



South Florida Water Management District

Notice of Intent to Use a Noticed General Environmental Resource Permit

Please provide complete information for the items on this application

GENERAL INFORMATION				
Please list the subsection of 40E-400, F.A.C., which provides for the general permit that you propose to use.				
40E-400.439, F.A.C. (Popash Creek, Projects 1 & 2 / Unnamed 2 Creek, Project 1) 40E-400.447(1)(C), F.A.C. (Daughtrey Creek East Branch, Project 1/ Popash Creek, Project 3 / Palm Creek, Project 1)				
Owner/Applicant				
Name	Lee County Board of County Commissioners	Name of contact person	Anura Karuna-Muni	
Address	1500 Monroe Street			
City, State, Zip	Fort Myers, FL 33901			
Telephone	(239) -5332221			
Agent (if applicable) for owner/applicant				
Name	Karen Brandon, P.E.	Name of firm	AECOM (Consultant)	
Address	2090 Palm Beach Lakes Blvd., Suite 600			
City, State, Zip	West Palm Beach, FL 33409			
Telephone	(561) -6843375			
PROJECT INFORMATION				
Project name (include the name of this phase, if applicable)				
North Ft. Myers Surface Water Management Plan - Maintenance Activities				
Total contiguous project area	47 sq. miles	Total area of this phase (if applicable)	approx. 1.5 ac	
Parcel identification number (from property appraiser)	County	Section(s)	Township	Range
SR 31 ROW	Lee	13	43S	25E
Approx. 780 ft south of Rich Rd ROW & 650 ft west of Leetana Road ROW	Lee	17	43S	25E
Nalle Road ROW & just north of Henderson Grade ROW (Sec. 10)/ North & south of Ruden Road ROW (Sec. 11)	Lee	10, 11	43S	25E



Please describe the proposed work:

The proposed project involves maintenance activities associated with the North Fort Myers Surface Water Management Plan. The activities primarily consist of replacing existing culvert crossings to improve drainage in the areas surrounding the structures, and are part of routine maintenance efforts by Lee County. In addition, the project includes swale improvements along a County road upstream of a natural flowway, in order to improve the ability of the road system to collect runoff and prevent sheetflow to the natural flowway system.

The improvements included in this project are as follows:

1. Daughtrey Creek East Branch, Project 1: Replacement of a 30" culvert crossing with a 36" RCP. Project site is located just south of Rich Road and west of Leetana Road.
2. Popash Creek, Project 1: Replacement of a 24"x38" elliptical RCP culvert with a 29"x45" elliptical RCP at Heather Lane and Nalle Road intersection.
3. Popash Creek, Project 2: Replacement of five (5) 24"x38" elliptical RCP culverts with 29"x45" elliptical RCP culverts. The pipes are located at driveway crossings west of Nalle Road and north of Heather Lane.
4. Popash Creek, Project 3: 850 LF of swale improvements added along the north side of Henderson Grade, from northwest corner of intersection with Nalle Road to the natural flowway.
5. Palm Creek, Project 1: Replacement of a 30" CMP culvert crossing with a 30" RCP culvert at Ruden Road, approximately 600 feet east of Honey Bear Lane.
6. Unnamed 2 Creek, Project 1: Replacement of two (2) 34"x48" CMP culvert crossings and one (1) 32"x50" CMP crossing, all with dual 42" RCP culverts. The pipes are located at driveway crossings west of SR 31, approximately 2000 feet south of N. River Road.

The culvert crossings are located within or adjacent to County or FDOT right-of-way. All improvements are being planned to provide drainage benefit to adjacent County roads and adjoining properties. The County is requesting that SFWMD apply a condition to any permit approval extended requiring authorization for access to be submitted to SFWMD prior to starting construction. The activities proposed for Daughtrey Creek East Branch, Popash Creek, Project 3, and Palm Creek will require right-of-way or easements be granted to the County in order to complete the work.

Please refer to the attached exhibits for additional information on the proposed activities.



REQUIRED ITEMS

Please submit with this Notice four copies of:

1. A neatly drawn site plan showing:
 - a. Property boundaries and dimensions;
 - b. The name and location of any adjoining streets or roads;
 - c. Location and dimensions of any improvements including buildings, docks, paved or limerock areas, pipes, ditches, etc (distinguish between existing and proposed improvement);
 - d. For projects involving dredging or filling in wetlands or work in uplands: arrows indicating the direction of drainage from the proposed improvements;
 - e. All impervious areas and pervious areas (indicate their size (square feet));
 - f. Dimensions for all proposed works;
2. A 1:24,000 USGS topographic map showing the she boundaries.
3. A street map showing the location of the proposed project site, with written directions and addresses (if applicable).
4. Information that shows that you qualify for the noticed general permit and that addresses all the parameters and thresholds required in the noticed general permit.
5. Documentation of ownership evidencing that applicant owns the property that is subject to the permit (i.e. warranty deed, etc.).

OTHER

Rule 40E-400, Florida Administrative Code, (F.A.C.) Subpart C (Noticed General Environmental Resource Permits), which specifies information requirements to constitute a complete Notice, is available from the District.

The proposed activities may also require approval by other state and federal agencies. This District informs other agencies about notices and permit applications received, but the responsibility for requesting approval from other agencies rests with the owner. See page 4 for submittal addresses.

CERTIFICATION

I have full knowledge of and will comply with the requirements of the noticed general permit, which I am seeking under Chapter 40E-400, F.A.C. I understand that a noticed general permit is available only under limited circumstances as set forth in Chapter 40E-400, F.A.C., and that permittees are required to comply with all general conditions listed in Section 40E-400.215, F.A.C.

Applicant/Agent Signature*

Date

*Signing by someone other than the owner is also certification that the person is authorized to act as the owner's agent.



Form 0980
08/95

Projects in the following counties should respond to the corresponding SFWMD Service Center:

Broward, Dade, Highlands, Martin, Monroe, Okeechobee, Palm Beach, and St. Lucie Counties

Please respond to the West Palm Beach Service Center:

SFWMD

Natural Resources Management Division

P. O. Box 24680

West Palm Beach, FL 33416-4680

Charlotte, Collier, Glades, Hendry, and Lee Counties

Please respond to the Ft. Myers Service Center:

SFWMD

Natural Resources Management Division

2301 McGregor Blvd.

Ft. Myers, FL 33901

Orange, Osceola, and Polk Counties

Please respond to the Orlando Service Center:

SFWMD

Natural Resources Management Division

1707 Orlando Central Parkway, Suite 200

Orlando, FL 32809



40E-400.215 General Conditions for All No Notice and Noticed General Permits.

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this section are general permit conditions shall be applicable to, and are binding upon the permittee for all no notice and noticed general permits in this chapter. These conditions are enforceable under part IV of Chapter 373, F.S.

(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The District may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.

(3) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit. This general permit does not convey to the permitted 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 general permit and this chapter.

(4) This general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permitted to cause pollution in contravention of Florida Statutes and District rules.

(5) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(6) The general permit may be modified, suspended or revoked in accordance with Chapter 120, and Section 373.429, F.S.

(7) This permit shall not be transferred to a third party except pursuant to section 40E-4.351, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located.

(8) Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to insure conformity with the plans and specifications approved by the permit.

(9) The permittee shall maintain any permitted system in accordance with the plans submitted to the District.

(10) A permittee's right to conduct a specific noticed activity under this noticed general permit is authorized for a duration of five years.

(11) Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of sections 62-4.242(l)(a) and (b), 62-4.242(2) and (3), and 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands or other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition at



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08/95

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.

(12) The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the general permit.

(13) The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

Specific Authority 373.044, 373.113, 373.118, F.S. Law Implemented 373.118, 373.413, 373.416, 373.426, F.S. History--
New 10-3-95.

North Fort Myers Surface Water Management Plan
Application No. 101028-10
Request for Noticed General Approval for Maintenance Activities

Drainage Summary

This application is being submitted on behalf of Lee County to request Noticed General permit approval for the replacement of existing culvert crossings and addition of swale improvements. These activities are part of the County's ongoing maintenance program. Some slight adjustments have been incorporated into the proposed replacements such that these efforts are in line with the County's long-term goals for acceptable levels of service, as outlined in the previously submitted North Fort Myers Surface Water Management Plan.

In this submittal, we have provided the following in support of the Noticed General permit application:

- Site Plans for the Proposed Improvement Projects, Exhibits A1 through A4
- Plan Sheet Exhibits 14 & 15 (as previously submitted), Attachments supporting Site Plans
- USGS Topographic Maps for the proposed project locations, Exhibits B1 through B2
- Street Maps in the vicinity of the proposed projects, Exhibits C1 through C4
- Excerpt from the Florida Administrative Code, Chapter 40E-400, highlighting the areas relevant to the proposed maintenance activities

Some of the proposed activities are wholly within County or Florida Department of Transportation (FDOT) right-of-way. In the instances where a culvert replacement or improvement is needed outside of established right-of-way, the County is prepared to seek right-of-way or easement for access. The County has requested SFWMD consider granting permit approval for these activities, subject to the condition that the County produce evidence of legal means of access for these activities prior to beginning construction.

We have summarized the proposed activities by Creek watershed below:

1. Daughtrey Creek East Branch:
Daughtrey Creek flows through several conveyances structures on private property in the reach south of Rich Road and west of Leetana Road. The County is proposing to replace an existing 30"-dia. concrete pipe with a 36"-dia. concrete pipe. The proposed pipe is 30 feet in length, and will be installed at the existing invert elevations of 13.78 ft-NAVD (upstream) and 13.06 ft-NAVD (downstream). As the culvert is located on private property, the County will seek legal access to replace this pipe through right-of-way or easement authorization. No net change in dredging or filling is expected within the creek system for this culvert replacement. As the existing culvert is located within a natural system adjacent to County roads and maintained through easement, we are requesting Noticed General approval for this culvert replacement under F.A.C. 40E-400.447(1)(c)).
2. Popash Creek:
Three maintenance activities are planned within the Popash Creek watershed. Project 1 involves the replacement of 24"x38" elliptical concrete culvert at the intersection of Heather Lane and Nalle Road with a 29"x45" elliptical RCP at this same location. The

proposed pipe is 40 feet in length, and will be installed at the existing invert elevations of 19.3 ft-NAVD (upstream) and 19.24 ft-NAVD (downstream). The existing culvert is located within Lee County right-of-way. The County will seek Lee County Department of Transportation (LDOT) permit approval as appropriate. As the existing culvert is located within a man-made system maintained by the County, we are requesting Noticed General approval for this culvert replacement under F.A.C. 40E-400.439.

Project 2 within the Popash Creek watershed involves the replacement of five driveway culverts, located west of Nalle Road and 250', 300', 400', 530', and 900' feet north of Heather Lane. The existing culvert crossings are 24"x38" elliptical concrete pipes; they are proposed to be replaced with 29"x45" elliptical concrete pipes. It is anticipated that the invert elevations for these pipes will be adjusted slightly, however, no adjustment is planned to be more than 0.5' change from the existing installations. Please refer to the Site Plan Attachments, Exhibits 14 & 15 (as previously submitted) for complete installation details on each driveway culvert. The culvert crossings are located within Lee County right-of-way, and the County will seek Lee County Department of Transportation (LDOT) permit approval as appropriate. As the existing culverts are located within a man-made system maintained by the County, we are requesting Noticed General approval for these culvert replacements under F.A.C. 40E-400.439.

Popash Creek, Project 3 proposes the addition of 850 linear feet of swale improvements to address observed ponding in the vicinity of the Nalle Road and Henderson Grade intersection. The swale is intended to provide a means of collecting stormwater runoff from the adjacent roadway and address existing sheet flow that currently runs from the intersection west to the Creek. The existing road rights-of-way in these areas do not provide sufficient access to complete the proposed improvements, so the County will seek legal access through right-of-way or easement authorization. As the project area will be maintained by the County through easement or right-of-way, we are requesting Noticed General approval under F.A.C. 40E-400.447(1)(c)).

3. Palm Creek:

In the existing scenario, a 30"-dia. corrugated metal pipe conveys flows in Palm Creek under Ruden Road, east of Honey Bear Lane. The County is proposing to replace this culvert with a 30"-dia. RCP, at an invert elevation 0.5' lower than the existing. This change in invert elevation, though minor, is expected to provide some positive impact to the willow wetland and pond north of Ruden Road. The proposed pipe is 40 feet in length. Although the culvert is located under Ruden Road, existing County right-of-way is not sufficient to cover the replacement of this pipe. The County is prepared to seek legal access through right-of-way or easement authorization. No net change in dredging or filling is expected within the creek system for this culvert replacement. As the existing culvert is located within a natural system adjacent to County roads and maintained by the County, we are requesting Noticed General approval for this culvert replacement under F.A.C. 40E-400.447(1)(c)).

4. Unnamed 2 Creek:

For this project, the County is proposing to replace three driveway culverts west of SR 31 that convey stormwater runoff upstream of the Unnamed 2 Creek system. The existing culverts are comprised of 2- 34"x48" corrugated metal pipes and 1-32"x50" CMP. The County is proposing to replace these driveway culverts with 2-42" reinforced concrete pipes at each location. The proposed culvert replacements are expected to be installed at the same or within 0.1' of the existing invert elevations. Please refer to the

Site Plan Attachments, Exhibits 14 & 15 (as previously submitted) for complete installation details on each driveway culvert. The culvert crossings are located within FDOT right-of-way, and the County will seek additional permit approval as appropriate. As the existing culverts are located within a man-made system maintained by the County, we are requesting Noticed General approval for these culvert replacements under F.A.C. 40E-400.439.



Exhibit A1. Site Plan, Daughtrey Creek East Branch Culvert Replacement

Please refer to Exhibits 14 "Typical Sections" & 15 "Details" attached for further information.



Exhibit A2. Site Plan, Popash Creek Culvert Replacements & Swale Improvements

Please refer to Exhibits 14 "Typical Sections" & 15 "Details" attached for further information.



Exhibit A3. Site Plan, Palm Creek Culvert Replacement

Please refer to Exhibits 14 "Typical Sections" & 15 "Details" attached for further information.

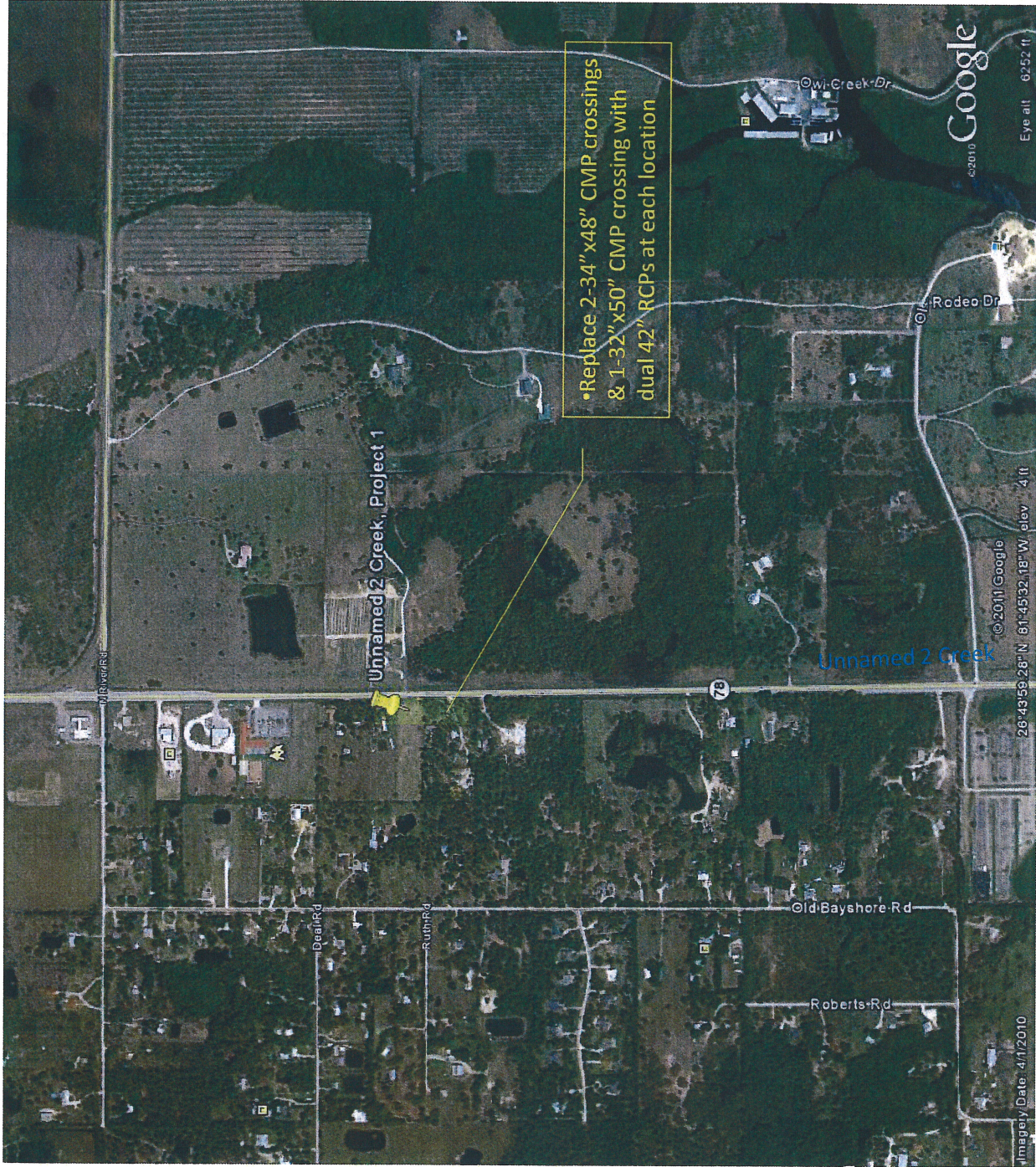
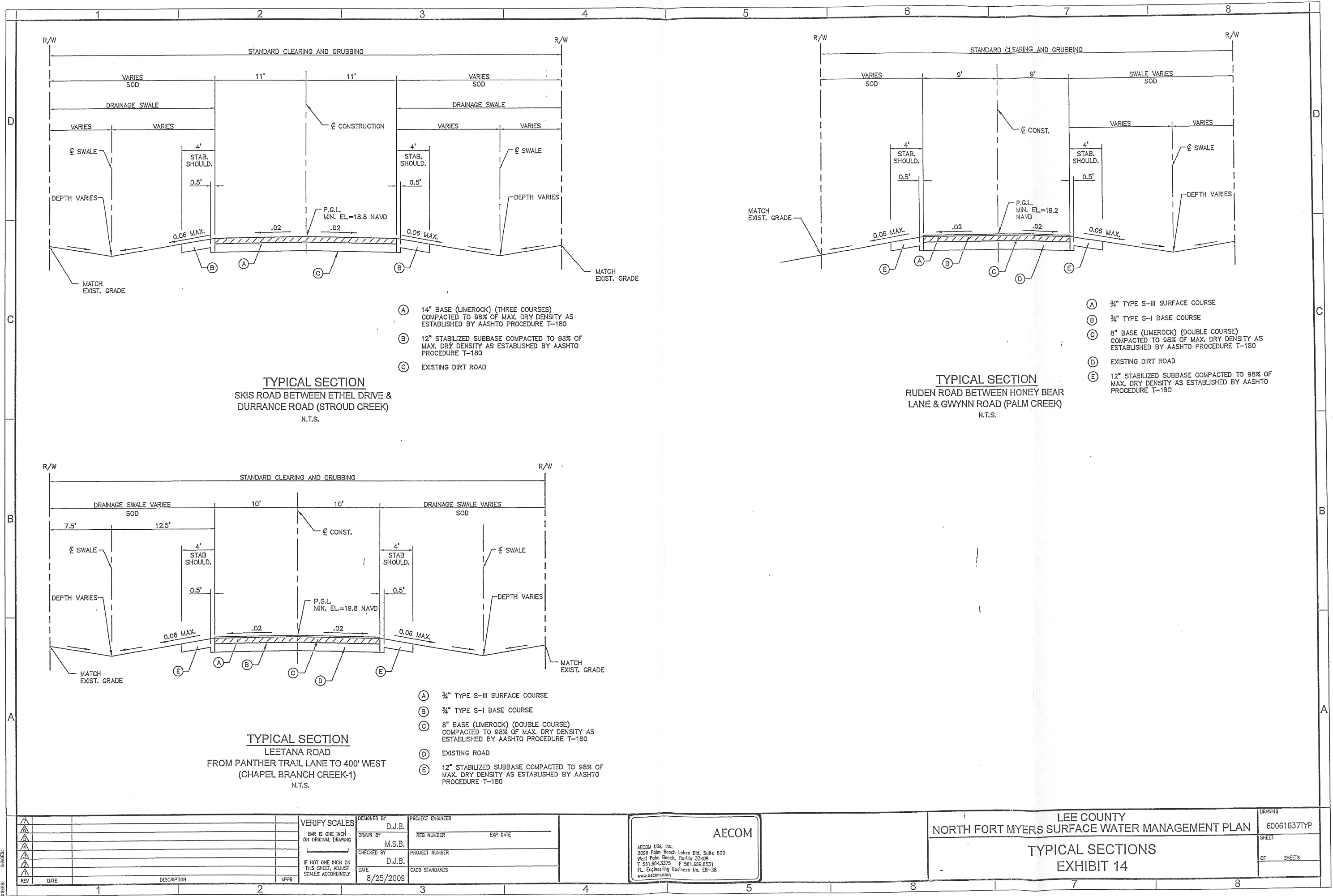


Exhibit A4. Site Plan, Unnamed 2 Creek Culvert Replacements
Please refer to Exhibits 14 "Typical Sections" & 15 "Details" attached for further information.

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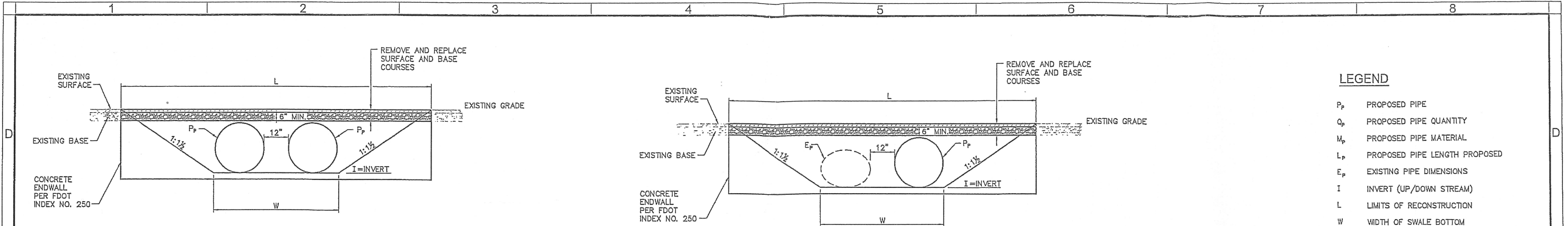
AECOM

AECOM USA, Inc.
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West Palm Beach, Florida 33409
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FL Engineering Business No. EB-38
www.aecom.com

LEE COUNTY
NORTH FORT MYERS SURFACE WATER MANAGEMENT PLAN

TYPICAL SECTIONS
EXHIBIT 14

DRAWING
60061637TYP
SHEET
OF SHEETS



- LEGEND
- P_p PROPOSED PIPE
 - Q_p PROPOSED PIPE QUANTITY
 - M_p PROPOSED PIPE MATERIAL
 - L_p PROPOSED PIPE LENGTH PROPOSED
 - E_p EXISTING PIPE DIMENSIONS
 - I INVERT (UP/DOWN STREAM)
 - L LIMITS OF RECONSTRUCTION
 - W WIDTH OF SWALE BOTTOM
 - S SPAN
 - R RISE
 - L_c PROPOSED CULVERT LENGTH

NEW CULVERT DETAIL
N.T.S.

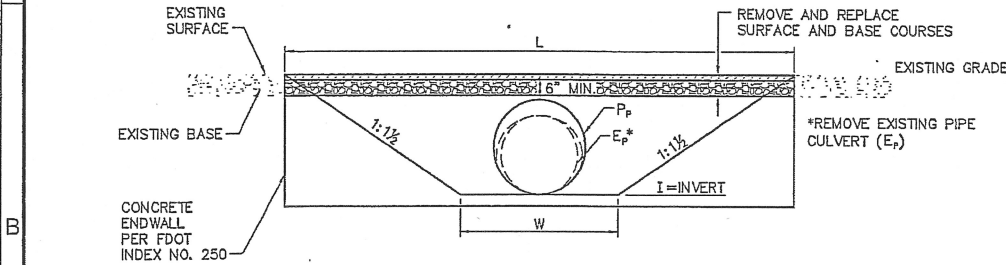
- NOTES:
- SEE TABLE FOR SPECIFIC DIMENSIONAL INFORMATION FOR EACH PROJECT.
 - IF MULTIPLE PIPES ARE PROPOSED, THERE SHALL BE 12 INCHES BETWEEN EACH PIPE
 - IF EXISTING DIRT SURFACE, REPLACE W/COMPACTED LIMEROCK.

	PROJECT	
	MARSH POINT	STROUD
P _p	24"Ø	30"Ø
Q _p	2	2
M _p	RCP	RCP
L _p	50'	50'
I	7.0/6.9	15.98/15.95
L	15'	15'
W	5'	6'

ADDITIONAL CULVERT DETAIL
N.T.S.

- NOTES:
- SEE TABLE FOR SPECIFIC DIMENSIONAL INFORMATION FOR EACH PROJECT.
 - IF MULTIPLE PIPES ARE PROPOSED, THERE SHALL BE 12 INCHES BETWEEN EACH PIPE
 - IF EXISTING DIRT SURFACE, REPLACE W/COMPACTED LIMEROCK.

	PROJECT	
	COHN	
P _p	24"Ø	
Q _p	1	
M _p	RCP	
L _p	40'	
E _p	18"x24"	
I	0.13/-0.27	
L	15'	
W	5'	

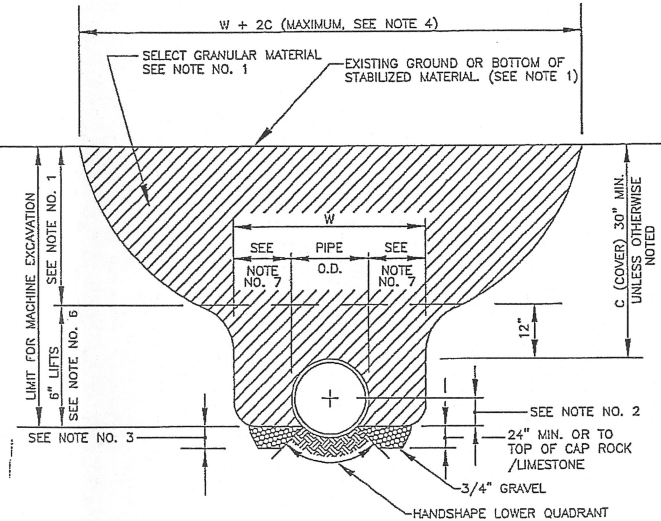


REMOVE & REPLACE CULVERT DETAIL
N.T.S.

	PROJECT					
	DAUGHTREY	PALM	UNNAMED CREEK #2	UNNAMED CREEK #2	UNNAMED CREEK #2	CHAPEL
P _p	36"Ø	30"Ø	42"Ø	42"Ø	42"Ø	42"Ø
Q _p	1	1	2	2	2	2
M _p	RCP	RCP	RCP	RCP	RCP	RCP
L _p	30'	40'	64'	62'	62'	72'
E _p	30"	30"	34"x 48"	34"x 48"	32"x 50"	(2)30"
I	13.78/13.06	15.30/15.25	6.0/5.2	4.7/4.3	3.51/3.2	13.85/13.80
L	20'	15'	25'	25'	25'	25'
W	3'	2.5'	3.5'	3.5'	3.5'	3.5'

- NOTES:
- SEE TABLE FOR SPECIFIC DIMENSIONAL INFORMATION FOR EACH PROJECT.
 - IF MULTIPLE PIPES ARE PROPOSED, THERE SHALL BE 12 INCHES BETWEEN EACH PIPE.
 - IF EXISTING DIRT SURFACE, REPLACE W/COMPACTED LIMEROCK.

	PROJECT					
	POPASH #1	POPASH #2A	POPASH #2B	POPASH #2C	POPASH #2D	POPASH #2E
P _p	28"x 45"	29"x 45"	29"x 45"	29"x 45"	29"x 45"	29"x 45"
Q _p	1	1	1	1	1	1
M _p	ERCP	ERCP	ERCP	ERCP	ERCP	ERCP
L _p	40'	40'	40'	40'	42'	48'
E _p	24"x 38"	24"x 38"	24"x 38"	24"x 38"	24"x 38"	24"x 38"
I	19.3/19.24	19.58/19.57	19.59/19.58	19.61/19.60	19.63/19.62	19.73/19.69
L	15'	15'	15'	15'	15'	15'
W	3.75'	3.75'	3.75'	3.75'	3.75'	3.75'



- NOTES:
- IF THE TRENCH IS LOCATED UNDER ASPHALT PAVEMENT, THE TRENCH IS TO BE BACKFILLED WITH CLEAN GRANULAR MATERIAL, IN 6" LAYERS (MAXIMUM), COMPACTED TO 100% MAXIMUM DENSITY PER A.A.S.H.T.O. T-99 SPECIFICATIONS. IF THE TRENCH IS LOCATED OUTSIDE OF PAVEMENT AREAS, THE TRENCH IS TO BE BACKFILLED WITH CLEAN GRANULAR MATERIAL, IN 12" LAYERS (MAXIMUM), AND COMPACTED TO 95% MAXIMUM DENSITY PER A.A.S.H.T.O. T-99 SPECIFICATION.
 - FILL MATERIAL TO BE PLACED MANUALLY UP TO THE SPRING LINE OF THE PIPE AND COMPACTED BY HAND PRIOR TO ADDING ADDITIONAL MATERIAL.
 - AS AN ALTERNATE TO HANDSHAPING LOWER QUADRANT, CONTRACTOR MAY OVER EXCAVATE THE TRENCH AND BACKFILL WITH 3/4" GRAVEL AS SHOWN.
 - IF "W+2C" EXCEEDS 12 FEET, THE TRENCH SHALL BE SHEETED AND BRACED OR OTHERWISE LIMITED TO NOT GREATER THAN 12 FEET.
 - CONTRACTOR IS RESPONSIBLE FOR MEETING ALL SAFETY STANDARDS FOR TRENCHING WIDTHS CONSIDERING O.S.H.A. STANDARDS FOR SOIL TYPES, TRENCH WIDTHS, ANGLE OF REPOSE, ETC. IN ORDER TO PROPERLY PROTECT HIS EMPLOYEES.
 - IF USING H.D.P.E. PIPE, COMPACT MATERIAL UP TO 12" ABOVE PIPE BY HAND. IF USING D.I. PIPE, COMPACT MATERIAL BY HAND UP TO TOP OF PIPE AND COMPACT REMAINING 12" TO 95% MAXIMUM DENSITY PER A.A.S.H.T.O. T-99 SPECIFICATIONS.
 - 12" MAX. OR OUTSIDE PIPE DIAMETER DIVIDED BY 2 WHICHEVER IS GREATER.

TYPICAL PIPELINE TRENCH AND BACKFILL
N.T.S.

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TUCKERS CORNER QUADRANGLE
FLORIDA
7.5 MINUTE SERIES (TOPOGRAPHIC)

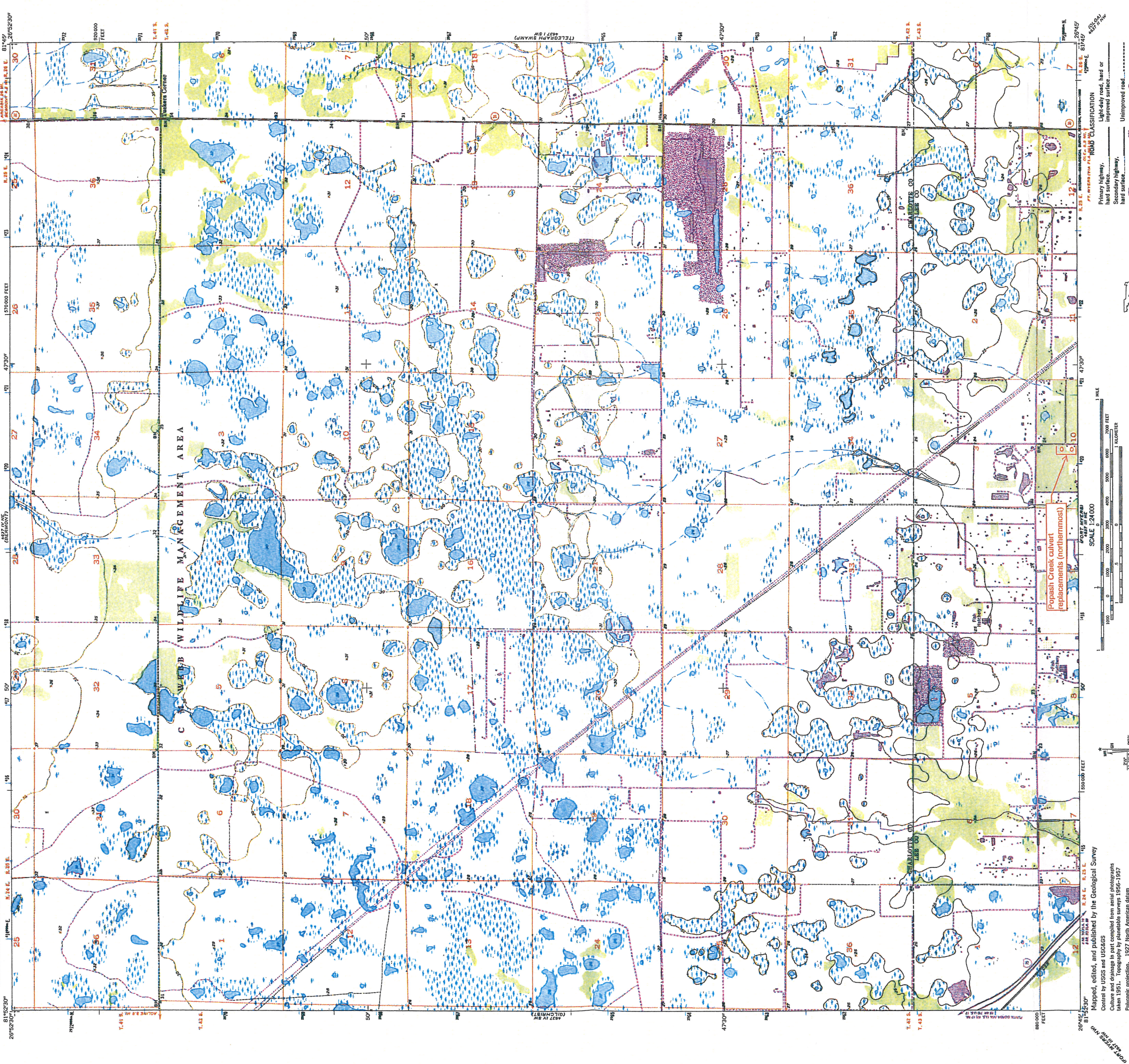


Exhibit B2. USGS Topo
"Tuckers Corner"

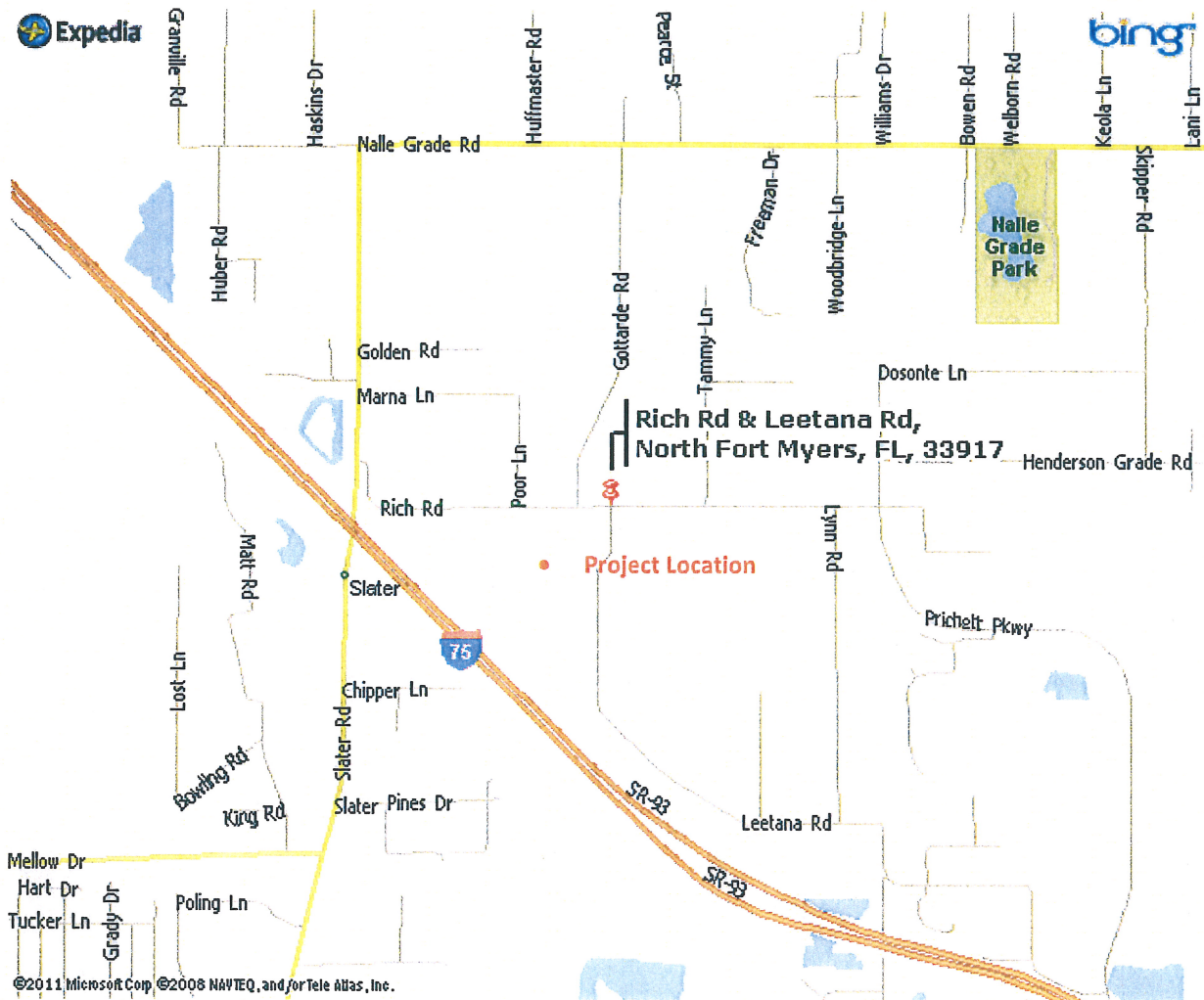


Exhibit C.1. Street Map, Daughtrey Creek East Branch culvert replacement

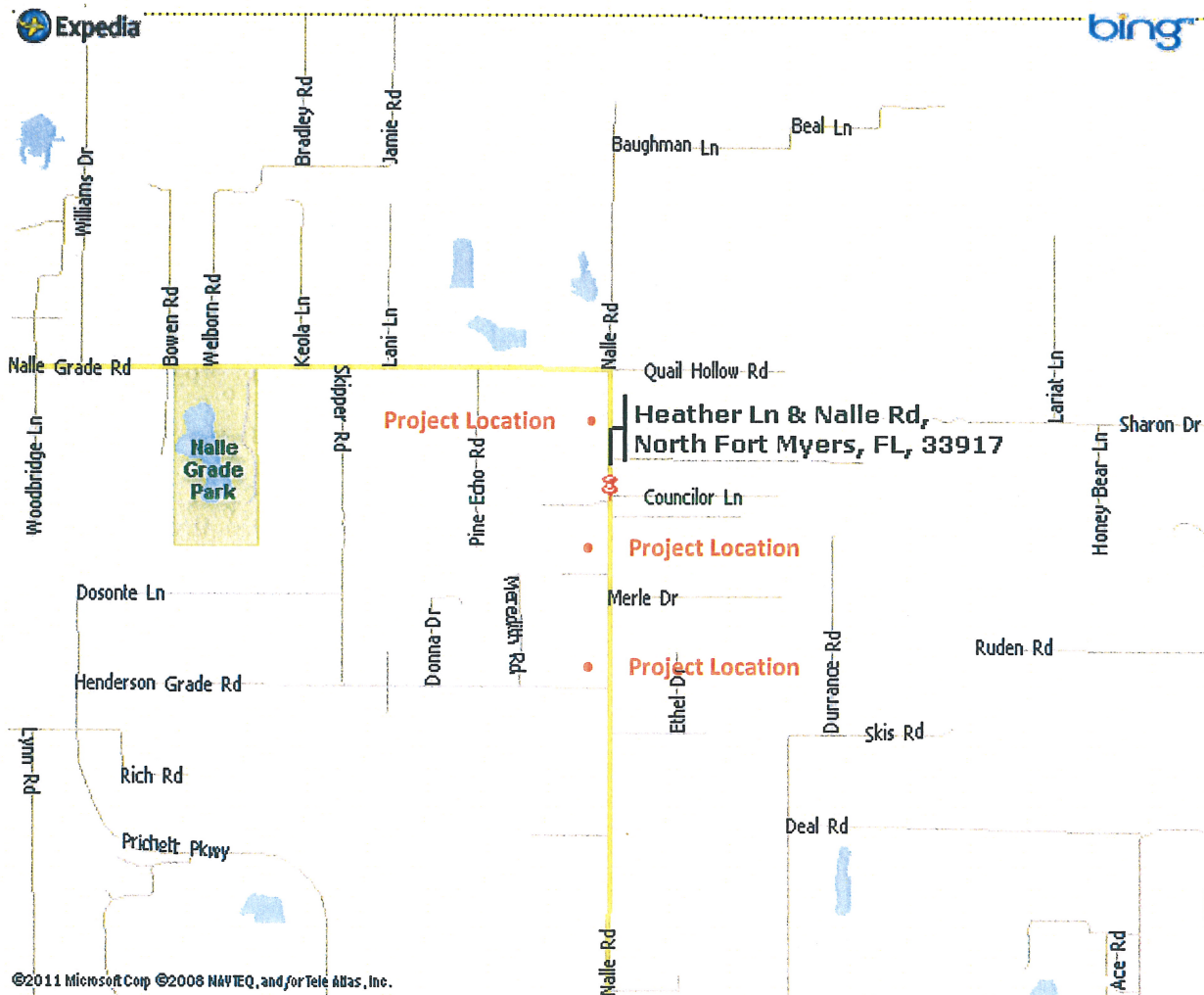


Exhibit C.2. Street Map, Popash Creek swale improvements & culvert replacements

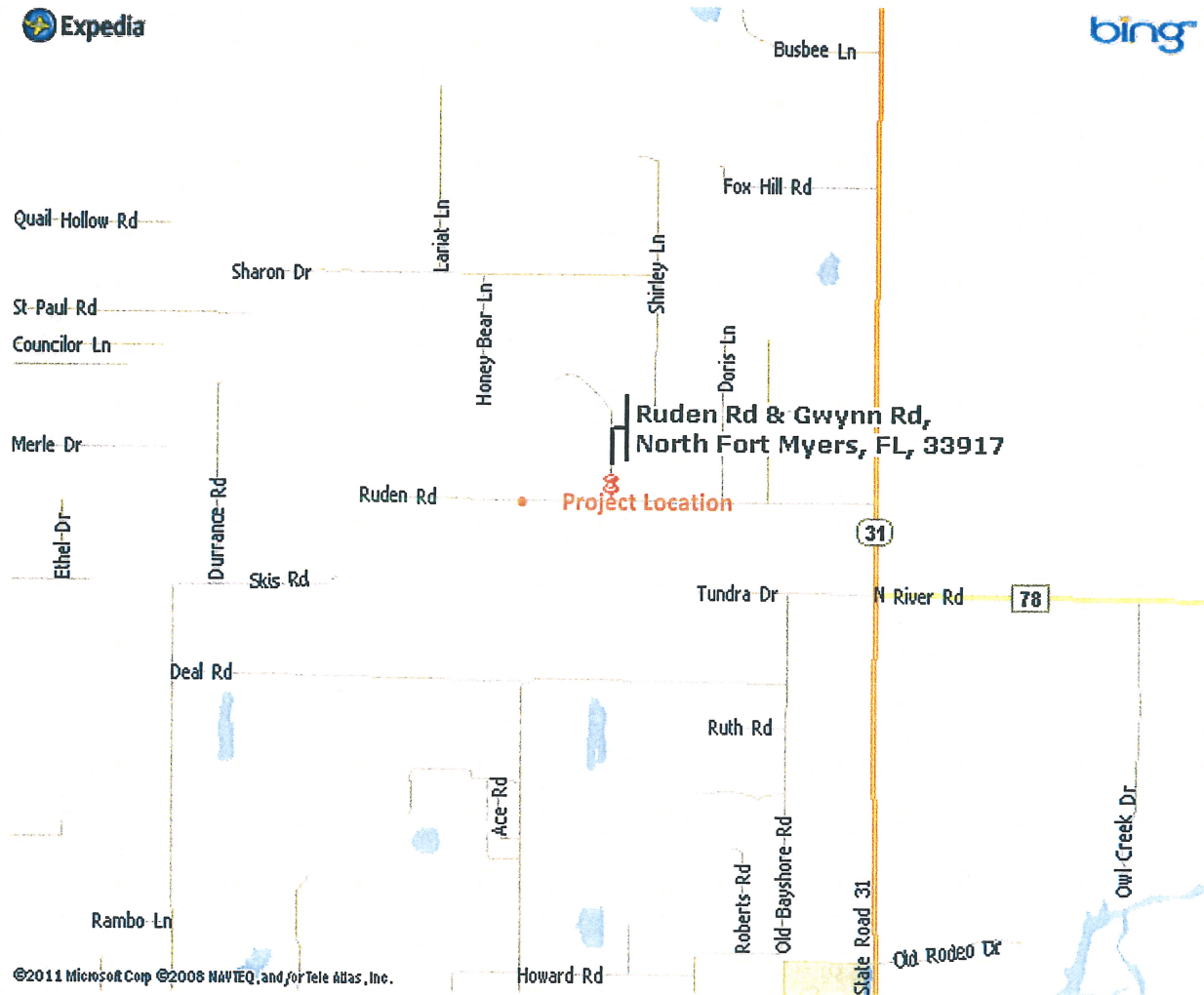


Exhibit C.3. Street Map, Palm Creek culvert replacement



Exhibit C.4. Street Map, Unnamed 2 Creek culvert replacements

Exhibit D.

CHAPTER 40E-400
NO NOTICE AND NOTICED GENERAL ENVIRONMENTAL RESOURCE PERMITS

40E-400.010	Review of No Notice and Noticed General Environmental Resource Permit Applications
40E-400.021	Definitions
40E-400.201	Policy and Purpose
40E-400.211	Processing Procedures for Noticed General Permits
40E-400.215	General Conditions for All No Notice and Noticed General Permits
40E-400.315	No Notice General Permit for Activities in Uplands
40E-400.316	No Notice General Permit for Road Grading and Pavement Resurfacing
40E-400.417	General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks
40E-400.427	General Permit for Certain Piers and Associated Structures
40E-400.431	General Permit for Installation of Riprap
40E-400.437	General Permit for the Installation of Fences
40E-400.439	General Permit for the Construction or Maintenance of Culverted Driveways or Roadway Crossings and Bridges of Artificial Waterways
40E-400.443	General Permit for Minor Bridge Alteration, Replacement, Maintenance and Operation
40E-400.447	General Permit for Minor Activities Within Existing FDOT Rights-of-Way or Easements
40E-400.453	General Permit for the Installation, Maintenance, Repair or Removal of Underground Cables, Conduits, or Pipelines
40E-400.455	General Permit for the Construction of Aerial Pipeline, Cable, or Conduit Crossings of Certain Waters
40E-400.457	General Permit for Subaqueous Utility Crossings of Artificial Waterways
40E-400.463	General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies
40E-400.467	General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies
40E-400.470	Noticed General Permit for Temporary Agricultural Activities
40E-400.475	General Permit for Minor Activities
40E-400.483	General Permit to the Department to Conduct Minor Activities
40E-400.485	General Permit to the Department for Environmental Restoration or Enhancement Activities
40E-400.487	General Permit to the Department to Change Operating Schedules for Department or District Water Control Structures
40E-400.495	General Permit to U.S. Forest Service for Minor Works within National Forests
40E-400.500	General Permit for Construction, Operation, Maintenance, Alteration, Removal or Abandonment of Minor Silvicultural Surface Water Management Systems
40E-400.900	Forms and Instructions

40E-400.010 Review of No Notice and Noticed General Environmental Resource Permit Applications.

No Notice and Noticed General Environmental Resource permit applications are processed pursuant to the provisions of Section 120.60, F.S., Part VI of Chapter 40E-1, F.A.C., and Chapter 28-106, F.A.C.

Rulemaking Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98.

40E-400.021 Definitions.

The definitions set forth in Rule 40E-4.021, F.A.C., shall apply to this chapter. Additionally, as used in this chapter:

- (1) “Canal” means a trench, the bottom of which is normally covered by water, with the upper edges of its two sides normally above water.
- (2) “Channel” means a trench, the bottom of which is normally covered entirely by water, with the upper edges of one or both of its sides normally below water.
- (3) “Coral” means living stony or soft corals.
- (4) “Drainage ditch” or “irrigation ditch” means a man-made trench which is dug for the purpose of draining water from the land or for transporting water for use on the land and which is not built for navigational purposes.
- (5) “Forested wetlands” means those wetlands where the canopy coverage by trees with a diameter at breast height of greater than 4 inches is greater than 10 percent, as well as those areas required to be planted with tree species to establish or reestablish forested wetlands pursuant to a permit issued or enforcement action taken, under rules adopted under Part IV of Chapter 373, F.S.,

Exhibit D.

and those areas where the canopy has been temporarily removed but are expected to revegetate to a forested wetland if use of the area would remain unchanged.

(6) "Herbaceous wetlands" means those wetlands dominated by non-woody vegetation that have less than a 10 percent canopy coverage of trees with a diameter at breast height of greater than 4 inches.

(7) "Insect control impoundment dikes" means artificial structures, including earthen berms, constructed and used to impound wetlands or other surface waters for the purpose of insect control.

(8) "Materials" means matter of any kind, such as sand, clay, silt, rock, dredged material, construction debris, solid waste, pilings or other structures, ash, and residue from industrial and domestic processes. The term shall not include the temporary use and placement of lobster pots, crab traps, or similar devices or the placement of oyster culch pursuant to Section 370.16, F.S. or Chapter 62R-6, F.A.C.

(9) "Submerged grassbeds" means any native, herbaceous, submerged vascular plant community that is growing on the bottoms of surface waters waterward of the mean high water line or ordinary high water line.

(10) "Swale" means a man-made trench which:

(a) Has a top width-to-depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;

(b) Contains contiguous areas of standing or flowing water only following a rainfall event;

(c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and

(d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 4-14-03.

40E-400.201 Policy and Purpose.

The purpose of Part II of this chapter is to provide general environmental resource permits for those activities which have been determined to have minimal adverse impacts to the water resources of the district, both individually and cumulatively. Mitigation is neither necessary nor required for activities that qualify for no notice or noticed general permits. Persons wishing to use one or more of the noticed general permits in this chapter shall be subject to the notice provisions of Rule 40E-400.211, F.A.C., before any activity is conducted as authorized herein. The general conditions provided pursuant to Rule 40E-400.215, F.A.C., shall apply to all of the no notice and noticed general permits in this chapter. Strict compliance with all of the terms, conditions, requirements, limitations and restrictions applicable to a no notice or noticed general permit under this Chapter is required to qualify for such a permit.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95.

40E-400.211 Processing Procedures for Noticed General Permits.

(1) A noticed general permit authorizes the construction, operation, maintenance, alteration, abandonment, or removal of certain minor surface water management systems as set forth in this chapter, after notice is provided to the District. Whenever a noticed general permit specifies procedures different from the procedures in this section, the procedures specified in the noticed general permit will govern.

(2) Any person wishing to construct, operate, maintain, alter, abandon, or remove a surface water management system pursuant to a noticed general permit set forth in this chapter shall provide notice to the District by submitting a complete Notice of Intent to Use a Noticed General Environmental Resource Permit, Form No. 0980, including the appropriate application fee required in Rule 40E-1.607, F.A.C., to the District at least 30 days prior to undertaking construction, operation, maintenance, alteration, abandonment, or removal of the system. For the purposes of this subsection, the application form is only considered submitted when it is actually received by the District.

(3) If the District determines that the system does not qualify for a noticed general permit, the District shall so notify the applicant by regular United States mail or electronic mail within 30 days of receiving Form No. 0980. For the purposes of this subsection, District mailing or electronic mailing of notification shall be deemed to occur when the notice is sent electronically or is properly addressed, stamped, and deposited in the United States mail, and the postmark date shall be the date of mailing. When the District notifies the applicant that the system does not qualify for a noticed general permit due to an error or omission in the original

Exhibit D.

notice to the District, the applicant shall have 60 days from the date of the notification to amend the notice to use the general permit and submit additional information to correct such error or omission. If the applicant amends the notice to use a noticed general permit and submits additional information correcting the error or omission within the 60 day time limit, no additional application fee will be required for the noticed general permit. If the District does not mail the notice informing the applicant that the system does not qualify for a noticed general permit within 30 days of receipt of the original notice to use the general permit, or receipt of amended notice to use the general permit, the applicant may conduct the activity authorized by the noticed general permit, except as otherwise provided in Rules 40E-400.475 and 40E-400.500, F.A.C.

(4) If the District notifies an applicant that the system for which a noticed general permit is sought does not qualify for the noticed general permit, the applicant may apply for a standard general or individual permit. The application fee for the noticed general permit shall be applied to the application fee for a standard general or individual permit if the applicant applies for such a permit within 60 days of notification by the District.

(5) All construction, operation, maintenance, alteration, abandonment, or removal of any system pursuant to a noticed general permit must comply with the provisions of that general permit.

(6) For systems which qualify for a noticed general permit, the District will not publish, or require the applicant to publish, newspaper notice of the notice submitted to qualify for the permit. However, persons qualifying for a noticed general permit may publish, in a newspaper of general circulation in the affected area, a notice of intent to use a noticed general permit.

(7) A noticed general permit shall also constitute certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, for activities that qualify for the noticed general permit and that are performed in accordance with the conditions of the noticed general permit.

(8) For projects located in or seaward of coastal counties, and which have regulated activities in, on, or over wetlands or other surface waters, a noticed general permit shall constitute certification of consistency with the Florida Coastal Management Plan, as provided in Section 307 of the Coastal Zone Management Act and 15 CFR 930, Subpart D, for activities that qualify for the noticed general permit and are conducted in accordance with the conditions of the noticed general permit.

(9) If the Notice of Intent involves activities located in, on or over wetlands or other surface waters, as delineated pursuant to the methodology as ratified in Section 373.4211, F.S., the District shall forward a copy to the appropriate office of the United States Army Corps of Engineers (Corps), unless specifically authorized by the Corps to do otherwise.

(10) At the time that the District has received the notice of intent, it will provide public notice that the notice of intent has been filed. Such public notice shall be sent by regular United States mail or electronic mail to those people who have previously filed a written or electronic request for notification of pending applications within the affected area. The notice of intent for a noticed general permit shall be posted in the District Service Center responsible for reviewing the notice of intent.

Rulemaking Authority 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS. Law Implemented 373.109, 373.118, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New 10-3-95, Amended 7-2-98, 10-1-06.

40E-400.215 General Conditions for All No Notice and Noticed General Permits.

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this section are general permit conditions which shall be applicable to, and are binding upon the permittee for all no notice and noticed general permits in this chapter. These conditions are enforceable under Part IV of Chapter 373, F.S.

(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The District may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.

(3) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit. This general 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 general permit and this chapter.

(4) This general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution in

Exhibit D.

contravention of Florida Statutes and District rules.

(5) The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

(6) The general permit may be modified, suspended or revoked in accordance with Chapter 120 and Section 373.429, F.S.

(7) This permit shall not be transferred to a third party except pursuant to Rule 40E-4.351, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located.

(8) Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to insure conformity with the plans and specifications approved by the permit.

(9) The permittee shall maintain any permitted system in accordance with the plans submitted to the District.

(10) A permittee's right to conduct a specific noticed activity under this noticed general permit is authorized for a duration of five years.

(11) Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands or other surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition 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.

(12) The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the general permit.

(13) The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 7-2-98.

40E-400.315 No Notice General Permit for Activities in Uplands.

(1) A no notice general permit is hereby granted for the construction or alteration of minor systems located entirely within uplands, provided that the proposed system meets all of the following criteria:

(a) The total project area is less than 10 acres;

(b) The total project area involves less than 2 acres of impervious surface;

(c) No activities will impact wetlands or other surface waters;

(d) No activities are conducted in, on, or over wetlands or other surface waters;

(e) Drainage facilities shall not include pipes with diameters greater than 24 inches or the hydraulic equivalent and shall not utilize pumps in any manner; and

(f) The project is not part of a larger common plan of development or sale.

(2) A no notice general permit is hereby granted for the construction or alteration of surface water management systems, provided that the surface water management system meets all of the conditions and thresholds of paragraphs (a) and (b) below.

(a) General Conditions.

Exhibit D.

1. The surface water management system design plans must be signed and sealed by a professional engineer or other individual authorized by law;

2. The surface water management system must meet the criteria specified in Rules 40E-4.301 and 40E-4.302, F.A.C.;

3. The project must not be located in natural water bodies, viable wetlands habitat, waters of the state, or a Florida Outstanding Water as listed in Rule 62-302.700, F.A.C.; and

4. The permittee must have obtained a works of the District permit pursuant to Chapter 40E-6, F.A.C., if the project proposes to connect with, place structures in or across or otherwise make use of works of the District.

(b) Thresholds and Additional Conditions Within Dade County.

1. The project must have less than 40 acres total land area with positive stormwater outfall or less than 320 acres total land area and less than 160 acres of impervious area with no positive stormwater outfall.

2. The project and surface water management system must have been approved by the Dade County Department of Environmental Resource Management or its successor agency subsequent to October 2, 1977.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 4-14-03, 10-18-09.

40E-400.316 No Notice General Permit for Road Grading and Pavement Resurfacing.

A no notice general permit is hereby granted for road grading which involves no change in existing road surface elevation and pavement resurfacing of existing roads, provided all of the following criteria is met:

(1) The activity is carried out solely in uplands; and

(2) Road grading does not result in the impoundment or interruption of surface waters into wetlands.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95.

40E-400.417 General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks.

(1) A general permit is hereby granted to any person for construction, alteration or maintenance of a boat ramp and the associated accessory docks, provided:

(a) The boat ramp is not exempt from permitting pursuant to Section 403.813(2)(c), F.S. or Rule 40E-4.051, F.A.C.;

(b) The boat ramp is not part of a larger plan of development proposed by the applicant which requires a standard general or individual environmental resource permit;

(c) The construction of a new boat ramp or the widening of an existing boat ramp which would increase the number of boat launching lanes does not occur in waters that are accessible to manatees in the following counties: Broward, Charlotte, Collier, Dade, Lee, Martin, Palm Beach, or St. Lucie, excluding the portions of those waters that are upstream of water control structures that preclude the passage of manatees, and inland waterbodies with no connection to coastal waters; however, the limiting provisions of this paragraph shall not apply to the construction of a new boat ramp at a single family residence when the residence is not part of a larger plan of development proposed by the applicant;

(d) No ramp or accessory dock shall be constructed under this general permit unless navigational access exists to the ramp and accessory docks which provides a minimum depth of two feet below the mean low water level in tidal waters or two feet below the mean annual low water level in non-tidal waters;

(e) There shall be no filling of wetlands or other surface waters, other than the actual boat ramp surface, incidental filling associated with recontouring the land under the ramp to create a level grade, and pilings for associated accessory docks;

(f) Ramps constructed or altered under this general permit shall not exceed a width of 35 feet, including the side slopes. State agencies, counties, municipalities and water management districts defined in subsection 373.019(18), F.S., are authorized to construct or alter a ramp or to widen an existing ramp which does not exceed 50 feet in width;

(g) The construction, alteration or use of the boat ramp and accessory docks shall not significantly impede navigability in the water body;

(h) The above-water portion of the ramp is landward of the mean high water line (for tidal waters) or the ordinary high water line (for non-tidal waters);

(i) Dredging shall be limited to that amount of material necessary to construct the boat ramp surface or restore the ramp to its original configuration and dimension, and the amount of dredged material shall be less than 100 cubic yards;

Exhibit D.

(j) All spoil material that results from activities authorized by this general permit shall be deposited in an upland spoil site which shall be designed and located to prevent the escape of spoil material into wetlands or other surface waters such that state water quality standards are not violated;

(k) A maximum of two accessory docks, abutting either one or both sides of the boat ramp shall be authorized, and the total square footage of the accessory docks shall be less than 500 square feet over wetlands or other surface waters. State agencies, counties, municipalities and water management districts defined in subsection 373.019(18), F.S., are authorized to construct or alter accessory docks such that the total area of the accessory docks over wetlands or other surface waters does not exceed 1000 square feet and the accessory docks are not more than six feet wide;

(l) There shall be no dredging or filling of submerged grassbeds, or coral communities;

(m) No part of the accessory docks shall be located over submerged grassbeds or coral communities;

(n) The accessory docks shall not be used for overnight mooring, except for accessory docks at a boat ramp at a single family residence;

(2) The construction or alteration of a boat ramp or accessory dock does not obligate the District to approve any subsequent request to dredge for navigational access.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.406 FS. Law Implemented 373.118, 373.406, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 4-14-03.

40E-400.427 General Permit for Certain Piers and Associated Structures.

(1) A general permit is hereby granted to any person to construct, extend, or remove piers and associated structures as described below:

(a) Single-family piers along with boat lifts, boat houses, terminal platforms, and gazebos attached to the pier, where these structures:

1. Do not accommodate the mooring of more than two water craft;
2. Do not, together with existing structures, exceed a total area of 2,000 square feet; and
3. Have a minimum depth of two feet below the mean low water level for tidal waters and two feet below the mean annual low water level for non-tidal waters for all areas designed for boat mooring and navigational access, and;

(b) Public fishing piers that do not exceed a total area of 2,000 sq. ft. provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of 5 ft. above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed".

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat house, boat shelter, boat lift, gazebo, or terminal platforms, shall not occur over submerged grassbeds, coral communities, or wetlands. In addition, the boat mooring location shall not be over submerged grassbeds, coral communities, or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of 5 feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of 6 feet, or a width of 4 feet in Aquatic Preserves;

(b) There shall be no wet bars or living quarters over wetlands or other surface waters or on the pier, and no structure authorized by this general permit shall be enclosed by walls or doors;

(c) The structure and its use shall not significantly impede navigability in the water body.

(d) There shall be no dredging or filling associated with construction of the structures authorized herein, other than that required for installation of the actual pilings for the pier, boat lift, boat shelter, gazebo, or terminal platform;

(e) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(f) This general permit shall not authorize the construction of more than one pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95.

Exhibit D.

40E-400.431 General Permit for Installation of Riprap.

- (1) A general permit is hereby granted to any person installing riprap at the toe of an existing vertical seawall, provided:
- (a) The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimensions;
 - (b) The slope of the riprap is no steeper than 2 horizontal to 1 vertical and the horizontal distance from the toe of the seawall is no more than 8 feet;
 - (c) There are no reinforcing rods or other similar protrusions in concrete rubble and all rubble or boulders are free of attached sediments;
 - (d) Neither the distance nor the use of the riprap shall interfere with navigation;
 - (e) There is no filling or dredging associated with the placement of riprap other than the riprap material itself;
 - (f) There shall be no filling of submerged grassbeds;
 - (g) The amount of wetland area filled shall not exceed 100 square feet; and
 - (h) There shall be no filling of coral communities.
- (2) This general permit shall be subject to the following specific conditions:
- (a) Installation of the structure does not obligate the District to approve any subsequent request to dredge for navigational access;
 - (b) There shall be no backfilling to obtain useable upland or to straighten an otherwise sinuous shoreline; and
 - (c) There shall be no filling or backfilling to reclaim land lost by avulsion or erosion.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95.

40E-400.437 General Permit for the Installation of Fences.

A general permit is hereby granted to any person installing a fence in wetlands or other surface waters, except in Outstanding Florida Waters, Outstanding National Resource Waters, Aquatic Preserves, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the department for shellfish harvesting, provided:

- (1) The structure shall not block navigation, create a navigational hazard, impede the natural flow of water by itself or through the accumulation of debris;
- (2) No fence shall be installed into open waters (areas of water bodies not supporting emergent vegetation) of any navigable river, stream, canal, or tributary thereof, a distance of more than 25 feet or more than twenty percent of the width of the open water, whichever is less, and no fence shall extend more than 15 feet waterward of the landward extent of any lake, including contiguous wetlands;
- (3) The fence will be constructed of wire attached to posts which project at least 2 feet above the mean annual flood or ordinary high water elevation of the waterway;
- (4) In navigable waters and all lakes, the structure shall be adequately marked with reflectors visible from both directions paralleling the shoreline; and
- (5) Dredging or filling performed shall be limited to that necessary to install individual fence posts.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95.

40E-400.439 General Permit for the Construction or Maintenance of Culverted Driveways or Roadway Crossings and Bridges of Artificial Waterways.

- (1) A general permit is hereby granted to any person for the purpose of constructing or maintaining a driveway, roadway or bridge which crosses an artificial waterway provided:
- (a) This general permit shall apply only to wholly artificial, non-navigable drainage conveyances;
 - (b) A culvert or culverts shall be placed under the roadway or driveway;
 - (c) The size and number of the culvert(s) shall be adequate to pass normal high water stages of the artificial water body being crossed. In no instance shall the culvert(s) provide a smaller cross-sectional area or discharge capacity than any upstream culvert;
 - (d) The elevation of the culvert invert shall be at the existing bottom grade of the artificial waterway;
 - (e) The length of the driveway, roadway or bridge crossing the waterway shall not exceed 50 feet top of bank to top of bank;
 - (f) The top width of the driveway, roadway, or bridge shall not exceed 75 feet, the toe to toe width shall not exceed 100 feet and the side slopes shall not be steeper than 2 horizontal to 1 vertical;
 - (g) Clean fill used for the crossing must be obtained from uplands or from a dredge site which is in compliance with the

Exhibit D.

permitting requirement of Chapters 40E-4 and 40E-40, F.A.C., as applicable;

(h) There shall be no additional dredging, filling, or construction activities, except as exempted from regulation under Part IV, Chapter 373, F.S., and those directly involved in the construction or maintenance of the proposed crossing or bridge; and

(i) The maintenance of the roadway, driveway or bridge shall continue to provide at least the same volume of discharge through the culvert(s).

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall stabilize fill areas and waterway banks disturbed by the activity by revegetation or riprap within 72 hours of completion of construction to prevent erosion, siltation or turbid runoff into wetlands and other surface waters.

(b) If dewatering is performed, all temporary fill dikes and dewatering discharges shall be installed and constructed so that no upstream flooding or impoundment occurs and no siltation, erosion or turbid discharges into wetlands or other surface waters occur in violation of state water quality standards. Any temporary works shall be completely removed and all areas upstream and downstream from the crossing shall be restored to grades, elevations and conditions which existed before construction.

(3) This general permit shall apply only to a maximum of two crossings on a given parcel of property with a minimum distance of 500 feet between crossings. Maintenance shall be allowed at any and all existing structures meeting the specifications of this general permit.

(4) This general permit shall not apply if:

(a) Relocation of all or part of the artificial waterway is required, or

(b) Dredging or filling activities are required, other than for the proposed culvert crossing, except as exempted from regulation under Part IV, Chapter 373, F.S.

(5) This general permit does not authorize any road construction or alteration connecting to a crossing authorized by this general permit.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95.

40E-400.443 General Permit for Minor Bridge Alteration, Replacement, Maintenance and Operation.

(1) A general permit is hereby granted to the Florida Department of Transportation, Counties, Municipalities, the Florida Turnpike Enterprise (Section 338.2215, F.S.), and the various Transportation Authorities defined in Chapters 343, 348 and 349, F.S., to conduct the activities described below:

(a) The replacement, modification or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 acre.

(b) Channel clearing and shaping, not to exceed a combined total of 0.5 acres of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of the structures detailed in paragraph (a) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or return water from the spoil deposition area into wetlands or other surface waters is prohibited.

(2) This general permit shall be subject to the following specific conditions:

(a) In addition to compliance with the notice provisions of Rule 40E-400.211, F.A.C., within 90 days following completion of construction, the permittee will notify by letter the appropriate District Service Center of the date construction activities were completed;

(b) No dredging of access or work channels are authorized by this general permit;

(c) Temporary fill roads shall not be constructed waterward of mean high water or ordinary high water;

(d) All fill placed in wetlands, other than fill on which a bridge or approach described in paragraph (1)(a) is constructed, shall be regraded to the original elevations and these filled wetland areas revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within "clear zones," as described in Chapter 3, Roadside Design Guide (American Association of State Highway and Transportation Officials, October 1988), incorporated by reference in Rule 40E-4.091, F.A.C., revegetation shall be with native herbaceous species endemic to adjoining, undisturbed wetlands. These wetland areas shall be maintained, and planted as necessary, to ensure that satisfactory revegetation occurs. For the purposes of this general permit, "satisfactory revegetation" means that the herbaceous wetlands, and forested wetlands within clear zones that are disturbed by fill shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetlands within 18 months of completion of construction, and the forested wetlands, other than forested wetlands in clear zones that are disturbed by fill shall achieve a survival rate of not less than 400 wetland trees per acre within 18 months of completion of construction. A

Exhibit D.

maintenance plan must be developed and implemented to ensure the survival of the planted or naturally reestablishing wetland species. Within the revegetated wetland areas, non-native vegetation must be controlled such that it does not constitute more than 10 percent of the areal cover in any stratum at any time for the five year period following the initial planting or restoration of the site;

(e) Hydraulic openings of bridges constructed under paragraph (1)(a) above shall be sufficient to prevent downstream scour, increased downstream water velocities, and increased backwater elevations on the property of others;

(f) Minimum horizontal and vertical navigational clearances on bridges over navigable waters of the United States shall be established in accordance with procedures outlined in the U.S. Coast Guard Bridge Administration Manual, COMDTINST M16590.5, May 7, 1982;

(g) Horizontal and vertical clearances for replacement bridge structures shall meet or exceed those of the bridge being replaced;

(h) Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity;

(i) The fill areas and the banks of the water body shall be stabilized with vegetation or riprap as soon as possible following completion of slope construction. This stabilization is considered a construction priority and completed fill slopes in wetlands and other surface waters shall not remain unstabilized while other construction continues;

(j) This general permit does not authorize the use of dredged material for roadway construction;

(k) The permittee shall use erosion and sediment control best management practices, in strict compliance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C., to prevent violations of state water quality standards;

(l) This general permit authorizes dredging and filling for the replacement, modification or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this Permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40E-4, 40E-40, or 40E-400, F.A.C., as applicable, before the start of construction; and

(m) This general permit does not authorize replacement or modification of bridges or approaches which involve the construction of additional traffic lanes.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.414, 373.416, 373.426 FS. History—New 10-3-95, Amended 9-9-07.

40E-400.447 General Permit for Minor Activities Within Existing Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, Municipalities, counties, the Florida Turnpike Enterprise (Section 338.2215, F.S.) and the various Transportation Authorities defined in Chapters 343, 348 and 349, F.S., to conduct the activities described below:

(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acres at any one culverted crossing. The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(b) Relocation, recontouring, widening, or reconstruction of existing highway drainage ditches through uplands provided the floor elevation of the ditch is not deepened below the original design elevation and provided that the work does not cause a change in the hydrology of any wetlands which are connected to or which are adjacent to the ditch.

(c) Culvert placement, replacement and maintenance associated with existing roadways, in streams with an average discharge of less than 10 cubic feet per second at the culvert location or streams draining less than 10 square miles, provided that construction does not cause scour in the downstream waters or increase the velocity of the water downstream, does not reduce existing flood conveyance of the stream for the 100 year flood flow and does not reduce existing flood storage within the 10 year flood plain. The material excavated or deposited as fill shall not exceed 1000 cubic yards in wetlands and other surface waters. The cross sectional area of the culvert shall not be reduced unless the reduced cross section provides for an equal or greater discharge capability. In the case of a culvert installed as a wildlife crossing, the cross-sectional area shall not be reduced.

(d) Construction of temporary bypass lanes and stream channel diversions necessary to complete projects detailed in paragraph

Exhibit D.

(c) above, provided the area used for the temporary bypass lanes and temporary diversion is restored to its previous contours and elevations.

(e) Channel clearing and shaping, not to exceed a combined total of 0.5 acres of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of structures authorized by paragraph (c) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or return water from the spoil deposition area into wetlands or other surface waters is prohibited.

(f) Repair of existing concrete bridge pilings by the construction of pile jackets, provided that the permanent outer form is composed of inert materials and the quantity of material shall not exceed 300 cubic yards of dredging or 300 cubic yards of filling per project. Although the bottom sediments within the forms may be removed by jetting or pumping, and may not be recoverable, proper turbidity control measures shall be employed as necessary to prevent violations of state water quality standards.

(g) Ditch bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch and must not diminish permitted water quality treatment capacity. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three year period.

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall use erosion and sediment control best management practices in strict compliance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), incorporated by reference in Rule 40E-4.091, F.A.C., to prevent violation of state water quality standards.

(b) Immediately following completion of slope construction, the fill areas and any disturbed banks of wetlands or other surface waters shall be stabilized with vegetation or riprap to prevent erosion. Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity. Prevention of erosion of exposed earth into wetlands and other surface waters is a construction priority and completed slopes shall not remain unstabilized while other construction continues.

(c) In addition to complying with the notice provisions of Rule 40E-400.211, F.A.C., at least 90 days prior to commencement of construction, the permittee shall provide written notification to the appropriate District Service Center of the date the permitted construction activities are planned to begin and within 90 days following completion of construction the permittee shall provide written notification to the appropriate District Service Center of the date construction activities are completed.

(d) The permittee shall limit stream channel relocation to streams which have an average annual discharge of 10 cubic feet per second or less. The length of relocated channels or those significantly altered shall be limited to 200 feet per stream. A stream channel shall be altered only when such a measure will reduce the long term adverse water quality impacts and will maintain or restore the stream's natural hydraulic capability.

(e) This general permit shall not apply to ditch construction in Class I or Class II surface waters, Outstanding National Resource Waters or waters designated as Outstanding Florida Waters.

(3) This general permit does not authorize the construction of additional traffic lanes. Systems which require additional traffic lanes must first obtain a general or individual environmental resource permit under Chapters 40E-4 and 40E-40, F.A.C., as applicable, before the start of construction.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.414, 373.416, 373.426 FS. History—New 10-3-95, Amended 6-26-02, 9-9-07.

40E-400.453 General Permit for the Installation, Maintenance, Repair or Removal of Underground Cables, Conduits, or Pipelines.

(1) A general permit is hereby granted for the installation, maintenance, repair or removal of underground cables, conduits or pipelines that transmit electricity, communication signals, potable water, raw water, reclaimed water, domestic wastewater, propane gas or natural gas.

(2) This general permit is subject to the following special conditions:

(a) The maximum width of the disturbed corridor in wetlands shall not exceed 30 feet. The maximum width of the excavated