

**Southwest Florida Water Management District**

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**PART C**  
**FORMS, FEES and OTHER INFORMATION**

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**ENVIRONMENTAL RESOURCE PERMITTING  
INFORMATION MANUAL**

**MANAGEMENT AND STORAGE OF SURFACE WATERS**

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*August 30, 2009*



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**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**SUMMARY OF ENVIRONMENTAL RESOURCE PERMIT TYPES AND THRESHOLDS**

**CHAPTER 40D-4, F.A.C.**

**INDIVIDUAL PERMIT**  
**Conceptual**

- + Conceptual Mitigation Banks
- + Phased Development

**INDIVIDUAL PERMIT**  
**Construction/O&M**

- + ≥100 ac. Project Area
- + >1 ac. wetlands impacts
- + ≥10 New Boat Slips
- + Wetland Mitigation Banks

**GENERAL AUTHORIZATION**  
**Formal Determination of Site Conditions**

- + Boundary Delineations of Wetlands/Other Surface Waters

**CHAPTER 40D-40, F.A.C.**

**STANDARD GENERAL PERMIT**  
**Construction/O&M**

- + <100 ac. Project area (except highways)
- + ≤1 ac. wetlands impacts
- + <10 New Boat Slips

**STANDARD GENERAL PERMIT for**  
**MINOR SYSTEMS - Construction/O&M**

- + <10 ac. TLA, <2 ac. impervious
- + <100 sf. wetlands dredging or fill, etc.
- + Meet conditions in Rule 40D-40.301

**CHAPTER 40D-400, F.A.C.**

**NOTICED GENERAL PERMIT**  
**Construction/O&M**

- + Specific Activities,  
as Listed in Chapter 40D-400, F.A.C.

August 30, 2009

# TYPICAL ERP APPLICATION FORMS NEEDED BY PERMIT AND PROJECT TYPES

TYPE OF PROJECT ; TYPE OF PERMIT	CONCEPTUAL	CONCEPTUAL MITIGATION BANK	CONSTRUCTION	CONSTRUCTION MINOR SYSTEMS	CONSTRUCTION MINING
INDIVIDUAL (40D-4, F.A.C.)	TYPICAL: For phased projects.  FORMS: (A) Joint Application; and (C) Notice of Receipt; and (E) Not Single Family; and (G) State Lands (as needed).	TYPICAL: For projects planned to be mitigation banks.  FORMS: (A) Joint Application; and (C) Notice of Receipt; and (F) Mitigation Bank; and (G) State Lands (as needed).	TYPICAL: For projects that are $\geq 100$ ac., or require $>1$ ac. wetland impact, or are mitigation banks.  FORMS: (A) Joint Application; and (C) Notice of Receipt; and (E) NOT Single Family; or (F) Mitigation Bank; and (G) State Lands (as needed).	Not Applicable	TYPICAL: For mines that are $\geq 100$ ac.  FORMS: (A) Joint Application; and (C) Notice of Receipt; and (G) State Lands (as needed); and (I) Mining.
FORMAL WETLAND DETERMINATIONS (40D-4, F.A.C.)	TYPICAL: For binding wetland boundary identification.  FORM: Petition for Formal Wetland Determination	Not Applicable	Not Applicable	Not Applicable	Not Applicable.
STANDARD GENERAL (40D-40, F.A.C.)	Not Applicable	Not Applicable	TYPICAL: For projects that are a public roads or $<100$ acre or require $<1$ ac wetland impact or have $<10$ new boat slips.  FORMS: (A) Joint Application; and (C) Notice of Receipt; and (E) NOT Single Family; and (G) State Lands (as needed).	TYPICAL: For projects that are $<10$ ac. & have $<2$ ac. impervious surface & require $<100$ sf wetland impact & meet all other criteria in Rule 40D-40.301.  FORMS: (A) Joint Application; and (C) Notice of Receipt; and (G) State Lands, (as needed); and (H) Minor Systems.	TYPICAL: For mines that are $<100$ ac.  FORMS: (A) Joint Application; and (C) Notice of Receipt; and (G) State Lands (as needed); and (I) Mining.
NOTICED GENERAL (40D-400, F.A.C.)	Not Applicable	Not Applicable	TYPICAL: For projects that meet Rule criteria  FORMS: (A) Joint Application; and (B) Info. for NGPs; and (G) State Lands (as needed).	Not Applicable	Not Applicable

October 11, 2001

## **ENVIRONMENTAL RESOURCE PERMITTING FORMS, FEES AND OTHER INFORMATION**

**INTRODUCTION:** Attached are the joint application and supplemental forms needed for: 1) activities regulated under Part IV of Chapter 373, Florida Statute; 2) activities which require authorization to use state owned submerged lands; or 3) activities which require a federal dredge and fill permit. Pages C-4 and C-5 of this manual list project activities, the type of permit and the ERP application forms usually required.

**PRE-APPLICATION REVIEW:** The regulation process can be assisted if the applicant elects to undergo one or more pre-application review conferences with District staff. Such meetings can help the applicant and the project designers to better understand District rules and regulations, and help District staff understand the project. Certain activities may qualify for an exemption. If an activity qualifies for an exemption, an ERP application is not required, although the use of the application forms may be the most expeditious way for the agencies to make a determination whether the activity qualifies for an exemption.

**PROCESSING AGENCY:** Applications should be submitted to the appropriate processing agency. The Department of Environmental Protection (Department) issues some types of permits, and the Water Management Districts (WMDs) issue others. Pages C-56 through C-64 will help you understand which agency should receive your application.

**DISTRICT AND DEPARTMENT SERVICE OFFICES:** Applications should be made to the appropriate District or Department Service Office serving the area in which the activity is proposed. Locations of District Regulation Service Offices are shown on the inside front cover of this manual, and locations of Department Service Offices are shown on the inside back cover.

If you have any questions, such as: what permit is required, where to submit your application, how the language in any section applies to your activity, what fee to include, please contact the staff of the nearest office of either the District or Department. Remember that the regulation process can be assisted if the applicant elects to undergo pre-application review with the District staff early in the project planning process.

**COPIES AND FEES:** Submit an original set of completed and signed application forms, plus four copies of all forms, and five complete sets of all the requested drawings and other information to the appropriate District or Department service office.

Submit the appropriate permit processing fee with your application. District permit application processing fees are listed beginning on page C-51. Failure to provide the correct processing fee or correct and completed copies of the application can result in processing delays, such as the application being returned or extensive additional information requirements.

**DISTRIBUTION TO THE US ARMY CORPS OF ENGINEERS (ACOE):** When activities are proposed in, on or over wetlands or other surface waters, a copy of the application will be forwarded to the ACOE by the reviewing agency. It is not necessary for the applicant to submit a separate application to the ACOE. The ACOE will advise you of any additional information required to obtain a federal dredge and fill permit.

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION/  
WATER MANAGEMENT DISTRICTS/  
U.S. ARMY CORPS OF ENGINEERS**

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**JOINT APPLICATION FOR  
ENVIRONMENTAL RESOURCE PERMIT/  
AUTHORIZATION TO USE  
STATE OWNED SUBMERGED LANDS/  
FEDERAL DREDGE AND FILL PERMIT**



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## ENVIRONMENTAL RESOURCE PERMIT APPLICATION

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET, BROOKSVILLE, FL 34604-6899  
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

### FOR AGENCY USE ONLY

ACOE Application # _____	DEP/WMD Application # _____
Date Received _____	Date Received _____
Proposed Project Latitude _____ ° _____ ' _____ "	Fee Received \$ _____
Proposed Project Longitude _____ ° _____ ' _____ "	Fee Receipt # _____

### SECTION A

#### PART 1:

Are any of the activities described in this application proposed to occur in, on or over wetlands or other surface waters? ☐ yes ☐ no

Is this application being filed by or on behalf of an entity eligible for a fee reduction? ☐ yes ☐ no

#### PART 2:

##### A. Type of Environmental Resource Permit requested (check at least one)

- ☐ Noticed General - include information requested in Section B.
- ☐ Standard General (single family dwelling) - include information requested in Sections C and D.
- ☐ Standard General (all other projects) - include information requested in Sections C and E.
- ☐ Standard General (minor systems) - include information requested in Sections C and H.
- ☐ Standard General (borrow pits) - include information requested in Sections C and I.
- ☐ Individual (single family dwelling) - include information requested in Sections C and D.
- ☐ Individual (all other projects) - include information requested in Sections C and E.
- ☐ Individual (borrow pits) - include information requested in Sections C and I.
- ☐ Conceptual - include information requested in Sections C and E.
- ☐ Mitigation Bank (construction) - include information requested in Section C and F.  
(If the proposed mitigation bank involves the construction of a surface water management system requiring another permit listed above, check the appropriate box and submit the information requested by the applicable section.)
- ☐ Mitigation Bank (conceptual) - include information requested in Section C and F.

##### B. Type of activity for which you are applying (check at least one)

- ☐ Construction or operation of a new system, including dredging or filling in, on or over wetlands and other surface waters. (If reapplying for an expired, denied or withdrawn permit/application, please provide previous permit # \_\_\_\_\_.)
- ☐ Alteration or operation of an existing system which was not previously permitted by SWFWMD or DEP.
- ☐ Modification of a system previously permitted by SWFWMD or DEP. Provide previous permit # \_\_\_\_\_ and check applicable modification type.
  - ☐ Alteration of a system ☐ Extension of permit duration ☐ Abandonment of a system
  - ☐ Construction of additional phases of a system ☐ Removal of a system

##### C. Are you requesting authorization to use State owned Submerged Lands? ☐ yes ☐ no If yes, include the information requested in Section G.

##### D. For activities in, on or over wetlands or other surface waters, check type of federal dredge and fill permit requested:

- ☐ Individual ☐ Programmatic General ☐ General ☐ Nationwide ☐ Not applicable

##### E. Are you claiming to qualify for an exemption? ☐ yes ☐ no

If yes, provide rule number if known: \_\_\_\_\_.

<b>PART 3:</b> <b>A. Owner(s) of Land</b>	<b>B. Applicant (if other than owner)</b>
NAME	NAME
COMPANY AND TITLE	COMPANY AND TITLE
ADDRESS	ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE (     ) FAX (     )	TELEPHONE (     ) FAX (     )
<b>C. Agent Authorized to Secure Permit (if an agent is used)</b>	<b>D. Consultant (if different from agent)</b>
NAME	NAME
COMPANY AND TITLE	COMPANY AND TITLE
ADDRESS	ADDRESS
CITY, STATE, ZIP	CITY, STATE, ZIP
TELEPHONE (     ) FAX (     )	TELEPHONE (     ) FAX (     )
<b>PART 4: Project Information</b> <b>A.</b> Name of project, including phase if applicable: _____ <b>B.</b> Is this application for part of a multi-phase project? <input type="checkbox"/> yes <input type="checkbox"/> no <b>C.</b> Total applicant-owned area contiguous to the project: _____ acres <b>D.</b> Total project area for which a permit is sought: _____ acres <b>E.</b> Total impervious area for which a permit is sought: _____ acres <b>F.</b> Total area (metric equivalent for federally funded projects) of work in, on or over wetlands or other surface waters: _____ acres or _____ square feet ( _____ hectares or _____ square meters) <b>G.</b> Total number of new boat slips proposed: _____	

**PART 5: Project Location (use additional sheets, if needed)**

County(ies) \_\_\_\_\_  
Section(s) \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Section(s) \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Land Grant name, if applicable \_\_\_\_\_  
Tax Parcel Identification Number \_\_\_\_\_  
Street address, road, or other location \_\_\_\_\_  
City, ZIP Code, if applicable \_\_\_\_\_

**PART 6: Identity of Applicants**

Is the permit applicant one of the following (please check if applicable):

- \_\_\_\_\_ Florida corporation  
\_\_\_\_\_ Florida limited liability company  
\_\_\_\_\_ Florida limited partnership  
\_\_\_\_\_ Florida general partnership  
\_\_\_\_\_ Foreign corporation/partnership  
\_\_\_\_\_ Trust

If so, please include with application documentation of status of applicant to legally operate in the State of Florida (e.g., copy of last corporate annual report submitted to the Florida Department of State).

**PART 7: Describe in General Terms the Proposed Project, System or Activity:**

**PART 8:**

- A.** If there have been any preapplication meetings for the proposed project, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

Date(s)	Location(s)	Names
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- B.** If this project has been previously reviewed through the FDOT Efficient Transportation Decision Making (ETDM) process, provide the ETDM project review number(s) assigned by FDOT:

\_\_\_\_\_  
\_\_\_\_\_

- C.** Please identify by number any MSSW/WRM (dredge & fill)/ERP/ACOE permits or applications pending, issued or denied and any related enforcement actions at the proposed project site.

Agency	Date	Number/	Type	Action Taken
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- D.** Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit and/or authorization to use state owned submerged lands. Please provide the names, addresses and ZIP codes of property owners whose property directly adjoins the project (excluding applicant) and/or is located within a 500 foot radius of the project boundary (for proprietary authorizations, if any). Please provide a drawing identifying each owner and adjoining property lines. (Use additional sheets, if needed).

1. _____	2. _____
_____	_____
_____	_____
_____	_____
3. _____	4. _____
_____	_____
_____	_____
_____	_____
5. _____	6. _____
_____	_____
_____	_____
_____	_____

**PART 9:**

- A.** By signing this application form, I am applying, or I am applying on behalf of the owner or applicant, for the permit and/or proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true complete and accurate. I understand that knowingly making any false statement or representation in the application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001. I understand this is an application and not a permit and work prior to approval is a violation. I understand that this application and any permit or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the owner or applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity.

\_\_\_\_\_  
Typed/Printed Name of Owner, Applicant or Agent Corporate Title, if applicable

\_\_\_\_\_  
Signature of Owner, Applicant or Agent Date

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**B. AN AGENT MAY SIGN ABOVE ONLY IF THE FOLLOWING IS COMPLETED:**

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above.

\_\_\_\_\_  
Typed/Printed Name of Owner, Applicant or Agent Corporate Title, if applicable

\_\_\_\_\_  
Signature of Owner or Applicant Date

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**C. PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:**

I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Southwest Florida Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor authorized work if a permit is granted.

\_\_\_\_\_  
Typed/Printed Name Corporate Title, if applicable

\_\_\_\_\_  
Signature Date

- 
- D.** I certify that the engineering features of this surface water management system have been designed by me or under my responsible charge and in my professional opinion conform with sound engineering principles and all applicable rules and specifications. I further agree that I or my engineering firm will furnish the applicant/ permittee with a set of guidelines and schedules for maintenance and operation of the surface water management system.

By: \_\_\_\_\_  
Signature of Engineer of Record Name (please type) FL P.E. No.


• AFFIX SEAL •

\_\_\_\_\_  
Company Name

Date: \_\_\_\_\_  
Company Address

Phone: (\_\_\_\_) \_\_\_\_\_  
City, State, ZIP

[Blank]

	<p><b>ENVIRONMENTAL RESOURCE PERMIT APPLICATION</b></p> <p>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT          2379 BROAD STREET, BROOKSVILLE, FL 34604-6899          (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
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## SECTION B


### INFORMATION FOR NOTICED GENERAL ENVIRONMENTAL RESOURCE PERMITS

To qualify for a Noticed General Permit (NGP) for specific activities, the project must strictly comply with all of the terms, conditions, requirements, limitations and restrictions applicable to the NGP applied for. You should carefully review the District or Department of Environmental Protection rule sections pertaining to the NGP for which you are applying to ensure that your project meets the requirements of that NGP and provide the information requested below.

- A. Are you applying for an NGP under DEP rule Chapter 62-341.448, F.A.C., "General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, Including the Repair and Replacement of Bridges that are Part of the Roadway"? ☐ yes ☐ no
  
- B. If no, provide the District rule section number of the NGP for which you are \_\_\_\_\_ applying:
  
- C. Indicate the project boundaries on a USGS quadrangle map, reduced or enlarged as necessary to legibly show the entire project. If not shown on the quadrangle map, provide a location map that shows a north arrow, a graphic scale, Section(s), Township(s) and Range(s), and detail sufficient to allow a person unfamiliar with the project site to find it.
  
- D. A legible site plan showing the following features, as applicable:
  - 1) property boundaries and dimensions
  - 2) name and location of any adjoining public streets or roads
  - 3) location, dimensions (and use if not apparent) of all existing structures
  - 4) locations and dimensions of all proposed works
  - 5) label all impervious and pervious areas and indicate their surface area
  - 6) indicate the direction of drainage relative to the proposed improvements
  - 7) permanent and temporary erosion, sedimentation and turbidity controls
  - 8) boundaries of wetlands and other surface waters identifying open water areas
  - 9) boundaries, area and volumes of all temporary and permanent earthwork including pre and post-construction grades
  
- E. Wetland or aquatic habitat descriptions.
  
- F. Construction methods and schedule.
  
- G. Additional information that would show that you qualify for the NGP, addressing all the parameters, thresholds and conditions listed. Errors and omissions will be identified within 30 days by the processing agency.
  
- H. Any calculations and drawings that require certification pursuant to Chapter 471, Florida Statutes, must be signed and sealed by an appropriate professional.

[Blank]



	<p><b>ENVIRONMENTAL RESOURCE PERMIT APPLICATION</b></p> <p>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  2379 BROAD STREET, BROOKSVILLE, FL 34604-6899  (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
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**SECTION C**

**ENVIRONMENTAL RESOURCE PERMIT NOTICE OF RECEIPT OF APPLICATION**

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments. **PLEASE SUBMIT ALL INFORMATION ON 8 1/2" BY 11" PAPER.**


Project Name: \_\_\_\_\_  
County: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_

1. Indicate the project boundaries on a USGS quadrangle map, reduced or enlarged as necessary to legibly show the entire project. If not shown on the quadrangle map, provide a location map that shows a north arrow, a graphic scale, section(s), township(s), and range(s), and detail sufficient to allow a person unfamiliar with the site to find it.
2. Provide the names of all wetland or other surface waters that would be dredged, filled, impounded, diverted, drained or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve:
3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. The depiction must use a scale sufficient to show the location and type of works.
4. Briefly describe the proposed project (such as "construct a deck with boat shelter," "replace two existing culverts," "construct surface water management system to serve 150 acre residential development"):
5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be disturbed, filled, excavated, or otherwise impacted by the proposed activity:
6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters:

<p>FOR AGENCY USE ONLY</p> <p>Application Name: _____</p> <p>Application Number: _____</p> <p>Office where the application can be inspected:</p> <p>_____</p> <p>—</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOTE TO NOTICE RECIPIENT: The information in this notice has been submitted by the applicant and has not been verified by the Southwest Florida Water Management District. It may be subject to change prior to final agency action.

[Blank]

	<p><b>ENVIRONMENTAL RESOURCE PERMIT APPLICATION</b></p> <p>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  2379 BROAD STREET, BROOKSVILLE, FL 34604-6899  (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
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## SECTION D

### INFORMATION FOR STANDARD GENERAL OR INDIVIDUAL ENVIRONMENTAL RESOURCE PERMITS FOR PROJECTS RELATED TO A SINGLE FAMILY DWELLING UNIT

Complete this section only if your project does not qualify for an exemption or noticed general permit. The information requested below is for projects related to an individual, single family dwelling unit, duplex or quadraplex which are not part of a larger common plan of development proposed by the applicant.  
**PLEASE SUBMIT ALL INFORMATION ON 8 1/2 by 11" PAPER.**

#### A. Site Information

1. Directions: provide written directions to the property.
2. Location of work: indicate how the project will be marked on-site. Foreexample: "the center line of the road is flagged," "a string running between stakes identifies the bulkhead location," etc.

#### B. Drawings


Drawings should be of sufficient detail to clearly show the existing conditions of the site, and the extent, type, and location of the proposed activities. The drawings should clearly show wetlands or other surface waters to be temporarily or permanently impacted. Any wetland areas proposed to be created, enhanced, restored, preserved, or which will remain undisturbed should be identified.

1. Plan View: The plan view should show the work as viewed from above. A survey of the project site is a useful starting point for preparing plan views of the project. Drawings should include:
  - a. Applicant name, property lines, north arrow, graphic scale or dimensions of the proposed work on each drawing sheet.
  - b. Representative land elevations (spot elevations or contour lines) referred to National Geodetic Vertical Datum (NGVD), such as those used on the U.S.G.S. contour maps.
  - c. Limits of wetlands, other surface waters and open water areas in the vicinity of the proposed work. Describe how the wetland limits were determined. If there has been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, validated informal determination, or a revalidated jurisdictional determination, provide the identifying number.
  - d. All proposed work, including dredging, filling or structures. Where applicable, differentiate between work in open water, marshes, swamps, tidal flats and uplands.
  - e. Show selected water depths in and adjacent to the project site. For dock projects, show water depths at all mooring areas. Water depths should be determined at approximate mean low water (MLW) or normal pool. Indicate the tidal range (the difference between mean high water (MHW) and MLW) if the project is in a tidal waterbody.
  - f. Label all existing structures, such as docks, bulkheads, riprap, or buildings, in wetlands or other surface waters at or adjacent to the proposed activity.

- g. If dredging or dewatering is involved, show the location of proposed spoil or dewatering sites. Include any levees, control structures or other methods for retaining or detaining return water. Also include locations of discharge sites where appropriate. (A Water Use Permit may be required for dewatering.)
  - h. For piling supported structures over wetlands or other surface waters show the entire structure and indicate the location of any aquatic vegetation in the vicinity of the proposed structure.
  - i. Show distance between the most waterward point of the proposed facility and the nearest edge of any navigation channel, where appropriate. If the project is on a waterway that has a federally maintained channel, a survey may be required to establish the distance from the waterward points of the structure to the near edge of the federal channel. Also indicate the width of the navigation channel.
  - j. Clearly show the locations of all corresponding cross-sectional or profile views on the plan view drawings.
2. Cross-section and profile views: The cross-section view should show a "cut-away" view of the project, while the profile view should show a side view (as if cut lengthwise). Drawings should include:
- a. Applicant name, graphic horizontal and vertical scales or dimensions of the proposed work on each drawing sheet.
  - b. Show approximate mean or seasonal high and low water elevations referenced to NGVD.

**C. Project Details**

- 1. Describe the activity that is proposed and construction techniques and sequencing, including equipment to be used and methods for moving the equipment to and from the site.
- 2. For projects that involve any dredging or excavation, describe the method of excavation, the type of material to be excavated, and the disposal location for the excavated material. Please state whether spoil is to be placed (either temporarily or permanently) in a wetland or other surface water. Indicate the duration of any temporary fill in wetlands or other surface waters.
- 3. For fill projects, describe the source and type of fill material to be used. For activities that involve the installation of riprap, describe the source, type and size of the rocks, concrete, or other material to be used for the riprap, and how these materials are to be placed. State whether the rocks will be underlain with filter cloth.
- 4. The acreage of excavation and fill, differentiating between temporary and permanent work.
- 5. Methods for controlling turbidity (muddy water caused by erosion or work in the water).
- 6. Methods for stabilizing any slopes that will be created or disturbed during construction, including times expected to elapse before stabilization is performed. Describe both temporary and permanent stabilization methods such as staked haybales, temporary grass seed, and permanent sod.
- 7. If pilings or a seawall are to be installed, state whether pilings and seawall slabs are to be installed by jetting or driving.

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## SECTION E

### INFORMATION FOR STANDARD GENERAL OR INDIVIDUAL (INCLUDING CONCEPTUAL) ENVIRONMENTAL RESOURCE PERMITS FOR PROJECTS NOT RELATED TO A SINGLE FAMILY DWELLING UNIT

The information requested below is for projects requiring either a standard general or individual environmental resource permit (ERP) not related to an individual, single family dwelling unit, duplex or quadruplex. Certain categories of information requested may not be applicable to all applications. In addition the level of detail required will vary depending on the nature and location of the site and the activity proposed. Conceptual approvals generally do not require the same level of detail as a construction permit. However, providing more detail will reduce the need for additional information being requested at a later date. **Please submit all information on paper no larger than 24" x 36".**

#### A. Site Information

1. Provide a map(s) of the project area and vicinity delineating USDA/NRCS (a.k.a. SCS) soil types.
2. Provide recent aerials, legible for photo interpretation with a scale of 1" = 400 ft, or more detailed, with project boundaries delineated on the aerial.
3. Identify the seasonal high water or mean high tide elevation and normal pool or mean low tide elevation for each on-site wetland or surface water, including receiving waters into which runoff will be discharged. Include date, datum, and method used to determine these elevations.
4. Identify the wet season high water table at appropriate locations on the project site. Include date, datum, and method used to determine these elevations.

#### B. Environmental Considerations

1. Provide results of any wildlife surveys that have been conducted on the site and any comments pertaining to the project from the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service (USF&W).
2. Provide a description of how water quantity, quality, hydroperiod, and habitat will be maintained in on-site wetlands and other surface waters that will be preserved or remain undisturbed.
3. Provide a narrative of any proposed mitigation plans, including purpose, maintenance, monitoring, and construction sequence and techniques, and estimated costs.
4. Describe how boundaries of wetlands or other surface waters were determined. If there has been a jurisdictional declaratory statement, a formal wetland determination, a formal determination, a validated informal determination, or a revalidated jurisdictional determination, provide the identifying number.

5. Summarize impacts to wetlands and other surface waters:
  - a. For all projects with wetlands or other surface waters on site, complete Tables 1, 2 and 3, as applicable;
  - b. For docking facilities or other structures constructed over wetlands or other surface waters, complete Table 4;
  - c. For shoreline stabilization projects, complete Table 5.

**C. Plans**

Provide clear, detailed plans for the proposed system which include specifications, plan, cross-section and profile views of the proposed project. The plans must be signed and sealed by an appropriate registered professional as required by law. These plans should show or include the following, as applicable:

1. Project and total land area boundaries, including distances and orientation from roads or other landmarks.
2. Existing land use, land cover, and on-site natural communities, including wetlands, other surface waters, aquatic communities, and uplands (acreage and percentages). Use the USF&W Service's Classification of Wetlands and Deepwater Habitats of the United States for wetlands or other surface waters on the project site. Assign each wetland or other surface water a unique identification number which is consistent in all exhibits.
3. Existing topography extending at least 100 feet off site and includes adjacent wetlands and other surface waters. All topography shall include the location and a description of known benchmarks, referenced to NGVD. For systems waterward of mean high water (MHW) or seasonal high water, show water depths at mean low water (MLW) in tidal areas or normal pool in non-tidal areas. For docking facilities show the location, depths and access to the nearest navigational channel.
4. Floodplain boundary and approximate flooding elevations if the project is in the known floodplain of a stream or other water course. Identify the 100-year flood elevation and floodplain boundary of any lake, stream or other watercourse located on or adjacent to the site.
5. Boundaries of wetlands and other surface waters within the project area. Distinguish those wetlands and other surface waters that have been delineated by any binding wetland determination.
6. Proposed land use, land cover and natural communities, including wetlands, other surface waters, undisturbed uplands, aquatic communities, impervious surfaces, and water management areas (acreage and percentages). Use the same classification system and identification number used in C.2. above.
7. Proposed impacts to wetlands and other surface waters.
8. Locations of buffer zones abutting wetlands.
9. Pre and post-development drainage patterns and basin boundaries. Show the direction of flow, including any off-site runoff being routed through or around the system and connections between wetlands and other surface waters.
10. Location of all water management areas with details of size, side slopes and design water depths.
11. Location and details of all water control structures, control elevations, any seasonal water level regulation schedules and the location and description of benchmarks (minimum of one benchmark per structure).

12. Location, dimensions and elevations of all proposed structures, including docks, seawalls, utility lines, roads and buildings.
13. Location, size and design capacity of the internal water management facilities.
14. Existing and proposed rights-of-way and easements for the system, including all on-site and off-site areas to be reserved for water management purposes.
15. Receiving waters or surface water management systems into which runoff from the developed site will be discharged.
16. Location and details of the erosion, sediment and turbidity control measures to be implemented during each phase of construction and all permanent control measures to be implemented in post-development conditions.
17. Location, grading, design water levels and planting details of all mitigation areas.
18. Site grading details, including perimeter grades.
19. Temporary and permanent disposal sites for any excavated material.
20. Details of the dewatering plan including: delineation of areas to be dewatered, location(s) of dewatering facilities and discharge.
21. For marina facilities, location of any sewage pumpout facilities, fueling facilities, boat repair/maintenance facilities, and fish cleaning stations.
22. Location and description of any existing off-site features, such as structures, buildings, wetlands, other surface waters, stormwater ponds, which might be affected by or affect the proposed construction or development.
23. Master development plan for phased projects.

**D. Construction Schedule and Techniques**

Provide a construction schedule and a description of construction techniques, sequencing and equipment. This information should specifically include the following:

1. Method for installing any pilings, seawall slabs or riprap.
2. Schedule of implementation of a temporary or permanent erosion and turbidity control measures.
3. Method and type of material to be excavated for work in wetlands or other surface waters.
4. Source and type of fill material to be used for work in wetlands and other surface waters.
5. Dewatering plan, including: duration of dewatering; the methods for containing the discharge; methods of isolating dewatering areas; and time dewatering structures will be in place. A Water Use Permit may be required for dewatering.
6. Methods for transporting equipment and materials to and from the work site. If barges are required for access, provide the low water depths and draft of the fully loaded barge.
7. Demolition plan for any existing structures to be removed.
8. Provide the name and address of the person who will construct the proposed project.
9. Identify the schedule and party responsible for completing construction monitoring, record drawings, and as-built certifications for the project.

## **E. Drainage Information**

1. Provide pre-development and post-development drainage calculations, signed and sealed by an appropriate registered professional, as follows:
  - a. Runoff characteristics, including area, runoff curve number or runoff coefficient, and time of concentration for each drainage basin;
  - b. Seasonal high water table elevations including aerial extent and magnitude of any proposed water table drawdown;
  - c. Normal, wet season and design storm elevations of receiving waters;
  - d. Design storms used including rainfall depth, duration, frequency and distribution;
  - e. Runoff hydrograph(s) for each drainage basin, for all required design storm event(s);
  - f. Stage-storage computations for any area such as a reservoir, closed basin, detention area, or channel used in storage routing;
  - g. Stage-discharge computations for any storage areas at a selected control point, such as control structure or natural restriction;
  - h. Flood routings through on-site conveyance and storage areas;
  - i. Water surface profiles in the primary drainage system for each required design storm event(s);
  - j. Runoff peak rates and volumes discharged from the system for each required design storm event(s);
  - k. Tail water history and justification (time and elevation);
  - l. Pump specifications and operating curves for range of possible operating conditions (if used in system).
2. Provide the results of any percolation tests, where appropriate, and soil borings that are representative of the actual site conditions.
3. Provide the acreage and percentage of the total project, of the following:
  - a. impervious surfaces, excluding wetlands;
  - b. pervious surfaces (green areas not including wetlands);
  - c. lakes, canals, retention areas, other open water areas;
  - d. wetlands.
4. Provide an engineering analysis of floodplain storage and conveyance (if applicable), including:
  - a. Hydraulic calculations for all proposed traversing works;
  - b. Backwater water surface profiles showing upstream impact of traversing works;
  - c. Location and volume of encroachment within regulated floodplain(s);
  - d. Plan for compensating floodplain storage, if necessary, and calculations required for determining minimum building and road flood elevations.
5. Provide an analysis of the water quality treatment system including:
  - a. A description of the proposed stormwater treatment methodology that addresses the type of treatment, pollution abatement volumes and recovery analysis;
  - b. Construction plans and calculations that address stage-storage and design elevations, which demonstrate compliance with the appropriate water quality treatment criteria.
6. Provide a description of the engineering methodology, assumptions and references for the parameters listed above, and a copy of all such computations, engineering plans and specifications used to analyze the system. If a computer program is used for the analysis, provide the name of the program, a description of the program, input and output data, two diskette copies, if available, and justification for model selection.



## **F. Operation and Maintenance and Legal Documentation**

1. Describe the overall maintenance and operation schedule for the proposed system.
2. Identify the entity that will be responsible for operating and maintaining the system in perpetuity, if different than the permittee. Provide a draft document enumerating the enforceable affirmative obligations of the entity to properly operate and maintain the system for its expected life and document the entity's financial responsibility for long-term maintenance. If the proposed operation and maintenance entity is not a property owners association, provide proof of the existence of an entity, or the future acceptance of the system by an entity, which will operate and maintain the system. If a property owners association is the proposed operation and maintenance entity, provide copies of the articles of incorporation for the association and copies of the declaration, restrictive covenants, deed restrictions or other operational documents that assign responsibility for the operation and maintenance of the system. Provide information ensuring the continued adequate access to the system for maintenance purposes. Before transfer of the system to the operating entity will be approved, the permittee must document that the transferee will be bound by all terms and conditions of the permit.
3. Provide copies of all proposed conservation easements, stormwater management system easements, property owners association documents and plats for the property containing the proposed system.
4. Indicate how water and waste water service will be supplied. Letters of commitment from off-site suppliers must be included.
5. Provide a copy of the boundary survey and/or legal description and acreage of the total land area of contiguous property owned/controlled by the applicant, including the project site.
6. Provide a copy of the deed or other evidence of ownership, or in the case of an applicant, evidence of an easement or other documents evidencing authorization to perform the proposed work.

## **G. Water Use**

1. Will the surface water system be used for water supply, including landscape irrigation, recreation, etc.?
2. If a Water Use Permit has been issued for the project, state the permit number.
3. If a Water Use Permit has not been issued for the project, indicate if a permit will be required and when the application will be submitted.
4. Indicate how any existing wells located within the project site will be utilized or abandoned.

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TABLE ONE:

## PROJECT WETLAND AND OTHER SURFACE WATER SUMMARY

WL & SW ID	WL & SW TYPE	WL & SW SIZE	WL & SW NOT IMPACTED	TEMPORARY WL & SW IMPACTS			PERMANENT WL & SW IMPACTS			MITIGATION AREA ID
				WL & SW TYPE	IMPACT SIZE	IMPACT TYPE	WL & SW TYPE	IMPACT SIZE	IMPACT TYPE	
PROJECT TOTALS:										

Comments:

## Note:

WL=Wetland SW=Other Surface Water ID=Identification number, letter, etc.

Wetland Type: from an established wetland classification system

Impact Type: D=dredge; F=fill; H=change hydrology; S=shading; C=clearing; O=other

Multiple entries per cell not allowed, except in the "Mitigation ID" column. If more than one impact is proposed in a given area, indicate the final impact.

TABLE TWO:

## PROJECT ON-SITE MITIGATION SUMMARY

MITIGATION AREA ID	CREATION		RESTORATION		ENHANCEMENT		WETLAND PRESERVE		UPLAND PRESERVE		OTHER	
	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TYPE	AREA	TYPE	AREA	TARGET TYPE
PROJECT TOTALS												

COMMENTS:

## NOTE:

Target Type or Type=target or existing habitat type from an established wetland classification system or land use classification for non-wetland mitigation.  
Multiple entries per cell not allowed.

TABLE THREE:

## PROJECT OFF-SITE MITIGATION SUMMARY

MITIGATION AREA ID	CREATION		RESTORATION		ENHANCEMENT		WETLAND PRESERVE		UPLAND PRESERVE		OTHER	
	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TYPE	AREA	TYPE	AREA	TARGET TYPE
PROJECT TOTALS												

COMMENTS:

Target Type=target or existing habitat type from an established wetland classification system or land use classification for non-wetland mitigation

NOTE: Multiple entries per cell not allowed

TABLE FOUR:

## SUMMARY OF STRUCTURES OVER WETLANDS AND OTHER SURFACE WATERS

STRUCTURES	TYPE OF WORK *	LENGTH	WIDTH	HEIGHT	TOTAL AREA	PROPOSED SLIPS	EXISTING SLIPS
FOR EACH DOCK OR PIER  PLEASE COMPLETE:							
FOR EACH FINGER PIER  PLEASE COMPLETE:							
FOR EACH OTHER WATER STRUCTURE  PLEASE COMPLETE							
TOTAL:							

\* Type of Work: N=new; R=replaced; O=other; RR=removed; A=altered/modified

Primary use of proposed structures: \_\_\_\_\_

Will the docking facility provide:

Live aboard slips? If yes provide number: \_\_\_\_\_

Fueling facilities? If yes provide number: \_\_\_\_\_

Sewage pumpout facilities? If yes provide number: \_\_\_\_\_

Other Supplies or Services? If yes specify: \_\_\_\_\_

Type of materials for decking and pilings (e.g. CCA, pressure treated wood, plastic, concrete)

Pilings: \_\_\_\_\_

Decking: \_\_\_\_\_

Deck plank spacing: \_\_\_\_\_

Number of boats, grouped by length, type and draft, expected to use the facility: \_\_\_\_\_

TABLE FIVE:

## SUMMARY OF SHORELINE STABILIZATION

STABILIZATION	LINEAR FEET NEW	LINEAR FEET REPLACED	LINEAR FEET REMOVED	SLOPE H: V:		WIDTH AT THE TOE
VERTICAL SEAWALL:						
SEAWALL AND RIPRAP:						
RIPRAP:						
RIPRAP AND VEGETATION:						
OTHER TYPE:						

SIZE OF RIPRAP:


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TYPE OF RIPRAP:

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	<p align="center"><b>ENVIRONMENTAL RESOURCE PERMIT APPLICATION</b></p> <p>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  2379 BROAD STREET, BROOKSVILLE, FL 34604-6899  (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
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**SECTION F:**

**INFORMATION FOR INDIVIDUAL (INCLUDING CONCEPTUAL) ENVIRONMENTAL  
RESOURCE PERMITS FOR MITIGATION BANKS**


The information requested below is for a mitigation bank project (construction permit or conceptual approval). Certain categories of information requested may not be applicable to all applications. In addition, the level of detail required will vary depending on the nature and location of the site and the activity proposed. If the proposed mitigation bank involves the construction of a surface water management system provide the information requested by the applicable section as well as that requested below.

**A. General Site Conditions**

1. A map, at regional scale, of the mitigation bank in relation to the regional watershed and proposed mitigation service area.
2. A vicinity map showing the mitigation bank in relation to adjacent lands and off-site areas of ecological or hydrologic significance which could affect the long term viability or ecological value of the bank.
3. A recent aerial photo of the mitigation bank (no photocopies) identifying boundaries of the project area.
4. A highway map showing points of access to the mitigation bank for site inspection.
5. A legal description of the proposed mitigation bank.
6. A description and assessment of current site conditions including:
  - a. a soils map of the mitigation bank site;
  - b. a topographic map of the mitigation bank site and adjacent hydrologic contributing and receiving areas;
  - c. a hydrologic features map of the mitigation bank and adjacent hydrologic contributing and receiving areas;
  - d. current hydrologic conditions in the mitigation bank site;
  - e. a vegetation map of the mitigation bank site;
  - f. ecological benefits currently provided to the regional watershed by the mitigation bank site;
  - g. adjacent lands, including existing land uses and conditions, projected land uses according to comprehensive plans adopted pursuant to Chapter 163, F.S., by local governments having jurisdiction, and any special designations or classifications associated with adjacent lands or waters;
  - h. a disclosure statement of any material fact which may affect the contemplated use of the property;
  - i. a Phase I environmental audit of the property (not required for conceptual approval).

**B. Mitigation Bank Information**

1. A description of the ecological significance of the proposed mitigation bank to the regional watershed in which it is located.
2. A mitigation plan describing the actions proposed to establish, construct, operate, manage and maintain the mitigation bank including:
  - a. construction-level drawings detailing proposed topographic alterations and all structural components associated with proposed activities
  - b. proposed construction activities, including a detailed schedule for implementation
  - c. the proposed vegetation planting scheme and detailed schedule for implementation measures to be implemented during and after construction to avoid adverse impacts related to proposed activities;
  - d. a detailed long term management plan comprising all aspects of operation and maintenance, including water management practices, vegetation establishment, exotic and nuisance species control, fire management, and control of access;
  - e. a proposed monitoring plan to demonstrate mitigation success.
3. An assessment of improvement or changes in ecological value anticipated as a result of proposed mitigation actions including:
  - a. a description of anticipated site conditions in the mitigation bank after the mitigation plan is successfully implemented;
  - b. a comparison of current fish and wildlife habitat to expected habitat after the mitigation plan is successfully implemented; and
  - c. a description of the expected ecological benefits to the regional watershed
4. Evidence of sufficient legal or equitable interest in the property which is to become the mitigation bank to meet the requirements of the Basis of Review (not required for conceptual approval).
5. Draft documentation of financial responsibility meeting the requirements of the Basis of Review (not required for conceptual approval).
6. Any engineering calculations and/or computer modeling (such as hydrograph or staging) needed to assess the effects of the project on the hydrologic characteristics of the mitigation bank site and upstream and downstream areas.

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**SECTION G**

**APPLICATION FOR AUTHORIZATION TO USE STATE OWNED  
SUBMERGED LANDS**

**Part I:** Sovereign Submerged Lands title (ownership) information: Please read and answer the applicable questions listed below:

- A.** I have a sovereign submerged lands title check from the Division of State Lands which indicates that the proposed project is NOT ON sovereign submerged lands (please attach a copy of the title determination to the application). yes \_\_\_\_ no \_\_\_\_  
If you answered "yes" to question A and you have attached a copy of the Division of State Lands title check to this application, you do not have to answer any other questions under Part I, II or III.
- B.** I have a sovereign submerged lands title check from the Division of State Lands which indicates that the proposed project is ON sovereign submerged lands (please attach a copy of the title determination to the application). yes \_\_\_\_ no \_\_\_\_  
If you answered "yes" to question B please provide the information requested in Part II and III. Your application will be deemed incomplete until the requested information is submitted.
- C.** I am not sure if the proposed project is on sovereign submerged lands. Please check here ☐  
If you have checked this box, department staff will request that the Division of State Lands conduct a title check. If the title check indicates that the proposed project or portions of the project are located on sovereign submerged lands, you will be required to submit the information requested in Part II and III. The application will be deemed incomplete until the requested information is submitted.
- D.** I am not sure if the proposed project is on sovereign submerged lands and I DO NOT WISH to contest the department's findings. Please check here ☐  
If you have checked this box refer to Part II and III and provide the requested information. The application will be deemed incomplete until the requested information is submitted.
- E.** It is my position that the proposed project is NOT on sovereign submerged lands. Please check here ☐  
If you have evidence that indicates that the proposed project is not on sovereign submerged lands, please attach the documentation to the application. If the Division of State Lands title check indicates that your proposed project or portion of your proposed project is on sovereign submerged lands, you will be required to provide the information requested in Part II and III.
- F.** If you wish to contest the findings of the title determination conducted by the Division of State Lands, please contact the Department of Environmental Protection's General Counsel office. Your application will be deemed incomplete until either the information requested in Part II and III is submitted or a legal ruling indicates that the proposed project is not on sovereign submerged lands.

**Part II:** If you were referred to this section by Part I, please provide this additional information. Please note that if your proposed project is on sovereign submerged lands and the below requested information is not provided, your application will be considered incomplete.

- A.** Provide evidence of title to the subject riparian upland property in the form of a recorded deed, title insurance, legal opinion of title or a long-term lease which specifically includes riparian rights. Evidence submitted must demonstrate that the applicant has sufficient title interest in the riparian upland property.
- B.** Provide a detailed statement describing the existing and proposed upland uses and activities. For commercial uses, indicate the specific type of activity such as marina, ship repair, dry storage (including the number of storage spaces), commercial fishing/salmon processing, fish camp, hotel, motel, resort, restaurant, office complex, manufacturing operation, etc.

For rental operations, such as trailer or recreational vehicle parks and apartment complexes, indicate the number of wet slip units/spaces available for rent or lease and describe operational details (e.g., are spaces rented on a month to month basis or through annual leases).

For multi-family residential developments, such as condominiums, town homes or subdivisions, provide the number of living units/ lots and indicate whether or not the common property (including the riparian upland property) is or will be under the control of a homeowners association.

For projects sponsored by a local government, indicate whether or not the facilities will be open to the general public. Provide a breakdown of any fees that will be assessed and indicate whether or not such fees will generate revenue or will simply cover costs associated with maintaining the facilities.

- C.** Provide a detailed statement describing the existing and proposed activities located on or over the sovereign submerged lands at the project site. This statement must include a description of docks and piers, types of vessels (e.g., commercial fishing, liveaboards, cruise ships, tour boats), length and draft of vessels, sewage pumpout facilities, fueling facilities, boat hoists, boat ramps, travel lifts, railway and any other structures or activities existing or proposed to be located waterward of the mean high water line/ordinary high water line. If slips are existing and/or proposed, please indicate the number of powerboat slips and sailboat slips and the percentage of those slips available to the general public on a "first come, first served" basis. This statement must include a description of channels, borrow sites, bridges, groins, jetties, pipelines or other utility crossings, and any other structures or activities existing or proposed to be located waterward of the mean high water line/ordinary high water line. For shoreline stabilization activities, this statement must include a description of seawalls, bulkheads, riprap, filling activities and any other structures or activities existing or proposed to be located along the shoreline. Where applicable descriptions should include estimates of volumes (cubic yards) of material to be dredged and/or filled.
- D.** Provide the linear footage of shoreline at the mean high water line/ordinary high water line owned by the applicant which borders sovereign submerged lands.
- E.** Provide a recent aerial photo of the area. A scale of 1" = 200' is preferred. Photos are generally available at minimal cost from your local government property appraiser's office or from district Department of Transportation offices. Indicate on the photo the specific location of your property/ project site.

**Part III:** Proprietary Project Descriptions. Please check the most applicable activity, which applies to your project(s):

**Leases      Activity Description**

- ☐ Commercial marinas (renting wet slips), including condominiums, etc., if 50% or more of their wet slips are available to the general public
- ☐ Public/local governments
- ☐ Yacht clubs/country clubs (when a membership is required)
- ☐ Multi-family/ but upland revenue generating (housing developments, trailer parks, apartments)
- ☐ Condominiums (requires upland ownership)
- ☐ Commercial uplands activity (temporary docking and/or fishing pier associated with upland revenue generating activities (i.e., restaurants, hotels, motels) for use of the customer at no charge)
- ☐ Miscellaneous commercial upland enterprises where there is a charge associated with the use of the overwater structure (charter boats, tour boats, fishing piers)
- ☐ Ship building/boat repair service facilities
- ☐ Commercial fishing related (off loading, seafood processing)
- ☐ Private single-family residential docking facilities; town home docking facilities; subdivision docking facilities (upland lots privately owned)

**Public Easements & Use Agreements**

- ☐ Miscellaneous public easements and use agreements
- ☐ Bridge right-of-way (DOT, local government)
- ☐ Breakwater or groin
- ☐ Subaqueous utility cable (television, telephone, electrical)
- ☐ Subaqueous outfall or intake
- ☐ Subaqueous utility water/sewer
- ☐ Overhead utility w/support structure on sovereign submerged lands
- ☐ Disposal site for dredged material
- ☐ Pipeline (gas)
- ☐ Borrow site

**Private Easements**

- ☐ Miscellaneous private easements
- ☐ Bridge right-of-way
- ☐ Breakwater or groin
- ☐ Subaqueous utility cable (television, telephone, electrical)
- ☐ Subaqueous outfall or intake
- ☐ Subaqueous utility water/sewer
- ☐ Overhead utility crossing
- ☐ Disposal site for dredged material
- ☐ Pipeline (gas)

**Consents of Use**

- ☐ Aerial utility crossing w/no support structures on sovereign submerged lands
- ☐ Private dock
- ☐ Public dock
- ☐ Multi-family dock
- ☐ Fishing pier (private or multi-family)
- ☐ Private boat ramp
- ☐ Seawall

- \_\_\_\_\_ Dredge
- \_\_\_\_\_ Maintenance dredge
- \_\_\_\_\_ Navigation aids/markers
- \_\_\_\_\_ Artificial reef
- \_\_\_\_\_ Riprap
- \_\_\_\_\_ Public boat ramp
- \_\_\_\_\_ Public fishing pier
- \_\_\_\_\_ Repair/replace existing public fishing pier
- \_\_\_\_\_ Repair/replace existing private dock
- \_\_\_\_\_ Repair/replace existing public dock
- \_\_\_\_\_ Repair/replace existing multi-family dock
- \_\_\_\_\_ Repair/replace existing fishing pier (private or multi-family)
- \_\_\_\_\_ Repair/replace existing private boat ramp
- \_\_\_\_\_ Repair/replace existing seawall, revetments or bulkheads
- \_\_\_\_\_ Repair/replace/modify structures/activities within an existing lease, easement, Management agreement or Use agreement area or repair/replace existing grandfathered structures
- \_\_\_\_\_ Repair/replace existing public boat ramp

**Miscellaneous**

- \_\_\_\_\_ Biscayne Bay letters of consistency/Inconsistency w/258.397, F.S.
- \_\_\_\_\_ Management agreements - submerged lands
- \_\_\_\_\_ Reclamation
- \_\_\_\_\_ Purchase of filled, formerly submerged lands
- \_\_\_\_\_ Purchase of reclaimed lake bottoms
- \_\_\_\_\_ Treasure salvage
- \_\_\_\_\_ Insect control structures/swales
- \_\_\_\_\_ Miscellaneous projects which do not fall within the activity codes listed above



## ENVIRONMENTAL RESOURCE PERMIT APPLICATION

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET, BROOKSVILLE, FL 34604-6899  
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

### SECTION H

#### INFORMATION FOR GENERAL ENVIRONMENTAL RESOURCE PERMITS FOR MINOR SURFACE WATER SYSTEMS

To obtain a General Permit for a Minor Surface Water Management System, the project must meet all of the requirements of Section A, Part 1 OR one of the requirements of Section A, Part 2 and both of the requirements of Section A, Part 3. Indicate which thresholds apply to your project and submit the information requested in Section B.

#### A. Project Thresholds

##### Part 1.

- ☐ The total land area does not equal or exceed 10 acres;
- ☐ The area of impervious surface will not equal or exceed two acres;
- ☐ Any activities to be conducted in, on or over wetlands or other surface waters will consist of less than 100 square feet of dredging or filling;
- ☐ The activities will not utilize pumps for stormwater management;
- ☐ The activities will not utilize storm drainage facilities larger than one 24 inch diameter pipe or its hydraulic equivalent;
- ☐ Discharges from the site will meet State water quality standards, and the surface water management system will meet the applicable technical criteria for stormwater management in the Basis of Review;
- ☐ The proposed building floors will be above the 100-year flood elevations;
- ☐ The surface water management system can be effectively operated and maintained, and;
- ☐ The proposed activities will not cause significant adverse impacts to occur individually or cumulatively.

##### Part 2.

- ☐ 40D-4.051(3) - NORMAL AND NECESSARY FARMING AND FORESTRY
- ☐ 40D-40.301(2) - MINOR RESIDENTIAL SUBDIVISION

##### Part 3.


- ☐ Discharges from the site will meet State water quality standards, and the surface water management system will meet the applicable technical criteria for stormwater management in the Basis of Review described in Rule 40D-4.091(1), and
- ☐ The surface water management system can be effectively operated and maintained.

## B. Technical and Legal Information

1. Provide a copy of the boundary survey and/or a legal description and acreage of the total land area of contiguous property owned or controlled by the applicant, including the project site.
2. Provide recent aerials, legible for photo interpretation with a scale of 1" = 400' or more detailed, with total land, project area and any on-site wetlands delineated.
3. Provide a detailed topographic map (with contours) of the site and adjacent hydrologically related area. The location and description of bench marks (minimum of one per major water control structure) should be included.
4. Describe the location, size (in acres) and type of any on-site wetlands or other surface waters.
5. Provide the project site development plan and acreage of the total area of impervious surface.
6. Provide the surface water management system design plans, calculations and reports signed and sealed by a Florida Registered Professional Engineer, as required by law.
7. Provide construction drawings signed and sealed by the design engineer showing the location and details of the surface water management system including but not limited to any preserved wetlands, lakes, culverts, pipes, under drains, exfiltration trenches, discharge structures, pumps and related facilities such as paving, grading and erosion or sediment control measures to be employed.
8. Indicate type of water quality treatment system used:

<input type="checkbox"/> Man-made wet detention	<input type="checkbox"/> Off-line retention (dry pond)
<input type="checkbox"/> On-line effluent filtration (side bank or under drain filters)	<input type="checkbox"/> Off-line underground exfiltration system
<input type="checkbox"/> On-line retention (dry pond)	<input type="checkbox"/> Wet detention utilizing natural wetlands
	<input type="checkbox"/> Other (explain)
9. If a Water Use Permit has been issued for the project, state the permit number.
10. Indicate how any existing wells located within the project site will be utilized or abandoned.
11. Provide a letter or other current evidence of potential acceptance by the operation and maintenance entity, if the entity is to be a public body such as a city or drainage district. If the entity is homeowners or other association, final draft documents verifying either the present or imminent existence of such an organization and its ability to accept operation and maintenance responsibility are required.



	<p><b>ENVIRONMENTAL RESOURCE PERMIT APPLICATION</b></p> <p>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  2379 BROAD STREET, BROOKSVILLE, FL 34604-6899  (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
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## SECTION I

### INFORMATION FOR STANDARD GENERAL OR INDIVIDUAL ENVIRONMENTAL RESOURCE PERMITS FOR MINING MATERIALS OTHER THAN PHOSPHATE (BORROW PITS)

The information requested below is for a mine requiring an Environmental Resource Permit. The information listed represents the level of information that is usually required to evaluate an application. Information required for a specific project will vary depending on the nature and location of the site and the activity proposed.

#### A. Site Information

1. Provide a recent aerial photograph, with a scale of 1" equal to 400' or more detailed, depicting the mine area with mine boundaries delineated. Photocopies are not acceptable.
2. Provide a topographic map of the site and hydrologically related areas. Include the location and description of benchmarks. Provide a minimum of one benchmark per major water control structure or, if the project has no water control structures, a minimum of one benchmark.
3. Provide a hydrologic features map identifying contributing watershed boundaries, down gradient lands (if the proposed surface water system will alter off-site discharge), existing runoff patterns and land use for off-site contributing areas.
4. Provide elevations of the seasonal high water table and wetland water levels in areas potentially affected by the proposed mining or related activities. Information should include existing water levels, design water levels during mining, and expected water levels after mining is completed.
5. Identify the 100-year floodplain of any stream or other watercourse. Identify the 100-year floodplain of any lake or wetland not entirely on the property owned or leased by the mining operation. Include 100-year floodplain limits and elevations and identify the placement of overburden or product within the 100-year floodplain. Provide details of the statistical and mathematical models used to determine flood elevations.
6. Describe vegetative cover in all areas where mining or related activities are proposed. In upland areas this description need only be of sufficient detail to determine runoff characteristics.
7. Identify all wetland areas potentially affected by proposed mining or related activities. Each wetland should be characterized by size, predominant vegetation and use by threatened or endangered species.
8. Provide percolation tests, if percolation or exfiltration systems are proposed. Percolation tests shall be representative of design conditions. Permeability tests will be required where necessary to accurately model design conditions for retention systems.

**B. Plans**

1. Provide location of waterbodies used for water quality, water quantity and environmental functions. Include details of size, side slopes, elevations and depths, including plan details for floodplain encroachment compensation. Include details on any tailings or other impoundments, including the operating ranges. Identify proposed wetland impact areas, areas proposed as compensation for wetland impacts and any remaining wetlands that will remain undisturbed.
2. Provide locations and details of all major water control structures, or points of discharge, including dams on impoundments. Control elevations must be included along with any seasonal water level regulation schedules.
3. Provide the locations of roads along with their proposed elevations.
4. Identify drainage basin boundaries on aerial maps and plans for both the period of mining activities and the post-mining condition. Indicate whether mining activities or post-mining topography will alter the drainage area contributing to hydrologically related waterbodies or will otherwise affect drainage to these bodies.
5. Provide rights-of-way and easement locations for the drainage system including all areas to be reserved for water management purposes. (This item is generally only needed for portions of the system that rely on off-site lands for the surface water management system.)
6. Provide the location and description of any nearby existing off-site features, such as structures, buildings, wetlands, other surface waters, stormwater ponds, which might be affected by the proposed mining activities. The names and addresses of the owners of such facilities should also be submitted.
7. Provide construction drawings signed and sealed by the design engineer showing the paving, grading, and drainage details of the project. Perimeter site grading should be included.
8. Provide a complete description of measures to be implemented during the period of mining activities for the purpose of mitigating adverse water quality and quantity impacts off-site. The description shall include construction best management practices (BMPs) that will be used to control erosion and sediment transport during and after the period of mining activities. BMPs that prevent the transport of sediments from uplands to wetlands, lakes and streams include earthen berms, hay bales and temporary swales. BMPs that prevent sediment transport in channels or other watercourses or waterbodies include siltation fences and floating siltation booms.

**C. Drainage Information**

1. Provide details of design storms used, including depth, duration and distribution. Refer to the Basis of Review for design storm criteria.
2. Provide stage-storage computations for the project and stage-discharge computations for each outfall structure.
3. Provide information and calculations concerning the effect of off-site inflows on the water management system.
4. Provide the acreage and percentage of the total project, of the following:
  - a. impervious surfaces (excluding waterbodies);
  - b. pervious surfaces (green areas);
  - c. lakes, canals, retention areas, etc.;
  - d. wetlands;
  - e. impoundments.
5. Provide runoff calculations signed and sealed by the design engineer showing pre and post-development discharges, elevations, and volumes retained and/or detained during applicable storm events. Include the hydrologic parameters and modeling input and output data. Mathematical computations may be required to demonstrate that the proposed development will not significantly alter net storage from the project area for events up to the required design storm nor cause adverse effects due to the floodplain encroachment up to the 100-year event.

**D. Operation and Maintenance and Legal Documentation**

1. Provide a copy of the boundary survey and/or a legal description and acreage of the total land area of contiguous property owned/ controlled by the applicant, including the project site. Also provide a legal description and acreage of the project area required to construct, operate and maintain the proposed system, if different from the total land area. Provide a boundary survey or legal description of all areas planned for future mining.
2. Indicate how water and wastewater service will be supplied. Letters of intended commitment from off-site suppliers must be included.
3. Provide documentation of legal and physical availability of the receiving water system to receive project discharge, if such is not evident.
4. Identify the entity to be responsible for operation and maintenance of the Surface Water Management System upon completion of construction.
5. Provide a letter or other evidence of potential acceptance by the operation and maintenance entity, if the entity is to be a public body such as a city or drainage district. If the entity is a homeowners or other association, documents verifying either the present or imminent existence of such an organization and its ability to accept operation and maintenance responsibility are required before construction.

**E. Water Use**

1. Indicate how any existing wells located within the project site will be utilized or abandoned.
2. If there are existing Water Use Permits within the mine area, provide the permit number(s).
3. If Water Use Permits have not been issued for the project, indicate if a permit will be required and when the application will be submitted.

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## ENVIRONMENTAL RESOURCE PERMIT APPLICATION

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET, BROOKSVILLE, FL 34604-6899  
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

### SECTION J SUPPLEMENTAL INFORMATION FOR AUTHORIZATION TO CONDUCT INCIDENTAL SITE ACTIVITIES

As defined in Chapter 40D-40, Florida Administrative Code (F.A.C.), "Incidental Site Activities" means the following activities in uplands that are conducted as part of the construction of a system proposed in an environmental resource permit application: land clearing, grading, excavation of borrow areas for on-site grading, road and building subgrade construction (excluding foundation construction), unpaved access road construction, utility installation, fence installation, construction trailer installation, construction surface water management, erosion and sediment control measures and similar preliminary activities. To request general permit authorization to conduct incidental site activities, please provide the following information with the individual construction permit application for the project.

1. Applicant/Property Owner's Name:

\_\_\_\_\_

2. Applicant/Authorized Agent's Name (if applicable):

\_\_\_\_\_

3. Applicant Mailing Address:

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_

4. MSSW or Environmental Resource Individual Permit Application Number, if available:

\_\_\_\_\_

5. Date of Application (per #4.): \_\_\_\_\_

6. MSSW or Environmental Resource Permit Number (for Modifications):

\_\_\_\_\_

7. Project Name:

\_\_\_\_\_

**SECTION J (contd)**

**SUPPLEMENTAL INFORMATION  
FOR AUTHORIZATION TO CONDUCT INCIDENTAL SITE ACTIVITIES**

8. Project Location: \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_

Section(s) \_\_\_\_\_; Township(s) \_\_\_\_\_; Range(s) \_\_\_\_\_

Section(s) \_\_\_\_\_; Township(s) \_\_\_\_\_; Range(s) \_\_\_\_\_

9. Briefly describe the incidental site activities work requested to be authorized by this application:

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10. Describe the reasons for the incidental site activities authorization being requested:

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11. Planned Beginning Date: \_\_\_\_\_

Anticipated Completion Date: \_\_\_\_\_

12. Please provide five (5) copies of the following information:

- a. A complete description of the incidental site activities proposed, including the location, extent and alignment of the proposed construction. Provide construction level details and information. In the space below, provide the location and identification of the referenced information as shown on the drawings required for the individual Environmental Resource Permit Application. Provide separate drawings and information needed for the final approved construction drawings depicting the authorized incidental site activities.

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- b. A construction surface water management plan for compliance with the requirements of Section 2.06 of the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District. In the space below, provide the location and identification of the referenced information as shown on the drawings required for the individual Environmental Resource Permit Application. Provide separate drawings and information needed for the final approved construction drawings depicting the authorized incidental site activities.

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ENVIRONMENTAL RESOURCE  
PERMIT APPLICATION

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET • BROOKSVILLE, FL 34604-6899  
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

**SECTION K**  
**SUPPLEMENTAL INFORMATION**  
**FOR HOMEOWNER OR PROPERTY OWNER ASSOCIATION DOCUMENTS**

This form is required as part of the draft Articles of Incorporation and Declaration of Covenants submitted to the District. The Homeowners' Association or Property Owners' Association Documents must contain all information required by Section 2.6 of the Basis of Review. Please complete the form and submit this form together with the draft Homeowners' Association or Property Owners' Association Documents. The final recorded copy of the Articles of Incorporation and Declaration of Covenants must be consistent with the draft approved by the District during the permit application review process and submitted in accordance with Section 2.6.2.2.1 of the Basis of Review for Environmental Resource Permitting.

**S.W.F.W.M.D. Permit No.** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**County:** \_\_\_\_\_

The (check one): \_\_\_ Homeowners' or \_\_\_ Property Owners' or \_\_\_ Condominium or \_\_\_ Community or \_\_\_ Master Association has the following general powers and attributes set forth in the Articles of Incorporation or other documents on the page numbers indicated.

The association must comply with Florida law, including but not limited to Chapters 617, 718 and 719, F.S., as applicable. The association must reference the appropriate chapter under which the documents have been filed.

**2.6.2.2.4 BOR**

**1. a. All the powers set forth in Section 617, F.S.**

Page No. \_\_\_\_\_

**b. All the powers set forth in Section 718, F.S.**

Page No. \_\_\_\_\_

**OR**

**c. The power to:**

- Own and convey property;
- Establish rules and regulations;
- Assess members and enforce assessments;
- Sue and be sued;
- Contract for services to provide operation and maintenance of the surface water management system facilities if the association contemplates employing a maintenance company;
- Require all lot owners, parcel owners, or unit owners to be members;
- Take any other action necessary for the purposes for which the association is organized;
- Require all lot owners, parcel owners, or unit owners to be members.

Page No. \_\_\_\_\_

Page No. \_\_\_\_\_

Page No. \_\_\_\_\_

Page No. \_\_\_\_\_

Page No. \_\_\_\_\_

Page No. \_\_\_\_\_

Page No. \_\_\_\_\_

Page No. \_\_\_\_\_

**2. The Association will operate and maintain common property, specifically the surface water management system facilities, including all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas.**

Page No. \_\_\_\_\_

**3. The Association will exist in perpetuity; however, the articles of incorporation shall provide that if the association is dissolved, the control or right of access to the property containing the surface water management system facilities shall be conveyed or dedicated to an appropriate governmental unit or public utility and that if not accepted, then the surface water management system facilities shall be conveyed to a non-profit corporation similar to the association.**

Page No. \_\_\_\_\_

SECTION K SUPPLEMENTAL INFORMATION – Continued	
<p><b>NOTE:</b> The articles of incorporation of a master association in existence as of July 28, 1999, shall not be amended to include the provisions required by section 2.6.2.2.4 if the master association is proposed as the operation and maintenance entity for a new phase of a multi-phase project. However, a copy of the association’s articles of incorporation shall be submitted with the permit application for construction of the new phase.</p>	
<p><b>The following covenants and restrictions are contained in the Declaration of Protective Covenants, Declaration of Condominium, Deed Restrictions on the page numbers indicated:</b></p>	
2.6.2.2.5 BOR	
4. The declaration of protective covenants, deed restrictions or declaration of condominium shall provide all of the following:	
b. A definition for the term “surface water management system facilities” substantially as follows: The surface water management system facilities shall include, but are not limited to: all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas.	Page No. _____
c. The surface water management system facilities are located on land that is designated common property on the plat, are located on land that is owned by the association, or located on land that is subject to an easement in favor of the association and its successors.	Page No. _____
d. No construction activities may be conducted relative to any portion of the surface water management system facilities. Prohibited activities include, but are not limited to: digging or excavation; depositing fill, debris or any other material or item; constructing or altering any water control structure; or any other construction to modify the surface water management system facilities. If the project includes a wetland mitigation area, as defined in section 1.7.24, or a wet detention pond, no vegetation in these areas shall be removed, cut, trimmed or sprayed with herbicide without specific written approval from the District. Construction and maintenance activities that are consistent with the design and permit conditions approved by the District in the Environmental Resource Permit may be conducted without specific written approval from the District.	Page No. _____
e. The association is responsible for operation and maintenance of the surface water management system facilities. Operation and maintenance and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.	Page No. _____
f. All the lot owners, parcel owners or, unit owners must be members of the association.	Page No. _____
g. A method of assessing funds and collecting the assessed funds by the association for operation, maintenance and replacement of the surface water management system facilities.	Page No. _____
h. The District has the right to take enforcement measures, including a civil action for injunction and/or penalties, against the association to compel it to correct any outstanding problems with the surface water management system facilities.	Page No. _____
i. Any amendment of the declaration of protective covenants, deed restrictions or declaration of condominium affecting the surface water management system facilities or the operation and maintenance of the surface water management system facilities shall have the prior written approval of the District.	Page No. _____
j. The restriction shall be in effect for at least 25 years with automatic renewal periods thereafter.	Page No. _____
k. If the association ceases to exist, all of the lot owners, parcel owners or unit owners shall be jointly and severally responsible for the operation and maintenance of the surface water management system facilities in accordance with the requirements of the Environmental Resource Permit, unless and until and alternate entity assumes responsibility as explained in subsection 2.6.2.2.4.h.	Page No. _____
l. For project which have on-site wetland mitigation as defined in section 1.7.24 which requires ongoing monitoring and maintenance, the declaration of protective covenants, deed restrictions or declaration of condominium shall include a provision requiring the association to allocate sufficient funds in its budget for monitory and maintenance of the wetland mitigation area(s) each year until the District determines that the area(s) is successful in accordance with the Environmental Resource Permit.	Page No. _____



**SECTION K SUPPLEMENTAL INFORMATION – Continued**

**If the project is a phased project or has independent associations the following powers and duties are contained in the documents:**

5. The Master Association has the power to accept into the association subsequent phases, that will utilize the same surface water management system; OR	Page No. ____
6. a. The documents provide that independent associations have the right to utilize the permitted surface water management system;	Page No. ____
b. The documents delineate maintenance responsibilities between the independent association;	Page No. ____
c. Cross easements for drainage, and ingress and egress for maintenance, copies of which are attached, have been granted between all independent associations utilizing the surface water management system.	Page No. ____

Prepared by:

\_\_\_\_\_  
Print Name and Title

[Blank]

	<p><b>APPLICATION PROCEDURE FOR A NOTICED GENERAL PERMIT FOR A MINOR SILVICULTURAL SURFACE WATER MANAGEMENT SYSTEM</b></p> <p><i>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</i></p> <p>2379 BROAD STREET • BROOKSVILLE, FL 34604-6899 (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
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The land owner or other authorized agent can use the following application procedure for an activity that qualifies for a noticed general permit for a minor silvicultural surface water management system, as described in Section 40D-400.500, F.A.C.

1. Submit the completed original and FOUR copies of a "Notice of Intent to Construct a Minor Silvicultural Surface Water Management System," together with five complete sets of noticed general permit application information and a permit processing fee, to the local District service office.
2. The District staff may visit the site to determine if additional information and documentation are needed to identify the proposed activity and assure ERP permitting compliance.
3. If the District does not notify the Applicant otherwise after receipt of the application, the application will be considered sufficient, and the Applicant may conduct the activity authorized by the noticed general permit.
4. If more information is needed, the land owner or other authorized agent will be notified that the system does not qualify for a noticed general permit, and the Applicant may respond by providing additional information and/or by revising the work plans.

**NOTE: The Following list of minor silvicultural surface water management systems described in Section 40D-400.500, F.A.C., may qualify for a noticed general permit. (A copy of Chapter 40D-400, F.A.C., is available from the District.)**

**A.** A permanent culverted fill road with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than ten (10) cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than ten (10) square miles. The design of the work must allow for conveyance of normal flows and for overtopping during large storm events, and any fill placed in wetlands associated with the stream or other watercourse must be less than one-half (½) acre in area. Under this paragraph, the fill material shall be no more than twenty-four (24) inches above culvert structures. The fill material on the road approaches shall be no more than twenty-four (24) inches above grade, except within an area of one hundred (100) feet of either side of a culvert. The road must be designed with culvert inlets positioned at or below natural grade of the bed of the stream or other watercourse to prevent the permanent impoundment of water, and to provide an overflow area or areas which will prevent erosion and adverse effects to water levels upstream and downstream of the road.

**B.** A temporary culverted fill road or a temporary bridge up to 50 feet long, with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than ten (10) cubic feet per second average discharge at the location of the work or a drainage area upstream of the work of less than ten (10) square miles. The design of the work must allow for conveyance of existing flow during the period of installation and use and any fill placed in wetlands associated with the stream or other watercourse must be less than one-half ( $\frac{1}{2}$ ) acre in area. The work must be designed only to facilitate the temporary movement of equipment and must be removed immediately after the operation for which the crossing was needed is complete or within thirty (30) months of the filing of the Application, whichever is sooner.

**C.** A permanent bridge up to 100 feet in length and 28 feet or less in width supported on pilings or trestles, placed in or crossing a stream or other watercourse of less than ten (10) cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than ten (10) square miles. The design of the work and associated approach roads, if any, must allow for conveyance of normal flows and for overtopping during large storm events and any fill placed in wetlands associated with the stream or other watercourse must be less than one-half ( $\frac{1}{2}$ ) acre in area. The height limitation for fill on the bridge approach roads shall be a maximum of twenty-four (24) inches above natural grade.

**D.** A permanent culverted fill road or bridge with a road surface of 28 feet or less in width, placed in or crossing a wetland or other impoundment, excluding reservoirs created by dams, where less than one half ( $\frac{1}{2}$ ) acre of fill is placed in the wetland or other impoundment. Such crossings must be located in a manner which minimizes the area of wetlands being filled.

**E.** Temporary stream channel diversions necessary to complete the works described in paragraphs A., B., or C. above, provided that the area used for the temporary diversion is restored to its previous contours and elevations.

**F.** Clearing and snagging in a stream or other watercourse within fifty (50) feet of the center line of a culverted fill road or a bridge described in paragraphs A., B., or C. above, necessary to construct said work.

**G.** A permanent low water, hard surfaced crossing in a stream, other watercourse, wetland or other impoundment consisting of the placement of rock or similar material no more than twelve (12) inches higher than the bed of the stream, other watercourse or impoundment. Such crossings must be designed only to facilitate the movement of equipment by creating a stable foundation in shallow streams, other watercourses, wetlands or other impoundments. Temporary low water, hard surfaced crossings may be constructed using logs, but must be removed immediately following the completion of the silvicultural operation or within thirty (30) months of the filing of the Application in subsection (3), whichever is sooner.

**H.** Upland field ditches of a temporary nature to facilitate only harvesting, site preparation, and planting, with a maximum cross-sectional area of eighteen (18) square feet spaced no closer than six hundred and sixty (660) feet from any other parallel ditch. After seedling establishment, the ditches shall be allowed to revegetate naturally. The permittee will not be required to fill field ditches after seedling establishment.

**I.** Above grade, unpaved, upland silvicultural roads with an average road surface width of twenty-eight (28) feet within a construction corridor up to fifty (50) feet in width. These roads must also incorporate sufficient culverts at grade to prevent alteration of natural sheet flow and may have associated borrow ditches. Road ditches shall be constructed only to obtain road material for the associated road and to provide only enough storage to maintain a dry road surface. Such road ditches must not provide drainage to the tract adjoining the road, other than to provide drainage of the road surface and minor, incidental drainage of abutting lands. These road ditches may be connected to other roadside ditches that were constructed pursuant to this section but must not connect directly or indirectly to any works on-site or off-site which are designed or constructed to provide drainage or conveyance or which would result in drainage or conveyance. Road ditches must be separated from wetlands and other surface waters by a buffer strip of indigenous ground cover and a water turnout prior to said buffer strip. However, road ditches may discharge directly to a wetland when the slope of the uplands within 1000 feet of the edge of the wetland is equal to or less than two (2) percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands. The width of the buffer strip shall be no less than 35 feet, or 50 feet when located adjacent to an Outstanding Florida Water, an Outstanding National Resource Water, or Class I waters.

**J.** Upland borrow areas needed to obtain fill material for crossings authorized by this noticed general permit of streams, other watercourses, wetlands and other impoundments. These upland borrow areas must not provide drainage and must not be hydrologically connected to roadside ditches or field ditches.

**NOTICE OF INTENT TO CONSTRUCT A MINOR SILVICULTURAL  
SURFACE WATER MANAGEMENT SYSTEM PURSUANT TO SECTION 40D-400.500, F.A.C.**

- [illegible]

3. Name of Land Owner: \_\_\_\_\_

Agent/Contact (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

4. Only the minor silvicultural systems set forth in ss. 40D-400.500(4)(a)-(j), F.A.C., may qualify for a noticed general permit. Descriptions of those minor systems are listed A.-J. on the reverse side hereof. Please read the descriptions, then CIRCLE below the letter or letters to identify the minor system that most accurately describes the proposed project work.

**A.                      B.                      C.                      D.                      E.                      F.                      G.                      H.                      I.                      J.**

Provide the name, description, sizes and dimensions of the proposed system (attach construction drawings, etc. as needed):

Approximate Beginning and Ending Dates of Construction: \_\_\_\_\_

5. Location of Proposed System: Attach a copy of the USGS Topo Quad Map and a copy of the County Appraiser's most recent aerial photomap of the site, or other recent aerial photomap, with the location of the project clearly marked and boundaries outlined.

### Location Sketch

U.S.G.S. Topo Quad Map Name:

County(ies): \_\_\_\_\_

Tax Parcel(s) ID#(s): \_\_\_\_\_

Section(s): \_\_\_\_\_

Township(s): \_\_\_\_\_

Range(s): \_\_\_\_\_

Water Course/Water Body Most Affected:

Upstream watershed area (square miles) if a stream or other watercourse crossings pursuant to ss. 40D-400.500(4)(a), (b) or (c), F.A.C., is proposed:

6. Please list any related permit application numbers: \_\_\_\_\_

7. I have full knowledge of and will comply with the requirements of Chapter 40D-400, F.A.C. I understand that this noticed general permit is available only under limited circumstances as set forth in Chapters 40D-400 and 40D-4, F.A.C., and that permittees are required to comply with all general conditions and performance standards listed in Section 40D-400.215 and Subsections 40D-400.500(4), (5) and (6), F.A.C. A District permit does not relieve a permittee from obtaining necessary approvals of any unit of local, state, or federal government.

Printed Name of Land Owner Signing

Printed Name of Authorized Agent Signing (if applicable)

Signature of Land Owner or Authorized Agent\* Date\* Signature by a person other than the land owner is also certification that the person is officially authorized by the owner to act as the land owner's agent for the purpose of procuring the permit.

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## PERMIT APPLICATION FOR SITE CONDITIONS ASSESSMENT

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

2379 BROAD STREET • BROOKSVILLE, FL 34604-6899  
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

: \_\_\_\_\_

Date Received: \_\_\_\_\_  
FOR AGENCY USE

Number

Fee Received: \_\_\_\_\_

Fee Receipt Number: \_\_\_\_\_

Please Type or Print, Read all Instructions, then submit five copies of the completed application and supporting information.

**OWNER:**

Name: \_\_\_\_\_

Firm and Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**APPLICANT:**

Name: \_\_\_\_\_

Firm and Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**AGENT:**

Name: \_\_\_\_\_

Firm and Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**INDIVIDUAL WHO ESTABLISHED THE SITE CONDITIONS BOUNDARIES:**

Name: \_\_\_\_\_

Firm and Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Project Name: \_\_\_\_\_

**Project Size:** \_\_\_\_\_

**Section(s):** \_\_\_\_\_

**Section(s):** \_\_\_\_\_

**County(ies):** \_\_\_\_\_

**Describe past and present land use activities within the boundaries of the property for which a site conditions assessment permit is sought:**

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**If the application's total land area includes any areas for which permits, applications, declaratory statements or Consent Orders are currently in effect, list name, file number, type of activity and provide a copy of all pertinent documents:**

**DEP:** \_\_\_\_\_

**WMD:** \_\_\_\_\_

**ACOE:** \_\_\_\_\_

**OTHER:** \_\_\_\_\_

**Have you ever had a pre-application conference with Agency staff?** ☐ YES ☐ NO

**If Yes: Agency:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Purpose:** \_\_\_\_\_

**Have any Agency Staff previously visited the site?** ☐ YES ☐ NO

**If Yes: Agency:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Purpose:** \_\_\_\_\_

**Name and phone number of the representative(s) who will accompany Agency Staff during the site inspection:**

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**How will site conditions boundaries be identified for site inspection?** \_\_\_\_\_  
(Property boundaries must also be clearly marked prior to site inspections.)

**U.S.G.S. Topographic Quadrangle Map Name:** \_\_\_\_\_  
(Please provide an original with the property boundaries depicted.)

**USDA/NRCS Soil Survey Page Numbers:** \_\_\_\_\_  
(Please provide a copy with the property boundaries depicted.)

**Aerial Photograph (s) Date and Scale:** \_\_\_\_\_  
(Please provide photographs with a scale of 1"=200' or more detailed which accurately reflect the current site conditions. Boundaries, major roads and north bearing should be shown.)



**SUPPORTING INFORMATION NEEDED TO APPLY FOR A SITE CONDITIONS ASSESSMENT PERMIT:**

As a minimum, all site conditions assessment permits must address the landward boundaries of wetlands and other surface waters; the level and landward boundary of the 100 year floodplain; the boundaries of seasonal high water levels at selected locations; and existing watershed boundaries. Additional site condition boundaries may be requested by the petitioner, which will be specifically evaluated for permitting by the District.

**A. Please CHECK BELOW to indicate the existing site condition boundaries for which a Site Conditions Assessment Permit application is being submitted, and any additional boundaries being requested.**

1. ☐ The minimum boundary locations on the property, including the landward extent of wetlands and other surface waters; the level and landward extent of the 100 year floodplain; seasonal high water levels at selected locations; and existing watershed delineations.
2. ☐ Additional boundary locations, which delineate existing topographic or environmental site conditions within the applicant's project area that are measurably associated with waters, such as: the level and landward extent of other floodplains and seasonal or periodic water; special watershed delineations; and other limits that are defined by water levels, surface contours or other physical characteristics and affect the management and storage of surface waters. PLEASE DESCRIBE BELOW THE ADDITIONAL SITE CONDITION BOUNDARIES BEING REQUESTED (REFER TO ADDITIONAL PAGES OR OTHER ATTACHMENTS IF NEEDED).

- (a) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (b) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. The Permit Applicant shall provide the following information to the extent and level of detail needed to accurately identify the existing Site Condition Boundaries identified in A. above:**

1. Map drawings, aerial photogrammetric maps, photos, topographic and boundary surveys, geo-referenced images, hydrological data and other document information showing:
- (a) the total land area and its location, shown on a USGS 1:24000 quad map;
  - (b) the total project area and topographically, environmentally or hydrologically related areas;
  - (c) the on-site demarcation and location of any on-site wetlands or other surface waters, and other site conditions referenced in the application, and any connections to off-site wetlands and waters;
  - (d) the location, site details and other evidence of all topographic, environmental and hydrologic conditions of the existing surface waters or system being addressed by the application; and
  - (e) topographic and hydrological data needed to determine connections between water bodies and to verify water levels, floodplains and other site conditions, including but not limited to data on rainfall, duration and volume of water flow, ground and surface water levels, soils information and the location of natural or man-made water courses on or abutting the site, such as culvert locations, materials, invert elevations and sizes.

2. The applicant may be asked to provide other information that will reasonably assure accurate and sufficient identification and evidence to verify the existing site condition boundaries required by the permit and any additional boundaries requested by the application. Such other information will be required as is reasonably necessary for the District to assess and verify the existing site condition boundaries and decide whether the application adequately qualifies to receive a Site Conditions Assessment Permit.

**C. Attach a legal description of the property for which this site conditions assessment permit is sought.**

**D. In order for the application to be deemed complete, the Southwest Florida Water Management District (SWFWMD) must receive five copies of the verified boundary documents, either in the form of certified surveys, depiction on rectified aerial photographs, geo-referenced images, or GPS depiction on aerial photographs of the surveyed delineations.**

**CERTIFICATION BY THE APPLICANT:**

I understand that I will have to provide any additional information that may be necessary to complete this application. I am familiar with the information contained in this application and to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to apply for a site conditions assessment permit in accordance with Florida Laws, or I am acting as the duly authorized agent of the land owner or other person with such authority. I understand that to knowingly making any false statement or representation in this application is a violation of Chapter 373.430, F.S.

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Typed/ Printed Name of Applicant Owner or Agent	Corporate Title, if applicable
-------------------------------------------------	--------------------------------

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Signature of Applicant Owner or Agent	Date
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**AN AGENT MAY SIGN ABOVE ONLY IF THE FOLLOWING IS COMPLETED:**

I hereby designate and authorize the agent listed above to act on my behalf as my agent in the processing of this application for a site conditions assessment permit and to furnish, on request, supplemental information in support of the petition. I am familiar with the information contained in this application and to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to apply for a site conditions assessment permit in accordance with Florida Laws. I understand that knowingly making any false statement or representation in this application is a violation of Chapter 373.430, F.S.

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Typed/ Printed Name of Owner/Applicant	Corporate Title, if applicable
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Signature of Owner/Applicant	Date
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**PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:**

I either own the property described in this application, or I have legal authority to allow access to the property; and I consent to a site conditions assessment permit and associated boundary determinations being made on the property as described in Chapters 40D-4 and 40D-40, F.A.C. I authorize representatives or personnel from the SWFWMD, after prior notification, to enter the property as often as may be necessary to make surveys and inspections to conduct site conditions assessment, and I will provide access throughout the property sufficient to perform the permitting verification. I will attach to this application documentation demonstrating that I am the owner of the property or that I have legal authority to allow access to the property.

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Typed/ Printed Name	Corporate Title, if applicable
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Signature	Date
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**PETITION FOR A FORMAL DETERMINATION  
OF THE LANDWARD EXTENT OF  
WETLANDS AND SURFACE WATERS  
CHAPTER 373.421, FLORIDA STATUTES (F.S.)**

*SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT*

2379 BROAD STREET • BROOKSVILLE, FL 34604-6899  
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

Number: \_\_\_\_\_  
Fee Received: \_\_\_\_\_

**FOR AGENCY USE**

Date Received: \_\_\_\_\_  
Fee Receipt Number: \_\_\_\_\_

Please Type or Print. Read all instructions. Submit five copies of the completed application and supporting information.

**OWNER**

**Name:** \_\_\_\_\_

**Firm and Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**PETITIONER:**

**Name:** \_\_\_\_\_

**Firm and Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**AGENT:**

**Name:** \_\_\_\_\_

**Firm and Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**INDIVIDUAL WHO ESTABLISHED THE WETLAND LINE:**

**Name:** \_\_\_\_\_

**Firm and Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Project Size:** \_\_\_\_\_

**Section(s):** \_\_\_\_\_

**Section(s):** \_\_\_\_\_

**County(ies):** \_\_\_\_\_

**Land Grant Name, if applicable:** \_\_\_\_\_

**Describe past and present land use activities within the boundaries of the property for which a determination is sought:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If petition boundaries include any areas for which permits, applications, declaratory statements or Consent Orders have been received, list name, file number, type of activity and provide a copy of all pertinent documents:**

**DEP:** \_\_\_\_\_

**WMD:** \_\_\_\_\_

**ACOE:** \_\_\_\_\_

**OTHER:** \_\_\_\_\_

**Have you ever had a pre-application conference with Agency staff?** \_\_\_YES \_\_\_NO

**If Yes: Agency:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Purpose:** \_\_\_\_\_

**Have any Agency Staff previously visited the site?** \_\_\_YES \_\_\_NO

**If Yes: Agency:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Purpose:** \_\_\_\_\_

**Name and phone number of the representative who will accompany Agency Staff during the site inspection:**

\_\_\_\_\_

**How will property boundaries be identified for site inspection?** \_\_\_\_\_

(Property boundaries must be clearly marked prior to site inspections.)

**U.S.G.S. Topographic Quadrangle Map Name:** \_\_\_\_\_

(Please provide an original with the property boundaries depicted.)

**USDA/NRCS Soil Survey Page Numbers:** \_\_\_\_\_

(Please provide a copy with the property boundaries depicted.)

**Aerial Photograph (s) Date and Scale:** \_\_\_\_\_

(Please provide photographs with a scale of 1"=200' or more detailed which accurately reflect the current site conditions. Boundaries, major roads and north bearing should be shown.)

Attach documentation showing petitioner's legal or equitable interest in the property, or if petitioner has the power of eminent domain, please indicate, on attached sheets, by what authority petitioner has such power.

Attach a legal description of the property for which this determination is sought.

In order for your petition to be deemed complete, the Southwest Florida Water Management District (SWFWMD) must receive five copies of the verified delineation either in the form of certified surveys, depiction on rectified aerial photographs, geo-referenced images, or GPS depiction on aerial photographs of the surveyed delineation.

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I understand that I have to provide any additional information that may be necessary to complete this petition. I am familiar with the information contained in this petition and to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to petition for a formal wetland determination in accordance with Section 373.421, F.S. or am acting as the duly authorized agent of a person with such authority. I understand that to knowingly making any false statement or representation in this petition is a violation of Chapter 373.430, F.S.

---

Typed/ Printed Name of Petitioner or Agent	Corporate Title, if applicable
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Signature of Petitioner or Agent	Date
----------------------------------	------

**AN AGENT MAY SIGN ABOVE ONLY IF THE FOLLOWING IS COMPLETED:**

I hereby designate and authorize the agent listed above to act on my behalf as my agent in the processing of this petition for formal wetland determination and to furnish, on request, supplemental information in support of the petition. I am familiar with the information contained in this petition and to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to petition for a formal wetland determination in accordance with section 373.421, F.S. I understand that knowingly making any false statement or representation in this petition is a violation of Chapter 373.430, F.S.

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Typed/ Printed Name of Petitioner	Corporate Title, if applicable
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Signature of Petitioner	Date
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**PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:**

I either own the property described in this petition or I have legal authority to allow access to the property, and I consent to a formal determination being made on the property as described in section 40D-4.042, F.A.C. I authorize representatives or personnel from the SWFWMD, after prior notification, to enter the property as many times as may be necessary to make the wetland determination and I will provide access throughout the property sufficient to perform the determination. I will attach to this petition documentation demonstrating that I am the owner of the property or that I have legal authority to allow access to the property.


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Typed/ Printed Name	Corporate Title, if applicable
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Signature	Date
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	<p><b>STATEMENT OF COMPLETION AND REQUEST FOR TRANSFER TO OPERATION ENTITY</b></p> <p><b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b></p> <p>2379 BROAD STREET • BROOKSVILLE, FL 34604-6899 (352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476</p>	
-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Within 30 days after completion of construction of the surface water managementsystem, the owner or authorized agent must submit the original plus one copy of this form and two complete sets ofcertified as-built drawings for the surface water management system structures and appurtenances. Upon receipt, this Statèment of Completion will be reviewed and the system may be inspected for compliance with the approved permit and asbuilt drawings. The operation phase of this permit is effective when the Statement of Completion form is signed by an authorized District representative.

**1. SURFACE WATER MANAGEMENT SYSTEM INFORMATION:**

Permit No.: \_\_\_\_\_ County: \_\_\_\_\_

Project Name: \_\_\_\_\_ Permittee: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ Telephone: (\_\_\_\_\_) \_\_\_\_\_

**2. I HEREBY CERTIFY THAT (please choose accurately and check only one box):**

- A. At the time of final inspection, the surface water management system was completed substantially in accordance with the permitted construction plans and information. Any minor deviations from the permitting plans and specifications will not prevent the system from functioning in compliance with the requirements of Chapters 40D-4 and 40D-40, Florida Administrative Code (F.A.C.). (The as-built drawings and information submitted to the District shall confirm this certification.)
- B. At the time of final inspection, the system was NOT completed in substantial conformance with the permitted construction plans and information. (The registered professional engineer shall describe the deviation(s) in writing, and provide confirming depiction on the as-built drawings and information.)

This certification shall be verified by TWO COPIES of attached "as-built" drawings (as-built drawings must be signed, dated and sealed by a Florida Registered Professional Engineer or Professional Land Surveyor and Mapper, as required by State Law).

By: \_\_\_\_\_  
Signature of Engineer of Record

● AFFIX SEAL ●

Name (please type)

Fla. P.E. Reg. No.

Company Name

Date: \_\_\_\_\_  
(Enter month and day, two-digit's each; and year, four digits)

Company Address

Phone: (\_\_\_\_\_) \_\_\_\_\_

City, State, Zip

3. **NOTIFICATION OF COMPLETION:** The District is hereby notified that construction of the surface water management system is completed, and the Permittee requests that the surface water management permit be transferred to the legal entity (individual owner or corporate) responsible for operation and maintenance (O&M) as named in Section 4. An authorized agent must submit a letter of authorization from the permittee authorizing him or her to execute this Notification.

By: \_\_\_\_\_  
Signature of Permittee or Authorized Agent                      Name and Title (*please type*)

\_\_\_\_\_ Company                      Name

Permit Number                      \_\_\_\_\_

\_\_\_\_\_ Company Address

\_\_\_\_\_ City, State, Zip

4. **AGREEMENT FOR SYSTEM OPERATION AND MAINTENANCE RESPONSIBILITY:** The below-named legal entity responsible for O&M agrees to operate and maintain the surface water management system in compliance with all permit conditions and the provisions of Chapters 40D-4 and 40D-40, F.A.C. An authorized agent must submit a letter of authorization from the owner or other legal entity authorizing him or her to execute this agreement.

By: \_\_\_\_\_  
Signature of Representative of Acceptable O&M Entity or Authorized Agent                      Name of Owner or Other Acceptable Legal Entity for O&M

\_\_\_\_\_ Name and Title (*please type*)                      Address

\_\_\_\_\_ Permit Number                      City,                      State, Zip

\_\_\_\_\_ Phone                      Date

**RESPONSIBILITY FOR OPERATION AND MAINTENANCE MAY BE TRANSFERRED TO ANOTHER ENTITY ONLY UPON WRITTEN NOTICE AND APPROVAL BY THE DISTRICT IN ACCORDANCE WITH RULE 40D-4.351, F.A.C.**

**AGENCY USE ONLY**

**OPERATION AUTHORIZATION:** Based upon the certification by the Engineer of Record in Section 2. and the notice of completion in Section 3., the responsibility for operation and maintenance of the system is transferred to the legal entity named in Section 4., and the operation phase of this permit is effective on the date indicated below.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT:**

Authorized District Representative

Name and Title

Effective Date

(*Enter month and day, two-digits each; and year, four digits*)

Permit Number



## AS-BUILT DRAWINGS AND INFORMATION CHECKLIST

Following is a list of information that is to be verified and submitted by the Engineer of Record in support of the Statement of Completion.

1. On behalf of the permittee, the Engineer shall certify that:

a. At the time of final inspection, the surface water management system was completed substantially in accordance with the permitted construction plans and information. Any minor deviations from the permitting plans and specifications will not prevent the system from functioning in compliance with the requirements of Chapters 40D-4 and 40D-40, F.A.C. (The as-built drawings and information submitted to the District shall confirm this certification.); or

b. At the time of final inspection, the system was NOT completed in substantial conformance with the permitted construction plans and information. (The registered professional engineer shall describe the deviation(s) in writing, and provide confirming depiction on the as-built drawings and information.)

2. The Engineer's certification shall be based upon on-site observation of construction (scheduled and conducted by the professional engineer of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, information and specifications.

3. The as-built drawings are to be based on the District permitted construction drawings revised to reflect any changes made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated and sealed by a Florida registered professional surveyor and mapper or professional engineer. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:

a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;

b. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions and elevations of all, including clean-outs, pipes, connections to control structures and points of discharge to receiving waters;

c. Storage areas for treatment and attenuation - dimensions, elevations, contours or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems;

d. System grading - dimensions, elevations, contours, final grades or cross-sections to determine contributing drainage areas, flow directions and conveyance of runoff to the system discharge point(s);

e. Conveyance - dimensions, elevations, contours, final grades or cross-sections of systems utilized to divert off-site runoff around or through the new system;

f. Water levels - existing water elevation(s) and the date determined;

g. Benchmark(s) - location and description (minimum of one per major water control structure); and

h. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted and identification of source of material; also provide the dimensions, elevations, contours and representative cross-sections depicting the construction.

4. Submit the final subdivision plat or other legal documents, as recorded in the county public records, showing dedicated rights-of-way, easement locations and special use areas that are reserved for water management purposes and continuing operation and maintenance.

5. Additional information will be shown on the as-built drawings or otherwise provided as needed to verify and support the Statement of Completion (example: home owners association final documents, and other items required by permitting conditions.)

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## STATEMENT OF INSPECTION FOR PROPER OPERATION AND MAINTENANCE

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

2379 BROAD STREET • BROOKSVILLE, FL 34604-6899  
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

Within 30 days after completion of the inspection for proper operation and maintenance, the operation and maintenance entity or its authorized agent must **SEND THE ORIGINAL PLUS ONE COPY OF THIS FORM** to the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. Upon receipt, the District will review this statement and may inspect the system for compliance with the approved permit and as-built drawings.

### (1) SURFACE WATER MANAGEMENT SYSTEM INFORMATION:

Permit No. \_\_\_\_\_ County: \_\_\_\_\_

Project Name: \_\_\_\_\_

Permittee: \_\_\_\_\_

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

(2) I hereby certify that an inspection of the above-referenced system was performed on \_\_\_\_\_ and further certify based on my observations that all above-ground facilities are being operated and maintained as authorized by the Southwest Florida Water Management District. I further state that it is my opinion based on my observations, knowledge, experience and any other available information that the below-ground facilities are being operated and maintained as authorized.

By: \_\_\_\_\_  
Signature of Engineer                      Name (Please Type)                      FL P.E. No.

(Affix Seal)

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Address

\_\_\_\_\_  
City, State, Zip

Phone: (\_\_\_\_\_) \_\_\_\_\_ Date: \_\_\_\_\_

[Blank]

#### **40D-1.607 Permit Processing Fee.**

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) Environmental Resource or Management and Storage of Surface Waters Permit Applications.

(a) The fee for a permit application for activities reviewed pursuant to Chapters 40D-4, 40D-40, and 40D-400, F.A.C., are as follows:

1.	Application for Conceptual Permit	\$250	0.00
2.	Application for Conceptual Permit Modification	\$125	0.00
3.	Application for Individual Permit	\$250	0.00
4.	Application for Individual Permit and General Permit for Incidental Site Activities	\$330	0.00
5.	Application for Individual Permit Modification	\$125	0.00
6.	Application for General Permit pursuant to Chapter 40D-40, F.A.C.		\$1600.00
7.	Application for General Permit Modification		\$800.00
8.	Application for General Permit for Minor Surface Water Systems		\$200.00
9.	Application for General Permit for Minor Surface Water System Modification		\$100.00
10.	Application for General Permit for an activity which has less than 10 acres of project area and impacts 5,000 square feet or less of wetlands or other surface waters		\$800.00
11.	Application for permit modification for an activity which has less than 10 acres of project area and impacts 5,000 square feet or less of wetlands or other surface waters		\$400.00
12.	Application for general permit for a public highway project which has less than 10 acres of project area and has less than two acres of new impervious surface area		\$200.00
13.	Application for permit modification for a public highway project which has less than 10 acres of project area and has less than two acres of new impervious surface area		\$100.00
14.	Application for a noticed general permit pursuant to Chapter 40D-400, F.A.C.		\$100.00

(b) The fees for permit applications concerning the establishment and operation of a mitigation bank under Chapter 40D-4, F.A.C., are as follows:

1.	Individual Mitigation Bank Permit	\$250	0.00
2.	Individual Mitigation Bank Permit Modification	\$125	0.00
3.	Mitigation Bank Conceptual Permit	\$2500.00	
4.	Mitigation Bank Conceptual Permit Modification	\$1250.00	

(c) Transfer of permit to another entity \$50.00

(2) Application fees for proprietary authorization under Chapters 253 and 258, F.S., are in accordance with the fee schedule provided in Chapter 18-21, F.A.C.

(3) The following types of applications are exempt from the fees identified in subsection (1):

(a) APPLICATIONS FOR PERMITS OR PERMIT MODIFICATIONS WHICH INVOLVE;

1. Less than one-half acre of new project area for non-agricultural projects or less than ten acres of new project area for agricultural projects; and
2. No new impacts to wetlands or surface waters or new impacts only to those wetlands less than one-half acre in size, unless such wetlands are regulated pursuant to Chapter 40D-4, 40D-40 or 40D-400, F.A.C.

(b) PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-4.331(2)(b) or subsection 40D-40.331(2), F.A.C.

(c) RESUBMITTALS: Any resubmittal of an application that was denied or withdrawn within the preceding twelve months, provided the same type of application with a substantially similar design is resubmitted.

(d) CONCURRENTLY SUBMITTED APPLICATIONS: Any construction permit application submitted concurrently with a conceptual permit application, where the construction application represents a portion of the conceptual permit application.

(e) SINGLE FAMILY DWELLING UNITS: Applications for Chapter 40D-40, F.A.C., General or paragraph 40D-400.475(1)(f), F.A.C., Noticed General Permits for construction of a single family dwelling unit involving wetlands that is not part of a larger common plan of development or sale proposed by the applicant.

(f) OPERATION PERMITS: Applications for operation permits submitted in conjunction with a construction permit for the same surface water management system.

(4) For projects grandfathered pursuant to Section 373.414, F.S., the conceptual, individual or general surface water management permit application fee shall be the same as the conceptual, individual or general environmental resource permit application fees listed in this subsection.

(5) For projects grandfathered pursuant to Section 373.414, F.S., the wetland resource (dredge and fill) permit application fee shall be as follows:

(a) Dredge and fill construction projects up to and including 5 years:			
1.	Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to Rule 62-312.070, F.A.C.	\$400	0.00
2.	Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to paragraph 62-312.070(2)(a), F.A.C.		\$500.00
3.	Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to paragraph 62-312.070(2)(b), F.A.C., that provide:		
a.	0 – 2 new boat slips		\$300.00
b.	3 – 9 new boat slips		\$500.00
(b) Dredge and fill construction permits in excess of 5 years:			
1.	Short form permits from 6 years up to and including 10 years		\$3000.00
2.	Standard form permits for 6 years	\$600	0.00
3.	Standard form permits for 7 years	\$700	0.00
4.	Standard form permits for 8 years	\$800	0.00
5.	Standard form permits for 9 years	\$900	0.00
6.	Standard form permits for 10 years	\$10,	000.00
7.	Standard form permits for 11 years	\$11,	000.00
8.	Standard form permits for 12 years	\$12,	000.00
9.	Standard form permits for 13 years	\$13,	000.00
10.	Standard form permits for 14 years	\$14,	000.00
11.	Standard form permits for 15 years	\$15,	000.00
12.	Standard form permits for 16 years	\$16,	000.00
13.	Standard form permits for 17 years	\$17,	000.00
14.	Standard form permits for 18 years	\$18,	000.00
15.	Standard form permits for 19 years	\$19,	000.00
16.	Standard form permits for 20 years	\$20,	000.00
17.	Standard form permits for 21 years	\$21,	000.00
18.	Standard form permits for 22 years	\$22,	000.00
19.	Standard form permits for 23 years	\$23,	000.00
20.	Standard form permits for 24 years	\$24,	000.00
21.	Standard form permits for 25 years	\$25,	000.00

(c) For the purposes of determining the fee for wetland resource management permits, the term of duration for the permit shall be reduced by the period of time (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor

monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the District determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.

(d) For permit applications which involve a combination of the project fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Rule 62-312.070, F.A.C., shall be charged.

(e) Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource permit application:

- |                                                              |          |
|--------------------------------------------------------------|----------|
| 1. Variances from the prohibition of Rule 62-312.080, F.A.C. | \$100.00 |
| 2. Other variances                                           | \$500.00 |

(f) A single additional fee of \$500 shall be required for projects in which monitoring and evaluation to determine the success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee will be due at this time. If it is determined after the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.

(g) General Permits	\$100.00
---------------------	----------

(h) Minor modification of permits that do not require substantial technical evaluation by the District, in conformance with paragraph 62-4.050(4)(s), F.A.C., do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:

- |                                                                                                                                                                       |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. That consist of transfers of permits or time extensions                                                                                                            | \$50.00  |
| 2. Involving minor technical changes when the existing permit fee is less than \$300.00, except for modifications to permits issued pursuant to Section 403.816, F.S. | \$50.00  |
| 3. Involving minor technical changes when the existing permit fee is more than or equal to \$300.00                                                                   | \$250.00 |

(6) Petition for Formal Determination of Wetlands and Other Surface Waters:

(a) The fees for Petitions for Formal Determination of Wetlands and Other Surface Waters are as follows, for:

- |                                                                       |                                 |
|-----------------------------------------------------------------------|---------------------------------|
| 1. Property less than or equal to 1 acre                              | \$250.00                        |
| 2. Property greater than 1 acre but less than or equal to 10 acres    | \$550.00                        |
| 3. Property greater than 10 acres but less than or equal to 40 acres  | \$750.00                        |
| 4. Property greater than 40 acres but less than or equal to 120 acres | \$1500.00                       |
| 5. Property greater than 120 acres                                    | \$150                      0.00 |
| i. For each additional 100 acres or portion thereof                   | \$200.00                        |
| 6. Renewal of formal wetland determinations                           | \$250.00                        |

(b) For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed above.

(c) Any resubmittal of a petition for formal determination of wetlands and other surface waters that was denied or withdrawn within the preceding twelve months, provided it is substantially similar to the denied or withdrawn petition, is exempt from the fees identified in subparagraph (a).

(7) Water use permit application fees shall be as follows:

- |                                                           |            |
|-----------------------------------------------------------|------------|
| (a) Chapter 40D-2, F.A.C., individual permit new          | \$1,000.00 |
| (b) Chapter 40D-2, F.A.C., individual permit renewal      | \$750.00   |
| (c) Chapter 40D-2, F.A.C., individual permit modification | \$300.00   |
| (d) Chapter 40D-2, F.A.C., individual permit temporary    | \$200.00   |
| (e) Chapter 40D-2, F.A.C., general permit new             | \$250.00   |
| (f) Chapter 40D-2, F.A.C., general permit renewal         | \$185.00   |

(g) Chapter 40D-2, F.A.C., general permit modification	\$75.00
(h) Chapter 40D-2, F.A.C., general permit temporary	\$50.00
(i) Chapter 40D-2, F.A.C., general permit new (withdrawal less than 100,000 average gpd)	\$50.00
(j) Chapter 40D-2, F.A.C., general permit renewal (withdrawal less than 100,000 average gpd)	\$35.00
(k) Chapter 40D-2, F.A.C., general permit modification (withdrawal less than 100,000 average gpd)	\$15.00

(l) For those public supply utilities which are solely wholesale customers of water supplied by another entity and are required to obtain a permit for such activities pursuant to Chapter 40D-2, F.A.C., permit fees shall be one-half of the applicable fee provided in paragraphs (a) through (k) above.

(8) The following types of applications are exempt from the fees identified in subsection (7):

(a) **PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM:** Applications for permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-2.331(2)(b), F.A.C.

(b) **RESUBMITTALS:** Any resubmittal of an application that was denied or withdrawn within the preceding twelve months, provided the same type of application with substantially similar quantities is resubmitted.

(9) Permit application fees for water well construction or repair shall be as follows:

(a) Chapter 40D-3, F.A.C., non-public supply water wells	\$50.00
(b) Chapter 40D-3, F.A.C., public supply water wells or other wells constructed to public supply standards	\$130.00
(c) Chapter 40D-3, F.A.C., non-public supply potable water wells in Chapter 62-524, F.A.C., delineated areas	\$100.00
(d) Chapter 40D-3, F.A.C., public supply water wells in Chapter 62-524, F.A.C., delineated areas	\$500.00

(10) The following type of application is exempt from the fees identified in subsection (9):

(a) **ABANDONMENT PERMIT APPLICATIONS:** Applications for permits to abandon water wells.

(11) Chapter 40D-40, F.A.C., general site conditions assessment permit:

(a) Within a contiguous project area of 100 acres or more, and/or with more than one acre of wetlands on site, basic fee	\$125	0.00
(b) Within a contiguous project area of less than 100 acres, and with one acre or less of wetlands on site, basic fee		\$800.00

(c) Application for formal modification of an existing site conditions assessment permit by adjustment, expansion, transfer, extension, or conversion to a Chapter 40D-4 or 40D-40, F.A.C., construction and operation permit:

1. For adjustment, expansion, transfer or extension of contiguous project area and permitting of the same or additional site condition boundaries, one-half the basic fee applicable to a new application;

2. Modification to convert to Chapter 40D-4 or 40D-40, F.A.C., construction permit:

a. When the construction permit applicant is the original permittee for a valid site conditions assessment permit, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., general construction permit, as applicable; if a construction permit is issued, a credit equal to the basic fee amount paid in connection with the site conditions assessment permit shall be reimbursed after submittal of the project Statement of Completion and as-built information by the original permittee, and operation approval by the District.

b. When the construction permit applicant is not the original permittee, and the applicant has a valid site conditions assessment permit that was transferred, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a



Chapter 40D-40, F.A.C., general construction permit, as applicable; but the permit application processing fee credit in sub-subparagraph 2.a. shall not apply.

Specific Authority 373.044, 373.113, 373.149, 373.171, F.S. Law Implemented 373.109, 373.421(2), F.S. History – Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08.

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## **SUMMARY OF ENVIRONMENTAL RESOURCE PERMITTING RESPONSIBILITIES BY FDEP**

**The Florida Department of Environmental Protection (FDEP) is responsible for issuing (or denying) some types of permits. The Water Management Districts (WMDs) issue (or deny) the remaining types. This summary only covers typical cases. Applicants with complex or non-typical situations or who need further clarification should contact the nearest FDEP or WMD office. In Southwest Florida Water Management District (SWFWMD), the Operating Agreement between FDEP and SWFWMD dated September 27, 1994 governs this subject.**

**Typically, the DEP is responsible for reviewing and taking agency action on the following activities (including compliance and enforcement):**

- \* Systems that serve one single-family dwelling unit, duplex, triplex, or quadraplex on a contiguous ownership of property of five acres or less, provided the single-family dwelling unit, duplex, triplex, or quadraplex is not part of a larger common plan of development or sale proposed by the applicant. The term "system" means a stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof, including dredged or filled areas. This term includes the construction of docks, seawalls, structures, and all other types of dredging or filling in surface waters and wetlands.**
- \* Projects that also need a waste treatment or management permit from DEP:
  - Solid waste (except certain activities that qualify for general permits)**
  - Hazardous waste (except where the storage of hazardous waste is an incidental part of the facility)**
  - Domestic wastewater (except for certain applications)**
  - Industrial wastewater (except certain activities that qualify for general permits)****
- \* All mining projects (excluding borrow pits).**
- \* Power plants and electrical distribution and transmission lines, including associated facilities**
- \* Communication cables and lines.**
- \* Natural gas or petroleum exploration activities and facilities, and production pipelines.**
- \* Docking facilities involving the creation of 10 or more new boat slips, including adjacent docking-related development and associated navigational dredging, except where the docking facility and associated navigational dredging is part of a larger plan of commercial or residential development that has received or requires a permit under Part IV of Chapter 373, F.S.**

- \* Activities proposed in whole or in part seaward of the coastal construction control line.
- \* Navigational dredging conducted by governmental entities.
- \* Seaports and adjacent seaport-related development where the applicant or property owner is a port authority.
- \* The following activities in wetlands and other surface waters when such activities are not part of a larger plan of development: boat ramps, ski jumps, ski slalom courses, aids to navigation, mooring buoys and fields, piling supported structures which are not physically connected to uplands, estuarine and marine aquaculture facilities, fish attractors, artificial reefs, treasure salvage, and archaeological research or exploration.
- \* Temporary systems for commercial film productions.
- \* High speed rail facilities.
- \* Magnetic levitation demonstration projects.
- \* Mitigation banks primarily for: governmental solid waste, domestic wastewater or industrial wastewater facilities; mining; power production; communication cables and lines; natural gas or petroleum exploration activities, facilities and production pipelines; navigational dredging projects conducted by governmental entities; seaports and related development by port authorities.
- \* Modification of permits issued by the DEP. If the permit has been modified, the agency that issued the last modification to the permit shall process the modification. The DEP shall process modifications of MSSW permits for solid waste facilities and mining projects.

Typically, the Southwest Florida Water Management District is responsible for reviewing and taking agency action (including compliance and enforcement) on all other Environmental Resource Permit Applications.

STATE OF FLORIDA

MITIGATION BANK PERFORMANCE BOND  
TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE

Date bond executed: \_\_\_\_\_

Period of coverage: \_\_\_\_\_

Effective date: \_\_\_\_\_

Principal:

\_\_\_\_\_  
Legal Name and Business Address of Mitigation Banker  
\_\_\_\_\_

Type of Organization:      \_\_\_\_\_ Individual  
                                         \_\_\_\_\_ Joint Venture  
                                         \_\_\_\_\_ Partnership  
                                         \_\_\_\_\_ Corporation

State of Incorporation: \_\_\_\_\_

Surety(ies):

\_\_\_\_\_  
Name(s) and Business Address(es)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Scope of coverage: Construction and implementation of the \_\_\_\_\_ mitigation bank pursuant to the requirements of permit number \_\_\_\_\_ issued by the Southwest Florida Water Management District including the plans approved by said permit.

Total penal sum of bond: \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

Know All Persons By These Presents, that we, the Principal and Surety(ies) hereto are firmly bound to the Southwest Florida Water Management District in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum

"jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be full amount of the penal sum.

WHEREAS, said Principal is required, under Section 373.4136, Florida Statutes, as amended, to have a permit in order to construct, implement and manage the mitigation bank identified above, and

WHEREAS, said Principal is required by Section 373.4136, Florida Statutes, and the administrative rules of the District to provide financial assurance for construction and implementation of the mitigation bank as a condition of the permit(s) as further described in the scope of coverage above, and

WHEREAS, said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

NOW, THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully construct and implement the \_\_\_\_\_ mitigation bank, for which this bond guarantees construction and implementation, as required by District permit number \_\_\_\_\_ and the plans approved by such permit, as such permit and plans may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal shall provide alternate financial assurance, as specified in the administrative rules of the District, and obtain the District's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the District from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

Such obligation does not apply to any of the following:

- (a) Any obligation of (insert banker's name) under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of (insert banker's name) arising from, and in the course of, employment by (insert banker's name);
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by (insert banker's name) that is not the direct result of a construction or implementation activity for the \_\_\_\_\_ mitigation bank required pursuant to District permit number \_\_\_\_\_;

- (e) Bodily injury or property damage for which (insert banker's name) is obligated to pay damages by reason of the assumption of liability in a contract or agreement.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Deputy Executive Director of Resource Regulation of the District that the Principal has been found in violation of the requirements of permit number \_\_\_\_\_ by failing to perform the construction and implementation activities for the \_\_\_\_\_ mitigation bank for which this bond guarantees performance, the Surety(ies) shall, within 60 days of receiving such notice, either perform such construction and implementation in accordance with the permit and other permit requirements and pursuant to the written directions of the District, or place the bond amount guaranteed for the \_\_\_\_\_ Mitigation Bank (the total penal sum of this bond) into the standby trust fund as directed by the District.

Upon notification by the Deputy Executive Director of Resource Regulation of the District that the Principal has failed to provide alternate financial assurance and obtain written approval of such assurance from the District during the 90 days following receipt by both the Principal and the District of a notice of cancellation of the bond, the Surety(ies) shall place funds in the amount guaranteed for the \_\_\_\_\_ Mitigation Bank (the total penal sum of this bond) into the standby trust fund as directed by the District.

The Surety(ies) hereby waive(s) notification of amendments to the \_\_\_\_\_ Mitigation Bank plans, permits, applicable laws, statutes, rules, and regulations and agree(s) that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and the District; provided, however that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the District, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the District.

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond every two years so that it guarantees increased or decreased construction and implementation cost provided that no decrease in the penal sum takes place without the written permission of the District.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this Performance Bond is substantially similar to Form MB/PB which form has been adopted by reference in Rule 40D-1.659, Florida Administrative Code.

PRINCIPAL

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type Name and Title

Corporate Seal

CORPORATE SURETY(IES)

For each co-surety provide the following

\_\_\_\_\_  
Name and Address

\_\_\_\_\_  
State of Incorporation

Liability Limit \$ \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type Name and Title

Corporate Seal



STATE OF FLORIDA

MITIGATION BANK IRREVOCABLE LETTER OF CREDIT  
TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION  
FINANCIAL ASSURANCE

Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL 34604-6899

\_\_\_\_\_  
Address of Issuing Institution

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. \_\_\_\_\_ in your favor, at the request and for the account of

\_\_\_\_\_  
Mitigation Banker's Name and Address

up to the aggregate amount of \_\_\_\_\_

In Words

U.S. dollars \$ \_\_\_\_\_, available upon presentation of

(1) your sight draft, bearing reference to this letter of credit No. \_\_\_\_\_, and either:

(2) a Certificate issued by the Southwest Florida Water Management District in the form of Certificate I attached hereto and made a part hereof; or

(3) a Certificate issued by the Southwest Florida Water Management District in the form of Certificate II attached hereto and made a part hereof.

This letter of credit may be drawn on to cover construction and implementation activities of the \_\_\_\_\_ mitigation bank as authorized and required by District permit number \_\_\_\_\_ as such permit may be amended and including all plans approved by such permit.

This letter of credit may not be drawn on to cover any of the following:

- a) Any obligation of [insert mitigation banker's name] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- b) Bodily injury to an employee of [insert mitigation banker's name] arising from, and in the course of employment by [insert mitigation banker's name];
- c) Bodily injury or non-realty property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert mitigation banker's name] that is not the direct result of the

construction or implementation of the \_\_\_\_\_ mitigation bank pursuant to District permit number \_\_\_\_\_;

e) Bodily injury or property damage for which [insert mitigation banker's name] is obligated to pay damages by reason of the assumption of liability in a contract or agreement.

This letter of credit is effective as of \_\_\_\_\_ and shall expire on \_\_\_\_\_ but such expiration date shall be automatically extended without amendment for additional periods of one year from the present or future expiration date unless, at least 120 days before an expiration date, we notify both you and [insert mitigation banker's name] by certified mail that we have decided not to extend this letter of credit for any such additional period. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and [insert mitigation banker's name] as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the \_\_\_\_\_, in accordance with your instructions.

Name of Trust Fund

We hereby waive notification of amendments to the \_\_\_\_\_ Mitigation Bank plans, permits, applicable laws, statutes, rules and regulations and agree that no such amendment shall in any way alleviate us of our obligation under this letter of credit.

We certify that the wording of this letter of credit is substantially similar to the wording specified in Form MB/ILC which form has been adopted by reference in Rule 40D-1.659, Florida Administrative Code, as such regulations were constituted on the date shown immediately below.

\_\_\_\_\_  
Signature(s), Title(s) of Official(s) of Issuing Institution

\_\_\_\_\_  
Date

\_\_\_\_\_  
This credit is subject to \_\_\_\_\_

\_\_\_\_\_  
Insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce, " or " the Uniform Commercial Code".

CERTIFICATE I  
TO  
\_\_\_\_\_  
BANK OF \_\_\_\_\_  
IRREVOCABLE LETTER OF CREDIT NO. \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Issuing Bank's Name and Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mitigation Banker's Name and Address  
\_\_\_\_\_

Ladies and Gentlemen:

The undersigned \_\_\_\_\_, the Deputy Executive Director of Resource Regulation of the Southwest Florida Water Management District (the "District"), or \_\_\_\_\_, the Director's designee, hereby certifies to \_\_\_\_\_ (the  
Mitigation Banker's Name  
"Bank") and \_\_\_\_\_, with reference to Irrevocable Letter of Credit No. \_\_\_\_\_  
Issuing Bank's Name  
\_\_\_\_\_, dated \_\_\_\_\_, (the "Letter of Credit"), issued by the Bank in favor of the District as follows:

1. The District has heretofore provided written notice by placing in the U.S. Mail to \_\_\_\_\_ of the District's present right to  
Mitigation Banker's Name  
draw upon the Letter of Credit in accordance with the provisions of that certain Mitigation Bank Permit # \_\_\_\_\_, dated \_\_\_\_\_, issued by the District in favor of \_\_\_\_\_.  
Mitigation Banker's Name
2. \_\_\_\_\_ has failed to comply with the terms and  
Mitigation Banker's Name  
conditions of the Permit.

IN WITNESS WHEREOF, this Certificate has been duly executed and delivered on behalf of the District as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

By:\_\_\_\_\_

Name:  
Deputy Executive Director,  
Resource Regulation or  
Designee

CERTIFICATE II  
TO  
\_\_\_\_\_BANK OF  
IRREVOCABLE NONTRANSFERABLE STANDBY  
LETTER OF CREDIT NO. \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Issuing Bank's Name and Address

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mitigation Banker's Name and Address

\_\_\_\_\_

Ladies and Gentlemen:

The undersigned \_\_\_\_\_, the Deputy Executive Director of Resource Regulation of the Southwest Florida Water Management District ("the District"), or \_\_\_\_\_ the Director's designee, hereby certifies to \_\_\_\_\_ (the "bank")  
Issuing Bank's Name  
and \_\_\_\_\_, with reference to irrevocable Letter of Credit No.  
Mitigation Banker's Name  
\_\_\_\_\_, dated \_\_\_\_\_, (the "Letter of Credit"), issue by the Bank in favor of the District, as follows:

1. The Bank has heretofore provided written notice to the District and \_\_\_\_\_ of the Bank's intent not to renew the Letter  
Mitigation Banker's Name  
of Credit following the present Expiration Date thereof.
2. The District has provided prior written notice by placing in the U.S. Mail to \_\_\_\_\_ of the requirement that \_\_\_\_\_ provide the District with  
Mitigation Banker's Name Mitigation Banker's Name  
substitute Financial Assurance in compliance with the provisions of that certain Mitigation Bank Permit # \_\_\_\_\_, dated \_\_\_\_\_,  
(the "permit"), issued by the District.
3. \_\_\_\_\_ has failed to provide the District with substitute  
Mitigation Banker's Name  
Financial Assurance in compliance with the provisions of the Permit within the ninety (90) days of receipt of the notice described in paragraph 1 above.

IN WITNESS WHEREOF, this Certificate has been duly executed and delivered on behalf of the District as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

By: \_\_\_\_\_

Name:

Deputy Executive Director,  
Resource Regulation

[Blank]

**STATE OF FLORIDA**

**MITIGATION BANK TRUST FUND AGREEMENT  
TO DEMONSTRATE CONSTRUCTION AND  
IMPLEMENTATION FINANCIAL ASSURANCE**

THIS TRUST AGREEMENT, the "Agreement," is entered into as of \_\_\_\_\_ by and  
between \_\_\_\_\_  
a \_\_\_\_\_ (the Grantor,) Date  
and \_\_\_\_\_  
\_\_\_\_\_ (the Trustee.)  
\_\_\_\_\_

Name of Mitigation Banker

Name of State      Insert "corporation, partnership, association, or proprietorship",

Name and Address of Corporate Trustee

Insert "incorporated in the State of \_\_\_\_" or "a national bank"

WHEREAS, Grantor is the owner of certain real property in \_\_\_\_\_ County, Florida, and has received from the Southwest Florida Water Management District ("District") that certain permit number \_\_\_\_\_ ("mitigation bank permit"), which authorizes the construction and implementation of the \_\_\_\_\_ Mitigation Bank;

WHEREAS, the District, a Florida public entity created under Chapter 373, Florida Statutes, has established certain regulations applicable to the Grantor, requiring that a mitigation bank permittee shall provide assurance that funds will be available when needed for corrective action if Grantor fails to construct and implement that mitigation bank,

WHEREAS, the Grantor has elected to establish this trust fund agreement to provide such financial assurance for the \_\_\_\_\_ Mitigation Bank identified herein,

WHEREAS, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

NOW, THEREFORE, the Grantor and the Trustee, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledge, agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the \_\_\_\_\_ who enters into this Agreement  
and any successors or assigns of the Grantor.  
Name of Mitigation Banker

(b) The term "Trustee" means \_\_\_\_\_ the Trustee who enters into this Agreement and  
any successor Trustee.  
Trustee's Name

(c) The term "District" means the Southwest Florida Water Management District, a public entity in the State of Florida or any successor thereof.



(d) The term "investment obligations" means:

(i) United States of America Treasury and Federal agency securities or other obligations issued or unconditionally guaranteed as to principal and interest by the United States of America, in each case with maturities of not more than one year from the date acquired;

(ii) Demand deposits, certificates of deposit, bankers acceptances and time deposits of any bank organized or licensed to conduct a banking business under the laws of the United States of America or any state thereof having capital, surplus and undivided profits of not less than \$100,000,000, and whose deposits are insured by the Federal Deposit Insurance Corporation or any successor thereof;

(iii) Securities of entities incorporated under the laws of the United States of America or any State thereof commonly known as "commercial paper" that at the time of purchase have been rated and the ratings for which are not less than "P1" if rated by Moody's Investors Services, Inc., and not less than "A1" if rated by Standard and Poor's Corporation, in each case with maturities of not more than one year from the date acquired;

(iv) State or local government securities, which debt obligations at the time of purchase are rated investment grade by one or more nationally recognized rating agencies, in each case with maturities of not more than one year from the date acquired;

(v) Repurchase obligations with any banking or financial institution described in clause (ii) above which are fully collateralized at all times by any of the foregoing obligations;

(vi) Corporate fixed income securities whose ratings at the time of purchase are rated not less than 'A-' if rated by Standard and Poor's Corporation and "A3" if rated by Moody's Investors Services, Inc. in each case with maturities of not more than one year from the date acquired; and

(vii) Investments in any one or more professionally managed money market funds generally regarded as investment grade with a portfolio size of not less than \$100,000,000.

Section 2. Identification of Cost Estimates. This Agreement pertains to the cost estimate for construction and implementation of the \_\_\_\_\_ mitigation bank identified in Attachment A hereto.

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund (the Fund), for the benefit of the District. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established by the Grantor's deposit of \$\_\_\_\_\_ into the Fund. Such monies and other monies subsequently placed in the Fund are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, for the benefit of the District as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the District.

Section 4. Payment for Completing Construction and Implementation. The Trustee shall make payments from the Fund as the Deputy Executive Director of Resource Regulation shall direct in writing to provide for the payment of the costs of completing construction and implementation of the mitigation bank covered by this Agreement pursuant to the requirements of the mitigation bank permit. The Trustee shall reimburse persons specified by the District from the Fund for construction and implementation expenditures in such amounts as the District shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the District specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

The Fund may not be drawn upon to cover any of the following:

- (a) Any obligation of Grantor under a workers' compensation, disability benefits, or unemployment compensation law or other similar law:
- (b) Bodily injury to an employee of Grantor arising from, and in the course of employment by Grantor:
- (c) Bodily injury or non-realty property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft:
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by Grantor that is not the direct result of the construction and implementation of the mitigation bank;
- (e) Bodily injury or property damage for which Grantor is obligated to pay damages by reason of the assumption of liability in a contract or agreement.

Section 5. Additional Payments to Fund. After the initial deposit of principal into the Fund, the Grantor shall increase the principal if so required by the District pursuant to its administrative regulations and the requirements of the mitigation bank permit.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund in one or more investment obligations and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge its duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

- (a) Securities or other obligations of the Grantor, or any other owner or operator of the mitigation bank, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the Federal or a state government;

- (b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or a state government; and
- (c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

- (a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and
- (b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Power of Trustee. Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

- (a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;
- (b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;
- (c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;
- (d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or a State government; and
- (e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All

other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trust shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the District a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the fund. The failure of the Grantor or the District to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the District shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. Grantor shall pay the Trustee any necessary fees for services rendered. Where the Grantor is no longer in existence, the Trustee is authorized to charge against the Trust its published Trust fee schedule in effect at the time services are rendered. However, all Trustee compensation charged against the Trust shall be paid from trust income, unless the District authorizes payment from the trust principal in writing.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor Trustee, the successor is approved by the District, and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the District may appoint a successor. If the District does not act, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the District, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 12.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by \_\_\_\_\_ or such other designees as the Grantor may designate by amendment to this Agreement. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the District to the Trustee shall be in writing, signed by the District's Deputy Executive Director of Resource Regulation, or the Deputy Executive Director's designee, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the District hereunder has

occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the District, except as provided for herein.

Section 15. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the District, or by the Trustee and the District if the Grantor dies, is legally incapacitated, is administratively or judicially dissolved, or otherwise ceases to exist.

Section 16. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 15, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the District, or by the Trustee and the District, if the Grantor dies, is legally incapacitated, is administratively or judicially dissolved, or otherwise ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered pursuant to the written agreement terminating the trust, or where the Grantor has ceased to exist, then to the District.

Section 17. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the District issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 18. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of Florida.

Section 19. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written.

\_\_\_\_\_  
Signature of Grantor

\_\_\_\_\_  
Signature of Trustee

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Attest:

Attest:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Seal

Seal

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_,  
by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, a Florida corporation,  
on behalf of the corporation. Such person did not take an oath and:

\_\_\_\_\_ is/are personally known to me  
\_\_\_\_\_ produced a current Florida driver's license as identification  
\_\_\_\_\_ produced \_\_\_\_\_ as identification

\_\_\_\_\_  
Signature of Notary

(Notary Seal)

\_\_\_\_\_  
Name of Notary (typed, printed or stamped)  
Commission number (if not legible on seal) \_\_\_\_\_  
My commission expires: (if not legible on seal) \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_,  
by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ Bank, on behalf of the  
corporation. Such person did not take an oath and :

\_\_\_\_\_ is/are personally known to me  
\_\_\_\_\_ produced a current Florida driver's license as identification  
\_\_\_\_\_ produced \_\_\_\_\_ as identification

\_\_\_\_\_  
Signature of Notary

(Notary Seal)

\_\_\_\_\_  
Name of Notary (typed, printed or stamped)  
Commission number (if not legible on seal) \_\_\_\_\_  
My commission expires: (if not legible on seal) \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

(Notary Seal)

Name of Notary (typed, printed or stamped)  
My commission expires:

## ATTACHMENT A

[COST ESTIMATE FOR CONSTRUCTION AND IMPLEMENTATION]



[Blank]

**STATE OF FLORIDA**

**MITIGATION BANK TRUST FUND AGREEMENT  
TO DEMONSTRATE PERPETUAL MANAGEMENT FINANCIAL RESPONSIBILITY**

THIS TRUST AGREEMENT, the "Agreement," is entered into as of \_\_\_\_\_ by and  
Date  
between \_\_\_\_\_  
Name of Mitigation Banker  
a \_\_\_\_\_ (the Grantor,) (the Grantor,) Name of State Insert "corporation, partnership, association, or proprietorship",  
and \_\_\_\_\_  
Name and Address of Corporate Trustee  
\_\_\_\_\_ (the Trustee.)  
Insert "incorporated in the State of \_\_\_\_\_" or "a national bank"

WHEREAS, Grantor is the owner of certain real property in \_\_\_\_\_ County, Florida, and has received from the Southwest Florida Water Management District ("District") that certain permit number \_\_\_\_\_ ("mitigation bank permit"), which authorizes the construction and implementation of the \_\_\_\_\_ Mitigation Bank;

WHEREAS, the District, a Florida public entity created under Chapter 373, Florida Statutes, has established certain regulations applicable to the Grantor, requiring that a mitigation bank permittee shall provide assurance that funds will be available when needed for corrective action if Grantor fails to perpetually manage that mitigation bank pursuant to the requirements of the mitigation bank permit,

WHEREAS, the Grantor has elected to establish this trust fund agreement to provide such financial assurance for the \_\_\_\_\_ Mitigation Bank identified herein,

WHEREAS, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this Agreement, and the Trustee is willing to act as trustee,

NOW, THEREFORE, the Grantor and the Trustee, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

**Section 1. Definitions.** As used in this Agreement:

(a) The term "Grantor" means the \_\_\_\_\_ who enters into this Agreement  
Mitigation Banker's Name  
and any successors or assigns of the Grantor.

(b) The term "Trustee" means \_\_\_\_\_ the Trustee who enters into this Agreement and  
Trustee's Name  
any successor Trustee.

(c) The term "District" means the Southwest Florida Water Management District a public entity in the State of Florida or any successor thereof.

Section 2. Identification of Cost Estimates. This Agreement pertains to the cost estimate for perpetual management of the \_\_\_\_\_ Mitigation Bank identified in Attachment A hereto.

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund (the Fund), for the benefit of the District. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established by the Grantor's deposit of \$ \_\_\_\_\_ into the Fund. Such monies and other monies subsequently placed in the Fund are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, for the benefit of the District as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the District.

Section 4. Payment for Undertaking Perpetual Management Activities. The Trustee shall make payments from the Fund as the Grantor or the Deputy Executive Director of Resource Regulation shall direct in writing to provide for the payment of the costs of undertaking activities to provide for the perpetual management of the mitigation bank covered by this Agreement pursuant to the requirements of the mitigation bank permit. The Trustee shall reimburse persons specified by the Grantor or the District from the Fund for perpetual management expenditures in such amounts as the Grantor or the District shall direct in writing. In the event of conflicting instructions from the Grantor and the District, the District's instructions shall prevail. The Trustee shall not make any payments from the principal of the Fund pursuant to the Grantor's direction without the District's written consent. The Trustee shall cease honoring Grantor's instructions if so directed by the District in writing. In addition, the Trustee shall refund to the Grantor such amounts as the District specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

The Fund may not be drawn upon to cover any of the following:

- (a) Any obligation of Grantor under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of Grantor arising from, and in the course of employment by Grantor;
- (c) Bodily injury or non-realty property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by Grantor that is not the direct result of the construction and implementation of the mitigation bank;
- (e) Bodily injury or property damage for which Grantor is obligated to pay damages by reason of the assumption of liability in a contract or agreement.

Section 5. Additional Payments Into the Fund. After the initial deposit of principal into the Fund, the Grantor shall increase the principal if so required by the District pursuant to its administrative regulations and the requirements of the mitigation bank permit.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund in one or more investments and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge its duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

- (a) Securities or other obligations of the Grantor, or any other owner or operator of the mitigation bank, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the Federal or a state government;
- (b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or a state government; and
- (c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

- (a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and
- (b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Power of Trustee. Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

- (a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

- (b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;
- (c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;
- (d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or a State government; and
- (e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trust shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the District a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the fund. The failure of the Grantor or the District to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the District shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. Grantor shall pay the Trustee any necessary fees for services rendered. Where the Grantor is no longer in existence, the Trustee is authorized to charge against the Trust its published Trust fee schedule in effect at the time services are rendered. However, all Trustee compensation charged against the Trust shall be paid from trust income unless the District authorizes payment from the trust principal in writing.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor Trustee, the successor is approved by the District, and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the District, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 12.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by \_\_\_\_\_ or such other designees as the Grantor may designate by amendment to this Agreement. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the District to the Trustee shall be in writing, signed by the Deputy Executive Director of Resource Regulation, or the Deputy Executive Director's designee, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the District hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the District, except as provided for herein.

Section 15. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the District, or by the Trustee and the District if the Grantor dies, is legally incapacitated, is administratively or judicially dissolved, or otherwise ceases to exist.

Section 16. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 15, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the District, or by the Trustee and the District, if the Grantor dies, is legally incapacitated, is administratively or judicially dissolved, or otherwise ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered pursuant to the written agreement terminating the trust, or where the Grantor has ceased to exist, then to the District.

Section 17. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the District issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 18. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of Florida.

Section 19. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written.

\_\_\_\_\_  
Signature of Grantor

\_\_\_\_\_  
Signature of Trustee

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Attest:

Attest:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Seal

Seal

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_,  
by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, a Florida corporation,  
on behalf of the corporation. Such person did not take an oath and:

\_\_\_\_\_ is/are personally known to me  
\_\_\_\_\_ produced a current Florida driver's license as identification  
\_\_\_\_\_ produced \_\_\_\_\_ as identification

\_\_\_\_\_  
Signature of Notary

(Notary Seal)

\_\_\_\_\_  
Name of Notary (typed, printed or stamped)  
Commission number (if not legible on seal) \_\_\_\_\_  
My commission expires: (if not legible on seal) \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_,  
by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ Bank, on behalf of the  
corporation. Such person did not take an oath and :

\_\_\_\_\_ is/are personally known to me  
\_\_\_\_\_ produced a current Florida driver's license as identification  
\_\_\_\_\_ produced \_\_\_\_\_ as identification

\_\_\_\_\_  
Signature of Notary

(Notary Seal)

\_\_\_\_\_  
Name of Notary (typed, printed or stamped)  
Commission number (if not legible on seal) \_\_\_\_\_  
My commission expires: (if not legible on seal) \_\_\_\_\_



ATTACHMENT A

PERPETUAL MANAGEMENT COST ESTIMATE

[Blank]

**OPERATING AGREEMENT CONCERNING  
REGULATION UNDER PART IV, CHAPTER 373, F.S.,  
BETWEEN  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
AND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**I. INTENT**

The Southwest Florida Water Management District (DISTRICT) and the State of Florida Department of Environmental Protection (DEPARTMENT) enter into this operating agreement (Agreement) to further streamline environmental permitting, while protecting the environment. This Agreement divides responsibility between the DISTRICT and the DEPARTMENT for the exercise of their authority regarding permits, compliance, and enforcement under Part IV, Chapter 373, F.S. This Agreement also divides responsibility between the DISTRICT and DEPARTMENT regarding formal wetland determinations pursuant to Subsection 373.421(2) through (5), F.S. It is a goal of this Agreement that the division of responsibilities provide no reduction in levels of compliance monitoring and enforcement and, where possible, allow increased levels of compliance monitoring and enforcement.

This Agreement supersedes the following agreements: Operating Agreement Concerning Management and Storage of Surface Waters Regulation, and Wetland Resource Regulation Between Southwest Florida Water Management District and Department of Environmental Regulation, dated August 10, 1992; First Amendment to Operating Agreement Concerning Management and Storage of Surface Waters Regulation, and Wetland Resource Regulation Between Southwest Florida Water Management District and Department of Environmental Regulation, dated February 17, 1994; Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Southwest Florida Water Management District and Department of Environmental Protection, dated September 27, 1994; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., Between Southwest Florida Water Management District and Department of Environmental Protection, dated October 27, 1998.

As a future step to further increase the efficiency and effectiveness of environmental permitting, the DISTRICT and the DEPARTMENT shall jointly pursue further integration and streamlining of federal and state wetlands regulations.

## **II. RESPONSIBILITIES OF DISTRICT AND DEPARTMENT**

### **A. DEPARTMENT Responsibilities**

#### **1. Permits and Variances**

The DEPARTMENT shall review and take final action on all applications for permits and petitions for variances, under Part IV, Chapter 373, F.S., and variances or waivers under Section 120.542, F.S., for the project types listed in a. through t. below. The permit applications encompassed within the DEPARTMENT'S responsibilities hereunder include those submitted for wetland resource (dredge and fill) permits and management and storage of surface waters (MSSW) permits, pursuant to Subsections 373.414(11) through (16), F.S., as well as those submitted for environmental resource permits.

a. All solid waste management facilities that require a permit under Chapter 403, F.S. However, the DISTRICT shall review and take final action on permit applications when the solid waste management facility qualifies for a solid waste general permit and is merely an incidental component of a project for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this Agreement.

b. Hazardous waste facilities that require a permit under Chapter 403, F.S. However, the DISTRICT shall review and take final action on permit applications when the storage of hazardous waste is merely an incidental component of a project for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this Agreement.

c. Domestic or industrial wastewater treatment, storage, transmission, effluent disposal, or water reuse facilities that require a permit under Chapter 403, F.S. This includes all facilities and activities located at the domestic or industrial wastewater treatment facility; all reuse sites permitted under Parts II or IV, Chapter 62-610, F.A.C.; land application sites permitted under Part VI, Chapter 62-610, F.A.C.; and wetlands created using reclaimed water from domestic wastewater or industrial wastewater sources. However, the DISTRICT shall review and take final action on permit applications for:

(1) Water reuse sites permitted under Part III, Chapter 62-610, F.A.C., such as facilities for the storage and application of reclaimed water to irrigate crops, golf courses, or other landscapes;

(2) Activities involving the application of reclaimed water to rehydrate wetlands or to provide artificial recharge to reduce or mitigate drawdown impacts due to well withdrawals;

(3) Those facilities that are subject to any of the requirements of Chapters 40D-4 or 40D-40, F.A.C., through a system or activity which is not fully

contained on the domestic or industrial wastewater facility site, but which is part of a larger project for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this Agreement;

(4) Those facilities that qualify for a general or generic permit pursuant to Rules 62-660.801, F.A.C. (General Permit for a Wastewater Disposal System for a Laundromat), 62-660.802, F.A.C. (General Permit for a Pesticide Waste Degradation System), 62-660.803, F.A.C. (General Permit for Car Wash Systems), 62-660.805, F.A.C. (General Permit for Disposal of Tomato Wash), or 62-621.300(2), F.A.C. (Generic Permit for Discharge of Produced Ground Water from any Non-Contaminated Site Activity); and

(5) Those facilities in which the industrial wastewater component is merely an HVAC (heating, ventilation, and air conditioning) cooling tower discharge, or other industrial wastewater treatment facility which is merely an incidental component of a project for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this Agreement.

d. Potable water facilities that require a permit under Chapter 403, F.S. This includes drinking water treatment plants as well as distribution mains. However, the DISTRICT shall review and take final action on permit applications for distribution lines that are fully contained within systems for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this Agreement;

e. All mines as defined in Chapter 378, F.S. However, the DISTRICT shall review and take final action on permit applications for sand, shell, and clay mines, other than fuller's earth, mines that do not involve processing other than the use of a scalping screen to remove large rocks, wood, and debris.

f. Power plants and electrical distribution and transmission lines and other facilities related to the production, transmission and distribution of electricity. However, the DISTRICT shall review and take final action on electrical distribution lines fully contained within any larger plan of development for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this Agreement.

g. Communication cables and lines. However, the DISTRICT shall review and take final action on communication cables and lines fully contained within any larger plan of development for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this Agreement.

h. Natural gas or petroleum exploration, production, and distribution activities and facilities, product pipelines, and other facilities related to the exploration, production, and distribution of natural gas and petroleum. However, the DISTRICT shall review and take final action on natural gas distribution lines fully contained within any

larger plan of development for which the DEPARTMENT does not review and take final action on permit applications under any other paragraph in Section II.A.1. of this Agreement.

i. Docking facilities, boardwalks, shore protection structures and piers, including the adjacent docking and boating related development and navigational dredging. Adjacent docking and boating related development includes parking areas for the docking facility, dry storage facilities, boat sale and supply facilities, maintenance and repair facilities, associated seafood loading and processing facilities, restaurants, harbor master and marina administration facilities. Residential development and other commercial development are not considered docking or boating related. The DEPARTMENT shall also review and take final action on permit applications for docking, boating related, boardwalk, shore protection or pier projects which include existing project related commercial or residential development that does not have a previously issued DISTRICT permit under Part IV, Chapter 373, F.S., and which do not propose new project related commercial or residential development. The DISTRICT shall review and take final action on permit applications for all docking facilities, boardwalks, shore protection structures and piers, including adjacent docking and boating related development and navigational dredging, whenever such facilities are part of a larger plan of other commercial or residential development that has received or requires a permit under Part IV, Chapter 373, F.S.

j. Systems proposed in whole or in part seaward of the coastal construction control line (CCCL). The CCCL has been established in the following counties: Pinellas through those portions of Charlotte within the area of the DISTRICT. In counties where a CCCL has not been established, systems proposed in whole or in part seaward of a point 50 feet above the mean high water line at any riparian coastal location fronting the Gulf of Mexico shoreline, exclusive of bays, inlets, rivers, bayous, creeks, passes, and the like.

k. Projects constructed, operated or maintained by the DISTRICT. However, activities of the DISTRICT permitted under Sections 403.91 through 403.929, F.S., or the rules adopted pursuant to those statutes, and activities of the DISTRICT which did not require a permit under such statutes or rules, shall not require a permit under Part IV, Chapter 373, F.S., provided such activities are part of a project which was commenced prior to October 3, 1995.

l. Navigational dredging constructed, operated or maintained by governmental entities except where associated with a larger project that is otherwise the responsibility of the DISTRICT for review and final action.

m. Seaports and adjacent seaport related development where the applicant or property owner is a port authority as defined in Subsection 315.02(2), F.S.

n. A system serving or consisting of up to three contiguous parcels of land under single ownership where each parcel contains or is proposed to contain only one

single-family dwelling unit, i.e. detached single-family, duplex, triplex or quadraplex (hereinafter referred to as a residential unit), except where the residential unit is only an incidental part of a parcel that is otherwise used for agricultural activities for which a permit has been issued or is required under Part IV, Chapter 373, F.S.

o. The following systems in wetlands or other surface waters when they are not part of a larger plan of development for which the DISTRICT reviews and takes final agency action under any other paragraph of this Agreement: boat ramps, ski jumps, ski slalom courses, aids to navigation, mooring buoys and fields, piling supported structures which are not physically connected to uplands, aquatic plant management activities regulated under Chapter 369, F.S., fish, attractors, artificial reefs, treasure salvage, archeological research or exploration, and removal of organic detrital material.

p. Temporary systems proposed for commercial film productions.

q. High speed rail facilities under Sections 341.8201 through 341.842, F.S.

r. Aquaculture activities not exempt pursuant to Subsection 373.406(8), F.S.

s. All activities on sovereignty submerged lands leased by the Division of Recreation and Parks, except those proposed by the DEPARTMENT.

t. Projects constructed, operated or maintained by the U.S. Army Corps of Engineers.

## **2. Formal Determinations**

The DEPARTMENT shall review and take final action on petitions for formal determinations of the extent of wetlands and other surface waters pursuant to Section 373.421, F.S., filed by entities regarding properties on which they propose to undertake activities for which the DEPARTMENT would have permitting responsibility under this Agreement.

The DEPARTMENT shall provide the DISTRICT with copies of formal determinations of the extent of wetlands or other surface waters issued by the DEPARTMENT.

## **3. Mitigation Banks and Regional Offsite Mitigation Area Agreements (ROMA)**

The DEPARTMENT shall review and take final action on all permit applications for mitigation banks and ROMA agreement proposals, under Sections 373.4135 and 373.4136, F.S., filed by one of the following:

a. Entities proposing to use DISTRICT-owned lands.

b. Governmental entities, excluding the DEPARTMENT, proposed solely to offset the impacts of single-family residential units, pursuant to Subsection 373.4135(6),

F.S., for which the DEPARTMENT reviews and takes final action under Section II.A.1. of this Agreement.

c. The DISTRICT.

## **B. DISTRICT Responsibilities**

### **1. Permits and Variances**

The DISTRICT shall review and take final action on all applications for permits, petitions for variances, and petitions for formal determination under Part IV, Chapter 373, F.S., and variances and waivers under Section 120.542, F.S., except for those identified as the DEPARTMENT'S responsibility under this Agreement, and except as provided in Section II. D. of this Agreement. The permit applications encompassed within the DISTRICT'S responsibility hereunder include those submitted for wetland resource permits and MSSW permits under Subsections 373.414(11) through (16), F.S., as well as those submitted for environmental resource permits. The DISTRICT shall provide the DEPARTMENT with copies of formal determinations of the extent of wetlands or other surface waters issued by the DISTRICT.

### **2. DEPARTMENT Projects**

The DISTRICT shall review and take action on projects constructed, operated or maintained by the DEPARTMENT. However, activities of the DEPARTMENT permitted under Sections 403.91 through 403.929, F.S., or the rules adopted pursuant to those statutes, and activities of the DEPARTMENT which did not require a permit under such statutes or rules, shall not require a permit under Part IV, Chapter 373, F.S., provided such activities are part of a project which was commenced prior to October 3, 1995.

## **C. Incorrectly Submitted Applications and Petitions; Modifications**

Permit applications, petitions for variances or waivers, and petitions for formal determinations submitted to the incorrect agency pursuant to the terms of this Agreement shall be forwarded to the correct agency for further processing within 10 days of receipt, except where the agencies mutually agree that the application may be retained by the incorrect agency, in which case a special case agreement shall be executed in accordance with Section II.D. of this Agreement. A refund of any fee submitted to the incorrect agency that does not retain processing of the application shall be made to the applicant. Prior to transferring the application, the incorrect receiving agency shall coordinate with the proper reviewing agency and the applicant in order to inform all parties that the application has been submitted incorrectly and is being forwarded.



Notwithstanding Sections II.A. and II.B. of this Agreement permit modification requests shall be processed by the agency issuing the original permit. If the permit has been modified, the agency that issued the last modification to the permit shall process the modification. However, the following two exceptions apply:

1. The DEPARTMENT shall process all modifications to permits for the following activities:

a. Solid waste management facilities as described in Section II.A.1.a. of this Agreement;

b. Mining projects as described in Section II.A.1.e. of this Agreement, when the modification involves the addition of new lands to the permit or the expansion of mining activities into areas not previously approved for mining; and

c. Seaports and seaport related development as described in Section II.A.1.n. of this Agreement.

2. Alterations to stormwater systems previously authorized under Rules 17-25.040 or 62-25.040, F.A.C., shall not be considered as modifications under the provisions of this Section, and shall be processed by the agency that would have responsibility for reviewing and taking final agency action on the system under Sections II.A. and II.B. of this Agreement.

#### **D. Special Cases**

By written agreement between the DISTRICT and the DEPARTMENT, responsibilities may deviate from the responsibilities outlined in Sections II.A., II.B., or II.C. above. Instances where this may occur include the following:

1. An extensive regulatory history or a proprietary interest by either the DISTRICT or the DEPARTMENT with a particular project that would make a deviation result in more efficient and effective regulation. This may include activities on lands with a conservation easement held by the other agency;

2. Simplification of the regulation of a project that crosses water management district boundaries;

3. The incorrect agency has begun processing an application or petition and transfer of the application or petition would be inefficient; or

4. Circumstances in which a deviation would result in the application or petition being more efficiently or effectively processed.

The Governing Board may delegate authority to staff to execute special case agreements.

### **III. DELEGATION OF AUTHORITY: MIXING ZONES, ZONES OF DISCHARGE, VARIANCES**

A. The DEPARTMENT delegates authority to the DISTRICT to review and take final action on requests for zones of mixing in surface waters and zones of discharge in ground water, in accordance with Sections 62-4.242, 62-4.244, 62-28.700, 62-522.400 and 62-522.410, F.A.C., when the requests are associated with a permit application for which the DISTRICT is responsible under the terms of this Agreement.

B. The DEPARTMENT delegates the authority to the DISTRICT to take action on petitions for variances or waivers from state water quality standards in accordance with Sections 120.542, 373.414(17) and 403.201, F.S., when the petition is associated with a permit application for which the DISTRICT is responsible under the terms of this Agreement.

### **IV. COMPLIANCE MONITORING AND ENFORCEMENT**

#### **A. Division of Responsibilities**

Each agency shall perform compliance monitoring on all projects for which that agency has issued a permit, consent order, final order, or for which a consent final judgment or final judgment has been entered to determine compliance with the conditions thereof and will enforce said conditions by taking appropriate enforcement action where necessary. However, if the DEPARTMENT or the DISTRICT modifies a permit previously issued by the other agency, pursuant to this Agreement, the agency modifying the permit shall thereafter determine compliance with the permit and enforce all provisions or conditions of that permit.

Each agency shall investigate activities regulated under Part IV, Chapter 373, F.S., that are undertaken without the required permits, and take appropriate enforcement action, when it has permitting responsibilities for those activities under this Agreement.

When a violation of Part IV, Chapter 373, F.S., also constitutes a violation of Chapters 253 or 258, F.S., and the resolution of the violation under Part IV, Chapter 373, F.S., does not resolve the violation under Chapters 253 or 258, F.S., the DISTRICT shall coordinate compliance and enforcement actions with the DEPARTMENT, and shall forward a copy of the enforcement documentation generated on those violations to the DEPARTMENT for its use in addressing the violation under Chapters 253 or 258, F.S.

#### **B. Special Cases**

By written agreement between the DISTRICT and the DEPARTMENT, enforcement responsibilities for specific cases may deviate from the responsibilities outlined in Section IV.A. of this Agreement. Instances where this may occur include:

1. The case also includes activities that may be violations of rules of the DISTRICT or the DEPARTMENT that are not the subject of this Agreement;
2. The case involves activities that cross water management district boundaries; or
3. Deviation would result in the case being more effectively or efficiently handled.

The Governing Board may delegate authority to staff to execute special case agreements.

## **V. EMERGENCIES**

In a declared emergency, pooling of staff resources and deviations from the terms of this Agreement may be in the best interest of the public service and protecting or restoring property and environmental resources. Therefore, notwithstanding the divisions of responsibilities specified in this Agreement, where the Governor has issued an Executive Order which declares an emergency and the DISTRICT and the DEPARTMENT have issued emergency orders to implement the Executive Order, either party to this Agreement can review and take agency action on any activities regulated under Part IV, Chapter 373, F.S., that are authorized by an emergency order during the duration of the emergency orders of the DISTRICT and the DEPARTMENT.

## **VI. INTERAGENCY COMMITTEE**

In order to seek consistency in the Environmental Resource Permit (ERP) Program and to facilitate the implementation of the DEPARTMENT'S responsibilities under Subsection 373.026(7), F.S., and Section 62-340.100, F.A.C., the DISTRICT and the DEPARTMENT agree to form and participate in an ERP Committee (Committee). The Committee shall meet at least twice a year, but may meet more frequently as issues arise that require interagency coordination. The Committee shall provide a forum for the DEPARTMENT and water management districts to coordinate and communicate regarding the following:

1. Joint training efforts to maximize the use of training resources and ensure that adequate training is provided.
2. Promotion of consistent interpretation and implementation of ERP rules.
3. Proposed amendments to ERP rules.
4. Development of consistent ERP compliance and enforcement.
5. Future revisions to the DISTRICT and the DEPARTMENT operating agreements regarding the ERP program.

6. Development of a statewide ERP data set and a computer data exchange methodology.

7. Such other activities that the committee deems necessary or desirable to achieve and maintain the goals of this Agreement.

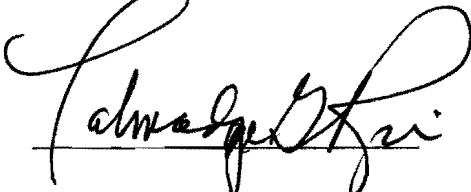
#### VII. EFFECTIVE DATE

This Agreement shall take effect July 1, 2007.

Applications, petitions, and enforcement cases, under Part IV, Chapter 373, F.S., which are pending on the effective date of this Agreement shall continue to be processed by the agency to which application or petition was made or which initiated the enforcement case, except when the DISTRICT and the DEPARTMENT agree, and in the case of an aquaculture activity the applicant also agrees, that an application, petition or enforcement case should be transferred in order to provide for more efficient processing and enforcement. Applications and petitions received after the effective date of this Agreement will be processed as described in Section II of this Agreement.

AGREED TO this 1<sup>st</sup> day of July, 2007.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT



Talmadge G. "Jerry" Rice  
Chair, Governing Board  
2379 Broad Street  
Brooksville, FL 34604-6899

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Michael W. Sole  
Secretary  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400