



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

January 2, 2025

*\* Delivered via email*

Mike Ryan \*  
Rivella Development LLC  
636 US Hwy 1 Ste 110  
North Palm Beach, FL 334084611

**Subject: Rivella Development  
Petition for Formal Determination of Wetlands and Surface Waters  
Permit No. 56-112237-P  
Application No. 240906-45515  
St Lucie County**

Your petition for a formal determination of wetlands and other surface waters is approved. This action is taken based on Chapter 373, Part IV of Florida Statutes (F.S.) and the rules in Chapters 62-330 and 62-340, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This action is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- All referenced Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance to the "Notice of Rights", we will assume that you concur with the District's action.

## **CERTIFICATE OF SERVICE**

I hereby certify that this Formal Wetland Determination and Notice of Rights have been mailed or electronically submitted to the addressee (and the persons listed on the attached distribution list) on December 30, 2024 in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website ([www.sfwmd.gov/regpermitting](http://www.sfwmd.gov/regpermitting)).

Sincerely,

A handwritten signature in black ink that reads "Jesse Markle". The signature is stylized with a large, bold "J" and "M".

Jesse Markle, P.E.  
Chief, Environmental Resource Bureau

**South Florida Water Management District  
Formal Wetland Determination Permit No. 56-112237-P  
Date Issued: January 2, 2025**

**Project Name:** Rivella Development

**Petitioner:** Mike Ryan  
Rivella Development LLC  
636 US Hwy 1 Ste 110  
North Palm Beach, FL 334084611

**Application No.** 240906-45515

**Location:** St Lucie County, See Exhibit 1

**Acres:** 7.1

**Expiration Date:** January 2, 2030

**Type:** Certified Survey

**Summary**

On September 6, 2024, the District received a request for a formal determination of the boundary of wetlands and other surface waters (OSWs) on a 7.1-acre property known as Rivella Development. The landward extent of wetlands was established by the petitioner and verified by District staff on September 25, 2024, pursuant to Rule 62-330.201, FAC. The methodology used for the determination is consistent with Chapter 62-340, FAC.

**Site Description**

The 7.1-acre property is located in Section 14, Township 37 South, Range 40 East, St. Lucie County, Florida. Refer to Exhibit No. 1.0 for a location map. Vegetative communities on the property consist of disturbed lands, native pine flatwoods, mowed areas, and an open freshwater marsh with a forested fringe.

**Wetland Delineation Procedure**

One wetland, as defined by Section 373.019(27), FS and Chapter 62-340, FAC, was identified on the property. The wetland was delineated using the methods established in Chapter 62-340, FAC; more specifically, using the D Test, as well as the wetland definition. Wetlands delineated on the property totaled 0.422 acres. A certified survey of these boundaries, dated November 13, 2024 is depicted as Exhibit No. 2.0.

**Wetland and Upland Description**

The site contains disturbed lands primarily dominated by exotic vegetation, native pine flatwoods, mowed areas, and an open freshwater marsh with a forested fringe. The wetland edge contains native ground species such as swamp fern and exotic trees including Brazilian pepper, Melaleuca spp., and earleaf Acacia.

The wetland soils are composed of sandy textured material with a high organic content. Although not observed at the wetland boundary, there is standing water in the deeper portions of the wetland.

Based on a map produced using National Resource Conservation Service (NRCS) soil data, the soils supporting the site are mainly mapped as (50) Waveland and Immokalee fine sands, which

are not hydraulic soils.

Soil pits from the wetland and uplands were dug and the profiles examined by staff; the soil pit data are included in the data forms.

Wetland delineation information, including delineation data forms and representative photographs of the wetlands and upland areas, can be found in the permit file, on the District's RegPermitting site. The wetland delineation data forms were filled out by District staff during the field inspection.

#### **Formal Determination of Wetlands and OSWs**

This Formal Determination of Wetlands and OSWs is the District's determination of the landward extent (boundaries) of wetlands and OSWs within the property based on the documentation submitted by the petitioner and field application of Chapter 62-340, FAC.

This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or OSWs. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/ boundaries.

Pursuant to Section 373.421(4), FS, the Governing Board may revoke the Formal Wetland Determination (FWD) upon a finding that the petitioner has submitted inaccurate information to the District.

The FWD 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 OSWs during that period.

### **Distribution List**

Niall Dunton, Hobe Sound Environmental \*

Robert L Weigt, Hobe Sound Environmental Consultants Inc \*

Florida Department of Environmental Protection SLERC \*

St. Lucie County Planning and Development Services \*

FDEP, Port St. Lucie Branch Office \*

Florida Department of Environmental Protection - Environmental Administrator \*

## **Exhibits**

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's RegPermitting website ([www.sfwmd.gov/regpermitting](http://www.sfwmd.gov/regpermitting)) and searching under this application number 240906-45515.

Exhibit No. 1.0 Location Map

Exhibit No. 2.0 Wetland Survey

## **NOTICE OF RIGHTS**

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### **FILING INSTRUCTIONS**

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request

- that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at [clerk@sfwmd.gov](mailto:clerk@sfwmd.gov). The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

### **INITIATION OF ADMINISTRATIVE HEARING**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

### **MEDIATION**

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.