



Florida Department of Environmental Protection

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 24, 2007

Ron Bearzotti
Senior Environmental Analyst
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Project: STA-3/4 Crown Castle Tower Site Flood Improvements
Subject: Minor Modification
EFA Modification No.: 0192895-008-EM

Dear Mr. Bearzotti,

The Florida Department of Environmental Protection (Department) has reviewed the South Florida Water Management District's (District) request to modify the Stormwater Treatment Area 3/4 (STA-3/4 Project) EFA Permit No. 0192895-001-GL, which was received on April 27, 2007. The Department determined that the District provided sufficient information and hereby approves the following changes:

- Installation of two 24-inches culverts under the L-5 Levee
- The clearing of vegetation and excavating an existing farm ditch that runs north/south on the site and excavate a small ditch as necessary to allow the water from the tower area to drain to the existing ditch.

The Department has determined that the Crown Castle Tower Site Flood Improvements are a minor modification and the structures of said project to be ancillary. Therefore, pursuant to 62-620.325 (2)(e) of the Florida Administrative Code (F.A.C.) no NPDES permit revision is required.

The Department has determined that these modifications will not have any adverse environmental impacts. In addition, Department staff have determined that the activities described in the documentation submitted to the Department would not cause any adverse impacts to threatened or endangered species and will not have any wetland impacts.

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The permit will be modified utilizing ~~striketrough~~ for deletions and underlines for additions.

PROJECT DESCRIPTION:

The project is to construct, operate and maintain Stormwater Treatment Area 3/4 (STA-3/4 Project). The STA-3/4 Project consists of the STA-3/4 Works, STA-3/4 Supply Canal, G-371 and G-373 Diversion Structures, U.S. Highway 27 Bridges, STA-3/4 West L-5 Canal Enlargement including associated components along the L-5 borrow canal, Crown Castle Tower Site Flood Improvements, and Pump Stations G-370 and G-372 (See Figure 1). The STA-3/4 Project is part of the Everglades Construction Project (ECP), construction, operation, and maintenance of which is required by the Everglades Forever Act (EFA- Ch. 373.4592, F.S.) to restore the Everglades ecosystem. Construction activities authorized by this permit include dredging and filling in wetlands, construction of water control structures, and other earthmoving work necessary to construct the project.

I. Crown Castle Tower Site Flood Improvements

Crown Castle Tower Site Flood Improvements provide positive drainage outfall for the site, through two 24-inches culverts under the L-5 Levee drain into the L-5 Canal. The culverts are at invert elevation of 9.0 NGVD and have flap gates on the discharge end to prevent water from the L-5 Canal from backing up through the culverts. To facilitate routing the water to the culverts, a ditch that runs north/south on the site allows the water from the tower area to drain to the L-5.

The Department will issue this modification unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. The optional mediation proceedings described under section 120.573 will not be available.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions must be filed within twenty-one days of receipt of this written notice.

The petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding

initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

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

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in the notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order if filed with the clerk of the Department.

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The permittee, or any other party within the meaning of section 373.114(1)(a) of the Florida Statutes, may also seek appellate review of this order before the Land and Water Adjudicatory Commission under section 373.114(1) of the Florida Statutes. Requests for the review before the

Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department and on any person named in this order, as described in section 373.114(1)(a), within 20 days from the date when the final order is filed with the Clerk of the Department.

This letter of approval does not alter the original expiration date, the permittee's need to comply with the permit's general and specific conditions, or the monitoring requirements of this permit, except as stated herein. This modification letter must be attached to the original permit. By copy of this letter, we are notifying all necessary parties of the modification.

If you have any questions concerning this minor modification to the issued permit, please contact Ernie Marks at (850) 245-8440 or John Hallas at (850) 245-8052.

Sincerely,

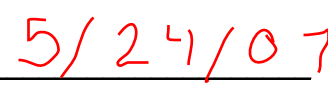


Frank Nearhoof
Program Administrator
Water Quality Standards & Special Projects Program
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 3560
Tallahassee, FL 32399-2400

FN/em/jh

FILING AND ACKNOWLEDGMENT

FILED, on this date, with the designated Department Clerk, receipt of which is hereby acknowledged.

	
Clerk	Date

PARTIES REQUESTING NOTICE:

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Miccosukee Tribe of Indians of Florida, c/o Dexter Lehtinen, Esq.
Miccosukee Tribe of Indians of Florida, c/o Kelly Brooks, Esq.
United States Sugar Corporation, c/o Bubba Wade
Seminole Tribe of Indians of Florida, c/o Stephen A. Walker, Esq.
Sugar Cane Growers Cooperative, Roth Farms, Inc., and Wedgeworth Farms, Inc.,
c/o William H. Green, Esq.
Keith Saxe, Esq., U. S. Department of Justice
Michael Stevens, U.S. Department of the Interior (fax)
Jeffrey J. Ward, Sugar Cane Growers Cooperative
Philip S. Parsons, Landers & Parsons
Helen Hickman, Brown & Caldwell
Tom MacVicar, MacVicar, Frederico, & Lamb
Charles Lee, Florida Audubon Society
Samuel B. Reiner, II, Esq., Lehtinen O' Donnell, Vargas & Reiner, P.A.
Michelle W. Smith, Esq., Earl, Blank, Cavanaugh & Stotts

Electronic copies to:

Ron Bearzotti, SFWMD, West Palm Beach
Deb Drum, SFWMD, West Palm Beach
Jim Galloway, SFWMD, West Palm Beach
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John Mitnik, SFWMD, West Palm Beach
Tracey Piccone, SFWMD, West Palm Beach
Rich Virgil, SFWMD, West Palm Beach
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Kenneth Hayman, FDEP
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