



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING  
3900 COMMONWEALTH BOULEVARD  
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

July 18, 2014

Eric P. Summa  
U.S. Army Corps of Engineers  
Jacksonville District  
Post Office Box 4970  
Jacksonville, Florida 32207-0019

**Project:** Lake Okeechobee Water Area Retention  
**Phase:** Nubbin Slough Stormwater Treatment Area Phosphorous Removal Critical Project  
**Subject:** Minor Modification - Permit Renewal  
**Modification No.:** 0194483-015

Dear Mr. Summa,

The Florida Department of Environmental Protection (Department) received the U.S. Army Corps of Engineers' (Corps) July 14, 2014 request to extend the expiration date of the Nubbin Slough Stormwater Treatment Area Northern Everglades and Estuaries Protection Act (NEEPA)/Lake Okeechobee Protection Permit (LOPP) (File No. 0194483-015) pursuant to Florida House Bill 7023, Section 46. Per the request, the Corps is seeking to extend the existing permit's expiration date for a period of two years.

The Department has reviewed the submitted information and hereby grants a two year extension. The issued permit shall be modified as follows utilizing ~~strikethroughs~~ for deletions and underlines for additions. Sections of the permit not shown below shall remain unchanged.

**NORTHERN EVERGLADES AND ESTUARIES PROTECTION ACT  
LAKE OKEECHOBEE PROTECTION PERMIT (LOPP) – CONSTRUCTION AND OPERATION  
AUTHORIZATION**

**PERMITTEE:**  
U.S. Army Corps of Engineers  
701 San Marco Boulevard  
Jacksonville, FL 32207-019

**ATTENTION:**  
Mr. Eric Summa  
Chief, Planning Environmental Branch  
Department of the Army

**Permit Number:** 0194483-014015  
**Project:** Lake Okeechobee Water Retention Area  
**Phase:** Nubbin Slough Stormwater Treatment Area  
Phosphorus Removal Critical Project  
**County:** Okeechobee

**Date of Issue:** September 15, 2003  
**Date of Renewals:** August 22, 2008  
June 26, 2009  
August 2, 2010  
July 21, 2011  
**Expiration Date:** ~~September 15, 2014~~  
September 15, 2016

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**NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order

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Project: Lake Okeechobee Water Retention Area  
Phase: Nubbin Slough Stormwater Treatment Area Phosphorous Removal Critical Project  
Permit No.: 0194483-015

of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing 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, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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, including an explanation of how the alleged facts relate to the specific rules or statutes; 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.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLWAC Review

The applicant, or any party within the meaning of Sections 373.114(1)(a) or 373.4275, F.S., may seek appellate review of this order before the Land and Water Adjudicatory Commission under Sections 373.114(1) or 373.4275,

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F.S., to determine if the order is consistent with the provisions and purposes of Chapter 373, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed in accordance with section 373.114, F.S., and Chapter 42-2, F.A.C., and served on the Department and on any person named in the order within 20 days after the order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

In the event you do publish this notice, within seven days of publication, you must provide to the following address proof of publication issued by the newspaper as provided in Section 50.051, F.S. If you provide direct written notice to any person(s) as noted above, you must provide to the following addresses a copy of the direct written notice.

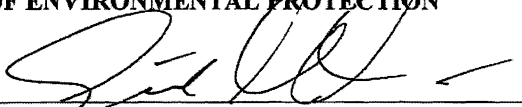
Attn: Tanja Hinton  
Florida Department of Environmental Protection  
Office of Ecosystem Projects  
3900 Commonwealth Blvd., MS 24  
Tallahassee, Florida, 32399

Please retain this letter for your files as it reflects final agency action barring any administrative hearings which rule otherwise. The activities may be inspected by authorized state personnel in the future to insure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapters 373, 403, 253, and 258, F.S., as applicable.

This modification letter does not alter the permittee's need to comply with the permit's general and specific conditions, except as stated herein. This letter and attachment must be attached to the original permit.

If you have any questions regarding this permit modification, please contact Tanja Hinton at (850) 245-2974 or electronically at [Tanja.Hinton@dep.state.fl.us](mailto:Tanja.Hinton@dep.state.fl.us). When referring to this application, please use the file number indicated above.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**

  
Ernie Marks, Director  
Office of Ecosystem Projects

EM/dn/th

Executed in Tallahassee, Florida.

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**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

*Sea Crandall* 7-18-14  
Clerk Date

**Electronic copies furnished to:**

Eric Summa, USACE  
Jim McAdams, USACE  
Aaron Lassiter, USACE  
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