



# Florida Department of Environmental Protection

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November 16, 2015

Ms. Carol Howard  
The Carol Group, Inc.  
208 Dal Hall Boulevard  
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[choward@thecarolgroupinc.com](mailto:choward@thecarolgroupinc.com)

RE: Second 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 in July 2015. The department is also in receipt of the October 15, 2015 response to the department's First Request for Additional Information ("the Response").

The department's review of the Response 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 other agencies, including the Florida Fish and Wildlife Conservation Commission, the South Florida Water Management District, and Broward County. The department provided these agencies with a copy of the application and the Response, 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.

### **Request for Additional Information**

#### **Mineral Interests**

1. 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. Thank you for providing the abstract summary dated August 6, 2014. This document includes a records search beginning December 31, 1940. Please provide documentation regarding the conveyance of mineral rights prior to this date. [377.2411, F.S.]

#### **Survey**

2. Department rule provides that routine drilling units be based on the U.S. Government Surveyed Township and Range system, and that exploratory oil wells drilled to a depth greater than 7,000 feet be located within 160-acre units (i.e., quarter-sections). The bottom hole location of these wells must be no closer than 920 feet to the nearest drilling unit boundary. [62C-26.004, F.A.C.]

Department rule also provides that other established lines, reference points, or methods may be used when section corners are unavailable and an inordinate amount of preliminary surveying would have to be done to establish section corners or other standard reference points. [62C-26.003(7)(c), F.A.C.] The Response indicates that the drill site has never been surveyed by the State of Florida or the federal government, and proposes that state plane coordinates be alternatively used to specify the drill site and bottom hole location. It appears that the proposed location for the drill site and bottom hole location would not shift upon establishment of section corners (if different from state plane coordinates), unlike the location of the applicant's property or the drilling unit. Because the response appears to be silent on the degree of discrepancy possible, please clarify the following:

Whether the proposed drill site could be located on property not owned by the applicant; [377.241(2), F.S.]

Whether the proposed bottom hole location could be located in a drilling unit for which the applicant does not control the majority of mineral interests; [377.2411, F.S.]

Whether construction of a well to the proposed bottom hole location is necessary to prevent waste or to protect correlative rights. [62C-26.004(6), F.A.C.]

3. The Response included three maps indicating the drilling unit boundaries. There appear to be discrepancies or errors in the maps including: the drilling unit is in different locations when viewed against aerials; map 4.2(c) should say NW  $\frac{1}{4}$  not NW  $\frac{1}{2}$ ; scales should be available on all maps; and, well offsets from section lines should be included on all maps. Additionally, the well offset from the section line appears to be less than 700 feet, while the application states the offset will be 920 feet. Please clarify all discrepancies.

#### **Wildfires**

4. During the September 1, 2015 meeting between Kanter representatives and department staff, it was indicated that the property was recently affected by a wildfire. Recognizing the potential for a similar occurrence during drilling activities, please provide a plan to address potential wildfires.

#### **Site Access**

5. Department rule requires that existing roads be used wherever feasible. Thank you for your response regarding use of the levees located off U.S. Highway 27 and U.S. Highway 41. It is the Department's understanding that a right of way permit will be necessary to obtain authorization from the South Florida Water Management to utilize the levees to access the site, including activities on the driveway and pad area. Any access road improvements, however, would trigger further review by the Department's oil and gas program. [62C-26.003(10), F.A.C. and 62C-30.005(2)(a), F.A.C.]

#### **Spoil Area**

6. Department rule requires that drilling sites be located to minimize negative impacts on the vegetation and wildlife, including rare and endangered species, and the surface water resources. The Response indicates the spoil area is intended to receive material from de-mucking the site. Please clarify whether locating this material on site minimizes impacts to vegetation and wildlife, including rare and endangered species, and surface water resources. [62C-26.003(10), F.A.C. and 62C-30.005(2)(b)(1), F.A.C.]

### Technical Design

7. The application and the Response indicate that all stationary equipment containing fluids will be located in the high-density polyethylene lined containment area in order to contain those fluids in the event of leakage. It is also stated that a “containment berm surrounding the fuel tanks will retain 1.5 times the tanks’ stored volume.” However, the Spill Prevention and Clean-Up Plan states that the primary earthen berm will be constructed around all tanks to a height sufficient to contain 2 times the capacity of the largest tank. Please clarify the design of the primary containment area.
8. The pad layout shown in Sheet C-2.02 appears to be a revision of the layout provided in the original application; neither layout provides dimensional details of the pad. Please provide a detailed plan view of the proposed pad layout, including the external dimensions of the pad and the locations of the well, storage tank(s) and sump.
9. Please provide design drawings showing the dimensions and locations of the primary containment area around the wellhead equipment and, if different, the primary containment area around the storage tanks. Please include locations of stationary equipment and tanks.
10. General Note #14 (Sheet C-1.01) of the engineering construction plan set states that “disturbed areas shall be compacted (at a minimum) equal to adjacent undisturbed ground except when otherwise specified.” There appears to be no specification provided for the compaction of the proposed berm and pad. Please specify the required compaction for the berm and pad, as appropriate.
11. Please clarify the minimum diameter of the proposed rubble rip-rap shown on Sheet C-2.04.
12. The discharge outfall design does not indicate the presence of a non-woven geotextile fabric lain below the rip-rap, or the method to stabilize the berm and prevent erosion directly above the outfall. Please clarify whether the applicant intends to install a non-woven geotextile fabric below the rip rap and methods taken to prevent erosion directly above the outfall.
13. The Response indicates that the production casing will be tested to 1,500 psi, however department rule requires the production casing to be tested to 1,500 psi or 0.2psi/ft, whichever is greater. Please clarify why 1,500 psi was used in the drilling procedure. [62C-27.005(4)(d), F.A.C.]
14. Department rule requires casing to be set and cemented in accordance with generally accepted industry standards and practices. The Response states “Kanter will use the industry standard, which is first centralizer to be placed 10 feet above the casing shoe, then

every third for a distance of 300 feet” for centralizer placement and spacing. Please identify the sources relied upon that establish this as the generally accepted industry standard used for the design of centralizer spacing and validate the adequacy of the proposed centralizer placement through the entire cementing interval.

### **Hydrogen Sulfide Safety Plan**

15. 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 accident. The Response indicates that a Hydrogen Sulfide Safety Plan was developed in accordance with 30 CFR 250.490 and Chapter 26C-27.001(7), F.A.C. Please note that 30 CFR 250.490 appears to be a federal hydrogen sulfide regulation for drilling, completion, workover and production activities conducted offshore. Please clarify whether this industry standard is appropriate for onshore activities or revise your response and plan, if necessary, to include standards which are consistent with the onshore oil and gas industry (e.g., American Petroleum Institutes’ Recommended Practice 49).

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](mailto:Levi.Sciara@dep.state.fl.us)

Attachments:

Florida Fish and Wildlife Conservation Commission correspondence dated November 2, 2015  
South Florida Water Management District correspondence dated November 9, 2015  
Broward County correspondence dated November 2, 2015



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November 2, 2015

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Re: Kanter 23-1 Exploratory Oil Well, Florida Department of Environmental Protection (FDEP) Oil and Gas Permitting Application File No. 1366 and Associated FDEP 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 oil and gas application and coordinating ERP application. FWC has coordinated previously with FDEP and the applicant's consultant throughout the permitting process. FWC staff provided comments and recommendations based on the submitted application materials and coordination efforts in the enclosed letter dated August 4, 2015.

FDEP's Oil and Gas Program issued a Request for Additional Information (RAI) dated August 6, 2015, to the applicant including FWC's August 4, 2015, letter. In response to the RAI, the applicant's consultant provided a response letter dated October 16, 2015, in regards to the oil and gas application. The applicant has committed to the following: obtaining wildlife surveys prior to any site development activities; coordinating with the U.S. Fish and Wildlife Service (USFWS) South Florida Ecological Services Office for any necessary federal requirements; notify FWC's Snail Kite Conservation Coordinator if Everglade snail kites are documented near the project site; contact the USFWS and the FWC if Florida bonneted bats are identified; conduct surveys for state-listed wading birds prior to construction that occurs during the breeding season; and implement measures to reduce the potential for least tern nesting and contact the FWC if nesting is observed. Once wildlife surveys have been conducted onsite to verify presence of listed species, FWC staff is available to assist in determining appropriate avoidance, mitigation, and/or permitting alternatives. We appreciate the inclusion of the above-mentioned conditions for listed species.

Additionally, the RAI response letter states that in the unlikely event of a hydrogen sulfide release, the applicant will notify people performing recreation activities of a release by contacting Everglades Holiday Park and the South Florida Water Management District, and placing different colored flags along the L-67A and Miami Canal. We would like to note that in the event of a hydrogen sulfide release, FWC staff would also appreciate notification and if different colored flags are to be used in a release situation, the meaning of the flags be clearly identified for the public who recreate in this area.

FWC staff has coordinated with the applicant's consultant and received additional information on November 2, 2015. The information provided states that access to the L-67A levee by the public will be controlled during construction by signage and flag men; the applicant will have an emergency response plan and team to avoid operations that increase the likelihood of fires, a plan for suppressing fires, and in the case of a wildfire, all operations will be shut down and FWC will be notified; the restoration plan will include removing all berms, equipment, equipment pads and the well pad, grading the site to agree with the condition of the surrounding habitat, spreading muck and replacing or reseeded the site with native grasses and plants; and the applicant will implement a base line vegetation monitoring plan to assess the vegetation community, monitor on a quarterly basis to control nuisance and exotic species, and create a maintenance program in the instance there is an increase in nuisance and exotic vegetation species.

The additional information provided indicates that the timeframe of the project is unknown at this time and will be determined depending on whether the well is a "producing well." Please note that the FWC may provide additional comments if the applicant decides to apply for an operating permit. Additionally, FWC staff is available to provide technical assistance to the applicant during the development of the restoration plan and throughout the remainder of the project. We expect the incorporation of the above-mentioned measures should provide adequate protection for listed species and habitat within Water Conservation Area 3B.

We appreciate the opportunity to review the proposed project and look forward to working with the applicant throughout the permitting process. 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](mailto: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](mailto:Marissa.Krueger@MyFWC.com).

Sincerely,



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

jdg/mk  
ENV 1-2-2  
Kanter 23-1 Exploratory Oil Well\_21466\_110215  
Enclosure

cc: John Kanter, Kanter Real Estate, LLC, [jemia@bellsouth.net](mailto:jemia@bellsouth.net)  
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August 4, 2015

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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](mailto: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](mailto: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](mailto: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](mailto:jemia@bellsouth.net)  
Joseph Barber, The Carol Group, Inc., [jbarber@thecarolgroup.com](mailto:jbarber@thecarolgroup.com)  
Rosanne Clementi, Clementi Environmental Consulting, [rosanne@clementi-ec.com](mailto:rosanne@clementi-ec.com)  
Jennifer Smith, FDEP, [Jennifer.K.Smith@dep.state.fl.us](mailto:Jennifer.K.Smith@dep.state.fl.us)  
Irene Arpayoglou, FDEP, [Irene.Arpayoglou@dep.state.fl.us](mailto:Irene.Arpayoglou@dep.state.fl.us)  
Ashleigh Blackford, USFWS, [ashleigh\\_blackford@fws.gov](mailto: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.

**From:** [Smith, Karin](#)  
**To:** [Sciara, Levi](#)  
**Cc:** [Lindahl, Lennart](#); "[timothy.parsons@dos.myflorida.com](mailto:timothy.parsons@dos.myflorida.com)"; "[traci.wallace@myFWC.com](mailto:traci.wallace@myFWC.com)"; "[mowens@broward.org](mailto:mowens@broward.org)"  
**Subject:** RE: Application for Permit to Drill #1366 RAI Response  
**Date:** Monday, November 09, 2015 8:08:28 AM  
**Attachments:** [image003.png](#)  
[image001.wmz](#)

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Mr. Sciara,

Thank you for the opportunity to review and comment on the 1<sup>st</sup> RAI response for the subject permit. The SFWMD offers the following comments:

- 1) The applicant has acknowledged in its response that application for a Right of Way (ROW) permit will be made once a preferred access route has been determined. We look forward to working with the applicant, in accordance with the requirements of Chapter 40E-6, F.A.C., to complete this permit process.
- 2) We remain concerned about the likely impacts to water quality in the project area (and potential transport via canal and downstream wetlands). Specifically:
  - a) The 'spoil area' will contain re-worked muck likely to release nutrients and the response indicates that the site will not be lined, contained or the runoff treated through the stormwater management system.
  - b) The pad is constructed of material that is not impermeable and only a small portion of the top of the pad area has a PVC liner. It is unclear whether drill cuttings, containing various drilling fluids and additives, will be stored on the lined portion of the pad. A floating turbidity barrier around the perimeter of the pad is the only other apparent water quality protection method, which is inadequate for seepage or spills of chemicals.
  - c) Increased levee traffic can increase dust deposition in the marsh and alter the nutrient content, with the potential to convert ridge and slough habitat into cattail marshes, with a resulting loss in foraging habitat. The applicant should specify the expected frequency of traffic and provide reasonable assurances that the 'standard means' of dust control is adequate.
- 3) A water quality monitoring plan is mentioned but no specifics are provided and the response indicates that background monitoring would occur prior to drilling. The SFWMD requests that a monitoring plan be submitted and approved prior to permit issuance and that the background monitoring be done prior to installation of the drill pad. The plan should also discuss acceptable limits for various water quality parameters and what steps would be taken if monitoring indicates that these limits are exceeded. This agency requests the opportunity to review the proposed monitoring plan prior to approval.
- 4) Comment 8.2 says that all wetland impacts from the well site will be mitigated through the acquisition of mitigation bank credits. Does this include immediate impacts at the well site and any subsequent impacts on downstream habitats identified through monitoring? If potential downstream wetland impacts are not included, how will these be addressed? Please identify which mitigation bank will be used to offset the impacts to the unique, ridge-slough-tree island landscape of the Everglades.
- 5) Kanter suggests that the gap between the L67 A and B canals is an area not used by wildlife.

It should be noted that although the habitat in the area in question is degraded it nonetheless provides important ecological functions (e.g. wading bird foraging habitat) that are important for many species, especially birds which are not limited by the physical barriers. Any additional loss or degradation of habitat in this area will further limit foraging and breeding options for wildlife in the Everglades.

- 6) Relating to the casing and cementing programs:
- a) please provide the sources of information used to support the estimated casing set points for the surficial aquifer, USDW and Boulder Zone.
  - b) the entire Upper Floridan aquifer will remain open until the final production string is installed to 1,800 feet. Please provide assurances that this will not have adverse water quality impacts within the aquifer.
  - c) Please provide details on what downhole geophysical logging will be used to identify the USDW. SFWMD requests copies of any geophysical and lithologic logs above the Boulder Zone (approximately 4,000 feet) collected by the applicant during drilling.

We look forward to continued correspondence on this application and apologize for the delay in providing these comments. Please contact me if you have any questions.

  
*Karin A. Smith, P.G.*  
*Principal Scientist – Water Supply Bureau*  
*Water Supply Planning*  
*South Florida Water Management District*  
*561-682-2026*

**From:** Sciara, Levi [<mailto:Levi.Sciara@dep.state.fl.us>]  
**Sent:** Monday, October 19, 2015 12:12 PM  
**To:** 'llindahl@sfwmd.gov' <[Timothy.Parsons@dos.myflorida.com](mailto:Timothy.Parsons@dos.myflorida.com)>; 'traci.wallace@MyFWC.com' <[MOWENS@broward.org](mailto:MOWENS@broward.org)>  
**Subject:** Application for Permit to Drill #1366 RAI Response

Commenting Agency's,

The Department of Environmental Protection's, Oil and Gas Program, received a response to the Request for Additional Information (RAI), dated August 6, 2015 for the Application for Permit to Drill #1366. Please review the information provide below and respond with any further questions by November 2, 2015.

**RAI**

**RAI Response**

Thanks,  
Levi

Levi Sciara  
Oil and Gas Program  
850-245-8406

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).



**From:** [Owens, Michael](#)  
**To:** [Sciara, Levi](#)  
**Cc:** "[llindahl@sfwmd.gov](mailto:llindahl@sfwmd.gov)"; "[Timothy.Parsons@dos.myflorida.com](mailto:Timothy.Parsons@dos.myflorida.com)"; "[traci.wallace@MyFWC.com](mailto:traci.wallace@MyFWC.com)"  
**Subject:** RE: Application for Permit to Drill #1366 RAI Response  
**Date:** Monday, November 02, 2015 5:06:08 PM

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Mr. Sciara,

Thank you for the opportunity to comment on the applicant's response to the Department of Environmental Protection's first RAI. Broward County has the following comments on the RAI Response:

- 1) The applicant did not address Broward County comments in the RAI Response, including land use, zoning, and regulatory comments. Those comments are still outstanding.
- 2) The applicant claims ownership of 20,000 acres, but is proposing to purchase wetland mitigation bank credits for proposed impacts. Although there is a separate Environmental Resource Permit application process for the more specific consideration of what wetland impacts may be authorized and mitigation requirements, Broward County notes that this application does not include any demonstration of avoidance or minimization of wetland impacts, and the applicant has not demonstrated that on-site mitigation is not feasible or practicable.
- 3) Florida panther telemetry data from 1981-2005 includes recorded use of Water Conservation Area 3A proximate to the proposed well location. See attached figure. Please address whether this project may impact the Florida panther population or its habitat.
- 4) The well site will likely require a Broward County Hazardous Material Management Facility license for on-site hazardous materials and most probably for onsite storage tank(s).
- 5) Depending on the type of fuel/waste tank(s) used (not clear from the application or RAI), construction of the storage tank(s) may require a storage tank construction permit.
- 6) Broward County's Environmental Hotline Number (954-519-1499) should be included in the emergency response procedures.

Michael C. Owens  
Senior Assistant County Attorney  
954-357-7600  
[mowens@broward.org](mailto:mowens@broward.org)

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**From:** Sciara, Levi [mailto:[Levi.Sciara@dep.state.fl.us](mailto:Levi.Sciara@dep.state.fl.us)]  
**Sent:** Monday, October 19, 2015 12:12 PM  
**To:** 'llindahl@sfwmd.gov' <[llindahl@sfwmd.gov](mailto:llindahl@sfwmd.gov)>; 'Timothy.Parsons@dos.myflorida.com' <[Timothy.Parsons@dos.myflorida.com](mailto:Timothy.Parsons@dos.myflorida.com)>; 'traci.wallace@MyFWC.com' <[traci.wallace@MyFWC.com](mailto:traci.wallace@MyFWC.com)>; Owens, Michael <[MOWENS@broward.org](mailto:MOWENS@broward.org)>  
**Subject:** Application for Permit to Drill #1366 RAI Response

Commenting Agency's,

The Department of Environmental Protection's, Oil and Gas Program, received a response to the

Request for Additional Information (RAI), dated August 6, 2015 for the Application for Permit to Drill #1366. Please review the information provide below and respond with any further questions by November 2, 2015.

## RAI

### RAI Response

Thanks,  
Levi

**Levi Sciara**  
Oil and Gas Program  
**850-245-8406**



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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.