



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

September 21, 2023

Applied Building Development
% Yuval Botansky
131 Chadwick Drive
Davenport, Florida 33896
Yval@abddevelopment.com

Dear Yuval Botansky:

Thank you for your application to the State 404 Permit Program. Enclosed is Permit Number 0397738-002-SFI, to Applied Building Development.

The enclosed permit requires that you sign the document, indicating that you accept and agree to comply with the terms and conditions of the permit.

Please sign and return the attached document to the Department at SW_ERP@FloridaDEP.gov within 60 days of the date of this letter.

The permit will not become effective until the permit is signed by the Permittee and the Department designated official.

If you have any questions about this document, please contact me at Jessica.t.hamilton@floridadep.gov or 813-470-5956.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Hamilton".

Jessica Hamilton
Environmental Specialist III
Permitting and Waste Cleanup Programs
Southwest District

cc:

Florida Fish and Wildlife Conservation Commission, ConservationPlanningServices@myFWC.com
Amelia Missavage, Florida Fish and Wildlife Conservation Commission, Amelia.Missavage@myfwc.com
State 404 Permitting, Southwest District, SW_ERP@FloridaDEP.gov
Jessica Hamilton, Southwest District, Jessica.t.hamilton@floridadep.gov
Shannon Herbon, Southwest District, Shannon.Herbon@floridadep.gov
U.S. Environmental Protection Agency, State404FinalPermits-Florida@epa.gov
Mark Wilson, Kimley-Horn and Associates, Marke.Wilson@Kimley-horn.com
Jim Modica, Modica & Associates, Inc., Jimm@Modica.cc
Ashley Miller Argitis, Modica & Associates, Inc., Ashleym@Modica.cc
Elaine Imbruglia, Modica & Associates, Inc., Eca@Modica.cc



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Permittee/Authorized Entity:
Applied Building Development
% Yuval Botanksy
131 Chadwick Drive
Davenport, Florida 33896, Polk County
Yuval@abddevelopment.com

Providence N-27

Authorized Agent:
Kimley-Horn and Associates
% Mark Wilson
109 South Kentucky Avenue
Lakeland, Florida 33801
Marke.Wilson@Kimley-horn.com

State 404 Program Individual Permit

Polk County
Permit No.: 0397738-002-SFI

Permit Issuance Date: TBD
Permit Expiration Date: TBD



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

State 404 Program Individual Permit

Permittee: Applied Building Development
Permit No: 0397738-002-SFI

PROJECT LOCATION

The activities authorized by this permit are located south of the intersection of US 17-92 and Kinney Harmon Road, Parcel IDs: 272612702500013000, 272612702500012000, 272612702500011010, 272612702500017010, and 272612702500016031, Davenport, Florida 33837, in Section 7 and 12, Township 26 South, Range 27 and 28 East in Polk County, at Latitude 28.23436851 / Longitude - 81.55798802.

PROJECT DESCRIPTION

The permittee is authorized to directly impact 0.18 acres of depression marsh, 8.51 acres of hydric hammock and secondary impacts to 1.26 acres of hydric hammock. Waters associated with this project are contiguous to Reedy Creek above Lake Russell, a Class III, Florida Waterbody. These activities are associated with the construction of retail space with associated roadways, parking lots, utilities, and stormwater infrastructure to serve the demand for commercial development.

To offset unavoidable impacts to 0.18 acres of depression marsh, 8.51 acres of hydric hammock with secondary impacts to 1.26 acres of hydric hammock that will occur from these authorized activities, the permittee shall purchase 5.15 palustrine forested mitigation credits from the Reedy Creek Mitigation Bank.

Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Providence N-27

State 404 Program Individual Permit

The Department has determined that the activity qualifies for a State 404 Program Individual Permit. Therefore, the State 404 Program Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-331, Florida Administrative Code (F.A.C.).

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 CONDITIONS

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 and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. This permit shall expire on **TBD** pursuant to 62-331.090(2), F.A.C. Any deviations must be authorized in a permit modification in accordance with rule 62-331.080, 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. Submittals required herein (e.g., progress reports, as-built drawings, etc.) shall include the permittee's name and permit number 53-0397738-002-SFI and shall be directed by e-mail to SW_ERP_CAP@floridadep.gov with a subject line of "Compliance: permit number 53-0397738-002-SFI", or by mail to:

Department of Environmental Protection
Southwest District
ATTN: ERP Compliance Assurance
13051 North Telecom Parkway, Suite 101
Temple Terrace, FL 33637-0926
3. The structure/work authorized by this permit shall not be placed/conducted on any property, other than that owned by the permittee, without the prior written approval of that property owner.
4. 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.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

5. To offset unavoidable impacts that will occur from directly impacting 0.81 acres of depression marsh, and 8.51 acres of hydric hammock with secondary impacts to 1.26 acres of hydric hammock that will occur from these authorized activities, the permittee shall purchase 5.15 palustrine forested mitigation credits from the Reedy Creek Mitigation Bank.

Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with documentation that a total of 5.15 palustrine forested mitigation credits have been deducted from the credit ledger of the Reedy Creek Mitigation Bank (*SAJ-1995-07852*).

6. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards (>29 NTU's above background, pursuant to Rule 62-302, F.A.C.). Methods may include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.
7. Prior to construction, the limits of impact shall be clearly marked in a way which is visible and obvious to anyone performing work on-site, including someone operating heavy equipment. Orange construction fence or tall flagged stakes along the construction limits are possible methods.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

8. Wetland areas or waterbodies that are outside the specific limits of construction authorized by this permit, must be protected from erosion, sedimentation, siltation, scouring, excess turbidity, and/or dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, F.A.C. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until construction is completed, disturbed areas are stabilized, and turbidity levels have fallen to less than 29 NTU's above background. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.
9. Areas of exposed soils shall be isolated from wetlands or other surface waters to prevent erosion and deposition of these soils into wetlands or other surface waters during construction and operation of permitted activities.
10. Grass seed, or sod shall be installed and maintained on exposed slopes and disturbed soil areas within 48 hours of completing final grade, and at other times as necessary, to prevent erosion, sedimentation or turbid discharges into waters of the state and/or adjacent wetlands. A vegetative cover that stabilizes and prevents erosion of the fill material shall be established within 60 days of sodding or seeding. Turbidity barriers/erosion control devices shall be removed upon establishment of a substantial vegetative cover.

11. The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
12. Staked filter cloth shall be positioned at the edge of the permitted fill slopes adjacent to wetlands to prevent turbid run-off and erosion.
13. The permittee shall report any damage to the Department within 24 hours that occurs to any wetlands not authorized for impacts under this permit. If any damage occurs to wetlands or surface waters as a result of any construction activities, the permittee shall be required to restore the wetland area by re-grading the damaged areas back to the natural preconstruction elevations and planting vegetation of the size, densities, and species that exist in the adjacent areas pursuant to a consent order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.
14. Construction equipment shall not be repaired or refueled within Waters of the United States.
15. The permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.
16. Construction shall be completed per the approved plan drawings. This permit does not authorize the construction of any additional structures or dredge/fill areas not illustrated on the permit drawings.
17. Unauthorized impacts to wetlands and/or other surface waters as a result of the authorized construction shall be reported to the Department within 24 hours.
18. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris) within wetlands or other surface waters is prohibited.
19. The following measures shall be taken immediately by the permittee when turbidity levels within waters of the State surrounding the project site violate state water quality standards:
 - a. Immediately cease work contributing to the water quality violation.
 - b. Stabilize exposed soils contributing to the violation. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.
 - c. Notify the Department within 24 hours of the time the violation is first detected.

SPECIFIC CONDITIONS - LISTED SPECIES

20. Florida Scrub-jay/Sand Skink/Blue-tailed Mole Skink

- (1). The applicant shall preserve the 2.41-acre cemetery with 50-foot buffer as shown in the construction plans.
- (2). The project boundaries shall be clearly delineated prior to ground disturbance or clearing by using flags, silt fencing, or similar material to ensure that the quantity of take of scrub habitat is not exceeded. All delineations shall be maintained during construction to ensure that any scrub habitat is not impacted by construction vehicles.
- (3). After construction, the permittee will be responsible for ensuring that all operational and maintenance activities remain outside of cemetery and 50-foot burial buffer. Habitat acres were used as a surrogate to quantify take and if, during the course of this action, this level of take is exceeded, such take would represent new information requiring the permittee to report this new information to FDEP.
- (4). Any modifications to the proposed work in occupied sand skink habitat shall be coordinated with the USFWS South Florida Ecological Service office at fw4flesregs@fws.gov prior to the start of work. The permittee or permittee's representative shall also notify the FWC by e-mail at ConservationPlanningServices@MyFWC.com.

21. Wood Stork

The permittee shall comply with the approved wetland mitigation and monitoring requirements within the same CFA as the project and as specified by the Department's State 404 permit for the onsite wetland impacts.

22. State-Listed Wading Birds

- (1). If any species of state-listed wading bird is observed on site, the permittee shall conduct surveys for wading birds in the forested wetlands throughout the project site prior to commencing any site preparation, staging, clearing, or project activities. Surveys should be conducted during the appropriate survey timeframe indicated in Attachment 1 and in accordance with one of the following methodologies.
 - a. Direct count surveys shall be conducted of potential breeding sites that are narrow or small in which the observer can see all the way through the vegetation to identify all nests.
 - i. Direct counts of all nests shall be made from a minimum distance of 330 feet (100 meters) from the freshwater forested wetlands.
 - b. Flight-line surveys shall be conducted of potential breeding sites that are large or wide enough that the observer cannot see through the vegetation from a distance of 330 feet (100 meters).
- (2). If there is evidence of active nests, a buffer of 330 feet (100 meters) shall be established around the nesting area(s). A nest is considered active when supporting essential behavioral patterns, which occur from the point of nest building when a breeding pair exhibits courtship behavior, is carrying nest material, and/or engaging in construction or repair of a nest, until young of the season become capable of sustained flight or permanently leave the nest. The buffer zone shall be clearly visible to all personnel associated with the project.

(3). No pedestrian traffic, operation of a vehicle or watercraft vessel, site preparation, staging, clearing, or project activities shall occur within the 330-foot (100-meter) buffer.

(4). If wading bird nesting is discovered after site activities have begun, or if any of the conditions above cannot be met, the permittee shall contact the FWC Protected Species Permit Coordinator at (850) 921-5990 or WildlifePermits@MyFWC.com for more information.

(5). Death or injury of a wading bird shall be immediately reported to the FWC Wildlife Alert Hotline at 888-404-3922.

23. Florida Sandhill Crane

(1). Surveys for nesting Florida sandhill cranes shall be conducted within the project boundary during the breeding season (December 1 – August 30) within 30 days prior to commencing any clearing or project activities. Surveys shall include either one aerial survey or two ground surveys in accordance with the following methodologies.

a. Aerial Surveys:

i. Aerial transects shall cover 100% of the forested wetland habitat.

ii. Survey transects shall be conducted at a minimum altitude of 250 feet. Sandhill cranes may react differently to different types of aircraft, and altitude shall be adjusted to prevent disturbance.

b. Ground Surveys:

i. Surveys shall be conducted between dawn and 10 a.m. or between 4 p.m. and dusk. Sandhill crane breeding pairs engage in “unison calling” early in the morning or when switching incubation duties, which can help identify habitat areas used for nesting.

ii. The forested wetlands shall be scanned along the peripheries from as far away as practical in order to observe nesting areas without disturbing any sandhill cranes.

iii. Observation points shall be spaced to provide approximately 100% coverage of suitable habitat. A lone adult sandhill crane observed foraging during the breeding season is a good indicator that nesting may be occurring nearby.

(2). If active Florida sandhill crane nests are found, a buffer of 400 feet (122 meters) shall be demarcated around each nest site. The buffer zone shall be clearly visible to all personnel associated with the project. The perimeter of the buffer zone shall be demarcated with material with an open design that allows ingress and egress for adult cranes and chicks. Examples of acceptable materials include 3-4 foot (91-122 cm) tall stakes with a single line of string or rope, suspended at least 18 inches (46 cm) off the ground, or three strand barbed wire with the bottom wire at least 18 inches (46 cm) off the ground. Silt fencing is discouraged, but if it must be used,

leave regularly spaced gaps at least every 0.3-mile that are either sized at least 24 inches (61 cm) wide or the silt fencing is staggered to allow passage by chicks.

(3). No pedestrian traffic, vehicle operations, site preparation, staging, clearing, or project activities shall occur within the 400-foot (122-meter) buffer.

(4). The buffer zone materials may be removed when the eggs have hatched, and chicks are walking on their own.

(5). All personnel associated with the project shall be advised of the presence of Florida sandhill crane nesting and that it is a violation of state law to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect Florida sandhill cranes or their eggs or nests, or to attempt to engage in such conduct.

(6). No direct or indirect impacts shall occur to wetland habitats found to be utilized by Florida sandhill cranes for breeding, feeding, or sheltering.

(7). If the project will take place over multiple years, additional surveys shall be conducted during the breeding season within 30 days prior to the start of clearing or project activities.

(8). If permanent fencing is constructed adjacent to wetlands found to be utilized by Florida sandhill cranes for nesting, it shall be made of materials in which the birds cannot become entangled, trapped, or injured. If woven or welded wire fencing is used, framed walk-throughs 18 inches (46 cm) high by 24 inches (61 cm) wide shall be incorporated at least every 0.3 miles. If barbed wire fencing is used, a maximum of 3 strands shall be used with the top wire no more than 42 inches (107 cm) above the ground and the bottom wire no less than 18 inches above the ground.

(9). Any installation of temporary or permanent above-ground utility lines shall include reflective kinetic markers to increase visibility to sandhill cranes in flight and reduce collisions.

(10). If additional nest locations are identified after clearing or other activities have begun or if maintaining the required buffers is not possible, the permittee shall contact the FWC Protected Species Permit Coordinator at (850) 921-5990 or WildlifePermits@MyFWC.com for more information.

(11). Injury or mortality of a Florida sandhill crane shall be immediately reported to the FWC Wildlife Alert Hotline at (888) 404-3922.

24. The Permittee shall report any injured, sick, or dead federally or state listed species discovered onsite to the Florida Fish and Wildlife Conservation Commission Wildlife Alert number at 888-404-FWCC (3922).

25. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or permittee associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list

of fish and wildlife species. If listed species are observed onsite, Florida Fish and Wildlife Conservation Commission (FWC) staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to ConservationPlanningServices@MyFWC.com.

26. If new information (e.g. listing of new species, new critical habitat, etc.) shows that the magnitude of impacts to federally listed species has the potential for adverse effects, the U.S. Fish and Wildlife Service (USFWS) will notify the Department. The Department will initiate coordination with the permittee and with the USFWS to determine what adverse impacts are likely and if additional minimization measures, reporting, or monitoring are required in order to be consistent with the Endangered Species Act, as deemed necessary by USFWS.

SPECIFIC CONDITIONS - CONSTRUCTION COMPLETION

The permittee shall comply with the following conditions prior to the transfer to operation phase of the facility. All documentation required below shall be included with the permittee’s request to transfer the project to the operation phase [Form No. 62-330.310(2), F.A.C.].

27. The permittee shall submit signed, dated and sealed as-built drawings to the Department for review and approval within 30 days of completion of construction. The as-built drawings shall be based on the Department permitted construction drawings, which should be revised to reflect changes made during construction. Both the original design and constructed elevations must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. Surveyed dimensions and elevations required shall be verified and signed, dated and sealed by a Florida registered surveyor or engineer. As-builts shall be submitted to the Department regardless of whether or not deviations are present. In addition to the as-built drawings, the permittee shall submit the “As-built Certification and Request for Conversion to Operation Phase” form as required in General Condition #2(f)(2).

The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Mark Wilson, P.E. #47615, on November 2022:

Plan View/ Cross Section Name	Drawing Number
Grading Plan	C400
Drainage Structure and Pipe Tables	C401
Cross Sections	C500 - 501
Wetland Impact Plan	C600

GENERAL CONDITIONS FOR STATE 404 PROGRAM INDIVIDUAL PERMITS

(1) General Conditions under section 62-331.054, F.A.C.:

(a) The permittee shall comply with all conditions of the permit, even if that requires halting or reducing the permitted activity to maintain compliance. Any permit violation constitutes a violation of Part IV of Chapter 373, F.S., and this Chapter, as well as a violation of the CWA.

(b) The permittee shall take all reasonable steps to prevent any unauthorized dredging or filling in violation of this permit.

(c) The permittee shall timely notify the Agency of any expected or known actual noncompliance.

(d) Upon Agency request, the permittee shall provide information necessary to determine compliance status, or whether cause exists for permit modification, revocation, or termination.

(e) Inspection and entry. The permittee shall allow the Agency, upon presentation of proper identification, at reasonable times to:

1. Enter upon the permittee's premises where a regulated activity is located or where records must be kept under the conditions of the permit,
2. Have access to and copy any records that must be kept under the conditions of the permit,
3. Inspect operations regulated or required under the permit, and
4. Sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

(2) Applicable General Conditions under section 62-330.350(1), F.A.C., modified to contain applicable references under Chapter 62-331, F.A.C. (remove those that are not applicable):

(a) 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 62-331.080, 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.

(b) 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.

(c) 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.

(d) 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), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, 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., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

(e) Unless the permit is transferred under rule 62-331.100, 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.

(f) 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:

1. 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

2. For all other activities – "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(g) If the final operation and maintenance entity is a third party:

1. 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 12.3.4 of Volume I) as filed with the Florida 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.

2. 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 and Maintenance 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.

(h) 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.

(i) This permit does not:

1. 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.;
2. Convey to the permittee or create in the permittee any interest in real property;
3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(j) 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.

(k) 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.

(l) The permittee shall notify the Agency in writing:

1. Immediately if any previously submitted information is discovered to be inaccurate; and
2. 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.

(m) 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.

(n) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities 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 the proper

authorities notified in accordance with section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

(o) 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.

(p) 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 62-331, F.A.C., or cause violations of state water quality standards.

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 subsequent order may modify or take a different position than this action.

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 Rules 28-106.201 and 28-106.301, 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 e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. 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 and persons entitled to written notice under Section 120.60(3), F.S., 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 of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

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. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the 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 Florida Rules of Appellate Procedure

9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Permittee Signature

Pursuant to Rule 62-331.052(3)(a)1, a permit becomes effective when it is signed by both the applicant and the Department. Signing indicates, as permittee, you accept and agree to comply with the terms of this permit. You have **60 days after receipt of this proposed permit** with which to sign and return to the Department for final approval. Failure to return within this timeframe will result in administrative withdrawal of your permit application. After receipt of the signed proposal, the Department will return to you the final signed permit, listing the permit's effective date and expiration date.

(Permittee)

(Date)

(Permittee Name – Printed)

This permit becomes effective when the designated Department official has signed below.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Shannon Herbon
Program Administrator
Permitting and Waste Cleanup Program
Southwest District

Attachments:

- Project Drawings, 10 pages
- Construction Commencement Notice/Form 62-330.350(1)
- As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)
- Request for Transfer to the Perpetual Operation Entity/Form 62-330.310(2)
- Request to Transfer Permit/Form 62-330.340(1)
- Operation and Maintenance Inspection Certification/Form 62-330.311(1)

State - Threatened Wading Bird Ranges, Breeding Seasons, and Recommended Survey Dates by Zone,
1 page

Copies furnished to:

Florida Fish and Wildlife Conservation Commission, ConservationPlanningServices@myFWC.com
Amelia Missavage, Florida Fish and Wildlife Conservation Commission, Amelia.Missavage@myfwc.com
State 404 Permitting, Southwest District, SW_ERP@FloridaDEP.gov
Jessica Hamilton, Southwest District, Jessica.t.hamilton@floridadep.gov
Shannon Herbon, Southwest District, Shannon.Herbon@floridadep.gov
U.S. Environmental Protection Agency, State404FinalPermits-Florida@epa.gov
Mark Wilson, Kimley-Horn and Associates, Marke.Wilson@Kimley-horn.com
Jim Modica, Modica & Associates, Inc., Jimm@Modica.cc
Ashley Miller Argitis, Modica & Associates, Inc., Ashleym@Modica.cc
Elaine Imbruglia, Modica & Associates, Inc., Eca@Modica.cc

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, was mailed before the close of
business on September 21, 2023, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

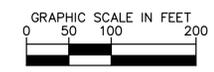


Clerk

September 21, 2023

Date

Plotted By: Bauman, Cheryl Sheet: Set: D49853--Providence N27 Layout: C300 BEST MANAGEMENT PRACTICES PLAN May 24, 2023 06:12:55pm K:\ok-stal\049853001 - providence\N27\CADD\CONSTR\C300 BEST MANAGEMENT PRACTICES PLAN.dwg
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



LEGEND
 — SF — SILT FENCE
 □ INLET PROTECTION

NOTES:

1. CONSTRUCTION TESTING AND CONSTRUCTION STAKING ARE OWNER'S RESPONSIBILITY TO PROVIDE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THESE SERVICES DURING CONSTRUCTION.
2. THE LOCATION OF EXISTING UTILITIES IS APPROXIMATE AND IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THEIR EXACT LOCATION PRIOR TO CONSTRUCTION IN THEIR VICINITY.
3. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES IN THE AREA PRIOR TO CONSTRUCTION.
4. ALL CONSTRUCTION LAYOUT AND STAKING IS TO BE PERFORMED UNDER THE SUPERVISION OF A FLORIDA REGISTERED LAND SURVEYOR.
5. SLOPES OF 4:1 AND GREATER ARE TO BE SODDED. ALL OTHER DISTURBED AREAS ARE TO BE STABILIZED WITH SEED AND MULCH.
6. EROSION CONTROL OR SEDIMENTATION BARRIER: THE CONTRACTOR IS TO PROVIDE EROSION CONTROL OR SEDIMENTATION BARRIER (HAY BALES OR SILT SCREEN) TO PREVENT SILTATION OF ADJACENT PROPERTY, STREETS, DETENTION PONDS, STORM SEWERS AND WATERWAYS, AND TO MAINTAIN THE EROSION CONTROL OR SEDIMENTATION BARRIER IN AN EFFECTIVE WORKING MANNER FOR THE DURATION OF CONSTRUCTION. ADDITIONALLY, CONTRACTOR MAY PLACE STRAW, MULCH OR OTHER SUITABLE MATERIAL ON GROUND IN AREAS WHERE CONSTRUCTION RELATED TRAFFIC IS TO ACCESS THE SITE. IF, IN THE OPINION OF THE ENGINEER AND/OR THE LOCAL AUTHORITIES, EXCESSIVE QUANTITIES OF SOIL ARE TRANSPORTED OFF-SITE EITHER BY NATURAL DRAINAGE OR BY VEHICULAR TRAFFIC, THE CONTRACTOR IS TO REMOVE SAID SOIL AND REPAIR THE DAMAGED OR INEFFECTIVE EROSION CONTROL OR SEDIMENTATION BARRIER TO THE SATISFACTION OF THE ENGINEER AND/OR THE LOCAL AUTHORITIES. SILTATION ACCUMULATIONS GREATER THAN THE LESSER OF 12 INCHES OR ONE-HALF THE DEPTH OF THE SEDIMENTATION BARRIER SHALL BE IMMEDIATELY REMOVED AND REPLACED IN UPLAND AREAS.
7. PRIOR TO COMMENCEMENT OF ANY EXCAVATION, THE CONTRACTOR SHALL COMPLY W/ FLA. STATUTE 553.851 FOR THE PROTECTION OF UNDERGROUND GAS PIPELINES.

BEST MANAGEMENT PRACTICES:

- THIS PLAN HAS BEEN PREPARED TO ENSURE COMPLIANCE WITH APPROPRIATE CONDITIONS OF LOCAL, STATE, AND FEDERAL REGULATIONS. THE PLAN ADDRESSES THE FOLLOWING AREAS:
1. GENERAL EROSION CONTROL.
 2. PROTECTION OF SURFACE WATER QUALITY DURING AND AFTER CONSTRUCTION.
 3. CONTROL OF WIND EROSION.

THE VARIOUS TECHNIQUES OR ACTIONS IDENTIFIED UNDER EACH SECTION INDICATE THE APPROPRIATE SITUATION WHEN THE TECHNIQUES SHOULD BE EMPLOYED. IT SHOULD BE NOTED THAT THE MEASURES IDENTIFIED ON THIS PLAN ARE ONLY SUGGESTED BMP(S). THE CONTRACTOR SHALL PROVIDE POLLUTION PREVENTION AND EROSION CONTROL MEASURES AS SPECIFIED IN FDOT EROSION AND SEDIMENT CONTROL MANUAL AND AS NECESSARY FOR EACH SPECIFIC APPLICATION.

CALL 2 BUSINESS DAYS BEFORE YOU DIG
 IT'S THE LAW! DIAL 811
 Know what's below. Call before you dig.
 SUNSHINE STATE ONE CALL OF FLORIDA, INC.

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MARK E. WILSON, P.E. #47615. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Kimley»Horn
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.
 109 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801
 PHONE: 863-701-8702
 WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

PROVIDENCE N27 MASS GRADING PREPARED FOR APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
 FLORIDA
 POLK COUNTY

MARK E. WILSON
 P.E. #47615
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

REVISIONS

No.	DATE	BY

BEST MANAGEMENT PRACTICES PLAN

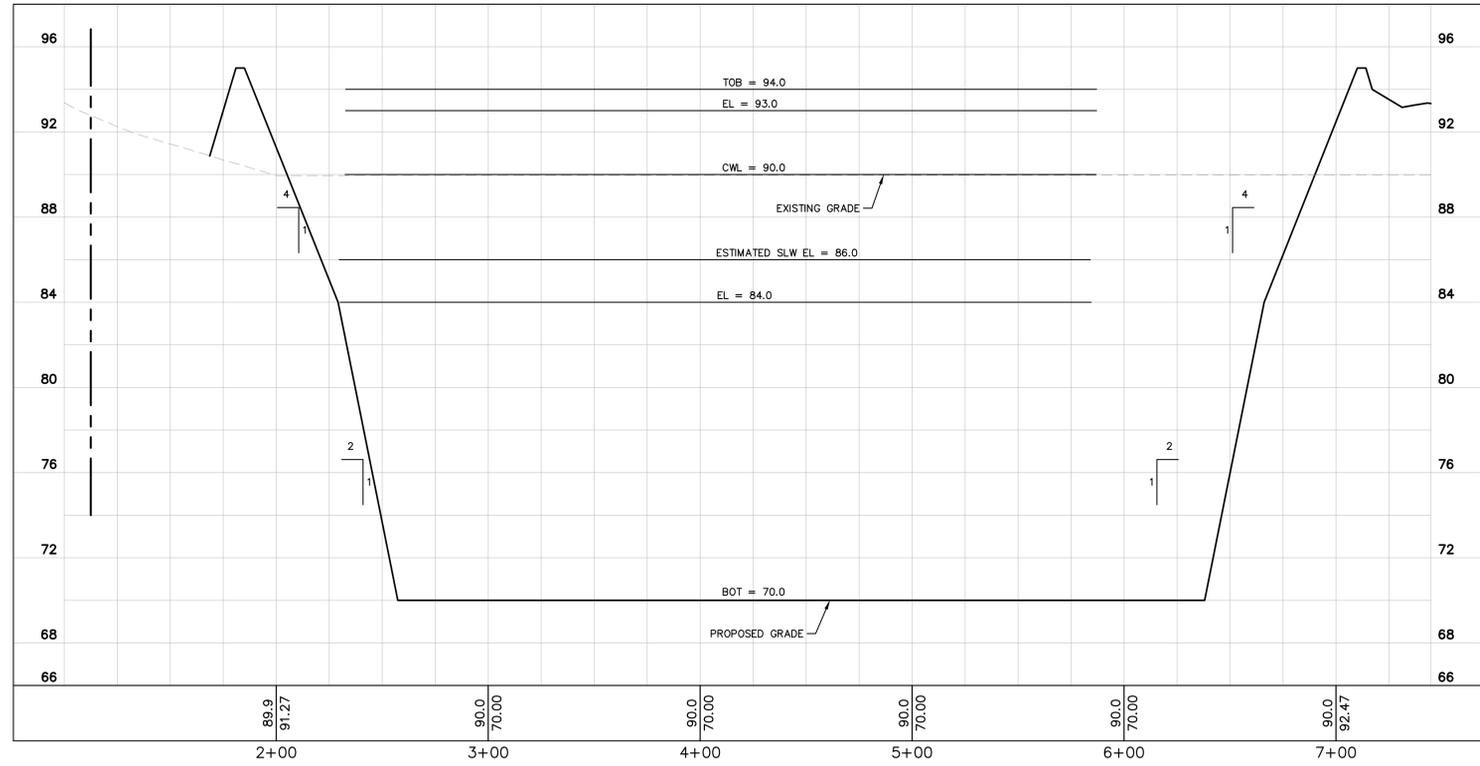
PROVIDENCE N27 MASS GRADING PREPARED FOR APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.
 FLORIDA
 POLK COUNTY

MARK E. WILSON
 P.E. #47615
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

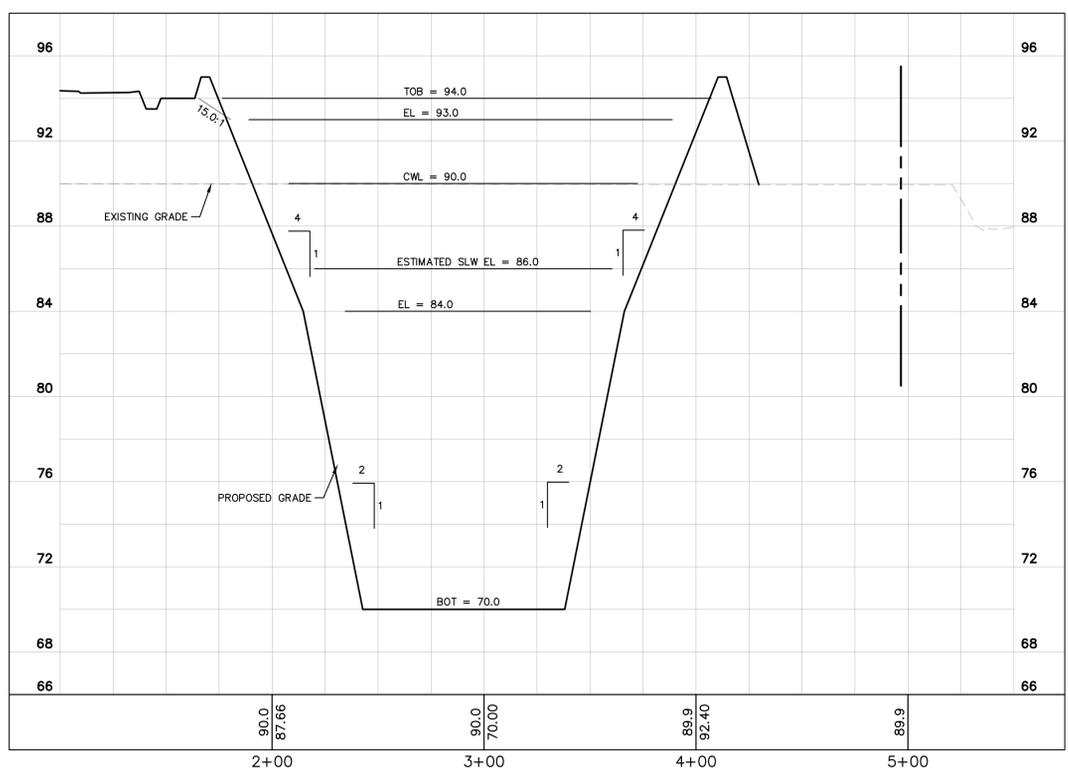
KHA PROJECT 049853
 DATE NOV. 2022
 SCALE AS SHOWN
 DESIGNED BY
 DRAWN BY
 CHECKED BY

SHEET NUMBER
C300

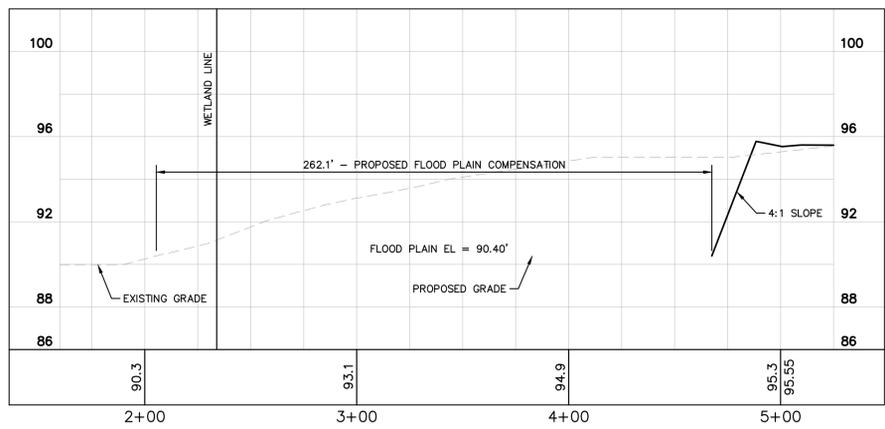
Plotted By: Bauman, Cheryl Sheet: D49853-Providence N27 Layout: C500 CROSS SECTIONS May 24, 2023 06:13:34pm K:\work\civil\049853\001 - providence N27\CADD\CONSTR\C500 CROSS SECTIONS.dwg
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



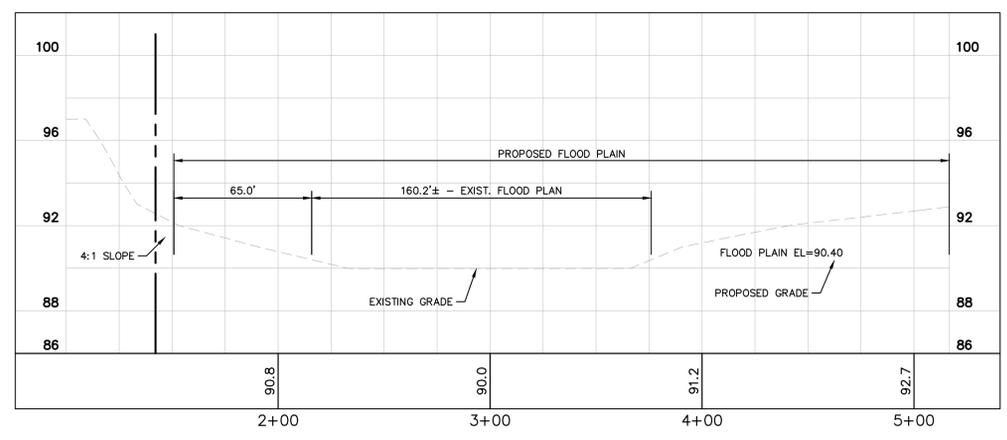
A SECTION
Scale: 1:40 H, 1:4 V



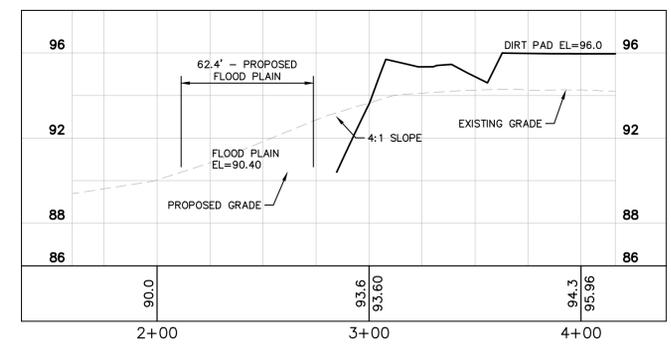
B SECTION
Scale: 1:40 H, 1:4 V



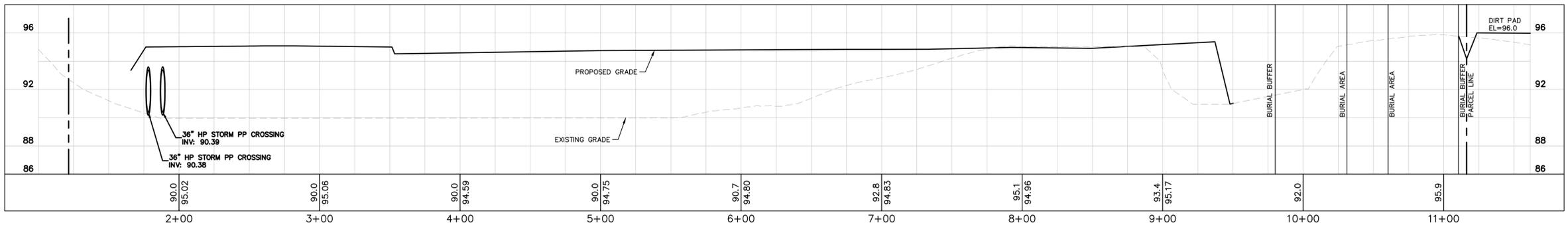
C SECTION
Scale: 1:40 H, 1:4 V



D SECTION
Scale: 1:40 H, 1:4 V



E SECTION
Scale: 1:40 H, 1:4 V



F SECTION
Scale: 1:40 H, 1:4 V

PROVIDENCE N27
 MASS GRADING
 PREPARED FOR
 APPLIED BUSINESS
 DEVELOPMENT
 COMPANY-OAKHILLS, INC.

Kimley-Horn
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.
 109 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801
 PHONE: 863-701-8702
 WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

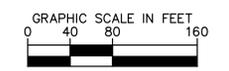
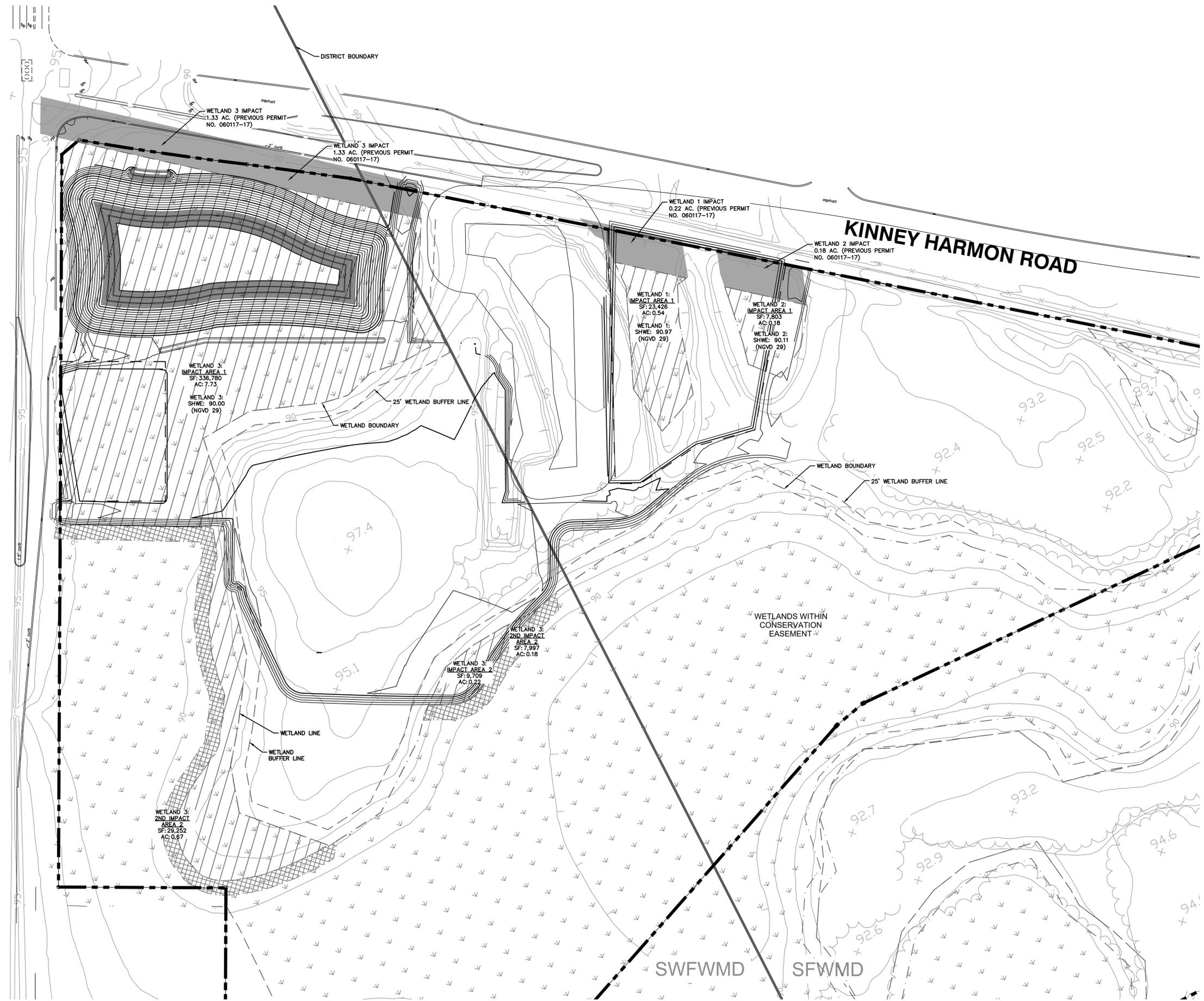
MARK E. WILSON
 P.E. #47615
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

KHA PROJECT: 049853
 DATE: NOV. 2022
 SCALE: AS SHOWN
 DESIGNED BY: []
 DRAWN BY: []
 CHECKED BY: []

SHEET NUMBER
C500

NO.	REVISIONS	DATE	BY

Plotted By: Bauman, Cheryl Sheet Set: D49853-PROVIDENCE N27 LAYOUT: C600 WETLAND IMPACTS-FLOOD PLAIN COMP PLAN May 24, 2023 06:13:49pm K:\vok-civil\049853\001 - Providence N27\ADD CONSTR\C600 WETLAND IMPACTS-FLOOD PLAIN COMP PLAN.dwg
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



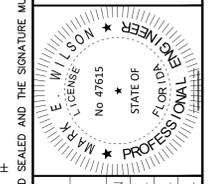
LEGEND

- EXISTING WETLAND
48.7± ACRES
- AREA OF WETLAND IMPACTS
WITHIN PROJECT BOUNDARY
8.7± ACRES
- AREA OF SECONDARY
WETLAND IMPACTS
WITHIN PROJECT BOUNDARY
0.8± ACRES

WETLAND IMPACTS FROM POINCIANA PARKWAY=1.73±

No.	REVISIONS	DATE	BY

Kimley»Horn
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.
 109 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801
 PHONE: 863-701-8702
 WWW.KIMLEY-HORN.COM REGISTRY NO. 35106



KHA PROJECT	049853
DATE	NOV. 2022
SCALE	AS SHOWN
DESIGNED BY	
DRAWN BY	
CHECKED BY	

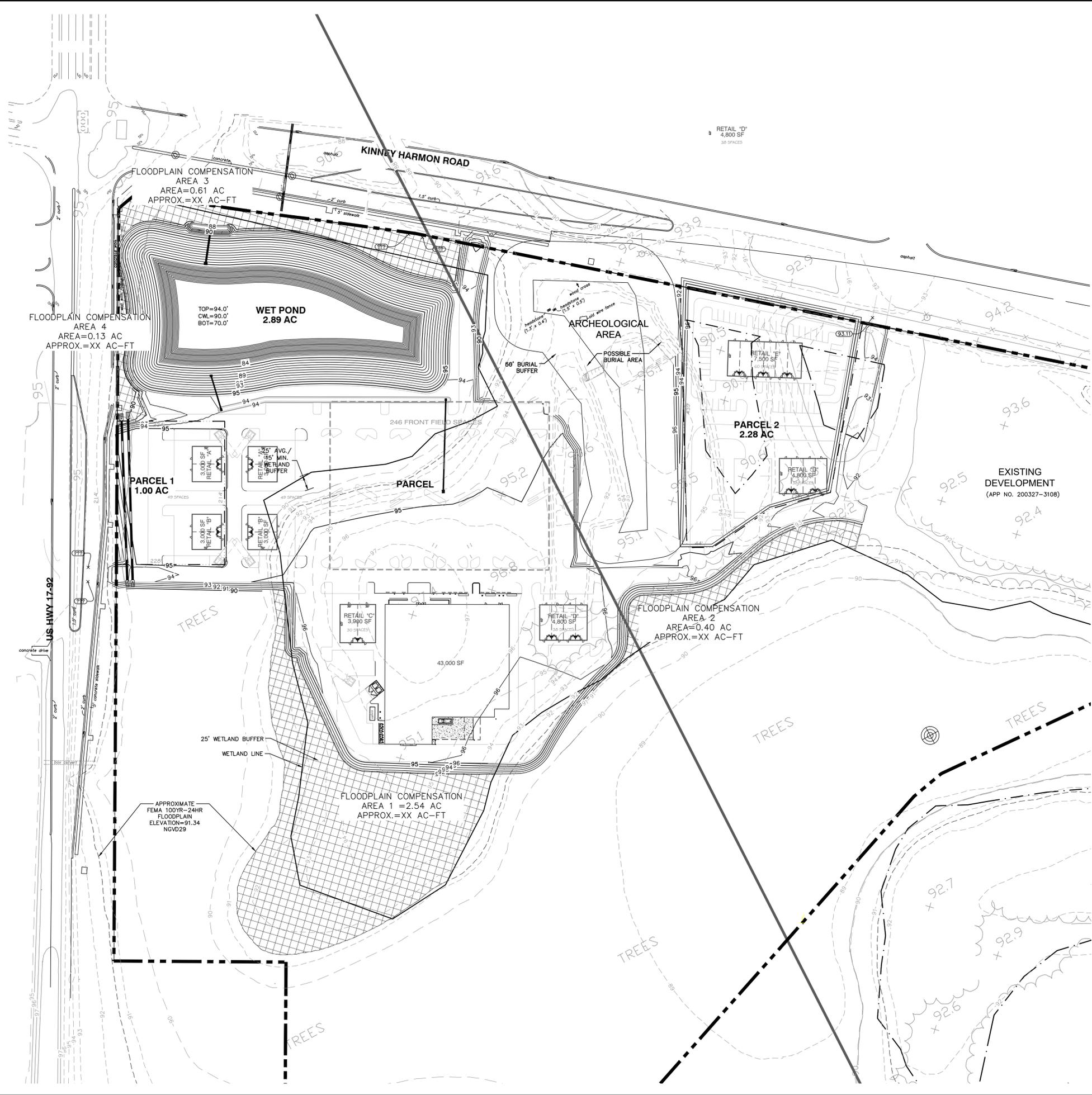
WETLAND IMPACT PLAN

PROVIDENCE N27 MASS GRADING PREPARED FOR APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC. POLK COUNTY FLORIDA

CALL 2 BUSINESS DAYS BEFORE YOU DIG
 IT'S THE LAW! DIAL 811
 Know what's below. Call before you dig.
 SUNSHINE STATE ONE CALL OF FLORIDA, INC.

SHEET NUMBER
C600

Plotted By: Bauman, Cheryl Sheet: Set: D49853-PROVIDENCE N27 Layout: FLOODPLAIN COMPENSATION May 24, 2023 06:14:08pm C:\Users\chil\OneDrive\Documents\N27\CADD\CONSTR\0700_FLOODPLAIN_COMPENSATION.dwg
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



VERTICAL DATUM
ELEVATIONS SHOWN HEREON ARE BASED ON BM-52, BEING A 4"x4" CONCRETE MONUMENT STAMPED BM-52, ELEVATION BEING 111.641, DATUM NGVD 1929, AS FURNISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.
THE CONVERSION FACTOR BETWEEN NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929 AND NORTH AMERICAN VERTICAL DATUM (NAVD) IS 4.942 FEET.
FLOOD ZONE
ACCORDING TO THE FLOOD INSURANCE RATE MAPS AS PROVIDED BY F.E.M.A. THE ABOVE PROPERTY APPEARS TO FALL IN FLOOD ZONE X AND AE WITH A PUBLISHED ELEV. OF 90.4 FEET, PER MAP #12105C0235H, DATED 12/22/2016.

FLOODPLAIN COMPENSATION
TOTAL AREA=3.14 AC
APPROXIMATE FILL VOLUME.=3.91 AC-FT

- NOTES:**
- CONTRACTOR SHALL INSTALL TURBIDITY BARRIERS PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE AND INSPECTION OF SAID TURBIDITY BARRIERS TO ENSURE THEIR PROPER FUNCTION.
 - THE RETENTION PONDS SHALL BE THE FIRST ITEM CONSTRUCTED BEFORE THE BALANCE OF THE SITE IS CLEARED AND BEFORE ANY OF THE PROPOSED CONSTRUCTION BEGINS. SIDE SLOPES FOR THE RETENTION PONDS AND THE AREA ALONG THE BACK SIDE OF THE RETENTION AREA INCLUDING THE CONVEYANCE SWALES SHOULD BE IMMEDIATELY SODDED UPON COMPLETION.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE BUFFERS AND RETENTION AND DETENTION FACILITIES UNTIL THE WORK HAS BEEN ACCEPTED BY THE OWNER. ALL DISTURBED AREAS SHALL BE RETURNED TO THEIR ORIGINAL CONDITION.
 - SEE SHEET C500 FOR GRADING AND POND DETAILS.
 - AS-BUILTS SHALL BE PREPARED, SIGNED, SEALED AND DATED BY A REGISTERED LAND SURVEYOR AND SUBMITTED TO THE ENGINEER OF RECORD.
 - AS-BUILTS SHALL INDICATE ANY DEPARTURES FROM THE APPROVED PLANS DURING CONSTRUCTION.
 - CONSTRUCTION DETAILS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF F.D.O.T. DESIGN STANDARDS FOR DESIGN, CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS ON THE STATE HIGHWAY SYSTEM IS REFERRED TO FOR THE STRUCTURAL DESIGN OF DRAINAGE STRUCTURES SPECIFIED IN THESE PLANS, AS REFERENCED BY STANDARD INDEX. ALL SPECIALTY DRAINAGE STRUCTURES REQUIRE SEPARATE STRUCTURAL DESIGN, WHICH IS NOT INCLUDED IN THESE PLANS.
 - CONTRACTOR SHALL RESTORE DAMAGED IMPROVEMENTS TO THEIR ORIGINAL CONDITION, AS ACCEPTABLE TO PARTIES HAVING JURISDICTION.
 - THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS ON ALL PRECAST AND MANUFACTURED ITEMS TO THE OWNER'S ENGINEER FOR APPROVAL. FAILURE TO OBTAIN APPROVAL BEFORE INSTALLATION MAY RESULT IN REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
 - THE CONTRACTOR IS TO USE CAUTION WHEN WORKING IN OR AROUND AREAS OF OVERHEAD TRANSMISSION LINES OR UNDERGROUND UTILITIES.
 - CONTRACTOR SHALL PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT AND OTHER HAZARDS TEMP'D BY THE DEMOLITION OPERATION.
 - THE CONTRACTOR SHALL NOT EXCAVATE, REMOVE, OR OTHERWISE DISTURB ANY MATERIAL, STRUCTURE, OR PART OF A STRUCTURE WHICH IS LOCATED OUTSIDE THE LINES, GRADES, OR GRADING SECTIONS ESTABLISHED FOR THIS PROJECT, EXCEPT WHERE SUCH EXCAVATION OR REMOVAL IS PROVIDED FOR IN THE CONTRACT, PLANS, OR SPECIFICATIONS. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING FACILITIES, ABOVE OR BELOW GROUND, THAT MAY OCCUR AS A RESULT OF THE WORK PERFORMED, BY THE CONTRACTOR OR SUB-CONTRACTORS, IS CALLED FOR IN THESE CONTRACT DOCUMENTS.
 - THE CONTRACTOR SHALL CALL (811) SUNSHINE STATE ONE CALL OF FLORIDA, FOR FIELD LOCATIONS 2 BUSINESS DAYS BEFORE DIGGING NEAR UNDERGROUND UTILITIES.
 - PRIOR TO COMMENCEMENT OF ANY EXCAVATION, THE CONTRACTOR SHALL COMPLY W/ FLA. STATUTE 553.851 FOR THE PROTECTION OF UNDERGROUND GAS PIPELINES.
 - THE ROADWAYS AND DRAINAGE SYSTEMS WITHIN THIS PROJECT WILL BE PRIVATELY OWNED AND MAINTAINED BY THE PERMITEE AND WILL BE RESPONSIBLE FOR OPERATING AND MAINTAINING THE STORM SEWER SYSTEM IN PERPETUITY.
 - IF MUCK OR ANY OTHER UNSUITABLE MATERIAL IS ENCOUNTERED IN THE TRENCH BED OF THE DRAINAGE PIPES THE MATERIAL MUST BE REMOVED AND BACKFILLED TO A DEPTH (MIN. 2 FEET) WHERE THE MINIMUM COMPACTION PER POLK COUNTY SPECIFICATIONS CAN BE OBTAINED.
 - CONTRACTOR SHALL REMOVE WASTE MATERIALS AND UNSUITABLE AND EXCESS TOPSOIL FROM PROPERTY AND DISPOSE OF OFF-SITE IN A LEGAL MANNER.
 - DURING CONSTRUCTION, NO DIRECT DISCHARGE OF WATER TO DOWNSTREAM RECEIVING WATERS WILL BE ALLOWED. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING WATER QUALITY AND SHALL ROUTE DISCHARGE WATER IN SUCH A MANNER AS TO ADEQUATELY REMOVE SILT PRIOR TO RUNOFF FROM THE SITE.
 - IF DETERMINED NECESSARY, DEWATERING DURING EXCAVATING/BACKFILLING OPERATIONS MAY BE ACCOMPLISHED BY DITCHING AND THE USE OF SLUMP PUMPS AND/OR OTHER METHODS (WELL POINTS), AS NECESSARY. CONTRACTOR TO OBTAIN ALL REQUIRED PERMITS FOR DEWATERING ACTIVITIES THAT MAY BE REQUIRED.
 - THE PERMITEE WILL BE RESPONSIBLE FOR THE FOLLOWING STORM WATER MANAGEMENT SYSTEM MAINTENANCE AND INSPECTIONS:
 - MOW THE GRASS ABOUT 2-3 TIMES PER MONTH
 - REMOVE TRASH FROM THE SYSTEM ABOUT ONCE EVERY 2-3 MONTHS
 - ENSURE THE SYSTEM IS INSPECTED WITH A FOCUS ON: THE POND FUNCTIONING AS PERMITTED, POND VEGETATION CONDITIONS AND CHANGE-POND EROSION, SETTLEMENT, CRACKING, AND STABILITY. EVIDENCE OF ENCROACHMENT AND MISUSE OF THE POND, CONDITION OF THE STRUCTURES. REPAIRS SHALL BE MADE TO THE STORMWATER MANAGEMENT SYSTEM IF THE SYSTEM IS NOT FUNCTIONING AS PERMITTED OR ANY OF THE PRECEDING ITEMS NEED ADDRESSING.
 - TO ENSURE THE POND FUNCTIONS PROPERLY, SEDIMENT SHALL BE REMOVED IF IT BUILDS UP MORE THAN 6" WITHIN THE POND.
 - ALL ON-SITE STORM WATER SHALL BE DIRECTED TOWARD PROPOSED SWALES, INLETS AND/OR PONDS.

KHA PROJECT 049853		DATE NOV. 2022	SCALE AS SHOWN NO. 47615	DESIGNED BY DRAWN BY CHECKED BY
KIMLEY-HORN & ASSOCIATES, INC. 109 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801 PHONE: 863-701-8702 WWW.KIMLEY-HORN.COM		REGISTERED PROFESSIONAL ENGINEER MARK E. WILSON STATE OF FLORIDA NO. 47615		
PROVIDENCE N27 MASS GRADING PREPARED FOR APPLIED BUSINESS DEVELOPMENT COMPANY-OAKHILLS, INC.		POLK COUNTY FLORIDA		
SHEET NUMBER C700		REVISIONS DATE BY		

As-Built Certification And Request for Conversion to Operation Phase

Instructions: Complete and submit this page within 30 days of completion of the entire project, or any independent portion of the project, as required by the permit conditions. The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the project, system, works, or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No: _____ Application No: _____ Permittee: _____
Project Name: _____ Phase or Independent Portion (if applicable): _____

I HEREBY CERTIFY THAT (please check only one box):

- To the best of my knowledge, information, and belief, construction of the project has been completed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached are documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. Any deviations or independent phasing will not prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. (Contact the permitting agency to determine whether a modification of the permit will be required in accordance with Rule 62-330.315, F.A.C.) Attached is a description of substantial deviations, a set of as-built drawings, and documents to demonstrate satisfaction of the outstanding permit conditions, other than long term monitoring and inspection requirements.
- Construction of the project was NOT completed in substantial conformance with the plans and specifications permitted by the Agency. There are substantial deviations that prevent the project from functioning in compliance with the requirements of Chapter 62-330, F.A.C. I acknowledge that corrections to the project and/or a modification of the permit will likely be required, and that conversion to the operation phase cannot be approved at this time. As-built or record drawings reflecting the substantial deviations are attached.

For activities that require certification by a registered professional:

By: _____ (Print Name) (Fla. Lic. or Reg. No.)
Signature
(Company Name) (Company Address)
(Telephone Number) (Email Address)

AFFIX SEAL

(Date)

For activities that do not require certification by a registered professional:

By: _____ (Print Name)
Signature
(Company Name) (Company Address)



(Telephone Number)

(Email Address)

(Date)



Drawings and Information Checklist

Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications, and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated, and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:
 - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
 - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours, or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
 - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions, and elevations of all, including clean-outs, pipes, connections to control structures, and points of discharge to receiving waters;
 - d. System grading - dimensions, elevations, contours, final grades, or cross-sections to determine contributing drainage areas, flow directions, and conveyance of runoff to the system discharge point(s);
 - e. Conveyance - dimensions, elevations, contours, final grades, or cross-sections of systems utilized to divert off-site runoff around or through the new system;
 - f. Benchmark(s) - location and description (minimum of one per major water control structure);
 - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted, and identification of source of material; also provide the dimensions, elevations, contours, and representative cross-sections depicting the construction.
5. A map depicting the phase or independent portion of the project being certified, if all components of the project authorized in the permit are not being certified at this time.
6. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity

Instructions: Complete this form to transfer to the permit to the operation and maintenance entity. This form can be completed concurrently with, or within 30 days of approval of, the As-Built Certification and Request for Conversion to Operation Phase (Form 62-330.310(1)). Please include all documentation required under Section 12.2.1(b) of Applicant's Handbook Volume I (see checklist below). **Failure to submit the appropriate final documents will result in the permittee remaining liable for operation and maintenance of the permitted activities.**

Permit No.: _____ Application No(s): _____
 Project Name: _____ Phase (if applicable): _____

A. **Request to Transfer:** The permittee requests that the permit be transferred to the legal entity responsible for operation and maintenance (O&M).

By: _____
 Signature of Permittee _____ Name and Title _____

 Company Name _____ Company Address _____

 Phone/email address _____ City, State, Zip _____

B. **Agreement for System Operation and Maintenance Responsibility:** The below-named legal entity agrees to operate and maintain the works or activities in compliance with all permit conditions and provisions of Chapter 62-330, Florida Administrative Code (F.A.C.) and Applicant's Handbook Volumes I and II.

The operation and maintenance entity does not need to sign this form if it is the same entity that was approved for operation and maintenance in the issued permit.

Authorization for any proposed modification to the permitted activities shall be applied for and obtained prior to conducting such modification.

By: _____
 Signature of Representative of O&M Entity _____ Name of Entity for O&M _____

 Name and Title _____ Address _____

 Email Address _____ City, State, Zip _____

 Phone _____ Date _____

Enclosed are the following documents, as applicable:

- Copy of recorded transfer of title to the operating entity for the common areas on which the stormwater management system is located (unless dedicated by plat)
- Copy of all recorded plats
- Copy of recorded declaration of covenants and restrictions, amendments, and associated exhibits
- Copy of filed articles of incorporation (if filed before 1995)
- A Completed documentation that the operating entity meets the requirements of Section 12.3 of Environmental Resource Permit Applicant's Handbook Volume I. (Note: this is optional, but aids in processing of this request)



Enclosures:

- Copy of title, easement, or other demonstration of ownership or control in the land, as recorded in the Public Records
- Copy of current plat(s) (if any), as recorded in the Public Records
- Copy of current recorded restrictive covenants and articles of incorporation (if any)
- Other

OPERATION AND MAINTENANCE INSPECTION CERTIFICATION

Instructions: Submit this form to the Agency within 30 days of completion of the inspection after any failure of a stormwater management system or deviation from the permit. This form may also be used to document inspections required under Section 12.4 of Applicant's Handbook Volume I, however submittal to the Agency is not required unless requested by the Agency.

Permit No.: _____ Application No.: _____ Date Issued: _____

Identification or Name of Stormwater Management System: _____

Phase of Stormwater Management System (if applicable): _____

Inspection Date: _____

Inspection results: (check all that apply)

The undersigned hereby certifies that the works or activities are functioning in substantial conformance with the permit. This certification is based upon on-site observation of the system conducted by me or my designee under my direct supervision and my review of as-built plans.

The following maintenance was conducted since the last inspection (attach additional pages if needed):

 The undersigned hereby certifies that I or my designee under my direct supervision has inspected this surface water management system and the system does not appear to be functioning in substantial conformance with the permit. I am aware that maintenance or alteration is required to bring the system into substantial compliance with the terms and conditions of the permit. As appropriate, I have informed the owner of the following:

- (a) The system does not appear to be functioning properly;
- (b) That maintenance or repair is required to bring the system into compliance; and
- (c) If maintenance or repair measures are not adequate to bring the system into compliance, the system may have to be replaced or an alternative design constructed subsequent to approval by the agency below.

The following components of the system do not appear to be functioning properly (attach additional pages if needed):

Any components of the constructed system that are not in substantial conformance with the permitted system shall require a written request to modify the permit in accordance with the provisions of Rule 62-330.315, F.A.C. If such modification request is not approved by the agency below, the components of the system that are not in conformance with the permit are subject to enforcement action under Sections 373.119, .129, .136, and .430, F.S.



Name of Inspector: _____ Florida Registration Number: _____

Company Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ Email: _____

Signature of Inspector

Date

Report Reviewed by Permittee:

Name of Permittee: _____

Signature of Permittee

Date

Title (if any)

State-Threatened Wading Bird Ranges, Breeding Seasons, and Recommended Survey Dates, by Zone

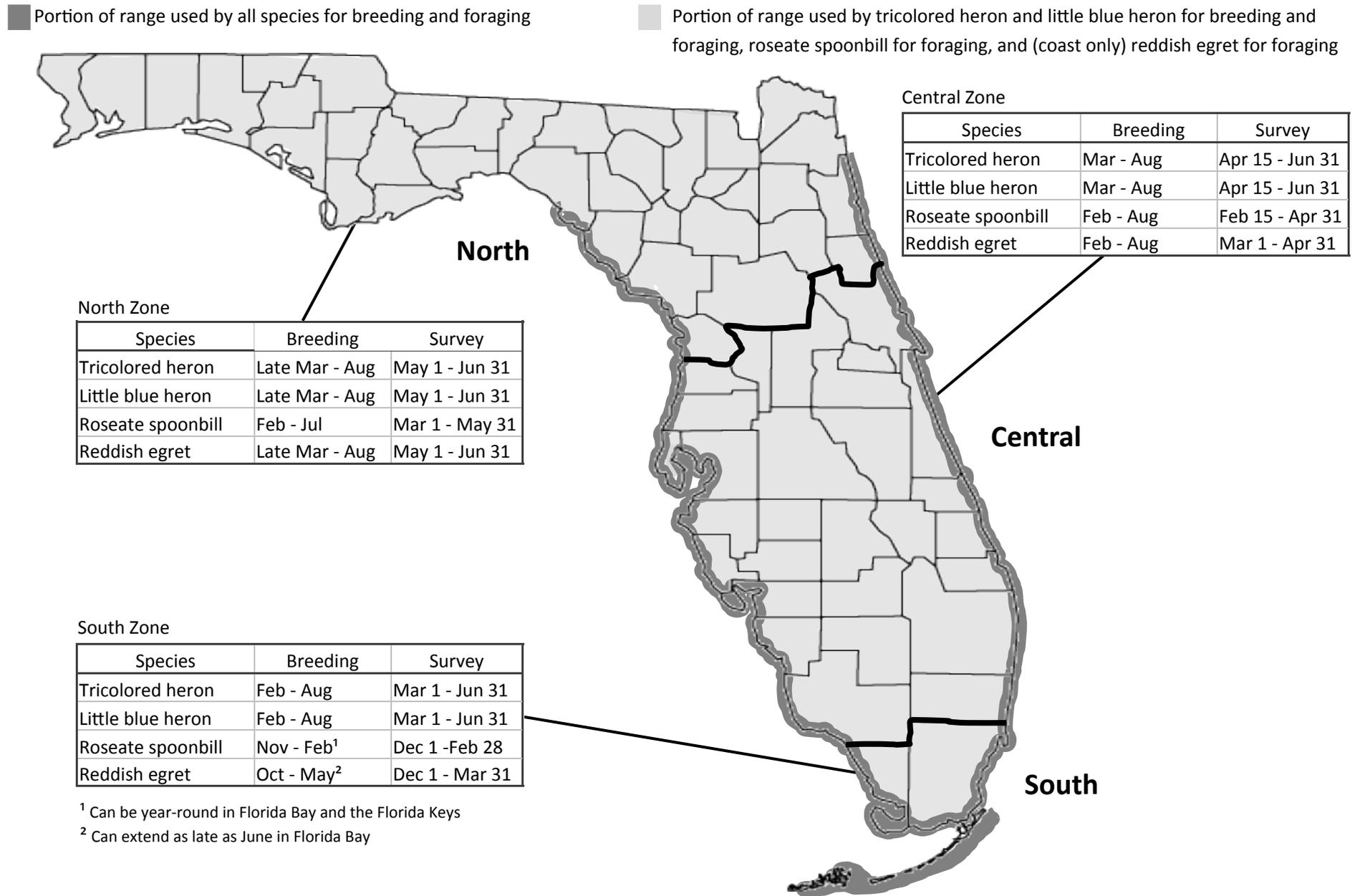


Figure 1. Breeding season dates and recommended survey dates for state-Threatened wading birds in different zones of Florida (Cook 2013, 2014, 2016; Cook and Baranski 2017, 2018; Cook and Kobza 2010, 2011, 2012; Smith and Duvall 2017; Anderson 2018; personal communications with G. Anderson, V. Doig, J. Lorenz, A. Paul, K. Smith, M. van Deventer, R. Zambrano).