

Date: \_\_\_\_\_, 2018

DRAFT

Mr. Andrew McGilvray  
Executive Secretary Foreign-Trade Zones Board  
U.S. Department of Commerce, FCB - Suite 4100W  
1401 Constitution Avenue NW  
Washington, D.C. 20230  
Subject: Application for Minor Boundary Modification Foreign -Trade Zone No. 25

Dear Mr. McGilvray:

Broward County, Florida, as Grantee of Foreign-Trade Zone (FTZ) No. 25, hereby formally requests approval of a Minor Boundary Modification of its general-purpose FTZ.

The present general-purpose FTZ No. 25 consists of approximately 388 acres of land area designated as general-purpose FTZ of which 169 acres are currently activated with existing buildings at virtually 100% occupancy. In addition, Subzone Nos. 25B, 25C, 25D, 25E, and 25F have been added to accommodate the special-purpose needs of CITGO Petroleum Corporation, TransMontaigne Product Services, Inc., Motiva Enterprises LLC, Chevron Products Company, and South Florida Materials Corporation, respectively.

Florida Power & Light (FPL), owns certain land within Port Everglades located at 3100 SE 14th Avenue, Fort Lauderdale, Florida, a portion of which is an 8.9-acre parcel that contains two petroleum storage tanks: Nos. 901 and 902. The 8.9-acre parcel was previously designated for FTZ use and leased by TransMontaigne Product Services, Inc. (TransMontaigne) as a part of their Subzone No. 25C petroleum storage facility. This 8.9-acre parcel has been de-activated by U. S. Customs and Border Protection (CBP) and FPL has terminated its lease with TransMontaigne.

Motiva Enterprises LLC (Motiva), a Florida corporation, has been an FTZ Subzone operator since 2012, when it began operating Subzone No. 25D, located within Port Everglades. Motiva needs additional petroleum storage and distribution space as the facilities at their current location are being fully utilized for either FTZ or other non-FTZ, maritime/industrial activities. FPL has agreed to lease Motiva the 8.9-acre parcel, previously leased and used by Transmontaigne (Subzone No. 25C), as a continuing, non-contiguous zone petroleum storage facility site, with FTZ benefits. Approval of the re-designation of the 8.9-acre parcel to become a part of Subzone No. 25D must first be obtained from the FTZB for Motiva's project to move forward.

Broward County's Port Everglades Department supports the request from Motiva to re-designate the 8.9-acre parcel inclusive of petroleum storage tanks Nos. 901 and 902 as a part of Broward County's Subzone 25D, as established under its FTZ Grant of Authority. Port Everglades Department staff has elected to seek such a designation through a Minor Boundary Modification provided Motiva's immediate need of additional petroleum storage and distribution space.

If approved by the FTZB, staff will process this application expeditiously with CBP so as not to unduly delay Motiva's planned use of the two petroleum storage tanks (Nos. 901 and 902), as part of their Subzone No. 25D. Once the process is completed, Motiva will be able to increase their export activity in their FTZ location immediately.

This Application is being made by Broward County as an extension of the long effort by civic leaders to increase employment opportunities and investment in the Broward County, Florida, area by encouraging international business activities. The FTZ operations envisioned will be an important factor in the County's continuing program

to attract new industry and encourage existing industry to expand in Broward County, Florida. The data contained in this Application sets forth the importance of this project to the continued growth of the community.

Enclosed is an original of the Application for Minor Boundary Modification for your consideration. Broward County, Florida, appreciates your timely consideration of the Application for the reasons discussed therein. Thank you in advance for your support and assistance. If you have any questions regarding this Application, please contact Robert C. Jacob, Jr., FTZ Operator, at (954) 468-0214, FAX (954) 765-4628, or email [rjacob@broward.org](mailto:rjacob@broward.org).

Sincerely,

Steven M. Cernak, P.E., PPM  
Chief Executive & Port Director

OMB Control No. 0625-0139  
Expiration Date: 03/31/2019

**Application for Minor Boundary Modification  
Under the Traditional Site Framework (TSF)**

**Instruction Sheet**

This collection of information contains Paperwork Reduction Act (PRA) requirements approved by the Office of Management and Budget (OMB). Notwithstanding any other provision of law, no person is required to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 3.5 hours, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons wishing to comment on the burden estimate or any aspect of this collection of information, or offer suggestions for reducing this burden, should send their comments to the ITA Reports Clearance Officer, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> and Constitution Avenue, NW, Washington, DC 20230.

No zone, subzone, zone expansion/reorganization/modification, or production authority may be approved unless a completed application/notification/request has been received (19 U.S.C. 81a-81u; 15 CFR Part 400). The Foreign-Trade Zones Board has no authority to finance zone projects. Its approval is in the form of a grant of authority (license) for operating a facility under foreign-trade zone procedures. The basic requirements for foreign-trade zone applications are found in the regulations of the Foreign-Trade Zones Board (15 CFR Part 400), including Sections 400.21 through 400.25. Application formats are available on the FTZ Board web site: <http://www.trade.gov/ftz>.

Corporations submitting applications must be qualified to apply under the laws of the state in which the zone is to be located. Applicants may submit drafts of their applications to the FTZ Staff, which can provide comments and technical assistance in interpreting the Board's regulations.

Applicants should note that conduct of their proposed activity under FTZ procedures would result in an additional, ongoing information-collection burden associated with the Annual Report from Foreign-Trade Zones (OMB Control No. 0625-0109).

FTZ Staff  
March 2013

Foreign-Trade Zones Board  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W., Room 21013  
Washington, D.C. 20230  
(202) 482-2862

## Traditional Site Framework

### REQUEST FOR MINOR BOUNDARY MODIFICATION

**NOTE:** This format is only for requesting a Minor Boundary Modification under the Traditional Site Framework (TSF). For a modification under the Alternative Site Framework (ASF), there is a separate, simpler format.

#### INSTRUCTIONS

**General:** This format consists of a limited number of questions to answer and, for ease of use, is provided as a MS Word document. The actual submitted request may take the form of a letter from the grantee requesting approval and answering each question listed below. Alternatively, the request may include a cover letter from the grantee identifying the specific MBM for which it is requesting approval and then a separate document answering the questions below. Leave each question in place (including its number) and provide your response directly below each question.

A MBM is a tool for minor adjustments to FTZ space based on immediate need. The FTZ Board's regulations require evaluation of each proposed MBM relative to the scope and layout of the FTZ site structure as most recently authorized by a FTZ Board Order (rather than by FTZ Staff action on MBM request(s)). Consequently, this format includes questions related to the cumulative effect of other MBMs approved since the most recent FTZ Board Order for the zone.

**Sites versus Parcels:** A "site" is comprised of one or more generally contiguous parcels of land organized and functioning as an integrated unit, such as all or part of an industrial park or airport facility. If parcels do not meet that definition, they must be treated as separate sites.

**Adjacency Requirement:** The FTZ Act and Regulations require each zone site to be within or adjacent to a U.S. Customs and Border Protection (CBP) port of entry (as listed and defined in part 101 of the CBP Regulations - 19 CFR 101.3). That requirement can be satisfied if the zone site is: 1) within the limits of a CBP port of entry; or, 2) within 60 statute miles or within 90 minutes' driving time from the outer limits of the boundaries of a CBP port of entry, as determined or concurred upon by CBP.

**Submitted Request Must Be Complete:** Submitted MBM requests must be complete – with the sole allowable exception of any comments from CBP, if necessary. Incomplete submitted requests or documents submitted separately will be returned to the sender. The FTZ Staff cannot assemble complete requests from individual elements submitted separately.

**Number of Copies:** Please submit one original and one electronic copy of the complete request (Adobe PDF format preferred; MS Word format may be used if you are unable to submit PDF). The electronic copy must include color maps and scans of all signed letters.

**Timing:** Under the FTZ Board's regulations, the ordinary timeframe to process MBM requests is within 30 days of the FTZ Staff having received a complete request. Timing will depend on receipt of CBP's comments on the request.

Traditional Site Framework

**REQUEST FOR MINOR BOUNDARY MODIFICATION**

**QUESTIONS**

Proposed FTZ Space:

1. List the site's address, including the jurisdiction in which the site falls (town, city, county).

The address is: 3100 SE 14<sup>th</sup> Avenue, Fort Lauderdale, FL 33316 (Tanks #901 and #902)

2. State the proposed acreage of the site.

The acreage of the site where the Florida Power & Light Tanks #901 and #902 are located is 8.9 acres.

Reason for MBM:

3. Explain the primary reason for the proposed modification, including the name(s) of the company(ies) that will operate in the proposed new space and a summary of the company(ies)'s planned activities.

Motiva Enterprises LLC ("Motiva") currently owns and operates a storage terminal (East Terminal) in Port Everglades, Florida, used to store different products (including Jet Fuel) in FTZ status. Due to capacity limitations, Motiva has leased Tanks #901 and #902 owned by Florida Power & Light, to be able to have extra storage capacity for the company's Jet Fuel needs.

4. Explain why there is an **immediate need** for the proposed change.

Motiva is running out of storage capacity for Jet Fuel at the existing East Terminal, and since Motiva just entered into a lease agreement with Florida Power & Light for the right to use two tanks (#901 and #902), the company would like to add these two tanks to the existing FTZ Subzone for consistency and accuracy purposes.

Nature of Proposed MBM:

5. Explain how the FTZ space for which there is an immediate need will accommodate multiple companies' use (in other words, why "subzone" designation is not appropriate).

This is a modification of an existing subzone.

Existing FTZ Space to Be Removed (as a "Swap" for the New Space):

6. Describe the existing FTZ space (building(s)/parcel(s)) for which you propose to remove FTZ designation in exchange for designation of new space.

The Tanks #901 and #902 will simply be removed from TransMontaigne’s Subzone #25C to be included in Motiva’s Subzone #25D. This FTZ space should also include the following:

- **Port Everglades Berth 13<sup>th</sup>**
- A 20” Jet A Fill Pipeline from Berth 13 to Tanks 901 and 902
- A 20” pipeline from Tanks 901 and 902 to the Port Everglades pipeline system

Other MBMs Since Your Zone’s Most Recent FTZ Board Order:

7. In the table below, list each of the sites or parcels of your FTZ approved by MBM since the last general-purpose Board Order for your FTZ (add rows to the table as needed):

Site Number	Site Name and Address	Size of Site (in Acres)	Month/Year of MBM Approving Site
N/A	N/A	N/A	N/A

Other Site Qualifications:

8. Indicate the closest CBP port of entry. State whether the site is within – or within 60 miles from the boundaries of – the CBP port of entry. If the site is beyond 60 miles from the port of entry boundaries, state the driving time from the outer limits of the port of entry to the site.

The closest U.S. Customs and Border Protection Port of Entry is: Port 5203 – Port Everglades/Fort Lauderdale. This site is within 60 miles from the port of entry boundaries.

9. Indicate the current zoning and existing and planned buildings (including square footage) for the site. (Note: Sites (or areas within a site) with inappropriate zoning – such as agricultural, retail, or residential – are not eligible for FTZ status and should not be proposed in any MBM request.)

The current zoning is “41”, which is described as “Light manufacturing, small equipment manufacturing plants, small machine shops, instrument manufacturing, printing plants”.

There are no existing or planned buildings that would need to be included in Motiva’s subzone expansion.

10. Confirm that FTZ designation or the use of FTZ procedures is not a requirement or a precondition for future activity or construction at the site.

The FTZ designation or the use of FTZ procedures are not a requirement or a precondition for future activity at the site.

11. List the owner(s). (If the site is not owned by the grantee or the company(ies) planning to use the site – as named in response to Question 3 above – then provide a "Right to Use" attachment with documentation demonstrating the right to use the site. Such evidence could be a signed letter from the proposed operator on its letterhead attesting to its right to use the property or a letter of concurrence from the owner of the new site.)

The owner of these tanks is Florida Power & Light. Please see attached Exhibit A for a “Right to Use” letter.

**REQUIRED ATTACHMENTS**

Attach the documents listed below (items 12 through 14, plus 16 if applicable) directly behind the text of your request.

12. Provide one or more maps showing the new site in relation to your existing FTZ sites (specifically identify the site where acreage is being removed). All documents must be legible and letter-sized (8 ½” x 11”).

13. For the new site proposed for FTZ designation, attach a clear and detailed site map showing existing and planned structures. The site boundaries must be outlined clearly in red. Note that if

streets or similar landmarks are not legible on the site plan, you will also need to provide a detailed street map with the proposed site's boundaries in red. Any site map should be no larger than letter-sized (8 ½" x 11") and clearly labeled, with legends provided for any markings.

14. For the parcel/building proposed for removal from the FTZ (as a "swap" for the new site), you will only need to provide a map if the parcel/building constitutes just a portion of an existing site, in which case provide a letter-sized (8 ½" x 11") detailed site plan showing both:

- the overall boundaries clearly outlined in red of the entire area of the site which would continue to have FTZ designation after approval of the MBM request; and,
- the boundaries of the area to be removed clearly outlined in blue.

Note: If the overall site map you provide for the site from which a portion is being removed does not clearly show the precise boundaries of the removed portion (for example, if the overall site is large and the portion removed is only a small portion), you will also need to provide a separate detailed map clearly showing the boundaries of the portion being removed (again, with the removed portion's boundaries outlined in blue).

15. Comments from U.S. Customs and Border Protection (CBP): The grantee generally should provide comments from CBP with the submitted request. Alternatively, the grantee may provide a copy of the request to CBP at the time the request is submitted to the FTZ Board, in which case the grantee should also communicate with CBP regarding the 20-day timeframe in the FTZ Board's regulations for CBP to provide comments to the FTZ Board.

16. If your state (such as TX, KY, AZ) has one or more taxes for which collections will be affected by the proposed FTZ designation of the new site(s), please attach all of the following:

- A. An explanation of the specific local taxes that will be affected;
- B. A stand-alone letter that:
  - Lists all of the affected parties;
  - Includes a statement below the list certifying that this is a complete list of all parties that would be affected by this particular request; and,
  - Is signed by an official of the grantee organization.
- C. Correspondence from all of the affected parties (such as a local school board) indicating their concurrence (or non-objection) regarding the proposed FTZ designation.





July 18, 2018

Robert C. Jacob, Jr.  
Foreign-Trade Zone Operator  
Broward County's Department of Port Everglades -- Business Administration Division  
1850 Eller Drive  
Fort Lauderdale, FL 33316

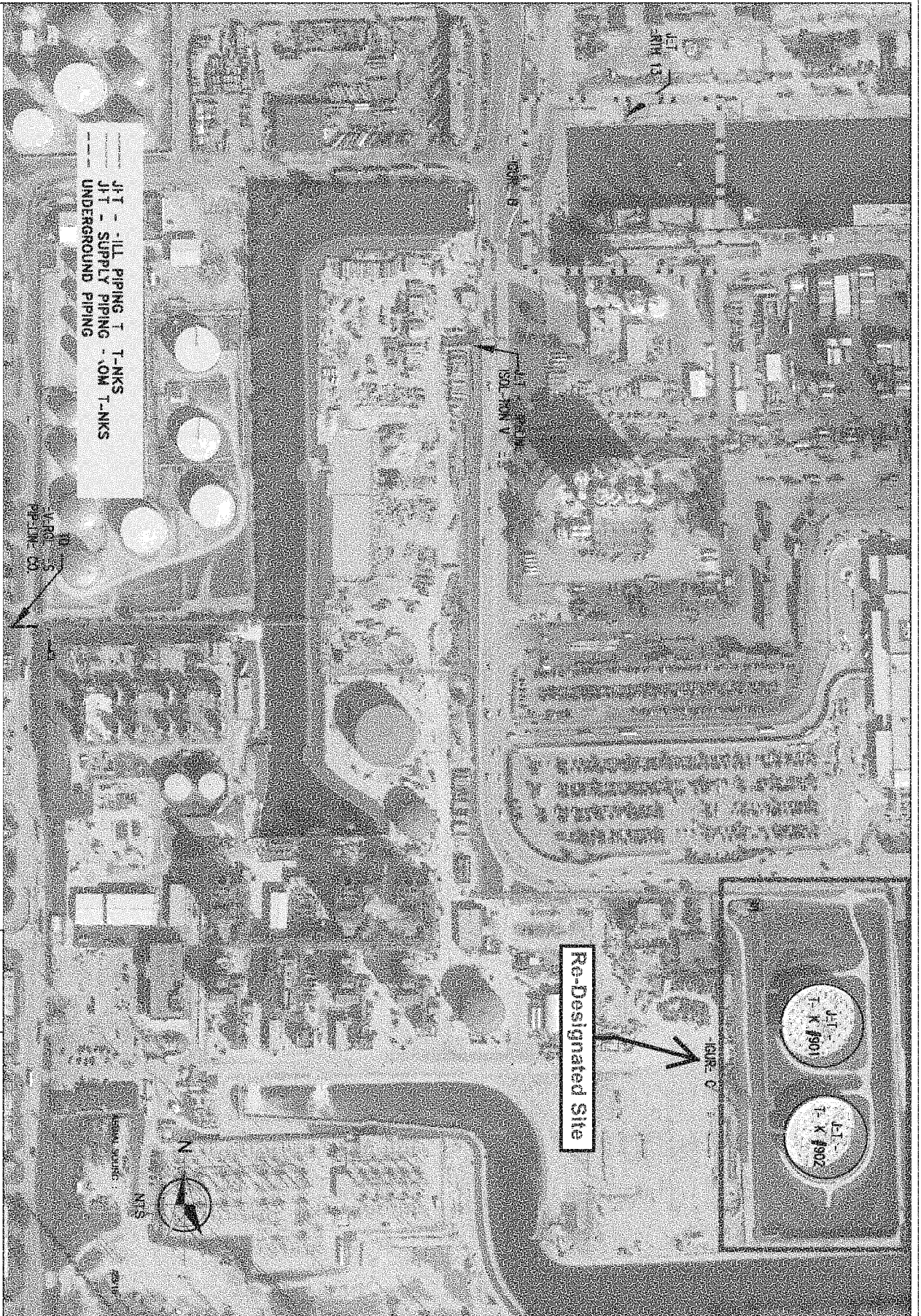
Dear Mr. Jacob:

Florida Power and Light Company ("FPL") owns two fuel oil storage tanks identified as Tank No. 901 and Tank No. 902 (the "Tanks"), as well as related pumps, valves, and receiving and transfer pipelines (together with the Tanks, the "Facility") located in Port Everglades, Broward County, Florida. The Facility address is 3100 S.E. 14<sup>th</sup> Avenue, Fort Lauderdale, FL 33316. FPL consents to the Facility being designated as a Foreign Trade Zone ("FTZ"). The Facility was previously included in FTZ Subzone Site #25C under TransMontaigne as the Subzone Operator, but has since been deactivated from that Subzone. The Facility will now be included in FTZ Subzone Site #25D under Motiva Enterprises LLC ("Motiva") as the Subzone Operator. Please let me know if there is anything else I need to do to effectuate this change or if you have any questions. Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry Yupp", is written over a light blue horizontal line.

Gerry Yupp  
Senior Director, Wholesale Operations  
Florida Power and Light Company



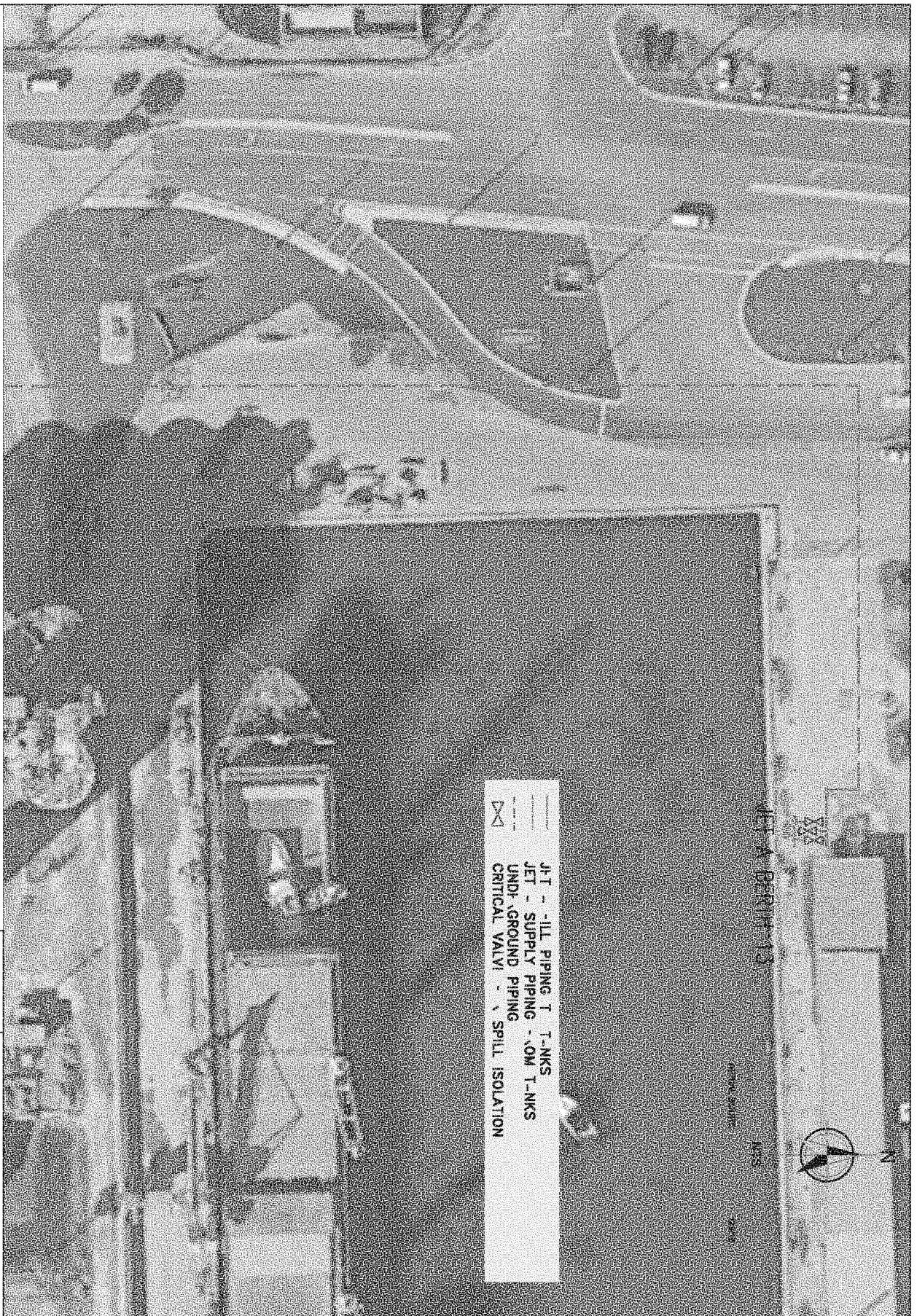
J-T A TANKS 901 AND 902 - CILTIH - P  
VIEW AND KIT - P



FLORIDA POWER & LIGHT COMPANY

FIGURE A

DATE: 10/14/18 REVISION: 0 NOT TO SCALE PREPARED BY: CRA APPROVED BY: JRC



JT - ALL PIPING T-TANKS  
 JET - SUPPLY PIPING - LOW T-TANKS  
 UNDERGROUND PIPING  
 CRITICAL VALVE - SPILL ISOLATION



JT A TANKS 901 AND 902 - CILTIH  
T-MINAL ARR -  
F-VII

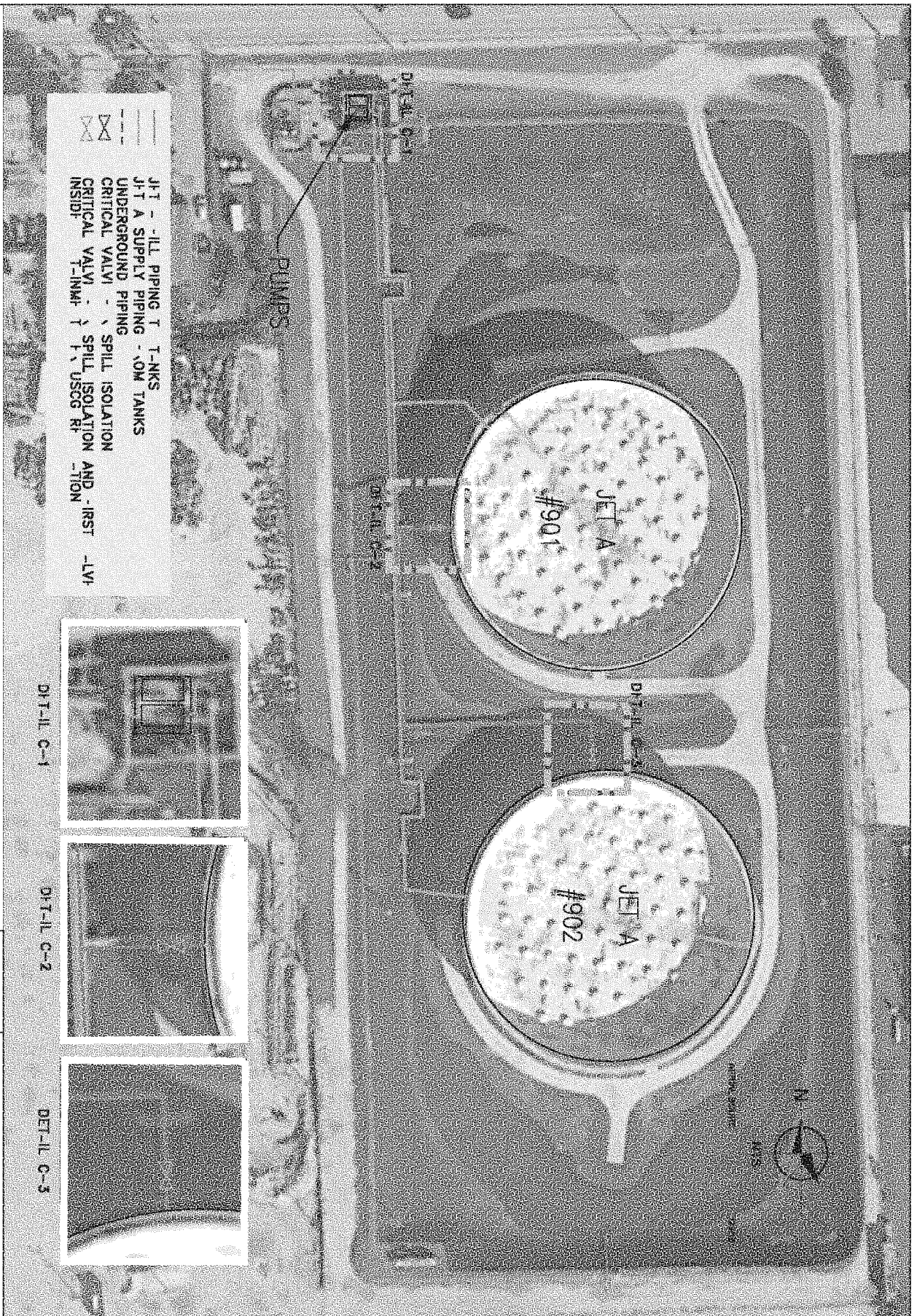


FLORIDA POWER & LIGHT COMPANY

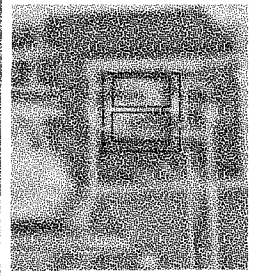
FIGURE B

DATE /14/18 REVISION 0 NOT TO SCALE

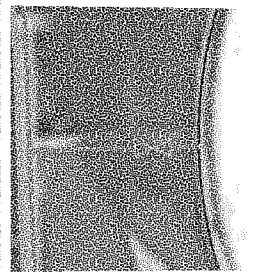
PREPARED BY CRA  
APPROVED BY JRC



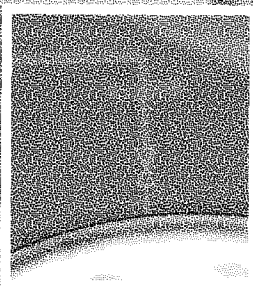
JET A - ILL PIPING T TANKS  
 JET A SUPPLY PIPING - OM TANKS  
 UNDERGROUND PIPING  
 CRITICAL VALVE - SPILL ISOLATION  
 INSIDE T-IMP T SPILL ISOLATION AND -IRST -LVH  
 T-IMP T F USOG RP -TION



DET-IL C-1



DET-IL C-2



DET-IL C-3

JET A TANKS 901 AND 902 - CILTIH  
 T - TANKS 901 AND 902 AR-

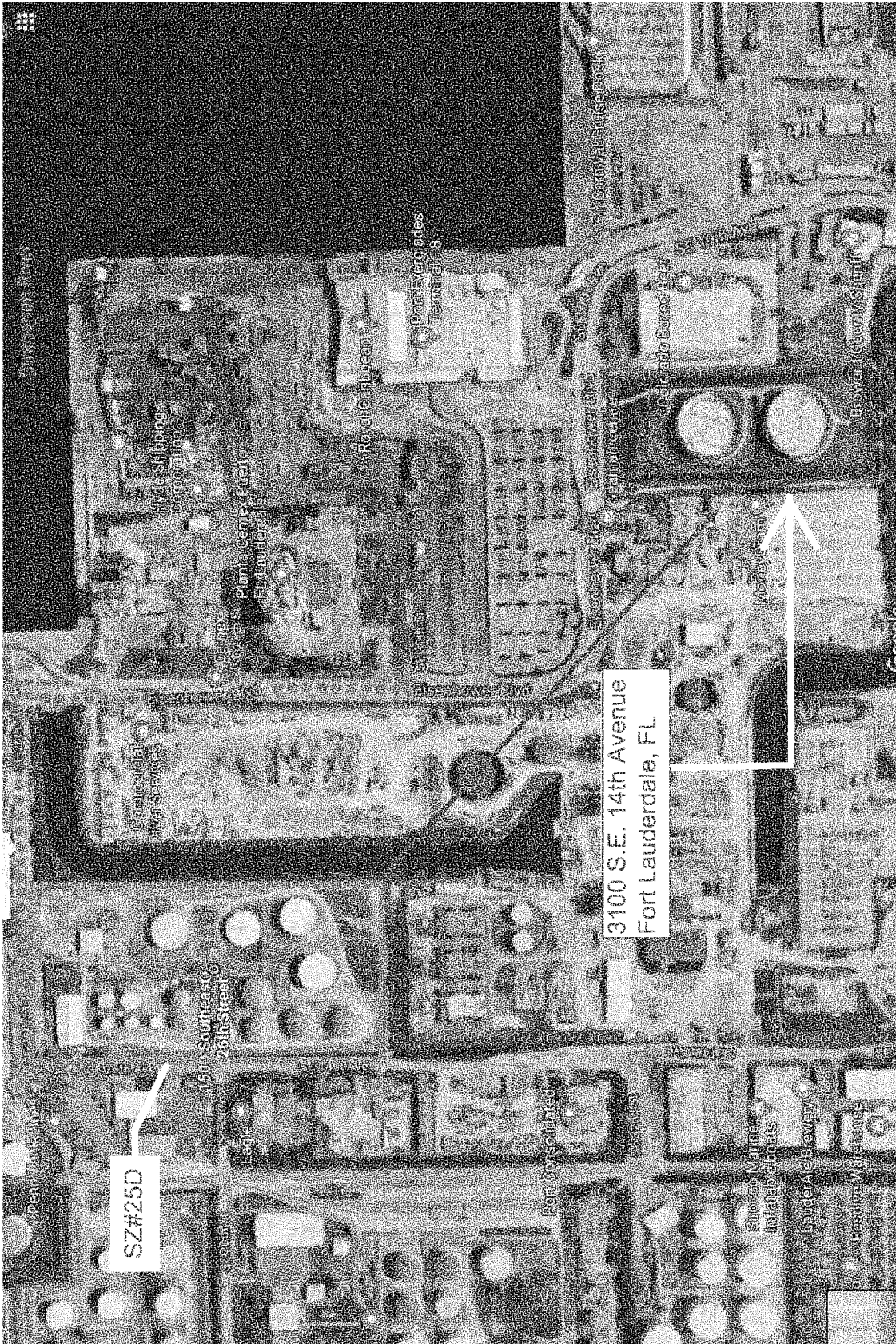
F VII



FLORIDA POWER & LIGHT COMPANY

FIGURE C





Illustrates proximity to Motiva's East Terminal FTZ. →

DRAFT - Sample Customs concurrence letter...

Date:

Mr. Andrew McGilvray  
Executive Secretary Foreign-Trade Zones Board  
U.S. Department of Commerce, FCB - Suite 4100W  
1401 Constitution Avenue NW  
Washington, D.C. 20230

Dear Mr. McGilvray:

I am writing to express my concurrence with Broward County, Florida, Grantee of Foreign- Trade Zone (FTZ) No. 25, in its Application for a Minor Boundary Modification to re-designate a portion of Subzone No. 25C, 8.9-acres, inclusive of two petroleum storage tanks Nos. 901 and 902, to be designated to be in Subzone No. 25D, as part of the Broward County's general-purpose FTZ.

We have reviewed the information provided to us regarding this request and find the subject site suitable for zone re-designation. We will, of course, expect to review further information as per the activation procedures outlined in the Customs regulations prior to the site's activation and the commencement of any FTZ activity thereon. As a result, we have no objections to the approval of the Application for a Minor Boundary Modification.

Sincerely,

Port Director  
U.S. Customs & Border Protection  
Port Everglades Port of Entry