

Florida Department of Environmental Protection

South District
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Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

VIA ELECTRONIC MAIL

Permittee/Authorized Entity:

Collier County Solid Waste Management Department
3339 Tamiami Trail East, 3rd Floor
Naples, FL 34112

Collier Resource Recovery Park

Authorized Agent:

Davidson Engineering, Inc.
c/o Josh Fruth
4365 Radio Road, Suite 201
Naples, FL 34104
josh@davidsonengineering.com

Environmental Resource Permit

State-owned Submerged Lands Authorization –Not Applicable

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Permit No.: 11-0285328-004

Permit Issuance Date: November 7, 2016
Permit Construction Phase Expiration Date: November 7, 2046

Consolidated Environmental Resource Permit

Permittee: Collier County Solid Waste Management Department
Permit No: 11-0285328-004

PROJECT LOCATION

The activities authorized by this Permit are located at a parcel of land located north of the existing Collier County Landfill, Parcel ID 00289720004, and 00298480005 in Section 25, Township 49 South, Range 26 East, Collier County, at 26°10'21"North, 81°39'45" East.

AUTHORIZATIONS

Collier Resource Recovery Park

Project Description

This permit supersedes Environmental Resource Permit No. 11-0285328-002 and subsequent modification No. 11-0285328-003.

The permittee has cleared approximately 40 acres of forested wetlands and uplands as authorized under ERP No. 11-0285328-002 and 11-0285328-003. The permittee is authorized to continue construction, in phases, of a surface water management system and associated infrastructure such as: maintenance, storage, and processing buildings; access roads; paved areas for storm debris processing and other recycling material. The stormwater system will be constructed in two phases, (1) to serve a 82.76 -acre drainage basin during initial construction and (2) the final stormwater design to serve the completed 166.46-acre Resource Recovery Park for the purpose of managing and recycling waste streams such as white goods, tires, household hazardous waste, paper goods, gas and leachate, Construction and Demolition debris, brown goods, yard waste, and storm debris on a 360.22-acre parcel, to include: dry pretreatment swales, a temporary dry detention area, wet detention areas, containment berms, and discharge structures resulting in permanent impacts to 39.24 acres of forested freshwater wetlands and temporary impacts to 11.69 acres of forested freshwater wetlands, Class III Waters. Authorized activities are depicted on the attached drawings.

To offset unavoidable impacts that will occur from these authorized activities, the permittee has completed Phase 1 of the proposed mitigation plan consisting of exotic removal from 9.24 acres of wetlands, the purchase 1.55 freshwater forested credits and the placement of approximately 167.18 acres of wetlands and uplands under conservation easement. The permittees shall conduct exotic removal from an additional 97.22 acres and shall purchase an additional 10.6 freshwater forested credits at Panther Island Mitigation Bank.

The project described above may be conducted only in accordance with the terms, conditions and attachments contained in this permit. The issuance of this permit does not infer, nor guarantee, nor imply that future permits or modifications will be granted by the Department.

Please be advised that this permit does not constitute the issuance of a NPDES Stormwater Permit or acceptance of an NPDES Stormwater Pollution Prevention Plan. For additional information regarding this matter please contact the NPDES Stormwater Notices Center toll free at (866) 336-6312 or Department personnel in Tallahassee at (850) 245-7522.

AUTHORIZATIONS

Collier Resource Recovery Park

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **may be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. **The Corps has assigned file number SAJ-2011-00626 to your project.** The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps at Fort Myers ACOE Regulatory office at 239-334-1975, for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Coastal Zone Management

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

Water Quality Certification

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

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to FTMERP_Compliance@dep.state.fl.us . All submittals shall include the project name and indicated permit number when referring to this project.

SPECIFIC CONDITIONS – PRIOR TO CONSTRUCTION

2. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.

3. **This permit does not authorize any dewatering. Prior to conducting any dewatering activities, a dewatering permit shall be obtained from the SFWMD.**

SPECIFIC CONDITIONS – MITIGATION

4. The Permittee shall follow the attached “On-site Mitigation, Maintenance and Monitoring Plan”. **Exotic and nuisance vegetation removal shall be conducted in stages per the table below. Removal shall occur prior to the commencement of the corresponding construction Phase.** The exotic and nuisance vegetation to be removed shall include all species listed in the

most recent published list of invasive species by the Florida Exotic Pest Plant Council (FLEPPC). Internet website for FLEPPC is <http://www.fleppc.org/list/List-WW-F09-final.pdf>. Exotic and nuisance vegetation shall include but not be limited to Brazilian Pepper (*Schinus terebinthifolius*), Punk tree (*Melaleuca quinquenervia*), Australian pine (*Casuarina equisetifolia*), Cattail (*Typha Spp.*), Primrose Willow (*Ludwigia peruviana*), and vines. Exotic and nuisance vegetation shall be removed using hand-held equipment in a manner that will minimize impacts to the existing wetland plants and will not cause ruts in the wetland soils which will impede or divert the flow of surface waters. All cut stumps of exotic and nuisance vegetation shall be treated annually as necessary to prevent re-growth with an appropriate systemic herbicide for aquatic applications approved by the Department in advance. No aerial spraying is authorized. The herbicide may be painted onto the cut stumps of the exotic and nuisance vegetation. The cut debris shall be removed from the wetland areas and placed in an upland location.

- a. The Permittee shall continue removing exotic and nuisance vegetation until the properties have no more than one percent (1%) coverage by exotic and nuisance species for three (3) consecutive years.
- b. The Permittee shall implement the Maintenance and Monitoring Actions and Schedule as outlined in the “On-Site Mitigation, Maintenance and Monitoring Plan” conducting annual inspections until the success criteria are achieved pursuant to Specific Condition No. 6.
- c. During each inspection, the Permittee shall remove all exotic and nuisance vegetation from the areas without disturbing the other existing vegetation. Exotic and nuisance vegetation is defined in this item above.
- d. The Permittee shall ensure the preservation area is kept free of exotic and nuisance plant species in perpetuity.

Mitigation Phase	Construction Phase	Wetland Impact Acreage	Wetland Onsite Enhancement Acreage
1	1	4.33	9.24
2	2	4.63	51.08
3	3,4,5	30.28	46.14
	Totals	39.24	106.46

5. **Within 30 days** after the completion of each inspection as specified in the “On-Site Mitigation, Maintenance and Monitoring Plan”, Permittee shall complete a monitoring report and submit it to the Department. The monitoring reports shall include the following information:

1. The notations “Permit Number 11-0285328-004” and name of the Permittee exactly as it appears on the first page of this Permit;
2. Date of the inspection;
3. Enough panoramic color photographs to provide an accurate representation of the public interest areas. The photographs shall be taken from fixed reference points and aspects;
4. Either an actual count or a statistically valid estimate* of the percentage of cover of native wetland and exotic and nuisance species in the public interest area; and

5. Description of any exotic or nuisance species removal.

**Statistically valid estimating methods include those found in Daubenmire, R. (1968), Oosting (1956), or Mueller-Dombois and Ellenberg (1974), or other method approved by the Department. More information on these methods will be provided by the Department upon request.*

6. The preservation area shall be deemed successful when the following criteria are met for three consecutive years:

1. The site supports no more than 1% coverage by exotic and/or nuisance vegetative species, and their population is either static or declining;
2. The area shows a minimum of 80% coverage by desirable native wetland species appropriate to the area; and
3. There is evidence of natural recruitment of desirable native wetland species appropriate to the area.

7. If success (as described in Specific Condition No. 6) is not achieved within 3 years of submittal of the first annual report, the Permittee shall submit a Restoration Plan to the Department for its review and approval. The revised restoration plan shall be submitted within 30 days of the 3rd anniversary date of completion of the initial exotic removal and shall include a plan, including time schedule for the Conservation Easement Area to meet the success criteria. The revised plan shall also include a maintenance and monitoring schedule to ensure that the revised restoration and mitigation plan is successful. The Permittee shall implement the revised restoration and mitigation plan, including any changes required by the Department, upon notice of approval by the Department.

8. The Permittee shall partially mitigate for permanent impacts to 39.24 acres of forested freshwater wetlands and temporary impacts to 11.69 acres of forested freshwater wetlands through the purchase of 12.15 forested freshwater wetland credits from Panther Island Mitigation Bank, 5747 North Andrews Way, Fort Lauderdale, Florida 33309, Phone (888)301-1701. Credits shall be purchased in phases to correspond with each phase of construction. For the work authorized under phase 1, the Permittee purchased 1.55 forested freshwater credits. **Prior to the commencement of Phase 2**, the Permittee shall purchase 10.61 forested freshwater credits. **Within 10 days of purchase of the mitigation bank credits**, the Permittee shall provide the Department with documentation that the credits have been deducted from the credit ledger of the bank.

9. To offset additional impacts to wetlands, the Permittee has placed approximately 167.18 acres ± of forested freshwater wetlands and uplands under a conservation easement located within the subject parcel. The conservation easement (CE), Instrument # 5018324, (OR: 5,066, Page: 3,442) shall run with the land, in perpetuity, and prohibit construction or placing of structures on, above, or below the ground.

If for any reason the permittee elects not to carry out any of the activities for which the CE is required, then the Permittee may request that the grantee vacate/release the conservation easement.

To obtain a release, the Permittee must acknowledge that the permit is no longer required and formally surrender the permit. Once the Permittee formally surrenders the permit, then the Department will prepare a Release of Conservation Easement for the permittee to record in the County's land records at their own cost.

SPECIFIC CONDITIONS - CONSTRUCTION

10. The project shall comply with applicable State Water Quality Standards, namely:
Rule 62-302.500, F.A.C. – Surface Waters: Minimum Criteria, General Criteria; and
Rule 62-302.530, F.A.C. – Table: Surface Water Quality Criteria, Class III Waters.

11. The permittee shall ensure that all drainage conveyances are not obstructed and in no way altered by the proposed project other than as authorized by this permit.

12. Those portions of the applicant's property that are in wetlands as defined in Chapter 62-340, Florida Administrative Code and not subject to permanent impacts or enhancement activities (exotic removal and maintenance) as authorized by this permit shall be left in their natural state. These areas shall not be used for parking, equipment storage, building supply storage or as a staging area for construction. These areas shall not be filled, sodded, or cleared without prior written consent from the Department in the form of an Environmental Resource Permit or a modification of this permit.

13. The permittee shall ensure that all construction equipment is maintained in a manner to ensure that oils, greases, gasoline, or other pollutants are not released into wetlands or other surface waters.

14. Stormwater Treatment Facility:

Stormwater quality treatment for the impervious areas (60.52-acres) is provided by a dry pre-treatment and three interconnected wet detention areas before discharging through the discharge control structure to the receiving body. See the attached permit drawings for details. For any conflict that occurs between the specific conditions of this permit and the drawings, the specific condition shall take precedence.

The permittee is authorized to construct the stormwater system in phases. Initially, Lake #3 shall be constructed as a dry detention system. As development of the site continues, Lake #3 shall be converted to a wet detention system. Lakes #1 and #2 shall be constructed as wet detention treatment systems.

15. Temporary Stormwater Discharge Facility (Control Structure DS #129):

Top-of-Grate Elevation:	12.00 Feet, NAVD
Bleed down Slot Weir Invert Elevation:	9.95 Feet, NAVD
Discharge Weir Invert Elevation:	10.55 Feet, NAVD
Skimmer Top/Bottom Elevations:	12.00/9.45 Feet, NAVD
36-inch RCP Outfall Pipe Invert Elevation:	0.25 Feet, NAVD
Minimum Basin/Perimeter Berm Elevation:	12.03 Feet, NAVD

Wet Season Water Table (WSWT) Control Elevation: 8.23 Feet, NAVD

Receiving Body: Golden Gate Main Canal (MGG-00)

16. Final Stormwater Discharge Facility (Control Structure CS-1):

Top-of-Grate Elevation:	11.50 Feet, NAVD
3 inch Diameter Bleed down Orifice:	8.23 Feet, NAVD
24inch by 33inch Orifice Invert Elevation:	9.05 Feet, NAVD
Skimmer Top/Bottom Elevations:	11.50/7.73 Feet, NAVD
36-inch RCP Outfall Pipe Invert Elevation:	0.25 Feet, NAVD
Minimum Basin/Perimeter Berm Elevation:	12.03 Feet, NAVD
Wet Season Water Table (WSWT) Control Elevation:	8.23 Feet, NAVD

Receiving Body: Golden Gate Main Canal (MGG-00)

17. The permittee shall submit a construction commencement notice to the Department for each phase, including the conversion of Lake #3 to a wet detention system.

SPECIFIC CONDITIONS – LISTED SPECIES CONDITIONS

18. Any gopher tortoises found within the proposed work areas shall be relocated to enhanced on-site or off-site recipient sites in accordance with permits required by the Florida Fish and Wildlife Conservation Commission (FWC).

19. If an eagle nest is identified onsite during clearing or construction, the Permittee shall refer to the FWC Bald Eagle Management Guidelines found at <http://www.myfwc.com/wildlifehabitats/managed/bald-eagle/>.

20. To avoid contact with bears, the Permittee shall install fencing around the entire project area. The FWC encourages the use of electric fencing as a suitable tool that has been proven effective in deterring bears from entering the property (design recommendations attached).

21. The Permittee shall follow the attached Standard Protection Measures for the indigo snake. These include snake educational signage posted throughout the construction area and informational meetings with the construction manager and project supervisors to advise them of the protection status of the indigo snake, as well as measures to avoid an accidental take during the project construction phase. In addition, the Permittee shall modify take the same measures to avoid the taking of any black snake, and the Permittee shall use directed clearing measures where feasible to avoid a take.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

22. The operation and maintenance entity shall inspect the stormwater treatment system after storm events with greater than one inch of rainfall.

23. Within 30 days of any failure of stormwater treatment system, ponding in any dry-treatment basin after 72 hours of the most recent rain event, or other deviation from the permit, a report shall be submitted to the Department using [Form 62-330.311\(1\)](#) describing the remedial actions taken to resolve the failure or deviation.

24. The operation and maintenance entity shall have a qualified stormwater management inspector inspect the stormwater treatment system, the conveyance systems and the outfall in the conservation easement at least once every 60 months.

25. The operation and maintenance entity shall submit the results of the 5-year stormwater management system inspection within 30 days of the inspection on [Form 62-330.311\(1\)](#).

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency,

as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
- b. For all other activities “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S.

Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

12. The permittee shall notify the Agency in writing:

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

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any

persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.


Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and

by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon M. Iglehart
District Director
South District Office

JMI/mm/pc

Attachments:

Project Drawings and Design Specs, 64 pages
On-Site Mitigation, Maintenance and Monitoring Plan, 4 pages (no page 3)
Conservation Easement
Standard Protection Measures for Indigo Snakes, 6 pages
Use of Electric Fencing to Exclude Bears and Prevent Property Damage, 6 pages
'Post Issuance' forms: <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm>

Copies furnished to:

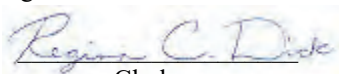
DEP, Office of General Counsel, agency_clerk@dep.state.fl.us
U.S. Army Corps of Engineers, SAJ-2011-00626, fdep.other@usace.army.mil
Department of State, Division of Historical Resources, compliancepermits@dos.myflorida.com
FWC, Imperiled Species Management Section FWCConservationPlanningServices@myfwc.com;
Collier County Property Appraiser, jredding@collierappraiser.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on **November 7, 2016**, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



Clerk

November 7, 2016

Date