

Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

MAY 10 2012

Charlie Dean
Dean Environmental Services, Inc.
10032 Brompton Drive
Tampa, FL 33626
(cdean001@tampabay.rr.com)

Dear Mr. Dean:

Enclosed is the Environmental Resource Permit, DEP Project No. 60-0309661-001, issued pursuant to Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code.

Appeal rights for you and for any affected third party are described in the text of the permit along with conditions that must be met when authorized activities are undertaken.

You, as the applicant, are responsible for all aspects of permit compliance. You should therefore review this permit document carefully to ensure compliance with the general conditions and specific conditions contained herein.

Because of the potential for your project to have a heightened public concern or the likelihood of request for administrative proceedings, the Department recommends that you publish, at your own expense, the issuance of this permit. In order to meet the Department's legal requirements for an official notice, the notice is required to be published one time within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place.

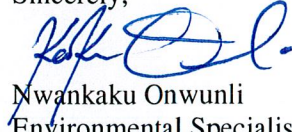
You are advised not to commence construction or other activities under this permit until the deadlines noted in the attached Discretionary Notice of Issuance for filing a petition for an administrative hearing, or request for an extension of time have expired.

Please be aware of permit General Condition number 11 which states: "At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using 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."

If you have any questions about this document, please contact me at (813) 632-7600, ext. 322.

Thank you for your participation in the permit process and in managing the natural resources of the State of Florida.

Sincerely,



Nwankaku Onwunli
Environmental Specialist II
Submerged Lands and Environmental
Resource Program
Southwest District

cc: David Springstead, P.E., Springstead Engineering, Inc., 727 S 14th Street, Leesburg, FL 34748
(david@springsteadeng.net)

Enclosures: Discretionary Notice of Issuance (ERP No. 60-0309661-001) (1page)
Environmental Resource Permit with attachments (26 pages)

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DISCRETIONARY NOTICE OF ISSUANCE

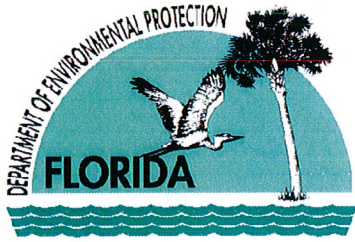
The Department of Environmental Protection gives notice of its issuance of a permit (File No. 61-0309661-001) to construct a shoreline restoration/stabilization project involving the filling of approximately 3,212 square feet of wetlands and surface waters along 150 feet of shoreline of a spring which flows into the Withlacoochee River, a Class III Special Outstanding Florida Waterbody. The project for the restoration and stabilization of 150 linear feet of shoreline is located at 5927 County Road 251 West, Lake Panasoffkee, Section 15, Township 17 South, Range 21 East, in Sumter County. In addition, the permit authorizes the construction of an exempt 450-square-foot single-family dock.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number 61-0309661-001, and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by Petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.111(2), F.A.C.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926.



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Permittee/Authorized Entity:

Charlie Dean
10032 Brompton Drive
Tampa, Florida 33626

Withlacoochee River Spring Restoration

Authorized Agent:

Springstead Engineering, Inc.
c/o David W. Springstead
727 South 14th Street
Leesburg, Florida 34748

Standard General Permit

State-owned Submerged Lands Authorization – Granted

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

Permit No.: 60-0309661-001

Permit Issuance Date: MAY 10 2012

Permit Construction Phase Expiration Date: MAY 10 2017



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Consolidated Environmental Resource Permit and State-owned Submerged Lands Authorization

Permittee: Charlie Dean

Permit No.: 60-0309661-001

Permit Issuance Date: MAY 10 2012

Permit Construction Phase Expiration Date: MAY 10 2017

AUTHORIZATIONS

Project Description

The permittee is authorized to fill approximately 1,162 square feet of Cypress forest (FLUCCS 621) and 2,050 square feet of a spring which flows into the Withlacoochee River (FLUCCS 510), a Class III Special Outstanding Florida Waterbody, for the restoration and stabilization of 150 linear feet of shoreline. The shoreline will be filled with approximately 888 square feet of shell fill and 2,324 square feet of sand/clay fill at a 2H: 1V slope. Twelve cypress trees will be planted within the restoration area and the area will be monitored to assure survival of the planted trees and the natural recruitment of wetland vegetation. In addition, 12 limestone boulders will be placed along the shoreline to protect the planted trees. A temporary 10-foot-wide, 3,000-square-foot access road will be constructed to access the project site that will result in approximately 100 square feet of fill within the Cypress forest (FLUCCS 621). The shell construction access road will be removed after construction is completed. Additionally, the permittee is authorized to construct an exempt 450-square-foot single-family dock.

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

State-owned Submerged Lands Authorization

As staff to the Board of Trustees, the Department has determined that the restoration activities qualify for a Letter of Consent pursuant to rule 18-21.005(1)(c)(15), and that the dock qualifies for a Letter of Consent pursuant to rule 18-21.005(1)(c)(4) Florida Administrative Code (F.A.C.), as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

Federal Authorization

A copy of this permit has been sent to the U.S. Army Corps of Engineers (USACE). The USACE may require a separate permit. Failure to obtain any required federal permits prior to construction could subject you to enforcement action by that agency.

Coastal Zone Management

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.

Water Quality Certification

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

Other Authorizations

You are advised that authorizations or permits for this project may be required by other federal, state or local entities, including the municipality/county in which the project is located. Please be sure to contact the local county building and environmental department to obtain these required authorizations. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

PROJECT LOCATION

The activities authorized by this permit and authorization to use state-owned submerged lands are located along the shoreline of 5927 County Road 251 West, Lake Panasoffkee, Section 15 Township 17 South, Range 21 East, in Sumter County.

PERMIT /STATE-OWNED SUBMERGED LANDS CONDITIONS

The activities described herein must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General State Lands Consent 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 commencing the authorized activities, and to ensure that the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor should also read and understand these conditions and drawings prior to commencing the authorized activities. Failure to comply with these conditions shall constitute grounds for revocation of the permit and appropriate enforcement action by the Department.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit/certification/authorization and state-owned submerged lands authorization as specifically described herein.

SPECIFIC CONDITIONS

1. Submittals required herein (e.g., monitoring reports, as-built drawings, etc.) shall include the permittee's name and permit number (60-0309661-001) and shall be directed by e-mail to SW_ERP@dep.state.fl.us with a subject line of compliance permit number (60-0309661-001), or by mail to:

Department of Environmental Protection
Southwest District
Submerged Lands and Environmental Resource Program
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

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

PRIOR TO CONSTRUCTION CONDITIONS (The permittee shall comply with the following conditions prior to commencement of any construction activities)

3. Prior to construction, the permittee shall contact the Division of Historical Resources (DHR) to obtain recommendations for construction or other ground disturbing activities including ground clearing and material and equipment staging within or around the Springs II prehistoric habitation (8SM540), as shown on the attached letter from DHR.
4. Should any archaeological materials or features be encountered during construction, the applicant will immediately notify the Division of Historical Resources at (850-245-6333) of the discovery and shift impacts away from that location until the Division can determine the significance of the discovery.
5. 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 the ambient turbidity levels of the surrounding Outstanding Florida Waters. 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/curtains around the immediate project site. Erosion control methods shall be implemented as depicted on the attached permit drawing.
6. Prior to construction, the applicant shall provide a plan view drawing that shows existing ground elevations within the footprint of the proposed temporary shell construction

Permittee: Charlie Dean/Withlacoochee River Shoreline Restoration

Permit No.: 60-0309661-001

Page 3 of 16

access road. The ground elevation contours within this area shall be restored to pre-construction elevations in accordance with Specific Condition No. 12.

7. Prior to construction, the permittee shall install "Caution: Construction Area" signs on land on either side of the spring outlet to alert boaters to the presence of the floating turbidity curtains at the project site. These signs shall be readily discernible to Department staff, remain in place during all construction activities, and shall be removed within 14 days of construction completion.

CONSTRUCTION CONDITIONS

8. Side slopes, exposed and/or disturbed land surfaces shall be stabilized with shell fill and sand/clay fill as shown on the attached project drawing. The fill along the shoreline shall be placed at a slope no steeper than steeper than 2:1 (horizontal/vertical).
9. Any fill material used to stabilize the shoreline shall be clean fill and free of vegetative matter, trash, garbage, toxic or hazardous waste or any other unsuitable materials.
10. 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 ambient background. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.

If fill is to be placed below the existing water level, the permittee shall install floating turbidity curtains at the toe of the slope of the proposed fill area. Where fill is to be placed above the existing water level, the permittee shall install silt screens landward of the water's edge.

11. Construction activities shall not create turbidity in excess of the ambient water quality levels of the Outstanding Florida Waterbody. In the event of a visible plume outside the limits of the floating turbidity curtains and/or silt screens, the following measures shall be taken immediately by the permittee:
 - 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.

12. The following construction sequence and reporting requirements shall be followed for the temporary placement of fill for the access road:
 - a. Prior to the placement of fill material for temporary access, the permittee shall flag and stake the areas to be filled, and shall photograph the areas to show the pre-construction conditions. Photograph locations shall be identified on a permit drawing. The photographs and location drawing shall be submitted to the Department prior to placement of fill in these areas.
 - b. Prior to placement of the temporary fill, best management practices (i.e., hay bales, silt fences, etc.) shall be installed along the perimeter of the fill area to prevent erosion of the material into surface waters or wetlands.
 - c. Within 14 days of the completion of construction, the temporary fill shall be removed and the ground elevation contours shall be restored to pre-existing elevations to promote natural re-vegetation of the area.
 - d. Photographs of the area shall be taken from the same locations as required in (a) within 72 hours of grading of the fill area. These photographs shall be combined with the photographs required in (a) and the location map required in (a) and shall be submitted to the Department within 14 days of the completion of the regrading.

Manatee Construction Conditions

13. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
14. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
15. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
16. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

17. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
18. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com/manatee). One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Questions concerning these signs can be sent to the email address listed above.

CONSTRUCTION COMPLETION CONDITIONS (The permittee shall comply with the following conditions prior to the transfer to operation phase of the project. All documentation required below shall be included with the permittee's request to transfer the project to the operation phase [Form No. 62-343.900(7),F.A.C.])

19. The permittee shall submit two copies of 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 elevation 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.*

The information on the attached project drawing shall be verified on the as-built drawing from the engineered drawing signed and sealed by David W. Springstead, P.E. # 48229 on February 28, 2012.

20. Concurrently with the requirements of Specific Condition No. 19, within 30 days of construction completion, the permittee shall submit an as-built drawing of the ground elevation contours within the footprint of the temporary shell access road. These drawings shall demonstrate that the ground elevation contours have been restored to pre-construction conditions in accordance with Specific Conditions No. 6 and 12.
21. A "Time Zero" Monitoring Report shall be submitted within 30 days of completion of the restoration project and shall include the following:
 - a. Date the stabilization and plantings was completed;

- b. Color photographs to provide an accurate representation of each planting area. The photographs shall be taken from fixed reference points and directions which are shown on a scaled plan view drawing, and
- c. A table depicting the numbers, spacing, and sizes (including tree height) of each planted cypress tree.

MONITORING/REPORTING REQUIREMENTS

22. The permittee shall submit monitoring reports of the restoration area for a period of three years; Semi-annually the first year, and annually for the second and the third year.

The Monitoring reports shall include the following information:

- a. Color photographic prints taken from the reference points established in the Time Zero Monitoring Report.
 - b. Total percent cover by naturally-recruited wetland species (including all trees, shrubs and herbaceous species).
 - c. Plant species composition with estimates of the contribution of each species to percent cover (including exotic vegetation).
 - d. A table depicting the sizes (including tree height) of each planted cypress tree.
23. The permittee shall meet the following restoration success criteria:
- a. Planted cypress trees have reached a minimum 85% survival and the naturally-recruited wetland species have achieved a species composition and density comparable to the adjacent wetland areas.
 - b. Total contribution to percent cover by non-native wetland species and species not listed in 62-340.450, F.A.C. shall be maintained below 5%.
24. The responsibility to assess if the restoration is meeting the permit-specified success criteria shall not fall solely on the Department. In the event the permittee becomes aware that the restoration efforts are not meeting the success criteria (based on either site observations or review of monitoring reports), the permittee, no later than six months before the permit construction phase expiration date, shall submit an alternative restoration plan to the Department for review and approval.
25. The permittee shall implement the alternative restoration plan no later than 60 days after receiving Department approval.

26. Failure of the Department to notify the permittee of restoration failure does not prevent the Department from requiring the permittee to meet the success criteria as defined in Specific Condition No. 23.

GENERAL CONDITIONS

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
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 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 by this permit shall be conducted in a manner that 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 seven 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. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the

rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.

6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.
7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.
8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using 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.
12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of

responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.
16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or

Permittee: Charlie Dean/Withlacoochee River Shoreline Restoration

Permit No.: 60-0309661-001

Page 10 of 16

privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. 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 section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

AUTHORIZATION TO USE STATE OWNED LANDS

You are hereby granted authorization from the Submerged Lands and Environmental Resources Program, as staff to the Board of Trustees of the Internal Improvement Trust Fund, for the restoration of 150 linear feet of shoreline and the proposed dock as shown and described herein, pursuant to Section 253.77, F.S., and Chapter 18-21, F.A.C. This authorization is subject to the following general proprietary conditions. Your rights pursuant to Chapter 120, F.S., are described in the enclosed notice.

GENERAL PROPRIETARY CONSENT CONDITIONS

(Chapter 18-21.004(7), F.A.C.)

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

NOTICE OF RIGHTS

This permit is hereby final unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57 of the Florida Statutes as provided below. The procedures for petitioning for a hearing are set forth below.

Mediation is not available.

Permittee: Charlie Dean/Withlacoochee River Shoreline Restoration

Permit No.: 60-0309661-001

Page 12 of 16

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. The petition must contain the information set forth below and 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.

Because the administrative hearing process is designed to re-determine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this permit automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities under this permit until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. 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. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention 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.

In accordance with Rule 62-110.106(3) F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 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) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing 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 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based 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, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; 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.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

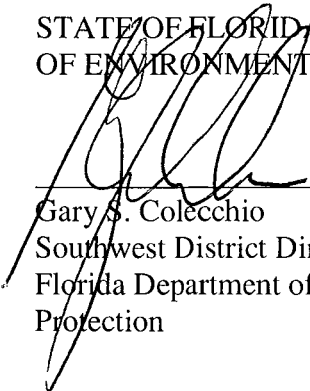
This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This permit constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., 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 30 days from the date when the final order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a), F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1), 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 the final order is filed with the Clerk of the Department.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gary S. Colecchio
Southwest District Director
Florida Department of Environmental
Protection

GSC/ko

Attachments:

Commencement notice /62-343.900(3) (1 page)
As-built certification/62-343.900(5) (1 page)
Transfer construction to operation phase/62-343.900(7) (1 page)
Application for transfer of an ERP /62-343.900(8) (1 page)
Project Drawing, (1 page)
Letter from Division of Historical Resources, (3 pages)
Manatee Caution Sign, (1 page)

Copies furnished to:

U.S. Army Corps of Engineers
David Springstead, P.E., Springstead Engineering, Inc., 727 S 14th Street, Leesburg, FL 34748
(david@springsteadeng.net)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, was mailed before the close of business on 5/10/12, 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.

ERobinson 5/10/12
Clerk Date

ENVIRONMENTAL RESOURCE PERMIT Construction Commencement Notice

Project:

Phase:

I hereby notify the Department of Environmental Protection that the construction of the surface water management system authorized by Environmental Resource Permit Number _____ has commenced / is expected to commence on _____ and will require a duration of approximately _____ months _____ weeks _____ days to complete. It is understood that should the construction term extend beyond one year, I am obligated to submit the Annual Status Report for surface Water Management System Construction.

PLEASE NOTE: If the actual construction commencement date is not known, Department staff should be so notified in writing in order to satisfy permit conditions.

Permittee or Authorized Agent

Title and Company

Date

Phone

Address

ENVIRONMENTAL RESOURCE PERMIT
AS-BUILT CERTIFICATION BY A REGISTERED PROFESSIONAL

Permit Number:

Project Name:

I hereby certify that all components of this surface water management system have been built substantially in accordance with the approved plans and specifications and are ready for inspection. Any substantial deviations (noted below) from the approved plans and specifications will not prevent the system from functioning as designed when properly maintained and operated. These determinations are based upon on-site observation of the system conducted by me or by my designee under my direct supervision and/or my review of as-built plans certified by a registered professional or Land Surveyor licensed in the State of Florida.

Name (please print)

Signature of Professional

Company Name

Florida Registration Number

Company Address

Date

City, State, Zip Code

Telephone Number

(Affix Seal)

Substantial deviations from the approved plans and specifications:

(Note: attach two copies of as-built plans when there are substantial deviations)

Within 30 days of completion of the system, submit two copies of the form to:

Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase

(To be completed and submitted by the operating entity)

Florida Department of Environmental Protection

It is requested that Department Permit Number _____ authorizing the construction and operation of a surface water management system for the below mention project be transferred from the construction phase permittee to the operation phase operating entity.

Project:

From: Name:
Address:
City: State: Zip:

To: Name:
Address:
City: State: Zip:

The surface water management facilities are hereby accepted for operation and maintenance in accordance with the engineers certification and as outlined in the restrictive covenants and articles of incorporation for the operating entity. Enclosed is a copy of the document transferring title of the operating entity for the common areas on which the surface water management system is located. Note that if the operating entity has not been previously approved, the applicant should contact the Department staff prior to filing for a permit transfer.

The undersigned hereby agrees that all terms and conditions of the permit and subsequent modifications, if any, have been reviewed, are understood and are hereby accepted. Any proposed modifications shall be applied for and obtained prior to such modification.

Operating Entity:

Name

Title:

Telephone:

Enclosure

- copy of recorded transfer of title surface water management system
- Coy of platt(s)
- Copy of recorded restrictive covenants, articles of incorporation, and certificate of incorporation.



APPLICATION FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT AND NOTIFICATION
OF SALE OF A FACILITY OR SURFACE WATER MANAGEMENT SYSTEM

Permit No. _____ Date Issued _____ Date Expires _____

FROM (Name of Current Permit Holder) _____

Mailing Address _____

City _____ State _____ Zip Code _____

Telephone: (_____) _____

Identification or Name of Facility/Surface Water Management System: _____

Phase of Facility/Surface Water Management System (if applicable): _____

The undersigned hereby notifies the Department of the sale or legal transfer of this facility, or surface-water management system, and further agrees to assign all rights and obligations as permittee to the applicant in the event the Department agrees to the transfer of permit.

Signature of the current permittee: _____

Title (if any): _____ Date: _____

TO (Name of Proposed Permit Transferee): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (_____) _____

The undersigned hereby notifies the Department of having acquired the title to this facility, or surface-water management system. The undersigned also states he or she has examined the application and documents submitted by the current permittee, the basis of which the permit was issued by the Department, and states they accurately and completely describe the permitted activity or project. The undersigned further attests to being familiar with the permit, agrees to comply with its terms and with its conditions, and agrees to assume the rights and liabilities contained in the permit. The undersigned also agrees to promptly notify the Department of any future changes in ownership of, or responsibility for, the permitted activity or project.

Signature of the applicant (Transferee): _____

Title (if any): _____ Date: _____

Project Engineer Name (if applicable) _____

Mailing Address: _____

Telephone: (_____) _____



FLORIDA DEPARTMENT OF STATE
Dept. of Environmental Protection

RICK SCOTT
Governor

APR 12 2012

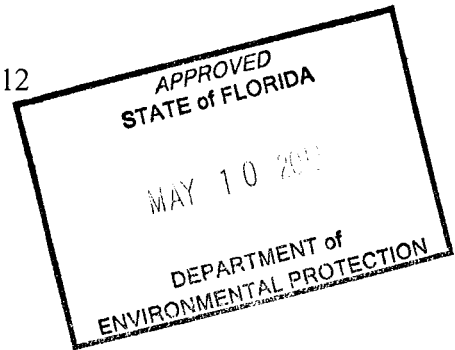
KEN DETZNER
Secretary of State

Southwest District

April 3, 2012

Ms. Nwankaku Onwunli
Florida Department of Environmental Protection
Southwest District
13105 N. Telecom Parkway
Temple Terrace, Florida 33637

Re: DHR No.: 2012-0901/ Received by DHR: February 28, 2012
Application No.: 60-0309661-001
Applicant: Charlie Dean
Project: Withlacoochee River Spring Restoration
County: Sumter



Dear Ms. Onwunli,

Our office received and reviewed the referenced project in accordance with Chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

Our review of the Florida Master Site File indicates that the potentially eligible Springs II prehistoric habitation (8SM540) is located within close proximity to the project area. See enclosed map. Furthermore, the staging area for the proposed project area is located within the boundaries of the site. Because this site could be adversely impacted by project associated activities, it is the opinion of this agency that, in addition to the standard permitting conditions, this permit, if issued, should include the following special conditions regarding unexpected discoveries during ground disturbing activities on the property:

- The Springs II archaeological site (8SM540) must be avoided by any construction or other ground disturbing activities, including ground clearing and material and equipment staging. In the event that the site cannot be avoided, the Division of Historical Resources must be contacted for further consultation and recommendations.

DIVISION OF HISTORICAL RESOURCES

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: 850.245.6300 • Facsimile: 850.245.6436 • www.flheritage.com
Commemorating 500 years of Florida history www.fla500.com

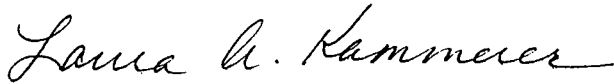


Ms. Onwunli
April 3, 2012
Page 2

- Should any archaeological materials or features be encountered, the applicant will immediately notify the Division of Historical Resources (850-245-6333) of the discovery and shift impacts away from that location until the Division can determine the significance of the discovery

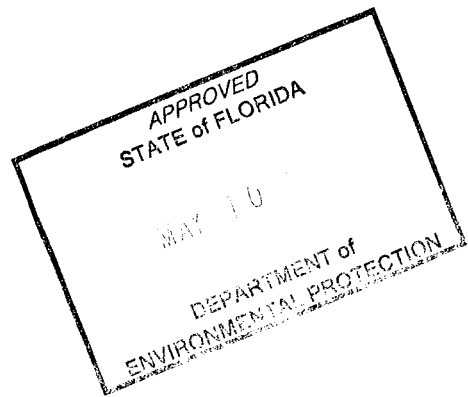
For any questions concerning our comments, please contact Michael Hart, Historic Sites Specialist, by phone at 850.245.6333, or by electronic mail at Michael.Hart@dos.myflorida.com. We appreciate your continued interest in protecting Florida's historic properties.

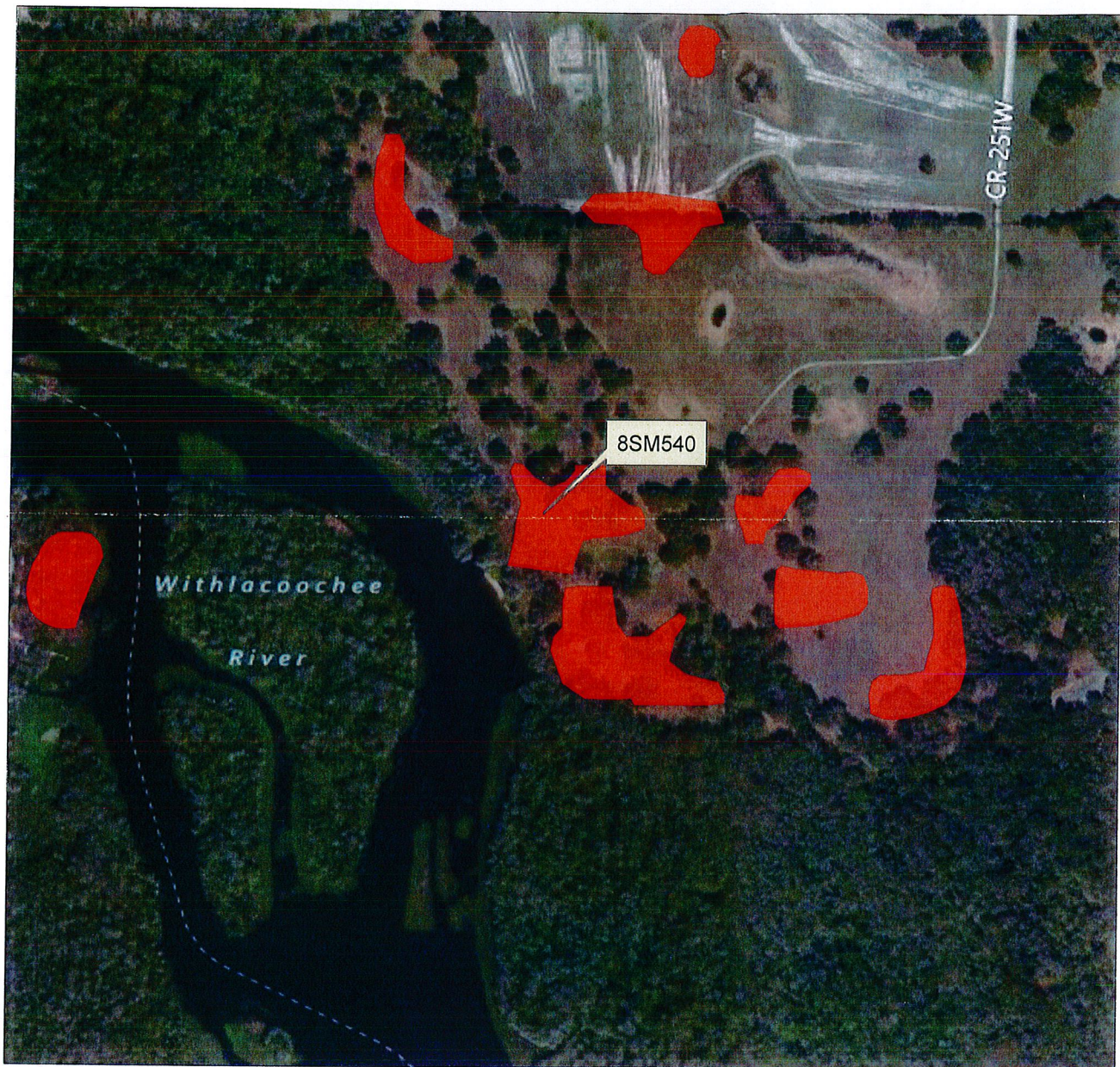
Sincerely,



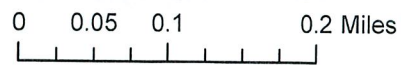
Laura A. Kammerer
Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

Enclosure





DHR No. 2012-0901



APPROVED
STATE of FLORIDA

MAY 10 2012

DEPARTMENT of
ENVIRONMENTAL PROTECTION

Legend

 FloridaSites



CAUTION MANATEE ENHANCEMENT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN



1-888-404-FWCC(3922)

FWCC 2007-01-01