

October 7, 2016

Florida Department of Environmental Protection

3319 Maguire Boulevard

Suite 232

Orlando, Florida 32803

RE: Permit NO: 49-324813-002 Consolidated Environmental Resource Permit and Recommended intent to Grant Sovereignty Submerged Lands Authorization

PERMITTEE: Florida Southeast Connection, LLC

Attn: Randall LaBauve, 700 Universe Boulevard JES/JB, Juno Beach, Florida 33408

I hereby submit a formal written request for the above mentioned permit to be revoked, and have listed below violations, that have occurred at Waterbody Number 55 (Fort Drum Creek), County of Okeechobee, for which, are grounds for revoking this permit. To not revoke the permit would be inconsistent with the provisions, stipulations and special conditions set forth in the permit issued by the Department of Environmental Protection. I request that all construction by Rockford Corporation cease immediately, and that Florida Southeast Connection Pipeline Project not be allowed to move Forward.

I have made a total of five (5) site visits to Waterbody Number 55, (Fort Drum Creek) and following two of the site visits I contacted the Water Management District Office in the City of Okeechobee, and the Department of Environmental Protection Office at the West Palm Beach Office. On October 4, 2016, I met Ms. Christian N. White, Environmental Specialist II, Compliance Assurance Program, Southeast District, Department of Environmental Protection at Waterbody Number 55 (Fort Drum Creek) and we discussed violations of the permit by Rockford Corporation. Some of the violations have been corrected following my site visits, however, this does not change or excuse Rockford Corporation for their negligence and disrespect for the special conditions set forth in the permit. Even as late as today (October 4, 2016) the question was being asked by one of the crew members, who appeared to have authority at the site, "do we have to have curtains around the wetlands"? This has been one of my major complaints that they are not following Best Management Practices at Waterbody 55 (Ft. Drum Creek) or at other wetland and water body sites in Okeechobee County.

The violations that I have listed below have occurred from September 11, 2016 through October 4, 2016. I have both videos and photographs as supporting evidence. Should you require this, I will forward copies to you, at your request.

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Violations that constitute revoking of permit No: 49 324813-002 as set forth in permit:

Failure to follow Best Management Practices

On my initial site visit (**September 11, 2016**) to Water Body 55, Fort Drum Creek there were:

No turbidity erosions curtains.

No signs designating Fort Drum Creek as a waterbody

No filter screens

No wildlife ramp

There was muddy, smelly, running water on the east side of the creek, that no doubt was entering the creek without the presence of barriers, or filter screens. Significant clearing had been done leading up to the Creek on both the east side and the west side of the creek. Trees and vegetation had not yet been removed from within the Creek. There were no protection devices on either the east or west side of the Creek.

On my second site visit, (**September 14, 2016**) photographs, and video of the Creek, were taken. There were:

No: turbidity erosion curtains

No: signs designating Fort Drum Creek as a waterbody

No: filter screens

No: wildlife ramp

On my third site visit (**September 28, 2016**) photographs and video of the Creek were taken. This time the creek had been cleared inside of the waterbody itself, and large old growth cypress trees had been removed as well as vegetation in the water and on the bank of the Creek. Trees near the bank had also been removed. **Digging with backhoe excavator in the Creek.** There were:

No turbidity erosion curtains

No signs designating Fort Drum Creek as a waterbody

No filter screens

No wildlife ramp

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On my fourth site visit (**October 3, 2016**) to Water Body 55, yellow barriers had been put up on either side of the bridge, however, the barrier on the North side of the bridge was not secured. Signs designating the creek as Waterbody 55 had been put up. Tree limbs, shattered tree pieces, etc. were in the Creek. A very disoriented Otter was also present. Two large culverts, and a temporary bridge had been constructed in the Creek. Water was flowing very fast through the culverts. I did take photographs and one of the crew members followed after me taking pictures of what I was taking pictures of. There were no:

No filter screens

No wildlife ramp

Barrier on north side of bridge not secured

On my fifth site visit (October 4, 2016) I met Christian White, DEP at the site, and we went over the sighted violations from September 11 to October 4, 2016, and the lack of Best Management Practices. Photographs and video of the Creek were taken. There were:

No filter screening on the bridge, therefore debris was allowed to fall through to the Creek. While at the site, the crew began putting the filter screen down on the bridge.

No filter screening in front of the rocks of the temporary bridge.

No wildlife ramp

REMARKS:

I question the width of clearing that had been done, and what appears to be unnecessary cutting of **old growth cypress trees**. It appears to be beyond the construction footprint allowed in waterbodies. Ms. White was to check on this issue. It also appears that clearing has been conducted beyond the construction footprint on the Southeast side of the Creek.

I have asked for the turbidity reports as required per the special conditions of the permit, that should be submitted every Monday, but to date none have been forthcoming. I know these reports should be submitted each Monday, as well as a quarterly progress report which I have also asked for.

I am concerned about the safety and wellbeing of the Otters, birds, fish, & reptiles which use this Creek. There seems to be no measures taken to protect them or consideration given for their wellbeing.

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There has been no apparent effort to minimize the impacts on aquatic resources and species or loss of habitat, or adverse impacts to water quality, or entry of foreign and or toxic substances, or implementation of measures to minimize erosion and sediment loads until complaints were made.

Florida Southeast Connection Pipeline company has said they will restore stream beds and banks to preconstruction condition. What has been done at Fort Drum Creek, Water Body 55 is a tragedy and can never be restored to pre-construction condition.

Rockford Corporation's total disregard for adherence to the rules and regulations set forth in the permit must not be ignored. Construction must cease immediately and Florida Southeast Connection Pipeline Permit must be revoked according to the stipulations of the Permit.

Videos and photographs will be provided upon request.

Today, October 7, 2016, a site visit was made to inspect conditions following hurricane Mathew (video taken). High running water. Yellow barriers on either side of bridge not in place.

Water almost at level of the top of temporary bridge, rocks supporting bridge were almost entirely covered. Debris in creek. Cleared area on the Southeast side of the Creek was completely under water.

Dead Otter spotted lying on south side of road right of way of Creek. Did not appear to have been struck by a vehicle.

References: Department of the Army Record of Decision and Statement of Findings for Department of the Army Permit Application Applications SAJ-2013-0330, SAJ-2013, SAM-2014-00238, SAM-2014-00655, And SAS-2013-00943.

Consolidated Environmental Resource Permit and Recommended intent to Grant Sovereignty Submerged Land Authorization, Permit No. 49-324813-002, issued November 19, 2014.

Shannon Larsen
Ancient Trees
P.O. Box 1452
Lake Placid, FL 33862
Ancienttrees@hotmail.com
[904-654-0200](tel:904-654-0200)

cc: Kimberly D. Bose, Secretary, FERC, 888 First St., NE, RM 1A, Washington, D.C. 20426

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cc: Christine White, Environmental Specialist II, Compliance Assurance Program, Southeast District, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406

James A. Delapp, Colonel, USACE, Mobile District Commander, 605 Maple Street, Maxwell, AFB, AL 36112-6017

James S. Cherry, Project Manager, USACE, Mobil District Reg. Div. Building 1429, Room 105, Maxwell AFB, AL 36112-60127

Libby Maxwell, Intergovernmental and Outreach Representative, Office of Public Affairs, South Florida Water Management District, 3800 NW 16th Blvd, Suite A, Okeechobee, FL 34972

Mark Evans, Jacksonville District Regulatory Division, USACE, P.O. Box 4970, Jacksonville, FL 32232

Director, United States Fish and Wildlife Service, 1849 C Street, NW, Washington, D.C. 20240

Regional Director, Florida Fish and Wildlife Commission, 8535 North Lake Boulevard, West Palm Beach, FL 33412