



An Equal Opportunity Employer

# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
TDD only 1-800-231-6103 (FL only)  
On the Internet at: WaterMatters.org

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

**Lecanto Service Office**  
Suite 226  
3600 West Sovereign Path  
Lecanto, Florida 34461-8070  
(352) 527-8131

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
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Tampa, Florida 33637-6759  
(813) 985-7481 or  
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General Counsel

July 31, 2009

Charlene Stroehlen, P.E.  
MACTEC Engineering and Consulting, Inc  
2533 Greer Road, Suite 6  
Tallahassee, FL 32308

Subject: **Request for Additional Information**

Project Name:	Terra Ceia Boat Ramp and Canoe Launch
Application No.:	44034879.002
County:	Manatee
Sec/Twp/Rge:	S13/T33S/R17E

References: Chapters 40D-1, 4, 40 and 400, Florida Administrative Code (F.A.C.)  
Sections 373.4141 and 120.60, Florida Statutes (F.S.)

Dear Ms. Stroehlen:

Before the District can complete its review of the permit application referenced above, the information itemized on the enclosed checklist must be received.

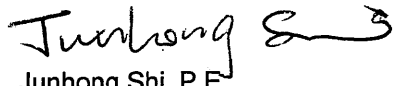
- Please ensure that your response to the checklist, including checks,
- is received in this office within 30 days from the date of this request;
  - references the permit application number; and
  - includes three copies of all requested information.

Failure to provide this information within 30 days will delay the processing of the permit application, and may result in the permit application being denied. If the additional information cannot be provided within that time period, the Applicant may make a written request for a time extension in accordance with Rule 40D-1.1020, F.A.C., provided that an acceptable justification for the time extension accompanies the request. If needed, the time extension request should be received from the Applicant within 30 days from the date of this letter.

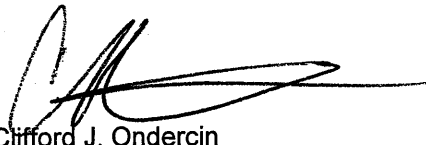
Pursuant to Subsection 373.4141(1), F.S., if you believe this request for additional information is not authorized by law or rule, you may request a hearing pursuant to Sections 120.569, 120.57, F.S., and Chapter 28-106, F.A.C., of the Uniform Rules of Procedure. A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C. Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 21 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available.

If you have questions regarding the information requested or the District's procedures, please contact me at the Sarasota Service Office, extension 6578. For assistance with environmental concerns, please contact Clifford J. Ondercin, extension 6537.

Sincerely,



Junhong Shi, P.E.  
Senior Professional Engineer  
Sarasota Regulation Department



Clifford J. Ondercin  
Senior Environmental Specialist  
Sarasota Regulation Department

JXS:CJO:dgp

Enclosures: Checklist

Sections 28-106.201 and 28-106.301, F.A.C.

cc/enc: File of Record 44034879.002

Charlene Stroehlen, P.E., MACTEC Engineering and Consulting, Inc

Steve Watson, Florida Department of Environmental Protection - Division of Recreation and Parks

Terri L. Behling, Southwest Florida Water Management District

Mary Duncan, Florida Fish and Wildlife Conservation Commission

Randy Runnels, Office of Coastal and Aquatic Management

**PROJECT INFORMATION REVIEW LIST  
ENVIRONMENTAL RESOURCE PERMIT APPLICATION  
GENERAL CONSTRUCTION**

**DATE:** July 31, 2009

**PROJECT NAME:** Terra Ceia Boat Ramp and Canoe Launch

**APPLICATION NUMBER:** 44034879.002

**DATE APPL. RECEIVED:** July 2, 2009

**APPLICATION REVIEWER/S:**

ENGINEERING: Junhong Shi, P.E.

ENVIRONMENTAL: Clifford J. Ondercin

In order to provide that reasonable assurance is given for those "Conditions for Issuance of General Permits" found in Rule 40D-40.302, Florida Administrative Code, (F.A.C.), the following additional information is required as indicated. The items requested are extracted from Rule 40D-40.112, F.A.C., "Content of Application for General Permits," 40D-1.607, F.A.C. "Permit Processing Fee," and 40D-1.659, F.A.C. "Forms and Instructions."

**SITE INFORMATION:**

1. Please provide a detailed bathymetric survey along ingress and egress routes to the proposed boat ramp on a recent aerial. This survey must include bottom elevations referenced to the Mean Low Water Line (MLWL). Additionally, this aerial should include the proposed channel as required by FDEP consent order 05-2790 as referenced in the application submittal. Refer to 40D-4.101(1)(e), 40D-4.301(1)(a)(b)(c)(d)(f)(i), and 40D-4.302(1)(a) 2, 3, 5 and 7, F.A.C.

**ENVIRONMENTAL CONSIDERATIONS:**

2. Please have an environmental consultant contact the District project environmental scientist, Cliff Ondercin, at extension 6537, to discuss the UMAM analysis and proposed mitigation, as the mitigation offered does not adequately compensate for the wetland impacts as proposed. *Please be aware that additional questions in regards to proposed mitigation, performance bonds, and UMAM assessments pursuant to Chapter 62-345, F.A.C. may be required following the requested meeting.* Refer to 40D-4.101(1)(c), 40D-4.301(1)(d)(e)(f)(i) and (3), and 40D-4.302(1)(a), F.A.C.
3. Please re-evaluate the proposed use of rip-rap for shore stabilization and consider the potential of grading and planting with native vegetation as a stabilization method. Refer to 40D-4.101(1)(c), 40D-4.301(1)(d)(e)(f)(i) and (3), and 40D-4.302(1)(a), F.A.C.
4. Please provide construction plans and details for the type of shoreline stabilization selected that will be located waterward of MHWL. Please show where this material will be stockpiled on the construction plans. Refer to 40D-4.101(1)(c)(e), 40D-4.301(1)(d)(e), and 40D-4.302(1)(a), (2) and (3), F.A.C.
5. Please provide a detailed alternative analysis to justify the proposed impacts of the wetlands located within the project area. This analysis should clearly show that you have made every effort through practicable design modifications to eliminate and reduce wetland impacts within the project. Please refer to Section 3.2.1.1 of the "Basis of Review" (B.O.R.) for specific information relative to this topic. Refer to Rules 40D-4.101(1)(c), 40D-4.301(1)(d) and (3), and 40D-4.302(1)(a),(2), F.A.C.
6. Please provide a resource survey of the project area as well as the proposed navigational channel within Bishop Harbor, an Aquatic Preserve and Outstanding Florida water. This certified Professional Land Surveyor's survey should accurately locate the limits of all mangrove outcroppings, oyster bars or reefs, benthic resources, clam beds, seagrass beds or patches, and any other pertinent information required to accurately portray the area. Refer to 40D-4.101(1)(c) and 40D-4.301(1)(d)(f)(i) and (3), F.A.C.

7. Please address secondary impacts from the proposed activities to sea grasses and wetland resources

located within and adjacent to the project area. Examples of secondary impacts are prop dredging, discharge of pollutants, and increased turbidity from boat traffic. Refer to 40D-4.301(1)(d)(e)(f) and (3), and 40D-4.302(1) 2, 4, 5 and 7, F.A.C.

8. Please address secondary wetland impacts and provide reasonable assurance adverse impacts do not occur to fish and wildlife. Please provide comments from the United States Fish and Wildlife Service (USFWS) and/or Florida Fish and Wildlife Conservation Commission (FFWCC) addressing this subject, specifically to threatened and endangered Species. Refer to 40D-4.101(1)(c), 40D-4.301(1)(d) and (3), and 40D-4.302(1)(a) 2, F.A.C.
9. Reasonable assurance that threatened or endangered species, such as the West Indian manatee, will not be adversely affected by the proposed construction and associated water dependent activity in the area has not been provided. Be advised that the agency is/are coordinating with the FFWCC (Bureau of Imperiled Species) for comments regarding secondary impacts to manatees in the area. Based on their recommendations, additional information or revisions may be needed in determining whether construction and operation of the proposed facility will cause significant adverse impact to manatees as required by ERP, B.O.R., Section 3.2.7. Refer to 40D-4.301(1)(d) and (3), and 40D-4.302(1)(a) 2, F.A.C.
10. Water quality monitoring will be required during the performance of the construction to provide reasonable assurance that your project will not cause violations of water quality within protected waters, however, a plan was not submitted. Please provide a detailed water quality monitoring plan for the proposed project to include the following information for the parameters of turbidity and dissolved oxygen:
  - a. Please provide a location map depicting the sampling stations required (minimum of three) to provide reasonable assurance that water quality standards will not be violated.
  - b. Please identify the sampling methodology (depth, preservation, etc.) and the method of analyzing the samples collected (instrumentation utilized).
  - c. Please specify the quality assurance/quality control (QA/QC) methodology that will be followed for the sampling program and identify the certified laboratory that will be performing the analysis.
  - d. Please provide sampling of these waters one hour before construction start-up, every four hours thereafter, and one hour after construction ceases for the day.
  - e. Please describe the contingency measures that will be followed in the case water quality standards are exceeded.

Refer to 40D-4.101(1)(c), 40D-4.301(1)(d)(e)(i) and (3), 40D-4.302(1)(a) 2, 62-302.700, 62-302.530, 62-302.600 and 62-4.242(2), F.A.C.

11. Bishop Harbor is an Aquatic Preserve and an Outstanding Florida Water and the project must be shown to be clearly in the public interest. In determining whether a project is clearly in the public interest, the District must consider and balance the criteria listed under 40D-4.302(1)(a) , Subsection 3.2.3 of the Basis of Review. Please submit your responses to the referenced sections for review. Refer to 40D-4.101(1), 40D-4.301(1)(a)(b)(d)(e)(f)(i) and (3), and 40D-4.302(1)(a)(b), F.A.C.

#### **PLANS:**

12. Stormwater discharge line was proposed to be 18" with invert elevation of 0.50 feet NGVD, which is lower than mean high water level of receiving water body. With consideration of manatee protection, please provide a detail plan showing that discharge exit is protected to prevent the manatee from entering the pipe. Refer to Part C. 11 of Section E of the ERP Application form.
13. Please add project boundary lines on the proposed Site Plan or Paving, Grading & Drainage Plan. Refer to Part C. 1 of Section E of the ERP Application form.

#### **CONSTRUCTION SCHEDULE AND TECHNIQUES:**

14. Dewatering plan was not proposed. Since the project includes construction of a wet detention pond, dewatering is likely to occur. Please provide a dewatering plan indicating location of dewatering facilities

- and discharge, duration of dewatering, the methods for containing the discharge, methods of isolating dewatering areas. The plan can be included in the Erosion Plan C220.
15. Please have applicant sign the Erosion Plan with dewatering plan in addition to sign and seal from engineer of record. Refer to Part 2.8.4(b) of B. O. R.
  16. Please include a note indicating that the floating turbidity barriers are to be inspected and maintained on a daily basis during construction. Refer to 40D-4.101(1)(c)(e), and 40D-4.301(1)(d)(e)(i), F.A.C.
  17. Please indicate if dredging is also proposed for the project. Refer to 40D-4.101(1)(c)(e), 40D-4.301(1)(d)(e) and (3), and 40D-4.302(1)(a), F.A.C.
  18. Please provide additional descriptions and exhibits on the construction type and methods proposed for the piling installation and dock construction. Please explain how materials for these activities will be transported out to the construction area and how materials will be stored. Please include depths and locations of all resources located within the project area on the exhibits to demonstrate that additional impacts will not occur due to the proposed construction if construction is to take place from a barge. Refer to 40D-4.101(1)(c)(e), 40D-4.301(1)(d)(e), and 40D-4.302(1)(a), F.A.C.

#### **DRAINAGE INFORMATION:**

19. Please address the following water quality issues:
  - a. According to the design, half of the treatment volume will be discharged in 36 hours. However, it is required that the system shall discharge half of the treatment volume in no less than 60 hours, and total treatment volume in no less than 120 hours. Please revise the design and calculation to meet the requirements. Refer to Section 5.2.a.4 of B. O. R.
  - b. Planting Plan C330 shows that pond area surrounding control structure is open water instead of littoral zone. Please revise the design so that littoral zone, at least 35% of pond area at control elevation, will be concentrated at the control structure. Refer to Section 5.2.a.2 of B. O. R.

#### **OPERATION AND MAINTENANCE:**

20. Please provide draft language and signage to be posted at the facility such that the following activities are restricted:
  - a. No live aboard vessels are permitted at the proposed docking facility.
  - b. No pump out of any waste materials or liquids is permitted at the proposed docking facility.
  - c. No fish cleaning is permitted at the proposed docking facility.
  - d. No maintenance of any kind is permitted at the proposed docking facility.
  - e. No fueling of any vessels is permitted at the proposed docking facility.
21. Please note, additional encumbrances may be required pursuant to the SSL authorizations, such as but not limited to a proprietary conservation easement. (Refer to the Proprietary section below). Refer to 40D-4.101(c)(e), and 40D-4.301(1)(f)(j) and (3), F.A.C and Subsections 2.6 and 3.2.4.3 of the B.O.R.

**WATER USE:****PART II - PROPRIETARY**

22. Activities on sovereign submerged lands require a proprietary authorization pursuant to Article X, Section 11 of the Florida Constitution, 253.002 and 253.77, Florida Statutes and 40D-4.041 (6), Florida Administrative Code (F.A.C.). Sections 40D-4.301 (4) and 18-21.00401, F.A.C., link the regulatory permit application with the application for a proprietary authorization. These rules do not allow the regulatory application to be deemed complete if the proprietary authorization application is incomplete. Furthermore, the regulatory permit application cannot be approved until it is determined that the activities proposed on sovereign submerged lands comply with the applicable management policies, standards and criteria. Please contact project environmental scientist, Cliff Ondercin, to discuss the proposed project as well the information necessary to complete the application for a proprietary authorization in the form of a letter of consent pursuant to Chapter 18-21 F.A.C. and demonstrate compliance with the management policies standards and criteria is listed below:

Form of Consent (18-21.005, F.A.C.)

Non Aquatic Preserve Management Policies, Standards and Criteria

General Proprietary (18-21.004 (1), F.A.C.)

Resource Management (18-21.004 (2), F.A.C.)

Riparian Rights (18-21.004 (3), F.A.C.)

Standards and Criteria for Docking Facilities (18-21.004 (4), F.A.C.)

Aquatic Preserves (18-20, F.A.C.)

Management Policies, Standards and Criteria (18-20.004, F.A.C.)

23. Please note that during the preparation of the Proprietary Authorization Instrument additional information may be required before the application is deemed complete. Refer to 18-21 and 40D-4.301, F.A.C.
24. Bishop Harbor which is considered to be an Aquatic Preserve and Outstanding Florida Water (OFW) body therefore the project must be shown to be clearly in the public interest. In determining whether a project is clearly in the public interest, the District must consider and balance the criteria listed under 40D-4.302(1)(a) , Section 3.2.3 of the Basis of Review, and the criteria listed under Chapter 18-20.004 F.A.C. Please submit your responses to the referenced sections for review. Refer to 40D-4.101(1), 40D-4.301(1)(a)(b)(d)(e)(f)(i) and (3), and 40D-4.302(1)(a)(b), F.A.C.

The following comment(s), although not required by District rule, is (are) provided for your consideration and information:

25. Please contact the project reviewers for clarification regarding the content of this letter or to arrange a meeting to discuss the following concerns in more detail.

**PART II HEARINGS INVOLVING  
DISPUTED ISSUES OF MATERIAL FACT**

**28-106.201 Initiation of Proceedings.**

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 ½ by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(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 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 the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes 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 petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

*Specific Authority 120.54(3), (5) F.S. Law Implemented 120.54(5), 120.569, 120.57 F.S. History—New 4-1-97, Amended 9-17-98.*

**PART III PROCEEDINGS AND HEARINGS  
NOT INVOLVING DISPUTED ISSUES OF  
MATERIAL FACT**

**28-106.301 Initiation of Proceedings**

(1) Initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 ½ by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(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 will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(e) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(f) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) If the petition does not set forth disputed issues of material fact, the agency shall refer the matter to the presiding officer designated by the agency with a request that the matter be scheduled for a proceeding not involving disputed issues of material fact. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this Rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

*Specific Authority 120.54(5) F.S. Law Implemented 120.54(5), 120.569, 120.57 F.S. History—New 4-1-97, Amended 9-17-98.*