



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926  
Telephone: 813-632-7600

Colleen M. Castille  
Secretary

Southwest Florida Water Management District **JUN 14 2007**  
c/o Mark Hammond  
2379 Broad Street (US 41 South)  
Brooksville, FL 34604-6899

Dear Mr. Hammond:

Enclosed is the Environmental Resource Permit, DEP Project No. 53-02040522-003, issued pursuant to part IV of Chapter 373, Florida Statutes, and Title 62 Florida Administrative Code.

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

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

Please be aware of permit specific condition number 2 which states "This conceptual permit does not authorize any construction or impact to wetlands or other surface waters described herein. Any such authorization shall require the submittal of an Individual or Standard General Environmental Resource Permit (ERP) application and subsequent issuance of an ERP."

If you have any questions about this document, please contact me at (813)632-7600, ext. 430.

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



Sincerely yours,

Allyson Minick  
Environmental Specialist II  
Environmental Resource Management

Enc: Environmental Resource Permit with attachments (25 pages)

Florida Department of Environmental Protection

Printed on recycled paper.



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
E. Governor

Michael P. Smith  
Secretary

## CONCEPTUAL ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:  
Southwest Florida Water Management District  
2379 Broad Street (US 41 South)  
Brooksville, FL 34604-6899

AGENT:  
BCI Engineers and Scientists, Inc.  
Michael Timpe, P.E.  
2000 E. Edgewood Drive, Suite 215  
Lakeland, FL 33803

Permit/Authorization Number:  
53-204522-003

Date of Issue: **JUN 14 2007**

Expiration Date of Construction Phase:

**JUN 14 2012**

County: Polk  
Project: Lake Hancock Lake Level  
Modification Project

This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an environmental resource permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

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

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., and Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the conceptual application submittal described below, and has determined that future construction activities shall require a public easement for the use of those lands, pursuant to Chapter 253.77, Florida Statutes. The Department shall review the application for a public easement in conjunction with the submittal of the required construction permit application

## **SPGP REVIEW- NOT APPROVED**

A copy of this authorization has also been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. **Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency.** You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby conceptually authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This conceptual permit and conceptual authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached one through 25 General Conditions and 11 Specific Conditions, which are a binding part of this permit and authorization. You are advised to read and understand these drawings and conditions to ensure the scope of the work conceptually authorized by this permit will be conducted in conformance with all the terms, conditions, and drawings. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this conceptual permit authorization, as specifically described below.

## **ACTIVITY DESCRIPTION:**

The applicant, Southwest Florida Water Management District (SWFWMD), applied on August 31, 2006 for a conceptual environmental resource permit for the Lake Hancock lake level modification project. The goal of the proposed project is to store water in Lake Hancock by raising the control elevation of the existing outflow structure and slowly release the water during the dry season in order to meet 50 percent of the minimum flow requirements in the upper Peace River between the USGS gauging stations at Bartow and Zolfo Springs. The project proposed to raise the normal operating level of Lake Hancock from 98.7 feet National Geodetic Vertical Datum (NGVD) to an elevation of 100.0 feet NGVD by modifying the P-11 structure by constructing an overflow weir tieback levee within Saddle Creek. Construction details for the P-11 structure and tieback levee shall be provided to the Department in the future application for a construction permit.

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The proposed water level modifications are expected to provide improvements to Lake Hancock's wetland functions, returning a wider range of optimal water depths and inundation duration to the landscape. The proposed project will restore some existing uplands back to wetlands, resulting in a return of 301 acres of wetlands to the landscape. These 301 acres include the restoration of hydrologic conditions for wet prairies which have been eliminated from area.

**ACTIVITY LOCATION:**

The project is located at Lake Hancock, a Class III Florida Waterbody, Sections 1, 2, 3, 11, 12, 13, 24, 25, and 26, Township 28 South, Range 24 East, and Sections 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 28, 30, 32, and 33, Township 29 South, Range 25, East, Polk County.

**GENERAL CONDITIONS:**

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a 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. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health

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Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.

6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.

7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.

8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.

9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

- a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
- b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
- c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

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10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviations from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of

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the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.

17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.

18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit

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shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.

24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.

25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

**SPECIFIC CONDITIONS:**

1. Submittals required herein shall be directed to:

Department of Environmental Protection  
Environmental Administrator  
Environmental Resource Management Program  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

hereafter referred to as "the Department". Submittals include, but are not limited to, record drawings, progress reports, mitigation monitoring reports and water quality monitoring reports.

Submittals shall include the permittee's name and permit number.

2. This Conceptual Environmental Resource Permit is issued under Chapter 62-343.060, F.A.C., and **does not authorize** any of the construction or impact to wetlands or other surface waters described herein. Any such authorization shall require submittal of an Individual or Standard General Environmental Resource Permit (ERP) application and subsequent issuance of an ERP.

3. The Department hereby conceptually approves the work shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit is binding on the issuance of future construction permits only to the extent that adequate data has been submitted for review by the applicant during the

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review process. Any activities that exceed the scope of activities covered herein or any deviations from the proposed design are not conceptually authorized by this permit.

4. This permit does not provide conceptual approval of activities, which may occur in, on, or over wetlands or other surface water not specifically described in the attached application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof.

5. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Rule 18-14.002(1), Florida Administrative Code, if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

6. Prior to the submittal of an Environmental Resource Permit (ERP) application for the construction phase of the proposed project the Southwest Florida Water Management shall conduct a pre-application meeting with a representative of the Environmental Resource Management permitting staff to review the application submittal.

7. Unless revoked, extended or otherwise modified, the duration of a conceptual permit under Chapter 62-343.110, F.A.C., is twenty years from the date of issuance of the conceptual approval permit, provided that a standard general or individual permit to construct the initial phase of construction is obtained, and construction of the initial phase has commenced within two years of the issuance of the conceptual approval permit.

8. Failure to comply with all permit conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

9. The Department's issuance of this conceptual approval permit provides the conceptual approval permit holder with assurance that the concepts upon which the engineering and environmental designs are based are capable of providing for systems which meet Department rule criteria within the level of detail provided in the submitted plans and designs. A conceptual permit does not assure that a specific application for a construction permit will be granted. The issuance of this conceptual permit does not prevent the Department from requesting additional information during subsequent processing of construction applications. Future approvals shall be authorized only to the extent they are consistent with that information and the conditions of this conceptual approval permit. **Primary areas for concern for future construction permits**

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**include: providing signed, dated, and sealed engineered drawings of the control structure and tie back levee, providing a detailed construction materials and methods narrative, providing documentation of land ownership in the form of warrantee deeds or authorizations from affected land owners, providing documentation to obtain a public easement for use of sovereignty submerged lands at the P-11 control structure and providing a sufficient monitoring plan to demonstrate the success of the rehydration of the historic wetland areas surrounding Lake Hancock.**

10. The permittee shall be aware of and operate under #1 through #25 of the attached "General Conditions for Environmental Standard General and Individual Permits". General Permit Conditions are binding upon the permittee and enforceable pursuant to Chapter 403 of the Florida Statutes.

11. If the approved permit, drawings and the Specific Conditions contradict each other, then the Specific Conditions shall prevail.

## **END OF SPECIFIC CONDITIONS**

### **RIGHTS OF AFFECTED PARTIES**

This conceptual permit and conceptual intent to grant a public easement over sovereign submerged lands is hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The actual terms of the conceptual public easement will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such public easements. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

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

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an

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- explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
  - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
  - (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
  - (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
  - (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

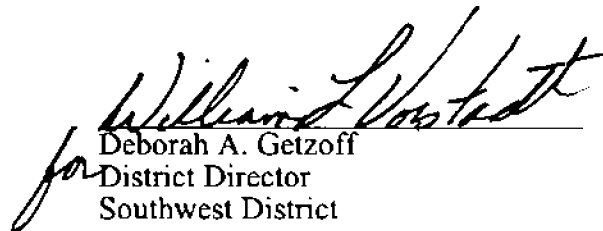
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Executed in Temple Terrace, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
for Deborah A. Getzoff  
District Director  
Southwest District

DAG/(am)

Copies furnished to:

Pam Jones, 5001 West Cypress Street, Tampa, FL 33607-3803

Doug Fry, FDEP

Jim Stoutamire, FDEP

Diana Sawaya-Crane, Deputy Director of Cabinet Affairs

DEP, Office of General Counsel

U.S. Army Corps of Engineers

Polk County

File

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on 6/14, 2007, to the above listed persons.

FILING AND ACKNOWLEDGMENT

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

Clerk

Date

*E. Robinson* 6/14/07

**Attachments:**

Joint ERP Application, 5 pages

Project Location Map

Project Drawings, 5 pages

Permittee: SWFWMD/ Lake Hancock Lake Level Modification

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SECTION A

FOR AGENCY USE ONLY	
ACOE Application	DEP WMD Application
DEP Application Received	DEP Application Received
Project Approved	Permit Received
Project Approved	Permit Received

**PART 1:**

Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters? ☒ yes ☐ no

Is this application being filed by or on behalf of a government entity or drainage district? ☒ yes ☐ no

**PART 2:**

A. Type of Environmental Resource Permit Requested (check at least one). See Attachment 2 for thresholds and descriptions.

- ☐ Noticed General - include information requested in Section B.
- ☐ Standard General (Single Family Dwelling) - include information requested in Sections C and D.
- ☐ Standard General (all other Standard General projects) - include information requested in Sections C and E.
- ☐ Individual (Single Family Dwelling) - include information requested in Sections C and D.
- ☐ Individual (all other Individual projects) - include information requested in Sections C and E.
- ☒ Conceptual - include information requested in Sections C and E.
- ☐ Mitigation Bank Permit (construction) - include information requested in Sections C and F. (If the proposed mitigation bank involves the construction of a surface water management system requiring another permit defined above, check the appropriate box and submit the information requested by the applicable section.)
- ☐ Mitigation Bank (conceptual) - include information requested in Sections C and F.

B. Type of activity for which you are applying (check at least one)

- ☐ Construction or operation of a new system, other than a solid waste facility, including dredging or filling in, on or over wetlands and other surface waters.
- ☐ Construction, expansion or modification of a solid waste facility.
- ☒ Alteration or operation of an existing system which was not previously permitted by a WMD or DEP.
- ☐ Modification of a system previously permitted by a WMD or DEP.
- Provide previous permit numbers:
- |                                                  |                                                                        |
|--------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Alteration of a system  | <input type="checkbox"/> Extension of permit duration                  |
| <input type="checkbox"/> Abandonment of a system | <input type="checkbox"/> Construction of additional phases of a system |
| <input type="checkbox"/> Removal of a system     |                                                                        |

C. Are you requesting authorization to use Sovereign Submerged Lands?

☒ yes ☐ no

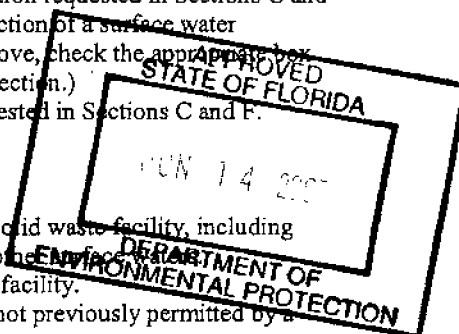
(See Section G and Attachment 5 for more information before answering this question.)

D. For activities in, on, or over wetlands or other surface waters, check type of federal dredge and fill permit requested:

- |                                                |                                               |                                  |
|------------------------------------------------|-----------------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Programmatic General | <input type="checkbox"/> General |
| <input type="checkbox"/> Nationwide            | <input type="checkbox"/> Not Applicable       |                                  |

E. Are you claiming to qualify for an exemption? ☐ yes ☒ no

If yes, provide rule number if known. \_\_\_\_\_



<b>PART 3:</b>	
<b>A. OWNER(S) OF LAND</b>	<b>B. ENTITY TO RECEIVE PERMIT (IF OTHER THAN OWNER)</b>
Name	Name
Southwest Florida Water Management District	
Title and Company	Title and Company
Address	Address
2379 Broad Street (U.S. 41 South)	
City, State, Zip	City, State, Zip
Brooksville, Florida 34604-6899	
Telephone and Fax	Telephone and Fax
(352)796-7211 and (352)797-5806	
E-mail Address: (optional)	E-mail Address: (optional)
<b>C. AGENT AUTHORIZED TO SECURE PERMIT</b>	<b>D. CONSULTANT (IF DIFFERENT FROM AGENT)</b>
Name	Name
	Michael P. Timpe, P.E.
Title and Company	Title and Company
	Project Manager, BCI Engineers & Scientists, Inc
Address	Address
	2000 E. Edgewood Drive, Suite 215
City, State, Zip	City, State, Zip
	Lakeland, FL 33803
Telephone and Fax	Telephone and Fax
	(863)667-2345 and (863)667-2662
E-mail Address: (optional)	E-mail Address: (optional)

**APPROVED  
STATE OF FLORIDA**

**DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**PART 4: (Please provide metric equivalent for federally funded projects):**

A. Name of Project, including phase if applicable: Lake Hancock Lake Level Modification Project

B. Is this application for part of a multi-phase project? ☐ Yes ☒ No

C. Total applicant-owned area contiguous to the project? 5,758 ac; 2,330 ha.

D. Total area served by the system: 14,564 ac.; 5,894 ha.

E. Impervious area for which a permit is sought: NA ac.; \_\_\_\_\_ ha.

F. Volume of water that the system is capable of impounding: 9,300 ac. ft.; \_\_\_\_\_ m<sup>3</sup>

G. What is the total area of work in, on, or over wetlands or other surface waters?  
<1.0 ac.; \_\_\_\_\_ ha.; \_\_\_\_\_ sq. ft.; \_\_\_\_\_ sq. m.

H. Total volume of material to be dredged: None yd<sup>3</sup>; \_\_\_\_\_ m<sup>3</sup>

I. Number of new boat slips proposed: None wet slips; \_\_\_\_\_ dry slips



**PART 5:**

Project location (use additional sheets if needed):

County(ies) Polk

Section(s) 24, 25, 36

Township 28 South

Range 24 East

Section(s) 19, 20, 29, 30, 31, 32, 33

Township 29 South

Range 25 East

Section(s) 1, 2, 3, 11, 12, 13, 24, 25

Township 28 South

Range 24 East

Section(s) 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 32, 33

Township 29 South

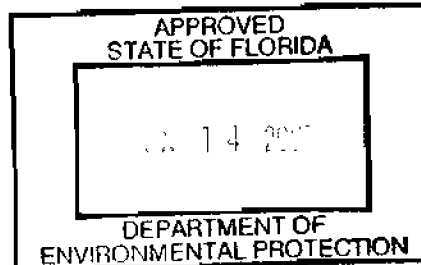
Range 25 East

Land Grant name, if applicable: NA

Tax Parcel Identification Number: \_\_\_\_\_

Street Address Road or other location: \_\_\_\_\_

City, Zip Code, if applicable: \_\_\_\_\_



**PART 6: Describe in general terms the proposed project, system, or activity.**

Lake Hancock lake level modification project is one of the Southwest Florida Water Management District's (District) proposed recovery strategies to provide additional storage of surface waters within Lake Hancock which then can be used to maintain Minimum Flows and Levels (MFLs) in the upper Peace River when required. Currently, Lake Hancock's water level Control Structure P-11 is operated at 98.5 feet National Geodetic Vertical Datum (NGVD). The top of structure elevation is at 98.7 feet NGVD. The proposed new operation level is to raise the lake level to 100.0 feet NGVD.

The proposed Lake Hancock water level modifications were designed specifically to facilitate the flow recommendations adopted to benefit the upper Peace River downstream of the P-11 structure, consistent with MFL legislation. The MFL objective is to restore perennial flow to the upper Peace River while assuring sufficient flow depths to allow for fish passage 95 percent of the time. This project will meet about 50 percent of the required improvement for critical instream flows in that segment of the river.

The proposed project is similar to a common approach for ecological restoration in Florida where ditch blocks and/or control structures are used as the primary means to modify water levels to restore historic hydropatterns to a landscape. To achieve the new water level for the lake, the Control Structure P-11 has to be modified, and supplement fix over flow weir tieback levee needs to be constructed. The proposed water level modifications are expected to provide improvements to Lake Hancock's wetland functions, returning a wider range of optimal water depths and inundation duration to the landscape. Some flood-sensitive trees that have encroached into some of the artificially dewatered areas will perish, making way for plant species in better balance with the improved water levels. The proposed water regime will restore some existing uplands back to wetlands, causing a return of 301 acres of wetlands to the landscape. These include the restoration of hydrologic conditions for wet prairie systems, which had been all but eliminated from the area. The proposed net increase of wetlands will partially offset wetland losses that have progressively occurred in the lake's fringe areas since the late 1920's.

PART 7:

A. If there have been any pre-application meetings, including on-site meetings, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.  
Approximately monthly meetings were held with the Department between February 2005 and January 2006.

B. Please identify by number any MSSW/Wetland Resource/ERP/ACOE Permits pending, issued or denied for projects at the location, and any related enforcement actions. N/A

Agency	Date	No./Type of Application	Action Taken
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C. Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit or an authorization to use state owned submerged lands. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding application) and/or (for proprietary authorizations) is located within a 500 ft. radius of the applicant's land. Please attach a plan view showing the owner's names and adjoining property lines. Attach additional sheets if necessary.

1. Summertime Ranch, Inc.  
P. O. Box 7667  
Lakeland, Florida 33807-7667

2.

3.

4.

5.

6.

7.

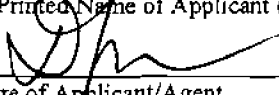
8.

APPROVED  
STATE OF FLORIDA

DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

PART 8:

A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for the permit and any proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued or proprietary authorization issued pursuant thereto, does not relive me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

David L. Moore, P.G.  
Typed/Printed Name of Applicant (If no Agent is used) or Agent (If one is so authorized below)  
  
  
Signature of Applicant/Agent  
Executive Director  
(Corporate Title if applicable)

8-27-06  
Date

AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant  
  
(Corporate Title if applicable)

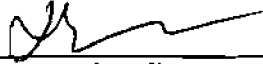
Signature of Applicant

Please note: The applicant's original signature (not a copy) is required above.

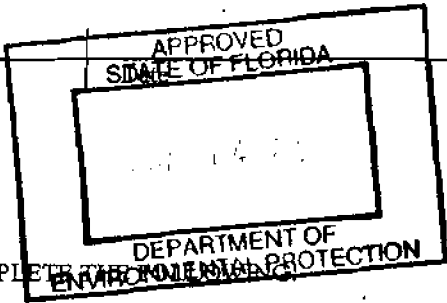
PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:

C. I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor permitted work if a permit is granted.

David L. Moore, P.G.  
Typed/Printed Name of Applicant  
  
Executive Director  
(Corporate Title if applicable)

  
Signature of Applicant

8-27-06  
Date



APPROVED BY:	DATE	INITIAL
DEP. EXEC. DIR	8-29-06	MD
RES. MAN. DIR	8/28/06	WJA/ST
LEGAL DEPT.	8/28/06	JA

## SECTION C

### Environmental Resource Permit Notice of Receipt of Application

Note: this form does not need to be submitted for noticed general permits.

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments with the other required information. Please submit all information on 8 1/2" x 11" paper. (See Attached Notice)

Project Name                    **Lake Hancock Lake Level Modification Project**  
County                         **Polk County**  
Owner                         **State of Florida**  
Applicant:                    **Southwest Florida Water Management District**  
Applicant's Address:        **2379 Broad Street (U.S. 41 South), Brooksville, FL 34604**

1. Indicate the project boundaries on a USGS quadrangle map. Attach a location map showing the boundary of the proposed activity. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it. **Figure 1**

2. Provide the names of all wetlands, or other surface waters that would be dredged, filled, impounded, diverted, drained, or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve:

**Appendices A -Single Event Watershed Model and D- Wetland Functional Assessment)**

3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. Use multiple sheets, if necessary. Use a scale sufficient to show the location and type of works. **Figure 8**

4. Briefly describe the proposed project (such as "construct dock with boat shelter", "replace two existing culverts", "construct surface water management system to serve 150 acre residential development",  
**Modify and/or reconstruct the existing Control Structure P-11 and construct a 1500 ft long levee to allow the lake level to be raised to and maintained at 100.0 feet NGVD.**

5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be filled, excavated, or otherwise disturbed or impacted by the proposed activity: **Appendix D-Wetland Functional Assessment**

filled 1-1.5 ac.; 0 excavated ac.;

other impacts     ac. **CERP report, Appendix D-Wetland Functional Assessment**

6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters (attach additional sheets if necessary):

**Appendix D-Wetland Functional Assessment**

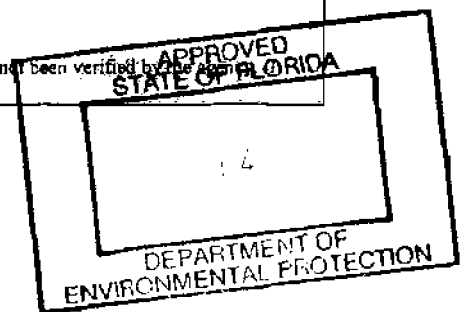
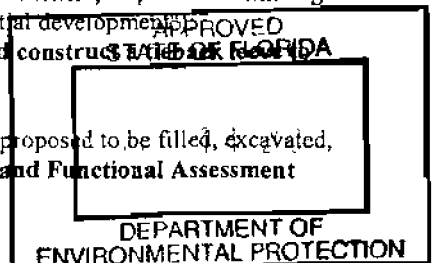
#### FOR AGENCY USE ONLY

Application Name:

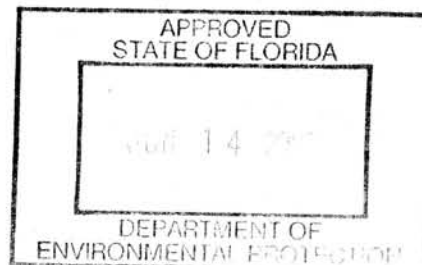
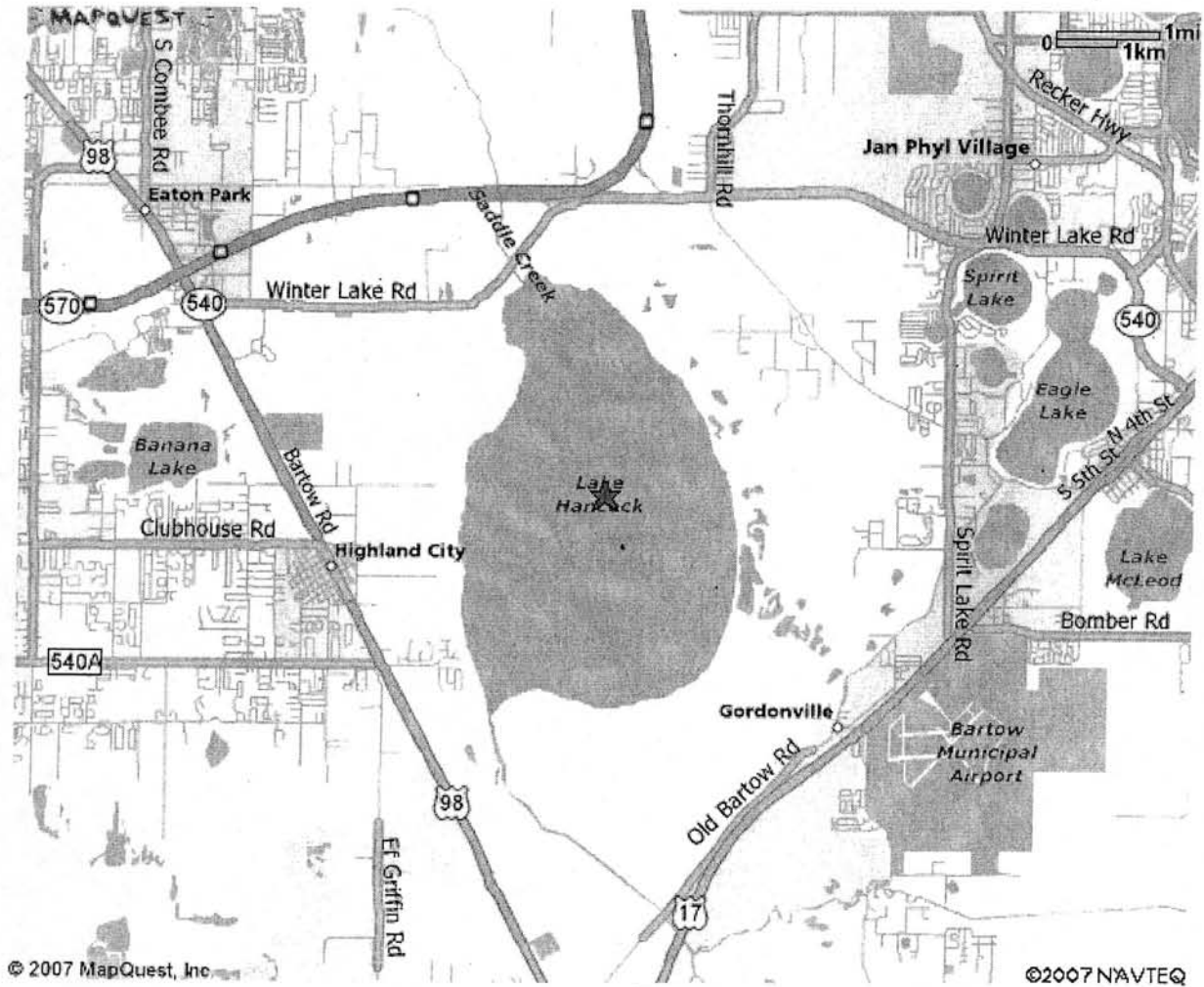
Application Number:

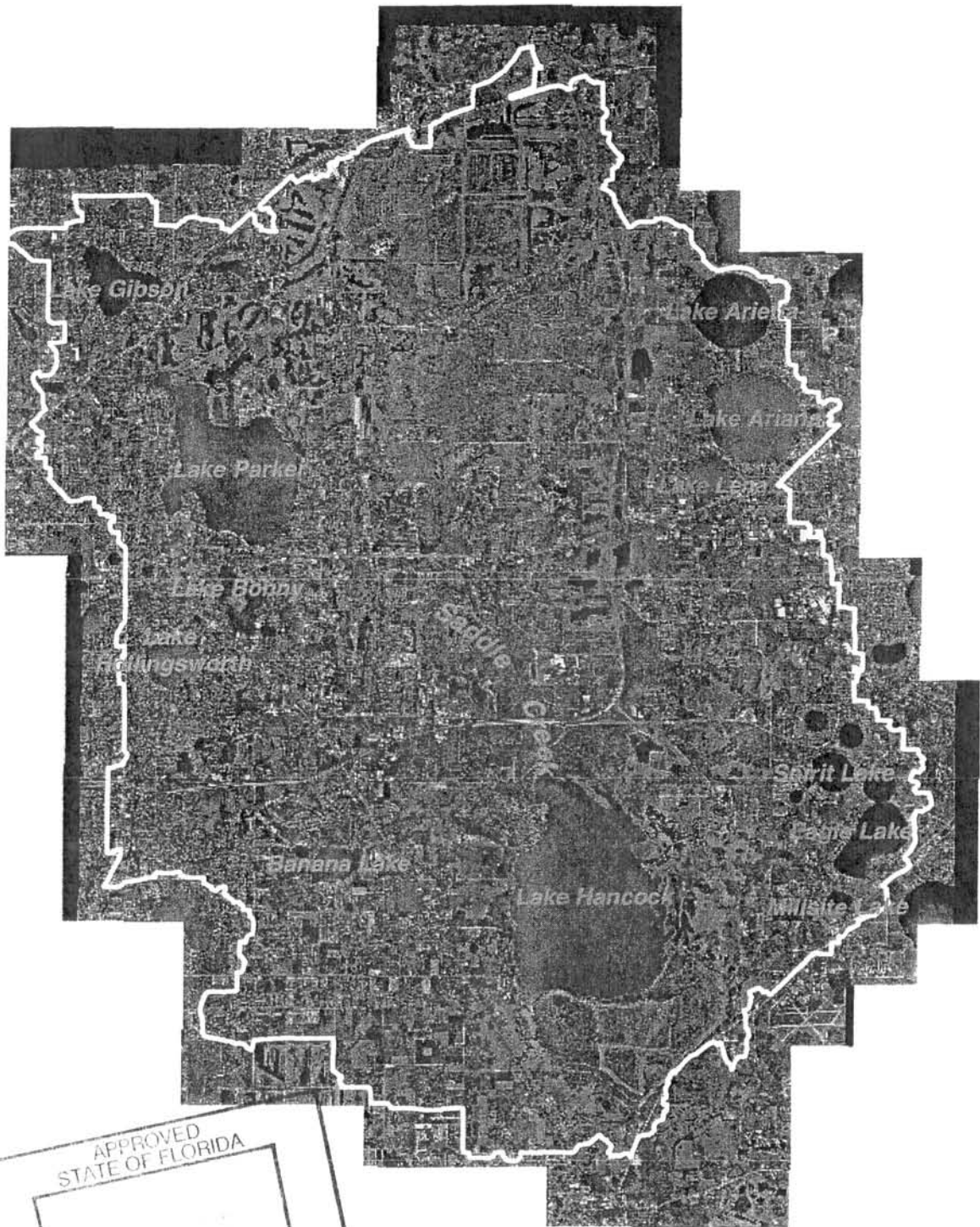
Office where the application can be inspected:

**Note to Notice recipient:** The information in this notice has been submitted by the applicant, and has not been verified by the agency. It may be incorrect, incomplete or may be subject to change.

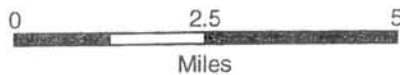


# LOCATION MAP



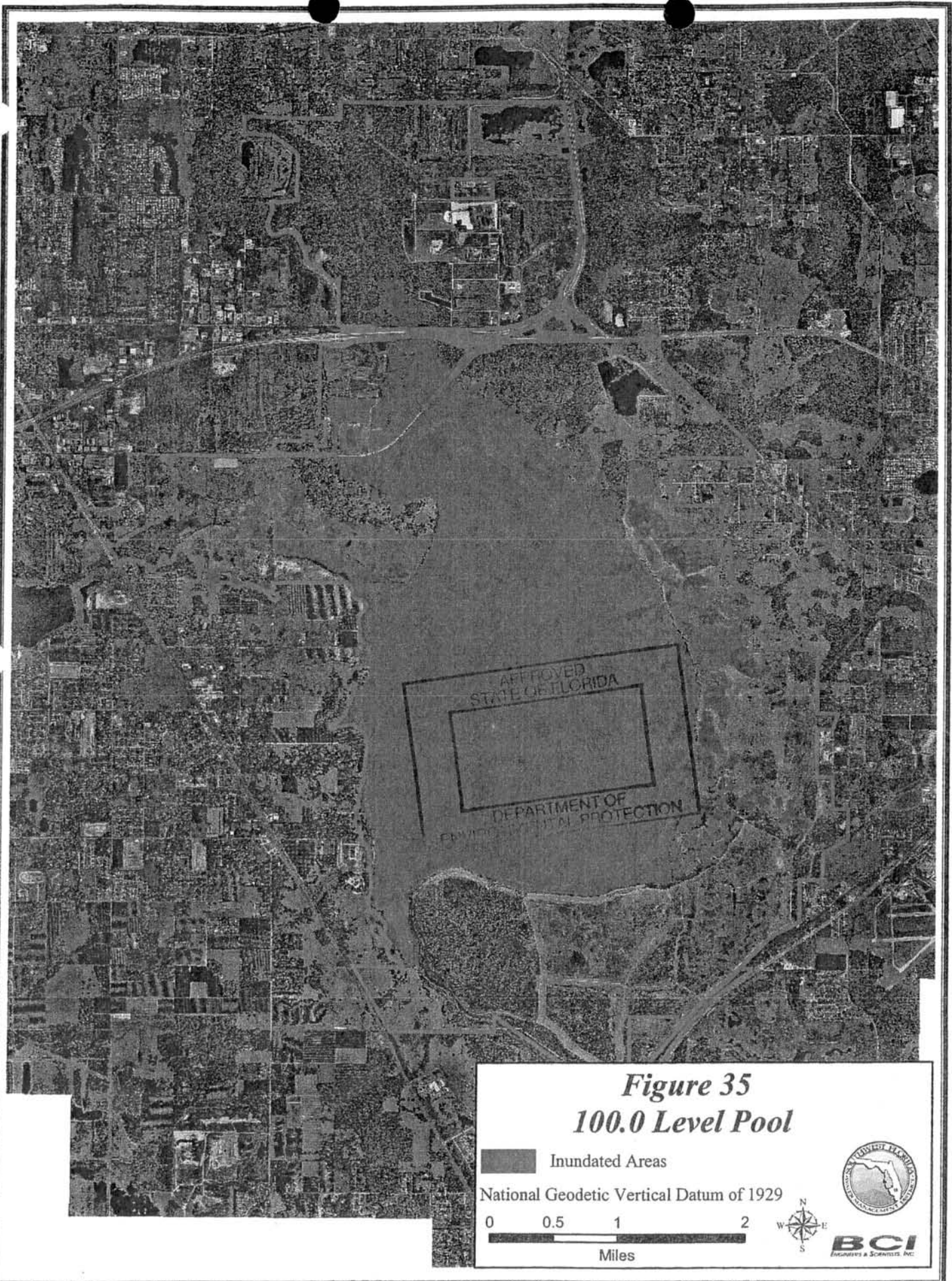


**BCI**  
ENGINEERS & SCIENTISTS, INC.



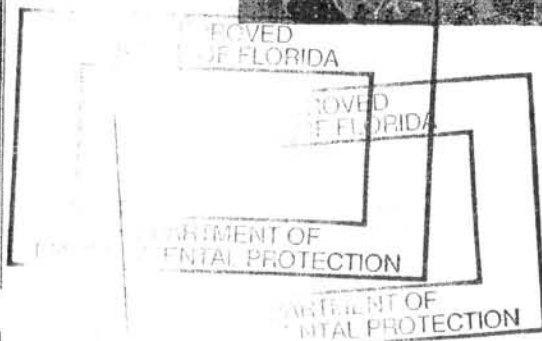
**Figure 11**  
*Aerial Photograph of the  
Lake Hancock Watershed*







Project Limits



**Figure 30a**  
**100.0 Lake Starting Elevation**  
**Max 100 Year Storm Event**

 Inundated Areas

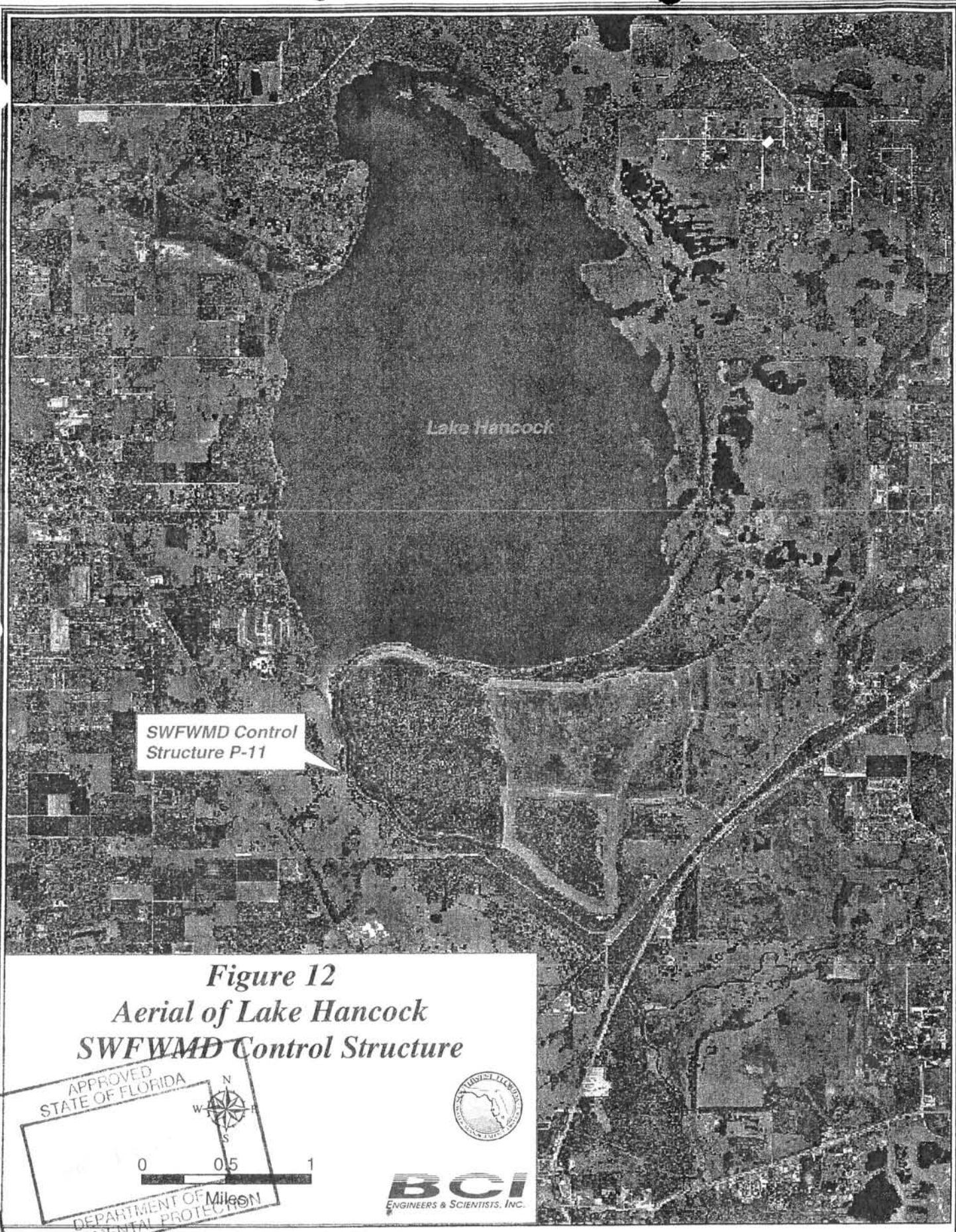
National Geodetic Vertical Datum of 1929

0 0.625 1.25 2.5  
 Miles

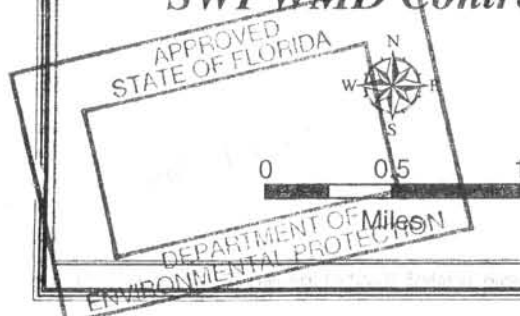


**BCI**  
 Engineers & Scientists, PC

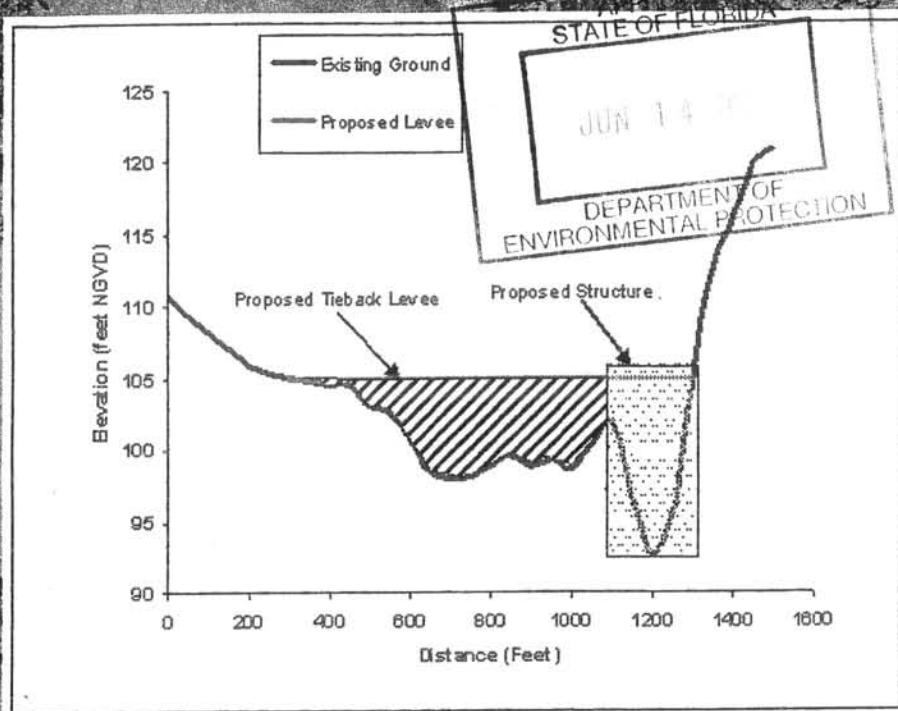




**Figure 12**  
**Aerial of Lake Hancock**  
**SWFWMD Control Structure**



**BCI**  
ENGINEERS & SCIENTISTS, INC.



**Figure 46**  
**Proposed P-11 Structure**  
**Conceptual Plan and Profile**

National Geodetic Vertical Datum of 1929

0 75 150 300 450 600  
Feet



**BCI**  
ENGINEERS & SCIENTISTS, INC.