

WHAT'S GOOD FOR THE GOOSE IS GOOD FOR THE GANDER: CONCEPTUAL PERMITTING FOR LONG TERM LARGE SCALE RESTORATION IN FLORIDA

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INTRODUCTION

- Environmental Restoration Permitting in Florida
 1. General Permits
 2. Individual Permits
 3. Conceptual Permits

Exemptions

INTRODUCTION

- Restoration projects typically permitted on a project-by-project basis
- Current system involves:
 - Regulatory uncertainty
 - Multiple regulatory approvals
 - User group conflicts
 - Increasingly significant temporal and spatial scales

THE CONCEPTUAL PERMIT

- Comes in 3 flavors
 - Statutory
 - 373.4133 Port conceptual permits
 - Regulatory
 - FAC 62-330.055 Conceptual Approval Permits for Urban Infill or Redevelopment
 - FAC Rule 62-330.056 - “Other Conceptual Use Approval Permits”

PORT CONCEPTUAL PERMIT

CANAVERAL PORT AUTHORITY
PROJECT STATUS UPDATE

North Cargo Berths 5 & 6



Aerial view of the start of the project.



Current aerial view of the project.



Project Costs: \$15,019,230

Designer: Halcrow, Inc.

Contractor: Orion Marine Group

Start Date: March 2012

Completion Date: May 2014 (Est.)

Project Description/Statistics: This project is the construction of the new sea wall and dredging at the corner cut off area of the west turning basin for 2 new cargo berths.



THE OTHER CONCEPTUAL PERMIT: REDEVELOPMENT & URBAN INFILL FAC 62-330.055



THE OTHER CONCEPTUAL PERMIT

- **62-330.056 Other Conceptual Approval Permits.**
- (1) A conceptual approval permit is available for an applicant who desires approval of design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require an individual permit under this chapter.

THE OTHER CONCEPTUAL PERMIT IT'S GOOD FOR THE GOOSE



THE “OTHER” CONCEPTUAL PERMIT: KEY ELEMENTS/BENEFITS

- Duration (20 years provided work begins in 5 years)
- Can satisfy several approvals (ERP, SSL & CZM Consistency)
- A determination that conceptual plans are...consistent with applicable rules at the time of issuance.
- Creates a rebuttable presumption that the design and environmental concepts upon which the conceptual approval permit is based (within the detail provided in the application) will meet applicable rule criteria for issuance of permits for subsequent phases of the project.

CONCLUSION

- Opportunity to streamline restoration permitting process
- Adjustments could offer even more benefit
 - Amending rule
 - Creation of new rule/statute
 - Address restoration specific criteria
- Statutory basis= firmer legal footing