

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT  
 05-Dec-2014  
 APPLICATION #: 76138-26

**Applicant:** Lake County Public Works  
 Jim Stivender, Jr.  
 437 W Ardice Ave  
 Eustis, FL 32726-6573  
 (352) 483-9000

**Owner:** Not Applicable

**Consultant:** Griffey Engineering, Inc.  
 Donald A Griffey  
 406 N Center St  
 Eustis, FL 32726-3518  
 (352) 357-3528

**Project Name:** Johns Lake Road  
**Acres Owned:** 0.0  
**Project Acreage:** 9.39  
**County:** Lake

**STR:**

Section(s):	Township(s):	Range(s):
33	22S	26E

**Receiving Water Body:**

Name	Class
Eagle Lake	III Fresh

**Authority:** 62-330.020 (2)(d), 62-330.020 (2)(c) , 62-330.020 (2)(b)  
**Existing Land Use:** Improved Pastures(2110), Coniferous Plantations(4410), Roads and Highways(8140), Citrus Groves(2210), Residential - Medium Density(1200)  
**Mitigation Drainage Basin:** Southern Ocklawaha River  
**Special Regulatory Basin:** Lake Apopka Basin, Ocklawaha River  
**Final O&M Entity:** Lost Lake Residential Property Owners Association, Inc.  
**ERP Conservation Easements/Restrictions** N/A  
**:**  
**Interested Parties:** No  
**Objectors:** No

**Authorization Statement:**

Modification of Permit No. 40-069-76138-2 for Lost Lake Reserve-Tract F, L, and Eagle Lake, to include the construction and operation of a 9.39 - acre roadway project known as Johns Lake Road, as per plans received by the District on July 7, 2014 and amended Sheets C15, C17 and C33 of the plans, received by the District on October 31, 2014.

**Recommendation:** Approval

**Reviewers:** Sandra Joiner; Allyson Grosmaire

## **Staff Comments**

### **Project Applicant and Sufficient Real Property Interest:**

The proposed roadway project is located in Clermont, Lake County and will be constructed by local government, Lake County Public Works.

### **Project Location and Brief Description:**

The project includes the reconstruction of a 0.75-mile section of Johns Lake Road beginning east of Lost Lake Elementary School and ending at Hancock Road and expansion of the existing stormwater retention pond (WRA A) within the Lost Lake Reserve master plan of development. The reconstructed roadway will match the existing urban section and include two 12-foot travel lanes, two 4-foot bike lanes, 5-foot sidewalks and stormwater collection system.

### **Permitting History:**

Permit No. 40-069-76138-2 for Lost Lake Reserve-Tract F, L, and Eagle Lake, authorized the construction of a 90-lot single family residential subdivision within Tract F of the Lost Lake Reserve master plan of development and stormwater management system consisting of WRA A, WRA B-1 and WRA B-2. WRA A will be expanded under this permit to accommodate the increase in stormwater runoff generated by the reconstructed portion of Johns Lake Road.

**Financial Assurance Mechanism: N/A**

**Off-Site Mitigation: N/A**

## **Engineering**

### **Description of Project (Surface Water Management System):**

The stormwater management system includes one existing retention pond to provide for the treatment and attenuation of stormwater runoff generated by the existing development and reconstructed portion of Johns Lake Road. The existing retention pond (WRA A) for Lost Lake Reserve will be expanded under this permit to provide for the treatment and attenuation of stormwater runoff generated by the reconstructed roadway and contributing area.

### **Water Quality:**

The applicant has demonstrated that the existing retention pond, as modified, will provide for the treatment of stormwater runoff generated by the existing development and proposed reconstructed roadway, pursuant to Section 5.0, ERP A.H., Volume II, for discharge to Class III waters.

### **Flood Protection:**

The applicant has demonstrated that the existing retention pond, as modified, will provide for the volumetric attenuation of stormwater runoff generated by the existing

development and proposed reconstructed roadway for the 25-year, 96-hour storm event pursuant to Sections 3.1 and 3.2.1 ERP A.H., Volume II. Infiltration during routing of the storm event was utilized in the design of the modified pond.

**Special Basin Criteria:**

The project is located within the Ocklawaha River Hydrologic Basin. The project is consistent with the conditions for permit issuance pursuant to Section 13.2, ERP A.H., Volume II and Rule 40C-41.063(2), F.A.C., as follows:

Storm Frequency Standard: The applicant has demonstrated that the existing retention pond, as modified, will provide peak discharge rate attenuation of stormwater runoff generated by the existing development and proposed reconstructed roadway for the 10-year, 24-hour storm event. As such, this standard is met.

Runoff Volume: The project does not include pumped discharge. As such, this standard does not apply.

The project is also located within the Lake Apopka Hydrologic Basin. The applicant has demonstrated that the proposed project will not discharge water to Lake Apopka or its tributaries pursuant to Section 13.7(a)(1)(iii), ERP A.H., Volume II.

**Operation and Maintenance:**

The existing Lost Lake Residential Property Owners Association, Inc. will continue to operate and maintain WRA A and Lake County will maintain Johns Lake Road.

**Environmental**

**Site Description:**

The site is an existing roadway and right-of-way for the roadway. The road traverses through uplands only, and does not have any roadside ditches that are being impacted.

**Impacts:** *Subsection 10.2.2, ERP A.H., states that an applicant must 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: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.*

There are no impacts proposed to any wetlands or surface waters.

**Secondary impacts:** *Subsection 10.2.7, ERP A.H., contains a four part criterion which addresses additional impacts that may be caused by a project: (a) impacts to wetland functions that may result from the intended use of a project; (b) impacts to the upland nesting habitat of listed species that are aquatic or wetland dependent; (c) impacts to significant historical and archaeological resources that are closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) wetland impacts that may be caused by future phases of the project or activities that are closely linked and causally related to the project.*

The applicant has demonstrated through the designed stormwater system and no direct impacts to wetlands or other surface waters within the project boundaries or directly adjacent to the project site, that the proposed project will have no unacceptable adverse secondary and cumulative impacts to wetlands and water quality, as defined by Section 10.2.7(a), A.H. Vol. I.

The project site does not appear to provide nesting or denning opportunities for listed aquatic or wetland dependent fish or wildlife species, as defined by Section

10.2.7(b), A.H. Vol. I.

No dredging or filling of wetlands or other surface waters is proposed by the applicant, providing adequate assurance that potential impacts to significant historical and archaeological resources will not occur, as defined by Section 10.2.7(c), A.H. Vol. I.

Project location and construction level site design provide assurance that no wetland impacts may be caused by future phases of the project or activities that are closely linked and causally related to the project as defined by Section 10.2.7(d), A.H. Vol. I.

**Elimination/Reduction of Impacts:** *Pursuant to subsection 10.2.1, ERP A.H., the applicant must consider practicable design modifications, which would reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification which is not technically capable of being done, is not economically viable, or which adversely affects public safety through endangerment of lives or property is not considered "practicable".*

Elimination/reduction was not required because there will be no impacts to any wetlands or surface waters.

**Mitigation:**

No mitigation is proposed because no impacts were proposed to any wetlands or surface waters.

**Cumulative Impacts:** *Subsection 10.2.8, ERP A.H., requires applicants to provide reasonable assurances that their projects will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Mitigation, which offsets a projects adverse impacts within the same basin as the project for which a permit is sought is presumed to not cause unacceptable cumulative impacts.*

There will no impacts to any wetlands or surface waters.

## Wetland Summary Table

### Johns Lake Road Roadway

		<u>Acres</u>
<b>Total Surface Water, Upland RHPZ and Wetlands in Project</b>		
Wetlands		0.000
OSW		0.000
Upland RHPZ		0.000
	<b>Total</b>	<b>0.000</b>

### Impacts that Require Mitigation

<b>Total</b>	<b>0.000</b>
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### Impacts that Require No Mitigation

<b>Total</b>	<b>0.000</b>
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### Mitigation On-Site

<b>Total</b>	<b>0.000</b>
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### Off-Site

<b>Total</b>	<b>0.000</b>
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### Other

<b>0.000</b>
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### Conclusion:

The applicant has provided reasonable assurance that the proposed project meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

### Conditions

1. This permit for construction will expire five years from the date of issuance.
2. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
3. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

4. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
5. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
6. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice," [10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.
7. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
8. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
  - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
9. If the final operation and maintenance entity is a third party:

a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

10. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

11. This permit does not:

a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

b. Convey to the permittee or create in the permittee any interest in real property;

c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

12. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

13. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

14. The permittee shall notify the District in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
15. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
16. If any 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, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
17. 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 Rule 62-330.201, F.A.C., provides otherwise.
18. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
19. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
20. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

21. The proposed stormwater management system shall be constructed and operated in accordance with the plans received by the District on July 7, 2014 and amended Sheets C15, C17 and C33 of the plans, received by the District on October 31, 2014.
  
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.