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Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF PERMIT

In the matter of an
Application for Permit
By: U.S. Corps of Engineers

DEP File No. 0164286-EI-001

Enclosed is Permit Number 0164286-EI-001 to construct additions to three water control structures (S-68, S-83, and S-84) in Highlands County. The purpose of the project is to maintain existing flood protection in the Lake Istokpoga basin. The project is an element of the ongoing Kissimmee River Restoration project and necessary to maintain the existing flood discharge capacity from Lake Istokpoga basin due to increased water levels in the Kissimmee River floodplain. This permit is issued under sections(s) Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 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 thirty days after this notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.
This 28 day of November, 2000

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


John Outland
Environmental Administrator



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

U. S. Army Corps of Engineers, Jacksonville District
P. O. Box 4970
Jacksonville, Florida 32232-0019

PROJECT NAME: Kissimmee River Restoration, C-41A Canal Spillway Additions

TYPE OF PERMIT: Individual Environmental Resource Permit

PERMIT/AUTHORIZATION NO.: 0164286-EI-001

DATE OF ISSUE: November 28, 2000

EXPIRATION DATE OF CONSTRUCTION PHASE: November 27, 2010

COUNTY: Highlands

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

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

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

The above-named permittee is hereby authorized to construct the facility described in the application and shown on the approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General and Specific Conditions and Monitoring Requirements of the permit, which are a binding part of this permit. The permittee/authorized entity is advised to read and understand these drawings and conditions, prior to commencing the authorized activities to ensure that the work is conducted in conformance with all the terms, conditions, and drawings. If the permittee/authorized entity is utilizing a contractor(s), the contractor(s) also should read and understand the drawings and conditions prior to commencing the authorized activities. Failure to comply with the drawings, conditions, and monitoring requirements of the permit shall constitute grounds for revocation of the permit and appropriate enforcement action.

"More Protection, Less Process"

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authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the authorized entity shall apply for and obtain the modification prior to its implementation.

2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by the Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers.
4. This permit also constitutes certification of compliance with state water quality standards (Clean Water Act § 401 (33 U.S.C. § 1341)).
5. The permittee shall notify the Department of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
6. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.
7. Within a reasonable time after completion of project construction, the permittee shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the authorized entity.
8. Should any other regulatory agency require changes to the approved system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a modification is required.

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SPECIFIC CONDITIONS:

1. After selection of the contractor(s) to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee shall schedule a preconstruction conference with representatives of the contractor and the Department to review the specific conditions and monitoring requirements of the permit. Not less than 10 days prior to the scheduled date of the preconstruction conference, the permittee shall provide written notice to the Department's Division of Water Resource Management, Everglades Technical Support Section, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida, 32399-2400, telephone (850) 921-5214, fax (850) 488-4358 and South District Branch Office, 7451 Golf Course Boulevard, Punta Gorda, Florida, 33982, telephone (941) 575-5814, fax (941) 575-5812 of the date, time, and location of the preconstruction conference.
2. A copy of the contractor's Environmental Protection Plan (to be prepared pursuant to Section 01410, Subsection 1.4 of the draft construction specifications) shall be provided to the Department's representative at the preconstruction conference and to the Department offices at the addresses listed in Specific Condition No. 1.
3. The Construction Commencement Notice (form no. 62-343.900[3], F.A.C.) required by General Condition No. 4 of this permit shall be submitted to the Department at the addresses listed in Specific Condition No. 1.
4. All work in wetlands or surface waters to be conducted pursuant to this authorization shall be limited to those areas indicated on the drawings. All wetland areas or water bodies which are outside the specific limits of construction authorized must be protected from erosion, siltation, scouring and/or dewatering.
5. Floating turbidity barriers anchored to the bottom of the canal shall be installed and anchored downstream of each spillway and bypass channel during connection of the bypass channels to the C-41A Canal.
6. Muck containment areas shall be constructed as shown on the permit drawings. Drainage pipes or other decant or discharge features shall not be installed in the muck containment areas without the consent of the Department. In the event that the permittee determines that drainage, decant, or other discharge features from the muck containment areas are necessary for the construction of the project, the permittee shall notify the Department at the addresses listed in Specific Condition No. 1, above, to determine if a modification to this permit is necessary.
7. The permittee shall be responsible for ensuring that turbidity control devices/procedures are inspected and maintained daily during all phases of construction. Turbidity barriers and erosion control devices shall be inspected daily, maintained in good working order, and relocated as necessary during construction to prevent violations of the applicable State of Florida water quality standard for turbidity.

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Sample Collection Locations:

Background: In the C-41A Canal (or other appropriate surface waters present during the construction), at a point 100 feet upcurrent of the construction area, outside of containment barriers, outside of any visible turbidity plume, at mid-depth.

Compliance: In the C-41A Canal (or other appropriate surface waters present during construction), at a point no greater than 150 meters downcurrent of the construction area, in the densest portion of any visible turbidity plume, at mid-depth.

A summary of the monitoring data shall be submitted with the "Annual Status Report Form" required by General Condition No. 6 with documents containing the following information: (1) permit number; (2) dates of sampling and analysis; (3) a statement describing the methods used in collection, handling, storage and analysis of the samples; (4) maps indicating the sampling locations; and, (5) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

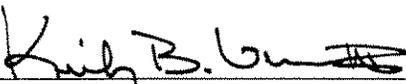
Monitoring reports shall also include the following information for each sample that is taken:

- (a) time of day samples taken;
- (b) depth of sample;
- (c) antecedent weather conditions.

The compliance location given above shall be considered the maximum limits of the temporary mixing zone for turbidity allowed during construction (150 meter radius originating from the construction area). If monitoring reveals turbidity levels at the compliance sites more than 29 NTUs above background turbidity levels at the corresponding background site, the permittee shall comply with the requirements of Specific Condition No. 4 of this permit.

Executed in Tallahassee, Florida this 28th day of November, 2000

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION


for David B. Struhs
Secretary

DBS/elb

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Copies furnished to adjacent property owners:

Lykes Brothers, Inc.
7 Lykes Road
Lake Placid, FL 33852-9582

Highland Co. Board of Co. Commissioners
P. O. Box 1926
Sebring, Florida 33871

Lester J. Woerner
505 S. Flagler Drive, Suite 606
West Palm Beach, FL 33401

Eddie Williams
P. O. Box 464
Myrtle Beach, SC 29578

Additional copies furnished to:

Kim Brooks-Hall, USACOE, Jacksonville
Mark Shafer, USACOE, Jacksonville
Paul Whalen, SFWMD, West Palm Beach
Lou Toth, SFWMD, West Palm Beach
Clell Ford, Highlands County
Jon Iglehart, FDEP, Ft. Myers
Annette Nielsen, FDEP, Punta Gorda
Rich Bray, FDEP, Tallahassee
FDEP Office of General Counsel
File