



South Florida Water Management District
Individual Environmental Resource Permit No. 11-100825-P
Date Issued: December 21, 2018

Permittee: City Of Naples
295 Riverside Circle
Naples, FL 34102

Project: Naples Beach Restoration & WQ Improvement Project

Application No. 180703-667

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 General Conditions for Authorizations.
- 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 ERP@sfwmd.gov.

A handwritten signature in blue ink that reads "Melissa Roberts".

Melissa Roberts, P.E.
Regulation Service Center Administrator

**South Florida Water Management District
Individual Environmental Resource Permit No. 11-100825-P**

Date Issued: December 21, 2018 **Expiration Date:** December 21, 2023

Project Name: Naples Beach Restoration & WQ Improvement Project

Permittee: City Of Naples
295 Riverside Circle
Naples, FL 34102

Operating Entity: City Of Naples
295 Riverside Circle
Naples, FL 34102

Location: Collier County

Permit Acres: 256.41 acres

Project Land Use: Residential

Special Drainage District: N/A

Water Body Classification: CLASS II
CLASS II

FDEP Water Body ID: 3278R4
3278Q2

Wetland and Surface Water Impacts: 2.78 acres

Conservation Easement to District: No

Sovereign Submerged Lands: Yes **Type:** Public Easement

Project Summary

This Environmental Resource Permit authorizes Construction and Operation of a stormwater management (SWM) system serving a 256.41-acre drainage area for the project known as Naples Beach Restoration and Water Quality Improvement Project. A Sovereign Submerged Land Public Easement for the proposed beach Outfall #6 is also included in this permit authorization.

This permit authorizes the consolidation of the existing stormwater discharge Outfalls #6, 7, 8, 9, and 10 and convey the flow to a new pump station located at 3rd Avenue North. The stormwater will then be discharged approximately 1,100 ft offshore through two pipes. Four beach outfalls (Outfalls #7-10) will be removed. Existing Outfall #6 pipes will be removed seaward and replaced with an overflow system to divert flow from Alligator Lake and convey flows to the pump station. The pump station will utilize three (3) pumps with a backup (pump 4) to handle the 25 year storm flow capacity of 98 cfs. The closed stormwater sewer system on Gulf Shore Boulevard will be replaced and will convey stormwater runoff to the pump station. Site plans and details are attached as Exhibit No. 2.0 and 2.0-A.

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 project site is located west of US-41 Tamiami Trail and north of 3rd Avenue South in the City of Naples, Collier County. The project consists of Gulf Shore Boulevard, between 4th Avenue North and 2nd Avenue South. Some in-water work is also proposed within the Gulf of Mexico for proposed beach Outfall #6. Refer to Exhibit 1.0 for a location map.

The project site is located within the City of Naples Drainage Basin II, sub-basins 5-10. Basin II drainage area extends from the north near 7th Avenue North to near 3rd Avenue South at the southern limit. The basin generally follows 4th Street at the east boundary, encompassing a total drainage area of 256.41 acres. Refer to Exhibit 1.1 for the boundaries of Basin II and sub-basins 5-10.

There are five (5) existing stormwater outfalls that are generally in poor condition, require frequent maintenance and affect lateral use of the beach (walking, jogging, swimming).

Under existing conditions, stormwater runoff from the sub-basin contributing to each outfall is generally conveyed west to the Gulf of Mexico via outfall pipes along beach access roads. The exception to this conveyance scenario is Outfall #6 which conveys discharge directly from Alligator Lake and sub-basin 5 which routes the flow to Alligator Lake. Alligator Lake is connected to two upstream lakes, North Lake and South Lake, via a series of weirs and pipes. The Three-Lake System currently provide storage for drainage sub-basins 5 and 6 prior to discharge through beach Outfall #6.

For information on other surface water impacts, please see the *Wetlands and Other Surface Waters* section of this permit.

Background:

The City experiences significant flooding of Gulf Shore Boulevard during high frequency rainfall events. In 2012, the City adopted Resolution No. 12-13028 and amended their stormwater master plan to require the removal of the City's stormwater beach outfalls. These actions were taken to satisfy the FDEP Joint Coastal Permit Condition (Permit No. 0222355-001-JC) for the City's beach nourishment projects.

This application proposes to eliminate and consolidate five (5) existing beach stormwater outfalls, convey stormwater to a pump station, and discharge through two parallel offshore gulf discharge pipelines (Outfall #6).

Ownership, Operation and Maintenance

Perpetual operation and maintenance of the stormwater management system will be the responsibility of the City of Naples. 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.

Land Use:

As shown on Exhibit 1.2, the "Project Area" includes the following areas: 3.86 acres for the Storm Sewer Trunkline, 0.34 acres for the Pump Station, 0.35 acres for the Backup Generator, 2.57 acres for the Offshore Discharge, 0.05 acres for the System Overflow and 0.21 acres for the Existing Outfall Demolition area.

Refer to Exhibit 1.3 for the land uses per sub-basin.

Engineering Evaluation:

Water Quality

The proposed project includes Best Management Practices (BMPs) to improve the overall water quality. The BMPs consists of installing grate inlet skimmer boxes to collect debris and small

particles at each new curb inlet drainage structure along Gulf Shore Boulevard within the project area, screening of the stormwater at the existing weir inlet at Alligator Lake and also includes a screening chamber to intercept floating debris carried by the stormwater at the new pump station. The positive flow from the pump station's force main with the new pipe network will also contribute to improvements in overall water quality. No adverse water quality impacts are anticipated as a result of this project.

Water Quantity

Discharge

The project will continue discharging 152 cfs into the Gulf of Mexico during the 25 year/3 day storm event. This volume includes 98 cfs from the Pump Station and 54 cfs from the North System Overflow (sub-basin 5 and 6).

No adverse discharge impacts are anticipated as a result of this project.

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.

Environmental Evaluation:

Wetlands and Other Surface Waters

A portion of the project is located in a coastal area and work is proposed in other surface waters (OSW). Please see Exhibit 3.0 for a FLUCFCS map. The project will result in 2.78 acres of OSW impacts as described in the table below. The OSW can generally be described as open marine water of the Gulf of Mexico. Additional OSW descriptions are available in the ePermitting file. Exhibit 3.1 identifies the locations of the OSW being impacted. Elimination and reduction of surface water impacts is being met by utilizing directional drilling during in-water work and by consolidating the beach outfalls. The gulf discharge pipeline will be directionally drilled below grade with staging and access occurring landward of the dune line.

Fish, Wildlife, and Listed Species

The other surface waters and adjacent beach area to be impacted provide habitat for wetland-dependent species including shorebirds, sea turtles, small tooth sawfish and manatees. A listed species survey was conducted in June of 2018. Several species of listed shorebirds are prevalent on Naples' beaches but do not typically nest in the Project Area due to recreational use. However, these shorebirds may forage and rest within the Project Area. No critical habitat for the piping plover was identified within the Project Area. The loggerhead sea turtle is the primary turtle nesting species on Naples' beaches. Additionally, suitable mating and traveling habitat for the West Indian (aka Florida) manatee is located within the Project Area. However, there is a lack of seagrass within this area, and therefore it provides an unlikely foraging habitat for this species.

The applicant will follow the guidelines outlined in the correspondence, dated August 30, 2018, from the Florida Fish and Wildlife Commission (FWC) regarding the Florida manatee, small tooth sawfish and loggerhead and green sea turtle. See Exhibit 3.2 for the FWC correspondence. Furthermore, the protective measures outlined in *Attachment 10 - Environmental Plan* shall be adhered to. Please see Exhibit 3.2a for this plan. Please note that the structure of the beach outfall pipes are designed to exclude manatees from potential entrapment.

Special conditions 10 and 11 are included in this permit to address listed species concerns.

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.

Sovereignty Submerged Lands

Portions of the proposed project are located on sovereignty submerged lands owned by the State of Florida; therefore, it requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. The District is delegated the authority to take final agency action for this application on behalf of the Board of Trustees, pursuant to Rule 18-21.0051(2), F.A.C.

The District has determined that the activity qualifies for and requires a public easement, as long as the work performed is located within the boundaries as described and is consistent with Exhibits 3.3, and conditions herein. The final documents required to execute the public easement will be sent to the permittee by the Department of Environmental Protection's Division of State Lands (DSL) for execution. Upon satisfactory execution of those documents, including payment of required fees and compliance with any conditions herein, the final public easement document will be issued by DSL. No construction of the activities proposed in this application can commence until a copy of the executed public easement is obtained from the Florida Department of Environmental Protection and a copy submitted to the District's Environmental Resource Compliance staff. Please see the Special Condition No. 12.

The project consolidates the existing stormwater flow associated with existing beach Outfalls 5, 6, 7, 8, 9 and 10 and conveys the flow to a pump station located at 3rd Avenue North with treatment and discharge through a diffuser system using directional drilled deep pipelines offshore. An overflow line will be located at Outfall 6 to convey stormwater during extreme storm events, when peak discharge volumes exceed the maximum rates for the pump stations, by diverting the flow from Alligator Lake. The overflow line will be located below the visible beach and open only during extreme storm events. The public easement encompasses 2.43 acres (106,048 square feet). The sovereign submerged lands encompass the area waterward of the established Erosion Control Line, as depicted on the attached plans and Exhibits.

The project meets the requirements of Chapter 18-21.009 F.A.C. for a public easement. The following documents are attached as Exhibits:

1. Public Noticing Information and the sketches and legal descriptions of the public easement area (Exhibit 3.3)
2. Delegation of Authority Form (Exhibit 3.4)
3. State Lands Title Determination (Exhibit 3.5)

**Environmental Evaluation Tables:
Summary**

Wetlands and Other Surface Waters: 2.78 acres
 Direct Impacts: 2.78 acres
 Secondary impacts: 0 acres
 Net UMAM Functional Loss/ Gain: 0 units
 Total Onsite Mitigation Area: 0 acres
 Total Offsite Mitigation Area: 0 acres

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
1	2.78	Works in Surface Waters	Benthic Hardbottom			0.000
Total: 2.78						0.000

Related Concerns:

Historical/ Archeological Resources

The District has received correspondence from the Florida Department of State, Division of Historical Resources, dated September 10, 2018, 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

Water Use Permit Status

The applicant has indicated that dewatering is required for construction of this project. Water Use application 181003-20 is being reviewed concurrently for 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.

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:
- 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.;
 - Convey to the permittee or create in the permittee any interest in real property;
 - Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - 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:
- Immediately if any previously submitted information is discovered to be inaccurate; and
 - 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.

General Conditions for Authorizations for Use of Sovereign Submerged Lands, Rule 18-21.004(7), F.A.C.

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for aquaculture activities and geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or Chapter 258, Part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(i) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

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 2.
2. Operation and maintenance of the stormwater management system shall be the responsibility of the City of Naples. 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: refer to Exhibit 2.0 and 2.0-A.
4. 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.
5. Prior to any future construction of activities not authorized herein, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater management system, including the land use and site grading assumptions.
6. 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 Compliance (ERC) 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 ERC 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.
7. The permittee shall utilize the criteria contained in the Stormwater Pollution Prevention Plan (Exhibit No. 2.1) and on the applicable approved construction drawings for the duration of the project's construction activities.
8. The Urban Stormwater Management Plan shall be implemented in accordance with Exhibit No. 2.2.
9. The operation schedule for the proposed pump is attached as Exhibit No. 2.0 (page 41 of 54).
10. The standard construction conditions for manatees, smalltooth sawfish and sea turtles shall be followed during all in-water work. Additionally, the permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

- a. All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
 - b. All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.
 - c. All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.
 - d. Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922 and ImperiledSpecies@myFWC.com.
 - e. Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at imperiledspecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.
11. 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 (FWC) and/or the U.S. Fish and Wildlife Service (FWS) for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species. Refer to Exhibit 3.2 for the FWC comment letter and the listed species requirements for the project.
 12. No construction associated with the proposed in-water work described by this permit may commence until a sovereign submerged lands public easement and a Coastal Construction Control Line (CCCL) permit has been issued by the Florida Department of Environmental Protection. However, construction of the upland facilities may commence upon issuance of this permit by the District.
 13. All in-water work must follow BMPs and meet Water Quality standards. Siltation or turbidity barriers, if used, shall be made of material in which manatees and sea turtles cannot become entangled, shall be properly secured and shall be regularly monitored to avoid entanglement or entrapment. Barriers must not impede manatee or sea turtle movement. Turbidity levels in the project area shall be 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.
 14. The permittee must obtain a Water Use permit for dewatering prior to construction. Application No. 181003-20 is currently under review with the District.

Project Work Schedule for Permit No. 11-100825-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	12/21/2018	Commencement Notice	48 hours prior to construction	
GC 6	12/21/2018	Certification	30 days after completion	
GC 7	12/21/2018	Operation Entity Transfer	30 days after certification acceptance	
SC 6	12/21/2018	Pre-Construction Meeting	Prior to Construction	
SC 12	12/21/2018	Submit Executed Public Easement and a copy of the CCCL Permit	Prior to Construction	

GC = General Condition

SC = Special Condition

Distribution List

Karyn Erickson, Erickson Consulting Engineers, 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 180703-667.

[Exhibit 1.0 Location Map](#)

[Exhibit 1.1 Drainage Basin II and Sub-basins 5-10](#)

[Exhibit 1.2 Project Areas](#)

[Exhibit 1.3 Land Uses per Basin](#)

[Exhibit 2.0 SWM PLans](#)

[Exhibit 2.0 A Summary of Structures](#)

[Exhibit 2.1 Stormwater Pollution Prevention Plan](#)

[Exhibit 2.2 Urban Stormwater Management Program](#)

[Exhibit 3.0 FLUCFCS Map](#)

[Exhibit 3.1 Impact Map](#)

[Exhibit 3.2 FWC Letter](#)

[Exhibit 3.2a Protected Species Management Plan](#)

[Exhibit 3.3 SSL Public Notice](#)

[Exhibit 3.4 Delegation of Authority Form](#)

[Exhibit 3.5 State Lands Title Determination](#)

NOTICE OF RIGHTS

As required by Sections 120.569 and 120.60(3), Fla. Stat., the 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 of 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 SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, 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, Fla. Stat.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD 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.

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

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Fla. Stat., 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 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 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 of the SFWMD. 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 SFWMD 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 SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security officer contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file 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. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) 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.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and 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 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, SFWMD file number or any other SFWMD identification number, if known.
2. The name, address, any email address, any facsimile number, 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.

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 Section 120.68, Fla. Stat., and in accordance with Florida Rule of Appellate Procedure 9.110, 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 with the Office of the District Clerk of the SFWMD 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 clerk of the appropriate district court of appeal.