



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
Panama City Regulatory Field Office  
1002 West 23<sup>rd</sup> Street, Suite 350  
Panama City, Florida 32405-3648

Regulatory Division  
North Permits Section

January 7, 2009

## ***PUBLIC NOTICE***

### **Permit Application No. SAJ-2007-2663(MB-DEB)**

TO WHOM IT MAY CONCERN: This District has received application to modify the Department of the Army mitigation banking instrument approved pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: M.C. Davis 2006 Trust  
11490 Emerald Coast Parkway, Suite 300  
Miramar Beach, Florida 32550

WATERWAY & LOCATION: The project is located in waters of the United States, in the Choctawhatchee River and Bay watersheds, east of the intersection of US 331 and SR 20, in Sections 26-29 and 32-35, Township 1 South, Range 18 West, just east of Freeport, Walton County, Florida, and at the following centroid geographic coordinates:

Latitude: 30°27'24.8" North  
Longitude: 86°02'12.5" West

DIRECTIONS TO THE SITE: From Panama City, head north on SR77 and then west on SR 20. Continue west on SR20 across the Choctawhatchee River, approximately 3.5 miles past its intersection with SR81. At the point where a power line crosses SR20, take a left (south) onto a timber road to the project site.

PROJECT PURPOSE:

Basic: To modify an approved mitigation bank.

Overall: To modify the project area of an approved mitigation bank to service portions of Walton, Washington and Okaloosa Counties.

PROPOSED WORK & MODIFICATION: The applicant has requested approval from the Mitigation Bank Review Team (MBRT) to modify an approved Mitigation Banking Instrument (MBI) to sell credits associated with the enhancement, restoration, and long-term management of approximately 1346.1 acres of wetlands and 873.9 acres of uplands, on a 2,220.0-acre site referred to as the 'Nokuse Plantation Mitigation Bank.' A mitigation banking instrument was signed by the Corps on July 9, 2008. Since the banking instrument was signed, the applicant has requested to revise the mitigation bank area by removing a 15.0-acre access easement, and an additional 19.2-acres which has not received clear title. To compensate for the reduced bank area, the applicant has proposed to include approximately 140.0 acres of additional mitigation land (including approximately 127.42 acres of wetland). The release and sale of credits

would be carried out in accordance with the new Compensatory Mitigation Rule (which became effective July 9, 2008). Bank credits would be used to offset the direct, secondary, and cumulative impacts to wetlands associated with authorized/permitted projects.

Hydrologic enhancement activities would result in minor, temporary impacts to approximately 0.18 acre of waters of the United States at eleven separate locations. The proposed impacts have been verified for authorization under NWP #27, on July 3, 2008. Upon release from the MBRT, credits could be purchased to offset impacts which would occur within an established Mitigation Service Area (MSA). All wetlands and uplands would be preserved in perpetuity to maintain target community enhancement and restoration goals. The 2,220.06-acre proposed mitigation bank site has already been placed under a conservation easement with the State of Florida as a Florida Forever project.

**AVOIDANCE & MINIMIZATION:** The project would result in impacts to 0.18-acre of waters of the United States, due to hydrologic restoration and other enhancement activities. The amount of impact is the minimum necessary to achieve the project purpose and has been verified for authorization under NWP#27.

**COMPENSATORY MITIGATION:** The subject project is an approved mitigation bank proposed for modification. Bank credits associated with enhancement and restoration activities would be used to offset unavoidable wetland impacts within the established geographic service area (GSA).

**FINANCIAL ASSURANCES:** The applicant will procure an irrevocable letter of credit in the amount of \$500,000 as financial assurance to perform the proposed mitigation activities. The letter of credit will be reviewed every two years until such time that 90% success has been achieved.

**EXISTING CONDITIONS:** The 2,247.6-acre project site contains approximately 1,346.1 acres of wetland, and 873.9 acres of uplands. The site has been subject to past silvicultural operations and includes approximately 36.80 acres of trails/logging roads. The following table outlines the different communities found onsite according to the Florida Land Use and Cover Classification System (FLUCCS):

<b>Existing Communities</b>		
<b>FLUCCS Code</b>	<b>FNAI Nomenclature</b>	<b>Area (acres)</b>
610	Wetland Hardwood Forests/Mixed Forested Wetlands	188.8
611	Bay Swamp/Baygall	27.4
613	Gum Swamp	27.6
625	Hydric Pine Flatwoods/Wet Prairie, Wet Flatwoods	283.7
441	Wet Pine Plantation	802.7
8146	Primitive Trail-Wetland	15.9

<b>Total Wetlands &gt;</b>		<b>1346.1</b>
412	Longleaf-Oak/Sandhill	246.1
441	Upland Pine Plantation	606.90
8146	Primitive Trail-Upland	20.90
<b>Total Uplands &gt;</b>		<b>873.9</b>
<b>Total Project Area &gt;</b>		<b>2220.0</b>

Typical plant species found within the wetland communities include, but are not limited to: slash pine (*Pinus elliotii*), longleaf pine, black gum (*Nyssa biflora*), water tupelo (*Nyssa aquatica*), pond cypress (*Taxodium ascendens*), red maple (*Acer rubrum*), sweet bay (*Magnolia virginiana*), red bay (*Persea borbonia*), tulip poplar (*Liriodendron tulipifera*), sweetgum (*Liquidambar styraciflua*), red titi (*Cyrilla racemiflora*), black titi (*Cliftonia monophylla*), gallberry (*Ilex glabra*), myrtle-leaf holly (*Ilex myrtifolia*), fetterbush (*Lyonia lucida*), buttonbush (*Cephalanthus occidentalis*), wax myrtle (*Myrica cerifera*), wiregrass, yellow-eyed grass (*Xyris spp.*), rushes (*Juncus spp.*), maidencane (*Panicum hemitomon*), St. Johns wort (*Hypericum spp.*), redroot (*Lachnanthes caroliniana*), sundews (*Drosera spp.*), toothachegrass (*Ctenium aromaticum*), bluestem (*Andropogon spp.*), pitcher plants (*Sarricenia spp.*), and graminoids.

Typical plant species found within the upland communities include, but are not limited to, the following: slash pine, loblolly pine (*Pinus taeda*), longleaf pine, water oak (*Quercus nigra*), live oak (*Quercus virginiana*), sand live oak (*Quercus geminata*), laurel oak (*Quercus laurifolia*), turkey oak (*Quercus laevis*), southern magnolia (*Magnolia grandiflora*), American holly (*Ilex opaca*), yaupon holly (*Ilex vomitoria*), gallberry, wax myrtle, wiregrass, bluestem, bracken fern (*Pteridium aquilinum*), and saw palmetto (*Serenoa repens*). The area surrounding the project site includes residential, agricultural, and conservation lands. The bank is bordered by Camp Creek to the west, Black Creek to the south, SR20 to the north, and undeveloped lands to the east. The bank site is located near preservation lands that form an essential link in the Northwest Florida Greenway initiative.

**MITIGATION ACTIVITIES:** All proposed enhancement and restoration activities would occur over ten years and include: offsite planted pine removal, prescribed burning, planting of longleaf pine and wiregrass, erosion control, exotic and nuisance plant management, timber road removal, and long-term management. Hydrologic enhancement activities would include trail abandonment, and replacing two culverted road crossings with railcar bridge spans. Success of the enhancement and restoration activities would be overseen by the MBRT. All credits would be released within ten years.

The applicant proposes enhancement and restoration activities within 27 identified management units to establish the following target communities:

<b>Target (Proposed) Communities</b>		
<b>FLUCCS Code</b>	<b>Nomenclature</b>	<b>Area (acres)</b>
411	Pine Flatwoods	611.9
412	Longleaf Pine/Xeric Oak	247.8
611	Bay Swamps/Baygall	27.4
613	Gum Swamps/Depressional Wetlands	27.6
610	Wetland Hardwood Forests/Mixed Forested Wetlands	188.9
625	Hydric Pine Flatwoods/Wet Flatwoods	815.7
626	Hydric Pine Savanna/Wet Prairie	286.5
8146	Primitive Trails to remain	14.20
<b>Total Target Wetlands &gt;</b>		<b>2,220.0</b>

Existing upland sandhill would be maintained through minor thinning of pines and implementation of a dedicated prescribed fire management program. Mesic flatwoods would be created from existing upland pine plantation through pine-thinning, planting longleaf pine, and prescribed burning. The entire bank area would be managed in perpetuity and preserved under conservation easement. The proposed Nokuse Plantation Mitigation Bank would be available for limited public educational use consistent with the goals of the Trust. Hunting would be restricted to deer and feral hog population management by a controlled private hunt club.

The following table outlines the proposed mitigation activity schedule:

<b>Mitigation Activity Implementation Schedule</b>		
<b>Activity</b>	<b>Proposed Completion Date</b>	<b>% Total Credit Release</b>
access control, conservation easement and financial assurance execution	12/2008	10.0
exotic species survey and management plan; initial exotics species control; pine removal in plantation, wet flatwoods, depressional wetlands, and uplands	6/2009	10.0
1st year monitoring and annual report	12/2009	0
1 <sup>st</sup> period interim success reached; 2 <sup>nd</sup> year monitoring report	12/2010	10
1 <sup>st</sup> prescribed burn; mechanical shrub reduction on wetland edges and upland buffers; recontoring pine beds	4/2011	10
3 <sup>rd</sup> year monitoring report	12/2011	0
Hydrologic enhancement; bridge installation; road vacation; ditch plugging	6/2012	10
2 <sup>nd</sup> period interim success reached; 4 <sup>th</sup> year monitoring report	12/2012	10
5 <sup>th</sup> year monitoring report; review vegetative enhancement success for need to seed or plant	12/2013	0
2 <sup>nd</sup> prescribed burn	10/2013	10
3 <sup>rd</sup> period interim success reached; 6 <sup>th</sup> year monitoring report	12/2014	10
7 <sup>th</sup> year monitoring report	12/2015	0
4 <sup>th</sup> period interim success reached; 8 <sup>th</sup> year monitoring report; longleaf pine planting	12/2016	10
9 <sup>th</sup> year monitoring report	12/2017	0
10 <sup>th</sup> year monitoring report; reach final success criteria	12/2018	10
Perpetual management	12/2018	0
Totals >		100

**CREDIT RELEASE:** Bank credits have been revised to include the additional 140.0-acre area, and removal of the 15.0-acre easement, and 19.2-acre parcel. Enhancement and restoration lift were reduced within 300' buffer areas around the 15.0-acre easement and 19.2-acre parcel. The proposed credits do not include credit for upland polygons, since credit has been assigned to these uplands by serving as buffers to affected wetlands. The applicant proposes the following revised wetland credit categories for release and sale:

<b>Proposed Credit-Release Categories and Credits Summary</b>		
<b>Wetland Category</b>	<b>Area (acres)</b>	<b>Credits</b>
Hydric Pine Flatwoods/Wet Prairie	1102.2	195.6
Forested Wetlands	243.9	30.2
<b>Totals &gt;</b>	<b>1346.1</b>	<b>225.8</b>

The amount of proposed, revised credits is approximately 1.2 credits less than the previously approved number of credits.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat. Preservation and long-term management of the project site would provide additional protection for several state and federally listed species, including the white-topped pitcher plant (*Sarracenia leucophylla*), sweet pitcherplant (*Sarracenia rubra*), Gulf Coast lupine (*Lupinus westianus*), Florida flame azalea (*Rhododendron austrinum*), Ashe's magnolia (*Magnolia ashei*), mountain laurel (*Kalmia latifolia*), gopher tortoise (*Gopherus polyphemus*), flatwoods salamander, (*Ambystoma cingulatum*), American alligator (*Alligator mississippiensis*), Florida pine snake (*Pituophis melanoleucus*), and eastern diamondback rattlesnake (*Crotalus adamanteus*).

ESSENTIAL FISH HABITAT (EFH): This Notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would have no adverse impact on the EFH or federally managed fisheries in the Choctawhatchee River and Bay. 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: The Florida Department of Environmental Protection is currently reviewing this application for bank permit/instrument modification.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within **15** days from the date of this notice. Please reference the Permit Application number!

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.

If you have any questions concerning this application, you may contact Mr. Dale E. Beter, at the letterhead address, by electronic mail at [dale.e.beter@usace.army.mil](mailto:dale.e.beter@usace.army.mil), by fax at 850-872-0231, or by telephone at 850-763-0717, #57.

**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.

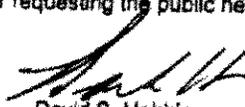
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific,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

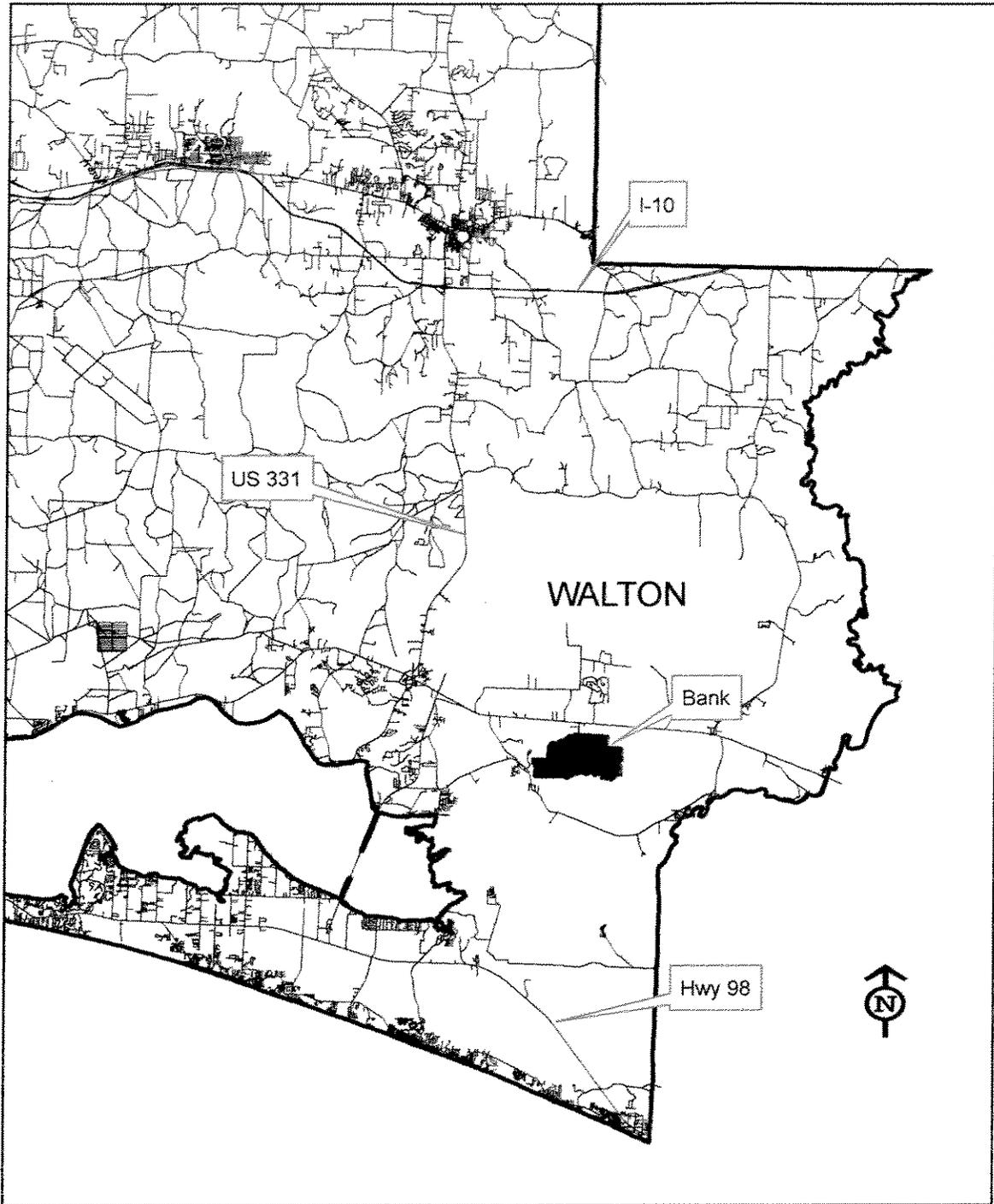
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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, aesthetics, 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

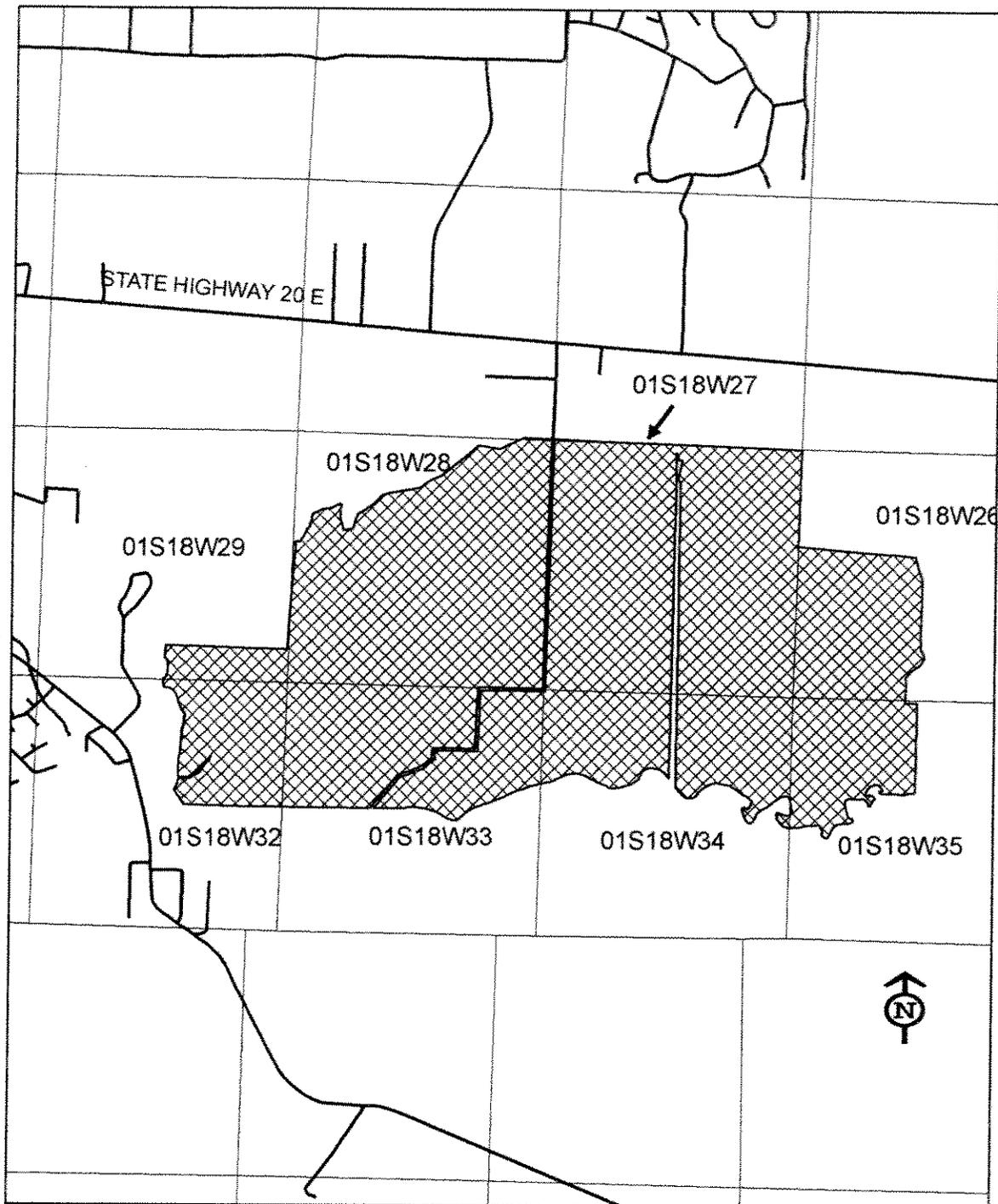


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 1882 Log Ridge Trail  
 Tallahassee, FL 32312  
 850-893-7238

Figure 1 - Position of Bank in Walton County



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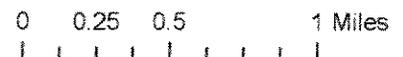


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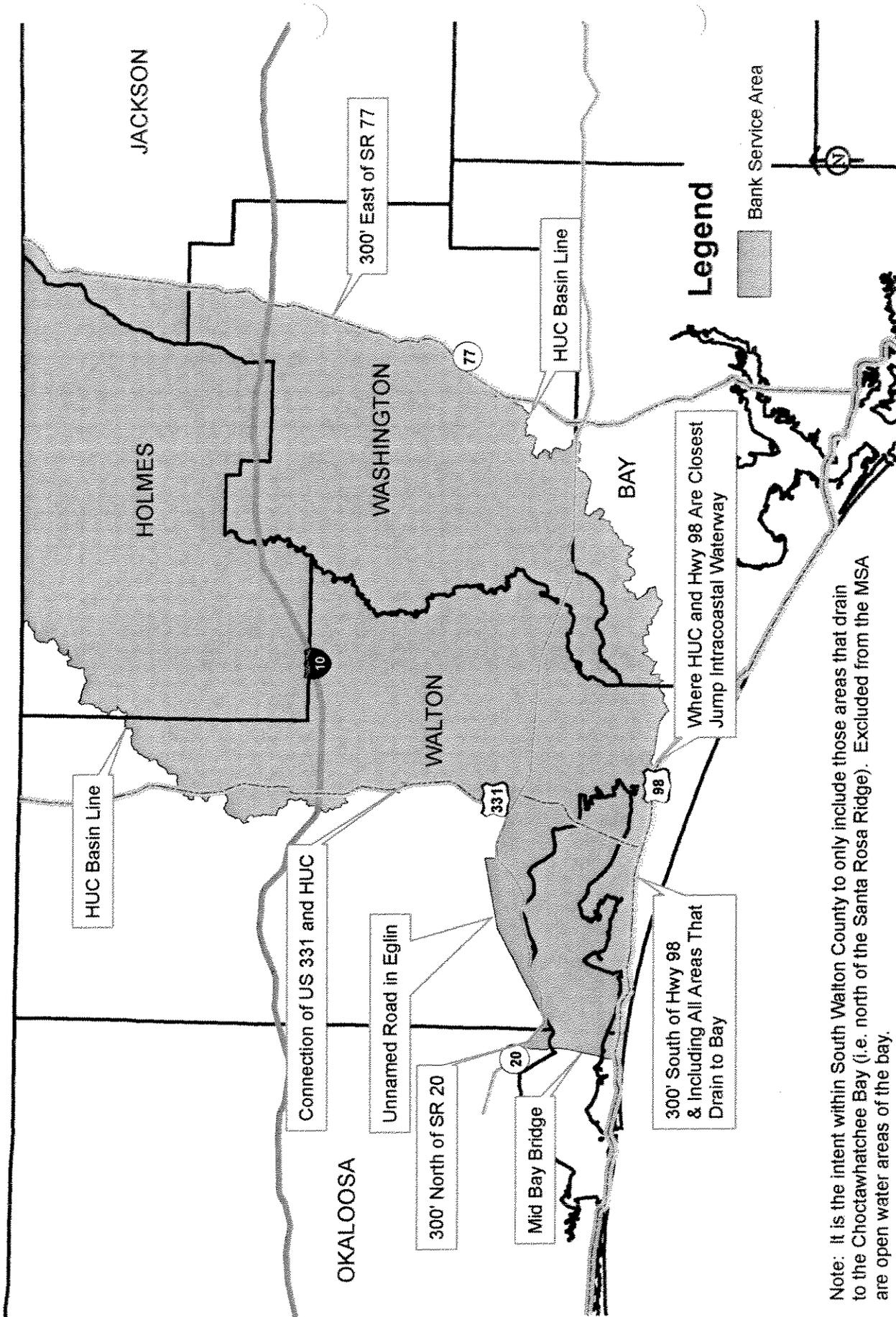
 Bank Boundary

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Figure 2 - Bank Location S,T,R



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**Legend**

Bank Service Area

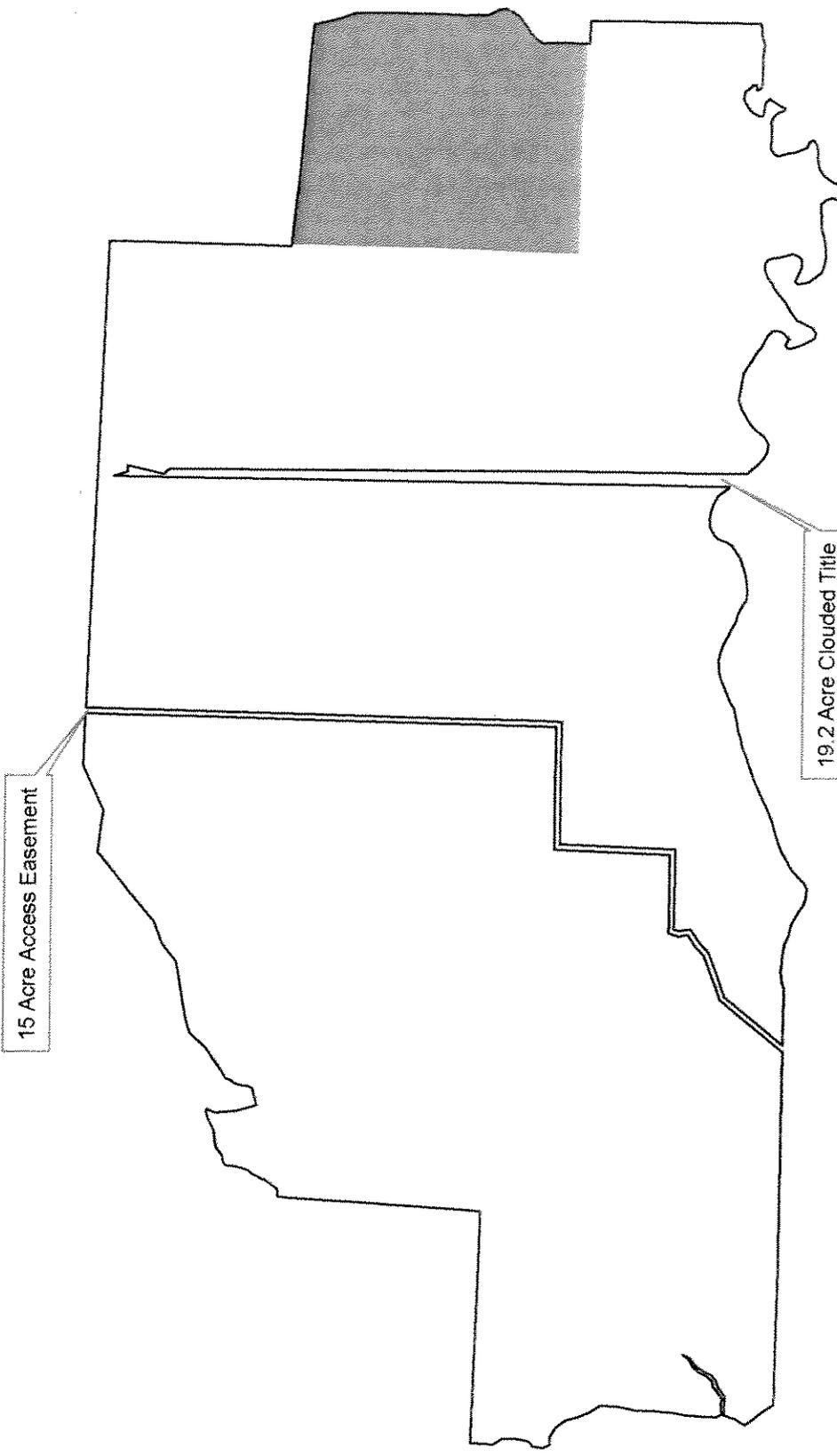
Note: It is the intent within South Walton County to only include those areas that drain to the Choctawhatchee Bay (i.e. north of the Santa Rosa Ridge). Excluded from the MSA are open water areas of the bay.



Figure 3 - Mitigation Bank Service Area

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**Legend**

-  Boundary - 2,220 acres
-  Mitigation Bank Addition

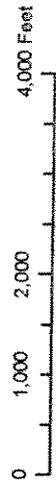
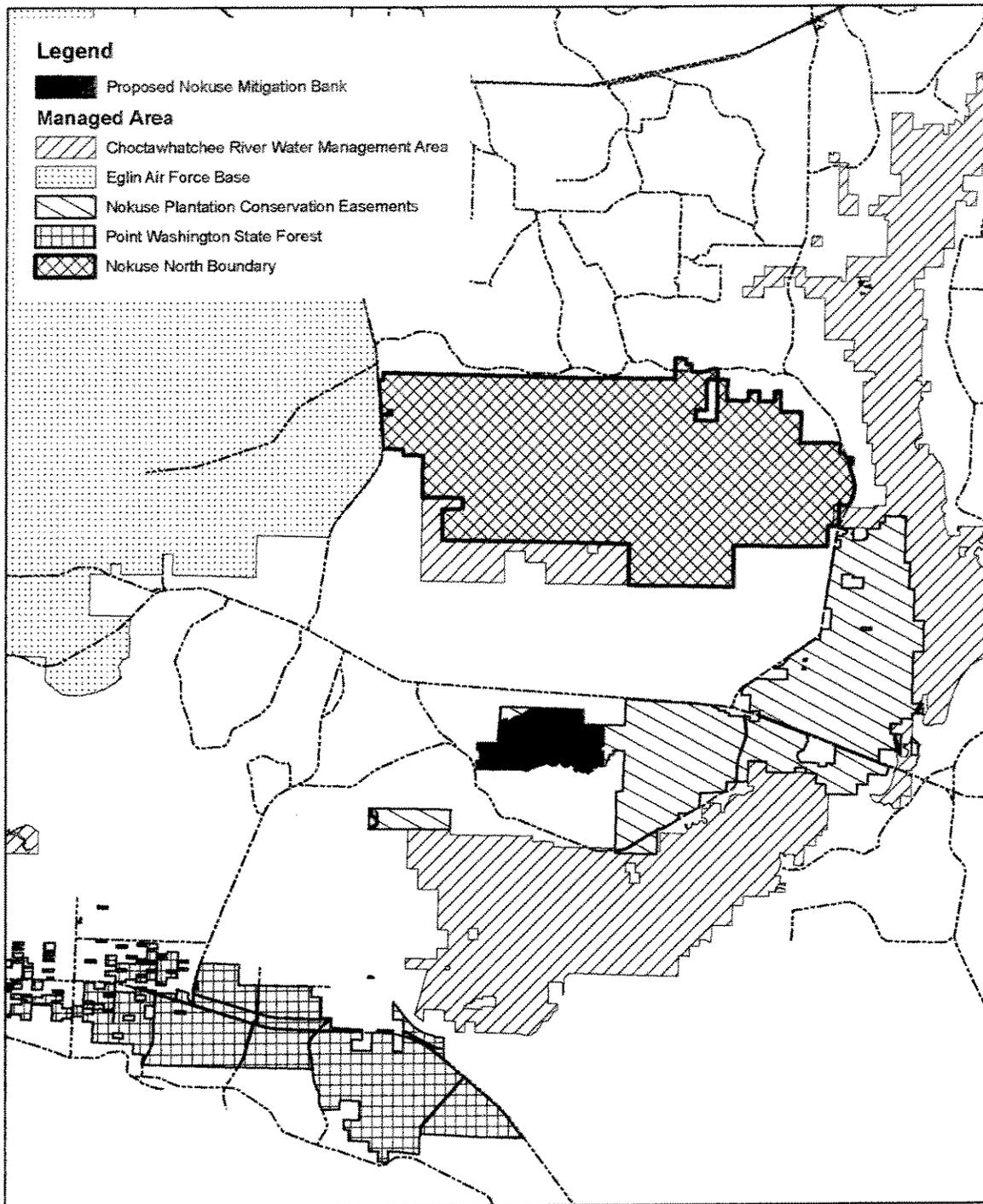


Figure 4 - Bank Exclusions and Additions

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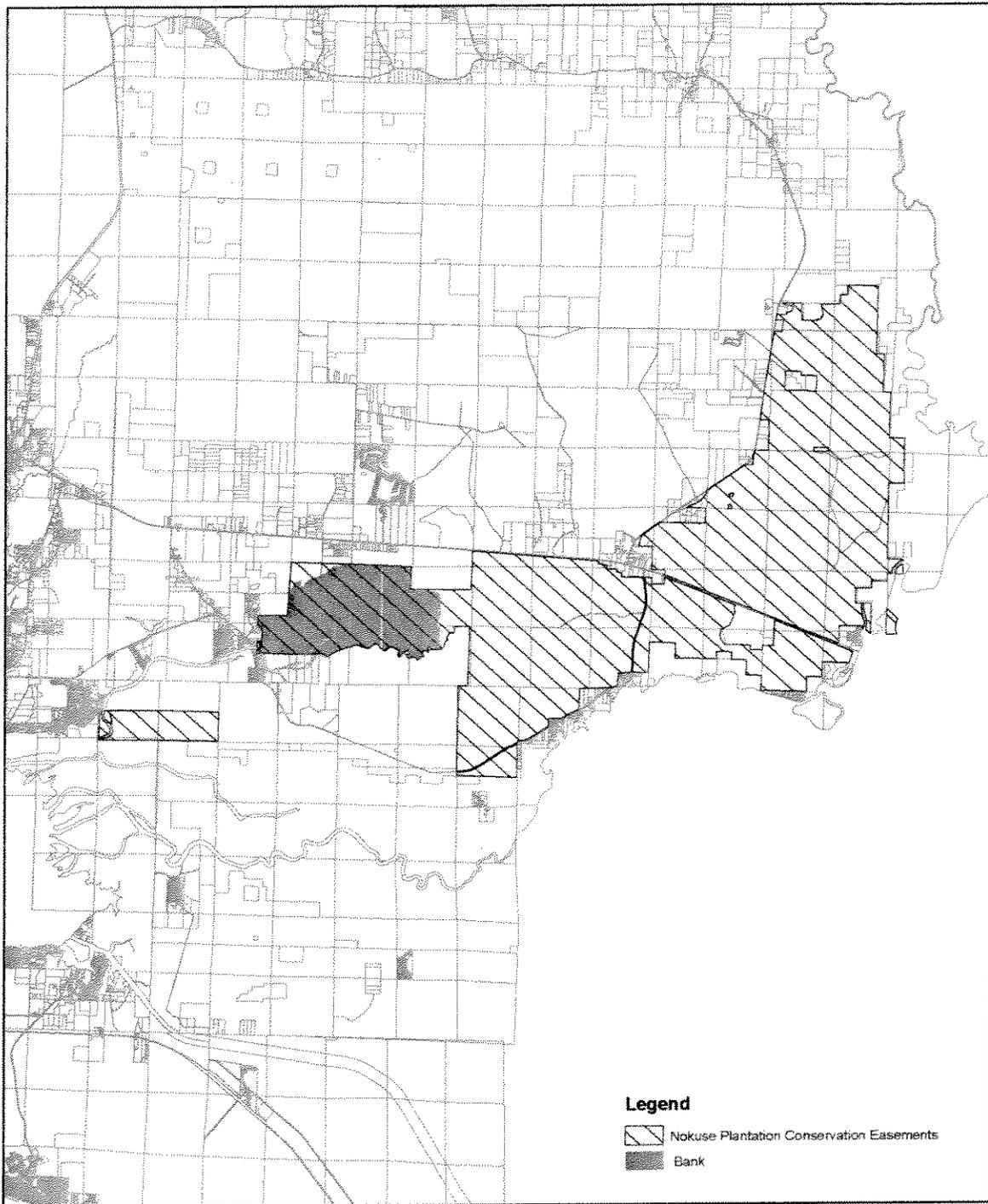


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Figure 6 - Mitigation Bank Landscape Position



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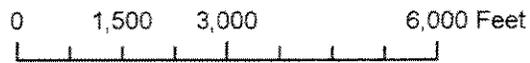


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Figure 7 - Florida Forever Conservation Easements at Nokuse Plantation



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Figure 10 - Soil Mapping Units



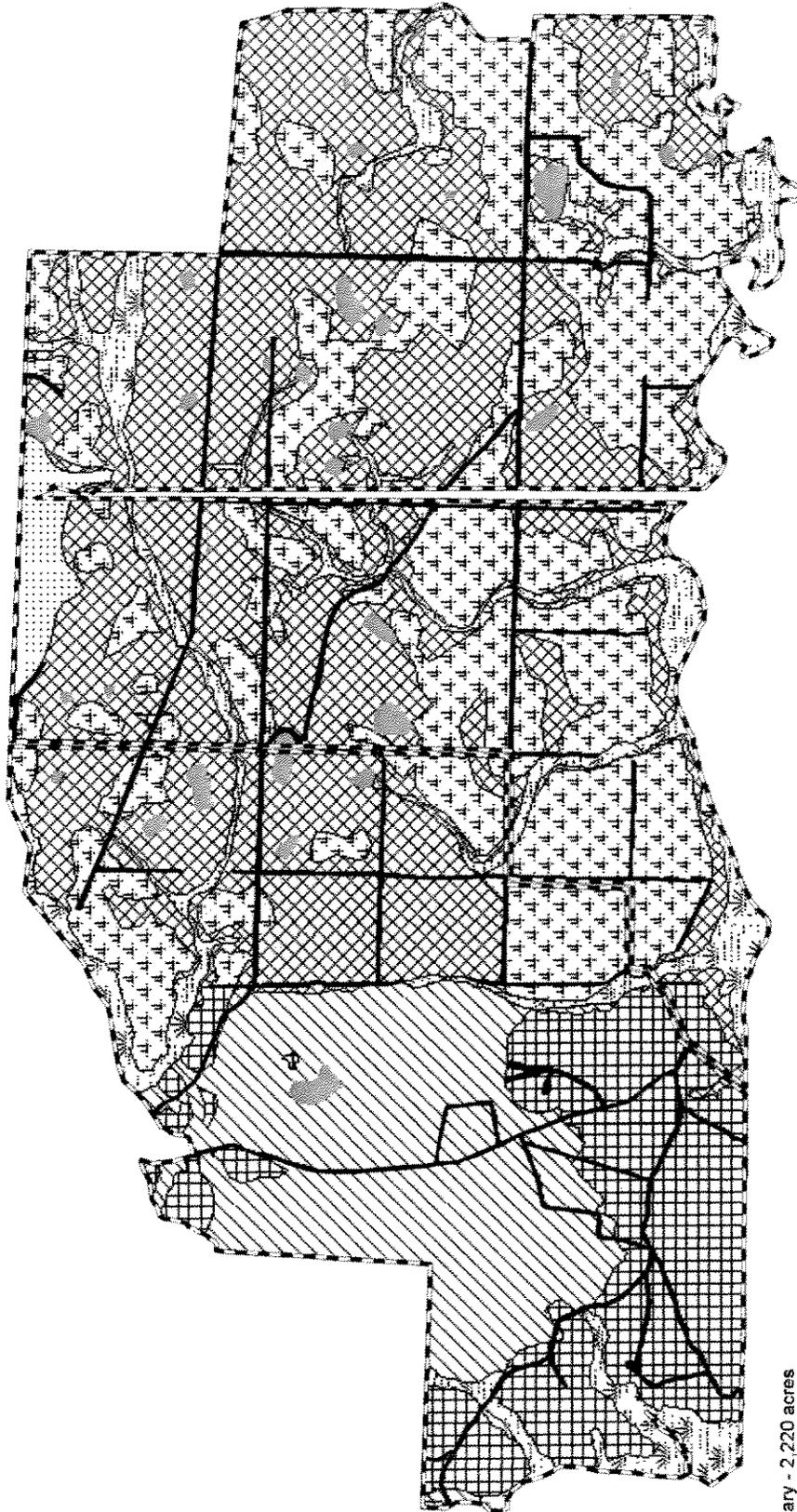
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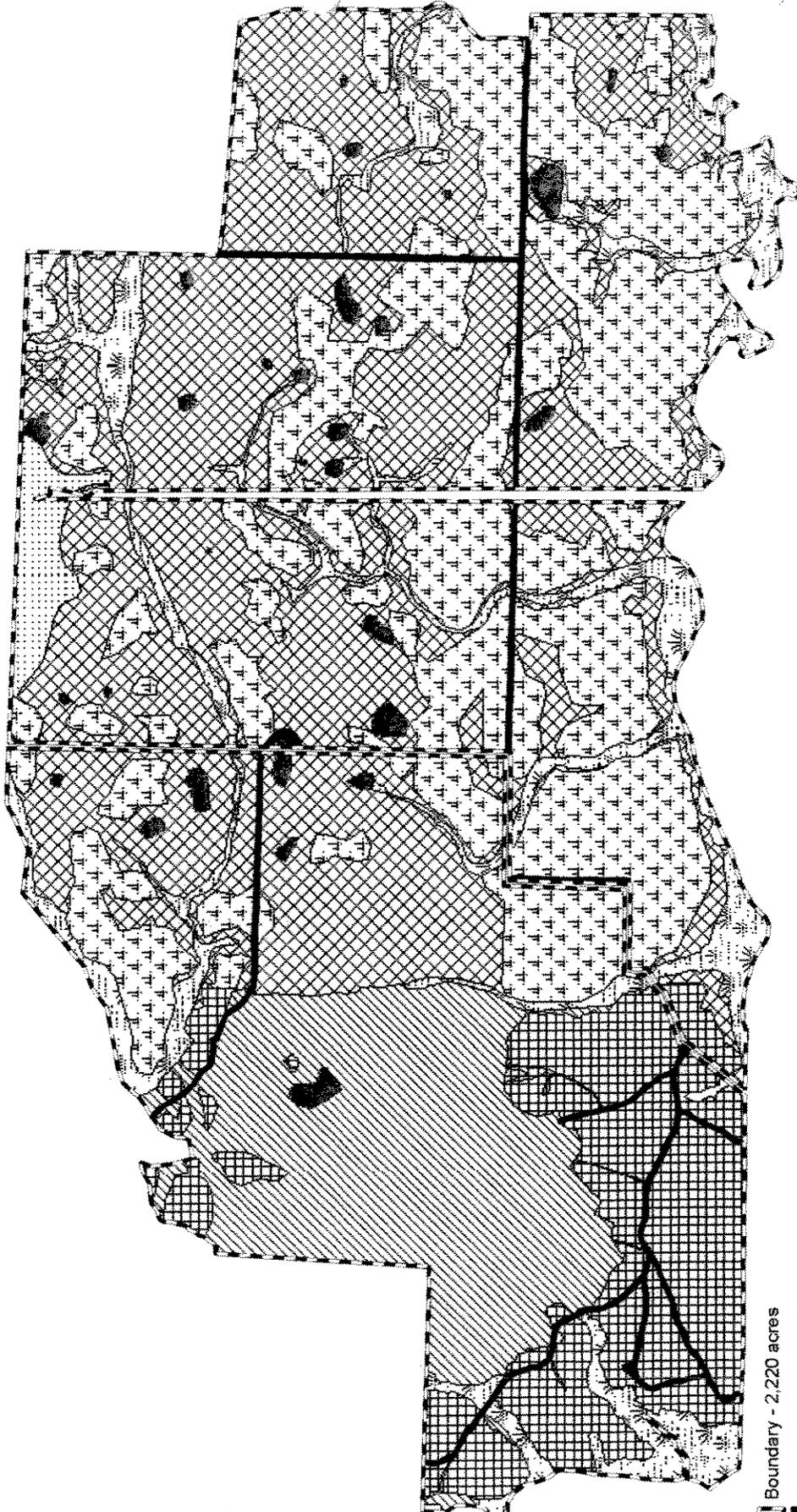


- Boundary - 2,220 acres
- Timber Roads/Trails - FLUCCS 8146 (36.8 acres)
- Existing Baygall - FLUCCS 611/Bay Swamps (27.4 acres)
- Existing Mixed Forested Wetlands - FLUCCS 610/Wetland Hardwood Forests (188.8 acres)
- Existing Depressional Wetlands - FLUCCS 613/Gum Swamps (27.6 acres)
- Sandhill - FLUCCS 412/Longleaf-Oak (246.1 acres)
- Upland Pine Plantation - FLUCS 441 (606.9 acres)
- Wet Pine Plantation - FLUCCS 441 (802.7 acres)
- Prairie/Wet Flatwoods - FLUCCS 625/Hydric Pine Flatwoods (283.7 acres)

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Figure 11 - Existing Communities Described Using FNAI Classification and FLUCCS





- Boundary - 2,220 acres
- Timber Roads/Trails - FLUCCS 8146 (14.2 acres)
- Proposed Baygall - FLUCCS 611/Bay Swamps (27.4 acres)
- Proposed Mixed Forested Wetlands - FLUCCS 610/Wetland Hardwood Forests (188.9 acres)
- Proposed Depressional Wetlands - FLUCCS 613/Gum Swamps (27.6 acres)
- Proposed Sandhill - FLUCCS 412 /Longleaf-Oak (247.8 acres)
- Proposed Mesic Flatwoods - FLUCCS 411 (611.9 acres)
- Proposed Wet Flatwoods - FLUCCS 625/Hydric Pine Flatwoods (815.7 acres)
- Proposed Wet Prairie - FLUCCS 626/Hydric Pine Savanna (286.5 acres)



Figure 12 - Proposed Communities Described Using FNAI Classification and FLUCCS

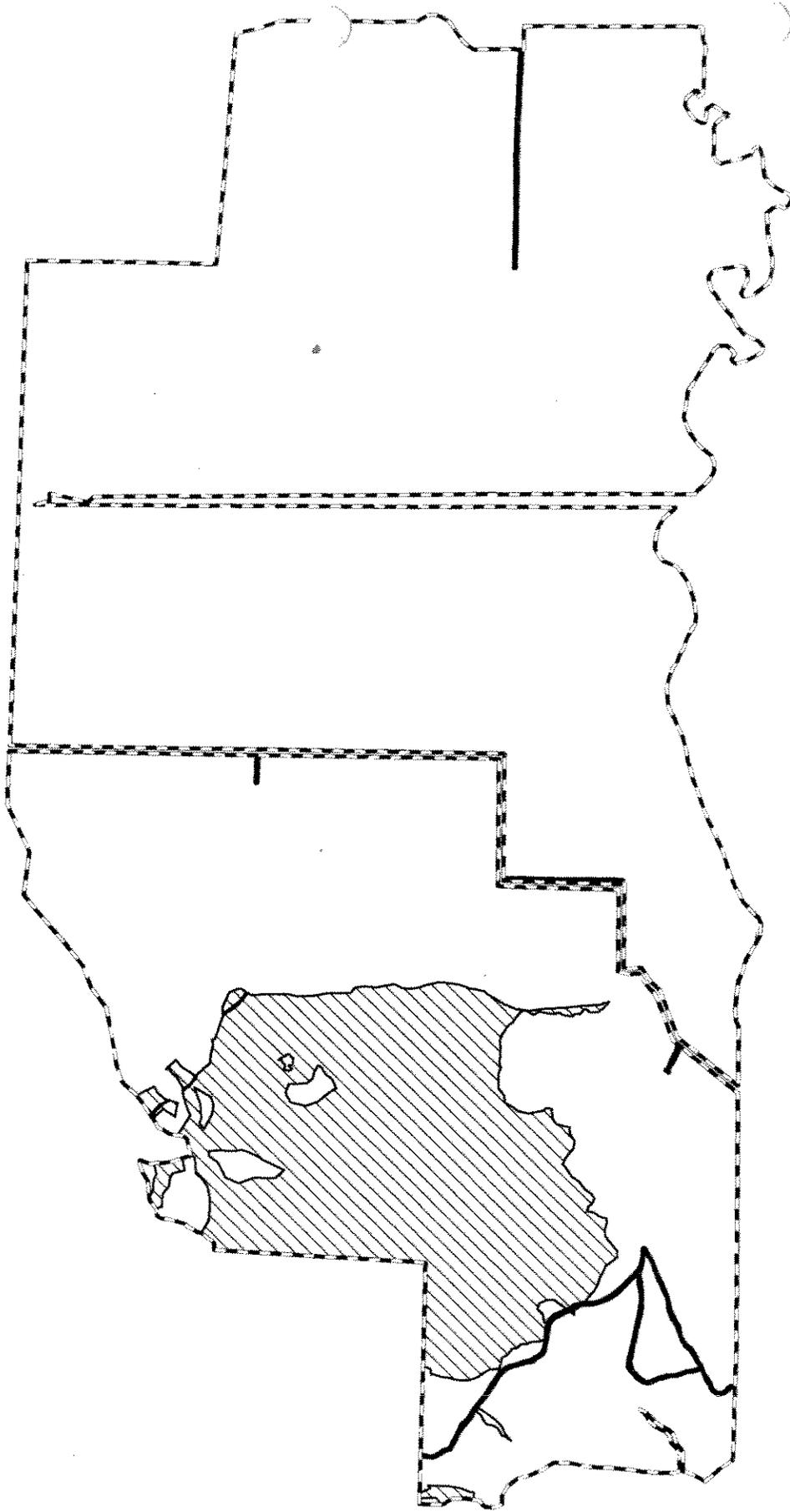
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2007-07-20 10:00 AM



**Legend**

Boundary - 2,220 acres

Timber Roads/Trails - FLUCCS 8146 (14.2 acres)

Proposed Wet Prairie - FLUCCS 626/Hydric Pine Savana (286.5 acres)



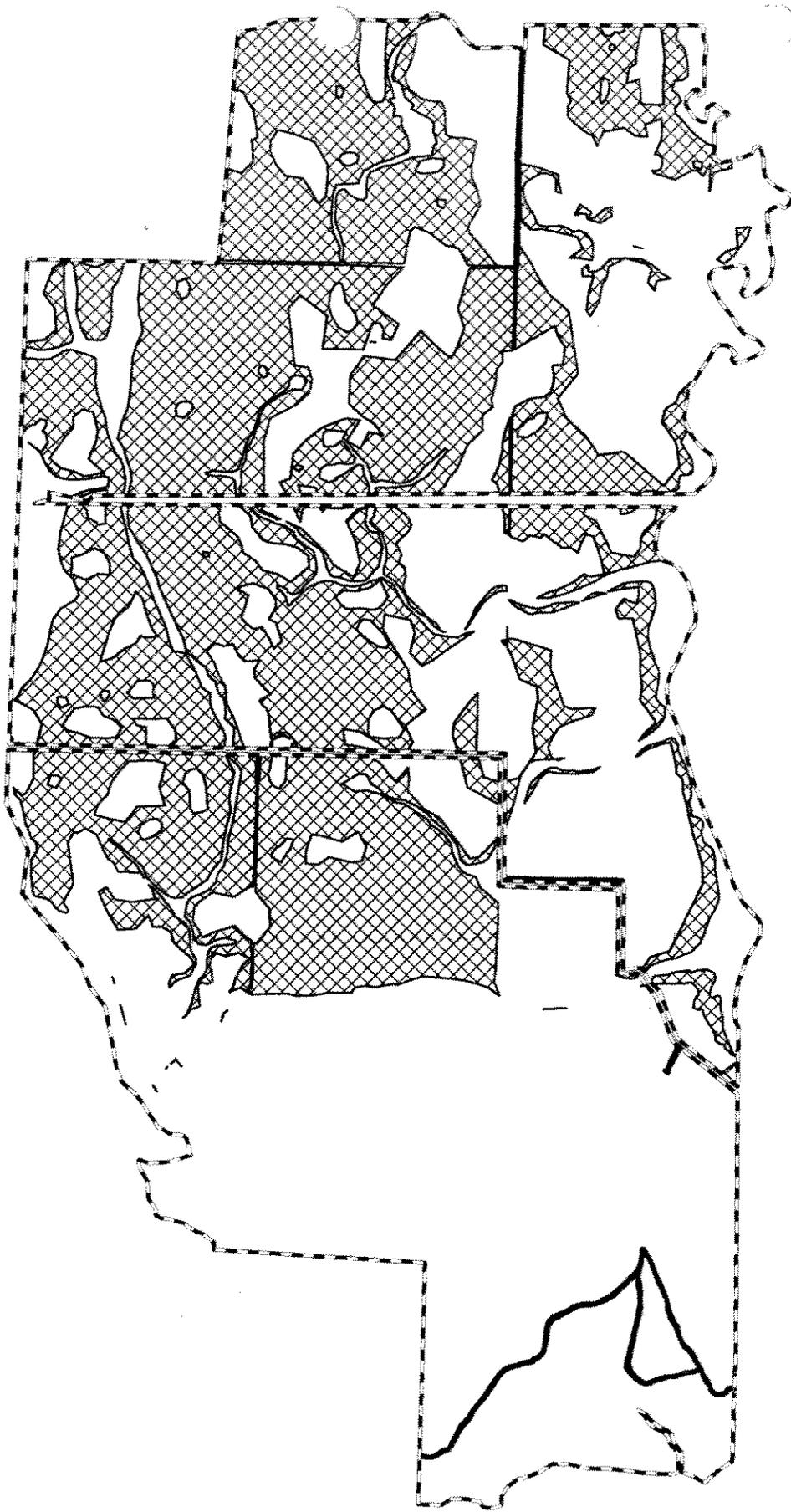
Figure 13 - Proposed Hydric Pine Savana/Wet Prairie

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**Legend**

 Boundary - 2,220 acres

 Timber Roads/Trails - FLUCCS 8146 (14.2 acres)

 Proposed Wet Flatwoods - FLUCCS 625/Hydric Pine Flatwoods (815.7 acres)

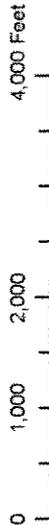


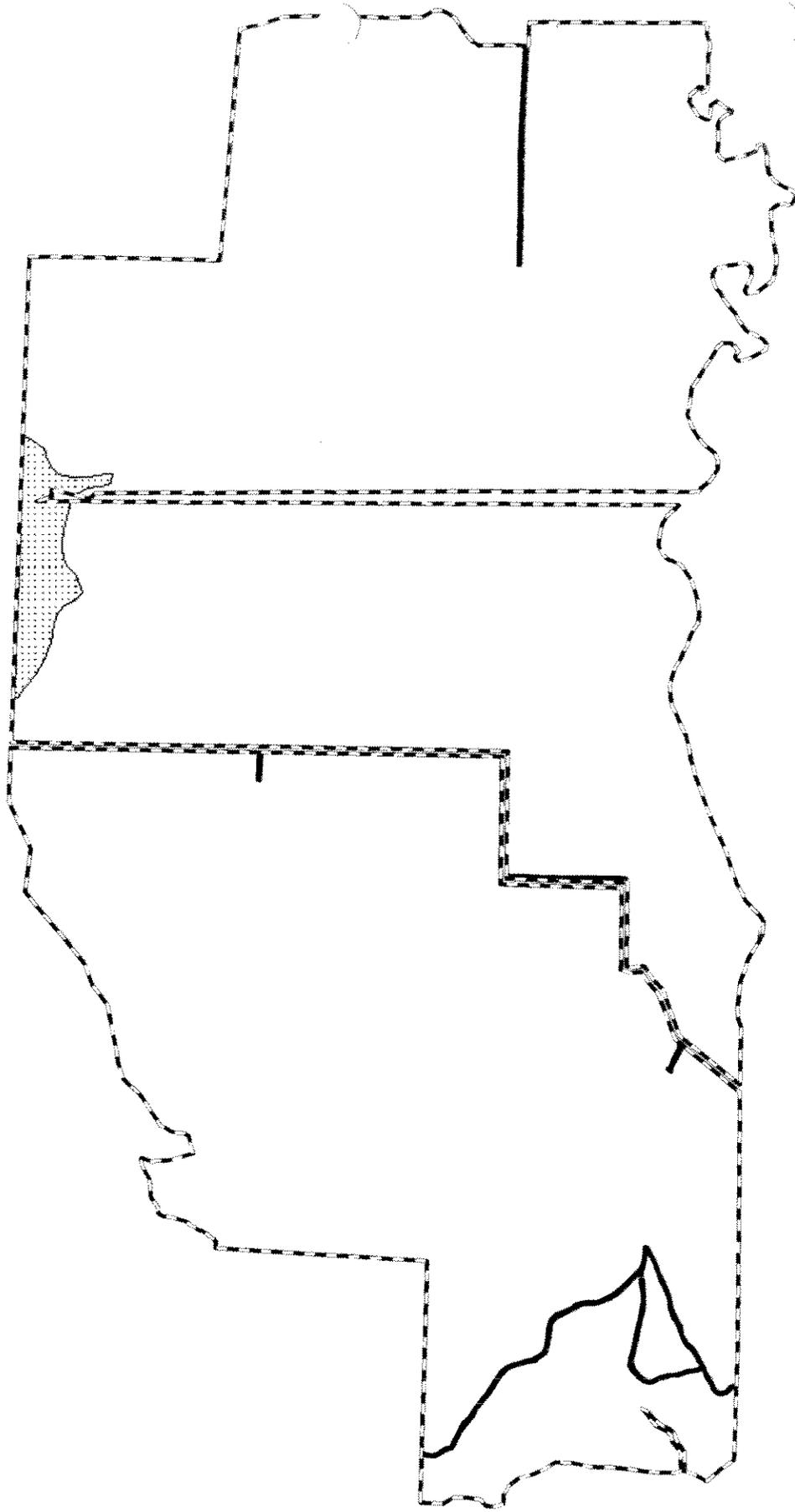
Figure 14 - Proposed Hydric Pine Flatwoods

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**Legend**

-  Boundary - 2,220 acres
-  Timber Roads/Trails - FLUCCS 8146 (14.2 acres)
-  Proposed Baygall - FLUCCS 611/Bay Swamps (27.4 acres)

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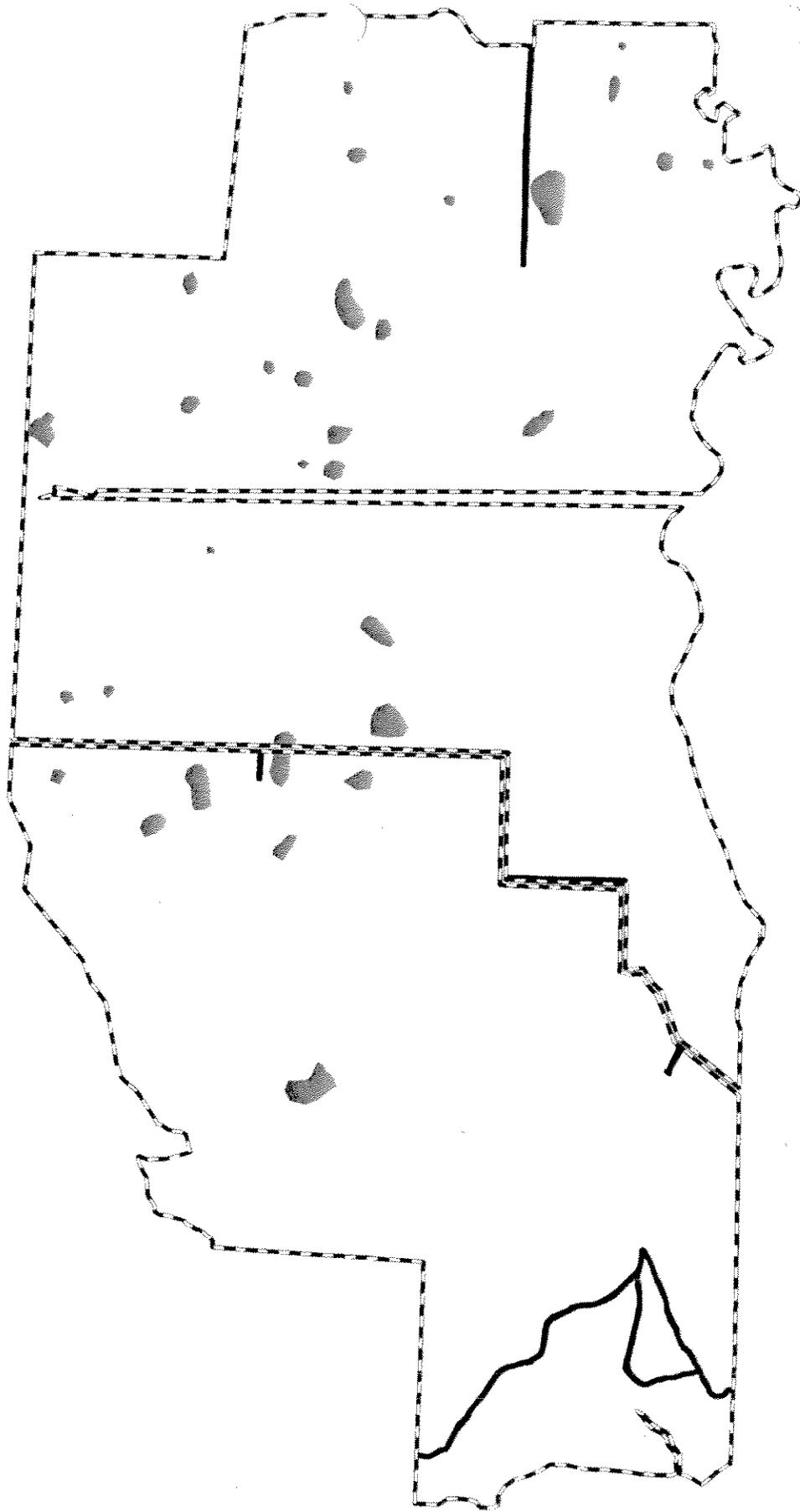
Figure 15 - Proposed Bay Swamp/Baygall





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**Legend**

Boundary - 2,220 acres

Timber Roads/Trails - FLUCCS 8146 (14.2 acres)

Proposed Depressional Wetlands - FLUCCS 613/Gum Swamps (27.6 acres)

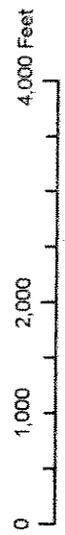
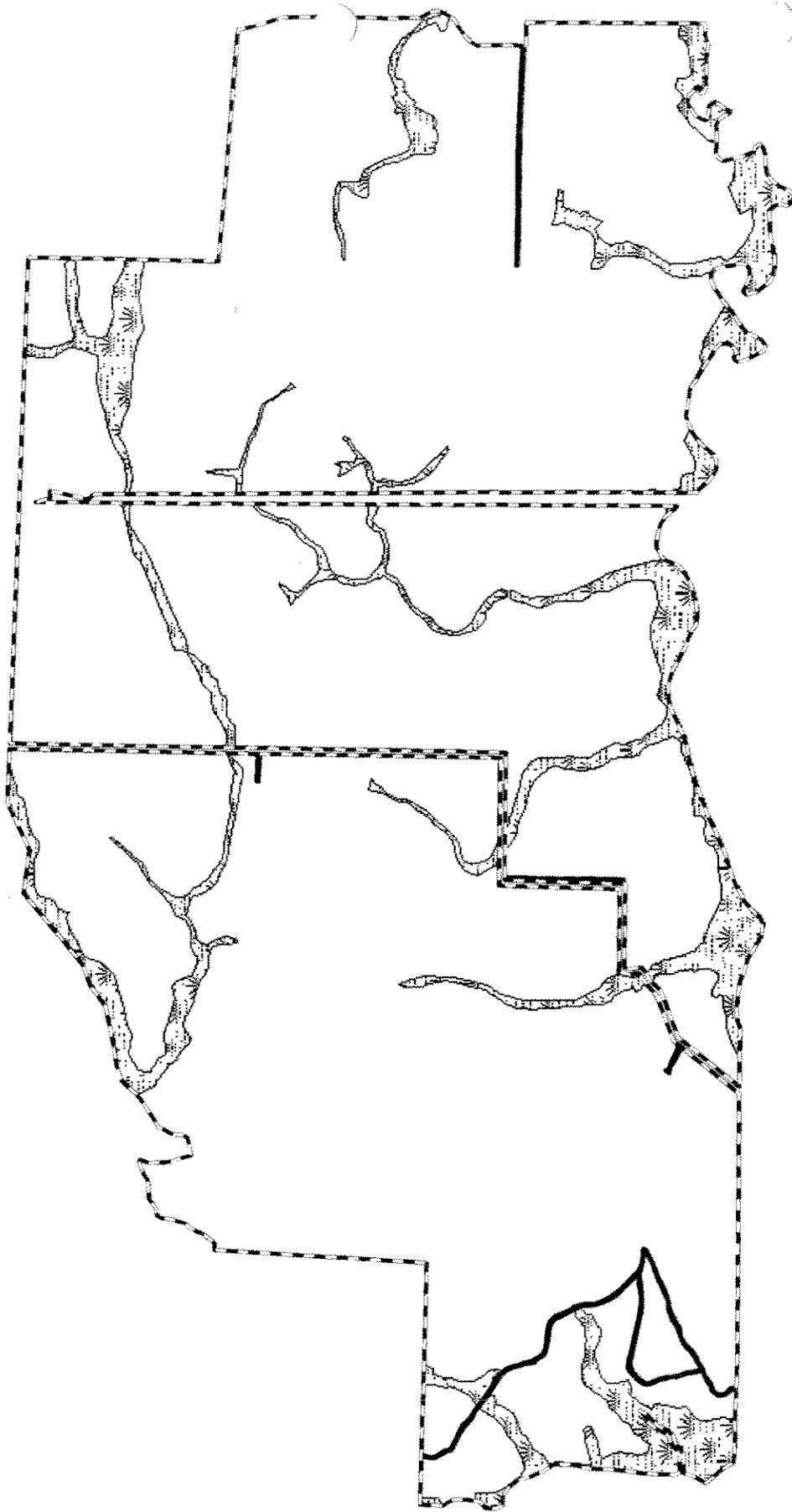


Figure 16 - Proposed Gum Swamp/Depressional Wetlands

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**Legend**

 Boundary - 2,220 acres

 Timber Roads/Trails - FLUCCS 8146 (14.2 acres)

 Proposed Mixed Forested Wetlands - FLUCCS 610/Wetland Hardwood Forests (188.9 acres)

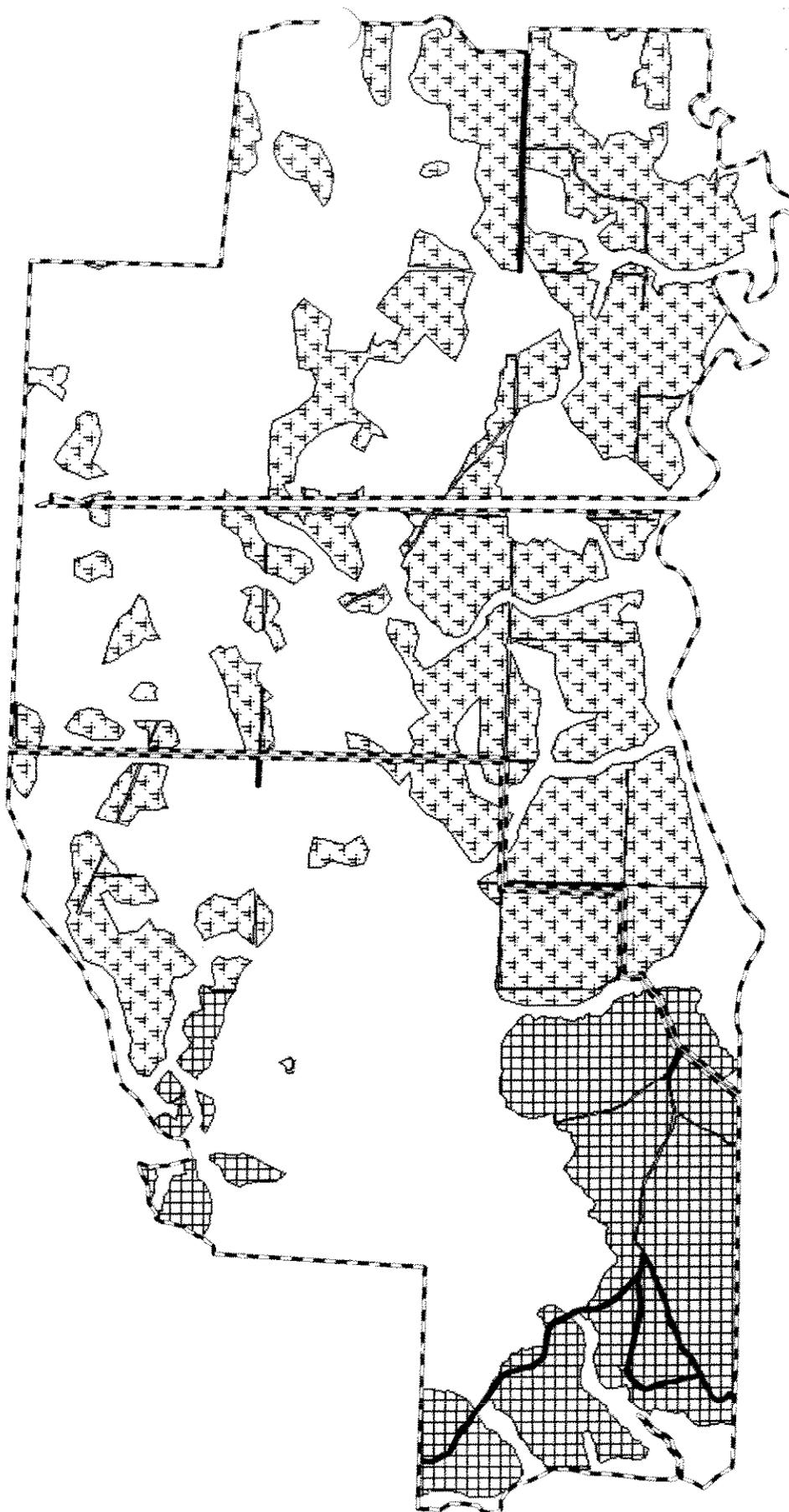


Figure 17 - Proposed Mixed Forested Wetlands



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**Legend**

-  Boundary - 2,220 acres
-  Timber Roads/Trails - FLUCCS 8146 (14.2 acres)
-  Proposed Mesic Flatwoods - FLUCCS 411 (611.9 acres)
-  Proposed Sandhill - FLUCCS/Longleaf-Oak (247.8 acres)



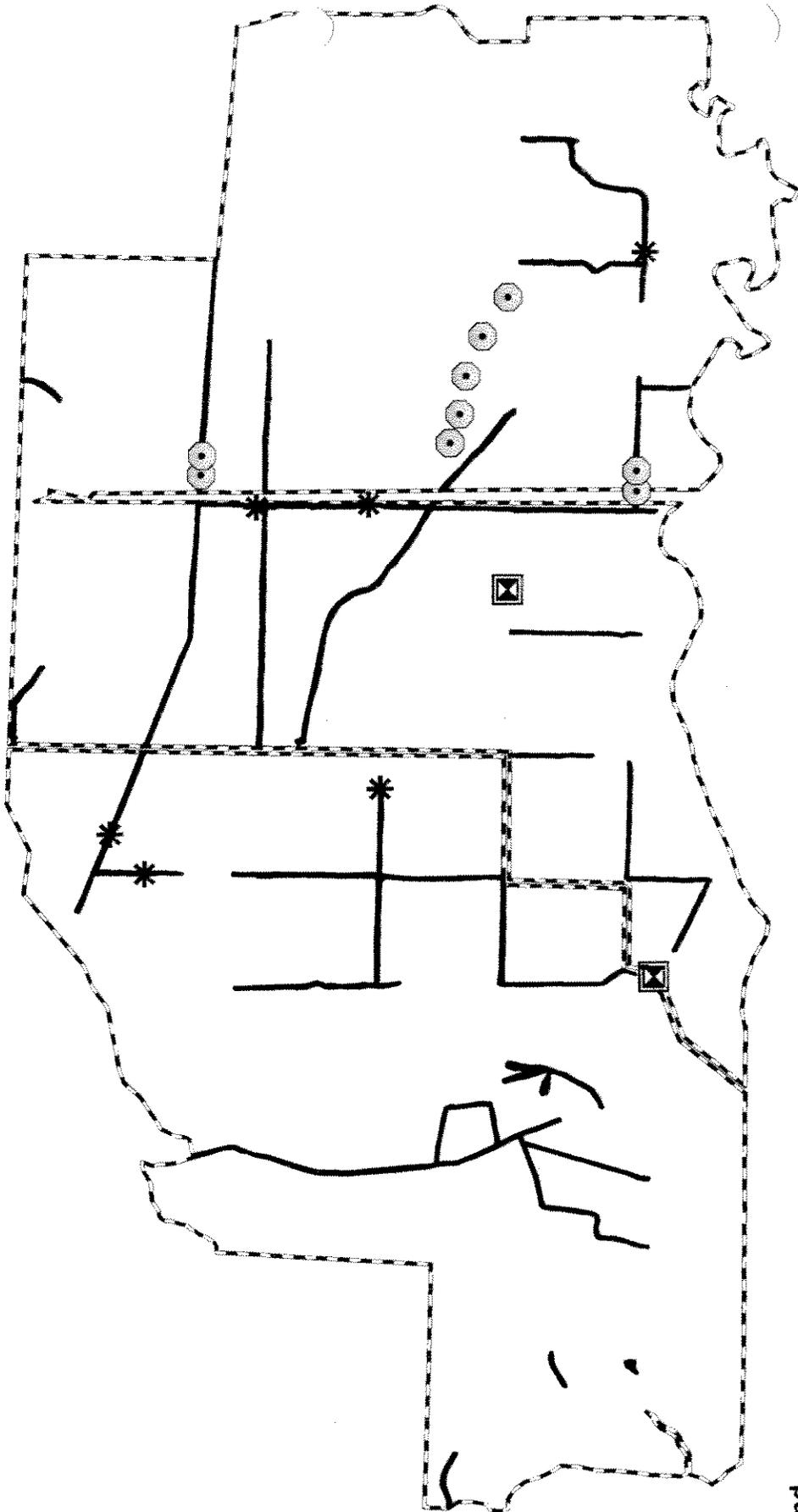
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of Engineers

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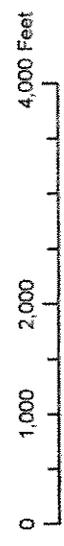
Figure 18 - Proposed Sandhill and Mesic Flatwood Uplands





**Legend**

-  Ditch Blocks
-  Trails Abandoned
-  Railroad Box Car Bridge
-  Minor Excavation of Sedimented Creeks
-  Boundary



**Figure 19 - Wetland Roads/Trails Vacated, Bridge Locations & Creek Restorations**

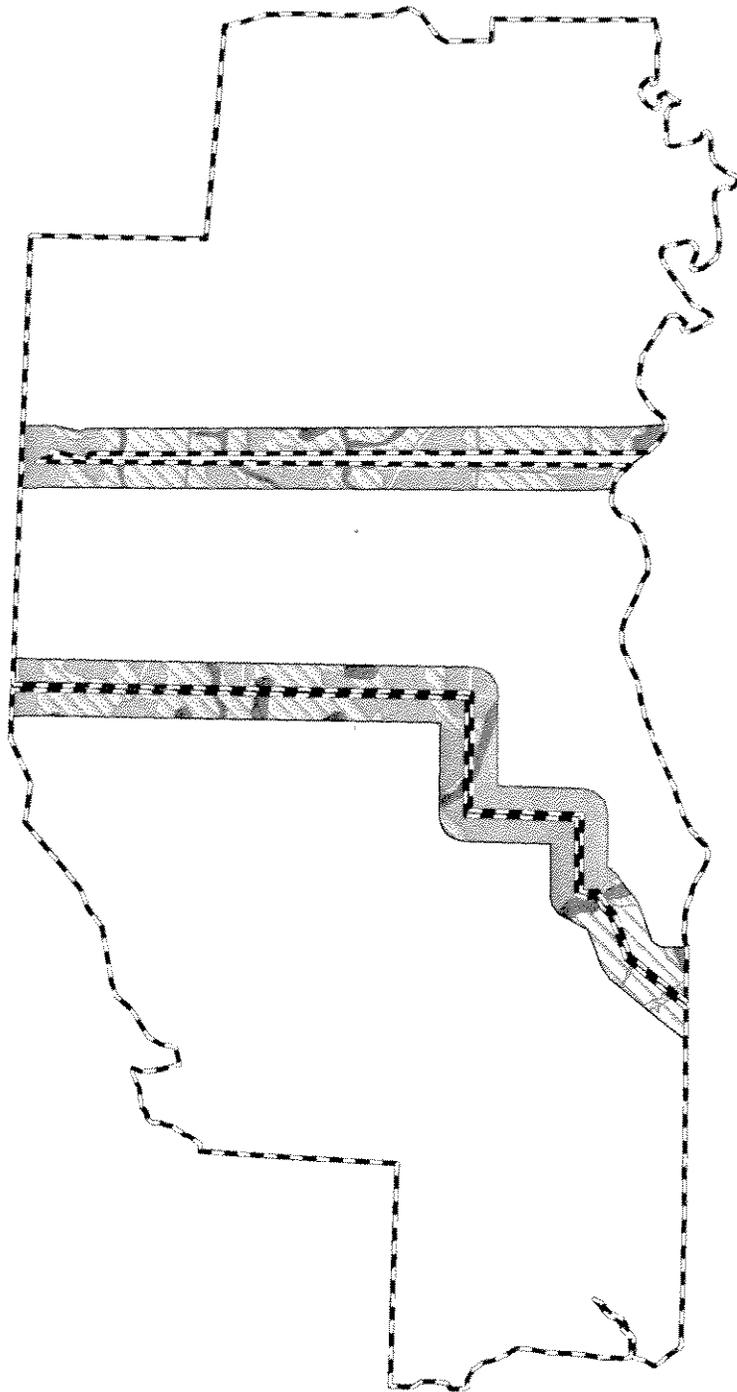


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**Legend**

- Proposed Baygall - 8.2 acres
- Proposed Mixed Hardwoods - 14.8 acres
- Proposed Depressional Wetlands - 4.9 acres
- Proposed Sandhill - 19.0 acres
- Proposed Mesic Flatwoods - 111.0 acres
- Proposed Wet Flatwoods - 124.6 acres

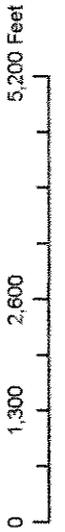


Figure 20 - Communities Within 300' Buffer of Access Easement and Clouded Title

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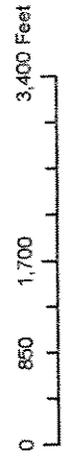
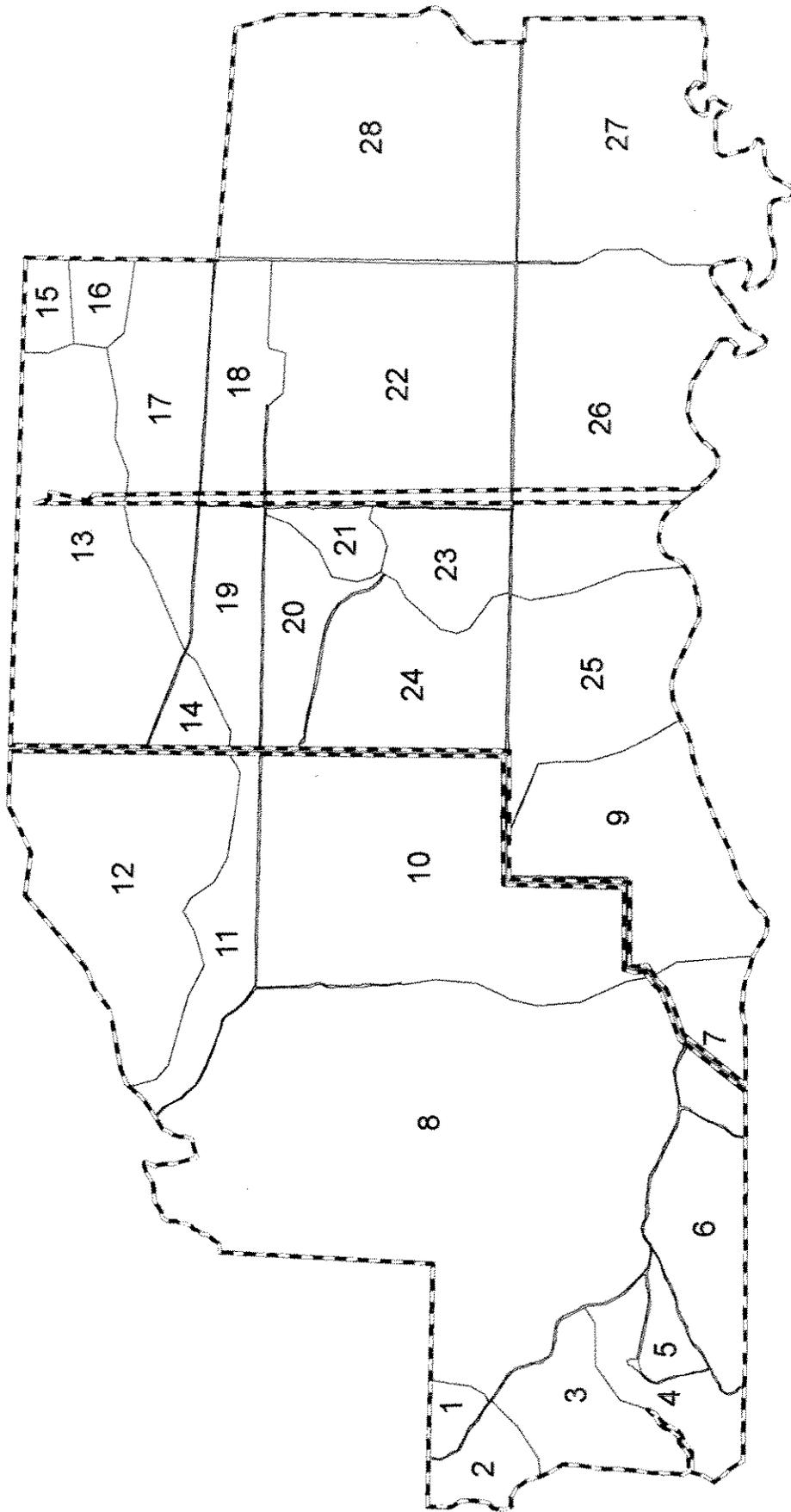
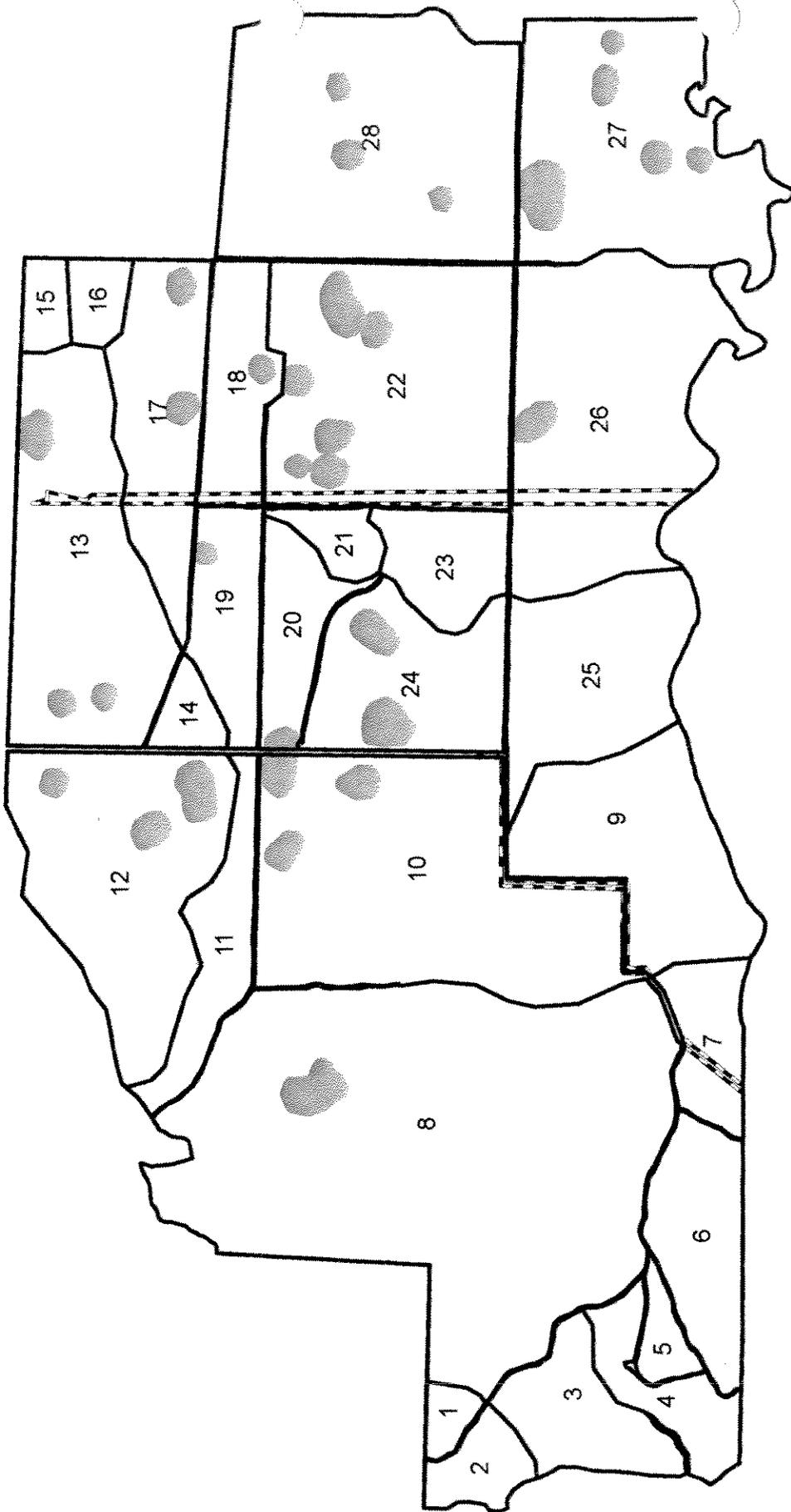


Figure 21 - Initial Management and Prescribed Fire Units



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Management Units

Restoration Areas - 99.5 acres

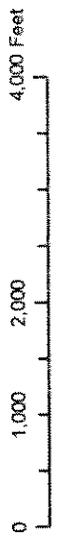
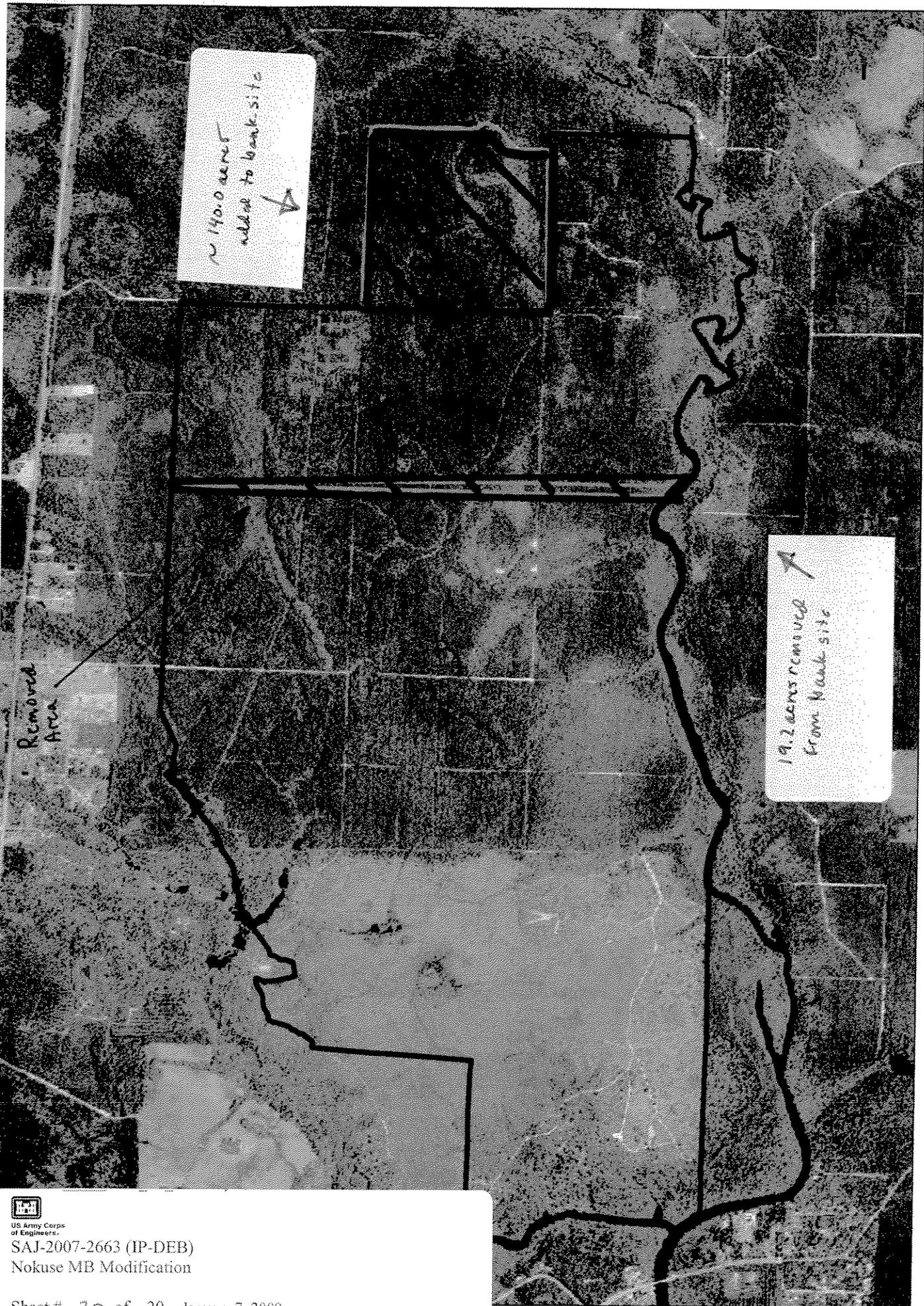


Figure 22 -Restoration Areas of Depressional Wetlands And  
Approximate 100' Buffer

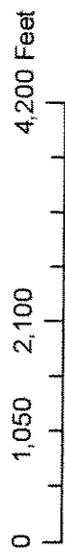
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~ 140.0 acres  
added to bank site

19.2 acres removed  
from bank site

Removed  
Area



Proposed Modification



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