

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

August 2, 2012

TO: Herschel T. Vinyard Jr., Secretary

FROM: Tom Beason, General Counsel

RE: Weekly EOG Report and Significant Case Updates

**Water Section**

- **Highlands Ranch Mitigation Bank and Bureau of Submerged Lands and Environmental Resources:** On July 17, 2012, the Department of Environmental Protection 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. On July 27, 2012, notice of the petition was published in the Florida Administrative Weekly. The Department has received one request from an interested party for a copy of the petition. On July 31, 2012, Department staff and OGC met to discuss the sufficiency of the petition. The petition is sufficient on its face, but the petitioner did not include all citations in Rule 62-342, F.A.C., that require financial responsibility, and thus the petition may need to be amended to fully accomplish petitioner's goals. However, the Department additionally determined that petitioner may not require a variance. The Department has shared this and the minor changes that may need to occur to the petition with petitioner's counsel and Division Director Mark Thomasson. Mark intends to speak further with petitioner's counsel about withdrawing the petition and including the waiver of financial responsibility pursuant to Rule 62-342.700(4)(a), F.A.C., in the permit. (Christine Francescani)

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