



Florida Department
of
Environmental
Protection

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Vinyard, Jr.
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Received
1/12/12
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From
Eric Olsen

ENVIRONMENTAL RESOURCE/MITIGATION BANK PERMIT

PERMITTEE:

CRP/HLV Highlands Ranch, LLC
c/o Tim A. Hamilton
Environmental Services, Inc.
7220 Financial Way, Suite 100
Jacksonville, FL 32256

PROJECT:

Highlands Ranch Mitigation Bank
Permit Number 10-308703-001
Date of Issue:
Expiration Date: Perpetual, upon
initiation
County: Clay

This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-342, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain this Mitigation Bank/Environmental Resource Permit (MB/ERP). Pursuant to a Special Case Agreement to the operating agreement executed between the Department and the St. Johns River Water Management District (SJRWMD), as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes certification of compliance with water quality standards under Section 401, *Clean Water Act* (CWA), 33 United States Code (USC) 1341, and a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the *Coastal Zone Management Act* (CZMA).

A copy of this authorization has also been sent to the U.S. Army Corps of Engineers (COE) for review. The COE may require a separate permit, and failure to obtain that authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations may also be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above-named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to

the attached General and Specific Conditions, which are a binding part of this permit. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure that the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor should also read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all of the drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the General and Specific conditions of this permit, as specifically described.

PROJECT DESCRIPTION:

The project is to establish the Highlands Ranch Mitigation Bank (HRMB) on a ~1,575-acre site under a pilot, performance-driven approach. The mitigation bank is proposed to be constructed in three phases. The mitigation project includes the preservation of the site and the restoration or enhancement of longleaf pine/~~xeric oak~~ sandhill, mesic ~~pine~~ flatwoods, hydric or wet flatwoods, baygall/bay swamp, ~~Floodplain~~ floodplain swamp/stream or lake swamp and bottomland forest/wetland forest mixed communities through reversal of silvicultural impacts and implementation of hydrologic activities. Credits generated may be used as mitigation for future unavoidable wetland impacts to these natural or disturbed communities within the service area. The mitigation was assessed using the Uniform Mitigation Assessment Method (UMAM) (Chapter 62-345, F.A.C.) as having a potential total of 424.81 ~~freshwater~~ Freshwater credits (207.30 Hydric ~~Flatwoods credits and 217.51 Freshwater Forested Wetland credits.~~)

PROJECT LOCATION:

HRMB is located in Clay County (**Figure 1**), specifically in Sections 9, 10, 15 and 16, Township 5 South, Range 23 East. It lies within the SJRWMD Basin 4 – Lower St. Johns River and Northern Coastal draining east to Black Creek, Class III waters. It has a Mitigation Service Area (MSA) incorporating portions of Baker, Clay, St. Johns, Putnam and Duval Counties. HRMB is located in a regional landscape that includes Jennings State Forest and the conservation lands of Camp Blanding (**Figure 3**).

GENERAL CONDITIONS:

1. All activities 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.

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 Department 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.
4. Prior to and during construction, the Permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the Permittee shall implement additional best management practices as necessary, in accordance with the specifications in Chapter 6 of the Florida Land Development Manual: A guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The Permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the Permittee shall submit to the Department an Environmental Resource Permit Construction Commencement Notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the Permittee shall submit construction status reports to the Department on an annual basis utilizing an Annual Status Report Form Notice (Form 62-343.900(4), F.A.C.). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the

authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the Department for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior to lot or unit sales with the project served by the system or upon completion of construction of the system whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the Department when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the Permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. 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 with 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 that phase or portion of the system to a local government or other responsible entity.

10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, 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 "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the Department. Submittal of the completed form shall serve to notify the Department that the system is ready for inspection. Statement of completion and certification shall be based on the on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any 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. The following information, at a minimum, shall be verified on the as-built drawings:

- a. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
- b. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanout, pipes, connections to control structures, and points of discharge to the receiving waters;
- c. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
- d. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
- e. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
- f. Existing water elevation(s) and the date determined; and,
- g. Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the Permittee has complied with the requirements of general condition no. 9 above, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the Permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the Permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, and Section 62-343.110(1)(d), F.A.C., the Permittee shall be liable for compliance with the terms of the permit.

12. Should any other regulatory agency require changes to the permitted system, the Permittee shall provide written notification to the Department of the changes prior to implementation so that a determination can be made whether a permit modification is required.

13. 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 40C-4 or chapter 40C-40, F.A.C.

14. 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 ("BOT") 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.

15. The Permittee shall hold and save the Department harmless from any and all damages, claims or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

16. 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 specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.

17. The Permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The Permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to any such sale, conveyance, or other transfer.

18. Upon reasonable notice to the Permittee, Department 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.

19. If historical or archaeological artifacts are discovered at any time on the project site, the Permittee shall immediately notify the Department.

20. The Permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS:

Administrative, Real Estate and Financial Requirements

1. CRP/HLV Highlands Ranch, LLC currently holds a permit issued by the St. Johns River Water Management District (SJRWMD) (4-019-116094-5) to implement and operate a mitigation bank. This pilot, performance-driven permit (hereinafter known as "permit") reflects changes in the mitigation plan and is intended to replace the SJRWMD-issued permit completely. Therefore, CRP/HLV Highlands Ranch, LLC must provide the Department with written documentation that the SJRWMD permit has been surrendered and is no longer valid before taking any other action under this permit.
2. This permit authorizes the permittee to establish a mitigation bank under a pilot, performance-driven approach that focuses on accomplishment of defined milestones and ecological restoration results. HRMB is proposed to be implemented in three geographic phases (**Figure 6**). This mitigation bank permit shall automatically expire five years from the date of issuance if the permittee has not conveyed a fee-simple interest or a conservation easement over the real property of the entire bank to the Department and the SJRWMD in accordance with the permit and Rules 62-342.650 and 62-342.750 (2), F.A.C. Except as provided above, this mitigation bank permit shall be perpetual unless revoked. Any deviation from the permit conditions must be authorized by the Department through a permit modification. The permit may be modified, transferred, or extended in accordance with the requirements of Rules 62-343 and 62-342.800, F.A.C.
3. Unless otherwise specified, all reports and other information required for this permit shall be submitted to Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400. Currently, the permittee is CRP/HLV Highlands Ranch, LLC represented by Marc Majed El Hassan, and the authorized agent is Tim A. Hamilton of Environmental Services, Inc. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of this permit or the real property on which the permitted mitigation bank is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to any such sale, conveyance, or other transfer. Additionally, in the event that there is a change in the authorized individuals representing the permittee, the permittee shall notify the Department, identifying the new permittee representative or agent and contact information, and provide documentation that the new designee is appropriately authorized. Failure to provide notification is a violation of the permit, subject to revocation of any agency actions or ledger modifications issued under the signature of an unauthorized designee.
4. The permittee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of

the state, title to which is vested in Board of Trustees of the Internal Improvement Trust Fund (BOT) or Florida Department of Environmental Protection (Department) under Chapter 253, F.S., until such person has received from BOT the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, BOT may levy administrative fines of up to \$10,000 per offense.

5. At least 48 hours prior to commencement of each of the work activities authorized in Specific Conditions 11 and 12 of this permit, the permittee shall notify the Department in writing of this commencement.

6. If cultural resources, historical or archaeological artifacts are discovered at any time within the project site, the permittee shall immediately discontinue any soil disturbance or other activities that could harm or displace the resource in question and notify the Department and the Bureau of Historic Preservation, Division of Historical Resources, at (800) 847-7278, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. Additional inspections and avoidance measures may be required.

7. Project Oversight. The permittee shall retain a qualified mitigation specialist (QMS) to oversee all aspects of mitigation bank site implementation, management, monitoring, and corrective actions to ensure that final success criteria are met and a long-term management plan is established.

- a. Although the permittee will have the ultimate responsibility, the QMS shall have the contractual obligation to serve as the principle contact and manager regarding mitigation activities, including reporting, and to ensure that the mitigation bank requirements are conducted in accordance with the permit, for the duration of the permit.
- b. Within 30 days of issuance of this permit, the permittee shall submit the name of the QMS retained to oversee the mitigation work and provide supporting documentation demonstrating that the QMS is authorized and qualified to oversee this work. The QMS must be approved by the Department prior to initiating mitigation activities.
- c. Within 30 days of any change in the QMS, the permittee shall submit the name and supporting documentation of a replacement QMS to the Department for review and approval.
- d. The permittee shall have the approved QMS review the conditions of this permit that pertain to environmental improvement. The purpose of this review is to ascertain whether any conditions or criteria need to be modified to ensure ecological success. If the Department concurs that any proposed modifications

will improve the likelihood of mitigation success, the permittee shall submit the modification request to the Department for processing.

- e. The QMS shall conduct ~~quarterly~~ inspections of the mitigation bank property, per the monitoring plan until criteria for the second interim credit release is attained and semi-annual inspections thereafter, in perpetuity, for the purpose of assessing and addressing management or maintenance needs, including security, structures, and ecological condition.

8. Protection and Preservation. This mitigation bank is proposed to be implemented in three geographic phases. Prior to conducting any permitted activities and prior to the release of credits in each phase, the land in each phase shall be preserved and protected in accordance with a Department-reviewed and approved Conservation Easement (CE) granted to the Florida Department of Environmental Protection and the St. Johns River Water Management District and recorded in the Public Records of the county in which that phase of the bank is located (Rule 62-342.650, F.A.C.).

Prior to executing or recording the CE, the permittee shall provide the final draft of the easement along with the boundary survey, certified appraisal, title commitment, and environmental audit, as required by Rule 62-342.650 (5), F.A.C., to the Department for review and approval. The permittee accepts the risk that review of this information may find encumbrances or exceptions that must be rectified prior to approval of recordation per Rule 62-342.650 (6), F.A.C.

After recording the CE, the permittee shall also provide the following:

- a. The original title insurance policy for the easement updated to the date of conveyance;
- b. Subordination, release, or joinder agreements for any lien on the property, as identified by the Title Commitment, unless the Department determines that such lien does not adversely affect the ecological viability of the Bank (Rule 62-342.650, F.A.C.);
- c. Legal descriptions and survey of the CE certified by a Florida-registered land surveyor; and
- d. A clerk-of-the-court certified copy of the recorded CE.

road entrances

9. Security, Hunting, and Recreation. Prior to initial credit release for each phase, the mitigation bank site in each phase shall be ~~secured at all entrances with locked gates and posted with~~ boundary signs. "No Trespassing" signs along the mitigation bank boundary shall include the project name and FDEP permit numbers. The permittee will be responsible for all site maintenance and monitoring. Limited hunting in each phase of the mitigation bank may be authorized if the permittee submits a proposed hunting plan and it is determined by the Department that the plan is compatible with the goals

of the mitigation bank and receives concurrence from the Florida Fish and Wildlife Conservation Commission.

10. Financial Assurance. Prior to construction or release of credits in any phase, the permittee shall provide the Department with the following financial responsibility mechanisms as required by Rule 62-342.700, F.A.C., and consistent with the forms in Rule 62-342.900, F.A.C. for each phase. The permittee shall secure financial assurance for construction activities, monitoring, maintenance, and reporting prior to success, and for long-term management activities after the bank has reached final success, as follows:

- a. The permittee shall provide the Department for review and approval the cost estimates in accordance with Rule 62-342.600 (10), F.A.C., prior to establishment of the financial assurance mechanisms.
- b. The permittee shall establish financial assurance for the construction and implementation in a form consistent with Rule 62-342.900, F.A.C. The amount of the financial assurance mechanism is based on 110% of the estimated costs for construction, monitoring, and maintenance prior to success.
- c. The permittee shall establish the financial assurance for long-term management in a form allowed by Chapter 62-342, F.A.C. The long-term management trust fund shall be fully funded in cash prior to attaining final success criteria or by December 2027, whichever occurs first.
- d. All cost estimates shall be reviewed and appropriate financial responsibility instrument adjustments shall be conducted every two years in accordance with Rule 62-342.700 (11), F.A.C., and prior to final credit release.
- e. The Department may draw upon the financial mechanisms required for the bank when the permittee has materially failed to comply with the terms and conditions of the permit, and continues to be in noncompliance after thirty days written notice has been provided to the permittee.
- f. The interest earned from the principal deposited in the perpetual management trust may be withdrawn for use for long-term management purposes once the mitigation bank has been determined to have attained success criteria and received the final credit release. Disbursement shall be made by the trustee at the written direction of the Department in accordance with the trust agreement.

Mitigation Activities

The overall goal of the mitigation bank is to convert a silviculture operation to the appropriate native communities of hydric or wet flatwoods and bottomland forest/wetland forested mixed. In addition, existing wetland communities on site (baygall/bay swamp, ~~Floodplain-floodplain~~ swamp/stream or lake swamp and bottomland forest/wetland forested mixed) will be preserved in existing condition and enhanced.

Existing vegetative communities/land uses are shown in **Figure 4**. Habitat restoration relies on the successful completion of the mitigation plan to achieve the target communities as depicted in **Figure 6**. The bank is proposed to be implemented in three phases, as shown in **Figure 5**.

Summary of Existing and Proposed Target Communities (rounded)

Existing Communities	Acres	Target Communities	Acres
Upland Pine Plantation	990	Longleaf Pine/ Xeric Oak Sandhill	291
		Mesic Pine Flatwoods	699
Hydric Pine Plantation	260	Hydric or Wet Flatwoods	260
Bay Swamp	30	Baygall/Bay Swamp	30
Stream Swamp	211	Stream Swamp/Floodplain Swamp	211
Wetland Forest Mixed	50	Bottomland Forest /Wetland Forested	50
		Mixed/ Bottomland Forest	
Trail road	0.58	Floodplain Stream Swamp/ Stream or	0.58
		Lake Floodplain Swamp	

consistent nomenclature

11. Mitigation activities proposed to result in the target communities include:

- Slash pine removal/thinning and bedding removal, which shall be conducted in accordance with the "Silviculture Best Management Practices for Florida," and under the supervision of the QMS.
- Supplemental planting of appropriate species.
- Replacement of a trail road bridge and culvert drainage crossings with engineered structures or culverts for hydrologic enhancement and adequate hydraulic safety features.
- Boggy Branch wooden bridge and trail road fill removal with appropriate natural cover restoration.
- Prescribed fire in appropriate communities.

These mitigation activities are proposed to be sufficient to produce the target communities summarized above and specifically described below in this pilot, performance-driven permit. Should the QMS deem additional activities are needed to reach the target communities; the Department shall be notified prior to commencement of the activities to ensure that the activities do not require permit modifications.

12. Hydrologic Enhancements. At least 30 days prior to construction of any proposed hydrologic and/or hydraulic improvements, the permittee shall provide to the Department the final engineering design drawings, specifications, supporting hydrologic modeling reports, turbidity and erosion control plans, and data from the 7 monitoring wells, along with a signed and sealed statement from a professional engineer or other appropriate Florida-registered professional, certifying that the

construction will not cause adverse water quality impacts to receiving water and adjacent lands, not cause adverse flooding to on-site or off-site property, not adversely impact the values of functions provided to fish and wildlife, and will meet State water quality standards (9.1.1., SJRWMD's Basis of Review). Within 30 days, the Department may either request additional information or provide written approval. Upon written approval from the Department, the permittee shall conduct the following activities as currently depicted in **Attachment 1**.

- a. Remove the existing wooden bridge structure along with the existing earthen trail road fill crossing Boggy Branch at "Bravo" to match native grade, stabilize the slopes, then plant to match adjacent plant communities.
- b. Remove the existing wooden bridges and replace with appropriately-sized cross-drain culverts and/or water control structures along the trail roads at "Alpha", "Delta" and "Echo". These sites may also require slightly elevated road grades in the crossing areas to support the engineered hydraulic requirements for hydrologic enhancement upstream of the trail roads.
- c. Remove dual culverts and replace the culverts with an engineered water control structure, adding support culverts, while elevating \pm 400 linear feet of the trail road grade at "Charlie." The water control structure at "Charlie" is expected to provide increased surface water elevations to enhance the water table.
- d. All trail road hydrologic enhancement area designs should be accompanied by adjacent trail road overflow areas (rock lined high-water crossings) that can act as emergency spillways during extreme storm events to prevent erosive damage.

Upon completion of each of these construction activities, the permittee shall provide as-built certifications, as required by General Condition 10 of this permit.

13. Turbidity Controls. Best Management Practices (BMPs) for the control of turbidity and erosion shall be implemented during all on-site work. All construction activities shall be conducted in accordance with the state and federal National Pollutant Discharge Elimination System (NPDES) regulations as set forth in Section 403.0885, F.S., Rule 62-621.300(4), F.A.C. and an approved Stormwater Pollution Prevention Plan (SWPPP). Erosion and turbidity control measures shall be inspected regularly and turbidity shall be monitored, as necessary, until the work is complete. The graded areas shall be stabilized within 48 hours of attaining final grades and at any other time necessary to prevent erosion, siltation, and turbid discharges in violation of State water quality standards pursuant to Chapter 62-302, F.A.C.

14. Turbidity Monitoring. Monitoring during construction activities is required to ensure compliance with BMPs and to ensure that there are no turbidity plumes or violations of State water quality standards pursuant to Chapter 62-302, F.A.C. Turbidity monitoring shall be conducted daily using a portable turbidimeter whenever

there is discharge to surface water beyond the limits of construction. The background monitoring site shall be placed upstream of the influence of the discharge. Compliance monitoring sites shall be within 10 feet of the discharge or turbidity curtain, and within any visible plume. The following measures shall be taken by the permittee whenever construction activities result in turbidity levels within waters of the State surrounding the project site exceed State water quality standards pursuant to Rule 62-302, F.A.C.:

- a. Immediately cease all work contributing to the exceedance of the water quality standard;
- b. Modify the work procedures that were responsible for the exceedance, install more turbidity controls if necessary, and repair any non-functioning turbidity containment devices; and
- c. Notify the Bureau of Submerged Lands and Environmental Resources at 850-245-8479 within 24 hours of the time the exceedance is first detected.

Banking Operations

15. This pilot, performance-driven approach relies on the permittee achieving the proposed ecological improvements and target community conditions on the site. If within 10 years of the permit issuance date for Phase 1, or within 10 years of commencement of Phases 2 and 3, the permittee has not met the milestones for the second interim credit release, and attained a modification for that second interim credit release, the permittee may submit a permit modification to revise the figures, criteria, credit assessment, or management to adjust for revised expectations.

16. As specified in Rule 62-342.470 (6) F.A.C., if at any time the bank is not in material compliance with the terms of this permit, no mitigation credits may be released or withdrawn. Credits shall become available when the Bank comes back into compliance.

17. Assessment of Credits. HRMB has the potential to provide a total of 424.81 freshwater credits. ~~207.30 Hydric Flatwoods credits and 217.51 Freshwater Forested Wetland credits.~~ ^{wet prairie} Credits were determined using the Uniform Mitigation Assessment Method (UMAM) under Chapter 62-345, F.A.C. A summary of the credit assessment is provided in **Attachment 3**. Credits will be released incrementally as detailed in Specific Condition 19.

18. Ledger. In order to track credit releases and withdrawals, a ledger shall be kept by HRMB indicating all potential, released, withdrawn, and available credits. The format for the ledger, indicating potential credits, is provided as **Attachment 4**.

keep consistent w/ previous DEP permits

19. Credit Release Schedule. Mitigation credits will be released for use in accordance with Rule 62-342.470 (3), F.A.C., based on the following Credit Release Schedule, and the modification procedure described below.

To request a release of credits, the permittee shall submit a minor modification request (with fee), along with supporting documentation, for the release of the appropriate number of credits. The Department shall review the release modification request within the timeframes prescribed by Section 120.60, F.S. to identify any additional information necessary for the evaluation. The Department shall evaluate the documentation, conduct a site visit to determine if the documentation is representative of on-site conditions, and perform a compliance review of the permit, prior to issuance or denial of the minor modification to release credits. An updated ledger indicating the additional available credits shall be attached to the minor modification.

Credit Release Schedule

<u>Mitigation Milestones</u>	<u>Specific Condition</u>	<u>Freshwater Credits</u>
Phase 1		
<u>CE/Financial Assurance/Security</u>	<u>7,8,9,10</u>	<u>24.36</u>
<u>Interim Criteria I for Phase 1</u>	<u>22</u>	<u>39.09</u>
<u>Interim Criteria I-A for Phase 1- Preservation</u>	<u>22</u>	<u>10.96</u>
<u>Interim Criteria I-B for Phase 1- Enhanced</u>	<u>22</u>	<u>4.06</u>
<u>Interim Criteria II for Phase 1</u>	<u>22</u>	<u>32.83</u>
<u>Interim Criteria III for Phase 1</u>	<u>22</u>	<u>28.14</u>
<u>Final Success for Phase 1</u>	<u>23</u>	<u>12.51</u>
Phase 2		
<u>CE/Financial Assurance/Security</u>	<u>7,8,9,10</u>	<u>21.78</u>
<u>Interim Criteria I for Phase 2</u>	<u>22</u>	<u>36.29</u>
<u>Interim Criteria I-A for Phase 1- Preservation</u>	<u>22</u>	<u>8.78</u>
<u>Interim Criteria I-B for Phase 1- Enhanced</u>	<u>22</u>	<u>3.25</u>
<u>Interim Criteria II for Phase 2</u>	<u>22</u>	<u>30.49</u>
<u>Interim Criteria III for Phase 2</u>	<u>22</u>	<u>26.13</u>
<u>Final Success for Phase 2</u>	<u>23</u>	<u>11.61</u>
Phase 3		
<u>CE/Financial Assurance/Security</u>	<u>7,8,9,10</u>	<u>18.49</u>
<u>Interim Criteria I for Phase 3</u>	<u>22</u>	<u>30.82</u>

~15% based on absolute minimal lift
 plus IB
 moved all wetland to IB??
 planting??

<u>Mitigation Milestones</u>	<u>Specific Condition</u>	<u>Freshwater Credits</u>
<u>Interim Criteria I-A for Phase 1- Preservation</u>	<u>22</u>	<u>4.39</u>
<u>Interim Criteria I-B for Phase 1- Enhanced</u>	<u>22</u>	<u>1.63</u>
<u>Interim Criteria II for Phase 3</u>	<u>22</u>	<u>25.89</u>
<u>Interim Criteria III for Phase 3</u>	<u>22</u>	<u>22.19</u>
<u>Final Success for Phase 3</u>	<u>23</u>	<u>9.86</u>
<u>Bank-wide</u>		
<u>Bank-wide success (all phases meet final success)</u>	<u>23</u>	<u>21.24</u>
<u>TOTAL</u>		<u>424.81 Freshwater credits</u>

20. Mitigation Credit Withdrawal. Withdrawal of mitigation bank credits as mitigation for wetland impacts shall be accomplished through a minor modification of this permit, in accordance with Rule 62-342.470 (7), F.A.C. Modification requests for credit withdrawal shall not require a modification fee. Withdrawal modification requests shall be made in writing by the permittee or agent within 60 days of issuance of final agency action requiring the credits. The modification request shall include:

- A list of all Department or Water Management District permits (or other applicable regulatory actions) that require mitigation credits from HRMB;
- Permit or other regulatory action #, issue date, and agency contact; and
- The number and type of credits required under each of these permits/actions.

An updated mitigation bank credit ledger sheet shall be included by the Department as an attachment to each minor modification approval for credit withdrawal.

21. Mitigation Service Area (MSA). The MSA is the geographic area within which adverse impacts may be offset by the bank. The MSA for HRMB, depicted in **Figure 3** is SJRWMD Basin 4 – Lower St. Johns River Basin, and includes portions of Baker, Clay, Putnam, St. Johns and Duval Counties. The bank may be suitable for offsetting impacts to hydric pine flatwoods, baygall, bottomland forest, wetland forested mixed and floodplain stream systems or other impacts allowed by the applicable Environmental Resource Permitting rules; however, appropriateness of the bank as well as the number and type of required mitigation credits is made on a case-by-case basis by the impact permit reviewing agency. Credits are not allowed for use outside of the MSA except as stipulated in Section 373.4136 (6)(d), F.S.

wet prairie?

Success Criteria

The overall goal of the mitigation bank is to convert a silviculture operation to the appropriate native target communities of longleaf pine/~~xeric oak~~ sandhill, mesic flatwoods, and hydric or wet flatwoods. In addition, existing forested wetland communities on site (bay gall/bay swamp, bottomland/~~mixed hardwood~~ forest/wetland forested mixed, and floodplain swamp/stream or lake swamp) will be preserved in existing condition or enhanced.

22. Interim release milestones. Prior to achieving the final success criteria, the permittee may qualify for three (3) interim credit releases for each phase when the milestones that follow are attained for each phase, as documented in monitoring reports and confirmed by site inspections. These interim milestones demonstrate an ecological response to successful implementation of restoration and enhancement activities and represent a trajectory to the target communities described in Attachment 2.

A. Interim Release I

1. For Each Phase:

- a) The permittee, or QMS, has conducted inspections, monitoring and management, including any prescribed burns, and has submitted all required monitoring data and reports to the satisfaction of the Department;
- b) All security measures are established and are in working order;
- c) All wetland target communities meet wetland delineation criteria as defined by Chapter 62-340, F.A.C.;
- d) Plants not planted or targeted for control or eradication are appropriately reproducing naturally, either by normal, healthy vegetative spread (in ways that will be normal for each species) or through seedling establishment, growth, and survival;
- e) Cover by category I and II invasive exotic plant species (pursuant to the most current list established by the Florida Exotic Pest Council at www.fleppc.org) does not exceed 5% total cover per acre;
- f) Nuisance species including, but not limited to *Typha*, *Rubus*, and vine species such as those belonging to the genera *Vitis* and *Smilax*, are <10% cover per acre; and
- g) Ecological characteristics are on target trajectory with appropriate community descriptions in **Attachment 2**.

2. Hydrology:

- a) All hydrology construction areas have been completed in accordance with Specific Condition 12, are stabilized and showing no signs of erosion, and have functioned as designed for a period of at least one year; and

- b) Monitoring wells show improvements in water levels that are approaching the expected hydrology based upon the hydrologic model submitted and approved per Specific Condition 12.

3. Longleaf Pine/Xeric Oak Sandhill: Representative data and site inspections demonstrate:

- a) A minimum average of 200 longleaf pines (grass stage or taller) per acre;
- b) An average of < 100 slash pine per acre with no additional slash pine recruitment ≥5 feet tall compared to baseline;
- c) Oak species (i.e., *Quercus incana*, *Q. geminata*, and *Q. laevis*) are present and controlled to attain the abundance appropriate to the Sandhill Community condition;
- d) Woody shrubs, other than the oaks above, are reduced to an average of <1.5 meter tall and have a decrease in percent cover, compared to the baseline monitoring data;
- e) An increase in the number of native, non-canopy species appropriate for this community per sampling unit, compared to the baseline monitoring data;
- f) An increase in groundcover with native, non nuisance herbaceous and non-canopy species, compared to the baseline monitoring data; and
- g) Wiregrass and or any other perennial pyrogenic bunchgrasses are within the top 10 dominant herbaceous species per sampling unit.

4. Mesic Flatwoods: Representative data and site inspections demonstrate:

- a) A minimum average of 200 longleaf pines (grass stage or taller) per acre;
- b) An average of <100 slash pine per acre with no additional slash pine recruitment ≥5 feet tall compared to baseline;
- c) Woody shrubs are reduced to an average of <1.5 meter tall and exhibit a decrease in percent cover, compared to the baseline monitoring data;
- d) An increase in the number of native, non-canopy species appropriate for this community per sampling unit, compared to the baseline monitoring data;
- e) An increase in percent cover by native, non-nuisance herbaceous and non-canopy species in the ground cover stratum, compared to the baseline monitoring data; and
- f) Wiregrass and or any other perennial pyrogenic bunchgrasses are within the top 10 dominant herbaceous species per sampling unit.

5. Hydric or Wet Flatwoods: Representative data and site inspections demonstrate:

- a) A minimum average of 50 longleaf pines (grass stage or taller) per acre, or more as needed to achieve a total average of 150 pines (longleaf plus slash pines) per acre in planted pine areas depicted on Map/Figure;
- b) An average of < 100 pond pine or slash pine per acre;

How is this affected
by not planting
some areas

How do we address
the pine density
in unplanted
area?

- c) Woody shrubs are reduced to an average of <1.5 meter tall and exhibit a decrease in percent cover, compared to the baseline monitoring data;
 - d) An increase in the number of native, non-canopy species appropriate for this community per sampling unit, compared to the baseline monitoring data;
 - e) An increase in ground cover with native, non-nuisance herbaceous and non-canopy species, compared to the baseline monitoring data; and
 - f) Wiregrass and any other perennial pyrogenic bunchgrasses are within the top 10 dominant herbaceous species per sampling unit.
6. Baygall/Bay Swamp, Bottomland Forest/ Wetland Forest Mixed and Floodplain Swamp/Stream or Lake Swamp: Representative data from each community type and site inspections demonstrate:
- Enhanced Areas: *if any,*
- a) All ~~planted~~ *counted towards meeting success criteria* trees appear healthy (live, exhibiting crown growth). Tree species are consistent with the respective community descriptions in **Attachment 2**; and,
 - b) Total aerial cover of combined non-nuisance, native tree, shrub and ground strata has increased, compared to the baseline monitoring data. All plant species are consistent with the respective community descriptions in **Attachment 2**.
- Preservation Areas:
- a) Maintain baseline condition or increase from baseline condition.

B. Interim Release I-A

Baygall/Bay Swamp, Floodplain Swamp/Stream or Lake Swamp and Bottomland Forest/ Wetland Forest Mixed: Representative data and site inspections for each community demonstrate:

Preservation areas:

Maintain baseline condition or increase from baseline condition.

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C. Interim Release I-B

Baygall/Bay Swamp, Floodplain Swamp/Stream or Lake Swamp and Bottomland Forest/ Wetland Forest Mixed: Representative data and site inspections for each community demonstrate:

Enhancement Areas:

- a) Aerial canopy cover by appropriate tree species in the enhanced areas (existing, recruiting, or planted if necessary) is >70%. Tree species presence and relative composition is consistent with each of the respective community descriptions in Attachment 2;
- b) Total aerial cover of combined non-nuisance, native tree, shrub and ground strata shall be greater than 80%, with woody shrub cover <30% relative cover compared with either the canopy or groundcover; and

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c) Combined ground, shrub and tree cover of FACW and OBL species is >80% relative cover.

B.D. Interim Release II

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1. For Each Phase:

- a) The permittee, or QMS, has conducted inspections, monitoring and management and has submitted all required monitoring data and reports, including any prescribed fire reports, to the satisfaction of the Department;
- b) The criteria for Interim Release I has been satisfied;
- c) All security measures are established and are in working order;
- d) All wetland target communities meet wetland delineation criteria as defined by Chapter 62-340, F.A.C.;

e) Plants not planted or targeted for control or eradication are appropriately reproducing naturally, either by normal, healthy vegetative spread (in ways that will be normal for each species) or through seedling establishment, growth, and survival;

e)f) ~~Plants are reproducing naturally, either by normal, healthy vegetative spread (in ways that will be normal for each species) or through seedling establishment, growth, and survival;~~

f)g) Cover by category I and II invasive exotic plant species (pursuant to the most current list established by the Florida Exotic Pest Council at www.fleppc.org) does not exceed 2% total cover per acre;

g)h) Nuisance species including, but not limited to *Typha sp.*, *Rubus sp.*, and vine species such as those belong to the genera *Vitis sp.* and *Smilax sp.*, are <10% cover per acre; and

h)i) Ecologic characteristics are on target trajectory with the appropriate community descriptions in **Attachment 2**.

2. Hydrology:

- a) All hydrology construction areas have been completed in accordance with Specific Condition 12, are stabilized and showing no signs of erosion, and have functioned as designed for a period of at least one year; and
- b) Monitoring wells show improvements in water levels that are approaching the expected hydrology of the target communities, based on the hydrologic model submitted and approved per Specific Condition 12.

3. Longleaf Pine/~~Xeric Oak~~ Sandhill: Representative data and site inspections demonstrate:

- a) An average of > 150 healthy longleaf pines per acre, with an average height ≥ 8 feet;

- b) An average of < 100 slash pine per acre with no additional slash pine recruitment ≥5 feet tall compared to baseline;
 - c) Oak species (i.e. *Quercus incana*, *Q. geminata*, and *Q. laevis*) are present and controlled to attain the abundance appropriate to the Sandhill Community condition;
 - d) Woody shrubs, other than the oaks above, are reduced to an average of <1.5 meter tall and ≤20% cover;
 - e) ≤50% bare ground or leaf litter;
 - f) ≥25 native, non-canopy species per sampling unit;
 - g) ≥35% groundcover with native, non-nuisance herbaceous species; and
 - h) Wiregrass and/or any other perennial pyrogenic bunchgrasses are ≥ 10% cover in the herbaceous stratum.
4. Mesic Flatwoods: Representative data and site inspections demonstrate:
- a) An average of ≥ 150 healthy longleaf pines per acre, with average height of planted longleaf ≥ 8 feet;
 - b) An average of ≤100 slash pine per acre with no addition slash pine recruitment ≥5 feet tall compared to baseline;
 - c) Woody shrubs are reduced to an average of <1.5 meter tall and ≤40% cover;
 - d) ≤40% bare ground or leaf litter;
 - e) ≥25 native, non-canopy species per sampling unit;
 - f) ≥40% groundcover with native, non-nuisance herbaceous species; and
 - g) Wiregrass and/or any other perennial pyrogenic bunchgrasses are ≥ 10% cover in the herbaceous stratum.
5. Hydric or Wet Flatwoods: Representative data and site inspections demonstrate:
- a) A combined average of >100 longleaf, pond, or slash pines per acre, with an average height of planted longleaf ≥ 8 feet;
 - b) Woody shrubs are ≤40% cover per sampling unit;
 - c) ≤40% bare ground or leaf litter;
 - d) ≥35 native, non-canopy species per sampling unit (transect, plot);
 - e) ≥50% groundcover with native, non nuisance herbaceous species, with <20% relative cover by ruderal species; and
 - f) Wiregrass and/or any other perennial pyrogenic bunchgrasses are ≥ 10% cover in the herbaceous stratum.

~~6. Baygall/Bay Swamp, Bottomland Forest/Wetland Forest Mixed and Floodplain Swamp/Stream or Lake Swamp: Representative data from each community type and site inspections demonstrate:~~
~~—Enhanced Areas:~~

- ~~a) Planted, existing and volunteer Aerial canopy cover by appropriate tree species (existing, recruiting or planted if necessary) is $\geq 50\%$. Tree species are consistent with the respective community descriptions in Attachment 2;~~
- ~~b) Planted Trees counted towards meeting Specific Condition 22(B)(6)(a) above, appear healthy and have attained an average height ≥ 8 feet;~~
- ~~c) Total aerial cover of combined non-nuisance, native tree, shrub and ground strata shall be greater than 70%, with woody shrub cover $\leq 30\%$ cover compared with either the canopy or groundcover; and~~
- ~~d) Combined ground, shrub and tree cover of FACW and OBL species is $\geq 70\%$ relative cover.~~

~~Preservation Areas:~~

- ~~a) Maintain baseline condition or increase from baseline condition.~~

C.E. Interim Release III

1. For Each Phase:

- a) The permittee, or QMS, has conducted inspections, monitoring and management and has submitted all required monitoring data and reports, including any prescribed fire reports, to the satisfaction of the Department;
- b) The criteria for Interim Release I and II have been satisfied;
- c) All security measures are established and are in working order;
- d) All wetland target communities meet wetland delineation criteria as defined by Chapter 62-340, F.A.C.;
- e) Plants are reproducing naturally, either by normal, healthy vegetative spread (in ways that will be normal for each species) or through seedling establishment, growth, and survival;
- f) Cover by category I and II invasive exotic plant species (pursuant to the most current list established by the Florida Exotic Pest Council at www.fleppc.org) does not exceed 2% total cover per acre;
- g) Nuisance species including, but not limited to *Typha sp.*, *Rubus sp.*, and vine species such as those belong to the genera *Vitis sp.* and *Smilax sp.*, are $\leq 10\%$ cover per acre; and
- h) Ecologic characteristics are on target trajectory with appropriate the community descriptions in Attachment 2.

2. Hydrology:

- a) All hydrology construction areas have been completed in accordance with Specific Condition 12, are stabilized and showing no signs of erosion, and have functioned as designed for a period of at least one year; and
- b) Monitoring wells show improvements in water levels that are approaching the expected hydrology of the target communities, based on the hydrologic model submitted and approved per Specific Condition 12.

3. Longleaf Pine/Xeric Oak Sandhill and Mesic Flatwoods: Evidence that the communities are capable of and have achieved at least two consecutive prescribed fires, within a period of 1–3 years, each covering at least 80% of each burn unit.
 4. Hydric or Wet Flatwoods: Evidence that the community is capable of and has achieved at least two consecutive prescribed fires, within a period of 1–3 years, each covering at least 70% of each burn unit.
23. Final Success. Each phase within the bank shall be deemed successful when all of the following milestones, in addition to the target community descriptions in **Attachment 2**, have been met for a period of at least one full year without intervention in the form of eradicating undesirable vegetation or replanting desirable vegetation.
1. For each phase:
 - a) Plants are reproducing naturally, either by normal, healthy vegetative spread (in ways that would be normal for each species) or through seedling establishment, growth, and survival;
 - b) The criteria for Interim Release I, II, and III have been satisfied;
 - c) All wetland target communities meet wetland delineation criteria as defined by Chapter 62-340, F.A.C.;
 - d) Cover by category I and II invasive exotic plant species (pursuant to the most current list established by the Florida Exotic Pest Council at www.fleppc.org) does not exceed 1% total coverage per acre;
 - e) Nuisance species including, but not limited to *Typha*, *Rubus*, and vine species such as those in the genera *Vitis* and *Smilax*, are <5% cover per acre; and
 - f) Ecologic characteristics are on target trajectory with the appropriate community descriptions in **Attachment 2**.
 2. Hydrology:
 - a) All hydrology construction areas have been completed according to Specific Condition 12 to the satisfaction of the Department, are stabilized and showing no signs of erosion, and have functioned as designed for a period of at least two years;
 - b) There is no evidence of unnatural channelized flow wash outs or erosion;
 - c) Monitoring wells show water levels that are consistent with the expected hydrology of the target communities, based on the hydrologic model submitted and approved per Specific Condition 12; and
 - d) Each wetland polygon demonstrates appropriate hydric soils.

3. Longleaf Pine/Xeric Oak Sandhill: Representative data and site inspections demonstrate:
 - a) An overall community basal area average of longleaf pines greater than or equal to 60, with no basal area less than 20, and longleaf pines are either cone bearing or with an average height ≥ 25 feet;
 - b) An average of <100 slash pine trees per acre with no additional slash pine recruitment ≥ 5 feet tall compared to baseline;
 - c) Oak species (i.e. *Quercus incana*, *Q. geminata*, and *Q. laevis*) that are present are controlled to attain the abundance appropriate to the Sandhill Community condition;
 - d) Woody shrubs, other than the oaks above, are $\leq 10\%$ cover;
 - e) $\leq 30\%$ bare ground or leaf litter;
 - f) ≥ 35 native, non-canopy species per sampling unit;
 - g) $\geq 50\%$ groundcover with native, non nuisance herbaceous species;
 - h) Wiregrass and /or any other perennial pyrogenic bunchgrasses are $> 15\%$ cover in the herbaceous stratum; and
 - i) Evidence that the community is capable of and has achieved at least two consecutive prescribed fires, within a period of 1–3 years, each covering at least 80% of each burn unit.
4. Mesic Flatwoods: Representative data and site inspections demonstrate:
 - a) An overall community basal area average of longleaf pines greater than or equal to 70, with no basal area less than 20, and longleaf pines either cone bearing or with an average height ≥ 25 feet;
 - b) An average of <100 slash pine trees per acre with no additional slash pine recruitment ≥ 5 feet tall compared to baseline;
 - c) Woody shrubs are $\leq 30\%$ cover;
 - d) $\leq 20\%$ bare ground or leaf litter;
 - e) ≥ 35 native, non-canopy species per sampling unit;
 - f) $\geq 50\%$ groundcover with native, non-nuisance herbaceous species;
 - g) Wiregrass and /or any other perennial pyrogenic bunchgrasses are $> 15\%$ cover in the herbaceous stratum; and
 - h) Evidence that the community is capable of and has achieved at least two consecutive prescribed fires, within a period of 1–3 years, each covering at least 80% of each burn unit.
5. Hydric or Wet Flatwoods: Representative data and site inspections demonstrate:
 - a) An overall community basal area average of longleaf, pond, or slash pines greater than 50, with no basal area less than 10, with longleaf, pond and slash pines either cone bearing or with an average height exceeding 25 feet;
 - b) Woody shrubs are $\leq 30\%$ cover;
 - c) $\leq 20\%$ bare ground or leaf litter;

- d) ≥ 45 appropriate species per sampling unit;
- e) $\geq 60\%$ cover with native, non-nuisance herbaceous species, with $< 20\%$ relative cover by ruderal species;
- f) Wiregrass and /or any other perennial pyrogenic bunchgrasses are $\geq 20\%$ cover in the herbaceous stratum; and,
- g) Evidence that the community is capable of and has achieved at least two consecutive prescribed fires, within a period of 1–3 years, each covering at least 70% of each burn unit.

6. ~~Baygall/Bay Swamp, Floodplain Swamp/Stream or Lake Swamp and Bottomland Forest/ Wetland Forest-Mixed: Representative data and site inspections for each community demonstrate:~~

~~Enhancement Areas:~~

- a) ~~Planted, existing and volunteer Aerial canopy cover by appropriate tree species in the enhanced areas (existing, recruiting, or planted if necessary) is $\geq 70\%$. Tree species presence and relative composition is consistent with each of the respective community descriptions in Attachment 2;~~
- b) Planted Trees counted towards meeting Specific Condition 23(6)(a) above, appear healthy and have attained an average height ≥ 30 feet;
- c) ~~Total aerial cover of combined non-nuisance, native tree, shrub and ground strata shall be greater than 80%, with woody shrub cover $< 30\%$ relative cover compared with either the canopy or groundcover; and~~
- d) ~~Combined ground, shrub and tree cover of FACW and OBL species is $\geq 80\%$ relative cover.~~

~~Preservation areas:~~

- a) ~~Maintain baseline condition or increase from baseline condition.~~

7.6. Compliance:

- a) Road removal areas meet community success criteria;
- b) The permittee, or QMS, has conducted inspections, monitoring and management, including prescribed burns and has submitted all required reports to the satisfaction of the Department;
- c) All security measures are established and are in working order; and
- d) A long-term management plan, including status reports, and a long-term management entity has been submitted to and approved by the Department, and the long-term management trust fund has been fully funded.

8.7. UMAM Assessment. Using monitoring data and reports, and in conjunction with the permittee, QMS, and available members of the IRT, the Department shall inspect the site and conduct a UMAM analysis to ensure that all communities have reached, and are expected to maintain, the “with mitigation” scores in **Attachment 3** and target community descriptions in **Attachment 2**.

24. Monitoring. Qualitative and quantitative monitoring of the vegetation and community structure, including photographs from established points, shall be conducted annually, beginning with the baseline monitoring report, following permit issuance and continuing annually until determination of final bank-wide success. The monitoring plan must be scientifically sound, with location and number of sampling units representative of each assessment area and target community type, and provides the data necessary to determine interim and final success criteria. Water level data from the 7 monitoring wells shall be collected throughout the year. The data shall be retained until determination that final success criteria have been met. The average daily water level data for each well shall be included and summarized in the Annual Status and Monitoring Reports.

25. Annual Status and Monitoring Reports ("Annual Reports"). The purpose of these reports is to provide reasonable assurance that the mitigation bank will achieve mitigation success (Section 373.4136 (1)(e), F.S.) and addresses the permit issuance requirements of 12.3.3.2, SJRWMD Applicants Handbook and Chapter 62-342, F.A.C. The reports provide qualitative and quantitative monitoring data and analysis for baseline, interim and final success assessment, referenced to the overall mitigation plan. Monitoring must be adequate to provide a representative assessment of site conditions, and must be collected, analyzed and reported in a manner that clearly measures the permit criteria and mitigation goals.

Annual reports are due each *January* following permit issuance. In order to assess the effectiveness of this pilot, performance-driven permit, the Department may conduct site inspections after receipt and review of each Annual Report.

Monitoring reports follow the following basic format, with additional permit information as needed:

1. Title
2. Executive Summary
3. Table of Contents
4. Introduction/Purpose.
5. Inspection/Monitoring
6. Inspection and Operations reports for all structures
7. Activities, including any prescribed burns and associated reports
8. Maps
9. Monitoring Methods
10. Data
11. Analysis and Results
12. Photos and Assessment
13. Assessment and Discussion

weekly
rules says daily
"consecutive"
wetland hydrology
back to NP
67-340.550

14. *Certification with Signature that states: "This report was completed and compiled under the supervision of xx (QMS). This report represents a true, accurate, and representative description of the activities and site conditions at the time of this report."*

The Annual Monitoring Report that requests a determination of final success in accordance with Specific Condition 23 shall also include the following information:

- a) A summary of all previous Annual Reports, including, as appropriate, timeline graphics;
- b) A list of each success criteria and documentation of how and when it was attained;
- c) A notation of problems encountered in attaining the success criteria and how the problems were solved, and a notation of any exceptionally successful management activity; and
- d) Any other information helpful for the continued success and long term management of the mitigation bank.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Mark Thomasson, P.E., Director
Division of Water Resource Management

List of Figures:

1. Project Location Map
2. 2009 Aerial Map
3. Mitigation Service Area Map
4. Existing Site Conditions Map
5. Phases and Proposed Activities Map
6. Target Communities Map

List of Attachments:

1. Engineering of Hydrologic Structures
2. Target Community Descriptions
3. UMAM summary
4. Ledger

CERTIFICATE OF SERVICE

DRAFT PERMIT – Highlands Ranch Mitigation Bank
Permit Number 10-308703-001, Clay County
Page 27 of 27

The undersigned duly designated deputy clerk hereby certifies this **PERMIT** was
mailed before the close of business on _____(date)

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7) F. S.,
with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

