



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Regulation
Application No.: 190529-17

June 27, 2019

THE BROOKS OF BONITA SPRINGS II COMMUNITY DEVELOP
6131 LYONS ROAD SUITE 100
COCONUT CREEK, FL 33073

Dear Permittee:

SUBJECT: Permit No.: 36-00288-S-02
Project : BROOKS NORTH OUTFALL O S-1
Location: Lee County, S35/T46S/R25E

District staff has reviewed the information submitted May 29, 2019, for the permitted development known as The Brooks under Permit No. 36-00288-S-02. Refer to Exhibit 1.0 for a location map. This modification authorizes changes to the operating schedule as detailed in Exhibit No. 2.0. No other modifications to the stormwater management system are proposed with this project.

Based on that information, District staff has determined that the proposed activities are in compliance with the original environmental resource permit and appropriate provisions of paragraph 40E-4.331(2)(b) or 62-330.315(2)(g), Florida Administrative Code. Therefore, these changes have been recorded in our files.

Your permit remains subject to the General Conditions and all other Special Conditions not modified and as originally issued.

Should you have any questions or comments regarding this authorization, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Rose".

Brian Rose, P.E.
Section Leader
Fort Myers Service Center

BR/en

c: Florida Department Of Transportation
Johnson Engineering Inc
Lee County Natural Resources

NOTICE OF RIGHTS

As required by Sections 120.569 and 120.60(3), Fla. Stat., the following is notice of the opportunities which may be available for administrative hearing or judicial review 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. Not all of the legal proceedings detailed below may be an applicable or appropriate remedy. 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 (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, 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, Fla. Stat.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD has or intends to take final agency action. Any person who receives written notice of a SFWMD 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 which materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional Rule 28-106.111, Fla. Admin. Code, point of entry.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Fla. Stat., 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 SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD 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 that the SFWMD 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 of the SFWMD. 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 SFWMD 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 SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security officer contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file 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. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

INITIATION OF AN ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD 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, SFWMD file number or any other SFWMD identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner and petitioner's 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 SFWMD'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 SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD'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 SFWMD to take with respect to the SFWMD's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401–405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Fla. Stat., and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal with the Office of the District Clerk of the SFWMD 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 clerk of the appropriate district court of appeal.



Search Results: ERPWU Permit

- Override 1
- Culvert
- Lock
- Pump
- Spillway
- Weir
- Flume

Primary/Secondary

- Primary
- Secondary

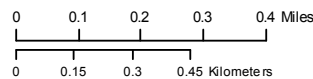
Florida WMD Boundaries

- NFWWMD
- SFWWMD
- SJRWMD
- SRWMD
- SWFWMD

Regulation - Application Tools



South Florida Water Management District
 3301 Gun Club Road, West Palm Beach, Florida 33406
 561-686-8800; www.sfwmd.gov



DISCLAIMER:
 This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.

OS-1 2019 Revised Operating Schedule

Normal Conditions: Top of East Gate is set at 13.6 NGVD (same as fixed weir).

Gate Operation Procedure:

- When the Brooks Halfway Creek Extension (i.e upstream of the OS-1) water level is 13.8 feet NGVD (0.2' above control elevation) and weather forecasts suggest rainfall exceeding 1.5" in any 24-hour period the East Gate will be lowered to 12.0 feet NGVD. The East Gate will be returned to 13.6 feet NGVD after weather forecast falls below 1.5" in any 24-hour period and water level upstream is at or below 13.8 feet NGVD.
- When the Brooks Halfway Creek Extension is in the cone of an approaching tropical storm or hurricane watch within the next 7 days the East gate will remain open at 12.0 feet NGVD until water level upstream of OS-1 returns to 12.5 feet NGVD.

Downstream Criterion:

Water level at Estero River South Branch Stage Recorder is at or below 12.0 feet NGVD.