

PERMITS



St. Johns River

Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500
On the internet at www.sjrwmd.com.

August 17, 2018

Jason Nunemaker
City of Fellsmere
22 S Orange St
Fellsmere, FL 32948-6700

SUBJECT: Permit Number: 154439-1
Project Name: City of Fellsmere - South Regional Lake

Dear Mr. Nunemaker:

Enclosed is your individual permit issued by the St. Johns River Water Management District on August 17, 2018. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at www.sjrwmd.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Noticing Your Permit:

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at www.sjrwmd.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at www.sjrwmd.com/permitting under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need copies of the appropriate forms, please contact the Bureau of Regulatory Support at (386) 329-4570.

GOVERNING BOARD

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Transferring Your Permit:

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.sjrwmd.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.

Sincerely,

Michelle Reiber

Michelle Reiber, Bureau Chief
Regulatory Services
St. Johns River Water Management District
525 Community College Parkway, S.E.
Palm Bay, FL 32909
(321) 409-2129

Enclosures: Permit

cc: District Permit File

Environmental Consultant: Eric Muldowney
E-Reg Consulting, LLC
1915 Cypress Lake Dr
Grant, FL 32949-5332
Registered Professional Consultant: Clinton J Rahjes, P.E.
Carter Associates, Inc.
1708 21st St
Vero Beach, FL 32960-3463

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 154439-1

DATE ISSUED: August 17, 2018

PROJECT NAME: City of Fellsmere - South Regional Lake

A PERMIT AUTHORIZING:

Authorization of a Stormwater Management System for City of Fellsmere - South Regional Lake, a 35.15 - acre project to be constructed and operated as per plans received by the District on August 16, 2018.

LOCATION:

Section(s): 0

Township(s): 30S

Range(s): 36E

Indian River County

Receiving Water Body:

Name	Class
Saint Sebastian River	III Fresh, IW

ISSUED TO:

City of Fellsmere

22 S Orange St

Fellsmere, FL 32948-6700

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated August 17, 2018

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory Services

By:



John Juilianna
Regulatory Coordinator

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 154439-1
City of Fellsmere - South Regional Lake
DATED: August 17, 2018

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 District 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 District 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 District, 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

Operation 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 District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

b. Convey to the permittee or create in the permittee any interest in real property;

c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the District 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 District in writing:

a. Immediately if any previously submitted information is discovered to be inaccurate; and

b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District 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 District 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.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
23. The proposed project must be constructed and operated as per plans and calculations received by the District on August 16, 2018.
24. Prior to the sale of any lot or parcel, or use of the infrastructure for its intended use, whichever comes first, the permittee must erect signs on the landward side of the areas bound by the conservation area (as depicted on Sheet C-1, received by the District on August 16, 2018, that state:

"CONSERVATION AREA: No disturbance to native vegetation or soils. No mowing or dumping."

Notice of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

Notice of Rights

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent to the permittee:

Jason Nunemaker
City of Fellsmere
22 S Orange St
Fellsmere, FL 32948-6700

This 17th day of August 2018.

A handwritten signature in cursive script, appearing to read "M. Daniels".

Margaret Daniels, Office Director
Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Permit Number: 154439-1

NOTICING INFORMATION

Dear Permittee:

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to compliancesupport@sjrwmd.com (preferred method) or send a copy of the original affidavit to:

Margaret Daniels, Office Director
Office of Business and Administrative Services
4049 Reid Street
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director
Office of Business and Administrative Services

NOTICE OF AGENCY ACTION TAKEN BY THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on _____:

(Name and address of applicant) _____
permit# _____. The project is located in _____ County, Section
_____, Township _____ South, Range _____ East. The permit authorizes a surface
water management system on _____ acres for
_____ known as
_____. The receiving water body is _____.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., may be available and choosing mediation does not affect your right to an administrative hearing.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at www.sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit http://www.sjrwmd.com/nor_dec/ to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Director of Business and Administrative Services, 4049 Reid St., Palatka, FL 32177-2529, tele. no. (386)329-4570.

NEWSPAPER ADVERTISING

ALACHUA

The Alachua County Record, Legal Advertising
P. O. Box 806
Gainesville, FL 32602
352-377-2444/ fax 352-338-1986

BRAFORD

Bradford County Telegraph, Legal Advertising
P. O. Drawer A
Starke, FL 32901
904-964-6305/ fax 904-964-8628

CLAY

Clay Today, Legal Advertising
1560 Kinsley Ave., Suite 1
Orange Park, FL 32073
904-264-3200/ fax 904-264-3285

FLAGLER

Flagler Tribune, c/o News Journal
P. O. Box 2831
Daytona Beach, FL 32120-2831
386- 681-2322

LAKE

Daily Commercial, Legal Advertising
P. O. Drawer 490007
Leesburg, FL 34749
352-365-8235/fax 352-365-1951

NASSAU

News-Leader, Legal Advertising
P. O. Box 766
Fernandina Beach, FL 32035
904-261-3696/fax 904-261-3698

ORANGE

Sentinel Communications, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

PUTNAM

Palatka Daily News, Legal Advertising
P. O. Box 777
Palatka, FL 32178
386-312-5200/ fax 386-312-5209

SEMINOLE

Seminole Herald, Legal Advertising
300 North French Avenue
Sanford, FL 32771
407-323-9408

BAKER

Baker County Press, Legal Advertising
P. O. Box 598
MacLenny, FL 32063
904-259-2400/ fax 904-259-6502

BREVARD

Florida Today, Legal Advertising
P. O. Box 419000
Melbourne, FL 32941-9000
321-242-3832/ fax 321-242-6618

DUVAL

Daily Record, Legal Advertising
P. O. Box 1769
Jacksonville, FL 32201
904-356-2466 / fax 904-353-2628

INDIAN RIVER

Vero Beach Press Journal, Legal Advertising
P. O. Box 1268
Vero Beach, FL 32961-1268
772-221-4282/ fax 772-978-2340

MARION

Ocala Star Banner, Legal Advertising
2121 SW 19th Avenue Road
Ocala, FL 34474
352-867-4010/fax 352-867-4126

OKEECHOBEE

Okeechobee News, Legal Advertising
P. O. Box 639
Okeechobee, FL 34973-0639
863-763-3134/fax 863-763-5901

OSCEOLA

Little Sentinel, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

ST. JOHNS

St. Augustine Record, Legal Advertising
P. O. Box 1630
St. Augustine, FL 32085
904-819-3436

VOLUSIA

News Journal Corporation, Legal Advertising
P. O. Box 2831
Daytona Beach, FL 32120-2831
(386) 681-2322

*Prepared by and return to:
Michael O'Haire
Attorney at Law
O'Haire, Quinn, Casalino, Chartered
3111 Cardinal Drive
Vero Beach FL 32963
(772) 231-6900*

AGREEMENT

This AGREEMENT made by and between Fellsmere Water Control District, a water control district existing under Chapter 298 of the Florida Statutes ("WCD") and the City of Fellsmere, a municipal corporation created pursuant to the laws of the State of Florida ("City") for issuance of Permit No. 191-18 (copy of Application for Utilities and Connection to District of Use of Facilities attached hereto as Exhibit "1") for the construction of a South Regional Lake ("Lake") adjacent to and immediately south of Ditch #18 right of way together with additional structures to be constructed within District #18 right of way, all for the purpose of receiving, storing and treating of stormwater.

WCD hereby permits construction of Lake which will impact streets, rights of way and property located within City, as shown on attached sketch of location marked as Exhibit "3", all on the Conditions, and subject to construction or realization of assumptions, set forth in the Permit attached hereto as Exhibit "1" and the Maintenance Plan attached hereto as Exhibit "2". Future maintenance according to WCD's standards and conditions of any structures constructed by City in, or connected to, WCD's drainage system by City or third parties shall be at City's sole expense or the expense of such third parties as the case may be.

Any failure on the part of City or any third party connecting to the WCD system for stormwater drainage to meet permit requirements or conditions or to maintain structures allowed to connect to the WCD system within 15 days' notice from WCD of required compliance or maintenance shall automatically terminate the permit attached hereto and the resulting restoration of such WCD system caused by or related to failure to comply or maintain shall be done by WCD and charged to City.

IN WITNESS WHEREOF, the WCD and City have executed this Agreement on this _____ day of _____, 2018.

Signed, sealed and delivered
in the presence of:

Print Name: _____

Fellsmere Water Control District, a
water control district existing under
Chapter 298 of Florida Statutes

Print Name: _____

By: _____
Richard Carnell, President
Board of Supervisors

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by Richard Carnell, as President of the Board of Supervisors of Fellsmere Water Control District, a water control district existing under Chapter 298 of the Florida Statutes, who is personally known to me or who has produced _____ as identification.

SEAL

Notary Public, State of Florida
Print Name: _____
My Commission Expires: _____
My Commission Number is: _____

Print Name: _____

City of Fellsmere, Florida, a municipal
corporation created pursuant to the laws
of the State of Florida

Print Name: _____

By: _____
Joel Tyson, Mayor

ATTEST:

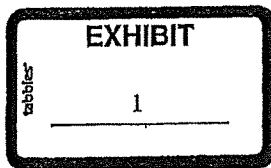
Deborah C. Krages, City Clerk

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by
Joel Tyson, as Mayor of the City of Fellsmere, a municipal corporation created pursuant to the laws of
the State of Florida, who is personally known to me or who has produced
_____ as identification.

SEAL

Notary Public, State of Florida
Print Name: _____
My Commission Expires: _____
My Commission Number is: _____



FELLSMERE WATER CONTROL DISTRICT

P.O. Box 438 / 109 N. Willow Street
Fellsmere, Florida 32948 fwcd@bellsouth.net
772-571-0640, 772-571-0203fax

Application for Utilities and Connection to District or Use of Facilities

DATE: 9/4/2018 Permit # 191-18
APPLICANT INFORMATION: Name: City of Fellsmere
Address: 22 S. Orange St
Authorized Agent and Title: Jason Nunemaker, City Manager
Telephone Number: 772-646-6303

PROPOSED CONNECTION USE OR: (check appropriate box or boxes) NON-Refundable
Culvert connection to District canal for irrigation or drainage. \$100.00
Pump connection to District canal for irrigation or drainage. \$300.00
Culvert and/or control structure in District canal for crossing and/or water storage. \$100.00
UTILITIES: \$100.00 to \$1,000.00
Plus additional Engineering costs
Circle one or more: Electric, Telephone, Gas, Cable, Water, Sewer, Other (specify)

C. LOCATION: TRACT # _____ SECTION _____ TOWNSHIP _____ RANGE _____ CANAL # PL-18
Other appropriate description: See Attached Legal Description
Property I.D. Parcel No. 31370000011193500001.0
Attach drawing to show details (Include acreage to be served)
D. DETAILS OF PROPOSED CONSTRUCTION: (Give diameter and length of culvert diameter and
rated capacity of pump; height and width of riser or other details on
water control structure) See Attached Plan Drawings
E. Special Conditions: (for district use only)

F. Estimated date of Construction: 10 / 2018
Estimated date of Completion: 4 / 2019
G. As the Applicant for permit, I do understand and agree that, the use of, or construction within, the
right-of-way of the Fellsmere Water Control District will be in accordance with the details of the
approved sketch and/or permit conditions shown hereon, supporting this application; and if any changes
are required, same will be cleared with the District. (Conditions on back)

Signed: [Signature] Date: 9/4/18
Applicant
(For District's Use Only)

Application approved by: [Signature] Superintendent FWCD
Application Approved By: [Signature] Carter Associates, District Engineer
Date of Approval: _____ Expiration date of Application _____
Permission when granted will be subject to the standard provisions set forth on the reverse hereon.
Application subject to all other permitting agencies approval.

1. I accept full responsibility for any erosion to or shoaling in the District's canal or levee due to my work and I shall remove or repair same promptly and at no expense to the District; and I will prevent the discharge of any hyacinth or aquatic growth into the District's canal through my connection.
2. I will neither plant trees or shrubs nor erect any structure that will prohibit or limit the existing access of District equipment or vehicles without securing proper authorization thereof.
3. It is further understood and agreed that any other requirement of the District are binding upon me the application, and I do hereby indicate acceptance of this notice thereof.
4. It is further understood and agreed that the lands to be benefited by this request are, or may be subject to flooding during periods of high water due to heavy rains or other acts of God, and that the permit will be accepted subject to this possibility which is recognized not to be within the control of the District.

STANDARD PROVISIONS

1. Permittee assumes full responsibility for any construction, operation or maintenance of District property or right-of-way subject to this permit and shall save and hold harmless District from any expense, loss, damage or claim in regard thereto, and the District assumes and shall have no liability in connection therewith.
2. This permit may not be assigned or sub-letted to a third party and any transfer of Permittee's property abutting District's property of right of way shall insofacto and without move, cancel, nullify and revoke this permit.
3. This permit is subject always to the paramount right of the District to keep and maintain its drainage district functions and operations, and is subject to revocation and cancellation upon thirty day's notice from District to Permittee.
4. In no event shall the District be liable for any Damages done or caused by the District to the public, to Permittee or any other person using the right-of-way or property subject to this permit, and permittee shall save the District, its officers, agents, supervisors and employees harmless from any costs, charge or expense of claim or demand of any person against the District arising from or pertaining to any use made of the property of right-of-way subject to this permit. Permittee shall, at any time upon request of District, provide to District evidence, satisfactory to District, of liability insurance coverage, in amounts and with companies as may be required by District, protecting the interests of District and naming District as an additional insured.
5. The District may, on thirty days, written notice to permittee, require removal and/or alteration of any installation or construction on District right-of-way.
6. Any construction on District right-of-way or property and clean up shall be completed promptly by permittee and in a workmanlike manner with minimum disturbance to existing berm, channel slopes and grade with proper restoration and planting of any disturbed areas to prevent erosion within ten days after completion of construction of installation.
7. Permittee shall advise District's office prior to commencement and upon completion of all construction (772-571-0640).
8. Permittee shall not discharge any pollutants, contaminants or deleterious materials into waters or structures owned or maintained by, or subject to the jurisdiction of district, nor permit anything to obstruct the flow of water, and shall save and hold district harmless from any expense, loss or damage to District or others by any such discharge or obstruction remedying or removing the same immediately upon request of District.
9. Permittee, as a condition to the continuance of this permit, shall reimburse district immediately upon demand, for any testing or other cost or expenses to District associated with or arising from Permittee's use of District facilities.
10. Applicant is cautioned that electrical, water and sewer, or other installations or utilities may be located within the construction area, and applicant shall use diligent efforts to first detect and locate all such installations and shall coordinate construction with all other lawful users of said right-of-way. Applicant shall be liable for all damages proximately resulting from its interference with or interruption of service provided by other lawful right-of-way users.
11. This permit shall be considered to be a license only, for the limited purpose of installation, placement and maintenance of the improvements specified on the face hereof, and does not convey any other right, title or interest of the District in the subject right-of-way property.
12. An as-built/location certification of all culverts/structure installation within the District's canals right-of-way shall be performed by a Florida Registered Professional Surveyor and Mapper on form provided by the District, and submitted to the District with thirty (30) days following completion of installation. If an as-built certification is not received within thirty days of installation, the District will either have certification completed at owner/applicants expense or order removal of the installation.

If an as-built certification is not received within thirty days of installation, the District will either have certification completed at owner/applicant expense or order removal of the installation.

Updated Fellsmere Water Control District Permitting Policies

1. For all new development/projects (exempting single family residences), a stormwater discharge limitation of 2 inches/24 hours for a 25 year-24hour storm event shall be provided. The limitation applies to the first 72 hours during and after a 24 hour storm event. The analysis shall include the receiving water boundary condition as determined by the Fellsmere Water Control District East Master Drainage Plan and stormwater Hydrologic Analysis of the gravity drainage system prepared by Carter Associates Inc, dated December 2003 (or latest version). This information will be provided through FWCD by District's engineer upon request on a site specific basis.
2. Indian River County and the City of Fellsmere shall be granted an exemption from the 2" discharge limitation for the paving of existing roads or the expansion of existing roads. In the future, any new road right of ways created by lands subdivided by plat shall be required to comply with the 2" discharge limitation.

Any development project which is designed to provide stormwater management facilities for a public road, which existed prior to the development, may combine the discharges from the development and the road in a single system. The public right of way area will be allowed 4"/day and the development area will be allowed 2"/day.

3. UTILITY CROSSINGS

- a. Aerial crossing a minimum of 45 feet clearance shall be maintained between canal maintenance berm surface and the lowest electrical conductor. All other Non-electrical conductors) aerial crossings shall maintain a minimum of 38' clearance above the maintenance berm.
- b. Underground Utilities shall be by directional bore method and so installed with a minimum of five (5) feet clearance as measured from the top of the utility conduit to the design bottom elevations of each sub-lateral canal, and eight (8) feet clearance as measured from the top of the utility conduit to the design bottom elevation of the laterals and Main Canal.
4. All new culvert installations and/or replacement culverts within (roadway/driveway crossings) or drainage system requires permit from the District. The installation of such culverts shall be in accordance with the replacements and conditions of the permit (i.e. size, grade and treatments grading, Compaction and stabilization) to maintain compliance with the District's policies to keep and maintain the existing capacity and function of the District's facilities. The end (outfall) section of all drainage discharge pipes into the canal system shall be a corrugated metal pipe extending through the bank of the District's canal to the toe of the slope of said canal to minimize erosion of the canal bank.
No flap gates or back flow preventers are permitted on outfall discharge pipe or structures. An as built/location certification of all culvert/structure installations within the District's canals/right-of-way shall be performed by a Florida Registered Professional Surveyor or Mapper on form provided by the District, and submitted to the District within thirty(30) days following completion of installation. If as-built certification is not received within thirty(30) day of installation, the District will either have certification completed at owner's/ applicant's expense or order removal of the installation.
5. The design, layout and construction of new projects along (abutting) and adjacent to any existing District sub-lateral canal shall provide a minimum clear maintenance berm width of twenty-five(25) feet, along the side of the sub-lateral canal containing the historical maintenance berm, as measured landward from the adjacent top of the said canal.
6. On projects requiring professional review for approval by the Board of Supervisors of the Fellsmere Water Control District (FWCD) a \$1,000.00 deposit is required on submission whether or not an application is made for construction. Any amount of the project review deposit not expended for professional services on the District's behalf in the review process will be refunded, following review to the party submitting any excess expended for professional services in review over \$1,000.00 will be payable by the permittee making a submission requiring professional review.
7. Flood Plain Storage must be maintained cut and fill calculations demonstrating that compensating storage volume is being created to offset any proposed fill in the flood plain shall be prepared by an engineer registered and currently licensed to practice Civil Engineering in the State of Florida calculations shall be in accordance with Indian River County Stormwater Management Flood protection ordinance. (ref. Chapter 930.07) the FEMA Flood Insurance Rate Maps and a topographic survey (based on 1929 NGVD) of the subject site, prepared by a surveyor registered and currently licensed to practice surveying in the State of Florida, shall be used to establish the basis for the calculations. The FWCD may allow the use of the 100 year storm event results as they are developed utilizing the Stormwater study noted in Item no. 1 above.

Instructions and Regulations Governing Applications for Utility Construction Permits

1. **Permit Required;**
No utility shall be constructed across, under, along over or within a canal or right-of-way over which the Fellsmere Water Control District (FWCD) has jurisdiction unless valid applications for construction permit has been approved by the District.
If this is in reference to a lease please see the Permit Manual.
2. **Inspection;**
Any utility installed under a valid construction permit shall be subject to inspection by the District to assure compliance with the construction permit before the permit to use the utility will be granted.
3. **Construction Criteria;**
The following criteria shall govern the installation of utilities within the District jurisdiction.
4. **Aerial Crossing**
Electrical crossing, minimum elevation 45' above maintenance berm on canal bank.
All others; minimum elevation 38' above maintenance berm on canal bank.
5. **Underground Crossing ;**
Underground crossing shall be constructed to a depth which shall provide a minimum cover over the utility of five (5) feet as measured from the top of the utility to the design bottom elevation of the canal. Criteria in determining the design bottom elevation of the affected canal may be secured from the District.
A scaled drawing showing the existing cross-section of the canal and right of way at the location of the proposed crossing shall be submitted with the application for construction permit. After installation, all underground crossings shall be marked by the applicant/permittee by placing permanent above-ground markers or signs over the line at each canal right-of-way line. The markers must identify the type of utility buried and must be clearly visible.
6. **Utilities Paralleling Canal or right-of-way;**
Any buried utility which generally parallels either the canal or the right-of-way must be installed in a manner that will not limit the District's use of the right-of-way. Specific requirements controlling the installation will be determined by examination of the proposal in the light of District needs and any existing authorized use in the area. The minimum acceptable cover over a buried utility shall be 30 inches.

Aerial lines generally paralleling the canal or the right-of-way shall be installed in a manner to insure a minimum vertical clearance under the lowest wire which will be consistent with accepted safety practices and will recognize existing facilities and uses. Standards and criteria for these aerial lines shall be determined independently for each application by the District in consultation with the applicant.

Permits issued by the District for facilities installed under this category shall require the applicant/permittee to relocate or modify its facility as the District may require to accommodate improvements or modifications to its water control system.

Please note:

If you think that you have tripped any of the criteria below please contact the following agencies.

Department of Environmental Protection
Lisa Prather Environmental Specialist
Central District 3319 Maguire Blvd
Suite 232
Orlando, Florida 32903-3767
407-893-7863
Fax 407 893-3075

SJRWMD
Janice V. Unger Director
525 Community College Parkway SW
Palm Bay, FL 32909
(321)676-6600
Fax (321)722-5357

Florida Administrative Code
40C-42.022 Permits Required

- 1) A permit is required under this chapter for construction (including operation and maintenance) of a stormwater management system which serves a project that exceeds any of the following thresholds:
 - a. Construction of 4,000 square feet or more of impervious or semi-impervious surface area subject to vehicular traffic, such as roads, parking lots, driveways and loading zones.
 - b. Construction of more than 9,000 square feet total of impervious surface or,
 - c. Construction of 5 acres or more of recreational area. Recreation areas include but are not limited to golf courses, tennis courts, putting greens, driving ranges, or ball fields.
- 2) A permit is required under this chapter for alteration, removal, reconstruction, or abandonment of existing stormwater management systems which serve a project which maybe expected to result in any of the following.
 - a. Increase pollutant loading(including sediment) in stormwater, runoff from the project
 - b. Increase in peak discharge rate
 - c. Decrease in onsite or in stream detention storage
 - d. Replacement of roadside swales with curb and gutter
 - e. Construction of 4,000 square feet or more of impervious or semi-impervious surface area subject to vehicular traffic, such as roads, parking lots, driveways, and loading zones.
 - f. Construction of more than 9,000 square feet total of impervious surface or
 - g. Construction of 5 acres or more of recreational area. Recreation areas include but are not limited to golf courses, tennis courts, putting greens, driving ranges, or ball fields.
- 3) These thresholds include all cumulative activities which occur on or after September 25, 1991.
- 4) For purpose of this section, the calculation of the amount of impervious surface shall not include water bodies.
- 5) Permits issued by the District for systems which no longer require a permit pursuant to subsection (1) or (2) above may either be abandoned, or relinquished by the permittee subject to the following.
 - a. Local Governments may have concurrent jurisdiction with the District over a stormwater system. The permittee is not relieved by this rule of the responsibility to comply with any other applicable rules or ordinances which may govern such systems.
 - b. The permittee provides reasonable assurance that there will not be a violation of state water quality standards as set forth in Chapters 62-302 and 62-550, FAC;
 - c. The permittee must apply to the District for and receive written authorization from the District prior to abandonment of the system.

Please note: the names on this list are not in any order and are for your convenience only. The District does not recommend one over the other. The contractors are not vetted for insurance or license. This is the responsibility of the individual landowner.

Culvert Providers

Cameron Brothers (321)723-2946 Palm Bay
Con Tec (772)464-4400 (800) 881-1100 Ft. Pierce

Contractors

Double R LLC,
Mike Ruehman (772)713-2427

J.G. Trucking Inc., (772)-473-0239

R & R Land Clearing (321)-508-2591

Two Directions Cattle & Tractor Service (772)480-2893

Tommy Hinkle (772) 473-8880

LEGAL DESCRIPTION

**FWCD Permit #191-18
South Regional Lake Maintenance Agreement
10/23/2018**

Access and Maintenance Easement

Legal Description of Entire Site (from Deed provided by the City of Fellsmere)

Parcel 1:

Lots 1 through 16, Tract 1935; Lots 1 through 5 and Lots 9 through 16, Tract 1936; Lots 3 through 16, Tract 1937; Lots 3 through 13, Tract 1938; Lots 1 through 16, Tract 1956, HOMEWOOD according to the Plat thereof as recorded in Plat Book 2, Page(s) 15, of the Public Records of St. Lucie County, Florida; said land now lying and being in Indian River County, Florida.

Parcel 2:

That part of abandoned road Right-of-Way abutting Parcel 1 lands pursuant to Resolution No. 94-79 recorded in Official Records Book 1025, page 2002, Public Records of Indian River County, Florida, LESS AND EXCEPT the 40 foot strip of land abutting Lots 6 and 7, Tract 1936 and Lots 10 and 11, Tract 1937.

For identification purposes only, property address:

xxx Pine, Willow & 87th Streets
Fellsmere, FL 32948

Subject to all easements, reservations, covenants and restrictions of record.

**SPECIAL CONDITIONS
FOR
FELLSMERE WATER CONTROL DISTRICT
PERMIT NO. 191-18
PROJECT: CITY OF FELLSMERE – SOUTH REGIONAL LAKE
October 23, 2018**

- (1) This permit is issued based on the plans dated 10/5/2018 and calculations dated 10/1/2018, both signed and sealed by Clint Rahjes, P.E. on 10/5/2018 and 10/1/2018 respectively.
- (2) This project is a retrofit stormwater management enhancement to the FWCD drainage system and will improve water quality and will provide additional flood attenuation storage during major storm events.
- (3) This FWCD permit approval is for the construction of the South Regional Lake as a phased project if necessary due to funding. During the Phase 1 construction the following components must be completed,
 - a. The Diversion Structure
 - b. The inlet pipe
 - c. The Bypass Control Structure
 - d. The temporary open cut flow way connection between Lake #1 and Lake #5
 - e. The Lake #5 Outfall Control Structure
 - f. The Ditch 18 road crossing culvert just west of Broadway
- (4) The City of Fellsmere will be required to maintain the Diversion Structure, as well as the other drainage improvements noted in #3 above. FWCD reserves the right to maintain the lake system if the City does not complete the work or in case of emergency. A Maintenance Plan for this project prepared by City is attached hereto as Exhibit "2".
- (5) The applicant's engineer shall schedule a pre-construction meeting with the Contractor and the FWCD representatives prior to starting work.
- (6) Provide signed and sealed as-built plans prepared by a Florida registered surveyor within 30 days of the completion of the project.

EXHIBIT 2
MAINTENANCE PLAN FOR THE SOUTH REGIONAL LAKE
10/23/2018

The City of Fellsmere shall be responsible for the maintenance of all parts of the South Regional Lake as more fully set forth below. The Fellsmere Water Control District (FWCD) reserves the right maintain the lake system if the City does not conduct such maintenance or in the case of an emergency. The City of Fellsmere shall be obligated to reimburse the FWCD for all costs to maintain the lake should the FWCD have to perform such maintenance.

FWCD Sub-lateral 18 - Diversion Structure

- Maintain weir free of vegetation and debris build up to allow the full flow capacity when the weir is over topped in large storm events
- Maintain the slope stabilization around the structure to prevent erosion into the Sub-lateral 18
- The structure has a fixed weir with a crest elevation, 19.0 NAVD 1988 and possibly additional removable boards above it to divert the maximum flow from Sub-lateral 18. During large storm events the removable weir shall be removed.
- The backfill over the pipe shall be no higher than elevation 23.0, NAVD 1988 and will be stabilized with rock rip rap. This will allow water to flow over the diversion structure if the water elevations exceed 23.0 in a large event.

Lake Banks

- Maintain grass at a height of less than 12".
- Regrade slopes due to sloughing.

Lake Dredging

- Annually inspect the Chain of Lakes (Lakes 1 through 5) and connecting channels for sediment build-up.
- Dredge lake(s) and/or the connecting channels as needed to maintain free flow from inlet pipe into the lake and through the succeeding lake(s).

Lake Inlet Pipe (48" diameter pipe)

- Monthly inspect inlet pipe for trash or debris build-up and remove as needed.
- Annually inspect inlet pipe for sediment build-up.
- Clean pipe as needed to maintain free from sediment build-up.
- Replace pipe as needed due to structural failure or deterioration.
- Stabilize with rock rip rap the ditch bank slopes at the pipe end located in Sub-lateral 18

Bypass Control Structure and 36" Pipe

- Monthly inspect inlet pipe for trash or debris build-up and remove as needed.
- Annually inspect inlet pipe for sediment build-up.
- Clean pipe as needed to maintain free from sediment build-up.
- Replace pipe as needed due to structural failure or deterioration.

EXHIBIT 2
MAINTENANCE PLAN FOR THE SOUTH REGIONAL LAKE
10/23/2018

Lake Outlet Control Structure

- Monthly inspect outlet control structure for trash or debris build-up and remove as needed.
- Annually inspect outlet control structure for sediment build-up.
- Clean outlet control structure as needed to maintain free from sediment build-up.
- Replace outlet control structure as needed due to structural failure.
- Stabilize with rock rip rap the ditch side slopes at the pipe end located in Sub-lateral 18
- Stabilize with rock rip rap the north ditch side slope

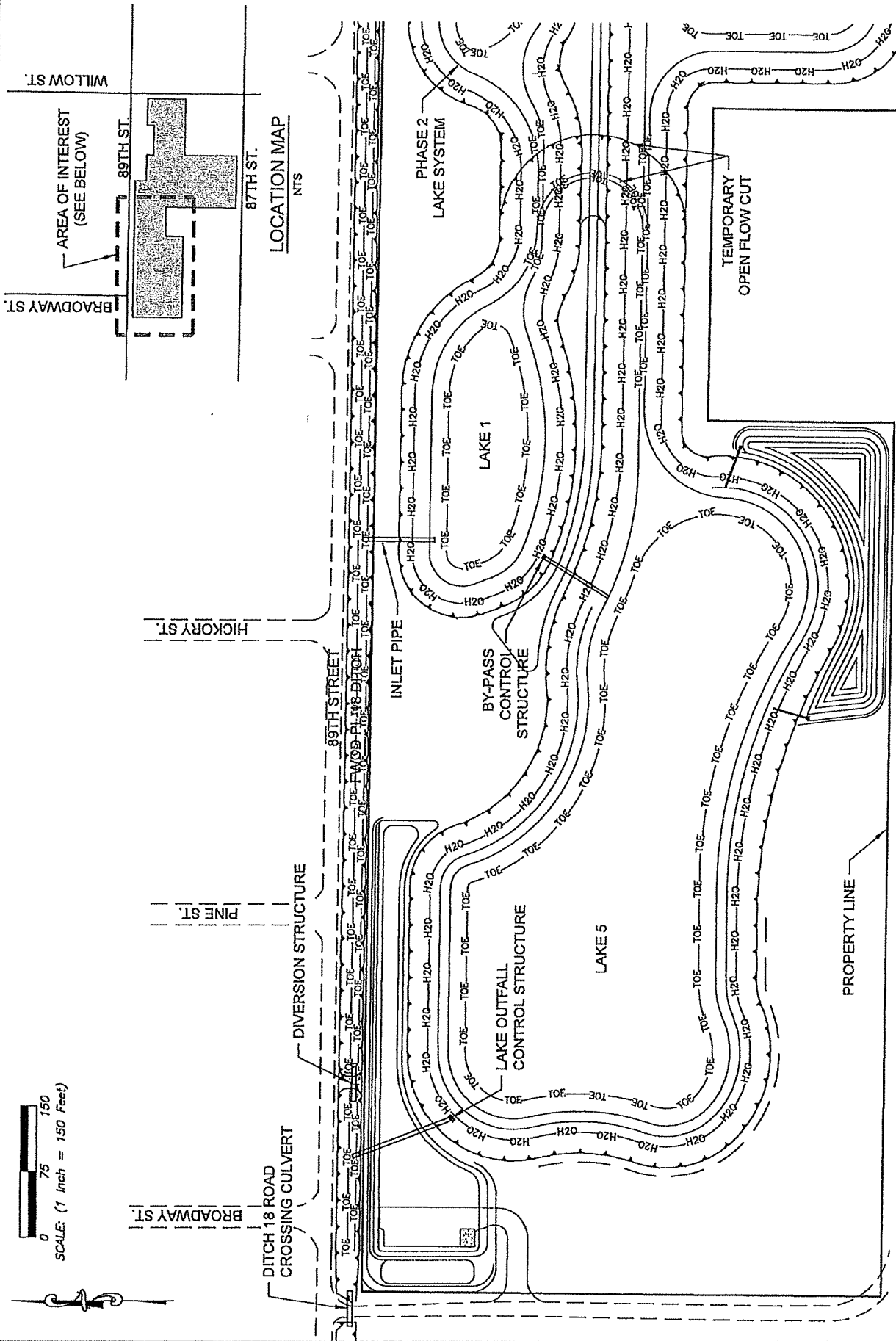
Ditch 18 road crossing culvert just West of Broadway

- Annually inspect culvert for sediment build-up.
- Stabilize with rock rip rap the ditch side slopes at both pipe ends

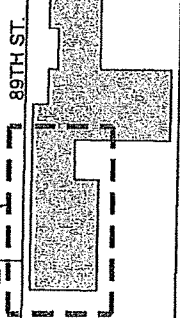
Lake Landscaping

- Maintain City installed landscaping in an aesthetic, weed free manner.
- Replace dead or diseased landscaping.

0 75 150
SCALE: (1 inch = 150 Feet)



AREA OF INTEREST
(SEE BELOW)



LOCATION MAP
NTS

DITCH 18 ROAD
CROSSING CULVERT

DIVERSION STRUCTURE

LAKE 5

LAKE OUTFALL
CONTROL STRUCTURE

BY-PASS
CONTROL
STRUCTURE

LAKE 1

INLET PIPE

PHASE 2
LAKE SYSTEM

TEMPORARY
OPEN FLOW CUT

PROPERTY LINE

89TH STREET

HICKORY ST.

PINE ST.

BROADWAY ST.

87TH ST.

WILLOW ST.

CARTER ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1708 21st STREET, VERO BEACH, FL 32960
TEL: (772) 562-4191 FAX: (772) 562-7180

DATE : October 2018
PROJ. # : 14-87E
DRAWN BY: TNS
APPRO. BY: CTR
PLOT BY : CTR
REF. #

FELLSMERE SOUTH REGIONAL LAKE
CITY OF FELLSMERE
INDIAN RIVER COUNTY, FLORIDA

SHEET
EX-3

EXHIBIT 3

Dwg. #:

DEPARTMENT OF THE ARMY PERMIT

Permittee: City of Fellsmere
Attn: Jason Nunemaker
22 South Orange Street
Fellsmere, Florida 32948

Permit No: SAJ-2018-03039(SP-AWP)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Conversion of ten (10) acres of other waters (manmade borrow pits) and dredge and fill of 0.025 acre of water of the United States (wetlands) for the development of a regional stormwater management pond. The implementation of the regional stormwater pond would remove the Corps' Section 404 of the Clean Water Act jurisdiction from the ten (10) acres of other waters.

Project Location: The project site is located southeast of intersection of 89th Street and South Broadway Street, within Section 30, Township 31 South, Range 37 East, City of Fellsmere, Indian River County, Florida.

Directions to site: From the intersection of State Road 512 and Willow Street proceed south on Willow Street. Turn west onto 89th Street. The entrance to the site is located in the southeast corner of the 89th Street and South Broadway Street intersection.

Approximate Central Coordinates: Latitude 28.7560 North
Longitude 80.3597 West

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **November 28, 2023**. If you find that you need more time to complete the authorized activity, submit your

PERMIT NUMBER: SAJ-2018-03039
PERMITTEE: City of Fellsmere
PAGE 2 of 9

request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to the following address:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Special Projects and Enforcement Branch, P.O. Box 4970, Jacksonville, Florida 32232-0019.

b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB).

PERMIT NUMBER: SAJ-2018-03039
PERMITTEE: City of Fellsmere
PAGE 3 of 9

The Permittee shall reference this permit number, SAJ-2018-03039(SP-AWP), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. Cultural Resources:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33

PERMIT NUMBER: SAJ-2018-03039
PERMITTEE: City of Fellsmere
PAGE 4 of 9

CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

5. Water Quality Certification: You must comply with the special conditions listed in the water quality certification (Water Management District Permit) as a special condition to this permit. For your convenience, a copy of the certification is included as ***Attachment 2.***

6. Eastern Indigo Snake Protection Measures: The Permittee shall comply with U.S. Fish and Wildlife Service (USFWS) "Standard Protection Measures for the Eastern Indigo Snake" (dated August 12, 2013) during project site preparation and construction (***Attachment 3.***)

7. As-Builts: Within 60 days of completion of the authorized work or any specific phased improvement of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (***Attachment 4***) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8 1/2-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-

PERMIT NUMBER: SAJ-2018-03039
PERMITTEE: City of Fellsmere
PAGE 5 of 9

built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre-and post-construction aerial photographs of the project site, if available.

9. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

10. Regulatory Agency Changes: Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Cocoa Regulatory Office.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

PERMIT NUMBER: SAJ-2018-03039
PERMITTEE: City of Fellsmere
PAGE 6 of 9

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order

PERMIT NUMBER: SAJ-2018-03039
PERMITTEE: City of Fellsmere
PAGE 7 of 9

requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

Andrew D. Kelly, Jr.
Colonel, U.S. Army
District Commander

(DATE)

PERMIT NUMBER: SAJ-2018-03039
PERMITTEE: City of Fellsmere
PAGE 8 of 9

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2018-03039(SP-AWP)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2018-03039
PERMITTEE: City of Fellsmere
PAGE 9 of 9

***Attachments to Department of the Army
Permit Number SAJ-2018-03039***

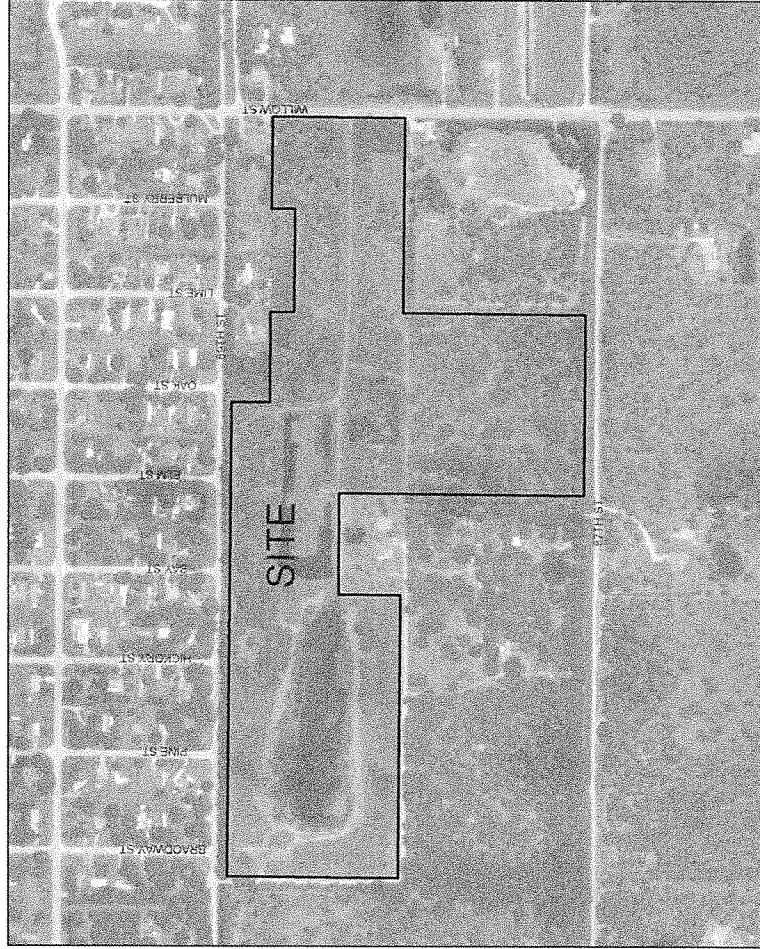
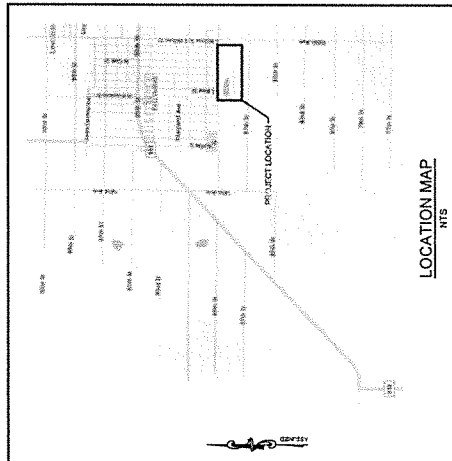
1. PERMIT DRAWINGS: 7 pages
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification File # 154439-1, issued by the St. Johns River Water Management District on August 17, 2018, in accordance with General Condition number 5 on page 2 of this DA permit. 5 Pages.
3. EASTERN INDIGO SNAKE CONDITIONS: 3 Pages
4. AS-BUILT CERTIFICATION FORM: 2 Pages

NAVD 1988

ALL ELEVATIONS DEPICTED HEREON REFERENCE NAVD
1988. THE CONVERSION FACTOR TO NGVD 1929 IS +1.44'

CITY OF FELLSMERE

FELLSMERE SOUTH REGIONAL LAKE



AERIAL IMAGERY
1" = 200'

SHEET INDEX

- | | |
|-----|--------------------------------------|
| C-1 | OVERALL SITE PLAN W/ WETLAND IMPACTS |
| C-2 | NORTHWEST GRADING PLAN AND DETAILS |
| C-3 | NORTHEAST GRADING PLAN |
| C-4 | SOUTHERN GRADING PLAN |
| C-5 | CROSS SECTIONS |
| C-6 | EROSION CONTROL PLAN AND DETAILS |

SAJ-2018-03039(SP-AWP)
November 23, 2018
Attachment 1
Drawing 1 of 7

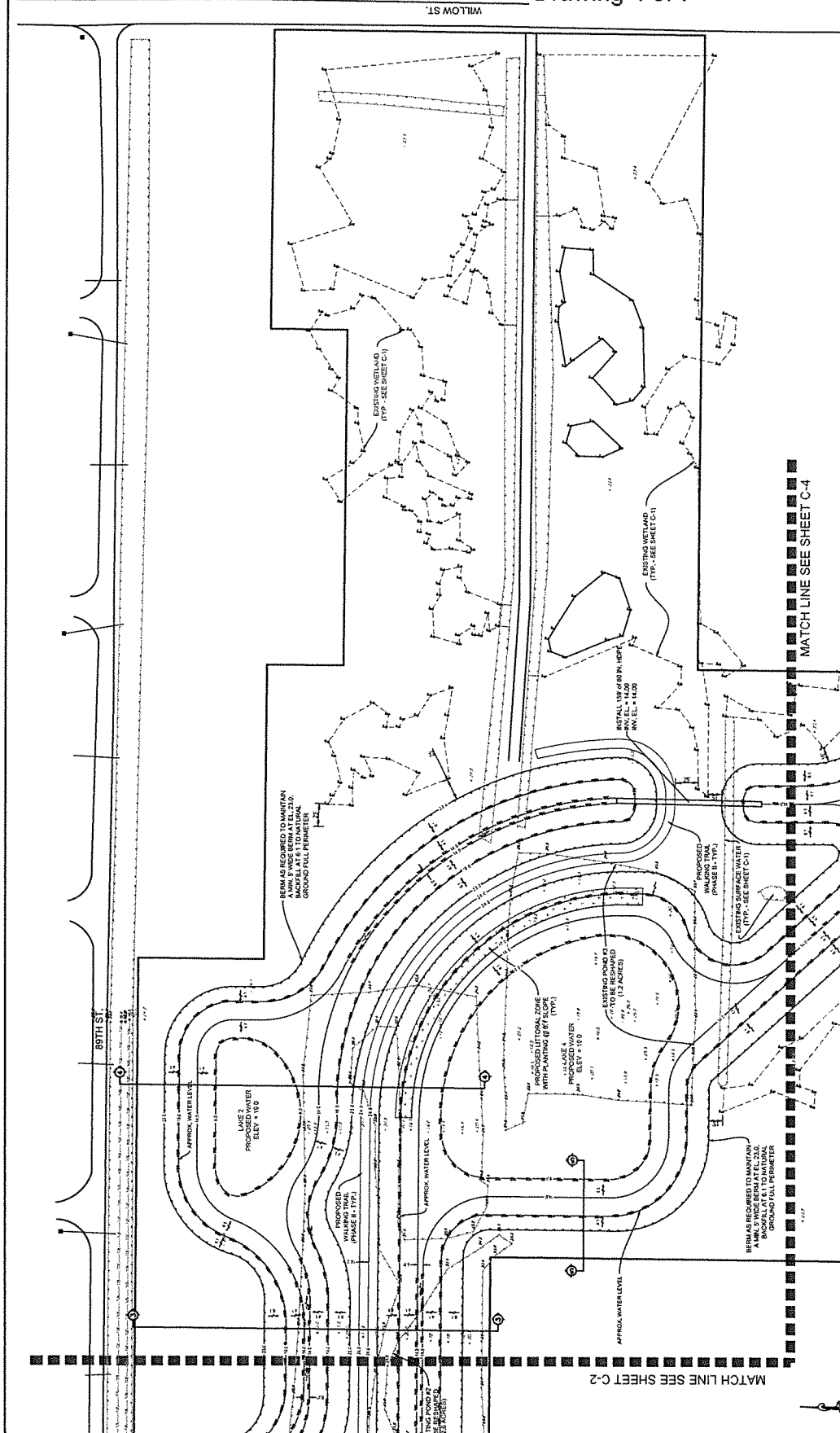
CARLIS ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1700 2181 STREET, VERO BEACH, FL 33478
TEL: 0773-371-1818 FAX: 0773-371-1890

CITY OF FELLSMERE
22 S ORANGE STREET
FELLSMERE, FL 32546

TEL: 0773-371-1818 FAX: 0773-371-1890

CURTIS J. JONES, P.E.
REGISTERED PROFESSIONAL ENGINEER
CARTER ASSOCIATES, INC.
CDA 205 / LE 205
Dwg #
Proj #

SAJ-2018-03039(SP-AWP)
November 23, 2018
Attachment 1
Drawing 4 of 7



NAVD 1988

ALL ELEVATIONS DEPICTED HEREON REFERENCE NAVD 1988. THE CONVERSION FACTOR TO NGVD 1929 IS +1.44'

South Regional Lake

Northeast Grading Plan

SHEET
C-3

DATE: 11/23/18
DRAWN BY: C.R.
APPROVED BY: C.R.
FILE NAME: 1411 E:\Engineering\Projects\SAJ-2018-03039\1411.dwg
C.R.

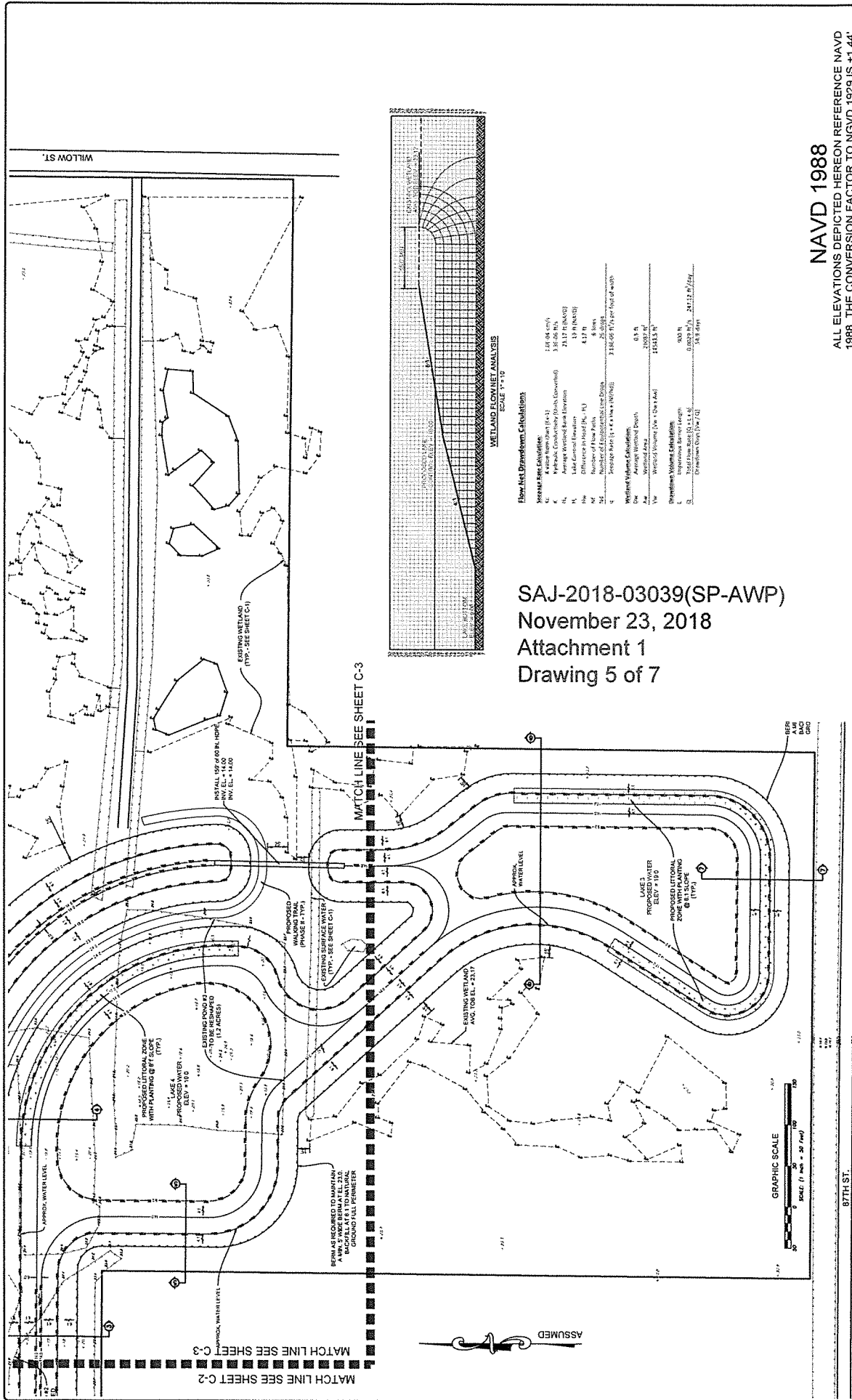
DATE: 11/23/18
DRAWN BY: C.R.
APPROVED BY: C.R.
FILE NAME: 1411 E:\Engineering\Projects\SAJ-2018-03039\1411.dwg
C.R.

CARTER ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1708 21st STREET, VERO BEACH, FL 32960
TEL: (772) 562-1181 FAX: (772) 562-1180
CARTER ASSOCIATES, INC.

City of Fellsmere
22 S. Orange Street
Fellsmere, Florida 32948
TEL: (772) 51-1918 FAX: (772) 544-9205

NO.	REVISION	BY	DATE

GRAPHIC SCALE
0 50 100
SCALE: 1" = 30'



SAJ-2018-03039(SP-AWP)
 November 23, 2018
 Attachment 1
 Drawing 5 of 7

Wetland Flow Net Analysis
 SCALE 1" = 10'

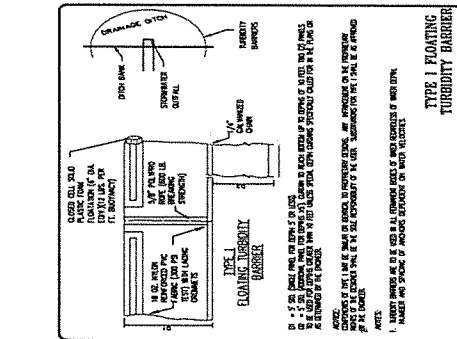
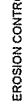
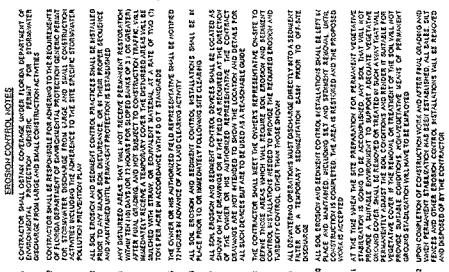
Flow Net Drainage Calculations

1. Area of Flow Net (A _f)	1.00 ac
2. Average Flow Net Velocity (V _{avg})	0.002 ft/s
3. Average Flow Net Discharge (Q _{avg})	0.002 cfs
4. Average Flow Net Discharge (Q _{avg})	0.002 cfs
5. Average Flow Net Discharge (Q _{avg})	0.002 cfs
6. Average Flow Net Discharge (Q _{avg})	0.002 cfs
7. Average Flow Net Discharge (Q _{avg})	0.002 cfs
8. Average Flow Net Discharge (Q _{avg})	0.002 cfs
9. Average Flow Net Discharge (Q _{avg})	0.002 cfs
10. Average Flow Net Discharge (Q _{avg})	0.002 cfs

Wetland Volume Calculations

1. Wetland Volume (V _w)	0.002 cu ft
2. Wetland Volume (V _w)	0.002 cu ft
3. Wetland Volume (V _w)	0.002 cu ft
4. Wetland Volume (V _w)	0.002 cu ft
5. Wetland Volume (V _w)	0.002 cu ft
6. Wetland Volume (V _w)	0.002 cu ft
7. Wetland Volume (V _w)	0.002 cu ft
8. Wetland Volume (V _w)	0.002 cu ft
9. Wetland Volume (V _w)	0.002 cu ft
10. Wetland Volume (V _w)	0.002 cu ft

NAVJ 1988 ALL ELEVATIONS DEPICTED HEREON REFERENCE NAVJ 1988. THE CONVERSION FACTOR TO NGVD 1929 IS +1.44'.		SHEET C-4
South Regional Lake Southern Grading Plan		DATE: 01/03/2019 PROJ. # 14-012 APP'D BY: CTR PLOT BY: J. J. J. J. REF # 14-012
SAJ-2018-03039(SP-AWP) November 23, 2018 Attachment 1 Drawing 5 of 7		SIGNATURE DATE J. J. J. J. 01/03/2019 CO-25 / 13-25
City of Fellsmere 22 S. Orange Street Fellsmere, Florida 32948 TEL: (772) 251-1010 FAX: (772) 251-1010		CARTER ASSOCIATES, INC. CONSULTING ENGINEERS AND LAND SURVEYORS 1708 21st STREET, VERO BEACH, FL 32960 TEL: (772) 562-4191 FAX: (772) 562-7180



ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 154439-1

DATE ISSUED: August 17, 2018

PROJECT NAME: City of Fellsmere - South Regional Lake

A PERMIT AUTHORIZING:

Authorization of a Stormwater Management System for City of Fellsmere - South Regional Lake, a 35.15 - acre project to be constructed and operated as per plans received by the District on August 16, 2018.

LOCATION:

Section(s): 0 Township(s): 30S Range(s): 36E
Indian River County

Receiving Water Body:

Name	Class
Saint Sebastian River	III Fresh, IW

ISSUED TO:

City of Fellsmere
22 S Orange St
Fellsmere, FL 32948-6700

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated August 17, 2018

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory Services

By:



John Juilianna
Regulatory Coordinator

SAJ-2018-03039(SP-AWP)
November 23, 2018
Attachment 2

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 154439-1
City of Fellsmere - South Regional Lake
DATED: August 17, 2018

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 District 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 District 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 District, 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

Operation 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 District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

b. Convey to the permittee or create in the permittee any interest in real property;

c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the District 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 District in writing:

a. Immediately if any previously submitted information is discovered to be inaccurate; and

- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, District 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 District 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.
 19. This permit for construction will expire five years from the date of issuance.
 20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
23. The proposed project must be constructed and operated as per plans and calculations received by the District on August 16, 2018.
24. Prior to the sale of any lot or parcel, or use of the infrastructure for its intended use, whichever comes first, the permittee must erect signs on the landward side of the areas bound by the conservation area (as depicted on Sheet C-1, received by the District on August 16, 2018, that state:

"CONSERVATION AREA: No disturbance to native vegetation or soils. No mowing or dumping."

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE
U.S. Fish and Wildlife Service
August 12, 2013

The eastern indigo snake protection/education plan (Plan) below has been developed by the U.S. Fish and Wildlife Service (USFWS) in Florida for use by applicants and their construction personnel. At least **30 days prior** to any clearing/land alteration activities, the applicant shall notify the appropriate USFWS Field Office via e-mail that the Plan will be implemented as described below (North Florida Field Office: jaxregs@fws.gov; South Florida Field Office: verobeach@fws.gov; Panama City Field Office: panamacity@fws.gov). As long as the signatory of the e-mail certifies compliance with the below Plan (including use of the attached poster and brochure), no further written confirmation or “approval” from the USFWS is needed and the applicant may move forward with the project.

If the applicant decides to use an eastern indigo snake protection/education plan other than the approved Plan below, written confirmation or “approval” from the USFWS that the plan is adequate must be obtained. At least 30 days prior to any clearing/land alteration activities, the applicant shall submit their unique plan for review and approval. The USFWS will respond via e-mail, typically within 30 days of receiving the plan, either concurring that the plan is adequate or requesting additional information. A concurrence e-mail from the appropriate USFWS Field Office will fulfill approval requirements.

The Plan materials should consist of: 1) a combination of posters and pamphlets (see **Poster Information** section below); and 2) verbal educational instructions to construction personnel by supervisory or management personnel before any clearing/land alteration activities are initiated (see **Pre-Construction Activities** and **During Construction Activities** sections below).

POSTER INFORMATION

Posters with the following information shall be placed at strategic locations on the construction site and along any proposed access roads (a final poster for Plan compliance, to be printed on 11” x 17” or larger paper and laminated, is attached):

DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands

and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

PROTECTION UNDER FEDERAL AND STATE LAW: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the live eastern indigo snake sufficient time to move away from the site without interference;
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

Telephone numbers of USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida Field Office – (904) 731-3336
Panama City Field Office – (850) 769-0552
South Florida Field Office – (772) 562-3909

PRE-CONSTRUCTION ACTIVITIES

1. The applicant or designated agent will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. A sample poster is attached.
2. Prior to the onset of construction activities, the applicant/designated agent will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office (a final brochure for Plan compliance, to be printed double-sided on 8.5" x 11" paper and then properly folded, is attached). Photos of eastern indigo snakes may be accessed on USFWS and/or FWC websites.
3. Construction staff will be informed that in the event that an eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification of the appropriate USFWS Field Office. The contact information for the USFWS is provided on the referenced posters and brochures.

DURING CONSTRUCTION ACTIVITIES

1. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
2. If an eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
3. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any eastern indigo snakes are seen.

POST CONSTRUCTION ACTIVITIES

Whether or not eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the appropriate USFWS Field Office within 60 days of project completion. The report can be sent electronically to the appropriate USFWS e-mail address listed on page one of this Plan.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, Florida, 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.

1. Department of the Army Permit Number: SAJ- - (-)

2. Permittee Information:

Name: _____

Address: _____

3. Project Site Identification (physical location/address):

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (*Please type*)

(FL, PR, or VI) Reg. Number

Company Name

City

State

ZIP

(Affix Seal)

Date

Telephone Number

SAJ-2018-03039(SP-AWP)
November 23, 2018
Attachment 4

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):
