



South Florida Water Management District
Individual Environmental Resource Permit No. 11-101962-P
Date Issued: September 6, 2019
Modified On: September 8, 2021

Permittee: Landings at Bear's Paw Homeowner's Association, Inc.
Kevin and Myra King

Project: King Dock - 1644 Vinland Way

Application No. 210506-6133

Location: Collier 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.

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 epermits@sfwmd.gov.

A handwritten signature in blue ink that reads "Laura Layman".

Laura Layman
Section Leader

Permittees:

Landings at Bear's Paw Homeowner's Association, Inc.
2180 West SR 434 Suite 5000
Longwood, FL 32779

Kevin and Myra King
1644 Vinland Way
Naples, FL 34102

**South Florida Water Management District
Individual Environmental Resource Permit No. 11-101962-P**

Date Issued: September 6, 2019

Expiration Date: September 6, 2024

Modified On: September 8, 2021

Project Name: King Dock - 1644 Vinland Way

Permittees: Landings at Bear's Paw Homeowner's
Association, Inc.
2180 West SR 434 Suite 5000
Longwood, FL 32779

Kevin and Myra King
1644 Vinland Way
Naples, FL 34102

Operating Entity: Landings at Bear's Paw Homeowner's
Association, Inc.
2180 West SR 434 Suite 5000
Longwood, FL 32779

Kevin and Myra King
1644 Vinland Way
Naples, FL 34102

Location: Collier County

Permit Acres: 0.46 acres

Project Land Use: Residential

Special Drainage District: N/A

Water Body Classification: CLASS III

FDEP Water Body ID: 3278R5

Wetland and Surface Water Impacts: 0.16 acres

Conservation Easement to District: No

Sovereign Submerged Lands: No

New Boat Slips: 2

Project Summary

This Environmental Resource Permit authorizes Construction and Operation of a stormwater management (SWM) system serving 0.46 acres of residential development known as King Dock - 1644 Vinland Way.

The applicant proposes to construct a single-family dock with two slips with the installation of a Wave Port and new wood dock, totaling 1,364 square feet with 747 square foot over water. A total of 3,653 square feet (304 cubic yards) of dredging adjacent to the dock is also proposed. In addition, 102 linear feet (90 cubic yards) of rip rap is proposed along the shoreline.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.

Site Description

The site is located along the shoreline of 1644 Vinland Way, approximately 0.50 miles south of Golden Gate Parkway, within the Golden Gate Main Canal, in Naples, Collier County, Florida. A location map is attached as Exhibit 1.0.

The project area is a previously cleared single-family home site, located within the Landings at Bears Paw development, which was originally permitted under Permit No. 11-03455-P.

For information on wetland and surface water impacts, please see the Wetlands and Other Surface Water section of this permit.

Current Authorization (Application No. 210506-6133)

This permit authorizes the construction of a small 38 sq ft finger pier, a 300 sq ft floating dock and a 151 sq ft kayak launch and will total approximately 0.01 acre of additional OSW impacts. The previously permitted dock structure will not be altered from its previously permitted footprint. See Exhibit No. 3.0.1 for Project Details.

Permit Modification History

Application No. 190723-1636: authorized the construction of a single-family dock with two slips and boat lifts, totaling 1,135 square feet over water. A total of 3,653 square feet (304 cubic yards) of dredging adjacent to the dock is also proposed. In addition, 102 linear feet (90 cubic yards) of rip rap is proposed along the shoreline. Site plans are attached as Exhibit No. 3.0.

Ownership, Operation and Maintenance

Perpetual operation and maintenance of the portion of the SWM system on the proposed Tract G-1 shoreline will be the responsibility of the Landings at Bear's Paw Homeowner's Association, Inc. Perpetual operation and maintenance of the portion of the SWM system on the proposed Lot 10 private dock will be the responsibility of Kevin and Myra King. 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:

There are no stormwater management facilities associated with this application.

Environmental Evaluation:

Current Authorization (Application No. 210506-6133)

This current permit authorizes the construction of a small 38 sq ft finger pier, a 300 sq ft floating dock and a 151 sq ft kayak launch and will total approximately 0.01 acre of additional OSW impacts. The previously permitted dock structure will not be altered from its previously permitted footprint. There will be no additional mangrove wetland impacts for the proposed dock additions. See Exhibit No. 3.0.1 for Project Details.

Wetlands and Other Surface Waters

The project site encompasses 163 linear feet of shoreline and contains 0.05 acres (2,373 square feet) of wetlands and a portion of the Golden Gate Main Canal (other surface waters (OSW)). The wetlands can generally be described as mangroves.

The project will result in 0.05 acres of direct wetland impacts as a result of the removal of the on-site mangroves, as described in the table below. The mangrove wetland impacts will be unavoidable due to the location of the mangroves within the property and the feasibility of construction of the proposed project. The applicant is proposing to mitigate for the functional loss of the unavoidable on-site wetland impacts by purchasing credits at a mitigation bank. This proposed mitigation provides greater long-term ecological value than the wetlands to be impacted by the proposed project. Based on these factors and the proposed mitigation plan, the project meets the reduction/elimination criteria of Section 10.2.1 of the Applicant's Handbook Volume I (Volume I).

Pursuant to Section 10.2.7 of Volume I, there are no secondary wetland impacts associated with the project.

The project will also result in the impact to 0.08 acres (3,653 square feet) of OSW as a result of dredging to improve the navigation channel. The canal bottom will be dredged to a depth of -4 mean low water (MLW). The resulting spoil will be placed on the adjacent upland, within a 20-foot by 20-foot containment area. Proper best management practices (BMPs) will be utilized to ensure that the spoil material will not impact the adjacent canal. In addition, the applicant will be installing a total of 102 linear feet (90 cubic yards) of rip rap at a 2:1 slope along portions of the shoreline.

The proposed dock totals 1,135 square feet (0.02 acres), and consists of two slips and two boatlifts. Lift 1 is approximately 14 feet by 14 feet, and will house a boat with no more than 26 inches of draft. Lift 2 is approximately 12 feet by 12 feet, and will house a boat with no more than 24 inches of draft.

Mitigation will not be required to offset the 0.10 acres of OSW impacts.

The proposed docks will not impede navigation through the Golden Gate Main Canal as they will extend a maximum of 20 feet into the 150-foot wide waterway (less than 25% of the width of the waterway at 13%).

Please see Exhibit 3.0 for complete details of the proposed docking facilities, mangrove impacts, dredging activities, rip rap installation, and BMPs. A turbidity monitoring plan is attached as Exhibit 3.1.

To mitigate for the direct on-site wetland impacts, the applicant will purchase 0.03 forested saltwater credits from Little Pine Island Mitigation Bank (see the Letter of Credit Reservation attached as Exhibit 3.2). The amount of mitigation was determined by using the Little Pine Island Functional Assessment. The final scores are attached as Exhibit 3.3.

The applicant is also proposing to plant 476 square feet of mangroves along the southwestern portion of the docking facility. These mangroves will not be used as mitigation to offset any of the

on-site wetland impacts.

The proposed mitigation is not located within the same drainage basin as the proposed impacts. The applicant provided a cumulative impact analysis for the West Collier Basin which can be found in the ePermitting file. In summary, no cumulative impacts are expected as a result of the construction of the project within the West Collier Drainage Basin, with associated mitigation credits purchased from the Little Pine Island Mitigation Bank, which is not located within a District drainage basin. Therefore, pursuant to Section 10.2.8 of Volume I, the project will not result in unacceptable cumulative impacts to the West Collier Basin.

Fish, Wildlife, and Listed Species

Pursuant to a September 7, 2018 submerged resource survey, the only resources observed within the project area are the mangroves along the shoreline (which will be impacted) and a few fish species, which included stripped mullet (*Mugil cephalus*) and a few Common Snooks (*Centropomus undecimalis*). No submerged vegetation or other benthic resources were identified. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered or threatened species or species of special concern are discovered on the site.

Environmental Evaluation Tables: Summary

Wetlands and Other Surface Waters: 0.16 acres
 Direct Impacts: 0.16 acres
 Secondary impacts: 0 acres
 Net UMAM Functional Loss/ Gain: 0 units
 Total Onsite Mitigation Area: 0 acres
 Total Offsite Mitigation Area: 0 acres
 Mitigation Provided in Permit No.:

Total Mitigation Bank Credits Provided

Mitigation Bank	Type	Total Credits
Little Pine Island	SF	0.03
Total:		0.03

Group 1

Activities in Wetlands or Other Surface Waters, Not Including Mitigation at a Bank

ID	Acres	Action	Community Description	Current Score	With Project Score	UMAM Loss
OSW1	0.02	Direct Impact	Ditches and Canals			0.000
OSW2	0.08	Direct Impact	Ditches and Canals			0.000
OSW3	0.01	Direct Impact	Ditches and Canals			0.000
Total: 0.11						0.000

Activities in Wetlands or Other Surface Waters, With Mitigation at a Bank

ID	Acres	Community Description	Bank Name	Method	Current Score	With Score	Ratio or Add'l factor	Minimum Credits Needed
W1	0.05	Mangrove Fringe	Little Pine Island	LPI	0.6	0	1	0.03
Total: 0.05								

Boat Slips

Type of Slips	Existing	Proposed
Wet Slips		2
Dry Slips		
Total Slips	0	2

Related Concerns:**Water Use Permit Status**

The applicant has indicated that irrigation and dewatering are not required for the proposed project.

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.

Historical/ Archeological Resources

The District has received correspondence, dated May 25th, 2021, from the Florida Department of State, Division of Historical Resources indicating that no significant archaeological or historical resources are recorded on the project site; therefore, the project is unlikely to have an effect upon any such resources. This permit does not release the permittee from complying 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, F.A.C. Any deviations that are not so authorized may 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), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., 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," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
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 12.3.4 of Volume I) as filed with the Florida 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 and Maintenance 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 prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

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 Rule 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 authorization for this permit shall expire on the date shown on page 3.
2. Operation and maintenance of the stormwater management system shall be the responsibility of Kevin and Myra King and the Landings at Bear's Paw Homeowner's Association, Inc. The permittee shall notify the Agency in writing within 30 days of any conveyance or division of ownership or control of the property of the system, and the new owner must request transfer of the permit in accordance with Rule 62-330.340, F.A.C.
3. Prior to initiating construction activities associated with this Environmental Resource Permit (ERP), the permittee is required to hold a pre-construction meeting with field representatives, consultants, contractors, District Environmental Resource Bureau (ERB) staff, and any other local government entities as necessary. The purpose of the pre-construction meeting is to discuss construction methods, sequencing, best management practices, identify work areas, staking and roping of preserves where applicable, and to facilitate coordination and assistance amongst relevant parties. To schedule a pre-construction meeting, please contact ERB staff from the Fort Myers Service Center at (239) 338-2929 or via e-mail at: pre-con@sfwmd.gov. When sending a request for a pre-construction meeting, please include the application number, permit number, and contact name and phone number.
4. 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.
5. **STANDARD MANATEE CONDITIONS FOR IN-WATER WORK (2011)** The permittee shall comply with the following conditions intended to protect manatees from direct project effects:
 - a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
 - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
 - d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
 - e. Any collision with or injury to a manatee shall be reported immediately to the Florida

Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

6. A turbidity control plan shall be implemented in accordance with Exhibit No. 3.1. Prior to the commencement of construction in the Golden Gate Main Canal, floating turbidity curtains with weighted skirts that extend to the bottom of the Golden Gate Main Canal shall be properly installed to isolate adjacent waters from the work area. The floating turbidity curtains shall be maintained and shall remain in place until all construction is complete and turbidity levels in the project area are within 29 NTUs of background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.
7. No fueling or fish cleaning facilities shall be installed or operated on the docking facilities that are authorized herein for the life of the facility.
8. No liveaboards shall be allowed to dock at the docking facilities authorized by this permit for the life of the facility. A liveaboard shall be defined as a vessel docked at the facility that is inhabited by a person or persons for any two consecutive days or a total of seven days within a 30 day period.
9. Dock and walkway pilings shall be constructed of plastic, concrete or greenheart, non-CCA treated wood or wood wrapped in 30 to 60 millimeter PVC from below the mudline to at least one-foot above mean high water.
10. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.
11. Prior to commencement of construction, and in accordance with the work schedule herein, the permittee shall submit documentation from The Florida Department of Environmental Protection that 0.03 forested saltwater credits for this project have been paid for in full and deducted from the Little Pine Island Mitigation Bank's official agency ledger.

Project Work Schedule for Permit No. 11-101962-P

The following activities are requirements of this Permit and shall be completed in accordance with the Project Work Schedule below. Please refer to General Conditions, Special Conditions and/or Specific 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 (Application Number)	Due Date	Date Satisfied
GC 0	09/06/2019	Construction Commencement Notice (190723-1636)	10/06/2019	
GC 2	09/06/2019	Certification (190723-1636)	04/19/2020	
SC 1	09/06/2019	Pre-Construction Meeting (190723-1636)	11/18/2019	
SC 1	09/06/2019	Mitigation Bank Credit (190723-1636)	10/06/2019	11/05/2019

GC = General Condition

SC = Special Condition

Distribution List

Robert Tice, Greg Orick II Marine Construction

Audubon of Florida

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 210506-6133 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 3.0 Project Details](#)

[Exhibit No. 3.0.1 Revised Project Details](#)

[Exhibit No. 3.1 Turbidity Monitoring Plan](#)

[Exhibit No. 3.2 Letter of Reservation](#)

[Exhibit No. 3.3 Mitigation Assessment](#)

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. 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.