



Southwest Florida Water Management District

An Equal Opportunity Employer

Bartow Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

August 27, 2024

7900 64th Ave E LLC
Attn: Jaime Brester
4837 Swift Road
Sarasota , FL 34231

Subject: **Notice of Intended Agency Action - Approval**
Petition for Formal Determination of Wetlands and Other Surface Waters
Petition No.: 891582/42047981.000
Project Name: 7900 64th Avenue East Palmetto
County: Manatee
Sec/Twp/Rge: S22/T33S/R18E, S27/T33S/R18E

Dear Permittee:

The Southwest Florida Water Management District (District) has completed its review of the petition for Formal Determination of Wetlands and Other Surface Waters. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the petition.

The File of Record associated with this application can be viewed at www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact Lisa Bowers at the Tampa Service Office, at 8133550554.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

cc: Ardurra Group, Inc.
FDEP Formal JDs
Joel Christian



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August 27, 2024

7900 64th Ave E LLC
Attn: Jaime Brester
4837 Swift Road
Sarasota , FL 34231

Subject: **Notice Agency Action Letter - Approval**
Petition for Formal Determination of Wetlands and Other Surface Waters
Petition No.: 891582/42047981.000
Project Name: 7900 64th Avenue East Palmetto
County: Manatee
Sec/Twp/Rge: S22/T33S/R18E, S27/T33S/R18E

Dear Permittee:

The Southwest Florida Water Management District (District) is in receipt of your petition for Formal Determination of Wetlands and Other Surface Waters. Based upon a review of the information you submitted, the petition is approved. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the petition described in this letter.

Approved surveys are available for viewing or downloading through the District's Application and Permit Search Tools located at www18.swfwmd.state.fl.us/erp/erp/search/FRPSearch.aspx.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly 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. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, is available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, Lisa Bowers at the Tampa Service Office, at 8133550554.

Sincerely,

David Kramer, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Approved Formal Determination of Wetlands and Other Surface Waters
Notice of Rights

cc: Ardurra Group, Inc.
FDEP Formal JDs
Joel Christian

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
FORMAL DETERMINATION OF WETLANDS AND OTHER SURFACE WATERS
No. 891582/42047981.000

EXPIRATION DATE:
August 27, 2029

FORMAL DETERMINATION ISSUED DATE
August 27, 2024

This Formal Determination of Wetlands and Other Surface Waters No. 891582/42047981.000 is issued under the provisions of Section 373.421, Florida Statutes, (F.S.), and 62-330.201, Florida Administrative Code, (F.A.C.). This Formal Determination consists of the District's determination of the locations on the property of the landward extent (boundaries) of wetlands and other surface waters based on the documentation consisting of a certified survey submitted by the Petitioner. This Formal Determination does not authorize any construction activities or constitute conceptual approval of any anticipated projects. Construction, alteration, operation, removal or abandonment of a surface water management system requires a permit from the District pursuant to Rule 62-330.020, Florida Administrative Code, (F.A.C.), and Section 373.413, Florida Statutes, (F.S.), unless exempt pursuant to 62-330.051 or 62-330.0511, F.A.C., or 373.406, F.S. This Formal Determination does not in any way establish boundaries of sovereign submerged lands.

PROJECT NAME: 7900 64th Avenue East Palmetto

GRANTED TO:
7900 64th Ave E LLC
Attn: Jaime Brester
4837 Swift Road
Sarasota , FL 34231

ABSTRACT: The landward extent of wetlands and/or other surface waters was established by Joel Christian of Ardurra Group, Inc. These boundaries were identified by applying the rule criteria of Chapter 62-340, F.A.C. Agency review of the site for the potential presence of wetlands and surface waters and verification of the wetland and/or surface water boundaries, was conducted by Environmental Scientist, Lisa Bowers, during a site inspection with Joel Christian of Ardurra Group, Inc. A certified survey, dated August 19, 2024, signed and sealed by Pierson Monetti, Professional Surveyor and Mapper, License #7227, State of Florida, which depicts the wetland and/or surface water boundaries, was received on date. To view the survey, please visit <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> to locate the formal determination record and view the documents associated with this file. The 47.34-acre site contains 11.21 acres of wetlands and surface waters.

COUNTY: Manatee

SEC/TWP/RGE: S22/T33S/R18E, S27/T33S/R18E

PROJECT ACRES: 47.34

WETLAND AND OTHER SURFACE WATER ACRES: 11.21

CURRENT LAND USE: AGRICULTURE

DATE PETITION FILED: April 01, 2024

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination upon a finding that the Petitioner has submitted inaccurate information to the District.

The Formal Wetland Determination shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period.

Documents depicting the landward extent (boundaries) of wetlands and other surface waters are hereby incorporated into this petition by reference and the Petitioner shall comply with them. These documents are available for viewing or downloading at www.WaterMatters.org.

David Kramer, P.E.

Authorized Signature

Notice of Rights

Administrative Hearing

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of sovereignty submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C., can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 US Hwy 301, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

Judicial Review

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.