



South Florida Water Management District
Conceptual Permit No. 56-110843-P
Date Issued: March 31, 2025

Permittee: Zentex Ventures LTD
44 Coconut Row Unit B-22
Palm Beach, FL 33480

Project: Gordy Creek Residential

Application No. 240423-43466

Location: St Lucie County, See Exhibit 1

Your application for a Conceptual Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's RegPermitting site at www.sfwmd.gov/regpermitting.

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

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email regpermitting@sfwmd.gov.

A handwritten signature in blue ink that reads "Jesse Markle".

Jesse Markle, P.E.
Chief, Environmental Resource Bureau

**South Florida Water Management District
Conceptual Permit No. 56-110843-P**

Date Issued: March 31, 2025 **Expiration Date:** March 31, 2045

Project Name: Gordy Creek Residential

Permittee: Zentex Ventures LTD
44 Cocoanut Row Unit B-22
Palm Beach, FL 33480

Operating Entity: Gordy Creek Residential Community Association, Inc.

Location: St Lucie County

Permit Acres: 75.98 acres

Project Land Use: Residential

Special Drainage District: North St Lucie River Water Control District

Water Body Classification: CLASS III

FDEP Water Body ID: 3194A

Wetland and Surface Water Impacts: 0.35 acres

Sovereign Submerged Lands: No

Project Summary

This Environmental Resource Permit (ERP) authorizes Conceptual Approval of a stormwater management (SWM) system serving 75.98 acres of residential development known as Gordy Creek Residential.

The project proposes a residential subdivision consisting of 178 single family lots, 136 townhomes, amenities, internal access roads and project SWM system. The SWM system consists of site grading, inlets and storm sewer to collect and convey runoff to a wet detention system for treatment and attenuation prior to discharging to Ten Mile Creek. Please refer to the Engineering Evaluation and Exhibit Nos. 2.0, 2.1 and 2.2 for additional information.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, FAC.

Site Description

The site is a vacant parcel located south of the intersection of Okeechobee and Gordy Rds. in St. Lucie County. Refer to Exhibit No. 1.0 for a location map.

For information on wetland and other surface water (OSW) impacts, please see the Wetlands and Other Surface Water OSWs section of this permit.

Ownership and Operation & Maintenance (O&M)

Perpetual O&M of the SWM system is the responsibility of Gordy Creek Residential Community Association, Inc. as indicated in the submitted draft governing documents. Refer to Exhibit No. 4.0.

Engineering Evaluation:

Land Use

Please refer to Exhibit No. 2.1A, Page 18 of 53 for land use details.

Water Quality

The project is located within a watershed identified by the Florida Department of Environmental Protection as impaired; therefore, the design includes a site-specific pollutant loading analysis and an additional 50% water quality treatment volume above the amounts required pursuant to Subsection 4.2.1, ERP Applicant's Handbook (AH) Volume (Vol.) II, as reasonable assurances that the projects discharge will not cause or contribute to violations of State water quality standards. The project provides 12.12 ac-ft of water quality treatment.

The project includes implementation of a Stormwater Pollution Prevention Plan, (Exhibit No. 2.0), as additional reasonable assurance of compliance with water quality criteria during construction.

Discharge

As found in Exhibit No. 2.1A, Page 7 of 53, the SWM design meets the criteria of Section 3.2(a), ERP AH Vol. II based on a pre- vs. post-development analysis.

Road Design

As found in Exhibit No. 2.1A, Page 7 of 53, minimum road crown elevations (14.38-ft NAVD) have been set at or above the peak design storm elevation (13.72-ft NAVD).

Perimeter Berm

As found in Exhibit No. 2.0, minimum perimeter berm elevations (15.75-ft NAVD) have been set at or above the peak design storm elevation (14.61-ft NAVD).

Finished Floors

As found in Exhibit No. 2.0, minimum finished floor elevations (17.84-ft NAVD) have been set at or above the peak design storm elevation (17.20-ft NAVD).

Flood Plain/Compensating Storage

The permittee submitted calculations demonstrating that the project will meet the compensating storage requirements of the Ten Mile Creek basin.

Construction Completion Certification (CCC) and O&M

Pursuant to Rule 62-330.310, FAC, Individual Permits will not be converted from the construction phase to the operation phase until CCC of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long-term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the CCC is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1 - 12.3, ERP AH Vol. I and Rule 62-330.310, FAC, the permittee is liable for O&M in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), FS, unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, FS, must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The O&M entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper

operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the O&M entity is responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4, ERP AH Vol. I for Minimum Operation and Maintenance Standards.

Notable project components requiring routine inspection and maintenance include but are not limited to:

- Side slopes for stormwater lakes and ponds – maintain side slopes no steeper than 4:1 (horizontal:vertical) to a depth of 2.0 feet below the control elevation and nurtured or planted from 2.0 feet below to 1.0 feet above the control elevation pursuant to Subsection 5.4.2, ERP AH Vol. II.
- Conveyance pipes, conveyance structures and discharge structures – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Exfiltration trenches – all pipes and structures must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Swales – maintain the permitted cross-section and vegetative cover.
- Underground storage facilities – all facilities must be inspected for structural integrity and be maintained clear of trash, sediment and vegetative debris.
- Pumps – float switches should be inspected and any obstructions removed to ensure proper operation; intake and discharge pipes should be maintained clear of trash, sediment and vegetative debris; motors should be maintained to ensure proper operation.

Environmental Evaluation:

Wetland and OSW Description

The project site is currently undeveloped and contains native and disturbed uplands (Open Land, FLUCCS 190 and Woodland Pastures, FLUCCS 213), and native wetlands and OSWs associated with the adjacent creek system (Streams and Lake Swamps Bottomland, FLUCCS 615). Vegetative species observed within the onsite wetland community includes bald cypress (*Taxodium distichum*), pond pine (*Pinus serotina*), red maple (*Acer rubrum*), dahoon holly (*Ilex cassine*), saw palmetto (*Serenoa repens*), common buttonbush (*Cephalanthus occidentalis*), water oak (*Quercus nigra*), laurel oak (*Quercus laurifolia*), cinnamon fern (*Osmundastrum cinnamomeum*), swamp fern (*Blechnum serrulatum*), marsh pennywort (*Hydrocotyle verticillata*), and spade leaf (*Centella asiatica*). The onsite portion of these wetlands (W-1A, W-1B, & W-2) encompasses 17.49 acres; however, these wetlands extend offsite to the north, west, and south and are hydrologically connected to Ten Mile Creek. Please refer to Exhibit No. 3.0. Additional wetland descriptions are available in the RegPermitting file.

Wetland and OSW Impacts

No direct wetland impacts are proposed with this project. Secondary impacts will also be avoided as the permittee is providing an average 25-foot wide, minimum 15-foot wide upland buffer between the development and the onsite and offsite wetlands, as well as preserve signage as shown on Exhibit No. 2.0.

Construction of the project will include impacts to a small, 0.35-acre onsite OSW, as described in the Environmental Data Table. This OSW is hydrologically connected to onsite wetland 'W-1A'. Exhibit No. 3.0 identifies the location of the OSW being impacted. Based on a review of historic and current aerial imagery, this OSW was likely a natural tributary to the overall creek system. Although this OSW contains predominately exotic vegetation (Brazilian pepper, bishop wood and strawberry guava) and has been altered due to various human disturbances throughout recent decades, this feature does not appear to be artificially constructed, nor does it appear to be excavated from uplands. Therefore, the habitat functions this feature provides will require mitigation. Because this OSW connects to a freshwater forested (FF) wetland community and is currently functioning as a forested system, District staff determined mitigating a FF community would be appropriate to offset proposed OSW impacts.

At the time of application for construction of future phases that will include OSW impacts, the permittee shall submit an updated summary and map which shows the location and acreage of the OSW to be impacted.

District staff have determined the project meets the elimination and reduction criteria in Subsection 10.2.1, ERP AH Vol. I, as the project will avoid direct impacts to 100% of onsite and offsite wetlands, with the exception of the 0.35-acre OSW providing minimal forested wetland function. Additionally, the permittee is providing 0.06 additional FF mitigation bank credits on top of what is minimally required to offset the proposed functional loss to this feature.

Mitigation Plan

To mitigate for the 0.35 acres of OSW impacts, the permittee will purchase 0.18 FF credits (0.12 required + 0.06 extra) from Bluefield Ranch Mitigation Bank (BRMB), as depicted in Exhibit No. 3.1. The amount and type of required mitigation was determined using the Wetland Rapid Assessment Procedure (WRAP). The final scores and BRMB reservation letter can be found in Exhibit No. 3.1.

Cumulative Impact Analysis

Since the mitigation is not located within the same basin as the proposed impacts, a cumulative impact analysis was conducted for FF wetlands within the St. Lucie Basin (Basin) pursuant to Subsection 10.2.8, ERP AH Vol. I. This analysis can be found in Exhibit No. 3.2.

The analysis identified 17,248 acres of FF wetlands in the Basin, of which 5,836 acres (33%) are "at risk" and not protected by land use restrictions or dedicated as public preserve land. Wetlands preserved/protected accounted for 67% of all FF wetlands in the Basin. Based on the applicant's analysis, if "at risk" FF wetlands within the Basin were impacted to the same extent as the proposed project and all mitigation was conducted outside the Basin, a loss of 0.66% of FF wetlands in the Basin would occur.

Based on the analysis provided and available information, the District has determined that the project will not result in unacceptable cumulative impacts to the St. Lucie Basin. This conclusion is project specific and does not apply to any other application.

Wetland Hydrology (Water Quality & Quantity)

The hydrology of the onsite and offsite wetlands is primarily influenced by Ten Mile Creek which flows in a north to south direction along the western property boundary and eventually east towards the St. Lucie River. The site, in its existing condition, generally slopes towards Ten Mile Creek with a significant drop-off in elevation (+/- 6.0 feet) which has been included in SWM modeling and is reflected on the provided topographic survey located in the RegPermitting file. Overland flow may contribute some hydrology to the adjacent wetlands. Approximate ordinary high water elevations for Ten Mile Creek were derived from ERP No. 56-107962-P for Creekside, located just upstream of the subject property.

The proposed project control elevation (11.50-ft NAVD) is slightly lower than the surveyed average wetland boundary elevation (11.97-ft NAVD); however, this wetland elevation may be inflated due to the significant topography change between the uplands and wetlands. Additionally, elevations within the onsite wetlands vary from north (~ 10.0-ft NAVD) to south (~ 9.5-ft NAVD). Due to the close proximity of the lakes and wetlands, the permittee provided a gradient analysis evaluating the compatibility of the proposed control elevations with the onsite wetlands. The closest horizontal distance between the wetland boundary and the nearest pond's water level at control elevation is 355 feet, which yields a gradient of 0.0031 ft/ft. Therefore, adverse gradient impacts to the adjacent wetlands are not anticipated.

To ensure the proposed SWM system will not adversely impact the wetland's hydroperiod, including the reduction in overland sheetflow to the wetlands, the project design includes discharge from the SWM system to the preserved wetlands, and ultimately Ten Mile Creek. The permittee provided calculations demonstrating the discharge volumes and rates to and from the wetlands are similar in the pre- and post-development conditions during the 5-year, 1-day storm event, indicating that the hydroperiod will not be negatively affected. In addition, a flap gate will be installed at the outfall pipe to prevent backflow from the wetlands. Please refer to Exhibit No. 2.1 for additional information.

Pursuant to Subsection 10.2.7, ERP AH Vol. I, drainage features such as spreader swales and discharge structures are acceptable within upland buffers, provided the construction and operation of these features does not impact wetlands. The proposed outfall shown on Sheet C-3B of Exhibit No. 2.0 encroaches within the upland buffer approximately 14.0 feet and encompasses an approximate area of 210 square feet. Additionally, the permittee provided calculations demonstrating discharge velocities will not be erosive. Therefore, a revegetation plan for any temporary buffer impacts is not proposed and natural recruitment is expected to occur.

No water quality impacts are expected to occur as the permittee has provided calculations demonstrating that all runoff which enters each wetland area will receive the required water quality treatment.

Additionally, erosion and sediment control measures will be implemented both prior to and during the construction to ensure that no adverse water quality impacts to receiving waters and adjacent lands will occur during the proposed work.

Wetland Monitoring and Maintenance

In addition to the modeling provided by the permittee, pursuant to Subsection 10.2.2.4(c) ERP AH Vol. I, monitoring will be conducted by the permittee for a period of five consecutive years to further demonstrate the proposed activity will not result in the altering of water levels in the onsite/adjacent wetlands or OSWs. Monitoring includes vegetative cover, hydrologic conditions, as well as wildlife usage and recommendations for maintenance work. Maintenance will be conducted in perpetuity by the permittee to ensure the onsite wetlands are maintained in their existing, pre-development conditions, or better. Please refer to Exhibit No. 3.3.

Gordy Creek, LLC will be responsible for all monitoring and maintenance activities associated with the onsite wetlands, including the ongoing O&M of all SWM structures within the wetland buffer areas, ensuring they continue to perform effectively in managing water quality and quantity as designed.

Fish, Wildlife, and Listed Species

The OSWs to be impacted provide minimal habitat for wetland-dependent species. The proposed mitigation at BRMB will provide higher quality habitat for wetland-dependent and aquatic species. No aquatic or wetland-dependent listed species or species having special protection were observed to be using the uplands within the project for nesting or denning.

This permit does not relieve the permittee from complying with all applicable rules and any other agencies' requirements if, in the future, endangered or threatened species or species of special concern are discovered on the site.

Public Interest Test

The permittee has demonstrated that the proposed project is not contrary to the public interest in accordance with Subsection 10.2.3, ERP AH Vol. I. No adverse effects to fish and wildlife, navigation, fishing or recreational values, historical and archeological resources, or the relative values of function will occur as a result of the proposed activity.

Environmental Evaluation Tables:

Summary

Other Surface Waters: 0.35 acres
 Direct Impacts: 0.35 acres
 Secondary impacts: 0 acres

Total Mitigation Bank Credits

Mitigation Bank	Type	Total Credits Required	Total Credits Provided
Bluefield Ranch	FF	0.12	0.18
Total:			0.18

Activities in Wetlands or Other Surface Waters, With Mitigation at a Bank

ID	Acres	Community Description	Bank Name	Method	Current Score	With Score	Ratio or Add'l factor	Minimum Credits Needed
OSW-1	0.35	Rivers, Streams and Waterways	Bluefield Ranch	WRAP	0.347	0	1	0.12
Total: 0.35								

*Function provided by the OSW-1 was evaluated as a freshwater forested (FF) community. Therefore, credits to be purchased at BRMB will be for FF credits.

Related Concerns:

Water Use Permit (WUP) Status

Neither irrigation nor dewatering are required for the conceptual approval of this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

Water and Wastewater Service

St. Lucie County Utilities (St. Lucie Works)

Historical/Archaeological Resources

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that no significant archaeological or historical resources are recorded on the project site; therefore the project is unlikely to have an effect upon any such resources.

This permit does not release the permittee from complying with any other agencies' requirements in the event that historical and/or archaeological resources are found on the site.

General Conditions for Conceptual Permits

1. This permit does not authorize any construction, alteration, maintenance, operation, removal, or abandonment, except where such activities are specifically authorized as the first phase of an individual permit or are authorized to occur in accordance with a general permit or exemption under Chapter 62-330, F.A.C.
2. 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.
3. The permittee shall notify the Agency 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, the name and contact information for the new owner.
4. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample, and test the project site to ensure conformity with the permit.
5. 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.
6. This conceptual approval permit only authorizes design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Part IV of Chapter 373, F.S. It does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank, or relieve the permit holder of any requirements to obtain such permits.
7. Subsequent applications to construct and operate activities shall be prepared and submitted using the applicable procedures in Rules 62-330.052, 62-330.054, 62-330.060, and 62-330.402 F.A.C., and sections 4.2.2, 4.2.3, 4.3, and 4.4 of Volume I. An application for conceptual approval for a mitigation bank shall also include the materials required by Chapter 62-342, F.A.C.
8. Issuance of this conceptual approval permit is a determination, within the level of detail provided in the application, that the activities approved in this permit are consistent with applicable rules at the time of issuance. This permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of this permit, that the engineering design and scientific principles upon which the conceptual approval permit approved herein are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct and operate the future phases:
 - (a) The application to construct and operate the future phases remains consistent with the designs and conditions of this permit. Primary areas for consistency comparisons include the size, location, and extent of the activities proposed, the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland and other surface water impacts, mitigation plans implemented or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations.If an application for construction of any portion of the land area covered by this permit is inconsistent with

the design concepts and conditions approved herein, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in this permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of this permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;
2. Abandon reliance on the conceptual approval permit; or
3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.

(b) There are no changes to state water quality standards that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.

(c) There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.

(d) There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.

9. If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in conditions (3)(a) through (d), above, during the duration of this permit, the applicant must modify this permit if it wishes to continue to rely on this permit as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this permit. If the permittee fails to do this, this conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of this permit at the time a permit application is received to construct the next phase of activities, or at the next requested extension of this permit's duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

Special Conditions for Conceptual Permits

1. The Conceptual Approval shall expire on the date shown on page 2 of this permit, in accordance with Sections 62-330.056(9) and (10), F.A.C.
2. Perpetual O&M of the SWM system shall be the responsibility of Gordy Creek Residential Community Association, Inc.
3. Prior to any future construction, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater management system, including the land use and site grading assumptions.
4. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or permittee associated with this project. Please refer to Chapter 68A-27, FAC for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to: FWCConservationPlanningServices@MyFWC.com.
5. Gordy Creek, LLC will be responsible for all monitoring and maintenance activities associated with the onsite wetlands, including the ongoing maintenance and operation of all stormwater management (SWM) structures within the wetland buffer areas, ensuring they continue to perform effectively in managing water quality and quantity as designed.
6. An average 25-foot wide, minimum 15-foot wide, buffer of undisturbed upland vegetation shall be maintained between the proposed development and existing wetlands.
7. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed at the intersection of the buffer and each lot line. These markers shall be maintained in perpetuity.
8. At the time of application for construction of future phases that include the proposed OSW impacts, the applicant shall submit an updated summary and map which shows the location and acreage of the OSW impacts.
9. All future SWM areas located in the undeveloped areas of this site shall meet the District's lake-wetland separation criteria as outlined in Section 3.12, ERP AH Vol. II. Additionally, if future construction phases propose changes to the conceptually approved lake locations, configurations, and/or control elevations, an updated gradient analysis will be required.
10. Upon submittal of an application for construction approval where wetlands will receive water from the SWMS, the permittee shall submit a wetland baseline and monitoring plan for review by District staff. The plan shall be subject to the approval of District staff and the environmental criteria in effect at the time of the construction permit application.

Distribution List

Lara Swanson, Zentex Ventures LTD

Katie Rodgers, Mills, Short, and Associates

James Mills, Mills, Short & Associates

Sophie Wild, Bio-Tech Consulting

Audubon of Florida

City of Port St Lucie - Planning and Zoning Division

City of Port St Lucie - Public Works

US Army Corps of Engineers - Permit Section

St. Lucie County Engineer

St. Lucie County Planning and Development Services

City Of Fort Pierce

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's RegPermitting website at www.sfwmd.gov/regpermitting and searching under this application number 240423-43466.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0A Construction Plans Pt1](#)

[Exhibit No. 2.0B Construction Plans Pt2](#)

[Exhibit No. 2.1.A SWM Calculations Pt 1](#)

[Exhibit No. 2.1.B SWM Calculations Pt 2](#)

[Exhibit No. 2.1.C SWM Calculations Pt 3](#)

[Exhibit No. 2.2 O&M Documents](#)

[Exhibit No. 3.0 Wetland and OSW Map](#)

[Exhibit No. 3.1 WRAP Scores & BRMB Reservation Letr](#)

[Exhibit No. 3.2 Cumulative Impact Analysis](#)

[Exhibit No. 3.3 Monitoring and Maintenance Plan](#)

[Exhibit No. 4.0 Draft Declaration of Covenants](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

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

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

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

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.