



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 43-01508-P
DATE ISSUED: February 2, 2004**

Form #0941
08/95

PERMITTEE: MARTIN COUNTY BOARD OF COUNTY
COMMISSIONERS
2401 SE MONTREY RD
STUART, FL 34996

PROJECT DESCRIPTION: Construction and operation of a 17.60-acre water quality retrofit surface water management system (STA) to serve an existing developed basin.

PROJECT LOCATION: MARTIN COUNTY, HANSON GRANT TWP 38S RGE 41E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 030929-11, dated September 29, 2003. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

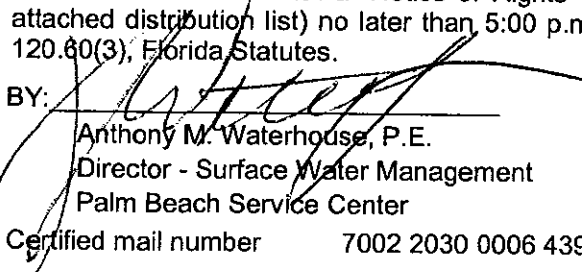
Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 General Conditions (See Pages : 2 - 4 of 6),
3. the attached 19 Special Conditions (See Pages : 5 - 6 of 6) and
4. the attached 5 Exhibit(s).

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 with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 2nd day of February, 2004, in accordance with Section 120.60(3), Florida Statutes.

BY: 
Anthony M. Waterhouse, P.E.
Director - Surface Water Management
Palm Beach Service Center

Certified mail number 7002 2030 0006 4394 7160

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource Permit Construction Completion/Certification Form Number 0881. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "As-built" or "Record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the

GENERAL CONDITIONS

approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and

GENERAL CONDITIONS

- 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
 18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
 19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on February 2, 2009.
2. Operation of the surface water management system shall be the responsibility of the permittee.
3. Discharge Facilities:

1-208' WIDE BROAD CRESTED weir with crest at elev. 11' NGVD.
1-15" W X ' H RECTANGULAR NOTCH with invert at elev. 7' NGVD.

Receiving body : Fern Creek
Control elev : 7 feet NGVD.
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. Silt screens, hay bales, turbidity screens/barriers or other such sediment control measures shall be utilized during construction. The selected sediment control measures shall be installed prior to the commencement of construction in or adjacent to other surface waters in accordance with Exhibit No. 2A-2D and 2H and shall remain in place until all adjacent construction is completed. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into the Fern Creek.
13. Prior to the commencement of construction, the perimeter of the protected buffer zones/upland preservation areas shall be fenced to prevent encroachment into the protected areas. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of fencing and schedule an inspection of this work. The fencing shall be subject to District staff approval. The permittee shall modify the fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. Fencing shall remain in place until all adjacent construction activities are complete.

SPECIAL CONDITIONS

14. A monitoring and maintenance program shall be implemented in accordance with Exhibit No. 4 for the created stormwater treatment area. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff by the dates indicated on the work schedule (Exhibit 5).

Maintenance shall be conducted in perpetuity to ensure that the STA is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the STA such that exotic/nuisance plant species do not dominate any one section of those areas.

15. Activities associated with the implementation of the monitoring and maintenance plan(s) shall be completed in accordance with the work schedule attached as Exhibit No. 5. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project.
16. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.
17. The authorization for construction of the surface water management system is issued pursuant to the water quality net improvement provisions referenced in Rule Section 40E-4.303(1), Florida Administrative Code; therefore, the state water quality certification is waived.
18. This project is intended solely as a retrofit water quality project serving existing development in the contributing Fern Creek basin and is not water quality treatment or storm attenuation for any future development in the project basin.
19. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface waters have occurred due to project related activities.

40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit,

or

2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

NOTICE OF RIGHTS

Section 120.569(1), Fla. Stat. (1999), requires that "each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply." Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Petition for Administrative Proceedings

1. A person whose substantial interests are affected by the South Florida Water Management District's (SFWMD) action has the right to request an administrative hearing on that action. The affected person may request either a formal or an informal hearing, as set forth below. A point of entry into administrative proceedings is governed by Rules 28-106.111 and 40E-1.511, Fla. Admin. Code, (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109), as set forth below. Petitions are deemed filed upon receipt of the original documents by the SFWMD Clerk.

a. Formal Administrative Hearing: If a genuine issue(s) of material fact is in dispute, the affected person seeking a formal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(1), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.201(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

b. Informal Administrative Hearing: If there are no issues of material fact in dispute, the affected person seeking an informal hearing on a SFWMD decision which does or may determine their substantial interests shall file a petition for hearing pursuant to Sections 120.569 and 120.57(2), Fla. Stat. or for mediation pursuant to Section 120.573, Fla. Stat. within 21 days, except as provided in subsections c. and d. below, of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-106.301(2), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

c. Administrative Complaint and Order: If a Respondent objects to a SFWMD Administrative Complaint and Order, pursuant to Section 373.119, Fla. Stat. (1997), the person named in the Administrative Complaint and Order may file a petition for a hearing no later than 14 days after the date such order is served. Petitions must substantially comply with the requirements of either subsection a. or b. above.

d. State Lands Environmental Resource Permit: Pursuant to Section 373.427, Fla. Stat., and Rule 40E-1.511(3), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), a petition objecting to the SFWMD's agency action regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands (SLERPs), must be filed within 14 days of the notice of consolidated intent to grant or deny the SLERP. Petitions must substantially comply with the requirements of either subsection a. or b. above.

e. Emergency Authorization and Order: A person whose substantial interests are affected by a SFWMD Emergency Authorization and Order, has a right to file a petition under Sections 120.569, 120.57(1), and 120.57(2), Fla. Stat., as provided in subsections a. and b. above. However, the person, or the agent of the person responsible for causing or contributing to the emergency conditions shall take whatever action necessary to cause immediate compliance with the terms of the Emergency Authorization and Order.

f. Order for Emergency Action: A person whose substantial interests are affected by a SFWMD Order for Emergency Action has a right to file a petition pursuant to Rules 28-107.005 and 40E-1.611, Fla. Admin. Code, copies of which are attached to this Notice of Rights, and Section 373.119(3), Fla. Stat., for a hearing on the Order. Any subsequent agency action or proposed agency action to initiate a formal revocation proceeding shall be separately noticed pursuant to section g. below.

g. Permit Suspension, Revocation, Annulment, and Withdrawal: If the SFWMD issues an administrative complaint to suspend, revoke, annul, or withdraw a permit, the permittee may request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Fla. Stat., within 21 days of either written notice through mail or posting or publication of notice that the SFWMD has or intends to take final agency action. Petitions must substantially comply with the requirements of Rule 28-107.004(3), Fla. Admin. Code, a copy of the which is attached to this Notice of Rights.

2. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the SFWMD's final action may be different from the position taken by it previously. Persons whose substantial interests may be affected by

any such final decision of the SFWMD shall have, pursuant to Rule 40E-1.511(2), Fla. Admin. Code (also published as an exception to the Uniform Rules of Procedure as Rule 40E-0.109(2)(c)), an additional 21 days from the date of receipt of notice of said decision to request an administrative hearing. However, the scope of the administrative hearing shall be limited to the substantial deviation.

3. Pursuant to Rule 40E-1.511(4), Fla. Admin. Code, substantially affected persons entitled to a hearing pursuant to Section 120.57(1), Fla. Stat., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), Fla. Stat., which may be granted at the option of the Governing Board.

4. Pursuant to Rule 28-106.111(3), Fla. Admin. Code, persons may file with the SFWMD a request for extension of time for filing a petition. The SFWMD, for good cause shown, may grant the extension. The request for extension must contain a certificate that the petitioner has consulted with all other parties, if any, concerning the extension and that the SFWMD and all other parties agree to the extension.

CIRCUIT COURT

5. Pursuant to Section 373.617, Fla. Stat., any substantially affected person who claims that final agency action of the SFWMD relating to permit decisions constitutes an unconstitutional taking of property without just compensation may seek judicial review of the action in circuit court by filing a civil action in the circuit court in the judicial circuit in which the affected property is located within 90 days of the rendering of the SFWMD's final agency action.

6. Pursuant to Section 403.412, Fla. Stat., any citizen of Florida may bring an action for injunctive relief against the SFWMD to compel the SFWMD to enforce the laws of Chapter 373, Fla. Stat., and Title 40E, Fla. Admin. Code. The complaining party must file with the SFWMD Clerk a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. If the SFWMD does not take appropriate action on the complaint within 30 days of receipt, the complaining party may then file a civil suit for injunctive relief in the 15th Judicial Circuit in and for Palm Beach County or circuit court in the county where the cause of action allegedly occurred.

7. Pursuant to Section 373.433, Fla. Stat., a private citizen of Florida may file suit in circuit court to require the abatement of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works that violate the provisions of Chapter 373, Fla. Stat.

DISTRICT COURT OF APPEAL

8. Pursuant to Section 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

LAND AND WATER ADJUDICATORY COMMISSION

9. A party to a "proceeding below" may seek review by the Land and Water Adjudicatory Commission (FLAWAC) of SFWMD's final agency action to determine if such action is consistent with the provisions and purposes of Chapter 373, Fla. Stat. Pursuant to Section 373.114, Fla. Stat., and Rules 42-2.013 and 42-2.0132, Fla. Admin. Code, a request for review of (a) an order or rule of the SFWMD must be filed with FLAWAC within 20 days after rendition of the order or adoption of the rule sought to be reviewed; (b) an order of the Department of Environmental Protection (DEP) requiring amendment or repeal of a SFWMD rule must be filed with FLAWAC within 30 days of rendition of the DEP's order, and (c) a SFWMD order entered pursuant to a formal administrative hearing under Section 120.57(1), Fla. Stat., must be filed no later than 20 days after rendition of the SFWMD's final order. Simultaneous with filing, a copy of the request for review must be served on the DEP Secretary, any person named in the SFWMD or DEP final order, and all parties to the proceeding below. A copy of Rule 42-2.013, Fla. Admin. Code is attached to this Notice of Rights.

PRIVATE PROPERTY RIGHTS PROTECTION ACT

10. A property owner who alleges a specific action of the SFWMD has inordinately burdened an existing use of the real property, or a vested right to a specific use of the real property, may file a claim in the circuit court where the real property is located within 1 year of the SFWMD action pursuant to the procedures set forth in Subsection 70.001(4)(a), Fla. Stat.

LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION

11. A property owner who alleges that a SFWMD development order (as that term is defined in Section 70.51(2)(a), Fla. Stat. to include permits) or SFWMD enforcement action is unreasonable, or unfairly burdens the use of the real property, may file a request for relief with the SFWMD within 30 days of receipt of the SFWMD's order or notice of agency action pursuant to the procedures set forth in Subsections 70.51(4) and (6), Fla. Stat.

MEDIATION

12. A person whose substantial interests are, or may be, affected by the SFWMD's action may choose mediation as an alternative remedy under Section 120.573, Fla. Stat. Pursuant to Rule 28-106.111(2), Fla. Admin. Code, the petition for mediation shall be filed within 21 days of either written notice through mail or posting or

publication of notice that the SFWMD has or intends to take final agency action. Choosing mediation will not affect the right to an administrative hearing if mediation does not result in settlement.

Pursuant to Rule 28-106.402, Fla. Admin. Code, the contents of the petition for mediation shall contain the following information:

(1) the name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(2) a statement of the preliminary agency action;

(3) an explanation of how the person's substantial interests will be affected by the agency determination; and

(4) a statement of relief sought.

As provided in Section 120.573, Fla. Stat. (1997), the timely agreement of all the parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Fla. Stat., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the dispute, the SFWMD must enter a final order incorporating the agreement of the parties. Persons whose substantial interest will be affected by such a modified agency decision have a right to petition for hearing within 21 days of receipt of the final order in accordance with the requirements of Sections 120.569 and 120.57, Fla. Stat., and SFWMD Rule 28-106.201(2), Fla. Admin. Code. If mediation terminates without settlement of the dispute, the SFWMD shall notify all parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Fla. Stat., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action.

VARIANCES AND WAIVERS

13. A person who is subject to regulation pursuant to a SFWMD rule and believes the application of that rule will create a substantial hardship or will violate principles of fairness (as those terms are defined in Subsection 120.542(2), Fla. Stat.) and can demonstrate that the purpose of the underlying statute will be or has been achieved by other means, may file a petition with the SFWMD Clerk requesting a variance from or waiver of the SFWMD rule. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have concerning the SFWMD's action. Pursuant to Rule 28-104.002(2), Fla. Admin. Code, the petition must include the following information:

(a) the caption shall read:

Petition for (Variance from) or (Waiver of) Rule (Citation)

(b) The name, address, telephone number and any facsimile number of the petitioner;

(c) The name, address telephone number and any facsimile number of the attorney or qualified representative of the petitioner, (if any);

(d) the applicable rule or portion of the rule;

(e) the citation to the statute the rule is implementing;

(f) the type of action requested;

(g) the specific facts that demonstrate a substantial hardship or violation of principles of fairness that would justify a waiver or variance for the petitioner;

(h) the reason why the variance or the waiver requested would serve the purposes of the underlying statute; and

(i) a statement of whether the variance or waiver is permanent or temporary. If the variance or waiver is temporary, the petition shall include the dates indicating the duration of the requested variance or waiver.

A person requesting an emergency variance from or waiver of a SFWMD rule must clearly so state in the caption of the petition. In addition to the requirements of Section 120.542(5), Fla. Stat. pursuant to Rule 28-104.004(2), Fla. Admin. Code, the petition must also include:

a) the specific facts that make the situation an emergency; and

b) the specific facts to show that the petitioner will suffer immediate adverse effect unless the variance or waiver is issued by the SFWMD more expeditiously than the applicable timeframes set forth in Section 120.542, Fla. Stat.

WAIVER OF RIGHTS

14. Failure to observe the relevant time frames prescribed above will constitute a waiver of such right.

28-106.201

INITIATION OF PROCEEDINGS

(INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(f) A demand for relief.

28-106.301 INITIATION OF PROCEEDINGS
(NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT)

- (2) All petitions filed under these rules shall contain:
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding, and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
 - (c) A statement of when and how the petitioner received notice of the agency decision;
 - (d) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
 - (e) A demand for relief.

28-107.004 SUSPENSION, REVOCATION, ANNULMENT, OR WITHDRAWAL

- (3) Requests for hearing filed in accordance with this rule shall include:
- (a) The name and address of the party making the request, for purposes of service;
 - (b) A statement that the party is requesting a hearing involving disputed issues of material fact, or a hearing not involving disputed issues of material fact; and
 - (c) A reference to the notice, order to show cause, administrative complaint, or other communication that the party has received from the agency.

42-2.013 REQUEST FOR REVIEW PURSUANT TO SECTION 373.114 OR 373.217

(1) In any proceeding arising under Chapter 373, F.S., review by the Florida Land and Water Adjudicatory Commission may be initiated by the Department or a party by filing a request for such review with the Secretary of the Commission and serving a copy on any person named in the rule or order, and on all parties to the proceeding which resulted in the order sought to be reviewed. A certificate of service showing completion of service as required by this subsection shall be a requirement for a determination of sufficiency under Rule 42-2.0132. Failure to file the request with the Commission within the time period provided in Rule 42-2.0132 shall result in dismissal of the request for review.

(2) The request for review shall identify the rule or order requested to be reviewed, the proceeding in which the rule or order was entered and the nature of the rule or order. A copy of the rule or order sought to be reviewed shall be attached. The request for review shall state with articularity:

- (a) How the order or rule conflicts with the requirements, provisions and purposes of Chapter 373, F.S., or rules duly adopted thereunder;

(b) How the rule or order sought to be reviewed affects the interests of the party seeking review;

(c) The oral or written statement, sworn or unsworn, which was submitted to the agency concerning the matter to be reviewed and the date and location of the statement, if the individual or entity requesting the review has not participated in a proceeding previously instituted pursuant to Chapter 120, F.S., on the order for which review is sought;

(d) If review of an order is being sought, whether and how the activity authorized by the order would substantially affect natural resources of statewide or regional significance, or whether the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from a standpoint of agency precedent, and all the factual bases in the record which the petitioner claims support such determination(s); and

(e) The action requested to be taken by the Commission as a result of the review, whether to rescind or modify the order, or remand the proceeding to the water management district for further action, or to require the water management district to initiate rulemaking to adopt, amend or repeal a rule.

28-107.005 EMERGENCY ACTION

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall summarily suspend, limit, or restrict a license.

(2) the 14-day notice requirement of Section 120.569(2)(b), F. S., does not apply and shall not be construed to prevent a hearing at the earliest time practicable upon request of an aggrieved party.

(3) Unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate a formal suspension or revocation proceeding in compliance with Sections 120.569, 120.57, and 120.60, F.S.

40E-1.611 EMERGENCY ACTION

(1) An emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

(2) The Executive Director may employ the resources of the District to take whatever remedial action necessary to alleviate the emergency condition without the issuance of an emergency order, or in the event an emergency order has been issued, after the expiration of the requisite time for compliance with that order.

Last Date For Agency Action: 02-FEB-2004

GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Fern Creek Stormwater Quality Retrofit

Permit No.: 43-01508-P

Application No.: 030929-11

Application Type: Environmental Resource (New General Permit)

Location: Martin County, HANSON GRANT T38S/R41E

Permittee : Martin County Board Of County Commissioners

Operating Entity : Martin County Board Of County Commissioners

Project Area: 17.6 acres

Project Land Use: Residential

Drainage Basin: TIDAL ST LUCIE

Receiving Body: Fern Creek

Class: CLASS III

Special Drainage District: NA

Conservation Easement To District : No

Sovereign Submerged Lands: No

PROJECT PURPOSE:

This application is a request for an Environmental Resource Permit to authorize construction and operation of a 17.60-acre water quality retrofit surface water management system (STA) to serve an existing developed basin. Staff recommends approval with conditions.

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The site is located east of S.R. 76 (Kanner Highway) and north of Salerno Road in Martin County (see Exhibit 1). Immediately to the north of the site is the Martin's Crossing residential development.

The site consists of vacant agricultural land and a channelized creek that discharges to the South Fork of the St. Lucie River. There are no wetlands within the proposed project. However, there are wetlands and planted upland buffer preserves adjacent to the project. No impacts to wetlands are proposed.

PROPOSED PROJECT:

The proposed project includes a wet detention retrofit stormwater treatment area (STA) to serve existing development within the Fern Creek Basin. The 6.4-acre wet STA is located within lands acquired by Martin County adjacent to the current alignment of a portion of Fern Creek. The scope of work associated with this project also includes the realignment of Fern Creek up- and downstream of the STA, as well as maintenance activities in portions of the Creek to remove siltation and restore stream channel cross-section.

Surface water runoff will be routed through the 6.4 acre wet detention flow through area for water quality treatment prior to discharge back into Fern Creek via a connecting channel. Improvements to the Creek channel extend downstream as far as the Creek's intersection with State Road 76 (Kanner Highway).

The realigned portion of Fern Creek downstream of the treatment area provides an outfall path for the Martin's Crossing project (recently permitted under Permit 43-01050-P). Discharge from the Martin's Crossing into the Fern Creek system was considered in the project modeling conducted for this project.

This project is intended solely as a retrofit water quality project serving existing development in the contributing Fern Creek basin and is not water quality treatment or storm attenuation for any future development with the project basin. The authorization for construction of the surface water management system is issued pursuant to the water quality net improvement provisions referenced in Rule Section 40E-4.303(1), Florida Administrative Code; therefore, the state water quality certification is waived.

Discharge from the water quality treatment area is via a 208-foot broad crested weir with a crest elevation of 11.0-feet with a 15-inch wide rectangular notched bleeder with an invert elevation of 7.0-feet.

Material removed from the existing Fern Creek will be stored at the STA site until dry. Please refer to Exhibits 2A to 2H for project site plan and details information.

WATER QUANTITY :

While no development is proposed in conjunction with this project, the flood protection information below indicates that existing levels of flood protection will not be adversely impacted. Calculations and design information submitted for this project indicates that the number of residences potentially flooded during a 100-year 3-day storm event will be reduced by the improvements proposed with this application.

The discharge information indicated in the table below reflects the existing peak discharge rate at a point upstream of the SR 76 box culvert crossing versus the post-project condition at the same point.

Discharge Rate :

Discharge Storm Frequency : 25 YEAR-3 DAY

Design Rainfall : 11.8 inches

Basin

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage (ft, NGVD)
Project area	414.32	Pre Vs Post	400.37	11.68

Finished Floors :

Building Storm Frequency : 100 YEAR-3 DAY

Design Rainfall : 14.5 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Finished Floors (ft, NGVD)	FEMA Elevation (ft, NGVD)
Project area	11.96	N/A	N/A

Road Design :

Road Storm Frequency : 10 YEAR-1 DAY

Design Rainfall: 7 inches

Basin	Peak Stage (ft, NGVD)	Proposed Min. Road Crown (ft, NGVD)
Project area	11.3	n/a

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD)	WSWT Ctrl Elev (ft, NGVD)	Method Of Determination
Project area	17.60	7	7.00	Wetland Indicator Elevation

Receiving Body :

Basin	Str.#	Receiving Body
Project Area	STA Control	Fern Creek

Discharge Structures: Note: The units for all the elevation values of structures are (ft, NGVD)

Bleeders:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
Project area	STA Control Struct.	1	Rectangular Notch	15"					7

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
Project area	STA Control Struct.	1	Broad Crested	208'				11 (crest)

WATER QUALITY :

The proposed retrofit water quality treatment area will provide 29.8 acre-feet of treatment for the approximately 443 acre contributing basin area, or approximately 0.8 inches of treatment.

Prior to the commencement of clearing or project construction, the permittee will install silt fencing around the landward limits of the project (see Exhibits 2A-2D). Silt fence will be used around the dredged material at the staging area (the STA site) to prevent turbid discharges. In addition, a turbidity barrier will be placed across the project limits near SR 76 (refer to Exhibit 2C). After the installation of the silt fencing and turbidity barrier is complete, the permittee will contact the District's environmental

compliance staff to inspect the installation. The silt fencing and turbidity barrier will remain in place and in good functional condition until all adjacent construction has been completed, all fill slopes have been stabilized and the District's environmental compliance staff has inspected the site and approved the removal of the silt fencing.

Basin	Treatment Method		Vol Req'd (ac-ft)	Vol Prov'd (ac-ft)
Project area	Treatment	Wet Detention	6.4 acres 29.8	29.8

WETLANDS:

There is a large wetland located adjacent to the proposed Fern Creek re-alignment (see Exhibit 1B). This wetland is preserved as part of the Martin's Crossing project (Permit No. 43-01050-P). Because the proposed control elevation of the STA and canal is lower than the seasonal high water elevation of the preserved wetland, an impermeable barrier will be installed between the wetland and the proposed canal (see Exhibit 2D). The barrier will reduce the drawdown of this wetland by the existing ditch and the proposed retrofit project.

Preserved upland buffers along Fern Creek within the Southwood Development will be protected during construction with fencing. Construction access will be limited to the Salerno Road right-of-way, Meadow, Wood Way and Highland Drive to prevent impacts to preserves.

The project will temporarily impact wetland vegetation within Fern Creek, an other surface water. The creek provides functions to wetland-dependent wildlife. The proposed STA is expected to offset the adverse temporary impacts to the creek, as it will be planted with wetland vegetation (see Exhibit 3).

Monitoring/Maintenance:

Monitoring of stormwater treatment pond will be conducted annually with monitoring reports submitted on an annual basis and in conformance with the work schedule (Exhibit 5). The pond will be maintained for exotic and nuisance plant species such that the coverage of exotic and nuisance plant species does not exceed 5% between maintenance activities. Maintenance shall be conducted in perpetuity. For additional details of the monitoring and maintenance of the pond refer to Exhibit 4. Please note that although success criteria are included in the monitoring and maintenance plan, the STA is not a mitigation project. Therefore, the success criteria are not conditions of this permit.

Endangered Species:

Gopher tortoise burrows were observed on the proposed STA site by the applicant's consultant. The permittee will coordinate with the Florida Fish and Wildlife Conservation Commission to obtain permits for relocation and/or taking of the tortoises.

No wetland-dependent endangered/threatened species or species of special concern were observed onsite, and submitted information indicates that potential use of the site by such species is minimal. This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site.

Species	Potential Occurrence	Use Types
---------	----------------------	-----------

Species	Potential Occurrence	Use Types
Gopher Tortoises	Observed	Burrows

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

RELATED CONCERNS:

Water Use Permit Status:

No irrigation is necessary for this project. In addition, the applicant has indicated that dewatering is not required for construction of this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a general permit issued pursuant to Section 40E-20 FAC.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that the agency has no objections to the issuance of this permit.

DCA/CZM Consistency Review:

The District has not received a finding of inconsistency from the Florida Department of Community Affairs or other commenting agencies regarding the provisions of the federal Coastal Zone Management Plan.

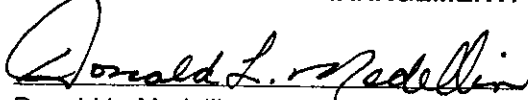
Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

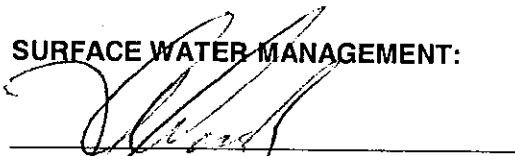
DIVISION APPROVAL:

NATURAL RESOURCE MANAGEMENT:

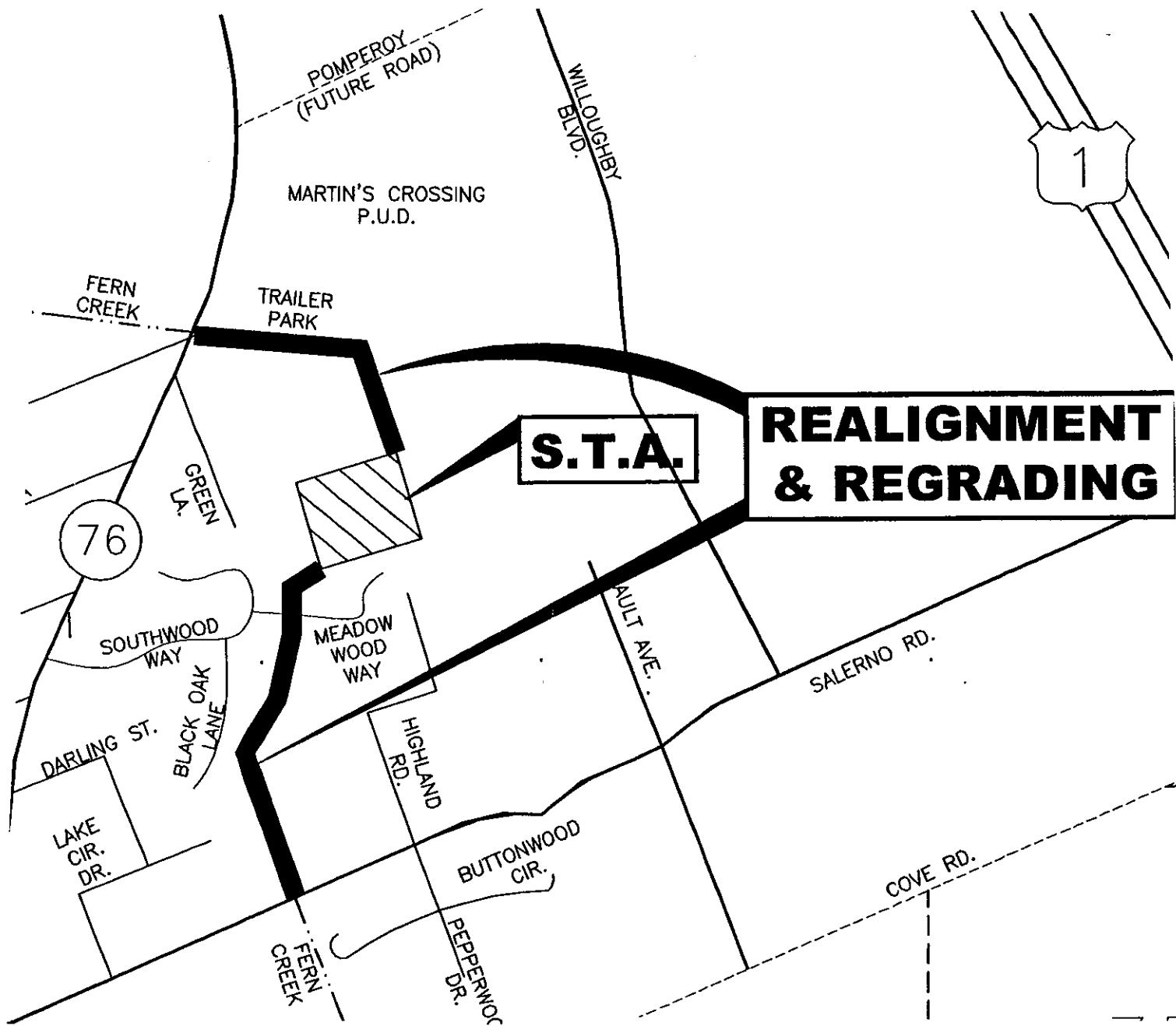

Donald L. Medellin

DATE: 30 Jan 04

SURFACE WATER MANAGEMENT:


Hugo A. Carter, P.E.

DATE: 30 Jan 04

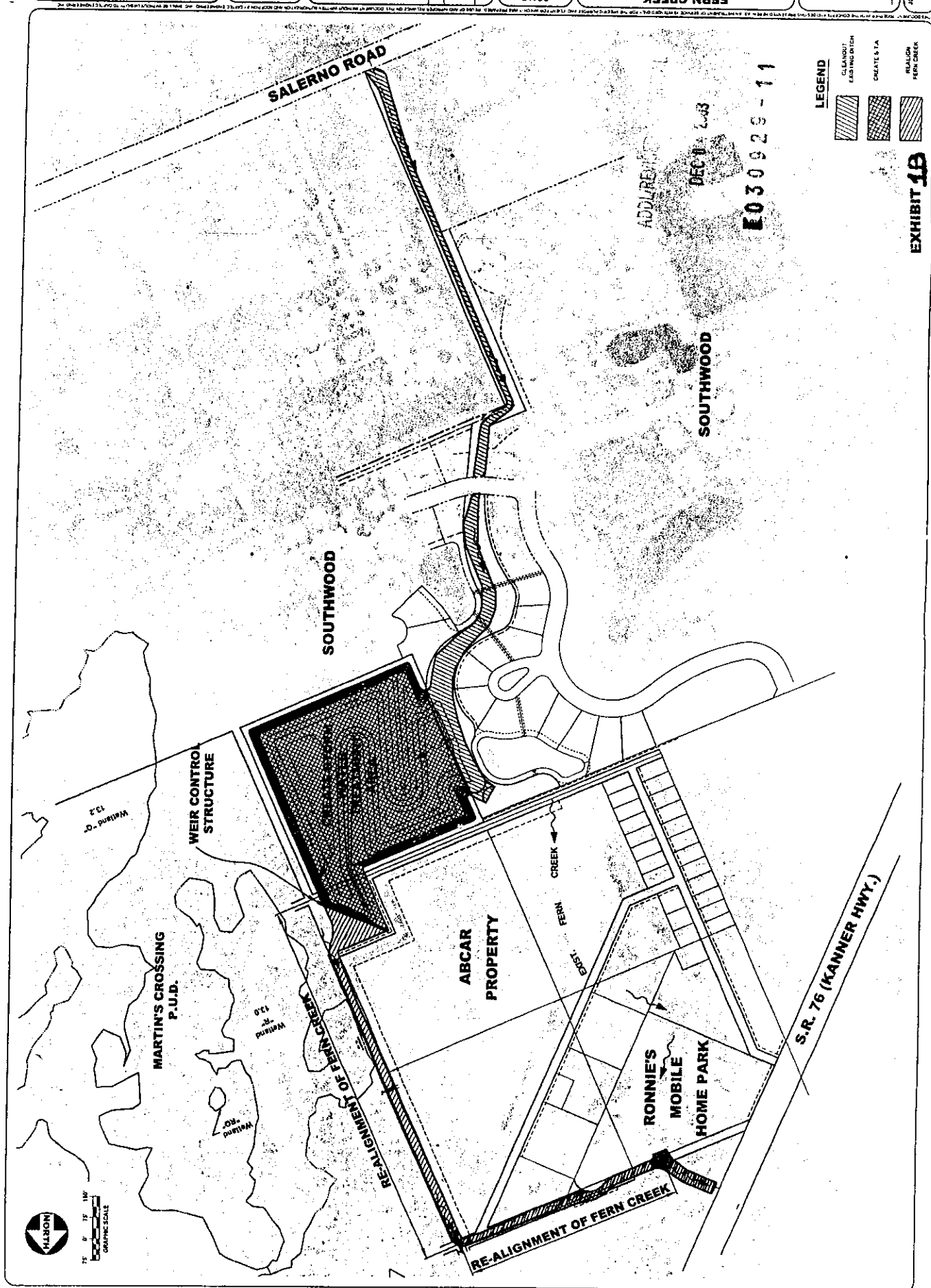


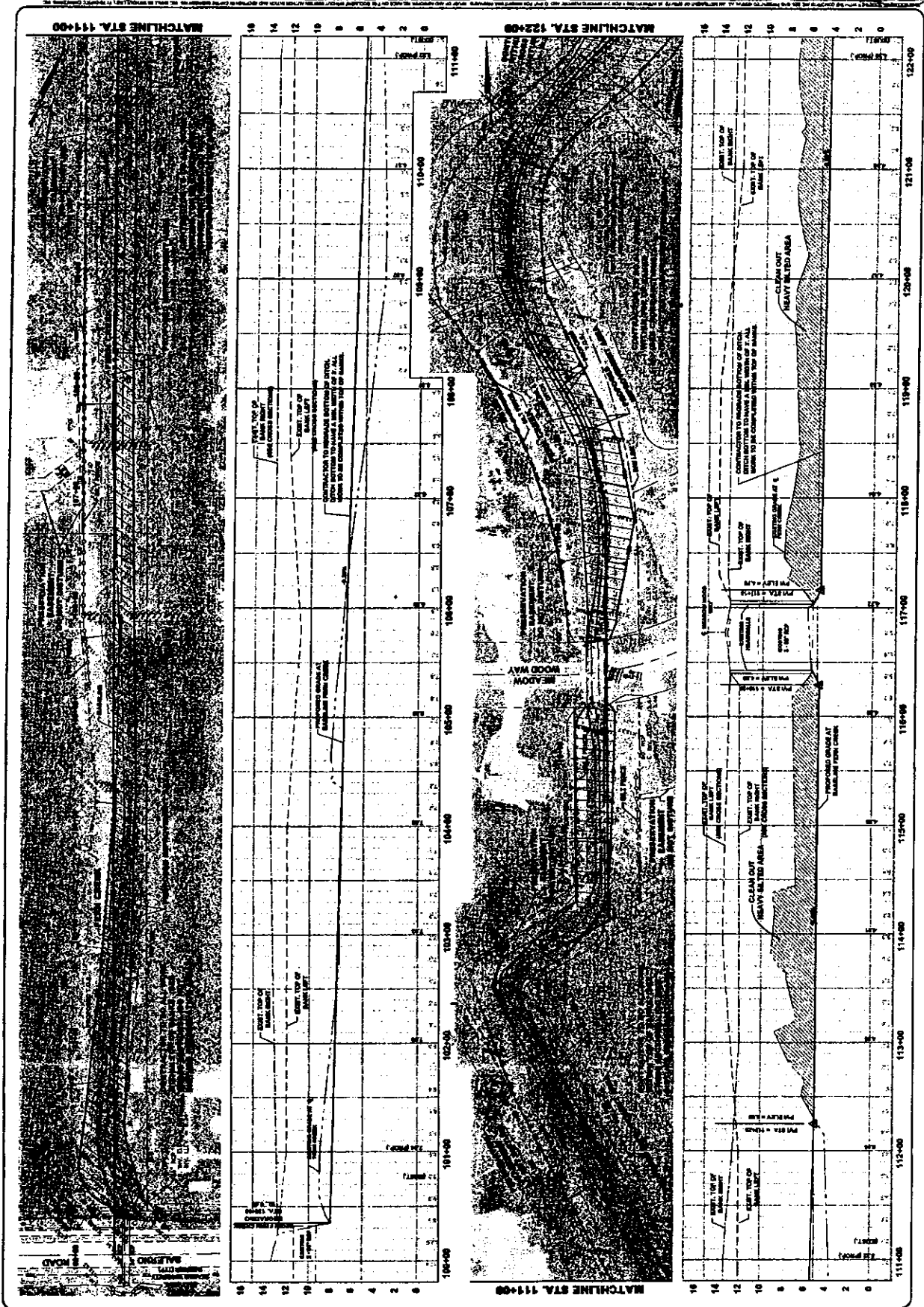
FERN CREEK WATER QUALITY RETROFIT LOCATION MAP



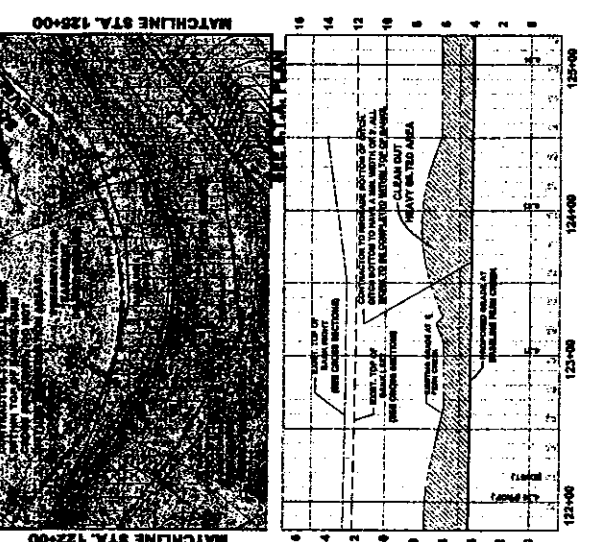
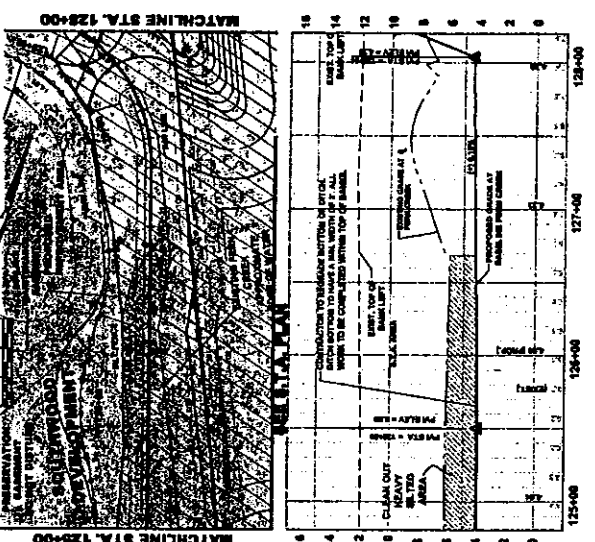
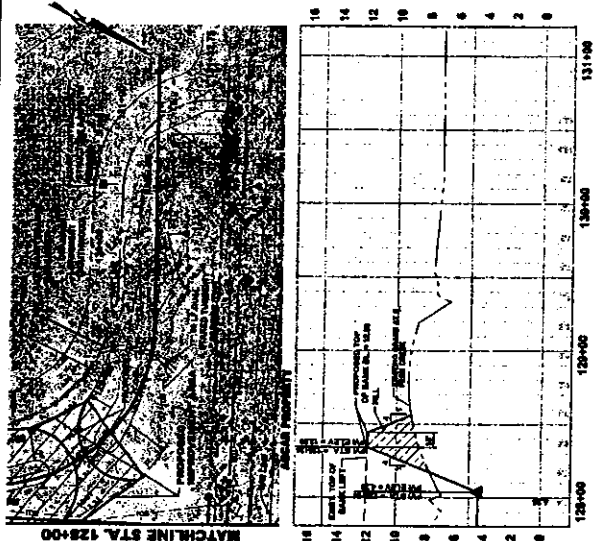
Application 030929-11

Exhibit 1 A

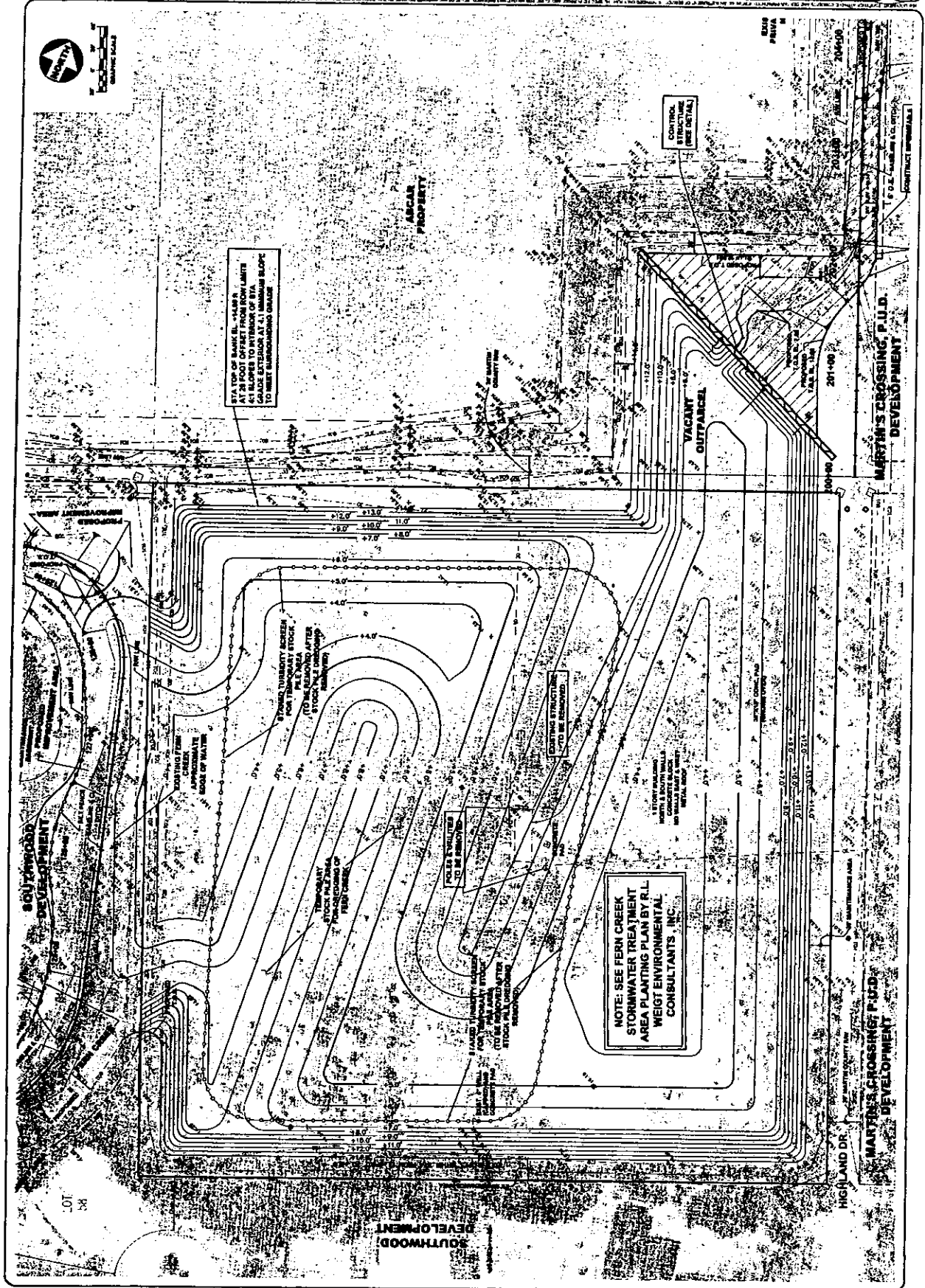


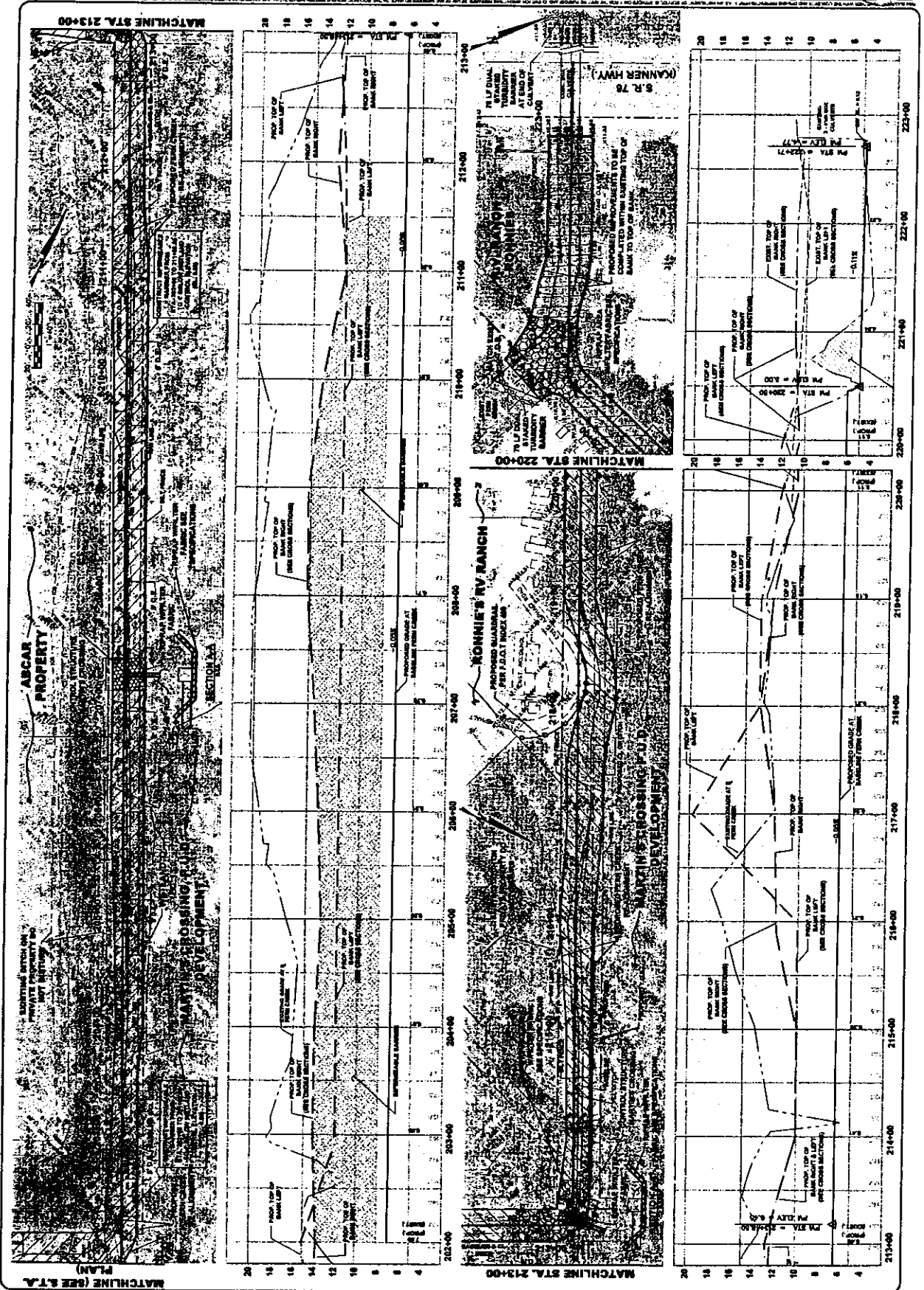


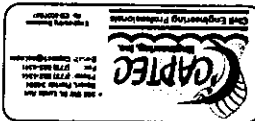
200 S. W. 31st Lane Ave.
Miami, Florida 33134
P.O. Box 37025



NO WORK TO ENCROACH INTO PRESERVE AREAS







DATE	1/17/00
BY	WLT
CHECKED BY	WLT
APPROVED BY	WLT
PROJECT NO.	030929-11
SCALE	1" = 10'
PROJECT NAME	STORMWATER QUALITY RETROFIT
LOCATION	FROM SALENO RD TO STA

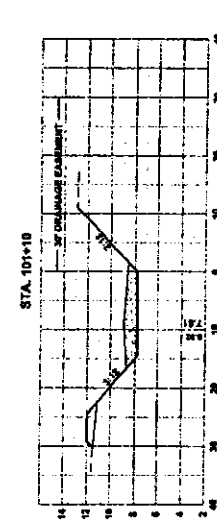
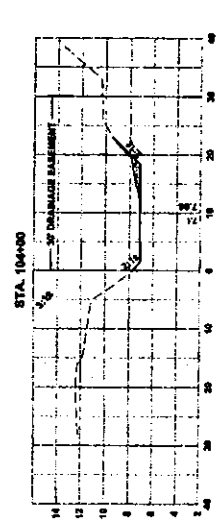
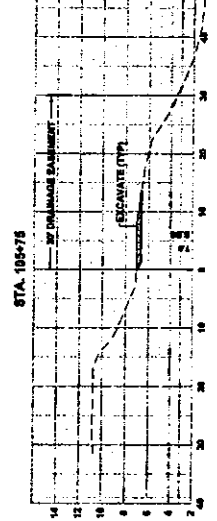
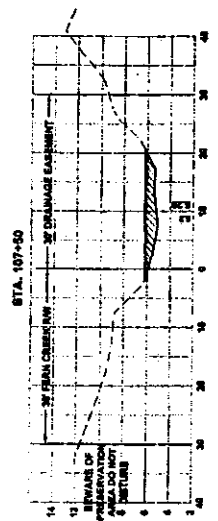
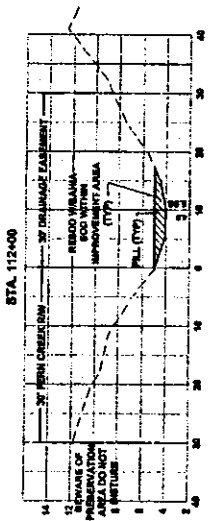
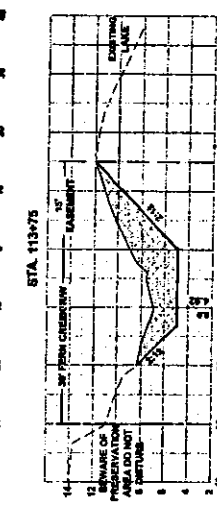
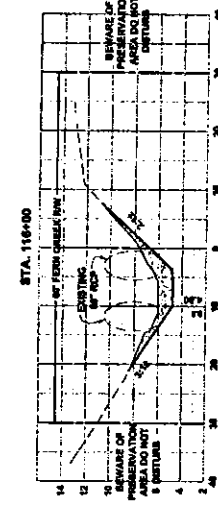
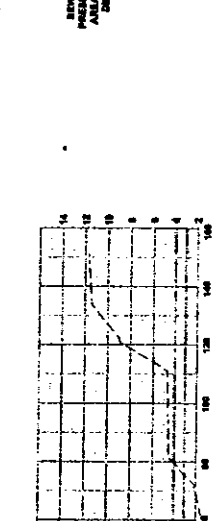
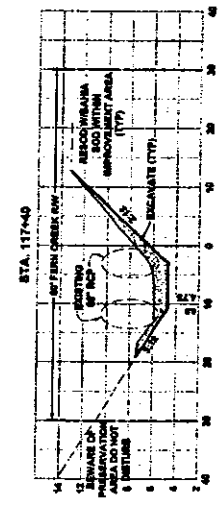
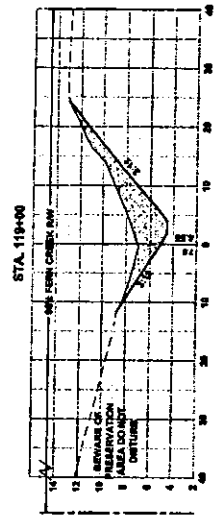
NO.	DATE	BY	REVISION
1	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
2	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
3	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
4	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
5	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
6	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
7	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
8	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
9	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT
10	1/17/00	WLT	DESIGNED FOR STORMWATER QUALITY RETROFIT

VERIFICATION	1
SCALE	1" = 10'
PROJECT NAME	STORMWATER QUALITY RETROFIT
LOCATION	FROM SALENO RD TO STA

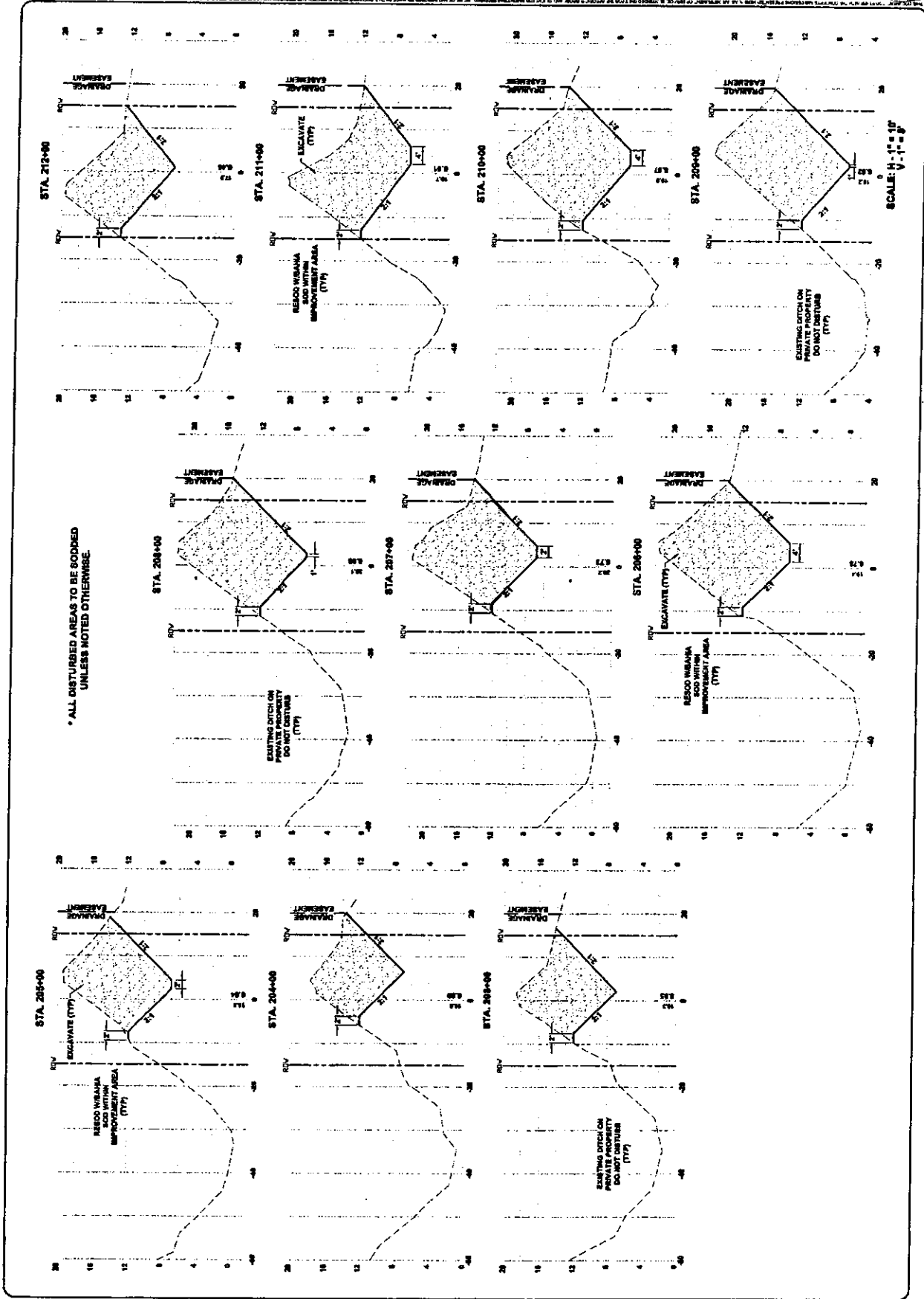
STORMWATER QUALITY RETROFIT
FERN CREEK
FROM SALENO RD TO STA
CROSS SECTIONS
 Martin County, Florida

DATE	1/17/00
BY	WLT
CHECKED BY	WLT
APPROVED BY	WLT
PROJECT NO.	030929-11
SCALE	1" = 10'
PROJECT NAME	STORMWATER QUALITY RETROFIT
LOCATION	FROM SALENO RD TO STA

* ALL DISTURBED AREAS TO BE SOILED
 UNLESS NOTED OTHERWISE



SCALE: H:V = 10':1'

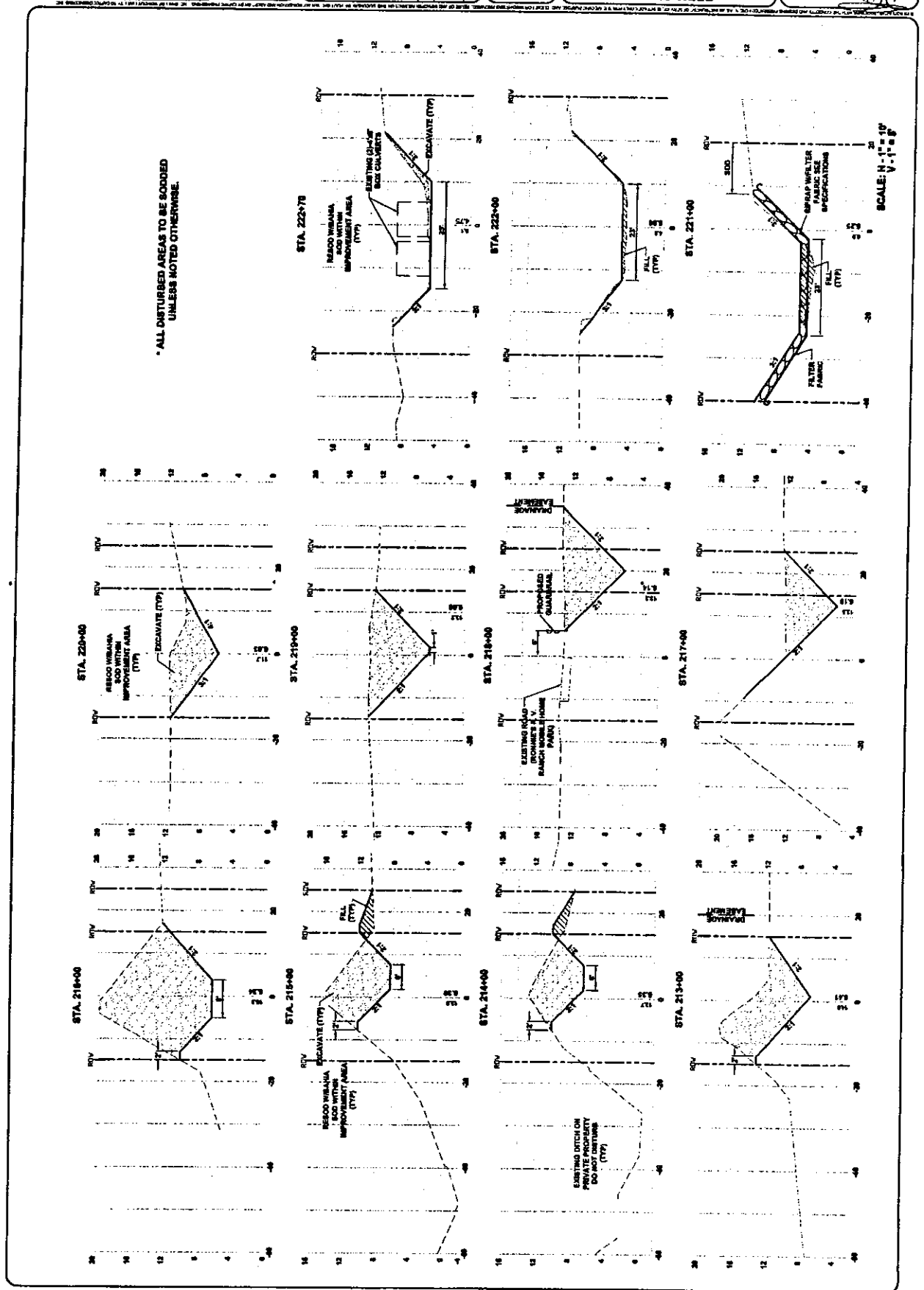


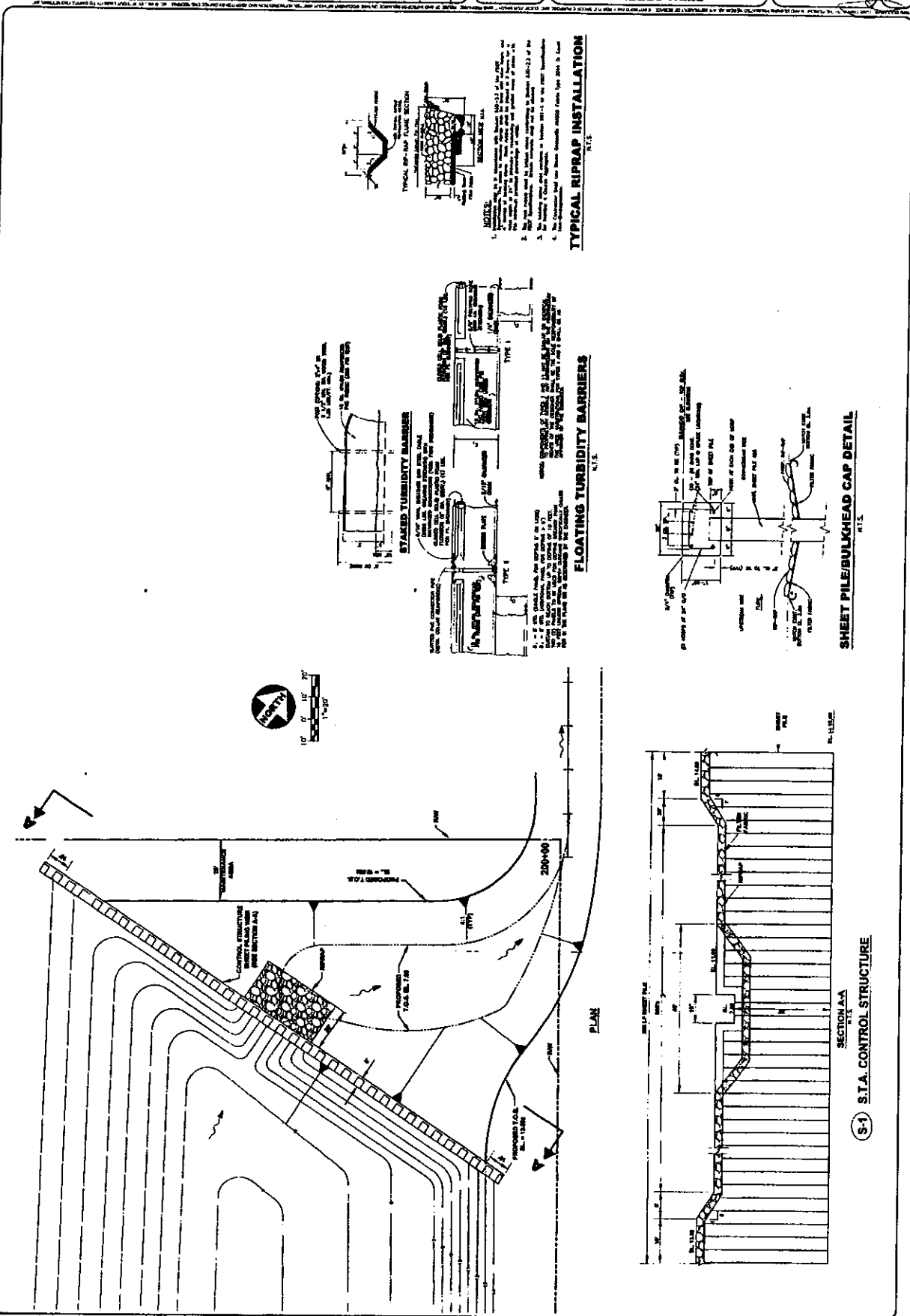
Joseph M. Caputo
300 S.W. 85, Little Ave.
Miami, Florida 33135
P.O. Box 37958

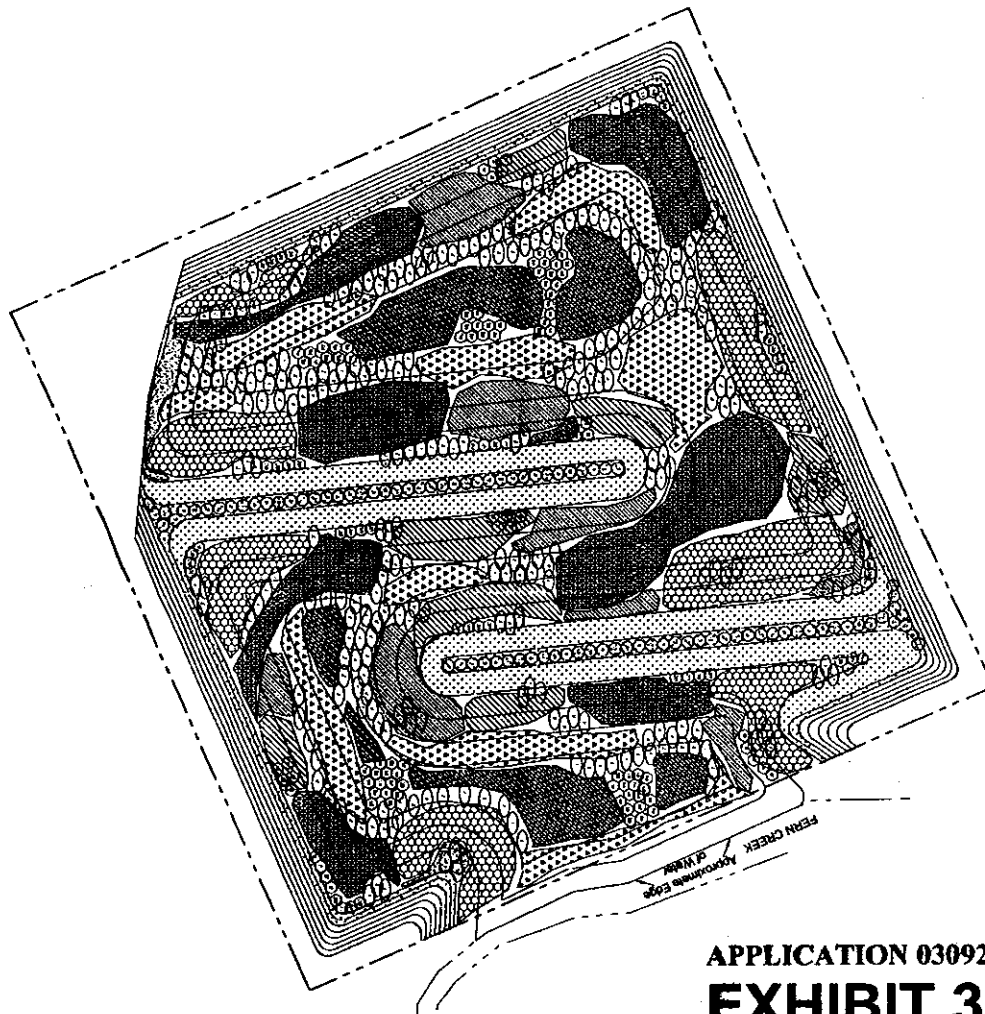
6-20-82 2 1403

Printed Date

JOE M. 228.61
SHEET
8 OF 10







LEGEND	SCIENTIFIC NAME	COMMON NAME	DENSITY	SIZE	TOTAL UNITS REQUIRED
	<i>Canoe flaccida</i>	GOLDEN CANNA	3' O.C.	BR	444
	<i>Crinum americanum</i>	SWAMP LILY	3' O.C.	BR	348
	<i>Eleocharis cellulosa</i>	SPIKE RUSH	3' O.C.	BR	5,182
	<i>Juncus effusus</i>	SOFT RUSH	3' O.C.	BR	1,948
	<i>Muhlenbergia capillaris</i>	GULF MUHLY	3' O.C.	2" PLUG	246
	<i>Nymphaea odorata</i>	WATER LILY	3' O.C.	BR	588
	<i>Pontederia lanceolata</i>	MAIDENCANE	3' O.C.	BR	4,277
	<i>Rhynchospora tracyi</i>	PICKERELWEED	3' O.C.	BR	2,129
	<i>Sagittaria lancifolia</i>	BEAK RUSH	3' O.C.	BR	2,228
	<i>Scirpus americanus</i>	ARROWHEAD	3' O.C.	BR	993
	<i>Scirpus validus</i>	BULL RUSH	3' O.C.	BR	3,762
	<i>Spartina bakeri</i>	BULL RUSH	3' O.C.	BR	2,662
	<i>Thalia geniculata</i>	SPARTINA	3' O.C.	2" PLUG	6,431
	<i>Taxodium distichum</i>	ARROW ROOT LILY	3' O.C.	BR	1,712
	<i>Cypripedium</i>	CYPRESS	10' O.C.	3G 1-5'	89

Stabilize slopes above elevation +9.0 ft with sod (35,118 sq. ft.)

APPLICATION 030929-11
EXHIBIT 3

CAPEC 300 S.W. St. Louis Avenue Stuart, FL 34984 (772) 684-4344		DATE: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____		COUNTY: FLORIDA CITY: _____ ZIP: _____		PROJECT: _____ SHEET: _____ OF _____	
PLANTING PLAN VIEW				FERN CREEK STORMWATER TREATMENT AREA			
R. L. WEICHT ENVIRONMENTAL CONSULTANTS, INC. 888 S.E. BRADLEY BLVD., SUITE 100, FT. LAUDERDALE, FL 33304 PHONE: (772) 438-1111 FAX: (772) 438-1112				SCALE: _____ DATE: _____			

**FERN CREEK STORMWATER TREATMENT AREA
PROJECT SITE
MONITORING AND MAINTENANCE PLAN**

1.00 INTRODUCTION

The Martin County Stormwater Management Improvements, Fern Creek Stormwater Treatment Area (STA) project site consists of approximately 9.51 acres of land located east of Kanner Highway (CR-76) and north of Salerno Road (Figure 1 of 3). This site is located in Hanson Grant, Township 38S, Range 41E, Martin County, Florida.

R.L. Weigt Environmental Consultants, Inc. (RLW) has been retained by CAPTEC Engineering, Inc. (CAPTEC) to prepare a monitoring and maintenance plan for the proposed Fern Creek STA. The following addresses wetland monitoring and maintenance plans for the proposed wetland areas.

2.00 MONITORING AND MAINTENANCE PLAN

The proposed created wetland areas of the Fern Creek STA project site will be monitored semiannually for a five (5) year period. A time-zero monitoring report will be completed prior to construction. Monitoring will be conducted semiannually during the dry season (April/May) and the wet season (October/November). Annual reports, documenting the results of the semiannual monitoring iterations, will be prepared to document conditions in the wetland areas. The reports will include hydrologic data, vegetation analysis, wildlife utilization, macroinvertebrate and fish sampling, panoramic photographs, and conclusions of the semiannual monitoring iterations.

EXHIBIT 4A

2.01 Monitoring Set-up

One (1) monitoring transect will be established within the Fern Creek STA project site (Figure 2 of 3). The beginning of the transect will be marked with a 4" x 4" x 24" concrete monument. The concrete monument will also serve as the panoramic photograph location. A compass bearing from the concrete monument will be established for the transect. A metal plate will be engraved with the transect number, compass bearing, and date. The metal plate will be attached to the concrete monuments with a stainless steel bolt. The concrete monument will be field-located with a hand-held GPS unit, and the latitude and longitude recorded.

A monitoring well Data Logger will be installed in the monitored wetland (Figure 2 of 3). The data logger will be installed on a 3" schedule 40 PVC pipe (Figure 3 of 3). The data logger will be surveyed and referenced to NGVD. One rain gauge data logger will be installed to record daily rainfall on-site.

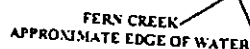
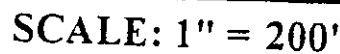
The integrated rain gauge data logger has a self-emptying bucket. Data stored in the rain gauge logger memory will be downloaded to a computer and graphed. The rain gauge data logger will be installed on 3"sch. 40 PVC pipe (Figure 3 of 3). The rain collector, which attaches above the self-emptying tipping bucket, measures 8.5" diameter by 9.5' high. The collector meets the guidelines and standards of the World Meteorological Organization.

2.02 Vegetation Survey

Biologists will conduct semiannual (April/May and October/November) vegetation surveys of the transect for a period of five (5) years. Each vegetative community type will be represented in the transect and major vegetation zones will be identified. Sample quadrats, 10 meters x 10 meters (100 sq. meters), will be sampled every seventy-five (75') feet.

EXHIBIT 4B

CONSOLIDATED, INC. SINGAPORE WITH NO LIABILITY TO US, WEIGH ENVIRONMENTAL CONSULTANTS, INC.



RESEARCH AND DEVELOPMENT

- TRANSECT/QUADRAT LOCATION
- PANORAMIC PHOTO LOCATION
- WATER LEVEL RECORDER
- RAIN GAUGE

SOURCE: RLW

EXHIBIT 4C LATITUDE: N 27° 3.032' LONGITUDE: W 080° 14.671'

MARTIN COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	HANSON GRANT	38S	41E	03-043.01	MONMAINTTRANS.DWG	7 AUGUST 2003	2 OF 3

FERN CREEK STA
MONITORING & MAINTENANCE PLAN
MONITORING TRANSECT

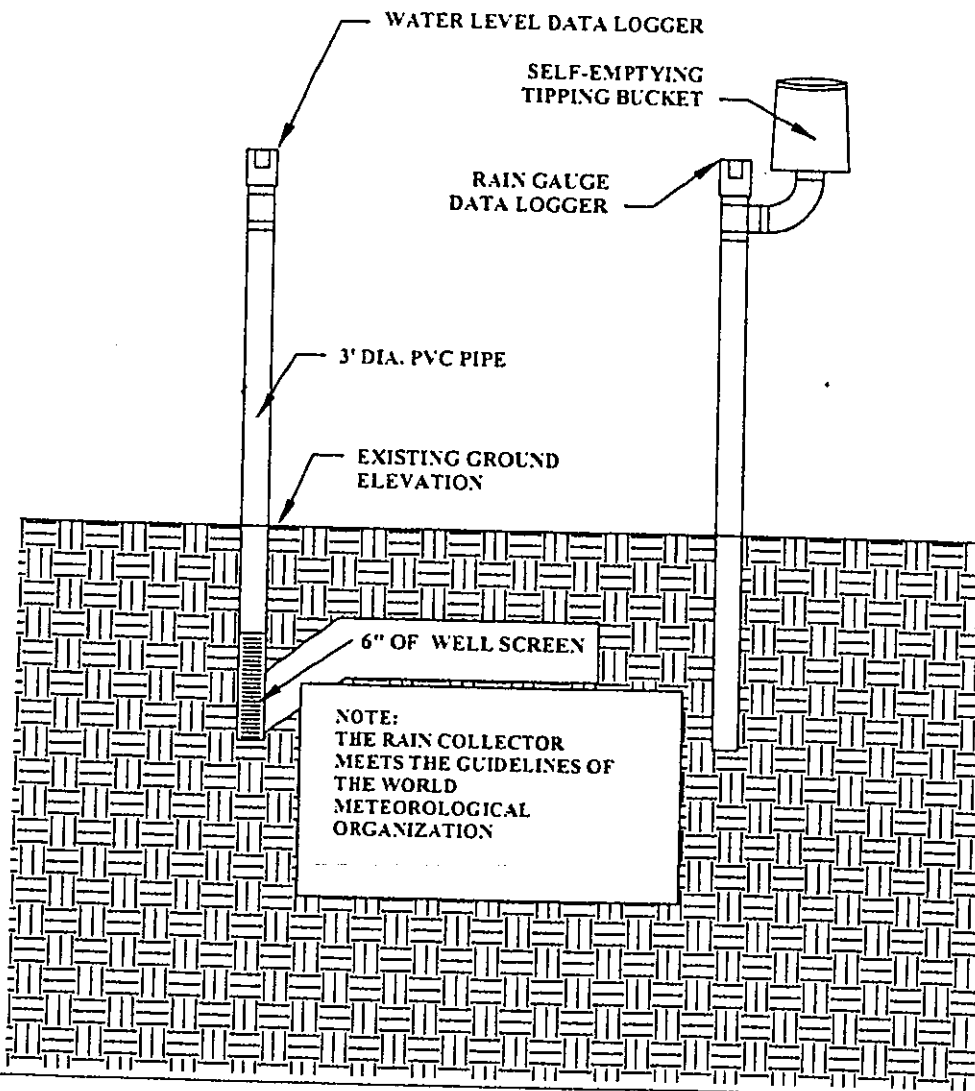
R. L. WEIGT
ENVIRONMENTAL CONSULTANTS, INC.
 8985 S.E. BRIDGE ROAD, SUITE A, HOBE SOUND, FL 33455
 PHONE: (772) 546-6255 FAX: (772) 546-2316 E-MAIL rlw1@adelphia.net

NOT A SURVEY



North

SCALE: NOT TO SCALE



LATITUDE: N27° 4.032' LONGITUDE: W080° 14.671'

EXHIBIT 4D

MARTIN COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	HANSON GRANT	38S	41E	03-043.01	NONMAINTLOGDETAIL.DWG	7 AUGUST 2003	3 OF 3

FERN CREEK STA
MONITORING & MAINTENANCE PLAN
DATA RECORDER DETAIL

R. L. WEIGT
ENVIRONMENTAL CONSULTANTS, INC.
8985 S.E. BRIDGE ROAD, SUITE A, HOBE SOUND, FL 33455
PHONE: (772) 546-6255 FAX: (772) 546-2316 E-MAIL: rlw1@adelphia.net

Vegetation inside the quadrats will be identified to species level, when possible. The percent-coverage of each species will be recorded.

2.03 Panoramic Transect and Quadrat Photographs

During each sample iteration, a color panoramic photograph (180°) of the transect will be taken (Figure 2 of 3). A range-pole marked in 12" intervals will be provided in each photograph for scaling vegetation growth. A single photograph will be taken of each quadrat. The photographs will provide physical documentation of the conditions within the mitigation area. Photographs of the semiannual monitoring iterations will be included in each of the annual reports.

2.04 Wildlife Utilization

A qualitative study of wildlife utilization (birds, mammals, amphibians, and reptiles) will be conducted during each sample iteration. Wildlife utilization will be determined by sighting, scat, calls, nests, burrows, tracks, etc. A species list of observed wildlife from each of the semiannual monitoring iterations will be compiled and included in the annual reports.

2.05 Fish and Aquatic Macroinvertebrate Sampling

Qualitative sampling for the presence of fish and macroinvertebrates will be conducted by biologists during each sample iteration. The fish and macroinvertebrates may be collected with cast nets, seines, dipnet, and/or dredge, whichever is more applicable at the time of sampling. A species list of each of the semiannual monitoring iterations will be included in the annual reports.

EXHIBIT 4E

2.06 Hydrology

The water level data logger will be set to read one (1) level per day. Data stored in the memory will be downloaded to a computer and graphed.

2.07 Exotic Plant Species

Exotic and nuisance plant species will be removed, in perpetuity, within the wetland area. Exotic trees, including Brazilian pepper, melaleuca, and earleaf acacia will be basal treated with an approved herbicide and allowed to die in-place, or cut, stumped, and removed from site. Other exotic and nuisance species will be treated with an appropriate, approved herbicide (i.e., Rodeo) or pulled by hand. Exotic maintenance will be performed on at least a semiannual basis, depending on the existing conditions.

The wetland area will be maintained free of listed exotic vegetation as defined as Category I plants by the Florida Exotic Pest Plant Council (Table 1), such that 0% cover occurs on-site following each maintenance event. The wetland will be maintained such that less than 5% of other no exotic vegetation will be present between maintenance events. Nuisance vegetation will be maintained such that less than ten percent (<10%) of the total acreage of the wetland is occupied by nuisance vegetation between maintenance events. Maintenance will be conducted in perpetuity and run with the land.

2.08 Success Criteria

Upon completion of STA construction, the wetland areas will achieve at least 80% coverage of appropriate native vegetation at the end of the first year of monitoring. In the event that 80% coverage by appropriate native vegetation is not achieved within one year, replanting of additional appropriate native vegetation will occur after each monitoring event for which the targeted coverage is not achieved in any portion of the project.

Table 1. Florida Exotic Pest Plant Council's Category I Invasive Exotic Species (2001).

<u>Scientific Name</u>	<u>Common Name</u>
<i>Abrus precatorius</i>	rosary pea
<i>Acacia auriculiformis</i>	earleaf acacia
<i>Albizia julibrissin</i>	mimosa, silk tree
<i>Albizia lebbek</i>	woman's tongue
<i>Ardisia crenata</i>	coral ardisia
<i>Ardisia crenulata</i>	
<i>Ardisia elliptica</i>	shoebutton ardisia
<i>Ardisia humilis</i>	shoebutton ardisia
<i>Asparagus densiflorus</i>	Asparagus fern
<i>Bauhinia variegata</i>	Orchid tree
<i>Bischofia javanica</i>	bischofia
<i>Calophyllum antillanum</i>	santa maria (names "mast wood", "Alexandrian laurel" used in cultivation)
<i>Calophyllum calaba</i>	
<i>Calophyllum inophyllum</i>	
<i>Casuarina equisetifolia</i>	Australian pine
<i>Casuarina glauca</i>	suckering Australian pine
<i>Cestrum diurnum</i>	day jessamine
<i>Cinnamomum camphora</i>	camphor-tree
<i>Colocasia esculenta</i>	wild taro
<i>Colubrina asiatica</i>	lather leaf
<i>Cupaniopsis anacardioides</i>	carrotwood
<i>Dioscorea alata</i>	winged yam
<i>Dioscorea bulbifera</i>	air potato
<i>Eichornia crassipes</i>	water hyacinth
<i>Eugenia uniflora</i>	Surinam cherry
<i>Ficus microcarpa</i>	laurel fig
<i>Ficus nitida</i>	
<i>Ficus retusa</i> var. <i>nitida</i>	
<i>Hydrilla verticillata</i>	hydrilla
<i>Hygrophila polysperma</i>	green hygro
<i>Hymenachne anplexicaulis</i>	West Indian marsh grass
<i>Imperata cylindrica</i>	cogon grass
<i>Imperata brasiliensis</i>	
<i>Ipomoea aquatica</i>	water spinach
<i>Jasminum dichotomum</i>	Gold Coast jasmine
<i>Jasminum fluminense</i>	Brazilian jasmine
<i>Lantana camara</i>	lantana, shrub verbena
<i>Ligustrum lucidum</i>	glossy privet
<i>Ligustrum sinense</i>	Chinese privet, hedge privet
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lygodium japonicum</i>	Japanese climbing fern
<i>Lygodium microphyllum</i>	Old World climbing fern
<i>Macfadyena unguis-cati</i>	cats claw vine
<i>Manilkara zapota</i>	sapodilla
<i>Melaleuca quinquenervia</i>	melaleuca, paper bark
<i>Melia azedarach</i>	Chinaberry
<i>Mimosa pigra</i>	catclaw mimosa
<i>Nandina domestica</i>	nandina, heavenly bamboo

EXHIBIT 46

Table 1. Continued.

<i>Nephrolepis cordifolia</i>	sword fern
<i>Nephrolepis multiflora</i>	Asian sword fern
<i>Neyraudia reynaudiana</i>	Burma reed, cane grass
<i>Paederia cruddasiana</i>	sewer vine, onion vine
<i>Paederia foetida</i>	skunk vine
<i>Panicum repens</i>	torpedo grass
<i>Pennisetum purpureum</i>	napier grass
<i>Pistia stratiotes</i>	water lettuce
<i>Psidium cattleianum</i>	strawberry guava
<i>Psidium littorale</i>	
<i>Psidium guajava</i>	guava
<i>Pueraria montana</i>	kudzu
<i>Pueraria lobata</i>	
<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle
<i>Rhoeo spathacea</i>	oyster plant
<i>Rhoeo discolor</i>	
<i>Tradescantia spathacea</i>	
<i>Ruellia brittoniana</i>	Mexican petunia
<i>Sapium sebiferum</i>	popcorn tree, Chinese tallow tree
<i>Scaevola sericea</i>	scaevola, half-flower, beach naupaka
<i>Scaevola frutescens</i>	
<i>Scaevola taccada</i> var. <i>sericea</i>	
<i>Schefflera actinophylla</i>	schefflera, Queensland umbrella tree
<i>Brassaia actinophylla</i>	
<i>Schinus terebinthifolius</i>	Brazilian pepper
<i>Senna pendula</i>	climbing cassia, Christmas cassia, Christmas senna
<i>Cassia coluteoides</i>	
<i>Solanum tampicense</i>	wetland night shade, aquatic soda apple
<i>Solanum houstonii</i>	
<i>Solanum viarum</i>	tropical soda apple
<i>Syngonium podophyllum</i>	Arrowhead vine
<i>Syzygium cumini</i>	jambolan, Java plum
<i>Tectaria incisa</i>	incised halberd fern
<i>Thespesia populnea</i>	seaside mahoe
<i>Tradescantia fluminensis</i>	white-flowered wandering jew
<i>Tradescantia spathacea</i>	oyster plant
<i>Rhoeo spathacea</i>	
<i>Rhoeo discolor</i>	
<i>Crochloa mutica</i>	Para grass
<i>Brachiaria mutica</i>	

Source: Florida Exotic Pest Plant Council, 2001 List of Invasive Species

EXHIBIT 44

2.09 Monitoring Reports

Annual monitoring reports, summarizing results of each of the semiannual monitoring iterations, will be submitted to the South Florida Water Management District (SFWMD) according to the following schedule:

Time of Planting	Baseline Report
April/May 2001	monitoring only
October/November 2001	Report #1
April/May 2002	monitoring only
October/November 2002	Report #2
April/May 2003	monitoring only
October/November 2003	Report #3
April/May 2004	monitoring only
October/November 2004	Report #4
April/May 2005	monitoring only
October/November 2005	Report #5, Final Report

see
Exhibit
5

Baseline and annual reports will be submitted within thirty (30) days of sampling the wetland area. The monitoring reports will contain, but are not limited to, the following data:

- results of the semiannual vegetation surveys;
- results of the semiannual wildlife surveys;
- water level and rainfall data;
- semiannual panoramic and quadrat photographs;
- results of the semiannual fish and aquatic macroinvertebrate survey;

EXHIBIT 4I

- degree of compliance with success criteria;
- discussion of project issues related to vegetation, hydrology, exotic species, permit compliance, and recommendations or proposed changes, as necessary, for improving the success of the mitigation area, according to SFWMD permit conditions.

EXHIBIT 45

South Florida Water Management District

Work Schedule Requirements

Application No : 030929-11

Page 1 of 1

Mitigation Plan ID: FERN CREEK STA

Activity	Due Date
SITE INSPECTION- SILT FENCING	30-JUN-2004
TIME ZERO MONITORING REPORT	15-JUN-2005
FIRST MONITORING REPORT	15-JUN-2006
SECOND MONITORING REPORT	15-JUN-2007
THIRD MONITORING REPORT	15-JUN-2008
FOURTH MONITORING REPORT	15-JUN-2009
FIFTH MONITORING REPORT	15-JUN-2010

STAFF REPORT DISTRIBUTION LIST

FERN CREEK STORMWATER QUALITY RETROFIT

Application No: 030929-11

Permit No: 43-01508-P

INTERNAL DISTRIBUTION

- X Edmond A. Palmowski - 4220
- X Melinda Parrott - 4250
- X Donald L. Medellin - 4250
- X Hugo A. Carter, P.E. - 4220
- X ERC Engineering - 6880
- X ERC Environmental - 6880
- X Permit File

EXTERNAL DISTRIBUTION

- X Permittee - Martin County Board Of County Commissioners
- X Engr Consultant - Captec Engineering Inc

GOVERNMENT AGENCIES

- X Div of Recreation and Park - District 7 - FDEP
- X FFWCC South Regional Office
- X Florida Fish & Wildlife Conservation Commission - Bureau of Protected Species Mgmt
- X Martin County - Community Development Director
- X Martin County - County Administrator
- X Martin County Board of County Commissioners
- X Martin County Engineer

OTHER INTERESTED PARTIES

- X Water Management Institute - Michael N. Vanatta