

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE PERMIT and FINAL ORDER GRANTING
PETITION FOR VARIANCE

The Department of Environmental Protection gives notice of its intent to issue an Environmental Resource/Mitigation Bank Permit (#10-108703-001) and a Final Order Granting Petition for Variance from Rule 62-342.700(1)(a), (2), (3), and (4), Florida Administrative Code, to CRP/HLV Highlands Ranch Mitigation Bank, LLC to establish the Highlands Ranch Mitigation Bank (HRMB) on a ~1,575 acre site in three phases. The mitigation bank project includes the preservation of the site and the restoration or enhancement of longleaf pine/xeric oak sandhill, mesic and hydric pine flatwoods, baygall swamp/bay swamp, bottomland forest/wetland forest mixed, and floodplain swamp/stream swamp communities. Enhancement and restoration will be accomplished through canopy thinning in existing upland and wetland pine plantation areas, nuisance and invasive exotic vegetation species control, supplemental planting, prescribed fire, and hydrologic enhancements. Management of the HRMB site includes prescribed fire and control of nuisance and invasive exotic vegetation species. The mitigation bank was assessed, using the Uniform Mitigation Assessment Method (UMAM) (Chapter 62-345, F.A.C.), as having a total potential of 424.81 freshwater credits: 207.31 as Hydric Flatwoods/Wet Prairie Credits and 217.50 as Freshwater Forested Credits.

HRMB is located in Clay County. The HRMB site is specifically located in Sections 9, 10, 15 and 16 of Township 5 South, Range 23 East. The Mitigation Service Area (MSA) for the Bank is St. Johns River Water Management District (SJRWMD) Basin 4 – Lower St. Johns River and Northern Coastal, which includes portions of Baker, Clay, St. Johns, Putnam and Duval Counties.

The application, draft permit, and Final Order are available for public inspection during normal business hours at the Department's Bureau of Submerged Lands and Environmental Resources, Bob Martinez Center, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing.

Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes.

The Petition shall contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is located; (b) A statement of how and when each petitioner received notice of the Department's action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action (changes to the conditions placed on this permit); (d) A statement of the material facts disputed by Petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action (changes to the conditions placed on this permit); (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action (changes to the conditions placed on this permit); and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action.

Persons whose substantial interests will be affected by the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, F.A.C.

Mediation is not available.