



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Delivered Via Email

Regulation  
**Application No.:** 181228-2

January 17, 2019

LENNAR HOMES L L C  
10481 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FL 33966

S D W B L L C AND S D WILDBLUE L L C  
2639 PROFESSIONAL CIRCLE SUITE 101  
NAPLES, FL 34119

Dear Permittee:

**SUBJECT: Permit No.: 36-05075-P**  
**Project :** WILDBLUE  
**Location:** Lee County, S17/T46S/R26E

District staff has reviewed the information submitted December 28, 2018, for the permitted development known as Wild Blue under Permit No. 36-05075-P. Refer to Exhibit 1.0 for a location map. This modification authorizes the replacement of the rip-rapped breakwater to a retaining wall for residential lots abutting WildBlue Lake North within Basins B, D, E, and F, previously approved under Application No. 180713-10.

The existing stormwater management lake known as Lake North does not provide water quality treatment for the proposed adjacent development. This lake provides attenuation for Basins B, D, E, and F as well as supplemental floodplain storage for the adjacent slough system. Pursuant to Special Condition 1 under Application No. 180713-10, the conceptual phase of this Permit shall expire on August 31, 2038, and the construction phase of this permit shall expire on August 31, 2023.

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

c: Barraco and Associates, Inc.

## **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](mailto: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.

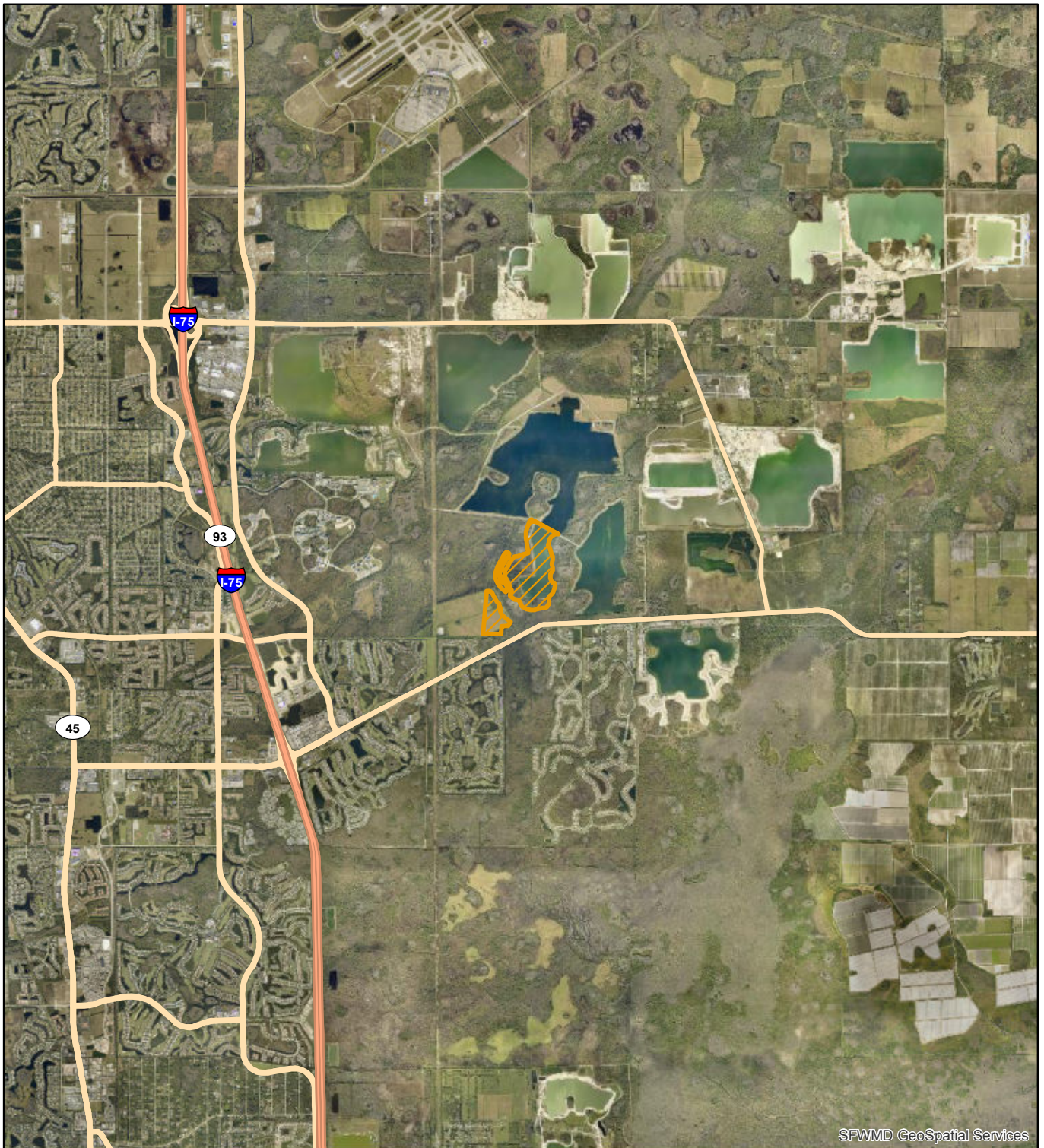
### **MEDIATION**

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.





SFWMD GeoSpatial Services

<b>Exhibit No: 1</b>	Exhibit Created On: 2018-12-28	LEE COUNTY, FL	<div data-bbox="953 1614 1036 1655" data-label="Image"> </div> <div data-bbox="1072 1618 1193 1649" data-label="Text"> <p>Application</p> </div> <div data-bbox="1334 1608 1423 1770" data-label="Image"> </div> <div data-bbox="929 1669 1172 1699" data-label="Text"> <p>Permit No: 36-05075-P</p> </div> <div data-bbox="929 1739 1255 1770" data-label="Text"> <p>Application Number: 181228-2</p> </div>
<div data-bbox="368 1679 715 1709" data-label="Section-Header"> <p><b>REGULATION DIVISION</b></p> </div> <div data-bbox="368 1719 644 1749" data-label="Text"> <p>Project Name: WILDBLUE</p> </div> <div data-bbox="180 1776 269 1860" data-label="Image"> </div> <div data-bbox="352 1820 730 1886" data-label="Figure"> </div> <div data-bbox="816 1759 867 1870" data-label="Image"> </div>			

PREPARED FOR

**LENNAR**

LENNAR HOMES  
10471 BEN C PRATT / 6 MILE  
CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33966

PHONE (239) 278-1177  
FAX (239) 931-4749

PROJECT DESCRIPTION

**WildBlue**

LEE COUNTY, FLORIDA

ENGINEER OF RECORD

TIMOTHY B. GAVIN, P.E., FOR THE FIRM  
FLORIDA P.E. NO. 70675 - TIMG@BARRACO.NET

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FILE NAME	23473-RETAINING WALL-LENNAR.DWG
LOCATION	J:\23473\DWG\ERPEXHIBITS\
PLOT DATE	FRI, 12-21-2018 - 10:02 AM
PLOT BY	TIM GAVIN

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

EXHIBIT

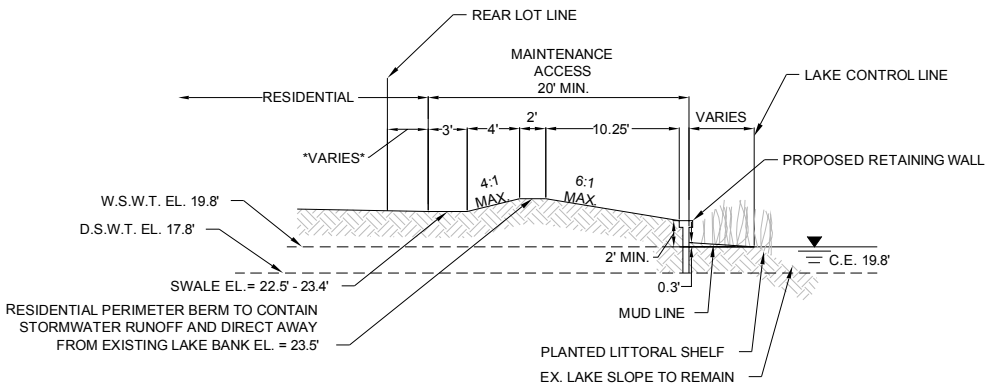
**RETAINING WALL  
SECTIONS**

PROJECT / FILE NO.

**23675**

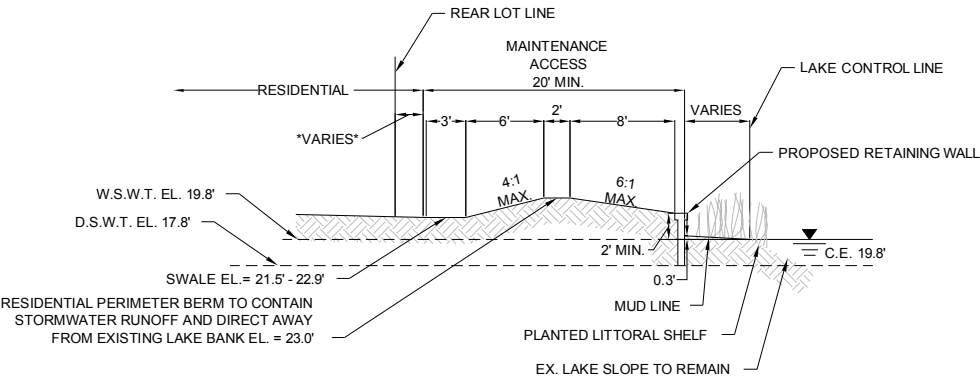
SHEET NUMBER

**EX**



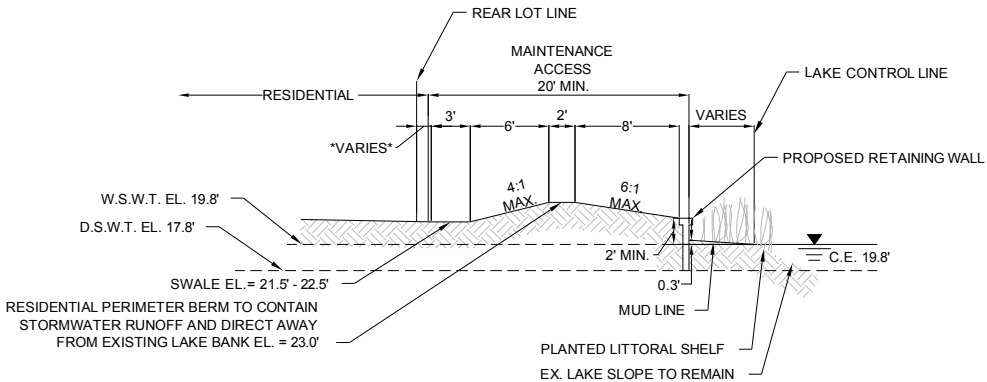
**BASIN B: SINGLE- FAMILY TO EXISTING LAKE**

N.T.S.



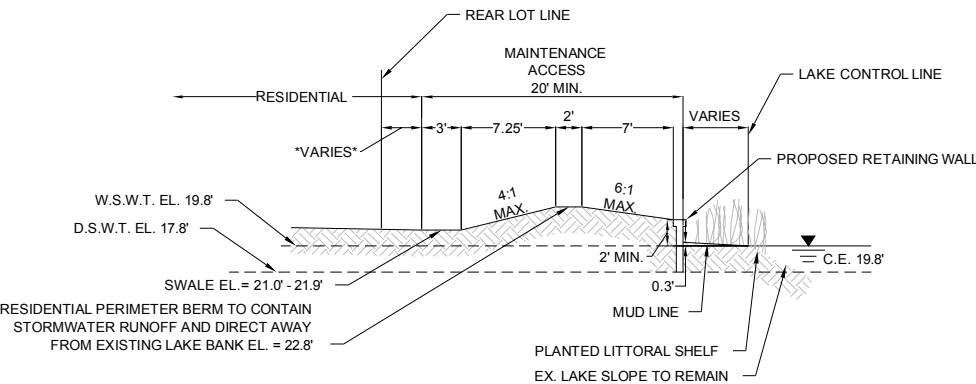
**BASIN E: SINGLE- FAMILY TO EXISTING LAKE**

N.T.S.



**BASIN D: SINGLE- FAMILY TO EXISTING LAKE**

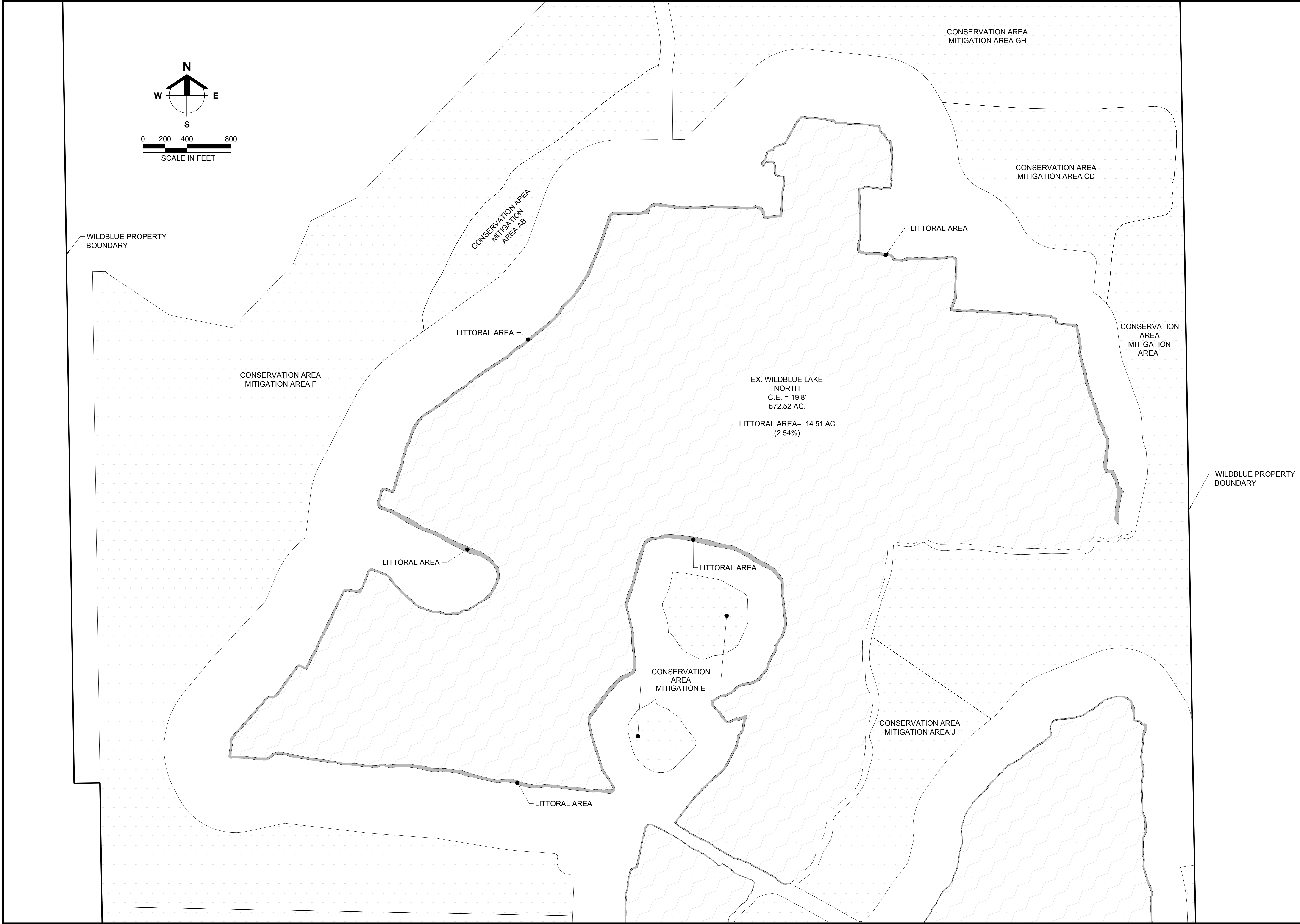
N.T.S.



**BASIN F: SINGLE- FAMILY TO EXISTING LAKE**

N.T.S.





**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING  
[www.barraco.net](http://www.barraco.net)  
2271 MCGREGOR BLVD., SUITE 100  
POST OFFICE DRAWER 2800  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 461-3170  
FAX (239) 461-3169  
FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

**LENNAR**<sup>®</sup>  
  
LENNAR HOMES  
10471 BEN C PRATT / 6 MILE  
CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33966  
  
PHONE (239) 278-1177  
FAX (239) 931-4749

PROJECT DESCRIPTION

**WILDBLUE**

LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND  
INTENDED FOR CONCEPTUAL  
PLANNING PURPOSES ONLY.  
  
SITE LAYOUT AND LAND USE  
INTENSITIES OR DENSITIES MAY  
CHANGE SIGNIFICANTLY BASED  
UPON SURVEY, ENGINEERING,  
ENVIRONMENTAL AND / OR  
REGULATORY CONSTRAINTS  
AND / OR OPPORTUNITIES.

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FILE NAME	EX LAKE LITTORAL_EXHIBIT.DWG
LOCATION	J:\23372\DWG\EXHIBITS\
PLOT DATE	TUE. 1-8-2019 - 4:30 PM
PLOT BY	SCOTT WHEELER JR

CROSS REFERENCED DRAWINGS

PLAN REVISIONS	

PLAN STATUS

EXHIBIT

**WILDBLUE LAKE NORTH  
LITTORAL SHELF  
EXHIBIT**

PROJECT / FILE NO.	SHEET NUMBER
-	<b>1</b>