SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 49-00477-S
DATE ISSUED: November 21, 2008

PERMITTEE: DEERFIELD LAND CORPORATION
14901 S ORANGE BLOSSOM TRAIL
ORLANDO, FL 32837

PROJECT DESCRIPTION: Modification for construction and operation of a surface water management system to serve a 14.73 acre residential project known as Palm Island Apartments.

PROJECT LOCATION: OSCEOLA COUNTY, SEC 3 TWP 2SS RGE 29E


This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 063711-19, dated July 11, 2008. This action is taken pursuant to Rule 40E-1.083 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 General Conditions (See Pages: 2 - 4 of 7),
3. the attached 23 Special Conditions (See Pages: 5 - 7 of 7) and
4. the attached 3 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 21st day of November, 2008, in accordance with Section 120.605, Florida Statutes.

BY: Edward Yaung, P.E.
Director, Orlando Regulatory Division
Orlando Service Center

Certified mail number 7308 1300 0001 2001 6092
ENVIRONMENTAL RESOURCE PERMIT

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:
(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:
1. the effective date of the local government’s comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made condition of the permit.
(d) For a noticed general permit issued pursuant to chapter 40-E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:
1. the Governing Board takes action on an application for extension of an individual permit, or
2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outlet structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific authority 373.041, 373.113 F.S. Law implemented 373.413, 373.416, 373.419, 373.428 F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4/20/94, Amended 7-1-86, 4/20/94, 10-3-95
GENERAL CONDITIONS

1. All activities authorized by this permit 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 and Part IV, Chapter 373, F.S.

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 District 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 which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. 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. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.

5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.

6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.669, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation 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. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

7. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit...
GENERAL CONDITIONS

Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use 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 the phase or portion of the system to a local government or other responsible entity.

9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

11. 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 on 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 40E-4 or Chapter 40E-40, F.A.C.

12. The permittee is hereby advised that Section 253.77, F.S. 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.

13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.

14. The permittee shall hold and eave the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit
GENERAL CONDITIONS

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.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.

19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
**SPECIAL CONDITIONS**

1. The conceptual phase of this permit shall expire on November 21, 2010. The construction phase of this permit shall expire on November 21, 2013.

2. Operation of the surface water management system shall be the responsibility of OSCEOLA CORPORATE CENTER PROPERTY OWNERS ASSOCIATION.

3. Discharge Facilities:

   **Structure: CS-1**

   1-60° W X 11° H RECTANGULAR weir with crest at elev. 85.45' NGVD 29.
   1-42° W X 25.1° H X 80 deg. V-NOTCH with invert at elev. 83.36' NGVD 29.

   Receiving body: Existing wetland
   Control elev: 83.36 feet NGVD 29.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.

5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.

6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.

8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.

9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.

11. This permit is issued based on the applicant’s submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.

12. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.


SPECIAL CONDITIONS

15. Minimum road crown elevation: Basin: Palm Island Apts. - 86.50 feet NGVD 29.

16. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.

17. Grass seed or sod, shall be installed and maintained on all disturbed areas within 48 hours of completing final grade, and at other times, as necessary, to prevent erosion, sedimentation or turbid discharges into receiving waters and/or adjacent wetlands.

18. Silt fencing shall be installed at the limits of construction to protect areas adjacent to the project from silt and sediment deposition during the construction of the project. Floating turbidity barriers shall be installed during the construction of the structures in adjacent canals/water bodies. The silt fencing and the turbidity barriers shall be installed in accordance with "Florida Land Development Manual" Chapter 6 "Stormwater and Erosion and Sediment Control Best Management Practices for Developing Areas". The sediment controls shall be installed prior to the commencement of any clearing or construction. The silt fencing and turbidity barriers shall remain in place and be maintained in good functional condition until all adjacent construction activities have been completed and all fill slopes have been stabilized. Upon completion of the project and the stabilization of the fill, the permittee shall contact the District's Environmental Resource Compliance staff to inspect the site and approve the removal of the silt fencing and turbidity barriers.

19. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 49-00477-S unless otherwise specified herein.

20. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permittee project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (850) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

21. Prior to the commencement of construction and in accordance with the work schedule in the attached exhibits, the permittee shall submit two certified copies of the recorded conservation easement for the new conservation area, and two certified copies of the recorded partial release of conservation easement. The data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. This data shall be submitted as a paper map depicting the Conservation Easement over the best available satellite or aerial imagery. This data shall also reside on a CD or floppy disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

The recorded conservation easement for the new conservation area, and recorded partial release of conservation easement shall utilize the forms shown in the attached exhibits. Any proposed modifications to the approved forms must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to
SPECIAL CONDITIONS

provide release or subordination of such encumbrances or interests.

22. The following exhibits for the permit are incorporated by reference herein and are located in the permit file:

Exhibit No. 3; Pages 3 - 17 Draft Deed of Conservation Easement.
Exhibit No. 3; Pages 18 - 29 Affidavit of no Mortgage or Lien.
Exhibit No. 3; Pages 30 - 39 Partial Release of Conservation Easement.

23. A maintenance program shall be implemented on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation. Coverage of exotic and nuisance plant species shall not exceed 10% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.
Last Date For Agency Action: 21-NOV-2008

GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Palm Island Apartments
Permit No.: 49-00477-S
Application No.: 060711-19
Application Type: Environmental Resource (General Permit Modification)
Location: Osceola County, S3/T25S/R29E
Permittee: Deerfield Land Corporation
Operating Entity: Osceola Corporate Center Property Owners Association
Project Area: 14.73 acres

Project Land Use: Residential
Drainage Basin: LAKE TOHOPEKALIGA
Receiving Body: Existing wetland

Special Drainage District: NA
Conservation Easement To District: Yes
Sovereign Submerged Lands: No

PROJECT PURPOSE:
Modification of an Environmental Resource Permit to authorize construction and operation of a surface water management system to serve a 14.73 acre residential project known as Palm Island Apartments. Staff recommends approval with conditions.
PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The site is located on the north side of Osceola Parkway between Orange Blossom Trail (US 441) and Orange Avenue (CR 527).

There are permitted surface water management facilities within the project area. The site contains undeveloped uplands, wetlands, an existing wet detention pond serving a portion of Osceola Parkway, and an access road for this site constructed in conjunction with Osceola Parkway.

There are no wetland issues associated with this application. A partial release of conservation easement will affect some upland buffer areas (0.203 acre), but a new conservation easement over additional uplands (3.14 acres) will ensure that a 25' average, 15' minimum buffer is maintained for the project. The partial release of conservation easement was approved by the Governing Board on October 15, 2006. Therefore, there are no direct, secondary or cumulative wetland impacts associated this project.

PROPOSED PROJECT:

Construction proposed consists of the surface water management system to serve the proposed apartment complex. The water management system consists of inlets and culverts directing runoff to a wet detention pond.

The construction of Osceola Parkway resulted in the construction of a 0.89 acre pond to serve a 9.25 acre drainage area. The pond was permitted with a control elevation of 83.0' NGVD. As part of this construction the pond will be expanded by 1.15 acres and the control elevation will be raised to 83.36' NGVD.

The apartment parcel contains 14.73 acres; the total area draining to the pond including a portion of existing Osceola Parkway contains 19.89 acres. The 14.73 acre development area contains the existing wet detention pond and access road to the site constructed in conjunction with Osceola Parkway to provide access to the future development parcel.

LAND USE:

Construction:

<table>
<thead>
<tr>
<th>Project</th>
<th>Previously Permitted</th>
<th>This Phase</th>
<th>Total Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Coverage</td>
<td>.00</td>
<td>1.81</td>
<td>1.81 acres</td>
</tr>
<tr>
<td>Pavement</td>
<td>.50</td>
<td>4.18</td>
<td>4.68 acres</td>
</tr>
<tr>
<td>Pervious</td>
<td>2.70</td>
<td>3.50</td>
<td>6.20 acres</td>
</tr>
<tr>
<td>Water Mgmt Acreage</td>
<td>.89</td>
<td>1.15</td>
<td>2.04 acres</td>
</tr>
<tr>
<td>Total:</td>
<td>4.09</td>
<td>10.64</td>
<td>14.73</td>
</tr>
</tbody>
</table>

WATER QUANTITY:

Discharge Rate:

As shown in the table below, the proposed project discharge is within the allowable limit for the area. Discharge is for the 25 year 72 hour storm to be consistent with the original permit for the master water...
management system. Discharge flows to existing wetlands that provide additional attenuation upstream of the final outfall.

Discharge Storm Frequency: 25 YEAR-3 DAY

<table>
<thead>
<tr>
<th>Basin</th>
<th>Allow Disch (cfs)</th>
<th>Method Of Determination</th>
<th>Peak Disch (cfs)</th>
<th>Peak Stage (ft, NGVD 29)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Island Apts.</td>
<td>30.6</td>
<td>Previously Permitted</td>
<td>30.4</td>
<td>86.1</td>
</tr>
</tbody>
</table>

Finished Floors:

As shown in the following table and the attached exhibits, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

Building Storm Frequency: 100 YEAR-3 DAY

<table>
<thead>
<tr>
<th>Basin</th>
<th>Peak Stage (ft, NGVD 29)</th>
<th>Proposed Min. Finished Floors (ft, NGVD 29)</th>
<th>FEMA Elevation (ft, NGVD 29)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Island Apts.</td>
<td>86.5</td>
<td>88</td>
<td>N/A</td>
</tr>
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</table>

Road Design:

As shown in the following table and the attached exhibits, minimum road center lines have been set at or above the calculated design storm flood elevation.

Road Storm Frequency: 10 YEAR-1 DAY

<table>
<thead>
<tr>
<th>Basin</th>
<th>Peak Stage (ft, NGVD 29)</th>
<th>Proposed Min. Road Crown (ft, NGVD 29)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Island Apts.</td>
<td>85.7</td>
<td>86.5</td>
</tr>
</tbody>
</table>

Parking Lot Design:

As shown in the following table and the attached exhibits, minimum parking lot elevations have been set at or above the calculated design storm flood elevation.

Parking Lot Storm Frequency: 10 YEAR-1 DAY

<table>
<thead>
<tr>
<th>Basin</th>
<th>Peak Stage (ft, NGVD 29)</th>
<th>Proposed Min. Parking Elev. (ft, NGVD 29)</th>
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</thead>
<tbody>
<tr>
<td>Palm Island Apts.</td>
<td>85.7</td>
<td>88.5</td>
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Control Elevation:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Area (Acres)</th>
<th>Ctrl Elev (ft, NGVD 29)</th>
<th>WSWT Ctrl Elev (ft, NGVD 29)</th>
<th>Method Of Determination</th>
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<tbody>
<tr>
<td>Palm Island Apts.</td>
<td>19.89</td>
<td>83.36</td>
<td>83.00</td>
<td>Previously Permitted</td>
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Receiving Body:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Str.#</th>
<th>Receiving Body</th>
</tr>
</thead>
</table>

App.no.: 080711-19
Receiving Body:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Str.#</th>
<th>Receiving Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Island Apts.</td>
<td>CS-1</td>
<td>Existing wetland</td>
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</tbody>
</table>

**Discharge Structures:** Note: The units for all the elevation values of structures are (ft, NGVD 29)

<table>
<thead>
<tr>
<th>Weirs:</th>
<th></th>
<th></th>
<th>Width</th>
<th>Height</th>
<th>Length</th>
<th>Dia.</th>
<th>Elev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin</td>
<td>Str#</td>
<td>Count</td>
<td>Type</td>
<td>60&quot;</td>
<td>11&quot;</td>
<td>60&quot;</td>
<td>85.45</td>
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<tr>
<td>Palm Island Apts.</td>
<td>CS-1</td>
<td>1</td>
<td>Rectangular</td>
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</tr>
</tbody>
</table>

**Water Quality Structures:** Note: The units for all the elevation values of structures are (ft, NGVD 29)

<table>
<thead>
<tr>
<th>Bleeders:</th>
<th></th>
<th></th>
<th>Width</th>
<th>Height</th>
<th>Length</th>
<th>Dia.</th>
<th>Angle</th>
<th>Invert Elev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin</td>
<td>Str#</td>
<td>Count</td>
<td>Type</td>
<td>42&quot;</td>
<td>25.1&quot;</td>
<td>60&quot;</td>
<td>80 deg.</td>
<td>83.35</td>
</tr>
<tr>
<td>Palm Island Apts.</td>
<td>CS-1</td>
<td>1</td>
<td>V-Notch</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**WATER QUALITY:**

No adverse water quality impacts are anticipated as a result of the proposed project. Water quality treatment in excess of 2.5 inches times the percentage of impervious coverage is provided in the wet detention pond for the total 10.89 drainage area contributing to the pond.

<table>
<thead>
<tr>
<th>Basin</th>
<th>Treatment Method</th>
<th>Vol Req'd (ac-ft)</th>
<th>Vol Prov'd</th>
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<tr>
<td>Palm Island Apts.</td>
<td>Treatment</td>
<td>2.04</td>
<td>2.33</td>
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**WETLANDS:**

Wetland Inventory:

**CONSTRUCTION MOD - PALM ISLANDS APARTMENTS**

<table>
<thead>
<tr>
<th>Site Id</th>
<th>Site Type</th>
<th>Pre-Development</th>
<th>Post-Development</th>
</tr>
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<tbody>
<tr>
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**Fluctus Code**

<table>
<thead>
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<th>Code</th>
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<tbody>
<tr>
<td>310</td>
<td>Herbaceous</td>
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App.no. : 080711-19
Wildlife Issues:
The project site contains preferred habitat for wetland-dependent endangered or threatened wildlife species or species of special concern. No wetland-dependent endangered/threatened species or species of special concern were observed onsite, and submitted information indicates that potential use of the site by such species is minimal. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site.

LEGAL ISSUES:
A partial release of conservation easement and a new conservation easement will be recorded in the public records of Osceola County as shown in the attached exhibits.

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:
It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.
RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that reuse water from Toho Water Authority will be used as a source for irrigation water for the project.

The applicant has indicated that dewatering is required for construction of this project. Construction may not commence immediately so a construction dewatering application was not submitted. Prior to any construction dewatering a dewatering permit shall be obtained in accordance with General Condition No. 13.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Historical/Archaeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that the agency has no objections to the issuance of this permit.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Environmental Protection or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

DIVISION APPROVAL:

NATURAL RESOURCE MANAGEMENT:

Marc S. Ady

DATE: 11/9/9

SURFACE WATER MANAGEMENT:

Mark E. Darow, P.E.

DATE: 11/9/9
NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District’s (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33418.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD’s security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD’s security officer to contact the Clerk’s office. An employee of the SFWMD’s Clerk’s office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk’s Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Rev. 10/31/07
Initiation of an Administrative Hearing
Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. 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 the District's Governing Board takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation
The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-406, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW
Pursuant to Sections 120.68(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.
FIGURE 3
USGS MAP - DEP QUAD NUMBER 3512
PALM ISLAND APARTMENTS
OSCEOLA COUNTY, FLORIDA

HARRIS
Harris CMI Engineers, LLC

App. no.: 080711-9
Page 1 of 1
Exhibit 1
South Florida Water Management District  
Work Schedule Requirements

Application No : 080711-19

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<tr>
<th>Mitigation Plan ID: PALMISLD APARTMENTS</th>
<th>Due Date</th>
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<td>SUBMIT RECORDED CONSERVATION EASEMENT</td>
<td>21-FEB-09</td>
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<td>SUBMIT RECORDED PARTIAL RELEASE OF CONSERVATION EASEMENT</td>
<td>21-FEB-09</td>
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STAFF REPORT DISTRIBUTION LIST

PALM ISLAND APARTMENTS
Application No: 080711-19
Permit No: 49-00477-S

INTERNAL DISTRIBUTION
X Alan L. Leavens - 2250
X Eric Dephouse - 2250
X Marc S. Ady - 2250
X Mark S. Daron, P.E. - 1640
X A. Lee - 6850
X ERC Engineering - 6850
X ERC Environmental - 6850
X Permit File

EXTERNAL DISTRIBUTION
X Permittee - Deerfield Land Corporation
X Engr Consultant - Harris Civil Engineers Llc
X Env Consultant - Modica & Associates Inc

GOVERNMENT AGENCIES
X Div of Recreation and Park - District 6 - FDEP
X Osceola County Engineer

OTHER INTERESTED PARTIES
X Sierra Club - Central Florida Group P.O. Box 941692