

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
GENERAL CONSTRUCTION  
PERMIT NO. 44032962.001

**Expiration Date: September 28, 2014**

PERMIT ISSUE DATE: September 28, 2009

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Shoppes of Ballantrae Village

**GRANTED TO:** Joseph V. Aprile  
17924 Cachet Isle Drive  
Tampa, FL 33647-2702

**ABSTRACT:** This permit is for the construction of a new surface water management system to serve a 20.63-acre commercial project. The project is located at the intersection of SR 54 and Ballantrae Boulevard in Pasco County. Adjacent permitted projects include several phases of the Ballantrae subdivision. Information relating to the surface water management system and wetlands is contained in the tables below.

**OP. & MAINT. ENTITY:** Joseph V. Aprile

**COUNTY:** Pasco

**SEC/TWP/RGE:** 29/26S/18E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 37.73

**PROJECT SIZE:** 20.63 Acres

**LAND USE:** Commercial

**DATE APPLICATION FILED:** November 12, 2008

**AMENDED DATE:** N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
West	0.93	Wet Detention
East	3.02	Wet Detention
TOTAL	3.95	

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
6.62	6.62	EE [ X ]	Depth [ N/A ]

\*Codes [ X ] for the type or method of compensation provided are as follows:

EE = Equivalent Excavation to offset project filling per Section 4.4 of the District's Basis of Review;

MI = Minimal Impact based on modeling of existing stages vs. post-project encroachment.

N/A = Not Applicable

\*\*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims MI type of compensation.

III. Environmental Considerations

**Wetland/Other Surface Water Information**

**Count of Wetlands: 5**

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
SW-C/D	0.19	0.18	0.00	0.00	0.01	0.00
SW-E	3.87	3.87	0.00	0.00	0.00	0.00
SW-G	7.88	7.87	0.01	0.00	0.00	0.00
WL-A	0.18	0.00	0.18	0.00	0.00	0.00
WL-B	4.66	4.66	0.00	0.00	0.00	0.00
<b>Total:</b>	16.78	16.58	0.19	0.00	0.01	0.00

\* For impacts that do not require mitigation, their functional loss is not included.

**Wetland/Other Surface Water Comments:** There are 4.84 acres of wetlands and 11.94 acres of surface waters within the project. Construction will result in permanent impact to 0.18 acre of isolated wetland exempt from habitat mitigation requirements, 0.01 acre of permanent impact to surface water, and 0.01 acre of temporary impact to a surface water ditch.

**Mitigation Comments:** Mitigation is not required for impacts to isolated Wetland A and upland-cut ditch SW-C/D pursuant to Subsection 3.2.2.1 of the Basis of Review. Under these Subsections, wetland mitigation is not required for impacts to isolated wetlands that are not connected by standing or flowing water to other wetlands so that they are greater than one-half acre in size, are not used by threatened or endangered species, are not located in an Area of Critical State Concern, and are of minimal value to fish and wildlife, and upland-cut ditches that do

not provide significant habitat for threatened or endangered species and were not constructed to divert natural stream flow. The temporary impact area in surface water SW-C/D will be regraded and allowed to revegetate. The permanent impact to SW-G is considered to be a de minimis effect to fish and wildlife and habitat mitigation is not required.

### **SPECIFIC CONDITIONS**

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Section 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to:

Brooksville Regulation Department  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL 34604-6899

The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted.

3. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.
4. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Brooksville Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1.659, F.A.C., and signed, dated and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
5. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.
6. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:

wetland and surface water areas  
limits of approved wetland and surface water impacts

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

7. Wetland and surface water boundaries shown on the approved construction drawings shall be binding upon the Permittee and the District.

8. Rights-of-way and easement locations necessary to construct, operate and maintain all facilities, which constitute the permitted surface water management system (including all wetlands and wetland buffers), shall be shown on the final plat recorded in the County Public Records. Documentation of this plat recording shall be submitted to the District with the Statement of Completion and Request for Transfer to Operation Entity Form, and prior to beneficial occupancy or use of the site.
9. Copies of the following documents in final form, as appropriate for the project, shall be submitted to the Brooksville Regulation Department:
  - a. homeowners, property owners, master association or condominium association articles of incorporation, and
  - b. declaration of protective covenants, deed restrictions or declaration of condominium.

The Permittee shall submit these documents either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to any lot or unit sales within the project served by the surface water management system, whichever occurs first.

10. The following language shall be included as part of the deed restrictions for each lot:

"Each property owner within the subdivision at the time of construction of a building, residence, or structure shall comply with the construction plans for the surface water management system approved and on file with the Southwest Florida Water Management District."
11. The Permittee shall provide notice of District permitting requirements to all buyers of individual parcels or lots located within Shoppes of Ballantrae Village. The notice shall be stated in the sales contract or as a deed restriction and shall include the following instructions:

"The Buyer is hereby notified that this property is subject to the requirements of Surface Water Management Permit No. 44032962.001 issued by the Southwest Florida Water Management District. In addition, the Buyer is required to inform the Southwest Florida Water Management District at the beginning of construction that a Professional Engineer registered in Florida has been retained to supervise construction; and upon completion of construction on this parcel or lot, the buyer must submit to the District a Statement of Completion and as-built certification of compliance with the permit."
12. The Permittee shall provide notice of District permitting requirements to all buyers of individual parcels or lots located within Shoppes of Ballantrae Village. This notice shall be stated in the sales contract or as a deed restriction and shall include the following instructions:

"The Buyer is hereby notified that this property is subject to the requirements of Surface Water Management Permit No. 44032962.001 issued by the Southwest Florida Water Management District. In addition, the Buyer is required to obtain a surface water management permit in accordance with Chapter 40D-4, F.A.C., from the Southwest Florida Water Management District prior to initiating any construction or alteration of a surface water management system on this property."
13. The operation and maintenance entity shall submit inspection reports in the form required by the District, in accordance with the following schedule.

For systems utilizing retention or wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.

14. The removal of littoral shelf vegetation (including cattails) from wet detention ponds is prohibited unless otherwise approved by the District. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Any questions regarding authorized activities within the wet detention ponds shall be addressed to the District's Surface Water Regulation Manager, Brooksville Service Office.
15. If limestone bedrock is encountered during construction of the surface water management system, the District must be notified and construction in the affected area shall cease.
16. The Permittee shall notify the District of any sinkhole development in the surface water management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
17. The District, upon prior notice to the Permittee, may conduct on-site inspections to assess the effectiveness of the erosion control barriers and other measures employed to prevent violations of state water quality standards and avoid downstream impacts. Such barriers or other measures should control discharges, erosion, and sediment transport during construction and thereafter. The District will also determine any potential environmental problems that may develop as a result of leaving or removing the barriers and other measures during construction or after construction of the project has been completed. The Permittee must provide any remedial measures that are needed.
18. This permit is issued based upon the design prepared by the Permittee's consultant. If at any time it is determined by the District that the Conditions for Issuance of Permits in Rules 40D-4.301 and 40D-4.302, F.A.C., have not been met, upon written notice by the District, the Permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction to meet District rule criteria. The Permittee is advised that the correction of deficiencies may require re-construction of the surface water management system and/or mitigation areas.

#### **GENERAL CONDITIONS**

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

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Authorized Signature