



NOTICE OF INTENT TO CONSTRUCT FOR EXCAVATIONS

Approval of this Notice of Intent to Construct for Excavations (NIC) will be issued by the Department of Environmental Resources Management (ERM) within 30 days of receipt of a complete NIC application with associated fee and submittals. An approved NIC acknowledges the applicant's commitment to comply with the provisions of the Palm Beach County (PBC) Unified Land Development Code (ULDC), Article 4, Chapter B, Section 10, Excavation Uses (Art. 4.B.10, Excavation Uses). An approved NIC does not constitute approval for Land Use/Zoning or a Building Permit, nor does it constitute approval by any other local, county, state or federal regulatory entity.

I, _____, the undersigned, as owner of the property, intend to undertake an excavation pursuant to Art.4.B.10, Excavation Uses, except as modified by administrative waiver. I understand that the excavation must comply with the requirement of Art.4.B.10, Excavation Uses.

1. The excavation shall not be constructed within: Wellfield Zone 1 or 300 feet from a public supply well, whichever is more restrictive; 200 feet from a wetland; 300 feet from a Class I or Class II Landfill; 300 feet from a site with known contamination; 100 feet from a septic system or sanitary hazard; 100 feet from a potable water well, except for Type IA and Type IB excavations; 200 feet from publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands, unless approved by ERM; or in the Pleistocene Sand Ridge. Excavations shall comply with Best Management Practices for the Construction Industry pursuant to ULDC, Article 14, Chapter B, Wellfield Protection, Appendix 3.
2. The slopes, excluding planted littoral zones, shall not be steeper than 4 feet horizontal to 1 foot vertical.
3. Slopes and depths for the planted littoral zones shall be no steeper than 10 feet horizontal to 1 foot vertical to a distance of 5 feet waterward of the designated planted littoral zone area. ERM will be notified within 48 hours of construction of littoral zones slopes. Certified drawings of the littoral zone slopes shall be sent to ERM within 30 days of slope construction.
4. Planted littoral zones shall be provided with, at a minimum, an area equivalent to 8 square feet per linear foot of shoreline and located between 1 foot above Ordinary Water Level (OWL) and 2 feet below OWL as determined by the applicant's engineer or designee unless approved by ERM. The littoral zone must be provided with a minimum of 6 inches of sand topsoil mix unless otherwise approved, and planted with at least 5 species at an average spacing of 2 feet on center. The planted littoral zone must meet an 80% coverage within 180 days of planting and be less than 10% exotic or invasive non-native plant species after the first year. Time zero, 90 day, 180 day and 360 day monitoring reports are required. ERM shall be notified 48 hours prior to completion of littoral planting.
5. Planting of the littoral zones shall occur no later than immediately prior to the first certification of occupancy for any lot adjacent to or abutting the lake.
6. The lake depth shall not exceed minus 20 feet OWL. Lake depths in the West County Agricultural Area (WCAA) shall not exceed minus 15 feet.
7. The excavation shall be designed and maintained so as to meet the minimum criteria for surface water pursuant to Florida Administrative Code Chapter 62-302.
8. Haul permits shall be obtained from PBC Engineering, Land Development if required, prior to the NIC approval.
9. Submittal of the following items is required.
 - a. Drawings of sufficient detail to demonstrate adherence to Article 4.B.10, Excavation Uses, including
 - 1) a proposed restrictive covenant, that is, upon approval by ERM, recorded prior to approval of the NIC. Littoral planting zones shall be identified graphically and in writing on a restrictive covenant. The exact language found in Art. 4.B.10.B.7.c.5) Area of Record, shall be represented on the restrictive covenant; 2) littoral planting plan; 3) preliminary plat, if applicable; 4) paving and drainage plans, if applicable; and 5) a master plan showing all phases of development, if applicable. The preliminary plat and paving and drainage plans shall be signed and sealed by a certified engineer or surveyor as applicable recognized and approved by the Florida Department of Professional Regulation for this type of project. The plat, if applicable, shall reference the restrictive covenant. A copy of the recorded restrictive covenant shall be provided to ERM prior to approval of the NIC. Within 30 days of plat recordation, a copy of the recorded plat shall be provided to ERM.
 - b. A complete Phased Excavation Plan for phased projects as indicated on the back side of this form.
 - c. Performance guarantees.
 - d. A fee as outlined in the approved Fee Schedule.
10. Submit a site Stormwater Pollution Prevention Plan.

Signature _____ (owner of property) Print Name _____ Phone _____

Title _____ Company _____ Email _____ Petition # _____
 (owner, President, Vice President)

Street _____ City _____ State _____ Zip _____

To be completed by ERM: ERM acknowledges their receipt of a complete NIC application and issues this approved NIC pursuant to Article 4.B.10, Excavation Uses.

Excavation Type _____ Excavation No. _____ Variance _____

 Bonnie Finneran, Environmental Director Date _____

GUARANTEE INFORMATION

A. Littoral Zone Guarantee for Non-phased Excavations

Non-phased lake systems must provide a guarantee in the amount of no less than \$10,000 dollars or 110% of the cost for planting, maintaining and monitoring the littoral zones.

Linear Shoreline	Required Littoral sq-ft	Provided Littoral sq-ft	Estimated Cost	Guarantee Amount (\$10,000 min)

B. Littoral Guarantee for Phased Excavation

Large single lake systems with a phasing plan for planting the littoral zones must include the following information. The required phase-specific littoral planting plan and guarantee shall be submitted to and approved by ERM prior to commencement of each phase.

Phase Number	Linear-feet of Shoreline	Required Littoral sq-ft	Provided Littoral sq-ft	Guarantee Amount (\$10,000 minimum)	Completion Date

C. Slope Guarantee

Type III excavations or projects with TYPE III conditions are required to provide a guarantee of \$1,000 per excavated acre for slopes.

Phase Number	Estimated Acreage In Acres	Guarantee Amount Provided	Excavation Start Date	Excavation Completion Date

- Phase Number is the number for each stage in the phased plan of construction.
- Linear-feet of Shoreline represents the length of the final shoreline remaining at build-out of the site.
- Required Littoral in square feet represents the area of the planted littoral zone calculated by 8 times the linear shoreline measurement.
- Provided Littoral in square feet represents the planted littoral area planned for that phase.
- Estimated Cost is the cost for planting, maintenance and monitoring the planted littoral shelf.
- Guarantee Amount represents 110% of the costs for planting, maintenance and monitoring or a minimum of \$10,000 for planted littoral area represented in the "Required Littoral Square Feet."
- Completion Date is the month/year from the date of issuance to completion of the phase.
- Excavation Start Date is the month/year the excavation phase will commence.
- Excavation Completion Date is the month/year from the date of NIC issuance to completion of the excavation phase.