

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
STANDARD GENERAL PERMIT NO. 36-00142-S**

Form #0941  
08/95

DATE ISSUED: May 4, 2000

PERMITTEE: EAST COUNTY WATER CONTROL DISTRICT  
601 CONSTRUCTION LANE  
LEHIGH ACRES, FL 33936

PROJECT DESCRIPTION: MODIFICATION OF A SURFACE WATER MANAGEMENT SYSTEM SERVING 55.4  
ACRES OF RESIDENTIAL DEVELOPMENT KNOWN AS MEADOWBROOK PARK.

PROJECT LOCATION: LEE COUNTY, SECTION 22 TWP 44S RGE 27E

PERMIT DURATION: Five years from the date issued to complete construction of the  
surface water management system as authorized herein. See attached  
Rule 40E-4.321. Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for  
Permit Application No. 000113-6, dated January 13, 2000. This action is taken pursuant  
to Rule 40E-1.603 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an  
Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative  
hearing.
2. the attached General Conditions.
3. the attached 16 Special Conditions, and
4. the attached 11 Exhibit(s).

Should you object to these conditions, please refer to the attached "Notice of  
Rights" which addresses the procedures to be followed if you desire a public hearing  
or other review of the proposed agency action. Please contact this office if you  
have any questions concerning this matter. If we do not hear from you in accordance  
with the "Notice of Rights," we will assume that you concur with the District's  
action.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the  
persons listed in the attached distribution list) no later than 5:00 p.m. on this 4th  
day of May, 2000, in accordance with Section 120.60(3), Florida Statutes.

BY:

  
Chip Merriam  
Service Center Director  
Ft Myers Service Center

Certified Mail No. Z 391 410 002 --

Enclosures

**ANNEXED**

## NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (1997), requires that "each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

### **Petition for Administrative Proceedings**

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. Informal Administrative Hearing: If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

c. Administrative Complaint and Order: If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

d. State Lands Environmental Resource Permit: Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), a petition objecting to the SFWMD's agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a right to file a petition under Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for causing or contributing to the emergency conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

f. Order for Emergency Action: A person whose substantial interests are affected by a SFWMD Order for Emergency Action has a right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

g. Permit Suspension, Revocation, Annulment, and Withdrawal: If the SFWMD issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

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any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

#### CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15<sup>th</sup> Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

#### DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

#### LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (LAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with LAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with LAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

#### PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

#### LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

#### MEDIATION

12. A person whose substantial interests are, or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573, Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin. Code, the petition for mediation shall be filed within 21 days of either written notice through mail or posting of

publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not adversely affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

(1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(2) a statement of the preliminary agency action;

(3) an explanation of how the person's substantial interests will be affected by the agency determination; and

(4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

#### VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

(a) the caption shall read:

Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, telephone number and any facsimile number of the petitioner;

(c) The name, address telephone number and any facsimile number of the attorney or qualified representative of the petitioner, (if any);

(d) the applicable rule or portion of the rule;

(e) the citation to the statute the rule is implementing;

(f) the type of action requested;

(g) the specific facts that demonstrate a substantial hardship or violation of principles of fairness that would justify a waiver or variance for the petitioner;

(h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

a) the specific facts that make the situation an emergency; and

b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

#### WAIVER OF RIGHTS

14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

#### 28-106.201 INITIATION OF PROCEEDINGS (INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(f) A demand for relief.

RECEIVED  
FILED  
JAN 10 1998  
CLERK OF THE COURT  
STATE OF FLORIDA  
NORTH DIXIE COUNTY

**28-106.301 INITIATION OF PROCEEDINGS**  
(NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
  - (c) A statement of when and how the petitioner received notice of the agency decision;
  - (d) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
  - (e) A demand for relief.

**28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL**

- (3) Requests for hearing filed in accordance with this rule shall include:
- (a) The name and address of the party making the request, for purposes of service;
  - (b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and
  - (c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

**42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217**

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with particularity:

- (a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

**28-107.005 EMERGENCY ACTION**

- (1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.
- (2) the 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57. and 120.60, F.S.

**40E-1.611 EMERGENCY ACTION**

(1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

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## GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT 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 COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.

6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.
7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.
8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.

11/11/95  
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10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR OTHER STATE-OWNED LANDS.
13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. 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 SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.
17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

SCANNED

### SPECIAL CONDITIONS

- 1 . THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
- 2 . MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
- 3 . THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
- 4 . FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
- 5 . OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF EAST COUNTY WATER CONTROL DISTRICT.
- 6 . THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
- 7 . ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
- 8 . THE PERMITTEE SHALL BE RESPONSIBLE FOR THE SUCCESSFUL COMPLETION OF THE MITIGATION WORK, INCLUDING THE MONITORING AND MAINTENANCE OF THE MITIGATION AREAS FOR THE DURATION OF THE PLAN. THE MITIGATION AREA(S) SHALL NOT BE TURNED OVER TO THE OPERATION ENTITY UNTIL THE MITIGATION WORK IS ACCOMPLISHED AS PERMITTED AND SFWMD STAFF HAS CONCURRED.
- 9 . A WETLAND MONITORING PROGRAM SHALL BE IMPLEMENTED WITHIN THE PROTECTED WETLANDS AND DETENTION AREAS. MONITORING SHALL BE CONDUCTED IN ACCORDANCE WITH EXHIBIT(S) 9A - 9C AND SHALL INCLUDE ANNUAL REPORTS SUBMITTED TO THE SFWMD FOR REVIEW. MONITORING SHALL CONTINUE FOR A PERIOD OF 5 YEARS.
- 10 . A WETLAND MITIGATION PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBIT(S) 9A - 9C. THE PERMITTEE SHALL ENHANCE 28.38 ACRES OF HERBACEOUS/SHRUB WETLANDS.
- 11 . ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3)

SCANNED  
SCANNED

## SPECIAL CONDITIONS

PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
-----------------	----------

JUNE 15, 2000	INSTALLATION OF CONTROL STRUCTURE IN GEORGE CANAL
OCTOBER 15, 2000	FIRST MONITORING REPORT
OCTOBER 15, 2001	SECOND MONITORING REPORT
OCTOBER 15, 2002	THIRD MONITORING REPORT
OCTOBER 15, 2003	FOURTH MONITORING REPORT
OCTOBER 15, 2004	FIFTH MONITORING REPORT

12. A MAINTENANCE PROGRAM SHALL BE IMPLEMENTED IN ACCORDANCE WITH EXHIBIT(S) 9A - 9C FOR THE PRESERVED/ENHANCED/RESTORED WETLAND AREAS AND UPLAND BUFFER ZONES (COLLECTIVELY KNOWN AS CONSERVATION AREAS) ON A REGULAR BASIS TO ENSURE THE INTEGRITY AND VIABILITY OF THE CONSERVATION AREA(S) AS PERMITTED. MAINTENANCE SHALL BE CONDUCTED IN PERPETUITY TO ENSURE THAT THE CONSERVATION AREAS ARE FREE FROM EXOTIC VEGETATION (AS CURRENTLY DEFINED BY THE FLORIDA EXOTIC PEST PLANT COUNCIL) IMMEDIATELY FOLLOWING MAINTENANCE AND THAT EXOTIC AND NUISANCE SPECIES SHALL CONSTITUTE NO MORE THAN 5% OF TOTAL COVER.

13. MINIMUM ROADCROWN ELEVATION: 23.0' NGVD  
14. MINIMUM FINISHED FLOOR ELEVATION: 24.5' NGVD  
15. DISCHARGE FACILITIES:

EXISTING STRUCTURE IN GEORGE CANAL AT RICHMOND AVENUE - 2-5' W X .5' H  
FLASH BOARD WEIRS WITH CREST AT ELEV. 20' NGVD.  
3-5' WIDE SHARP CRESTED WEIRS WITH CREST AT ELEV. 20.7' NGVD.  
2-5.5' DIA. RCP CULVERTS EACH 60' LONG.

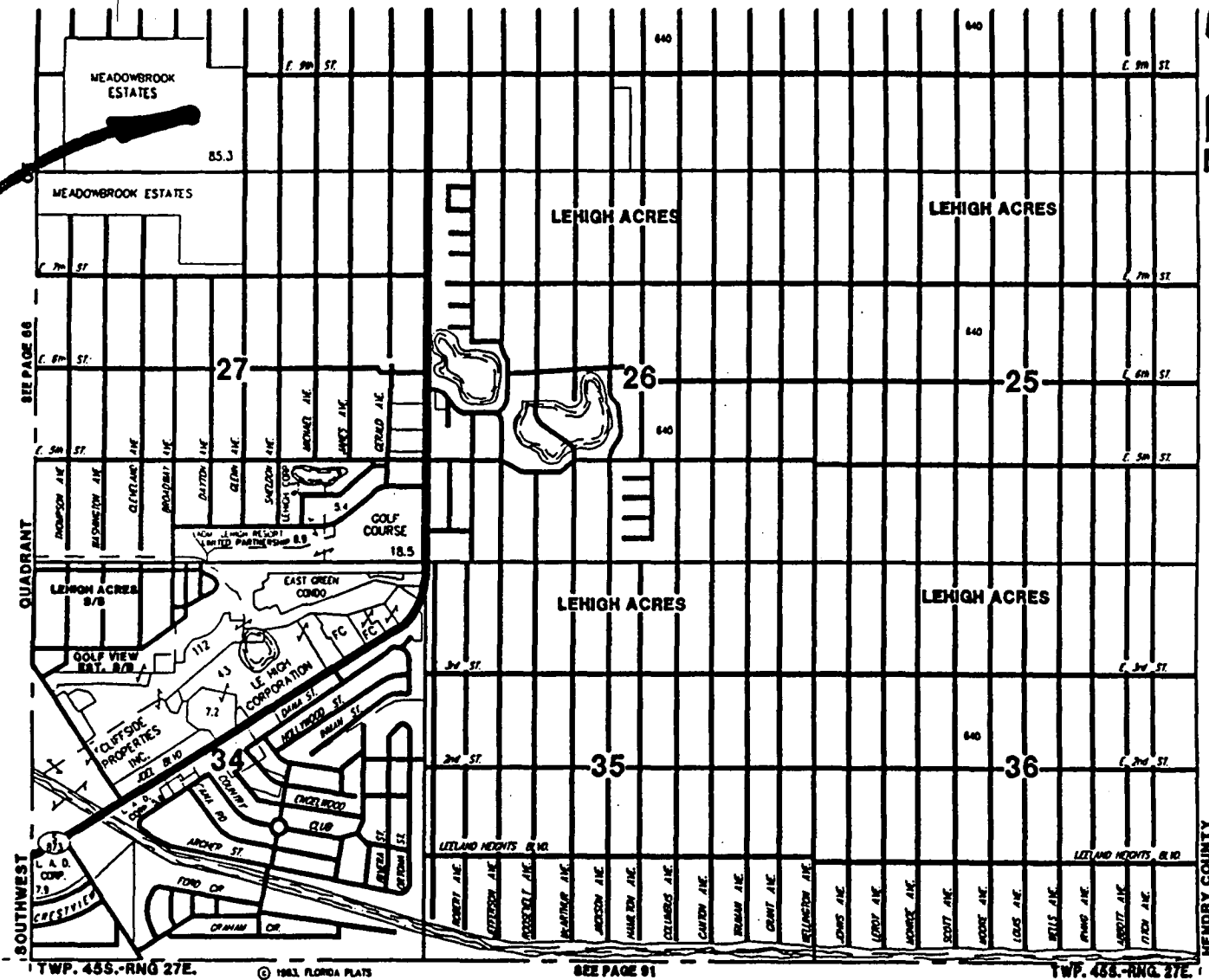
RECEIVING BODY : GEORGE CANAL WEST

CONTROL ELEV : 20 FEET NGVD

16. PLAN SHEETS 2, 3, 4 AND 5 OF 5 BY ATM, INC. DATED 4/12/2000 SIGNED AND SEALED BY AL QUATTRONE, P.E. ARE INCORPORATED BY REFERENCE INTO THIS GENERAL PERMIT MODIFICATION AND WILL BE RETAINED IN THE PERMIT FILE.

EXH. 1

10



PROJECT: MEADOWBROOK PARK

PERMIT SUMMARY SHEET

APPLICATION NUMBER: 000113-6

PERMIT MODIFICATION NO.: 36-00142-S

LOCATION: LEE COUNTY, S22/T44S/R27E

OWNER: EAST COUNTY WATER CONTROL DISTRICT

ENGINEER: APPLIED TECHNOLOGY AND MANAGEMENT INC

PROJECT AREA: 55.40 ACRES DRAINAGE AREA: 125.44 ACRES

PROJECT USE: RESIDENTIAL

**FACILITIES:**

1. EXISTING: Meadowbrook Park is an 85.9 acre residential subdivision that was granted Construction and Operation approval in 1995. The development includes single family residences, streets, and a surface water management system that includes numerous interconnected wet detention lakes discharging to a preserved wetland. Construction approval also included a control structure and perimeter berm that would interface the wetland preserve and the East County Water Control District's (ECWCD) George Canal. The control structure was designed to limit offsite discharges to 55 CSM while the perimeter berm was set at the 25 year-3 day storm event peak stage of 21.2' NGVD.

Since the permit was originally approved, wet detention lakes, roads, and homesites have been constructed. The wet detention lakes discharge stormwater runoff to the wetland preserve and the wetland preserve discharges stormwater runoff directly to George Canal. The permitted perimeter berm and control structure were not constructed and the runoff leaves the site unrestricted subject only to tailwater influences within the George Canal.

Under the terms of the original permit, maintenance and operation for Lakes 1 through 4, the wetland preserve, the control structure, and the perimeter berm interface with George Canal is the responsibility of ECWCD. Ownership of these features has also been transferred to ECWCD. Internal surface water management facilities within Meadowbrook Park which include Lakes 5 through 10 were, and remain, the responsibility of the Meadowbrook Park Owner's Association.

In 1999, the District Governing Board approved the construction of the Town Lakes development located to the west and downstream of Meadowbrook Park. The Town Lakes project was a joint venture between a private developer and ECWCD. The development results in a significant increase in storage and a reduction in the overall

APPLICATION NUMBER: 000113-6

discharge rate for George Canal. The development represents a considerable benefit to ECWCD in its ongoing effort to reduce flooding in the Orange River Watershed. One of the methods approved in the Town Lakes permit to accomplish the increased storage benefits involves the construction of a new control structure in George Canal at Richmond Avenue. This structure is designed to provide attenuation and flood control. The control structure provides the attenuation benefits sought by ECWCD and is constructed with manually/telemetry operated bleeddown mechanisms to provide flood protection. The new structure has a normal wet season fixed control elevation of 20.0' NGVD. This represents the same control elevation previously approved for Meadowbrook Park.

2. PROPOSED: The applicant proposes no new construction. However, the previously permitted perimeter berm and control structure for Meadowbrook Park is now proposed to be eliminated and some as-built lakes represent a net reduction in the permitted acreage. The applicant has submitted calculations and plans demonstrating that the control structure previously permitted for construction at George Canal and Richmond Avenue will provide the attenuation requirements for Meadowbrook Park. The project acreage is defined as 55.4 acres. It includes the 34.19 acre conservation easement and 21.21 acres of George Canal right-of-way.

The originally permitted control elevation for Meadowbrook Park was 20.0' NGVD and the permitted control elevation for the George Canal/Richmond Avenue structure is also 20.0' NGVD. The applicant has indicated that construction of the berm and control structure on the Meadowbrook development will result in additional wetland impacts and that elimination of the perimeter berm and original control structure will not result in any adverse water quality or flood protection impacts. In addition, the George Canal/Richmond Avenue structure does not produce significant tailwater impacts to the Meadowbrook development. Staff concurs with the applicant that the George Canal/Richmond Avenue structure will appropriately serve Meadowbrook Park as well as the upstream reaches of George Canal.

The proposal also includes redefining the areas of Lakes 1 through 4. The as-built lakes represent a reduction in the previously permitted lake acreage from 6.71 to 5.81 acres. Since the original water quality volumes significantly exceeded the requirements for the development, the new lake acreage continues to provide in excess of the minimum water quality requirements for the overall Meadowbrook Park development.

Exhibit 3

SCANNED

APPLICATION NUMBER: 000113-6

The application also proposes to redefine the overall drainage area for Meadowbrook Park. The original permit listed the drainage area as 146 acres. The applicant has determined that the correct acreage is 125.44 acres.

The proposal to utilize the George Canal/Richmond Avenue control structure to meet the attenuation requirements for Meadowbrook Park results in the following design conditions for the site:

	As Permitted	Proposed
Control Elevation	20.0' NGVD	20.0' NGVD
Discharge Rate (Based on the George Canal Basin)	179 cfs	109 cfs
5 year-1 day storm event peak stage (road protection)	20.6' NGVD	21.4' NGVD
25 year-3 day storm event peak stage (attenuation)	21.2' NGVD	23.5' NGVD
100 year-3 day storm event peak stage (finished floor protection)	21.8' NGVD	24.2' NGVD

As shown in the table, the peak design stages increase with this proposal. However, adequate flood protection is afforded the development since minimum road crown elevations are set at elevation 24.0' NGVD for existing roads adjacent to the Meadowbrook Park site and at elevation 23.0' NGVD for roads within Meadowbrook Park. The minimum finished floor elevations are set at or above elevation 24.5' NGVD.

PROJECT LEVEL:

DRAINAGE BASIN: ORANGE RIVER WATERSHED

RECEIVING BODY: ECWCD CANAL SYSTEM

Exhibit 4

SEANNE

APPLICATION NUMBER: 000113-6

**WATER QUALITY:**

The water quality treatment volume provided for Meadowbrook Park exceeds the required volume based on the first one-inch of stormwater runoff. The volume required is 7.15 acre-feet. The volume provided is 30.9 acre-feet.

**ENVIRONMENTAL ASSESSMENT:**

**PROJECT SITE DESCRIPTION:**

The proposed project area comprises 21.21 acres of George Canal and an adjacent 34.19 acre Conservation Easement Area permitted as part of the Meadowbrook Park residential development (Application No. 940901-11). As permitted, the Conservation Area includes 28.38 acres of freshwater marsh and 5.81 acres of lakes with littoral plantings. The historic wet season water table in the wetlands is estimated to be 20' NGVD and drawdown from George Canal, which is controlled at 16' NGVD, has resulted in a reduced hydroperiod and invasion by inappropriate transitional species. Although ongoing removal of exotics, monitoring and maintenance of the site have been performed, the wetland continues to suffer from an inadequate hydroperiod. The original permit included construction of a berm and associated control structure between the wetland and the canal to restore appropriate hydrology; however, these design features were never constructed.

**ENDANGERED, THREATENED & SPECIES OF SPECIAL CONCERN SUMMARY:**

The project site does not contain preferred habitat for wetland-dependent endangered/threatened species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed on site, and submitted information indicates that potential use of the site by such species is minimal. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if in the future, endangered/threatened species or species of special concern are discovered on the site.

Exhibit 5

WED

APPLICATION NUMBER: 000113-6

**LEGAL/INSTITUTIONAL:**

The conservation easement for 34.19 acres has been recorded in accordance with the existing permit.

**WETLAND PRESERVATION AND IMPACT SUMMARY:**

No additional wetland impacts are proposed and a net reduction of 0.6 acre of wetland fill has resulted since the berm adjacent to George Canal will not be constructed. Only 0.1 acre of fill for the berm was placed in the southeast corner instead of the 0.7 acre permitted for the complete berm. This modification proposes to replace the function of the berm to restore the wetland hydroperiod by constructing a new control structure in George Canal downstream at Richmond Avenue. The new structure will have a control elevation of 20' NGVD which is consistent with the previously permitted structure in the berm and the historic wet season water table in the wetland. Anticipated stages in the wetland following storm events is similar to those previously modeled in the earlier design (21.2' NGVD peak following a 25 year, 3 day storm).

Other features of the existing preservation and enhancement plan are essentially unchanged. Runoff from the development continues to be treated in the surface water management system prior to discharge into the wetlands. As shown in cross section A on Sheet 2, buffers and planting zones are maintained. Modifications in planting schedules and monitoring activities have occurred since the original permit and an updated schedule and plan are provided in Exhibits 9A - 9C.

**MITIGATION/MONITORING:**

Previously permitted mitigation activities included removal of exotic vegetation, planting zones along the perimeter of the lakes, and construction of a berm and control structure to restore appropriate wetland hydrology. The first two aspects of the plans are substantially complete; however, the berm and control structure are proposed to be replaced by a new structure in George Canal. As described above, the new structure should function in the same way as the earlier design by raising water levels in the canal and thereby eliminating the gradient between it and the wetland. In this manner, the canal and wetland will act as one hydrologic unit with a control elevation of 20' NGVD and the wetland hydroperiod should be significantly enhanced. Since wetland impacts have been reduced due to the berm not being constructed as originally proposed, no additional mitigation has been required.

Exhibit 6

INVED

APPLICATION NUMBER: 000113-6

Details of the maintenance and monitoring plans are attached as Exhibits 9A - 9C. An updated schedule reflecting the previously submitted baseline and time zero reports has been provided. Five annual monitoring reports are still required to document the success of the proposed mitigation and the preserve will be maintained in perpetuity. Note that the 34.19 acre Conservation Area has already been recorded.

**WETLAND INVENTORY NOTE:**

**WETLAND INVENTORY**

MOD PHASE - MEADOWBROOK PARK

ONSITE

Pre-Development		Post-Development				
	TOTAL EXISTING	PRESERVED	UNDISTURBED	IMPACTED	ENHANCED	RESTORED/ CREATED
HERBACEOUS/SHRUB	28.38	28.38	0	0	28.38	0
OSW	27.02	0	27.02	0	0	0
TOTALS	55.4	28.38	27.02	0	28.38	0

UPLAND COMP: PRESERVED: N/A

ENHANCED/RESTORED: N/A

Exhibit

SCANNED

APPLICATION NUMBER: 000113-6

ENVIRONMENTAL SUMMARY:

The proposed activities have been evaluated for potential secondary and cumulative impacts and to determine if the project is contrary to the public interest. Based upon the proposed project design, the District has determined that the project will not cause adverse secondary or cumulative impacts to the water resources and is not contrary to the public interest.

APPLICABLE LAND USE:

The project acreage includes 21.21 acres of George Canal right-of-way and 34.19 acres of conservation easement all of which are water resource related features. Water quality treatment and attenuation is provided in the conservation area while attenuation is provided in the canal.

	TOTAL PROJECT	PREVIOUSLY PERMITTED	THIS PHASE
TOTAL ACRES	55.40		55.40 acres
WTRM ACREAGE	55.40		55.40 acres

DIVISIONAL APPROVAL:

NATURAL RESOURCE MANAGEMENT

Karen M. Johnson  
Karen M. Johnson

DATE: 5-3-2000

SURFACE WATER MANAGEMENT

Richard H. Thompson  
Richard H. Thompson, P.E.

DATE: 5-2-2000

Exhibit 8

SEANNE

## Meadowbrook Park Mitigation Plan

A wetland monitoring and maintenance program will be implemented on site. The approximate locations of the transects, photo points, and the staff gauges are shown on the Wetlands Monitoring Map. Also included is a mitigation map, which shows that 27.1 acres are being preserved in the 34.19-acre conservation easement and an additional 2.16 acres are not being impacted outside the conservation easement.

### Preserved Wetlands (29.25 Ac)

All wetlands will be subject to an exotic control program. All exotics will be treated manually using approved methods and herbicides. The following items will be incorporated into the monitoring plan:

- 1) Species composition
- 2) Percent coverage
- 3) Survival rate of planted species
- 4) Extent of exotic and nuisance species
- 5) Wildlife utilization

ADDL/REVISED SUBMITTAL

APR 12 2000

FORT MYERS SERVICE CENTER

Panoramic photographs of the transects will be taken annually from the photo points. Staff gauges will be used to include water level monitoring. See Wetlands Monitoring Map.

The goal of the mitigation effort is to eventually obtain an 80% aerial coverage with native wetland species. The initial exotic removal within the wetland has been completed. In addition, the plantings required by the permit have been installed. Supplemental plantings will be added if this criteria is not met within two growing seasons. Maintenance will be conducted semi-annually to insure the area is exotic free and nuisance species constitute less than 10% cover. All wetland and mitigation areas on-site will be maintained exotic free in perpetuity. Maintenance and eradication efforts may include manual removal or use of herbicides, depending on site conditions.

Annual monitoring will continue for a period of five years. Reports summarizing the findings of the monitoring, along with discussion of maintenance performed to date, will be submitted on an annual basis.

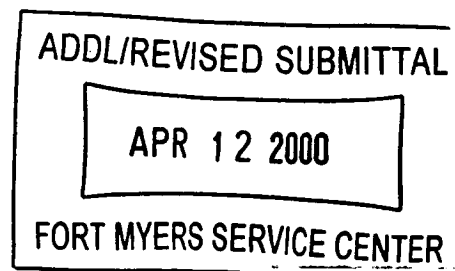
### Wetland Enhancement

Wetland Hydroperiod has been severely disturbed by the adjacent George Canal, which drain at approximately 17.00 NGVD. In order to restore the hydroperiod, the portion of George Canal from Richmond Avenue to Joel Boulevard is being raised to elevation 20.0 NGVD. In addition, the portion of George Canal from Able Canal to Richmond Avenue is being raised to elevation 19.0 NGVD as part of the Town Lakes permit. Staff gauges will be placed in the Wetlands and the lakes and measurements included in the monitoring.

**EXHIBIT 9A**

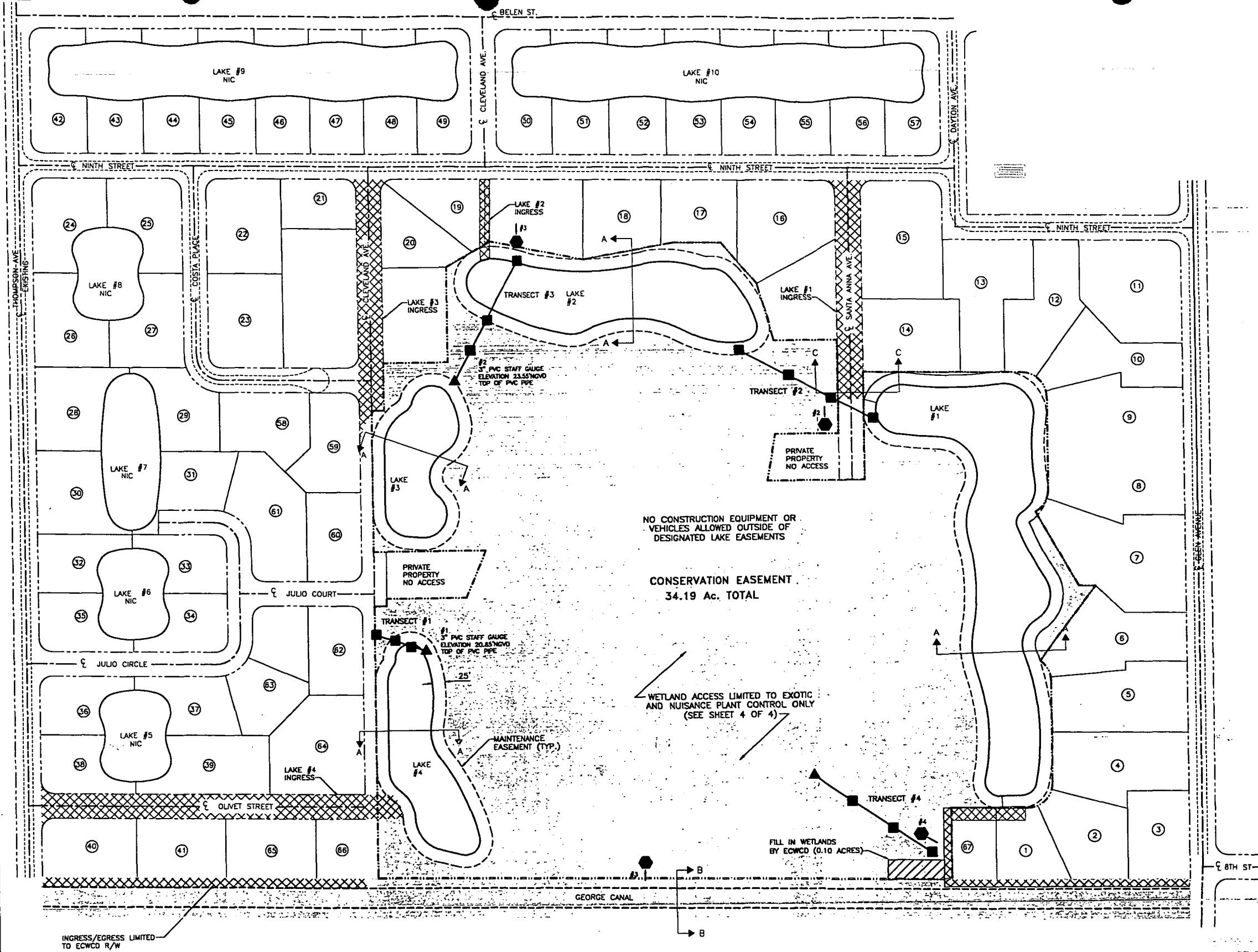
**MEADOWBROOK PARK  
TIME SCHEDULE FOR COMPLETION OF MITIGATION/MONITORING ACTIVITIES**

Activity	Completion Date
Submit baseline monitoring report	Completed 12/23/96
Complete first exotic removal	Completed 05/01/99
Submit time zero monitoring report	Submitted 05/15/99
Installation of Control Structure	06/15/00
Submit first monitoring report	10/15/00
Submit second monitoring report	10/15/01
Submit third monitoring report	10/15/02
Submit fourth monitoring report	10/15/03
Submit fifth monitoring report	10/15/04



**EXHIBIT 9B**

**ANNEX**

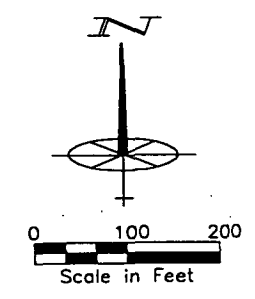


APPLICATION NUMBER  
**000113-6**

ADDL/REVISED SUBMITTAL

**APR 12 2000**

FORT MYERS SERVICE CENTER



- MONITORING PLAN LEGEND
- SAMPLING QUADRATE
  - PANAROMIC PHOTOSTATION
  - ▲ STAFF GAUGE / SAMPLING QUADRATE

**EXHIBIT 9C**

*[Handwritten signature]*  
 4/12/00

Drawn by: _____ Checked by: _____ Approved by: _____ Date: _____	
Remarks: Revise lake & conservation easement geometry Install lake as many 3 gallon trees vs 10 gallon	Date: _____ Drawn by: _____ Checked by: _____ Approved by: _____
<b>MEADOWBROOK PARK WATER MANAGEMENT SYSTEM</b> <b>MONITORING PLAN</b> EAST COUNTY WATER CONTROL DISTRICT LEE COUNTY, FLORIDA	
Applied Technology & Management, Inc. <b>ATM</b> 1130 Lee Boulevard, Suite C Lehigh Acres, Florida 33936 (941) 368-2102	
Project No. <b>98-914</b>	
5 of 5	

## MOD PHASE MEADOWBROOK PARK

ONSITE

		Pre-Development			Post-Development				
Env Category	Site Id	Acreage	Quality	Habitat	Presv	Undist	Imp	Enhanc	Rest Cr
OTHER SURFACE WATERS	1	21.21	N/A	WATER	.00	21.21	.00	.00	.00
OTHER SURFACE WATERS	2	5.81	FAIR	LAKES < 10 ACRES WHICH ARE DOMINANT	.00	5.81	.00	.00	.00
WETLAND	1	28.38	GOOD/FAIR	FRESHWATER MARSHES	28.38	.00	.00	28.38	.00
<b>Totals</b>		55.40			28.38	27.02	.00	28.38	.00



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901  
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • [www.sfwmd.gov/org/exo/ftmyers/](http://www.sfwmd.gov/org/exo/ftmyers/)

October 7, 2005

DAVID LINDSAY  
EAST COUNTY WATER CONTROL DISTRICT  
601 CONSTRUCTION LANE  
LEHIGH ACRES, FL 33936

Dear Lindsay :

**Subject : Final Notice of Noncompliance  
Construction Completion Certification  
MEADOWBROOK PARK  
Permit No. 36-00142-S, Application No. 000113-6  
Lee County, S22/T44S/R27E**

On July 30, 2001, this office issued a request for submittal of the construction completion certification for the above referenced project's surface water management system (copy enclosed). To date we have not received your response.

In accordance with the conditions of the permit, and Rule 40E-4, Florida Administrative Code, you, as permittee, are required to have a Florida licensed Professional Engineer submit a signed and sealed certification. This certification shall indicate that the system has been constructed substantially in accordance with the approved plans and specifications, and any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the plans and specifications approved by the District.

In order for staff to complete the finalization process and consider the permit to be in the operation phase, it is essential that project certification be provided. These legal obligations are assumed by the permittee through acceptance of the permit.

Please submit the requested information or a written response within thirty (30) days of receipt of this notice. If the required reply is not received within that period, the District may initiate enforcement action (including civil penalties and costs) in order to mandate compliance. The District is authorized to seek civil penalties up to \$10,000 per day, per offense, and recover our costs, including attorney fees, staff investigative time and surveillance expense under Section 373.129, Florida Statutes.

Should you have any questions, please contact the undersigned at the Lower West Coast Service Center at (239) 338-2929 ext. 7760.

### GOVERNING BOARD

Kevin McCarty, *Chair*  
Irela M. Bagué, *Vice-Chair*  
Pamela Brooks-Thomas

Alice J. Carlson  
Michael Collins  
Nicolás J. Gutiérrez, Jr., *Esq.*

Lennart E. Lindahl, *P.E.*  
Harkley R. Thornton  
Malcolm S. Wade, Jr.

### EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*

**STAFF**

EAST COUNTY WATER CONTROL DISTRICT

October 7, 2005

Page 2

Sincerely,

*Keen Adams*

for Beccagayle Reide, E. I., Engineer  
Environmental Resource Compliance  
Lower West Coast Service Center  
South Florida Water Management District  
br

Enclosure(s)

Form 0881

Form 0920

Affidavit

CERTIFIED MAIL NO. 7005 0390 0005 4719  
2774

c: Al Quattrone, Applied Technology And Management Inc

7005 0390 0005 4719 2774

U.S. Postal Service <sup>TM</sup>	
<b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b>	
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
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City, State, ZIP+4	

PS Form 3800, June 2002

See Reverse for Instructions

*Maadon Brook*  
*36-00142-5*  
*00113-6*

SCANNED

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ECWCD  
601 East Co Lane  
Lehigh FL  
33936

7005 0390 0005 4719 2774

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent  
X *Ballon* ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery  
10-11-05

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

36-00142-5  
000113-6