



Interoffice Memorandum


APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

AGENDA ITEM

APR 07 2015 KH/VP

March 9, 2015

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

**CONTACT PERSON: Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405**

SUBJECT: April 7, 2015—Consent Item
Request for Time Extension for Previously Approved Shoreline
Alteration/Dredge and Fill Permit (SADF-12-10-014)
SLF IV/Boyd Horizon West JV, LLC

On June 18, 2013, the Board of County Commissioners (BCC) approved a request for a Shoreline Alteration/Dredge and Fill Permit to maintain the existing connection between a small lobe of Lake Hancock and the main lake. Specific Condition #2 of that permit stated "the permitted work must be commenced within six months and completed within one year from the date of issuance of the permit."

The project site is located on Lake Hancock (Parcel ID: 20-23-27-0000-00-030) in Orange County Commission District 1.

On February 11, 2014, and September 23, 2014, the BCC approved six-month time extension requests. On February 26, 2015, EPD received a third request for extension. The applicant has been unable to commence the project due to investor negotiations and proposed plan changes on an adjacent parcel. This time extension will give the applicant an additional six months to commence the previously approved dredging.

**ACTION REQUESTED: Approval of Time Extension Request for Shoreline
Alteration Dredge and Fill Permit (SADF-12-10-014), for
SLF IV/Boyd Horizon West JV, LLC. District 1**

JVW/LC: mg

Attachments

Shoreline Alteration Dredge and Fill Permit Request



Shoreline Alteration/ Dredge and Fill Permit Request

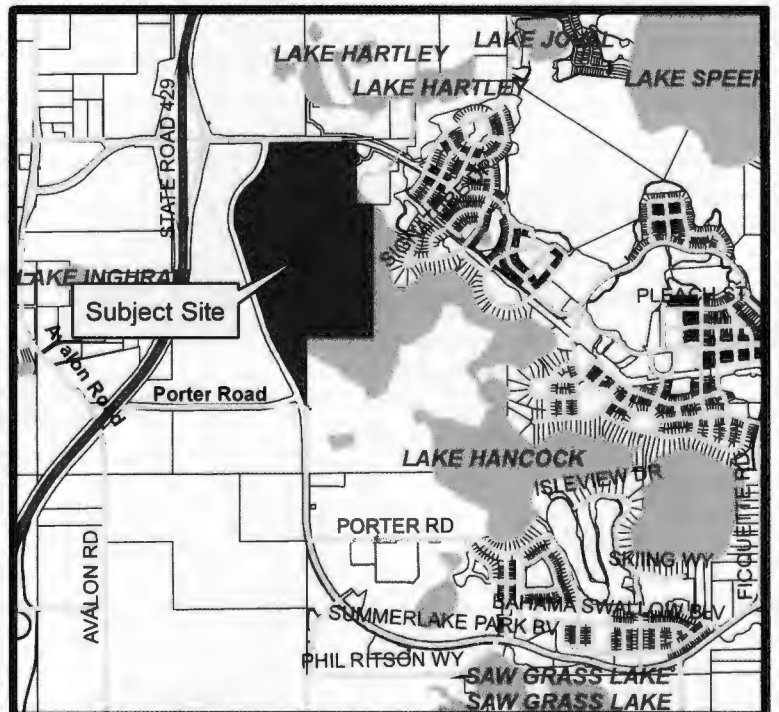
District #1

Applicant: SLF IV/Boyd Horizon
West JV, LLC

Parcel ID: 29-23-27-0000-00-001

Project Site 

Property Location 



**DECISION OF THE BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA**

ON JUNE 18, 2013, THE BOARD OF COUNTY COMMISSIONERS CONSIDERED THE FOLLOWING APPLICANT'S REQUEST:

APPLICANT: SLF IV/BOYD HORIZON WEST JV, LLC
CONSIDERATION: REQUEST FOR A SHORELINE ALTERATION/DREDGE AND FILL PERMIT TO MAINTAIN THE EXISTING CONNECTION BETWEEN A SMALL LOBE OF LAKE HANCOCK AND THE MAIN LAKE, PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE VI. PUMPING AND DREDGING CONTROL; SECTION 15-218(D)
LOCATION: DISTRICT 1; LOCATED AT 7205 AVALON ROAD, WINTER GARDEN, FL; LAKE HANCOCK; PARCEL ID 29-23-27-0000-00-001; SECTION 29, TOWNSHIP 23 SOUTH, RANGE 27 EAST; ORANGE COUNTY, FLORIDA (LEGAL PROPERTY DESCRIPTION ON FILE IN ENVIRONMENTAL PROTECTION DIVISION)

UPON A MOTION, THE BOARD OF COUNTY COMMISSIONERS APPROVED THE REQUEST BY SLF IV/BOYD HORIZON WEST JV, LLC FOR A SHORELINE ALTERATION/DREDGE AND FILL PERMIT (SADF-12-10-014) TO MAINTAIN THE EXISTING CONNECTION BETWEEN A SMALL LOBE OF LAKE HANCOCK AND THE MAIN LAKE, ON THE DESCRIBED PROPERTY, SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIFIC CONDITIONS:

1. THIS PERMIT SHALL BECOME FINAL AND EFFECTIVE UPON EXPIRATION OF THE THIRTY (30) CALENDAR DAY FOLLOWING THE DATE OF THE FILING OF THE DETERMINATION OF THE BOARD OF COUNTY COMMISSIONERS' DECISION WITH THE CLERK, UNLESS A PETITION OF REHEARING OR OTHER LEGAL CHALLENGE HAS BEEN FILED WITHIN THIS TIMEFRAME. ANY TIMELY FILED PETITION OR OTHER LEGAL CHALLENGE SHALL STAY THE EFFECTIVE DATE OF THIS PERMIT UNTIL THE REHEARING OR OTHER LEGAL CHALLENGE IS RESOLVED IN FAVOR OF THE BOARD'S DECISION.
2. CONSTRUCTION ACTIVITIES SHALL BE COMPLETED IN ACCORDANCE WITH THE "SHEET C-1" DATED AS RECEIVED ON APRIL 11, 2013 BY THE ENVIRONMENTAL PROTECTION DIVISION (EPD). THE PERMITTED WORK MUST BE COMMENCED WITHIN SIX MONTHS AND COMPLETED WITHIN ONE YEAR FROM THE DATE OF ISSUANCE OF THE PERMIT. IN THE EVENT THAT PROJECT HAS NOT COMMENCED WITHIN 6 MONTHS OR COMPLETED WITHIN A YEAR THIS PERMIT IS VOID.

3. ANY PERMIT EXTENSIONS FOR THE APPROVED CONSTRUCTION MAY BE APPROVED BY WAY OF CONSENT AGENDA IF THERE ARE NO CHANGES.
4. ALL DREDGED DEBRIS MATERIAL SHALL BE REMOVED TO AN UPLAND LOCATION AND STABILIZED APPROPRIATELY.
5. THE ORGANIC DETRITUS MATERIAL THAT LIES ON TOP OF THE NATURAL MINERAL SUBSTRATE SHALL BE REMOVED TO A DEPTH OF THREE (3) FEET OR UNTIL NATURAL MINERAL SUBSTRATE, WHICHEVER IS LESS.
6. THE PERMITTEE SHALL CONDUCT A BASELINE WATER QUALITY MONITORING EVENT (AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF THE PERMITTED ACTIVITY) AND POST ACTIVITY WATER QUALITY MONITORING THAT INCLUDES THE FOLLOWING PARAMETERS: PH, TEMPERATURE, DISSOLVED OXYGEN, TURBIDITY, AND NUTRIENTS (TOTAL NITROGEN AND TOTAL PHOSPHORUS). THE DEPTH OF THE COLLECTION SHALL BE AT 0.5 METERS. LABORATORY ANALYSES SHALL BE COMPLETED BY A NELAC CERTIFIED LAB; FIELD MEASURED CONDITIONS CALIBRATION ERROR ALLOWANCES SHALL BE THAT AS LISTED IN FDEP SOP FT 10000.
7. THE PERMITTEE SHALL COMPLETE THE WATER QUALITY MONITORING PURSUANT TO THE WATER QUALITY MONITORING PROGRAM DATED RECEIVED DECEMBER 7, 2012, BY EPD.
8. THE PERMITTEE IS REQUIRED TO MAINTAIN THE TURBIDITY AND EROSION CONTROL MEASURES UNTIL EPD HAS APPROVED, IN WRITING, THAT THE POST ACTIVITY WATER QUALITY MONITORING RESULTS INDICATE THE PROJECT AREA MEETS THE BASELINE MONITORING RESULTS.
9. DISTURBED PORTIONS OF THE ADJACENT BUFFER AND CONSERVATION AREA SHALL BE REPLANTED WITHIN THIRTY DAYS OF COMPLETION OF THE APPROVED ACTIVITY. THE PLANTING MUST BE IMPLEMENTED IN ACCORDANCE WITH THE NARRATIVE ON "PAGE 3 OF 4" OF THE RAI RESPONSE AND "FIGURE 4, EROSION AND SEDIMENT CONTROL" SUBMITTED BY BIO-TECH CONSULTING, DATED AS 12/6/2012.
10. THE PERMITTEE SHALL SUBMIT A TIME ZERO MONITORING REPORT TO EPD WITHIN THIRTY DAYS OF COMPLETION OF THE REPLANTING.
11. SUCCESSFUL ESTABLISHMENT OF THE REPLANTED AREA WILL HAVE OCCURRED WHEN:

- a. AT LEAST EIGHTY-FIVE (85) PERCENT COVER BY APPROPRIATE WETLAND HERBACEOUS SPECIES HAS BEEN OBTAINED, AND
 - b. THE REPLANTED AREA COMPRISES LESS THAN TEN (10) PERCENT NUISANCE VEGETATION AND LESS THAN FIVE (5) PERCENT EXOTIC VEGETATION, AND
 - c. THE ABOVE CRITERION HAS BEEN MET AT THE END OF A TWO (2) YEAR MONITORING PERIOD TO EPD'S SATISFACTION.
12. THE PERMITTEE SHALL SUBMIT ANNUAL MONITORING REPORTS ON THE EPD QUALITATIVE MONITORING FORM OR A MONITORING REPORT THAT CONTAINS THE FOLLOWING INFORMATION (SITE LOCATION, GPS LOCATION OF FIXED TRANSECT, FIELD SAMPLING DESIGN, SAMPLING METHODOLOGY, PHOTOGRAPHIC DOCUMENTATION, FISH AND WILDLIFE OBSERVATIONS, RESULTS AND DISCUSSION). IF AT THE END OF THE TWO (2) YEAR MONITORING PERIOD, THE REPLANTED AREA IS NOT MEETING THE SUCCESS CRITERIA STATED IN CONDITION 12, THE PERMITTEE IS REQUIRED TO PROVIDE A RESTORATION PLAN TO EPD FOR REVIEW AND APPROVAL, AND MAY BE REQUIRED TO CONTINUE MONITORING UNTIL SUCCESS HAS BEEN DEMONSTRATED.
13. NO FILLING IS APPROVED WITH THIS PERMIT.

GENERAL CONDITIONS

14. SUBJECT TO THE TERMS AND CONDITIONS HEREIN, THE PERMITTEE IS HEREBY AUTHORIZED TO PERFORM OR CAUSE TO BE PERFORMED, THE IMPACTS SHOWN ON THE APPLICATION AND APPROVED DRAWINGS, PLANS, AND OTHER DOCUMENTS ATTACHED HERETO OR ON FILE WITH EPD. THE PERMITTEE BINDS ITSELF AND ITS SUCCESSORS TO COMPLY WITH THE PROVISIONS AND CONDITIONS OF THIS PERMIT. IF EPD DETERMINES AT ANY TIME THAT ACTIVITIES, INCLUDING WITHOUT LIMITATION THE PERFORMANCE OF THE REQUIRED MITIGATION, ARE NOT IN ACCORDANCE WITH THE CONDITIONS OF THE PERMIT, WORK SHALL CEASE AND THE PERMIT MAY BE REVOKED IMMEDIATELY BY THE ENVIRONMENTAL PROTECTION OFFICER (EPO). NOTICE OF THE REVOCATION SHALL BE PROVIDED TO THE PERMIT HOLDER PROMPTLY THEREAFTER.
15. PRIOR TO CONSTRUCTION, THE PERMITTEE SHALL CLEARLY DESIGNATE THE LIMITS OF CONSTRUCTION ON-SITE. THE PERMITTEE SHALL ADVISE THE CONTRACTOR THAT ANY WORK OUTSIDE THE LIMITS OF CONSTRUCTION, INCLUDING CLEARING, MAY BE A VIOLATION OF THIS PERMIT.


16. CONSTRUCTION PLANS SHALL BE SUBMITTED TO EPD PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITIES FOR REVIEW AND APPROVAL. THE CONSTRUCTION PLANS SHALL INCLUDE, BUT ARE NOT LIMITED TO, A SITE PLAN CLEARLY DEPICTING THE LOCATION AND ACREAGE OF THE IMPACTS AND PRESERVATION.
17. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO MAINTAIN A COPY OF THIS PERMIT, COMPLETE WITH ALL APPROVED DRAWINGS, PLANS, CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS IN GOOD CONDITION AT THE CONSTRUCTION SITE. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT. THE COMPLETE PERMIT SHALL BE AVAILABLE UPON REQUEST BY ORANGE COUNTY STAFF.
18. ISSUANCE OF THIS PERMIT DOES NOT WARRANT IN ANY WAY THAT THE PERMITTEE HAS RIPARIAN OR PROPERTY RIGHTS TO CONSTRUCT ANY STRUCTURE PERMITTED HEREIN AND ANY SUCH CONSTRUCTION IS DONE AT THE SOLE RISK OF THE PERMITTEE. IN THE EVENT THAT ANY PART OF THE STRUCTURE(S) PERMITTED HEREIN IS DETERMINED BY A FINAL ADJUDICATION ISSUED BY A COURT OF COMPETENT JURISDICTION TO ENCROACH ON OR INTERFERE WITH ADJACENT PROPERTY OWNER'S RIPARIAN OR OTHER PROPERTY RIGHTS, PERMITTEE AGREES TO EITHER OBTAIN WRITTEN CONSENT OR TO REMOVE THE OFFENDING STRUCTURE OR ENCROACHMENT WITHIN SIXTY DAYS FROM THE DATE OF THE ADJUDICATION. FAILURE TO COMPLY SHALL CONSTITUTE A MATERIAL BREACH OF THIS PERMIT AND SHALL BE GROUNDS FOR ITS IMMEDIATE REVOCATION.

19. THIS PERMIT DOES NOT RELEASE THE PERMITTEE FROM COMPLYING WITH ALL OTHER FEDERAL, STATE, AND LOCAL LAWS, ORDINANCES, RULES AND REGULATIONS. SPECIFICALLY, THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. 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 UPON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 15, ARTICLE VI OF THE ORANGE COUNTY CODE. IF THESE PERMIT CONDITIONS CONFLICT WITH THOSE OF ANY OTHER REGULATORY AGENCY THE PERMITTEE SHALL COMPLY WITH THE MOST STRINGENT CONDITIONS. PERMITTEE SHALL IMMEDIATELY NOTIFY EPD OF ANY CONFLICT BETWEEN THE CONDITIONS OF THIS PERMIT AND ANY OTHER PERMIT OR APPROVAL.
20. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, FLORIDA STATUTES, STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR 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.
21. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PROPERTY, PERMITTED ACTIVITIES, OR APPROVED MITIGATION, THE PERMITTEE SHALL PROVIDE WRITTEN NOTIFICATION TO EPD OF THE CHANGE PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
22. EPD SHALL HAVE FINAL CONSTRUCTION PLAN APPROVAL TO ENSURE THAT NO MODIFICATION HAS BEEN MADE DURING THE CONSTRUCTION PLAN PROCESS.
23. THE PERMITTEE SHALL IMMEDIATELY NOTIFY EPD IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

24. EPD STAFF, WITH PROPER IDENTIFICATION, SHALL HAVE PERMISSION TO ENTER THE SITE AT ANY REASONABLE TIME TO EITHER, AT A MINIMUM: INSPECT, SAMPLE, OR TEST TO ENSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
25. THE PERMITTEE SHALL HOLD AND SAVE THE COUNTY HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS OR LIABILITIES, WHICH MAY ARISE BY REASON OF THE ACTIVITIES AUTHORIZED BY THE PERMIT.
26. ALL COSTS, INCLUDING ATTORNEY'S FEES, INCURRED BY THE COUNTY IN ENFORCING THE TERMS AND CONDITIONS OF THIS PERMIT SHALL BE REQUIRED TO BE PAID BY THE PERMITTEE.
27. PERMITTEE AGREES THAT ANY DISPUTE ARISING FROM MATTERS RELATING TO THIS PERMIT SHALL BE GOVERNED BY THE LAWS OF FLORIDA, AND INITIATED ONLY IN ORANGE COUNTY.
28. TURBIDITY AND SEDIMENTS SHALL BE CONTROLLED TO PREVENT VIOLATIONS OF WATER QUALITY PURSUANT TO RULE 62-302.500, 62-302.530(70) AND 62-4.242 FLORIDA ADMINISTRATIVE CODE (FAC). BEST MANAGEMENT PRACTICES, AS SPECIFIED IN THE FLORIDA STORMWATER, EROSION, AND SEDIMENTATION CONTROL INSPECTOR'S MANUAL, SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO WETLANDS AND/OR SURFACE WATERS DUE TO THE PERMITTED ACTIVITY. IF SITE-SPECIFIC CONDITIONS REQUIRE ADDITIONAL MEASURES, THEN THE PERMITTEE SHALL IMPLEMENT THEM AS NECESSARY TO PREVENT ADVERSE IMPACTS TO WETLANDS AND/OR SURFACE WATERS.



THE FOREGOING DECISION HAS BEEN FILED
WITH ME THIS 25TH DAY OF JUNE 2013.


DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.

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Environmental Protection Division

SHORELINE ALTERATION/DREDGE & FILL PERMIT EXTENSION

Permit No: SADF-12-10-014

Date Issued: June 26, 2013

Date of Extension #1: February 13, 2014

Date of Extension #2: September 23, 2014

History: On June 26, 2013, EPD issued a Shoreline Alteration/Dredge and Fill permit for SLF IV/Boyd Horizon West JV LLC. The permit required that the proposed activity commence within six months and be completed within one year. On December 18, 2013, EPD received a request to extend the permit. Due to budget limitations the proposed work was unable to start within six months. On February 11, 2014, the BCC approved the extension request for the proposed dredging project on consent. On August 12, 2014, EPD received a second request to extend the permit. On September 23, 2014, the BCC approved the second extension request.

A Permit Authorizing:

Maintenance dredging of an existing canal located between a small lobe on the northwest section of Lake Hancock and the main water body.

This permit is issued pursuant to Orange County Code, Chapter 15, Article VI, Pumping and Dredging Control and is subject to the Permit Conditions provided on the following pages:

Activity Location:

7205 Avalon Rd
Winter Garden, FL 34787
Parcel ID: 29-23-27-0000-00-001
Orange County Commission District: 1

Permittee / Authorized Entity:

SLF IV/Boyd Horizon West JV LLC
c/o Jay Baker
Bio-Tech Consulting, Inc.
2002 East Robinson Street
Orlando, FL 32803
E-mail: jay@btc-inc.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

The Board of County Commissioners (BCC) approved this permit on June 18, 2013 with extensions on February 11, 2014 and September 23, 2014, subject to the following conditions:

Specific Conditions

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day following the date of the filing of the determination of the Board of County Commissioners' decision with the clerk, unless a petition of rehearing or other legal challenge has been filed within this timeframe. Any timely filed petition or other legal challenge shall stay the effective date of this permit until the rehearing or other legal challenge is resolved in favor of the Board's decision.
2. Construction activities shall be completed in accordance with the "Sheet C-1" dated as received on April 11, 2013 by the Environmental Protection Division (EPD). The permitted work must be commenced within six months and completed within one year from the date of the extension of the permit. In the event that project has not commenced within 6 months or completed within a year this permit is void.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. All dredged debris material shall be removed to an upland location and stabilized appropriately.
5. The organic detritus material that lies on top of the natural mineral substrate shall be removed to a depth of three (3) feet or until natural mineral substrate, whichever is less.
6. The permittee shall conduct a baseline water quality monitoring event (at least 48 hours prior to the commencement of the permitted activity) and post activity water quality monitoring that includes the following parameters: pH, temperature, dissolved oxygen, turbidity, and nutrients (total nitrogen and total phosphorus). The depth of the collection shall be at 0.5 meters. Laboratory analyses shall be completed by a NELAC certified lab; field measured conditions calibration error allowances shall be that as listed in FDEP SOP FT 10000.
7. The permittee shall complete the water quality monitoring pursuant to the Water Quality Monitoring Program dated received December 7, 2012, by EPD.
8. The permittee is required to maintain the turbidity and erosion control measures until EPD has approved, in writing, that the post activity water quality monitoring results indicate the project area meets the baseline monitoring results.
9. Disturbed portions of the adjacent buffer and conservation area shall be replanted within thirty days of completion of the approved activity. The planting must be implemented in accordance with the narrative on "Page 3 of 4" of the RAI response and "Figure 4, Erosion and Sediment Control" submitted by Bio-Tech Consulting, dated as 12/6/2012.
10. The Permittee shall submit a time zero monitoring report to EPD within thirty days of completion of the replanting.
11. Successful establishment of the replanted area will have occurred when:
 - a. At least eighty-five (85) percent cover by appropriate wetland herbaceous species has been obtained, and

- b. The replanted area comprises less than ten (10) percent nuisance vegetation and less than five (5) percent exotic vegetation, and
 - c. The above criterion has been met at the end of a two (2) year monitoring period to EPD's satisfaction.
12. The Permittee shall submit annual monitoring reports on the EPD Qualitative Monitoring Form or a monitoring report that contains the following information (site location, GPS location of fixed transect, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, results and discussion). If at the end of the two (2) year monitoring period, the replanted area is not meeting the success criteria stated in Condition 12, the Permittee is required to provide a restoration plan to EPD for review and approval, and may be required to continue monitoring until success has been demonstrated.
13. No filling is approved with this permit.

General Conditions

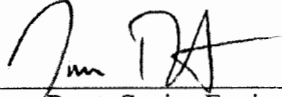
14. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer (EPO). Notice of the revocation shall be provided to the permit holder promptly thereafter.
15. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
16. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
17. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
18. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

19. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. 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 upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
20. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or 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 sovereign lands or other state-owned lands.
21. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
22. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
23. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
24. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
25. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
26. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
27. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
28. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional

measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

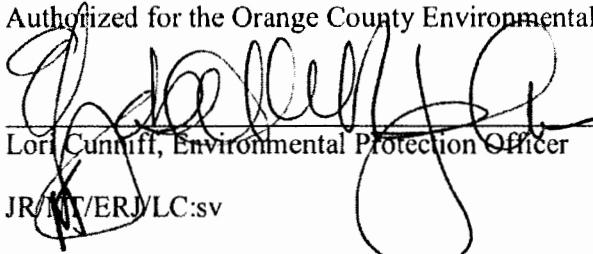
If you should have any questions concerning this review, please contact Jason Root at (407) 836-1518 or jason.root@ocfl.net.

Project Manager:



Jason/Root, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



Lori Cunniff, Environmental Protection Officer

JR/TT/ER/LC:sv

Enclosure(s): "Construction Notice" (form CN-001-04)
Additional Enclosures

c: Jennifer Thomson – jthomson@sfwmd.gov
Scott Boyd – SLF IV/Boyd Horizon West JV, LLC – dseliga@boyddev.com



Construction Notice

- BEGINNING OF CONSTRUCTION
- COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Supervisor

Permit Number and Name: **SADF-12-10-014, Hamlin Dredging Project**

Permit Type: **Shoreline Alteration/Dredge and Fill**

Approximate Starting Date: _____.

Approximate Completion Date: _____.

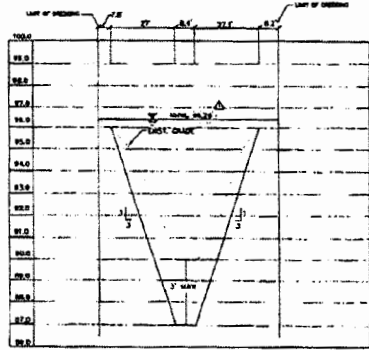
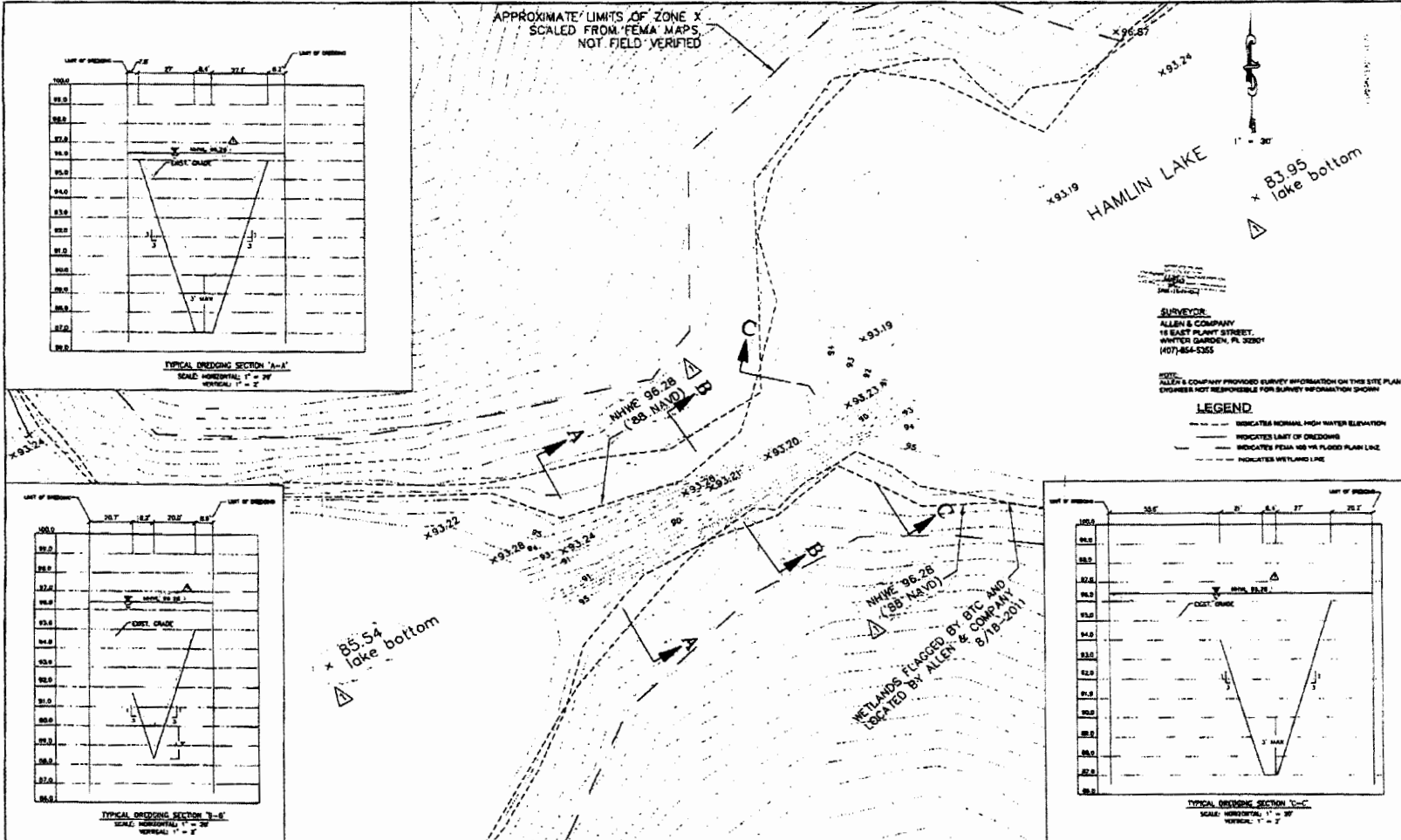
Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will begin or have completed the actual construction of the work described in the permit.

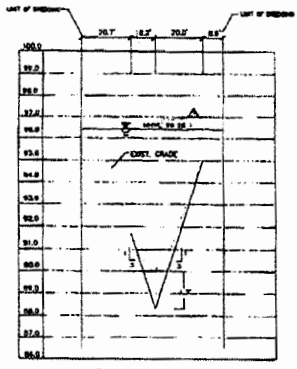
Signature of Permittee: _____

Printed name of Permittee: _____

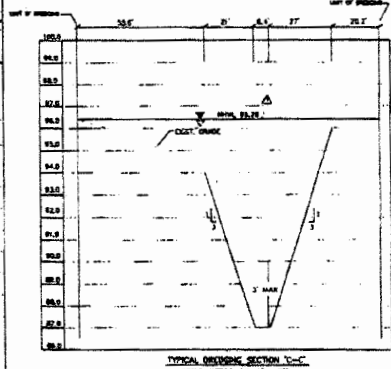
Date: _____



TYPICAL DREDGING SECTION "A-A"
SCALE: HORIZONTAL 1" = 20'
VERTICAL 1" = 2'



TYPICAL DREDGING SECTION "B-B"
SCALE: HORIZONTAL 1" = 20'
VERTICAL 1" = 2'



TYPICAL DREDGING SECTION "C-C"
SCALE: HORIZONTAL 1" = 20'
VERTICAL 1" = 2'

SURVEYOR
ALLEN & COMPANY
18 EAST PLANT STREET,
WINTER GARDEN, FL 32801
(407) 854-5355

NOTE:
ALLEN & COMPANY PROVIDED SURVEY INFORMATION ON THIS SITE PLAN.
ENGINEERS NOT RESPONSIBLE FOR SURVEY INFORMATION SHOWN.

- LEGEND**
- INDICATES NORMAL HIGH WATER ELEVATION
 - INDICATES LIMIT OF DREDGING
 - INDICATES FEMA 100-YR FLOOD PLAIN LINE
 - INDICATES WETLAND LINE

REG. NO. 0111
Fragomeni Engineering, Inc.
4363 Hollister Avenue
Orlando, Florida 32812
Voice: (407) 240-0444 Fax: (407) 240-0520

HAMLIN LAKE DREDGING PROJECT

SITE PLAN

JOB NO.	8100						
DATE	12/01/11						
DESIGNED BY	SLP						
DRAWN BY	SLP						
CHECKED BY	SLP	1	02/11	REVISED PER COUNTY REQUIREMENTS			
APPROVED BY	SLP	MD	02/11	REVISION			

PLP: 8100 - SITE PLAN
SCALE: 1" = 20'
SHEET NO.
C-1