Dear Sir:

The St. Johns River Water Management District (District) has received your request to transfer the attached permit to NASA Environmental Assurance Branch. In support of this request, the District has received sufficient ownership or control documentation from NASA Environmental Assurance Branch, which has accepted this permit and all of the listed conditions.

This permit is hereby transferred to NASA Environmental Assurance Branch. As the new permit holder, you are required to comply with all the conditions as noted in the permit. If you have any questions concerning the conditions of your permit, please contact Janice Unger, Compliance Coordinator, in the Maitland Service Center at (321) 676-6600.

This permit issuance does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies asserting concurrent jurisdiction over this work. The enclosed permit is a legal document and should be kept with your other important records. Please read the permit and conditions carefully since the referenced conditions may require submittal of compliance information.

**Compliance with Permit Conditions:**
To submit your required permit compliance information, go to the District’s website at floridaswater.com/permitting. Under the “Apply for a permit or submit compliance data” section, click to sign-in to your existing account or to create a new account. Select the “Compliance Submittal” tab, enter your permit number, and select “No Specific Date” for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form.

The forms to comply with your permit conditions are available at floridaswater.com/permitting under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the Environmental Resource Permit (ERP) application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need copies of the appropriate forms, please contact the Office of Business and Administrative Services at (386) 329-4570.

**Transferring Your Permit:**
As required by a condition of your permit, you must notify the District within 30 days of any sale, conveyance or other transfer of a permitted system or facility, or within 30 days of any change in ownership or control of the real property (or project or activity) where the permitted system or
facility is located. You will need to provide the District with the information specified in Rule 62-330.340, Florida Administrative Code (name and address of the transferee and a copy of the instrument effectuating the transfer). Please note that a permittee remains jointly and severally liable with the new owner for any corrective actions that may be required as a result of any permit violations that occur before the permit is transferred, so it is recommended that you request a permit transfer promptly to reduce your potential liability.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.

Sincerely,

Margaret Daniels, Office Director

Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Enclosures: Permit, Conditions for Issuance
cc: District Permit File
PERMIT NO. 144330-1  TRANSFER PERMIT ISSUED: November 10, 2015
PROJECT NAME: NASA Advanced Ecological Mitigation

A PERMIT AUTHORIZING:

This permit is the consolidation of mitigation from three separate permits. Construction and maintenance of the mitigation for the Shuttle Landing Facility Stormwater Management System Modifications, to be constructed and operated in accordance with the plans received by the District on May 19, 2014, and per revised sheet C110 received on June 24, 2014, and sheets WM-15 and WM-19 received on July 10, 2014. Operation and maintenance of the NASA Causeway Wetland Mitigation Site, as per plans received by the District on July 17, 2009. Operation and maintenance of the Shiloh Impoundment Restoration Area as per plans received by the District on September 3, 2002, sheet C-4 received on September 11, 2002, and the supplementary information submitted on July 25, 2002.

LOCATION:

SECTION(S):  TOWNSHIP(S):  RANGE(S):
11, 12  22S  36E

Brevard Counties

ISSUED TO:

NASA Environmental Assurance Branch
Mail Code TA-A4B
Kennedy Sp Ct, FL 32899-0001

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

PERMIT IS CONDITIONED UPON:

See conditions on attached “Exhibit A”, dated November 10, 2015

AUTHORIZED BY:  St. Johns River Water Management District
Division of Regulatory, Engineering and Environmental Services

By:  

David Dewey
Regulatory Coordinator
"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 144330-1
NASA Advanced Ecological Mitigation
PERMIT TRANSFER ISSUED November 10, 2015

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), “Construction Commencement Notice,”[10-1-13], incorporated by reference herein (http://www.flrules.org/Gateway/reference.asp?No=Ref-02505), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

7. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

8. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
9. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

10. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

11. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

12. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

13. This permit is issued based on the applicant’s submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

14. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

15. This permit does not:

   a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

   b. Convey to the permittee or create in the permittee any interest in real property;

   c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

   d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

16. The permittee shall notify the District in writing:

   a. Immediately if any previously submitted information is discovered to be inaccurate; and

   b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall
request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

17. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.

18. The wetland mitigation areas must be planted prior to any of the following events (whichever occurs first): issuance of the first certificate of occupancy; use of the infrastructure for its intended use; or transfer of responsibility for operation and maintenance of the system to a local government or other responsible entity.

19. The permittee shall monitor and maintain the wetland mitigation area(s) until the criteria set forth in the Wetland Mitigation Success Criteria Conditions(s) above are met. The permittee shall perform corrective actions identified by the District if the District identifies a wetland mitigation deficiency.

20. The Shiloh Impoundment Restoration area must be operated and maintained according to the plans received by the District on September 3, 2002, sheet C-4 received on September 11, 2002 and the supplementary information submitted on July 25, 2002.

21. The NASA Causeway mitigation area must be operated and maintained in accordance with the plans received by the District on July 17, 2009.

22. Prior to construction of the Shuttle Landing Facility mitigation, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.

23. Before the start of construction associated with the Shuttle Landing Facility mitigation, the permittee must schedule a pre-construction meeting on site with District staff the environmental consultant, and the contractor to review the permit conditions, plans and environmental concerns.

24. The Shuttle Landing Facility stormwater system modifications and mitigation shall be constructed and operated in accordance with the plans received by the District on May 19, 2014 and per revised sheet C110 received on June 24, 2014 and sheets WM-15 and WM-19 received on July 10, 2014.

25. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), “Operation and Maintenance Inspection Certification,” describing the remedial actions taken to resolve the failure or deviation.

26. The Shuttle Landing Facility wetland impacts and mitigation will be done in accordance with the phasing plan submitted on July 10, 2014. Each phase must fully offset the impacts
with sufficient and appropriate mitigation. The mitigation for each phase must be commenced prior to wetland impacts and mitigation work must be completed prior to use of the infrastructure. Maintenance of the mitigation areas will be perpetual and monitoring will continue until success criteria are reached.

27. Once they meet success criteria, the mitigation areas will be managed in accordance with the agreement between NASA and USFWS that provides for the long term management of the mitigation areas as part of the Merritt Island National Wildlife Refuge.

28. For the Shuttle Landing Facility mitigation at the Wetland Creation Area, erosion control barriers must be installed and maintained around the boundary of the stockpile area and a 50 foot upland buffer associated with the wetlands. Stockpiled material and equipment must be a minimum of fifty feet from the wetland boundaries, as depicted on the final approved plans for permit #40-009-117974-2 for the FPL Space Coast Solar Energy Center Phase II.

29. Prior to commencement of the Shuttle Landing Facility mitigation work, the boundary of the vegetative enhancement areas within the mitigation sites must be monumented with PVC poles or rebar or a District approved alternative. The monuments must be installed at a sufficient height to be visible. A fire resistant aluminum tag, inscribed with the mitigation project name and permit number must be attached to each pole. GPS coordinates of each monument location, depicted on a blue-line aerial photograph utilizing a 1"=200' scale, must be provided to the District within 90 days of monument installation.

30. The 3 mitigation areas for the Shuttle Landing Facility will provide a minimum of the following ecological improvements:

   **C-15E Impoundment**
   10.2 acres of marsh restoration in the footprint of the existing ditch and berm
   13.6 acres of marsh and hydric hammock enhancement in the invasive and nuisance plant control areas
   34.3 acres of marsh and hydric hammock enhancement in the areas adjacent to the restored ditch and berm

   **T-17 Impoundment**
   14.1 acres of hydric hammock enhancement in the invasive and nuisance plant control areas
   39.3 acres of marsh and hydric hammock enhancement in the areas adjacent to the culverts and ditch blocks

   **WCA Wetland creation area**
   39.6 acres of freshwater marsh creation
   14.4 acres of forested wetland creation
   3.1 acres of marsh enhancement from invasive and nuisance plant control within the existing wetlands
   8.35 acres of forested upland enhancement in planted slope, buffer, and tree islands
   3.3 acres of forested wetland enhancement in the invasive and nuisance plant control buffer areas

31. A monitoring program for the Shuttle Landing Facility mitigation shall be implemented in accordance with the mitigation plan. The monitoring program shall extend for a period of 5 years following commencement of the mitigation work with annual reports submitted to District staff due each year on August 31st.

32. A survey of the mitigation areas for the Shuttle Landing Facility mitigation shall be submitted within 60 days of completion of the culvert installations and earth work. A
baseline monitoring report for the C-15 and wetland creation mitigation areas shall be submitted within 60 days of completion of planting. The report shall include a list of planted species, sizes, total number and densities of each plant species within each habitat type, panoramic photographs for each habitat type, and a plan or drawings that include the areal extent, acreage and cross-sectional elevations of the created/restored areas.

33. A maintenance program for all of the mitigation areas shall be implemented on a regular basis to ensure those areas meet the integrity and viability of the success criteria as permitted, including ensuring that the mitigation site is maintained in perpetuity free from invasive exotic species such that they comprise no more than 5 percent cover. In addition, the permittee shall manage the mitigation areas such that exotic/nuisance plant species do not dominate any one section of those areas.

34. Successful establishment of the Shuttle Landing Facility wetland mitigation will have occurred when:

   a) At least 90 percent of the planted individuals in each stratum have survived, or been replaced by similar appropriate recruited species, throughout the monitoring period and are showing signs of normal growth, based upon standard growth parameters such as height and base diameter, or canopy circumference; and,

   b) At least 80 percent cover by appropriate wetland species has been obtained; and,

   c) Hydrologic conditions generally conform to those specified in the mitigation plan; and,

   d) The above criteria have been achieved by the end of a 5-year period following initial planting; and,

   e) less than 5% areal coverage of plants on the Florida Exotic Pest Plant Council’s list of Florida’s most invasive species within the mitigation area.

35. If upon termination of the five year monitoring period mitigation success has not been demonstrated for the Shuttle Landing Facility Mitigation, within 30 days after submittal of the final monitoring report, the permittee must submit a written description of the known or suspected causes of failure and propose a corrective action plan to achieve mitigation success. Upon approval of the corrective action plan an appropriate additional monitoring period will be required to assess success of the new mitigation plan.

36. The permit for construction of the Shuttle Landing Facility mitigation will expire on July 17, 2019. The Shiloh Restoration Area and NASA Causeway Mitigation Areas are in operation and maintenance stage as the construction permits for these projects have expired.

37. Once the Shuttle Landing Facility mitigation work is complete, the permittee may utilize the excess functional gain generated by the mitigation for future NASA projects if it is determined by District staff to be appropriate and sufficient. The existing unused excess functional gain from the NASA Causeway Mitigation and Shiloh Impoundment Restoration projects may also be used for future NASA projects in Basin 21 for similar type of wetland impacts. A ledger will be maintained to keep track of the mitigation balance as it is applied to future NASA projects as appropriate.
November 10, 2015

SUBJECT: Notice of Permit Transfer
Environmental Resource Permit 144330-1
Project Name: NASA Advanced Ecological Mitigation

Dear Sir:

The St. Johns River Water Management District (District) has received a request to transfer the attached permit to NASA Environmental Assurance Branch. In support of this request, the District has received sufficient ownership or control documentation from NASA Environmental Assurance Branch, which has accepted this permit and all of the listed conditions.

This permit is hereby transferred to:

NASA Environmental Assurance Branch
Mail Code TA-A4B
Kennedy Sp Ct, FL 32899-0001

This letter is the Notice of Permit Transfer required by Rule 62-330.340(4)(b), Florida Administrative Code. If you have any questions regarding this transfer of your permit, please contact Janice Unger, Compliance Coordinator, in the Maitland Service Center at (321) 676-6600. If you wish to do so, please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's decision to transfer the permit described in this letter.

Please note that this permit transfer does not relieve you of any potential liability for any violations of the permit or rules that occurred prior to transfer of the permit.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.
Certificate of Service

I hereby certify that this Notice of Permit Transfer, and the attached Permit, Conditions for Issuance, and Notice of Rights were sent by U.S. mail at 4 p.m. on November 10, 2015.

Sincerely,

M. Daniels

Margaret Daniels, Office Director

Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Enclosures: Permit, Conditions for Issuance, Notice of Rights
cc: District Permit File
Notice of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.

2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within ten (10) days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.

3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
Notice of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District’s regular business hours. The District’s regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District’s regular business hours shall be deemed filed as of 8:00 a.m. on the District’s next regular business day. The District’s acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District’s Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at floridaswater.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District’s Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).

6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District’s final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District’s final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.

7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.

8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.

9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.