



Form #0941  
08/95

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
STANDARD GENERAL PERMIT NO. 11-03068-P  
DATE ISSUED: January 5, 2011**

**REVISED DATE**  
**JAN 21 2011**  
**CORRECTED COPY**

**PERMITTEE:** CITY OF NAPLES  
295 RIVERSIDE CIRCLE  
NAPLES, FL 34102

**PROJECT DESCRIPTION:** This application is a request for an Environmental Resource Permit modification authorizing Construction and Operation of a surface water management facility for a 31.24 acre stormwater improvement project known as Basin 5 Stormwater Improvements-Group 1 with discharge to the Gordon River and Upper Naples Bay via existing facilities.

**PROJECT LOCATION:** COLLIER COUNTY, SEC 33, 34 TWP 50S RGE 25E  
SEC 27, 28 TWP 49S RGE 25E

**PERMIT DURATION:** See Special Condition No:1. 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. 100910-24, dated September 10, 2010. 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 19 General Conditions (See Pages : 2 - 4 of 6),
3. the attached 16 Special Conditions (See Pages : 5 - 6 of 6) and
4. the attached 2 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 5th day of January, 2011, in accordance with Section 120.60(3), Florida Statutes.

BY: \_\_\_\_\_

Ricardo A. Valera, P.E.  
Director, LWC Regulatory Division  
Collier County Service Center

Certified mail number 7008 2810 0002 2430 2946

Corrected Text

## NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review 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. 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.

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

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk 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, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD 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.

### **Filing Instructions**

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be 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 SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

### **Initiation of an Administrative Hearing**

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 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 SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's 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 SFWMD'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 SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD'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 SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD 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 that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

### **Mediation**

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

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

Pursuant to Sections 120.60(3) and 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.

## 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 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 Number 0960 indicating the actual start date and the expected construction 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 professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built 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 "as-built" or "record" drawings. 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, and 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

## GENERAL CONDITIONS

Applications within the South Florida Water Management District, 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, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, 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.
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(3), 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

### GENERAL CONDITIONS

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.

### SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on January 5, 2016.
2. Operation of the surface water management system shall be the responsibility of the City of Naples.
3. 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.
4. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
5. 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.
6. 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.
7. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
8. 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.
9. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
10. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
11. The permittee acknowledges that, pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
12. Should ground disturbance and/or demolition occur within a recorded resource or if 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, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
13. Should future project construction involve the replacement, reconstruction and/or reconfiguration of the final discharge outfall pipes within Basin 5, the permittee must place manatee exclusion grates across the

### **SPECIAL CONDITIONS**

openings of existing or proposed culverts or pipes that are greater than eight inches but smaller than eight feet in diameter. The installation of grates applies to any submerged or partially submerged pipes and culverts accessible to manatees during any tidal phase. Permittee shall keep all grates free and clear of debris.

14. The permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan (Exhibit No. 2.1) and on the applicable approved construction drawings for the duration of the project's construction activities.
15. The Urban Stormwater Management Plan shall be implemented in accordance with Exhibit No. 2.2.
16. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 11-03068-P unless otherwise specified herein.



Last Date For Agency Action: January 7, 2011

**GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT**

**Project Name:** Basin 5 Stormwater Improvements - Group 1 Improvements

**Permit No.:** 11-03068-P

**Application No.:** 100910-24

**Application Type:** Environmental Resource (General Permit Modification)

**Location:** Collier County, S27, 28/T49S/R25E  
S33, 34/T50S/R25E

**Permittee :** City Of Naples

**Operating Entity :** City Of Naples

**Project Area:** 31.24 acres

**Project Land Use:** Other

**Drainage Basin:** WEST COLLIER

**Sub Basin:** GORDON RIVER EXTENSION

**Receiving Body:** Gordon River via existing facilities

**Class:** CLASS III

**Special Drainage District:** NA

**Conservation Easement To District :** No

**Sovereign Submerged Lands:** No

**PROJECT PURPOSE:**

This application is a request for an Environmental Resource Permit modification authorizing Construction and Operation of a surface water management facility for a 31.24 acre stormwater improvement project known as Basin 5 Stormwater Improvements-Group 1 with discharge to the Gordon River and Upper Naples Bay via existing facilities.

## **PROJECT EVALUATION:**

### **PROJECT SITE DESCRIPTION:**

The 31.24-acre project site is located within existing roadway rights-of-way and easements within Basin 5 in the City of Naples, Collier County, Florida. Basin 5 generally includes the area between U.S. Route 41 east to Goodlette-Frank Road and from Creech Road South to 5th Avenue North. A location map for specific project boundaries is attached as Exhibit 1.0.

There are permitted surface water management facilities within Basin 5. Basin 5 commonly floods due to incomplete drainage networks, under-sized culverts and impacted conveyances. In October 2009, Permit No. 11-03068-P (Application No. 081028-11) for stormwater improvements to 21.81-acres of Basin 5 was approved. Please refer to the Project Background section of this staff report for additional details.

Basin 5 consists of a total of approximately 779-acres of residential, commercial, recreational and institutional developments and public rights-of-way and easements. There are no wetlands located within or affected by the proposed project; however, there are "Other Surface Waters" (OSW) located throughout the project area. There are eight stormwater lakes throughout Basin 5; however, no impacts are proposed to these stormwater lakes. There are also 1.67-acres of roadside swales to be impacted by the project through regrading and/or piping. No adverse environmental impacts are anticipated as a result of project construction.

### **PROJECT BACKGROUND:**

On October 5, 2009, an Environmental Resource Permit (Permit No. 11-03068-P/Application No. 081028-11) was issued for the Construction and Operation of a surface water management system serving a 21.81-acre stormwater improvement project known as Drainage Improvements Basin 5 with discharge to the Gordon River via existing conveyance facilities. The project proposed surface water management improvements to provide better stormwater collection and conveyance and water quality treatment volume through eight separate projects within Basin 5. The project authorized swale regrading, pipe, culvert and inlet replacements, and new lake connections throughout Basin 5.

The current application is for the next phase (Group 1) of project improvements within Basin 5.

### **PROPOSED PROJECT:**

The proposed project consists of a 31.24 acre stormwater improvement project known as Basin 5 Stormwater Improvements-Group 1 within the City of Naples Basin 5. The proposed project is being constructed to improve stormwater collection and conveyance into the Goodlette-Frank Road roadside ditch, which is a secondary trunk line serving Basin 5. The project will also include extensive swale reconstruction to provide stormwater storage and water quality retention targeted at the upstream portion of the basin. Specifically, the 31.24 acre project area lies within existing public rights-of-way and easements. No improvements are proposed to existing final discharge outfall pipes in the Gordon River and Upper Naples Bay. The proposed project consists of the following seven improvements:

Project 2A: Improvements address deficiencies in the existing roadway stormwater conveyance and inlets along Rordon Avenue and 12th Street North. Existing 12-inch culverts on Rordon Avenue will be replaced by 24-inch RCP lines, with an improved 30-inch RCP connection into Lake A1. The project also upgrades the existing 12-inch and 18-inch RCP tertiary pipe and inlet roadway conveyance from 12th Street North into Lake A1 with 24-inch and 30-inch RCP connections, respectively. In addition, roadside swales will be regraded to generate additional water quality treatment retention volume. This project covers 3.62-acres.

Project 5B: Improvements address deficiencies in the existing stormwater conveyance along Royal Palm

Avenue. Existing 12-inch and 18-inch trunk lines will be replaced with 24-inch and 30-inch RCP, respectively. The replacement of the final surface water management link into the Goodlette-Frank Road ditch from an 18-inch to a 29-inch by 45-inch ERCP is also proposed. Roadside swales will be regraded to generate additional water quality treatment retention volume. This project covers 4.06-acres.

Project 7D: Improvements provide an upgraded outfall connection for Lake D1 into the Goodlette-Frank Road ditch by replacing the existing twin 12-inch RCP, a single 30-inch RCP and a single 24-inch CMP with twin 24-inch and twin 30-inch RCP towards the outfall into the Goodlette-Frank Road ditch. Also proposed is the replacement of the existing weir structure to provide necessary wet detention water quality treatment volume. The project covers 6.09-acres.

Project 10E: Improvements provide an upgraded outfall connection for Lake E1 into the Goodlette-Frank Road stormwater management trunk line. The existing lake discharges uncontrolled via a 24-inch HDPE connection; this will be replaced with a control structure discharging via a single 30-inch RCP. The new link into the Goodlette-Frank Road trunk line will be relocated north of the existing connection. This improvement will provide additional wet detention water quality treatment volume for the basin. The project covers 4.48-acres.

Project 11F: Improvements provide improved stormwater collection along 10th Avenue into Forest Lake via a new 30-inch RCP link. Roadside swales will be regraded to generate additional water quality treatment retention volume. This project covers 2.62-acres.

Project 12F: Improvements are centered around Lake F1. The existing lake discharges uncontrolled via a 12-inch RCP connection; this will be replaced with a control structure discharging via a single 24-inch RCP. Roadway stormwater conveyance will be improved into Lake F1 via 24-inch RCP culverts and curb inlets. Water quality improvements generated by this project include both dry retention from regraded roadside swales and wet detention afforded by the new lake control structure. This project covers 3.66-acres.

Project 14G: Improvements address undersized discharge connection from Lake G1 into the Goodlette-Frank Road stormwater management trunk line. The addition of a second control structure with an independent connection into the Goodlette-Frank Road trunk line will supplement the existing lake control structure and outfall. The new control structure will have a rectangular notch bleeder and will discharge via a 30-inch RCP culvert. The crest of the existing control structure will be raised from 2.70-feet (NGVD) to 3.50-feet (NGVD) to provide wet detention water quality treatment for the project. This project covers 6.72-acres.

The proposed project includes the addition of four new discharge structures known as 7D-7, 10E-16, 12F-10, and 14G-1. The structures are located within the specific project boundaries of 7D, 10E, 12F, and 14G. Construction details for each of these structures are included within Exhibit 2.0.

The proposed work will take place over 31.24 acres, of which 10.67 acres are lakes, 1.67 acres are swales, 10.25 acres are pervious rights-of-way, and 8.60 acres are impervious pavement. The specific project limits and detailed construction plans are included as Exhibit 2.0.

## **WATER QUALITY**

The surface water management system provides the required water quality volume of either 1.0 inch over the basin area or 2.5 inches times the percent impervious coverage based on the controlling criteria for each area. The total required treatment volume for the 31.24 acre project area is 2.86 acre-feet. The proposed project will create 0.84 acre-feet of dry retention treatment within the right-of-way swales and 9.12 acre-feet of wet detention treatment within existing Basin V lakes. This will result in a surplus of 7.10 acre-feet of water quality treatment volume to be used for future City of Naples stormwater

conveyance improvement projects within Basin V. The applicant has also provided a Stormwater Pollution Prevention Plan (Exhibit 2.1) and Urban Stormwater Management Program (Exhibit 2.2). These documents have been incorporated into the permit. Please see the Special Conditions.

No adverse water quality impacts are anticipated as a result of the proposed project.

#### **Wildlife Issues:**

The project site does not contain preferred habitat for wetland-dependent endangered or threatened wildlife 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. A threatened/endangered species survey was not requested, nor was it necessary as the project site has been fully developed. In addition, no changes are proposed to the existing outfall pipes in the Gordon River or Upper Naples Bay. However, Special Condition No. 14 regarding manatee exclusion grates on outfall pipes has been added at the request of the Florida Fish and Wildlife Conservation Commission (FWC). In their November 10, 2010 letter to the District, the FWC had concerns that manatees could enter the final discharge pipes in the Gordon River and Upper Naples Bay. Although the applicant is not planning on replacing these outfall pipes at this time, the District has added a condition stating that should the applicant propose to replace or conduct work on the final discharge outfall pipes in the future, these pipes must be fitted with manatee exclusion grates at that time.

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.

#### **CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:**

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

**RELATED CONCERNS:**

**Water Use Permit Status:**

The applicant has indicated that a water use permit is not needed for irrigation.

The applicant has indicated that dewatering is not required for construction of this 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.

**CERP:**

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

**Right-Of-Way Permit Status:**

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

**DRI Status:**

This project is not a DRI.

**Historical/Archeological Resources:**

The District has not received correspondence from the Florida Department of State, Division of Historical Resources indicating whether or not the agency has any objections to the issuance of this permit. However, during review of the previously issued permit (Application No. 081028-11), the Division stated that, based on review of the Florida Master Site File (FMSF), there are both archaeological and historical resources within the project area. The Division requested that they be consulted prior to any ground-disturbing and/or demolition activities taking place. Information on the location and nature of the resources are available from the FMSF office; the permittee is responsible for contacting the FMSF at (850) 245-6440 or fmsfile@dos.state.fl.us prior to any ground-disturbing and/or demolition activities taking place within any resource (see Special Condition No. 12). 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.

**DCA/CZM Consistency Review:**

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

**Third Party Interest:**

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

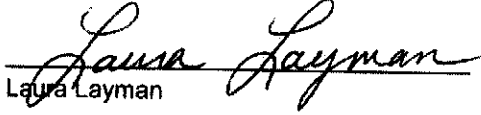
**Enforcement:**

There has been no enforcement activity associated with this application.

**STAFF REVIEW:**

**DIVISION APPROVAL:**

**NATURAL RESOURCE MANAGEMENT:**

  
\_\_\_\_\_  
Laura Layman

DATE: 1/3/11

**SURFACE WATER MANAGEMENT:**

  
\_\_\_\_\_  
William J. Foley, P.E.

DATE: 1/5/11



1500' 750' 0' 1500'



GRAPHIC SCALE IN FEET

**LEGEND**

- BASIN V DRAINAGE BASIN BOUNDARY



NOTE: THIS INSTRUMENT IS NOT A SURVEY. ILLUSTRATIONS AND DATA SHOWN ARE INTENDED FOR CONCEPTUAL PLANNING USE ONLY.

P:\VIEW PROJECT LIST\253-CITY OF NAPLES BASIN V\DWG\OUT\EXHIBITS\EXH-1.DWG MAP-BV-101-405.dwg, 8/10/2009 4:28:11 PM



PROJECT NAME:  
**BASIN V DRAINAGE**  
 2375 Tamiami Trl. N.,  
 Suite 207,  
 Naples, FL 34103  
 Tel : (239) 261-2290  
 Fax : (239) 261-6530

SHEET TITLE:  
**LOCATION MAP SCHEMATIC**

DRN. BY: C.M.	GULFSHORE PROJECT NO. 253	SHEET NO. 1
SCALE: AS SHOWN		OF 1
EDITION DATE: 10-14-08		