



An Equal Opportunity Employer

# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 • 1-800-423-1476 (FL only)  
TDD only: 1-800-231-6103 (FL only)  
On the Internet at [WaterMatters.org](http://WaterMatters.org)

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

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

April 9, 2010

- Todd Pressman**  
Chair, Pinellas
- Ronald E. Oakley**  
Vice Chair, Pasco
- Hugh M. Gramling**  
Secretary, Hillsborough
- Sallie Parks**  
Treasurer, Pinellas
- Carlos Beruff**  
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- Jennifer E. Closshey**  
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Sarasota
- Maritza Rovira-Forino**  
Hillsborough
- H. Paul Senft, Jr.**  
Polk
- Douglas B. Sharp**  
Sumter
- Judith C. Whitehead**  
Hernando

Rex Horton  
Barton Farms, Inc.  
4127 Bee Ridge Road  
Sarasota, FL 34233

Subject: **Final Agency Action Transmittal Letter**  
ERP General Construction  
Permit No.: 44009834.005  
Project Name: Barton Farms-Littoral Zone Modification  
County: Sarasota  
Sec/Twp/Rge: 27, 28, 33, 34/36S/19E

Dear Mr. Horton:

This letter constitutes notice of Final Agency Action for **approval** of the permit referenced above. Final approval is contingent upon no objection to the District's action being received by the District within the time frames described below.

You or any person whose substantial interests are affected by the District's action regarding a permit may request an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes, (F.S.), and Chapter 28-106, Florida Administrative Code, (F.A.C.), of the Uniform Rules of Procedure. *A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C.* Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 21 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

Enclosed is a "Noticing Packet" that provides information regarding the District Rule 40D-1.1010, F.A.C., which addresses the notification of persons whose substantial interests may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use.

The enclosed approved construction plans are part of the permit, and construction must be in accordance with these plans.



30% Post-Consumer Waste

If you have questions concerning the permit, please contact Jonathan S. Kramer, P.E., at the Sarasota Service Office, extension 6550. For assistance with environmental concerns, please contact Todd W. Hershfeld, extension 6505.

Sincerely,



Ross T. Morton, P.W.S., Director  
Sarasota Regulation Department

RTM:JSK:TWH:AJR

Enclosures: Approved Permit w/Conditions Attached  
Approved Construction Drawings  
Statement of Completion  
Notice of Authorization to Commence Construction  
Noticing Packet (42.00-039)  
Sections 28-106.201 and 28-106.301, F.A.C.

cc/enc: File of Record 44009834.005  
William B. Houghton, P.E., William B. Houghton, P.E. Chartered  
Kevin McAdams, P.E., Southwest Florida Water Management District

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
GENERAL CONSTRUCTION MODIFICATION  
PERMIT NO. 44009834.005

**Expiration Date: April 9, 2015**

PERMIT ISSUE DATE: April 9, 2010

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:** Barton Farms-Littoral Zone Modification

**GRANTED TO:** Barton Farms, Inc.  
4127 Bee Ridge Road  
Sarasota, FL 34233

**ABSTRACT:** This permit authorizes modifications to Management and Storage of Surface Water (MSSW) Permit No. 40009834.001, entitled Barton Farms, issued on July 8, 1992. The modifications approved in this permit are as follows:

1. Deleting the required maintenance of littoral zones in Lake Nos. 1, 2, 3, and 4 and increasing the required maintained littoral zone area in Lake No. 5 to comprise the total aggregate of all required littoral zone areas (440,800 square feet) for the permitted surface water management system.
2. The Permittee shall create the aggregate littoral zone required in Lake No. 5 prior to deleting or removing those in Lake Nos. 1-4.

Information regarding the surface water management system, 100-year floodplain, wetlands and/or surface waters is stated below and on the permitted construction drawings for the project.

**OP. & MAINT. ENTITY:** Barton Farms Association, Inc.

**COUNTY:** Sarasota

**SEC/TWP/RGE:** 27, 28, 33, 34/36S/19E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 64.60

**PROJECT SIZE:** 64.60 Acres

**LAND USE:** Residential

**DATE APPLICATION FILED:** May 11, 2009

**AMENDED DATE:** N/A



## I. Water Quantity/Quality

Comments: Water quality treatment and attenuation will be provided in the surface water management system approved under MSSW Permit Nos. 40009834.001 and 40009834.004.

A mixing zone is not required.  
A variance is not required.

## II. 100-Year Floodplain

Comments: Modifications to the floodplain encroachment and compensation approved in Permit No. 40009834.001 are neither proposed nor authorized.

## III. Environmental Considerations

Wetlands and/or other surface waters are not located within the project area for this Environmental Resource Permit.

A regulatory conservation easement is not required.

A proprietary conservation easement 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:  
  
Sarasota Regulation Department  
Southwest Florida Water Management District  
6750 Fruitville Road  
Sarasota, FL 34240-9711  
  
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 Sarasota 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. This modification, Construction Permit No. 44009834.005, amends the previously issued Construction Permit No. 40009834.001. All other original permit conditions remain in effect.
7. 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.
8. This modification, Construction Permit No. 44009834.005, does not authorize a time extension to submit a "Statement of Completion and Request for Transfer to Operation Entity" and associated signed and sealed as-built drawings for the master surface water management system authorized by Management and Storage of Surface Water (MSSW) Permit No. 40009834.001.
9. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The Permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

#### **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.

  
\_\_\_\_\_  
Authorized Signature

**Imaged As Is**



**PROFESSIONAL CERTIFICATION\***  
**FOR THE ENGINEERING EVALUATION REPORT**

MSSW/ERP Permit Number: 44009834.005  
Date Application Received: May 11, 2009  
Permittee's Name: Barton Farms, Inc.  
Address: 4127 Bee Ridge Road  
Sarasota, FL 34233  
Project Name: Barton Farms-Littoral Zone Modification  
Project Description: Residential  
Project Size: 64.60 Acres  
Activity: Construction  
Section(s)/Township/Range: 27, 28, 33, 34/36S/19E

I HEREBY CERTIFY that the engineering features described in the referenced application to construct and/or operate a surface water management system associated with the indicated project have been evaluated regarding provision of reasonable assurance of compliance with Part IV, Chapter 373, Florida Statutes, and Chapters 40D-4, 40D-40 or 40D-400, Florida Administrative Code, (F.A.C.), as applicable. I have not evaluated and do not make any certifications as to other aspects of the proposal.

  
\_\_\_\_\_  
Jonathan S. Kramer, P.E.  
FL P.E. # 60881  
April 7, 2010  
Sarasota Regulation Department  
Southwest Florida Water Management District  
6750 Fruitville Road, Sarasota, FL 34240-9711

(Seal)

\* When required by Subsection 61G15-26.001(1), F.A.C., a professional engineer's seal, signature and date (i.e., "Professional Certification") means that the work indicated has been conducted under the responsible supervision, direction or control of a person licensed by the State to practice engineering, who by authority of their license is required to have some specialized knowledge of engineering. Professional Certification is not a guaranty or warranty of fitness or suitability, either explicit or implied.

**CERTIFICATE OF MAILING**

I hereby certify that a copy of the FAA letter on Application No. 44009834.005 was mailed by United States Mail to the below listed parties this April 9, 2010.

FAA Expiration Date: May 5, 2010

**Permittee/Owner**

Rex Horton  
Barton Farms, Inc.  
4127 Bee Ridge Road  
Sarasota, FL 34233

**Engineer/Consultant**

William B. Houghton, P.E.  
William B. Houghton, P.E. Chartered  
1124 Hoover Street  
Nokomis, FL 34275

**O&M Entity**

Rex Horton  
Barton Farms Association, Inc.  
1282 4th Street  
Sarasota, FL 34236

Required Noticing: (w/ Letter & Copy of the Permit)	See USACOE address above, if applicable
Documents sent by Regular US Mail to Permittee/Consultant	FAA Transmittal Letter Approved Permit with Conditions Attached Sections 28-106.201 and 28-106.301, F.A.C. Noticing Packet Approved Construction Drawings (Permittee only) Statement of Completion (Permittee only) Notice of Authorization (Permittee only)
Documents sent by Regular US Mail to FAA Requestors and others	FAA Transmittal Letter Approved Permit with Conditions Attached Sections 28-106.201 and 28-106.301, F.A.C.

- ( ) ERP - Eminent Domain Property Owners (EPOs) **mailed regular U.S. Mail** (see list)
- ( ) WRP - Adjacent Waterfront Property Owners (AWPOs) **if requested**

  
\_\_\_\_\_  
Administrative Section  
Sarasota Regulation Department

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT  
**NOTICE OF  
AUTHORIZATION**  
TO COMMENCE CONSTRUCTION

Barton Farms-Littoral Zone Modification

PROJECT NAME

Residential

PROJECT TYPE

Sarasota

COUNTY

27, 28, 33, 34/36S/19E

SEC(s)/TWP(s)/RGE(s)

Barton Farms, Inc.

PERMITTEE

APPLICATION NO.: 44009834.005

DATE ISSUED: April 9, 2010



A handwritten signature in black ink, appearing to be "J. J. [unclear]", is written over a horizontal line.

Issuing Authority

THIS NOTICE SHOULD BE CONSPICUOUSLY  
DISPLAYED AT THE SITE OF THE WORK



To Vanner  
4/15/10

**SOUTH DAKOTA REGULATION DEPARTMENT  
ERP PERMIT / LETTER REQUEST AND ROUTING**

MHI

PROJECT NO.: <b>44009834.005</b>		DEFAULT DATE: <b>5/25</b>		INTENDED ISSUE DATE: <b>(4/7)</b>			
PROJECT NAME: <b>Barton Farms - Littoral zone Modification</b>				FAST TRACK/SMART PROJECT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<b>LETTER</b>	INITIALS	DATE	TIME	<b>PERMIT</b>	INITIALS	DATE	TIME
<del>Engineer</del>				Engineer	JSK	4/5	10:45
<del>E.S.</del>				E.S.	TWH	4-5	10:38
<del>Admin. to type</del>				Admin. to type	ASR	4-5	11:35
<del>E.S. review &amp; sign</del>				E.S. review	TWH	4-5	3:40
<del>Eng. review &amp; sign</del>				Eng. review, sign & seal	JSK	4/5	3:15
<del>E.S. Mgr. or lead review</del>				E.S. Mgr. or lead review	CJO	4/6	7:30
<del>Eng. Mgr. or lead review</del>				Eng. Mgr. or lead review	DPS 4/6	4/7	1:08
<del>Director to sign if needed</del>				Permit Coordinator <sup>for MDF</sup>	D 4/8	4/8	09:30
<del>Mail Room</del>				Admin. Supervisor	M 4/8	4/8	2:15
MISC INFORMATION OR OTHER COMMENTS: <b>Plans Attached</b>				Director to sign	ATW	4/8	
				Mail Room		4/9	2:12

<input type="checkbox"/> 1 Corrected Permit	<input type="checkbox"/> 11a Individual Permit	<input type="checkbox"/> 19d Rule Variance/Rights Waiver
<input type="checkbox"/> 2 RAI	<input type="checkbox"/> 11b Conceptual Permit	<input type="checkbox"/> 20 Ag Exempt <input type="checkbox"/> Qualify <input type="checkbox"/> Disqualify
<input type="checkbox"/> 4 CLAR	<input checked="" type="checkbox"/> 11c General Permit	<input type="checkbox"/> 21 Potentially Harmful
<input type="checkbox"/> 5 Completeness Complete date:	<input type="checkbox"/> 11d Consolidated Individual	<input type="checkbox"/> 22 Transfer to DEP
<input type="checkbox"/> 6 Extension RAI/CLAR date: Info due date:	<input type="checkbox"/> 11e Consolidated General	<input type="checkbox"/> 23 Formal WJD
<input type="checkbox"/> 7 Modification <input type="checkbox"/> Approve <input type="checkbox"/> Denied As-built conditions? <input type="checkbox"/> yes <input type="checkbox"/> no Plans to enclose? <input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> 12a Prop Author Notice APO *see below*	<input type="checkbox"/> 24 Formal WJD Denial
<input type="checkbox"/> 7 Noticed General Permit <input type="checkbox"/> Approve <input type="checkbox"/> Denied last 3 digits of rule:	<input type="checkbox"/> 12b APO Letter Provide names & addresses of APOs	<input type="checkbox"/> 25 Permit App Withdrawal
<input type="checkbox"/> 8a Additional info not recd RAI/CLAR date:	<input type="checkbox"/> 12c Eminent Domain post cards Provide contact name & phone number	<input type="checkbox"/> 26 Special Case Agreement
<input type="checkbox"/> 8b Additional info still incomplete RAI/CLAR date:	<input type="checkbox"/> 13 Informal Wetland Determination	<input type="checkbox"/> 27 Forwarding of Permit Inquiry (DEP)
<input type="checkbox"/> 8c Additional info issues remain RAI/CLAR date:	<input type="checkbox"/> 14 Appraisal for Private Easement	<input type="checkbox"/> 28 Written Agreement Pursuant to Special Cases
<input type="checkbox"/> 9a Minor Systems Permit	<input type="checkbox"/> 15 Transfer/Assignment of Permit Insp Interval: Enclose: <input type="checkbox"/> SOC <input type="checkbox"/> SOI <input type="checkbox"/> Both <input type="checkbox"/> None	<input type="checkbox"/> 29 HPC Determination Memo
<input type="checkbox"/> 9b Consolidated Minor Systems	<input type="checkbox"/> 16 Pre-App Meeting Conference	<input type="checkbox"/> 30 HPC Determination AG Letter
<input type="checkbox"/> 10a Individual Permit Denial	<input type="checkbox"/> 18 Permit Application Fee	<input type="checkbox"/> 31 SSL Title Determination Results
<input type="checkbox"/> 10b General Permit Denial	<input type="checkbox"/> 19a Permit will be required	<input type="checkbox"/> Blank Letter
	<input type="checkbox"/> 19b No Permit required	
	<input type="checkbox"/> 19c Exempt	

Activity (subtype code descript)	Pre-Empted Area square feet	Dredged cubic yards	Number of Slips
TOTALS:	square feet	cubic yards	