

## Memorandum

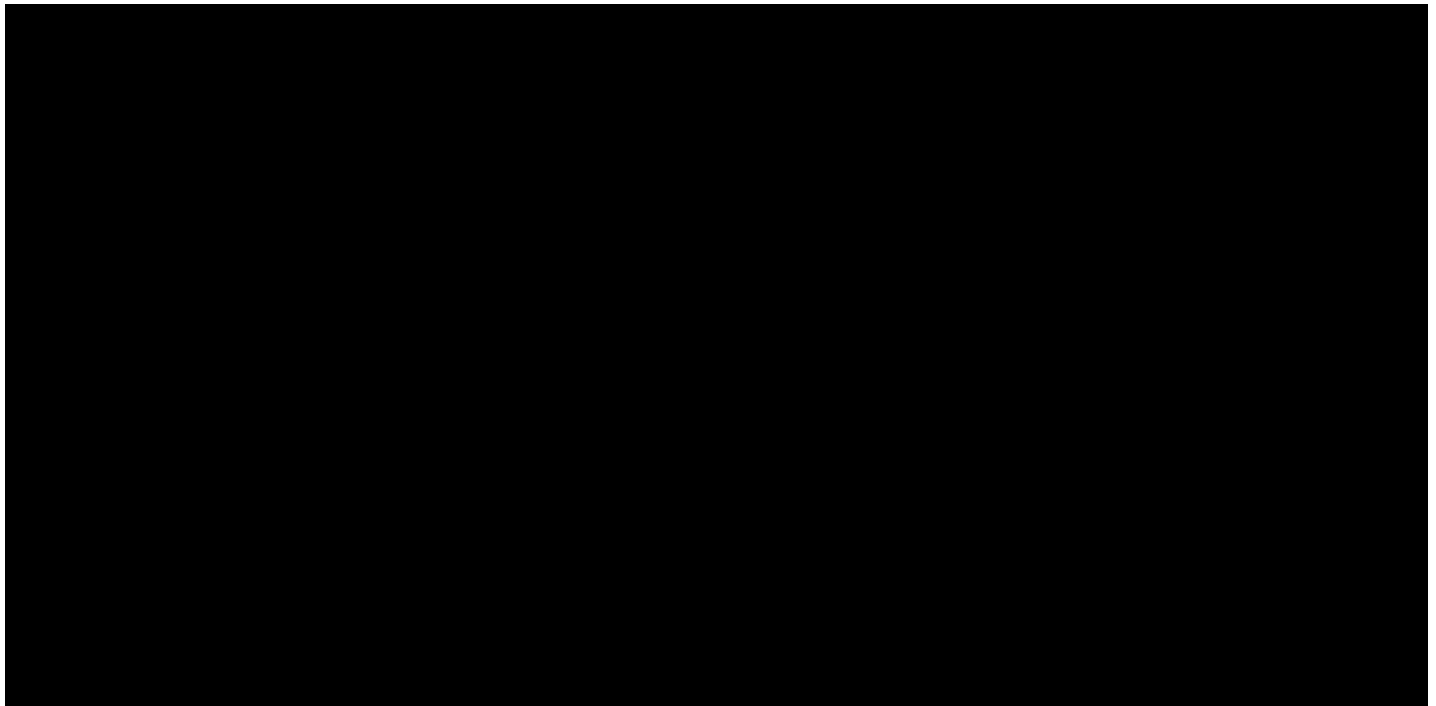
# Florida Department of Environmental Protection

**ATTORNEY WORK PRODUCT**  
**under s. 119.071(1)(d)1., F.S.**  
**May be released only upon completion of litigation.**

July 23, 2012

TO: Herschel T. Vinyard Jr., Secretary  
FROM: Tom Beason, General Counsel  
RE: Significant Cases

Below is the Office of General Counsel's weekly status report on significant matters.

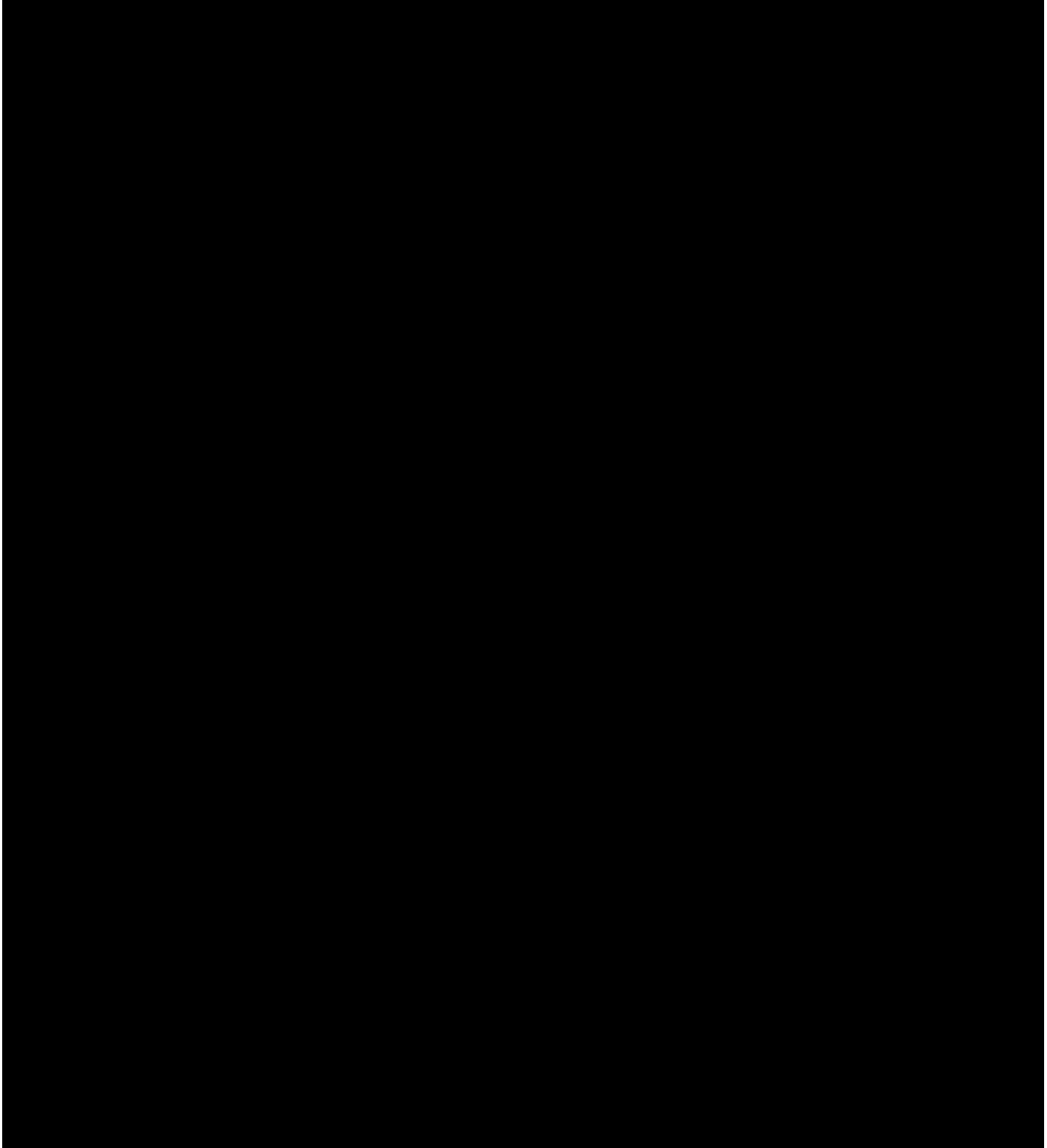


### Water Section

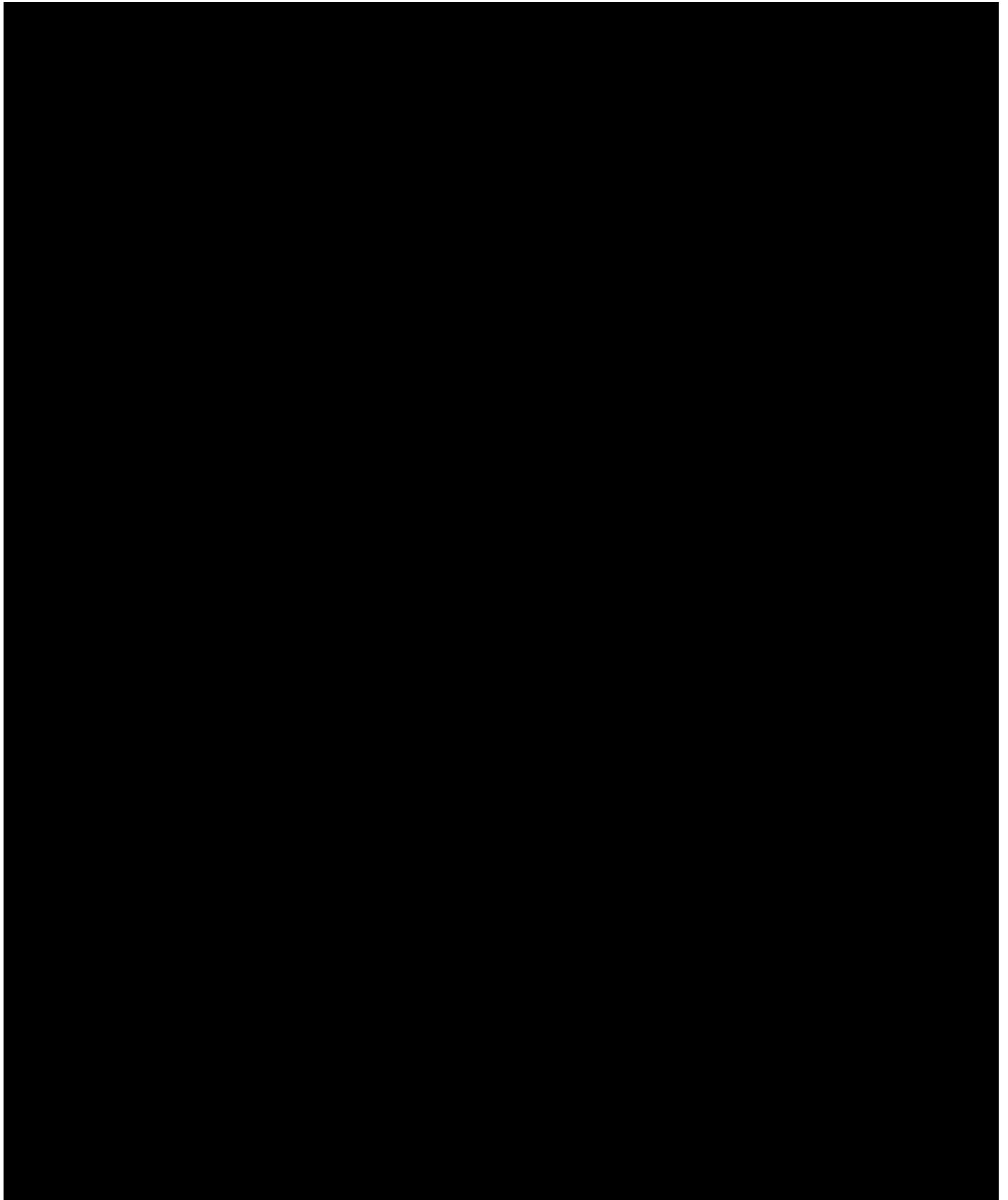
- Highlands Ranch Mitigation Bank and Bureau of Submerged Lands and Environmental Resources:  
On July 17th, the Department received a petition for a variance from subsections 62-342.700(1)(a), (2), (3) and (4), F.A.C., from CRP/HLV Highlands Ranch, LLC, to waive the requirement that it provide proof of financial responsibility for the construction and implementation phase of a proposed mitigation bank and the release of mitigation credits. Highlands Ranch provides as a basis for the variance that to provide the required proof of financial responsibility would impose a substantial hardship, and that Highlands Ranch is seeking a pilot performance-based permit in which the work generating the ecological value reflected in the award of mitigation credits will be successfully completed before the credits are released. Therefore, Highlands Ranch asserts that financial responsibility guaranteeing the completion of such work is not necessary. Notice of receipt of the petition will be published in the July 27th, issue of the Florida Administrative Weekly, and interested parties will have 14 days from that date to submit written comments. The Department has 90 days

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from receipt of the petition to grant or deny the request. Highlands Ranch has also given a five-week waiver of the permitting time clock in order for the variance request to be acted on. (Christine Francescani)



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