



**DEPARTMENT OF THE ARMY**  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
10117 PRINCESS PALM DRIVE, SUITE 120  
TAMPA, FLORIDA 33610

April 22, 2008

REPLY TO  
ATTENTION OF

Tampa Regulatory office  
SAJ-2005-993 (IP-CJW)

Southwest Florida Water Management District  
Attn: Harry Downing  
2379 Broad Street  
Brooksville, Florida 34604-6899

Dear Mr. Downing:

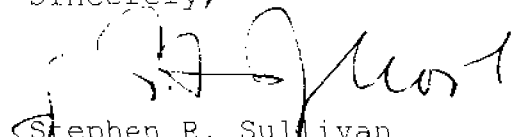
The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM  
THE APPROVED PLANS ENCLOSED.

Sincerely,

  
Stephen R. Sullivan  
Chief, Regulatory Division

Enclosures



**DEPARTMENT OF THE ARMY PERMIT**

**Permittee:** Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 34604-6899

**Permit No:** SAJ-2005-993 (IP-CJW)

**U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) to perform work in accordance with the terms and conditions specified below.

**Project Description:** The permittee proposes to construct a tie-back levee and hydraulic control structure to replace the existing hydraulic control structure (P-11) at the outlet canal of Lake Hancock. Less than 1.0 acres of waters will be impacted by the structure and levee.

The work described above is to be completed in accordance with the six pages affixed at the end of this permit instrument (Appendix A).

**Project Location:** The project is located at the outlet of Lake Hancock Florida (structure P-11). Lake Hancock is located south of Highway 540 East, 1.0 mile east of Highlands City and 2.5 miles north of Bartow. The lake is about 4,500 acres and is entirely within Polk County, Florida.

Latitude..... 27.938233 North  
Longitude.....-81.851111 West

**Permit Conditions:**

**Special Conditions:**

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2005-993 (IP-CJW), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the

Corps a written notification of the date of commencement of work authorized by this permit.

3. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. **Self-Certification:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (Attachment C) and submit to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.

5. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**General Conditions:**

1. The time limit for completing the work authorized ends on February 28, 2013. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. You must comply with all conditions specified in the attached Florida Department of Environmental Protection Conceptual Environmental Protection Permit (ERP) No. 53-02040522-003 issued on 14 June 2007 (Attachment B).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

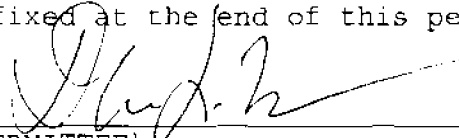
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Permit No SAJ-2005-993 (IP-CJW)

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

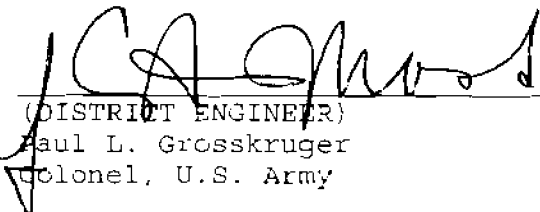
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

6 pages of drawings (Attachment A), the State Permit (Attachment B), and the Self-Certification Statement of Compliance form (Attachment C) affixed at the end of this permit instrument.

  
\_\_\_\_\_  
(PERMITTEE)  
Southwest Florida Water Management District

4-7-2008  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
\_\_\_\_\_  
(DISTRICT ENGINEER)  
Paul L. Grosskruger  
Colonel, U.S. Army

4-22-08  
(DATE)

Reviewed and Approved by Legal  
  
\_\_\_\_\_  
SWFWMD ATTORNEY

Permit No SAJ-2005-993 (IP-CJW)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEEE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

Permit No SAJ-2005-993 (IP-CJW)

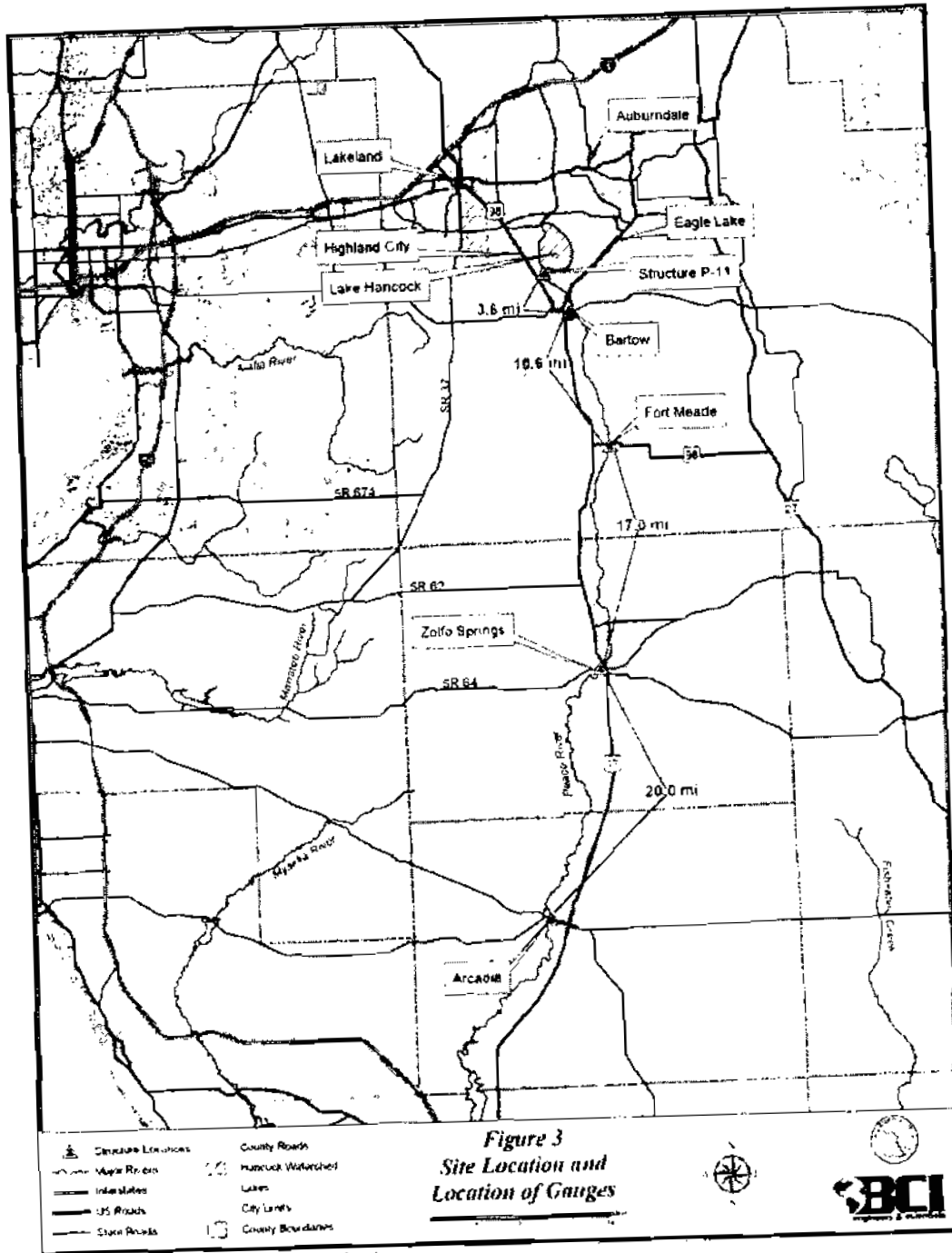
Attachment A

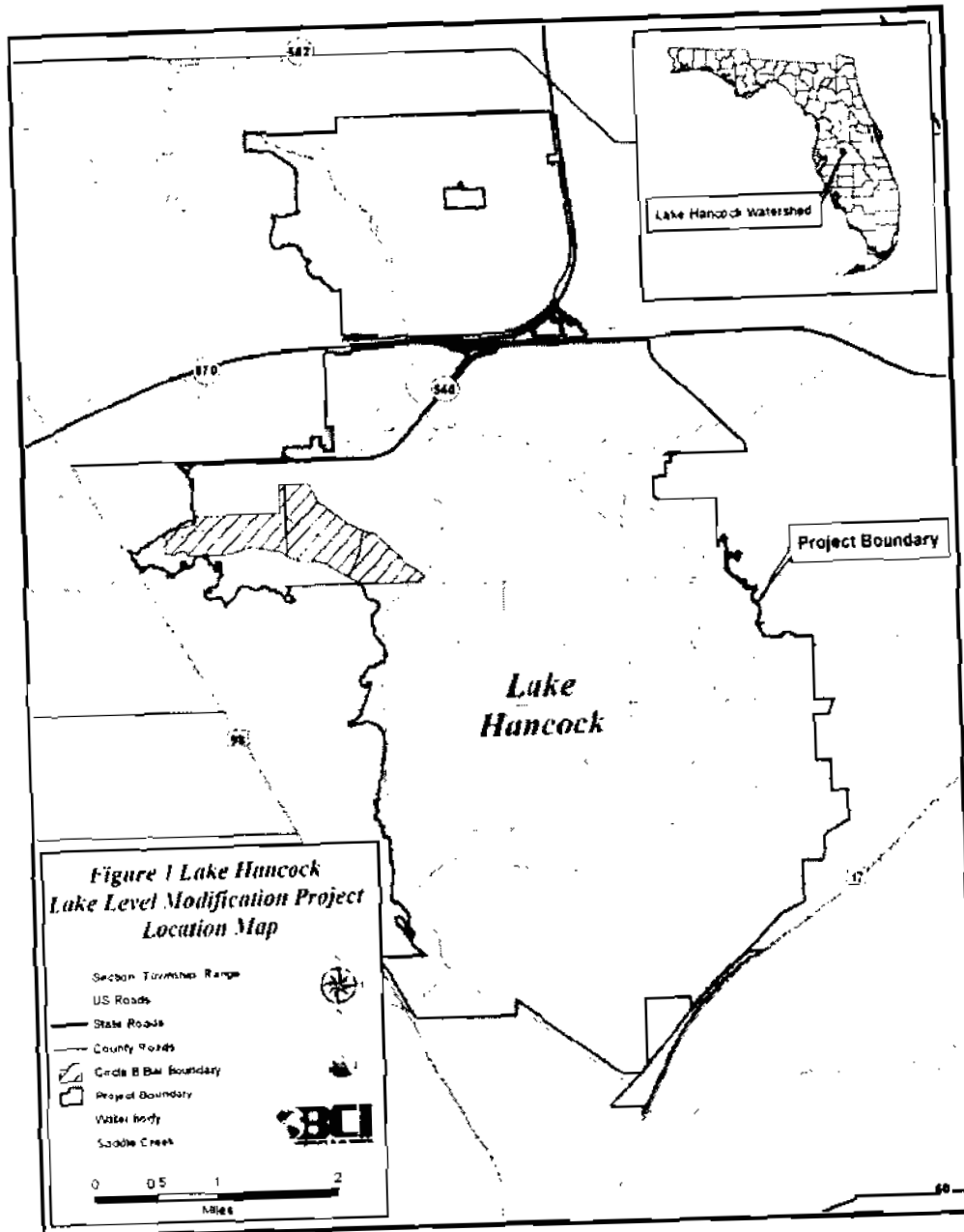
Permit Drawings











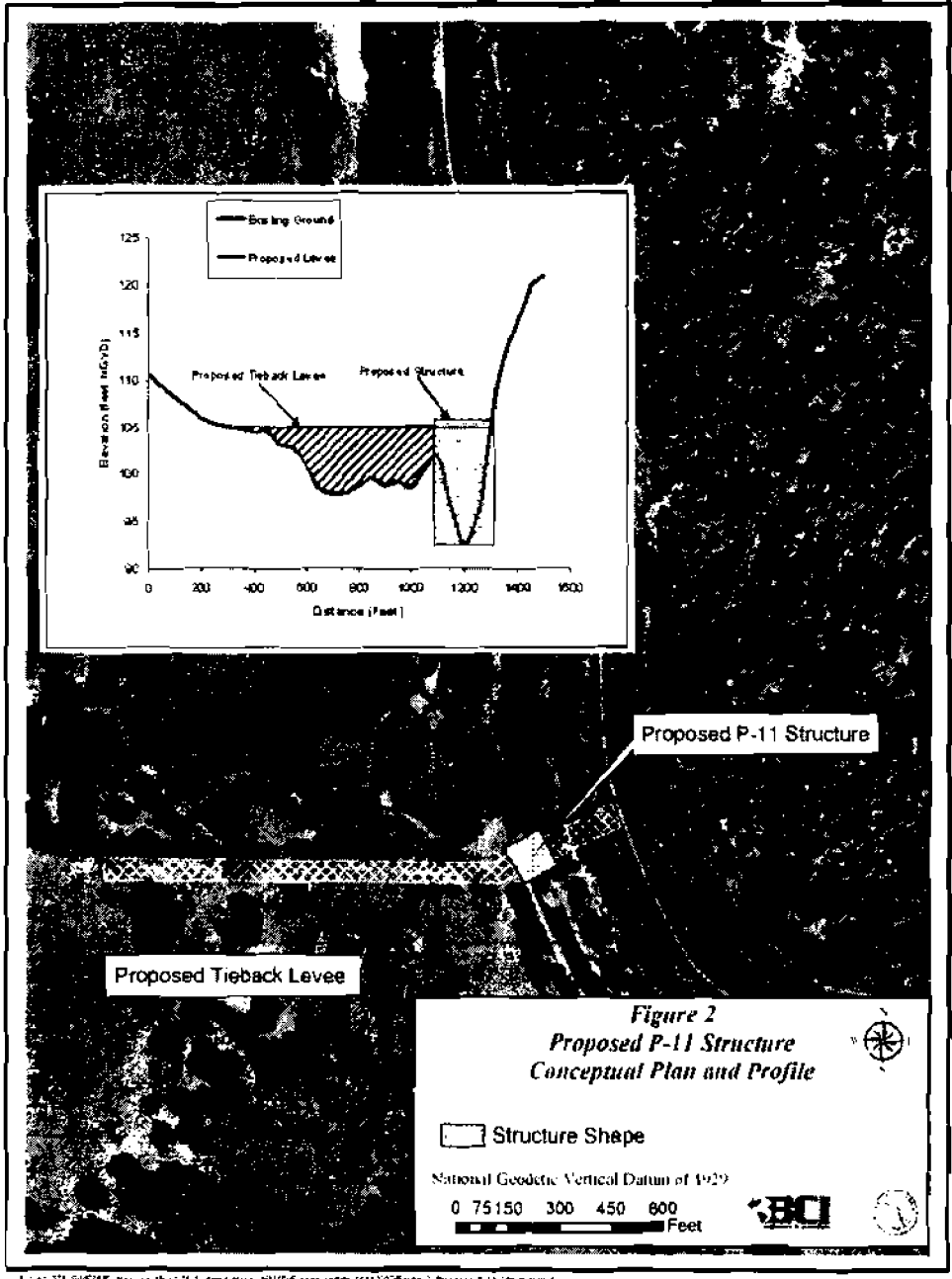
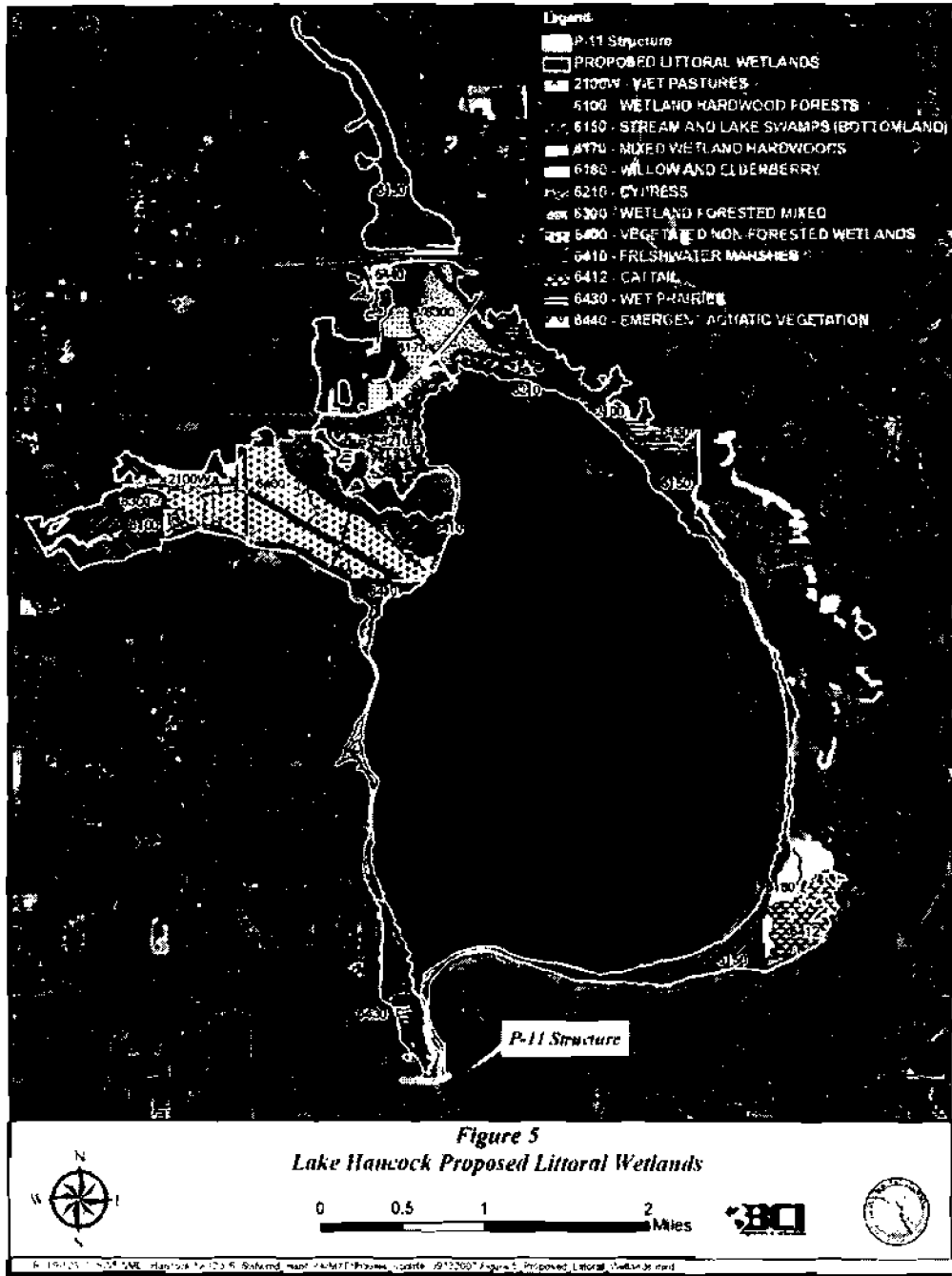


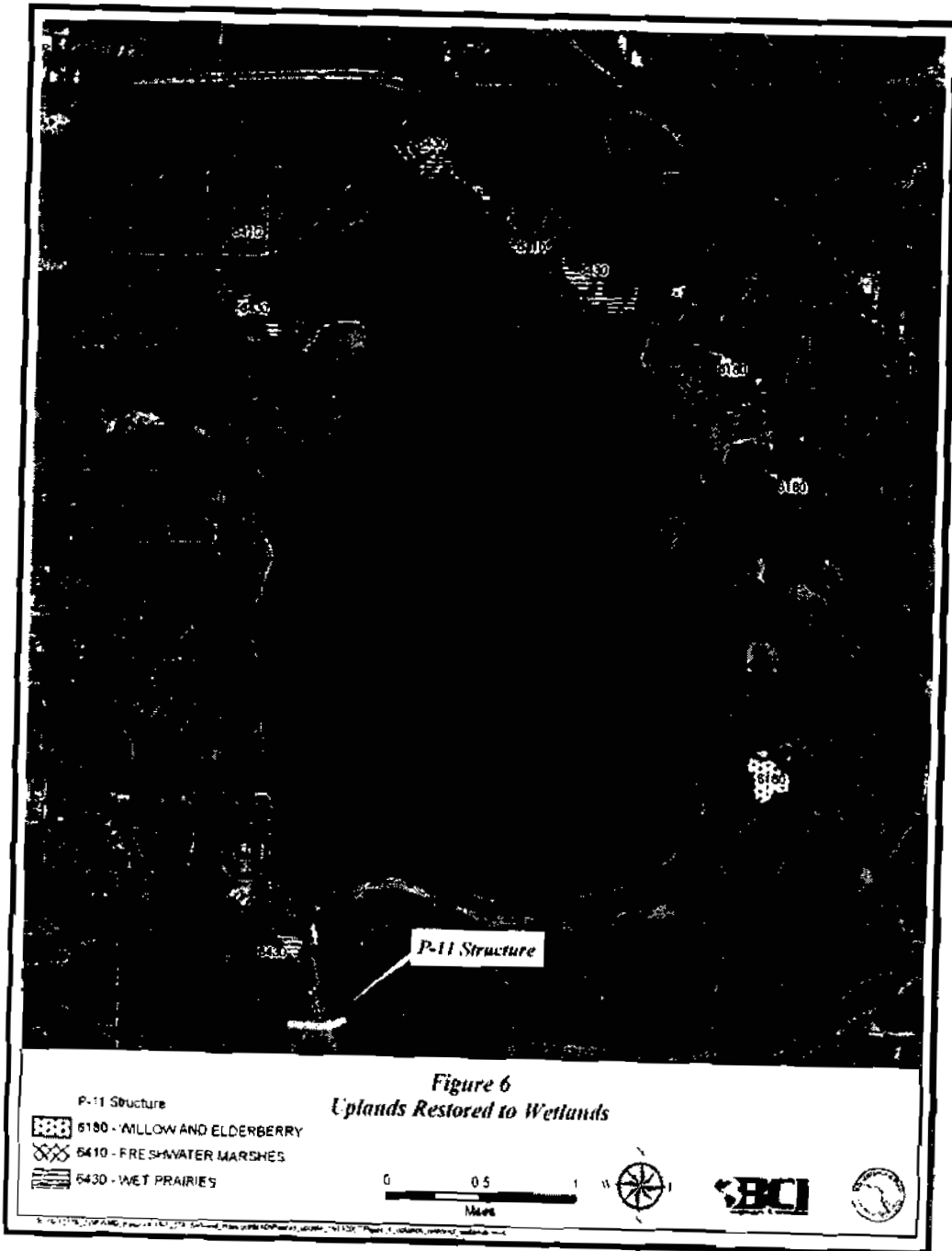


Figure 4 Lake Hancock Existing Littoral Wetlands

<p><b>Legend</b></p> <p>Existing Littoral Wetlands</p> <ul style="list-style-type: none"> <li> Littoral Wetland with emergent vegetation</li> <li> Littoral Wetland with emergent vegetation and open water</li> <li> Littoral Wetland with emergent vegetation and open water, shallow water</li> <li> Littoral Wetland with emergent vegetation and open water, deep water</li> <li> Littoral Wetland with emergent vegetation and open water, deep water, open water</li> <li> Littoral Wetland with emergent vegetation and open water, deep water, open water, open water</li> <li> Littoral Wetland with emergent vegetation and open water, deep water, open water, open water, open water</li> <li> Littoral Wetland with emergent vegetation and open water, deep water, open water, open water, open water, open water</li> <li> Littoral Wetland with emergent vegetation and open water, deep water, open water, open water, open water, open water, open water</li> </ul>	<ul style="list-style-type: none"> <li> 100-foot contour line</li> <li> 200-foot contour line</li> <li> 300-foot contour line</li> <li> 400-foot contour line</li> <li> 500-foot contour line</li> <li> 600-foot contour line</li> <li> 700-foot contour line</li> <li> 800-foot contour line</li> <li> 900-foot contour line</li> <li> 1000-foot contour line</li> <li> 1100-foot contour line</li> <li> 1200-foot contour line</li> <li> 1300-foot contour line</li> <li> 1400-foot contour line</li> <li> 1500-foot contour line</li> <li> 1600-foot contour line</li> <li> 1700-foot contour line</li> <li> 1800-foot contour line</li> <li> 1900-foot contour line</li> <li> 2000-foot contour line</li> </ul>	<p>0 0.5 1</p> <p>Miles</p>
--	---	-----------------------------



SAJ-2005-993 (IP-CJW)  
 SWFWMD (Lake Hancock Project)  
 Polk County, Florida  
 Sheet 5 of 6



SAJ-2005-993 (IP-CJW)  
 SWFWMD (Lake Hancock Project)  
 Polk County, Florida  
 Sheet 6 of 6



Permit No SAJ-2005-993 (IP-CJW)

Attachment B

State of Florida/Water Quality Certification/Permits

Florida Department of Environmental Protection Environmental  
Protection Permit (ERP) No. 53-02040522-003 issued on  
14 June 2007