

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT
28-Jan-2016
APPLICATION #: 143133-1

Applicant: Casey Lyon
FDOT District 5
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DeLand, FL 32720-6834
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Project Name: I-95 Interchange at St. Johns Heritage Parkway SE
Acres Owned: 43.4
Project Acreage: 43.4
County: Brevard

STR:

Section(s):	Township(s):	Range(s):
1,2,11	30S	37E

Receiving Water Body:

Name	Class
Indian River Lagoon	III Marine, IW

Authority: 62-330.020 (2)(a)
Hydric Pine Flatwood(6250), "Oil, Water or Gas Long Distance
Existing Land Use: Transmission Lines"(8170), Cypress(6210), Vegetated Non -
Forested Wetlands(6400), Pine Flatwoods(4110), Freshwater

	Marshes(6410), Roads and Highways(8140), Forest Regeneration Areas(4430), Wet Prairies(6430), Streams and Waterways(5100)
Mitigation Drainage Basin:	Central Indian River Lagoon
Special Regulatory Basin:	
Final O&M Entity:	FDOT District 5
ERP Conservation Easements/Restrictions	Yes
:	
Interested Parties:	No
Objectors:	No

Authorization Statement:

Construction of a Stormwater Management System with stormwater treatment by Wet Detention for I-95 at St. Johns Heritage Parkway SE, a 43.4-acre project to be constructed as per plans received by the District on August 19, 2015 and per revised plans received by the District on November 2, 2015. This permit authorizes 14.55 acres of wetland fill impacts and an associated mitigation plan.

Recommendation: Approval

Reviewers: Eric Muldowney; Nathan Ottoson

Staff Comments

Project Applicant and Sufficient Real Property Interest: The permit applicant, FDOT (District 5), is a governmental entity with the power of eminent domain.

Project Location and Brief Description: The project is located along the I-95 corridor just north of the Sottile Canal in southern Brevard County. Said project involves a new I-95 interchange with a partial cloverleaf design intended to connect to the future St. Johns Heritage Parkway (to be permitted separately).

Permitting History: No prior District Environmental Resource Permits have been issued for this project site outside of the existing I-95 right of way. Improvements to I-95 (Widening; 4-Lanes to 6-Lanes) were most recently authorized under permit numbers 119283-2 and 119283-4 for this general area.

Financial Assurance Mechanism: n/a

Off-Site Mitigation: Yes. The mitigation plan consists of the purchase of mitigation bank credits and the preservation of offsite lands under a conservation easement in favor of the District with eventual donation to Brevard County Environmentally Endangered Lands (EELs) program for management.

Engineering

Description of Project (Surface Water Management System): The proposed I-95 Interchange at St John's Heritage Parkway is located in Brevard County and includes alignments for both I-95 and future St Johns Heritage Parkway, as well as alignments for five ramps. The proposed project will include a stormwater management system consisting of open roadside ditches, closed storm sewer and five interconnected wet-detention ponds that will outfall to the Sottile Canal located approximately 0.5-mile south of the interchange. Additionally, there are seven cross drains to be constructed or expanded within the project limits to convey existing offsite runoff. The wet ponds are all to be controlled at El. 21.80 Feet NAVD, which is approximately the seasonal high water table for the project limits. The design control elevation was established in order to provide no adverse impacts to adjacent wetlands that surround the outside limits of the proposed inter-change and shall remain. All wet ponds are inter-connected and controlled by a single drainage structure, EQ-5, which includes a manhole with a Type J7 box (12-feet by 12-feet) and internal weir. Inside of Structure EQ-5, a 12-inch wide bleed-down weir is at 21.80 Feet NAVD and one 20-inch wide overflow weir is at 22.40 Feet NAVD. Drainage structure EQ-5 and the proposed 42-inch outfall pipe shall be constructed along the west side of I-95 southbound lanes and shall run parallel to I-95 (draining southward) to the discharge point into the Sottile Canal.

As proposed, the project and stormwater management system will meet all applicable criteria for permit issuance pursuant to sections 62-330.301 and 62-330.302, F.A.C.

Water Quality: The wet detention system provides for stormwater treatment of all runoff generated by the project area. The outfall system discharges to the Sottile Canal, which then travels several miles to the recently constructed Wheeler Stormwater Park and ultimately to the north prong of the Sebastian River.

Flood Protection: The system provides for attenuation of the 25-year/24-hour storm event.

Special Basin Criteria: There are no special criteria for this basin.

Operation and Maintenance: The long-term operation and maintenance entity is FDOT District Five.

Environmental

Site Description:

The project consists of the construction of a partial cloverleaf interchange at Interstate 95 (I-95) and the proposed St. Johns Heritage Parkway in the Micco area of southern Brevard County within the Central Indian River Lagoon hydrologic basin. The interchange is located approximately 6 miles north of the southern Brevard County line. The interchange is intended to connect with the future St. Johns Heritage Parkway, which is currently under review under application number IND-009-143126-1, and will provide access from I-95 to Babcock Road to the west and ultimately Micco Road to the south. The project includes widening I-95 to accommodate new exit lanes, new exit and entrance ramps and new stormwater treatment ponds located on the interior of the ramps. The landward extent of wetlands and other surface waters on the west side of I-95 were previously verified under Formal Wetland Determination 16-009-119878-1

Sebastian Resources, issued on April 23, 2013. The landward extent of wetlands and other surface waters on the east side of I-95 were verified by Staff during pre-application site inspections.

Both the eastern and western sides of the I-95 interchange are located within an undeveloped area subject to light cattle grazing. The upland communities primarily consist of pine flatwoods and mixed hardwood-conifer forest. The wetland communities primarily consist of hydric pine flatwoods, freshwater marshes, wet prairies, wetland shrub and cypress. Wetlands abutting I-95 are typically dominated by exotic vegetation such as Brazilian pepper and the noise and visual disturbances from the highway further diminish adjacent wetland habitat value. Outside of the immediate I-95 corridor, the quality of wetlands increases to moderate and high due to the dominance of native vegetation and the absence of roadways and associated residential or commercial development. Land uses within the project area are primarily limited to cattle grazing and hunting. The cattle grazing results in temporary vegetative impacts within the upland portions of the site but cattle also utilize onsite wetlands for foraging, shade and access to water. The hunting activities result in off-road vehicle use for access to tree stands and feeders and results in rutting within wetland crossings. There are no upland cut ditches proposed for impact within the project area. Due to the size of the project area, lack of existing development and the quality of the vegetative communities this site is expected to provide habitat for a range of wildlife including various birds such as songbirds, raptors, and wading birds, as well as a wide variety of mammals, amphibians and reptiles. No evidence of sandhill crane nesting in marsh wetlands within project boundaries were observed.

Impacts: *Subsection 10.2.2, ERP A.H. Volume I, states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.*

The interchange project will result in 14.55 acres of direct impacts from dredge and fill activity in wetlands for the widening of the I-95 corridor, construction of entrance and exit ramps to I-95 and construction of stormwater treatment ponds. Mitigation is not warranted for 0.91 acres of the 14.55 acres of total wetland impacts since Wetland 16-1 (0.49 ac), Wetland 16-2 (0.14 ac) and Wetland 16-3 (0.28 ac.) are isolated and meet the provisions of Section 10.2.2.1 A.H. Vol I. Of the 13.64 acres of impact that warrant mitigation, 7.98 acres of impact will be to herbaceous wetlands and 5.66 acres will be to forested wetlands. The 13.64 acres of wetland impacts that warrant mitigation are sufficiently offset by the applicant's proposed mitigation plan which is discussed in detail below.

The onsite wetlands provide opportunities for foraging by wading birds and are located within the core foraging area (CFA) of 8 known wood stork colonies. The woodstork colonies are located northeast, east and southeast of the project site and the closest woodstork colony is over 4.5 miles away. The project will result in impacts to suitable foraging habitat (SFH) but the mitigation plan, which includes the preservation of wetlands and uplands as well as mitigation bank credit purchase, sufficiently offsets the anticipated loss of SFH. The proposed project with the associated mitigation is not expected to cause adverse impacts to the abundance and diversity of fish, wildlife and listed species or their habitat.

Secondary impacts: *Subsection 10.2.7, ERP A.H. Volume I, contains a four-part criterion that addresses additional impacts that may be caused by a proposed activity: (a) adverse impacts to wetland (and other surface water) functions and water quality violations that may result from the intended or reasonably expected uses of a proposed activity; (b) adverse impacts to the upland nesting habitat of bald eagles and aquatic or wetland dependent listed animal species; (c) impacts to significant historical and archaeological resources that are very closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) adverse wetland (and other surface) impacts and water quality violations that may be caused by future phases of the project or by activities that are very closely linked and causally related to the project.*

a) The construction of the proposed interchange is anticipated to result in adverse secondary impacts to remaining off site wetlands by increasing light, noise and exotic seed sources in adjacent wetlands. The project is also anticipated to result in an increase of vehicle collisions with wildlife utilizing adjacent wetland systems although the applicant has attempted to minimize vehicle collisions by providing Type B chain link fencing around the project site. Adverse secondary impacts were assessed 300 feet into adjacent herbaceous and forested wetlands. A 300 foot offset was proposed by the applicant so that supporting documentation for a secondary impact assessment could be utilized for both the District and the United States Army Corps of Engineers (ACOE). Within the established assessment area, adverse secondary impacts were anticipated to result in a greater loss of wetland habitat functions of herbaceous systems than forested systems due to the physical barrier that canopy and understory vegetation provides. The applicant has proposed a mitigation plan sufficient to offset all of the anticipated adverse secondary impacts to 13.46 acres of herbaceous wetlands and 21.36 acres of forested wetlands.

(b) The project was assessed pursuant to the criterion of Section 10.2.7(b), A.H. There are no known Audubon's Crested Caracara and Bald Eagle nests within or adjacent to the project boundaries. The closest known Bald Eagle nest is BE011 which is over 1 mile away to the east. Comments from Florida Fish and Wildlife Conservation Commission on the project did not include any recommended revisions based on listed species use. No wetland dependent listed species are expected to utilize this site for upland nesting habitat.

(c) Impacts to significant historical and archaeological resources from activities that are related to the proposed wetland impacts are not anticipated based on consultations with the Florida Department of State, Division of Historical Resources.

(d) This project will have future phases. The proposed interchange will connect to future roadways that will extend east and then south to the Sottile Canal with a future connection to Micco Road and to the west across Babcock Road. These connector roads are currently under review under application IND-009-143126-1 St. Johns Heritage Parkway. These connector roads will have wetland impacts offset by the associated mitigation plan that meets District rule criteria. Therefore, the anticipated future phases causally related to this proposed interchange are not anticipated to result in water quality violations or unacceptable adverse impacts to the functions of wetlands or other surface waters.

Elimination/Reduction of Impacts: Pursuant to subsection 10.2.1.1, ERP A.H. Volume I, the applicant must implement practicable design modifications to reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through endangerment of lives or property is not considered "practicable". Alternatively, an applicant may meet this criterion by demonstrating compliance with section 10.2.1.2.a. or 10.2.1.2.b.

The Florida Department of Transportation's (FDOT) interchange project is limited to the boundaries of obtained right-of-way. The interchange configuration is based on engineering design standards for public safety. The extent of FDOT right-of-way can accommodate the proposed entrance and exist ramps and stormwater treatment ponds to prevent violations of water quality standards. The available right-of-way does not allow for an alignment alternative to reduce wetland impacts. All adverse impacts to wetlands anticipated to result from the proposed works are sufficiently offset with a wetland mitigation plan discussed in detail below. The applicant has demonstrated that adverse impacts to wetlands resulting from the proposed works have been reduced to the greatest extent practicable.

Mitigation:

The interchange project will result in 14.55 acres of wetland direct impacts for the widening of the I-95 corridor, construction of entrance and exit ramps to I-95 and construction of stormwater treatment ponds. Mitigation is not warranted for 0.91 acre of the 14.55 acres of total wetland impacts. Mitigation is warranted for 7.98 acres of dredge and fill impacts to herbaceous wetlands and 5.66 acres of dredge and fill impacts to forested wetlands. Mitigation is also warranted for anticipated adverse secondary impacts to 13.46 acres of herbaceous wetlands and 21.36 acres of forested wetlands. The applicant proposes two forms of mitigation to offset all adverse impacts that warrant mitigation. The mitigation plan is a combination of mitigation bank credit purchase at Basin 22 Mitigation Bank and the preservation of 47.95 acres of wetlands and uplands under a conservation easement in favor of the District with fee simple donation to Brevard County's Environmentally Endangered Lands (EELS) for long term management.

The applicant proposes to offset 2.11 acres of dredge and fill impacts and 21.36 acres of adverse secondary impacts to forested wetlands through the purchase of 2.97 forested mitigation bank credits. The applicant proposes to offset 7.98 acres of dredge and fill impacts and 13.46 acres of adverse secondary impacts to herbaceous wetlands through the purchase of 5.79 herbaceous mitigation bank credits. The total credit purchase from Basin 22 mitigation bank is 8.76 credits. The project is located within the same hydrologic basin as the mitigation bank. The Basin 22 Mitigation Bank Phase 1 is a 2,160 acre area consisting of a mixture of forested and herbaceous communities, including pine flatwoods, temperate hardwoods, mixed hardwood conifer, mixed wetland hardwoods, willow, hydric pine flatwoods, freshwater marsh, and wet prairie. A significant amount of wildlife currently utilizes the ranch, including threatened and endangered species. Species observed on-site include scrub jay, American alligator, Florida mottled duck, sandhill crane, Florida turkey, gopher tortoise, southeastern American kestrel, little blue heron, snowy egret, tricolored heron, white ibis, white tail deer, wood duck, and wood stork. Snail kites are known to occupy the adjacent Blue Cypress Conservation Area and it is possible they utilize the bank property. Florida

panthers may also utilize the site, since several collared panthers have been documented in the Upper St. Johns River Basin and within 8 miles of the Corrigan Ranch, where this bank is located. There are eight known wood stork colonies within an 18.6-mile radius (core foraging range) of the site.

The Basin 22 Mitigation bank credit offsets the proposed wetland impacts since it is within the same hydrologic basin and use of the bank will provide greater ecological value than the onsite impacts due to anticipated future residential and commercial development in the area in which the project is located and the ever increasing encroachment of invasive species, including melaleuca and Brazilian pepper and the perpetual management of the mitigation bank specifically for fish and wildlife. The District has received a letter from the representatives of the Basin 22 Mitigation Bank indicating that 8.76 credits are available and reserved for this project. The proposed impacts and mitigation were assessed in accordance with Chapter 62-345, F.A.C., Uniform Mitigation Assessment Method (UMAM) and it was determined that the proposed mitigation fully offsets the loss of wetland functions resulting from the proposed project in combination with the off site preservation plan discussed below.

The project proposes to mitigate for the remaining 2.11 acres of forested wetland impacts by the preservation 47.95 acres of upland pine flatwoods, hydric pine flatwoods and cypress wetlands under a conservation easement consistent with Section 704.06 F.S. and fee simple land donation to Brevard County's EELs program for long term management. The 34 separate mitigation parcels range between 1 and 5 acres in size and cumulatively contain an estimated 3.04 acres of upland pine flatwoods, 8.86 acres of hydric pine flatwood wetlands and 36.05 acres of forested cypress wetlands. The mitigation parcels are located within an area of platted residential lots and road right-of-way between I-95 and US 1 and Grant Road and Micco Road. The mitigation area contains large expanses of palmetto prairie, pine flatwoods, hydric pine flatwoods cypress stands, and wet prairie. These vegetative communities support many types of wildlife that could be found within the project site. The mitigation area already contains of patchwork of parcels that have been preserved under a conservation easement in association with other District or Department approved mitigation plans and many of the proposed mitigation parcels abut these existing conservation easement parcels. The mitigation parcels are located within the Brevard Coastal Scrub Ecosystem Florida Forever Project Area as the acquisition of additional parcels under conservation easements contribute to Brevard County's conservation goals in this region. The Brevard Coastal Scrub Ecosystem Florida Forever Project Area is bordered by the 2,556 acre Grant Flatwoods Sanctuary to the east, south and west. As Brevard County EELs continues to acquire larger and larger contiguous blocks of conservation land, they increase their ability to conduct more active land management practices currently occurring in the adjacent Grant Flatwoods Sanctuary. The applicant has provided documentation demonstrating Brevard County EELs is willing to accept the fee simple donation of all of the proposed off site mitigation parcels for long term management.

The proposed impacts and mitigation were assessed in accordance with Chapter 62-345, F.A.C., Uniform Mitigation Assessment Method (UMAM) and it was determined that the proposed mitigation fully offsets the loss of wetland functions resulting from the proposed project.

Cumulative Impacts: *Subsection 10.2.8, ERP A.H. Volume I, requires applicants to provide reasonable assurances that their projects will not cause unacceptable*

cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Under section 10.2.8, when an applicant proposes mitigation that offsets a project's adverse impacts within the same basin as the impacts, the project does not cause unacceptable cumulative impacts.

The proposed mitigation off-sets the project's adverse impacts and is in the same drainage basin. The project complies with Section 10.2.8 A.H. and no cumulative impacts are expected.

Wetland Summary Table

I-95 at St. Johns Heritage Parkway SE Roadway

	<u>Acres</u>
Total Surface Water, Upland RHPZ and Wetlands in Project	
Wetlands	16.410
OSW	0.000
Upland RHPZ	0.000
Total	16.410

Impacts that Require Mitigation

Dredged or Filled	0.050
Other - Secondary	1.860
Dredged or Filled	3.490
Dredged or Filled	0.660
Dredged or Filled	1.230
Dredged or Filled	0.150
Dredged or Filled	0.350
Dredged or Filled	1.310
Dredged or Filled	2.010
Dredged or Filled	1.650
Dredged or Filled	0.870
Dredged or Filled	0.160
Dredged or Filled	0.090
Dredged or Filled	0.080
Dredged or Filled	0.060
Dredged or Filled	1.120
Dredged or Filled	0.360
Other - Secondary	6.280
Other - Secondary	2.250
Other - Secondary	3.010
Other - Secondary	6.980
Other - Secondary	6.150
Other - Secondary	2.150
Other - Secondary	1.920
Other - Secondary	4.220
Total	48.460

Impacts that Require No Mitigation

Dredged or Filled	0.490
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Dredged or Filled	0.140
Dredged or Filled	0.280
Total	0.910

Off-Site

Wetland Preservation	36.050
Upland Preservation	3.040
Wetland Preservation	8.860
Total	47.950

Other

Reserved Credits

Mitigation Bank Credits (Basin 22 - Phase 1 - UMAM,22,Forested Freshwater)	2.97
Mitigation Bank Credits (Basin 22 - Phase 1 - UMAM,22,Herbaceous Freshwater)	5.79

Special Basin Criteria:

None

Conclusion:

The applicant has provided reasonable assurance that the proposed project meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

Conditions

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida

Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to

the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
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 Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.

21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

23. Deed of Conservation Easement

This permit requires the recording of a conservation easement. Within 30 days of recording, the permittee shall provide the District with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder(s) of mortgagee (if applicable). Before recording them, the permittee shall ensure that these documents are acceptable to the District as described below.

Description of Conservation Easement Area.

The permittee shall provide to the District for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the conservation easement, or (b) a surveyor's sketch and legal description of the area to be placed under the conservation easement, per the approved mitigation plan, at least 45 days before (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required; (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required; (3) the sale of any lot or parcel; (4) the recording of the subdivision plat; or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be placed under conservation easement in phases such that impacts are offset during each phase. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the District. A surveyor's sketch and legal description of the area to be placed under conservation easement during each phase must be submitted in accordance with the previous paragraph.

Recording of Conservation Easement.

Before (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a conservation easement. The conservation easement shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section 10.3.8, ERP Applicant's Handbook, Volume I (October 1, 2013) and Fla. Admin.Code R. 62-330.301(6).

The conservation easement shall be in the form approved in writing by the District and, if no plat has been submitted, the easement shall include the approved legal description and surveyor's sketch. If the District does not provide written comments on the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the conservation easement with the legal description and surveyor's sketch or plat reference previously submitted. If the District provides written disapproval of the preliminary plat or surveyor's sketch and legal description, the permittee shall, within ten (10) days of receipt of the disapproval, correct all errors with the conservation easement, including the preliminary plat or legal description and surveyor's sketch, and record the conservation easement. Pursuant to section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the District.

The easement may not be amended without written District approval.

Additional Documents Required.

The permittee shall ensure that the conservation easement identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the easement. If the easement's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The consent and joinder of the mortgagee shall be recorded simultaneously with the conservation easement in the public records of the county where the land is located. Within 30 days of recording, the permittee shall provide the District with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder(s) of mortgagee (if applicable).

Demarcation of Conservation Easement Area. Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently monumented above ground on the project site.

24. No construction is authorized under this permit until ownership of the off-site mitigation area has been transferred to the permittee. The permittee shall provide proof of ownership to the District within 30 days of such transfer.
25. The proposed project must be constructed and operated as per plans and calculations received by the District on August 19, 2015 and per revised plans received by the District on November 2, 2015. The mitigation plan must be implemented as described in the revised mitigation proposal received by the District on November 2, 2015.
26. Thirty days prior to initiation of construction, the permittee shall submit a detailed erosion and sediment control plan to the District for written approval. The plan shall detail all erosion and sediment control measures to be implemented both during and after construction. At a minimum the plan shall include:
 - a. Identification of any areas where any dewatering will be performed during construction;
 - b. Details of specific erosion and sediment control measures to be implemented to control the discharge of turbid water due to any dewatering activities; and
 - c. Construction sequencing and location of all areas of material stockpiling and equipment staging; and
 - d. Details of all erosion and sediment control measures to be implemented during each sequence of construction.

Construction shall not commence until the permittee receives written approval of the plan from the District.
27. Before the start of any construction, the permittee must provide the District with documentation demonstrating that 2.97 forested and 5.79 herbaceous mitigation credits have been debited from the Basin 22 Mitigation Bank ledger.
28. In the event that the permittee does not successfully complete the transaction to obtain 2.97 forested and 5.79 herbaceous mitigation credits from Basin 22 Mitigation Bank, the permittee must obtain a permit modification to provide alternative mitigation.
29. No construction is authorized under this permit until ownership of all off-site mitigation parcels (Brevard Parcel IDs:

2957878, 2957883, 2957885, 2957887, 2957890, 2957895, 2957907, 3001698, 3001715, 3001716, 3001728, 3001787, 3001767, 3001768, 3001733, 3001742, 3001743, 2957823, 2957838, 3001796, 3001802, 3001805, 3001815, 3001817, 3001851, 3001853, 3001856, 3001857, 3001831, 3001832, 3001838, 3001839, 3001840 and 3001866) have been successfully transferred to Brevard County. The permittee shall provide proof of ownership to the District within 30 days of such transfer.

Uniform Mitigation Assessment Method Summary

Site/Project Name		Application Number		Date										
I-95 Interchange at St. Johns Heritage Parkway SE		IND-009-143133-1		19-Jan-2016										
Impact Summary														
Assesment Area	Impact Type	Location and Landscape Support		Water Environment		Community Structure		Impact Delta	Acres	Functional Loss				
		Current	w/Impact	Current	w/Impact	Current	w/Impact							
W 11 Impact	Wetland Impact	6	0	7	0	8	0	0.7	1.23	0.861				
W 11 Secondary	Secondary Impact	6	5	7	7	8	7	0.067	3.01	0.201				
W 12 Impact	Wetland Impact	5	0	7	0	8	0	0.667	0.15	0.1				
W 12 Secondary	Secondary Impact	5	5	7	7	8	7	0.033	6.98	0.233				
W 13 Impact	Wetland Impact	6	0	7	0	7	0	0.667	0.35	0.233				
W 13 Secondary	Secondary Impact	6	6	7	7	7	6	0.033	2.15	0.072				
W 14 Impact	Wetland Impact	7	0	8	0	8	0	0.767	1.31	1.004				
W 15 Impact	Wetland Impact	8	0	9	0	9	0	0.867	2.01	1.742				
W 15 Secondary	Secondary Impact	8	6	9	8	9	8	0.133	6.15	0.82				
W 17 Impact	Wetland Impact	4	0	5	0	5	0	0.467	1.65	0.77				
W 17 Secondary	Secondary Impact	6	4	6	5	8	7	0.133	1.92	0.256				
W 19 Impact	Wetland Impact	8	0	9	0	9	0	0.867	0.87	0.754				
W 19 Secondary	Secondary Impact	8	6	9	8	9	8	0.133	4.22	0.563				
W 23 - 6A Impact	Wetland Impact	3	0	4	0	3	0	0.333	0.16	0.053				
W 23 - 6C Impact	Wetland Impact	3	0	4	0	3	0	0.333	0.09	0.03				
W 23 - 6D Impact	Wetland Impact	3	0	4	3	3	0	0.233	0.08	0.019				
W 25 - 1 Impact	Wetland Impact	3	0	4	0	3	0	0.333	0.06	0.02				
W 26-2 Impact	Wetland Impact	3	0	4	0	6	0	0.433	1.12	0.485				
W 26-3 Impact	Wetland Impact	3	0	4	0	3	0	0.333	0.05	0.017				
W 26-4 Impact	Wetland Impact	3	0	4	0	3	0	0.333	0.36	0.12				
W 26-4 Secondary	Secondary Impact	3	3	4	4	3	2	0.033	1.86	0.062				
W 3 Secondary	Secondary Impact	4	3	6	6	7	6	0.067	6.28	0.419				
W 4 Impact	Wetland Impact	7	0	8	0	8	0	0.767	0.66	0.506				
W 4 Secondary	Secondary Impact	7	4	8	7	8	7	0.167	2.25	0.375				
WL 3 Impact	Wetland Impact	4	0	6	0	7	0	0.567	3.49	1.978				
TOTAL									48.460003	11.693				
Mitigation Summary														
Assesment Area	Mitigation Type	Location and Landscape Support		Water Environment		Community Structure		Time Lag	Risk	PAF	RFG	Acres	Functional Gain	
		w/o Mit	w/Mit	w/o Mit	w/Mit	w/o Mit	w/Mit							
Cypress Preservation	Wetland Preservation	7	8	8	8	6	8	1.0	1.0	0.6	0.060	36.05	2.163	
Hydric Pine Preservation	Wetland Preservation	7	8	8	8	7	8	1.0	1.0	0.6	0.040	8.86	0.354	
Up Pine Flatwoods Preservation	Upland Preservation	7	8			5	8	1.0	1.0	0.7	0.140	3.04	0.426	
TOTAL													47.95	2.943
TOTALS														
Impacts	Acres	Mitigation - Upland		Mitigation -Wetland		Acres								
		Restoration		0.0		Creation/Restoration		0.0						
		Enhancement		0.0		Enhancement		0.0						
Direct Impacts	13.639999	Preservation		3.04		Preservation		44.91						
Secondary Impacts	34.82	Total Upland Mitigation		3.04		Total Wetland Mitigation		44.91						
Totals Impacts	48.460003													
Total Functional Loss														11.693
Total Functional Gain														2.943
Excess Mitigation														-8.75

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Uniform Mitigation Assessment Method Summary

Site/Project Name			Application Number		Date									
I-95 Interchange at St. Johns Heritage Parkway SE			IND-009-143133-1		21-Jan-2016									
Impact Summary														
Assesment Area	Impact Type	Location and Landscape Support		Water Environment		Community Structure	Impact Delta	Acres	Functional Loss					
		Current	w/Impact	Current	w/Impact					Current	w/Impact			
W 11 Impact	Wetland Impact	0	0	0	0	0	0	1.23	0					
W 11 Secondary	Secondary Impact	0	0	0	0	0	0	3.01	0					
W 12 Impact	Wetland Impact	0	0	0	0	0	0	0.15	0					
W 12 Secondary	Secondary Impact	0	0	0	0	0	0	6.98	0					
W 13 Impact	Wetland Impact	0	0	0	0	0	0	0.35	0					
W 13 Secondary	Secondary Impact	0	0	0	0	0	0	2.15	0					
W 14 Impact	Wetland Impact	0	0	0	0	0	0	1.31	0					
W 15 Impact	Wetland Impact	0	0	0	0	0	0	2.01	0					
W 15 Secondary	Secondary Impact	0	0	0	0	0	0	6.15	0					
W 17 Impact	Wetland Impact	0	0	0	0	0	0	1.65	0					
W 17 Secondary	Secondary Impact	0	0	0	0	0	0	1.92	0					
W 19 Impact	Wetland Impact	0	0	0	0	0	0	0.87	0					
W 19 Secondary	Secondary Impact	0	0	0	0	0	0	4.22	0					
W 23 - 6A Impact	Wetland Impact	0	0	0	0	0	0	0.16	0					
W 23 - 6C Impact	Wetland Impact	0	0	0	0	0	0	0.09	0					
W 23 - 6D Impact	Wetland Impact	0	0	0	0	0	0	0.08	0					
W 25 - 1 Impact	Wetland Impact	0	0	0	0	0	0	0.06	0					
W 26-2 Impact	Wetland Impact	0	0	0	0	0	0	1.12	0					
W 26-3 Impact	Wetland Impact	0	0	0	0	0	0	0.05	0					
W 26-4 Impact	Wetland Impact	0	0	0	0	0	0	0.36	0					
W 26-4 Secondary	Secondary Impact	0	0	0	0	0	0	1.86	0					
W 3 Secondary	Secondary Impact	0	0	0	0	0	0	6.28	0					
W 4 Impact	Wetland Impact	0	0	0	0	0	0	0.66	0					
W 4 Secondary	Secondary Impact	0	0	0	0	0	0	2.25	0					
WL 3 Impact	Wetland Impact	0	0	0	0	0	0	3.49	0					
TOTAL								48.460003	0.0					
Mitigation Summary														
Assesment Area	Mitigation Type	Location and Landscape Support		Water Environment		Community Structure		Time Lag	Risk	PAF	RFG	Acres	Functional Gain	
		w/o Mit	w/Mit	w/o Mit	w/Mit	w/o Mit	w/Mit							
Cypress Preservation	Wetland Preservation	0	0	0	0	0	0	1.0	1.0	0.6	0	36.05	0	
Hydric Pine Preservation	Wetland Preservation	0	0	0	0	0	0	1.0	1.0	0.6	0	8.86	0	
Up Pine Flatwoods Preservation	Upland Preservation	0	0	0	0	0	0	1.0	1.0	0.7	0	3.04	0	
TOTAL													47.95	0.0
TOTALS														
Impacts	Acres	Mitigation - Upland			Mitigation -Wetland			Acres						
		Restoration			Creation/Restoration			0.0			Total Functional Loss			
		Enhancement			Enhancement			0.0			Total Functional Gain			
Direct Impacts	13.639999	Preservation			Preservation			44.91			Excess Mitigation			
Secondary Impacts	34.82	Total Upland Mitigation			Total Wetland Mitigation			44.91						
Totals Impacts	48.460003													