



M. Parrott

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 43-01176-P
DATE ISSUED: January 8, 2003**

Form #0941
08/95

PERMITTEE: CITY OF STUART
121 SW FLAGLER AVE
STUART, FL 34994

PROJECT DESCRIPTION: Construction and operation of a surface water management system to serve a 13.06-acre project known as Haney Creek Improvement Phase 2.

PROJECT LOCATION: MARTIN COUNTY, SEC 29 TWP 37S 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. 021001-12, dated October 1, 2002. 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 15 Special Conditions (See Pages : 5 - 6 of 6) and
4. the attached 3 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 8th day of January, 2003, 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 4286 2358

Enclosures

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(4), 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 January 8, 2008.
2. Operation of the surface water management system shall be the responsibility of CITY OF STUART.
3. Discharge Facilities:

Structure: 1A

1-2.5' W X 1.81' H TRIANGULAR ORIFICE with invert at elev. 6.8' NGVD.

Receiving body : Phase 2 wetlands

Structure: 1B

1-4' WIDE SHARP CRESTED weir with crest at elev. 8.61' NGVD.

Receiving body : Existing Ditch
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. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
8. 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.
9. 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.
10. Silt screens, hay bales, turbidity screens/barriers or other such sediment control measures shall be utilized during construction. The selected sediment control measure shall be installed landward of the upland buffer zones around all protected wetlands and shall be properly "trenched" etc, in accordance with Exhibit No. 2. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into the wetlands and upland buffer zones.
11. All special conditions and exhibits previously stipulated by permit number 43-01176-P remain in effect unless otherwise revised and shall apply to this modification.
12. 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.
13. A maintenance program shall be implemented in accordance with Exhibit No. 3 for the preserved/enhanced wetland areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at

SPECIAL CONDITIONS

the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 10% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.

14. A monitoring program shall be implemented in accordance with Exhibit No. 3. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. Monitoring will be conducted and reported simultaneously with the monitoring required under Application No. 000302-6.
15. The permittee shall be responsible for replanting the disturbed or newly created wetland areas from uplands. Prior to planting, the permittee shall coordinate the replanting plan with Environmental Resource Compliance staff located in the Martin St. Lucie service center to ensure adequate coverage of all disturbed areas to prevent erosion, sedimentation or turbid discharges into receiving waters and/or adjacent wetlands.

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 120.57, 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 principals 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 particularity:

(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.

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.

Last Date For Agency Action: January 11, 2003

GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Haney Creek Improvement Phase 2

Permit No.: 43-01176-P

Application No.: 021001-12

Application Type: Environmental Resource (General Permit Modification)

Location: Martin County, S29/T37S/R41E

Permittee : City Of Stuart

Operating Entity : City Of Stuart

Project Area: 38.57 acres

Project Land Use: Environmentally Sensitive

Special Drainage District: NA

Total Acres Wetland Onsite: 14.14

Total Acres Wetland Preserved Onsite: 14.14

Total Acres Presv/Mit Compensation Onsite: 14.14

Conservation Easement To District : No

Sovereign Submerged Lands: No

PROJECT PURPOSE:

Construction and operation modification of a surface water management system to serve a water quality enhancement project known as Haney Creek Phase 2. Staff recommends approval with conditions.

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The Haney Creek Phase 2 site is located on both the north and south sides of Baker Road, east of U.S. Highway 1 and west of Felix Williams Elementary School in northern Martin County. The project site consists of 38.57 acres of presently undeveloped disturbed pine flatwoods and four wetlands of poor to fair quality. The project proposes hydrologic enhancement and exotic removal to improve the function of the wetlands.

PROJECT BACKGROUND:

This project represents the second in a series of projects envisioned by the City of Stuart to improve water quality and restore wetlands within the approximately 1,200 acre Haney Creek Watershed. The previously permitted (Application No. 000302-6) Baker Road Project is a water quality enhancement project at an historical outfall within the Haney Creek Watershed that ultimately discharges to the North Fork of the St. Lucie River. A conceptual plan for the overall watershed, along with the goals of the Haney Creek Watershed program, are included as Exhibit 3.

PROPOSED PROJECT:

This project consists of redirecting flows from the Felix Williams Elementary School (Permit 43-00809-S) surface water management system into a series of wetlands located north and south of Baker Road. These wetlands connect to Arant's Swamp which ultimately discharges to the St. Lucie River via an existing ditch. Several adjacent projects (west of the school) flow into the Felix Williams surface water management system. The flow from the Felix Williams surface water management system presently flows into a conveyance ditch south of the outfall from the Phase I (Baker Road Project) water quality treatment marsh. The reconfigured school discharge structure will provide bleed down and low level flow to the proposed Phase 2 project area. Higher level flows from the Felix Williams site will continue to flow through the historical outfall path. Please refer to Exhibits 2A to 2D for project site plan and details information.

The project includes vertical relocation of two melaleuca areas to create marshes, construction of shallow swales, installation of control structures and exotic removal within approximately 14.14 acres of wetlands and approximately 10.5 acres of uplands.

WATER QUANTITY:

The applicant's engineer has submitted calculations to demonstrate that the proposed project modifications will not result in an increase to the previously permitted discharge rate or project stages that might affect up or downstream users.

Receiving Body :

Basin	Str.#	Receiving Body
Project Site	1A	Phase 2 wetlands
Project Site	1B	Existing Ditch

Discharge Structures:

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev. (ft, NGVD)
Project site	1B	1	Sharp Crested	4'				8.61 (crest)

Water Quality Structures:

Water Quality Structures:

Bleeders:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev. (ft, NGVD)
Project site	1A	1	Triangular Orifice	2.5'	1.81'				6.8

WATER QUALITY:

This project is a component of the City of Stuart plan for water quality enhancement within the Haney Creek basin which has been partially funded by the St. Lucie River Issue Team. There is no development other than the construction of the surface water management system associated with this project; thus a specific level of water quality treatment has not been specified. This project shall not be construed to provide water quality treatment or mitigation for future development within the basin.

Turbidity and erosion control measures, as shown on Exhibit 2 will be installed prior to construction and will remain in place and in good working order until project completion to protect the wetlands from potential sedimentation and turbidity.

The authorization 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 water quality certification is waived.

WETLANDS:

There are 4 wetlands within the project site (see Exhibit 2). Wetland 1 is a good quality shallow wet prairie of 0.83 acres. Minor impacts associated with the installation of a mitered end section, a shallow swale and an earthen weir to convey the re-directed flows, are proposed. Also proposed is removal of any existing exotic vegetation within the wetland and surrounding uplands.

Wetland 2 is a 0.41- acre freshwater marsh dominated by melaleuca and located west of Wetland 1. Wetland 2 will be vertically relocated and replanted. Wetland 2 is less than 0.5 acre and thus mitigation is not required by the District. However, the vertical relocation is expected to improve wetland functions rather than result in functional loss.

Wetland 3 consists of 0.2 acres of freshwater marsh dominated by melaleuca. No activities are proposed within Wetland 3.

Wetland 4 (Arant's Swamp) consists of a total of 12.9 acres of mixed wetland types, ranging from maple/bay swamp to melaleuca- dominated depressions. The wetland extends off site to the southeast. A 0.51- acre area within Wetland 4, currently dominated by melaleuca, will be vertically relocated to create a depressional marsh that will be connected to the wetlands north of Baker road via a shallow swale and a pipe under the roadway. As with wetland 2 the vertically relocated area is anticipated to provide better wetland functions than the existing melaleuca- dominated area.

The City of Stuart has committed to re-planting the vertically relocated wetland areas (see Exhibit 3). However, no planting plan could be provided at this time. The City proposes to develop a plan once the earthwork is complete and water levels can be observed. Alternatively, the City may acquire substrate material from impacted wetlands from nearby development projects to serve as a seed source for wetland vegetation. The City will coordinate the proposed planting and or mulching with the District's compliance staff.

Monitoring/Maintenance:

The City of Stuart has committed to maintaining the wetlands and upland on this site free of exotic

vegetation and will provide regular maintenance achieve a goal of less than 10% overall coverage of exotic and nuisance species. Although the City did not supply a planting plan for this project, the City has also committed to obtaining 80% coverage of appropriate native vegetation within the wetland areas within 5 years. Monitoring for this project will be conducted in conjunction with the monitoring required under the permit for the Baker Road Park Project (Application no. 000302-6) and will consist of meandering transects through each wetland and reporting of exotic and planted vegetation coverage.

Wetland Inventory :

CONSTRUCTION MOD -HANEY CREEK PHASE 2

ONSITE

Pre-Development		Post-Development				
	Total Existing	Impacted	Undisturbed	Enhanced	Preserved	Restored/ Created
Fresh Water Forested	12.90			.51	12.90	
Fresh Water Herbaceous	1.24			1.24	1.24	
Total:	14.14			1.75	14.14	

LEGAL ISSUES:

The City of Stuart purchased the property for this project specifically for the purposes of restoration and conservation, under a grant from Florida Communities Trust (see Exhibit 4). The City is required under the FCT grant program to change the land use designation and/or zoning to prohibit any future development. As this project is for the purposes of environmental restoration and does not impact wetlands for development, a Conservation Easement is not required at this time.

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 subsection 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. Subsection 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 Section 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:

The applicant has indicated that neither irrigation water nor dewatering is required for construction of this project.

This environmental resource permit modification 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.

SWIM Basin:

The project is within the designated Indian River Lagoon SWIM basin.

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 regarding the provisions of the federal Coastal Zone Management Plan.

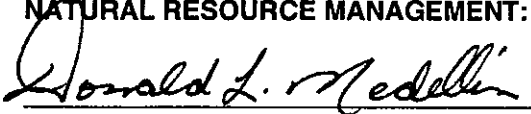
Enforcement:

There has been no enforcement activity associated with this application.

STAFF REVIEW:

DIVISION APPROVAL:

NATURAL RESOURCE MANAGEMENT:



Donald L. Medellin

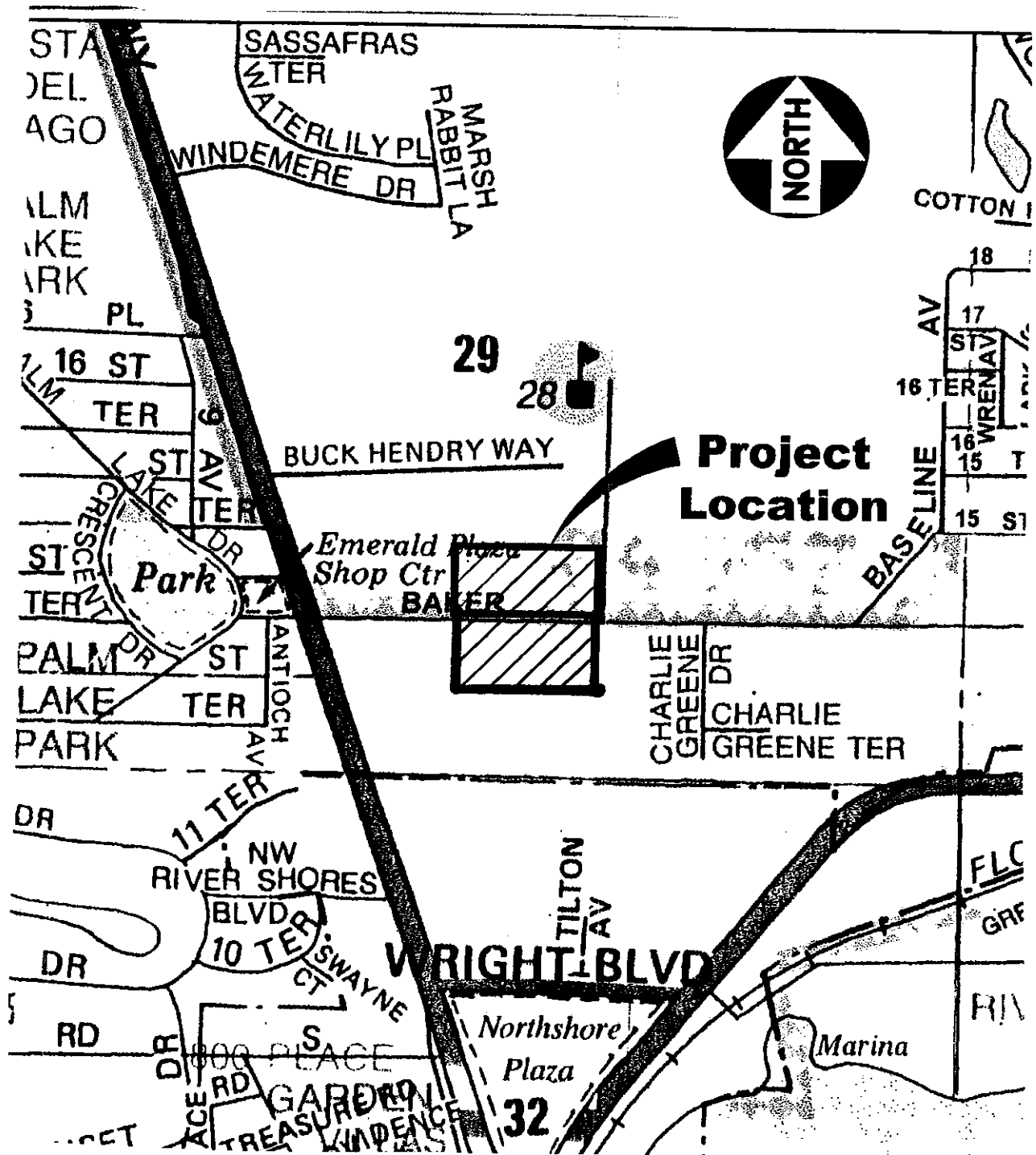
DATE: 6 Jan 03

SURFACE WATER MANAGEMENT:



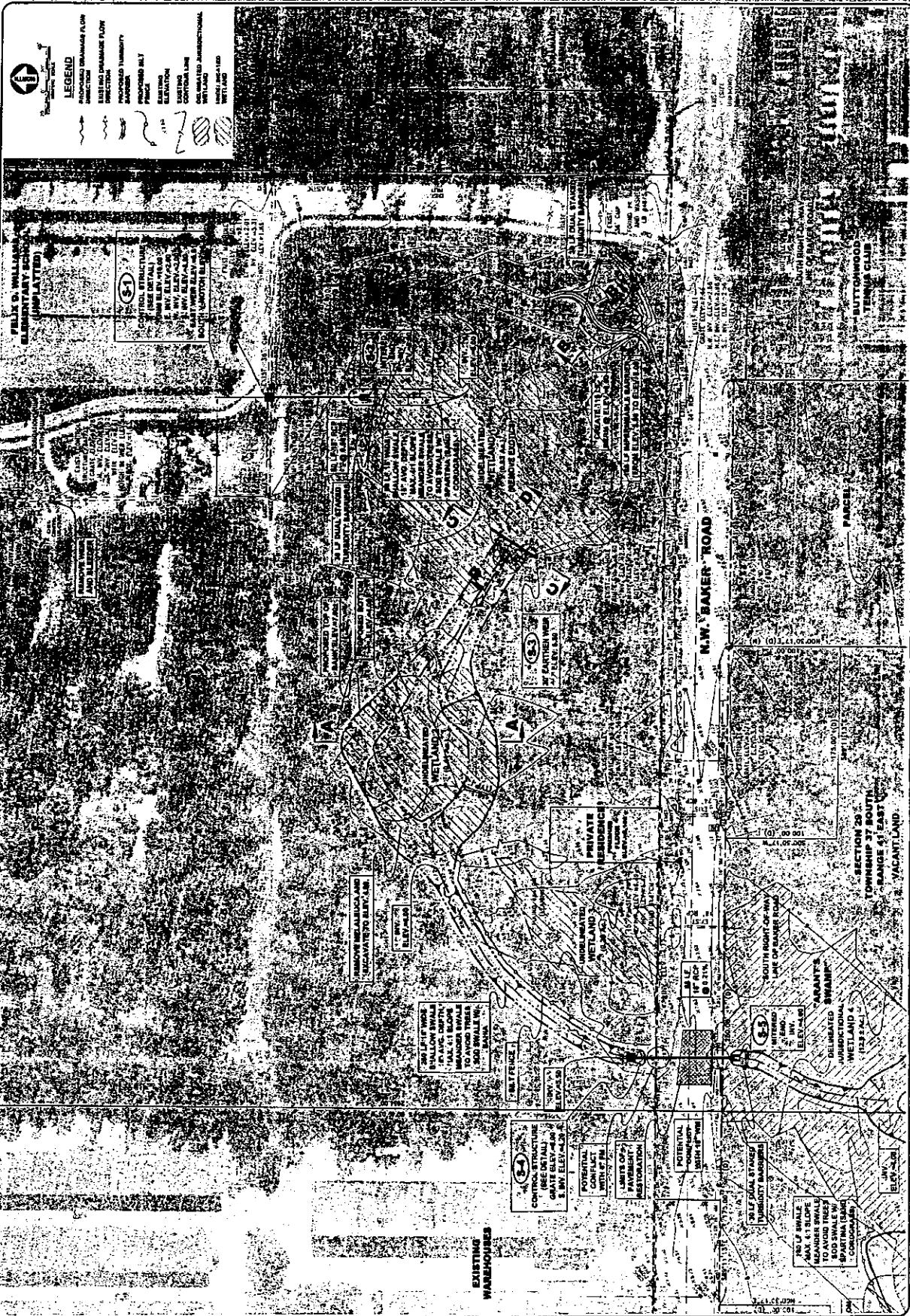
Hugo A. Carter, P.E.

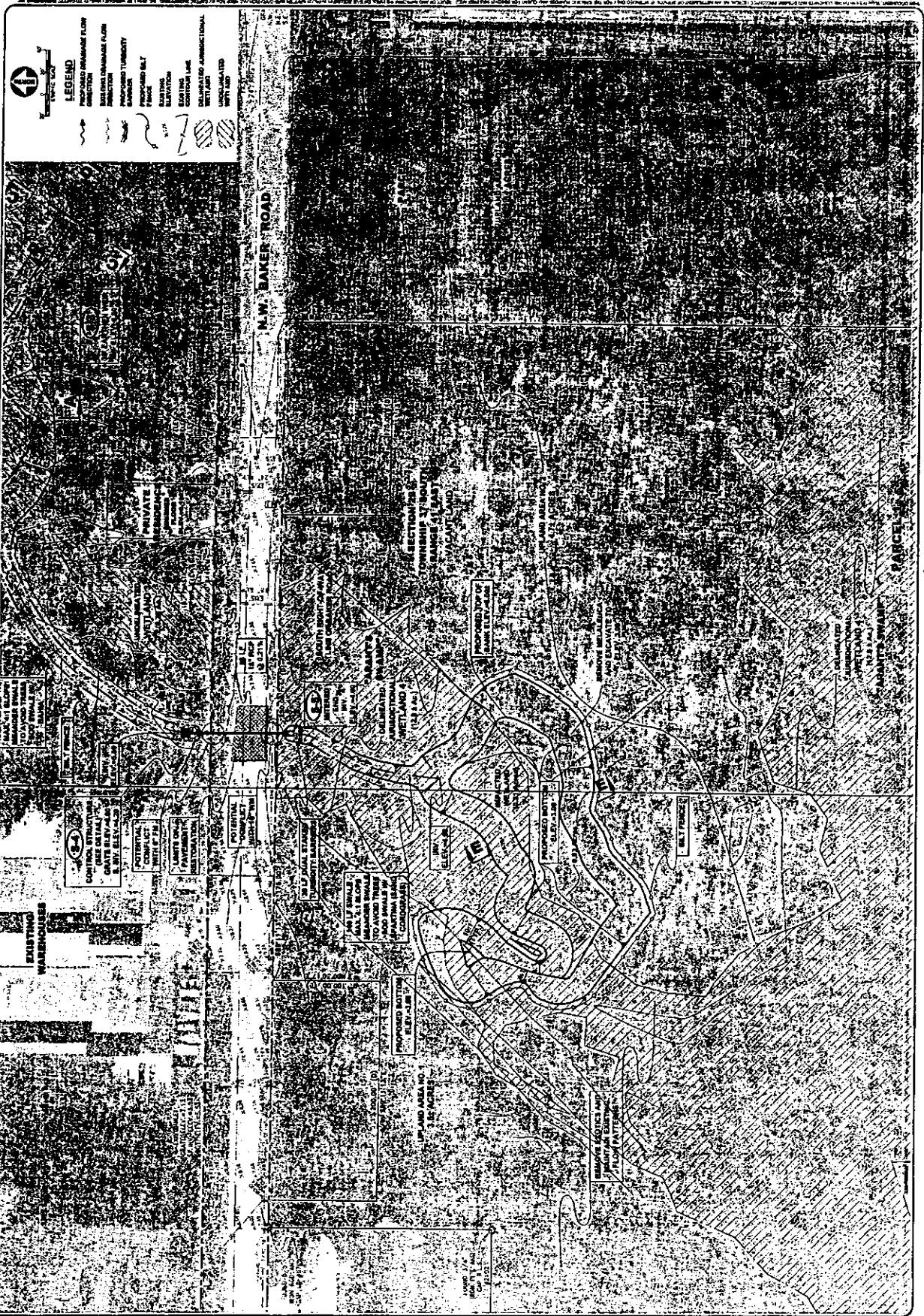
DATE: 3 Jan 03

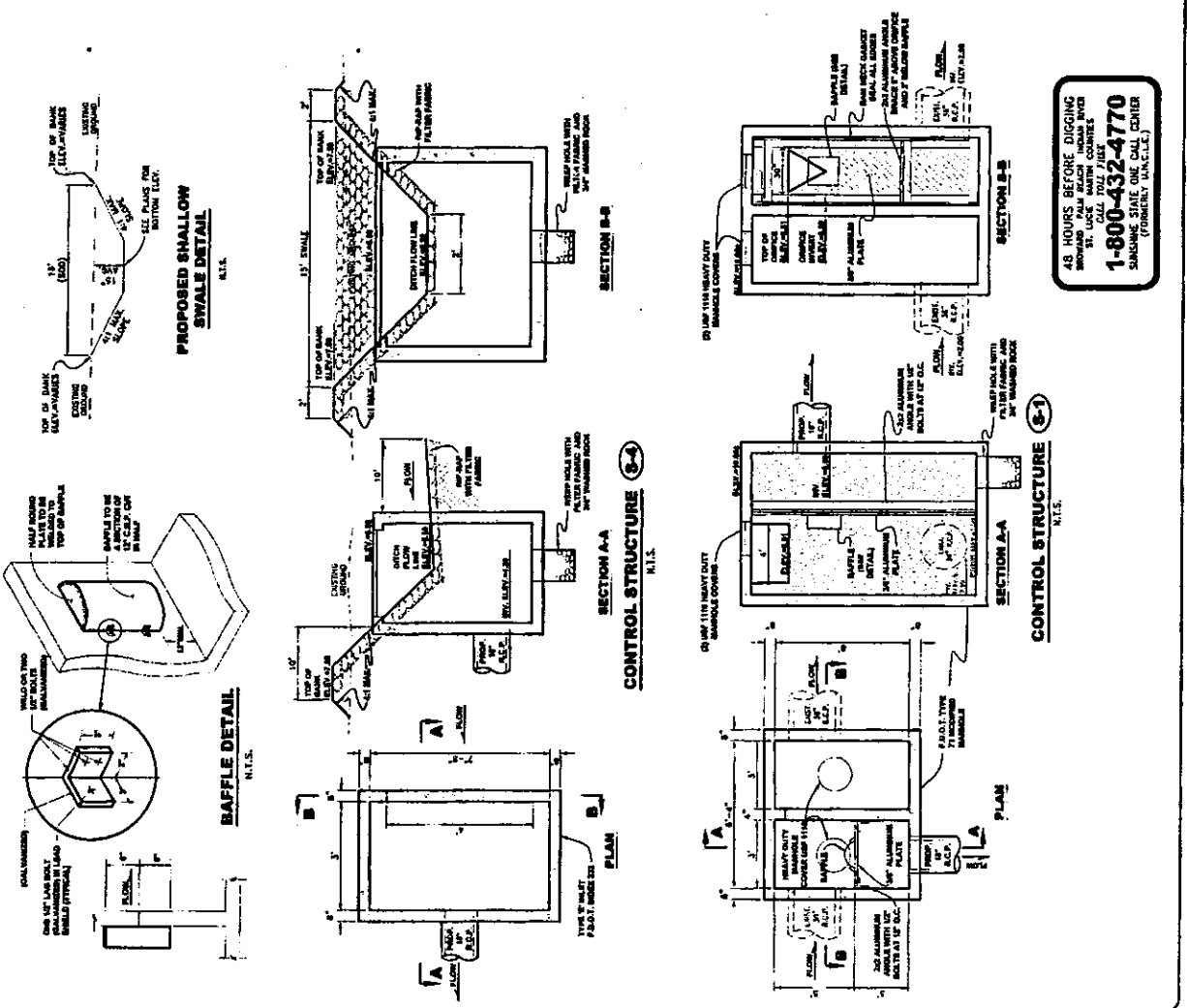
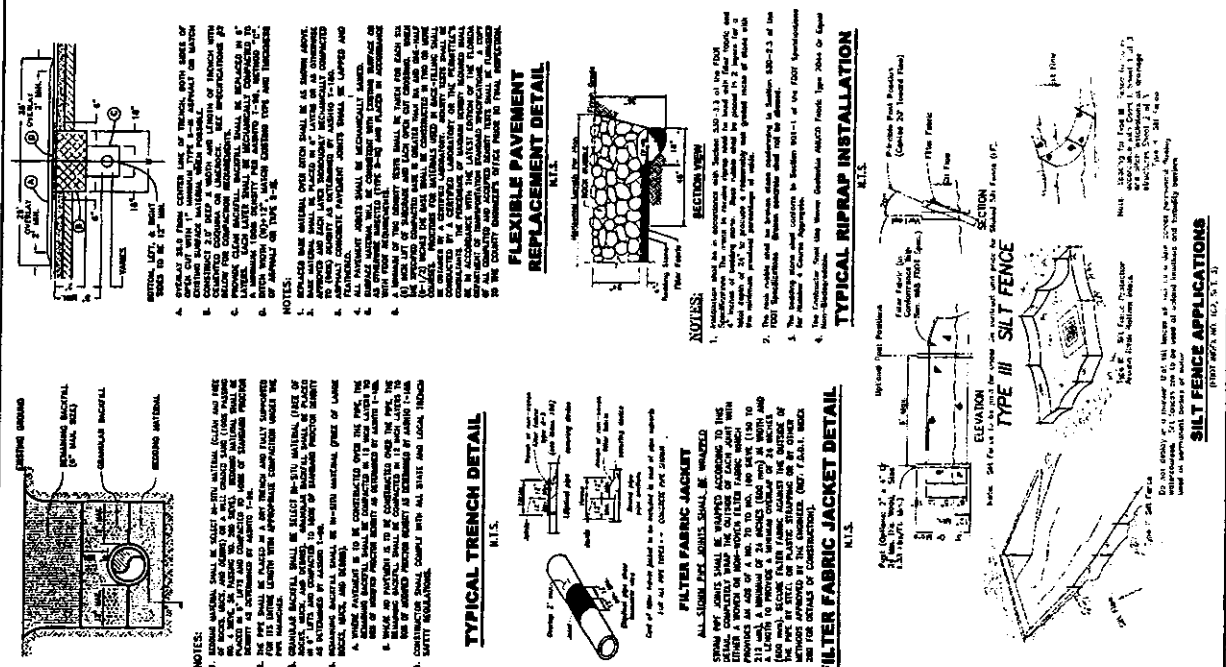


HANEY CREEK IMPROVEMENTS PHASE 2 LOCATION MAP











NOV 12 2002

CITY OF STUART
HANEY CREEK PHASE II
WETLANDS RESTORATION, ENHANCEMENT AND PRESERVATION

The attached maps and summary of the overall Haney Creek Watershed Project are provided to explain the City of Stuart's commitment to and plans for this multi-phase project.

Phase I is permitted and under construction. It includes restoration of one wet prairie wetland, vertical relocation and restoration of two other wetlands heavily infested with melaleuca, construction of three detention lakes and two marsh flow-ways connecting the elements of the system. Over 1000 acres of developed and undeveloped land will drain through Phase I when it is complete.

Phase II is under review by SFWMD at this time. It involves redirecting low stormwater flow from the existing ditch outfall south of Phase I, to rehydrate wetlands south of Felix Williams elementary school on both sides of Baker Road, and allowing this drainage to spread out and flow overland to the Arant's Swamp approximately 800 feet west of the existing ditch outfall. As in Phase I, vertical relocation of two melaleuca heads is proposed, along with extensive exotic removal in wetlands and uplands.

Phases III and IV in the attached Watershed Project description have been combined, as the Kremser parcel has not been acquired for the project. Also, further analysis of the watershed suggests that Arant's Swamp is at elevations low enough to potentially be adversely affected by the weir proposed at the SR 707 culverts, so this element is likely to be dropped from the project. The public access and trail system will also undergo further modifications in design prior to construction, as the lands under public control continue to increase.

The overall goals of exotic removal, uplands and wetlands disturbance, and hydrologic alterations to achieve the maximum ecological values for the overall project are described in the attachments. The methods to achieve these goals include hand removal and spraying exotic vegetation (underway in Phases I and II at this time), machine removal of exotics (complete in Phase I and awaiting permits in Phases II and III), minor topographic alterations to rehydrate wetlands where tributary lands have been removed by development, and planting vegetation appropriate to the revised landscape after all the above activities have been completed.

The planting plans have not been detailed for several reasons. First, we cannot accurately predict the extent to which wetlands areas will expand due to the permitted and proposed hydrologic changes. For example, the flow-ways in Phase I will not be planted until next wet season, when we can observe the extent of soils inundation and saturation, and can then select plantings which will thrive under those conditions. The same will be true in Phases II and III.

Obviously the City prefers to rely on native recruitment to the extent possible, realizing that in cases of vertical relocation of wetlands, hand planting is the only option, but in other situations where topography is altered only slightly and existing seed sources may be more appropriate, little if any hand planting may be necessary. To the extent that suitable wetlands substrate may become available, such as via construction of the Jensen High School, the City will cooperate in removing and spreading this substrate in suitable locations within the overall project.

At the same time, the cost of on-going exotic removal can be reduced by establishing native vegetation, so there is motivation to accelerate the re-vegetation process. The City's environmental consultants include EW Consultants, Inc; KLS Environmental Inc; and Evergreen Engineering. These consultants propose to specify and plant native vegetation appropriate to the situation achieved in the field, when those conditions can be observed, rather than creating paper planting plans which would then be altered, perhaps several times. We believe that the goals of the project will be most economically and effectively achieved with this approach to re-vegetation.

The City's commitment to the Florida Communities Trust, the high visibility of the project, and the importance of success to all the parties involved, including the public, weighs heavily on the project. The City understands that periodic monitoring is required, and commits to annual photographic and textual reporting on representative stations along disturbed areas. The City also commits to obtaining 80% coverage with native vegetation and less than 10% exotic presence throughout the project within five years. The City requests that this monitoring be coordinated across Phases so that as much of the project as possible can be monitored and reported together, at the same times, over time.

EXHIBIT

LEGEND

-  Established State Jurisdictional Wetland
-  National Wetland Inventory
-  Existing Upland Preserve
-  Proposed Upland Preserve
-  Major Wetland Restoration Areas
-  Proposed Flow Through Marsh

U.S. Highway No. 1 - N.W. Federal Highway

Phase II
2

Approximate Basin Boundary

Remove Existing Control Structure

Proposed Additional Ditch

Falls Wildlife
Elementary School

Boyer Road
Park Site
(County Owned)

Ex. Main Ditch

JEC

St. Lucie River - Middle Estuary

Scale: None



EXHIBIT A
HANEY CREEK
WATERSHED PLAN

Prepared For:
The City Of Stuart
Prepared By:

EVERGREEN ENGINEERING, INC.

DSA

DESIGN, SURVEYING & ASSOCIATES

EXHIBIT

LEGEND

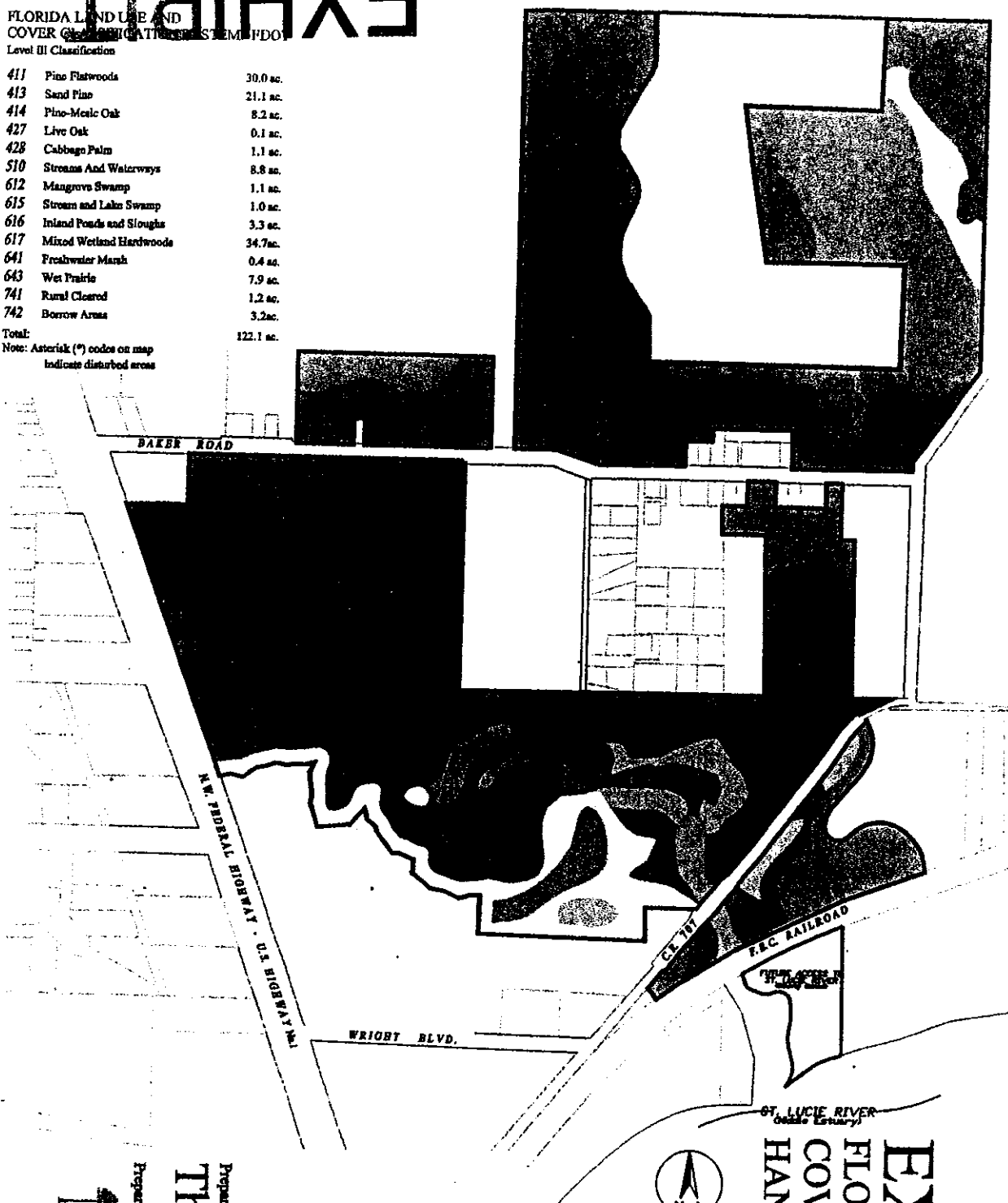
FLORIDA LAND USE AND
COVER CLASSIFICATION SYSTEM (FDO)
Level III Classification

411	Pine Flatwoods	30.0 ac.
413	Sand Pine	21.1 ac.
414	Pino-Male Oak	8.2 ac.
427	Live Oak	0.1 ac.
428	Cabbage Palm	1.1 ac.
510	Streams And Waterways	8.8 ac.
612	Mangrove Swamp	1.1 ac.
615	Stream and Lake Swamp	1.0 ac.
616	Inland Ponds and Sloughs	3.3 ac.
617	Mixed Wetland Hardwoods	34.7 ac.
641	Freshwater Marsh	0.4 ac.
643	Wet Prairie	7.9 ac.
741	Rural Cleared	1.2 ac.
742	Borrow Areas	3.2 ac.

Total:

122.1 ac.

Note: Asterisk (*) codes on map
indicate disturbed areas



ST. LUCIE RIVER
(State Boundary)

EXHIBIT B
FLORIDA LAND USE AND
COVER CLASSIFICATION
HANEY CREEK PROJECT

EXHIBIT 3

Prepared For:

The City Of Stuart

Prepared By:



EVERGREEN ENGINEERING, INC.

DSA

DEREK SANDERS & ASSOCIATES

LEGEND

FLORIDA LAND USE AND
COVER CLASSIFICATION SYSTEM: FDOT
Level III Classification

- 411 Pine Flatwoods
- 413 Sand Pine
- 414 Pine-Mosaic Oak
- 427 Live Oak
- 428 Cabbage Palm
- 510 Streams And Waterways
- 612 Mangrove Swamp
- 615 Stream and Lake Swamp
- 616 Inland Ponds and Sloughs
- 617 Mixed Wetland Hardwoods
- 641 Freshwater Marsh
- 643 Wet Prairie
- 741 Rural Cleared
- 742 Barrow Areas
- Exotic Removal And Restoration

Note: Asterisk (*) codes on map
indicate disturbed areas

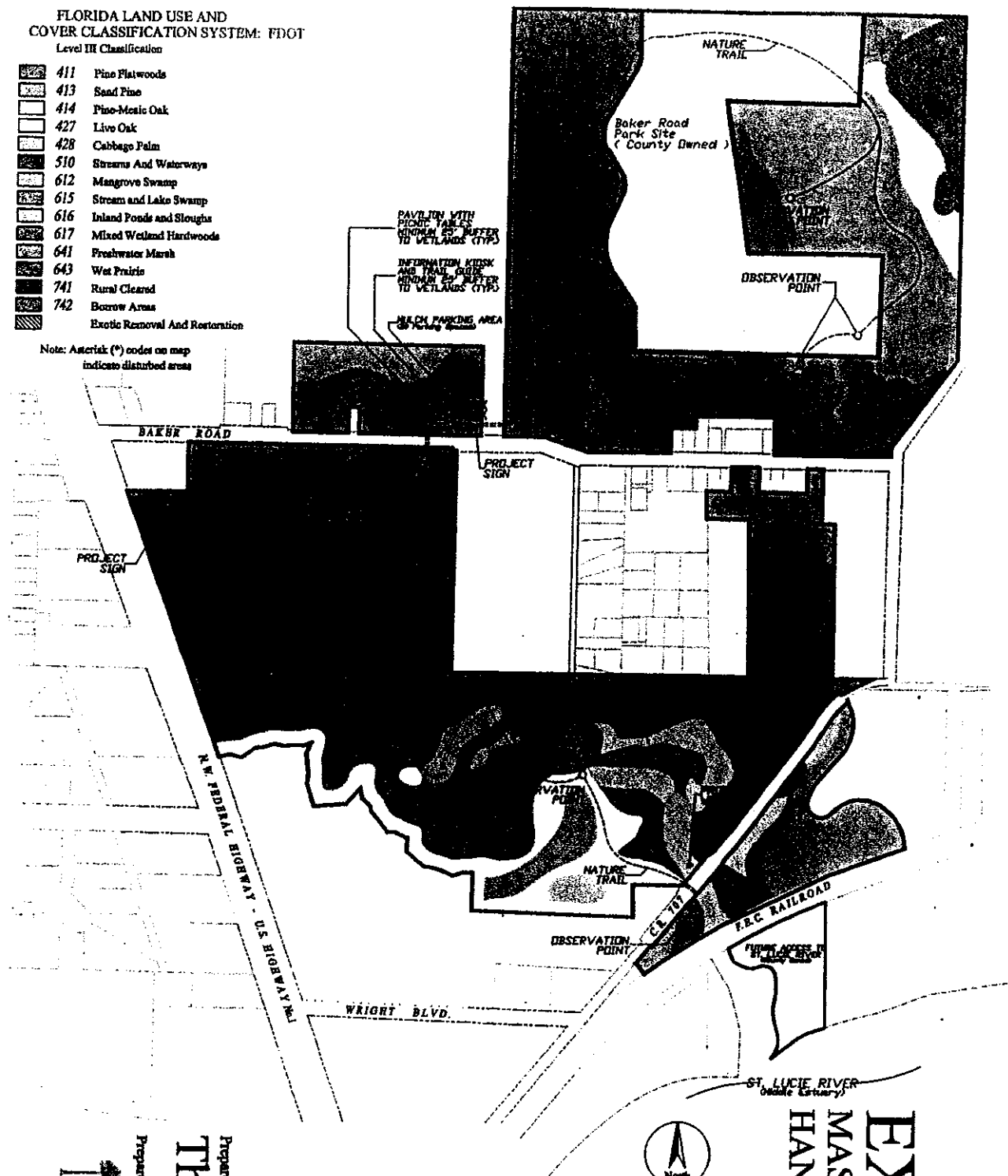


EXHIBIT C
MASTER PLAN
HANEY CREEK PROJECT

EXHIBIT 3

Prepared For:

The City Of Stuart

Prepared By:



EVERGREEN ENGINEERING, INC.

DSA

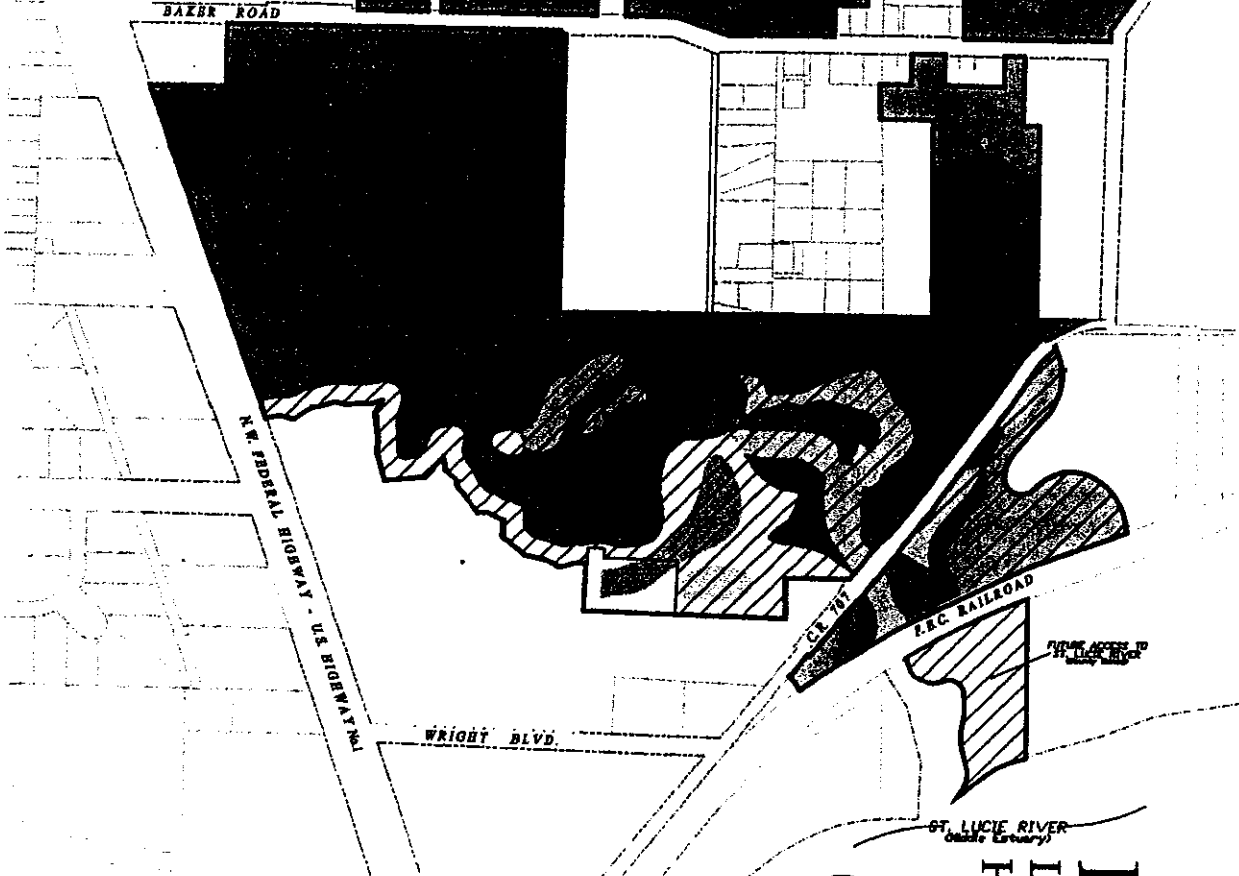
DEREK SANDERS & ASSOCIATES

LEGEND

FLORIDA LAND USE AND
COVER CLASSIFICATION SYSTEM: PDOT
Level III Classification

-  411 Pine Flatwoods
-  413 Sand Pine
-  414 Pine-Misc Oak
-  427 Live Oak
-  428 Cabbage Palm
-  510 Streams And Waterways
-  612 Mangrove Swamp
-  615 Stream and Lake Swamp
-  616 Inland Ponds and Sloughs
-  617 Mixed Wetland Hardwoods
-  641 Freshwater Marsh
-  643 Wet Prairie
-  741 Rural Cleared
-  742 Borrow Areas
-  Fee Simple Purchase (City Of Stuart) 69.4 ac.
-  Proposed Conservation Easement (Private Land) 44.6 ac.
-  Existing & Proposed Martin Co. / School Board Additions (Public Land) 51.7 ac.

Note: Arterial (*) codes on map
Indicate disturbed areas



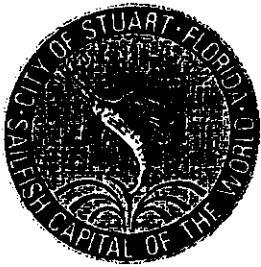
Prepared For:
The City Of Stuart

Prepared By:
 **EVERGREEN ENGINEERING, INC.**
 **DEREK SANDERS & ASSOCIATES**



EXHIBIT D
LAND OWNERSHIP
HANEY CREEK PROJECT

EXHIBIT 3



HANEY CREEK WATERSHED IMPROVEMENT & GREENWAYS PROJECT

The City has developed the Haney Creek Watershed Improvement and Greenways Project as a comprehensive approach to improve water quality, enhance and restore natural resources, and expand recreational and educational opportunities in the 1,500-acre Haney Creek Watershed. The project will accomplish the following objectives:

- Preservation of approximately 84 acres of native lands and environmentally sensitive habitat (the largest single tract of native lands remaining in or near the City);
- To improve the quality of stormwater discharges into the St. Lucie River through the creation of a master drainage plan and flow-way for approximately 1,500 acres, including a flow-through marsh and weir system to directly address non-point source pollution;
- Protection and restoration of native ecological communities that contain viable upland and wetland habitats which are sufficiently large to remain functional over time, including extensive removal of exotic vegetation and replanting of native species;
- Creation of a greenway and wildlife corridor which would ultimately provide a link from the Savannas Preserve to the St. Lucie River;
- Creation of improved resource-based outdoor recreation opportunities, including nature trails, boardwalks and an elevated observation tower as well as canoe/kayak landings

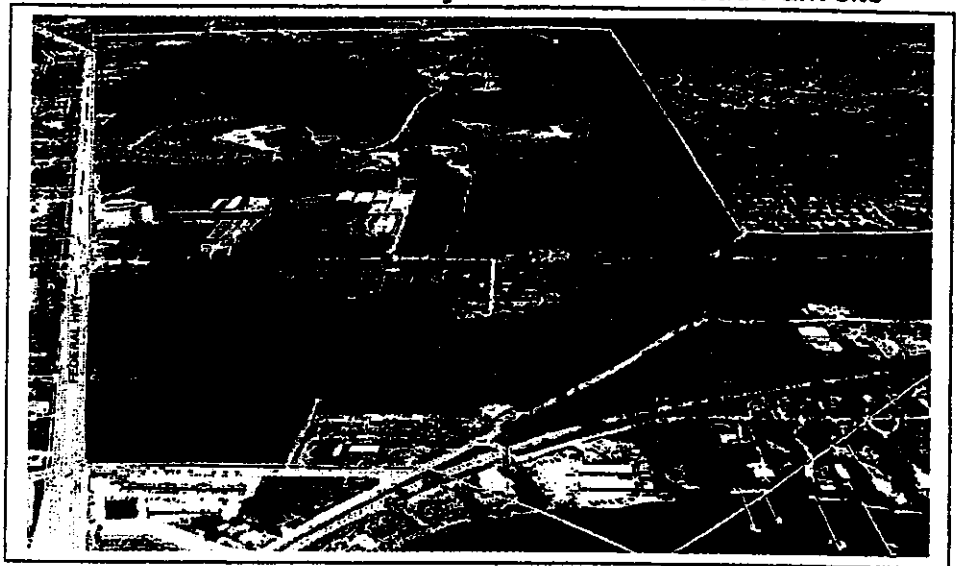


for the City's blueways system; and

- Creation of improved opportunities for environmental education in conjunction with the Martin County School System and Environmental Studies Center with educational signage and regularly scheduled educational site visits and monitoring. Educational programming will be coordinated via regular meetings of the Stuart Environmental Task Force.

PHASE I: Flow-Through Freshwater Marsh

With the cooperation of Martin County, the City has designed a freshwater flow-through marsh project which will be located on the County-owned Baker Road Park site (north of Baker Road and east of Felix A. Williams Elementary School). This project will improve stormwater quality for stormwater runoff as far north as the West Jensen DRI. It will also act as a greenway link between the



greenways to be preserved between Jensen Beach Boulevard and Baker Road with preserve areas located south of Baker Road, ultimately providing an integrated greenways system from the Savannahs State Preserve to the St. Lucie River.

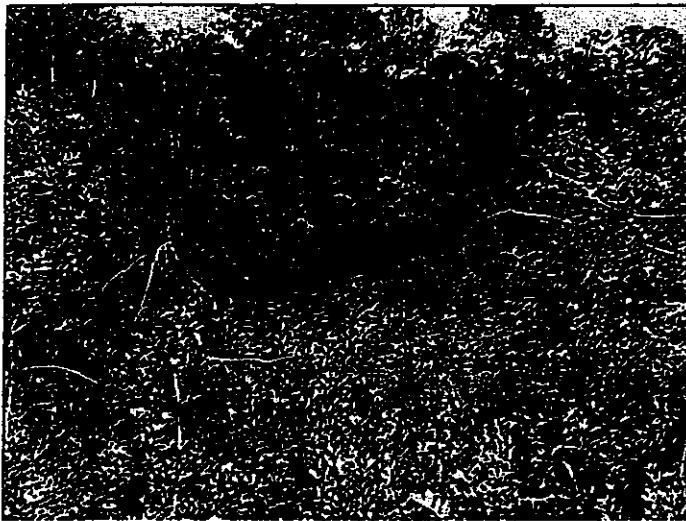
Design and engineering for the flow-through marsh is completed, and permits have been submitted to the SFWMD. It is anticipated that permits will be issued in the Summer of 2000, and construction will begin immediately thereafter. The City has secured a grant for \$200,000 from the St. Lucie River Issues Team FY 1999/2000



appropriation, and this grant will be matched with \$230,000 from Healthy Rivers revenues to fund the project.

PHASE II: Wetlands Restoration & Rehydration

This phase of the Haney Creek project will restore the historic path of water flows from properties north of Baker Road into the western portion of Arant's Swamp via the acquisition and restoration of a 23-acre property located at the southeast corner of US1 and Baker Road. A new culvert will be installed beneath Baker Road to allow for the



rehydration of the wetlands on this property and the western portion of Arant's Swamp. The project will also include the removal of exotic vegetation, nature trails and educational signage.

Land acquisition through the FCT will be completed in August 2000, and design, engineering and permitting will begin in the Summer of 2000. It is important to note that the engineering for Phase II will also include the completion of a hydrologic study for the entire Haney Creek watershed. Funding for this phase of the Haney Creek project includes grants of \$1,510,000 from the FCT and \$200,000 from the St. Lucie River Issues Team FY 2000/2001 appropriation, and these grants will be matched with \$220,000 from Healthy Rivers revenues.



PHASE III: Upstream Weir, Retention & Greenways Connection

This phase will involve the acquisition of two properties located northeast of Arant's Swamp to improve overall hydrology, wetland restoration and provide a greenway connection. Improvements will include the installation of a weir in a currently uncontrolled ditch in the Dragseth property as well as wetlands restoration and enhancement. Land acquisition should be completed by late 2000, and design, engineering and permitting will begin in the Summer of 2000. Funding for Phase III of the Haney Creek project will include grants of



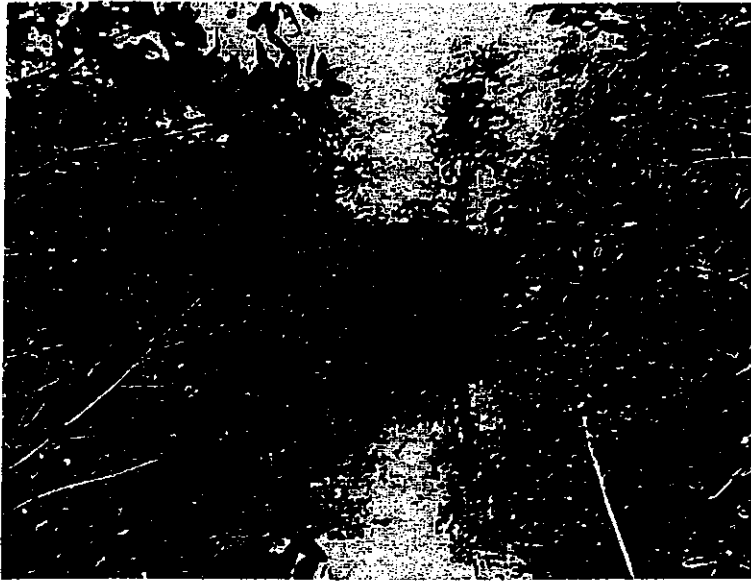
\$380,000 from the FCT and \$100,000 from the St. Lucie River Issues Team FY 2000/2001 appropriation, and these grants will be matched with \$100,000 from Healthy Rivers revenues.

PHASE IV: Downstream Weir, Retention & Public Access

This phase will involve the acquisition of a series of properties located in and around Arant's Swamp and Haney Creek, including the mouth of the creek at the St. Lucie River. Improvements will include the installation of a weir to stage control salinity in the upstream Swamp, extensive removal of exotic vegetation and replanting of native species, wetland restoration, and passive recreational improvements including nature trails, boardwalks, an elevated observation tower, and educational signage.

Land acquisition for the eastern-most properties is underway and should be completed by September 2000. Design, engineering and permitting will begin in the Summer of 2000. Funding for Phase IV of the Haney Creek project will include grants





for up to \$2,685,000 from the FCT and \$350,000 from the St. Lucie River Issues Team FY 2000/2001 appropriation, and these grants will be matched with \$155,500 from Healthy Rivers revenues.

Following this description is a conceptual rendering of the project area and related improvements.



STAFF REPORT DISTRIBUTION LIST

HANEY CREEK IMPROVEMENT PHASE 2

Application No: 021001-12

Permit No: 43-01176-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 - City Of Stuart
- X Engr Consultant - Captec Engineering Inc

GOVERNMENT AGENCIES

- X Div of Recreation and Park - District 7 - FDEP
- X Florida Fish & Wildlife Conservation Commission -
Bureau of Protected Species Mgmt
- X Martin County - Community Dev Dir
- 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

