



## 10.0 Summary of Permits and Mitigation

The preferred stations identified in this study are anticipated to avoid and minimize impacts to wetlands and floodplains. However, it is understood that as a project progresses through the final design phase, the availability of lands identified for the proposed improvements can vary from the concept presented herein.

### Southwest Florida Water Management District (SWFWMD) – Environmental Permitting

The complexity of the permitting process depends greatly on the degree of the impact to jurisdictional areas. Based on meetings with the SWFWMD, each station will be examined independently due to the spacing between stations and being in separate stormwater basins. A majority of the stations are located within highly urbanized areas. The proposed improvements would replace existing impervious areas. The improvements would be exempt from permitting under Rule 373.406(6), F.S.

Based on meetings with the SWFWMD, a General Environmental Resource Permit (ERP) will be required for stations when construction results in the creation/modification of a water management system, impacts to waters of the State, or impacts to isolated wetlands. The SWFWMD will require HART to maximize avoidance and minimization measures in regard to wetland impacts. However, no wetland impacts are anticipated. The SWFWMD also requires that proposed projects demonstrate that the proposed activity is not contrary to the public interest. In addition, the SWFWMD will require the applicant to outline the benefits of the project and any proposed impacts to the public health, safety, or welfare, or the property of others.

The United States Army Corps of Engineers (USACE) will not have jurisdiction over the isolated wetlands within the project limits, because there is no connectivity to the “waters of the United States.” No federal permitting for dredge and/or fill of wetlands will be required for the impacts to these isolated wetlands. If any of the non-isolated wetlands within the project area were to be impacted, the USACE will review the permits submitted to the SWFWMD and the Florida Department of Environmental Protection (FDEP) and reviewed by the United States Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC).

FFWCC and USFWS will consult with and provide comments to the SWFWMD on the potential habitat impacts of state and federal listed species. Their comments and/or objections will be noted and could be incorporated into the SWFWMD permit as permit conditions. The State Historic Preservation Office (SHPO) will comment to SWFWMD on the presence of any historical sites that might be within the final station improvements or mitigation alternatives.

### Florida Department of Environmental Protection (FDEP)

Any project which results in the clearing of five or more acres of land will require a National Pollution Discharge Elimination System (NPDES) permit from the FDEP, pursuant to a 40 CFR parts 122 and 124. Though the project area is less than five acres, further review will be required during the final design phase. The NPDES stormwater program regulates point source discharges of stormwater into surface waters of the State of Florida from certain municipal, industrial, and construction activities. This includes road construction activities and construction of stormwater management facilities. The potential discharge associated with the construction work is covered under the General Permit for Stormwater Discharge from Large and Small Construction Activities. In association with this permit, implementation of a Stormwater Pollution Prevention Plan (SWPPP)



during the construction of this project will be required. The primary functions of the NPDES requirements are to ensure that sediment and erosion during construction of the project is controlled. These permits typically utilize Best Management Practices (BMP) to ensure compliance. Before proceeding with construction, a Notice of Intent (NOI) must be filed with the FDEP.

United States Fish and Wildlife Service (USFWS) / Florida Fish and Wildlife Conservation Commission (FFWCC)

Any impacts to listed species will need to be addressed with FFWCC and/or USFWS during project design and permitting. Wildlife permitting and mitigation options will vary depending on multiple factors, such as the species impacted (if any), degree of impact (incidental take or relocation), density of that species within the project limits, or species listing status. Since the proposed activities are not expected to adversely affect protected species, permitting through FFWCC and/or USFWS are not anticipated. Impacts to wildlife associated with the construction of this project are not currently anticipated. It is recommended that wildlife surveys be conducted prior to construction to assure that species utilization of habitat within the project limits has not changed from the time that this study was conducted.

Florida Department of Transportation (FDOT)

Per discussions with FDOT on March 20, 2009, no formal permits are required. However, construction activities within right-of-way owned by FDOT will require a notification and coordination activities between HART and FDOT.

Other Agencies

Building Permits will be required from the three municipalities for the construction of the vertical features (totem, shelter, etc.) at the stations. Depending on the station location, a permit will be required from Hillsborough County, the City of Tampa or the City of Temple Terrace.

The relocation of existing utilities is anticipated for the construction of the proposed BRT stations. Utility companies will provide all required design services, permitting and construction for their facilities.

Based on a letter received from the State Historic Preservation Office dated July 20, 2009, shown in **Appendix F**, a Phase I Cultural Resource Assessment Survey needs to be conducted for the area of potential effects (APE). Florida Division of Historical Resources (FDHR) will be reviewing the Phase I Cultural Resource Assessment Survey for project to determine if there are any adverse effects on significant cultural resources per 267.061 FS.

The permits that are anticipated for the project are shown in **Table 10-1**.

**Table 10-1 Potential Permits Anticipated During Design**

Permit	Issuing Agency
General Environmental Resource Permit	SWFWMD
National Pollution Discharge Elimination System Permit	FDEP
Phase I Cultural Resource Assessment Survey	FDHR
Notification / Coordination	FDOT
Building Permit	Hillsborough County, City of Tampa & City of Temple Terrace