

Dear Permittee:

Thank you for using the FWC online permitting system. Enclosed in this package is your Permit and supporting documents which may include a site map if made part of the permit. They include:

- 1) This **cover letter** explaining what is in your permit package.
- 2) Your **permit**, please print, sign and have a copy with you on site when you are conducting control operations.
- 3) 68F-20 Permit Attachment (**Attachment A**), which explains the Chapter 403 exemption requirements/guidelines.
- 4) Explanation-**Elections of Rights**, the documentation that explains your right to challenge the issuance of this permit. You would only fill this out and return if you want to challenge the issuance of this permit.
- 5) **Site Map** (Optional), you may or may not have a site map associated with your permit. If you do, a copy of the site map will be in the package.

YOU DO **NOT** NEED TO MAIL ANYTHING BACK TO THE COMMISSION UNLESS:

You would like to challenge the issuance of the permit, in which case you would sign and return the challenge documents. Otherwise, you would print out and sign your permit and print out any site map if made part of the permit. YOU DO **NOT** HAVE TO SEND THE COMMISSION A SIGNED COPY OF THE PERMIT. However, you do need to have a signed copy any time you are working on site under the permit. If you have any additional questions please contact your nearest Invasive Plant Management Field Office or the regional biologist who has issued your permit. A list of the Invasive Plant Management Field Offices can be found on our website at myfwc.com.

Thank you again for using our online permit system.

PERMIT CONDITIONS AND PROVISIONS:

- 1 Permittee must manage the above listed aquatic plants in accordance with the attached site plan which is made part of this permit.
- 2 Permittee may maintain clear the above listed aquatic plants along the shoreline adjacent to the City of Lake Helen's park.
- 3 LAKE RUSH (*Fuirena* spp.), PENNYWORT (*Hydrocotyle* spp.), SPATTERDOCK (*Nuphar advena*), FRAGRANT WATER LILY (*Nymphaea odorata*) may only be removed if blocking navigation.
- 4 The shoreline may be cleared of the above-listed plants; however, this zone must then be replanted with native aquatic vegetation.
- 5 Planting requirements along the shoreline:
 - a) These plants can be planted in densely clustered formations (on no more than 1/2-foot centers) covering no less than 50 percent of the revegetation zone. Otherwise, plants shall be placed in 10 rows on no more than two-foot centers to cover 100 percent of the revegetation zone.
 - b) If the above listed plants are controlled in an area designated as a revegetation zone , the area must be replanted no later than 90 days after the plants in the revegetation zone have been controlled.
 - c) There must be at least 80 percent survival of plants within revegetated zones 180 days after planting; otherwise, additional plantings may be required until 80 percent survival is achieved. It shall be the responsibility of the permittee to notify the commission in writing, when the planting for revegetation has been completed.
 - d) Treatment of exotic aquatic plants in and around all native aquatic vegetation should be conservative to allow for expansion of the native aquatic plants.
- 6 All aquatic vegetation removed pursuant to this permit shall be deposited on a self-contained upland site which shall be located so as to prevent the reintroduction of the removed vegetation into waters of the State.
- 7 Permittee shall not disturb or destabilize the shoreline substrate while using any mechanical equipment. If substrate will/may be disturbed or removed while using a tractor/mower, bush-hog or other mechanical equipment, then a dredge & fill permit may be required by the Department of Environmental Protection.
- 8 Permittee may remove entire plant (including roots) from the site, as long as no offsite turbidity occurs or sediment is removed. If substrate is removed while conducting the above permitted activities then a dredge & fill permit may be required by the Department of Environmental Protection.
- 9 This permit supersedes all prior permits issued.
- 10 The permit or a copy of the permit must be present and available for review on site during the time of any aquatic plant control activities.
- 11 The issuance of this permit does not relieve the permittee of the responsibility to comply with all applicable federal, state, county and municipal laws, ordinances, or rules; nor is the permittee relieved of the responsibility to obtain any other licenses or permits.
- 12 This permit is valid for only the activities printed on the front of this document.
- 13 If an aquatic herbicide(s) is authorized for use by this permit, the permittee is required to use the permitted herbicide(s) in a manner that is consistent with the application directions on the product label.
- 14 The Permittee agrees to hold and save the State of Florida, the Fish and Wildlife Conservation Commission, its inspectors and employees, harmless from any damage, no matter how occasioned and no matter what the amount, to persons or property, which might result from the aquatic plant management activities pursuant to the permit. [If the Permittee is a Florida "state agency or subdivision" as defined in 768.28, F.S., this provision does not constitute a waiver of the Permittee's sovereign immunity or extend the Permittee's liability beyond the limits established in Section 768.28, F.S.]
- 15 The Permittee is responsible for complying with the restrictions/requirements of any recorded conservation easement along the shoreline. If the activities authorized by this permit are inconsistent or contrary with the

restrictions/requirements of a conservation easement, then the permittee must obtain authorization from the conservation easement holder prior to conducting any aquatic plant control activities at the site.

- 16 The removal of aquatic plants is exempt from chapters 373 and 403, Florida Statutes, dredge and fill permitting requirements, provided the activities are performed in compliance with the conditions of paragraph 403.813(1)(r), Florida Statutes (copy attached). Turbidity caused by aquatic plant control activities must be contained on site so as to prevent violation of state water quality standards.

A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. If the FWC receives a petition, FWC will notify the Permittee. Upon such notification, the Permittee shall cease all work authorized by this permit until the petition is resolved. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.

ATTACHMENT A

Chapter 403.813 Florida Statutes: Permits issued at district centers; exceptions.

- (1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:
- (r) The removal of aquatic plants, the removal of tussocks, the associated replanting of indigenous aquatic plants, and the associated removal from lakes of organic detrital material when such planting or removal is performed and authorized by permit or exemption granted under s. 369.20 or s. 369.25, provided that:
 1. Organic detrital material that exists on the surface of natural mineral substrate shall be allowed to be removed to a depth of 3 feet or to the natural mineral substrate, whichever is less;
 2. All material removed pursuant to this paragraph shall be deposited in an upland site in a manner that will prevent the reintroduction of the material into waters in the state except when spoil material is permitted to be used to create wildlife islands in freshwater bodies of the state when a governmental entity is permitted pursuant to s. 369.20 to create such islands as a part of a restoration or enhancement project;
 3. All activities are performed in a manner consistent with state water quality standards; and
 4. No activities under this exemption are conducted in wetland areas, as defined by s. 373.019(25), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys, except when a governmental entity is permitted pursuant to s. 369.20 to conduct such activities as a part of a restoration or enhancement project.



Site Map

Location: Lake Helen
 Permittee: City of Lake Helen
 Address: Royal Park Road,
 Lake Helen, Florida, 32744
 Date Inspected: May 1st 2019



Areas where aquatic plants can be hand and mechanically removed



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
EXPLANATION OF RIGHTS

If your substantial interests are or will be determined by the Florida Fish and Wildlife Conservation Commission's action or proposed action stated in the accompanying notice, you may make any one of the following elections on the attached Election of Rights form and file the form within twenty-one (21) days from the date you receive the notice of agency action or proposed action. If you so choose, please return the completed Election of Rights form with the enclosed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a substitute document in compliance with Chapter 28-106, of the Florida Administrative code, to the address listed on the Election of Rights form.

1. If you wish to contest the agency action or proposed action, but do not dispute any of the issues of material fact set forth in the notice, you may request an informal proceeding pursuant to Sections 120.569 and 120.57(2), Florida Statutes. In the event that your request for an informal proceeding is granted, you will be given the opportunity to either simply present a written statement challenging the grounds upon which the Commission has chosen to justify its action or inaction or present evidence in mitigation.

Any request for an informal proceeding in this matter should be made by checking the space marked as 1 on the Election of Rights form and filing the completed and signed form with the Commission within twenty-one (21) days from the date of receipt of the notice. In making such a request, you must include with the completed and signed Election of Rights form either the completed and signed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a substitute document in compliance with Chapter 28-106, of the Florida Administrative code. Additionally, your request must include a copy of the notice of agency action or proposed action being challenged.

2. If you wish to contest agency action or proposed action and you dispute one or more of the issues of material fact as set forth in the notice, you may request a formal hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes. If there is a disputed issue of material fact and your request is otherwise complete, an administrative law judge shall be furnished by the Division of Administrative Hearings of the Department of Management Services pursuant to Sections 120.569 and 120.57(1), Florida Statutes. A petition shall be dismissed if it fails to state disputed issues of material fact, it otherwise is not in substantial compliance with the requirements of 28-106.201(2) FAC, or it has been untimely filed.

Any request for a formal hearing in this matter should be made by checking the space marked as 2 on the Election of Rights form and filing the completed and signed form with the Commission within twenty-one (21) days from the date of receipt of the notice. In making such a request, you must include with the completed and signed Election of Rights form either the completed and signed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a substitute document in compliance with Chapter 28-106, of the Florida Administrative code. Additionally, your request must include a copy of the notice of agency action or proposed action being challenged.

3. If you do not wish to contest the agency action or proposed action, you may indicate this by checking the space marked as 3 on the Election of Rights form and filing the completed and signed form with the Commission. If you make this election, you do not need to include the completed and signed Petition form.

Failure to make any election in this matter, as provided above, within twenty-one (21) days from the date you received the notice, shall be considered a waiver of your rights to any administrative proceeding as provided in either 1 or 2, above.

Mediation is not an available alternative with respect to this action or proposed action.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
ELECTION OF RIGHTS

I have read the Explanation of Rights provided to me by the Florida Fish and Wildlife Conservation Commission (Commission) and understand my options. (You may select one of the options below and return this form to the Commission no later than 21 days from the receipt of the notice of agency action or proposed action or, if you do not want an administrative hearing or informal proceeding, you do not need to complete this form)

1. I am challenging the agency action and want an informal proceeding. I do not dispute any of the issues of material fact in the notice of agency action or proposed action, but do want an informal proceeding, pursuant to Sections 120.569 and 120.57(2), Florida Statutes. I understand that I may either submit a written statement or submit evidence in mitigation to the agency head or designated representative. I have attached the completed and signed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a petition that complies with Chapter 28-106, of the Florida Administrative code.

2. I am challenging the agency action and want an administrative hearing. I do dispute one or more issues of material fact in the notice of agency action or proposed action, I have attached the completed and signed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a petition that complies with Chapter 28-106, of the Florida Administrative code, and I request a formal hearing, pursuant to Sections 120.569 and 120.57(1), Florida Statutes, before an administrative law judge appointed by the Division of Administrative Hearings.

3. I do not wish to challenge the agency action. I do not dispute any of the issues of material fact in the Notice of action or proposed action and waive my right to object or to be heard.

I have read and understand the Election of Rights form and understand that I have the right to be represented by counsel or a qualified representative at an administrative proceeding. I also understand that I must attach a petition to this request if I have requested a hearing or an informal proceeding.

Please sign and state your current address and telephone number:

_____ Signature	_____ Date
_____ PRINT NAME	_____ Phone Number

The above indicated person is the Petitioner, counsel for the Petitioner, or the qualified representative of the Petitioner (Please check one).

_____ _____ _____ Petitioner's name and address	_____ _____ _____ Attorney or representative's name and address (if applicable)
_____ Petitioner's email address	_____ Attorney or representative's email address

If applicable, please list the type of Permit /License applied for and the Permit/License Number

Please mail form to:

**Legal Office
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600**

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
PETITION FOR ADMINISTRATIVE PROCEEDING
Compliance of Section 120.569(2)(c), Florida Statutes, and
Chapter 28-106, Florida Administrative Code

Only if challenging the agency action, please complete this form or otherwise provide the information required by Chapter 28-106, of the Florida Administrative Code and send to the following address along with the completed Election of Rights form and a copy of the challenged agency action:

Legal Office
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

1. Please list the name and address of each agency affected and each agency's file or identification number, if known:

2. Please identify the petitioner (the individual or organization requesting the hearing):

Name: _____

Address: _____

Phone number: (____) ____ — _____

3. Please identify the petitioner's counsel or representative (if any):

Name: _____

Address: _____

Phone number: (____) ____ — _____

[The address of petitioner's counsel or representative, if listed above, shall be the address for service purposes during the course of the proceedings]

4. Please explain how the petitioner's substantial interests are or will be affected by the Commission's action or proposed action:

5. Please explain when and how the petitioner received notice of the Commission's action or proposed action:

6. Please indicate whether the petitioner disputes any material facts and, if so, state all disputed material facts:

7. Please concisely state the ultimate facts alleged, including a statement of the specific facts that the petitioner contends warrant reversal or modification of the Commission’s action or proposed action:

8. Please state the specific rules or statutes that the petitioner contends require reversal or modification of the Commission’s action or proposed action:

9. Explanation of how the alleged facts (7) relate to the specific Rules or Statutes (8) stated above:

10. Please state the relief sought by the petitioner, stating precisely the action that the petitioner wants the Commission to take with respect to the action or proposed action:

Either the Petitioner, counsel for the Petitioner, or the qualified representative of the Petitioner must sign below agreeing that the person signing this document has read this Petition, made a reasonable inquiry, and is not filing this document for any improper purposes, frivolous purpose, or needless increase in the cost of litigation.

Signature

Date

PRINT NAME

The above indicated person is the Petitioner, counsel for the Petitioner, or the qualified representative of the Petitioner (Please check one).