

**ADDITIONAL MATERIAL  
REGULAR MEETING**

**JUNE 14, 2022**

**SUBMITTED AT THE REQUEST OF  
OFFICE OF THE COUNTY ATTORNEY**



Resilient Environment Department

**ENVIRONMENTAL PERMITTING DIVISION**

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

***Via E-mail to Tyler Chappell of The Chappell Group, Inc.***

Alexis M. Baker, Edward Baker, III, and Edward B. Baker, III, as Personal Representative of the Estate of Stephanie L. Baker  
2127 Bancroft Place  
Washington DC 20008

To Whom It May Concern:

This is to notify you of the Environmental Protection and Growth Management Department's action concerning your application received December 23, 2019, for authorization to fill a wetland area and create a wetland mitigation area at the property west of 19800 Sheridan Street in the City of Pembroke Pines, Florida. The application has been reviewed for an Environmental Resource License.

**Broward County - Environmental Resource License (ERL) Review – Granted**

The Department has reviewed the project for compliance with Aquatic and Wetland Resource Protection Ordinance Sec. 27-331 through 27-341 of the Broward County Code. Based on the information submitted, Environmental Resource License No. **DF19-1247** is hereby issued. The above-named licensee is hereby authorized to perform the work per the approved drawings(s), plans, documents and specifications as submitted by the licensee, and made a part hereof. The above referenced approvals will remain in effect subject to the attached Broward County General Conditions, Broward County Specific Conditions, and stamped exhibits.

The issuance of this license is a **final agency determination**. A person with a substantial interest may file a petition to request review of, or to intervene in a review of, a final administrative determination, subject to the provisions of Section 27-14, Broward County Code of Ordinances (excerpt attached).

Sincerely,

*Linda Sunderland*

Linda Sunderland, PWS  
Environmental Program Supervisor

*June 7, 2022*

Date

ENC:

1. Environmental Resource License
2. Sec. 27-14 Administrative Review Procedures (4 pages)
3. One copy of stamped drawings (23 pages)

cc:

1. Kathryn Bongarzone, The Chappell Group, Inc. (via e-mail)
2. County Attorney's Office (via e-mail)
3. USACOE-PBG (via e-mail)
4. Aleida Ors Waldman, Esq, (via email [aleida@awpa.com](mailto:aleida@awpa.com))

## ENVIRONMENTAL RESOURCE LICENSE

**LICENSEE: Alexis M Baker, Edward Baker III, and Edward B. Baker III, as personal rep of the Estate  
2127 Bancroft Place  
Washington DC 20008**

**LICENSE NO: DF19-1247  
PROJECT:  
Lot Development –  
Wetland Fill**

This license is issued under the provision of Chapter 27 of the Broward County Code of Ordinances also cited as Broward County Natural Resource Protection Code hereinafter called the Code. The above-named applicant, hereinafter called licensee, is hereby authorized to perform the work or operate the facility shown on the approved drawing(s), plans, documents, and specifications as submitted by applicant, and made a part hereof and specifically described as follows:

**Description of Work:** This project involves the construction of an 8.49-acre commercial development and 1.29-acre right of way. Currently, the commercial site contains 0.77 acres of uplands, ~7.72 acres of jurisdictional wetlands, and no existing surface waters. The following regulated activities are proposed during construction of the commercial site: (1) the filling of approximately 5.5-acres of existing wetlands on site with approximately 36,108 cubic yards; (2) the impact of 0.60-acre of existing wetlands to create a wetland buffer area; and (3) the creation (0.06-acre) and enhancement (1.59-acre) of a 2.29-acre mitigation area, including a 0.60-acre buffer area, to be encumbered by a conservation easement (CE). The proposed work within the right-of-way (ROW), to construct an entrance from Sheridan Street to the commercial site, requires the filling of approximately 0.03-acre of existing wetlands. Impacts to the ROW were approved by the City of Pembroke Pines by resolution 2020-R-29 on 08/05/2020.

Unavoidable impacts to 6.01-acres of wetlands (5.38 on-site + 0.60 buffer area + 0.03 ROW area with a total functional loss of 3.76 UMAM units) shall be offset through a combination of 1.65-acres of on-site mitigation, resulting in a functional gain of 0.13 UMAM units (within a 2.29-acre CE) and the purchase of 3.63 freshwater herbaceous mitigation credits (UMAM units) from the Hole in the Donut Mitigation Bank (HID). Additional credits are included to off-set state permit (06-0402363-003) secondary impacts (0.05 credits at HID) and 0.01 credit at Pembroke Pines Mitigation Bank.

**Location of Work:** This project is located at the property located west of 19800 Sheridan Street, Section 11, Township 51 South, Range 39 East, in the City of Pembroke Pines, Florida. Folio Numbers 513911010030, 513911010040, and 513911010080.

Construction shall be in accordance with submitted ERL Application Form received on 12/23/2019, and all additional information submitted; plans stamped by the Department on 06/07/2022 (attached); and with all General and Specific Conditions of this license.

**License No. DF19-1247**

**LICENSEE: Alexis M. Baker, Edward Baker, III, and Edward B. Baker, III, as Personal Representative of the Estate of Stephanie L. Baker**

**GENERAL CONDITIONS:**

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by Environmental Protection and Growth Management Department (EPGMD) pursuant to Chapter 27 of the Broward County Code of Ordinances. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
2. This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
4. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
5. This license must be available for inspection on the licensee's premises during the entire life of the license.
6. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27 of the Broward County Code of Ordinances, except where such use is prohibited by § 403.111, F.S.
7. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, as amended.
8. Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
9. The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and Chapter 27 of the Broward County Code of Ordinances.
10. This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
11. If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
12. In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
13. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPGMD, and any forbearance on behalf of EPGMD to exercise its rights hereunder in the event of any breach by the licensee, shall not be deemed or construed to be a waiver of EPGMD's rights hereunder.

License No. DF19-1247

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**SPECIFIC CONDITIONS:**

A. STANDARD CONDITIONS

1. **Notify the Department in writing a minimum of 48 hours prior to project commencement and a maximum of 48 hours after project completion.** Commencement notification should include such information as the intended start date, estimated duration of construction, and the name and contact information of the firm contracted to do the work. Failure to comply with this condition may result in enforcement action.
2. Any project causing environmental problem(s) shall be reported immediately to the Department's Environmental Response Line at 954-519-1499.
3. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner in accordance with current regulations at an upland location (not including surface waters and wetlands).
4. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. **Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area.**
5. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits [62-302.530(69) FAC].
6. Only clean fill shall be placed in the water bodies being filled. Any fill material used shall be free of garbage, rubbish, refuse, asphalt, hazardous materials, organic matter such [as] wood, lumber, tree or tree trimmings, or other contaminants. The disposal of any putrescible or deleterious debris in any water body is prohibited.

B. CONSTRUCTION CONDITIONS

1. If the approved license drawings and/or license attachments/plans conflict with the specific conditions, then the specific conditions shall prevail.
2. Demolition and construction related debris must be disposed of at an approved upland location and may not be left in the wetlands or any surface waters.
3. This license does not eliminate the necessity to obtain any required federal, state, local or special district authorizations prior to the start of any activity approved by this license.
4. Please be advised that applicants with projects 1 acre or greater in size are required to submit a Storm Water Notice of Intent application 48 hours prior to the commencement of construction to the Florida Department of Environmental Protection, NPDES Stormwater Notices Center, MS #2510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, please submit a Stormwater Pollution Prevention Plan to the appropriate local jurisdiction (EPGMD, Drainage District, or municipality) showing all Best Management Practices to be implemented during the construction of the project. The plan must be on a 24" X 36" drawing.

C. COMPENSATORY MITIGATION CONDITIONS (ON-SITE)

1. Construction and installation of the Areas shall be in accordance with the attached plans.
2. **Construction of the mitigation area shall be concurrent with impacts to the jurisdictional wetland areas.**

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3. The following steps must be taken prior to submittal of the Time-Zero monitoring report:
  - (a) The source for the plants and muck (a minimum of 12-inches of muck required) for the wetland area shall be submitted prior to commencement of work.
  - (b) Upon completion of the mitigation earthwork, the Licensee shall submit an as-built survey providing a Florida registered surveyor's certification of elevations in relation to design and surveyor verification of actual acreage for all licensed mitigation habitats.
  - (c) Plant installation shall not begin until after the Department has approved the as-built survey. Plant substitutions or planting plan alterations must be approved by the Department prior to installation.

If there are conflicts with any other agency regarding the mitigation area, notify the Department immediately at 954-519-1228 or at [AWRLicense@broward.org](mailto:AWRLicense@broward.org)

4. Once condition C.3. has been approved, a Time-Zero monitoring report must be submitted. The Time Zero report is required within 30 days earthwork approval and prior to any Certificate of Occupancy being issued for any structure on the site.
5. A viable wetland system shall be established that replicates a natural reference wetland in basic structure and function. To assure that the Area(s) become self-sustaining, the following criteria shall be met:
  - (a) A minimum of 80% coverage by desirable wetland species after a two (2) year period and demonstration of persistence for three (3) additional years.
  - (b) Less than 2% coverage by invasive exotic and undesirable species is allowable if plants are dispersed and not concentrated in any area. Exotic and undesirable species include, but are not limited to, *Melaleuca spp.*, Australian pine, Brazilian pepper, *Bischofia spp.*, torpedo grass, primrose willow, cattail, air potato, and *Syngonium spp.* Treatment efforts should be tailored to prevent these species from becoming reproductively mature.
  - (c) A minimum of 80% survival of each planted species shall be maintained each quarter. An exception to this condition may be allowed where species composition, density of planted and recruitment species, the overall wetland condition, as characterized by the growth rates and viability of the Areas are of higher quality, as determined by the Department.
  - (d) Hydrologic conditions and soil characteristics are in general conformity to those specified in plans. Data from the permanent surveyed staff gauges must be collected every two weeks and submitted with the quarterly monitoring reports.
6. Should the Department determine that the Areas are not achieving the listed criteria during some portion of the monitoring period, the licensee shall determine the reasons for failure and prepare plans that demonstrate clearly how the problem(s) will be corrected and submit such plans immediately to the Department for approval. Those plans shall be implemented within 30 days from the Departments written approval.
7. Permanent physical markers designating the preserve status of the wetland conservation area and buffer zones shall be placed around the entire perimeter of the mitigation area a maximum 100 feet apart. The markers shall be maintained in perpetuity.
8. The licensee shall be responsible for the successful completion of the mitigation work, including the monitoring and maintenance of the mitigation areas for the duration of the plan. The mitigation area shall not be turned over to another entity until the mitigation work is accomplished as licensed and staff has approved the Time Zero mitigation report.
9. Spoil generated from the excavation authorized by this license must be used on-site or placed in off-site uplands and contained in such a manner as to prevent erosion into wetlands or other surface waters.
10. The licensee shall provide any future purchaser(s) of this site with a copy of this license.

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11. Required water quality treatment (including ½” dry pretreatment and/or 1” wet detention as required by the appropriate jurisdictional agencies) must be provided **prior to** discharge into any part of the licensed wetland mitigation area. The mitigation areas cannot be considered in, or used for, meeting stormwater treatment requirements. Stormwater from development that abuts the mitigation areas shall be routed away from the mitigation areas through swales or other conveyances and treated or discharged into treatment lakes at a distance adequate to maximize treatment prior to mixing with waters in the mitigation areas.
12. The Department must be notified of any change of consultant/contractor during the construction and mitigation monitoring phases of this project.
13. The conservation area shall be the perpetual responsibility of the licensee and may in no way be altered from its natural or licensed state as documented herein, apart from its normal maintenance.

**D. COMPENSATORY MITIGATION CONDITIONS (OFF-SITE)**

1. Off-site mitigation for the authorized wetland impacts shall be comprised of 3.63 freshwater herbaceous mitigation credits in the Hole-in-the-Donut Mitigation Bank which shall be formalized via a modification of the Florida Department of Environmental Protection (FDEP) Environmental Resource Permit No. 132416479. Proof of the modification shall be submitted to this Department within 45 days of license issuance.
2. Hole-in-the-Donut Mitigation Bank agrees to provide monitoring reports consistent with applicable FDEP license conditions to the County and to provide reasonable access to the Bank by the Broward County staff for purposes of ensuring compliance with this Environmental Resource License and FDEP Environmental Resource Permit.
3. Prior to impacting wetlands, the licensee shall submit verification from HIS that 3.63 credits have been debited from the bank’s credit ledger as mitigation for impacts associated with this project.
4. Once purchased the mitigation credits for the Hole-in-the-Donut Mitigation Bank shall be the perpetual responsibility of the National Park Service.

**E. CONSERVATION EASEMENT/FINANCIAL ASSURANCE**

1. A draft Joint Conservation Easement has been submitted by the applicant and has been approved to form by the County Attorney’s office. Once approved by the County Commission, the Conservation Easement and a copy of this license will be recorded in the public records of the County. It is the Licensee’s responsibility to pay the recording costs. A check made payable to the “Board of County Commissioners” shall be submitted to the Department within fifteen (15) days of receipt of the notice of recording costs.
2. If the property ownership changes prior to the Conservation Easement being recorded, a new Conservation Easement draft and updated Opinion of Title must be provided within 30 days of the ownership transfer.
3. The licensee has provided a Surety Bond (# 107424026) to Broward County EPGMD as financial assurance for this project. The Financial Assurance(s) include(s) construction, monitoring and maintenance costs for the total sum of \$290,835.00. After the time zero event and upon EPGMD review and approval of all information required in Specific Condition C.4, the licensee may request release of 35% of the total financial assurance. After two years of monitoring and maintenance and upon EPGMD review and approval, the licensee may request an additional 15% of the financial assurance. At the end of the five-year maintenance and monitoring period and upon demonstration that the licensee has met the intent and all information requested in Specific Condition C.3 and C.4, and if necessary, C.5., the licensee may request the release of the remaining financial assurance. All requests shall be made in writing to the Natural Resources Section of the Environmental Protection and Growth Management Department. The Licensee is advised that the financial assurance document must remain active until it is released by the Department and no portion of the Financial Assurance will be released by the Department until the Conservation Easement has been recorded.

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F. A COPY OF THIS LICENSE SHALL BE KEPT ON SITE DURING ALL PHASES OF LICENSED CONSTRUCTION.

Recommended for approval by:

**Michelle Decker**  
License Processor

Issued this 7<sup>th</sup> day of June 2022

Expiration Date: June 7<sup>th</sup>, 2027

BROWARD COUNTY RESILIENT ENVIRONMENT DEPARTMENT

*Linda Sunderland*

LINDA SUNDERLAND, PWS  
ENVIRONMENTAL PERMITTING DIVISION



Sec. 27-14. Administrative review of EPGMD determinations.

- (a) A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination made pursuant to this chapter concerning:
- (1) The requirement that a facility or activity obtain a license or environmental review approval.
  - (2) Interpretations of license or environmental review approval conditions.
  - (3) Interpretations of variance conditions.
  - (4) The decision to suspend or revoke a license or environmental review approval.
  - (5) The requirement of certain license conditions.
  - (6) The issuance of a license or environmental review approval.
  - (7) The denial of a license or environmental review approval.
  - (8) The scope of a license or environmental review approval, geographic or otherwise.
  - (9) The scope of a variance, geographic or otherwise.
  - (10) The issuance of a stop work order.
  - (11) Similar final administrative determinations.

This administrative review procedure shall be the only means of review available for the above final administrative determinations by either the petitioner or the intervenor (the parties).

- (b) person may not obtain review by this procedure of:
- (1) The issuance or adjudication of or other matters involving a notice of violation or a citation.
  - (2) Internal policy decisions
- (c) A person desiring a review of a staff determination made pursuant to this Chapter shall first bring the determination to the attention of the appropriate section supervisor to attempt to resolve the matter. If a resolution cannot be reached, then the decision shall be reviewed by successive supervisory levels until the issue is resolved or reaches the level of the director or his or her designee for the final determination.
- (d) A person desiring administrative review of a final determination made by the director or the designee shall file a petition with the director for review by the hearing examiner. The petition shall be filed within ten (10) days from the rendition of the action taken or of the decision made by the director. An entity whose license or approval is being challenged shall be a party to the action.
- (e) The review shall not be heard until the provisions of subsection (f) are met. Upon motion to the hearing examiner, an insufficient petition shall be dismissed with or without leave to refile. If a petition is determined to be insufficient by the hearing examiner and the petitioner has been given leave to refile by the hearing examiner, unless otherwise ordered by the hearing examiner, the petitioner must refile within ten (10) days of the rendition of the order of dismissal or the petition will be dismissed with prejudice.

- (f) A sufficient petition for review or petition for intervention in the review shall, at a minimum, contain the following information:
- (1) The nature of the determination sought to be reviewed.
  - (2) A short, plain statement of the facts which form the subject matter upon which the determination was made as asserted by all parties of record at the time that the petition is filed; a statement of the material facts in dispute, if any. If any party is unable to state the matters in sufficient detail at the time initial petition is filed, the petition may be limited to a statement of the issues involved; and thereafter, upon timely written motion, a more definite and detailed statement shall be furnished not less than seven (7) days prior to the date set for the hearing.
  - (3) The specific determination for which the review is sought.
  - (4) The specific legal grounds upon which the parties seek review of the determination.
  - (5) A short statement of the petitioner's or the intervenor's substantial interest in the matter to be reviewed.
  - (6) The specific section of this chapter on which the decision is based, if known, and the specific section that the parties allege should control the decision, if known.
  - (7) A copy of the director's or the designee's written final determination.
  - (8) A statement of the relief requested stating precisely the action that the petitioner wants EPGMD to take with respect to the final determination.
- (g) All pleadings or other documents filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, the party's attorney or a party's qualified representative constitutes a certificate that he or she has read the pleading or other document and that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not brought for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading or other document is signed in violation of these requirements, the hearing examiner, upon motion or his or her own initiative, shall dismiss the matter.
- (h) A petitioner or intervenor may request an emergency hearing to stay all activities or work conducted pursuant to the challenged license or approval. Such petitioner or intervenor has the burden of proof to show by a preponderance of the evidence that the continued activities would cause substantial pollution or degradation to the environment. An emergency hearing shall be scheduled by EPGMD and be held within five (5) days of said request or as soon thereafter as possible subject to the availability of the hearing examiner. The petitioner or intervenor shall comply with the notice provisions of section 27-14(j)(2)a. and c. and section 27-14(j)(3) and (4) of this chapter.
- (i) The petition for review will not stay environmental protection activities required for the remediation or mitigation of a site or facility, the protection of the environment or the health, safety and welfare of the citizens of Broward County, or the prevention of further environmental degradation. The person responsible for these activities must take all necessary steps to prevent environmental degradation and must conduct the remediation or mitigation activities required by this chapter. The director may allow these activities to be delayed until after the hearing examiner's decision by certifying to

the hearing examiner that, by reason of facts stated in the certificate, a delay in the initiation or completion of these activities would not cause substantial environmental degradation or peril to life or property. The delay for conducting these activities may be subject to appropriate terms to ensure protection of the environment. The person responsible for these activities shall be responsible for any environmental damage or any violation of this chapter caused by the delay.

(j) Notice and Scheduling Requirements:

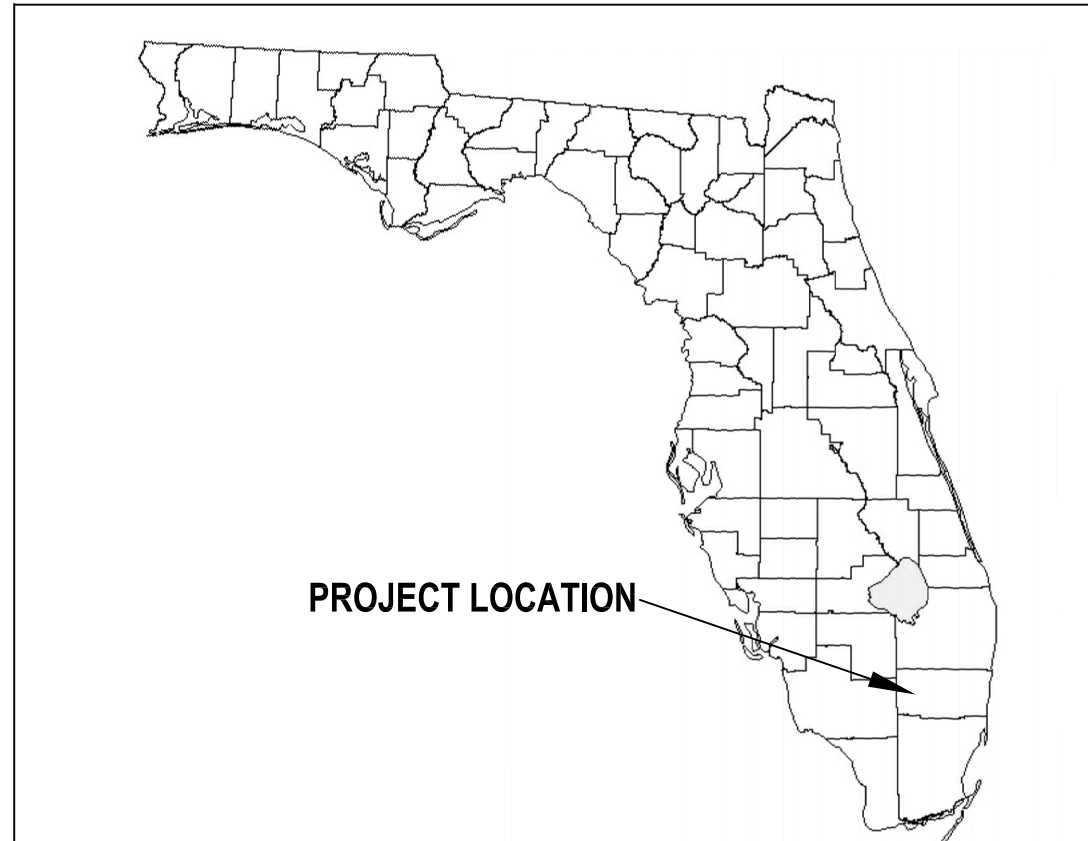
- (1) The hearing on the review shall be scheduled within a reasonable time. It shall be the responsibility of the petitioner to request through EPGMD that the hearing date be scheduled. It shall also be the responsibility of the petitioner to give notice in accordance with this section at least ten (10) days prior to the hearing.
  - (2) The petitioner shall give notice of the hearing by:
    - a. Giving personal notice to all proper parties; and
    - b. Publishing notice on two (2) days in a newspaper of general circulation in the county; and
    - c. Posting notice at a location determined by the Broward County Administrator's Office.
  - (3) The petitioner shall bear the cost of giving notice.
  - (4) The notice shall contain, at a minimum:
    - a. A description and location of the facility or the activity to be conducted by the petitioner; and
    - b. The time and place of the hearing.
- (k) The petitioner shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to all parties.
- (l) The hearing shall be a quasi-judicial hearing.
- (1) The applicant/petitioner requesting the administrative review, any intervenor/petitioner and EPGMD shall have an opportunity to respond to and to present witnesses, other evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to be represented by counsel. Members of the general public who are not intervenors as set forth in Section 27-14 of this chapter are not parties to the proceeding.
  - (2) When appropriate, the general public may be given an opportunity to present oral or written communications. If the hearing examiner proposes to consider such material, then all parties shall be given an opportunity to cross-examine, challenge or rebut it.
- (m) Denial, protest of, revocation, or suspension of a license, environmental review approval, or any other approval:
- (1) In regard to denial or protest of approval of a license and any other review of an administrative decision, notwithstanding (2) below, the petitioner shall have the burden of showing, by a preponderance of the evidence, that the determination of the director was an arbitrary and/or capricious abuse of discretion, not supported by competent, substantial evidence or not in conformance with the

essential requirements of this chapter. The hearing examiner shall not substitute his or her judgment for that of EPGMD on an issue of discretion even though the hearing examiner may have reached a different conclusion based on the same facts.

- (2) In an action to revoke or suspend a valid license or approval, the burden shall be upon EPGMD to prove, by a preponderance of the evidence in an administrative hearing, the grounds for revocation or suspension. The license holder or approval recipient shall be provided notice of the hearing and a copy of the petition stating the grounds for revocation or suspension as provided in section 27-63 of this chapter. The petition shall state with specificity the acts complained of in order to allow the license holder or approval recipient an opportunity to prepare a defense. The hearing shall be conducted in accordance with the provisions of Section 27-37 of this chapter.
- (n) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.
  - (o) If the hearing examiner finds that the director or his or her designee has erroneously interpreted a provision and that a correct interpretation compels a particular action, he or she shall remand the case to the director or his or her designee for further action under a correct interpretation of the provision.
  - (p) The hearing examiner shall complete and submit to the director and all parties a final order consisting of his or her findings of fact and conclusions of law.
  - (q) A party to the hearing may obtain appellate review of the final order as provided by section 27-42 of this chapter.
  - (r) A petitioner or intervenor shall pay a filing fee at the time the application for review is filed. The amount of the filing fee shall be set by resolution of the Board.

(Ord. No. 2003-34, § 1, 9-23-03; Ord. No. 2005-08, § 2.03, 4-26-05)  
Secs. 27-15--27-19. Reserved.

# TRACTS 5 & 6 PLAN SET



LOCATION MAP (n.t.s.)

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- SHEET 7 - SECTION
- SHEET 8 - PLANTING PLAN



VICINITY AERIAL (n.t.s.)

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.  
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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys & Appraisals

## TRACTS 5 & 6

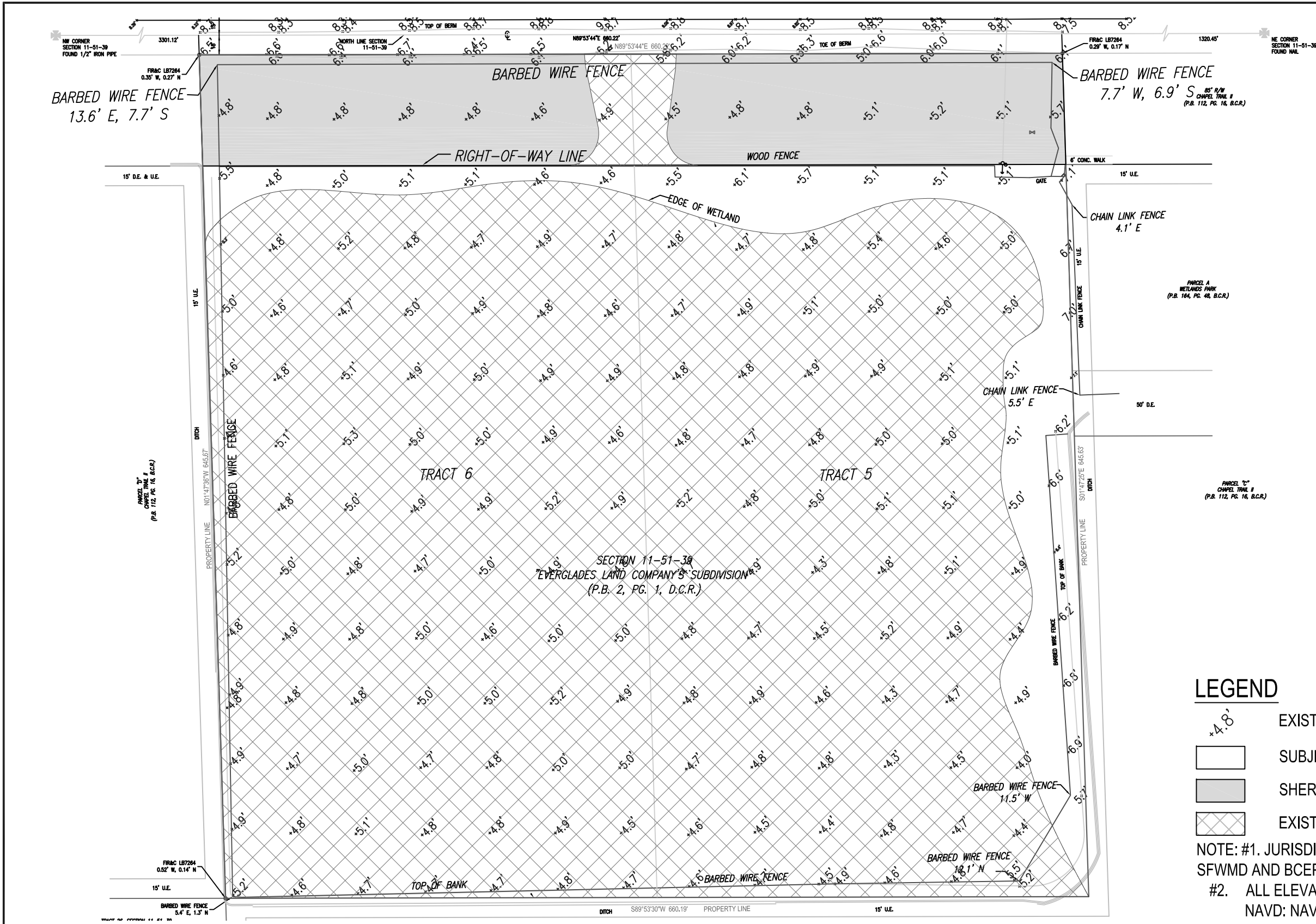
PREPARED FOR:  
SHERIDAN STREET, LLC

COVER

Date: 9/7/2021	Sheet : <b>1</b>	of : <b>8</b>
Proj No.: 08-0046.001		



**SCALE**  
1" = 80'



**LEGEND**

- EXISTING ELEVATION (NGVD)
- SUBJECT SITE (8.49ac)
- SHERIDAN ST. R/W (1.29ac)
- EXISTING WETLAND (7.72 ac)

NOTE: #1. JURISDICTIONAL WETLAND BOUNDARY REVISED PER SFWMD AND BCEPGMD 3-14-10.  
#2. ALL ELEVATIONS ARE BASED ON NGVD, TO CONVERT TO NAVD: NAVD= NGVD-1.51'

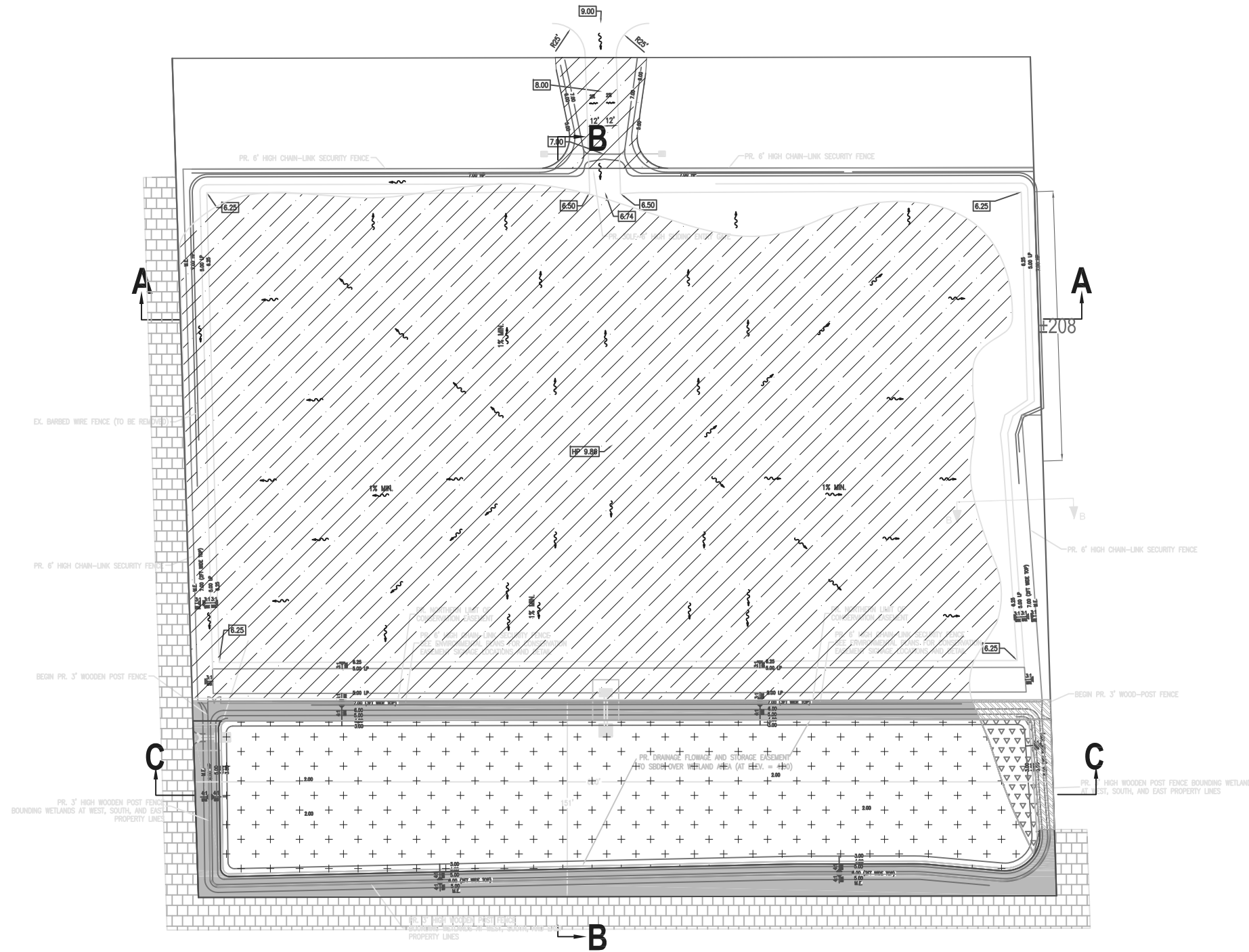
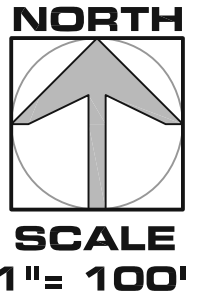
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**TRACTS 5 & 6**  
PREPARED FOR:  
Sheridan Street, LLC

EXISTING CONDITIONS		
Date: 9/7/2021	Sheet : <b>2</b>	of : <b>8</b>
Proj No. : 08-0046.001		



**LEGEND**

- EXISTING ELEVATION (NGVD)
- PROPOSED ELEVATION (NGVD)
- PROPOSED DIRECT WETLAND IMPACT (±5.5ac, 36,108 cy of clean fill)
- PROPOSED WETLAND BUFFER (±0.60 ac DIRECT IMPACT)
- PROPOSED OFFSITE SECONDARY WETLAND IMPACTS (±0.75ac)
- PROPOSED WETLAND BUFFER (±0.04ac)
- PROPOSED WETLAND ENHANCEMENT (±1.59ac)
- PROPOSED WETLAND CREATION (±0.06ac)

NOTE: #1. JURISDICTIONAL WETLAND BOUNDARY REVISED PER SFWMD AND BCEPGMD 3-14-10.  
 #2. ALL ELEVATIONS ARE BASED ON NGVD, TO CONVERT TO NAVD: NAVD= NGVD-1.51'  
 #3. TOTAL WETLAND IMPACTS WILL BE ±6.74 ACRES

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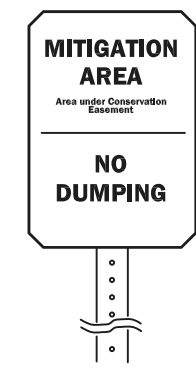
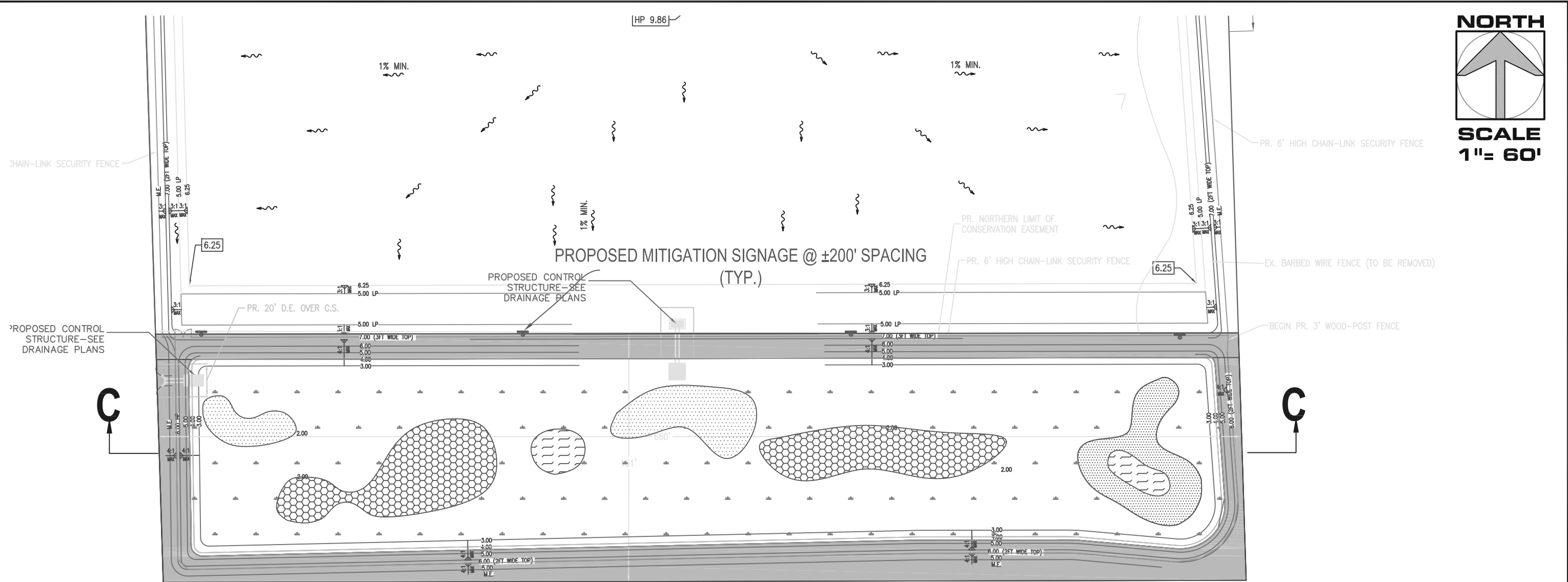
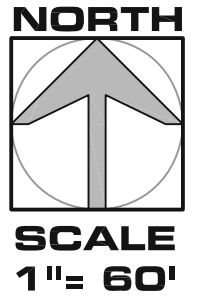
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DREDGE & FILL PLAN

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MITIGATION SIGNAGE (TYP.)

LEGEND

- PROPOSED TRANSITIONAL BUFFER (±0.64ac) - NOT INCLUDED IN MITIGATION CREDIT
- PROPOSED MARSH (±1.28ac)
- PROPOSED SLOUGH (±0.15ac)
- PROPOSED OPEN WATER (±0.03ac)
- PROPOSED TREE ISLAND (±0.19ac)

NOTE: 1.65ac OF PROPOSED ONSITE MITIGATION

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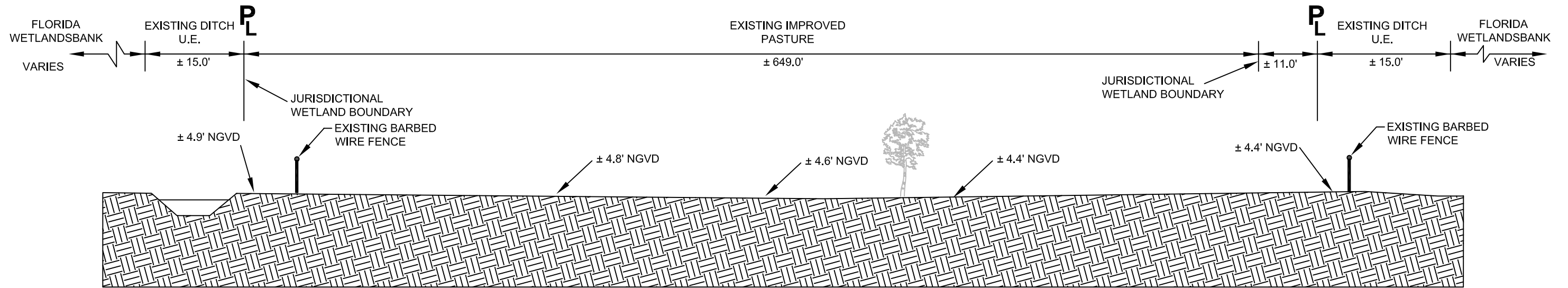
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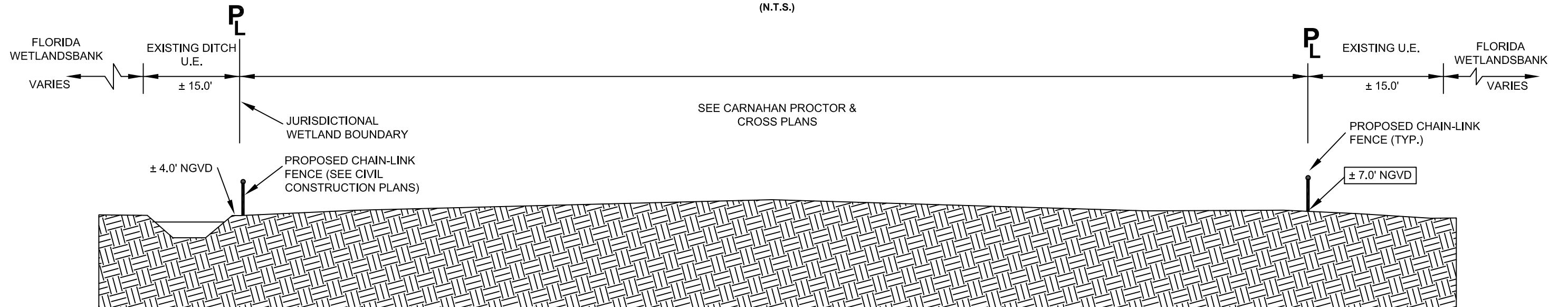
MITIGATION PLAN		
Date: 9/7/2021	Sheet: <b>4</b>	of: <b>8</b>
Proj No.: 08-0046.001		



**A-A**  
EXISTING CONDITIONS  
(N.T.S.)



**A-A**  
PROPOSED CONDITIONS  
(N.T.S.)



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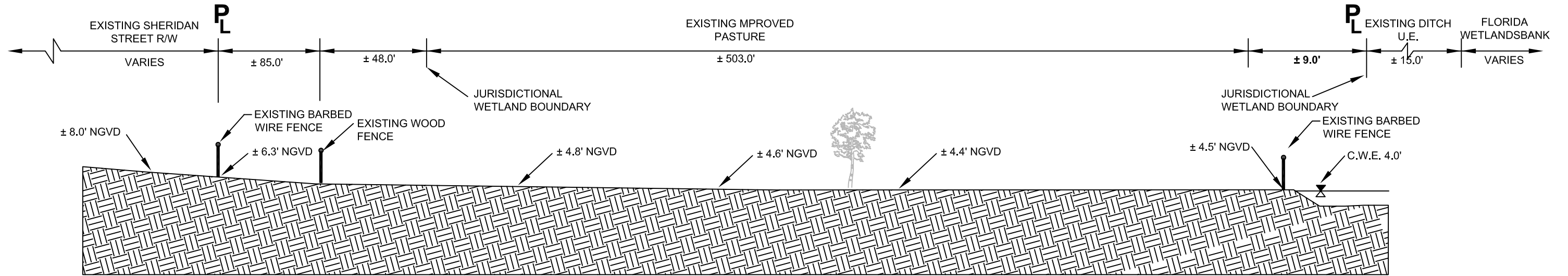
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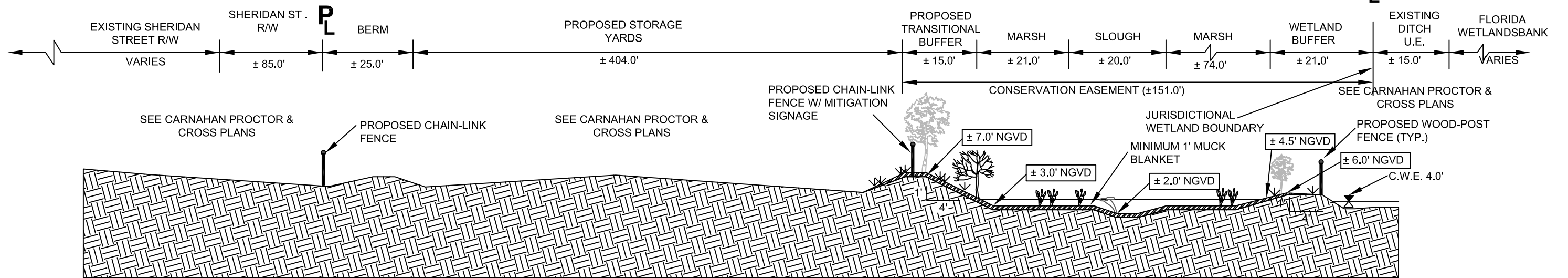
SECTION A

Date: 3/24/2021	Sheet : <b>5</b>	of : <b>8</b>
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**B-B**  
EXISTING CONDITIONS  
(N.T.S.)



**B-B**  
PROPOSED CONDITIONS  
(N.T.S.)



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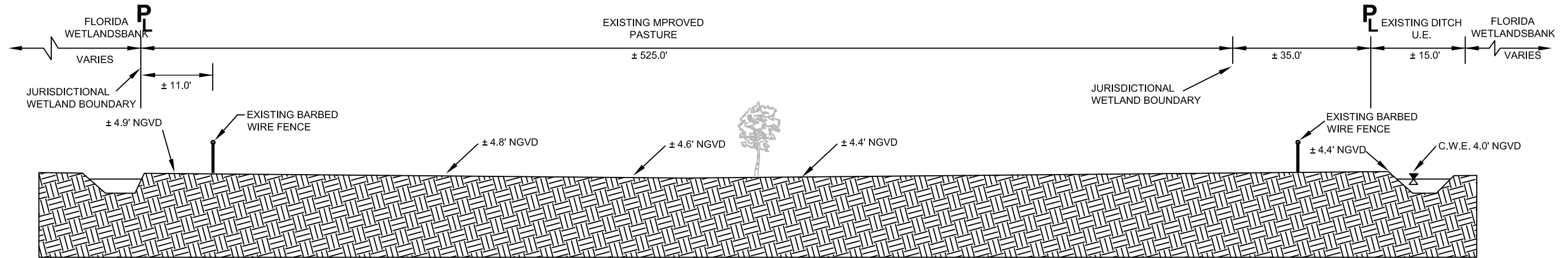
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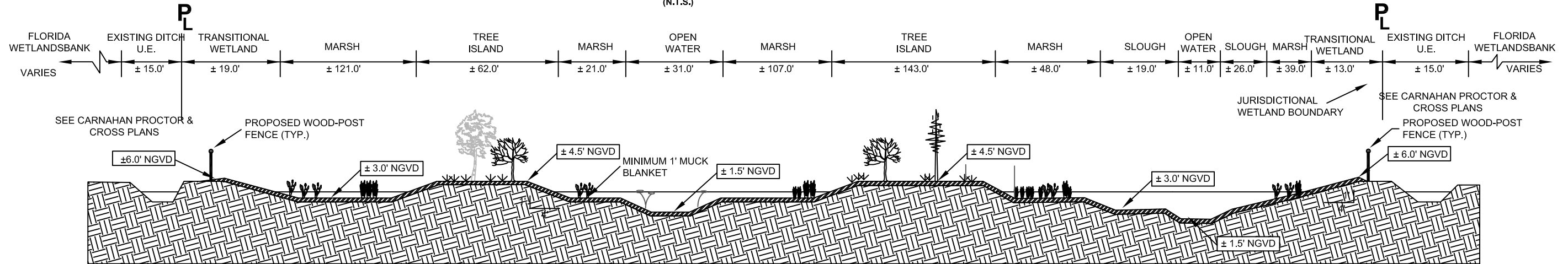
SECTION B

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**C-C**  
EXISTING CONDITIONS  
(N.T.S.)



**C-C**  
PROPOSED CONDITIONS  
(N.T.S.)



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SECTION C

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Proj No.: 08-0046.001		

**SLOUGH (± 0.15ac)**

<i>Scirpus validus</i>	Soft-stem bulrush	3' o/c	150	BR	2.0-3.0' NGVD
<i>Thalia geniculata</i>	Fireflag	3' o/c	150	BR	2.0-3.0' NGVD
<i>Nymphaea odorata</i>	White water lily	3' o/c	200	BR	2.0-2.5' NGVD
<i>Scirpus californicus</i>	Giant bulrush	3' o/c	<u>230</u>	BR	2.0-3.0' NGVD
			<b>Subtotal</b>		<b>730</b>

**TRANSITIONAL WETLAND BUFFER (± 0.64ac)**

**TREES**

<i>Ilex cassine</i>	Dahoon holly	10' o/c	50	8-12'	4.0-5.0' NGVD
<i>Annona glabra</i>	Pond apple	10' o/c	50	3 gal	4.0-4.5' NGVD
<i>Taxodium distichum</i>	Bald cypress	10' o/c	50	3 gal	4.0-5.5' NGVD
<i>Taxodium distichum</i>	Bald cypress	10' o/c	50	15 gal 10-12'	4.0-5.0' NGVD
			<b>Subtotal</b>		<b>200</b>

**SHRUBS**

<i>Acrostichum danaefolium</i>	Leatherfern	4' o/c	295	1 gal	4.0-5.0 NGVD
<i>Tripsacum floridanum</i>	Fakahatchee grass	4' o/c	500	3 gal	4.5-5.0' NGVD
<i>Chrysobalanus icaco</i>	Cocoplum	4' o/c	400	3 gal	4.5-5.5' NGVD
<i>Cladium jamaicense</i>	Sawgrass	3-4' o/c	<u>550</u>	BR	4.0-4.5' NGVD
			<b>Subtotal</b>		<b>1745</b>

**TREE ISLAND (± 0.19ac)**

**TREES**

<i>Taxodium distichum</i>	Bald cypress	10' o/c	100	3 gal	4.0-4.5' NGVD
<i>Taxodium distichum</i>	Bald cypress	10' o/c	100	15 gal 10-12'	4.0-4.5' NGVD
<i>Ilex cassine</i>	Dahoon holly	10' o/c	160	8-12'	4.0-4.5' NGVD
<i>Annona glabra</i>	Pond apple	10' o/c	<u>160</u>	3 gal	4.0-4.5' NGVD
			<b>Subtotal</b>		<b>520</b>

**SHRUBS**

<i>Acrostichum danaefolium</i>	Leatherfern	4' o/c	160	1 gal	4.0-4.5' NGVD
<i>Tripsacum floridanum</i>	Fakahatchee grass	4' o/c	160	15 gal	4.0-4.5' NGVD
<i>Quercus virginiana</i>	Cocoplum	4' o/c	100	3 gal	4.0-4.5' NGVD
<i>Canna flaccida</i>	Golden canna	4' o/c	<u>100</u>	3 gal	4.0-4.5' NGVD
			<b>Subtotal</b>		<b>520</b>

**MARSH (± 1.28ac)**

<i>Pontedaria cordata</i>	Pickerelweed	3' o/c	1,800	LN	3.0-4.0' NGVD
<i>Sagittaria lancifolia</i>	Duck potato	3' o/c	1,250	BR	3.0'-4.0' NGVD
<i>Sagittaria latifolia</i>	Arrow head	3' o/c	1,250	BR	3.0-4.0' NGVD
<i>Eleocharis interstincta</i>	Jointed spikerush	3' o/c	1,100	LN	3.0-4.0' NGVD
<i>Iris hexagonia</i>	Blue-flag iris	3' o/c	795	LN	3.5-4.0' NGVD

**Subtotal 6,195**

**NOTES:**

1. PLANT SPECIES SUBJECT TO CHANGE BASED ON AVAILABILITY. SUBSTITUTIONS TO BE APPROVED BY SFWMD AND BCEPGMD PRIOR TO INSTALLATION.
2. PLANTING OF NATIVE SPECIES WITHIN THE HERBACEOUS MARSH , TREE ISLAND, TRANSITIONAL AND WETLAND BUFFERS SHALL BE IN NATURAL ASSOCIATIONS (INFORMAL MASSING, CURVILINEAR ARRANGEMENTS, STAGGERED HEIGHTS ETC...) BASED ON THE REFERENCED ELEVATION RANGE(S).
3. THE LANDSCAPE BUFFER/PERIMETER BERM ADJACENT TO PROPOSED RETENTION SWALES SHALL INCLUDE SUPPLEMENTAL PLANTINGS OF NATIVE TREE AND SHRUB SPECIES AS NOTED IN THE TRANSITIONAL BUFFER PLANTING PLAN. PLANTINGS TO OCCUR BASED ON NOTED ELEVATION RANGES, WITH TREES SPACED AT 10' O/C AND SHRUBS AT 4' O/C ALONG THE BERM.

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**TRACTS 5 & 6**  
PREPARED FOR:  
SHERIDAN STREET, LLC

**PLANTING PLAN**

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Proj No.: 08-0046.001		

**Sheridan Street Business Center  
Mitigation Plan  
TCG Project No. 08-0046.001**

The proposed Bergeron Sheridan Street Business Center project consists of the construction of storage facility, contractor storage yards and associated facilities on a ±8.49-acre parcel located at west of the intersection of Sheridan Street and SW 196<sup>th</sup> Avenue in the City of Pembroke Pines, Broward County. The project site consists mainly of improved pasture previously cleared of a monoculture of melaleuca (*Melaleuca quinquenervia*). The site is adjacent to the existing Florida Wetlandsbank and is buffered from the property by an existing barbed-wire fence, berm, ditch and utility easement. Prior to the clearing of nuisance/exotic vegetation, a tree survey was conducted by a certified arborist to determine the presence and/or location of desirable native species. Current site conditions consist of average topographical elevations between 4.8' and 5.2' NGVD, with the lowest elevations existing mainly in the southernmost portions of the site. The site contains a minimal canopy of scattered melaleuca and an understory consisting mainly of turf grasses such as red-top panicum (*Panicum* sp.) and thin paspalum (*Paspalum setaceum*) with scattered wetland groundcovers such as coinwort (*Centella asiatica*), pennywort (*Hydrocotyle* sp.), annual rush (*Eleocharis geniculata*) and white top sedge (*Dichromena colorata*).

Prior to verification by SFWMD Staff on June 9, 2009, a wetland jurisdictional determination was conducted with the Broward County Environmental Protection and Growth Management Department (BCEPGMD) to determine the extent of wetlands onsite. Based on the observed site conditions, including a review of vegetation and soils onsite, it was determined that the project site consisted mainly of jurisdictional wetlands, with minimal upland areas of disturbed soils and scattered fill along the northern and eastern property boundaries. Soil pits excavated during the BCEPGMD determination reflected that soils included a higher percentage of sand and fill material along the northern property boundary, with an increase in muck moving south/southwest towards the southern boundary. Fill material was present in the highest quantities at the extreme northern end of the property, adjacent to the toe of slope for Sheridan Street. In addition to available topographical survey information, a specific purpose survey was also conducted to determine the location and extent (depth) of muck within the soils of the subject site. Findings of the muck probes were similar to the findings during the determination and reflect that the extent and depth of muck is correlated to the exiting elevations, with average muck depth increasing towards the south and southwest portions of the site (Figure 1).

During the course of regulatory review, the original proposed site plan was reduced in scope to avoid impacts to 24% of the existing, degraded pasture wetlands onsite. As such, the proposed onsite mitigation plan includes the enhancement of approximately

24% of the wetlands onsite, along with an additional component of onsite wetland creation conducted within the overall mitigation area. Various onsite mitigation plan alternatives were reviewed in comparison to the proposed development, drainage and existing conditions onsite. Given the intent of the onsite mitigation, the area is situated in the southern extents of the project property, which includes the most existing vegetative diversity, highest quality muck soils and is adjacent to the existing Florida Wetlandsbank on the east, south and west sides. The proposed mitigation will result in approximately 2.29 acres of conservation area, with various sub-habitats including freshwater herbaceous marsh, slough, open water and tree islands. The proposed mitigation has been designed to match the sub-habitats found in the adjacent mitigation bank, with the inclusion of open water areas to serve as prey concentration areas during periods of low water. These sub-habitats will also be surrounded by both transitional and wetland buffer areas, minimizing potential secondary impacts and providing additional habitat components within the conservation area. Overall, the proposed mitigation area will result in a high quality, diverse freshwater wetland system to offset impacts to an altered wet-prairie system previously cleared of a melaleuca monoculture.

The enhancement will convert existing, low-quality pasture and melaleuca wetlands to a high-quality freshwater marsh habitat that more closely resembles natural Everglades wetlands systems. To assess the quality of the existing wetlands and the proposed wetland enhancement, a UMAM analysis was conducted to compare the overall existing and proposed post-project function of each. A summary table of each is included below.

**Existing Wetlands**

**Direct impacts- UMAM**

Score	Category
7	Location/Landscape Support
6	Water Environment
6	Community Structure

19 (actual) / 30 (total possible) = 0.63 Relative Functional Value (RFV)  
 0.63 RFV X 5.98 Total Acres = **3.76 Functional Value** (UMAM units)

**Secondary impacts-UMAM**

Score	Category
8/7	Location/Landscape Support
8/8	Water Environment
7/6	Community Structure

23 (actual) / 30 (total possible) = 0.77 Relative Functional Value (RFV)

0.07 RFV X 0.85 Total Acres = **0.06 Functional Value** (UMAM units)

**TOTAL FUNCTIONAL LOSS=3.82**

Mitigation Summary – 1.59 ac. on-site restoration, 0.06 ac on-site creation and HID purchase of credits

**A: On-Site Enhancement – 1.59 acres**

Score	Category
7/7	Location/Landscape Support
6/8	Water Environment
6/8	Community Structure

0.63-0.77=0.14

0.14 Relative Functional Value (RFV)

0.14 RFV / (1.14TL X 1.75 Risk) = 0.070X 1.59 Total Acres = **0.11 Functional Gain** (UMAM units)

3.82 UMAM units (existing) – 0.11 UMAM units (onsite enhancement) = **3.71 FL Balance**

**B: On-Site Creation – 0.06 acres**

Score	Category
0/7	Location/Landscape Support
0/8	Water Environment
0/8	Community Structure

0.77-0.00=0.77

0.77 Relative Functional Value (RFV)

0.77 RFV / (1.14TL X 1.75 Risk) = 0.39 X 0.06 Total Acres = **0.02 Functional Gain** (UMAM units)

3.71 UMAM units (existing) – 0.02 UMAM units (onsite creation) = **3.69 FL Balance Remaining**

**ROW Impacts to 0.12 ac- WBI**

25 (actual)/ 44 (total possible) =0.57

(0.57/44=0.01295 WBI) x impact acreage 0.22 ac= 0.002 credits

**C: Mitigation Bank Credit Purchase**

Therefore, the purchase of 3.69 credits from the Hole in the Donut Mitigation Bank and 0.01 credits from the Pembroke Pines Mitigation Bank is proposed to offset the unavoidable direct impacts to 6.95 acres of existing wetlands in addition to the enhancement of 1.59 acres of wetland and the creation of 0.06 acres of wetlands.

Each of the required mitigation plan components required are addressed below:

- 1. Objectives:** The proposed onsite mitigation component will be designed to maximize the opportunity to avoid and minimize potential impacts to jurisdictional wetlands present onsite. The proposed mitigation area is located within the largest contiguous wetland area present onsite and will include the restoration and creation of approximately 1.65 acres of freshwater wetlands. The preservation will result in a high-quality wetland system that is common within Broward County and the surrounding watershed. The proposed mitigation system will address all project-related freshwater wetland impacts onsite in a manner that relies more heavily on preservation than creation and will also address the Broward County goal of maintaining a reasonable percentage of wetland function within the county limits.
- 2. Site Selection:** The proposed mitigation area is situated in the southern portion of the subject site and is bordered by the existing Florida Wetlandsbank to the south, east, and west. The proposed mitigation area will provide a transitional wetland buffer and a hydrologic connection to the Florida Wetlandsbank.

The applicant is only requesting that the restoration and creation portion of the mitigation requirements be approved as permittee-responsible onsite mitigation. All remaining mitigation requirements are proposed through the use of an approved mitigation bank servicing the impact area. Onsite mitigation through the proposed enhancement of existing wetlands and creation of wetlands would be environmentally preferable within the existing watershed rather than taking all mitigation to an approved mitigation bank.

- 3. Site Protection Instrument:** The project site is privately owned and will be operated long term in conjunction with the commercial development. Additionally, the preserved area of wetlands will be perpetually preserved under a joint conservation easement.
- 4. Baseline Information:** Existing site conditions, including detailed soil analyses, vegetative cover, UMAM analyses and jurisdictional wetland boundaries have been documented and verified by the project consultant and regulatory agencies, with valid wetland determinations currently in place. Existing conditions, including hydrology, soils and vegetative cover will be used as baseline comparisons for the proposed onsite mitigation component.
- 5. Determination of Credits:** Upon final agency approval of the previously submitted UMAM analyses utilized to identify mitigation requirements, all project related impacts not addressed through the onsite mitigation component will be



addressed through credit purchase at an approved mitigation bank servicing the impact area. Credit determination will be conducted through the permitted assessment methodology, the UMAM analysis as approved for the Hole in the Donut Mitigation Bank.

- 6. Mitigation Work Plan:** The proposed onsite mitigation component will consist of a freshwater wetland, including the enhancement of 1.59 acres of existing wetland and the creation of 0.06 acres of wetlands. The proposed mitigation area will be maintained via the removal of exotic species and continued monitoring and maintenance. The mitigation area will continue to be directly connected to the existing Florida Wetlandsbank, allowing for natural recruitment of flora and fauna. The mitigation area will be monitored and maintained in accordance with the Mitigation & Monitoring Plan submitted for the project to include measurable success criteria, vegetation control and monitoring protocols.
- 7. Maintenance Plan:** The mitigation area will be monitored and maintained in accordance with the Mitigation & Monitoring Plan submitted for the project. The Monitoring & Maintenance Plan includes multiple components associated with the species removal and long-term adaptive management of the mitigation area. The plan includes measurable success criteria, vegetation control, data collection, monitoring frequency and reporting protocols.
- 8. Performance Standards:** The mitigation area will be monitored and maintained in accordance with the Mitigation & Monitoring Plan submitted for the project. Every annual monitoring event will involve assessing the current vegetative assemblage and total percent coverage of species by utilizing transects. Species coverage within each sub-habitat type within the mitigation area will be assessed using random quadrats. Meandering transects will also be performed along the perimeter of the area for supplemental observations and to ensure complete coverage. Therefore, measurable success criteria will include maintaining exotic/nuisance vegetation at 2 percent or less during the annual monitoring events.
- 9. Monitoring Requirements:** The mitigation area will be monitored and maintained in accordance with the Mitigation & Monitoring Plan submitted for the project. Monitoring will include a Time-Zero report conducted upon grading and planting, followed by annual monitoring for a period of five (5) years. A total of six (6) reports (annual and time zero) will be submitted to the USACOE, SFWMD and BCEPGMD.
- 10. Long-term Management Plan:** The onsite mitigation area will be monitored for a period of five (5) years and maintained in perpetuity by the permittee.

**11. Adaptive Management Plan:** The proposed monitoring plan and detailed planting plan for the onsite mitigation area includes adaptive management procedures for the monitoring and maintenance requirements, including data analysis, additional monitoring effort and supplemental planting procedures.

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART I - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.400 F.A.C.)**

Site/Project Name <b>Bergeron Tracts 5 &amp; 6</b>		Application Number		Assessment Area Name or Number <b>W-1</b>	
FLUCCs code <b>641</b>		Further classification (optional) <b>2120 (unimproved pasture)</b>		Impact or Mitigation Site? <b>Impact</b>	
Assessment Area Size <b>6.10 Acres</b>		Basin/Watershed Name/Number		Special Classification (i.e. OFW, AP, other local/state/federal designation of importance) <b>N/A</b>	
Affected Waterbody (Class)		Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands <b>Site is bordered on west, south and east sides by an existing wetlands mitigation bank. Site is buffered from existing mitigation bank by an existing transtional berm and ditch.</b>			
Assessment area description <b>Site is an unimproved pasture previously cleared of a melaleuca monoculture.</b>					
Significant nearby features <b>Florida Wetlandsbank (W, S &amp; E sides), Sheridan Street (N side)</b>			Uniqueness (considering the relative rarity in relation to the regional landscape.) <b>Not unique</b>		
Functions <b>Groundwater recharge, transient use (foraging) by wading birds &amp; small mammals.</b>			Mitigation for previous permit/other historic use <b>N/A</b>		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found ) <b>Passerine birds - mockingbird (<i>Mimus polyglottos</i>), mourning dove (<i>Zenaida macroura</i>), boat-tailed grackle (<i>Quiscalus major</i>). Small mammals.</b>			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area) <b>Wading Birds-little blue heron (<i>Egretta caerulea</i>)SSC, green heron (<i>Butoroides virescens</i>)SSC, white ibis (<i>Eucinostomus albus</i>)</b>		
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.): <b>Mockingbird, black vulture, white ibis (juvenile), mottled duck, racoon (scat)</b>					
Additional relevant factors: <b>Unimproved pasture currently used for cattle. Minimal canopy of scattered melaleuca remaining as shade for cattle. Vegetative assemblage remains a mixture of pasture grasses (bahia, thin paspalum, panic grasses) and scattered wetland groundcovers (hydrocotyle, dichromena, annual spikerush).</b>					
Assessment conducted by: <b>Trisha Stone</b>			Assessment date(s): <b>09/09/20</b>		

Form 62-345.900(1), F.A.C. [ effective date ]

**UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II - IMPACT**  
**Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)**

Site/Project Name: <b>Bergeron Tracts 5 &amp; 6</b>	Application Number: -	Assessment Area Name or Number: <b>W-1</b>
Impact or Mitigation: <b>Impact</b>	Assessment Conducted by: <b>Trisha Stone</b>	Assessment Date: <b>09/09/20</b>

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			a. Quality and quantity of <b>habitat support</b> outside of AA.	X	X
			b. <b>Invasive plant species.</b>		
			c. <b>Wildlife access</b> to and from AA (proximity and barriers).	X	X
			d. <b>Downstream benefits</b> provided to fish and wildlife.		
			e. Adverse impacts to wildlife in AA from <b>land uses</b> outside of AA.		
			f. <b>Hydrologic connectivity</b> (impediments and flow restrictions).		
	<b>Current</b>	<b>With Impact</b>	g. <b>Dependency</b> of downstream habitats on quantity or quality of discharges.		
	<b>7</b>	<b>0</b>	h. Protection of wetland functions provided by uplands ( <b>upland AAs</b> only).		
Notes: Project site adjacent to existing Florida Wetlandsbank on west, south and east sides.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section		

.500(6)(b) Water Environment (n/a for uplands)			a. Appropriateness of <b>water levels and flows.</b>	X	X
			b. Reliability of <b>water level indicators.</b>		
			c. Appropriateness of <b>soil moisture.</b>		
			d. <b>Flow rates</b> /points of discharge.		
			e. <b>Fire frequency</b> /severity.		
			f. <b>Type of vegetation.</b>	X	X
			g. <b>Hydrologic stress</b> on vegetation.		
			h. <b>Use by animals</b> with hydrologic requirements.		
			i. <b>Plant community composition</b> associated with water quality (i.e., plants tolerant of poor WQ).		
			j. <b>Water quality of standing water by observation</b> (i.e., discoloration, turbidity).		
	<b>Current</b>	<b>With Impact</b>	k. <b>Water quality data</b> for the type of community.		
<b>6</b>	<b>0</b>	l. <b>Water depth, wave energy, and currents.</b>			
Notes: Existing elevations within 1' of surrounding C.W.E.. Existing vegetative cover does not reflect anticipated coverage by wetland species. Observed evidence of hydrology is minimal, with ponding after periods of heavy rainfall.			Place an "X" in the box above next to the two (2) most important criteria used in scoring this section		

.500(6)(c) Community Structure			#REF!	X	X
			#REF!		
	X	Vegetation	#REF!	X	X
			#REF!		
			#REF!		
			#REF!		
			#REF!		
	<b>Current</b>	<b>With Impact</b>	#REF!		
<b>6</b>		Notes: Existing community is not diverse (previous melaleuca monoculture) and does not reflect anticipated species diversity adjacent to a seed source of desirable native wetland vegetation. Vegetation observed onsite consists mainly of upland and transitional turf grasses such as thin paspalum and bahia. Wetland vegetation onsite consists of scattered sawgrass, white top sedge, annual spikersuh	Place an "X" in the box above next to the two (2) most important criteria used in scoring this section		

<b>Raw Score</b> = Sum of above scores/30 (if uplands, divide by 20)	
<b>Current</b>	<b>With Impact</b>
0.63	0.00

<b>Impact Acres</b> =	6.10
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<b>Functional Loss (FL)</b> [For Impact Assessment Areas]:	
<b>FL</b> = ID x Impact Acres =	3.843

<b>Impact Delta (ID)</b>	
Current - w/Impact	0.63

NOTE: If impact is proposed to be mitigated at a mitigation bank that was assessed using UMAM, then the credits required for mitigation is equal to Functional Loss (FL). If impact mitigation is proposed at a mitigation bank that was not assessed using UMAM, then UMAM cannot be used to assess impacts; use the assessment method of the mitigation bank.



January 11, 2022

Sheridan Street, LLC  
C/O Mr. Ronald Bergeron  
19612 SW 69<sup>th</sup> Place  
Fort Lauderdale, FL 33332

Re: Letter of Receipt

Dear Sir/Madam,

Please let this letter serve as receipt of check # **2440** in the amount of **\$287,820.00** for a total of **3.69** Palustrine Emergent wetland UMAM credits from the 'Hole-in-the-Donut' wetland restoration and mitigation program at Everglades National Park. The project name is **Bergeron Tracts 5 & 6** and the project reference is **HID 2021-09**.

We received this check on January 6, 2022.

Restoration fund AEVED	\$287,820.00
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Sincerely,

A handwritten signature in black ink that reads "Tenzin Yangchen".

Tenzin Yangchen,  
Senior Accountant

cc: Everglades National Park ([ever\\_hid\\_credit\\_application@nps.gov](mailto:ever_hid_credit_application@nps.gov)), (through scan; email)

**Wetland Benefit Index (WBI) Worksheet**  
Project Number:



	Possible Points	Score	Notes
<b>1. FISH AND WILDLIFE VALUES/ DIVERSITY (Select as many as apply)</b>			
Fish or shellfish	1	0	
Waterfowl or Wading Birds	1	1	
Furbearer	1	1	
Amphibians, Aquatic Macroinvertebrates & Aquatic reptiles	1	1	
Endangered and Threatened Fauna	2	0	
<i>(Apply to Freshwater, Saltwater, Brackish and Mitigation Systems)</i>			
<b>2. HYDROPHYTE DOMINANCE</b>	<b>Possible Points</b>		
≥ 80%	3	0	
≥ 65% < 80%	2	0	
≥ 51% < 65%	1	1	
<i>(Apply to Freshwater, Saltwater, Brackish and Mitigation Systems)</i>			
<b>3. INTACTNESS OF WETLAND COMMUNITY (Select one category)</b>	<b>Possible Points</b>		
Unaltered	5		
Altered Hydrology			
a) Slight	4	4	
b) Moderate	3		
c) Extreme	2		
<i>(Apply to Freshwater, Saltwater, Brackish and Mitigation Systems)</i>			
<i>Alternate to (3) for Mitigation/ Voluntarily created systems only</i>			
<b>INTACTNESS OF MITIGATION SYSTEM (Select one category)</b>	<b>Possible Points</b>		
Mitigation area complies with mitigation proposal and drawings for required hydrophytic vegetative association and hydrology	5		
Mitigation complies with the proposal and drawings for an alternate hydrophytic vegetative association and required hydrology	4		
Mitigation complies with the proposal and drawings for an alternate hydrophytic vegetative association and an alternate yet wetland hydro.	3		
Mitigation area complies with wetlands hydrology but hydrophytic vegetative association is lacking or overgrown with nuisance species	2		
Mitigation area lacks hydrology and vegetative association	0		
<b>4. CONNECTEDNESS, SURFACE, WATER HYDROLOGY (Select one category)</b>	<b>Possible Points</b>		
Major Connection (Flowing Water or Floodplain)	5		
Minor Connection (Runoff Collection Point, etc.)	3	3	
Isolated from Surface Water System	2		
<i>(Apply to Freshwater, Saltwater, Brackish, and Mitigation Systems)</i>			
<b>5. CONNECTEDNESS, LOCATION IN LANDSCAPE (Select one category)</b>	<b>Possible Points</b>		
Located within or directly contiguous to a significant natural area over greater than 25% of the parcel boundary	5	5	
Located directly adjacent to a significant natural area by less than 25% of the parcel boundary	3		
Located within 3,000 feet of a significant natural area and separated by suitable natural lands, or forming a direct corridor with or between other significant natural lands	2		
Located more than 3,000 ft. from a significant natural area & separated by unsuitable lands, or developed areas only	1		
<i>(Apply to Freshwater, Saltwater, Brackish, and Mitigation Systems)</i>			
<b>6. HYDROPERIOD</b>	<b>Possible Points</b>		
≥ 5 months Inundated or Saturated	3		
≥ 3 months < 5 months	2		
< 3 months	1	1	
<i>(Apply to Freshwater Systems)</i>			
<i>Alternate to (6) for Saltwater, Brackish (Tidal) Systems only.</i>			
<b>HYDROPERIOD</b>	<b>Possible Points</b>		
Inundated by ≥90% high tides	3		
Inundated by "spring tides" only	2		
Saturated by normal tidal action	1		
<b>7. SOILS</b>	<b>Possible Points</b>		
Organic soil classified hydric soil, or required replacement soil in mitigation areas ≥= 12 inches or any thickness over bedrock/caprock	5		
Organic soil classified hydric soil, or required replacement soil in mitigation areas ≥=6< 12 inches	4		
Soil classified hydric soil, or required replacement soil in mitigation areas ≥=1<6 inches	3	3	
Organic soil classified hydric soil, or required replacement soil in mitigation area ≤= 1 inch	2		
<i>(Apply to Freshwater, Saltwater, Brackish and Mitigation Systems)</i>			
<b>8. NATIVE, NON - EXOTIC OR MITIGATION PLANT COVER (CURRENT)</b>	<b>Possible Points</b>		
≥ 95%	4		
≥ 75% < 95%	3		
≥ 25% < 75%	2	2	
≥ 10% < 25%	1		
≤ 10%	0		
<i>(Apply to Freshwater, Saltwater, Brackish, and Mitigation Systems)</i>			
<b>9. HABITAT DIVERSITY</b>	<b>Possible Points</b>		
≥ 3 communities embedded in site	5		
2 or 3 communities	3		
One community, mosaic	2	2	
One community, monoculture	1		
<i>(Apply to Freshwater, Saltwater, Brackish, or Mitigation Systems)</i>			
<b>10. HABITAT DIVERSITY WITHIN 1,000 FEET</b>	<b>Possible Points</b>		
≥ 3 alternative habitats available	3		
2 or 3 alternative habitats	2		
One alternative habitat	1	1	
<i>(Apply to Freshwater, Saltwater, Brackish, or Mitigation Systems)</i>			
<b>TOTAL PTS.</b>	<b>25</b>		
<b>WBI</b>	<b>0.57</b>	<b>(Total Pts./44)</b>	

## Florida Wetlandsbank at Pembroke Pines Mitigation Bank

151 North Nob Hill Road, Suite 458  
Plantation, Florida 33324  
Telephone 954.642.2427 888.301.1707  
Fax 866.433.4057

May 20, 2022

Kaitlyn Mallett  
Environmental Specialist II  
Florida Department of Environmental Protection Southeast District – West Palm Beach  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406

**Project: Sheridan Street Tract 5 & 6**  
**FDEP Environmental Resource Permit Application No. 06-402363-003-EI**  
**FDEP Section 404 Program Permit Application No. 06-402363-002-SFI**  
**Broward County Environmental License DF19-1247**  
**Florida Wetlandsbank at Pembroke Pines Mitigation - Letter of Credit Reservation**

Dear Ms. Mallett:

This is to confirm that Sheridan Street, LLC is purchasing 0.01 WBI freshwater herbaceous mitigation bank credits from the Florida Wetlandsbank at Pembroke Pines Mitigation Bank for the above referenced project. These credits are reserved accordingly.

Please do not hesitate to call me at 239-530-8044 if you have any questions or need further information.

Sincerely,



Desmond Duke

cc: Robert Miller, The Wetlandsbank Company, LLC  
Frank Saia, Bergeron Properties & Investment Corp.  
Kathryn Bongarzone, Chappell Group

**Tracts 5 & 6  
Mitigation Cost Estimate  
November 3, 2020  
TCG Project No. 08-0046.001**


<b>Description</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Amount</b>
Bonds	1	\$1,203.57	\$1,203.57
Project Manager	12	\$2,366.28	\$35,494.13
General Condition	3	\$11,831.38	\$35,494.13
Mobilization subs	1	\$332.78	\$332.78
Survey	1	\$6,017.96	\$6,017.96
QC/QA	1	\$3,306.58	\$3,306.58
MOT	1	\$1,415.21	\$1,415.21
Mitigation signage	5	\$176.90	\$884.51
Sediment Barrier	2,700	\$1.64	\$4,427.46
Turbidity Barrier	250	\$5.60	\$1,398.90
Soil Tracking Prev Device	1	\$2,116.21	\$2,116.21
Remove medium trees	20	\$333.58	\$6,671.54
Disking green areas	10,960	\$0.22	\$2,380.51
Remove existing fence	100	\$5.82	\$581.82
Import limerock for wetland access	600	\$11.39	\$6,834.24
Spread & compact access to wetland	1,830	\$0.64	\$1,178.15
Muck removal & stockpile	1,900	\$2.43	\$4,623.84
Over excavation muck on parking area	1,100	\$2.10	\$2,311.98



Description	Quantity	Unit Price	Amount
Excavation wetlands (limestone)	6,060	\$1.39	\$8,442.79
Backfill muck to wetland buffer	730	\$4.87	\$3,553.93
Backfill muck to wetland (1'W of muck)	3,000	\$3.57	\$10,717.20
Final grade to berm and wetland buffer	2,180	\$0.93	\$2,220.86
Chain link fence	680	\$14.55	\$9,897.26
Wood post fence	950	\$30.10	\$28,591.77
Sod (Swale areas)	12,845	\$1.43	\$18,350.37
Planting -wetland area	1	\$38,686.90	\$38,686.90
Dewatering (excavation wet retention areas)	1	\$18,164.63	\$18,164.63
Exotic Control	60	\$340	\$20,400
TMZ report	1	\$1,850	\$1,850
Mitigation Monitoring	20	\$625	\$12,500
<b>Total approximate cost</b>			<b>\$290,835</b>

# EXHIBIT B

## LEGAL DESCRIPTION AND SKETCH OF CONSERVATION EASEMENT AREA



**SURVEYING & MAPPING**  
Certificate of Authorization No. LB7264

947 Clint Moore Road  
Boca Raton, Florida 33487

Tel: (561) 241-9988  
Fax: (561) 241-5182

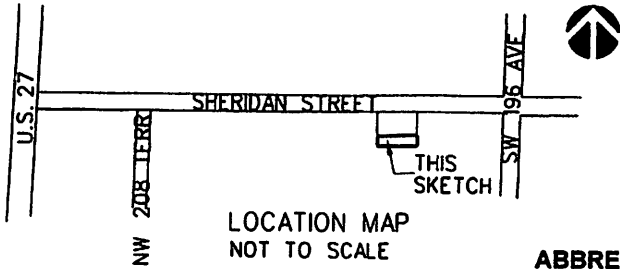
### SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

#### TRACTS 5&6, SECTION 11-51-39 CONSERVATION EASEMENT

#### LEGAL DESCRIPTION

THE SOUTH 151.00 FEET OF TRACTS 5 AND 6, IN SECTION 11, TOWNSHIP 51 SOUTH, RANGE 39 EAST, "EVERGLADES LAND COMPANY'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 1 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA AND CONTAIN 99,704 SQUARE FEET, MORE OR LESS.



**LOCATION MAP**  
NOT TO SCALE

#### NOTES

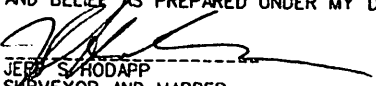
- REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
- BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1927 COORDINATE VALUES SHOWN ON THE "CRAVEN THOMPSON & ASSOCIATES, INC. RESURVEY OF THE EAST ONE-HALF (E 1/2) OF TOWNSHIP 51 SOUTH, RANGE 39 EAST, BROWARD COUNTY, FLORIDA" AS RECORDED IN MISC. PLAT BOOK 6, PAGE 20 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND AS TRANSFORMED TO THE NORTH AMERICAN DATUM OF 1983, WITH THE 1990 ADJUSTMENT, WITH THE NORTH LINE OF THE NORTHEAST ONE QUARTER OF SAID SECTION 11 HAVING A BEARING OF NORTH 89° 53' 44" EAST.

#### ABBREVIATIONS

B.C.R.	•	BROWARD COUNTY RECORDS
D.C.R.	•	DADE COUNTY RECORDS
L	•	ARCLength
CONC.	•	CONCRETE
COR.	•	CORNER
D	•	DELTA (CENTRAL ANGLE)
D.E.	•	DRAINAGE EASEMENT
I.R.	•	IRON ROD
I.R.C.	•	IRON ROD AND CAP
L.B.	•	LICENSED BUSINESS
L.S.	•	LICENSED SURVEYOR
MON.	•	MONUMENT
O.R.B.	•	OFFICIAL RECORDS BOOK
P.O.B.	•	POINT OF BEGINNING
P.O.C.	•	POINT OF COMMENCEMENT
P.B.	•	PLAT BOOK
PG.	•	PAGE
P.S.M.	•	PROFESSIONAL SURVEYOR & MAPPER
R/W	•	RIGHT-OF-WAY
U.E.	•	UTILITY EASEMENT

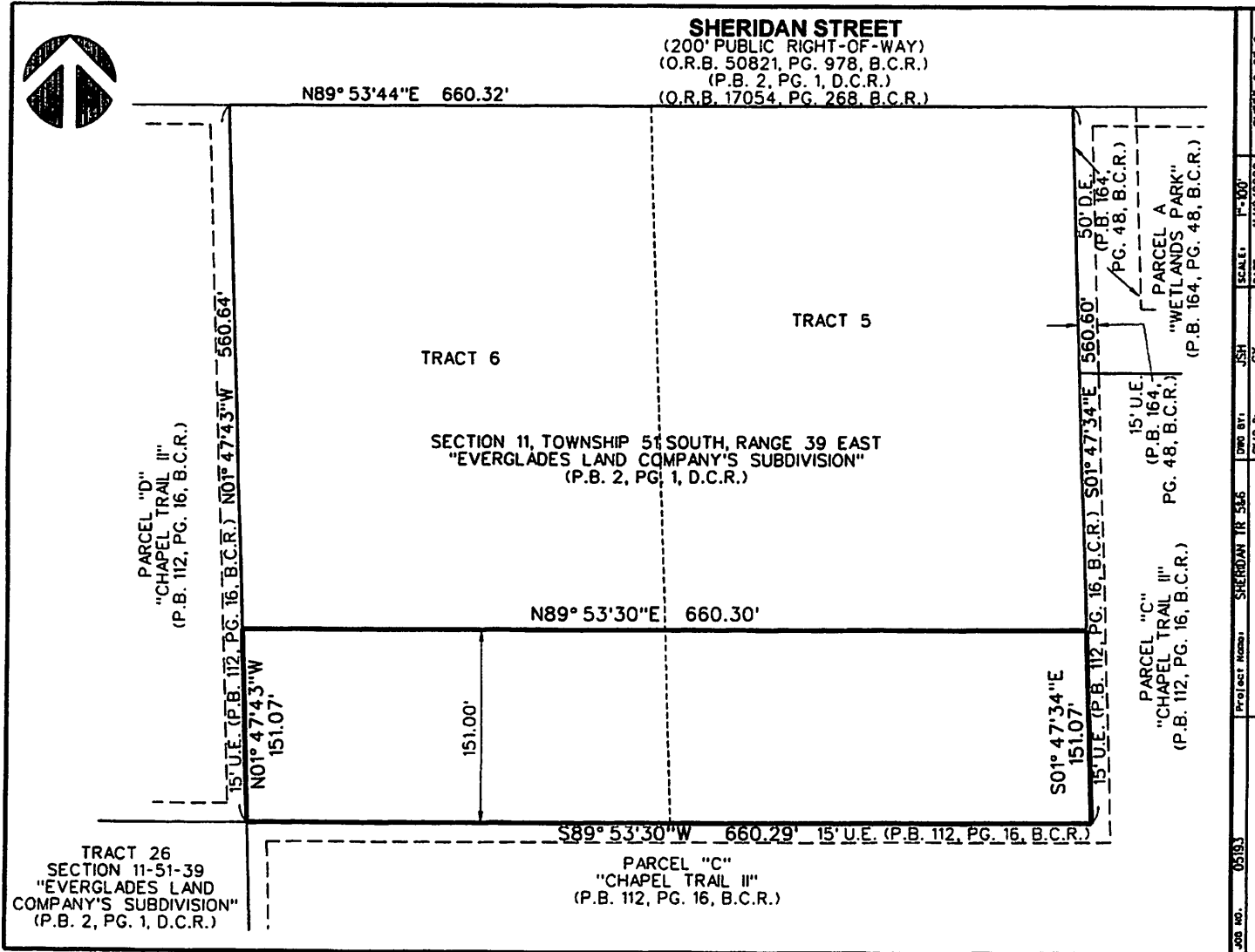
#### CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.



**JERRY S. RODAPP**  
SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. LS5111

Project Name: SHERIDAN TR 566	DATE: 11/12/2020
JOB NO. 05193	DWG BY: JSH
CK'D BY: CY	SHEET 1 OF 2



JOB NO.	05193	Project Name	SHERIDAN TR 546	DWG BY	JSH	SCALE	1"=100'
		DATE	11/12/2020	CHK'D BY	GY		
							SHEET 2 OF 2