

62-330.301 Conditions for Issuance of Individual and Conceptual Approval Permits.

(1) To obtain an individual or conceptual approval permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

- (a) Will not cause adverse water quantity impacts to receiving waters and adjacent lands;
- (b) Will not cause adverse flooding to on-site or off-site property;
- (c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities;
- (d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;

(e) Will not adversely affect the quality of receiving waters such that the state water quality standards set forth in chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated;

(f) Will not cause adverse secondary impacts to the water resources. In addition to the criteria in this subsection and in subsection 62-330.301(2), F.A.C., in accordance with section 373.4132, F.S., an applicant proposing the construction, alteration, operation, maintenance, abandonment, or removal of a dry storage facility for 10 or more vessels that is functionally associated with a boat launching area must also provide reasonable assurance that the facility, taking into consideration any secondary impacts, will meet the provisions of paragraph 62-330.302(1)(a), F.A.C., including the potential adverse impacts to manatees;

(g) Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S.;

(h) Will not cause adverse impacts to a Work of the District established pursuant to section 373.086, F.S.;

(i) Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;

(j) Will be conducted by a person with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; and

(k) Will comply with any applicable special basin or geographic area criteria established as follows:

1. Within the Northwest Florida Water Management District, Sections 13.0 through 13.4 (Special Basin Criteria for Sensitive Karst Areas, including Appendix A) of Volume II.

2. Within the Suwannee River Water Management District, Section 5.9 (Sensitive Karst Areas) of Volume II.

3. Within the St. Johns River Water Management District:

a. Chapter 40C-41, F.A.C., "Surface Water Management Basin Criteria," (October 1, 2013), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02551>).

b. Sections 13.0 through 13.8.3 (Part VI, Basin Criteria), of Volume II.

4. Within the South Florida Water Management District:

a. Chapter 40E-41, F.A.C., "Surface Water Management Basin and Related Criteria," (December 1, 2011), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02554>).

b. Chapter 40E-63, F.A.C., "Everglades Program," (November 9, 2010), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02557>).

c. For activities within the Outstanding Florida Waters of Monroe County, rules 62-312.400 through 62-312.460, F.A.C.

Copies of incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(2) In instances where an applicant is unable to meet state water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, the applicant must implement mitigation measures that are proposed by, or acceptable to, the applicant that will cause net improvement of the water quality in the receiving waters for those parameters that do not meet standards.

(3) In addition to the criteria in chapter 62-330, F.A.C., applications for a mitigation bank must also meet the criteria of chapter 62-342, F.A.C.

(4) The standards and criteria used to determine whether the reasonable assurances required in this section and rule 62-330.302, F.A.C., have been provided, including the provisions for elimination or reduction of impacts and mitigation to offset adverse impacts, are contained in Volume I, incorporated by reference in subsection 62-330.010(4), F.A.C., and Volume II, incorporated by reference in subsection 62-330.010(4), F.A.C., for the applicable District.

(5) Forms for demonstrating that an applicant has met the financial responsibility requirements of sections 10.3.7 through

10.3.7.9 of Volume I shall be in substantial conformance with the forms incorporated by reference below, a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(a) Form 62-330.301(1), "Performance Bond to Demonstrate Financial Assurance for Mitigation," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09364>).

(b) Form 62-330.301(2), "Irrevocable Letter of Credit to Demonstrate Financial Assurance for Mitigation," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09365>).

(c) Form 62-330.301(3), "Standby Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09367>).

(d) Form 62-330.301(4), "Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09368>).

(e) Form 62-330.301(5), "Escrow Agreement," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09369>).

(f) Form 62-330.301(6), "Guarantee Bond to Demonstrate Financial Assurance for Mitigation," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02488>).

(6) Forms for recording of a conservation easement in the public records in favor of the Agency shall be in substantial conformance with the forms incorporated by reference below, a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The use of these forms shall constitute consistency with section 704.06, F.S. Where the applicant demonstrates that project specific conditions necessitate deviation from language of the accepted forms, alternative language shall be accepted provided that the intent of section 704.06, F.S., and section 10.3.8 of Volume I continue to be met:

(a) Form 62-330.301(8), "Deed of Conservation Easement-Standard," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09370>).

(b) Form 62-330.301(9), "Deed of Conservation Easement-Standard, with Third Party Beneficiary Rights," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09371>).

(c) Form 62-330.301(10), "Deed of Conservation Easement-Passive Recreational Uses," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09372>).

(d) Form 62-330.301(11), "Deed of Conservation Easement-Riparian Uses," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09373>).

(e) Form 62-330.301(12), "Deed of Conservation Easement-for Local Governments," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09374>).

(f) Form 62-330.301(13), "Deed of Conservation Easement-Third Party Beneficiary Rights to the U.S. Army Corps of Engineers," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09375>).

(g) Form 62-330.301(14), "Declaration of Restrictive Covenants," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09376>).

(h) Form 62-330.301(15), "Declaration of Restrictive Covenants-Insert," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02496>).

(i) Form 62-330.301(16), "Temporary Easement for Construction Access," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02497>).

(j) Form 62-330.301(17), "Permanent Access Easement," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02498>).

(k) Form 62-330.301(18), "Joint Deed of Conservation Easement-Standard (within Broward County)," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09377>).

(l) Form 62-330.301(19), "Joint Deed of Conservation Easement-Standard, with Third Party Beneficiary Rights (within Broward County)," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09378>).

(m) Form 62-330.301(20), "Joint Deed of Conservation Easement-Passive Recreational Uses (within Broward County)," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09379>).

(n) Form 62-330.301(21), "Joint Deed of Conservation Easement-Riparian Uses (within Broward County)," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09380>).

(o) Form 62-330.301(22), "Joint Deed of Conservation Easement-Local Governments (within Broward County)," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09381>).

(p) Form 62-330.301(23), "Joint Deed of Conservation Easement—Third Party Beneficiary Rights to the U.S. Army Corps of Engineers (within Broward County)," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09382>).

(q) Form 62-330.301(24), "Deed of Conservation Easement for Mitigation Banks—Third Beneficiary Rights to U.S. Army Corps of Engineers," (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09383>).

(7) An overwater pier, dock, or similar structure located in a deepwater port listed in section 311.09, F.S., does not require treatment of stormwater runoff from its impervious surfaces subject to the requirements of section 373.406(12), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.042, 373.409, 373.413, 373.4131, 373.4132, 373.4142, 373.4145, 373.416, 373.426, 373.429, 704.06 FS. History—New 10-1-13, Amended 6-1-18.

