

PERMIT REQUIREMENTS

Charlotte County BOCC – Manchester Lock Removal

ERP 08-210682-001 & -002

Specific Condition No. 15 – Stormwater Improvements

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

Items Needed for Documentation: Provide a copy of SWFWMD Permit No. 44024127.000 and identify exactly where in the permit stormwater treatment has been provided for the approximately 233 acres of occupied lots CC44 and CC79.

Provide the current compliance status with Permit No. 44024127.000.

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 16 – Stormwater Improvements

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

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

Items Needed for Documentation: Provide a copy of SWFWMD Permit for the Edgewater Extension corridor and identify exactly where in the permit stormwater treatment has or will be provided for the 448.6 acres excluding Sections CC44 and CC79.

Provide the current construction completion status with the above SWFWMD Permit.

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 17 - Annual Status Reports

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

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

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

Items Needed for Documentation: Provide the current construction completion status with the SWFWMD Permit per Specific Condition no.16. Specifically identify the acres of stormwater treatment that have been completed and the projected date of completion if not complete.

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 18 & 19- Phased Sewer Expansion and Annual Status Report

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

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

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

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

Items Needed for Documentation: Provide the current status of the Sewer Expansion. Identify what permits have been issued and their construction completion status.

Provide a map/drawing of the Sewer Expansion areas and highlight the areas that have been completed and are in service.

Documentation of Compliance: Only annual report in file is from Dan Quick, dated 5-25-2010, BOCC placed Sewer Expansion project on hold. The Department sent a letter dated 6-19-2013 (attached) stating that annual reporting is required until the Sewer Expansion is completed.

Location of Documentation:

Specific Condition No. 20 – OSTD Ordinance

20. The permittee shall within 180 days enact the attached ordinance, “ORDINANCE NUMBER 2007-XXXX.” The provisions of this ordinance (or Department approved modification of the same) shall remain in effect for all affected residences until those affected residences are placed on a sanitary sewer system.

Items Needed for Documentation: Completed - Ordinance enacted 8-28-2007.

Documentation of Compliance: Copy of Ordinance 2007_61 OSTDS.

Location of Documentation: OCULUS & DEP L Drive

Specific Condition No. 21 & 22 – County to enforce ordinance

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

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

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

Items Needed for Documentation: Provide the status of enforcement of Ordinance 2007_61. A Department letter dated 7-23-2010 (attached) indicated that enforcement of Ordinance 2007_62 has not been consistent. What is the current number of septic systems that require inspection per the Ordinance and what number of County staff are assigned to such inspections?

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 23 & 24 – Bathymetric Survey

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

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

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

Items Needed for Documentation: Provide a copy of the Bathymetric Survey.

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 25– Restore deep pockets areas greater than -5.5' MLW

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

Items Needed for Documentation: Provide the approximate date when the canal backfilling was completed.

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 26 – As-Built survey of restored canal areas to a maximum of -5.5' MLW

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

Items Needed for Documentation: Provide a copy of the As-built survey of the bathymetric restoration.

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 27 – Remove exotic vegetation from six islands

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

Items Needed for Documentation: Provide the approximate date of completion of the initial exotic removal. What County Department is assigned to perform annual exotic maintenance on the six islands?

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 29 – Annually monitor, treat and report status of exotic removal

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

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

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

Items Needed for Documentation: Provide the status of the annual monitoring and treatment of exotics on the six islands. Identify who is tasked with the annual monitoring and treatment of exotics.

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 30 & 31 – Marsh Habitat Restoration

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

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

Items Needed for Documentation: **Completed** 5-30-2008

Documentation of Compliance: 7-13-2009 Earth Balance report – Marsh Habitat Restoration Completion Report.

Location of Documentation: OCULUS

Mod -002 Specific Condition No. 32 – Pipe Obstructions

Prior to completion of construction for the Lock area, as noted on Sheets B-1AB, B-3, B-4, and B-5, the permittee shall place pipe pile obstructions as noted on Site C plan view, section A-A and signage details, Site D Plan View and Cross Sections, and Site E Plan View and Cross Sections. The permittee shall install the pipe piles in accordance with the best management practices listed in the permit.

Items Needed for Documentation: Provide documentation that the required motorized boat pipe obstructions were installed. Are the pipe obstructions still functional?

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 33 – Lewis Creek Restoration

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

Items Needed for Documentation: Provide documentation that the hydrologic connection to Lewis creek has been completed.

Documentation of Compliance: No documentation of compliance in Department files.

Location of Documentation:

Specific Condition No. 34 – Land Acquisition

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

Items Needed for Documentation: **Completed** 6-2-2005

Documentation of Compliance: copy of deed and Property Appraiser Report

Location of Documentation: DEP L Drive

Specific Condition No. 35 – Awareness Program

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

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

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

Items Needed for Documentation: Partial Completion - DEP has a copy of the Alligator Bay Awareness Program – Power Point Presentation.

Provide documentation of the following: Signage, direct mailings and Alligator Bay Educational program.

Documentation of Compliance: Power Point Presentation. No documentation of compliance for signage, direct mailings and Alligator Educational program in Department files.

Location of Documentation: Power Point Presentation - OCULUS