Technical Staff Report

**Regulatory Basis of Issuance**

**Conditions for Issuance of Individual and Conceptual Approval Permits** – Section 62-330.301, F.A.C –

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

**Will not cause adverse water quantity impacts to receiving waters and adjacent lands; *(Part III, A.H. Vol. II****)*

(*The proposed project is not anticipated to cause adverse water quantity impacts to receiving waters and adjacent lands. FPL will be operating the new stormwater management system that will be utilized by this solar site that was constructed from existing irrigation ditches from the old agricultural site. No adverse impacts from this construction are expected to occur.)*

**Will not cause adverse flooding to on-site or off-site property; *(Part III, A.H. Vol. II)***

*(The proposed project is not anticipated to cause adverse flooding onsite or offsite.)*

**Will not cause adverse impacts to existing surface water storage and conveyance capabilities; *(Part III, A.H. Vol. II)***

*(The proposed project is not anticipated to cause adverse impacts to existing surface water storage and conveyance capabilities. FPL will be operating the new stormwater management system that will be utilized by this solar site that was constructed from existing irrigation ditches from the old agricultural site. The extension of the existing culverts and the filling of isolated wetlands are not anticipated to adversely change the storage capabilities of the surface or ground water at this site.)*

**Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S. *(Part III, IV, and V, A.H. Vol. II, for SFWMD, SWFWMD, SRWMD; A.H. Vol. II for NWFWMD and SJWMD)***

*(The proposed project is not anticipated to adversely impact the maintenance of surface or ground water levels or surface water flows.)*

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

*(The proposed project is not anticipated to cause adverse impacts to a Work of the District.)*

**Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed; *(review based on all of the information above)***

*(The proposed project will be capable of performing and functioning as proposed based on generally accepted engineering and scientific principles.)*

**Will comply with any applicable special basin or geographic area criteria; *(NWFWMD- Sections 13.0- 13. of Vol. II, Including Appendix A; SFWMD- 40E-41, 40E-61, and 40E-63; SWFWMD- N/A; SJWMD – Section 5.9 Vol. II; SRWMD- 40C-41, Sections 13.0-13.8.3 A.H. Vol. II, Part VI, Vol. II.)***

*(The proposed project will comply with any special basin or geographic area criteria)*

**Environmental Conditions for Issuance**

II. **Elimination or Reduction of Impacts** – 10.2.1, A.H. Vol. I – *The applicant chose a site that has been heavily impacted by years of agriculture. The project was designed to avoid impacts to wetlands on-site. The applicant will be restricting the footprint of the solar array to the portions of the site which have already been disturbed by agricultural activities. Elimination and reduction is also implemented through the use of existing roads and culverted crossings for access to the greatest extent practicable. New unpaved access paths were confined to those areas absolutely necessary for proper site access and security.*

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

*(Wildlife surveys observed on the site include the federally-threatened crested caracara and wood stork, as well as state-threatened little blue heron, tricolored heron, roseate spoonbill, southeastern American kestrel, and Florida sandhill crane. Portions of the proposed solar arrays are located within the 300-meter buffer of this nest; no construction within this area will be allowed during caracara nesting season. Construction activities are restricted during the breeding season (November 1 through April 30) within the primary zone, 300 meters outward from the nest tree. Nesting activity will be determined prior to construction by conducting additional surveys per USFWS survey protocol. Construction activities can resume after nesting season ends or once nestlings fledge. Pasture grass and wetlands within 300-1500m from nest, the secondary zone, will be maintained. Land management including mowing is planned within the Project area post-construction and no pesticide use is proposed; both these management practices support conservation of caracara habitat. This project is not anticipated to impact values of wetland and other surface water functions so as to cause adverse impacts to: the abundance and diversity of fish, wildlife, listed species, and the bald eagle, or the habitats of fish wildlife and listed species. )*

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

*(Please see Stormwater Management Plan)*

V. **Public Interest Test** – Chapter 373.414(1)(a), F.S., Paragraph 62-330.302(1)(a), F.A.C., 10.2.3, A.H. Vol. I – *(The Agency shall consider and balance, and an applicant must address, the following criteria :)*

Whether the activity will adversely affect public health, safety, or welfare or the property of others; *(10.2.3.1 A.H. Vol. I)*

*(The project is not anticipated to adversely affect public health, safety, welfare, or the property of others. The Project is not contrary to the public interest and provides public benefit through emission-free renewable solar power generation.)*

Whether the activity will adversely affect the conservation of fish and wildlife and their habitats; *(10.2.3.2, A.H. Vol. I;* *addressed in section II above)*

(The project is not anticipated to adversely the conservation of fish and wildlife and their habitats. FWC requested reevaluation of the location of a caracara nest, and implementing a 200 meter buffer around the nest.)

Whether the activity will adversely affect Navigation or the flow of water or cause harmful erosion or Shoaling; *(10.2.3.3, A.H. Vol. I)*

*(The proposed activities are not anticipated to adversely affect the navigation or flow of water or cause harmful erosion or shoaling. All surface water impacts will occur within agricultural ditches that are not navigable.)*

Whether the activity is temporary or permanent in nature; *(10.2.3.5, A.H. Vol. I)*

*(Permanent, 10.2.3.5, A.H. Vol. I)*

Whether the activity will adversely affect or will enhance significant historical and archeological resources; *(10.2.3.6, A.H. Vol. I)*

A Phase I cultural resource assessment survey of the Site was conducted in December

2022. No archaeological sites, isolated artifacts, or historic structural remains eligible for

listing on the National Register of Historic Places were discovered within the Site. Based

on the findings, no historic properties or significant cultural resources will be affected by

the Project. A cultural resources assessment report (CRAS) was submitted to the Division

of Historical Resources (DHR) for concurrence; DHR concurrence was received on

February 24, 2023, under DHR Project File No.: 2023-0950 (Appendix G). Section 4.0 of the

Environmental Support Document outlines the CRAS and findings.

The current condition and relative value of functions being performed by areas affected by the proposed activity. *(10.2.3.7, A.H. Vol. I)*

(The site was historically used for agriculture, and the proposed construction will involve minimal land disturbance. No adverse effects to the current condition and relative value will result from conversion to a solar power generation facility.)

VI. **Water Quality** – 10.2.4, A.H. Vol. I – *(How was reasonable assurance provided that the activity will not cause or contribute to violations of water quality standards?*

Short term water quality considerations *–* 10.2.4.1, A.H. Vol. I­ *–* *(Applicant proposed to follow all BMP’s for construction activities, and has a frac-out plan in place, 11.0, A.H. Vol. I for information regarding erosion and sediment control.)* Specific conditions in the permit will require the use of erosion and turbidity control measures during construction.

Long term water quality considerations – 10.2.4.2, A.H. Vol. N*o long-term water quality impacts are anticipated.*

VII. **Class II Waters; Waters Approved for Shellfish Harvesting** – 10.2.5 A.H. Vol. I­ ­– *N/A there is no shellfish harvesting in this area.*

VIII. **Vertical Seawalls** – 10.2.6 A.H. Vol. I­ ­– *N/A there is no seawall proposed in this project.*

IX. **Secondary Impacts** – 10.2.7 A.H. Vol. I­­ –

*The proposed activities were assessed for the potential to result in unacceptable secondary impacts, as defined in subsection 10.2.7, ERP A.H. Volume I.*

(*Wetlands on site are avoided and a 25’ buffer will be established around the wetland so that it remains undisturbed. The proposed activities are not anticipated to cause or contribute to violations of water quality standards, or adversely impact the functions of wetlands or other surface waters, and or adversely impact the ecological value of uplands for bald eagles, and aquatic or wetland dependent listed animal species. No adverse unacceptable impacts to cultural resources are anticipated to result from this proposed project, pursuant to Section 10.2.7(c), ERP A.H. Volume I. )*

X. **Cumulative Impacts**– 10.2.8 A.H. Vol. I­­ –

*(The Project will not impact any wetlands. Impacts to OSW’s were determined to be nominal as demonstrated by the extremely low quality and small size of these impacts (0.1 acres). Mitigation was not required for the proposed construction. Therefore, the project shall not cause unacceptable cumulative impacts upon wetlands and surface waters.)*

XI. **Mitigation** – 10.3 A.H. Vol. I­­ – *In accordance with the ERP Applicant’s Handbook*

*(Wetland impacts will be avoided, and a 25-foot buffer will be established around these wetlands to ensure they stay undisturbed. Additionally, there will be 0.1 acres of impacts to surface waters onsite for culvert extensions. Works within the conveyance ditches shall not adversely impact the value of functions provided to fish and wildlife and water quality and shall not cause adverse secondary impacts to water resources or unacceptable cumulative impacts. Therefore, mitigation is not required.*