



Florida Department of Environmental Protection

South District Office
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SUBMERGED LANDS AND ENVIRONMENTAL RESOURCE PROGRAM

CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

CERTIFIED MAIL NO. 7006 0810 0003 5373 2643
RETURN REQUEST RECEIPT

PERMITTEE/AUTHORIZED ENTITY:

Charlotte County Board of County
Commissioners
7000 Florida Street
Punta Gorda, FL 33950-5798

Permit/Authorization Number:

08-0210682-001

Date of Issue:

June 29, 2007

Expiration Date of Construction Phase:

June 29, 2012

County: Charlotte

Project: to remove the Manchester Lock and
implement various Net Environmental Benefits

This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This permit also constitutes certification compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-343.075, F.A.C.

The Department has reviewed your project as described above and on the attached documents and/or drawings, and as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions therein, we find your project qualifies for a consent to use state-owned submerged lands.

This permit constitutes a determination, pursuant to Section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II waters, and will not contribute to boat traffic in a manner that will adversely impact the manatee.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by the USACOE. You are hereby advised that authorizations also may be required by other federal, state and local entities. This authorization does **not** relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached 24 General and 36 Specific Conditions, which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

ACTIVITY DESCRIPTION:

The project involves the removal of the Manchester Waterway Boat Lock (Lock) in the Manchester Waterway (Class III Waters) along with several Net Ecosystem Benefit (NEB) projects, pursuant to 403.075 Florida Statutes as part of an overall ecosystem management plan, in accordance with an Ecosystem Management Agreement dated March 2002, for Alligator Bay, Class III Outstanding Florida Waters, Charlotte Harbor Aquatic Preserve. Alligator Bay is the receiving waters of the Manchester Waterway and most other residential canals in Port Charlotte. The Net Ecosystem Benefits include the following:

1. A phased sewer expansion – include in the Charlotte County Sewer Expansion Plan those portions of the Alligator Bay drainage basin that have been shown to contribute to declining water quality (pre-1983 septic tanks).
2. County on-site disposal system pump-out certification.
3. A bathymetric canal study and Improvements within 1.5 miles of the outfall of Alligator Bay.
4. Restoration of canal system to permitted depths by filling of deep holes identified by the bathymetric study in canals with 1.5 miles of Alligator Bay.
5. Island habitat restoration.
6. Marsh habitat restoration on Charlotte Harbor State Buffer Preserve land south of the Manchester Waterway.
7. Provision of rip-rap obstructions to prohibit motorized vessels and to allow for shallow draft vessels such as kayaks and canoes..
8. Restoration of Lewis Creek oxbow connection.
9. A commitment to good-faith land acquisition or Florida Communities Trust (FCT) application to purchase parcel 5100.
10. Development of an Alligator Bay Awareness Program.
11. Stormwater improvements for the Manchester drainage basin.

ACTIVITY LOCATION:

Located within the Alligator Bay/Manchester Waterway area, Latitude 82° 07' 45", Longitude 26° 57' 30", Charlotte County, Section 29, Township 40 South, Range 22 East, Class III Waters.

GENERAL CONDITIONS:

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department of Environmental Protection (Department) staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner, which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violations of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within seven (7) days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be

performed according to the procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or other surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, Florida Administrative Code (F.A.C.).

6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased.

7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.

8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to the beneficial occupancy or use of the development being served by this system.

9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

- a. any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
- b. any existing septic tanks on site shall be abandoned at the beginning of construction.
- c. any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

11. **At least forty-eight (48) hours prior to commencement** of the activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of the site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.

13. **Within thirty (30) days after completion** of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343.900(7), F.A.C.). Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications, or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a permit transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.

17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.

18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

20. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

21. The permittee shall notify the Department in writing within thirty (30) days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

22. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.

23. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.

24. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

General Construction Operations

1. The permittee has designated an Environmental Compliance Officer (ECO) who will be responsible to ensure compliance is met with all aspects of this permit (or a Department approved modification of the same) and shall have the authority to halt construction if he/she suspects that violations of the permit have occurred. It shall be the responsibility of the permittee to ensure that the Department is notified immediately of any apparent permit violations. The permittee has submitted the name and telephone number of the ECO and the Department has reviewed and approved the selection. The permittee shall keep the Department informed of all changes to the ECO incumbent as well as contact information.

2. The ECO shall be onsite during all work as listed in Specific Condition No. 3.

3. During all active dredging for both the Lock, and associated wing wall structures, (as shown on Sheets B-1A, B-1AB, B-2A, B-3, B-4, B-5, and B-5A), removal and the dredging of berm for the Lewis Creek restoration (as shown on Sheets A-1, A-2, and A-3), the permittee shall monitor turbidity levels within 5 feet of the active work area once every four hours until project completion. The active work area shall be that area enclosed within the floating turbidity screens. Compliance samples shall be

taken within the densest portion of any turbidity plume within 5 feet outside of the turbidity curtains. Ambient samples shall be taken up current at mid-depth and at no time shall the ambient sample be taken within an apparent turbidity plume. **Prior to any dredging operations, the permittee shall submit to the Department a map indicating the ambient sampling locations with all possible sources that may generate turbidity, i.e. storm water outfalls, etc.** All monitoring data shall be submitted weekly until the dredging completion and contain the following information:

- a) permit number,
- b) dates of sampling and analysis,
- c) a statement describing the methods used in collection, handling, storage, and analysis of the samples,
- d) a map indicating the sampling locations, and
- e) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample taken:

- a) Time of day sample was taken,
- b) Depth of water body,
- c) Depth of sample,
- d) Antecedent weather conditions, and
- e) Velocity of water flow.

If monitoring reveals turbidity levels at the compliance location that appear to violate the State Water quality standards, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department's South District Office, SLERP Compliance and Enforcement Section in Fort Myers. Monitoring reports shall be submitted to the Department's South District Office, P.O. Box 2549, Fort Myers, FL 33902.

4. During all other activities, not including the active dredging for both the Lock, and associated wing wall structures, removal and the dredging of berm for the Lewis Creek restoration, as noted in Specific Condition No. 3 above, the permittee shall monitor turbidity levels within 5 feet of the active work area once every day until project completion. The active work area shall be that area enclosed within the floating turbidity screens. Compliance samples shall be taken within the densest portion of any turbidity plume within 5 feet outside of the turbidity curtains. Ambient samples shall be taken up current at mid-depth and at no time shall the ambient sample be taken within an apparent turbidity plume. **Prior to any dredging operations, the permittee shall submit to the Department a map indicating the ambient sampling locations with all possible sources that may generate turbidity, i.e. storm water outfalls, etc.** All monitoring data shall be submitted monthly until the dredging completion and contain the following information:

- a) permit number,
- b) dates of sampling and analysis,
- c) a statement describing the methods used in collection, handling, storage, and analysis of the samples,
- d) a map indicating the sampling locations, and
- e) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Monitoring reports shall also include the following information for each sample taken:

- a) Time of day sample was taken,
- b) Depth of water body,
- c) Depth of sample,
- d) Antecedent weather conditions, and
- e) Velocity of water flow.

If monitoring reveals turbidity levels at the compliance location that appear to violate the State Water quality standards, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department's South District Office, SLERP Compliance and Enforcement Section in Fort Myers. Monitoring reports shall be submitted to the Department's South District Office, P.O. Box 2549, Fort Myers, FL 33902.

5. In addition to the above required monitoring, in the event visible turbidity plumes are evident outside of the turbidity control devices surrounding the active work area, the permittee shall conduct additional turbidity monitoring to document the plume and current ambient levels of turbidity. The permittee shall then take measures, such as but not limited to, stopping all construction activities until turbidity levels return to normal, or installing additional turbidity control devices. The permittee shall immediately inform the Department's South District Office, P.O. Box 2549, Fort Myers, FL 33902, Environmental Resource Section at (239) 332-6975 or by fax machine at (239) 332-6969.

6. No storage of equipment or materials shall take place outside of the areas of impact as authorized by this permit. The permittee shall ensure that no impacts to wetlands or other surface waters occur during all ingress and egress activities.

7. Best management practices for erosion and turbidity control, including but not limited to the use of staked hay bales, turbidity barriers, and silt screens, shall be used and maintained as necessary at all times during project construction. Turbidity control devices shall be maintained and shall remain in place for the duration of construction to ensure that turbidity levels outside the construction area do not exceed 29 NTUs above background levels. The construction area shall be that area where active work is taking place and surrounded by turbidity control devices. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

8. The permittee shall comply with the following manatee protection construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatees.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

c. Siltation barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

d. All vessels associated with the construction project shall operate at no wake/idle speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

e. If a manatee is sighted within 100 yards of the project area, precautions shall be implemented by the permittee and the contractor to ensure protection of manatees. These precautions shall include not operating any equipment closer than 50 feet to a manatee, and immediately shutting down equipment if a manatee comes within 50 feet of the equipment. Activities will not resume until the manatees have departed the project area of their own volition.

f. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for North Florida or in Vero Beach (1-561-562-3909) for South Florida.

g. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads "*Caution: Manatee Area*" shall be posted in a location prominently visible to water related construction crews. A second sign shall be posted if vessels are associated with the construction and shall be placed visible to the vessel operator. The second sign shall be at least 8 1/2 inches by 11 inches and read:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC (1-888-404-3922). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580) for North Florida or in Vero Beach (1-561-562-3909) for South Florida.

Specific information on obtaining these signs may be obtained by contacting the Department or FWC at (850) 922-4330.

Construction Operations for Removal of the Lock

9. The dredge area shall be excavated mechanically. All spoil and Lock material shall be properly contained in a self-contained upland site (pursuant to 62-340 FAC) that prevents return of any water or material in to Waters of the State.

10. Prior to commencement of construction, the permittee shall ensure that the contractor will conduct a meeting that will be noticed in a newspaper of general circulation in the project area and open to the public, with representatives of the Charlotte County Public Works, the Ackerman Waterway Association, the Manchester Waterway Association, and the engineer of record. If a canal is to be closed for navigation,

the permittee shall contact all affected residents of the anticipated closing and opening times and dates. The purpose of the meeting is to provide to the public general information about the project as it pertains to: project timelines, anticipated date of construction commencement, anticipated date of construction completion, construction sequence, haul routes for construction vehicles, clean-up and any temporary blocking of canal access along with anticipated times of closing and opening. The permittee shall inform the Department of the meeting in writing at least 30 days in advance. Within 15 days of the meeting, the permittee shall provide the Department with a summary of the information discussed in the meeting.

11. All staging of equipment, removed materials, revetment materials, and dredged spoil material associated with the removal of the Lock shall be placed only on the West side of the Lock area and shall not be located in wetlands or other surface waters pursuant to 62-340 FAC.

12. If construction/demolition requires restriction of navigational access beyond that as summarized in the summary as required in Specific Condition No. 10 above, the permittee shall inform the Department 24 hours in advance. This shall be via telephone at (239) 332-6975 or by fax (239) 332-6969.

13. The permittee shall take great care in excavation of the Lock structure (along with associated wing walls) to ensure state water quality standards (62-302 FAC) are not violated. The permittee shall implement construction procedures such as adequate turbidity controls, working at slack tide, or at a time when velocities are lowest to ensure compliance with state water quality standards.

Construction Operations for Lewis Creek Restoration

14. The dredge area shall be excavated mechanically. All spoil material shall be properly contained on the construction barge during operation within the project area as well as during transportation to the upland spoil site in a manner that prevents return of the spoil material to Waters of the State. The spoil material shall be deposited in a self-contained upland site (pursuant to 62-340 FAC) that prevents return of any water or material in to Waters of the State.

ALLIGATOR BAY NET ECOSYSTEM BENEFITS (NEB)

Stormwater Improvements

15. The permittee has performed the stormwater improvements as noted in an authorization granted by the Southwest Florida Water Management District, Permit No. 44024127.000. The permittee shall maintain this system and remain compliant with the authorization noted above and shall notice the Department's South District Office, P.O. Box 2549, Fort Myers, FL 33902 with any correspondence regarding enforcement, non-compliance, or concern from the Southwest Florida Water Management District. This NEB is to provide treatment for occupied Lots CC44 and CC79 in the Manchester Drainage Basin and Toledo Blade Boulevard totaling approximately 233 acres

16. The permittee shall perform stormwater improvements concurrent with the future Edgewater Extension Corridor from Edgewater Drive north to U.S. 41 in accordance with the attached "FY 2007 Capital Improvements budget/FY 2007-FY 2011 Project Detail." Upon completion of the stormwater improvements, the permittee shall provide written notice to the Department's South District Office, P.O. Box 2549, Fort Myers, FL 33902 that the stormwater improvements have been constructed and that the project has been transferred to the Operational Phase of the authorization granted by the SWFWMD. The notice

shall include the FDEP Permit No. 08-0210682-001 and Specific Condition No. 16. This NEB is to provide treatment for all other lots except for Sections CC44 and CC79 in the Manchester Drainage Basin totaling 448.6 acres.

17. The permittee shall submit to the Department an annual status report of those activities described in Specific Condition No. 16 that shall include the following information:

- a) The notations "Compliance monitoring report for Specific Condition No. 16, 08-0210682-001" and name of the permittee.
- b) The areas where the stormwater system has been completed and is in service.
- c) The areas that are projected to be initiated within the next year.
- d) A contact person that is responsible for implementing Specific Condition No. 16.

The annual report shall be due annually on the anniversary date of this permit. Upon verification by the Department that the system is in place and has been transferred to the Operation Phase of the permit, the permittee is hereby released from the above monitoring requirements.

Phased Sewer Expansion

18. The permittee has included the area as referenced in "Exhibit Phased Sewer Expansion NEB Location Map" in the Charlotte County Sewer Expansion Plan. These areas include portions of the Little Alligator drainage basin that have been identified as having on-site disposal systems that do not treat wastewater to current standards (i.e. those on-site disposal systems built prior to 1983). The permittee shall first focus on the area between West and East Spring Lake. The permittee shall commence and complete the installation of the sanitary sewer system in accordance with the attached "FY2007 Capital Improvements Budget/FY 2007-FY 2011 Project Detail."

19. The permittee shall submit to the Department an annual status report that shall include the following information:

- a) The notations "Compliance monitoring report for Specific Condition No. 18, 08-0210682-001" and name of the permittee.
- b) The areas where the sanitary sewer system has been completed and is in service.
- c) The areas that are projected to be initiated within the next year.
- d) A contact person that is responsible for implementing Specific Condition No. 18.

The annual report shall be due annually on the anniversary date of this permit. Upon verification by the Department that the system is in place and has been transferred to the Operation Phase of the permit, the permittee is hereby released from the above monitoring requirements.

This NEB is to provide an improvement to water quality by decreasing nutrient loading from removing the septic systems.

Disposal System Pump-Out Certification

20. The permittee shall within 180 days enact the attached ordinance, "ORDINANCE NUMBER 2007-XXXX." The provisions of this ordinance (or Department approved modification of the same) shall

remain in effect for all affected residences until those affected residences are placed on a sanitary sewer system.

21. This ordinance, as referenced in Specific Condition 20, and any Department approved modification of the same, shall be enforced by the permittee. The permittee shall dedicate sufficient staff to implement the ordinance. The revenue collection for this ordinance shall be set in place no later than October of 2007 and implemented no later than October of 2008.

22. The enacted ordinance as referenced in Specific Condition 20 shall not be modified without Department approval. The enacted ordinance, and any modification of the same, shall always at a minimum include: require residences within 300' of surface waters have their septic systems inspected and maintained every five years within the geographic boundaries as noted on Exhibit E.

This NEB will provide an improvement to water quality by decreasing nutrient loading from the septic systems within 300' of canals and surface waters.

Bathymetric Canal Study and Improvements

23. Within 360 days of permit issuance, the permittee shall conduct and submit to the Department's South District Office, P.O. Box 2549, Fort Myers, FL 33902, a bathymetric survey of the canal systems within 1.5 miles of the outfall of Alligator Bay as noted on "Exhibit bathymetric Canal Study and Canal Restoration Location Map".

24. The bathymetric survey will be subject to the following:

- a) Five complete sets of the survey shall be submitted to the Department.
- b) All depths shall be referenced to Mean Low Water (MLW).
- c) All surveys shall show the entire study area with match lines or area notations to show all studied areas in a sufficient scale to be legible.
- d) All surveys shall be signed and sealed by a professional registered Public Land Surveyor.
- e) The permittee shall identify areas ranging from highest to normal priority for backfilling in accordance with Condition No. 25 in the following manner:
 - a. Areas deeper than -10' MLW=High priority
 - b. Areas between -5.5' and -10' MLW=Normal priority.

This NEB will provide information for an improvement to water quality from deep water areas and uneven bottom contours which result in poor flushing and decreased levels of dissolved oxygen.

Restoration of Canal System to Permitted Depths

25. The permittee shall restore the inadvertently dug deep pockets in the canal system (as noted on "Exhibit bathymetric Canal Study and Canal Restoration Location Map"), during ongoing maintenance dredging operations by backfilling with dredge material obtained from dredging projects within the area as shown on "Exhibit bathymetric Canal Study and Canal Restoration Location Map," as noted in Specific Condition No. 24, in perpetuity until all canal areas within the restoration area are at a maximum depth of -5.5' MLW. The material used for backfilling shall not be silty material but shall consist mainly of coarse sand. Also, the material used for backfilling shall not be enriched with heavy metals or other deleterious

substances. For purposes of determining the status of any exempt dredging projects, the original design specification for these canals shall be -5.5' MLW.

26. Within 45 days of completion of the bathymetric restoration, the permittee shall complete a survey showing that all of the areas within the limits of the restoration area have been restored to -5.5' MLW. This survey shall include all the provisions as noted in Specific Condition No. 24 above.

This NEB will provide an improvement to water quality from deep-water areas and uneven bottom contours which result in poor flushing and decreased levels of dissolved oxygen.

Restoration of West Spring and Manchester Waterway Lake Island Habitat

27. All exotic and nuisance vegetation (as noted in the 2003 Florida Exotic Pest Plant Council List, attached) shall be removed from the islands as noted in "Exhibit Island Habitat Restoration NEB Location Map," "Exhibit Island Habitat Restoration Habitat Restoration Map, West Spring Lake Island 1," "Exhibit Island Habitat Restoration Habitat Restoration Map, West Spring Lake Island 2," "Exhibit Island Habitat Restoration Habitat Restoration Map, West Spring Lake Island 3," "Exhibit Island Habitat Restoration Habitat Restoration Map, West Spring Lake Island 4," "Exhibit Island Habitat Restoration Habitat Restoration Map, Manchester Waterway Islands 1 & 2." Exotic and nuisance vegetation, as noted above, will be killed in place by a Department approved herbicide in accordance with label directions applied by a licensed applicator. The permittee shall inform the Department's South District Office, P.O. Box 2549, Fort Myers, FL 33902 when all exotic and nuisance vegetation has been treated. Exotic and nuisance vegetation shall be maintained below 10% aerial coverage in perpetuity. The Charlotte County Public Works Department shall be responsible for the maintaining the exotic and nuisance species below 10% for a period of five years. After this period, Charlotte County Public Works can designate a responsible Charlotte County maintenance entity, such as the County's Department of Parks and Recreation, to take over maintenance services. The permittee shall submit the name of the maintenance entity along with all pertinent contact information. The permittee shall keep the Department informed of all contact information changes. The permittee shall be responsible for the continued maintenance of the islands in perpetuity.

28. All exotic and nuisance vegetation, as noted in Specific Condition No. 27 above, shall be killed in place prior to completion of construction for the Lock area, as noted on Sheets B-1A, B-1AB, B-2A, B-3, B-4, B-5, and B-5A).

29. The islands shall be monitored on an annual basis, from the date of completion of exotic removal. The permittee shall inspect the treatment area (as noted on "Exhibit Island Habitat Restoration NEB Location Map," "Exhibit Island Habitat Restoration Habitat Restoration Map, West Spring Lake Island 1," "Exhibit Island Habitat Restoration Habitat Restoration Map, West Spring Lake Island 2," "Exhibit Island Habitat Restoration Habitat Restoration Map, West Spring Lake Island 3," "Exhibit Island Habitat Restoration Habitat Restoration Map, West Spring Lake Island 4," "Exhibit Island Habitat Restoration Habitat Restoration Map, Manchester Waterway Islands 1 & 2.") annually. The purpose of the inspection shall be to determine the success of exotic and nuisance vegetation treatment. During each inspection, the permittee shall treat (kill) in place all nuisance and exotic vegetation, as listed on the 2003 list of the Florida Exotic Pest Plant Council (FLEPPC), www.fleppc.org, (attached) from the treatment area in a manner that will minimize impacts to the existing native vegetation and will not cause ruts in the wetland soils that will impede or divert the flow of surface waters. Within 30 days after the completion of each inspection the

permittee shall complete a monitoring report and submit it to the Department. The monitoring reports shall include the following information:

- a. The notations "Compliance monitoring report for Specific Condition No. 29, 08-0210682-001" and name of the permittee.
- b. Date of the inspection.
- c. Color photographs taken from enough locations to cover the entire treatment area.
- d. An estimate of coverage by and description of (i.e. vegetative strata) nuisance and exotic vegetation within the treatment area.
- e. Description of any nuisance or exotic species treatment completed since the last report or planned future treatment.

This NEB will provide an improvement for wildlife habitat and a reduction of a seed source for exotic and nuisance vegetation in the general project area.

Marsh Habitat Restoration

30. During the dry season (October through May) following permit issuance, the permittee will fill in the section of mosquito ditch on the Charlotte Harbor Buffer Preserve as shown in "Exhibit Marsh Habitat Restoration Details Alligator Bay." The location of this restoration project has been selected with input from the Charlotte Harbor Buffer Preserve (FDEP) staff. Existing spoil piles from the mosquito ditch will be pushed back into the ditch. The permittee shall limit construction to the footprint of the existing spoil piles only when spoil is being pushed into the mosquito ditch. The permittee shall adhere to that route as shown in "Exhibit Marsh Habitat Restoration Details Alligator Bay." for ingress and egress, staging, and burning. The permittee shall clearly flag and stake the ingress and egress route as well as the staging and burning areas prior to construction. Access from the staging areas to the burning area shall be limited to a direct route and shall not exceed 25' in width. No additional material will be brought onto the site. The Department recognizes the fact that a shortfall of fill dirt may occur. The permittee shall return all fill constituting the spoil piles back into the ditch and shall level this material at an even grade throughout the ditch. The Department recognizes that this may result in a shallower ditch system and may not be brought up to adjacent wetland grade based upon the spoil material present. Best management practices will be used to minimize impacts to the marsh system. Charlotte Harbor Buffer Preserve personnel will burn exotic vegetation removed during the process onsite.

31. The permittee shall take photographs before, during, and after the work to document the progression of restoration. Within 15 days of restoration completion, the permittee shall submit to the Department's South District Office, P.O. Box 2549, Fort Myers, FL 33902 a plan view drawing or aerial of the restoration site, including ingress/egress routes, staging areas, and photo points depicted.

This NEB will provide an improvement to the adjacent marsh system in both wildlife utilization and hydrology.

Riprap Obstructions

32. Prior to completion of construction for the Lock area, as noted on Sheets B-1A, B-2A, B-1AB, B-3, B-4, and B-5, the permittee shall place riprap obstructions as noted on "Exhibit Riprap

Obstructions NEB Location Map” and “Site C Plan View”. The permittee shall place all riprap material in accordance with the best management practices listed in the permit.

This NEB will provide a navigational block to motorized vessels, thus reducing turbidity and propeller scarring, and still allow for shallow draft non-motorized vessels such as kayaks and canoes.

Lewis Creek Restoration

33. Prior to completion of construction for the Lock area, as noted on Sheets B-1A, B-2A, B-1AB, B-3, B-4, and B-5, the permittee shall restore the hydrologic connection to Lewis Creek as noted in “Exhibit Lewis Creek Restoration NEB Location Map” and “Site A Plan View.” The permittee shall place all riprap material in accordance with the best management practices listed in the permit.

This NEB will provide hydrologic restoration to Lewis Creek and improve water quality and wildlife utilization.

Land Acquisition

34. Within 180 days of permit issuance, the permittee will negotiate in good faith to purchase parcel 5100 (29.68 acres) east of the Manchester Waterway that is currently in private ownership and adjoining the Charlotte Harbor Buffer Preserve (as shown on Exhibit Land Acquisition NEB). If negotiations fail to produce outright purchase of this property (within 360 days of permit issuance), the permittee will develop and submit a Florida Communities Trust (FCT) application for this property and other applicable parcels (such as 5501) adjoining the Buffer Preserve and in private ownership in the Manchester Waterway area.

This NEB will provide an increase in area for the protection, preservation, management, and restoration of wildlife and of natural resources.

Awareness Program

35. Within 180 days, the permittee shall develop a community based Alligator Bay Awareness Program to heighten community identity of Alligator Bay and factors that may contribute to water quality problems (i.e. violations of 62-302 FAC). The permittee shall focus on enhancing the community’s knowledge of their geographical location within the drainage basin to provide a sense of place for the consequences of their actions.

At a minimum, the Awareness Program will include drainage basin signage (to include signs, replaced as necessary, at Olean Blvd. At Kings Highway, Edgewater Dr. at U.S. 41, Atwater St. at Hillsborough Blvd., and Collingswood Blvd. at Hillsborough Blvd.), direct mailings to Alligator Bay residents, a standard presentation such as a PowerPoint or video for civic events, and the formulation of an Alligator Bay logo for identification. In addition to general knowledge and concern, the plan will focus attention to single family projects (e.g. riprap and the Florida Yards and Neighborhood Program) that will have an environmental benefit. All information must be submitted to the Florida Fish and Wildlife Conservation Commission and the Department’s South District Office, P.O. Box 2549, Fort Myers, FL 33902 for review and written approval prior to production of materials.

The Awareness program will also include an Alligator Bay educational program for school age children to focus on issues relating to the Bay. They shall focus on the characteristics of the water body and the built environment, including canals, and how it affects natural receiving waters. The permittee will work with the Charlotte Harbor Educational Center (CHEC) and incorporate field trips into the program whenever possible. A day's field trip would include sampling of physical and biological characteristics of the water body and focus on the built environment, including canals, and how it affects natural receiving waters. The permittee shall implement the CHEC educational program within 360 days of permit issuance.

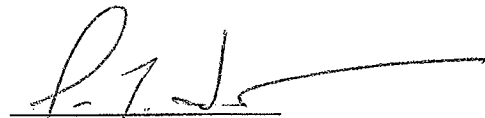
This NEB is to provide an increasing the community's knowledge of their geographical location within the drainage basin to provide a sense of place for the consequences of their actions.

General Water Quality Provisions

36. The project shall comply with applicable State Water Quality Standards, namely:

- 62-302.500 - Minimum Criteria for All Waters at All Times and All Places
- 62-302.530 - Surface Water Quality Criteria

Executed in Lee County, Florida.
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
Director of
District Management

JMI/LB/CA/bal

47 pages attached
44 drawings attached
5 forms attached

CC:

U.S. Army Corps of Engineers, Fort Myers
Charlotte County Property Appraiser
Bureau of Public Land Administration
Objectors/Parties Requesting Notice: See Attached Mailing Lists
Department of Community Affairs
Florida Fish and Wildlife Conservation Commission

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies were mailed before the close of business on June 29, 2007, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52(7),
Florida Statutes, with the designated Department Clerk,
Receipt of which is hereby acknowledged.

Marie Vidrine 6-29-07
Clerk Date

