Florida Fish and Wildlife Conservation Commission

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Managing fish and wildlife resources for their long-term well-being and the benefit of people.

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August 18, 2022

Nate Senn
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400
Nate.Senn@FloridaDEP,gov

RE: Pasco County Resource Recovery Facility Unit 4, Site Certification Application PA87-23SA1, Agency Report

Dear Mr. Senn:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the Site Certification Application for the above referenced project submitted by Pasco County and provides the enclosed Agency Report and proposed Conditions of Certification to be included in the Pasco County Resource Recovery Facility Unit 4 State Certification in accordance with 403.507(2)(a)4, Florida Statutes.

FWC staff recommends approval of the Pasco County Resource Recovery Facility Unit 4 with the inclusion of the proposed conditions related to listed species of fish and wildlife and their habitats, biological surveys, and mitigation for impacts. Pasco County will need to consider the State of Florida's listed species requirements found in Chapter 68A-27, Florida Administrative Code, prior to, during, and following construction of the Resource Recovery Facility expansion.

FWC staff appreciates the opportunity to review this Site Certification Application and looks forward to working with Pasco County throughout the Site Certification process. For specific technical questions regarding the content of this letter, please contact Michelle Sempsrott at (407) 572-9122 or by email at Michelle.Sempsrott@MyFWC.com. All other inquiries may be sent to ConservationPlanningServices@MyFWC.com.

Sincerely,

Jason Hight, Director
Office of Conservation Planning Services

jh/ms
Pasco County Resource Recovery Facility Expansion_46950_08182022

Attachment:
1) Agency Report and Proposed Conditions to be Included in the State Certification

cc: David Dee, Gardner, Bist, Bowden, Dee, LaVia, Wright, Perry & Harper, P.A., ddee@gbwlegal.com
Justin Roessler, Pasco County, jroessler@pascocountyfl.net
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Agency Report and Proposed Conditions to be Included in the State Certification

Project Description

Pasco County proposes construction and operation of a new municipal waste combustor unit (MWC), expanding the existing Resource Recovery Facility (RRF) from three MWC units to four. The RRF is located east and north of Hays Road, west of Shady Hills Road, and south of Bluebird Lane. The new MWC unit (Unit 4) will be constructed immediately adjacent to the existing units.

Construction of the new MWC unit will require two new cooling tower cells, circulating water pumps, a new carbon silo, a new switchyard, expansion of several existing buildings, and a temporary laydown yard. The footprint of the proposed MWC unit and the other improvements to the RRF collectively will cover approximately one-half acre of the existing RRF site. The laydown yard will be adjacent to the existing RRF and will temporarily use approximately 0.7 acres of the existing site consisting of maintained grass. The project will avoid any wetland impacts and most of the construction area is developed.

Potentially Affected Resources

Effects on State-Listed Species

The Site Certification Application (SCA) indicates that a wildlife assessment was conducted on the site that focused on listed and managed species with the potential to occur within the project area and no evidence of any listed or managed species was observed in the areas where the proposed MWC unit and associated facilities will be constructed. The SCA also states there will be no thermal discharges to any waterbodies. The overall Certified Site is fenced, limiting access for wildlife that could potentially use the site. However, the open areas with sandy soils around the project area and laydown yard may provide potential habitat for the gopher tortoise (*Gopherus polyphemus*, State Threatened).

Proposed Conditions

Florida Fish and Wildlife Conservation Commission staff recommends approval of the Pasco County Resource Recovery Facility Unit 4 Site Certification with the following proposed conditions to be included as part of the Site Certification process related to specific listed species and their habitat, biological surveys, and mitigation for impacts.

PASCO COUNTY RESOURCE RECOVERY FACILITY UNIT 4 CONDITIONS OF CERTIFICATION

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. **General Listed Species Surveys**

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the areas to be impacted by Pasco County's proposed project (Project Site), prior to conducting detailed surveys. For the purposes of the FWC's conditions of certification, the Project Site means the areas where the new MWC unit (Unit 4) and associated facilities will be constructed, plus the temporary laydown area, and the adjacent buffer areas that are accessible to listed species. Guidance related

to species-specific survey protocols can be found in the appropriate species conservation measures and permitting guidelines at https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/, or in the Florida Wildlife Conservation Guide at https://myfwc.com/conservation/value/fwcg/.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those surveys shall be provided to the FWC in a report, and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies. Reports can be sent to ConservationPlanningServices@MyFWC.com.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 and 403.507, 403.5113(2), Florida Statutes (F.S.); and Rule 68A-27, Florida Administrative Code (F.A.C.)]

B. **Specific Listed Species Surveys**

1. Before land clearing and construction activities occur within the Project Site, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or active season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance or mitigation measures after consultation with the FWC. The Licensee will submit avoidance or mitigation measures to the FWC for post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these Conditions of Certification may be conducted prior to issuance of the final order of certification, in which case this Condition would be considered satisfied.
2. These surveys shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS) or FWC guidelines and methodologies and by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.
3. These surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, FWC staff prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.
4. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Project Site, prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan[1] (FWC 2019) or the Natural Communities Guide[2] (Florida Natural Areas Inventory 2010).

[Article IV, Sec. 9, Florida Constitution; Section 379.2291, F.S.; and Rules 68A-27, 68A-4, and 68A-16, F.A.C.]

1. Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.
2. Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

C. Listed Species Locations

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in D below, within the Project Site, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the Project Site. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the listed species issues have been resolved.
2. If listed wildlife species are found, their presence shall be reported to the Florida Department of Environmental Protection Siting Coordination Office, the FWC, and the USFWS.
3. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species potentially impacted to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. These steps shall be memorialized in a Species Management Plan and submitted to the FWC.

[Article IV, Sec. 9, Florida Constitution; Section 379.2291, 403.507, and 403.5113(2), F.S.; and Rule 68A-27, F.A.C.]

D. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoise (*Gopherus polyphemus*) and their burrows, in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development, including staging areas, is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." All surveys completed by authorized agents or other licensees are subject to field verification by the FWC.
2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.
3. The Licensee shall coordinate with the FWC and provide detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.
4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines.

5. To the maximum extent practicable or feasible, all staging and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Florida Constitution; Section 379.2291, 403.507, and 403.5113(2), F.S.; and Rules 62-17.660 and 68A-27, FA.C.]