DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA BLVD., SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

REPLY TO
ATTENTION OF

Palm Beach Gardens Section
SAJ-2005-7887(IP-JWH)

OCT 0 6 2008

Palm Beach County Board of County Commissioners
Department of Engineering and Public Works
Attn: Omelio Fernandez
2300 North Jog Road, 3rd Floor
West Palm Beach, FL 33411-2743

Gentlemen:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

a. The date of commencement of the work,

b. The dates of work suspensions and resumptions of work, if suspended over a week, and

c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,

Osvaldo Collazo
Chief, Regulatory Division

Enclosures

Copies Furnished:

CESAJ-RD-PE

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Palm Beach County Dept of Eng & Public Works	File Number: **SAJ-2005-7887**	Date: 06 OCT 2008
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- *ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.*
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- *ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.*
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact:
Project Manager as noted in letter	Michael F. Bell 404-562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

06 OCT 2008

DEPARTMENT OF THE ARMY PERMIT

Permittee: Palm Beach County Board of County Commissioners
Department of Engineering and Public Works
Attn: Omelio Fernandez
2300 North Jog Road, 3rd Floor
West Palm Beach, FL 33411

Permit No: SAJ-2005-7887(IP-JWH)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to widen a 1.4 mile section of 45th Street between Haverhill Road and Jog Road from a two-lane rural road to a four-lane divided road. The applicant proposes to directly impact 2.98 acres of four forested wetlands which exist within the footprint of the 45th Street roadway alignment. To offset impacts to wetlands, the applicant has proposed to preserve and manage a 20 acre area of wetlands within Palm Beach County's Pine Glades West Natural Area.

Project Location: The project is located within waters of the US between along 45th St between Haverhill Road and Jog Road, (Sections 1-3, Township 43 S, Range 42 E), in Palm Beach County, Florida.

Directions to site: From I-95 in Palm Beach County, exit on 45th St and travel west. The project begins east of Haverhill Road.

Latitude & Longitude: Latitude: 26.76023995 N
Longitude: 80.12491638 W

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on OCT 0 6 2013. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment A).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

RECEIVED
OCT 06 2008
JACKSONVILLE DISTRICT
USACE

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2005-2880(IP-JWH), on all submittals.

2. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. The Permittee shall avoid the remaining onsite wetlands. These natural wetland areas were avoided as part of the permit application review process and therefore will not be disturbed by any dredging, filling, mechanized land clearing, agricultural activities, or other construction work whatsoever. The Corps reserves the right to deny review of any requests for future impacts to these natural wetland areas.

4. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

5. The applicant shall comply with the Standard Protection Measures for the Eastern Indigo Snake, Service 2002 (Attachment E).

6. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving

subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as, the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with *Section 872.05, Florida Statutes.*

7. Within 6 months from the from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete the following mitigation objectives in accordance with the approved Wetland Mitigation Plan (Attachment D) as detailed on Figures 1.01, 1.02, 2.01, 3, 4, 5 and 6 of the Mitigation Plan.

a. Offsite Mitigation

(1) Wetland Enhancement: Treat and remove Category I and II invasive exotic plant species from mitigation area and manage area in accordance with County's *Management Plan for Pine Glades Natural Area Including FCT Project #5-028-FF5 - Indian Lakes Natural Area*, Palm Beach County Department of Environmental Resources Management - March 2008.

The offsite compensatory mitigation area shall be preserved in perpetuity in accordance with the **Conservation Easement** Special Condition of this permit.

8. To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

b. Cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at http://www.fleppc.org, and the nuisance species primrose willow (Ludwigia peruviana), dogfennel

(Eupatorium capillifolium), Bermudagrass (Cynodon spp.), Bahiagrass (Paspalum notatum), and cattail (Typha spp.). shall total less than 5 percent in the mitigation area.

c. Maintain the entire 20 acre mitigation area in accordance with the County's Pine Glades Natural Area Management Plan.

The Permittee shall achieve the above performance standards by the end of the 5-year monitoring period, with no maintenance during the 5th year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with the **Remediation** Special Condition of this permit.

9. To show compliance with the performance standards the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation objectives identified in the **Compensatory Mitigation** Special Condition of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 3 years and annual monitoring thereafter for a total of no less than 5 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the **Mitigation Release** Special Condition of this permit.

10. **Reporting Format:** Annual monitoring reports shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview (1 Page):

(1) Department of the Army Permit Number

(2) Name and contact information of Permittee and consultant

(3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted

(4) A summary paragraph defining the purpose for the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts

(5) Written description on the location and any identifiable information to locate the site perimeter(s)

(6) Directions to the mitigation site (from a major highway)

(7) Dates compensatory mitigation commenced and/or was completed

(8) Short statement on whether the performance standards are being met

(9) Dates of any recent corrective or maintenance activities conducted since the previous report submission

(10) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is

successfully achieving the approved performance standards or trending towards success.

c. Summary Data (maximum of 4 pages): Data shall be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Any photo documentation shall be dated and clearly labeled with the direction from which the photo was taken, and be identified on the appropriate maps.

d. Maps (maximum of 3 pages): Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan.

e. Conclusions (1 page): A general statement shall be included describing the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee, including a timetable, shall be provided.

11. If the compensatory mitigation fails to meet the performance standards 5 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under the permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

12. The Permittee's responsibility to complete the required compensatory mitigation, as set forth in the **Compensatory Mitigation** Special Condition of this permit will

not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

13. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment C) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

14. **Conservation Easement:** The Permittee shall preserve 20 acre(s) of wetlands (Conservation Areas) in perpetuity by recording a conservation easement within the boundaries and

location annotated on the figures located within the attached wetland mitigation plan (Figures 1.02, 2.01), and in accordance with procedures outlined in Special Condition No. 17 of the attached South Florida Water Management District permit 50-08187 -P (Attachment B) and the following conditions:

a. Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall submit to the Corps a copy of the recorded conservation easement document with exhibits (including legal description and sketch).

b. Any deviation from the established conservation easement cannot be performed without a modification to this permit instrument. The ability to modify or remove this conservation easement is neither implied nor guaranteed. If the conservation easement is removed for any reason, the Permittee shall provide appropriate mitigation to compensate for functional wetland loss.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

ABK

(PERMITTEE) 9/24/08 (DATE)

Palm Beach County
Morton Rose, P.E., Five Year Road Program Manager

(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER) 10/6/08 (DATE)
Paul L. Grosskruger
Colonel, U.S. Army
District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____
(TRANSFEREE-SIGNATURE) (DATE)

_____
(NAME-PRINTED)

_____
(ADDRESS)

_____
(CITY, STATE, AND ZIP CODE)

Attachments to Department of the Army Permit Number SAJ-2005-7887(IP-JWH)

1. PERMIT DRAWINGS: 7 pages, dated June 19, 2008

2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. Attachment A.

3. Specific Conditions of the South Florida Water Management District Environmental Resource Permit No 50-08187-P. Attachment B.

4. As-Built Certification Form. Attachment C.

5. Wetland Mitigation Plan, Jog Road and Donald Ross Road Mitigation Area (PBC ERM June 9, 2008). Attachment D.

6. Additional Documents: *Standard Protection Measures for the Eastern Indigo Snake (Service 2002)*. Attachment E.

COMPONENTS OF CONTRACT PLANS SET.

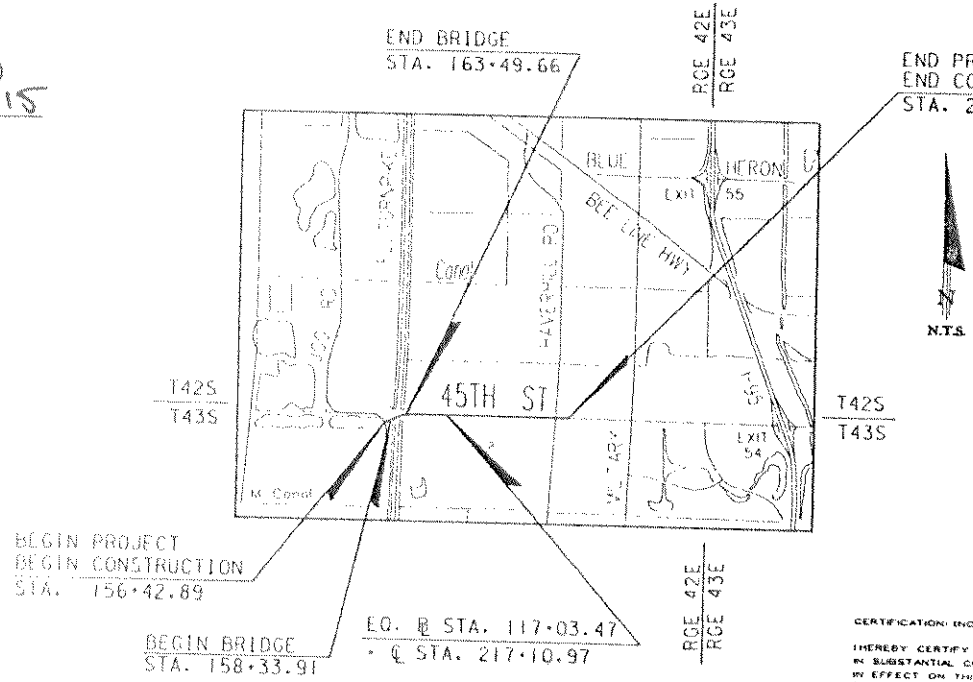
SHEET NO.	SHEET DESCRIPTION
1	KEY SHEET
2, 3	WETLAND & SURFACE WATER IMPACT
14	IMPACT SUMMARY

COUNTY OF PALM BEACH
STATE OF FLORIDA

45th STREET
JOG ROAD TO HAVERHILL ROAD
PALM BEACH COUNTY PROJECT NO. 2003512

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)
Attachment # ____, Page 1 of 15



BOARD OF COUNTY COMMISSIONERS

DISTRICT 1
KAREN T. MARCUS

DISTRICT 2
JEFF KOONS

DISTRICT 3
WARREN NEWELL

DISTRICT 4
MARY McCARTY

DISTRICT 5
BURT AARONSON

DISTRICT 6
TONY MASILOTTI

DISTRICT 7
ADDIE L. GREENE

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION

PREPARED BY :

METRIC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS

CERTIFICATION: (NOT VALID UNLESS SEALED WITH EMBOSSED ENGINEER'S SEAL)

I HEREBY CERTIFY THAT THE ATTACHED PLANS AND DESIGN FILE ARE IN SUBSTANTIAL COMPLIANCE WITH THE DESIGN STANDARDS AND CRITERIA IN EFFECT ON THIS DATE FOR THE PALM BEACH COUNTY ENGINEERING DEPARTMENT AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

METRIC ENGINEERING, INC.

MAVERICK MARSHALL
PROFESSIONAL ENGINEER
NO. 52704, STATE OF FLORIDA
LAKEVIEW CORPORATE CENTER
SUITE 305
6419 LAKE WORTH ROAD
LAKE WORTH, FL. 33463

LENGTH OF PROJECT

	LINEAR FT.	MILES
ROADWAY	6,671.36	1.30
BRIDGES	515.75	0.10
NET LENGTH OF PROJ.	7,387.11	1.40
EXCEPTIONS	-	
GROSS LENGTH OF PROJ.	7,387.11	1.40

DREDGE & FILL SKETCHES

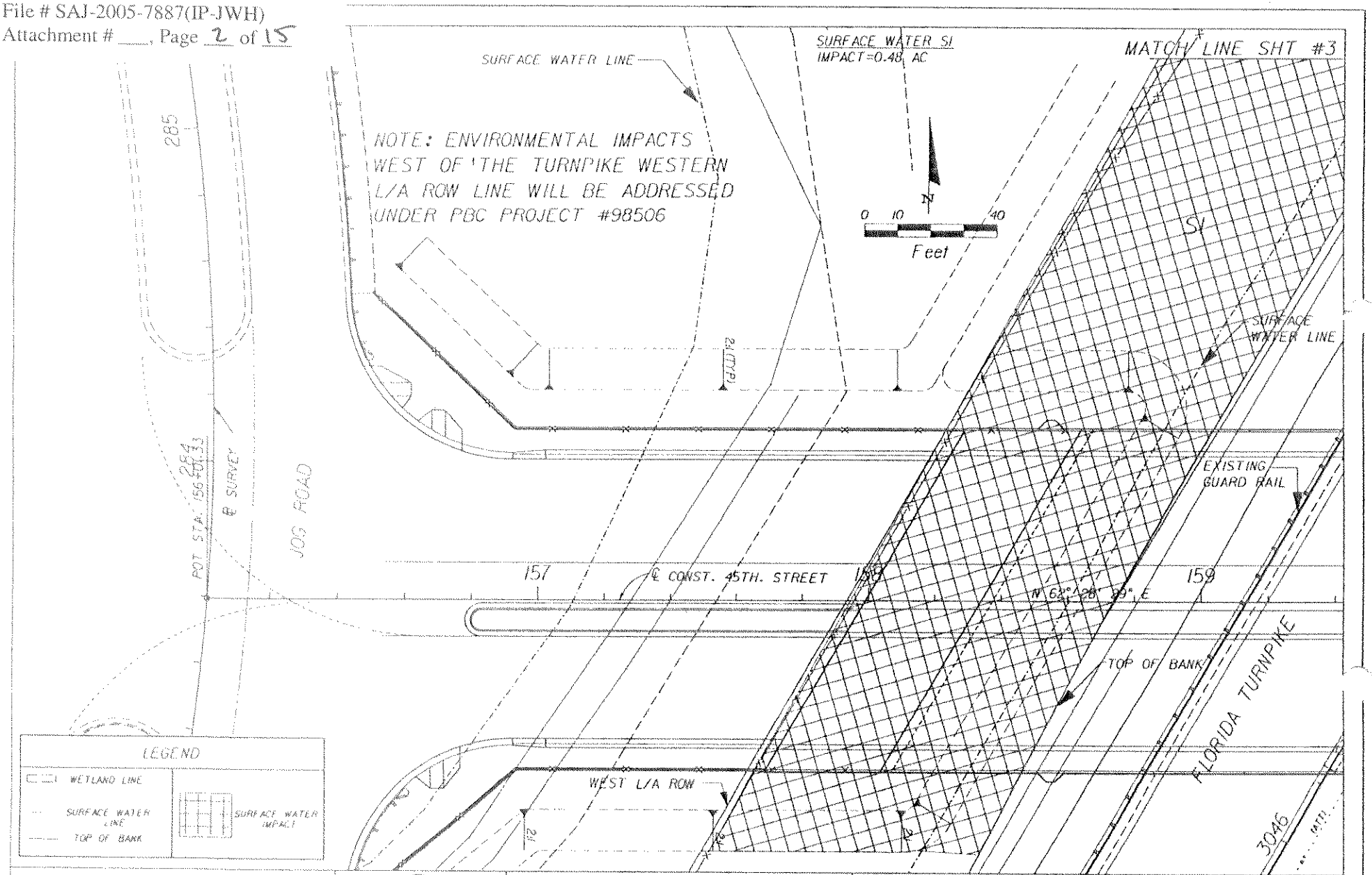
PROJECT DESCRIPTION: 45th Street
Jog Road to Haverhill Road
TWP. 42 S RNG. 42, E
SEC. 1,2,3

METRIC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
6419 LAKE WORTH ROAD, SUITE 305
LAKE WORTH, FLORIDA 33463
PHONE: (561) 965 6550 FAX: (561) 966 6177
AUTHORIZATION NO. 2694

NAME: MAVERICK MARSHALL
SIGNATURE
CERTIFICATE LIC.# 52704 DATE 3/21/05

CO.PROJECT NO. 2003512
COUNTY: Palm Beach

DEP	CG	SHEET 1 OF 14
COE	WMD	DATE: 3/21/05



PROJECT DESCRIPTION: 45th Street
Jog Road to Haverhill Road
TWP. 42 S RNG. 42 E
SEC. 1,2,3

METRIC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
8895 LAKE WORTH ROAD, SUITE 305
LAKE WORTH, FLORIDA 33467
PHONE: (561) 966-6550 FAX: (561) 966-6172
ACCREDITATION NO. 2294

NAME: MAVERICK MARSHALL
SIGNATURE
CERTIFICATE LIC.# 52704 DATE 3/21/05

PALM BEACH COUNTY FLORIDA

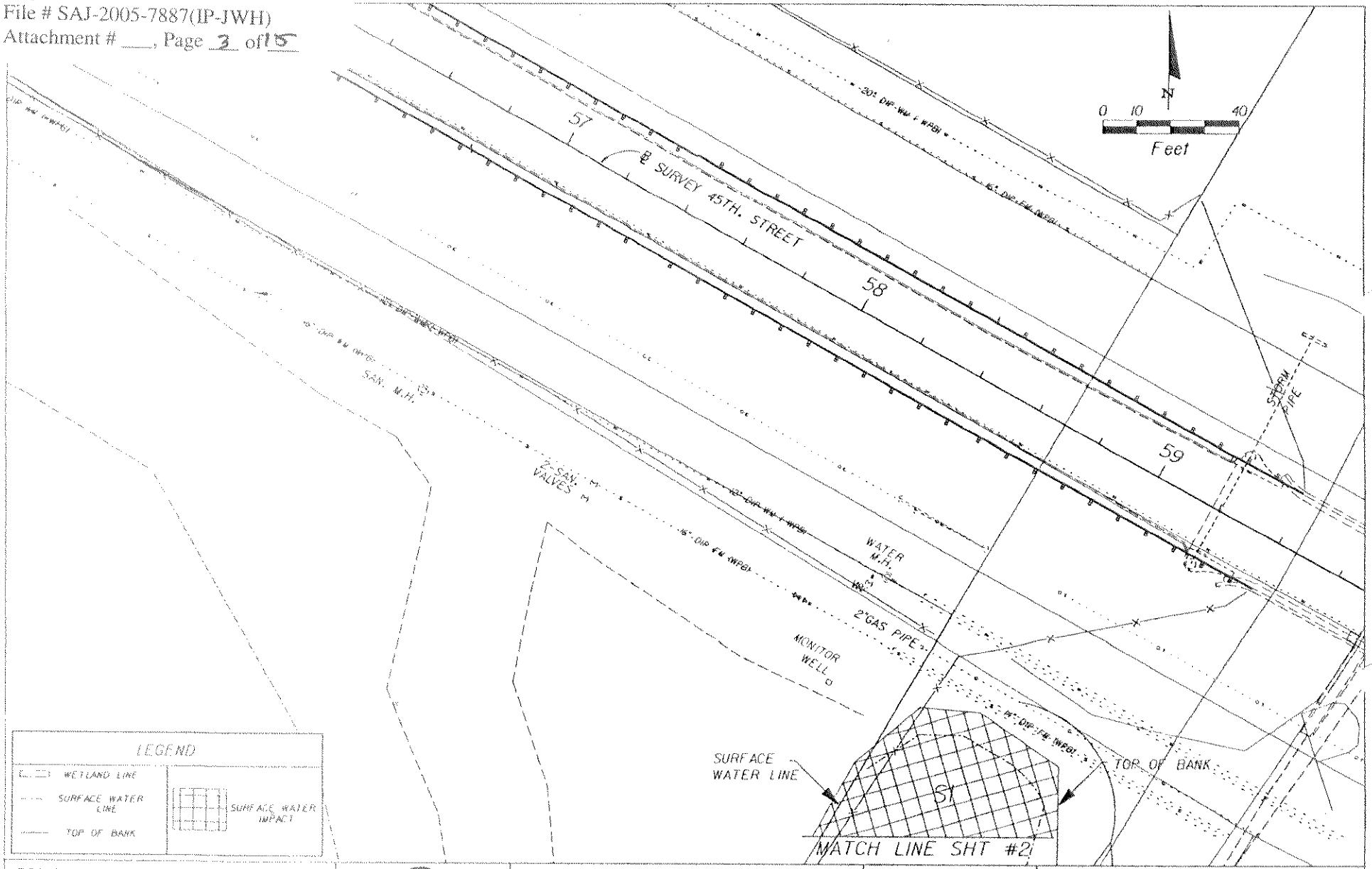
CO.PROJECT NO. 2003512
COUNTY: Palm Beach

DEP	CG	SHEET 2 OF 14
COE	WMD	DATE: 3/21/05

US Army Corps of Engineers

File # SAJ-2005-7887(IP-JWH)

Attachment # ___, Page 3 of 15



LEGEND

- WETLAND LINE
- SURFACE WATER LINE
- TOP OF BANK
- SURFACE WATER IMPACT

PROJECT DESCRIPTION: 45th Street

Jog Road to Haverhill Road

TWP. 42 S RNG. 42 E

SEC. 1,2,3

METRIC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
6415 LAKE WORTH ROAD, SUITE 305
LAKE WORTH, FLORIDA 33463
PHONE: (561) 966-6550 FAX: (561) 966-6172
AUTHORIZATION NO. 2295

NAME: MAVERICK MARSHALL

SIGNATURE

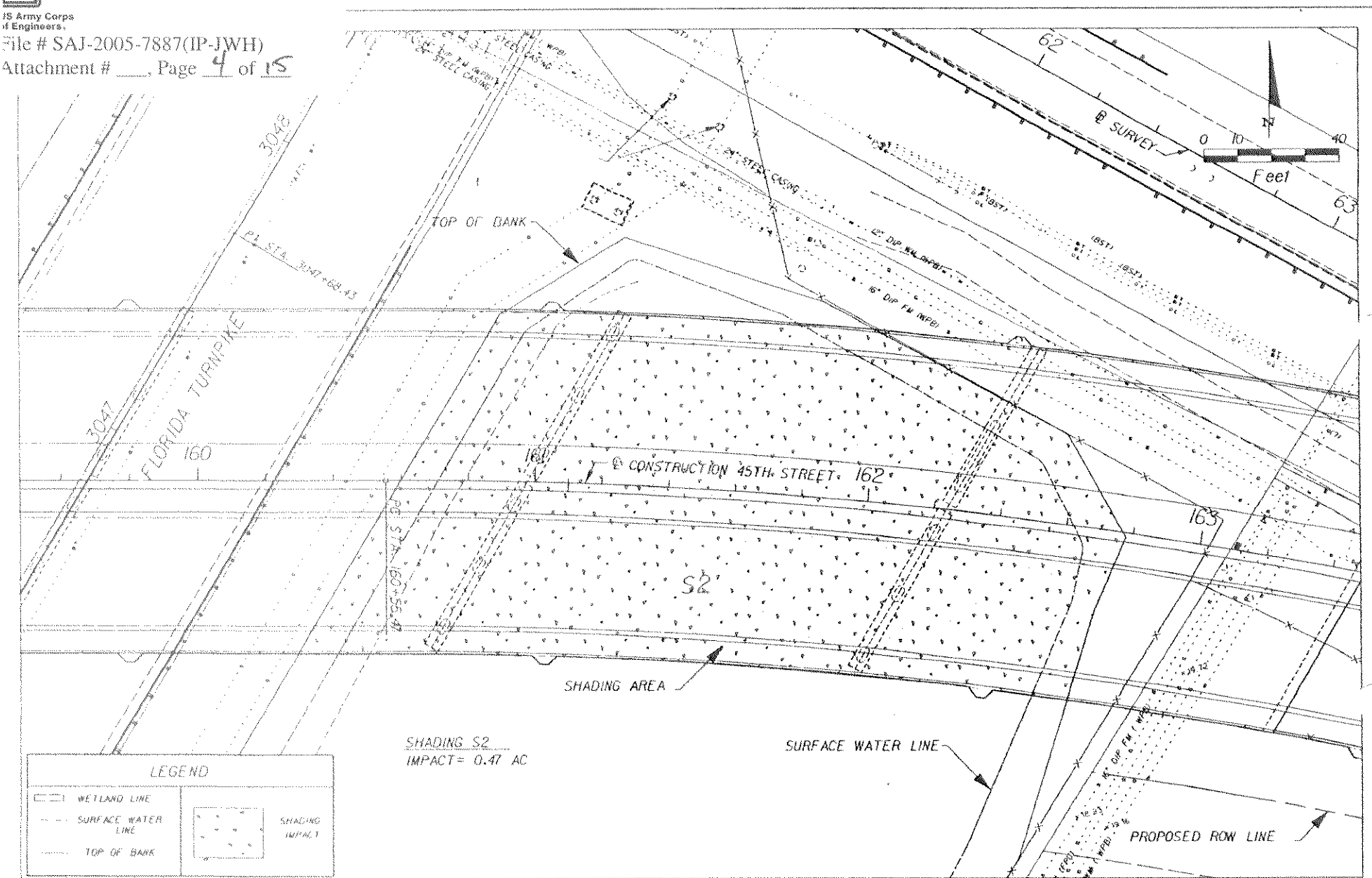
CERTIFICATE LIC.# 52704 DATE 3/21/05

PALM BEACH COUNTY FLORIDA

CO.PROJECT NO. 2003512

COUNTY: Palm Beach

DEP	CG	SHEET 3 OF 14
COE	WMD	DATE: 3/21/05



PROJECT DESCRIPTION: 45th Street Jog Road to Haverhill Road
TWP. 42 S RNG. 42, E
SEC. 1,2,3

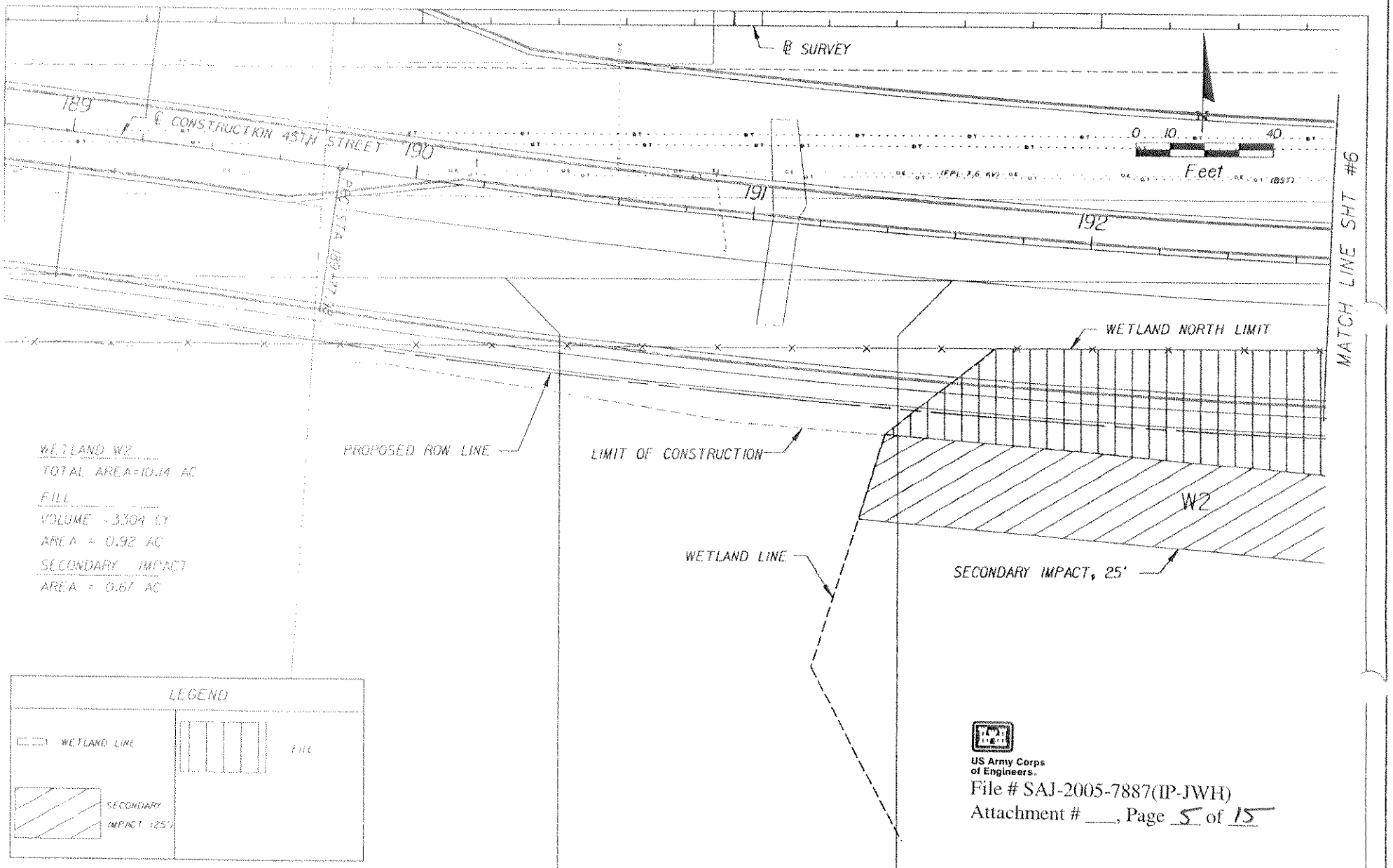
METALC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
6415 LAKE WORTH ROAD, SUITE 305
LAKE WORTH, FLORIDA 33463
PHONE: (561) 966-6550 FAX: (561) 966-6172
AUTHORIZATION NO. 3294

NAME: MAVERICK MARSHALL
SIGNATURE
CERTIFICATE LIC.# 52704 DATE 3/21/05

PALM BEACH COUNTY FLORIDA

CO.PROJECT NO. 2003512
COUNTY: Palm Beach

DEP	CG	SHEET 4 OF 14
COE	WMD	DATE: 3/21/05



WETLAND W2
TOTAL AREA=10.14 AC
FILL
VOLUME - 3,304 CY
AREA = 0.92 AC
SECONDARY IMPACT
AREA = 0.67 AC

LEGEND

WETLAND LINE

FILL

SECONDARY IMPACT (25')

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)
Attachment # ___, Page 5 of 15

PROJECT DESCRIPTION: 45th Street
Jog Road to Haverhill Road
TWP. 42 S RNG. 42 E
SEC. 1,2,3

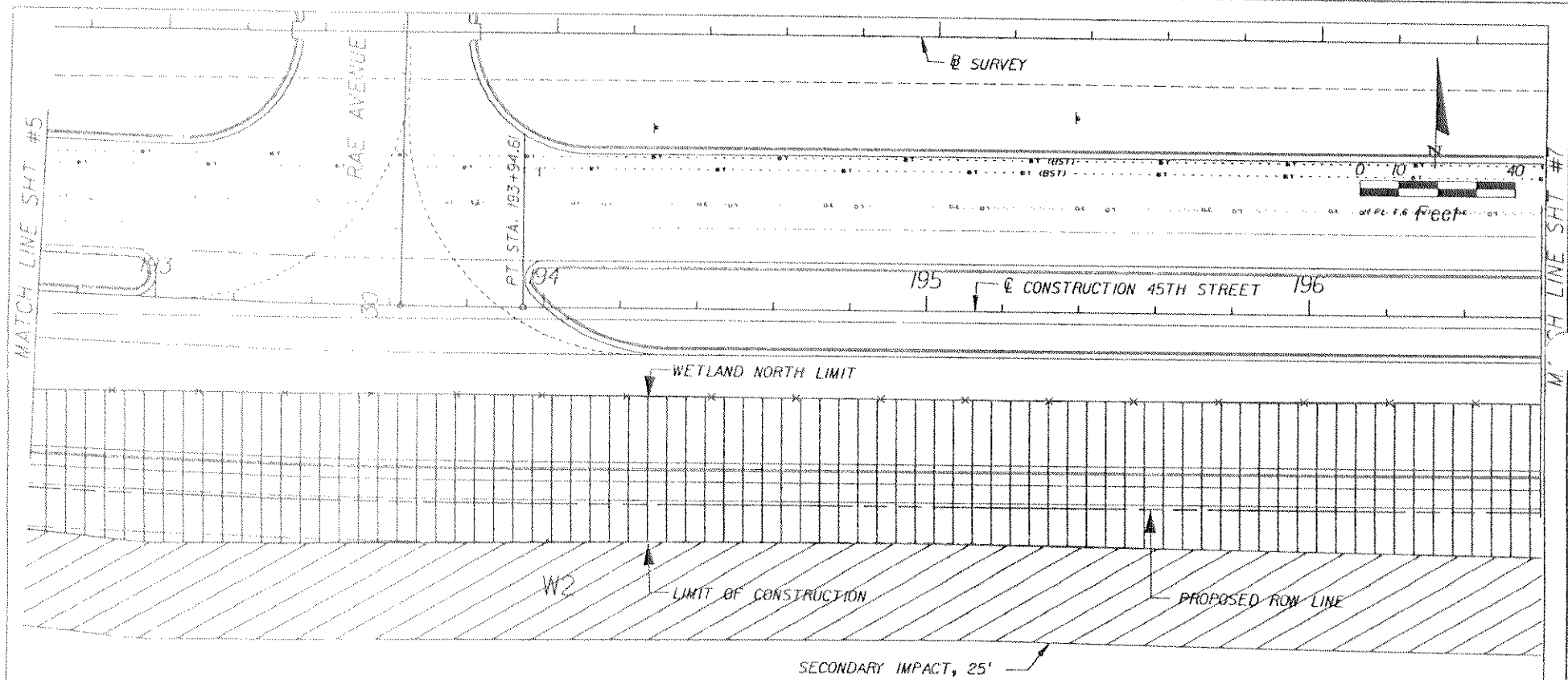
METRIC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
6813 LAKE WORTH ROAD, SUITE 305
LAKE WORTH, FLORIDA 33463
PHONE: (561) 966-6550 FAX: (561) 966-6172
AUTHORIZATION NO. 2274

NAME: MAVERICK MARSHALL
SIGNATURE
CERTIFICATE LIC.# 52704 DATE

PALM BEACH COUNTY FLORIDA

CO.PROJECT NO. 2003512
COUNTY: Palm Beach

DEP	CG	SHEET 5 OF 14
COE	WMD	DATE:



LEGEND	
WETLAND LINE	FILL
SECONDARY IMPACT (25')	

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)

Attachment # ___, Page 6 of 15

PROJECT DESCRIPTION: 45th Street Jog Road to Haverhill Road

TWP. 42 S RNG. 42 E

SEC. 1,2,3

METRIC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
4615 LAKE WORTH ROAD, SUITE 305
LAKE WORTH, FLORIDA 33463
PHONE: (561) 966 6550 FAX: (561) 966 6172
AUTHORIZATION NO. 2294

NAME: MAVERICK MARSHALL

SIGNATURE

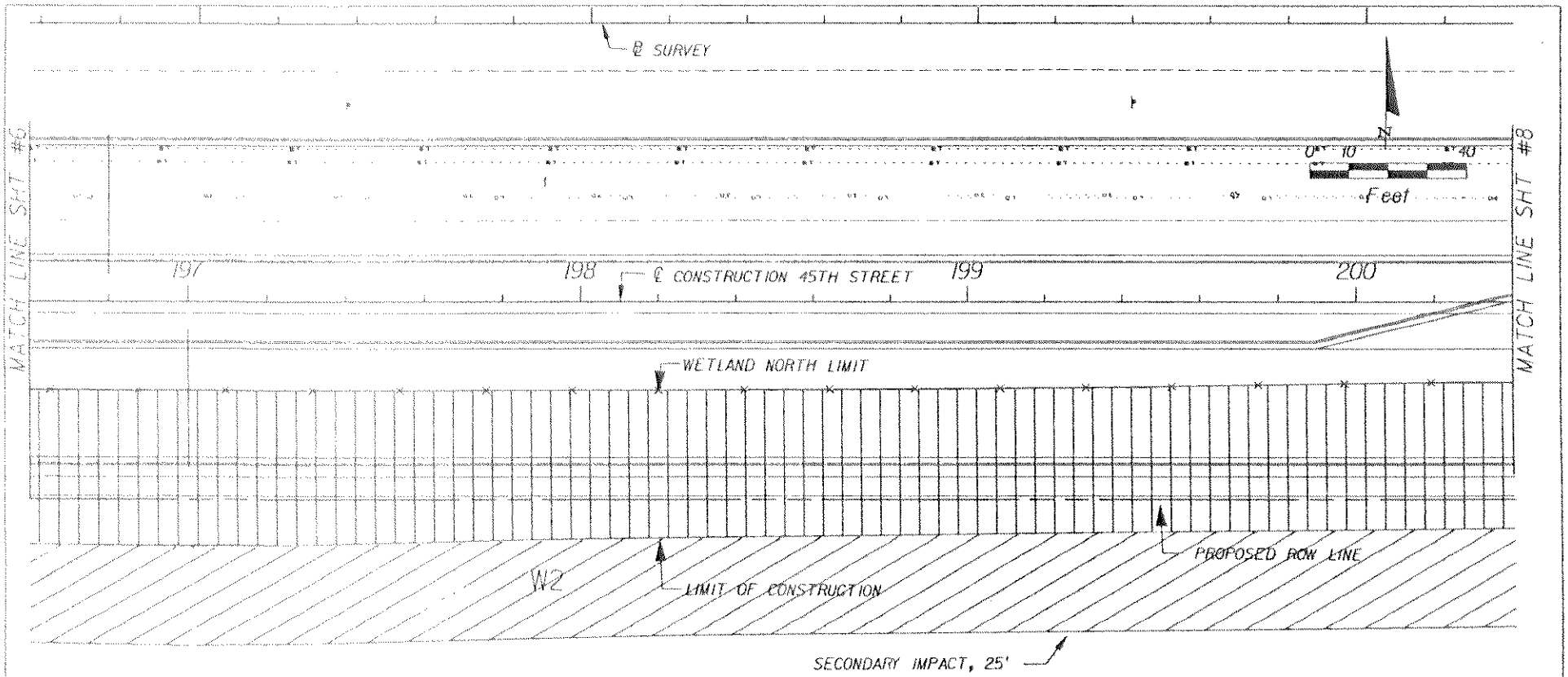
CERTIFICATE LIC.# 52704 DATE 3/21/05

PALM BEACH COUNTY FLORIDA

CO.PROJECT NO. 2003512

COUNTY: Palm Beach

DEP	CG	SHEET 6 OF 14
COE	WMD	DATE: 3/21/05



LEGEND

WETLAND LINE

FILL

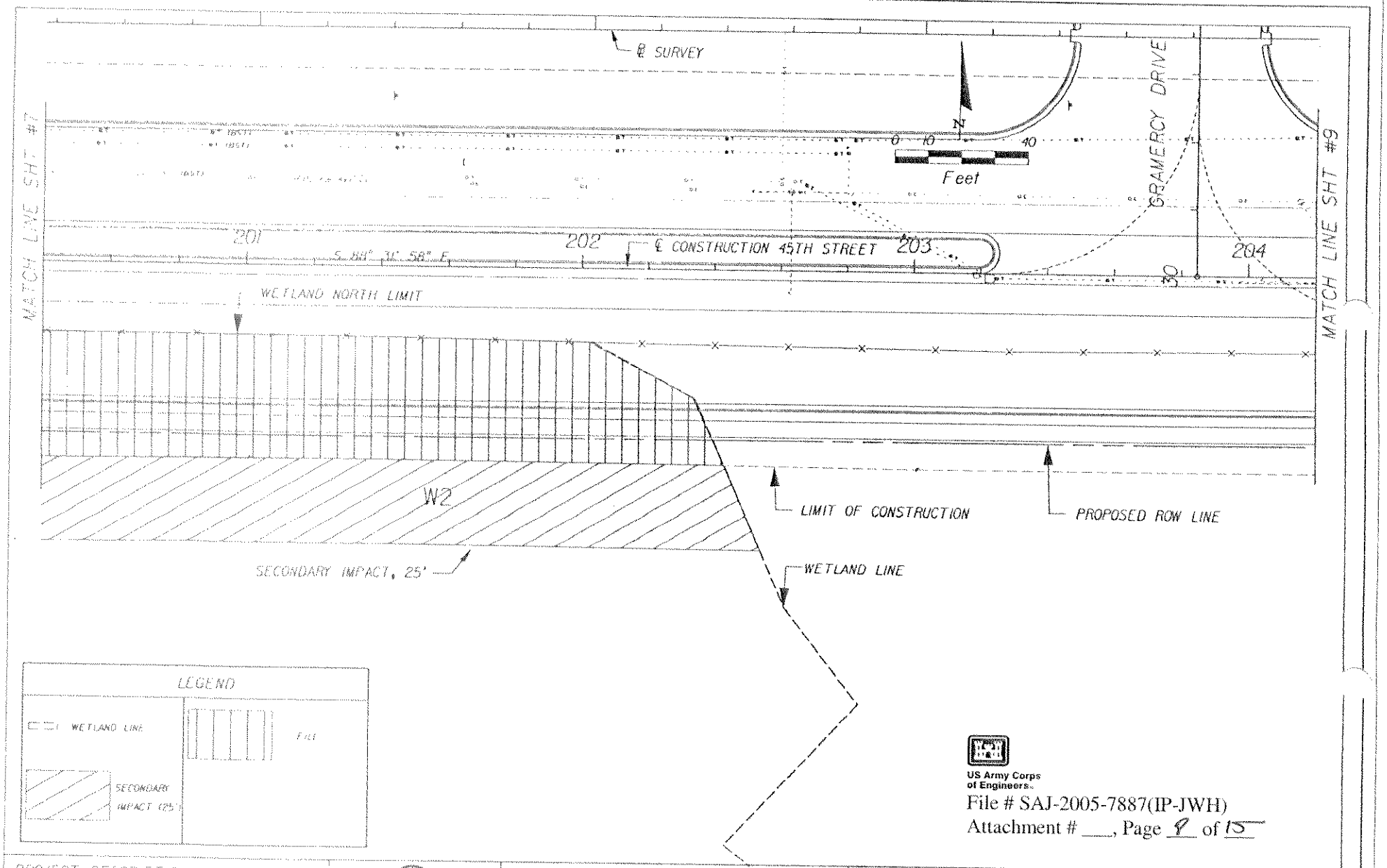
SECONDARY IMPACT (25')

US Army Corps of Engineers

File # SAJ-2005-7887(IP-JWH)

Attachment # ___, Page 7 of 15

PROJECT DESCRIPTION: 45th Street Jog Road to Haverhill Road	METRIC ENGINEERING, INC.	NAME: MAVERICK MARSHALL	CO.PROJECT NO. 2003512
TWP. 47 S RNG. 42, E		SIGNATURE	COUNTY: Palm Beach
SEC. 1,2,3		CERTIFICATE LIC.# 52704 DATE 3/21/05	DEP / CG / SHEET 7 OF 14
			COE / WMD / DATE: 3/21/05



LEGEND

WETLAND LINE

FILL

SECONDARY IMPACT (25')

US Army Corps of Engineers

File # SAJ-2005-7887(IP-JWH)
Attachment # ___, Page 9 of 15

PROJECT DESCRIPTION: 45th Street
Jog Road to Haverhill Road
TWP. 42 S RNG. 42 E
SEC. 1,2,3

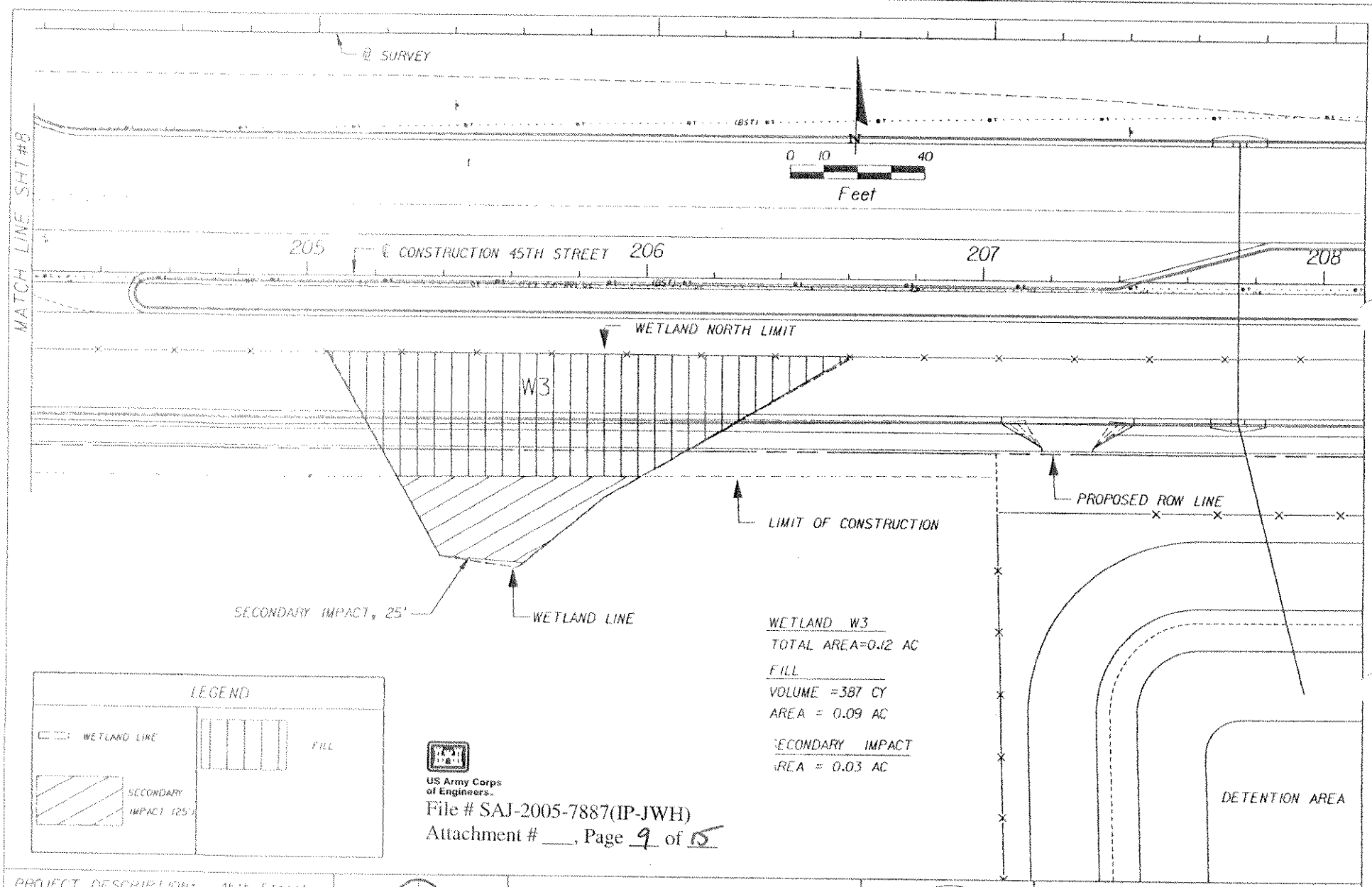
M. PHIC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
6615 LAKE WORTH ROAD, SUITE 305
LAKE WORTH, FLORIDA 33463
PHONE: (561) 966 6550 FAX: (561) 966 6172
AUTHORIZATION NO. 2494

NAME: MAVERICK MARSHALL
SIGNATURE
CERTIFICATE LIC.# 52704 DATE 3/21/05

PALM BEACH COUNTY FLORIDA

CO.PROJECT NO. 2003512
COUNTY: Palm Beach

DEP	CG	SHEET 8 OF 14
COE	WMD	DATE: 3/21/05



WETLAND W3
TOTAL AREA=0.12 AC
FILL
VOLUME =387 CY
AREA = 0.09 AC
SECONDARY IMPACT
AREA = 0.03 AC

LEGEND

WETLAND LINE	FILL
SECONDARY IMPACT (25')	

US Army Corps of Engineers.
File # SAJ-2005-7887(IP-JWH)
Attachment # ___, Page 9 of 15

PROJECT DESCRIPTION: 45th Street Jog Road to Haverhill Road
TWP. 42 S RNG. 42, E
SEC. 1,2,3

METRIC ENGINEERING, INC.
ENGINEERS • PLANNERS • SURVEYORS
6415 LAKE WORTH ROAD, SUITE 305
LAKE WORTH, FLORIDA 33463
PHONE: (561) 966 6550 FAX: (561) 966 6572
AUTHORIZATION NO. 2254

NAME: MAVERICK MARSHALL
SIGNATURE
CERTIFICATE LIC.# 52704
DATE 3/21/05

PALM BEACH COUNTY FLORIDA

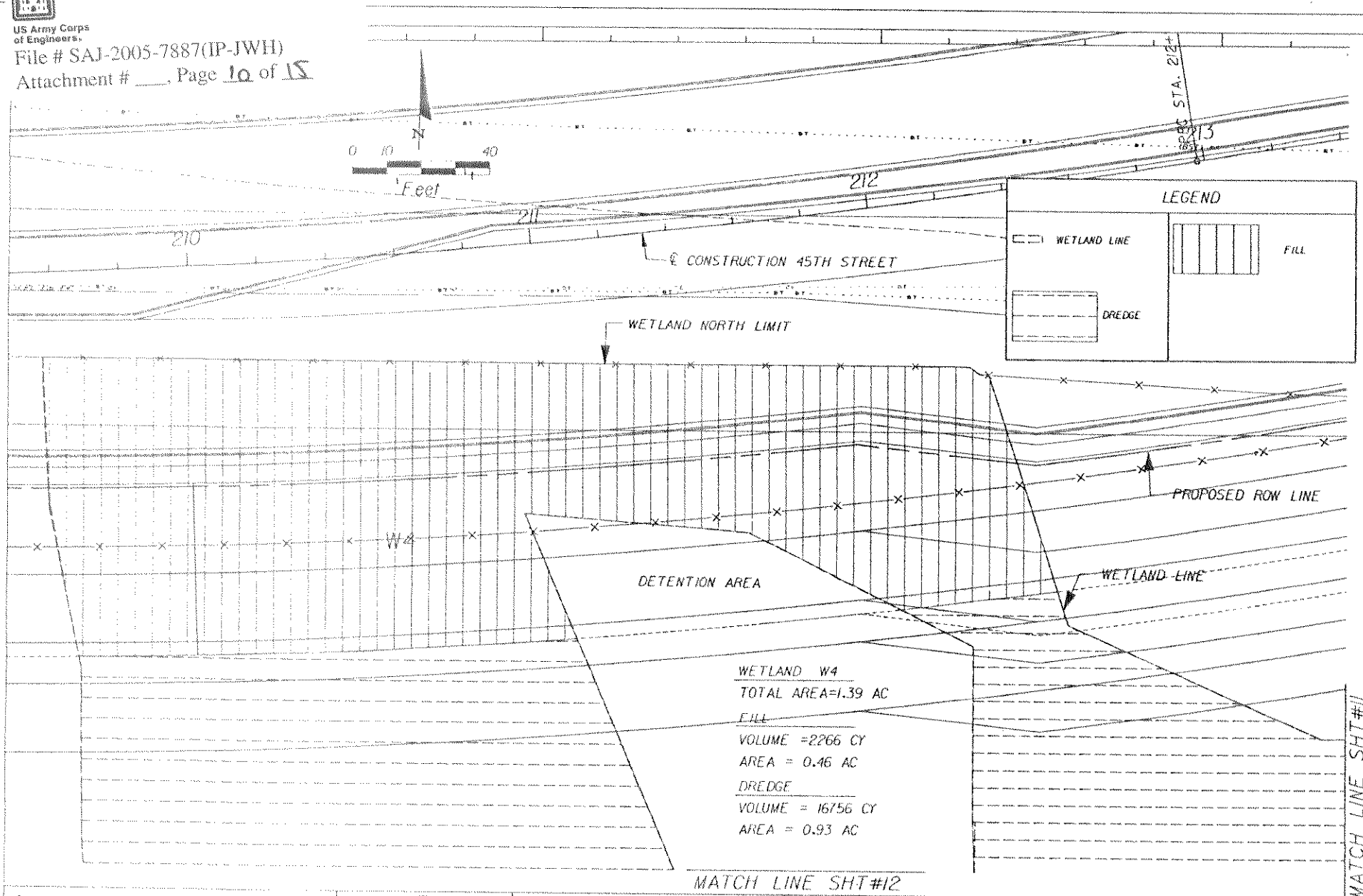
CO.PROJECT NO. 2003512
COUNTY: Palm Beach

DEP	CG	SHEET 9 OF 14
COE	WMD	DATE: 3/21/05

US Army Corps of Engineers

File # SAJ-2005-7887(IP-JWH)

Attachment # ____, Page 10 of 15

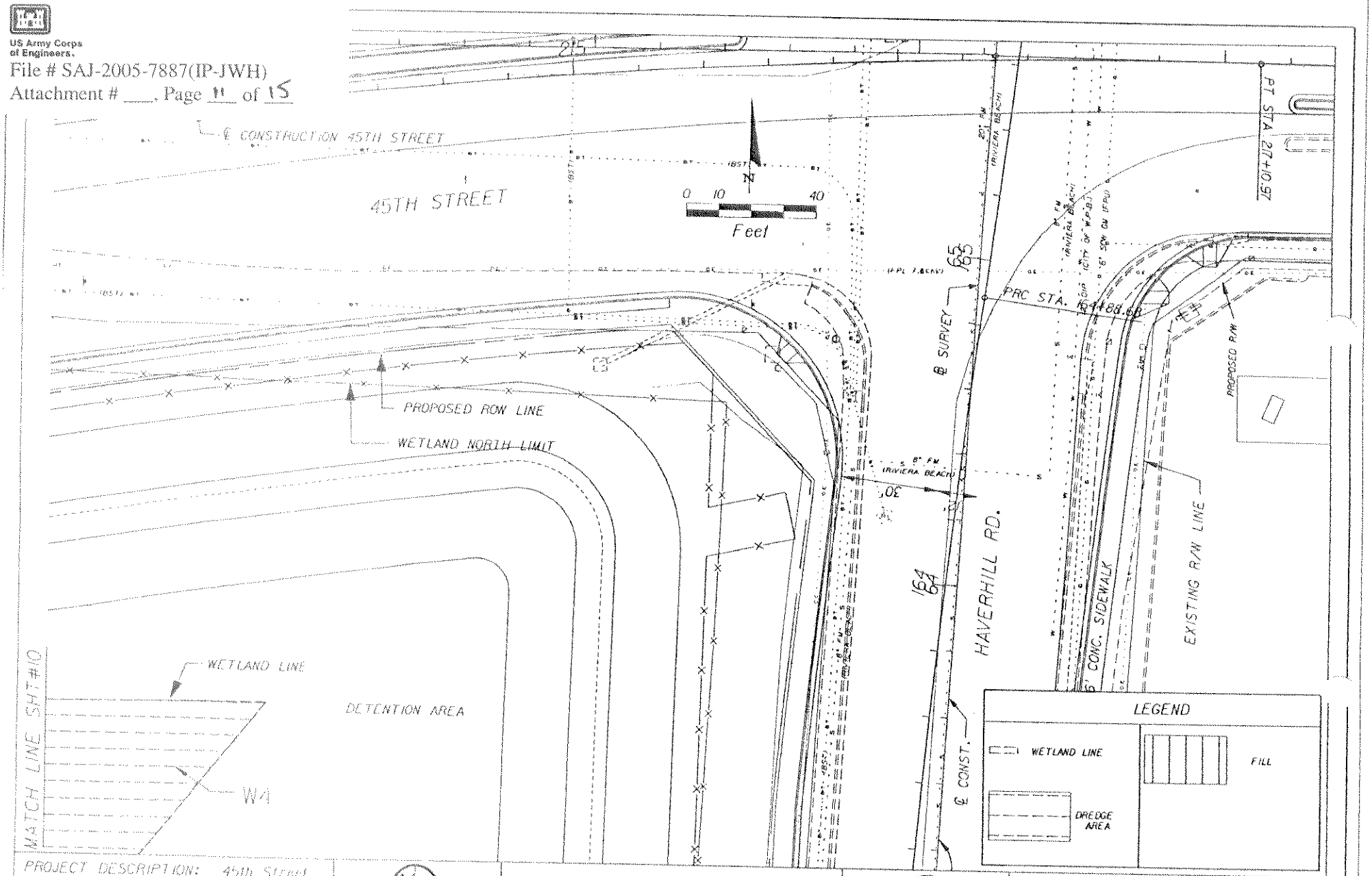


PROJECT DESCRIPTION: 45th Street Jog Road to Haverhill Road	MEYER ENGINEERING, INC.	NAME: MAVERICK MARSHALL	CO.PROJECT NO. 2003512	
TWP. 42 S RNG. 42 E		SIGNATURE	COUNTY: Palm Beach	
SEC. 1,2,3		CERTIFICATE LIC.# 52704 DATE 3/21/05	DEP / CG	SHEET 10 OF 14
			COE / WMD	DATE: 3/21/05

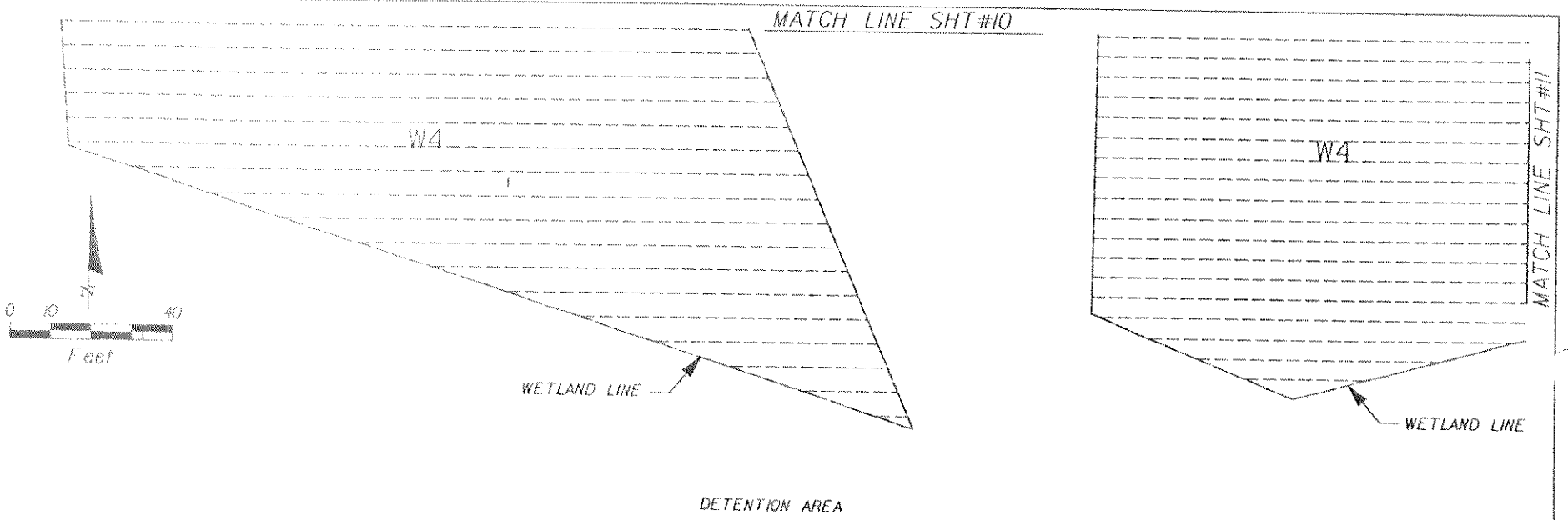
US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)

Attachment # ___, Page 11 of 15



PROJECT DESCRIPTION: 45th Street Jog Road to Haverhill Road			
TWP. 42 S RNG. 42 E			
SEC. 1,2,3			
METRIC ENGINEERING, INC.	NAME: MAVERICK MARSHALL	CO.PROJECT NO. 2003512	
	SIGNATURE	COUNTY: Palm Beach	
	CERTIFICATE LIC.# 52704 DATE 3/21/05	DEP / CG	SHEET 11 OF 14
		COE / WMD	DATE: 3/21/05



LEGEND	
WETLAND LINE	FILL
DRCDGE	

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)
Attachment # ____, Page 12 of 15

PROJECT DESCRIPTION: 45th Street Jog Road to Haverhill Road	SCHIC ENGINEERING, INC. ENGINEERS • PLANNERS • SURVEYORS 845 S LAKE WORTH ROAD, SUITE 305 LAKE WORTH, FLORIDA 33463 PHONE: (561) 966-6550 FAX: (561) 966-6172 AUTHORIZATION NO. 2294	NAME: MAVERICK MARSHALL SIGNATURE CERTIFICATE LIC.# 52704 DATE 3/21/05	PALM BEACH COUNTY FLORIDA	CO.PROJECT NO. 2003512 COUNTY: Palm Beach
TWP. 42 S RNG. 42½ E				DEP / CG / SHEET 12 OF 14
SEC. 1,2,3				COE / WMD / DATE: 3/21/05

US Army Corps of Engineers

File # SAJ-2005-7887(IP-JWH)

Attachment # ___, Page 13 of 15

DETENTION AREA

N

0 10 40

Feet

WETLAND LINE

W5

WETLAND W5

TOTAL AREA=0.55 AC

FILL

VOLUME =173 CY

AREA = 0.06 AC

DREDGE

VOLUME = 8253 CY

AREA = 0.49 AC

LEGEND

WETLAND LINE

FILL

DREDGE AREA

PROJECT DESCRIPTION: 45th Street

Jog Road to Haverhill Road

TWP. 42 S RNG. 42 E

SEC. 1,2,3

METRIC ENGINEERING, INC.

ENGINEERS • PLANNERS • SURVEYORS

6415 LAKE WORTH ROAD, SUITE 305

LAKE WORTH, FLORIDA 33463

PHONE: (561) 966-8559 FAX: (561) 966-6137

AUTHORIZATION NO. 2054

NAME: MAVERICK MARSHALL

SIGNATURE

CERTIFICATE LIC.# 52704 DATE 3/21/05

PALM BEACH COUNTY FLORIDA

CO.PROJECT NO. 2003512

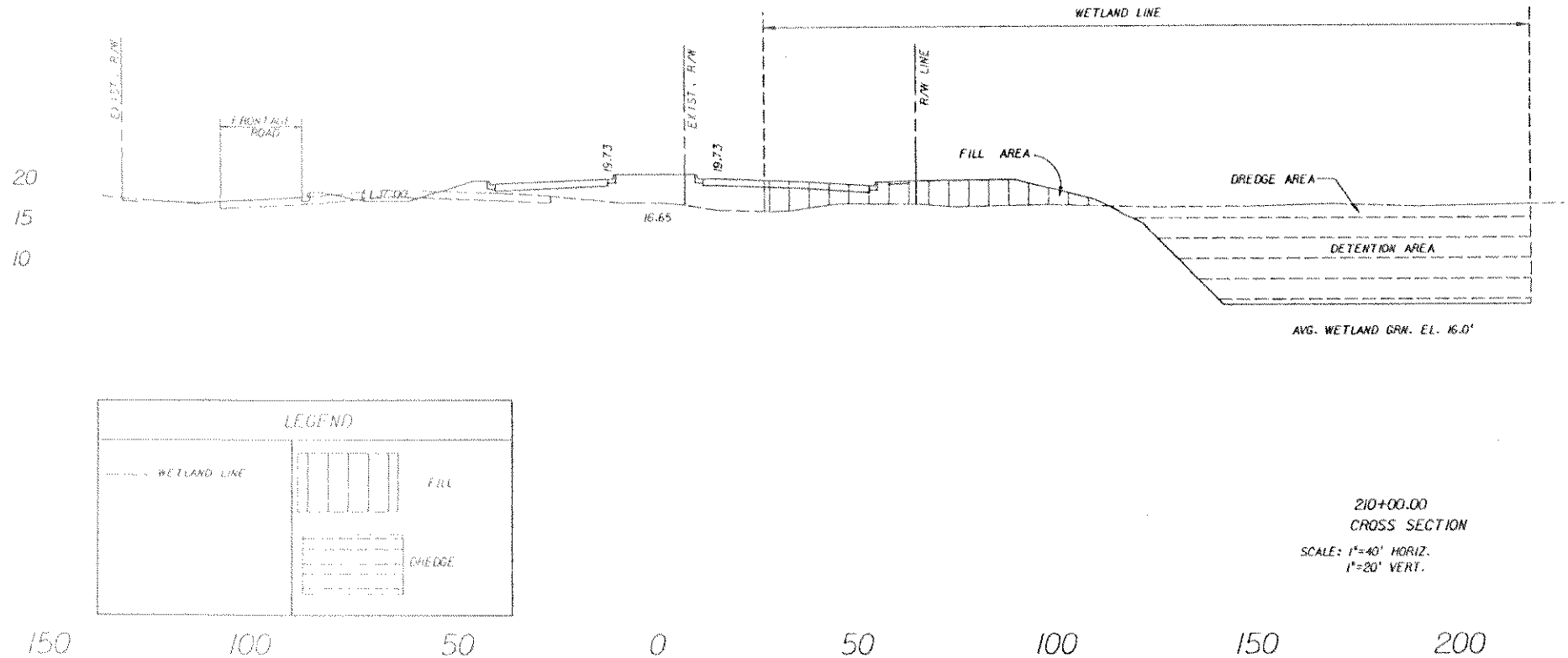
COUNTY: Palm Beach

DEP	CG	SHEET 13 OF 14
COE	WMD	DATE: 3/21/05

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)

Attachment # ____, Page 15 of 15



210+00.00
CROSS SECTION

SCALE: 1"=40' HORIZ.
1"=20' VERT.

PROJECT DESCRIPTION: 45th Street Jog Road to Haverhill Road	METRIC ENGINEERING, INC. ENGINEERS • PLANNERS • SURVEYORS 6415 LAKE WORTH ROAD, SUITE 505 LAKE WORTH, FLORIDA 33463 PHONE: (561) 966-6550 FAX: (561) 966-6112 AUTHORIZATION NO. 2298	NAME: MAVERICK MARSHALL SIGNATURE CERTIFICATE LIC.# 52704 DATE	PALM BEACH COUNTY FLORIDA	CO.PROJECT NO. 2003512 COUNTY: Palm Beach		
TWP. 42 S RNG. 42 E				DEP	CG	SHEET 1 OF 1
SEC. 1,2,3				COE	WMD	DATE:

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on December 13, 2012.
2. Operation of the surface water management system shall be the responsibility of the permittee.
3. Discharge Facilities:

Basin: Jog TP dry pond (S2)

1-.25' WIDE SHARP CRESTED weir with crest at elev. 18' NGVD 29.
1-4.25' WIDE SHARP CRESTED weir with crest at elev. 20.7' NGVD 29.
1-.38' W X .5' H TRIANGULAR ORIFICE with invert at elev. 16' NGVD 29.
64 LF of 36" dia. REINFORCED CONCRETE PIPE culvert.
1-' W X ' L drop inlet with crest at elev. 21.25' NGVD 29.

Receiving body : SWA ditch
Control elev : 16 feet NGVD 29.

Basin: 45th E of Haverhill

1-7.5' WIDE SHARP CRESTED weir with crest at elev. 16' NGVD 29.

Receiving body : Existing system
Control elev : 11.45 feet NGVD 29.

Basin: Jog at corner (S3)

1-120' WIDE BROAD CRESTED weir with crest at elev. 20' NGVD 29.

Receiving body : SWA system
Control elev : 16 feet NGVD 29.

Basin: 45 Pond

1-2' WIDE SHARP CRESTED weir with crest at elev. 16.3' NGVD 29.
1-3" dia. CIRCULAR ORIFICE with invert at elev. 16' NGVD 29.
1-' W X ' L drop inlet with crest at elev. 17.4' NGVD 29.

Receiving body : Haverhill storm drain
Control elev : 16 feet NGVD 29.

Basin: Haverhill N of 45th, Structure: S-16

1-26" DIAMETER DROP INLET weir with crest at elev. 14' NGVD 29.

Receiving body : Existing system
Control elev : 9 feet NGVD 29.

Basin: Haverhill N of 45th, Structure: S-22

1-26" DIAMETER DROP INLET weir with crest at elev. 13.8' NGVD 29.

Receiving body : Existing system
Control elev : 9 feet NGVD 29.

US Army Corps of Engineers.
File # SAJ-2005-7887(IP-JWH)
Attachment # A, Page 1 of 3

SPECIAL CONDITIONS

Basin: Haverhill N of 45th, Structure: S-28

1-26" DIAMETER DROP INLET weir with crest at elev. 13.4' NGVD 29.

Receiving body : Existing system
Control elev : 9 feet NGVD 29.

Basin: Haverhill N of 45th, Structure: S-30

1-26" DIAMETER DROP INLET weir with crest at elev. 13.4' NGVD 29.

Receiving body : Existing system
Control elev : 9 feet NGVD 29.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.

5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.

6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.

8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.

9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.

10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.

11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.

12. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

US Army Corps of Engineers.
File # SAJ-2005-7887(IP-JWH)
Attachment # A Page 2 of 3

SPECIAL CONDITIONS

13. All special conditions outlined in Permit No. 50-08187-P, Application No. 070911-15 concerning the construction, management, monitoring and maintenance of the off-site mitigation parcel, Pine Glades West Mitigation Area, are incorporated into the permit file by reference in this permit. A total of 1.13 mitigation functional units at the Pine Glades West Mitigation Area shall be credited as mitigation for the direct and secondary wetland impacts associated with this project.

14. Silt screens, hay bales, turbidity screens/barriers or other such sediment control measures shall be utilized during construction. The selected sediment control measure shall be installed between the limits of construction and protected wetlands, other surface waters, and off-site areas, and shall be properly "trenched", etc.

15. Reference is made to Exhibit No's 2.1, 2.2 and 2.3 consisting of the plan sets for the proposed roadway project. The plan sets which have been signed and sealed by a Florida Professional Engineer are hereby incorporated in this permit by reference and are located in the permit file (please see permit file).

16. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.

US Army Corps of Engineers.
File # SAJ-2005-7887(IP-JWH)
Attachment # A, Page 3 of 3

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on December 13, 2012.
2. Operation of the Pine Glades West surface water management system and mitigation area shall be the responsibility of Palm Beach County.
3. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from on-site mitigation preservation and enhancement activities.
4. Measures shall be taken during any mitigation preservation and enhancement activities to insure that sedimentation and/or turbidity violations do not occur in receiving waters or wetlands.
5. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
6. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
7. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
8. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
9. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
10. Prior to the permittee instituting any future changes not authorized by this permit, the permittee shall notify the District of such intentions for a determination of any necessary permit modifications.
11. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
12. Any proposed revisions to the permitted work schedules shown on Exhibit No. 8.0 must include documentation that mitigation enhancement work has been completed prior to or concurrently with authorized wetland impacts.
13. The permittee and all designated contractors shall adhere to all project and mitigation details and methodology indicated on the enclosed permit Exhibits and described herein.
14. Permanent physical markers designating the preserve status of the wetland preservation area shall be placed along the northern, southern and western perimeters of the property, as shown on Exhibit No. 4.5. The markers shall be maintained in perpetuity.

US Army Corps of Engineers.
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Attachment # B Page 1 of 3

SPECIAL CONDITIONS

15. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.

16. If any construction is proposed in wetlands during the nesting season for sandhill cranes (February through April), the permittee shall first conduct a survey for active nesting sites. If active nesting sites are found, no work shall be performed in the area and the permittee shall coordinate with the Florida Fish and Wildlife Conservation Commission to determine what measures shall be taken to protect the nest(s) and obtain any necessary permits.

17. In accordance with the work schedule in Exhibit No. 8.0, the permittee shall submit two fully executed and certified copies of the recorded conservation easement for the mitigation area. The data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. This data shall be submitted as a paper map depicting the Conservation Easement over the best available satellite or aerial imagery. This data shall also reside on a CD or floppy disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

    The recorded easement shall utilize the form attached as Exhibit Nos. 6.0-6.12. Any proposed modifications to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.

18. The wetland conservation and upland preservation areas shown on Exhibit No. 2.0 may in no way be altered from their natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to: construction or placing of buildings on or above the ground; dumping or placing soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation - with the exception of exotic vegetation removal; excavation, dredging, or removal of soil materials; diking or fencing; and any other activities detrimental to drainage, flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.

19. A mitigation program for the Pine Glades West Mitigation Area shall be implemented in accordance with Exhibit Nos. 4.0-4.6. The permittee shall preserve and enhance 1,872.26 acres of predominantly high quality natural areas consisting of 783.8 acres of depressional marsh and wet prairie wetlands, 472.03 acres of wet flatwoods wetlands, and 616.43 acres mexic flatwoods uplands.

20. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas, or other surface waters have occurred due to project related activities.

21. A Letter Modification of the permit from the District demonstrating compliance with mitigation project design is required for each application for allocation of available additional mitigation functional units for Palm Beach County off-site projects. In addition, each shall be accompanied by an updated brief summary of the status of the project and an updated Mitigation Functional Units Balance Sheet as shown on Exhibit No. 5.0.

22. A monitoring and maintenance program for the mitigation area shall be implemented in accordance with Exhibit Nos. 4.0-4.6, 7.0-7.4 and 8.0. The monitoring program shall extend for a period of six years with annual reports submitted to District Environmental Resource Compliance staff, or longer as needed to demonstrate compliance with the criteria below.

US Army Corps of Engineers.
File # SAJ-2005-7887(IP-JWH)
Attachment # B , Page 2 of 3

SPECIAL CONDITIONS

Vegetative success criteria for the mitigation areas are:

A) All mitigation areas (wetlands and uplands):

1) Will be maintained less than 5% exotic nuisance plants (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) for 6 consecutive years to achieve success, then in perpetuity per the long-term maintenance provisions.

2) Other nuisance plants shall be controlled at no more than 5% coverage and maintained at or below this level for 6 consecutive years, and in perpetuity per the long-term maintenance provisions.

3) In addition, exotic and other nuisance plants shall be controlled such that these species do not dominate any one section of those areas. Specifically, no area of 1/2 acre in size shall exceed the 5% coverage required for the overall conservation area.

23. A maintenance program shall be implemented in accordance with Exhibit Nos. 4.0-4.4 and in accordance with the Management Plan For Pine Glades Natural Area, Exhibit Nos. 7.0-7.4, for the wetland and upland areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas maintain the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.

24. A time zero monitoring report shall be conducted in accordance with Exhibit Nos. 4.0-4.6 and 8.0. The plan shall include a survey of the areal extent, acreage and cross-sectional elevations of the created/restored areas and panoramic photographs for each habitat type. The report shall also include a description of planted species, sizes, total number and densities of each plant species within each habitat type as well as mulching methodology.

25. Activities associated with the implementation of the mitigation monitoring and maintenance plan shall be completed in accordance with the work schedule attached as Exhibit No. 8.0. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.

US Army Corps of Engineers

File # SAJ-2005-7887(IP-JWH)
Attachment # B, Page 3 of 3

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. **Department of the Army Permit Number:** _____

2. **Permittee Information:**

Name _____

Address _____

_____

3. **Project Site Identification:**

Physical location/address _____

_____

4. **As-Built Certification:**

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

_____ _____

Signature of Engineer **Name (Please type)**

_____ _____

(FL, PR or VI) Reg. Number Company Name

_____

Address

_____

City State ZIP

(Affix Seal)

_____ _____

Date Telephone Number

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)

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Deviations from the approved permit drawings and special conditions:
(attach additional pages if necessary)

Wetland Mitigation Plan
45th Street (Jog Road to Haverhill Road) Mitigation Area

USACOE File No. _____

Site Description

The proposed 45th Street (Jog Road to Haverhill Road) Mitigation Area (Mitigation Area) will involve preservation and management of 20 acres within Palm Beach County's (the County) Pine Glades Natural Area (Natural Area). The Mitigation Area consists of 20 acres of wetlands located adjacent to the western edge of Pine Glades South Mitigation Area [Pine Glades South, USACOE File No. SAJ-2004-10276 (Mod-JBH)], and the southwest corner of Pine Glades North Mitigation Area [Pine Glades North, USACOE File No. SAJ-2007-4122 (JWH)], which are also part of the Natural Area (Figure 1.01-1.02). This Mitigation Area is intended to serve as an offsite mitigation area for wetland impacts incurred during the construction of the 45th Street (Jog Road to Haverhill Road) project.

The Mitigation Area is predominantly high quality native wetland communities. The mitigation area is composed primarily of depressional and wet prairie wetland systems, wet flatwoods, and mesic flatwoods (hydric). The existing communities, their acreages, and functional analyses for each community within the Mitigation Area are shown on Figures 2.01-2.02.

Proposed Mitigation Plan

The proposed mitigation plan involves placing a Passive Recreational Conservation Easement in favor of the SFWMD over an 1879.85-acre area known as Pine Glades West. This area includes the proposed Mitigation Area. The Mitigation Area will be incorporated in the County's Pine Glades Natural Area Management Plan (Management Plan, Attachment 1), which provides for ongoing management and maintenance of the Natural Area, including the treatment/removal of exotic/nuisance (e/n) plant species. Additionally, prescribed burns will be utilized to encourage native species regeneration and to reduce coverage of e/n species. For more information on the Management Plan, please refer to Attachment 1. In addition to the Management Plan, the following actions will also be taken by the County to ensure the perpetual preservation of the Mitigation Area.

D. Control of Feral Hog Populations

To control feral hog populations on its natural areas, the County will contract with the U.S. Department of Agriculture (Animal and Plant Health and Inspection Services, Wildlife Services) to provide feral hog removal services. These services will be provided on an as-needed-basis in the mitigation area.

US Army Corps of Engineers.
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E. Control of Unauthorized Off-road Vehicle and Equestrian Use

Unauthorized off-road vehicle use is a problem in certain portions of the Natural Area. Fencing and/or barriers shall be installed/maintained along the boundaries of the Natural Area in a manner that will limit unauthorized uses of the Mitigation Area. In addition, the County has a contract with the Sheriff's Department to provide deputies to patrol the County's Natural Areas, including this Mitigation Area. These deputies periodically patrol the Natural Area, stopping, citing and arresting persons who violate the County's Natural Areas Ordinance (94-13) which prohibits unauthorized vehicles and requires permits for equestrian use of specifically designated equestrian trails. No equestrian trails are currently proposed within the Natural Area.

F. Monitoring and Reporting

The permit for Pine Glades South set up two control monitoring stations and two staff gauges located west of Pine Glades South (Figure 3 and 4). One of these stations is northwest of the proposed Mitigation Area. As these stations are already being monitored through 2014, the County proposes to include monitoring for this mitigation area in the monitoring reports for Pine Glades South. Twice yearly vegetation transect surveys and photopoint monitorings, as well as migratory and non-migratory wildlife surveys, and annual macrofauna surveys shall be conducted through 2014. Staff gauge readings shall be recorded for each of 12 staff gauges (Figure 4) on a monthly basis through the monitoring period.

Conservation Easement

A passive recreational conservation easement in favor of the SFWMD will be placed over the entire mitigation area to provide perpetual protection to the Mitigation Area. Figure 5 is the passive recreational conservation easement form proposed by the County.

Public Use Facilities

As previously mentioned, Pine Glades West will be included within the Natural Area. The Management Plan includes passive recreational uses on the Natural Area. There will be at-grade hiking trails and management trails that will act as fire breaks to aid in management of the site. No additional facilities will be located on the Mitigation Area.

Functional Gain

The purpose of the Mitigation Area is to offset adverse impacts to wetlands incurred during the 45th Street (Jog Road to Haverhill Road) project. Figure 2.01 through 2.02 show the Uniform Mitigation Assessment Method (UMAM, Chapter 62-345, Florida Administrative Code) assessment areas (AA), their sizes, and functional analyses for each AA. The Mitigation Area will produce a total of 1.16 freshwater functional units which will offset the loss of 1.16 functional units at the 45th Street (Jog Road to Haverhill Road) project.

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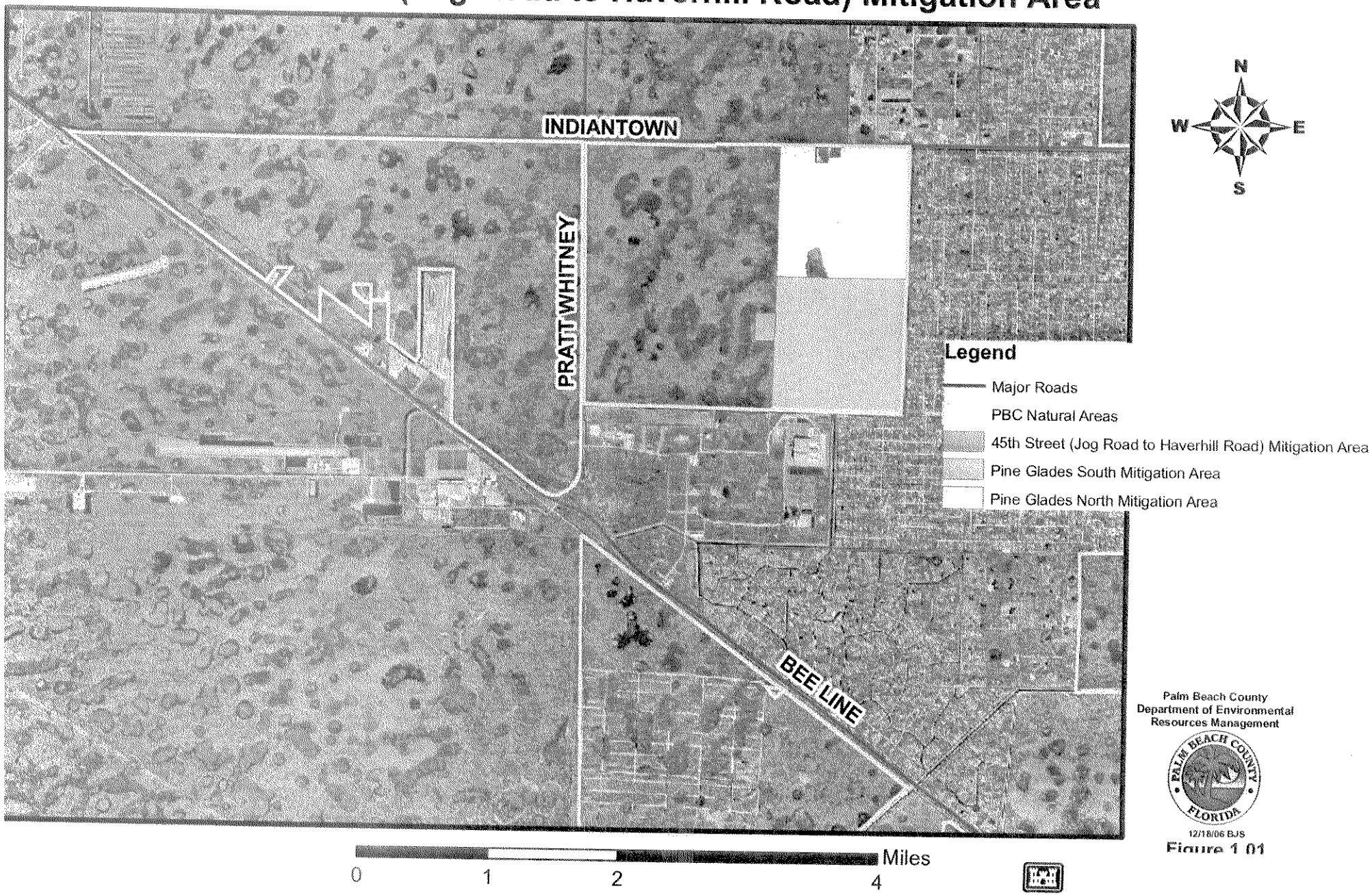
45th Street (Jog Road to Haverhill Road) Mitigation Area



Palm Beach County
Department of Environmental
Resources Management

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Figure 1.01

US Army Corps
of Engineers.

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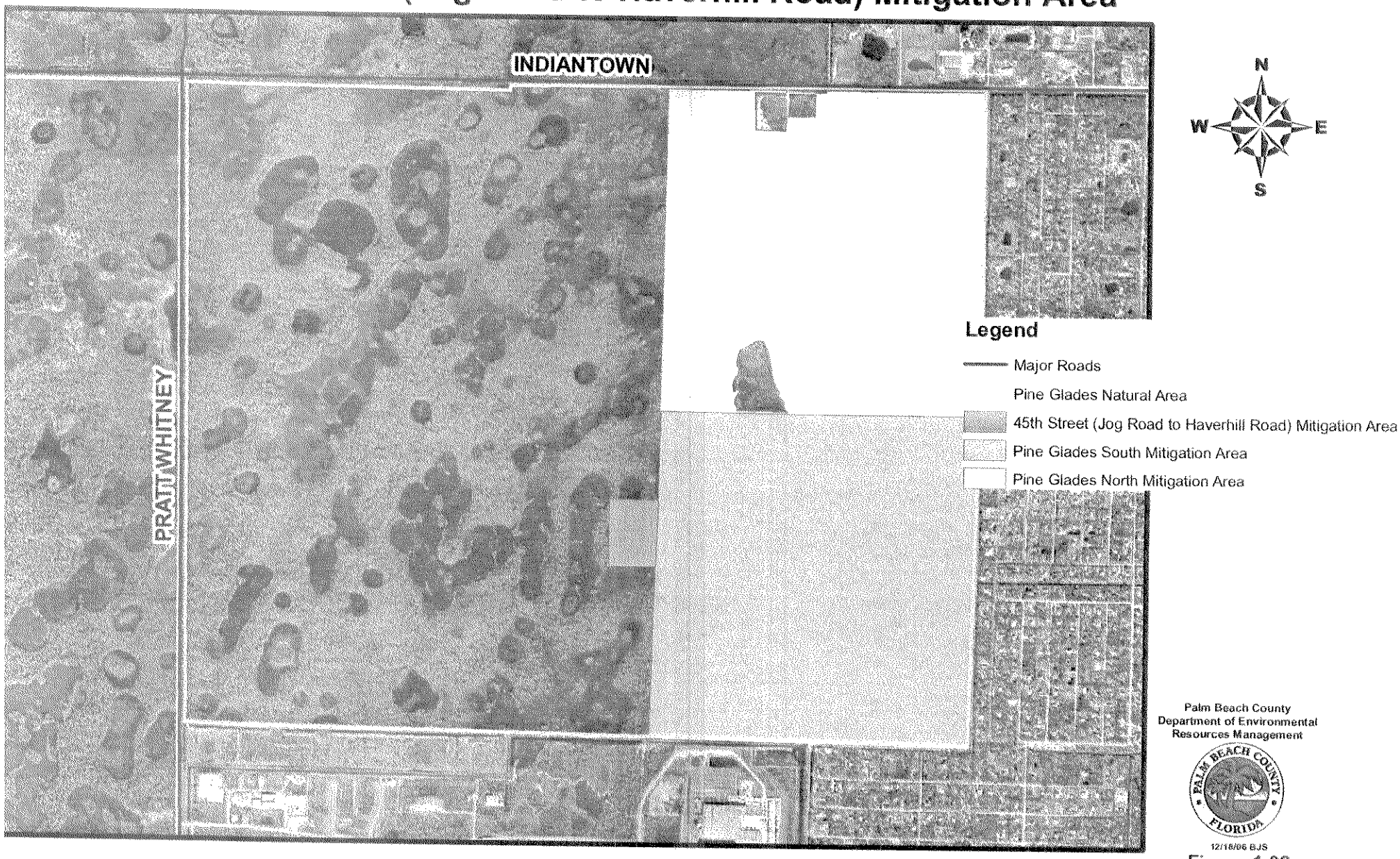
45th Street (Jog Road to Haverhill Road) Mitigation Area



Miles

0 0.375 0.75 1.5

Palm Beach County
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Figure 1.02

US Army Corps
of Engineers.

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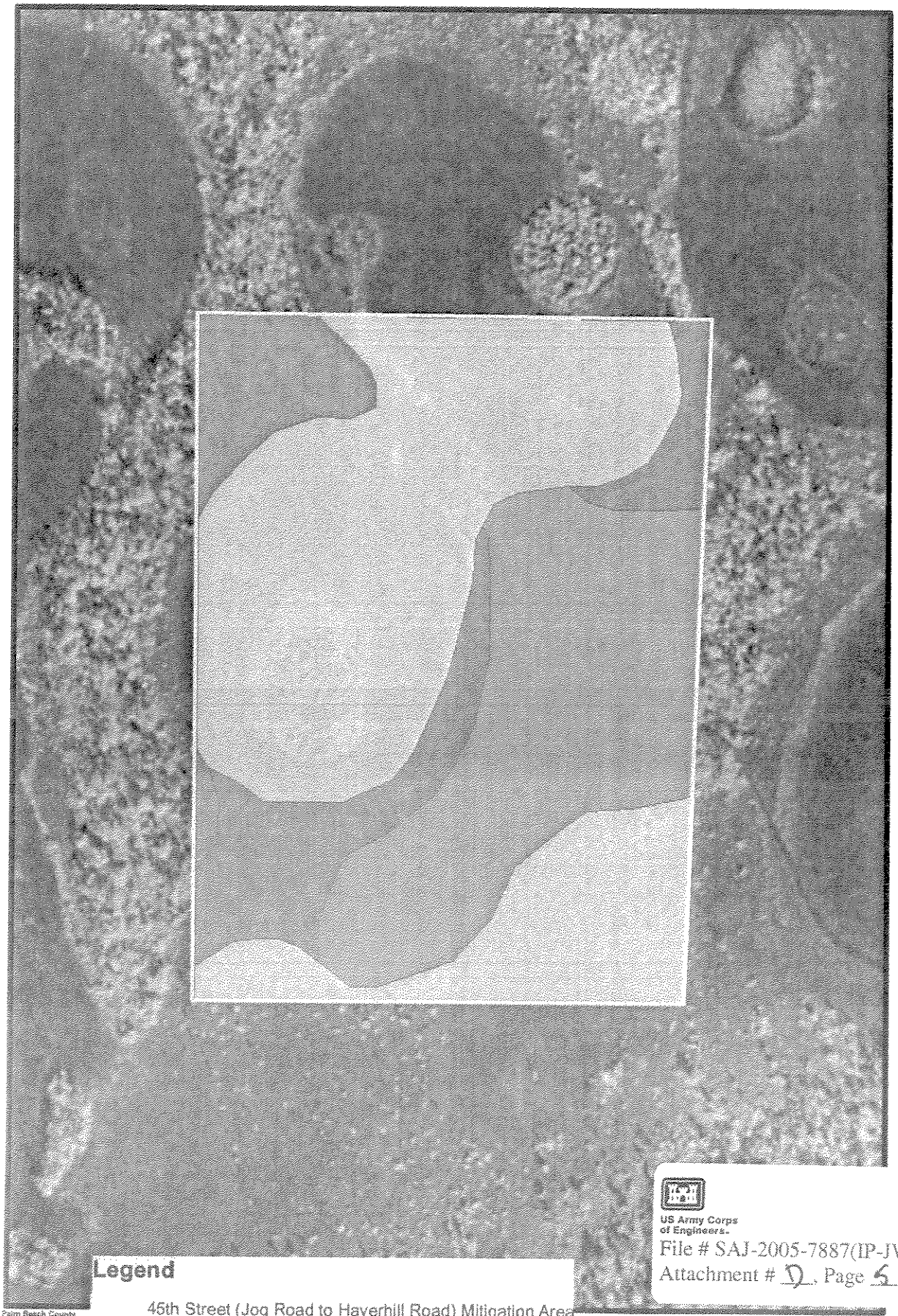
45th Street (Jog Road to Haverhill Road) Mitigation Area Assessment Areas



US Army Corps of Engineers

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Legend

45th Street (Jog Road to Haverhill Road) Mitigation Area

- MESIC FLATWOODS (HYDRIC) - 5.50 Acres
- DEPRESSION MARSH/WET PRAIRIE - 10.81 Acres
- WET FLATWOODS - 3.69 Acres

Feet
0 130 260

N W E S

Palm Beach County
Department of Environmental Resources Management

12/16/05 BJB

Figure 2.01

Figure 2.02

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
45th Street (Jog Road to Haverhill Road) Mitigation Area		High Quality Depression Marsh/Wet Prairie

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
641/643		Mitigation	10.81 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Loxahatchee River Watershed	Class III	Palm Beach County Natural Area

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Part of Pine Glades Natural Area and adjacent to three other County mitigation areas.

Assessment area description

Freshwater herbaceous depressional/wet prairie wetland systems. Majority of vegetation is appropriate, desirable native species including Xyris spp., Hypericum fasciculatum, Fulrena scirpoidea, Eleocharis spp., Utricularia spp., Nuphar luteum, Nymphaea odorata, Stillingia aquatica, Rhynchospora sp. Fringes of this polygon contain a small coverage of melaleuca (less than 5 percent).

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Pine Glades Natural Area to the east and west, John C. and Mariana Jones/ Hungryland Wildlife and Environmental Area (hereon, Pal-Mar) to the north, Jupiter Farms to the east	not unique

Functions	Mitigation for previous permit/other historic use
Provides entire life history for insects, amphibians, some fish. Provides foraging area for a variety of wading birds, raptors, etc. Provides habitat for reptiles and several mammals.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Song birds, wading birds, raptors, snakes, lizards, alligators, turtles, bobcat, deer, otter, other small mammals, amphibians	Alligator, little blue heron, snowy egret, white ibis, glossy ibis, sandhill crane, tricolored heron, snail kite, wood stork

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

directly observed great egrets, sandhill cranes, apple snails, etc. Observed otter, deer, and feral hog tracks on wetland edges.

Additional relevant factors:

N/A

Assessment conducted by:	Assessment date(s):
Benji Studt	15-Aug-07

US Army Corps of Engineers.
File # SAJ-2005-7887(IP-JWH)

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
45th Street (Jog Road to Haverhill Road) Mitigation Area		High Quality Wet Flatwoods

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
625		Mitigation	3.69 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Loxahatchee River Watershed	Class III	Palm Beach County Natural Area

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Part of Pine Glades Natural Area and adjacent to three other County mitigation areas.

Assessment area description

Hydric pine wetlands. Majority of vegetation is appropriate, desirable native species including an overstory of slash pine (Pinus elliotii), scattered dahoon holly (Ilex cassine), and swamp bay (Persea palustris), and an understory of yellow-eye grass (Xyris spp.), St. John's-wort (Hypericum fasciculatum), Fuirena scirpoidea, wax myrtle (Myrica cerifera), Rhexia spp., bog buttons (Lachnocaulon spp.), pipeworts (Eriocaulon spp.), and little blue maidencane (Amphicarpum muhlenbergianum). Contains less than 5% coverage of melaleuca.

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Pine Glades Natural Area to the east and west, Pal-Mar to the north, Jupiter Farms to the east	not unique

Functions	Mitigation for previous permit/other historic use
Provides entire life history for insects, amphibians. Provides foraging area for a variety of wading birds, raptors, etc. Provides habitat for reptiles and several mammals.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Song birds, wading birds, raptors, snakes, lizards, turtles, bobcat, deer, otter, other small mammals, amphibians	little blue heron, snowy egret, white ibis, glossy ibis, sandhill crane, tricolored heron, wood stork

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

directly observed great egrets, red-shouldered hawk, green and cuban anoles, black racer. Heard calls from sandhill cranes. Observed deer, and feral hog tracks within wetland.

Additional relevant factors:

N/A

Assessment conducted by:	Assessment date(s):
Benji Studt	15-Aug-07

US Army Corps of Engineers.
File # SAJ-2005-7887(IP-JWH)

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
45th Street (Jog Road to Haverhill Road) Mitigation Area		High Quality Mesic Flatwoods (Hydric)

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
411(h)		Mitigation	5.50 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Loxahatchee River Watershed	Class III	Palm Beach County Natural Area

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Part of Pine Glades Natural Area and adjacent to three other County mitigation areas.

Assessment area description

Pine Flatwoods (hydric). Majority of vegetation is appropriate, desirable native species including an overstory of slash pine (Pinus elliotrii), scattered dahoon holly (Ilex cassine), and swamp bay (Persea palustris), and an understory consisting of saw palmetto (Serenoa repens), yellow-eye grass (Xyris spp.), St. John's-wort (Hypericum fasciculatum), wax myrtle (Myrica cerifera), Rhexia spp., bog buttons (Lachnocaulon spp.), little blue maidencane (Amphicarpum muhlenbergianum), wiregrass (Aristida stricta). Less than 5% coverage of melaleuca. Needs fire management.

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Pine Glades Natural Area to the south and west, Pal-Mar to the north, Jupiter Farms to the east	not unique

Functions	Mitigation for previous permit/other historic use
Provides support to surrounding wetland communities and provides nesting/roosting area for many species utilizing surrounding wetlands.	No

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Song birds, wading birds, raptors, snakes, lizards, turtles, bobcat, deer, otter, other small mammals, amphibians	little blue heron, snowy egret, snail kite, white ibis, glossy ibis, sandhill crane, tricolored heron, wood stork

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

directly observed red-shouldered hawk, green and cuban anoles, black racers, and deer. Heard calls from sandhill cranes. Observed deer, and feral hog tracks.

Additional relevant factors:

N/A

Assessment conducted by:	Assessment date(s):
Benji Studt	15-Aug-07

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
45th Street (Jog Road to Haverhill Road) Mitigation Area		High Quality Depression Marsh/Wet Prairie
Impact or Mitigation	Assessment conducted by:	Assessment date:
Mitigation	Benji Studt	8/15/2007

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support	Predominantly native communities with desirable native vegetation outside of the assessment area. Provides fairly good supporting habitat to the assessment area. Some disturbance due to Indiantown Road to the north, Seminole Pratt Whitney Road to the West, and Palm Beach Park of Commerce to the south.	w/o pres or current: 7; with: 7
.500(6)(b)Water Environment (n/a for uplands)	Hydrology is adequate to maintain predominance of desirable native vegetation	w/o pres or current: 8; with: 8
1. Vegetation and/or 2. Benthic Community	The majority of vegetation is currently appropriate for this community type (see Part I). However, without preservation and management, exotic vegetation would begin to dominated these wetland systems.	w/o pres or current: 5; with: 9

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.67	0.8

Delta = [with-current]
0.13

If preservation as mitigation,
Preservation adjustment factor = 0.4
Adjusted mitigation delta = 0.05

If mitigation
Time lag (t-factor) =
Risk factor =

For impact assessment areas
FL = delta x acres =

For mitigation assessment areas
RFG = delta/(t-factor x risk) = 0.05

Form 62-345.900(2), F.A.C. [02/02/04]

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
45th Street (Jog Road to Haverhill Road) Mitigation Area		High Quality Wet Flatwoods
Impact or Mitigation	Assessment conducted by:	Assessment date:
Mitigation	Benji Studt	8/15/2007

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support	Predominantly native communities with desirable native vegetation outside of the assessment area. Provides fairly good supporting habitat to the assessment area. Some disturbance due to Indiantown Road to the north, Seminole Pratt Whitney Road to the West, and Palm Beach Park of Commerce to the south.	w/o pres or current: 7; with: 7
.500(6)(b)Water Environment (n/a for uplands)	Hydrology is adequate to maintain predominance of desirable native vegetation.	w/o pres or current: 8; with: 8
1. Vegetation and/or 2. Benthic Community	The majority of vegetation is appropriate for this community type (see Part I). If not preserved and managed, the assessment area would experience significant encroachment by e/n vegetation and disturbance from hog rooting, etc.	w/o pres or current: 5; with: 9

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.67	0.8

Delta = [with-current]
0.13

If preservation as mitigation,
Preservation adjustment factor = 0.5
Adjusted mitigation delta = 0.065

If mitigation
Time lag (t-factor) =
Risk factor =

For impact assessment areas
FL = delta x acres =

For mitigation assessment areas
RFG = delta/(t-factor x risk) = 0.065

Form 62-345.900(2), F.A.C. [02/02/04]

US Army Corps of Engineers.

File # SAJ-2005-7887(IP-JWH)

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
45th Street (Jog Road to Haverhill Road) Mitigation Area		High Quality Mesic Flatwoods (hydric)
Impact or Mitigation	Assessment conducted by:	Assessment date:
Mitigation	Benji Studt	8/15/2007

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support	Predominantly native communities with desirable native vegetation outside of the assessment area. Provides good supporting habitat to the surrounding wetland areas. Some disturbance due to Indiantown Road to the north, Seminole Pratt Whitney Road to the West, and Palm Beach Park of Commerce to the south.	w/o pres or current: 7; with: 7
.500(6)(b)Water Environment (n/a for uplands)	Hydrology is adequate to maintain predominance of desirable native vegetation.	w/o pres or current: 8; with: 8
1. Vegetation and/or 2. Benthic Community	The majority of vegetation is appropriate for this community type (see Part I). These upland communities provide good supporting habitat to the surrounding wetland communities. If not preserved and managed, the assessment area would experience some encroachment by e/n vegetation and disturbance from hog rooting, etc.	w/o pres or current: 5; with: 9

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.67	0.8

Delta = [with-current]
0.13

If preservation as mitigation,
Preservation adjustment factor = 0.5
Adjusted mitigation delta = 0.065

If mitigation
Time lag (t-factor) =
Risk factor =

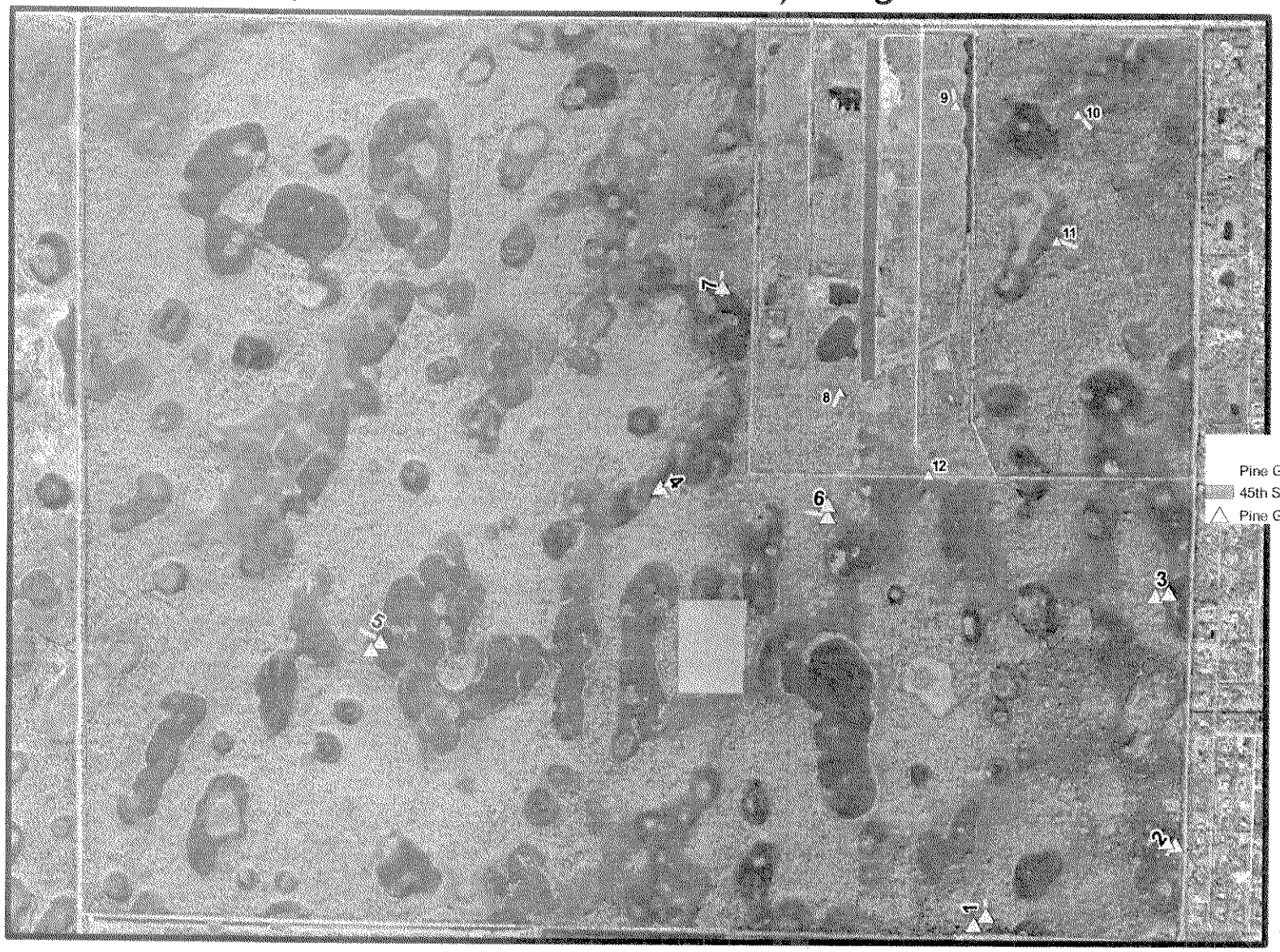
For impact assessment areas
FL = delta x acres =

For mitigation assessment areas
RFG = delta/(t-factor x risk) = 0.065

Form 62-345.900(2), F.A.C. [02/02/04]

US Army Corps of Engineers

45th Street (Jog Road to Haverhill Road) Mitigation Area Transects/Photopoints



Legend

- Pine Glades transects
- 45th Street (Jog Road to Haverhill Road) Mitigation Area
- Pine Glades photopoints

0 2,000 4,000 8,000 Feet

Palm Beach County
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Figure 3

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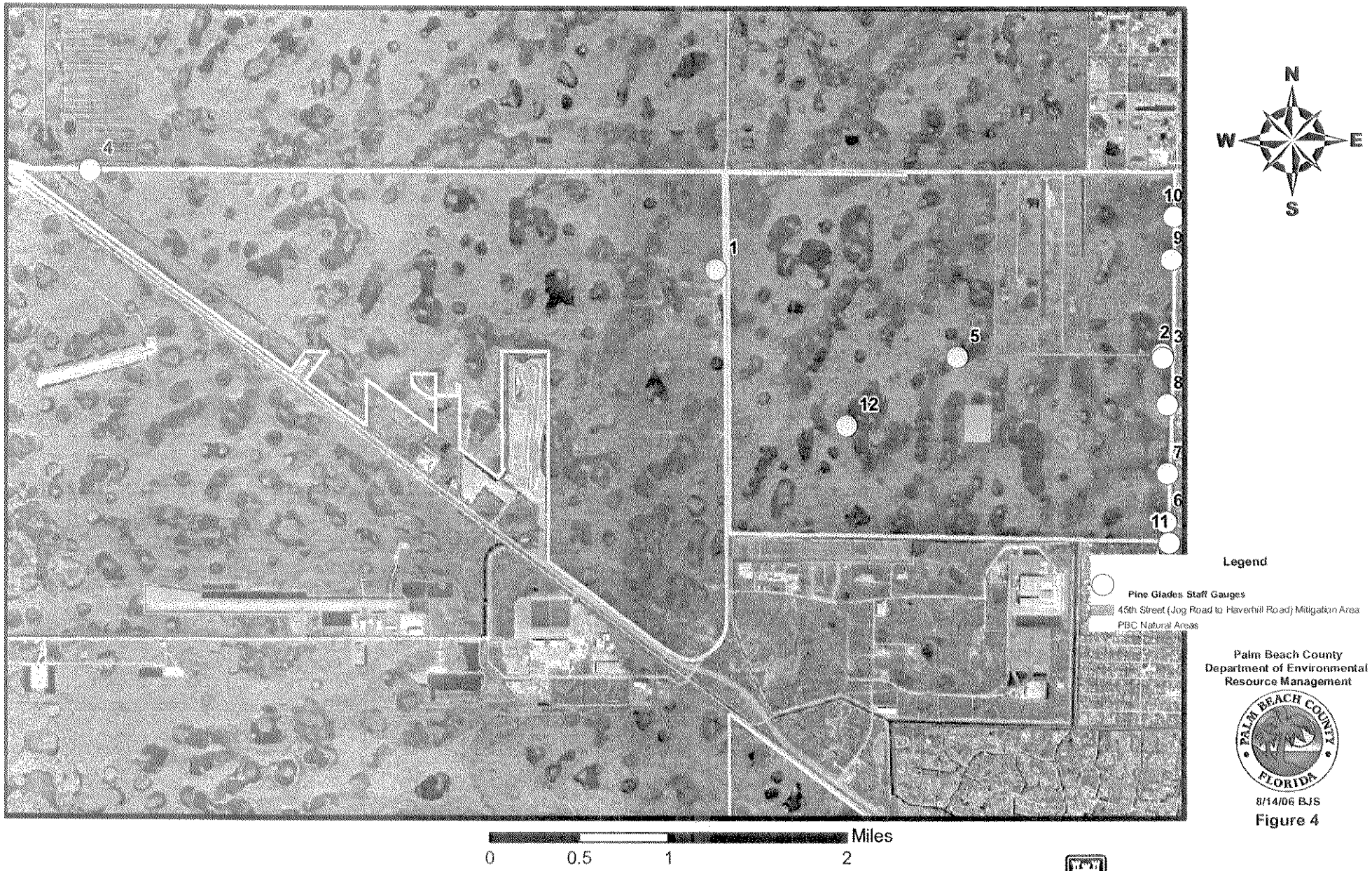
45th Street (Jog Road to Haverhill Road) Mitigation Area Staff Gauge Locations



Palm Beach County
Department of Environmental
Resource Management

8/14/06 BJS

Figure 4

US Army Corps
of Engineers

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Figure 5

DEED OF CONSERVATION EASEMENT

Return recorded document to:
South Florida Water Management District
3301 Gun Club Road, MSC 4210
West Palm Beach, FL 33406

THIS DEED OF CONSERVATION EASEMENT is given this _____day of _____, 2008, by Palm Beach County, a political subdivision of the State of Florida, 301 N. Olive Avenue, West Palm Beach, Florida 33401 ("Grantor"), to the South Florida Water Management District ("Grantee"). As used herein, the term "Grantor" shall include any and all , successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Palm Beach County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct Pine Glades West Mitigation Area ("Project") at a site in Palm Beach County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Permit No. 50-08187-P ("Permit") authorizes certain activities which affect surface waters in or of the State of Florida; and

WHEREAS, this Permit requires that the Grantor preserve, enhance, restore and/or mitigate wetlands and/or uplands under the District's jurisdiction; and

WHEREAS, the Grantor has developed and proposed as part of the Permit conditions a conservation tract and maintenance buffer involving preservation of certain wetland and/or upland systems on the Property; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement defined in Section 704.06, Florida Statutes, over the area described on Exhibit "A" ("Conservation Easement").

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates, and establishes a

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perpetual Conservation Easement for and in favor of the Grantee upon the described on Exhibit "A" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the Conservation Easement which are to be preserved, enhanced or created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Easement that may be damaged by any inconsistent activity or use.

3. Prohibited Uses. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, or other activities described herein that are permitted or required by the Permit, the following activities are prohibited in or on the Conservation Easement:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a District approved maintenance plan;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or

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other material substance in such manner as to affect the surface;

e. Surface use except for purposes that permit the land or water area to remain in its natural or enhanced condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;

g. Acts or uses detrimental to such aforementioned retention of land or water areas;

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. Passive Recreational Facilities. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and that are not inconsistent with any District rule, criteria, the Permit and the intent and purposes of this Conservation Easement. Passive recreational uses that are not contrary to the purpose of this Conservation Easement may be permitted upon written approval by the District. Without limiting the generality of the foregoing, the following rights are expressly reserved:

a. The Grantor may conduct limited land clearing for the purpose of constructing such pervious facilities as docks, boardwalks or mulched walking trails: and

b. The Grantor may construct and maintain passive public use facilities for the purpose of educating the public or allowing public access and recreation which have minimal or no impact on natural resources; and

c. Grantor may place signs and markers as necessary to identify trails, restoration areas, or other site features related to public use and land management activities; and

d. Grantor may construct and maintain to the extent allowed by current and future permits, at-grade, management roads, fire breaks, trails, walkways, piers, observation platforms or boardwalks necessary to provide public access and management activities as provided for in the site's management plan; and

e. Grantor may remove or kill by any lawful means, exotic or nuisance vegetation or animal species, conduct prescribed burns and conduct other management activities necessary to carry out management for conservation purposes; and

f. Grantor may conduct restoration and enhancement projects which do not conflict with the purpose of this easement: and

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g. The construction and use of the approved passive recreational facilities shall be subject to the following conditions:

i. Grantor shall minimize and avoid, to the fullest extent possible, impact to any wetland or upland buffer areas within the Conservation Easement Area and shall avoid materially diverting the direction of the natural surface water flow in such area;

ii. Such facilities and improvements shall be constructed and maintained utilizing Best Management Practices;

iii. Adequate containers for litter disposal shall be situated adjacent to such facilities and improvements and periodic inspections shall be instituted by the maintenance entity, to clean any litter from the area surrounding the facilities and improvements;

iv. This Conservation Easement shall not constitute permit authorization for the construction and operation of the passive recreational facilities. Any such work shall be subject to all applicable federal, state, District or local permitting requirements.

5. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

6. Grantee's Liability. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

7. Property Taxes. Grantor shall keep the payment of taxes and assessments on the Easement Parcel current and shall not allow any lien on the Easement Parcel superior to this Easement. In the event Grantor fails to extinguish or obtain a subordination of such lien within a reasonable period of time after receipt of written notification by Grantee of the existence of such lien, in addition to any other remedy, the Grantee may, but shall not be obligated to, elect to pay the lien on behalf of the Grantor and Grantor shall reimburse Grantee for the amount paid by Grantee, no later than ninety days after such payment.

8. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder.

9. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such

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interests under the applicable state laws.

10. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

11. Terms, Conditions, Restrictions, Purpose. The terms, conditions, restrictions and purpose of this Conservation Easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this Conservation Easement.

12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Palm Beach County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor islawfully seized of said Property in fee simple; has good right and lawful authority to convey this Conservation Easement; (Counties are prohibited from granting warrants of title or to represent any state of facts concerning the same pursuant to Florida State Statute 125.411. Also, County deeds of conveyance are not required to be witnessed or acknowledged, but shall be entitled to record when properly executed pursuant to the same state statute (accordingly, I revised the signature page below).

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IN WITNESS WHEREOF,

_____

_____

(Grantor) has hereunto set its authorized hand this _____ day of _____, 20_____.

_____

PALM BEACH COUNTY
a political subdivision of the State of Florida

By:_____
ADDIE L GREENE, Chairperson

ATTEST:

SHARON R. BOCK, CLERK AND COMPTROLLER

By:_____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL AND SUFFICIENCY

By:_____
Assistant County Attorney

APPROVED AS TO TERMS CONDITIONS

By: _____
Richard E. Walesky, Director
Department of Environmental Resources Management

EXHIBIT A

[DESCRIPTION OF PROPERTY]

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PINE GLADES WEST MITIGATION AREA
PALM BEACH COUNTY PROJECT NO. 2007012-20

A PARCEL OF LAND LYING IN SECTION 5, 6, 7 & 8, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

THE WEST HALF (W 1/2) OF SECTION 5, ALL OF SECTION 6 AND 7, AND THE WEST HALF (W 1/2) OF SECTION 8, ALL IN TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA:

LESS THE RIGHT-OF-WAY FOR INDIANTOWN ROAD (STATE ROAD 706) AS RECORDED IN DEED BOOK 935, PAGE 486 AND THE RIGHT-OF-WAY FOR PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 6, PAGE 18, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL CONTAINING 1,879.85 ACRES MORE OR LESS.

SURVEYOR'S REPORT

SEE THE BOUNDARY SURVEY FOR PAL-MAR (PALM BEACH COUNTY) - BUREAU OF SURVEYING AND MAPPING DIVISION OF STATE LANDS, PREPARED BY LINDAHL, BROWNING, FERRARI & HELLSTROM, INC. - DRAWING NAME 98-225 S1.DWG - OFF. NO. 994.1 (22 SHEETS) FOR INFORMATION CONCERNING THE RIGHT-OF-WAY OF INDIANTOWN ROAD AND PRATT WHITNEY ROAD.

THIS INSTRUMENT PREPARED BY GLENN W. MARK, P.L.S. IN THE OFFICE OF THE COUNTY ENGINEER, 2300 NORTH JOG ROAD, WEST PALM BEACH, FLORIDA 33411-2745.

NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SIGNING SURVEYOR. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY, WHICH ARE UNKNOWN TO THE SIGNING SURVEYOR.

COORDINATES SHOWN ARE GRID

DATUM = NAD 83, 1990 ADJUSTMENT

ZONE = FLORIDA EAST

LINEAR UNITS = US SURVEY FOOT

COORDINATE SYSTEM 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION

ALL DISTANCES ARE GROUND.

PROJECT SCALE FACTOR = 1.000005081

GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE

ALL FEATURE SYMBOLS SHOWN ARE NOT TO SCALE.

THIS IS NOT A SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

GLENN W. MARK, P.L.S.
FLORIDA CERTIFICATE #5304

12/2/07
DATE

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SHEET 1 OF 2
PROJECT NO.

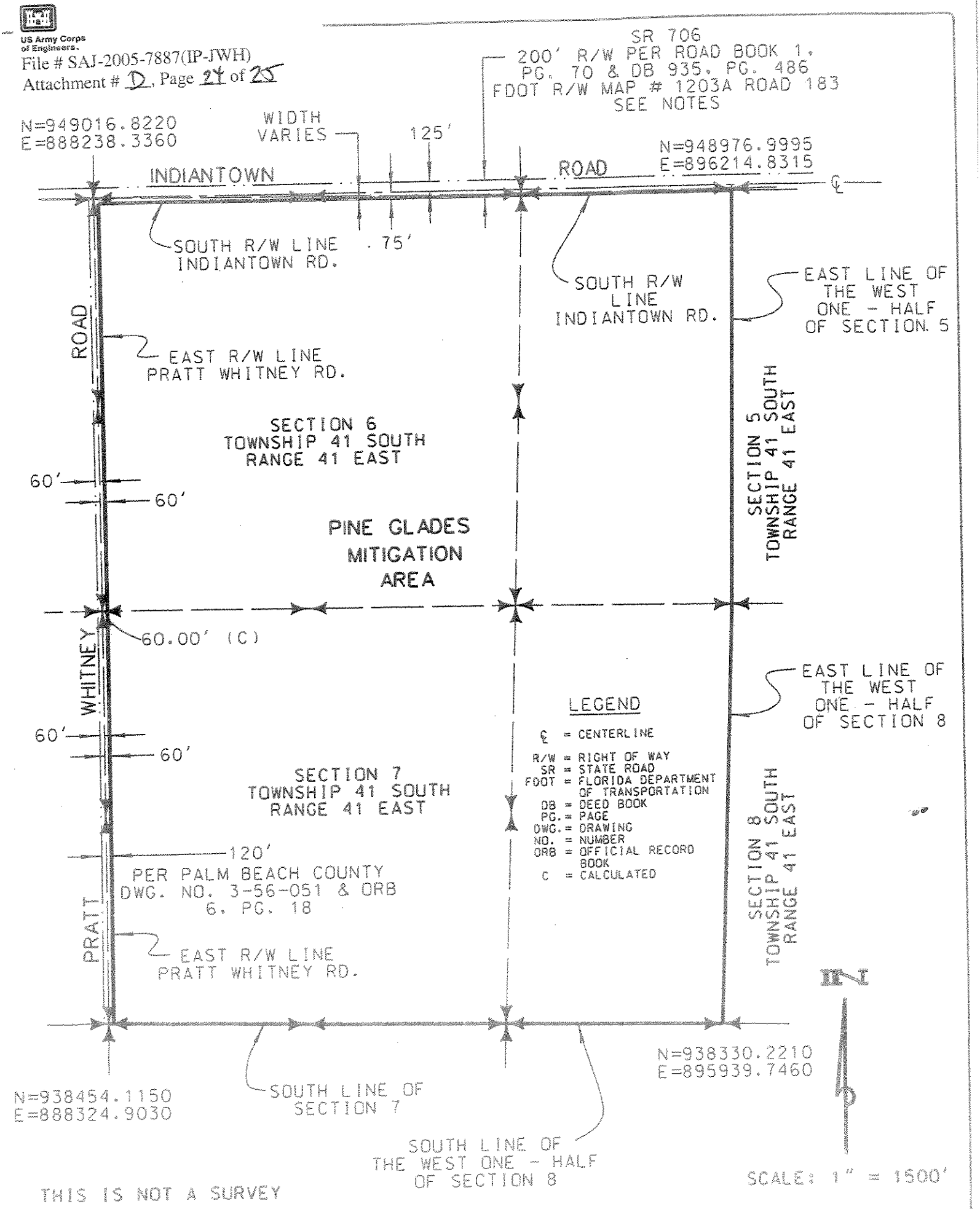
PROJECT:
PINE GLADES WEST MITIGATION AREA

DESIGN FILE NAME: S-1-07-2766.DGN
DRAWING NO.: S-1-07-2766

DATE DRAWN: 09/27/07
CHECKED: W.C.E.
DRAWN: E.A.D.
APPROVED: G.W.M.
SCALE: 1" = 1500'
FIELD BOOK NO.: N/A

NO.	REVISION	BY	DATE

PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS
ENGINEERING SERVICES
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411


SR 706
200' R/W PER ROAD BOOK 1, PG. 70 & DB 935, PG. 486
FDOT R/W MAP # 1203A ROAD 183
SEE NOTES
N=949016.8220
E=888238.3360
WIDTH VARIES
125'
N=948976.9995
E=896214.8315
INDIANTOWN
ROAD
℄
SOUTH R/W LINE INDIANTOWN RD.
75'
SOUTH R/W LINE INDIANTOWN RD.
EAST LINE OF THE WEST ONE - HALF OF SECTION 5
ROAD
EAST R/W LINE PRATT WHITNEY RD.
SECTION 6
TOWNSHIP 41 SOUTH
RANGE 41 EAST
SECTION 5
TOWNSHIP 41 SOUTH
RANGE 41 EAST
60'
60'
PINE GLADES
MITIGATION
AREA
WHITNEY
60.00' (C)
EAST LINE OF THE WEST ONE - HALF OF SECTION 8
60'
60'
LEGEND
℄ = CENTERLINE
R/W = RIGHT OF WAY
SR = STATE ROAD
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
DB = DEED BOOK
PG. = PAGE
DWG. = DRAWING
NO. = NUMBER
ORB = OFFICIAL RECORD BOOK
C = CALCULATED
SECTION 7
TOWNSHIP 41 SOUTH
RANGE 41 EAST
SECTION 8
TOWNSHIP 41 SOUTH
RANGE 41 EAST
120'
PER PALM BEACH COUNTY DWG. NO. 3-56-051 & ORB 6, PG. 18
PRATT
EAST R/W LINE PRATT WHITNEY RD.
N
N=938330.2210
E=895939.7460
N=938454.1150
E=888324.9030
SOUTH LINE OF SECTION 7
SOUTH LINE OF THE WEST ONE - HALF OF SECTION 8
SCALE: 1" = 1500'
THIS IS NOT A SURVEY

45th STREET (JOG ROAD TO HAVERHILL ROAD) MITIGATION AREA CONSTRUCTION SCHEDULE

	Expected Completion Date
Receive USACOE Permit	25 July 2008
Record Conservation Easement to SFWMD	31 August 2008
Time Zero Monitoring Report/ 1st Maintenance Event	31 July 2008
1st Annual Monitoring and Report / 2nd Maintenance Event*	31 July 2009
2nd Annual Monitoring and Report / 3rd Maintenance Event*	31 July 2010
3rd Annual Monitoring and Report / 4th Maintenance Event*	31 July 2011
4th Annual Monitoring and Report / 5th Maintenance Event*	31 July 2012
5th Annual Monitoring and Report / 6th Maintenance Event*	31 July 2013
6th Annual Monitoring and Report/ 7th Maintenance Event*	31 July 2014

* All maintenance events are contingent upon appropriate site conditions and may occur a few months before or after the proposed completion date.

Figure 6

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:

   a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
   b. instructions not to injure, harm, harass or kill this species;
   c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
   d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.

2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.

3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:

   a. any sightings of eastern indigo snakes and
   b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

Excavation Guidelines

In areas where the water table is high, gopher tortoise burrows may be commonly 8 to 10 feet long and have an angle of decline of 4:1 to a depth of less than 3 feet. Where the water table is not a restriction, length has reached 67 feet with a depth of 21 feet.

A team of at least 3 experienced persons is desired for the excavation of each burrow: one to dig with shovel or machinery; one to scope and track the burrow tunnel utilizing pvc pipe or other tracer; and one to coordinate, hand-scoop and handle any occupants of the burrow (holder of FWC and/or Service permit).

Excavation may be done manually by shovel, if, for instance, burrows are shallow (high ground water table). Otherwise, excavation by backhoe is a common option. Any digging machinery must be equipped with a tooth-less bucket/digging blade for burrow excavation.

Digging should begin at the mouth of the burrow and carefully follow the tunnel path, as identified by the tracer, to the end chamber. If a backhoe is used, the bucket should remove soil by "dragging" along the path of the tunnel, rather than maximizing soil removal by "gouging". The backhoe should be positioned behind the burrow mouth and scrape along the line of the tracer. The backhoe should not dig any closer than approximately six inches to the top of the tunnel, as soil should be removed at this point by hand, progressively, as the team works together towards the end chamber. Special attention should be exercised in navigating to the end chamber, as the tunnel frequently turns 20-30 degrees at its beginning. Soil removal in the end chamber should be by hand with attention to signs of occupancy.