



# St. Johns River Water Management District

Hans G. Tanzler III, Executive Director • David Dewey, Maitland Service Center Director

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601 South Lake Destiny Road, Suite 200 • Maitland, FL 32751 • (407) 659-4800  
On the Internet at [floridaswater.com](http://floridaswater.com).

August 16, 2012

Ms. Karina Veaudry – Sent via email  
Native Florida Consulting, Inc.  
4111 Metric Drive, Suite 3  
Winter Park FL 32792

**RE: Ferndale Preserve, Application No. 40-069-131055-1**  
(Please reference application number on all correspondence.)

Dear Ms. Veaudry:

The St. Johns River Water Management District is in receipt of your Standard Environmental Resource Permit (ERP) application and subsequent correspondence. As discussed with you by telephone and email correspondence, additional information is needed to complete your application for a District permit and sovereign submerged lands authorization for work in Lake Apopka. Upon preliminary review of the proposed project, the following technical information is required to sufficiently review the possible impacts the project may have on the surrounding area. This information is being requested pursuant to the authority vested in the St. Johns River Water Management District under subsection 373.413(2), *Florida Statutes (F.S.)*, and sections 40C-4.101 and 40C-4.301, *Florida Administrative Code (F.A.C.)*.

In order to expedite the review of your application, please use the application number referenced above and respond electronically through e-Permitting at [floridaswater.com/permitting](http://floridaswater.com/permitting) or submit all requested information to the District.

## ENVIRONMENTAL RESOURCE PERMIT REVIEW:

1. ERP Application Section A and Section E Table 1 indicate 0.41 acre of permanent wetland impacts. Plan sheet L1.01, received by the District on July 20, 2012, and August 8, 2012, shows three distinct wetland impact areas and include (1) Permatrak Corduroy Trail through the east wetlands, (2) Seep Overlook Spur Trail and (3) Fishing Pier and Canoe/Kayak Launch. However, it was unclear how the 0.41 acre was calculated, as the plans were not easily scalable and wetland and other surface water impact acreages were not indicated on the plan sheet.
  - a. Please revise the plan to delineate all wetland and other surface water impacts (either by shading or cross-hatching) and label the acreage(s) of all wetland and other surface water impacts. To clarify the acreages, it may be helpful to break out each part of the trail system proposed to impact wetlands and other surface waters; for example, Permatrak Corduroy Trail through the east wetland, multiuse trail associated with the seep overlook spur trail, pedestrian spur trail, spur trail terminal platform, multiuse trail associated with the fishing pier, fishing pier boardwalk, and fishing pier/canoe and kayak launch. A table or labels indicating the acreage(s) may be included on the same plan sheet.

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### GOVERNING BOARD

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- b. If needed, please submit revised ERP Application Section E Table 1 to provide:
- total existing wetland and other surface water acreages within the project boundaries
  - proposed impact acreage(s) for each wetland and other surface water
  - proposed unaffected acreages(s)

[40C-4.301(1)(d)(f); 40C-4.302(1)(a), *F.A.C.*]

2. Subsection 12.2.7, *ERP Applicant's Handbook (A.H.)* states an applicant shall provide reasonable assurances secondary impacts to wetland functions will not occur. Secondary impacts may include bicycle and motorbike access, increased garbage, and lighting. The plans show the narrowing of portions of the 8' multiuse trail to a 5' pedestrian trail to preclude bicycles and motorized vehicles. Please provide information and depict on plans additional measures to preclude secondary impacts to adjacent wetlands and surface waters. Examples include stating specific operating hours, access restrictions, proposed lighting, fencing, signage, and trash cans. [40C-4.301(1); 40C-4.302(1)(a)2,7, *F.A.C.*, 12.2.7 *ERP A.H.*]
3. Plan Sheet L1.01 received by the District on August 8, 2012, contained Note No. 10 that stated "Past and future restoration of the property have waived mitigation for the 0.41 acre wetland impact for the boardwalk locations." Subsection 12.2.2, *ERP A.H.* states an applicant shall provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to fish and wildlife. Subsection 12.2.7, *ERP A.H.* addresses additional secondary impacts that may be caused by a project. For this project, upon completion of review of the application, the proposed wetland impacts may or may not be considered adverse; therefore, mitigation for direct and/or secondary impacts may or may not be required but mitigation is not waived due to the ongoing restoration efforts. Accordingly, please revise or remove Note No. 10. [40C-4.301(1), 12.2.7 and 12.2.7 *ERP A.H.*]
4. Plan Sheet L1.01 shows a dashed line and a separate solid line labeled as "Wetland Limits." Please revise to label the correct wetland limits line. [40C-4.301(1), *F.A.C.*]
5. Please revise the construction plans to include erosion, sediment and turbidity control measures in the vicinity of the fishing pier and canoe/kayak launch area. Include details, as necessary. [40C-42.025(1), *F.A.C.*]

#### **SOVEREIGN SUBMERGED LANDS REVIEW:**

The proposed fishing pier and canoe/kayak launch may require Sovereign Submerged Lands authorization in the form of a Letter of Consent, pursuant to Section 18-21.005, *F.A.C.* Please be advised that, as of October 12, 1995, the District was delegated the responsibility for issuance of proprietary authorizations to use Sovereign Submerged Lands. Please note that the Environmental Resource Permit and proprietary authorization are linked and that one cannot be issued without the other.

The following information is required to determine whether the proposed activity is consistent with the management policies, standards and criteria established by the Board of Trustees of the Internal Improvement Trust Fund for Activities on sovereign lands. This information is being requested

pursuant to the authority vested in the St. Johns River Water Management District under subsection 373.413(2), *Florida Statutes*, and Chapter 18-21, *Florida Administrative Code*.

6. Please address the following concerning the proposed fishing pier and canoe/kayak launch in Lake Apopka. Please note that the plans referenced below were received by the District on July 20, 2012.
  - a. Please review the location of the normal high water line elevation of 67.5 feet, NGVD 29, shown on the plans and Figure 1 and revise, as necessary.
  - b. Please delineate the shoreline and normal high water line elevation on the detail sheet for the fishing pier and canoe/kayak launch area (Sheet L.6) so that the preempted area (work in Lake Apopka waterward of the normal high water line, EL 67.5 feet, NGVD 29) may be verified. In addition, please verify the length of pier shown for consistency with the length shown in the plan view on Sheet L.3.
  - c. If the preempted area is determined to be greater than 1,000 sq. ft., a Letter of Consent authorization will be required. As such, please complete Part II of Section G of the application form and provide the requested information.
  - d. Clarify whether dredging is proposed to construct the fishing pier and canoe/kayak launch. If dredging is proposed, please provide an estimate of the number of cubic yards of sovereignty materials and include supporting calculations for the amount.
  - e. Revise Figure 1 to specify the shoreline length for the entire shoreline.

[18-21; 18-21.004; 18-21.005; 18-21.007, *F.A.C.*]

Please be aware, that suggestions or other direction provided by District staff are offered to assist applicants in complying with District rules. However, applicants bear the burden of demonstrating that their application meets the applicable rule requirements. Although District staff may provide suggestions to applicants that would allow staff to recommend approval of an application to the District Governing Board or senior staff, the final decision regarding the issuance or denial of a permit is up to the District Governing Board or senior staff. Applicants are hereby advised that the Governing Board and senior staff are not bound by previous statements or recommendations of District staff regarding an application.

If the applicant wishes to dispute the necessity for any information requested on an application form or in a letter requesting additional information, he or she may, pursuant to section 373.4141, *F.S.*, request that District staff process the application without the requested information. If the applicant is then unsatisfied with the District's decision regarding issuance or denial of the application, the applicant may request a section 120.569, *F.S.*, hearing pursuant to chapter 28-106 and section 40C-1.1007, *F.A.C.*

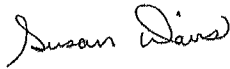
Please be advised, pursuant to subsection 40C-1.1008, *F.A.C.*, the applicant shall have 120 days from receipt of a request for additional information regarding a permit or license application undergoing review by the District to submit that information to the District. If an applicant requires more than 120 days in which to complete an application, the applicant may notify the District in writing of the

circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. Any application which has not been completed by the applicant within the given time period following a request for additional information by the District shall be recommended for denial at the next regularly scheduled Board meeting. Denial of an application due to failure to submit requested additional information shall be a denial without prejudice to the applicant's right to file a new application.

In addition, no construction shall begin on the proposed project until a permit is issued by the St. Johns River Water Management District. This is pursuant to subsection 40C-4.041(1), *F.A.C.*, which states in relevant part, ". . . unless expressly exempt an individual or general environmental resource permit must be obtained from the District under chapters 40C-4, 40C-40, 40C-42, 40C-44 or 40C-400, *F.A.C.* prior to the construction, alteration, operation, maintenance, removal or abandonment of any dam, impoundment, reservoir, appurtenant work or works. . .".

If you have any questions, please contact Susan Davis at (407) 659-4838 or Sandy Joiner at (407) 659-4871.

Sincerely,



Susan Davis, Senior Regulatory Scientist  
Division of Regulatory Services



Sandra J. Joiner, P.E., Senior Professional Engineer  
Division of Regulatory Services

cc: Victoria Nations  
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