



Florida Department of Environmental Protection

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August 6, 2015

Ms. Carol Howard
The Carol Group, Inc.
208 Dal Hall Boulevard
Lake Placid, Florida 33852
choward@thecarolgroupinc.com

RE: First Request for Additional Information
Kanter Real Estate, LLC
Application for Permit to Drill No. 1366
Broward County, Florida

Dear Ms. Howard:

You are receiving this correspondence as the agent for Kanter Real Estate, LLC, in connection with the Application for Permit to Drill received by the Florida Department of Environmental Protection's oil and gas program on July 8, 2015, and revised on July 29, 2015.

As you are aware, Florida law prohibits the exploration for and development of oil and gas resources within specific geographic areas of the state. [377.242(1)(a), F.S.] Additional prohibitions on oil and gas activities apply to certain lands under state ownership. [E.g., 18-2.018(3)(a)8.f., F.A.C., applying to state-owned land within the boundaries of the South Florida Water Management District's water conservation areas.] Because the department's initial review indicates that the applicant's proposed activity would not be located within an area of the State for which this activity is statutorily-prohibited, nor would the proposed activity be conducted on state-owned land where this activity is otherwise restricted by rule, the department must proceed to review the applicant's proposal. The department's review is conducted in accordance with Florida's Administrative Procedures Act (Chapter 120, Florida Statutes), Florida's law governing the regulation of oil and gas resources (Part I of Chapter 377, Florida Statutes), and

Ms. Carol Howard

Page 2

August 6, 2015

department rules promulgated under the authority of these laws (e.g., Chapters 25 through 30, Florida Administrative Code).

The department's initial review indicates that additional information is required for the department to fully consider whether the applicant's proposal conforms to the requirements of Florida law. The department's specific requests for information are enumerated below. Please be aware that the applicant may elect to not respond to any or all of the department's requests, if the applicant believes the request or requests are not authorized by law or rule. [120.60(1), F.S.] In such case, the applicant may specifically direct the department to determine its action on the basis of information already provided, and failure to provide requested information will not automatically result in denial of the application for permit. Under Florida law, the department may only deny an application for an oil and gas permit for lawful cause, such as an inconsistency between the proposal and a specific applicable requirement in department rule. [377.24(4), F.S.]

In addition to the department's specific requests for additional information, the department has enclosed comments from several other agencies, including the Florida Fish and Wildlife Conservation Commission, the Florida Department of State (Division of Historical Resources), the South Florida Water Management District, and Broward County. The department provided these agencies with a copy of the application and sought comments within these agencies' areas of expertise on matters that may pertain to the department's regulatory criteria. These comments may also assist the applicant in identifying potentially-applicable legal requirements within these agencies' jurisdiction. The department encourages the applicant to consider and respond to these comments, particularly where doing so may improve overall stakeholder understanding of the applicant's proposal.

Please be aware that this correspondence, and the actions of the department's oil and gas program, address only the Application for Permit to Drill. All other state, federal, or local authorizations, including other department-issued permits, must be obtained separately by the applicant from the appropriate regulatory entity. Please note that although the applicant makes several references to its application for Environmental Resource Permit (submitted for review by the department's Southeast District Office) in its Application for Permit to Drill, the permitting criteria and permitting timeline are not the same for these two department authorizations. Accordingly, the department will determine action on each permit application based only on the information provided to support each individual permit application.

Finally, please be aware that department rule prohibits any person from beginning work at the site of a proposed drilling operation, other than making environmental assessments or surveying, without first obtaining a permit to drill. [62C-26.003(1), F.A.C.]

Request for Additional Information

1. Department rule requires that an application to drill be considered incomplete until the applicant requests a preliminary site inspection be made by the Department. Please contact the oil and gas program to schedule a preliminary site inspection. [62C-26.003(4), F.A.C.]
2. Florida law requires the department to consider the proven or indicated likelihood of the presence of oil, gas, or related minerals in such quantities as to warrant the exploration and extraction of such products on a commercially profitable basis. The application states that the proposal to drill is “based on geologic information” and that the “primary geological objective is the Upper Sunniland Formation” at a depth of 11,800 feet TVD, but otherwise appears silent on the proven or indicated likelihood of extracting oil at the proposed location and proposed depth. Please provide information that supports the proposal and addresses this consideration. [377.241(3), F.S.]
3. Florida law requires that an applicant own a valid deed or lease granting the applicant the privilege to explore for oil, gas, or related mineral products on the lands included in the application. The application states that Kanter Real Estate, LLC “is the owner of the property on which the well is located.” Property deeds included with the application, however, appear to reference different corporate entities. Please provide documentation that clarifies the applicant’s interest and addresses this requirement. [377.243(1), F.S.]
 - 3.1. The application also includes a copy of an easement that appears to address the exploration or drilling for oil, gas, or other minerals at the proposed site. Please indicate whether a title search was performed to identify any other potential property interests.
4. Florida law requires that an applicant acquire a lawful right to drill from a majority of the mineral interests within a drilling unit prior to applying for a drilling permit. The application appears silent on mineral interests within the proposed drilling unit. Please provide information that supports the proposal and addresses this requirement. [377.241, F.S.]
 - 4.1. Department rule also requires each application to be accompanied by a location plat that shows and provides a legal description of all mineral acreage with the drilling unit which is not under lease to the applicant. The application appears silent on mineral acreage within the proposed drilling unit. Please provide information that supports the proposal and addresses this requirement. [62C-26.003(7)(b), F.A.C.]

- 4.2. Department rule requires that the location plat also show the exact well location with reference to drilling unit boundaries, quarter-section corners, rivers and other prominent features; show ground elevation (with tolerances) at the drill site; state whether the proposed drilling unit is routine or nonroutine; and meet the minimum technical standards established in rule by the Board of Professional Surveyors and Mappers. Please revise the included Well Location Plat (Exhibit G) to address these requirements. [62C-26.003(7), F.A.C.]
 - 4.3. The application appears to contain a discrepancy between the bottom hole location identified in Section 7.0 and the surface hole location identified in the included location plat. Please clarify and make any necessary corrections to the proposal.
 5. Department rule allows a single permit to be issued for the drilling of a well and activities associated with the test phase immediately following well installation. The application indicates that there “are no plans for gathering lines or pipeline at this time,” but otherwise appears silent on activities proposed to follow drilling of the well that the applicant proposes be covered by a single permit. Please provide information regarding proposed onsite activities during the test phase and identify any necessary equipment, materials, vehicles, or infrastructure to support the test phase. [62C-25.006(1), F.A.C.]
 - 5.1. Please indicate if the applicant is proposing to conduct a drill stem test prior to running production casing. If planned, please describe the provisions for conducting the tests and identify the relevant industry standards and practices proposed, equipment needed, and on-site fluid storage requirements. [62C-27.001(6), F.A.C.]
6. Florida law requires that an applicant implement programs for the control of pollution related to oil, petroleum products or their byproducts, and other pollutants and the abatement thereof when a discharge occurs. The application appears to rely on well construction in accordance with department rule to address the potential for and control of subsurface discharges. The application states that the “drilling location will have secondary containment areas around the rig substructure and the generator (including its fuel tanks),” that “containment areas will be covered by a high-density polyethylene liner system that will collect rainwater, oils, grease, and other fluids and direct them to a sump,” and that a “containment berm surrounding the fuel tanks will retain 1.5 times the tanks’ stored volume.” The application otherwise appears silent on potential surface spill sources, and measures proposed to control and abate spills from those sources.

Please provide information that supports the proposal and addresses this requirement. [377.243(2), F.S.]

- 6.1. Please identify each potential spill source, outline protective measures to avoid spills at each point (such as how each piece of equipment is designed and will be maintained to prevent pollution), identify equipment to be used in an emergency, and specify action planned to remove each such spill that might occur.
 - 6.2. Department rule requires each application to be accompanied by a location plat that specifies the distance to rivers and other prominent features, and requires submittal of an aerial photograph of the drill site at a large scale. Please address these requirements at a scale relevant to support the proposal in the context of pollution prevention and spill response. [62C-26.003(7), F.A.C., 62C-26.003(10), F.A.C., and 62C-30.005(2)(b)2., F.A.C.]
 - 6.3. The application indicates that water for drilling will be supplied by “on-site wells located at the northeast and southeast corners of the pad.” Please clarify the location of the proposed water wells on the included drilling pad sketch (Exhibit H), given the pad does not have an apparent northeast or southeast corner.
 - 6.4. Please identify all freshwater resources within one mile of the proposed drilling location and explain how they will be protected in the event of accident or blowout. [377.242, F.S.]
 - 6.5. Please identify the nearest drinking water wells to the proposed well site.
 - 6.6. Please identify any information the applicant considers relevant to characterizing existing or background water quality at the proposed well site.
 - 6.7. The application does not identify any potentially toxic or hazardous materials stored onsite for drilling purposes or in support of ancillary equipment. Please identify any materials that might pose a risk to groundwater quality and provide the department with a Materials Safety Data Sheet for such materials.
 - 6.8. Please indicate how the proposed well site will be secured to prevent unauthorized access or vandalism.
7. Department rule requires the applicant to describe the provisions made for locating and constructing roads, pads, and other facilities needed for drilling operations, and requires the applicant to make every effort to minimize related impacts.

Additionally, for sites located in sensitive areas, department rule prohibits permanent adverse impacts on water resources, sheet flow of the area, or on the vegetation or the wildlife of the area, with special emphasis on rare and endangered species. Department rule also precludes construction of access corridors and drilling pads through certain sensitive resources unless reasonable and prudent alternatives are not available. The application indicates that the proposed activity will be conducted within an area of private ownership of approximately 20,000 acres, but the application appears silent regarding the selection of the specific well site within this area. Please provide information that supports the proposal and addresses these criteria. [62C-26.003(10), F.A.C., 62C-30.005(1), F.A.C., 62C-30.005(2)(a)11., F.A.C., and 62C-30.005(2)(b)1., F.A.C.]

- 7.1. The application states that the location “contains habitat for federal and state listed wildlife species” but otherwise appears silent on wildlife or wildlife impacts. Please clarify whether a wildlife survey was performed and explain whether the proposal will affect wildlife in the area.
- 7.2. The application appears silent on cultural and archeological resources. Please clarify whether a cultural and archeological resources assessment was performed and whether the proposal will affect cultural resources in the area.
- 7.3. The application appears silent on the sheet flow of the area. Please clarify whether the proposal will affect sheet flow of the area.
8. Department rule requires that existing roads be used wherever feasible. The application proposes the use of levees located off U.S. Highway 27 and U.S. Highway 41 for access to the proposed well site. The application appears to imply that these levees are owned by the South Florida Water Management District and that the applicant’s use is authorized by easement. Please clarify or confirm. [62C-26.003(10), F.A.C. and 62C-30.005(2)(a), F.A.C.]
 - 8.1. The application appears silent on details of proposed traffic and whether, as a structural matter, existing levees and bridges can support the proposed traffic and proposed drilling activities. Please explain the nature of the proposed traffic, explain the capacity of existing infrastructure to withstand the proposed traffic and proposed drilling activities, and indicate whether this infrastructure must be improved. Please be aware that road improvements or new road construction must be subject to this permitting review.
 - 8.2. The application indicates that “[a]ccess to the drilling site will not impact any wetlands or surface waters” but otherwise appears silent regarding a

“driveway” transition between the levee and drilling pad. Please provide details regarding construction of any such transition.

9. Department rule requires that drilling pads be constructed from trucked-in material or from material taken from approved borrow pits. The application appears silent on drilling pad materials. Please provide information regarding the source and characteristics of proposed drilling pad material. [62C-26.003(10), F.A.C. and 62C-30.005(2)(b)5., F.A.C.]
10. Department rule requires that drilling pads be constructed to a height to assure year round usage. The application indicates that the proposed pad will be constructed to a height of 11.9 feet NAVD, but otherwise appears silent regarding criteria used to support this design. Please provide information that supports the proposal and addresses this requirement. [62C-26.003(10), F.A.C. and 62C-30.005(2)(b)6., F.A.C.]
11. Department rule requires construction of a protective levee around the drilling site and storage tank areas, and requires the levee to be of sufficient height and impermeability to prevent the escape of pad fluids. In addition, dikes must be of sufficient size and strength to prevent rain water from washing onto and inundating pads. The application states that a “three-foot earth berm will surround the 5-acre operating area in order to contain all water on the site” but otherwise appears silent regarding criteria used to support this design. Please provide information that supports the proposal and addresses this requirement. [62C-27.001(4)(c), F.A.C., 62C-26.003(10), F.A.C., and 62C-30.005(2)(b)7., F.A.C.]
12. Please explain the purpose and intended use of the area labeled as “proposed spoil area” in Exhibit H of the application.
13. The application appears silent on the handling and disposition of drill cuttings, as well as the disposal of drilling fluids. Please provide information regarding the proposed handling of this material.
14. Department rule requires all applications to contain the minimum setting depths, casing size, weight per foot, wall thickness, specified minimum yield strength, grade of pipe, class of cement to be used, cement additives, cement quantity, intended interval to be cemented, hole size, displacement method, special tools to be used and calculated percent excess. The application includes some specifications for casing and cementing but is silent on others. Please provide information for all casing strings both in the text and on the wellbore schematic. [62C-26.003(5), F.A.C.]

- 14.1. The application appears silent on the installation and specifications of the conductor casing. Please provide information to address this requirement.
 - 14.2. The conductor casing is labeled as 13 $\frac{3}{8}$ " in the Proposed Casing and Cementing Plan (Exhibit M) and as 24" in the Wellbore Schematic (Exhibit N). Please clarify the proposed size of the conductor casing.
15. Department rule requires that all casing be new pipe or reconditioned so as to be equivalent to new pipe. The application is silent on the condition of the proposed casing. Please provide information to address this requirement. [62C-27.005, F.A.C.]
16. Department rule requires casing to be set and cemented in accordance with generally accepted industry standards and practices. The application is silent on the criteria or standards relied upon during the design of the cement and the type and spacing of centralizers. Please provide the criteria and standards relied upon for cement and centralizer design. [62C-27.005(2), F.A.C. and 62C-27.005(3), F.A.C.]
 - 16.1. The application addresses centralizer type and spacing for the surface and intermediate casings, but appears silent on centralizer type and spacing for the production casing. Please provide centralizer information for the production casing.
17. Department rule requires that all casing be pressure tested prior to well completion or drilling out after cementing. The required pressure tests have specific pressure specifications and durations, including tolerances, for pressure drops. The application states the pressure specifications for surface and intermediate casings, but appears to be silent on testing durations and the test pressure for the production casing. Please provide information that supports the proposal and addresses these requirements. [62C-27.005(4), F.A.C. and 62C-27.005(5), F.A.C.]
18. Department rule requires the surface casing be set below the deepest underground source of drinking water (USDW) and cemented to surface. The application indicates that surface casing will be set to a depth of 1,800 feet, but otherwise appears silent on the depth of the deepest USDW. Please provide information that supports the proposal and addresses this requirement. [62C-27.005(1), F.A.C.]
19. Department rule requires the applicant to take into account all relevant geologic and engineering data for the design of casing, cementing, mud, and well control programs. The application appears silent on the geologic or engineering considerations that were taken into account during the design process of the well. Please provide the specific data used for the design of each program above. [62C-27.001(5), F.A.C.]

- 19.1. Please clarify the purpose of each key product contained in the Drilling Fluid Program (Exhibit P). In addition, please supply the department with the Materials Safety Data Sheets for each product.
20. Department rule requires that the operator use only contractors or employees trained and competent to drill. The application appears silent on the nature and extent of contractor or employee training and experience. Please provide information that addresses this requirement. [62C-27.001(5), F.A.C.]
21. Department rule requires that before spudding the well, mud tanks of sufficient size to hold the active mud volume at the surface be installed for containment of all active drilling fluids. The Drilling Rig Information (Exhibit K) states that the mud system will consist of a "2 pit (940bbl)" system, but otherwise appears silent regarding criteria used to support this design. Please provide information that supports the proposal and addresses this requirement. [62C-27.001(4), F.A.C.]
22. Department rule requires that in national and state forests and parks, in wetlands, and in other sensitive areas, prefabricated tanks and drip pans be required for the containment of all waste fluids. The application is silent on the manner in which the waste fluids and cuttings are contained. Please provide information that supports the proposal and addresses this requirement. [62C-27.001(4)(a), F.A.C.]
23. Department rule requires the operator to maintain sufficient quantities of mud and mud additives, readily accessible for use, to insure well control. The application indicates the quantities of mud and mud additives that will be used, but otherwise appears silent regarding criteria used to determine that these quantities are sufficient to insure well control. Please provide information that supports the proposal and addresses this requirement. [62C-27.007(1), F.A.C.]
 - 23.1. The application appears silent on mud testing equipment and mud volume measuring devices. Please provide information to address mud measurement and testing. [62C-27.007(1), F.A.C.]
24. Department rule requires specific procedures to be followed prior to and during tripping out of the hole. The application appears silent on proposed procedures to be followed prior to and during tripping out of the hole. Please provide information that supports the proposal and addresses these requirements. [26C-27.007(2)-(3), F.A.C.]
25. Department rule requires specific procedures for the installation, use and testing of blowout preventers and related well control equipment. The back pressure valve

and the drill-string safety valve shall be maintained in the open position on the rig floor at all times while drilling operations are being conducted. The application appears silent on this issue. Please provide information to address this requirement. [62C-27.006(1), F.A.C.]

25.1. Department rule requires that blowout preventers and related well-control equipment be pressure tested when installed, before drilling out after each string of casing is set, not less than once a week while drilling, following repairs that require disconnecting a pressure seal in the assembly, and other times as prescribed by the department. The application appears silent on pressure tests while drilling and tests following repairs that require disconnecting a pressure seal in the assembly. Please provide information to address this requirement. [62C-27.006(2), F.A.C.]

25.2. Department rule requires bag-type blowout preventers to be actuated on the drill pipe or collars once a week. Accumulators and pumps shall maintain a pressure capacity reserve at all times to provide for repeated operation of hydraulic preventers. A blowout prevention drill shall be conducted weekly for each drilling crew to insure that all equipment is operational and that crews are properly trained to carry out emergency duties. All blowout preventer tests and crew drills shall be recorded in the driller's log. The application appears silent on testing and drills for the blowout preventers. Please submit information clarifying how these requirements will be addressed. [62C-27.006(4), F.A.C.]

25.3. The blowout preventer testing pressures, wellheads and hole sizes contained in "10.2 Well Control Equipment" are inconsistent with pressures, wellheads and hole sizes contained in Well Drilling Procedures (Exhibit L). In addition, the testing pressures in "10.2 Well Control Equipment" are above the working pressure of the wellheads. Please provide information to clarify these discrepancies.

25.4. The application's Well Control Program (Exhibit O) omitted Figure 1 which depicted the drilling rig stack. Please supply the omitted Figure.

25.5. Please clarify the number of pipe rams and provide a current blowout preventer space-out drawing as described in Well Control Program (Exhibit O).

26. Department rule requires that the operator develop a plan to safely and effectively control any hydrogen sulfide encountered. The plan must meet generally accepted industry practices, include a personnel training and safety program, and include contingencies for notifying authorities and evacuating civilians in the event of an

Ms. Carol Howard

Page 11

August 6, 2015

accident. The Hydrogen Sulfide Gas Contingency Plan (Exhibit J) submitted with the application does not appear to identify the criteria or standards relied upon to develop the plan. Please provide information that supports the proposal and addresses this requirement. [62C-27.001(7), F.A.C.]

26.1. The application indicates that the Hydrogen Sulfide Gas Contingency Plan “will go into effect at 10,500 feet, which is more than 1,000 feet higher than the top of the expected hazardous hydrogen sulfide zone.” Please provide information that supports this determination.

26.2. The proposed well site is located within an area that may be subject to public recreation. Please clarify how the applicant proposes to notify civilians performing recreational activities in the event of a hydrogen sulfide release.

27. Department rule establishes the naming convention for oil and gas wells. The application refers to the proposed well as “Kanter 23-1.” The correct name for the proposed well is “Kanter 23-2.” In addition, the application appears to include outdated versions of Form 1 and Form 3. The department’s preference is for the applicant to submit a revised copy (“clean copy”) of the proposal that corrects all apparent errors and includes all additional information requested herein. [62C-26.003(6), F.A.C.]

If you have any questions or would like to discuss any of these issues, please contact Levi Sciara at the oil and gas program office in Tallahassee. In addition, the department requests that the applicant notify the oil and gas program if it requires more than 60 days to provide the additional information requested. Thank you and the applicant for your cooperation in this matter.

Sincerely,



Levi Sciara
Department of Environmental Protection
Oil and Gas Program
Levi.Sciara@dep.state.fl.us

Ms. Carol Howard

Page 12

August 6, 2015

Attachments:

- Florida Fish and Wildlife Conservation Commission correspondence dated August 4, 2015
- South Florida Water Management District correspondence dated August 4, 2015
- Florida Department of State, Division of Historical Resources correspondence dated August 5, 2015
- Broward County correspondence dated August 3, 2015



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August 4, 2015

Levi Sciara
Engineering Specialist
Florida Department of Environmental Protection
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Levi.Sciara@dep.state.fl.us

Re: Kanter 23-1 Exploratory Oil Well, Oil and Gas Permitting Application File No. 1366 and Associated Environmental Resource Permit (ERP) Application Number 06-0336409-001, Broward County

Dear Mr. Sciara:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced application and provides the following comments for your consideration. We provide these comments as technical assistance during your review of the oil and gas application under Chapter 62C-30, Florida Administrative Code (F.A.C.), during your review of the ERP application under Chapter 373, Florida Statutes (F.S.), and in accordance with FWC's authorities under Chapter 379, F.S.

Project Description

The applicant (Kanter) proposes to drill a well to be known as Kanter 23-1 to a depth of approximately 11,800 feet for the purposes of oil exploration. Kanter owns in fee simple approximately 20,000 acres in Water Conservation Area 3 (WCA 3) in Broward County. In 1950 an easement was granted to the Central and Southern Flood Control District for the purposes of construction, maintenance and operation of any project in the interest of flood control, reclamation, conservation and allied purposes. Kanter retained the right of ingress and egress to and from the property in order to exercise its reserved rights to develop, extract, and remove oil, gas, and minerals in accordance with sound engineering principals. Kanter, based on geologic information, proposes to construct an oil well for the purposes of exploring oil reserves on 5 acres of the 20,000-acre parcel. Drilling operations will consist of exploratory drilling and testing taking place 24 hours a day for approximately 60 to 80 days to explore the viability of the well. The applicant has also submitted an Environmental Resource Permit application which details the plans for the construction of a 5.8-acre stormwater management system to serve the proposed 5-acre oil well facility and associated works. The project also includes a 0.92-acre de-mucking spoil area with a total of 6.83 acres of wetland impacts.

The proposed well pad is located within Water Conservation Area 3B (WCA 3B), directly adjacent to the L-67A levee, approximately 1.15 miles southwest of Structure 151 within Broward County. The site currently contains freshwater marsh habitat and the applicant is proposing to purchase credits at an offsite mitigation bank to offset the proposed wetland impacts. The proposed project is expected to remain for approximately 30 years if the well is capable of producing oil. In accordance with Rule 62C-26.008, F.A.C., Operating Applications, an applicant must obtain a separate permit to operate the well. The FWC may provide additional comments if the applicant decides to apply for an operating permit. Additionally, the applicant is proposing to fully restore the pad site to its original condition at the end of the use of the pad site. The proposed project is being designed as a retention system in order to not significantly impact WCA

3 and best management practices such as construction precautions and sediment curtains will be implemented.

Potentially Affected Resources

The application states that the proposed project is similar to the location, wetland types, and wildlife impacts of the Decompartmentalization and Sheetflow Enhancement Physical Model (DECOMP) project, which was completed by the U.S. Army Corps of Engineers (USACE). The application provided a list of threatened and endangered species and state species of concern within the project study area including: wood stork (*Mycteria Americana*, Federally Threatened [FT]), Everglade snail kite (*Rostrhamus sociabilis plumbeus*, Federally Endangered [FE]), Florida panther (*Puma concolor coryi*, FE), Eastern indigo snake (*Drymarchon corais couperi*, FT), West Indian manatee (*Trichechus manatus*, FE), American alligator (*Alligator mississippiensis*, FT because of similarity of appearance), bald eagle (*Haliaeetus leucocephalus*), Everglades mink (*Neovison vison evergladensis*, State Threatened [ST]), Southeastern American kestrel (*Falco sparverius paulus*, ST), Florida sandhill crane (*Grus canadensis pratensis*, ST), Florida black bear (*Ursus americanus floridanus*), roseate spoonbill (*Ajaja ajaja*, State Species of Special Concern [SSC]), limpkin (*Aramus guarauna*, SSC), little blue heron (*Egretta caerulea*, SSC), white ibis (*Eudocimus albus*, SSC), snowy egret (*Egretta thula*, SSC), and tricolored heron (*Egretta tricolor*, SSC).

FWC's geographic information system (GIS) analysis of the project site confirms that the project site contains the above-mentioned listed species with the exception of the following:

- West Indian manatee (*Trichechus manatus*, FE)
- Southeastern American kestrel (*Falco sparverius paulus*, ST)
- Florida sandhill crane (*Grus canadensis pratensis*, ST)

In addition, the GIS analysis of the project site found that the project site contains, is adjacent to, or occurs near:

- U.S. Fish and Wildlife Service (USFWS) consultation areas for:
 - Audubon's crested caracara (*Polyborus plancus audubonii*, Federally Threatened [FT])
 - Everglade snail kite, critical habitat (*Rostrhamus sociabilis plumbeus*, Federally Endangered [FE])
 - Florida bonneted bat (*Eumops floridanus*, FE)
- Four wood stork (*Mycteria americana*, FT) nesting colony core foraging areas (CFA). The CFA constitutes an 18.6-mile radius around the nesting colony.
- Potential habitat for state-listed species:
 - Least tern (*Sterna antillarum*, ST)

Comments and Recommendations

FWC staff met with the applicant on July 27, 2015, to discuss the proposed project and current planning efforts regarding fish and wildlife resources. We provide the following comments and recommendations to the Florida Department of Environmental Protection (FDEP) regarding fish and wildlife resources to be considered during project permitting. The FWC has fish, wildlife,

and land management responsibilities for Water Conservation Areas (WCA) 2 and 3, which are managed as the Everglades and Francis S. Taylor Wildlife Management Area (EWMA). The EWMA contains approximately two-thirds of the remaining freshwater Everglades, and its plant communities provide important habitat for snail kites, wading birds, marsh fishes, and a variety of other wildlife species. The Everglades is a unique resource and the focus of large-scale restoration efforts. FWC staff recommends that the applicant coordinate with the South Florida Water Management District (SFWMD) and the USACE to verify that the proposed project does not impact any proposed Everglades restoration projects or planning efforts.

Federal Species

Wildlife surveys have not been conducted onsite, however the application provides a commitment to follow the U.S. Fish and Wildlife Service (USFWS) Eastern Indigo Snake Protection Plan, USFWS Habitat Management Guidelines for the Wood Stork in the Southeast Region Plan, and the USFWS Snail Kite Survey Protocol. Because species surveys have not yet been conducted onsite and because the location of the proposed activities may impact the listed species mentioned above, we recommend wildlife surveys for the above-listed species be conducted prior to any site development activities. We recommend that wildlife surveys follow survey protocols established by the USFWS and the FWC and surveys should be conducted by qualified individuals with recent documented experience. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (<http://myfwc.com/conservation/value/fwcg/>). Additionally, we recommend the applicant coordinate with the USFWS South Florida Ecological Services Office (ESO) at (772) 562-3909 for any necessary federal requirements.

Snail kites frequently nest in WCA 3B downstream of the project site and surveys for snail kites should be conducted before and during construction activities. We recommend the applicant coordinate with the USFWS for information regarding potential impacts to this species. Additionally, if snail kites are documented near the project site, we recommend the applicant coordinate with Tyler Beck, FWC's Snail Kite Conservation Coordinator, at either Tyler.Beck@MyFWC.com or (561) 459-7072.

The project is located within the USFWS Consultation Area for the federally endangered Florida bonneted bat and potential habitat for this species may exist onsite. The University of Florida conducted acoustic surveys for bonneted bats and they have been detected around this area in 2014 and 2015. While specific guidance has not yet been approved by the USFWS for the Florida bonneted bat, we recommend the applicant take steps to determine if and how bonneted bats may be using the project area. This could include conducting acoustic surveys to determine presence of bonneted bats and searching for potential roost sites that could be used by any bat species, such as tree cavities or under dead palm fronds, within the project area. For any potential roost site that is located, FWC staff recommends the site be examined by a trained wildlife professional and the area around it should be searched for signs of bats (guano, staining around the cavity entrance, chirping sounds). If bats are found roosting within or near the project site, they should be identified to species to determine if they are Florida bonneted bats. If Florida bonneted bats are identified, the applicant should immediately contact the USFWS and also provide that occurrence information to the FWC.

State-listed Wading Birds

Several species of wading birds are known to nest within WCA 3 including both state-listed Species of Special Concern (little blue and tricolored herons, white ibis, snowy egret, roseate spoonbill), federally listed species (wood stork), and other species protected under the Migratory Bird Treaty Act (e.g., great egret, great blue heron). Many of these species breed from March to August, but wood storks and great egrets typically initiate nesting from January through March. Although suitable nesting substrates were not readily identifiable from satellite imagery on or

immediately adjacent to the project site, it is possible that wading birds could nest in the project area.

Wading birds often are sensitive to human disturbance. In response to disturbance, nesting birds may leave eggs and young unattended, thereby exposing eggs and young to predators, sun, and cold. Moreover, wading birds may abandon nests or even whole colonies in response to human disturbance. Typically, FWC staff recommends a 328-foot buffer around the wading bird colonies to avoid disturbance from vehicles, boats, and pedestrian traffic. However, Mueller and Glass (1988) and the Texas Land Office have suggested maintaining a 1,000-foot buffer around wading bird colonies for drilling and construction activities.

FWC staff recommends that the applicant conduct surveys for wading birds immediately prior to construction that occurs during the breeding season (January-August). Surveys should occur within 1,000 feet of the project area because wading birds in the WCAs are unaccustomed to the level of disturbance caused by construction. If active wading bird nesting colonies are discovered within 1,000 feet of the project area, FWC staff recommends that the applicant conduct construction activities outside of the breeding season. If this is not feasible, FWC staff recommends that the applicant contact FWC staff identified below for technical assistance on avoidance, minimization, and potential permitting alternatives.

Least Tern

Clearing associated with construction may create conditions conducive for beach-nesting bird activity. Cleared sites such as areas that have undergone surface scraping may attract ground nesting species such as least terns or other imperiled beach-nesting birds (IBNB) during nesting season. IBNB nests have been documented on a variety of disturbed sites, including construction sites (FWC 2013). Least terns deposit their eggs in shallow depressions or scrapes in the substrate, possibly lined with pebbles, grasses, or coquina shells (FWC 2013). Egg laying usually begins in late April or early May and colonies may range in size from a few breeding pairs to many hundreds (FWC 2013). FWC staff recommends the following measures to reduce nesting potential during construction:

- Conduct construction activities outside of the breeding season (generally April through August),
- Clear the site only when ready to build, and
- Avoid leaving cleared areas with little to no activity for an extended amount of time.

If nesting is observed, we recommend contacting FWC staff to discuss necessary nest buffers and potential permitting alternatives. For additional information, please refer to FWC's Breeding Bird Protocol for Florida's Seabirds and Shorebirds located at the following web address: <https://public.myfwc.com/crossdoi/shorebirds/PDF-files/BreedingBirdProtocolForFloridasSeabirdsAndShorebirds.pdf>.

Recreation and Access

The L-67A levee not only provides vital access to the public for recreational use, but also provides access for management and monitoring of invasive exotic wildlife. We recommend that project construction and operation activities are coordinated with FWC to ensure activities neither impede current and existing management activities nor interrupt existing public access to the WCAs. Additionally, we recommend that the boat ramps located on both ends of the L-67A levee (Everglades Holiday Park and S-333 structure) remain accessible during all aspects of planning, construction, and operation. The L-67A Canal is an important, popular, and valuable fishery. While the application states that there are no intended impacts to the L-67A Canal at this

time, please contact FWC staff identified below for technical assistance on impact avoidance and minimization measures should impacts be anticipated.

Wildfires

The proposed project may increase the potential for a wildfire to occur within WCA 3B and may cause adverse effects to the surrounding wetlands. We recommend the applicant include response measures should the project inadvertently cause a wildfire. Additionally, prescribed fire is a management tool used within the surrounding area. The applicant should anticipate necessary measures to be taken in the instance a prescribed fire occurs near the site and should consider how this may affect project operations. FWC staff is available to discuss safety measures and coordinate with the applicant on prescribed burning in the area should this become necessary.

Restoration Plan

The oil and gas application states that exploratory drilling operations will take place 24 hours a day for approximately 60 to 80 days to explore the viability of the well. If the well is capable of producing oil, the ERP application states that the project is expected to remain for approximately 30 years. If the applicant decides to apply for an operating permit for the well, the FWC may have additional comments and recommendations based on the permit application. At this time, the applicant proposes to fully restore the pad site to its original condition at the end of the project. The restoration plan will be developed in consultation with the FDEP and the SFWMD. Due to the potential life cycle of the project, aggregate material may slough from the pad into the surrounding marsh over time, degrading the water quality of the marsh and harming foraging and nesting habitat for wading birds and their prey. FWC staff recommends the applicant provide a commitment to develop and implement a restoration plan following completion of the project which would include review and approval by FWC, FDEP, and SFWMD to ensure restoration goals include habitat conditions which support the wildlife management goals of WCA 3B.

High Water Conditions

The WCAs have previously experienced high water conditions and may experience such conditions again in the future due to operational constraints within the system. The application did not include a contingency plan for potential high water events. We recommend that a contingency plan with assurances be developed for high water conditions in which the oil pad could become inundated, thereby increasing the risk of contamination of onsite hazardous materials into the adjacent marsh habitat. Such contamination may cause impacts to state- and federally listed species within the WCA that are dependent on water quality for essential behaviors such as foraging. Similarly, the application states that the site and equipment are designed to ensure no offsite spills can occur. In order to protect the marsh habitats consistent with the wildlife management goals of this area, we recommend the applicant develop a spill contingency plan or a pollution prevention plan with measures for cleanup of accidental spills and a list of agencies to notify should a spill occur.

Invasive Nonnative Vegetation

In order to minimize the risk of spreading nonnative, invasive plants into adjacent or nearby natural areas including those managed by FWC, we recommend that all equipment and vehicles used for project activities be inspected and cleaned of any seeds, vegetation, or spores prior to entering the project area. FWC staff also recommends that the well pad site and the spoil area be managed to keep invasive vegetation species from growing and spreading into the WCA.

Summary

While the application provides general information regarding the issues identified above, it did not provide enough information for FWC staff to fully assess the potential project impacts. Inclusion of additional information as identified below would assist in our review of the application:

- Listed species surveys, location information, and avoidance measures
- Assurances that existing access to the L-67A levee will not be impacted
- Measures to address the wildfire risk proposed by the project
- Measures within the restoration plan for habitat conditions that support the wildlife management goals of the WCAs
- Measures to ensure spill prevention and a contingency plan for high water conditions
- Measures to address the risk of spreading nonnative, invasive plant species

We appreciate the opportunity to review the proposed project. FWC staff is prepared to assist FDEP staff during application review and provide technical assistance to the applicant as needed. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Marissa Krueger by phone at (561) 882-5711 or by email at Marissa.Krueger@MyFWC.com.

Sincerely,



Jennifer D. Goff
Land Use Planning Program Administrator
Office of Conservation Planning Services

jdj/mk
ENV 1-2-2
Kanter 23-1 Exploratory Oil Well_21466_080415

cc: John Kanter, Kanter Real Estate, LLC, jemia@bellsouth.net
Joseph Barber, The Carol Group, Inc., jbarber@thecarolgroup.com
Rosanne Clementi, Clementi Environmental Consulting, rosanne@clementi-ec.com
Jennifer Smith, FDEP, Jennifer.K.Smith@dep.state.fl.us
Irene Arpayoglou, FDEP, Irene.Arpayoglou@dep.state.fl.us
Ashleigh Blackford, USFWS, ashleigh_blackford@fws.gov

Citation:

Mueller, A.J., and P.O. Glass. 1988. Disturbance tolerance in a Texas waterbird colony. *Colonial Waterbirds* 11:119-122.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

August 4, 2015

Mr. Levi Sciara
Florida Department of Environmental Protection
Oil and Gas Program
2600 Blair Stone Road, MS 3577
Tallahassee, Florida 32399-3760
levi.sciara@dep.state.fl.us

**Subject: Kanter Real Estate, LLC – Kanter 23-1
Application No. 1366
Broward County**

Dear Mr. Sciara:

Thank you for providing the South Florida Water Management District (District) with the opportunity to review the application for a drilling permit (Application 1366) submitted by Kanter Real Estate, LLC for well Kanter 23-1. The application requests to drill a pilot hole to a depth of 11,800 feet to assess the Upper Sunniland Formation. The site is located within Water Conservation Area 3B, adjacent to the L-67A levee.

The District offers the following comments for your consideration:

The proposed drilling activities are located within the Everglades Protection Area. The Everglades Protection Area (EPA) is defined in the Everglades Forever Act and is a target for restoration within the Federally and State funded Comprehensive Everglades Restoration Plan (CERP; Water Resources Development Act of 2000).

Permits required:

- A. Water Use Permit for the water supply wells (application received)
- B. The Right of Way Occupancy Permit is required to allow temporary access on the L-67A access road necessary for vehicular access to the proposed site and for the facility (pad) within WCA-3. Such access may interfere with ongoing and planned CERP project activities and goals. Facilities related to "Petroleum, Petroleum Products & Pipeline Crossings" are identified as a Standard Permit (See page 39,

DISTRICT HEADQUARTERS: 3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • (800) 432-2045

Mailing Address: PO BOX 24680 West Palm Beach FL, 33416-4680

LOWER WEST COAST SERVICE CENTER: 2301 McGregor Boulevard, Fort Myers, FL 33901 • (239) 338-2929 • (800) 248-1201

OKEECHOBEE SERVICE CENTER: 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34972 • (863) 462-5260 • (800) 250-4200

ORLANDO SERVICE CENTER: 1707 Orlando Central Parkway, Suite 200, Orlando FL 32809 • (407) 858-6100 • (800) 250-4250



Received by FDEP Oil & Gas Program on 8/4/15

Criteria Manual, adopted by Rule 40E-6.091(1), which requires Governing Board approval. Because we do not have any documentation or an application, we have not been able to conduct a review of the scope of work.

Access to site:

1. Define the access path to the site. Will trucks come from the south (Tamiami Trail) and from the north?
2. What is the expected traffic (equipment sizes, road width, turn requirements, quantity, etc.)?
3. Provide accident prevention measures.
4. Provide measures to accommodate continued SFWMD access to District facilities
5. What are the expected levee improvements including passing lanes, turning basins, reinforcements, widening, etc. for safe operations and additional associated environmental impacts?
6. Please note that the SFWMD will be replacing S-151 starting as soon as January 2016 and extending for a least a year (longer if the start date is delayed) so your construction plans will be constrained by the SFWMD construction activities.

Drilling site:

7. Provide the plan for primary and secondary containment for both 5-acre site and spoil area, including calculations.
8. Where will geotextile be placed and will it be sufficient to prevent seepage of all wastewater, oils, grease, chemicals, etc.? What is the failure rate of the geotextile?
9. Will the edge of the berm be lined? Berms/levees still allow seepage and the site should be completely contained.
10. What is the capacity of the spoil area? Will the spoil/waste area be lined? If so, what kind of rain or wind event is the spoil area designed to contain? This area is very porous and has interactions with groundwater and surface water.
11. What is the plan to prevent material erosion from the well pad and spoil areas during hurricanes or tropical storms?
12. Provide fire prevention, containment, and extinguishing plan
13. Consider restricting drilling activity timing (i.e. restrict activity to dry season for reduce risk of contaminant runoff and carry)
 - o Consider timing of sampling for restoration projects like Decomposition Physical Model which has major sampling events from November through January.
14. Provide a detailed materials management plan
 - o identifying all imported materials, chemical properties, quantities, concentrations, and their toxicity thresholds for species in the area
 - o type and amount of waste generation from process
 - o temporary and final placement, handling, and/or disposal plan of said generated wastes

15. The proposed facilities may enhance the spread of legacy phosphorus and introduce new water quality issues to the Everglades by re-suspending canal sediments and creating a potential for waste and oil leakage, respectively. Provide a detailed water quality protection plan
16. Provide a pre, during, and post monitoring and mitigation/clean-up plan for:
 - o surface water
 - o groundwater
 - o levee stability
17. What are plans for project mitigation? How do these relate directly to Everglades restoration?
18. What are the plans to maintain normal surface water flows during and after the project?
19. Include SFWMD as an additional insured for appropriate amounts of general & special liability and environmental cleanup, and possibly require performance bonding to cover the high end of mitigation costs

Pilot Well:

20. Provide information regarding expected noise level and duration of operations
21. Provide plan to ensure no groundwater contamination/aquifer cross contamination due to fracturing resulting from drilling process
22. What chemicals are used during drilling? What volumes have the potential to be leaked into the aquifer and surface waters? What are the environmental toxicities associated with those chemicals?
23. During drilling operations, vibrations are commonly transmitted into the ground via the drill string and rig vibration. Since the proposed well is so close to the levee, what vibration analysis was done to assure the District that drilling operations as a whole will not affect the levee and roadway stability and functionality/safety? How far away from the site does drilling vibration occur?
24. The section "7.0 Bottom Hole Location" states that "The proposed bottom hole location is 920 feet FSL (From South Line) and 920 feet FWL (From West Line) at Latitude 25°57'53.615" North and Longitude 80°32'42.193" West in Section 23, Township 51 South, Range 38 East, Broward County, Florida, as depicted in "Exhibit F". This is also listed in PDF page 94 of the application. The longitude and latitude indicates that the bottom of the well is nearly 2.5 miles to the southwest of the pad location. Please confirm if this is a correct coordinate and make corrections, if needed, including PDF page 43 under "Special Purpose Survey".
25. As the applicant's driller approaches the Sunniland formation depths, a flaring boom may be needed to off gas during drilling operations. Where is the flaring boom going to be put and what is going to be done to protect the surface water quality during drill stem testing (DST) and flaring operations? Please incorporate that into your

- operational and blowout prevention section and provide an updated site diagram with the proposed flare boom location on the plan view.
26. There is no mention of any downhole geophysical logging program. How will the applicant determine the proposed casing setting points and most importantly the Underground Source of Drinking Water (USDW) line location within the aquifer?
 27. Typically for Reverse Osmosis, Injection and Floridan Aquifer wells throughout the region, the fresh water portions of the aquifer are usually cased off in various stages of the drilling operation. The casing program as submitted does not address this; please revise the casing program and/or explain why this was not done. Please provide an explanation of how the casing program was selected to protect the USDW portion of the aquifer.
 28. The District has concerns that the drilling company appears to be drilling with mud through the entire upper Floridan aquifer. Typically, reverse air drilling is used due to loss of drilling fluid in cavernous zones. Please provide documentation and assurances that the mud will not provide contamination to the aquifer either during drilling or possible production in the future.
 29. The District is requesting any geophysical and lithological logs above the Boulder zone (~3,000 feet) as the applicant drills through those portions of the aquifer.

Off-site impact:

30. The Decomp Physical Model (DPM) project will require information regarding the extent to which drilling, construction, and maintenance activities will alter direct and resuspension-driven sources of P in marsh and canal waters. Drilling activities could interfere during months when DPM TP triggers are evaluated (September) and the months when the S-152 is in use (November–January) and compliance TP is monitored.
31. Ongoing efforts of the DPM project are being made to expand the window of operations to allow sheetflow during more typical wet season months (e.g., July-Feb). This also will require developing TP triggers for months earlier than September, nominally June and July in order to allow for flows during typical wet season months.
32. Provide assurances that construction, traffic and drilling operations will not negatively impact L67A TP during this expanded range of months both for evaluating triggers and operating the S-152.
33. Foreign materials of the 'pad' and 'berm' will cause changes to the downstream chemistry. DPM found that silt barriers cannot prevent these changes from occurring. What is the plan to prevent chemical changes to the downstream soil and water?
34. Typical Everglades marsh has low pH values, generally in the 4-6 range. The crushed limestone/sand pad that is going to be installed will have a pH over 7.5. Please provide the plan to address the changing water quality associated with the pad in the

Mr. Levi Sciara
Kanter Real Estate, LLC, Application 1366
August 3, 2015
Page 5

surface water, groundwater and shallow pore water. What long term ecological effect will this have on the downstream plant communities?

35. What will remain on the site after test well completion, and how will ecological functioning/flow regimes of the area be restored to pre-project conditions?
36. If the pad remains, what is the plan to manage invasive exotic organisms on the site, such as Brazilian Pepper and Lygodium, and their downstream effects after operation? How will the site be managed to discourage terrestrial animals (such as vultures) that may interfere with the aquatic food-webs of WCA-3A and WCA-3B? What measures will be taken to prevent the leaching of phosphorus, calcium, drilling fluids, and organic compounds into adjacent wetlands?
37. The project information indicates this project is one component of a larger plan to develop water storage and water quality treatment on the Kanter ownership. Please describe the overall project plan.

Please let me know if the District can be of any additional assistance in the Florida Department of Environmental Protection's review of this drilling permit application.

Sincerely,



Lennart J. Lindahl, P.E.
Assistant Executive Director
South Florida Water Management District
LL/kas

From: [Parsons, Timothy A.](#)
To: [Sciara, Levi](#)
Subject: RE: Oil & Gas Drilling Application 1366
Date: Wednesday, August 05, 2015 2:49:22 PM
Attachments: [image001.png](#)

Hi Levi,

DHR has very limited comment for this application. There are no recorded archaeological sites or other historic resources recorded within the project area, and given the environment it is unlikely that a project of this scale will lead to the disturbance of any significant resources. I recorded this project as DHR file number 2015-3766. Let me know if you have any questions.

Best,
Tim

Timothy Parsons, Ph.D., RPA

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | [850.245.6333](tel:850.245.6333) | [1.800.847.7278](tel:1.800.847.7278) | Fax: [850.245.6439](tel:850.245.6439) | dos.myflorida.com/historical

From: Sciara, Levi [mailto:Levi.Sciara@dep.state.fl.us]
Sent: Wednesday, August 05, 2015 11:29 AM
To: Parsons, Timothy A.
Subject: FW: Oil & Gas Drilling Application 1366

From: Sciara, Levi
Sent: Monday, July 13, 2015 12:06 PM
To: Timothy.Parsons@dos.myflorida.com; mary.glowacki@dos.myflorida.com; McCall, Cheryl; Smith, Jennifer K.; karsmith@sfwmd.gov; Marissa.Krueger@MyFWC.com; richard.mospens@MyFWC.com; jhalsey@broward.org
Cc: Taylor, David M.
Subject: Oil & Gas Drilling Application 1366

On Wednesday, July 8, 2015, The Oil & Gas Program of the Florida Department of Environmental Protection (Department) received a drilling application from Kanter Corporation of Florida, Inc., for the construction of a new, exploratory oil well and well pad. The proposed well and pad would be located on privately-owned land located within Water Conservation Area 3B in Broward County.

The Department is sending you a copy of the permit application to make certain you are aware of the proposed activity, and asks that you send us questions or comments that you believe are relevant to our permitting review.

The drilling application (assigned permit No. 1366) can be viewed at:

http://www.dep.state.fl.us/water/mines/oil_gas/drill-apps.htm.

Please submit your questions and/or comments (or a statement that your agency has no comments) to the Department no later than **COB August 3, 2015**, by emailing them to me at Levi.Sciara@dep.state.fl.us. The Department will accept your correspondence in any format. Because your correspondence will be available to the public and will be shared with the applicant in the format in which they are received, they should be submitted in a format in which your agency is comfortable.

If you have any questions, please contact me at (850) 245-8406 or email at the address above.

Sincerely,



Levi Sciara, E.I.
Engineering Specialist IV
Oil and Gas Program
850-245-8406

The Department of State is committed to excellence.
Please take our [Customer Satisfaction Survey](#).

From: [Owens, Michael](#)
To: [Accardo, Brian](#); [Accardo, Brian](#); [Stevens, Chad R.](#)
Subject: Proposed Well 1366 by Kanter: Broward County review comments
Date: Monday, August 03, 2015 5:32:38 PM
Attachments: [Kanter - Land Use Info.pdf](#)
[BuildingPermitApp.pdf](#)
[ERL Application 2014 ADA.docx](#)
[SurfWaterMgtLicenseApp.pdf](#)

Brian and Chad,

Thank you for the opportunity for Broward County to comment on the exploratory oil well application received by the Florida Department of Environmental Protection ("FDEP") from Kanter Real Estate, LLC, for Kanter Corporation of Florida, Inc., and received by the FDEP on 7/8/15. Kanter denotes this proposed well as Kanter 23-1. FDEP denotes this proposed well as 1366. Based upon an initial review of the information provided in the application, Broward County has the following comments to aid in the FDEP's review:

- 1) Proposed well 1366 is for development within Water Conservation Area 3A and Broward County's unincorporated area. Accordingly, the Broward County Land Use Plan, Future Unincorporated Area Land Use, and Zoning apply. A report on the Land Use designation, Future Unincorporated Area Land Use, and Zoning is attached. In summary, the activity is not a permissible use. The Land Use Designation is Conservation – Reserve Water Supply Areas and the Zoning is Conservation – 1, Conservation District-Water Supply Areas. Permissible uses are limited to " Utilities, transportation and communications facilities, specifically excluding hazardous liquid pipelines and electrical power plants, which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with applicable water management and wildlife protection policies of local, state and federal agencies," which does not include exploratory oil well drilling. Additionally, all uses are subject to additional authorization by the South Florida Water Management District, which passed a resolution opposing exploratory oil wells in the Water Conservation Areas on or about May 13, 1993.
- 2) Proposed well 1366 is subject to a number of additional existing Broward County ordinances. Please note that the project is subject to both Development Review and Environmental Review, which will ensure that all of Broward County's requirements are adequately identified and all necessary local permits, licenses, or other approvals can be applied for. However, County staff have already identified that the following requirements may apply based upon initial review of the application:
 - a. A Building Permit application may be required. The Florida Building Code exempts from permitting temporary buildings or sheds used for construction and mobile and modular structures used as temporary offices. However, the Application states that some staff will be "housed in temporary quarters"; therefore, a building permit may be required (application attached).
 - b. An Environmental Resource License application must be submitted regarding proposed wetland impacts. Chapter 27 (Pollution Control), Broward County Code of Ordinances, requires that any person proposing to alter/fill existing regulated aquatic or jurisdictional wetlands must first obtain an Environmental Resource License. Based on the information in the Application, 6.83 acres of wetlands would be impacted; therefore an Environmental Resource License may be required. See

attached Environmental Resource License Application Form for additional information.

- c. A Surface Water Management License application must be submitted. Chapter 27 (Pollution Control), Broward County Code of Ordinances, requires that any person constructing “water management works” first obtain a surface water management license. Based on the grading activities mentioned in the Application, the natural flow and level of surface waters would be altered. As such activity falls under the definition of “water management works”, a surface water management license may be required. See attached Surface Water Management License Application for additional information.
- d. A Hazardous Material Management Facility License and/or Storage Tank Facility License may be required. There are several references to power generator fuel (diesel) tanks, hydraulic auxiliary equipment and hazardous materials on the application. Barring any exemptions or State/Federal preemptions, a Hazardous Material Management and/or Storage Tank Facility license may be required for the duration of the project should hazardous materials and/or regulated storage tank systems be utilized on site.
- e. Unauthorized discharges or releases of hazardous materials. In the event of an unauthorized release of hazardous material to the environment, or upon the discovery of a condition or situation indicating that a hazardous material discharge may have or has occurred, the responsible party shall take the necessary measures to stabilize the situation, stop the release/discharge, contain and abate the further spread of contamination. Additionally, the responsible party shall immediately provide verbal notification to the EPGMD 24-hour environmental response hotline (954-519-1499), followed by a written notification to the County, as required.
- f. Unlicensed discharges to ground, groundwater, or surface water. Section 27-197, Broward County Code of Ordinances, states: Except for spills of hazardous materials, which are regulated in Article XII of Chapter 27, if at any time the licensee determines or has evidence to suspect that there is or has been an unlicensed discharge to the ground, ground waters, or surface water, the licensee shall take immediate action to stop the discharge and contain and recover the discharged materials. An oral notification and written report as specified in Section 27-58(b)(3) are required.
- g. Waste Hauling. The application indicates that wastewater and sanitary waste will be held in tanks and removed by a waste contractor. A Waste Transporter License may be required for applicable contractor pursuant to Chapter 27, Article XVII, of the Broward County Code of Ordinances.
- h. Air Quality License/Permit. To determine applicable air permit requirements, if any, additional information on the diesel engines such as engine size, diesel fuel use, year the engines were built and hours of operation would be required.
- i. Tree Preservation and Abuse. The removal of tress, if necessary for this project, is subject to Broward County's Tree Removal Licensing requirements, including replacement trees.

Based upon my review of the state law and Florida Administrative Code rules applicable to this project, the state has not preempted local regulatory, land use, or zoning authority. Because Kanter

Real Estate, LLC, has not presented its plans to Broward County for Development Review or Environmental Review, additional or fewer requirements than included above may apply. Importantly, the project would need to apply to amend the Broward County Land Use Designation, the Future Unincorporated Area Land Use Element Map Series, and Zoning before this project could obtain otherwise required permits, licenses, or other approvals required under existing County ordinances.

Thank you for the opportunity to comment on the application for proposed exploratory oil well 1366. Please let me know if you have questions or need further information.

Best regards,

Michael C. Owens

Senior Assistant County Attorney

954-357-7600

mowens@broward.org

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

Kanter Real Estate, LLC Application for Drilling Permit for Kanter 23-1 Well

Future Land Use & Zoning

1. BCLUP Designation: Conservation - Reserve Water Supply Areas

.....All uses, other than active outdoor recreation uses described below, in the Reserve Water Supply Areas shall be subject to authorization by the South Florida Water Management District, as set forth in applicable laws, rules and regulations.

Those uses permitted in areas designated Conservation - Reserve Water Supply Areas are as follows:

- 6. Utilities, transportation and communications facilities, specifically excluding hazardous liquid pipelines and electrical power plants, which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with applicable water management and wildlife protection policies of local, state and federal agencies.

2. Future Unincorporated Area Land Use: Conservation

FLUE Policy 2.10.3. The FUALUEMS shall provide for the following designations:

- 16. Conservation, which includes Reserve Water Supply Areas and Natural Reservations.

The permitted uses and ranges of densities and intensities associated with each designation are identified in the Broward County Land Use Plan.....

3. Zoning: Conservation -1 (CON-1): Conservation District-Water Supply Areas

Sec. 39-401. - Purpose and intent.to provide protection to the reserve water supply area.....by promoting the restoration of the Everglades system, including its hydrological and ecological functions as well as any degraded or substantially disrupted surface waters; supporting land acquisition and management practices which provide a sufficient fresh potable water supply, protect wildlife and natural resources, and provided public access to natural areas, in coordination with the plans and programs of.....

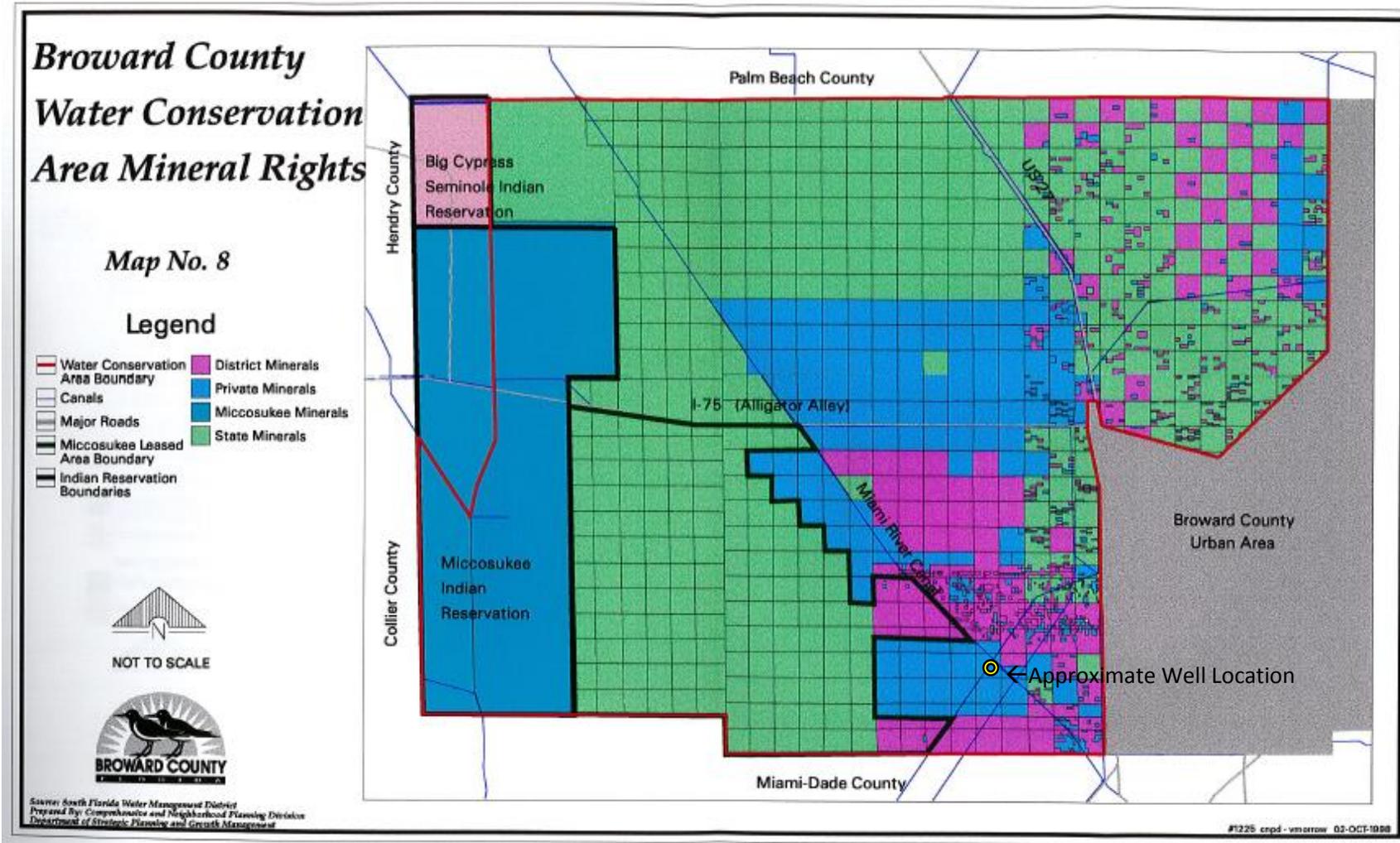
Sec. 39-402. - Permitted uses.

Use	CON-1
Utilities, transportation and communication facilities, specifically excluding hazardous liquid pipelines, which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with applicable water management and wildlife protection policies of local, state and federal agencies.	P

Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well

Regulatory Information

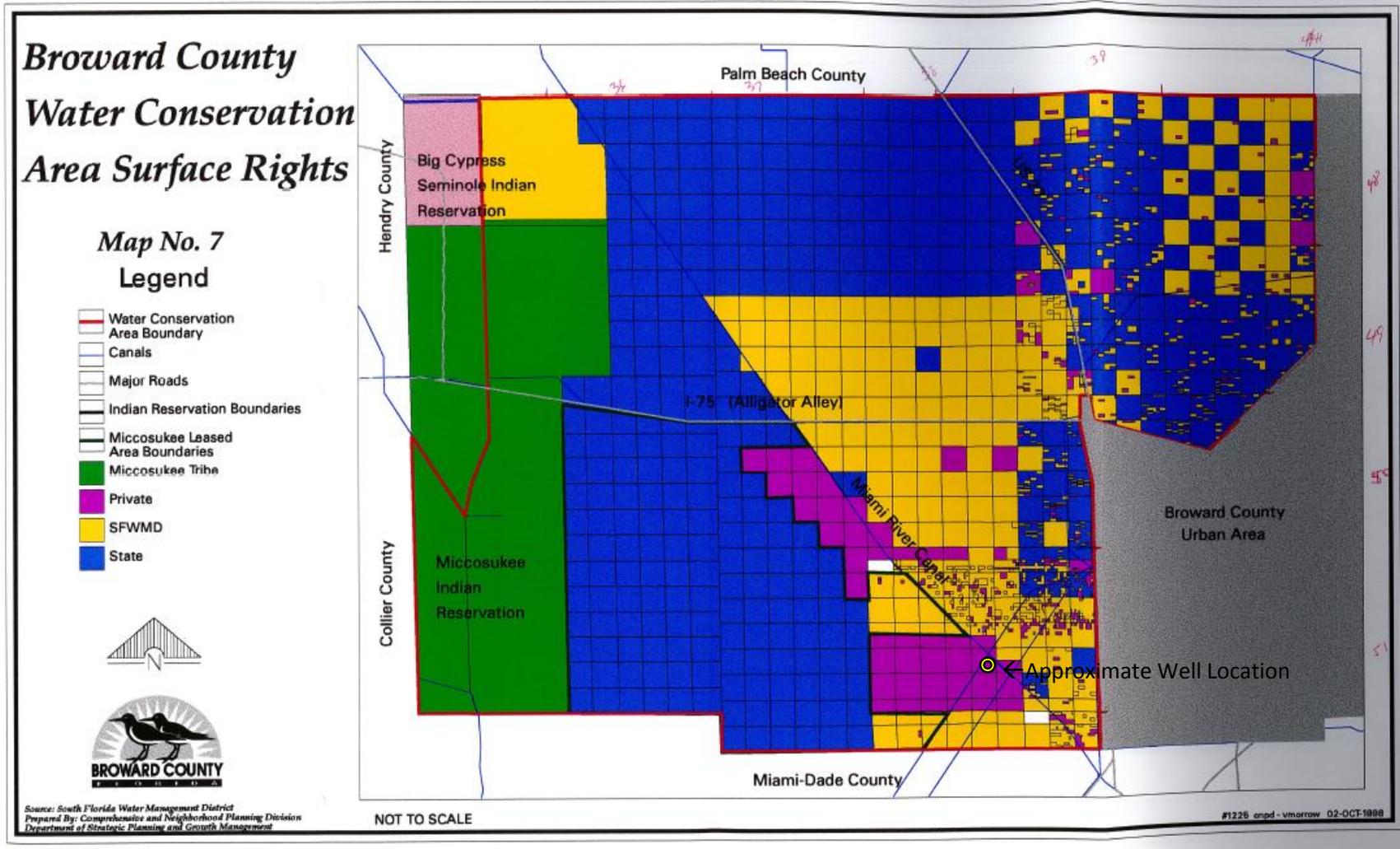
Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)



Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well

Regulatory Information

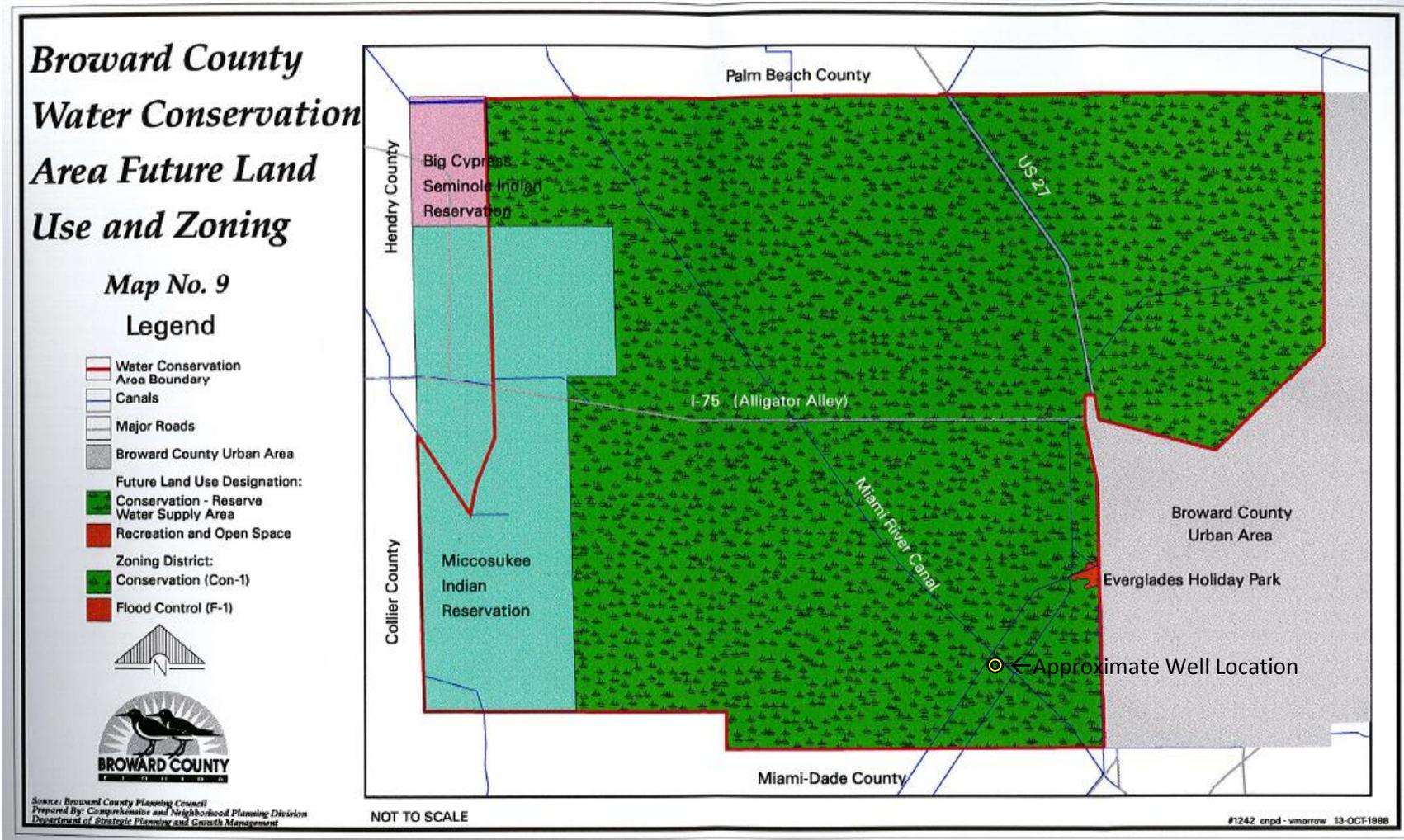
Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)



Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well

Regulatory Information

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)



**Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information**

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

Zoning

Sec. 39-400. - Conservation zoning districts.

The following shall constitute Conservation Districts within the area of Unincorporated Broward County:

District	Title
Conservation-1 (CON-1)	Conservation District—Water Supply Areas
Conservation-2 (CON-2)	Conservation District—Natural Resource Areas
F-1	Conservation District— Recreation Areas

(Ord. No. 2000-37, § 1, 9-12-00)

Sec. 39-401. - Purpose and intent.

- (a) The **Conservation-1 (CON-1)** District is intended to provide protection to the reserve water supply area, which includes, but is not limited to, the seven hundred ninety (790) square miles of Broward County west of Levees 33, 35A, 36, L-37 and L-35, by promoting the restoration of the Everglades system, including its hydrological and ecological functions as well as any degraded or substantially disrupted surface waters; supporting land acquisition and management practices which provide a sufficient fresh potable water supply, protect wildlife and natural resources, and provided public access to natural areas, in coordination with the plans and programs of the South Florida Regional Planning Council and South Florida Water Management District; coordinating with the plans, policies and programs of the U.S. Department of Interior regarding the management of the Big Cypress Natural Preserve, an Area of Critical State Concern; and coordinating with the plans, policies, treaties, agreements and leases of the Miccosukee and Seminole Tribes.

Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

- (b) The Conservation-2 (CON-2) District is intended to apply to those natural resource areas (NRA's) and local areas of particular concern (LAPC's) designated for conservation use on the future unincorporated area land use element map series and identified and defined in Resolution No. 89-4525, including public lands which are conservation areas operated by contractual agreement or managed by federal, state, regional, local governments or nonprofit agencies. Conservation-2 (CON-2) districts are also intended to promote the acquisition, retention and management of unique natural areas in order to preserve their environmental benefits; for recreational and other public purposes, to protect publicly owned sanctuaries, preserves, archaeological or historic sites, and open space, natural resource areas, ecological communities and designated wildlife management areas.
- (c) The F-1 Conservation District is intended to apply to areas used for flood control or conservation with active or passive outdoor recreation uses.

(Ord. No. 2000-37, § 1, 9-12-00)

Sec. 39-402. - Permitted uses.

Permitted uses in all Conservation Districts shall be limited to those uses specified in the Master Use List. Any use not specifically, or by inference, listed herein shall be prohibited.

Master Use List

P = Permitted

Use	CON-1	CON-2	F-1
Water control facilities (i.e., dikes, berms, levees, canals, locks, gates, pumping stations)	P		P
Monitoring and telecommunication facilities used for flood control, drainage, water quality preservation or enhancement, environmental protection and restoration, wetlands mitigation, mosquito control, fire control and water	P		

Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

storage and conservation, notwithstanding ancillary impacts to the immediate area where construction and operational impacts will occur			
Hunting, fishing, boating, air boating, off-road vehicles pursuant to state and federal regulation	P		P
Boat ramps and docks and camping facilities	P		P
Construction and operation of water quality treatment facilities and areas and ancillary facilities, which may range from passive biological treatment to technologically intense forms of treatment including, but not limited to, chemical treatment/filtration facilities. Areas required to provide surge basins to hold water awaiting treatment are also allowed.	P		
Wildlife sanctuaries and feeding stations	P	P	P
Nature centers and trails	P	P	P
Outdoor research stations and walkways	P	P	P
State and federal reservations, including the Miccosukee leased area	P		
Structures designed to promote the storage of water underground, which may include aquifer storage and recovery systems, pumps designed to promote ground-water recharge, and seepage management features, which may include curtain wall or other types of technology.	P		
Surface impoundments that store water at depths not to exceed twelve (12) feet	P		

**Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information**

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

<p>Utilities, transportation and communication facilities, specifically excluding hazardous liquid pipelines, which do not impair the natural environment or disturb the natural ecosystem of the area and which are not in conflict with applicable water management and wildlife protection policies of local, state and federal agencies.</p>	P	P	P
<p>Wireless communication facilities (see section 39-102)</p>	P		P

(Ord. No. 2000-37, § 1, 9-12-00; Ord. No. 2013-04, § 2, 2-12-13)

Sec. 39-403. - Roads in conservation districts.

New roads or expansion of existing roads shall be required to be constructed in a manner that maintains the freshwater sheet flow.

(Ord. No. 2000-37, § 1, 9-12-00)

ARTICLE XXV. - RESERVED

Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well

Regulatory Information

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

Future Unincorporated Area Land Use Element Policies

FLUE Policy 2.5.17. Broward County shall continue to make land use decisions which are consistent with the Federal Water Resources Development Act of 2000 and the Florida Everglades Forever Act with regard to maintaining and/or improving the water quality, quantity, distribution and timing of flows in the water conservation areas.

FLUE Policy 2.10.3. The **FUALUEMS** shall provide for the following designations:

1. Estate Residential
2. Low (2) Residential
3. Low (3) Residential
4. Low (5) Residential
5. Low Medium (10) Residential
6. Medium (16) Residential
7. Medium High (25) Residential
8. High (50) Residential
9. Irregular Residential
10. Commercial
11. Office Park
12. Commercial Recreation
13. Industrial
14. Recreation and Open Space
15. Employment Center
- 16. Conservation, which includes Reserve Water Supply Areas and Natural Reservations.**
17. Agricultural
18. Community Facilities
19. Transportation
20. Utilities
21. Mining
22. Electrical Generation Facility
23. Transit Oriented Corridor

Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

- 24. Transit Oriented Development
- 25. Mixed Use Residential

The permitted uses and ranges of densities and intensities associated with each designation are identified in the Broward County Land Use Plan, which may be amended from time to time, except for the Electrical Generation Facility Land Use Category. The FUALUE shall further guide uses in the Electrical Generation Facility Land Use Category based on the following three intensity standards:

1. Only electrical generation facilities utilizing resource recovery methods as defined in the Solid Waste Element Support Documents shall be permitted, and;
2. Each facility shall be limited to processing a maximum of 3,500 tons of waste per day, and;
3. Each facility shall be limited to generating a maximum of 200 megawatts of electrical power.

Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

Broward County Land Use Plan Policies

CONSERVATION USE

GOAL 6.00.00

ENSURE THE PROTECTION OF AND PREVENT DAMAGE TO THOSE ECOLOGICAL SYSTEMS THAT ARE AN INTEGRAL COMPONENT OF SOUTH FLORIDA'S AND BROWARD COUNTY'S NATURAL ENVIRONMENT.

OBJECTIVE 6.01.00 WATER RESOURCES AND CONSERVATION USES

Identify, conserve and protect all water conservation and recharge areas, consistent with the requirements of the State Comprehensive Plan.

POLICY 6.01.01 Promote restoration of the Everglades system including its hydrological and ecological functions as well as any degraded or substantially disrupted surface waters.

POLICY 6.01.02 No new solid-fill transportation facilities or similar structures shall be permitted within Broward County's identified water conservation areas without provisions for maintaining the freshwater sheet flow.

POLICY 6.01.03 Broward County shall maintain and protect the functions of the County's ground water recharge of the surficial aquifer system to improve and protect water supply, abate saltwater intrusion, and preserve or enhance environmental systems. This will be accomplished through water resource modeling and planning, and the implementation of existing regulations concerning wellfield protection, surface water permitting, water resource management, and hazardous materials facilities licensing and through regulations and policies developed as the result of water resource management studies, including but not limited to the South Florida Water Management District Lower East Coast Water Supply Plan and the U.S. Army Corps of Engineers Restudy of the Central Southern Florida Flood Control Project.

POLICY 6.01.04 Protect and conserve those areas known to be reproduction, nesting, and feeding areas for animals listed as endangered or threatened species or species of special concern.

Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

POLICY 6.01.05 Protect the minimum seasonal flows and levels of surface watercourses, as established by the South Florida Water Management District.

POLICY 6.01.06 Natural watercourses and their tributaries should be protected from alteration and preserved in their natural state.

POLICY 6.01.07 Encourage the restoration of Broward County's vegetative communities and hydrologic connections including those hydrologic connections to the Everglades and Big Cypress Swamp.

POLICY 6.01.08 Protect and conserve those areas known to contain plant species listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services.

POLICY 6.01.09 Broward County and its local governments shall support the adopted South Florida Water Management District's East Coast Buffer by discouraging to the maximum extent feasible high density and intensity incompatible land uses within the identified buffer areas and on adjacent lands. Such incompatible land uses may include, but are not limited to, heavy commercial and industrial uses, sewage treatment facilities, solid waste disposal and transfer stations, cemeteries, transportation facilities, and gas and service stations.

POLICY 6.01.10 Broward County and its local governments shall work in close coordination with the South Florida Water Management District and other wetland regulatory and planning agencies to assure that wetland mitigation efforts support and optimize the use of identified East Coast Buffer lands.

POLICY 6.01.11 Broward County shall, upon the completion of the South Florida Water Management District's Water Preserve Area Feasibility Study expected in September, 2001, evaluate, in conjunction with the South Florida Water Management District and other appropriate agencies, the area encompassed by the Study, and through the next available Broward County Comprehensive Plan amendment cycle, establish appropriate types, densities and intensities of land uses consistent with the findings of the study and the goals, objectives and policies of this land use plan.

Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

OBJECTIVE 6.02.00 PERMITTED USES WITHIN THE WATER CONSERVATION AREAS AND NATURAL RESERVATIONS Designate Conservation Areas on the Future Broward County Land Use Plan Map (Series) which include natural reservations and reserve water supply areas such as, but not limited to, the 790 square miles of Broward County west of Levees 33, 35A, 36, L-37 and L-35.

POLICY 6.02.01 Permit those land uses within designated conservation areas which are identified in the Conservation Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan.

POLICY 6.02.02 Promote the acquisition, retention and management of unique natural areas in order to preserve their environmental, recreational and other public benefits.

POLICY 6.02.03 Support land acquisition and management practices which provide a sufficient fresh potable water supply, protect wildlife and natural resources, and provide public access to natural areas, in coordination with the plans and programs of the South Florida Regional Planning Council and South Florida Water Management District.

POLICY 6.02.04 Broward County shall coordinate with the Federal Bureau of Indian Affairs in order to maintain the activities of the Miccosukee and Seminole Indian Reservations as permitted uses within the Conservation land use category while at the same time taking those steps necessary to protect the natural resources adjacent to said reservations.

POLICY 6.02.05 Natural reservations identified in the Conservation Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan shall be designated for conservation use on the Future Broward County Land Use Plan Map (Series) for the purpose of protecting publicly owned sanctuaries, preserves, archaeological or historic sites, open space, natural areas, ecological communities and designated wildlife management areas.

**Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information**

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

**APPENDIX D RESOLUTION OPPOSING EXPLORATORY OIL WELLS
 SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 93-18

A RESOLUTION BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT OPPOSING CONSTRUCTION OF EXPLORATORY OIL WELLS IN, ADJACENT TO, OR UNDER ANY EVERGLADES WATER CONSERVATION AREAS.

WHEREAS, Over the past few months the issue of oil exploration in and around the water conservation areas has been discussed and the SFWMD has presented formal written comments to the Bureau of Land Management on this issue; and

WHEREAS, The Governing Board is against the use of the District's property for any access or transportation facilities that may be required for this use; and

WHEREAS, The exploratory well and any subsequent production wells will pierce aquifers in the region which include the surficial aquifer system (consisting of the water table and lower tamiimi aquifers which contain fresh and brackish quality water used for drinking and irrigation purposes); at greater depths, the well will penetrate the producing zones of the upper and middle Floridan aquifer system (these zones contain brackish water used for reverse osmosis and ASR production purposes); the well, if constructed will pierce the lower Floridan which is used extensively for disposal of waste waters in south Florida; and

WHEREAS, The Governing Board is concerned about the protection against oil-related contamination of South Florida's water resources; and

WHEREAS, The Governing Board is concerned for the protection of fish, wildlife, and their habitat; and

WHEREAS, The Governing Board is concerned about the potential interruption of sheetflow to the Everglades National Park if contamination occurs; and

WHEREAS, The Governing Board is concerned that this use will be in conflict with the Everglades restoration efforts and the significant public and private investments toward Everglades Restoration; and

WHEREAS, The Governing Board is concerned that an improperly abandoned exploratory well could impact the water resources through vertical contamination between aquifers; and

**Kanter Real Estate, LLC – Application for Drilling Permit for Kanter 23-1 Well
Regulatory Information**

Mineral Rights (Pg. 1), Surface Rights (Pg. 2), Future Land Use & Zoning (Pgs. 3-12), SFWMD Resolution 93-18 (Pg 13)

**APPENDIX D RESOLUTION OPPOSING EXPLORATORY OIL WELLS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

WHEREAS, The Governing Board has an overall concern for the environmental and public health threats posed by oil wells existing in this unique and vitally important area of Florida.

Opposes construction of exploratory oil wells in, adjacent to and/or under any of the water conservation areas because of the Board's concern for protection of the Everglades ecosystem, the aquifers, water supply sources, and the environment, and the Board's commitment to prevent secondary impacts associated with any production wells.

PASSED AND ADOPTED this 13th day of May, A.D., 1993.

**SOUTH FLORIDA WATER MANAGEMENT
DISTRICT BY ITS GOVERNING BOARD**

By: _____
Chairman

ATTEST:

By: _____
Secretary

APPROVED:

Office of Counsel

Broward County
Appendix D

Page D-2

Water Conservation Area Study
Resolution Opposing Exploratory Oil Wells



Environmental Protection and Growth Management Department

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1 N. University Drive, Suite 201-A • Plantation, Florida 33324 • 954-519-1483 • Fax 954-519-1412

Surface Water Management License Application

Please consult Chapter 27, Broward County Code of Ordinances [Section 27-199 (c) (2)] for specific requirements needed to provide a complete application. Copies of these regulations are available upon request. Many projects also require approval by other State, Federal, and Local agencies.

Type of License (check all that apply)
<input type="checkbox"/> General <input type="checkbox"/> Conceptual <input type="checkbox"/> Conceptual Concurrent with DRI <input type="checkbox"/> SWM <input type="checkbox"/> SWM Modification to Permit No. _____
Project Information
Project Title: _____ Project Address: _____ Land use type (residential, commercial, etc.): _____ Location: Section(s): _____ Township: _____ Range: _____ BCPA Folio Number(s): _____ Project Acres: _____ Acres of Impervious: _____ Total Acres, per Survey: _____ Project Description (in general terms): _____ _____ _____
Property Owner Information
Name: _____ Phone: _____ Address: _____ _____ Email: _____ Contact Name (if different from Owner): _____ Phone: _____ Email: _____
System Designer
Firm Name: _____ Address: _____ _____ Engineer of Record: _____ Phone: _____ Email: _____
Who will be responsible for the Surface Water Management system after construction? _____ (Name of Person, Entity, or Association)
Owner/Agent Name (print): _____ Owner/Agent Signature: _____ (If Agent – written authorization must be provided)



Environmental Protection and Growth Management Department

ENVIRONMENTAL LICENSING AND BUILDING PERMITTING DIVISION

1 Ncfh\ University Drive, Box #302 • Plantation, Florida 33324 • 954-765-4400 • broward.org/permittingandlicensing

BUILDING PERMIT APPLICATION

Select Permit Discipline:

Building Electrical Mechanical Plumbing Zoning Landscape

Building Permit # _____ **Tax Folio #** _____

Owners Name _____ **Phone #** _____

Owners Address _____ **City** _____ **State** _____ **Zip** _____

Fax #: _____ **Cell #:** _____ **E-mail:** _____

Fee Simple Titleholder's Name (if other than owner) _____

Fee Simple Titleholder's Address (if other than owner)

Address _____ **City** _____ **State** _____ **Zip** _____

Fax #: _____ **Cell #:** _____ **E-mail:** _____

Contractors Name _____ **Phone #** _____

Contractors Address _____ **City** _____ **State** _____ **Zip** _____

Fax #: _____ **Cell #:** _____ **E-mail:** _____

Job Name _____

Job Address _____

City _____ **County** _____ **State** _____ **Zip** _____

Legal description: Lot _____ **Block** _____ **Subdivision** _____

Bonding Company _____

Bonding Company Address _____

City _____ **County** _____ **State** _____ **Zip** _____

Architect/Engineer's Name _____ **Phone #** _____

Architect/Engineer's Address _____ **City** _____ **State** _____ **Zip** _____

Fax #: _____ **Cell #:** _____ **E-mail:** _____

Mortgage Lender's Name _____

Mortgage Lender's Address _____

City _____ **County** _____ **State** _____ **Zip** _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNERS: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT. CHAPTER 2007.221 LAWS OF FLORIDA FS.713.135(1)(a).

Signature of Owner or Agent (including Contractor)

Printed Name of Owner or Agent

State of Florida
County of _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20 _____.

By _____

(Signature of Notary Public-State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ or Produced Identification _____

Type of Identification produced _____

Signature of Contractor _____

STATE OF FLORIDA COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20 _____.

By _____

(Signature of Notary Public-State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ or Produced Identification _____

Type of Identification produced _____

Certificate of Competency Holder

Contractor's State Certification or Registration No. _____

Contractor's Certificate of Competency No. _____

Application approved by

_____ Permit Officer

OWNERS ELECTRONIC SUBMISSION STATEMENT: Under Penalty of perjury, I declare that all the information contained in this building permit application is true and correct.

BUILDING CODE IN EFFECT IS THE FLORIDA BUILDING CODE 5TH EDITION (2014)

Present Use _____ Proposed Use _____

Number of Stories _____ Bays _____ Families _____ Bedrooms _____ Bathrooms _____

Type of Work: New Addition Alternation Repair Replace Demolition

Type of Permit Being Requested: _____

Description of Work: _____

Estimated Job Value \$ _____ **Zoning District:** _____

Minimum Floor Elevation Must Be Highest Of

_____ Ft. Above Crown of Road or _____ ft. M.S. L.

Mechanical:

A. A/C Split: Make _____ C.U. # _____ Seer/eer _____

Make _____ A.H.U. # _____ KW _____

B. A/C Package: Make _____ Model # _____ KW _____ Seer/eer _____

Not more that 60 calendar days after the date of notification that the permit is ready for issuance or additional information is required, where such information has not been submitted or the permit has not been purchased, the application and/or the permit shall become null and void. Where an application and/or a permit has become null and void, an applicant may again apply and such applications shall be processed as though there has been no previous application.

In addition to the requirements of this permit there may be additional restrictions to this property that may be found in the public records of this county, and there may be additional permits required from other government entities such as water management districts, state agencies or federal agencies.

Zoning Permit portion of this building permit expires yearly on the anniversary date of issuance until completion. Renewal of Zoning Permit is required if not completed at that time.

BROWARD COUNTY

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

ENVIRONMENTAL RESOURCE LICENSE APPLICATION FORM

SUBMIT HARDCOPY APPLICATIONS TO:
Env. Licensing & Building Permitting Division
Aquatic & Wetland Resources Program
1 North University Dr, Suite 201
Plantation, Florida 33324

SUBMIT ELECTRONIC APPLICATIONS VIA:
E-permits [Electronic Permitting Uploader](#)
Request your User ID and Password from Linda
Sunderland (lsunderland@broward.org)

SECTION I: Application Checklist

The following information is required for works in surface waters or wetlands of Broward County or the creation of same. Initial application packages that do not include all applicable information requested below may not be accepted. Upon review of the application, additional information may be required. If you have questions regarding the application form or required information, please call (954) 519-1483 for assistance.

Basic information to be included with all applications:

- a completed and notarized application form with all the requested applicable information;
- the appropriate application fee according to the Aquatic & Wetland Resources [Fee Schedule](#);
- proof of ownership or legal interest in the property (i.e. [Warranty Deed](#)) where the project will occur (Include [corporate records](#) showing authorized individuals for corporate owners);
- a location / street map with the project site identified ([maps](#));
- a sketch and legal description of the subject property, preferably sealed, clearly depicting the existing site conditions; and
- one (1) set of legible plan view and cross-sectional drawings clearly depicting both the **existing** and **proposed** site conditions (final engineered plans and/or additional sets may be required prior to issuance).

SECTION II- Project Summary

Site and Background Information:

Project name: _____	Total site acreage: _____
Street address: _____	Total project acreage: _____
City: _____	Zip code: _____
Folio number(s): _____	Drainage District : _____

Provide details of the proposed activities in, on, over surface waters or wetlands:

List any previous Federal (USACOE), State (FDEP/SFWMD), County, or Local permits, licenses, or enforcement actions for the project site:

Times, dates and attendees for any pre-application meetings or correspondence with County staff:

SECTION III- Contact Information

Owner of land

Name: _____
Title and Company: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____ E-mail: _____

Applicant (if different from owner – provide proof of authorization; e.g. easement, lease, etc.)

Name: _____
Title and Company: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____ E-mail: _____

Authorized representative (e.g. agent, consultant, contractor, attorney, etc.)

Name: _____
Title and Company: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____ E-mail: _____

Contractor to do work (If different from above - must be provided prior to commencement)

Name: _____
Title and Company: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____ E-mail: _____

SECTION IV: Project Details

PART 1: DOCKS

Not applicable:

A - Provide the following information for any existing docks at the site:

Marginal dock/terminal platform dimensions: Length: _____ ft.; width: _____ ft.; area: _____ sq. ft.
Over-water width of structure as measured from the wet face of the seawall panel: _____ ft.
Number (_____), length, and width of existing finger/access piers (if applicable): _____ X _____ ft.
Over-water area of existing structures (measured from MHW line or seawall wet face): _____ sq. ft.
Number of existing mooring slips at the site: _____ Maximum draft of vessels at the site: _____ ft.
Existing structures: **to be removed** / **to remain** / **to be modified** (check all that apply)

B - Provide the following information for any proposed/new dock construction at the site:

Marginal dock/terminal platform dimensions: Length: _____ ft.; width: _____ ft.; area: _____ sq. ft.
Over-water width of structure as measured from the wet face of the seawall panel: _____ ft.
Number (_____), length, and width of new finger/access piers (if applicable): _____ X _____ ft.
Over-water area of new structures (measured from the MHW line or seawall wet face): _____ sq. ft.
Number of new mooring slips at the site: _____ Maximum draft of vessels at the site: _____ ft.

C – Finished Project Configuration:

Maximum length: _____ ft. Maximum width: _____ ft. Square footage: _____ square ft.
Maximum width of structure as measured from the wet face of the seawall panel: _____ ft.
Number (_____), length, and width of all finger/access piers (if applicable): _____ X _____ ft.
Total over-water area of the finished dock configuration (measured from the MHW line or seawall wet face): _____ square ft.
of vessels/mooring areas at the site: _____ Maximum draft of vessels at the site: _____ ft.

Note: Large docks may also require installation of a riprap footer at the base of the seawall. Refer to the [County's riprap policy](#) for further guidance. If required, depict the riprap on the plans.

Additional information to be included on the project drawings/exhibits (if applicable):

- accurate dimensions (length and width) for all structures over water **measured from the wet face of the seawall panel** (i.e. seawall cap, fixed/floating docks, piers, boatlifts, floating platforms, etc.)
- Mean High Water Level (MHW), Mean Low Water Level (MLW), and the **elevation of the substrate in the mooring area(s)** (referenced to NGVD, NAVD, or Mean Sea Level);
- the maximum elevation (or height above MHW) of the proposed dock or seawall cap;
- the width of the adjacent water body;
- the total linear feet of shoreline owned by the applicant;
- the volume of riprap to be installed; and
- a benthic resources (seagrasses, corals, oysters, etc.) survey for projects east of US-1.

Additional information needed for multifamily docking facilities, marinas and dry stacks:

- the Marine Facility Operating License Number (MFOL# _____);
- the required [New Slip Fees](#) (25% of the total new slip fee is due at time of application);
- the number of existing wet, dry, and/or trailer slips shown on an “existing conditions” drawing (documentation of historical use is required for any existing slips);
- the number of proposed wet, dry, and/or trailer slips shown on a “proposed conditions” drawing;
- the locations of any sewage pump-out facilities, fueling facilities, fish cleaning stations, and/or liveaboard dockage proposed;
- the proposed upland site plan if upland development/redevelopment/modification is proposed; and
- a bathymetric survey of the project area referenced to mean low water, NGVD, or NAVD.

PART 2: SHORELINE STABILIZATION

Not applicable:

Type of construction (check all applicable):

<input type="checkbox"/> Geo-tube	<input type="checkbox"/> Sheet pile
<input type="checkbox"/> Riprap	<input type="checkbox"/> New seawall in front of existing
<input type="checkbox"/> Interlocking revetment	<input type="checkbox"/> Seawall removal and replacement
<input type="checkbox"/> Footer	<input type="checkbox"/> New wall where no wall previously existed
<input type="checkbox"/> Batter/T/King piles	<input type="checkbox"/> Existing wall to remain
<input type="checkbox"/> Cap	<input type="checkbox"/> Existing wall to be removed
<input type="checkbox"/> Concrete panel	<input type="checkbox"/> Other: _____

Structural Dimensions:

Distance from existing seawall wet face to the new seawall wet face (show on the drawings): _____ ft.
Existing Seawall Type: _____ New seawall length: _____ feet. Width of new cap over water: _____ ft.

Additional information necessary for shoreline stabilization projects:

- the location of and distance from the existing seawall face in relation to the adjacent seawalls or permanent structures;
- project plans depicting a natural limerock riprap footer with (1-3 ft. dia.) at a 2:1 (horizontal:vertical) slope beginning one foot above mean high water for projects in tidal waters where no wall previously existed; and
- a detailed discussion of project methodology and turbidity control measures.

PART 3: CREATION OR ALTERATION OF SURFACE WATERS

Not applicable:

Fill area: _____ acres Fill volume: _____ cubic yards
Dredge area: _____ acres Dredge volume: _____ cubic yards
Upland excavation area: _____ acres Upland excavation volume: _____ cubic yards
Max. dredge depth: _____ (NGVD/NAVD/ or MLW) Total/gross earthwork volume: _____ cu. yards
Seasonal HWL (for fresh water projects) or MHW (for tidal projects): _____ NGVD/NAVD

Reason for dredging and/or filling: _____

The following additional information is also needed for dredge and fill projects:

- a detailed description of the methodology and sequencing of dredging activities, turbidity control and monitoring, and disposal of spoil material (including locations, volumes, retention plans and locations/dimensions of disposal cells);
- the required lake slopes of 4:1 (horizontal: vertical) to a minimum of 4 feet below the ordinary high water elevation clearly labeled on the drawings; and
- a detailed description of the baseline bathymetry/topography for the project and adjacent waters.

PART 4: MANGROVE TRIMMING OR ALTERATION

Not applicable:

Number, square footage, or acreage of mangroves to be trimmed: _____
Number, square footage, or acreage of mangroves to be altered: _____
Current maximum height: _____ ft. _____ inches Aerial coverage present: _____ sq. ft.
Proposed trimmed height: _____ ft. _____ inches Aerial coverage removed: _____ sq. ft.

Description of the proposed project/scope of work: _____

Additional information needed for mangrove trimming/alteration projects:

- copies of any prior licenses for mangrove trimming, alteration, and/or mitigation at the site;
- copies of any prior enforcement actions/cases;
- linear footage of mangrove dominated shoreline owned/controlled by the applicant _____ l.f.;
- the percentage of mangroves on-site to be trimmed (as measured by canopy) _____ s.f.;
- Will a [Professional Mangrove Trimmer](#) be conducting the work? No Yes;
- a description of the type and scope of trimming will be conducted? (check any/all that apply):
 - window trim height reduction thinning lateral trim other _____;
- a detailed discussion of impact avoidance/minimization measures considered/implemented; and
- a detailed mitigation plan for altered mangroves (lost canopy must be replaced within 5 years).

PART 5: WETLANDS (FRESHWATER OR TIDAL)

Not applicable:

Amount of wetlands on site: _____ square feet / _____ acres (must depict wetlands on drawings)
How wetland limits were determined: _____
Has the County conducted a wetland jurisdictional determination on the property? No Yes
If yes, attach a copy of the determination and/or provide the file number [WD _____ - _____]
Wetland to be Filled: _____ acres Fill volume: _____ cubic yards
Wetland to be Dredged: _____ acres Dredge volume: _____ cubic yards
Max. Depth of Dredging: _____ NGVD/NAVD Seasonal HWL: _____ NGVD/NAVD

Additional information necessary for wetland mitigation projects:

- a detailed discussion of all site development constraints, design alternatives considered, and impact avoidance/minimization measures implemented prior to arriving at the current site plan;
- preliminary [UMAM](#), [WATER](#), or [M-WRAP](#) calculations;
- a draft mitigation plan which, at a minimum, includes details of the mitigation area, proposed grading contours at 1-foot intervals, and monitoring, maintenance and planting plans; and
- the required [monitoring fee](#) (40% of the initial license fee for each of the 5 years of the monitoring period) is required before license issuance for all projects which are required to provide mitigation.

PART 6: VOLUNTARILY CREATED WETLANDS

Not applicable:

Current site conditions: _____
Seasonal High Water Elevation or Control Water Elevation: _____ (NGVD or NAVD)
Excavation area: _____ square feet _____ acres
Excavation volume: _____ cubic yards Maximum depth of excavation: _____ NGVD/NAVD
Final disposal location of excavated material: _____
Is a connection to existing surface waters proposed? Yes _____ No _____
Is the proposed wetland part of the stormwater treatment system? Yes _____ No _____

Additional information needed for voluntary wetland creation projects:

- a proposed planting plan, and
- a copy of a sketch and legal description of the voluntary creation area.

SECTION V- Certifications and Signatures

Part 1: Owner/Applicant Certification

By signing below I _____ certify the following:

- a) I understand this is an application and not a license, and that work prior to approval is a violation
- b) I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate.
- c) I further certify that I possess the authority to undertake the proposed activities.
- d) I understand that I may have to provide additional information/data that may be necessary to show that the proposed project will comply with Sections 27-331 through 27-341, titled Aquatic and Wetland Resource Protection, of the Natural Resource Protection Code.
- e) Should the information I provide not be adequate for review, I understand that the Department is not obligated to issue a comprehensive Completeness Summary.
- f) In addition, I agree to provide entry to the project site, for inspectors with proper identification, for the purpose of reviewing the site as covered by the scope of Sections 27-331 through 27-341, titled Aquatic and Wetland Resource Protection, of the Natural Resource Protection Code.
- g) Further, I hereby acknowledge the obligation and responsibility for obtaining all of the required federal, state and local permits before commencement of construction activities.
- h) If a license is issued, I agree, or I agree on behalf of the applicant, to construct and maintain the project in compliance with the license conditions, unless the Department authorizes transfer of the license to another entity.
- i) I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.
- j) Should a County Environmental Resource License be granted, I hereby certify that I will comply with all general and specific conditions of that license and with the Broward County Natural Resource Protection Code (Chapter 27, Ord. 90-49, as amended).

Signature of Owner/Applicant

Date

Typed / Printed Name of Owner/Applicant

Corporate Title (if applicable)

Notarization:

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ of the year 20____ by _____, who is personally known to me, or who has produced _____ as identification.

My commission expires: _____

Name

Notary Public, State of Florida

Commission Number: _____

Part 2: Designation of Authorized Representative

(The applicant/owner should sign this section if he/she is authorizing an agent, consultant, contractor or other individual to act on his/her behalf)

By signing below I hereby designate:

Individual Name (printed): _____

Company Name: _____

as my representative in the processing of this application, and authorize the representative to furnish supplemental information and documentation in support of the application on my behalf. In addition, I authorized this representative to bind me, or my Corporation, to perform any requirements which may be necessary to procure the license for authorization as indicated above.

Signature of Owner/Applicant

Date

Part 3: Authorized Representative Certification

(If Part 2 above is completed by the applicant this section should be certified by the agent/contractor authorized in Part 2 above)

By signing below I _____ certify the following:

- a) I understand this is an application and not a license, and that work prior to approval is a violation
- b) I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate.
- d) I understand that I may have to provide additional information/data that may be necessary to show that the proposed project will comply with Sections 27-331 through 27-341, titled Aquatic and Wetland Resource Protection, of the Natural Resource Protection Code.
- e) Should the information I provide not be adequate for review, I understand that the Department is not obligated to issue a comprehensive Completeness Summary.
- f) In addition, I agree to provide entry to the project site, for inspectors with proper identification, for the purpose of reviewing the site as covered by the scope of Sections 27-331 through 27-341, titled Aquatic and Wetland Resource Protection, of the Natural Resource Protection Code.
- g) Further, I hereby acknowledge the obligation and responsibility for obtaining all of the required federal, state and local permits before commencement of construction activities.
- h) If a license is issued, I agree on behalf of the applicant, to construct and maintain the project in compliance with the license conditions, unless the Department authorizes transfer of the license to another entity.
- i) **I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.**
- j) Should a County Environmental Resource License be granted, I hereby certify that I will comply with all general and specific conditions of that license and with the Broward County Natural Resource Protection Code (Chapter 27, Ord. 90-49, as amended).

Signature of Authorized Representative

Date

Name of Corporation/Business

Corporate Title (if applicable)

Part 4: Contractor Certification

(If different from the authorized representative in Part 3 above)

By signing below I _____ certify the following:

- a) I understand this is an application and not a license, and that work prior to approval is a violation.
- b) I hereby acknowledge the obligation and responsibility for obtaining all of the required federal, state and local licenses before commencement of construction activities.
- c) If a license is issued, I agree on behalf of the applicant, to construct and maintain the project in compliance with the license conditions, unless the Department authorizes transfer of the license to another entity.
- d) **I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.**
- e) Should a County Environmental Resource License be granted, I hereby certify that I will comply with all general and specific conditions of that license and with the Broward County Natural Resource Protection Code (Chapter 27, Ord. 90-49, as amended).

Signature of Contractor

Date

Name of Corporation/Business

Corporate Title (if applicable)

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