



**South Florida Water Management District**  
**Individual Environmental Resource Permit No. 22-00495-P**  
**Date Issued: January 27, 2017**  
**Modified On: March 4, 2022**

**Permittee:** James Hull  
17920 Cr 833  
Clewiston, FL 33440

**Project:** Hull Boat Storage

**Application No.** 220131-32900

**Location:** Glades 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](http://www.sfwmd.gov/ePermitting).

If you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

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

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

A handwritten signature in black ink that reads "Barbara Conmy".

Barbara Conmy  
Section Leader

**South Florida Water Management District  
Individual Environmental Resource Permit No. 22-00495-P**

**Date Issued:** January 27, 2017

**Expiration Date:** January 27, 2027

**Modified On:** March 4, 2022

**Project Name:** Hull Boat Storage

**Permittee:** James Hull  
17920 Cr 833  
Clewiston, FL 33440

**Operating Entity:** James Hull  
17920 Cr 833  
Clewiston, FL 33440

**Location:** Glades County

**Permit Acres:** 23.67 acres

**Project Land Use:** Commercial  
Recreational Including Golf

**Special Drainage District:** N/A

**Water Body Classification:** CLASS III

**FDEP Water Body ID:**

**Conservation Easement to District:** No

**Sovereign Submerged Lands:** Yes                      **Type:** Lease

**Project Summary**

This Environmental Resource Permit authorizes construction and operation of a 23.67 acre project known as Hull Boat Storage. The project consists of a stormwater management (SWM) system intended to serve a 253-slip commercial dry boat storage facility on the Caloosahatchee River. The permit also authorizes construction of temporary tie-up docks, dredging of the launch/retrieval boat basin and demucking an offsite area for future development.

The proposed SWM system for the onsite and offsite project areas consists of three, interconnected dry detention areas. This portion of the project will discharge from Detention (Area) No.1 through the control structure (CS-1) to the Caloosahatchee River. The proposed SWM system for the road entry (Sections 1 and 2) consists of four roadside retention swales. Please refer to Exhibit 2.1.

This permit includes a standard lease authorization to use sovereignty submerged lands for severing 583 cubic yards of bottom material from the Caloosahatchee River to establish a launch/retrieval boat basin and for use of a temporary tie-up dock; all to serve the dry boat storage facility. The lease area preempts 2,967 square feet of sovereignty submerged lands.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062 Florida Administrative Code (F.A.C.).

## **Project Site Description**

The site is located in Glades County, on the southern boundary of the Caloosahatchee River, approximately 16 miles west of Moore Haven. Please refer to Exhibit 1 for a location map. There are no permitted water management facilities within the project area. The site drains from east to west through the project area, ultimately discharging to the Caloosahatchee River. For information on the wetlands and surface waters within the project, please refer to the Wetlands and Surface Waters section of this staff report.

## **Current Authorization (Application No. 220131-32900)**

This application is a request for a five-year extension of the construction authorization period for Permit No. 22-00495-P, Application No. 070720-1, pursuant to Rule 62-330.315, F.A.C.. All dates contained in the terms and conditions of the permit pertaining to deadlines, such as for commencing or completing construction and submitting reports for the activity authorized by the permit are modified in recognition of, and relative to, the new expiration date.

## **Ownership, Operation and Maintenance**

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

## **Engineering Evaluation:**

### **Land Use**

Please refer to Exhibit 2.1, Pages 3 and 5 of 15 for detailed site data.

### **Water Quality**

The project is located within a watershed identified by the Florida Department of Environmental Protection as impaired for nutrients; therefore, the design includes a site-specific pollutant loading analysis (Exhibit 2.3, Incorporated by Reference) and an additional 50% water quality treatment volume above the amounts required pursuant to Section 4.2.1, Volume II, as reasonable assurances that the projects discharge will not cause or contribute to violations of State water quality standards.

The project provides 1.475 ac-ft of water quality treatment. The required water quality treatment volume of 1.28 acre-feet for the onsite and offsite project areas is provided in Detention Areas 1 through 3, which discharge offsite through a control structure, located within the proposed Detention (Area) No.1. The required water quality treatment volume of 0.195 acre-feet for the road entry (Sections 1 and 2) consists of four roadside retention swales. Please refer to the calculations provided on Exhibit 2.1, Sheets 6 and 7 of 15, as well as Exhibit 2.2, Pages 21 through 25 (Incorporated by Reference).

The project includes implementation of Turbidity and Erosion Control Plans, Details and Methods (Exhibit 2.1), as additional reasonable assurance of compliance with water quality criteria during construction and operation. In addition, a project-specific Urban Stormwater Management Program and Stormwater Pollution Prevention Plan were provided (Exhibit 2.4, Incorporated by Reference) as additional reasonable assurance of compliance with water quality criteria during operation.

### **Discharge**

As found in Exhibit 2.2, the project peak discharge of 0.434 cfs is within the basin allowable limit for the project area (0.480 cfs, based on 30.1 CSM).

### **Parking Lot Design**

As found in the attached Exhibit 2.2, minimum parking lot elevations have been set at the calculated design storm flood elevation.

## **Road Design**

As found in the attached Exhibit 2.2, minimum parking lot elevations have been set at the calculated design storm flood elevation.

## **Perimeter Berm**

As found in the attached Exhibit 2.2, minimum perimeter berm elevations have been set above the calculated design storm flood elevation.

## **Finished Floors**

As found in the attached Exhibit 2.2, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

## **Certification, Operation, and Maintenance**

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

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

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

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

## Engineering Evaluation Tables: Land Use

Basin	Land Type	Area (ac)	% of Total Basin
Basin 1 (Sheet 3 of 15)	IMPERVIOUS	4.55	44.56
	PERVIOUS	3.85	37.71
	Building Coverage	0.46	4.51
	Water Mgnt Acreage	1.35	13.22
	<b>Total:</b>	10.21	100%
Road entry (Sec 1 & 2)	Roadway	0.94	41.96
	Swales	1.30	58.04
	<b>Total:</b>	2.24	100%

## Water Quality

Basin	Treatment Type	Treatment System	Volume Required (ac-ft)	Volume Provided (ac-ft)	Area (ac)	Overflow Elevation (ft NGVD29)
Basin 1 (Sheet 3 of 15)	Treatment	DRY DETENTION	1.28	1.28	1.35	15.98
Road entry (Sec 1 & 2)	Treatment	SWALE	0.20	0.20	1.30	18.50

## Water Quantity

Basin	Elevation Type	Storm Event (Yr/Day)	Precipitation Depth (in)	Peak Stage (ft NGVD29)	Min. EL (ft NGVD29)	Peak Discharge Rate (cfs)	Allowable Discharge Rate (cfs)
Basin 1 (Sheet 3 of 15)	Finished Floor	100Y3D	11.00	16.36	17.00	N/A	N/A
	Perimeter Berm/ Discharge	25YR3D	9.00	15.98	16.00	0.43	0.48
	Road Crown	5YR1D	4.50	15.33	15.33	N/A	N/A
Road entry (Sec 1 & 2)	Road Crown	5YR1D	4.50	18.10	19.00	N/A	N/A

## Bleeder

Basin	Control EL (ft NGVD29)	Structure #	Structure Type	Count	Type	Dia.(in)	Invert EL (ft NGVD29)	Receiving Body
Basin 1 (Sheet 3 of 15)	12.00	CS-1	Discharge	1	Circular Orifice	3.00	12.00	Caloosahatchee River

## Inlets

Basin	Control EL (ft NGVD29)	Structure #	Structure Type	Count	Type	Length (in)	Width (in)	Crest EL (ft NGVD29)	Receiving Body
Basin 1 (Sheet 3 of 15)	12.00	CS-1	Discharge	1	FDOT MOD C DROP INLET	24.0	37.0	15.98	Caloosahatchee River

## **Environmental Evaluation:**

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

The Florida Department of Environmental Protection issued a Jurisdictional Declaratory Statement (BJ-22-253949-5) on June 17, 2003, which identified the landward extent of waters of the State subject to the Department's wetland resource jurisdiction for a 77.15 acre tract of land owned by the applicant. Based on this delineation, no State jurisdictional wetlands occur within the 23.67-acre Project area of Application No. 070720-1. Additional information is located in the epermitting file under Application No. 051130-6 (no permit number-BJ-22-253949-5) and Application No. 070720-1 of Permit 22-00495-P.

An area approximately 11.62 acres in size is proposed to be demucked within the Project area. The underlying soil is identified as Felda fine sand, which is described as a poorly drained soil on broad, low flats and in large drainageways in areas of flatwoods (Soil Survey of Glades County, 2000). As reasonable assurance that secondary impacts to off-site wetlands will not occur, the permittee proposes to construct recharge trenches during the demucking phase of the construction as described in Water Use Permit No. 22-00495-W.

In order to provide sufficient draft for vessels utilizing the dry storage facility, the applicant proposes to dredge approximately 583 cubic yards of bottom sediments in the Caloosahatchee River within an area of approximately 2,967 square feet of surface waters. No compensatory mitigation is required for this work in surface waters, because it is not expected the work will resort in a loss of surface water functions. As part of the sovereignty submerged lands proprietary authorization, a fee payable to the State of Florida is assessed for severed dredged materials.

As discussed in the Environmental Site Information report submitted by the applicant in 2008, no submerged resources were found within the Project area associated with dredging in the Caloosahatchee River. Transects were extended 100 feet north into the river until water depths reached approximately five feet. The shoreline vegetation consisted of a three to four foot wide belt of emergent species; primarily, bulrush, spike rush, torpedo grass, Carolina willow, and pond apple.

### **Fish and Wildlife Issues**

The surface waters where work is proposed provide habitat for aquatic or wetland-dependent species including the occasional wading bird, wood stork and manatee. No aquatic or wetland-dependent listed species or species having special protection were observed to be using the uplands within the Project area for nesting or denning. Please refer to permit file for wildlife studies conducted in 2008.

The Project area and adjoining properties have suitable habitat for the Florida panther and are included in the Florida Panther Focus Area and Secondary Dispersal Zone. Correspondence from the United States Fish and Wildlife Service (FWS) dated September 11, 2011, stated that reported telemetry data has recorded locations of radio-collared panthers within five miles of the Project. The activity of uncollared panthers is unknown. The Project area also has suitable habitat for caracara, but no nests were observed during the 2008 study. The FWS recommended the applicant develop an approved Habitat Conservation Plan showing the incidental take of any federally listed species meets all of the qualifying criteria.

Correspondence from the Florida Fish and Wildlife Conservation Commission (FWC) dated November 3, 2011, stated that between the dates of January 1974 and January 2011, seven manatees died from watercraft-related causes within a five-mile radius of the Project area. The report also stated that two tagged animals had been documented as frequenting this same territory. As a result of these factors, the FWC recommended the standard manatee construction conditions be implemented and permanent manatee signs be installed. Additionally, the applicant will install and maintain appropriate grating over the end of the proposed discharge pipe. Special

conditions are included to address these recommendations. The Project site is in a county that does not have a State-approved Manatee Protection Plan.

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.

### **Sovereignty Submerged Lands**

According to a title determination issued by the Florida Department of Environmental Protection (DEP), Division of State Lands in September 2007, the submerged bottom beneath the portion of the project in the Caloosahatchee River is sovereignty submerged lands subject to state ownership.

The permittee requested the authorization and execution of a commercial lease containing 2,967 square feet (0.07 acre), more or less, of preempted area for the construction of a 331 square foot temporary tie-up, aluminum, floating, dock and severance of 583 cubic yards of bottom material to deepen the boat launch/retrieval basin. All of the work on sovereign lands is associated with in/out lift service for a 253-slip dry storage facility.

Pursuant to Subsection 18-21.0051(2), F.A.C., a standard lease authorization was processed by the District in conjunction with the ERP application through a Delegation of Authority (DOA). Please refer to Exhibit 3 for the DOA package which contains relevant documentation associated with sovereignty submerged lands standards. The final documents required to execute the commercial lease will be sent to the permittee by the DEP's Division of State Lands for execution. Upon satisfactory execution of those documents, including payment of required fees and compliance with any conditions herein, the final document will be issued by DEP.

No dredging of the boat basin or construction of the tie-up dock described by this permit may commence until a sovereignty submerged lands lease has been issued by DEP.

## **Related Concerns:**

### **Water Use Permit Status**

The applicant has indicated that water for irrigation is not required for this project.

The applicant has indicated that dewatering is required for construction of this project. Water Use Permit No. 22-00495-W, Application No. 110725-14 expired on January 27, 2019.

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 from the Florida Department of State, Division of Historical Resources indicating that no significant archaeological or historical resources are recorded in the project area and the project is therefore unlikely to have an effect upon any such properties.

This permit does not release the permittee from complying with any other agencies requirements in the event that historical and/or archaeological resources are found on the site.

### **Third Party Interest**

Correspondence from staff representing the United States Army Corps of Engineers (USACE) Real Estate Division - Jacksonville, advised the District on 8/5/11 a portion of the proposed work is within the Federal right-of-way (ROW) easement and that the applicant will need to request an application for a Section 403 and 408 permit from the Corps Regulatory Division. Additionally, a consent to easement from the Real Estate Division, is required for construction of any works occurring on the Federal ROW. The 403/408 permit applications are further coordinated with the Corp's Operations Division for review and approval prior to granting a consent to easement.

The applicant has a Consent to Easement (DACW17-9-08-0017) dated December 11, 2007, that addresses the removal of the spoil bank within the Federal ROW easement. This Consent does not authorize any construction within the easement. No upland or in-water work is authorized for the Hull Boat Storage project, including demucking, until documentation is provided to the District that all necessary USACE right-of-way occupancy permits have been obtained (Special Condition No. 15).

### **CERP**

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

### **DEO/CZM Consistency Review**

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

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

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 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 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.

**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 James D. Hull. 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. Discharge Facilities: 1-3" dia. CIRCULAR ORIFICE with invert at elev. 12' NGVD 29. 1-37" W X 24" L drop inlet with crest at elev. 15.98' NGVD 29. Receiving body : Caloosahatchee River Control elev : 12 feet NGVD 29.
4. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
5. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
6. 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 Okeechobee Service Center at (863) 462-5260 or via e-mail at: [precon@sfwmd.gov](mailto:precon@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. Minimum building floor elevation: 17' NGVD 29.
8. Minimum road crown elevation: 15.33' NGVD 29.
9. Minimum parking lot elevation: 15.33' NGVD 29.
10. All commercial/industrial parcels shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master stormwater management system.
11. No construction associated with the proposed new temporary tie-up dock and launch/retrieval facilities described by this permit may commence until a sovereign submerged lands lease has been issued by the Florida Department of Environmental Protection.

12. The permittee shall comply with the following conditions intended to protect manatees and marine turtles from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of marine turtles, manatees and manatee speed zones, and the need to avoid collisions with and injuries 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 and marine turtles cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee and marine turtle 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 marine turtles and manatee(s). All in-water operations, including vessels, must be shutdown if a marine turtle or manatee(s) comes within 50 feet of the operation. Activities will not resume until the animal(s) have moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the animal(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 marine turtle or manatee shall be reported immediately to the 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](mailto: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. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads Caution: Manatee Area 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](http://MyFWC.com/manatee). Questions concerning these signs can be sent to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

13. Prior to certification of construction completion, permanent manatee educational signs must be installed by the permittee. No later than 60 days after construction commencement, permanent manatee educational signs must be installed by the permittee. In the event the signs fade, become damaged or outdated, they must be replaced and maintained for the life of the facility. The on-site locations and types of signs must be acceptable to the Florida Fish and Wildlife Conservation Commission, which should be contacted at [ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com). The types of signs, sign vendors, and the process for FWC approval can be found at: <http://www.myfwc.com/wildlifehabitats/managed/manatee/signs/>.

14. Manatee exclusion devices (such as grating or valves) shall be installed and maintained over any existing or proposed pipes or culverts greater than 8 inches, but smaller than 8 feet in diameter that are submerged or partially submerged and reasonably accessible to manatees, in accordance with Exhibit No. 2.1. If horizontal or vertical bars are used, no more than 8 inch

gaps on center shall be allowed. Grates or valves shall be in place at the accessible end(s) during all phases of the construction process and as a final design element to restrict manatee access.

15. No upland or in-water work is authorized for the Hull Boat Storage project, including demucking, until documentation is provided to the District that all necessary U.S. Army Corps of Engineers (ACOE) right-of-way occupancy permits have been obtained.
16. This permit does not eliminate the need to obtain any and all necessary easements and rights of way prior to the start of any activity approved herein. This permit does not convey to the permittee, or create for 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..
17. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to: [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).
18. The following are exhibits to this permit. Exhibits noted as incorporated by reference are available on the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) under Application No. 22-00495-P. Exhibit No. 1 Location Map Exhibit No. 2.1 Development Plans, Pages 1 - 15 Exhibit No. 2.2 Drainage Report, Pages 1 - 25, Incorporated By Reference. Exhibit No. 2.3 Pollutant Loading Calculations, Pages 1 - 4, Incorporated By Reference. Exhibit No. 2.4 Urban Stormwater Management Program and Stormwater Pollution Prevention Plan, Pages 1 - 14, Incorporated By Reference. Exhibit No. 3 State Lands Delegation of Authority Package, Pages 1-35

## Project Work Schedule for Permit No. 22-00495-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
SC 4	01/27/2017	Construction Commencement Notice (070720-1)	02/26/2017	
SC 6	01/27/2017	Certification (070720-1)	01/27/2018	
SC 6	03/04/2022	Pre-Construction Meeting	Prior to Construction	

GC = General Condition

SC = Special Condition

## **Distribution List**

Audubon of Florida

Div of Recreation and Park - District 5

US Army Corps of Engineers - Permit Section

Glades County Engineer

## 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 220131-32900 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 3.0 DOA SSL Lease](#)

## **NOTICE OF RIGHTS**

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

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

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

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

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

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

### **FILING INSTRUCTIONS**

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

Additional filing instructions are as follows:

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

### **INITIATION OF ADMINISTRATIVE HEARING**

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

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

### **MEDIATION**

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

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

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