central angle of 96°32'07"; thence along and around said curve an arc distance of 168.49 feet, said arc being subtended by a chord bearing and distance of N 72°39'38" W, 149.25 feet to the point of tangency thereof; thence N 24°23'35" W, a distance of 216.41 feet to the point of curvature of a curve concave Southeasterly, having a radius of 100.00 feet and a central angle of 83°27'53"; thence along and around the arc of said curve an arc distance of 145.67 feet to the point of tangency thereof, said arc being subtended by a chord bearing and distance of N 17°20'22" E, 133.13'; thence N 59°04'18" E, 504.49 feet, thence N 31°27'04" W, a distance of 190.26 feet; thence N 59°04'18" E, a distance of 38.00 feet to the **POINT OF BEGINNING**.

**Less and except a portion of a submerged land lease described in the following courses:**

Begin at the said **POINT OF BEGINNING**; thence S 31° 27' 04" E for a distance of 190.26 feet; thence N 59° 04' 18" E, a distance of 368.66 feet; thence S 21° 27' 04" E, a distance of 272.59 feet; thence S 58° 57' 11" W, a distance of 645.45 feet; thence N 41° 27' 04" W, a distance of 274.83 feet; thence N 59° 04' 18" E, a distance of 333.87 feet; thence N 31° 27' 04" W, a distance of 190.26 feet; thence N 59° 04' 18" E, a distance of 38.00 feet to the **POINT OF BEGINNING**.


Total Preempted Area contains 495,021.8 square feet or 11.364 acres more or less.

Less and except portion of submerged land lease parcel contains 194,019.7 square feet or 4.454 acres more or less.

Net easement contains 301,002.1 square feet or 6.910 acres more or less.

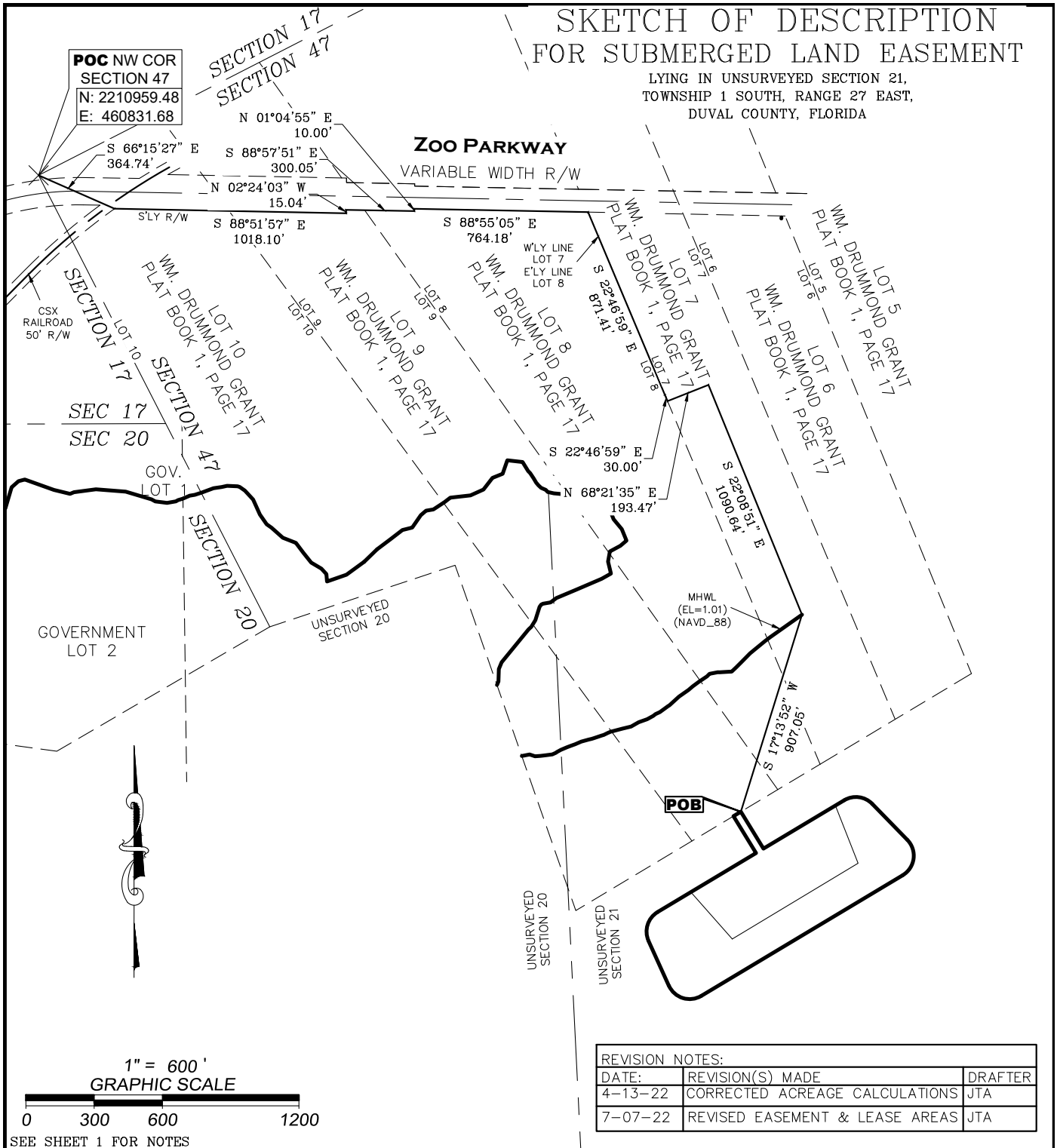
REVISION NOTES:		
DATE:	REVISION(S) MADE	DRAFTER
4-13-22	CORRECTED ACREAGE CALCULATIONS	JTA
7-07-22	REVISED EASEMENT & LEASE AREAS	JTA

SEE SHEET 1 FOR NOTES

	<b>SKETCH OF DESCRIPTION</b>		CERT. NO. LB 2108	SHEET 3 OF 5	
	Survey Date: April 7, 2022	Scale: <b>VARIES</b>	SOUTHEASTERN SURVEYING AND MAPPING CORP. Lakeside Business Center 8641 Baypine Road, Suite 5 Jacksonville, Florida 32256 (904)737-5990 Fax (904)737-5995 e-mail: info@ssmc.us		
Drawing Number 58856004		Drawn By: <b>JTA</b>	SEE SHEET 5 FOR SIGNATURE AND SEAL NOT VALID WITHOUT SHEETS 1-5		
Certified to:		<b>BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA</b>			
SEE SHEET 5 FOR SIGNATURE AND SEAL NOT VALID WITHOUT SHEETS 1-5					
Robert W. Gardner P.S.M. Professional Surveyor and Mapper No. 5603					
<b>LEGEND</b> EL.....ELEVATION MHWL.....MEAN HIGH WATERLINE PC.....POINT OF CURVATURE PT.....POINT OF TANGENCY POB.....POINT OF BEGINNING POC.....POINT OF COMMENCEMENT SEC.....SECTION R/W.....RIGHT OF WAY NAVD.....NORTH AMERICAN VERTICAL DATUM					

# SKETCH OF DESCRIPTION FOR SUBMERGED LAND EASEMENT

LYING IN UNSURVEYED SECTION 21,  
TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA



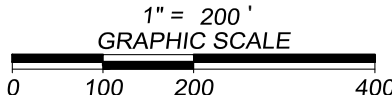
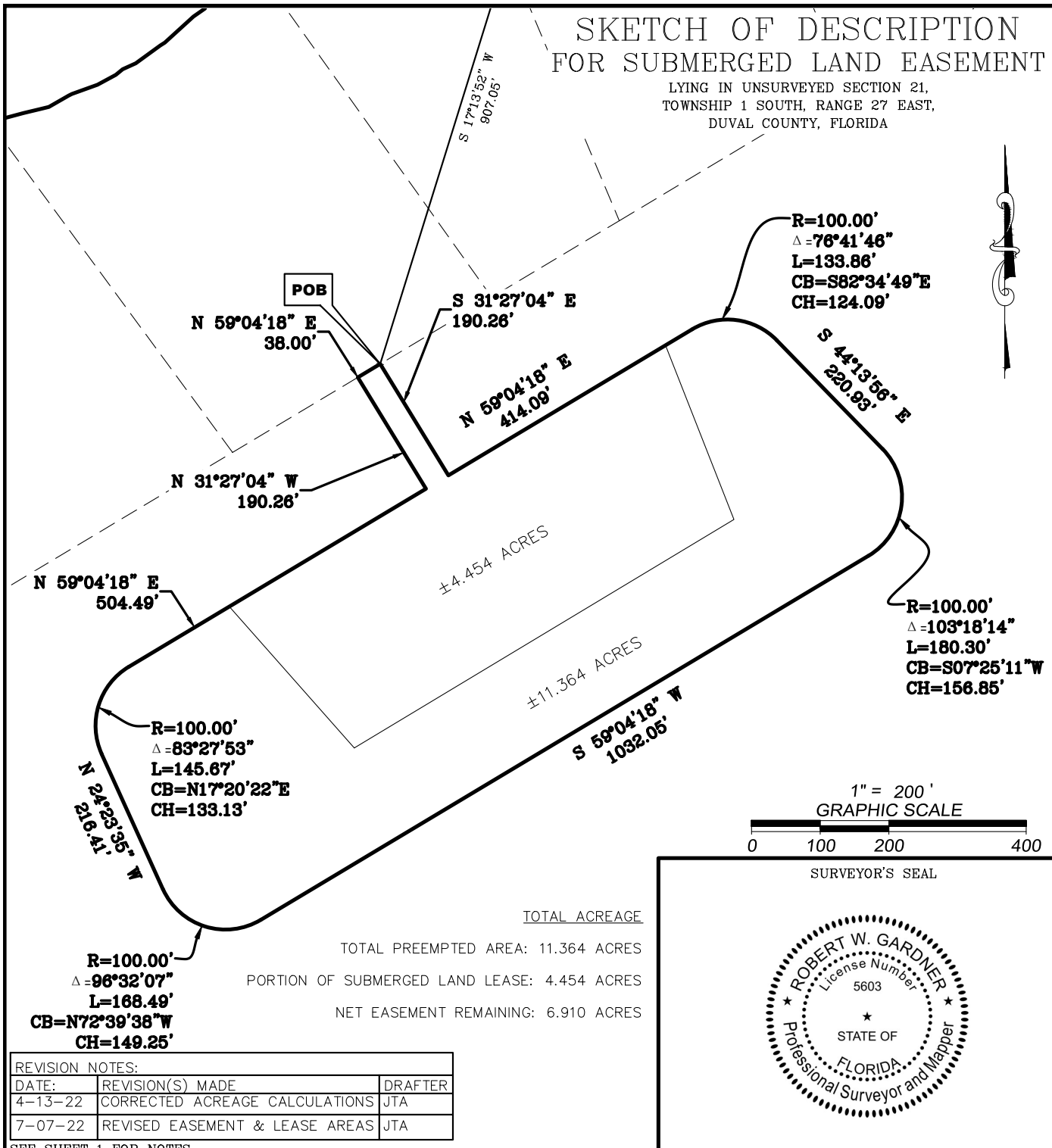
REVISION NOTES:		
DATE:	REVISION(S) MADE	DRAFTER
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7-07-22	REVISED EASEMENT & LEASE AREAS	JTA

SEE SHEET 1 FOR NOTES

	<b>SKETCH OF DESCRIPTION</b>		CERT. NO. LB 2108	SHEET 4 OF 5
	Survey Date: April 7, 2022	Scale: 1" = 200'	SOUTHEASTERN SURVEYING AND MAPPING CORP. Lakeside Business Center 8641 Baypine Road, Suite 5 Jacksonville, Florida 32256 (904)737-5990 Fax (904)737-5995 e-mail: info@ssmc.us	
Drawing Number: 58856004	Drawn By: JTA			
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		Robert W. Gardner P.S.M. Professional Surveyor and Mapper No. 5603		

# SKETCH OF DESCRIPTION FOR SUBMERGED LAND EASEMENT

LYING IN UNSURVEYED SECTION 21,  
TOWNSHIP 1 SOUTH, RANGE 27 EAST,  
DUVAL COUNTY, FLORIDA



SURVEYOR'S SEAL

REVISION NOTES:		
DATE:	REVISION(S) MADE	DRAFTER
4-13-22	CORRECTED ACREAGE CALCULATIONS	JTA
7-07-22	REVISED EASEMENT & LEASE AREAS	JTA

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SKETCH OF DESCRIPTION	
Survey Date: April 7, 2022	Scale: 1"=200'
Drawing Number 58856004	Drawn By: JTA

CERT. NO. LB 2108 SHEET 5 OF 5

SOUTHEASTERN SURVEYING AND MAPPING CORP.  
Lakeside Business Center  
8641 Baypine Road, Suite 5  
Jacksonville, Florida 32256  
(904)737-5990 Fax (904)737-5995  
e-mail: info@ssmc.us

LEGEND	
EL.....	ELEVATION
MHWL.....	MEAN HIGH WATERLINE
PC.....	POINT OF CURVATURE
PT.....	POINT OF TANGENCY
POB.....	POINT OF BEGINNING
POC.....	POINT OF COMMENCEMENT
SEC.....	SECTION
R/W.....	RIGHT OF WAY
NAVD.....	NORTH AMERICAN VERTICAL DATUM

Certified to:

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

*Robert W. Gardner*

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Robert W. Gardner P.S.M.  
Professional Surveyor and Mapper No. 5603

## **PROJECT DESCRIPTION**

1. Location: 30° 24' 28.5283" Latitude, 81° 36' 36.4148" Longitude  
Aquatic Preserve: No  
Waterbody Name and Classification: St. Johns River, Class III Waters, Not Approved Shellfish Harvesting Area  
Designated Manatee County: Yes, with an approved Manatee Protection Plan  
Manatee Aggregation Area: No  
Manatee Protection Speed Zone: Slow Speed 300 ft from shore, year round
2. Preempted area (square feet): 0 existing, 194,020 proposed; 194,020 total  
Structure dimensions: 885 ft by 36 ft wide pier to a 72 ft by 72 ft loading platform  
Number of Slips: One slip.  
Vessels: Commercial – LNG bunkering vessels
3. Liveboards: Liveboards are not authorized in the Department's environmental resource permit and will not be authorized in the lease.
4. Sewage pump out facilities: Are not authorized in the Department's environmental resource permit and will not be authorized in the lease.
5. Fueling facilities: LNG bunkering is authorized, vessel fueling with gasoline, diesel or fuel oil is not authorized in the Department's environmental resource permit and will not be authorized in the lease.
6. Maintenance/New dredging: New dredge will allow LNG vessels to navigate to mooring pier. The dredge will include the removal of 179,000 cubic yards of sediments and bedrock. The initial dredging activities will be to a proposed berth depth of 37.25 feet below mean lower low water to accommodate maximum design vessel draft of (29.3 feet) with approximately three foot for trim allowance in fully loaded conditions (32.25 feet) and include four foot of under keel clearance and one foot for over dredge allowance. Dredging would require excavation of native in situ soils with a maximum cut depth of approximately 22 feet and an average cut depth of approximately 11 feet. The dredge material taken from the St. Johns River at the location of the marine terminal will be stored on-site within a permitted DMMA. Maintenance dredging will be authorized.

## **REQUIREMENTS/ASSESSMENTS/COMMENTS**

1. DEP environmental resource permit: See attached "Consolidated Notice of Intent to Issue."
2. U.S. Army Corps of Engineers permit: A standard lease condition references the need to obtain approval, if required.
3. Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation, Imperiled Species Management Section, Manatees: Recommended the following on March 25, 2015 and re-affirmed on November 12, 2019: (1) The Standard Manatee Construction Conditions for In-water Work (2011) shall be followed for all in-water activity. (2) Facilities designed to accommodate large vessels must address the potential for crushing manatees between vessels through the use of fenders or the design of the wharf. (3) The Applicant should

reference and implement the Standard Protection Measures for Eastern Indigo Snake. Specific Condition have been included as in Department's draft permit.

4. Cultural Resources: From the Federal Energy Regulatory Commission (FERC) Impact Statement: Eagle LNG also conducted underwater cultural resources surveys and identified four potentially significant submerged targets. One feature would be avoided based on the current project design and was not examined. Two of the features examined were determined to be non-cultural and the remaining feature was determined to be a modern anchor. The State Historic Preservation Office concurred and requested that Eagle LNG establish buffers around specific targets. Eagle LNG would comply with the buffer recommendations. FERC concur with the SHPO recommendations.
5. U.S. Coast Guard: On February 7, 2018, the Coast Guard Captain of the Port of Jacksonville issued a letter of Recommendation. The letter related that the St. Johns River be considered suitable for accommodating the type and frequency of LNG marine traffic associated with this project.
6. Riparian rights line setback: The proposed lease boundary complies with the required setbacks.
7. Noticing: Rule 18-21.004(1)(m), F.A.C., requires noticing for new leases. Two property owners within a 500-foot radius of the project were noticed and no objections were received by March 14, 2021, the end of the comment period.

### **PUBLIC INTEREST STATEMENT**

The subject project is not located within an aquatic preserve and will not result in the sale of sovereignty submerged lands. Therefore, to receive approval, the proposal is not specifically required by rule or statute to demonstrate that it is "in the public interest," only that it be "not contrary to the public interest," pursuant to Rule 18-21.004(1)(a), F.A.C.

Based on the merits of the proposal, the Applicant has given reasonable assurance that the proposal will maintain essentially existing conditions, and will not significantly impact fish, wildlife and other natural resources, including public recreation and navigation.

Therefore, it is the Department's opinion that the proposal is not "contrary to the public interest," and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

### **EXISTING FACILITIES**

**This is a new pier facility and a new dredge.**

An ERP individual permit (16-0381057-003) was issued on April 8, 2022. This permit authorized the Applicant to construct a stormwater management system; a DMMA; access from Zoo Parkway to accommodate the development of a natural gas liquefaction and export facility within the landward extent of the St. Johns River.

**SPECIAL LEASE CONDITION(S)**

1. Lessee shall maintain in an active status all required state and federal permits during the term of this lease and during any subsequent renewals.
  
2. All vessels that moor, dock, or otherwise use the leased premises shall be maintained in a fully operational condition.

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**FEE CALCULATION**

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**CONSIDERATION DUE: \$784,290.55**

Lease Fee: 194,020 sq. ft. x \$0.1919 =	\$37,232.44
Plus 25% Surcharge on the new lease area: \$37,232.44 x 0.25 =	\$9,308.11
Private Easement Fee (Based on an Appraisal) =	\$335,000
Dredge Severance Fee: 179,000 cu. ft. x \$2.25 =	<u>\$402,750</u>
<b>TOTAL CONSIDERATION DUE:</b>	<b>\$784,290.55</b>

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# FLORIDA DEPARTMENT OF Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

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

**APPLICANT:**

Eagle LNG Partners LLC  
Sean Lalani, President  
2445 Technology Forest Boulevard  
The Woodlands, Texas 77381

**FILE No.: 16-0381057-004-EI**

LEASE NO.: 160356362, 160322622 #42704  
COUNTY: Duval

**PROJECT NAME:** Eagle LNG Jacksonville Phase 2

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

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

The Department of Environmental Protection also gives notice of its intent to grant a lease and private easement to use sovereign submerged lands for the proposed activity, under Article X, Section 11 of the Florida Constitution, Chapter(s) 253, and 258, F.S., Title 18, F.A.C., and the policies of the Board of Trustees, as described, below subject to any fees, special lease, easement, or consent of use conditions. The actual terms of the lease and private easement will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such lease and private easement.

### I. DESCRIPTION OF THE PROPOSED ACTIVITY

The Applicant, Eagle LNG Partners LLC (Eagle LNG), applied on May 19, 2022, to the Department for a permit, water quality certification and authorization to use sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees)

to construct an 885 ft by 36 ft wide pier to a 72 ft by 72 ft loading platform; and to dredge 179,000 cubic yards of sediments and bedrock to accommodate the development of a natural gas liquefaction (LNG) and export facility within the waterward extent of the St. Johns River, a Class III, Florida Waterbody.

The activity is located at 1632 Zoo Parkway (parcel ID 111061-0000), Jacksonville, Florida 32226, in Section 17, Township 1S, Range 27E, at lat 30° 24' 28.5283"/long 81° 36' 36.4148", in Duval County.

The activity includes consideration of an application for a 5-year sovereignty, submerged land lease containing 194,020 square feet and a 25-year private easement containing 301,002 square feet, more or less for a docking facility and dredge area, which requires payment of \$784,290.55 representing (1) \$37,232.44 as the initial annual lease fee computed at the base rate of \$0.1919 per square foot for a total of 194,020 square feet, pursuant to Rule 18-21.011(1)(b)1., F.A.C.; (2) \$9,308.11 as the one-time 25 percent surcharge payment for the new lease area of 194,020 square feet, pursuant to Rule 18-21.011(1)(b)3., F.A.C.; (3) private easement fee of \$335,000 based upon an appraisal pursuant to Rule 18-21.011(2)(b), F.A.C.; and (4) \$402,750 for the severance of 179,000 cubic yards of sovereignty material computed at the rate of \$2.25 per cubic yard pursuant to Rule 18-21.011(3)(a)2., F.A.C. Sales tax and county discretionary sales surtax will be assessed, pursuant to sections 212.031, and 212.054, F.S., if applicable.

Total for Lease and Easement: 495,022 square feet, 11.364 acres  
Lease for Docking Structure and berth: 194,020 square feet, 4.454 acres  
Easement for Dredge outside of lease area: 301,002 square feet, 6.910 acres

## II. AUTHORITY FOR REVIEW

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

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

### III. BACKGROUND/BASIS FOR ISSUANCE

#### A. General

On February 24, 2015, the Federal Regulatory Commission (FERC) issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Planned Jacksonville Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting* (NOI). The NOI was published in the Federal Register on March 2, 2015, and mailed to 197 interested parties on the environmental mailing list (including federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; affected property owners; other interested parties; and local libraries and newspapers). Publication of the NOI established a 30-day public comment period for the submission of comments related to the environmental aspects of the project and announced a public scoping meeting that was held in Jacksonville, Florida on March 12, 2015. On March 25, 2015, FERC issued a supplemental NOI to extend the public comment period to April 24, 2015 due to a mailing error with the original notice. In March 2015, FERC staff met with representatives of interested agencies, including the Coast Guard, COE, and Department, and conducted a site visit at the proposed LNG terminal site.

During the scoping period, FERC received comments from a total of six commenters on a variety of environmental issues including visual impacts, water quality, air quality, threatened and endangered species, noise, and safety.

On November 16, 2018, FERC issued a *Notice of Availability of the Draft Environmental Impact Statement (ESI) for the Proposed Jacksonville Project*. This notice, which was published in the Federal Register, listed the date and location of the public comment session, and established a closing date of January 7, 2019, for receiving comments on the draft EIS. Copies of the notice were mailed to nearly 190 stakeholders. The Federal Environmental Protection Agency noticed receipt of the draft EIS in the Federal Register on November 23, 2018. On February 7, 2019, FERC reopened the formal period for receiving comments on the draft EIS due to the funding lapse at certain federal agencies between December 22, 2018 and January 25, 2019, which established a new draft EIS comment period closing date of February 25, 2019.

FERC held one public comment session in Jacksonville, Florida, on December 12, 2018, which provided stakeholders an opportunity to present oral comments on the analysis of environmental impacts described in the draft EIS. Four people commented during the public comment session. Five written comment letters were submitted from federal and state agencies, Native American tribes, and Eagle LNG in response to the draft EIS.

The final EIS was issued in April of 2019. Docket No. CP17-41-000, FERC determined that construction and operation of the project would result in some limited adverse environmental impacts, but impacts would not be significant with the implementation of Eagle LNG's proposed and our recommended mitigation measures.

## Regulatory Basis of Issuance

- I. An applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

Will not cause adverse water quantity impacts to receiving waters and adjacent lands;

*The project consists of a dredge area of 179,000 cubic yards of sediments and bedrock to a depth of 37.5 feet in order to accommodate the development of a natural gas liquefaction and export facility. The dredge area has been minimized to safely accommodate LNG vessels necessary to the project purpose. The dredge material taken from the St. John's River at the location of the marine terminal will be stored on-site within a previously permitted DMMA. The DMMA discharge pipe is a temporary installation, to drain excess water from the DMMA area only installed during times of initial dredging, and maintenance dredging activities, occurring every one to two years.*

*The LNG loading pier is constructed on pile supports with minimal impediment to flow of existing water. The pier does not extend to the federal channel and is sufficient distance from the shoreline and other docking structures within the area.*

*The project will not cause adverse water quantity impacts to receiving waters and adjacent lands*

Will not cause adverse flooding to on-site or off-site property;

*The project consists of a dredge area of 179,000 cubic yards of sediments and bedrock to a depth of 37.5 feet in order to accommodate the development of a natural gas liquefaction and export facility. The dredge area has been minimized to safely accommodate LNG vessels necessary to the project purpose. The dredge material taken from the St. John's River at the location of the marine terminal will be stored on-site within a previously permitted DMMA. The DMMA discharge pipe is a temporary installation, to drain excess water from the DMMA area only installed during times of initial dredging, and maintenance dredging activities, occurring every one to two years.*

*The LNG loading pier is constructed on pile supports with minimal impediment to flow of existing water. The pier does not extend to the federal channel and is sufficient distance from the shoreline and other docking structures within the area.*

*The project will not cause adverse flooding to on-site or off-site property.*

Will not cause adverse impacts to existing surface water storage and conveyance capabilities;

*The project consists of a dredge area of 179,000 cubic yards of sediments and bedrock to a depth of 37.5 feet in order to accommodate the development of a natural gas liquefaction and export facility. The dredge area has been minimized to safely accommodate LNG vessels necessary to the project purpose. The dredge material taken from the St. John's River at the location of the marine terminal will be stored on-site within a previously*

*permitted DMMA. The DMMA discharge pipe is a temporary installation, to drain excess water from the DMMA area only installed during times of initial dredging, and maintenance dredging activities, occurring every one to two years.*

*The LNG loading pier is constructed on pile supports with minimal impediment to flow of existing water. The pier does not extend to the federal channel and is sufficient distance from the shoreline and other docking structures within the area.*

*The project will not cause adverse impacts to existing surface water storage and conveyance capabilities.*

Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

*The project consists of a dredge area of 179,000 cubic yards of sediments and bedrock to a depth of 37.5 feet in order to accommodate the development of a natural gas liquefaction and export facility. The dredge area has been minimized to safely accommodate LNG vessels necessary to the project purpose. The dredge material taken from the St. John's River at the location of the marine terminal will be stored on-site within a previously permitted DMMA. The DMMA discharge pipe is a temporary installation, to drain excess water from the DMMA area only installed during times of initial dredging, and maintenance dredging activities, occurring every one to two years.*

*The LNG loading pier is constructed on pile supports with minimal impediment to flow of existing water. The pier does not extend to the federal channel and is sufficient distance from the shoreline and other docking structures within the area.*

*The project will not adversely impact the maintenance of surface or ground water levels or surface water flows.*

Will not cause adverse impacts to a Work of the District established pursuant to section 373.086, F.S.;

*Not a Work of the District.*

Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;

*All construction plans and drawings were signed and sealed by professional engineers. Special conditions for the operation of the initial and maintenance dredge were incorporated into the permit. A final Environmental Impact Statement was developed by Federal Energy Regulatory Commission for this project. A hydrographic review was conducted for this project, and resulted in no additional comments or concerns*

Will comply with any applicable special basin or geographic area criteria;

*This project is not located within a special basin or geographic area.*

## **Environmental Conditions for Issuance**

### **II. Elimination or Reduction of Impacts – 10.2.1, A.H. Vol. I –**

*The LNG loading pier is constructed on pile supports with minimal impediment to flow of existing water. The pier does not extend to the federal channel and is sufficient distance from the shoreline and other docking structures within the area. The pier will be located approximately 254 ft from the edge of the federal navigation channel, well within the minimum safe setback distance of 150 ft. The pier and marine terminal have been designed with a minimum practicable area so as to accomplish the goals of the project while still maintaining the existing navigational channel present, and with dredge basin maintained activities at the terminal site, the project will not contribute to erosions or shoaling in the immediate area.*

### **III. Fish, Wildlife, Listed Species and their Habitat – 10.2.2, A.H. Vol. I, 10.1.1(a), A.H. Vol. I –**

*Wildlife Summary and Survey Results included a summary table of wildlife survey results and effect determinations, and an excerpt of the applicant prepared FERC Resource Report discussing surveys and effect determinations, and an excerpt of the 3rd party-prepared FERC Final Environmental Impact Statement (FEIS) summarizing survey results and providing the 3rd party effect determinations.*

*For in water construction activities of the marine terminal, Eagle LNG proposes the following measures to address underwater noise impacts: 1) using vibratory pile driving for steel piles, 2) using confined or unconfined bubble curtains, 3) installing temporary noise attenuation piles, and 4) using wildlife observer during in-water work. Additionally, Eagle LNG will comply with standard manatee construction conditions during in-water work, including 1) vessel associated with the project will operate at idle speed/no wake speeds at all times, 2) all in-water work would stop if a manatee or sea turtle were within 50 feet of the operations, and 3) turbidity barriers will be made of materials in which manatees or sea turtles cannot become entangled, would be properly secured, and would be regularly monitored. To reduce impacts from vessel strikes in transit, Eagle LNG will implement NOAA Fisheries Sea Turtle and Smalltooth Sawfish Construction Conditions.*

*During operations, Eagle LNG would require that customers utilizing the marine terminal comply with NOAA Fisheries voluntary North Atlantic Right Whale (NARW) mitigation measures, and NOAA's Vessel Strike Avoidance Measures and Reporting for Mariners.*

### **IV. Water quantity, impacts to wetlands and other surface waters – 10.2.2.4, A.H. Vol. I –**

*There will be no impoundment of existing waters of the State or Waters of the US. A hydrographic review was conducted, and resulted in no additional comments or concerns.*

### **V. Public Interest Test – Chapter 373.414(1)(a), F.S., Paragraph 62-330.302(1)(a), F.A.C., 10.2.3, A.H. Vol. I –**



Whether the activity will adversely affect public health, safety, or welfare or the property of others;

*The FERC staff conducted a preliminary engineering and technical review of the Eagle LNG design, including potential external impacts based on the site location. Based on FERC staff review, a number of mitigation measures are recommended to ensure continuous oversight prior to initial site preparation, prior to construction of final design, prior to commissioning, prior to introduction of hazardous fluids, prior to commencement of service, and throughout the life of the facility in order to enhance the reliability and safety of the facility to mitigate the risk of impact on the public. With the incorporation of these mitigation measures and oversight, the FERC concludes that the Eagle LNG terminal design would include acceptable layers of protection or safeguards that would reduce the risk of a potentially hazardous scenario from developing into an event that could impact the offsite public. The operations of the facility will be subject to DOT's inspection and enforcement program. On February 7, 2018, the Coast Guard issued a Letter of Recommendation to FERC staff indicating the St. Johns River would be considered suitable for accommodating the type and frequency of LNG marine traffic associated with this project, based on the Waterway Suitability Assessment and in accordance with the guidance in the Coast Guard's Navigation and Vessel Inspection Circular 01-11.*

Whether the activity will adversely affect the conservation of fish and wildlife and their habitats;

*For in water construction activities of the marine terminal, Eagle LNG proposes the following measures Form #62-330.060(1) - Application for Individual and Conceptual Approval Environmental Resource Permit and Authorization to Use State-Owned Submerged Lands Incorporated by reference in subsection 62-330.060(1), F.A.C. (June 1, 2018) Section C, Page 5 of 25 to address underwater noise impacts: 1) using vibratory pile driving for steel piles, 2) using confined or unconfined bubble curtains, 3) installing temporary noise attenuation piles, and 4) using wildlife observer during in-water work. Additionally, Eagle LNG will comply with standard manatee construction conditions during in-water work, including 1) vessel associated with the project will operate at idle speed/no wake speeds at all times, 2) all in-water work would stop if a manatee or sea turtle were within 50 feet of the operations, and 3) turbidity barriers will be made of materials in which manatees or sea turtles cannot become entangled, would be properly secured, and would be regularly monitored. To reduce impacts from vessel strikes in transit, Eagle LNG will implement NOAA Fisheries Sea Turtle and Small tooth Sawfish Construction Conditions.*

*During operations Eagle LNG would require that customers utilizing the marine terminal comply with NOAA Fisheries voluntary North Atlantic Right Whale (NARW) mitigation measures, and NOAA's Vessel Strike Avoidance Measures and Reporting for Mariners.*

Whether the activity will adversely affect Navigation or the flow of water or cause harmful erosion or Shoaling;

*The LNG loading pier is situated between the U.S. Navy Fuel Depot to the west and the BP fuel depot to the East. Tanker type vessels are common in this area of the St. Johns River.*

*On February 7, 2018, the Coast Guard issued a Letter of Recommendation (LOR) to FERC staff indicating the St. Johns River would be considered suitable for accommodating the type and frequency of LNG marine traffic associated with this project, based on the WSA and in accordance with the guidance in the Coast Guard's NVIC 01-11.*

*The Navy Fuel Depot and BP Fuel Depot which have been in operation for years, both have loading piers and have been dredged to accommodate large vessels for fueling. No erosion or shoaling has been attributed to either facility.*

*The LNG loading pier is constructed on pile supports with minimal impediment to flow of existing water. The pier does not extend to the federal channel and is sufficient distance from the shoreline and other docking structures within the area. The pier will be located approximately 254 ft from the edge of the federal navigation channel, well within the minimum safe setback distance of 150 ft. The pier and marine terminal have been designed with a minimum practicable area so as to accomplish the goals of the project while still maintaining the existing navigational channel present, and with dredge basin maintained activities at the terminal site, the project will not contribute to erosions or shoaling in the immediate area.*

Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

*The LNG loading pier is situated between the U.S. Navy Fuel Depot to the west and the BP fuel depot to the East. It is common for this area of the river to be used by shipping and bunkering operations. The near shore habitats and drainage from the saltmarsh areas will have little to no impact.*

*No public lands, recreation areas, or special interest areas would be directly affected by the project. Additionally, no designated natural, recreational, or scenic areas, or registered national landmarks would be affected and no National Wild and Scenic Rivers, National Trails, or National Wilderness Preserves are within 0.25 mile of the project. Recreational boating and fishing activities occur within the St. Johns River, especially on weekends. Recreational users in the project vicinity may observe a slight increase in barge traffic during construction and LNG carrier traffic during operation. Construction traffic would be minimal on Saturdays and Sundays when most recreational users would be on the river.*

*Eagle LNG anticipates a nominal 100 vessel calls on the facility each year during operation. Because the increase in vessel traffic would be minimal, there would be no significant effect on recreational users during construction and operation of the project. Implementation of stormwater treatment and erosion controls (previously permitted in Phase 1) will prevent adverse impacts to water quality or downstream marine productivity.*

Whether the activity is temporary or permanent in nature;  
*Permanent.*

Whether the activity will adversely affect or will enhance significant historical and archeological resources;

*Cultural and historical surveys and reports have been completed for the submerged portions of the project and SHPO has provided a letter of concurrence (Attachment 6) stating that the SHPO provided concurrence with the submerged findings and that proposed buffer zones should be implemented.*

The current condition and relative value of functions being performed by areas affected by the proposed activity.

*The impact areas waterward of the Mean High Water Line consists of an estuarine river that is tidally influenced by the Atlantic Ocean. The river itself and the associated wetlands provide critical habitat for fisheries and serves as a pollution filter to the onshore uplands. The proposed project is to dredge 179,000 cubic yards of sediments and bedrock to accommodate the development of a natural gas liquefaction and export facility. The dredge area has been minimized to safely accommodate LNG vessels necessary to the project purpose. It is common for this area of the river to be used by shipping and bunkering operations. The near shore habitats and drainage from the saltmarsh areas will have little to no impact. A hydrographic review of the project was conducted and resulted in no additional comments or concerns.*

#### VI. **Water Quality** – 10.2.4, A.H. Vol. I –

Short term water quality considerations – 10.2.4.1, A.H. Vol. I –

*All short-term and long-term water quality protection measures required by the ERP permit will be implemented and maintained in compliance by Eagle LNG Partners, LLC throughout the life of the Project.*

*During dredging, Eagle LNG proposes the following measures to reduce turbidity during construction and maintenance dredging activities: 1) decrease dredging bucket speed, 2) taking smaller bucket grabs to reduce sediment release, 3) utilize self-contained barges, 3) slow and deliberate cutterhead sweeps, 4) temporary halt of dredging activities during extreme tidal changes, 5) utilization of turbidity curtains around dredge area, and 5) utilize on-site dredge material management area (DMMA). Permit condition require turbidity monitoring during dredge operations.*

Long term water quality considerations – 10.2.4.2, A.H. Vol. I –

*Inadvertent spills or leaks of hazardous materials during construction and operation of the LNG terminal would pose a potential risk of contamination to groundwater and surface water near the project. Eagle LNG would follow its project-specific Construction Spill Control and Waste Management Plan during construction and commits to develop a Spill Prevention, Control, and Countermeasures Plan for use during operation to minimize potential impacts associated with an inadvertent spill or leak of hazardous material. Key aspects of these plans include monitoring storage and refueling activities, provisions for secondary containment around bulk storage of hazardous materials, and the immediate*

*response and cleanup should a spill or leak occur. Additionally, vessels calling on the LNG terminal would be required to have a shipboard oil pollution emergency plan in accordance with International Maritime Organization regulations. Spill Control and Waste management plans for construction and operation are required by a condition of the permit.*

*Additional Water Quality considerations for docking facilities – 10.2.4.3, A.H. Vol. I – The LNG loading pier is situated between the U.S. Navy Fuel Depot to the west and the BP fuel depot to the East. Tanker type vessels are common in this area of the St. Johns River. On February 7, 2018, the Coast Guard issued a Letter of Recommendation (LOR) to FERC staff indicating the St. Johns River would be considered suitable for accommodating the type and frequency of LNG marine traffic associated with this project, based on the WSA and in accordance with the guidance in the Coast Guard’s NVIC 01-11.*

*The Navy Fuel Depot and BP Fuel Depot which have been in operation for years, both have loading piers and have been dredged to accommodate large vessels for fueling. No erosion or shoaling has been attributed to either facility.*

*The LNG loading pier is constructed on pile supports with minimal impediment to flow of existing water. The pier does not extend to the federal channel and is sufficient distance from the shoreline and other docking structures within the area. The pier will be located approximately 254 ft from the edge of the federal navigation channel, well within the minimum safe setback distance of 150 ft. The pier and marine terminal have been designed with a minimum practicable area so as to accomplish the goals of the project while still maintaining the existing navigational channel present, and with dredge basin maintained activities at the terminal site, the project will not contribute to erosions or shoaling in the immediate area.*

#### **Mixing Zones – 10.2.4.4, A.H. Vol. I**

*During the dredge event, the contractor shall monitor turbidity levels every four hours to ensure permit compliance. The applicant will collect water quality samples for turbidity analysis at mid-depth approximately 150 meters up-current of the discharge point and directly outside the turbidity barriers at the dredge site. If at any time, turbidity levels exceed 29 NTU’s above background levels, the contractor plans to cease operations that caused the water quality violation and will modify the work procedures responsible for the violation. The contractor will not resume work until turbidity decreases within acceptable levels.*

*The permit will include a specific condition outlining the above monitoring plan.*

#### **Where Ambient Water Quality Does Not Meet Standards – 10.2.4.4, A.H. Vol. I –**

*The project is located within “Impaired Waters” defined as: Lower St. Johns (WBID#: 2213C). The EPA has identified “Total Nitrogen & Total Phosphorous” as the impairment pollutants. The Pollutant Loading Design Aid (BMPTRAINS) was utilized to determine the required net improvement treatment efficiencies to meet water quality standards. The*

*required treatment volume determined from the pollutant loading analysis will be treated via natural percolation.*

VII. **Class II Waters; Waters Approved for Shellfish Harvesting** – 10.2.5 A.H. Vol. I –  
*Not in Class II waters.*

VIII. **Vertical Seawalls** – 10.2.6 A.H. Vol. I –  
*No vertical seawalls are proposed.*

IX. **Secondary Impacts** – 10.2.7 A.H. Vol. I –  
*Installation of the marine terminal will create 0.99 acres of shading to the surface waters below. The area has been evaluated and no resources were found below.*

X. **Cumulative Impacts**– 10.2.8 A.H. Vol. I –  
*The LNG loading pier is situated between the U.S. Navy Fuel Depot to the west and the BP fuel depot to the East. It is common for this area of the river to be used by shipping and bunkering operations.*

XI. **Mitigation** – 10.3 A.H. Vol. I –  
*For the proposed work waterward of MHWL, mitigation is not required.*

### **Proprietary Basis of Issuance**

The upland parcel associated with the dredge and bunkering pier area is owned by Eagle LNG and is authorized to accommodate the development of a natural gas liquefaction and export facility. The facility includes three liquefaction trains; a liquid LNG storage tank impoundment; an electrical switchyard; a metering, compression and utilities area; a LNG truck loading and storage area; three buildings and associated parking; internal roadways; and open space.

On August 23, 2022, the Board of Trustees granted authority for the Department, acting as staff to the Board in accordance with Sections 253.002, F.S., to proceed with issuance of a lease and a private easement for the use for the activity described.

The final documents required to execute the lease and private easement will be sent to the lessee/grantee by the Department's Division of State Lands for execution after issuance of the final permit. The Department intends to issue the lease and private easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously issued Recommended Consolidated Intent to Issue lease and private easement.

### **B. Specific Regulatory Basis for Issuance**

The Department has determined, based on the information currently on file and the general and specific conditions included within the attached draft permit, the Applicant has provided

reasonable assurance that the construction, including the direct, secondary and cumulative impacts, will comply with the provisions of Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance of an environmental resource permit, as provided in Chapter 62-330, F.A.C., and Applicant's Handbook, Volumes I and II (as applicable). The construction and operations of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C. Although the Applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the applicant has demonstrated, pursuant to paragraph 373.414(1)(b), F.S., that the activity will provide for a net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. The Applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary and cumulative impacts, is not contrary to the public interest, pursuant to Section 373.414(1)(a), F.S.

### **C. Specific Proprietary Basis for Issuance**

Through the above and based on the general and/or specific conditions to the lease and easement, the Applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter(s) 253 and 258, F.S., associated Rule(s) 18-21, F.A.C., and the policies of the Board of Trustees. The Applicant has provided reasonable assurance that the activity:

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

## **IV. PUBLICATION OF NOTICE**

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

Florida Department of Environmental Protection  
Tom Kallemeyn  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256  
[Thomas.kallemeyn@floridadep.gov](mailto:Thomas.kallemeyn@floridadep.gov)



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

## V. RIGHTS OF AFFECTED PARTIES

The Department will issue the environmental resource permit (draft permit attached) lease and easement to use sovereign submerged lands, unless a timely petition for an administrative proceeding (hearing) is filed under sections 120.569 and 120.57, Florida Statutes, before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### Petition for Administrative Hearing

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

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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the Applicant and persons entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the Applicant, and other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

### Extension of Time

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

### Mediation

Mediation is not available in this proceeding.

## **EXECUTION AND CLERKING**

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## **DRAFT**

Thomas G. Kallemeyn  
Permitting Program Administrator

### **Attachment(s):**

1. Draft Permit No. 16-0381057-002-EI

## **CERTIFICATE OF SERVICE**

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

Name, company, email address

Michael Sanders, Jr., Halff, Inc. [msanders@halff.com](mailto:msanders@halff.com)  
Mike Gartman, SWCA, [Michael.gartman@swca.com](mailto:Michael.gartman@swca.com)  
U.S. Army Corps of Engineers, [corpsJaxreg-nj@usace.army.mil](mailto:corpsJaxreg-nj@usace.army.mil)  
FWC, Imperiled Species Management Section, [fcmpmail@myfwc.com](mailto:fcmpmail@myfwc.com)  
FWC, Conservation Planning Section, [fwcconservationplanningservices@myfwc.com](mailto:fwcconservationplanningservices@myfwc.com)  
Division of Historical Resources, Compliance Permits, [CompliancePermits@DOS.MyFlorida.com](mailto:CompliancePermits@DOS.MyFlorida.com)  
FWC, Christina Phillips Frederick, [Christina.Frederick@MyFWC.com](mailto:Christina.Frederick@MyFWC.com)  
Department of Economic Opportunity, [Donna.Harris@deo.myflorida.com](mailto:Donna.Harris@deo.myflorida.com)  
Greg Garis, FDEP, BIP  
Jim Kipp, FDEP DSL  
Tom Kallemeyn, FDEP NED  
Junhong Shi, P.E., FDEP NED  
Katie Miller, FDEP NED  
Kathryn Craver, FDEP NED

#### **FILING AND ACKNOWLEDGMENT**

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

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**Clerk**

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**Date**



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Permittee:**

Eagle LNG Partners  
Sean Lalani, President  
2445 Technology Forest Boulevard  
Research Forest Lakeside No. 4, Suite 500  
The Woodlands, Texas 77381  
[seanlalani@ferus.com](mailto:seanlalani@ferus.com)

**Registered Professional Consultant**

Michael Sanders, Jr.  
Halff, Inc.  
1000 N. Ashley Dr, Suite 900  
Tampa, FL 33602  
[msanders@halff.com](mailto:msanders@halff.com)

**Consultant:**

Mike Gartman  
SWCA  
13 Palafox Place  
Pensacola, FL 32501  
[Michael.gartman@swca.com](mailto:Michael.gartman@swca.com)

**Eagle LNG Jacksonville (Zoo Parkway) Phase 2**

**Environmental Resource Permit**

**State-owned Submerged Lands Authorization –Pending**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required**

**Duval County**

**Permit No.: 16-0381057-004-EI**  
**Lease No.: 160356362**  
**Easement No.: 160362622 # 42704**  
**BOT No.: 160356362**

**Permit Issuance Date: Month Day, 2022**  
**Permit Construction Phase Expiration Date: Month Day, 2027**

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

**Permittee: Eagle LNG Jacksonville**  
**Permit No: 16-0381057-004-EI**  
**BOT No.: 160356362 and 160362622 # 42704**

### **PROJECT LOCATION**

The activities authorized by this permit and sovereignty submerged lands authorization are located at 1632 Zoo Parkway (parcel ID 111061-0000), Jacksonville, Florida 32226, in Section 17, Township 1S, Range 27E, at lat 30° 24' 28.5283"/long 81° 36' 36.4148", in Duval County.

### **PROJECT DESCRIPTION**

The permittee is authorized to construct an 885 ft by 36 ft wide pier to a 72 ft by 72 ft loading platform; and to dredge 179,000 cubic yards of sediments and bedrock to accommodate the development of a natural gas liquefaction and export facility within the waterward extent of the St. Johns River, a Class III, Florida Waterbody. Those activities include the mooring of one LNG Bunkering vessel, comprising approximately of 186,792 square feet of preemption of state-owned sovereignty submerged lands.

The facility will include a marine loading dock and terminal waterward of Mean High Water Line (MHWL), which will consist of an 885 ft long by 36 ft wide LNG loading pier to a 72 ft by 72 ft LNG marine loading platform. Eight mooring dolphins will be connected to the loading platform by access walkways.

The initial dredging activities will be to a proposed berth depth of 37.25 ft below Mean Lower Low Water (MLLW) to accommodate maximum design vessel draft of (29.3ft) with approximately 3 ft for trim allowance in fully loaded conditions (32.25 ft) and include 4 ft of under keel clearance and 1 foot for over dredge allowance. Dredging would require excavation of native in situ soils with a maximum cut depth of approximately 22 ft and an average cut depth of approximately 11 ft. Initial berth dredging would require removal of approximately 179,000 cubic yards of dredged material. The previously permitted DMMA provides a total storage capacity of approximately 180,812 cubic yards, which is sufficient to store the full volume of estimated 179,000 cubic yards of dredged material generated by the initial berth dredging event (approximately 10.11 acres, average cut depth of 11.0 feet). Dredging work would require the use of a hydraulic cutterhead or mechanical dredging equipment

Authorized activities are depicted on the attached exhibits.

### **AUTHORIZATIONS**

#### **Eagle LNG Jacksonville Phase 2**

##### Environmental Resource Permit

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

### Sovereignty Submerged Lands Authorization

On August 23, 2022, the Board of Trustees granted authority for the Department, acting as staff to the Board in accordance with Sections 253.002, F.S., to proceed with issuance of a lease and a private easement for the use for the activity described.

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

### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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

### Coastal Zone Management

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

### Water Quality Certification

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

### Other Authorizations

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

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

### **PERMIT / SOVEREIGNTY SUBMERGED LANDS CONDITIONS**

The activities described must be conducted in accordance with:



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

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

## **SPECIFIC CONDITIONS**

### **SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION**

1. The permittee must acquire legal ownership or legal control of the project area as delineated in the permitted construction drawings.
2. The Permittee shall retain the design engineer, or other professional engineers licensed in the Florida, to conduct onsite observations and inspections of the construction. The Permittee shall inform the Department, in conjunction with the submittal of Construction Commencement Notice, the name, address and phone number of the professional engineers so employed.
3. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256.

### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

4. This permit does not authorize the removal of any vegetation within the jurisdictional area. No dredging, filling, or other construction activity, including the removal of tree stumps and/or vegetative root masses, shall be conducted within the wetlands other than that performed within the specifically authorized work corridor.
5. Outside the specific limits of construction authorized by this permit, any disturbance of or damage to wetlands shall be corrected by restoring pre-construction elevations as to maintain natural hydrology, drainage patterns, and planting vegetation of the same species, size, and density that exist in adjacent undisturbed wetland areas.
6. The project shall comply with applicable State Water Quality Standards, namely:
  - a. Surface Waters, Minimum Criteria, General Criteria – Rule 62-302.500, F.A.C.
  - b. Class III Waters – Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife. – Rule 62-302.400, F.A.C.

7. There shall be no storage or stockpiling of tools, equipment, materials (e.g., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless specifically approved in this permit. Any and all construction debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized by this permit.
8. There shall be no discharge of construction debris into the waters of the state as conditioned by this permit enforceable under the Florida Litter Law 403.413, F.S., by all law enforcement officers.
9. The following measures shall be taken immediately by the permittee when turbidity level at the monitoring locations is more than 29 nephelometric turbidity units above the background level:
  - a. Immediately cease work to identify problems and install adequate control measures
  - b. Contact the professional engineer overseeing the construction
  - c. Notify the DEP Northeast District Office at (904) 256-1700 within 24 hours of the detection.
10. The Permittee shall follow recommendations from Florida Department of State, Division of Historical Resources:
  - a. Avoid and buffer any anomalies or targets identified, but not diver tested, according to the recommendations presented by SEARCH in 2015 (MS# 21836).
  - b. Avoid and buffer recorded site, 8DU21117, SB05, which is eligible for listing in the National Register of Historic Places (MS# 18474).

#### **SPECIFIC CONDITIONS-DREDGING**

11. Dredging shall be limited to day light; no dredging activities are authorized to be conducted at night.
12. The following measures shall be taken immediately by the permittee when turbidity levels at any monitoring point violates state surface water quality standards under rule 62-303 F.A.C:
  - a. Immediately cease work to identify and correct problems.
  - b. Notify the Department within 24 hours of the time the violation is first detected. Failure to report violation(s) or to follow corrective procedures before resuming work shall constitute grounds for permit revocation and may subject the permittee to formal enforcement action.
13. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts shall be placed around the dredge area. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed the state water quality standard. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.
14. State water quality standards shall be met during dredging operation as well as transporting and managing of dredged material. At any time when dredging activities cause high turbidity that exceeds the water quality standard, or if the dredged material management system is unable to clarify dredged material to meet state water quality standards at its return line, the dredging

operation shall be suspended until adequate control measures have been installed. The problems shall be reported to DEP Northeast District Office at (904) 256-1700 within 24 hours of the detection. Flocculants shall not be used unless approved by the Department.

15. If a clamshell or other mechanical dredge is used for this project, the following requirements shall be met:
  - a. The dredge operator shall gravity-release the clamshell bucket only at the water's surface, and only after confirmation that there are no manatees within a 50-foot safety distance during operations.
16. If a hopper dredge is used for this project, the following requirements shall be met:
  - a. Handling of any marine turtles captured during hopper dredging shall be conducted only by persons with prior experience and training in these activities, such as a NMFS-approved marine turtle observer, or by persons who have submitted documentation to the Corps of meeting the FWC Marine Turtle Conservation Guidelines specific to stranding activities. The Corps shall forward documentation of these qualifications to the FWC for review, concurrently with submission of the EPP. Any person who transport live or dead marine turtles or marine turtle parts into, out of, or within the state of Florida shall notify the FWC in writing specifying the number, species of turtle, type of specimen, and the destination after transport is complete. Before transport, if the turtle is believed to be alive, Corps staff or their designee shall coordinate with the FWC at [SeaTurtleStranding@MyFWC.com](mailto:SeaTurtleStranding@MyFWC.com) to determine the appropriate facility to receive live marine turtles for rehabilitation. Corps staff or their designee shall abide by the State of Florida's Marine Turtle Conservation Guidelines (<http://www.myfwc.com/wildlifehabitats/managed/sea-turtles/conservation-guidelines/>) specific to transport of live stranded turtles.
  - b. When initiating dredging, suction through the drag heads shall be allowed just long enough to prime the pumps, then the drag heads shall be placed firmly on the bottom. When lifting the drag heads from the bottom, suction through the drag heads shall be allowed just long enough to clear the lines, and then shall cease. Pumping water through the drag heads shall cease while maneuvering or during travel to/from the disposal area.
  - c. A fully-functional rigid deflector drag head (to deflect marine turtles) shall be used on all hopper dredges, at all times of the year.
  - d. The Sea Turtle Stranding and Salvage Network (STSSN) coordinator shall be notified at 1-904-573-3930 of the start-up and completion of hopper dredging operations. If a marine turtle is captured or marine turtle parts are recovered, the STSSN shall be contacted at [SeaTurtleStranding@MyFWC.com](mailto:SeaTurtleStranding@MyFWC.com).
17. All areas to be dredged shall be in accordance with the attached permit drawings and shall not exceed the areas and depths indicated on those drawings.
18. Blasting is not authorized for this project. If the construction methodology changes in the future to include blasting, a modification to the permit is needed. Specific conditions must address impacts to protected marine species if blasting is proposed. Such conditions shall be in the form of an appropriate Blast and Watch Plan, approved by the FWC, which can be contacted at [ImperiledSpecies@MyFWC.com](mailto:ImperiledSpecies@MyFWC.com).
19. Prior to commencement of work authorized by this permit, the permittee shall remit payment for dredge severance fees to the Department of Environmental Protection in the amount of \$402,750

The payment shall be submitted to the Submerged Lands and Environmental Resources Program, Department of Environmental Protection, Northeast District, 8800 Baymeadows Way, Suite 100, Jacksonville, Florida 32256-7590.

## **SPECIFIC CONDITIONS – MANATEES**

20. The [Standard Manatee Conditions for In-water Work](#) (2011) must be followed for all in-water activity.
21. At least one dedicated observer shall be present when dredging is being performed and shall perform no other duties that may interfere with their ability to observe for protected marine species. Observer(s) must have prior on-the-job experience observing protected marine species (such as manatees and marine turtles) during previous dredging work where the activities were similar in nature to this project. Movement of a work barge or other associated vessels shall be minimized to the greatest extent possible at night. A final report including names of observers, contact information, protected marine species sightings and actions taken shall be sent to the Florida Fish and Wildlife Conservation Commission at [ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com), no later than 30 days after final project completion.
22. During clamshell dredging, the dredge operator shall gravity release the clamshell bucket only at the water's surface, and only after confirmation that there are no manatees within the safety distance identified in the standard conditions.
23. To reduce the risk of entrapment and drowning of manatees, manatee exclusion devices (such as grating) shall be installed and maintained over any existing or proposed pipes or culverts greater than 8 inches, but smaller than 8 feet in diameter that are submerged or partially submerged and reasonably accessible to manatees. If horizontal or vertical bars are used, no more than 8-inch gaps on center shall be allowed. Grates shall be in place at the accessible end(s) during all phases of the construction process and as a final design element to restrict manatee access.
24. To reduce the risk of a vessel crushing a manatee, the permittee shall install wharf fenders with appropriate materials to provide sufficient standoff space of at least four feet under maximum designed compression. Fenders or buoys providing a minimum standoff space of at least four feet under maximum designed compression shall also be utilized between two vessels that are moored together.
25. No nighttime in-water work shall occur when the possibility of spotting manatees is reduced.
26. During concrete pile-driving activities, the following measures shall be followed:
  - a. At least one observer shall be onsite at all times and dedicated to the task of watching for manatees during the in-water construction work. Observers must have prior on-the-job experience as a dedicated manatee observer, observing for manatees during similar in-water work and shall perform no other duties that may interfere with their ability to observe for protected marine species.
  - b. All pile-driving activity shall be confined to daylight hours.
  - c. The pile driving activities will use a ramp-up measure. At the start of pile driving, hammers would initially be operated at low levels, then gradually increase to minimum necessary power

required for pile installation. Monitoring for protected marine species will occur for 30 minutes prior to pile driving, during pile driving, and for 30 minutes after pile driving ends.

d. If the activities appear to harass or injure a protected marine species, then work shall cease immediately and not resume until after consultation with the Florida Fish and Wildlife Conservation Commission (FWC) at [ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com) or 850-922-4330. Any additional conservation measures deemed necessary by FWC must be implemented to minimize the risks to protected species.

## **SPECIFIC CONDITIONS – MONITORING**

27. Turbidity shall be monitored by a qualified individual during all dredging activities. Turbidity shall be monitored at the locations and frequencies specified below. Any other project-associated discharge that is observed shall be monitored as close to the source as possible every hour until turbidity levels meet the state standard, or until otherwise directed by the Department. When this type of unanticipated discharge causes a turbidity exceedance, as compared to a corresponding background site at least 150 meters up-current of the discharge, the Permittee shall adhere to the turbidity compliance actions outlined in Specific Condition No. 29 below.

### Location:

Background – (for the dredge sites) - At mid-depth, at least 150 meters up-current from the dredge intake point and clearly outside the influence of turbidity generated by this project or other obvious turbidity plumes. Overflow at the dredge site is prohibited.

### Monitoring

During dredging, turbidity monitoring shall be conducted for conformance with state surface water quality standards under rule 62-302 F.A.C. The samples shall be taken at least every 4 hours at mid-depth at the compliance monitoring locations and the background monitoring location specified in design drawing Dredging Overview DR-1, Sheet 32 of 43. The permittee shall maintain all monitoring records.

### Frequency:

Background - Samples shall be collected with each dredge event.

Dredge Intake - Twice daily at least four (4) hours apart during all dredging-related activities in or adjacent to State waters, including dredging, open water disposal, overflow from filling of any hopper dredge, disposable barge or scow barge.

### Turbidity Standard:

Dredge Intake - Turbidity levels at the edge of the approved mixing zones shall not increase 29 Nephelometric Turbidity Units (NTUs) above the turbidity level measured at the Background location. Turbidity measurements must be acquired in adherence to the Department's Standard Operating Procedure (SOP) for field turbidity, available at the website: [www.dep.state.fl.us/labs/qa/sops.htm](http://www.dep.state.fl.us/labs/qa/sops.htm).

### Calibration:

The instruments used to measure turbidity shall be fully calibrated with primary standards within one month of commencement of dredging operations, and at least once a month throughout the project (for the duration of construction). Calibration with secondary standards shall be verified



each morning prior to use, after each time the instrument is turned on, and after field sampling using two secondary turbidity “standards” that bracket the anticipated turbidity samples. If the post-sampling calibration value deviates more than 8% from the previous calibration value, results shall be reported as estimated and a description of the problem shall be included in the field notes.

28. Analysis of turbidity samples shall be performed in compliance with DEP-SOP-001/01 FT 1600 Field Measurement of Turbidity located at the following link:  
<http://publicfiles.dep.state.fl.us/dear/sas/sopdoc/2008sops/ft1600.pdf>
29. The following measures shall be taken whenever turbidity levels exceed the standards stated in condition 27 above:
- a. Immediately cease all dredge or discharge operations that may be contributing to the water quality violation;
  - b. Notify FDEP, within 24 hours of the time the violation is first detected. The violation report shall include the description of the corrective actions taken or proposed to be taken and the NTU values (background, compliance and the difference) of the violation;
  - c. Modify the work procedures that were responsible for the violation such as reducing the dredge/discharge rate and/or installing additional BMPs or repairing any non-functioning turbidity containment devices;
  - d. Increase Dredge Intake Site monitoring frequency to at least every two (2) hours during daylight until all turbidity readings are in compliance with the Standard, and monitor at least every four (4) hours during nighttime for the first 24 hours after the exceedance;
  - e. Increase Dredge Intake Site monitoring frequency to at least every fifteen (15) minutes until all turbidity readings are in compliance with the Standard. Increase Discharge monitoring frequency to at least every two (2) hours until turbidity readings are in compliance with the Standard;
  - f. Any cessation of dredging or discharge operations shall continue until monitoring indicates that turbidity levels are meeting the Standard; and
  - g. Provide a copy of all monitoring data sheets including the monitoring data required by (d) above, to FDEP within 24 hours of the time when any suspended dredge or discharge operations resume.
30. Turbidity monitoring reports shall be submitted to the Northeast District Office ([dep\\_ned@floridadep.gov](mailto:dep_ned@floridadep.gov)) on a weekly basis within seven (7) days of collection, except as provided in Specific Condition No. 27 above. Reports shall be submitted under a cover letter containing the following statement: "This information is provided in partial fulfillment of the monitoring requirements in Permit No. 16-0381057-003-EI, Eagle LNG Jacksonville Dredge Report." The cover letter shall summarize any significant compliance issues. Also, please clearly reference the permit number on each page of the report. In addition to analytical results for samples and quality control, the report should also include:
- a. Time of day samples were taken;
  - b. Depth of waterbody;
  - c. Depth of sample;
  - d. Antecedent weather conditions;
  - e. Tidal stage and direction of flow;
  - f. Wind direction and velocity;
  - g. A statement describing the methods used in collection, handling and analysis of the samples;

- h. Turbidity meter calibration/documentation;
- i. A map indicating the location of the current construction activity, the sampling locations (background and compliance), and the visible plume pattern of the applicable mixing zone; and
- j. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Failure to submit monitoring reports in a timely manner constitutes a violation of the permit pursuant to Chapter 403.161, Florida Statutes and may be grounds for permit revocation.

#### **SPECIFIC CONDITIONS – OTHER LISTED SPECIES**

31. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

#### **SPECIFIC CONDITIONS – CONSTRUCTION COMPLETION**

32. Within 30 days after completion of construction of the permitted or authorized activity, and prior to transfer to operation, the permittee/lessee shall submit an As-Built Survey signed, sealed and dated by a Florida licensed Surveyor and Mapper in accordance with Chapter 61G17-7, Florida Administrative Code. The Survey shall depict the boundaries of the lease, including the entire preempted area and shall show the size and dimensions of all existing overwater structures and activities, including mooring pilings, located within the lease area. The Survey shall contain a statement that all of the depicted structures and activities occur within the lease boundary, if applicable. If the surveyor observes that structures or activities are occurring outside of the lease area, the surveyor shall 10. document the condition in the statement and note the deviations on the Survey. Constructed deviations may require a permit or lease modification.
33. Upon completion of construction, the permittee shall submit to the Department of Form 62-330.310(1) “As-Built Certification and Request for Conversion to Operation Phase”. The form shall be certified by a registered professional and serve to notify the Department that the project, or independent portion of the project, is completed and ready for inspection by the Department. The person completing Form 62-330.310(1) shall inform the Department if there are substantial deviations from the plans approved as part of the permit and include as-built drawings with the form.
34. The plans must be clearly labeled as “as-built” or “record” drawings and shall consist of the permitted drawings that clearly highlight (such as through “red lines” or “clouds”) any substantial deviations made during construction. The permittee shall be responsible for correcting the deviations [as verified by a new certification using Form 62-330.310(1)]. If such deviations require a modification of the permit under Rule 62-330.315, F.A.C., the permittee shall separately

request a modification to the permit, which must be issued by the Department prior to the Department approving the request to convert.

35. When projects authorized by the permit are to be constructed in phases, each phase or independent portion of the permitted project must be completed and the permittee must have submitted Form 62-330.310(1) "As-Built Certification and Request for Conversion to Operation Phase," in accordance with subparagraph 62-330.350(1)(f)2., F.A.C., certifying as to such completion prior to the use of that phase or independent portion of the project. The request for conversion to the operating phase for any phase or independent portion of the permitted project shall occur before construction of any future work that may rely on that infrastructure for conveyance and water quality treatment. Phased construction can include a partial certification.

### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

36. Prior to commencement of LNG bunkering operations, a site-specific LNG Fuel Transfer Systems Operation manual and/or Emergency manual shall be developed. The manual(s) shall be readily available during bunker operations.
37. Prior to commencement of operations a Spill Prevention, Control, and Countermeasures Plan shall be developed for use during operation to minimize potential impacts associated with an inadvertent spill or leak of hazardous material.

### **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

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.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference



in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, 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., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under rule 62-330.340, F.A.C., or transferred to an operating entity under rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities – "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
  11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
  12. The permittee shall notify the Agency in writing:
    - a. Immediately if any previously submitted information is discovered to be inaccurate; and
    - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
  13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
  14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, 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 permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
  15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding

unless a specific condition of this permit or a formal determination under rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. 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.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

#### Extension of Time

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

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory

Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

### Judicial Review

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

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

## DRAFT

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Thomas G. Kallemeyn  
Permitting Program Administrator

TK:js

### **Attachments:**

1. Standard Manatee Construction Conditions 2011
2. Construction Commencement Notice/Form 62-330.350(1)  
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)  
Operation and Maintenance Inspection Certification/Form 62-330.311(1)
3. Final Marine Terminal Drawings, **X** pages
4. Berth Loading Plans, 17 pages
5. Dredge Plans, 12 pages

### **Copies furnished to:**

Michael Sanders, Jr., Halff, Inc. [msanders@halff.com](mailto:msanders@halff.com)

Mike Gartman, SWCA, [Michael.gartman@swca.com](mailto:Michael.gartman@swca.com)

U.S. Army Corps of Engineers, [corpsJaxreg-nj@usace.army.mil](mailto:corpsJaxreg-nj@usace.army.mil)

FWC, Imperiled Species Management Section, [fcmpmail@myfwc.com](mailto:fcmpmail@myfwc.com)

FWC, Conservation Planning Section, [fwcconservationplanningservices@myfwc.com](mailto:fwcconservationplanningservices@myfwc.com)

Division of Historical Resources, Compliance Permits, [CompliancePermits@DOS.MyFlorida.com](mailto:CompliancePermits@DOS.MyFlorida.com)

FWC, Christina Phillips Frederick, [Christina.Frederick@MyFWC.com](mailto:Christina.Frederick@MyFWC.com)

Department of Economic Opportunity, [Donna.Harris@deo.myflorida.com](mailto:Donna.Harris@deo.myflorida.com)

Greg Garis, FDEP, BIP

Jim Kipp, FDEP DSL

Tom Kallemeyn, FDEP NED

Junhong Shi, P.E., FDEP NED

Katie Miller, FDEP NED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on \_\_\_\_\_, to the above listed persons.

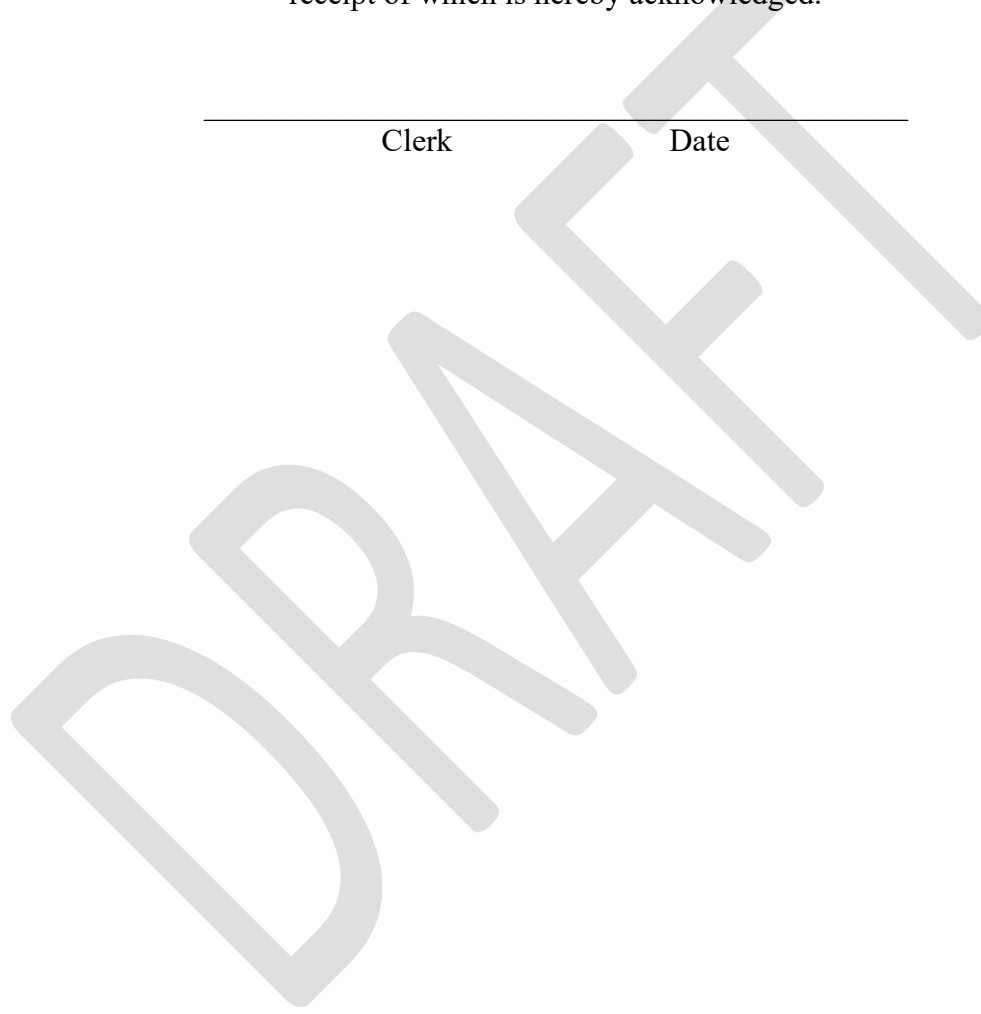
FILING AND ACKNOWLEDGMENT

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

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Clerk

Date





**STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**  
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. 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, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project 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 which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" 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 [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

**CAUTION: MANATEE HABITAT**

**All project vessels**


**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:

**Wildlife Alert:**  
**1-888-404-FWCC(3922)**  
cell \*FWC or #FWC



DRY