



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

** Delivered Via Email*

April 6, 2021

Jeffry Fuqua *
Fontana Lakes, LLC
2405 W Princeton St Unit 2
Orlando, FL 32804

**Subject: Fontana
Request for Additional Information
Application No. 210308-5538
Osceola County**

Dear Mr. Fuqua:

District staff reviewed the above-referenced application. District is requesting the following information, in accordance with Section 5.5.3.1 of the Environmental Resource Permit Applicant's Handbook Volume I (Vol. I), adopted by reference in Section 62.330.010(4)(a), Florida Administrative Code (F.A.C.), to complete the application and provide reasonable assurances for permit issuance:

1. Please provide the required application fee of \$15,000 for a Major Modification to a Conceptual Individual Environmental Resource Permit (ERP). The application is not complete until the required application fee has been paid. Payment of application fees can be done by credit card on the District's ePermitting website, or by check. If submitted by check, please make the check payable to the South Florida Water Management District and reference Application No. 210308-5538 in the memo section of the check to ensure adequate processing. [Rule 62-330.071(1), F.A.C.]
2. Please contact Lisa Prather, the environmental reviewer, at 407-858-6100 ext. 3818 to arrange a field inspection to verify the mitigation scoring. If changes are made during the inspection, a revised Section C will be required. [Section C, Form 62-330.060(1), F.A.C.]
3. The District has submitted a title determination request to the State of Florida, Division of State Lands (DSL) to determine the elevation that the state will claim jurisdiction on state-owned sovereignty submerged lands. The construction plans will need to be modified to locate the boundary elevation. [Chapter 18-21, F.A.C.]
4. Staff has reviewed the UMAM tables provided. There are some minor rounding errors in the table that result in a minor change in the overall functional loss. The District calculates the loss to be 24.32 units. [Section 10.3, Vol. I]
5. Provide the following regarding the proposed retaining wall at Pond SMA-1: [Sections 5.4.2 and 5.5.3.1 A.H. Vol. II]
 - A. Provide calculations demonstrating that no more than 40% of the pond perimeter at the

control elevation is bordered by a retaining wall and provide the required littoral zone calculations to show that the proposed un-walled pond parameters will provide adequate compensating littoral zone.

B. The cross-section detail of Pond SMA-1 thru the retaining wall. Include all pertinent information of the wall. Show the elevation of the bottom of the retaining wall related to the normal water level.

6. How was the control elevation of the proposed pond in the Marina basin determined? The control elevation must be set at, or above, the average wet season water table elevation. The average wet season water table elevation is not determined by simply averaging the seasonal high water table elevation and the seasonal low water table elevation. Provide site specific soil boring information to determine the average wet season water table. [Section C, Form 62-330.060(1), F.A.C. and Section 3.11 A.H. Vol. II]
7. How does control structure BU-W16 model in the ICPR analysis? Is the two 2-feet turn-down arm structures included in the modeling of Structure BU-W16? If the structure is already included in the ICPR analysis, provide PDF page number of the ICPR analysis. [Part III, A.H. Vol. II]
8. Provide water quality volume calculations based on 2.5-inches of the impervious percentage for Basin Marina. Revise the water quality volume calculations as necessary. [Section 4.2.1 A.H. Vol. II]

Advisory Comments: The following comments are advisory in nature and do not require a response to the District.

A1. As of Dec. 22, 2020, the Florida Department of Environmental Protection (DEP) has assumed authority to administer the dredge and fill permitting program under Section 404 of the Federal Clean Water Act within certain "assumed waters" in the state. Your project may fall within assumed waters.

If your project involves wetland or other surface water impacts, and if you do not already have a permit from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, you may need a State 404 permit.

If your project requires a State 404 permit, please complete Section I of the ERP application "Supplemental Information for State 404 Program Permits" and upload it along with other application documents to the District's ePermitting portal.

There is no need to submit a State 404 permit application if you already have an application pending with the USACE because the USACE will transfer any pending applications within assumed waters to DEP.

If you already have a 404 permit from the USACE for the same work proposed in this ERP application, then no further action is required, unless revisions are proposed to the project such that a modification to the 404 permit is required.

More information about the State 404 permitting program may be found on DEP's website: <https://floridadep.gov/water/submerged-lands-environmental-resources->

coordination/content/state-404-program.

Please contact your local DEP office for any questions regarding the need for a State 404 permit.

A2. Included with this letter/permit is a brochure from the Florida Department of Environmental Protection (FDEP) on Florida's National Pollutant Discharge Elimination System (NPDES) program for construction activities.

As the brochure indicates, the U.S. Environmental Protection Agency authorized the FDEP in October 2000 to implement the NPDES stormwater permitting program in Florida. The District is assisting FDEP by distributing this information to entities which may be subject to regulation under the NPDES program. No response to the District is required.

A "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" (CGP) is required for a construction activity which ultimately disturbs an acre or more and contributes stormwater discharges to surface waters of the State or into a municipal separate storm sewer system.

The permit required under FDEP's NPDES stormwater permitting program is separate from the Environmental Resource Permit required by the District. Receiving a permit from the District does not exempt you from meeting the NPDES program requirements.

If you have any questions on the NPDES Stormwater program, call 866-336-6312 or email FDEP at NPDES-stormwater@dep.state.fl.us. For additional information on the NPDES Stormwater Program including all regulations and forms cited in the brochure visit: www.dep.state.fl.us/water/stormwater/npdes/.

Prior to responding to this letter, please contact the assigned staff members to discuss solutions to the above questions and/or set a meeting to resolve the remaining issues: Lisa Prather, Environmental Analyst - Lead, Environmental Resource Bureau at 407-858-6100 x3818 or via email at lprather@sfwmd.gov; Ratna S. Lee, at 407-858-6100 x3827 or via email at rlee@sfwmd.gov.

Please submit the complete response electronically on the District's ePermitting website (www.sfwmd.gov/epermitting) using the 'Additional Submittals' link. Information on the District's ePermitting program is enclosed. Alternatively, please provide (1) original hard copy of the requested information, clearly labeled with the application number, to Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, Florida 32809.

If a complete response is not provided within 90 days of this letter, this application will be processed for denial, in accordance with Section 5.5.3.5 of Vol. I. If additional time is necessary, please submit a written request for an extension via the ePermitting website before the 90-day period ends, including a description of the circumstances requiring the extension of time.

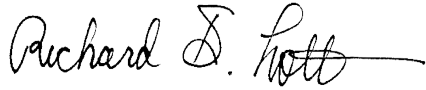
For projects where more than 90 days will be needed to develop a complete application, it is recommended that the applicant withdraw the current application and resubmit a complete application at a later date. The processing fee, if paid, can be applied to a new application that is submitted within 365 days, pursuant to Rule 62-330.071(3), F.A.C. If the application is denied by the agency, fees will not be returned or credited.

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Sincerely,

A handwritten signature in black ink, reading "Richard J. Lott". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Richard Lott
Section Leader, Engineer

c: Jim Nugent, Donald W McIntosh Associates, Inc *