



# Florida Department of Environmental Protection Permit

Permit Issued to:  
**United States Army Corps of Engineers (ACOE)**  
Attention: Eric Summa  
([eric.p.summa@usace.army.mil](mailto:eric.p.summa@usace.army.mil))  
701 San Marco Boulevard  
Jacksonville, Florida 32207-8175

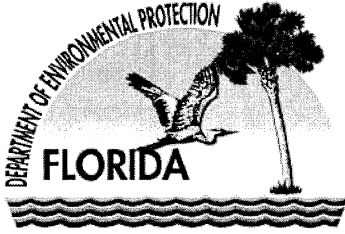
and

**Florida Inland Navigation District (FIND)**  
Attention: David Roach  
([droach@aicw.org](mailto:droach@aicw.org))  
1314 Marcinski Road  
Jupiter, Florida 33477-9498

**Environmental Resource Permit - Individual**  
Permit No.: ERP31-0273920-001-EI

Permit Issued: July 21, 2010  
Permit Expires: February 9, 2015

**Permitting Authority**  
Florida Department of Environmental Protection  
Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767  
Telephone No. 407-893-7874  
Fax No. 407-893-3075



# Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## NOTICE OF PERMIT

In the Matter of an  
Application for Permit by:

ACOE  
701 San Marco Boulevard  
Jacksonville, Florida 32207-8175  
Attention: Eric Summa

FIND  
1314 Marcinski Road  
Jupiter, Florida 33477-9498  
Attention: David Roach

Indian River County - ERP  
ACOE IR-2 Dredged Material Management Area (DMMA)  
File No. 31-0273920-001

Dear Mr. Summa and Mr. Roach:

Enclosed is Permit Number ERP31-0273920-001-EI to construct a DMMA on a 180-acre property owned by the FIND. The project site is located between United States Highway 1 and the Indian River Lagoon south of the City of Sebastian in Section 17, Township 31 South, Range 39 East, Indian River County. This permit is issued pursuant to Sections 373.118, 373.413, 373.416, and 373.426, *Florida Statutes* (F.S.) and Rules 40C-4, 40C-40, 40C-41, 40C-42, 62-312, and 62-343, *Florida Administrative Code* (F.A.C.).

Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing this application.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this notice is filed with the Clerk of the Department.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

If there are any questions, please contact Debra Laisure, P.E., of the Submerged Lands and Environmental Resource Program by telephone (407-893-7874), fax (850-412-0471), or email (Debra.Laisure@dep.state.fl.us).

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



David Herbster  
Submerged Lands and Environmental Resources  
Program

Date: July 21, 2010

DH/dl/lp/nm/dv

FILING AND ACKNOWLEDGEMENT: FILED, on  
this date, pursuant to Section 120.52, F. S., with the  
designated Department Clerk, receipt of which is  
hereby acknowledged.



Clerk

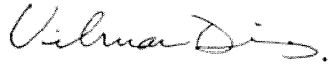
July 21, 2010

Date

Enclosure: Permit No. ERP31-0273920-001-EI  
Permit Drawings (17 pages)  
Attachment A - Recorded Conservation Easement (Indian River & St. Lucie  
County)  
DEP Form 62-343.900(3), Construction Commencement  
DEP Form 62-343.900(5), Certification of Construction Completion  
DEP Form 62-343.900(6), Environmental Resource Permit Inspection Certification  
DEP Form 62-343.900(7), Request for Transfer of Environmental Resource Permit  
Construction Phase to Operation Phase

Copies furnished to: Matthew Miller, U.S. ACOE ([Matthew.J.Miller@usace.army.mil](mailto:Matthew.J.Miller@usace.army.mil))  
Joe Wagner, P.E., Taylor Engineering, Inc. ([jwagner@taylorengineering.com](mailto:jwagner@taylorengineering.com))  
Roland M. DeBlois, IRCo Environmental Management ([rdeblois@ircgov.com](mailto:rdeblois@ircgov.com))  
Nona Schaffner, FDEP, OGC, ([Nona.Schaffner@dep.state.fl.us](mailto:Nona.Schaffner@dep.state.fl.us))  
Chris Boland, FWC ([Chris.Boland@MyFWC.com](mailto:Chris.Boland@MyFWC.com))  
Michael Evans, FDEP, SED ([Michael.Evans@dep.state.fl.us](mailto:Michael.Evans@dep.state.fl.us))

**CERTIFICATE OF SERVICE**

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of  
business on July 21, 2010 to the listed persons by .



# Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

## PROJECT INFORMATION:

Permit Number: ERP31-0273920-001

Expiration Date: February 9, 2015

County: Indian River

Latitude: 27° 26' 47.07"

Longitude: 80° 26' 54.31"

Section 17/Township 31 South/Range 39 East

Project: ACOE IR-2 DMMA

## PERMITTEES:

United States Army Corps of Engineers (ACOE)

701 San Marco Boulevard

Jacksonville, Florida 32207-8175

Attention: Eric Summa

Florida Inland Navigation District (FIND)

1314 Marcinski Road

Jupiter, Florida 33477-9498

Attention: David Roach

Dear Mr. Summa and Mr. Roach:

This permit is issued under the provisions of Part IV of Chapter 373, *Florida Statutes* (F.S.) and Chapters 62.4, 62-302, 62-330, 62-343, 62-101.040, 40C-4, 40C-40, 40C-41 and 40C-42, *Florida Administrative Code* (F.A.C.). The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**Construct and Operate:** a dredged material management area (DMMA) on a 180-acre property owned by the Florida Inland Navigation District (FIND). The proposed facility will consist of an approximately 47 acre disposal area surrounded by an earthen berm approximately 12 feet high surrounded by a perimeter ditch. A system of dikes inside the DMMA will retain material dredged from the Inland Waterway allowing it to settle and dewater. An adjustable weir structure will allow supernatant to be discharged back to the Indian River Lagoon. The 50-year capacity of the DMMA is expected to be approximately 460,000 cubic yards of material. No stabilized roadways or other impervious surface are authorized to be constructed by this permit. This permit also authorizes the impact to 1.65 acres of wetland impacts including the following:

- a. Creation of a 1.55 acre salt marsh wetland system from a former citrus grove;
- b. Placement of a perpetual conservation easement over 7.18 acres of natural and created wetlands; and
- c. Removal and re-grading of the existing berm at the eastern edge of the mitigation site to match the existing mosquito impoundment elevations. After the berm has been re-graded, the area will be included within the wetland creation area.

The enclosed 17 Drawings and various attachments are attached to, and become a part of this permit.

Permittees: ACOE and FIND  
Attention: Eric Summa and David Roach

Permit Number: ERP31-0273920-001-EI  
Expiration Date: February 9, 2015

GENERAL CONDITIONS:

1. This permit, including its general and specific conditions, must be construed in light of the February 28, 2006, Interagency Cooperative Agreement for Civil Works Projects (ICA) between the Department and the Corps. As recognized in the ICA, the Department has the authority to include reasonable conditions in this permit. All of the conditions in this permit, both general and specific, are enforceable to the extent sovereign immunity has been waived under 33 V.S.C. §§ 1323 and 1344(t). The ICA is incorporated herein by reference.
2. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated changes in:
  - a) operational plans;
  - b) project dimensions, size or location;
  - c) ability to adhere to permit conditions;
  - d) project description included in the permit;
  - e) monitoring plans.

If the Department determines that a modification to the permit is required then the Corps shall apply for and obtain the modification. Department approval of the modification shall be obtained prior to implementing the change, unless the change is determined by the Department to reduce the scope of work from that authorized under the original permit, and will not affect compliance with permit conditions or monitoring requirements.

3. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information:
  - a) a description of and cause of noncompliance;
  - b) the period of noncompliance, including dates and times;
  - c) impacts resulting or likely to result from the non-compliance;
  - d) steps being taken to correct the non-compliance; and
  - e) the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law with respect to any non-compliance.

4. The Corps shall obtain any applicable licenses, permits, or other authorizations which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project.
5. Nothing herein conveys to the Corps or creates in the Corps any property right, any interest in real property, any title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of Florida's sovereign submerged lands seaward of the mean high-water line or an established erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.

Permittees: ACOE and FIND  
Attention: Eric Summa and David Roach

Permit Number: ERP31-0273920-001-EI  
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GENERAL CONDITIONS:

6. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under section 373.421(2), F.S., provides otherwise.
7. Nothing herein authorizes any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or conveys any vested rights or any exclusive privileges.
8. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site of the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.
9. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times, and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.
10. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.
11. If historic or archaeological artifacts such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the Corps shall immediately stop all activities in the immediate area which disturb the soil and notify the Department and the State Historic Preservation Officer. In the event that unmarked human remains are encountered during permitted activities, all work shall stop in the immediate area and the proper authorities notified in accordance with Section 872.05, F.S.
12. Within a reasonable time after completion of construction activities authorized by this permit, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

Permittees: ACOE and FIND  
Attention: Eric Summa and David Roach

Permit Number: ERP31-0273920-001-EI  
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**SPECIFIC CONDITIONS:**

**PERMIT ALTERATIONS**

1. All construction, operation, and maintenance shall be as set forth in the plans, specifications and performance criteria contained in the Department's files and approved by this permit. Any alteration or modification to the Dredged Material Management Area (DMMA) as permitted requires prior approval from the Department.
2. At least 48 hours prior to the commencement of construction activities authorized by this permit; the permittee shall submit to the Department a notice of commencement indicating the start time.
3. If any other regulatory agency should require revisions or modifications to the permitted project, the Department is to be notified of the revisions so that a determination can be made whether a permit modification is required.
4. Permittee must obtain a permit from the Department prior to beginning construction of subsequent phases or any other work associated with this project not specifically authorized by this permit. Any subsequent phases that require work below the mean high water level will also be reviewed by other commenting agencies, such as Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section.

**WATER QUALITY**

5. Turbidity must be controlled to prevent violations of water quality pursuant to Rule 62-302-530(69), Florida Administrative Code. Turbidity shall not exceed 29 Nephelometric Turbidity Units above natural background conditions in any on-site surface waters. Turbidity barriers shall be correctly installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed work. It is understood that "receiving waterbody" shall not be construed to mean the permittee's DMMA, settling pond, dredge lake, or other parts of the permittee's closed water system. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the permittee will be responsible for the removal of the barriers.
6. The adjacent Indian River Lagoon is an Outstanding Florida Water (OFW) and an Aquatic Preserve (AP). If at any time during construction or operation of the DMMA turbidity is observed in the adjacent Indian River Lagoon, immediate action shall be taken to:
  - A. identify the source of the turbidity;
  - B. cease all work associated with the turbidity;
  - C. take corrective action to eliminate the source of turbidity and ensure it does not reoccur;
  - D. monitor the turbidity until such time as the turbidity returns to background levels;Copies of all turbidity monitoring reports shall be provided to the Department within seven days. Reports shall be submitted to the letterhead address.

Permittees: ACOE and FIND  
Attention: Eric Summa and David Roach

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**SPECIFIC CONDITIONS:**

**INSPECTION REPORTS**

7. Inspection reports for the DMMA will be done in accordance with the Management Plan and shall be submitted to the Department two years after completion of construction and every two years thereafter on the enclosed form.

**CONSTRUCTION DETAILS**

8. The permittee shall require the contractor to review and to maintain in good condition at the construction site a copy of this permit complete with all conditions, attachments, exhibits, and permit modifications issued for this permit. The complete permit copy must be available for review upon request by Department representatives.
9. Adequate measures must be taken to prevent siltation of treatment systems and control structures during construction or siltation must be removed prior to final grading and stabilization.

**EROSION CONTROL MEASURES**

10. Prior to and during construction, the permittee shall correctly implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (FDEP 1988), which are hereby incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan.

If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specification in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (FDEP 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water courses.

11. The following measures shall be taken to minimize erosion:
  - A. Swales and dry ponds: sodding of all side slopes; seeding and mulching of flat-lying bottom areas;
  - B. Berms and other disturbed flat-lying areas: seed and mulch.

Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased.



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**SPECIFIC CONDITIONS:**

12. Turbidity controls shall be utilized around the entire work area. The turbidity controls shall be maintained throughout the duration of the project, and shall be effective in preventing all construction activity and associated earth work from extending into the adjacent wetlands and the Indian River Aquatic Preserve directly east of the project site. The turbidity screens shall be installed at a height sufficient to contain any loose fill, they shall be inspected at least on a daily basis to ensure that they are functioning properly, and they shall not be removed until all side slopes have been completely stabilize.
13. Turbidity controls shall be utilized along the east, north and south edge of the existing berm that is to be removed and re-graded to equal existing impoundment elevation as part of the required mitigation. The turbidity controls shall be maintained throughout the duration of this project, and shall be effective in preventing soil from the berm re-grading activity into the mangrove swamp directly east of the berm. The turbidity screens shall be installed at a height sufficient to contain the soil, they shall be inspected at least on a daily basis to ensure that they are functioning properly, and they shall not be removed until all side slopes have been completely stabilize.
14. The project shall comply with applicable state water quality standards, including:
  - A. 62-302.500 - minimum criteria for all surface waters at all places and at all times;
  - B. 62-302.500 - Surface waters: general criteria;
  - C. 62-302.400 - Class III Waters - Recreation - Propagation and maintenance of a healthy, well-balanced population of Fish and Wildlife; and
  - D. 62-302.700(1) Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters. It shall be the Department policy to afford the highest protection to Outstanding Florida Waters and Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2)(3), F.A.C. is permitted in Outstanding Florida Waters and Outstanding Natural Resource Waters, respectively.

**SUBMITTAL OF AS-BUILT PLANS**

15. Within 30 days after contract closeout of construction of the DMMA, the permittee shall submit the enclosed form and two sets of record drawings of the project, as actually constructed, thereby notifying the Department that the facilities are ready for final inspection and approval. The permit will be converted from a construction permit to an operation permit once the project is determined to be in compliance with the permitted plans and with conditions provided in Rule 40C-42.028, F.A.C.
16. The location of at least one bench mark (and its corresponding elevation) for the DMMA should be placed in the vicinity of the discharge structure and will be clearly shown on the as-built plans provided to the Department.

Permittees: ACOE and FIND  
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**SPECIFIC CONDITIONS:**

17. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of conditions 15 and 16, above; has submitted DEP Form 62-343.900(7), F.A.C., "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase"; the Department determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the Department in accordance with Section 7.0 of the St. Johns River Water Management District's "Management and Storage of Surface Waters Handbook" (1995) accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

**GROUNDWATER MONITORING**

18. Prior to commencement of construction, an on-site comprehensive groundwater monitoring program shall be implemented by the permittee to detect any changes in local groundwater chemistry. This program shall begin prior to facility construction and remain in place throughout the life of the facility. The permittee shall install monitoring wells as depicted on the attached Groundwater Monitoring Plan. Samples from the test wells shall be analyzed by a NELAC certified laboratory to document preconstruction groundwater elevations, chloride and sodium concentrations, and chemical constituents in the sediment to be excavated. Well monitoring data shall be used to establish baseline groundwater conditions prior to site construction and to identify changes in groundwater elevation post site construction. Groundwater samples shall be collected and analyzed once prior to construction and bimonthly for a period of one year prior to the disposal of any dredged material. During active dredging events, the sampling shall be done on a weekly basis. During the idle periods, the permittee shall propose a frequency of groundwater sampling to the Department for approval during every such period. If at any time, elevated chloride or sodium levels are detected in the monitoring wells, the permittee or the permittee's contractor shall take the following actions:
  - A. Immediately cease the operations that cause the violation;
  - B. Notify the Department's Central District Environmental Resource Program at the time the violation is first detected; and,
  - C. Modify the work procedures that were responsible for the violation.
19. Groundwater Monitoring Reports: Prior to construction, the permittee or permittee's contractor shall submit monitoring reports to the Department's Central District Environmental Resource Program at the letterhead address for review. The reports shall contain the following information:

Permittees: ACOE and FIND  
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Permit Number: ERP31-0273920-001-EI  
Expiration Date: February 9, 2015

**SPECIFIC CONDITIONS:**

- A. Permit number;
- B. Project name;
- C. Dates of sampling and analysis;
- D. Groundwater analysis results;
- E. Description of data collection methods;
- F. A map indicating the sampling locations;
- G. Time of day the sample was taken;
- H. Depth of sample; and,
- I. Weather conditions at the time of sampling.

Thereafter, monitoring reports shall be submitted to the Department bimonthly for a period of one year prior to the disposal of any dredged material. During active dredging events, the monitoring reports shall be submitted on a weekly basis. During the idle period, monitoring reports shall be submitted in accordance with the schedule approved in specific condition 18, above, during every such period. Furthermore, each monitoring report shall include a signed statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data.

**MAINTENANCE ACTIVITIES**

- 20. The following maintenance activities shall be performed as needed on
  - A. All permitted systems:
    - 1) Removal of trash and debris;
    - 2) Inspection of inlets and outlets;
    - 3) Removal of sediments when the storage volume or conveyance capacity of the DMMA is below design levels; and
    - 4) Stabilization and restoration of eroded areas.
  - B. Retention, swale, and underdrain systems:
    - 1) Mowing and removal of grass clippings;
    - 2) Aeration, tilling, or replacement of topsoil; and
    - 3) Re-establishment of vegetation on disturbed surfaces.
  - C. Wet detention systems:
    - 1) Replanting of natural vegetation within the littoral zone; and
    - 2) Control of nuisance and exotic vegetation.

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**SPECIFIC CONDITIONS:**

21. If the system is not functioning as designed and permitted, operational maintenance must be performed immediately to restore the system. If operational maintenance measures are insufficient to enable the system to meet the design and performance standards of this chapter, the permittee must either replace the system or construct an alternative design. A permit modification must be obtained from the Department prior to constructing such an alternate design pursuant to section 40C-4.331, F.A.C.

**EARTH WORK**

22. If during the progress of this project 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 are encountered at any time within the project site area, work should cease 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.

**CONSTRUCTION**

23. There shall be no storage or stockpiling of equipment, tools, or materials within the wetlands or Waters of the State.

**ITEMS NEEDED AT THE TIME OF SOLICITATION FOR BIDS OF CONSTRUCTION**

24. Provide detailed plans and specifications for the construction of the DMMA.
25. Provide final specifications and design for seepage controls surrounding the pipe/conduits passing through the embankments.

**WETLAND MITIGATION**

26. Mitigation: to offset the 1.65 acres of wetland impacts, the permittee will provide the following:
  - A. Creation of a 1.55 acre on-site salt marsh wetland system from a former citrus grove;
  - B. Placement of a perpetual conservation easement over 7.18 acres of on-site natural and created wetlands. This conservation easement area includes the following: the 1.55-acre creation area for ERP31-0273920-001-EI; a 2.80-acre creation area for the permittee's wetland impacts authorized under ERP56-0255662-001-EI (DEP Southeast District); a 1.60-acre creation area on the north end; and 1.23-acres of existing wetlands on the eastern end of the creation area that are to remain; and
  - C. Removal and re-grading of the existing berm at the eastern edge of the mitigation site to match the existing mosquito impoundment elevations. Once this area has been re-graded, the planting plan for the 5.95 acre creation will consist of the following (see next page):

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**SPECIFIC CONDITIONS:**

Plant Type	Quantity	Spacing (centers)	Size
Sea oxeye daisy	10,800	1.5 feet	4-inch pots
Salt grass	3,400	3 feet	One-year plants
Black mangroves	300	10 feet	One-year plants
Red mangroves	2,500	10 feet	3-foot stem plants

27. The recorded conservation easement is attached to this permit. If for any reason the permittee elects not to carry out any of the activities for which the permit was required, then the conservation easement shall be released by the grantee. To obtain a release, the permittee must acknowledge that this permit is no longer required and must formally surrender the permit. Once the applicant formally surrenders the permit, the Department will prepare a Release of Conservation Easement for the permittee to record in the County's land records at their own cost.
28. Pursuant to 62-4.120, if the subject property is sold, within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" [DEP Form 62-343.900(8)] must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee.
29. The 5.95 acres of wetland creation from a former citrus grove shall commence within 6 months from the completion of the construction for the DMMA.
30. The 5.95 acres of wetland creation referenced in Specific Condition 29, above, include the 1.55-acre creation area for ERP31-0273920-001-EI; the 2.80-acre creation area required under ERP56-0255662-001-EI; and 1.6 acres of creation not required by either permit. The permittee may request to apply any functional gain generated by these 1.6 acres to offset other impacts from FIND projects in Indian River County. The functional gain generated will be evaluated and determined by the appropriate reviewing agency at the time of application for any impact project proposing to use this as mitigation. This permit does not make a determination of whether any functional gain generated will appropriately offset any adverse impacts associated with other impacts.
31. All mitigation details shall comply with the attached drawings.
32. All construction, activity and equipment associated with the removal and re-grading of the existing mosquito impoundment berm, located east of the creation area, shall be located entirely within the footprint of this berm. The permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface water where work has not been permitted.

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**SPECIFIC CONDITIONS:**

**ENHANCEMENT SUCCESS CRITERIA**

33. Enhancement sites described above shall be deemed successful when the following conditions are met:
- A. Nuisance/Exotics occupy less than 5 percent of the total cover within the enhancement area (Nuisance/Exotic Species as defined in the attached list by the Florida Exotic Pest Plant Council, 2009);
  - B. Percent cover by non-nuisance, non-exotic (desirable) species shall be 95 percent or greater within the re-planting area. Percent cover shall be reported for the aggregate of those desirable species, relative to the total area, bare ground and water. A list of the desirable species included in the aggregate shall be included.
  - C. Desirable species shall be reproducing naturally;
  - D. The vegetation monitoring data for the area of the enhancement shows that not less than 95 percent of the vegetation cover comprises of Rule 62-340, F.A.C. listed species.

The final success determination **shall not be made less than five (5) years** from the completion of implementation of the initial enhancement measures and when the above mentioned criteria have been continuously met for a period of at least one growing season, without intervention in the form of removal of undesirable vegetation.

**MONITORING REPORTS REQUIRED**

34. The permittee shall furnish to the **Central District annual status reports for both the 1.55-acre creation area and the 1.60-acre creation area, and shall furnish to the Southeast District annual status reports for the 2.80-acre creation area**, which describe in detail the following:
- A. Status of construction (with a description of the extent of work completed since previous report or since permit was issued);
  - B. Problems encountered and solutions undertaken;
  - C. Anticipated work for the following year;
  - D. Panoramic photographs taken from the same permanent stations (**the number and location of each station will be different for the three creation areas** and must be approved by the Department);
  - E. Status of nuisance eradication on the parcel;
  - F. Status of enhancement on the parcel;
  - G. Herbicide listing and date of application;
  - H. Percentage survival, density and cover trees and herbaceous species using acceptable methods.

These methods are described in Daubemire (1968), Oosting (1956), and Mueller-Dombois and Ellenberg (1974).

Permittees: ACOE and FIND  
Attention: Eric Summa and David Roach

Permit Number: ERP31-0273920-001-EI  
Expiration Date: February 9, 2015

**SPECIFIC CONDITIONS:**

**The first monitoring report shall be submitted within 6 months of permit issuance and prior to any construction authorized by this permit.** The remaining monitoring reports shall be submitted annually on the anniversary date of the permit, for five (5) years after completion of construction and all enhancement work. If work authorized in this permit does not start immediately, the Permittee shall submit to the Department a site status letter as notification that "No Work" has occurred. The site status letter is due within 6 months after permit issuance and any additional site status letters shall be submitted on the anniversary date of the permit.

The monitoring reports should include a cover page with the following information:

- A. Permittee name;
- B. Permit number;
- C. Who performed the assessment;
- D. Signed and attested: "To the best of the undersigned's knowledge, this report represents a true, accurate and representative description of the site conditions present at the time of the monitoring."

Other information may be included by the permittee at their discretion.

**MISCELLANEOUS**

35. Indian River Mosquito Control District (IRMCD) is responsible for controlling mosquitoes originating from the eastern portion of this site. The IRMCD has received a revocable license from FIND to manage the eastern portion of the property for mosquito control. The permittee will closely coordinate with IRMCD to ensure that the permitted activity does not adversely affect the mosquito production.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



David Herbster  
Program Administrator  
Submerged Lands & Environmental  
Resource Program

DH/dl/lp/nm/dv

Date: July 21, 2010

Permittees: ACOE and FIND  
Attention: Eric Summa and David Roach

Permit Number: ERP31-0273920-001-EI  
Expiration Date: February 9, 2015

Enclosures: Drawings, 1 through 17  
Attachment A, Conservation Easement  
Groundwater Monitoring Plan  
2009 FLEPPC Plant List  
DEP Form 62-343.900(3), Construction Commencement  
DEP Form 62-343.900(5), Certification of Construction Completion  
DEP Form 62-343.900(6), Environmental Resource Permit Inspection Certification  
DEP Form 62-343.900(7), Request for Transfer of Environmental Resource Permit  
Construction Phase to Operation Phase

Copies furnished to: Matthew Miller, U.S. ACOE ([Matthew.J.Miller@usace.army.mil](mailto:Matthew.J.Miller@usace.army.mil))  
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