



Florida Department of Environmental Protection

Oil & Gas Program
2600 Blair Stone Road / Mail Station 3588
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

In the matter of an Application for a Drilling Permit by:

Applicant: Kanter Real Estate, LLC 2601 South Bayshore Dr., Suite 1450 Miami, Florida 33133 Agent: Carol Howard, President The Carol Group Inc. 208 Dal Hall Blvd, Lake Placid, FL 33852	File No.	OG_1366
	PA No.	336299
	County:	Broward

NOTICE OF DENIAL OIL & GAS DRILLING APPLICATION

The Department of Environmental Protection (Department) gives notice of denial of an Oil & Gas Drilling Permit in accordance with Part I of Chapter 377, Florida Statutes (F.S.), and Chapter 62C-26, Florida Administrative Code (F.A.C). This notice of denial is based on the reasons set forth below.

I. PROJECT LOCATION

The project location is Section 23, Township 51 South and Range 38E (Sec. 23, T51S, R38E). The location is adjacent to Levee L-67A in Water Conservation Area 3 (WCA 3), approximately 5.3 miles west of US Highway 27 and 10.1 miles south of Alligator Alley (I-75). The site within WCA 3 is delineated in the attached figure showing the proposed bottom hole location versus the nearest property boundaries as contained in Application Exhibit B.

II. PROJECT DESCRIPTION

The proposed project was to drill an exploratory well to a depth of approximately 11,800 feet within WCA 3, unincorporated Broward County. The project had a planned working area of approximately five acres, surrounded by a perimeter berm on three sides and the levee on the fourth.

III. AUTHORITY FOR REVIEW

The Department has permitting authority under Part I of Chapter 377, F.S., and Chapter 62C-26, F.A.C. The activity is not exempt from the requirement to obtain a permit.

IV. REASONS FOR DENIAL

Based on the department's review of the application and supporting documentation, the drilling permit is denied because the applicant failed to provide information showing a balance of considerations in favor of issuance given the particular criteria specified in Section 377.241, Florida Statutes, "Criteria for Issuance of Permits." Specifically, the applicant's information did not show a balance in favor of issuance when considering the nature, character and location of the lands involved; the nature, type and extent of ownership of the applicant; and the proven or indicated likelihood of the presence of oil in such quantities as to warrant the exploration and extraction of such products on a commercially profitable basis.

V. NOTICE OF RIGHTS

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. The petition must contain the following information required by Rules 28-106.201 and 28-106.301, F.A.C.:

- (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, email 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;
- (c) An explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (d) A statement of when and how the petitioner received notice of the agency decision;
- (e) A statement of all disputed issues of material fact; or, if there are none, the petition must so indicate;
- (f) 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;
- (g) 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 any alleged facts relate to the specific rules or statutes; and
- (h) 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.

Petitions 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. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons who have asked the Department in writing to receive notice of this action pursuant to Section 120.63, F.S., must be filed within 21 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 21 days of publication of the notice or within 21 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.

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, before the applicable 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.

Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed. Mediation is not available in this proceeding.

This permit denial constitutes an order of the Department. Any party to this order has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Florida Appellate Rules of Procedure Rules 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel, at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when this order is filed with the Clerk of the Department.

The files associated with this order are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 2600 Blair Stone Drive, Tallahassee, Florida 32399-2400, and online at http://www.dep.state.fl.us/water/mines/oil_gas/drill-apps.htm (reference OG_1366).

Executed on November 16, 2016 in Tallahassee, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Cindy Mulkey, Program Administrator
Oil & Gas Program

Attachment:

Location Map and Nearest Property Boundaries contained in Application Exhibit B

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this final order was mailed electronically before the close of business on 11/16/2016, to Carol Howard of The Carol Group, who is the designated agent for Kanter Real Estate LLC, at choward@thecarolgroupinc.com . This notice was also mailed electronically, on the same date, to the following persons:

John Kanter, President, Kanter Real Estate: jekmia@bellsouth.net
Henry Sniezek, Director, Broward County: hsniezek@broward.org
Lennart Lindahl, P.E., Executive Director, SFWMD: llindahl@sfwmd.gov
Andrew Steiner, SFWMD: asteiner@sfwmd.gov
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Matthew Schwartz, S. Florida Wildlands Association: southfloridawild@yahoo.com
Russell Muñiz, Clerk, Town of Southwest Ranches: rmuniz@southwestranches.org
Drew Martin, Conservation Chair, Sierra Club, Loxahatchee Group: dmandch@aol.com

FILING AND ACKNOWLEDGMENT

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



Deputy Clerk

11/16/2016

Date

