



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT MODIFICATION

Permit No: 02-022IP

Date Issued: August 27, 2002

1st Modification: November 13, 2002

2nd Modification: December 2, 2002

3rd Modification: January 14, 2003

4th Modification: December 14, 2009

Date Expires: December 14, 2014

A Permit Authorizing:

History: Permit 02-022IP was issued on August 27, 2002. The original permit authorized impacts to 17.44 acres of Class I wetlands, 0.47 acre of Class II wetlands, and 32.22 acres of Class III wetlands.

The original permitted impacts were reduced in size throughout three permit modifications due to design changes and due to some wetland re-classifications.

This fourth permit modification is a new request to modify the required mitigation to 5.99 acres of on-site wetland (lakeshore) preservation, and 65.94 acres of on-site wetland enhancement. There is no net loss of wetland replacement value.

This permit modification supplements CAI 02-022IP and its subsequent modifications. This permit can be staff issued pursuant to the streamlining approval at the February 5, 2008 Board of County Commissioners Meeting.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

This +/- 1300 acre project is located east of Narcoossee Road, south of Tyson Road, north of Clapp Simms Duda Road, and west of Kirby Smith Road
Orlando, Florida 32832
Sections 28, 29, 32, & 34, Township 24 South, Range 31 East
Orange County Commission District: 4

Permittee / Authorized Entity:

Emerson International, Inc.
c/o Kelley Peterman
Glatting Jackson
33 East Pine Street
Orlando, Florida 32801
Email: kpeterman@glatting.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Permit conditions in Conservation Area Impact Permit No. 02-022, including subsequent modifications, remain in place and in full effect. No additional wetland impacts are authorized with this permit.
2. The wetland impacts must be done in accordance with the three (3) permit modifications of November 13, 2002, December 2, 2002, and January 14, 2003.
3. The mitigation plan must be implemented in accordance with the three (3) permit modifications of November 13, 2002, December 2, 2002, and January 14, 2003 and this new fourth permit modification dated December 3, 2009. The final mitigation area must total at least 5.99 acres of on-site wetland (lakeshore) preservation, and 65.94 acres of on-site wetland enhancement. There is no net loss of wetland replacement value.
4. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
5. In the event that the permittee does not successfully complete the approved mitigation, the permittee must obtain a permit modification from the environmental protection officer to provide alternative mitigation for the wetland impacts.
6. The mitigation and monitoring must be conducted in accordance with the specific conditions of the three previous permit modifications and/or the original 02-022 permit.
7. Successful establishment of the wetland mitigation will have occurred when:
 - a. At least 80 percent of the planted individuals within each stratum have survived throughout the monitoring period and showing signs of normal growth based upon standard growth parameters such as height and base diameter or canopy circumference, and
 - b. At least 85 percent cover by appropriate wetland herbaceous species has been obtained, and
 - c. Hydrologic conditions generally conform to those specified in the mitigation plan, and
 - d. The mitigation area comprises less than 10 percent nuisance vegetation and 0 percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2002 List of Invasive Species Category I and II, and
 - e. The above criteria have been met at the end of a five year monitoring period, and
 - f. The conservation easements have been recorded in the public records of Orange County.
8. The Permittee is required to submit annual monitoring reports to EPD upon completion of the on-site mitigation activities. This report needs to include, at a minimum the following information (site location, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion). If at the end of the five year monitoring period, the mitigation area is not meeting the monitoring success criteria, the Permittee is required to provide a restoration plan or modified mitigation plan, and may be required to continue monitoring until success has been demonstrated.
9. Dock permits, pursuant to Chapter 15, Article IX, of the Orange County Code, shall be required for the construction of a dock on any lot or tract. This permit does not authorize the construction of any dock(s) within this project. Additional EPD permits must be obtained for the construction of any dock(s) within this project. Permits would also be required from the Orange County Building Department. Additional mitigation may be required for the construction of any proposed dock(s).
10. No community ramps or docks are permitted on Lake Hart.

General Conditions:

11. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application modifications and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
13. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
15. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
16. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
17. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required by Orange County Stormwater Management or the South Florida Water Management District authorizing the fill.
20. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
21. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
22. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.

23. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
24. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
25. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
26. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
27. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
28. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
29. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
30. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
31. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Steven Rich, Senior Environmental Specialist



Lori Cuniff, Environmental Protection Officer

SR/NT/ERJ/LC:sgf

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Emerson International, Inc.
c/o Neil Kynaston, Eagle Creek Development nkynaston@emerson-us.com



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 02-002

Permit Type: Conservation Area Impact (CAI) Modification

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ **Project ID** _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):		<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)	
		<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)	
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
C. SWPPP Location	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
H. Construction Period	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):
--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



GLATTING June 2009
JACKSON GJ Project #21348
KERCHER **EAGLE CREEK**
ANGLIN Source: Hollis Engineering and Glatting Jackson

0 900 Feet



Figure 1
 Mitigation Plan
 Eagle Creek Project Site



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No.: CAI-21-09-060

Date Issued: April 29, 2022

Date Expires: April 29, 2027

A Permit Authorizing:

Impacts to 7.03 acres of Class II wetlands in order to construct a multi-family development and associated infrastructure. Mitigation includes the purchase of 2.58 credits at the Twin Oaks Mitigation Bank.

Environmental Protection Division (EPD) staff has evaluated the proposed activity and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X and is subject to the permit conditions provided on the following pages:

Activity Location:

Avalon Road, Winter Garden, FL 34787

Parcel ID No.: 20-23-27-0000-00-016, 19-23-27-0000-00-019

Related CAD No.: CAD-21-09-225

Related Development Plans: LUPA-21-11-335, DP-22-02-030

Orange County Commission District: 1

Permittee / Authorized Entity:

SLF IV / Boyd Horizon West JV, LLC

c/o Larry Medlin

Bio-Tech Consulting, Inc.

E-mail: larry@bio-techconsulting.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Approval of this permit is subject to the following conditions:

Specific Conditions

1. This permit shall become final and effective upon expiration of a 15-calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The operational phase of this permit is effective upon the completion of the construction phase and continues in perpetuity.
3. The wetland impacts must be completed in accordance with the 'Figure 6' site plan prepared by Bio-Tech Consulting, Inc. and received by EPD on April 5, 2022. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
4. Prior to initiating any construction within wetlands or surface waters authorized for impact, EPD shall receive documentation from Twin Oaks Mitigation Bank indicating that the purchase of 2.58 mitigation credits has been completed.
5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 2.58 credits from the Twin Oaks Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
6. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required from the Orange County Stormwater Management authorizing the fill.
7. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
8. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 Florida Administrative Code (F.A.C.). Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants, into wetlands and/or surface waters due to the permitted activities. BMPs are performance based, if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.

General Conditions

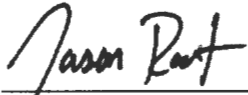
9. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
10. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
11. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
12. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
14. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon 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 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
15. The permittee is hereby advised that Section 253.77 Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty 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.

16. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
19. EPD staff, with proper identification, shall have permission to enter the site to ensure conformity with the plans and specifications approved by the permit.
20. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
21. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
22. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
23. Pursuant to Section 125.022 FS, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
24. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of development.

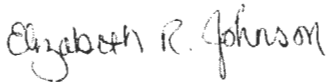
If you should have any questions concerning this permit, please contact Jason Root at (407) 836-1518 or Jason.Root@ocfl.net.

Project Manager:



Jason Root, Environmental Team Leader

Authorized for the Orange County Environmental Protection Division by:



David D. Jones, Environmental Protection Officer

JR/NT/TMH/ERJ/DJ: gfdjr

Enclosures: Construction Notice
Approved Site Plan

c: SLF IV/Boyd Horizon West JV, LLC, Dennis Seliga, dseliga@boyddev.com
South Florida Water Management District, Lisa Prather, lprather@sfwmd.gov
Conservation Planning Services, conservationplanningservices@MyFWC.com
Amanda Hallenbeck, EPD, Amanda.Hallenbeck@ocfl.net



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
or E-Mail to: WetlandPermitting@ocfl.net

Permit Number and Name: CAI-21-09-060, Hamlin West

Permit Type: Conservation Area Impact Permit (CAI)

Approximate Starting Date: _____

Approximate Completion Date: _____

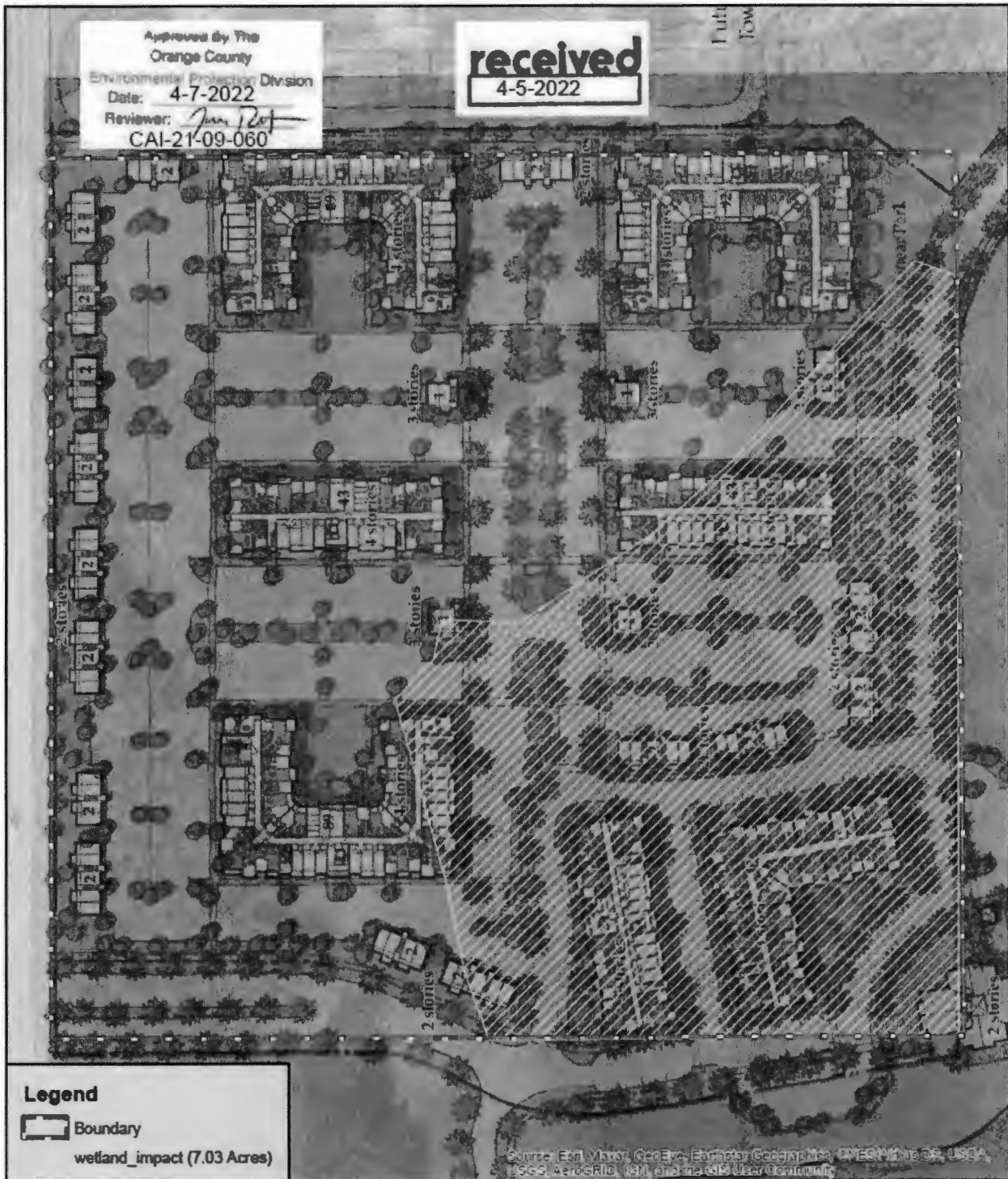
Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

Hamlin West OC Parcels
Orange County, Florida
Figure 6
Site Plan



130 Feet
Project #: 325-64
Produced By: LPM
Date: 4/4/2022



Environmental Protection Division CONSERVATION AREA IMPACT PERMIT

Permit No: 10-021

Date Issued: September 21, 2010

Date Expires: September 21, 2015

A Permit Authorizing:

Impacts to 12.89 acres of Class II wetlands and 1.48 acres of upland buffer in order to construct portions of the proposed commercial buildings, parking facility, and stormwater facilities. The wetland was created from the excavation of a borrow pit completely contained within uplands. The borrow pit has a narrow vegetative fringe and provides minimal habitat for wildlife. Due to the minimal ecological value of the borrow pit, mitigation is not required. The Board of County Commissioners approved the impacts on September 14, 2010.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

The project site is located on the east side of Avalon Lakes Boulevard near the intersection of Avalon Boulevard and Golden Isle Boulevard.

Unincorporated Orange County,

Parcel ID#: 30-22-32-0000-00-034

Related CAD #: 99-045

Orange County Commission District: 4

Permittee / Authorized Entity:

Group 142 Orlando Ltd.

c/o Ronald Schwartz

PO Box 536428

Orlando, FL 32853

E-mail: ron2632@aol.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:



1. Construction activities shall be completed in accordance with the "Overall Site and Data Plan" submitted by Dave Schmidt Engineering Inc., dated as received on July 14, 2010. Construction shall be completed within five year of the permit issuance.

General Conditions:

2. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
3. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Environmental Protection Division (EPD). The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
4. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
5. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
6. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
7. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
8. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
9. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
10. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.

11. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
12. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
13. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
14. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
15. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
16. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
17. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
18. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
19. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.

Authorized for the Orange County Environmental Protection Division by:


Lori Cunniff, Environmental Protection Officer
 LC/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Dave Schmidt, Dave Schmitt Engineering Inc, dave.schmitt@dseorl.com
Maurice Pearson, EE Consulting Inc, mpearson@3e-c.com



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 10-021 Group 142 Orlando Ltd.

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

FD 10-021





Environmental Protection Division
CONSERVATION AREA
IMPACT PERMIT

Permit No: 10-015

Date Issued: August 18, 2010

Date Expires: August 18, 2015

A Permit Authorizing:

4.5 acres of direct impacts and 1.31 acres of secondary impacts to Class II wetlands in order to construct commercial buildings, parking and stormwater facilities. Mitigation will include the purchase of 3.3 credits from Florida Mitigation Bank and preservation of the remaining 12.15 acres of onsite wetlands and 0.50-acre of on-site upland buffers.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Subject property is located to the east immediately adjacent to Poinciana Blvd., south of the Central Florida Greenway and north of the Osceola County line. In unincorporated Orange County, Florida Section 35, Township 24 South, Range 28 East, Orange County Commission District #1 Related CAD #:08-004

Permittee / Authorized Entity:

Convention Center Ventures, LLC
c/o Warsowe Acquisition Corporation
Attn: Ronald Friedman
1067 West Sunrise Boulevard, #303
Plantation, FL 33322

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. The signage must conform to the detail shown on Warsowe Project Concept Plan Sheet 1 of 1, dated as received by the Environmental Protection Division (EPD) on July 29, 2010. The signs must be installed prior the certificate of occupancy.
2. The wetland impacts must be done in accordance with the Warsowe Project Concept Plan Sheet 1 of 1 as dated as received by EPD on July 29, 2010.
3. The mitigation shall include the purchase of 3.3 credits from Florida Mitigation Bank; the preservation of 12.15 acres of on-site wetlands and 0.50 acre of on-site upland buffers. The mitigation shall be completed prior to initiating any construction, dredging/excavating, clearing, filling, alterations or grading.
4. Prior to initiating any construction within the wetlands to be impacted, EPD must receive a letter of verification from Florida Mitigation Bank stating that the transaction regarding the transfer of 3.3 mitigation credits has been completed.
5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 3.3 credits from the Florida Mitigation Bank, the permittee must obtain a permit modification from the environmental protection officer to provide alternative mitigation for the wetland impacts.
6. This permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and shall include restrictions on the real property pursuant to the requirements set forth below:
 - (a) The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.
 - (b) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title is subject to review and approval by the Orange County Real Estate Management Division.
 - (c) If impacts to an upland defined as River Corridor Protection Zone (Chapter 15, Section 15-443(1)), or as required per Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

- (d) The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners.
- (e) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (f) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.
- (g) Upon approval of the final executed documents by Orange County, the conservation easement shall scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.
- (h) Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
- (i) At least forty-five days prior to (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required, (2) clearing any upland within the River Corridor Protection Area or as required per Chapter 15, Article XI, Section 15-442(f), (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.

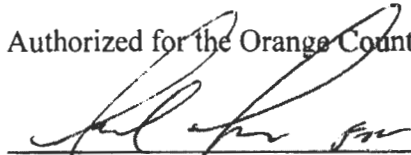
General Conditions:

- 14. Effective Date. If no objections have been filed with the Environmental Protection Officer, this permit shall be final and effective as of the date of issuance. If a written objection has been received, this permit shall become final and effective upon expiration of the fifteen (15) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
- 15. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

16. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
17. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
18. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
19. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
20. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
21. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
22. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
23. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
24. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
25. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
26. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
27. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.

28. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
29. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
30. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
31. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
32. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
33. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
34. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Lori Cunniff, Environmental Protection Officer

CC/NT/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: South Florida Water Management District
Mitigation Marketing, LLC, Victoria K. Colangelo - victoria@mitigationmarketing.com
Bio-Tech Consulting, Inc., c/o John Lesman, 2002 East Robinson Street, Orlando, FL 32803



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 10-015 Convention Center Ventures/Warsowe

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A. Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT MODIFICATION

Permit No: 02-022IP

Date Issued: August 27, 2002
1st Modification: November 13, 2002
2nd Modification: December 2, 2002
3rd Modification: January 14, 2003
4th Modification: December 14, 2009
Date Expires: December 14, 2014

A Permit Authorizing:

History: Permit 02-022IP was issued on August 27, 2002. The original permit authorized impacts to 17.44 acres of Class I wetlands, 0.47 acre of Class II wetlands, and 32.22 acres of Class III wetlands.

The original permitted impacts were reduced in size throughout three permit modifications due to design changes and due to some wetland re-classifications.

This fourth permit modification is a new request to modify the required mitigation to 5.99 acres of on-site wetland (lakeshore) preservation, and 65.94 acres of on-site wetland enhancement. There is no net loss of wetland replacement value.

This permit modification supplements CAI 02-022IP and its subsequent modifications. This permit can be staff issued pursuant to the streamlining approval at the February 5, 2008 Board of County Commissioners Meeting.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

This +/- 1300 acre project is located east of Narcoossee Road, south of Tyson Road, north of Clapp Simms Duda Road, and west of Kirby Smith Road
Orlando, Florida 32832
Sections 28, 29, 32, & 34, Township 24 South, Range 31 East
Orange County Commission District: 4

Permittee / Authorized Entity:

Emerson International. Inc.
c/o Kelley Peterman
Glatting Jackson
33 East Pine Street
Orlando, Florida 32801
Email: kpeterman@glatting.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Permit conditions in Conservation Area Impact Permit No. 02-022, including subsequent modifications, remain in place and in full effect. No additional wetland impacts are authorized with this permit.
2. The wetland impacts must be done in accordance with the three (3) permit modifications of November 13, 2002, December 2, 2002, and January 14, 2003.
3. The mitigation plan must be implemented in accordance with the three (3) permit modifications of November 13, 2002, December 2, 2002, and January 14, 2003 and this new fourth permit modification dated December 3, 2009. The final mitigation area must total at least 5.99 acres of on-site wetland (lakeshore) preservation, and 65.94 acres of on-site wetland enhancement. There is no net loss of wetland replacement value.
4. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
5. In the event that the permittee does not successfully complete the approved mitigation, the permittee must obtain a permit modification from the environmental protection officer to provide alternative mitigation for the wetland impacts.
6. The mitigation and monitoring must be conducted in accordance with the specific conditions of the three previous permit modifications and/or the original 02-022 permit.
7. Successful establishment of the wetland mitigation will have occurred when:
 - a. At least 80 percent of the planted individuals within each stratum have survived throughout the monitoring period and showing signs of normal growth based upon standard growth parameters such as height and base diameter or canopy circumference, and
 - b. At least 85 percent cover by appropriate wetland herbaceous species has been obtained, and
 - c. Hydrologic conditions generally conform to those specified in the mitigation plan, and
 - d. The mitigation area comprises less than 10 percent nuisance vegetation and 0 percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2002 List of Invasive Species Category I and II, and
 - e. The above criteria have been met at the end of a five year monitoring period, and
 - f. The conservation easements have been recorded in the public records of Orange County.
8. The Permittee is required to submit annual monitoring reports to EPD upon completion of the on-site mitigation activities. This report needs to include, at a minimum the following information (site location, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion). If at the end of the five year monitoring period, the mitigation area is not meeting the monitoring success criteria, the Permittee is required to provide a restoration plan or modified mitigation plan, and may be required to continue monitoring until success has been demonstrated.
9. Dock permits, pursuant to Chapter 15, Article IX, of the Orange County Code, shall be required for the construction of a dock on any lot or tract. This permit does not authorize the construction of any dock(s) within this project. Additional EPD permits must be obtained for the construction of any dock(s) within this project. Permits would also be required from the Orange County Building Department. Additional mitigation may be required for the construction of any proposed dock(s).
10. No community ramps or docks are permitted on Lake Hart.

General Conditions:

11. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application modifications and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
13. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
15. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
16. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
17. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required by Orange County Stormwater Management or the South Florida Water Management District authorizing the fill.
20. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
21. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
22. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.

23. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
24. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
25. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
26. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
27. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
28. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
29. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
30. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
31. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Steven Rich, Senior Environmental Specialist



Lori Cunniff, Environmental Protection Officer

SR/NF/ERJ/LC:sgf

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Emerson International, Inc.
c/o Neil Kynaston, Eagle Creek Development nkynaston@emerson-us.com



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 02-002

Permit Type: Conservation Area Impact (CAI) Modification

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):		<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)	
		<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)	
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
C. SWPPP Location	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
H. Construction Period	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):
--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



GLATTING June 2009
JACKSON GJ Project #21348
KERCHER **EAGLE CREEK**
ANGLIN Source: Hollis Engineering and Glatting Jackson

0 900 Feet



Figure 1
 Mitigation Plan
 Eagle Creek Project Site



Environmental Protection Division CONSERVATION AREA IMPACT PERMIT

Permit No: 09-043

Date Issued: January 19, 2010

Date Expires: January 19, 2015

History: Conservation Area Impact (CAI) permit # 04-013 was issued on April 23, 2003. This permit authorized impacts to 6.45 acres of Class II and III wetlands. Mitigation for the impacts will be 34.6 acres of on-site wetland preservation. CAI permit # 04-013 was subsequently modified on October 18, 2007 by CAI permit # 07-022. CAI permit 07-022 authorized 0.001 acres of additional upland buffer impact, but no additional direct impacts to on-site conservation areas. This new CAI permit request is for the continuation of the work on Phase 4 of the project. The wetland impacts as approved by CAI permits 04-013 and 07-022 have been completed. Accordingly, the wetland preservation area has been placed into a conservation easement. CAI permit # 04-013 and permit modification # 07-022 expired April 23, 2009. This permit and associated conditions replace Conservation Area Impact Permit No. 04-013 and 07-022.

A Permit Authorizing:

Impacts to 6.45 acres of Class II & III wetlands in order to construct a subdivision. Mitigation will include preserving 34.60 acres of onsite wetlands.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

The project is generally located west of Winter Garden – Vineland Road, east of Fiquette Road, north of Reams Road, and consists of 154.87 acres. Site is accessed through Brofield Avenue south of Overstreet Road.

Windermere, Florida 34786

Section 26, Township 23 South, Range 27 East

Orange County Commission District: 1

Permittee / Authorized Entity:

Pulte Home Corporation

c/o Mark D. Thomson

Shutts & Bowen LLP

300 S. Orange Avenue, Suite 1000

Orlando, Florida 32801

Email: mthomson@shutts.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit and associated conditions replace Conservation Area Impact Permit No. 04-013 and 07-022. No additional wetland impacts are authorized with this permit.
2. Conservation areas must be clearly marked with signage and fences that identifies the wetland and upland buffer. These signs must be installed every 50 feet on fencing along any open space and on every other individual lot line. The signage must conform to acceptable Orange County Signage requirements. The signs and fences (metal handrails) must be located as shown on the graphic titled "Proposed Conservation Easement Fences and Signs on the Lake Sawyer South Project Site", dated as received by EPD on September 14, 2007. The signs and fencing must be installed before June 14, 2010 or prior to any certificate of occupancy being issued, which ever comes first.
3. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
4. The monitoring requirements required under CAI permits 04-013 and 07-022 are no longer required.

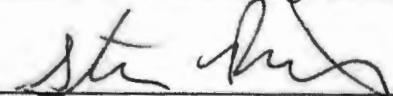
General Conditions:

5. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
7. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
8. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.

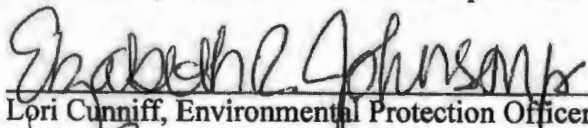
9. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
10. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
11. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
12. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
13. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
14. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
15. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
16. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
17. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
18. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
19. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
20. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

21. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
22. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
23. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
24. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
25. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Steven Rich, Senior Environmental Specialist



Lori Cunniff, Environmental Protection Officer

SR/NP/EP/LC:sgf

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 09-043, Lake Sawyer South Phase 4.

Permit Type: Conservation Area Impact (CAI).

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):		<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)	
		<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)	
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
C. SWPPP Location	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
H. Construction Period	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):
--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NWFWMD = Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD = Southwest Florida Water Management District
SJRWMD = St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

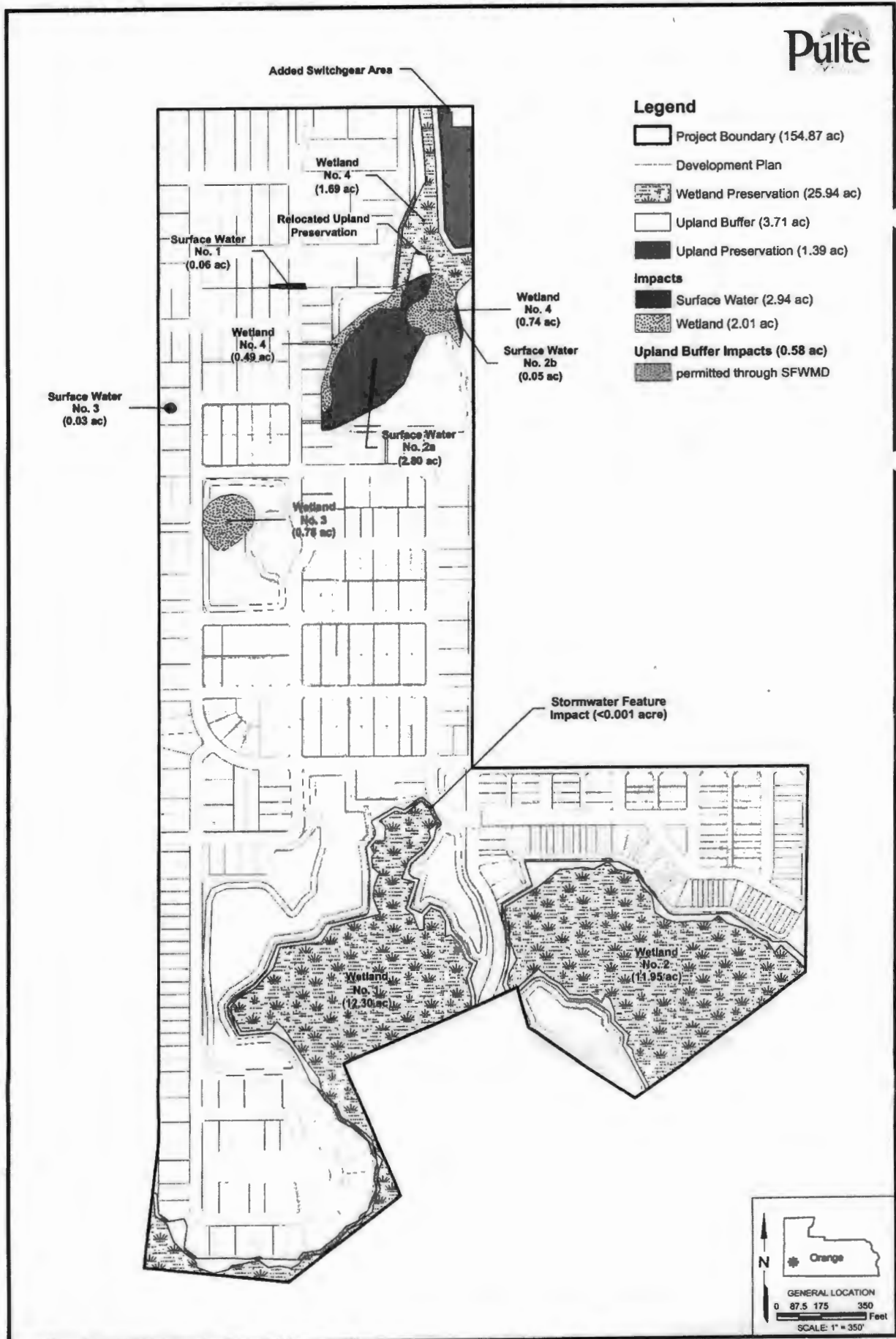
Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

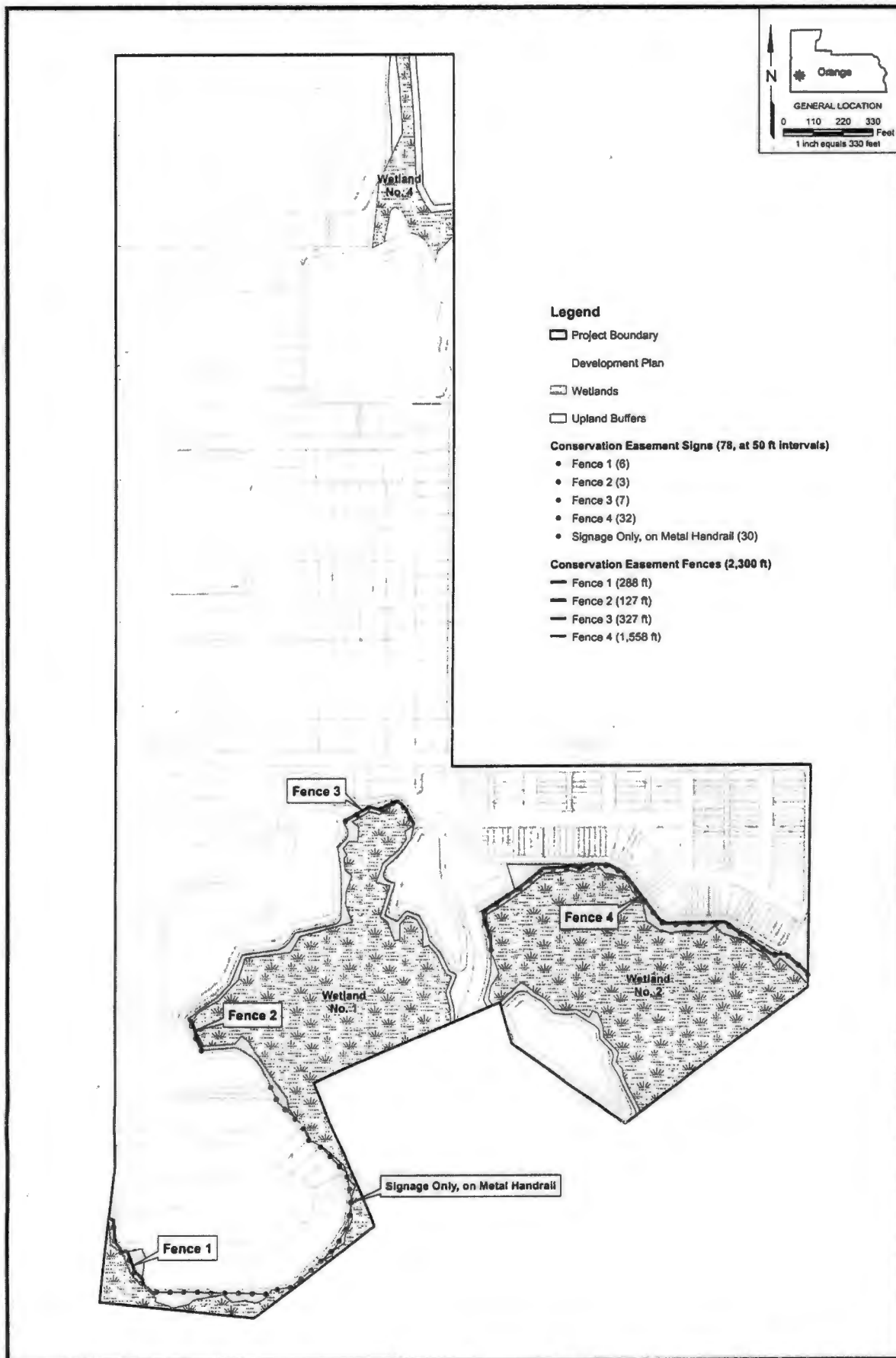


Source: Digital survey data provided by Glatting Jackson Kercher Anglin Lopez Rinehart, Inc., 2003-08-04 and 2004-01-06, and photointerpretation and selective groundtruthing by BDA, March 2003 and Feb. 2004. Upland preservation revised by BDA, March 2006.

BDA BREEDLOVE, DENNIS & ASSOCIATES, INC. 2002179-10.2 - RJK - 2007-05-22
 330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008
 ArcGISImp_200603.mxd
 Plots_Limp_200603.B.pdf

FIGURE 3.0-1
(Revised)

PROPOSED DEVELOPMENT PLAN DEMONSTRATING WETLAND AND UPLAND BUFFER IMPACTS FOR THE LAKE SAWYER SOUTH PROJECT SITE, ORANGE COUNTY, FLORIDA.



Source: Fencing and signage based on upland buffers and surveyed wetland lines.



BDA BREEDLOVE, DENNIS & ASSOCIATES, INC.

330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008

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Environmental Protection Division
CONSERVATION AREA
IMPACT PERMIT

Permit No: 03-028

Date Issued: April 8, 2009

Date Expires: April 8, 2014

A Permit Authorizing:

Impacts to 7.10 acres of Class II wetlands and 7.71 acres of Class III wetlands in order to construct an industrial park with airport support facilities. Mitigation will include preserving ± 48.52 acres of onsite wetlands, ± 5.23 acres of onsite uplands, ± 1.07 acres of onsite surface waters, and ± 139.20 acres of offsite wetland preservation at the Boggy Creek Swamp (aka Ginn Mitigation Area).

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

The ± 244.07 acre project is located on the south side of Boggy Creek Road immediately west of Wetherbee Road and the Orlando Airport South Access Road on ramp.

Orlando, Florida 32824
Sections 16, 21 & 28, Township 24 South, Range 30 East
Orange County Commission District: 4

Permittee / Authorized Entity:

Crockett Development Property, LLC
c/o Randy Mejeur
Glatting Jackson Kercher Anglin, Inc.
120 North Orange Avenue
Orlando, Florida 32801

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

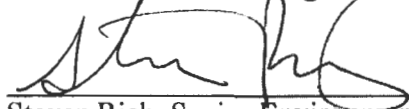
1. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. The signage must conform to the detail shown on Attachment CAIP-C, dated as received by the Environmental Protection Division (EPD) on March 26, 2009. The signs must be installed prior to issuance of a Plat, Certificate of Completion, or issuance of building permits which ever is first.
2. The wetland impacts must be done in accordance with Figure 3 (revised March 18, 2009) as dated as received by EPD on March 26, 2009.
3. The mitigation plan must be implemented in accordance with Attachment D as dated as received by EPD on March 26, 2009. The preservation areas must total at least ± 139.20 acres offsite at the Boggy Creek Mitigation Area and at least ± 48.52 acres of wetlands, at least ± 1.07 acres of surface water, and at least ± 5.23 acres of uplands onsite.
4. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
5. Properties must have an environmental berm and swale installed prior to issuance of building permits for any of the subject lots. Berm and swale must be maintained throughout construction. EPD must be notified for inspection purposes prior to issuance of certificate of occupancy. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berm and swale shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
6. Prior to initiating any construction within the wetlands to be impacted, EPD must receive a letter of verification from the Boggy Creek Mitigation Area stating that the transaction regarding the transfer of ± 139.20 acres of mitigation, in the form of a conservation easement, has been completed and the associated sketch and legal has been approved and recorded. Additionally, the onsite conservation easement and associated sketch and legal must be approved and recorded prior to any wetland impacts, as well.
7. In the event that the permittee does not successfully complete the transaction to obtain the requisite ± 139.20 acres from the Boggy Creek Mitigation Area, the permittee must obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts.
8. This permit requires the recording of a conservation easement and, when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall include restrictions on the real property pursuant to the requirements of attached "Conservation Easement Addendum".

General Conditions:

9. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
10. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
11. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
12. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
14. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
15. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
16. EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
18. The permittee shall notify EPD, in writing, within thirty 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. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
19. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.

20. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
21. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
22. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
23. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
24. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
25. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
26. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
27. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD NPDES Administrator prior to start of construction.
28. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Steven Rich, Senior Environmental Specialist



Lori Cunliff, Environmental Protection Officer

SR/NT/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Susan Elfers, South Florida Water Management District
Tyler Piercy, President, Crockett Development Property, LLC
9350 Conroy Windermere Road, Windermere, Florida 34786

CONSERVATION EASEMENT ADDENDUM

Description of Conservation Easement Area

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description.
- (b) If impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

At least forty-five days prior to (1) Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall provide the necessary information, according to County criteria, so the County may record a conservation easement, which shall include restrictions on the real property pursuant to Florida Statutes, Section 704.06. The conservation easement and all applicable documents associated with shall be in the form approved in writing by EPD. The easement shall include the approved, title work, warranty deed and legal description and surveyor's sketch.

Conservation Easement Document

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the proposed draft deed of conservation easement, sketch of description, and legal description. The deed of conservation easement must be in a form approved by the Orange County Attorney's Office and Real Estate Management Division. Pursuant to Florida Statutes section 704.06, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement must contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement must contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibit by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners. **The Board of County Commissioners must approve the Conservation Easement in order for it to be in effect.**

Additional Documents Required

- (a) The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the proposed draft conservation easement, the permit holder must contemporaneously submit current evidence of title to EPD. The evidence of title must be reviewed and approved by the Orange County Real Estate Management Division.

- (b) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (c) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The County Attorney's Office and the Real Estate Management Division shall review and approve the consent and joinder of the mortgagee. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County.
- (d) Within thirty days of recording, the permit holder shall provide EPD with (1) the original recorded conservation easement, included all exhibits, showing the date of recording and the official records book and page number, (2) a copy of the recorded plat, if applicable, (3) a surveyor's sketch of description of the easement area plotted on the appropriate USGS topographic map, and (4) the original recorded consent and joinder(s) of mortgagee, if applicable.

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. EPD shall approve the location, form, and material of the monuments.



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: **03-028, Airport South**

Permit Type: **Conservation Area Impact**

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWFMD = Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD = Southwest Florida Water Management District
SJRWMD = St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



GLATTING
JACKSON
KERCHER
ANGLIN

GJ# 21277

September 2008 (Revised 3/18/09)

Data Sources: Glatting Jackson, Miller Einhouse Rymer & Boyd

Aerial Sources: ACA (11/2007), Aerials Express (3/2006)

0 800 Feet



APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION

DATE: 4/7/09

INITIAL: SR

Figure 3

Wetland Impacts

Airport South CAIP Application

LEGEND

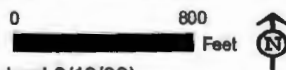
- AIRPORT SOUTH PROJECT LIMITS 238.23 ACRES
- WETLAND IMPACTS 14.81 ACRES
- SURFACE WATER IMPACTS 2.14 ACRES
- 50R AVERAGE BUFFER (25R MIN.) 4.31 ACRES
- UPLAND PRESERVATION 0.92 ACRES
- WETLAND PRESERVATION 48.52 ACRES
- SURFACE WATER PRESERVATION 1.07 ACRES
- FLOODPLAIN COMPENSATING STORAGE 30.41 ACRES

PROPOSED MITIGATION ACTIVITIES	ACRES:
50R AVERAGE BUFFER (25R MIN.)	
B1	1.18
B2	2.94
B3	0.19
TOTAL:	4.31
UPLAND PRESERVATION	
UP1	0.18
UP2	0.03
UP3	0.43
UP4	0.06
UP5	0.22
TOTAL:	0.92
WETLAND PRESERVATION	
WP1A	18.45
WP1B	5.14
WP1C	8.67
WP1D	1.22
WP6A	13.02
WP6C	2.12
TOTAL:	48.52
SURFACE WATER PRESERVATION	
SWP1	0.33
SWP9	0.74
TOTAL:	1.07
FLOODPLAIN COMPENSATING STORAGE	30.41

FLOODPLAIN
COMPENSATING
STORAGE

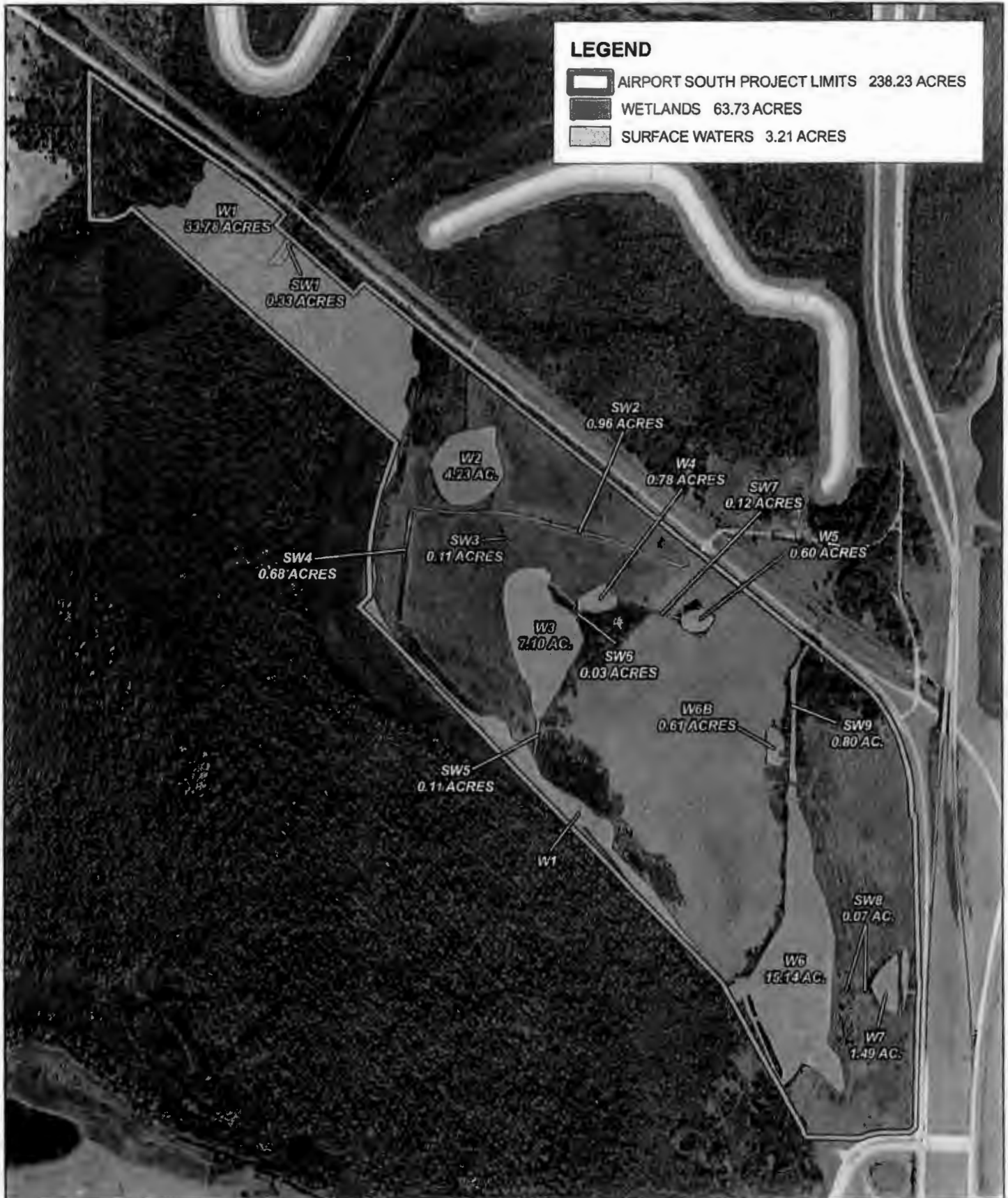
FLOODPLAIN
COMPENSATING
STORAGE

FLOODPLAIN
COMPENSATING
STORAGE



GLATTING JACKSON GJ# 21277
KERCHER January 2009 (Revised 3/19/09)
ANGLIN Data Sources: Glatting Jackson, MERB
 Aerial Sources: ACA (11/2007), Aerials Express (3/2006)

APPROVED BY
 ORANGE COUNTY
 ENVIRONMENTAL PROTECTION DIVISION
 WETLAND IMPACTS, MITIGATION, AND DEVELOPMENT PLAN
 INITIAL: SR Airport South CAIP Application



GLATTING
JACKSON
KERCHER
ANGLIN

GJ# 21277

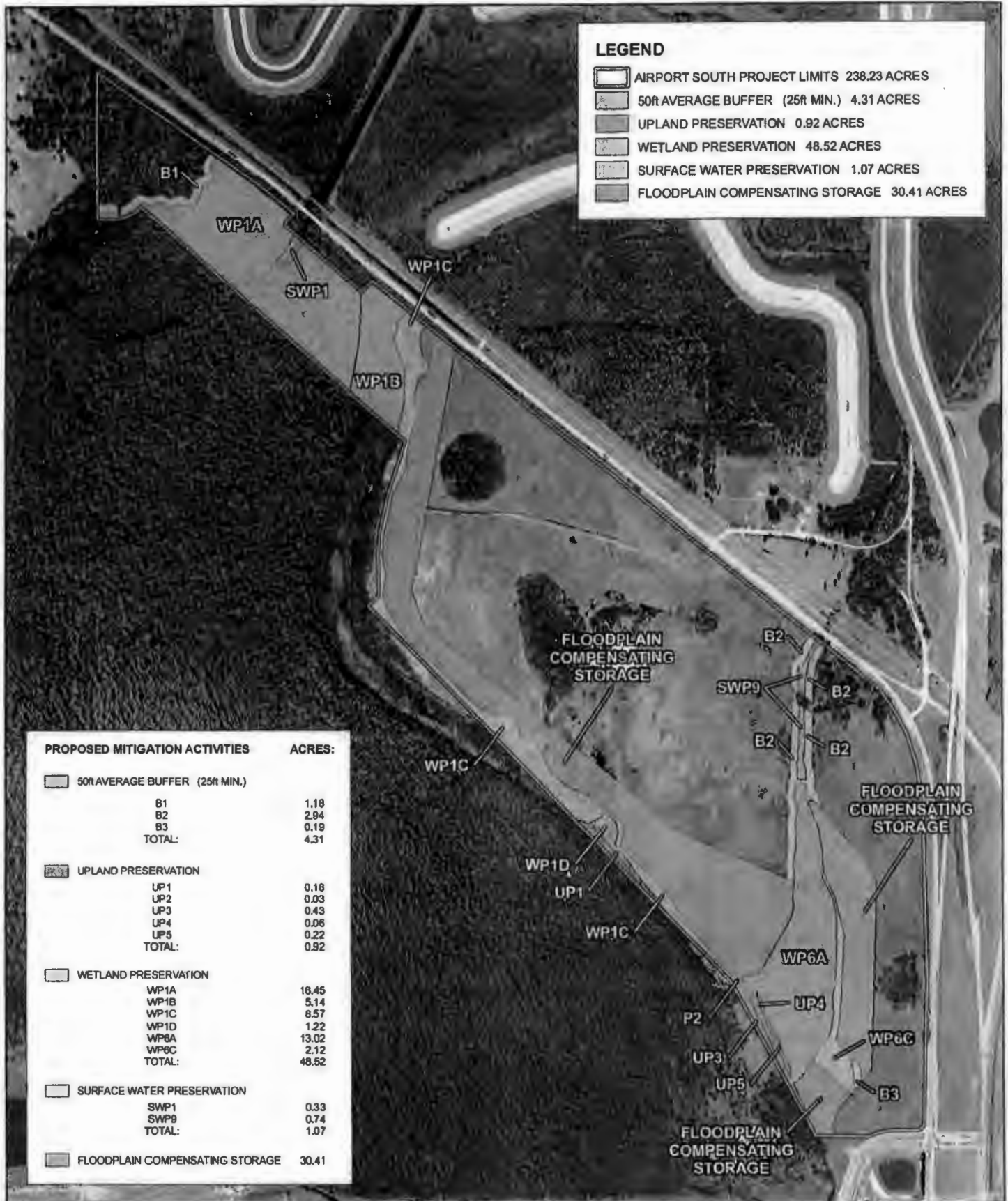
September 2008 (Revised 3/18/09)

Data Sources: Glatting Jackson, Miller Einhouse Rymer & Boyd

Aerial Sources: ACA (11/2007), Aerials Express (3/2006)

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
Figure 2
Wetlands

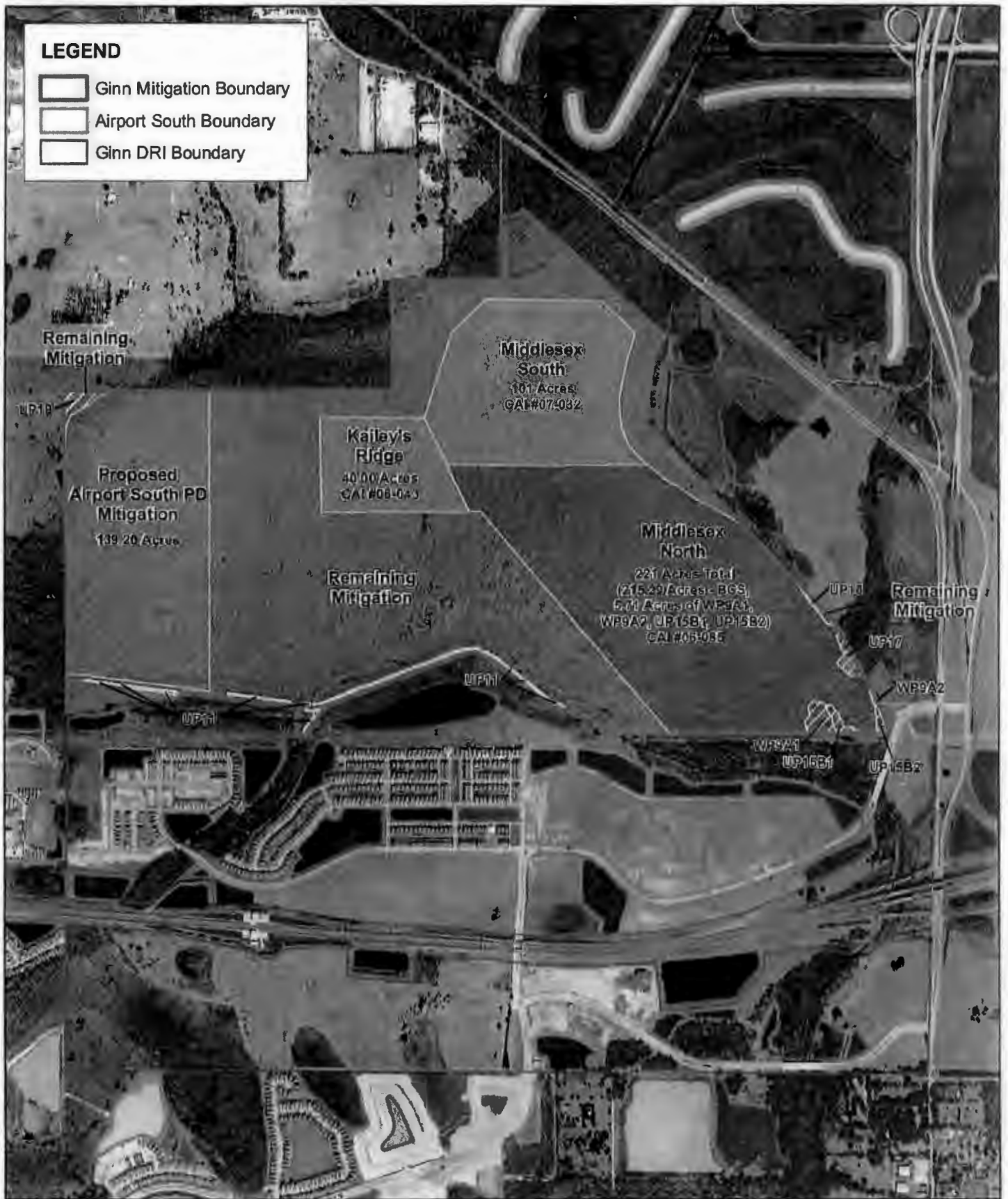


GLATTING JACKSON KERCHER ANGLIN GJ# 21277
 September 2008 (Revised 3/19/09)
 Data Sources: Glattling Jackson, MERB
 Aerial Sources: ACA (11/2007), Aerials Express (3/2006)

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
 DATE: 4/7/09
 INITIAL: GR
Figure 4
Mitigation Plan
Airport South CAIP Application

LEGEND

-  Ginn Mitigation Boundary
-  Airport South Boundary
-  Ginn DRI Boundary



This is a graphic representation and not a survey.

0 1,500 Feet



**GLATTIG
JACKSON
KERCHER
ANGLIN**

GJ# 21237
March 2009

Data Sources: Glattig Jackson, Donald W. McIntosh Assoc., Inc.
Aerial Sources: ACA (11/2007), Aerials Express (3/2006)

APPROVED BY

[Signature]

ENVIRONMENTAL PROTECTION DIVISION

DATE: 4/7/09

INITIAL: SR

Figure A

Bugbee Creek Swamp Mitigation Map

March 9, 2009

Z:\Projects\21\21237_Ginn_EC\Work\AV\Projects\Ginn_Mitigation_Property\Ginn_Air_Property_2009_0309_County.mxd (3/2009)



Environmental Protection Division

AFTER-THE-FACT CONSERVATION AREA IMPACT PERMIT

Permit No: 05-065

Date Issued: May 4, 2010

Date Expires: May 4, 2015

A Permit Authorizing:

Impacts to 18.47 acres of Class II wetlands in order to construct portions of a commercial/industrial site. Mitigation includes the monetary payment of \$309,988 to be used for vegetative and hydrologic enhancement on the Green PLACE parcel known as Isle of Pines Preserve (fka Hampton Bay).

This after-the-fact permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Parcel ID: 36-23-29-8920-07-800

Related CAD #: 94-132A

Orange County Commission District: 4

Permittee / Authorized Entity:

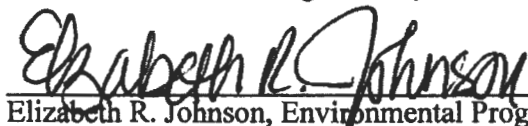
Rene Hofmann, Registered Agent
WF FRRP, LLC
8615 Florida Rock Road
Orlando, FL 32824

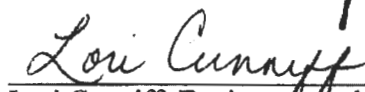
Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this after-the-fact permit is subject to the following conditions:

1. The approved mitigation plan includes a monetary payment to the Conservation Trust Fund of \$309,988. This dollar amount was derived by assigning the costs of the activities associated with the required amount of environmental lift to adequately offset the 18.47 acres of Class II wetland impacts. A payment of \$25,782.33 must be made on June 1 of every year until the \$309,988 is satisfied. Failure to provide the payment on the timetable above will result in formal enforcement proceedings.
2. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
3. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
4. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
5. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
6. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
7. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
8. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
9. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
10. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
11. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
12. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:


Elizabeth R. Johnson, Environmental Programs Administrator


Lori Cuniff, Environmental Protection Officer

ERJ/LC:rb



Environmental Protection Division
CONSERVATION AREA
IMPACT PERMIT

Permit No: 06-089

Date Issued: September 12, 2007

Date Expires: September 12, 2012

A Permit Authorizing:

Impacts to 6.34 acres of Class II wetlands and 0.38 acre of Class III wetlands in order to construct a 204 unit townhome development. Mitigation will include the purchase of a minimum of 6.8 credits from the TM/Econ Mitigation Bank.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

1400 Woodbury Road – PID #22-22-31-0000-00-026
Orlando, Florida 32828
Section 22, Township 22 South, Range 31 East
Application #: 06-089
Orange County Commission District: 4

Permittee / Authorized Entity:

Kevin Johnson, Alta Development
c/o Robert Epperson
Tierra Verde Consulting, Inc.
1903 Knight Avenue
Orlando, Florida 32826

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

The Board of County Commissioners approved this permit on August 21, 2007, subject to the following conditions:

Specific Conditions:

1. The wetland impacts must be conducted in accordance with Sheet 3 of 3 dated as received by the Environmental Protection Division (EPD) on April 9, 2007.
2. The Mitigation Plan must be implemented in accordance with Tierra Verde Consulting, Inc., letter dated as received by the EPD on April 9, 2007.
3. Prior to initiating any construction within the wetlands to be impacted the EPD must receive a letter of verification from TM/Econ Mitigation Bank stating that the transaction regarding the transfer of 12.1 mitigation credits has been completed.
4. In the event that the permittee does not successfully complete the transaction to obtain the requisite 12.1 credits from TM/Econ Mitigation Bank, the permittee must obtain a permit modification from the Environmental Protection officer to provide alternative mitigation for the wetland impacts.

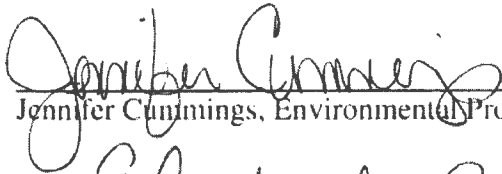
General Conditions:

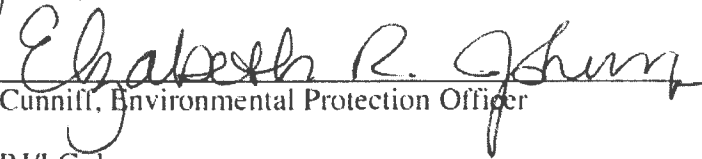
5. The permittee is hereby authorized to perform or cause to be performed the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the EPD a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
7. Prior to construction, the permittee must clearly designate the limits of construction onsite. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
8. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
9. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
10. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency, the permittee must comply with the most stringent conditions.

11. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
12. The EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
13. The permittee shall immediately notify the EPD in writing of any previously submitted information that is later discovered to be inaccurate.
14. The permittee shall notify the EPD in writing within 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, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
15. The EPD staff with proper identification shall have permission to enter, inspect, sample, and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
16. The permittee shall hold and save the County harmless from any and all damages, claims, or liabilities, which may arise by reason of the activities authorized by the permit.
17. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
18. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
19. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
20. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
21. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.
22. Any unpermitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within 30 days of completion of the project and shall be done to the satisfaction of the EPD.
23. For 1 acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to the EPD and copied to the EPD NPDES Administrator prior to start of construction.

24. This permit will expire 5 years from issuance date.

Authorized for the Orange County Environmental Protection Division by:


Jennifer Cummings, Environmental Program Supervisor


Lori Cunniff, Environmental Protection Officer

JC/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Kevin Johnson, Alta Development Inc.
13350 West Colonial Drive, Suite 340, Winter Garden, Florida 34787



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Supervisor

Permit Number and Name: 06-089 Villagio/Alta Development.

Permit Type: Conservation Area Impact (CAI).

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres	
C. SWPPP Location	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)
D. SWPPP Address:	
E. City:	F. State: G. Zip Code:
H. Construction Period	Start Date: Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

27. THE EXISTING STRUCTURES ON-SITE SHALL BE REMOVED PRIOR TO BUILDING PERMITS

PROPOSED ACCESS
ON WOODBURY ROAD

INITIAL: CA

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Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No: 07-033

Date Issued: September 24, 2007

Date Expires: September 24, 2012

A Permit Authorizing:

Impacts to 17.37 acres of Class II wetlands and 4.75 acres of associated upland buffer in order to construct an automobile dealership. Mitigation will include the purchase of 33.2 credits at TM-Econ Mitigation Bank.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance, and Article XI, Econlockhatchee River Protection Ordinance, of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Bill Heard Chevrolet Project Site
12281 East Colonial Drive
Orlando, Florida 32826
Section 22, Township 22 South, Range 31 East
Application #: 07-012
Orange County Commission District: 5

Permittee / Authorized Entity:

Bill Heard Chevrolet
c/o Breedlove, Dennis & Associates, Inc.
330 West Canton Avenue
Winter Park, Florida 32789

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 Fax: 407-836-1499
www.OrangeCountyFL.net

The Board of County Commissioners approved this permit on September 11, 2007, subject to the following conditions:

Specific Conditions

1. Conservation areas must be clearly marked with appropriate signage that identifies the wetland. These signs must be installed every 50 feet on any open space area. The signs must be installed prior to issuance of the Certificate of Completion.
2. The wetland impacts must be done in accordance with the exhibit titled "*Revised Wetland and Impacts Subject to Mitigation on the Bill Heard Project Site, Orange County, Florida*," dated as received by the Environmental Protection Division (EPD) on June 5, 2007.
3. Prior to initiating any construction within the wetlands to be impacted the EPD must receive a letter of verification from TM-Econ Mitigation Bank stating that the transaction regarding the transfer of 33.2 mitigation credits has been completed.
4. In the event that the permittee does not successfully complete the transaction to obtain 33.2 credits from the TM-Econ Mitigation Bank, the permittee must obtain a permit modification to provide alternative mitigation for the wetland impacts.

General Conditions


5. The permittee is hereby authorized to perform or cause to be performed the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the EPD a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
7. Prior to construction, the permittee must clearly designate the limits of construction onsite. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
8. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
9. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.

10. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
11. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
12. The EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
13. The permittee shall immediately notify the EPD in writing of any previously submitted information that is later discovered to be inaccurate.
14. The permittee shall notify the EPD in writing within 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, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
15. The EPD staff with proper identification shall have permission to enter, inspect, sample, and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
16. The permittee shall hold and save the County harmless from any and all damages, claims, or liabilities, which may arise by reason of the activities authorized by the permit.
17. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
18. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
19. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70), and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
20. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
21. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.
22. Any unpermitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within 30 days of completion of the project and shall be done to the satisfaction of the EPD.
23. For 1 acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to the EPD and copied to the EPD NPDES Administrator prior to start of construction.

24. This permit will expire 5 years from issuance date.

Authorized for the Orange County Environmental Protection Division by:


Kirsten West Peetz, Sr. Environmental Specialist


Lori Cunniff, Environmental Protection Officer
KWP/SC/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: TM - Econ Mitigation Bank, James Clark, Holland Properties, Inc.
P.O. Box 770308, Winter Garden, FL 34777-1553
Ronald Feldner, CEO, Bill Heard Chevrolet
200 Brookstone Center Parkway, Suite 200, Columbus, GA 31904



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Supervisor

Permit Number and Name: 07-012 Bill Heard Chevrolet.

Permit Type: Conservation Area Impact (CAI).

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):			<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
			<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres					
C. SWPPP Location		<input type="checkbox"/> Address in Part II above (specify below)		<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:					
E. City:			F. State:	G. Zip Code:	
H. Construction Period		Start Date:		Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):
--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD = Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD = Southwest Florida Water Management District
SJRWMD = St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

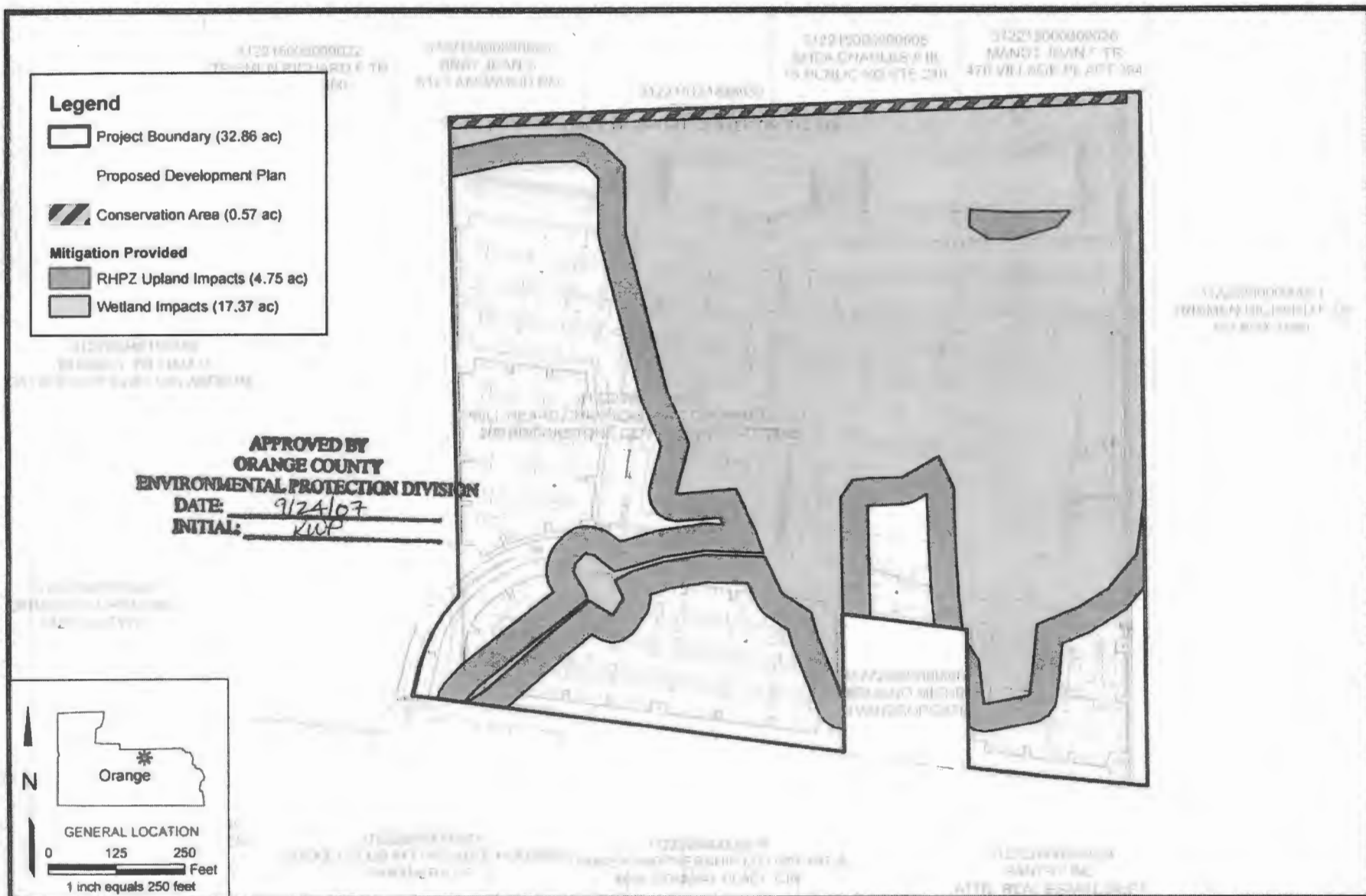
Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Source: Digital data provided by Kimley-Horn and Associates, Inc., 2006-08-09 (surveyed wetland lines), and 2006-09-12 (project boundary), and 2007-06-05 (conservation area).

BDA BREEDLOVE, DENNIS & ASSOCIATES, INC.
 2006004-10.1 • RJK • 2007-08-05
 ArcGIS\Ocepd_200708\Plots\Imp_mit_consv.a.pdf
 330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008

EXHIBIT

REVISED WETLAND AND IMPACTS SUBJECT TO MITIGATION ON THE BILL HEARD PROJECT SITE,
 ORANGE COUNTY, FLORIDA.



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No: 07-043

Date Issued: July 3, 2008

Date Expires: July 3, 2013

A Permit Authorizing:

Impacts to 11.16 acres of Class II wetlands in order to construct a hotel resort complex. Mitigation will include the purchase of 9.06 credits at TM-Econ Mitigation Bank, and the restoration and preservation of 19.6 acres of offsite wetlands within the Shingle Creek Mitigation Area located adjacent to Shingle Creek in Osceola County.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Palazzo del Lago
Parcel ID: 26-24-28-5844-01-090
Orange County Commission District: 1

Permittee / Authorized Entity:

John C. Deinhardt, Executive Vice President
Palazzo del Lago LLC
c/o Jennifer L. Rosinski, PhD
Breedlove, Dennis and Associates
30 East Liberty Street
Brooksville, Florida 34601

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. The wetland impacts must be done in accordance with Exhibit 3, dated as received by the Environmental Protection Division (Division) on May 28, 2008.
2. The mitigation plan must be implemented in accordance with the documents titled "Mitigation Plan for Palazzo del Lago" and "Mitigation Proposal for Palazzo del Lago Development" as dated as received by the Division on November 9, 2007. The offsite mitigation area must total at least 19.6 acres.
3. The offsite creation/restoration area shall be monitored in accordance with the document titled "Mitigation Proposal for Palazzo del Lago Development" as dated as received by the Division on November 9, 2007. The areas shall be monitored on a semi-annual basis with monitoring reports submitted no later than one month after the on-site evaluation has occurred.
4. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to the Division at the time of platting.
5. Properties must have an environmental berm and swale installed prior to issuance of building permits for any of the subject lots. Berm and swale must be maintained throughout construction. The Division must be notified for inspection purposes prior to issuance of certificate of occupancy. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berm and swale shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
6. Prior to initiating any construction within the wetlands to be impacted, the Division must receive a letter of verification from TM Mitigation Bank stating that the transaction regarding the transfer of 9.06 mitigation credits has been completed.
7. In the event that the permittee does not successfully complete the transaction to obtain the requisite 9.06 credits from the TM Mitigation Bank, the permittee must obtain a permit modification from the environmental protection officer to provide alternative mitigation for the wetland impacts.
8. This permit requires the recording of a conservation easement. Prior to the start of ANY construction, the permittee shall record a conservation easement, which shall include restrictions on the real property pursuant to the requirements of attached "Conservation Easement Addendum".

General Conditions:

9. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Division. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the Division determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.

10. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Division a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
11. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
12. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
14. This permit does not release the permittee from complying with all other Federal, State, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
15. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the Division of the change prior to implementation so that a determination can be made whether a permit modification is required.
16. The Division must have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify the Division in writing of any previously submitted information that is later discovered to be inaccurate.
18. The permittee shall notify the Division in writing within thirty 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, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
19. Division staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
20. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
21. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.

22. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
23. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
24. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
25. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
26. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of the Division.
27. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to the Division and copied to the Division NPDES Administrator prior to start of construction.
28. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:


Elizabeth R. Johnson, Environmental Programs Administrator


Lori Cuniff, Environmental Protection Officer

ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: TM - Econ Mitigation Bank, James Clark, Holland Properties, Inc.
P.O. Box 770308, Winter Garden, Florida 34777-1553
Stuart Bradow, 484 North Causeway, New Smyrna Beach, Florida 32169
John C. Deinhardt, Executive Vice President, Palazzo del Lago LLC
550 South Federal Highway, Ft. Lauderdale, Florida 33301
W. Michael Dennis, PhD, Breedlove, Dennis, & Associates, Inc.
330 West Canton Avenue, Winter Park, Florida 32789

CONSERVATION EASEMENT ADDENDUM

Description of conservation easement Area

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to the Division for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description.
- (b) If impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

At least forty-five days prior to (1) Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall provide the necessary information, according to County criteria, so the County may record a conservation easement, which shall include restrictions on the real property pursuant to Florida Statutes, Section 704.06. The conservation easement and all applicable documents associated with shall be in the form approved in writing by the Division. The easement shall include the approved, title work, warranty deed and legal description and surveyor's sketch.

Conservation Easement Document

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to the Division for review and written approval a copy of the proposed draft deed of conservation easement, sketch of description, and legal description. The deed of conservation easement must be in a form approved by the Orange County Attorney's Office and Real Estate Management Division. Pursuant to Florida Statutes section 704.06, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement must contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement must contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibit by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners. **The Board of County Commissioners must approve the Conservation Easement in order for it to be in effect.**

Additional Documents Required

- (a) The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the proposed draft conservation easement, the permit holder must contemporaneously submit current evidence of title to the Division. The evidence of title must be reviewed and approved by the Orange County Real Estate Management Division.

- (b) If the grantor of the conservation easement is a partnership, the partnership shall provide to the Division a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (c) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The County Attorney's Office and the Real Estate Management Division shall review and approve the consent and joinder of the mortgagee. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County.
- (d) Within thirty days of recording, the permit holder shall provide the Division with (1) the original recorded conservation easement, included all exhibits, showing the date of recording and the official records book and page number, (2) a copy of the recorded plat, if applicable, (3) a surveyor's sketch of description of the easement area plotted on the appropriate USGS topographic map, and (4) the original recorded consent and joinder(s) of mortgagee, if applicable.

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The Division shall approve the location, form, and material of the monuments.



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: Palazzo del Lago/07-043

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):		<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
		<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres		
C. SWPPP Location	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address
D. SWPPP Address:		
E. City:	F. State:	G. Zip Code:
H. Construction Period	Start Date:	Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):
--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD = Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD = Southwest Florida Water Management District
SJRWMD = St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Source: USGS Kissimmee DOQQ (NW Quarter Quad);
 LABINS, MrSID; Flight date, 2004. Based on surveyed
 wetland lines provided by Harris Civil Engineering, LLC,
 2006-07-14 and photointerpretation by BDA.

BDA BREEDLOVE, DENNIS
 & ASSOCIATES, INC.

2005232-10.1 • RJK/ldp • 2008-05-27
 ArcGIS\Ocepd_ral_200804\lmpa.mxd
 Plots\...lmpa.a.pdf

330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008
 APPROVED BY
 ORANGE COUNTY

EXHIBIT 3

DEVELOPMENT PLAN AND WETLAND IMPACTS ON THE PALAZZO DEL LAGO PROJECT SITE
 ORANGE COUNTY, FLORIDA.

DATE: 7-2-08
 INITIAL: [Signature]

rec'd 5/28/08



ENVIRONMENTAL PROTECTION DIVISION

Lori Cuniff, Manager
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 • Fax 407-836-1699
www.occpd.org

February 22, 2008

Bishop & Buttrey, Inc.
Attn: Vic McCall, General Manager
6239 Edgewater Drive, Suite D1
Orlando, Florida 32810

**Subject: Issuance of Conservation Area Impact Permit
Bishop and Buttrey Pit #164
1006 Dill Road
Parcel ID: 23-22-32-0000-00-001
Orange County Commission District: 5
Permit Number: 07-060**

Dear Mr. McCall:

The purpose of this letter is to make you aware that a permit has been issued to you in order to perform activities in or directly adjacent to your conservation area. This permit requires you to follow certain conditions prior to during and after construction has taken place. Please read the permit conditions carefully. It is the property owner's responsibility to ensure that all the conditions are met. If you are using a contractor to perform the activities authorized within the permit, they are not responsible for meeting the conditions of your permit, you are. If you fail to meet any of the conditions, Environmental Protection Division (Division) staff may place holds on any pending permits/reviews or prevent a permit from being obtained, cite you and you may be subject to penalties.

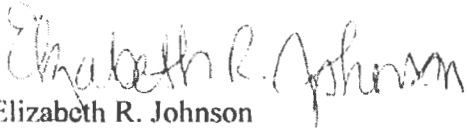
- This Division has placed a hold on all Building Permits to be issued for this property. This hold will be removed when the conservation easement has been presented to the Board of County Commissioners and recorded at the County Clerk of Courts. Please read the "Conservation Easement Addendum" as attached to the permit.
- At least 48-hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Division, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
- The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawing, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.

February 22, 2008
CAI Permit #07-060
Page 2

- Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

Should you have any question(s), please contact me at (407) 836-1511.

Sincerely,



Elizabeth R. Johnson
Environmental Programs Administrator

ERJ/LC:rb



Environmental Protection Division CONSERVATION AREA IMPACT PERMIT

Permit No: 07-060

Date Issued: February 22, 2008

Date Expires: February 22, 2013

A Permit Authorizing:

Impacts to 3.17 acres of Class I wetland impacts (0.53 acre of direct and 2.64 acres of secondary impacts), 5.44 acres of Class II wetland impact, and 1.44 acres of Class III wetlands in order to construct portions of a haul road and borrow pit. This permit can be issued by Environmental Protection Division staff pursuant to the streamlining approval at the February 5, 2008, Board of County Commissioners Meeting. Mitigation will include the onsite preservation of 93.2 acres of wetlands (Wetland 1) and the preservation of 5.90 acres of upland buffer adjacent to Wetland 1.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Bishop and Buttrey Pit #164
1006 Dill Road
Parcel ID: 23-22-32-0000-00-001
Orange County Commission District: 5
Permit Application File Number: 07-060

Permittee / Authorized Entity:

Bishop and Buttrey, Inc.
c/o Neal Thomas
Environmental Services, Inc.,
835 Executive Lane, Suite 140
Rockledge, Florida 32955

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. The signs must be located as shown on Figure 4 dated as received by the Environmental Protection Division (Division) on February 12, 2007. The signs must be installed prior to issuance of a Plat, Certificate of Completion, or issuance of building permits, whichever is first.
2. The wetland impacts must be done in accordance with Figure 4 dated as received by the Division on February 12, 2007.
3. The mitigation plan must be implemented in accordance with the UMAM Summary Figure 4 dated as received by the Division on February 12, 2007. The preservation area must total at least 99.10 acres in size.
4. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to the Division at the time of platting.
5. This permit requires the recording of a conservation easement and/or platting. Prior to the start of the permitted activity the permittee shall record a conservation easement, which shall include restrictions on the real property pursuant to the requirements of attached "Conservation Easement Addendum".

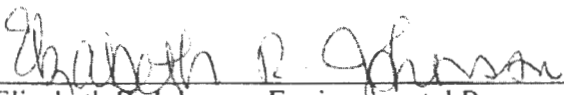
General Conditions:

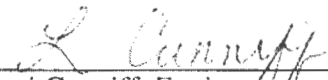
6. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Division. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the Division determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
7. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Division a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
8. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
9. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.

10. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
11. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the Division of the change prior to implementation so that a determination can be made whether a permit modification is required.
13. The Division must have final construction plan approval to ensure that no modification has been made during the construction plan process.
14. The permittee shall immediately notify the Division in writing of any previously submitted information that is later discovered to be inaccurate.
15. The permittee shall notify the Division in writing within thirty 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, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
16. Division staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
17. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
18. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
19. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
20. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
21. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.

22. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
23. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of the Division.
24. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to the Division and copied to the Division NPDES Administrator prior to start of construction.
25. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Elizabeth R. Johnson, Environmental Programs Administrator

Lori Cuniff, Environmental Protection Officer

ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Bishop & Buttrey, Inc., Attn: Vic McCall, General Manager
6239 Edgewater Drive, Suite D1, Orlando, Florida 32810
Anna Long, LDDKR Attorney's at Law, 215 North Eola Drive, Orlando Florida 32801-2028

CONSERVATION EASEMENT ADDENDUM

Description of conservation easement Area

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to the Division for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description.
- (b) If impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

At least forty-five days prior to (1) Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall provide the necessary information, according to County criteria, so the County may record a conservation easement, which shall include restrictions on the real property pursuant to Florida Statutes, Section 704.06. The conservation easement and all applicable documents associated with shall be in the form approved in writing by the Division. The easement shall include the approved, title work, warranty deed and legal description and surveyor's sketch.

Conservation Easement Document

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to the Division for review and written approval a copy of the proposed draft deed of conservation easement, sketch of description, and legal description. The deed of conservation easement must be in a form approved by the Orange County Attorney's Office and Real Estate Management Division. Pursuant to Florida Statutes section 704.06, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement must contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement must contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibit by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners. The Board of County Commissioners must approve the Conservation Easement in order for it to be in effect.
- (b)

Additional Documents Required

- (a) The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the proposed draft conservation easement, the permit holder must contemporaneously submit current evidence of title to the Division. The evidence of title must be reviewed and approved by the Orange County Real Estate Management Division.

- (b) If the grantor of the conservation easement is a partnership, the partnership shall provide to the Division a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (c) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The County Attorney's Office and the Real Estate Management Division shall review and approve the consent and joinder of the mortgagee. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County.
- (d) Within thirty days of recording, the permit holder shall provide the Division with (1) the original recorded conservation easement, included all exhibits, showing the date of recording and the official records book and page number, (2) a copy of the recorded plat, if applicable, (3) a surveyor's sketch of description of the easement area plotted on the appropriate USGS topographic map, and (4) the original recorded consent and joinder(s) of mortgagee, if applicable.

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The Division shall approve the location, form, and material of the monuments.



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Supervisor

Permit Number and Name: 07-060/Bishop and Buttrey Pit 164

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:			
B. Address:			
C. City:		D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:		
	H. Phone No.:		

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:			
B. Project Address/Location:			
C. City:		D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' " Longitude: ° ' "		
H. Is the site located on Indian lands?		I. Water Management District:	
<input type="checkbox"/> Yes <input type="checkbox"/> No			
J. Project Contact:		K. Phone No.:	

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres	
C. SWPPP Location	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)
D. SWPPP Address:	
E. City:	F. State: G. Zip Code:
H. Construction Period	Start Date: Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

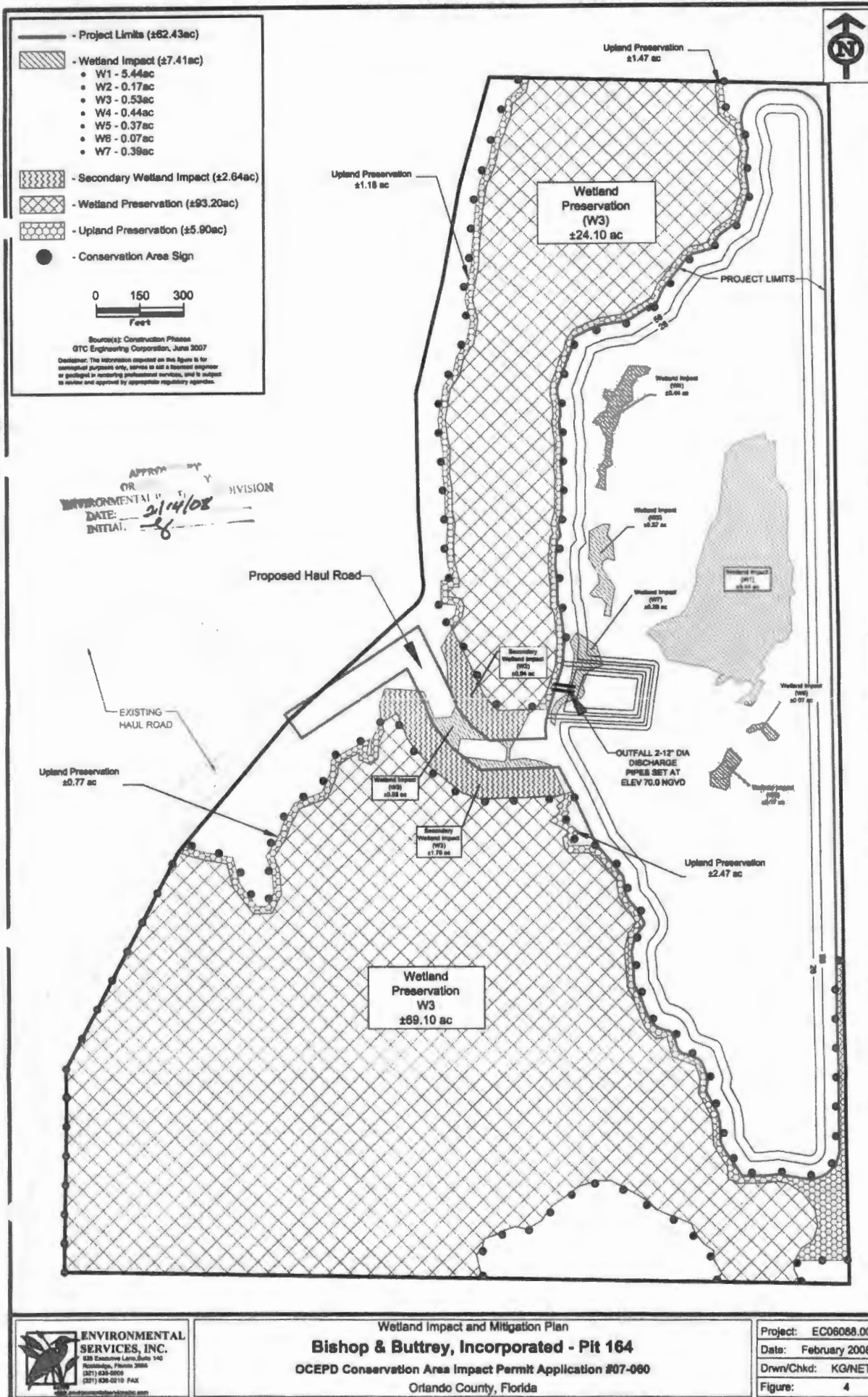
Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



**ENVIRONMENTAL
SERVICES, INC.**
 120 Commerce Lane, Suite 140
 Kissimmee, Florida 33906
 (351) 624-0500
 (351) 624-0510 FAX
 www.environmentalservices.com

Wetland Impact and Mitigation Plan
Bishop & Buttrely, Incorporated - Pit 164
 OCEPD Conservation Area Impact Permit Application #07-060
 Orlando County, Florida

Project: EC06068.00
 Date: February 2008
 Drawn/Chkd: KG/NET
 Figure: 4



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No: 07-074

Date Issued: March 27, 2008

Date Expires: March 27, 2013

A Permit Authorizing:

Impacts to 7.92 acres of Class II wetlands in order to construct warehouse and stormwater system. Mitigation will include preserving 118.8 acres of off-site regionally significant forested wetlands within the Wekiva River Basin located adjacent to the Wekiva River in Seminole County.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

25-21-28-3596-10-000 and 25-21-28-3596-06-000
Section 25, Township 21 South, Range 28 East
Associated CAD Application #: 07-104
Orange County Commission District: 2

Permittee / Authorized Entity:

Daniel Frinfrock
c/o Steve Rich
A Natural Balance
P.O. Box 499
Geneva, Florida 34732

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space. The signage must conform to Environmental Protection Division (Division) approved language, be a minimum of 12 x 12 inches and 24 inches above grade. The signs must be located as shown on the Site Plan - Sheet 1 of 1, dated as received by the Division on June 13, 2007. The signs must be installed prior to issuance of a Plat, Certificate of Completion, or issuance of building permits, whichever is first.
2. The wetland impacts must be done in accordance with Master Site Plan Sheet 2 of 4 as dated as received by the Division on February 19, 2008.
3. The mitigation plan must be implemented in accordance with submittal as dated as received by the Division on November 6, 2007. The preservation area must total at least 118.8 acres.
4. Prior to initiating any construction within the wetlands to be impacted, the Division must receive a copy of the recorded conservation easement approved and dedicated to St. Johns River Water Management District over the 118.8 acres of off site mitigation.
5. In the event that the permittee does not successfully complete the mitigation, the permittee must obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts.
6. The applicant shall provide written notification to property owners that no alteration or encroachment of the onsite conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies.

General Conditions:

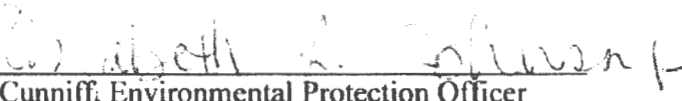
7. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Division. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the Division determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
8. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Division a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
9. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.

11. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
12. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
13. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the Division of the change prior to implementation so that a determination can be made whether a permit modification is required.
14. The Division must have final construction plan approval to ensure that no modification has been made during the construction plan process.
15. The permittee shall immediately notify the Division in writing of any previously submitted information that is later discovered to be inaccurate.
16. The permittee shall notify the Division in writing within thirty 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, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
17. Division staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
18. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
19. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
20. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
21. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
22. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.

23. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
24. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of the Division.
25. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to the Division and copied to the Division NPDES Administrator prior to start of construction.
26. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:


Christina Curtiss, Environmental Team Leader


Lori Cunniff, Environmental Protection Officer

CC/NT/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Victoria Nations, St. Johns River Water Management District
Daniel Frinfrock, Frinfrock, DMC, P.O. Box, 807754, Orlando, Florida 32860-7754



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 07-074 Frinfrock.

Permit Type: Conservation Area Impact (CAI).

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres	
C. SWPPP Location	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)
D. SWPPP Address:	
E. City:	F. State: G. Zip Code:
H. Construction Period	Start Date: Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No: 08-018

Date Issued: July 3, 2008

Date Expires: July 3, 2013

A Permit Authorizing:

The applicant, College Suites at Woodbury LLC, is requesting a Conservation Area Impact Permit to impact 6.04 acres of Class II wetlands and associated upland buffer located within the Econlockhatchee River Protection Area. Per Chapter 15, Article XI, Section 15-444, the Board of County Commissioners (BCC) must confirm impacts proposed within the Econlockhatchee River Protection Area. The BCC confirmed these impacts at the June 26, 2008, BCC Hearing.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, and Article XI and is subject to the Permit Conditions provided on the following pages:

Activity Location:

12401 East Colonial Drive
Parcel ID# 23-22-31-0000-00-001.
Orange County Commission District: 5

Permittee / Authorized Entity:

College Suites at Woodbury LLC
c/o Dr. W. Michael Dennis
Breedlove, Dennis, and Associates, Inc.
330 West Canton Avenue
Winter Park Florida 32789

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. The wetland impacts must be done in accordance with Attachment III, stamped approved by the Environmental Protection Division (Division) on June 5, 2008.
2. The mitigation plan must be implemented in accordance with the letter from BDA, Inc., dated as received by the Division on June 11, 2008. The Mandt preservation area must total at least 2.142 acres.
3. Properties must have an environmental berm and swale installed prior to issuance of building permits for any of the subject lots. Berm and swale must be maintained throughout construction. The Division must be notified for inspection purposes prior to issuance of certificate of occupancy. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berm and swale shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
4. Prior to initiating any construction, the Division must receive a letter of verification from TM/Econ Mitigation Bank stating that the transaction regarding the transfer of 9.06 mitigation credits has been completed.
5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 9.06 credits from the TM/Econ Mitigation Bank, the permittee must obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts.

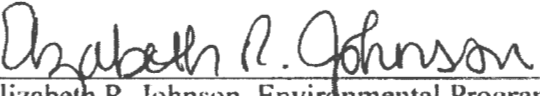
General Conditions:

6. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Division. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the Division determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
7. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Division a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
8. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
9. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.

10. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
11. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the Division of the change prior to implementation so that a determination can be made whether a permit modification is required.
13. The Division must have final construction plan approval to ensure that no modification has been made during the construction plan process.
14. The permittee shall immediately notify the Division in writing of any previously submitted information that is later discovered to be inaccurate.
15. The permittee shall notify the Division in writing within thirty 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, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
16. Division staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
17. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
18. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
19. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
20. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
21. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.

22. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
23. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of the Division.
24. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to the Division and copied to the Division NPDES Administrator prior to start of construction.
25. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:


Elizabeth R. Johnson, Environmental Programs Administrator


Lori Cuniff, Environmental Protection Officer

ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan
Decision letter from the Board of County Commissioners

c: TM-Econ Mitigation Bank, James Clark
Holland Properties, Inc., P.O. Box 770308, Winter Garden, Florida 34777-1553
Udo Garbe, CSAW, LLC., 535 Park Avenue North, Winter Park, Florida 32789
Udo Garbe/Kevin Dinneen, Fontenay Custom Homes
LC R.F. Trisman- UCF Land Trust, PO Box 1508, Winter Park, Florida 32790



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: College Suites at Woodbury LLC/08-018.

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? No <input type="checkbox"/> Yes <input type="checkbox"/>		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres	
C. SWPPP Location	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)
D. SWPPP Address:	
E. City:	F. State: G. Zip Code:
H. Construction Period	Start Date: Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):
--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A. Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

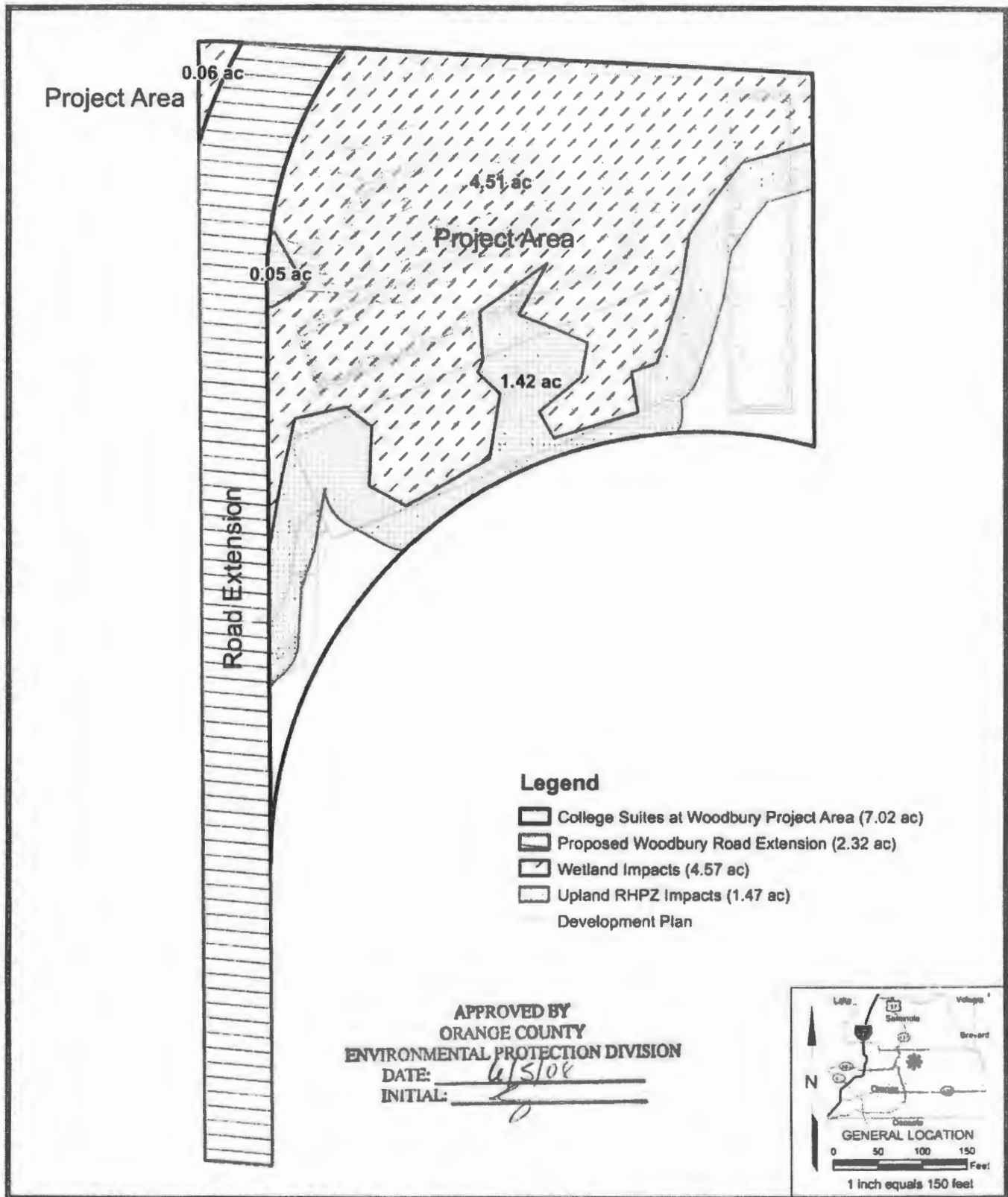
Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Source: Survey data provided by Florida Engineering Group, Inc.,
 2008-03-20.

BDA BREEDLOVE, DENNIS
& ASSOCIATES, INC.

2005273-20.1 - RJLK - 2008-04-01
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330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008

ATTACHMENT III PROPOSED CONSERVATION AREA IMPACTS ON THE COLLEGE SUITES AT WOODBURY PROJECT SITE, ORANGE COUNTY, FLORIDA.

BDA
ENVIRONMENTAL CONSULTANTS

RECEIVED
U.S. ENVIRONMENTAL
PROTECTION DIVISION
2008 JUN 11 PM 4:39

June 11, 2008
File: 2005-273-20.1

SENT VIA E-MAIL AND COURIER

Ms. Elizabeth R. Johnson
Environmental Programs Administrator
Orange County Environmental Protection Division
800 Mercy Drive, Suites, 4 and 5
Orlando, Florida 32808
Phone: 407-836-1511
Fax: 407-836-1499

RE: Additional Information
Conservation Area Impact Permit Application No. 08-018
College Suites at Woodbury
Orange County, Florida

Dear Ms. Johnson:

Pursuant to the Development Review Committee (DRC) meeting held on June 11, 2008, and your request, Breedlove, Dennis & Associates, Inc. (BDA) is providing the enclosed additional information to complete your review of the Conservation Area Impact Permit Application No. 08-018:

1. The survey sketch of the Mandt mitigation tract and those areas being reserved for use by Orange County.
2. A graphic representing the location of the Orange County Environmental Protection Division Mandt tract mitigation parcel for the College Suites at Woodbury project.
3. A letter of reservation from the TM-Econ Mitigation Bank reserving 9.06 mitigation credits.


Please contact us if you need any additional information.

Sincerely,


D. Dale Dowling, B.S.
Senior Scientist

DDD/WMD/kmg

cc: Mr. Udo Garbe
Ms. Anna H. Long


W. Michael Dennis, Ph.D.
President

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 7-2-08
INITIAL: CJ

P:\Admin\Projects\2005273\Letters\Johnson\Johnson DRC and mit approval.doc

BREEDLOVE, DENNIS & ASSOCIATES, INC.

330 W. Canton Ave. - Winter Park, FL 32789
Phone: 407-677-1882 - Fax: 407-637-7008

30 East Liberty St. - Brooksville, FL 34601
Phone: 352-799-9488 - Fax: 352-799-9588

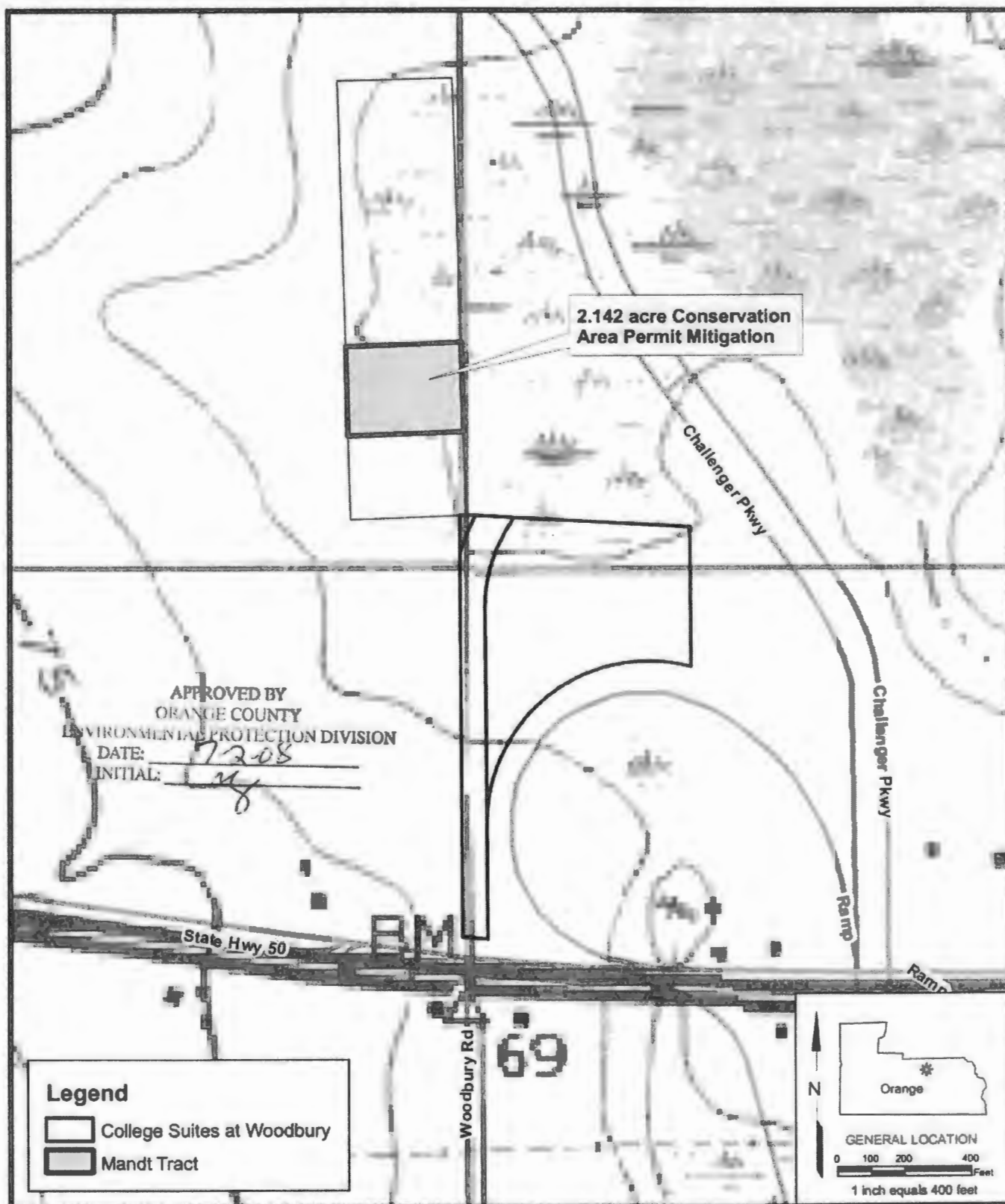
1167 Green Hill Trace - Tallahassee, FL 32317
Phone: 850-942-1631 - Fax: 850-942-9776

BDA
ENVIRONMENTAL CONSULTANTS

EXHIBIT 1

**SKETCH OF DESCRIPTION
OF THE MITIGATION AREA
FOR ORANGE COUNTY CONSERVATION AREA IMPACT PERMIT**

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 7-2-08
INITIAL: g



Source: Sure!MAPS RASTER digital quads, ©1997.
Project boundary provided by Park Avenue Development Corp.
(Kitner Surveying), 2008-01-19.

**BDA BREEDLOVE, DENNIS
& ASSOCIATES, INC.**

2005273-20.1 • CBT • 2008-06-11
ArcGIS*.mxd
Plots\Mandt_Tract.a.pdf

330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008

**MANDT TRACT MITIGATION PARCEL FOR THE COLLEGE SUITES AT WOODBURY ORANGE COUNTY
CONSERVATION AREA IMPACT PERMIT, ORANGE COUNTY, FLORIDA.**

Holland Properties, Inc. d/b/a TM-Econ Mitigation Bank
Post Office Box 770308
Winter Garden, FL 34777-0308
(407) 656-1553

June 11, 2008

Michelle Reiber, Technical Program Manager
St. Johns River Water Management District
525 Community College Parkway S. E.
Palm Bay, FL 32909

Re: Request for **RESERVATION** of Mitigation Credits from TM/Econ Mitigation Bank,
Permit No. 4-095-84310-1

Dear Ms. Reiber:

This is a request for the **Reservation of Phase 3** credits from the above referenced Mitigation Bank Number. In support of this request, the following information is provided:

Impact Project : **College Suites At Woodbury, LCC**
SJRWMD Permit # : 4-095-116476-1

Number of Credits Reserved: **Nine and/Six Hundreds (9.06)**
Type of credits Reserved: **Freshwater Wetland Credits**

Credits are to be Reserved from **Phase 3** of the above referenced Mitigation Bank.

The basin that the Credits are to be Reserved from is the Econlockhatchee Nested Basin.

Upon issuance of the permit for the Impact Project noted herein TM/Econ Mitigation Bank shall provide you with a request for a minor modification of it's permit and ledger for **Phase 3** for the Withdrawal of the above referenced credits. If you have any questions regarding this request, please contact me at 407/876-2755.

Sincerely,



James L. Clark, Agent for
TM Econ Mitigation Bank

CC:
Ralph V. Hadley III, Esq.
Holland Properties, Inc.
Bruce Biltgen

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 7-2-08
INITIAL: ef



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT MODIFICATION

Permit No: 09-007

Date Issued: January 22, 2010

Date Expires: January 22, 2015

History: Conservation Area Impact (CAI) permit # 05-006 was issued on January 26, 2006. This permit authorized impacts to 5.70 acres of Class III wetlands. Mitigation for the impacts was to be the purchase of 5.70 mitigation credits from a mitigation bank. This new CAI permit modification request is to provide alternative mitigation to the original 5.70 acres of impact. This permit does not authorize any additional wetland impacts. The mitigation for CAI permit # 05-006 is being replaced with the purchase of 1.70 credits at the Florida Mitigation Bank and the preservation of 40.0 acres at the Greenway Park Mitigation Area (fka Ginn Mitigation Area). This permit and associated conditions replace CAI permit # 05-006; therefore CAI 05-006 is now void.

A Permit Authorizing:

Impacts to 5.70 acres of Class III wetlands in order to construct a septage facility. Mitigation will include preserving 40.0 acres of offsite wetlands at the Greenway Mitigation Area (fka Ginn Mitigation Area) and the purchase of 1.70 credits at the Florida Mitigation Bank.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Parcel ID # 11-24-29-7268-00-900 off of General Drive
Orlando, Florida 32824
Section 11, Township 24 South, Range 29 East
Related CAD #: 92-047
Orange County Commission District: 4

Permittee / Authorized Entity:

Dennis Lapin (landowner-impact site), and
James L. Zboril (landowner-mitigation site)
c/o John Miklos
Bio-Tech Consulting, Inc.
2002 E. Robinson Street
Orlando, Florida 32803
Email: john@bio-techconsulting.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit (CAI # 09-007) replaces the previous permit (CAI # 05-006).
2. The wetland impacts must be done in accordance with Sheets C-5 and C-6 of 15 as dated as received by EPD on January 20, 2010 and not the previously approved site plan dated as received January 16, 2006.
3. The mitigation plan must be implemented in accordance with the original Ginn-LA-Airport, LP. permit (Permit # 48-01288-P) issued by the South Florida Water Management District on March 3, 2003 and the management plan for the Lapin-General Drive Septage Facility project dated as received by EPD on January 21, 2010. The off-site preservation area must total at least 40.0 acres and 1.70 credits must be purchased from the Florida Mitigation Bank.
4. Prior to initiating any construction within the wetlands to be impacted, EPD must receive a letter of verification from the Florida Mitigation Bank stating that the transaction regarding the transfer of 1.7 mitigation credits has been completed and is issued to this project.
5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 1.7 credits from the Florida Mitigation Bank, the permittee must obtain a permit modification from the environmental protection officer to provide alternative mitigation for the wetland impacts.
6. This permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and shall include restrictions on the real property pursuant to the requirements set forth below:
 - (a) The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.
 - (b) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title is subject to review and approval by the Orange County Real Estate Management Division.
 - (c) If impacts to an upland defined as River Corridor Protection Zone (Chapter 15, Section 15-443(1)), or as required per Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

- (d) The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners.
 - (e) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
 - (f) If there exists any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.
 - (g) Upon approval of the final executed documents by Orange County, the conservation easement shall be scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.
 - (h) Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
 - (i) At least forty-five days prior to (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required, (2) clearing any upland within the River Corridor Protection Area or as required per Chapter 15, Article XI, Section 15-442(f), (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.
7. The mitigation management and monitoring of the off-site mitigation area must be conducted in accordance with the narrative received by EPD on January 21, 2010.
8. Successful establishment of the wetland mitigation will have occurred when:
- (a) The mitigation area comprises less than 5 percent nuisance vegetation and less than 5 percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2001 List of Invasive Species Category I and II, and
 - (b) The above criteria have been met at the end of a five year monitoring period.
 - (c) After the site has been deemed successful by EPD the mitigation area must be kept at a level less than 10 percent nuisance and exotic vegetation, in perpetuity.

9. A baseline monitoring report that clearly shows site conditions prior to any management activities must be submitted to EPD prior to initiation of any mitigation activities. This report needs to include, at a minimum the following information: site location, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion.
10. The Permittee is required to perform annual monitoring events and submit annual monitoring reports to EPD upon completion of the on-site management activity. This report needs to include, at a minimum the following information: site location, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion. If at the end of the five year monitoring period, the mitigation area is not meeting the monitoring success criteria, the Permittee is required to provide a contingency plan or modified mitigation plan, and may be required to continue monitoring until success has been demonstrated.

General Conditions:

11. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
13. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
15. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
16. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.

17. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
20. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
21. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
22. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
23. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
24. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
25. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
26. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
27. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
28. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
29. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.

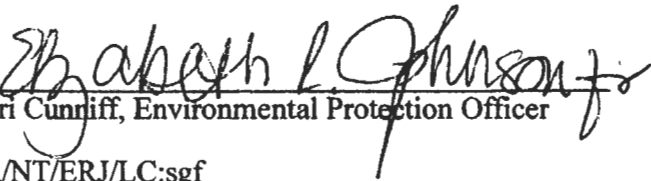
30. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.

31. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Steven Rich, Senior Environmental Specialist



Lori Cunliff, Environmental Protection Officer

SR/NT/ERJ/LC:sgf

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: David Hebster- Florida Department of Environmental Protection
Dennis Lapin, Proverbs Three, LLC.
3031 W. 20th Street, Orlando, FL. 32839
James L. Zboril, Greeneway Park DRI, LLC.
9350 Conroy Road, Windermere, FL. 34786
Florida Mitigation Bank, Victoria K. Colangelo, Mitigation Marketing, L.L.C.
P.O. Box 540285, Orlando, Florida 32854



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: **Lapin-General Drive 09-007**

Permit Type: **Conservation Area Impact (CAI)**

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
H. Phone No.:		

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):		<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)	
		<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)	
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
C. SWPPP Location	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
H. Construction Period	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):
--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

Boggy Creek Swamp Mitigation Area Monitoring and Maintenance Plan and Success Criteria

Project: General Drive (FDEP Application No. 48-0288631-001)

Monitoring and Maintenance Plan

The mitigation proposed for the General Drive project is comprised of the preservation of 40 acres of wetlands within a portion of the Boggy Creek Swamp Mitigation Area (BCSMA). The BCSMA is located just northwest of the intersection of Boggy Creek Road and The Central Florida Greenway in southern Orange County and within Sections 21, 20, 28, and 29 of Township 24 South and Range 30 East. The location of the BCSMA and the specific mitigation tract for the General Drive project is illustrated in the attached figures. The BCSMA was approved for use as an off-site mitigation source within the conceptual ERP No. 48-01288-P for the Ginn DRI (now Greenway Park DRI) issued in March 2003. A conservation easement was placed over lands that included the BCSMA in 2003 consistent with permit conditions associated with the Ginn DRI (now Greenway Park DRI) Phase 1 application (Application #020917-12).

The General Drive mitigation will consist of 40 acres of wetland preservation coupled with exotic management. For the purposes of this monitoring and management plan, exotic species consist of those species noted as Category 1 species on the Florida Exotic Pest Plant Council (FLEPPC) 2001 Invasive Species List (see Attachment A), consistent with the invasive exotic species definition used during the original BCSMA permitting efforts. Primrose willow (*Ludwigia peruviana*) was not listed as a Category 1 or 2 exotic species on this list and will not be managed as part of these maintenance events.

The 40-acre preservation parcel will be subject to short-term and perpetual maintenance requirements. Short-term requirements for the Exotic Management Zones will consist of an initial exotic species maintenance event followed by annual monitoring and maintenance events for up to 5 years until released by the OCEPD. The exotic species maintenance events (both initial and those required over the 5 year period until release) will consist of the treatment of exotic species through the application of appropriate herbicides. If the total aerial coverage of exotics exceeds 5%, maintenance will be implemented with the goal of the event being the elimination the exotic component (i.e., 0% after event). Following the completion of the short-term monitoring/maintenance requirements documented through a release letter from the OCEPD, the 40-acre parcel will become subject to perpetual maintenance requirements. These will consist of exotic species maintenance events conducted on an as-needed basis to maintain exotic species at or below 10% areal coverage.

Short-term monitoring will consist of general qualitative observations and information obtained from the wetland system. The recorded data obtained from the short-term qualitative monitoring will be provided to the Division in report form and will be submitted on an annual basis in April of each year. Reports will include the following:

- A. The dates and time of the monitoring event.
- B. The person responsible for performing the measurements.
- C. The analytical techniques or methods utilized.
- D. Wildlife observed during monitoring/maintenance events
- E. The results of such analyses including:

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**ORANGE COUNTY ENVIRONMENTAL
PROTECTION DIVISION**

1. Status of exotic species within the parcel
2. A description of any problems encountered during evaluation and proposed solutions.
3. Panoramic photographs of the area.

A schedule is included as follows:

March 15, 2010	Time Zero Monitoring Event & Maintenance
April 15, 2010	Time Zero Monitoring Report Due
September 15, 2010	Monitoring and Maintenance Event
March 15, 2011	Monitoring and Maintenance Event
April 15, 2011	First Annual Monitoring Report Due
September 15, 2011	Monitoring and Maintenance Event
March 15, 2012	Monitoring and Maintenance Event
April 15, 2012	Second Annual Monitoring Report Due
September 15, 2012	Monitoring and Maintenance Event
March 15, 2013	Monitoring and Maintenance Event
April 15, 2013	Third Annual Monitoring Report Due
September 15, 2013	Monitoring and Maintenance Event
March 15, 2014	Monitoring and Maintenance Event
April 15, 2014	Fourth Annual Monitoring Report Due
September 15, 2014	Monitoring and Maintenance Event
March 15, 2015	Monitoring and Maintenance Event
April 15, 2015	Fifth Annual Monitoring Report Due

Success Criteria

Three consecutive years of areal coverage at less than 10% total nuisance and exotic species with exotics less than 5% total areal coverage.

Responsibilities

Unless modified through a permit transfer and/or permit modification, the applicant will be responsible for the short-term monitoring and maintenance activities and for perpetual maintenance activities within the 40-acre parcel, if required.

Florida Exotic Pest Plant Council's 2001 List of Invasive Species

DEFINITIONS: *Exotic*—a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. *Native*—a species whose natural range included Florida at the time of European contact (1500 AD). *Naturalized exotic*—an exotic that sustains itself outside cultivation (it has not "become" native). *Invasive exotic*—an exotic that not only has naturalized but is expanding on its own in Florida plant communities.

Abbreviations used:

for "Gov. list": P = Prohibited by Fla. Dept. of Environmental Protection, N = Noxious weed listed by Fla. Dept. of Agriculture & Consumer Services, U = Noxious weed listed by U.S. Department of Agriculture. for "Reg. Dis.": N = north, C = central, S = south, referring to each species' current distribution in general regions of Florida (not its potential range in the state). See map.



Category I - Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. *This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.*

Scientific Name	Common Name	Gov. list	Reg. Dist.
<i>Abrus precatorius</i>	rosary pea		C, S
<i>Acacia auriculiformis</i>	earleaf acacia		S
<i>Albizia julibrissin</i>	mimosa, silk tree		N, C
<i>Albizia lebbek</i>	woman's tongue		C, S
<i>Ardisia crenata</i> (= <i>A. crenulata</i>)	coral ardisia		N, C
<i>Ardisia elliptica</i> (= <i>A. humilis</i>)	shoebutton ardisia		S
<i>Asparagus densiflorus</i>	asparagus-fern		C, S
<i>Bauhinia variegata</i>	orchid tree		C, S
<i>Bischofia javanica</i>	bischofia		C, S
<i>Calophyllum antillanum</i> (= <i>C. calaba</i> ; <i>C. inophyllum</i> misapplied)	santa maria (names "mast wood," "Alexandrian laurel" used in cultivation)		S
<i>Casuarina equisetifolia</i>	Australian pine	P	N, C, S
<i>Casuarina glauca</i>	suckering Australian pine	P	C, S
<i>Cestrum diurnum</i>	day jessamine		C, S
<i>Cinnamomum camphora</i>	camphor-tree		N, C, S
<i>Colocasia esculenta</i>	wild taro		N, C, S
<i>Colubrina asiatica</i>	lather leaf		S
<i>Cupaniopsis anacardioides</i>	carrotwood	N	C, S
<i>Dioscorea alata</i>	winged yam	N	N, C, S
<i>Dioscorea bulbifera</i>	air-potato	N	N, C, S
<i>Eichhornia crassipes</i>	water-hyacinth	P	N, C, S
<i>Eugenia uniflora</i>	Surinam cherry		C, S
<i>Ficus microcarpa</i> (<i>F. nitida</i> & <i>F. retusa</i> var. <i>nitida</i> misapplied)	laurel fig		C, S
<i>Hydrilla verticillata</i>	hydrilla	P, U	N, C, S
<i>Hygrophila polysperma</i>	green hygro	P, U	N, C, S
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass		C, S
<i>Imperata cylindrica</i> (<i>I. brasiliensis</i> misapplied)	cogon grass	N, U	N, C, S
<i>Ipomoea aquatica</i>	waterspinach	P, U	C
<i>Jasminum dichotomum</i>	Gold Coast jasmine		C, S
<i>Jasminum fluminense</i>	Brazilian jasmine		C, S
<i>Lantana camara</i>	lantana, shrub verbena		N, C, S
<i>Ligustrum lucidum</i>	glossy privet		N, C
<i>Ligustrum sinense</i>	Chinese privet, hedge privet		N, C, S
<i>Lonicera japonica</i>	Japanese honeysuckle		N, C, S
<i>Lygodium japonicum</i>	Japanese climbing fern	N	N, C, S
<i>Lygodium microphyllum</i>	Old World climbing fern	N	C, S
<i>Macfadyena unguis-cati</i>	cat's claw vine		N, C, S
<i>Manilkara zapota</i>	sapodilla		S

<i>Melaleuca quinquenervia</i>	melaleuca, paper bark	P, N, U	C, S
<i>Melia azedarach</i>	Chinaberry		N, C, S
<i>Mimosa pigra</i>	cat-claw mimosa	P, N, U	C, S
<i>Nandina domestica</i>	nandina, heavenly bamboo		N
<i>Nephrolepis cordifolia</i>	sword fern		N, C, S
<i>Nephrolepis multiflora</i>	Asian sword fern		C, S
<i>Neyraudia reynaudiana</i>	Burma reed; cane grass	N	S
<i>Paederia cruddasiana</i>	sewer vine, onion vine	N	S
<i>Paederia foetida</i>	skunk vine	N	N, C, S
<i>Panicum repens</i>	torpedo grass		N, C, S
<i>Pennisetum purpureum</i>	Napier grass		C, S
<i>Pistia stratiotes</i>	water lettuce	P	N, C, S
<i>Psidium cattleianum</i> (= <i>P. littorale</i>)	strawberry guava		C, S
<i>Psidium guajava</i>	guava		C, S
<i>Pueraria montana</i> (= <i>P. lobata</i>)	kudzu	N, U	N, C, S
<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle	N	C, S
<i>Rhoeo spathacea</i> (see <i>Tradescantia spathacea</i>)			
<i>Ruellia brittoniana</i>	Mexican petunia		N, C, S
<i>Sapium sebiferum</i>	popcorn tree, Chinese tallow tree	N	N, C, S
<i>Scaevola sericea</i> (= <i>Scaevola taccada</i> var. <i>sericea</i> , <i>S. frutescens</i>)	scaevola, half-flower, beach naupaka		C, S
<i>Schefflera actinophylla</i> (= <i>Brassaia actinophylla</i>)	schefflera, Queensland umbrella tree		C, S
<i>Schinus terebinthifolius</i>	Brazilian pepper	P, N	N, C, S
<i>Senna pendula</i> (= <i>Cassia coluteoides</i>)	climbing cassia, Christmas cassia, Christmas senna		C, S
<i>Solanum tampicense</i> (= <i>S. houstonii</i>)	wetland night shade, aquatic soda apple	N, U	C, S
<i>Solanum viarum</i>	tropical soda apple	N, U	N, C, S
<i>Syngonium podophyllum</i>	arrowhead vine		C, S
<i>Syzygium cumini</i>	jambolan, Java plum		C, S
<i>Tectaria incisa</i>	incised halberd fern		S
<i>Thespesia populnea</i>	seaside mahoe		C, S
<i>Tradescantia fluminensis</i>	white-flowered wandering jew		N, C
<i>Tradescantia spathacea</i> (= <i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i>)	oyster plant		S
<i>Urochloa mutica</i> (= <i>Brachiaria mutica</i>)	Pará grass		C, S

Category II - Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. *These species may become ranked Category I, if ecological damage is demonstrated.*

Scientific Name	Common Name	Gov. list	Reg. Dist.
<i>Adenanthera pavonina</i>	red sandalwood		S
<i>Agave sisalana</i>	sisal hemp		C, S
<i>Aleurites fordii</i> (= <i>Vernicia fordii</i>)	tung oil tree		N, C
<i>Alstonia macrophylla</i>	devil-tree		S
<i>Alternanthera philoxeroides</i>	alligator weed	P	N, C, S
<i>Antigonon leptopus</i>	coral vine		N, C, S
<i>Aristolochia littoralis</i>	calico flower		N, C
<i>Asystasia gangetica</i>	Ganges primrose		C, S
<i>Begonia cucullata</i>	begonia		N, C
<i>Broussonetia papyrifera</i>	paper mulberry		N, C
<i>Callisia fragrans</i>	inch plant, spironema		C, S
<i>Casuarina cunninghamiana</i>	Australian pine	P	C, S
<i>Cordia dichotoma</i>	sebsten plum		S
<i>Cryptostegia madagascariensis</i>	rubber vine		C, S
<i>Cyperus involucratus</i> (<i>C. alternifolius</i> misapplied)	umbrella plant		C, S
<i>Cyperus prolifer</i>	dwarf papyrus		C
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo		C, S
<i>Elaeagnus pungens</i>	thorny eleagnus		N, C
<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>	pothos		C, S
<i>Ficus altissima</i>	false banyan		S
<i>Flacourtia indica</i>	governor's plum		S
<i>Flueggea virosa</i>	Chinese waterberry		S
<i>Hibiscus tiliaceus</i>	mahoe, sea hibiscus		C, S
<i>Hiptage benghalensis</i>	hiptage		S
<i>Jasminum sambac</i>	Arabian jasmine		S
<i>Koeleruteria elegans</i>	flamegold tree		C, S

<i>Leucaena leucocephala</i>	lead tree		N, C, S
<i>Limnophila sessiliflora</i>	Asian marshweed		N, C, S
<i>Melinis minutiflora</i>	molasses grass		S
<i>Merremia tuberosa</i>	wood-rose		S
<i>Murraya paniculata</i>	orange-jessamine		S
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil	P	N, C, S
<i>Ochrosia elliptica</i> (= <i>O. parviflora</i>)	kopsia		C, S
<i>Oeceoclades maculata</i>	ground orchid		C, S
<i>Passiflora biflora</i>	twin-flowered passion vine		S
<i>Passiflora foetida</i>	stinking passion-flower		C, S
<i>Pennisetum setaceum</i>	green fountain grass		S
<i>Phoenix reclinata</i>	Senegal date palm		C, S
<i>Phyllostachys aurea</i>	golden bamboo		N, C
<i>Pteris vittata</i>	Chinese brake fern		N, C, S
<i>Ptychosperma elegans</i>	solitary palm		S
<i>Rhynchelytrum repens</i>	Natal grass		N, C, S
<i>Ricinus communis</i>	castor bean		N, C, S
<i>Sansevieria hyacinthoides</i>	bowstring hemp		C, S
<i>Sesbania punicea</i>	purple sesban, rattlebox		N, C, S
<i>Solanum diphyllum</i>	twinleaf nightshade		N, C, S
<i>Solanum jamaicense</i>	Jamaica nightshade		C
<i>Solanum torvum</i>	susumber, turkey berry	N, U	N, C, S
<i>Syzygium jambos</i>	rose-apple		C, S
<i>Terminalia catappa</i>	tropical almond		C, S
<i>Terminalia muelleri</i>	Australian almond		C, S
<i>Tribulus cistoides</i>	puncture vine, bur-nut		N, C, S
<i>Urena lobata</i>	Caesar's weed		N, C, S
<i>Wedelia trilobata</i>	wedelia		N, C, S
<i>Wisteria sinensis</i>	Chinese wisteria		N, C
<i>Xanthosoma sagittifolium</i>	malanga, elephant ear		N, C, S

The 2001 list was prepared by the FLEPPC Plant List Committee:

Daniel F. Austin (CO-CHAIR), Department of Biological Sciences, Florida Atlantic University, Boca Raton, FL 33431

Keith Bradley, Institute for Regional Conservation, 22601 S. W. 152nd Ave., Miami, FL 33170

Kathy Craddock Burks (CO-CHAIR), Bureau of Invasive Plant Management, Florida Department of Environmental Protection, 3915 Commonwealth Blvd., MS 710, Tallahassee, FL 32399

Nancy Craft Coile, Division of Plant Industry, Florida Department of Agriculture and Consumer Services, P.O. Box 147100, Gainesville, FL 32614

James G. Duquesnel, Florida Park Service, Florida Department of Environmental Protection, P.O. Box 487, Key Largo, FL 33037

David W. Hall, Consulting botanist, 6241 N. W. 23rd St., Gainesville, FL 32653

Roger L. Hammer, Department of Parks and Recreation, Miami-Dade County, 22200 S. W. 137th Ave., Miami, FL 33170

Kenneth A. Langeland, Center for Aquatic and Invasive Plants, IFAS, University of Florida, 7922 N. W. 71st St., Gainesville, FL 32606

Robert W. Pemberton, Agricultural Research Station, U.S. Department of Agriculture, 2305 College Ave., Ft. Lauderdale, FL 33314

Daniel B. Ward, Department of Botany, University of Florida, 220 Bartram Hall, Gainesville, FL 32611

Richard P. Wunderlin, Institute for Systematic Botany, Department of Biological Sciences, University of South Florida, Tampa, FL 33620

www.fleppc.org




Legend

 General Drive 40-acres at Ginn

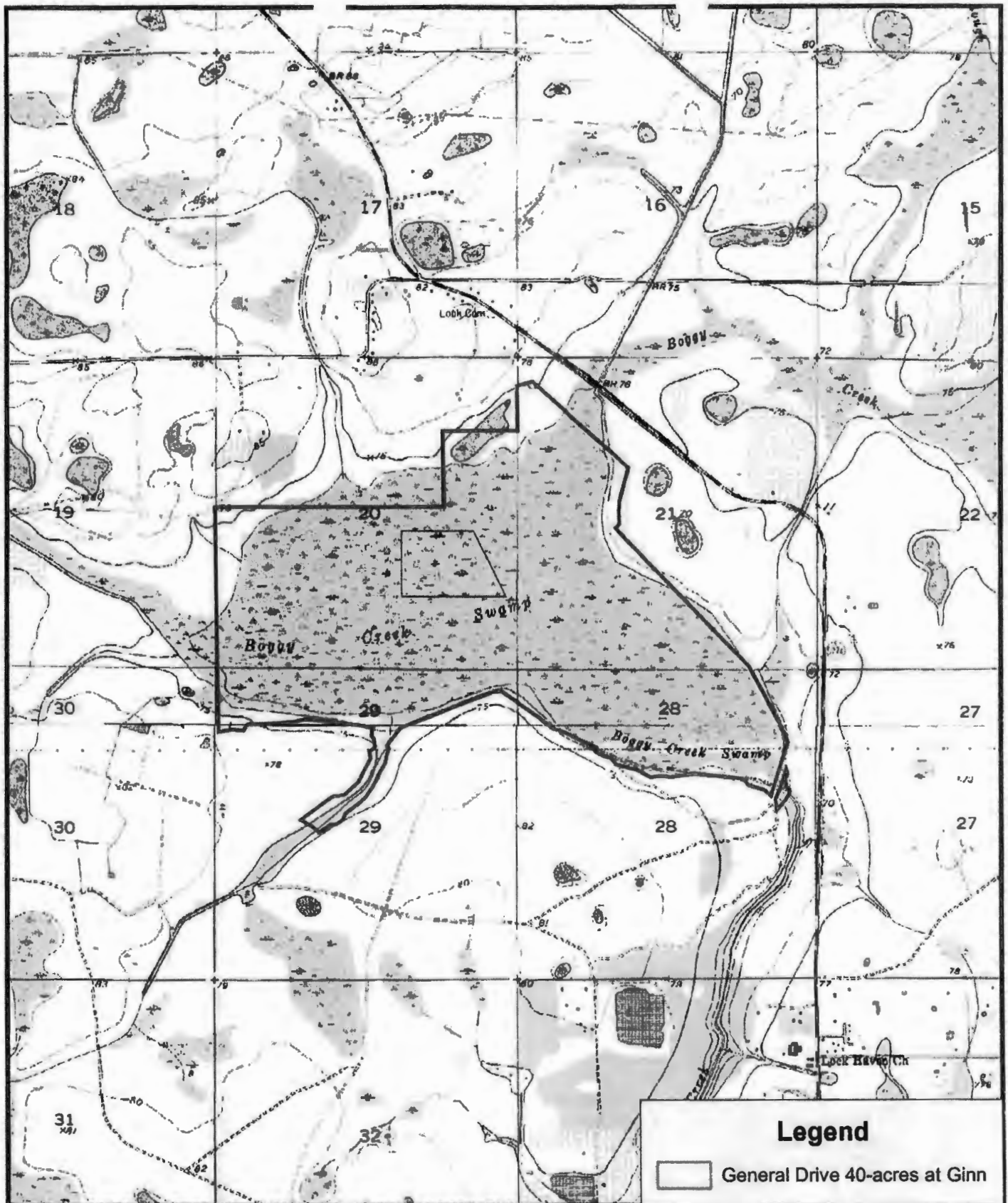
Bio-Tech Consulting Inc.
Environmental and Permitting Services
2002 E. Robinson St. Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

Ginn Mitigation Site
Orange County, Florida
General Drive Mitigation
2008 Aerial Photograph



0 385 770 1,540 Feet


Project #: 196-01
Produced By: DBG
Date: 1/21/2010



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Ginn Mitigation Site
 Orange County, Florida
 General Drive Mitigation
 USGS Topographic Map



0 600 1,200 2,400 Feet

Project #: 196-01
 Produced By: DBG
 Date: 1/21/2010



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Ginn Mitigation Site
 Orange County, Florida
 General Drive Mitigation
 USDA-NRCS Soils Map



0 385 770 1,540 Feet

Project #: 196-01
 Produced By: DBG
 Date: 1/21/2010



Legend


630 - Wetland Forested Mixed

 General Drive 40-acres at Ginn

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Ginn Mitigation Site
Orange County, Florida
General Drive Mitigation
FLUCFCS Map



0 390 780 1,560 Feet


Project #: 196-01
Produced By: DBG
Date: 1/21/2010

Excel Engineering
ENVIRONMENTAL & CIVIL ENGINEERS
122 MILLBURN BOULEVARD
GARDEN CITY, N.J. 07633
TEL: (201) 366-2380 FAX: (201) 366-1563
CERTIFICATE OF AUTHORIZATION NO. 27641

RECEIVED

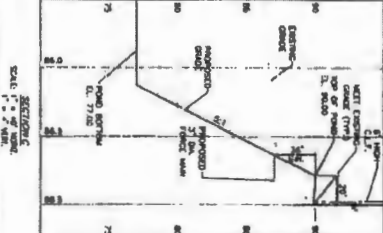
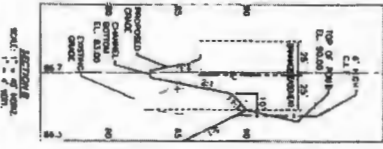
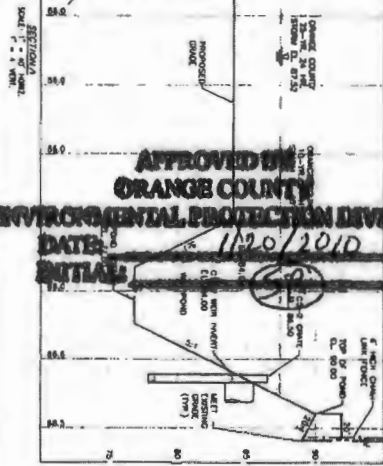
JAN 20 2010

ORANGE COUNTY ENVIRONMENTAL
PROTECTION DIVISION

APPROVED BY
ORANGE COUNTY

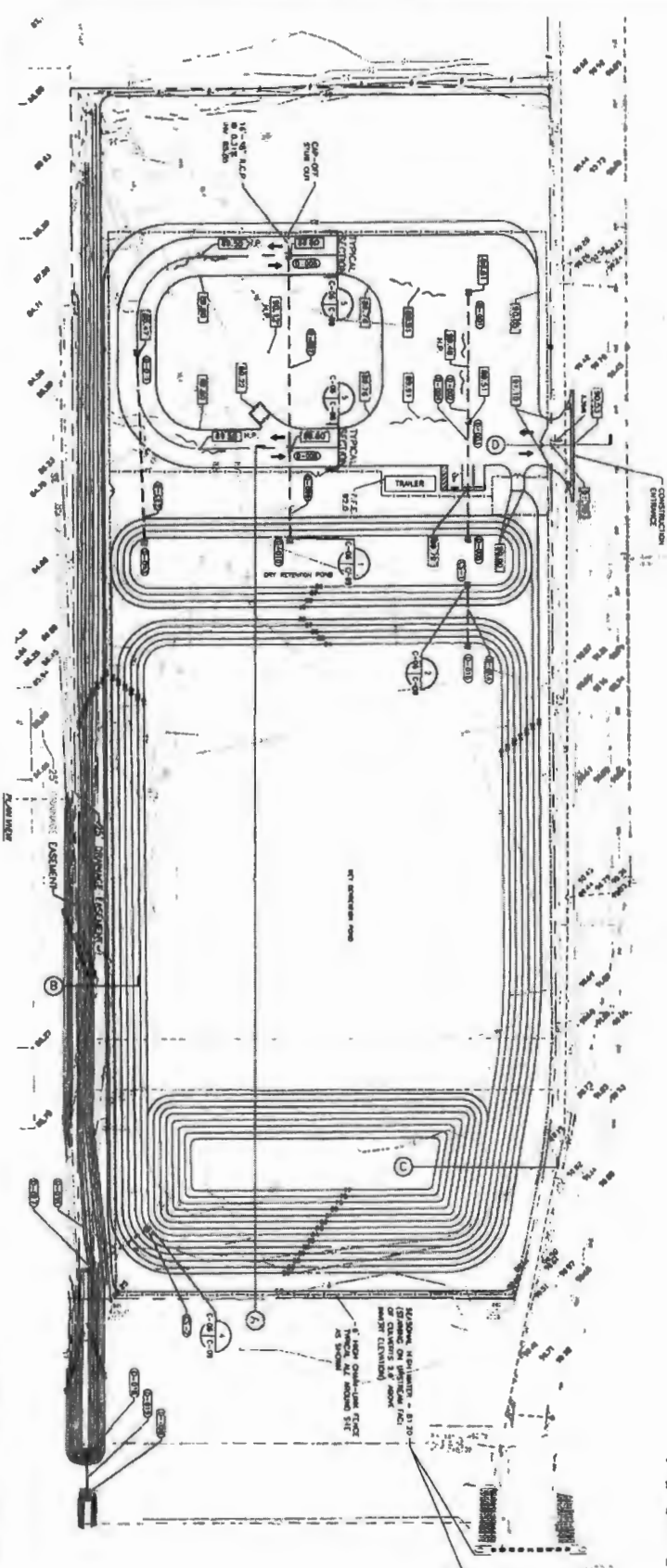
ENVIRONMENTAL PROTECTION DIVISION

DATE: 1/20/2010
INITIAL: [Signature]



NOT FOR CONSTRUCTION

NO.	DESCRIPTION	NO.	DESCRIPTION
1	1.0' DIA. 10' HIGH	11	1.0' DIA. 10' HIGH
2	1.0' DIA. 10' HIGH	12	1.0' DIA. 10' HIGH
3	1.0' DIA. 10' HIGH	13	1.0' DIA. 10' HIGH
4	1.0' DIA. 10' HIGH	14	1.0' DIA. 10' HIGH
5	1.0' DIA. 10' HIGH	15	1.0' DIA. 10' HIGH
6	1.0' DIA. 10' HIGH	16	1.0' DIA. 10' HIGH
7	1.0' DIA. 10' HIGH	17	1.0' DIA. 10' HIGH
8	1.0' DIA. 10' HIGH	18	1.0' DIA. 10' HIGH
9	1.0' DIA. 10' HIGH	19	1.0' DIA. 10' HIGH
10	1.0' DIA. 10' HIGH	20	1.0' DIA. 10' HIGH



GENERAL DRIVE
SEPTAGE FACILITY

PAVING, GRADING,
DRAINAGE AND CROSS
SECTIONS

Excel Engineering
ENVIRONMENTAL & CIVIL ENGINEERS
1300 WILSON AVENUE
GARDEN CITY, FL 33455
TEL: (407) 300-0000 FAX: (407) 300-0000
CERTIFICATE OF AUTORIZATION NO. 27441



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT MODIFICATION

Permit No: 09-015

Date Issued: August 6, 2009

Date Expires: August 6, 2014

History: Permit 02-036 was issued on March 3, 2003. The original permit included approval of impacts to 1.15 acres of Class I wetlands, 0.28 acre of Class II wetlands, and 11.81 acres of Class III wetlands. That permit was subsequently modified on March 23, 2004, and authorized an additional 0.02 acre of impact to wetland W32 and an additional 0.02 acre of impact to wetland W33 (see Figure 3B). Mitigation for the approved wetland impacts included 71.46 acres of wetland preservation, 2.21 acres of wetland restoration, 0.57 acre of wetland enhancement, 18.16 acres of upland enhancement, and 19.77 acres of upland preservation, as noted on the Greenway Park DRI Mitigation Activity Ledger (see Table 3A). In addition, activities consistent with the original CAI Permit (02-036) will be or have been implemented, including 15.76 acres of wetland preservation, 9.80 acres of wetland restoration, 1.73 acres of wetland enhancement, 11.93 acres of upland enhancement, and 22.51 acres of upland preservation.

This permit modification authorizes:

- Impact to 0.06 acre of a Class III wetland identified as W37 in order to reconfigure development uses; and
- Accounts for a 1.46-acre reduction in the size and location of the previously identified lands slated for preservation located east of WR1-B/WE-33. The final mitigation plan will increase the amount of acreage identified for wetland restoration (from 9.68 acres to 10.08 acres) and wetland enhancement (from 2.23 acres to 2.30 acres), while decreasing upland preservation east of the creek (i.e. lands previously identified for preservation located east of WR1-B/WE-33) from 3.03 acres to 1.78 acres (see Figure 4); and
- Removes an 11.61-acre portion of the lands (2.28 acres of wetlands and 9.33 acres of uplands) identified for preservation as part of CAI 02-036 that lie within powerline easement. The lands within the utility easement will not be placed under conservation easement due to the underlying utility easement and thus are not shown as preservation (see Figure 5). These lands will be maintained within the utility easement compatible with the intent of the original mitigation plan.

This permit modification supplements CAI 02-036 and its subsequent modification. This permit can be staff issued pursuant to the streamlining approval at the February 5, 2008 Board of County Commissioners Meeting.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

A ±1418.06 acre parcel of property located south of Wetherbee Road and west of Boggy Creek Road and is traversed by the Central Florida Greenway (SR 417), Orange County, Florida 32824
Sections 16, 20, 21, 28, 29, Township 24 South, Range 30 East
Orange County Commission District: 4

Permittee / Authorized Entity:

Greenway Park DRI, LLC
c/o Randy Mejeur – rmejeur@glatting.com
Glatting Jackson Kercher Anglin, Inc.
120 North Orange Avenue
Orlando, Florida 32801

Orange County Environmental Protection Division, 800 Mercy Drive, Suite 4, Orlando, Florida 32808-7896.
Fax: 407-836-1499 - www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Permit conditions in Conservation Area Impact #02-036 shall remain in place and in full effect unless modified by this permit modification. The following conservation area signage requirements, berm & swale/wall requirements, and mitigation monitoring and reporting requirements will only apply to the new impacts and associated mitigation to the wetland known as W37 and the newly formed conservation fringe associated with the reconfigured upland preservation area east of the creek (i.e. lands previously identified for preservation located east of WR1-B/WE-33).
2. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. The signage must substantially conform to the standard Environmental Protection Division (EPD) signage template in both size and language. The signs must be installed prior the certificate of occupancy.
3. The wetland impacts must be done in accordance with Figure 4 as dated as received by EPD on April 23, 2009.
4. The mitigation plan must be implemented in accordance with Figure 5 as dated as received by EPD on April 23, 2009. Mitigation for the approved wetland impacts must include at least 71.46 acres of wetland preservation, 2.21 acres of wetland restoration, 0.57 acre of wetland enhancement, 18.16 acres of upland enhancement, and 19.77 acres of upland preservation.
5. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
6. Properties must have an environmental berm and swale or wall installed prior to the certificate of completion for any of the subject lots. If a berm and swale are utilized then they must be maintained throughout construction. EPD must be notified for inspection purposes prior to issuance of certificate of occupancy. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berm and swale shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement. If a wall is utilized then it shall be placed landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer).
7. This permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and shall include restrictions on the real property pursuant to the requirements set forth below:
 - (a) The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.

-
- (b) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title is subject to review and approval by the Orange County Real Estate Management Division.
- (c) If impacts to an upland defined as River Corridor Protection Zone (Chapter 15, Section 15-443(1)), or as required per Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.
- (d) The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners.
- (e) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (f) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.
- (g) Upon approval of the final executed documents by Orange County, the conservation easement shall be scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.

-
- (h) Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
 - (i) At least forty-five days prior to (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required, (2) clearing any upland within the River Corridor Protection Area or as required per Chapter 15, Article XI, Section 15-442(f), (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.
- 8. The mitigation enhancement and monitoring must be conducted in accordance with the plan (Figure 5) received by EPD on April 23, 2009.
 - 9. Successful establishment of the wetland mitigation will have occurred when:
 - a. At least 90 percent of the planted individuals within each stratum have survived throughout the monitoring period and showing signs of normal growth based upon standard growth parameters such as height and base diameter or canopy circumference, and
 - b. At least 85 percent cover by appropriate wetland herbaceous species has been obtained, and
 - c. Hydrologic conditions generally conform to those specified in the mitigation plan, and
 - d. The mitigation area comprises less than 10 percent nuisance vegetation and less than 5 percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2007 List of Invasive Species Category I and II, and
 - e. The above criteria has been met at the end of a (three or five) year monitoring period.
 - 10. A baseline monitoring report that clearly shows site conditions prior to mitigation activities must be submitted to EPD prior to initiation of any mitigation activities. This report needs to include, at a minimum the following information (site location, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion).
 - 11. The permittee is required monitor semi-annually and submit annual monitoring reports to EPD upon completion of the on-site restoration/enhancement activities. This report needs to include, at a minimum the following information (site location, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion). If at the end of the 5 year monitoring period, the mitigation area is not meeting the monitoring success criteria, the permittee is required to provide a restoration plan or modified mitigation plan, and may be required to continue monitoring until success has been demonstrated.

General Conditions:

- 12. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
- 13. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.

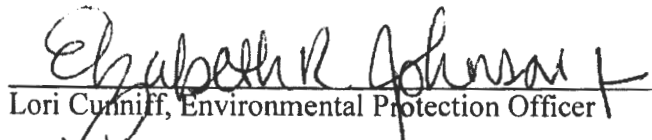
14. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
15. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
16. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
17. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
18. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
19. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
20. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
21. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
22. The permittee shall notify EPD, in writing, within thirty 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. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County.
23. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
24. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
25. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.

26. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
27. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
28. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
29. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
30. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
31. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
32. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Steve Rich, Senior Environmental Specialist



Lori Cuniff, Environmental Protection Officer

SR/MT/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: James Zboril, President, Greenway Park DRI, LLC
9350 Conroy Windermere Road, Windermere, FL 34786



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 09-015 Greenway Park DRI LLC

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

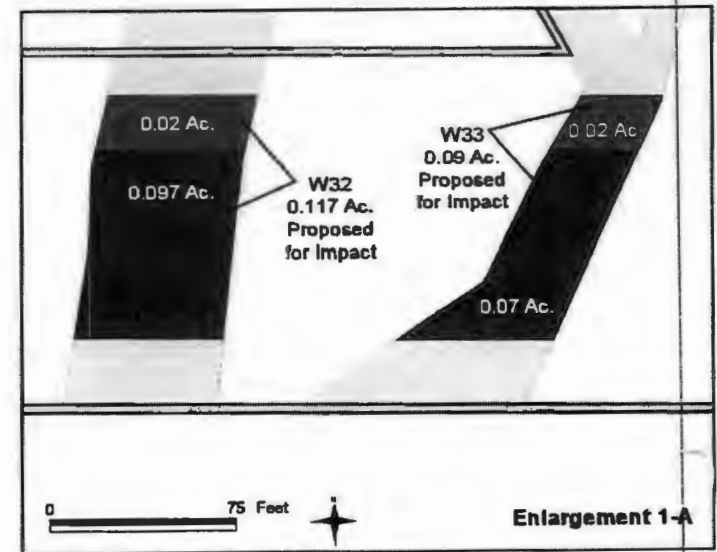
Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



LEGEND

- Ginn Property Boundary
- Roads B and D Construction Boundary
- Wetlands and Surface Waters
- Previously Permitted Wetland Impacts (W32 & W33)
- Additional Wetland Impacts (W32 & W33)

APPROVED BY
 ORANGE COUNTY
 ENVIRONMENTAL PROTECTION DIVISION
 DATE: 8/6/09
 INITIAL: GO

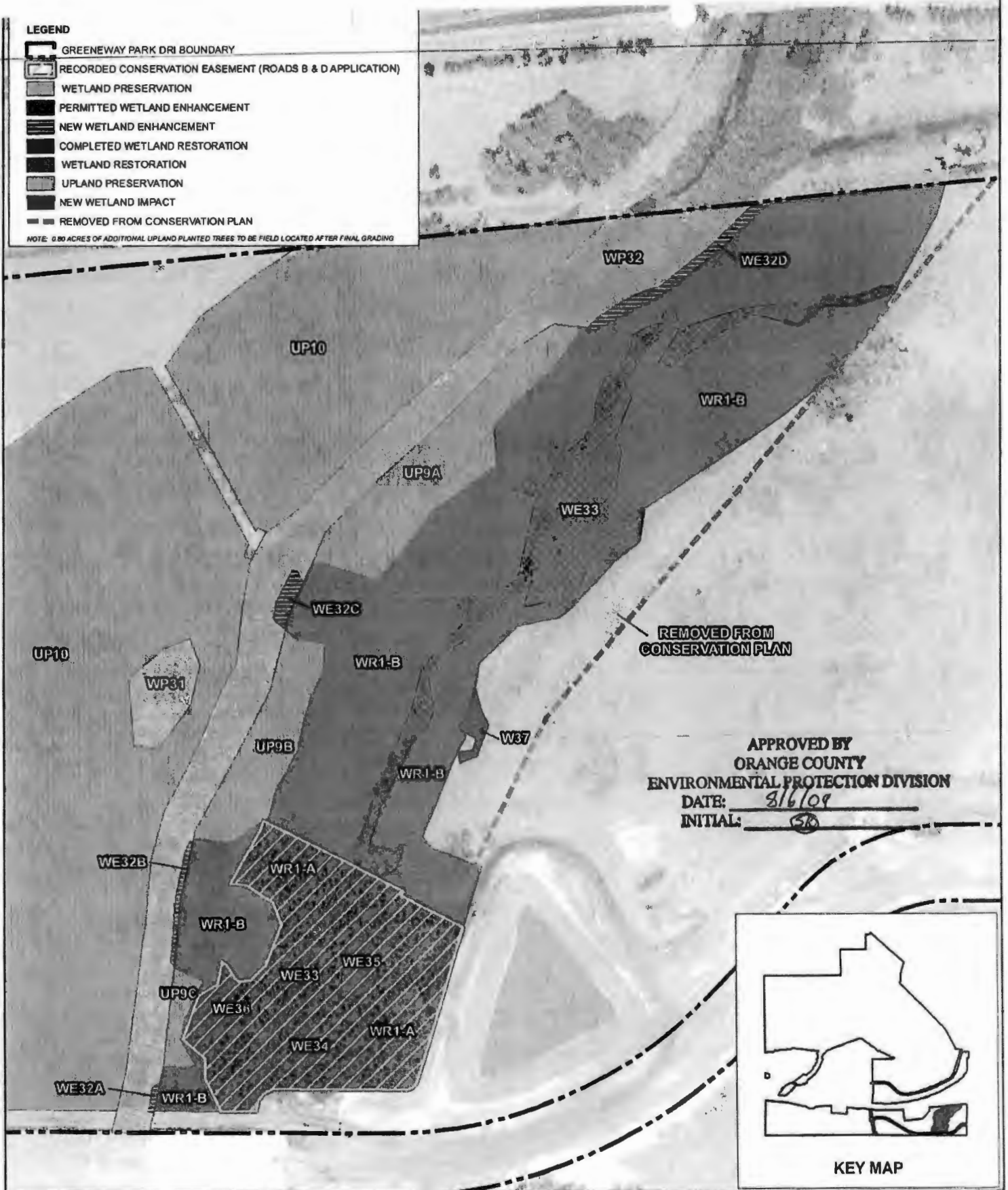
0 1500 Feet

See Enlargement 1-A



Project #: 15545.24
 Date: December, 2003
 Source: Miller Einhouse Rymer & Boyd, Inc, and Glatting Jackson
 Z:\Projects\15545_01\Work\AV\Projects\nds_b_and_d_caip_mud_12_03.apr

Figure 3B (formerly Figure 1)
Additional Wetland Impacts
Roads B & D CAIP Modification
Ginn Property



GJ# 21237 0
April 2009
Data Source: Glatting Jackson

0 200 Feet



Figure 4
Proposed Mitigation Plan Changes Detail View
CAIP Modification
Greeneway Park DRI

Table 3A. The Greenway Park DRI Orange County Mitigation Activity Ledger

Application Number	Date	Impact Acres Requiring Mitigation (acres)	Parcels Placed Under Conservation Easement	Parcel Acreage (acres)	Parcels Used for Mitigation	Parcels Used For Mitigation Acreage	Ratio	Mitigation Provided	Preserved Parcels Not Used for Mitigation	Preserved Parcels Not Used for Mitigation Acreage	Running Balance	
											Parcel	Acres
Ginn Infrastructure Road A (Phase I)	2/14/2003	3.48 (W1, W9, W12, W13, W14, W17)	WP1A	3.14								
			WP9A1	2.53								
			WP9A2	0.31								
			WP9A3	3.57								
			WP9B	0.41								
			WP9C	0.06								
			WP10	2.65								
			WP11	5.46	WP1	3.14	15:1	0.21	WP9A1	2.53	B1	0.32
			UP6	0.02	WP9A3	3.57	15:1	0.24	WP9A2	0.31	BCS	841.92
			UP7A	0.13	WP9B	0.41	15:1	0.03	W10	2.65	WP9A1	2.53
			UP7B	0.15	WP9C	0.06	15:1	0.00	UP11	2.66	WP9A2	0.31
			UP7C	0.12	WP11	5.46	15:1	0.36	UP12	9.28	W10	2.65
			UP11	2.66	UP7A	0.13	7:1	0.02	UP13B	9.28	UP11	2.66
			UP12	9.28	UP7B	0.16	7:1	0.02	UP13C	10.01	UP12	9.28
			UP12***	9.28	UP7C	0.12	7:1	0.02	UP15B1	1.11	UP13B	9.28
			UP13B	10.01	UP13B	1.52	4:1	0.38	UP15B2	0.76	UP13C	10.01
			UP13C	10.01	UP14	7.63	7:1	1.09	UP17	1.67	UP15B1	1.11
			UP14	7.63	UP15B	0.15	7:1	0.02	UP18	0.21	UP15B2	0.76
			UP15B1	1.11	UP16B	7.56	7:1	1.08	UP19	2.80	UP17	1.67
			UP15B2	0.76	UP6/UP16	0.08	7:1	0.01	B1	0.32	UP18	0.21
			UP15B3	0.15					BCS	841.92	UP19	2.80
			UP16	0.04								
			UP16B	7.56								
			UP17***	1.67								
			UP18***	0.21								
			UP19***	2.80								
			B1*	0.32								
			BCS**	841.92								
			Totals:	915.47		29.96		3.48		885.51		885.51
D.R. Horton Residential (Phase I)	6/27/2003	0.58 (W18)			UP13D***	2.32	4:1	0.58			B1	0.32
											BCS	841.92
											WP9A1	2.53
											WP9A2	0.31
											W10	2.65
											UP11	2.66
											UP12	9.28
											UP13B	9.28
											UP13C	10.01
											UP15B1	1.11
											UP15B2	0.76
											UP17	1.67
											UP18	0.21
											UP19	2.80
			Totals:	0.00		2.32		0.58		0.00		883.19
Ginn Infrastructure Roads B&D	8/20/2003	2.66 (W29, W30, W32, W33)	WE33	0.16	WR1-A	2.22	2:1	1.11			B1	0.32
			WE34	0.06	WP32/WP33	0.11	15:1	0.01			BCS	841.92
			WE35	0.14	UP13B	5.04	4:1	1.26			WP9A1	2.53
			WE36	0.21	WE33/34/35/36	0.57	2:1	0.28			WP9A2	0.31
			WP32	0.08							W10	2.65
			WP33	0.05							UP11	2.66
			WR1-A	2.22							UP12	9.28
											UP13B	9.28
											UP13C	10.01
											UP15B1	1.11
											UP15B2	0.76
											UP17	1.67
											UP18	0.21
											UP19	2.80
			Totals:	2.90		7.94		2.66		0.00		878.15

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
 DATE: 8/16/09
 INITIAL: (SD)

Table 3A. The Greenway Park DRI Orange County Mitigation Activity Ledger

Application Number	Date	Impact Acres Requiring Mitigation (acres)	Parcels Placed Under Conservation Easement	Parcel Acreage (acres)	Parcels Used for Mitigation	Parcels Used For Mitigation Acreage	Ratio	Mitigation Provided	Preserved Parcels Not Used for Mitigation	Preserved Parcels Not Used for Mitigation Acreage	Running Balance	
											Parcel	Acres
D.R. Horton Residential (Phase II)******	11/10/2003	-	-	-	-			-	-	-	B1	0.32
											BCS	841.92
											WP9A1	2.53
											WP9A2	0.31
											W10	2.65
											UP11	2.66
											UP12	9.28
											UP13B	1.92
											UP13C	10.01
											UP15B1	1.11
											UP15B2	0.76
											UP17	1.87
											UP18	0.21
											UP19	2.80
Totals:				0.00				0.00		0.00		878.15
D.R. Horton Residential Phase III	12/8/2005	0.36 (W16)	B3* B4* B5* B6* SW12 UP1 UP2 UP3 UP4 WP19	1.25 0.24 0.67 0.21 2.06 3.46 0.79 1.16 1.47 7.61	B5* UP2 UP4	0.67 0.79 1.47	15:1 7:1 7:1	0.04 0.11 0.21	B1 B3 B4 B6 SW12 UP1 UP3 WP19	0.32 1.25 0.24 0.21 2.06 3.46 1.16 7.61	B1	0.32
											B3	1.25
											B4	0.24
											B6	0.21
											BCS	841.92
											SW12	2.06
											UP1	3.46
											UP3	1.16
											UP11	2.66
											UP12	9.28
											UP13B	1.92
											UP13C	10.01
											UP15B1	1.11
											UP15B2	0.76
											UP17	1.87
											UP18	0.21
											UP19	2.80
											WP9A1	2.53
											WP9A2	0.31
											W10	2.65
											WP19	7.61
Totals:				18.92		2.93		0.36		16.31		894.14
D.R. Horton Residential Phase IV	11/17/2006	5.28 (W22, W23, W25, W27, W28)	WP21 WP26 WP27 SW3	41.71 5.99 6.65 0.13	WP10 WP21 UP12	2.65 41.71 9.28	15:1 15:1 4:1	0.18 2.78 2.32	SW3 WP26 WP27	0.13 5.99 6.65	B1	0.32
											B3	1.25
											B4	0.24
											B6	0.21
											BCS	841.92
											SW3	0.13
											SW12	2.06
											UP1	3.46
											UP3	1.16
											UP11	2.66
											UP13B	1.92
											UP13C	10.01
											UP15B1	1.11
											UP15B2	0.76
											UP17	1.87
											UP18	0.21
											UP19	2.80
											WP9A1	2.53
											WP9A2	0.31
											WP19	7.61
											WP26	5.99
WP27	6.65											
Totals:				54.48		53.64		5.28		12.77		894.98

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION

DATE: 5/6/09

INITIAL: 

Table 3A. The Greenway Park DRI Orange County Mitigation Activity Ledger

Application Number	Date	Impact Acres Requiring Mitigation (acres)	Parcels Placed Under Conservation Easement	Parcel Acreage (acres)	Parcels Used for Mitigation	Parcels Used For Mitigation Acreage	Ratio	Mitigation Provided	Preserved Parcels Not Used for Mitigation	Preserved Parcels Not Used for Mitigation Acreage	Running Balance	
											Parcel	Acres
Middlesex Permit (Offsite Mitigation) 06-085	3/9/2007	37.90			BCS WP9A1 WP9A2 UP15B1 UP15B2	215.29 2.53 0.31 1.11 0.76	UMAM	37.90			B1	0.32
											B3	1.25
											B4	0.24
											B6	0.21
											BCS	626.63
											SW3	0.13
											SW12	2.06
											UP1	3.46
											UP3	1.16
											UP11	2.66
											UP13B	1.92
											UP13C	10.01
											UP17	1.67
											UP18	0.21
											UP19	2.80
											WP19	7.61
											WP26	5.99
											WP27	6.65
Totals:			0.00		220.00		37.90		0.00		674.98	
Kailey's Ridge (Offsite Mitigation) 06-043	3/14/2007	4.21			BCS	40.00	UMAM	4.21			B1	0.32
											B3	1.25
											B4	0.24
											B6	0.21
											BCS	586.63
											SW3	0.13
											SW12	2.06
											UP1	3.46
											UP3	1.16
											UP11	2.66
											UP13B	1.92
											UP13C	10.01
											UP17	1.67
											UP18	0.21
											UP19	2.80
											WP19	7.61
											WP26	5.99
											WP27	6.65
Totals:					40.00		4.21				634.98	
Middlesex Permit (Offsite Mitigation) 07-014	5/31/2007	3.49			BCS	101.00	UMAM	3.49			B1	0.32
											B3	1.25
											B4	0.24
											B6	0.21
											BCS	485.63
											SW3	0.13
											SW12	2.06
											UP1	3.46
											UP3	1.16
											UP11	2.66
											UP13B	1.92
											UP13C	10.01
											UP17	1.67
											UP18	0.21
											UP19	2.80
											WP19	7.61
											WP26	5.99
											WP27	6.65
Totals:			0.00		101.00		3.49		0.00		533.98	

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION

DATE: 8/6/09

INITIAL: SD

Table 3A. The Greenway Park DRI Orange County Mitigation Activity Ledger

Application Number	Date	Impact Acres Requiring Mitigation (acres)	Parcels Placed Under Conservation Easement	Parcel Acreage (acres)	Parcels Used for Mitigation	Parcels Used For Mitigation Acreage	Ratio	Mitigation Provided	Preserved Parcels Not Used for Mitigation	Preserved Parcels Not Used for Mitigation Acreage	Running Balance	
											Parcel	Acres
Airport South Permit (Offsite Mitigation, CAJ 03-028)	4/8/2009	10.71			BCS	139.20	13:1	10.71			B1	0.32
											B3	1.25
											B4	0.24
											B6	0.21
											BCS	346.43
											SW3	0.13
											SW12	2.06
											UP1	3.46
											UP3	1.16
											UP11	2.66
											UP13B	1.92
											UP13C	10.01
											UP17	1.67
											UP18	0.21
											UP19	2.80
											WP19	7.61
											WP26	5.99
											WP27	6.65
Totals:				0.00		139.20		10.71		0.00	394.78	
Greenway Park Mass Grading Permit (This Application)	6/24/2009	New Impact 0.06 (W37) Permitted Impact 0.85 (W33 and W8)	UP7 UP8A UP9B UP9C UP10 WE32***** WE33***** WP31 WP32 WP9D WR1-B	1.84 1.04 0.62 0.12 13.20 0.22 1.51 0.30 2.69 0.75 7.86	UP9A WP19 WP26 WP9D	1.04 7.61 5.99 0.75	7:1 15:1 30:1 15:1	0.15 0.51 0.20 0.05	UP7 UP9B UP9C UP10 WE32 WE33 WP31 WP32 WR1-B	1.84 0.62 0.12 13.20 0.22 1.51 0.30 2.69 7.66	B1	0.32
											B3	1.25
											B4	0.24
											B6	0.21
											BCS	346.43
											SW3	0.13
											SW12	2.06
											UP1	3.46
											UP3	1.16
											UP7	1.84
											UP9B	0.62
											UP9C	0.12
											UP9B	0.62
											UP9C	0.12
											UP10	13.20
											UP11	2.66
											UP13B	1.92
											UP13C	10.01
											UP17	1.67
											UP18	0.21
											UP19	2.80
											WE32	0.22
											WE33	1.51
											WP27	6.65
WP31	0.30											
WP32	2.69											
WR1-B	7.86											
Totals:				30.15		15.39		0.91		28.36	409.54	

Total Scheduled to be Placed Under CE: 1021.92

Total Already Placed under CE****: 637.29

* Represents acreage of buffer areas that exceed the standard SFWMD 25 foot wide buffer.

** The majority of Boggy Creek Swamp (BCS) is being reserved for future mitigation value.

***The portion of UP13B used for mitigation in the D.R. Horton Residential (Ph. 1) (SFWMD Application #030305-6) has been renamed UP13D.

****Wetlands associated with DR Horton Phase IV (WP21, 26, 27, and SW3) have not yet been placed under conservation easement, but impacts associated with these impacts have also not yet been realized. The SFWMD is currently reviewing a modification request for the area including these wetlands. Upon approval of this modification request, the wetland areas would be scheduled to be placed under conservation easement.

*****No mitigation credit is sought for these areas, and they not anticipated to be used for mitigation within the DRI

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 8/6/09
INITIAL: SR

Rich, Steve

From: Randy Mejeur [RMejeur@Glatting.com]
Sent: Monday, July 13, 2009 4:42 PM
To: Rich, Steve
Subject: RE: Greenway Park CAI Permit DRAFT

Steve,
I went back and reviewed the GIS file I had for the project... the numbers should be:
11.61-acre portion of the lands (2.28 acres of wetlands/surface waters and 9.33 acres of uplands)
For the wetlands – the acreage breakdown is 2.12 wetlands (W1, W9, W10, W11, W19) and 0.16 acre surface waters (a canal – SW12). For the uplands – named upland parcels (UP12, UP13, UP15, UP16) within the powerline easement cover 8.61 acres, while an additional 0.72 acre of upland buffers also occur. I just lumped the buffers with the other upland parcels to obtain the 9.33 acres noted above. I hope that helps.

Would you be available for a brief phone call tomorrow morning (before 9) or afternoon (after 2)? I wanted to ask a couple of clarifying questions about a few of the proposed conditions to make sure I understood how to implement them appropriately.
Thanks!
Randy

*Randy Mejeur, M.S., LEED AP
Senior Ecologist
Glatting Jackson Kercher Anglin, Inc.
120 North Orange Avenue
Orlando, FL 32801
Ph: 407.843.6552
Cell: 407.468.3466
Fax: 407.839.1789
rmejeur@glatting.com*

From: Steve.Rich@ocfl.net [mailto:Steve.Rich@ocfl.net]
Sent: Friday, July 10, 2009 1:06 PM
To: Randy Mejeur
Subject: Greenway Park CAI Permit DRAFT

Randy,
Here is the draft copy of the permit that EPD is probably going to go with. The yellow highlighted sentence in the beginning has a problem. The numbers do not add up. Please let me know the correct numbers.

Thanks, Steve

PLEASE NOTE: Florida has a very broad public records law (F. S. 119). All e-mails to and from County Officials are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

8/5/2009



Environmental Protection Division

REVISED CONSERVATION AREA IMPACT PERMIT

CERTIFIED MAIL: 7008 3230 0000 8355 4316

Permit No: 10-011

Date Issued: February 25, 2009

Revised Date: June 18, 2009

Date Re-issued: June 22, 2010

Date Expires: February 25, 2014

Permit History and Authorization:

In August 1991, Conservation Area Determination (CAD) #89-50 was issued for the Spring Rise Subdivision. In June 1994, Conservation Area Impact (CAI) Permit #93-43 was issued to the Les Springs Subdivision (fka Spring Rise). This permit authorized approximately 10.21 acres of impact to wetlands and required 10.3 acres of wetland creation, 1.5 acres of wetland enhancement, 230.9 acres of wetland preservation, and 110.2 acres of upland buffer preservation.

On March 18, 2009, CAI permit #08-062 was issued that authorized a change in location of a 0.65-acre portion of onsite upland buffers as well as a slight increase to its size (0.73 acres). No additional wetland impacts were authorized by this permit.

On June 25, 2009, CAI Permit #08-062 was revised again to allow for a reduction to a 0.58-acre portion of the onsite upland preservation. This was required to exclude portions of a utility easement from the proposed conservation easement. Sheet EX3 from Interplan, LLC and submitted by Bio-Tech, Inc. dated as received by the Environmental Protection Division (EPD) on December 19, 2008 reflects this change. No additional wetland impacts were authorized with this permit.

This permit (CAI #10-011) replaces CAI Permit #08-062 and any subsequent modifications. A minor modification is being made to the location and acreage of the previously approved conservation easement area. More specifically, this permit allows for the substitution of a 0.05-acre portion of onsite preservation for a 0.04-acre portion of onsite preservation, associated with an outfall pipe as illustrated on the EPD approved plan dated June 15, 2010 and dated as received by EPD on April 7, 2010. Therefore, with all of the modifications, the total amount of upland buffer being preserved is 1.103 acres. No additional wetland impacts are authorized with this permit.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

1962 South Alafaya Trail
Orlando, Florida 32828
Section 02, Township 23 South, Range 31 East
Orange County Commission District: 4

Permittee / Authorized Entity:

SVC Holdings, LLC
c/o Jay Baker
Bio-Tech Consulting, Inc.
2002 East Robinson Street
Orlando, FL 32803

Orange County Environmental Protection Division - 800 Mercy Drive, Suite 4, Orlando, FL 32808-7896
407-836-1400/ Fax: 407-836-1499 www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Permit conditions in CAI Permit #89-50 and CAI permit #08-062 remain in place and in full effect, with the exception of the changes as authorized in this permit. No additional wetland impacts are authorized with this permit.
2. This permit requires the recording of a conservation easement and notation of the conservation easement on the corresponding plat. The conservation easement shall include restrictions on the real property pursuant to the requirements of attached "Conservation Easement Addendum". If no homeowners association is formed, the applicant must show proof of financial assurance for the maintenance of all conservation areas on site in a form approved by EPD prior to the release of any certificate of occupancy. No construction, in uplands or wetlands, may commence until the conservation easement is approved by Orange County and recorded.
3. The conservation easement shall be executed in accordance with the Stoneybrook Professional Village Plan approved by EPD on June 15, 2010, and dated as received by EPD on April 7, 2010. The area where the utility easement is to be placed (location of the new pipe) is to be excluded from the previous area designated as the conservation easement. Recording of the easement must be within thirty days of approval of said easement by Orange County.
4. All conservation areas and upland buffers shall be platted as separate tracts with development rights dedicated to Orange County, Florida and maintenance responsibilities for these upland buffers to the homeowners association.
5. Title work, legal descriptions, and all other documents associated with the recording of the easement must be submitted to Orange County within thirty days of issuance of the permit modification. Title work will need to be provided for the entire conservation easement area, not just the proposed new area. Title work must be no older than six months old.
6. The subject parcel will need a corrective plat to reflect these changes in the easement. The original easement was plated, but not officially recorded.
7. The applicant shall replant the utility easement area within thirty days of completion of the pipe installation. Planting shall be in accordance with the planting plan dated as received by EPD on April 7, 2010 and as approved with amendments on June 15, 2010.
8. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
9. Properties must have an environmental berm and swale installed prior to issuance of building permits for any of the subject lots. Berm and swale must be maintained throughout construction. EPD must be notified for inspection purposes prior to issuance of certificate of occupancy. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berm and swale shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
10. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet along the landward edge of the upland buffers. The signage language must conform to standard EPD guidelines and be approved prior to installation. Signage must include, at a minimum, "No construction, clearing, alteration, or grading is allowed in the conservation areas and/or upland buffers unless approved by Orange County, Florida and other applicable jurisdictional agencies". The signs must be installed prior to issuance of a Plat, Certificate of Completion, or issuance of building permits whichever is first.

General Conditions:

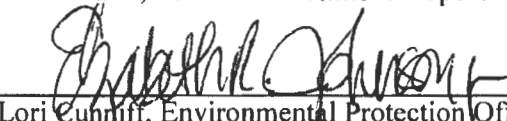
11. The permittee is hereby authorized to substitute the upland preservation areas as shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
13. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
15. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
16. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
17. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
18. EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
20. The permittee shall notify EPD, in writing, within thirty 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. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
21. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
22. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.

23. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
24. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
25. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
26. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
27. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
28. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
29. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD NPDES Administrator prior to start of construction.
30. This permit will expire five years from the original issuance date of Permit #08-062, issued March 9, 2009.

Authorized for the Orange County Environmental Protection Division by:



Steven Rich, Senior Environmental Specialist



Lori Cunniff, Environmental Protection Officer

SR/M/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: David Lach, SVC Holdings, LLC, 4250 Alafaya Trail, Suite 180, Oviedo, FL 32765

CONSERVATION EASEMENT ADDENDUM

Description of Conservation Easement Area

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description.
- (b) If impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

At least forty-five days prior to (1) Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall provide the necessary information, according to County criteria, so the County may record a conservation easement, which shall include restrictions on the real property pursuant to Florida Statutes, Section 704.06. The conservation easement and all applicable documents associated with shall be in the form approved in writing by EPD. The easement shall include the approved, title work, warranty deed and legal description and surveyor's sketch.

Conservation Easement Document

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the proposed draft deed of conservation easement, sketch of description, and legal description. The deed of conservation easement must be in a form approved by the Orange County Attorney's Office and Real Estate Management Division. Pursuant to Florida Statutes section 704.06, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement must contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement must contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibit by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners. **The Board of County Commissioners must approve the Conservation Easement in order for it to be in effect.**

Additional Documents Required

- (a) The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the proposed draft conservation easement, the permit holder must contemporaneously submit current evidence of title to EPD. The evidence of title must be reviewed and approved by the Orange County Real Estate Management Division.

- (b) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (c) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The County Attorney's Office and the Real Estate Management Division shall review and approve the consent and joinder of the mortgagee. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County.
- (d) Within thirty days of recording, the permit holder shall provide EPD with (1) the original recorded conservation easement, included all exhibits, showing the date of recording and the official records book and page number, (2) a copy of the recorded plat, if applicable, (3) a surveyor's sketch of description of the easement area plotted on the appropriate USGS topographic map, and (4) the original recorded consent and joinder(s) of mortgagee, if applicable.

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. EPD shall approve the location, form, and material of the monuments.



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 10-011, SVC Holdings, LLC

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? No <input type="checkbox"/> Yes <input type="checkbox"/>		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 6/15/10
INITIAL: 

-  Existing Conservation Area
-  Excluded Conservation Area (1,600 sf)
-  Added Conservation Area (2,213 sf)

N 65°23'25" E
89.38' MEAS

N 00°03'20" E 279.31' MEAS



Bio-Tech Consulting Inc.

Environmental and Permitting Services

2002 East Robinson Street, Orlando, FL 32803 office:(407) 894-5969 fax:(407) 894-5970
email: info@bio-techconsulting.com

Stoneybrook Professional Village
Orange County, Florida
Mitigation Modification Exhibit

Drawn By: JEB

Date: 4/7/2010

Scale: 1:50

DWG#: |

Revised:



Bio-Tech Consulting Inc.

Environmental and Permitting Services

Info@bio-techconsulting.com
www.bio-techconsulting.com

2010 APR -7 PM 4:37

April 7, 2010

Neal Thomas
OCEPD
800 Mercy Drive, Suite 4
Orlando, FL 32808

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 6/15/10
INITIAL: SK

PROJ: Stoneybrook Professional Village (BTC File #468-02)
Section 2, Township 23 South, Range 31 East
Orange County, Florida
RE: Modification of Conservation Area Impact Permit No. 08-062

Dear Mr. Thomas:

The purpose of this document is to provide the Orange County Environmental Protection Division (OCEPD) with a modification to the Conservation Area Impact Permit No. 08-062 associated with the approximately 6.74-acre Stoneybrook Professional Village Project Site. The subject site, which is slated for an office park and is located south of Alafaya Trail across from the intersection with Golfway Boulevard, within Section 2, Township 23 South, Range 31 East, Orange County, Florida (Figure 1). Modifications to the Conservation Area Impact Permit No. 08-062 include the subtraction of a corridor within the previously permitted conservation easement for the installation of a sanitary sewer pipe. This area will be replaced by additional lands connected to the existing proposed preservation area to the east. The following paragraphs describe these areas:

Orlando Office
2002 E Robinson St
Orlando FL 32803
407.884.5869
407.884.5970 fax

Vero Beach Office
1717 Indian River Blvd
Suite 302
Vero Beach FL 32960
772.563.0344
772.563.0345 fax

Pensacola Office
1812 E Cervantes St
Pensacola FL 32501
850.468.1100
850.468.1104 fax

Jacksonville Office
2036 Forbes St
Jacksonville FL 32204
904.228.0565
904.387.1026 fax

Tampa Office
333 Falkenberg Rd N
Suite A 128
Tampa FL 33619
813.227.9776
813.889.5830 fax

Vero Beach

Pensacola

Orlando

Jacksonville

Tampa

Permitted Conditions

The swap of upland preservation consisted of the existing 0.647 acres of upland preservation along the eastern boundary traded for the 0.58 acres of upland preservation along the southern boundary (See attached). The previous upland preservation represents an extended buffer off of the isolated wetland to the east. The upland buffer to this isolated wetland will remain greater than a 25-foot average. As stated above, these uplands were placed in a conservation easement to mitigate for the proposed impacts to isolated wetlands within other parcels contained within the overall Les Springs Project. The original mitigation swap was of equal value to satisfy conditions of the original permit.

Permitted Sanitary Sewer Pipe

A sanitary sewer pipe is currently permitted extending through the proposed upland preservation area (See attached exhibit). This pipe cannot be moved due to legal issues involved with a current lease agreement with Regions Bank. Timing and manipulation of the pipe would cause Shorecrest Retail Partners to be in default of the existing lease with Regions Bank. Therefore, a 10-foot corridor is proposed to be excluded from the conservation easement so the pipe can be buried. Once the pipe is buried, a restoration of the disturbed area is proposed and described below.

Upland Preservation Reconfiguration

The 10-foot corridor for the sanitary sewer pipe will be eliminated from the conservation easement (1,600 sf). This area (1,600 sf) will be replaced by two additional natural upland areas located along the eastern boundary of the project totaling 2,213 sf. This additional area will provide added buffer for the wetland located off-site to the east. The calculated UMAM functional loss from eliminating the 1,600 sf corridor from the conservation easement is -0.0280. The UMAM functional gain from adding 2,213 sf is 0.0285 (See attached UMAM forms).

Temporary Impact Replanting Plan

The corridor that will be eliminated from the conservation easement and disturbed for installation of a sanitary sewer pipe will be replanted. Once the installation of the pipe is complete, the 1,600 sf corridor will be restored through the planting of native, herbaceous vegetation. The vegetation will consist of nursery stock bareroot individuals planted on 2-foot centers. The following species will be planted:

Bottlebrush Three-awn (*Aristida spiciformis*)

Broomsedge (*Andropogon virginicus*)

Fakahatchee-grass (*Tripsacum dactyloides*) do not plant (SR) 4/15/10

Sand cordgrass (*Spartina bakeri*) do not plant (SR) 4/15/10

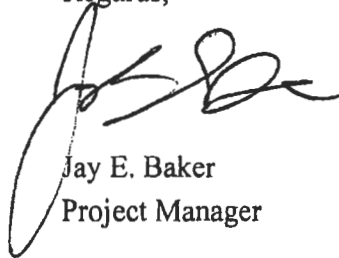
Wiregrass (*Aristida stricta*)

Additionally, the plantings will be fortified with a Florida Wet Flatwoods seed mixture to establish a native source. The following species will be included in the mix: *Aristida spp* - Wiregrass, *Liatris spicata* - Blazing Star, *Carphephorus canosus* - Pineland Chaffhead, *Carphephorus paniculatus* - Hairy Chaffhead, *Coreopsis floridana* - Florida Tickseed, *Eriocaulon spp* - Pipewort, *Ctenium aromaticum* - Toothachegrass, *Eryngium yuccifolium* - Rattlesnake Master, *Lobelia siphilitica* - Blue Lobelia, *Aristida spiciformis* - Bottlebrush Three-awn, *Panicum rigidulum* - Redtop Panic Grass, *Andropogon virginicus* - Broom Sedge, *Andropogon glomeratus* - Bushy Bluestem, *Solidago stricta* - Wand Goldenrod, *Hypericum spp* - St. John's Wort, *Rhexia spp* - Meadow Beauty, *Ludwigia spp* - Seedbox, *Rhynchospora spp* - Beaksedge, and *Xyris spp* - Yelloweyed Grass.

The conservation easement for above mentioned existing upland preservation area has yet to be recorded. A revised sketch and legal description will be provided for the reconfigured preservation area. A conservation easement with this sketch as exhibit A will be recorded once the permit modification is issued.

If you have any questions, comments or require any additional information, please contact the office at (407) 894-5969. Thank you.

Regards,

A handwritten signature in black ink, appearing to read 'Jay E. Baker', is written over the printed name and title.

Jay E. Baker
Project Manager

attachments



Environmental Protection Division

CONSERVATION AREA IMPACT (CAI) PERMIT

Permit No: 10-012 (Replaces CAI 07-060)

Related CAD Number: 07-089

Date Issued: July 27, 2010

Date Expires: July 26, 2015

Permit History and Authorization:

In February 2008, CAI Permit #07-060 authorized impacts to 3.17 acres of Class I wetlands, 5.44 acres of Class II wetlands, and 1.44 acres of Class III wetlands in order to construct portions of a haul road and borrow pit. Mitigation was to include the onsite preservation of 93.2 acres of wetlands and the preservation of 5.90 acres of upland buffer.

On July 6, 2010, minor modifications were approved to the location and acreage of the previously approved wetland limits as approved in Conservation Area Determination (CAD) 07-089. Therefore, since the limits of the wetland area changed, a permit modification was required.

More specifically, this permit allows for the increase of 0.04 acre of upland preservation for the reduction of 3.38 acres of wetland preservation, as illustrated on the EPD approved plan (Figure 1), dated June 2010. In addition, the wetland acreage of Wetland #4 increased by 0.01 acre due to a mistake in the calculation of this wetland in the acreage in CAD 07-089; therefore the additional wetland impacts of 0.01 acre are authorized with this permit. This permit replaces the previously issued permit dated February 22, 2008.

Mitigation now includes the on-site preservation of 89.82 acres of wetlands (Wetland 1), and 5.94 acres of upland buffer adjacent to Wetland 1. This permit can be issued by Environmental Protection Division staff pursuant to the streamlining approval at the February 5, 2008, Board of County Commissioners Meeting.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Bishop and Buttrey Pit #164
1006 Dill Road
Parcel ID: 23-22-32-0000-00-001
Orange County Commission District: 5

Permittee / Authorized Entity:

Bishop and Buttrey, Inc.
c/o Shannon Julien
Environmental Services, Inc.,
124 North Nova Road, PMB 129
Ormond Beach, FL 32174

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. The signs must be located as shown on Environmental Services, Inc., Wetland Impact and Mitigation Plan (Figure 4) dated March 2010, as received by the Environmental Protection Division (EPD) via e-mail on June 10, 2010. The signs must be installed prior to issuance of a Plat, Certificate of Completion, or issuance of building permits, whichever is first.
2. The wetland impacts and mitigation must be done in accordance with Environmental Services, Inc., Wetland Impact and Mitigation Plan (Figure 4) dated March 2010, as received by the EPD via e-mail on June 10, 2010. The preservation area must total at least 95.76 acres in size.
3. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to the Division at the time of platting.
4. This permit requires the recording of a conservation easement and/or platting. Prior to the start of the permitted activity the permittee shall record a conservation easement, which shall include restrictions on the real property pursuant to the requirements of attached "Conservation Easement Addendum".

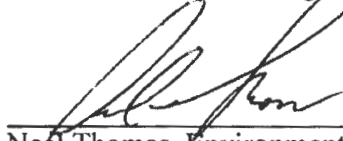
General Conditions:

5. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
7. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
8. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.

9. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
10. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
11. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
12. EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
13. The permittee shall immediately notify EPD, in writing, of any previously submitted information that is later discovered to be inaccurate.
14. The permittee shall notify EPD, in writing, within thirty 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, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
15. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
16. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
17. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
18. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
19. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
20. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.

21. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
22. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of the Division.
23. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD NPDES Administrator prior to start of construction.
24. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Neal Thomas, Environmental Program Supervisor



Lori Cunniff, Environmental Protection Officer

NP/EPJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Bishop & Buttrey, Incorporated., Attn: Vic McCall, General Manager
6239 Edgewater Drive, Suite D1, Orlando, FL 32810

CONSERVATION EASEMENT ADDENDUM

Description of conservation easement Area

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to the Division for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description.
- (b) If impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

At least forty-five days prior to (1) Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall provide the necessary information, according to County criteria, so the County may record a conservation easement, which shall include restrictions on the real property pursuant to Florida Statutes, Section 704.06. The conservation easement and all applicable documents associated with shall be in the form approved in writing by the Division. The easement shall include the approved, title work, warranty deed and legal description and surveyor's sketch.

Conservation Easement Document

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to the Division for review and written approval a copy of the proposed draft deed of conservation easement, sketch of description, and legal description. The deed of conservation easement must be in a form approved by the Orange County Attorney's Office and Real Estate Management Division. Pursuant to Florida Statutes section 704.06, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement must contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement must contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibit by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners. The Board of County Commissioners must approve the Conservation Easement in order for it to be in effect.
- (b)

Additional Documents Required

- (a) The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the proposed draft conservation easement, the permit holder must contemporaneously submit current evidence of title to the Division. The evidence of title must be reviewed and approved by the Orange County Real Estate Management Division.

- (b) If the grantor of the conservation easement is a partnership, the partnership shall provide to the Division a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (c) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The County Attorney's Office and the Real Estate Management Division shall review and approve the consent and joinder of the mortgagee. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County.
- (d) Within thirty days of recording, the permit holder shall provide the Division with (1) the original recorded conservation easement, included all exhibits, showing the date of recording and the official records book and page number, (2) a copy of the recorded plat, if applicable, (3) a surveyor's sketch of description of the easement area plotted on the appropriate USGS topographic map, and (4) the original recorded consent and joinder(s) of mortgagee, if applicable.

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The Division shall approve the location, form, and material of the monuments.



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Supervisor

Permit Number and Name: 10-012/Bishop and Buttrey, Incorporated - Pit 164.

Permit Type: Conservation Area Impact (CAI).

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres	
	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)
D. SWPPP Address:	
E. City:	F. State: G. Zip Code:
	Start Date: Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification




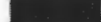

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

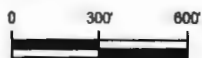
Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



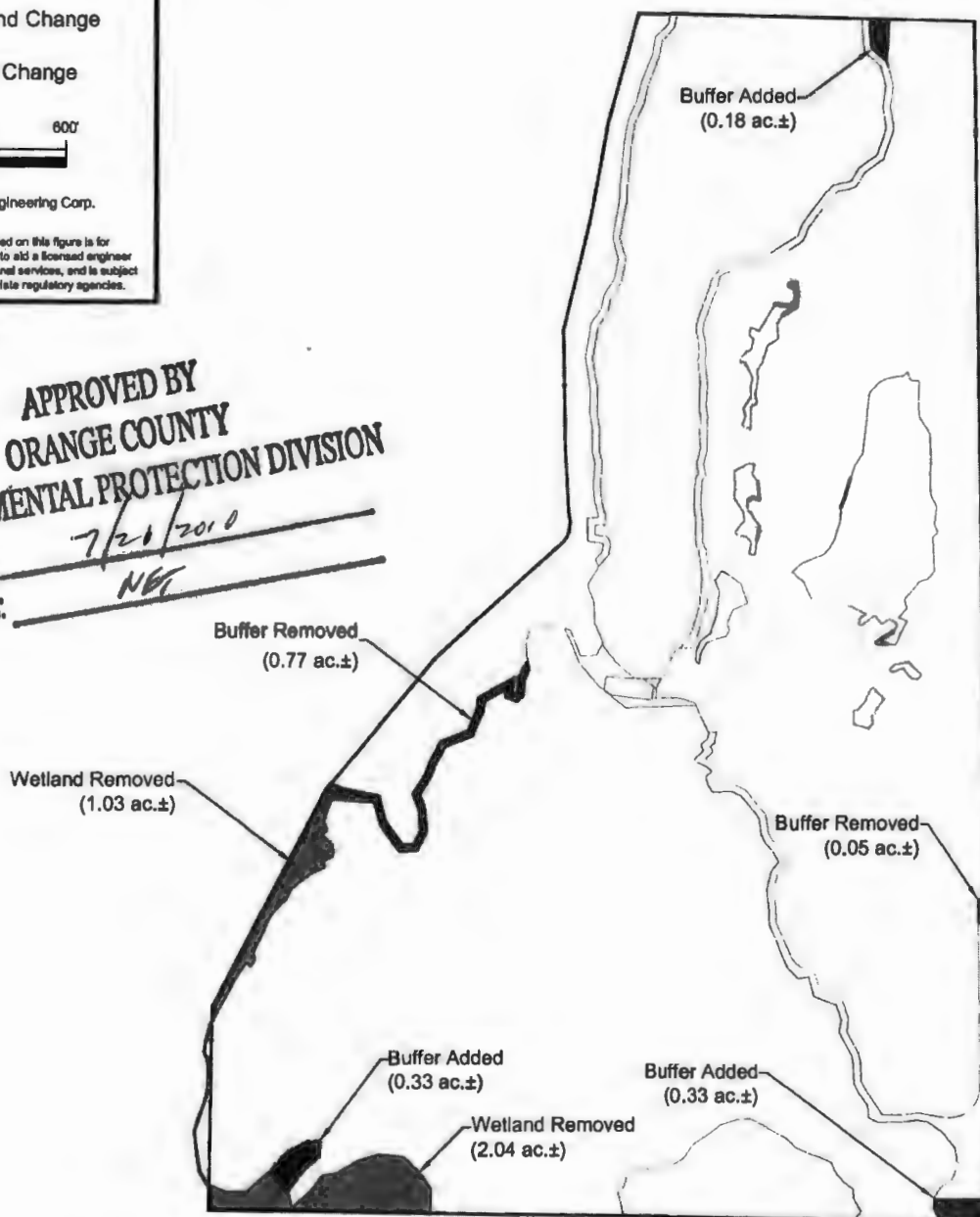
-  - Property Boundary
-  - Wetland Difference
-  - Old Wetland Lines
-  Wetland Change
-  Buffer Change



Source(s): GTC Engineering Corp.

Disclaimer: The information depicted on this figure is for conceptual purposes only, serves to aid a licensed engineer or geologist in rendering professional services, and is subject to review and approval by appropriate regulatory agencies.

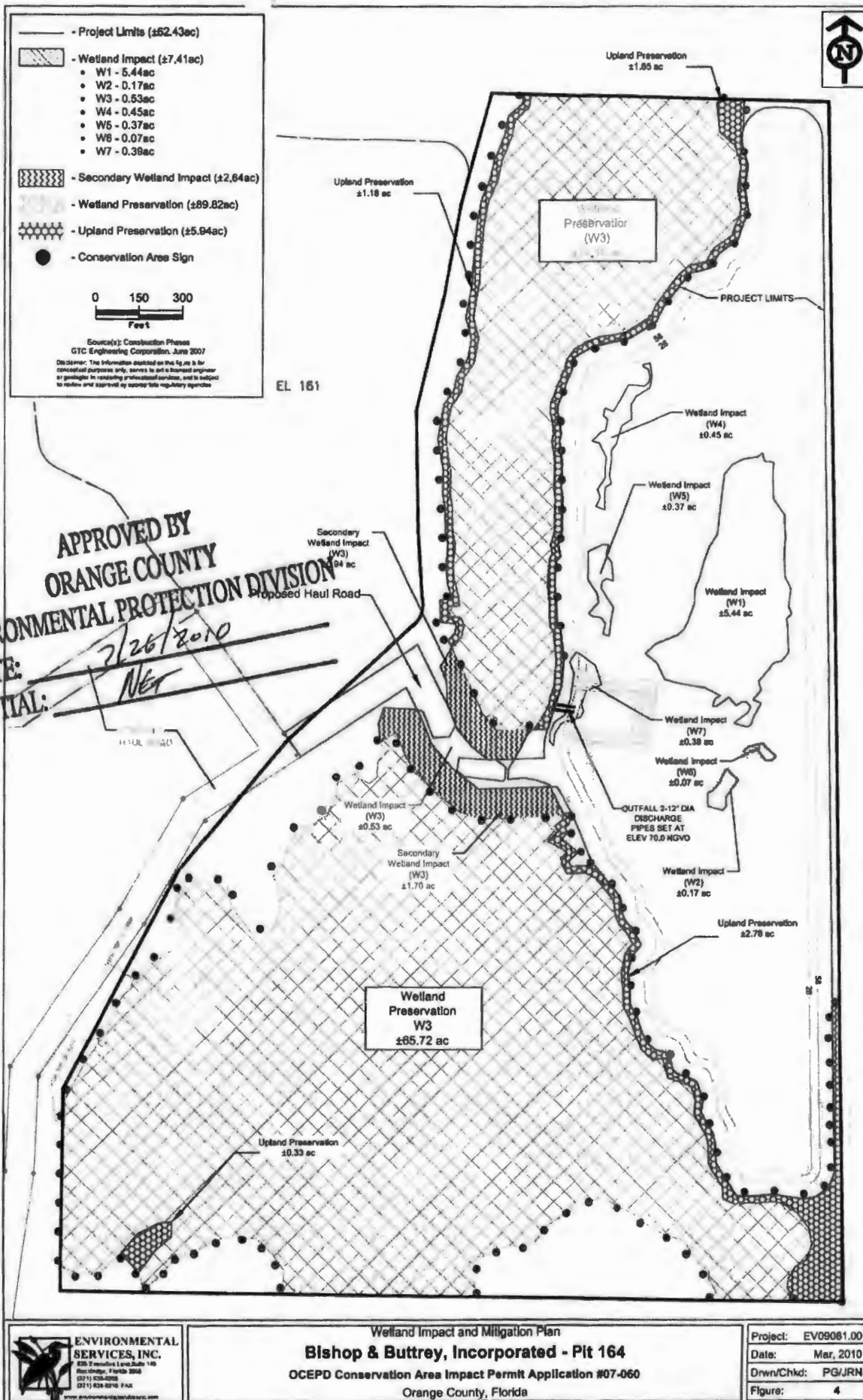
APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 7/26/2010
INITIAL: NEC



**ENVIRONMENTAL
SERVICES, INC.**
12th North West Road
PMB 120
Orlando Beach, FL 32174
(386) 589-2733
www.environmentalservicesinc.com

Conservation Area Comparison
Bishop and Buttrey
Orange County, Florida

Project:	EV09081.00
Date:	June 2010
Drwn/Chkd:	PG/JRN
Figure:	1



Wetland Impact and Mitigation Plan
Bishop & Buttrey, Incorporated - Pit 164
OCEPD Conservation Area Impact Permit Application #07-060
Orange County, Florida

Project: EV09061.00
Date: Mar, 2010
Drawn/Chkd: PG/JRN
Figure: 4



Environmental Protection Division
CONSERVATION AREA
IMPACT PERMIT

Permit No: 10-015

Date Issued: August 18, 2010

Date Expires: August 18, 2015

A Permit Authorizing:

4.5 acres of direct impacts and 1.31 acres of secondary impacts to Class II wetlands in order to construct commercial buildings, parking and stormwater facilities. Mitigation will include the purchase of 3.3 credits from Florida Mitigation Bank and preservation of the remaining 12.15 acres of onsite wetlands and 0.50-acre of on-site upland buffers.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Subject property is located to the east immediately adjacent to Poinciana Blvd., south of the Central Florida Greenway and north of the Osceola County line. In unincorporated Orange County, Florida Section 35, Township 24 South, Range 28 East, Orange County Commission District #1
Related CAD #:08-004

Permittee / Authorized Entity:

Convention Center Ventures, LLC
c/o Warsowe Acquisition Corporation
Attn: Ronald Friedman
1067 West Sunrise Boulevard, #303
Plantation, FL 33322

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. The signage must conform to the detail shown on Warsowe Project Concept Plan Sheet 1 of 1, dated as received by the Environmental Protection Division (EPD) on July 29, 2010. The signs must be installed prior the certificate of occupancy.
2. The wetland impacts must be done in accordance with the Warsowe Project Concept Plan Sheet 1 of 1 as dated as received by EPD on July 29, 2010.
3. The mitigation shall include the purchase of 3.3 credits from Florida Mitigation Bank; the preservation of 12.15 acres of on-site wetlands and 0.50 acre of on-site upland buffers. The mitigation shall be completed prior to initiating any construction, dredging/excavating, clearing, filling, alterations or grading.
4. Prior to initiating any construction within the wetlands to be impacted, EPD must receive a letter of verification from Florida Mitigation Bank stating that the transaction regarding the transfer of 3.3 mitigation credits has been completed.
5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 3.3 credits from the Florida Mitigation Bank, the permittee must obtain a permit modification from the environmental protection officer to provide alternative mitigation for the wetland impacts.
6. This permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and shall include restrictions on the real property pursuant to the requirements set forth below:
 - (a) The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.
 - (b) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title is subject to review and approval by the Orange County Real Estate Management Division.
 - (c) If impacts to an upland defined as River Corridor Protection Zone (Chapter 15, Section 15-443(1)), or as required per Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

- (d) The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners.
- (e) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (f) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.
- (g) Upon approval of the final executed documents by Orange County, the conservation easement shall scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.
- (h) Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
- (i) At least forty-five days prior to (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required, (2) clearing any upland within the River Corridor Protection Area or as required per Chapter 15, Article XI, Section 15-442(f), (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.

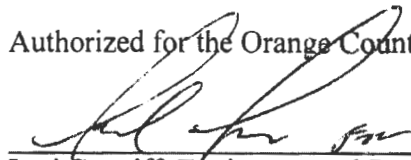
General Conditions:

- 14. Effective Date. If no objections have been filed with the Environmental Protection Officer, this permit shall be final and effective as of the date of issuance. If a written objection has been received, this permit shall become final and effective upon expiration of the fifteen (15) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
- 15. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

16. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
17. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
18. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
19. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
20. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
21. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
22. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
23. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
24. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
25. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
26. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
27. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.

28. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
29. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
30. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
31. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
32. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
33. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
34. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Lori Cuniff, Environmental Protection Officer

CC/NT/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: South Florida Water Management District
Mitigation Marketing, LLC, Victoria K. Colangelo - victoria@mitigationmarketing.com
Bio-Tech Consulting, Inc., c/o John Lesman, 2002 East Robinson Street, Orlando, FL 32803



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 10-015 Convention Center Ventures/Warsowe

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
	<input type="checkbox"/> Address in Part II above (specify below)		
	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address	
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

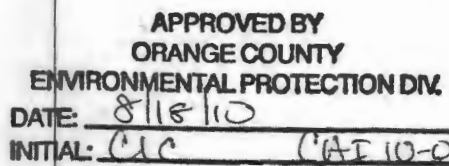
Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

TOTAL ACREAGE 27.79 AC.

TOTAL ACREAGE 27.79 AC.

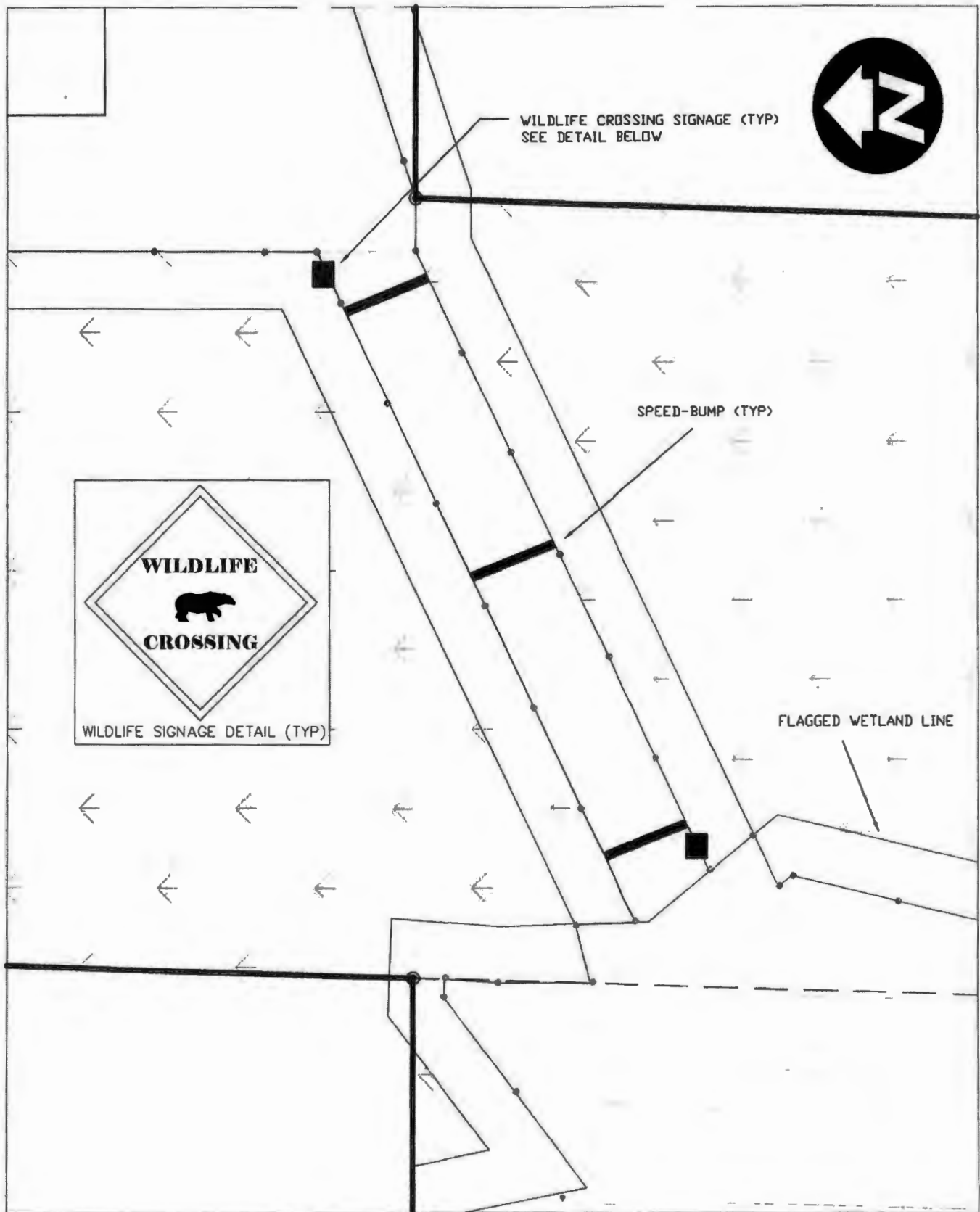


WATSON PROJECT
CITY OF ALBANY - CHARTERED 1902

1-800-4-A-95-75

THESE

1





Environmental Protection Division CONSERVATION AREA IMPACT PERMIT

Permit No: 10-021

Date Issued: September 21, 2010

Date Expires: September 21, 2015

A Permit Authorizing:

Impacts to 12.89 acres of Class II wetlands and 1.48 acres of upland buffer in order to construct portions of the proposed commercial buildings, parking facility, and stormwater facilities. The wetland was created from the excavation of a borrow pit completely contained within uplands. The borrow pit has a narrow vegetative fringe and provides minimal habitat for wildlife. Due to the minimal ecological value of the borrow pit, mitigation is not required. The Board of County Commissioners approved the impacts on September 14, 2010.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

The project site is located on the east side of Avalon Lakes Boulevard near the intersection of Avalon Boulevard and Golden Isle Boulevard.

Unincorporated Orange County,

Parcel ID#: 30-22-32-0000-00-034

Related CAD #: 99-045

Orange County Commission District: 4

Permittee / Authorized Entity:

Group 142 Orlando Ltd.

c/o Ronald Schwartz

PO Box 536428

Orlando, FL 32853

E-mail: ron2632@aol.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

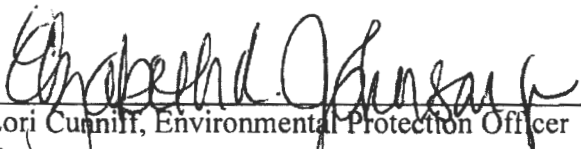
1. Construction activities shall be completed in accordance with the "Overall Site and Data Plan" submitted by Dave Schmidt Engineering Inc., dated as received on July 14, 2010. Construction shall be completed within five year of the permit issuance.


General Conditions:

2. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
3. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Environmental Protection Division (EPD). The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
4. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
5. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
6. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
7. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
8. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
9. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
10. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.

11. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
12. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
13. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
14. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
15. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
16. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
17. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
18. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
19. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.

Authorized for the Orange County Environmental Protection Division by:



Lori Cunniff, Environmental Protection Officer
 ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Dave Schmidt, Dave Schmitt Engineering Inc, dave.schmitt@dseorl.com
Maurice Pearson, EE Consulting Inc, mpearson@3e-c.com



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 10-021 Group 142 Orlando Ltd.

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)		
	D. SWPPP Address:		
E. City:		F. State:	G. Zip Code:
	Start Date:	Completion Date:	

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWFMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

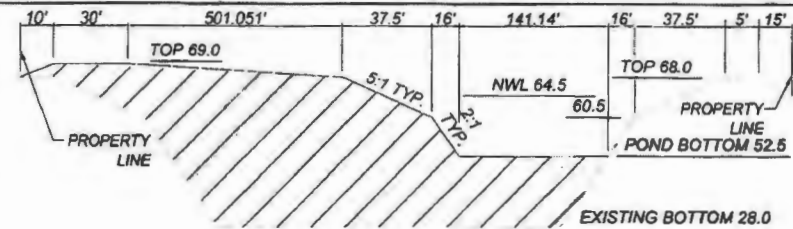
Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

DATE: 9/21/10
INITIAL: CJC

INITIAL: CIC

FD 10-021



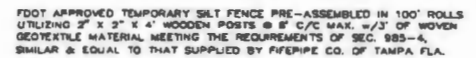
N.T.S.

NOTES:
1. COORDINATES SHOWN FOR RELATIVE REFERENCE ONLY.
2. FILL SHOULD BE PLACED IN 12" LIFTS AND COMPACTED TO 95% OF THE MATERIALS MAXIMUM MODIFIED PROCTOR DRY DENSITY (ASTM D 1557).

- NOTE: PUMP SHALL BE CAPABLE OF PUMPING
1000 GPM @ MAXIMUM HEAD CONDITION

NOTE: PUMP SHALL BE CAPABLE OF PUMPING
1000 GPM @ MAXIMUM HEAD CONDITION

CLASS II SURFACE
WATER IMPACT



NOTES:

CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE AS FOLLOWS:

1. SILT FENCES SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
2. SHOULD THE FABRIC DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF ITS USE, IT SHALL BE REPLACED PROMPTLY.
3. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT.
4. ANY SEDIMENT DEPOSITS LEFT IN PLACE AFTER THE SILT FENCE HAS BEEN REMOVED SHALL BE DESIGNED TO CONFORM WITH THE FINISHED GRADE, PREPARED AND SEED.

TYPICAL SILT FENCE DETAIL

	DAVE SCHMITT ENGINEERING, INC. 3680 AVALON PARKWAY EAST BLDG SU TE 310 ORLANDO, FL 32828 407-307-9058 FAX 407-297-9059 Certification of AAS 02/01/2012	CONSTRUCTION "AS-BUILT" I, the undersigned, being duly sworn, depose and say that the information herein is true and correct to the best of my knowledge and belief, and that I am a duly qualified professional engineer in the State of Florida, and that I am the author of the foregoing. My commission expires on 02/01/2012. Subscribed and sworn to before me this _____ day of _____, 2012. Notary Public for the State of Florida My commission expires on 02/01/2012.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">REVISIONS</th> <th colspan="2" style="text-align: center;">DATE</th> <th colspan="2" style="text-align: center;">BY</th> <th colspan="2" style="text-align: center;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td style="width: 5%;"> </td> <td style="width: 5%;"> </td> <td style="width: 15%;"> </td> <td style="width: 15%;"> </td> <td style="width: 15%;"> </td> <td style="width: 15%;"> </td> <td style="width: 15%;"> </td> <td style="width: 15%;"> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS		DATE		BY		DESCRIPTION																																			OVERALL SITE & DATA PLAN SPRING LAKE / AVALON LAKES BORROW PIT ORANGE COUNTY, FLORIDA DATE: JUNE 2010 PROJECT NO.: GR-2 DRAWN BY: KAS CHECKED BY: DMS SCALE: 1"=50' SHEET: 2 OF 3
	REVISIONS		DATE		BY		DESCRIPTION																																						



Environmental Protection Division

REVISED CONSERVATION AREA IMPACT PERMIT MODIFICATION

Permit No: 07-074

Date Issued: March 26, 2008

1st Modification: April 13, 2010

1st Revision: April 28, 2010

Date Expires: April 13, 2015

A Permit Authorizing:

1.58 acres of Class II wetlands and a 0.80-acre portion of Class III wetlands in addition to the original authorized impact of 7.92 acres of Class II wetlands. These impacts are authorized in order to construct warehouse, storage facility and a stormwater system. Mitigation will include the originally required preservation 118.8 acres and an additional 16.42 acres of off-site regionally significant wetlands within Wekiva basin adjacent to Wekiva River in Seminole County.

This permit is being revised to correct Specific Condition 1. No other modifications or revisions are being made to this permit.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

25-21-28-3596-10-000 and 25-21-28-3596-06-000
Section 25, Township 21 South, Range 28 East
Associated CAD Application #: 07-104
Orange County Commission District: 2

Permittee / Authorized Entity:

Frinfrock Industries, Inc and
Conservation and Restoration Resources, LLC
c/o Daniel Frinfrock
2400 Apopka Boulevard
Apopka, FL 32703

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space. The signage must conform to EPD approved language, be a minimum of 12x12 inches and 24 inches above grade. The signs must be installed prior to issuance of Certificate of Completion or Certificate of Occupancy, whichever is first.
2. The wetland impacts must be done in accordance with Master Site Plan sheet 2 of 4 as dated as received by the EPD on February 19, 2008; in accordance with the OCEPD Environmental Considerations Plan sheet 2 of 3, as dated as received by EPD on April 21, 2009; and in accordance with Planting Plan sheet 1 of 1, as dated as received by EPD on July 30, 2010.
3. The mitigation plan must be implemented in accordance with submittal as dated as received by the EPD on November 6, 2007 and July 30, 2009. The preservation area must total at least 135.22 acres.
4. Prior to initiating any construction within the wetlands to be impacted, the EPD must receive a copy of the recorded conservation easements approved and dedicated to St. Johns River Water Management District over the 135.22 acres of off-site wetlands (NTS Mitigation parcel).
5. In the event that the permittee does not successfully complete the required mitigation the permittee must obtain a permit modification from the environmental protection officer to provide alternative mitigation for the wetland impacts.

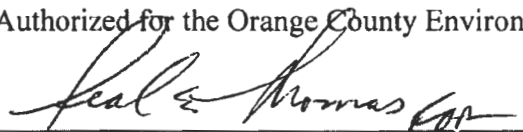
General Conditions:

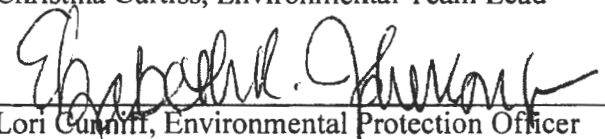
6. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
7. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
8. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
9. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.

10. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
11. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
13. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
14. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
15. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
16. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
17. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
18. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
19. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
20. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
21. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

22. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
23. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
24. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
25. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
26. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:


Christina Curtiss, Environmental Team Lead


Lori Cummi, Environmental Protection Officer

CC/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Conservation and Restoration Resources LLC, c/o Daniel Benbow
dennis@mitigationmarketing.com
Alex Preisser, Bowyer-Singleton and Associates, Inc, apreisser@bsa-civil.com



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 07-074 Frinfrock

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID

II. APPLICANT INFORMATION:

A. Operator Name:			
B. Address:			
C. City:		D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:		
	H. Phone No.:		

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:			
B. Project Address/Location:			
C. City:		D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "	
H. Is the site located on Indian lands? No <input type="checkbox"/> Yes <input type="checkbox"/>		I. Water Management District:	
J. Project Contact:			K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)	
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)	
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres		
	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)	
D. SWPPP Address:		
E. City:	F. State:	G. Zip Code:
	Start Date:	Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT MODIFICATION

Permit No: 09-025

Date Issued: June 8, 2009

Date Revised: June 18, 2009

Date Expires: June 8, 2014

A Permit Authorizing:

History: Permit 09-013 was issued on June 8, 2009. That permit contemplated development of the wetlands onsite in a phased approach. This permit modification contemplates development of the site in one phase. This permit modification replaces CAI permit 09-013.

Impacts to 5.77 acres of Class III wetlands in order to construct a commercial development. Mitigation includes the preservation of 15.65 acres of uplands and wetlands at the Roger Smith Mitigation Area.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages.

Activity Location:

7309 Narcoossee Road
Orlando, Florida 32825
Section 36, Township 23 South, Range 30 East
Orange County Commission District: 4

Permittee / Authorized Entity:

SuperStop Petroleum IV, Inc.
c/o William C. Fogle P.E.
8969 Charles E. Limpus Road
Orlando, Florida 32836
E-Mail: wfogle@cfl.rr.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit authorizes 5.77 acres of impacts to Class III Wetlands #'s W1, W2, W3, W4, and W5.
2. A Conservation Easement, in favor of Orange County, will be required to be placed over the entire 15.65 acres of proposed mitigation property at the Roger Smith Mitigation Area.
3. The wetland impacts must be done in accordance with Sheet 1 of 1 labeled Master Site Plan, as dated as electronically received by EPD on June 17, 2009.
4. This permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and shall include restrictions on the real property pursuant to the requirements set forth below:
 - a. The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.
 - b. Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title is subject to review and approval by the Orange County Real Estate Management Division.
 - c. If impacts to an upland defined as River Corridor Protection Zone (Chapter 15, Section 15-443(1)), or as required per Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.
 - d. The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners.

- e. If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- f. If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.
- g. Upon approval of the final executed documents by Orange County, the conservation easement shall be scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.
- h. Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
- i. At least forty-five days prior to (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required, (2) clearing any upland within the River Corridor Protection Area or as required per Chapter 15, Article XI, Section 15-442(f), (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.

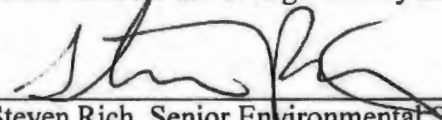
General Conditions:

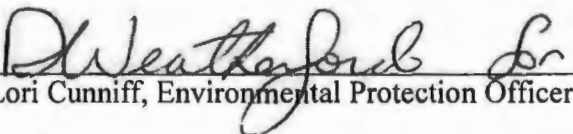
- 5. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
- 6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
- 7. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
- 8. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.

9. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
10. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
11. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
12. EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
13. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
14. The permittee shall notify EPD, in writing, within thirty 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. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
15. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
16. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
17. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
18. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
19. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
20. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.

21. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
22. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
23. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD NPDES Administrator prior to start of construction.
24. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:


Steven Rich, Senior Environmental Specialist


Lori Cuniff, Environmental Protection Officer

SR/NT/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Mike Dennis, BDA – mike@bda-inc.com
Mahammad Qureshi - SuperStop Petroleum IV, Inc.
6221 West Atlantic Boulevard, Margate, Florida 33063



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 09-013, SuperStop IV Petroleum, Inc.

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER:

Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)		
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)		
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
	<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above	<input type="checkbox"/> Other address
D. SWPPP Address: _____			
E. City: _____		F. State: _____	G. Zip Code: _____
	Start Date: _____		Completion Date: _____

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable): _____
B. Receiving Water Name: _____

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

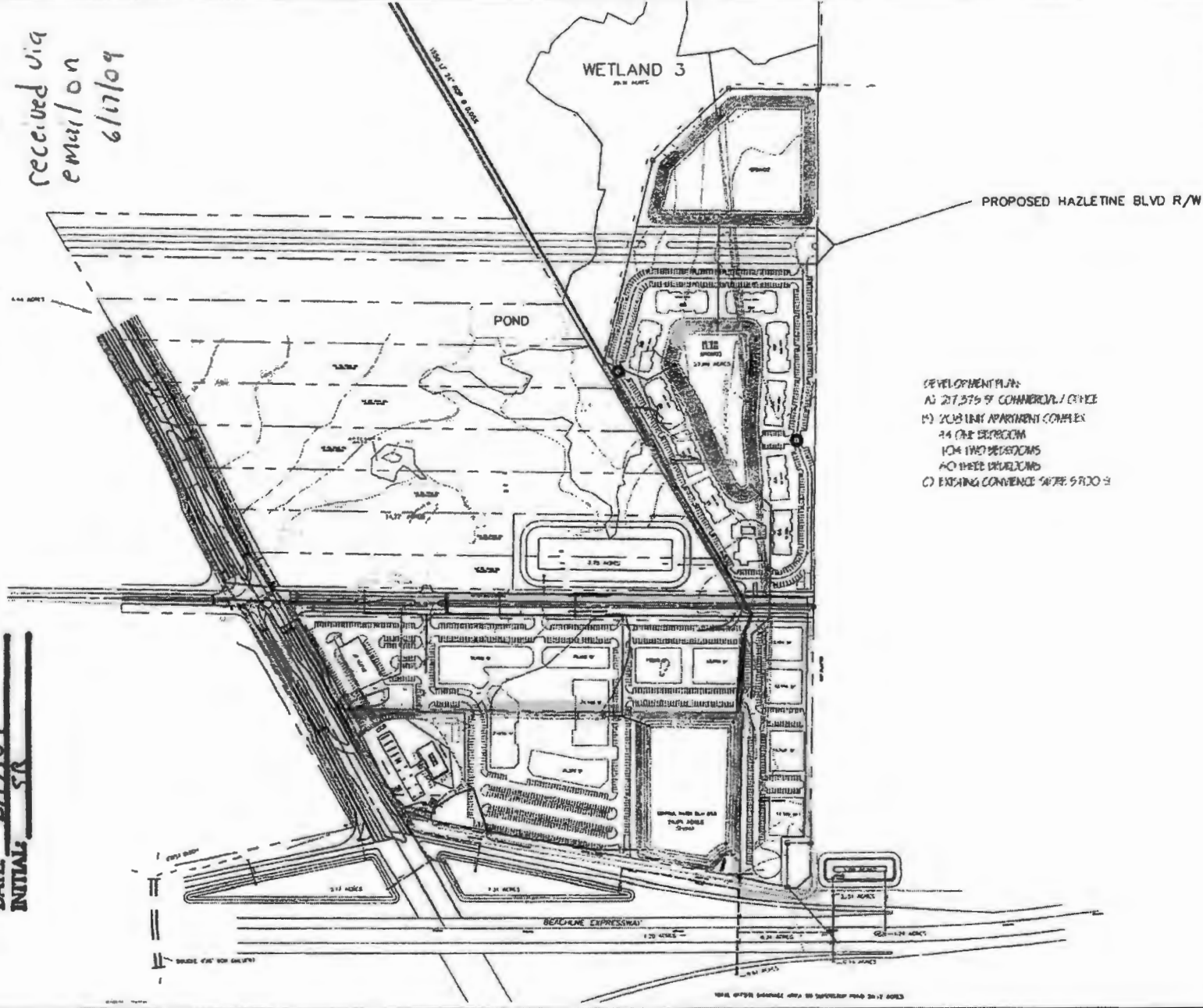
- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

RECEIVED
INTELLIGENCE
DIVISION
JAN 28 1968
PM 2 33
received via
emulsion
6/17/69

PM 83

APPROVED BY _____
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 6/17/09
INITIAL: SR

received via
email on
6/17/09



1

SCALE: 1" = 150'

CIVIL DESIGN GROUP
ENGINEERS SURVEYORS PLANNERS
1111 CHURCH & LINDSEY AVENUE
ORLANDO, FLORIDA 32801
Tel. (407) 874-1111

MASTER SITE PLAN
SUPERSTOP SITE
Orange County, Florida

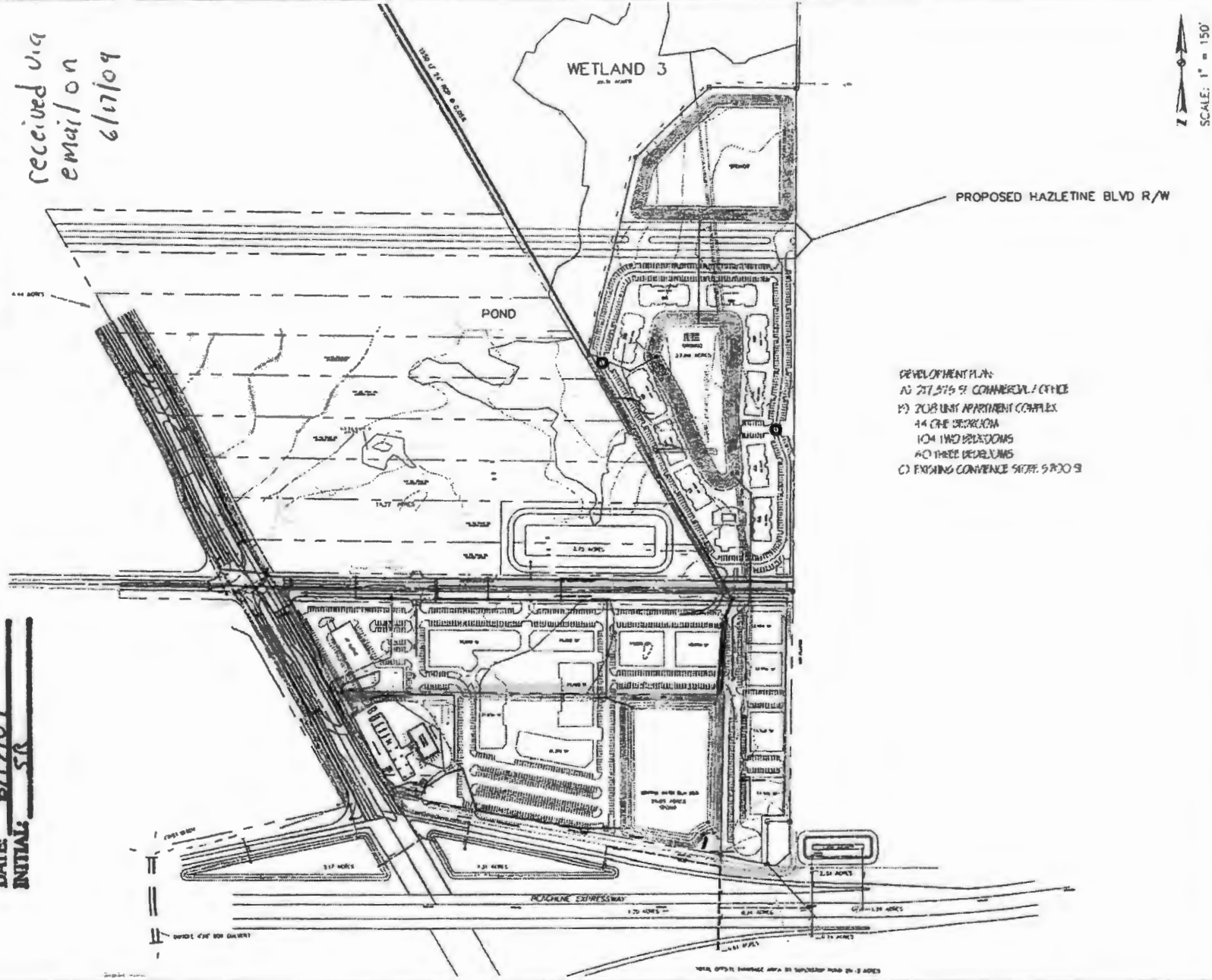
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RECEIVED
U.C. ENVIRONMENTAL
PROTECTION DIVISION

2009 JUN 17 PM 2:38

received via
email on
6/17/09

APPROVED BY _____
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 6/17/09
INITIAL: SR



DEVELOPMENT PLAN:
A) 275,575 SF COMMERCIAL / OFFICE
B) 208 UNIT APARTMENT COMPLEX
14 ONE BEDROOM
104 TWO BEDROOMS
60 THREE BEDROOMS
C) EXISTING CONVENIENCE STORE, 5,200 SF

CD

CIVIL DESIGN GROUP

DIRECTORS **SUPERVISORS** **ASSOCIATES**
1999 **Charles & Vincent Rossi**
CONRAD, N.J.

Phone (407) 878-3896 Fax (407) 878-4141

MASTER SITE PLAN

SUPERSTOP SITE
Orange County, Florida

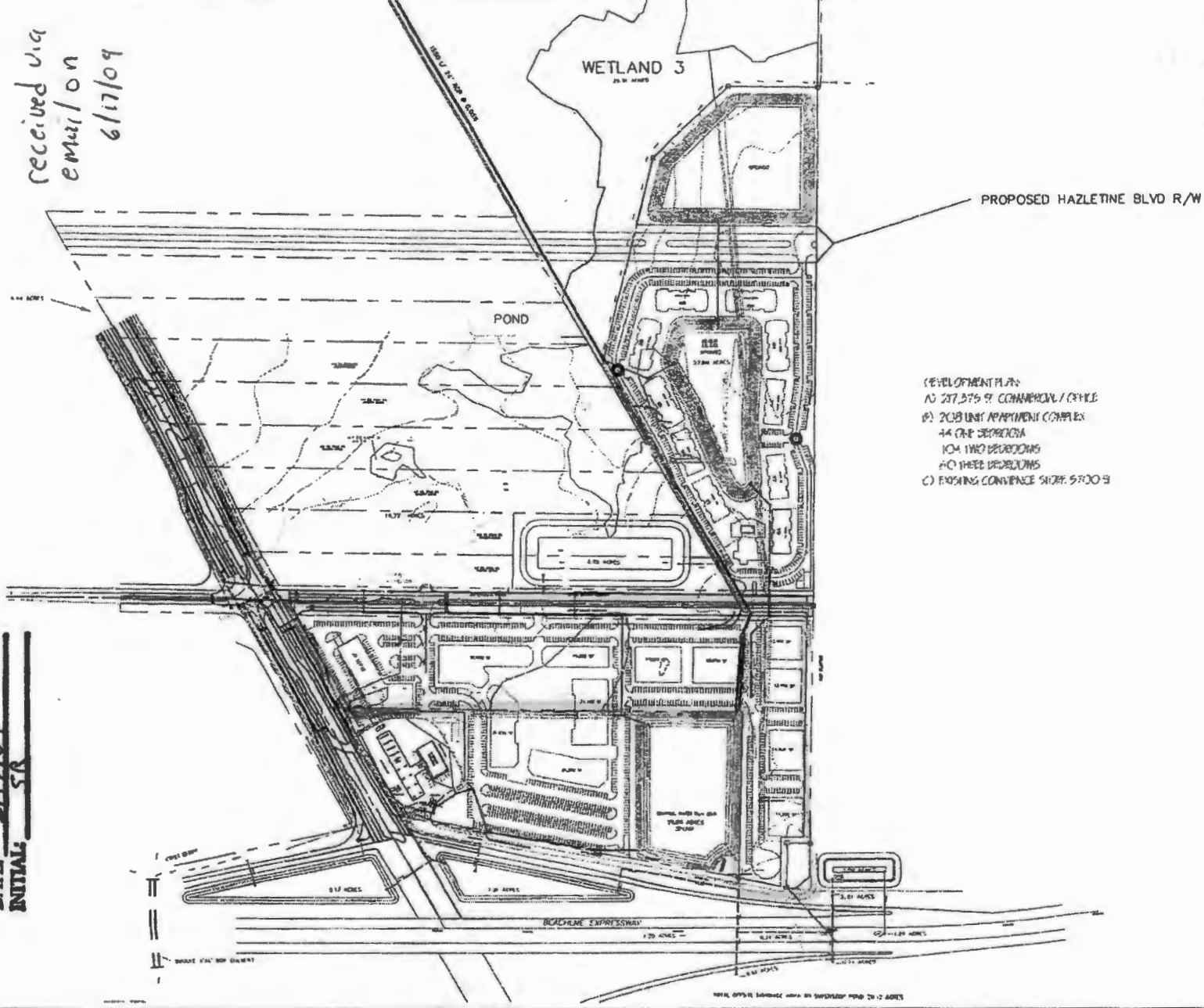
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RECEIVED
O.C. ENVIRONMENTAL
PROTECTION DIVISION

2009 JUN 17 PM 2:38

received via
email on
6/17/09

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE 6/17/09
INITIAL SR



MASTER SITE PLAN
SUPERSTOP SITE
Orange County, Florida

CIVIL DESIGN GROUP
CONSULTING ENGINEERS
1111 S. W. 10th Ave.
Suite 100
Fort Lauderdale, FL 33304
Phone: (954) 578-3994
Fax: (954) 578-4338

DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: 11/11/08
DRAWN BY: [Signature]
DATE: 11/11/08



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT MODIFICATION

Permit No: 09-031

Date Issued: May 25, 2010

Date Expires: May 25, 2015

On July 9, 2002, the Environmental Protection Division (EPD) issued Conservation Area Impact (CAI) permit 02-012 that was approved by the Board of County Commissioners (BCC) on June 25, 2002. The permit authorized 1.83 acres of Class I impacts, .03 acre of Class II impacts, and 6.87 acres of Class III impacts. The mitigation required to offset the impacts is in the form of onsite preservation of 53.55 acres of wetlands associated with the Econlockhatchee River, onsite preservation of 105.35 acres of uplands, and onsite wetland creation of 1.08 acres.

On August 18, 2009, EPD received a request to modify CAI 02-121. The plan depicts the impact of a 0.34-acre portion of upland preservation for the construction of roadways and stormwater ponds.

EPD has reviewed the information and determined that the proposed impacts to a 0.34-acre portion of upland preservation will not significantly reduce the mitigation provided for the approved impacts as part of CAI 02-012. Therefore no additional mitigation is required. On May 11, 2010, the BCC approved the modification.

This modification authorizes only the reduction of 0.34-acre portion of upland preservation located immediately north of Tract "C" within Avalon Park South subdivision as depicted in the Overall Site Plan completed by Dave Schmitt Engineering, Inc dated as received on March 29, 2010, by EPD.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and Article XI, Econlochatchee Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

13627 Mailer Boulevard, Orlando, Florida
Section 07, Township 23 South, Range 32 East
Related CAD #: 97-013
Original CAI#: 02-012
Orange County Commission District: 4

Permittee / Authorized Entity:

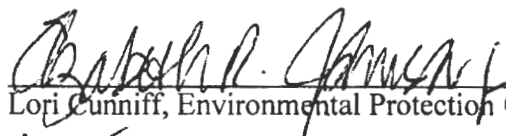
Avalon Park Property Owners Association, Inc
c/o Bio-Tech Consulting, Inc
Attn: John Miklos
2002 East Robinson Street
Orlando, FL 32803

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

1. An easement conveying the development rights of the onsite wetland and upland preservation areas shall be granted to Orange County.
2. All wetland creation activities shall be completed in accordance with the "Mitigation/Creation Plan" submitted by Modica and Associates, Inc. dated February 7, 2002, and date stamped "Received February 14, 2002", by EPD.
3. All monitoring and maintenance shall be done in accordance to the Monitoring and Maintenance program submitted by Modica and Associates, Inc. dated February 7, 2002, and date stamped received on February 14, 2002, by EPD.
4. EPD must be notified, in writing, by the applicant of the start and completion dates of the project.
5. Turbidity must be confined to the permitted area of work by the use of Best Management Practices, such as screen, filter cloth, etc.
6. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other agency, department, or division, the permittee must comply with the most stringent conditions.

Authorized for the Orange County Environmental Protection Division by:


Lori Cunniff, Environmental Protection Officer

UC/N/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Avalon Park Property Owners Association, Inc.
3680 Avalon Park East Boulevard, Suite 120, Orlando, FL 32828



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 09-031 Avalon Park

Permit Type: Conservation Area Impact Modification (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres	
	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)
D. SWPPP Address: _____	
E. City: _____	F. State: _____ G. Zip Code: _____
	Start Date: _____ Completion Date: _____

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable): _____
B. Receiving Water Name: _____

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

--

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NWFWMD = Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD = Southwest Florida Water Management District
SJRWMD = St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Interoffice Memorandum
COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAY 11 2010 *LS/BS*

AGENDA ITEM

May 3, 2010

TO: Mayor Richard T. Crotty
-AND-
Board of County Commissioners

FROM: Lori Cunniff, Manager
Environmental Protection Division

CONTACT PERSON: Elizabeth R. Johnson, Environmental Programs Administrator
PHONE NUMBER: (407) 836-1511

SUBJECT: May 11, 2010, Consent Item
Proposed Modification to Conservation Area Impact Permit No. 02-021
Avalon Park South Village-Phases 7 and 8

Per Chapter 15, Article XI, Section 15-444, of the Orange County Code, the Board of County Commissioners (BCC) must confirm any proposed alternative plan for environmental impact within the Econlockhatchee River Protection Area. On June 25, 2002, the BCC approved Avalon Park South Village-Phases 7 and 8 Conservation Area Impact (CAI) Permit No. 02-021 for the construction of the St. Maximilian Kolbe Catholic Church and Community Center, to be located at 13627 Mailer Boulevard. The permit authorized impacts to 1.83 acres of Class I wetlands, 0.03 acre portion of Class II wetlands, and 6.78 acres of Class III wetlands. The approved mitigation plan included the onsite preservation of 53.55 acres of wetlands associated with the Econlockhatchee River, onsite preservation of 105.35 acres of uplands, and onsite wetland creation of 1.08 acres.

On August 18, 2009, the Environmental Protection Division received a request from the Avalon Park Property Owners Association to modify the CAI permit. During the final engineering plans for the project, changes had to be made that included impacting an additional 0.34 acre portion of the upland buffer within Conservation Tract 'C.' These changes are to accommodate portions of one of two stormwater ponds for the site. The area of impact is located on the northern portion of the project site.

The upland buffer that is being requested to be removed from the approved mitigation plan is cleared and located adjacent to a high voltage electricity transmission line. The mitigation value of this area is diminutive. Therefore, no additional mitigation is being required to supplement the loss of the 0.34 acres of upland buffer. All the other previously approved impacts and mitigation will remain the same.

Attachments for this request are: location map, CAI permit modification application, site plan, and the BCC decision letter for CAI Permit No. 02-021 approved by the BCC on June 25, 2002.

ACTION REQUESTED: Approval of a modification to the Avalon Park South Village-Phases 7 and 8, Conservation Area Impact Permit No. 02-021 for the St. Maximilian Kolbe Catholic Church and Community Center. District 4

Attachment

c: Linda Weinberg, Deputy County Administrator
Melvin Pittman, Director, Community and Environmental Services Department
Joel D. Prinsell, Deputy County Attorney, Orange County Attorney's Office

Impact to tract C only

CHECKED BY: AJM
SCALE: 1"=120'
SHEET: 3 OF 14

DATE: APRIL 2008
PROJECT NO.: SWSL-1
DRAWN BY: KAS
CHECKED BY: AJM
SCALE: 1"=120'
SHEET: 3 OF 14



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT MODIFICATION

Permit No: 07-055

Date Issued: February 29, 2008

Date Revised: November 5, 2008

Date Expires: February 29, 2013

A Permit Authorizing:

The original permit issued to the Morgran Company authorized impacts to 1.16 acres of Class III wetlands in order to construct parking and building units. Mitigation included restoring and preserving 17.97 acres of onsite wetlands and 4.80 acres of upland buffer. However, new information has been presented to the Environmental Protection Division (EPD) regarding the acreage of the buffer and the permittee. Therefore, the permit is being modified to reflect the corrected mitigation and new permittee.

This modification authorizes the impact of 1.16 acres of Class III wetland in order to construct parking and multi family building unit. The mitigation includes preserving 17.97 acres of on site wetlands and 4.69 acres of associated upland buffer. This modification supersedes the previous permit dated issued February 29, 2008.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X and XI, Conservation Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Subject project is located on north side of South Alafaya Trail, east of South Avalon Park Boulevard and west of Broadhaven Boulevard.

Section 12, Township 23 South, Range 31 East
CAD Application #: 02-021
Orange County Commission District: 4

Permittee / Authorized Entity:

Alafaya MF Tract 6 LLC
c/o W. Michael Dennis
Breedlove Dennis and Associates, Inc.
330 West Canton Boulevard
Winter Park, Florida 32789

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every other individual lot line. These signs must be installed every 50 feet on any open space. The signage must conform to Environmental Protection Division (EPD) approved language, be a minimum of 12x12 inches and 24 inches above grade. The signs must be installed prior to issuance of a Plat, Certificate of Completion, or issuance of building permits, whichever is first.
2. The wetland impacts must be done in accordance with Sheet DP-05 as dated as received by EPD on December 5, 2007.
3. The mitigation plan must be implemented in accordance Exhibit 2 as dated as received by EPD on October 23, 2008. The preservation area must total at least 22.66 acres.
4. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
5. Properties must have an environmental berm and swale installed prior to issuance of building permits for any of the subject lots. Berm and swale must be maintained throughout construction. EPD must be notified for inspection purposes prior to issuance of certificate of occupancy. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berm and swale shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
6. This permit requires the recording of a conservation easement and platting. Prior to the start of the permitted activity the permittee shall record a conservation easement, which shall include restrictions on the real property pursuant to the requirements of attached "Conservation Easement Addendum". **If applicable,** If no homeowners association is formed the applicant must show proof of financial assurance for the maintenance of all conservation areas on site in a form approved by EPD prior to the release of any certificate of occupancy.

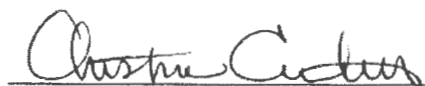
General Conditions:

7. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
8. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.

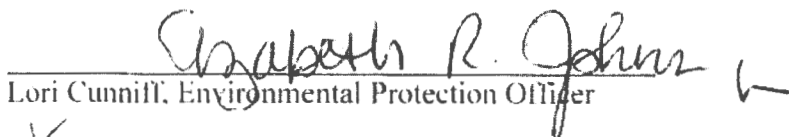
9. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
11. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
12. This permit does not release the permittee from complying with all other Federal, State, and Local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
13. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
14. EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
15. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
16. The permittee shall notify EPD in writing within thirty 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, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
17. EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to ensure conformity with the plans and specifications approved by the permit at any reasonable time.
18. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
19. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
20. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.

21. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
22. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection under Rule 62-4.242(2) FAC.
23. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.
24. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within thirty days of completion of the project and shall be done to the satisfaction of EPD.
25. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD NPDES Administrator prior to start of construction.
26. This permit will expire five years from issuance date.

Authorized for the Orange County Environmental Protection Division by:



Christina Curtiss, Environmental Team Leader



Lori Cunniff, Environmental Protection Officer

~~CJ~~/ERJ/LC:rb

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Morgran Company, c/o George I. Hayes, Hayes and Martohue, P.A.
203 Lookout Place, Suite A, Maitland, Florida 32751

CONSERVATION EASEMENT ADDENDUM

Description of conservation easement Area

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description.
- (b) If impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase must be submitted in accordance with paragraph (a) above.

At least forty-five days prior to (1) Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall provide the necessary information, according to County criteria, so the County may record a conservation easement, which shall include restrictions on the real property pursuant to Florida Statutes, Section 704.06. The conservation easement and all applicable documents associated with shall be in the form approved in writing by EPD. The easement shall include the approved, title work, warranty deed and legal description and surveyor's sketch.

Conservation Easement Document

- (a) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the proposed draft deed of conservation easement, sketch of description, and legal description. The deed of conservation easement must be in a form approved by the Orange County Attorney's Office and Real Estate Management Division. Pursuant to Florida Statutes section 704.06, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement must contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement must contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibit by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners. **The Board of County Commissioners must approve the Conservation Easement in order for it to be in effect.**

Additional Documents Required

- (a) The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the proposed draft conservation easement, the permit holder must contemporaneously submit current evidence of title to EPD. The evidence of title must be reviewed and approved by the Orange County Real Estate Management Division.

- (b) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (c) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The County Attorney's Office and the Real Estate Management Division shall review and approve the consent and joinder of the mortgagee. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County.
- (d) Within thirty days of recording, the permit holder shall provide EPD with (1) the original recorded conservation easement, included all exhibits, showing the date of recording and the official records book and page number, (2) a copy of the recorded plat, if applicable, (3) a surveyor's sketch of description of the easement area plotted on the appropriate USGS topographic map, and (4) the original recorded consent and joinder(s) of mortgagee, if applicable.

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. EPD shall approve the location, form, and material of the monuments.



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: 07-055 Morgran Tract 6

Permit Type: Conservation Area Impact (CAI)

Approximate Starting date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):		<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)	
		<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)	
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres			
C. SWPPP Location		<input type="checkbox"/> Address in Part II above (specify below)	<input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address
D. SWPPP Address:			
E. City:		F. State:	G. Zip Code:
H. Construction Period		Start Date:	Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWMD = Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD = Southwest Florida Water Management District
SJRWMD = St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOI MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part.

Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item H.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT TRANSFER

Permit No: 10-006

Old Permit No.: 99-072IP

Date Issued: February 13, 2001

Date Transferred: May 3, 2010

This permit was originally issued to Crescent Resources. However, due to the sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located this permit is being transferred to CFRP Owner LLC.

The permit authorizes 13.69 acres of impacts to jurisdictional wetlands which have been mitigated with the purchase of 10.7 credits for Ecobank Mitigation bank.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance of Orange County.

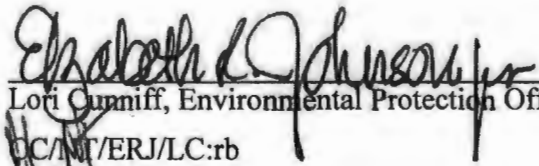
Activity Location:

Central Florida Research Park
Orlando, Florida
Section 10, 14, 15, Township 29 South, Range 31 East
Related CAD #:99-72CA
Orange County Commission District: 5

Permittee / Authorized Entity:

CFRP Owner LLC
One Independent Square, Suite 1850
Jacksonville, FL 32202

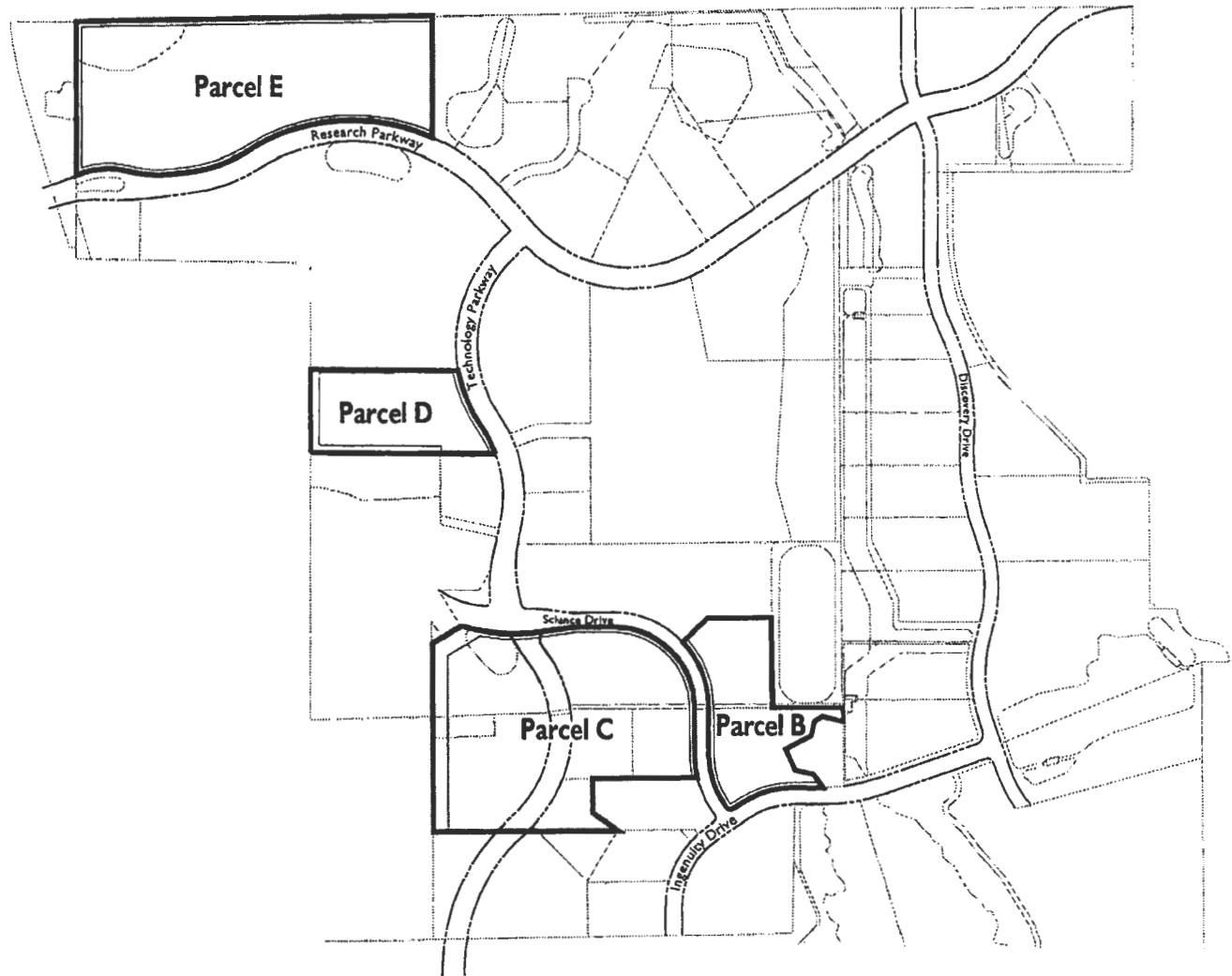
Authorized for the Orange County Environmental Protection Division by:


Lori Cumiff, Environmental Protection Officer
OC/NT/ERJ/LC:rb

Enclosure(s): Site plan

c: Crescent Resource LLC, 201 South Orange Avenue, Orlando, FL 32801
Peter Gottfreid, Natural Systems Analysts Inc., PO Box 1598, Winter Park, FL 32790

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net



Parcel	Parcel Area	Parking Area	Parking Spaces	Building Area (5/1000 Rentable-93%)	Floors
A	12.48 Ac.	4.68 Ac.	465 Spaces(exist.)	100,000 s.f.	3.00
B	17.99 Ac.	8.85 Ac.	879 Spaces	189,032 s.f.	5.50
C	34.30 Ac.	10.92 Ac.	1086 Spaces	233,548	7.00
D	10.04 Ac.	8.90 Ac.	884 Spaces	190,248	5.70
E	24.79 Ac.	23.56 Ac.	781 Spaces(per bldg.)	167,957	5.04

Figure 2

Properties in the Central Florida Research Park

Central Florida Research Park Site, Orange County, Florida
Sections 10, 14 & 15, Township 22 South, Range 31 East



Crescent Resources, Inc.
Central Florida Research Park

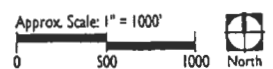
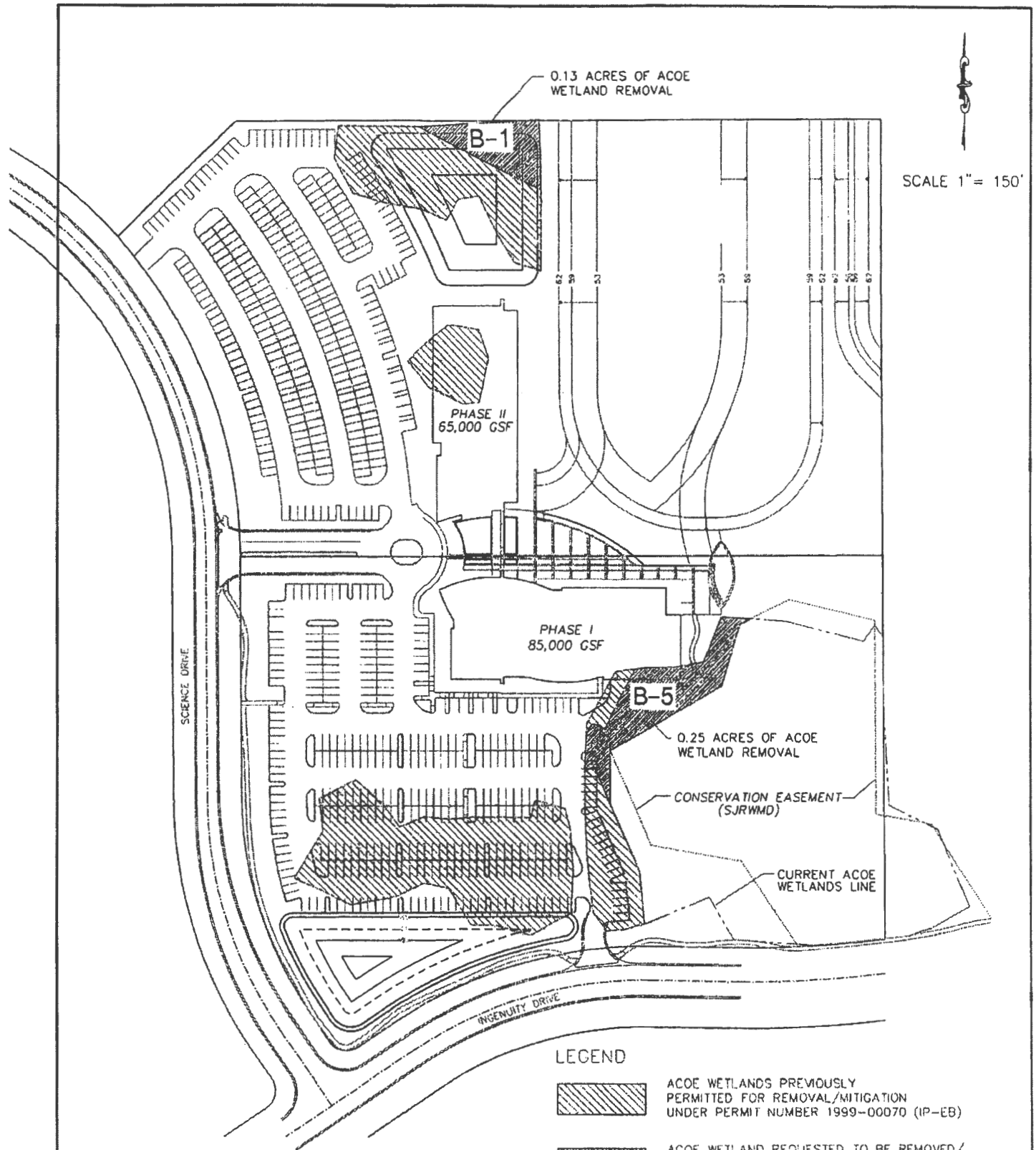


TABLE 1. Wetland Rapid Assessment Procedure (WRAP) Analysis
Crescent Resources Parcels B, C, and E in the Central Florida Research Park, Orange County, FL

Wetland System	FLUCFCS Code	Description	Acres	Wildlife Utilization	Wetland Overstory	Wetland Groundcover	Buffer	Hydrology	Water Quality	Total Score/ Maximum Score		WRAP Score	Functional Equivalent
B-1	6221	Pond Pine	0.35	2.0	2.5	2.5	1.5	2.0	3.0	13.50	18.0	0.75	0.26
B-2	6221	Pond Pine	0.16	2.0	2.5	2.5	1.5	2.0	3.0	13.50	18.0	0.75	0.12
B-3	6214	Cypress	0.22	2.0	3.0	3.0	1.5	2.5	3.0	15.00	18.0	0.83	0.18
B-4	6301	Mixed Forest	0.71	2.0	2.5	3.0	1.5	2.0	3.0	14.00	18.0	0.78	0.55
B-5	6301	Mixed Forest	0.27	2.0	2.0	3.0	1.5	2.0	3.0	13.50	18.0	0.75	0.20
C-1	6224	Pond Pine	5.20	2.0	2.5	2.5	1.5	1.5	3.0	13.00	18.0	0.72	3.76
C-2	6254	Pond/Slash	2.30	2.0	2.0	2.5	1.5	1.5	3.0	12.50	18.0	0.69	1.60
E-1	6224	Pond Pine	4.10	2.5	2.0	2.5	2.5	3.0	3.0	15.50	18.0	0.86	3.53
Total			13.31										Total 10.20

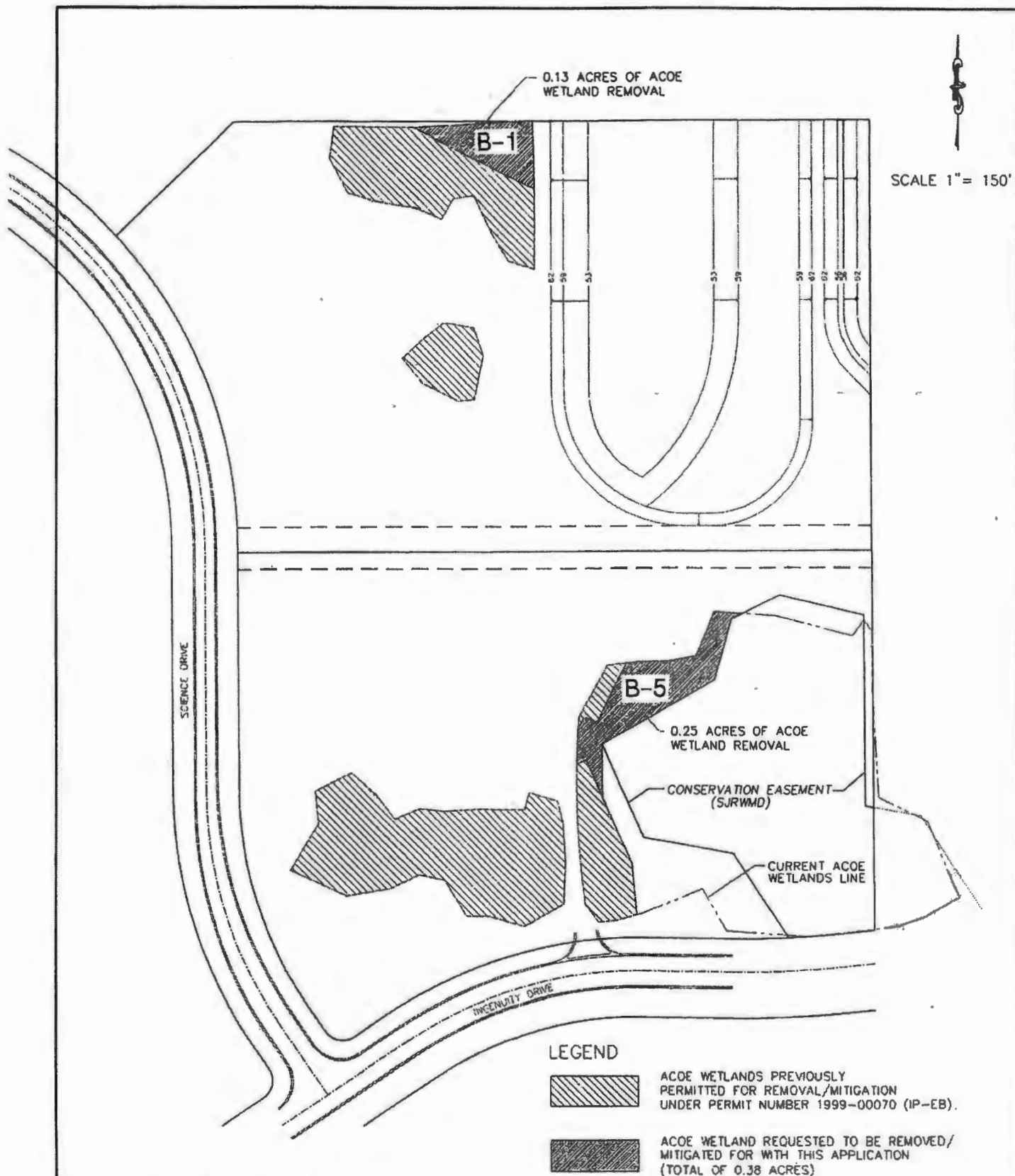


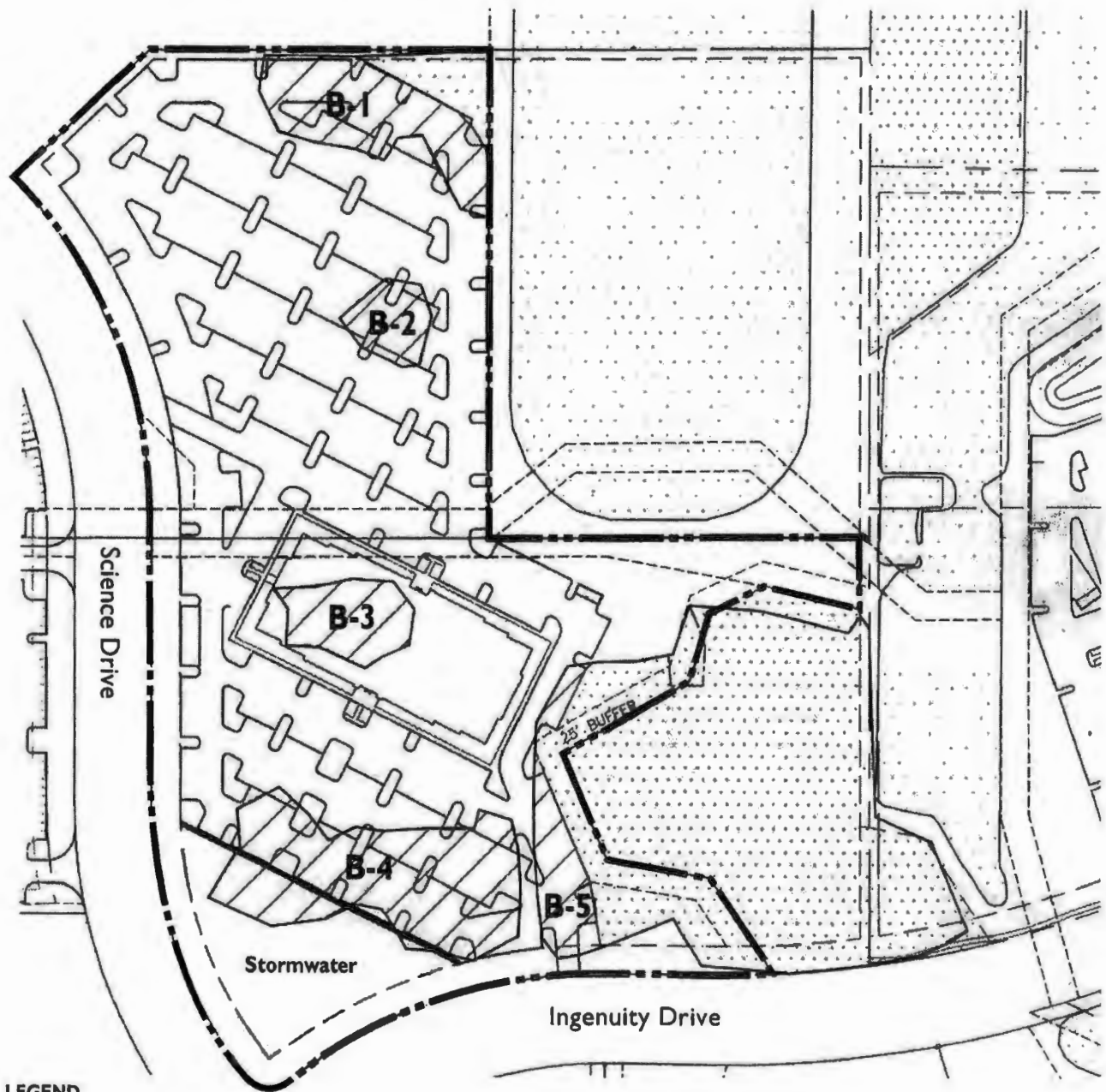
DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

1505 East Colonial Drive - Orlando, Florida 32803

SAIC @ CFRP PHASE I
SITE PLAN

FIGURE
2





LEGEND



Proposed Wetland Impacts



Wetlands



Crescent Resources, Inc.

Central Florida Research Park

Figure 4

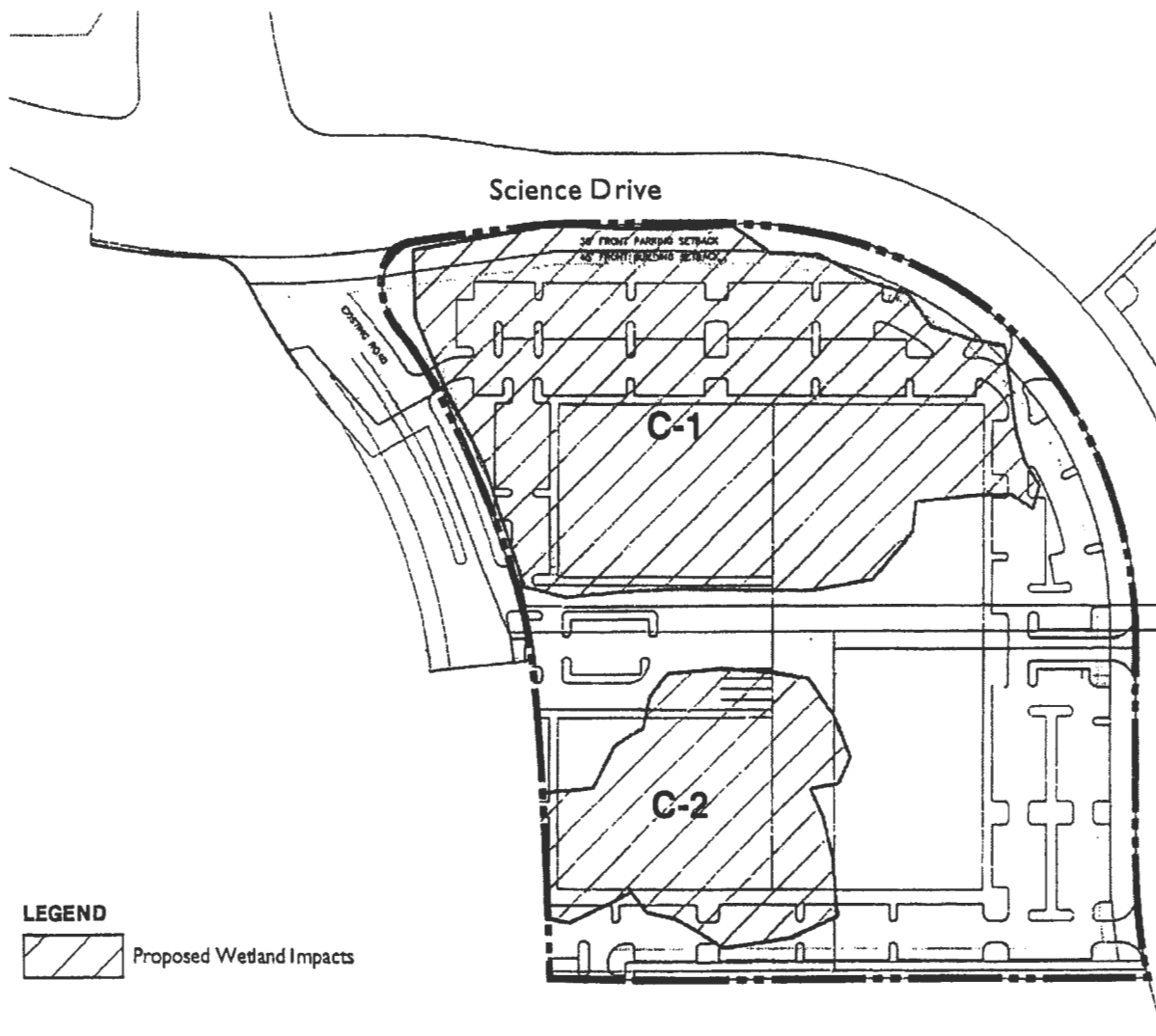
Development Plan - Parcel B

Central Florida Research Park Site, Orange County, Florida
Sections 10, 14 & 15, Township 22 South, Range 31 East

Approx. Scale: 1" = 300'

0 100 200





LEGEND

 Proposed Wetland Impacts

Figure 5
Development Plan - Parcel C
 Central Florida Research Park Site, Orange County, Florida
 Section 15, Township 22 South, Range 31 East



Crescent Resources, Inc.
Central Florida Research Park

Date: March 3, 1999
 GJ Project #: 11143.01
 Approx. Scale: 1" = 300'



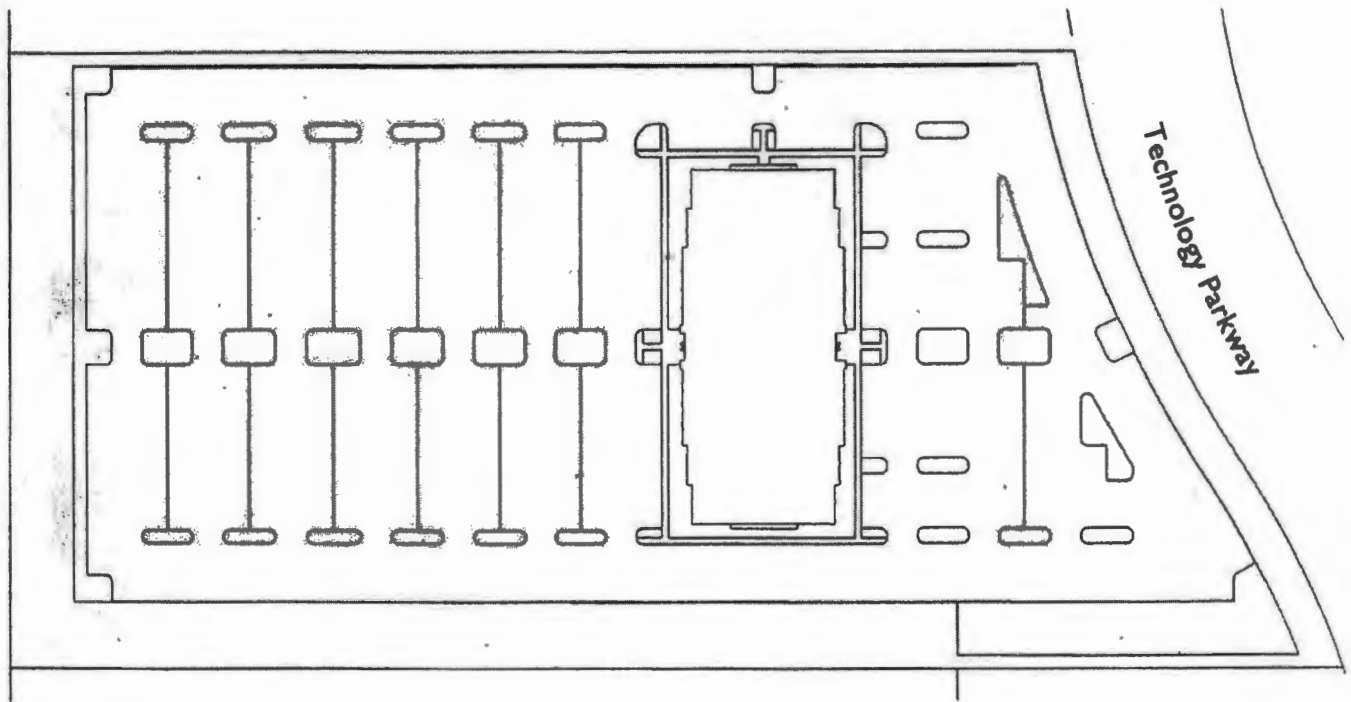


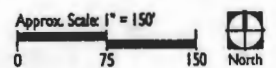
Figure 6

Development Plan - Parcel D

Central Florida Research Park Site, Orange County, Florida
Section 10, Township 22 South, Range 31 East



Crescent Resources, Inc.
Central Florida Research Park



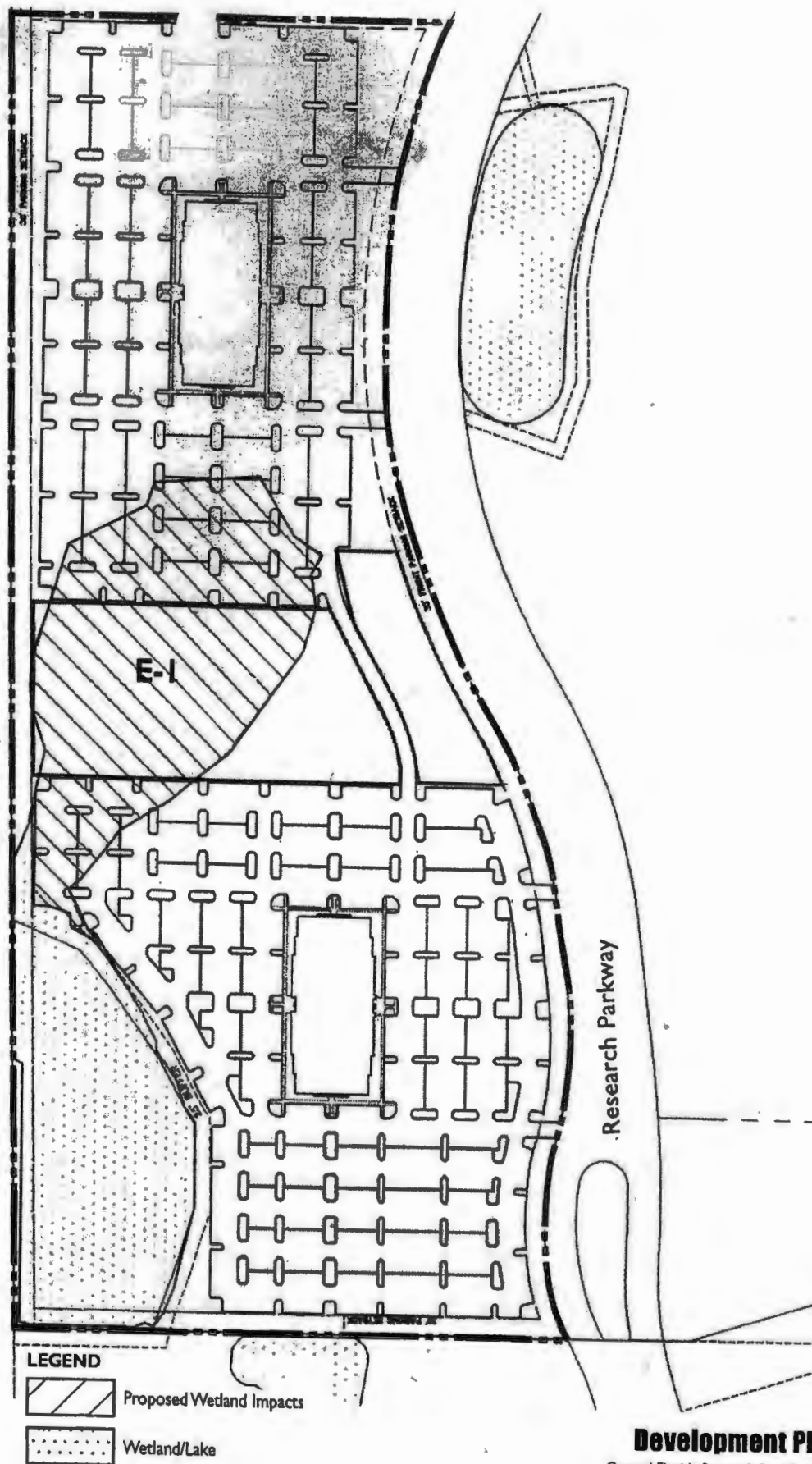


Figure 7

Development Plan - Parcel E

Central Florida Research Park Site, Orange County, Florida
 Section 10, Township 22 South, Range 31 East

Approx. Scale: 1" = 300'
 0 150 300 North



Crescent Resources, Inc.
Central Florida Research Park



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No.: CAI-22-03-023

Date Issued: February 13, 2023

Date Expires: February 13, 2028

A Permit Authorizing:

Direct impacts to 0.07 acre of Class I wetlands, 7.97 acres of Class III wetlands and surface waters, and 0.29 acre of upland buffers to construct portions of a development known as The Grow (North). The project will also result in 0.52 acre of secondary wetland impacts. Mitigation comprises the purchase of 4.53 credits from TM-Econ Mitigation Bank, Phases 1-3. This permit was authorized by the Board of County Commissioners at a public hearing on January 10, 2023.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and Article XI, Econlockhatchee River Protection Ordinance and is subject to the permit conditions provided on the following pages:

Activity Location:

The Grow (North)

2513 S. Tanner Road and 16562 Lake Pickett Road

Parcel ID Nos.: 18-22-32-0000-00-001 and 08-22-32-0000-00-005

Related CAD Nos.: CAD-16-02-015 and CAD-16-02-021

Related PSP No.: PSP-22-03-087

Orange County Commission District: 5

Permittee(s) / Authorized Entity:

Banksville of Florida, Inc.

Nivesa of Florida, Inc.

c/o Larry Medlin, Bio-Tech Consulting, Inc.

E-mail: larry@bio-techconsulting.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board's decision approving the permit unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. The wetland impacts must be completed in accordance with the 'Wetland Impact Map' prepared by VHB, received by the Environmental Protection Division (EPD) on September 21, 2022. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.
4. Prior to initiating any construction within wetlands authorized for impact, EPD shall receive documentation from the TM-Econ Mitigation Bank, Phases 1-3 indicating that purchase of 4.53 mitigation credits has been completed.
5. If the permittees do not successfully complete the transaction to obtain the requisite 4.53 credits from TM-Econ Mitigation Bank, Phases 1-3, the permittees shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
6. Wildlife corridors and potential wildlife crossings and signage are shown on the Wildlife Corridors and Potential Crossing Locations map submitted by Bio-Tech Consulting on October 25, 2022. The developer shall be required to show and include said crossings and signage on the construction plans subject to staff's determination that: (A) the crossings can be installed within the right-of-way depicted on the approved PSP, thus not requiring additional wetland and/or upland buffer impacts; and (B) the improvements will not create sight distance problems or other safety concerns. The wildlife crossings shall consider terrestrial and aquatic species as appropriate.
7. Conservation areas shall be clearly marked with signage that identifies the wetland and upland buffer. These signs shall be installed every 150 feet on any open space and on every other individual lot line. The signage shall conform to the 'Typical Conservation Marker Detail' figure received by EPD on February 7, 2022, and the locations shown on the 'Wetland Impact Map' prepared by VHB, received by EPD on September 21, 2022. The signs shall be installed prior the approval of the mass grading plans or subdivision construction plans.
8. Prior to beginning construction, the permittees must demarcate the boundaries of all wetland and upland conservation areas with six-foot-high PVC poles with orange flagging tied to the tops or orange safety fencing. Initial clearing shall include a path along the limit of construction to facilitate installation of silt fence and form a visual limit of clearing. After the initial clearing adjacent to the conservation areas is complete, a silt fence must be installed along the conservation easement boundaries and maintained throughout construction.

9. If it is determined by the County's Floodplain Administrator that any portion of the property lies within the 100-year flood zone, then prior to filling within the 100-year flood zone, a flood plain permit shall be required from the Orange County Stormwater Management Division authorizing the fill.
10. The permittees shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittees shall remain liable for all permit conditions and corrective actions that may be required because of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
11. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES CGP, pursuant to the requirements of 62-621.300(4)(a), Florida Administrative Code (F.A.C.). As the Operator of the Municipal Separate Storm Sewer System (MS4), copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4.
12. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242, F.A.C. Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed, and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittees shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 Nephelometric Turbidity Units (NTU) over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters.
13. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of Chapters 62-621.300(2)(a) and 62-620, F.A.C., and Chapter 403 FS. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.
14. To protect the water quality of downstream waterbodies, the permittees will implement a Street Sweeping Program (Program) that will facilitate removal of leaves and other materials from the streets. The Street Sweeping Program will consist of removing soil, vegetation, and other debris from the curbed streets within the limits of the development. The Program will provide for weekly sweeping of curbed streets. This Program will be implemented, neighborhood by

neighborhood, on a phased basis upon the permittees' filing of a Notice of Termination of coverage under the Florida Department of Environmental Protection's Construction Generic Permit. The Permittees' Program will be maintained and funded by the Property Owner's Association. An annual report shall be submitted to EPD at WetlandPermitting@ocfl.net. The Report shall include the following:

- a. Annual Total weight and/or volume accumulated.
- b. Annual Number of curb miles streets swept.
- c. Map of streets swept.
- d. Documentation that accumulated materials have been disposed of properly in accordance with Rule 62-701, Florida Administrative Code.

General Conditions:

15. Subject to the terms and conditions herein, the permittees are hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittees bind themselves and their successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease, and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
16. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
17. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impact and preservation areas.
18. The permittees shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittees shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
19. Issuance of this permit does not warrant in any way that the permittees have riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittees. If any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittees agree to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
20. This permit does not release the permittees from complying with all other federal, state, and local laws, ordinances, rules, and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittees or create in the permittees any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittees or convey any rights or privileges other than those specified in the permit and Chapter 15,

Articles X and XI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittees shall comply with the most stringent conditions.

21. The permittees shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
22. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittees shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
23. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
24. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
25. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
26. The permittees shall hold and save the County harmless from all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
27. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittees.
28. The permittees agree that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
29. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the permittees to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the permittees fail to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
30. Pursuant to Section 125.022 FS, the applicants shall obtain all other applicable state or federal permits before commencement of development.

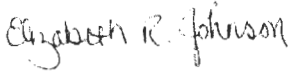
If you should have any questions concerning this permit, please contact Jason Root at (407) 836-1518 or Jason.Root@ocfl.net.

Project Manager:



Jason Root, Environmental Team Leader

Authorized for the Orange County Environmental Protection Division by:


for

David D. Jones, Environmental Protection Officer

JR/TMH/ERJ/DJ: gfdjr

Enclosures: Construction Notice
BCC Decision Letter

Attachments: Approved Site Plans

c: Dwight Saathoff, dwight@pfdllc.net
David Martinez, Nivesa of Florida and Banksville of Florida, davidmartinezbello@gmail.com
TM-Econ Mitigation Bank, Kae Hovater, kae@ecocreditmarketing.com
St. Johns River Water Management District, John Juilianna, jejuilia@sjrwmd.com
FWC, Conservation Planning Services, conservationplanningservices@MyFWC.com



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
Or Fax to: 407-836-1499
Or E-Mail to: WetlandPermitting@ocfl.net

Permit Number and Name: CAI-22-03-023, The Grow - North

Permit Type: Conservation Area Impact Permit (CAI)

Approximate Starting Date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, January 10, 2023

2:00 PM

County Commission Chambers

22-1336 Case # CAI-22-03-023

Banksville of Florida, Inc. and Nivesa of Florida, Inc.; The Grow; permit;
District 5 (Continued from November 29, 2022)

Consideration: A request for a Conservation Area Impact (CAI) permit to impact wetlands in order to construct portions of a development known as The Grow (North).

Location: District 5; property located at 2513 S. Tanner Road and 16562 Lake Pickett Road, Orlando, FL 32820; Orange County, Florida (legal property description on file in Planning Division)

Revised Condition of Approval #9:

9. If it is determined by the County's Floodplain Administrator that any portion of the property lies within the 100-year flood zone, then pPrior to filling within the 100-year flood zone, a flood plain permit shall ~~may~~ be required from the Orange County Stormwater Management Division

A motion was made by Commissioner Bonilla, seconded by Commissioner Scott, to accept the findings and recommendation of the Environmental Protection Division staff; further, approval of Conservation Area Impact Permit CAI-22-03-023 for The Grow (North) Planned Development, subject to the thirty (30) conditions of approval listed in the staff report dated November 30, 2022; further, make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the fifty-one (51) conditions of approval listed under the Development Review Committee Recommendation in the staff report dated December 8, 2022; and further, approve modified condition of approval #9. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Scott

Nay: 1 - Commissioner Wilson

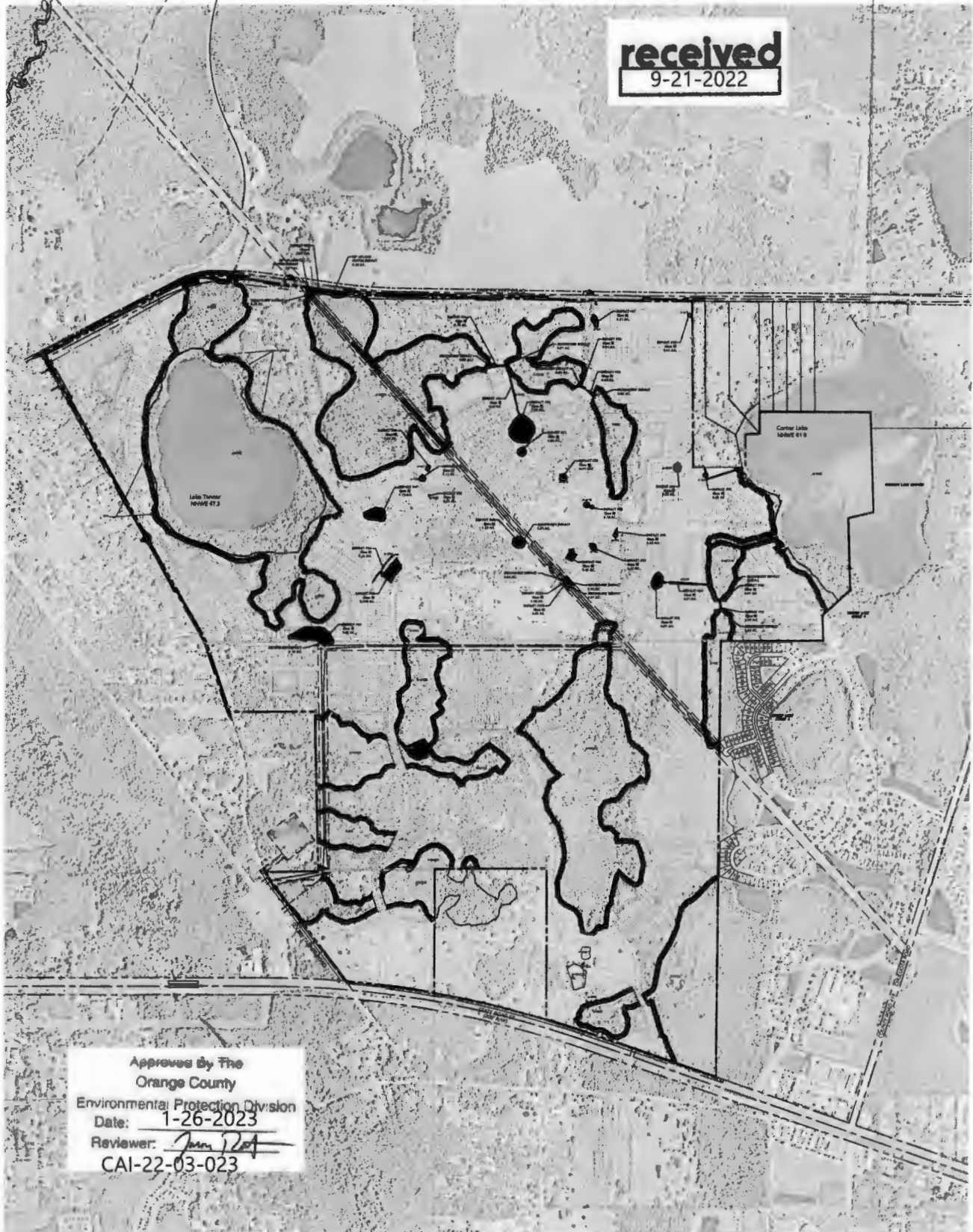
THE FOREGOING DECISION HAS BEEN FILED
WITH ME THIS 25TH DAY OF JANUARY 2023.



DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.
mf

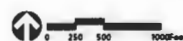
received
9-21-2022



Approved By The
Orange County
Environmental Protection Division
Date: 1-26-2023
Reviewer: *Janet D. [Signature]*
CAI-22-03-023

Nearmap.com Aerial - Flown Date: April 2020

Wetland Impact Map - "Parcels 7,8 and F1
The Grow
Orange County, Florida
Date: September 20, 2022





received
10-25-2022

Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

Approved By The
Orange County
Environmental Protection Division
Date: 1-26-2023
Reviewer: *John DeF*
CAI-22-03-023

The Grow - North
Orange County, Florida
Wildlife Corridors and
Potential Corssing Locations

1,100
Feet



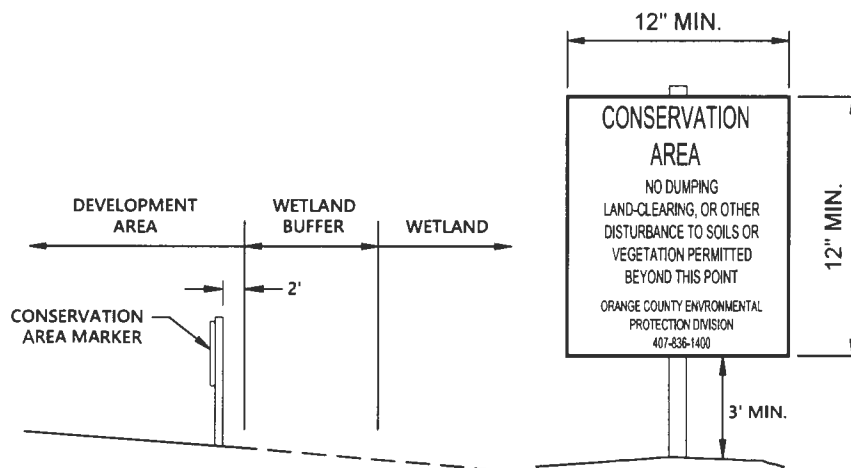
Date: 10/25/2022

Approved By The
Orange County
Environmental Protection Division
Date: 1-26-2023
Reviewer: *John P. [Signature]*
CAI-22-03-023

received
2-7-2022

NOTES:

1. CONSERVATION AREAS SHALL BE CLEARLY MARKED WITH PERMANENT SIGNS STATING: "CONSERVATION AREA - NO DUMPING, LAND-CLEARING, OR OTHER DISTURBANCE TO SOILS OR VEGETATION PERMITTED BEYOND THIS POINT. ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION 407-836-1400." THESE SIGNS SHALL BE LOCATED NO FARTHER THAN 150 FEET APART IN COMMON AREAS ON THE LANDWARD EDGE OF THE BUFFER (NOT IN THE BUFFER), AND ON EVERY OTHER INDIVIDUAL LOT LINE FOR RESIDENTIAL PROPERTIES, OR AS SPECIFIED WITHIN AN APPROVED ORANGE COUNTY CONSERVATION AREA IMPACT (CAI) PERMIT. PROVIDE A TYPICAL SIGN SHOWING THE DIMENSIONS OF THE SIGN AT 12 BY 12 INCHES MINIMUM AND AT LEAST 24 INCHES ABOVE GRADE.



Typical Conservation Marker Detail

N.T.S.



Environmental Protection Division
CONSERVATION AREA
IMPACT PERMIT
MINOR MODIFICATION #2

Permit No.: CAI-20-06-043-MOD2

Date Issued: April 20, 2022

Date of Modification No. 2: October 10, 2023

Date Expires: October 10, 2028

History: On April 20, 2022, the Environmental Protection Division (EPD) issued Conservation Area Impact Permit, CAI-20-06-043, for impacts associated with the master infrastructure for a development known as The Grow. Mitigation for the proposed impacts included the preservation of 173.14 acres of onsite wetlands by placing them into a conservation easement dedicated to Orange County. On May 5, 2023, EPD issued a Minor Modification of the CAI permit (CAI-20-06-043-MOD) due to more accurate surveys resulting in the preservation area measuring 166.82 acres. The CAI Minor Modification was approved with additional mitigation to include the purchase of 0.21 credit from TM-Econ Mitigation Bank, Phases 1-3 to offset the reduction in the preservation area. On September 7, 2023, EPD received another request to modify the CAI Permit after new surveys were completed and showed the preservation area was reduced from 166.82 acres to 166.51 acres. To offset the reduction in the preservation area, the applicant is purchasing an additional 0.01 credit from TM-Econ Mitigation Bank, Phases 1-3. The purchase of 0.22 credit from TM-Econ Mitigation Bank, Phases 1-3, and the preservation of 166.51 acres of onsite wetlands sufficiently offsets the proposed wetland impacts. This modifies Condition 7 to state the corrected preservation acreage. No other changes have been requested or approved with this Minor Modification.

A Permit Authorizing:

Impacts to 7.87 acres of wetlands and surface waters (0.94 acre of Class I wetlands, 0.83 acre of Class II wetlands, 5.93 acres of Class III wetlands, and 0.17 acre of Class III surface waters) to construct portions of a main roadway network and for a future Orange County school tract and Orange County Park tract. In addition, the project will result in 1.88 acres of upland buffer impacts and 1.55 acres of secondary wetland impacts. Mitigation comprises the preservation of 166.51 acres of onsite wetlands by placing them into a conservation easement dedicated to Orange County and the purchase of 0.22 mitigation credit from TM-Econ

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Mitigation Bank, Phases 1-3. This permit was approved by the Board of County Commissioners at a public hearing on March 22, 2022.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and Article XI, Econlockhatchee River Protection Ordinance and is subject to the permit conditions provided on the following pages:

Activity Location:

15817 E. Colonial Drive, 16499 E. Colonial Drive, E. Colonial Drive, 2513 S. Tanner Road, and 16562 Lake Pickett Road, Orlando, FL 32820

Parcel ID Nos.: 19-22-32-0000-00-001, 20-22-32-0000-00-002, 17-22-32-0000-00-002, 18-22-32-0000-00-001, and 08-22-32-0000-00-005

Related CAD No.: CAD-16-02-015-EXT2

Related PSP No.: PSP-20-06-156

Orange County Commission District: 5

Co-Permittee(s) / Authorized Entities:

American Land Investments of Orange County, LLC

Banksville of Florida, Inc.

Nivesa of Florida, Inc.

c/o Larry Medlin, Bio-Tech Consulting, Inc.

E-mail: larry@bio-techconsulting.com

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board's decision approving the permit unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. The wetland impacts must be completed in accordance with the 'Wetland Impact Map' prepared by VHB, received by the Environmental Protection Division (EPD) on February 7, 2022. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
4. This permit authorizes conceptual approval of wetland impacts within the park tract subject to justification of the impacts on a site plan approved by the Orange County Parks and Recreation (Parks) Division during final design and engineering of the park. The plan must be provided to EPD upon approval by the Parks Division.
5. Prior to mass grading or initiating any construction within wetlands authorized for impact within the designated 20-acre park tract, EPD shall receive final design site plans that demonstrate the conceptually approved wetland impacts are necessary.
6. The permittees must provide EPD an Environmental Resource Permit from the St. Johns River Water Management District (SJRWMD) for any wetland impacts in the park tract, once available.
7. The on-site preservation must be implemented in accordance with 'Figure 1 Mitigation Areas' exhibit submitted by Bio-Tech Consulting, Inc., and received by EPD on February 4, 2022. The preservation area should include a minimum of 166.51 acres of wetlands.
8. The monitoring and maintenance of the preservation areas shall be conducted in accordance with the 'Monitoring and Maintenance Plan' narrative submitted by Bio-Tech Consulting, Inc. and received by EPD on February 4, 2022. Successful establishment of the wetland mitigation will have occurred when:
 - a. At least 85 percent areal coverage by appropriate wetland species has been obtained, and
 - b. The mitigation area is comprised of less than 10 percent nuisance vegetation and less than five percent invasive exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2019 List of Invasive Species Category I and II.
9. A baseline monitoring report that clearly shows site conditions prior to any maintenance activities (removal of nuisance and/or invasive exotic vegetation) must be submitted to EPD within 60 days of completion of the first maintenance event. This report must include, at a minimum, the following information: site location, field sampling design, sampling methodology, GPS location of fixed transects, photographic documentation, fish and wildlife observations, hydrology, results, and discussion.

10. The permittees are required to submit annual monitoring reports that contain the following information: site location, field sampling design, sampling methodology, GPS location of fixed transects, photographic documentation, fish and wildlife observations, hydrology, results, and discussion. If at the end of the five-year monitoring period, the mitigation area is not meeting success criteria, the permittees are required to provide a restoration plan or modified mitigation plan and may be required to continue monitoring until success has been demonstrated.
11. Prior to initiating any construction within the wetlands, surface waters, or upland buffers that require mitigation, this permit requires the recording of a conservation easement (CE) in the public records of Orange County, and when applicable, notation of the CE on the corresponding plat. The CE must be dedicated to Orange County and cannot be recorded unless and until the CE is accepted and approved by EPD and the Orange County Real Estate Management Division (REM). The CE must include restrictions on the real property pursuant to Section 704.06, Florida Statutes (FS) and the requirements set forth below:
 - a. Within 30 days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the CE pursuant to the EPD-approved mitigation plan. The Orange County Surveyor must approve the final sketch and legal description. The permit holder shall ensure that the CE is executed by the correct grantor who must hold sufficient record title to the land encumbered by the CE. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder must contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of the title is subject to review and approval by REM.
 - b. If the impacts are to an upland defined as River Corridor Protection Zone (Chapter 15, Article XI, Section 15-443(1)), or to an upland buffer as defined by Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required and authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a CE in phases, such that impacts are offset prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation can only occur if it has been proposed in the mitigation plan and approved by this permit. A surveyor's sketch and legal description of the area to be placed under CE must be submitted in accordance with paragraph (a) above prior to commencement of each phase.
 - c. The CE must be in a form approved by the Orange County Attorney's Office (OCAO) and REM. Consistent with Section 704.06 FS, the CE must prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorizes. The CE must contain the provisions set forth in Section 704.06(1)(a) through (h), FS. The CE must contain provisions that grant the County the right to access and inspect the CE area, and to enforce the terms and conditions of the CE. Unless specifically prohibited by law, the CE must include a provision whereby the permit holder shall warrant title and agree to defend the same. The grantor cannot amend the CE without written approval by the County.
 - d. If the grantor of the CE is a partnership, the partnership must provide to EPD a partnership affidavit stating that the person executing the CE has the legal authority to convey an interest in the partnership land.
 - e. If any mortgages or financial encumbrances exist on the land, the permit holder shall ensure an appropriate consent and joinder is executed subordinating the mortgage or financial interest to the CE, which must be reviewed and approved by the OCAO and REM. The consent and joinder of mortgage must be recorded simultaneously with the CE in the public records of Orange County at the permit holder's sole expense.

- f. Upon approval of the final executed documents by Orange County, the CE and its attachments must be recorded in the public records of Orange County, at the permit holder's sole expense.
 - g. At least 45 days prior to whichever comes first: (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required; (2) clearing any upland within the River Corridor Protection Area or any upland buffer as defined and required per Chapter 15, Article XI, Section 15-442(f); (3) the sale of any lot or parcel; (4) the recording of the subdivision plat; or (5) use of the infrastructure for its intended use, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the CE.
 - h. If during the review of the submitted evidence of title, REM finds any encumbrances or irregularities that will render the proposed mitigation inadequate to offset the impact(s), the permit holder shall submit a revised mitigation plan for EPD staff to review and approve. The revised mitigation plan may require approval by the Board.
- 12. Conservation areas shall be clearly marked with signage that identifies the wetland and upland buffer. These signs shall be installed every 150 feet on any open space and on every other individual lot line. The signage shall conform to the 'Typical Conservation Marker Detail' figure received by EPD on February 7, 2022, and the locations shown on the 'Wetland Impact Map' prepared by VHB, received by the EPD on February 7, 2022. The signs shall be installed prior the approval of the mass grading plans or subdivision construction plans.
 - 13. Prior to beginning construction, the permittees must demarcate the boundaries of all wetland and upland conservation areas with six-foot-high PVC poles with orange flagging tied to the tops or orange safety fencing. Initial clearing shall include a path along the limit of construction to facilitate installation of silt fence and form a visual limit of clearing. After the initial clearing adjacent to the conservation areas is complete, a silt fence must be installed along the conservation easement boundaries and maintained throughout construction.
 - 14. Prior to any filling within the 100-year flood zone, a Flood Plain Permit may be required from the Orange County Stormwater Management Division authorizing the fill.
 - 15. The permittees shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittees shall remain liable for all permit conditions and corrective actions that may be required because of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
 - 16. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES CGP, pursuant to the requirements of 62-621.300(4)(a), Florida Administrative Code (F.A.C.). As the Operator of the Municipal Separate Storm Sewer System (MS4), copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4.

17. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242, F.A.C. Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed, and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittees shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 Nephelometric Turbidity Units (NTU) over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters.
18. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of Chapters 62-621.300(2)(a) and 62-620, F.A.C., and Chapter 403 FS. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

General Conditions:

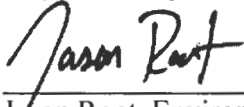
19. Subject to the terms and conditions herein, the permittees are hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittees bind themselves and their successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease, and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
20. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
21. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impact and preservation areas.
22. The permittees shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittees shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
23. Issuance of this permit does not warrant in any way that the permittees have riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittees. If any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittees agree to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

24. This permit does not release the permittees from complying with all other federal, state, and local laws, ordinances, rules, and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittees or create in the permittees any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittees or convey any rights or privileges other than those specified in the permit and Chapter 15, Articles X and XI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittees shall comply with the most stringent conditions.
25. The permittees shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
26. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittees shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
27. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
28. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
29. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
30. The permittees shall hold and save the County harmless from all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
31. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittees.
32. The permittees agree that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
33. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the permittees to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the permittees fail to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
34. Pursuant to Section 125.022 FS, the applicants shall obtain all other applicable state or federal permits before commencement of development.
35. Wildlife corridors and potential wildlife crossings and signage are shown on the Wildlife Crossings and Potential Crossing Location Map submitted by Bio Tech Consulting on March 21, 2022. Developer shall be required to show and include said crossings and signage on the construction plans subject to staff's determination that: (A) the crossings can be installed within the right of way depicted on the approved PSP, thus not requiring additional wetland and/or upland buffer impacts; and (B) the improvements will not create sight distance problems or other safety concerns. The wildlife crossings shall consider terrestrial and aquatic species as appropriate.

36. Pursuant to the approved APF agreement, potential impacts to the wetlands on the APF school and park track shall be mitigated. However, the wetlands for the park track shall not be impacted or filled prior to conveyance to the County.

If you should have any questions concerning this permit, please contact Jason Root at (407) 836-1518 or Jason.Root@ocfl.net.

Project Manager:



Jason Root, Environmental Team Leader

Authorized for the Orange County Environmental Protection Division by:



for

Renée H. Parker, LEP, Environmental Protection Officer

JR/KK/TMH/ERJ/RHP: gfdjr

Attachments: Construction Notice
 BCC Decision Letter
 Approved Site Plans

- c: Dwight Saathoff, dwight@pfdllc.net
 David Martinez, Nivesa of Florida, and Banksville of Florida, davidmartinezbello@gmail.com
 St. Johns River Water Management District, Marc von Canal, mvoncana@sjrwmd.com
 FWC, Conservation Planning Services, conservationplanningservices@MyFWC.com
 Alyse Tristram, EPD, Alyse.Tristram@ocfl.net
 Laura Tatro, Orange County Utilities, Laura.Tatro@ocfl.net



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
Or Fax to: 407-836-1499
Or E-Mail to: WetlandPermitting@ocfl.net

Permit Number and Name: CAI-20-06-043-MOD2, The Grow - Infrastructure - Minor Modification #2

Permit Type: Conservation Area Impact Permit (CAI)

Approximate Starting Date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, March 22, 2022

2:00 PM

County Commission Chambers

22-215

CAI-20-06-043

American Land Investments of Orange County, LLC, Banksville of Florida, Inc. and Nivesa of Florida, Inc., permit; District 5 (Continued from March 8, 2022)

Consideration: A request by American Land Investments of Orange County, LLC, Banksville of Florida, Inc., and Nivesa of Florida, Inc., for a Conservation Area Impact (CAI) permit to impact wetlands, surface waters, and required upland buffers in order to construct portions of a main roadway network for an 1,189 acre development known as The Grow, and for a future Orange County school tract and Orange County park tract.

Location: District 5; property located at 15817 E. Colonial Drive, 16499 E. Colonial Drive, E. Colonial Drive, 2513 S. Tanner Road, and 16562 Lake Pickett Road; Orange County, Florida (legal property description on file in Planning Division)

Modification to Condition of Approval #35:

35. Wildlife crossings for the loop road shall be shown on the construction plans in areas where the loop road crosses wetland and/or upland buffers. The wildlife crossings shall consider terrestrial and aquatic species as appropriate. Wildlife corridors and potential wildlife crossings and signage are shown on the Wildlife Crossings and Potential Crossing Location Map submitted by Bio Tech Consulting on March 21, 2022. Developer shall be required to show and include said crossings and signage on the construction plans subject to staff's determination that: (A) the crossings can be installed within the right of way depicted on the approved PSP, thus not requiring additional wetland and/or upland buffer impacts; and (B) the improvements will not create sight distance problems or other safety concerns. The wildlife crossings shall consider terrestrial and aquatic species as appropriate.


A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to accept the findings and recommendation of the Environmental Protection Division staff; further, approve Conservation Area Impact Permit CAI 20-06-043 for The Grow, subject to the thirty six (36) conditions of approval listed in the staff report dated March 9, 2022; and further, approve modification to condition of approval #35. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Wilson

THE FOREGOING DECISION HAS BEEN FILED
WITH ME THIS 5TH DAY OF APRIL 2022.

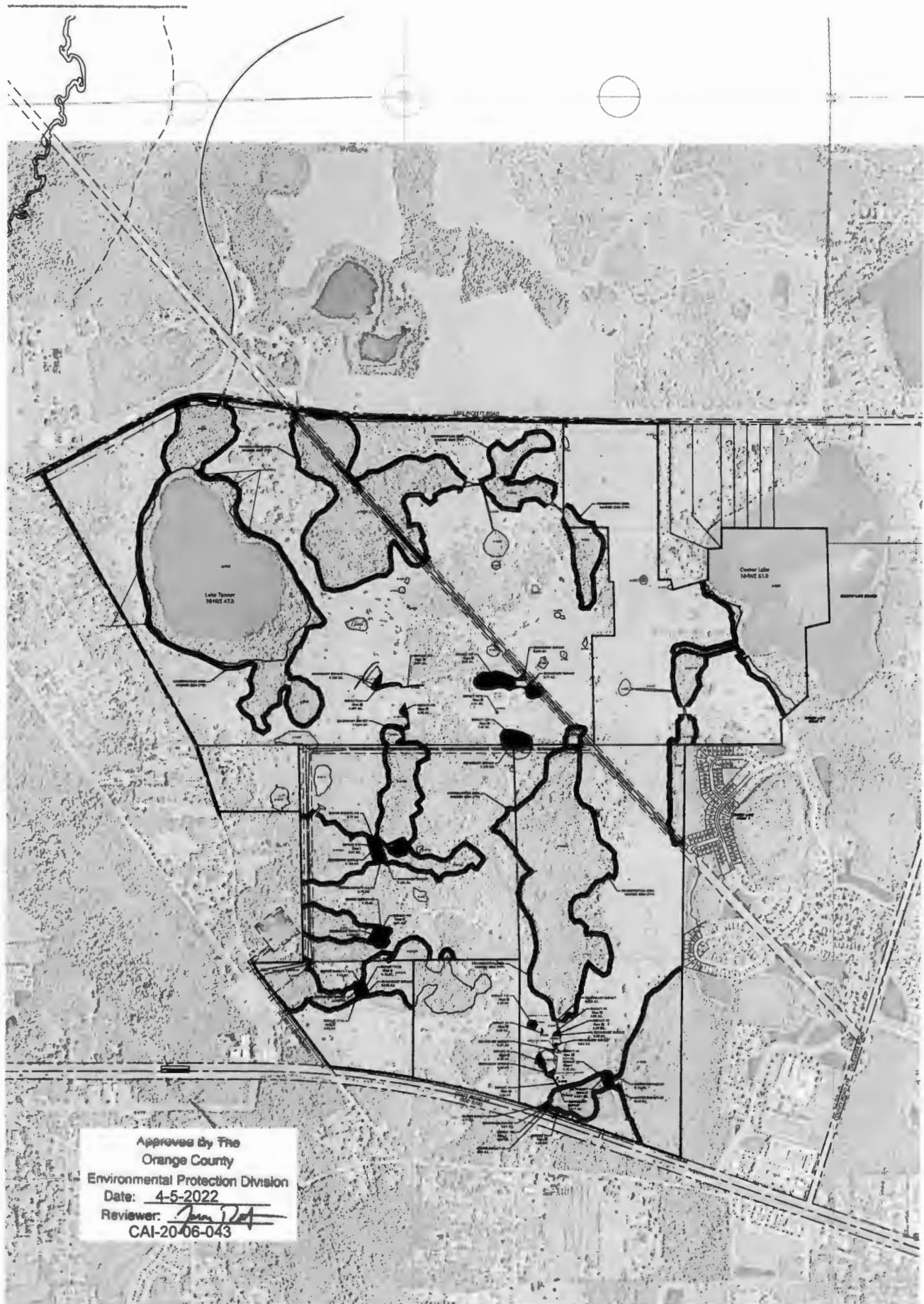




DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.

||



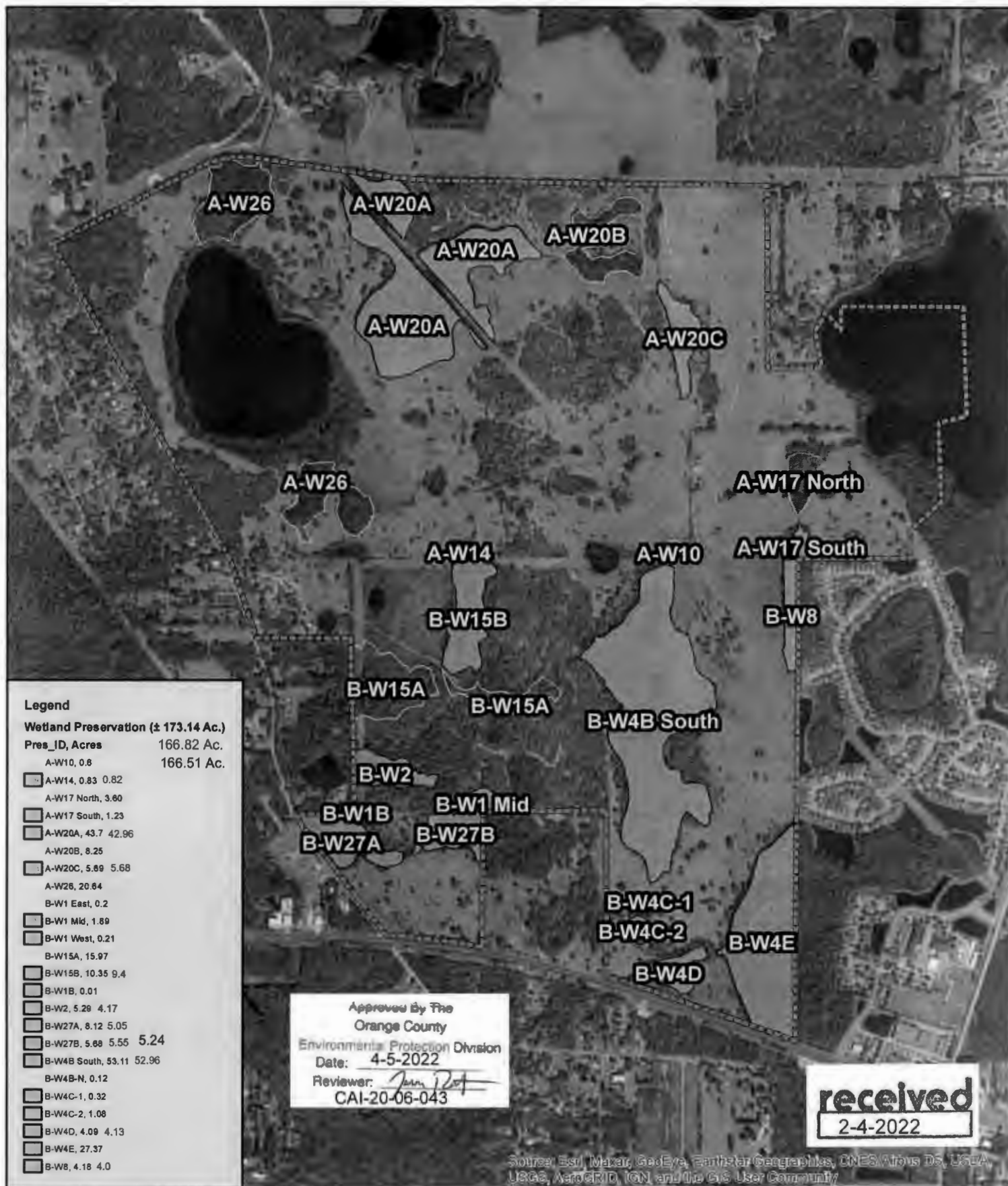
Approved by The
Orange County
Environmental Protection Division
Date: 4-5-2022
Reviewer: *[Signature]*
CAI-20-06-043

Nearmap.com Aerial - Flown Date: April 2020

Wetland Impact Map
The Grow
Orange County, Florida
Date: February 07, 2021

received
2-7-2022





The Grow - PSP Road, APF Lands
Orange County, Florida
Figure 1
CAI-20-06-043 Mitigation Areas



**The Grow CAI-20-06-043 -MOD2
Maintenance – Monitoring Plan**

Mitigation Plan

166.51

The mitigation plan proposes to preserve 173.14 acres of forested on-site wetlands, and associated 50-foot upland buffers, with frequent nuisance and exotic species management in perpetuity. The on-site mitigation area will be placed within a conservation easement dedicated to the County. Management of the Mitigation Area will be limited to nuisance and exotic species control through herbicide application.

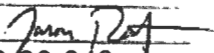
Monitoring Plan

The wetland preservation areas will be quantitatively monitored for a period of three (3) years. The monitoring events will occur on a semi-annual basis for the entire monitoring period. A baseline monitoring report and three (3) annual reports will be submitted to the County.

Permanent monitoring transects will be established throughout the wetland preservation areas and utilized for the collection of sampling data. Each transect will be 100 feet in length have two (2) monitoring stations. Monitoring stations will include a quantitative assessment of vegetation within a 50-foot radius of each monitoring station. At the ends of each transect, photo stations will be established to provide photographic documentation of the preservation areas. A GPS point will be recorded at each photo station and shown on an exhibit. Data collected from these monitoring stations will include a vegetative species listing with wetland status, estimated percent coverage of species, wildlife utilization, and a description of any problems encountered during the evaluation and proposed solutions.

Maintenance Plan

During the three (3) year monitoring period, maintenance events to control nuisance and exotic vegetation will occur on a quarterly basis. Maintenance events will be conducted to ensure that the conservation areas are free from invasive exotic vegetation (as defined by the Florida exotic pest plant council) immediately following a maintenance activity and shall constitute no more than 5% of vegetative cover between maintenance activities. Nuisance plant species shall constitute no more than 10% of total cover.

Approved By The
Orange County
Environmental Protection Division
Date: 4-5-2022
Reviewer: 
CAI-20-06-043



Following the three (3) year monitoring program, a perpetual maintenance plan is proposed for the preserved wetland. A maintenance program shall be implemented for the preserved wetland on a regular basis to ensure the integrity and viability of the conservation areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are free from invasive exotic vegetation (as defined by the Florida exotic pest plant council at the date of permit issuance) immediately following a maintenance activity and shall constitute no more than 5% of vegetative cover between maintenance activities. Nuisance plant species shall constitute no more than 10% of total cover.

Mitigation Success

To demonstrate that the mitigation is successful, the following criteria must be maintained.

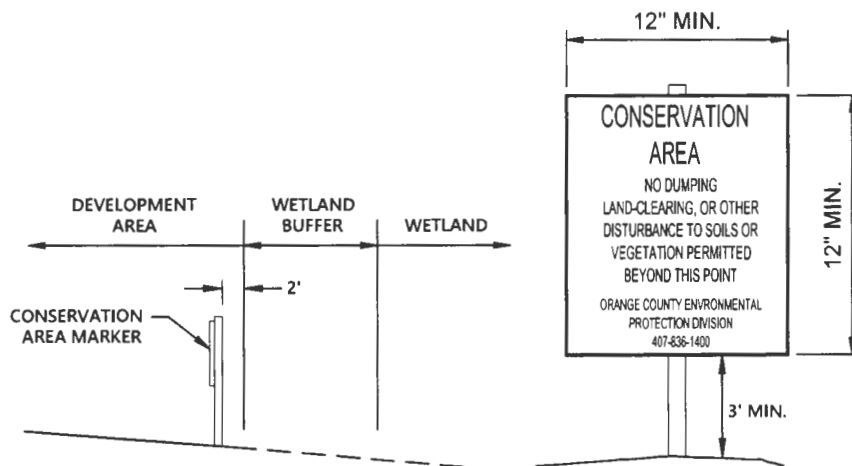
- 1) 85% coverage by appropriate wetland species.
- 2) Coverage of exotic species shall not exceed 5%.

Approved By The
Orange County
Environmental Protection Division
Date: 4-5-2022
Reviewer: *John P. [Signature]*
CAI-20-06-043

received
2-7-2022

NOTES:

1. CONSERVATION AREAS SHALL BE CLEARLY MARKED WITH PERMANENT SIGNS STATING: "CONSERVATION AREA - NO DUMPING, LAND-CLEARING, OR OTHER DISTURBANCE TO SOILS OR VEGETATION PERMITTED BEYOND THIS POINT. ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION 407-836-1400." THESE SIGNS SHALL BE LOCATED NO FARTHER THAN 150 FEET APART IN COMMON AREAS ON THE LANDWARD EDGE OF THE BUFFER (NOT IN THE BUFFER), AND ON EVERY OTHER INDIVIDUAL LOT LINE FOR RESIDENTIAL PROPERTIES, OR AS SPECIFIED WITHIN AN APPROVED ORANGE COUNTY CONSERVATION AREA IMPACT (CAI) PERMIT. PROVIDE A TYPICAL SIGN SHOWING THE DIMENSIONS OF THE SIGN AT 12 BY 12 INCHES MINIMUM AND AT LEAST 24 INCHES ABOVE GRADE.












Typical Conservation Marker Detail

N.T.S.

received
3-21-2022

Approved by The
Orange County
Environmental Protection Division
Date: 4-5-2022
Reviewer: *John P. [Signature]*
CAI-20-06-043

Legend

-  Potential wildlife crossing sign location
-  Existing wildlife corridor
-  Potential wildlife usage
-  Existing Powerline Easement
-  Potential wildlife crossing location
-  Out_Parcel
-  Boundary CAI / PSP / APR Lands
-  OCEPD Upland Buffers
-  Wetlands

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

The Grow - MI PSP Orange County, Florida Wildlife Corridors and Potential Crossing Locations

760

Feet

N



Revision Date:
Date: 3/21/2022



Environmental Protection Division
CONSERVATION AREA
IMPACT PERMIT
MINOR MODIFICATION #2

Permit No.: CAI-21-10-062-MOD2

Date Issued: November 15, 2022

Date of Modification: April 4, 2024

Date Expires: April 4, 2029

History: On November 15, 2022, the Environmental Protection Division (EPD) issued Conservation Area Impact Permit, CAI-21-10-062, for impacts associated with a development known as The Grow (South). Mitigation for the proposed impacts included the preservation of 49.38 acres of onsite wetlands by placing them into a conservation easement dedicated to Orange County and the purchase of 0.61 mitigation credits. The ledger for the Lake X Mitigation Bank confirms that 0.61 credits were deducted for this project in accordance with the permit. On December 11, 2023, EPD issued a Minor Modification (CAI-21-10-062-MOD) due to updated surveys showing the preservation area was reduced from 46.92 acres. The reduction in the preservation area resulted in a need for an additional 0.09 credit. The permittee has reserved 26.61 UMAM credits at TM-Econ Mitigation Bank, Phase IV for their State of Florida Environmental Resource Permit and used those credits to account for the 0.09 credit needed for the first Minor Modification. On March 13, 2024, EPD received a request for a second Minor Modification. Due to more accurate surveys and a reduction of preservation area due to existing easements and single-family-residential shorelines, it was discovered that the preservation area measured 44.80 acres. The reduction in the preservation area resulted in a need for an additional 0.07 credit. The permittee has reserved 26.61 UMAM credits at TM-Econ Mitigation Bank, Phase IV for their State of Florida Environmental Resource Permit and has proposed to use those credits to account for the 0.07 credit needed for this second Minor Modification. No other changes have been requested or approved with this Minor Modification.

A Permit Authorizing:

Impacts to 3.64 acres of Class III wetlands to construct the southern portion of a residential subdivision known as The Grow. The project will also result in 0.58 acre of secondary impacts to Class III wetlands. Mitigation comprises the preservation of 44.80 acres of onsite wetlands and the associated 50-ft buffer by placing them into a conservation easement dedicated to Orange County. Additionally, the applicants have purchased 0.61 state mitigation credits from Lake X Mitigation Bank. Another 0.16 credits have been reserved from TM-Econ Mitigation Bank, Phase IV. Verification of the recorded conservation easement and the purchase of the required mitigation credits will be required prior to approval of any construction plans that include wetland impacts. This permit was authorized by the Board of County Commissioners at a public hearing on September 27, 2022.

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and Article XI, Econlockhatchee River Protection Ordinance and is subject to the permit conditions provided on the following pages:

Activity Location:

The Grow (South)

16499 E. Colonial Drive, E. Colonial Drive, and

S. Tanner Road, Orlando, FL 32820

Parcel ID Nos.: 20-22-32-0000-00-002, 17-22-32-0000-00-002, and

18-22-32-0000-00-025

Related CAD Nos.: CAD-16-02-015 and CAD-16-02-021

Related PSP No.: PSP-21-12-367

Orange County Commission District: 5

Permittee(s) / Authorized Entity:

American Land Investments of Orange County, LLC

Banksville of Florida, Inc.

Nivesa of Florida, Inc.

c/o Larry Medlin, Bio-Tech Consulting, Inc.

E-mail: larry@bio-techconsulting.com

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board's decision approving the permit unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. The wetland impacts must be completed in accordance with the 'Wetland Impact Map – Parcels A, B, D and E' prepared by VHB, received by the Environmental Protection Division (EPD) on May 19, 2022. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date. Any permit extensions for the activities authorized herein may be approved by way of the Consent Agenda if there are no changes.
4. The on-site preservation must be implemented in accordance with the 'Figure 1' exhibit submitted by Bio-Tech Consulting, Inc., and received by EPD on March 26, 2024. The preservation area should include a minimum of 44.80 acres of wetlands.
5. Mitigation for direct and secondary impacts to wetlands includes the purchase of 0.16 Uniform Mitigation Assessment Method mitigation credits from the TM-Econ Mitigation Bank, Phase IV. (Credits have been purchased.)
6. Wildlife corridors and potential wildlife crossings and signage are shown on the Wildlife Crossings and Potential Crossing Location Map submitted by Bio-Tech Consulting on March 21, 2022. Developer shall be required to show and include said crossings and signage on the construction plans subject to staff's determination that: (A) the crossings can be installed within the right-of-way depicted on the approved PSP, thus not requiring additional wetland and/or upland buffer impacts; and (B) the improvements will not create sight distance problems or other safety concerns. The wildlife crossings shall consider terrestrial and aquatic species as appropriate.
7. The monitoring and maintenance of the preservation areas shall be conducted in accordance with the 'Maintenance - Monitoring Plan' narrative submitted by Bio-Tech Consulting, Inc. and received by EPD on March 16, 2022. Successful establishment of the wetland mitigation will have occurred when:
 - a. At least 85 percent areal coverage by appropriate wetland species has been obtained, and
 - b. The mitigation area is comprised of less than 10 percent nuisance vegetation and less than five percent invasive exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2019 List of Invasive Species Category I and II.
8. A baseline monitoring report that clearly shows site conditions prior to any maintenance activities (removal of nuisance and/or invasive exotic vegetation) must be submitted to EPD within 60 days of completion of the first maintenance event. This report must include, at a minimum, the following information: site location, field sampling design, sampling methodology, GPS location of fixed transects, photographic documentation, fish and wildlife observations, hydrology, results, and discussion.
9. The permittees are required to submit annual monitoring reports that contain the following information: site location, field sampling design, sampling methodology, GPS location of fixed transects, photographic documentation, fish and wildlife observations, hydrology, results, and discussion. If at the end of the five-

year monitoring period, the mitigation area is not meeting success criteria, the permittees are required to provide a restoration plan or modified mitigation plan and may be required to continue monitoring until success has been demonstrated.

10. Prior to initiating any construction within the wetlands, surface waters, or upland buffers that require mitigation, this permit requires the recording of a conservation easement (CE) in the public records of Orange County, and when applicable, notation of the CE on the corresponding plat. The CE must be dedicated to Orange County and cannot be recorded unless and until the CE is accepted and approved by EPD and the Orange County Real Estate Management Division (REM). The CE must include restrictions on the real property pursuant to Section 704.06, Florida Statutes (FS) and the requirements set forth below:
 - a. Within 30 days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the CE pursuant to the EPD-approved mitigation plan. The Orange County Surveyor must approve the final sketch and legal description. The permit holder shall ensure that the CE is executed by the correct grantor who must hold sufficient record title to the land encumbered by the CE. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder must contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of the title is subject to review and approval by REM.
 - b. If the impacts are to an upland defined as River Corridor Protection Zone (Chapter 15, Article XI, Section 15-443(1)), or to an upland buffer as defined by Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required and authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a CE in phases, such that impacts are offset prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation can only occur if it has been proposed in the mitigation plan and approved by this permit. A surveyor's sketch and legal description of the area to be placed under CE must be submitted in accordance with paragraph (a) above prior to commencement of each phase.
 - c. The CE must be in a form approved by the Orange County Attorney's Office (OCAO) and REM. Consistent with Section 704.06 FS, the CE must prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorizes. The CE must contain the provisions set forth in Section 704.06(1)(a) through (h), FS. The CE must contain provisions that grant the County the right to access and inspect the CE area, and to enforce the terms and conditions of the CE. Unless specifically prohibited by law, the CE must include a provision whereby the permit holder shall warrant title and agree to defend the same. The grantor cannot amend the CE without written approval by the County.
 - d. If the grantor of the CE is a partnership, the partnership must provide to EPD a partnership affidavit stating that the person executing the CE has the legal authority to convey an interest in the partnership land.
 - e. If any mortgages or financial encumbrances exist on the land, the permit holder shall ensure an appropriate consent and joinder is executed subordinating the mortgage or financial interest to the CE, which must be reviewed and approved by the OCAO and REM. The consent and joinder of mortgagee must be recorded simultaneously with the CE in the public records of Orange County at the permit holder's sole expense.
 - f. Upon approval of the final executed documents by Orange County, the CE and its attachments must be recorded in the public records of Orange County, at the permit holder's sole expense.
 - g. At least 45 days prior to whichever comes first: (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required; (2) clearing any upland within the River Corridor Protection Area or any upland buffer as defined and required per Chapter 15, Article XI, Section 15-442(f); (3) the sale of any lot or parcel; (4) the recording of the subdivision plat; or (5) use of the

infrastructure for its intended use, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the CE.

- h. If during the review of the submitted evidence of title, REM finds any encumbrances or irregularities that will render the proposed mitigation inadequate to offset the impact(s), the permit holder shall submit a revised mitigation plan for EPD staff to review and approve. The revised mitigation plan may require approval by the Board.
11. Conservation areas shall be clearly marked with signage that identifies the wetland and upland buffer. These signs shall be installed every 150 feet on any open space and on every other individual lot line. The signage shall conform to the 'Typical Conservation Marker Detail' figure received by EPD on February 7, 2022, and the locations shown on the 'Wetland Impact Map' prepared by VHB, received by EPD on May 19, 2022. The signs shall be installed prior the approval of the mass grading plans or subdivision construction plans.
12. Prior to beginning construction, the permittees must demarcate the boundaries of all wetland and upland conservation areas with six-foot-high PVC poles with orange flagging tied to the tops or orange safety fencing. Initial clearing shall include a path along the limit of construction to facilitate installation of silt fence and form a visual limit of clearing. After the initial clearing adjacent to the conservation areas is complete, a silt fence must be installed along the conservation easement boundaries and maintained throughout construction.
13. Prior to any filling within the 100-year flood zone, a Flood Plain Permit may be required from the Orange County Stormwater Management Division authorizing the fill.
14. The permittees shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittees shall remain liable for all permit conditions and corrective actions that may be required because of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
15. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES CGP, pursuant to the requirements of 62-621.300(4)(a), Florida Administrative Code (F.A.C.). As the Operator of the Municipal Separate Storm Sewer System (MS4), copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4.
16. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530(70), and 62-4.242, F.A.C. Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed, and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittees shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 Nephelometric Turbidity Units (NTU) over background for

Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters.

17. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of Chapters 62-621.300(2)(a) and 62-620, F.A.C., and Chapter 403 FS. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.
18. To protect the water quality of downstream waterbodies, the permittees will implement a Street Sweeping Program (Program) that will facilitate removal of leaves and other materials from the streets. The Street Sweeping Program consists of removing soil, vegetation, and other debris from the curbed streets within the limits of the development. The Program will provide for weekly sweeping of curbed streets. This Program will be implemented, neighborhood by neighborhood, on a phased basis upon the Permittees filing a Notice of Termination of coverage under Florida Department of Environmental Protection's Construction Generic Permit. The Permittee's Program will be maintained and funded by the Property Owner's Association. An annual report shall be submitted to EPD at WetlandPermitting@ocfl.net. The Report shall include the following:
 - a. Annual Total weight and/or volume accumulated.
 - b. Annual Number of curb miles streets swept.
 - c. Map of streets swept.
 - d. Documentation that accumulated materials have been disposed of properly in accordance with Rule 62-701, Florida Administrative Code.

General Conditions:

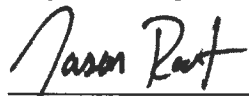
19. Subject to the terms and conditions herein, the permittees are hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittees bind themselves and their successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease, and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
20. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
21. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impact and preservation areas.
22. The permittees shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittees shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
23. Issuance of this permit does not warrant in any way that the permittees have riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittees. If any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittees agree to either obtain written consent or to remove the offending structure or

encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

24. This permit does not release the permittees from complying with all other federal, state, and local laws, ordinances, rules, and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittees or create in the permittees any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittees or convey any rights or privileges other than those specified in the permit and Chapter 15, Articles X and XI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittees shall comply with the most stringent conditions.
25. The permittees shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
26. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittees shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
27. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
28. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
29. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
30. The permittees shall hold and save the County harmless from all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
31. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittees.
32. The permittees agree that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
33. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the permittees to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the permittees fail to obtain the requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
34. Pursuant to Section 125.022 FS, the applicants shall obtain all other applicable state or federal permits before commencement of development.

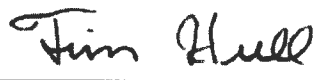
If you should have any questions concerning this permit, please contact Jason Root at (407) 836-1518 or Jason.Root@ocfl.net.

Project Manager:



Jason Root, Environmental Team Leader

Authorized for the Orange County Environmental Protection Division by:

 for

Renée H. Parker, LEP, Environmental Protection Officer

JR/~~KK~~/TMH: gfdjr

Attachments: Construction Notice
 BCC Decision Letter
 Approved Site Plans

c: Dwight Saathoff, dwright@pfdllc.net
 David Martinez, Nivesa of Florida and Banksville of Florida, davidmartinezbello@gmail.com
 Richard Lee, P.E., Compliance Supervisor, SJRWMD, rlee@sjrwmd.com
 FWC, Conservation Planning Services, conservationplanningservices@MyFWC.com
 Elizabeth Johnson, EPD, Liz.Johnson@ocfl.net



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
Or Fax to: 407-836-1499
Or E-Mail to: WetlandPermitting@ocfl.net

Permit Number and Name: CAI-21-10-062-MOD2, The Grow South - Minor Modification #2

Permit Type: Conservation Area Impact Permit (CAI)

Approximate Starting Date: _____

Approximate Completion Date: _____

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, September 27, 2022

9:00 AM

County Commission Chambers

22-1037

Case # CAI-21-10-062

American Land Investments of Orange County, LLC, Banksville of Florida, Inc., and Nivosa of Florida, Inc.; permit: District 5

Consideration: A request by American Land Investments of Orange County, LLC, Banksville of Florida, Inc., and Nivosa of Florida, Inc., for a Conservation Area Impact permit to impact wetlands in order to construct portions of a development known as the Grow. The subject CAI application is for the southern portion of the site.

Location: District 5; property located at 16499 E. Colonial Drive, E. Colonial Drive, and S. Tanner Road, Orlando, FL 32820 (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to accept the findings and recommendation of the Environmental Protection Division staff; and further, approve the Conservation Area Impact Permit CAI-21-10-062, subject to the thirty-three (33) conditions of approval listed in the staff report dated August 11, 2022; further, make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the forty seven (47) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated August 31, 2022. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

Nay: 1 - Commissioner Wilson

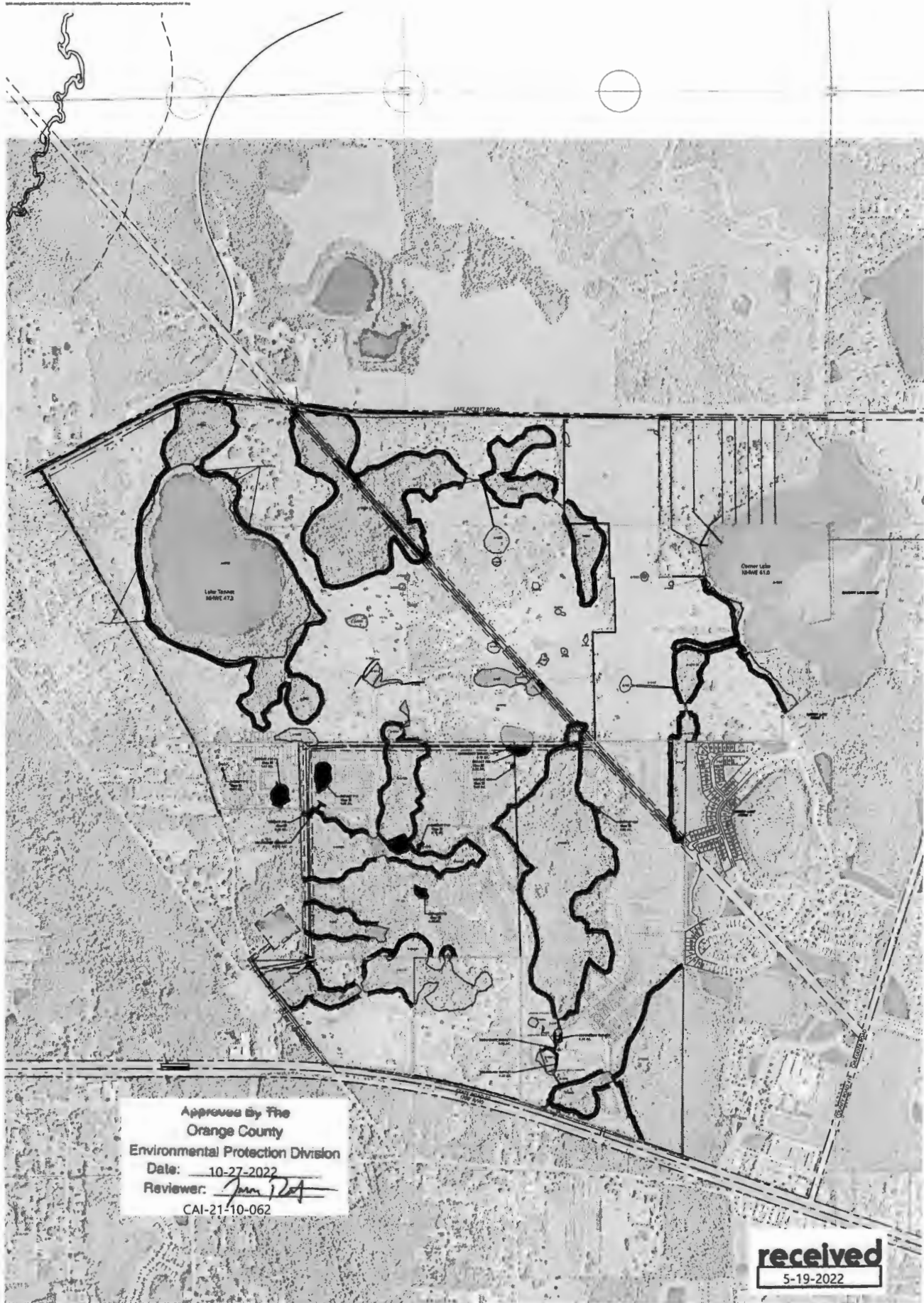
THE FOREGOING DECISION HAS BEEN FILED
WITH ME THIS 25TH DAY OF OCTOBER 2022.

DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA



Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.

np



Neemap.com Aerial - Flown Date: April 2020

Wetland Impact Map - "Parcels A,B,D and E"
The Grow
Orange County, Florida
Date: May 19, 2022



3-26-2024

Approved by The
Orange County

Environmental Protection Division
Date: 3-27-2024

Reviewer: James J. Ruff
CAI-21-10-062-MOD2

 Boundary (fullsite)Wetland Preservation (\pm 44.80 Ac.)

Pres_ID, Applicatio, Wetland_AC

 A-20B, Grow South, 8.25

A-20C (South), MI-PSP, 4.8

A-W10 (Part A), Grow South, 0.38

A-W10 (Part B), Grow South, 0.003

A-W14, MI-PSP, 0.83

 A-W17 North, Grow South, 3.95

A-W17 South, MI-PSP, 1.23

A-W20A (Part A), MI-PSP, 25.09

A-W20A (Part B), MI-PSP, 17.77

A-W20C (North), MI-PSP, 0.88

A-W26 (Part A), Grow South, 10.71

A-W26 (Part B), Grow South, 7.81

☐ B-W1 East, Grow South, 0.20

B-W1 Mid & West, MI-PSP, 2.10

☐ B-W15A, Grow South, 13.50

B-W15B, MI-PSP, 9.40

B-W2, MI-PSP, 4.25

B-W27A, MI-PSP, 5.06

B-W278, MI-PSP, 5.24

B-W4B South (East Portion), MI-PSP, 23.45

B-W4B South (West Portion), MI-PSP, 29.51

B-W4C-1, MI-PSP, 0.32

B-W4C-2, MI-PSP, 1.08

B-W4D, Mt-PSP, 4.12

B-W4E, MI-PSP, 27.53

B-W8, MI-PSP, 4

Sources: Esri, DeLorme, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CAI-21-10-062 Mitigation Areas



1,300

Feet

Project #: 672-28

Produced By: LPM

Date: 3/26/2024

received
3-21-2022

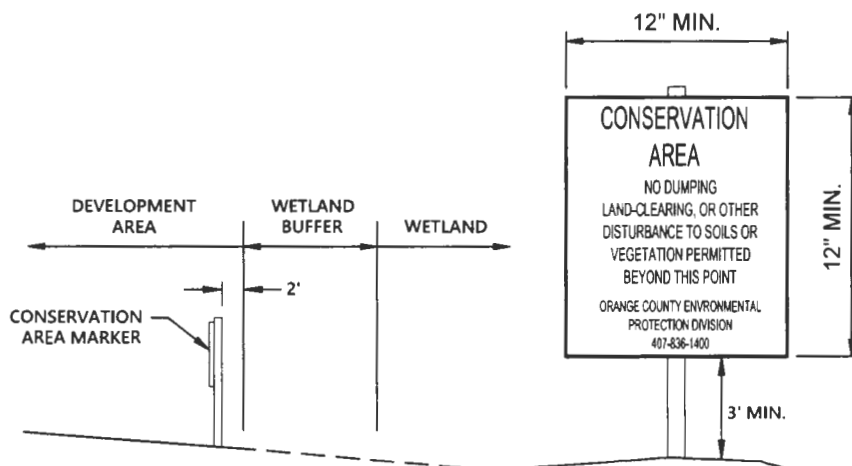


Approved By Title
Orange County
Environmental Protection Division
Date: 10-27-2022
Reviewer: *John P. [Signature]*
CAI-21-10-062

received
2-7-2022

NOTES:

1. CONSERVATION AREAS SHALL BE CLEARLY MARKED WITH PERMANENT SIGNS STATING: "CONSERVATION AREA - NO DUMPING, LAND-CLEARING, OR OTHER DISTURBANCE TO SOILS OR VEGETATION PERMITTED BEYOND THIS POINT. ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION 407-836-1400." THESE SIGNS SHALL BE LOCATED NO FARTHER THAN 150 FEET APART IN COMMON AREAS ON THE LANDWARD EDGE OF THE BUFFER (NOT IN THE BUFFER), AND ON EVERY OTHER INDIVIDUAL LOT LINE FOR RESIDENTIAL PROPERTIES, OR AS SPECIFIED WITHIN AN APPROVED ORANGE COUNTY CONSERVATION AREA IMPACT (CAI) PERMIT. PROVIDE A TYPICAL SIGN SHOWING THE DIMENSIONS OF THE SIGN AT 12 BY 12 INCHES MINIMUM AND AT LEAST 24 INCHES ABOVE GRADE.



Typical Conservation Marker Detail

N.T.S.

**The Grow South CAI-21-10-062 -MOD2
Maintenance – Monitoring Plan**

Mitigation Plan

44.80

The mitigation plan proposes to preserve 49.38 acres of forested on-site wetlands, and associated 50-foot upland buffers, with frequent nuisance and exotic species management in perpetuity and purchase 0.59 credits from the TM Econ Mitigation bank. The on-site mitigation area will be placed within a conservation easement dedicated to the County. Management of the Mitigation Area will be limited to nuisance and exotic species control through herbicide application.

Monitoring Plan

The wetland preservation areas will be quantitatively monitored for a period of three (3) years. The monitoring events will occur on a semi-annual basis for the entire monitoring period. A baseline monitoring report and three (3) annual reports will be submitted to the County.

Permanent monitoring transects will be established throughout the wetland preservation areas and utilized for the collection of sampling data. Each transect will be 100 feet in length have two (2) monitoring stations. Monitoring stations will include a quantitative assessment of vegetation within a 50-foot radius of each monitoring station. At the ends of each transect, photo stations will be established to provide photographic documentation of the preservation areas. A GPS point will be recorded at each photo station and shown on an exhibit. Data collected from these monitoring stations will include a vegetative species listing with wetland status, estimated percent coverage of species, wildlife utilization, and a description of any problems encountered during the evaluation and proposed solutions.

Maintenance Plan

During the three (3) year monitoring period, maintenance events to control nuisance and exotic vegetation will occur on a quarterly basis. Maintenance events will be conducted to ensure that the conservation areas are free from invasive exotic vegetation (as defined by the Florida exotic pest plant council) immediately following a maintenance activity and shall constitute no more than 5% of vegetative cover between maintenance activities. Nuisance plant species shall constitute no more than 10% of total cover.

Approved By The
Orange County
Environmental Protection Division
Date: 10-27-2022
Reviewer: *[Signature]*
CAI-21-10-062



Following the three (3) year monitoring program, a perpetual maintenance plan is proposed for the preserved wetland. A maintenance program shall be implemented for the preserved wetland on a regular basis to ensure the integrity and viability of the conservation areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are free from invasive exotic vegetation (as defined by the Florida exotic pest plant council at the date of permit issuance) immediately following a maintenance activity and shall constitute no more than 5% of vegetative cover between maintenance activities. Nuisance plant species shall constitute no more than 10% of total cover.

Mitigation Success

To demonstrate that the mitigation is successful, the following criteria must be maintained.

- 1) 85% coverage by appropriate wetland species.
- 2) Coverage of exotic species shall not exceed 5%.



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No.: CAI-18-03-012

Date Issued: November 15, 2018

Date Expires: November 15, 2023

A Permit Authorizing:

Impacts to 12.49 acres of Class II wetlands, 0.02 acre of Class III wetlands, and 0.47 acre of secondary impacts in order to construct a commercial/residential development and associated stormwater pond. Mitigation will include the purchase of 5.85 credits at the Hatchineha Ranch Mitigation Bank.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and is subject to the permit conditions provided on the following pages:

Activity Location:

Hamlin West Development

Parcel ID Nos.: 20-23-27-0000-00-002, 20-23-27-0000-00-007, 20-23-27-0000-00-025, & 20-23-27-0000-00-027

Related CAD Nos.: CAD-17-04-042, CAD-17-04-043, CAD-18-02-025

Related CAI Nos.: CAI-16-05-023, CAI-18-03-014

Orange County Commission District: 1

Permittee / Authorized Entity:

Scott Boyd

c/o Larry Medlin

Bio-Tech Consulting, Inc.

3025 East South Street

Orlando, FL 32803

Email: larry@bio-techconsulting.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Approval of this permit is subject to the following conditions:

Specific Conditions

1. This permit shall become final and effective upon expiration of the 15 calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The operational phase of this permit is effective upon completion of construction and continues in perpetuity.
3. This Conservation Area Impact Permit is not valid until such time as the corresponding Preliminary Subdivision Plan, or portions thereof, has been approved by the Board of County Commissioners.
4. The wetland impacts must be completed in accordance with 'Figure 1' prepared by Bio-Tech Consulting, received by the Environmental Protection Division (EPD) on March 15, 2018. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
5. Prior to initiating any construction within the wetlands to be impacted, EPD shall receive a Certificate of Credit purchase from Hatchineha Ranch Mitigation Bank stating that the transaction regarding the transfer of 5.85 mitigation credits has been completed.
6. In the event that the permittee does not successfully complete the transaction to obtain the requisite 5.85 credits from Hatchineha Ranch Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
7. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required from the Orange County Stormwater Management authorizing the fill.
8. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
9. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) pursuant to the requirements of 62-621.300(4)(a) Florida Administrative Code (F.A.C.) As the Operator of the MS4, copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP,

NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contract shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4. A copy of the CGP, NOI and additional information can be found on the FDEP website: <http://dep.state.fl.us/water/stormwater/npdes/construction3.htm>.

10. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 F.A.C. Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants, into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.
11. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of 62-621.300(2)(a) and 62-620 F.A.C. and Florida Statutes Chapter 403. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

General Conditions

12. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
13. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts.
15. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the

permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.

16. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon 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 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
17. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty 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.
18. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
19. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
20. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
21. EPD staff, with proper identification, shall have permission to enter the site to ensure conformity with the plans and specifications approved by the permit.
22. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
23. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
24. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
25. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit

from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, Florida Statutes, the applicant shall obtain all other applicable state or federal permits before commencement of development.

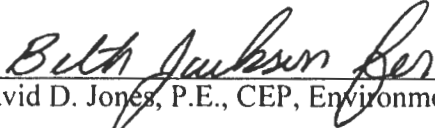
If you should have any questions concerning this review, please contact Jason Root at (407) 836-1518 or Jason.Root@ocfl.net.

Project Manager:



Jason Root, Environmental Team Lead

Authorized for the Orange County Environmental Protection Division by:



David D. Jones, P.E., CEP, Environmental Protection Officer

JR/NT/TWH/ERJ/DJ

Enclosures: Construction Notice
Site plan

c: Hamlin Retail Partners West JV LLC, dseliga@boyddev.com
Lindsay Stevens, lindsay.stevens@tnc.org
Marc Ady, South Florida Water Management District, mady@sfwmd.gov



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
Or Fax to: 407-836-1499, Attn: Jason Root

Permit Number and Name: **CAI-18-03-012, Hamlin Retail Partners West**

Permit Type: **Conservation Area Impact Permit (CAI)**

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



Bio-Tech Consulting Inc.
 Environmental and Permitting Services
 3025 E. South Street Orlando, FL 32806
 Ph: 407-894-5969 Fax: 407-894-5970
 www.bio-techconsulting.com

Hamlin West DP
 Orange County, Florida

Figure 1

Impact Map

DATE: 10/31/18
 INITIAL: [Signature]

CAI-18-03-012

Project #: 325-50
 Produced By: LPM
 Date: 3/13/2018

DATE	10/15/2014
REVISION	

PREPARED FOR
 SLF IV/BOYD
 HORIZON WEST, LLC

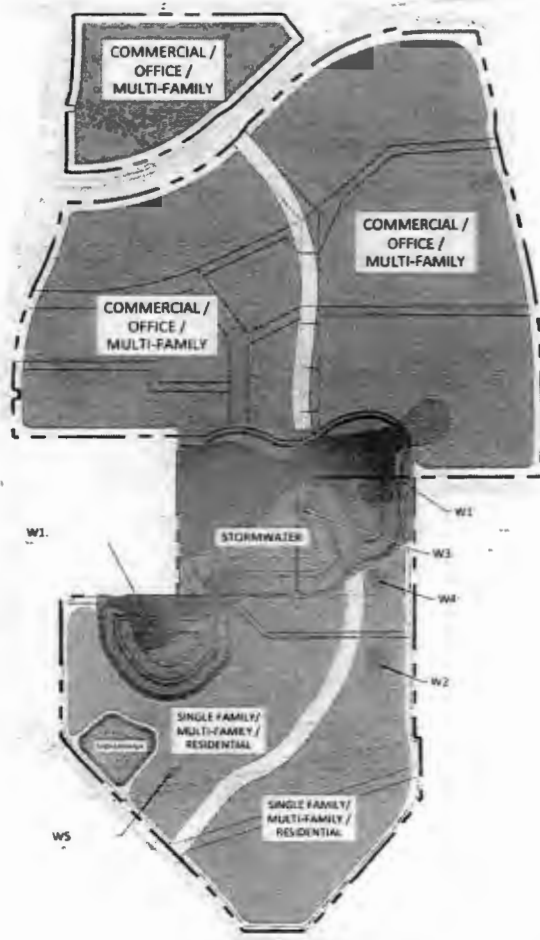
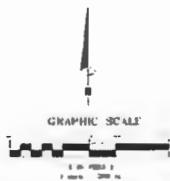
HAMLIN WEST
 MASS GRADING DP FOR
 RW-4, RW-4A, & CCM-10

WETLAND
 EXHIBIT

DATE	10/15/2014
BY	JMG
CHECKED	
DATE	
SHEET	C-2.1

LEGEND

	Wetland Boundary
	Wetland Type



CAS-18-03-012
 CAS-18-03-014



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No.: CAI-18-03-014

Date Issued: November 15, 2018

Date Expires: November 15, 2023

A Permit Authorizing:

Impacts to 3.69 acres of Class II wetlands, 0.94 acre of Class III wetlands, and 0.22 acre of secondary impact in order to construct a commercial/residential development and associated stormwater pond. Mitigation will include the purchase of 2.16 credits at the Hatchineha Ranch Mitigation Bank.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and is subject to the permit conditions provided on the following pages:

Activity Location:

Hamlin Southwest Development

Parcel ID Nos.: 20-23-27-0000-00-008, 20-23-27-0000-00-010, 20-23-27-0000-00-011, 20-23-27-0000-00-012, 20-23-27-0000-00-013, 20-23-27-0000-00-014, 29-23-27-0000-00-022, 29-23-27-0000-00-010, & 29-23-27-0000-00-036

Related CAD Nos.: CAD-17-04-042, CAD-17-04-043, CAD-18-02-025

Related CAI Nos.: CAI-16-05-023, CAI-18-03-012

Orange County Commission District: 1

Permittee / Authorized Entity:

Scott Boyd

c/o Larry Medlin

Bio-Tech Consulting, Inc.

3025 East South Street

Orlando, FL 32803

Email: larry@bio-techconsulting.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Approval of this permit is subject to the following conditions:

Specific Conditions

1. This permit shall become final and effective upon expiration of the 15 calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The operational phase of this permit is effective upon completion of construction and continues in perpetuity.
3. This Conservation Area Impact Permit is not valid until such time as the corresponding Preliminary Subdivision Plan, or portions thereof, has been approved by the Board of County Commissioners.
4. The wetland impacts must be completed in accordance with 'Figure 1' prepared by Bio-Tech Consulting, received by the Environmental Protection Division (EPD) on March 15, 2018. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
5. Prior to initiating any construction within the wetlands to be impacted, EPD shall receive a Certificate of Credit purchase from the Hatchineha Ranch Mitigation Bank stating that the transaction regarding the purchase of 2.16 mitigation credits has been completed.
6. In the event that the permittee does not successfully complete the transaction to purchase the requisite 2.16 credits from the Hatchineha Ranch Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
7. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required from the Orange County Stormwater Management authorizing the fill.
8. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
9. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) pursuant to the requirements of 62-621.300(4)(a) Florida Administrative Code (F.A.C). As the Operator of the MS4, copy of the NOI shall also be submitted to the Orange County NPDES

Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contract shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4. A copy of the CGP, NOI and additional information can be found on the FDEP website: <http://dep.state.fl.us/water/stormwater/npdes/construction3.htm>.

10. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 F.A.C. Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants, into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.
11. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of 62-621.300(2)(a) and 62-620 F.A.C. and Florida Statutes Chapter 403. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

General Conditions

12. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
13. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts.
15. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good

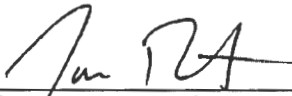
condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.

16. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon 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 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
17. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty 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.
18. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
19. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
20. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
21. EPD staff, with proper identification, shall have permission to enter the site to ensure conformity with the plans and specifications approved by the permit.
22. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
23. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
24. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.

25. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, Florida Statutes, the applicant shall obtain all other applicable state or federal permits before commencement of development.

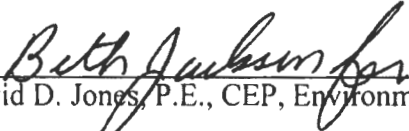
If you should have any questions concerning this review, please contact Jason Root at (407) 836-1518 or Jason.Root@ocfl.net.

Project Manager:



Jason Root, Environmental Team Lead

Authorized for the Orange County Environmental Protection Division by:



David D. Jones, P.E., CEP, Environmental Protection Officer

JR/NT/TWH/ERJ/DJ

Enclosures: Construction Notice
Site plans

c: Hamlin Retail Partners West JV LLC, dseliga@boyddev.com
Lindsay Stevens, lindsay.stevens@tnc.org
Marc Ady, South Florida Water Management District, mady@sfwmd.gov



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
Or Fax to: 407-836-1499, Attn: Jason Root

Permit Number and Name: **CAI-18-03-014, Hamlin Southwest**_____.

Permit Type: **Conservation Area Impact Permit (CAI)**_____.

Approximate Starting date:_____.

Approximate Completion Date:_____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee:_____

Printed name of Permittee:_____

Date:_____



Bio-Tech Consulting Inc.
 Environmental and Permitting Services
 3025 E. South Street Orlando, FL 32803
 Ph: 407-894-5969 Fax: 407-894-5970
 www.bio-techconsulting.com

Hamlin Southwest PD
 Orange County, Florida
 Figure 1
 Impact Map

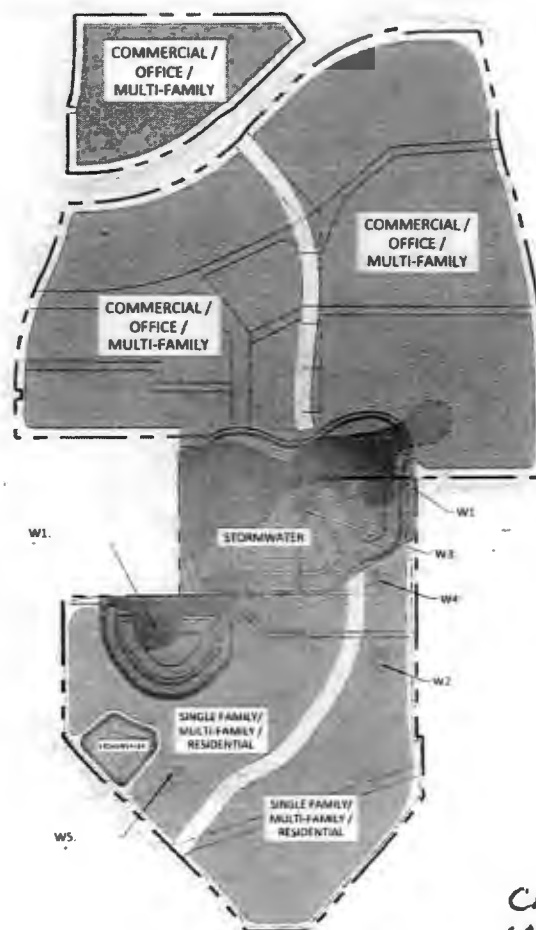
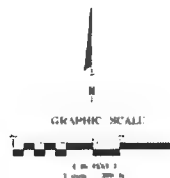
APPROVED BY THE
 ORANGE COUNTY
 ENVIRONMENTAL PROTECTION DIVISION
 DATE: 10/30/18
 INITIAL: [Signature]

0 137.5 275 550 Feet



Project #: 325-50
 Produced By: LPM
 Date: 3/13/2018

CAC-18-03-014



CAI-18-03-012
CAI-18-03-014



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No.: CAI-21-09-060

Date Issued: April 29, 2022

Date Expires: April 29, 2027

A Permit Authorizing:

Impacts to 7.03 acres of Class II wetlands in order to construct a multi-family development and associated infrastructure. Mitigation includes the purchase of 2.58 credits at the Twin Oaks Mitigation Bank.

Environmental Protection Division (EPD) staff has evaluated the proposed activity and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X and is subject to the permit conditions provided on the following pages:

Activity Location:

Avalon Road, Winter Garden, FL 34787

Parcel ID No.: 20-23-27-0000-00-016, 19-23-27-0000-00-019

Related CAD No.: CAD-21-09-225

Related Development Plans: LUPA-21-11-335, DP-22-02-030

Orange County Commission District: 1

Permittee / Authorized Entity:

SLF IV / Boyd Horizon West JV, LLC

c/o Larry Medlin

Bio-Tech Consulting, Inc.

E-mail: larry@bio-techconsulting.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Approval of this permit is subject to the following conditions:

Specific Conditions

1. This permit shall become final and effective upon expiration of a 15-calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The operational phase of this permit is effective upon the completion of the construction phase and continues in perpetuity.
3. The wetland impacts must be completed in accordance with the 'Figure 6' site plan prepared by Bio-Tech Consulting, Inc. and received by EPD on April 5, 2022. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
4. Prior to initiating any construction within wetlands or surface waters authorized for impact, EPD shall receive documentation from Twin Oaks Mitigation Bank indicating that the purchase of 2.58 mitigation credits has been completed.
5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 2.58 credits from the Twin Oaks Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
6. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required from the Orange County Stormwater Management authorizing the fill.
7. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
8. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 Florida Administrative Code (F.A.C.). Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants, into wetlands and/or surface waters due to the permitted activities. BMPs are performance based, if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.

General Conditions

9. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
10. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
11. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
12. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
14. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon 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 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
15. The permittee is hereby advised that Section 253.77 Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty 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.

16. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
19. EPD staff, with proper identification, shall have permission to enter the site to ensure conformity with the plans and specifications approved by the permit.
20. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
21. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
22. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
23. Pursuant to Section 125.022 FS, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
24. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of development.

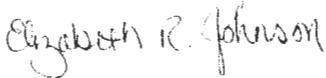
If you should have any questions concerning this permit, please contact Jason Root at (407) 836-1518 or Jason.Root@ocfl.net.

Project Manager:



Jason Root, Environmental Team Leader

Authorized for the Orange County Environmental Protection Division by:



David D. Jones, Environmental Protection Officer

JR/NT/TMH/ERJ/DJ: gfdjr

Enclosures: Construction Notice
Approved Site Plan

c: SLF IV/Boyd Horizon West JV, LLC, Dennis Seliga, dseliga@boyddev.com
South Florida Water Management District, Lisa Prather, lprather@sfwmd.gov
Conservation Planning Services, conservationplanningservices@MyFWC.com
Amanda Hallenbeck, EPD, Amanda.Hallenbeck@ocfl.net



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
or E-Mail to: WetlandPermitting@ocfl.net

Permit Number and Name: **CAI-21-09-060, Hamlin West**

Permit Type: **Conservation Area Impact Permit (CAI)**

Approximate Starting Date: _____

Approximate Completion Date: _____

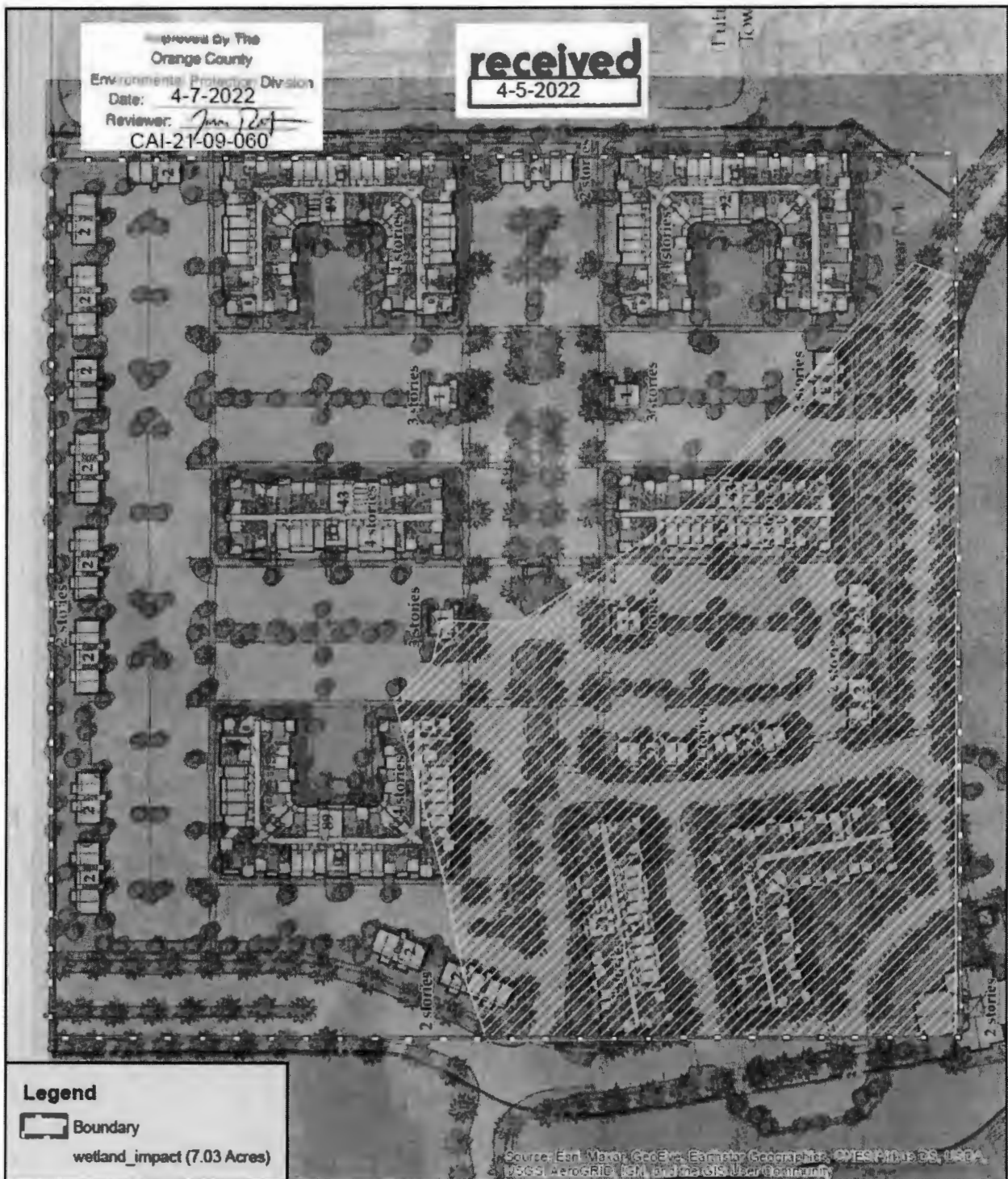
Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



Bio-Tech Consulting Inc.
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5868 Fax: 407-894-5870
www.bio-techconsulting.com

Hamlin West OC Parcels
Orange County, Florida
Figure 6
Site Plan



130 Feet
Project #: 325-64
Produced By: LPM
Date: 4/4/2022



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT MODIFICATION

Original Permit No.: 01-002P

Date Issued: July 2, 2001

Permit Modification No.: CAI-15-03-007

Date Issued: October 2, 2015

Date Expires: October 2, 2020

A Permit Modification Authorizing:

Direct impacts to a total of 7.55 acres of conservation areas [5.77 acres of Class I wetlands and surface waters (Lake Ruby), and 1.78 acres of Class III wetlands] for the construction of residential lots, internal roadways, and a stormwater system for a single-family residential subdivision known as the Ruby Lake PD. In addition, this permit authorizes 2.13 acres of secondary wetland impacts. This permit modification was assigned a new number (CAI-15-03-007) for tracking purposes; therefore, it replaces and supersedes CAI 01-002P.

Mitigation for the wetland impacts that were originally authorized by CAI 01-002P, and for the new proposed wetland impacts, includes the purchase of 5.7 Wetland Rapid Assessment Procedure (WRAP) mitigation credits from the Florida Mitigation Bank. The credits were purchased on July 14, 2006.

On September 22, 2015, the Orange County Board of County Commissioners approved the issuance of this permit pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance, subject to the permit conditions provided on the following pages:

Activity Location:

7701 Palm Parkway, Orlando, Florida 32836

Parcel ID Nos.: 15-24-28-7774-00-001, 15-24-28-7774-00-002
15-24-28-7774-00-010, 15-24-28-7774-00-020

Related CAD No.: 01-002

Orange County Commission District: 1

Permittee / Authorized Entity:

DFD ONE, LLC
c/o John Miklos
President, Bio-Tech Consulting, Inc.
2002 East Robinson Street
Orlando, FL 32803
E-mail: john@btc-inc.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Approval of this permit is subject to the following conditions:

Specific Conditions

1. The rights and responsibilities of previously issued CAI permit 01-002P are hereby transferred from JPC Development Corporation to DFD ONE, LLC. This permit modification replaces CAI 01-002P.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. In addition to the wetland impacts previously authorized¹, this modification authorizes 2.55 acres of additional Class I surface water impacts to Lake Ruby, 1.79 acres of additional Class I wetland impacts, 1.49 acres of additional Class III wetland impacts and 2.13 acres of secondary impacts, contingent upon approval of the Ruby Lake Lot 3 Preliminary Site Plan (PSP-14-12-347) (PSP). If the PSP is not approved by the Orange County Board of County Commissioners (BCC), this permit is void and invalid.²
4. The wetland impacts must be done in accordance with Sheet C1 of the "Preliminary Site Plan" prepared by Poulos & Bennett³, as dated as received by the Environmental Protection Division (EPD) on August 10, 2015, and "Figure 11 - Post Development Map" prepared by Bio-Tech Consulting, Inc., as dated as received by EPD on August 6, 2015. Construction shall be completed within five (5) years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date.
5. A total of 5.7 WRAP wetland mitigation credits from the Florida Mitigation Bank were provided to offset the wetland impacts authorized herein. The mitigation credits were purchased on July 14, 2006.
6. Boat docks shall be prohibited on Lake Ruby for residential lots. This restriction shall be recorded in the community Covenants, Codes and Restrictions (CCRs). A single boat dock may be authorized for the Park Tract (P-1), as depicted on Sheet C7 of the "Preliminary Site Plan" prepared by Poulos & Bennett³, as dated as received by the Development Review Committee (DRC) on July 27, 2015, subject to Chapter 15, Article IX, Orange County Code.
7. Establishment of either a MSTU or MSBU shall be required for management of Lake Ruby. The MSTU or MSBU shall be established prior to plat approval.
8. Conservation areas must be clearly marked with signs that identify any preserved wetland, surface water or upland buffer, where applicable. These signs must be installed every fifty (50) feet on any open space and on every other individual lot line. The signage must conform to the detail shown on Sheet C7 of the "Preliminary Site Plan" prepared by VHB³, as dated as received by the Development Review Committee (DRC) on July 27, 2015. The signs must be

¹ Clarification; this does not include 0.29 acre of wetland impacts previously approved along north shoreline of Lake Ruby that is longer proposed

² Please note that PSP-14-12-347 was approved on September 22, 2015 by the BCC concurrent with CAI-15-03-007.

³ Please note that the engineering firm was inadvertently misidentified as "Poulos & Bennett" in the BCC-approved conditions. The correct engineering firm is VHB.

located as shown on Sheet C7, C8, C9, and C10 of the PSP. The signs must be installed prior to plat approval.

9. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and any other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision.
10. Where applicable, lots must have an environmental berm and swale installed prior to the certificate of completion. The berm and swale must be maintained throughout construction. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berms and swales shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
11. Construction shall be initiated within two (2) years, and completed within five (5) years from the date of issuance of this permit, unless extended in writing. Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date. In the event construction timeframes are not met, and a timely request for extension is not received, this permit shall be void and invalid.
12. Any modifications to this permit that include additional conservation area impacts shall require a public hearing before the BCC. Any minor modifications to permit conditions may be approved by way of Consent Agenda. Permit extensions may be approved by EPD staff.

General Conditions:

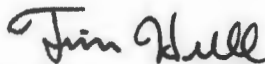
13. Effective Date. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
14. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit.
15. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
16. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
17. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.

18. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
19. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
20. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
21. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
22. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
23. Prior to any filling within the 100-year flood zone, a Flood Plain Permit shall be obtained from Orange County Stormwater Management authorizing the fill.
24. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
25. The permittee shall notify EPD, in writing, within thirty (30) days prior to any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
26. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
27. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
28. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
29. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.

30. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
31. All excess lumber, scrap wood, trash, garbage and similar materials shall be removed from the preservation areas and/or surface water(s) immediately.
32. Any unpermitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact to the satisfaction of EPD.
33. For one (1) acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
34. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain the requisite approval or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in violation of state or federal law.
35. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

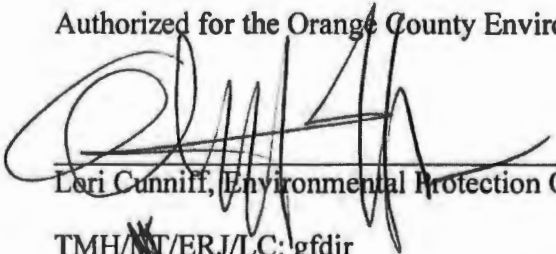
If you should have any questions concerning this review, please contact Tim Hull at (407) 836-1428 or Tim.Hull@ocfl.net.

Project Manager:



Tim Hull, Environmental Team Leader

Authorized for the Orange County Environmental Protection Division by:



Lori Cunniff, Environmental Protection Officer

TMH/NT/ERJ/LC: gfdjr

Enclosure(s): "Construction Notice" (form CN-001-04)

National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site Plans

c: Permittee, DFD ONE, LLC, 55 West Monroe Street, Suite 2500, Chicago, IL 60603
Developer, Unicorp National Developments, c/o Chuck Whittall – chuck@unicorpusa.com
SFWMD, Jennifer Thomson – jthomson@sfwmd.gov
Consultant, Stephanie Savilla, Bio-Tech Consulting, Inc. – Stephanie@bio-techconsulting.com
FWC, Conversation Planning Services – conservationplanningservices@MyFWC.com



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Programs Administrator

Permit Number and Name: CAI-15-03-007, Ruby Lake PD.

Permit Type: Conservation Area Impact Permit (CAI).

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____.

Printed name of Permittee: _____.

Date: _____.



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres	
C. SWPPP Location:	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)
D. SWPPP Address:	
E. City:	F. State: G. Zip Code:
H. Construction Period	Start Date: Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION⁴:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):

Signature:

Date Signed:

⁴ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal

entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.


Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.

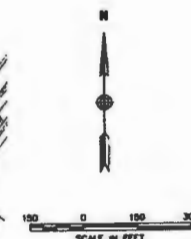
 Ruby Lake PD

Ruby Lake PD
Orange County, Florida
Figure 11
Post Development Map

APPROVED BY
ORANGE COUNTY
350 Feet
ENVIRONMENTAL PROTECTION DIV
Project #:214-09
DATE: 10/2/15
INITIAL: TMH
Produced By:SAS
Date: 8/6/2015
CAI-15-03-007



11



No.	Revision			Date	Input
Designed by	RAS	Drawn by	JWV	Checked by	RAS
Manufactured by	JWV	Approved by RAS			
Date: 10-18-69		Sheet Number: 36 of 39-1A			

Ruby Lake PD
Lot 3 PSP
PSP-14-12-347

Orange County, FL
 2006
 Preliminary Subdivision Plan

Preliminary Site Plan

Vertical Datum: NAVD83

C-1

DATE: Aug 10, 2018

447000-00-1 - R&B, Inc.

Preliminary Subdivision Plan

Issued for: Orange County Approval

Date Issued: January 22, 2015

Latest Issue: July 24, 2015

Sheet Index

Number	Drawing Title	Latest Issue
C1	Cover Sheet	07-24-2015
C2 - C3	Legal Description & Boundary Sketch	07-24-2015
C4	Master Site Plan/Data	07-24-2015
C5	Environmental Conditions	07-24-2015
C6	Aerial Map	07-24-2015
C6A	Demolition Plan	07-24-2015
C7 - C10	Site Plan	07-24-2015
C11 - C14	Drainage, Grading, Utility Plan	07-24-2015
C15	Fire Access Plan	07-24-2015
C16	Typical Sections	07-24-2015
C17 - C18	Tree Preservation Plan	07-24-2015
Landscape Drawings		
PL-000	Site Plan	07-22-2015
PL-100-104	Code Landscape Plan	07-22-2015
PL-105	Code Landscape Note & Details	07-22-2015

Reference Drawings

Number	Drawing Title	Latest Issue
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Notes:

- All construction details are conceptual and subject to review and modification during the approval of final construction plans.
- In accordance with Section 38-1227, any variations from county code minimum standards represented on this plan that have not been expressly approved by the BCC are invalid.

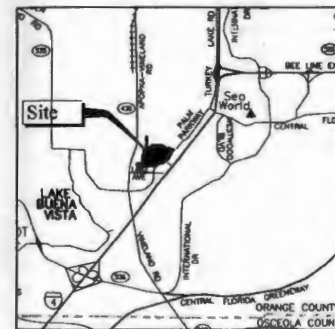
Ruby Lake PD

Lot 3 PSP

PSP-14-12-347

Orange County, Florida

Parcel ID#s: 15-24-28-7774-00-010, 15-24-28-7774-00-020



Site Location Map

Property Information

Owner / Applicant:
Unicorp. National Developments, Inc.
2510 Oak Island Pointe, Suite 100
Orlando, FL 32809
Tel.: 407-999-9985

Agent:
Dwight Saathoff
Unicorp. National Developments, Inc.
2510 Oak Island Pointe, Suite 100
Orlando, FL 32809
Tel.: 407-730-9916

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIV.
DATE: 10/2/15
INITIAL: TAM
CAZ-16-03-007

Community Planner & Civil Engineer:
VHB, Inc.
225 E. Robinson St, Suite 300
Orlando, FL 32801
P 407.839.4006 - F 407.839.4008

Environmental:
McTee Consulting, Inc.
2002 E. Robinson Street
Orlando, FL 32803
P 407.894.9989

Surveyor:
Southwestern Surveying
6500 All American Blvd.
Orlando, FL 32810
P 407.292.0141

Engineers
Scientists
Planners
Designers



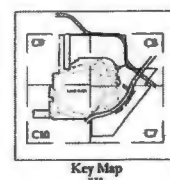
Waiver Request:
Pursuant to the Landuse Plan BCC Conditions of Approval dated June 16, 2015, the following waiver is requested from Orange County Code.

- Waiver from 38-1391.3(a)(2) to eliminate the requirements for landscaping and sidewalks for off-site roadways adjacent to the property.
- Waiver from 38-1394 to eliminate the requirements for streetcapes for off-site adjacent roadways with the exception of Palm Parkway.
Justification: the requested waivers are necessary due to the limited ROW width on off-site roadways to the west and south of the subject property. These existing residential areas have natural vegetation and road-side drainage swales for stormwater conveyance within the ROW. It would not be feasible to provide the required streetcapes within these areas.



Send / notes day 24, 28, 32, 36, 40, 44, 48, 52, 56, 60, 64, 68, 72, 76, 80, 84, 88, 92, 96, 100, 104, 108, 112, 116, 120, 124, 128, 132, 136, 140, 144, 148, 152, 156, 160, 164, 168, 172, 176, 180, 184, 188, 192, 196, 200, 204, 208, 212, 216, 220, 224, 228, 232, 236, 240, 244, 248, 252, 256, 260, 264, 268, 272, 276, 280, 284, 288, 292, 296, 300, 304, 308, 312, 316, 320, 324, 328, 332, 336, 340, 344, 348, 352, 356, 360, 364, 368, 372, 376, 380, 384, 388, 392, 396, 400, 404, 408, 412, 416, 420, 424, 428, 432, 436, 440, 444, 448, 452, 456, 460, 464, 468, 472, 476, 480, 484, 488, 492, 496, 500, 504, 508, 512, 516, 520, 524, 528, 532, 536, 540, 544, 548, 552, 556, 560, 564, 568, 572, 576, 580, 584, 588, 592, 596, 600, 604, 608, 612, 616, 620, 624, 628, 632, 636, 640, 644, 648, 652, 656, 660, 664, 668, 672, 676, 680, 684, 688, 692, 696, 700, 704, 708, 712, 716, 720, 724, 728, 732, 736, 740, 744, 748, 752, 756, 760, 764, 768, 772, 776, 780, 784, 788, 792, 796, 800, 804, 808, 812, 816, 820, 824, 828, 832, 836, 840, 844, 848, 852, 856, 860, 864, 868, 872, 876, 880, 884, 888, 892, 896, 900, 904, 908, 912, 916, 920, 924, 928, 932, 936, 940, 944, 948, 952, 956, 960, 964, 968, 972, 976, 980, 984, 988, 992, 996, 1000, 1004, 1008, 1012, 1016, 1020, 1024, 1028, 1032, 1036, 1040, 1044, 1048, 1052, 1056, 1060, 1064, 1068, 1072, 1076, 1080, 1084, 1088, 1092, 1096, 1100, 1104, 1108, 1112, 1116, 1120, 1124, 1128, 1132, 1136, 1140, 1144, 1148, 1152, 1156, 1160, 1164, 1168, 1172, 1176, 1180, 1184, 1188, 1192, 1196, 1200, 1204, 1208, 1212, 1216, 1220, 1224, 1228, 1232, 1236, 1240, 1244, 1248, 1252, 1256, 1260, 1264, 1268, 1272, 1276, 1280, 1284, 1288, 1292, 1296, 1300, 1304, 1308, 1312, 1316, 1320, 1324, 1328, 1332, 1336, 1340, 1344, 1348, 1352, 1356, 1360, 1364, 1368, 1372, 1376, 1380, 1384, 1388, 1392, 1396, 1400, 1404, 1408, 1412, 1416, 1420, 1424, 1428, 1432, 1436, 1440, 1444, 1448, 1452, 1456, 1460, 1464, 1468, 1472, 1476, 1480, 1484, 1488, 1492, 1496, 1500, 1504, 1508, 1512, 1516, 1520, 1524, 1528, 1532, 1536, 1540, 1544, 1548, 1552, 1556, 1560, 1564, 1568, 1572, 1576, 1580, 1584, 1588, 1592, 1596, 1600, 1604, 1608, 1612, 1616, 1620, 1624, 1628, 1632, 1636, 1640, 1644, 1648, 1652, 1656, 1660, 1664, 1668, 1672, 1676, 1680, 1684, 1688, 1692, 1696, 1700, 1704, 1708, 1712, 1716, 1720, 1724, 1728, 1732, 1736, 1740, 1744, 1748, 1752, 1756, 1760, 1764, 1768, 1772, 1776, 1780, 1784, 1788, 1792, 1796, 1800, 1804, 1808, 1812, 1816, 1820, 1824, 1828, 1832, 1836, 1840, 1844, 1848, 1852, 1856, 1860, 1864, 1868, 1872, 1876, 1880, 1884, 1888, 1892, 1896, 1900, 1904, 1908, 1912, 1916, 1920, 1924, 1928, 1932, 1936, 1940, 1944, 1948, 1952, 1956, 1960, 1964, 1968, 1972, 1976, 1980, 1984, 1988, 1992, 1996, 2000, 2004, 2008, 2012, 2016, 2020, 2024, 2028, 2032, 2036, 2040, 2044, 2048, 2052, 2056, 2060, 2064, 2068, 2072, 2076, 2080, 2084, 2088, 2092, 2096, 2100, 2104, 2108, 2112, 2116, 2120, 2124, 2128, 2132, 2136, 2140, 2144, 2148, 2152, 2156, 2160, 2164, 2168, 2172, 2176, 2180, 2184, 2188, 2192, 2196, 2200, 2204, 2208, 2212, 2216, 2220, 2224, 2228, 2232, 2236, 2240, 2244, 2248, 2252, 2256, 2260, 2264, 2268, 2272, 2276, 2280, 2284, 2288, 2292, 2296, 2300, 2304, 2308, 2312, 2316, 2320, 2324, 2328, 2332, 2336, 2340, 2344, 2348, 2352, 2356, 2360, 2364, 2368, 2372, 2376, 2380, 2384, 2388, 2392, 2396, 2400, 2404, 2408, 2412, 2416, 2420, 2424, 2428, 2432, 2436, 2440, 2444, 2448, 2452, 2456, 2460, 2464, 2468, 2472, 2476, 2480, 2484, 2488, 2492, 2496, 2500, 2504, 2508, 2512, 2516, 2520, 2524, 2528, 2532, 2536, 2540, 2544, 2548, 2552, 2556, 2560, 2564, 2568, 2572, 2576, 2580, 2584, 2588, 2592, 2596, 2600, 2604, 2608, 2612, 2616, 2620, 2624, 2628, 2632, 2636, 2640, 2644, 2648, 2652, 2656, 2660, 2664, 2668, 2672, 2676, 2680, 2684, 2688, 2692, 2696, 2700, 2704, 2708, 2712, 2716, 2720, 2724, 2728, 2732, 2736, 2740, 2744, 2748, 2752, 2756, 2760, 2764, 2768, 2772, 2776, 2780, 2784, 2788, 2792, 2796, 2800, 2804, 2808, 2812, 2816, 2820, 2824, 2828, 2832, 2836, 2840, 2844, 2848, 2852, 2856, 2860, 2864, 2868, 2872, 2876, 2880, 2884, 2888, 2892, 2896, 2900, 2904, 2908, 2912, 2916, 2920, 29





- Legend**
- NO BOUNDARY
 - PAUSE LIMITS
 - PRESERVED WETLAND
 - PREVIOUSLY APPROVED WETLANDS TO BE REMOVED
 - WPA/LE/ENTER/CONSERVATION EASEMENT
 - FORESTED WETLANDS TO BE REMOVED
 - WETLANDS TO BE REMOVED

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3	Revised per O.C. Comments	10/24/2014		
4	Revised per O.C. Comments	10/24/2014		
5	Revised per O.C. Comments	10/24/2014		
6	Revised per O.C. Comments	10/24/2014		
7	Revised per O.C. Comments	10/24/2014		
8	Revised per O.C. Comments	10/24/2014		
9	Revised per O.C. Comments	10/24/2014		
10	Revised per O.C. Comments	10/24/2014		

Ruby Lake PD
Lot 3 PSP
PSP-14-12-347

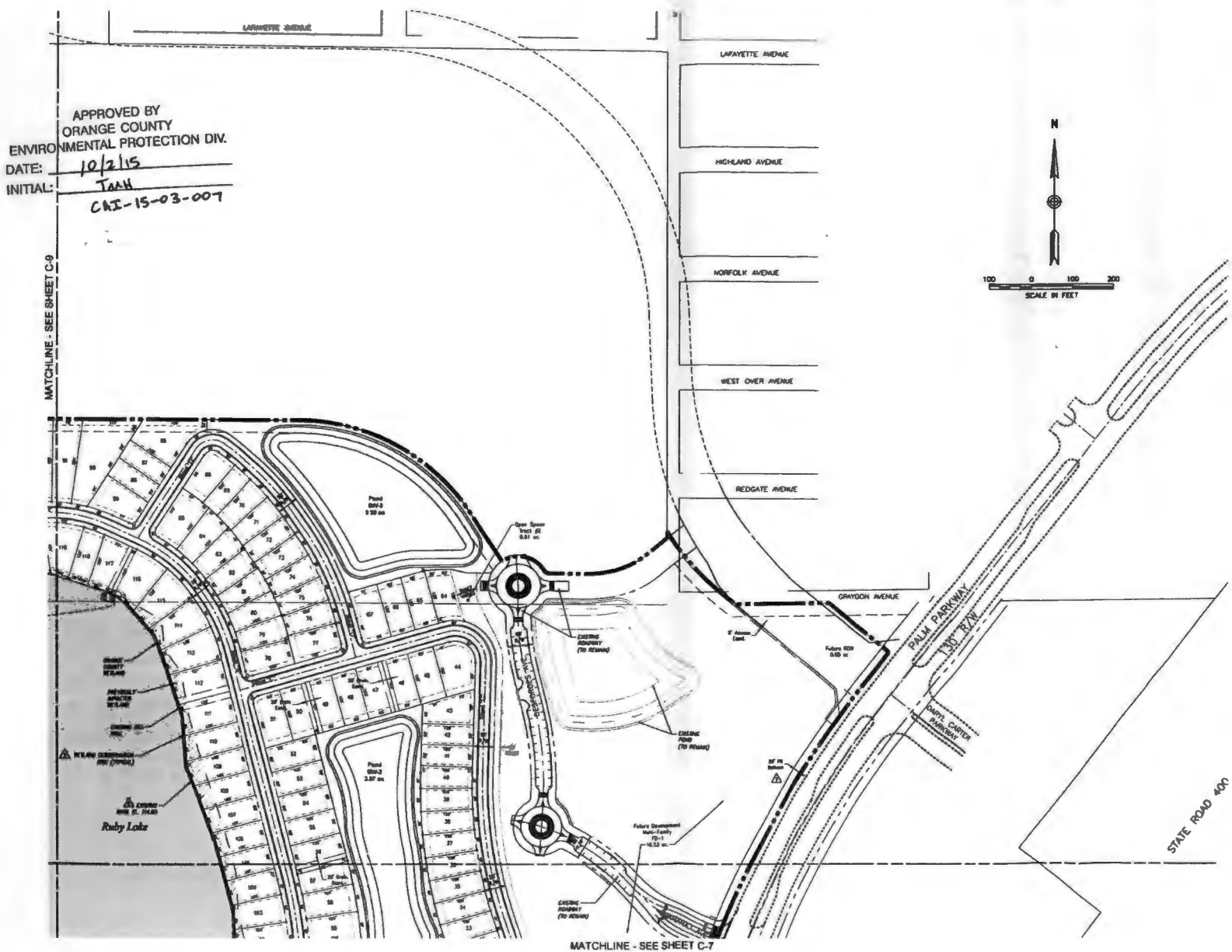
Orange County, FL
Preliminary Subdivision Plan

Site Plan

Vertical Datum: NAVD83

C-8

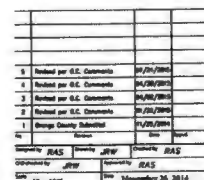
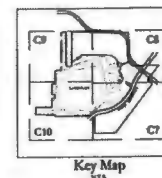
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BY: [Signature]
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APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIV.
DATE: 10/21/15
INITIAL: JAH
CAI-15-03-007

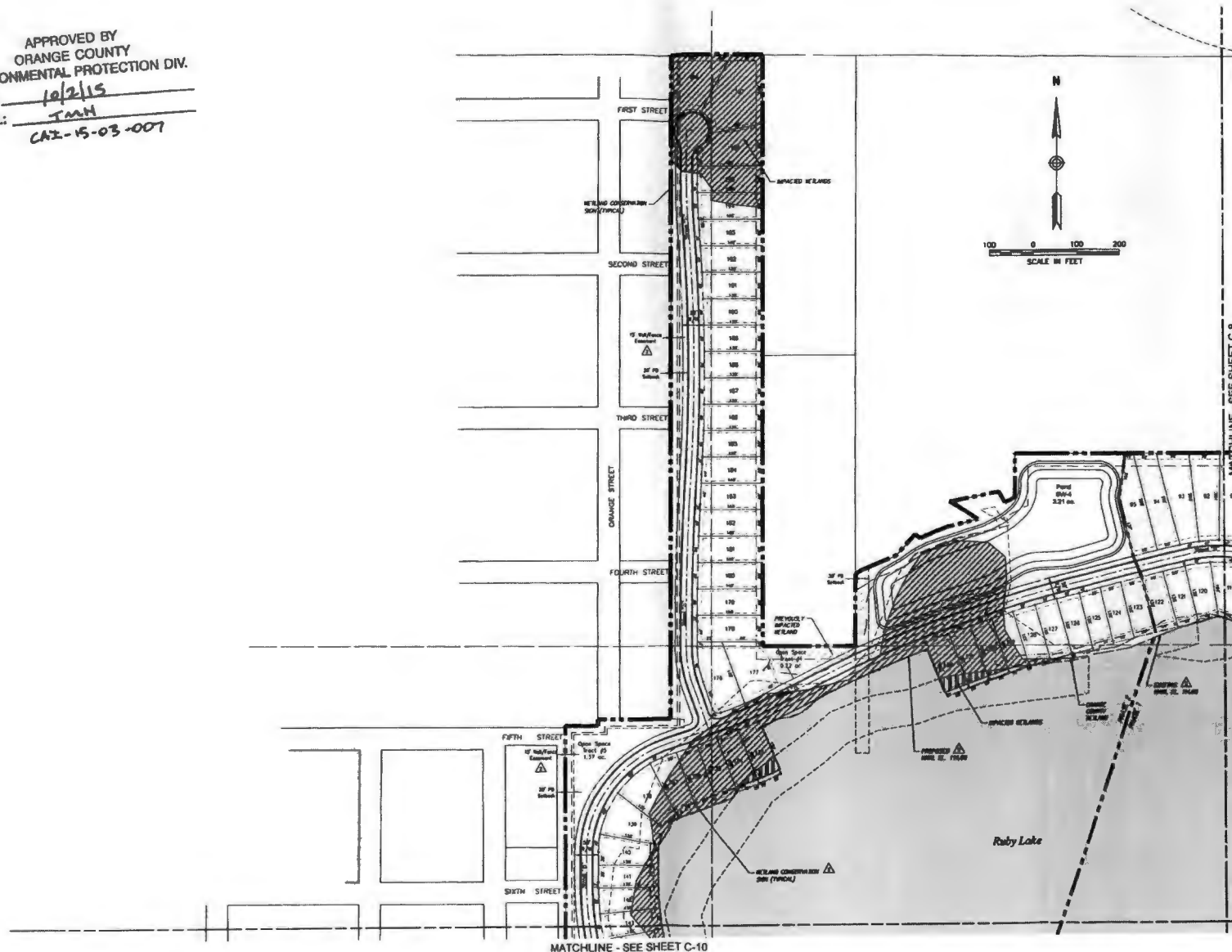
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MATCHLINE - SEE SHEET C-7

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Orange County, FL.
 Book # _____
 Preliminary Subdivision Plan

Verical Database: NAVD383
 Birmingham
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 Registered
 64949.00
 DATE: Jul 25, 2019



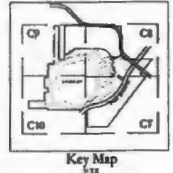
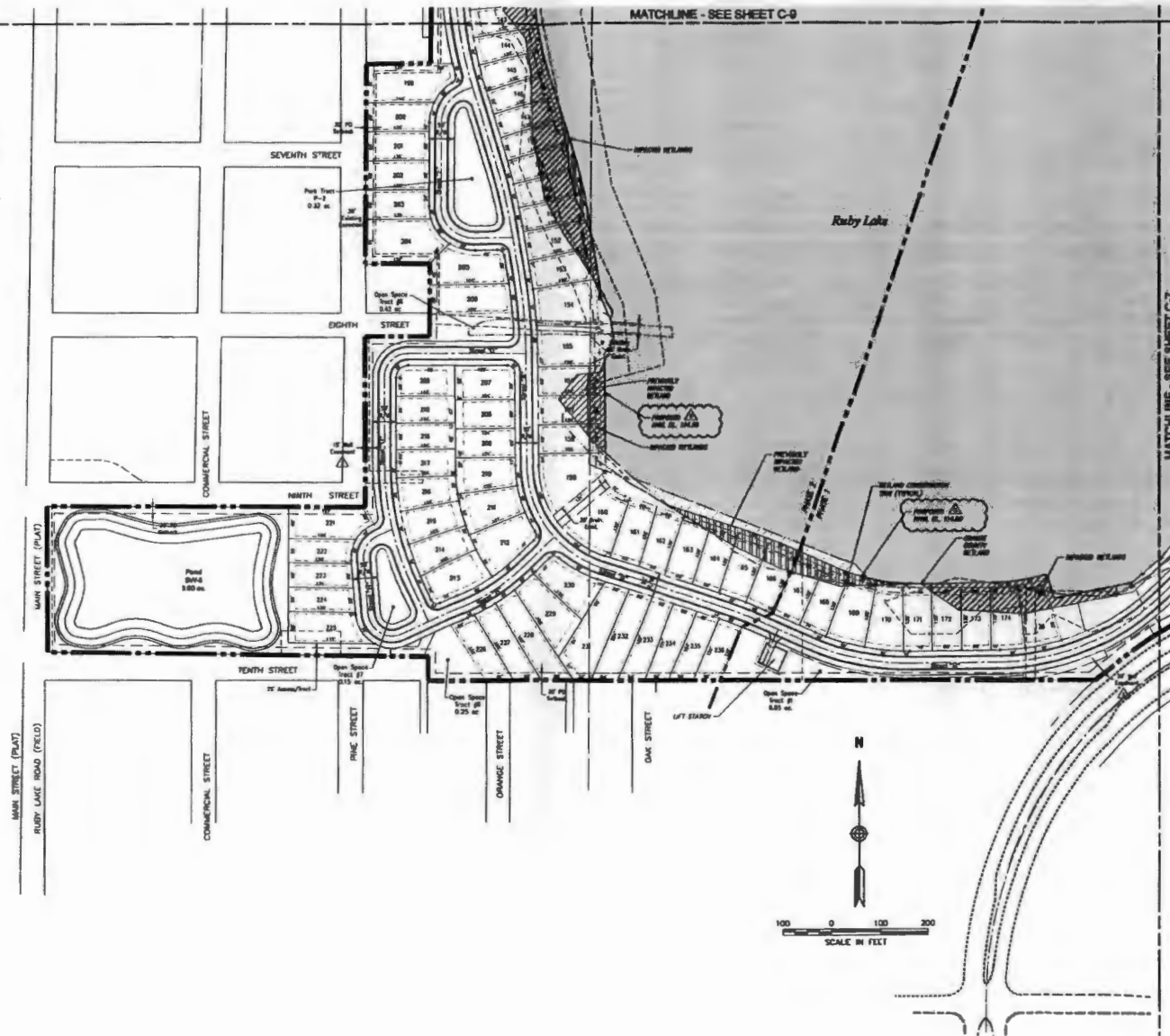
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 Drawing: Ruby Lake PD, 3000 S. Highway 1A, Suite 100, Ocala, FL 34474
 Author: J. Smith
 Date: 7/24/08
 Title: Preliminary Subdivision Plan
 Scale: 1" = 100'

APPROVED BY
 ORANGE COUNTY
 ENVIRONMENTAL PROTECTION DIV.

DATE: 10/2/13

INITIAL: TMH

CAI-15-03-007



Legend

Symbol	Description
---	PO BOUNDARY
---	PHASE LINES
[Pattern]	PREVIOUSLY APPROVED WETLAND
[Pattern]	PREVIOUSLY APPROVED WETLAND TO BE REMOVED
[Pattern]	WETLAND BUFFER/CONSERVATION EASEMENT
[Pattern]	FORESTED WETLANDS TO BE REMOVED
[Pattern]	WETLANDS TO BE REMOVED

NO.	REVISION	DATE	BY	CHKD.	APP'D.
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100	Revised per S.C. Comments	11/02/2008	JMS		

Ruby Lake PD
 Lot 3 PSP
 PSP-14-12-347
 Orange County, FL
 Preliminary Subdivision Plan

Site Plan

Vertical Datum: NAVD83

C-10

DATE: JUL 24, 2008
 010000-000-010000



Environmental Protection Division

CONCEPTUAL CONSERVATION AREA IMPACT PERMIT

Permit No: CAI-14-03-006

Project Name: Waterford Trails

Date Issued: March 31, 2015

A Conceptual Permit Authorizing:

Impacts to 11.96 acres of Class II wetlands and 4.85 acres of RHPZ upland impacts in order to construct a multi-family residential complex. Mitigation will include the preservation and enhancement of 10.7 acres of offsite wetlands and the preservation and enhancement of 6.4 acres of associated upland buffer and the purchase of 6.6 credits from the Colbert/Cameron Mitigation Bank.

On March 24, 2015 the Orange County Board of County Commissioners approved this Conservation Area Impact Permit on Consent Agenda.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and/or Article XI, Econlockhatchee River protection Ordinance and is subject to the Permit Conditions provided on the following pages:

Activity Location:

N. Avalon Park Boulevard, Orlando, Florida 32828

Parcel ID#: 24-22-31-0000-00-078

Related CAD #: CAD-13-11-069

Orange County Commission District: 4

Permittee / Authorized Entity:

Waterford Trails Partnership LLP

c/o Mark Ausley

Bio-Tech Consulting, Inc.

2002 E. Robinson Street

Orlando, Florida 32803

E-mail: mark@btc-inc.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Approval of this permit is subject to the following conditions:

Specific Conditions

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day period following the date of rendition of the Board of County Commissioners' decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. Conservation Area Impact (CAI) permit (CAI-14-03-006) authorizes the **conceptual approval** of the 11.96 acres of Class II wetland and 4.85 acres of associated upland buffers impacts for this project, based on the site plan dated received by EPD on November 5, 2014. This permit does not authorize construction or impacts to wetlands or associated upland buffer. **Once a plan of development is approved by the Board of County Commissioners, the permittee must submit a CAI modification to permit CAI -14-03-006 with the approved plan of development that supports the requested impacts.** This permit modification can be staff issued.
3. The wetland impacts must be completed in accordance with the 'Conceptual Site Plan' prepared by the Daly Design Group, Inc., as dated as received by the Environmental Protection Division (EPD) on November 5, 2014. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date.
4. The mitigation plan must be implemented in accordance with the 'Waterford Trails Partnership Mitigation Tract' exhibit by Bio-Tech Consulting Inc. dated June 18, 2014. This preservation area must total at least 17.1 acres in size. Additionally 6.6 credits shall be purchased at the Colbert-Cameron Mitigation Bank as per letter dated November 14, 2014.
5. Prior to initiating any construction within the wetlands to be impacted, EPD shall receive a Certificate of Credit purchase from the Colbert/Cameron Mitigation Bank stating that the transaction regarding the transfer of 6.6 mitigation credits has been completed.
6. In the event that the permittee does not successfully complete the transaction to obtain the requisite 6.6 credits from the Colbert/Cameron Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
7. Prior to initiating any construction within the wetlands, surface waters or upland buffers that require mitigation, this permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners. The conservation easement shall include restrictions on the real property pursuant to the requirements set forth below:

- a. The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.
- b. Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title is subject to review and approval by the Orange County Real Estate Management Division.
- c. If impacts to an upland defined as River Corridor Protection Zone (Chapter 15, Section 15-443(1), or as required per Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase shall be submitted in accordance with paragraph (a) above.
- d. The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Orange County Board of County Commissioners.
- e. If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- f. If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent

and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.

- g. Upon approval of the final executed documents by Orange County, the conservation easement shall be scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.
 - h. Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
 - i. At least forty-five days prior to (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required; (2) clearing any upland within the River Corridor Protection Area or as required per Chapter 15, Article XI, Section 15-442(f); (3) the sale of any lot or parcel; (4) the recording of the subdivision plat; or (5) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.
 - j. If during the review of the submitted evidence of title, the Orange County Real Estate Management Division finds any encumbrances or irregularities that will render the proposed mitigation as not adequately offsetting the impact(s), the applicant shall submit a revised mitigation plan for staff review and approval. The approval may also require Orange County Board of County Commissioner's approval.
8. The mitigation enhancement and monitoring shall be conducted in accordance with the narrative received by EPD on February 3, 2015.
9. Successful establishment of the wetland mitigation will have occurred when:
- a. At least 90 percent of the planted individuals within each stratum have survived throughout the monitoring period and showing signs of normal growth based upon standard growth parameters such as height and base diameter or canopy circumference, and
 - b. At least 85 percent cover by appropriate wetland herbaceous species has been obtained, and
 - c. Hydrologic conditions generally conform to those specified in the mitigation plan, and
 - d. The mitigation area comprises less than 10 percent nuisance vegetation and less than 5 percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2013 List of Invasive Species Category I and II, and
 - e. The above criteria has been met at the end of a five (5) year monitoring period to EPD's satisfaction.

10. A baseline monitoring report that clearly shows site conditions prior to the nuisance/exotic vegetation removal activities must be submitted to EPD prior to initiation of any mitigation activities. This report needs to include, at a minimum the following information (site location, field sampling design, sampling methodology, GPS location of fixed transects, photographic documentation, fish and wildlife observations, hydrology, results and discussion).
11. Time zero monitoring report shall be submitted to EPD within 30 days of completion of the enhancement(s).
12. The Permittee is required to submit annual monitoring reports that contain the following information (site location, GPS location of fixed transect, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion). If at the end of the five year monitoring period, the mitigation area is not meeting the monitoring success criteria, the Permittee is required to provide a restoration plan or modified mitigation plan, and may be required to continue monitoring until success has been demonstrated.
13. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required from the Orange County Stormwater Management authorizing the fill.
14. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
15. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
16. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.

General Conditions

17. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
18. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.

19. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
20. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
21. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
22. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon 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 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
23. The permittee is hereby advised that Section 253.77, Florida Statutes, 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.
24. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
25. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.

26. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
27. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
28. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
29. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
30. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
31. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
32. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

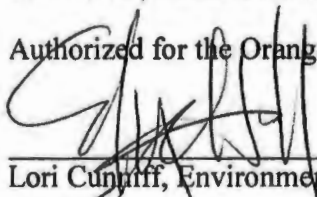
If you should have any questions concerning this review, please contact Steve Rich at (407) 836-1448 or steve.rich@ocfl.net.

Project Manager:



Steve Rich, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



Lori Cuniff, Environmental Protection Officer

SR/MT/ERJ/LC:gfdjr

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Attachment: Site plan

c: Victoria Nations, SJRMWD – vnations@sjrwmd.com
Colbert-Cameron Mitigation Bank, Megan McNeil – megan@mitigationmarketing.com
Waterford Trails Partnership LLP, 529 Versailles Dr Ste 200 Maitland, FL 32751



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Supervisor

Permit Number and Name: **CAI-14-03-006, Waterford Trails Partnership - N Avalon Park Boulevard**

Permit Type: **Conservation Area Impact Permit (CAI)**.

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' " "	Longitude: ° ' "
H. Is the site located on Indian lands? <input type="checkbox"/> Yes <input type="checkbox"/> No		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres	
C. SWPPP Location	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)
D. SWPPP Address:	
E. City:	F. State: G. Zip Code:
H. Construction Period	Start Date: Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal

entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, in **degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWWMD= Northwest Florida Water Management District

SRWMD = Suwannee River Water Management District

SFWMD = South Florida Water Management District

SWFWMD =Southwest Florida Water Management District

SJRWMD =St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Interoffice Memorandum

APPROVED

BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

MAR 24 2015

NP/BS

AGENDA ITEM

March 11, 2015

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JVW*
Community, Environmental and Development
Services Department

CONTACT PERSON: Lori Cuniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405

SUBJECT: March 24, 2015 – Consent Item
Waterford Trails Partnership LLP
Conservation Area Impact Permit

The applicant, Waterford Trails Partnership LLP, requests a Conservation Area Impact Permit to impact 11.96 acres of Class II wetlands and 4.85 acres of associated upland buffer in order to construct portions of an 18.52 -acre multi-family development.

The project site is located on the western side of north Avalon Park Boulevard, and just south of east Colonial Drive, in Orange County Commission District 4. The Parcel ID for the site is 24-22-31-0000-00-078. The project site comprises a total of 18.52 acres, of which 11.96 acres has been determined to be Class II conservation area. In addition, the project site is located within the Econlockhatchee River Basin.

The wetland system comprises two distinct communities, including a forested hydric pine system in the central and southern portions of the parcel, and a high quality herbaceous marsh system in the northern portion of the parcel. Pursuant to Section 15-442 (f), upland buffers averaging 50 feet in width with a minimum of 25 feet in width shall be required for all Class I and Class II conservation areas. Therefore, approximately 4.85 acres (of the remaining acres of the 6.56 acres of uplands onsite) has been determined to be associated upland buffer.

Pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and Article XI, Econlockhatchee River Protection Ordinance, the Environmental Protection Division (EPD) staff has evaluated the proposed Conservation Area Impact permit application and required documents.

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 3/31/15
INITIAL: SP

-1097-

Page Two
March 24, 2015—Consent Item
Waterford Trails Partnership LLP, Conservation Area Impact Permit

The applicant considered multiple site designs in an effort to minimize impacts to wetlands that included an assessment of alternate access points. The applicant has stated that the only feasible alternative is entering the site from the north. Gaining access to the site from the west, east and south is complicated by existing infrastructure (apartment complexes to west and south, stormwater pond to the east, and an elementary school located on the east side of Avalon Park Boulevard that would complicate any access to the site from the east). Therefore, the applicant has demonstrated that the proposed site plan allows for reasonable use of the land and that there are no other feasible or practical alternatives available to further minimize the impacts to the Class II wetlands.

As mitigation, the applicant proposes to preserve and enhance 10.7 acres of like-kind forested wetlands off-site and preserve and enhance 6.4 acres of like-kind uplands located approximately 400 feet to the west of the project, and purchase 6.6 mitigation credits from the Colbert-Cameron Mitigation Bank. The mitigation, as proposed, offsets the impacts.

There has been no enforcement action taken by EPD on the subject property.

Pursuant to Chapter 15, Article XI, Section 15-444, the Board of County Commissioners (BCC) must confirm any alternative plan proposed within the Econlockhatchee Protection Area. Pursuant to Orange County Code, Chapter 15, Article X and Article XI, staff has evaluated the proposed plan and recommends approval.

ACTION REQUESTED: Approval of Conservation Area Impact Permit CAI-14-03-006 for the Waterford Trails Partnership LLC. District 4

JVW/LC:mg

Attachments

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 3/31/15
INITIAL: SP

Conservation Area Impact Permit Request



Conservation Area Impact Permit Request

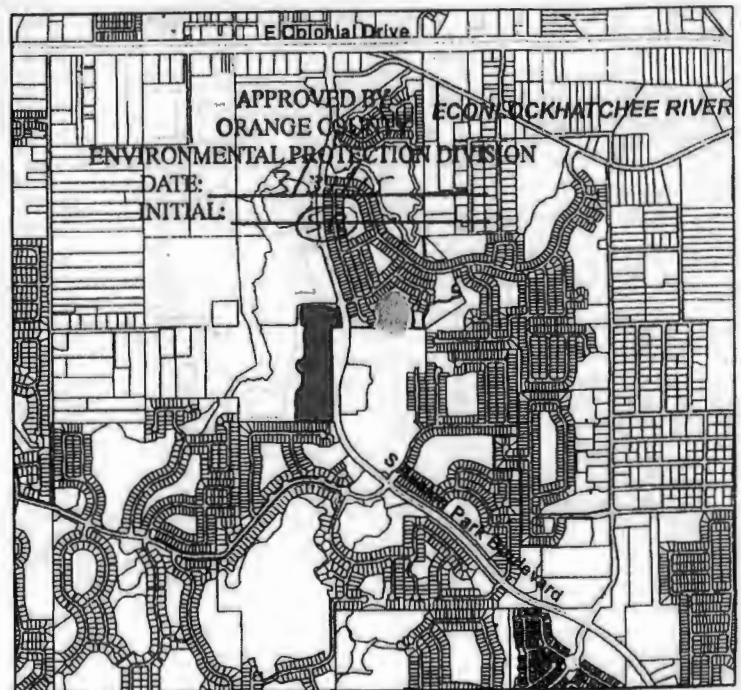
District #4

Applicant: Waterford Trails Partnership




Parcel IDs: 24-22-31-0000-00-078

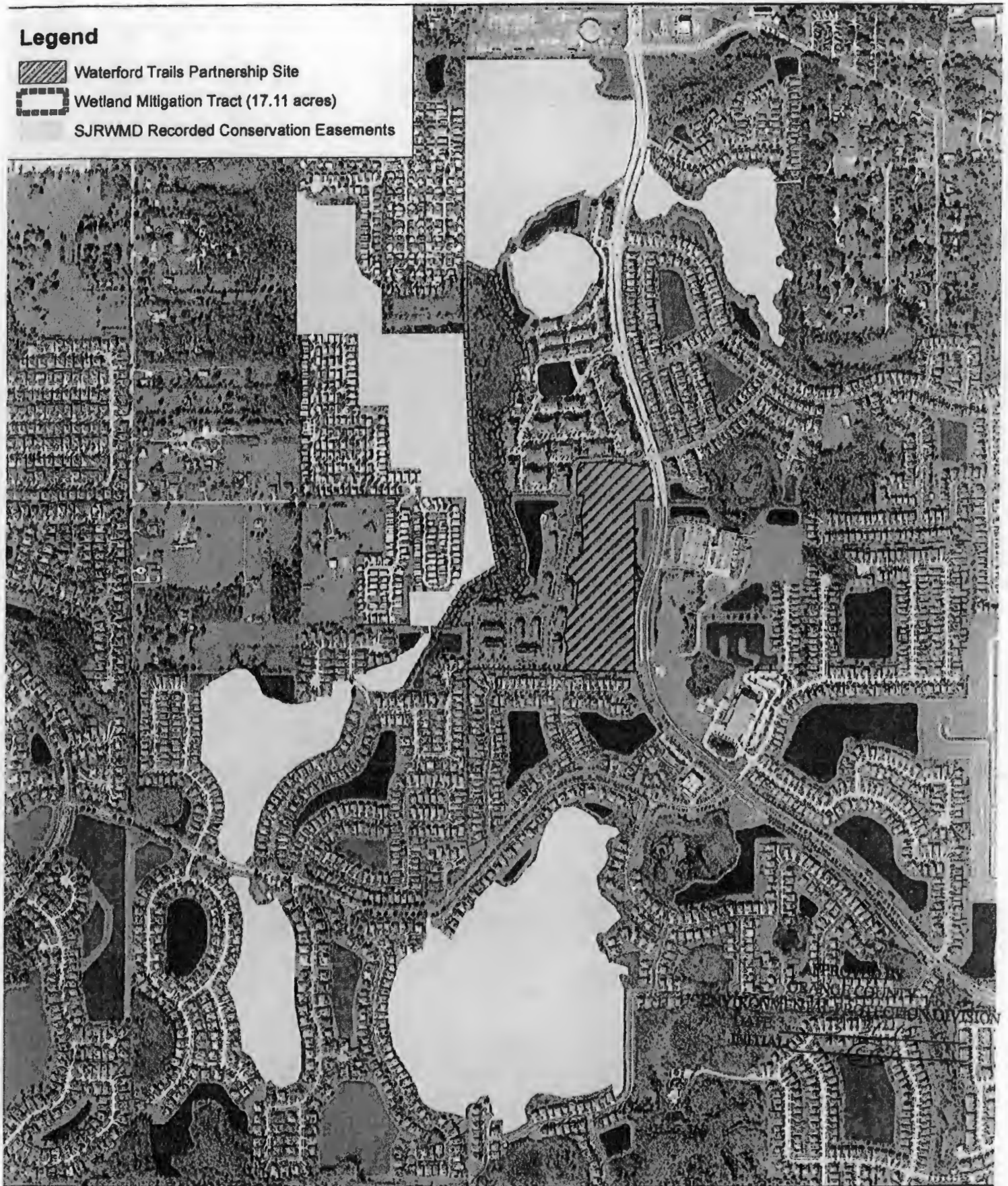
Project Site ☐

Property Location ☒



Legend

-  Waterford Trails Partnership Site
-  Wetland Mitigation Tract (17.11 acres)
-  SJRWMD Recorded Conservation Easements



Legend



Acreages

Upland Buffer - 6.4 ac

Wetland - 10.7 ac

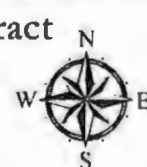
Total - 17.1 ac

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 3/24/14
INITIAL: [Signature]

Waterford Trails Partnership Mitigation Tract Orange County, Florida Wetland/Upland Buffer Map

Bio-Tech Consulting Inc.

Environmental and Permitting Services
2002 E. Robinson St. Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-tech-consulting.com



0 100 200
Feet

Project #: 124-19
Produced By: JMF
Date: 6/18/2014



COLBERT-CAMERON MITIGATION BANK

1001 HEATHROW PARK LANE SUITE 4001

LAKE MARY, FL 32746

407-322-2171 Phone 407-330-2379 FAX

386-668-1479 DELAND

wlcolbert@stenstrom.com email

November 4, 2014

REVISED

J Reid Hilliard
Mitigation Bank Technical Program Manager
Environmental Resource Regulation Division
St. Johns River Water Management District
Maitland Service Center
601 South Lake Destiny Road, Ste., 200
Maitland, FL 32751

Re: Colbert-Cameron Mitigation Bank, Permit No. 4-127-23136-ERP
Credit Reservation and Debit Request
South Carpenter Estates, Brevard County, FL project (4-009-99837-1)
transfer of credits to Waterford Trails Partnership, Orange County, FL (CAI-14-03-006)

Dear Mr. Hillard,

Please let this serve as authorization for the **transfer of an additional 4.1 credits for a total of 6.6** mitigation credits from the original 8.9 mitigation credits purchased from Colbert-Cameron Mitigation Bank by W. Roger Smith of Smith Construction on or about January 12, 2007. The transfer should reflect that a total of 6.6 mitigation credits have been assigned to Permit No. CAI-14-03-006 for the Waterford Trails Partnership Orange County, FL project, leaving a total of 2.3 mitigation credits assigned to the South Carpenter Estate project, Brevard County, FL.

If you have questions or need further information, please contact me.

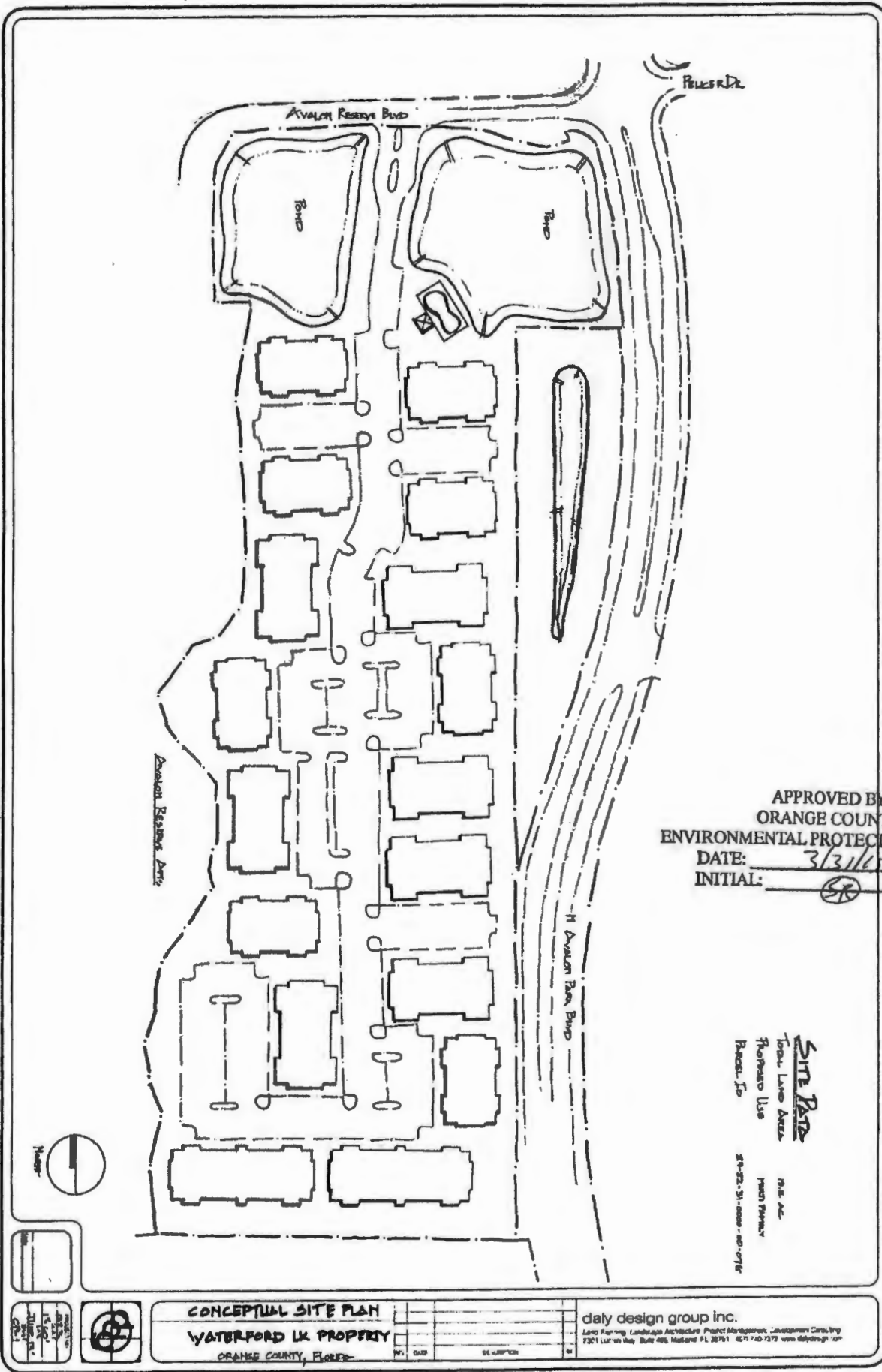
Sincerely

COLBERT-CAMERON MITIGATION BANK

William L. Colbert, Managing Trustee

cc: W. Roger Smith
Mark Ausley, Bio-Tech Consulting
Steve Rich

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 3/31/15
INITIAL: SR



APPROVED BY
 ORANGE COUNTY
 ENVIRONMENTAL PROTECTION DIVISION
 DATE: 3/31/17
 INITIAL: SR

Site Data
 Total Land Area 17.16 AC
 Flooded Use 17.16 AC
 Flooded Use 17.16 AC
 Flooded Use 17.16 AC

RECEIVED
 3/31/17

CONCEPTUAL SITE PLAN
 WATERFORD LK PROPERTY
 ORANGE COUNTY, FLORIDA

daly design group inc.
 Land Planning, Landscape Architecture, Project Management, Construction Consulting
 7201 Lurline Blvd Suite 400 Orlando FL 32811 407-740-7279 www.dalydesign.com