



**South Florida Water Management District**  
**Individual Environmental Resource Permit No. 36-08340-P**  
**Date Issued: March 8, 2016**  
**Modified On: March 2, 2020**

**Permittee:** Canterfield Of Fort Myers LLC  
4488 North Shallowford Road  
Suite 103  
Dunwoody, GA 30338

**Project:** Canterfield Village

**Application No.** 200130-2680

**Location:** Lee County, See Exhibit 1

Your application for an Individual Environmental Resource Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's ePermitting site at [www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting).

If 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.

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email [ERP@sfwmd.gov](mailto:ERP@sfwmd.gov).

A handwritten signature in black ink, appearing to read "Barbara Conmy".

Barbara Conmy  
Section Leader

**South Florida Water Management District  
Individual Environmental Resource Permit No. 36-08340-P**

**Date Issued:** March 8, 2016

**Expiration Date:** March 13, 2020

**Modified On:** March 2, 2020

**Project Name:** Canterfield Village

**Permittee:** Canterfield Of Fort Myers LLC  
4488 North Shallowford Road  
Suite 103  
Dunwoody, GA 30338

**Operating Entity:** Canterfield Of Fort Myers LLC  
4488 North Shallowford Road  
Suite 103  
Dunwoody, GA 30338

**Location:** Lee County

**Permit Acres:** 19.11 acres

**Project Land Use:** Residential

**Special Drainage District:** East Mulloch Drainage District

**Water Body Classification:** CLASS III

**FDEP Water Body ID:** 3258C2

**Conservation Easement to District:** No

**Sovereign Submerged Lands:** No

**Project Summary**

This Environmental Resource Permit authorizes construction and operation of a stormwater management system serving a 15.59 acre controlled basin within 19.11 acres of mixed use development known as Canterfield Village. Runoff from the project will be directed to an interconnected lake and dry detention area for treatment and attenuation before discharging to the onsite wetland. Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Chapter 62-330.062 Florida Administrative Code (F.A.C.).

**Project Site Description**

A location map is attached as Exhibit 1.0. The development has been constructed. For information regarding wetlands and other surface waters, please see the Wetlands and Other Surface Waters in the Wetlands and Other Surface Waters section of this staff report.

**Current Authorization ( Application No. 200130-2680)**

The current authorization is approval of a modified work schedule as shown in this permit. Accordingly, Exhibit 3.4 from the permit issued under Application No. 140919-18 has been deleted from the exhibits. Two Special Conditions have been added to the permit to facilitate compliance tracking for the time zero and baseline reports.

## **Permit Modification History**

Please see Exhibit No. 5.0 for a list of authorizations that constitute this permit.

## **Ownership, Operation and Maintenance**

Perpetual operation and maintenance of the stormwater management system will be the responsibility of Canterfield of Fort Myers LLC. Upon conveyance or division of ownership or control of the property or the system, the permittee must notify the Agency in writing within 30 days, and the new owner must request transfer of the permit.

## **Engineering Evaluation:**

### **Land Use**

Land coverages for the 19.11-acre residential project are provided in the table below.

### **Water Quality**

Water quality treatment will be provided in dry and wet detention areas. The project provides 2.12 acre feet of water quality treatment volume. The required water quality treatment volume is 1.41 acre feet based on 2.5 inches over the impervious area.

Pursuant to Appendix E of Volume II, the water quality treatment volume provided includes an additional 50% treatment volume above the requirements in Section 4.2 of Volume II to provide reasonable assurance that the project will not have an adverse impact on the quality of the downstream receiving body. The project is located within the watershed of FDEP WBID No. 3258C2; Mullock Creek has been identified as impaired for Fecal Coliform and Iron.

In addition to the required water quality treatment volume, the applicant provided site specific pollutant loading calculations to demonstrate that the storm water management system reduces the post development loading of pollutants to levels less than the loadings generated under the pre-development condition. The pollutant loading calculations are based upon the removal characteristics associated with the system.

The project also includes implementation of an Urban Stormwater Management Program (Exhibit 2.2) and a Construction Pollution Prevention Plan/ Turbidity and Erosion Control Plan (Exhibit 2.1) as additional reasonable assurance of compliance with water quality criteria during construction and operation.

### **Water Quantity**

#### **Discharge**

As found in Water Quantity Data Table, the project discharge is within the allowable limit for the area.

#### **Parking Lot Design**

As found in Water Quantity Data Table, minimum parking lot elevations have been set at or above the calculated design storm flood elevation.

#### **Road Design**

As found in Water Quantity Data Table, minimum road center line elevations have been set at or above the calculated design storm flood elevation.

#### **Perimeter Berm**

As found in Water Quantity Data Table, minimum perimeter berm elevations have been set at or above the calculated design storm flood elevation.

**Finished Floors**

As found in Water Quantity Data Table, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

**Certification, Operation, and Maintenance**

Pursuant to Chapter 62-330.310, F.A.C., Individual Permits will not be converted from the construction phase to the operation phase until construction completion certification of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the construction completion certification is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1-12.3 of the Applicant's Handbook Volume I and Section 62-330.310, F.A.C., the permittee is liable for operation and maintenance in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The operation and maintenance entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the operation and maintenance entity is responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4 of the Applicant's Handbook Volume I for Minimum Operation and Maintenance Standards.

## Engineering Evaluation Tables: Land Use

Basin	Land Type	Area (ac)	% of Total Basin
Basin	DRY DETENTION AREAS	0.83	4.34
	LAKE	1.38	7.22
	BUILDING COVERAGE	2.97	15.54
	PRESERVED	3.52	18.42
	PAVEMENT	4.58	23.97
	OPEN SPACE	5.83	30.51
	<b>Total:</b>	19.11	100%

## Water Quality

Basin	Treatment Type	Treatment System	Volume Required (ac-ft)	Volume Provided (ac-ft)
Basin	Treatment	DRY AND WET DETENTION	1.41	2.12

## Water Quantity

Basin	Elevation Type	Storm Event (Yr/Day)	Precipitation Depth (in)	Peak Stage (ft NAVD88)	Min. EL (ft NAVD88)	Peak Discharge Rate (cfs)	Allowable Discharge Rate (cfs)
Basin	Finished Floor	100Y3D	13.00	8.70	10.00	N/A	N/A
	Perimeter Berm/ Discharge	25YR3D	11.00	8.06	8.50	1.41	1.58
	Road Crown	10YR1D	7.38	7.38	7.40	N/A	N/A
	Parking Lot	10YR1D	7.38	7.38	7.40	N/A	N/A

## Bleeder

Basin	Control EL (ft NAVD88)	Structure #	Structure Type	Count	Type	Dia.(in)	Invert EL (ft NAVD88)	Receiving Body
Basin	5.20	CS-1	Water Quality	1	Circular Orifice	4.00	5.20	Onsite Wetland

## Inlets

Basin	Control EL (ft NAVD88)	Structure #	Structure Type	Count	Type	Length (in)	Width (in)	Crest EL (ft NAVD88)	Receiving Body
Basin	5.20	CS-1	Discharge	1	Modified FDOT Type C Inlet	37.0	24.0	7.20	Onsite Wetland
Basin	5.20	S-A12	SWM	1	Modified FDOT Type C Inlet	37.0	24.0	5.20	Lake

## Weir

Basin	Control EL (ft NAVD88)	Structure #	Structure Type	Count	Type	Width (in)	Height (in)	Crest EL (ft NAVD88)	Receiving Body
Basin	5.20	CS-1	Discharge	1	Rectangular Orifice	6.00	3.00	6.45	Onsite Wetland

## **Environmental Evaluation:**

### **Wetlands and Other Surface Waters**

Permit No. 36-08340-P, Application No. 140919-18, authorized impacts to 0.06 acres of disturbed wetlands. Mitigation was not required. In accordance with that authorization, a total of 3.52 acres of uplands and wetlands have been preserved onsite and are within a recorded conservation easement. The entire 3.52 acre preserve area is undergoing enhanced through the hand removal of exotic (Category I and II) and nuisance vegetation species.

No impacts to wetlands or other surface waters are anticipated as a result of the current authorization.

**Related Concerns:****Potable Water Supplier**

Lee County Utilities

**Right-Of-Way Permit Status**

A District Right-of-Way Permit is not required for this project.

**Third Party Interest**

No third party has contacted the District with concerns about this application.

**Water Use Permit Status**

Water Use Permit No. 36-08258-W for irrigation is in effect for this site. No dewatering is associated with the current authorization. This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

**Waste Water System/Supplier**

Lee County Utilities

**CERP**

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

**Enforcement**

There has been no enforcement activity associated with this application.

**DEO/CZM Consistency Review**

The issuance of this permit constitutes a finding of consistency with the Florida Coastal Management Program.

**Historical/Archeological Resources**

The District received correspondence from the Florida Department of State, Division of Historical Resources on November 14, 2014 indicating that no significant archaeological or historical resources are recorded in the project area and the project is therefore unlikely to have an effect upon any such properties. This permit does not release the permittee from compliance with any other agencies' requirements in the event that historical and/or archaeological resources are found on the site.

## **General Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.**

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, Florida Administrative Code (F.A.C.). Any deviations that are not so authorized shall 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 Agency 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), 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 Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice" indicating the expected start and completion dates. If available, an Agency 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. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex- "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit"[Form 62-330.310(3)]; or
  - b. For all other activities- "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Applicant's Handbook Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form

62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. 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.
10. 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.
11. The permittee shall hold and save the Agency 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.
12. The permittee shall notify the Agency 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.
13. Upon reasonable notice to the permittee, Agency 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.
14. 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.
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 Rule

62-330.201, F.A.C., provides otherwise.

16. 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.
17. 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 Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

## **Special Conditions for Individual Environmental Resource Permits, 62-330.350, F.A.C.**

1. The construction phase of this permit shall expire on March 13, 2020.
2. Operation and maintenance of the stormwater management system shall be the responsibility of Canterfield of Fort Myers LLC. The permittee shall notify the Agency in writing within 30 days of any conveyance or division of ownership or control of the property or the system, and the new owner must request transfer of the permit in accordance with Rule 62-330.340, F.A.C.
3. Discharge Facilities:
  - Structure: CS-1
  - 1-6" W X 3" H RECTANGULAR ORIFICE weir with crest at elev. 6.45' NAVD 88.
  - 1-4" dia. CIRCULAR ORIFICE with invert at elev. 5.2' NAVD 88.
  - 1-24" W X 37" L drop inlet with crest at elev. 7.2' NAVD 88.
  - Receiving body : Onsite Wetland
  - Control elev: 5.2 feet NAVD 88.
  
  - Structure: S-A12
  - 1-24" W X 37" L drop inlet with crest at elev. 5.2' NAVD 88.
  - Receiving body : Lake
  - Control elev: 5.2 feet NAVD 88.
4. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
5. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
6. Minimum building floor elevation:  
Basin - 10.00 feet NAVD 88.
7. Minimum road crown elevation:  
Basin - 7.40 feet NAVD 88.
8. Minimum parking lot elevation:  
Basin - 7.40 feet NAVD 88.
9. An average 25' wide, minimum 15', buffer of undisturbed upland vegetation shall be maintained between the proposed development and existing wetlands. Buffers shall be staked and roped and District environmental staff notified for inspection prior to clearing.
10. A monitoring program shall be implemented in accordance with Exhibit No. 3.3. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mitigation area shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program,

native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.

11. Prior to construction, and in accordance with the work schedule herein, a baseline monitoring report shall be submitted as described in Exhibit 3.3.
12. A time zero monitoring report shall be conducted in accordance with Exhibit No. 3.3.
13. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed at the intersection of the buffer and each lot line. These markers shall be maintained in perpetuity.
14. Activities associated with the implementation of the mitigation, monitoring and maintenance plan(s) shall be completed in accordance with the work schedule herein. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.
15. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.
16. Prior to the commencement of construction, the perimeter of protected conservation areas shall be staked and silt fenced to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of staking and silt fencing and schedule an inspection of this work. The staking and silt fencing shall be subject to District staff approval. The permittee shall modify the staking and silt fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. Staking and silt fencing shall remain in place until all adjacent construction activities are complete.
17. Prior to April 31, 2015 and prior to the commencement of construction, whichever occurs first, the permittee shall submit the following via ePermitting or to the Environmental Compliance staff at the local District office: -One certified copy of the recorded conservation easement document including exhibits. -A CD or DVD containing the easement data in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. The recorded easement shall utilize the form attached as Exhibit No. 3.5, Application No. 140919-18. This Exhibit may not be modified. The easement must be free of mortgages, liens, easements or other encumbrances or interests in the easement which District staff states are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.
18. A mitigation program for the preserve areas shall be implemented in accordance with Exhibit No. 3.3. The permittee shall enhance and preserve 3.15 acres of uplands and 0.37 acres of wetlands.

19. A maintenance program shall be implemented in accordance with Exhibit No. 3.3 for the enhanced and preserved upland and wetland areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 and 2 exotic vegetation (as defined by the Florida Exotic Pest Plant Council) immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.
20. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to: [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).
21. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, methods of vegetation clearing, construction dewatering if required, ownership documentation for eminent domain authority, coordination with other entities on adjacent construction projects, wetland/buffer protection methods, endangered species protection with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at (239) 338-2929 to schedule the pre-construction meeting.
22. Prior to initiating construction activities, the site shall be surveyed for the presence of active Big Cypress fox squirrel nests. A 125 foot radius undisturbed buffer must be maintained around all active nests. Following nesting activities, the nesting tree may be removed following coordination with the Florida Fish and Wildlife Conservation Commission and obtaining all required permits. Any modifications to this program shall require prior written approval from District staff.
23. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan and on the applicable approved construction drawings for the duration of the project's construction activities.
24. The Urban Stormwater Management Plan shall be implemented in accordance with Exhibit No. 2.2.

## Project Work Schedule for Permit No. 36-08340-P

The following activities are requirements of this Permit and shall be completed in accordance with the Project Work Schedule below. Please refer to both General and Special Conditions for more information. Any deviation from these time frames will require prior approval from the District's Environmental Resources Bureau and may require a minor modification to this permit. Such requests must be made in writing and shall include: (1) reason for the change, (2) proposed start/finish and/or completion dates, and (3) progress report on the status of the project.

Condition No.	Date Added	Description	Due Date	Date Satisfied
GC 4	03/13/2015	Construction Commencement Notice	48 hours prior to Construction	
GC 6	03/13/2015	Submit Certification	30 Days After Construction Completion	
GC 7	03/13/2015	Submit Operation Entity Documentation	Within 30 days of Certification	
SC 10	03/13/2015	Submit Monitoring Reports 1	08/30/2019	01/17/2020
SC 10	03/13/2015	Submit Monitoring Reports 2	08/28/2020	
SC 10	03/13/2015	Submit Monitoring Reports 3	08/28/2021	
SC 10	03/13/2015	Submit Monitoring Reports 4	08/28/2022	
SC 10	03/13/2015	Submit Monitoring Reports 5	08/28/2023	
SC 11	03/13/2015	Submit Baseline Monitoring Report	07/30/2018	07/23/2018
SC 12	03/13/2015	Submit Time Zero Report	08/30/2018	10/05/2018
SC 17	03/13/2015	Submit Recorded Conservation Easement	04/30/2015	03/10/2016

GC = General Condition

SC = Special Condition

**Distribution List**

Kimberly Schlachta, Boylan Environmental Consultants, Inc

Audubon of Florida - Charles Lee

Div of Recreation and Park - District 4

US Army Corps of Engineers - Permit Section

## **Exhibits**

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website at <http://my.sfwmd.gov/ePermitting> and searching under this application number 200130-2680 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Plans](#)

[Exhibit No. 2.1 Construction Pollution Prevention Plan](#)

[Exhibit No. 2.2 Urban Stormwater Management Program](#)

[Exhibit No. 3.0 Wetland Map](#)

[Exhibit No. 3.1 Wetland Map Aerial](#)

[Exhibit No. 3.2 Wetland Map Impacts and Preserve](#)

[Exhibit No. 3.3 Mitigation Monitoring Plan](#)

[Exhibit No. 3.5 Conservation Easement](#)

[Exhibit No. 5.0 Permit History](#)

## **NOTICE OF RIGHTS**

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### **FILING INSTRUCTIONS**

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at [clerk@sfwmd.gov](mailto:clerk@sfwmd.gov). The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

### **INITIATION OF ADMINISTRATIVE HEARING**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

### **MEDIATION**

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.