



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM DRIVE, SUITE 120
TAMPA, FLORIDA 33610

REPLY TO
ATTENTION OF

December 11, 2008

Tampa Regulatory Office

PUBLIC NOTICE

Permit Application No. SAJ-2008-3729 (IP-JPF)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below.

APPLICANT: RKH Properties, LLC
2623 McCormick Drive, Suite 101
Clearwater, FL 33759

WATERWAY & LOCATION: The project site involves proposed impacts to wetlands located south of the SR 60/Spruce Street interchange and west of Westshore Boulevard at the west end of Cypress Street, in Section 18, Township 26 South, Range 18 East, Hillsborough County, Florida. The project is within the Tampa Bay watershed.

Directions to the site are as follows: From Tampa, take I-275 South to Westshore Boulevard, take Westshore north to Cypress Street, take Cypress west to project site.

LATITUDE & LONGITUDE: Latitude 27.953145
Longitude -82.540483

PROJECT PURPOSE:

Basic: To construct three commercial/office buildings with an associated surface water management system.

Overall: To construct three commercial/office buildings with an associated surface water management system within the Westshore Business District/Areawide Development of Regional Impact to meet a need for additional commercial/office capacity in that area

PROPOSED WORK: The applicant proposes to impact approximately 3.22 acres of waters of the United States and restore 4.5 acres of wetlands and 0.72 acre of upland buffer.

Avoidance and Minimization Information: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The applicant states that the project design reflects all practicable measures for avoidance and minimization of impacts, including for the siting of the stormwater management system. The project site was the most practicable location for the activity. The project was planned and designed with a view to minimizing impacts to wetland resources, including best management practices in areas of wetland construction.

Compensatory Mitigation: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant proposes to enhance or restore function within 4.5 acres of coastal/mangrove wetlands by improving the hydrology, removing exotic species such as Brazilian pepper, and planting black and white mangroves and salt tolerant herbaceous vegetation. The applicant also proposes to enhance 0.72 acre of upland buffer by removing Brazilian pepper and planting desirable native upland vegetation.

The applicant provided a functional analysis using the Uniform Mitigation Assessment Method (UMAM) indicating that the project impacts will result in a loss of 0.64 unit of wetland function and the mitigation will result in a gain of 0.67 unit of wetland function.

EXISTING CONDITIONS: The project area includes three separate parcels covering approximately 12.83 acres, including 7.36 acres of wetlands and surface waters. Parcel A has no wetlands, Parcel B has 1.78 acres of wetlands, and Parcel C has 5.58 acres of wetlands. The wetlands include areas of saltwater marsh, with vegetation such as saltwort, seaoxeye daisy, needlerush, and cordgrass, along with some areas of black and white mangroves. The applicant states that there has been a significant mangrove die-off, apparently due to hydrology changes brought on by adjacent construction. The wetlands also include large areas dominated by Brazilian pepper.

ENDANGERED SPECIES: The project area contains habitat suitable for the wood stork.

If a permit is issued, it will include suitable compensation for the loss of the storks' wetland foraging habitat.

The Corps has determined the proposed project may affect but is not likely to adversely affect the wood stork, or its critical

habitat. The Corps used the September 2008 Wood Stork Key for Central and North Peninsular Florida to make this determination, and therefore no further coordination with the U.S. Fish and Wildlife Service is necessary.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 3.22 acre of coastal and mangrove wetlands utilized by various life stages of commercially and recreationally important species in the Gulf of Mexico. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification is required from the State Department of Environmental Protection and/or one of the state Water Management Districts.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 21 days from the date of this notice.

If you have any questions concerning this application, you may contact John Fellows at the letterhead address, by electronic mail at john.p.fellows@usace.army.mil, by telephone at (813) 769-7067, or by fax at (813) 769-7061.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

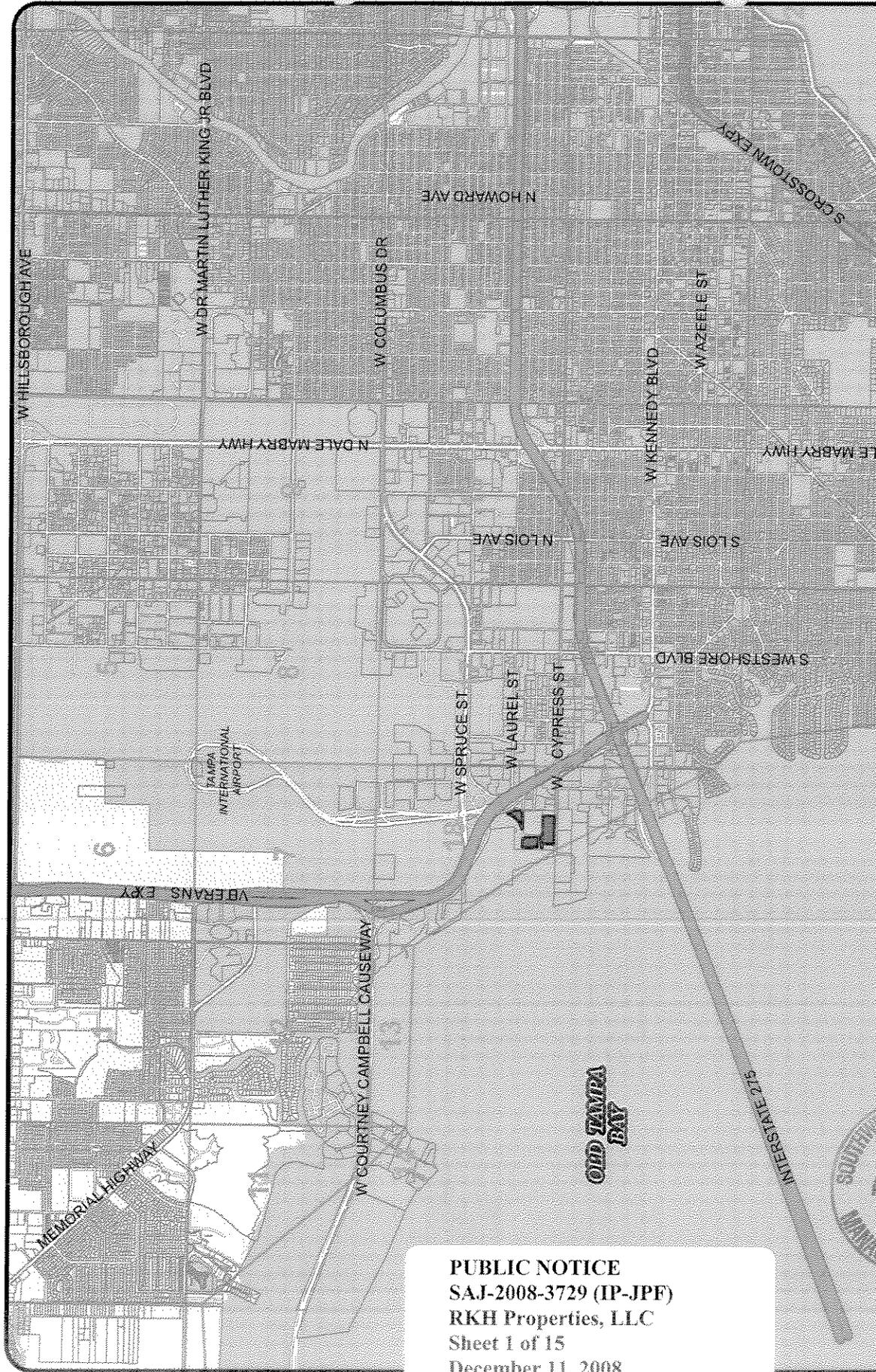
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


David S. Hobbie
Regulatory Division



Cypress Street Office Park

Figure 1. Location Map



1 inch equals 4,000 feet

Prepared for

RKH Properties, LLC
2623 McCormick Drive, Suite 101
Clearwater, FL 33759



SOURCES
2008 Parcel boundaries from Hillsborough County Property Appraiser

PUBLIC NOTICE
SAJ-2008-3729 (IP-JPF)
RKH Properties, LLC
Sheet 1 of 15
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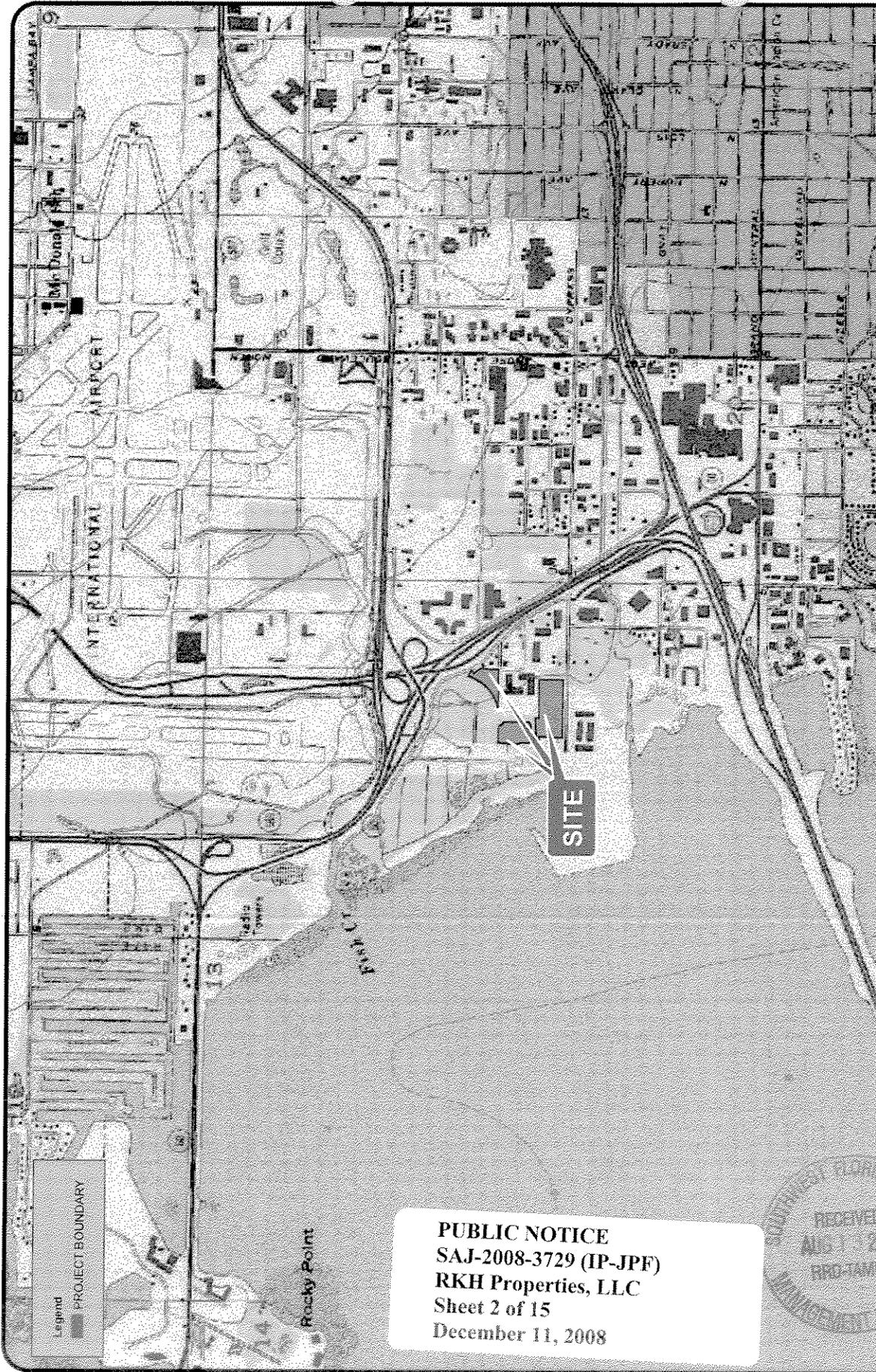


Figure 3. USGS Quad

Cypress Street Office Park
 27.955606° N, 82.538892° W



1 inch equals 2,000 feet

prepared for

SOURCES

USGS Gandy Bridge Quadrangle, q8221
 2008 Parcel boundaries from Hillsborough County Property Appraiser

RKH Properties, LLC
 2623 McCormick Drive, Suite 101
 Clearwater, FL 33759



PLANIKENDO DEVELOPMENT/CYPRESS ST/ERPAERIAL.MXD | 8/21/2008

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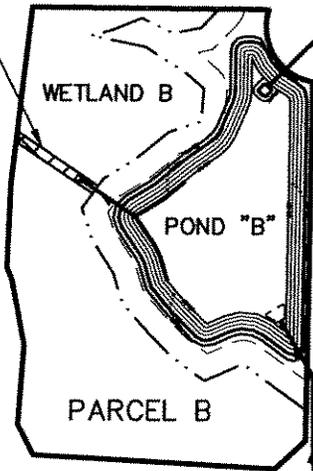
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PARCEL A

WETLAND IMPACT 1
0.02 ACRES



WETLAND B

POND "B"

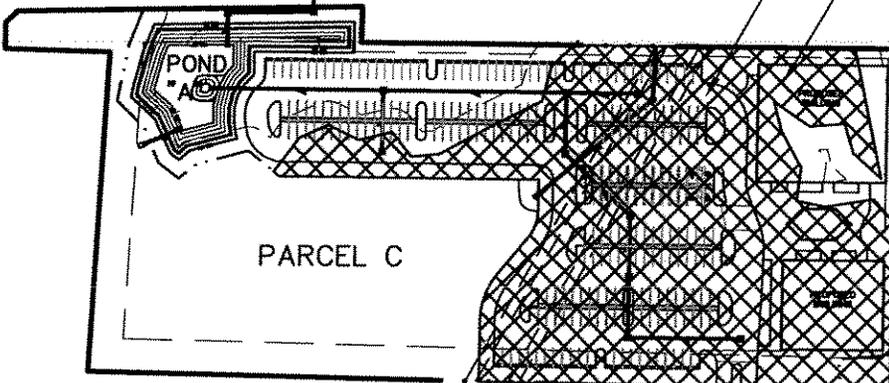
PARCEL B

TAMPA BAY

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WETLAND IMPACT 2
3.22 ACRES

WETLAND A



POND "A"

PARCEL C

CYPRESS STREET



DESCRIPTION:

ACOE WETLAND IMPACT LOCATION EXHIBIT

PROJECT No.
198-05

EPN:
304

DATE:
07/11/08

FIGURE:

1

DRAWN BY:
JMK



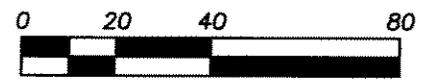
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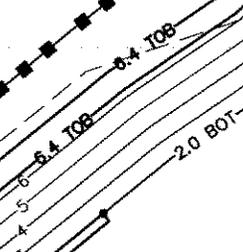
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N



WETLAND B

WETLAND IMPACT 1
0.02 ACRES



DESCRIPTION:

ACOE WETLAND IMPACT 1 - PARCEL B

PROJECT No.
198-05

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304

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07/11/08

FIGURE:
2

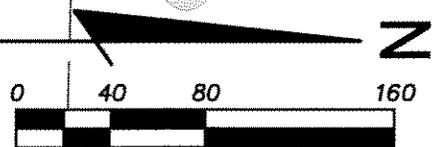
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A2
6

WETLAND IMPACT 2
3.22 ACRES
WETLAND A

A1
5

OPRESS ST
(AS SHOWN)



DESCRIPTION:

ACOE WETLAND IMPACT 2 - PARCEL C

PROJECT No.
198-05

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304

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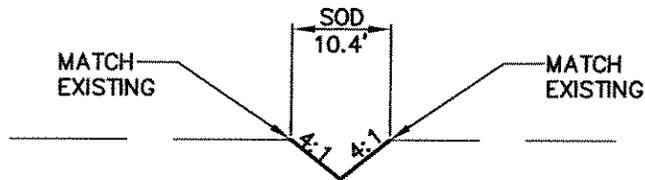
FIGURE:
3

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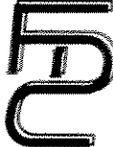
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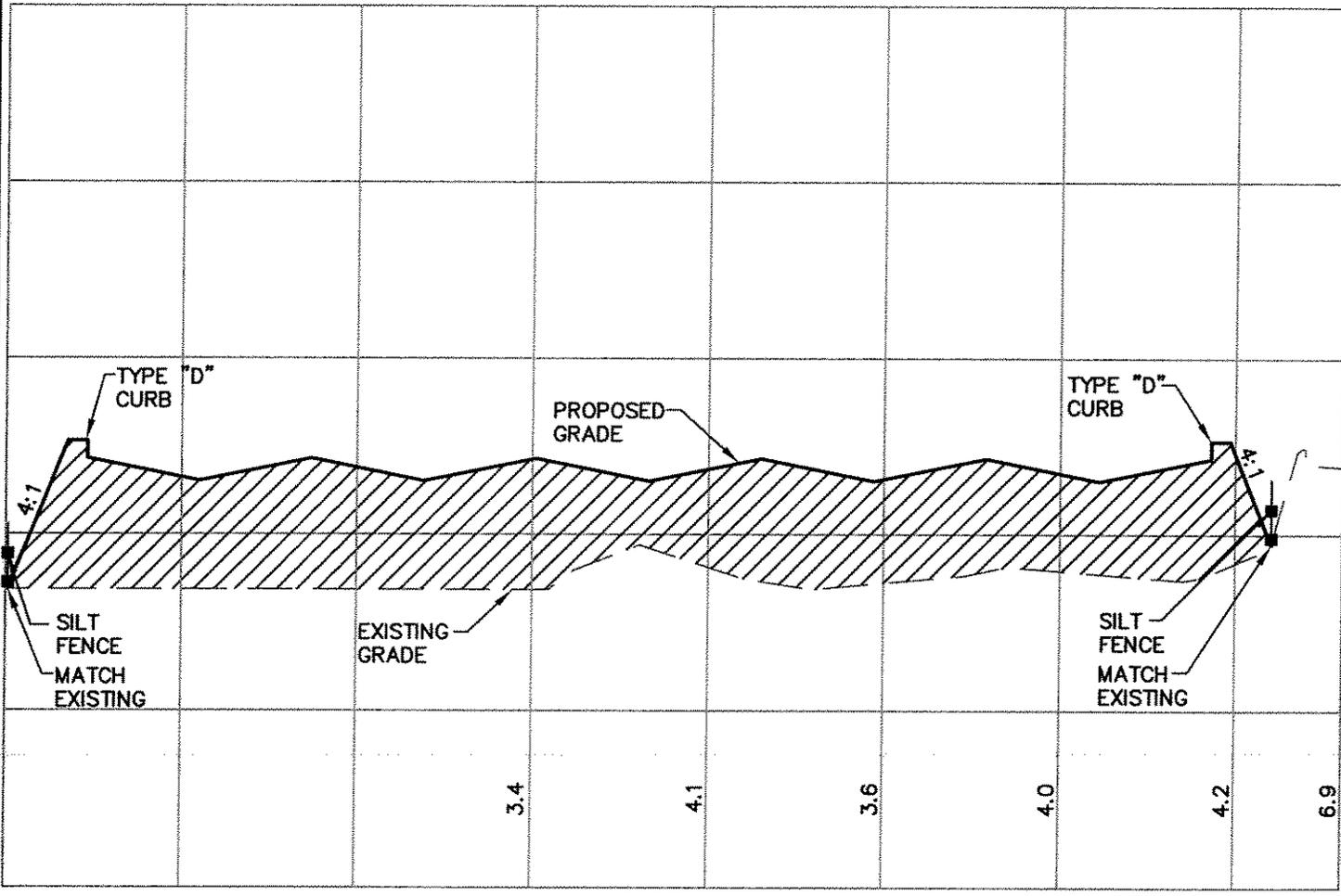
SECTION (B1)
 1"=20' H 1"=2' V 2



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DESCRIPTION: CROSS SECTION B1 - PARCEL B  FLORIDA DESIGN CC ENGINEERS, ENVIRONMENTALISTS 3030 Starkey Blvd, New I Tel: (727) 849-7588 - F	PROJECT No. 198-05	EPN. 304
	DATE: 07/11/08 DRAWN BY: JMK	FIGURE: <div style="font-size: 2em; text-align: center;">4</div>

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SECTION
 1"=50' H 1"=5' V

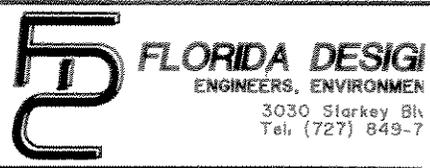
A1
 3

 DENOTES IMPACT/FILL AREA



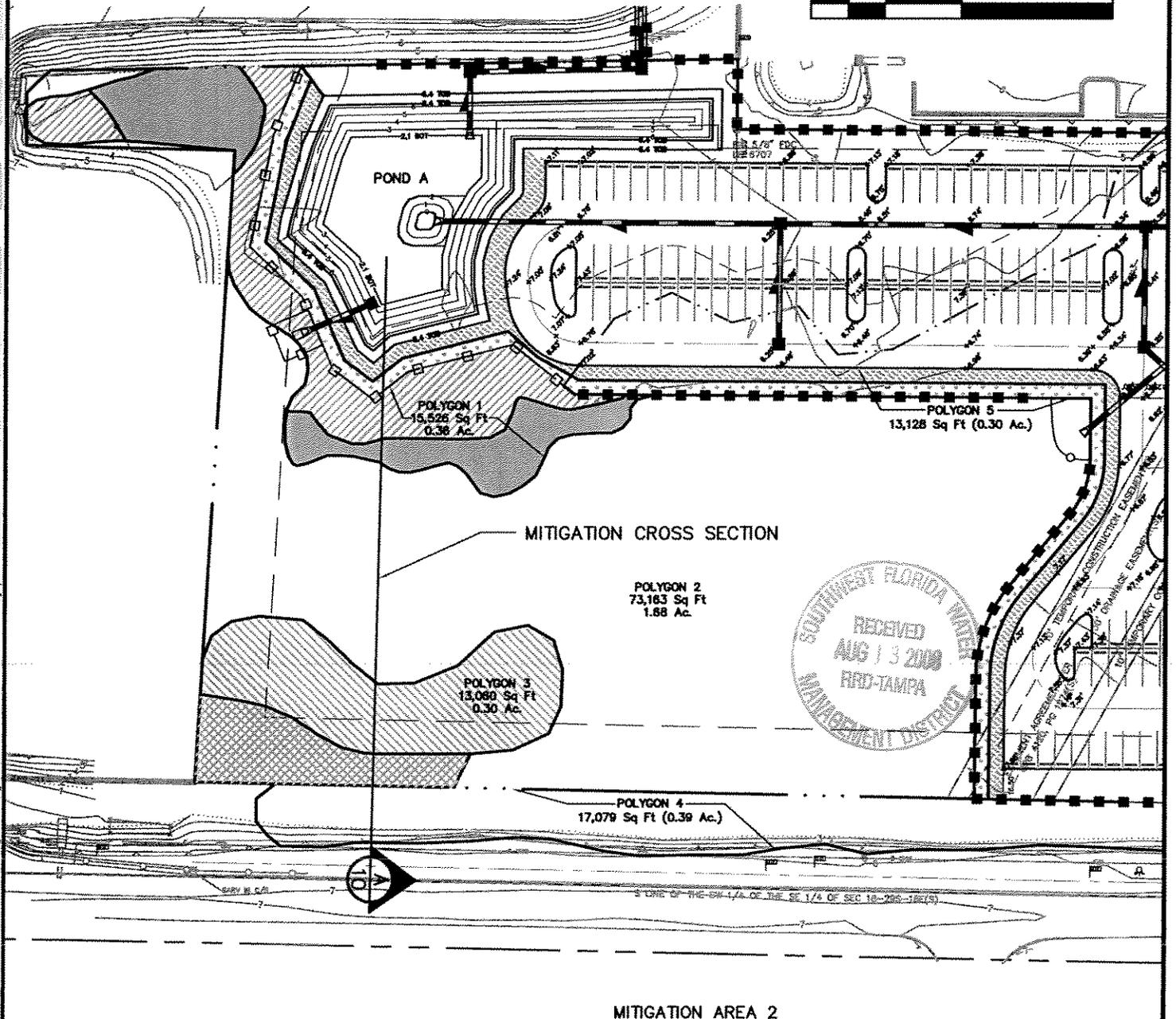
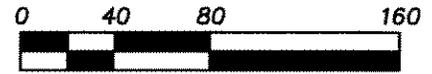
DESCRIPTION: CROSS SECTION A1 - PARCEL C

PROJECT No. 198-05	EPN: 304
DATE: 07/11/08	FIGURE: 5
DRAWN BY: JMK	



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N



MITIGATION AREA 2

DESCRIPTION:

MITIGATION AREA 2 – PARCEL C

PROJECT No.

198-05

EPN:

304

DATE:

07/11/08

FIGURE:

8

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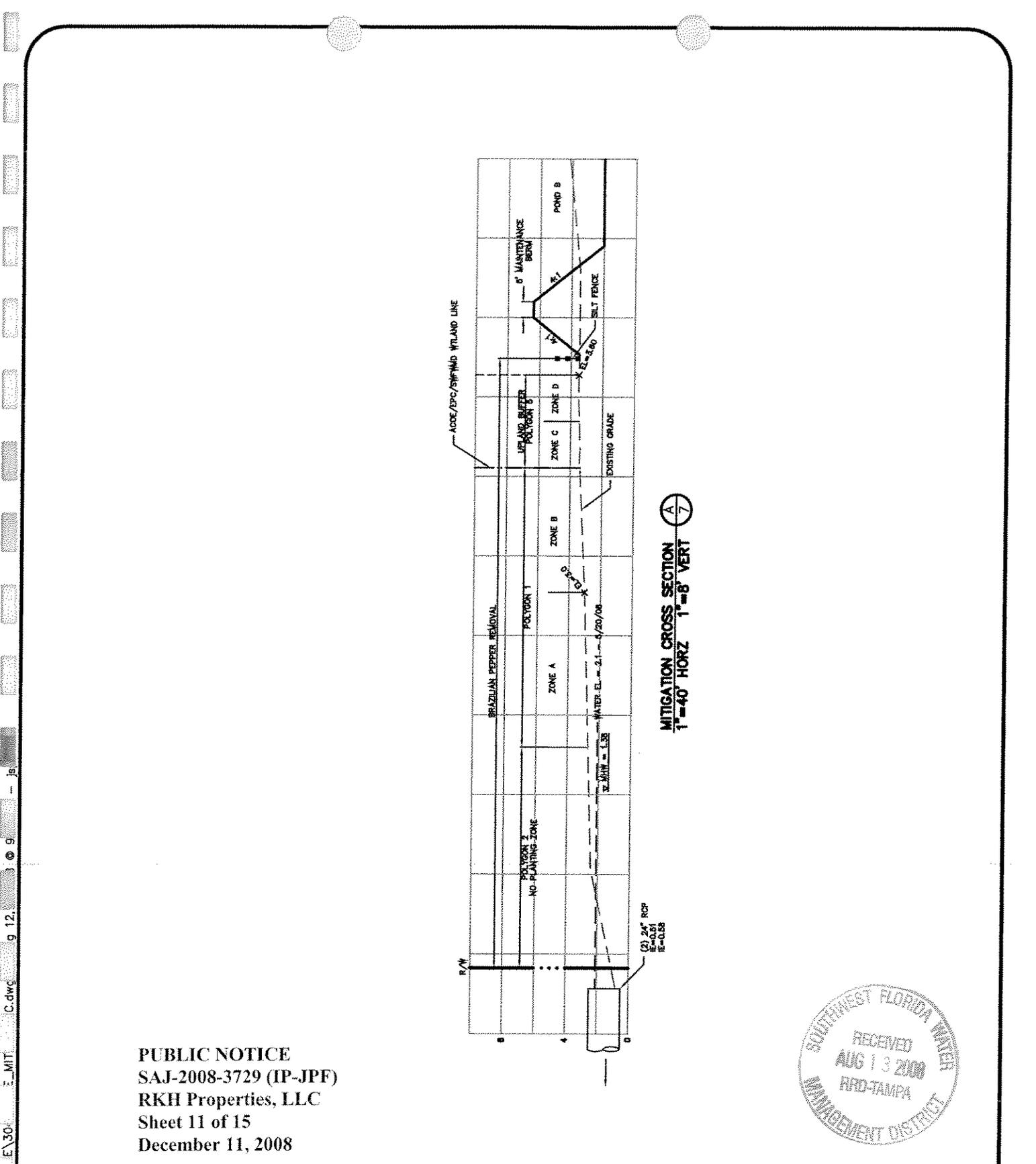
JMK



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SAJ-2008-3729 (IP-JPF)
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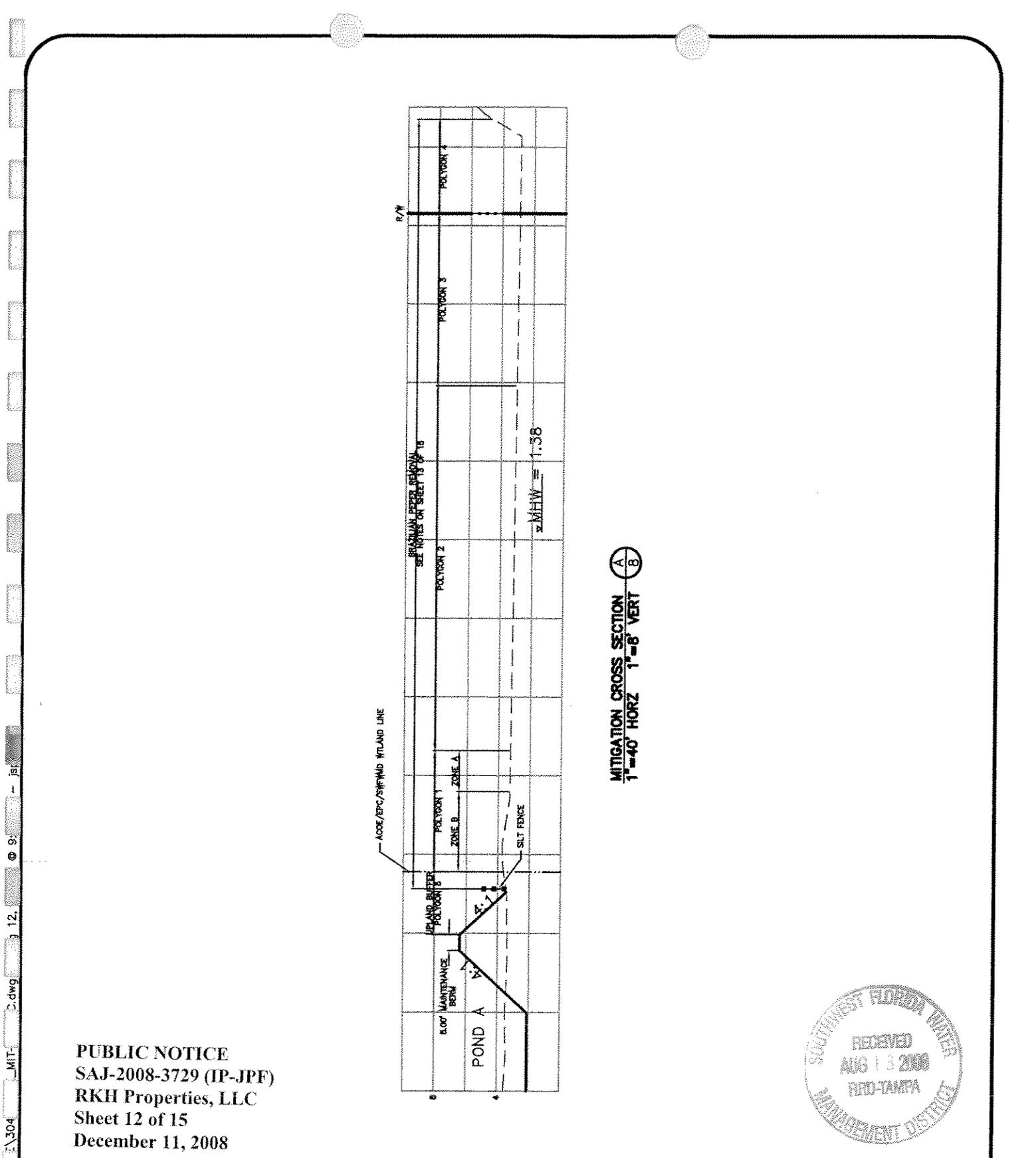
MITIGATION CROSS SECTION
 1"=40' HORZ 1"=8' VERT
 A
 7

PUBLIC NOTICE
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 RKH Properties, LLC
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DESCRIPTION: MITIGATION AREA 1 – PARCEL B SECTION	PROJECT No. 198-05	EPN: 304
	DATE: 07/11/08	FIGURE: 9
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MITIGATION CROSS SECTION
 1"=40' HORZ 1"=8' VERT



PUBLIC NOTICE
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 RKH Properties, LLC
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DESCRIPTION: **MITIGATION AREA 2 – PARCEL C SECTION**

PROJECT No.
 198-05

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 304

DATE:
 07/11/08

FIGURE:
 10

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MITIGATION AREA 1 - POLYGON 1 (36,245 SF, 0.83 AC) - NUISANCE COVER - 85%

Planting Zone	Common Name	Scientific Name	Planting Elevation	*Spacing Size	Container	Number
A	BLACK MANGROVE	AVICENNIA GERMINANS	2.50-3.00	5' O.C.	3 GAL	470
A	NEEDLE RUSH	JUNCUS ROMERIANUS	2.00-2.50	3' O.C.	4" POT	1,307
B	SAND CORDGRASS	SPARTINA BAKERI	3.50-4.00	3' O.C.	4" POT	2,710
B	BUTTONWOOD	CONOCARPUS ERECTUS	3.00-3.50	7' O.C.	3 GAL	408

MITIGATION AREA 1 - POLYGON 2 (41,133 SF, 0.94 AC) - NUISANCE COVER - 85%

BRAZILIAN PEPPER REMOVAL ONLY IN THIS AREA, SEE NOTES THIS SHEET.

MITIGATION AREA 1 - POLYGON 5 (18,220 SF, 0.42 AC - NUISANCE COVER 90%)

Planting Zone	Common Name	Scientific Name	Planting Elevation	*Spacing Size	Container	Number
C	YAUPON HOLLY	ILEX VOMITORIA	3.50-4.00	7' O.C.	3 GAL	169
D	WAX MYRTLE	MYRICA CERIFERA	4.00-4.50	7' O.C.	3 GAL	204

NOTE: ALL PLANTING MATERIAL SHALL BE FLORIDA GRADE 1 OR BETTER.

MITIGATION AREA 2 - POLYGON 1 (15,526 SF, 0.36 AC) - NUISANCE COVER 85%

Planting Zone	Common Name	Scientific Name	Planting Elevation	*Spacing Size	Container	Number
A	BLACK MANGROVE	AVICENNIA GERMINANS	2.50-3.00	5' O.C.	3 GAL	226
A	NEEDLE RUSH	JUNCUS ROMERIANUS	2.00-2.50	3' O.C.	4" POT	629
B	SAND CORDGRASS	SPARTINA BAKERI	3.50-4.00	3' O.C.	4" POT	1,742
B	BUTTONWOOD	CONOCARPUS ERECTUS	3.00-3.50	7' O.C.	3 GAL	320

MITIGATION AREA 2 - POLYGON 2 (73,163 SF, 1.68 AC) - NUISANCE COVER - 85%

BRAZILIAN PEPPER REMOVAL ONLY IN THIS AREA, SEE NOTES SHEET 13.

MITIGATION AREA 2 - POLYGON 3 (13,060 SF, 0.30 AC) - NUISANCE COVER 85%

Planting Zone	Common Name	Scientific Name	Planting Elevation	*Spacing Size	Container	Number
A	BLACK MANGROVE	AVICENNIA GERMINANS	2.50-3.00	5' O.C.	3 GAL	174
B	WHITE MANGROVE	LAGUNCULARIA RACEMOSA	2.50-3.00	5' O.C.	3 GAL	348

MITIGATION AREA 2 - POLYGON 4 (17,079 SF, 0.39 AC) - NUISANCE COVER - 85%

BRAZILIAN PEPPER REMOVAL ONLY IN THIS AREA, SEE NOTES SHEET 13.

MITIGATION AREA 2 - POLYGON 5 (13,128 SF, 0.30 AC - NUISANCE COVER 90%)

Planting Zone	Common Name	Scientific Name	Planting Elevation	*Spacing Size	Container	Number
C	YAUPON HOLLY	ILEX VOMITORIA	3.50-4.00	7' O.C.	3 GAL	107
D	WAX MYRTLE	MYRICA CERIFERA	4.00-4.50	7' O.C.	3 GAL	160

NOTE: ALL PLANTING MATERIAL SHALL BE FLORIDA GRADE 1 OR BETTER.



DESCRIPTION:

MITIGATION LEGEND

PROJECT No.
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DATE:
07/11/08

FIGURE:

11

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MITIGATION AREA 1

MITIGATION CONSTRUCTION NOTES:

1. PLACE SILT FENCE WHERE INDICATED ON SHEET 9 OF 15.
2. REMOVE EXISTING EXOTIC AND NUISANCE VEGETATION FROM PROPOSED MITIGATION AREA.
3. AFTER REMOVAL OF EXOTIC AND NUISANCE VEGETATION IS COMPLETED, THE ELEVATIONS SHALL BE VERIFIED BY THE PROJECT ENGINEER. TOLERANCE IS + 0.15 FT.
4. THE WATER TABLE SHALL BE ALLOWED TO STABILIZE PRIOR TO PLANTING.
5. PLANT MITIGATION AREA AS SHOWN ON PLANS.
6. CONTRACTOR SHALL WATER PLANTINGS AS REQUIRED UNTIL ESTABLISHED (30 DAYS MIN.)
7. CONTRACTOR SHALL GUARANTEE 85% SUCCESS RATE FOR 80 DAYS. DEAD OR UNHEALTHY PLANTS SHALL BE REMOVED AND REPLACED.
8. ALL PLANTING MATERIAL SHOULD BE FLORIDA GRADE 1 OR BETTER. IN ADDITION, ALL PLANTING MATERIAL SHOULD BE PURCHASED FROM A REGISTERED NURSERY IN THE SAME GEOGRAPHIC AREA AS THE PROPOSED MITIGATION AREA.

WETLAND MITIGATION SUCCESS CRITERIA

MITIGATION IS EXPECTED TO OFFSET ADVERSE IMPACTS TO WETLANDS AND OTHER SURFACE WATERS CAUSED BY REGULATED ACTIVITIES AND TO ACHIEVE VIABLE, SUSTAINABLE ECOLOGICAL AND HYDROLOGICAL WETLAND FUNCTIONS. WETLANDS CONSTRUCTED FOR MITIGATION PURPOSES WILL BE CONSIDERED SUCCESSFUL AND WILL BE RELEASED FROM MONITORING AND REPORTING REQUIREMENTS WHEN THE FOLLOWING CRITERIA ARE MET CONTINUOUSLY FOR A PERIOD OF AT LEAST ONE YEAR WITHOUT INTERVENTION IN THE FORM OF IRRIGATION OR THE ADDITION OR REMOVAL OF VEGETATION.

- 1) THE MITIGATION AREA CAN BE REASONABLY EXPECTED TO DEVELOP INTO A SALTWATER MARSH AND TIDAL SWAMP AS DETERMINED BY THE FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM.
- 2) TOPOGRAPHY, WATER DEPTH AND WATER LEVEL FLUCTUATION IN THE MITIGATION AREA ARE CHARACTERISTIC OF THE WETLAND/SURFACE WATER TYPE SPECIFIED IN CRITERION ABOVE.
- 3) THE DOMINANT AND SUBDOMINANT SPECIES OF DESIRABLE WETLAND PLANTS COMPRISING EACH VEGETATION ZONE AND STRATUM OF THE MITIGATION AREA SHALL BE AS FOLLOWS:

MITIGATION AREA 1					
PLANT	ZONE	STRATUM	PERCENT COVER	¹ DOMINANT SPECIES	¹ SUBDOMINANT SPECIES
1	A	SUB-CANOPY	30%	BLACK MANGROVE	WHITE MANGROVE
2	A	GROUND COVER	70%	NEEDLE RUSH	SALT GRASS
3	B	SUB-CANOPY	30%	BUTTON WOOD	SAND CORDGRASS
4	B	GROUND COVER	70%	SAND CORDGRASS	

¹PLANT SPECIES PROVIDING THE SAME FUNCTION AS THOSE LISTED MAY ALSO BE CONSIDERED IN DETERMINING SUCCESS.

THIS CRITERION MUST BE ACHIEVED WITHIN FIVE YEARS OF MITIGATION AREA CONSTRUCTION. THE PERMITTEE SHALL COMPLETE ANY ACTIVITIES NECESSARY TO ENSURE THE SUCCESSFUL ACHIEVEMENT OF THE MITIGATION REQUIREMENTS BY THE DEADLINE SPECIFIED. ANY REQUEST FOR AN EXTENSION OF THE DEADLINE SPECIFIED SHALL BE ACCOMPANIED WITH AN EXPLANATION AND SUBMITTED AS A PERMIT LETTER MODIFICATION TO THE DISTRICT FOR EVALUATION.

- 4) SPECIES COMPOSITION OF RECRUITING WETLAND VEGETATION ARE INDICATIVE OF THE WETLAND TYPE SPECIFIED IN CRITERION ABOVE.
- 5) DENSITY OF SURVIVING PLANT SPECIES IN THE MITIGATION AREA EQUALS OR EXCEEDS 5000/ACRE.
- 6) COVERAGE BY NUISANCE OR EXOTIC SPECIES DOES NOT EXCEED 5 PERCENT.
- 7) THE WETLAND MITIGATION AREA CAN BE DETERMINED TO BE A WETLAND OR OTHER SURFACE WATER ACCORDING TO CHAPTER 82-340, F.A.C.

THE MITIGATION AREA MAY BE RELEASED FROM MONITORING AND REPORTING REQUIREMENTS AND BE DEEMED SUCCESSFUL AT ANY TIME DURING THE MONITORING PERIOD IF THE PERMITTEE DEMONSTRATES THAT THE CONDITIONS IN THE MITIGATION AREA HAVE ADEQUATELY REPLACED THE WETLAND AND SURFACE WATER FUNCTIONS AFFECTED BY THE REGULATED ACTIVITY AND THAT THE SITE CONDITIONS ARE SUSTAINABLE.

MONITORING AND MAINTENANCE

A MONITORING AND MAINTENANCE PROGRAM WILL BE INITIATED UPON COMPLETION OF WETLAND PLANT INSTALLATION. PURSUANT TO SPECIFIC CONDITIONS OF THE APPROVED PERMITS, MONITORING AND MAINTENANCE OF MITIGATION AREA WILL BE CONDUCTED SEMI-ANNUALLY. MONITORING REPORTS WILL BE SUBMITTED TO THE EPC, ACCE, AND SWFWMD WITHIN 30 DAYS OF THE PERFORMANCE OF THE MONITORING EVENT. MONITORING REPORTS WILL PROVIDE PHOTOGRAPHIC DOCUMENTATION OF THE MITIGATION AREA FROM FIXED REFERENCE POINTS AND WILL DISCUSS THE SURVIVAL RATES OF PLANTED VEGETATION AND PROVIDE ESTIMATES OF NUISANCE SPECIES COVERAGES. THE MONITORING REPORTS WILL ALSO INCLUDE A DESCRIPTION OF ALL MAINTENANCE EFFORTS WHICH WILL BE CONDUCTED IN TANDEM WITH EACH MONITORING EVENT.

MITIGATION AREA 2

WETLAND MITIGATION SUCCESS CRITERIA

MITIGATION IS EXPECTED TO OFFSET ADVERSE IMPACTS TO WETLANDS AND OTHER SURFACE WATERS CAUSED BY REGULATED ACTIVITIES AND TO ACHIEVE VIABLE, SUSTAINABLE ECOLOGICAL AND HYDROLOGICAL WETLAND FUNCTIONS. WETLANDS CONSTRUCTED FOR MITIGATION PURPOSES WILL BE CONSIDERED SUCCESSFUL AND WILL BE RELEASED FROM MONITORING AND REPORTING REQUIREMENTS WHEN THE FOLLOWING CRITERIA ARE MET CONTINUOUSLY FOR A PERIOD OF AT LEAST ONE YEAR WITHOUT INTERVENTION IN THE FORM OF IRRIGATION OR THE ADDITION OR REMOVAL OF VEGETATION.

- 1) THE MITIGATION AREA CAN BE REASONABLY EXPECTED TO DEVELOP INTO A SALTWATER MARSH AND TIDAL SWAMP AS DETERMINED BY THE FLORIDA LAND USE COVER AND FORMS CLASSIFICATION SYSTEM.
- 2) TOPOGRAPHY, WATER DEPTH AND WATER LEVEL FLUCTUATION IN THE MITIGATION AREA ARE CHARACTERISTIC OF THE WETLAND/SURFACE WATER TYPE SPECIFIED IN CRITERION ABOVE.
- 3) THE DOMINANT AND SUBDOMINANT SPECIES OF DESIRABLE WETLAND PLANTS COMPRISING EACH VEGETATION ZONE AND STRATUM OF THE MITIGATION AREA SHALL BE AS FOLLOWS:

MITIGATION AREA 2					
PLANT	ZONE	STRATUM	PERCENT COVER	¹ DOMINANT SPECIES	¹ SUBDOMINANT SPECIES
1	A	SUB-CANOPY	30%	BLACK MANGROVE	WHITE MANGROVE
2	A	GROUND COVER	70%	NEEDLE RUSH	SALT GRASS
3	B	SUB-CANOPY	30%	BUTTON WOOD	SAND CORDGRASS
4	B	GROUND COVER	70%	SAND CORDGRASS	

¹PLANT SPECIES PROVIDING THE SAME FUNCTION AS THOSE LISTED MAY ALSO BE CONSIDERED IN DETERMINING SUCCESS.

THIS CRITERION MUST BE ACHIEVED WITHIN FIVE YEARS OF MITIGATION AREA CONSTRUCTION. THE PERMITTEE SHALL COMPLETE ANY ACTIVITIES NECESSARY TO ENSURE THE SUCCESSFUL ACHIEVEMENT OF THE MITIGATION REQUIREMENTS BY THE DEADLINE SPECIFIED. ANY REQUEST FOR AN EXTENSION OF THE DEADLINE SPECIFIED SHALL BE ACCOMPANIED WITH AN EXPLANATION AND SUBMITTED AS A PERMIT LETTER MODIFICATION TO THE DISTRICT FOR EVALUATION.

- 4) SPECIES COMPOSITION OF RECRUITING WETLAND VEGETATION ARE INDICATIVE OF THE WETLAND TYPE SPECIFIED IN CRITERION ABOVE.
- 5) DENSITY OF SURVIVING PLANT SPECIES IN THE MITIGATION AREA EQUALS OR EXCEEDS 900/ACRE.
- 6) COVERAGE BY NUISANCE OR EXOTIC SPECIES DOES NOT EXCEED 5 PERCENT.
- 7) THE WETLAND MITIGATION AREA CAN BE DETERMINED TO BE A WETLAND OR OTHER SURFACE WATER ACCORDING TO CHAPTER 82-340, F.A.C.

THE MITIGATION AREA MAY BE RELEASED FROM MONITORING AND REPORTING REQUIREMENTS AND BE DEEMED SUCCESSFUL AT ANY TIME DURING THE MONITORING PERIOD IF THE PERMITTEE DEMONSTRATES THAT THE CONDITIONS IN THE MITIGATION AREA HAVE ADEQUATELY REPLACED THE WETLAND AND SURFACE WATER FUNCTIONS AFFECTED BY THE REGULATED ACTIVITY AND THAT THE SITE CONDITIONS ARE SUSTAINABLE.

MONITORING AND MAINTENANCE

A MONITORING AND MAINTENANCE PROGRAM WILL BE INITIATED UPON COMPLETION OF WETLAND PLANT INSTALLATION. PURSUANT TO SPECIFIC CONDITIONS OF THE APPROVED PERMITS, MONITORING AND MAINTENANCE OF MITIGATION AREA WILL BE CONDUCTED SEMI-ANNUALLY. MONITORING REPORTS WILL BE SUBMITTED TO THE EPC, ACCE, AND SWFWMD WITHIN 30 DAYS OF THE PERFORMANCE OF THE MONITORING EVENT. MONITORING REPORTS WILL PROVIDE PHOTOGRAPHIC DOCUMENTATION OF THE MITIGATION AREA FROM FIXED REFERENCE POINTS AND WILL DISCUSS THE SURVIVAL RATES OF PLANTED VEGETATION AND PROVIDE ESTIMATES OF NUISANCE SPECIES COVERAGES. THE MONITORING REPORTS WILL ALSO INCLUDE A DESCRIPTION OF ALL MAINTENANCE EFFORTS WHICH WILL BE CONDUCTED IN TANDEM WITH EACH MONITORING EVENT.



DESCRIPTION:

MITIGATION NOTES

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RKH Properties, LLC
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December 11, 2008

PROJECT No.
198-05

EPN:
304

DATE:
07/11/08

FIGURE:

DRAWN BY:
JMK

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UPLAND BUFFER ENHANCEMENT

MITIGATION CONSTRUCTION NOTES:

1. PLACE SILT FENCE WHERE INDICATED.
2. REMOVE EXISTING EXOTIC AND NUISANCE VEGETATION FROM PROPOSED MITIGATION AREA.
3. PLANT MITIGATION AREA AS SHOWN ON PLANS.
4. CONTRACTOR SHALL WATER PLANTINGS AS REQUIRED UNTIL ESTABLISHED (30 DAYS MIN.)
5. CONTRACTOR SHALL GUARANTEE 85 % SUCCESS RATE FOR 60 DAYS. DEAD OR UNHEALTHY PLANTS SHALL BE REMOVED AND REPLACED.
6. ALL PLANTING MATERIAL SHOULD BE FLORIDA GRADE 1 OR BETTER. IN ADDITION, ALL PLANTING MATERIAL SHOULD BE PURCHASED FROM A REGISTERED NURSERY IN THE SAME GEOGRAPHIC AREA AS THE PROPOSED MITIGATION AREA.
7. PLANTS WILL BE INSTALLED IN NATURALISTIC CLUSTERS AT THE CONTRACTOR'S DISCRETION.

MONITORING AND MAINTENANCE NOTES:

A MONITORING AND MAINTENANCE PROGRAM WILL BE INITIATED UPON COMPLETION OF WETLAND PLANT INSTALLATION. PURSUANT TO SPECIFIC CONDITIONS OF THE APPROVED PERMITS, MONITORING AND MAINTENANCE OF MITIGATION AREA WILL BE CONDUCTED SEMI-ANNUALLY. MONITORING REPORTS WILL BE SUBMITTED TO THE EPC, USACE, AND SWFWMD WITHIN 30 DAYS OF THE PERFORMANCE OF THE MONITORING EVENT. MONITORING REPORTS WILL PROVIDE PHOTOGRAPHIC DOCUMENTATION OF THE MITIGATION AREA FROM FIXED REFERENCE POINTS AND WILL DISCUSS THE SURVIVAL RATES OF PLANTED VEGETATION AND PROVIDE ESTIMATES OF NUISANCE SPECIES COVERAGES. THE MONITORING REPORTS WILL ALSO INCLUDE A DESCRIPTION OF ALL MAINTENANCE EFFORTS WHICH WILL BE CONDUCTED IN TANDEM WITH EACH MONITORING EVENT.

UPLAND BUFFER MITIGATION SUCCESS CRITERIA

MITIGATION IS EXPECTED TO OFFSET ADVERSE IMPACTS TO WETLANDS AND OTHER SURFACE WATERS CAUSED BY REGULATED ACTIVITIES AND TO ACHIEVE VIABLE, SUSTAINABLE UPLAND BUFFER FUNCTIONS. UPLAND BUFFER ENHANCEMENT FOR MITIGATION PURPOSES WILL BE CONSIDERED SUCCESSFUL AND WILL BE RELEASED FROM MONITORING AND REPORTING REQUIREMENTS WHEN THE FOLLOWING CRITERIA ARE MET CONTINUOUSLY FOR A PERIOD OF AT LEAST ONE YEAR WITHOUT INTERVENTION IN THE FORM OF IRRIGATION OR THE ADDITION OR REMOVAL OF VEGETATION.

- 1) THE DOMINANT AND SUBDOMINANT SPECIES OF DESIRABLE UPLAND BUFFER PLANTS COMPRISING EACH VEGETATION ZONE AND STRATUM OF THE MITIGATION AREA SHALL BE AS FOLLOWS:

ZONE	STRATUM	PERCENT COVER	¹ DOMINANT SPECIES	¹ SUBDOMINANT SPECIES
UPLAND BUFFER	CANOPY	30%	YAUPON HOLLY WAX MYRTLE	LIVE OAK SAND CORDGRASS SAW PALMETTO
	SUB-CANOPY	30%		

¹ PLANT SPECIES PROVIDING THE SAME FUNCTION AS THOSE LISTED MAY ALSO BE CONSIDERED IN DETERMINING SUCCESS.

THIS CRITERION MUST BE ACHIEVED WITHIN FIVE YEARS OF MITIGATION AREA RESTORATION. THE PERMITEE SHALL COMPLETE ANY ACTIVITIES NECESSARY TO ENSURE THE SUCCESSFUL ACHIEVEMENT OF THE MITIGATION REQUIREMENTS BY THE DEADLINE SPECIFIED. ANY REQUEST FOR AN EXTENSION OF THE DEADLINE SPECIFIED SHALL BE ACCOMPANIED WITH AN EXPLANATION AND SUBMITTED AS A PERMIT LETTER MODIFICATION TO THE DISTRICT FOR EVALUATION.

- 2) DENSITY OF SURVIVING PLANT SPECIES IN THE MITIGATION AREA EQUALS OR EXCEEDS THOSE REFERENCED IN THE PROPOSED PERMIT.
- 3) COVERAGE BY NUISANCE OR EXOTIC SPECIES DOES NOT EXCEED 5 PERCENT.

THE MITIGATION AREA MAY BE RELEASED FROM MONITORING AND REPORTING REQUIREMENTS AND BE DEEMED SUCCESSFUL AT ANY TIME DURING THE MONITORING PERIOD IF THE PERMITEE DEMONSTRATES THAT THE CONDITIONS WITHIN THE UPLAND BUFFER ENHANCEMENT AREA ARE SUSTAINABLE.

BRAZILIAN PEPPER REMOVAL NOTES, ALL AREAS

1. THE WORK SHALL CONSIST OF THE COMPLETED TREATMENT, REMOVAL AND DISPOSAL OF NUISANCE AND EXOTIC PLANT SPECIES WITHIN THE RESTORATION AREA. THE WORK SHALL INCLUDE THE FURNISHING OF ALL LABOR, EQUIPMENT, MATERIALS AND APPLIANCES REQUIRED FOR THE REMOVAL OF THE NUISANCE AND EXOTIC PLANT SPECIES WITHIN THE RESTORATION AREA.
2. THE CONTRACTOR SHALL ASSURE THAT ALL WORKMEN EMPLOYED FOR THIS TASK ARE COMPETENT, CAREFUL, RELIABLE AND HAVE SUFFICIENT SKILL AND EXPERIENCE TO PROPERLY PERFORM THE ASSIGNED WORK. ALL WORKMEN ASSIGNED TO IDENTIFYING NUISANCE AND EXOTIC VEGETATION AND OPERATING NECESSARY EQUIPMENT SHALL HAVE HAD SUFFICIENT EXPERIENCE AND LICENSURE (WHERE APPLICABLE) IN SUCH WORK TO PERFORM IT PROPERLY AND SATISFACTORILY.
3. PRIOR TO ERADICATION AND REMOVAL OPERATIONS, THE CONTRACTOR SHALL INSPECT THE SITE WITH THE ENGINEER TO DETERMINE THE EXTENT AND NATURE OF ERADICATION AND REMOVAL.
4. REMOVAL OF NUISANCE AND EXOTIC SPECIES WITHIN THE RESTORATION AREA WILL REQUIRE HAND REMOVAL. THE HAND REMOVAL OF NUISANCE AND EXOTIC SPECIES WILL REQUIRE REMOVAL OF TREES AND SHRUBS TO A POINT 8" ABOVE EXISTING GRADE AND THE REMAINING STUMP SHALL BE TREATED WITH THE PROPER HERBICIDE. NO HEAVY EQUIPMENT SHALL BE USED WITHIN THE RESTORATION AREA TO AVOID ADVERSE IMPACTS TO THE REMAINING NATIVE VEGETATION.
5. ALL HERBICIDE APPLICATIONS SHALL BE DONE IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND UNDER APPROPRIATE WEATHER CONDITIONS. THE CONTRACTOR SHALL ENSURE THAT ALL HERBICIDE APPLICATIONS ARE PERFORMED BY QUALIFIED INDIVIDUALS POSSESSING, OR UNDER THE SUPERVISION OF PERSONS POSSESSING CURRENT DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES RESTRICTED PESTICIDE APPLICATOR LICENSE PURSUANT TO CHAPTER 487, FLORIDA STATUTES, COPIES OF SAID LICENSE(S) SHALL BE PROVIDED TO, AND APPROVED BY, THE ENGINEER BEFORE ASSOCIATED WORK IS PERFORMED. THE CONTRACTOR SHALL BE SELECTIVE IN HERBICIDE APPLICATION PROCEDURES TO ASSURE SURVIVABILITY OF PLANTED OR NATURALLY RECRUITED SPECIES.
6. INDIVIDUAL AND SMALL MASSES OF NUISANCE AND EXOTIC SPECIES FROM TEN (10) FEET LANDWARD OF THE WETLAND LINE EXTENDING WATERWARD DIRECTLY ADJACENT TO THE WATER LINE AND/OR DIRECTLY ADJACENT OR MIXED WITHIN MANGROVE SPECIES MUST BE HAND REMOVED TO A POINT 8" ABOVE GRADE AND THE REMAINING STUMP TREATED WITH THE PROPER HERBICIDE, PER ABOVE REQUIREMENTS. (THE 10' LANDWARD OF THE WETLAND LINE WILL BE FLAGGED IN THE FIELD PRIOR TO REMOVAL.)
7. REFER TO EXOTIC WOODY PLANT CONTROL, CIRCULAR #868, FLORIDA COOPERATIVE EXTENSION SERVICE, FOR GUIDELINES OF PROPER HERBICIDE APPLICATION. HERBICIDE SHALL BE APPLIED TO THE ENTIRE EXPOSED CAMBIAL LAYER OF THE STUMP. NOT MORE THAN ONE HOUR SHOULD ELAPSE BETWEEN CUTTING AND HERBICIDE APPLICATION. THE USE OF WATER SOLUBLE MARKER DYES ARE REQUIRED FOR MONITORING THE APPLICATION OF THE HERBICIDE. AS STATED PREVIOUSLY, THE HERBICIDES MUST BE APPLIED BY A PROPERLY LICENSED HERBICIDE APPLICATOR.
8. REMOVAL AND DISPOSAL OPERATIONS SHALL BE UNDER THE SUPERVISION OF A QUALIFIED ENVIRONMENTAL SCIENTIST RETAINED OR EMPLOYED BY THE CONTRACTOR.
9. THE CONTRACTOR SHALL PROVIDE TO THE ENGINEER, PRIOR TO APPLICATION, A LIST OF HERBICIDES TO BE USED, THE SPECIES THE HERBICIDE WILL BE USED ON, THE RATE OF APPLICATION AND DOSAGE, AND THE TIME SCHEDULE FOR APPLICATION. HERBICIDES SHALL NOT BE USED WITHOUT PRIOR APPROVAL OF THE ENGINEER.
10. THE CONTRACTOR SHALL BE LIABLE FOR ANY DAMAGES TO EXISTING DESIRABLE SPECIES THAT OCCURS AS A RESULT OF THEIR REMOVAL OF NUISANCE AND EXOTIC SPECIES AND SHALL REPLANT DESIRABLE SPECIES AT NO ADDITIONAL COST TO THE OWNER, IF DAMAGES OCCUR.
11. THE CONTRACTOR SHALL DISPOSE OF ALL PLANT MATERIALS REMOVED FROM THE SITE IN AN ACCEPTABLE AND LEGAL MANNER, AS DETERMINED BY THE CONTRACTOR, OFF THE PROJECT PROPERTY THAT WILL NOT RESULT IN RE-INFESTATION OF THE SITE OR SURROUNDING PROPERTIES.
12. AT ANY TIME DURING THE PROJECT, AN INSPECTION INDICATES NUISANCE SPECIES WITHIN THE PROJECT LIMITS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THEIR COMPLETE REMOVAL AND DISPOSAL. THE CONTRACTOR SHALL BEGIN THE REQUIRED REMOVAL AND DISPOSAL ACTIVITIES WITHIN SEVEN DAYS OF THE INSPECTION DATE AND WRITTEN NOTICE TO THE CONTRACTOR.



DESCRIPTION:

MITIGATION NOTES

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RKH Properties, LLC
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